

From: [Pherne Tancock](#)
To: [Caroline Cheetham](#)
Subject: FW: Mansell Development - Overview figures [DC-DOCUMENTS.FID3211658]
Date: Wednesday, 26 April 2023 10:03:24 am
Attachments: [image004.png](#)
[image003.png](#)
[image001.png](#)
[ROT 315405 \(including ROW\) \(16524064.1\).pdf](#)

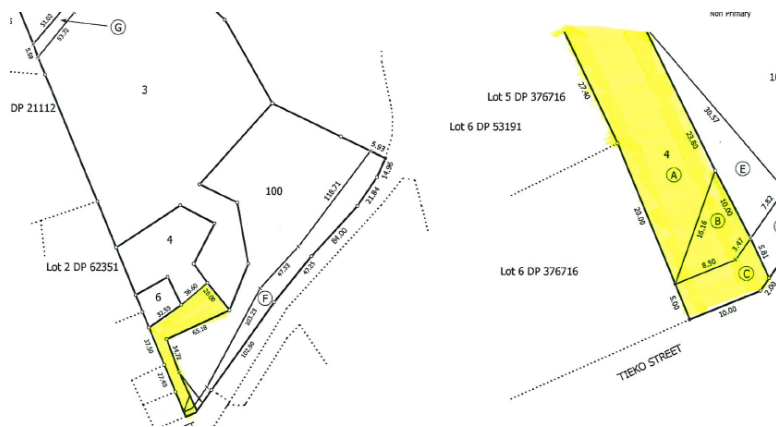
From: Kate Mitchell <kate.mitchell@duncancotterill.com>
Date: Monday, 24 April 2023 at 6:32 PM
To: Pherne Tancock <pherne.tancock@legalchambers.co.nz>
Cc: David Briscoe <david.briscoe@duncancotterill.com>
Subject: RE: Mansell Development - Overview figures [DC-DOCUMENTS.FID3211658]

Hi Pherne

Thanks for your email and I hope the hearing is going well.

Yes, the property at 37 Tieko Street described as **Lot 3 DP 378541** contained in **ROT 315405 (the Property)** has no road frontage. *However*, the Property has the benefit of various easements, including Easement Instrument 7497690.4 (**attached**). This Easement Instrument provides the Property with a Right of Way, a Right to Drain Sewage, and a Right to Convey Water, Electricity, Telecommunications and Computer Media over those areas marked **A, B and C on Lot 4, DP 378541**.

For ease of reference, we have coloured the relevant section in yellow on the **attached** plan. This confirms the Property has legal access to Tieko Street over the colour area.



The powers set out in the Easement Instrument are those prescribed in the Land Transfer Regulations 2002 and the Ninth Schedule of the Property Law Act.

We trust this is useful and don't hesitate to get in touch with any further queries.

Ngā mihi | Regards
Kate

Kate Mitchell
Senior Associate

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[Click here](#) for office directions



From: Pherne Tancock <pherne.tancock@legalchambers.co.nz>
Sent: Monday, 24 April 2023 2:24 pm
To: Kate Mitchell <kate.mitchell@duncancotterill.com>
Cc: David Briscoe <david.briscoe@duncancotterill.com>
Subject: Re: Mansell Development - Overview figures [DC-DOCUMENTS.FID3211658]

This message was sent from outside the organisation.
Be careful of any links or attachments contained within this email.

Hi Kate

We presented before the hearings Panel for PPC2 today. The Panel found your memorandum very helpful. Commissioner Black had one question which I am hoping you could clarify for me. 5-37 Tieko Street, the memo notes is landlocked '*but has the benefit of various easements.*' The Commissioner has asked that I confirm with you what you mean by this statement. I took this to mean not having frontage to a legal road but having access via a right of way over another property? If you could respond with an explanation and plot the easements applicable to 5-37

Teiko Street to show how this site is accessed that would be great.

Ngā mihi,
Pherne.

PHERNNE TANCOCK
BARRISTER

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**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

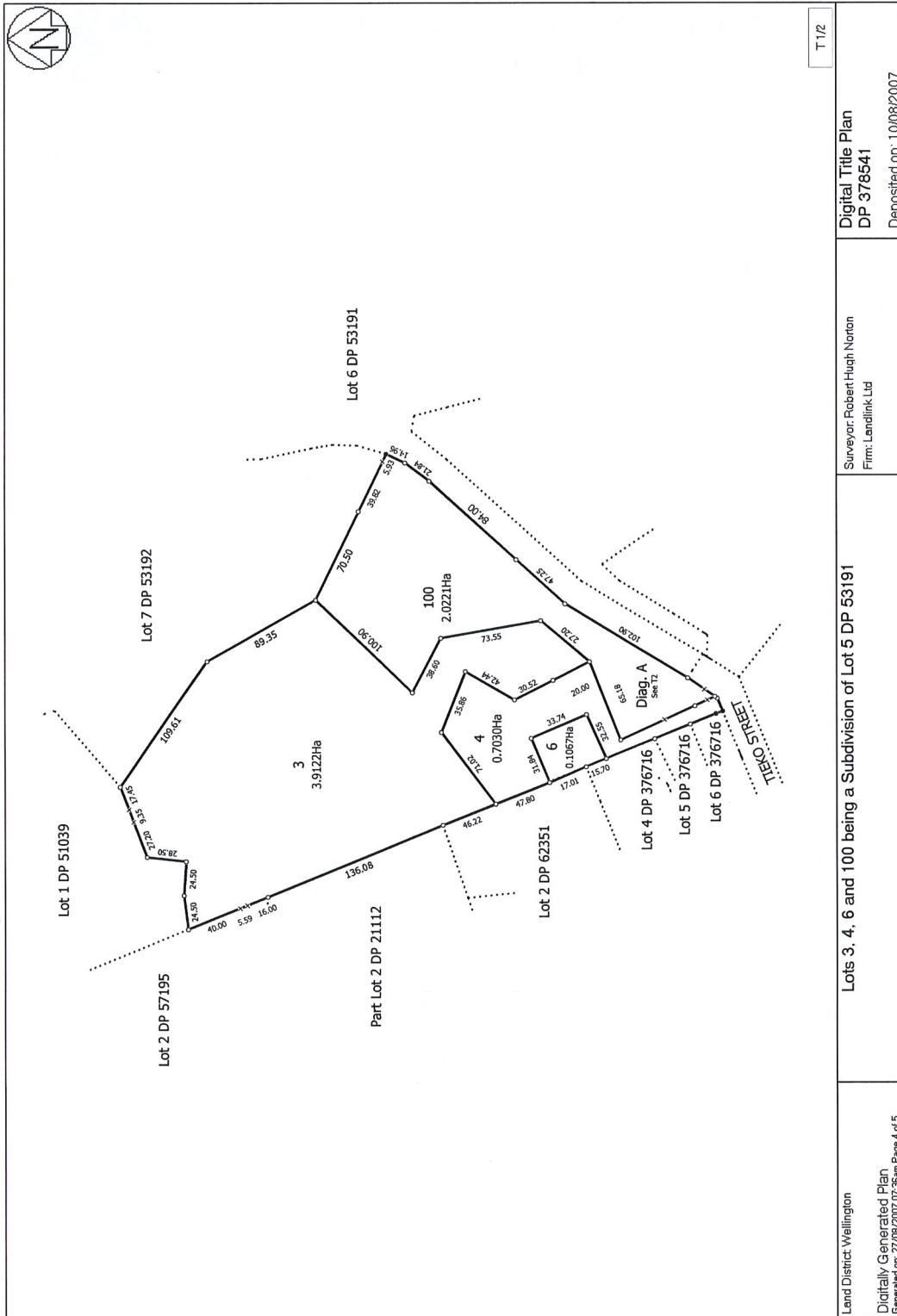
Identifier 315405
Land Registration District Wellington
Date Issued 10 August 2007

Prior References
WN26B/450 WN26B/451

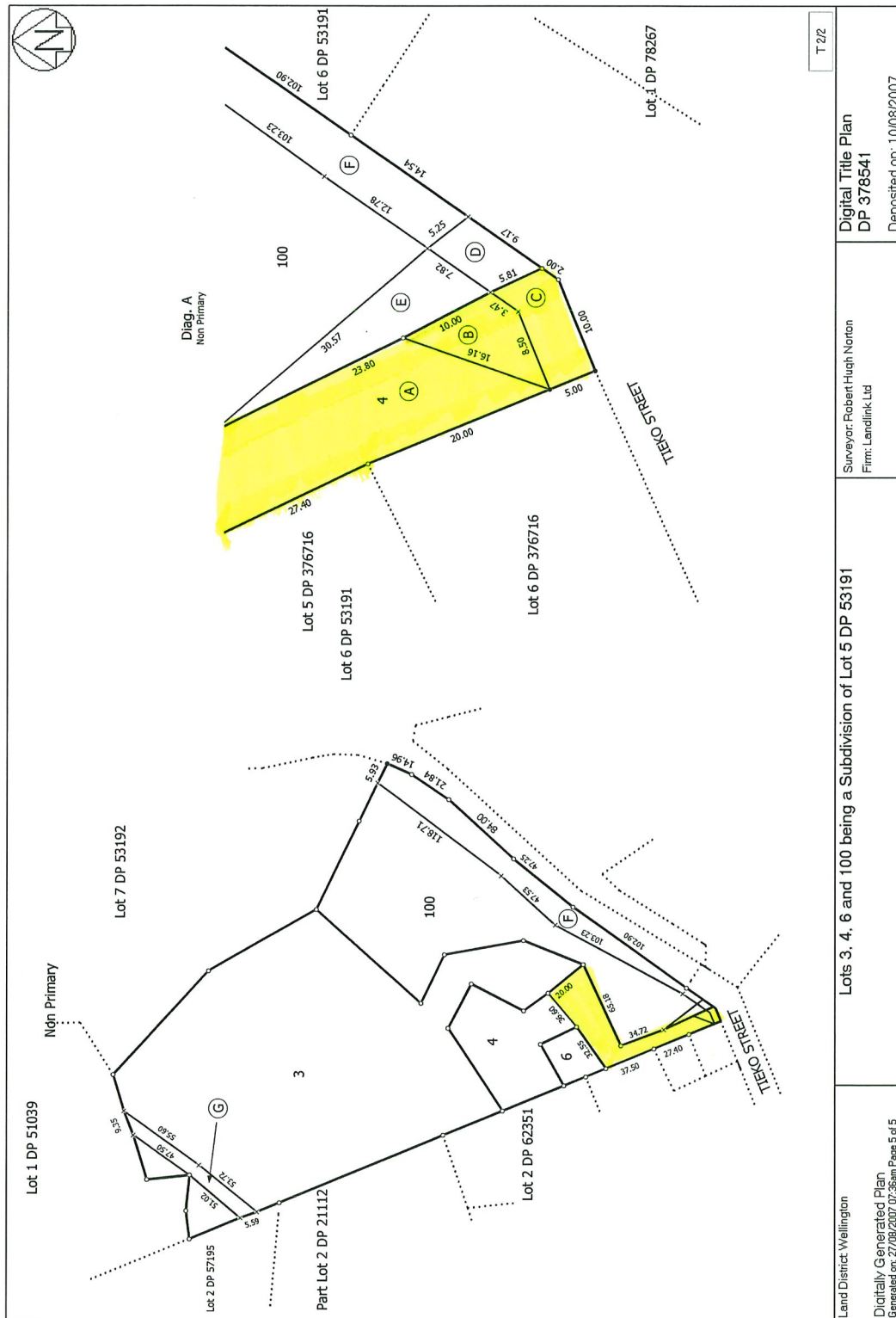
Estate Fee Simple
Area 3.9122 hectares more or less
Legal Description Lot 3 Deposited Plan 378541
Registered Owners
Paul John Larkin

Interests

Appurtenant hereto are drainage rights created by Transfer 57300
Appurtenant hereto are drainage rights created by Transfer 113927 (Affects part)
Land Covenant in Transfer 496729.1 - 17.6.1982 at 10.28 am
Appurtenant hereto is a stormwater drainage right specified in Easement Certificate 496728.2
The easements specified in Easement Certificate 496728.2 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a stormwater drainage right over part marked G on DP 378541 specified in Easement Certificate 496727.2
Appurtenant hereto are rights of way specified in Easement Certificate 496727.2
The easements specified in Easement Certificate 496727.2 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a stormwater drainage right over part marked G on DP 378541 specified in Easement Certificate 531906.1
The easements specified in Easement Certificate 531906.1 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a stormwater drainage right over part marked G on DP 378541 specified in Easement Certificate 532500.1
The easements specified in Easement Certificate 532500.1 are subject to Section 309 (1) (a) Local Government Act 1974
Appurtenant hereto is a right of way and a right to convey water, electricity, telecommunications and computer media easements and a right to drain sewage created by Easement Instrument 7497690.4 - 10.8.2007 at 9:00 am
The easements created by Easement Instrument 7497690.4 are subject to Section 243 (a) Resource Management Act 1991
7497690.10 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.8.2007 at 9:00 am
9804580.3 Mortgage to ANZ Bank New Zealand Limited - 8.8.2014 at 4:18 pm
10933767.2 Variation of the conditions of the easement specified in Easement Certificate 496727.2 - 17.12.2018 at 3:32 pm



T 1/2	Digital Title Plan DP 376541 Deposited on: 10/08/2007	Surveyor: Robert Hugh Norton Firm: Lendlink Ltd	Lots 3, 4, 6 and 100 being a Subdivision of Lot 5 DP 53191	Land District: Wellington Digitally Generated Plan Generated on: 27/08/2007 07:35am Page 4 of 5
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Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 7497690.4 Easemen

Cpy - 01/01, Pgs - 003, 09/08/07, 10:02

Land registration district

WELLINGTON



Grantor

Surname(s) must be underlined or in CAPITALS.

Peter John Francis RODEKA (1/10th share) and Judith Mary HARBIDGE and Andrew Gerard HARBIDGE (jointly as to a 9/10th share as Executors) as Tenants in Common in the specified shares
and Corin Peter RODEKA (as to one-tenth share)

Grantee

Surname(s) must be underlined or in CAPITALS.

Peter John Fancis RODEKA (1/20th share) and Judith Mary HARBIDGE and Andrew Gerard HARBIDGE ((jointly as to a 9/10th share as Executors) as Tenants in Common in the specified
and Corin Peter RODEKA (as to one-tenth share)

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 26 day of June 2007

Attestation

Peter John Francis Rodeka 40 Pitoittoi Street Paraparaumu Teacher P J F Rodeka P. Rodeka	Signed in my presence by the Grantor + Grantee, <i>J. Rodeka</i> Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Johanna Rodeka Occupation Superannuitant Address 40 Pitoittoi St Paraparaumu.
	Signature [common seal] of Grantor

 	Signed in my presence by the Grantee Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
	Signature [common seal] of Grantee

Certified correct for the purposes of the Land Transfer Act 1952.

RCP R. J. R. J. A. L. Z. M. P. [Signature]
[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



Easement instrument

Dated

26 June 2007

Page

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of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way, Right to Drain Sewage, Right to Convey Water, Electricity, Telecommunications and Computer Media	A, B, C	Lot 4 DP378541 – identifier 315404	Lots 100 DP 37841 (identifier 315407) Lot 3 DP 378541 (identifier 315405) Lot 6 DP 378541 (identifier 315406)
Right to Convey Telecommunications and Computer Media	D, E	Lot 100 - DP 378541 – identifier 315407	Lots 3 DP 378541 (identifier 315405) Lot 4 DP 378541 (identifier 315404) Lot 6 DP 378541 (identifier 315406)

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~[varied] [negated] [added to] or [substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952],~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

R.C.R. J.R.

All signing parties and either their witnesses or solicitors must sign or initial in this box

J. A.G. M. C.P.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated 26 June 2007

Page [] of [] pages

(Continue in additional Annexure Schedule, if required.)

Signed by **JUDITH MARY HARBIDGE**
as Grantor and Grantee (as Executor) in
the presence of:

)
) J M H
) J Harbidge

Witness name:

Occupation:

Address:

M O'Byrne
Matthew O'Byrne
Lawyer
Rauwhiti

Signed by **ANDREW GERARD HARBIDGE**
as Grantor and Grantee (as Executor) in
the presence of:

)
) A.G.H.
) A.G. Harbidge

Witness name:

Occupation:

Address:

M O'Byrne
Matthew O'Byrne
Lawyer
Rauwhiti

Signed by **CORIN PETER RODEKA**
as Grantor and Grantee in
the presence of:

)
)
) C P Rodeka

Witness name:

Occupation:

Address:

M O'Byrne
Matthew O'Byrne
Solicitor
Rauwhiti

R C P Rodeka

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C P Rodeka J M H A.G.H. M O'Byrne

