

Rotorua District Council
16 OCT 1998
FAXED TO
Joanne Watts
COPY TO
INSTRUCTIONS:

Susan Kingston LLB

Barrister & Solicitor

P00884

FILE

73a Arney Road
PO Box 28-748
Rotorua, Auckland
Tel: 09-529 0442
Fax: 09-529 0443

FACSIMILE TRANSMISSION

TO: Joanne Watts

FIRM: Rotorua District Council

FAX: 07 346 3143

DATE: 15 October 1998

NO. OF

PAGES: 1

94 Pukuatua St Owned by Kingston and Larkin

I act for Messrs Kingston and Larkin. My clients are being granted a geothermal easement over the land shown in DPS 82612, a copy of which follows. Access is required over Lot 1 on the plan so that my client can bring a drilling rig down to the reinjection bore located on the area marked "D".

It is proposed that the geothermal easement will provide for certain ancillary rights, including the right to enter upon the common area of lot 1 (as identified in subsequent plan DPS 82877B, a copy of which is attached) and to bring machinery, vehicles (including a drilling rig) or equipment and to remain there for the purpose of inspecting and repairing any pipes or the bore.

We are concerned that the access rights granted under the heading of the geothermal easement amount to the grant of a "private way" as defined in the Local Government Act 1974, and as such, will require Council's consent under S 348 of that Act.

Your staff have advised me today, that Council does not consider these types of ancillary rights to be a grant or reservation of a right of way in terms of S 348, and that accordingly, no consent from Council is required under the Local Government Act.

Your urgent response to this fax would be appreciated, because the owner of the land on DPS 82612 wishes to lodge his documents at the LTO urgently, and he can not do so while the above issue is unresolved between the parties. Thank you for your assistance.

Yours faithfully

Susan Kingston
Susan Kingston

Talked to Susan.

- I've never seen a ROW appn for a geothermal easement to date
- However, it is up to her to advise her clients. We

Document 17

CAUTION: THE INFORMATION IN THIS MESSAGE IS PRIVILEGED AND CONFIDENTIAL. IF RECEIVED BY OTHER THAN THE RECIPIENT, YOU ARE NOTIFIED THAT ANY USE, DISSEMINATION OR REPRODUCTION IS PROHIBITED. IF RECEIVED IN ERROR, PLEASE NOTIFY ME IMMEDIATELY AND DESTROY THE MESSAGE AFTER NOTIFICATION. THANK YOU FOR YOUR ASSISTANCE.

don't make the call as to what needs S348 approval merely process those that are applied for
Joanne Watts 16/10/98

Pursuant to Section 224(5) of the Resource Management Act 1991 I hereby certify that none of the conditions of the subdivision consent have been complied with to the satisfaction of the Rotorua District Council and that a consent notice has been served in respect of those conditions that have not been complied with.

Dated this 22 day of July 1998

A. E. Hansen
Authorised Officer



Approved

N. S. [Signature]
ROTORUA DISTRICT COUNCIL

I hereby certify that this plan was approved by the Rotorua District Council pursuant to section 223 of the Resource Management Act 1991 on the 22 day of July 1998 subject to the granting or reserving of the easements set out in the Memorandum heron

A. E. Hansen
Authorised Officer

Sub E229100

Memorandum of Easements & Grants

Purpose	Serv Ten	Shown	Grantee
Right to Drain Sewage	Lot 1 hereon	(A) (2)	Rotorua District Council
	Lot 2 hereon	(B) (2)	

Memorandum of Easements

Purpose	Serv Ten	Shown	Dom. Ten
Right to Take and Convey Water and Steam and Minerals and Gas	Lot 2 hereon	(C) (2)	Sec 6 Block LXXXI Town of Rotorua
	Lot 2 hereon	(C) (2) (B)	
	Lot 1 hereon	(D) (2)	Lot 2 hereon

C.T. Allocation

Lot	C.T. Reference
1	458/741
2	458/741

Total Area 3035 m²

Comprised in C.T. 184/197

L. BART YETSEWIA
Registered Surveyor and holder of a practising certificate for who may act as a registered survey pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys conducted by me or under my supervision, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof.

Dated at ROTORUA this 11th day of September 1998

[Signature]
of Surveyor

Field Book
Reference Plans
Sited
Sited
Sited

Approved as to Survey

.....
Chief Surveyor

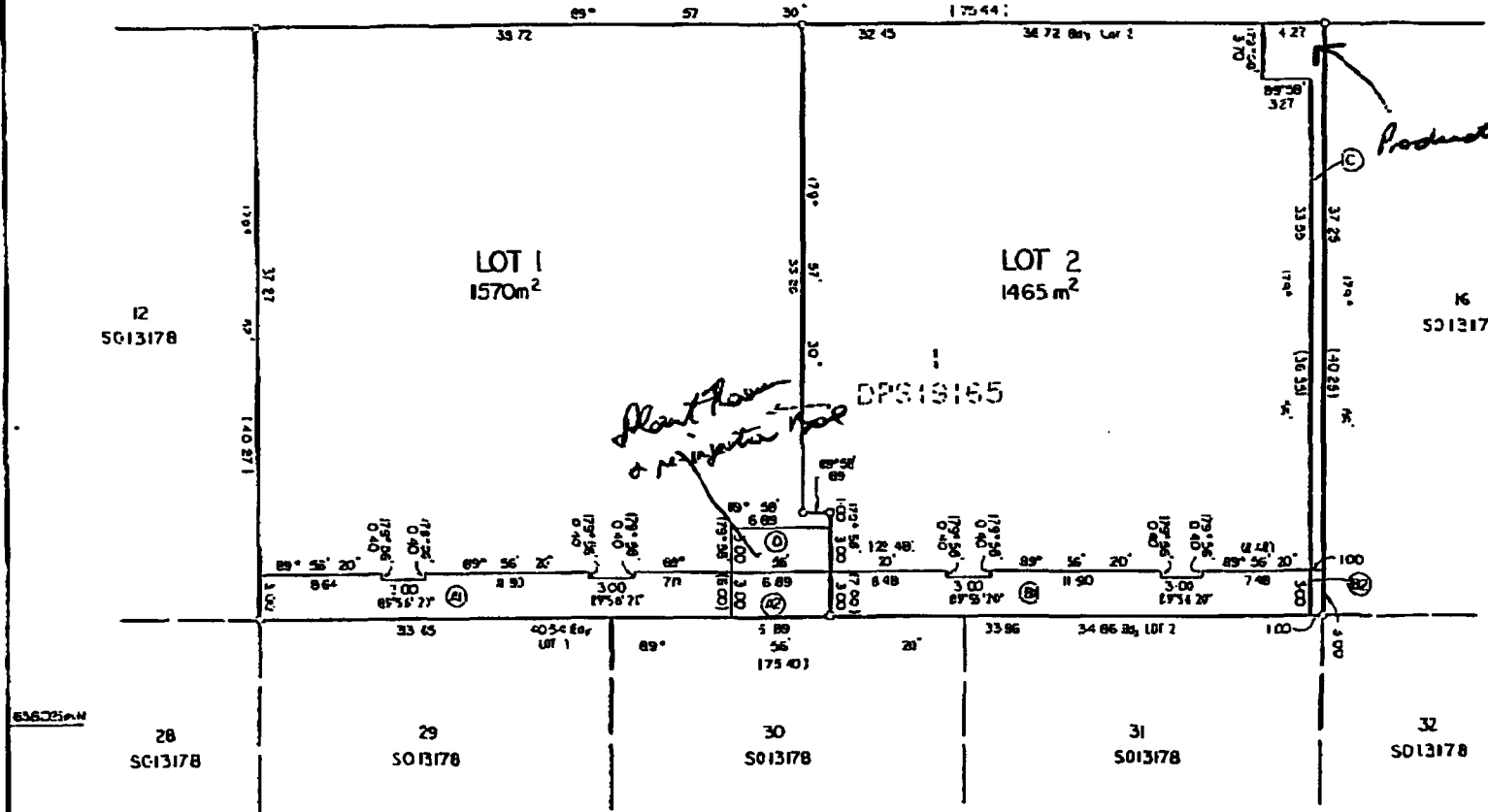
Deposited this day of 19

.....
District Land Registrar

As shown 15.9.9 DFS 82612

PUKUATUA STREET
LEGAL ROAD (30 M Wide)

658075.mxd



REDUCED COPY
NOT ORIGINAL SCALE

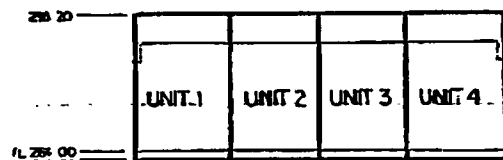
LAND DISTRICT SOUTH AUCKLAND
SURVEY BLK. & DIST. 1 TARAWERA
NZMS 211 SHT 146 RECORD MAP No. SC 07

LOTS 1 and 2 BEING A SUBDIVISION OF LOT 1 DPS19165

TERRITORIAL AUTHORITY ROTORUA DISTRICT
Surveyed by MARTIN McCULLAY MORTON LTD.
Scale 1:250 Date JULY 1998

P.03
09 5290443
S.KINGSTON
16-OCT-98 10:35

REDUCED COPY
NOT ORIGINAL SCALE



SOUTHERN ELEVATION
SECTION A-A'



WESTERN ELEVATION

Schedule					
C.T. Allocation	Unit Description	Approx Area (sqm)	Unit Entitlement	Height Limits	
	UNIT 1	109	1754	285.20	283.50
	UNIT 2	62	1642	285.20	283.50
	UNIT 3	152	1642	283.20	283.50
	UNIT 4	157	1754	285.20	283.50
	FDU 5	156	1604	283.20	283.50
	FDU 6	150	1604	283.20	283.50

Total Unit Entitlement = 11,022

Supplementary Record Fee

Approvals

Registered Owners

Address of Body Corporate

95 - 100 Pukutua Street, Rotorua.

Pursuant to Section 54(1)(g) of the Unit Titles Act 1972 I, the principal officer of the Rotorua District Council hereby certify that every building shown on this plan has been erected and all other development work has been carried out in the extent necessary to enable all the boundaries of every unit and the common property shown on this plan to be physically measured.

I further certify that the said plan is consistent with the Proposed Unit Development Plan no.

Dated this 19 day of September 1998.

[Signature]
District Manager

NOTES

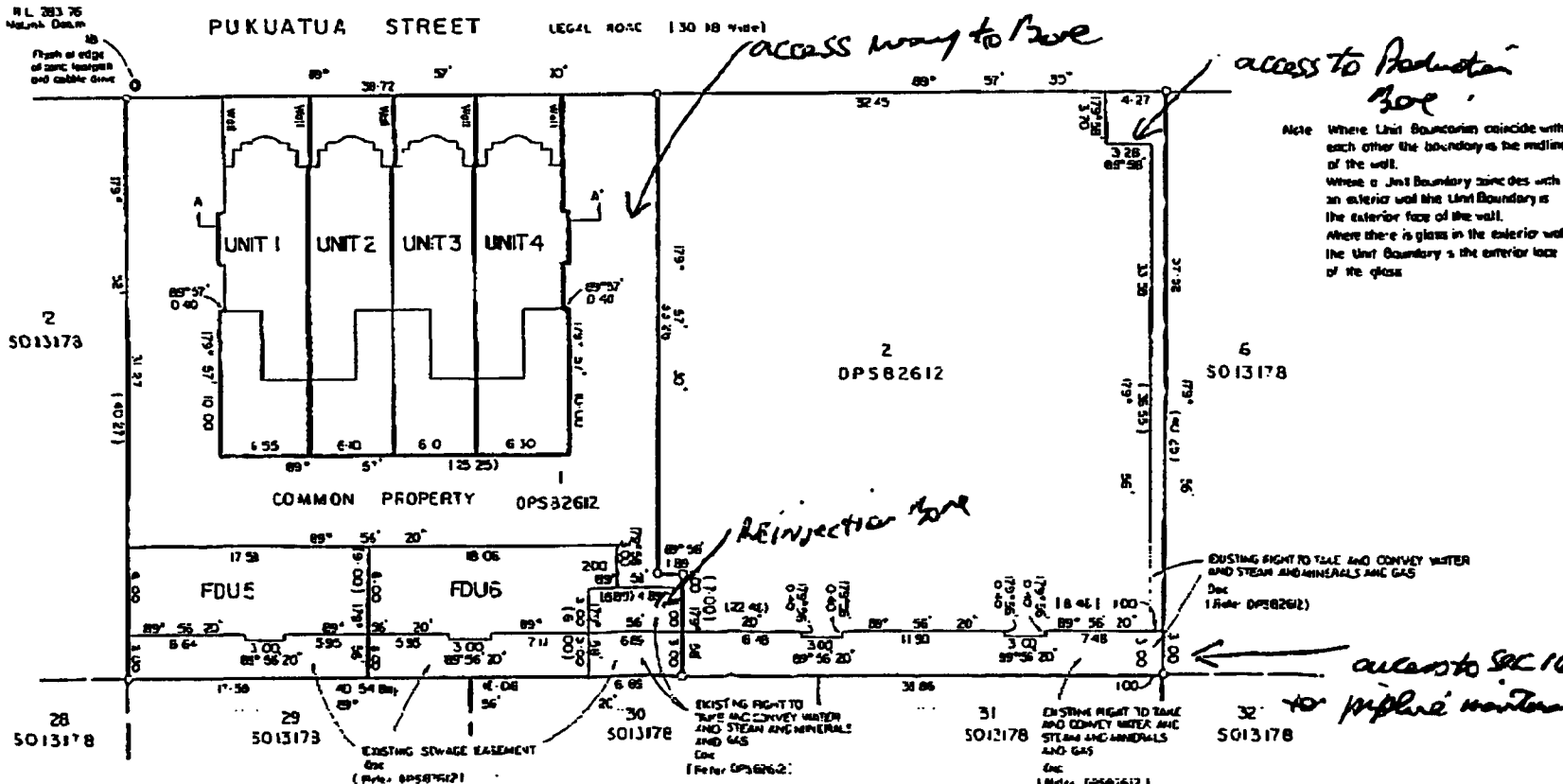
LEVELS BY TERMS OF MOTUARD DUTUM

(ORIGIN OF LEVELS: ROAD 505734)

(INTERSECTION OF ROAD 505734 STREET CORNER)

AL 284.40 15057334

Note: Where Unit Boundaries coincide with each other the boundary is the midline of the wall.
Where a Unit Boundary coincides with an exterior wall the Unit Boundary is the exterior face of the wall.
Where there is glass in the exterior wall the Unit Boundary is the exterior face of the glass.



Total Area 1570m²

(Comprised in CI 658/748)

1. MARTIN YETSEMEGA

Registered Surveyor and holder of an approval pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys conducted by me or under my supervision, that both plan and surveys are correct and have been made in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof.

Dated at Rotorua this 11th day of September 1998.

[Signature]
District Land Registrar

Field Book: OPS 19165 OPS 82612 505734

Inspected: OPS 19165 OPS 82612 505734

Approved as to Survey

Deposited this 19 day of September 1998

District Land Registrar

As Amended 15.9.98
DPS 82877E

LAND DISTRICT SOUTH AUCKLAND

SURVEY BLK. & DIST. 1 TARAWERA 50-07

RECORD MAP No 50-06

PLAN OF FIRST STAGE UNIT PLAN ON LOT 1 DPS82612

TERRITORIAL AUTHORITY ROTORUA DISTRICT

Surveyed by MARTIN McCULLAY MORTON LTD.

Scale 1:250 Date JAN. 1998