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Address all
communications to:
District Manager
Rotorua District Council

18 April 1997

Please Quote: 6596021

Doc No: 56289

Mr G Rutherford
18 Westbrook Place
Rotorua

Dear Sir

RE: SUBDIVISION - DRAIN UPGRADING

Further to our letter dated 11 April 1997 and subsequent discussion.

You raise the question of certainty on behalf of your neighbours and joint land owners, Mr & Mrs Winchcombe, in relation to Council pursuing resolution of the drainage situation at some future date.

For clarification it is acknowledged that neither yourself, Mr & Mrs Winchcombe or Council caused the drain to be diverted out of the easement or to be unsatisfactorily piped. Just as the property owners have no desire to be responsible for the remedial works to the drain, neither does Council.

However, after discussion with the District Engineer, I am prepared to amend the letter of 11 April 1997 and the proposed Consent Notice as follows:

It would be acceptable for condition (x) of your approval of 04 April 1996, requiring upgrading of the drain, to be replaced with a condition requiring an encumbrance or Consent Notice to be registered on the title of proposed Lot 4 (occupied by Mr & Mrs Winchcombe) to the effect that upon any further subdivision or re-development of Lot 4, the stormwater pipe network be upgraded/replaced and the drainage easement be re-located to cover the drain and that should Council require that the stormwater drain/pipe be replaced or upgraded prior to any re-development or subdivision of Lot 4, Council will carry out the works at cost to Council.

Further the Consent Notice should clearly give Council the same rights and property access to the diverted drain as the legal Easement gives to the original drain. This would ensure that in the future, property owners cannot pressure Council to carry out works due to the location of the drain outside of the legal easement.

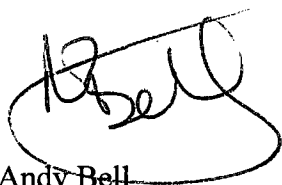
Such a change to the conditions would have to be done upon a request for a variation to the conditions from your Consultants.

Whilst the Committees decision cannot be pre-determined I confirm that such a variation would be recommended for approval.

I believe the above satisfies the concerns of all parties.

Should you or Mr & Mrs Winchcombe require further clarification of the above please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Bell', enclosed within a large, loopy circular flourish.

Andy Bell
Resource Engineer

MEMORANDUM OF EASEMENTS			
PURPOSE	SERV'TY	SHOWN	DON'TY
ROW Right to carry water & gas	Lot 1	(B)	Lots 2, 3 & 4
Electricity & telegraph	Lot 1	(C)	Lots 2 & 3
Right to drain	Lot 2	(B)	Lot 3
Right to drain	Lot 2	(D)	Lot 1
Right to drain	Lot 2	(A)	Lots 2 & 3

LOT 4
1.3836 ha

LOT 3
633 m²

LOT 2
511 m²

LOT 1
476 m²

DIAGRAM 'A'
Not to scale

NEW CT ALLOCATED	
LOT	CT REFERENCE
1	
2	
3	
4	

APPROVED
G.D. Winchcombe
Registered Owners

Approved pursuant to Section 223 of the Resource Management Act 1991 on the _____ day of _____ 19____ subject to the granting or reserving of the easements set out in the memoranda herein.
The Common Seal of the Rotorua District Council is affixed hereto in the presence of:

Mayer

District Manager

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SERV'TY	SHOWN	GRANTED
Right to drain sewage	Lot 1	(A)	(B)
	Lot 4	(D)(H)(C)	
Right to drain	Lot 1	(B)	
	Lot 2	(F)	
Stormwater	Lot 3	(J)	
	Lot 4	(G)(M)(N)	
Right to drain surface stormwater overflow	Lot 1	(B)(C)	
	Lot 2	(E)(F)	
	Lot 3	(A)(J)	
	Lot 4	(D)(G)(H)	
		(I)(L)(M)	

Total Area 1.5456 ha

Comprised in CT 25 B/1202 (3/4 sh) and CT 212/422 (1/4 sh)

I, Peter Joughin Hawley, Registered Surveyor and holder of an annual practicing certificate (or who may act as a registered surveyor 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 directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
Dated at Rotorua this _____ day of _____ 19____
of _____ Signature _____

Field Book _____
Reference Plans _____
Examined _____ Correct

Approved as to Survey

Chief Surveyor

Deposited this _____ day of _____ 19____

District Land Registrar

LAND DISTRICT SOUTH AUCKLAND
SURVEY BLK. & DIST. IV HOROHORO
NZMS 261 SH1 RECORD MAP No 43.07

LOTS 1-4 BEING SUBDIVISION OF
LOT 9 DPS27001

TERRITORIAL AUTHORITY ROTORUA DISTRICT
Surveyed by PHIPPS HAWLEY LTD
Scale 1:5000

Not to scale shown

LAND FORM 60 'APPROVED 1987'

3029
18 41 99

