

IN THE MATTER of the Resource Management Act 1991 ("the Act")

A N D

IN THE MATTER of a subdivision consent as evidenced by Land Transfer Plan No.200271

A N D

IN THE MATTER of a Consent Notice issued pursuant to Section 221 of the Act by **THE KAIPARA DISTRICT COUNCIL** ("the Council")

I, **ALAN JOHN McKERCHAR** Principal Administrative Officer for the Council **HEREBY CERTIFY** that the following condition to be complied with on a continuing basis was imposed by the Council as a condition of approval for the subdivision as effected by Land Transfer Plan No.200271 ("the Plan").

1. The registered proprietors for the time being of lots 11, 15, 16 and 18 be notified of the findings of the Engineering Geology Limited report of 12 May 1997, a copy of which is attached hereto and in particular the likely need for geotechnical investigations of potential house sites and associated foundation designs.
2. That the registered proprietors for the time being of lots 3, 15, 16, 18, 19, 20 and 21 shall be bound by the rights and obligations specified in clause 3 herein in relation to their use and maintenance of the access lot 46.
3. The rights and obligations of the registered proprietors sharing ownership of the access lots shall be as follows:
 - (a) The full, free, uninterrupted and unrestricted right, liberty and privilege for the common owners and occupiers their servants, tenants, agents, workmen, licensees and invitees from time to time and at all times by day and by night to go pass and repass, with or without horses and domestic

animals of any kind and with or without carriages, vehicles, motor vehicles, machinery and implements of any kind over and along the access lots.

(b)(i) The right of the common owners and occupiers their servants, tenants, agents, workmen, licensees and invitees (in common with the other owners, the other owners' tenants and any other person lawfully entitled) at all times by day and night to go, pass and repass with or without vehicles, machinery and implements of any kind over and along the access lot.

(ii) The right of the common owners and occupiers to:

(aa) establish a driveway and to effect necessary repairs to any existing driveway and to carry out any necessary maintenance and upkeep where necessary altering the state of the land and any necessary rights of entry on the land with or without machinery, plant and equipment:

(bb) have the land kept clear at all times of obstructions whether caused by parked vehicles, deposit of materials or unreasonable impediment to the use and enjoyment of the driveway:

(cc) a reasonable contribution from other common owners and occupiers towards the cost of establishment, maintenance, upkeep and repair of the driveway to an appropriate standard provided that the costs shall be borne by the owners in proportion to usage so that no owner shall bear the cost of maintenance and repairs in respect of any part that is not used by him:

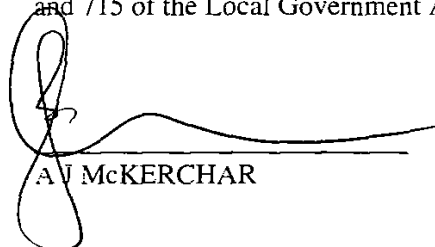
(dd) recover from the other common occupiers and occupiers the cost of repairs to the driveway occasioned by any wilful or negligent act and all such costs occasioned by them, their agents, servants,

contractors, permitted occupants, residents or invitees arising out of the use of the driveway:

- (ee) Where work is carried out by one owner or occupier on the land of an adjoining owner pursuant to paragraph (bb) of this clause or to any order of a Court the right of the latter owner or occupier to have the land resorted as far as possible to its former condition after the completion of the work subject to the right of contribution described in paragraph (cc) of this clause.

DATED at Dargaville this 2nd day of December 2000

SIGNED by the said **ALAN JOHN McKERCHAR**, Principal Administrative Officer for **THE KAIPARA DISTRICT COUNCIL**, pursuant to the authority of the Council given pursuant to Sections 252(1)(a) and 715 of the Local Government Act 1974



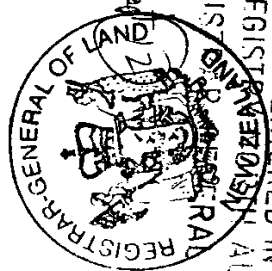
A J McKERCHAR

2000 DEC 02 10 50 AM



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PARTICULARS ENTERED IN REGISTER
LAND REGISTRATION ACT 1982
for REGISTERED LAND IN AUCKLAND
REGISTRAR GENERAL OF LAND



EXCISE

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