

Monday 13 November 2023

OIA IRO-514

Name: [REDACTED]

Email: [REDACTED]@osoal.org.nz

Kia ora [REDACTED]

Official information request for Deposited Plans.

Thank you for your official information request dated Tuesday 24 October 2023.

We have considered your request in accordance with the Local Government Official Information and Meetings Act 1987 (the Act) and determined that we are able to grant your request in part.

The information you have requested is enclosed in our email to you. Pursuant to [Section 7\(2\)\(a\)](#) of the Act, some information has been redacted as it is personal about private individuals.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi,

[REDACTED]

Head of Customer Experience

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 @wellington_water

www.wellingtonwater.co.nz

Our water, our future.

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

B600068.4 EC

_____ Salesman and _____ Secretary, both of
Lower Hutt

being the registered proprietors of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at **Wellington** on the _____ day of _____ 1997 under No. 83773 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
DEPOSITED PLAN NO. 83773

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way, Gas (as hereinafter defined), Electricity (as hereinafter defined), Telephone (as hereinafter defined) Water Supply and Sewage drainage	Lot 2 ✓	"B" ✓	Lot 3 ✓	
Sewage drainage	Lot 3	"C"	Lot 2	
Sewage drainage	Lot 2 ✓	"E" ✓	Lot 3 ✓	[REDACTED]

N.B. On no account should this margin be used

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~~State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.~~

1. ~~Rights and powers:~~

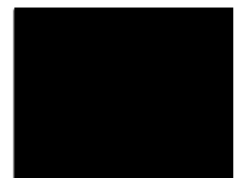
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The following rights powers, terms conditions covenants and restrictions in respect of the easements herein are in addition to those set out in the seventh schedule to the Land Transfer Act 1952.

1. ELECTRICITY AND GAS

- (a) The full, free, uninterrupted and unrestricted right, liberty and privilege from time to time and at all times to take, convey and lead Electric Current and gas reticulation in a free and unimpeded flow from the source of supply or point of entry in, along and through the Servient Tenement.
- (b) The full, free, uninterrupted and unrestricted right, liberty and privilege for the purposes of the Easement;
 - (i) to lay, place and maintain or to have laid, placed and maintained a line or lines of cable or cables, pipe or pipes of a sufficient size and of suitable material for the purpose under the surface of the land over which the Easement is granted or created or along the length or in any direction through the Servient Tenement;
 - (ii) in order to construct or maintain the efficiency of any such line or lines, cables or pipes the full free, uninterrupted and unrestricted right and liberty for the Dominant tenement its Servants, Agents or Workmen with any tools, implements, machinery, vehicles or equipment of whatsoever nature, but reasonably necessary for the purpose to enter upon the Servient Tenement over which the Easement is granted or created at any reasonable time for the purpose of laying, inspecting, fencing, repairing, maintaining and renewing the said Cables or Pipes or any part thereof and of opening up the soil of the land to such extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the land of the Servient Tenement and that the surface is restored as nearly as possible to its original condition and that any other damage done by reason of the aforesaid operation is repaired including but without prejudice to the generality of the foregoing reinstatement of landscaping and fencing at the cost of the Dominant tenement and to the satisfaction of the Servient Tenement or its successor in Title.
 - (iii) The Servient Tenement shall do nothing on or about the Servient Tenement whereby the free and unimpeded flow of Electric Current through the said Cable or Cables and/or gas through the said Pipe or Pipes may be in any way interrupted or restricted.
 - (iv) The Servient Tenement shall not place any buildings, erections or fences upon the Servient Tenements in the areas marked "B" and "C" on Deposited Plan 83773 respectively and will not at any time hereafter do permit or suffer any act or thing whereby the rights, powers, licences and liberties of the Dominant Tenement may be interfered with or affected.



2. TELEPHONE

(a) "telecommunications" means the conveyance, transmission, emission or reception of signs, signals, impulses, writing, images, sounds, instructions, information or intelligence of any nature whether by electromagnetic waves or not at any frequency and whether for the information of any person or not and includes any electronic power supply underground incidental to telecommunications;

"line or lines" means a wire or wires, cable or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication and includes any insulator, casing, fixture (major or minor), tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire, wires, conductor, cable or fibre optic cable and also includes any part of a line and includes "existing lines" as defined by the Telecommunications Act 1987 and its amendments;

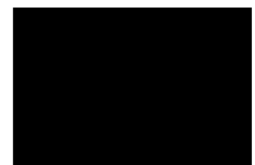
(b) The full right, liberty and licence for all times hereafter for the Dominant Tenement, its engineers, surveyors, servants, agents, employees, workmen and contractors with or without vehicles laden or unladen and with materials, machinery and implements from time to time and at all times:

(i) to lay and maintain under the soil of the Servient Tenement a line, lines or works;

(ii) to enter and remain upon the Servient Tenement for the purposes of laying, maintaining, inspecting, repairing, renewing, replacing or altering the line, lines or works as the case may be and opening up the soil of the Servient Tenement and make any cuttings, fillings, grades, batters or trenches and to reopen the same and generally to do and perform such acts or things upon the Servient Tenement as may be necessary to enable the Dominant Tenement to receive the full free use and enjoyment of the rights and privileges granted under this instrument;

(iii) to use the line, lines or works for the purpose of telecommunication without interruption or impediment (except during any periods of inspection, repair, renewal, replacement or alteration);

PROVIDED THAT on completion of any work by the Dominant Tenement on the Servient Tenement pursuant to this easement requiring the Dominant Tenement to open up the land the Dominant Tenement shall restore the surface of the Servient Tenement as nearly as possible to its former condition and replace the soil at the surface and turf (if any) consolidated to its proper level.



~~2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:~~



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Dated this 25th day of Apr. 19 97

Signed by the above-named

and

in the presence of

Witness

Occupation

Address

blkt
Lowell St

SOLE COPY

EASEMENT CERTIFICATE

IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein.

Correct for purposes of the Land Transfer Act

(Solicitor for) the registered proprietor

Subject (when created) to Section 243 (a) Resource Management Act 1991.

ALB

Particulars entered in the Register as shown in the schedule of land herein on the date and at the time stamped below

District Assistan of the L

11.42 30.MAY97 B 600068.4
ARTICULARS ENTERED IN THE REGISTER
LAND REGISTRY WELLINGTON
ASST. LAND REGISTRAR



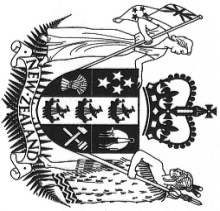
GIBSON SHEAT,
SOLICITORS
LOWER HUTT

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017



R. W. Muir
Registrar-General
of Land

Identifier **WN50D/706**

Land Registration District **Wellington**

Date Issued 30 May 1997

Prior References

WN14C/1330 WN15D/115

Estate Fee Simple

Area 3174 square metres more or less

Legal Description Lot 2 Deposited Plan 83773

Registered Owners

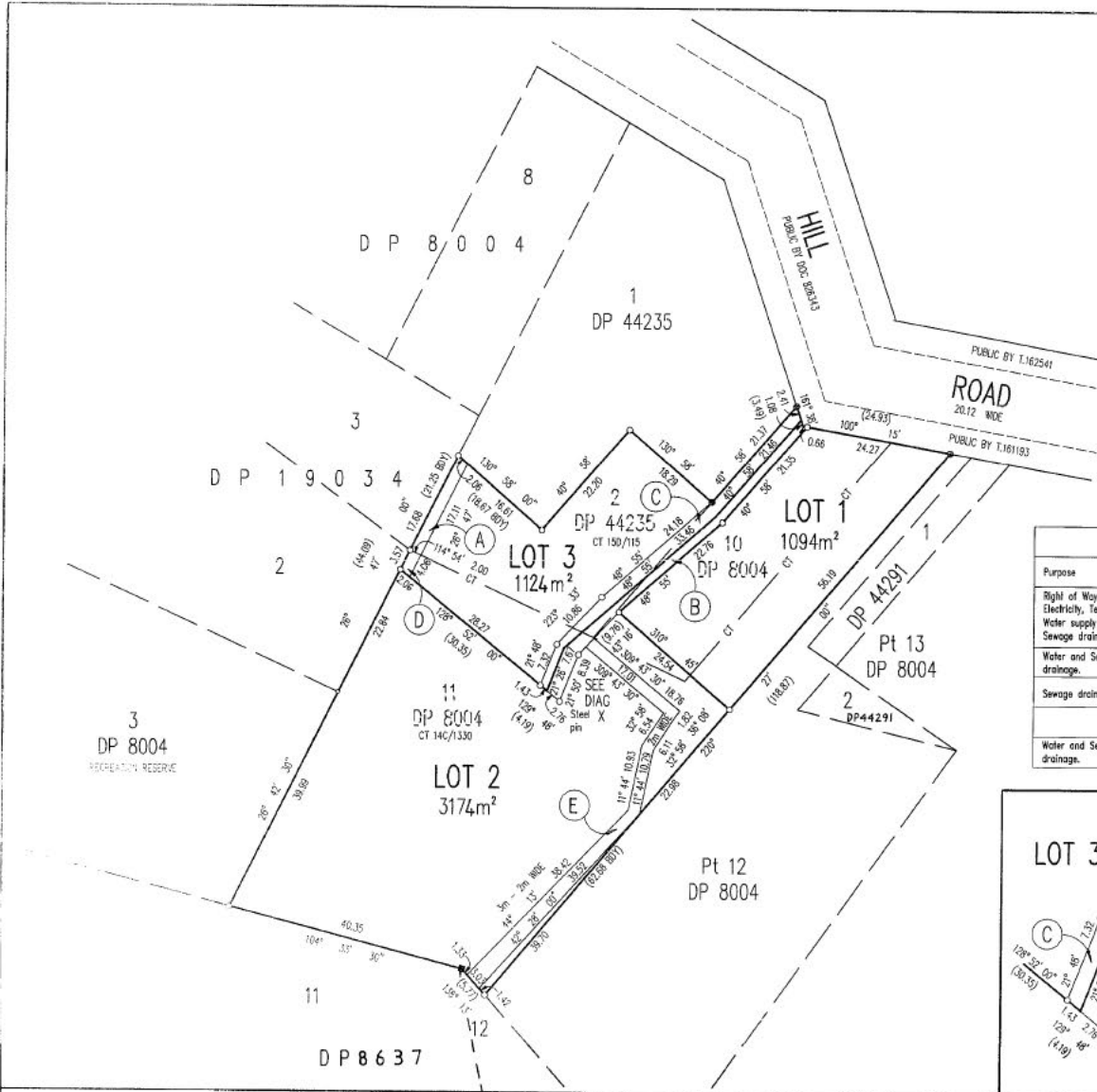
[REDACTED]

Interests

Subject to a right of way and rights to gas, electricity, telephone, water supply and sewage drainage over part marked B and a right to sewage drainage over part marked E on DP 83773 specified in Easement Certificate B600068.4 - 30.5.1997 at 11.42 am

Appurtenant hereto is a right of way and rights to gas, electricity, telephone, water supply and sewage drainage specified in Easement Certificate B600068.4 - 30.5.1997 at 11.42 am

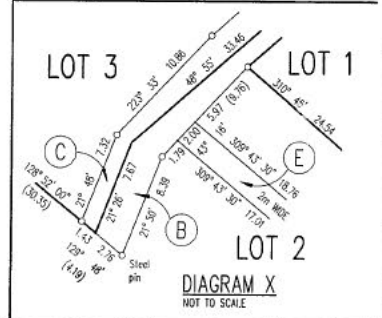
The easements specified in Easement Certificate B600068.4 are subject to Section 243 (a) Resource Management Act 1991



NEW CT ALLOCATED	
Description	Certificate of Title
LOT 1	50D/705
LOT 2	50D/706
LOT 3	50D/707

MEMORANDUM OF EASEMENTS			
Purpose	Servient Tenement	Shown	Dominant Tenement
Right of Way, Gas, Electricity, Telephone, Water supply and Sewage drainage.	Lot 2	B	Lot 3
	Lot 3	C	Lot 2
	Lot 3	D	Lot 1 DP 44235
Water and Sewage drainage.	Lot 2	E	Lot 3

SCHEDULE OF EXISTING EASEMENTS AS SPECIFIED IN C.C.137823.3			
Water and Sewage drainage.	Lot 3	A	Lot 1 DP 44235



Approvals

[Redacted Signature]

APPROVED PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 10th DAY OF AUGUST 1997 SUBJECT TO THE GRANTING OR RESERVING OF THE EASEMENTS SET OUT IN THE MEMORANDUM HERETO.

THE COMMON SEAL OF THE HUTT CITY COUNCIL IS AFFIXED HERETO IN THE PRESENCE OF:



PURSUANT TO SECTION 224(c) OF THE RESOURCE MANAGEMENT ACT 1991 I HEREBY CERTIFY THAT SOME OF THE CONDITIONS OF THE SUBDIVISION CONSENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE HUTT CITY COUNCIL AND THAT A CONSENT NOTICE HAS BEEN ISSUED IN RESPECT OF THOSE CONDITIONS THAT HAVE NOT YET BEEN COMPLIED WITH DATED THIS 10th DAY OF AUGUST 1997.

LEGAL ADVISOR

Total Area 5392m²

Comprised in CT 14C/1330 ALL & CT 15D/115 ALL

I, **BARBARA NEVILLE SHUTE**, 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 1968) hereby certify that this plan has been made from surveys executed by me or under my direction, 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 LOWER HUTT this 10th day of AUGUST 1997. Signature

Field Book 644C p.154-159 Travers Book 559 p.75, 156 Reference Plans DP 8004, 19034, 24810, 30693, 44235, 44281, 59768, 71314, 50 36910, 35026

Examined [Redacted] Correct [Redacted]

Approved as to Survey

10/8/97 [Redacted] Surveyor

Deposited this 30th day of AUGUST 1997

[Redacted] District Registrar

File 12883/17 Received 7.5.97 Instructions

83773

LAND DISTRICT WELLINGTON
SURVEY BLK & DIST IX BELMONT
NZMS 261 SHT RECORD MAP No

LOTS 1, 2 & 3 BEING SUBDIVISION OF
LOTS 10 & 11 DP 8004 & LOT 2 DP 44235

TERRITORIAL AUTHORITY HUTT CITY
Surveyed by CUTTRISS MCKENZIE MARTIN LTD
Scale 1:500 AUG 1994/NOV 1996

44. TERRITORIAL AUTHORITY GENERAL, DEPARTMENT OF THE LAND INFORMATION SYSTEMS