

3 June 2021

Our ref: 8424

Barker & Associates
PO Box 1986
Shortland Street
Auckland 1140

By email

mattn@barker.co.nz and evitak@barker.co.nz

Attn: Matt Norwell / Evita Key

Dear Matt and Evita,

RE: Request for information from Silk Road Management Limited, Pudong Housing Development Company Limited and Foodstuffs North Island Limited (the applicants) in relation to Dominion Road Mixed-use Development application under COVID-19 Recovery (Fast-track Consenting) Act 2020

We are responding to the Expert Panel **Further Information Request 2** contained in the EPA letter dated 28 May 2021.

In responding we confirm we are retained by our Client Foodstuffs as the Registered Surveyor providing expert survey advice on this project; and having completed the various survey plans.

Expert Panels Query:

Appendix 2 provides the Record of Title and interests. The proposal is to extinguish the existing easements on the titles as part of the subdivision. Please confirm whether the party wall easement is being transferred across to the new interface with Lot 1 or is no longer required. If the latter, please provide written confirmation from the Grantee and Grantor who benefit from the easement.

Response

There is no intention to cancel any of the party wall easements; it is intended that that they all will be carried over to the new titles either as they presently exist or modified as permitted under the Party Wall Easement. In this regard we note that the following minor changes are anticipated:

REF	NATURE– Party Wall Easements (as defined on DP 170042)	SHOWN	CHANGE
AA	Thin horizontal layer (300mm) over the top of the shops (Units A to N) which relates to the existing c.270mm concrete floor to Level 01. Below that is c.740mm contained in Lot 1 Between RL 54.8 and 55.6 (800mm) comprising concrete encased beams (470mm deep) and a ceiling zone.	Yellow	No change anticipated based on Preliminary Design. As a practical issue we note that there may be some physical modification required for new penetrations of services from Lot 1 shops to ensure ongoing building compliance.

	Note: All easements below are vertical		
S & W	Includes eastern half of brick wall which is situated 3.8m beyond the back wall of the shops (Units A, B and C) 200mm wide and measures c.19.05m in length. Note: S and W are both linear in shape and are situation one above the other vertically.	Pink	Easement remains although a portion of this wall c.4.2m is to be replaced with steel portal to accommodate the construction of a new stairwell accessed off the Laneway. This requires a minor boundary adjustment to complete.
T & X	Includes western and northern corners of building walls behind the shops that may be demolished and replaced. Between 100 and 200mm wide. Note: T and X are both L shaped and are located one above the other vertically.	Orange	Easement remains although the wall comprising this easement is to be replaced with a new wall and 'hold-back' door to form controlled accessed point (after hours) to Laneway. This also requires a minor boundary adjustment to complete.
U & Y	Includes the southern and eastern half of internal walls being the side and rear walls of shops (Units H and I respectively). Between 100 and 200mm wide. Note: U and Y are both L shaped and are located one above the other vertically.	Blue	No change anticipated based on Preliminary Design.
V, Z, AI & AJ	Includes the eastern half of internal wall being the rear wall of shop (Unit J). 200mm wide. Note: V, AI and AJ are located at ground floor level and Z is the upper portion above all 3.	Green	No change anticipated based on Preliminary Design.

In summary, the approach to completing the proposed subdivision by way of boundary adjustment involves either:

- i. Retaining, or modifying the structures within the limits of the Party Wall Easement area as permitted under the Easement; or
- ii. Exchanging land with Lot 1 in which case the Party Wall Easement becomes redundant; and
- iii. Separately (not part of your question – but added for clarity), we note where we are adding structural support for the Lot 2 Development on Lot 1 we are doing that pursuant to Clause 12 in the Easement which contemplates and provides for this requirement as confirmed to us by DLA Piper (Heath Brunton).

It should also be remembered that we are proposing new reciprocal blanket structural support easements over both Lots 1 and 2 in their entirety to cover all eventualities in terms of developed design and construction.

Yours Faithfully,

N C Faulkner

Senior Land Surveyor