



5th August 2014

Chris Allen
General Manager City Infrastructure
Hamilton City Council

Sent via Email:

RE: E1/Wairere Drive/Ruakura Intersection Land and Subdivision

Dear Chris

Thank you for the meeting today to discuss the resolution of matters regarding the subdivision of land related to the agreement between Hamilton City Council (HCC) and [REDACTED] for the purchase of the E1/Wairere Drive/Ruakura Intersection Land from TDL.

In the letter by HCC solicitors of 16th July 2014, TDL accepts HCC's offer outlined in Item 6, understanding that HCC has a statutory process to follow regarding considering a resource consent for subdivision of the land to the East and West of the land acquired by HCC under the PWA (the **Road Land**), and that HCC commits to doing what it can to facilitate the issue of the necessary subdivision consents.

In regards to Development Contributions (DC's) TDL understands that HCC's position is that HCC are not liable for development contributions where they are clearly not payable as a consequence of HCC's actions.

Although HCC and TDL's positions around the treatment of liability of DC's differ under the Sale and Purchase Agreement dated 20 September 2007, TDL proposes that HCC and TDL resolve to continue as set out below.

1. It was the intention of the parties that on the taking of the Road Land, the balance of the severed land would issue in two separate certificates of title.
2. This did not occur and as a result both the Western Lot and the Eastern Lot were landlocked and recorded in one part-cancelled certificate of title.
3. The subdivision of the TDL land by TDL will remedy the error and create separate certificates of title for the western lot and eastern lot as originally intended by the parties.
4. That the subdivision of the TDL land is not a development which generates a demand on infrastructure and therefore DC's are not payable by TDL or HCC.



5. HCC and TDL agree that DC's will be payable only when a land use resource consent is issued for development of the land which generates a demand on infrastructure or other trigger points set out in the Local Government Act 2002.
6. For clarity the parties agree that a resource consent for subdivision of the TDL land to create separate certificates of title for the western lot and eastern lot and amalgamation of the eastern lot with the current TransPower certificate of title will not trigger DC's to be payable by HCC or TDL.
7. TDL will apply for the subdivision consent required to obtain the new titles and changes outlined above and HCC will waive any usual application and processing fees in respect of the consents.
8. TDL will complete the subdivision including instructing a surveyor to undertake the preparation of the necessary plans and obtain titles and HCC will make available the survey plans used for acquisition of the land by HCC at no cost to TDL but the preparation of the survey plan and all work required to obtain the new titles will be undertaken by TDL at TDL's cost.

Please confirm that this letter outlines the intentions of the parties so TDL can instruct the above works to be completed.

[REDACTED]

[REDACTED]
Development Manager

CC: Richard Briggs - Chief Financial Officer, Hamilton City Council
[REDACTED]