



Appendix 8

Existing Interests on Record of Titles

The Records of Title (**RoT**) for the Middle Road Project are included in **Appendix 2** of the substantive application.

Table 1 below provides a summary of the relevant interests identified on each Record of Title and explains how those interests are proposed to be managed through the development.

The review of the RoT for the Middle Road Project Site confirms that the registered interests include statutory interests, drainage easements, consent notices, mortgages, caveats and other property interests.

Where an existing interest is affected by the proposed development, it will be retained where compatible with the Project or otherwise surrendered, varied, discharged or replaced as appropriate through the subdivision and development process.

**Table 1: Existing ROT Interests**

Address	Legal Description	Area	Interests	Impact on Proposed Development	Resolution through Consent Process
92 Middle Road	Part Lot 2 DP 10118	10.0261 ha	Gazette Notice acquiring 227m ² for road - See Gazette Notice 606304.1	Land already taken for road, no further action required – Land taken on SO 10476	No further action required.
			Subject to a Right to Drain Water (in Gross) in favour of Hawke's Bay Regional Council. See Gazette Notice 622345.1	A Gazette Notice creates this easement shown as Areas A & C on SO 10563	As a result of the subdivision, the easement is no longer required and should be extinguished.
108 Middle Road	Lot 1 DP 10118	8.0937 ha	No recorded interest on this title	N/A	N/A
148 Middle Road	Lot 1 DP 600024	9.1305 ha	Appurtenant to part Formerly Part Lot 5 and Lot 6 Deed Plan 323 and contained in RT HBC2/148 and Part Suburban Section 19 Havelock (RTHB82/17) are drainage rights by Conveyance 31711	This is an easement adjacent to the development and not on the subject land. We believe it should also relate to formerly Part Lot 4 DP 323. Legal advice should be sought. The easement appears to be over 167 Te Aute Road (Part Suburban Section 19 Havelock (HB65/55) No graphical area is given	Underlying easement is proposed to be extinguished as part of the development.
			Appurtenant to part formerly Part Suburban Section 19 Havelock (RTHB82/17) are drainage rights by Conveyance 43479	Conveyance Document 43479 is not available in Landonline. Legal advice should be sought in relation to this. It appears to burden HBE3/1101 (169 Te Aute Road)	Underlying easement is proposed to be extinguished as part of the development.
			Subject to drainage rights over part formerly Lot 6 Deeds 323 created by Conveyance 43477.	The easement appears to be 9 links wide and 5 Links from the bdy. The diagram does not state its length. DP 600024 does not graphically show it, merely refers to it. Legal advice should be sought into this easement. A portion of the easement would appear to be located in a stormwater reserve and others	Underlying easement is proposed to be extinguished as part of the development.



			within potential allotment. This is also in favour HBE3/1101 – 169 Te Aute Road		
			Subject to a right (in Gross) to drain water over part marked E on DP 600024 - In favour of Hastings District Council	Possible error on title. There is no E on DP 600024 but there is an E on DP 603088	Error on the Title is to be rectified. Underlying easement is proposed to be extinguished as part of the development.
			Mortgage	This should be discharged as part of the purchase of the site by CDL.	This will be discharged.
139 Te Aute Road	Lot 2 DP 600024	3.0966 ha	Caveat by CDL limited - forbids the registration of any instrument etc-likely due to a pending S & P agreement to CDL	Caveat forbids the registration of any instrument, or the recording of any matter in the register that transfers, charges, or prejudicially affects the estate or interest protected by this caveat until this caveat is withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provisions of section 143 of the Land Transfer Act 2017Caveat can be uplifted as a result of the sale.	CDL impose caveat. Can be uplifted upon successful S & P agreement being entered into.
Herehere Stream	Lot 179 DP 10453	0.3617 ha	No recorded interest on this title	N/A	N/A