

[ s 9(2)(a) ]

From: [ s 9(2)(a) ]  
Sent: Wednesday, 1 April 2009 9:34 a.m.  
To: [ s 9(2)(a) ]  
Subject: RE: 58 Akoranga Drive, Northcote - Stability and Drainage Issues

[ s 9(2)(a) ]

Appreciated thank you

Heoi ano

[ s 9(2)(a) ]

From: [ s 9(2)(a) ]  
Sent: Tuesday, 31 March 2009 5:11 p.m.  
To: [ s 9(2)(a) ]  
Cc: [ s 9(2)(a) ]  
Subject: RE: 58 Akoranga Drive, Northcote - Stability and Drainage Issues

[ s 9(2)(a) ]

As owner of the land the council is bound to provide LINZ (DTZ) a copy of the report. The Marae has held a lease over the land for some considerable years with LINZ and have solely been responsible for the development of the site.

I see two issues here:

1. Council believes that the Marae installed drain is contributing to the problem (albeit they have not said it is the only contributing factor)
2. the Marae believes the problem is related to the installation of the council/transit catchment pond?

I believe in the first instance that the marae (as long term legal occupier) and council should resolve this matter - the report will go some way to answering a number of questions in this regard

I will refer to my client in the interim.

Regards

[ s 9(2)(a) ]

Property Services

**DTZ**  
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[ s 9(2)(a) ]

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**From:** [ s 9(2)(a) ] @leader.ac.nz]  
**Sent:** Tuesday, 31 March 2009 3:02 p.m.  
**To:** [ s 9(2)(a) ]  
**Cc:** [ s 9(2)(a) ]  
**Subject:** RE: 58 Akoranga Drive, Northcote - Stability and Drainage Issues

[ s 9(2)(a) ]

LAND INSTABILITY & STORMWATER MANAGEMENT  
 58 AKORANGA DRIVE, NORTHCOTE, AUCKLAND

I am in receipt of your letter dated 23 March 2009, in which you have summarised the current issues regarding Land Instability and Stormwater Management at the above site.

I refer to your final paragraph of page 2 of your letter and advise that Land Information New Zealand (LINZ) is the owner of the property not DTZ, DTZ is LINZ's property manager. Please also note the correct spelling of my name for future reference.

I look forward to receiving a copy of the geotechnical report on the site in due course and to assisting council where possible to resolve the current issues.

[ s 9(2)(a) ] if DTZ feel we are the cause of the problem and feel they have no responsibility here so what value is there in giving them the report? We should be the ones who should get a report.

I wish to point out that while LINZ is the owner of the property, the development of the property including the construction/relocation of a number of the buildings and other facilities including the carpark in question and the infrastructure supporting those facilities has been undertaken by the Marae, I assume with the consent of Council, without consultation or the prior knowledge of LINZ.

We have at all times done what is our legal responsibility to do with the development of our site with council.

In this regard while the storm water drain serving the carpark is as you have correctly pointed out, on LINZ's property, The Marae (not LINZ) is the owner of the drain/pipe. This should be reflected in the consent applications that were lodged by the Marae for this work.

Council approved all works on site and also has the responsibility of management of storm water and sewer services. In our view this is not just a matter of a pipe. Our assertion is that when the catchment pond was put in during construction of the motorway extension this weakened the entire foot of our embankment area causing significant damage to the land we occupy. Our then architect Pepper Dixon wrote a letter to Council and Transit to put forward our concerns. This was ignored so it is ironic now we are blamed.

Also this issue is not new to the council and predates our arrival. It is part of a wider problem council face with neighboring properties where there seems to be significant underground erosion occurring from a as yet unknown source. ie. There is a black hole underground. That is why they need to dig up our site.

[ s 9(2)(a) ] in our view this makes your initial assessment of liability prejudice and unwarranted.

We acknowledge that something must be done as soon as possible to rectify the failure of the pipe to remove the effects of that problem on adjacent property. In this regard I have cc'd [ s 9(2)(a) ] the representative of the Marae in this matter who I note is also copied into your letter, into this response.

We trust that the Marae as owner of the pipe will take immediate action to rectify the problem within the timeframe indicated in your letter to ensure LINZ is not put into a position of being in breach of the bylaw.

We will do nothing on our side that admits responsibility at this stage because we do not believe it is our problem.

Carl we are the aggrieved party here. Our sacred courtyard (Marae Atea) has been violated and lies defiled, desecrated and unusable by the land subsidence. We want it rectified and expect some support from our landlords agent over this matter.

We are a community based organization who has had to fight all the way to get what we want to establish our Marae.



I await your responses so we can assess appropriate courses of action on our side.

I am free to meet and discuss this anytime.

Heoi ano

[ s 9(2)(a) ]  
For Awataha Marae  
[ s 9(2)(a) ]

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**From:** [ s 9(2)(a) ]  
**Sent:** Thursday, 26 March 2009 2:34 p.m.  
**To:** [ s 9(2)(a) ]  
**Cc:** [ s 9(2)(a) ]  
**Subject:** 58 Akoranga Drive, Northcote - Stability and Drainage Issues

Hello [ s 9(2)(a) ]

Please find attached a response to your letter dated 23 March 2009.

I have copied [ s 9(2)(a) ] into this email as per the content of the letter we believe the Marae is the owner of the problematic drain and should therefore rectify the problem.

Regards

[ s 9(2)(a) ]  
**Property Services**

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