



29 July 2019

Oyster Management Limited / Oyster Property Holdings Limited and Nominee  
L18, 55 Shortland Street  
Auckland Central  
Auckland 1011

To whom may concern

**BUILDING EARTHQUAKE CAPACITY - LETTER OF RELIANCE - 101 MCLAUGHLINS ROAD & 12 HARBOUR RIDGE DRIVE, WIRI, AUCKLAND**

**Background**

1. The buildings and improvements located at 101 McLaughlins Road and 12 Harbour Ridge Drive, Wiri, Auckland (**Building**) were designed and constructed by Rock Solid Holdings Limited trading as Euroclass Design and Build (**Contractor**).
2. The structural building design was reviewed and approved by us in our capacity as a structural engineer to the project.
3. We acknowledge that you (or an entity nominated by you) is looking to purchase the Building (**Purchaser**). The Purchaser and Oyster Management Limited (as manager) (**OML**) has sought the confirmations contained in this letter and an entitlement to rely upon the confirmations contained in this letter on the basis that both the Purchaser and OML be considered our client.

**Confirmations and reliance**

We confirm that:

1. We, as structural engineer to the project, reviewed and approved the structural design of the Building only, and confirmed that in regards to structure, it was designed in compliance with the then current Building Code and all necessary consents/approvals from the relevant lawful authorities.
2. At the time of building consent the Building was designed in accordance B1/VM1 of the building code and as such was designed to a seismic loading of no less than [100%] Ultimate limit state (ULS) loading. Considering the recent age of both structures we

confirm that this would equate to a %NBS (New Build Standard) rating of greater than 100%NBS as at the date of this letter.

3. We carried out construction monitoring to CM3 level, and supplied upon completion a PS4 producer statement – construction review, stating that we believe on reasonable grounds that part of the building works have been completed in accordance with the relevant requirements of the building consent.
4. We hold professional indemnity cover which extends to and covers any liability which may arise as a result of the original design with a maximum limit of **\$2,000,000 (Liability Cap)**, our liability to the Purchaser and/or OML pursuant to this letter shall not exceed the Liability Cap.

We confirm, by this letter, that the Purchaser and OML are entitled to rely upon the above confirmations and we acknowledge that the Purchaser and OML will be relying on such confirmations when determining whether to proceed with its acquisition of the Building.

I, as signatory of this letter, confirm that I am authorised to provide the above confirmations and execute this letter for and on behalf of our company.

**THORNE DWYER STRUCTURES**



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Name: Damian Linehan CMEngNZ, CPEng  
Title: Director

THORNE DWYER  
STRUCTURES LIMITED

CONSULTING ENGINEERS

88 CHARLOTTE STREET  
EDEN TERRACE  
PO BOX 99 812 AUCKLAND  
TELE (09) 307 2702  
EMAIL [engineer@tdstructures.co.nz](mailto:engineer@tdstructures.co.nz)