

From: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Sent time: 06/01/2023 12:35:32 PM
To: [REDACTED] Mike Cardiff <cardiffcopartnership@gmail.com>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: Elizabeth Street - service lane
Attachments: image001.png image002.png

Hi Alan and Mike,

I hope your Thursday is going well!

Touching base with you to set-up an initial discussion with Kris, Sean and Nicky around Elizabeth Street service lane ahead of the extended session in July.

Can you please let me know if you would be available to meet at the Council offices on either Tuesday 6 June from 5-6pm or Wednesday 7 June from 5-6.00pm?

If you could please let me know that would be great and I will send through an invite. I look forward to hearing from you.

Thanks,

Em

Emily Humble

Executive Officer to the Group Manager Strategy and Growth
Te Tāhuhu Rangapū Rautaki me te Whakatupu

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Kāpiti Coast

DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua



From: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Sent time: 08/29/2023 10:03:14 AM
To: Mike Cardiff <cardiffpartnership@gmail.com>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: Elizabeth Street
Attachments: image001.png image002.png image003.png

Good morning Mike,

I hope your morning is treating you well!

Nicky [REDACTED] is due back tomorrow, she will touch base with you when she returns tomorrow.

Thanks,

Em

Emily Humble

Executive Officer to the Group Manager Strategy and Growth

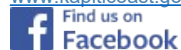
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Kāpiti Coast

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From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent time: 07/17/2023 12:46:16 PM
To: Mike Cardiff <cardiffpartnership@gmail.com>
Cc: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>; Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Subject: Ex-Service Lane, Elizabeth Street
Attachments: image001.png image002.png image003.png

Kia ora Mike

Further to our conversation this morning, can you please have a discussion with the Club's manager that no one parks on the ex-service lane. We are happy for deliveries to occur in this area but it is not to be used as parking for patrons or staff. I know this is hard to enforce but a gentle reminder would be appreciated.

Emily is working on a suitable date to meet and will be in touch when we can find a date that suits everyone.

Kind regards

Nicky Holden
Corporate Property Manager
Te Kaiwhakahaere Rawa Rangapū

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From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent time: 09/19/2023 03:03:26 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>; alanm@natcon.co.nz
Cc: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: Ex-Service Lane, Elizabeth Street
Attachments: image001.png image002.png image003.png Elizabeth St options - June 2023.pdf Ex-Service Lane - ElizabethStreet Waikanae - Documentation Final.xlsx Options for Access - Ex-service lane at Elizabeth Street(64136710.2).docx

Kia ora Alan and Mike

Firstly, I apologise for the delay in sending this email.

Thank you for attending the meeting on 16 August at Council offices with an open mind to working towards a solution for all parties.

I have attached the following for your information as tabled at the meeting:

- High level timeline
- Legal information on the differences of a lease, easement, licence or encumbrance/covenant
- Previously tabled options, with option 6 been the option for which we had in principally agreed some more work would be explored.

Next steps:

- Nicky to investigate what would be involved in undertaking the new option (discussed at the meeting) for Council to complete a land swap with the Club so that there are no registered encumbrances on the club's title, which will allow 4 Elizabeth Street access to Anne Street
- Nicky to organise a site visit with a surveyor and the Club to discuss the land swap option
- Waikanae Chartered Club to remind patrons and visitors to the clubrooms that there is no parking allowed in the ex-service lane and that the lane must be clear at all times for emergency egress from 4 Elizabeth Street
- Both parties to consider whether they would compromise on their current positions so we can bring this a conclusion

I will be in touch once I have more information and to arrange a suitable time to meet on site with the Club.

Kind regards

Nicky Holden
Corporate Property Manager
Te Kaiwhakahaere Rawa Rangapū

Tel 04 296 4633
Mobile 027 555 5633




Elizabeth Street Options

Option 1



Key

 Sell blue area to Waikanae Chartered Club (WCC) and a registered easement or letter of agreement to allow access over entire area for pedestrian access in favour of 4 Elizabeth Street

Note:


Council supports this option.

Option 2



Key

 Sell blue area to Waikanae Chartered Club (WCC)

 Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined).


Note:

Council supports this option.


Option 3



Key

 Sell to 4 Elizabeth Street

 Sell to WCC

 Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined)

Note:

Council supports this option.

Option 4



Key

- Sell to 4 Elizabeth Street
- Sell to WCC

Note:

Council does not support this option.

Option 5



Key

- Sell to WCC or KCDC retains ownership of
- Sell to 4 Elizabeth Street
- Sell to WCC
- Sell to 4 Elizabeth Street

This option would involve registering an easement in favour of each party so they have rights across each other's land.


Note:

Council does not support this option.

Option 6



Key

 Leave ownership as it is currently and provide the Waikanae Chartered Club (WCC) with an easement to allow them to extend their kitchen and their entrance cover.

This would ensure 4 Elizabeth Street continues to have access. But require an easement for right of way across the carpark.

Council would also work with WCC to provide for access from the carpark onto Anne Street.

Goodman's has indicated they are happy to help and discuss any options with regards to their piece of land including Council potentially purchasing it.

Note:

Council supports this option.





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General History

Date	Entity
24/08/1967	District Plan Search Copy
23/02/1968	District Land Registrar
to 12 Dec 1973	Waikanae Chartered Club (WCC)
12/12/1973	Horowhenua District Council (HCC)
19/02/1974	Solicitors representing HCC
5/03/1974	Land and Deeds, Register Book
11/12/1974	Registrar Gen of Land, Wgtn
12/02/1975	Lands & Deeds
10/06/1988	Horowhenua County Council
25/07/1988	Horowhenua County Council
29/08/1988	Kapiti Observer
2/11/1988	KCDC file notes
23/12/2004	Registrar General of Land, Wellington
12/10/2010	Simpson Grierson to Adele Hollis
1/11/2012	Kapiti Law
4/09/2013	KCDC to Kapiti Law (Council's lawyer)
18/03/2014	LINZ
9/02/2018	Best Practice Law Limited(BPL) to KCDC

General History

Date	Entity
9/02/2018	KCDC internal
24/06/2019	WCC
12/12/2019	KCDC to WCC
9/11/2020	LINZ
1/12/2020	KCDC internal
2/12/2020	WCC to KCDC
16/12/2020	KCDC to WCC
27/01/2021	Darroch Limited (Valuers)
27/01/2021	KCDC to previous owner of 4 Elizabeth Street
1/02/2021	KCDC to Previous owner of 4 Elizabeth Street
19/02/2021	Previous owner of 4 Elizabeth Street to KCDC
22/02/2021	Previous owner of 4 Elizabeth Street
2/03/2021	Previous owner of 4 Elizabeth Street to KCDC
3/03/2021	KCDC to Previous owner of 4 Elizabeth Street
25/03/2021	Council Meeting
30/03/2021	KCDC to Previous owner of 4 Elizabeth Street
7/04/2021	KCDC
4/05/2021	LINZ
20/05/2021	LINZ - Registrar General of Land
27/05/2021	KCDC

General History

Date	Entity
28/05/2021	The Property Group
28/05/2021	WCC
30/05/2021	KCDC to WCC
3/06/2021	Letter KCDC to Phil Shannon, Turner Hopkins
8/06/2021	Buddle Findlay to KCDC
18/06/2021	Memo KCDC
29/06/2021	Buddle Findley
9/07/2021	LINZ
20/07/2021	Previous owner of 4 Elizabeth Street
27/07/2021	New owner of No 4 Elizabeth Street
29/07/2021	New owner of No 4 Elizabeth Street
30/07/2021	Ownership change
5/08/2021	KCDC to WCC
17/09/2021	KCDC to WCC
22/10/2021	4 Elizabeth Street to KCDC
29/10/2021	KCDC letter to 4 Elizabeth Street
4/11/2021	4 Elizabeth Street
4/11/2021	KCDC to 4 Elizabeth St
8/11/2021	Legal
16/12/2021	Darroch Valuers
5/01/2022	4 Elizabeth St
26/01/2022	KCDC to 4 Elizabeth St
4/02/2022	4 Elizabeth St to KCDC
11/02/2022	WCC to KCDC
23/02/2022	KCDC to Higgins
23/02/2022	WCC to KCDC
23/02/2022	KCDC to WCC
28/02/2022	KCDC to WCC
3/03/2022	WCC
3/03/2022	WCC to KCDC
1/05/2022	WCC to KCDC
3/05/2022	WCC to KCDC

General History

Date	Entity
30/05/2022	KCDC
12/04/2023	KCDC and WCC
8/05/2023	WCC to KCDC
8/05/2023	KCDC internal
23/05/2023	KCDC and 4 Elizabeth St
26/05/2023	4 Elizabeth St to KCDC
29/05/2023	KCDC to WCC
7/06/2023	Council, WCC and 4 Elizabeth St
8/06/2023	Council, WCC and 4 Elizabeth St
9/06/2023	4 Elizabeth St to KCDC
23/06/2023	KCDC to 4 Elizabeth St and WCC
5/07/2023	4 Elizabeth St to KCDC
17/07/2023	Council, WCC and 4 Elizabeth St

General History

Action
Record of Title for WN5A/571
Sale: Certificate of Title under Land Transfer Act - Purchaser Waikanae Timber and Hardware Limited
Access to WCC was off footpath to Elizabeth Street until building work approved on 21 Nov 2001 was completed
HCC Constitution of a Service Lane off Elizabeth Street - Lot 1 D.P. 9410 on Dep Plan 26781 - with effect from 1 April 1967
to the NZ Land Registry - Re: S.O. Plan 30131 - resolution of HCC constituting the service line reserve delineated on Deposit plan 26781 to be constituted "service lane" and formed from effect of 1 April 1967
Announcing the stoppage of a portion of the service lane (6sqm) 9477202.1 - CFR 625861 Issued for Section 1 SO 35434 (345 meter) stopped road
Memorandum of Transfer of 6sqm land - being the stopped part of a service land is transferred for Mark Lynch Adams to HCC.
Certificate of Title under Land Transfer Act - Entry: No. 112536.3 Resolution by the Horowhenua Country Council declaring part (6,2) acquired under Transfer 112536.2 a service lane - 13.2.1975 at 9.15 am.
HCC instigated a road stopping process for the Service Lane (sec1 SO35434) at Elizabeth Street, Waikanae, with the intention to sell the land to Waikanae Chartered Club (WCC). Subject to provision of an alternative rear access for the business at 4 Elizabeth Street.
Deadline for objections to the Notice of Road Closure. This notification explicitly stated: <i>"The only other property the service lane is designed to serve is Lot 1 DP 26781 which is currently the site of the veterinary clinic. The owners will be provided with an alternative right of way access to the rear of their property. "</i>
Road Stopping Notice states intention to stop service lane and sell to WCC. Subject to an alternative access to 4 Elizabeth Street
Notice that portion of Service Lane adjoining hereto is stopped and now known as Section 1 SO 35434
Memo of Transfer of 6sqm needed for the road stoppage
"the Horowhenua Council file for road stopping cannot be located".. ..it seems that the stopping of the service lane was for the benefit of the WCC and that the Club was to create an alternative right of way access .."(for the Vet clinic)
Kapiti Law say that WCC are paying rates for the service lane (KCDC Rates have advised that this is incorrect)
Detail process of disposal, confirm no rates have been paid incorrectly for this Council owned land.
LINZ confirming Section 5 Block IX Kaitawa Survey District (parcel ID 4032843) is held in CFR WN 18D/1149 in the name of Waikanae Chartered Club Inc. ISOLATON STRIP
Compliance issue

General History

Action
KCDC internal advice <i>"There is no lease or legal documentation in place with either party for the land. Both the Vet and the Waikanae Club have access through the area and access should not be blocked. If one particular party has an issue, they can call the Council Compliance Team."</i>
WCC approaches KCDC expressing interest in purchasing the Ex Service Lane
Explaining Council's position as to sale of property as 4 Elizabeth St; including their intention to either incorporate a formal alternative rear access to the property at 4 Elizabeth St on the title or granting access in another way
Record of Title obtained from LINZ 625861
Seeking confirmation on upholding the HCC resolution to dispose of the land and subject to an alternative access for No.4 Elizabeth St
Email as to future plans of WCC
Advising that existing correspondence confirms Council's intention to provide rear access. This is <i>"due to the proximity to the railway line at Waikanae we don't want people reversing back onto the road from 4 Elizabeth Street (the District Plan does not allow for this) and that is the reason why officers and Council made the right of way a condition of the road stopping and potential sale"</i> .
Valuation obtained
Asking for contact to discuss the rear access
Setting out Council report options and asking for feedback
Provided feedback to options
Site Visit KCDC and previous owner of 4 Elizabeth Street to discuss different options suitable for all parties
Further feedback
Compliance issue
Public excluded Council Meeting WCC attended to speak in favour of their preferred outcome, previous owner of 4 Elizabeth provided a written submission
Outline next step after the Council meeting
Short Agreement for Consultant Engagement for Section 40 report
Caveat re dealings by WCC against KCDC land Caveat Notice Pursuant to Section 139 on the Land Transfer Act 2017 has been lodged by WCC - "forbidding the registration of any Memorandum of Transfer or other instrument affecting the land contained in Record of Title 625861.e
Informing KCDC of the above Caveat notice
Request for Legal advice re Caveat which has been lodged by WCC against the land referred to as "Service Lane"

General History

Action
Report on Section 40 PWA Report - Elizabeth St, Ex-Service Lane; Council had advised the Service Lane was to be disposed of as it was surplus, subject to an easement in favour of 4 Elizabeth St, otherwise unencumbered, fee simple, Record of Title 625861; they recommend that the property does not need to be offered back on the grounds of impracticability and unreasonableness according to Section 40(2)(a) of PWA.
Submitted a short Chronology from 1973 to May 2021 from WCC perspective
Advice as to next steps and outcome of Council meeting
Confirming next steps and option agreed by Council. OIA request from WCC.
Legal advice
Approval of exemption to offer land at ex-service lane back to former owner. CE approved that lane does not have to be offered back, and negotiations for sale will start with WCC. subject to a suitable easement for rear access to 4 Elizabeth Street.
Legal advice, draft agreement
Caveat re dealings with land, PNC Holdings against KCDC
Asking for an update on the state of the sale and easement
Outlines their position with regard to rear access to their land
Further feedback on their position
4 Elizabeth Street change of owners
Draft agreement
Follow up to 5/8/21 correspondence
Correspondence
For the purposes of building consent for 4 Elizabeth St confirming that prior to any Sale the pedestrian access will be registered as a RoW and location agreed with WCC.
OIA request
Confirming any sale will include Pedestrian access right of way and continued access for emergency egress (even if not sold)
Internal KCDC legal advice
Revised valuation
Option provide to solve ROW issue
KCDC confirms that pedestrian access will be registered as a Right of Way before any sale is completed
Compliance issue
Negotiation
Arranging for sump cleaning prior to roadmarking
Correspondence re compliance
Compliance issue
Advising that Council has arranged for Higgins to clear the sump and remark the lines at the rear of WCC on 1 March 22.
Negotiation
Attaching the document "Short Chronology" and letter dated 3 March 22
Negotiation
Negotiation

General History

Action
Document with OIA Response for WCC
Meeting on site at WCC
Additional option presented
WCC is comfortable to meet with AM and a surveyor to spray paint location of strip for pedestrian access. Also provided info on requirements for new access location.
Meeting at 4 Elizabeth St
Additional option presented
Acknowledge email from 8 May
Discussing Options
Meeting with all parties at KCDC offices
Further option presented
Summarising "case history" - and developing options for discussion. A 6th option has been added - that would leave ownership with KCDC, but provide easement for WCC to build their new kitchen extension and entrance cover. Council would provide emergency access for 4 Elizabeth Street " down the full length of the 1.5m strip that would extend down the back of the existing carpark, or purchase by KCDC of this strip, to ensure 4 Elizabeth Street's access to Anne Street."
Compliance issue
Setting date for next meeting of all parties to be at 17 August 23.

Access Options for Ex-Service Lane at Elizabeth Street, Waikanae (Section 1 SO 35434, RT 625861)

Option for access	Brief Summary	Limitations	Benefits
Registered Easement	A registered right of way easement is a right that allows someone to access another person's land. The right is registered against the title of the relevant properties (the person granting access, and the person with the benefit of the access)	<p>An easement requires surveying</p> <p>Any changes to the easement will need to be registered</p> <p>Once the access is granted, the person granting access cannot do anything to interfere with the access (e.g. build something on the accessway that would impede access) unless the easement allows it</p> <p>If either party has a mortgage, their bank's consent will be required</p>	<p>There are standard form terms for rights of way in regulations. This means drafting is straightforward (unless the parties wish to negotiate different terms)</p> <p>Because it is registered on the property titles, the easement will bind future owners of those properties</p> <p>The right of access remains in place, even if either the original landowner or the person granted the easement sells their property to someone else. This gives certainty to both parties, particularly the one with the benefit of the access</p> <p>An easement can be granted for any period of time, and can be perpetual (i.e. it could have no end date)</p>
Unregistered Easement	An unregistered right of way easement is a right that allows someone to access another person's land. However, this is not registered,	<p>There is no certainty to the party with the benefit of the access. Because this is not registered, the access rights may not necessarily bind future owners of the land, so the person who granted access could sell the property to a new owner who refuses to provide access</p> <p>Once the access is granted, the person granting access cannot do anything to interfere with the access (e.g. build something on the accessway that would impede access) unless agreed</p> <p>If either party has a mortgage, their bank's</p>	<p>Provides access without going through the formal process of registration</p> <p>No survey is required</p> <p>Changes to the terms of the easement would not require registration, so the arrangements could be more flexible between the landowner and easement holder (although that potentially makes the party with the access right more vulnerable to provisions changing)</p>

Option for access	Brief Summary	Limitations	Benefits
	and therefore is only enforceable by those who have contractually agreed to the terms	consent may be required	
Lease	Access can be granted through a lease. The 'tenant' (party with the benefit of the access) gets exclusive possession to use and occupy a specific piece of the landlord's land for a certain period	<p>A lease grants occupation rights (rather than use rights) and exclusive possession (i.e. the tenant can exclude the landlord from the leased area). The person granting access cannot use the land themselves e.g. they might not have their own access or be able to develop. Because of this, leases are not typically used for access</p> <p>Term is limited to 34 years, without a subdivision consent (unlike an easement, which has no time limit, if the parties wish)</p> <p>If either party has a mortgage, their bank's consent is likely required (depending on terms)</p>	<p>The tenant can confidently use the land for the agreed-upon time, and the landlord cannot end the lease without a valid reason</p> <p>Lease can be registered if the parties wish</p>
Licence	Access could be granted through a licence, which is a contractual arrangement. However, this is not registered, and therefore is only enforceable	<p>Practically similar to an unregistered easement. There is no certainty to the party with the benefit of the access</p> <p>Because this is not registered, there is a risk future purchasers of the land would not be bound to comply with the terms of the licence. The landowner who granted access could sell the property to a new owner who refuses to provide access</p>	<p>Provides access without going through the formal progress of registration</p> <p>Changes to the terms of the licence would not require registration, so the arrangements can be more flexible between the landowner and licence holder (although that potentially makes the party with the access right more vulnerable to changing provisions)</p>

Option for access	Brief Summary	Limitations	Benefits
	by those who have contractually agreed to the terms		
Encumbrance / Covenant	An encumbrance is a registered document that limits or impacts how a property can be used or owned. A covenant is a registered contractual promise where an owner agrees to do something, or not to do something in relation to their land	Complicated to draft Not suitable for access If either party has a mortgage, their bank's consent is likely required	

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent time: 08/07/2023 11:18:23 AM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: Ex-service lane
Attachments: WCCdocs4KCDC_000005.pdf Letter to KCDC re Service Lane 3 Mar 2022.docx

Good day to you Kris.

With regard to our scheduled meeting on August 16th, I have attached 2 documents of previous correspondence to KCDC from WCC that I believe are relevant for consideration prior to the determining of any land sale/purchase outcome.

The position of the WCC remains unaltered.

If you are not already familiar with these documents could I please ask you review the attached information.

Kind regards.

Mike



SHORT CHRONOLOGY

A Prior to 12 December 1973

Access to WCC off footpath to Elizabeth Street (continued until building work approved on the 21 November 2002 was completed)

B 12 December 1973.

Resolution of the Horowhenua County Council ("HCC") declaring reserve service lane closed.

C 7 November 1974

Notice of stopping of service lane lodged by HCC at NZ Land Registry. [also advises alternative allocation at Section 5 block 9 IX Haitawa S.D. dot granted on the 7th of November 1974 at 9:14 AM].

Presumably after discussions.

D After 1974 but prior to 1988.

Discussions continue to take place between Waikanae Charter Club ["WCC"] and HCC. No records exist of the discussions but reliance can be taken from the summary of reasons given in the notice of road closure dated the 25th of July 1988 and the title documents. These looked at together evidence the outcomes of the discussions and hence the discussions themself.

Relevant matters from the notice of road closure are

1. WCC owned the land on both sides of the service lane
2. The service lane impedes continuity of the club's development
3. if HCC close the service lane this would enable HCC to dispose of the land to WCC only.
4. The only other property the service lane is designed to serve it's the site of the veterinary clinic.
5. HCC intent to provide an alternative right of access to the rear of the veterinary clinic.

Relevant matters from the title documents are

1. 19th of February 1974. Letter from Martin, Evan- Scott and Harly [representing the HCC] to the NZ Land Registry constituting the service lane. (Copy attached as (i))
2. Notice of cancellation of 1 above and adoption of alternative service road (copy attached as (ii))
3. Certificate of title confirming two above (copy attached as (iii))
4. Memorandum of transfer re exchange. (copy attached as (iv))
5. A copy of the KCDC building consent dated 21 November 2002 approving the new entrance to the WCC (copy attached as (v)). Then finally
6. The title of PNC holdings limited which shows no right of access via the closed the service lane nor the alternative access originally agreed by HCC (copy attached as (vi)).

E Prior to 1989.

WCC build their current entrance to the club [incorporating disabled access] on the land that had been intended to be sold by HCC to WCC following the closure of the service lane.

WCC applied for and were given the appropriate building consents by HCC. The access was duly constructed by the WCC with the full knowledge and approval of the Kapiti Coast District Borough Council and its predecessors.

F Early 1990's to present day.

WCC members and guests had uninterrupted access to the WCC via the new entrance, such use continuing to the present day.

G 21 November 2002

KCDC grant WCC building consent for Alterations, repairs, or extensions as per lodged plans. Intended life of the work -indefinite.

H Over 16 years from 21 November 2002.

Uninterrupted use of the land by WCC with the full knowledge/consent of KCDC and the owners of 4 Elizabeth Street.

I November 2019

WCC notify KCDC that they wish to perfect the purchase of the service lane land.

J Date unknown.

PNC holdings limited purchase 4 Elizabeth Street after several other owners have previously accepted closure .

K 25 March 2021

Report prepared by Nikki Holden corporate property manager of KCDC to KCDC planning committee

L 25 March 2021

Decision approving recommendation. This requires clarification by the KCDC since this was a Public Excluded Meeting.

M 28 May 2021

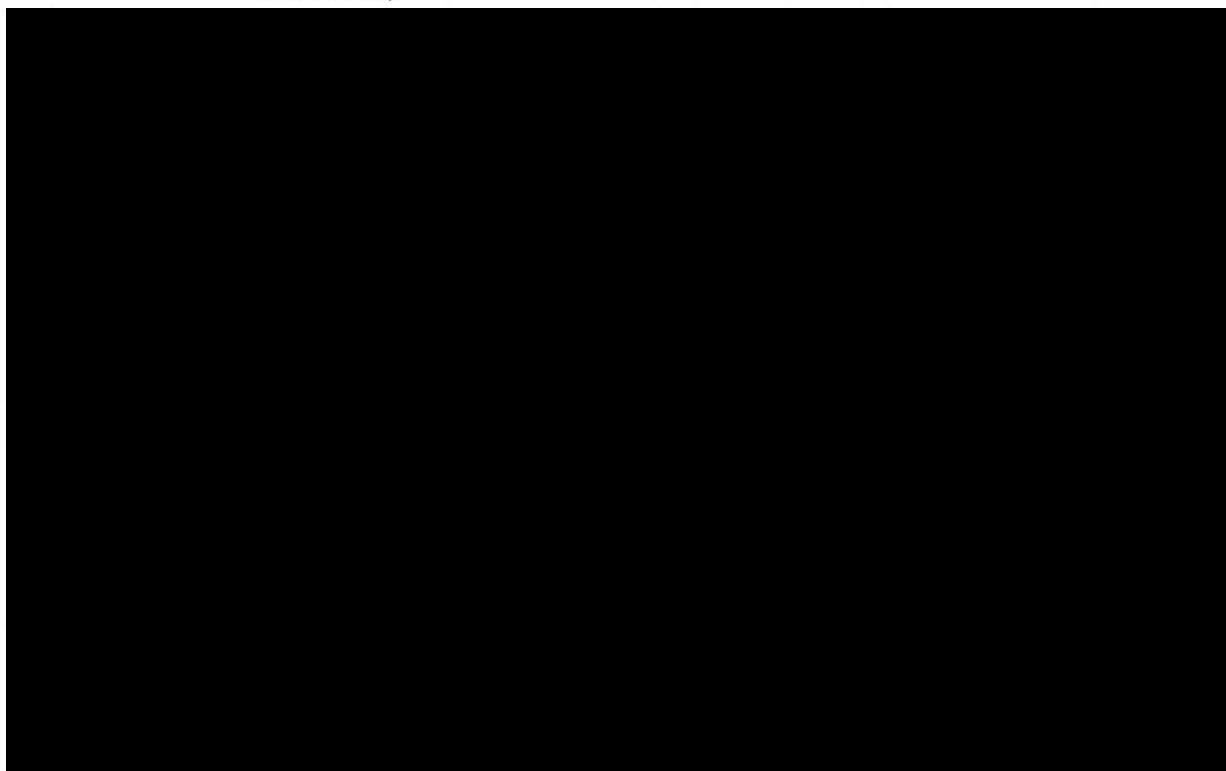
Report prepared for KCDC by the Property Group Limited.

N.B. This chronology has been prepared for this meeting to assist and whilst it is believed to be accurate is subject to subsequent amendment by either of us.

POINT THAT I WOULD RAISE FOR THE WCC

1. HCC appeared to have surrendered the service access that originally existed but also granted a previous owner of 4 Elizabeth Street an alternative access. This may have occurred as part of the discussions which took place between HCC, WCC under then owners of 4 Elizabeth Street. PNC Holdings limited are aware of the surrender of the service lane but seem to be unaware of the granting of the alternative service access to a previous

- owner of their land. With the passage of time this has been forgotten by HCC and the title owners of 4 Elizabeth Street. I do not know if the area originally contracted is still available or not but note that no right is shown on the current PNC holdings limited certificate of title.
2. The lane service access which rendered otiose once the WCC effectively blocked it when they constructed the new access to the club. The access which was built with the full knowledge and consent of Kapiti Borough Council (see chronology). This is also relevant to other points outlined later.
 3. In the report, commissioned by KCDC, from the Property Group Limited the authors identify the difficulty that KCDC face at page 8 where they recommend to KCDC option 1. Option 1 does not impose the reinstatement of the access. However, since the report was commissioned after the Corporate Property Manager's report of the 25 March 2021 it is odd that KCDC have not amended their unusual stance. Unusual because if the WCC agreed to the amended terms now suggested by KCDC they would be paying for a parcel of land that they could not use to enlarge the facilities of their members. Therefore, what is the point of the purchase and how could WCC expand as a result of it?
 4. In the absence of WCC agreement the current KCDC "solution" would result in the service lane being unable to service PC Holdings Limited's rear access even if KCDC sought to reinstate the service lane – owing to the construction of the entrance – and were that not the case P C Holdings vehicles would need sufficient space to turn within their own curtilage otherwise they would need to reverse in or out which surely would be a traffic management concern? The application of common sense seems to have been lost somewhere along the line.
 5. Given the evidence available by Documents, intention and conduct the current stance of KCDC is untenable and needs to be reconsidered. This requirement goes beyond common sense and can be supported by legal argument. Currently KCDC have looked at a microcosm of recent events and have failed to acknowledge the importance of what went on previously including their own conduct and actions. It is an understandable error which is capable of correction. There are at least three legal causes of action plus a community based one. These are ,





MARTIN, EVANS-SCOTT & HURLEY

BARRISTERS, SOLICITORS
AND NOTARY PUBLIC

CHARLES EVANS-SCOTT, LL.M.
ALBERT EATON HURLEY, LL.B.
ANTHONY ARTHUR TRAVERS ELLIS, B.A., LL.B.
CLIVE MILNE DENHAM KERR, LL.B.
DONALD ERIC FORSYTH, LL.B.
DAVID EATON HURLEY, LL.M., NOTARY PUBLIC

P.O. Box 5055
CABLE AND TELEGRAPHIC ADDRESS
"COUNSEL," WELLINGTON, N.Z.
TELEPHONE 552-029

*Macarthy Trust Building
140-150 Lambton Quay,
Wellington, 1, N.Z.*

AEH:PG

19th February, 1974.

The District Land Registrar,
Lands and Survey Department,
State Insurance Building,
Lambton Quay,
Wellington.



Dear Sir,

Re: S.O. Plan 30131

We enclose certified copy of resolution of the Horowhenua County Council constituting the service lane reserve delineated on deposit plan 26781 to be constituted "service lane" and formed as such with effect from the 1st April, 1967. x

We have also sent a copy of this resolution to the Chief Surveyor, Lands and Survey Department, Wellington.

Yours faithfully,
MARTIN, EVANS-SCOTT & HURLEY

Enc.

From Clerk

RES A025096 Resolution

Copy - 01/01, Pgs - 003, 22/08/13, 14:10



DocID: 412119513

HOROWHENUA COUNTY COUNCIL

CONSTITUTION OF SERVICE LANE OFF ELIZABETH STREET

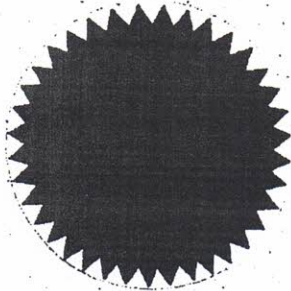
IN THE WAIKANAĒ COUNTY BOROUGH.

RESOLVED:

"THAT the Horowhenua County Council hereby declares that the service lane reserve delineated on Deposited Plan No. 26781 (being a plan of subdivision of Lot 1 D.P. 9410 being part section 41 Ngarara West C Block IX Kaitawa Survey District) has been constituted "service lane" and formed as such, with effect from the 1st April 1967:

THAT the Common Seal of the Corporation be affixed to certified copies of this resolution and be attested by the Chairman and County Clerk."

WE CERTIFY that the above is a true copy of a resolution passed by the Horowhenua County Council at a duly called and constituted meeting of the Council held on the 12th day of December 1973.



J.S. Blenkhorn CHAIRMAN.

[Signature] COUNTY CLERK.

*Resolution declaring Service Lane Reserve
to be service Lane
What happens to it
e who handles it.*

[Signature]

(ii)

Land and Deeds—4
FORM B.

Register-book,
Vol. 600, folio 24

Reference: Vol. 419, Folio 129
Transfer No. 552105
Order for N/C No.



CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

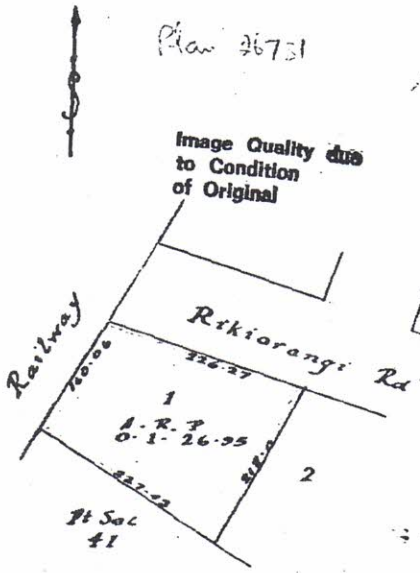


This Certificate, dated the _____ day of _____, one thousand nine hundred and _____
under the hand and seal of the District Land Registrar of the Land Registration District of _____
Witnesseth that _____

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered _____ be the several admeasurements a little more or less, that is to say: All that parcel of land containing _____ Block IX of the Eastern Bay of Islands District Department of Transport Test C, Section 11 and being also Lot 1 on _____



Alfred J. H. ...
District Land Registrar.



Scale: 1 Chain to an inch

Transfer 455265 and Dudley Roger Gilding
to Waikanae Timber & Hardware Limited
at Waikanae produced 4.3.1960 at 2.38 p.m.
Mortgage being to The Wellington Trust Loan
and Investment Company Limited 1.4.60 at
10.2 a.m.
Payment to Section 44 (2)(b) of the
Land Transfer Act 1952 of the
2570 is vested in the Chairman, Commissioners
and inhabitants of the County of Horowhenua
as a service loan, subject to the
Reserves and Domains Act 1957
Discharge of Mortgage 601449 as to
Lot 3 of Plan 26751 of 11.8.1966 at
2.30 p.m.
Transfer 579766 of Lot 3 Plan 26751
of G. G. Billing Nominees Limited 11.8.1966
at 2.30 p.m.
(Leasing Agreement)
ET. 44/518
Transfer 579766 shares of Waikanae Timber & Hardware Limited
over the plots for 1 shown coloured blue and yellow
Plan 26751 in favour of the Horowhenua County
Council 11.8.1966 at 2.30 p.m.

OVER

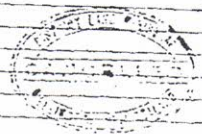
CONTINUED

Transfer 719223 of Lot 1 Plan 26781 discharged
from Mortgage volume 9 to Henry Peter Yarrell -
24.8.1967 at 9.42 am
C.T. 5A/571

* Transfer 719222 grant of right to drain
water (in gross) over the parts of 1 shown
coloured blue and yellow on Plan 26781 -
Waikanae Timber & Hardware Limited to
the Chairman, Councillors and Inhabitants
of the County of Horowhenua - 24.8.1967 at
9.41 am (Subject to Section 37(1)(a)
Councils Amendment Act 1961)

Transfer 721573 of Lot 2 Plan 26781 discharged
from Mortgage volume 9 to Woodward
Investments Limited - 16.9.1967 at 9.06 am
C.T. 5A/1233

NCD 706417 cancelled as to balance and C.T.
23.2.1968 5C/14.50 issued



No. A.025096 Resolution by the Chairman
Councillors and Inhabitants of The County
of Waikanae constituting Lot 4 Plan 26781
(Service Lane Reserve) to be service
Lane - 5.3.1974 at 9.00 a.m.

600/24



A025096

6

Resolution
PARTICULARS ENTERED IN THE REGISTER-BOOK
VOL 600 FOLIO 24
- 5 MAR 1974
THE AT 1000 O'CLOCK



No. 106420.1 Notice that portion of
the western service lane (6022)
has been stopped and that the
new appellation Section 5 Block TX
Kaitawa S.D. has been allotted
therefor. - 7-11-1974 at 9.14 am
J. H. R.
A.H.R.

Transfer 112536.2 of Section 5 Block TX
Kaitawa S.D. to Mark Lynch claims
of Wellington Public Trust - 13.2.1975
at 9.18 am.
C.T. 148/1077
A.H.R.

9477202.1 - CFR 625861
issued for Section 1 SO 35434
(345 m²) stopped road - 7.8.2013
at 4.26 pm
Z. Elise
for RGL

LAND & DEEDS
Particulars: Resolution
From: J.H.R.
5 MAR 1974
9.14
001455

(iii)

References
Plan C/T. 600/24

Transfer No. 736417
N/C. Order No.



REGISTER

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 23rd day of February one thousand nine hundred and sixty-eight under the seal of the District Land Registrar of the Land Registration District of WELLINGTON

WITNESSETH that WAIKANAE TIMBER & HARDWARE LIMITED at Waikanae

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 19.7 PERCHES more or less situate in Block IX of the Kaitawa Survey District being part Section 41 Ngarara West C and being also Lot 5 on Deposited Plan 26781



[Signature]
Assistant Land Registrar

Mortgage 601449 to The Wellington Trust Loan and Investment Company Limited - 4.8.1964 at 10.2 a.m.
[Signature]
A.L.R.

No. 797832 Evidence of Change of Name of registered proprietor from Waikanae Timber & Hardware Limited to Waikanae Hardware Limited - produced 2.9.1969 at 10.19a.m.
[Signature]
A.L.R.

Transfer 797833 to Winara Properties Limited at Karaparamu - 8.9.1969 at 10.20a.m.
[Signature]
A.L.R.

DISCHARGED
28.3.1972 797834 to Norman William Rossor - 29.1969 at 10.21a.m.
[Signature]
A.L.R.

Mortgage 912114 to Hollings Nominees Limited - 28.3.1972 at 11.07 a.m.
[Signature]
A.L.R.

Transfer 943058 to Mark Larch Adams of Wellington Public Servant - 19.10.1972 at 11.36 a.m.
[Signature]
A.L.R.

Mortgage 943059 to Brandon Ward Nominees Limited - 19.10.1972 at 11.37 a.m.
[Signature]
A.L.R.

No. 106420.1 Notice that portion of service lane (6m²) adjoining hereto has been stopped and that the New Appellation Section 5 Block 14 Kaitawa S.D. has been allotted there 7.11.1974 at 9.17 a.m.
[Signature]
A.L.R.



Scale: 1 inch = 1 chain
E-144

No. 5C/1450

53/1450

No. 112536.1 Discharge of Mortgage
943059 as to part (6m²) - 13.2.1975
at 9.18 a.m.

[Signature]
A.I.R.

Transfer 112536.2 of part to The Chairman,
Councillors and Inhabitants of the County
of Horowhenua for the purposes of a service
lane - 13.2.1975 at 9.18 a.m.

[Signature]
A.I.R.

No. 112536.3 Resolution by the Horowhenua
County Council declaring the part (6m²)
acquired under Transfer 112536.2 a service
lane - 13.2.1975 at 9.18 a.m.

[Signature]
A.I.R.

[Signature] M.C. 667203.1) Cancelled and C.T.
1.5.1975) 145/1077 issued.

[Signature]
A.I.R.



DUPLICATE DESTROYED



51

(iv)

MEMORANDUM OF TRANSFER

WHEREAS MARK LYNCH ADAMS of Wellington, Public Servant, is

1. Here state nature of the ~~being~~ registered as the proprietor of an estate of freehold in fee simple estate or interest.

subject however to such encumbrances liens and interests as are notified by memoranda

2. District, county, or township. underwritten or endorsed hereon in all that piece of land situated in the

Land Registration District of Wellington

3. Here state area, exclusive of roads intersecting the same, if any. containing SIX SQUARE METRES (6m²)

4. Here state rights of way, privileges, or easements, if any, intended to be conveyed: If the land to be dealt with contains all that is included in an existing grant, or certificate of title, or lease, refer thereto for description of parcels and diagrams, otherwise set forth boundaries in chains, links or feet, and refer to the plan delineated on the margin, or annexed to the Instrument or deposited in the Land Registry Office. be the same a little more or less' situate in Block IX of the Kaitawa Survey District being part of Section 41 Ngarara West C and being part Lot 5 on Deposited Plan No. 26781 and being the part of the land comprised and described in Certificate of Title Volume 5C Folio 1450 Wellington Registry shown on Survey Office Plan Number 30131 and thereon marked A

AND WHEREAS THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF HOROWHENUA constituted under the Counties Act 1956 is registered as the proprietor of an estate of freehold in fee simple in all that piece of land containing SIX SQUARE METRES (6m²) marked *Block IX Kaitawa S.D. being Section 5* with the letter B on the said Survey Office Plan 30131 and being the stopped part of service lane shown on the said Certificate of Title 5C/1450 (*Plant Doc. No A025096*)

AND WHEREAS the parties have agreed to exchange the said respective pieces of land

NOW THEREFORE in consideration of these presents the said Mark Lynch Adams

D.L. Stamp Duty WQ

~~the receipt of which sum xxx hereby acknowledge~~

Doth hereby Transfer to the said Chairman Councillors and Inhabitants of the County of Horowhenua ALL THAT the estate of the said Mark Lynch Adams in all that piece of land firstly above described for the purposes of ~~estate and interest in the said piece xxxx of land~~ at a service lane and the said Chairman Councillors and Inhabitants of the County of Horowhenua do hereby transfer to the said Mark Lynch Adams all that the estate in all that piece of land secondly above described

5. Or a lesser estate or interest describing such lesser estate.

In Witness whereof these presents have been executed this

11th day of December

one thousand nine hundred and seventy-four (1974)

One thousand nine hundred and

Signed

by the said

MARK LYNCH ADAMS

[Signature]

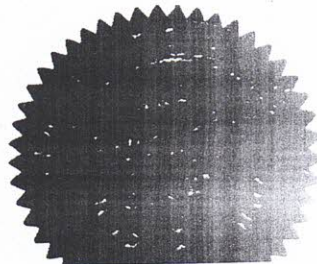
in the presence of

[Signature]
Solicitor
Wally

THE COMMON SEAL of THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF HOROWHENUA was hereto affixed by and in the presence of

A. B. Denton Councillor

11 21 1974



Situated in Block IX Kaitawa Survey District

MARK LYNCH ADAMS Transferor

THE CHAIRMAN COUNCILLORS AND
INHABITANTS OF THE COUNTY Transferees
OF HOROWHENUA

PARTICULARS entered in Register Book.

Vol. , Folio

the day of 19
at o'clock.

District Land Registrar
Assistant of the District of Wellington

I hereby certify that Part IIA of The Land Settlement
Promotion and Land Acquisition Act 1952 does not
apply to the within transaction.

Solicitor for the Purchaser

LAND & DEEDS
Nature: Mortgage Transfer
Firm:
Date:
Time:
Fee: \$
Abstract No.

MARTIN, EVANS-SCOTT & HURLEY
SOLICITORS
WELLINGTON, N.Z.



FEB 13

4025096 & 5011
District Land Registrar
Wellington
112

WCCdocs4\KCDC_000005.pdf

Approvals
 Notices dated 23 August 1988, of stopping of road, SHOWN, to be taken pursuant to Sec. 342 Local Government Act 1974 is hereby recorded in accordance with clause 9 of the 12th Schedule of the said Act.
 SO FILED 2/12/88, File 215

① 345m² Now Section 1 SO. 35434
 Situated in Block IX Kaitiawa Survey District.

[Signature]
 Deputy Chief Surveyor
 28/10/1988

SCHEDULE OF AREAS

SHOWN	ADJOINING	AREA
A	LOT 1 DP 26781 (CT. 5A-571)	345 m ²
	LOT 2 DP 26781 (CT. 5A-1233)	
	LOT 3 DP 26781 (CT. 5A-518)	
	SECS 5 B.L.C. IX (CT. 1B-D-1149)	
	PT. 5 (CT. 1B-D-1149)	
	LOT 2 DP 9410 (CT. 410-128)	
	LOT 1 DP 24273 (CT. B1-1348)	

Situated in Blk IX Kaitiawa SD
 Datum : Old Cadastral
 Wanganui Circuit Coordinates
 Origin : Mt Stewart
 700,000m N 300,000m E

BOUNDARIES AND FEES ARE ADOPTED FROM DP 26781 UNLESS SHOWN OTHERWISE.

Total Area.....345 m²

Comprised in

L. IAN RAMSEY, REGISTRAR

Registered as a registered survey pursuant to the proviso to section 212B of the Survey Act 1980 I hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and map are correct and have been made in accordance with the Survey Regulations 1972.
 Dated at PARRAMATTA this 2nd day of March 1988
[Signature]
 Registrar

Field Book.....
 Reference Plans D.Ps. 9410, 24273, 26781, 5A-1233, 5A-518

Examined B. Johnsons District Registrar

Approved as to Survey *[Signature]*
 28/10/88 For Chief Surveyor

Deposited this day of 1988

District Land Registrar

File 14211
 Received 11-3-88
 Wellington

S035434

RECORDED PLAN
 1 & 5 FORM 103



TERRITORIAL AUTHORITY Horowhenua County
 Surveyed by Brickell Moss Ltd
 Scale 1:250 Date November 1987

SERVICE LANE TO BE STOPPED

LAND DISTRICT Wellington
 SURVEY BLK. & DIST. IX Kaitiawa
 NZMS 241 SH. R.26 RECORD MAP No. 65.R.
 Filed by District Registrar Waikanae 10

COMPILED PLAN

D.P. 24273

CT. B1-1348

D.P. 9410
 CT. 410-128

ELIZABETH STREET
 LEGAL ROAD
 20-12 MIDE

PEHI KUPA STREET

ANNE STREET
 LEGAL ROAD
 20-12 WIDE

N. I. M. T. RAILWAY

529 100 N

529 050 N

24 400 m

24 950 m

(W)



Building Consent

Section 35, Building Act 1991

Application

WAIKANAE CLUB
C/- ENVIROPLUS LTD
PO BOX 648
LEVIN

No.	021495
Issue date	21/11/02
Application date	6/11/02
Overseer	STEPHEN STRADLING

Project

Description	Alterations, Repairs or Extensions Being Stage 1 of an intended 1 Stages INTERNAL ALTS TO EXTG CLUB FACILITIES
Intended Life	Indefinite, but not less than 50 years
Intended Use	COMMERCIAL
Estimated Value	\$485,000
Location	10 ELIZABETH STREET, WAIKANAE
Legal Description	LOT 2 DP 9410
Valuation No.	1496002700

Charges

The Council's charges paid on uplifting this Building Consent, in accordance with the attached details are:

	\$	2,070.50
Building Research Levy	\$	485.00
Building Industry Authority Levy	\$	315.25
Total	\$	2,870.75

PAID

This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It is not a consent under the Resource Management Act and does not affect any duty or responsibility under any other Act nor permit any breach of any other Act.

Signed for and on behalf of the Council:

Name:

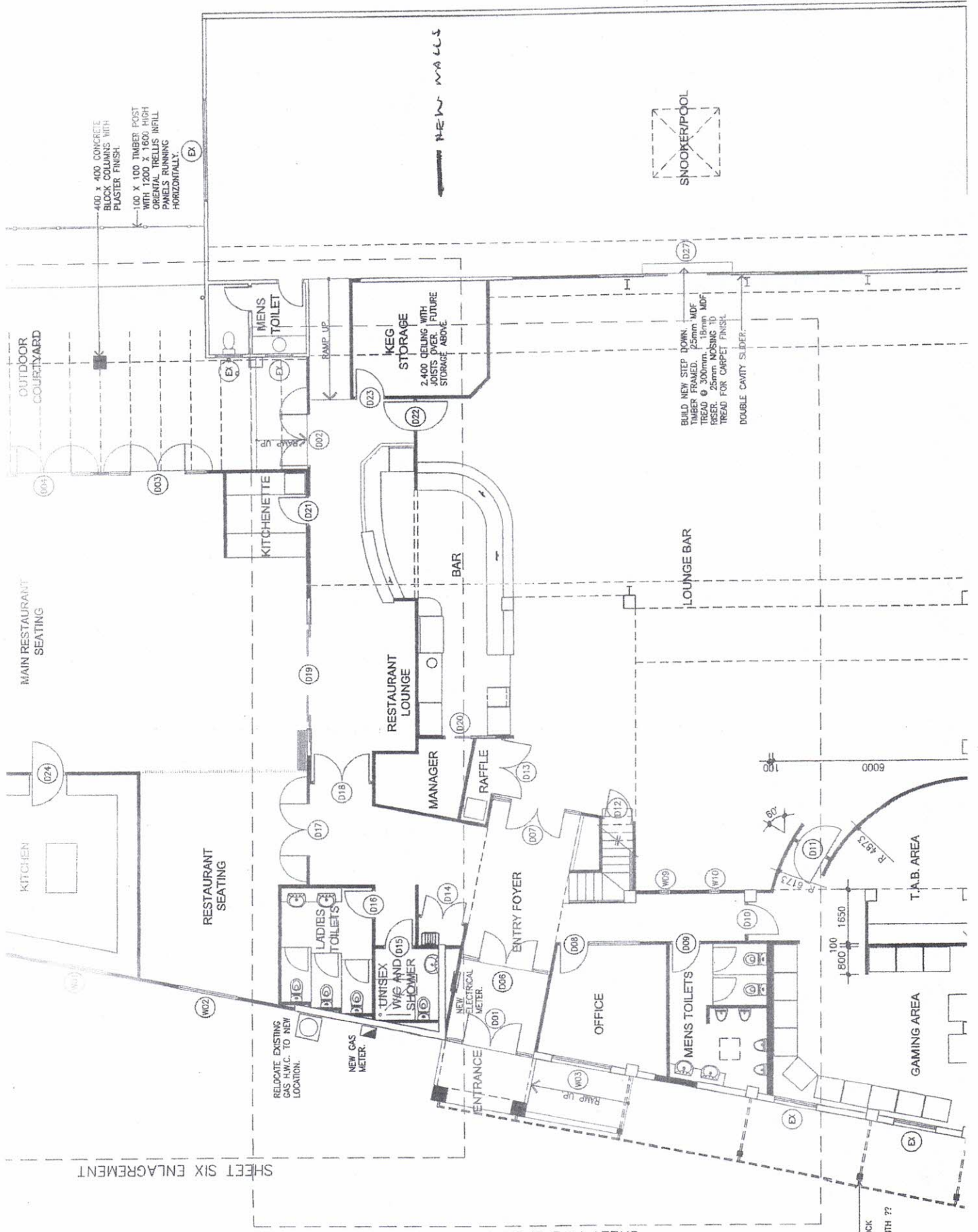
[Signature]

Date:

21/11/02

Kapiti Coast District Council

Phone (04) 904 5700, Fax (04) 904 5830 175 Rimu Road, Private Bag 601, Paraparaumu. Website www.kcdc.govt.nz



SHEET SIX ENLARGEMENT

SHEET FIVE ENLARGEMENT

X 200
RETE BLOCK
MNS
FORCED WITH ??

(vi)



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**



**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**

R. W. Muir
Registrar-General
of Land

Identifier **WN5A/571**
Land Registration District **Wellington**
Date Issued 24 August 1967

Prior References
WN600/24

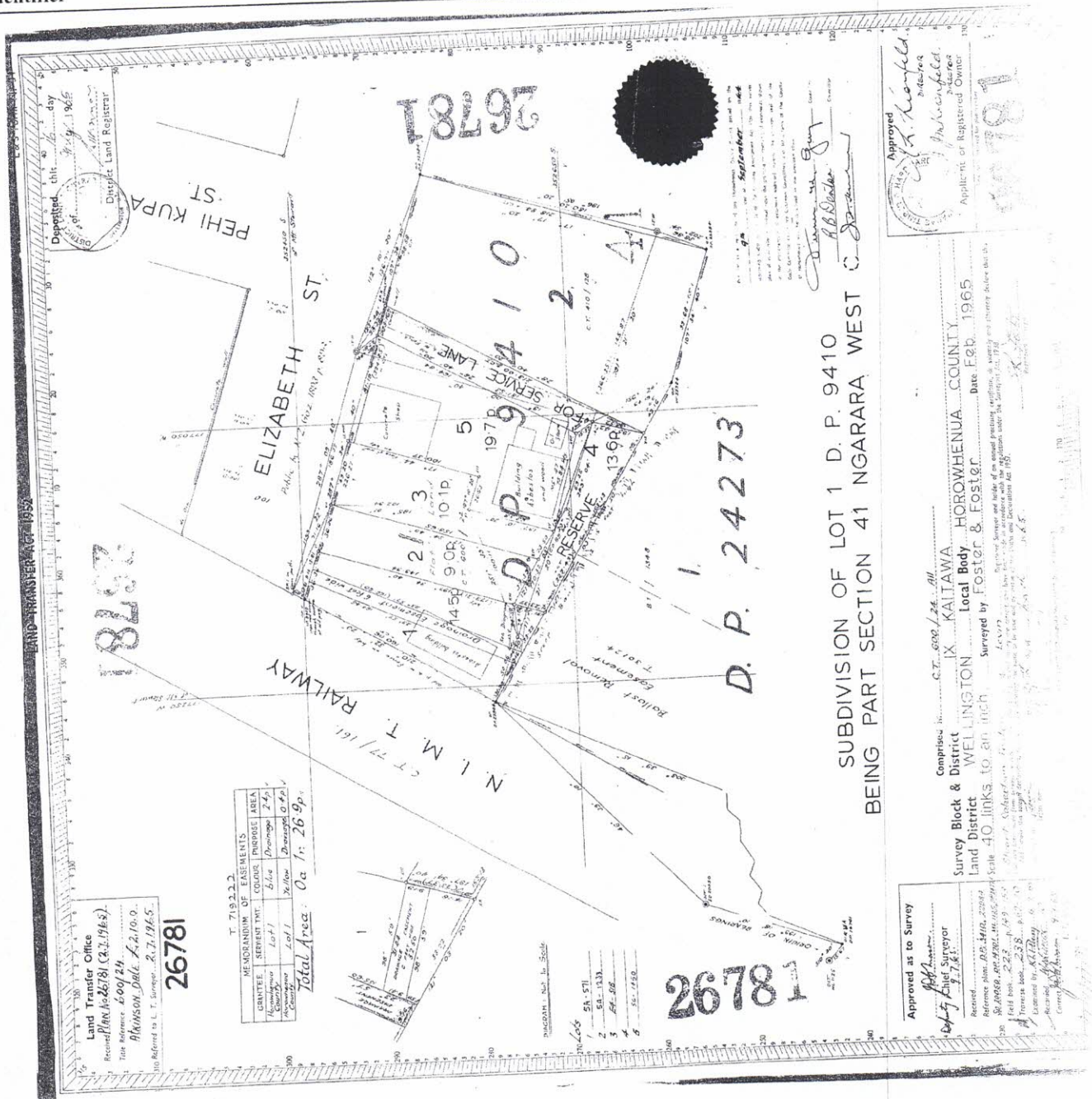
Estate Fee Simple
Area 367 square metres more or less
Legal Description Lot 1 Deposited Plan 26781
Registered Owners
PNC Holdings Limited

Interests

Subject to water drainage rights (in gross) over parts coloured blue and yellow on DP 26781 in favour of The Horowhenua County Council created by Transfer 719222
The easements created by Transfer 719222 are subject to Section 37 (1) (a) Counties Amendment Act 1961

Identifier

WN5A/571



Deposited this 10th day of September 1965
 of the District Land Registrar

26781

26781
 Land Transfer Office
 Record Plan No 26781 (2, 3, 4, 5)
 Title Reference 600/24
 Robinson, David L. 2, 3, 4, 5
 This referred to L. Surveyor R. T. D.E.S.

T. 719.222

MEMORANDUM OF EASEMENTS		
GRANTEE	SEVENTH YTD.	COUSID. PURCHISE AREA
Lot 1	5/6	Drainage 24
Lot 2	5/6	Drainage 24
Lot 3	5/6	Drainage 24
Lot 4	5/6	Drainage 24
Lot 5	5/6	Drainage 24
Total Area: 0a 1r 26.9p		

- SECTION 1: 5A-571
 SECTION 2: 5E-133A
 SECTION 3: 5E-506
 SECTION 4: 5E-1280

26781

D. P. 24273

SUBDIVISION OF LOT 1 D. P. 9410
 BEING PART SECTION 41 NGARARA WEST

Approved
 Kaitiaki
 Applicant or Registered Owner

Approved as to Survey
 Kaitiaki
 Reference plan 600/24
 Date 22/9/65
 Scale 40 Links to an Inch
 Surveyed by KAITIAKI

Comprises Section 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

New Zealand Legislation

Local Government Act 1974

- Editorial changes made in section 340 compare note on 28 October 2021 under section 87(l)(iii) and (iv) of the Legislation Act 2019.

Part 21

Roads (other than regional roads), service lanes, and access ways

Part 21: inserted, on 1 April 1979, by section 2 of the Local Government Amendment Act 1978 (1978 No 43).

315 Interpretation

- (1) In this Part, unless the context otherwise requires,—

access way means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve

council means a territorial authority; and, in relation to land that does not form part of any district, means the Minister of Local Government

district means the district of a territorial authority; and, in relation to land in respect of which the Minister of Local Government is the council, means that land

footpath means so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof

private road means any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this Part, by the owner thereof, but intended for the use of the public generally

private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district

road means the whole of any land which is within a district, and which—

- immediately before the commencement of this Part was a road or street or public highway; or
- immediately before the inclusion of any area in the district was a public highway within that area; or
- is laid out by the council as a road or street after the commencement of this Part; or
- is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- is vested in the council as a road or street pursuant to any other enactment;—

and includes—

- except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the [Public Works Act 1981](#) or in any regulations under that Act, does not include a motorway within the meaning of that Act or the [Government Roading Powers Act 1989](#)

service lane means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land

survey plan has the same meaning as in the [Resource Management Act 1991](#).

- (2) *[Repealed]*
- (3) Nothing in this Part shall be construed as imposing any obligation on the council in relation to any private road or private way.
- (4) Every accretion to any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake caused by the action of the river or stream or of the sea or lake shall form part of the road.
- (5) Where any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake is eroded by the action of the river or stream or of the sea or lake, the portion of road so eroded shall continue to be a road.

Compare: 1948 No 39 s 2; 1954 No 76 s 169(1)(a)–(e), (2), (5), (7); 1956 No 64 s 191(a)–(e), (g)–(k); 1972 No 132 s 2; 1975 No 8 s 2(1)
 Section 315: inserted, on 1 April 1979, by [section 2](#) of the Local Government Amendment Act 1978 (1978 No 43).

Section 315(1) **access way**: amended, on 1 April 1988, by section 15(a) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **council**: amended, on 1 April 1988, by section 15(b) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **council**: amended, on 14 January 1983, by section 28(1) of the Local Government Amendment Act (No 2) 1982 (1982 No 166).

Section 315(1) **district**: amended, on 1 April 1988, by section 15(c) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **private road**: amended, on 30 March 1985, by [section 39\(1\)](#) of the Local Government Amendment Act 1985 (1985 No 60).

Section 315(1) **regional council**: repealed, on 1 July 1992, by [section 34](#) of the Local Government Amendment Act 1992 (1992 No 42).

Section 315(1) **road**: amended, on 1 August 2008, by [section 50\(1\)](#) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 315(1) **road**: amended, on 1 February 1982, pursuant to [section 248\(1\)](#) of the Public Works Act 1981 (1981 No 35).

Section 315(1) **road** paragraph (f): amended, on 1 April 1988, by section 15(d) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **road** paragraph (f): amended, on 12 December 1979, by [section 7\(1\)](#) of the Local Government Amendment Act 1979 (1979 No 59).

Section 315(1) **scheme plan**: repealed, on 1 October 1991, by [section 362](#) of the Resource Management Act 1991 (1991 No 69).

Section 315(1) **service lane**: amended, on 1 April 1988, by section 15(e) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **survey plan**: replaced, on 1 October 1991, by [section 362](#) of the Resource Management Act 1991 (1991 No 69).

Section 315(2): repealed, on 1 April 1980 by [section 9\(1\)](#) of the Local Government Amendment Act 1979 (1979 No 59).

LINX Judgment

LINX JUDGMENT

Putt v Putt

JUDGE(S): Associate Judge PJ Andrew
COURT: HC, Auckland
COURT FILE NUMBER: CIV-2017-404-001013
JUDGMENT DATE: 24/07/2018
CITATION: [2018] NZHC 1849
REPORTED: (2018) 19 NZCPR 649
SUBJECT:

LAND LAW - successful application for order that caveat lapse - caveat over land in respondents names in Tuakau (the property) - applicant the father and father in law of respondents - applicant living in campervan in 2012 and provided funds to respondents to purchase the property in Aug 2012 - purchase price \$262,000 of which applicant provided \$167,000 - respondents obtained mortgage for outstanding amount - in Aug 2012 parties signed "loan agreement" acknowledging applicant provided debtors with \$165,000 and the respondents were purchasing the property - applicant obtained LIM and builders reports for the property and settlement occurred on 31 Aug 2012 with property being registered in respondents names - applicant moved in to property and remained there since - applicant paid all rates and other expenses - respondents made mortgage repayments - relationship between parties broke down and respondents tried to sell property - caveat lodged by applicant 6 Apr 2017 - respondents offered to pay applicant \$227,430 in repayment of monies borrowed - applicant pleaded estoppel, undue influence, breach of fiduciary duty, unconscionable bargain and equitable fraud - HC reasoning: (i) applicant had an arguable case in estoppel - could have a beneficial interest in the property - evidence respondents created an expectation in applicant that he would be owner of the property and that it was being purchased as his home - applicant funded most of purchase with respondents providing no money - letter from solicitor prior to settlement showed applicant was intended to be a registered proprietor - arguable case that the respondents created and encouraged a belief in applicant that he was to be an owner - evidence applicant relied on that expectation and that he would suffer detriment if expectation departed from - applicant had lived on property for six years, was elderly and had nowhere else to live - arguable case that the loan agreement and exclusion of applicant from title were an unconscionable bargain; - (ii) arguable case respondents knew applicant suffered from material disadvantage and was reliant on respondents as had gifted them substantial monies - significant disadvantage - respondents were legally represented but applicant had not been - arguable unconscionably took advantage of applicant's vulnerability - loan agreement meant applicant was only an unsecured creditor - put applicant in position of only a tenant with no right to significant capital gain - applicant had a claim for direct proprietary relief under estoppel and unconscionable bargain; - (iii) arguable case for resulting trust - not necessary to address issues of breach of fiduciary duty - unconscionable to expose applicant to risk of sale -

HELD: arguable case for a beneficial interest in the land based on estoppel or unconscionable bargain - application granted - interim order that caveat not lapse confirmed - caveat to remain conditional on applicant prosecuting proceedings diligently - applicant entitled to 2B costs

ESTOPPEL

EQUITY

STATUTES: *Land Transfer Act 1952* s 137 , s 145

CASES CITED: *Cube Building Solutions Ltd v Kingloch Holdings Ltd* (HC, Christchurch, CIV-2009-409-000935, 15 October 2010, Associate Judge Osborne)
New Zealand Limousine Cattle Breeders Society Inc v Robertson [1984] 1 NZLR 41
Coltart v Lepionka & Co Investments Ltd [2016] NZCA 102 [2016] 3 NZLR 36 (CA) (2016) 17 NZCPR 460
National Bank of New Zealand v Radisich (HC, Hamilton, CIV-2003-419-000928, 25 August 2003, M Faire)
Sims v Lowe [1988] 1 NZLR 656
Stewart v Kaipara Consultants Ltd [2000] 3 NZLR 55
Pacific Homes Ltd (in rec) v Consolidated Joineries Ltd [1996] 2 NZLR 652

West Deutsche Landesbank Girozentrale v Islington Borough Council [1996] AC 669 [1996] 2 WLR 802 [1996] 2 All ER 961

Rayner v Kilburn (1981) 1 NZCPR 395

Gillies v Keogh [1989] 2 NZLR 327 (1989) 5 NZFLR 549 (1989) 5 FRNZ 490

Wilson Parking New Zealand Ltd v Fanshawe 136 Ltd [2014] NZCA 407 [2014] 3 NZLR 567 (2014) 15 NZCPR 615

Wellesley Club Inc v Wellesley Property Holdings Ltd (2007) 8 NZCPR 421

Halliday v Bank of New Zealand (BNZ) [2012] NZHC 3099 [2013] 1 NZLR 279 (2013) 13 NZCPR 489

Public Trust v Vernon [2015] NZHC 1928

Gustav & Co Ltd v Macfield Ltd [2008] NZSC 47 [2008] 2 NZLR 735 (2008) 6 NZ ConvC 194,648

Gustav & Co Ltd v Macfield Ltd [2007] NZCA 205

Bowkett v Action Finance Ltd [1992] 1 NZLR 449 (1992) 2 NZ ConvC 191,135 (1991) 4 PRNZ 114

Round v Round [2017] NZHC 428

Dale v Sydney Stock Exchange (1986) 160 CLR 371

COUNSEL:

S Connolly, TJP Bowler

PAGES:

14 p

LOCATION:

New Zealand Law Society Library



Waikanae Chartered Club Inc.

3 March 2022

Hi Nicky

Thank you for your email of the 11 February 2022. Given that it was KCDC who cancelled our meeting at short notice I find the imposition of a deadline at best disappointing, and at worst, an indication that KCDC are trying to impose upon WCC something that is neither lawful nor in the best interest of WCC.

Since you were not at the site meeting on the 14 of October 2021 I will outline, on behalf of WCC our position. It is possible that you have been misinformed or misunderstood. Either way I need to correct this.

[Redacted paragraph]

- [Redacted bullet point]
- [Redacted bullet point]
- [Redacted bullet point]
- [Redacted bullet point]

[Redacted paragraph]

[Redacted text block]

A. Definition of Service Lane

The relevant legislation has to be that which was in force when the original decision to close the service lane was made there is no definition in the Municipal Corporations Act 1954, but roads are defined in the Local Government Act 1974 [copy definition attached as document **B**] as ,

Service lane means any lane laid out or constructed either by the authority of the council or the minister of works and development or, on or after 1st of April 1988 the minister of lands for the purpose of providing the public with a side or rear access for vehicle traffic to any land

[Redacted text block]

[Redacted text block]

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- [Redacted list item]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We look forward to hearing from you.

Regards.

Mike.

From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent time: 09/19/2023 03:03:26 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>; alanm@natcon.co.nz
Cc: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
BCc: Gina Anderson-Lister <Gina.Anderson-Lister@kapiticoast.govt.nz>; Lynda Edwardson <Lynda.Edwardson@kapiticoast.govt.nz>
Subject: Ex-Service Lane, Elizabeth Street
Attachments: image001.png image002.png image003.png Elizabeth St options - June 2023.pdf Ex-Service Lane - ElizabethStreet Waikanae - Documentation Final.xlsx Options for Access - Ex-service lane at Elizabeth Street(64136710.2).docx

Kia ora Alan and Mike

Firstly, I apologise for the delay in sending this email.

Thank you for attending the meeting on 16 August at Council offices with an open mind to working towards a solution for all parties.

I have attached the following for your information as tabled at the meeting:

- High level timeline
- Legal information on the differences of a lease, easement, licence or encumbrance/covenant
- Previously tabled options, with option 6 been the option for which we had in principally agreed some more work would be explored.

Next steps:

- Nicky to investigate what would be involved in undertaking the new option (discussed at the meeting) for Council to complete a land swap with the Club so that there are no registered encumbrances on the club's title, which will allow 4 Elizabeth Street access to Anne Street
- Nicky to organise a site visit with a surveyor and the Club to discuss the land swap option
- Waikanae Chartered Club to remind patrons and visitors to the clubrooms that there is no parking allowed in the ex-service lane and that the lane must be clear at all times for emergency egress from 4 Elizabeth Street
- Both parties to consider whether they would compromise on their current positions so we can bring this a conclusion

I will be in touch once I have more information and to arrange a suitable time to meet on site with the Club.

Kind regards

Nicky Holden

Corporate Property Manager

Te Kaiwhakahaere Rawa Rangapū

Tel 04 296 4633

Mobile 027 555 5633




Elizabeth Street Options

Option 1



Key

 Sell blue area to Waikanae Chartered Club (WCC) and a registered easement or letter of agreement to allow access over entire area for pedestrian access in favour of 4 Elizabeth Street

Note:

Council supports this option.

Option 2



Key

- Sell blue area to Waikanae Chartered Club (WCC)
- Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined).

Note:

Council supports this option.

Option 3



Key



Sell to 4 Elizabeth Street



Sell to WCC



Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined)

Note:

Council supports this option.

Option 4



Esri Technology, Land Information New Zealand, GIBCO, Community maps contributors

Key

- Sell to 4 Elizabeth Street
- Sell to WCC

Note:

Council does not support this option.

Option 5



Key

- Sell to WCC or KCDC retains ownership of
- Sell to 4 Elizabeth Street
- Sell to WCC
- Sell to 4 Elizabeth Street

This option would involve registering an easement in favour of each party so they have rights across each other's land.


Note:

Council does not support this option.

Option 6



Key

 Leave ownership as it is currently and provide the Waikanae Chartered Club (WCC) with an easement to allow them to extend their kitchen and their entrance cover.

This would ensure 4 Elizabeth Street continues to have access. But require an easement for right of way across the carpark.

Council would also work with WCC to provide for access from the carpark onto Anne Street.

Goodman's has indicated they are happy to help and discuss any options with regards to their piece of land including Council potentially purchasing it.

Note:

Council supports this option.



Kāpiti Coast

DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua





General History

Date	Entity
24/08/1967	District Plan Search Copy
23/02/1968	District Land Registrar
to 12 Dec 1973	Waikanae Chartered Club (WCC)
12/12/1973	Horowhenua District Council (HCC)
19/02/1974	Solicitors representing HCC
5/03/1974	Land and Deeds, Register Book
11/12/1974	Registrar Gen of Land, Wgtn
12/02/1975	Lands & Deeds
10/06/1988	Horowhenua County Council
25/07/1988	Horowhenua County Council
29/08/1988	Kapiti Observer
2/11/1988	KCDC file notes
23/12/2004	Registrar General of Land, Wellington
12/10/2010	Simpson Grierson to Adele Hollis
1/11/2012	Kapiti Law
4/09/2013	KCDC to Kapiti Law (Council's lawyer)
18/03/2014	LINZ
9/02/2018	Best Practice Law Limited(BPL) to KCDC

General History

Date	Entity
9/02/2018	KCDC internal
24/06/2019	WCC
12/12/2019	KCDC to WCC
9/11/2020	LINZ
1/12/2020	KCDC internal
2/12/2020	WCC to KCDC
16/12/2020	KCDC to WCC
27/01/2021	Darroch Limited (Valuers)
27/01/2021	KCDC to previous owner of 4 Elizabeth Street
1/02/2021	KCDC to Previous owner of 4 Elizabeth Street
19/02/2021	Previous owner of 4 Elizabeth Street to KCDC
22/02/2021	Previous owner of 4 Elizabeth Street
2/03/2021	Previous owner of 4 Elizabeth Street to KCDC
3/03/2021	KCDC to Previous owner of 4 Elizabeth Street
25/03/2021	Council Meeting
30/03/2021	KCDC to Previous owner of 4 Elizabeth Street
7/04/2021	KCDC
4/05/2021	LINZ
20/05/2021	LINZ - Registrar General of Land
27/05/2021	KCDC

General History

Date	Entity
28/05/2021	The Property Group
28/05/2021	WCC
30/05/2021	KCDC to WCC
3/06/2021	Letter KCDC to Phil Shannon, Turner Hopkins
8/06/2021	Buddle Findlay to KCDC
18/06/2021	Memo KCDC
29/06/2021	Buddle Findley
9/07/2021	LINZ
20/07/2021	Previous owner of 4 Elizabeth Street
27/07/2021	New owner of No 4 Elizabeth Street
29/07/2021	New owner of No 4 Elizabeth Street
30/07/2021	Ownership change
5/08/2021	KCDC to WCC
17/09/2021	KCDC to WCC
22/10/2021	4 Elizabeth Street to KCDC
29/10/2021	KCDC letter to 4 Elizabeth Street
4/11/2021	4 Elizabeth Street
4/11/2021	KCDC to 4 Elizabeth St
8/11/2021	Legal
16/12/2021	Darroch Valuers
5/01/2022	4 Elizabeth St
26/01/2022	KCDC to 4 Elizabeth St
4/02/2022	4 Elizabeth St to KCDC
11/02/2022	WCC to KCDC
23/02/2022	KCDC to Higgins
23/02/2022	WCC to KCDC
23/02/2022	KCDC to WCC
28/02/2022	KCDC to WCC
3/03/2022	WCC
3/03/2022	WCC to KCDC
1/05/2022	WCC to KCDC
3/05/2022	WCC to KCDC

General History

Date	Entity
30/05/2022	KCDC
12/04/2023	KCDC and WCC
8/05/2023	WCC to KCDC
8/05/2023	KCDC internal
23/05/2023	KCDC and 4 Elizabeth St
26/05/2023	4 Elizabeth St to KCDC
29/05/2023	KCDC to WCC
7/06/2023	Council, WCC and 4 Elizabeth St
8/06/2023	Council, WCC and 4 Elizabeth St
9/06/2023	4 Elizabeth St to KCDC
23/06/2023	KCDC to 4 Elizabeth St and WCC
5/07/2023	4 Elizabeth St to KCDC
17/07/2023	Council, WCC and 4 Elizabeth St

General History

Action
Record of Title for WN5A/571
Sale: Certificate of Title under Land Transfer Act - Purchaser Waikanae Timber and Hardware Limited
Access to WCC was off footpath to Elizabeth Street until building work approved on 21 Nov 2001 was completed
HCC Constitution of a Service Lane off Elizabeth Street - Lot 1 D.P. 9410 on Dep Plan 26781 - with effect from 1 April 1967
to the NZ Land Registry - Re: S.O. Plan 30131 - resolution of HCC constituting the service line reserve delineated on Deposit plan 26781 to be constituted "service lane" and formed from effect of 1 April 1967
Announcing the stoppage of a portion of the service lane (6sqm) 9477202.1 - CFR 625861 Issued for Section 1 SO 35434 (345 meter) stopped road
Memorandum of Transfer of 6sqm land - being the stopped part of a service land is transferred for Mark Lynch Adams to HCC.
Certificate of Title under Land Transfer Act - Entry: No. 112536.3 Resolution by the Horowhenua Country Council declaring part (6,2) acquired under Transfer 112536.2 a service lane - 13.2.1975 at 9.15 am.
HCC instigated a road stopping process for the Service Lane (sec1 SO35434) at Elizabeth Street, Waikanae, with the intention to sell the land to Waikanae Chartered Club (WCC). Subject to provision of an alternative rear access for the business at 4 Elizabeth Street.
Deadline for objections to the Notice of Road Closure. This notification explicitly stated: <i>"The only other property the service lane is designed to serve is Lot 1 DP 26781 which is currently the site of the veterinary clinic. The owners will be provided with an alternative right of way access to the rear of their property. "</i>
Road Stopping Notice states intention to stop service lane and sell to WCC. Subject to an alternative access to 4 Elizabeth Street
Notice that portion of Service Lane adjoining hereto is stopped and now known as Section 1 SO 35434
Memo of Transfer of 6sqm needed for the road stoppage
"the Horowhenua Council file for road stopping cannot be located".. ..it seems that the stopping of the service lane was for the benefit of the WCC and that the Club was to create an alternative right of way access .."(for the Vet clinic)
Kapiti Law say that WCC are paying rates for the service lane (KCDC Rates have advised that this is incorrect)
Detail process of disposal, confirm no rates have been paid incorrectly for this Council owned land.
LINZ confirming Section 5 Block IX Kaitawa Survey District (parcel ID 4032843) is held in CFR WN 18D/1149 in the name of Waikanae Chartered Club Inc. ISOLATON STRIP
Compliance issue

General History

Action
KCDC internal advice <i>"There is no lease or legal documentation in place with either party for the land. Both the Vet and the Waikanae Club have access through the area and access should not be blocked. If one particular party has an issue, they can call the Council Compliance Team."</i>
WCC approaches KCDC expressing interest in purchasing the Ex Service Lane
Explaining Council's position as to sale of property as 4 Elizabeth St; including their intention to either incorporate a formal alternative rear access to the property at 4 Elizabeth St on the title or granting access in another way
Record of Title obtained from LINZ 625861
Seeking confirmation on upholding the HCC resolution to dispose of the land and subject to an alternative access for No.4 Elizabeth St
Email as to future plans of WCC
Advising that existing correspondence confirms Council's intention to provide rear access. This is <i>"due to the proximity to the railway line at Waikanae we don't want people reversing back onto the road from 4 Elizabeth Street (the District Plan does not allow for this) and that is the reason why officers and Council made the right of way a condition of the road stopping and potential sale"</i> .
Valuation obtained
Asking for contact to discuss the rear access
Setting out Council report options and asking for feedback
Provided feedback to options
Site Visit KCDC and previous owner of 4 Elizabeth Street to discuss different options suitable for all parties
Further feedback
Compliance issue
Public excluded Council Meeting WCC attended to speak in favour of their preferred outcome, previous owner of 4 Elizabeth provided a written submission
Outline next step after the Council meeting
Short Agreement for Consultant Engagement for Section 40 report
Caveat re dealings by WCC against KCDC land Caveat Notice Pursuant to Section 139 on the Land Transfer Act 2017 has been lodged by WCC - "forbidding the registration of any Memorandum of Transfer or other instrument affecting the land contained in Record of Title 625861.e
Informing KCDC of the above Caveat notice
Request for Legal advice re Caveat which has been lodged by WCC against the land referred to as "Service Lane"

General History

Action
Report on Section 40 PWA Report - Elizabeth St, Ex-Service Lane; Council had advised the Service Lane was to be disposed of as it was surplus, subject to an easement in favour of 4 Elizabeth St, otherwise unencumbered, fee simple, Record of Title 625861; they recommend that the property does not need to be offered back on the grounds of impracticability and unreasonableness according to Section 40(2)(a) of PWA.
Submitted a short Chronology from 1973 to May 2021 from WCC perspective
Advice as to next steps and outcome of Council meeting
Confirming next steps and option agreed by Council. OIA request from WCC.
Legal advice
Approval of exemption to offer land at ex-service lane back to former owner. CE approved that lane does not have to be offered back, and negotiations for sale will start with WCC. subject to a suitable easement for rear access to 4 Elizabeth Street.
Legal advice, draft agreement
Caveat re dealings with land, PNC Holdings against KCDC
Asking for an update on the state of the sale and easement
Outlines their position with regard to rear access to their land
Further feedback on their position
4 Elizabeth Street change of owners
Draft agreement
Follow up to 5/8/21 correspondence
Correspondence
For the purposes of building consent for 4 Elizabeth St confirming that prior to any Sale the pedestrian access will be registered as a RoW and location agreed with WCC.
OIA request
Confirming any sale will include Pedestrian access right of way and continued access for emergency egress (even if not sold)
Internal KCDC legal advice
Revised valuation
Option provide to solve ROW issue
KCDC confirms that pedestrian access will be registered as a Right of Way before any sale is completed
Compliance issue
Negotiation
Arranging for sump cleaning prior to roadmarking
Correspondence re compliance
Compliance issue
Advising that Council has arranged for Higgins to clear the sump and remark the lines at the rear of WCC on 1 March 22.
Negotiation
Attaching the document "Short Chronology" and letter dated 3 March 22
Negotiation
Negotiation

General History

Action
Document with OIA Response for WCC
Meeting on site at WCC
Additional option presented
WCC is comfortable to meet with AM and a surveyor to spray paint location of strip for pedestrian access. Also provided info on requirements for new access location.
Meeting at 4 Elizabeth St
Additional option presented
Acknowledge email from 8 May
Discussing Options
Meeting with all parties at KCDC offices
Further option presented
Summarising "case history" - and developing options for discussion. A 6th option has been added - that would leave ownership with KCDC, but provide easement for WCC to build their new kitchen extension and entrance cover. Council would provide emergency access for 4 Elizabeth Street " down the full length of the 1.5m strip that would extend down the back of the existing carpark, or purchase by KCDC of this strip, to ensure 4 Elizabeth Street's access to Anne Street."
Compliance issue
Setting date for next meeting of all parties to be at 17 August 23.

Access Options for Ex-Service Lane at Elizabeth Street, Waikanae (Section 1 SO 35434, RT 625861)

Option for access	Brief Summary	Limitations	Benefits
Registered Easement	A registered right of way easement is a right that allows someone to access another person's land. The right is registered against the title of the relevant properties (the person granting access, and the person with the benefit of the access)	<p>An easement requires surveying</p> <p>Any changes to the easement will need to be registered</p> <p>Once the access is granted, the person granting access cannot do anything to interfere with the access (e.g. build something on the accessway that would impede access) unless the easement allows it</p> <p>If either party has a mortgage, their bank's consent will be required</p>	<p>There are standard form terms for rights of way in regulations. This means drafting is straightforward (unless the parties wish to negotiate different terms)</p> <p>Because it is registered on the property titles, the easement will bind future owners of those properties</p> <p>The right of access remains in place, even if either the original landowner or the person granted the easement sells their property to someone else. This gives certainty to both parties, particularly the one with the benefit of the access</p> <p>An easement can be granted for any period of time, and can be perpetual (i.e. it could have no end date)</p>
Unregistered Easement	An unregistered right of way easement is a right that allows someone to access another person's land. However, this is not registered,	<p>There is no certainty to the party with the benefit of the access. Because this is not registered, the access rights may not necessarily bind future owners of the land, so the person who granted access could sell the property to a new owner who refuses to provide access</p> <p>Once the access is granted, the person granting access cannot do anything to interfere with the access (e.g. build something on the accessway that would impede access) unless agreed</p> <p>If either party has a mortgage, their bank's</p>	<p>Provides access without going through the formal process of registration</p> <p>No survey is required</p> <p>Changes to the terms of the easement would not require registration, so the arrangements could be more flexible between the landowner and easement holder (although that potentially makes the party with the access right more vulnerable to provisions changing)</p>

Option for access	Brief Summary	Limitations	Benefits
	and therefore is only enforceable by those who have contractually agreed to the terms	consent may be required	
Lease	Access can be granted through a lease. The 'tenant' (party with the benefit of the access) gets exclusive possession to use and occupy a specific piece of the landlord's land for a certain period	<p>A lease grants occupation rights (rather than use rights) and exclusive possession (i.e. the tenant can exclude the landlord from the leased area). The person granting access cannot use the land themselves e.g. they might not have their own access or be able to develop. Because of this, leases are not typically used for access</p> <p>Term is limited to 34 years, without a subdivision consent (unlike an easement, which has no time limit, if the parties wish)</p> <p>If either party has a mortgage, their bank's consent is likely required (depending on terms)</p>	<p>The tenant can confidently use the land for the agreed-upon time, and the landlord cannot end the lease without a valid reason</p> <p>Lease can be registered if the parties wish</p>
Licence	Access could be granted through a licence, which is a contractual arrangement. However, this is not registered, and therefore is only enforceable	<p>Practically similar to an unregistered easement. There is no certainty to the party with the benefit of the access</p> <p>Because this is not registered, there is a risk future purchasers of the land would not be bound to comply with the terms of the licence. The landowner who granted access could sell the property to a new owner who refuses to provide access</p>	<p>Provides access without going through the formal progress of registration</p> <p>Changes to the terms of the licence would not require registration, so the arrangements can be more flexible between the landowner and licence holder (although that potentially makes the party with the access right more vulnerable to changing provisions)</p>

Option for access	Brief Summary	Limitations	Benefits
	by those who have contractually agreed to the terms		
Encumbrance / Covenant	An encumbrance is a registered document that limits or impacts how a property can be used or owned. A covenant is a registered contractual promise where an owner agrees to do something, or not to do something in relation to their land	Complicated to draft Not suitable for access If either party has a mortgage, their bank's consent is likely required	

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 06/23/2023 06:58:41 AM
To: Mike Cardiff <cardiffcopartnership@gmail.com>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: Follow-up: KCDC Ex Service Lane
Attachments: Elizabeth St options - June 2023.pdf

Kia ora Mike

Firstly, thanks for your patience with the response to your email, following our meeting on 8 June 2023. I want to extend thanks for your willingness to attend this meeting, and to come to the table with an open mind about the way forward.

Summary of initial meeting

I am aware that you will be updating the AGM this weekend on this issue, so for completeness and in good faith I wanted to provide a short summary from KCDC's POV of the meeting on 8 June 2023:

- 4 Elizabeth Street, WCC, and KCDC met 'without prejudice' to consider a range of potential options for the current challenges with the strip of land ('service lane') that KCDC owns backing onto 4 Elizabeth Street and the Waikanae Charter Club (WCC).
- At the meeting, we discussed 5 potential options.
- Parties did not confirm, nor were they asked to indicate, the options which best suited their needs at this meeting.
- The purpose of the meeting was to come together to inform and consider the potential options 'on the table'. KCDC also sought confirmation from both parties that they were open to discussing steps to get to mutually agreeable position. Both parties did so.
- Both parties also raised concerns with the options placed 'on the table', due to inaccuracies around the options reflected from their previous discussions with KCDC.
- On that basis, KCDC agreed to update the options and to provide parties with time to consider what it would take to come to the table with options for a mutually agreeable position. We apologise for this, some of the options involved significant complexity.
- It was agreed that once these options were recirculated, a meeting would be set up to enable more formal consideration of the options.
- Concerns were also raised re the viability of a 1m access way, due to condition of the 'service lane'. KCDC agreed to assess this, noting that it would take up to 6 weeks to do so because of reliance on external contractors.
- KCDC does not have a preferred option; and notes that we may need to seek approval if the way forward changes a previous Council decision.

Follow up discussion

It has taken a little longer than anticipated to finalise the updated maps, from the KCDC end. However, this additional time has provided space for KCDC to identify and propose one further option for both parties to consider:

- The new option, option 6, would leave ownership with KCDC but provide easement for WCC to build their new kitchen extension and for entrance cover.
- Council would propose easement for 4 Elizabeth Street down the full length of the 1.5m strip that would extend down the back of the existing carpark, or purchase by KCDC of this strip, to ensure 4 Elizabeth Street's access to Anne Street.
- Council would also enable access from WCC carpark to Anne St.
- Goodman's has indicated they would be willing to allow access via agreement, or through KCDC purchase and easement, to support this option.

I believe that the discussion above, and options set out that Council has indicated support for, responds to our initial discussion about enabling WCC to move forward with kitchen extension plans. Further to this, KCDC have attempted to identify options which could provide emergency exit/access for 4 Elizabeth Street to Anne Street, without need for easement or other title encumbrance.

We propose that at the next meeting each party confirm points of non-negotiation and negotiation, which might enable a preferred option to be determined by all parties.

To that end, KCDC acknowledge that a preferred option must have benefit to both parties, and that any concerns should be tabled and options to address these concerns considered. KCDC do not believe the status quo is viable, due to disagreements about access that are currently occurring; this appears to be underpinned by a lack of clarity around access rights. KCDC acknowledge there is a significant history to this issue, and that WCC has shared key information to support documenting decisions to date. We are planning to table a comprehensive timeline with input from this information at our next meeting, to ideally land a common understanding on this for all parties.

Next steps include arranging a follow-up meeting to enable a second 'without prejudice' discussion. We acknowledge that parties may wish to access advice from advisors in advance of this meeting, and hope that provision of the information attached enables informed discussions to happen at the next meeting.

Nicky will be in touch shortly to identify a time suitable for the agreed follow-up meeting.

I too look forward to discussing with you further shortly; and am happy to discuss in person or via phone any concerns you have in the interim.

Nga mihi, Kris

Kris Pervan

Group Manager Strategy & Growth

Te Kaihautū Rautaki me te Tupu

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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Wednesday, June 21, 2023 11:52 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: RE: KCDC Ex Service Lane

Thank you,

From: Kris Pervan [<mailto:Kris.Pervan@kapiticoast.govt.nz>]
Sent: Wednesday, 21 June 2023 9:07 pm
To: Mike Cardiff
Subject: RE: KCDC Ex Service Lane

Kia ora Mike

I'm briefly touching base to note that I have not forgotten to send through an update; Nicky [REDACTED] and I'm awaiting her return to send through the updated information. I expect to have that through tomorrow.

Nga mihi, Kris

Kris Pervan

Group Manager Strategy & Growth

Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council
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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Monday, June 19, 2023 2:44 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: KCDC Ex Service Lane

Good morning Kris.

This Saturday 24th June, the Waikanae Chartered Club is holding their 2023 AGM.

[REDACTED]

Regards.

Mike


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Elizabeth Street Options

Option 1



Key

 Sell blue area to Waikanae Chartered Club (WCC) and a registered easement or letter of agreement to allow access over entire area for pedestrian access in favour of 4 Elizabeth Street

Note:

Council supports this option.

Option 2



Key

- Sell blue area to Waikanae Chartered Club (WCC)
- Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined).


Note:

Council supports this option.


Option 3



Key

 Sell to 4 Elizabeth Street

 Sell to WCC

 Easement to be registered in favour of 4 Elizabeth Street (exact location to be determined)

Note:

Council supports this option.

Option 4



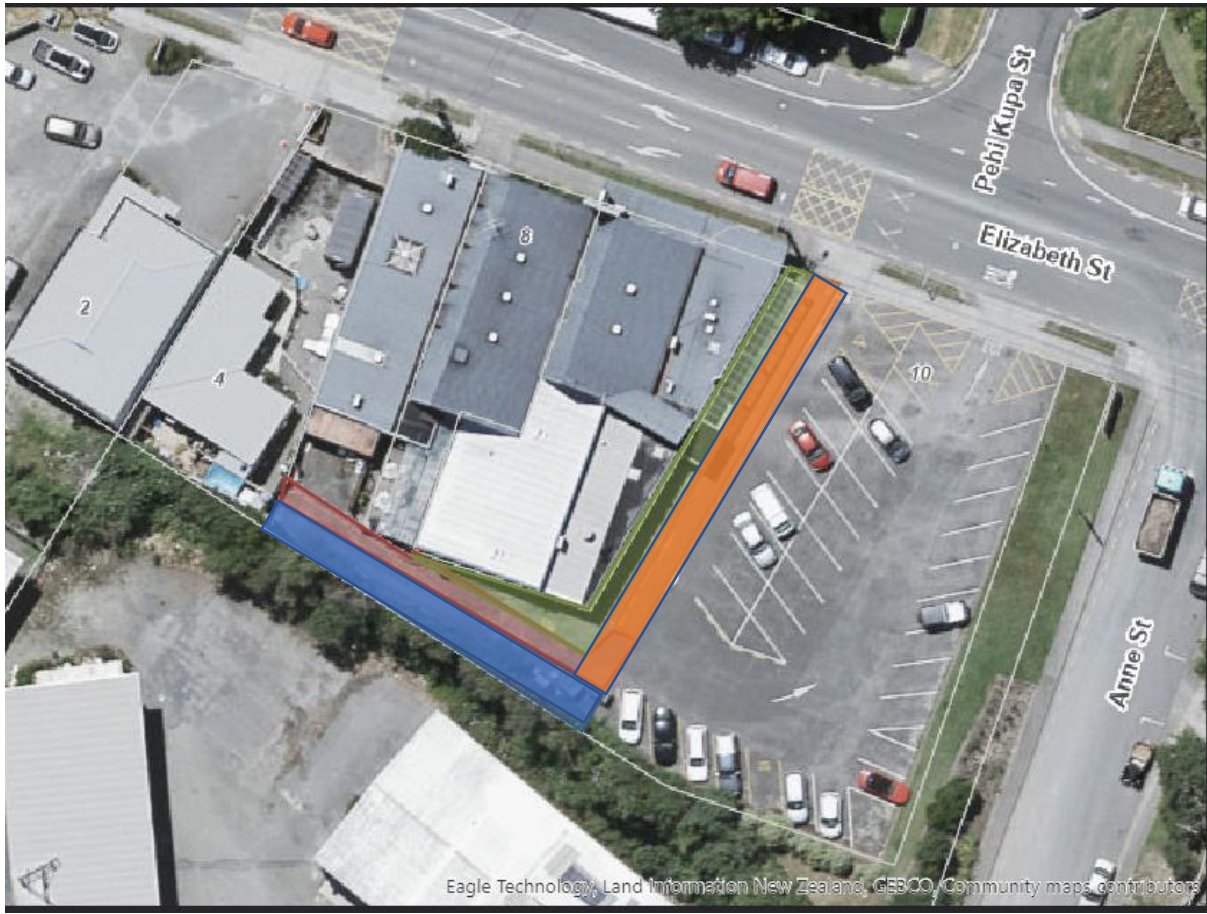
Key

- Sell to 4 Elizabeth Street
- Sell to WCC

Note:

Council does not support this option.

Option 5



Key

- Sell to WCC or KCDC retains ownership of
- Sell to 4 Elizabeth Street
- Sell to WCC
- Sell to 4 Elizabeth Street

This option would involve registering an easement in favour of each party so they have rights across each other's land.


Note:

Council does not support this option.

Option 6



Key

 Leave ownership as it is currently and provide the Waikanae Chartered Club (WCC) with an easement to allow them to extend their kitchen and their entrance cover.

This would ensure 4 Elizabeth Street continues to have access. But require an easement for right of way across the carpark.

Council would also work with WCC to provide for access from the carpark onto Anne Street.

Goodman's has indicated they are happy to help and discuss any options with regards to their piece of land including Council potentially purchasing it.

Note:

Council supports this option.

From: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Sent time: 06/28/2023 12:34:48 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>; Alan Moule <alanm@natcon.co.nz>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: Follow-up: Meeting around Elizabeth Street
Attachments: image001.png image002.png image003.png

Hi Mike and Alan,

I hope your Wednesday is treating you well!

Touching base with you to set-up a follow up discussion with Kris, Sean and Nicky around Elizabeth Street service lane.

Can you please let me know if you would be available to meet at the Council offices on either Monday 7 August 3.30 – 5pm or Wednesday 16 August 3.30 – 5pm

If you could please reply all so we can all understand everyone's availability that would be great and I will send through an invite. I look forward to hearing from you.

Thanks,

Em

Emily Humble

Executive Officer to the Group Manager Strategy and Growth

Te Tāhuhu Rangapū Rautaki me te Whakatupu

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Mobile 027 282 8136



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Mānawatia
a Matariki



Mānawatia
a Matariki





Kāpiti Coast

DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent time: 05/08/2023 05:32:29 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: FW: Agreement for land purchase
Attachments: KCDC.RoW.plan_0001(1).pdf

Hi Kris.

Following the phone call from Nicky Holden this morning and my earlier email to you, please find attached the plan showing where our understanding is with any joint boundary.

Regards.

Mike.

Approvals

Notice dated 23 August 1988 of stopping of road...
so file 21752...
29/10/1988

345m² Now Section 1 SO 35434
situated in Block IX Kaitiawa
Survey District.

Deputy Chief Surveyor
29/10/1988

SCHEDULE OF AREAS

SHOWN	ADJOINING	AREA
A	LOT 1 DP 24273 (CT 5A-571) LOT 2 DP 24273 (CT 5A-1233) LOT 3 DP 24273 (CT 5A-518) PT 5 LOT 1 DP 24273 (CT 410-123) LOT 2 DP 24273 (CT 410-128)	34.5 m ²

Datum : Old Cadastral
Wanganui Circuit Coordinates
Origin : Mt Stewart
700,000m N 300,000m E

BOUNDARIES AND PEGS ARE ADOPTED FROM
DP 24273 UNLESS SHOWN OTHERWISE.

Total Area 34.5 m²

Comprised in

1. TAN...
Registered Survey and holder of an unexpired...
of the survey...
from survey...
any are...
of KARACHI 1928...
Reference from...
S.O. 80181...
Examined...
Approved as to Survey...
28/10/88
Deposited this...
19...
District Land Registrar
S035434

APPROVED PLAN
1.8.5 FORM 183

LAND DISTRICT Wellington
SURVEY BLK. & DIST. IX Kaitiawa
NZMS 261 SH. R26 RECORD MAP No. 69.8

Service Lane to be Stopped
Compiled Plan
Territorial Authority Horowhenua County
Surveyed by Brickell Moss Ltd
Scale 1:250
Date November 1987

DP 24273
CT 81-1846
DP 9410
CT 410-128
ANNE STREET
LEGAL ROAD
20-12 WIDE
ELIZABETH STREET
LEGAL ROAD
20-12 WIDE
PEHI KUPA STREET
N. I. M. T. RAILWAY
G29 100 N
G29 090 N

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent time: 05/08/2023 12:42:03 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: FW: Draft email to Kris

Hi Kris,

I have discussed your email 2 May 2023 with the WCC Board and am authorised by them to confirm that we want to progress this as set out in your email.

I look forward to [further response](#) focussing on your points 1 and 2.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kind Regards.

Mike.

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 06/29/2023 07:04:35 AM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>; Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Subject: Fwd: KCDC ex-service lane

Hey both

Just fyi at this stage, what we have back from Mike and WCC.

Cheers. Kris

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From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent: Thursday, June 29, 2023 7:03 AM
To: Mike Cardiff <cardiffcopartnership@gmail.com>
Subject: Re: KCDC ex-service lane
Morena Mike

Thanks for coming back to me with this further detail - it's helpful to have a written response around the points of negotiation and non-negotiation from the WCC. I appreciate that you have constructively considered options. I expect to get a similar response for Mr Moule.

Once I have these, I would like to table both parties' positions to determine whether we can land a negotiated point. Are you comfortable with this?

I remain positive that we will find a way through.

Nga mihi, Kris

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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Wednesday, June 28, 2023 7:51 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: KCDC ex-service lane
Good day to you Kris.

[REDACTED]

I trust you find this helpful, phone / email me anytime.

Regards.

Mike.

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 05/31/2023 08:16:04 AM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: FW: Draft email to Kris

FYI

From: Kris Pervan
Sent: Monday, May 29, 2023 9:58 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>
Subject: RE: Draft email to Kris

Kia ora Mike

Thanks for your patience as I've followed up in the background on some further information and now had a chance to meet with your neighbour Alan/Mr Moule, to better understand his position; and the wider picture around this.

The outcome of my meeting with Mr Moule is that he has agreed that he would attend a meeting with all parties to discuss options for the way forward. If you are still agreeable, we would look to organise this meeting at the council in the next month.

I am going to provide a summary of background to date (acknowledging the material that you provided to me), and a write up the options that all parties have indicated interest in, with the intention that this would be discussed at this meeting. At Council's end, with the Chief Executive and Mayor's support, KCDC is keen to land a way forward – this issue has been in train for many years, and we appreciate the impact and constraints that it has and is causing.

Are you able to let me know if you are open to meeting as noted above, and your availability over the next three weeks to do so.

Let me know if you'd like to discuss any concerns.

Nga mihi, Kris

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Monday, May 8, 2023 12:42 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: FW: Draft email to Kris

Hi Kris,

[REDACTED]

Kind Regards.

Mike.

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 06/19/2023 05:31:30 PM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Cc: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Subject: FW: KCDC Ex Service Lane

Hi Nicky

Can I have this tomorrow please ... and if I've missed them and they're with me already apologies!

Cheers, Kris

Kris Pervan

Group Manager Strategy & Growth

Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council

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From: Kris Pervan

Sent: Monday, June 19, 2023 5:31 PM

To: 'Mike Cardiff' <cardiffcopartnership@gmail.com>

Subject: RE: KCDC Ex Service Lane

Hi Mike

Thanks for your email. Appreciate your patience with our follow-up email, Nicky is finalising the options which I'll forward through tomorrow so that you have them in advance of this weekends AGM.

Nga mihi, Kris

Kris Pervan

Group Manager Strategy & Growth

Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council

Tel 04 296 4896

Mobile 027 555 5896

www.kapiticoast.govt.nz

From: Mike Cardiff <cardiffcopartnership@gmail.com>

Sent: Monday, June 19, 2023 2:44 PM

To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>

Subject: KCDC Ex Service Lane

Good morning Kris.

[REDACTED]

[REDACTED]

Regards.

Mike

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 05/31/2023 08:15:26 AM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: FW: Land purchase Ex Council Service Lane

FYI

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent: Tuesday, May 30, 2023 3:34 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>
Subject: Re: Land purchase Ex Council Service Lane
Thanks Mike, I'll ask Emily to try and get that sorted before then.
Nga mihi, Kris
Get [Outlook for iOS](#)

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Tuesday, May 30, 2023 11:11:33 AM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: Re: Land purchase Ex Council Service Lane

Good morning Kris.

Thank you for your email of 29th May regarding the above.

Please be advised that I remain available to meet at Council at any time within the time frame you have suggested and look forward to a confirmation date at the earliest opportunity.

The Waikanae Chartered Club has a scheduled Board meeting on Tuesday 13th June and the land purchase issue is an agenda item.

Because of the urgency and frustration regarding this matter It would be most helpful if you could arrange the meeting prior to 13th June.

Regards.

Mike.

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent time: 06/19/2023 02:43:47 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: KCDC Ex Service Lane

Good morning Kris.

[Redacted]

[Redacted]

Regards.

Mike

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent time: 05/03/2023 03:11:16 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Cc: [REDACTED]
Subject: RE: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

Hi Kris.

Thank you for your efforts.

I can confirm that The Waikanae Charter Club will be available for discussion to resolve points 1 and 2 at any time during the next 2 weeks.

Regards.

Mike.

From: Kris Pervan [mailto:Kris.Pervan@kapiticoast.govt.nz]
Sent: Tuesday, 2 May 2023 6:32 am
To: Mike Cardiff
Cc: [REDACTED]
Subject: RE: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

Kia ora Mike

Thanks for sharing this with me for context.

Just to let you know that I have the team progressing work at this end, which will develop an option for discussion with you (the Waikanae Charter Club) based on our recent discussion [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks for your patience so far; and has helped me to have time to check in with the team back here on what can be done to move forward.

Nga mihi, Kris

Kris Pervan
Group Manager Strategy & Growth
Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council
Tel 04 296 4896
Mobile 027 5555 896

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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Wednesday, 26 April 2023 11:09 am
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Cc: [REDACTED] <[REDACTED]>
Subject: FW: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

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[Liquid File Instructions](#)

Good morning Kris.

Thank you for attending the Waikanae Club last Friday evening and for the meaningful discussion.

Please find attached a copy of the short power point document that has previously been presented to the Mayor by the Club chairman John Cook and our Vice President Terry Morris.

The purpose of the presentation was to create awareness of the Clubs predicament at a governance level as we are aware that Councilor's have never been fully briefed over the situation.

I am not sure if this information has been given to you but believe that it is vital for your investigation into the matter.

At this stage the only recipients of the document are Board members, the Mayor and yourself.

Kind regards.

Mike

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From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent time: 06/01/2023 05:26:16 PM
To: Mike Cardiff <cardiffcopartnership@gmail.com>
Cc: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Subject: RE: Elizabeth Street - service lane
Attachments: image001.png image002.png image005.png image006.png image003.png

Great to hear you can make a meeting on 8th June. Please come to Council offices at 5pm.
The extended session will be in July to agree a preferred option. We will discuss this at the meeting next week.

Kind regards

Nicky Holden
Corporate Property Manager
Te Kaiwhakahaere Rawa Rangapū

Kāpiti Coast District Council
Tel 04 296 4633
Mobile 027 555 5633

www.kapiticoast.govt.nz

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Thursday, 1 June 2023 4:58 pm
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: RE: Elizabeth Street - service lane
Good afternoon Nicky.

With reference to the email of 2nd May 2023 from Kris Pervan and the email of 01 June 2023 from Emily Humble, I am available to meet at Council on 8th June from 5.00pm.

Could you please advise to what the "extended session in July" is referring in the email of 01 June.

Regards.

Mike.

From: Nicky Holden [<mailto:Nicky.Holden@kapiticoast.govt.nz>]

Sent: Thursday, 1 June 2023 3:17 pm

To: Alan Moule; Emily Humble; Mike Cardiff

Cc: Info

Subject: RE: Elizabeth Street - service lane

Kia ora Alan and Mike

Further to Emily's email, it looks like Alan is unavailable next week, would Thursday 8th June 5 – 6pm work for both of you? If it does, I'll get Emily to book a meeting room at Council.

Just to clarify the reason behind two meetings is so that next week we can lay on the table all the options available to both parties and discuss each one in detail. With the intention that you take these away to consider (and Mike can take to his next Board meeting) and at a later date we can get together to come up with suitable outcome for all parties going forward.

Just for your information I am going to meet with Goodmans and discuss their involvement as an adjoining neighbour next week.

Hopefully this new date will work for you.

Kind regards

Nicky Holden
Corporate Property Manager
Te Kaiwhakahaere Rawa Rangapū

Kāpiti Coast District Council
Tel 04 296 4633
Mobile 027 555 5633

www.kapiticoast.govt.nz

From: Alan Moule <alanm@natcon.co.nz>

Sent: Thursday, 1 June 2023 2:04 pm

To: Emily Humble <Emily.Humble@kapiticoast.govt.nz>

Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>; Info <info@natcon.co.nz>

Subject: RE: Elizabeth Street - service lane

Hi Emily,

I am not confident that I will be able to make the 6th or 7th. I must be in the Wairarapa on Tuesday and over in Stratford on Wednesday for site visits.

Are there any other days available?

Can you also confirm what an "extended session" is for me please?

Many thanks

Regards



Alan Moule

BEng(Hons), CMS, C.BuildE, Fellow CABE, CMEngNZ, CPEng(Fire), IntPE(NZ), MIFireE
Principal Fire Engineer
National Consultants Ltd
PO Box 488
Waikanae
5250
04 293 1078
021 232 0590



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From: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Sent: Thursday, June 1, 2023 1:54 PM
To: Alan Moule <alanm@natcon.co.nz>; Mike Cardiff <cardiffcopartnership@gmail.com>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: RE: Elizabeth Street - service lane

Hi Alan,

My apologies I mistakenly didn't send this to you.

Touching base with you to set-up an initial discussion with Kris, Sean and Nicky around Elizabeth Street service lane ahead of the extended session in July.

Can you please let me know if you would be available to meet at the Council offices on either Tuesday 6 June from 5-6pm or Wednesday 7 June from 5-6.00pm?

If you could please let me know that would be great and I will send through an invite. I look forward to hearing from you.

Thanks,

Em

Emily Humble

Executive Officer to the Group Manager Strategy and Growth
Te Tāhuhu Rangapū Rautaki me te Whakatupu

Kāpiti Coast District Council
Tel 04 296 5427
Mobile 027 282 8136

www.kapiticoast.govt.nz

From: Emily Humble
Sent: Thursday, June 1, 2023 12:36 PM
To: [REDACTED] Mike Cardiff <cardiffcopartnership@gmail.com>
Cc: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: Elizabeth Street - service lane

Hi Alan and Mike,

I hope your Thursday is going well!

Touching base with you to set-up an initial discussion with Kris, Sean and Nicky around Elizabeth Street service lane ahead of the extended session in July.

Can you please let me know if you would be available to meet at the Council offices on either Tuesday 6 June from 5-6pm or Wednesday 7 June from 5-6.00pm?

If you could please let me know that would be great and I will send through an invite. I look forward to hearing from you.

Thanks,

Em

Emily Humble

Executive Officer to the Group Manager Strategy and Growth
Te Tāhuhu Rangapū Rautaki me te Whakatupu

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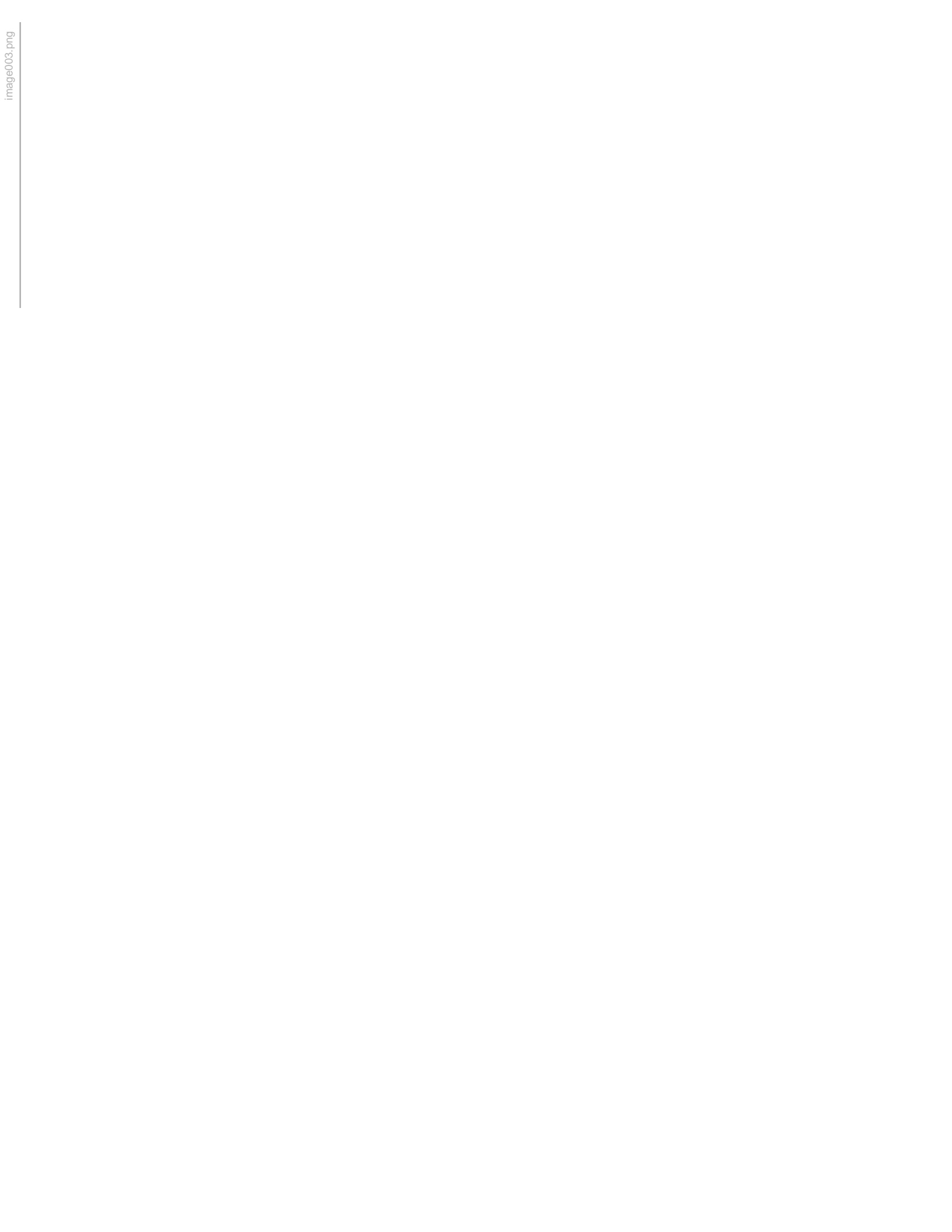


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Kāpiti Coast

DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua

From: Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Sent time: 06/15/2023 10:17:09 AM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>; Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: RE: Ex service lane Elizabeth St options.docx

Hi,



Infrastructure Services
Te Kaihautū Ratonga Pakiaka

Kāpiti Coast District Council
Tel 04 296 4690
Mobile 027 555 5690

www.kapiticoast.govt.nz

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent: Wednesday, 7 June 2023 6:48 pm
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>; Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Subject: Re: Ex service lane Elizabeth St options.docx
Thanks for this Nicky - look forward to the discussion tomorrow. Kris
Get [Outlook for iOS](#)

From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent: Thursday, June 1, 2023 3:55:20 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>; Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Subject: Ex service lane Elizabeth St options.docx

Hi Kris and Sean

I've started pulling together plans showing the options available for the ex service lane.

Sean – option 5 was presented to us at our meeting with Alan last week but this is not something I would support but we will need to put it on the table.

The plan is to meet both parties next week and lay all options on the table for consideration. Then we can meet in a months time to agree on a preferred option either through mediation or agreement once both have had a chance to consider and report back to Mike's board for direction.



Any feedback on the options please let me know.

Cheers

From: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Sent time: 06/07/2023 06:47:44 PM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>; Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Subject: Re: Ex service lane Elizabeth St options.docx

Thanks for this Nicky - look forward to the discussion tomorrow. Kris

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From: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Sent: Thursday, June 1, 2023 3:55:20 PM
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>; Sean Mallon <sean.mallon@kapiticoast.govt.nz>
Subject: Ex service lane Elizabeth St options.docx

Hi Kris and Sean

I've started pulling together plans showing the options available for the ex service lane.

Sean – option 5 was presented to us at our meeting with Alan last week but this is not something I would support but we will need to put it on the table.

The plan is to meet both parties next week and lay all options on the table for consideration. Then we can meet in a months time to agree on a preferred option either through mediation or agreement once both have had a chance to consider and report back to Mike's board for direction.



Any feedback on the options please let me know.
Cheers

From: Emily Humble <Emily.Humble@kapiticoast.govt.nz>
Sent time: 08/14/2023 04:09:20 PM
To: Nicky Holden <Nicky.Holden@kapiticoast.govt.nz>
Subject: RE: Timeline for Ex-Service Lane, Elizabeth Street
Attachments: image004.png image005.png image006.png image007.png

She met Alan on 23 May and first meet with [REDACTED] Mike on 12 April.
Is that what you are after?

Emily Humble
Executive Officer to the Group Manager Strategy and Growth
Te Tāhuhu Rangapū Rautaki me te Whakatupu

Kāpiti Coast District Council
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Nicky Holden
Corporate Property Manager
Te Kaiwhakahaere Rawa Rangapū

Tel 04 296 4633
Mobile 027 555 5633



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Mānawatia
a Matariki



Kāpiti Coast


DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua



Mānawatia
a Matariki





 FYI: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

Sent: May 5, 2023 1:35 PM

From: Kris Pervan

To: Nicky Holden;

Kris Pervan

Group Manager Strategy & Growth
Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council
Tel 04 296 4896
Mobile 027 5555 896

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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Wednesday, 3 May 2023 3:11 pm
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Cc: [REDACTED] <[REDACTED]>
Subject: RE: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

Hi Kris.

Thank you for your efforts.
I can confirm that The Waikanae Charter Club will be available for discussion to resolve points 1 and 2 at any time during the next 2 weeks.

Regards.

Mike.

From: Kris Pervan [<mailto:Kris.Pervan@kapiticoast.govt.nz>]
Sent: Tuesday, 2 May 2023 6:32 am
To: Mike Cardiff
Cc: [REDACTED]
Subject: RE: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

Kia ora Mike

Thanks for sharing this with me for context.

Just to let you know that I have the team progressing work at this end, which will develop an option for discussion with you (the Waikanae Charter Club) based on our recent discussion [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Nga mihi, Kris

Kris Pervan
Group Manager Strategy & Growth
Te Kaihautū Rautaki me te Tupu

Kāpiti Coast District Council
Tel 04 296 4896
Mobile 027 5555 896

www.kapiticoast.govt.nz

From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Wednesday, 26 April 2023 11:09 am
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Cc: [REDACTED] <[REDACTED]>
Subject: FW: KCDC's Agreement to Purchase Closed Service Lane to rear/side of Waikanae Charter Club.

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[Liquid File Instructions](#)

Good morning Kris.


Thank you for attending the Waikanae Club last Friday evening and for the meaningful discussion. Please find attached a copy of the short power point document that has previously been presented to the Mayor by the Club chairman John Cook and our Vice President Terry Morris. The purpose of the presentation was to create awareness of the Clubs predicament at a governance level as we are aware that Councilor's have never been fully briefed over the situation. I am not sure if this information has been given to you but believe that it is vital for your investigation into the matter.

At this stage the only recipients of the document are Board members, the Mayor and yourself.

Kind regards.

Mike

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 FW: Draft email to Kris

Sent: May 8, 2023 1:06 PM

From: Emily Humble

To: Nicky Holden;

Sharing with you as per your request. I'm sure KP will forward it onto you as well/want to discuss response.

Thanks,
Em

Emily Humble
Executive Officer to the Group Manager Strategy and Growth
Te Tāhuhu Rangapū Rautaki me te Whakatupu

Kāpiti Coast District Council
Tel 04 296 5427
Mobile 027 282 8136

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From: Mike Cardiff <cardiffcopartnership@gmail.com>
Sent: Monday, 8 May 2023 12:42 pm
To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>
Subject: FW: Draft email to Kris

Hi Kris,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Kind Regards.

Mike.



Ex Service Lane, Elizabeth St



Sent: May 8, 2023 1:29 PM

From: Nicky Holden

To: Kris Pervan;



2 Attachments

 image001.png (22 KB);  image002.png (2 KB);



Fwd: Draft email to Kris

Sent: May 9, 2023 4:20 PM

From: Kris Pervan

To: Nicky Holden;

CC: Emily Humble;

Hi Nicky

Can we discuss please - I'd like to be part of the discussion with Mr Moule, as is indicated a couple of weeks ago.

Thanks Kris

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From: Mike Cardiff <cardiffcopartnership@gmail.com>

Sent: Monday, May 8, 2023 12:42 PM

To: Kris Pervan <Kris.Pervan@kapiticoast.govt.nz>

Subject: FW: Draft email to Kris

Hi Kris,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kind Regards.

Mike.