

Kapiti Coast District Council
Resource Management Act 1991
Consent Notice

- **Kapiti Coast District Council "Consent Notice" Section 221 Resource Management Act 1991**
 - *Prohibited areas for building on allotments; and*
 - *Foundation Design and Construction for any new building or additions and alterations;*
 - *Report and associated information prepared by Ray O'Callaghan of Cardno dated 19 September 2011*

**CONSENT NOTICE
PURSUANT TO SECTION 221 OF
THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF A PLAN LODGED FOR
DEPOSIT UNDER NUMBER 431964
AND RESOURCE CONSENT NO. RM 040211**

**(BEING THE SUBDIVISION OF LOT 2 DP 376894 & LOT 3 DP 401418),
AT TAKAHE DRIVE, KOTUKU PARK, PARAPARAUMU
FOR KOTUKU PARKS LIMITED**

To: The Regional Regulatory Titles Officer at Wellington

PURSUANT to Section 221 of the Resource Management Act 1991 the Kapiti Coast District Council hereby gives notice that it has consented to the subdivision and that the following conditions are to be complied with on a continuing basis:

1. **With respect to Lots 1 to 10 inclusive:** The construction or establishment of any building is prohibited within those parts of the allotments set out in the schedule below as identified on DP431964:
 - Lot 1 all of the area identified as “CB”
 - Lot 2 all of the area identified as “CC”
 - Lot 3 all of the area identified as “CD”
 - Lot 4 all of the area identified as “CE”
 - Lot 5 all of the area identified as “CF”
 - Lot 6 all of the area identified as “CG”
 - Lot 7 all of the area identified as “CH”
 - Lot 8 all of the area identified as “CI”
 - Lot 9 all of the area identified as “CJ”
 - Lot 10 all of the area identified as “CA”.

2. **With respect to Lots 1 to 10 inclusive:** Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the letter/report and associated information prepared by Ray O’Callaghan of Cardno, dated 19 September, 2011 and submitted to Council in relation to application number RM040211. A copy of the above documentation is available in Council’s Office at any time the office is open to the public.

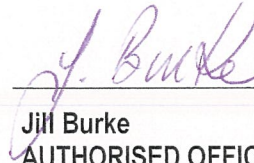
3. **With respect to Lots 1, 2, 3, 4 and 10:** Any fences within three metres of a boundary with the Waikanae Estuary Scientific Reserve (i.e. the north western boundary) shall be visually permeable (e.g. pool type fencing).

4. **With respect to Lots 4 to 9 inclusive:** Any fence constructed within three metres of a boundary with a Recreation Reserve vested with the Kapiti Coast District Council shall be restricted to a maximum height of:
 - 0.7 metres if the fence is of a close boarded design; or
 - 1.2 metres if the fence is of a visually permeable design (e.g. pool type fencing).

Issued in respect of application No. RM 040211 on this 23rd day of July, 2013.



David Wayne Gair
AUTHORISED OFFICER



Jill Burke
AUTHORISED OFFICER

Kapiti Coast District Council – Reserves


- **Recreation Reserve Identifier 523271** Lot 13 Deposited Plan 431964 Land Registration District Wellington **Kapiti Coast District Council**.
- **Local Purpose (Accessway) Reserve Identifier 523270** Lot 12 Deposited Plan 431964 Land Registration District Wellington **Kapiti Coast District Council**.
- **Reserves – Fencing Covenant: Easement Instrument No. 9454050.10 Fencing Covenant in favour of Kapiti Coast District Council** in respect of the **Recreation Reserve** (Lot 13) and "**Local Purpose (Accessway) Reserve**" (Lot 12) and in respect of Lots 1, 2, 4, 5, 6, 7, 8 & 9 on Deposited Plan 431964.
- **Waikanae Estuary Scientific Reserve – Land Covenants: Easement Instrument No. 9454050.11 Land Covenants in favour of Kapiti Coast District Council as the proprietor of the Recreation Reserve and the Local Purpose (Accessway) Reserve** in respect of Lots 1, 2, 3, 4 & 10 on Deposited Plan 431964 to maintain and preserve the native trees and shrubs and erect and maintain a visually permeable fence within three metres of the boundary of the **Waikanae Estuary Scientific Reserve**.



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier 523271
Land Registration District Wellington
Date Issued 30 July 2013

Prior References

308901 403592

Estate Fee Simple
Area 2.6281 hectares more or less
Legal Description Lot 13 Deposited Plan 431964
Purpose Recreation Reserve

Proprietors

Kapiti Coast District Council

Interests


Subject to drainage and other rights over part formerly part 63B Ngarara West A Block created by Transfer 58646 - 2.8.1906 at 3:00 pm
Fencing Agreement in Transfer 7280483.8 - 16.3.2007 at 9:00 am
Land Covenant in Easement Instrument 7280483.9 - 16.3.2007 at 9:00 am
Land Covenant in Transfer 7962626.12 - 10.10.2008 at 9:00 am (affects part formerly Lot 3 DP 401418)
8254189.1 Variation of Land Covenant created by Transfer 7962626.12 - 12.8.2009 at 2:37 pm
Subject to the Reserves Act 1977
Fencing Covenant in Easement Instrument 9454050.10 - 30.7.2013 at 4:29 pm
Subject to Section 6 (2) Fencing Act 1978
Land Covenant in Easement Instrument 9454050.11 - 30.7.2013 at 4:29 pm



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier 523270
Land Registration District Wellington
Date Issued 30 July 2013

Prior References

308901

Estate	Fee Simple
Area	109 square metres more or less
Legal Description	Lot 12 Deposited Plan 431964
Purpose	Local Purpose (Accessway) Reserve

Proprietors

Kapiti Coast District Council

Interests

Fencing Agreement in Transfer 7280483.8 - 16.3.2007 at 9:00 am
Land Covenant in Easement Instrument 7280483.9 - 16.3.2007 at 9:00 am
Subject to the Reserves Act 1977
Fencing Covenant in Easement Instrument 9454050.10 - 30.7.2013 at 4:29 pm
Subject to Section 6 (2) Fencing Act 1978
Land Covenant in Easement Instrument 9454050.11 - 30.7.2013 at 4:29 pm



View Instrument Details

Instrument No. 9454050.10
Status Registered
Date & Time Lodged 30 Jul 2013 16:29
Lodged By Shanahan, Foss Michael
Instrument Type Easement Instrument



Affected Computer Registers	Land District
523260	Wellington
523261	Wellington
523263	Wellington
523264	Wellington
523265	Wellington
523266	Wellington
523267	Wellington
523268	Wellington
523270	Wellington
523271	Wellington

Annexure Schedule: Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Foss Michael Shanahan as Grantor Representative on 30/07/2013 04:19 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Foss Michael Shanahan as Grantee Representative on 30/07/2013 04:19 PM

***** End of Report *****

Form B

**Easement instrument to grant easement or *profit à prendre*, or create
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Kotuku Parks Limited

Grantee

Kapiti Coast District Council

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Fencing Covenant	Lots 1, 2, 4, 5, 6, 7, 8 & 9	CT Identifiers 523260, 523261, 523263, 523264, 523265, 523266, 523267 & 523268	Lots 12 and 13 – CT Identifiers 523270 & 523271

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [~~varied~~] [~~negatived~~] [~~added to~~] or [~~substituted~~] by:

[~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952~~]

[~~the provisions set out in Annexure Schedule _____~~]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out below:

[~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952~~]

[~~Annexure Schedule _____~~]

The Grantor doth hereby covenant and agree with the Grantee that

- the Grantee and its successors shall not be liable to contribute towards the expense of the erection or maintenance of any fence between the land of the Grantor described in Schedule A as the Servient Tenement and the land of the Grantee described in Schedule A as the Dominant Tenement,
- fences shall be erected and maintained within 3 metres of any boundary between the Servient Tenement and the Dominant Tenement,
- fences of close boarded construction shall have a maximum height of 0.7 metres above ground level and fences of visually permeable construction (e.g. pool type fencing) shall have a maximum height of 1.2 metres above ground level.
- this agreement shall enure and bind all and any subsequent purchasers from the Grantor and all other successors in title of the land described in Schedule A as the Servient Tenement and this agreement shall not expire for any reason but shall remain in force and apply in perpetuity by virtue of Section 6(2) of the Fencing Act 1978.



View Instrument Details

Instrument No. 9454050.11
Status Registered
Date & Time Lodged 30 Jul 2013 16:29
Lodged By Shanahan, Foss Michael
Instrument Type Easement Instrument



Affected Computer Registers	Land District
523260	Wellington
523261	Wellington
523262	Wellington
523263	Wellington
523269	Wellington
523270	Wellington
523271	Wellington

Annexure Schedule: Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Foss Michael Shanahan as Grantor Representative on 30/07/2013 04:20 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Foss Michael Shanahan as Grantee Representative on 30/07/2013 04:21 PM

*** End of Report ***

Form B

**Easement instrument to grant easement or *profit à prendre*, or create
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Kotuku Parks Limited

Grantee

Kapiti Coast District Council

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
	431964		
Land Covenants	Lots 1, 2, 3, 4 & 10	CT Identifiers 523260, 523261, 523262, 523263 & 523269	Lots 12 and 13 – CT Identifiers 523270 & 523271

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule —]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out below:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule —]~~

The Grantor doth hereby covenant and agree with the Grantee that the Grantor described in Schedule A as the Servient Tenement having established a two metre wide planting strip (inter alia) along the northern boundaries of the Servient Tenement consisting of a variety of native trees and shrubs in accordance with the Resource Consent from the Grantee, the Kapiti Coast District Council [RM060162] at an average height (when fully grown) of 1.5 metres above ground level measured from the highest point within each of the covenanted identifiers in that Servient Tenement, shall:

- maintain and preserve the native trees and shrubs referred to in the preceding paragraph,
- erect and maintain a visually permeable fence within 3 metres of the boundary between the Servient Tenement and the **Waikanae Estuary Scientific Reserve** (Lot 1 DP 50376),
- bind all and any subsequent purchasers from the Grantor and all other successors in title of each of the allotment lands collectively described in Schedule A as the Servient Tenement.

The Grantee may enforce the observance of the Land Covenants against the Grantor and all and any subsequent purchasers from the Grantor and all other successors in title of each of the allotment lands collectively described in Schedule A as the Servient Tenement and the Land Covenants shall forever bind and run with the Servient Tenement for the benefit of the Dominant Tenement.