



T Knowles
Manager
Crown Property
Land Information New Zealand
P O Box 5501
Wellington 6145

Our File: CPC 2011/16121

19 April 2022

Dear Trevor

Re: Section 40 Public Works Act 1981 – Stage II

**Investigation of Land – part of Lot 2 DP 72985, (now Section 21 SO 505430) –
Quadrant Heights, Paraparaumu, Kapiti**

LINZ FILE REFERENCE: CPC 2011/16121

JOB NO: 707641

CLIENT: Waka Kotahi (New Zealand Transport Agency)

INTRODUCTION:

The Section 40 Stage 1 report for part of Lot 2 DP 72985 was approved on 25 February 2022 & that report recommended that this land be offered back to the former owner or their successor(s), pursuant to Section 40(2)(c) Public Works Act 1981.

Note, that at the time of the Stage 1 Section 40 report SO 505430 had not been 'approved as to survey' & the land in the report was described as Section 25 on Draft SO 505430. The land has also previously been referred to as Section 21 Concept Plan 3272648-GS-018 Rev D.

A copy of the Stage 1 Section 40 report is attached at **Appendix A.**

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LEGAL DESCRIPTION	<p>Part of Lot 2 DP 72985, also defined as Section 21 SO 505430.</p> <p>Copies of DP 72985 & SO 505430 are attached at Appendix B.</p>
AREA	0.7658 ha
RECORD OF TITLE	<p>The land is currently comprised in RT WN40D/129.</p> <p>(A request has been made for a new Record of Title for Section 21 SO 505430).</p> <p>A copy of RT WN40D/129 is attached at Appendix C.</p>
ENCUMBRANCES:	<p>On disposition from the Crown, the land will become subject to Part IVA of the Conservation Act 1987 and Section 11 Crown Minerals Act 1991.</p> <p>A Reverse Sensitivity Land Covenant is also required to protect the Crown from any future claims from the long-term operation of the State Highway.</p>
LAND STATUS:	Land is held by Her Majesty the Queen for Use in Connection with a Road.
OTHER CLEARANCES:	Copies of Clearances were previously provided in the Section 40 Stage I report.
VALUATION:	<p>A current market valuation assessment was undertaken by Robertson Valuations Ltd as at 30 May 2018 with the value assessed at \$400,000 ex GST, if any.</p> <p>At the time of the 2018 valuation assessment the land area being valued had not been surveyed & was estimated to be 0.8000 hectares. Now that SO 505430 has been approved the area (Section 21) is defined as 0.7658 hectares. Via an email dated 17 March 2022 the valuer has confirmed that the new land area makes no difference to the 2018 valuation.</p> <p>Copy of valuation assessment is attached at Appendix D.</p> <p>Copy of valuer's email confirming the value is attached at Appendix E.</p>
FORMER OWNERS	<p><i>Crown & Kapiti Coast District Council</i></p> <p>In 2014, the Crown purchased this land from the Kapiti Coast District Council (KCDC) under a global Agreement for lands the Council had earlier acquired for the proposed "Western Link Road".</p> <p>See copy of Transfer 9741474.1 attached at Appendix F</p>

Kapiti Coast District Council & Former Owners

KCDC had purchased this land in July 2008 via an agreement under S17 PWA for the Western Link Road from MK Tapuke, PWW Brunton & KM Teira (the Owner's).

As per the 2008 S17 PWA agreement:

Clause 7.1 sets out that the Owner's land is Maori freehold land & that before KCDC has any obligation under the Agreement, that consent maybe required under Te Ture Whenua Maori Land Act 1993, to the alienation of the Owner's land as Maori Freehold land & its acquisition by KCDC for use in connection with a road, be first obtained from the Maori Land Court (MLC).

Clause 7.2 goes on to say that the Owner will consent to, support & assist with making application to the MLC.

Clause 3.2(b) sets out that KCDC is not obliged to make any compensation payments until the MLC has made an order consenting to the alienation of the Owner's land & its vesting in KCDC for use in connection with a road.

Copy of the Agreement is attached to Maori Land Court Order (MLCO) 9515586.2 at **Appendix G**

On 23 April 2013 the MLC confirmed an alienation of Maori Freehold Land via an application made for the confirmation of the Agreement for Sale & Purchase, to transfer the subject land to KCDC. The application was made by J Tizard for KM Teira & the other trustees of the Ngahina Trust. The MLC in terms of S155 Te Ture Whenua Maori Act 1993 (TTWMA) confirmed the alienation.

See copy of MLCO 9515586.1 attached at **Appendix H.**

Following the above, via an application from KCDC to change the status of the land, the MLC ordered that the land status shall cease to be Maori freehold land & become General land.

See copy of MLCO 9515586.2 attached at **Appendix G**

In January 2011 the MLC, via an application, appointed & reconfirmed the Trustee's of the Ngahina Trust & vested the trust land in the responsible trustee's.

See copy of the Maori Land Court Trust Order TO 8726724.1 attached at **Appendix I**

Copy of RT WN33B/17 is attached at **Appendix J.**

The offerback of this land to the former owner is being made via the trustee's of the Ngahina Trust & the offer back is to the

trust in case those trustees are not still alive.

Recommendation

1. That pursuant to Section 40(2)(c) of the Public Works Act 1981, part of Lot 2 DP 72985 further described as Section 21 SO 505430 be offered back to the Ngahina Trust via the trustees – Kura Marie Teira, Maikara Kararaina Tapuke, Adrian Taylor & Basil Ritoterangi Tapuke.
2. That if you agree with the above recommendation, that you sign the attached Offer of Sale and approve the covering letter to Ngahina Trust.

Offer Letter to Ngahina Trust attached at **Appendix K**

Offer of Sale to Ngahina Trust attached at **Appendix L**

AUTHORITIES:

Section 40(2)(c) Public Works Act 1981

PREPARED BY:



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Clare Collett
Senior Property Consultant

PEER REVIEWED:



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Lawson Price
Nominated Person

APPROVED / DECLINED

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Clearances Team

Date / /

Appendices:

Appendix A - Copy of Stage I Section 40 Report – Section 25 DRAFT SO 505430, Raumati, Paraparaumu – Quadrant Heights

Appendix B – Copies of DP 72985 & SO 505430

Appendix C - Copy of RT WN40D/129

Appendix D – Copy of Robertson Valuations Ltd valuation assessment

Appendix E – Copy of valuer's confirmation as to value

Appendix F – Copy of Transfer 9741474.1

Appendix G - Copy of S17 PWA Agreement attached to Maori Land Court Order (MLCO) 9515586.2

Appendix H – Copy of Maori Land Court Order MLCO 9515586.1

Appendix I – Copy of Maori Land Court Trust Order TO 8726724.1

Appendix J – Copy of RT WN33B/17

Appendix K – Copy of Offer Letter to Ngahina Trust

Appendix L – Copy of Offer of Sale to Ngahina Trust

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