

Internal Memo

To: Bill Naik
Manager Crown Property Management &
Pastoral

From: Jan Webster
Portfolio Manager

Date: 29/10/2012

File Ref: A1341980

Subject: **Status of Reclaimed Land at Te Kouma
Road, Coromandel (Sugar Loaf Wharf) -
Lot 1 LTS 86095**

Purpose To seek your agreement as to the status of the land and your execution of a certificate under section 33(2) of the Marine and Coastal Area Act 2011 (MACAA).

Reference Please find attached: a review by Roger McLeod of the information supplied by the Department of Conservation (DOC) and a certificate for your signature.

Background This land was initially administered by DOC under the Foreshore and Seabed Revesting Act 1991 and then the Foreshore and Seabed Act 2004 (FSA).

In 2008 the Thames-Coromandel District Council (Council) made a freeholding vesting application to DOC under the Resource Management Act 1991 (RMA). Negotiations were still ongoing when MACAA came into force in 2011. On September 2011, solicitors acting for the Council made a request under section 41(4) of MACAA that the RMA application for vesting of the reclaimed land at Te Kouma (Sugar Loaf Wharf) be referred to the Minister for Land Information.

Roger McLeod has reviewed the information supplied by DOC and I agree with his conclusion that the land was, immediately prior to the commencement of MACAA, part of the public foreshore and seabed under FSA. On the commencement of MACAA, the full and beneficial ownership of the land vested in the Crown absolutely pursuant to section 31 of that Act and ceased to be subject to FSA.

The current status is therefore land of the Crown under the Marine and Coastal Area Act 2011.

The information provided meets the requirements of the LINZ interim standard, LINZ S15004, for dealing with coastal reclaimed land.

Delegation The land is subject to subpart 3 of part 2 of the MACAA and you hold a delegation from the Minister of Lands to certify that status under section 33(2) of the MACAA.

**Action
Required**

I recommend that you:

1. agree the status of the land as set out above, and
2. sign the attached certificate under your delegated authority.

Recommended by



Jan Webster
Portfolio Manager

Recommended by



Bart van Stratum
Technical Leader


11/12/2

Endorsed by



Phil Royle
Team Manager CPM

Agree/Disagree



Bill Naik
Manager Crown Property Management & Pastoral

Released under the provision of
the Official Information Act 1982

**Certificate under Section 33(2) of the
Marine and Coastal Area (Takutai Moana) Act 2011**

Pursuant to Section 33(2) of the Marine and Coastal Area (Takutai Moana) Act 2011, and to a delegation from the Minister for Land Information, I William Malcolm Naik, Land Information New Zealand certify that the land described in the schedule below and shown on the attached plan is reclaimed land subject to subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

SCHEDULE

South Auckland Land District

Area (ha)	Description
0.4595	Lot 1 LTS 86095; Part Bed Coromandel Harbour

Dated at Wellington this 12th day of December 2012


.....
Manager Crown Property Management & Pastoral

10 September 2012

J Webster
Portfolio Manager
Crown Property Management
LINZ
Wellington

Jan

Status of Reclaimed Land at TeKouma Road, Coromandel. (Sugar Loaf Wharf)

Your request of 5 September to review the information supplied by the Dept. of Conservation and advise the current status of the land refers.

The land is now described as Lot 1 LTS 86095, surveyed in 1998, with a total area of 0.4595ha. The reclamation was authorised by a coastal permit no. 920214 and approved pursuant to s.245 of the Resource Management Act 1991 by the Minister of Conservation in February 1999.

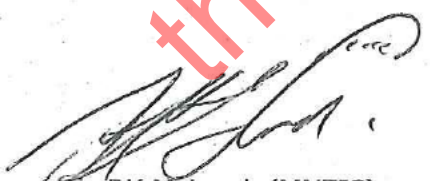
It is clear from the information supplied that the land was reclaimed from the foreshore during the period 1993 - 1994.

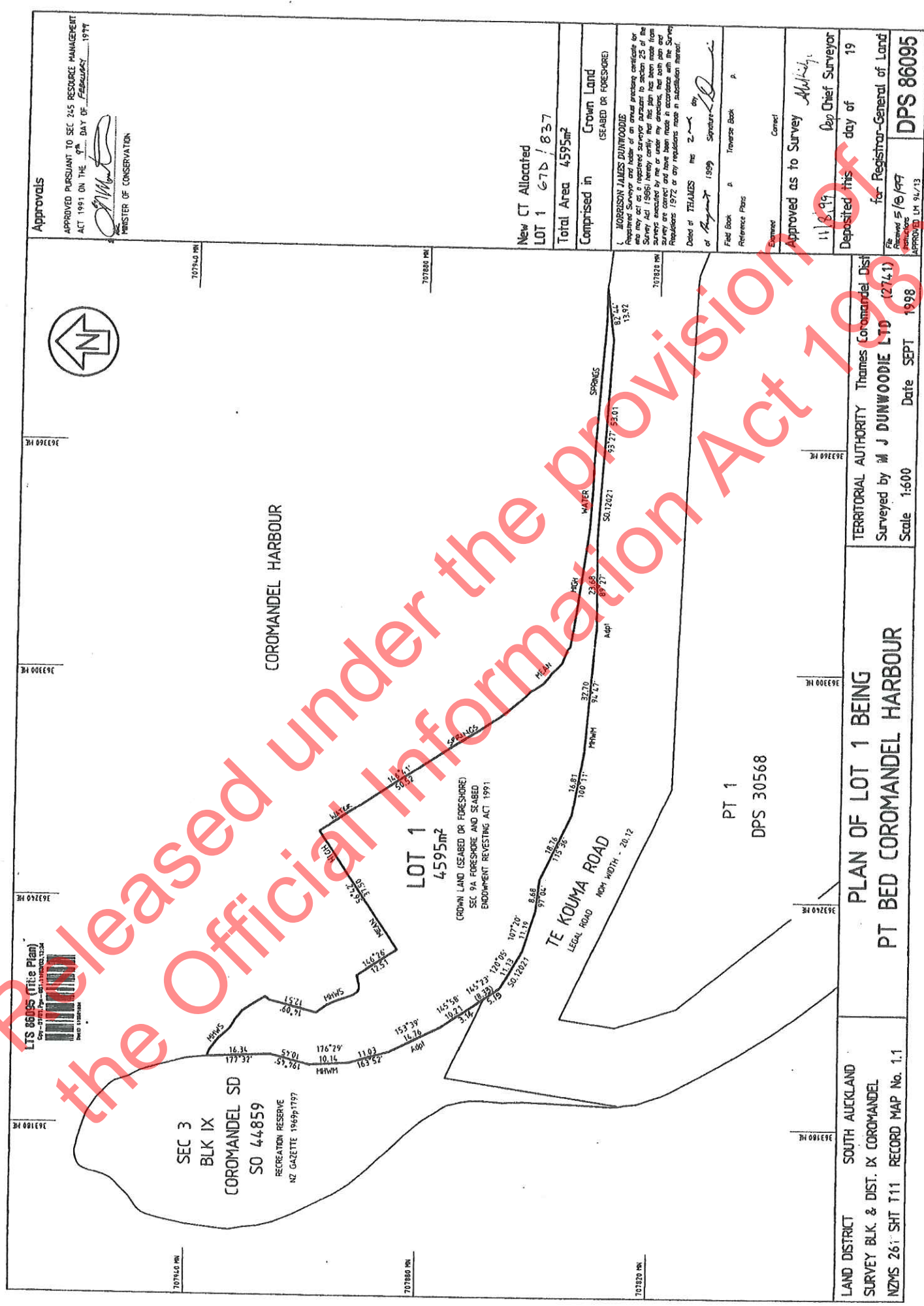
The latest *cadastral* plan of the foreshore boundary is LTS 86095 which adopted the landward boundary of MHWM from SO 12021 and established MHWS as the seaward boundary of the reclaimed area.

The wharf area has been developed for the dual purposes of Aquaculture and Recreation and is occupied by the wharf and associated facilities.

The survey plan notes that the area was "Crown Land" by virtue of the Foreshore and Seabed Revesting Act 1991. Since then, Section 18 of the Foreshore and Seabed Act 2004 vested land reclaimed before that act in the Crown. Following that, Section 31 of the Marine and Coastal Area Act 2011 vested the full legal and beneficial ownership of all existing reclaimed land in the Crown absolutely.

The current status is therefore land of the Crown under the Marine and Coastal Area Act 2011 by virtue of S.31 of that Act and lies within the administrative jurisdiction of the Minister for Land Information.


RK McLeod (MNZIS)



Approvals

APPROVED PURSUANT TO SEC 245 RESOURCE MANAGEMENT ACT 1991 ON THE 9th DAY OF February 1999

[Signature]
MINISTER OF CONSERVATION

New CT Allocated
LOT 1 678 / 837

Total Area 4595m²

Comprised in Crown Land
(SEABED OR FORESHORE)

I, MORRISON JAMES DUNWOODIE
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 235 of the Survey Act 1985, hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at TEANAKA this 2nd day
of August 1999 Signature *[Signature]*

Field Book p. Traverse Book p.
Reference Plans

Examined
Correct

Approved as to Survey *[Signature]*

11/8/99 Dep. Chief Surveyor

Deposited this day of 19

for Registrar-General of Land

File Received 5/10/99
APPROVED LK 9/1/13
DPS 86095



LTS 86095 (Title Plan)
Coromandel Harbour
DPS 86095

SEC 3
BLK IX
COROMANDEL SD
SO 44859
RECREATION RESERVE
NZ GAZETTE 1969/1797

LOT 1
4595m²

CROWN LAND (SEABED OR FORESHORE)
SEC 9A FORESHORE AND SEABED
ENDOWMENT REVESTING ACT 1991

TE KOUA ROAD
LEGAL ROAD
NOM. WIDTH - 20.12

PT 1
DPS 30568

PLAN OF LOT 1 BEING
PT BED COROMANDEL HARBOUR

LAND DISTRICT SOUTH AUCKLAND
SURVEY BLK. & DIST. IX COROMANDEL
NZMS 261: SHT T11 RECORD MAP No. 1.1

TERRITORIAL AUTHORITY Thames Coromandel Dist
Surveyed by M J DUNWOODIE LTD (274.1)
Scale 1:500 Date SEPT 1998

From: [Bart Van Stratum](#)
To: [Rachel Dixon](#)
Subject: RE: Sugarloaf Wharf Whitianga- Land Status - Lot 1 DPS 86095
Date: Tuesday, 12 May 2020 2:21:16 pm
Attachments: [image002.png](#)
[2012-12-12 - Certificate under Section33\(2\) of MACAA.pdf](#)

Hi Rachel,

There will be considerable correspondence on your files on this one (Peter Wishart) though I don't think its physically close to Whitianga.

The reclamation has been surveyed so probably best to refer to "the land" by its legal description i.e. Lot 1 DPS 86095 (see attached which includes the survey plan and also evidence of the Minister of Land Information New Zealands authority to deal with this reclamation.

See my comments in red below

The link below explains our Ministers role (which we undertake on her behalf at LINZ with the delegations down 3 layers to Group Manager level.)

<https://www.linz.govt.nz/crown-property/types-crown-property/coastal-reclaimed-land>

I am working from home like many .

My cell phone is s 9(2)(a) and happy to take calls.

Regards

Bart van Stratum
Land & Property Wellington
Crown Property
Land Information New Zealand

E bvanstratum |

Wellington Office, Level 7, Radio New Zealand House, 155 The Terrace
PO Box 5501, Wellington 6145, New Zealand | T 04 460 0110

W www.linz.govt.nz | data.linz.govt.nz

<http://www.linz.govt.nz/sites/default/files/images/email-signature-v2.png>



From: Rachel Dixon s 9(2)(a)

Sent: Tuesday, 12 May 2020 11:31 a.m.

To: Bart Van Stratum s 9(2)(a)

Cc: Alison Hunt s 9(2)(a); Ian McCombe s 9(2)(a)

Subject: RE: Sugarloaf Wharf Whitianga- Land Status

Hi Bart

I hope you are keeping well in your bubble.

We would be very grateful for your advice in respect of Sugarloaf wharf regarding the following:

- Status of land – it is reclaimed land, so does it belong to no one or the crown as of today?
Yes it is reclaimed seabed and falls with sub part 3 of the Marine and Coastal Area Act 2011.
- Applications for fee simple in future – if there is more than one applicant what happens then?
Up until May 2021 only the developer can apply so until then there can only be one applicant unless they apply as a joint applicant say a Trust.
- What is available on a title search about ownership?
There is no title (called a Record of Title) so no you cannot search ownership.

Many thanks.

Kind Regards

Rachel Dixon
Solicitor

Thames-Coromandel District Council
Private Bag, 515 Mackay Street, Thames
s 9(2)(a) f: 07 868 0234
e: s 9(2)(a)
w: www.tcdc.govt.nz

Regular Office days in Thames Tuesday – Thursday

The contents of this e-mail may be CONFIDENTIAL OR LEGALLY PRIVILEGED, and is intended only for the persons named above. If this e-mail is not addressed to you, you must not use, read, distribute or copy this document. If you have received this document by mistake, please call us and destroy the original. Thank you.

Please consider the planet before printing out this email. Thank you.



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

This message contains information, which may be in confidence and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this message. If you have received this message in error, please notify us immediately (Phone 0800 665 463 or info@linz.govt.nz) and destroy the original message. LINZ accepts no responsibility for changes to this email, or for any

attachments, after its transmission from LINZ. Thank You.

Released under the provision of
the Official Information Act 1982

From: Max Gander-Cooper
To: Fast Track Consenting
Subject: FW: Letter from Minister Parker
Date: Thursday 24 February 2022 8:44:16 am
Attachments: RE Superkeel Wharf Whangape Land Status - Lot 1 DPS 86205.png
2012-12-12 - Certificate under Section 332 of MACAA.pdf

From: Richard Turner [§ 9\(2\)\(a\)](#)
Sent: Friday 28 January 2022 11:15 am
To: Max Gander-Cooper [§ 9\(2\)\(a\)](#)
Subject: RE: Letter from Minister Parker

Hi Max

Apologies for the delay. I was in a hearing most of this week and we needed to source information from the Thames-Coromandel District Council (TCDC).

By way of background, TCDC are the consent holder for the existing reclamation and was responsible for the survey plan. I understand that the survey plan was not lodged, but the attached correspondence between TCDC and LINZ hopefully further clarifies the status of the land. In short, the land holds a certificate under the Marine and Coastal Area (Takutai Moana) Act 2011 as reclaimed land.

Regards
Richard

 **Richard Turner**
Director
DDI +64 9 953 6808 | [§ 9\(2\)\(a\)](#) | PO Box 300 673, Auckland 0752
[www.mitchelldaysh.co.nz](#)

The information contained in this email message received from Mitchell Daysh Limited (and accompanying attachments) may be confidential. The information is intended solely for the recipient named in this email. If the reader is not the intended recipient, you are notified that any use, disclosure, forwarding or printing of this email or accompanying attachments is strictly prohibited. If you have received this message in error, please notify us immediately by return email.

From: Max Gander-Cooper [§ 9\(2\)\(a\)](#)
Sent: Tuesday 25 January 2022 9:15 am
To: Richard Turner [§ 9\(2\)\(a\)](#)
Subject: RE: Letter from Minister Parker

Kia ora Richard

Assuming that the survey plan was not lodged, do you have an understanding of why that hasn't taken place? Or who at TCDC might know?

Ngā mihi

Max Gander-Cooper
Senior Policy Analyst | Kaitiaki Kaupapa Here Matua
Fast-track Consenting

Ministry for the Environment | Manatū Mō Te Taiao
[§ 9\(2\)\(a\)](#) | [mfe.govt.nz](#)

From: Richard Turner [§ 9\(2\)\(a\)](#)
Sent: Friday 21 January 2022 12:35 pm
To: Max Gander-Cooper [§ 9\(2\)\(a\)](#)
Cc: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: RE: Letter from Minister Parker

Hi Max

I have forwarded your email to the counsel who was involved in this process as it is my understanding the survey plan was not lodged, but I'll confirm details shortly.

Regards
Richard

 **Richard Turner**
Director
DDI +64 9 953 6808 | [§ 9\(2\)\(a\)](#) | PO Box 300 673, Auckland 0752
[www.mitchelldaysh.co.nz](#)

The information contained in this email message received from Mitchell Daysh Limited (and accompanying attachments) may be confidential. The information is intended solely for the recipient named in this email. If the reader is not the intended recipient, you are notified that any use, disclosure, forwarding or printing of this email or accompanying attachments is strictly prohibited. If you have received this message in error, please notify us immediately by return email.

From: Max Gander-Cooper [§ 9\(2\)\(a\)](#)
Sent: Friday 21 January 2022 11:48 am
To: Richard Turner [§ 9\(2\)\(a\)](#)
Cc: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Subject: RE: Letter from Minister Parker

Kia ora Richard

I hope you had a good New Year break.

I have reviewed the further information you provided at the end of last year, and I have a question about the status of the land parcel identified on the General Layout Plan as Lot 1 Crown Land (Seabed or Foreshore) Sec 9A Foreshore and Seabed Endowment Revesting Act 1991.

It appears that a survey plan was prepared and approved, but never lodged with the Registrar-General of Land as required under the RMA, and therefore the land does not have a title. Are you able to confirm whether the survey plan was lodged with the Registrar-General of Land or, if not, when this is likely to occur?

Ngā mihi

Max Gander-Cooper
Senior Policy Analyst | Kaitiaki Kaupapa Here Matua
Fast-track Consenting

[§ 9\(2\)\(a\)](#) | [mfe.govt.nz](#)

From: Richard Turner [§ 9\(2\)\(a\)](#)
Sent: Friday 17 December 2021 12:10 pm
To: Max Gander-Cooper [§ 9\(2\)\(a\)](#)
Subject: FW: Letter from Minister Parker

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Hi Max

For your information.

Kind regards
Richard

 **Richard Turner**
Director
DDI +64 9 953 6808 | [§ 9\(2\)\(a\)](#) | PO Box 300 673, Auckland 0752
[www.mitchelldaysh.co.nz](#)

Meri Kirihimete and Happy New Year from the Mitchell Daysh team.

This year, as in years past, we are pleased to support the charitable work of
the **Cancer Society, Ronald McDonald House and St John Ambulance.**



The information contained in this email message received from Mitchell Daysh Limited (and accompanying attachments) may be confidential. The information is intended solely for the recipient named in this email. If the reader is not the intended recipient you are notified that any use, disclosure, forwarding or printing of this email or accompanying attachments is strictly prohibited. If you have received this message in error, please notify us immediately by return email.

From: Richard Turner
Sent: Friday 17 December 2021 12:09 pm
To: D Parker (MIN) <D.Parker@ministers.govt.nz>
Subject: RE: Letter from Minister Parker

Good afternoon

Please find the attached response from Ariki Tahī Sugarloaf Wharf Limited in relation to the further information request dated 3 December.

Kind regards
Richard

From: D Parker (MIN) <D.Parker@ministers.govt.nz>
Sent: Friday 3 December 2021 12:04 pm
To: Richard Turner <[s.9\(2\)\(a\)@ministers.govt.nz](mailto:s.9(2)(a)@ministers.govt.nz)>
Subject: Letter from Minister Parker

Dear Richard Turner

Please find attached a letter from Hon David Parker.

Kind regards

Tracey

Office of Hon David Parker

Office of Hon David Parker MP | Attorney-General | Minister for the Environment | Minister for Oceans and Fisheries | Minister of Revenue | Associate Minister of Finance

Authorised by Hon David Parker MP, Parliament Buildings, Wellington

Released under the provision of
the Official Information Act 1982