PO Box 276 049, Manukau City 2241
Level 4, Westfield Shopping Centre
8 Leyton Way
Manukau City
Phone: (09) 263 5285
Fax: (09) 263 5280

17 September 2020

Far North Holdings Ltd
PO Box 7
Opua 0241

Attention: Aimee Page

Dear Aimee

Land Status Investigation – Rangitane Reserve Reclamation, Kerikeri.

As requested, the land status and ownership of the reclamation as shown outlined in pink on the attached Spatial Map that forms part of the Rangitane Reserve has been investigated. The details are as follows:

Legal Description:	Part Bed of the Kerikeri Inlet.
Area:	Not specified.
Comprised In:	No LT registration.
Status:	Crown Land pursuant to the Marine and Coastal Area Act 2011.
Owner or Administering Body:	Land Information NZ.
Encumbrances:	None.

History:

1) The area subject to this report was formerly subject to the ebb and flow of the tide being the former bed of the Kerikeri Inlet.
2) One of the earliest plans to define the foreshore is SO Plan 12204 dated 1901 which defines Section 12 Block VIII Kerikeri Survey District and the adjacent Crown Grant road. The eastern boundary of the Crown Grant road is the foreshore. This plan defines the foreshore, however it did not annotate the natural boundary. The standard practice at that time when the defining the foreshore was to follow the mean high-water mark.
3) Aerial photo dated 13 October 1950 (SN 209 541/63) shows the foreshore in the same position as defined by SO Plan 12204.
4) In 1968, the owner of Part Section 12 Block VIII Kerikeri Survey District undertook a subdivision as shown on DP 59873. This plan shows the reclamation subject to this report has having occurred by this time.
5) In 1999, SO Plan 69918 confirms the existence of reclamation as shown on DP 59873. This plan labels the reclamation as "Unauthorised Reclamation".

Released under the provision of the Official Information Act 1982

Land Status:

1) From the available documentation, it cannot be established exactly when the reclamation occurred, however it occurred sometime between 1950 and 1968.
2) Additionally, there is no evidence to indicate that approval was sought under the Harbours Act 1950 or under any other Act.
3) Up until the passing of the Marine and Coastal Area Act 2011 the ownership of tidal waters and including unauthorised reclamations were owned by the Crown.
4) In 2011, section 31(1) of the Marine and Coastal Area Act 2011 applied to existing reclaimed land (including all unauthorised reclamations) that –

    a. *immediately before the commencement of this Act, was—*
        i. *part of the public foreshore and seabed under the Foreshore and Seabed Act 2004; or*
        ii. *vested in the Crown under the Land Act 1948; or*
        iii. *subject to the Foreshore and Seabed Endowment Revesting Act 1991; or*
        iv. *otherwise owned by the Crown; and*

    b. *is not set apart for a specified purpose.*

5) Prior to the commencement of the Marine and Coastal Area Act 2011, the subject reclamation was owned by the Crown Land as there is no evidence that it has been authorised or contained in fee-simple title. Section 31(2) of the Marine and Coastal Area Act 2011 states that on the commencement of this Act, the full legal and beneficial ownership of all such existing reclaimed land vests in the Crown absolutely.
6) Under the provisions contained in the Marine and Coastal Area Act 2011, the Minister responsible for the aforesaid Act is the Minister for Land Information.

Conclusion:

1) The reclamation subject to this report has the status of Crown Land pursuant to the Marine and Coastal Area Act 2011 and under the administration and control of the Minister for Land Information.
2) The subject reclamation does not appear to be recorded on the Crown Balance Sheet and therefore will be treated by LINZ as a 'newly discovered' parcel of land.

Please find enclosed copies of the relevant plans and other documentation for your information.

Yours sincerely

Steven Schwarz
Property Consultant

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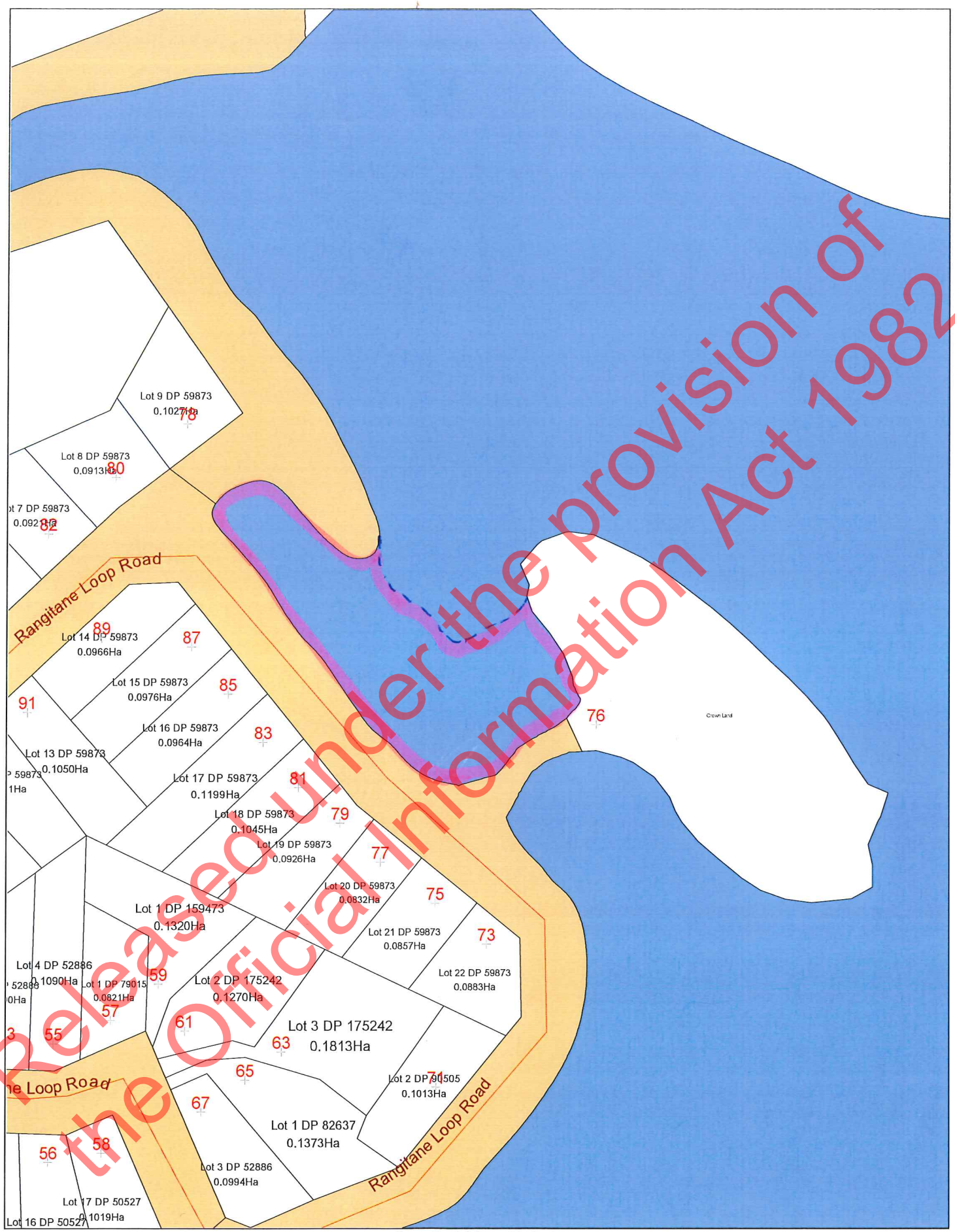

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Spatial Map Print

Scale 1 : 1500

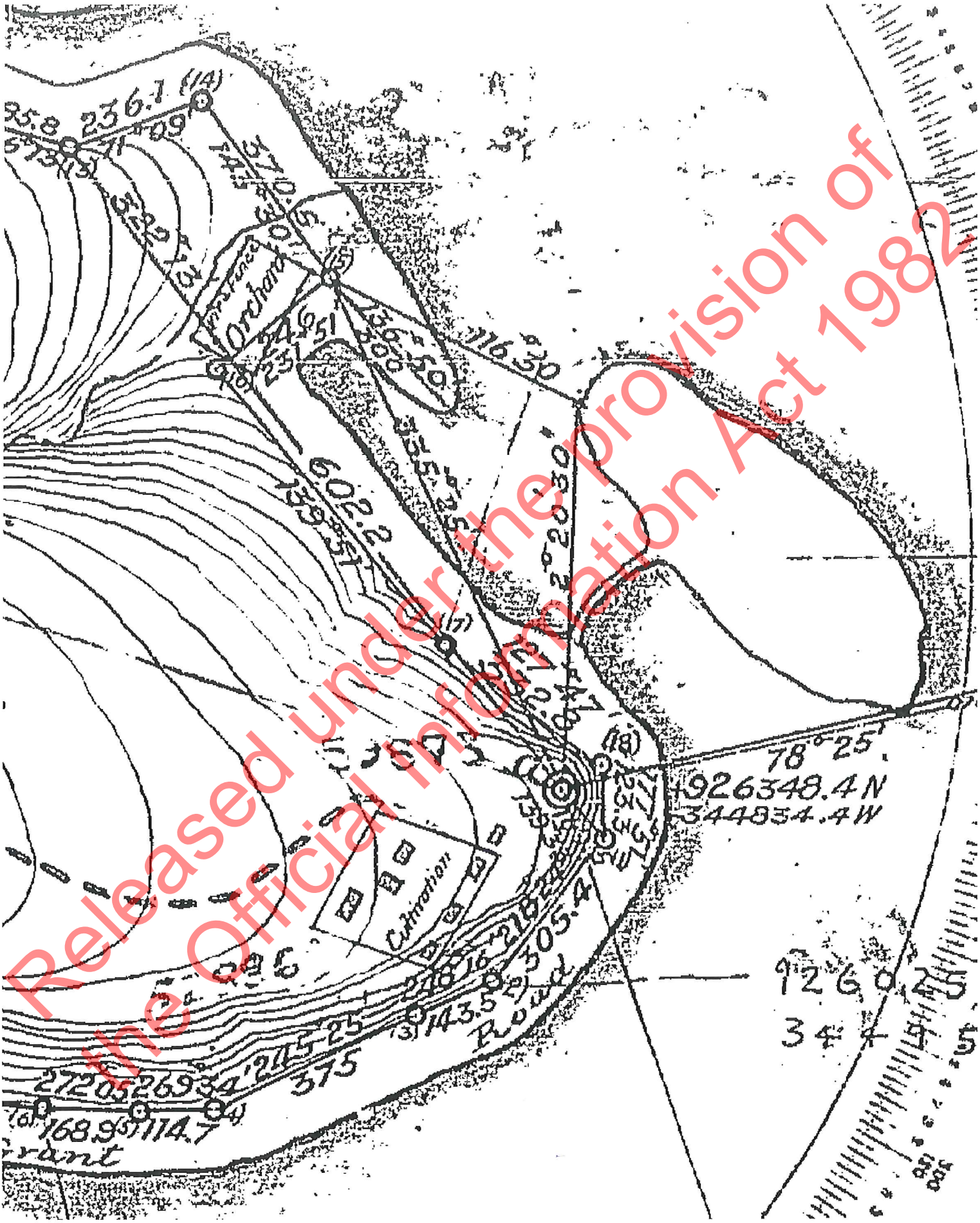
0 25 50 75 100 125 150 m

This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.

CROWN COPYRIGHT RESERVED

Landonline Map Printed as at 31-08-2020 16:21:18

jschwarz001



Released under the provision of the Official Information Act 1982

SO 12204

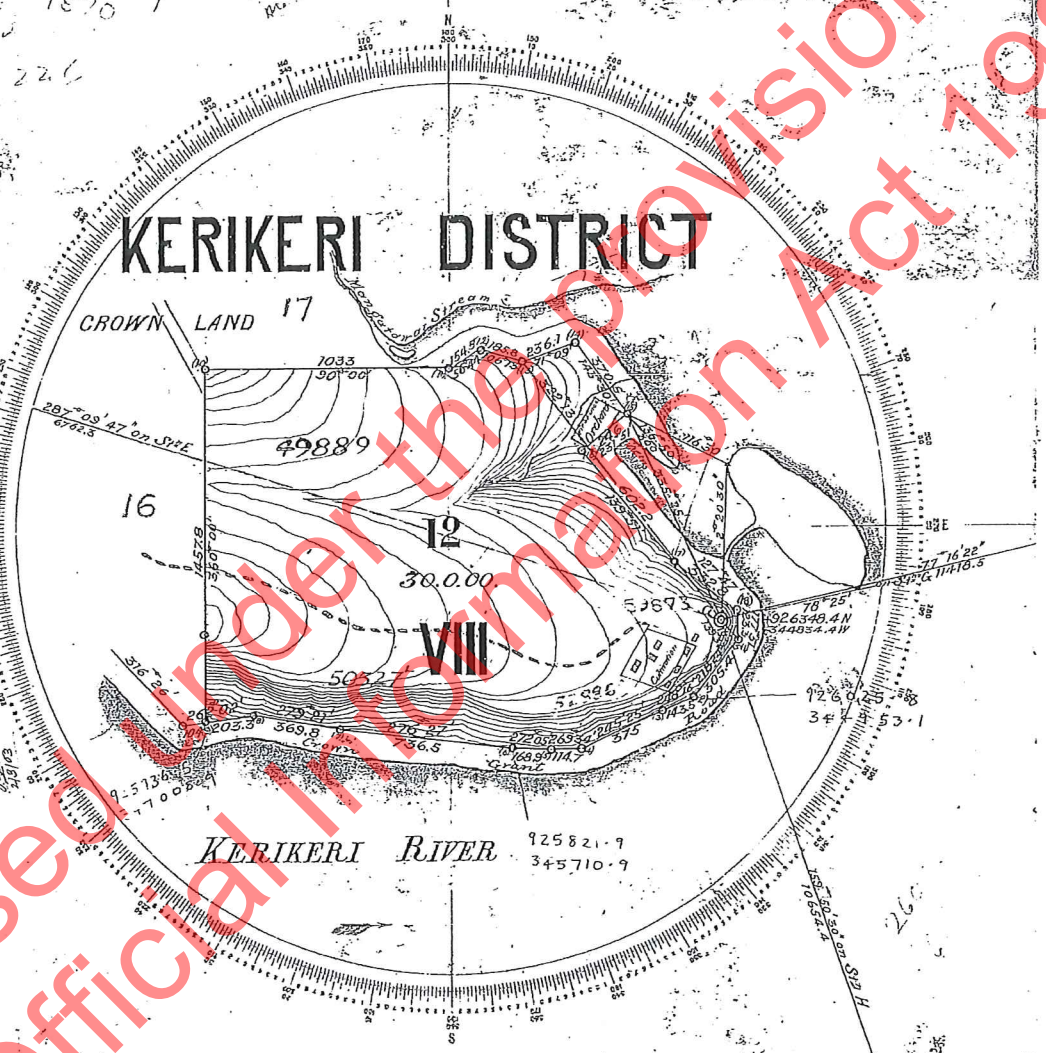
DEPARTMENT OF LANDS AND SURVEY.

Instructions No. 2349a Date 7 November 1901.
Field Book No. 1219 Page 27
Traverse Reductions Book Page BQ-3
Map received 7.1.02 Examined
Registered 7.1.02

APPROVED

for CHIEF RE GENERAL
2.3.3

LANDS & SURVEY OFFICE AUCKLAND



Plan of Section 12 Block VIII Kerikeri District
Surveyed for Philip James Baker
By R. Neumann
Authorised Surveyor

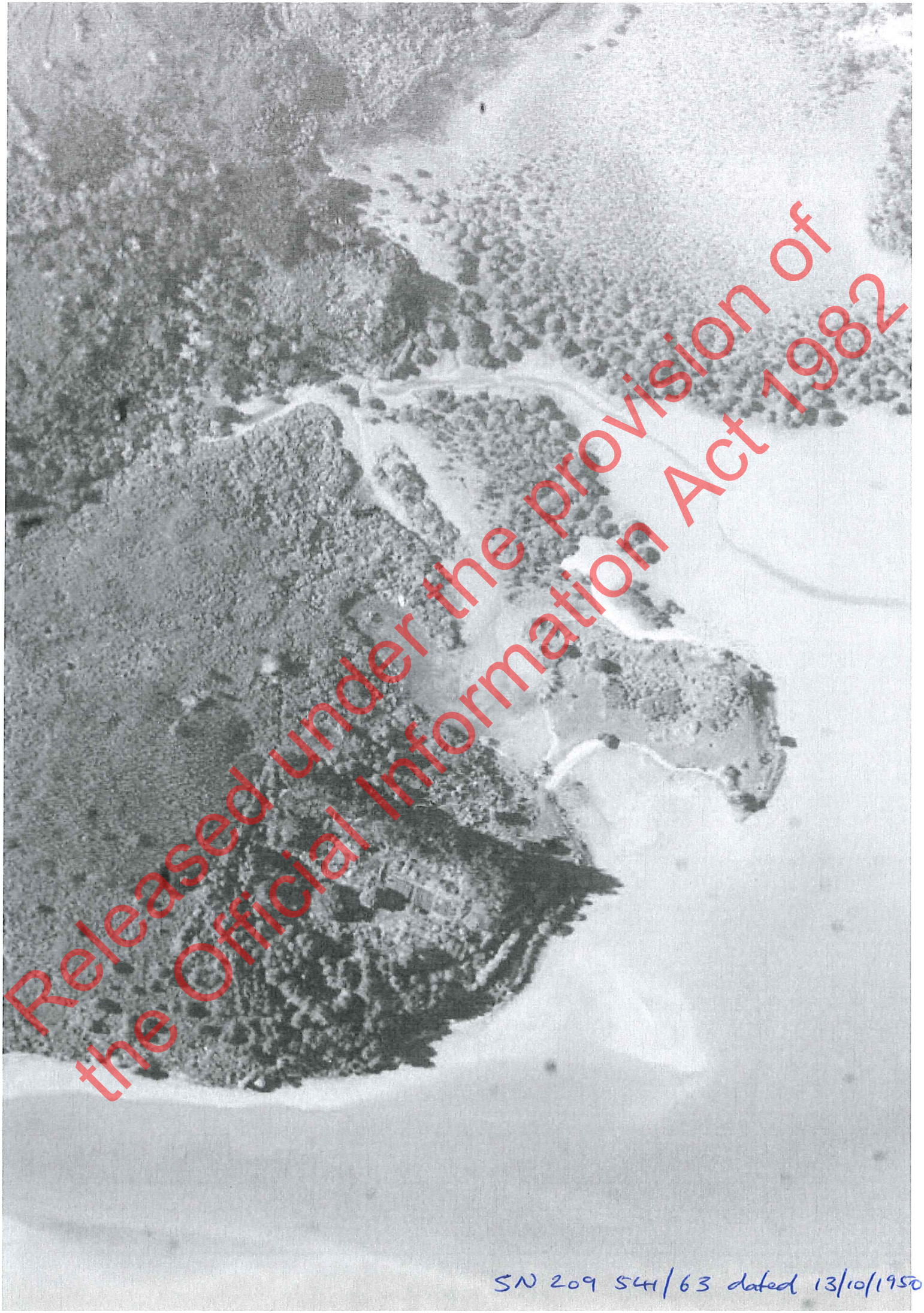
12204

November 1901.

Scale – 5 Chains to an Inch.

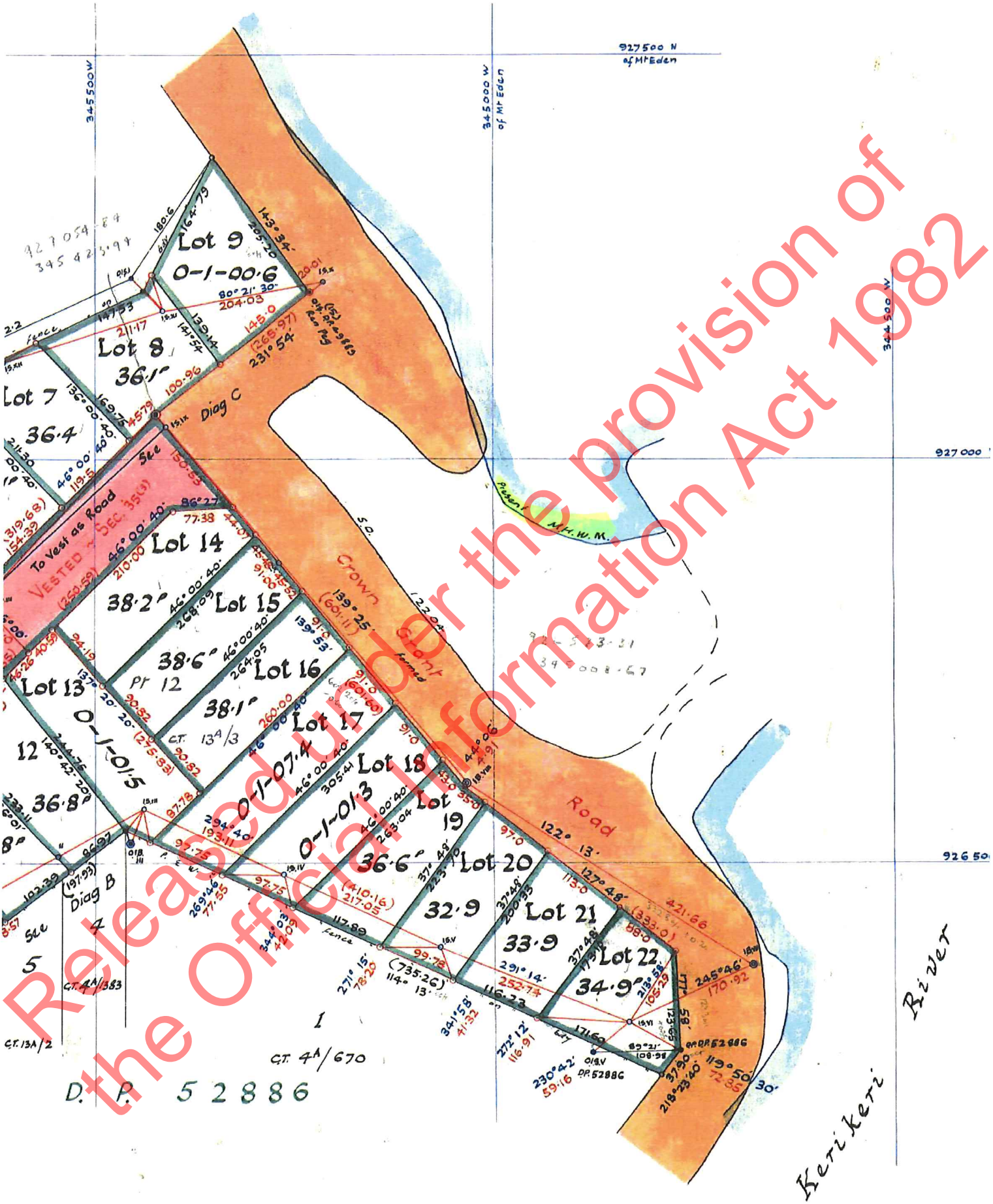
NOTE. Measured lines to be drawn in red, calculated or scaled lines in black, observed bearings in blue, the figures also being red, black and blue respectively. Draw a red circle round each peg, a double red circle round each trig station. Remarks of Surveyor to be noted on back hereof.

Released under the provision of the Official Information Act 1982



Released under the provision of the Official Information Act 1982

SN 209 541/63 dated 13/10/1950



Released under the provision of the Official Information Act 1982

LAND TRANSFER ACT 1952

Land Transfer Office
Received 59873
Title Reference A11 C.T. 10A/536
A11 C.T. 13A/3
Referred to L.T. Surveyor

Land and Deeds Plan
Fee
Abstract No.

Memorandum of Easement

Easement	Colour	Servient Tenement	Grantee
Drainage	Yellow	Lot 6	Bay of Islands County

59873

Deposited this 3rd day of July 1968
District Land Registrar

59873

Conditional Consent

Diag B Not to scale

Diag C Not to scale

Diag A Not to scale

D. P. 49889

S. O. 12204

D. P. 50527

D. P. 52886

Crown Grant Road

Kerikeri River

Lot 1 0-1-18·4
Lot 2 0-1-16·7
Lot 3 0-1-00·5
Lot 4 0-1-00·1
Lot 5 36·9
Lot 6 37·1
Lot 7 36·4
Lot 8 36·1
Lot 9 0-1-00·6
Lot 10 36·8
Lot 11 36·8
Lot 12 36·8
Lot 13 0-1-01·5
Lot 14 38·2
Lot 15 38·6
Lot 16 38·1
Lot 17 0-1-07·4
Lot 18 0-1-01·3
Lot 19 36·6
Lot 20 32·9
Lot 21 33·9
Lot 22 34·9
Lot 23 1-0-10·6

Pursuant to a resolution of the Bay of Islands County Council dated the 20th day of March 1968, approving under Sec 38 of the Counties Amendment Act 1961, the subdivision shown hereon and conditional on the Easement shown in the Memorandum endorsed hereon being duly granted or reserved and complying that the requirements of Sec 33(1) of the Town and Country Planning Act 1953 have been complied with, the Common Seal of the Chairman, Councillors and Inhabitants of the County of the Bay of Islands was hereto affixed in the presence of:-

Chairman

County Clerk

C.T. 15A/308-339

Lots 1 - 22	5-1-36·6
Lot 23, Road to Vest	1-0-10·6 Vested
Total Area	6-2-07·2

Cross Referenced

Approved as to Survey
Chief Surveyor

59873

Subdn of Lot 27 D.P. 50527
& Pt Sec 12 Blk VIII Kerikeri S. D.

CT 10A/536 & 13A/3

Blk VIII Kerikeri S. D.
North Auckland Land Dist : Bay of Islands County
Scale: One chain to an inch Surveyed by P. J. Finch December 1967 & January 1968

Reference plans S.O.12204 D.P. 49889, 50527, 52886
Field book 468 p. 87-93
Traverse book p.
Examined by M. Jones 28/6/68
Recorded S.O.B. p.
Correct
Chief Surveyor

I, Philip John Finch of Kaikohe Registered Surveyor and holder of an annual practising certificate, solemnly and sincerely declare that this plan has been made from surveys executed by me; that both plan and survey are correct; and have been made in accordance with the Regulations under the Surveyors Act 1938. And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oath and Declarations Act 1957.

Declared at Kaikohe this 14th day of June 1968 before me:

Registered Surveyor

A Solicitor of the Supreme Court of New Zealand

Approved

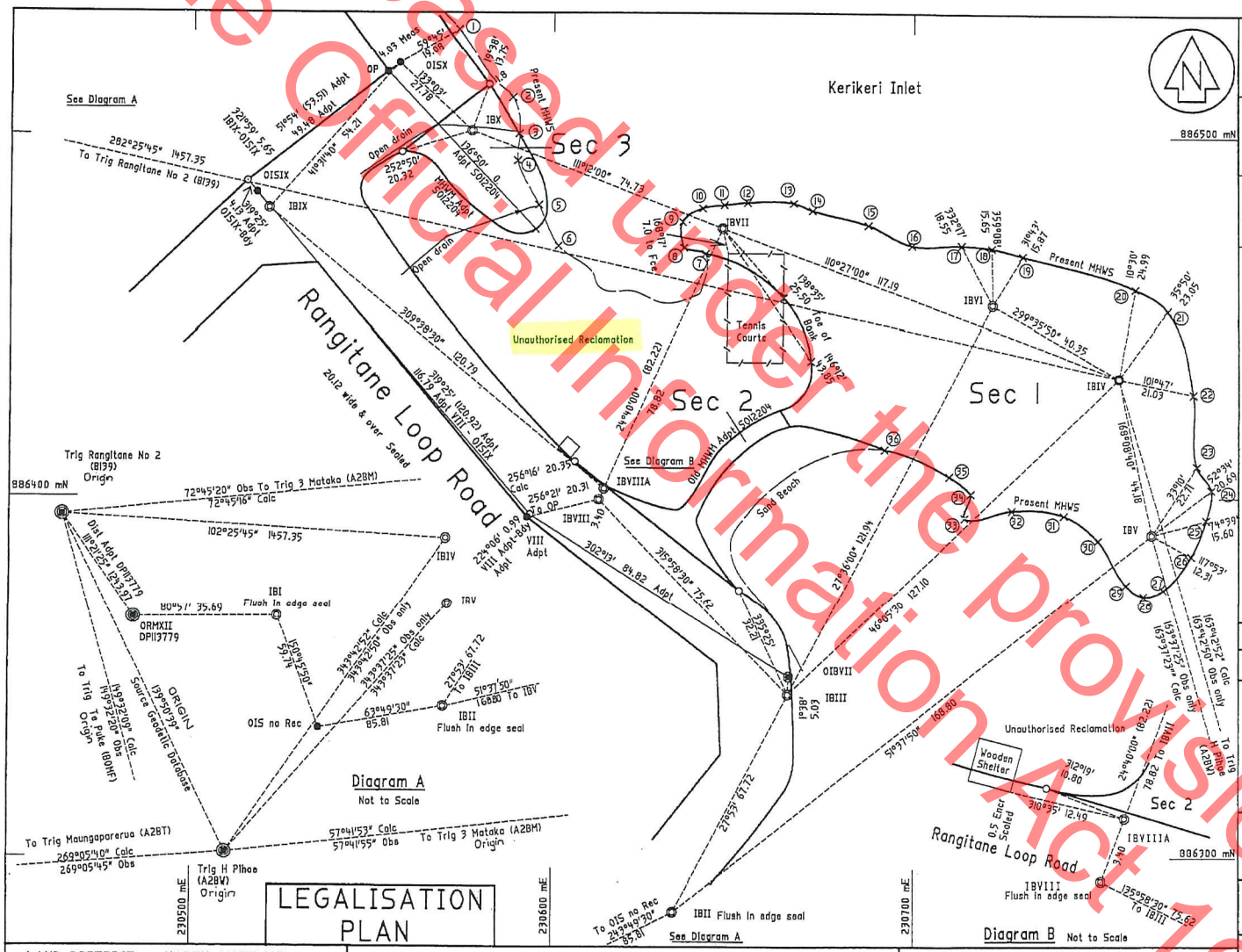
Applicant or Registered Owner

This Date reserved for plan numbers

59873

Released under the provisions of the Official Information Act 1982

Released under the provisions of the Official Information Act 1982



Approvals
Bearing and Coordinate Datum Geodetic 1949

Mt Eden Circuit Coordinates
Origin Mt Eden 700000mN 300000mE

Schedule of Coordinates

	mN	mE
Trig Rangitane No 2	886746.78	229333.74
Source Geo Database		
ORMXII DP113779	886293.77	230492.22
IBIV	886433.12	230756.90

Notes:
1/Old marks & adoptions are from DP59873 unless shown otherwise.
2/No occupation on new boundaries unless shown otherwise.
3/Instrument.. Topcon GTS211D No LG1383

Fixes of MHWS

From IBVII

2	301°51' 68.76	9	279°14' 11.29
3	294°52' 62.35	10	314°51' 7.89
4	288°03' 59.90	11	3°52' 6.50
5	276°50' 51.42	12	43°35' 9.93
6	263°42' 45.87	13	70°15' 20.80
7	214°49' 8.51	14	78°41' 25.30
8	243°55' 12.04	15	88°39' 40.28
		16	95°05' 52.58

From IBIII

27	74°02' 107.94	32	50°10' 80.41
28	74°09' 102.26	33	44°35' 69.37
29	71°39' 98.51	34	41°55' 75.36
30	63°11' 96.09	35	36°06' 75.37
31	56°40' 91.28	36	21°13' 73.25

Class of survey I

Total Area

Comprised in

I, Denis McGregor Thomson, being a person entitled to practise as a registered surveyor, certify that-
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1998.
(b) This dataset is accurate, and has been created in accordance with that Act and those Regulations.

(Signature) D Thomson
(Date) 5th October 1999

Field Book ..... p ..... Traverse Book ..... p 174-177
Reference Plans SO12204, DP113779, DP59873, DP49889
Examined ..... Correct .....

Approved as to Survey
3 / 11 / 99 Chief Surveyor

Deposited this ..... day of ..... 19 .....
for Registrar - General of Land

File REF:5727
Received 11 OCT 1999
Instructions
Approved LM 93708 5727FNDC

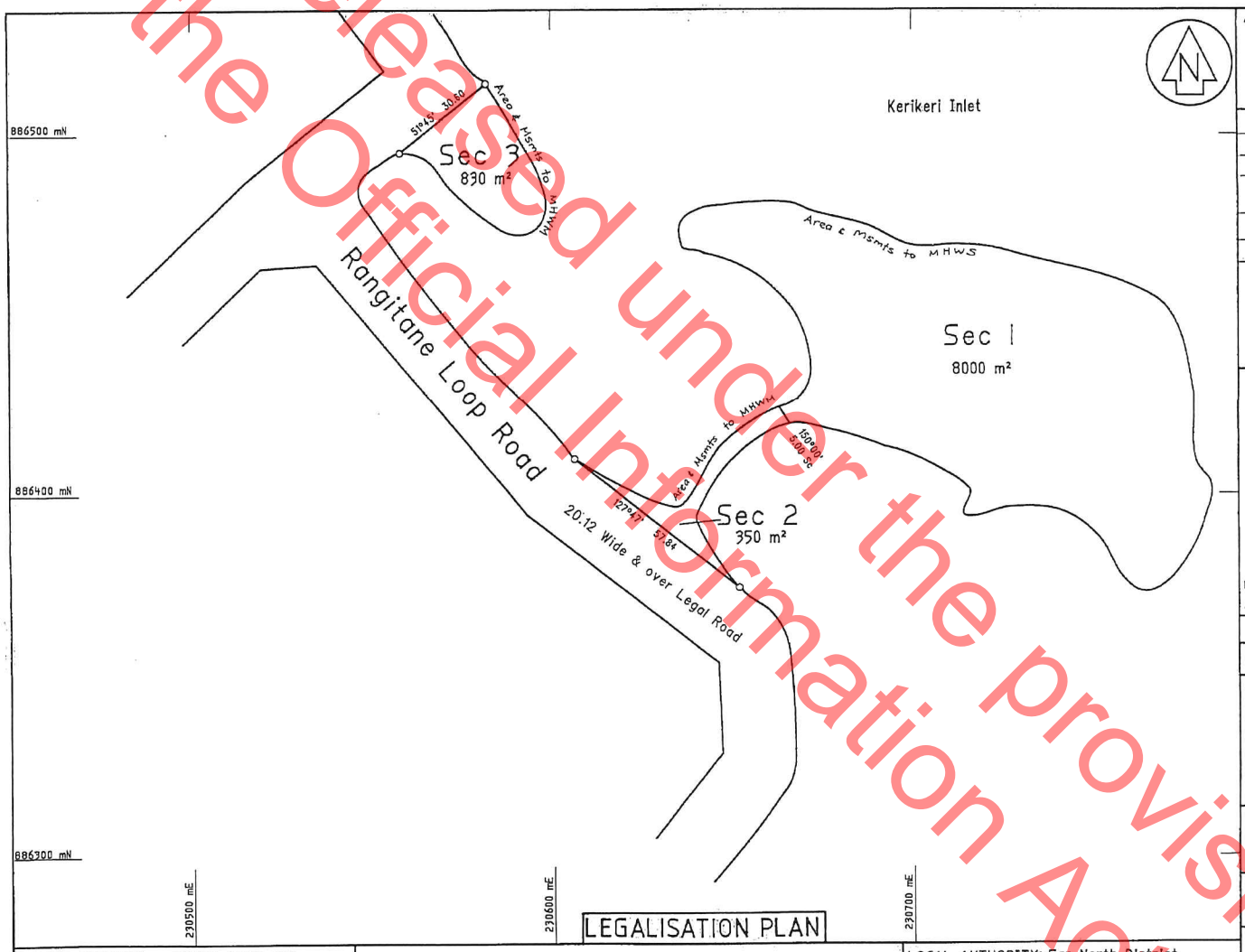
LEGALISATION PLAN

LAND DISTRICT: NORTH AUCKLAND
SURVEY BLK & DIST: VIII Kerikeri
NZMS P05 SHEET No. 7.1

Sections 1 - 3

LOCAL AUTHORITY: Far North District
Surveyed by: Thomson & King (Kerikeri)
Scale: 1:750 Date: May 1999

SO 69918



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Sections 1 - 3

LOCAL AUTHORITY: Far North District
Surveyed by: Thomson & King (Kerikeri)
Scale: 1:750 Date: May 1999

Approvals

Approved as to layout
For F.N.D.C.

Schedule of Areas

Land to be Set Apart as Reserve

Shown	Description	CT	Area
Sec 1	Crown Land	No LT Regn	8000m²

Road to be Stopped

Shown	Adjoining	Area
Sec 2	Sea Bed	350m²
Sec 3		830m²
		1180m² Total

Road shown as Sections 2 & 3 legal by Crown Grant.

Class of survey I

Total Area 9180 m²

Comprised in

I, Denis McGregor Thomson, being a person entitled to practise as a registered surveyor, certify that-
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1998.
(b) This dataset is accurate, and has been created in accordance with that Act and those Regulations.

(Signature) D. Thomson
(Date) 5th October 1999

Field Book ..... p ..... Traverse Book ..... p .....
Reference Plans .....
Examined ..... Correct .....

Approved as to Survey
3 / 11 / 99 D. Thomson Deputy Chief Surveyor

Deposited this ..... day of ..... 19.....
Registrar - General of Land

File REF:5727
Received 1 OCT 1999
Instructions
Approved LM 93708 5727 Title

SO 69918

5 NOV 1999

Released under the provisions of the Official Information Act 1982

New Zealand Legislation

Marine and Coastal Area (Takutai Moana) Act 2011

Warning: Some amendments have not yet been incorporated

- This version was replaced on 16 January 2019 to make a correction to section 23(3) under section 25(1)(j)(iv) of the Legislation Act 2012

31 New status of existing reclaimed land

(1) This section applies to reclaimed land (**existing reclaimed land**) that,—

(a) immediately before the commencement of this Act, was—

(i) part of the public foreshore and seabed under the Foreshore and Seabed Act 2004; or

(ii) vested in the Crown under the Land Act 1948; or

(iii) subject to the Foreshore and Seabed Endowment Revesting Act 1991; or

(iv) otherwise owned by the Crown; and

(b) is not set apart for a specified purpose.

(2) On the commencement of this Act, the full legal and beneficial ownership of all existing reclaimed land vests in the Crown absolutely and, so far as it is, immediately before that commencement, subject to the Foreshore and Seabed Act 2004, the Foreshore and Seabed Endowment Revesting Act 1991, or the Land Act 1948, ceases to be subject to those Acts.

(3) However, this section does not affect—

(a) any lesser interest held, immediately before the commencement of this Act, by a person other than the Crown in existing reclaimed land; or

(b) the ownership in structures fixed to, or under or over, existing reclaimed land.

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