

**From:** [April Hussey](#)  
**To:** ["Georgina Smith"](#)  
**Cc:** ["Vanessa Hamm"](#)  
**Subject:** Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Update  
**Date:** Tuesday, 15 January 2019 12:15:00 p.m.  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
**Importance:** High

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Hi Georgina,

Happy New Year. I hope you had a lovely break.

This email is to advise that the final determination for the grant of a freehold interest in Sulphur Point, Tauranga, has today been sent to Wellington for its final peer review and then a decision by the Minister's delegate.

These determinations require a number of different signatures from LINZ officials that have exceptionally high workloads, so often a decision can take a few weeks, without the added complication of people returning to work on different dates after the New Year. However, I have diarised a number of follow ups to ensure that the determination keeps moving through the process as quickly as possible. I will be in touch as soon as I hear back.

In the meantime, if you or your client require additional updates, please do not hesitate to be in touch.

Kindest Regards,

**April Hussey**  
**Senior Portfolio Manager**  
**Land and Property (Christchurch)**  
**Crown Property**  
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**From:** Georgina Smith [mailto:[Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)]  
**Sent:** Friday, 21 December 2018 3:23 p.m.  
**To:** April Hussey  
**Cc:** Vanessa Hamm  
**Subject:** RE: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2  
**Importance:** High

Hi April,

We refer to your email of 19 December 2018 (in the email chain below), and comment on your points in the same order:

1. Our client has advised that its Board has today approved the LINZ valuation figures, see **attached** letter.

2. Noted.
3. Thank you for setting this out, it is helpful.
4. As above.

Our client advises that the valuation invoice was paid on 7 December 2018.

Happy Christmas & safe travels. We look forward to hearing from you in the New Year.

Kind regards



**Georgina Smith / Associate**  
**DDI** 07 577 8684 / **M** 021 251 6552  
**E** [Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)  
[hobec.co.nz](http://hobec.co.nz)



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**From:** Georgina Smith  
**Sent:** Wednesday, 19 December 2018 5:22 p.m.  
**To:** 'April Hussey' <[ahussey@linz.govt.nz](mailto:ahussey@linz.govt.nz)>  
**Subject:** RE: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2

Thanks – that sounds like a good plan. Be in touch on Friday.



**Georgina Smith / Associate**  
**DDI** 07 577 8684 / **M** 021 251 6552  
**E** [Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)  
[hobec.co.nz](http://hobec.co.nz)



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**From:** April Hussey <[ahussey@linz.govt.nz](mailto:ahussey@linz.govt.nz)>

**Sent:** Wednesday, 19 December 2018 5:19 p.m.

**To:** Georgina Smith <[Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)>

**Subject:** Re: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2

Hi Georgina,

Unfortunately, I'm one of the last to leave for the holidays so I would advise you just send to me as usual. I'll be able to check my emails on Friday prior to leaving the country and can likely confirm receipt for you if needed.

I won't be able to put anything up to the Ministers delegate for a decision until they return in the New Year, and until I've had a chance to properly work through the Iwi information you've provided and update the determination accordingly. I'm going to make this a focus for me in early January. Thus we won't be 'losing' any time as such, even if written confirmation of the accepted figures is only sent to me. I'll be endeavouring to move things along as quickly as I can once I return to the office but this will be affected slightly by the availability of the required signatory.

I'll keep you updated over the New Year period but I don't imagine there will be anything further to advise prior to your return to work on the 14th.

Please let me know if you or your client have any further questions.

Kindest regards,  
April.

Sent from my iPhone

On 19/12/2018, at 5:06 PM, Georgina Smith <[Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)> wrote:

Thanks for your email April – I will pass it on.

I am advised that we should have notice of Board approval (or otherwise) this Friday, 21 December 2018. Given you are away on that date, is there someone else we can contact on that date (as well as yourself) to keep the wheels in motion as I am not back in the office until 14 January 2019.

Regards

<image001.png>

**Georgina Smith / Associate**

**DDI** 07 577 8684 / **M** 021 251 6552

**E** [Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)  
[hobec.co.nz](http://hobec.co.nz)

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**From:** April Hussey <[ahussey@linz.govt.nz](mailto:ahussey@linz.govt.nz)>

**Sent:** Wednesday, 19 December 2018 5:02 p.m.

**To:** Georgina Smith <[Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)>

**Subject:** FW: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2

Hi Georgina,

Thank you for your email of 5 December 2018. I confirm receipt of the attached memo and supporting documents and apologise for the delay in coming back to you on this matter.

1. I understand that the consideration figures require advance approval from the Board and I can confirm that I will not forward the determination to the Minister's delegate until such time as I have received written confirmation from them that these figures are acceptable. I will be away from the office from the 20<sup>th</sup> of December until the 7<sup>th</sup> of January, so if confirmation from the Board is not available until mid-January or later then this isn't an issue.
2. I will be considering the information provided around the liaison with Ngāi Tamarawaho in the New Year and will come back to you if I have any questions on this. Many thanks for including the information requested in your response.
3. Should the Minister's delegate approve the grant of a freehold interest, the process is as follows:
  - I will advise you and your client of the decision via a letter which will also set out what, if any, conditions apply to the granting of the interest;
  - I will require formal acceptance from your client (in the form of a written undertaking) of the conditions of the approval and that they will be complied with;
  - Your client will be required to make a formal application for the vesting of the freehold interest in the land in accordance with s39(1) of the Act. I understand that this is largely satisfied by your client accepting any conditions in writing and making payment of \$2,840.00 to LINZ, as provided for in clause 6 of the Marine and Coastal Area (Takutai Moana) Reclamation Fee Regulations 2012;
  - I will advise the Minister's delegate that all matters under s39(1) of the Act have been satisfied and arrange for a Gazette notice and Sale and Purchase Agreement (ASP) to be drafted;
  - The ASP will be executed by the Crown and will be forwarded to you for execution by your client (by an authorised signatory). Evidence that the signatory is authorised to sign will be required;
  - The ASP is required to be returned to LINZ and a 10% deposit paid. The remainder of the consideration will become payable on an agreed settlement day;
  - Your client is to confirm who is acting for them with respect of this transaction;
  - When confirmation of funds is received on settlement day

LINZ will arrange for the published Gazette notice to be lodged with the Registrar-General of Land together with a request for a new title to be issued in the name of your client. The new title will record that the land is reclaimed land subject to subpart 3 of Part 2 of the Act and that it is subject to s44 of the Act which covers the restrictions on future disposition of the freehold interest;

- LINZ will arrange for our solicitor to undertake the lodging of the Gazette notice and the raising of the new title through e-dealing. Our solicitor will liaise with whomever is acting for your client with regards to that transaction to complete settlement.
- A copy of the title will be provided to your client.

4. The trigger point and required timing for payment of the consideration is outlined above. A settlement date will be agreed between parties later on in the process.

In terms of payment for the costs of the LINZ valuation - if these have not been paid already, please ensure that your client is aware of the need for these to be paid as soon as possible.

Please don't hesitate to come back to me if you have any questions on this process.

Kindest Regards (and Merry Christmas),

**April Hussey**  
**Senior Portfolio Manager**  
**Land and Property (Christchurch)**  
**Crown Property**

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**From:** Georgina Smith [<mailto:Georgina.Smith@hobec.co.nz>]

**Sent:** Wednesday, 5 December 2018 10:28 a.m.

**To:** April Hussey

**Subject:** RE: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2

Hi April,

We refer to your email on 23 November 2018 below. Please find our Memo and supporting documents **attached**.

Kind regards

<image001.png>

**Georgina Smith** / Associate

DDI 07 577 8684 / M 021 251 6552

E [Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)  
[hobec.co.nz](http://hobec.co.nz)

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**From:** April Hussey <[ahussey@linz.govt.nz](mailto:ahussey@linz.govt.nz)>

**Sent:** Friday, 23 November 2018 6:53 a.m.

**To:** Georgina Smith <[Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)>

**Subject:** Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga - Email 1 of 2

Morning Georgina,

Please find attached the draft report for determination of an application for a grant of a freehold interest for reclaimed land at Sulphur Point, Tauranga.

The attachment list is as follows:

Attachment 1 – Survey Office Plans  
Attachment 2(a) – s33(2) Certificate for Section 1 SO 464237 (Northern Reclamation)  
Attachment 2(b) – s33(2) Certificate for Section 1 SO 59443 (Southern Reclamation)  
Attachment 3 – Plans and Aerial Images  
Attachment 4 – Council District Planning Map & Legend  
Attachment 5 – Resource Consent (Northern Reclamation)  
Attachment 6 – Letter from Office of Treaty Settlements  
Attachment 7 – Cultural Values Report  
Attachment 8 – Sulphur Point Valuation Report  
Attachment 9 – Reclamation Valuation Methodology  
Attachment 10 – Heritage New Zealand Response & Report  
Attachment 11(a) – s245 Certificate for Northern Reclamation  
Attachment 11(b) – Gazette Notice & Plan for Southern Reclamation  
Attachment 11(c) – s245 Certificate for Southern Reclamation

**There are 14 attachments in total (plus the draft determination document).**

Due to the size of these attachments, some will follow in a separate email. Attachments 1 – 4 should be attached herewith. Please come back to me if you don't receive all of the attachments by lunchtime today and I will arrange for these to be resent. Please also advise whether either you or your client require a hard copy of this information to be posted.

You will note that the draft determination document is in PDF format, is unsigned, and contains a number of highlighted sections. Please have PoT make any comments in an email and reference each to the applicable paragraph in the draft determination. The document will be signed by me once any comments have been received from PoT and considered for incorporation into the document. The determination will then come out of draft form and be submitted to the appropriate delegates for their decisions and signatures. The highlighted sections in the draft demonstrate that the work is underway or indicates that content may change before the determination is finalised.

Please draw your client's specific attention to paragraph (f) under the 'Application' section of the draft determination. This refers to PoT's engagement with Buddy Mikaere of the Ngāi Tamarawaho Environmental Unit, on the recommendations contained in the Cultural Values Report. When

PoT submit their comments on the draft determination for LINZ to consider, please also include copies of the communication between PoT and Buddy (or another appropriate liaison), or evidence of a side agreement that has been signed by both parties, so that LINZ can be satisfied that the cultural and environmental values set out in the report will be properly considered and provided for by PoT. If this information is not available, LINZ may require PoT to enter into an additional agreement with either iwi or LINZ that covers off the requirement to abide by the recommendations made in the Cultural Values Report prior to the issuing of freehold title.

Please advise your clients to take time to read through all the attached documentation and make any comments as outlined above. Upon receipt of any comments LINZ will consider each and make changes to the draft determination as deemed necessary. If there are no comments that PoT wish to make then that is fine, please just advise me that this is the case and I will prepare the draft for signing. Evidence of communication with iwi can be sent through to me for consideration at any time.

Now that the draft determination is complete I will arrange for an invoice to be forwarded on to you for payment of the valuation cost, as advised by LINZ on 29 May 2017 and agreed to by PoT on 30 May 2017. The total amount of the invoice will be \$12,905.00 plus GST (\$14,840.75 inclusive). Please let me know if there are any queries on this matter.

Don't hesitate to come back to me if you or your client have any questions. Again, my sincere apologies for the delay in getting this out to you.

Kindest Regards,

**April Hussey**  
**Senior Portfolio Manager**  
**Land and Property (Christchurch)**  
**Crown Property**

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**From:** April Hussey

**Sent:** Thursday, 8 November 2018 12:35 p.m.

**To:** 'Georgina Smith'

**Subject:** RE: Port of Tauranga Limited - Application for freehold interest in reclaimed land

Hi Georgina,

I have this afternoon sent a copy of the draft determination document off for peer review.

I am now working away from the office (and will often be without access to my emails) until Monday 19 November. However, I hope that the peer review will be completed by the time I return and I'll be able to have something to you by the 23<sup>rd</sup>.

Kindest Regards,

**April Hussey**  
**Senior Portfolio Manager**

**Land and Property (Christchurch)  
Crown Property**

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<image003.png>

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**From:** Georgina Smith [<mailto:Georgina.Smith@hobec.co.nz>]  
**Sent:** Monday, 5 November 2018 9:29 a.m.  
**To:** April Hussey  
**Subject:** Port of Tauranga Limited - Application for freehold interest in reclaimed land

Hi April,

Please find **attached** letter in respect to the above matter.

Kind regards

<image001.png>

**Georgina Smith** / Associate  
**DDI** 07 577 8684 / **M** 021 251 6552  
**E** [Georgina.Smith@hobec.co.nz](mailto:Georgina.Smith@hobec.co.nz)  
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