

Napalis 3203 196



**Land Information  
New Zealand**  
Toitū te whenua

## Internal Memo

To: John Hook  
Group Manager Crown Property

From: Jan Webster  
Portfolio Manager

Date: 31 May 2016

File Ref: A2392263

Subject: **Status of reclaimed land at Port of  
Tauranga – Section 1 SO 464237**

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**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:

1. Status report completed by RMAC Services Ltd;
2. SO 464237;
3. Coastal Permit RCAN 0806;
4. Certificate 245(5)(a);
5. Aerial of land within port development;
6. Certificate for your signature.

**Background** The reclamation was authorised by resource consent 61134 granted by the Minister of Conservation as a restricted coastal activity on 26 February 2002, however construction wasn't undertaken by the Port of Tauranga Ltd until approximately 2013. A certificate pursuant to section 245 of the Resource Management Act 1991 was issued by the Bay of Plenty Regional Council on 11 September 2013.

I agree with the attached status report's conclusion that the land was lawfully reclaimed from the common marine and coastal area post MACAA and therefore is subject to section 30(2) of MACAA.

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

**Delegations** The land is subject to subpart 3 of Part 2 of MACAA and you hold a delegation from the Minister for Land Information to certify that status under s33(2) of 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



Jan Webster  
Portfolio Manager

Recommended



Bart van Stratum  
Senior Portfolio Manager

Agree/~~Disagree~~



John Hook  
Group Manager Crown Property

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# **RMAC SERVICES LTD**

Advisory/Consultancy in Land Survey, Titles, Tenure & Status

RMAC Services Ltd.  
65 Percy Kinsman Crescent  
Riverstone Terraces  
Upper Hutt 5018  
Ph. 04 5277410  
e-mail [rkmccl@extra.co.nz](mailto:rkmccl@extra.co.nz)

31 May 2016

## **Status of Reclamation; Section 1 SO 464237, Port of Tauranga**

### Purpose

To report the status of the land shown as Section 1 SO464237, outlined red on the attached plan.

### Description

The land is described on SO 464237 as "Crown Land, part Tauranga Harbour bed" although it is an area reclaimed from the sea bed with boundaries established by a series of right-lines shown on that plan.

### History

The reclamation was authorised by resource consent 61134 granted by the Minister of Conservation as a restricted coastal activity on 26 February 2002. Construction was undertaken by the Port of Tauranga Ltd. and a certificate pursuant to section 245 of the resource management Act 1991 was issued by the Bay of Plenty Regional on 11 September 2013.

### Comment

Any land subject to tidal waters has always been considered to be in the ownership of the Crown by common law doctrine. Both the Foreshore and Seabed Revesting Act 1991 and the Foreshore and Seabed Act 2004 confirmed that ownership.

Section 30(1) of the Marine and Coastal Area Act (MACAA) applies to any reclaimed land that is formed from the common marine and coastal area as a result of a lawful reclamation.

Section 30(2) vests the full legal and beneficial ownership to which this subsection applies in the Crown absolutely if, after the commencement of this Act, a regional council approves a plan of survey under s.245(5) of the Resource Management Act 1991 in respect of that land.

The reclaimed land lies within the definitions in sections 30(1) and 30(2), and is therefore Land of the Crown pursuant to the Marine and Coastal Area Act 2011.

### Conclusion

That the reclaimed land shown as Section 1 on SO 464237 is Land of the Crown pursuant to sec. 30(2) of the Marine and Coastal Area Act 2011 and lies within the jurisdiction of the Minister for Land Information.



RK McLeod MNZIS

Attached: copies of research data



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Section 1  
SO 464237  
0.4000

Section 1  
SO 464237  
0.4000

Lot 1  
DPS 53673  
2.3700

Section 1  
SO 58241  
1.1680





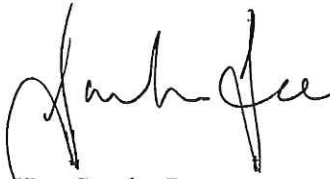
"H(iv)"

**Consent (Restricted Coastal Activity) Number 61134**

**COASTAL PERMIT  
RCAN 0806**

Pursuant to the provisions of Section 119 of the Resource Management Act 1991, I, Sandra Lee, Minister of Conservation hereby grant to Port of Tauranga Ltd., a permit (coastal permit RCAN 0806) to carry out a restricted coastal activity involving the reclamation of an area of seabed of some 4000m<sup>2</sup> on the bed of Tauranga Harbour at Sulphur Point, Map Reference NZMS 260: U14 9030 8870, in accordance with the information supplied with the application and subject to the attached conditions of consent:

In terms of s123(a) this permit for the reclamation is for an unlimited period.



Hon Sandra Lee  
**Minister of Conservation**

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**CONDITIONS OF CONSENT**  
**RCAN 0806**

PORT OF TAURANGA LIMITED

Post Bag 1  
MOUNT MAUNGANUI

A coastal permit pursuant to section 12(1)(a) of the Resource Management Act 1991 to **Reclaim Sea and Foreshore** subject to the following conditions:

**1 Purpose**

To reclaim seabed and foreshore of Tauranga Harbour to provide for the servicing of the Sulphur Point wharf facilities and to ensure the configuration of the new wharf is contiguous with existing facilities.

**2 Location**

At the northeastern extent of the Sulphur Point reclamation, Tauranga Harbour as shown on Port of Tauranga, Sulphur PT. Wharf Extension No.2 (Northern), Location Plan, 360-00, submitted with the application for this permit and appended to this permit.

**3 Map Reference**

At or about map reference NZMS 260 U14 9030 8870.

**4 Legal Description**

Tauranga Harbour, Crown Land (seabed), Block VI, Tauranga SD (Tauranga District).

**5 Area of Reclamation**

The reclamation shall occupy an area no larger than 0.4-hectares and shall conform with the dimensions shown on Port of Tauranga, Sulphur PT. Wharf Extension No.2 (Northern), Boundary Plan, 360-02, submitted with the application for this permit and appended to this permit.

**6 Works**

- 6.1 All works under this permit shall be undertaken in accordance with information submitted with the application including Port of Tauranga, Assessment of Environmental Effects, Sulphur Point Wharf, Extension No. 2 - North (2001). The works may be completed in one continuous work programme or by way of a staged programme in which portions of the reclamation are completed one at a time.

## Consent (Restricted Coastal Activity) Number 61134

- 6.2 All reclamation works under this permit shall be:
- a) completed within eighteen months of the commencement of works; or
  - b) if a staged programme is implemented, the reclamation for each stage shall be completed within nine months of commencing that stage.
- 6.3 The rock and fill material used in the reclamation shall be clean and, where placed in the coastal marine area, shall only be in the area that the reclamation will cover.
- 6.4 The construction and lining of the rock wall and/or retaining wall surrounding the reclamation shall be such that all dredged material (other than that authorised to be discharged by consent number 61154) is contained within the reclamation.
- 6.5 The works associated with this permit shall be carried out under the supervision of a registered engineer.
- 6.6 The reclamation works shall not result in an increase in water turbidity of more than 20 NTU above ambient level at any point 50 metres or greater from the reclamation works.
- 6.7 No fuel storage or machinery refuelling shall occur where fuel could enter a water body in the event of a spillage.
- 6.8 There shall be no direct discharge of sediment to surface waters as a result of this permit.
- 6.9 Within three months of completion of the reclamation, or the completion of any stage of the reclamation, the permit holder shall submit a survey plan that details the extent of the reclamation, or stage of the reclamation to the Regional Council.
- 7 Notification**
- 7.1 The permit holder shall inform the Regional Council, in writing, at least 2 working days prior to the commencement of any works, including any stage of works covered by this permit and of their completion within 5 working days of this occurring.
- 7.2 The permit holder shall inform the Regional Council, in writing, at least 2 working days prior to commencing any works covered by this permit, either the complete reclamation or any stage of it, of the name and emergency contact details of the registered engineer overseeing the construction.



**8 Maintenance**

- 8.1 The reclamation and associated works shall be maintained in good structural condition at all times.
- 8.2 Any scour or siltation of the seabed or adjoining shoreline which, in the opinion of the Chief Executive of the Regional Council or delegate, results from works under this permit or the longterm presence of reclamation works under this permit shall be effectively remediated to the satisfaction of the Chief Executive of the Regional Council or delegate.

**9 Lapsing of Permit**

Pursuant to section 125(1) of the Resource Management Act 1991, this permit will lapse on the thirteenth anniversary of the date of commencement, as defined by section 116 of the Resource Management Act 1991 unless it is given effect to prior to that date.

**10 Resource Management Charges**

The permit holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

- 11 The Permit** hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

**Advice Notes:**

- 1 *This permit does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this permit. Should any artefacts, bones, shell midden or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
- 2 *Notification pursuant to conditions 7.1 and 7.2 of this permit should be made in writing (fax or letter) to the Principal Compliance Officer of the Regional Council.*
- 3 *The permit holder is advised that non-compliance with permit conditions may result in enforcement action against the permit holder and/or their contractors.*
- 4 *The permit holder is responsible for ensuring that all contractors carrying out works under this permit are made aware of the relevant permit conditions, plans and associated documents.*
- 5 *Section 245 of the Resource Management Act 1991 sets out the process for the vesting of the land once reclaimed.*

**Consent (Restricted Coastal Activity) Number 61134**

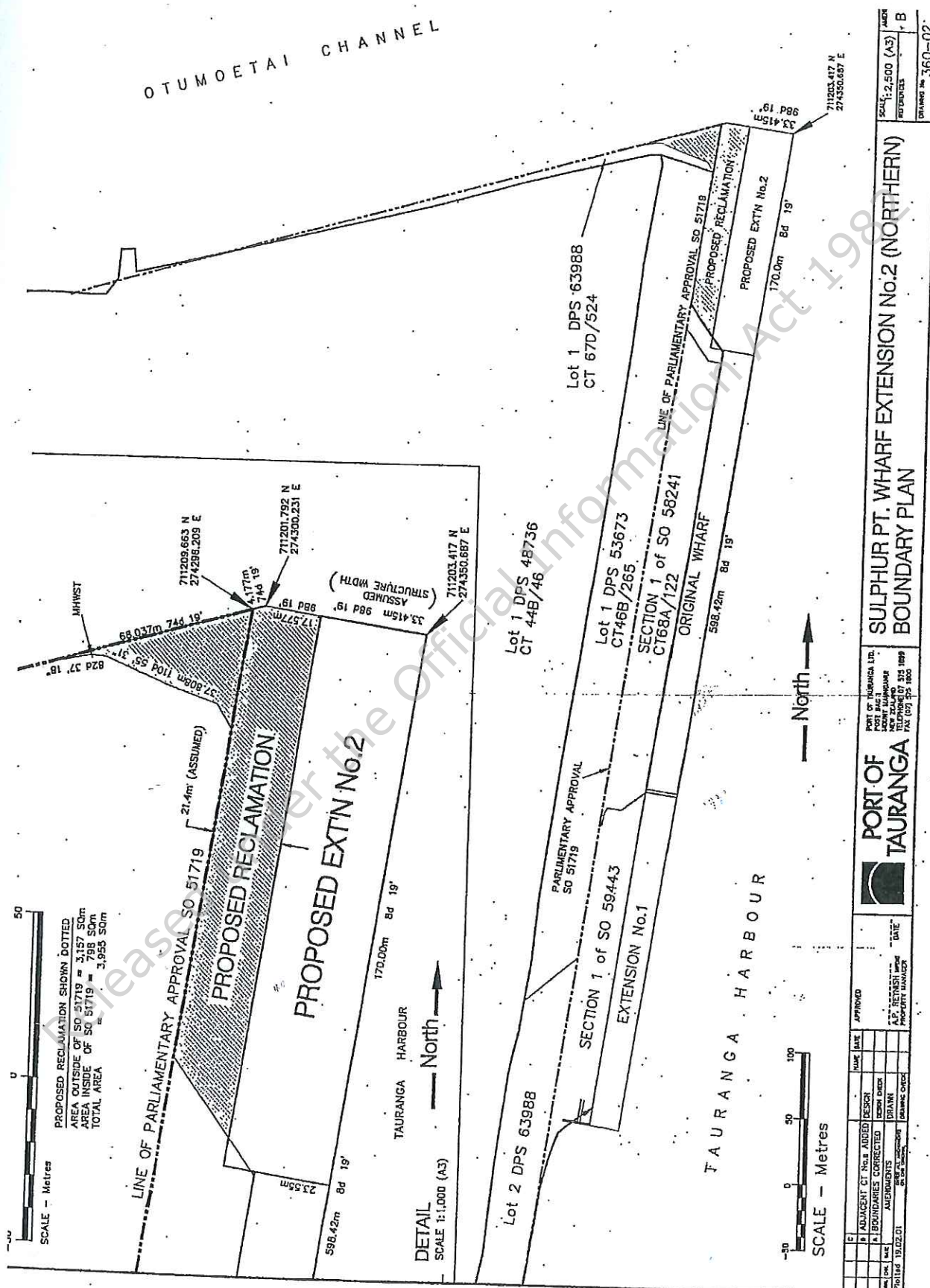
DATED at Whakatane this 23rd day of July 2002

For and on behalf of  
The Bay of Plenty Regional Council

J A Jones  
Chief Executive

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# Certificate Pursuant to Section 245 Resource Management Act 1991

File Ref: 61134

IN THE MATTER OF: Survey Office Plan 464237

AND

IN THE MATTER OF: Restricted Coastal Activity  
pursuant to Section 119 of the  
Resource Management Act  
1991.

I, Edward T Grogan, acting Chief Executive of the Bay of Plenty Regional Council hereby certify that pursuant to section 245(5) (a)(ii) of the Resource Management Act 1991, the reclamation shown as Section 1 on S.O. 464237 conforms with the coastal permit and the relevant provisions of the Bay of Plenty Regional Coastal Environment Plan.

Dated at Tauranga this Eleventh day of September 2013.

  
\_\_\_\_\_  
Acting Chief Executive



Section 1 SO 464237



360-06



**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 John Robert Hook, 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
0.4000	Section 1 SO 464237

Dated at Wellington this 31<sup>st</sup> day of May. 2016

  
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Group Manager Crown Property



