

# Internal Memo

To: Bill Naik  
Manager Crown Property Management

From: Jan Webster  
Portfolio Manager

Date: 22/03/2013

File Ref: A1413071

Subject: **Status of reclaimed land at Sulphur  
Point, Tauranga – Section 1 SO 59443  
(8000m<sup>2</sup>)**

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Radio New Zealand House  
155 The Terrace  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel 64-4-460 0110  
Fax 64-4-472 2244  
Email [info@linz.govt.nz](mailto:info@linz.govt.nz)  
[www.newzealand.govt.nz](http://www.newzealand.govt.nz)

**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. NZ Gazette 1991 p.126;
2. SO 58485;
3. SO 59443;
4. Certificate 245(5)(a);
5. Certificate for signing.

**Background** The reclamation at Sulphur Point was carried out under authority of an Order in Council made pursuant to s175(3) of the Harbours Act 1950, published in the NZ Gazette 1991 at p.126 (attached). The plan referred to in the Gazette notice is SO 58485 (attached) and is the plan of the proposed reclamation. SO 59443 is the "as built" plan (attached).

The land was reclaimed by Port of Tauranga Limited (The Port) and has been used, along with all adjoining land held by The Port, for port purposes.

The land was initially administered by the Department of Conservation under the Foreshore and Seabed Endowment Revesting Act 1991 and then the Foreshore and Seabed Act 2004 (FSA).

A certificate pursuant to s245(5)(a) Resource Management Act 1991 was signed on behalf of the Minister of Conservation on the 24th of April 2007 (attached).

The Port originally made a freehold vesting application to the Minister of Conservation in 1997, this was renewed in 2007 once the s245(5)(a) certificate was obtained.

In August 2011 The Port requested that the vesting application be referred to the Minister for Land Information pursuant to s41(4) of the Marine and Coastal Area Act 2011 (MACAA). The referral took place on 9 February 2012.

The reclaimed 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 MACAA and you hold a delegation from the Minister for Land Information to certify that status under s33(2) of MACAA.

**Action  
Required**

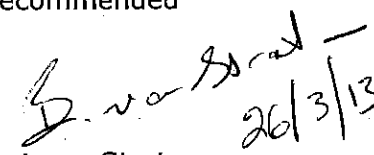
I recommend that you:

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  
Technical Leader  
26/3/13

Endorsed by

  
Phil Royle  
Team Manager

Agree/Disagree

  
Bill Naik  
Manager Crown Property Management



**Land Information  
New Zealand**  
*Toitū te whenua*

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

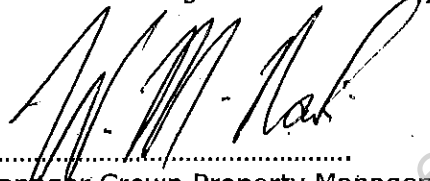
Pursuant to Section 33(2) of the Marine and Coastal Area (Takutai Moana) Act 2011, and to a delegation from the Minister for Land Information, I William Malcolm Naik, Land Information New Zealand certify that the land described in the schedule below and shown on the attached plan is reclaimed land subject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

**SCHEDULE**

***South Auckland Land District***

Area (m <sup>2</sup> )	Description
8000	Section 1 SO 59443

Dated at Wellington this *28<sup>th</sup>* day of *March* 2013

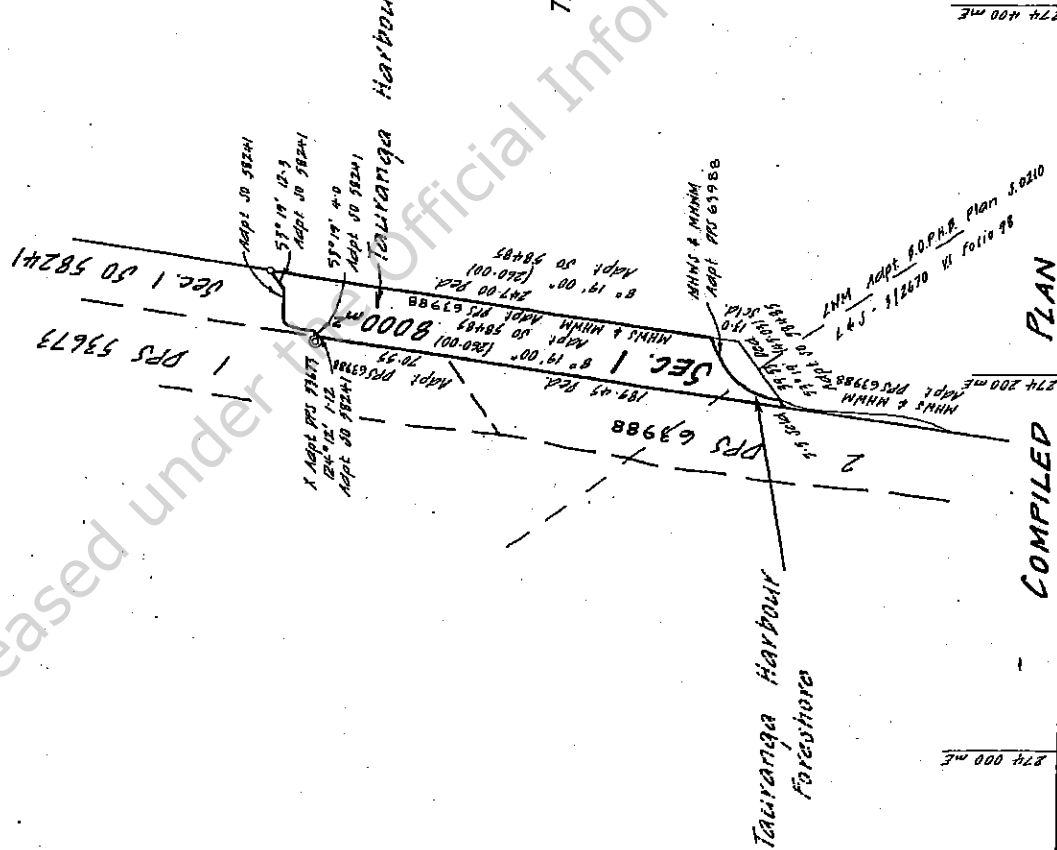
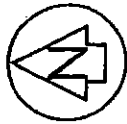
  
.....  
Manager Crown Property Management

Note: Section 1 hereon has no frontage to a Public Road.

710 800 mN

710 600 mN

710 400 mN



Approvals

Reclamation authorised by  
NZ Gazette 1991 p 126

Datum: Geodetic 1949  
any of plenty circuit coordinates  
origin: Matata 700000 mN 300000 mE

Origin: VPE Adpt PPS 53673  
710 674 36 mN 274 218 01 mE

Total Area: 8000 m<sup>2</sup>

Comptrol in Bed of Tauranga Harbour  
Tauranga Harbour Foreshore

1. WALLACE GRAHAM HOLMES  
Registered Surveyor and holder of an annual practising certificate (or who may be a registered surveyor pursuant to section 25 of the Survey Act 1980) hereby certify that this plan has been made from surveys acquired by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1977 or any regulations made in substitution thereof.  
Signed at Tauranga this 21st day of September 1992

Field Book: Tauranga Harbour  
Reference Plans: 10 51222, 28241, 28485  
Examined: PPS 53673, 53673, 53673  
Hm: Wallace Holmes

Approved as to Survey  
20/11/92  
Dep Chief Surveyor

Deposited this 19th day of 1992

430763 District Land Registrar  
File COOL  
Received 13-10-92 SO 594743

TERRITORIAL AUTHORITY TAURANGA DISTRICT  
Surveyed by SHIRIMPTON & LIPINSKI LTD 1977  
Scale 1:2000 Date September 1992

COMPILED PLAN

SECTION 1

LAND DISTRICT SOUTH AUCKLAND  
SURVEY BLK. & DIST VI TAURANGA  
NZMS 261 SH 114 RECORD MAP No 5-2-20-98

© 1992

Extract from N.Z. Gazette, 17 January 1991, No. 5, p. 126

**Authorising Port of Tauranga Limited to Reclaim  
Land from the Bed of Tauranga Harbour**

THOMAS EICHELBAUM, Administrator of the Government  
ORDER IN COUNCIL

At Wellington this 10th day of December 1990

Present:

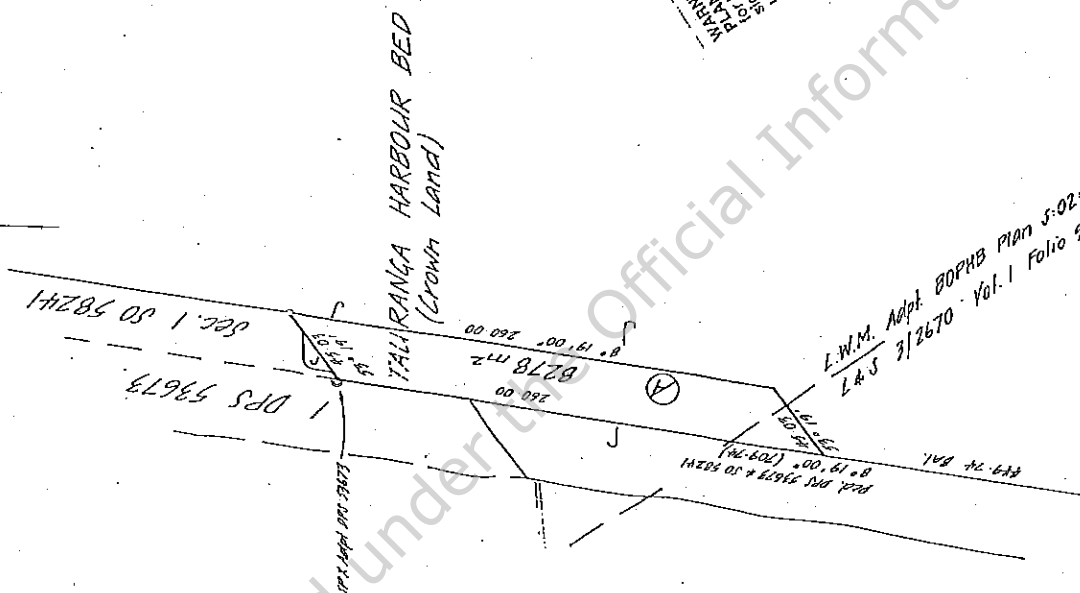
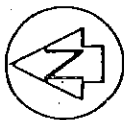
HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT  
IN COUNCIL

Pursuant to section 175 (3) and subject to sections 176 to 182 of the Harbours Act 1950, I, the Right Honourable Sir Johann Thomas Elchelbaum, the Administrator of the Government, acting on the recommendation of the Minister of Transport and by and with the advice of the Executive Council, hereby authorises Port of Tauranga Limited to reclaim an area of 8278 square metres of the bed of Tauranga Harbour, as shown on plan M.D. 16534 (S.O. 58485) deposited in the office of the General Manager, Maritime Transport Division at Wellington and as more particularly described in the Schedule below.

**Schedule**

All that parcel of land containing 8278 square metres, more or less, situated in Block VI, Tauranga Survey District of the South Auckland Land District, and being part of the bed of Tauranga Harbour and more particularly shown marked "A" on plan M.D. 16534 (S.O. 58485) deposited in the office of the General Manager, Maritime Transport at Wellington.

MARIE SHROFF, Clerk of the Executive Council.  
(MOT, MTD 43/13/6/25)



1 DPS 48736

TAURANGA HARBOUR FORESHORE  
(foreshore vested in the BOPHB by the  
Tauranga foreshore & endowment Act 1915.)

COMPLETED PLAN

Plan of Proposed Reclamation of Part of Bed  
of Tauranga Harbour & Part of Tauranga  
Harbour Foreshore

TERRITORIAL AUTHORITY TALURANGA DISTRICT

Surveyed by SHRIMPSON & LIPINSKI LTD F.9760.

Scd/g 1: 2000 Date April 1990

LAND DISTRICT.....SOUTHWICK ALICKLAND  
SURVEY BLK. & DIST. ....VI TAURANGA  
NZMS 267 SH 614 RECORD MAP No 52

NZMS 261 SHT ..... 2/14 RECORD MAP No 5-2

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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Debut:

Bearings: Geodetic 1949  
 Coordinates: Geodetic 1949  
 Day of Plenty Circuit Coordinates  
 Origin: Maplin 720000 mN 300000 mE

Origin:

710 674.36 mN  
274 218.01 mE

Total Area	8278
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Comprised in Part Bed of Tauranga Harbour (Crown Land)

WALLACE GRAHAM HOLMES

Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1988) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1977 or any amendments made in substantiating thereof.

Dated at Tauranga this 11th day of July 1990  
 of April 1990 John Stewart

Field Book	.....P.....	.....
Travel Book	.....P.....	.....

Reference Plans: PPS #0736, PPS 57673, 00 51719...  
SO 52500, SO 57222, 00 58241

Examined *[Signature]* Correct *[Signature]*

Approved Pursuant to Sec. 175, B (3)  
Hawkins Act 1950  
1160/1

1515190

Deposited this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

**Abstract**

30763 District Land Registrar

File 0011  
Received 19.4.90

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CERTIFICATE  
(Pursuant to Section 245(5)(a) Resource Management Act 1991)

THE MINISTER OF CONSERVATION hereby certifies that:

The area of reclamation of part of Tauranga Harbour Bed, that is more particularly described in the Schedule, conforms with the requirements at the time the reclamation was completed.


SCHEDULE  
(South Auckland Land District)

All that parcel of land containing 8000 m<sup>2</sup> shown and described as Section 1 on Survey Plan SO59443.

Dated at Rotorua this 24<sup>th</sup> day of April 2007.



**SIGNED** on behalf of the Minister of Conservation,  
by **KEITH LESLIE OWEN** acting under delegated authority  
in the presence of:

Witness signature: 

Witness Name: Clint Cameron

Occupation: Community Relations Officer

Address: Department of Conservation  
PO Box 1146  
Rotorua.

*Approved by [Signature] 10/1/07  
Not a Verbal G.N.*