



11 May 2017

Land Information New Zealand
PO Box 5501
WELLINGTON 6145

Attention Diane Cardwell

Dear Diane

Port of Tauranga - Application for freehold interest in reclaimed land

1. We write in relation to Port of Tauranga Limited's application for a freehold interest in reclaimed land which continues to be processed by LINZ.
2. We have not received any progress report from LINZ on the application for some time. In the meantime, we have become aware that a number of applications have been filed in the High Court for orders recognising customary marine title and protected customary rights in relation to the Tauranga Harbour.
3. The relevant applications (which have been publicly notified) and the area over which rights are sought are listed below. The Crown will be compiling a list of all applications which we will receive and compare with the applications which we are aware of and advise you if there are any other relevant applications.

Application made on behalf of	Area over which rights are sought
Ngai Te Rangi	Inner Tauranga Harbour from Otawhiwhi to Rangataua Bay and the Coast from Waiororo Stream to Wairakei extending seaward to the 12 nm territorial sea boundary, and encompassing the coastal marine area surrounding Motiti Island and Tuhua.
Ngati Ranginui	Ngati Ranginui area of interest (approximately from Waihi to Te Tumu, including Matakana and including Mayor and Motiti Islands).
Ngati He	Around Te Tahuna o Rangataua, the Maungatapu peninsular, the Waimapu estuary, along the Te Papa peninsular and in and around Te Awanui to Mauao and out to the coast from Mauao to Te Tumu and out to the sea.
Ngati Pukenga	Tauranga to Maketu, Coromandel and Manaia Harbours and adjoining coast, part of Whangarei Harbour (Pakikaikutu).
NZ Maori Council (by Rihari Dargaville)	All the coastline of New Zealand including offshore islands from to including adjacent islands
All Maori (by Cletus Maanu Paul)	Entire area of Aotearoa NZ including all islands and reefs lying offshore from the coastline to a distance of 12 nm, and the entire foreshore and territorial waters.

KJJ-228826-889-441-2:kmw

We collectively refer to the above as "the Applications".

4. We have obtained copies of the Applications listed above (except for the application on behalf of All Maori which we are still in the process of obtaining from the High Court), and enclose them for your reference.
5. The Applications do not appear to include the reclaimed land as they seek rights in the common marine and coastal area but out of an abundance of caution we bring the Applications to your attention because under s 36(2)(e) of the Marine and Coastal Area (Takutai Moana) Act 2011 (**the Act**), one of the matters the Minister must take into account when determining an application for an interest in reclaimed land is whether "there are any pending applications under Part 4 of the Act".
6. The rights which can be granted are in relation to the common marine and coastal area. The area of reclaimed land which the Port seeks an interest in is not in the common marine and coastal area but is land which was reclaimed in 1992 and 2013 and has been exclusively used and occupied by the Port of Tauranga since those dates.
7. Accordingly, in our view the existence of the Applications should not prejudice the processing or grant of our client's application for a freehold interest in reclaimed land.
8. Would you please provide us with an update regarding the progress of the Port's applications for titles.

Yours faithfully
HOLLAND BECKETT



VANESSA HAMM
Partner