

From: [April Hussey](#)
To: ["Georgina Smith"](#)
Subject: FW: Port of Tauranga Limited - Application for freehold interest in reclaimed land at Sulphur Point, Tauranga
- Email 1 of 2
Date: Wednesday, 19 December 2018 5:01:00 p.m.
Attachments: [image003.png](#)
[image001.png](#)
[image002.png](#)
[Port of Tauranga Limited - Application for freehold interest in reclaime....pdf](#)

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 20th of December until the 7th 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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<http://www.linz.govt.nz/sites/default/files/images/email-signature-v2.png>



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



Georgina Smith / Associate
DDI 07 577 8684 / M 021 251 6552
E Georgina.Smith@hobec.co.nz
hobec.co.nz



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From: April Hussey <ahussey@linz.govt.nz>

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

To: Georgina Smith <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 23rd.

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>]

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



Georgina Smith / Associate

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

E Georgina.Smith@hobec.co.nz

hobec.co.nz



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