

Box	Name and Subject	File Number	ID
EKMT 00011	54/4/426 - R G H Cave - Reclamation - Raglan Harbour (1978)	15 47 01	10908



File No. 54/4/426

SERIES: FORESHORES.

SUB-SERIES: CAVE. R.T. R.G.H.

SUBJECT: RECLAMATION, CAUSEWAY & RAMP.  
LORENZEN BAY.  
RAGLAN HARBOUR.

File Opened: 20.1.78 File Closed:

Previous File: Subsequent File:

OTHER RELEVANT FILES

Subject: File No.

DISPOSAL CATEGORY: A

DEPARTMENT: MARINE

Ramp - 003  
Rel - 002.

ARCHIVED  
DO NOT DESTROY  
NOT 1-275

TRANSIT DIRECTIONS

ARCHIVED

Actioned by	Initials	Date	Referred to	Folio	Actioned by	Initials	Date	Referred to	Folio
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20.1.78  
20.2.78  
20.3.78  
24.4.78



54/4/426

5/8/0

Head Office Wellington

Attn: S.E.O(Hbrs)  
Miss J. Robertson

Regional Office Auckland

22 March 1978

R.G.H. CAVE LORENZER BAY - RAGLAN HARBOUR

Your memorandum of 14.2.78 refers.

1. The wharf mentioned in my memo of 2.2.78 is the main Raglan Wharf which is controlled by the Raglan County Council and is used as a bulk cement unloading and storage (Silo) facility by Golden Bay Cement Co. It is also an unloading point for local fishing boats.
2. Please find enclosed a report and various documents received from the Chief Surveyor Hamilton.

Referring to C/T 733/223 you will note the owners of the land in Lot 3 Deeds Plan 589 are Dorothy Lena Louise Farrell and Mavis Adeline Cave as to half undivided shares.


It would appear that the sale of the land was on the basis of water access, referring to Deeds Plan 589 and L.T.S. 25108 the latter being produced from a survey by W.V. Vautier that a new application is apparently to be designated to Lot 3 Deeds 589 on acceptance of survey by the District Land Registrar.

L.T. Plan S 25108 shows that at Lot 3 there has occurred erosion to the extent of 9.66 metres and 5.54 metres and this area has been reinstated.

It is noted on the correspondence received that accurate designation of area would require an expensive survey.

D.P 31092 shows the Esplanade Reserve & Deeds 589 and L.T.S 25108 shows the Plantation Reserve used as alternative access.

- Enclosed (1) Correspondence  
(2) Deeds Plan 589  
(3) D.P. 31092  
(4) Print from block sheet  
(5) Two copies of L.T.S. 25108  
(6) Copy of D.P. 21704

  
D. Greig  
for Regional Secretary



54/4/426

## DEPARTMENT OF LANDS &amp; SURVEY

TELEGRAPHIC ADDRESS: 'LANDS'  
DLC  
FOR VERBAL INQUIRIES  
PLEASE ASK FOR Mr Schwass



OUR REFERENCE: 1/20

YOUR REFERENCE: 54/4/426

TELEPHONE No. 82 489

DISTRICT OFFICE,

P.O. BOX 460

HAMILTON

16 March 1978

The Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND



R G H CAVE - RECLAMATION - LORENZEN BAY - RAGLAN HARBOUR

Your memorandum dated 21 February 1978 refers. Enclosed please find:

- a. your photographs.
- b. copy of Land Transfer Plan S.25108 surveyed by Mr Vautier of Thomson and Farrer, Hamilton.
- c. copy of CT 773/223 showing land owned by Mavis Adeline Cave and Dorothy Lena Louise Yarrall.
- d. copy of portion of plan DP 31092.
- e. copy of DPS 21704.
- f. copy of Deeds plan 589.
- g. copy of portions of Raglan 2 chain record sheets to show extent of subdivision in Lorenzen Bay.

The following explanations are for the three matters you raise.

1. M A Cave and D L L Yarrall own Lot 3 on Deeds plans 589 as evidenced by Certificate of Title 773/223. Deeds plan 589 was deposited in July 1923 and a note thereon states that measurements and areas of all lots are to the mean high water mark. The position of M.H.W.M. was fixed by offsets from various boundary pegs and is a natural water boundary, i.e. not a fixed survey line.

The title CT 773/223 is "Limited as to Parcels" which means that the Crown does not guarantee the area and dimensions of the title and that the owner can claim as his, only the area exclusively occupied by him or his predecessors in title, for a long time - usually from the date of the first land transfer title. When comparing the fix of M.H.W.M. on Deeds plan 589 (1923) with LT plan S.25108 (1977) we can see that erosion has in fact taken place but whether this was gradual and imperceptible or sudden we are not in a position to say. I have shown on the survey sheet of LT plan S.25108 the position of the M.H.W.M. as fixed by Deeds plan 589 in 1923 and you can see that the "recent reclamation" is mostly within the 1923 fix. The purpose of LT plan S.25108 is so that the owners can apply to the District Land Registrar for a guaranteed title in terms of the Lot 1 thereon and so have their "limited as to parcels" title cancelled.

Would you please note that land transfer plan S.25108 has not yet been approved as to survey by the Chief Surveyor. Until the plan has been

HAR  
20 MAR 1978



approved by the Chief Surveyor and deposited by the District Land Registrar the definition shown thereon cannot be accepted as final and it is only after deposit of the plan that new titles can be issued in terms thereof.

2. I have marked on the copy of DP 31092 the varying widths for the Esplanade Reserves from the end of Lorenzens Bay Road. The plan is in links and I have shown metric equivalents for you. DP 31092 was surveyed in 1944 with the boundary being taken to M.H.W.M. At the Lorenzens Bay Road end of the Esplanade Reserve which has been widened by Lot 3, DPS 21704. Not all the offsets have been marked for as some are from traverse lines which are not on the lot boundaries but you should get some idea of the shape.
3. You will see when reading the memorials on CT 773/223 that there are certain rights of way appurtenant to the land in CT 773/223. These R.O.W's have been shown on the title sheet of LT plan S.25108 and as you can see do not lead to a public road.

Adjoining the southwest boundary of the land in CT 773/223 is a "Plantation Reserve" some 6.10 metres wide running from M.H.W.M. up to Greenslades Road. This plantation reserve is vested in the Raglan County Council in trust and is subject to the Reserves and Domains Act 1953. The reserve is not intended for use by motor vehicles but could be used for pedestrian access from Greenslades Road to the harbour with the agreement of the County. If the contour of the land allowed it the plantation reserve could be made a service lane by the County Council and this would when the necessary formation work was completed, allow vehicle access along it, however it would only benefit Lots 2 ~~to~~ 5, Deeds plan 589, <sup>as the other owners would still have to use the foreshore to gain access to and from it.</sup> ~~as the other owners would still have to use the foreshore to gain access to and from it.~~ The cost of formation would probably far outweigh the advantages of such a proposal.

It should be noted that on Deeds plan 589, there is a certificate of the Raglan County stating that Section 116 Public Works Act 1908 does not apply to this subdivision. A similar note also appears on DP 31092 that Section 125 Public Works Act 1928 does not apply to Lots 4-13 thereon (Section 116 of the 1908 Act is the earlier legislation for Section 125 Public Works Act 1928). These notes indicate that the Council did not require road frontage to be provided to the various lots as they considered that the land abutted upon or was separated only by a public reserve from the seashore and that reasonable access by means of the sea was afforded to each lot. See Sections 125 and 126, Public Works Act 1928.

Except for the fix of M.H.W.M. shown on LT plan S.25108 we do not know where the present position of M.H.W.M. is, as compared with the fix in 1923 (Deeds plan 589) and 1944 (DP 31092) and to find out would involve a surveyor spending some time in the field taking fixes etc. The position of the various topographical features shown on your sketch plan likewise cannot be fixed without survey. If these features require to be fixed to enable an accurate picture of the Bay to be shown, particularly if prosecutions are made for illegal reclamations, I could arrange for such a survey to be undertaken. It would be fairly costly and should only be done if absolutely necessary.

I trust the above information explains adequately your queries.

I have just been told by the surveyor Mr Vautier that the Plantation Reserve is in fact used by motor vehicles both up and down. The climb up is a steep difficult one.

*K W Walsh*  
K W WALSH  
Chief Surveyor



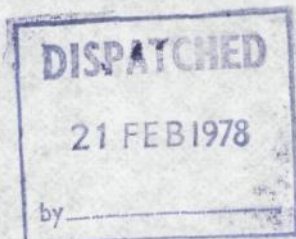
DJG:EY

xxx 73-400

54/4/426

21 February 1978

The Chief Surveyor  
Dept of Lands & Survey  
P.O. Box 460  
HAMILTON

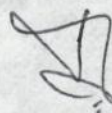


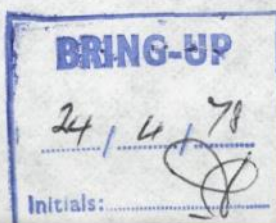
R.G.H. CAVE RECLAMATION : LORENZEN BAY, RAGLAN HARBOUR

Recent investigation resulting from a complaint has shown that reclamation work may have taken place on Crown Tidal Land fronting the property of Mr Cave and it may be that the adjoining property may also been subject to some reclamation work. During my visit to Raglan on 26 January 1978, the matter was discussed with Mrs Cave who gave to understand that their survey pegs through erosion were situated some distance below Mean High Watermark, Ordinary Spring Tides. This matter has been subject to a report to the Secretary for Transport, Wellington, who has requested that I obtain through your Office,

1. How the boundaries of the Cave's section were established i.e. whether by a fixed line survey and whether originally the property was ever partly covered by the tide.
2. It is understood that a foreshore reserve runs from the end of Lorenzen Bay Road and I am requested to enquire regarding the width of this reserve.
3. It is understood from the rear of the properties in question there is a strip of land which can be used for access to an adjoining road when the tide makes foreshore access impossible.

The situation in this Bay is somewhat unusual as there are quite a few houses whose main access is via the foreshore and that access only for a limited period at low tide. The only other access being by foot along a narrow reserve which commences at the end of Lorenzen Bay Road. I was given to understand that a further access which can be used by vehicles runs from behind Cave's property up towards the main road.

  
... /2...



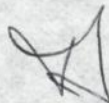


During discussion with Mrs Cave, I was given to understand that the whole area had been recently surveyed by a Mr Vautier, Surveyor of Hamilton who advised Mr Cave that there were no alterations to their boundaries.

The actual reclamation work would appear to have an area of some 50ft x 20ft and could possibly have taken place over a long period. It has already been explained to the residents that normally where land erodes gradually and imperceptibly, the Tidal Land becomes Crown Land and that even if it can be proved that the boundaries of an eroded property still extend below Mean High Watermark, the consent of the Minister of Transport is still required for any ... reinstatement. I have enclosed for your information photographs taken at the time of the inspection and I would be obliged if these could be returned with your report.

D.J. Greig  
for Regional Secretary

Encl







## MINISTRY OF TRANSPORT

MOT 5

Our Ref.: 54/34/M 54'8'0Your Ref.: 54/4/426To: Regional Secretary  
AUCKLANDFrom: HEAD OFFICEDate: 14 February 1978Attention: D.J. GreigSubject: CAVE: LORENZEN BAY : RAGLAN HARBOUR

Thank you for your memorandum of 2 February 1978 following your inspection of Lorenzen Bay. We are particularly grateful for the prompt attention you gave this matter.

You indicate that your visit <sup>also concerned</sup> ~~arose from~~ a complaint made by a resident adjacent to the bay who objected to the Council about foreshore works. To which wharf do you refer in this context? Our interest in the area ~~has~~ actually been prompted by a complaint to the Minister from a fisherman prevented from fishing in the area adjacent to the Cave property. In the course of his complaint we learned of what seemed to be foreshore work in Lorenzen Bay and wish to ascertain whether it is legal.

man  
Refer  
leaf

We share your view that it is necessary to consult Lands and Survey over the boundary and title to discover what rights the Caves have over the foreshore and seabed.

Could you please ask the Commissioner of Crown Lands Auckland how the boundaries of the Caves section were established i.e. Whether by fixed line survey and whether originally the property was (ever) partly covered by the tide.

We would also like to know how wide the Reserve you refer to is and what is the status of the land which involves the foot/car access. <sup>s</sup> It is gathered from your memo that you do not consider "work" as such ~~are~~ involved in having some shingle spread over that access. You seem to feel that we should not make an issue of this aspect.

*Jenny Robertson*

J.M. Robertson  
for Secretary for Transport

*R.A.A.*  
*20 FEB 1978*





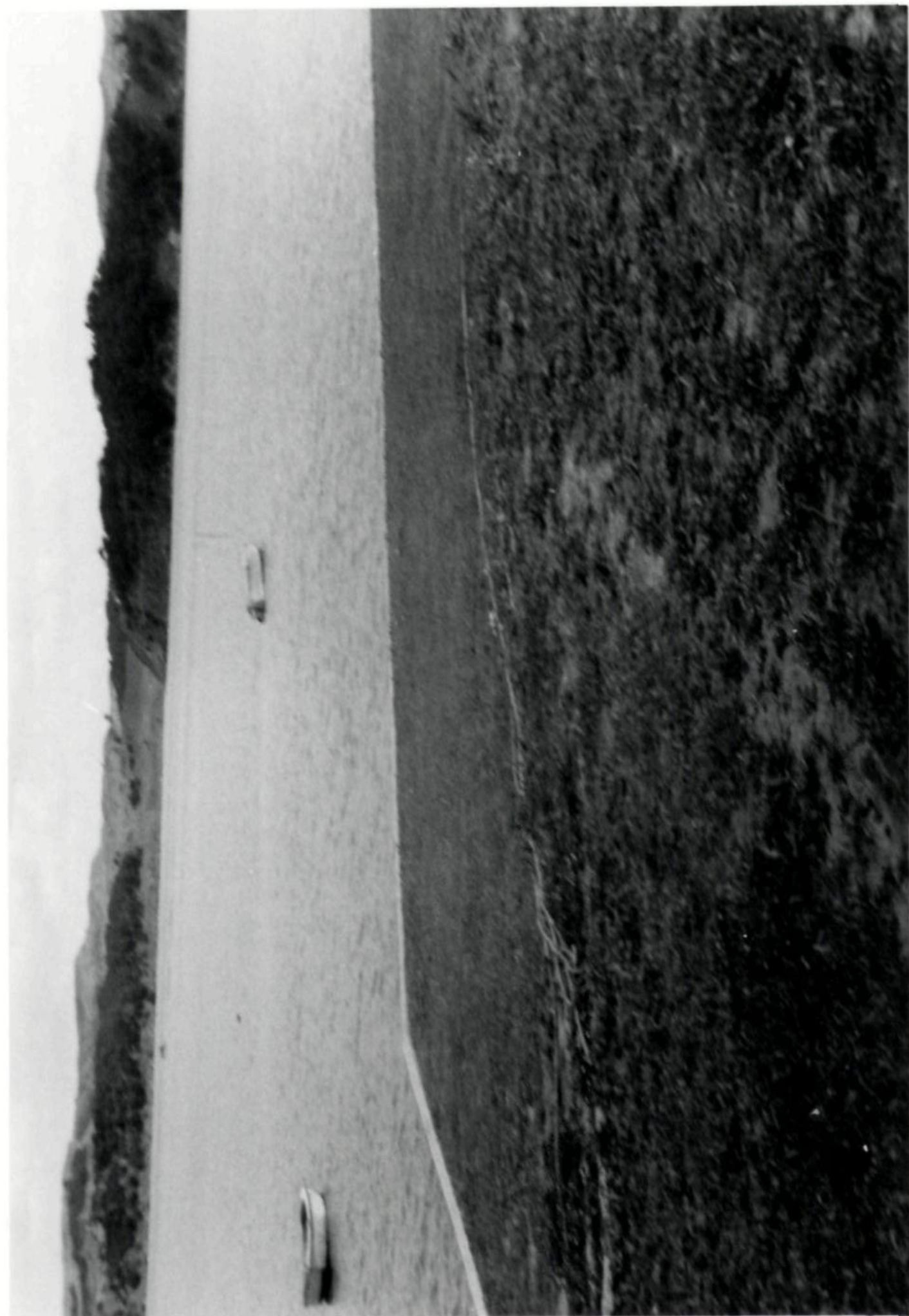




















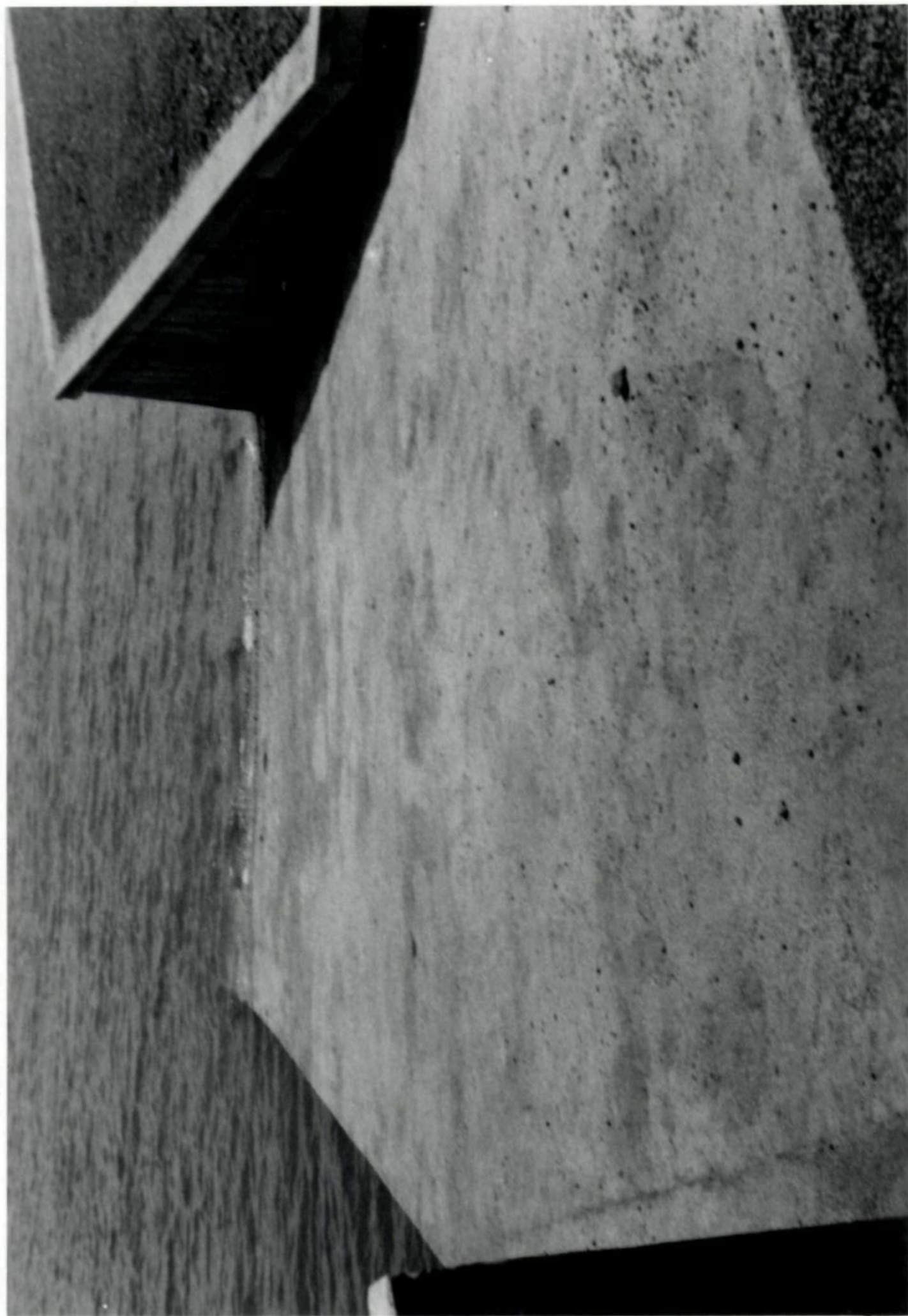














DJGFEY

DISPATCHED

2 FEB 1978

by \_\_\_\_\_

54/4/426

HEAD OFFICE

Regional Office, AUCKLAND

Attn: S.E.O. Harbours

2 February 1978

R.G.H. CAVE : LORENZEN BAY : RAGLAN HARBOUR

Resulting from your telex of 20 January 1978, a visit was made to the area on 26 January 1978 and the structures and reclamation were examined in the company of Mrs Cave.

The situation in this Bay was somewhat unusual as there are quite a few houses whose main access is via the foreshore, and that access only for a limited period at low tide. The only other access being by foot along a narrow Reserve or by a foot/car access. Apart from a covering of metal over the foreshore and a small concrete apron, there is no sign of any causeway as such. It is possible that the apron and metal were placed by the Raglan County Council when constructing a sewer line which runs across a portion to Lorenzen Bay. I have written to the Council requesting the Authority for the laying of this pipeline.

In discussion with Mrs Cave, I was given to understand that the whole area has recently been surveyed by a Mr Vautier, a Surveyor at Hamilton who has advised the Cave's that there is no alteration to their boundaries. I was also advised that the boundary pegs of the Cave's property were quite some distance out to sea and that much erosion has occurred over the long period in which the Cave's have owned this property and before that time. You will see on the photographs that the reclamation if it consists of an area of land some 50' x 20' enclosed in a concrete block wall with a concrete boat ramp to one side. This work would appear to have been gradually done over a long period and it would be possible that we have to define the extent of any reclamation. It was explained to Mrs Cave that normally where land erodes gradually and imperceptibly, the resulting tidal land can mostly become Crown Land and even if it is proved that the boundaries of the property still extend over Tidal Land, the consent of the Minister is required for any reinstatement, however, as this would appear a complicated matter, I do not think advisable to expand on this subject to any great extent.

I cannot see how any decision in this matter could be arrived at without referring the matter to Crown Lands for Survey. With regard to this boat ramp and others in this area, it would appear that the Raglan County Council on being approached simply stated they had no objection to the work being done. The whole matter has apparently risen from a complaint made by a resident adjacent to the Bay who wrote a letter to the Council objecting to works being performed on the foreshore between the wharf and Lorenzen Bay. This letter was placed before Council but no action was decided on, the Council being of the opinion it was not a Council matter.

... /2...



You will notice on the photographs to the left of the reclamation a substantial concrete block shed, the property of the adjoining owner to Messrs Cave and in discussion with this gentleman, I was advised that this structure is actually sited on dry land. For your information, the Cave's address is simply Lorenzen Bay or C/- K.C.C. Limited, Anglesea Street, Hamilton.

Would you please advise this office of the further action is required. It is regretted that the time spent at the site was cut short due to return access ... being blocked by the rapidly rising tide. The photographs taken are enclosed.

D.J. Greig  
for Regional Secretary

Encl



RECEIVED

20 JAN 1978

by

26/1/77

Volos 10:00

11.30 AM  
midw 4.00

1.00 mls

SR WNTHA

ATTN:SEO(HBRS) ROBERTSON

FROM:GREIG (54/4/426)

R.J. CAVE CAUSEWAY - RECLAMATION - RAMP LORENZEN BAY RAGLAN HARBOUR.

NO APPLICATION MADE TO THIS OFFICE. AGRI AND FISH ADVISE THAT CAUSEWAY POSSIBLY MADE TO GIVE ALL TIDE ACCESS TO HOME BUT ARE NOT AWARE OF RAMP OR RECLAMATION. WILL INSPECT AND REPORT IN DUE COURSE.

PAGE=1

AKTRA 0023 20/01/78 11:12:23 ACK

(Boat Ramp - Reclamation) - Causeway

R. H. & Co

Surveyors Nanties Re said to  
be in land within 1/2

Business K.C.C. Ltd

Anglo Sea Ltd

Handwritten



Dr. A. S. S. S. S.

17 JAN 1978

by

R. J. Cane      How Office Trust business in Denver  
46 ~~Princeton St 74350~~      makes Rice stating gets  
records      review Reglar

Re check & file :-

R. Beave

Reclamation & Bureau

Lorenzen Bay, Reglar Hudson

Book  
Method

No lead  
point on rise