Box Name: EKMT-00026

Subject: 43/64/6 (Vol. 2) - Thames - Land endowments, Purchase & Reclamation - Thames (1972-1979)
To

Nautical

MINUTE SHEET

Subject: MD 13057 - Reclamation

File No. 43/64/16

Date: 22/7/77

MD 13057 is required to be charted by you -

N. Gallagher

for Secretary for Transport

Done

N.Z.R.N. Hydrog.

advised

File
Wide format was located here in this file

To view the wide format image(s) please go to the end of this document

The numbers listed below are also on the wide format image(s) that belong here

6345
Wide format was located here in this file

To view the wide format image(s) please go to the end of this document

The numbers listed below are also on the wide format image(s) that belong here

6344
19 August 1976

Messrs Miller & Poulgrain, Barristers & Solicitors, P.O. Box 411, THAMES.
Attention: Mr R. Randall

Dear Sir,

RECLAMATION SOUTH HAPE STREAM
THAMES-COROMANDEL DISTRICT COUNCIL

I am pleased to advise that the Minister of Transport has consented to the transfer of an area of 2,1408 ha from Thames-Coromandel District Council to Campbell Industries Ltd.

The Memorandum of Transfer is enclosed.

Yours faithfully,

(For Secretary for Transport)
3 August 1976

The Minister of Transport

MEMORANDUM FOR

TRANSFER OF LAND - SOUTH HAPE STREAM
THAMES - COROMANDEL DISTRICT COUNCIL
TO CAMPBELL INDUSTRIES LTD

1. The Solicitors for the Thames-Coromandel District Council have requested that you consent to the transfer of an area of 2.1408 hectares of the Council's endowment land to Campbell Industries Ltd.

2. In Section 2(3) of the Reserves and Other Lands Disposal Act 1969, the Thames Borough Council were authorised to dispose of an area of 9 acres 2 roods 20 perches of land vested in the Council. Section 2(1) of the Act authorised the reclamation from the bed of the Kauaerangi River and the Thames Harbour of any part of the land that was below the ordinary spring tide highwater mark.

3. On 16 January 1975, plans of the proposed reclamation, numbered MD 15466, were approved pursuant to section 178(b) of the Harbours Act 1950.

4. Section 2(3) of the Reserves and Other Lands Disposal Act: 1969, makes provision that no part of the land for the time being situated below the ordinary spring tide highwater mark may be sold or exchanged unless the consent of the Minister has first been obtained and also that no part of the land which may be required by the Hauraki Catchment Board in respect of any scheme to control the flooding of the Kauaerangi River may be sold or leased except with the consent of the Board.

5. The Council now wish to transfer this area of land to Campbell Industries Limited to enable all the land owned by the company to be incorporated into one title.

6. The Hauraki Catchment Board has stated that it has no interest in the reclaimed land to be transferred to Campbell Industries Limited.

7. This Ministry has no objection to the transfer.

RECOMMENDATION

I recommend that pursuant to section 2(3) of the Reserves...
and Other Lands Disposal Act 1969, you consent to the transfer of an area of 2.1408 ha of Thames-Coromandel District Council endowment land to Campbell Industries Ltd by signing the form of consent on page 2 of the Memorandum of Transfer.

Enclosure: Memorandum of Transfer
3 August 1976

MINORANDUM for
The Minister of Transport

TRANSFER OF LAND - SOUTH HAFB STREAM
THAMES - COROMANDEL DISTRICT COUNCIL
TO CAMPBELL INDUSTRIES LTD

1. The Solicitors for the Thames-Coromandel District Council have requested that you consent to the transfer of an area of 2.1408 hectares of the Council's endowment land to Campbell Industries Ltd.

2. In Section 2(3) of the Reserves and Other Lands Disposal Act 1969, the Thames Borough Council were authorised to dispose of an area of 9 acres 2 roods 20 perches of land vested in the Council. Section 2(1) of the Act authorised the reclamation from the bed of the Kauaerangi River and the Thames Harbour of any part of the land that was below the ordinary spring tide highwater mark.

3. On 16 January 1975, plans of the proposed reclamation, numbered ND 15466, were approved pursuant to section 178(6) of the Harbours Act 1950.

4. Section 2(3) of the Reserves and Other Lands Disposal Act 1969, makes provision that no part of the land for the time being situated below the ordinary spring tide highwater mark may be sold or exchanged unless the consent of the Minister has first been obtained and also that no part of the land which may be required by the Hauraki Catchment Board in respect of any scheme to control the flooding of the Kauaerangi River may be sold or leased except with the consent of the Board.

5. The Council now wish to transfer this area of land to Campbell Industries Limited to enable all the land owned by the company to be incorporated into one title.

6. The Hauraki Catchment Board has stated that it has no interest in the reclaimed land to be transferred to Campbell Industries Limited.

7. This Ministry has no objection to the transfer.

RECOMMENDATION

I recommend that pursuant to section 2(3) of the Reserves
and Other Lands Disposal Act 1969, you consent to the transfer of an area of 2.1408 ha of Thames–Coromandel District Council endowment land to Campbell Industries Ltd by signing the form of consent on page 2 of the Memorandum of Transfer.

Enclosure: Memorandum of Transfer

Secretary for Transport
Dear Sir,

re: Reclamation South Hape Stream
Thames-Coromandel District Council
Your ref: 43/64/6

In reply to your letter of the 8th June, we return Transfer with the correct designation of the Minister inserted.

In regard to the consent, we unfortunately had omitted the word "is" between the words "being" and "situated". We have now amended this.

We would refer you to the proviso of Subsection 3 of Section 2 of the Reserves and Other Lands Disposal Act 1969. The Minister of Transport's consent is only required if the land was below ordinary spring tide high water mark. We have been informed by the surveyor that there is no land below this mark contained in Lot 1 D.P. S.20916 so that in terms of the Act, possibly the Minister's consent is not required. However, we do consider that it is prudent to obtain the Minister's consent on the basis that he acknowledges that there is no land below ordinary spring tide high water mark.

We trust that this explains the position and that you will have the Minister sign the Transfer and return it to us in due course.

Yours faithfully,
MILLER & POULGRAIN

Per: R. Randall

Encl:
Messrs Miller & Poulgrain,
P.O. Box 411,
THAMES.

ATTENTION: Mr R. Randall

Dear Sir,

RECLAMATION SOUTH OF HAPE STREAM
THAMES-COROMANDEL DISTRICT COUNCIL

I refer to your letter of 28 May 1976.

Unfortunately the consent required is that of the
Minister of Transport - the position of Minister of Marine
no longer exists. Also the wording of the consent doesn't
appear to make sense - "as no part of the land …….. for
the time being situated below the ordinary springtide high-
water mark"? Please explain.

Also a copy of D.P.S. 20916 is required for submission
to the Minister of Transport.

The Memorandum of Transfer is enclosed.

Yours faithfully,

(Initials)

Encl: ✓

for Director, Marine Division
Dear Sir,

Re: Reclamation South Hape Stream
Thames Borough Council
Your Ref: 43/64/6

We acknowledge your letter of the 14th May, and return Transfer endorsed on it a consent acceptable to the Land Transfer office. Would you please present the same to the Minister for his signature and return the same to us in due course.

Yours faithfully,

MILLER & POULGRAIN

per: R. Randall
Messrs Miller & Poulgrain,  
Barristers & Solicitors,  
P.O. Box 411,  
THAMES.  

Attention: Mr R. Randall  

Dear Sir,  

RECLAMATION SOUTH HAPE STREAM  
THAMES BOROUGH COUNCIL  

I refer to your letter of 27 April and the enclosed Transfer.  

Please endorse on the document a consent worded in a manner acceptable to the local Land Transfer Office and return it to this office whereupon I will submit to the Minister for his signature.  

✓ The transfer is enclosed.  

Yours faithfully,  

(I. D. Britton)  
for Director, Marine Division  

Dispatched:  
17 May 1976  

J. N.
Subject: LAND TRANSFER

Date: 6/5/76

File No.

MINUTE SHEET

To:

Please advise procedure in this matter.

The only precedent I can find is the transfer of land between Auckland Harbor Board and NRA in April 1975 - quite a different matter.

[Signature]

Item 504
The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON.

Re: Reclamation South Hape Stream
Thames Borough Council
Your Ref: 43/64/6

Dear Sir,

Further to your letter of the 23rd March, we enclose relevant transfer duly signed by our client Council. We would be pleased if you could endorse upon the back of the transfer the Department's consent to the sale, as required by Section 2 of the Reserves and Other Lands Disposal Act 1969. Please return in due course. If there is any fee payable, please let us know.

Yours faithfully,
MILLER & POULGRAIN

RR/RB per: R. Randall

FILEG: 11
The Director,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

Re: Reclamation South Hape Stream  
& Thames Borough Council  
Your ref: 43/64/6

Dear Sir,

We acknowledge your letter of the 23rd March, and have to advise that the relevant transfer has not yet been executed. Subsequent to our previous correspondence with you, it became clear that the land, or portion of the land to be transferred to Campbell Industries Limited, exceeded two hectares. Although the land is included in the Thames Borough Boundary, it is necessary to apply to the Land Valuation Court to have the land declared non-farming land. We are in the process of doing this.

Yours faithfully,

MILLER & POULGRAIN

RR/RB per: [Signature]

See Blu below

FILED BY

FILER No. 11
Dear Sir,

We acknowledge your letter of the 15th January 1976, and have to advise that the relevant survey plan has just been approved as to survey. The relevant transfer has been submitted to our client Council for execution, but they will not be in a position to execute the same until the end of February, the date of their next meeting. We will then forward the same to you for the consent of the Minister of Transport.

Yours faithfully,

MILLER & POULGRAIN

RR/RB per: R. Randall

Drags-up
20/3/76
Initials: R.S.
15 January 1976

Messrs Miller & Poulgrain,
Barristers & Solicitors,
P.O. Box 411,
THAMES.

Attention Mr R. Randall

Dear Sir,

RECLAMATION SOUTH OF HAPE STREAM THAMES BOROUGH COUNCIL

Please refer to your letter of 12 June 1975.

Has the relevant transfer plan been approved as to survey yet? If so, please draw up the required transfer documents and submit same to this office for the consent of the Minister of Transport at your earliest convenience.

Yours faithfully,

(I.D. Britton)
Director, Marine Division

16 JAN 1976
-by-
Messrs Miller & Poulgrain,
Barristers & Solicitors,
P.O. Box 411,
THAMES.

Attention: Mr R. Randall

Dear Sir,

RECLAMATION SOUTH OF HAPE STREAM
THAMES BOROUGH COUNCIL

Please refer your letter of 10 December 1974.

Enclosed is a copy of approved plan MD15466 (2 sheets ref.No.562).

Regarding the land transfer procedure, our solicitor advises that the Borough Council may subdivide without ministerial consent unless the effect of the subdivision is to vest land in the Crown or another body on deposit of the plan.

However the Minister's Consent must be endorsed on any transfer documents to satisfy the provisions to section 2(3) of the Reserves and Other Lands Disposal Act 1969.

Please therefore forward to me, such transfer documents requiring the Minister's Consent.

Yours faithfully,

Enc. (A.F. Hamilton)

for Director, Marina Division

DISPATCHED
22 JAN 1975
by 68

24/1/75
The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON.

Re: Reclamation South Hape Stream
Thames Borough Council
Your Ref: 43/64/6

Dear Sir,

In reply to your letter of the 5th June, we have to advise that the relevant transfer plan has been lodged in the Land Transfer office at Hamilton under No.20916. As soon as it has been approved as to survey, the required transfer will be drawn, signed by the Council and then submitted to your department for endorsement of its consent.

Yours Faithfully,
MILLER & POULGRAIN

per: R.Randall
30 May 1975

The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON. 1.

Dear Sir,

Reclamation Authorities

With further reference to your letter 43/64/6 SEO(H) of 26 March 1975, I now have to advise the following details regarding legislation held by this Council authorising the reclamation of the Thames Harbour Foreshore:

1. Thames Borough Council Empowering Act 1949

This Act refers to SO Plan 34540, M.D. 8777 and covers approximately 110 acres, of which approximately 47 acres have been reclaimed above mean-high water mark, surveyed, serviced, and built on as a residential suburb, including a primary school. The balance of approximately 63 acres are not likely to be reclaimed in the foreseeable future as existing sections around the perimeter of the reclamation have ostensibly been sold as waterfront sections.

2. Reserves and Other Lands Disposal Act 1966

All the land described in Section 8 (8) was reclaimed above mean-high water mark, both to make it flood-free, and to satisfy the requirements of the Hauraki Catchment Board. Thus the entire area of 3 acres 2 roods 29.5 perches has been completed as to reclamation and has been subdivided and largely built upon. Any open spaces are for access ways and vehicle parking, and for Catchment Board Reserves around the Kauaeranga River and the Hape Stream.
3. **Thames Borough Council Empowering Act 1967**

The situation here is most complicated, but I can advise that approximately 10 acres have been claimed above ordinary spring tide high water mark, parallel to and immediately west of Burke Street. Part of this area has been leased for a ready-mix Plant. Approximately 5½ acres have been reclaimed at the extension of Mary Street (½ acre) by the Harris Estate, and the street extension and the area of 5 acres to the south of the extension, to the Thames High School playing field will ultimately become the property of the Harris Estate. This reclamation is to approximately the height of ordinary spring tide, but does not yet reach the criteria set down by the Hauraki Catchment Board for reclamation along the frontage of the town.

Immediately south again is the high school playing field (Danby Field) of approximately 9½ acres, which is above mean-high water mark and which has been in use for some years. Immediately south of the playing field is a further reclaimed area of approximately 9½ acres. This is reclaimed to mean-high water mark, but needs further filling to attain the height desired by the Hauraki Catchment Board, plus extensive and costly drainage works. This last area extends southwards to the Thames Wharf.

The bulk of the land in the Schedule to this Act, with the exception of Catchment Board Reserves, provision for street extensions and creek and drain extensions, and areas of 2 acres (not reclaimed), 5 acres, 9½ acres, and 9½ acres which are the subject of separate Sale and Purchase agreements, is the subject of two Sale and Purchase agreements with Messrs Hall and Andersen, whose agreements were cancelled by the Council for non-performance and who are currently claiming approximately $2,500,000 (two million, five hundred thousand dollars) from the Council for damages for loss of profits etc. Because of this the Council has been unable to make any progress with the bulk of the proposed land reclamation for nearly two years, and it is hoped that the proposed Court action will be heard in the near future. The area of foreshore in dispute includes the 10 acre reclamation adjoining Burke Street, but the bulk of this work was carried out by the Council in the course of disposing of town refuse. I am enclosing a sketch plan indicating the various areas referred to.
4. **Reserves and Other Lands Disposal Act 1969**

Section 2 (3) of this Act authorises the reclamation and disposal of 9 acres, 2 roods and 20 perches of Harbour foreshore, while the Proviso to the subsection gives the Hauraki Catchment Board the right to veto the area to be disposed of. The Board exercised this right in a way that nullified the purpose of the Act, and on the intervention of the Minister of Works, relaxed its requirements very considerably, and permitted a reasonable reclamation, although considerably less than the amount sought by the intending purchasers. To assist further, the Crown sold the Council land further westward (formerly part of the bed of the Kauaeranga River) and this in turn has been reclaimed to the level above mean-spring tide mark desired by the Catchment Board, and a survey plan has been lodged to incorporate in one title all the land owned by Campbell Industries Limited. The land outside these boundaries would be Catchment Board Reserves.

Reverting to your letter of 26 March 1975, I would advise that all of the land in paragraph one has been successfully reclaimed.

The position of the land in paragraph 2 is covered in my item 3. The total area successfully reclaimed is 10 acres, (5.4 acres doubtful - see your paragraph 4), 9½ acres school playing field, and 9½ acres requiring further filling and major roading and drainage works.

Your paragraph 3 refers to the last item above (9½ acres).

Your paragraph 4 refers to the area within brackets two paragraphs above, and I would be of the opinion that a considerable amount of additional filling will be required before it meets the requirements of the legislation and the Catchment Board. In fact, the Council has recently granted the purchaser (a builder who uses house excavation material for filling) an additional period of two years to complete this reclamation.

I trust that the above is of assistance.

Yours faithfully,

F.C. Tuck
TOWN CLERK
Wide format was located here in this file

To view the wide format image(s) please go to the end of this document

The numbers listed below are also on the wide format image(s) that belong here

6343
26 March 1975

The Town Clerk,
Thames Borough Council,
P.O. Box 400,
THAMES

Dear Sir,

RECLAMATION AUTHORITIES

We are in the process of compiling information on old reclamation authorities as our files do not show current information, I would be grateful if you could assist with up to date information as to whether or not the projects as listed have been completed or are to be carried out at some future date. Your assistance in this matter would be appreciated, also, if your Council holds any other authorities to reclaim that have not been completed, could you please advise us.

1. Pursuant to the Reserves & Other Lands Disposal Act 1966 your Council is authorised to reclaim 1 acre 1 rood 36 perches being the part of Section 2, Block VII Thames survey district and being part of the land comprised and described in Certificate of Title, Volume 179, Folio 217 South Auckland land registry and shown on SO Plan 43487, at the Chief Surveyor, Hamilton edged in red. Three roods 6 perches of this area has been successfully reclaimed as shown on Plan MD 13087, has the outstanding area been reclaimed as well?

2. Pursuant to the Thames Borough Council Empowering Act 1967 your Council is authorised to reclaim the schedule to the Act comprising firstly an area of 185 acres 1 rood 16.7 perches secondly, an area of 35 acres 2 roods 16.2 perches and thirdly an area of 50 acres and 33.6 perches (a photocopy of schedule attached). How much of this area has been successfully reclaimed?

3. An area of reclamation in Thames Harbour as shown on MD 14683 was approved in 1972. Our last correspondence from you in June 1974 indicated that the work would be complete in December 1974.

4. In March 1972, 5.4 acres of mud flat in Thames Borough was authorised to be reclaimed as shown on Plan MD 14484. At our last correspondence in March 1973 we were waiting to hear from you if the project had been completed.

Yours faithfully,

(P.E. Maers)
for : Director
File 43/164/6

Decision Sheet: Harbours Act 1950

(a) Name of applicant: 
(b) Location: Crown/Endowment/S.165, Endowment, pursuant to Harbours Act 1936.
(c) Purpose for which foreshore etc. required: 
(d) Plan number M.D. 
(e) Report from Marine Engineer is unnecessary/OK: see folio dated 25/11/74 < 8/12/74.
(f) Report from Transport Div. is unnecessary/OK: see folio ___.
(g) Report from Nautical Adviser is unnecessary/OK: see folio 198 Vol 1.
(h) Approvals from Harbour Board have been received/are unnecessary: see folio ___.
(i) In the case of transfer, transferer's and transferee's letters: see folio ___.
(j) Transfer fee received, Official receipt.
(k) Rental paid up to ___.

Recommendation

Please adverse plan (2 sheets in duplicate) pursuant to section 178(b) of Harbours Act 1950.

[Signature] 13/11/75.

Section 178

Approval of plan M.D. 
15466. 

(Sgd.) P. E. MUERS 16/11/75.

Section 164

Permit Number: ___.
New Permit (in lieu of Permit No. _______ expired )
Extension of Permit: 
Assignment of Permit/Licence from: 
Cancellation of Permit: 

Accounts Section Action:
1. Foreshore card prepared/noted
2. Account for rent/premium/renewal fee/transfer fee prepared.

Records Action:
Transfer noted:

Harbours Section Action:
1. District permit list noted
2. Number plate ordered
3. Plan & letter despatched
4. Nautical require completion date ___.
5. Site plan (if any) noted
6. Power line file 54/0/24 noted
7. Minuting action A/C's/Records taken
8. Bring up (Check all action completed)

Initials: _______ Date: _______
Office Letter.

Reclamation South of HARP Steam - Harrow Borough Council:

1. This rather detailed reclamation proposal has reached the stage, thought to be the final stage, as far as MoT participation is concerned, of offering the works plans pursuant to sect 178(b) of the Harbours Act 1948.

2. The works plans are to hand and should be in order for sect 178(b) approval, while the Minister has delegated to Sec (H) or CEO (M).

3. Messrs Miller & Goodge solicitors for the reclaiming agent, the Harrow Borough Council, have now stated that the DCR considers that the consent of the Minister should be attached to the Land Transfer Plan. In my opinion, this requirement is not required by sect 2 of the Reclaim and Other Harbours Etc. Act 1949. My initial reaction is that the suggestion should receive a negative reply.

4. However, the Minister's consent may be required to be attached to the Land Transfer Plan pursuant to other legislation.

5. Would you please advise the legal requirement, if any, sect (B). (C).

Aldershot, 16/1/74

P. Hamilton

Mr. McKenzie

FILE: BY
FILER NO. 16

The Minister's consent must be endorsed on any transfer document as any transfer document under the Act must be endorsed by the plan.
2 (3) Subsection (2) above is however subject to the proviso of the Municipal Act, 1954. Subsection (3) gives the power to the Board, without further authority, but subject to the Act, 1954, to sell, exchange or lease the land.

2 (5) Subject to the Act, 1954, the Board may apply all money of the net proceeds of any sale of any part of the land for any purposes within its powers.

2 (7) The D.C. or agent of the Board, subject to the D.C.'s demand for plans, may use the or its costs.

What are the requirements of the Act, 1954?

Part III
Deed or Lease of Land.

Part 150 (1) Here is provided for a dedication (3) Council may sell etc. any land vested in the Corporation.

(a) (or it?) (or it?)

(b) To irredeem, as land was freed from "trust", by virtue of sect 2 (c) of the Act, 1954.

(c) To irredeem as land etc.

(d) Gs etc.

(e) Gs etc.
The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON.

Dear Sir,

Re: Reclamation South of Hape Street Thames Borough Council

Further to your letter of the 26th of November we enclose working drawings of the reclamation works as requested.

According to the Surveyor the tide is very gentle at this area and rather laps the reclamation work rather than pounds.

He considers that there is no possibility of the reclamation not staying there unless exceptional circumstances arise.

We trust that we have answered your Department's requirements and that the necessary consent can issue. We have discussed this matter with the District Land Registrar and he considers that the consent of the Minister should be attached to the Land Transfer Plan. Could you please advise whether this is practical from the Department's point of view.

Yours faithfully,

MILLER & POULGRAIN
Per: Randall
TYPICAL SECTION
Scale: horizontal - 1:1000
vertical - 1:100

LOCAL BODY:
SURVEY BLK & DISTRICT:
SOUTH AUCKLAND LAND DISTRICT
SCALE:

M. J. DUNWOODIE M.N.Z.I.S.
LAND & ENGINEERING SURVEYORS
444 POLLEN ST., THAMES
B. S. MILLAR, M.N.Z.I.S. ASSOCIATE

M.D. 15466

562

Sheet 2 of 2 sheets.
APPROVED PURSUANT TO SECT. 178 (b)
OF THE HARBOURS ACT 1950

M. J. DUNWOODIE M.N.Z.I.S.
LAND & ENGINEERING SURVEYORS
444 POLLEN ST., THAMES
B. S. MILLAR, M.N.Z.I.S., ASSOCIATE

LOCAL BODY:
SURVEY BLK & DISTRICT:
SOUTH AUCKLAND LAND DISTRICT
SCALE: M.D. 15466

M. J. DUNWOODIE M.N.Z.I.S.
LAND & ENGINEERING SURVEYORS
444 POLLEN ST., THAMES
B. S. MILLAR, M.N.Z.I.S., ASSOCIATE

Sheet 1 of 2 sheets
26 November 1974

Messrs Miller and Poulgrain,
Barristers and Solicitors,
P.O. Box 411,
THAMES

Attention: Mr R. Randall

Dear Sirs,

RECLAMATION SOUTH OF HAPE STREAM - THAMES BOROUGH COUNCIL

Please refer your telephone conversation with our Mr Muers of 21 November 1974.

Returned are the two copies of plan number 562. To satisfy the requirements of section 178(b) of the Harbours Act 1950, would you please add works drawings of the reclamation works.

Yours faithfully,

(A.F. Hamilton)
for Director, Marine Division
Dear Sir,

re: Reclamation South of Hape Stream

Thames Borough Council: Your Ref 43/64/6 H & F

Further to previous correspondence you have had in this matter with the Thames Borough Council for whom we act, we now enclose the diagram requested in paragraph one of your letter of the 20th of June together with two copies of the S.O. Plan 46486 coloured and marked as requested.

We would be pleased if you could advise us urgently whether all your requirements under Section 178 of the Harbours Act, 1950 have now been complied with. We would be pleased if you would return the approved plans to us.

We note that in your letter you had mentioned Section 175B and we have to save arguments, complied with your request. However, we would draw your attention to Section 2 (1) of the Reserve and Other Land Disposal Act, 1969 which states the Council did not have to comply with Section 175B.

However, we trust that the enclosed plans are sufficient for your purposes and that you will be able to forward to us your approval.

We note that according to the act we must comply with Sections 176 to 182 of the Harbours Act before we are able to deal with the land and we would be pleased if you could give us your normal certificate for production to the Land Transfer Office to enable us to satisfy the District Land Registrar's requirement in this regard.

In regard to paragraph two of your letter, we would affirm that it was the opinion of the District Land Registrar to presume at the time of the sale from the Crown to the Council that land was above mean high water mark as he has issued a Land Transfer Title 16A/326.
We would confirm that the Catchment Board is committed to building a stock bank and face protection works on the river side of the thirty-six perch area.

In reply to your letter of the 11th of March when you asked for a cross-section plan of the reclamation you will notice that the plans and drawings enclosed do not cover this aspect. Thefacings of the reclamation work is to be done to the Catchment Board requirements and we understand that the Board is to put further protection work outside the reclamation and we understand that some of this work has already been done.

As this matter is becoming fairly urgent we would be pleased if you could give this matter your earliest consideration so that you may advise us whether there are any other matters that you require before your consent would issue.

Yours faithfully,

MILLER & POULGRAIN

Per: R. H. Randall

Enc.../
25 June 1974

The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON.

Dear Sir,

Reclamation : South of Hape Stream

I refer to my letter 460/1 of 17 May 1974 and your letter 43/64/6 of 11 March 1974.

I would be grateful if you could advise at your earliest convenience, when the Council could expedite the transfer all land edged pink on the Hauraki Catchment Board plan No. 1026A to Campbell Industries Ltd.

Yours faithfully,

T.B. Donald
DEPUTY TOWN CLERK
20 June 1974

The Town Clerk,
Borough of Thames,
CPO Box 400,
THAMES.

Dear Sir,

RECLAMATION : SOUTH OF HAPE STREAM

Thank you for your letter of 17 May 1974.

The following aspects of the reclamation south of the Hape Stream are of concern to us.

1. Although plan 44966 was approved pursuant to section 178 of the Harbours Act 1950, it is unacceptable for that purpose. In our letter of 11 March 1974 we made mention that a cross-section of the reclamation is required. Could we please then have a drawing combining the plan and the cross-section. Now that the actual line of the Catchment Board's stopbank has been established (refer S046486), please transpose this line onto the drawing.

2. When you refer to the "severed" area of approximately 36 perches being above mean high water mark, I assume this was the opinion of the District Land Registrar at the time of the sale of the land from the Crown to Council. Would you please confirm, in which case the land is outside our jurisdiction. If however, any restitution work has occurred, then we will require a plan with a cross-section showing how the work has been protected against subsidence and erosion, etc, for section 178 approval. In any case, the way I read your letter, the Catchment Board is committed to building a stopbank and face protection works on the river side of this 36 perch area; please confirm.

A combined drawing for 1. and 2. is suggested providing the status of the land is shown.
If you will permit me to comment, I am perplexed as to why the end results of the Catchment Board’s works were referred to in the Reserves and other lands Disposal Bill 1969 as a part reclamation of 9 acres 2 roods 20 perches, when a MHWM adopted from L.T.S. 12775, approved as late as 1968 as shown on the Catchment Board’s plan number 1026A and final S.O. plan 46486, indicates that all of the land was on the landward side of the legal MHWM (i.e. the line adopted from L.T.S. 12775) and therefore legally dry land. I would be interested in the District Land Registrar’s comments on this point. Anyhow, works have taken place so as mentioned above please forward in duplicate, a works drawing for 1 and 2 for approval pursuant to section 178 of the Harbours Act 1950.

While receipt of the negative photocopy of S.O. plan 46486 is appreciated, we cannot accept it for approval pursuant to section 175B of the Harbours Act 1950. What we require is two positive copies of the same plan showing all tidal waters coloured blue and the boundaries and area of the land subject to the Bill; colouring of the Catchment Board’s stopbank would also be appreciated. Normally section 175B plans would require to show the old and new mean high water marks but I can only refer to my previous comments regarding the applicability of this.

Once section 178 and 175B plans are received (in duplicate) and approved, one copy of each will be returned to you. This, as far as I can foresee will complete our part in the proceedings.

Yours faithfully,

[A. F. Hamilton]
for Director, Marine Division
17 May 1974

Dear Sir,

Reclamation : South of Hape Stream

I refer to your letter 43/64/6 of 11 March 1974.

I enclose herewith a copy of SO Plan No. 46486 and a copy of Hauraki Catchment Board Plan No. 1026A depicting the amended limits of reclamation. The Hauraki Catchment Board's approval for the extended reclamation is contained in the Board's letter of 6 April 1971, a copy of which is attached.

The reclamation has been completed to the red line depicted on the Hauraki Catchment Board's plan No. 1026A, and includes an area of 36 perches, shown as a severance on SO Plan No. 46486. This severed area was above mean high water mark and was sold to the Thames Borough Council by the Crown on 22 June 1973. The land was formerly the bed of the Kauaeranga River. This severed area is not included in the area authorised to be reclaimed by the Council pursuant to section 2 of the Reserves and Other Lands Disposal Act 1969.

The Council wishes to expedite the transfer to Campbell Industries Ltd of all land edged pink on Hauraki Catchment Board Plan No. 1026A. This land includes the 36 perches severance.

I would confirm that all the land reclaimed is above the high water ordinary spring tide mark, and this is verified by SO Plan 46486, the mean high water mark being shown thereon.

In a letter dated 7 May 1974 the Hauraki Catchment Board states "The Board has no interest in the reclaimed land to be transferred to Campbell Industries Ltd as defined on Board Plan No. 1026A and SO 46486."
"However, the Board will necessarily be undertaking a check to confirm the actual extent of reclamation in terms of the original survey. Consequently an opinion of face protection works cannot be given until the toe alignment is confirmed or any requirement adjustment works completed. A copy of the results of such survey check will be forwarded to your office as soon as it becomes available."

The Hauraki Catchment Board intends to construct a stopbank and face protection works outside the area to be transferred to Campbell Industries Ltd.

Yours faithfully,

F.C. Tuck
TOWN CLERK

Encls.
6th April 1971

The Town Clerk,
Thames Borough Council,
Box 400,
THAMES.

Dear Sir,

Kauaeranga River - Land Reclamation
Hape Stream to Railway Bridge.

Further to discussions on this subject, and after carefully reviewing the hydraulics of the present and future River floodways, it has been decided that the location of the eventual Kauaeranga River Scheme stopbanks may be modified to the extent shown on the attached plan (H.C.B. No. 1026A) without significant loss in floodway efficiency. The modified location of the stopbank base is shown edged in green on the attached plan.

It is therefore agreed as follows:

1. That land reclamation can proceed to the line marking the landward toe of the projected river stopbank (line edged in red on plan No. 1026A) extending from the railway reserve near the river bridge to Section 2 D.P.S. 13300 on the Hape Stream.

2. That the land reclamation out to the line defined in paragraph 1 above can proceed at any time convenient to the Thames Borough Council, or to Campbell Industries Ltd.

3. That the total area already reclaimed or agreed as being available for reclamation, between the Railway Bridge and the Hape Stream is that area edged in red on Plan No. 1026A (i.e., excluding Section 1 D.P.S. 13300), being about 127 acres in extent.

In connection with the above, it should also be noted that:

No reclamation, dumping of materials, or rubbish, etc., can be permitted on the site of the stopbank base (edged in green on attached plan and about 2.5 acres in area), at least until the Kauaeranga River Scheme floodway proposals are sufficiently developed, and without the prior written consent of the Board.

Yours faithfully,

B.W. Harris
Chief Engineer
HAURAKI CATCHMENT BOARD
Wide format was located here in this file

To view the wide format image(s) please go to the end of this document

The numbers listed below are also on the wide format image(s) that belong here

6342
1 May 1974

The Town Clerk,
Thames Borough Council,
Box 400,
THAMES.

Dear Sir,

HARBOUR BOARD ENDOWMENT LAND : LICENCE :
THAMES YACHT CLUB

I understand from the Regional Marine Officer, Auckland that you are still concerned to know if a survey plan is required in respect of a licence to be granted to the yacht club "to control" a launching ramp and mooring piles within Thames Harbour.

There are several sections of the Harbours Act which allow some form of occupational right over (as in this instance) endowment lands.

Correspondence which has been received here has mentioned the intention to licence the yacht club to occupy the area and has also asked about a survey plan for leasing the area.

These are two entirely different matters and I will mention only the appropriate sections of the Act which apply:-

(1) First of all no structure of any description may be built on the foreshore or seabed unless first approved pursuant to provisions of section 178 of the Harbours Act 1950.

(2) It is appropriate for a Board, subject to the consent of the Minister (for certain structures) to licence the area occupied by the structure. (See section 156 of the Act, a copy of which was sent to you on 18 April 1974).

(3) A licence in writing under the seal of the Board must be given. The maximum period is 14 years and the licence may prescribe conditions, general or in particular, as to the payment to the Board in respect of the licence. (Section 158 of the Act refers.)
(4) A Board may lease land for a period of up to 21 years with the consent of the Governor General in Council. The Act states that such leases apply to any piece of land vested in the Board being on the shore of the sea, or of any creek, bay or arm of the sea, or of any navigable river communicating with the sea, and so that the lease may extend as far as low water mark. A condition is that the Governor-General would have to be advised that the grant of the lease would in no way impair or disturb navigation in the harbour or the public convenience. There are special advertising requirements to be undertaken before seeking any such consent (section 154 of the Act refers).

I am fairly sure that your Board's proposal does not envisage a lease as stated above. I would point out however that if you do intend a lease to be granted then this office would have to be fully satisfied that the conditions mentioned above were met and this would at least include the need for any vessel to be able to navigate over the lease area. If a lease were proceeded with a survey plan would be required.

It does seem that, subject to the requirements of section 156 being met (including approval of plan), a licence could be granted by your Board in terms of section 158. Such a licence could in part it is suggested, state that the yacht club is licensed to operate a launching ramp and mooring piles in areas marked on the "attached" plan, providing always that such structures are first approved by the Minister of Transport in accordance with the provisions of the section 178 of the Harbours Act. The area marked on that plan would not need to be surveyed but should be adequately defined by measurement etc., to your Board's satisfaction. The licence would of course include all other conditions the Board wishes in order to protect its interest, for example the use of the structures, charges, maintenance and provisions for revocation or penalties.

I have already mentioned that we are not aware of the "owner" of the ramp or other structures. If the club built the ramp then it is proper that it should have the licence but if built by some individual the situation is then different and it may have to be negotiated by the parties concerned. In addition, as we cannot find any record of approving the plans of the ramp or any other structures, we will need to have this aspect followed up by your Board.

I suggest that this question of whether a lease or licence should be granted should now be referred here in view of the complex matters raised. It will eventually be necessary to submit plans of the structures to the Regional Marine Officer at Auckland but matters relating to the lease or licence will now be considered by this office. However, if you send a copy of your correspondence, as will be done by this office, to the Regional Marine Officer his records will be complete as far as these negotiations are concerned.

Please contact me if there are any matters which you wish to raise in connection with the various points which I have raised in this letter.

Yours faithfully,

(O.J. Conway)
for Director, Marine Division
The Regional Marine Officer,
Marine Division,
Ministry of Transport,
Private Bag,
AUCKLAND.

Copy for your information and further to your memorandum of 23 April 1974, reference 54/20/46.

(O.J. Conway)
for Director, Marine Division
THAMES SAILING CLUB

Would you please urgently advise to allow my reply to the Borough of Thames.

The County Clerk has enquired of this office if legal survey plans are required to define an area of land that the Council may wish to licence to the sailing club in terms of Section 156 of the Harbours Act 1950.

I have received your minuted memorandum of 18 April 1974 to the Town Clerk, Thames Borough Council but it would appear that this does not cover our requirements where an authority wishes to lease vested land into the control of some other body.

(D. Greig)

for: Regional Secretary
18 April 1974

The Town Clerk,
Thames Borough Council,
Box 400,
THAMES.

Dear Sir,

THAMES SAILING CLUB

This letter is sent to you in respect of your responsibilities as the Harbour Board and in relation to proposal to permit the Thames Sailing Club to administer an area of your Board's endowment land.

These matters appear relevant and should be cleared by you in order to satisfy our requirements.

(a) Every structure on the foreshore and seabed requires to have plans approved pursuant to section 178 of the Harbours Act 1950, regardless of whether the structure is on Crown land, endowment or private lands. Has this requirement been met for the Club structures including the mooring piles and the boat ramp to which you make reference in your letter as no plans of these structures can be located here.

(b) If the structures have been approved the next requirement is to establish that they are all on your Board's endowment land. If not, and some of the structures are on Crown land, then a licence would be issued for those structures by this Ministry. All you need to do, having ascertained the position, is to confirm to this office the status of the land on which all the structures are located. There is no need for a "survey" plan.

(c) Assuming that all the structures are on your endowment land then your Board must necessarily issue all licences.

(d) If the structures do not fall within the categories expressed in section 156(a) to (d) then approval must be sought in terms of section 156 (e) of the Harbours Act. A copy of that section of the Act is enclosed.

[Stamp: DISPATCHED 19 APR 1974]
[Stamp: FILE]
[Stamp: BN 26/5/74]
A comment is made here on the proposal to let the Club "control" the ramp that adjoins their premises and to control moorings for pleasure craft south of Shortland Wharf. The question here is who constructed these facilities and whether these have been licensed either by your Board or the Crown (although of course if it is the latter none of these structures have been licensed to date as we have been unaware of their existence). It would not seem proper to give a yacht club power to control facilities which individuals (with or without approval) may have built over the years.

The control of navigation within harbour limits and the authorisation of and licensing of structures is the responsibility of your Harbour Board and it is not our opinion that this control should be handed over to what, in effect, is a private organisation.

As advised in our letter of 1 February 1973 your Board may lease its foreshore and seabed to this Organisation but you must be careful to ensure that in doing so the general needs of the public are not prejudiced.

The amount of control which can be exercised will depend on the terms of the licence. All licences for occupation of the foreshore and seabed are subject to the Foreshore Licence Regulations 1960 (SR 1960/32). If, for instance, the ramp is solely for club use, the control of club members will be a matter for administration under the Club's Rules. If the licence states that the ramp is to be available for use by the public (Foreshore Licence Regulations 1960 - Regulation 9 (2) (3)) then the prescribed fees, if any, may be charged, and the ramp must be available for public use at all reasonable times. Such conditions should be included in the licence.

I have sent a copy of this letter to the Regional Marine Officer, Auckland. It is suggested that, in replying to this letter, a copy be sent to him. Any matters arising from your reply can then be followed through when the situation is properly clarified.

Yours faithfully,

(0.J. Conway)
for Director, Marine Division

Enc.
Regional Marine Officer,
Marine Division,
Ministry of Transport,
Private Bag,
AUCKLAND.

For your information. Your file 54/20/46 refers.

(O.J. Conway)
for Director, Marine Division
3 April 1974

The Town Clerk,
Borough of Thames,
P.O. Box 400,
Thames

Dear Sir,

THAMES SAILING CLUB

In reply to your letter of 25 March 1974, it would appear that as requested by the letter of 1 February 1973 to your office from the Secretary of Marine that prior to any transfer that survey plans to define your Board's title will be required to be referred to the Director of Marine, Wellington.

Yours faithfully,

(D. Greig)
for Regional Secretary
for Transport

HEAD OFFICE

ATTENTION: C.E.O., (H.B.R.S.)

Copy for your information. Your 43/64/6 of 1.2.73 refers. Copy of correspondence under reply attached.

(D. Greig)
for Regional Secretary
for Transport
25 March 1974

The Regional Secretary,
Marine Division,
Ministry of Transport,
Private Bag,
AUCKLAND.

Dear Sir,

Thames Sailing Club
Your reference 54/20/46

The Thames Sailing Club have applied for a licence, in terms of Section 156 of the Harbours Act 1950, to control the boat ramp that adjoins the Sailing Club's premises at Tararu, Thames. This application is in addition to their present application for a licence to control moorings for pleasure craft south of Shortland Wharf.

Would you kindly advise if survey plans of both areas are required by your Department, so that the necessary approvals can be given in terms of Section 178 of the Harbours Act 1950, before a licence is issued.

Yours faithfully,

T.B. Donald
DEPUTY TOWN CLERK
The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON.

Dear Sir,

Reclamation : South Hape Stream
Your reference 43/64/6

Thank you for your letter of 11 March 1974.

I have written to the Hauraki Catchment Board, requesting the Board to certify that it has no interest in the reclaimed land, and that the land defined by SO 46486 can be disposed of to Campbell Industries Ltd. I have also requested the Hauraki Catchment Board to verify that the reclaimed land defined by SO 46486 is above ordinary spring tide high water mark and that the face protection of the reclamation works meets the Boards requirements.

I have also ordered a further copy of SO 46486.

When a reply is received from the Hauraki Catchment Board and the copy of SO 46486 comes to hand, I will advise you further.

Yours faithfully,

F.C. Tuck
TOWN CLERK

Note: He has not stated that he has made the Hauraki C/Bd. If it is to reclaim outside, for Hotel.
Dear Sir,

Harbour Reclamation South of Hape Stream

With further reference to your letter 43/64/6 of 1 August 1973, I should appreciate your advising the present position regarding the approval of the above reclamation.

Yours faithfully,

F.C. Tuck
TOWN CLERK

6 March 1974
11 March 1974

The Town Clerk,
Thames Borough Council,
P.O. Box 400,
THAMES

Dear Sir,

RECLAMATION: SOUTH HAPE STREAM

I refer to your letter of 1 February in connection with the approval of the reclamation carried out on behalf of Campbell Industries Limited.

Approval of the reclamation was given in section 2 of the Reserves and Other Lands Disposal Act 1969. The land was described in section 8 and was also shown on S.O. Plan 44966.

It was that plan which was also given our M.D.13555 and authorised that construction work could be undertaken; in other words approval was given in accordance with section 178(b) of the Harbours Act 1950.

In section 3 of the Reserves and Other Lands Disposal Act there are two provisos, namely that the land below ordinary spring tides could not be disposed of without the consent of the Minister (of Transport) nor land required by the Hauraki Catchment Board without its consent.

We now have the situation where the reclamation is completed the boundary of which is shown on S.O.44966. This information was given by the District Commissioner of Works, Hamilton.

However, in your letter of 30 August 1973 you stated that the boundary which was approved by the Hauraki Catchment Board is different to that shown on S.O.44966 and as shown on S.O.46486.

Could you please let me have a copy of S.O. 46486 and a statement from the Hauraki Catchment Board that it has no interest in the reclaimed land and that it can be disposed of to Campbell Industries Limited.

You also said that the land reclamation had been completed to above the ordinary spring tide high water mark. If this is so, then the first proviso to section 3 of the Reserves and Other Lands
Disposal Act 1969 would not apply as it is land reclaimed below that level which requires the consent of the Minister before disposal. Perhaps you could confirm the position.

There is one other matter and that is that we have no cross-section plan of the reclamation. It is understood it abuts a belt of mangroves and that the face protection consists of rotten rock. Could a plan be provided to show this aspect unless the facing is to the Hauraki Catchment Board's requirements. If the Board is to put further protection works outside the reclamation, could you let me know as I intend to take this point up with that Board.

Yours faithfully,

(0.J. Conway)
for Director, Marine Division

PS. Received 16 March 1974.

DISPATCHED 12 MAR 1974
The Commissioner of Works

Attention Mr J.H. Fyson

HARBOUR RECLAMATION: SOUTH OF HAPE STREAM

I enclose herewith a copy of a report from the resident engineer Paeroa together with Plan No. 44966 and a copy of a letter from the Thames Borough Council. I wish to advise that reclamation has been quoted to an adequate height and its boundary is in terms of plan S.O. 44966. Protection is not required on the rock facing as reclamation abuts onto a belt of mangroves.

R.E. Hermans
Dist Commr of Works

Per: A.K. Attwood

(A.K. Attwood)

Mr. Fyson

Harbours Engr. Minister's Unit

For information:

Veal

31/1/74
Ministry of Works
New Zealand

Our Ref: 21/5  Date: 11 January 1974  Inquiries to: R.J. Nicholls

Dist Comm of Works,
N.O.W., HAMILTON.

Your Ref: 13/108 of 17 November refers

Harbour Reclamation - South of Have Stream

1. I have inspected this reclamation which has been built up to above the H.L.W.S. level.

2. The reclamation does not interfere or restrict to any extent any public right of navigation.

3. Plan 44966 is returned herewith.

A.W. Stewart
Resident Engineer

Enclosed.

P.P. [Signature]
(R.J. Nicholls)
Harbour Reclamation South of Hape Stream

With reference to your letter 43/64/6 of 1 August 1973, I have to advise that Messrs Campbell Industries Ltd have now advised that the reclamation has recently been completed to above the ordinary spring tide highwater mark, and to the boundary approved by the Hauraki Catchment Board and shown on S.O. Plan 46486 South Auckland Land Registry, in compliance with the provisions of the provisos to subsection (3) of Section 2 of the Reserves and Other Lands Disposal Act 1969. This boundary deviates from the boundary shown on S.O. Plan 44966.

It would be appreciated if you would arrange to have the position checked so that the Borough Solicitor may draw up the necessary transfers to enable Campbell Industries Ltd to obtain title to the reclaimed land.

Yours faithfully,

[Signature]

TOWN CLERK

30 August 1973
Wide format was located here in this file

To view the wide format image(s) please go to the end of this document

The numbers listed below are also on the wide format image(s) that belong here

6286
MINUTE SHEET

Subject: Reclaimed Land: Thames

Date: 15.10.73

File No: 43/69/6

Department: MOT

To: Mr. G Tyson

M.O.W. Vogel Bly

Be refer to letter of 30 August from Thames Borough & the plan MD 13555 in file jacket.

Please arrange for an inspection of the area to ensure satisfactory reclamation & protection of the face (if necessary), certain deviations to the attached plan have proceeded but it will be satisfactory if reclamation conforms generally to the plan.

G. Tyson

F. Harbour

Harbou - you can have report in December

File 08

12/3

Item 503
The Town Clerk,
Borough of Thames,
P.O. Box 400,
THAMES.

Dear Sir,

THAMES SAILING CLUB (INC) PROPOSED LICENCE PURSUANT TO SECTION 158 OF THE HARBOURS ACT, 1950

In reply to your letter of 12 July 1973, in which you advised that Thames Sailing Club was still pursuing its application for a Licence and were awaiting completion of plans by its consultant Engineer: would you please advise this office if any further progress has been made with this proposal.

Yours faithfully,

(D. Greig),
for: Regional Secretary.

HEAD OFFICE:
Attention: C.E.O. HARBOURS

Your 43/64/6 of 28 June 1973 refers.

Copy for your information. This matter has been kept in Diary, pending receipt of plans.

(D. Greig),
for: Regional Secretary

Ref: 54/20/46
Regional Office
Private Bag
AUCKLAND
Telephone: 31656

3 October 1973
The Director,
Marine Division,
Ministry of Transport,
Private Bag,
WELLINGTON 1

Dear Sir,

Harbour Reclamation South of Hape Stream

With reference to your letter 43/64/6 of 1 August 1973 I have to advise that Messrs Campbell Industries Ltd have now advised that the reclamation has recently been completed to above the ordinary spring tide highwater mark, and to the boundary approved by the Hauraki Catchment Board and shown on S.O. Plan 46486 South Auckland Land Registry, in compliance with the provisions of the provisos to subsection (3) of Section 2 of the Reserves and Other Lands Disposal Act 1969. This boundary deviates from the boundary shown on S.O. Plan 44966.

It would be appreciated if you would arrange to have the position checked so that the Borough Solicitor may draw up the necessary transfers to enable Campbell Industries Ltd to obtain title to the reclaimed land.

Yours faithfully,

TOWN CLERK

Copy handrawn from report and plan MD 13555 (12/11)
23 August 1973

Dear Sir,

Harbour Reclamation South of Hape Stream

With reference to your letter 43/64/6 of 1 August 1973 I would advise that I am inquiring into the position regarding the progress made on the above reclamation.

I will advise you further in due course.

Yours faithfully,

TOWN CLERK

H. Luck
1 August 1973

The Town Clerk,
Thames Borough Council,
P.O. Box 400,
THAMES

Dear Sir,

HARBOUR RECLAMATION SOUTH OF HAFIE STREAM

Further to my letter of 27 November 1972 I would be grateful if you would advise this office if the above reclamation has been completed, or alternatively, the anticipated date of completion.

Yours faithfully,

(T.E. Law)
for Director

2 AUG 1973
INTERNAL MEMORANDUM

To: HEAD OFFICE:  From: Regional Office, AUCKLAND.


Subject: Thames Sailing Club (Inc) - Proposed License

Please be advised that with their letter of the 12 July, 1973, the Borough of Thames has advised this office that the Thames Sailing Club is still pursuing its application for a license, and they are awaiting the completion of the necessary plans by their Consulting Engineer.

This office will be advised in due course when finality is reached with the Club.

(D. Greig),
For: REGIONAL SECRETARY.
28 June 1973

The Regional Secretary,
AUCKLAND

THAMES SAILING CLUB (INC.): PROPOSED LICENCE

I refer to my minuted memo of 1 February 1973.

Please advise if plans of the existing structures have been submitted to you by Thames Borough.

for Director Marine Division

BJ. 25.7.73

FILED BY
FILER No. 7
The Town Clerk,
Borough of Thames,
P.O. Box 400,
THAMES.

Dear Sir,

THAMES SAILING CLUB (INC.): PROPOSED LICENCE
Pursuant to Section 158 of the Harbours Act 1950

I refer to your enquiry of 18 December to the Regional Marine Officer, Auckland, and advise that the licensing of foreshore to a club could result in public criticism if alternative areas for jetties etc., are not available to the public. In this regard please refer to section 159 of the Harbours Act 1950. However, it is assumed that your Board has considered this point and agrees that it is a satisfactory proposal.

Section 150 of the Harbours Act 1950 does not prevent a harbour board leasing areas of endowment or vested foreshore, (see section 15 of the Act) and provided that your Board has title to the area (and I would appreciate confirmation of this as our maps do not clearly show the status of the land) a licence in terms of section 158 may be issued.

I attach a copy of a licence granted by the Minister of Marine and a copy of the regulations applicable thereto which may assist you in drawing up a suitable licence. However, your Council may wish to include other requirements and it may be prudent to consult your Council's legal advisers.

Concerning the existing structures, duplicate structural plans of these jetties and ramps with a measurement to some fixed mark, must be submitted to the Regional Marine Officer, Auckland for consideration to approval pursuant to section 178 of the Harbours Act 1950. This requirement applies to all structures to be located on in, over through, or across tidal lands or a tidal water, or the bed of the sea, or the bed or bottom of any harbour, navigable lake or navigable river.

Yours faithfully,

Encl.

(G. McKissock)
for Secretary for Transport

PLEASE TUMBLE
Copy for your information. Once foreshore has been vested in a local authority by an Act it may be licensed subject to the provisions of section 159 of the Harbours Act 1950.

(G. McKissock)
for Secretary for Transport
1 February 1974

The Director,
Marine Division,
Ministry of Transport,
Private Bag, .
WELLINGTON 1.

Dear Sir,

Harbour Reclamation South of Hape Stream

Further to my letter dated 30 August 1973 and to your letter 43/64/6 of 1 August 1973, I should appreciate your advising the present position regarding the approval of the reclamation carried out on behalf of Messrs Campbell Industries Ltd.

Yours faithfully,

F.C. Tuck
TOWN CLERK

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Mr. Hamelli,

1) Could you please investigate what lies behind this letter. You must read the part I of this letter. As far as I know, we have been asking for completion date, but this was given on 30/11/73 by the Thames Act (as Section 2 - schedule 2 Act).

2) This would have to be a reclamation authority. Whether or not Board owned land, it would be under Section 2 of the Act. I would think we only need to arrange plans (S17) Reclamation was 90% complete - I want to know what the Board wants.

F.C. Tuck
19/2
The Town Clerk,
Borough of Thames,
C.P.O. Box 400,
Thames.

Dear Sir,

Thames Harbour

In reply to your letter of 18 December 1972, regarding the proposed development of an area of Foreshore by the Thames Sailing Club.

A check of our records does not reveal that any of the existing structures in the area were ever subject to consideration by the Minister and would appear to have been erected illegally and without authority.

While pursuant to Section 156 of the Harbours Act 1950, as a Harbour Board your council, subsequent to the approval of the Minister may issue a licence or licences for structures on tidal land under the Board's control, it may be that pursuant to Section 150 of the Act, that without the agreement of the Minister an area of Foreshore may not be given over to the control of any person.

This point however will be referred to my Head Office for clarification.

The type and conditions of any licence issued will also be referred to my Head Office and they will further advise you in due course.

Yours faithfully,

D. Greig
for Regional Secretary

Head Office

ATTENTION Chief Executive Officer (Harbours)

No previous correspondence.

Enclosed are:
(1) Photocopy of correspondence.
(2) Plan of area.

Please advise on the legality of the Board handing over an area of Foreshore to the Club for administration and supply a copy of any suitable licence issued for structures under local authority or Board authority.

D. Greig,
The District Officer,  
Marine Department,  
Box 1254,  
AUCKLAND.

Dear Sir,

Moorings for Pleasure Craft South of Shortland Wharf

I forward for your information three copies of T.B.C. plan 761 showing (edged blue) an area of Thames harbour foreshore which the Council has agreed in principle to license to the Thames Sailing Club (Incorporated) pursuant to the provisions of Section 156 of the Harbours Act 1950.

The area proposed to be licensed to the Sailing Club is bounded on the east by the boundary of private property, and will be bounded on the south by the right bank of the Hape Stream, and on the west by the right bank of the Kauaeranga River. The "haulout ramp" shown is at present metalised, and the Club proposed to construct a proper concrete ramp to facilitate the hauling out of the pleasure craft.

The diagram shows seven jetties extending below mean high water mark, and these jetties have been installed by the owners of the individual craft, and two further jetties have been constructed since the attached diagram was prepared. As stated above, the jetties were constructed by the individual owners, and the quality of the workmanship involved varies quite considerably.

However, the proposal is to license the area to the Club, and to leave the Club to arbitrate on the use by individual owners of different parts of the area involved.

I should be greatly obliged if you would assist me by commenting upon this proposal, and if you would be good enough to let me have a pro forma of any suitable license which you may have, so that I may use it as a guide when drawing up a license pursuant to Section 158.
It is realised that the Council will retain the right to revoke any such license pursuant to the provisions of Section 161, but any license issued would also have to contain a right for the Council to revoke all or part of the license as may become necessary to enable the Hauraki Catchment Board to obtain access to the "reserves" adjoining the Kauaeranga River and the Hape Stream to enable the Board to construct any stopbanks necessary in connection with the Board's works designed to protect the adjoining areas from flooding by the sea and/or by the Hape Stream and the Kauaeranga River.

I thank you in anticipation of any assistance that you are able to give to me in this matter.

Yours faithfully,

[Signature]

TOWN CLERK
PLAN OF LAND FOR RIVER CONTROL PURPOSES
AND FOR SEVERANCE
BLK VII THAMES S.D.

Survey Block & District: VII THAMES
Land District: SOUTH AUCKLAND
Local Body: THAMES BOROUGH
Scale: 50:1,650 TO AN INCH Surveyed by: M.J. DUNWOODY Date: MAY 1971

Registered Surveyor and holder of an annual practicing certificate, hereby certify that this plan has been made from surveys executed by me; that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act, 1966.

Registered Surveyor

CHIEF SURVEYOR

This space reserved for plan numbers

46486
APPROVED PURSUANT TO SECT. 178 (b) OF THE HARBOURS ACT 1950

SECRETARY FOR MARINE

PLAN SHOwING THAMES BOROUGH COUNCIL

PROPOSED RECLAMATION OF PART SECTION 13,

BLK VII THAMES S.D.

Prepared by: Hogan, Dunwoodie & Davies.
Regd. Surveyors.

M.D. 13087
PLAN OF PROPOSED RECLAMATION OF THAMES HARBOUR
BEING PT SEC 2 DLK VII THAMES S.D.

APPROVED PURSUANT TO SEC. 178 (b) OF THE HARBOURS ACT 1950

M.D. 13555

Survey Block & District VII THAMES S.D.
Land District SOUTH AUCKLAND Local Authority THAMES BOROUGH COUNCIL
Scale 1:50,1ks. To an inch. Surveyed by HOGAN, DUNWOODY & DAVIES Date AUGUST 1969

I, Monitor, James Durward, of Thames, Registered Surveyor and holder of an annual practicing certificate, hereby certify that this plan has been made from surveys executed by me; that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act, 1938.

Verified at Thames 4th day of August 1969

Registered Surveyor.

44966