



17 April 2025

The Ministry for the Environment,  
P O Box 10362  
Wellington 6143

Attention: Stephanie Frame  
Acting General Manager, Delivery and Operations

Email: [referral@fasttrack.govt.nz](mailto:referral@fasttrack.govt.nz)

Dear Stephanie,

**Request for further information on application for referral of the Waipiro Marina project under the Fast Track Approvals Act 2024.**

We refer to the above request emailed on 15 April to Kallam Brown of Azuma Property Limited and Hopper Developments Limited Partnership.

We have been instructed to respond to this request as follows:

1. Lot 24 DP 391213 as illustrated in the **attached** pages from the deposited plan covers that part of the foreshore between the Mean High Water Mark (MHWM) and the Mean High Water Spring Tide Mark (MHWS) at Waipiro Bay.
2. MHWS is located to landward of MHWM.
3. Prior to the commencement of the RMA in 1991 the convention was to identify the seaward boundary of a site (and Territorial Local Authority boundary) as MHWM, as was the case in respect of the parent title referred to in the deposited plans. The RMA changed this convention and referenced these boundaries to MHWS.
4. The subdivision that created Lot 24 DP 391213 was undertaken in 2008.
5. Lot 24 DP 391213 thus encompasses a strip of the foreshore between MHWM and MHWS.
6. The title of Lot 24 DP 391213 was vested in the Crown pursuant to section 273A(1)(b) of the RMA which provides for the identification of any part of the parent allotment that is part of the common marine and coastal area (CMCA).
7. Subsequent to 2008, the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) came into force. The MACA gives special status to the CMCA such that it is incapable of being owned by the Crown or any other person. As a result, the Crown was divested of title as owner of any part of the CMCA.
8. This is confirmed by Land Information New Zealand (LINZ) records showing no title associated with the strip. Accordingly, the relevant strip of land now forms part of the CMCA and is no longer owned by the Crown.
9. Further, the Far North District Council confirms that the identification of the strip as Esplanade Reserve in the Operative District Plan is a mapping error, as it is not

within the district.

10. This error in the Operative District Plan Maps has been corrected in the Far North District Proposed District Plan maps. This can be confirmed by an inspection of the on-line maps accessible via the Far North District web site.
11. Accordingly, the strip of land identified as Lot 24 DP 391213 on the deposited plan forms part of the CMCA and can be treated in the same way as any other parts of the proposal that are within the CMCA, nor does this require the information provided with the application (including the plans) to be updated beyond inclusion of the information set out above.

Yours Faithfully



Owen Burn MA, DipTP, MNZPI  
**Director**