



Marine and Coastal Area (Takutai Moana) Reclamation Fees Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of December 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 118 of the Marine and Coastal Area (Takutai Moana) Act 2011, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Justice after consultation with the responsible Minister in accordance with section 118(2) of the Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Marine and Coastal Area (Takutai Moana) Reclamation Fees Regulations 2012.

2 Commencement

These regulations come into force on 18 January 2013.

3 Interpretation

In these regulations, unless the context otherwise requires,—
Act means the Marine and Coastal Area (Takutai Moana) Act 2011

registered valuer has the same meaning as in section 2 of the Valuers Act 1948

valuation services, in relation to an application under section 35 or 43 of the Act, means valuation services in connection with the processing of the application that are to be provided to Land Information New Zealand by a registered valuer.

4 Application for interest in reclaimed land by developer, network utility operator, etc

A person who makes an application under section 35 of the Act is liable to pay—

- (a) a fee of \$3,100; and
- (b) a valuation services fee calculated in accordance with regulation 10.

- 5 Application for variation of determination**
A person who makes an application under section 38(3) of the Act is liable to pay a fee of \$570.
- 6 Vesting of interest in reclaimed land**
An applicant referred to in section 39(1) of the Act (in whom an interest is to be vested under that subsection) is liable to pay—
(a) a fee of \$2,840 in the case of a freehold interest;
(b) a fee of \$2,140 in the case of a lesser interest.
- 7 Application for renewal of interests less than freehold**
A person who makes an application under section 40(1) of the Act is liable to pay a fee of \$1,360.
- 8 Application for interest in reclaimed land by customary marine title group**
- (1) A customary marine title group that makes an application under section 43 of the Act is liable to pay—
(a) a fee of \$2,245; and
(b) a valuation services fee calculated in accordance with regulation 10.
- (2) A customary marine title group referred to in section 43(5) of the Act (in which an interest is to be vested under that subsection) is liable to pay—
(a) a fee of \$2,840 in the case of a freehold interest;
(b) a fee of \$2,140 in the case of a lesser interest.
- 9 Request for certificate under section 44(3) of Act**
A proprietor of a freehold interest who makes a request under section 44(3) of the Act is liable to pay a fee of \$280.
- 10 Method of calculation of valuation services fee**
- (1) A valuation services fee payable under regulation 4(b) or 8(1)(b) is the fee specified in a quotation from a registered valuer and based on multiplying the hourly rate referred to in subclause (2)(b) by the valuer's reasonable estimate of the number of hours required to provide the valuation services.

- (2) Land Information New Zealand must,—
 - (a) after receiving an application under section 35 or 43 of the Act, ask a registered valuer to provide a quotation for the purposes of subclause (1); and
 - (b) before making a request under paragraph (a), be satisfied that the registered valuer's hourly rate is reasonable after taking into account the complexity of the valuation, the nature of the land, hourly rates charged in comparable situations of which Land Information New Zealand is aware, and other matters that Land Information New Zealand thinks relevant.
- (3) Land Information New Zealand must,—
 - (a) after it receives the valuer's quotation, send a copy of the quotation to the applicant; and
 - (b) ask the applicant to confirm whether the applicant, after taking into account the quotation, still wants to proceed with the application under section 35 or 43 of the Act; and
 - (c) send an invoice for the fee calculated under subclause (1) to the applicant if the applicant confirms that the applicant still wants to so proceed.
- (4) A valuation services fee is not payable under regulation 4(b) or 8(1)(b) if the applicant notifies Land Information New Zealand under subclause (3)(b) that the applicant does not want to proceed with the application.
- (5) In this regulation, **applicant** means the person or the customary marine title group that makes the application under section 35 or 43 of the Act.

11 Time of payment of fees

- (1) A fee under regulation 4(a), 5, 7, 8(1)(a), or 9 is payable on the making of the application or request.
- (2) A fee under regulation 4(b) or 8(1)(b) is payable within 20 working days after the date of the invoice that is sent under regulation 10(3)(c).
- (3) A fee under regulation 6 or 8(2) is payable before the notice is published in the *Gazette* under section 39(1) or 43(5) of the Act (as the case may be).

12 Fees payable to Land Information New Zealand

The fees payable under these regulations must be paid to Land Information New Zealand.

13 Fees inclusive of GST

The fees payable under these regulations are inclusive of goods and services tax.

14 Transitional provision

- (1) This regulation applies if—
 - (a) a person or customary marine title group makes an application under section 35 or 43 of the Act before 18 January 2013 but the consideration and processing of that application is to be completed after that date; and
 - (b) that person or customary marine title group confirms to Land Information New Zealand, after that date, that the person or group still wants to proceed with the application under section 35 or 43 of the Act.
- (2) Despite regulation 11(1), the person or customary marine title group is liable to pay the fee under regulation 4(a) or 8(1)(a) within 20 working days after the date on which the person or group gives the confirmation under subclause (1)(b).
- (3) The person or customary marine title group is also liable to pay a fee under regulation 4(b) or 8(1)(b) in accordance with regulations 10 and 11(2).

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 18 January 2013, provide for fees relating to the consideration and processing of applica-

tions made, or actions taken, under sections 34 to 45 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the **Act**). Those provisions relate to the reclamation of land from the marine and coastal area.

The fees relate to—

- applications for interests in reclaimed land under section 35 of the Act (applications by developers and others) or section 43 of the Act (applications by customary marine title groups):
- the vesting of freehold interests and lesser interests in reclaimed land in respect of those applications:
- applications to the Minister to vary a determination made under section 36(1) of the Act (being a determination that relates to, for example, whether an interest in reclaimed land is to be granted and any terms or conditions relating to the interest or grant):
- applications by holders of lesser interests in reclaimed land for a renewal of the interest in the same, or a part of the same, reclaimed land:
- requests for certificates under section 44(3) of the Act (being certificates that state that a freehold interest in reclaimed land has been disposed of in accordance with section 45 of the Act or that the disposition is permitted by section 44(2) of the Act).

Regulation 14 is a transitional provision that applies if an application has been made under section 35 or 43 of the Act before the commencement of the regulations but the application is to be considered and processed after commencement. In this case, the application fee is payable within 20 working days after the applicant confirms to Land Information New Zealand (after commencement) that the applicant still wants the application to proceed.

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These regulations are administered by Land Information New Zealand.
