

19 September 2023



Tēnā koe 

Thank you for your request to the Department of Conservation, received on 22 August 2023, in which you asked for the following information in relation to the Kawau Island Historic Reserve (the Historic Reserve):

“...copies of the gazette notice that created the historic reserve and any documents relating to [its] creation (ie I understand it was created as a Historical Representation of Colonial New Zealand).

...any documents showing “principle and primary purpose” of the creation of the reserve.”

We have considered your request under the Official Information Act 1982.

Context

As context for my response, I note that the acquisition of land to form the bulk of the Historic Reserve, and its classification and gazettal as a historic reserve under the Reserves Act 1977, was undertaken by the former Department of Lands & Survey. That Department had a role to service and support the former Hauraki Gulf Maritime Park Board. Both entities committed a lot of resources to the effort to protect Mansion House and acquire surrounding land to form the Historic Reserve, which was a feature of the former Hauraki Gulf Maritime Park.

The Department of Conservation was established in 1987, and at the same time the Department of Lands and Survey was abolished. The Hauraki Gulf Maritime Park Board was abolished in 1990. With the passage of time the archival records of both the Department of Lands and Survey and the Hauraki Gulf Maritime Park Board have transferred to Archives New Zealand and are no longer held by the Department of Conservation.



Response

I will address each part of your request in turn below:

1. *Copies of the gazette notice that created the historic reserve and any documents relating to [its] creation.*

Copies of notices in the *New Zealand Gazette* relating to the Historic Reserve are attached as Item 1. Gazette notice 1982/3395 gives effect to the classification of the reserve land as a Historic Reserve. (Note that the same gazette notice also gives effect to the classification of the Smeltinghouse Bay Historic Reserve and Schoolhouse Bay Recreation Reserve, both also located on Kawau Island.)

Three other Gazette notices are also included under Item 1. These relate to reclassification of a Recreation Reserve to a Historic Reserve (notice 1985/400), transfer of an unformed legal road from the former Rodney District Council to the Crown (notice 1990/3171) and inclusion of certain additional parcels of land into the Historic Reserve (notice 1993/1308).

As noted above, the creation of the Historic Reserve in 1982 predates the establishment of the Department of Conservation in 1987. We no longer hold the original records from that time and they are now held by Archives New Zealand.

You are free to contact Archives New Zealand to enquire about searching their records for any records related to the classification and gazettal of the Historic Reserve, and to make arrangements to view any records at their premises. You can also search public records on their website at www.archives.govt.nz.

Archives New Zealand's Auckland office can be contacted on phone 09 270 1100 or email auckland.archives@dia.govt.nz.

We do hold records that relate to the later addition of land to the Historic Reserve in 1993 (notice 1993/1308), and these are attached as Item 2. These records comprise a submission to the Regional Conservator recommending reclassification of certain areas and their addition to the Historic Reserve and an associated plan showing the relevant land parcels. The resulting Gazette notice is included as the final record in Item 1 (notice 1993/1308).

2. *Any documents showing "principle and primary purpose" of the creation of the reserve.*

As I noted in my response to Part 1 of your request above the Department no longer holds the original records relating to the establishment of the bulk of the Historic Reserve. I am therefore unable to provide the information you requested as the Department does not hold this



information. We do however hold documentation relating to gazettal of additions to the Reserve in 1993, which as noted above, are attached as Item 2.

The Historic Reserve was established under the Reserves Act 1977. A copy of Section 18 of the Act is included with this letter as Item 2. Section 18 describes the purpose of Historic Reserves generally, and how they are to be managed to give effect to the Act.

The Auckland Conservation Management Strategy (2014) includes information about the Historic Reserve and sets out objectives and policies for managing public conservation land on Kawau Island (pp 88-92). The document is available on our website by following the link below:

<https://www.doc.govt.nz/globalassets/documents/about-doc/role/policies-and-plans/auckland-cms/auckland-cms-volume-one.pdf>

Advisories

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

[Redacted]

Nāku noa, nā

[Redacted]

Andrew Baucke
Regional Operations Director, Auckland
Department of Conservation / *Te Papa Atawhai*



Table 1 - Schedule of documents

Item	Date	Document description	Decision
1	14 January 1985 15 August 1990 23 August 1992 11 May 1993	Gazette notices	Released in full
2	1 March 1993	Submission plus plan	Released in full
3	23 December 1977	Section 18 Reserves Act 1977	Released in full



Item 1: Kawau Island Historic Reserve - Gazette Notices

1982/3395

Classification of Reserves

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Commissioner of Crown Lands hereby declares the reserves, described in the Schedule hereto, to be classified as reserves for the purposes specified at the end of the respective descriptions of the said lands, subject to the provisions of the said Act.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT—RODNEY COUNTY— SMELTINGHOUSE HISTORIC RESERVE

1.0800 hectares, more or less, being Lots 277 and 278, D.P. 7675, situated in Block IV, Kawau Survey District. All certificates of title 4C/1026 (excepting all minerals and metals contained in certificate of title 1093/38). Subject to a mining easement created by T. 155923 and a water easement created by T. 900801.1. Historic.

SCHOOLHOUSE BAY RECREATION RESERVE

2749 square metres, more or less, being part Lot 5, D.P. 46831, Section 4 and part Section 1, Block VI, Kawau Survey District. Part *New Zealand Gazette*, 1968, page 505 and all *New Zealand Gazette*, 1975, page 236. S.O. Plans 48146 and 49805. Recreation.

KAWAU ISLAND HISTORIC RESERVE

1.8690 hectares, more or less, being Lots 190 and 191, D.P. 6961, situated in Block VI, Kawau Survey District. All certificates of title 201/133 and 391/196 (excepting all mines and minerals contained in certificate of title 173/102). Together with, and subject to a water easement created by T. 70112.

1.3547 hectares, more or less, being Lots 195 and 196, D.P. 6961, situated in Blocks VI, Kawau Survey District. All certificates of title 179/244 and 366/105 (excepting all mines and minerals contained in certificate of title 173/102). Together with a right of way easement created by T. 66785.

1.3278 hectares, more or less, being Lots 1, 2 and 3, D.P. 37279, situated in Block VI, Kawau Survey District. All certificates of title 965/114 and 965/115 (excepting all minerals and metals contained in certificate of title 173/102). Subject



to certain easements as to mining created by T. 60133, T. 93171 and T. 152276, and subject to a water easement created by T. 70112, and together with a right of way easement created by T. 66785.

4.2795 hectares, more or less, being part Lot 1, D.P. 37903, situated in Block VI, Kawau Survey District. All certificate of title 1694/66 (excepting all minerals and metals contained in certificate of title 1093/40). Subject to a mining easement created by T. 64973 and T. 156947, and together with a right of way easement created by T. 66785.

1.2571 hectares, more or less, being Lot 2, D.P. 37903, situated in Block VI, Kawau Survey District. All certificate of title 993/96 (excepting all mineral and metals contained in certificate of title 1093/40). Subject to a mining easement created by T. 156947.

2023 square metres, more or less, being Lot 1, D.P. 47251, situated in Block VI, Kawau Survey District. All certificate of title 1690/84 (excepting all minerals and metals contained in certificate of title 1093/40). Subject to a mining easement created by T. 64973 and T. 156947, and together with a right of way easement created by T. 66785.

1.3369 hectares, more or less, being Lot 188, D.P. 6961, situated in Block VI, Kawau Survey District. All certificate of title 806/111. Together with a right of way easement created by T. 66785.

1.4540 hectares, more or less, being Lot 5, D.P. 55756, situated in Block VI, Kawau Survey District. Balance certificate of title 26B/1367 (excepting all minerals and metals contained in certificate of title 1005/157). Subject to a mining easement created by T. 81175.

57.1203 hectares, more or less, being Lots 41–48 inclusive, 52, 53, 55–81 inclusive, 84–89 inclusive, D.P. 56999 and part Lot 232, D.P. 7674, situated in Block VI, Kawau Survey District. All certificate of title 15B/890 (exception from part Lots 47 and 48, D.P. 56999, all minerals and metals contained in certificate of title 173/102). Subject to a water easement created by T. A288520 and subject to a mining easement created by T. 65030 and T. 155923.

39.0521 hectares, more or less, being Lot 231, D.P. 7674, situated in Block VI, Kawau Survey District. All certificate of title 15B/891 (excepting all minerals and metals contained in certificates of title 1121/65 and 393/182). Subject to a mining easement created by T. 178475 and T. 547653.

6101 square metres, more or less, being Sections 2 and 3, Block VI, Kawau Survey District. All *New Zealand Gazette*, 1975, page 1348. S.O. Plan 47932.

4.4945 hectares, more or less, being Lot 1, D.P. 39418, situated in Block V, Kawau Survey District. All certificate of title 1041/157.

4.1353 hectares, more or less, being Lots 5 and 8, D.P. 39418, situated in Block V and VI, Kawau Survey District. All certificate of title 1041/158. Together with a right of way easement created by T. 512095 and subject to a right of way easement created by T. 512096.

34.8054 hectares, more or less, being Lots 2, 3, 4, 6, 7 and 9, D.P. 39418, situated in Blocks V and VI, Kawau Survey District. All certificate of title 1687/31. Subject to a right of way easement created by T. 512095.

2024 square metres, more or less, being Lots 50 and 51, D.P. 56999, situated in Block VI, Kawau Survey District. All certificates of title 14A/1192 and 14A/1193 (excepting all minerals and metals contained in certificate of title 1093/39). Subject to a building line restriction contained in A. 184413 and a mining easement created by T. 155923.

1221 square metres, more or less, being Lot 54, D.P. 56999, situated in Block VI, Kawau Survey District. All certificate of title 14D/1120 (excepting all minerals and metals contained in certificate of title 1093/39). Subject to a building line restriction contained in A. 184413, a mining easement created by T. 155923 and a right of way easement contained in A. 161186, and together with a right of way easement contained in A. 161186.

1.0532 hectares, more or less, being Lot 83, D.P. 56999, situated in Block VI, Kawau Survey District. Part certificate of title 286/12 (excepting all minerals and metals as excepted by T. 155923). Subject to certain easements created by T. 155923.



5559 square metres, more or less, being Lots 1, 1A and 1B, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 987/2 (excepting all minerals and metals contained in certificate of title 173/102). Subject to a mining easement created by T. 109279, and together with a right of way easement created by T. 512096.

6955 square metres, more or less, being Lot 82, D.P. 56999, situated in Block VI, Kawau Survey District. Part certificate of title 4B/773 (excepting all minerals and metals contained in certificate of title 173/102). Subject to a mining easement created by T. 65030, and together with a right of way easement created by T. 66785.

3396

THE NEW ZEALAND

1012 square metres, more or less, being Lot 116, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 197/40 (excepting all minerals and metals contained in certificate of title 173/102). Subject to a mining easement created by T. 68159.

1.6238 hectares, more or less, being Lots 28-39 inclusive and 44-44 inclusive, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 14B/1370. Together with a right of way easement created by T. 66785.

1012 square metres, more or less, being Lot 40, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 14B/1371. Together with a right of way easement created by T. 66785.

13.7135 hectares, more or less, being Lots 2-13 inclusive, 18-26 inclusive, 65-115 inclusive, 117-120 inclusive, 124-155 inclusive, 158-183 inclusive, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 24D/1067 (excepting all minerals and metals from Lots 2-7 inclusive contained in certificate of title 173/102). Together with a right of way easement created by T. 66785. Historic.

Dated at Auckland this 23rd day of August 1982.

J. P. BRENT, Commissioner of Crown Lands.

(L. and S. H.O. Res. 2/8/2/13, Res. 2/8/4/3, Res. 2/8/3/1; D.O. NP 21.

1985/400

Change of Classification of a Reserve

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Commissioner of Crown Lands hereby changes the classification of the reserve, described in the Schedule hereto, from a recreation reserve, to an historic reserve, subject to the provisions of the said Act.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT—RODNEY COUNTY

4044 square metres, more or less, being Lots 14, 15, 16 and 17, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 413/201.

Dated at Auckland this 14th day of January 1985.

G. E. ROWAN,
Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 2/8/2/13, Res. 2/4/40; D.O. NP 21/19)

3/1



1990/3171

Survey and Land Information

Local Government Act 1974

Transfer of Unformed Legal Road in Block VI, Kawau Survey District, Rodney District

Pursuant to section 323 of the Local Government Act 1974,
and to a delegation from the Minister of Lands, the Manager,

'D GAZETTE

3171

Lands and Property, Department of Survey and Land Information, Auckland, hereby declares that the land described in the Schedule hereto, has been transferred to the Crown by the Rodney District Council, pursuant to the said section 323, and on the publication of this notice the said land shall be deemed to be Crown land subject to the Land Act 1948.

Schedule

North Auckland Land District—Rodney District

1.4660 hectares, more or less, being unformed legal road adjoining Lots 39, 40, 41, 42, 43, 44, 79, 80, 81, 82, 83 and 84, D.P. 6975, Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 89, D.P. 56999, part Lot 232, D.P. 7674, Sections 2, 3 and 8, Block VI, Kawau Survey District. Shown marked "A" on S.O. Plan 63386.

Dated at Auckland this 15th day of August 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. 22/1/8)

ICL

ln9351



1993/1308

Classification of Reserve and Declaration That the Reserve be Part of the Kawau Island Historic Reserve

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator, Auckland Conservancy, Department of Conservation, hereby classifies the reserve, described in the Schedule hereto, as a historic reserve, and further, declares the said reserve to form part of the Kawau Island Historic Reserve to be administered as a historic reserve by the Department of Conservation.

Schedule

North Auckland Land District—Rodney District

4047 square metres, more or less, being part Kawau Island shown on D.P. 7674, situated in Block VI, Kawau Survey District. All certificate of title 17D/929.

9887 square metres, more or less, being Lots 64, 121, 122, 123, 156, 157 and 184, D.P. 6975, situated in Block VI, Kawau Survey District. All certificate of title 17D/928. Subject to a right of way easement created by transfer 66785.

1.4460 hectares, more or less, being transferred road adjoining Lots 39, 40, 41, 42, 43, 44, 79, 80, 81, 82, 83 and 84, D.P. 6975, Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 89, D.P. 56999, part Lot 232, D.P. 7674, Sections 2, 3 and 8, Block VI, Kawau Survey District. Shown marked "A" on S.O. Plan 63386. Part of *New Zealand Gazette*, 1991, page 1968.

3.9550 hectares, more or less, being Section 8, Block VI, Kawau Survey District. S.O. Plan 59206. Part *New Zealand Gazette*, 1991, page 1968.

Dated this 11th day of May 1993.

G. H. CAMPBELL, Regional Conservator, Auckland Conservancy.

(File: R.O. DOC 00300)



Item 3: Excerpt from Reserves Act 1977 showing Section 18, Historic Reserves

(For the full text of the Reserves Act 1977, see:

<https://www.legislation.govt.nz/act/public/1977/0066/latest/DLM444305.html?src=qs>)

18 Historic reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as historic reserves, for the purpose of protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every historic reserve shall be so administered and maintained that—
 - (a) the structures, objects, and sites illustrate with integrity the history of New Zealand;
 - (b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 58 and 58A, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it;
 - (c) where scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve;
 - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained;
 - (e) except where the Minister otherwise determines, the indigenous flora and fauna and natural environment shall as far as possible be preserved:

provided that nothing in paragraph (c) shall authorise the doing of anything with respect to fauna or wildlife that would contravene any provision of the [Wildlife Act 1953](#) or any regulations or Proclamation or notification under that Act, and nothing in this subsection shall authorise the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [Heritage New Zealand Pouhere Taonga Act 2014](#).