



ANALYSIS

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1967, No. 131

An Act to establish the Hauraki Gulf Maritime Park, and to provide for the administration thereof

[24 November 1967]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Hauraki Gulf Maritime Park Act 1967, and shall be read together with and deemed part of the Reserves and Domains Act 1953 (hereinafter referred to as the principal Act).

2. Application of Reserves and Domains Act 1953—In its application to the Hauraki Gulf Maritime Park and the Hauraki Gulf Maritime Park Board, the principal Act shall be read subject to the provisions of this Act.

3. Interpretation—In this Act, unless the context otherwise requires,—

“Hauraki Gulf Maritime Park” or “Park” means the Hauraki Gulf Maritime Park constituted under this Act;

“Hauraki Gulf Maritime Park Board” or “Board” means the Hauraki Gulf Maritime Park Board established under this Act.

4. Hauraki Gulf Maritime Park—(1) There is hereby established a maritime park under the name of the Hauraki Gulf Maritime Park, which shall comprise—

(a) The public reserves described in the Schedule to this Act;

(b) All other public reserves and other areas from time to time included in the Park under the succeeding provisions of this section.

(2) The Minister may from time to time, by notice in the *Gazette*,—

(a) Declare that any public reserve within the limits specified in subsection (3) of this section vested in Her Majesty shall be added to and form part of the Park from a date specified in the notice:

Provided that no public reserve that is vested in an administering body or is subject to any Act administered by any Minister other than the Minister of Lands shall be added to the Park under this paragraph except with the consent of the administering body or that other Minister, as the case may be:

(b) With the consent of the Minister charged with the administration of the Act to which the land is subject or of the trustees, as the case may be, declare that any other land within the limits specified in subsection (3) of this section which is subject to the provisions of any Act or is vested in any trustees and set apart for a particular public purpose shall be added to and form part of the Park from a date specified in the notice:

(c) Declare that any land forming part of the Park (including any public reserve described in the Schedule to this Act) shall cease to form part of the Park from a date specified in the notice.

(3) No public reserve or other land shall be added to the Park under subsection (2) of this section, unless it is situated within the following limits:

(a) All islands in the Hauraki Gulf:

(b) All other islands adjacent to the east coast of the North Island between the eastern headland at the

entrance to Whangamata Harbour and Home Point at the northern end of Bland Bay:

- (c) That part of the mainland of the North Island bounded on the seaward side by the part of the east coast described in paragraph (b) of this subsection;—

and, for the purposes of this subsection, the foreshore (as defined in the Harbours Act 1950) of any such island or adjacent to the part of the mainland so described shall be deemed to form part of the island or of the mainland, as the case may be.

(4) No public reserve or other land on the mainland of the North Island shall be added to the Park under subsection (2) of this section, unless it has a frontage to the seacoast. For the purposes of this subsection, any reserve or other land that is separated from the seacoast by a road or street or public reserve shall be deemed to have a frontage to the seacoast.

(5) Every public reserve which for the time being forms part of the Park shall continue to be a public reserve for the same purpose as that for which it was held immediately before it became part of the Park by or pursuant to the provisions of this Act, or, where that purpose is changed pursuant to section 18 of the principal Act, for that changed purpose.

(6) All land which is added to and forms part of the Park pursuant to paragraph (b) of subsection (2) of this section shall be administered for the purpose or purposes for which it was held under the Act to which it was subject or under the trust, as the case may be, immediately before it became part of the Park, and, subject to the provisions of the principal Act and this Act, shall continue to be subject to the first-mentioned Act or to the trust, as the case may be. So long as any such land forms part of the Park, the principal Act shall apply to it as if it were a public reserve.

5. Hauraki Gulf Maritime Park Board—(1) For the purposes of this Act there is hereby established a Board, to be called the Hauraki Gulf Maritime Park Board, consisting of—

- (a) The Commissioner of Crown Lands for the North Auckland Land District;
- (b) One member, to be appointed by the Minister on the recommendation of the Auckland City Council;
- (c) One member, to be appointed by the Minister on the recommendation of the Devonport Borough Council;

(d) One member, to be appointed by the Minister on the recommendation of the Auckland Regional Authority;

(e) Not more than six other members, to be appointed by the Minister.

(2) The appointed members of the Board shall be appointed for a term not exceeding three years, and may from time to time be reappointed. Notwithstanding that his term of office has expired, any appointed member of the Board, unless he sooner vacates office pursuant to paragraph (b) or paragraph (c) of section 8 of the principal Act or his appointment is revoked under subsection (3) of this section, shall remain in office until his successor comes into office.

(3) The Minister may from time to time, by notice in the *Gazette*, reduce the number of appointed members of the Board, and for that purpose may revoke the appointments of such members as may thereby be rendered necessary.

(4) Subject to the provisions of this Act, the principal Act shall apply to the Board and the members thereof as if it were a special Board appointed under the principal Act.

6. Chairman of the Board—(1) The Commissioner of Crown Lands shall be the Chairman of the Board.

(2) The Chairman shall preside at all meetings of the Board at which he is present.

(3) In the absence from any meeting of the Board of the Commissioner of Crown Lands, the members present shall choose one of their number to be the Chairman of that meeting.

7. Meetings of the Board—(1) The first ordinary meeting of the Board shall be held at such time and place as the Chairman appoints, and subsequent meetings shall be held at such times and places as the Board appoints.

(2) Meetings of the Board may be called at any time by the Chairman, and he shall call a special meeting whenever any three members so request in writing.

(3) At all meetings of the Board, five members shall constitute a quorum.

(4) Every question before the Board shall be determined by a majority of the votes of the members present and voting thereon.

(5) The Chairman of any meeting shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote also.

(6) In the absence from any meeting of the Board of the Commissioner of Crown Lands, he may appoint an officer of the Department of Lands and Survey to attend the meeting in his stead. While any person attends a meeting of the Board under this subsection, he shall be deemed for all purposes to be a member of the Board.

(7) The fact that any person attends and acts as a member of the Board at any meeting of the Board shall be conclusive proof of his authority to do so.

(8) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(9) The Board shall cause minutes of all its proceedings to be kept.

(10) Subject to the provisions of this Act and the principal Act, the Board may regulate its own procedure.

8. Functions of the Board—(1) The functions of the Board shall be to administer, manage, and control the Park in accordance with the provisions of the principal Act and this Act and the means at its disposal in such a manner as to ensure to the public the maximum proper use and enjoyment of the Park consistent with the preservation of its natural features and the protection and well-being of its flora and fauna.

(2) The Board shall be deemed to be the administering body of all public reserves for the time being forming part of the Park and of all other areas for the time being forming part of the Park as if they were public reserves. Where immediately before it became part of the Park any public reserve was under the control and management of or vested in any administering body, then, so long as the reserve forms part of the Park that body shall have no jurisdiction in respect of the reserve.

9. Utilisation plans—(1) The Board shall from time to time prepare and submit to the Minister for his approval utilisation plans for all land for the time being forming part of the Park.

(2) The utilisation plans shall provide for and ensure—

(a) Full use of any reserve for the purposes for which it is set apart under the principal Act or any other Act:

(b) Compliance with the provisions of any Act or any trust in relation to any land forming part of the Park, not being a public reserve.

(3) The Board shall in the exercise of its functions comply with the utilisation plans as approved by the Minister and with any amended plans which may from time to time be approved by the Minister on the recommendation of the Board.

(4) No approval by the Minister for the purposes of this section shall operate as an approval or a consent for any purpose of the principal Act.

10. Special powers of the Board—(1) Subject to the provisions of section 9 of this Act, the Board may carry out such farming operations on any land forming part of the Park as it considers desirable and consistent with the provisions of this Act.

(2) The Board may enter into an agreement with the Minister providing for the carrying out by the Land Settlement Board of farming operations, including development and improvement of the land on behalf of the Hauraki Gulf Maritime Park Board, on any land forming part of the Park on such terms and conditions as may be agreed upon between the Minister and the last-mentioned Board.

(3) Subject to the deduction of any administration charge which may be fixed from time to time by the Minister of Finance, the net profit, as determined by the Minister of Lands, for each year ending with the thirtieth day of June from the farming operations carried out by the Crown pursuant to an agreement under subsection (2) of this section shall, without further appropriation than this subsection, be paid to the Board. Where the farming operations in any year are run at a loss, then, until the loss has been recouped from profits in ensuing years, no such profits shall be paid to the Board.

(4) There shall be paid to the Board out of the Works and Trading Account, without further appropriation than this subsection, the net profit, as determined by the Minister, from the carrying out by the Crown of farming operations on Motutapu Island during the period commencing on the first day of July, nineteen hundred and sixty-six, and ending on the date on which any agreement in relation to Motutapu Island entered into under subsection (2) of this section comes into operation.

(5) The Board—

(a) May from time to time, with the approval of the Minister, contribute money from its funds for or towards the purchase of any specified land by the

Crown to be held as a public reserve for addition to the Park; and

(b) Shall from time to time, if the Minister so directs, set aside money from its funds as a reserve fund to be applied for the purposes specified in paragraph (a) of this subsection.

(6) The Board shall be deemed to be a local authority for the purposes of section 192 of the Harbours Act 1950, and shall be entitled to exercise in respect of any wharf the management of which is vested in the Board under that section the powers conferred on a local authority by or pursuant to that section and section 193 of that Act.

Section 4 (1) (a)

SCHEDULE

PUBLIC RESERVES CONSTITUTING THE HAURAKI GULF MARITIME PARK
All those areas in the North Auckland Land District described as follows:

Firstly, Section 10, Block V, Rangitoto Survey District, containing 3,728 acres, more or less. (S.O. Plan 45588) (Recreation Reserve—Motutapu Island).

Secondly, Lots 2, 3, 4, 6, 7, and 9, D.P. 39418, being part Kawau Island, situated in Blocks V and VI, Kawau Survey District, containing a total area of 86 acres and 1 perch, more or less, and being all the land comprised and described in certificate of title, Volume 1687, folio 31, North Auckland Registry, subject to a right of way over Lot 7 created by Transfer 512095. (Recreation reserve—Kawau Island Domain.)

Thirdly, Motuora Island, situated in Block VII, Kawau Survey District, containing 197 acres, more or less, and being all the land comprised and described in certificate of title, Volume 767, folio 256, limited as to parcels, North Auckland Registry. (S.O. Plan 89A) (Recreation reserve).

Fourthly, Poor Knights Islands (Tawhiti Rahi), approximate latitude $35^{\circ} 31' 30''$ south, longitude $174^{\circ} 44'$ east, containing 482 acres 2 roods, approximately. (S.O. Plan 29179) (Reserve for scenic purposes).

Fifthly, Hauturu (Little Barrier) Island, situated in Little Barrier Survey District, containing 6,960 acres, more or less. (S.O. Plan 38373) (Reserve for preservation of native fauna).

SCHEDULE—*continued*

Sixthly, Part Repanga (Cuvier) Island, situated approximately 15 miles south-east of Cape Barrier, a point in Block VIII, Tryphena Survey District, at the southern extremity of Great Barrier Island, containing 723 acres 1 rood and 35 perches, more or less, and being part provisional register, Volume 27, folio 117, North Auckland Registry. As shown on the plan marked L. and S. 4/94, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (Reserve for preservation of flora and fauna).

Seventhly, those islands in the Mercury (Iles d'Haussez) Group shown on New Zealand Map Series 1, Sheet N40 and described as Stanley Island, the approximate centre for which the map reference is 378865, containing 212 acres, more or less, and Double Island, the approximate centre for which the map reference is 397882, containing 85 acres, more or less. As shown on the plan marked L. and S. 4/94A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (Reserve for flora and fauna.)

This Act is administered in the Department of Lands and Survey.
