

Out of scope

From: s9(2)(a)
Sent: Thursday, 9 December 2021 12:39 pm
To: s9(2)(a)
Cc: s9(2)(a)
Subject: FW: assyst: An update for request R226679 - Legal - Legislation.

Hi,

Legal is a little busy by the look of it, I have let them know Feb is ok for now, just tell Julian we are awaiting Legal information to respond if you want.

Cheers

From: assystrequest@doc.govt.nz <assystrequest@doc.govt.nz>
Sent: Thursday, 9 December 2021 12:11 pm
To: s9(2)(a) doc.govt.nz
Subject: assyst: An update for request R226679 - Legal - Legislation.

Dear s9(2)(a)

Your request [R226679](#) has been updated with the following:

Update: Respond to Requestor

Kia ora s9(2)(a)

Legal Services will not have the capacity to do this work by the 14th January owing to the holiday period and high priority work.

A Lawyer can get to this in early February, will that be too much of an issue for you?

Ngā mihi s9(2)(a) | Tautoko Kairuruku, Ture Ritenga
Conservation House Wellington | Whare Kaupapa Atawhai Phone s9(2)(a)

Request Description:

Context: Julian Batchelor the landowner beside the entrance to the Cape Brett walkway has requested rates rebate's as he believes DOC has been directing people across his land to do the cape Brett walkway. (please see attached email thread.

The Cape Brett walkway starts at the Oke bay Scenic reserve, then goes across Julian Batchelors private property then onto the 3B2 Trust land and heads out the peninsula to the Cape Brett hut and lighthouse.

DOC has an agreement with the 3B2 trust where DOC collects the private land walkway fee on behalf of 3B2 and then takes out the administration costs and forwards the balance to 3B2 trust.

Purpose: to obtain written information on DOC's position on paying private landowners for access to DOC's track system to present to Julian Batchelor.

Many thanks,

s9(2)(a)

Legal Support

s9(2)(a)

Department of Conservation

Please note that you can't reply to this email. Instead click on the link above to your request in assist and add Additional Information to respond to the provider.

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Out of scope

From: Bay Of Islands Mailbox
Sent: Tuesday, 8 February 2022 2:52 pm
To: s9(2)(a) s9(2)(a)
Subject: FW: Cape Brett additional fee being requested on the track
Attachments: Screenshot_20220205-173233.png; Screenshot_20220205-173315.png; Screenshot_20220205-173323.png; Screenshot_20220205-173241.png

Hi there

Copy fyi

Thanks s9(2)(a)

From: s9(2)(a) @fmc.org.nz
Sent: Tuesday, 8 February 2022 10:41 am
To: Bay Of Islands Booking Mailbox <bayofislandsbooking@doc.govt.nz>
Subject: Fwd: Cape Brett additional fee being requested on the track

Kia ora

Refer the attached screenshots from recent social media posts, relating to people walking the Cape Brett track being approached by a local person requesting an additional payment.

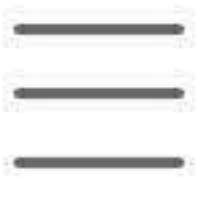
Are you aware of this situation ?

Do you have a suggestion for how people should respond to this ?

Nga mihi

s9(2)(a)
s9(2)(a)
Federated Mountain Clubs
s9(2)(a) @fmc.org.nz
s9(2)(a)

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9(2)(a)



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facebook



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Rules

Write a comment...



9(2)(a)

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write a comment...



Out of scope

From: s9(2)(a)
Sent: Wednesday, 6 April 2022 1:11 pm
To: s9(2)(a) | s9(2)(a)
Subject: s9(2)(h)
Attachments: Oke Bay from LINZ.png; Oke Bay - showing location of AMIS track.png; Oke Bay Scenic Reserve.png

You may need this in the future.

From: s9(2)(a) | s9(2)(a) @doc.govt.nz>
Sent: Friday, 28 January 2022 2:53 pm
To: s9(2)(a) | s9(2)(a) doc.govt.nz>
Subject: s9(2)(h)

Kia Ora s9(2)(a)

s9(2)(h)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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s9(2)(h)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kind regards,

s9(2)(a)

s9(2)(a) Legal Services Unit
Department of Conservation | Te Papa Atawhai

s9(2)(a)

[Redacted]

DDI: s9(2)(a) | Mobile: s9(2)(a)
Grand Central | Level 3 | 161 Cashel Street | Christchurch 8011
Private Bag 4715 | Christchurch Mail Centre | Christchurch 8140

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Te ora o Papatūānuku
Te ora o te Hapori
Te hunga Atawhai



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Out of scope

From: s9(2)(a)
Sent: Wednesday, 15 March 2023 8:24 am
To: s9(2)(a)
Subject: FW: Oke Bay - recent survey done by landowner of FW: 147 Rawhiti Road
Attachments: DOC Oke Bay Site plan.pdf

DOC commissioned survey to check Julians survey was correct.

From: s9(2)(a)
Sent: Monday, 17 August 2020 5:01 pm
To: s9(2)(a) <s9(2)(a)@doc.govt.nz>
Subject: RE: Oke Bay - recent survey done by landowner of FW: 147 Rawhiti Road

Hi s9(2)(a)

Attached is our sketch plan of the positions found/marked the Rawhiti Road site.

The top of the bank, fences and the existing walking tracks were also fixed.

Overall our surveyed positions agree with those of the s9(2)(a) survey.

Please call if you have any questions.

Regards

s9(2)(a)

Regards

s9(2)(a)

Surveyor

s9(2)(a)

s9(2)(a)

s9(2)(a)

s9(2)(a)

From: s9(2)(a) s9(2)(a) doc.govt.nz>
Sent: Friday, 14 August 2020 10:00 am
To: s9(2)(a) s9(2)(a)
Subject: RE: Oke Bay - recent survey done by landowner of FW: 147 Rawhiti Road

Hi s9(2)(a)

Just confirming I had a discussion with your offsider(sorry I cant recall the name) last week about requesting a small map/report of the points you surveyed to confirm your findings at Oke bay,

If this is an extra cost just let me know and happy to pay the extra,

Kind regards

s9(2)(a)
Department of Conservation – Te Papa Atawhai
Bay of Islands Office
34 Landing Road, Kerikeri 0230
PH: 09 407 0300

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa.
To work with others to increase the value of conservation for New Zealanders.

www.doc.govt.nz

From: s9(2)(a)
Sent: Thursday, 18 June 2020 12:56 p.m.
To: s9(2)(a) s9(2)(a) doc.govt.nz>
Subject: RE: Oke Bay - recent survey done by landowner of FW: 147 Rawhiti Road

Hi s9(2)

Thanks for the plan.

Just confirming we will check and mark boundaries up the access off Rawhiti Road and along the eastern Oke bay side of Lot 3 DP 51670. We will also collect topographical data to show tracks, fences and contours in that area. In addition, as time permits we will locate and mark the eastern boundaries of Lots 5 & 6 DP 51670 confirming or otherwise their location as shown on the plan from s9(2)(a)

The estimated costs will be s9(2)(b)(ii) + GST and disbursements. (mileage, ferry, survey marks)

We will program the work for week of 22nd June.

Can you please confirm invoicing details and if a PO will be issued.

Cheers

s9(2)(a)

Regards

s9(2)(a)

s9(2)(a) Surveyor

s9(2)(a)

s9(2)(a)

s9(2)(a)

s9(2)(a)

s9(2)(a)

From: s9(2)(a) <s9(2)(a)@doc.govt.nz>

Sent: Tuesday, 16 June 2020 10:04 am

To: s9(2)(a) <s9(2)(a)@doc.govt.nz>

Subject: Oke Bay - recent survey done by landowner of FW: 147 Rawhiti Road

Hi s9(2)(a)

This was the most recent thing that The landowner had commissioned,

Kind regards

s9(2)(a)

Department of Conservation -- *Te Papa Atawhai*

Bay of Islands Office

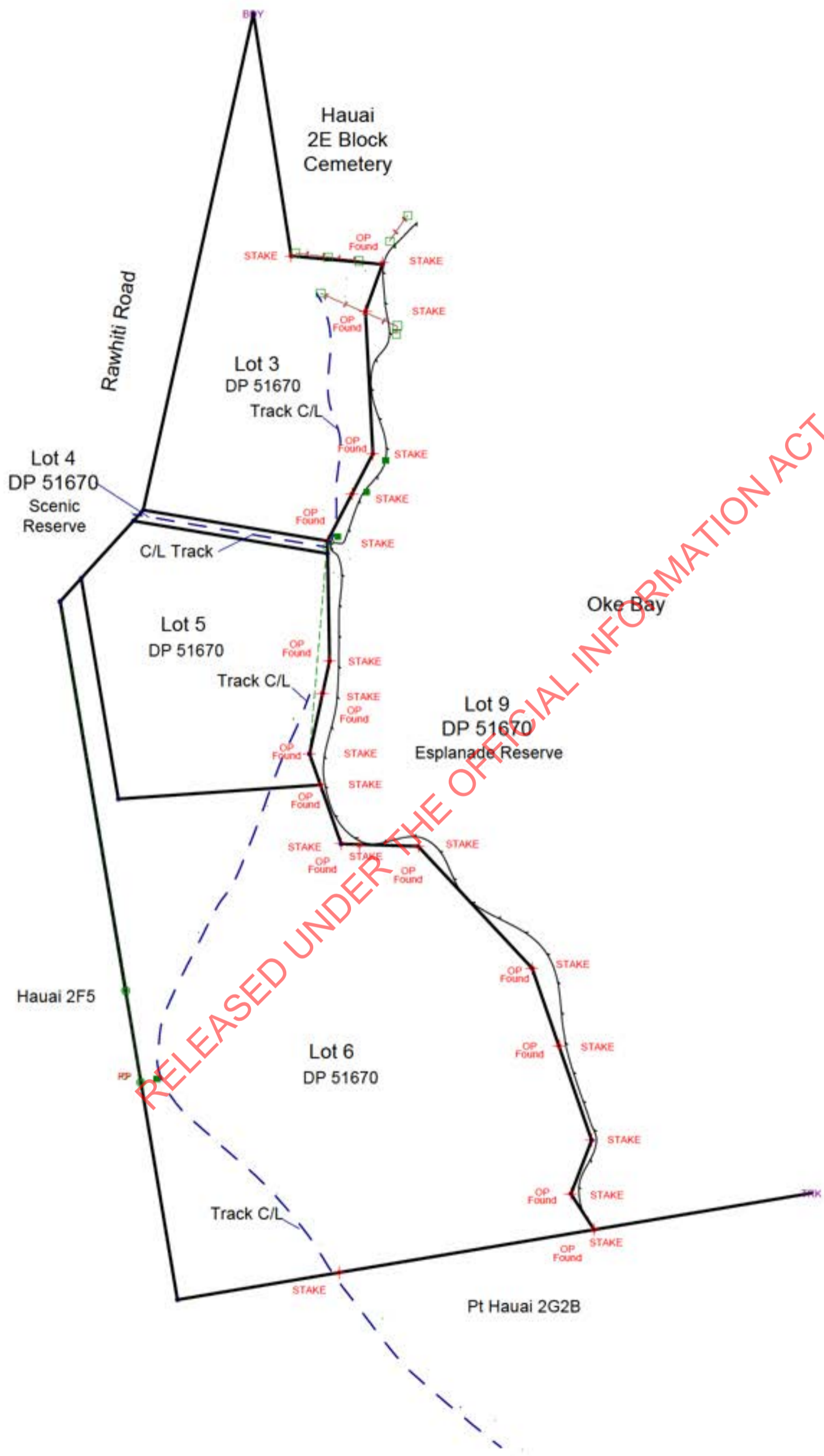
34 Landing Road, Kerikeri 0230

PH: 09 407 0300

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	Name	Date
Surveyed	s9(2)(a)	July 2020
Designed		
Drawn	s9	July 2020

Height Datum	
Local Reference	
Contour Interval	
Major	Minor
Address	
Title	Area

JOB/CLIENT:

DOC
Bay of Islands

KERIKERI

SHEET TITLE:

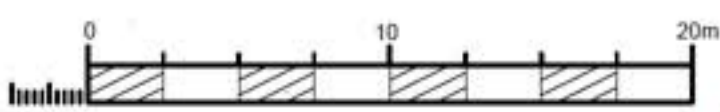
Site Plan - Oke Bay

s9(2)(a)

Job No: 22919
File:

SCALE @ A3
1:1000

SHEET No
1/1



Out of scope

From: s9(2)(a)
Sent: Wednesday, 15 March 2023 8:22 am
To: s9(2)(a)
Subject: FW: Report for Te Araaka
Attachments: Te Araaka.WTA.Report Extract.MHC1.21Jun21.pdf

FYI

From: S9(2)(a)
Sent: Friday, 13 August 2021 12:47 pm
To: s9(2)(a); s9(2)(a) <doc.govt.nz>
Subject: Fwd: Report for Te Araaka

----- Forwarded message -----

From: s9(2)(a); s9(2)(a) <[s9\(2\)\(a\)@heritage.org.nz](mailto:s9(2)(a)@heritage.org.nz)>
Date: Wed, 23 Jun 2021, 11:22 am
Subject: Report for Te Araaka
To: S9(2)(a)

Kia ora s9(2)(a),

Please find attached our first report for Te Araaka. This has going through to the Māori Heritage Council next week, in order to approve for notification and take it to the next level. Note that this report is a draft, and there is still a historic account and consultation and engagement with your hapū, as well as the landowner, to be done, before it is finalised for Listing. There are some interesting aspects I've found, especially around the archaeological sites on the route.

I'm planning to come back to Rāwhiti in July and hoping we could organise a hapū hui at Rāwhiti marae. I'm sure your people will have pātai, and its important that we engage with communities that applications come from.

Apologies for taking so long to get over the first hurdle, but we are prioritising Te Araaka now.

Nga mihi,

s9(2)

s9(2)(a) | Pou Rārangī Kōrero | Heritage New Zealand Pouhere Taonga | National Office,
Antrim House, 63 Boulcott St | PO Box 2629, Wellington 6140, NZ | S9(2)(a)

Visit www.heritage.org.nz and learn more about New Zealand's heritage places

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HERITAGE NEW ZEALAND
POUHERE TAONGA

New Zealand Heritage List / Rārangi Kōrero - Report for a Wāhi Tapu Area
Te Araaka, Oke Bay (List no. 9854)



(Image taken by **s9(2)(a)**, 08/12/2020, HNZPT)

Name of author: **s9(2)(a)**
DRAFT: 21/06/2021
Heritage New Zealand Pouhere Taonga

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Disclaimer

Please note that entry on the New Zealand Heritage List/Rārangi Kōrero identifies only the heritage values of the property concerned and should not be construed as advice on the state of the property, or as a comment of its soundness or safety, including in regard to earthquake risk, safety in the event of fire, or insanitary conditions.

Archaeological sites are protected by the Heritage New Zealand Pouhere Taonga Act 2014, regardless of whether they are entered on the New Zealand Heritage List/Rārangi Kōrero or not. Archaeological sites include 'places associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand'. This List entry report should not be read as a statement on whether or not the archaeological provisions of the Act apply to the property (s) concerned. Please contact your local Heritage New Zealand office for archaeological advice.

SUMMARY

Te Araaka refers to the pathway taken by the tūpuna of Ngāti Kuta and Patukeha when interring tūpāpaku in the burial caves of Pukehuia on the Rakaumangamanga ranges. Ope tauā returning from journeys to the south would halt at Oke Bay when arriving back to the rohe. Tūpāpaku were then lifted by aka vines up the cliff to where they would lie in state on the flats at Hauai Bay, giving the literal name 'The Path of Vines' to the walkway. After final preparations, the tūpāpaku would be carried along the trail following the ridgeline and up into the burial caves of Pukehuia. As part of the wider cultural landscape, Te Araaka was a section of a longer tribal walkway that connected inner Pēwhairangi (Bay of Islands) to Te Rāwhiti and Rakaumangamanga. The Opourua urupā (also called Te Araaka) is situated on the site of an older ridge pā and maintains the intergenerational mana and tapu of the walkway. Te Araaka is therefore an ancestral connection between the current urupā and the ancient rua kōiwi of the hapū of Ngāti Kuta, Patukeha, and the wider Ngāpuhi collective. Te Araaka covers part of the current Cape Brett Track, which leads from Oke Bay up and over Rakaumangamanga.

1. IDENTIFICATION¹

1.1. Name of Wāhi Tapu Area

Te Araaka
Te Araka
Opourua Urupā
Cape Brett Track (part)
Scenic Reserve Oke Bay (Part)

1.2. Location Information

Address
Oke Bay
Rawhiti
Bay of Islands

Additional Location Information

-35.226810, 174.264281

NZMG X: 2,625,918.47; NZMG Y: 6,662,889.21

¹ This section is supplemented by visual aids in Appendix 1 of the report.

Iwi/hapū
Ngāti Kuta, Ngāti Patukeha

Ngāpuhi

Local Authorities
Far North District Council, Northland Regional Council

1.3. Current Legal Description

Lot 8 DP 58339 (*NZ Gazette*, 1987, p5093), Lot 9 DP51670 (*NZ Gazette*, 1987, p5093); Hauai 2E Māori Reservation Opourua Cemetery (*NZ Gazette*, 1992, p1175); Lot 5 DP 51670 (CT NA22A/975), Lot 6 DP 51670 (CT NA7C/1440), Hauai 2G2B (CT 365650), Hauai 2G2A (CT NA56A/696) and Rawhiti 6 (CT 524873)

1.4. Extent of Wāhi Tapu Area

Extent includes the land known as Lot 8 DP 58339 (Scenic Reserve Oke Bay), Hauai 2E Māori Reservation Opourua Cemetery, Lot 9 DP51670 (Scenic Reserve Oke Bay), and including parts of land known as Lot 5 DP 51670, Lot 6 DP 51670, Hauai 2G2B, Hauai 2G2A and Rawhiti 6 following the Department of Conservation's Cape Brett Track. These features are interconnected.

Reserve

The parcel known as Hauai 2E is part of a Māori reservation for the purpose of an urupā (*NZ Gazette* 1992, p1175).

The parcel known as the Scenic Reserve Oke Bay, Lot 8 DP 58339 (*NZ Gazette*, 1987, p4238) and Lot 9 DP51670 (*NZ Gazette*, 1987, p5093)

New Zealand Archaeological Association Site Recording Scheme

Imperial N12/114; NZAA Id: Q05/151

Imperial N12/115; NZAA Id: Q05/150

1.5. Uses

[Māori] [Ara Purahourua: Sacred Pathway]

[Māori] [Urupā]

2. SUPPORTING INFORMATION

2.1. General Nature of Wāhi Tapu Area

Located on the eastern edge of Pēwhairangi at Te Rāwhiti, a cleft in the cliff at Opourua marks the beginning of Te Araaka. A tight and steep trail rises from the beach to the top of the cliff marked by several pohutukawa trees. The path follows the cliff and ridgeline up to the fence of the Te Araaka Opourua urupā. This is the current urupā of Ngāti Kuta and is situated on the remnant of a ridgeline pā (Q05/150; N12/113). From the eastern side of the urupā, the path drops down to a saddle where it intersects with the Cape Brett Track; on the eastern side, the trail drops down to give access to Oke Bay; and on the western side stairs lead down to the road and the track entrance marked with a waharoa and tekoteko. From this crossway heading south, Te Araaka goes up the hill along the ridge following the Cape Brett Track. In 1978, there were still remnants visible of terracing (Q05/151; N12/113) that are now obscured by time and scrub. Passing through private land the extent of Te Araaka finishes abruptly in Māori freehold land, thereby preserving the sanctity of the ancient rua kōiwi.

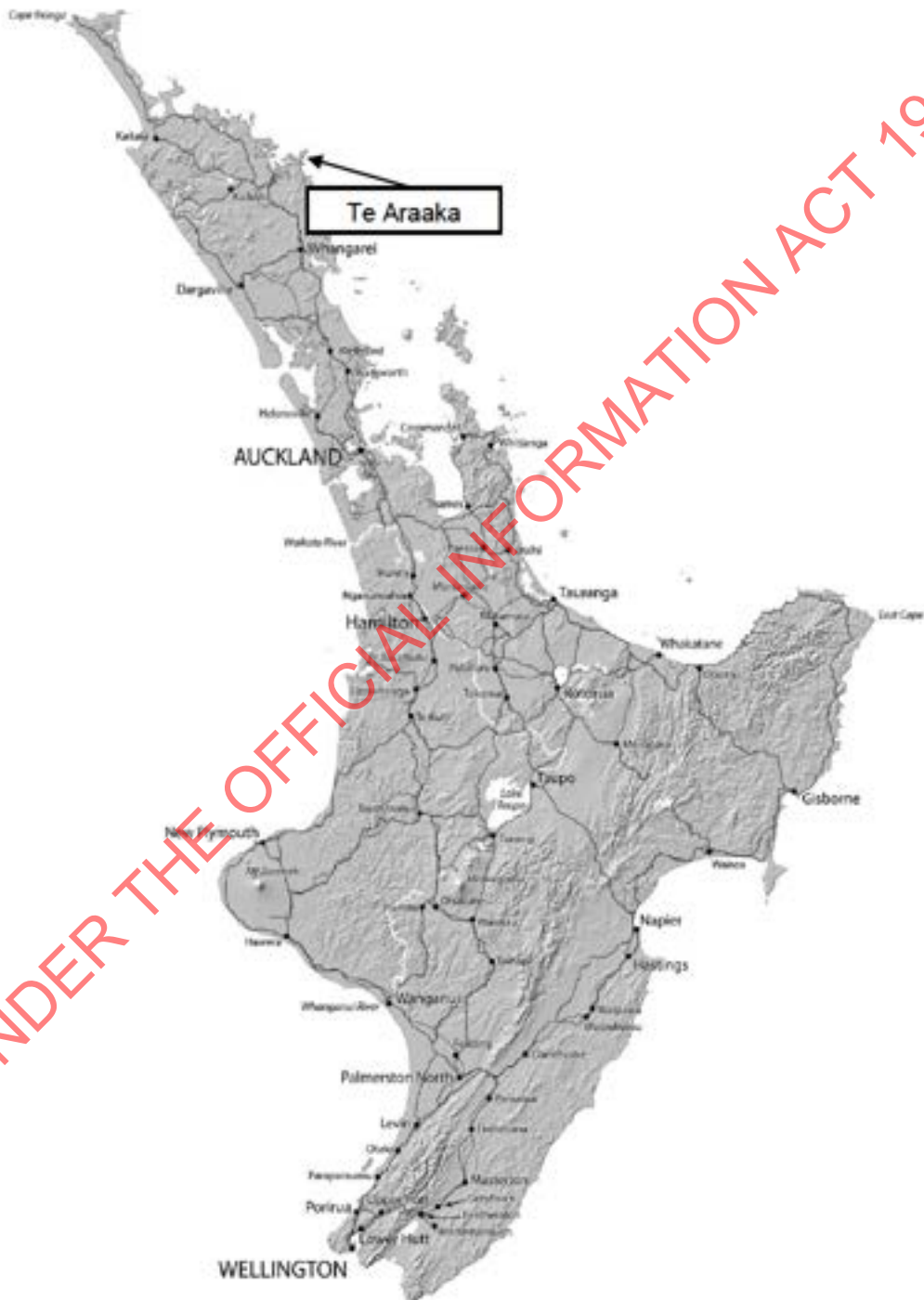
2.2. Wāhi Tapu Area Statement

Te Araaka is sacred to Ngāti Kuta and Patukeha in the traditional, spiritual, and religious sense. The area contains several Wāhi Tapu and is integral to the identity and cultural well-being of the hapū. It has strong traditional associations with tūpuna of the area and their last journey to the burial caves on the mountain ranges. The Wāhi Tapu Area connect associated Wāhi Tapu for the transportation of the dead by aka vines from Opourua Bay; an urupā that is still used to bury the dead; and the trail that leads up into the traditional burial caves of the hapū and iwi on Pukehuia and Rakaumangamanga.

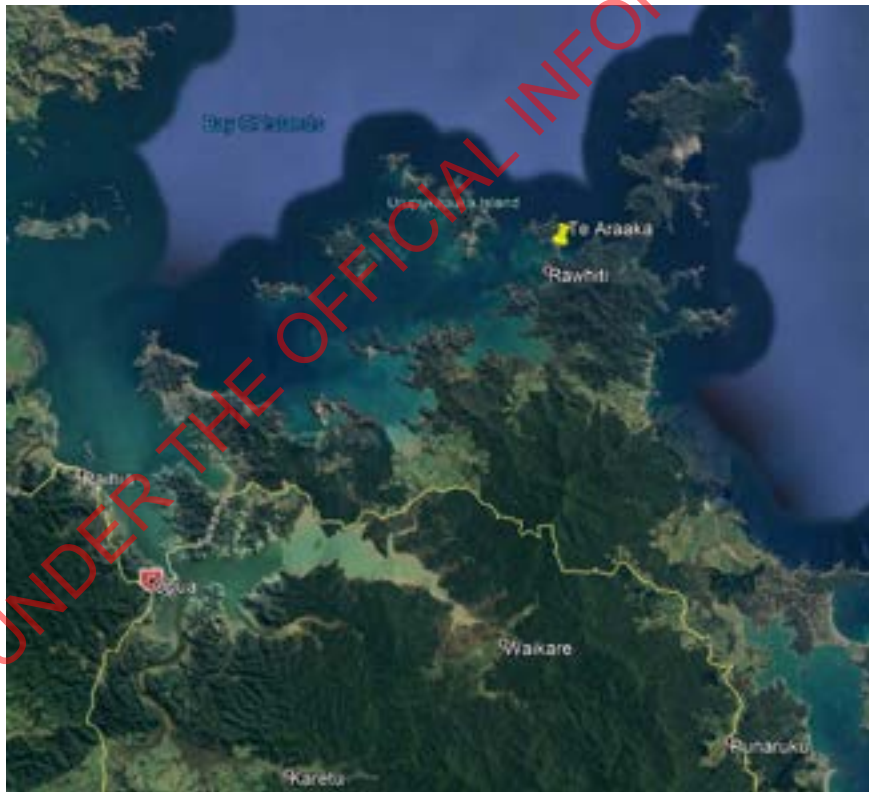
3. APPENDICES

3.1. Appendix 1: Visual Identification Aids

Location Maps



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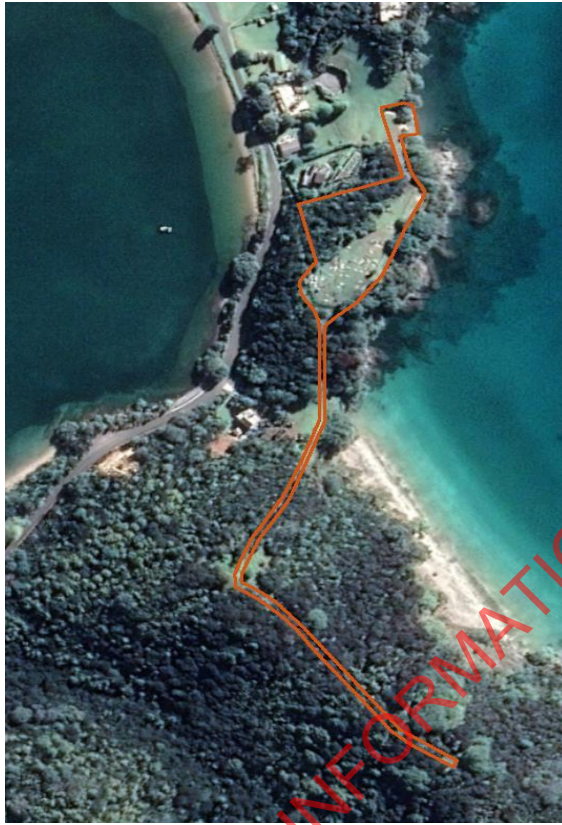


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Maps of Extent



(Extent of the Te Araaka Wāhi Tapu Area)



(Parcel names of Rawhiti excluding Wāhi Tapu Area extent)



(3D Image of Te Araaka including extent)

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Current Identifier

NZ Gazettes

Revocation of a Notice Relating to a Reserve and Issue of Fresh Notice

Pursuant to section 6 (3) of the Reserves Act 1977, and by reason of an error made in the notice hereinafter described the Northern Regional Manager, Department of Conservation, acting under delegated authority from the Minister of Conservation, hereby revokes the notice classifying part of the Oke Bay Scenic Reserve dated 4 September 1987 and published in the *New Zealand Gazette* of 10 September 1987, No. 152, page 4238 and hereby issues the following notice as a fresh notice in its place.

Classification of Reserve and Declaration that the Reserve be Part of the Oke Bay Scenic Reserve

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Northern Regional Manager, Department of Conservation, hereby classifies the reserve described in the Schedule hereto, as a scenic reserve, for the purposes specified in section 19 (1) (a) of the Reserves Act 1977 subject to the provisions of the said Act, and further, declares the said reserve to form part of the Oke Bay Scenic Reserve.

Schedule

North Auckland Land District—Bay of Islands County

1.4812 hectares, more or less, being Lots 4, 8 and 9, D.P. 51670, situated in Block XV, Bay of Islands Survey District. All certificates of title 55B/1183, 55B/1184 and 55B/1185.

Dated at Auckland this 3rd day of November 1987

G. E. ROWAN, Regional Manager, Department of Conservation, Auckland.

(Cons. C.O. Res. 2N/8/3/4; R.O. NP246) 31
LN374

(Oke Bay Scenic Reserve, *NZ Gazette*, 1987, p5093)

Setting Apart Maori Freehold Land as a Maori Reservation

Notice is hereby given that by virtue of section 439 of the Maori Affairs Act 1953 and pursuant to a recommendation of the Maori Land Court, the Maori freehold land described in the Schedule hereto, is hereby set apart as a Maori reservation for the purpose of an urupa for the common use and benefit of the community.

Schedule

North Auckland Land District

All that piece of land situated in Block XV, Bay of Islands Survey District and described as follows:

Area m ²	Being
8093	Hauai 2E and being all the land contained in the partition order of the Maori Land Court dated 30th May 1913.

Dated at Wellington this 10th day of April 1992.

H. T. GARDINER, Chief Executive of the Ministry of Maori Development.

(D.O. 4/6/187) 30L
ln3703

(Māori reservation for the purpose of an urupā, *NZ Gazette*, 1992, p1175)

Records of Title

Parcel Details				
Appellation:	Lot 5 Deposited Plan 51670	View Plans	Parcel Area (ha):	0.3437
Land District:	North Auckland		Total Area:	
Statute:			Graphical Area (ha):	0.3425
Non Survey Information:			Parcel Intent:	
Associated Title Details				
Appellation	Title(s)	Estate Type	Owner(s)	
Lot 5 Deposited Plan 51670	NA22A/975	Fee Simple	Gracealone Oke Bay Holdings Limited	
View Plans View Title				
Associated Street Address				
147 Rawhiti Road , Rawhiti Russell				
Valuation Reference Information				
Valuation Reference No.	Capital Value	Land Value	Capital Value Date	Street No
*****			01-Here-2019	147

Rating Valuation information may be historic.				
Click here to print a general Comparable Sales Report for residential properties.				
Report Generated from Quickmap (http://www.quickmap.co.nz) on 04/11/2021.				
Information provided by this service is sourced from third parties. Custom Software can not and does not provide any warranties or assurances of any kind whatsoever in relation to any data or materials provided through this service. Any person wishing to rely on the information shown must independently verify such information.				

(Lot 5 DP 51670 CT NA22A/975: Quickmap)

Parcel Details				
Appellation:	Lot 6 Deposited Plan 51670	View Plans	Parcel Area (ha):	1.1331
Land District:	North Auckland		Total Area:	
Statute:			Graphical Area (ha):	1.2062
Non Survey Information:			Parcel Intent:	
Associated Title Details				
Appellation	Title(s)	Estate Type	Owner(s)	
Lot 6 Deposited Plan 51670	NA7C/1440	Fee Simple	Gracealone Oke Bay Holdings Limited	
View Plans View Title				
Associated Street Address				
No Details Available				
Valuation Reference Information				
Valuation Reference No.	Capital Value	Land Value	Capital Value Date	Street No
*****			01-Here-2019	0

Rating Valuation information may be historic.				
Click here to print a general Comparable Sales Report for residential properties.				
Report Generated from Quickmap (http://www.quickmap.co.nz) on 04/11/2021.				
Information provided by this service is sourced from third parties. Custom Software can not and does not provide any warranties or assurances of any kind whatsoever in relation to any data or materials provided through this service. Any person wishing to rely on the information shown must independently verify such information.				

(Lot 6 DP 51670 CT NZ7C/1440: Quickmap)

**RECORD OF TITLE
DERIVED FROM LAND INFORMATION NEW ZEALAND
FREEHOLD**

Identifier **NA56A/696** Part-Cancelled
Land Registration District **North Auckland**
Date Issued **11 October 1984**

Prior References

[NA56A/696](#)

Type Fee Simple
Area 4.4090 hectares more or less
Legal Haui No 2G Sec 2A Block
Description

(Hauai 2G2A CT NA56A/696: Quickmap)

**RECORD OF TITLE
DERIVED FROM LAND INFORMATION NEW ZEALAND
FREEHOLD**

Identifier **365650**
Land Registration District **North Auckland**
Date Issued **16 June 2007**

Prior References

[365649](#)

Type Fee Simple
Area 4.0900 hectares more or less
Legal Part Haui No 2A Sec 2 B Block
Description

(Hauai 2G2B CT 365650: Quickmap)

**RECORD OF TITLE
DERIVED FROM LAND INFORMATION NEW ZEALAND
RECORDS EMBODIED IN THE REGISTER**

Identifier **524873**
Land Registration District **North Auckland**
Date Issued **08 June 2010 09:00 AM**

Prior References

[8513062.1](#)

Type Partition Order Instrument [PO 8513062.1](#)
Area 1,455.2196 hectares more or less
Legal Rawhiti 6 Block
Description

(Rawhiti 6 CT 524873: Quickmap)

3.2. Appendix 2: Visual Aids to Historical Information

Historical Photographs and NZAA Site Record Forms

MFJ

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE RECORD FORM (NZMS1) NZMS 1 map number N12 NZMS 1 map name Bay of Islands NZMS 1 map edition 2nd 1970		NZAA NZMS 1 SITE NUMBER N12/114 DATE VISITED: 28 September 1978 SITE TYPE Terraces Ridge Slope SITE NAME: MAORI OTHER											
Grid Reference Easting <u>76900</u> Northing <u>56800</u>													
1. Aids to relocation of site (attach a sketch map) E. side of ridge from public access track to Oke Bay from Hauai Bay.													
2. State of site and possible future damage Recent fenceline through site. In pasture some erosion.													
3. Description of site (Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here) Series of terraces down ridge, some indistinct.													
4. Owner Address		Tenant/Manager Address											
5. Nature of information (hearsay, brief or extended visit, etc.) Walked over site. Photographs (reference numbers, and where they are held) - Aerial photographs (reference numbers, and clarity of site) 4478/23 badly.													
6. Reported by A Lecky Address Auckland		Filekeeper PPS. S. M. Bartlett Date 22 MAY 1979 Northland Archeological Site Recorders											
7. Key words													
8. New Zealand Register of Archaeological Sites (for office use) NZHPT Site Field Code													
<table border="1"> <tr><td>A</td><td>P</td></tr> <tr><td>B</td><td>E</td></tr> <tr><td>-</td><td>-</td></tr> </table> Type of site Local environment today Land classification	A	P	B	E	-	-	<table border="1"> <tr><td>B</td><td>B</td></tr> <tr><td>A</td><td>A</td></tr> <tr><td>A</td><td>L</td></tr> </table> Present condition and future danger of destruction Security code Local body	B	B	A	A	A	L
A	P												
B	E												
-	-												
B	B												
A	A												
A	L												

(Arch Site file for Q05/151, evidence of terracing on ridge)

MPJ

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION		NZAA NZMS 1 SITE NUMBER N12/113													
SITE RECORD FORM (NZMS1)		DATE VISITED 28 September 1978													
NZMS 1 map number N12		SITE TYPE Ridge pa Cliff edge													
NZMS 1 map name Bay of Islands		SITE NAME: MAORI													
NZMS 1 map edition 2nd 1970		OTHER													
Grid Reference		Easting 1 7 6 9 0 0	Northing 8 5 6 9 0 0												
1. Aids to relocation of site (attach a sketch map) On narrow ridge between Hauai Bay and Oke Bay at S end of Hauai Bay.															
2. State of site and possible future damage Partially destroyed by cemetery in central area. Remains of partly filled in ditch and terraces on E and N site only remain.															
3. Description of site (Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here) Transverse ditch across S portion of ridge mostly filled in possible low bank external to ditch but a doubtful feature. Remains of terraces between fence and cliff edge and indistinct terraces down N.W. slopes.															
4. Owner Address		Tenant/Manager Address													
5. Nature of information (hearsay, brief or extended visit, etc.) Walked over and paced site. Photographs (reference numbers, and where they are held) Aerial photographs (reference numbers, and clarity of site) 4478/23. Shows badly.															
6. Reported by A Leaby Address Auckland		Filekeeper PPS. S. M. Bartlett Date 22 MAY 1979 Northland Archeological Site Recorders													
7. Key words Ridge pa, partially destroyed, cemetery, transverse ditch, terraces.															
8. New Zealand Register of Archaeological Sites (for office use) NZHPT Site Field Code															
<table border="1"> <tr><td>A</td><td>D</td></tr> <tr><td>A</td><td>W</td></tr> <tr><td>-</td><td>-</td></tr> </table>		A	D	A	W	-	-	<table border="1"> <tr><td>B</td><td>B</td></tr> <tr><td>A</td><td>A</td></tr> <tr><td>A</td><td>L</td></tr> </table>		B	B	A	A	A	L
A	D														
A	W														
-	-														
B	B														
A	A														
A	L														
Type of site		Present condition and future danger of destruction													
Local environment today		Security code													
Land classification		Local body													

(Arch Site file for Q05/150, ridge pā where current urupā is)

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

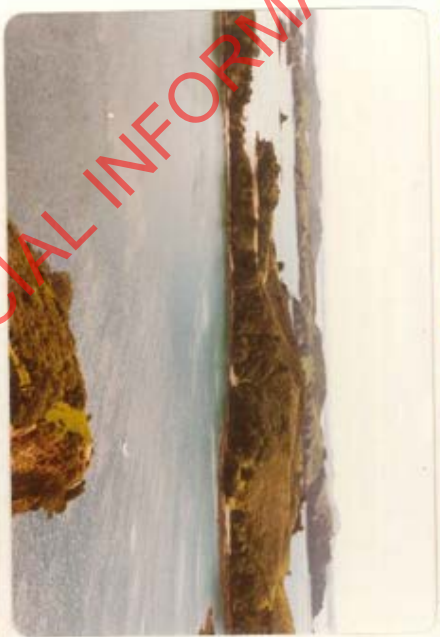
AR1864: N12/113 Oke Bay, S. Rauhiti.
AR 1865: Rauhiti Peninsula looking north
Urupukapuka Islands in background.
AR 1866: Recent Maori Hangi, Bland Bay,
Whangamumu.

NEW ZEALAND
HISTORIC PLACES
TRUST

Photographer: LEAHY AND WALSH
Negative No: 99/4 99/5 99/6.
Date Taken: 1978.
Accession No: AR 1864, 1865, 1866.



AR
1866.



AR
1865



AR
1864

N12/113.

(Photographs of Q05/150, 1978. AR1864 shows where Ridge Pā was, now urupā)

3.3. Appendix 3: Visual Aids to Physical Information

Current Photographs of Place



(Te Araaka and cleft in the cliff where tūpāpaku were lifted, Ngawhare 08/12/20)



(View down to Te Araaka, urupā boundary fence on left, Ngawhare, 08/12/20)



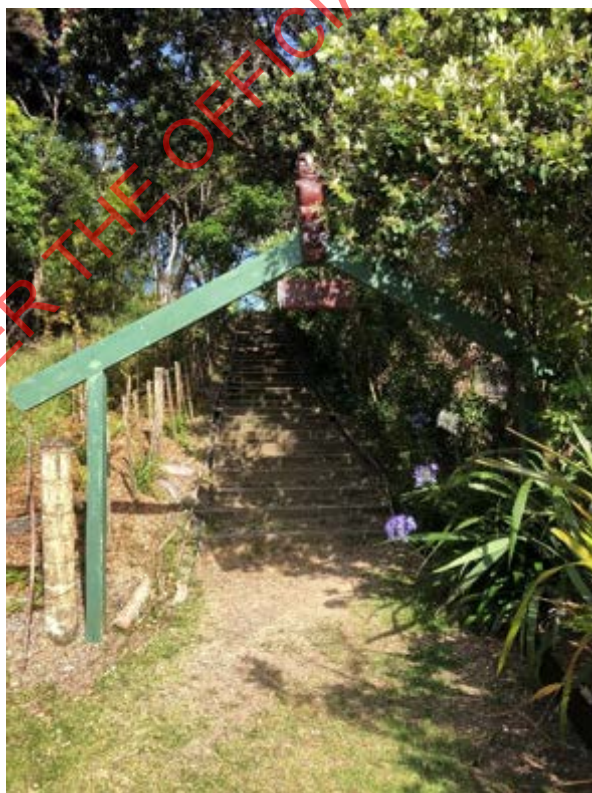
(North facing, with urupā boundary fence, Moturahurahu island in background – Ngawhare 08/12/2020)



(View looking up to southern aspect of urupā, Ngawhare, 08/12/20)



(Walkway heading south up to Pikihuia, cliff on left side, Ngāwhare 08/12/20)



(Entrance to urupā, Oke Bay Scenic Reserve and beginning of Cape Brett Track, Ngāwhare 08/12/20)

From: s9(2)(a)
Sent: Thursday, February 3, 2022 2:48 PM
To: 'Julian' s9(2)(a) s9(2)(a) s9(2)(a) doc.govt.nz; s9(2)(a) s9(2)(a); 'k.allan@ministers.govt.nz' <k.allan@ministers.govt.nz>
Cc: s9(2)(a) s9(2)(a) doc.govt.nz; s9(2)(a) parliament.govt.nz
Subject: Response: Cape Brett walkway

Kia ora ano Julian,

It has been pointed out to me that I sent you an early draft response. One again our apologies that you have been waiting for a response to your queries regarding the Cape Brett track entrance at Oke Bay. I had not taken into consideration the xmas/ new year period and I should have updated you about that.

We appreciate/acknowledge that, historically, walkers have crossed this land for many years, being a tribal walkway, but are not aware of any formal agreements regarding this. As the current landowner, any arrangement for a contribution from track users wishing to cross your land at the entrance to the Cape Brett track at Oke Bay will need to be directly between you and any track users.

When DOC needs to access over private land for its own purposes this is normally done through a formal agreement such as an easement. The Department does not however require use of your land for its own purposes, so we do not, at this stage, foresee any need to pursue this option. Nor could we consider retrospective remuneration for intermittent access that may have been granted to DOC staff in the past in the absence of any formal agreement.

We understand the Trust and the two hapū at Rawhiti are interested to take a wider view of the Rakaumangamanga/Cape Brett track configuration including entrances to the Cape Brett Track. We await their future direction on this.

Please advise us what you plan to do regarding charging the public and/or limiting their access to your land and how this will be managed. We can then liaise with yourself and the Trust over any necessary signage change or notifications for crossing restrictions.

Nga mihi
s9(2)(a)

From: s9(2)(a)
Sent: Thursday, 3 February 2022 12:52 pm
To: Julian <s9(2)(a)>; s9(2)(a) s9(2)(a) doc.govt.nz; s9(2)(a) s9(2)(a)

k.allan@ministers.govt.nz

Cc: s9(2)(a) s9(2)(a) doc.govt.nz>

Subject: RE: Cape Brett walkway

Ata maria Julian,

Our apologies that you have been waiting for a response to your queries regarding the Cape Brett track entrance at Oke Bay. I had not taken into consideration the xmas/ new year period and I should have updated you about that.

We appreciate/acknowledge that historically walkers have crossed this land for many years, being a tribal walkway, but are not aware of any formal agreements regarding this. As the current landowner, any arrangement for a contribution from track users wishing to cross your land at the entrance to the Cape Brett track at Oke Bay will need to be directly between you and any track users.

When DOC needs to access any public land that is landlocked, this is done through a formal easement. As this is not the case with your land, we will not be pursuing this option. Nor could we consider retrospective remuneration without prior formal agreement.

We understand the Trust and the two hapū at Rawhiti are interested to take a wider view of the Rakaumangamanga/Cape Brett track configuration including entrances to the Cape Brett Track. We await their future direction on this.

We ask that if it transpires that future access to the Cape Brett Track remains from the Oke Bay entrance, DOC and/or the hapū would approach you to formalise this through an agreement.

On this basis, please advise us what you plan to do regarding charging for crossing your land and how this will be managed. We can then liaise with yourself and the Trust over any necessary signage change or notifications for crossing restrictions.

Naku noa

s9(2)(a)

From: Julian s9(2)(a) >

Sent: Tuesday, 1 February 2022 7:06 pm

To: s9(2)(a) s9(2)(a) doc.govt.nz; s9(2)(a) s9(2)(a) doc.govt.nz; s9(2)(a)

s9(2)(a); k.allan@ministers.govt.nz

Subject: Re: Cape Brett walkway

Dear s9(2)(a) and s9(2)(a)

It's now the 1st of February 2022 and still I have not had any kind of update from you regarding the issues raised in my emails to you dated 2/11/21, 3/11/21 and more recently 25/1/22.

You have had a full three months to consider the issues, to come up with a proposal.

You indicated in your correspondence to me dated 1/12/21 that you would likely have a response for me in January 2022.

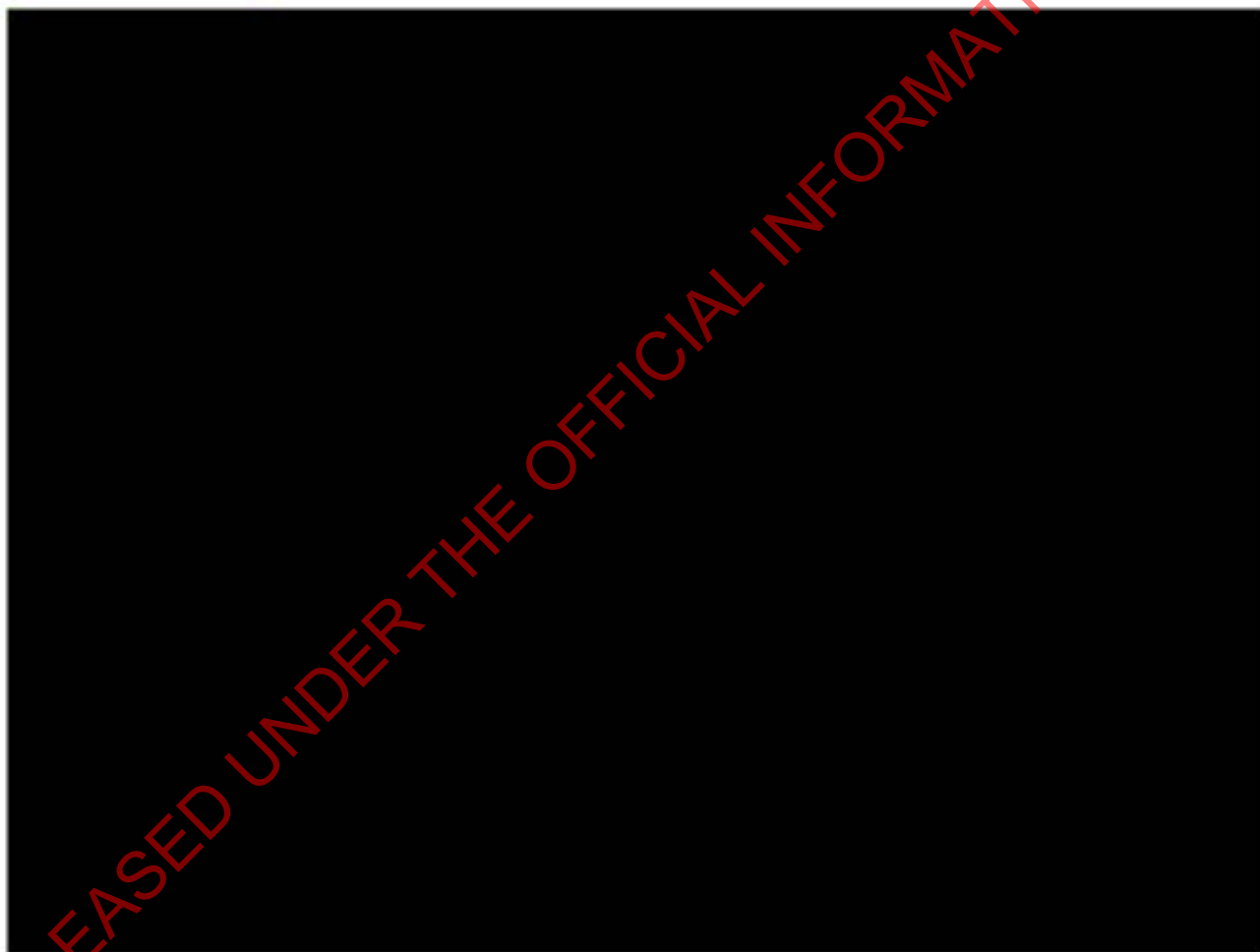
We thank you for your continued support of this iconic event. Ka kite ano.

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<2022 01 Letter Challenge update DOC.pdf><Bio Security and Covid protocols.pdf>

Julian
Oke Bay Lodge
Bay of Islands New Zealand

S9(2)(a)
s9(2)(a)
www.okebaylodge.co.nz



A three minute video about Oke Bay Lodge which sits on 3.5 acres of land, all water front.
<https://youtu.be/s2AL6P2ho0c>

Another video of the Lodge. Make sure your sound is right up for this one!
<https://www.dropbox.com/s/v76ll7cloc3vuld/koon%20video%201%20high%20res.mp4?dl=0>

Photos of the Lodge:

<https://www.dropbox.com/sh/48b33o6v58k8t3u/AAABqDjwQKSrFs4EKJglxLSoa?dl=0>

Julian playing among the dolphins, in knee deep water at Oke Bay 2019

<https://youtu.be/VK6wnJVk3rs>

A newspaper article about Oke Bay

http://capebrett.co.nz/wp-content/uploads/2019/01/Photographer-captures-dolphins-mid-leap-in-Northlands-Oke-Bay-in-the-Bay-of-Islands-Stuff.co.nz_.pdf

This is the manual which tells you all about the Lodge so that you make the most of your stay when you come

<https://www.dropbox.com/s/qv4tn6hkuumhytu/Best%20%20Oke%20Bay%20Lodge%20Welcome%20doc%2056.pdf?dl=0>

This is a video made by two families who stayed 3 weeks at the Lodge over Christmas 2019/20. The video gives tips and ideas about how to get the most out of your stay

<https://youtu.be/G65PnetKt-s>

A short clip of a wedding recently held at the Lodge

https://www.dropbox.com/s/rc5xok4br5z4vy0/%D0%92%D0%B8%D0%B4%D0%B5%D0%BE%2016_02_2020%2C%2002%2009%2004.mov?dl=0

In 2010, National Geographic Travel Magazine rated the coastline where Oke Bay Lodge sits as the 2nd best in the world

The Poor Knights Islands, which have been shortlisted as a UNESCO World Heritage site, lie 20 kilometres off the coast. These islands feature the world's largest sea cave and are populated by orca, dolphins and hundreds of fish species. Diving is popular here and is rated among the best in the world.

New Zealand's temperate climate has four seasons, and in Northland there is a distinctly subtropical flavour. Northland's summers average 22°-26°C (71°-80°F) with winter only going so low as a mild 14°-17°C (58°-62°) earning the region the title of 'The Winterless North'.

Out of scope

s9(2)(a)

s9(2)(a)

s9(2)(a)

Get [Outlook for iOS](#)

s9(2)(a)

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

s9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: S9(2)(a) S9(2)(a)
Sent: Wednesday, 13 May 2020 6:27 pm
To: S9(2)(a) S9(2)(a)
Cc: S9(2)(a); S9(2)(a)
Subject: 147 Rawhiti Rd
Attachments: received_342454120050561.jpeg

We need to re-survey the esplanade reserve and access way. He has dumped this as a deliberate barrier to public access. There is the risk of it washing into the sea. Or maybe thats his plan? We need to pull it under control.

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)



Out of scope

From: s9(2)(a)
Sent: Thursday, 25 November 2021 1:49 pm
To: s9(2)(a) s9(2)(a) s9(2)(a)
Subject: 147 Rawhiti Road FW: please stop all earthworks on your property

Kia ora

Here is the latest update I have on Julian Batcholers earthworks.

Looks like he did talk to HNZ although not the hapu.

Thanks

s9(2)(a)

From: s9(2)(a) s9(2)(a) @heritage.org.nz
Sent: Thursday, 25 November 2021 11:37 am
To: s9(2)(a) s9(2)(a) doc.govt.nz
Subject: FW: please stop all earthworks on your property

Kia ora s9(2)(a)

Looks like it may be a storm in teacup.

s9

From: s9(2)(a)
Sent: Thursday, 25 November 2021 8:51 am
To: Julian s9(2)(a) s9(2)(a)
Cc: s9(2)(a) s9(2)(a) @heritage.org.nz
Subject: RE: please stop all earthworks on your property

Thank you, Julian, for clarifying the situation. I have been fielding phone calls, so I needed to ascertain what was happening. Again, thank you for your communication.

Nga mihi

s9(2)(a) Northland | Heritage New Zealand Pouhere Taonga | Northland Area Office, Level 1, 135 Hone Heke Road, PO Box 836 Kerikeri 0245, New Zealand | Ph: s9(2)(a) DDI: s9(2)(a) | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei- Honouring the past; Inspiring the future

This communication may be a privileged communication. If you are not the intended recipient, then you are not authorised to retain, copy or distribute it. Please notify the sender and delete the message in its entirety.

From: Julian S9(2)(a)
Sent: Wednesday, 24 November 2021 9:22 pm
To: s9(2)(a) s9(2)(a) @heritage.org.nz; S9(2)(a)
Subject: Re: please stop all earthworks on your property

Hi S9

On the 22nd September, I sought permission from Heritage NZ to install a new water tank for irrigation purposes on the south side of the existing tank. [Here](#) is my email

Permission by Heritage NZ was given on the 3rd of October. [Here](#) is the permission email.

The tank was installed last week. As per the permission email, and in accordance with it, no excavation was carried out on the east, west, or north sides of the existing tank i.e this ground remains undisturbed. That is to say, excavation was strictly limited to the south side of, and immediately next to, the existing tank, and only for the purpose of installing the tank i.e. we only did what we were given permission to do, no more, no less.

Fill / soil/ clay which resulted from the installation was spread around to fill dips/holes/ undulations in the existing landscape i.e. to tidy it up a bit.

This landscaping makes the excavation activity look extensive, when it in fact it was not. As already stated, we only did what we were given permission to do, as detailed above.

Throughout the installation, accidental discovery protocols were strictly adhered to. At no time was there appearance of shell midden, historic bottles, animal bones, or archaeological stratigraphy.

Regards

On 24/11/2021, at 9:56 AM, s9(2)(a) s9(2)(a) @heritage.org.nz wrote:

Kia ora Mr Bachelor

As noted in the archaeological advice you received from s9(2)(b)(ii), Sec 9(2)(a) August 2019 please cease all earthworks on your property until this matter can resolved. I appreciate your co operation in this matter. I have provided you with some of the advice from s9(2)(b)(ii), Sec 9(2)(a) below:

I suggest that determining whether the features are archaeological or not is not possible based on surface observation and if any party wished to make a final determination, an exploratory investigation would be required.

I recommend that no further ground disturbing activity occur along the eastern/upper part of your property without further assessment and/or such an investigation, in order to avoid future misunderstanding. Leahy's (1978) sketch map may show the relative position of the features she recorded but without a scale or other reference to features still present on the ground at the present, the position of the upper terraces she recorded either side of the fence line remain undetermined and are likely to be on your property.

Could you please provide confirmation of this email.

Nga mihi

S9(2)(a) **S9(2)(a)**, Northland | Heritage New Zealand Pouhere Taonga | Northland Area Office, Level 1, 135 Hone Heke Road, PO Box 836 Kerikeri 0245, New Zealand | Ph: **S9(2)(a)** DDI: **S9(2)(a)** | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei- Honouring the past; Inspiring the future

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S9(2)(a)



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S9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: assystrequest@doc.govt.nz
Sent: Monday, 16 December 2019 11:51 am
To: S9(2)(a)
Subject: assyst: Your request R169896 for Statutory land management - Support and advice has now been closed.

Dear S9(2)(a)

Your request [R169896](#) has now been serviced and closed.

Provider Message:

Request has been fulfilled with the matter now residing with Ops to have a surveyor define the Oke Bay scenic reserve boundaries, to establish the boundary with Batchelors

Please help us improve by filling out a short customer satisfaction survey:

[Customer satisfaction survey](#)

Request Description:

Context:

At the location of 147 Rawhiti Road, Rawhiti (Oke Bay), there is an ongoing dispute between the land owner and hapu regarding the location of a tribal walkway between the land owner's property and PCL land.

Purpose:

The S9(2)(a) S9(2)(a) would like advice from the SLM team regarding the matter of the tribal walkway. It's believed that in Maori land court in 1968 there was a provision for a tribal walkway between the property and the PCL land, however this is not recorded on either GIS or the land owner's site survey.

Output:

To confirm asap if there is a tribal walkway.

Please contact me if you have further queries or concerns regarding this request.

Many thanks,

S9(2)(a)
S9(2)(a)

Statutory Land Management
Department of Conservation

Please note that you can't reply to this email. Instead please forward the email if you want to reply.

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Out of scope

S9(2)(a)

S9(2)(a)

S9(2)(a)

S9(2)(a)

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S9(2)(a)

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S9(2)(a)

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: S9(2)(a)
Sent: Wednesday, 24 November 2021 8:56 am
To: S9(2)(a) S9(2)(a) S9(2)(a)
Subject: FW: 147 Rawhiti Rd

Kia ora koutou

S9(2)(a) from HNZ has just let me know that Mr Batcholer has got a digger working on his section, looking at the description below it does not impact PCLW, but might impact the track access that runs across the back of his land.

If I hear any more I will pass it on.

Mauri ora

S9(2)

From: S9(2)(a) S9(2)(a) @heritage.org.nz
Sent: Wednesday, 24 November 2021 8:51 am
To: S9(2)(a) S9(2)(a) doc.govt.nz
Subject: FW: 147 Rawhiti Rd

From: S9(2)(a)
Sent: Tuesday, 23 November 2021 7:56 pm
To: S9(2)(a) S9(2)(a) @heritage.org.nz
Cc: S9(2)(a) S9(2)(a) @heritage.org.nz; S9(2)(a) S9(2)(a) S9(2)(a)
Subject: 147 Rawhiti Rd

Kia ora S9(2)

We have been informed the owner of 147 Rawhiti Rd has a digger on site cutting a 20mtr swathe along the waahi tapu walkway. We also understand he is also seeking crossing fees for walking access onto 3B2 lands. Did you manage to connect with him over the waahi tapu walkway gazettelement. I will register the objection with FNDC also.

S9
(2)

Out of scope

From: S9(2)(a)
Sent: Tuesday, 18 June 2019 9:41 am
To: S9(2)(a)
Subject: FW: 147 Rawhiti Road - Survey Data

Hi S9(2)

Just a quick update on Oke Bay, we should have the information from the Surveyors in about a week.

Kind regards

S9(2)

S9(2)(a)
S9(2)(a)

Department of Conservation
Pewhairangi / Bay of Islands Office
34 Landing Rd, PO Box 128, Kerikeri 0245
+64 9 407 0300

From: S9(2)(a) S9(2)(a)
Sent: Tuesday, 18 June 2019 9:36 a.m.
To: S9(2)(a) S9(2)(a) doc.govt.nz>
Subject: 147 Rawhiti Road - Survey Data

Hi S9(2)
()

Thank you for phoning it was great to chat.
I am sorry but when I was speaking to you I did not realise that this weekend just gone we have been back up to the site and carried out a topographical survey.
So I will now be able to send you a plan showing just what we were talking about in terms of the steps and track.
This will take about a week to prepare so I will send everything to you at once its done.
This should help clarify everything just as I had hoped 😊

Regards

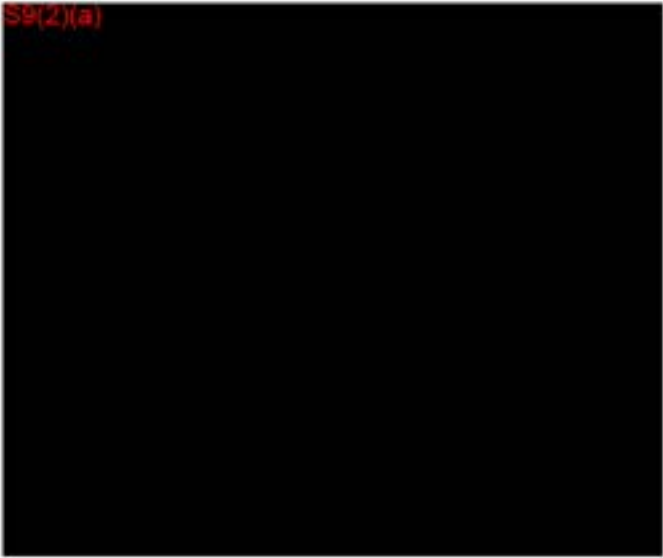
S9(2)(a)

S9(2)(a)

S9(2)(a)

S9(2)(a)

S9(2)(a)



From: S9(2)(a) SS9(2)(a) <doc.govt.nz>
Sent: Tuesday, 18 June 2019 8:43 AM
To: S9(2)(a) S9(2)(a)
Subject: RE: Email address for me

Thanks S9(2)(a)

Please find attached JPEG.

Kind regards

S9(2)

From: S9(2)(a) S9(2)(a)
Sent: Monday, 17 June 2019 2:35 p.m.
To: S9(2)(a) SS9(2)(a) <doc.govt.nz>
Subject: RE: Email address for me

Thank you S9(2)
()

The staff member in question is out in the field all day today.
I will discuss with him tomorrow and advise.
To help with our discussion could you please send us a plan highlighting the boundary line you are questioning.

Regards

S9(2)(a)



S9(2)(a)

S9(2)(a)

From: S9(2)(a) <S9(2)(a)@doc.govt.nz>
Sent: Monday, 17 June 2019 2:12 PM
To: S9(2)(a)
Subject: Email address for me

Dear S9(2)(a)

I sent you an email via my colleague S9(2) last week – this note is just to advise you that I have an email address now once you have the information ready.

Many thanks
S9(2)(a)

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Out of scope

From: S9(2)(a)
Sent: Wednesday, 7 October 2020 9:13 am
To: S9(2)(a)
Subject: FW: Access over private land

Mōrena S9(2)

I have sent the email. See below FYI.

Ngā mihi

S9(2)(a)
S9(2)(a) Rōia Matua
Phone: S9(2)(a)

www.doc.govt.nz



From: S9(2)(a)
Sent: Wednesday, 7 October 2020 9:11 am
To: S9(2)(a)
Subject: Access over private land

Kia ora S9(2)(a)

I refer to our telephone conversation and confirm that the Department of Conservation does not have authority to create an easement in favour of the hapu over private land. I understand that the minutes of the Maori Land Court do refer to an historic agreement between the hapu and the private landowner concerning a right of way over the private land but the easement has never been formally created and registered.

I suggest that the hapu engage a lawyer to advise the hapu on:

- a) Whether an application to the Maori Land Court could assist (for example: an application under s 315 of the Te Ture Whenua Maori Act 1993); and

b) The likelihood of such an application being successful.

It is essential that the hapu obtain its own legal advice as to the options that may be available to resolve the issues concerning access over the private land.

Ngā mihi

S9(2)(a)
S9(2)(a) Rōia Matua
Phone: S9(2)(a)

www.doc.govt.nz



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Lara McDonald

From: Julian S9(2)(a)
Sent: Wednesday, 3 November 2021 12:24 pm
To: S9(2)(a)
Cc: S9(2)(a) S9(2)(a)
Subject: Compensation

Hi S9(2)

Thank you for your follow up.

The land I own is in 3 lots for which I pay roughly S9(2)(a) a year in rates.

THE CAPE BRETT WALKING TRACK

I own the first 200m of the Cape Brett walking track. The land I own overlooks Oke Bay, arguably the prettiest beach in the Bay of Islands.

This 200m of the track sits on an estate in fee simple being all that parcel of land containing 1.1331 hectares more or less being Lot 6 Deposited Plan 51670 and comprised in Certificate of Title Identifier NA7C/1440. The rates on this particular piece of land are S9(2)(a) per annum.

I also own another lot of land which Maori use to get to their Urupa. No permission has ever been given by me for them to use it, yet they do. They simply see it as their right. An entitlement. This lot is an estate in fee simple being all that parcel of land containing 3834m2 more or less being Lot 3 Deposited Plan 51670 and comprised in Certificate of Title Identifier NA7C/1439. The rates on this land are S9(2)(a).

Now here's an interesting twist. There is currently no alternative start to the Cape Brett walking track, if walkers want to start at Oke Bay. That is to say, legally, I could close this part of the track if I wanted to. There is no public statute which declares that the public can walk over / use private freehold land at the expense of the landowner, without the owners permission. In fact, the opposite is true. The Trespass Act 1980 clearly states that entering / walking on another person's property without permission is trespass. And trespass is a criminal offence.

Maori and DOC share the fees which are collected from trampers who walk the track. Yet I receive nothing. Not even the rates. Conclusion? I own land which the government and Maori are collecting money from, yet I pay all the expenses related to this land. This is akin to the Kalkohe pub owner working the business 7 days a week, but being forced to give the profits to Maori and the government. How is this fair / just / right? You know the answer. It's not. First, I propose that at the very least DOC increase their Cape Brett walker fees by \$10 per person, giving me the \$10.

It is only fair that this payment is retrospective, given that this situation has existed since 2008, which is when I purchased the land. DOC has been fully aware of this situation since 2008, yet it's done nothing.

Secondly, I propose that DOC repay the S9(2)(a) per year for rates that I have been paying for 13 years, which equates to S9(2)(a) in lost revenue.

The Labour government touts the ditty "Be Kind" but I see no kindness in their financial management of this track, in relation to what I have written above. On the contrary, I feel like I am being used and abused and Labour and DOC are quite happy to keep it going, knowing full well the situation.

I await your reply.

Kind regards

Julian Batchelor

On 2/11/2021, at 7:20 AM, S9(2)(a) S9(2)(a) <doc.govt.nz> wrote:

Kia ora Julian,

Your email to S9(2)(a) regarding the Cape Brett Track access across your land has been passed to me for action.

While the information in your email to S9(2)(a) is relatively self-explanatory, please could you outline the issues you have raised directly/formally to me either by letter or email.

I can then determine what the best course of action may be to resolving these.

Trust you are keeping well.

Ngā mihi,

S9(2)(a)

S9(2)(a)

S9(2)(a)

Pou Matarautaki

Department of Conservation | Te Papa Atawhai

| M: S9(2)(a)

Pewhairangi | Bay of Islands Area Office

34 Landing Road, Kerikeri 0230 | PO Box 128, Kerikeri 0245

T: +64 9 4070300

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa.

To work with others to increase the value of conservation for New Zealanders

www.doc.govt.nz

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Julian

Oke Bay Lodge


Bay of Islands New Zealand

S9(2)(a)

S9(2)(a)

www.okebaylodge.co.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)



A three minute video about Oke Bay Lodge which sits on 3.5 acres of land, all water front.

<https://youtu.be/s2AL6P2ho0c>

Another video of the Lodge. Make sure your sound is right up for this one!

<https://www.dropbox.com/s/y76jj7cloc3vuld/koori%20video%201%20high%20res.mp4?dl=0>

Photos of the Lodge:

<https://www.dropbox.com/sh/48b33o6v58k8t3u/AAABqDjwQKSrFs4EKJglxLSoa?dl=0>

Julian playing among the dolphins, in knee deep water at Oke Bay 2019

<https://youtu.be/VK6wnJVk3rs>

A newspaper article about Oke Bay

<http://capebrett.co.nz/wp-content/uploads/2019/01/Photographer-captures-dolphins-mid-leap-in-Northlands-Oke-Bay-in-the-Bay-of-Islands-Stuff.co.nz.pdf>

This is the manual which tells you all about the Lodge so that you make the most of your stay when you come

<https://www.dropbox.com/s/qv4tn6hkuumhytu/Best%20%20Oke%20Bay%20Lodge%20Welcome%20doc%2056.pdf?dl=0>

This is a video made by two families who stayed 3 weeks at the Lodge over Christmas 2019/20. The video gives tips and ideas about how to get the most out of your stay

<https://youtu.be/G65PnetKt-s>

A short clip of a wedding recently held at the Lodge

<https://www.dropbox.com/s/rc5xok4br5z4vy0/%D0%92%D0%B8%D0%B4%D0%B5%D0%BE%2016.02.2020%2C%2002%2009%2004.mov?dl=0>

In 2010, National Geographic Travel Magazine rated the coastline where Oke Bay Lodge sits as the 2nd best in the world

The Poor Knights Islands, which have been shortlisted as a UNESCO World Heritage site, lie 20 kilometres off the coast. These islands feature the world's largest sea cave and are populated by orca, dolphins and hundreds of fish species. Diving is popular here and is rated among the best in the world.

New Zealand's temperate climate has four seasons, and in Northland there is a distinctly subtropical flavour. Northland's summers average 22°-26°C (71°-80°F) with winter only going so low as a mild 14°-17°C (58°-62°) earning the region the title of 'The Winterless North'.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: S9(2)(a)
Sent: Monday, 20 March 2023 9:02 am
To: S9(2)(a)
Subject: FW: 147 Rawhiti Rd. Owner flouting District planning Rules

From: [REDACTED]
Sent: Sunday, April 5, 2020 1:13 PM
To: S9(2)(a)
Cc: S9(2)(a); doc.govt.nz>; S9(2)(a); S9(2)(a); S9(2)(a); S9(2)(a); S9(2)(a); S9(2)(a); doc.govt.nz>; S9(2)(a); S9(2)(a)
Subject: Re: 147 Rawhiti Rd. Owner flouting District planning Rules

The fact remains it is an area designated outstanding landscape in the District Plan and both DOC and Council have an obligation to protect the native fauna and flora within thier own CMA and District plan rules. The mapping boundries and access are only one part of the issue, the other is the land planning rules and the management of these.

On Fri, 3 Apr 2020, 12:00 S9(2)(a), S9(2)(a) wrote:

Thank you S9(2) for following up on this during this time.

The area that he has started to clear vegetation is in fact on the other side of his property and appears to be on the uncut access/drive as indicated on the map. I was unsure if this access way fell under your domain or not. The uncut access way is approximately 4.5m wide as per the cadastral mapping lines and sits between his current property and also his 3rd property known as lot 6. We can only assume this access way, although uncut, was granted to access the Maori lands behind the property however we are yet to see the supporting documentation for this.

I appreciate the follow up and have attached the photos of the clearing he has started. I have also raised an rfs with fndc.

Thank you for your assistance on this matter.

Kind regards, [REDACTED]

On Fri, 3 Apr 2020, 8:33 AM S9(2)(a), S9(2)(a) <doc.govt.nz> wrote:

Good Morning S9(2)(a)

I am responding to you as the Identified Hapu contact for the Oke Bay Boundary issues.

Thankyou for bring this to our attention, DOC manages the darker green shaded area that leads up from the road to the reserve between the two private property lots as the key on the map that you supplied indicates.

We have had someone have a look at the alleged cutting of vegetation and have been told it's on the opposite side of Batchelor residence to the walkway, this would be outside of the reserve, any photos of the alleged cutting would be appreciated to confirm this.

If the cutting is within the green shaded area then that is not allowed without approval, if it's on the property owners land or road reserve then any concerns would need to be bought up with FNDC.

S9(2)(a) our S9(2)(a) is working alongside S9(2)(a) to work through the issues associated with the Oke Bay reserve.

Unfortunately DOC staff are on lock down and working from home, so we are unable to carry out site visits at this stage,

Nga mihi,

From: S9(2)(a)
Sent: Thursday, 2 April 2020 12:58 pm
To: S9(2)(a)
Cc: S9(2)(a), S9(2)(a), S9(2)(a), S9(2)(a), S9(2)(a) <doc.govt.nz>
Subject: Re: 147 Rawhiti Rd. Owner flauting District planning Rules

Please find attach the cadastral map which shows the uncut access /driveway to access our land. (between his lots 5&6) Right where this man is claiming/clearing. S9(2) is this area under the management of doc also? Please advise.

On Wed, 1 Apr 2020, 7:16 PM S9(2)(a) S9(2)(a) wrote:

I see Julian Bachelor is clearing the bush on his property. His property is zoned as outstanding landscape. Seems to be taking advantage of pandemic diversion.

Julian Bachelor has a record of flaunting District Plan rules. FNDC has been sitting on their hands on this developer. Whilst he may own the land, his recent survey does not reconcile with the property boundaries registered to the Maori Land Court. Julian Bachelor continues to develop his property as a commercial function Centre. Maori being the surrounding land owners object to this commercial development using our lands, forests and coastline as the backdrop to his business. That the clearing of the surrounding nature is against the council planning rules and should be halted. There has been no consultation or affected party submissions. Julian Bachelor pleads ignorance and has a multiple number of breaches to answer and all we see is council sitting on their hands.

S9(2) we need some help from DOC to step up on this kaupapa as well. The issue has the potential to escalate beyond just this property. There has been too much dithering on dealing with the Julian Bachelor issues and it needs to be brought to a head before the damage to the outstanding landscape is irreversible. Maori may well need to bring counsel in on this and raise the matter in our Regional Coastal Plan submissions.

S9(2)(a) may be good idea to share the concern with S9(2)(a) and Compliance Team @ FNDC if at least to register Maori land owner concerns.

Nga Mihi

S9(2)(a)

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Out of scope

S9(2)(a)

S9(2)(a)

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Out of scope

b9(2)(a)

b9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: S9(2)(a)
Sent: Monday, 20 March 2023 9:24 am
To: S9(2)(a)
Subject: FW: THE CAPE BRETT WALKING TRACK.

From: S9(2)(a) S9(2)(a) <S9(2)(a)@fndc.govt.nz>
Sent: Friday, September 17, 2021 11:04 AM
To: S9(2)(a) S9(2)(a) <S9(2)(a)@fndc.govt.nz>
Cc: S9(2)(a) S9(2)(a) <S9(2)(a)@fndc.govt.nz>
Subject: THE CAPE BRETT WALKING TRACK.

Morning S9(2)(a)

I have received the email below from Julian Batcheler

Can you advise please.

Maybe we can talk about this when we talk about the Boat ramp.

S9(2)(a)



S9(2)(a)
S9(2)(a)
Far North District Council
09 401 5200 or 24-hour Contact Centre 0800 920 029 | John.Carter@fndc.govt.nz
[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

2. THE CAPE BRETT WALKING TRACK

I own the first 200m of the Cape Brett walking track. Now here's an interesting twist. There is currently no alternative start to the track. That is to say, I could close the track if I wanted to. Maori and DOC share the fees which are collected from trampers who walk the track. Yet I receive nothing. Not even the rates. Conclusion? I own land which the government and Maori are collecting money from, yet I pay all the expenses related to this land. This is akin to the Kaikohe pub owner working the business 7 days a week, but being forced to give the profits to Maori and the government. How is this fair / just/ right? You know the answer John. It's not. What would you do if you were in my situation?

I propose that at the very least DOC increase their Cape Brett walker fees by \$10 per person, giving me the \$10.

I wanted to run both these issues by you to seek your advice. I'd like to make an appointment with you to come to your office to discuss, if that is possible please?

Julian

Get it done online at your convenience, visit our website - www.fndc.govt.nz

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. ask.us@fndc.govt.nz

Address. Memorial Avenue, Private Bag 752, Ka kohe 0440, New Zealand

Please consider the environment before printing this email.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Out of scope

From: S9(2)(a)
Sent: Wednesday, 15 March 2023 8:21 am
To: S9(2)(a)
Subject: FW: 147 Rawhiti Road
Attachments: Site Plan.dwg; Site Plan.pdf

Oke bay survey done by Julian and his surveyor July 2019.

From: S9(2)(a)
Sent: Tuesday, 15 October 2019 9:29 am
To: S9(2)(a); S9(2)(a) <doc.govt.nz>
Subject: FW: 147 Rawhiti Road

Julian has said that you were after a copy of the plan and to call you.
Cant see what the phone call will achieve as I know absolutely nothing about this site.

Plan is attached in both pdf and DWG format, feel free to call with any queries and I will help if I can

Regards

S9(2)(a)

S9(2)(a)



Hauai
2E Block
Oporua Cemetery

RAWHITI ROAD

Lot 3

Lot 9
DP 51670

Lot 5

Lot 6
Bush Area

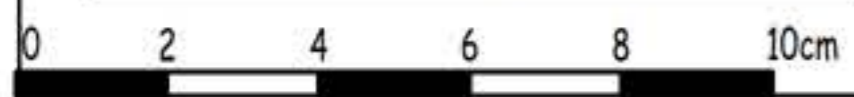
Hauai
2F5 Block

Hauai
2G2B Block

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LEGEND

- + Culvert
- ⊕ Road Sign
- ◇ Telecom Plinth
- + FFL
- Tree
- × Ridge
- + Gutter
- ⊙ Manhole
- ⊞ Cesspit
- Power Pole
- Boundary
- - - Edge of Seal
- - - Bottom of Drain
- Building
- Edge of Concrete
- Retaining Wall
- Fence
- Top of Bank
- Bottom of Bank
- Edge of Bush
- Edge of Metal
- Deck
- Footpath
- Water Tank
- Edge of Track



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This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose whatsoever. Use of this plan and/or the information in it for any other purpose is at the user's risk.

Levels are in terms of LINZ Datum
Origin SM 1648 SO 66620
RL 8.32

Comprised in CT's - NA7C/1439, NA22A/975 & NA7C/1440
Total Area = 18602m²

AMENDMENTS	NAME	DATE

	NAME	DATE
SURVEYED		20-07-19
DESIGNED		
DRAWN		24-07-19

CLIENT	Mr J Batchelor		
DRAWING TITLE	Site Survey of Lots 3, 5 & 6 DP 51670 147 Rawhiti Road Rawhiti		
ORIGINAL SCALE	ORIGINAL SIZE	SHEET NO	
1:500	A1		
DATE	REDUCED SCALE	REF:	218269
July 2019			

From: S9(2)(a)
To: S9(2)(a)
Subject: FW: KA7049 FW: Cape Brett walkway
Date: Monday, 20 March 2023 9:06:12 am
Importance: High

From: Government Services <GovernmentServices@doc.govt.nz>

Sent: Thursday, February 3, 2022 1:40 PM

To: S9(2)(a) S9(2)(a) doc.govt.nz; S9(2)(a) S9(2)(a) doc.govt.nz

Cc: Government Services <GovernmentServices@doc.govt.nz>

Subject: FW: KA7049 FW: Cape Brett walkway

Importance: High

Kia ora S9(2) & S9(2)(a) – Please respond directly to

S9(2) copying in Government Services.

Ngā mihi

S9(2)(a)

From: S9(2)(a) S9(2)(a) @parliament.govt.nz

Sent: Thursday, 3 February 2022 1:11 pm

To: Government Services <GovernmentServices@doc.govt.nz>

Subject: FW: KA7049 FW: Cape Brett walkway

Will this be run by S9(2) and S9(2)(a)

Can we close at the Office end?



S9(2)(a) | S9(2)(a)
Office of Honi Kiriitapu Allan
Minister of Conservation | Minister for Emergency Management | Associate Minister for the Environment |
Associate Minister for Arts, Culture and Heritage
4.5L Executive Wing, Parliament Buildings | Private Bag 18888 | Wellington 6160 | New Zealand
S9(2)(a) S9(2)(a) | E: [S9\(2\)\(a\)@parliament.govt.nz](mailto:S9(2)(a)@parliament.govt.nz)

From: K Allan (MIN)

Sent: Wednesday, 2 February 2022 12:58 PM

To: S9(2)(a) S9(2)(a) @parliament.govt.nz; S9(2)(a)

S9(2)(a) @parliament.govt.nz

Subject: KA7049 FW: Cape Brett walkway

KA7049

From: Julian S9(2)(a)

Sent: Tuesday, 1 February 2022 7:06 PM

To: S9(2)(a) S9(2)(a) doc.govt.nz; S9(2)(a) S9(2)(a) doc.govt.nz; S9(2)(a)

S9(2)(a) K Allan (MIN) <k.allan@ministers.govt.nz>

Subject: Re: Cape Brett walkway

Dear S9(2) and S9(2)(a)

It's now the 1st of February 2022 and still I have not had any kind of update from you regarding the issues raised in my emails to you dated 2/11/21, 3/11/21 and more recently 25/1/22.

You have had a full three months to consider the issues, to come up with a proposal.

You indicated in your correspondence to me dated 1/12/21 that you would likely have a response for me in January 2022.

January has come and gone, and I have heard nothing from you, not even a "we are working on the issues" or "this is taking longer than we thought" or "I am sorry for the delay" - nothing.

Clearly, you are not taking the matter seriously.

Please update me by close of day tomorrow, 2/2/2022

Regards

Julian Batchelor.

On 1/02/2022, at 5:40 PM, S9(2)(a) S9(2)(a) doc.govt.nz wrote:

Kia ora Julian,

Happy New Year. Hope you are well.

DOC has received correspondence from Fusion Events who are planning to re-initiate the Cape Brett

Challenge event. Please see below and attached.

They have been in touch with various people at Rawhiti, but I suggested they should talk to you directly (if they haven't already) as the course includes the entire Cape Brett Track.

I suggested that we make contact with you first to check if you are agreeable to Fusion Event contacting you directly. Alternatively we can provide any responses back.

Ngā mihi,

S9(2)

()

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Out of scope

From: S9(2)(a)
Sent: Tuesday, 27 August 2019 10:41 am
To: S9(2)(a)
Subject: FW: assyst: Statutory land management - Support and advice request with the reference number R169896 has been assigned to you.
Attachments: AK_DP_51670. Oke Bay.png
Follow Up Flag: Follow up
Flag Status: Flagged

Hi S9(2)

This Assyst Request has been assigned to me.

I attach a link to a document that shows the part of Oke Bay Scenic reserve adjacent to 147 Rawhiti Road:
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6053156>

The scenic reserve at this address consists of an access way being Lot 4 DP 51670, and the coastal part being Lot 9 DP 51670.

I also attach DP 51670 as a .png attachment which is the subdivision plan for this location. It shows Lot 4 (access way) and Lot 9 (esplanade reserve).

You can zoom in on this plan and see the words and the Lots that apply.

There are words at Lot 4 that say Lot 4 vested by section 35(3) of the Counties Amendment Act 1961, which means that on deposit of the plan all land shown as access ways, vest in HMQ/DOC.

Napolis advises the land for reserve Was acquired in 1985, and was classified scenic reserve in 1987.

I am however keen to know if the said tribal walkway lies within Lot 4 DP 51670, or is somewhere else?

Thank you-let me know if these plans help with sorting out reserve access to Oke Bay.?

Yours sincerely

S9(2)(a)

Otepoti/Dunedin Shared Services

From: assystrequest@doc.govt.nz <assystrequest@doc.govt.nz>
Sent: Monday, 26 August 2019 9:31 a.m.
To: S9(2)(a) S9(2)(a) doc.govt.nz

Subject: assyst: Statutory land management - Support and advice request with the reference number R169896 has been assigned to you.

Dear S9(2)(a)

The following request has been assigned to you. Please keep this request as up to date as possible.

Reference Number : [R169896](#)
Logged By : S9(2)(a)
Logged Date : 23/08/2019
Priority : High
Required by Date : 06/09/2019
Description :

Context:

At the location of 147 Rawhiti Road, Rawhiti (Oke Bay), there is an ongoing dispute between the land owner and hapu regarding the location of a tribal walkway between the land owner's property and PCL land.

Purpose:

The S9(2)(a) S9(2)(a) would like advice from the SLM team regarding the matter of the tribal walkway. It's believed that in Maori land court in 1968 there was a provision for a tribal walkway between the property and the PCL land, however this is not recorded on either GIS or the land owner's site survey.

Output:

To confirm asap if there is a tribal walkway.

*Please do **NOT** reply to this email, instead click on the above link to start working on the request.*

Many thanks,

S9(2)(a)

S9(2)(a)

Statutory Land Management

DDI: S9(2)(a)

MOB: S9(2)(a)

Department of Conservation

Land Transfer Office

Received 30/1/1963 No. 51670

Title Reference A.I.C.T. 683/56

Referred to L. T. Surveyor

The Lots on this plan have no access to a public road.

Maori No Reg 2D Land M.L. 9143L

Deposited this 21 day of July 1964

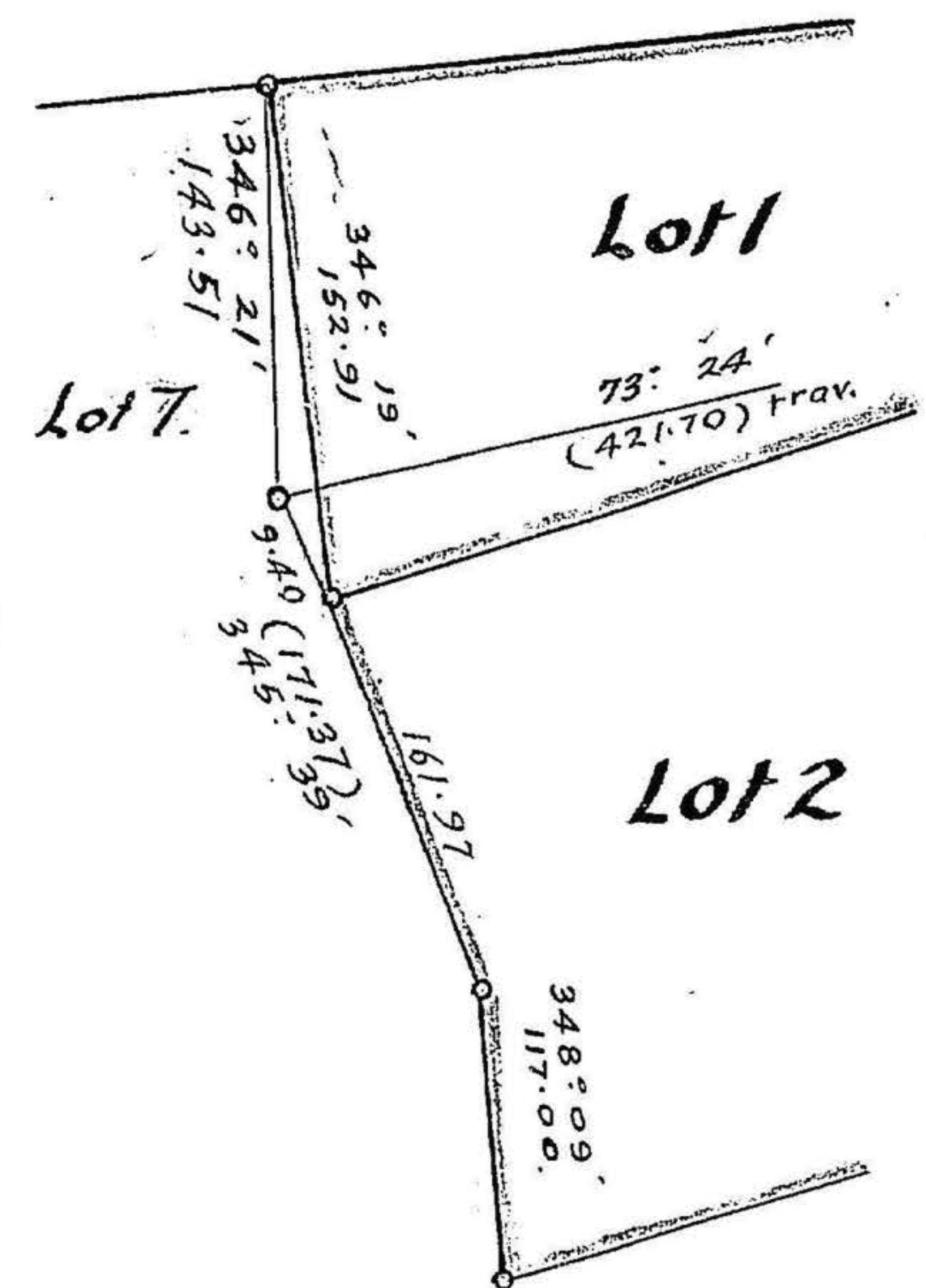


Diagram A not to scale

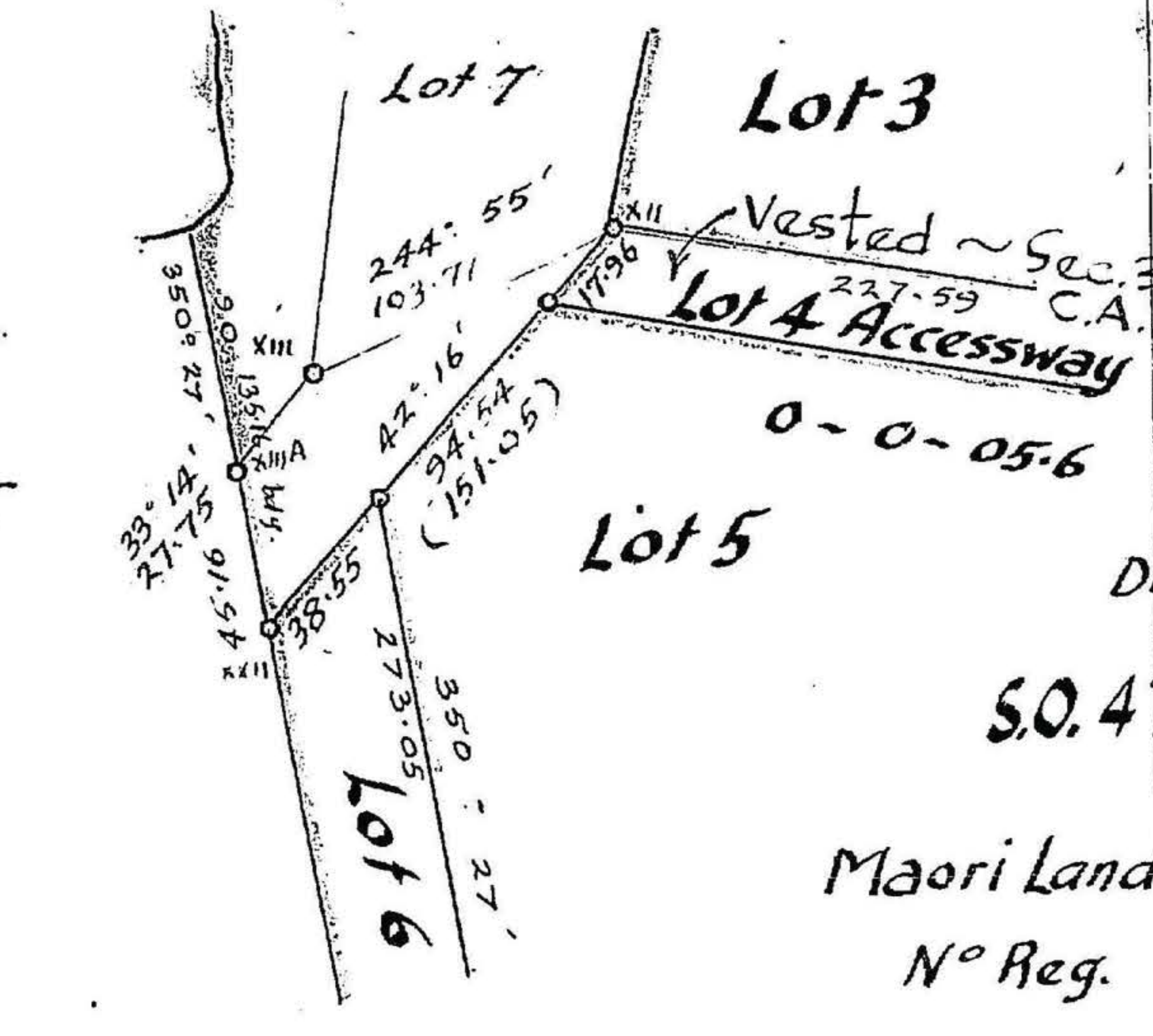


Diagram C not to scale

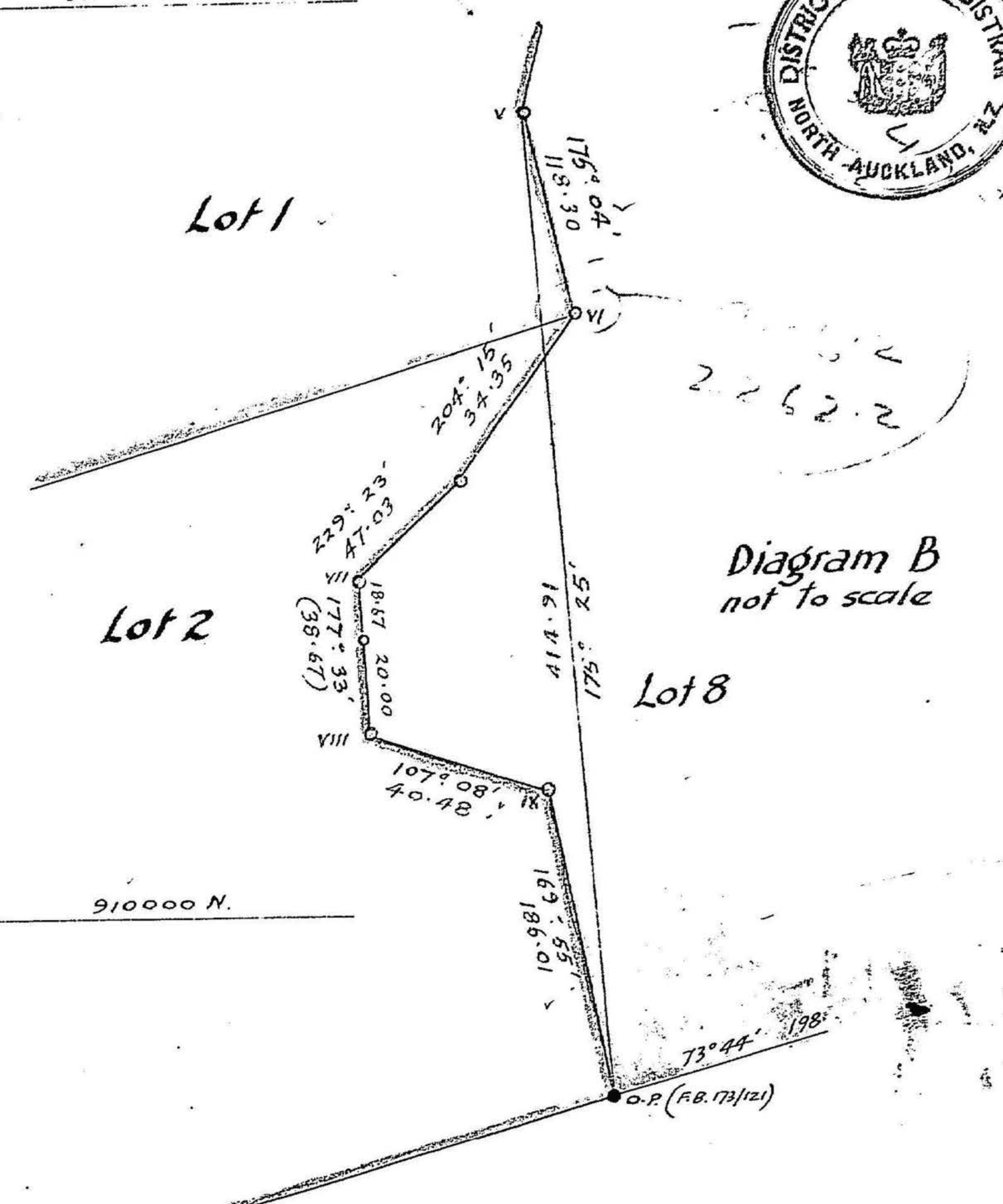
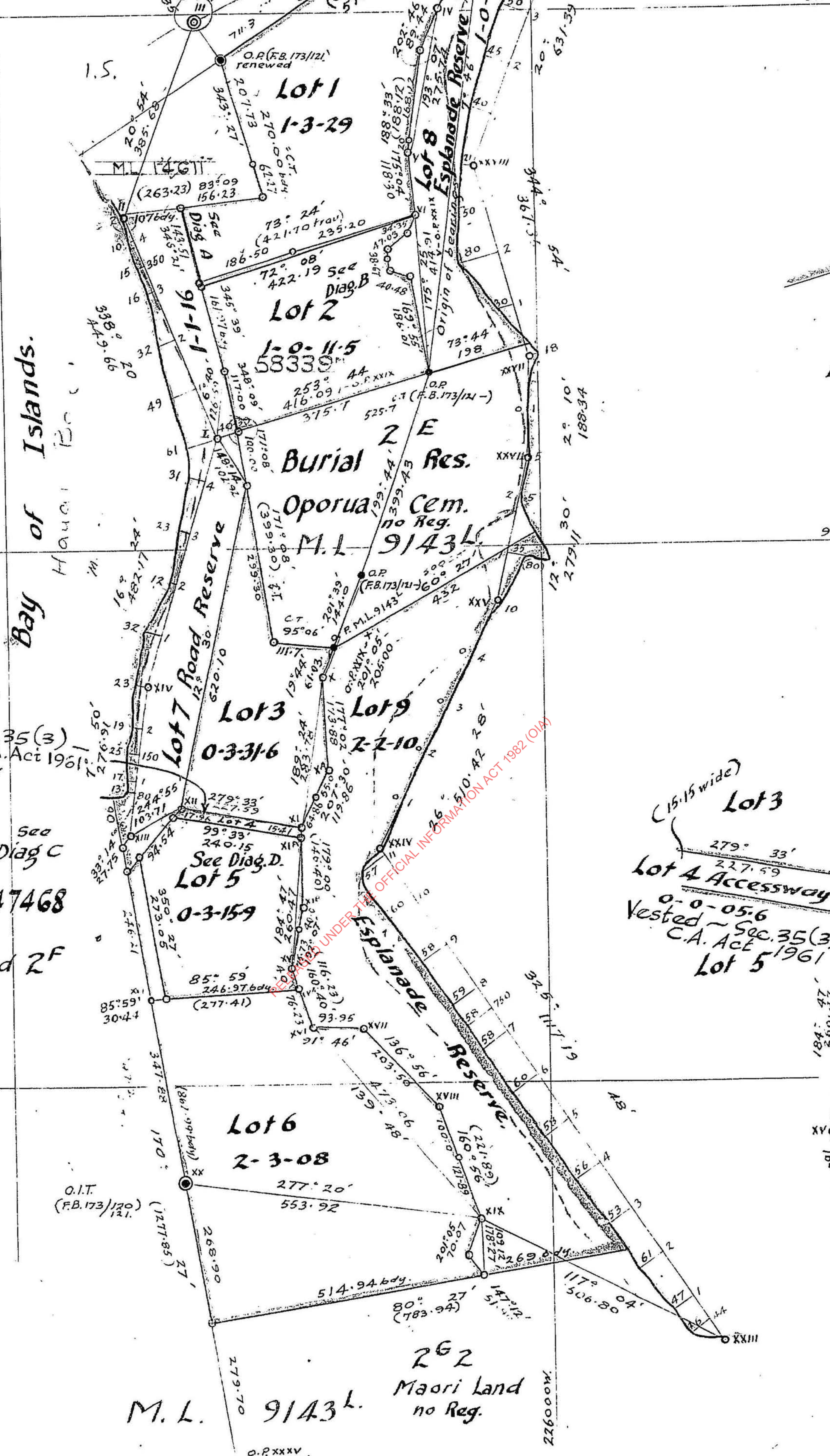


Diagram B not to scale



Diagram D not to scale

LAND & DEEDS Plan Wallace McJ 20 JAN 1963 10.140 Fee: £ 2.10.0 Abstract No. 9676

Pursuant to a resolution of the Bay of Islands County Council dated 21 November 1962 approving under Section 34 of the Counties Amendment Act 1961 this Survey Plan of subdivision, the Common Seal of the Body Corporate called the Chairman Councillors and Inhabitants of the County of Bay of Islands was hereto affixed in the presence of

H. F. Millar Chairman (ex-counsellor) J. E. Griffiths County Clerk

Amendment approved of designation of Lot 7 as Road Reserve Deputy Chief Surveyor 2-7-64 Total Area: 12-2-17-6

Pursuant to a resolution of the Bay of Islands County Council, passed on the 24 day of June 1964 approving under Section 34 of the Counties Amendment Act, 1961, the subdivision shown hereon, the Common Seal of the Chairman, Councillors, and Inhabitants of the County of Bay of Islands was hereto affixed in the presence of:

H. F. Millar Chairman L. G. Doel Councillor

Subdivision of Hauai No 2G 3 Block.

Comprised in C.T. 683/56

Survey Block & District Block XV - Bay of Islands Survey District. Land District North Auckland Local Body Bay of Islands County. Scale 2 Chains to an inch Surveyed by F. G. Fraser Date September 1962

I, Frederick George Fraser, Registered Surveyor and holder of an annual practising certificate, do solemnly and sincerely declare 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. And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland this 12 day of October 1962 before me J. E. Griffiths Justice of the Peace, (or other person authorised to take a statutory declaration.)

Approved Joane Lanford J. E. Griffiths Applicant or Registered Owner

51670

Approved as to Survey Deputy Chief Surveyor 14.10.63 Received Reference plans M.L. 9143, 2418, 12242 Field book 363 p. 1-5, 5A, 5B Traverse book p. 4 Examined by L. G. Doel M.K. Recorded on R 549 J.F. Correct 11-10-63 L. T. Surveyor

Out of scope

From: S9(2)(a)
Sent: Tuesday, 14 January 2020 9:56 am
To: S9(2)(a); S9(2)(a)
Subject: FW: Hauai No 2G 3 Block - Seeking evidence of a tribal walkway - Enquiry 2 E20190012721 (Assyst R169896-closed)
Attachments: RE: Investigation into hauai 2G3

Hi S9(2)(a) and S9(2)(a)

No action needed here!

I sought status information from the MLC concerning the original partition of Hauai 2G in 1918. S9(2)(a) of the Whangarei office responded with S9(2)(a) email below, and my response to that is here too. The attachment of Minute Book records from 1918 era is: DOC-6181755 I have saved the S9(2)(a) email as DOC-6181758.

Yours sincerely

S9(2)(a)

-----Original Message-----

From: S9(2)(a)
Sent: Monday, 13 January 2020 10:38 a.m.
To: S9(2)(a); S9(2)(a) @justice.govt.nz
Subject: RE: Hauai No 2G 3 Block - Seeking evidence of a tribal walkway - Enquiry 2 E20190012721

Tena koe S9(2)(a)

Thank you for this advice helpful to the understanding of the original partition of Hauai 2G.

The S9(2)(a) of your office S9(2)(a) provided Court Minute Book records (1935 era) relating to the alienation of 2G3, where it was agreed in these records for the tribal walkway to be put in place. It is highly likely that Maori then physically put the walkway route into effect, having it marked and fenced as decided in the Court Minute book records. Subsequently however the alienation was contested in a Higher Court, however the alienation was likely approved but omitting an encumbrance Order for the walkway. Thus Thomas Thomson obtained a freehold title without an encumbrance on it for the walkway.

Whether this omission of the agreed walkway can be rectified by the Court remains to be seen., however S9(2)(a) noted with the absence of an Order to create a right of way, the Court registry was unable to act.

Nga mihi

S9(2)(a)
S9(2)(a)

Department of Conservation

Otepoti/Dunedin Office

-----Original Message-----

From: S9(2)(a) S9(2)(a) @justice.govt.nz>

Sent: Monday, 13 January 2020 9:33 a.m.

To: S9(2)(a) S9(2)(a) doc.govt.nz>

Subject: Hauai No 2G 3 Block - Seeking evidence of a tribal walkway - Enquiry 2 E20190012721

Tena koe S9(2)

Further to your email request in respect of the above matter. Please find attached a copy of the original title for Partition Order for the former Hauai No 2G3 supported by a plan and a copy of the Court minutes partitioning the land at a sitting of the Court held at Russell on 22 day of January 1918 recorded at minute book reference 3 BI 140-141.

It is clear from the Court minutes that there is no mention or reference made to any tribal walkway over Hauai No 2G1, Hauai No 2G2 and Hauai No 2G3 when these separate titles were created by Partition Orders on the 22 January 1918.

On 27 March 1936 the former title Hauai No 2G3 was sold to Thomas Thomson. Any subsequent subdivision of this former title when it became European land, the Court is unlikely to hold any records for as the land would have become European/General land in which this court does not maintain any further records.

Upon the property being sold and registered status as European or General land any subdivision of the property or agreement for access entered into over the new titles the Court will not have any title records.

Kia ora

S9(2)(a)
S9(2)(a) | Māori Land Court | Taitokerau District Ministry of Justice | Tāhū o te Ture P +64 9 983 9940 | Ext 396/399
Level 3, Manaia House | 41 Rathbone Street | DX Box AX10086 | Whangarei mlctaitokerau@justice.govt.nz | maorilandcourt.govt.nz "He pou herenga tangata, he pou herenga whenua, he pou whare kōrero"

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- (2) do not act on this email in any other way.

Thank you.

Out of scope

From: S9(2)(a)
Sent: Friday, 6 December 2019 9:58 am
To: S9(2)(a); s9(2)(a)
Cc: S9(2)(a); s9(2)(a)
Subject: RE: Investigation into hauai 2G3

Tena koe S9(2)(a)

My apologies for not reverting following your reply to mine.

S9(2)(a)

I appreciate very much this response, since it informs the parties of any next steps that could potentially be pursued. It would appear that from 'common knowledge' the agreement of the former owner to a right of passage over the property (folio 31 dated 1936) was physically put into effect with such a walkway maintained by the users for pedestrian purposes accessing the urupa. It is unfortunate this walkway appears not to have been legally created.

Presentation of this Minute Book information to any resource consent hearing could enable the territorial authority to consider placing a consent notice that creates a legal instrument as I noted below [esplanade strip or access strip (an RMA instrument-section 232 Resource Management Act 1991)] to formally protect this intention.

Nga mihi

S9(2)(a)

S9(2)(a)

Department of Conservation
Otepoti/Dunedin Office

From: S9(2)(a); S9(2)(a) <S9(2)(a)@justice.govt.nz>
Sent: Friday, 22 November 2019 6:46 a.m.
To: S9(2)(a); S9(2)(a) <S9(2)(a)@doc.govt.nz>; S9(2)(a)
Cc: S9(2)(a); S9(2)(a) <S9(2)(a)@doc.govt.nz>; S9(2)(a)
Subject: RE: Investigation into hauai 2G3

Tena koe S9(2)(a)

The matter that was before the court in 1935 was for the confirmation of an alienation. Although there is reference to an agreement that the proposed right of way should remain on the land, there are a couple of ways that the right of way is formalised. The court would either grant an order creating a right of way; or confirmation of the alienation is to be subject to or conditional on the creation of a right of way.

I have not had opportunity to inspect the alienation agreement to ascertain whether it contains a condition regarding the creation of a right of way. Furthermore, although the minutes record an agreement between the native owners and

the purchaser concerning a right of way, the minutes are silent as to the granting of a right of way pursuant to the Native Land Act 1931 and they are also silent as to a condition that the alienation is subject to the creation of a right of way.

Therefore, in the absence of a court order or conditions placed on the alienation agreement, the court registry is unable to formally record the existence of a right of way against the block.

Nga mihi,

S9(2)



S9(2)(a)
S9(2)(a) - Land Registry | Māori Land Court | Taitokerau District
Ministry of Justice | Tāhū o te Ture
P S9(2)(a)
L2 Manaia House Building | 41 Rathbone Street | DX Box AX10086 | Whangarei
S9(2)(a) justice.govt.nz | maorilandcourt.govt.nz
"He pou herenga tangata, he pou herenga whenua, he pou whare kōrero"

From: S9(2)(a) S9(2)(a) doc.govt.nz>

Sent: Thursday, 21 November 2019 1:32 p.m.

To: S9(2)(a) S9(2)(a) justice.govt.nz>; S9(2)(a)

Cc: S9(2)(a) S9(2)(a) doc.govt.nz>; S9(2)(a)

Subject: RE: Investigation into hauai 2G3

Tena koe S9(2)

This is all very helpful in understanding the basis for the creation of the walkway, it having been agreed to by Mr Thomson in the earlier alienation Court hearings.

While the decision to not alienate the land was overturned at the Appellate Court allowing the alienation to proceed, folio 31 appears to record an agreement that the proposed right of way should remain on the land. Correct me if I am wrong in this interpretation?

If this assumption is correct, would this interest need to be formally recorded on the property involved, and if so, would that be undertaken by Maori Land Court property staff?

Thank you for this helpful information.

S9(2)(a)
S9(2)(a)

Otepoti/Dunedin Shared Services

From: s9(2)(a) SS9(2)(a) <[redacted]@justice.govt.nz>

Sent: Thursday, 21 November 2019 12:31 p.m.

To: s9(2)(a) <[redacted]@doc.govt.nz>

Cc: s9(2)(a) <[redacted]@doc.govt.nz>; s9(2)(a) <[redacted]@doc.govt.nz>

Subject: RE: Investigation into hauai 2G3

Tena koe s9(2)(a) koutou ma,

Thank you for sending the information through yesterday. Based on what you have provided I have been able to locate some court minutes which may assist this case.

The minutes are attached in 3 lots. They all relate to an application to the court to confirm the alienation of Hauai 2G3 to Mr Thomson.

The first hearing was held on 20 February 1935 and is recorded at 14 Bay of Islands minute book 139, 163-164. Folio 139 refers to that area (comprising Hauai 2G3) being the only access between other subdivisions. At folio 163, the judge confirms that he held an inspection of the land. The judge describes the lay of the land and makes reference to the urupa (Hauai 2E) and access between two well populated portions of Rawhiti Settlement. There is also mention of *access to the block runs along the back of Ria Paaka's section and would need to be fenced*. The matter was adjourned.

The matter was back before the court on 17 May 1935 and is recorded at 15 Tokerau minute book 383. At folio 383, Mr Bloomfield (acting for the purchaser Mr Thomson) states that *he has been informed that the purchaser has arranged with the Natives of the Settlement to form a roadway along the front of the block to give access to the other Native land beyond...He (the purchaser) will also put in a path to the urupa*. At folio 386, Mr Thomson is addressing the Court where he says the following: *The resident natives have all agreed to help me to make a right of way or road above high water mark. 9 feet above spring tide...the track could be 9 ft wide to the cemetery. The Natives can fence it if they wish. There will be no difficulty about this access*. At folio 388 the court refused confirmation on the grounds that the alienation is contrary to the interests of the Natives alienating.

Mr Thomson appealed the decision. That application was heard at Auckland on 18 March 1936 and is recorded at 12 Appellate Auckland District minute book 30-33. At folio 31 Mr Bloomfield stated...*as to the right of way we agreed to give it*. The appeal resulted in the lower court decision being overturned and confirmation of the alienation being given.

Concerning a hearing on 24 June 1964 where the subdivision of Hauai 2G3 was approved – I have not been able to locate any court minutes that relate to this matter. It is likely that this matter was dealt with by the Bay of Islands County Council as it would have sought the approval of a subdivision of European land.

I hope this information assists you in your endeavours. Please advise if there is anything further you may require.

Nga mihi



s9(2)(a) <[redacted]@doc.govt.nz>
s9(2)(a) <[redacted]@doc.govt.nz> - Land Registry | Māori Land Court | Taitokerau District
Ministry of Justice | Tāhū o te Ture
s9(2)(a) <[redacted]@doc.govt.nz>
L2 Manaia House Building | 41 Rathbone Street | DX Box AX10086 | Whangarei
s9(2)(a) <[redacted]@doc.govt.nz> | [justice.govt.nz](mailto:[redacted]@justice.govt.nz) | maorilandcourt.govt.nz

"He pou herenga tangata, he pou herenga whenua, he pou whare kōrero"

From: s9(2)(a)
Sent: Wednesday, 20 November 2019 11:21 a.m.
To: s9(2)(a) <s9(2)(a)@doc.govt.nz>
Cc: s9(2)(a) <s9(2)(a)@doc.govt.nz>; s9(2)(a) <s9(2)(a)@justice.govt.nz>; s9(2)(a)
Subject: Re: Investigation into hauai 2G3

s9(2)(ba)(i)

Regards, s9(2)(a)

On Wed, 20 Nov 2019, 10:32 AM s9(2)(a) <s9(2)(a)@doc.govt.nz> wrote:

Tena koe s9(2)(a)

Thank you for supplying this information to me, s9(2) and s9(2)

It may be possible for a surveyor to establish landward survey peg locations of the two esplanade reserves, however it is possible these points have been lost due to erosion of the cliff face.

The majority of esplanade reserve Lot 9 appears now (from aerial photos) to be at the base of the cliff extending out to the high water mark .

If the walkway has been lost to erosion, then an option could be for creation of an esplanade strip or access strip (an RMA instrument-section 232) set back from the top of the cliff face.

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This requires agreement of the owner but is in favour of the Council which administers it. It would be subject to conditions of access and maintenance as per the Act.

S9(2)(a)

S9(2)(a)

Otepoti/Dunedin Shared Services

From: S9(2)(a)

Sent: Wednesday, 20 November 2019 3:54 a.m.

To: S9(2)(a) <S9(2)(a)@doc.govt.nz>; S9(2)(a)@justice.govt.nz; S9(2)(a) <S9(2)(a)@doc.govt.nz>

Cc: S9(2)(a)

Subject: Investigation into hauai 2G3

s9(2)(ba)(i)

s9(2)(ba)(i)

Regards,

s9(2)(a)

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Thank you.

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My query that was mis-directed to MLC Whanganui by the MLC National Office is an attached Outlook item; while a second Outlook item is my original request of 5 September 2019.

Any advice or update would be appreciated please.

Nga mihi

S9(2)(a)
S9(2)(a)

Otepoti/Dunedin Shared Services

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

Lara McDonald

From: mlcnationaloffice <mlcnationaloffice@justice.govt.nz>
Sent: Thursday, 12 September 2019 9:47 am
To: S9(2)(a)
Subject: RE: Hauai No.2G 3 Block- seeking evidence of a tribal walkway

Arohamai S9(2)(a)

I have forwarded all your queries on to our Maori Land Court in Aotea (Advisory Office).

PS- please note they need at least 10 days to respond to your enquiries.

Nga mihi



Name: S9(2)(a)
S9(2)(a) | Māori Land Court | Wellington
Ministry of Justice | Tāhū o te Ture
Ph: S9(2)(a)
L7 Fujitsu Tower | 141 The Terrace | Wellington | DX – SX11203
| mlcpanui@justice.govt.nz

From: S9(2)(a) <S9(2)(a)@doc.govt.nz>
Sent: Thursday, 12 September 2019 9:38 a.m.
To: mlcnationaloffice <mlcnationaloffice@justice.govt.nz>
Subject: RE: Hauai No.2G 3 Block- seeking evidence of a tribal walkway

Tena koutou katoa team at Maori Land Court-National Office

I have not heard back from your office as to whether this email request has been received, and/ or is being acted upon.

Please give me an update which would be appreciated very much.

Nga mihi

S9(2)(a)
S9(2)(a)
Department of Conservation
Otepoti/Dunedin Office

From: S9(2)(a)
Sent: Thursday, 5 September 2019 9:23 a.m.
To: 'mlcnationaloffice@justice.govt.nz' <mlcnationaloffice@justice.govt.nz>
Subject: RE: Hauai No.2G 3 Block- seeking evidence of a tribal walkway

Hi team

I attach the Transfer of Hauai No 2 3 G, to Thomas Thomson in 1918; and the CT that was issued in his name, cancelled title NA683/56.
Do you consider the alleged tribal walkway would be recorded in Minutes of the Maori Land Court since it has not been placed as an encumbrance on the title?

S9(2)(a)

From: S9(2)(a)
Sent: Wednesday, 4 September 2019 11:36 a.m.
To: 'mlcnationaloffice@justice.govt.nz' <mlcnationaloffice@justice.govt.nz>
Subject: RE: Hauai No.2G 3 Block- seeking evidence of a tribal walkway

Hi team

It has been clarified that the tribal walkway passes along the cliff edge, that being on the interface of Lots 3, 4, 5, & 6 with Lot 9 DP 51670.
The walkway links up with Oporua Cemetery near Oke Bay.

S9(2)(a)

From: S9(2)(a)
Sent: Wednesday, 4 September 2019 10:06 a.m.
To: 'mlcnationaloffice@justice.govt.nz' <mlcnationaloffice@justice.govt.nz>
Subject: Hauai No.2G 3 Block- seeking evidence of a tribal walkway

Tena kotou team at Maori Land Court/Justice

The subdivision of Hauai No.2G 3 Block in September 1962 resulted in DP 51670 (North Auckland Land District).

From DP 51670, Lots 4 & 9 became the Oke Bay Scenic reserve administered now by the Department of Conservation. Lot 4 DP 51670 was described on the plan as an access way 17.9 metres wide, which passes from Rawhiti Road reserve (Lot 7) to Lot 9 (scenic reserve).

There is a dispute among local Maori who believe there was provision made in the Maori Land Court in 1968 for a tribal walkway to pass alongside Lot 5 DP 51670.

Queries:

1. Would you confirm that a tribal walkway exists and its location?
2. Please provide the excerpt from the Maori Land Court that attests to this 'tribal walkway'
3. Does the tribal walkway follow the route of the Lot 4 DP 51670 (access way/now scenic reserve)?

Providing answers to this query would be appreciated very much.

Naku noa, na

S9(2)(a)
S9(2)(a)

Otepoti/Dunedin Shared Services

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Thank you.

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CANCELLED

NEW ZEALAND.

Warrant No.
Reference: P.R. folio Vol. 180 Fol. 114.
Transfer No. 282971.



Register-book,
Vol. 683, folio 56.

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the fifteenth day of January, one thousand nine hundred and thirty-seven under the hand and seal of the District Land Registrar of the Land Registration District of AUCKLAND, being a Certificate in lieu of Grant, under ~~Warrant of His Excellency the Governor-General, in exercise of the powers enabling him in that behalf,~~ ^{WAS} Witnesseth that THOMAS THOMSON of Rawhiti, Bay of Islands, Schoolteacher,

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon; subject also to any existing right of the Crown to take and lay off roads under any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon, bordered green, be the several admeasurements a little more or less, which said land ~~is in the said Warrant expressed to have been~~ ^{was} originally acquired by Ware Hiko alias Kataraina Rewha f. as from the twenty-second day of January, one thousand nine hundred and eighteen under The Native Land Act 1909, that is to say: All that parcel of land containing eleven acres three roods and six perches more or less being the Block situated in Block XV of the Bay of Islands Survey District called Hauai No. 2G Section 3.

Deputy District Land Registrar.

XV. Bay of Islands S. D.



The land comprised herein is subject to the restrictions imposed by Section 248 of The Native Land Act 1931.

Transfer 357375 Thomas Thomson Dy. Dist. L.R. to Jean Elizabeth Griffiths and Dorothy Joan Lawford both of Auckland married women, tenants in common in equal shares. Produced 15/4/1943 at 12.25 pm.

Pursuant to section 35 (3) of the Counties Amendment Act 1961, Lot(s) 4 Plan 51670 is/are vested in Her Majesty the Queen as Access Way

Pursuant to section 35 (3) of the Counties Amendment Act 1961, Lot(s) 7 Plan 51670 is/are vested in Her Majesty the Queen as Road Reserve

Pursuant to section 35 (4) of the Counties Amendment Act 1961, Lots 8 and 9 plan 51670 are vested in the Chairman, Councillors, and inhabitants of the County of Bay of Islands as a reserve for Esplanade subject to the Reserve and Domains Act 1953.

CANCELLED

Compiled N. E. Price

A.104.541 Transfer of Lot(s) 1 and 5 Plan 51670 to Diana Yates and John Hennes Griffiths, as tenants in common in equal shares. Produced 20-9-1965 at 10.23 oc. 7A/428.

CANCELLED.

A:125240 Transfer of Lots 2, 3 and 6
Plan 51670 to Peter Elliott Lawford,
John Elliott Lawford and Mary-Ann
Beatrice Lawford as tenants in common
in equal shares. Produced 22.12.1968⁵ at
1.506'c.

Lot 2 Vol 7C Fol. 1438 *HLR*

Lot 3 Vol 7C Fol. 1438³⁹

Lot 6 Vol 7C Fol. 1438⁴⁰

recurrence. HLR

- Cancelled (excepting the lots
being vested)

B 384998.1 Transfer of Lot 4 Plan 51670 to
Her Majesty the Queen for the purpose of an
accessway - 25.2.1985 at 1.380'c
558/1185 *HLR*

B 384998.1 Transfer of Lots 8 and 9 Plan
51670 to Her Majesty the Queen as Esplanade
Reserves Subject to the Reserves Act 1977
- 25.2.1985 at 1.380'c *HLR*

Lot 8: 558/1184 Lot 9: 558/1185

Cancelled

B 384998.1 Resolution under Section 111(1) Reserves Act 1977
dedicating Lot 7 Plan 51670 as road - 9.12.1985 at
7.25'c *HLR*

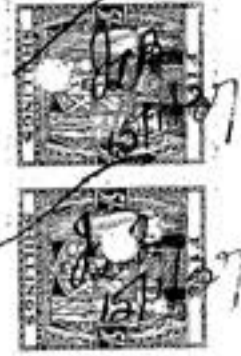
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(C) Approved by the District Land Registrar, Auckland. No. 1000.

Memorandum of Transfer.



WE, THE ABORIGINAL NATIVES of the Dominion of New Zealand whose names are set out in the first column of the schedule hereto being registered as proprietors of an estate in fee simple as tenants in common in equal shares subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon, in that piece of land situated in the **Provincial District of Auckland** containing by admeasurement ELEVEN ACRES THREE ROODS AND SIX PERCHES be the same a little more or less being the whole of that piece of land called or known by the name of **HAUAI NO. 2 G NO. 3** and being the whole of the land comprised in an Order of The Native Land Court on Partition bearing date the twenty second day of January One thousand nine hundred and eighteen and being all of the land comprised and described in Volume 180 Folio 114 of the Provisional Register Book in the Lands Registry Office at Auckland

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

In consideration of the sum of SIXTY POUNDS (£60. 0. 0) paid to us by THOMAS THOMSON of Rawhiti, Bay of Islands, Schoolteacher,.....

Do hereby transfer to the said THOMAS THOMSON all our estate and interest in the said piece of land above described.

IN WITNESS WHEREOF the said parties have hereunto subscribed their names.

-: THE SCHEDULE :-

1st Column	2nd Column	3rd Column	4th Column
<u>NAME</u>		<u>SIGNATURES</u>	<u>WITNESS AND DATE</u>
<u>HONE HIKO</u>	£10	Hone Hiko	Signed by the said Hone Hiko in my presence this 3 rd day of April 1935 and I certify that the said Hone Hiko has a knowledge of the English language sufficient to enable him to understand and that he did understand the meaning and effect of the foregoing transfer before he signed the same J. Cameron Chief Postmaster
<u>PORI HIKO</u>	£10	Pori Hiko Porivira Hiko	Signed by the said Pori Hiko alias Porivira Hiko in my presence this 8 th day of Oct 1934 and I certify that he has a knowledge of English sufficient to understand and that he did understand the meaning and effect of the foregoing transfer before he signed the same J. Cameron Chief Postmaster
<u>KUIA HIKO</u>	£10	Kuia Hiko	Signed by the said Kuia Hiko in my presence and I certify that she had a knowledge of English sufficient to understand and that she did understand the meaning and effect of the foregoing transfer before she signed the same J. Cameron Chief Postmaster
<u>TUREITI HIKO</u>	£10	Tureiti Hiko	Signed by the said Tureiti Hiko in my presence this 18 th day of February 1935 and I certify that she has a knowledge of English sufficient to understand and that she did understand the meaning and effect of the foregoing transfer before she signed the same J. Cameron Chief Postmaster
	In witness whereof these presents have been executed this day of		One thousand nine hundred and thirty
	Signed by the said		
<u>HURI HIKO</u>	£10	Huri Hiko	Signed by the said Huri Hiko in my presence and I certify that he has a knowledge of English sufficient to understand and that he did understand the meaning and effect of the foregoing transfer before he signed the same. Date this 18 th day of February 1935 J. Cameron Chief Postmaster
<u>RUIHA HIKO</u>	£10	Ruiha Hiko	Signed by the said Ruiha Hiko in my presence this 11 th day of March 1935 and I hereby certify that the said Ruiha Hiko has a knowledge of English sufficient to understand and that she did understand the meaning and effect of the foregoing transfer before she signed the same B. J. Rae Acting Postmaster 11 th March 1935

In the Native Appellate Court
of New Zealand
Tokerau District:

CERTIFICATE OF CONFIRMATION

The Native Land Act 1931 and its Amendments
and Section 13 Native Purposes Act 1935.

AT a sitting of the Native Appellate Court held at Auckland
on the 18th day of March, 1936, before Robert Noble Jones,
Esquire, Chief Judge, and Charles Edward MacCormick, Esquire,
Judge.

WHEREAS the said Court after due enquiry is satisfied that
the alienation purporting to be effected by the within deed
has been effected in all respects in accordance with the law
in force at the time of the execution thereof and as to all
matters upon which the said Court is by law required to be
satisfied the said Court hereby confirms the alienation
purporting to be effected by the within deed.

AS WITNESS the hand of the Chief Judge and the Seal of the
Court this 27th day of March, 1936..



R. Jones

CHIEF JUDGE.

*with
Solicitor
Wellington*

*Victor
Auckland 25th February 1935*

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

No. 282971

TRANSFER OF Hauai No. 2 & No. 3.

Correct for the purposes of the Land Transfer Act.



Lawrence Spackling

Solicitor for the Purchaser.

NATIVE OWNERS Vendor.

NORTH

THOMAS THOMSON Purchaser.

Particulars entered in the Register-Book, *Provisional*

Vol. 180 Folio 114
the 15th day of *January* 1937
at 2:24 o'clock.

Lawrence Spackling
Land Registrar
of the District of Auckland.



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982 (OIA)

95/4/10

✓
PARR & BLOMFIELD,
SOLICITORS,
AUCKLAND, N.Z.

15/1/1937
10/1
2:24