



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2022-4584

12th January 2023

[REDACTED]
[REDACTED]

Dear [REDACTED]

I refer to your email of 28 November 2022 requesting, under the Official Information Act 1982 (OIA), *details of relevant statutes, proclamations, orders in council, etc, that have provided the formal basis for the designation of the following areas, all of which are marked on LINZ's current marine charts:*

- (1) *Defence area at Stanley Bay, Waitemata Harbour.*
- (2) *Defence area at Ngataranga Bay, Waitemata Harbour.*
- (3) *Defence area at Kauri Point, Waitemata Harbour.*
- (4) *Explosive Safety Zones at Kauri Point, Waitemata Harbour.*
- (5) *Defence area at Harrier Point, Waitemata Harbour*
- (6) *Explosives dumping ground (disused), Inner Hauraki Gulf (between Tiritiri Matangi Island and The Noises).*

Unfortunately, historic documentation regarding the initial establishment of these areas is not held by the New Zealand Defence Force. Given the length of time that has passed, this information may now be held by Archives NZ. Defence Areas are defined under section 2 of the Defence Act 1990 as:

defence area means any land, water, or part of the seabed, or any building, or part of a building, either in New Zealand or elsewhere, that is set apart, used, or occupied for the purposes of the Defence Force, whether the property is owned by the Crown or is used or occupied by or on behalf of the Defence Force with the consent of the owner or is requisitioned under section 10(2)(b); and more particularly includes—

- (a) every naval establishment, army camp, and air force base:*
- (b) any arsenal and any other place used for the purpose of building, repairing, making, or storing munitions or equipment for or belonging to the Defence Force:*
- (c) any land, or any building or part of a building, declared by Order in Council (see subsection (5)) or Defence Force Order to be a defence area for the purposes of this Act*

At Enclosure One, is an extract from Defence Force Order (DFO) 4/2016 declaring various areas around Auckland as Defence Areas as provided for under subsection (c) above. This DFO was superseded by DFO 20 and a copy of Annex 3F regarding the HMNZS Philomel Defence Area is provided at Enclosure Two.

On 13 December 2022, you provided screenshots of Land Information New Zealand (LINZ) marine charts for the areas you listed. The historical basis for the establishment of these areas was through the *General Harbour (Nautical and Miscellaneous) Regulations 1968,*

*Section 64, Crown property used for defence purposes.*¹ The current statutory basis for the notations is through *Maritime Rules Part 91, Navigations Safety Rules 91.15, Distance from vessels showing Flag B and defence premises.*²

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely



PP

AJ WOODS

Air Commodore

Chief of Staff HQNZDF

Enclosures:

1. Extract from DFO 4/2016
2. DFO 20, Annex 3F

¹ http://www.nzlii.org/nz/legis/num_reg/ghamr1968485/

² <https://www.maritimenz.govt.nz/content/rules/part-91/Part91-maritime-rule.pdf>

Schedule 5

COMMANDING OFFICER HMNZS PHILOMEL

1. In order to make effective provision for maintaining the security of all New Zealand Defence Force Defence Areas, I declare the following places to be Defence Areas in accordance with Section 2 of the Defence Act 1990:
 - a. Whangaparaoa Defence Area, Whangaparaoa Road, Whangaparaoa. Including:
 - (1) The Tamaki Leadership Centre with training facilities and weapon ranges;
 - (2) The 9.2 inch tunnels, previously known as the sub-depot for ammunition stowage; and
 - (3) The historical site, Degaussing Hutt at Shakespear Regional Park
 - b. Devonport Naval Base, Queens Parade, Devonport.
 - c. North Shore Defence Housing areas in Devonport, Bayswater, Belmont, Takapuna, Hauraki, Northcote and Chatswood.
 - d. Ngataranga Bay reclamation area, Devonport. Including:
 - (1) Te Taua Moana Marae;
 - (2) Sea Safety Training Squadron;
 - (3) Naval Sports Complex; and
 - (4) Other recreational facilities on site.
 - e. Narrow Neck, 130 Vauxhall Road, Devonport.
 - f. Naval Museum (Torpedo Bay), 64 King Edward Parade, Devonport.
 - g. Defence Ammunition Depot, Kauri Point, Onetaunga Road, Birkenhead.
 - h. Great Barrier Island Naval Laboratory and Acoustic Range, Aotea Road, Great Barrier Island.
2. Acting pursuant to Regulation 2 of the Defence Regulations 1990, I declare:

The officer for the time being holding the appointment of Commanding Officer HMNZS PHILOMEL is to be the Officer in Charge of these Defence Areas for the purposes of the Defence Regulations 1990.

Effective Date

3. This Schedule is effective from this 19th day of May 2017.

Cancellations and Supersessions

4. On the signing of this DFO, the following are cancelled:
 - a. Navy Order 24/2012, para 2; and
 - b. Any previous Officer in Charge of Defence Area appointments otherwise promulgated.

ANNEX 3F

Commanding Office HMNZS Philomel

1. In order to make effective provision for maintaining the security of all New Zealand Defence Force (NZDF) Defence Areas, I declare the following places to be Defence Areas in accordance with section 2 of the [Defence Act 1990](#)—
 - a. Devonport Naval Base, Queens Parade, Devonport.
 - b. North Shore Defence Housing areas in Devonport, Bayswater, Belmont, Takapuna, Hauraki, Northcote and Chatswood.
 - c. Ngataranga Bay reclamation area, Devonport including—
 - (1) Te Taua Moana Marae;
 - (2) Sea Safety Training Squadron;
 - (3) Naval Sports Complex; and
 - (4) other recreational facilities on site.
 - d. Narrow Neck, 130 Vauxhall Road, Devonport.
 - e. Whangaparaoa Defence Area, Whangaparaoa Road, Whangaparaoa including—
 - (1) the Tamaki Leadership Centre with training facilities and weapon ranges;
 - (2) the 9.2 inch tunnels, previously known as the sub-depot for ammunition stowage; and
 - (3) the historical site, Degaussing Hutt at Shakespear Regional Park.
 - f. Naval Museum (Torpedo Bay), 64 King Edward Parade, Devonport.
 - g. Defence Ammunition Depot, Kauri Point, Onetaunga Road, Birkenhead.
 - h. Great Barrier Island Naval Laboratory and Acoustic Range, Aotea Road, Great Barrier Island.
 - i. Academic School, Triton Drive, Albany.
2. Collectively, these premises are to be known as the HMNZS Philomel Defence Area.
3. Acting pursuant to regulation 2 of the [Defence Regulations 1990](#), I declare the officer for the time being holding the appointment of Commanding Officer HMNZS Philomel is to be the officer in charge of HMNZS Philomel Defence Area for the purposes of the [Defence Regulations 1990](#).