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IN THE WAITANGI TRIBUNAL **Wai 898**
Wai 1606

UNDER the Treaty of Waitangi Act 1975

IN THE MATTER OF the Rohe Pōtae District Inquiry

AND

IN THE MATTER OF a site visit during hearing week 12

MEMORANDUM OF COUNSEL FOR THE CLAIMANT LIANE GREEN SEEKING LEAVE TO CARRY OUT A SITE VISIT ON SUNDAY 4 MAY 2014 AS PART OF THE WEEK 12 HEARINGS

Dated: 11th April 2014

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MEMORANDUM OF COUNSEL FOR THE CLAIMANT LIANE GREEN SEEKING LEAVE TO CARRY OUT A SITE VISIT ON SUNDAY 4 MAY 2014 AS PART OF THE WEEK 12 HEARINGS

MAY IT PLEASE THE TRIBUNAL:

1. The Claimant Liane Green brings a claim for herself and on behalf of Ngati Peehi and Ngati Te Kanawa.

2. The Claimant's claim alleges historical breaches of the Treaty of Waitangi.

3. The Claimant will adduce evidence during the week 12 hearings at Oparure Marae.

4. By this memorandum the Claimant seeks the leave of the Tribunal to carry out a site visit as part of hearing week 12 and as part of her presentation of evidence for her claim. (Appendix B, Wai 898, 2.5.139 and 2.6.6 at para 1.3.

Sites to be Visited

5. It is proposed that two sites close to the town of Te Kuiti be visited by the Tribunal, counsel for the Crown, Claimant's counsel and Claimants. The sites are:

    5.1 Te Ana Ureure – Maniapoto's cave (**See attached Map Number 2**). The map reference for this site is latitude 38.291823, longitude 175.182281 on topographical map www.nztopomap.co.nz. It is on land adjacent to, and on the eastern side of Hangatiki East Road, Te Kuiti, approximately 5 kilometres from Te Kuiti town; and

5.2 Sewage ponds at Te Kuiti (**See attached Map Number 1**). The map reference for this site is latitude 38.314521, longitude 175.151296 on www.nztopomap.co.nz. It is on Somerville Road, Te Kuiti, 2.5 kilometres from the Te Kuiti town.

6. Incidental sites that will be passed if the site visit is approved will include:

6.1 The old Te Kumi Marae on the flats on the north side of Te Kuiti, very close to where the sewage ponds now are;

6.2 The Mangaokewa Stream. The Mangaokewa Stream will be crossed twice during the proposed site visits and the Tribunal and others will have an opportunity to briefly see its current state; and

6.3 The Te Kuiti Aerodrome, which is the subject of a case study in the *Public Works and Other Takings in Te Rohe Potae District* report by David Alexander, at page 629 will be passed twice. This is the subject of a claim to be heard in week 12.

Te Ana Ureure

7. Te Ana Ureure is a limestone cave on the Te Kumi A55 block. It is a wahi tapu. It is also known as Maniapoto's cave. Notwithstanding that name, it is a cave that was occupied by Te Kanawa Pango, the famous Maniapoto Rangatira and Toa.

8. The cave is adjacent to a limestone quarry presently operated by a firm named Omnia and previously by Superfine. The land and the cave on it are vested in trustees, including the Claimant's brother, Tony Green and others.

9. The visit to the cave is relevant, not only because of its historical significance, but because the structural integrity of the cave was compromised by blasting in the limestone quarry, which resulted in the trustees threatening Court action. The caves have been damaged but still retaln some semblance of their original appearance.

10. The Claimant's claim (Wai 1606) claims inter alia that the Crown has failed in its obligation to protect wahi tapu (Claimant, Second Amended Statement of Claim, paragraphs 185-190. This is an issue also identified in the Tribunal Statement of Issues at paragraph 23.13 to 23.17.

Sewage Ponds

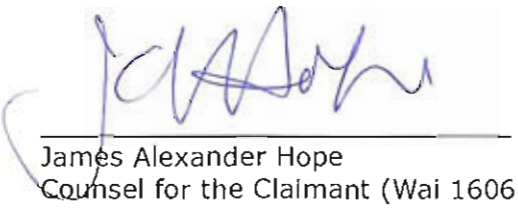
11. The Te Kuiti sewage ponds are particularly relevant to the Claimant's environmental claim in respect of the Mangaokewa Stream. The Claimant claims that the Mangaokewa stream has been degraded and damaged as a result of Crown actions (Second Amended Statement of Claim, paragraphs 68-84) and that the Crown by its actions has damaged the environment (Second Amended Statement of Claim paragraphs 102-133). This is also referred to in the Tribunal Statement of Issues at pararaphs 20.1 to 20.4 and 20.13 to 20.20.

12. Both of the above sites are near the Claimants marae, Te Korapatu (**See attached Map Number 3**) which can be found at map reference latitude 38.300445, longitude 175.182281 on www.nztopomap.co.nz. It is on Hangatiki East Road, Te Kuiti, 3 kilometres from the Te Kuiti town. Note that it is not proposed that there be a site visit to the marae. Reference to the marae is simply to show that the two locations for the proposed site visits are close to the marae and the Mangaokewa stream which flows parallels to Hangatiki East Road and the railway line.

CFRT Funding Application

13. The site visit, if approved, will be depend on funding from CFRT. An application is being made.

Dated this 11th day of April 2014



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