INDEX AND APPENDICES TO THE ANSWERS OF QUESTIONS OF CLARIFICATION FOR BRIEF OF EVIDENCE OF DERMOT O'SHEA (#J27(c))

Attachment:	Page reference:	Description:
A	1	Original letter written by the County Clerk dated 21 July 1954
B	2-3	Letter to Waitomo District Council dated 30 October 2008
C	4-5	Letter to Waitomo County Council regarding the ongoing rates problem for Te Maika dated 2 March 1972
D	6	Letter from Minister of Māori Affairs Hon John Luxton to Dermot O'Shea dated 20 March 1996

RECEIVED
Waitangi Tribunal
4 Jul 2014
Ministry of Justice
WELLINGTON

"A"

KAWHIA COUNTY COUNCIL

P.O. Box 5

PHONES:
OFFICE 15 M
COUNTY CLERK, RESIDENCE 15 K
ENGINEER, RESIDENCE 38

COUNTY OFFICE:
KAWHIA, N.Z.

21st July, 1954.

Mr. W. Poutapu,
Secretary,
Great South Road,
NGARUAWAHIA.

Dear Sir,

re: PARAWAI - TE MAIKA BLOCK

I have to acknowledge your letter of the 29th June and in reply advise that with reference to the above the position generally is as follows :-

1. The right to occupy certain areas of the Road Reserve in Te Maika has been granted certain people.

2. The occupiers are there, solely at the pleasure of the Council and the Council reserves the right to serve thirty days notice on them, to remove any buildings erected.

3. Occupation is for holiday purposes only.

4. A rental of £2 per annum is paid.

I may add further, that it was only at the request of people who were unable to buy any sections, that the Council did make available areas of Road Reserve at a peppercorn rental.

Also, that if King Koroki would be prepared to sell sections the Council would recommend to bach owners, that they negotiate with him or alternatively that if he is not prepared to sell direct to them, would he be prepared to sell a block direct to the Council.

H-8-5-1
Page 60

Yours faithfully,

D.B. Cunneen.
COUNTY CLERK.

"B"

10 October 2008

Chief Executive Officer
Waitomo District Council
P O Box 404
TE KUITI 3910

Dear Sir

TE MAIKA TRUST – VALUATION NO. 05791-08500

As you will be aware we act for the Te Maika Trust. You will also be aware the Te Maika Trust owns a property of approximately 144 hectares at the south entrance to the Kawhia Harbour. There is no road access to this property.

The Trust is in the process of completing a planning proposal to comply with your current district scheme.

However, the purpose of this letter is to register the Trust's concern about the inequality and unjustified rate increases.

Over recent time the Trust has paid the following rates:

Year ending 30 June 2006	$2,400.45
Year ending 30 June 2007	$2,557.60
Year ending 30 June 2008	$3,372.65
and now for the year ending 30 June 2009 the rates to be paid	$7,113.75

While the Trust appreciates that rates need to be paid, an analysis of the description of your rates shows that your Council is taking advantage of what can only be described as an inequitable system.

For example:-

- Solid waste management - This is new. According to the information this is for a uniform annual charge levy to part fund the solid waste management activity that involves the management of the recycling at

transfer stations. It is completely impossible, because of the lack of road access for the Trust to use this system.

- Storm water rural – how does this have any bearing on the Trust. There is no storm water rural system in the area.

- Targeted services rural – this fund as we understand used unsubsidised roading activity. This has no effect on the Trust whatsoever, because of Council's decision not to have road access.

- The land transport rate – this we realise is to better fund the Waitomo District roading network. Once again however, the Trust has no road access.

- Uniform annual charge – we are not sure what this is for, but it is obviously something different to the general rate.

In the past the Trust has a good relationship with the Waitomo District Council and therefore would like to have a meeting with you to find a solution to this matter.

Yours faithfully
O'SHEAS

Per:
DERMOT B O'SHEA
Consultant
TEM450/7

"C"

BRYAN DAVID O'SHEA, LL.B.
DERMOT BRYAN O'SHEA, LL.B.

O'SHEA & O'SHEA
BARRISTERS AND SOLICITORS

GRANTS CHAMBERS, NGARUAWAHIA, N.Z.

TELEPHONE 6793 (2 lines)
P.O. BOX 20
NGARUAWAHIA

your reply please refer to:
Mr. Bryan O'Shea

2nd March 1972

The Clerk,
Waitomo County Council,
P.O. Box 74,
TE KUITI.

Dear Sir,

re: Te Maika Sea Side resort

We wish to make a report to you regarding the land at Te Maika which is known on Title records as Parawai Township. This land is vested in the Maori Queen, Dame Te Atairangikaahu but is now being administered on her behalf by three attorneys, namely Mr. H.G. Forbes, Mr. Kiwi Retemeyer and our Mr. B.D. O'Shea.

The land was originally owned by the Ngati Mahuta and was under the jurisdiction of the Maori Land Court. About 80 years ago the Government decided to make the area a Native Township hoping to settle Maoris in the newly created town. Accordingly the land was vested in the Crown and surveyed into sections. However the area did not develop as expected so the Crown decided to hand it back to the owners, the Ngati Mahuta, which is a sub-tribe of the Waikato. The Ngati Mahuta at an assembled meeting of owners decided unanimously that the land should be handed over to the Maori King as a gift and at their request the Crown transfered the land to the Maori King. He, with his successors, felt it was a gift to his office rather than to him personally. Rents have always been paid either through the Maori Trustee or through this firm with practically all of it now coming through this firm.

About 15 years ago Mr. B.D. O'Shea made arrangements with the old Kawhia County Council for a further sub-division of some of the land at Te Maika and it was then agreed that rates need not be paid on the non-leased sections but, as a section was leased, the current rates on that section would be paid by the owner and thereafter the rates would be levied on, and paid by, the lessee. With the increase in the leasing of sections, the rating authority obtained increased rates each year.

Copy to
Hon H.G. Forbes, 4 R.D. Te Kuiti
K Retemeyer 3a Herdon Rd, Hamilton

The present owner does not personally act in dealings with the Te Maika land but as above mentioned has appointed three attorneys and a copy of the power of attorney has been registered in the Land Transfer Office at Hamilton.

The attorneys would be happy to fall in with any proposed development in the area but do not have the finance necessary to provide any substantial planning or works. Lessees have been informed that we expect their co-operation in any development which might be planned in such matters as the supply of services, roading, sub-division and so forth. These would be of a progressive nature without spoiling the present environment and amenities that exist there now. The lessees without exception have expressed a willingness to co-operate.

We wish to point out that this peninsula has some very special historical features. In ancient Maori times it was the home of the Ngati Toa and was held by them until they and their illustrious chief Te Rauparaha were ousted by Waikato. At Te Maika itself there is a swamp which is virtually a sanctuary for native life and we have been informed that this habitat of unusual sea bird life should be preserved. We intend to do this and know that your Council would support this thinking.

The attorneys have been instructed to hold rents from the area for the development of Te Maika and, as you will know from your records, although the rents are not substantial they will accumulate into a reasonably satisfactory amount after a period of time.

Our Mr. B.D. O'Shea who has been connected with this Block for some 20 years would be prepared to attend before your Council, on any occasion you wish, to enlarge on this letter or to supply the members with any further information they require with a view to allowing the previous arrangement with the Kawhia County Council to continue.

Yours faithfully,
O'SHEA & O'SHEA

per B.D. O'Shea

PM

"D"

RECEIVED
22 MAR 1996
Ans'd.....

OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND

20 March 1996

Dermot O'Shea
O'Sheas Barristers and Solicitors
PO Box 460
HAMILTON

Tēnā koe Dermot

Thank you for your letter of 27 February forwarding a copy of submissions on behalf of the Te Maika Trustees.

In order for the Office of Treaty Settlements to enter into negotiations with claimant groups on behalf of the Crown, claims must first be registered with the Waitangi Tribunal. My officials have contacted the Office of Treaty Settlements who note that your clients have not registered their claim at this stage. I would therefore suggest that you forward your clients' submission to the Tribunal at the following address, and request that it be registered as a statement of claim:

Waitangi Tribunal
PO Box 5022
Wellington
Attention: Mr Geoff Melvin

Finally, I would like to point out that your clients have the option to have their claim heard by the Waitangi Tribunal, or to enter into direct negotiations with the Office of Treaty Settlements. Enclosed is a copy of the Office of Treaty Settlements' publication on the process for direct negotiation with the Crown for your further information. I hope this information is of assistance to you.

Heoi anō

Hon John Luxton
Minister of Māori Affairs