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A Report Commissioned by the Waitangi Tribunal

for the Taranaki claim (Wai 143)
concerning

MANGATI E

by Suzanne Woodley

June 1995

Any conclusions drawn or opinions expressed
are those of the author

1 Note about the Author

My name is Suzanne Woodley. I completed a Bachelor of Arts majoring in sociology at Canterbury University in 1987 and am currently working part time towards a History Honours degree at Victoria University. I have been working at the Waitangi Tribunal as a researcher since February 1992. Prior to this I worked as a claims administrator for the Tribunal for eighteen months. I have completed exploratory reports for the Tribunal on the Sewage Rates claim (Wai 115), the Whangarae 1C claim (Wai 184), the Manaia 1C claim (Wai 148), the Manaia 1B and 2B claim (Wai 285), the Tuhua claim (Wai 158) and the Matakana Island claims (Wai 228 and 266). I was commissioned by the Tribunal to produce this and other Taranaki "ancillary" or discrete claims in August 1993.

2 Location

Mangati E, consisting of 82 acres, is located in the Bell Block which is between New Plymouth and Waitara. Its legal description is section 27 Mangati Native Reserve, Bell District, Block II Paritutu Survey District.

3 The Claim

In 1968 Mangati E was compulsorily taken under the Public Works Act 1928 for sewage disposal works. The claimants state that the land was taken and then Bell Block was built.[1]

According to the claimants Mangati is known as the "blanket of Turi, where he landed his waka and set his blanket down". It was also the tribal base.[2] When Mangati was reserved in 1848 the Puketapu hapu of Te Ati Awa were awarded the land. Evidence from the Puketapu hapu stated that streams such as Mangati (which lies within the Mangati block) had "always been a major resource for the tribe". Claimant Edward Tamati of Puketapu records staying at the seaside at Mangati which he said was a "popular area for the gathering of kaimoana".[3]
When Danny Keenan of Ngati Te Whiti (also a hapu of Te Atiawa) explained about the changing boundaries of Ngati Te Whiti, he mentioned that Mangati, was once a recognised fishing station of Ngati Te Whiti. It is certain, he states, that Ngati Te Whiti and Puketapu families and settlements occupied the zone in between Mangati and Waiwakaiho.[4]

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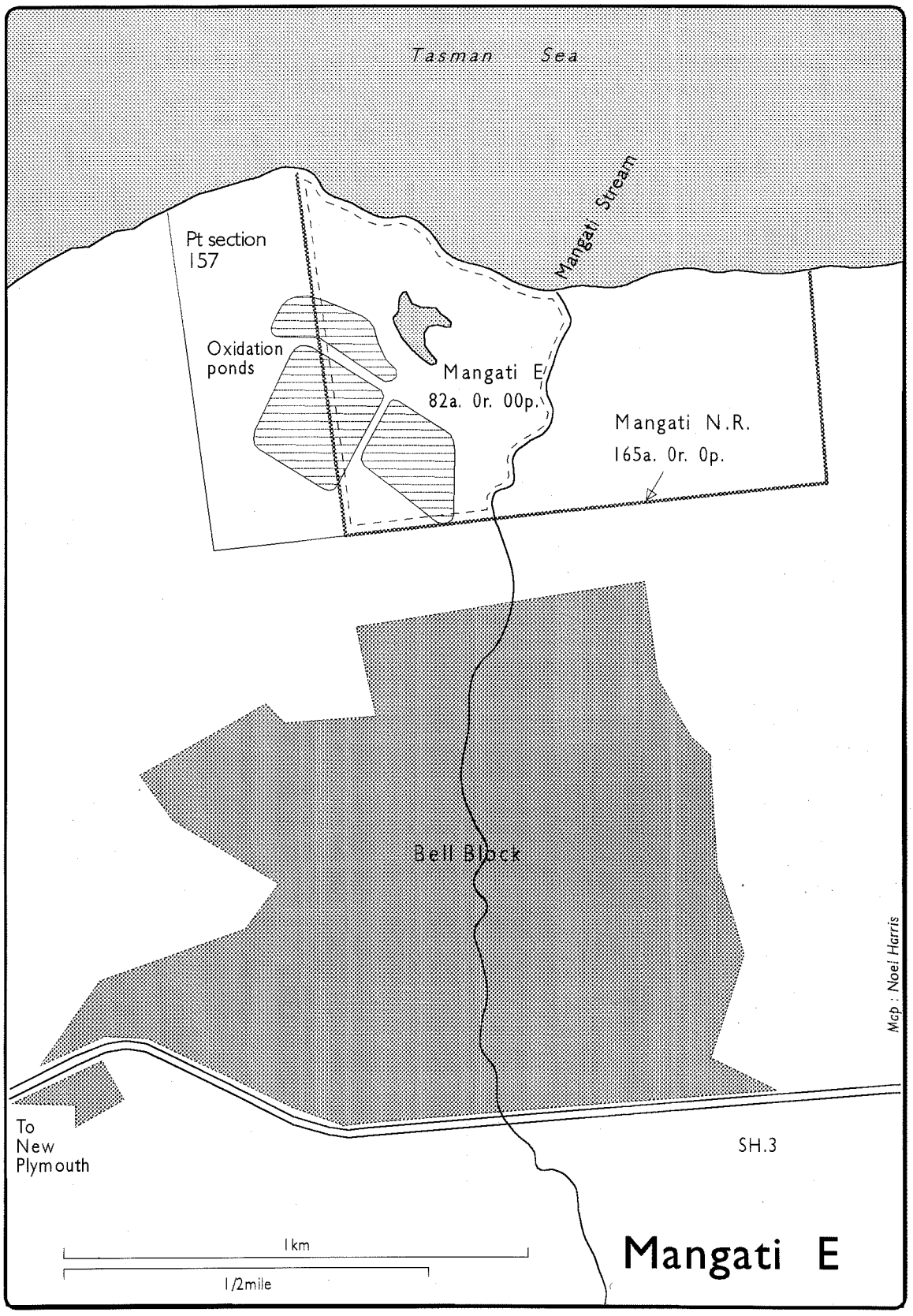
1 Aroha Harris *Notes of Visits to meet Aila Taylor, Ted Tamati and Moki White on 21 and 23 May 1991*

2 ibid

3 *Evidence of Puketapu Iwi o Te Atiawa*, Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), document D18, 1991

4 Danny Keenan *Ngati Te Whiti Muru Te Raupatu Waitangi Tribunal Presentation*, Waitangi Tribunal Record of Documents, Taranaki Claim, Wai 143, document E3, p 6


Tasman Sea
Mangati Stream
Pt section
157
Oxidation
ponds
Mangati E
82a. 0r. 00p.
Mangati N.R.
165a. 0r. 0p.
Bell Block
To
New
Plymouth
SH.3
1km
1/2mile
Mangati E
Map : Noel Harris

4 Mangati reserved

The Mangati block, consisting of 165 acres, was the only reserve made when the Bell Block was acquired by the Crown on 29 November 1848. This was despite the Crown purchase official Francis Dillon Bell not mentioning any such reserve in his reports concerning the purchase.[5]. Ford notes that the map accompanying the original Bell Block deed showed the reserve although the acreage was not given.[6] Parsonson confirms this stating that the deed showed a "large Native Reserve ... occupying a substantial proportion of the coastal frontage of the block". The deed also referred to the reserve though it was not included in the survey. Ann Parsonson has detailed the purchase of the Bell Block. In brief the block was purchased from the Puketapu hapu of Te Ati Awa who received £200. There were 75 signatures on the deed. The purchase was not straightforward as the ownership of the land was disputed between various hapu of Puketapu. Bell was aware, according to Parsonson, that there was no unanimity but proceeded anyway.[7]

5 Block History

The ownership of the Mangati reserve was investigated by the Native Land Court in June 1887 as the reserve had been brought under its jurisdiction by an order in council dated 4 March 1887. The court granted the 165 acre reserve to fifteen Maori.[8] They were: Karena Taituha, Rihari Repora, Pera Pehimana, Roka Pehimana, Arapere, Henare Punanga, Ruka Te Ngarau, Kahukare, Ngawaikawakawa, Hami te Raro, Heremaia Paora, Tamati Watene, Hinetapaki, Rangiroera and Hera te Mihiorawru.[9]

On 23 February 1905 the first certificate of title for Mangati was issued to the Public Trustee pursuant to the West Coast Settlement Reserves Act 1892 and West Coast Settlement Reserves Act Amendment Act 1902.[10] Section 8 of the Native Reserves Act 1882 stated that all Native Reserves would be vested in the Public Trustee. This applied to Native Reserves made when the Crown acquired land prior to the 1860s within the territory between White

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5 Ann Parsonson *The Purchase of Maori Land in Taranaki, 1839-59*, Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), Document A1(a), 1991, p 82

6 Janine Ford *Schedule of Land Purchases and Native Reserves Taranaki 1839-1860*, Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), document D19, April 1991, p 11

7 Ann Parsonson *The Purchase of Maori Land in Taranaki,* 1839-59, Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), Document A1(a), 1991, p 80

8 Aroha Harris, *Title Histories of the Native Reserves made in the Bell Block, Tarurutangi, Hua, Cooke's Farm and Waiwakaiho Purchases in Taranaki 1848-1859*, 1991 Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), document F23, p 1

9 Schedule of Owners, Mangati Native Reserve, Mangati Block Order File, TAR 30, Maori Land Court Wanganui

10 Certificate of Tile No 55/50, Land and Deeds New Plymouth

Cliffs and the Waitotara River.[11] Under the West Coast Settlement Reserves Amendment Act 1902, Native Reserves such as Mangati continued to be vested with the Public Trustee. However, the 1902 Act also brought all Native Reserves (including Mangati) within the confiscated territory under the West Coast Settlement Reserves Act 1892. The intention of the 1902 act according to the preamble was to make the administration of all Native Reserves and West Coast Settlement Reserves within the confiscated territory "uniform".[12]

6 Partition

In May 1919 the Mangati Reserve was partitioned into five parts. The portion east of the Mangati stream which consisted of aproximately 75 acres was divided into four (Mangati A, B, C and D) and the portion west of the Mangati stream became Mangati E. Mangati E was to be left intact and was awarded to all 55 owners of the Mangati Reserve. There were no objections to the partitioning recorded at the hearing.[13] However, in a letter of 17 April 1913 to Dr Maui Pomare, (the then "member of the Executive Council representative of the Native Race and in charge of Maori Councils") owner Te Titi Karena had expressed his disapproval at the proposed partition. He said that the land had been occupied by his ancestors, that his ancestors were buried there and he himself had "reared a large family on it". He also said that he did not consent to the Public Trustee administering the land nor did he understand from where the Public Trustee "acquired mana" over it.[14]

In response to this letter, the Deputy Public Trustee agreed that it was not advisable to partition the area as requested by aproximately eight of the owners, as a large portion of it (60 acres) was covered in sand. However, he did concur that part of the block could be subdivided for occupation by owners, that an area could be reserved for the use of all of the owners, and that the balance of the block be leased for the purpose of paying off the cost of survey. He added that one of the owners occupied the land to the exclusion of the other owners and that the other owners were entitled to the benefits from the land.

The legislation which allowed the partitioning was the West Coast Settlement Reserves Amendment Acts 1913 and 1914. Pursuant to section 15 of the West Coast Settlement Reserves Amendment Act 1913 the Public Trustee was directed to forward to the Chief Judge of the Native Land Court a list of West Coast Settlement Reserves and owners names. The Native Land Court was then, "without further application or direction", to partition the reserves. Initially this applied only to those reserves which were leased or deemed "unsettled".[15] The West Coast Settlement Reserves Amendment Act 1914, however, brought

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[11] Native Reserves Act 1882, sections 3, 4 and 8 and schedule

[12] West Coast Settlement Reserves Act 1892

[13] Taranaki Maori Land Court Minute Book No 28, May 1919, pp 67-69

[14] West Coast Settlement Reserve Mangati 1907-30 file, MA MT 1, 141.40/4, National Archives Wellington

[15] Pursuant to section 21 of the 1913 Act "unsettled reserves" were defined as those reserves subject to short term leases and occupational licenses.

all West Coast Settlement Reserves, including Mangati, under the 1913 Act.

Section 15 of the 1913 Act also stated that land comprised in any partition order was to be vested in the Maori owners. This meant that land such as Mangati was no longer administered by the Public Trustee, although owners could direct that the certificate of title, which was also to be free of all alienation restrictions, be issued to the Public Trustee.[16]

In addition, section 3 of the 1914 Act stated that when lands were partitioned pursuant to the 1913 and 1914 Acts, the Native Land Court could then "exercise all the powers of exchange, consolidation of interests, laying of road-lines and private ways, appointing successors, or otherwise howsoever which the Native Land Court might exercise in its ordinary jurisdiction".[17]

According to Janine Ford, the partitioning of West Coast Settlement Reserves under these Acts saw a marked increase in the sale of the reserves to lessees and others.[18]

In 1921 an application was made to the Aotea District Maori Land Board to summon a meeting of owners under part XVIII of the Native Land Act 1909 to consider a proposal to sell Mangati A-E to Bernard and Louis Fama and Hugh Fake. They also applied to the Land Board to cancel the partition order of 1916. The Court dismissed the application so there was no meeting of owners.[19] In 1925 the Native Land Court organised a meeting of owners to consider the alienation of Mangati E to George Carthew. The owners present at the meeting refused to sell the land. A further meeting was held a short time later when again the owners refused to sell.[20]

A consolidated order was made on 21 February 1963 which awarded Mangati E to 109 persons. This declared that the 109 owners owned the land in fee simple. The Maori Land Court minutes indicated that the consolidation order was made "purely for title improvement" and at the request of Head Office.[21]

On 17 July 1964 a meeting of owners was called to consider a proposal to sell Mangati E to Rongomaiira (Edward) Tamati for £475, or to authorise the Maori Trustee to act as an agent for the owners to negotiate the sale of Mangati E to Mr Tamati. The meeting was attended by 11 owners. Three owners were represented by proxy. In total the owners represented

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16 West Coast Settlement Reserves Amendment Act 1913, section 15

17 West Coast Settlement Reserves Amendment Act 1914, section 3

18 Janine Ford, *The Administration of the West Coast Settlement Reserves*, 1994, Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), document K

19 Mangati A-E Native Land Court Alienation File, MLC-WG 1, 3/1921/102, National Archives Wellington

20 Mangati E Alienation File 3/1614, Maori Land Court Wanganui

21 Taranaki Maori Land Court Minute Book 72, 31 October 1962, p 310

5.7745 out of a total of 40.00000 shares.[22] At the meeting Mr Tamati stated that he had been approached by two of the owners and asked to do something with the block. A number of issues were raised at the meeting which included whether or not minerals were present on the block, the length of time required to develop the block and the blocks low valuation. The minutes stated that there was a:

> ... protracted discussion among the owners from which it became apparent that due to the presence of minerals in the soil and the area in which the block is situated (Bell Block) being one of the coming (sic) areas [no sale would be made.][23]

Some owners were in favour of the sale but a resolution proposing the sale was lost after the voting took place.

On 16 June 1965 a meeting of owners was held to consider the sale of 40 acres of Mangati E to the New Plymouth Gun Club for £525. The meeting was attended by eight owners and one proxy. These owners represented 2.1286 shares. The minutes recorded that a discussion in Maori took place followed by an unanimous agreement not to sell.[24]

On 13 May 1966 Mangati E was vested in twelve trustees pursuant to section 438 of the Maori Affairs Act 1953. Luna Keepa made the application. The Maori Land Court order stated that there was no "meritorious objection" to the application. The terms of the trust included the power to lease the land, to form any road which may be required and to subdivide the land. Any alienation had to be confirmed by the Maori Land Court.[25] The application for a section 438 trust was, according to the land court minutes, "an attempt to overcome problems caused by multiplicity of owners". The owners, the minutes stated, had agreed to do something with the land at one of the meetings of owners. They had formed a committee of management who it appears applied for the section 438 trust. The minutes also noted that the land was in "informal occupation".[26]

7 Lease Arrangements

The certificate of title for the Mangati block does not record whether Mangati was leased or not between 1902 and 1966 although it was vested in the Public Trustee.[27] The Native Land Court minutes which recorded the initial partitioning of Mangati stated that Mangati was subject to section 21 of the West Coast Settlement Reserves Act 1913. This section provided for West Coast Settlement Reserves which were not leased under the 1881 and 1892

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[22] ibid

[23] ibid

[24] ibid

[25] Maori Land Court Order, Mangati Block Order file, TAR 30, Maori Land Court Wanganui

[26] Taranaki Maori Land Court Minute Book 75, 13 May 1966, pp 131-2

[27] Certificate of Tile No 55/50, Land and Deeds New Plymouth

legislation and instead were subject to occupation licenses or short term leases.

8 Current Situation

As Harris notes, just 11 acres, 2 roods and 36.3 perches of the 165 acre Mangati Reserve now remains in Maori ownership. The remainder of the block was alienated by various means; the major portion (82 acres) being taken for sewage works (the subject of this report), aproximately 54 acres being sold to private owners (there were six separate sales between 1926 and 1977) and aproximately 7 acres being "Europeanised" pursuant to part I of the Maori Affairs Amendment Act 1967.[28]

9 Public Works Act 1928

On 5 August 1968 the 82 acre Mangati E block was taken for the purpose of sewage treatment works pursuant to the Public Works Act 1928. The taking was at the instigation of the Taranaki County Council. During 1968 land was also acquired by the Taranaki County Council for the purpose of a rubbish dump, a substation and waterworks protection.

It is useful at this stage to briefly examine the Public Works legislation which allowed the taking of Mangati E. Section 102 of the Public Works Act 1928 stated:

> Notwithstanding anything in any law in force to the contrary, any Native land and any land owned by Natives under title derived from the Crown may be taken for any public work...[29]

If title to the Maori land being taken was derived from the Crown (that is Crown granted like Mangati E, or where freehold title was held) then the procedure for the taking was as per part II of the Act. Part II also provided for the taking of general land. If title had not been derived from the Crown then there were no provision for statutory notice or objections. The procedure for taking as outlined in Part II/section 22 was as follows:

- a survey and plan to be made which showed land "required to be taken" and the names of the owners;
- a copy of the plan to be deposited in the appropriate road district;
- a notice with details of the proposed taking to be gazetted and to be notified publicly twice (for example in the local newspaper);
- the notice to ask whether those affected had any objections to the proposed taking;
- the notice and description of the land concerned to be served on owners and occupiers

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[28] Aroha Harris, *Title Histories of the Native Reserves made in the Bell Block, Tarurutangi, Hua, Cooke's Farm and Waiwakaiho Purchases in Taranaki 1848-1859*, 1991 Waitangi Tribunal Record of Documents, Taranaki Claim (Wai 143), document F23, pp 1-4

[29] Public Works Act 1928, section 102

and any other person with an interest in the land; and

- upon receiving an objection a time where the objection could be heard was to be made.[30]

However, two of the above provisions did not apply to land where any Maori was an owner or occupier. The first was the obligation to include the names of the owners and occupiers on the plan and the second was the obligation to serve notice and a description of the land concerned upon the owners and occupiers of the land.[31]

If the land concerned was owned or occupied by any Maori and the title to the land was not registered under the Land Transfer Act 1915, a notice to the same effect as the notice gazetted was to be published in the Kahiti. However, no proceedings for the taking of land was invalidated if there was "any failure to conform to the requirements of this subsection".[32]

If within 40 days no objections had been made, or it was considered that all objections had been heard satisfactorily, and the Local Authority was "of the opinion that it was expedient that the proposed works should be executed", and that no private injury would be done for which "due compensation" was not provided by the Act, the following procedures were to be made:

- a map to be prepared in duplicate and signed by the Surveyor General or some other authorised surveyor;

- the local authority to lay before the Governor General a memorial containing the list of the lands proposed to be taken;

- the memorial to be signed by two members of the local authority;

- a statutory declaration to be made by the Chairperson, Mayor or other Chief Executive Officer of the local authority stating that the local authority is authorized by law to undertake the public work, that all of the provisions of the Public Works Act had been complied with, that the local authority was of the opinion that the proposed works should be executed and that "no private injury will be done for which due compensation is not provided by this Act"; and

- the Governor General to declare by proclamation the land concerned taken for the public work. This proclamation to be publicly notified within one month after being made.

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30 ibid, section 22(1)

31 ibid, section 22(3)

32 ibid, section 22(4)

The land then became vested in fee simple in the local authority concerned.[33]

10 Need for Sewage Works

In 1967 it was noted by the Taranaki County Council that there was an urgent need to upgrade the sewage facilities in Bell Block. The need had arisen because of an increase in the residential population of Bell Block as well as industrial growth in the area. The sewage plant used at the time had been built in conjunction with a major company, McKechnie Brothers and had been maintained by the Council at the expense of the company. The service had also been made available to new industries at their expense. However, by 1967 this system was no longer considered adequate.

The Ministry of Works stated:

> It was necessary in considering the urgent problem of the industrial sewage to look long term at the needs of the whole Bell Block District and it was accordingly decided to construct the trunk sewer and oxidation plant of sufficient capacity to ultimately cater for the requirements of enlarged sewage district...[34]

Initially it was proposed that the sewage disposal for Bell Block would consist of primary treatment of effluent and disposal into the sea. This was abandoned "on the grounds that there was insufficient evidence produced to indicate that such an outfall would not pollute the waters of the Bell Block beach".[35] Thus a new scheme was proposed consisting of "treatment by oxidation ponds with disposal by irrigation". That is, the sewage would discharge to a oxidation pond and the final treated effluent would be soaked away by surface irrigation.[36]

It is interesting to note that in 1974 the Ministry of Works and Development commented that oxidation ponds had become "the most commonly used method of treating domestic sewage from small and medium sized communities in New Zealand".[37] Oxidation ponds were, according to the Ministry, cheap to construct and required "minimal operating time and skill". The Ministry of Works also stated that an ideal site for an oxidation pond was on flat land and "exposed to prevailing winds". That is, the site should not be sheltered by terrain, trees or other vegetation. Further it should be located 300 metres from built up areas or 150

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[33] ibid, section 23

[34] Ministry of Works and Development Taranaki County Council General file, ABKK, W4357, box 356, PW 53/2, volume 2 (1967-72), National Archives Wellington

[35] Commissioner of Works to Department of Health, 11 July 1968, ibid

[36] Ministry of Works and Development Taranaki County Council General file, ABKK, W4357, box 356, PW 53/2, volume 2 (1967-72), National Archives Wellington

[37] Ministry of Works and Development, *Guideline for the Design, Construction and Operation of Oxidation Ponds*, 1974, (Mangonui Sewage Claim Wai 17, document B25)

metres from isolated dwellings.[38]

In brief, oxidation ponds consist of:

> ... shallow basins which utilise wind action to introduce oxygen to the pond liquid and develop flow patterns within the pond.[39]

11 Public Works Taking

Mangati E was viewed as a potential site for oxidation ponds as early as August 1963. When the Chief Public Health Engineer was looking at using oxidation ponds instead of outfalls into the sea, he reported that "a suitable site with respect to elevation and location was available alongside the stream." It appears that this aforementioned stream was the Mangati Stream which is one of the boundaries of the Mangati E block. The engineer also considered the area suitable as it had "the advantage of being well shielded by trees and the sides of the gulley".[40]

In June 1968 the Resident Engineer for the Ministry of Works and Development Department was asked whether there were any objection from a departmental or public view to the taking of Mangati E for sewage works. The engineer replied that there was no known objections.[41] The Resident Engineer also inspected the land at the request of the District Commissioner of Works. The engineer stated that the land consisted of:

> ... windblown sandhills along the sea frontage rising to about 60 feet above sea level at the highest point. On the landward or southern side of the sandhills the ground falls about 30 feet and is thence generally level, with a portion of the flat in swamp. The landward area is overgrown with gorse, lupin and blackberry except for perhaps 8 acres of rough grass at the eastern side by the Mangati Stream.[42]

The engineer had also been asked to assess whether any of the land was occupied for the purposes set out in section 18(b) of the Public Works Act 1928. The engineer noted that there was no evidence "that could be seen" that any of the land was:

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38 Ministry of Works and Development, *Guideline for the Design, Construction and Operation of Oxidation Ponds*, 1974

39 Nature Conservation Council Information Leaflet No 17, *Sewage its treatment and disposal*, 1981, p 16 (Mangonui Sewage Claim Wai 17, document B51)

40 Report of Chief Public Health Engineer, 14 August 1963, Ministry of Works and Development Taranaki County Council general file, ABKK, W4357, box 356, PW 53/2, volume 1 (1934-66), National Archives Wellington

41 Resident Engineer to District Commissioner of Works, Wanganui, 28 June 1968, Ministry of Works and Development Wanganui District Office file, MWD, W3457, box 247, 19/6/0/2 volume 1, National Archives Wellington

42 ibid

> ... occupied by any building, yard, cemetery, burial ground, garden, orchard or vineyard nor was any part in bonafide occupation as an ornamental park or pleasure ground.[43]

Section 18(b) of the Public Works Act 1928 stated that except for the purpose of a railway or defence purposes nothing in the act authorised "the taking of any land occupied by any building, yard, cemetery, burial ground, garden, orchard or vineyard, or in *bonafide* occupation as an ornamental park or pleasure ground without the previous consent of the Governor General in Council or the consent in writing of the owner first obtained".[44]

A statutory declaration pursuant to section 23 (i)(c)(iii) of the Public Works Act 1928 was made by the chairman of the County of Taranaki which stated that all the provisions of the Public Works Act 1928 had been taken into account and that the Council was of the opinion that the proposed works should be executed and that no private injury would be done for which due compensation is not provided by the Public Works Act.[45]

The Ministry of Works were encouraged to move quickly with the acquisition of the block as early entry to the block was considered essential as a delay would "involve them [the Taranaki County Council] in appreciably higher costs".[46]

12 Objections

The Wanganui District Works and Development file records that an objection to the taking of Mangati E was heard at a meeting of the Taranaki County Council on 30 May 1968. The objection was from Mrs St Helena Brand (whose land had also been taken for the New Plymouth Airport). Mrs Brand also sent a letter on 6 August 1968 to the Secretary of Maori Affairs which, according to an official, reiterated what Mrs Brand had said at the meeting of 30 May. Mrs Brand said that her family had an interest in Mangati E. She stated:

> I with others objected to the land being taken. My objection was that the land had been used as a burial ground. My own sister is buried there and there is also evidence on the Maori Land Court files at Wanganui from earlier owners that it has been used for burials. No particular part of the land was used for this purpose and because of the passing of time and the effect of erosion it is now difficult to locate the graves.[47]

Mrs Brand said that the Taranaki County Council had dismissed her objections. She asked

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[43] ibid

[44] Public Works Act 1928, section 18

[45] Statutory Declaration of 16 June 1968, Ministry of Works and Development Wanganui District Office file, MWD, W3457, box 247, 19/6/0/2 volume 1, National Archives Wellington

[46] District Commissioner to Resident Engineer, 3 July 1968, ibid

[47] Mrs St Helena Brand to Secretary for Maori Affairs, 6 August 1968, Ministry of Works and Development Wanganui District Office file, MWD W3457, box 247, 19/6/0/2, volume 1, National Archives Wellington

that as the construction of the sewage treatment plant would involve the excavation of the ground and the likelihood of the graves being disturbed, that the taking be delayed so that efforts could be made to locate and preserve the graves. In response to Mrs Brand's letter, Maori Affairs wrote on 22 August 1968 to the District Commissioner of Works in Wanganui and Wellington and asked that the proclamation taking the land be delayed so they had "time to sort out Mrs Brand's story". However, the proclamation had already been published in the *New Zealand Gazette* on 1 August 1968.

The Maori Trustee file in Wanganui contains a letter from the solicitors acting for the Taranaki City Council to Maori Affairs of 26 April 1968. The letter asked whether they had any records of burial grounds on Mangati E. Maori Affairs advised that they had no record of any order in council which created any portion of the block for a burial ground nor any application made to partition a burial ground. The council's solicitors were also told that the Maori Trustee in Wellington had been approached to delay the taking so as to have time to locate and preserve the burial grounds.[48] Later, in October 1968, the Maori Affairs New Plymouth Welfare Officer was asked to obtain as much information as possible about the use of Mangati E as a burial ground. No information is on the file as to whether the Welfare Officer located anything further.[49]

Mrs Brand was told by the Secretary for Maori Affairs on 17 October 1968 that the taking of the land was irrevocable and that there was little the Department could do to help. Indeed there is a comment on the Maori Affairs file that it had got to the stage where it was best to keep the Department out of the process. That is why, presumably, the Secretary suggested that Mrs Brand approach the solicitors working for her, and the other owners, to assess whether any further action could be taken to have the earthworks on the land held over until such time as arrangements could be made for the preservation of the graves. A Maori Affairs official had suggested writing to the solicitors for the Taranaki County Council as a "public relations measure" saying that the Department would appreciate the Council holding up the earthworks until Mrs Brand had a chance to "locate and do something about the preservation of the graves". However, this was thought unwise by another official who said, as the Secretary did, that it was best to let the Maori owners solicitor deal with the County and to "try to keep us out [of the process]".[50] The Secretary also noted to Mrs Brand that the solicitors for the Taranaki County Council had advised him that for the purposes of compensation, the Council had valued the land, but would meet the costs of an independent valuer pending a decision as to whether the trustees or the Maori Trustee would act on the owners behalf.[51]

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[48] Maori Trustee file, 4/1614, Maori Trust Office, Wanganui

[49] Ministry of Works and Development Wanganui District Office file, MWD W3457, box 247, 19/6/0/2, volume 1, National Archives Wellington

[50] Note on file, 15 and 18 October 1968, Maori Affairs Maori Land Required for Public Works 1959-69 file, MA 1, W2490, 38/2, volume 4, National Archives Wellington

[51] ibid

Cathy Marr in her report concerning Public Works Takings has also investigated the taking of Mangati E. She argues that the Taranaki County Council used "legal technicalities to avoid requirements concerning burial sites". That is, the Council's lawyers maintained that:

> ... if there was no record of any Order in Council creating a Maori reserve for a burial ground over the land, then they had met their statutory obligations and were required to do no more.[52]

13 Compensation

At the trustees request compensation was subsequently dealt with by the trustees of Mangati E and not the Maori Trustee. It appears that compensation could be dealt with in this way because the land was subject to a section 438 trust.[53] No information has been located on the amount of compensation or whether the owners were satisfied with the amount of compensation received.

Section 24 of the Public Works Act 1928 deals with the issue of compensation. It stated that the Governor General could delay issuing the proclamation taking the land until he/she was satisfied that the local authority concerned had made provision for the payment of compensation. Sections 104 to 106 deal with compensation ascertained by the Maori Land Court but do not appear relevant in this instance.[54]

14 Burial Ground

The only urupa that has been reserved on the Mangati block was on Mangati D2. This does not lie adjacent to any of the Mangati E boundaries. As noted by the Maori Trustee no urupa has been reserved on Mangati E by the Maori Land Court.

However, a letter from an owner Titi Karena in 1913 to Dr Pomare stated that Titi Karena's ancestors had been buried on the Mangati block. This was prior to the partitioning of the land so it is not clear which portion or portions of the block the sites were located. That is, whether they were located on Mangati D2 or on Mangati E or anywhere else.

A check of the Maori Land Court files at Wanganui reveals a letter of 5 September 1933 from an owner M H Hughes to the Aotea Maori Land Board Wanganui. The letter concerns leasing Mangati E and states that the total acerage of the block was 82 acres "less 1/4 [one quarter] acre *burial ground*" [my emphasis].[55]

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[52] ibid, p 155

[53] Mangati E Maori Trust file, 4/1614, Maori Trust Office Wanganui

[54] Public Works Act 1928

[55] M H Hughes to Aotea District Maori Land Board Wanganui, 5 September 1933, Mangati E Alienation File, 3/1614, Maori Land Court Wanganui

Cathy Marr in her report concerning Public Works notes that burial sites on Maori land were often not reserved through the Maori Land Court process. Maori, she states "were often reluctant to reveal their [urupa] location to avoid looting and desecration". Further:

> Maori often followed a custom of not marking graves and allowing urupa sites to grow wild, again to prevent desecration. However, this was often taken by Pakeha engineers to mean that the site was uncared for or forgotten about and therefore a taking would cause not harm.[56]

Marr states that in general:

> ... taking authorities used every means possible to evade their responsibilities to protect urupa, or simply afforded their protection a much lower priority than other concerns.[57]

15 Oxidation Ponds

The sewage scheme for Bell Block which consisted of a trunk sewer, pumping station and an oxidation pond was completed in February 1969. The oxidation pond and an irrigation area was built on Mangati E. Initially, because of economic reasons, the sewage scheme was used for industrial purposes though it was "designed to meet the long term requirements of the district including residential development".[58]

In 1974 a second oxidation pond was proposed as the first oxidation pond was overloaded. To accommodate the second pond land adjacent to Mangati E known as section 157 was acquired by the Council. The second pond was built on this section and part of Mangati E. However, these ponds were only seen as a short term solution. The Commissioner of Works stated in December 1974:

> In the long term the Bell Block area will very likely be joined into the proposed regional drainage scheme to serve New Plymouth City and Taranaki County. The regional proposal is still in its infancy however, and is unlikely to be available for several years. This is too far ahead to delay extension of the Bell Block system. Also the viability of the regional drainage scheme will not be affected if the Bell Block area does not contribute to it during its early years.[59]

In March 1974 civil engineering consultants Steven and Fitzmaurice had also stated:

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[56] Cathy Marr *Public Works Takings of Maori Land 1840-1981* Report for the Treaty of Waitangi Policy Unit, December 1994, p 154-5

[57] ibid, p 156

[58] Historical Review and The County of Taranaki Bell Block Sewage Reticulation Extensions report by the County Engineer of November 1969, Ministry of Works and Development Taranaki County Council general file, ABKK, W4357, PW 53/2, volume 2, 1969-72, National Archives Wellington

[59] Commissioner of Works to Treasury, 18 December 1974, Ministry of Works and Development Taranaki County Council general file, ABKK, W4357, box 356, PW 53/2, volume 3 (1972-81), National Archives Wellington

> It would be at least nominally possible to retain the present oxidation ponds in operation indefinitely but it is not expected that this will happen. However, it is possible that it will prove economic to keep the ponds in operation for some time at a safe loading and transfer excess volumes of wastes to the regional treatment plant through the connecting sewers which must sooner or later be built. As the closing down of the ponds would transfer an appreciable load to the main treatment plant, it would be a useful arrangement if they could be kept in service until the main plan required extension in any case.

The temporary nature of the sewage disposal scheme involving the oxidation ponds on Mangati E was apparent when it was first proposed. The resident engineer said in 1968 that:

> ... the proposed pumping station, the rising main and the oxidation pond are an integral part of the ultimate sewage treatment scheme and still will be in operation in 1980 (or until the regional scheme is installed)...[60]

In 1980 the Ministry of Works continued to speak of the combined authorities regional water and marine outfall scheme.

Thus the sewage scheme involving Mangati E was originally planned as meeting a short term (aproximately a 20 year) need. After which a combined regional scheme would take over the sewage disposal in the Bell Block area. It was estimated in 1969 that the regional scheme would be operative sometime after 1985 though the year 1980 was also given as a possible date.[61]

16 Secondary Use of Mangati E

In February 1978, the Taranaki County Council wrote to the Ministry of Works and explained that not all of the land (Mangati E and section 157) was being used for sewage works. It had been necessary though, to take all of Mangati E and the 24.75 hectares of section 157 because of "topographical reasons and possible future extensions". In view of this situation, the Council proposed that a "fairly substantial area adjoining the sea" of Mangati E, which consisted of natural sandhills, could be used as a "pleasant playground for children using the Bell Block Beach". The presence of the oxidation ponds, the letter said, did not pose any health problems. It was also proposed that another area between the oxidation ponds and the southern boundary be filled and when fenced be used for a dog training ground. A "limited" part of section 157 would be used for future recreational development. Although development work on the land would be costly it would enable, the Council said, "fuller utilisation either for active or passive recreation or planting of trees to enhance the view from neighbouring residential areas". In response, the District Commissioner of Lands commented that the proposal seemed a:

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[60] Resident Engineer to District Commissioner of Works, 29 March 1968, Commissioner of Works to Treasury, 18 December 1974, Ministry of Works and Development Taranaki County Council general file, ABKK, W4357, box 356, PW 53/2, volume 2 (1967-72), National Archives Wellington

[61] County Engineer to Resident Engineer, 1969, ibid

> ... sensible use of land which would otherwise be wasted and will extend the opportunity for development with the adjacent reserves".[62]

The Department of Health was asked whether there were any health risks associated with the proposal. The Medical Officer of Health Dr Cowan said that apart from the obvious need for adequate fencing, the department could see no objection to the scheme on health grounds. Dr Cowan also commented that as the Taranaki County Council had plans for a joint scheme with the New Plymouth City Council for sewage disposal, which would probably be from the Waiwakaiho area; it might be:

> ... prudent in view of the delays that can arise in such schemes, for the Taranaki County to retain enough ground for a third pond should the joint scheme be delayed. This could result in the growth of Bell Block population exceeding the capacity of the present ponds.[63]

Dr Cowan added that having seen the area s/he felt that it was a "remarkably unattractive beach" and wondered about the "need for spending large sums in developing recreational facilities there".[64]

The Resident Engineer reported on the proposal on 13 July 1978. The report said that the proposal to use part of the land for recreation purposes was sensible as the land was "going to waste". The report also stated:

> If it had not been for the sewage scheme the proposed recreation area to the west would no doubt have extended right through to the Mangati Stream [the northern boundary of Mangati E]. In my opinion it is therefore the present use which is out of place "but no doubt essential" rather than the proposed secondary use.[65]

It was also noted that there was a planned afforestation programme which "should prove to be a valuable asset and also help to stabilize the sand dune area".

The report concluded:

> I can see no major objections to the overall plan which will form part of the proposed recreation area which is to run from the Waiwhakaiho River to Bell Block, In view of the uncertainty of the joint New Plymouth City Council and Taranaki County Council Sewerage scheme it may be wise to make allowance for an additional pond as suggested by the Health Department. As this scheme is not going to happen over night however, this should not create

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[62] Ministry of Works and Development Wanganui District Office file, W3457, box 247, 196/0/2, volume 2, (1970-79) National Archives Wellington

[63] Department of Health to Ministry of Works, 6 March 1978, Ministry of Works and Development Wanganui District Office file, MWD W3457, 19/6/0/2 volume 2 (1970-79)

[64] ibid

[65] Resident Engineer to Commissioner of Works, 13 July 1978, ibid

any problems.[66]

The notice authorising the secondary use of land for part Mangati E and part section 157 confirmed that, due to topographical reasons and the possibility of future extensions, the Council had taken the whole area although much of it was currently not being used for sewage works. The notice also stated that the council proposed to use the land not presently occupied by the oxidation ponds for active and passive recreation and planned to develop much of the area for such purposes.

On 1 February 1979 the *New Zealand Gazette* stated that pursuant to section 37 of the Public Works Amendment Act 1948 the Minister of Works and Development had authorised part Mangati E consisting of 2.4 hectares or aproximately 6 acres and part section 157 consisting of 7 hectares or aproximately 17 acres "being land held primarily for drainage purposes and sewerage treatment works" to be used for recreation purposes - a secondary use of the land. The *New Zealand Gazette* also stated that part III of the Reserves Act 1977 applied to the land and the control and management of the land was vested in the Taranaki County Council.[67] A further proclamation was made in the *New Zealand Gazette* on 3 May 1979 because the Land Registry Office thought that the original gazette notice had an inadequate description of the land.[68]

17 Legislation concerning Secondary use: The Reserves Act 1977 and Public Works Amendment Act 1948

Pursuant to section 37 of the Public Works Amendment Act 1948 authorisation was given to use part of Mangati E for a secondary purpose. Section 37 stated that the Governor General could authorise a secondary usage of land held, taken, purchased or acquired for a public work if the Governor General was of the opinion that it was practicable for such land to be applied to any secondary use, or uses, either public or private, without interfering with the public work for which the land was held, taken, purchased or acquired. Any order in council made under this section could be amended or revoked by a subsequent order in council.[69]

A legal instruction on the Ministry of Works and Development file entitled the "Secondary Use of Land" explained how a Government Department or Local Authority should go about applying under section 37 of the Public Works Amendment Act 1948 for secondary use. The instruction noted that section 37 came under the heading "Artificial Lakes" in the Act. Section 37, it said, had mainly been used to authorise the use for recreation purposes land "acquired in connection with one or other of the hydro electric schemes and artificial lakes created by such schemes but there is no reason why it cannot be used in other

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66 ibid

67 *New Zealand Gazette*, 1 February 1979, p 202

68 *New Zealand Gazette*, 3 May 1979

69 Public Works Amendment Act 1948, section 37

circumstances".[70]

Mangati E also became subject to Part III or sections 16 to 77 of the Reserves Act 1977. Part III concerns the classification and management of reserves. Section 17 concerns recreation reserves. Recreation reserves are defined as being:

> ... for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public and for the protection of the natural environment and beauty of the country side, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.[71]

18 Current Use

In 1986 control of Mangati E was vested in the New Plymouth City Council. In 1992 control was vested in the New Plymouth District Council.

The New Plymouth District Council have stated that the land is now not actively used for sewage disposal, but the former oxidation ponds still exist and contain water.[72]

Further:

> The New Plymouth District Sewerage Scheme urban New Plymouth has been operative for some years. In the mid 1980s all sewage from the Bell Block area was intercepted and is now transported by pipeline to the Treatment Plant on the Waiwakaiho Flat. The oxidisation ponds located on the Mangati E Block are now redundant and inoperative. They are physically still in existence and contain a large quantity of rain water. At the moment they are doing no more than providing a natural habitat for bird life.[73]

The area is currently used for "informal recreation in accordance with the secondary purpose for which the land was taken". The Council have also stated:

> The land is not Crown land, but is private land owned under the Reserves Act by the Council.[74]

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70 Legal Instruction No 24, Secondary Use of Land, Ministry of Works and Development Wanganui District Office file, MWD W3457, box 247, 19/6/0/2, volume 2 (1970-79), National Archives Wellington

71 Reserves Act 1977, section 17

72 Ian H Dudding, Planning and Environmental Services Manager of New Plymouth District Council to General Manager in response to letter from Waitangi Tribunal Division, 25 March 1994

73 New Plymouth District Council to Waitangi Tribunal Division, 30 May 1994

74 Ian H Dudding, Planning and Environmental Services Manager of New Plymouth District Council to General Manager in response to letter from Waitangi Tribunal Division, 25 March 1994

19 Public Works Act 1981

Section 40 of the Public Works Act 1981 provides for the return of lands taken for Public Works. Section 40 states that if any land is no longer required for the public work for which it was taken or for any other public work, or required for a section 105 (where surplus land is granted as compensation when equivalent land is not readily available), the Chief Executive of the Department of Survey and Land Information (DOSLI) or Local Authority (as the case may be) shall offer to sell the land to the person from whom it was required or the successor of that person. This option is possible except when the sale is considered impracticable, unreasonable or unfair or if the character of the land has changed significantly. The sale is to be negotiated at the current market value though the Chief Executive of DOSLI or the Local Authority has the discretion to negotiate a lesser price.

Section 41 of the Act provides specifically for the disposal of former Maori land when it is no longer required for public works. Section 41 states that if the land in question was formerly Maori freehold land, general land owned by Maori, land beneficially owned by more than 4 persons or land not vested in any trustee or trustees; the Chief Executive of DOSLI or the Local Authority, must comply with the requirements of section 40 and apply to the Maori Land Court for an order under section 134 of Te Ture Whenua Maori Act 1993 (which deals with the vesting of former Maori land no longer required for public works).

DOSLI has produced procedures and guidelines for investigations under sections 40 and 41 of the Public Works Act 1981 though they would not necessarily apply in the case of Mangati E as the land is held by a Local Authority.

20 Issues/Conclusions

20.1 Public Works Takings and the Treaty of Waitangi

The Mangati block was the sole reserve made when the Crown purchased the area known as Bell Block. Ann Parsonson concluded that there was no unanimity among the Puketapu hapu to the sale. The area has special significance to Maori as a fishing station and has been described as the tribal base. Between 1921 and 1965 five attempts were made to acquire Mangati E but in each case the owners decided not to sell. In 1966 Mangati was vested in twelve trustees pursuant to section 438 of the Maori Affairs Act 1953 reflecting a desire to develop the land for the benefit of the owners. There was also a recognition by the owners of the monetary value of the land in terms of its mineral content. However, in 1968 the Taranaki County Council took the land compulsorily under the Public Works Act for sewage disposal works. No evidence has been located as to whether Maori were consulted on the matter, (it was not required under the Act) though it is clear, from Mrs Brand's letter, that some owners were told of the impending taking.

The Waitangi Tribunal has discussed the implications of the Treaty on the compulsory acquisition of land by the Crown. In its ancillary claims report the Ngai Tahu Tribunal states that because of the conflict between the "Crown's guarantee in article 2 of the Treaty of 'te tino rangatiratanga' or 'the full exclusive and undisturbed possession' .... over their lands, on the one hand, and the right of 'kawanatanga' or 'sovereignty' conveyed to the Crown in article 1 on the other", the circumstances of each public works taking must be taken into consideration. However, "the task of weighing up the public interest against the guarantees stipulated in the Treaty is not necessarily achievable in all cases". This is given that the passage of time since the taking in question may be lengthy and that sometimes only limited information is available.[75] Questions to consider then are:

- Is the taking of Mangati E for sewage disposal works a case where it may be feasible to determine whether the public interest was greater than that of the owners? That is, was the need for sewage disposal works greater than the need for an economic or tribal base for the Maori owners?

- Is there sufficient information to determine whether the public interest was greater than that of the owners?

Another question is whether *any* consideration was given to Te Ati Awa tino rangatiratanga when the Taranaki County Council took Mangati E for sewage disposal works?

The Waitangi Tribunal has also stated:

> Given the clear and unequivocal terms of article 2 ... it would seem that:
>
> - if the Crown wishes to acquire Maori land for a public work or purpose, it

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[75] Waitangi Tribunal *Ngati Tahu Ancillary Report* (Wai 27) (Brooker & Friend Wellington, 1995) p 367

should first give the owners notice and seek to obtain their consent at an agreed price;

- if the Maori owners are unwilling to agree, the power of compulsory acquisition for a public work or purpose should be exercised only in exceptional circumstances and as a last resort in the national interest; and

- if the Crown does so seek to acquire the use of Maori land for a public work, it should do so by acquiring a lease, license, or easement, as appropriate, on terms agreed upon with the Maori owners or, failing agreement, by appropriate arbitration. Should there be exceptional circumstances where the acquisition of the freehold by the Crown is considered to be essential, Maori should have the right to have that question determined by an appropriate person or body independent of the Crown.[76]

Given the above statement, questions to consider include whether any thought was given to whether there were any alternative sites for the sewage pond or whether a lease arrangement could be made? Did the Taranaki County Council, the Department of Works and Development or Maori Affairs give any thought or consideration to compromise and consultation with the Maori owners? Were compromise and consultation even an option? The legislation was such that these considerations did not have to be taken into account. Is the Public Works Act then contrary to the treaty?

20.2 Objections and "Bonafide Occupation"

Under section 18(b) of the Public Works Act 1928 the Taranaki County Council could not take land occupied by any building, yard cemetery, burial ground, garden, orchard or vineyard or in bonafide occupation without the consent of the Governor General or the owner.

An objection to the taking of Mangati E was received which stated that burial grounds were located on the block although their exact location was not known. A request was made to delay the excavation works required to build the sewage disposal works in order to locate the burial sites. Because the sites were not officially recorded the Council considered that there was insufficient evidence to delay the construction. Maori Affairs decided not to try to delay the council as they believed it was up to the owners to lobby them and because there was no official record of any burial sites. There is no mention in the evidence perused of the Maori owners being given the opportunity to locate the graves prior to the construction of the oxidation ponds and irrigation area. There is also no evidence on the records of the Maori Land Court to suggest that an area on Mangati E was reserved as a burial ground subsequent to the taking. The objection concerning the burial sites was not the only reference to a burial ground on Mangati E. A letter written in 1933 specifically mentioned the 82 acre block less one quarter of an acre where a burial site was located. Further, Marr states that it was common for burial sites not to be officially reserved.

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[76] ibid, pp 10-11

The owners had formed a section 438 trust in 1966 and it appeared that some sort of development was proposed. Maori Land Court minutes recorded too that there was "informal occupation" of the land. However, this was not considered "bonafide occupation".

Thus, was sufficient weight given firstly to the evidence of the owners which stated that Mangati E contained burial sites; secondly to the "informal occupation" of the land; and thirdly the move by the owners to counter the problems associated with multiple ownership by creating the section 438 trust? If it is deemed that sufficient weight was not given, did the Crown then ignore its obligation under the Treaty of Waitangi to act reasonably and in the utmost good faith?

20.3 Secondary and Current Use

Six months after Mangati E had been taken an oxidation pond was built on the block. A second pond was built on Mangati and on the adjacent section 157 in 1976. In 1978, when it was realised that not all of the land was needed for sewage disposal works, authorisation was given to use a portion of Mangati E for a secondary purpose: recreation. This area of Mangati E is still being used for recreation purposes. The Taranaki County Council were aware when the land was taken that the oxidation ponds and irrigation area to be built on Mangati E would be in use only until the regional sewage scheme became operative. The regional scheme is now operative and the ponds are not being used for sewage disposal. This raises a number of questions in view of the Crown's obligation to act reasonably and in the utmost good faith towards Maori:

- Should the land be returned to the descendants of the Maori owners given that the oxidation ponds and irrigation area on Mangati E, for which the land was originally taken, are no longer being used?

- As the sewage scheme was a short term measure should the Act have ensured that an opportunity was given to the Maori owners to lease out the land instead of the land being compulsorily taken?

- Should the Act have allowed the taking of more land than was actually required in the long term?

- Should the Act have allowed the Taranaki County Council to use the land for recreation purposes when the original reason for the taking was sewage disposal?

- Should the Act have provided for consideration of the previous owners when the secondary purpose was authorised?

- What are the effects on the land of having oxidation ponds on it? Have the oxidation ponds had adverse affects on the land by, for example, being poisoned by the metal from the industrial area. Or, have the ponds had a harmless affect on the land? Can the land where the oxidation ponds have been, be used for other purposes?

Appendices

1. Terms of the Commission

2. Map showing Te Ati Awa ancillary claims completed by author

Appendix 1 **WAITANGI TRIBUNAL**

CONCERNING the Treaty of Waitangi Act 1975

AND
CONCERNING Wai 143 claims

DIRECTION COMMISSIONING RESEARCH

Pursuant to clause 5A(1) of the second schedule of the Treaty of Waitangi Act 1975, Suzanne Woodley of Wellington is commissioned to prepare research reports concerning the following matters in respect of the Taranaki claims:

i) The twenty-three ancillary claims lodged to date by the claimants
ii) Twentieth Century alienations

This commission commenced on 1 July 1993 and ends on 30 March 1994 at which time the work completed (in word perfect format) will be filed. The filing date however is subject to amendment in the light of other urgent tasks which may be allocated to the commissionee.

The report may be received as evidence and the commissionee may be cross examined on it.

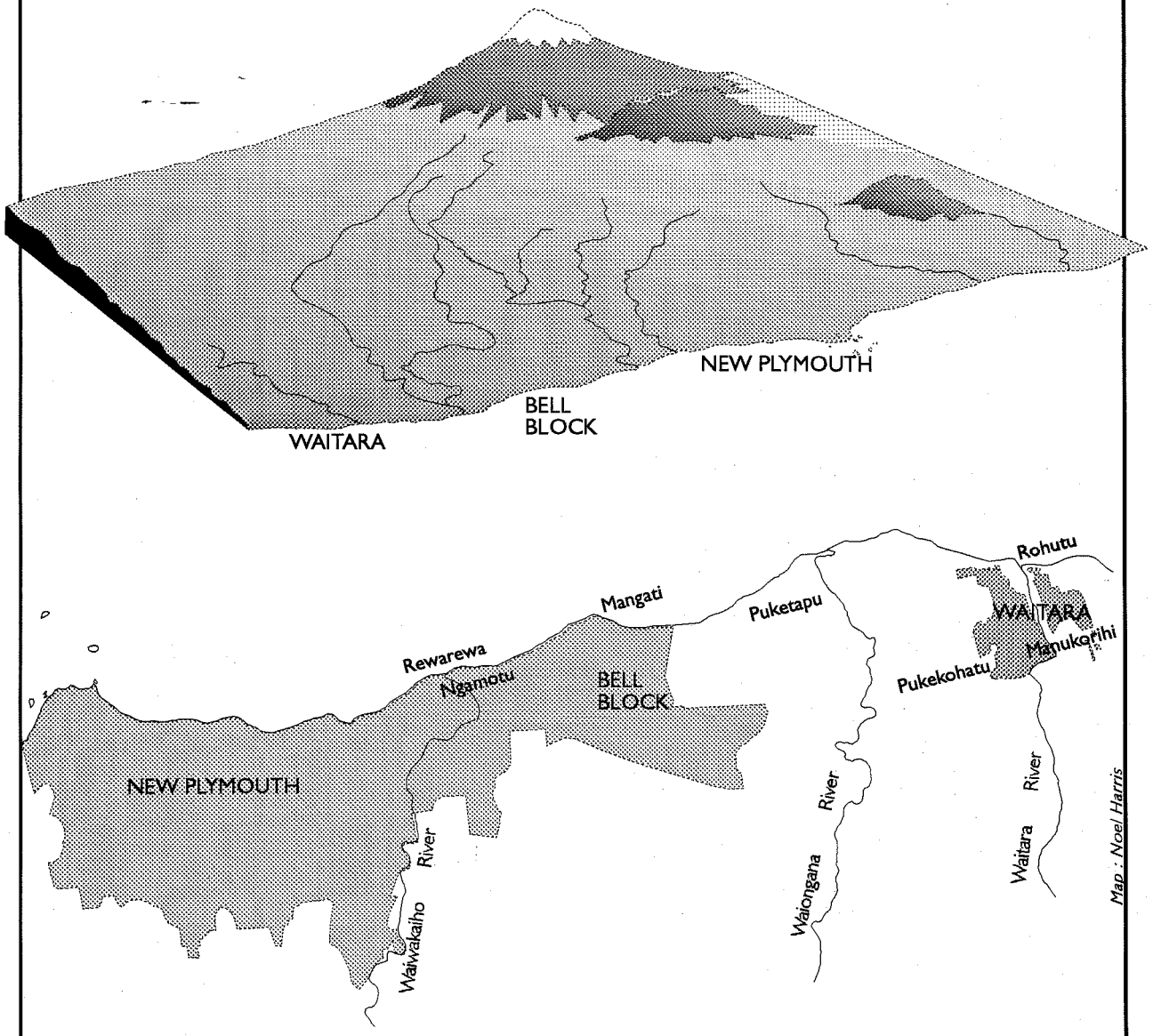
The Registrar is to send copies of this direction to

Wai 143 Claimants
Crown Law Office
Crown Forest Rental Trust
Phillip Green
National Maori Congress
NZ Maori Council
Suzanne Woodley

Dated at Wellington this 20th day of August 1993

Chief Judge ETJ Durie
Chairperson
WAITANGI TRIBUNAL

Appendix 2



TE ATIAWA ANCILLARY CLAIMS

Completed by Suzanne Woodley

June 1995

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References
Prior C/T. B1/1254

Transfer No.
N/C. Order No.
GAZETTE EXTRACT 162585

11 April 1994

Land and Deeds 69

SEARCH COPY REGISTER

B2/557 1

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 15th day of August one thousand nine hundred and sixty eight under the seal of the District Land Registrar of the Land Registration District of TARANAKI

WITNESSETH that THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF TARANAKI are seised of an estate in fee simple for sewerage treatment works

(subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 82 acres more or less situate in Block II Paritutu Survey District being Mangati E Block

DISTRICT LAND REGISTRAR TARANAKI, N.Z.

110'S

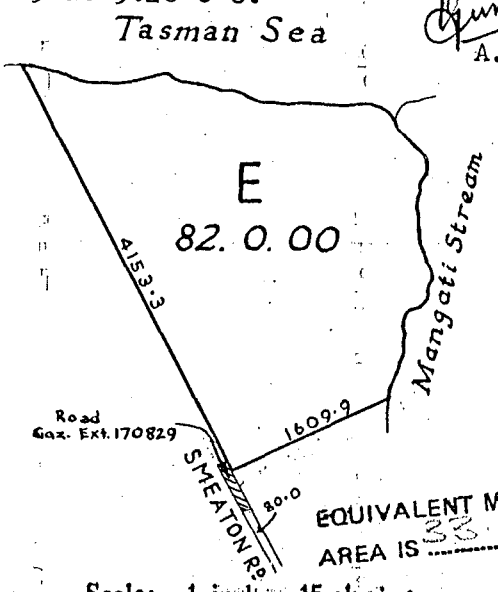
Assistant Land Registrar

GAZETTE EXTRACT 170829 DECLARES PART LAND ADJOINING TAKEN FOR ROAD - PRODUCED 1.9.69 AT 9.25 O'C.

A.L.R.

170821 Resolution by the Taranaki County Council to lay off portion of Smeaton Road taken by Gazette Extract 170829 at a minimum width of 80 links subject to a building line restriction (affecting the north eastern side) of 60 links from the middle line of the said portion - produced 29.8.69 at 3 o'c and entered 1.9.69 at 9.26 o'c.

A.L.R.



EQUIVALENT METRIC AREA IS 33.1842

Scale: 1 inch = 15 chains

258231 GAZETTE EXTRACT AFFECTING PART OF THE WITHIN LAND CONTAINING 2.4000 HECTARES BEING PART MANGATI E BLOCK

(a) AUTHORISES THE APPLICATION OF THE SAID LAND BEING LAND HELD PRIMARILY FOR DRAINAGE PURPOSES AND SEWERAGE TREATMENT WORKS, TO RECREATION PURPOSES WHICH SHALL BE A SECONDARY USE OF THE SAID LAND

(b) SPECIFIES THAT PART III OF THE RESERVES ACT 1977 SHALL APPLY TO THE SAID LAND: AND

(c) VESTS THE CONTROL AND MANAGEMENT OF THE SAID LAND IN THE TARANAKI COUNTY COUNCIL - 18.5.1979 at 1.40 o'c

A.L.R.

332912 Order in Council vesting the within land in the New Plymouth City Council subject to all existing encumbrances - 23.7.1986 at 2.30 o'c

A.L.R.

391964 Application to record the vesting of the within land in the New Plymouth District Council subject to all existing encumbrances - 22.6.1992 at 10.30 o'c

A.L.R.

No. B2/557

References
Prior C/T. 55/50

Transfer No.
N/C. Order No. 155388

11 April 1994

SEARCH COPY

Land and Deeds 69

REGISTER

No. B1/1254

2

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

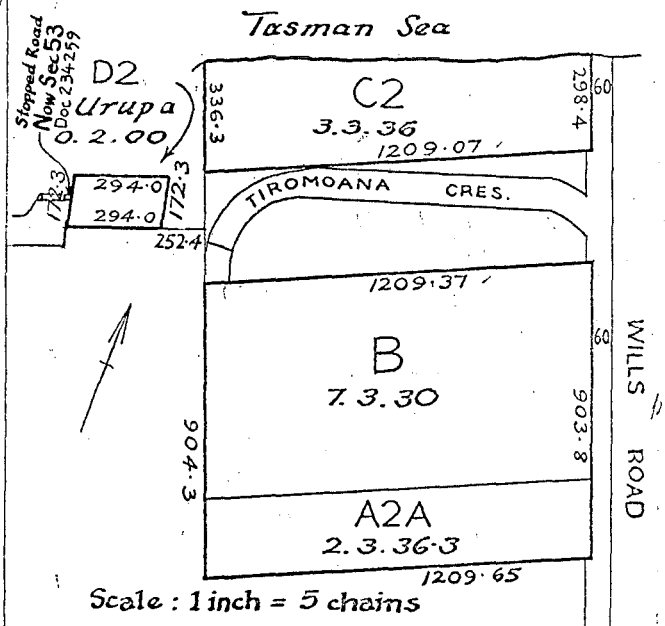
This Certificate dated the 28th day of June one thousand nine hundred and sixty seven under the seal of the District Land Registrar of the Land Registration District of TARANAKI

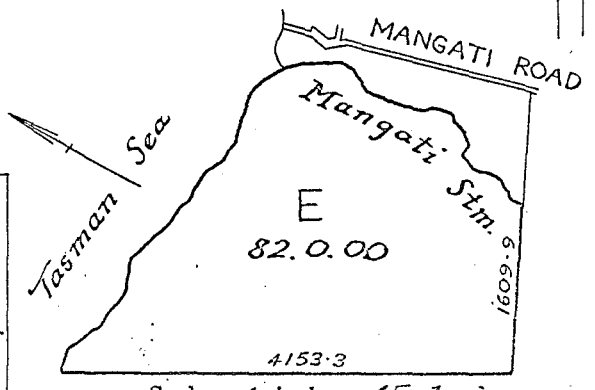
WITNESSETH that THE PUBLIC TRUSTEE (Maori) is seised of an estate in fee simple pursuant to The West Coast Settlement Reserves Act 1892 and The West Coast Settlement Reserves Act Amendment Act 1902 ——

is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing (those) together 97 acres 1 rood 22.3 perches more or less situate in Block II Paritutu Survey District being Mangati A2A B C2 D2 and E Blocks ——

DISTRICT LAND REGISTRAR TARANAKI, N.Z.

Assistant Land Registrar





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DISCHARGED 11/11/1975

A.L.R. A.L.R.

Charging Order 356 under the Rating Act 1925 produced 18.10.1928 at 2.30 o'c.(affects Mangati C2 Block)

A.L.R.

Appurtenant to Mangati D2 Block (Urupa) is a right of access over Mangati D3A Block (C.T.139/272) created by Partition Order 2222.

A.L.R.

GAZETTE EXTRACT 162585 DECLARES MANGATI E BLOCK CONTAINING 82 ACRES TAKEN FOR SEWERAGE TREATMENT WORKS AND SHALL VEST IN THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF TARANAKI - PRODUCED 13.8.68 AT 12.28 O'C.

A.L.R.

N.C.O.162650) Cancelled as to the land in
15.8.68) Gazette Extract 162585 and C.T. B2/557 issued.

A.L.R.

Partition Order 191039 vesting Mangati C No. 2 in Kahukore m.a. and Ngawai Kawakawa f.a. equally - produced 2.2.72 at 10.45 o'c

A.L.R.

over..

No. B1/1254

SEARCH COPY

B1/1254

Succession Order 191040 vesting the interest of Kahukore in Kawakawa Tamati Waaka f.a. - produced 2.2.72 at 10.46 o'c

D.L.R.

Vesting Order 191041 vesting the interest of Kawakawa Tamati Waaka deceased in Hare Kopu m. and Kahukore Push m. 19 equally produced 2.2.72 at 10.47 o'c

D.L.R.

Vesting Order 191042 vesting the interest of Ngawai Kawakawa deceased in Te Ponga Taka Teira f.a. solely - produced 2.2.72 at 10.48 o'c

D.L.R.

Vesting Order 191043 vesting the interest of Te Ponga Taka Teira deceased in Aila Taylor m.a., Rangimokai Dawn Freuean f.a. and Koro Teira Jenkins alias Taylor Jenkin m.a. equally - produced 2.2.72 at 10.49 o'c

D.L.R.

N.C.O. 191044) Cancelled as to Mangati
2.2.72)C No. 2 Block and C.T.
)C2/747 issued

D.L.R.

Partition Order 196303 vests Mangati A2A in Karira m.a. - produced 5.9.72 at 11.58 o'c
C3/469

D.L.R.

Partition Order 222624 vesting Mangati B1 Block in Grant Knuckey m.a. - 22.5.1975 at 12.25 o'c
D2/1036 issued

D.L.R.

Vesting Order 226234 vesting Mangati B3 Block in The Chairman Councillors and Inhabitants of the County of Taranaki - 7.10.1975 at 2.01 o'c and entered 11.11.1976 at 1.54 o'c
D3/494

D.L.R.

234259 Evidence of the stopping of the portion of Wanaka Terrace shown on SO 10888 now known as section 53 Bell District - 2.9.1976 at 11.23 o'c

C.T. D4/#923 issued

A.L.R.

11 April 1994

SEARCH COPY
NEW ZEALAND.

REGISTER 4

[Form B.

By [illegible] Court Settlement Reserves Act 1[illegible] West Coast Settlement Reserves [illegible] Amendment Act, 1902," the within land is vested in the Public Trustee.

Register-book, Vol. 55, folio 50

Reference: { Vol. , folio / Transfer No.

S.O. Plan 2587.

CANCELLED

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the twenty third day of February, one thousand nine hundred and five, under the hand and seal of the District Land Registrar of the Land Registration District of Taranaki, Witnesseth that

The Public Trustee See 1902 Act Sec 3

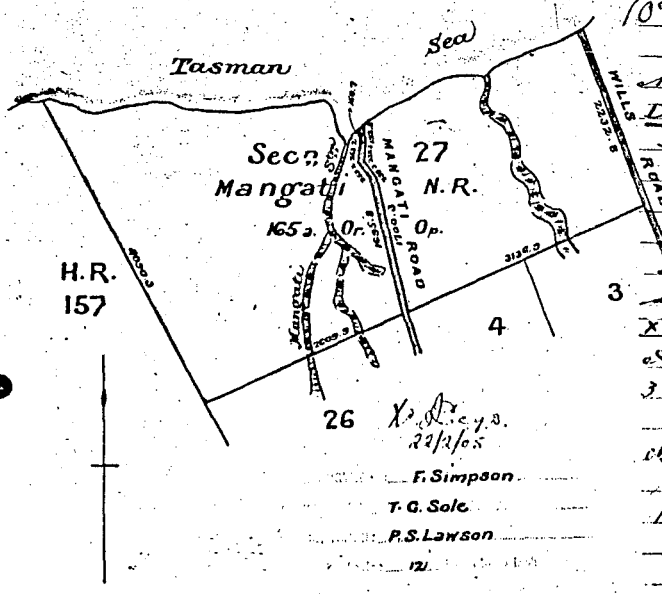
is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or indorsed hereon; subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon, bordered Carmine, be the several admeasurements a little more or less, that is to say: All that parcel of land containing one hundred and eighty five acres being the Native Reserve known as Mangatii and being the Section numbered Twenty seven on the Public Map of the Bell District Block Two Paritutu Survey District deposited in the Office of the Chief Surveyor at New Plymouth.

West Coast 1902 Act

By "The West Coast Settlement Reserves Act, 1892," the within land is vested in the Public Trustee.

Bell Dist.

Block 2 Paritutu S. D.



Kaiwi Land Court Order No. 1175 vesting Mangati D[illegible] & in Te Piki[illegible]whakarare & Ta. on 10th December 1923 at 11.30 a.m. 10T/225

N.L.C. Order No. 1346 vesting Mangati D[illegible] & Hunami Mokau[illegible] and 33 others. Entered 3rd February 1925 at 2m 10T/225

Transfer No. 118529 of Mangati D[illegible] & Hoka Pastoral Maori Land Board as agent for the owners under Part XVIII of the Native Land Amendment Act 1913 to Ngarongo Kaiaua [illegible] 3rd February 1925 at 2m 110/194

N.L.C. Order vesting Mangati D[illegible] & in Koka Pehimana & Ta. proclaimed 11th February 1926 at 10 a.m. 112/239

1886

No. 55/50

55/50

11 April 1994

SEARCH COPY

REGISTER

5

55/50

N.L.O. Order No 1463 vesting Mangati C 1 in Kapiria Awariki Haka m.a. produced 10th May 1926 at 1.20 o'c. 114/153

Charging Order No 352 under the Rating Act 1925 against Mangati B produced 18th October 1928 at 2.30 o'c. DISCHARGED

Charging Order No 353 under the Rating Act 1925 against Mangati B produced 18th October 1928 at 2.30 o'c.

Charging Order No 356 under the Rating Act 1925 against Mangati C2 produced 18th October 1928 at 2.30 o'c.

Charging Order No 358 under the Rating Act 1925 against Mangati D3A produced 18th October 1928 at 2.30 o'c. DISCHARGED

Charging Order No 359 under the Rating Act 1925 against Mangati DISCHARGED 7/19 produced 18th October 1928 at 2.30 o'c.

Charging Order No 907 under the Rating Act 1925 against Mangati B produced 17th September 1934 at 3.45 o'c.

Caveat No 2049 by Ngaronga Mangati D3A produced 8th October 1936 at 30 o'c.

Partition Order No 22222 vesting Mangati D 3A containing 3 acres 3 roods and 27 perches in Hapi Love and six others in equal shares produced 16th May 1936 at 1.45 o'c. 139/272. D.L.R.

Appurtenant to the Mangati D2 Block is a right of access (not defined) over the Mangati D 3A Block (land in Certificate of Title Vol 139 Fol 272) created by and by Partition Order 22222 Entered 26th May 1936 at 1.45 o'c. D.L.R.

CHARGING ORDER No. 1136 under the Rating Act 1925 produced 15.11.39 at 11 a.m. D.L.R.

No 2782 Partition Order vesting Mangati A 2B containing 3 acres 1 rood and 35 3/10 perches in Takuteranga Tamaiti - produced 14.10.1946 at 10.10 o'c 157/157 D.L.R.

Released 2/5/54 W590/ under the Rating Act 1925 against Mangati B

CHARGING ORDER No. 1458 under the Rating Act 1925. DISCHARGED 7/19/67 produced 1946 Mangati B

CHARGING ORDER No. 1364 under the Rating Act 1925 Produced 15/5 Mangati B DISCHARGED 7/19/67

Copy Caveat No. 2049 DISCHARGED 7/19/67 produced 9th Oct 1936 at 30 Mangati E. POST SECTION

NCO 155388 } Cancelled and conversion
28-6-67 } CT. B1/254 issued

CERTIFICATE OF TITLE, Duplicate of C.T. 55/50
Vol. , folio destroyed 1/6/78

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.
D.L.R.

6

PARTITION ~~FREEHOLD~~ ORDER.

Under the West Coast Settlement Reserves Amendment Act, 1913.

TAR : 30
Mangati Block
Order Site
MLC Wanganui.

N.P. 28/67,68,69
IN THE NATIVE LAND COURT,
NEW ZEALAND.
AOTEA DISTRICT. } MANGATI E.

IN THE MATTER of the Native Land Act, 1909, and the amendments thereof; and

IN THE MATTER of the West Coast Settlement Reserves Amendment Acts, 1913 and 1914; and

IN THE MATTER of a block of land known as Sec. 27 Mangati Native Reserve, Bell District, Paritutu S.D.

and heretofore held under Crown grant, Index No.

Vol. , fol. of the

Register.

AT a sitting of the Court held at New Plymouth

on the 21st day of May , 1919, before James Wakelin Browne ~~John Bain Jack~~, Esquire, a Judge of the said Court, in pursuance of the jurisdiction conferred by the said Acts:

Registered No.
Memorandum of Lease: Public Trustee to

It is hereby ordered and declared that the persons whose names appear in the first column of the Schedule endorsed hereon, or annexed hereto, and therein numbered one to -- 55 ---, are (subject to the Memorandum of Lease noted in the margin hereof) the owners in the shares or proportions set out in the second column of the said Schedule of that part of the said land containing 82 acres --- roods -- perches, being Pt. Sect. 27 Bell Dist., Block II, Paritutu Survey District, and which part is delineated in plan ~~endorsed hereon~~ attached hereto and known as MANGATI E.

As witness the hand of the Judge and the seal of the Court.

THE NATIVE LAND COURT OF NEW ZEALAND.

J. N. Acheson

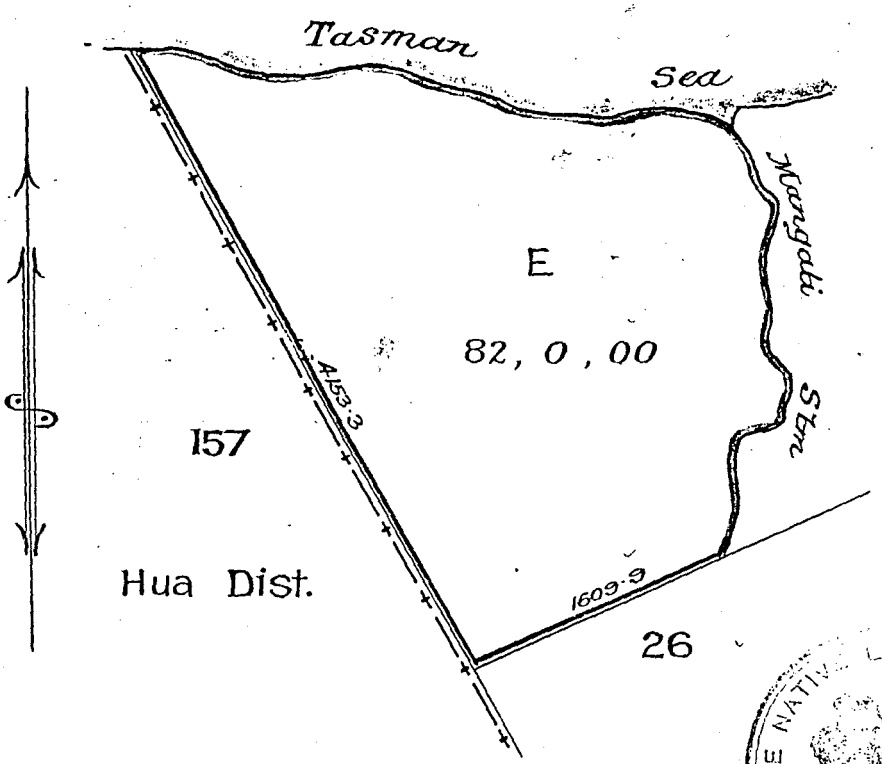
Judge.
Aotea District.

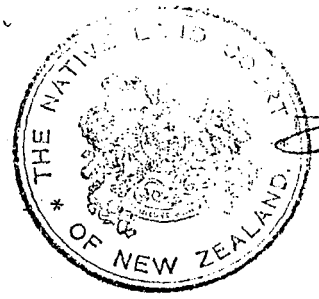
3.000/3/18—4026]

Pt Sec 27 Bell Dist.

Block II Paritutu S. D.

Mangati Block





Plan 856N

Scale: 10 chains to an inch.

CONSOLIDATED ORDER

The Maori Affairs Act 1953, Section 445

TAR. 30
Mangati Block
Order File
MLC Whanganui

8

Tar.M.B. 73/69

In the Maori Land Court

of New Zealand

Aotea District

Mangati E Block

At a sitting of the Court held at New Plymouth

on the 21st day of February 1963, before

David Grant Davis Esquire, Judge

WHEREAS a Partition Order

made ~~on~~ upon the 21st day of May 1919,

constitutes the title to the land containing 82 acres 0 roods

00 perches known as Mangati E Block:

And whereas by reason of changes of ownership effected or evidenced by subsequent orders of the Court the said order does not fully disclose the names of the several persons for the time being entitled to any estate or interest as owners in the said land and the several shares and interests to which they are entitled:

Now therefore, in pursuance of the powers conferred by section 445 of the Maori Affairs Act 1953, and upon an application duly made by the Registrar and dealt with in accordance with the provisions of the said section.

It is hereby ordered and declared that the persons whose names are set out in the Schedule hereto and numbered one to one hundred and nine inclusive are by virtue of the said order and the subsequent orders above referred to, the persons entitled to the said land as owners at the date hereof as tenants in common in the shares set opposite their respective names in the said Schedule:

And it is hereby further declared that the estate of each of the said owners whose estate is not specifically defined after his or her name in the said Schedule is an estate in fee simple in possession, and the estate of each of the owners whose estate is so specifically defined is as so defined.

Deputy Registrar

As witness the hand of the Judge and the Seal of the Court

THE MAORI LAND COURT OF NEW ZEALAND

Deputy Registrar

Judge

2,000/4/59—6728 W

IN THE MATTER of Section 438 of the Maori Affairs Act 1953

AND

IN THE MATTER of Mangati E Block

AT A SITTING of the Court held at Wanganui on the 13th day of May 1966 before David Grant Davis, Esquire, Judge.

UPON HEARING the application of Luna Keepa for an Order under the provisions of Section 438 of the Maori Affairs Act 1953 vesting in trustees upon certain trusts the Maori freehold land comprising 82 acres 0 roods 00 perches known as Mangati E Block AND there not being on the part of the beneficial owners or any of them a meritorious objection to the making of the Order;

NOW THEREFORE IT IS HEREBY ORDERED that the said land be and the same is hereby vested in DAVID KEEPA, NOKI SALLY KARENA, PERCY TAMAIA, EVA WHITINGTON, LUNA KEEPA, MARTHA DIXON, WILLIAM ANDREWS, REUBEN KOHU, MIHI HIRST, KATHLEEN RANGA, ST. HELENA BRANDT and RAKEI KARENA to be held upon and subject to the undermentioned trusts for the benefit of the beneficial owners of the said land, namely UPON TRUST:-

(a) TO exercise in the discretion of the trustees all or any of the following powers:-

(1) TO lease the said land or any part or parts thereof for such period or periods at such rentals and upon such terms and conditions as the trustees shall think fit.

(2) TO form any road which may be required to give adequate access to the said land and to expend thereon any moneys required for its formation and maintenance.

(3) TO subdivide the said land or any part or parts thereof into building allotments in such manner as the trustees shall deem expedient and to sell or lease any such allotments or to transfer any of such allotments to any of the beneficial owners of the said land in full or partial satisfaction of such beneficial owners' shares in the said land with power to dedicate any parts of the said land as roads or reserves and generally do all such things as may be necessary to comply with the requirements of the Minister of Lands, the Local Authority or the Town and Country Planning Appeal Board and with further power to arrange with any local authority for the installation of a sewerage disposal system, water supply and supply of electric current for the benefit of the said land and to expend moneys for any such purpose.

(4) TO borrow upon the security of the said land

or otherwise any moneys required for any of the purposes aforesaid at such rates of interest and upon such terms as to repayment and in general as the trustees shall think fit.

(5) TO repay any advances heretofore made to the trustees for the purpose of meeting outstanding charges owing in respect of the said land.

(6) No alienation, within the meaning of that word as used in Section 2 of the Maori Affairs Act 1953, shall have any force or effect unless and until it has been confirmed by the Maori Land Court.

(b) TO disburse or otherwise use the purchase moneys and rents received under any sales or leases of the said land and any other income received therefrom for the benefit of the beneficial owners.

(c) TO keep proper books of account in which shall be recorded all receipts and payments relating to the said land and to prepare a balance sheet and revenue and expenditure statement as at the 31st day of March in each year in which shall be shown all revenue and expenditure and all assets and liabilities of the trustees relating to the said land; and to have the same audited by an auditor appointed by the trustees.

(d) TO submit a copy of the revenue and expenditure statement and the balance sheet as at the immediately preceding 31st day of March to the Registrar of the Court in the month of May in each year.

(e) TO summon a general meeting of the beneficial owners in the month of June in each year by notice in writing sent by ordinary post to the last known place of abode of each beneficiary at least 14 days before the date of such meeting.

(f) TO place before such general meeting a full report of the trustees' transactions during the year ended on the immediately preceding 31st day of March.

(g) TO apply to the Court after each such general meeting for an Order in terms of Section 438 (8) of the Maori Affairs Act 1953 varying this Order in accordance with any resolution passed at such general meeting where such resolution concerns the replacement of any trustee or trustees or other variation in the terms of the trust.

(h) TO keep proper minute books in which shall be recorded the proceedings of all general meetings of beneficial owners and of all meetings of the trustees.

(i) TO keep and to maintain in an up-to-date condition a nominal roll of the beneficial owners showing thereon the place of abode of each owner so far as the same shall be known.

AS WITNESS the hand of the Judge and the Seal of the Court.

JUDGE

from 3/1614 12

Mangati E Alienation File
Maori Land Court Wanganui

AOTEA DISTRICT
7 SEP 1933
NATIVE LAND COURT

Eltham
Sept 5th/9/33

Memo To

Aotea District Maori Land Board
Wanganui

Dear Sir

I am writing to the Board re a Lease of the Mangati E Block 2 section 27 Paretutu Survey District as the Native trustee Advises me that this Land is not administered by his Office the Blocks total acreage is 82 acers less ¼ acer Burail Ground and is all Sand Bar 5 acers Grass Facing the sea coast if I can aquire a Lease of the same for 21 years with right of renewal at a pentel of three shillings Per acer for the First 21 years and 4/- shillings Per acer on the 21 years renewal term there is 54 owners in the Block and the shairs are all very small and a lot of the owners are deceased in the List that I have in Hand of the 54 old owners and I dont know the Successors to there shares

List Original owners

	share
Akuhata Erwini	1/4
Amiria Hori	1/6
te Aru A Kanui	11/18
Ahaanui Mekameka	11/18
Ema Haena	11/48
Hakawhero	11/48
Hana Feild	1/7
Harata Mawene	2/7
Henare te Wanganui	1/4
Henare Punanga	6
Here Maia Erwini	2/7
Heni Watine	2
Horiana Kopu	2/7
Kawa te Ao mikameka	11/48
te Kiri Karena	11/12
Kiringaua te Wanganui	1/4
te Kopu	2/7
Kahukari	1
Karira	1 1/2
Mere Karena	11/12
Manihere Hori	1/6
Ngawai Kawakawa	1
Ngarongo Erwini	2/7
Ngatiniti Erwini	2/7
Ngarongo Kahau	2

Pare Hikanui	11/18
Pikimana Wanganui	1/4
Pika Wanganui	1/8
Penina Wanganui	1/4
Piro Hori	1/6
te Putaka	1/2
Raekahuri Mekameka	11/48
Raniera Karena	3. 2/3
Rawinia Malahini	11/18
Rawhiti Hikanui	11/18
Roko Pikimana	1. 3/4
te Rana Kopu	2/7
Raupene Kopu	2/7
Ramari Erwini	2/7
tonga c Carroll	11/18
tukuruki Kopu	2/7
Takaterangi Wanganui	1/4
takere Erwini	2/7
tupaea Hori	1/6
te no Kopu	2/7
te Natoahu Wanganui	1/4
Nru te Angina Hori	1/6
te Wikikori Karena	11/12
Wiketoria Erwini	2/7
Waewae Toki	2
Rawea Hughes	1/6
Mere Cameron	1/6
Tini Clements	1/6

I am a owner in the Block as Successor to my
Mother Rawca Hughes deceased
and Isabell Bown is successor to her
Mothes Mere Cameron deceased
and James & Albert Clements is Successors to there
Mothes Tini Clements deceased

yours faithfully
W H Hughes
Eltham

THE NEW ZEALAND GAZETTE

Published by Authority

WELLINGTON: THURSDAY, 1 AUGUST 1968

Taken for Housing Purposes in Block IV, Taylor Pass Survey District, Borough of Blenheim

ARTHUR PORRITT, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act 1928, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for housing purposes, and shall vest in the Mayor, Councillors, and Citizens of the Borough of Blenheim as from the date hereinafter mentioned; and I also declare that this Proclamation shall take effect on and after the 5th day of August 1968.

SCHEDULE

MARLBOROUGH LAND DISTRICT

All those pieces of land situated in Block IV, Taylor Pass Survey District, Marlborough R.D., and described as follows:

A.	Being
33.5	Part Lot 2, D.P. 2370; coloured blue on plan.
7.4	Part Lot 11, D.P. 1121; coloured sepia on plan.
7.4	Part Lot 12, D.P. 1121; coloured orange on plan.
7.4	Part Lot 14, D.P. 1121; coloured sepia on plan.

Being parts Section 25, Omaka Registration District.

The same are more particularly delineated on the plan M.O.W. 22275 (S.O. 4804) deposited in the office of the Minister of Works at Wellington, and thereon coloured sepia mentioned.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 30th day of July 1968.

PERCY B. ALLEN, Minister of Works.

GOD SAVE THE QUEEN!

(P.W. 53/392/1; D.O. 19/2/20/0)

Taken for the Use, Convenience, or Enjoyment of a Street in the Borough of Rangiora

ARTHUR PORRITT, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act 1928, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for the use, convenience, or enjoyment of a street, and shall vest in the Mayor, Councillors, and Citizens of the Borough of Rangiora from the date hereinafter mentioned; and I also declare that this Proclamation shall take effect on and after the 5th day of August 1968.

SCHEDULE

CANTERBURY LAND DISTRICT

ALL that piece of land containing 3.4 perches situated in the Borough of Rangiora, Canterbury R.D., being part Lot 6, D.P. 2570, and being part Rural Section 980; as the same is more particularly delineated on the plan marked M.O.W. 22186 (S.O. 10902) deposited in the office of the Minister of Works at Wellington, and thereon coloured orange.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 20th day of June 1968.

[L.S.] PERCY B. ALLEN, Minister of Works.

GOD SAVE THE QUEEN!

(P.W. 51/3820; D.O. 35/8)

Land Taken for Civic Purposes under the Town and Country Planning Act 1953 in the Borough of Morrinsville

ARTHUR PORRITT, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act 1928 and section 47 of the Town and Country Planning Act 1953, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for civic purposes, such purposes being the proper development and use of the land in accordance with the Morrinsville Borough Council's proposed district scheme, and shall vest in the Mayor, Councillors, and Citizens of the Borough of Morrinsville as from the date hereinafter mentioned; and I also declare that this Proclamation shall take effect on and after the 5th day of August 1968.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT

ALL that piece of land containing 24.3 perches situated in Block VI, Maungamawa Survey District, being part Lot 4, D.P. 13193; as the same is more particularly delineated on the plan marked M.O.W. 22205 (S.O. 44158) deposited in the office of the Minister of Works at Wellington, and thereon coloured blue.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 26th day of July 1968.

[L.S.] JOHN RAE, for the Minister of Works.

GOD SAVE THE QUEEN!

(P.W. 53/489; D.O. 43/18/0/3)

Land Taken for Sewerage Treatment Works in Block II, Paritutu Survey District, Taranaki County

ARTHUR PORRITT, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act 1928, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for sewerage treatment works

of the County of Taranaki as from the date hereinafter mentioned; and I also declare that this Proclamation shall take effect on and after the 5th day of August 1968.

SCHEDULE

TARANAKI LAND DISTRICT

ALL that piece of land containing 82 acres situated in Block II, Paritutu Survey District, Taranaki R.D., being Mangati E. Block, as shown on Plan No. M.L. 856, held at the office of the Chief Surveyor at New Plymouth, and being part certificate of title, No. B1/1254, Taranaki Land Registry.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 26th day of July 1968.

[L.S.] JOHN RAE, for the Minister of Works.

GOD SAVE THE QUEEN!

(P.W. 53/2; D.O. 19/6/0/2)

Declaring Land in Canterbury Land District, Vested in the Canterbury Education Board as a Site for a School, to be Vested in Her Majesty the Queen

ARTHUR PORRITT, Governor-General

A PROCLAMATION

PURSUANT to subsection (6) of section 5 of the Education Lands Act 1949, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto, being an area vested in the Canterbury Education Board as a site for a school, shall be vested in Her Majesty the Queen, freed and discharged from every educational trust affecting the same, but subject to all leases, encumbrances, liens, or easements affecting the same at the date hereof.

SCHEDULE

CANTERBURY LAND DISTRICT—GERALDINE COUNTY

RESERVE 2520, situated in Block III, Geraldine Survey District: area, 39 acres 2 roods 31 perches, more or less (S.O. Plan 2497). Reserve 2692, situated in Blocks III and IV, Geraldine Survey District: area, 41 acres 1 rood 35 perches, more or less. All certificate of title, Volume 121, folio 18 (S.O. Plan 867).

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 23rd day of July 1968.

[L.S.] DUNCAN MACINTYRE, Minister of Lands.

GOD SAVE THE QUEEN!

(L. and S. H.O. 6/6/1226; D.O. 8/1/195)

Member of the Board of Trustees of the National Art Gallery and Dominion Museum Appointed

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of July 1968

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to section 2 (1) (f) of the National Art Gallery and Dominion Museum Amendment Act 1936, the Governor-General hereby appoints

William Tuakana Ngata, Esq.

to be a member of the Board of Trustees of the National Art Gallery and Dominion Museum, for a term of 3 years expiring on 30 June 1971, as representing the Maori race.

P. J. BROOKS, Clerk of the Executive Council.

(I.A. 114/12)

Boundaries of Borough of Mount Maunganui Altered

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of July 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Local Government Commission Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the

Carterton Borough Council Declared ... under the Public Bodies' Lea...

ARTHUR PORRITT, Gover...

ORDER IN COUNC...

At the Government House at Wellingto... 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GE...

PURSUANT to section 4 of the Public Bo... His Excellency the Governor-General, a... advice and consent of the Executive Co... the Carterton Borough Council to be a le... the meaning of that Act.

P. J. BROOKS, Clerk of ...

(I.A. 127/1)

Authorising Tauranga Harbour Board ... Tauranga Harbour ...

ARTHUR PORRITT, Governo...

ORDER IN COUNCIL

At the Government Buildings at Wellingt... July 1968

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., Pr...

PURSUANT to section 185 of the Harbo... Excellency the Governor-General, acting... advice and consent of the Executive Counc... the Tauranga Harbour Board to reclaim ... bour an area of 1 acre 3 roods 3 perches... in red on S.O. Plan 43390, now numbered... deposited in the office of the Marine Dep... ton; being part Crown sea bed and part ... in the Tauranga Foreshore Vesting and Em... provided that the work is carried out in ... on Tauranga Harbour Board plan sheets B... now numbered M.D. 12936, and deposite... the Marine Department at Wellington: ... the whole work is completed by 30 Nov... manner prescribed by the said Act.

P. J. BROOKS, Clerk of th...

(M. 43/13/6/8)

Validating Reclamation of Crown Foreshor... Waikawa Bay, Queen Charlotte ...

ARTHUR PORRITT, Governor-...

ORDER IN COUNCIL

At the Government House at Wellington thi... 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERA...

PURSUANT to sections 175 and 265 of the H... His Excellency the Governor-General, actin... advice and consent of the Executive Counci... the reclamation by the Marlborough Harbou... foreshore and sea bed in Waikawa Bay, ... Sound, of the land containing 1 acre 0 roo... shown on S.O. Plan 4764 now numbered ... deposited in the office of the Marine Departm...

P. J. BROOKS, Clerk of the ...

(M. 43/5/6/2)

Revoking Order in Council Validating Reclam... Bay, Queen Charlotte Sound ...

ARTHUR PORRITT, Governor-...

ORDER IN COUNCIL

At the Government House at Wellington thi... 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERA...

5/84/2/4

19/6/0/2

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TARANAKI COUNTY COUNCIL

MINISTRY OF WORKS AND DEVELOPMENT
17 FEB 1978

TARANAKI COUNTY COUNCIL CHAMBERS
ROBE STREET
New Plymouth.

...ressed:
...CLERK
...O. BOX 56,
NEW PLYMOUTH.

When calling or telephoning with reference to this letter ask for:
MR PUTT

Your Ref. .....
Our Ref. .....
WANGANUI (Please quote in reply)

14 February 1978

The District Commissioner of Works,
Ministry of Works,
Private Bag,
WANGANUI.

Dear Sir,

RE: SECTION 37 PUBLIC WORKS AMENDMENT ACT 1948

The Council in 1968 took under the provisions of the Public Works Act 1928 as area of 82 acres for sewerage treatment works and later in 1976 took 24.75 hectares for similar purposes. Copies of the respective titles are attached hereto.

Subsequently, in each case, oxidation ponds were erected on the respective sites which have a common boundary.

Due to topographical reasons and possible future extensions it was necessary to take the whole of the areas involved but some of the land is not currently utilised for sewerage works.

In respect of Mangati E, a fairly substantial area adjoining the sea consists of natural sandhills and is a pleasant playground for children using the Bell Block Beach. The presence of the oxidation ponds (suitably fenced) do not pose any health problem. Between the oxidation ponds and the southern boundary is an area which the Council proposes filling and when fenced, is proposed to be used for a dog training ground.

Limited areas of Part Section 157 on the southern side lend themselves to future recreational development in conjunction with the adjoining Bell Block and Hickford Parks, the Council owning as recreation reserve all land to the south and west of this land.

Development work on the land will be costly but will enable fuller utilisation either for active or passive recreation or planting of trees to enhance the view from neighbouring residential areas.

The Councils proposal is to seek authority for a secondary use of the land for recreation purposes pursuant to the provisions of the Reserves and Domains Act 1953. This will enable construction expenditure from funds accrued under Section 28 of the Counties Amendment Act 1961.

.../2

D T & P. (E)

In order to ascertain the areas to be so designated for secondary use for recreation purposes, the Council could carry out a survey of such areas but this would be an extremely costly exercise.

The easiest method would be for the whole of the land to be set aside for recreation purposes as a secondary use but with the problem that Section 33 of the Reserves and Domains Act 1953 gives the public right of free access to reserves. The limitations of Section 32 do not seem wide enough.

It may however be possible for the Minister's authority to give a secondary use of the land for recreation purposes subject to the provisions of the Reserves and Domains Act 1953 and notwithstanding the provisions of Section 33 of the Act to authorise the Council to exclude the public from areas deemed by the Council to be unsuitable for entry by the public.

It would be appreciated if you would give this matter consideration and possibly recommend accordingly to the Minister.

Yours faithfully,

J.S. PUTT
COUNTY CLERK

JSP:BFF

The Medical Officer of Health.
Telegraphic Address
Health, New Plymouth.

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DEPARTMENT OF HEALTH

DISTRICT OFFICE
T. & G. INSURANCE BUILDING, NEW PLYMOUTH

P.O. BOX 241
TELEPHONE:
85 203

6.3.78

The District Engineer,
Ministry of Works,
P.O. Box 440,
NEW PLYMOUTH.

MINISTRY OF WORKS
-7 MAR 78
NEW PLYMOUTH

SEWERAGE TREATMENT WORKS BELL BLOCK

In reply to your letter of 28th February 1978 on the proposal by Taranaki County Council to develop the area around its oxidation ponds for recreational purposes.

At present Taranaki County Council has plans for a joint scheme with New Plymouth City Council for sewage disposal probably from the Waiwakaiho area.

It might be prudent, in view of the delays that can arise in such schemes, for Taranaki County to retain engough ground for a third pond should the joint scheme be delayed. This could result in the growth of Bell Block population exceeding the capacity of the present ponds.

Having seen the area I felt it is a remarkably unattractive beach and I wonder about the need for spending large sums in developing recreational facilities there.

Apart from the obvious need for adequate fencing we can see no objection to the scheme on health grounds.

Await Pol's Dept Reply.

(Dr. I.L. Cowan)
Medical Officer of Health

LEGAL INSTRUCTION NO. 24

SECONDARY USE OF LAND

1. Statutory Authority

Under the heading "Artificial Lakes" section 37 of the Public Works Amendment Act 1948 provides that the Governor General may authorise the application of any land acquired for a public work to any secondary use or uses either public or private provided he is satisfied that this is practicable without interfering with the particular public work. This section has been used mainly to authorise the use for recreation purposes of land acquired in connection with one or other of the hydro-electric schemes and artificial lakes created by such schemes but there is no reason why it cannot be used in other circumstances.

2. Applications for Secondary Use

An application under this section may be received from the Department controlling the land (e.g. the N.Z. Electricity Department) or from the local body (or its solicitors) in which control of the secondary use is to be vested. This should be accompanied by plans in triplicate not necessarily approved S.O. plans but this is always preferable. Sketch plans are sufficient provided they are of a good standard and adequately define the land concerned. The plans should be accompanied by a description of the land certified as correct by the Chief Surveyor.

3. Ministerial Consent

The Department controlling the land should also supply evidence of the consent of its Minister to the authorisation of the secondary use. If the secondary use includes the general characteristics of a public reserve or domain and control thereof is to be vested in a local authority or domain board, a certified copy of a resolution consenting to the authorisation of the secondary use and to the vesting of control thereof in the local authority or domain board, is to be supplied.

4. Precedents

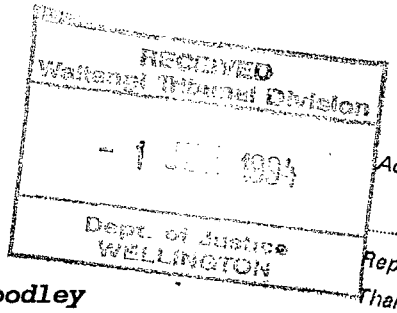
For precedents for an Order in Council under this section see Gazette 1967, page 2,073, 1968 page 994, 1968 page 1,402 and 1969 pages 269 and 890.

NEW PLYMOUTH DISTRICT COUNCIL

30 May 1994

All correspondence to:
GENERAL MANAGER

Our ref.



Acknowledgement letter sent
Reply follows
Thanks for information

The Registrar
Waitangi Tribunal
P O Box 5022
WELLINGTON

ATTENTION: Suzanne Woodley

Dear Madam

TARANAKI CLAIM (Y143)

I refer to your letter of 8 April 1994 seeking further information in respect of the Taranaki claim.

The Roading Engineer, Mr J Sutton, has provided me with the following advice.

1. The New Plymouth District Sewerage Scheme serving urban new Plymouth has been operative for some years. In the mid 1980's all sewage from the Bell Block area was intercepted and is now transported by pipeline to the Treatment Plant on the Waiwakaiho Flat. The oxidisation ponds located on the Mangati E Block are now redundant and inoperative. They are physically still in existence and contain a large quantity of rain water. At the moment they are doing no more than providing a natural habitat for bird life.

2. The Manukorihi Road was constructed by the Waitara Borough Council (complete with side drains) many years ago. The New Plymouth District Council maintains the road and the drains on a regular basis. The road is effectively fenced to prevent stock wandering onto the road.

If you require any additional information, please do not hesitate to contact either myself, or the Engineer Manager Works and Services Department.

Yours faithfully

K N Sampson
GENERAL MANAGER
kns:nrr
94/05/539
cc: EMW

LIARDET STREET PRIVATE BAG NEW PLYMOUTH NEW ZEALAND
TELEPHONE (06) 758 8099 FAX (06) 758 3257