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OFFICIAL

**Research Report
Kaikohe Aerodrome
Wai 302**

**by
Ralph Johnson**

Preliminary Report: Wai 302 Kaikohe Aerodrome

My name is Ralph Johnson. Before joining the Waitangi Tribunal in 1995, I spent several years researching a Master of Arts in New Zealand History at the University of Auckland. I have been commissioned to complete a Research Report.

1. Introduction

This report investigates the Public Works alienation of former Maori lands comprising the Kaikohe Aerodrome (Wai 302), from 1942 to the present. It lays out the key issues of the claim lodged by Ron Te Ripi Wihongi, on behalf of six whanau.

The report appraises:

- the boundaries of the aerodrome land and the claim
- block history
- acquisition and compensation arrangements
- Public Works legislation
- Recent negotiations
- Crown policy affecting the return of surplus lands

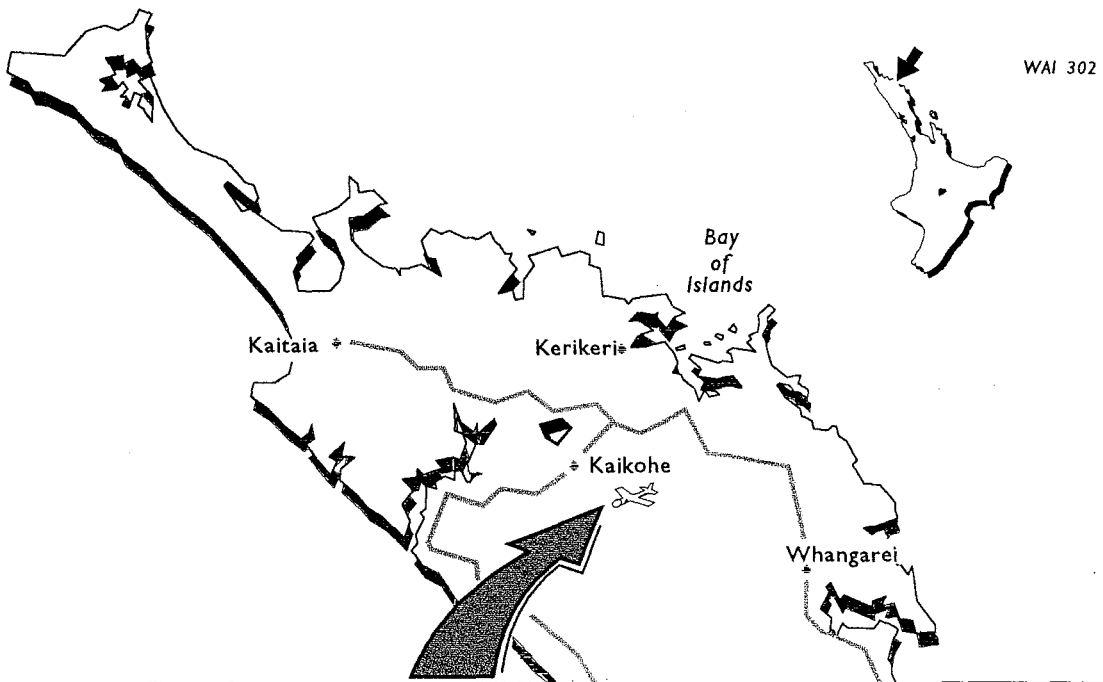
2. The Claim

On 3 August 1992, Mr R. Te Ripi Wihongi lodged a claim application on behalf of the Wihongi, Maihi, Moon, Clarke, Cassidy and Pera whanau of Kaikohe. The claim was duly registered on 6 August 1992 as Wai 302.

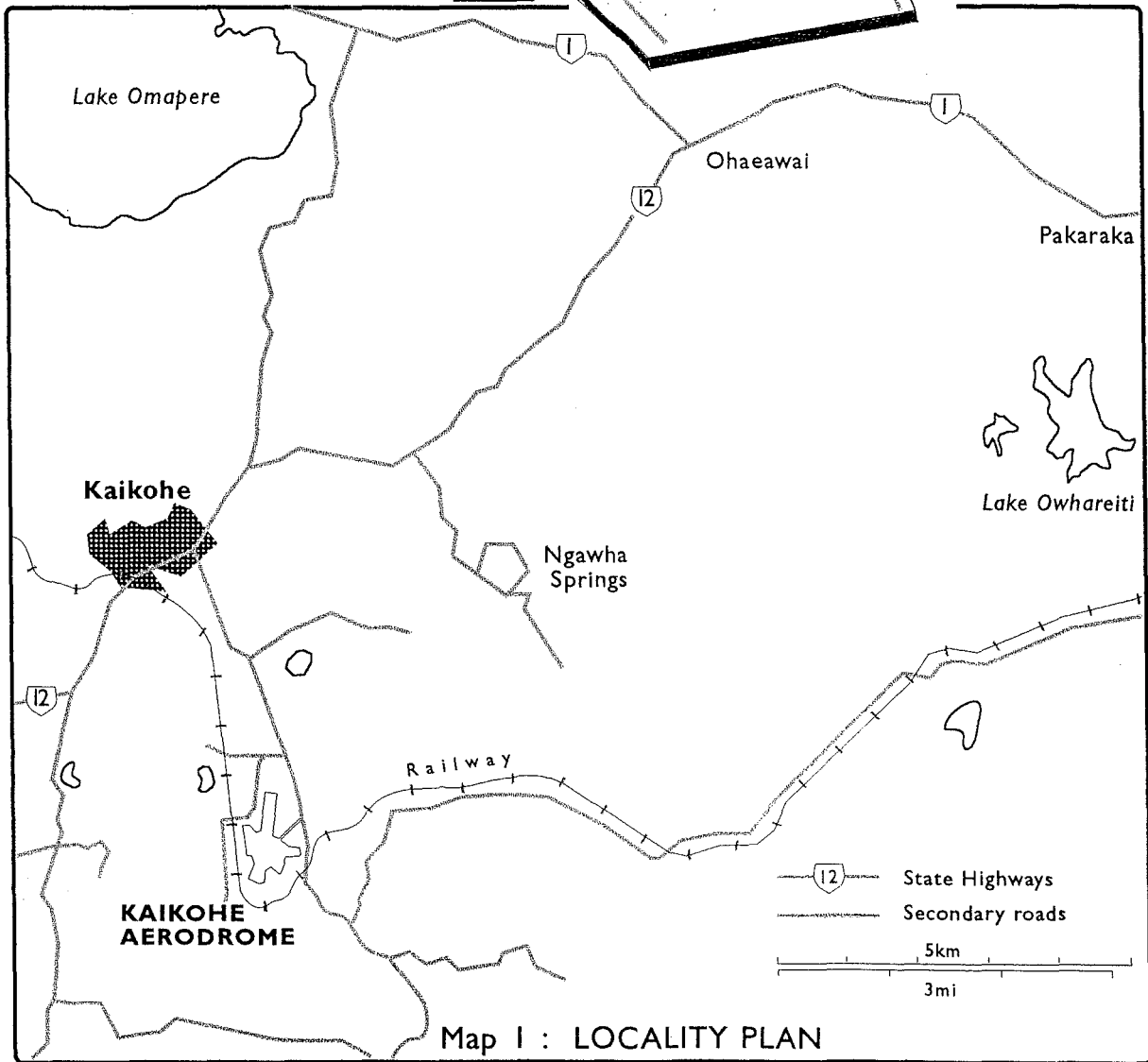
The claim centres on the compulsory acquisition of 134.29 hectares of land between 1942-50 for the purposes of constructing a military aerodrome. The land was taken under the Public Works Act 1928. The claimants allege breaches of the Treaty in terms of several specific issues.

- they claim an abuse of the powers of compulsory acquisition.
- they question the continued alienation of large areas of land, acquired but never used for flying purposes:
The surrounding land which was steep and unsuitable for use, has been leased to four farmers, since that day nearly 50 years ago to this present day.¹
- the procedures outlined for the return of lands surplus to requirements were not adhered to when the aerodrome at Kaikohe ceased to operate in a 'public capacity' in the late

¹ R. Te Ripi Wihongi to Waitangi Tribunal, 20 July 1992, 'Statement of claim'.



Map : NOHarris 11/95



1970s.

- the claimants challenge the right of the Ministry of Transport to dispose of the site, while under claim with the Tribunal, and that the offer back procedures governing the disposal of surplus lands were not adequately followed, contravening their position as original owners of lands in the block, as guaranteed under the Treaty of Waitangi.

3. The Land

The aerodrome is situated in a belt of fertile volcanic country at the head of the Punakitere Valley, five and a half kilometres south of the present township of Kaikohe on Mangakahia road. No visible evidence of pre-european occupation remains on the area, but this is not surprising given the extent of levelling and earth moving which have taken place on the site. The statement of claim identifies the total area acquired under Public Works Legislation 1942-71. It is important to recognise, however, that the total area under claim, lay in both Maori and European ownership at the time of acquisition by the Crown. Therefore, the area claimed requires adjustment. Map Two illustrates the extent of Maori and Pakeha ownership of land and amends the boundaries to the claim area, highlighting the blocks of land owned by Pakeha.

The following blocks were acquired by Public Works proclamations 1942-51 (cited below in section 5).

Kohewhata PT No. 14

Tawapuku PT No. 2
PT 3A
PT 3B
PT 4A
PT 4B
PT 4B
PT No. 5
PT No. 7

Otuhi PT 1B3
PT 1B4A
PT 1B4B2B
PT 1C1
PT 1C2
PT 1C3
PT 1C4
PT 1C5
PT 1C8
PT 1D

At the time of acquisition, the overall area was bordered by roads to the north and east and by the Nga Puhī rail line to the south and western approaches. Subsequently, the railway has been removed. It appears that the overall area was taken as a blanket acquisition of all the land bounded by road and rail.

4. Block History

The blocks comprising the Kaikohe Aerodrome fall within three separate Maori Land Court areas: Kohewhata, Tawapuku and Otuhi. Originally the name Kohewhata applied to the larger Kaikohe area, a strip from Lake Omapere down through the Punakitere Valley, owned by brothers Wihongi and Te Paki. Kohewhata Pt. 14 passed through the Maori Land Court on 20 July 1911.²

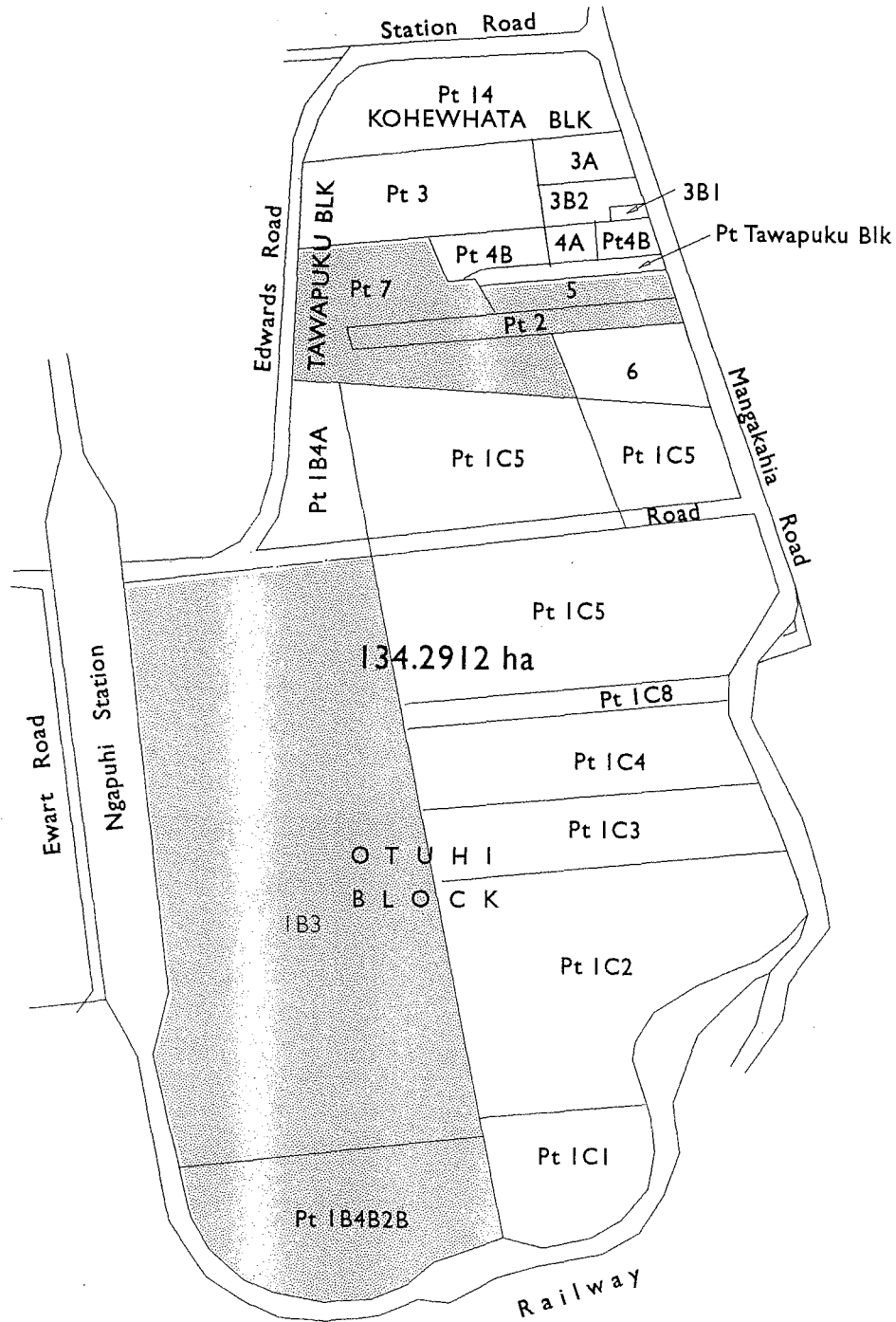
On 22 November 1910, Tawapuku lands were partitioned into Tawapuku blocks 2,3,4,5,6 & 7. Later partitions included 3A and 3B in 1912, then 3B1 and 3B2 on 29 March 1957. Tawapuku 4A and 4B were partitioned on 24 May 1923. The majority of Tawapuku land had been sold into European ownership before the Crown acquisition of the Aerodrome including: Tawapuku Pt. 2 (CT 270/267); Pt. 5 (CT 264/197); Pt. 6 (CT 236/280); Pt. 7 (CT 399/10). Note that Tawapuku 6 was re-purchased by the claimants on 23 May 1932, and later redefined as part of Otuhi A block.³ It is not within the scope of this report to examine the motivations behind the early sale of land to private European ownership, which is considered to lie outside the parameters of the claim.

Otuhi block No. 1 was partitioned on 1 December 1910, then subsequently divided into 1A, 1B and 1C on 23 June 1913. Blocks 1B1- 1B4 were partitioned on 16 October 1914. Later, Blocks 1B4A and 1B4B were partitioned on 21 August 1915, together with Block 1B4B2B. Otuhi A (formerly Tawapuku Pt.6 and Pt. Otuhi 1C5) was partitioned into blocks A1 & A2 on 29 September 1965.⁴ Finally, Otuhi A2 was divided into A2A, A2B & A2C. At present Otuhi A1 is the only piece in the aerodrome block which remains in the claimants' ownership.

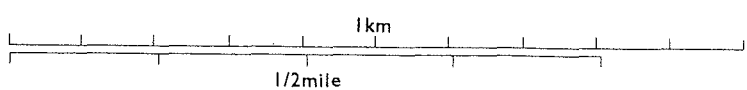
² Kohewhata Block Order File No.1, Taitokerau Maori Land Court.


³ Tawapuku Block Order File No.1, Maori Land Court.

⁴ Otuhi Titles Register, Maori Land Court.



134.2912 ha



 Areas under European freehold title by 1942

MAP 2: SHOWS TOTAL AREA OF KAIKOHE AERODROME UNDER CLAIM

5. History of the Aerodrome

The first record of interest in the establishment of an aerodrome at Kaikohe was made by F. B. Cadman, a private operator, to the Kaikohe Town Board on 23 August 1935.⁵

Between 1936-9, the Council and the Kaikohe Chamber of Commerce made a series of inquiries with various government departments, in particular the Public Works Department, to develop a commercial aerodrome to replace the flying field at Kaikohe. The existing field, located in a farmers' paddock, proved unsuitable for development.⁶ After a series of Public Works investigations in the surrounding district, four potential locations were identified. By the beginning of 1939 this had been reduced to two potential sites, both surveyed. On 8 August 1939, a month before New Zealand declared war on Germany, the Public Works Department concluded that the site beside the Nga Puhi railway line (the area presently under claim) should be adopted for development.⁷ Throughout these early stages, there is no mention of Maori ownership of lands in any of the documentation examined.⁸

Prior to the war, the Kaikohe Town Board looked to central government for financial assistance in the establishment of the aerodrome. After the outbreak of hostilities in Europe, government priorities shifted dramatically from general works and policies to those specifically concerned with defence. The Kaikohe local authorities continued to petition for a general purpose aerodrome, but were informed:

There is little prospect of this aerodrome being provided until the cessation of hostilities overseas for the reason that money normally allocated to the development of civil aviation has had to be diverted to more urgent defence purposes ...this [Public Works] Department has not negotiated for the purchase ...because it is not our function to do so. It is the policy of the Government to require local bodies to provide the

⁵ F.B. Cadman to Kaikohe Town Board, 23 August 1935, Kaikohe Aerodrome Correspondence File, Far North District Council, Kaikohe.

⁶ Public Works Department to Kaikohe Town Board, 3 March 1936, Kaikohe Correspondence File, Far North District Council.

⁷ Chief Engineer, PWD to Controller of Civil Aviation, Air Department (AD), 8 August 1939, PWD File 23/381/141/1, part 1, NA.

⁸ Despite numerous references to European owners of the Aerodrome land carried in Head Office files (see for example, Renwick Brothers to Minister of Public Works, 21 November 1939, PWD 23/381/141/1, NA), there are no surviving documents relating to consultation with Maori land owners. This evidence might otherwise have been expected to exist in the archives of the Maori Affairs department or the Correspondence Files of the Maori Land Court. Yet these files are either missing or simply skip over the period. It is therefore difficult to deduce whether Maori ownership of the area was a factor in the choice of the site.

necessary land.⁹

It is clear from this statement, that the onus was placed firmly on local authorities themselves to provide land, something the local authority at Kaikohe appeared unable to manage.¹⁰

The positions maintained by the local authorities and the Government departments were clearly expressed in a 1940 meeting between the Kaikohe Town Board and the Minister of Internal Affairs, W.E. Parry. In his report on the case made by the Kaikohe local authorities, the Minister reported the view of the Kaikohe Town Board that, 'the aerodrome suggested would be for commercial flying; there was already a military aerodrome at Kerikeri and another at Whangarei'¹¹ (Refer Map 3). Mention was also made of Maori ownership of the land:

Included in the site suggested was a little Maori land but if the pakeha land were secured it was not anticipated that there would be trouble with the Maori land owners; the Maori land (sic); in such circumstances, was not likely to increase in value to any appreciable extent. The Kaikohe Town Board considered if the money were available [to construct the landing strip] the land could be taken under the Public Works Act.

It is important to note that Parry immediately questioned the propriety of using the Public Works Act in this case. Although the amount of money required for the acquisition of the land was too much for the Town Board, and the land could be taken under the Public Works Act, 'I pointed out it was questionable whether the Government would take land for the purpose of a commercial aerodrome under the Public Works Act.'¹²

The Kaikohe Town Board expressed its intention to acquire Renwick's property (Otuhi 1B4B2B & 1B3) and some areas of Maori land, but lacking any means to secure the lands made appeals to different Government departments for assistance.¹³ Mr Semple, the Minister of Public Works, replied to the Kaikohe Chamber of Commerce that 'there does not appear to be any

⁹ District Engineer to Kaikohe Chamber of Commerce, 27 March 1940, PWD 23/381/141/1.

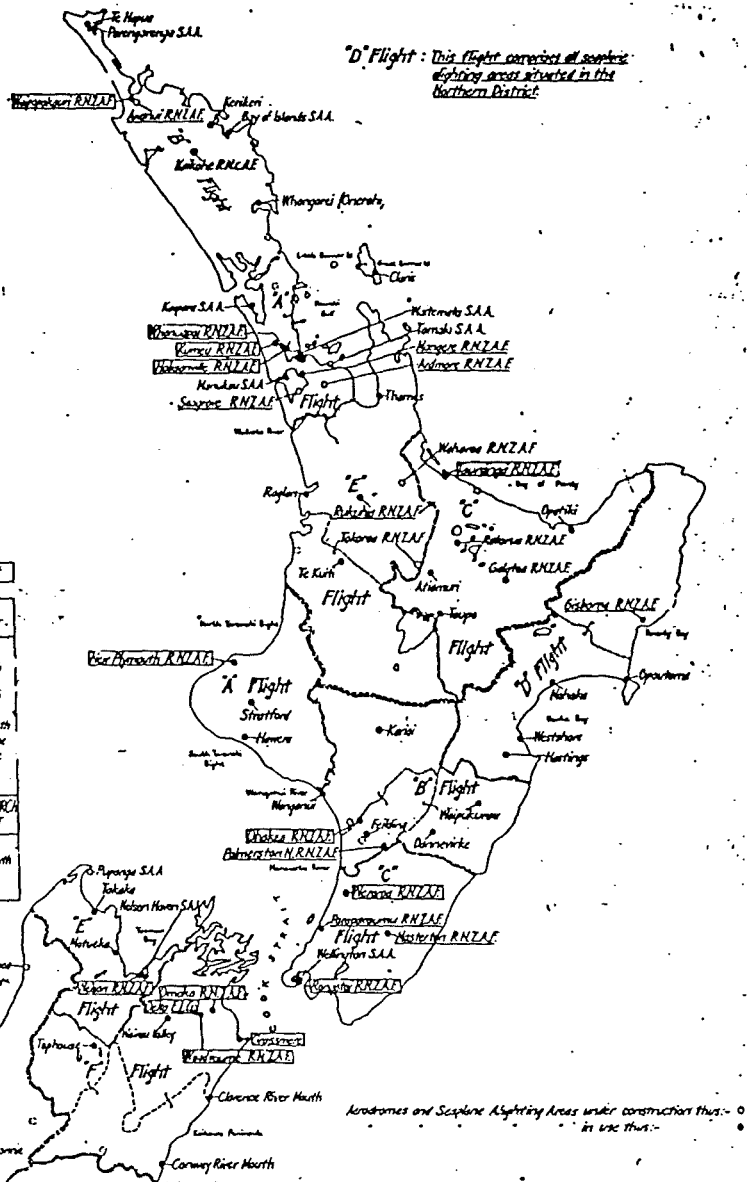
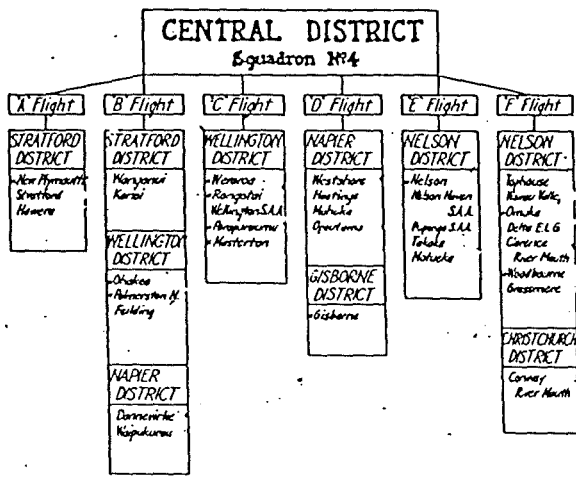
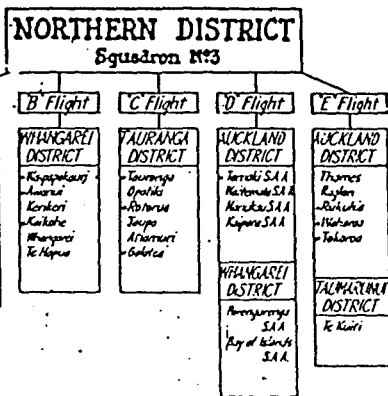
¹⁰ The cost for the 'approved site' was approximated at 3000 pounds. District Engineer to PWD, 7 May 1940, PWD 23/381/141/1. In a weekly meeting of the Kaikohe Town Board, visited by the Kaikohe Chamber of Commerce, the Chair was reported as saying: 'I think we all quite realise something should be done, but it is only a matter of the wherewithal', *Northern News*, 13 September 1940.

¹¹ W.E. Parry to Mr Semple, (Minister of Public Works), 30 October 1940, PWD 23/381/141/1.

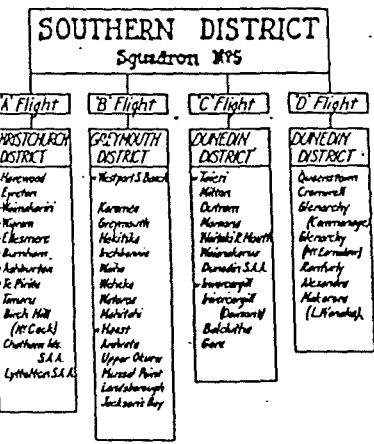
¹² *ibid.*

¹³ 'We would be interested to know whether any of the Government departments would be prepared to assist the local Town Board in securing or purchasing the land...or, failing that, whether there is any legislation which enable a local body to reserve a site which has been approved by the Public Works Department.' Kaikohe Chamber of Commerce to Parry, 11 November 1940, PWD 23/381/141/1.

MAP 3 : Air Department 'Plan of Aerodrome Services', 22 June 1942,
 Source: Air Department File 1/3/24, NA.



NATIONAL ARCHIVES OF NEW ZEALAND
 AIR 1/3/24
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AERODROME SERVICES
MAINTENANCE UNITS R.N.Z.A.F.

Squadron Bays thus: _____
 Flight _____
 P.W.D. Dist. _____
 Country _____

R.N.Z.A.F. responsible for maintenance of aerodromes shown thus: Woodward R.N.Z.A.F.
 P.W.D. all other aerodromes - Balclutha

N. Z.
 PUBLIC WORKS DEPT.
 AERODROME SERVICES
 W.L. HEWITT, M. WINT. C.E.
 ENGINEER-IN-CHIEF.

means by which my department could assist the Local Authority in acquiring the land required.’¹⁴ In early 1941, Semple made the critical decision to refer the issue to the Defence [Air] Department. Before the theatre of war shifted into the Pacific in December 1941, the Air Department had already begun to consider the requests of the Kaikohe Town Board more closely:

In reply to your letter of 19 March enquiring as to the conditions upon which consent might be granted to your Board under the authority of the Local Authorities Empowering (Aviation Encouragement) Act 1929 to acquire land and to establish an aerodrome thereon...it is essential that this department should be assured that the establishment of an aerodrome in the locality is necessary and to be informed of the actual area which your board considers acquiring for aerodrome purposes.¹⁵

Eventually the Air Secretary made the decision to acquire the land at Kaikohe for the specified construction of a military rather than commercial aerodrome.

As the army will inevitably require an aerodrome in the vicinity of Kaikohe it is considered that the Nga Puhi site is ideal from the point of view of location, although limited by runways and gradients...communication aircraft only may be able to use it.¹⁶

A number of other aerodromes were planned concurrently for the North. Military aerodromes were established elsewhere at Whangarei, Kerikeri, Waipapakauri, Awanui and Kaitaia. It can be concluded here that, despite the best efforts of the Kaikohe Town Board, the Government was generally not prepared to endorse the acquisition of land under the Public Works Act 1928 for a commercial aerodrome. But, once the acquisition could be justified for defence purposes there was some evidence of collaboration between the Government and the local authorities in order to acquire the land required for an aerodrome.

6. Public Works Legislation

The Crown has a statutory authority to acquire land. The two pieces of Public Works legislation relevant to this claim are the Public Works Act 1928 and the replacement Public Works Act 1981.

In 1935, with the expansion of public air transportation the definitions of ‘public work’ were extended to include aerodromes.¹⁷ The power to take land under the Public Works Act 1928 is outlined in s.11: ‘Land acquired for any public work may be taken under the provisions of this Act- (a) If for a Government work, by the Minister; or (b) If for a local work, by the local

¹⁴ H.Armstrong (Minister of Public Works), 24 January 1941, PW 23/381/141/1.

¹⁵ Air Secretary to Kaikohe Town Board, 14 April 1941, Kaikohe Aerodrome Correspondence File, Far North District Council.

¹⁶ Director of Works, Air Department to Chief Engineer, PWD, 16 May 1942, PWD 23/381/ 141/1.

¹⁷ Public Works Amendment Act 1935, s.2 (27) ii.

authority.’¹⁸ The 1928 legislation allowed ‘takings by agreement and purchase, as well as by compulsion’.¹⁹

The general procedures for the acquisition of European land under the Public Works Act 1928 are indicated by s.10 and outlined fully in s. 22-3. Section 10 also sets out exceptions to the standard procedures.

The provisions of sections 22 and 23 hereof do not, except as specially provided, apply to the taking of lands for railway or defence purposes, or for roads in connection with such purposes, or for water power or irrigation works or purposes, or to the taking of Native [customary] land for any public work.²⁰

Accordingly, all land acquired for the Kaikohe aerodrome was exempted from the standard procedures, including notification and objection.

Part IX of the Public Works Act 1928 sets out the procedures for the acquisition of European land for defence or railway purposes. The rationale behind defence acquisitions maintain that these takings, in particular, are made for universal benefit, aiding in the defence of the country from foreign invaders. The details of the acquisition therefore remain guarded in order to protect security. Section 103(2) establishes that Maori land (either customary or freehold) can be acquired for defensive purposes under the same defence procedures prescribed for European land in Part IX of the 1928 Act. Section 252 (Part IX) states:

The Minister is hereby empowered to construct and maintain any fortification or other work for defence purposes, and he or any officer, surveyor, or other person, or persons authorized by him may whenever the Minister deems it expedient enter upon any land, road or street for the purposes thereof; but in any such case the land, road or street necessary for the construction thereof shall be taken or closed as soon as conveniently may be thereafter in the manner provided by section two hundred and fifty-four hereof.

The only notification procedures for land acquired for defence purposes simply remained a public proclamation. Proclamations for the land compromising the aerodrome appeared in the *New Zealand Gazette* on 2 September 1942, p. 2137; 8 March 1945 pp. 256 & 1551; 1950, p. 1757.

In contrast to the acquisition procedures, procedures for compensation under the 1928 Act drew an active distinction between Maori owned land, whether the title was customary or Crown-derived freehold, and European lands. Whereas European claims were heard through the Land Valuation Court, Maori claims came under the jurisdiction of the Maori Land Court (refer s.104, 1928 Act). Defence acquisitions, like Kaikohe, deferred responsibility for compensation applications to the taking authority, further removing the original owners of the land from the decision-making processes.

¹⁸ It is worth noting at this point that, the authority to acquire land for public purposes was vested in ministers of the Crown and local authorities.

¹⁹ Cathy Marr, ‘Public Works Takings of Maori Land, 1840-1981’, Report for the Treaty of Waitangi Policy Unit, December 1994, p. 165.

²⁰ Section 10, Public Works Act 1928, 1928, No. 21, *New Zealand Statutes*, p. 271.

These procedures appear to have been followed in the case of the Kaikohe Aerodrome. Proclamations were issued, and the Ministry of Transport took responsibility to lodge a claim for compensation through the Maori Land Court. Record sheets exist in the Taitokerau Maori Land Court which detail the amount of compensation decided upon for payment to the Maori owners and the relative divisions of the total amount among the multiple owners.

In keeping with previous Public Works legislation, s. 39 of the 1928 Act made allowances for lands taken but not required immediately for a public work to be leased out to a third party if required. These conditions could be further altered by the Crown or the local authority [subject to Ministerial consent] under s. 41.

The most recent piece of Public Works legislation is the Public Works Act 1981. This statute retains the bulk of earlier provisions relevant in this case and continues to ignore the Treaty of Waitangi. Section 16 continues: 'The Minister is hereby empowered to acquire under this Act any land required for a Government work. (2) Every local authority is hereby empowered to acquire under this Act any land required for a local work for which it has financial responsibility.' Defence acquisitions are prescribed by Part XVI.²¹

There were some changes contained in the Public Works Act 1981 which affect the claim to the Kaikohe Aerodrome. Foremost among these was the inclusion of provisions for 'offer-back' of surplus Crown land to the original owners. Prior to the enactment of the 1981 Act there was no legal requirement for surplus Crown lands to be returned. The Offer-back provisions are prescribed in section 40, Public Works Act 1981.²² Section 40 (1) states:

Where any land held under this or any other Act or in any other manner for any public work- (a) Is no longer required for that public work; and (b) Is not required for any other public work; and (c) Is not required for any exchange under section 105 of this Act- The chief executive of the Department of Survey Land Information or local body as the case may be, shall endeavour to sell the land in accordance with subsection (2) of this section.

Under section 40 (2),

The chief executive is directed to sell the land by private contract to the person from whom it was acquired or to the successor of that person, at current market value of the land as determined by a valuation carried out by a registered valuer; or if the chief executive of the Department of Survey Land Information or local authority considers it reasonable to do so, at any lesser price.

In response to an increased number of applications for the return of surplus lands as a result of this legislation, the Department of Survey and Land Information (DOSLI) issued procedural guidelines in 1990 and 1992 (the subject of a later section).

7. Acquisition

Land for the Kaikohe aerodrome was taken under five separate proclamations pursuant

²¹ s.184 Public Works Act 1981, ammended by s. 92 (1) of Building Act 1991.

²² Subsequently amended in 1982 (s.2); 1987 (s.2 &8); 1989 (s.12).

to the Public Works Act 1928. Under the Land Acquisition Emergency Regulations 1942/ 164, all Public Works proclamations were issued without naming the type of work, in order to avoid identifying the location of land taken for defence purposes. These regulations were changed post-war under the Land Acquisition Emergency Regulations 1945 which required the Public Works Department to publicly notify the purpose for which each acquisition was made. Prior acquisitions of land in 1942 and 1945 were subsequently published as taken for defence purposes in the *New Zealand Gazette* 13 December 1945, p. 1551.

Maori owners of land in question were informed that their land was required for the construction of an aerodrome for defence purposes. The claimants have stated they were 'told that the land was required for war, to defend our country, and we could not argue with that.'²³ Behind this statement there was a powerful moral assertion that the Maori owners should relinquish their land as part of a war-effort contribution. According to the claimants, some agreed, others refused to leave until forced from the land.

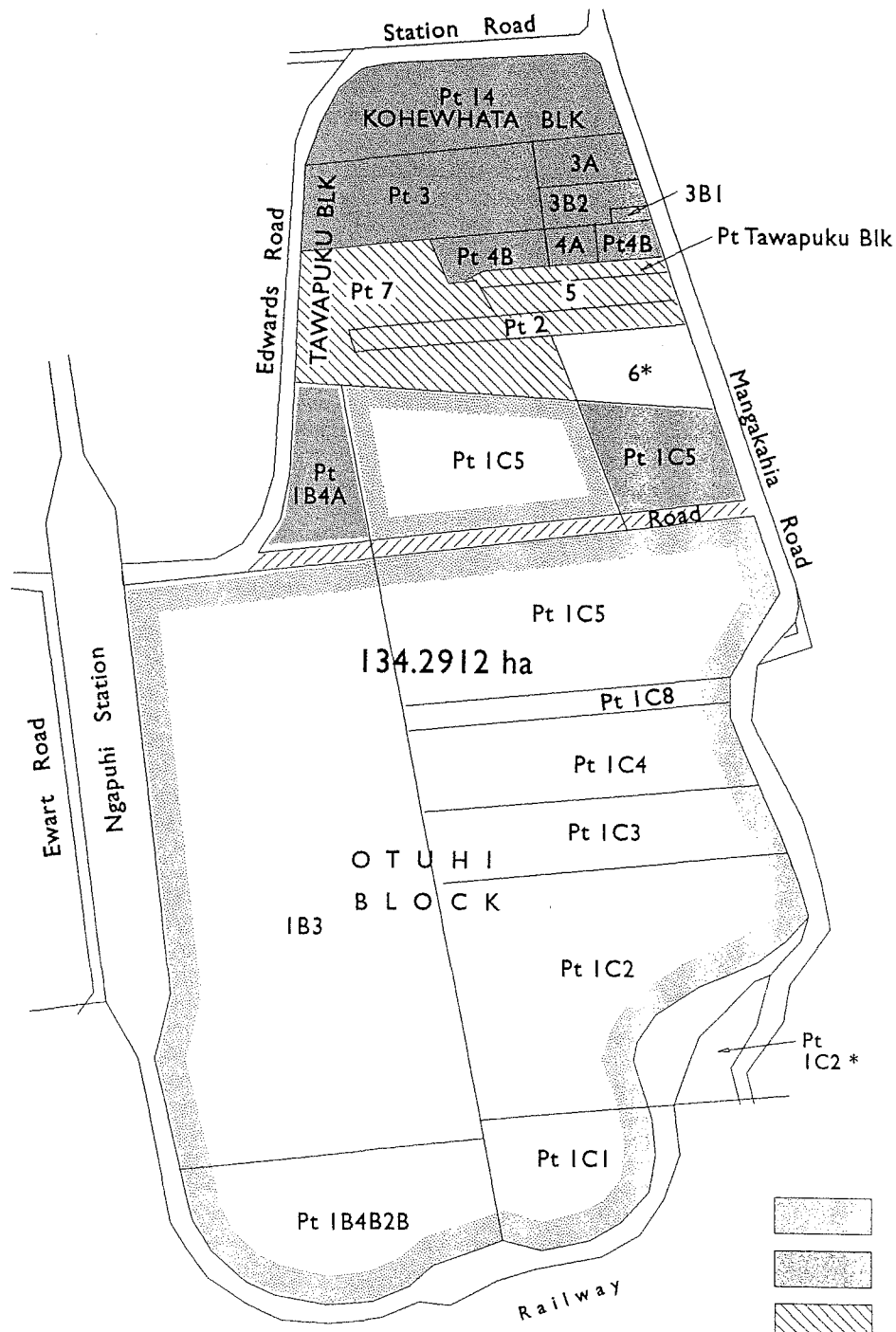
Notice of the first proclamation appeared in the *New Zealand Gazette* on 3 September 1942 and under which the government acquired the following blocks of land: Otuhi 1B3 & 1B4B2B (property formerly owned by the Renwick brothers and sold to Pakeha farmer M.J. O'Shea just prior to the Government acquisition), part Otuhi 1D, part Otuhi 1C1 and part 1C2, 1C3, 1C4, part 1C5 and part 1C8 (refer to map 3).²⁴




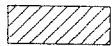
On 2 March 1945 a second proclamation took possession of blocks of land including Kohewhata No.14, Tawapuku No. 3 Tawapuku No.4A, two parts Tawapuku No. 4B, Otuhi part 1B4A and part 1C5. The 1945 acquisition added blocks which flanked Otuhi part 1C5, but also land which did not connect directly to the Aerodrome. This isolated island of land was useless for the purpose of an aerodrome until reconnected several years later. All land acquired under the 1945 acquisition was Maori-owned land. The interceding piece of European land which immediately adjoined the site already acquired was left untouched in favour of the Maori land. It appears that the Public Works Department took Maori land, in this case, when it was of little or no immediate use for the aerodrome purposes for which it was acquired.

Two inconsistencies appear in relation to this 1945 proclamation. Certainly it is difficult to reconcile the Government decision to acquire land physically separated from the aerodrome constructions, and to have it removed and dormant from the aerodrome for a further five years until finally connected by later proclamations in 1950 and 1951. In the absence of written explanation it appears that the Air Department acted in this manner to ensure that the land would remain available for later extensions, rather than taking and paying for the entirety all at once. Another query relates to the loose identification of blocks Tawapuku 3A & 3B, partitioned in the Maori Land Court on 22 October 1912, yet referred to in terms of the 1945 proclamation under

²³ Notes from discussions with claimant R. Te Ripi Wihongi, 13 May 1995.

²⁴ *New Zealand Gazette*, 3 September 1942, No. 83, p. 2137.



-  1942
-  1945
-  1950
-  1951

* Note: Tawapuku 6 and Otuhi IC2 (part) were never acquired by proclamation

MAP 4: LAND ACQUISITIONS BY PROCLAMATION.

the broader, but by then obsolete legal definition ‘Tawapuku No.3.’²⁵

The parcel of land remaining between the Northern section acquired in 1945 and the aerodrome proper taken for defence purposes in 1942 was acquired under Public Works proclamation on 14 September 1950. Land taken included Tawapuku No. 7, Tawapuku road line, Tawapuku no. 5, part Tawapuku No.2, part Tawapuku No. 7.²⁶ The final acquisition on 19 May 1951, closed the former road adjoining Otuhi 1B4A and 1C5 and Otuhi 1B3 and 1C5, also for defence purposes. It should be noted that Tawapuku 6 and Otuhi 1C2 (part 3.44 acres) were never acquired under Public Works proclamations (refer to Map 4).

8. Compensation

Process:

In the context of 1940s case law, the aim of compensation in cases of Public Works takings was ‘to do justice to both the taking authority and the land owner in order that “anything in the nature of confiscation must be avoided”.’²⁷

But the Public Works Act 1928 continued to apply different compensation procedures for Pakeha and Maori land. In cases of European land, the responsibility for lodging compensation claims lay with the individual owners, and were dealt with by the Compensation Court. As already stated, Maori were unable to claim compensation for defence acquisitions on their own behalf, and, instead had to rely on the Government ‘taking’ authority to lodge any compensation claims with the Maori Land Court.

There were three European claims for compensation lodged with the Compensation Court. All three owners had settled upon compensation figures and had received payments before the end of 1942. Two of the claimants, M. J. O’Shea and R.E.A Phillips received compensation inside a month of the original proclamation.²⁸

For the Maori owners, the introduction of the Land Acquisition Emergency Regulations in early 1942 meant that claims for Maori land compensation through the Native Land Court

²⁵ The identification of these blocks is further confused. The 1949 revocation of the 1945 proclamation referred to the split block as Tawapuku 3 and part Tawapuku 3. Yet, the later compensation hearing for the larger part still required for the aerodrome, identified Tawapuku 3A & 3B separately. The revoked parcel of Tawapuku 3 returned to Maori owners was then partitioned in 1957 into 3A & 3B (as stated earlier).

²⁶ *New Zealand Gazette*, 14 September 1950, No.60, p. 1757.

²⁷ *Napier Harbour Board v. Minister of Public Works* (1941), *New Zealand Law Review*, 186, cited in Marr, p. 177.

²⁸ Refer Compensation Claim Files: M.J. O’Shea, PWD 23/381/141/1/1; D. & E. Lincoln, PWD 23/381/ 141/1/2; R.E.A. Phillips, PWD 23/381/141/1/3. NA.

were delayed until the end of the war. Indeed, a special agreement was made between the Native Land Court and the Public Works Department which adversely affected Maori land claims for compensation.

Where land owned by natives has been taken or damaged, application to the Native Land Court to assess compensation has by agreement between this [Public Works] Department and the Native Department, been held over for up to two years in order to avoid disclosure of the sites...The Native department is now adamant however, that these cases be disposed of and I agree that the Natives should not be denied their normal rights any longer.²⁹

The wording refers to 'normal rights' which have been withdrawn subject to the universal sacrifices required for defence works. Yet, European lands acquired simultaneously for the same purpose were not subject to the same restrictions through the Compensation Court, and consequently received payment of monetary compensation soon after the acquisition. The existence of these separate provisions was clearly discriminatory.

Payment:

European owners of land acquired for the aerodrome received the following payments from the Compensation Court.

European Land Compensation

<i>Owner & Block name</i>	<i>Area (a. r. p.)</i>	<i>Compensation (£)</i>	<i>Value per acre</i>
M.J. O'Shea: Otuhi 1B3 1B4B2B (part)	125. 1. 19	£3385	£27
D. & E. Lincoln: Tawapuku No.2 (pt) No.5. No.7. Otuhi 2B	50. 33. 0	£2050	£40.76*
R.E.A. Phillips: Otuhi 1D	0. 3. 2	£3	£9.375

*Note, these parcels of land were acquired five years later in 1950, when perhaps the general value of land was higher due to post-war inflation.

The following table lists the various blocks of land, size and amount of compensation paid together with a relative value per acre.

²⁹ PWD to Minister of Public Works, 3 August 1944, 'Memorandum: Land Acquisition Emergency Regulations 1942/ 164, Air 3/1/1, Accession No. 1569.

Maori Land Compensation

<i>Block name</i>	<i>Area (a. r. p.)</i>	<i>Compensation</i>	<i>Value per acre</i>	<i>MLC Date</i>
Otuhi 1C1 (part)	12. 0. 00	£120	£10	29/ 5/ 45
Otuhi 1C2 (part)	38. 3. 19	£900	£23.5	29/ 5/ 45
Otuhi 1C3	16. 0. 1	£228	£14.25	29/ 5/ 45
Otuhi 1C4	16. 0. 28	£180	£11.25	29/ 5/ 45
Otuhi 1C5 (part)	36. 0. 28	£568	£15.78	29/ 5/ 45
Otuhi 1C5 (rest)	19. 0. 27	£330	£17.37	14/ 3/ 47
Otuhi 1C8 (part)	4.2. 24	£74	£17.62	29/ 5/ 45
Otuhi 1B4A (part)	17. 3. 22	£292	£16.88	14/ 3/ 47
Kohewhata 14	27. 0. 20	£530	£19.63	29/ 5/ 45
Tawapuku 3A	11. 1. 19	£170	£15.31	1/ 11/ 49
Tawapuku 3B	9. 2. 20	£145	£15.76	1/ 11/ 49
Tawapuku 4B & Road line	2. 5. 4	£72	£28.8	1/ 11/ 49

By comparison, the amounts paid to Maori owners of the land were noticeably lower, with one exception. One possible explanation lies in the poorer state of the land acquired. According to Marr's study of Public Works acquisitions this was a common phenomenon and partly a product of previous policies of under funding Maori development relative to European farming.³⁰ The European land acquired was all established and mostly level grassed pasture land. Maori land was not predominantly in grass farmland, though some areas were clearly in a valuable condition, for example 1C2. Any attempts to assess the adequacy of compensation payments are made exceedingly difficult due to the absence of Valuation Department files or additional information in the Taitokerau Maori Land Court Minute Books.³¹

The claimants also report a disparity between the amount awarded and the final payment received by the former Maori owners was a specific issue raised by the claimants. Wharemarama Taramoeroa, niece of Te Ripi Wihongi, has declared that little if any payment was received by way of compensation for the acquisition of Otuhi 1C2. Documentary evidence from the Maori Land Court substantiates this allegation. It highlights, in the case of 1C2, that a 'Native

³⁰ Marr, pp. 178-9.

³¹ Refer to Bay of Islands Minute Books 21, 22 & 24, Taitokerau Maori Land Court.

Department Development Account' debt of £436.1.9, in the name of Heremaia Maihi, amounting to almost half the overall compensation figure, was subtracted from the compensation money, before it was paid.³² This allegation does not appear to affect the compensation payment made for other aerodrome land blocks. Still, the involvement of the Native department in the payment procedure, which includes the role of the District Maori Land Boards, warrants further scrutiny.

9. Revocation

On 14 July 1949, a proclamation revoked part of former proclamation No. 17, 8 March 1945, *New Zealand Gazette*, p. 256. Residue lands from the following blocks were declared as no longer required for Public Works: Tawapuku No. 4A (1 acre. 0 r. 28.1p), No. 4B (1 acre. 2r.20.5p), Part No.3 (5 acres. Or. 23p). In each case, the area returned to former Maori owners was only a small proportion of the original section taken. It was not stated why only part of each block was returned and not the whole. In fact, only a small section of the overall land was required for continuing aerodrome operations, the majority remained leased to a European farmer. Because of the small size of the lands revoked, Maori land was further fragmented into what proved, in all but one case, uneconomic shares. After revocation, Tawapuku 3 was partitioned on 29 March 1957 into Residue 3A (2 acres. 3r. 0) and Residue 3B (2. 1. 23 acres). 3B was further partitioned into 3B1 (0.1.0) and 3B2 (2.0.23).

Ultimately, each of these units proved uneconomic and passed out of direct Maori ownership. Tawapuku 3B2 was immediately vested in the Maori Trustee as an uneconomic interest.³³ Tawapuku 4A and 3B1 demonstrate more acutely the consequence of alienation as a result of fragmentation because both sections were sold to European farmers who were leaseholders of other blocks of land within the overall aerodrome area and able to operate the land on a viable basis.³⁴ The only section to remain in Maori ownership after the revocation was 4B, renamed Otuhi A1 (1 acre or 0.4046 hectares) on 29 September 1965.

Continual delays in the assessment and payment of compensation to Maori owners, meant that owners of the above blocks, with the exception of 4A, had not received the compensation payments before the actual revocation of the original acquisition. It needs to be questioned why, if the above parcels of land were revoked for defence purposes, the remainder of lands were not

³² 'Compensation Payment Order', Otuhi Block Order File, 6 February 1946, Taitokerau Maori Land Court.

³³ Tawapuku 3B2, 'Order vesting uneconomic interest in Maori Trustee upon partition', 3 July 1957, Tawapuku Block File, No.2, Taitokerau MLC.

³⁴ See Memorial schedules for 3B1 & 4A, 'European land by declaration under Part 1 of the Maori Affairs Amendment Act 1967, 15 July 1970 (Certificates of Title: 19C/ 1358 and 19A/ 966 respectively), Tawapuku Block *ibid*.

similarly re-evaluated at that point in time.

10. Later History

From 1945 onwards, the stated purpose of the acquired Kaikohe aerodrome land (including the leased areas) has remained 'defence'. This section outlines the later block history and indicates the extent to which the use of the aerodrome has remained inconsistent with the purposes outlined in the public works proclamations.

The aerodrome block, with the exception of infrequent army exercises in the last ten years, has not been used for military purposes. Indeed, within a year of the end of war in 1945, the state-owned National Airways Corporation (N.A.C) advised the Air department that they would be starting a public air service to Kaikohe. Further acquisitions were made in 1950- 51 for 'defence purposes', but were never used for that purpose.

It was recognised during the war that Kaikohe, due to its size and location, was unsuitable for all but communications aircraft. These hazards were apparent in the 1950s and plagued the regular operations of NAC public transport services. One example of this was an analysis of the Kaikohe service schedule 1 July- 31 December 1958, carried out by the Department of Civil Aviation. This survey found that of 156 operating days, NAC overflew Kaikohe on 67 days, a utilization of only 57.7 %.³⁵ In a memorandum to the Kaikohe Borough Council, it further concluded:

Investigation into this problem involves let down procedures in visual and instrument conditions as well as wind directions and velocities in relation to runway orientations and lengths. It could well be, that this aerodrome may not be suitable for ultimate development to give 95-100 % useability in all conditions.³⁶

The crucial period came between 1962-7, when it was decided that only one main aerodrome was required to serve the 'Mid-North'. In light of the tourist developments in the Bay of Islands that field was to be at Kerikeri, not Kaikohe.³⁷ Shortly afterwards in 1968, the National Airways Corporation withdrew its services to Kaikohe, when its Dakota and Viscount aircraft were replaced by Fokker Friendships. Later that year, the decision was made to decommission Kaikohe, and reduce it to the status of an unattended airfield. Since that time, scheduled public air transport has ceased to operate and the field has been infrequently used by local private operators. This has served to emphasise the inconsistency between the designated purpose for

³⁵ Kaikohe Utilisation by N.A.C using DC3, 1 July- 31 December 1958, Transport Department File (TR) 76/50/106, part 4, NA.

³⁶ Director of Civil Aviation to Kaikohe Borough Council, 17 August 1959, TR 76/50/106, part 4.

³⁷ 'If this [Kerikeri] site is developed then the existing airfield at Kaikohe must be closed since it is obviously quite uneconomical either for the Government or for the local bodies to maintain two airfields in such proximity.' Director of Civil Aviation to Airport Action Committee, 25 February 1963, TR 76/50/106, part 5.

which the land was taken and the sporadic private use of the field. From the 1970s, other uses have been made of the largely vacant airfield. These uses include car and motorcycle rally tracks and sites for a campervan park, but nothing which could be constituted as use for defence purposes or any other public works as envisaged by the Act.³⁸

All lands not immediately required for the operation of the aerodrome proper were leased out to local European farmers from as early as 1954, when fences were erected separating the land from the airfield proper. This area of 'surplus' leased lands comprises 68.548 ha, more than half of the total area acquired.³⁹ Leases were offered to three pakeha farmers, Thomas Alexander Gerrard (23.47 ha), Arthur Williams Edwards (29.54 ha) and Albert Ernest Henwood (15.38 ha) (refer to map of leased areas). Leasing arrangements for these sections have continued, although they have passed to different European tenants (refer to Map 5).

Soon after the deaths of Pakeha landholders Elder and Gerrard in 1964-5, an application was lodged by the Department of Maori Affairs on 17 August 1965, on behalf of a local Maori farmer interested in leasing sections of land.⁴⁰ This application was declined, for, although both leaseholders had deceased, the executors continued to operate the leases. These leases remain on the Ministry of Transport's asset register and are officially leased for grazing in four blocks to M.J. & C.M. O'Connor (28.87 ha) and R. Henwood (39.678 ha), administered by Landcorp Property Ltd on behalf of the Ministry of Transport.⁴¹ Due to these careful arrangements, this essentially 'surplus land' was made unavailable at the time of partition and re-sale of the Aerodrome in 1993. The Office of Crown Lands has noted that the land was not offered back because 'it is leased for another five years or so and the leases cannot be terminated. The land will be offered back, if that is still the requirement, at that time.'⁴²

This continued policy of leasing the majority area of the Kaikohe aerodrome has had the effect of denying Maori access to their land and statutory rights guaranteed them under the Public

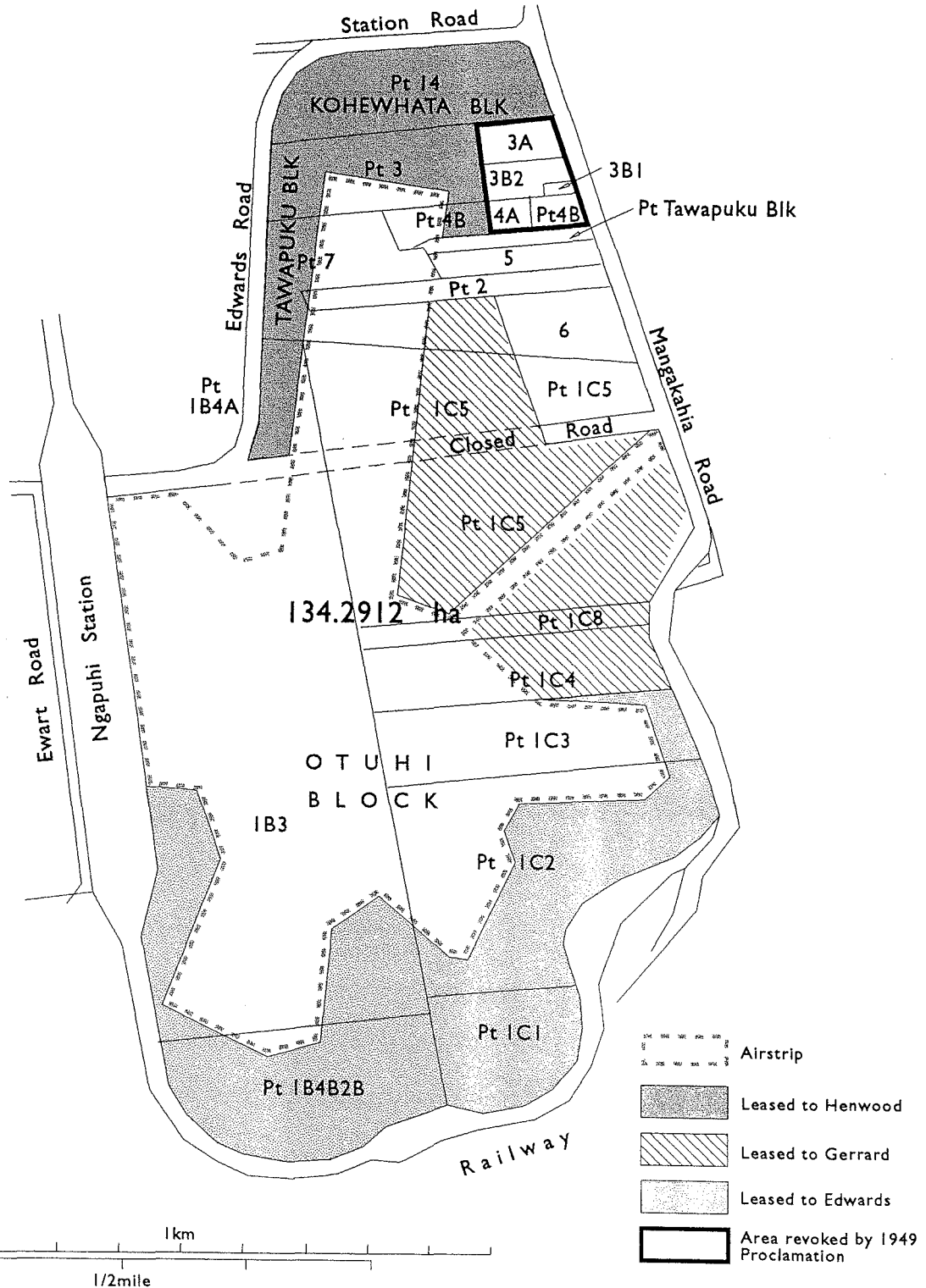
³⁸ One European leaseholder even went as far as to request the Department of Civil Aviation whether she could run her sheep on the aerodrome itself. Mrs Elder to Civil Aviation, 23 May 1972, TR 76/50/106, part 6.

³⁹ As stated in Civil Aviation Report: 'Notes on the aerodromes North of Auckland', 17 February 1956: '396 acres of Crown land, 230 acres of which are leased for grazing as they are surplus to aerodrome requirements.'

⁴⁰ Maori Affairs to Civil Aviation, 17 August 1965, TR 76/50/106, part 5. Maori Affairs made important mention of the fact that sections of residue land already leased to European farmers for the previous ten years lay in a poor state of disuse. The land 'is largely in fern and rubbish which will cost money to clean up before he can get much off it.'

⁴¹ M. Ryan, Department of Survey and Land Information to Waitangi Tribunal, 3 May 1995, Ref. 5350- C/2070. Also, Steve Philp, Lancorp Property Ltd. To Waitangi Tribunal, 31 August 1995.

⁴² L.W. Riley, Office of Crown Lands to Waitangi Tribunal, 8 June 1995.



Map 5: ILLUSTRATING AREA REQUIRED FOR AIRSTRIP & SOLD TO FNDC(1993)
 - ALSO TOTAL AREAS WHICH REMAIN UNDER LEASE TO LOCAL FARMERS

Source : 'Kaikohe Land Plan,' 15 October 1958, Transport Dept file 1/50/106 part 3, NA

Works Act 1928 and the Treaty of Waitangi.

In 1991, The Office of Crown Lands commissioned a report to investigate the implications of section 40 offerback requirements with regard to the Kaikohe Aerodrome. It made the following findings regarding the state of use:

The aerodrome is no longer publicly licenced and has not been used by scheduled air transport operators for some time...Fieldair Holdings, a topdressing firm, uses the aerodrome as a base and averages over 300 take-offs a year. However, I gained the distinct impression that these people were using the aerodrome because it was there and that if the facility was withdrawn they would simply operate from another aerodrome or a farm airstrip with little inconvenience.⁴³

On the basis of these conclusions, it seems the lands comprising the aerodrome (and including the surplus areas) served little or no public purpose and were suitable to be returned.

Therefore, in view of the manner in which the land was acquired, the low level of aviation use today, and that in essence the land has undergone little change in character...I consider that there are no grounds for exempting the land described above from the requirement to offer it back to the former owners and recommend that it be offered back pursuant to Section 40 (2) of the Public Works Act 1981 unless the local authority has a requirement for an aerodrome [public purpose], or the aerodrome proper can be sold to the private sector with appropriate safeguards for the former owners, in which case only the land outside the runways should be offered back to former owners or former owners of adjoining land.⁴⁴

11. Crown Procedures for the Return of Surplus Lands

Under s.40 of Public Works Act 1981, authority to dispose of surplus lands is vested in the Department of Survey and Land Information (DOSLI) or the local authority. Section 40, paragraph two carries the obligation that offer-backs of 'surplus' lands be made first to the original owners:

- Where any land held under this or any other Act or in any other manner for any public work-
- (a) Is no longer required for that public work; and
 - (b) Is not required for any other public work; and
 - (c) Is not required for any exchange under section 105 of this act (land for land)⁴⁵

A Department of Survey and Land Information procedural document states:

the philosophy of section 40 is to offer the former owner who has been dispossessed of land compulsorily or otherwise, for the greater good of the state or community, the first opportunity to repurchase. Under section 40, all property acquired for a public work and no longer required for that purpose must be offered back to the former owner/successor, unless exempted from the offer-back provisions of the Act, before any

⁴³ L.W. Riley, 'Investigation into the Implications of Section 40 (2) Public Works Act: Kaikohe Aerodrome', Office of Crown Lands, 10 June 1991.

⁴⁴ Ibid.

⁴⁵ Public Works Act 1981, s.40 (1).

contractual obligations or Cabinet directives are addressed.⁴⁶

Furthermore:

If the land is required to be offered back, then DOSLI will locate the former owner or successor to that owner, to ascertain whether the person entitled wishes to have the opportunity to re-purchase the land, at current market value. The former owner/successor is given forty working days in which to accept the offer-back.⁴⁷

No mention is made of any limitation on the period of time available for offer to other government bodies or local authorities.

Aside from the limited statutory protection of S. 40, the only crown protection for former Maori lands considered for private sale exists as policy. On 13 April 1993, Cabinet approved the introduction of a protection mechanism for Maori interests during the disposal process of surplus Crown owned lands. The mechanism replaced the earlier Consultative Clearance Process (C.C.P.) in name, although the process remained largely contiguous. This protection mechanism for surplus Crown Lands was implemented from 1 July 1993, more than a month before the final sale of the aerodrome proper.

The protection mechanism was developed by the Government to ensure that specific sites of interest to Iwi/hapu (tribe/subtribe) and individual Maori would be considered by both the Crown and claimants in the settlement of land claims prior to the lands being disposed of on the open market by vendor land holding agencies.⁴⁸

The mechanism, however, only applies to land after it has completed all Section 40 requirements. In the case of the Kaikohe aerodrome, the protection mechanism does not apply as the aerodrome was transferred from the Ministry of Transport to the local Far North District Council (FNDC) as part of s. 40 provisions. The extent to which the protection mechanism operated as a valid device for securing this former Maori land from sale into private ownership is therefore doubtful.

We must also consider the Treaty of Waitangi Amendment Act 1993 in the sequence of events leading up to the sale of the aerodrome. The Treaty of Waitangi Act 1975 was amended on 20 August 1993, to read that the Tribunal shall not recommend the return to Maori ownership of any private land; or the acquisition by the Crown of any such private land. Private land was defined as 'any land, or interest in land, held by a person other than- the Crown; (sic) or a Crown entity within the meaning of the Public Finance Act 1989'.⁴⁹ The aerodrome land was sold to the FNDC one week after the enactment of this legislation. The timing of this sale, well over a year

⁴⁶ 'Procedures for Disposal of Surplus Government Land', 'Property Portfolio', April 1992, Office of Crown Lands, p. 3.

⁴⁷ 'Procedure for Disposal of Surplus Government Land', Office of Crown Lands Circular 1992/3, p. 4.

⁴⁸ 'Information on the Protection Mechanism for Surplus Crown Land', Officials Committee, Office for Crown Lands, August 1994, p. 1.

⁴⁹ Treaty of Waitangi Amendment Act 1993, s.2 & 6 (4a).

since the land was first declared surplus, suggests the Crown agents were perhaps waiting for the legislation.

12. Recent Negotiations

The Office of Crown Lands has indicated that before disposing of the land on the open market, an approach was made to the Far North District Council who had expressed a desire to keep the aerodrome operational.

Negotiations are underway with them for the transfer (as a public work) of land immediately associated with the running of this facility. Once this deal is concluded it is proposed to offer the remaining land back to the former owner as required by the Public Works Act 1981.⁵⁰

The land comprising the aerodrome proper was sold by the Department of Survey and Land Information (DOSLI) on behalf of the Air Transport division of the Ministry of Transport to the Far North District Council, and vested in the Kaikohe Airport Corporation on 27 August 1993. This transfer proceeded according to the existing statutory process under the Public Works Act 1981. Another change from 1928 was the 1981 provision that:

If land becomes surplus to the work in respect of which it was acquired, but is required for another essential work, it may be set apart for that work without being offered back to its former owner. In such cases, however, the former owner is declared to have a standing for the purpose of making an objection to, or appeal against, any application which might arise under the Town and Country Planning Act.⁵¹

The 1991 Office of Crown Lands report (mentioned previously) recommended that the sale should only proceed if the appropriate safe-guards could be offered to the former owners. Neither of these points were adhered to in the sale, and the aerodrome proper was sold unreservedly into private land ownership.⁵²

The remaining 65.548 hectares of the block, surplus to aerodrome needs, were not offered back according to DOSLI.⁵³ These residue lands, leased from the outset remain on the Ministry of Transport's asset register, under the administration of Landcorp until 31 December 1998, when the leases expire and the land may be offered back.⁵⁴ The remainder is leased in four blocks for grazing to local farmers M.J. & C.M. O'Connor (28.87 ha) and R. Henwood (36.68 ha). Land blocks included in the leased areas are: 1B4B2B, 1C1, 1C2, 1C4, 1C8, 1C5, 1B4A. (Refer to Map 6)

Since the sale of the aerodrome itself, negotiations between the Crown and claimants

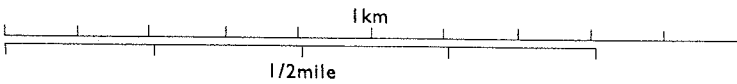
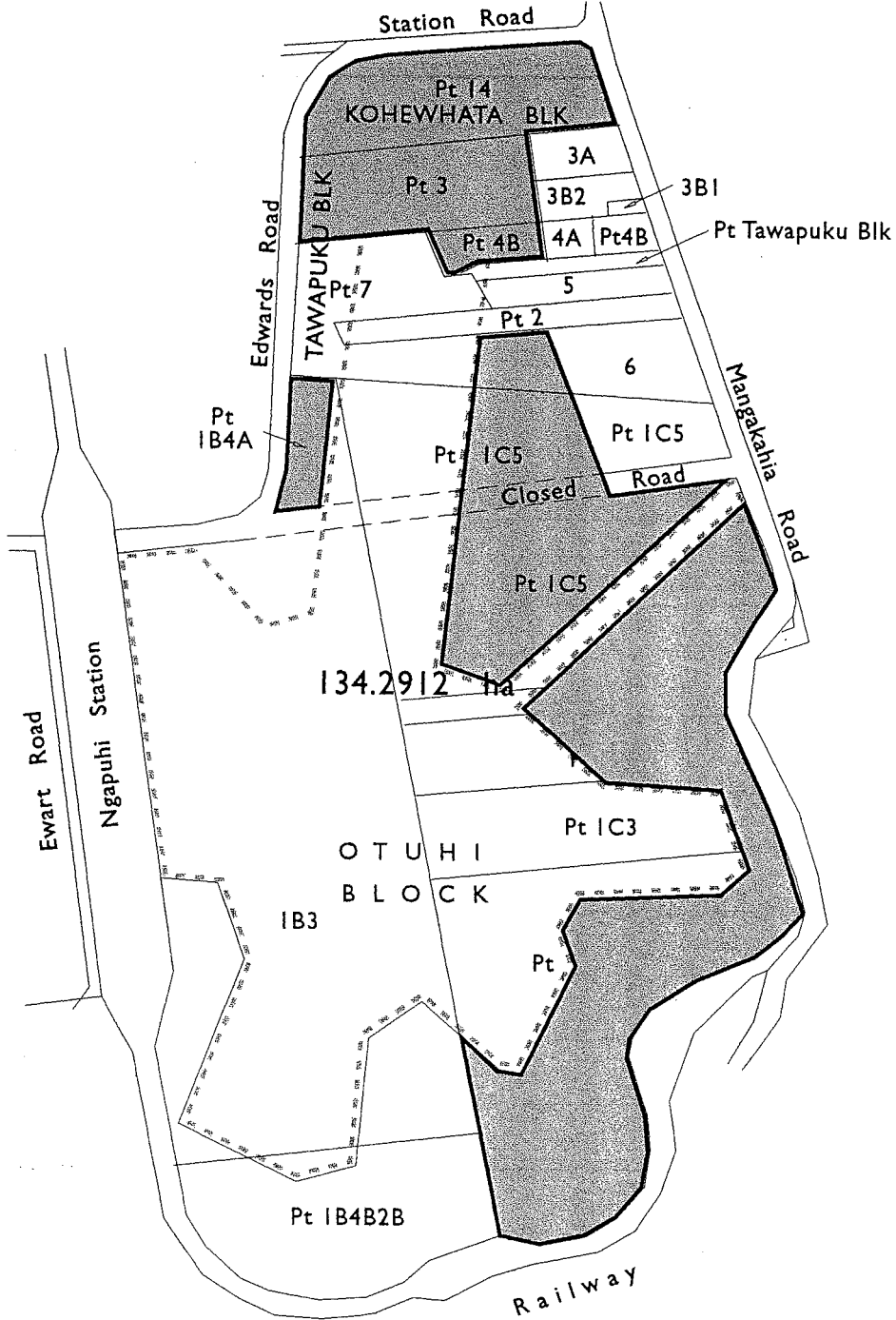
⁵⁰ K.L. Turner to Waitangi Tribunal, 20 October 1992, ref. 6925-01.

⁵¹ *New Zealand Parliamentary Debates* 1981, Vol. 440, p. 3165.

⁵² As defined under Public Finances Act 1989.

⁵³ Ryan to Tribunal, 3 May 1995.

⁵⁴ Landcorp Property Ltd. To Waitangi Tribunal, 31 August 1995.



Map 6: FORMER MAORI LAND AT PRESENT LEASED TO LOCAL FARMERS UNTIL 1998

nave ceased. The claimants themselves await some direction from Tribunal commissioned research.

12. Summary of Issues

The scope of this preliminary report into the Public Works compulsory acquisition of the Kaikohe aerodrome focuses on two key issues. First, it appraises Public Works legislation, drawing from the findings of previous Tribunal reports on land takings for public works. Further, it investigates whether agents of the Crown have followed these statutory procedures and policy from the time of acquisition to the present with regard to the area under claim.

Below are listed a summary of issues raised in light of section 6 of the Treaty of Waitangi Act:

- The compulsory acquisitions of land for the Kaikohe aerodrome 1942-51 adhered to the statutory processes then in force. (Refer section 5)
- Different regimes existed for the assessment and payment of compensation to Maori and Pakeha. (Refer section 7)
- The stated purpose behind the acquisitions, in this case defence, did not match the post-war uses to which the land was put, nor the continued acquisitions. (Refer sections 5 & 9)
- From 1954, more than half of the land was fenced off from the aerodrome and leased to local European farmers, to the exclusion of the former Maori owners. (Refer section 9)
- There is disagreement between the claimants and the Crown agents over whether an offer-back of the total area was made after it was deemed surplus. (Refer section 13)
- The Department of Survey and Land Information, as agent for the Ministry of Works, sold the aerodrome proper to the Far North District Council (vested in the Northern Airport Corporation) on 27 August 1993, according to procedures set down in Section 40, 1981 Public Works Act. (Refer section 10)
- The sale of the land to the local authority, into private ownership, occurred while the land was under claim with the Waitangi Tribunal and proceeded with no mechanisms for the protection of the former owners. (Refer sections 10 & 11)
- The enactment of the 1993 Treaty of Waitangi Amendment Act, passed just prior to the sale of the land, prevents the Tribunal from recommending the return of land held in private ownership. (Refer section 11)
- The remainder of the unsold land remains leased to Pakeha farmers until 1998. (Refer section 10)

13. Conclusions

The following discussion highlights issues which may require further Tribunal consideration.

There are four stages in the Public Works alienation of the former Maori land into private (local authority) ownership: acquisition, compensation, offer-back and final sale. The Tribunal has considered compulsory land takings for Public Works in its Orakei, Te Maunga Railway Lands, Ngai Tahu Ancillary Claims, Te Whanganui-o-Orotu and Turangi Township reports. In these reports they considered whether the compulsory acquisition of Maori land for public purposes constitutes a breach of Article Two Treaty guarantees to protect Maori rangatiratanga, but, concluded no general findings. Instead, they found: 'we feel that the circumstances of each case need to be considered in order to come to any conclusions with regard to a breach of Treaty principles.'⁵⁵

Public Works acquisition

Public Works acquisitions for defence purposes were dealt with directly in the *Orakei Report* (1987). In this case, the Tribunal noted,

the Crown's action in compulsorily taking this land appears to be a breach of article two of the treaty which requires the consent of the Maori proprietors to any disposition of land. At the same time the Preamble [of the English text] of the treaty speaks of the anxiety of the Crown not only to protect the just rights and property of the Maori but also to secure peace and good order. It is arguable that the sovereign act of the Crown in taking land for defence purposes with a view to securing peace and good order is acting for the benefit of all citizens, Maori and European alike, and is not inconsistent with the principles of the Treaty.⁵⁶

Justice R.I Barker noted in an early review of Public Works legislation:

'...most acquisitions by the Crown and many by local bodies are by agreement. This is no doubt because either (i) there is no right of objection given to the landowner because of the nature of the project, or (ii) the landowner can see little hope of achieving anything other than delay through making use of the objection procedure referred to shortly, or (iii) the landowner knows that if he doesn't agree, the powers under the act are likely to be invoked.'⁵⁷ Another commentator, Cathy Marr has cautioned that the notion of 'willing agreement' to Public Works acquisitions must be treated with care.

⁵⁵ *Ngai Tahu Ancillary Claims Report*, 1995, pp. 364-5. 'The Crown notes that the Government is still to consider the settlement of Treaty claims raising this issue. However, pending the development of that policy, in the context of other claims raising the same questions, the Crown has taken a similar position to that adopted by the Tribunal in the Draft Report- that a case by case assessment is required.' p. 364. See also, Cathy Marr, 'Public Works Takings of Maori Land 1840-1981', 1994, p. 22.

⁵⁶ *Orakei Report*, 1987, p. 167.

⁵⁷ R.I. Barker, 'Private Right or Public Interest', *New Zealand Law Journal*, 3 June 1969, p. 253.

Section 32 agreements were often heavily influenced by the perceived lack of real alternatives.⁵⁸ Certainly the purpose for which the Kaikohe land was (said to be) acquired, held an important sway over Maori owners, who shifted from their lands expressly to aid in the defence of the country.⁵⁹ Although there was no active opposition, the process of acquisition and compensation cannot necessarily be regarded as 'willing agreement' under the terms of the Public Works Act 1928. It must be remembered that pursuant to the Public Works Act 1928, all notification and objection procedures are removed for defence and railway acquisitions.

Compensation

Compensation payments made to European and Maori owners show a disparity, which, due to the period of time elapsed since valuation, is difficult to analyse accurately. Marr comments generally:

Maori land often appears to have been valued at very low rates for compensation purposes. This is no doubt partly because Maori land was often marginal and had been allowed to revert or was never developed...taking authorities often had the means to provide valuations which supported their position in Court while Maori owners were not in a position to produce opposing evidence.⁶⁰

What can be concluded, however, is that the existence of different compensation procedures for Maori and European land under the 1928 Public Works Act, prejudicially affected the claimants right for immediate and just compensation in the context of the war.⁶¹ No consideration appears to have been given to alternative forms of compensation, such as the offer of other lands.⁶²

⁵⁸ Marr, p. 165.

⁵⁹ See earlier reference and explanation, R. Te Ripi Wihongi to author, 13 May 1995. Another claim recently lodged against Public Works acquisition of an aerodrome at 2Y Mahanga in Northern Hawke's Bay (also during World War Two) may suggest an explanation as to why Kaikohe Maori accepted the acquisition and compensation without appeal. The Hawke's Bay claimants stated that their land: '...wasn't taken, it was given for use of as an aerodrome if needed during the Second World War.' (See Claimant Mac Whaanga to Waitangi Tribunal, 5 May 1995, Wai 519.)

⁶⁰ Marr, pp. 178-9.

⁶¹ For example, the decision of Judge I. Prichard Maori Land Court regarding the compensation for Tawapuku 3A, 3B, 4B (part) 'It must be remembered that compensation should be assessed as at 7 September 1942 [during wartime], so there can be no claim that the land is worth more than its value as at such date. Against that, there must, of course be interest for seven years.' See *Ngai Tahu Ancillary Claims Report*, 1995, pp. 365-6.

⁶² *Ngai Tahu Ancillary Claims Report*, 1995, pp. 365-6. 'Research into the claims reveals that in most cases monetary compensation was paid to the owners of affected lands. Such compensation was generally low, based on the Government's valuation of the lands because invariably the owners could not afford an independent valuation. The benefit of the monetary compensation to owners of Maori freehold land is questionable, given that such owners were often numerous, and the amount, when divided up between them all, was nominal. We agree with Mr Wilson's view that a 'land for land' basis of compensation would have been more acceptable than the payment of money. The provision of alternative lands by way of compensation may have gone some way towards maintaining the tribal estate.'

Offer-back

Prior to the enactment of s.40 of the Public Works Act 1981, there existed no statutory requirement to offer-back 'surplus' public works land. Despite only sporadic use by the army in the 1980s, it was ten years before the lands at Kaikohe were declared 'surplus' in 1991. Further delays occurred before an official offer-back, allowing the Far North District Council to raise sufficient finance to purchase the aerodrome proper. On the issue of offer-back, however, there is disagreement. DOSLI claims that neither the aerodrome proper which was later sold, nor, the residue perimeter lands were offered back to the claimants.⁶³ However the claimants say that the area was offered to them for the current market valuation of \$640 000.⁶⁴ At this time, the claimants are unable to locate any documentation to substantiate this allegation. It needs to be noted here, that, 'Informal approaches to former owners to find out whether they are interested in purchasing the land before a formal offer is made, are not provided for under the legislation. Such an approach is only rarely justified, and cannot be regarded as compliance with section 40.'⁶⁵

Further to the discussion of the offer-back provisions of the Public Works Act 1981, this report reflects the findings (22.2.4) of the *Turangi Township Report*:

The Tribunal finds that the claimants have been prejudicially affected by the offer-back provisions of sections 40, 41 and 42 of the Public Works Act 1981 which:

- (a) permit the Crown in certain circumstances, without consultation with former Maori owners or their successors, not to offer surplus land back to such former owners
- (b) permit the Crown to retain the whole of the profit from the sale of such surplus land at current market value whether sold back to the former Maori owners from whom the land was compulsorily taken or on-sold to a third party
- (c) fails to require the Crown to make allowance for the circumstances surrounding the compulsory acquisition of the land from former Maori owners including the need for the compulsory acquisition of the land or, if the use of the land was essential, whether it was necessary to acquire the freehold of the land
- (d) permits the Crown to offer to sell such surplus land at a price or on conditions which are manifestly in excess of the ability of the former Maori owners or their successors to meet
- (e) fails to require the Crown to have regard to the special circumstances of multiple Maori owners of such land and to seek to accommodate such circumstances
- (f) fails to permit the Crown to offer to sell the land to the wider hapu or tribal group to which the former Maori owners belong if such owners are unable or unwilling to purchase surplus land offered to them by the Crown

The Tribunal further finds that the offer-back provisions of the 1981 Act are inconsistent with the Treaty obligation of the Crown to act in good faith and reasonably towards its Treaty partner and actively to protect the rangatiratanga of Ngati Turangitukua in their ancestral land.

A separate case needs to be made for those lands taken under original acquisition and leased out to local farmers, instead of being used for aerodrome purposes. This surplus land has

⁶³ See Office of Crown Lands to Tribunal 8 June 1995, & 19 June 1995.

⁶⁴ Statement of Claim, R. Te Ripi Wihongi to Tribunal, 20 July 1992.

⁶⁵ 'Procedures and Guidelines for Investigations under Sections 40 & 41 of the Public Works Act 1981, Office of Crown Lands Circular 1990/ 20, section 10.6, p. 8.

not been offered back to the former owners because it is leased for another five years and the leases cannot be terminated. 'The land will be offered back, if that is still the requirement, at that time.'⁶⁶ Any offer-back will be made according to DOSLI procedures under s.40, which includes active consideration of the offer-back price to former owners (See appended 'DOSLI Guidelines for the Return of Surplus Lands at Less than Current Market Value Pursuant to s.40 (2)(d)', Office of Crown Lands Circular 1990/26). Again, the wider application of the Ngai Tahu Ancillary Claims findings on Public Works acquisitions are appropriate:

the claimants are well justified in objecting to the Crown's failure to return such land once that public interest has been served. The Tribunal agrees with the sentiment that Ngai Tahu's interest in the land does not stop at the point of taking, or when compensation is paid...The claims presented to this Tribunal show a tardiness on the part of the Crown in returning such land.⁶⁷

The Tribunal went further in the case of the Turangi Township:

the claimants have been prejudicially affected by the omission of the Crown to make provision, when exercising its powers of compulsory acquisition of the claimants' land under the Public Works Act 1928 and the Turangi Township Act 1964, for any such land no longer required for the public work for which it was taken, to be returned to Maori ownership at the earliest possible opportunity and with the least cost and inconvenience to those Maori owners and that such omission was inconsistent with the Crown's Treaty obligation under article 2 actively to protect Maori rangatiratanga in their ancestral land.⁶⁸

Sale of land

As previously stated, the final sale of the aerodrome proper to the Far North District Council on 27 August 1993 included no protection of the former owners' interests. After the transfer sale of land to the FNDC under s.40 for continued public works, there exist no further protections for the rights and interests of former owners. The existing policy of protection, the Protection Mechanism, does not apply until Public Works Act 1981 s.40 offer-back procedures have been dispensed.⁶⁹ The absence of viable protection measures in the advent of a sale into local authority (private) ownership, reflects certain inadequacies in the 'Protection Mechanism for Surplus Crown Lands' policy. Protection measures as they stand can be easily circumvented.⁷⁰ This raises the central question, whether the Crown's failure to protect the interests of the former Maori owners constitutes a breach of Treaty principles.

Public v. Private

The problem here lies in the contradictory nature of Section 40 (offer-back) provisions and the legal status of land owned by local authorities (deemed private land) under the Public Works Act 1981. Under this present legislation, local authorities have the authority to acquire

⁶⁶ Office of Crown Lands to Waitangi Tribunal, 8 June 1995.

⁶⁷ *Ngai Tahu Ancillary Claims Report*, p. 365.

⁶⁸ *Turangi Township Report*, 1995, section 22.2.2

⁶⁹ *Te Maunga Railways Land Report*, p. 80.

⁷⁰ 'The Crown cannot divest itself of its Treaty obligations or confer an inconsistent jurisdiction on others.' *Manukau Report* (Wai 8), 1985, p. 99.

land, but conversely are not required to offer-back land in their ownership. Put another way, if land deemed surplus must be offered to any local authorities under section 40 for the continued use of any other public work, how can the land, then, logically, be titled private land. This legal incongruity underlies the final alienation of the Kaikohe aerodrome from its former Maori owners. Furthermore, local authority (private) land cannot be recommended for return by the Waitangi Tribunal under the Treaty of Waitangi Amendment Act 1993. Clearly then, there must be some rationalisation of the s.40 procedures under the Public Works Act 1981. Again in the case of the Kaikohe lands, it might also be considered whether a local body or Crown agent who inherits the ownership of lands for a public purpose, under s.40, can justifiably retain the land for the same public purpose, for which it was initially deemed surplus. At present, there exist no statutory requirements which measure the relative need for the public work.

In light of the outlined history of the aerodrome the justification that the aerodrome continues to be of public benefit seems difficult to maintain. The airfield remains an insufficiently long, incorrectly oriented, grassed surface and subject to significant hazards to aviation navigation and communication. Kaikohe aerodrome as it remains, is of little or no 'public service', and it would seem to have little potential for development, despite DOSLI suggestions to the contrary.

Public Works and the Treaty of Waitangi

The 1981 Public Works Act like former Public Works legislation continues to exclude any consideration of the Treaty of Waitangi.⁷¹ Recent Tribunal Reports on Te Maunga Railways Land (1994), Ngai Tahu Ancillary Claims (1995), Te Whanganui-a-Orotu (1995) and Turangi Township (1995) all include lengthy discussions of Public Works legislation and the 1981 Act. For example, *Te Maunga Railways Land Report* concludes: 'The most significant omission was the failure to acknowledge in any way in the Public Works Act 1981 the Crown obligations and responsibilities toward Maori as a partner under the Treaty of Waitangi.'⁷²

The *Ngai Tahu Ancillary Claims Report* (9.4.6) went further to recommend amendments to the Public Works Act 1981:

The Tribunal considers that a further review of the Crown's power to acquire Maori land under Part II of the Public Works Act 1981 is required. We recommend firstly that:

- the public works act be amended to provide that it should be so interpreted and administered as to give effect to the Treaty of Waitangi.
Secondly, we recommend that as a consequence of the first recommendation that:
- the Crown and local authorities be expressly authorised to acquire a lease, licence, or easement over, or enter into a joint-venture arrangement in respect of, Maori land required for public purposes, instead of acquiring the freehold title of such land.⁷³

⁷¹ Marr, p. 13.

⁷² *Te Maunga Railways Land*, 1994, p. 56.

⁷³ *Ibid.*, p. 366.

The *Turangi Township Report* (1995) includes the most detailed analysis of Public Works legislation so far. Among its findings and recommendations, it proposes significant amendments to the Public Works Act 1981.

First recommendation

1. That Part II of the Public Works Act 1981 be amended to provide that:
 - (a) The Crown or a local authority should not seek to acquire Maori land without first ensuring that no other suitable land is available as an alternative.
 - (b) If the Crown or a local authority wishes to acquire Maori land for a public work or purpose it should first give the owners adequate notice and by full consultation seek to obtain their informed consent at an agreed price.
 - (c) If the owners are unwilling to agree, that 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.
 - (d) If the Crown or a local authority does 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 or a local authority 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 or local authority as the case may be.

Second recommendation

2. That the 'offer-back' provisions in Part III of the Public Works Act 1981 be amended
 - (1) To require the Crown or local authority as the case may be:
 - (a) to consult with former Maori owners or their successors before deciding not to offer surplus land back to such owners
 - (b) to offer to return surplus land to Maori ownership at the earliest possible opportunity with the least cost and inconvenience to the former Maori owners
 - (c) in determining the price at which the land is offered back to former Maori owners
 - (i) to share with such owners the increased value in the land arising from the use and development of their land
 - (ii) to have regard to the means of such former Maori owners
 - (iii) to have regard to the circumstances surrounding the compulsory acquisition of such land
 - (iv) to have regard to the special circumstances of multiple Maori owners and seek to accommodate such circumstances.
 - (2) To permit the Crown or local authority as the case may be to offer back the land to the wider hapu or tribal group to which the former Maori owners belong if such owners are unable or unwilling to purchase surplus land offered to them by the Crown or local authority.

Third recommendation

3. The Public Works Act 1981 be amended to provide that it should so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.⁷⁴

⁷⁴ *Turangi Township Report*, 1995, section 22.4. 'The Tribunal is aware that the Crown is presently considering its policy on public works legislation in so far as it affects Maori land. We have had the advantage of perusing the report on 'Public Works Takings of Maori Land, 1840-1981' prepared for the [then] Treaty of Waitangi Policy Unit by Cathy Marr, December 1994 (D9(L)). Clearly wide consultation is called for with Maori on this topic before any policy decisions are taken by the Crown. The Tribunal believes it is essential, if Maori Treaty interests in their land are to be appropriately protected, to ensure that the Crown and local authorities exercising powers of compulsory acquisition of land are required to give effect to Treaty

Tribunal

Finally, the delay between the registration of the claim and the eventual investigation of the claim by the Tribunal requires consideration. The claim was registered in August 1992. Subsequently, the Treaty of Waitangi Act was amended on 20 August 1993. The aerodrome land was sold to the Far North District Council on 27 August 1993. In the interim, the Tribunal made little (see earlier) progress towards investigating the claim, a consequence of its workload and lack of resources. The Tribunal may need to consider the consequences for the claimants of the lapse of time in bringing the claim to hearing.

It is important to recognise that the Public Works issues raised in this report are not unique to this claim. There is a significant degree of continuity in the findings of the four most recent Tribunal reports relating to Public Works acquisitions.

principles.’

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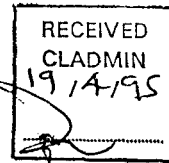
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3.1 Pen.

001

WAI 302

WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND CONCERNING The Kohewhata block claim

DIRECTION COMMISSIONING RESEARCH

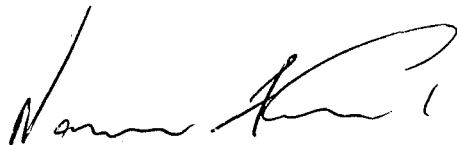
- 1 Pursuant to clause 5A(1) of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Ralph Johnson of Wellington to complete on behalf of the claimants a research report for this claim covering the following matters:
 - (a) The nature of the acquisition, whether it be by compulsion or by agreement, by the Crown under the Public Works Act 1928.
 - (b) The history of land use of the Block from 1942 to the present day, to determine whether the public use of the land has remained consistent with the purposes for which the land was acquired.
 - (c) The nature of the negotiations entered into by the Crown with the former owners or their descendants, for the possible return of the land.
- 2 This commission commences on receipt of written confirmation of the commissionee's acceptance of the terms and conditions of the commission.
- 3 The commission ends on 31.05.95. at which time one copy of the report will be filed, together with an indexed document bank and copy of the report on disk.
- 4 The report may be received as evidence and the commissionee may be cross examined on it.

cont. page 2: 5. The Registrar is etc.

5 The Registrar is to send copies of this direction to:

Ralph Johnson
Claimants
Claimant Counsel
Solicitor General, Crown Law Office
National Maori Congress
New Zealand Maori Council
Director, Office of Treaty Settlements

Dated at Wellington this *19th* day of April 1995.



Deputy Chief Judge N Smith
Deputy Chairperson
WAITANGI TRIBUNAL

002

P.O. BOX 385
KAIKOHE
20.7.92

Rec'd 3/8/92

CLAIM
WAI 302.

THE CHAIRMAN
WAITANGI TRIBUNAL
DEPARTMENT OF JUSTICE
P.O. BOX 5022
WELLINGTON

⇒ To: Tom B

RE: KAIKOHE AERODROME
KOHEWHATA BLOCK

Dear Sir,

We the Owners connected to the above Block of Land known as KOHEWHATA which is situated South of the Township of Kaikohe approximately three and a half miles, would like to put our case into the hands of the Waitangi Tribunal.

The land consists of 134.2912 hectares, the boundaries are marked in brown in the enclosed map.

This portion of land was taken under the Public Works Act 1928 during the Second World War and the threat of the Japanese war in the Pacific.

There has been a lot of controversy by the Kaikohe Community Council who are now leasee's of the property since the Transport Dept ceased Commercial Passenger flights approximately 12 years ago.

I sincerely believe that the official capacity which this land has been acquired has expired nearly 50 years ago and that the land should rightfully be returned to its Owners, although it did not accomplish the purpose the land was taken for, it had conveniently fulfilled the purposes which I think was the first motive behind the application of the Public Works Dept to apply

the Act.

The surrounding land which was steep and unsuitable for use, had been leased to four local farmers, since that day nearly 50 years ago to this present day.

The Transport Dept is willing to return the land to its Owners at a total cost of \$640,000.00 but the Kaikohe Community Council wants to hang on to the land of which they are leasees of.

They are at present negotiating with the Far North District Council to purchase the property.

We do want the land returned with no strings attached.

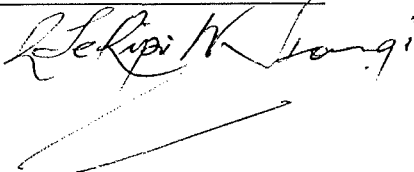
FAMILIES INVOLVED:

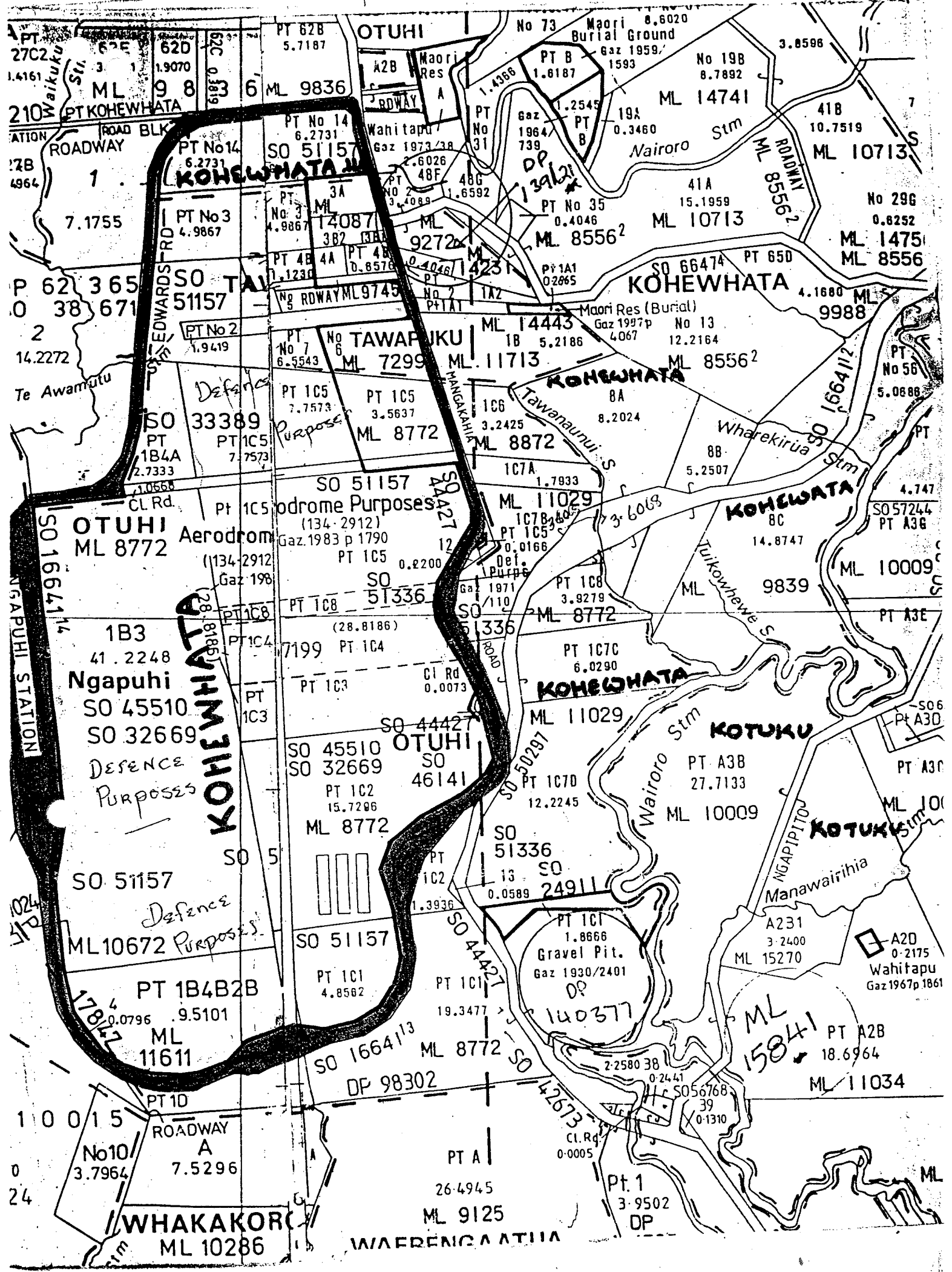
WIHONGI WHANAU
MAIHI WHANAU
MOON WHANAU
CLARKE WHANAU
CASSIDY WHANAU
PERA WHANAU

Hoping that this short precis will start the ball rolling.

Thanking you,
Yours faithfully,

R. TE RIPI WIHONGI





519 800mN

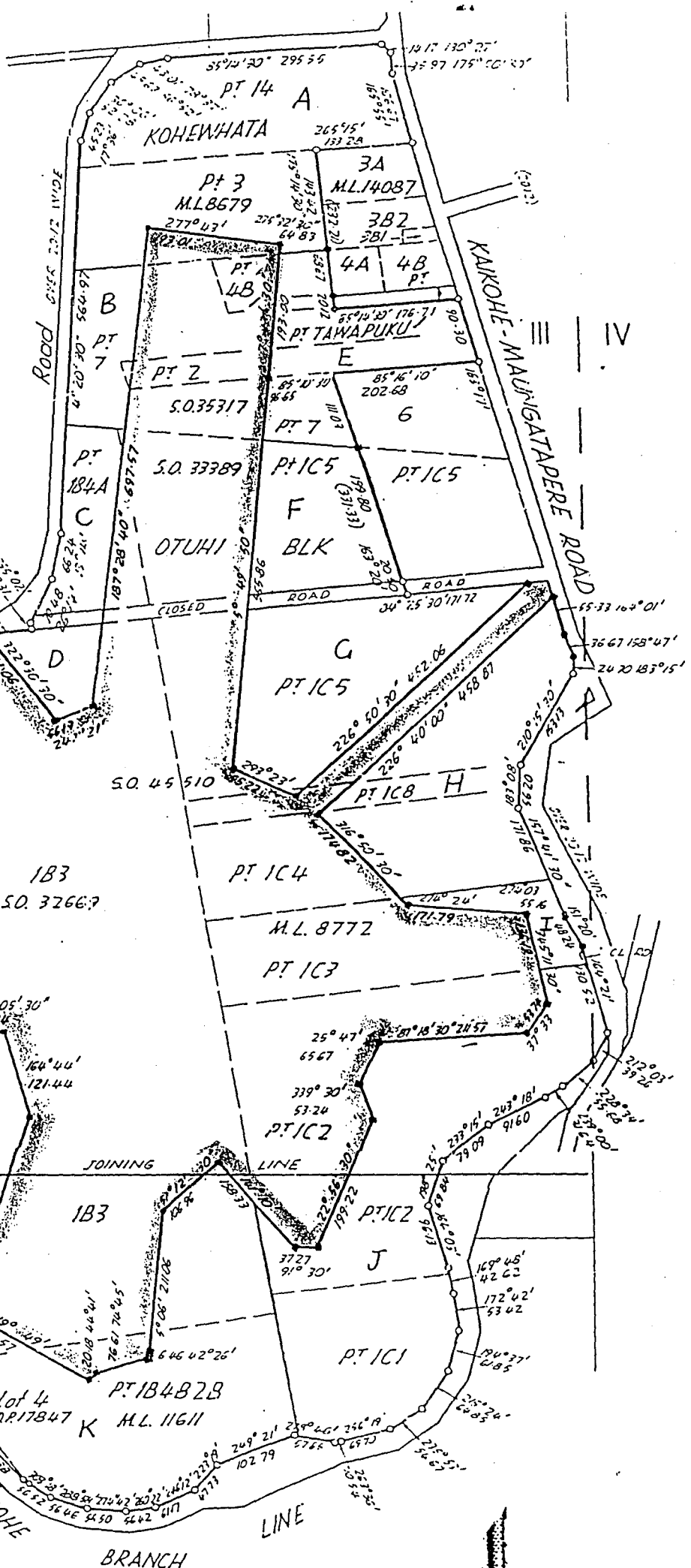
S.O. 51157

558 300mN

NGAPUHI STATION
Road

857 800mN

70.12 WIDE



Retailers' Prices.

10. (1) Except as provided in subclause (2) of the last preceding clause, the maximum price which may be charged or received by any retailer for any onions to which this Order applies shall be the sum of the following amounts:—
 (a) The price actually paid or payable by the retailer for the onions;
 (b) Any transport or other charges paid or payable by the retailer in respect of the onions;
 (c) An amount equal to 40 per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof; or 6d. a pound (whichever is the less).
 (2) The retail price of any onions, computed in accordance with the last preceding subclause, shall be calculated by reference to the weights and weights disclosed in the appropriate invoices.
 Dated at Wellington, this 31st day of August, 1942.
 The Seal of the Price Tribunal was affixed hereto in the presence

W. J. HUNTER (Judge), President.
 H. L. WISE, Member.

* Statutory Regulations, 1939, Serial number 1939/275, page 1057.

Price Order No. 105: Amending Price Order No. 66.

In pursuance of the powers conferred on it by the Control of Prices Emergency Regulations 1939, the Price Tribunal, acting in the authority of the Minister of Industries and Commerce, hereby make the following Price Order:—
 This Order may be cited as Price Order No. 105, and shall read together with and deemed part of Price Order No. 66* hereinafter referred to as "the principal Order".
 2. The Schedule to the principal Order is hereby amended by deleting therefrom the provisions relating to gurnard and trevalli, and substituting the following provisions:—

Kind of Fish.	Description.	Maximum Retail Price per Pound and pro rata.
gurnard	Whole, headed, gilled, gutted, and skinned	s. d. 0 9
	Fillets	0 10
	Smoked (split)	0 10
trevalli	Whole, gilled, and gutted	0 5
	Fillets, smoked	0 10
	Splits, smoked	0 9

Dated at Wellington, this 31st day of August, 1942.
 The Seal of the Price Tribunal was affixed hereto in the presence of—

W. J. HUNTER (Judge), President.
 H. L. WISE, Member.

* Gazette, 23rd December, 1941, Vol. III, page 4000.

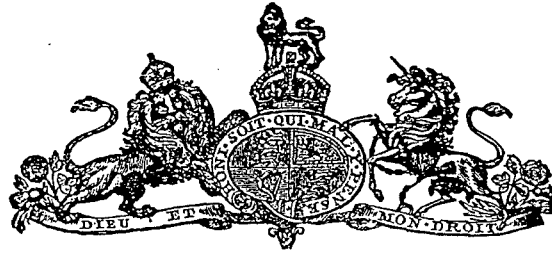
Regulations Act, 1936.

of the making of regulations and orders as under:—

Subject-matter.	Serial Number.	Date of Enactment.	Price (Postage 1d. extra).
es)	1942/262	31/8/42	3d.

ry Office, Lambton Quay, Wellington. Prices for quantities supplied

E. V. PAUL, Government Printer.



THE
NEW ZEALAND GAZETTE

Published by Authority.

WELLINGTON, THURSDAY, SEPTEMBER 3, 1942.

Land taken for Public Works.

[L.S.]

C. L. N. NEWALL, Governor-General.
 A PROCLAMATION.

IN pursuance and exercise of the powers vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for public works; and I do also hereby declare that this Proclamation shall take effect on and after the seventh day of September, one thousand nine hundred and forty-two.

SCHEDULE.

No.	Approximate Areas of the Pieces of Land taken.	Being	Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
48	A. E. P. 0 2 3-4	Parts Section 163, Hua District (Katere Block)	VI	Paritutu	P.W.D. 114606/7983	Blue.
	0 0 5	Part Mangaone Stream-bed, adjoining part Section 163, Hua District	VI	"	"	Orange.
	0 0 5	Part Mangaone Stream-bed, adjoining part Section 151, Hua District	VI	"	"	Sepia.
	0 3 34-5	Parts Section 151, Hua District (Upokotauaki Block)	VI	"	"	Blue.
	0 0 11	Part Section 163, Hua District (Katere Block)	VI	"	"	Blue, edged blue.
	0 0 1	Part Mangaone Stream-bed, adjoining parts Sections 151 and 163, Hua District	VI	"	"	Ditto.
	0 0 4	Part Section 151, Hua District (Upokotauaki Block)	VI	"	"	"
49	5 1 31-9	Part of Section 2 (North Auckland Land District.)	XIII	Rangaunu	P.W.D. 110401/28973	Red.
50	0 0 1-9	Parts Ongonga Block No. 1E	V	Opoutiki	P.W.D. 113676/31696	Sepia.
	0 0 38	Part Ongonga Block No. 1G 3	V	"	"	Yellow.
	2 0 9	Part Ongonga Block No. 1E (Auckland Land District.)	V	"	"	Sepia, edged sepia.
51	101 3 19	Otahi No. 1a 3 Block	III	Punakitere	P.W.D. 115114/32669	Yellow.
	23 2 0	Part Otahi No. 1a 4B 2B Block	III	"	"	Red.
	0 0 31-5	Lot 4, D.P. 17847, being part Otahi 1a Block	III	"	"	Yellow.
	12 0 0	Part Otahi 1c 1 Block	III	"	"	Blue.
	38 3 19	Part Otahi 1c 2 Block	III and IV	"	"	Red.
	16 0 1	Otahi 1c 3 Block	III and IV	"	"	Blue.
	16 0 28	Otahi 1c 4 Block	III	"	"	Red.
4 2 24	Part Otahi 1c 8 Block	III	"	"	Blue.	
36 0 20	Part Otahi 1c 5 Block (North Auckland Land District.)	III and IV	"	"	Red.	

As the same are more particularly delineated on the plans marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works at Wellington.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 1st day of September, 1942.

W. P. DADD

1942

Wellington, 11th December, 1945.
of the Land Act, 1934, approved of
the Schedule hereto.

Notification of the Purposes for which Land, Leasehold Estates or Interests in Land, and Easements over Land have been taken, and for which
Areas of Crown Land and Portions of Public Reserves have been set apart, in Terms of the Public Works Act, 1928

WHEREAS pursuant to the Public Works Act, 1928, certain Proclamations have been issued taking land, leasehold estates or interests
in land, and easements over land, and setting apart areas of Crown land and portions of public reserves for public works in terms
of the Public Works Act, 1928, in which Proclamations the relative purposes of the acquisitions have, pursuant to the Land Acquisition
Regulations 1942, been left unspecified:

And whereas to the parcels or groups of parcels of land affected by such Proclamations there have been assigned in terms of the said
regulations the like respective distinguishing numbers as are set out in the first column of the Schedule hereto:

And whereas the Proclamations by which such parcels or groups of parcels of land have been affected have been published in the
Gazette on the respective dates and at the respective pages set out in the second column of the Schedule hereto opposite the respective
distinguishing numbers thereof set out in the first column of the Schedule hereto:

And whereas collateral with each such Proclamation and of even date therewith there has been prepared and signed an instrument in
the form of a Proclamation setting out the matter omitted from the first-mentioned Proclamation, but none of the said collateral instruments
or the contents thereof have been published in the Gazette or publicly notified:

Now, therefore, I, Norman Edwin Hutchings, the Under-Secretary of the Department of Public Works, in pursuance of the Land
Acquisition Emergency Regulations 1945, do hereby notify that the purpose set out in the third column of the Schedule hereto opposite
each respective distinguishing number set out in the first column of the Schedule hereto is the purpose for which the relative parcel or group
of parcels of land, or for which the leasehold estate or interest in the relative parcel or group of parcels of land, or for which an easement
over the relative parcel or groups of parcels of land has been taken, or for which the relative parcel or group of parcels of Crown land or
public reserves have been set apart.

Table with 8 columns: June, July, August, September, October, November, December. Rows contain numbers 18, 25, 14, 13, 26, 26, 13, 12, 6, 11, 12, 11.

MAGMORRAN, Under-Secretary for Lands.

ND

AS AT THE CLOSE OF BUSINESS ON MONDAY.

Assets table with columns: £, s, d. Rows include Marketing Department (2,301,877 10 0), other public authorities (5,799,074 1 8), and total (8,100,951 11 8).

Liabilities, 70.767 per cent. W. R. EGGERS, Chief Accountant.

on to administer Estates

an election to administer in respect of the several
as known) are hereunder set forth:

Table with 4 columns: Date of Death, Date Election filed, Testate or Intestate, Stamp Office concerned. Rows list various dates and locations like Hokitika, Dunedin, Wellington, Christchurch.

SCHEDULE

Main SCHEDULE table with 4 columns: First Column (Distinguishing Number), Second Column (Date of Publication of Proclamation in Gazette), Third Column (Purpose for which the Land or Leasehold Estate or Interest or Easement has been taken), and Land District in which Land affected is situated. Rows include Defence purposes, Road, Housing purposes, etc.

1945

Land taken for Defence Purposes in Blocks II and III, Campbelltown Hundred

[L.S.] C. L. N. NEWALL, Governor-General

A PROCLAMATION

IN pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for defence purposes.

SCHEDULE

Approximate Areas of the Pieces of Land taken.		Being	Situated in Block	Coloured on Plan
A.	R. P.			
76	2 0	Section 7	II	Bluc.
50	0 0	Section 15	III	Sepia.
47	3 21	Section 45	III	Orange.

Situated in Campbelltown Hundred (Southland R.D.). (S.O. 5625.)

In the Southland Land District: as the same are more particularly delineated on the plan marked P.W.D. 120952, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 2nd day of March, 1945.

W. E. PARRY,
For the Minister of Works.

GOD SAVE THE KING!

(P.W. 20/487/1.)

Land taken for Defence Purposes in Block III, Punakitere Survey District

[L.S.] C. L. N. NEWALL, Governor-General

A PROCLAMATION

IN pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for defence purposes.

SCHEDULE

APPROXIMATE areas of the pieces of land taken:—

A. R. P.		Being
27	0 20	Kohewhata No. 14 Block; coloured blue.
26	0 20	Tawapuku No. 3 Block; coloured blue.
1	0 28	Tawapuku No. 4A Block; coloured blue.
2	3 4	Tawapuku part No. 4B Block; coloured blue.
1	2 20	Tawapuku part No. 4B Block; coloured blue.
17	3 22	Otuhi part No. 1b No. 4A Block; coloured yellow.
19	0 27	Otuhi part No. 1c No. 5 Block; coloured yellow, edged yellow.

Situated in Block III, Punakitere Survey District (Auckland R.D.). (S.O. 33389.)

In the North Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 120922, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 2nd day of March, 1945.

W. E. PARRY,
For the Minister of Works.

GOD SAVE THE KING!

(P.W. 23/381/141/1.)

Land taken for a Secondary School in the City of Wellington

[L.S.] C. L. N. NEWALL, Governor-General

A PROCLAMATION

FIRST SCHEDULE

APPROXIMATE area of the piece of land taken: 33.2 perches. Being part Section 595, Town of Wellington; coloured blue.

SECOND SCHEDULE

APPROXIMATE area of the piece of land taken: 38.1 perches. Being part Section 595, Town of Wellington; coloured blue.

All situated in Block VI, Port Nicholson Survey District (Wellington). (S.O. 21240.)

All in the Wellington Land District; as the same are more particularly delineated on the plan marked P.W.D. 12097, in the office of the Minister of Works at Wellington, coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 3rd day of March, 1945.

JAS. O'BRIEN,
For the Minister of Works.

GOD SAVE THE KING!

(P.W. 31/384/1.)

Land taken for a Vocational Training Institution in Invercargill

[L.S.] C. L. N. NEWALL, Governor-General

A PROCLAMATION

IN pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for a vocational institution; and I do also declare that this Proclamation shall take effect on and after the twelfth day of March, 1945, nine hundred and forty-five.

SCHEDULE

APPROXIMATE areas of the pieces of land taken:—

A. R. P.		Being
0	1 0	Section 4, Block XIV, Town of Invercargill; coloured blue.
0	1 0	Section 19, Block XIV, Town of Invercargill; coloured orange.

(City of Invercargill.)
Situated in Invercargill Hundred (Southland R.D.). (S.O. 5613.)

In the Southland Land District; as the same are more particularly delineated on the plan marked P.W.D. 121008, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 2nd day of March, 1945.

W. E. PARRY,
For the Minister of Works.

GOD SAVE THE KING!

(P.W. 24/3216/1.)

Declaring Land acquired for a Government Work, and for that Purpose, to be Crown Land

[L.S.] C. L. N. NEWALL, Governor-General

A PROCLAMATION

IN pursuance and exercise of the powers and authorities vested in me by the Public Works Act, 1928, and of every other power and authority in anywise enabling me in this behalf, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby declare the land described in the Schedule hereto to be Crown land subject to the Land Act, 1945.

SCHEDULE

APPROXIMATE area of the piece of land declared to be Crown land: 1 rood 20.7 perches.

Being Lot 75, D.P. 16442, being part Allotment 2 Parish.

Situated in Block III, Titirangi Survey District (North Auckland R.D.). (S.O. 32472.)

1949 Gazette No. 47

[L.S.]

JULY 14

Revoking Portion of a Proclamation Taking Land for Defence Purposes in Block III, Punakitere Survey District.

[L.S.]

B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby revoke the Proclamation dated the second day of March, one thousand nine hundred and forty-five, and published in the New Zealand Gazette No. 17 of the eighth day of the same month, at page 256, taking land for defence purposes in Block III, Punakitere Survey District, in so far as it affects the land described in the Schedule hereto, such land being no longer required.

SCHEDULE

Approximate Areas of the Pieces of Land no longer Required.	Being	Shown on Plan	Coloured on Plan
A. R. P. 1 0 28 1 2 20	Tawapuku No. 4A Block Tawapuku part No. 4B Block (S.O. 33389.)	P.W.D. 120922 "	Blue "
5 0 23	Part Tawapuku No. 3 Block in Proclamation 11588 (S.O. 35317.)	P.W.D. 120267	Red

2.5 Acres

Situated in Block III, Punakitere Survey District (Auckland R.D.).

In the North Auckland Land District; as the same are more particularly delineated on the plans marked and coloured as above mentioned and deposited in the office of the Minister of Works at Wellington.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 6th day of July, 1949.

R. SEMPLE, Minister of Works.

GOD SAVE THE KING!

(P.W. 23/381/141/1.)

Crown Land Set Apart for Road in Block VIII, Maungaharuru Survey District

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the Crown land described in the Schedule hereto is set apart for road; and I do also declare that this Proclamation shall take effect on and after the eighteenth day of July, one thousand nine hundred and forty-nine.

SCHEDULE

APPROXIMATE area of the piece of Crown land set apart: 34 perches. Being part of Section 5.

Situated in Block VIII, Maungaharuru Survey District (Hawkes Bay R.D.). (S.O. 2343.)

In the Hawkes Bay Land District; as the same is more particularly delineated on the plan marked P.W.D. 129043, deposited in the office of the Minister of Works at Wellington, and thereon coloured orange.

and passing in, into, through, or over the following lands, viz., Mohaka 1c 3 and 1c 2 Blocks, Block XII, Mohaka Survey District, Mohaka 51A, 48E, 45, 29, 18B 2, 18B 3, 18B 4, 18B 5, 26, 27, and 23 Blocks, closed road, Mohaka 41, 22, and 32 Blocks, Block IX, Waihua Survey District, and terminating at a point in the said Gisborne-Napier, via Hangarua Main Highway opposite the south-eastern boundary of the Mohaka 25 Block, Block II, Waihua Survey District, including all adjoining and intervening places, lands, reserves, roads, tracks, lakes, rivers, streams, and watercourses. All in the Hawkes Bay Land District; as the same is delineated on the plan marked P.W.D. 129044, deposited in the office of the Minister of Works at Wellington, and thereon delineated by a line drawn in red and marked A—B.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 14th day of June, 1949.

R. SEMPLE, Minister of Works.

GOD SAVE THE KING!

(P.W. 70/5/25/0.)

Land Proclaimed as Street in the City of Lower Hutt

[L.S.]

B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section twenty-nine of the Public Works Amendment Act, 1948, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim as street the land described in the Schedule hereto.

SCHEDULE

APPROXIMATE areas of the pieces of land proclaimed as streets:

Being

2.09 Part Subdivisions 3A, 3B, 3C, 3E, 3D 1, 3D 2, 3D 3, 3D 4, 2A, and 2B, being parts Section 1, Hutt District; coloured orange.

0.3 Part Subdivisions 2C, 2D 2B, 2D 2A, 2D 1, and No. 1, being parts Section 42, Hutt District; coloured blue.

Situated in Block X, Belmont Survey District (City of Lower Hutt) (S.O. 21767.)

In the Wellington Land District; as the same are more particularly delineated on the plan marked P.W.D. 129284, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 8th day of July, 1949.

R. SEMPLE, Minister of Works.

GOD SAVE THE KING!

(P.W. 51/3286.)

Proclaimed as Road, and Road Closed, in Block XI, Maungaharuru Survey District, Hawkes Bay County

[L.S.]

B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section twenty-nine of the Public Works Amendment Act, 1948, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim as road the land described in the First Schedule hereto; and also do hereby proclaim as closed the road described in the Second Schedule hereto.

FIRST SCHEDULE

LAND PROCLAIMED AS ROAD

APPROXIMATE areas of the pieces of land proclaimed as road:—

Being

0.249 Part of Section 9; coloured blue.

0.123 Part of Section 3; coloured sepia.

SECOND SCHEDULE

ROAD CLOSED

APPROXIMATE area of the piece of road closed: 1 road 35.5 perches, being Section 9; coloured green.

tion Substation) in Block IX, Christchurch Survey District

G. Governor-General

PROCLAMATION

That Sir Bernard Cyril Freyberg, the Governor-General of the Dominion described in the Schedule hereto is hereby taken for the development of

SCHEDULE

Situated in Block	Situated in Survey District of	Shown on Plan	Coloured on Plan
IX	Christchurch	P.W.D. 131309	Red. Orange.
"	"	"	Red. Blue.
"	"	"	Orange Blue.
"	"	"	Blue.
"	"	"	Red.
"	"	"	Red. edged red.

particularly delineated on the plan marked and coloured as above mentioned,

of the Dominion of New Zealand, and issued under the Seal of that

W. S. GOOSMAN, Minister of Works.

THE KING!

SCHEDULE

APPROXIMATE area of the piece of land taken : 32.44 perches. Being Lot 3 of Suburban Section 344, Town of Palmerston North.

Situated in Block X, Kairanga Survey District (City of Palmerston North). (S.O. 21849.)

In the Wellington Land District; as the same is more particularly delineated on the plan marked P.W.D. 129991, 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 of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 14th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 24/2509.)

Land Taken for Post and Telegraph Purposes (Line Store, Garage, and Workshop) in the Borough of Ashburton

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for Post and Telegraph purposes (line store, garage, and workshop); and I do also declare that this Proclamation shall take effect on and after the 25th day of September, 1950.

SCHEDULE

APPROXIMATE area of the piece of land taken : 1 rood. Being Section 514, Borough of Ashburton, and being the whole of the land comprised and described in Certificate of Title, Volume 397, folio 163 (Canterbury Land Registry).

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 20/516.)

Land Taken for Health Purposes (District Nurse's Residence) in the Town of Kaikoura

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for health purposes (District Nurse's residence); and I do also declare that this Proclamation shall take effect on and after the 25th day of September, 1950.

SCHEDULE

APPROXIMATE area of the piece of land taken : 23.3 perches. Being part Section 1 of 342, D.P. 703, Town of Kaikoura, and being the whole of the land comprised and described in Certificate of Title, Volume 21, folio 269 (Marlborough Land Registry).

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 14th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 24/3261.)

Land Taken for Defence Purposes in Block III, Punakitere Survey District

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for defence purposes.

SCHEDULE

APPROXIMATE areas of the pieces of land taken:—
 A. R. P. Being
 18 1 20 Otuhu No. 2R Block; coloured blue.
 7 0 25.2 } Parts Tawapuku No. 7 Block; coloured sepia.
 16 0 31.4 }
 0 2 2.4 Part Tawapuku Block (Road-line); coloured yellow.
 3 1 6.9 Tawapuku No. 5 Block; coloured blue.
 4 3 7.8 Part Tawapuku No. 2 Block; coloured yellow.
 1 0 18.7 Part Tawapuku No. 7 Block; coloured yellow.

Situated in Block III, Punakitere Survey District (Auckland R.D.). (S.O. 35317.)

In the North Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 129267, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 14th day of September, 1950.

W. S. GOOSMAN, Minister of Works

GOD SAVE THE KING!

(P.W. 23 381/141.)

Land Taken for the Purposes of the Auckland-Hamilton Motor-way in the Borough of Ellerslie

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, and section 4 of the Public Works Amendment Act, 1947, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for the purposes of the Auckland-Hamilton motor-way.

SCHEDULE

APPROXIMATE area of the piece of land taken : 1 rood. Being Section 90, Lassy Settlement, originally part Allotment 17, Section 12, Suburbs of Auckland, and now Lot 90, D.P. 14479, and being the whole of the land comprised and described in Certificate of Title, Volume 493, folio 292 (Auckland Land Registry).

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 18th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 70/21/2 0.)

Land Taken for Housing Purposes in the City of Timaru

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for housing purposes; and I do also declare that this Proclamation shall take effect on and after the 25th day of September, 1950.

SCHEDULE

APPROXIMATE area of the piece of land taken : 4.94 perches. Being part Rural Section 1652.

Situated in the City of Timaru (Canterbury R.D.). (S.O. 3175.)

In the Canterbury Land District; as the same is more particularly delineated on the plan marked P.W.D. 131277, 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 of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 14th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(H.C. 4 68 37.)

Land Taken for Housing Purposes in the Borough of Kaiapoi

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for housing purposes; and I do also declare that this Proclamation shall take effect on and after the 25th day of September, 1950.

SCHEDULE

APPROXIMATE area of the piece of land taken : 2 acres 1 perch. Being part Rural Section 330, Borough of Kaiapoi, and being the whole of the land comprised and described in Certificate of Title, Volume 246, folio 182 (Canterbury Land Registry).

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(H.C. 4 90 5.)

Land Taken for Road in Block XII, Rangiriri Survey District, Waikato County

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the land described in the Schedule hereto is hereby taken for road; and I do also declare that this Proclamation shall take effect on and after the 25th day of September, 1950.

SCHEDULE

APPROXIMATE areas of the pieces of land taken:—
 A. R. P. Being
 0 2 39.7 } Parts Allotment 4, Parish of Taupiri; coloured
 0 0 37.1 } blue.
 0 0 9.8 } Part Allotment 463, Parish of Taupiri; coloured
 yellow.

Situated in Block XII, Rangiriri Survey District (Auckland R.D.). (S.O. 34390.)

In the South Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 131845, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of September, 1950.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 34/3418.)

Land Proclaimed as Street and Street Closed in the City of Dunedin

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section 29 of the Public Works Amendment Act, 1948, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim as street the land described in the First Schedule hereto; and also do hereby proclaim as closed the street described in the Second Schedule hereto.

FIRST SCHEDULE

LAND PROCLAIMED AS STREET

APPROXIMATE areas of the pieces of land proclaimed as street :-

A.	R.	P.	Being
0	0	24.46	Part Sections 22 and 24; coloured yellow.
0	0	05.28	Part Section 25; coloured blue.

SECOND SCHEDULE

STREET CLOSED

APPROXIMATE areas of the pieces of street closed :-

A.	R.	P.	Adjoining or Passing Through	Coloured
0	0	0.02	Lot 1, D.P. 6530, being part Section 15	} coloured green.
0	0	0.67	Part Section 15	
0	1	16.75	Sections 17, 23, and part Section 22	
0	1	11.47	Section 25 and part Section 24	
0	1	02.30	Section 27	
0	0	18.87	Section 29	
0	0	2.07	Section 30	

All situated in the Wakari Survey District (Otago R.D.). (S.O. 11350.)

All in the Otago Land District; as the same are more particularly delineated on the plan marked P.W.D. 133959, and deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 22nd day of May, 1951.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 51/1907.)

Road Closed in Block III, Chatton Survey District, Southland County

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section 29 of the Public Works Amendment Act, 1948, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim as closed the portion of road described in the Schedule hereto.

SCHEDULE

APPROXIMATE area of the piece of road closed: 2 acres 2 roods 14 perches.

Adjoining or passing through Sections 32 and 34.

Situated in Block III, Chatton Survey District (Southland R.D.). (S.O. 5893.)

In the Southland Land District; as the same is more particularly delineated on the plan marked P.W.D. 133429, deposited in the office of the Minister of Works at Wellington, and thereon coloured green.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of May, 1951.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 47/910; D.O. 18/767/18.)

Road Closed in Block XV, Pigeon Bay Survey District, Akaroa County

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section 29 of the Public Works Amendment Act, 1948, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim as closed the portion of road described in the Schedule hereto.

SCHEDULE

APPROXIMATE area of the piece of road closed: 8.1 perches. Passing through Lot 4, D.P. 4974, being parts Rural Section 2327.

Situated in Block XV, Pigeon Bay Survey District (Canterbury R.D.). (S.O. 8113.)

In the Canterbury Land District; as the same is more particularly delineated on the plan marked P.W.D. 134130, deposited in the office of the Minister of Works at Wellington, and thereon coloured green.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of May, 1951.

Road Closed for Defence Purposes in Block III, Punakitere Survey District

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaim and declare that the portion of road described in the Schedule hereto is hereby closed for defence purposes.

SCHEDULE

APPROXIMATE area of the piece of road closed: 2 acres 2 roods 21.8 perches.

Adjoining or passing through parts Otuhi 1B 4A and 1C 5 Blocks in Proclamation No. 11588, and parts Otuhi 1B 3 and 1C 5 Blocks in Proclamation No. 11120.

Situated in Block III, Punakitere Survey District (Auckland R.D.). (S.O. 35317.)

In the North Auckland Land District; as the same is more particularly delineated on the plan marked P.W.D. 129267, deposited in the office of the Minister of Works at Wellington, and thereon coloured green.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of May, 1951.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(P.W. 23.381/141/1.)

Declaring Land Taken for a Government Work, and Not Required for That Purpose, to be Crown Land

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section 35 of the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby declare the land described in the Schedule hereto to be Crown land subject to the Land Act, 1948.

SCHEDULE

APPROXIMATE area of the piece of land declared to be Crown land: 2 roods 33.6 perches.

Being Subdivisions 1, 2, and 3, part Manutahi 1A Block (Ruatoria Town Extension No. 20).

Situated in Block XVI, Mangaoporo Survey District (Gisborne R.D.). (S.O. 4522.)

In the Gisborne Land District; as the same is more particularly delineated on the plan marked P.W.D. 134165, deposited in the office of the Minister of Works at Wellington, and thereon edged red.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 19th day of May, 1951.

W. S. GOOSMAN, Minister of Works.

GOD SAVE THE KING!

(H.C. X/234.)

Declaring Land Acquired for a Government Work, and Not Required for That Purpose, to be Crown Land

[L.S.] B. C. FREYBERG, Governor-General

A PROCLAMATION

PURSUANT to section 35 of the Public Works Act, 1928, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby declare the land described in the Schedule hereto to be Crown land subject to the Land Act, 1948.

SCHEDULE

APPROXIMATE areas of the pieces of land declared to be Crown land:-

A.	R.	P.	Being
0	0	22.2	Part Hamlin's Grant; coloured blue.
0	0	1.1	} Parts Hamlin's Grant; coloured yellow.
3	2	27.9	

Situated in Block II, Otahuhu Survey District (Auckland R.D.). (S.O. 36095.)

In the North Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 134143, deposited in the office of the Minister of Works at Wellington, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 16th day of May, 1951.

W. S. GOOSMAN, Minister of Works.

1951

1971

SECOND SCHEDULE
WELLINGTON LAND DISTRICT
Street Closed and Vested

ALL those pieces of street situated in Block VIII, Belmont Survey District, Wellington R.D., described as follows:

- A. R. P. Adjoining
- 0 0 3.4 Part Section 68, Normandale Settlement, part being also Lot 2, D.P. 11244; coloured green on plan.
- 0 0 4.8 Part Section 68, Normandale Settlement; coloured green on plan.

THIRD SCHEDULE
WELLINGTON LAND DISTRICT
Street Closed and Added to Recreation Reserve

ALL those pieces of street situated in Block VIII, Belmont Survey District, Wellington R.D., described as follows:

- A. R. P. Adjoining
- 0 0 5.8 Lot 1, D.P. 15985, being part Section 76, Normandale Settlement; coloured green on plan.
- 0 0 12.4 Lot 11, D.P. 22849, being part Section 77, Normandale Settlement; and Lot 1, D.P. 15985, being part Section 76, Normandale Settlement, coloured green on plan.

As the same are more particularly delineated on the plan marked M.O.W. 24806 (S.O. 27923) deposited in the office of the Minister of Works at Wellington and thereon coloured as above-mentioned.

FOURTH SCHEDULE
WELLINGTON LAND DISTRICT
Recreation Reserve

ALL those pieces of land situated in Block VIII, Belmont Survey District, Wellington R.D., described as follows:

- A. R. P. Being
- 2 1 11.57 Lot 1, D.P. 15985.
- 1 1 29.82 Lot 11, D.P. 22849.

Dated at Wellington this 22nd day of January 1971.
JOHN RAE, for Minister of Works.
(P.W. 51/4530; Wn. D.O. 9/599/0)

Road Closed and Added and Land Allocated in Blocks III and IV, Punakitere Survey District, Bay of Islands County

PURSUANT to section 29 of the Public Works Amendment Act 1948, the Minister of Works hereby proclaims that the road described in the First Schedule hereto is hereby closed and shall, when so closed, be added to the land held for defence purposes described in the Third Schedule hereto, and also hereby allocates to the purposes of subsection (6) of the said Section 29 the land described in the Second Schedule hereto.

FIRST SCHEDULE
NORTH AUCKLAND LAND DISTRICT

ALL that piece of road situated in Blocks III and IV, Punakitere Survey District, North Auckland R.D., containing 2.9 perches and adjoining or passing through Otuhi 1c3, and part Otuhi 1c2 Blocks; as the same is more particularly delineated on the plan marked M.O.W. 24741 (S.O. 44427) deposited in the office of the Minister of Works at Wellington, and thereon coloured green.

SECOND SCHEDULE
NORTH AUCKLAND LAND DISTRICT
Land Allocated

ALL that piece of land situated in Blocks III and IV, Punakitere Survey District, North Auckland R.D., containing 6.6 perches, and being part Otuhi 1c5 Block; as the same is more particularly delineated on the plan marked M.O.W. 24741 (S.O. 44427) deposited in the office of the Minister of Works at Wellington, and thereon coloured yellow, edged yellow.

THIRD SCHEDULE
NORTH AUCKLAND LAND DISTRICT
Land Held for Defence Purposes

ALL that piece of land containing 16 acres and 1 perch, being part Otuhi 1c3 Block, held under and by virtue of Proclamation K. 11120, as amended by Proclamation K. 29990, North Auckland Land Registry. All certificate of title, Volume 351, folio 99, North Auckland Land Registry.

Dated at Wellington this 12th day of January 1971.
D. S. THOMSON, for Minister of Works
(P.W. 23/381/141/1; Ak. 50/30/7/0)

Road Closed and Incorporated in Adjoining Crown Lease Block V, Tangitu Survey District, Taurarunui County

PURSUANT to section 29 of the Public Works Amendment Act 1948, the Minister of Works hereby proclaims that the road described in the Schedule hereto is hereby closed and when so closed, be incorporated in renewable lease, Volume 77, folio 142, Taranaki Land Registry, held from Her Majesty the Queen by Ian David Harrison McMillan, of Ongaia, farmer.

SCHEDULE

TARANAKI LAND DISTRICT

ALL those pieces of road situated in Block V, Tangitu Survey District, Taranaki R.D., described as follows:

- A. R. P.
- 0 0 10 Being part Ohura stream bed adjoining Lot 1, D.P. 3057, being road by declaration 1710, edged red on plan.
- 0 2 1.2 Adjoining or passing through Section 3, Block 0 1 20.9 Tangitu Survey District; coloured green
- 1 1 12.4 plan.

As the same are more particularly delineated on the plan marked P.W.D. 150915 (S.O. 8767) deposited in the office of the Minister of Works at Wellington, and thereon coloured as above-mentioned.

Dated at Wellington this 15th day of January 1971.
D. S. THOMSON, for Minister of Works
(P.W. 72/4/6/0; Wg. D.O. 6/4/0/1/4)

Declaring Land Taken for Maori Housing Purposes in City of Hastings

PURSUANT to section 32 of the Public Works Act 1928, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken for Maori housing purposes from and after the 1st day of February 1971.

SCHEDULE

HAWKE'S BAY LAND DISTRICT

ALL those pieces of land situated in the City of Hastings, Hawke's Bay R.D., described as follows:

- A. R. P. Being
- 0 0 25.6 Lot 135, D.P. 11463, part Heretaunga Block, certificate of title, No. B 4/1017, Hawke's Bay Land Registry.
- 0 0 26 Lot 42, D.P. 11267, part Heretaunga Block, certificate of title, No. C 1/539, Hawke's Bay Land Registry.

Dated at Wellington this 15th day of January 1971.
D. S. THOMSON, for Minister of Works
(P.W. 24/2646/10/4; Na. D.O. 32/25/10)

Declaring Land Taken, Subject to a Building Line Condition for Maori Housing Purposes in Block III, Clive Survey District

PURSUANT to section 32 of the Public Works Act, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken, subject to the building line condition contained in K. 163267, Hawke's Bay Land Registry, for Maori housing purposes from and after the 1st day of February 1971.

No. 1 JANUARY
 All those pieces of land...
 33.6 I
 33.7 L
 34.8 L
 Dated at Wellington
 (P.W. 24/26)
 Declaring Land Taken for Maori Housing Purposes in Borough of Hastings
 Pursuant to section 32 of the Public Works Act 1928, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken for Maori housing purposes from and after the 1st day of February 1971.
 All that piece of land...
 5, 7, 9, certificate of title...
 Dated at Wellington
 (P.W. 31/298)
 Declaring Land Taken for Maori Housing Purposes in City of Hastings
 Pursuant to section 32 of the Public Works Act 1928, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken for Maori housing purposes from and after the 1st day of February 1971.
 All that piece of land...
 City of Napier, part Suburban Survey...
 Volume 23, folio...
 Dated at Wellington
 (P.W. 31/389)
 Declaring Land Taken for Maori Housing Purposes in Block III, Clive Survey District
 Pursuant to section 32 of the Public Works Act, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken, subject to the building line condition contained in K. 163267, Hawke's Bay Land Registry, for Maori housing purposes from and after the 1st day of February 1971.
 Pursuant to section 32 of the Public Works Act, the Minister of Works hereby declares that, a sufficient agreement to that effect having been entered into, the land described in the Schedule hereto is hereby taken, subject to the building line condition contained in K. 163267, Hawke's Bay Land Registry, for Maori housing purposes from and after the 1st day of February 1971.

IN THE NATIVE LAND COURT)
OF NEW ZEALAND)
TOKERAU DISTRICT)

IN THE MATTER of Section 104 of the Public...
Works Act, 1928.

A N D

IN THE MATTER of the land known as Otuhi LC 1
Block.

AT a sitting of the Court held at Kaikohe on the 6th day of February,
1946, before Maurice Vincent Bell Commissioner:

WHEREAS an area of 12 acres 0 roods 00 perches being a portion of the
land known as Otuhi LC 1 Block was taken under the Public Works Act,
1928, for Defence purposes by Proclamation dated the 1st day of.....
September, 1942, and published in New Zealand Gazette No. 83 of the...
3rd day of September, 1942, at page 2137:

AND WHEREAS the Under-Secretary, Public Works Department, made.....
application to the Court to assess the amount of compensation to be...
paid to the owners or other persons interested in the said land and to
decide who are the proper persons to receive such compensation so.....
assessed:

AND WHEREAS the Court sitting at Auckland on the 29th day of May, 1945
made an Order that the amount of compensation which ought to be paid..
for the area of 12 acres 0 roods 00 perches so taken be assessed at...
£120. -. -:

AND WHEREAS the Court further ordered that the said sum of £120. -. -
be paid to the Tokerau District Maori Land Board under Section 552 of
the Native Land Act 1931 on behalf of the owners of the said land:

AND WHEREAS application has been made to the Court to determine who...
are the persons entitled to be paid such sum of £120. -. -:

NOW THEREFORE in pursuance of the power and authority vested in it by
Section 104 of the Public Works Act, 1928, and any other power it.....
enabling THE COURT DOTH HEREBY ORDER AND DETERMINE that the said sum..
of £120. -. - shall be distributed in the manner and to the persons...
set out in the Schedule hereunder:

AND IT IS FURTHER ORDERED that the basis of distribution to ownership.
of the said land having been thus determined, payment to individuals..
of their respective shares where such shares exceed £5 (five pounds).
shall be made only in pursuance of a direction of the Court:

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



M. Bell
Commissioner.

SCHEDULE

Succession Duty (Ka Erengi Hongi, deceased).		£	8. -. 1
Rates Compromise Charges			6. -. -
✓ 1. Rata Hami Tahere	m.		1. 2. 8
✓ 2. Kiri Hami Tahere	m.		1. 2. 8
✓ 3. Hoterene Hami Tahere	m.		1. 2. 8
✓ 4. Wairongoa Hami Tahere	m.		1. 2. 8
✓ 5. Hemo Hami Tahere	f.		1. 2. 8
✓ 6. Peni Hori Muunu	m.		-. 3.10
✓ 7. Mere Hori Muunu	f.		-. 3.10
✓ 8. Himu Hori Muunu	m.		-. 3.10
✓ 9. Roera Hori Muunu	m.		-. 3.10
✓ 10. Waata Hori Muunu	m.		-. 3.10
✓ 11. Te Haara Pene Himene	m.	1951	-. 3.10
✓ 12. Hurae Rata Ngakoti	m.		-.11. 5
✓ 13. Tauarangiri Rata Ngakoti	f.		-.11. 5

M. Bell

ee:
il.



SCHEDULE (continued)

14. Ripi Wi Hongi		m.	£ 16. 6. 8
15. Kino Hare Wihongi		f.	5. 9. 1
16. Rima Hare Wihongi		f.	5. 9. 1
17. Kararaina Hare Wihongi alias Whipi Hare Wihongi.		f.	5. 9. 1
18. Taha Wi Hongi		m.	15. 16. 8
19. Eri Wi Hongi		m.	16. 6. 8
20. Auha Wiremu Wi Hongi	1954	m.	16. 6. 8

Trustee:- Taka Wihongi f.

21. Charles Godfrey Tong	1950	m.	8. 3. 5
22. Mawhekairangi Hemi Irimana	1959	m.	8. 3. 5

Trustee for Nos. 21 and 22:
Taha Wihongi m.

Fee on application for roadline
re Taraire 1S 2 and 1J 2 Blocks.
(*see above Taha Wi Hongi*)

-.10. -

£120. --

note



B.I. 21/163.

IN THE NATIVE LAND COURT)
OF NEW ZEALAND)
TOKERAU DISTRICT)

IN THE MATTER of Section 104 of the Public Works Act, 1928.

AND

IN THE MATTER of the land known as Otuhi..
10 2 Block.

AT a sitting of the Court held at Kaikohe on the 6th day of February, 1946, before Maurice Vincent Bell, Commissioner.

WHEREAS an area of 38 acres 3 roods 19 perches being a portion of the land known as Otuhi 10 2 Block was taken under the Public Works Act, 1928, for Defence purposes by Proclamation dated the 1st day of..... September, 1942; and published in New Zealand Gazette No. 83 of the.. 3rd day of September, 1942, at page 2137:

AND WHEREAS the Under-Secretary, Public Works Department, made..... application to the Court to assess the amount of compensation to be.. paid to the owners or other persons interested in the said land and.. to decide who are the proper persons to receive such compensation so assessed:

AND WHEREAS the Court sitting at Auckland on the 29th day of May, 1945 made an order that the amount of compensation which ought to be paid.. for the area of 38 acres 3 roods 19 perches so taken be assessed at.. £900. -. -:

AND WHEREAS the Court further ordered that the said sum of £900. -. - be paid to the Tokerau District Maori Land Board under Section 552 of the Native Land Act 1931 on behalf of the owners of the said land:

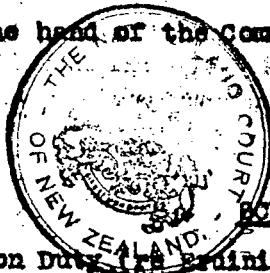
AND WHEREAS application has been made to the Court to determine who.. are the persons entitled to be paid such sum of £900. -. -:

NOW THEREFORE in pursuance of the power and authority vested in it by Section 104 of the Public Works Act, 1928, and any other power it.... enabling THE COURT DOETH HEREBY ORDER AND DETERMINE that the said sum.. of £900. -. - shall be distributed in the manner and to the persons.. set out in the Schedule hereunder:

AND IT IS FURTHER ORDERED that the basis of distribution to ownership of the said land having been thus determined, payment to individuals of their respective shares where such shares exceed £5 (five pounds) shall be made in pursuance of Section 40 of the Native Land Act, 1931, upon the application of any such person.

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

Fee:
Nil.



M. V. Bell
Commissioner.

1. Succession Duty (re Erini Maihi deceased).	£ 6. 8. -
2. Rates Compromise Charge.	4. -. -
3. Whai Maihi (his share by consent).	220. -. -
4. Native Department, Development Account (Heremaia Maihi).	436. 1. 9
5. Heremaia Maihi m. (his share).	233. 10. 3
	£900. -. -

M. V. Bell

B.I. 21/163.

IN THE NATIVE LAND COURT)
OF NEW ZEALAND)
TOKERAU DISTRICT)

IN THE MATTER of Section 104 of the Public Works Act, 1928.

A H D

IN THE MATTER of the land known as Otuhi 1C 3.. Block.

AT a sitting of the Court held at Kaikohe on the 6th day of February, 1946 before Maurice Vincent Bell Commissioner:

WHEREAS the whole of the land known as Otuhi 1C 3 was taken under the.... Public Works Act, 1928, for Defence purposes by Proclamation dated the 1st day of September, 1942, and published in New Zealand Gazette No. 83 of... the 3rd day of September, 1942, at page 2137:

AND WHEREAS the Under-Secretary, Public Works Department, made..... application to the Court to assess the amount of compensation to be paid. to the owners or other persons interested in the said land and to decide. who are the proper persons to receive such compensation so assessed:

AND WHEREAS the Court sitting at Auckland on the 29th day of May, 1945... made an order that the amount of compensation which ought to be paid for. the land so taken be assessed at £228. -- --.

AND WHEREAS the Court further ordered that the said sum of £228. --. -- be. paid to the Tokerau District Maori Land Board under Section 552 of the... Native Land Act 1931 on behalf of the owners of the said land:

AND WHEREAS application has been made to the Court to determine who are.. the persons entitled to be paid such sum of £228. --. --:

NOW THEREFORE in pursuance of the power and authority vested in it by.... Section 104 of the Public Works Act, 1928, and any other power it..... enabling THE COURT DOTH HEREBY ORDER AND DETERMINE that the said sum of.. £228. --. -- shall be distributed in the manner and to the persons set out. in the Schedule hereunder:

AND IT IS FURTHER ORDERED that the basis of distribution to ownership of. the said land having been thus determined, payment to individuals of..... their respective shares where such shares exceed £5 (five pounds) shall.. be made in pursuance of a direction of the Court:

AS WITNESS the hands of the Commissioner and the Seal of the Court.



M. V. Bell

Commissioner.

SCHEDULE

Native Department Development Account for credit (Taha Wi Hongi) Unit.		£ 75. --. --
Rates Compromise Charge.		1.10. --
1. Ripi Wi Hongi	m.	25. 5. --
2. Taha Wi Hongi	m.	25. 5. --
3. Eri Wi Hongi	m.	25. 5. --
4. Auha Wiremu Wi Hongi	1954 m.	25. 5. --
Trustee: Taha Wihongi		
5. Charles Godfrey Tong	1950 m.	12.12. 6
6. Mawhekairangi Hemi Irimana	1959 m.	12.12. 6
Trustee: for Nos. 5 & 6: Taha Wihongi m.		
7. Kino Hare Wihongi	f.	8. 8. 4
8. Rima Hare Wihongi	f.	8. 8. 4
9. Kararaina Hare Wihongi	f.	8. 8. 4

£228. --. --

12-5-47
B.L. 21/318

B.L. 22/153

IN THE NATIVE LAND COURT
OF NEW ZEALAND
TOKERAU DISTRICT

IN THE MATTER of Section 105 of the Public
Works Act, 1928

AND

IN THE MATTER of the lands known as
Otuhi 1B 4A and other blocks.

AT a sitting of the Court held at Kaikohe on the 14th day of March,
1947, before Ivor Prichard, Judge.

WHEREAS the whole of the lands known as Otuhi 1B 4A and Otuhi 1C 4B
Block and parts of the lands known as Otuhi 1C 5 and Otuhi 1C 8
Blocks were taken under the Public Works Act, 1928, for Defence
purposes by Proclamations dated the 1st day of September, 1942, and
the 2nd day of March, 1945, and published in New Zealand Gazette No.
83 of the 3rd day of September, 1942 at page 2137 and New Zealand
Gazette No. 17 of the 8th day of March, 1945, at page 256, respectively:

AND WHEREAS the Under-Secretary, Public Works Department, made
application to the Court to assess the amount of compensation to be
paid to the owners or other persons interested in the said lands and to
decide who are the proper persons to receive such compensation so
assessed:

AND WHEREAS the Court sitting at Auckland on the 29th day of May,
1945, made an Order that the amount of compensation which ought to
be paid for the lands so taken be assessed as follows:-

Otuhi 1B 4A	£292 ✓
Otuhi 1C 4	£180 ✓ (7610)
Otuhi 1C 5 part,	£898 ✓
Otuhi 1C 8 part	£74 ✓

- £1,444

AND WHEREAS the Court further ordered that the said total sum
of £1,444. be paid to the Tokerau District Maori Land Board
under Section 52 of the Native Land Act, 1931, on behalf of the
owners of the said lands:

AND WHEREAS application has been made to the Court to determine
who are the persons entitled to be paid such sum of £1,444. - -.

NOW THEREFORE in pursuance of the power and authority vested in
it by Section 105 of the Public Works Act, 1928, and any other
power it enabling THE COURT DOETH HEREBY ORDER AND DETERMINE that
the said sum of £1,444. - - shall be distributed in the proportion
and to the persons set out in the schedule hereunder and that the
basis of distribution to ownership of the said lands having been
thus determined, payment to individuals of their respective shares
shall be made only in pursuance of a direction of the Court:

12547

AND IT IS FURTHER ORDERED as a result of such basis of distribution that the balance of Otuhi 1C 5 and Otuhi 1C 8 Blocks and being the portions of such lands not taken by the Crown shall be owned beneficially by the following:-

1. Ringi Hone Pera	f.	1/2
2. Timatanga Tote Pera	m. 20	1/16
3. Wikitoria Tote Pera	f. 16	1/16
4. Te Otinga Tote Pera	f. 13	1/16
5. Nga Awhina Tote Pera	f. 11	1/16
6. Te Aroha Tote Pera	f. 9	1/16
7. Nga Tawa Tote Pera	f. 8	1/16
8. Ka Terama Tote Pera	f. 6	1/16
9. Te Waitote Tote Pera	m. 6 months	1/16

TOTAL: 1 Share

SCHEDULE

1. Ngauare Himi Pera	f.	285/1444
2. Te Hokimate Himi Pera	f.	285/1444
3. Ringi Hone Pera	f.	437/1444
4. Tote Hone Pera, deceased		437/1444

TOTAL: 1 Share

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



D. Richardson

Judge.

FEE:

E1 pa.



613 BZ
6200

B.I. 21/64

In the Native Land Court
of New Zealand
Tokerau District)

IN THE MATTER of the land known as
Otuhi 1C 1 and other Blocks.

AT a sitting of the Court held at Auckland on the 29th day
of May, 1945, before Ivor Prichard, Judge;

WHEREAS portions of the land known as Otuhi 1C 1 and other
Blocks set out in the schedule hereto have been taken under the
Public Works Act, 1928, for Defence purposes, by Proclamations
dated the 1st day of September, 1942, and the 2nd day of March,
1945, and published in the New Zealand Gazette of the 3rd day
of September, 1942, and the 8th day of March, 1945, respectively;

AND WHEREAS the Under-Secretary, Public Works Department,
has made application to the Court to assess the amount of
compensation to be paid to the owners and other persons
interested in the said land and to decide who are the proper
persons to receive such compensation so assessed;

UPON hearing the parties, and evidence taken, it is hereby
ordered as follows:-

That the amount of compensation which ought to be paid for
the lands so taken as aforesaid and set out in the first column
of the schedule hereto are the sums set out in the second column
plus costs shown in the third column of the said schedule.

AND IT IS FURTHER ORDERED that the total amount of
compensation so assessed, being the sum of three thousand two
hundred and twenty-two pounds (£3,222. 0. 0.) shall be paid
under Section 552 of the Native Land Act, 1931, to the Tokerau
District Maori Land Board at Auckland, on behalf of the owners
of the said lands.

SCHEDULE

<i>oc. date</i> <i>in Gazette</i>	First Column Block	Area	Second Column Amount of Compensation	Third Column Costs
1-9-42	Otuhi 1C 1 (Part)	12a. Or. 00p.	£120. 0. 0.	£2. 0. 0.
"	Otuhi 1C 2 (Part)	38a. 3r. 19p.	900. 0. 0.	10. 0. 0.
"	Otuhi 1C 3 (Part) <i>whole</i>	16a. Or. 01p.	228. 0. 0.	2. 0. 0.
"	Otuhi 1C 4 <i>whole</i>	16a. Or. 28p.	180. 0. 0.	2. 0. 0.
"	Otuhi 1C 8 (Part)	4a. 2r. 24p.	74. 0. 0.	2. 0. 0.
"	Otuhi 1C 5 (Part)	36a. Or. 20p.	568. 0. 0.	2. 0. 0.
2-3-45	Otuhi 1C 5 (Other Part)	19a. Or. 27p.	330. 0. 0.	-
"	Kohewhata <i>Part</i>	27a. Or. 20p.	530. 0. 0.	-
"	Otuhi 1B 4A (Part)	17a. 3r. 22p.	292. 0. 0.	2. 0. 0.
	Total:		£3222. 0. 0.	£22. 0. 0.

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

Fees Charged:

Nil.



Ivor Prichard
Judge.

8

B. 24/257

AUCKLAND - Tuesday, 1st November, 1949

Present: I. Prichard, Judge:
H. Taituha, Clerk & Interpreter:

50. TAWAPUKU 3A: COMPENSATION:

The area taken is 11a. 1r. 19p. and the Court has had evidence given in 1945 for the whole area and in 1949 for the severance. The partial revocation of the original proclamation leaves the Maoris with all the frontage. The land is moderately good quality and had some native trees on it. It must be remembered that compensation should be assessed as at 7th September, 1942, so there can be no claim that the land is worth more than its value as at such date. Against that, there must, of course, be interest for seven years. Compensation is assessed at £168, plus Mr. L.W. Parore's costs £2. 2. 0., in full settlement of all claims including interest.

TAWAPUKU 3B:

The area taken is 9a. 2r. 20p. and similar remarks apply as for Tawapuku 3A. Compensation is assessed at £143, plus Mr. L. W. Parore's costs £2. 2. 0., in full settlement of all claims with interest.

TAWAPUKU 4B (Part) - 2a. 3r. 4p.

$\frac{1}{2}$ road line: 2r. 2.4p.

The Court considers that the compensation must be at a rate higher than the other blocks as the road line made it a separate legal subdivision with quasi-road frontage, and as such would have readily sold. Compensation is assessed at £70, plus Mr. Parore's costs £2. 2. 0., in full settlement of all claims including interest - owners to have right to move shack if not already moved.

In each case, Court directs payment to the Tokerau District Maori Land Board to be held for owners in proportion to shares, subject to payment of charges against the land.

73. Part PARAHIRAHU A1: COMPENSATION:

The area taken is 337a. as from 15.11.48. The land is admittedly gum country, but is well watered and near the Borough of Kaikohe. The Court considers that if this and other land had been on the market it would long before this have been purchased, cleared and grassed. The evidence is that it is well-watered and would make two dairy farms. Such being the case, the Court considers that £2. per acre is the least that can be awarded. Compensation is awarded at the sum of £2. per acre -- i.e. £674 plus Mr. Williams' costs £37.16. 0 - i.e. £711.16.0. in settlement of all claims, including interest. Payment to be made to the Tokerau District Maori Land Board to be held for owners in proportion to shares, subject to payment of charges against the land - Such moneys shall be held under Sec. 552. but to be kept in block account until Development Loan paid.

76/50/106

KAIKOHE AERODROMESCHEDULE

- 3.10.35 Kaikohe Town Board applied for an aerodrome licence for Mr H. Wright's property at Kaikohe.
- 14.10.35 Ministerial authority for £20 for survey of Mr Wright's property.
12. 2.36 P.W.D. inspected site: considered unsatisfactory.
26. 8.37 Auckland Aero Club given permission to land on Mr Wright's property on 19.8.1937.
14. 7.39 Two sites inspected:-
Site No. 1: 2½ miles west of Ngapuhi Railway Station
Site No. 2: Immediately to East of Ngapuhi Railway Station
30. 7.39 Site No.2 selected as best site for aerodrome.
- 30.10.40 Representations made on Min. of Internal Affairs by citizens of Kaikohe regarding need for an aerodrome.
- 11.11.40 Kaikohe Chamber of Commerce requested Government financial assistance to aid the Town Board in acquiring land for aerodrome site.
4. 3.41 C.A.A. advised that Government unable to assist.
31. 3.42 Decision to construct aerodrome for R.N.Z.A.F. on Site No. 2.
20. 6.42 Authority £57,622 construction of aerodrome as charge to War Expenses Account. Contract let to Southern Cross Construction Co. For laying of runways: N-S, 3,000 ft; NE - SW, 3,000 ft; E-W 2,730 ft.
3. 9.42 N.Z. Gazette No. 83, page 2137 proclaimed Parts Otahi Blocks IC1, IC2, IC3, IC4, IC5, IC8, and 1B4A, and Part Kohewhata No. 14, totalling 187a 3r 01.0p, as taken for public works purposes.
8. 9.42 Decided to increase N-S runway to 5,000 ft.
12. 1.43 Authority £300 completion of partially constructed house on land bought for aerodrome from D. Lincoln.
31. 1.43 Construction of aerodrome completed.
18. 8.43 Telephone hut installed at a cost of £38.5.0.
1. 3.44 House completed and occupied by M.O.W. caretaker at a rental of £1.16.6 per month
8. 3.45 N.Z. Gazette No. 17, page 256 proclaimed Kohewhata No. 14 Block, Parts Tawapuku Blocks 3,4A, and 4B, and Parts Otuhi Blocks 1B4A, and IC5, total area 95A 3r 21.0p, as taken for Defence Purposes.
10. 8.45 Authority £3,222 compensation to Maori owners for purchase of their land.
- 11.11.46 N.A.C. advised that they would be starting an air service to Kaikohe and would be requiring a terminal building at the aerodrome.
- 12.12.46 Telephone installed in caretaker's house

9. 1.47 Cabinet authority £2,800 provision of facilities (including terminal building) N.Z.N.A.O.
19. 3.47 Building shifted from Cape Brett to aerodrome for use as terminal building.
14. 7.49 N.Z. Gazette No. 42, page 1476, proclaimed Parts Tawapuku Blocks 4A, 4B, and 3, total area 7a 3r 31.6p, as being no longer required for defence purposes, revoking Gazette No. 17, 256.
31. 3.50 M.D.W. manure shed constructed.
21. 9.50 N.Z. Gazette No. 60, page 1757, proclaimed Part Otuhi Block 2B, Parts Tawapuku Blocks, 7, 5, 2 and Part Tawapuku Block (Road line), total area 51a 1 r 32.4, as taken for defence purposes.
24. 5.51 N.Z. Gazette No. 41, page 720 proclaimed Part Kohewhata Blocks 62B, 14 (Proc. 11588) area 2.0p as public road.
24. 5.51 N.Z. Gazette No. 41, page 722, proclaimed as closed road land adjoining or passing through Parts Otuhi Blocks 1B4A, 1C5 (proc. 11588) and 1B3, 1C5 (proc. 11120), total area 2a 2r 21.8 p.
24. 5.51 N.Z. Gazette No. 41, page 724, proclaimed as public road Part Kohawata Block 14 (proc. 11588), Parts Tawapuku Block 3 (proc. 11588) and 7 (proc. 13073) and Part Otuhi Block 1B4A (proc. 11588) total area 5 a 1r 31.2 p. previously taken for defence purposes.
- 7.10.53 Approval siting of Northland Districts Aero Club Hangar.
- 5.11.53 C.A.A. - Kaikohe B.C., and Bay of Islands C.C., each agreed to pay $\frac{1}{3}$ of cost of beautifying aerodrome approach road.
- 11.11.53 Authority £250 spreading of fertiliser on runways.
- 15.12.53 Authority £250 laying of tile drainage.
17. 2.54 Approval siting of Northland Districts Aero Club Clubhouse.
25. 3. 54 ~~Cabinet~~ Authority £70 resiting of anemometer to obtain more satisfactory records .
17. 6.54 Authority £845 for extending apron.
-
27. 7.54 Delegated Authority £1,785 fencing off surplus land for leasing.
20. 9.54 ~~Cabinet~~ Authority £400 spreading of fertiliser on runways.
- 2.12.54 ~~Cabinet~~ Authority £3,000 provision of tile drainage on eastern edges of runways.
14. 4.55 N.Z. Gazette No. 28, page 658 proclaimed as Crown Land that land held for Government Work and not required for that purpose being: Part Kohewhata Block 14, Parts Tawapuku Blocks 3 and 7, and Parts Otuhi Blocks 1B4A and 2B, Total area 52a 1r 59.2 p.
10. 5.55 Part Kohewhata Block 14, Parts Tawapuku Blocks 2 3, and 7 Parts Otuhi: Blocks 1B4A and 1C5 and Part closed road, total area 38 acres, leased to A.E.R. Henwood at £20 p.a. for 21 yrs, through Lands and Survey Dept.
10. 5.55 Parts Otuhi Blocks 1B3, 1B No. 4B2B, 1C1, 1C2, 1C3, and 1C4, total area 73 acres, leased to A.W. Edwards at £46 p.a. for 21 yrs, through Land and Survey Dept.
- 5.55 (see over)

- 5.55 Part Tawapuku Block 7, Parts Otuhi 105, 108, and 104, and Part closed road, total area 58 acres, leased to T.A. Gerrard at £104 p.a. for 21 years through Lands and Survey Depart.
- 9.55 Authority £1,650 installation of Flat in terminal building for communications officer.
27. 6.56 N.A.C. advised C.A.A. of prevalence of moss on runway constituting a danger to aircraft.
17. 9.56 ~~Cabinet~~ authority £400 application of fertiliser and seed.
- 5.11.56 Authority additional £24.16. 1 installation of flat in terminal building.
27. 2.57 Authority £33. 5.6 supply and installation of two, 2 gall. C.O.₂ ~~water~~ type fire extinguishers and one 4 gall. copper pump in terminal building.
16. 5.57 Authority £198 sinking new artesian bore.
28. 5.57 Approval siting of underground fuel tank, Advance Aviation Ltd.
3. 7.57 Aeradio Station established.
13. 9.57 Delegate authority £24 electrical fittings in Aeradio Quarters.
18. 3.58 Authority £756 application of fertiliser.

SHORT HISTORY

The first attempt at acquiring an aerodrome to serve Kaikohe was made by the Kaikohe Town Board in 1935 when they requested an aerodrome licence for a paddock owned by Mr H. Wright. This site, however, was considered unsuitable after an inspection by the P.W.D. but following a survey of the surrounding district, a suitable site was found immediately east of the Ngapuhi Railway Station. Due to lack of finance nothing eventuated until the Second World War, when it was decided to construct an aerodrome on this site for the RNZA.

The aerodrome was constructed in late 1942 by the Southern Construction Co. at a cost of £57,622. A partially completed house the land purchased for the aerodrome was completed by the P.W.D. and occupied by the aerodrome caretaker during 1944.

After the war the aerodrome was handed over to C.A.A. for civil use and in 1947, N.A.C. commenced a scheduled air service to Kaikohe. A building was accordingly shifted from Cape Brett to the aerodrome for use as a terminal building.

In July 1954, authority was given for the expenditure of £1,15 to erect fences around the runways; the land outside these fences, later passed to the Lands and Survey Depart to arrange leases.

On 20.9.55 authority was given for the installation of a two bedroomed flat in the terminal building to accommodate the communications officer. In June 1956 N.A.C. advised of the prevalence of moss on the runways making operations from the aerodrome dangerous. An Aeradio Station was established on the aerodrome in July 1957.

PRESENT USE:

Plan No. **AML 6021** attached, shows the land of the aerodrome.
Plan No. **435631** attached shows the buildings on the aerodrome.

Approach chart attached shows the approaches and associated ground features.

The present Kaikohe aerodrome is a grass aerodrome restricted to DC-3 and light aircraft. The aerodrome is not licensed for night operations (i.e. V.F.R. only).

The runways are:

- N - S 171°/351° : 5,110 ft.
- NE - SW 125° /305° : 3,090 ft.
- E - W 071°/251° : 2,710 ft.

The operators based on the aerodrome are:

- New Zealand National Airways Corporation: Scheduled DC-3 service to Auckland and Kaitaia.
- Northland Districts Aero Club: Flying training and charter.
- Advance Aviation Ltd: Topdressing and Seed Sowing.

LAND:

The land making up the aerodrome is as follows:

	A.	R.	P.
Kohewhata No.14 Block. 27A OR 20.OP. Minus 9A 2R 24.OP (no longer required for Public Work) and minus 1A 3R 35.8P (set apart for road) (Gazettes; 1942 p.2137, 1955 p.658, 1951 p.722)	15	2	0.2
Part Tawapuku No.2 Block (Gazette 1950 p.1757)	4	3	7.8
Tawapuku No.3 Block. 26A OR 20.OP. Minus 7A 3R 31.6P + 5A OR 23.OP (no longer required for Defence purposes) and minus 1A 2R 35.4P (set apart for road). (Gazettes; 1945 p.56, 1955 p.658, 1951 p.724, 1949 p.1476)	12 47	1 4	10.0 33.0
Part Tawapuku No.4B Block (Gazette 1945 p.56)	2	3	04.0
Part Tawapuku No.5 Block (Gazette 1950 p.1757)	3	1	06.9
Part Tawapuku No.7 Block (Gazette 1950 p.1757)	16	0	31.4
Part Tawapuku Block - Roadline (Gazette 1950 p. 1757)	0	2	02.4
Otahi No. 1B4A Block 17A 3R 22.OR Minus 9A 2R 20.OP (No longer required for Public Work) and Minus 1A 2R 21.3P (set apart for road) (Gazettes; 1942 p.2137, 1955 p.658, 1951 p.724)	6 44	2 4	20.7 04.3
Otahi No. 1C1 Block (Gazette 1942 p.2137)	12	0	00.0
Otahi No. 1C2 Block (" " " ")	38	3	19.0
Otahi No. 1C3 Block (" " " ")	16	0	1.0
Otahi No. 1C4 Block (" " " ")	16	0	28.0
Part Otahi No. 1C5 Block (Gazette 1942 p.2137)	19	0	27.0
Part Otahi No. 1C5 Block (" " " ")	36	0	20.0
Part Otahi No. 1C8 Block (" " " ")	4	2	24.0
Part Otahi No. 1D Block (Gazette 1945 p.1551)	0	0	31.5
Part Otahi No. 1B3 Block (Gazette 1945 p.1551)	101	3	19.0
Part Otahi No. 1B, No. 4B2B (Gazette 1945 P.1551)	23	2	0.0
Closed roads adjoining or passing through parts Otahi 1B4A and 1C5 Blocks in Proclamation 11588, and parts Otahi 1B3 and 1C5 Blocks in Proclamation No.11120 (Gazette 1951 p.722)	2	2	21.8

33.9 0 34.7

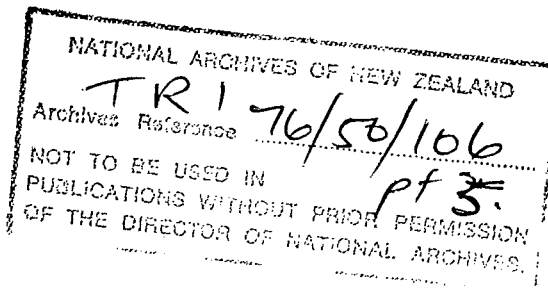
RATING AUTHORITY:

Kaikōhe Borough Council: Non rateable, Section 2A, 1925 Rating Act.

LAND LEASES

1. Land: Part Kohewhata Block 14; Parts Tawapuku Blocks 2, 3, and 7; Parts Otuhi Blocks 104A, 105, and Part Closed Road. Total area, 38 acres.
Leasee: A. E. R. Henwood, Kaikōhe.
Rental: £20.0.0 per annum for 21 years as from 10.5.55 Payable to Lands and Survey Department.
2. Land: Parts Otuhi Blocks 1B3, 1B No. 4B20, 101, 102, 103, and 1D. Total area, 73 acres.
Leasee: A. W. Edwards, Kaikōhe.
Rental: £46.0.0 per annum for 21 years as from 10.5.55 Payable to Lands and Survey Dept.
3. Land: Part Tawapuku Block 7, Parts Otuhi Blocks 104, 105, 108, and Part Closed Road. Total area, 58 acres.
Leasee: T.A. Gerrard, Kaikōhe.
Rental: £104.0.0 per annum for 21 years as from 10.5.55. Payable to Lands and Survey Department.
4. Land: Site for Fuel Store, Building No. 5.
Leasee: N.Z. National Airways Corporation, P.O. Box 96 Wellington.
Rental: £5.6.8 per annum site rental. Payable to Lands and Survey Dept.
5. Land: Site for Underground Fuel Tanks (2), Buildings Nos. 6 and 7.
Leasee: British Petroleum (NZ) Ltd., A.M.P. Buildings, Featherston St., Wellington.
Rental: £6.0.0 per annum site rental. Payable to Lands and Survey Dept.
6. Land: Site for Hangar (with store), Building No. 10.
Leasee: Northland Districts Aero Club, P.O. Box 190, Kaikōhe.
Rental: £12.16.8 per annum for ten years as from 1.8.58.
7. Land: Site for Fuel Store, Building No. 11
Leasee: Northland Districts Aero Club, P.O. Box 190, Kaikōhe.
Rental: £5.8.0 per annum for ten years as from 1.8.58.
8. Land: Site for clubhouse, Building No. 12.
Leasee: Northland Districts Aero Club, P.O. Box 190, Kaikōhe.
Rental: £7.17.2 per annum for ten years as from 1.8.58
9. Land. Site for Underground Fuel Tank, Building No. 4
Leasee: Advance Aviation Ltd., P.O. Box 118, Kaikōhe.
Rental: £6.0.0 per annum as from 1.8.58.

MINUTE



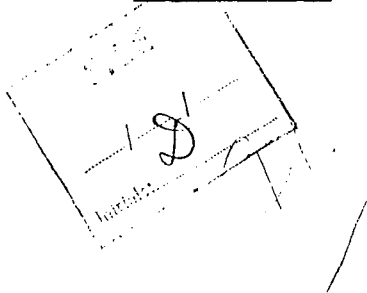
To: A.D.T.

Through: S. Apts.
D.C. Apts.

KAIKOHE

Brief history of advise given to local bodies in Northland over the years is as follows:-

1. 19 August 1955. Secretary, Chamber of Commerce Kaikohe, told in reply to query, that the relatively high terrain surrounding the aerodrome is such that aircraft are only permitted to use it under V.F.R.
2. 5 September 1961. Mr. Andrews, Department of Civil Aviation, told meeting of joint representatives of Kaikohe Borough and Bay of Islands County Council of the shortcomings of Kaikohe as an "all weather" aerodrome and introduced idea of "central northland aerodrome".
3. 22 August 1962. Director reiterates to Town Clerk Kaikohe that Kaikohe's potential for development is well known.
4. 15 March 1963. "Action Committee" told Departments selection of sites in Northland selected by them for inspection as "central northland aerodrome".
5. 23 March 1963. Letter to "Action Committee" reiterating previous advise that Kaikohe is unsuitable for development on account of terrain.
6. 14 August 1963. Meeting of local bodies in Kaikohe - Kerikeri district addressed by N.A.C. (Captain Walker) D.C.A. (Mr. Buchan) and Regional Superintendent, (Mr. Holdsworth) and shortcomings of Kaikohe in respect to instrument approaches and utilisation explained to them. (Kaikohe min. alt. 1650'
Kerikeri " " 600'
Also told of N.A.C. standard warning re turbulence in N.A.C. route guide.
7. 17 February 1966. Minister wrote to Northland Chamber of Commerce ~~told~~ in response to enquiry and told them Kaikohe not suitable for development on account of surrounding terrain.
8. 7 July 1967. Minister wrote to Hokianga Development Committee and told them in response to another enquiry that "various bodies in Northland have been told by letter and in person that Kaikohe is unsuitable for development on account of terrain and that the lowest altitude for instrument approaches was 1650' whereas at Kerikeri it was 600' as well as other factors and that it would not be possible to use aerodrome on occasions when cloud level was below 1650' regardless of any money spent on improvements to the aerodrome.



76/50/106
IN REPLY PLEASE QUOTE

P.W. 50/30/7/0

P.W. 150c
(Rev. 4/65)

*Yulew 16
3/4/67*



MINISTRY OF WORKS

Telephone: 31-660

P.O. BOX 5040,
AUCKLAND, 1.

12 April 1967

The Secretary for Civil Aviation,
Department of Civil Aviation,
Private Bag,
WELLINGTON, C.1.

KAIKOHE AERODROME : PUNAKITERE S.D.

Your reference 76/50/106.

The details requested in your memorandum of 20 March 1967 are as follows:-

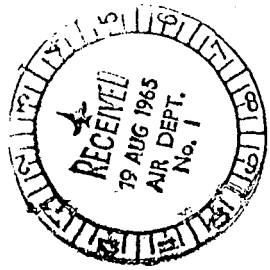
- ✓ 1. 101 acres 3 roods 19 perches, Otuhi No. 1B3 Block coloured yellow on S.O. 32669.
Owner: M.J. O'Shea
Price: £3,385, includes value of item 2 below.
C.T. All C.T. 261/72
Legal Costs: Nil
- ✓ 2. 23 acres 2 roods 0 perches, Part Otuhi No. 1B 4B 2B Block coloured red on S.O. 32669.
Owner: M.J. O'Shea
Price: see 1 above
C.T. All C.T. 342/31
Legal Costs: Nil
- ✓ 3. 31.5 perches, Part Otuhi No. 1D Block coloured yellow on S.O. 32669.
Owner: R.E.A. Philips
Price: £3
C.T. Part C.T. 403/255
Legal Costs: Nil
- ? 4. 18 acres 1 rood 20 perches, Otuhi No. 2B Block coloured blue on S.O. 35317.
Owner: D. & E.K. Lincoln
Price: £2,050 includes value of items 9, 10 & 11 below.
C.T. All C.T. 408/154
Legal Costs: £5.5.0 Valuers fees.

N.B. Item 4 was declared Crown Land, N.Z. Gazette 1955 page 658 refers.

*Chief Draftsman
for Mr. Brindley. Please record C.T. references on our land plan if not already on it, also check title descriptions and areas against the same plans.
16. 8. 67
S. O. Halloran*

7650/106

Please quote this reference
M.A. 18/L/12
in your reply.



Department of Maori Affairs,
Private Bag, WHANGAREI.

17 August 1965

NATIONAL ARCHIVES OF NEW ZEALAND
Head Office Wellington

The Director,
Civil Aviation Dept.,
P.O. Box 6028,
WELLINGTON.

Dear Sir,

LAND NEAR KAIKŌHE AERODROME

We have a competent Maori farmer near the Kaikohe aerodrome who is short of area to make a decent economic farm. There is some unused Crown land adjacent to the aerodrome which would be ideal to set him up with an economic unit.

The attached sketch illustrates the land we are interested in. That edged green appears to be Crown land under lease to Civil Aviation. The shaded piece ~~is~~ is said to be subleased to one Gerard as he has a crop of turnips on it at present.

What are the chances of this farmer getting a long lease or sublease of any or all the land edged green? His present farm is leasehold with 35 years to run so that if he can get a long term lease a term expiring 14.6.2000 would be convenient.

Alternatively if the land can be made available what would be the rental and what is the longest term you can give bearing in mind that the land is largely in fern and rubbish which will cost money to clean up before he can get much off it.

Yours faithfully,

E. S. Thompson
(E. S. Thompson)
for District Officer

Encl: *1*
10/11/65

will you please locate this with reference to the aerodrome & refer back to me.

P. ways 16

1 *ways 16*
2 *ways 15*
3 *ways 16*
FILE
-257-1965
19 Initials

009

76/50/106

WL:BAD

AOG

XXXX

49060

2 September 1965

The District Officer,
Department of Maori Affairs,
Private Bag,
WHANGAREI

NATIONAL ARCHIVES OF NEW ZEALAND
Head Office Wellington

KAIKOHE AERODROME

I acknowledge receipt of your letter M.A 18/L/12 dated 17 August 1965 regarding various areas of land owned by this Department adjacent to Kaikohe aerodrome.

Your proposals have been investigated but I regret to advise that the land you are interested in is already leased for farming purposes, and from the attached plan you will see that in addition to the leased areas part of the land mentioned in your proposal makes up the operational area of the aerodrome and cannot of course be released.

The land hatched brown comprising 58 acres approximately was originally leased to Mr T.A. Gerrard of Kaikohe for 24 years from 10 May 1955 and is now administered by the executors of his estate.

The land hatched blue comprising 8½ acres approximately is leased for grazing purposes to Mrs A.H. Elder of Kaikohe for a period of 5 years from 17 March 1961 with a right of renewal for a further 5 years.

I regret that none of the areas adjacent to Kaikohe aerodrome can be made available to your client at this stage, however I will be glad to provide any further information you may require.

No. 2
3 SEP 1965
DESPATCHED

(W. Lynd)
for Secretary for Civil Aviation

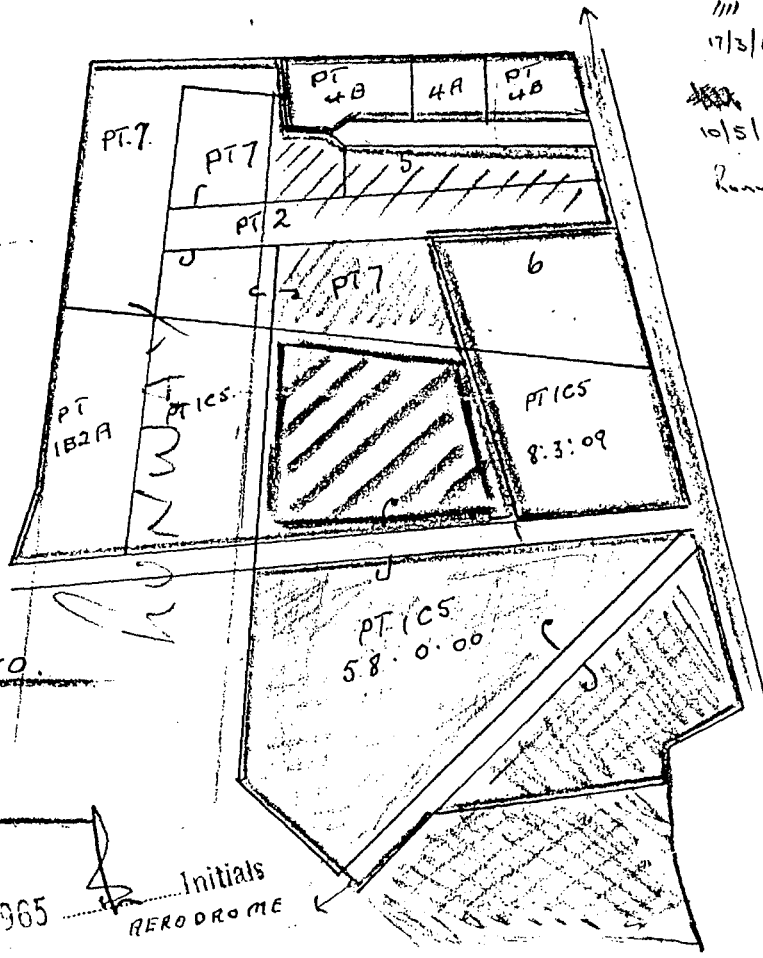
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- 2 SEP 1965
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NATIONAL ARCHIVES OF NEW ZEALAND
Head Office Wellington

541

KAIKŌHE

/// Years from
17/3/61 with ROR
~~10/5/55~~ 21 years from
10/5/55
Runway - operational



MAORI OWNED LAND.

CROWN LAND.

FILE.
- 2/5/1965

Initials
AERODROME

22

50/30/7/0

010

Office of Crown Lands
Department of Survey and Land Information
Auckland

10 June, 1991

The District Manager
Auckland

355443 INVESTIGATION INTO THE IMPLICATIONS OF SECTION 40(2) PUBLIC WORKS ACT: KAIKOHE AERODROME

The land described below is held by the Ministry of Transport for an aerodrome. Air Transport, a division of the Ministry, has asked that we investigate the implications of Section 40.

The details are as follows:

OWNER: Her Majesty the Queen: Declaring Land Held for Defence Purposes Set Apart for Aerodrome Purposes by New Zealand Gazette 1983 page 1790.

PURPOSE: Implications of Section 40(2) Public Works Act 1981.

INTEREST: Freehold.

AUTHORITY: Air Transport memorandum dated 8 April 1991.

AREA: 134.2912ha.

DESCRIPTION:
(Legal) All that piece of land situated in Blocks III and IV, Punakitere Survey District, and being part Kohewhata 14 Block, part Tawapuka 3 and 4B Blocks, part Otuhi 1B4A and 1C5 Blocks (Proclamation 11588, Gazette, 1945, page 256); part Tawapuku 2 and 7 Blocks, part Tawapuku Block and Tawapuku 5 Block (Proclamation 13073, Gazette, 1950, page 1757); Closed Road (Proclamation 13261, Gazette, 1951, page 722); Lot 4, DP 17847, Otuhi 1B3 Block, part Otuhi 1B4B2B, 1C1, 1C2, 1C3, 1C4, 1C5, and 1C8 Blocks (Proclamation 11120, Gazette, 1942, page 2137 amended by K29990, Gazette, 1945, page 1551); Closed Road (Gazette notice A529709, Gazette, 1971, page 110); as shown marked "A" on SO Plan 57199.

(General)

An irregular shaped elongated block of land bounded by formed roads and the disused railway corridor. The central area which forms the aerodrome proper is level while the land outside the runways is level to moderately slopping. The land is all in pasture except for some clumps of trees and an area of low scrub. The runways are fenced off from the rest of property which is grazed under lease. A metalled access road leads from Mangakahia Road to the terminal area.

weatherboard construction containing a flat fibrous asbestos roof. 7 metres, brought from Great Barrier Island in 1947 and now in need of extensive renovation and maintenance, a small corrugated iron hanger of World War II vintage, and a couple of small corrugated iron sheds. Other improvements consist of a fuel pump, tanks, artesian bore, radio aerials, and wind socks.

SITUATION:

Edwards and Mangakahia Roads, south of Kalkohe.

ZONING:

Designated an Aerodrome with an underlying zoning of Rural 1 on Bay of Islands Operative District Scheme. The runways are subject to height restrictions explained in Appendix N.

VALUATION:

Not obtained.

GENERAL COMMENTS:

The precise details of the acquisition of this land are not known because the file cannot be located. But it is known that the land was declared a Prohibited Place and entered in early 1942 under the Defence Emergency Regulations 1941 in order to construct a wartime aerodrome.

The known details are as follows:

1. Tokarau District Maori Land Board
Original Area: 31.5ha (Gazette 1942/2137 and 1945/256, C'sT 223/20, 223/106, 250/228, 303/260).
2. ~~Maori Land Board~~
Original Area: 50.7ha (Gazette 1942/2151, C'sT ^(261/72, 342/31) 201/14, 394/31).
3. David Lincoln and Ella Kathleen Lincoln
Original Area: 13.2ha (Gazette 1950/1757, C'sT 264/197, 399/10, 408/1).
Improvements: Half completed dwelling - since removed.
4. Erana Wi Hongi
Original Area: 6.5ha (Gazette 1942/2137, CT 351/99).
5. Maori Land
Original Area: 44.4ha (Gazette 1942/2137, 1945/256, no registration).

- 3 -

6. R.E.A. Phillips

Original Area: 797m² (Gazette 1942/2137, CT 403/255).

7. Closed Road

Original Area: 1.08ha (Gazette 1951/722, 1971/110).

Since the acquisition of this land 28.4ha has been sold (Gazette 1949/1476, 1955/658) and 2.2ha proclaimed road (Gazette 1951/720, 724).

All this land was acquired for Defence Purposes pursuant to the Public Works Act under outright compulsion during the war and at the very least a high degree of compulsion after the war.

The aerodrome is no longer publicly licenced and has not been used by scheduled air transport operators for some time. The aerodrome proper is privately licenced to the Kaikohe Gliding Club which mainly uses it on the weekends, but it does receive infrequent casual use particularly from aero clubs and the Air Force on training flights. Fieldair Holdings, a topdressing firm, uses the aerodrome as a base and averages over 300 take-offs a year. There may be other uses that I am not aware of.

However, I gained the distinct impression that these people were using the aerodrome because it was there and that if the facility was withdrawn they would simply operate from another aerodrome or a farm airstrip with little inconvenience.

It is not known what condition the land was in when it was acquired but I suspect it was either in pasture or a combination of pasture and scrub. Today, with the exception of a few pockets of bush, the aerodrome is entirely in pasture with some 70ha (just over half the area) under grazing leases. Therefore all it would take to turn the entire property into a farm would be to close it to aircraft and place livestock on the runways. In fact it would be more accurate to describe the property today as farmland receiving infrequent use by light aircraft. The few buildings would have little value due to their age, condition and cost of renovation. Therefore it is my opinion that the aerodrome today does not constitute a substantial change in the character of the land.

Therefore, in view of the manner in which the land was acquired, the low level of aviation use today, and that in essence the land has undergone little change in character I consider that the Act dictates that the land, particularly the grazing land, should be offered back to the former owners. However, if the local authority has a requirement for the land as an aerodrome the runways and access road could be transferred as the purpose for which the land was originally acquired would continue and the rights of the former owners would be preserved should the local authority wish to dispose of it at a later date. If the local authority does not have a requirement for an aerodrome, sale to the private sector should only be permitted if the rights of the former owners under Section 40 can somehow be protected.

If the aerodrome proper can be transferred or sold as discussed above then surplus land outside the runways with road frontage should be offered back to its former owners. However, much of the land acquired from O'Shea lacks road frontage, which would make it impracticable to offer back, and so this land at the southern end of the aerodrome should be included in the land to the east to be offered back to the Maoris. The small area of land adjacent to the Railway Station has no road frontage and should be sold with the runways - see attached plan.

08/05/95 12:08
08/05/95 10:28

64 9 4388300
SURVEY & LAND INFO AKL CORP SERV

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KUS

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- 4 -

RECOMMENDATION:

I consider that there are no grounds for exempting the land described above from the requirement to offer it back to the former owners and recommend that it be offered back pursuant to Section 40(2) of the Public Works Act 1981 unless the local authority has a requirement for an aerodrome, or the aerodrome proper can be sold to the private sector with appropriate safeguards for the former owners, in which case only the land outside the runways should be offered back to the former owners or former owners of adjoining land.

L.W. Riley
Property Officer

Approved

G.A. Dawson
Manager, Lands and Property

PROPERTY

P O R T F O L I O

APRIL 1992

PROCEDURE FOR DISPOSAL OF SURPLUS GOVERNMENT LAND

The information in this Property Portfolio was sent to all chief executives to provide advice on disposing of surplus land, highlighting the policies in Cabinet directives and the involvement of the Department of Survey and Land Information (DOSLI) in fulfilling these statutory requirements while responding to the needs of departments to meet their disposal objectives.

The general policy of Government on acquisition, control and disposal of Government land is contained in Cabinet Office Circular CO(88)12. This directive was reaffirmed by Government in October 1991 and must be read in conjunction with other Government directives.

1. DEPARTMENTS DECIDE A PROPERTY IS SURPLUS TO THEIR REQUIREMENTS

Any land which is held by the Crown under any Act or in any other manner for a public work as defined in Section 2 of the Public Works Act 1981, must be disposed of in accordance with the provisions of sections 40, 41 and 42 of the Act, unless some other Act provides an alternative disposal regime. Some departments have authority to dispose of land under the terms of their governing Act. However, the obligation to follow the provisions of sections 40, 41 and 42 of the Public Works Act 1981, remains the priority.

The responsibilities of chief executives for the financial performance of their departments under section 33 of the Public Finance Act 1989 is recognised, as is the responsibility to maximise the net proceeds from the disposal of surplus lands in accordance with paragraph 8 of Cabinet Circular CO(88)12. The procedures set out below are intended to facilitate the efficient and orderly disposal of surplus Government property, while being responsive to the financial responsibilities of chief executives.

2. INVESTIGATIONS REQUIRED FOR PROPERTY DISPOSAL

When DOSLI is advised in writing by a department, of a property that is surplus to requirements, an investigation is initiated to address factors which impact on disposal. These factors apply in the following descending order:-

- * Legislative requirements
- * Contractual obligations
- * Cabinet directives
 - Disposal of Government land [CO (88) 12]
 - Protection of wahi tapu [CO(89)13]
 - Ngai Tahu consultation [SAS (90)M10/3]
- * Procedural requirements

3. INFORMATION TO BE SUPPLIED

To assist DOSLI to respond quickly to requests, it is useful for departments to provide as much of the following information about the property *as is conveniently available*.

- * address
- * legal description
- * proclamation/certificate of title/transfer n^o
- * acquisition details
- * gazette reference
- * survey plan number
- * advice of any recent current market valuations



Departments do not need to engage an agent to gather this information *if it is not conveniently available*, as DOSLI is required to verify all information. Duplication and hence double payment by departments could result if this is undertaken.

Information that must be provided by departments includes:-

- * sufficient information to clearly identify the property
- * details of any interest that has been expressed from other government or private agencies about possible purchase
- * advice of any specific requirements about any tenancies or other encumbrances affecting the land.

4 PRELIMINARY INVESTIGATIONS

There will be instances where a department, in undertaking asset management planning, may require advice on the impact of section 40 in the event land is declared surplus.

When preliminary investigations are requested without setting the full section 40 procedure in motion, DOSLI will investigate whether the land would be offered back or if any grounds exist for exemption from the offerback provisions of section 40.

If subsequently, DOSLI is formally notified that the land is surplus, charges will be limited to confirming that the grounds upon which any decision was based, remains valid. There will be no duplication of investigation costs provided it is within a reasonable timeframe since the initial request for information.

5. DOSLI ADVISED OF PROPERTY SURPLUS TO REQUIREMENT

When departments decide that any property is no longer required for the public work for which it is held or used, then section 40 Public Works Act is invoked.

The department should formally advise DOSLI in writing of this decision. This advice should be directed to the appropriate DOSLI district office. Refer to the list of contacts annexed.

DOSLI will proceed with the implementation of section 40 of Public Works Act 1981 and relevant Cabinet directives.

The DOSLI office will:

- | | |
|-------------|--|
| INVESTIGATE | <ul style="list-style-type: none"> * the current status and historical acquisition of the property by the Crown for public work * the easements and licences protected by compensation certificates * the rights and liabilities where land is occupied jointly |
| DETERMINE | <ul style="list-style-type: none"> * any requirement for another public work |
| ARRANGE | <ul style="list-style-type: none"> * site inspection on the extent of land modification resulting from the public work * the need to offer the property to the former owner/successor adjoining land owner(s) and the implementation of that offer * settlement of any existing contractual arrangements * current market valuation determined by a registered valuer if it is required. |

LEGISLATIVE REQUIREMENTS

Another Public Work

DOSLI will advise the landholding department if there is any known requirement for the property for any other public work. DOSLI will not canvas other departments to ascertain whether or not there is any such requirement but will rely solely on information or requests already held.

Section 40

The philosophy of section 40, Public Works Act is to offer the former owner, who had been dispossessed of land compulsorily or otherwise, for the greater good of the state or community, the first opportunity to repurchase.

Under section 40, all property acquired for a public work and no longer required for that purpose must be offered back to the former owner/successor, unless exempted from the offerback provisions of the Act, before any contractual obligations or Cabinet directives are addressed.

5.2 CONTRACTUAL OBLIGATIONS

Any contract entered into by Government which gives preference of sale to selected individuals must be settled, eg Government house purchase schemes.

5.3 CABINET DIRECTIVES

Wahi Tapu and Maori Claims

In accordance with its obligations under the Treaty of Waitangi, Cabinet has directed [Cabinet Office Circular CO(89)13] protection of wahi tapu sites (defined as sites of special spiritual, cultural or historical significance to Maori) prior to the disposal of land, except residential, commercial and industrial properties of the Crown.

Government has also directed that before properties in the South Island are disposed of and in tandem with the section 40 process, they must be referred to Ngai Tahu who may identify an interest in the property.

5.4 PROCEDURAL REQUIREMENTS

DOSLI will organise a survey definition if it is required to facilitate the raising of title and investigate subdivision ordinances etc, as instructed by the client department.

6. REPORTING

DOSLI will provide monthly reports to departments on the progress of investigations.

On completion of the initial investigations DOSLI will advise departments whether:-

- * the land is required for any known public work
- * the land is required to be offered back to former owners/successors/adjoining land owners
- * the land is exempted from requirement to offerback
- * the land is required to meet Cabinet directives
- * the land is available for marketing

7. OFFERBACK

If the land is required to be offered back, then DOSLI will locate the former owner or successor to that owner, to ascertain whether the person entitled, wishes to have the opportunity to re-purchase the land, at current market value.

DOSLI will obtain a valuation from either Valuation NZ or a private registered valuer so that should the former owner/successor accept offerback, the land is re-purchased at current market value.

The former owner/successor is given 40 working days in which to accept the offerback.

In the event that this person cannot be located, after every reasonable step has been made to trace them, then an exemption to offerback will be considered.

Offerback at less than current market value.

There are circumstances where properties will need to be offered back at less than the current market value, such as when the land was gifted to the Crown, or acquired without compensation.

Although it remains the power of the chief executive, DOSLI to decide to offerback land at less than current market value under section 40 (2) (d) Public Works Act, this will not be taken without regard to the responsibilities of the agencies accountable for the administration of the surplus land assets.

Any decision taken pursuant to section 40 (2) (d) will be done in consultation with the affected department or SOE.

8 **MARKETING**

Once the property has been cleared of statutory, contractual and Cabinet obligations, the chief executive, DOSLI, remains responsible for causing the property to be offered for sale.

- The Act requires disposal by
- * public auction
- * public tender
- * private treaty
- * public application

In a circular memorandum to the chief executives of all government departments (dated 11 September 1991), reference was made to cooperative opportunities for improving performance in the disposal of government properties when they become surplus to the requirements of departments.

This memo identified the opportunities that landholding departments could initiate if they wished to increase their participation in the disposal process.

These opportunities included:

- * advising DOSLI of any specific marketing requirements, when surplus properties are able to be placed on the open market; and
- * participation by client departments' property managers where they have specific authorisation from the chief executive DOSLI to arrange for the marketing of their departments' surplus properties.

A specific authorisation may be given, on receipt by the chief executive DOSLI, of a written request from the chief executive of any department, to conduct under the provisions of the Public Works Act 1981 the sale of surplus land held by the respective department, after the procedures required by sections 40, 41 and 42(1)(c) of the Act have been carried out by DOSLI.

CONCLUSION

While it remains the responsibility of the chief executive DOSLI to fulfil the requirements of legislative, contractual and Cabinet obligations in the disposal of surplus government property, the responsibility to the collective interests of government to support and respond to the needs of client departments is also recognised.

If any further information on the disposal of surplus government properties is required please contact DOSLI.

012

4

Department of Survey and Land Information



ir reference: Head Office, Charles Fergusson Building, Bowen Street.
 Postal Address: P.O. Box 170, Wellington, New Zealand.
 eply quote: Lands 27/3 Telegrams: HEADOSLI Telex: CPO NZ3588 Fax: 722-244 Telephone: (04) 735-022.

9 May, 1991

DL
To note
wh
7/5

TO : ALL DM/CS
 FROM : CCL, HEAD OFFICE
 ATTENTION : LANDS AND PROPERTY MANAGERS.

SECTION 40 PUBLIC WORKS ACT 1981

A significant clarification of policy with regard to "successor" has developed as a result of Head Office legal opinion. You need to be aware of this now, as it directly affects all work on hand and should be implemented forthwith. It has been pointed out that Section 40(5) of the Public Works Act 1981 contains sufficient authority to limit "successor" only to the person entitled under the will (or intestacy) of the former owner to the land.

"Successor" should not merely be interpreted to mean "beneficiary", "descendant", "grand-child" or "great grandchild". Once the death has been established of the person from whom the land has been acquired, you must always endeavour to locate and carefully peruse the will to find the person who would have been entitled to the land - nothing else. **No other person is entitled to the offer back, and the Act does not require the successor to be considered.**

Where a person dies intestate you should consider who the executor may have left the land to.

Circular 1990/34 on S.40 offer back guidelines is presently under revision and will address the matter more fully.

K L Turner
 Director Property



OFFICE OF CROWN LANDS

Charles Fergusson
Office Building
100 Lambton Quay
Wellington

Postal Address
CPO Box 170, Wellington
New Zealand

Telegrams HEADOSLI
Telex: CPO NZ 3588
FAX: (04) 722 244
Telephone: (04) 735 022

Your Reference

LANDS 27

In reply quote

013

21 November, 1990

Chief Executive
Department of Survey and Land Information

GUIDELINES FOR RETURN OF SURPLUS
LANDS TO FORMER OWNERS AT LESS
THAN CURRENT MARKET VALUE

RECOMMENDATIONS

- 1 That you agree to the adoption of the attached guidelines for use by the department in its consideration of proposals pursuant to Section 40(2)(d) Public Works Act 1981 for the return of surplus lands to former owners at less than current market value.
- 2 That you agree to limit the delegation of your powers to the CCL under Section 40(2)(d) to decide where it is reasonable for the offer back of surplus lands to be made at less than current market value.
- 3 That in view of potential financial impacts, you agree that decisions which affect the interests of other departments and SOEs may not be taken unless sanctioned by the affected department, SOE or government.

Johnny Edmonds
COMMISSIONER OF CROWN LANDS

APPROVED/~~DECLINED~~

W A Robertson
CHIEF EXECUTIVE

27. November 1990

B. BACKGROUND

The Crown has always reserved to itself, powers to compulsorily acquire land for the carrying out of public works. These powers have existed in the form of special legislation and general public works legislation.

Until the passing of the Public Works Act 1981 there was no legal requirement for surplus lands taken for public works to be offered back to their former owners.

At present Section 40 Public Works Act 1981 requires that surplus lands must, as the rule, be offered back to the former owners or their successors.

Exceptions to this rule are permitted only where the Chief Executive DOSLI considers it impracticable, unreasonable or unfair to do so or there has been significant change in the character of the land.

Section 40(2)(d) also requires that the offer back of these surplus lands must be at current market value except where the Chief Executive DOSLI considers that it is reasonable for the offer back to be made at any lesser price.

The current surplus assets sale policy has resulted in a considerable increase in the number of surplus lands to be disposed of by DOSLI pursuant to Section 40 Public Works Act 1981. This in turn has given rise to a small but none the less increasing number of representations from former owners or their successors for the return of land at less than current market value. The majority of these representations are made by the successor of former Maori owners. As a consequence of these representations, it is essential to develop guidelines to ensure that the individual representations are dealt with both equitably and consistently. These guidelines are attached and the criteria contained have been developed after extensive consultation with officials of other departments through the Land Bill Officials Coordinating Committee chaired by Treasury.

SURPLUS LANDS AFFECTED BY OFFER BACKS AT LESS THAN CURRENT MARKET VALUE

There are three types of surplus lands which are processed by DOSLI in terms of Section 40 Public Works Act 1981. These are:

- Surplus lands administered by DOSLI as agents for the Crown.
- Surplus departmental assets administered by government departments.
- Surplus lands which had been transferred by the Crown to State Owned Enterprises pursuant to the State owned Enterprises Act 1986.

Notwithstanding the powers of the Chief Executive DOSLI under Section 40(2)(d) Public Works Act, it is clear that the decision to offer back land at less than current market value cannot be taken without due regard to the responsibilities of the agencies accountable for the administration of the surplus land assets.

It is necessary therefore, that any decision taken pursuant to Section 40(2)(d) must be supported by the affected department/SOE or by a government decision.

DOSLI GUIDELINES FOR THE RETURN OF SURPLUS
LANDS AT LESS THAN CURRENT MARKET VALUE
PURSUANT TO SECTION 40(2)(d) PUBLIC WORKS ACT 1981

- 1 Section 40(2)(d) Public Works Act 1981 requires that the offer back of surplus lands must be at current market value except where the Chief Executive DOSLI considers that it is reasonable for the offer back to be made at any lesser price.
- 2 Each case must be considered on its individual merits. The following are criteria where it is reasonable in the operation of Section 40(2)(d) Public Works Act 1981 for surplus government lands which have been compulsorily acquired by the Crown for public works, to be considered for return to the former owners or their successors at less than current market value:
 - (a) The land was gifted to the Crown;
 - (b) The land was taken compulsorily by the Crown and no compensation was paid;
 - (c) There had been a substantial increase in the value of the land during the time that the land was declared surplus and actually offered back;
 - (d) There is a clear net financial benefit to the Crown/Client agency (e.g. where the former owner or successor agrees to meet survey/title costs which exceed market value);
 - (e) A client agency, in respect of its departmental asset, so instructs the DOSLI in order to meet other outcomes consistent with Government policy;
 - (f) The land areas comprise wahi tapu, being discrete sacred sites such as urupa and pa sites (including access) requiring formal protection;
 - (g) The land was confiscated from Maori owners for a public work under special legislation;
 - (h) Government has instructed that lands be returned to assist with the settlement of a Maori grievance;
- 3 There is no delegation of the Chief Executive's power under Section 40(2)(d) Public Works Act 1981, to District Offices to return land to former owners or their successors at less than current market value. All such proposals must be submitted to the Chief Executive DOSLI, attention Commissioner of Crown Lands, for approval.
- 4 Proposals submitted to head office for approval must include comments from the client department or SOE on any proposal to offer land back at less than current market value. The Commissioner of Crown Lands will not approve such proposals unless the affected department/SOE or government has sanctioned the proposal.

AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE

This form is approved by the Real Estate Institute of New Zealand and by the New Zealand Law Society.

DATE: Her Majesty the Queen acting by and through the Department of
 VENDOR: Survey & Land Information
 PURCHASER: Far North District Council

014

Address of property: Kaikohe Aerodrome

Legal description: Estate: FREEHOLD (unless otherwise described)

Area: 65.7432 ha approx Lot: DP: CT:

as shown on the attached plan (SO 51157)

Purchase Price: \$ 200,000 (two hundred thousand dollars) (including chattels at \$

Delete one of these: ~~Plus GST (if any)~~ OR Inclusive of GST (if any).
 If neither is deleted the purchase price includes GST (if any).

Deposit: \$ Nil

Balance of purchase price to be paid or satisfied as follows: in one lump sum on date of possession

LSP date: GST date:
 Possession date: Within one month of the date of this agreement Interest rate for late settlement 15 % p.a.
 Special conditions: (if any) SEE OVERLEAF

Financial conditions
LAST DAY FOR ARRANGING FINANCE:
Lender: Amount required \$
Lender: Amount required \$
All mortgages on the customary terms and conditions of the lender(s).

Details of tenancies: (if any) Name of tenant: See Clause 16
 Rent: Term: Right of renewal:

CHATTELS: The following chattels if now situated on the property, are included in the sale (strike out or add as applicable):
 STOVE TV AERIALS FIXED FLOOR COVERINGS BLINDS CURTAINS DRAPES LIGHT FITTINGS

Sale by (name of real estate agent):

It is agreed that the vendor sells and the purchaser purchases the above described property, and the chattels included in the sale, on the terms set out above, on the general conditions attached and any special conditions hereinafter appearing.

WARNINGS (These warnings do not form part of this contract)

- This is a binding contract. If either party has any doubts professional advice should be sought before signing.
- Before signing this contract the purchaser should make sure that the status of the property under the Town and Country Planning Act 1977 is satisfactory for the purchaser's intended use of it.

Signature of vendor(s)

 HER MAJESTY THE QUEEN

Signature of purchaser(s)

 DISTRICT COUNCIL

SPECIAL CONDITIONS OF SALE

- 14. The vendor shall survey the property and transfer it to the purchaser at no cost to the purchaser.
- 15. The property shall vest in the purchaser as an aerodrome pursuant to Sections 20 and 50 of the Public Works Act 1981.
- 16. The property is subject to the following tenancies:
 - Kaikohē Gliding Club \$3,000 p.a. monthly
 - Fieldair Holdings \$600 p.a. 10 years exp. 4/9/93 R.O.R. 10 years
 - Shell Oil (NZ) Ltd \$300 p.a. 10 years exp. 1/9/93 R.O.R. 10 years
 - S T Stevens \$3,380 p.a. Residential Tenancies Act
 - Gillies and McKenzie \$200 p.a. monthly

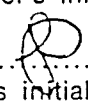
"If special conditions appear above it is recommended that all parties initial this page.

.....
Purchaser's name

.....
Purchaser's initials

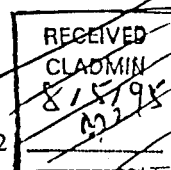
.....
Vendor's name

.....
Vendor's initials



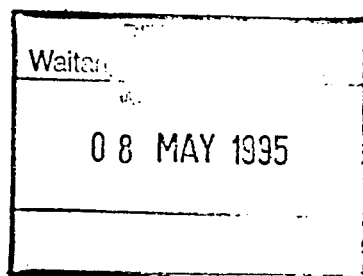


Charles Fergusson Building
Bowen Street
Private Box 170
Wellington
New Zealand
Phone: 0-4-473 5022
Fax: 0-4-472 2244



Your Reference:

Our Reference: 5350-C/2070



3 May, 1995

Mr R Johnson
Research Officer
Waitangi Tribunal Division
Justice Department
P O Box 5022
WELLINGTON

KOHEWHATA BLOCK WAI 302

I refer to your letters of 23 March and 20 April 1995.

The aerodrome proper at Kaikohe was sold to the Kerikeri Airport Corporation (owned by the Far North District Council) on 27 August 1993. The Proclamation vesting the land in the company was published in the NZ Gazette in March 1994 (1994 page 992).

The residual land (68.548 ha approx) remains on the Ministry of Transport's asset register and is leased for grazing in four blocks to M J & C M O'Connor (28.87 ha) and R Henwood the balance. These grazing leases are administered by Landcorp Property Ltd Auckland on behalf of the Ministry of Transport.

I trust this satisfies your enquiry. My apologies for not replying sooner.

M Ryan
for Manager Client Services

Acknowledgement letter sent

Reply follows

Thanks for information



RECEIVED
 31 AUG 1995
 Division

LANDCORP PROPERTY LIMITED
 Private Bag 92079, Auckland, New Zealand
 Microsoft House, Level 13, 69 Symonds Street
 Phone: (09) 307-7882 Fax: (09) 307-7888

016

016

FACSIMILE TRANSMISSION SHEET

FAX NUMBER: 04 499 3676
COMPANY: Waitangi Tribunal
TO: R. Johnson
FROM: Steve Philp
DATE: 31 August 1995
SUBJECT: Land at Kaikohe Aerodrome Vested in Ministry of Transport

Number of pages including this header: (1)

Please advise immediately if any part of this transmission was not received

I have retrieved the files relating to this land from the Far North District Council. 4 parcels of land appear to be involved, the current tenancy situation being as follows:-

3.188 hectares Lessee: Roger Henwood

The existing lease expires on 31.12.1998

16.31 hectares Lessee: Roger Henwood

This lease also expires on 31.12.98

20.18 hectares Licensee Roger Henwood

This licence was originally granted for 5 years from 1.4.88, with the licensee having the right to renew for a further 5 years. I cannot see from the file that this licence has been further renewed and at the moment I am assuming the licensee is occupying the land on a quarterly basis.

28.87 hectares - MJ + CM O'Connor Trusts

This lease was originally granted on 1 January 1979 for an initial term of 10 years with the lessee having a right to renew for a further 10 years. The present lease expires 31.12.98.

= 68.548 ha