

Form 5 Submission on notified proposal for policy statement or plan,
change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of submitter: James Tekani Wharewera
[full name]

This is a submission on the following change proposed to the plan:
Whakatāne District Plan, Plan Change 2 - 23 and 45 Keepa Road

Trade Competition

I ~~could~~/could not* gain an advantage in trade competition through this submission.
[*Select one]

If you could gain an advantage in trade competition through this submission, please answer the following:

I am/am not* directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and ✓
(b) does not relate to trade competition or the effects of trade competition.

[*Select one]

The specific provisions of the proposal that my submission relates to are [give details]:

- * Cultural Impacts, Spiritually & Physically Caused By Erroneous And Devious, Manipulations By Hysight Developer, Lawyers Whakatāne Past Council, Surveyors, Government Departments. Towards The Wharewera Whānau (Family) And Connection To The Body Te Hōkōwhiri Māori, By Taking Lands Causing generations of Family Disruptions and Separation.
My submission is: [include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

- * I wish Council to amend Jan Hysight Developers Private Plan Change Request for 23-45 Keepa Road Whakatāne, from current high Industrial Zoning To Residential.
- * The Very Issue, 50 Years Ago Our Grandfather, Te Pakitū Applied late 1950s, Early 1960s, Applied Through Maori Affairs, Our Uncles, To Build (7) More Family Homes On His Land / Farm. Blocked By Industrial Zoning By Council
- * Refer To Evidence, Altered & Taking Of lands, Maps Whakatāne Council, Records, Lawyers, Surveyors Records and Maori Land Court & Others. History Records.
- * Still Today - Maori Part Roadway 28B3 ALTERED To 28B3C And Maori Part Roadway 28B3C2 Giving Hysight Part Ownership & NZ Transit.

I seek the following decision from the local authority: *[give precise details]*

- * That Whakotane District Council Decisions are Honest transparent, Not like Past 1975 Removing Te Hōkonohi Marae, Off Original Plans as Part of Taking Our Grandfathers, Lands, Placing it About 1000 Metres, Down Keepe Rd, Coastlands. A Request was Made 1985-86 to District Council to Re-instate it Back, Whakotane District Council, Should Pay Compensation like Ian Hysight Developer, for Taking of Lands Stolen.
 - * Return 10 Metre, Stolen Strip - if Residential Zoning Granted
- Hearing submissions
I wish/~~do not wish~~ to be heard in support of my submission. [*Select one]

If others make a similar submission, ~~will~~/will not* consider presenting a joint case with them at a hearing. [*Select one]

J. Whakotane

Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 21/7/2018

Contact Details

Electronic address for service of submitter: _____

Telephone: 0277571212

Postal address: Unit 1/4 Nektara Place Whakotane 3120

Contact person: James Tekani Whakotane

[name and designation, if applicable]

Note to person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

IN 3 AJ Lysight

Public Notice of Proposed Plan Change to the Whakatāne District Plan
Plan Change 2 (Private Plan Change request)
23 and 45 Keepa Road, Whakatāne
Resource Management Act 1991 (the Act)



Whakatāne District Council hereby gives public notice pursuant to Clauses 5 and 26 of the First Schedule of the Act, of Plan Change 2 to the Operative Whakatāne District Plan, being a private plan change request.

Plan Change 2 is a private plan change request that seeks to change the zone of two parcels of land at 23 and 45 Keepa Road, Whakatāne. The land is located on the corner of Keepa Road and State Highway 30. Plan Change 2 proposes to change the current Light Industrial zoning to Residential. The purpose of rezoning is to enable the future residential development of the land.

The proposed Plan Change may be inspected during normal office hours at:

- Customer Services desk at Whakatāne District Council, Commerce Street;
- Te Kōputu a te whanga a Toi - Whakatāne Library and Exhibition Centre, 49 Kakahoroa Drive, Whakatāne;
- Edgecumbe Library, 38 College Road, Edgecumbe;
- Murupara Library and Service Centre, Civic Square, 48 Pine Drive, Murupara; or
- Ōhope Library, 4 Harbour Road, Ōhope.

The proposed Plan Change is also available online at the Council website:

www.whakatane.govt.nz/haveyoursay

Any person may make a submission using one of the following options:

Post/Fax/Email to:

Senior Policy Planner
Whakatāne District Council
Private Bag 1002
Whakatāne 3158
planning@whakatane.govt.nz

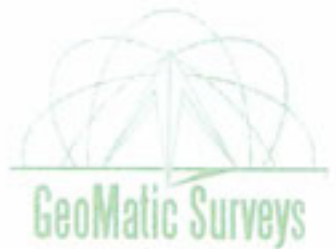
Deliver to:

Senior Policy Planner
c/- Customer Services
Whakatāne District Council
14 Commerce Street
Whakatāne 3120

Submissions lodged electronically do not require a signature. Submissions must be in the format of Form 5 of the Resource Management Act and state whether or not you wish to be heard on your submission. Copies of the form are available from the Council offices and libraries, and Council's website (see above). Submissions on the proposed plan change close at **5.00pm on Thursday 12 April 2018**.

Once the closing date for submissions has passed, all submissions received will be summarised and made available for public inspection. Persons wishing to support or oppose any of these submissions will be entitled to do so. Council will then hold a hearing for the Private Plan Change to consider submissions that have been lodged and issue decisions on the matters raised. Anyone who makes a submission and indicated that they wish to be heard will have the right to attend the hearing and present their submission. On receiving notice of a decision on their submission, any person who disagrees with or is dissatisfied with the decision made may appeal the decision to the Environment Court for further consideration. The proposed plan change becomes fully operative after the council has made its decision and all appeals, if there are any, have been resolved.

Marty Grenfell
Chief Executive
9 March 2018



14 July 2009

Our Ref: 20903

James Wharewera
1/14 Natana Place
WHAKATANE

Kia ora James

**REDEFINITION OF LOT 1 DPS 18658 AND ALLOTMENT 28B3C1 RANGITAIKI PARISH,
WHAKATANE**

Further to your instructions, we advise that the boundaries as requested have been located, and the positions summarised on the attached sketch diagram.

Also attached is a copy of DPS 18658, which you may already hold.

The attached diagram also shows the calculations from buildings to the boundaries.

In summary the boundaries are generally as fenced.

Existing records show the area of Lot 1 DPS 18658 as 4768m² and the Marae Reservation as 3970m².

As reported in my letter dated 30 March 2009, the Scheme Plan SP353 as supplied by you and prepared by Mr J Rainford, Registered Surveyor in 1973, appears to have no Whakatane County Council approval. That scheme plan proposed access to the old homestead site, now Lot 1 DPS 18658, by frontage to the northeastern end of the Roadway Pt 28B3C2, which has access from the State Highway.

However for unknown reasons, possibly a Council Condition of Subdivision, access to the old homestead site was amended so that legal frontage was to Keepa Road, by way of an access strip as defined by DPS 18658, which was approved by both a representative of the owners and by the Whakatane District Council, in November 1973.

This amendment from the Scheme Plan also removed the frontage to the Roadway and provided for a strip of land now part of Lot 12 DP 372970 (owned by I and A Lysaght), which now separates Lot 1 DPS 18658 from the Roadway. Scheme Plan SP353 did not originally propose this strip.

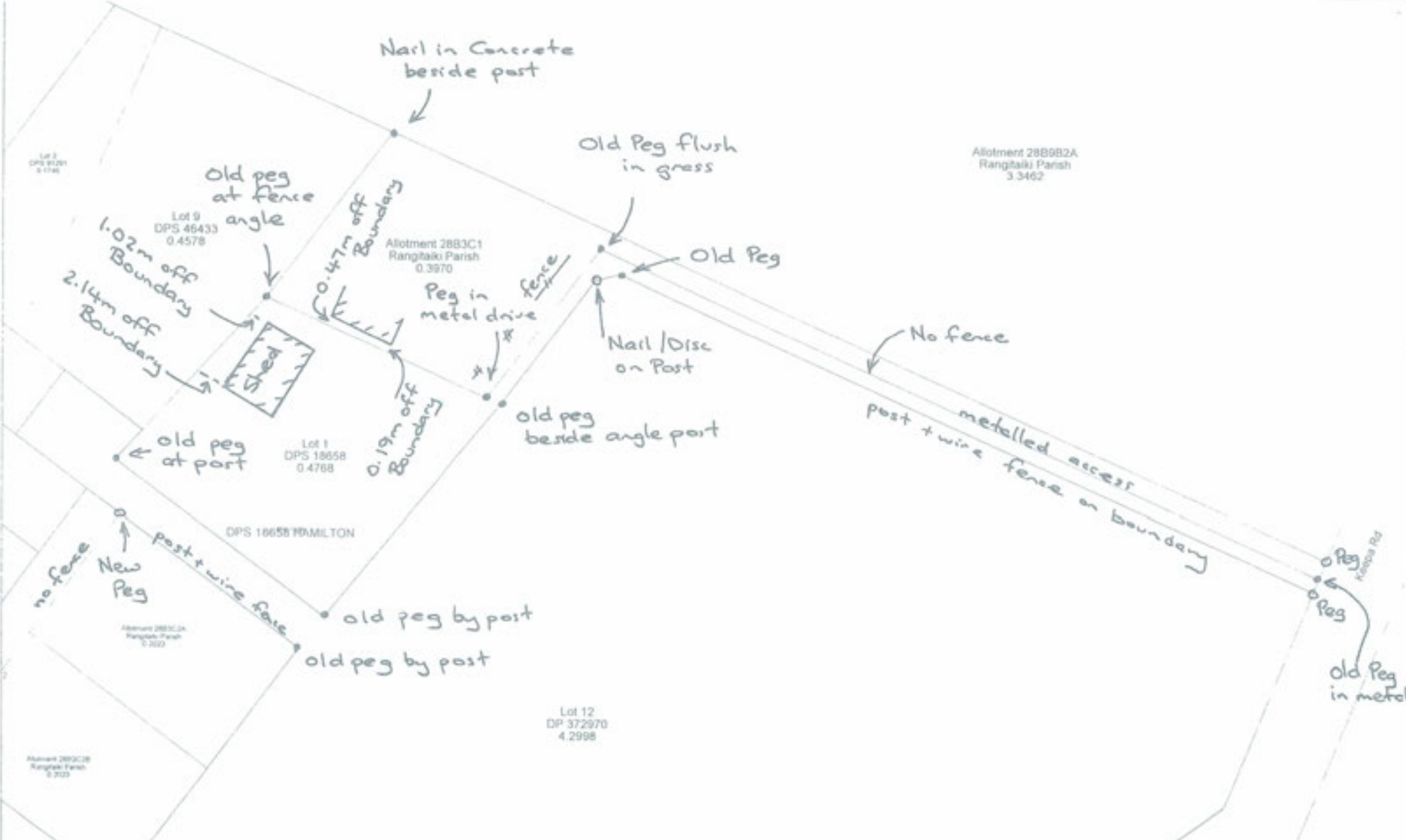
I trust this summarises the present legal boundaries as requested and thank you for the opportunity to assist with this matter.

Our invoice for services is enclosed.

Yours faithfully

GeoMatic Surveys

Kevin Sewell
Registered Professional Surveyor
Licensed Cadastral Surveyor



*Note: Buildings shown not to Scale



Any person wishing to rely on the information shown on this map must independently verify the information
 Scale 1:1250 Topographical and Cadastral map derived from LINZ data. Printed: 7/14/2009 17:23

GeoMatic Surveys Ltd
 Registered Professional
 and Licensed Surveyors
 P.O. Box 7205 Rotorua
 Ph 07 349 3553 Fax 07 349
 Job Ref: 20903 July 2009



APPROVED
P. Williams
 REGISTERED OWNER

The Whakatane County Council pursuant to Section 33 of the Town and Country Planning Act 1953 certifies that the Subdivision shown hereon complies with the operative district scheme and pursuant to a resolution passed on the 27th day of November 1973 approving under Section 34 of the Counties Amendment Act 1961 the survey plan of subdivision, the common seal of the Body Corporate and the Chairman, Councillors and Inhabitants of the County of Whakatane have hereto affixed in the presence of:

John Rainford - Chairman
J. [Signature] - County Clerk



KEEPA'S RD
 642 1920 P 2611
 P.O. 4966

PT 28B 3C 2C
 M.L. 13046
 M.L. 19316

Total Area 4768 m²
 Comprised in C.T. 15C/310 (PT)

I, *Michael Alexander Poppelwell*, Tasman Regional Surveyor and holder of an annual practicing certificate hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act 1968.

Dated at *Tasman* this 27th day of November 1973 Signature *M.A. Poppelwell*

Field Book *F.307, p. 27-28, Towns Book 182, p. 105-106*
 Reference Plans of L's 13046, 19316, 20344, S.O's 33080, 45162
 Examined *D.R. Burke* Date *11/11/73*



Approved as to Survey
John R. Rainford Chief Surveyor
 10/11/74
 Deposited this 8th day of May 1974
P. Williams District Land Registrar

LAND DISTRICT SOUTH AUCKLAND
 SURVEY BLK. & DIST. 1 WHAKATANE
 NZMS SHEET NO.

LOT 1 BEING SUBDIVISION OF PT ALLOT
 28B 3C 2C PARISH OF RANGITAIKI

LOCAL AUTHORITY WHAKATANE COUNTY
 Surveyed by *John R. Rainford*
 Scale 1:750 Date November 1973

File 1. Whakatane
 Received 16.1.74
 Instructions
 D.P.S 18658

NOTICE OF RATING VALUATION

BY THE : Whakatane District Council

Local Authorities use information contained in the district valuation roll to levy rates. This notice details information on your property that is contained in the district valuation roll of **Whakatane District Council**.

Previously, the district valuation roll was maintained by the Valuation Department. However, the Rating Valuations Act 1998 now obliges Councils to maintain the valuation rolls but allows them to choose their valuation service provider.

The Valuer-General regulates the maintenance of district valuation rolls to ensure that they meet the minimum standards set out in the Rating Valuations Act, the Rating Valuations Regulations and rules of the Valuer-General.

Addressee HOKOWHITU MARAE COMMITTEE

C/- 18 KIRK CRES
KAWERAU 3083

This notice of valuation has been issued as a result of a **General Revaluation**.

Whakatane District Council has contacted Quotable Value New Zealand to carry out this work.

If you wish to discuss this valuation write to:

Quotable Value New Zealand Ltd, PO Box 1544, Rotorua

Or telephone (07) 348 0061, or call toll free on 0800 QUOTABLE.

Please quote the following valuation reference number in all correspondence:

7111 00400

PROPERTY VALUE

Property value as at 1 September 1998, being the date of the latest revaluation of the Whakatane District Council:

An explanation of the terms Land Value, Value of Improvements, and Capital Value is provided overleaf.

Land Value \$68,000

Value of Improvements \$1,000

Capital Value \$69,000

PROPERTY DETAILS

Property Address: KEEPA RD
Property Name:
Owner's Name: HOKOWHITU MARAE COMMITTEE C/- 18 KIRK CRES KAWERAU
Occupier's Name: KINGI GABRIELLE
Nature of Improvements:

Area of Land: 4768 SQ METRES
Legal Description: LOT 1 DPS 18658

SPECIAL RATING AREAS

This property comes within a special rating area for purposes such as drainage, river or pest control, or may be within an area of national interest, as shown below

Code	Scheme Name	Class
371	BPRC-WHAKATANE RIVER	U1
535	RDD AREA SCH	U2

(Quotable) Value
New Zealand

(QV)



Whakatane District Council

RATES ASSESSMENT NOTICE

THE OWNERS
C/- W MAIN
93 AWATAPU DRIVE
WHAKATANE
3080

Rating Year:
Valuation No:
Property Location:

01 JUL 2008 to 30 JUN 2009
07111 004 00
25A KEEP A ROAD

Land Area (ha) :
Legal Description:

0.4768
LOT 1 DPS 18658

Land Value:
Capital Value:

\$260,000.00
\$260,000.00

NOTE: THIS RATES ASSESSMENT NOTICE IS AN INFORMATION SHEET ONLY. IT SHOULD NOT BE CONFUSED WITH THE SEPARATE RATES INSTALMENT INVOICE.

Description of Rate	Rate Base	Value	Rate	Amount	Remission	Total
WHAKATANE DISTRICT COUNCIL RATES						
Whakatane Aquatic Centre Targeted Rate	TARGET	1	19.546667	\$19.55		\$19.55
Edgecumbe Community Board Rate	TARGET	1	22.062222	\$22.06		\$22.06
General Rate	CAPITAL	260,000	0.000253	\$65.78		\$65.78
Whakatane Rural Works & Facilities	CAPITAL	260,000	0.000153	\$39.78		\$39.78
Rural Works & Facilities Target Rate	TARGET	1	44.444444	\$44.44		\$44.44
Uniform Annual General Charge	UNIFORM	1	288.888889	\$288.89		\$288.89
District Wide Roading Rate	CAPITAL	260,000	0.000834	\$216.84		\$216.84
Grading Targeted Rate	TARGET	1	44.444444	\$44.44		\$44.44
Roads Targeted Rate	TARGET	1	45.413333	\$45.41		\$45.41
Disaster Mitigation - District Wide	TARGET	1	14.417778	\$14.42		\$14.42
Whakatane Sewer Availability	SERVICES	1	76.257778	\$76.26		\$76.26
					TOTAL WDC (EXCLUDES GST)	\$877.87
ENVIRONMENT BOP RATES						
Whakatane/Waimana River U2 (SRA)	AREA	1	74.417778	\$74.42		\$74.42
Whakatane/Waimana River U2 (SRA)	AREA	0.4468	233.884444	\$104.50		\$104.50
Drainage Class U2 (SRA)	AREA	0.4768	34.062222	\$16.24		\$16.24
Regional General Rate	LAND	260,000	0.000156	\$40.56		\$40.56
Regional Uniform Annual General Charge	UNIFORM	1	55.431111	\$55.43		\$55.43
					TOTAL EBOP (EXCLUDES GST)	\$291.15
					TOTAL GST	\$146.13
TOTAL RATES PAYABLE (includes GST)						\$1,315.15

	Due Date	Penalty Date
1	22 Aug 2008	22 Aug 2008
2	21 Nov 2008	21 Nov 2008
3	20 Feb 2009	20 Feb 2009
4	22 May 2009	22 May 2009

Whakatane District Council is a collection agency only for Environment BOP. Please direct any enquiries concerning that portion of your rates to Environment BOP by telephoning 0800 368 267

MATTERS USED TO DETERMINE DIFFERENTIAL TARGETED RATE CATEGORIES

- Use of land
- Activities that are permitted, controlled, or discretionary for the area in which the land is located
- Provision or availability to the land of a service provided by Council
- Where the land is located
- Capital Value of the land
- Land Value of the land

Inspection of Rating Information Database

You are able to inspect the information your rates are based on and the state of your rates account at the Council's Office.

From 31 December 2005, the name and address data shown on all assessments will be made available to the general public unless you have notified the Council in writing to suppress your details.

This is the document marked " " referred to in the annexed Affidavit of JAMES TE KANI WHAREWERA sworn at Whakatane this 30 day of October 2008 before me:

[Signature]
A Solicitor of the High Court of New Zealand

19 September 2008

Our Ref: 20835

James Wharewera
1/14 Natana Place
WHAKATANE

Kia Ora James

PARISH OF RANGITAIKI 28B3C2

Thank you for your letter dated 16 September 2008.

You requested clarification of the areas associated with the partition of the block.

Allotment 28B3C2 originally had a total area of 23 a 3 r 30 p, as stated on Title.

Land was subtracted from this: 36.5 p - in 1931 proclamation 6665
- land taken for drainage works in northern corner of land - marked yellow on Title

less 28B3C2A	00 2 r 00
less 28B3C2B	00 2 r 00
less Roadway	00 1 r 07.5 p
Balance 28B3C2C	<u>22 a 1 r 26.0 p</u>

We enclose copies of the approved survey plans ML 13046 (dated 1922) and ML 19316 (dated 1964). ML 19316 is the survey that completed the Court Partition Order. Note the plan shows another house which maybe the house you referred to in our telephone conversation.

The above areas are supported by the plans and Court documents, except the Court extract dated 17 May 1950 incorrectly shows area of 3C2C as 22 a 2 r 33.5 p.

The area of 28B3C2C (22 a 1 r 26.0 p) converts to 90,700 m² or 9.0700 hectares.

I trust this answers and clarifies your enquiry.

Our invoice for costs is attached.

Yours sincerely
GeoMatic Surveys



Kevin Sewell
Registered Professional Surveyor

James Wharewera

12 October 2008

The Decendants of Pakitua & Materoa Wharewera.

Kia Ora

Te Kani

**Notice of Whanau Hui to be held at Te Hokowhitu A Tu Marae
9.00am Saturday 15 November 2008.**

Following discussions between Whanau it has been acknowledged that a Hui needs to be convened to discuss matters concerning the Whanau Homestead and the Roadway adjacent to Uncle Wal's and Aunty Kiro's.

Following a Resource Consent Application from Lysaght Developments to Whakatane District Council for sub division of part of their land, information, which many of you have received from Te Kani, suggests that something has gone seriously wrong within the Maori Land Court concerning ownership of both the Whanau Homestead and the Roadway. It is apparent that much of the information received by the Court was incorrect leading to unjust decision's being made by the Judges in both proceedings.

An appeal to The Chief Judge, Maori Land Court, has been prepared by some Whanau.

Submissions opposing the use of the Roadway by Lysaght Developments for their sub division have been made.

A proposal to change the status of The Homestead to a Maori Reservation has been put forward for consideration.

Your Whanau need to know what is going on so it is imperative that as many as possible attend the Hui on Saturday 15 November 2008. The Marae is available for Whanau to use over the weekend so it would be a good opportunity to catch up.

It is not possible to contact everyone so I would ask that if you receive this you should contact your own immediate Whanau and let them know of the Hui.

If you have any queries please contact, Te Kani, Phone 07 3080697,
Noho, Phone 07 3228507, Auhi, Phone 07 3070978,
Wendy Main, Phone 07 3071253.

Naku Noa,

Wendy.

Wendy Main

IN THE MAORI LAND COURT
OF NEW ZEALAND
WAIĀRIKI DISTRICT

CONFIDENTIAL

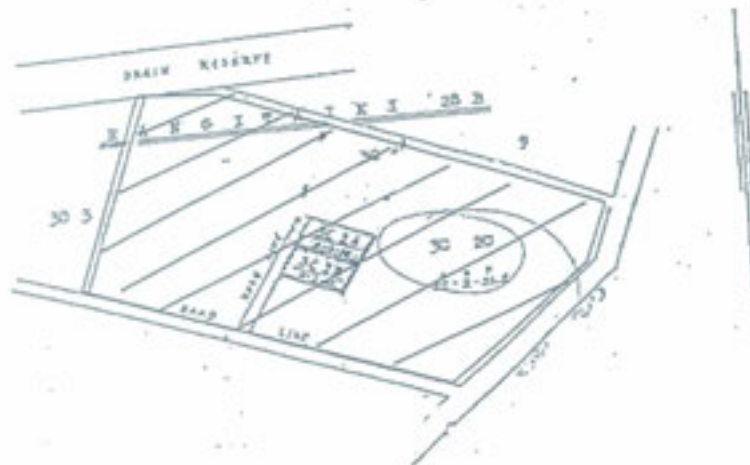
A20030006562

UNDER Section 322, Te Ture Whenua Māori Act 1993
IN THE MATTER OF Rangitaiki 28B 3C2 – Cancel Roadway
Walter Wharewera
Applicant

Hearing: 3 February 2005
Counsel: Mr G Dennett, for Applicant
Mr W W Jones, for I & A Lysaght
Judgment: 14 October 2005

RESERVED JUDGMENT OF JUDGE P J SAVAGE

[1] Prior to the 17th of May 1950, Walter Wharewera owned all of the land shown on the diagram below and shaded, as one lot. The diagram is not accurate as to size and dimensions and is illustrative only.



SKETCH ONLY.

SCALE: 5 chains to an inch.

28 Whakataua MB 368.

368

26 MAY 1949

208. x sf. Waumana 1B 1D 2A - Te Miko Ari -
 Appen & Inceed -
 in Chappell Ari to Miko - woman - died my father - Oct 17-9-1937.
 no bill - none - myself only -
 no chgs: -
 only to Ari to Miko ma: lobby

190. 1 sf. Rangitahi 28B 3C1. (Ema Patara) val 5/42
 - x sf. " " 3C2
 - x sf. " " 3C3
 - x sf. " 38A 2L
 - x sf. " 28B 22
 - x sf. " 315
 - x sf. " 31P 3F
 - x sf. Matahina A 1D
 191. x sf. Rangitahi 28B 1B1
 - x sf. Waumana 260 A

Appen & Ince
 Pakitua Wharewera - woman - died my mother - died
 2nd December 1945 - no bill - none
 1. Te Aomihia Wharewera d. no bill - no name
 2. Pakitua " " na. 6
 3. Kikakee ^{val 26/47-8} " d. no bill - no name
 4. Kiki ^{debbance} " 250 fd. 13/5 65
 5. Te Aea ^{Stewart} " val 45/57 fd. 24/1/67
 6. Fax Tamaiarohe " na. 1/1/62
 7. Kaperira " d. no bill - no name
 8. Here Meni " d. no bill - no name
 9. Kararaina ^{Horne} " fd. 15/1/68
 10. Patara " d. no bill - no name
 Te Aomihia had:
 Aima Bird d. no bill - no name
 Aou Kaperira d. no bill - no name

noisy to evidence
 in Smith. Te Aea; Tamaiarohe & Kararaina: no present and

hiki my letter produced with Rangitahi 28B
3C2 to go to Pikitua rocky - that is where he
lives. Also the four men present with the
38A no 22 intent to go to Pitu - also Piki
stands out of 28B 3C3 -

men present agree way in part to what the Smith
has entered. ~~order~~

order as under. & more.

Rangitahi 28B 3C2 to Pikitua wherever
All other blocks to the other four children equally

196-7 5/8 Ngapuna 1D 2B - George Powell

Appen & success

will 369 - Decd 17th March 1937 -

order by

Robert Francis Smith and

William Alexander McCracken as trustees

under the will of decd.

276-7 5/1 Omataroa 7AC 6E 2B1 - Oheroa Peteria

Appen & success

Whakaurangi Tura - woman decd my father's

mother - Decd 15th April 1948 - no will - will

Pani to third son

Miripine " fifth son

Taira " " " " " " " "

no other

order as

SEARCHED

5 JUN 1998

COPY

SOUTH ISLAND [SOUTH ISLAND] [SOUTH ISLAND]

NEW ZEALAND.



Warrant No. P.R. folio- Vol. 176 Folio 167 Transfer No.

Register-book, Vol. 628, folio 18

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the third day of July, one thousand nine hundred and thirty one under the hand and seal of the District Land Registrar of the Land Registration District of AUCKLAND, being a Certificate in lieu of Grant, under Warrant of His Excellency the Governor-General, in exercise of the powers enabling him in that behalf, (Witness) that EWA PATARA f. a. aboriginal native of New Zealand

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon; subject also to any existing right of the Crown to take and lay off roads under any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon, bordered green, to the several admeasurements a little more or less, which said land is in the said Warrant expressed to have been originally acquired by the abovesaid

as from the twenty seventh day of April, one thousand nine hundred and twenty two, under The Native Land Act 1909, that is to say: All that parcel of land containing twenty three acres three roods and thirty perches more or less being that part of Allotment 28 of the Parish of Rangitaiki called Lot 28B No. 10 No. 2 of the Parish of Rangitaiki.

1 WHAKATANE S.



William Johnston District Land Registrar.



The above described land is subject to Part XVI of the Native Land Act 1909 Vide K.607. W Johnston Dist. Land Regr.

Proclamation No. 6665 taking part of within land for the more effective carrying out of the drainage or other works authorized by the Rangitaiki Land Drainage Act 1910 Entered 22nd June 1931 at 10a.m. W Johnston Dist. Land Regr.

No. 5109 Order of the Native Land Court vesting a 208/383 share in the above described land in Te Tukitua te Wharewhare by way of exchange as from 1st October 1929 Entered 3rd July 1931 at 2.55 p.m. W Johnston Dist. Land Regr.

Mortgage No. 214520 Ewa Patara of the said land to Wharewhare in the Rangitaiki Land Board Produced 1st July 1931 at 2.56 p.m. W Johnston Dist. Land Regr.

Permanently to the Provision of Sec. 51A (1) Māori Land Act 1931 a certificate of the Registrar Māori Land for the said land affecting Rangitaiki Lot 28B No. 10 No. 2 of the Parish of Rangitaiki which has been embodied in the Provisional Register - see P.R. Vol. 628 folio 18 with 27/7/1952 W Johnston Dist. Land Regr.

Scale 5 in. Chains to an Inch. R.G. Registrar Chief Surveyor. Thomas A. Barrett. J. Richards.

Continued

over

Extract Whakataurua Minute Book 20 Folio 229-300 of the
27 day of April 1922.

Present: N. F. Ayson - Judge
Sand J
Rangi Royal
Scribe & Interpreter.

35. part of Rang. 23^B3^C.

Area: 5 1/2 ac. 3/4. 26 per.
Plan: 11820.

Present: 1. Te Keepa Tawhio for Maria Staruru.

2. Wharewera Kaperiri for Ema Patara (his wife) &
Miri Mereti -

By agreement:-

I partition order made in favour of all owners for an area of three
quarters of an acre to be cut out at North East end of Block
about 3 chains back from public road - and to be connected
with road by a strip 16 feet wide along the northern boundary.
Area of strip to be added to the 3/4 acre & to be part of this
subdivision.

See sketch plan attached to app'n.
To be called 23^B3^C no. 1.

II Partition order made in favour of
Ema Patara s.a. for $\frac{34 \frac{11}{12}}{80 \frac{13}{24}}$ share.

of balance of area of Block after cutting out last subdivision -
to be cut off at the last end of Block by a line at right
angles to South boundary of Block -
To be called 23^B3^C no. 2

III partition order made in favour of Miria Kitevera and Miria Mereti
for $\frac{34 \frac{5}{6}}{80 \frac{13}{24}}$ share of balance of area of block (after cutting out Sub No 3)
to be cut off adjoining & west of last subdivision by a line
at right angles to South boundary of Block.
To be called 23^B3^C no. 2

IV Partⁿ order made in favour of Maria Haruru for balance of Block, being $\frac{11\frac{3}{4}}{80\frac{13}{24}}$ share of balance after cutting Sub 1 -
 to be called 28B 3^c no. 4.
 Areas to be ascertained on survey -
 Requisition for survey to issue.

Accordingly etc.

Extract N.H. MB. 29 folio 77 of 17 May 1950.

Present: J. Hawry - Judge.
L. Richard Clerk & Interpreter.

Original Title ?

Rangitaiki 28B 3^c 2^c appⁿ for partition.

Pakitua Wharewera & Walter Wharewera -
By agreement.

Ordered that an area of two rods be cut off to include Maria Ahi's house and grounds (pine trees & hedged north & south fence East & West) to be called

28B 3^c 2^A in name of Maria Ahi S. 2.

Ordered that a similar area of 2 rods be cut off to South of 3^c 2^A to be called

28B 3^c 2^B in name of Walter Wharewera m.a.

Balance to be

28B 3^c 2^c in name of Te Pakitua Wharewera m.

Ordered that a road line 50 links wide be laid off from road to the south parallel to western boundaries of 3^c 2^A & 2^B and finishing at N.W. corner of 3^c 2^A.

Pt 28B 3C 2

J. King 1.10.75

See sketch folio 3.

Who are the legal Proprietors/owners of Pt 2B3C:

697

[N.L.C. 16.]

SUCCESSION ORDER.
[RULE 51.]

Whakatane M.B. 28/368 ^{Maori} The ~~Native~~ Land Act, 1951.

IN THE ^{Maori} ~~Native~~ LAND COURT } Lot 28B No. 30 No. 2 Parish of Block.
OF NEW ZEALAND, } Rangitaiki
Waiariki DISTRICT.

In the matter of the above-mentioned land, and of the interest of
Ena Patara
deceased, therein.

AT a sitting of the Court, held at Whakatane
on the 26th day of May, 1949
before John Harvey, Esquire, Judge.

(1) State name, sex, and place of abode.

It is hereby determined that⁽¹⁾

Pakitua Wharewera m.a.

~~is~~ ^{is} the person entitled to succeed to the interest of the above-named deceased in the said land, and it is hereby ordered that the said interest shall vest in the above-named successor ~~as from the 2nd day of December, 1945~~ ^{as from the 2nd day of December, 1945}.

FEES CHARGED:
Order 5/-paid

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



John Harvey Judge.

New Zealand Death Certificate

Registration Number

1976040457

DECEASED

First/given name(s) **Te Pakitua**
Surname/family name **Wharewera**

(If different from above) First/given name(s) at birth -
Surname/family name at birth -

Date of death **7 April 1976**
Place of death **Public Hospital Whakatane**
Cause or causes of death **Bronchopneumonia - 4/52**
(as specified in doctor's certificate or coroner's order) **2° Infection**
Pulmonary tuberculosis active - 12/12
Ischaemic heart disease - 4 years

Name of certifying doctor **R W Robertson**
Date last seen alive by certifying doctor **7 April 1976**

Sex **Male**
Age and date of birth **81 15 July 1894**
Place of birth **Whakatane**
If not born in New Zealand number of years lived here -
Usual home address **State Highway 2**
Piripai Whakatane
Usual occupation, profession or job **Retired Millhand**
Date of burial or cremation **10 April 1976**
Place of burial or cremation **Hillcrest Whakatane**
Age of each daughter **60 55 53 49 47**
Age of each son **59 57 44**

PARENTS

MOTHER: First/given name(s) **Ema**
Surname/family name **Wharewera**
(If different from above) First/given name(s) at birth -
Surname/family name at birth **Patara**

FATHER: First/given name(s) **Kaperiera**
Surname/family name **Wharewera**
(If different from above) First/given name(s) at birth -
Surname/family name at birth -

RELATIONSHIP(S)

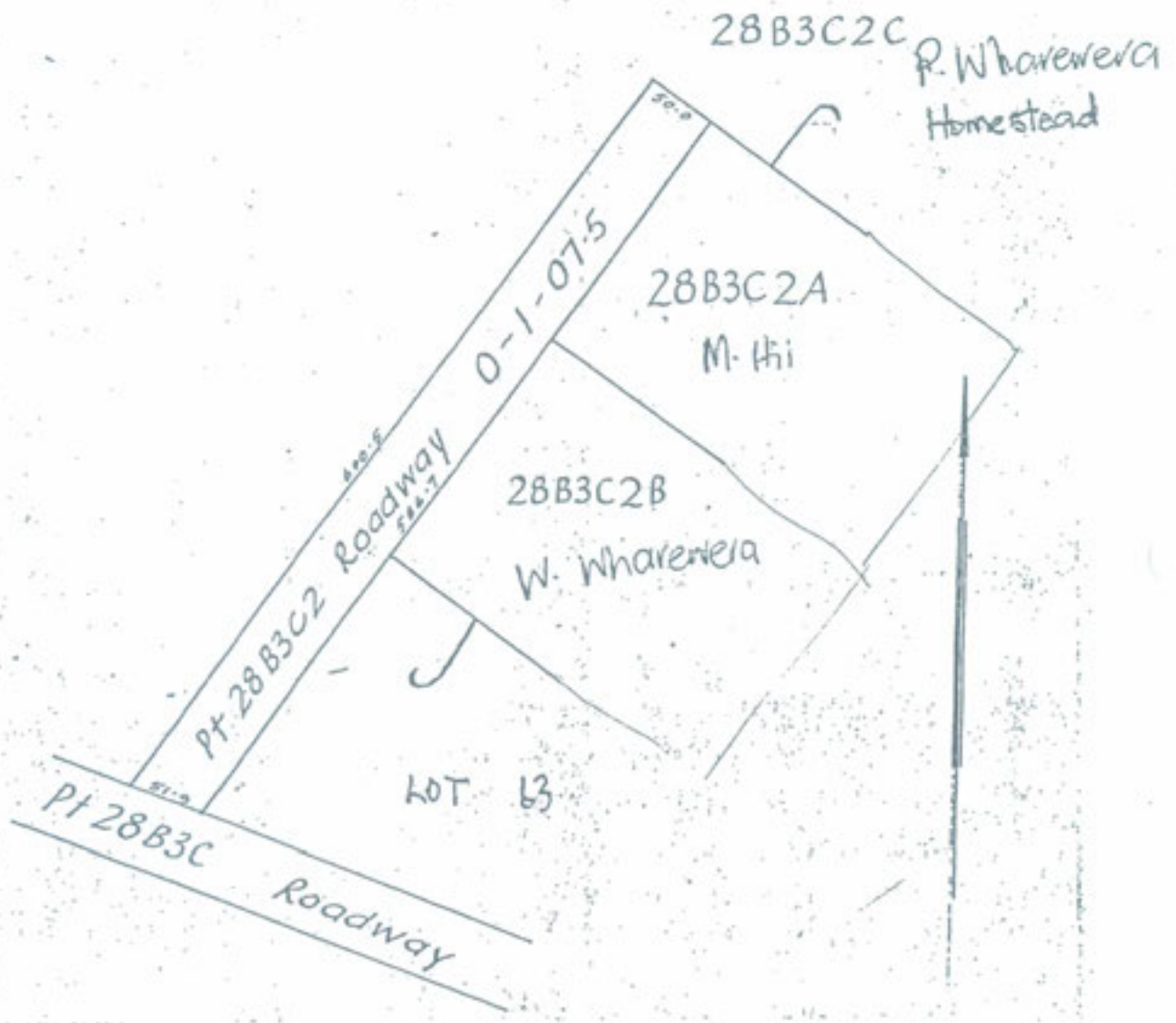
Relationship status at time of death **Not Recorded**
Relationship type -
Age of deceased at event **22**
Place of marriage/civil union **Whakatane**
SPOUSE/ First/given name(s) **Materoa**
PARTNER: Surname/family name **Waititi**
Sex -
Age (if living) **81**

Certified true copy of particulars recorded by a Registrar

Issued under the seal of the Registrar on **8 October 2008**

CAUTION - Any person who (1) falsifies any of the particulars on this certificate, or (2) uses it as true, knowing it to be false, is liable to prosecution under the Crimes Act 1961.





Pt 28.B3C2 Parish of Rangitaiki
Roadway



7/5
 100 480 600
 CIT 629/13
 Scale. 1 inch to an Inch
 H.L. 19.316

"A"

EXTRACT FROM WHAKATANE MINUTE BOOK, VOL. 29, PCL. 77.
John Harvey, Esquire, Judge.
17th May 1950.

COPY

LOT 28B No. 3C No. 2 PARISH OF RANGITAHI -- PARTITION.

Ordered that an area of two roads be cut off to include Miria Hill's house and grounds (Pine trees and hedge North & South - Fences East & West) to be called

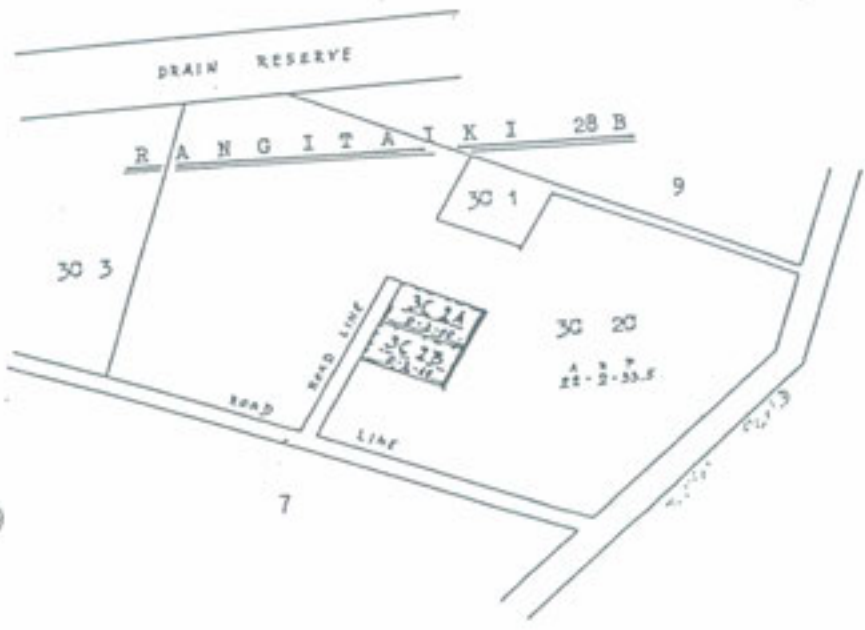
3C 2A:

Ordered that a similar area of two roads be cut off to the South of 3C 2A to be called

3C 2B:

Balance to be 3C 2C:

Ordered that a road line 50 links wide be laid off from road line to the South parallel to Western boundaries of 3C 2A and 3C 2B and finishing at NW corner of 3C 2A.



SKETCH ONLY.

SCALE: 5 chains to an inch.

J. D. BUDDLE
P. F. HARVEY, LL.B.
R. THOMSON, LL.B.
D. A. SPARKS, LL.B.

BUDDLE, HARVEY & PARTNERS

BARRISTERS and SOLICITORS

COMMERCE STREET
WHAKATANE
NEW ZEALAND

P.O. BOX 43
TELEPHONE 7123

Your Ref.:

Our Ref.:

PIH/BJD

13th October

19 75

Mr & Mrs. I.W. Lysaght,
11 Frazer Street,
Whakatane.

Dear Mr & Mrs Lysaght,

re: Purchase of Maori Land

In accordance with your instructions we obtained from our Rotorua Agents a search of the road way and in return we have been provided with a very full search, which we enclose, for your information. We have not kept a copy and would be grateful if you will return the enclosures to us in due course. The interesting aspect of the search is the terms of the Road-way Order in that it presupposes that the road will eventually be proclaimed a public road. The persons entitled to the road-way are the owners of Lots 28B 3C 2A, 2B and 2C. It appears to us that if any one of them insisted that the road become a public road the County Council could have no objection, providing that the section owners brought the road up to county standard at their expense. We recommend that you find out from the County Council what their requirements would be for the road to be proclaimed a public road because, once this happens then any other land having a frontage to the road would be entitled to the benefit.

Our Agent's fee for the search was \$10.00 which we have paid on your behalf and we enclose our account for the reimbursement of it.

The filing fee payable to the Maori Land Court on the Application for Confirmation of the Transfer is \$89.00, according to our calculations. Please let us have your cheque for this sum by return mail. We are also required to obtain a Special Valuation. In view of the value of the land the Valuation fee is likely to be considerable.

Yours faithfully,
BUDDLE, HARVEY & PARTNERS

per:

At Namey

33
Encl:

Date		
103	REC'D	10/13
S.R. BLK 10/13		

[2] As can be seen above the land is now in four lots. These were created by an Order of this Court on the above date. The two small sections 3C2A and 3C2B are house lots owned by Walter Wharewera (Lot 2B) and the estate of his sister Maria Hii (Lot 2A).

[3] He retained ownership of 32C 2C as one lot and the roadway as another. There has subsequently been an adjustment in relation to the northern boundary, which does not concern this case.

[4] The roadway to the south of the above diagram is now State Highway 30, which continues further east than is shown on the diagram. The road coming off State Highway 30 to the east of the diagram and having an angle within, it is known as Keepas Road.

[5] There is a new road to the west coming off State Highway 30 and running north known as Gateway drive, (see diagram below).

[6] Rangitaiki 28B 3C 2C was transferred by Mr Wharewera to Ian Wallace and Adrian Lysaght in May 1975. The following diagram shows the present position and indicates the subdivision undertaken by the Lysaghts.



[7] Walter Wharewera by his son Tani Wharewera seeks to cancel the roadway, claiming that the Lysaghts have no interest in it.

[8] The Lysaghts oppose a closure of the roadway, for they have subdivided the land to the west of the roadway as is shown in the above diagram and wish to continue to use it for the purposes of that subdivision.

[9] The applicant points out that the subdivision to the west already has access from State Highway 30 and from Gateway drive. He points out, that part of the land to the east has access from the State Highway and from Keepa Road. Their contention is that access is not needed.

[10] They also submit that when the road was created, it was only 50 links wide and therefore it can be assumed that it was not intended to be other than access to the two residential lots. 50 links is only a one way road. Mr Wharewera Jnr also submits that it can be fairly assumed that neither his father nor Judge Harvey in 1950, intended that this road be anything other than access to the two residential lots and not to a commercial subdivision. I am invited to interpret the minutes accordingly. It is noted that no order has been drawn and further noted that the issue facing the Māori Appellate Court in the decision, Matchitt re Parekura Hei Road, [10 AP 253] does not arise.



[11] It is common ground that at the date of 17 May 1950 Mr Wharewera was the owner of the roadline. The issue in this case is who owns that roadline now and that issue turns on the effect of the transfer from Walter Wharewera to the Lysaghts.

[12] Section 427 of the Māori Affairs Act 1953 and its successor section 326 of Te Ture Whenua Māori Act 1993 subsection (1) read as follows:

"Where any roadway which is comprised in a separate instrument of title has, whether before or after the commencement of this Act, been laid out by the Court over any Māori freehold land, the transfer by sale or otherwise of any land to which the roadway gives access shall, unless the instrument of alienation expressly provides to the contrary, be and be deemed to have been a transfer by the alienor to the alienee of his interest (if any) in the roadway. If any such instrument of title is registered under the Land Transfer Act 1952, the alienee may apply for registration under that Act of any interest to which he has become entitled under this section, and the District Land Registrar may register the same accordingly".

[13] It is common ground that the instrument of alienation here did not expressly provide to the contrary.

[14] The important words in the section are "...of any land to which the roadway gives access". The issue is whether this roadway gives access to the Lysaghts land. I find that it does. The submissions as to the intention of Mr Wharewera and the Judge are not relevant. This Court could not possibly look at each roadway that has been laid out throughout the Court's history and then try to form a judgment as to the breadth of vision or otherwise, of some or all of the owners and/or the Judge. It is not pertinent. The words in the section are quite clear and refer to a roadway that "gives access". This is an objective matter. It

does not turn on whether it is the only access or the best access or that it is socially desirable that it be used as access or whether it was intended by persons or people laying out the roadway to give access.

[15] The position is that those examining the records must be able to determine from them, without further inquiry what the ownership position with the roadway is. For me to decide otherwise or to interpret the relevant legislation otherwise would seriously impinge upon the utility of the Court record and thus impinge upon facilitation of the occupation development and utilisation of Māori land for the benefit of its owners, their whānau and their hapū. And therefore, would be contrary to section 2(1) of Te Ture Whenua Māori Act 1993.

[16] The test is whether one can pass directly from the road on to the land in question. The answer in this case is yes.

[17] I therefore hold that the Lysaghts are owners in the roadway and entitled to oppose this application. Walter Wharewera and the estate of his late sister are likewise owners in their capacity as owners of the residential sections.

[18] The matter has proceeded to this point on the basis that the Lysaghts did not have any right to take part in these proceedings at all. I have found otherwise. If the applicant wishes to proceed on the basis, that notwithstanding my finding, he applies for closure of the roadway, being an owner in it, then I will hear the matter on that basis.



[19] A copy of this decision is to be distributed to parties as soon as possible, for it has been delayed by my commitments in another jurisdiction long enough already. The applicant then has 30 days to advise whether he wishes to proceed with the application, and if he does not so advise then the application is to be referred to me for dismissal.

Dated at Rotorua on the

14th day of October 2005



P J Savage
JUDGE

J
A. P. 2/20/8/01

FOR THE CONSIDERATION stated below the "Transferor(s)" named below do hereby transfer to the "Transferee(s)" named below the shares or stock specified below subject to the several conditions on which the said shares or stock is now held by the Transferor(s) and the Transferee(s) do hereby agree to accept and hold the said shares or stock subject to the conditions aforesaid:

Full name of Company or Undertaking . . .	<u>MAORI INVESTMENTS LIMITED</u>
Number and full description of shares, including serial numbers, if any; or amount of stock, and number of denomination of units, if any . . .	<u>ONE HUNDRED AND SEVENTY THREE (173) ORDINARY FIFTY CENT SHARES AND ONE HUNDRED AND SEVENTY THREE (173) UNITS OF DEBENTURE STOCK</u>
TRANSFER FROM TRANSFEROR(S) Name(s) (PRINT) Occupation(s) or Status Address(es)	<u>ESTATE PAKITUA WHAREWERA</u>
CONSIDERATION (WORDS AND FIGURES)	<u>PURSUANT TO WILL</u>
TRANSFER TO TRANSFEEE(S) Name(s) (PRINT) Occupation(s) or Status Address(es)	<u>SEE ATTACHED</u>

NEW ZEALAND ANNUAL REPORT 1900

This space for use of Inland Revenue Department

IN WITNESS WHEREOF these presents have been executed this 10 day of 6 1901

SIGNED BY THE TRANSFEROR IN THE PRESENCE OF
Shalata
 Signature of Witness
 OCCUPATION Shalata
 ADDRESS Shalata

Walker Wharewera
 Executor for the Estate
 Signature of Transferor (Seller)

SIGNED BY THE TRANSFEROR IN THE PRESENCE OF
 Signature of Witness
 OCCUPATION _____
 ADDRESS _____

Signature of Transferor (Seller)

SIGNED BY THE TRANSFEREE IN THE PRESENCE OF
Shalata
 Signature of Witness
 OCCUPATION Shalata
 ADDRESS Shalata

For and behalf of the beneficiaries by their Solicitors and authorised agents: Burdell Harvey
Harvey
 Signature of Transferee (Buyer)

SIGNED BY THE TRANSFEREE IN THE PRESENCE OF
 Signature of Witness
 OCCUPATION _____
 ADDRESS _____

Per A Harvey
 Signature of Transferee (Buyer)

INSTRUCTIONS FOR EXECUTING TRANSFERS: When a witness is female she must give her name, age, address, and occupation. At some companies will not accept the signature of a wife as witness to the signature of her husband and vice versa. It is preferable in all cases to have as witness an independent person. Persons signing transfers, under Power of Attorney must complete the form on the back and sign it before a Justice of the Peace or Solicitor.

ESTATE PAKITUA WHAREWERA - List of Beneficiaries

GLADYS WRIGHT (Mrs)	17 Kowhai St., Whakatane	1/10th share
WILLIAM WHAREWERA	17 Rata St., Whakatane	"
MARIA ROPIANO (Mrs)	Piripai R.D.1, Whakatane	"
WALTER WHAREWERA	State Highway 2 RD1 Whakatane	"
CHARLES WHAREWERA	16 Rata Street, Whakatane	"
MARY SIMPSON (Mrs)	46 Hall Street, Kawerau	"
GABRIEL KINGI (Mrs)	R.D. 3, Whakatane	"
MARAEA HONA (Mrs)	Putawai Rd., RD1, Whakatane	"

ISSUE OF EILEEN WAHAPONGA - 1/10th Share between them.

WENDY EDWARDS	Arawa Rd., Whakatane	} 1/10th share
TAU WAHAPONGO	C/o Waikura Station, Hicks Bay.	
DAVID WAHAPONGO	Arawa Road, Whakatane	
TUREI WAHAPONGO	Arawa Road, Whakatane	
KAIWHATA WAHAPONGO	Arawa Road, Whakatane	
AUHI WAHAPONGO	Arawa Road, Whakatane	

ISSUE OF JAKE HAKUTO WHAREWERA - 1/10th share between them

HUINGAMAE FONG TOY	12 Hinaki St., Panmure, Auckland	} 1/10th share
RANGIRAU CLARKE	12 Hinaki St., Panmure, Auckland	
ELIZABETH DAVIS	12 Hinaki St., Panmure, Auckland.	

Transfers appeared as follows: -

(a) 17 shares and 17 units of debenture stock to each to Gladys Wright, William Wharewera, Maria Ropiano, Walter Wharewera, Charles Wharewera, Mary Simpson, Gabriel Kingi and Maraea Hona

(5) One (1) share and one (1) unit of debenture allocated to WILLIAM WHAREWERA partner of the

Trans Trust Act 1967.

(c) Three (3) shares and three (3) units of debenture stock to WENDY EDWARDS, TAU WAHAPONGO, DAVID WAHAPONGO, TUREI WAHAPONGO, KAIWHATA WAHAPONGO and AUHI WAHAPONGO

(d) Six (6) shares and six (6) units of debenture stock to HUINGAMAE FONG TOY, RANGIRAU

R. S. Parks.
 Chairman
 25/7/81



Rangitaiki Parish.

I Whakatane S.D.

Maori Roadway On The
Outside of land Blocks

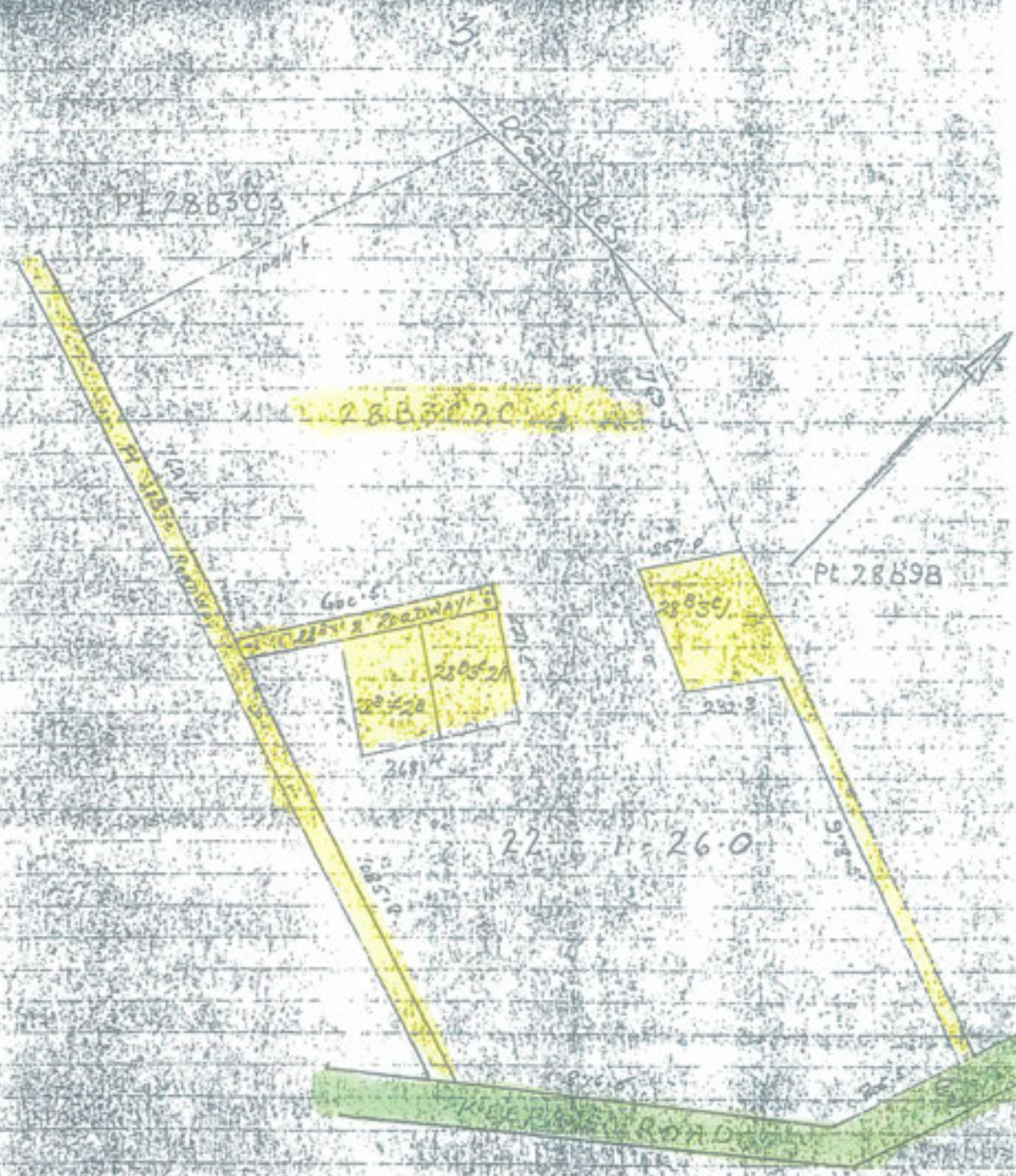
28 B3C2A
28 B3C2B



[Handwritten signature]



Scale: 5 Chains to an Inch.
H. M. SKEET, Chief Surveyor.
J. E. Thomson, Surveyor.
B. L. Farr, Draftsman.



288302C Parish of Rangitaki

J. Hoyle
1/10/75

SCALE 3 chains to an inch
1/14/1931/6

PARTICULARS OF TITLE



(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: Rangitauki Parish Lot 23B 5C 2C.

Area: 22 acres 1 rood 26 perches / hectares square metres

Title Order—Nature of Partition Order

Dated 17-5-50.

Land Transfer Reference: Volume ; Folio

Locality of Land—County, etc. County Whakatane.

Is title completed by survey?

Occupation:

Present Occupier, Name:

Particulars of Tenancy:

Amount of Sinking Fund as at / / \$

PRESENT OWNERS AND SHARES

Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
Te Pakitua Wharewera	M.	1.00000	<div style="background-color: yellow; padding: 5px;"> Refer: To Top In-Correct Entry 22 acres - 1 rood - 26 Perches - Area J Kingi - Agent 1975 Maori Land Court. </div>		
<div style="background-color: yellow; padding: 5px;"> Refer Also to Sketch Plans to Maori Land Court by Agent J Kingi 1975 With Changes made in Lysaght Favour </div>					

Certified correct as at 16 October

1975.

J. Kingi
Solicitor or Agent.

PARTICULARS OF TITLE

(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: *Rangitaike Parish Lot 28B 3C 2A*
 Area: *0* acres *2* roods *00* perches / hectares square metres
 Title Order—Nature of *Partition Order* Dated *17.5.50.*
 Land Transfer Reference: Volume ; Folio
 Locality of Land—County, etc. *County Whakatane,*
 Is title completed by survey? *yes.*

Occupation:

Present Occupier, Name:

Particulars of Tenancy: *P/R. 251/III*

Amount of Sinking Fund as at / / \$

PRESENT OWNERS AND SHARES

Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
<i>Miria Ahi.</i>	<i>S.</i>	<i>1.00000</i>			

Certified correct as at *6 October*

1975.

J. King
Solicitor or Agent.

PARTICULARS OF TITLE

(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: *Rangitaiki Parish Lot 28B 3C 2B.*
 Area: *0 acres 2 roods 00 perches* hectares square metres
 Title Order—Nature of *Partition Order.* Dated *17-5-50.*
 Land Transfer Reference: Volume ; Folio
 Locality of Land—County, etc. *County Whakatane!*
 Is title completed by survey? *yes.*

Occupation:

Present Occupier, Name:

Particulars of Tenancy: *P/R Vol 14A Folio 1828.*

Amount of Sinking Fund as at *1 - 1* \$

PRESENT OWNERS AND SHARES

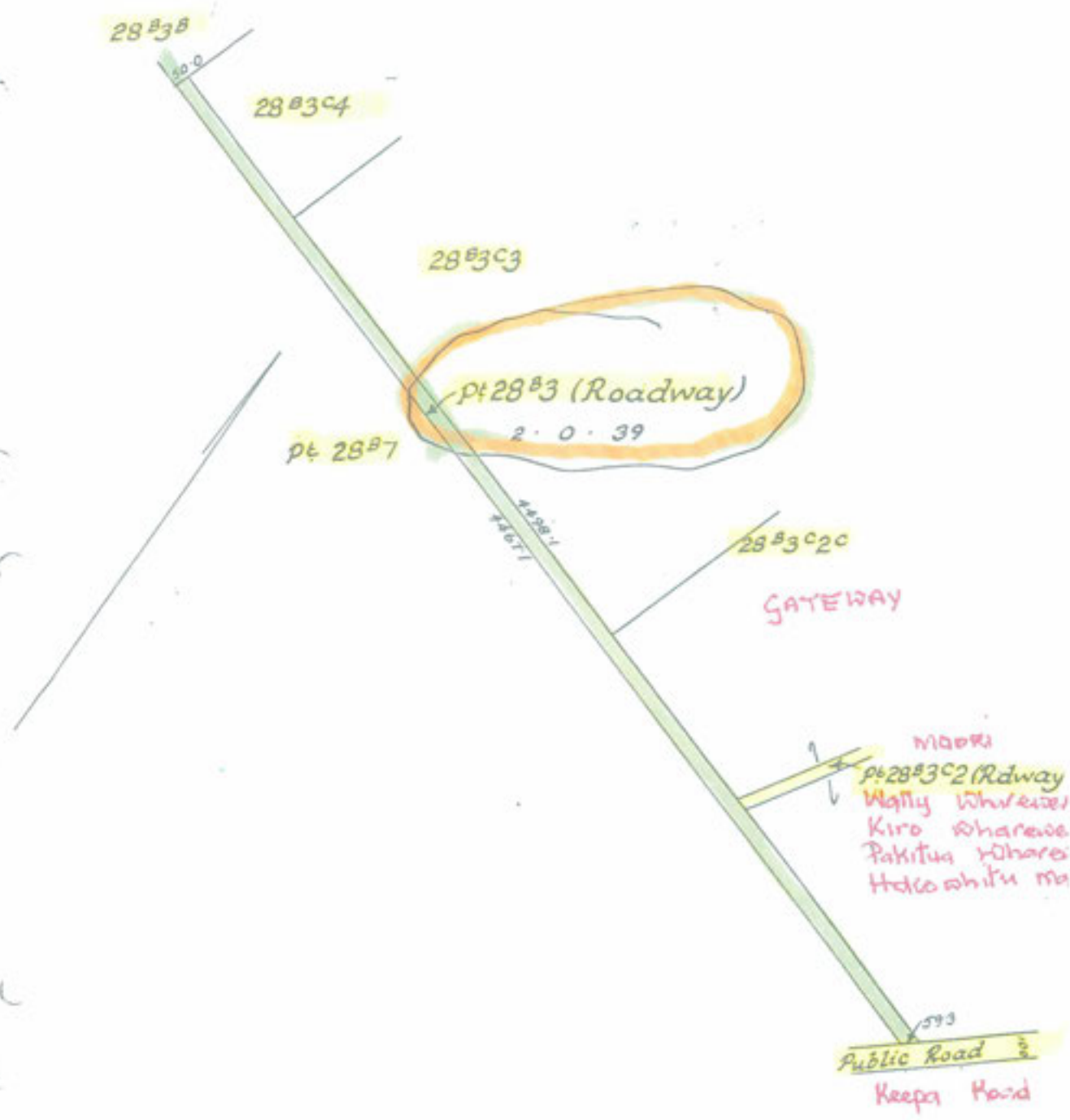
Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
<i>Walter Wharewera</i>	<i>M.</i>	<i>1.00000</i>			

Certified correct as at *6 October*

1975

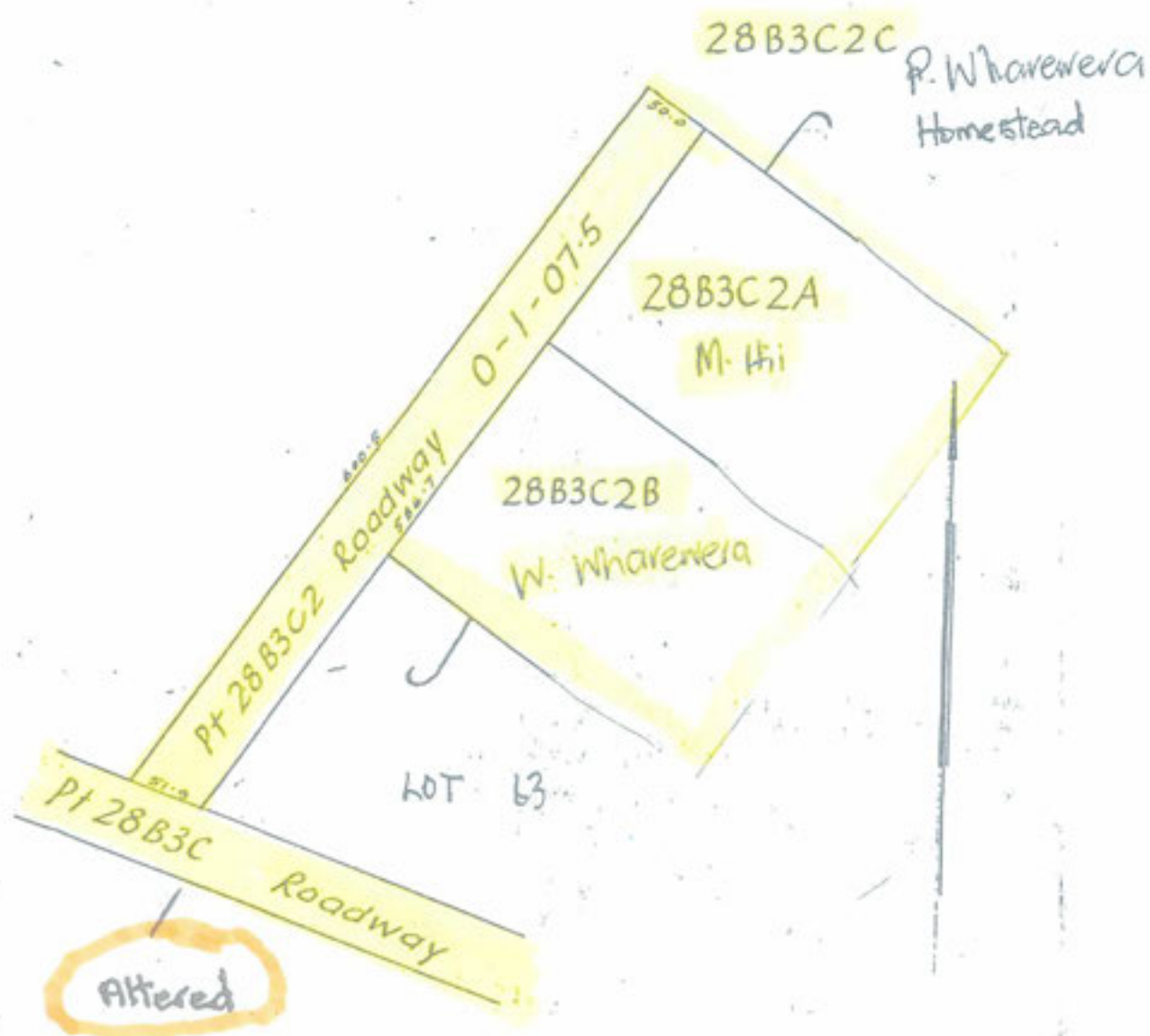
J. King
Solicitor or Agent.

Block 1 Whakatane S.D
Whakatane County.



pt 28^B3 (Roadway) Rangitaiki Parish

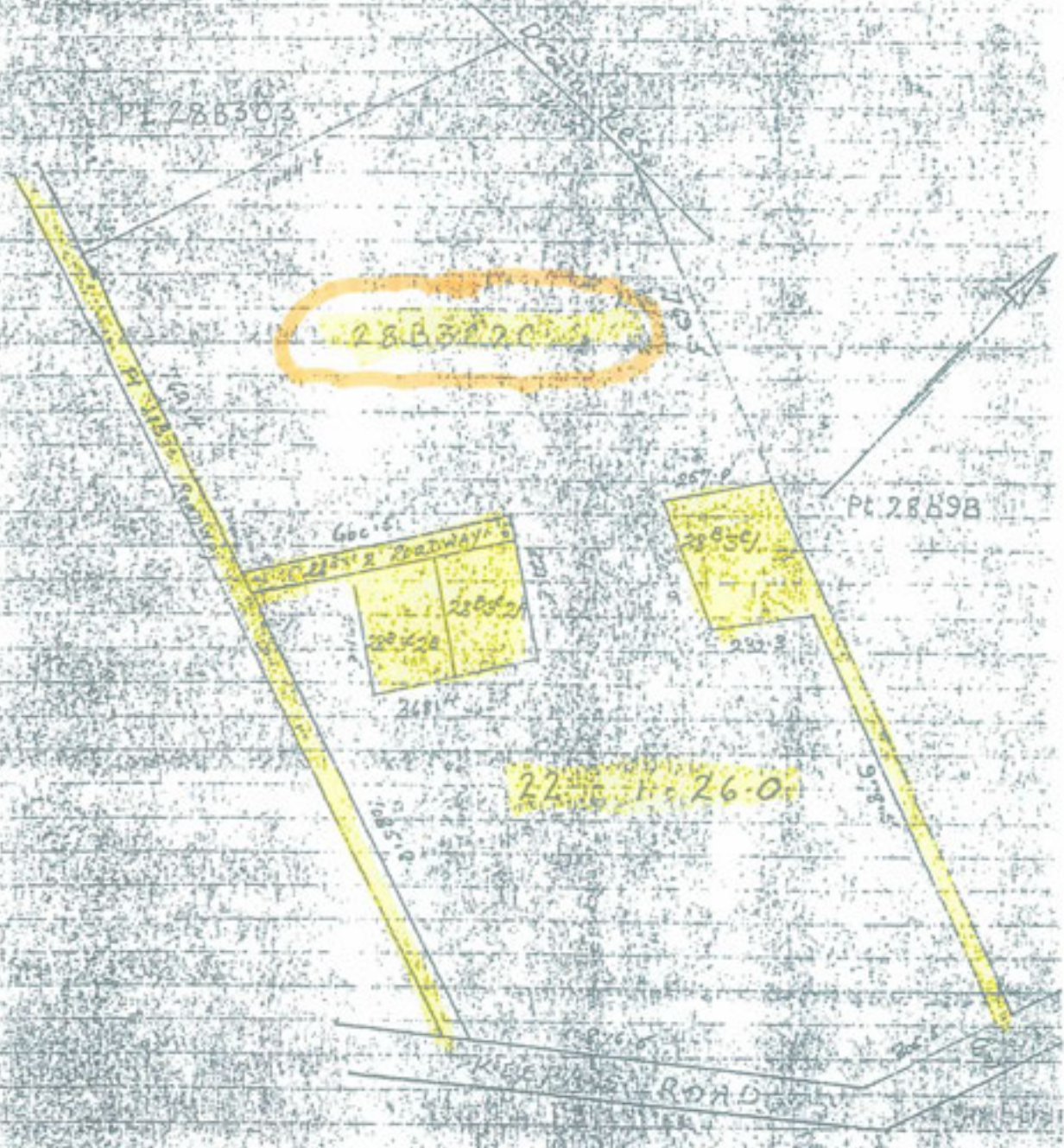
Scale	5 chains	to an Inch	
M.L.	11820		
Dist.	41	Ext.	2



Pt 28B3C2 Parish of Rangitaiki
Roadway



75
 100 100 100
 100 100 100
 Scale. 1 inch to an Inch
 N.L. 19316



288303 Parish of Rangitiki

J. King
1/11/75

SCALE 3 chains to an inch
1/11/75

WAIKATANE COUNTY

WHA KATANE



10 Feb 1965
 Area of Block
 22-1-26.0
 Offer
 Homestead
 Partitioned 1950

ERRORS !
 28B3C2C BLOCK
 and
 Pt 28B3C
 Roadway
 Pt 28B3C2 Roadway

Refer: Partition Order
 Te Pakitua Wharewera

22 Acres 1 rood 26 perches

28B3C2C Parish of Rangitiki



745
 19 FEB 1965

Scale 3 chains to an inch
 H.L. 19316
 S. P. K.

SEE MAPS
13046 / 27/11/1922

No Access into 28B3C2C
OR LOT 1 DPS 18658
Known As Homestead
from Keeps Road.

Note! Only (One)

Maori Roadway
At 28B3C2
which was the
Only Access into
above Block.

10 metre Gap
shown

See or Refer to
Map S P 353
The start of Alterations
Such As

28B3C2C
Parish of Rangitiki
Residential Area
4340 m²

instead of 4768 sq Metres
Main Roadway 28B3 to 28B3C

10 metre strip
Taken, Maori
Boundary
Moved

Altered Residential
Homestead
0.4730 m²
From

Residential Area 4750 m²
Industrial Area 5910 ha.
Total Area 10700 ha.

Altered Maori
Roadway from
28B3 to 28B3C

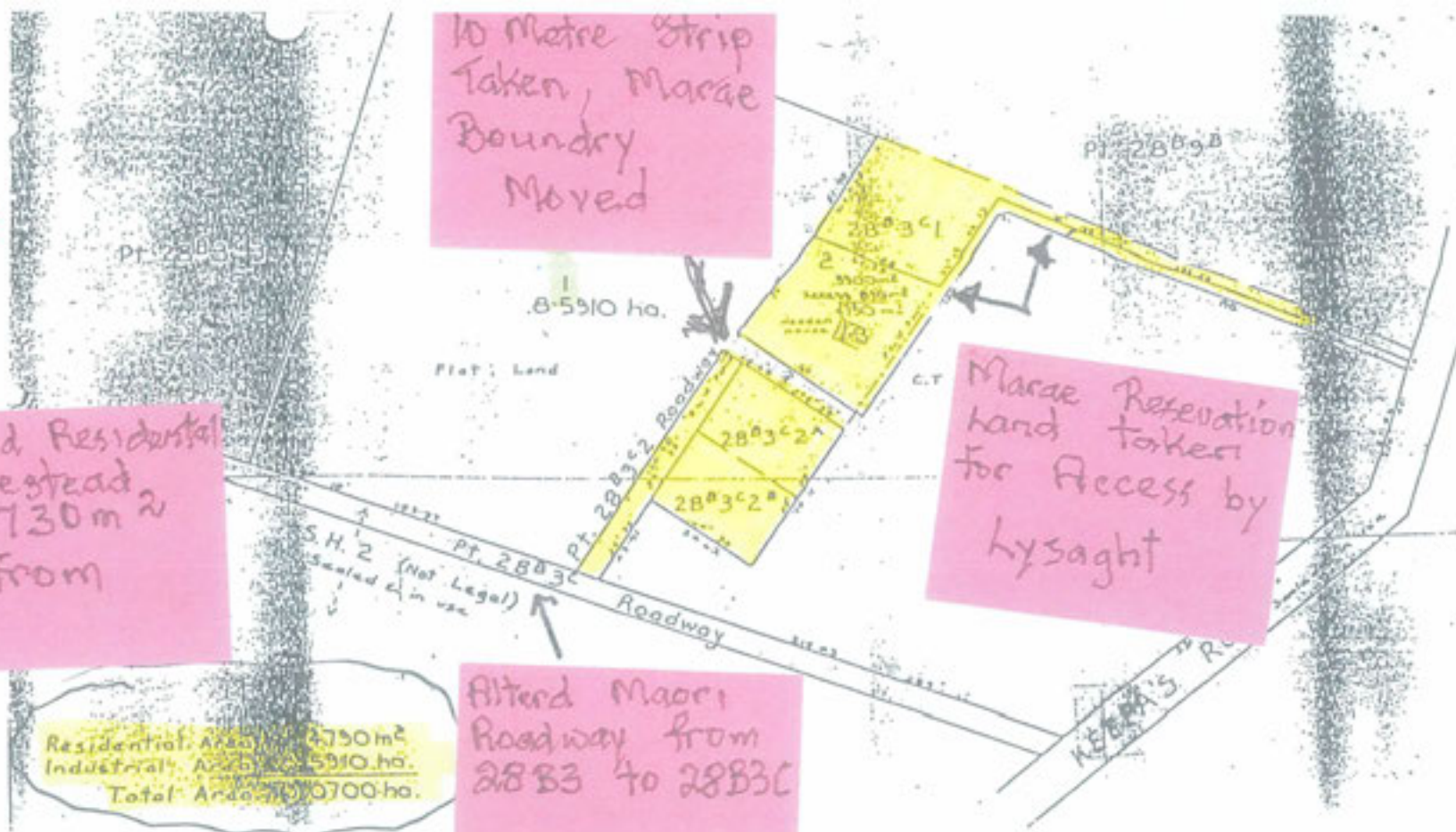
Maori Reservation
land taken
for Access by
Lysaght

LOTS 1,2,3 BEING PROPOSED SUBDIVISION OF
ALLOT. 28B3C2C PARISH OF RANGITAIKI.

Altered 28B3C2
Original Block
To
28B3C2C

Comprises - C.T. 10/3/0
SURVEY OF TRUST & S. 304 BLK. 1 WHAKATANE S.D.
LAND DISTRICT SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY
FILE 11500 JOHN R. RAINFORD JULY 1975

APPROVED
JANE
PROPOSED TO THE
County Council, and
the Councils of the
Districts of Rangitiki
and Whakarewa
Districts of Rangitiki
and Whakarewa
Districts of Rangitiki
and Whakarewa



Industria Area
8.5910 ha
Total Block Area
for lot 1 & lot 3
strip Area Taken out

4.25 ha.

8.5910 ha.

Flat Land

C.T. 157, 210

Flat Lowland

4.38 ha

S.H. 2 (Not Legal)
Sealed & in use

PT. 28B3C2
Roadway

ROAD

Residential Area 4790m²
Industrial Area 85910 ha
Total Area 90700 ha.

Refer Map SP353
John R. Rainford
July 1973
No 10metre Strip
Taken Out, and
Now Access into

Homestead Known
as 28B3C2C
gone, A New Access
created into Homestead
by lysath Surveyor
Taking Of Marae Preservation
hand.

No Consent

Residential Area
This Plan: 4790 m²
Map SP 353
Residential Area
4340 m²

Residential Area
Added To
Total, Called
Lot 2.

LOTS 1, 2 & 3 BEING PROPOSED SUBDIVISION OF
ALLOT. 28B3C2, PARISH OF RANGITAIKI.

Comprised in C.T. 157/210
SURVEY DISTRICT of BLOCK BLK. 1 WHAKATANE S.D.
LAND DISTRICT SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY
FILE 1-1500 JOHN R. RAINFORD JULY 1973
John Richard Rainford
prepare
independent

APPROVED
OWNED
Approved by the
County Council and
the Councils of the
Districts of Rangitikei
and Whakatake
subject to the provisions
of the Resource
Management Act

J.R.



Original Maori Roadway 28B3C2 Appears, Extra Maori Roadway as shown on Map 19316 Missing

27 November 1973
Refer Map SP 353
Maori Reservation
land taken by
hysight, Homestead
Now Called Lot 1

APPROVED
S. Johnson
REGISTERED OWNER

The Whakatane County Council pursuant to Section 33 of the Town and Country Planning Act 1953 certifies that the Subdivision shown hereon complies with the operative district scheme and pursuant to a resolution passed on the

27th day of November 1973 approving under Section 34 of the Counties Amendment Act 1961 this survey plan of subdivision, the Common Seal of the Body Corporate of the County of Whakatane be here to affixed in the presence of

J. J. Green — Chairman
J. Johnson — County Clerk



PT 28B 3C 2C
M.L. 13046
M.L. 19316

ML. 20344

KEEPA'S RD.
GAZ 1920 P 2611
Rec. 4964

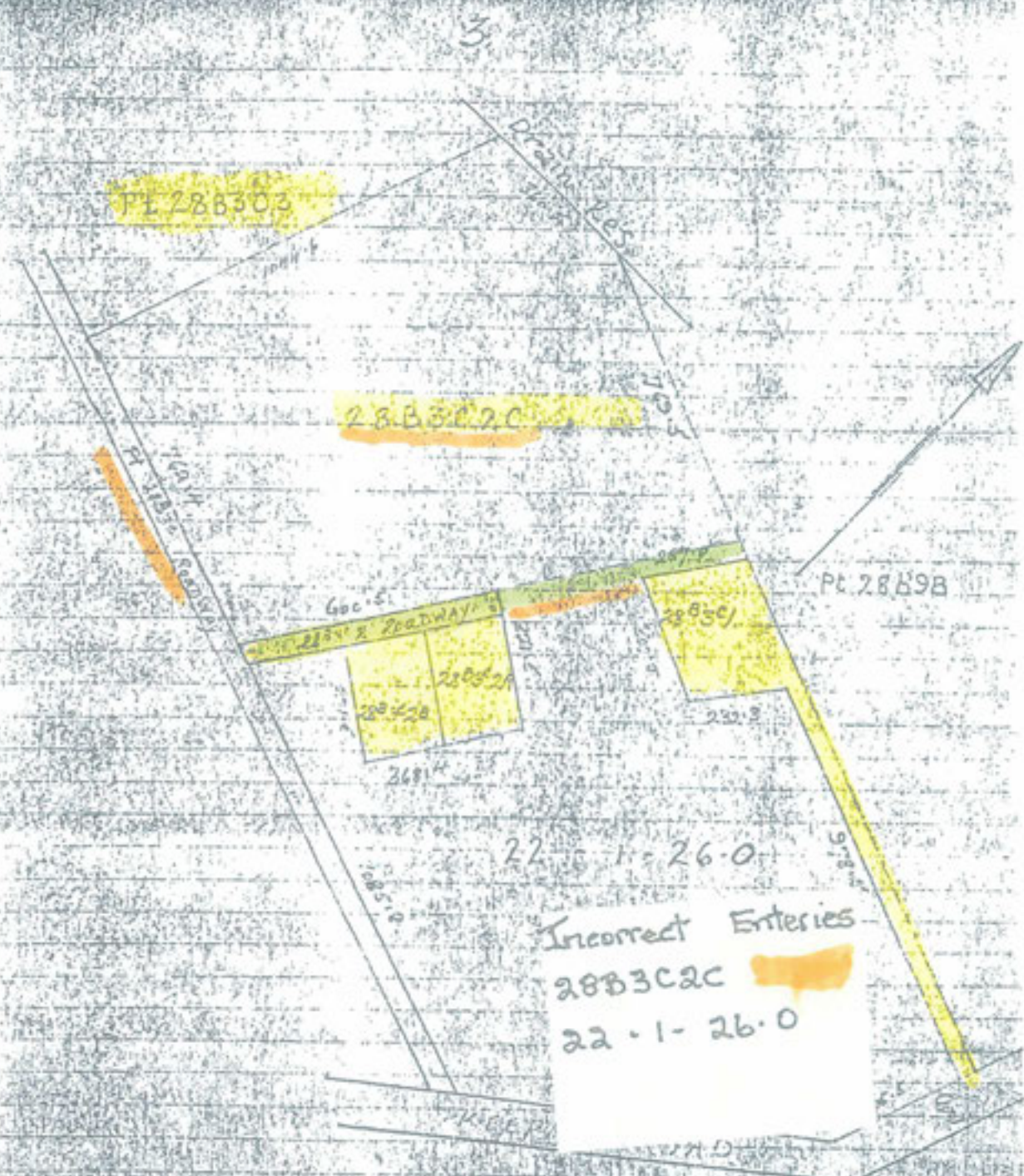
Total Area 4768m²
Comprised in C.T. 15C/310 (Pt)

Michael Alexander Poppell — Surveyor
Registered Surveyor and holder of an annual practicing certificate hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act 1968

Dated at Whakatane this 27th day of November 1973
Witness my hand and seal this 27th day of November 1973
Surveyors M.L. 13046, 19316, 20344, S.O.S. 33080, 45162
Examined DR Burks — Chief Surveyor



Approved as to Survey
John R. Rainford — Chief Surveyor
10.14.174
Deposited this 8th day of May 1974
John R. Rainford — District Land Registrar



28 B302C Parish of Rangitāiki

J. Kingi
1/10/75

SCALE 3 chains to an inch
1:43219216

ERRORS ?
01/10/1975
J. Kingi (Agent)
Maori Roadway
28B302 - 1/2 on
Ian Lysaght Block

28B3C1
ML13046
NO RESTRICTIONS

9
DPS30171

Gateway
Block

* Preparation for the
Taking or other means for
the Extra 10 metres to
Create a Public Road.

1
DPS18658
CT 17A / 993
MAOR: OWNERS

PUBLIC ROAD
FORMED & SEALED

Gate

Gate

Proposed new boundary - to be fenced by
Lysaght Developments

Proposed R.O.W

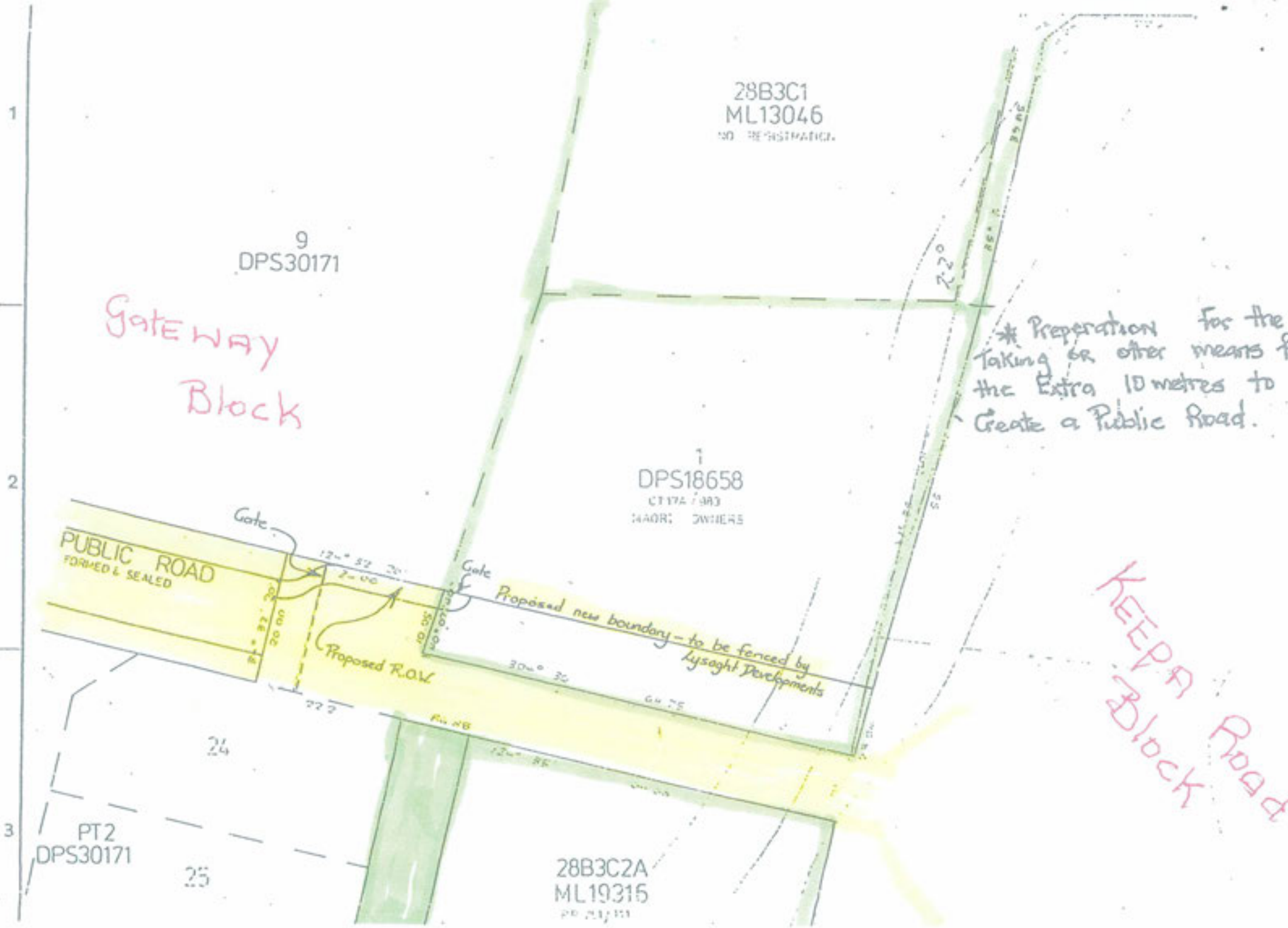
KEEP A
Road
Block

3
PT2
DPS30171

28B3C2A
ML19315
NO RESTRICTIONS

1
2
3

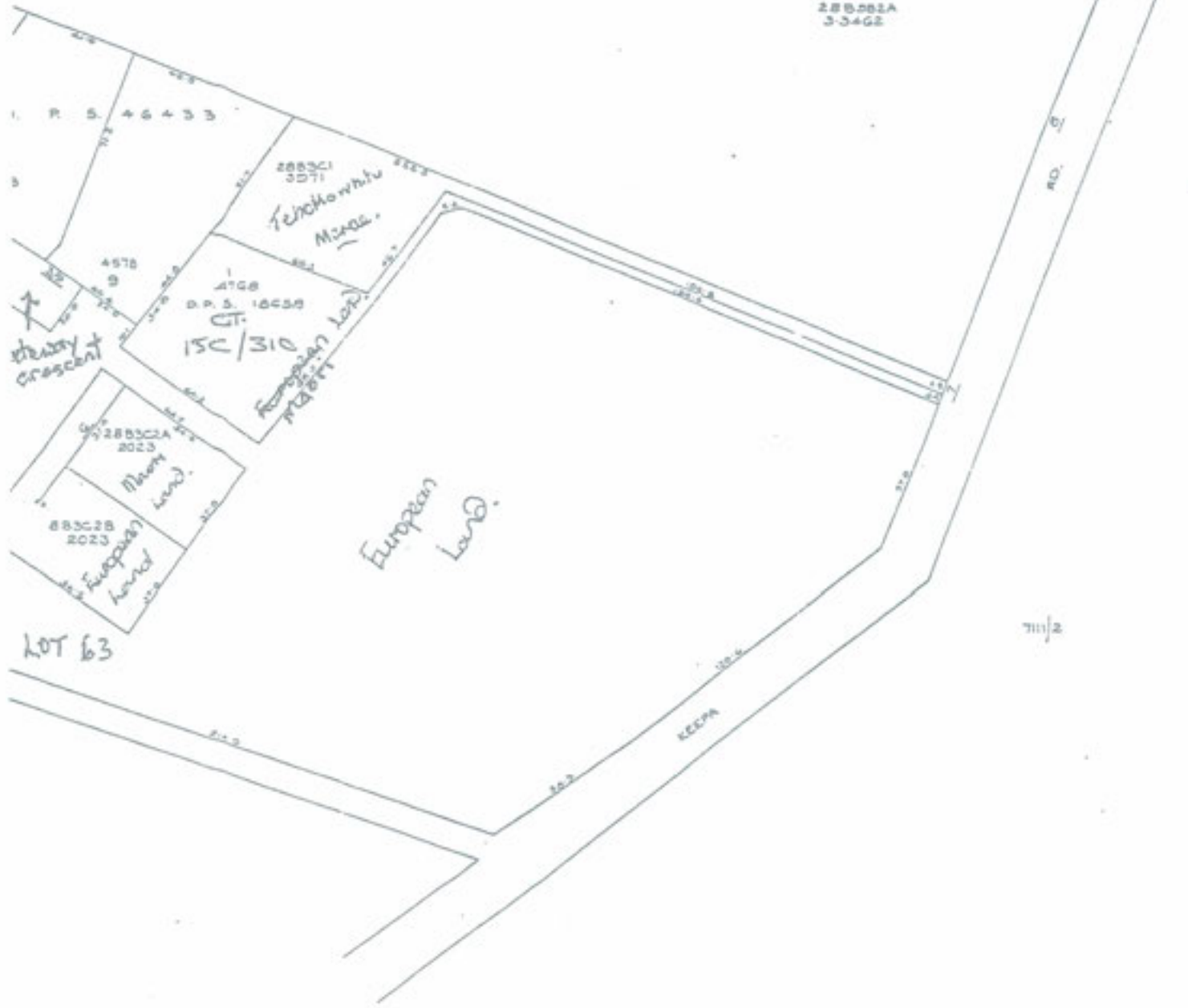
24
25



REVENUE

All distances marked on the map are marked in metres.

288582A
33462







Drain Reserve

Pt. 28B9B

Possible Future Road

Pt. 28B3C3

Industrial Site

28B3C1

(10 ac. 2r. 32p.)
Area to be filled
1 to 2 ft.

Marae

D.M.B. 0650

Pt. 28B3C2C

Proposed Road

Possible Future Road

(10 ac. 2r. 09p.)
Area to be filled
7 to 8 ft.

ROADWAY

28B3C2A

28B3C2B

S.H. No 2

Proposed Road

KEEPA ROAD

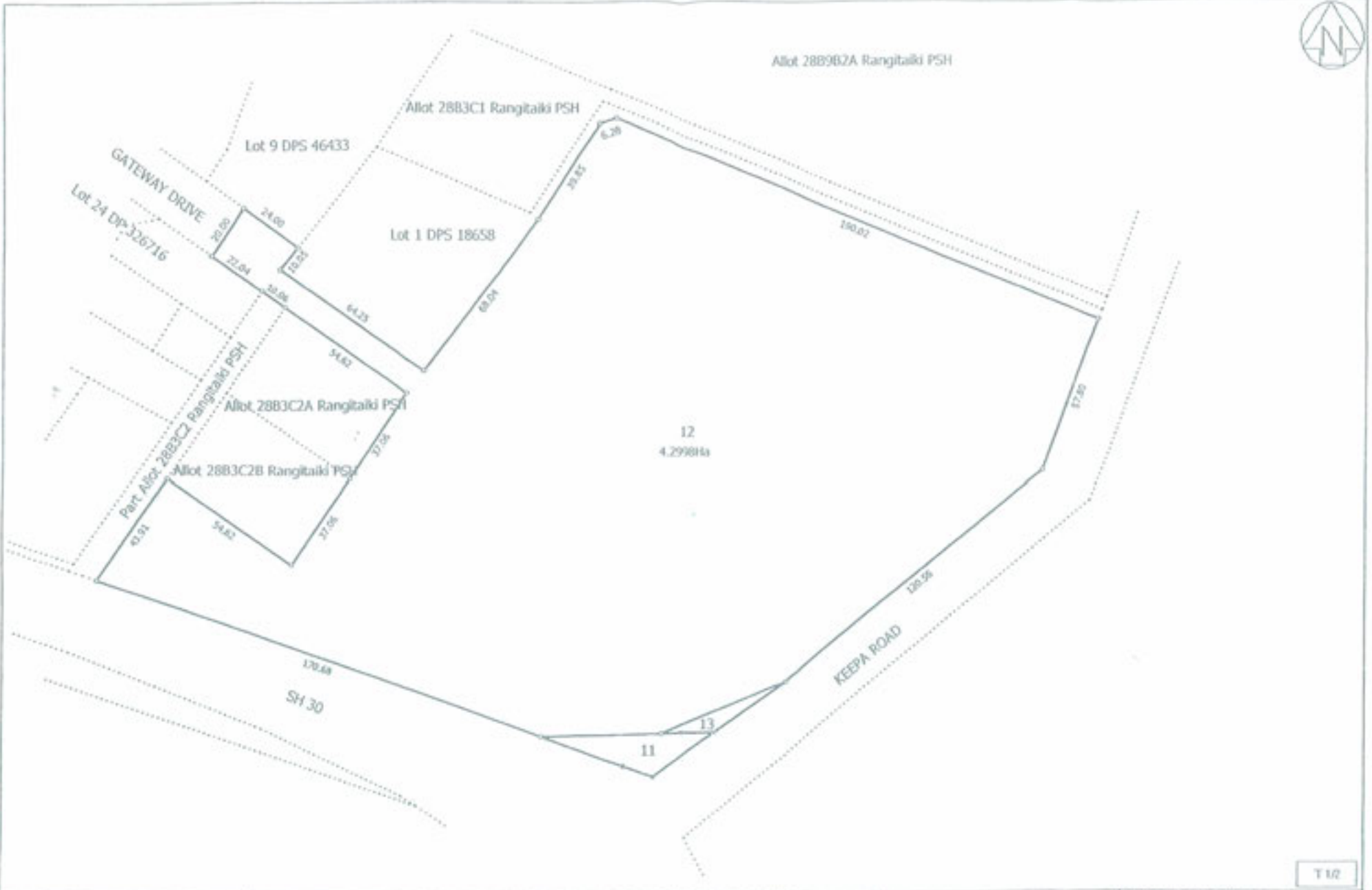
6/2/627

PLAN OF PROPOSED ROADING FOR THE INDUSTRIAL SUBDN. OF PT. ALLOT. 28B3C2C
PANGITAIKI PABIEU

JOHN R. RAINFORD
REGISTERED LAND AND ENGINEERING SURVEYOR
MANGATANGI

SCALE
1:1500
SHEET No.

H4

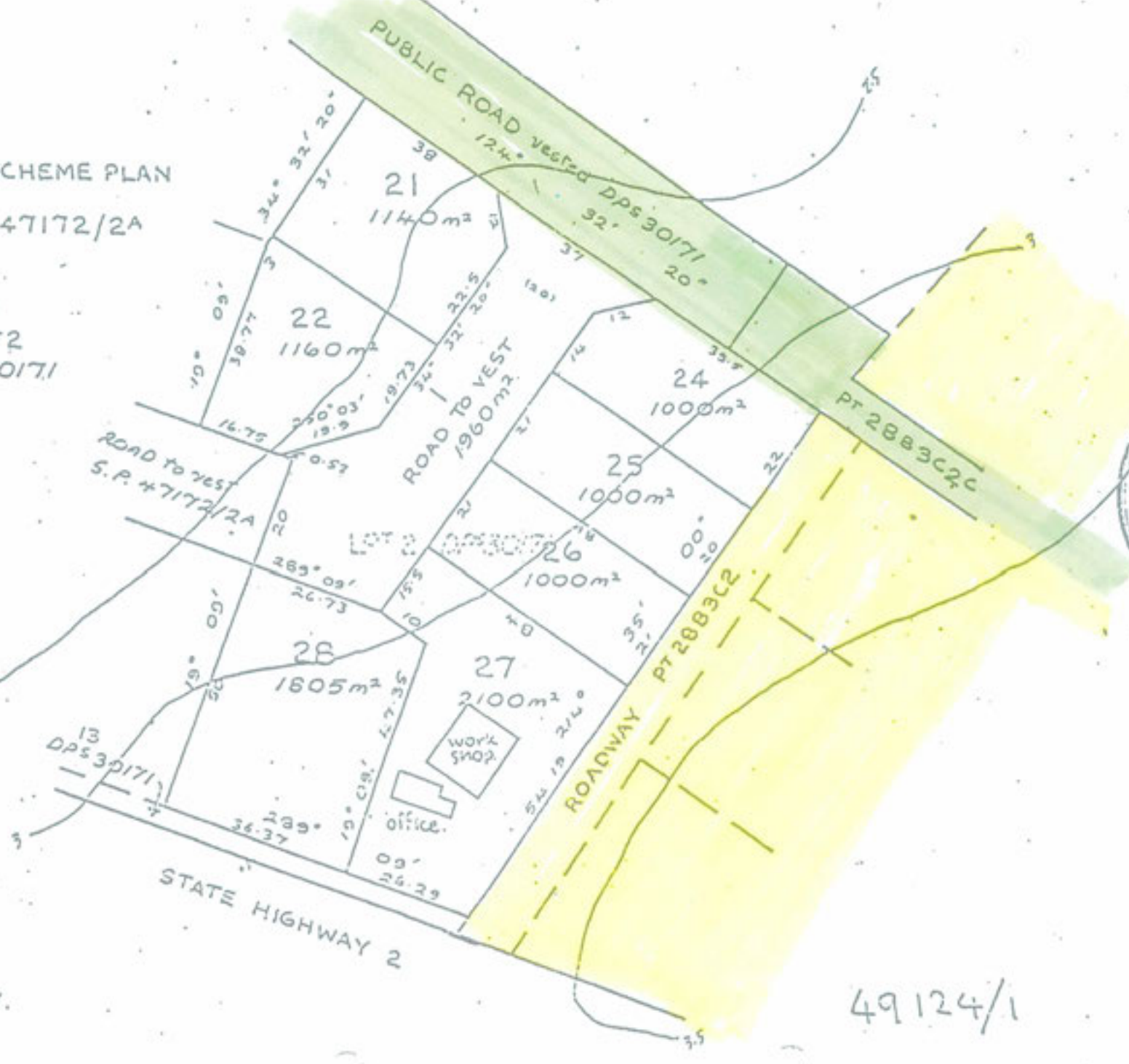


T 1/2

<p>Land District: South Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 29/06/2006 2:53pm Page 2 of 3</p>	<p>LOTS 11-13 BEING A SUBDIVISION OF LOT 34 DP 326716</p>	<p>Surveyor: Duncan Harold Thomson</p> <p>Firm: Harrison Grierson Consultants Ltd (A8)</p>	<p>Digital Title Plan</p> <p>DP372970</p>
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SCHEME PLAN
47172/2A

PT LOT 2
DPS 30171



APPENDIX C
49124/1

49124/1

son
certify
been
to Sec
1974

S SUBJECT TO SURVEY.

TE KŌOTI WHENUA MAORI

MAORI LAND COURT

Memorial Details

Block Name: **Rangitaiki 28B 3 Roadway**

Date	Authority	Minute Book	Description
14/08/1975	-	NZG 66/1804	Gazette 9073 square metres and 0868 square metres taken for Limited Access Road and Road - TN 11749
21/10/1975	73(2) & (3)/1974	63 WHK 26	Appointment of Agents Order appointing agents: John Arthur Crapp for the owners and defining terms of agency.
15/09/1976	-	NZG 96/2485	Gazette Parts 9073 square metres, 868 square metres and 94 square metres declared land taken for Limited Access Road - File 19/186

[Back to block details](#)

This data was last updated on 15.09.2008- Version 2.04

Disclaimer: Although Maori Land Online is updated regularly, the Ministry of Justice cannot guarantee the accuracy of the information provided. To ensure greater accuracy the information needs to be checked against the records held by the Maori Land Court. The accuracy of the Maori Land Court record, is itself, not accompanied by a state guarantee, as are titles registered under the Land Transfer Act. The MLOL is not a legal document but a summary of data.

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TE KŌOTI WHENUA MAORI

 MAORI LAND COURT

Ownership Details

Ownership for block: **Rangitaiki 28B 3 Roadway**
 Reference: 15-JUL-1965 39 WHK 79
 Total Shares: 155.48611
 Land Administrator's trust:
 Administrators:

Page 1 of 1



#	Shareholders:	Gender:	Type:	Shares:
1	Adrian Samuse Te Uara Jaram	M		0.1189
2	Aidan Francis Vivian Stewart	F		0.09678
3	Albert Mate	M		0.05221
4	Alexander Leaer Hona	M		0.081399
5	Anahera Margaret Stewart	F		0.09678
6	Anahera Patara	F		14.79166
7	Aneko Keepa	F		0.02316
8	Ani Himi	F		8
9	Anihera Angel Wharewera	F		0.33818
10	Annette Keita Tawhai	F		0.06331
11	Annette Keita Tawhai	-		0.022554
12	Anthony Horne	M		0.1562
13	Antony Horne	-		0.4383
14	Auhi Moetu	M		0.128975
15	Bonnie Matekoraha Cherrington	F		0.1189
16	Brenda Heeni Hayle	F		0.33818
17	Brian Watson Simpson	M		0.67613
18	Bridget Adrienne Stewart	F		0.09678
19	Carolyn Anne Horne	F		0.146104
20	Carolyn Anne Horne	-		0.03905
21	Cathleen Keepa	-		0.039023
22	Charles Ingram	M		0.1562
23	Charles Wharewera	M		0.772781
24	Charlie Stewart	M		7.72591
25	Charlotte Rawinia Ranapia	F		0.006974
	or Charlotte Rawinia Keepa	F		-
26	Cherry Mihimere Jaram-Thomas	F		0.1189
27	Christopher Keepa	-		0.039022
28	Cora Cable	F		0.04849
29	David Rewiri Hona	M		0.081399
30	David Moetu	M		0.128975
31	Donald William Wright	M		0.154729
32	Doris Taumata Balkin	F		0.03487
33	Edward Desmond Crapp	M		0.25369
34	Edward Joseph Keepa	M		0.03487
35	Edward Te Irimana Wright	M		0.154728
36	Edwards Whanau Trust	-		0.02315
37	Elaine Keepa	-		0.039022

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38	Elizabeth Heretute Winiata	F	0.33818
39	Elizabeth Riripeti Kingi	F	0.080309
40	Elizabeth Davis	F	0.25773
41	Ema Suzanne Murray	F	0.1562
42	Ema Suzanne Murray	-	0.4383
43	Ema Edwards	F	2.02799
44	Emere Florence Williams	F	0.080309
45	Eric Horne	-	0.03905
46	Florence Vera Farrell	F	22.66667
47	Florence Keepa	-	0.039023
48	Frances Jane Babbington	F	0.09678
49	Gabriel Kingi	F	0.05
50	George Hori Hii	M	0.085864
51	Gilbert Heta Mair	M	0.25369
52	Hauraki Keepa	F	0.02317
	or Hauraki Glen (Mrs)	F	-
53	Hekamu Keepa	M	0.31218
54	Helen Wilson	F	0.03921
55	Hoani Keepa II	M	0.02315
56	Hoko Horne	M	0.1562
57	Hoko Horne	-	0.4383
58	Huingamate Fong-Toy Whanau Trust	-	0.25773
59	Ihaia Keepa	M	0.02316
60	Irene Monica Te Aotonga	F	0.09678
61	Isabel Jan Frethey	F	0.085864
62	Isabel Miria Ropiana	F	0.085865
63	Isabella Charmaine Potae	F	0.006974
	or Isabella Charmaine Keepa	F	-
64	Jack Arthur Crapp	M	0.25369
65	Jacob Cable	M	0.04849
66	James Hurinui Keepa	M	0.03487
67	James Wilson	M	0.03921
68	John Maxwell Wright	M	0.154729
69	John Richard Cable	M	0.04849
70	Josephine Margaret Clarke	F	0.080309
71	Kahui Rauhina	F	0.1562
72	Kahui Rauhina	-	0.4383
73	Kaiwhata Moetu	M	0.128975
74	Karauria Keepa	M	0.02315
75	Karsey Marina Mihiterina Turner	F	0.06331
76	Karsey Marina Mihiterina Turner	-	0.022554
77	Keepa Wilson	M	0.03921
78	Laurence John Moana Clark	M	0.67613
79	Lawson Turoa Crapp	M	0.25369
80	Leo Stewart	M	0.67613
81	Mansel Hori Ropiana	M	0.085865
82	Mapera Wilson	F	0.03921
83	Maraea Hona	F	0.20299
84	Marara Storey	F	0.1562
85	Marara Storey	-	0.4383

86	Margaret Matewawe Hahipene Whanau Trust	-		0.02315
87	Margaret Mate	F		0.05221
88	Margaret Wilson	F		0.03921
89	Maria Haruru Keepa	F		0.02315
90	Maria Haruru Smith	F		0.080308
91	Matahou Patara	F		16.125
92	Materangatira Marlon Hern Whanau Trust	-		0.33818
93	Materoa Mereana Ashby	F		0.080309
94	Materoa Mereana Hona	F		0.081399
95	Melse Michael Keepa	M		0.02316
96	Mere Heni Patara	F		22.66667
97	Mere Karaka Keepa	F		0.31218
98	Mereama Keepa	-		0.039023
99	Michael Crapp	M		0.25369
100	Micklani Kiwara Ropiana	M		0.06331
101	Miclanai Kiwara Ropiana	M		0.022555
102	Mihi Keepa	-	Life Interest until Remarriage	0.31218
	┆ Eunice Bonnie Persterer	F	Remainder	0.062436
	┆ Raewyn Edna Moser	F	Remainder	0.062436
	┆ Barry Butler Keepa	M	Remainder	0.062436
	┆ Elizabeth Rangi Peti Pikaahu	F	Remainder	0.062436
	┆ Patricia Williams	F	Remainder	0.062436
103	Mihinui (Faith) Mate	F		0.05221
104	Miria Patara	-	Deceased	8.11133
105	Miriam Maraea Hakarala	F		0.081399
106	Moana Cable	F		0.04849
107	Moana Te Kauru	F		0.04849
108	Ngahua Elaine Stewart	F		0.1562
109	Ngaro Oglvie	F		0.1562
110	Ngaro Oglvie	-		0.4383
111	Norma Hatiana	F		0.04849
	┆ or Norma Moetu Cable	F		-
	┆ or Norma Moetu Pakau	F		-
112	Parekaahu Keepa	-		0.02316
113	Parekura Maxwell	M		0.1562
114	Pauline Christian	-		0.03905
115	Pauline Horne	F		0.146103
116	Pearl Gardiner Hona	F		0.081399
117	Pearly Kate Sullivan	F		0.03487
118	Peepe Wilson	F		0.03921
119	Phillip Pakitua Kingi	M		0.06331
120	Phillip Pakitua Kingi	M		0.016999
121	Phillip Fraser	-		0.67613
122	Phillip Horne	-	Deceased	0.4383
123	Puhara Gilbert Keepa	M		0.02315
124	Raiha Webb	F		2.02799
125	Rangi Stipch	F		0.31218
	┆ or Rangi Keepa	F		-
126	Rangihuatake John Kingi	M		0.080309
127	Rangirau Clarke	F		0.25773

128	Rapata and Rangioru Clark Whanau Trust	-		0.67613
129	Rapata Ngahua	-	Deceased	2.02799
	or Robert Clark	-	Deceased	-
130	Reneti Keepa	M		0.02315
131	Rewi Miria	M		16
132	Rewi Wilson	M		0.03921
133	Richard Huia Stewart	M		0.09678
134	Richard Mahena Wright	M		0.154728
135	Richard Moremore Keepa	M		0.02316
136	Robert Keepa	M		0.1562
	or Robert Te Karapu Keepa	M		-
137	Rowena Kay Akuhata	F		0.09678
138	Rowland Joseph Crapp	M		0.25369
139	Samuel Tamaiarohi Christopher Horne-Jaram	M		0.1189
140	Sarah Jane Goodrick	-		0.022554
141	Sarah Jane Goodrick	F		0.06331
142	Scala Keepa	-		0.039022
143	Shane Patrick Swales	M		0.59451
144	Shaneen Tumanako Rangirangi	F		0.080309
145	Sidney John Keepa	M		0.03487
146	Sonny Leef	M		0.04849
	or Selwyn Cable	M		-
147	Sophie Titiaho Swanson	F		0.080309
148	Stanley Ikanui Keepa	-		0.006974
149	Stewart Paul Keepa	M		0.006974
150	Tahae Keepa	M		0.31218
151	Tahamanawa Keepa	-		0.039023
152	Tahei and Mereheeni Simpson Whanau Trust	-		0.772781
153	Taipari David Keepa	M		0.03487
154	Tamaiarohe Wharewera	-	Deceased	5.69792
155	Tamarangi Keepa	-		0.039022
156	Tarei Theresa Delamere	F	Life Interest	0.25369
	Mair WHANAU TRUST	-	Remainder	0.25369
157	Tau Moetu	M		0.128975
158	Te Aomihi Horne-Ririnui Whanau Trust	-		0.5945
159	Te Peeti and Walter Wharewera Family Trust	-		0.20299
160	Te Warati Keepa	F		0.02315
161	Teena Kiriaima Kashi Jaram	-		0.1189
162	Theresa Ngawaka Horne	F	Life Interest until Remarriage	0.5945
	or Theresa Ngawaka Tapsell	F	Life Interest until Remarriage	-
	Suzanne Theresa Te Aomihi	F	Remainder	-
	or Suzanne Theresa Stockman	F	Remainder	-
	Tina Mary Ratahi Horne	F	Remainder	-
	Debra Te Reiti Gardiner	F	Remainder	-
	Allan Taikata Tokoiki Horne	M	Remainder	-
	Maria Brenda Horne	F	Remainder	-

	Wayne Waata Horne	M	Remainder	-
	Tangiwal Georgina Horne	F	Remainder	-
	Priscilla Hinerangi Horne	F	Remainder	-
	Gilbert Whenua Riri Horne	M	Remainder	-
	Suzanne Theresa Te Aomihi	F	Remainder	-
	or Suzanne Theresa Stockman	F	Remainder	-
	Tina Mary Ratahi Horne	F	Remainder	-
	Debra Te Reiti Gardiner	F	Remainder	-
	Allan Taikata Tokoihi Horne	M	Remainder	-
	Maria Brenda Horne	F	Remainder	-
	Wayne Waata Horne	M	Remainder	-
	Tangiwal Georgina Horne	F	Remainder	-
	Priscilla Hinerangi Horne	F	Remainder	-
	Gilbert Whenuariri Horne	M	Remainder	-
	Suzanne Theresa Te Aomihi	F	Remainder	-
	or Suzanne Theresa Stockman	F	Remainder	-
	Tina Mary Ratahi Horne	F	Remainder	-
	Debra Te Reiti Gardiner	F	Remainder	-
	Allan Taikata Tokoihi Horne	M	Remainder	-
	Maria Brenda Horne	F	Remainder	-
	Wayne Waata Horne	M	Remainder	-
	Tangiwal Georgina Horne	F	Remainder	-
	Priscilla Hinerangi Horne	F	Remainder	-
	Gilbert Whenuariri Horne	M	Remainder	-
163	Thomas (Tame) Mate	M		0.05221
164	Tinatoka me Rangituroa Riini Whanau Trust	-		0.25369
165	Tuhi Mate	M		0.05221
166	Tui Norma Horne	F		0.1562
167	Turei Moetu	M		0.128975
168	Tutu Maxwell	M		0.1562
169	Vanessa Rosalie Jane Millar	F		0.006974
	or Vanessa Rosalie Jane Keepa	F		-
170	Violet Maddigan	F		0.05221
171	Walter Wharewera	M		0.569791
172	Walter Wilson	M		0.03921
173	Wendy Carol Matekoraha Main	F		0.154729
174	Wendy Edwardson	F		0.128975
175	Whalora Ivy Hona	F		0.081399
176	Wilfred Ingram	M		0.1562
177	William Joseph Horne	M		0.146103
178	William Takaratua Hona	M		0.081399
179	William Ropiana	M		0.085865
180	William Wharewera	M		0.772781
181	Willie Rawiri Wharewera	M		0.33818
182	William Joseph Horne	-		0.03905
183	Willoughby Horne	M		0.1562

184	Willoughby Horne	-	0.4383
185	Wynyard Tamarangi Keepa	M	0.03487
Total Shares:			155.48611

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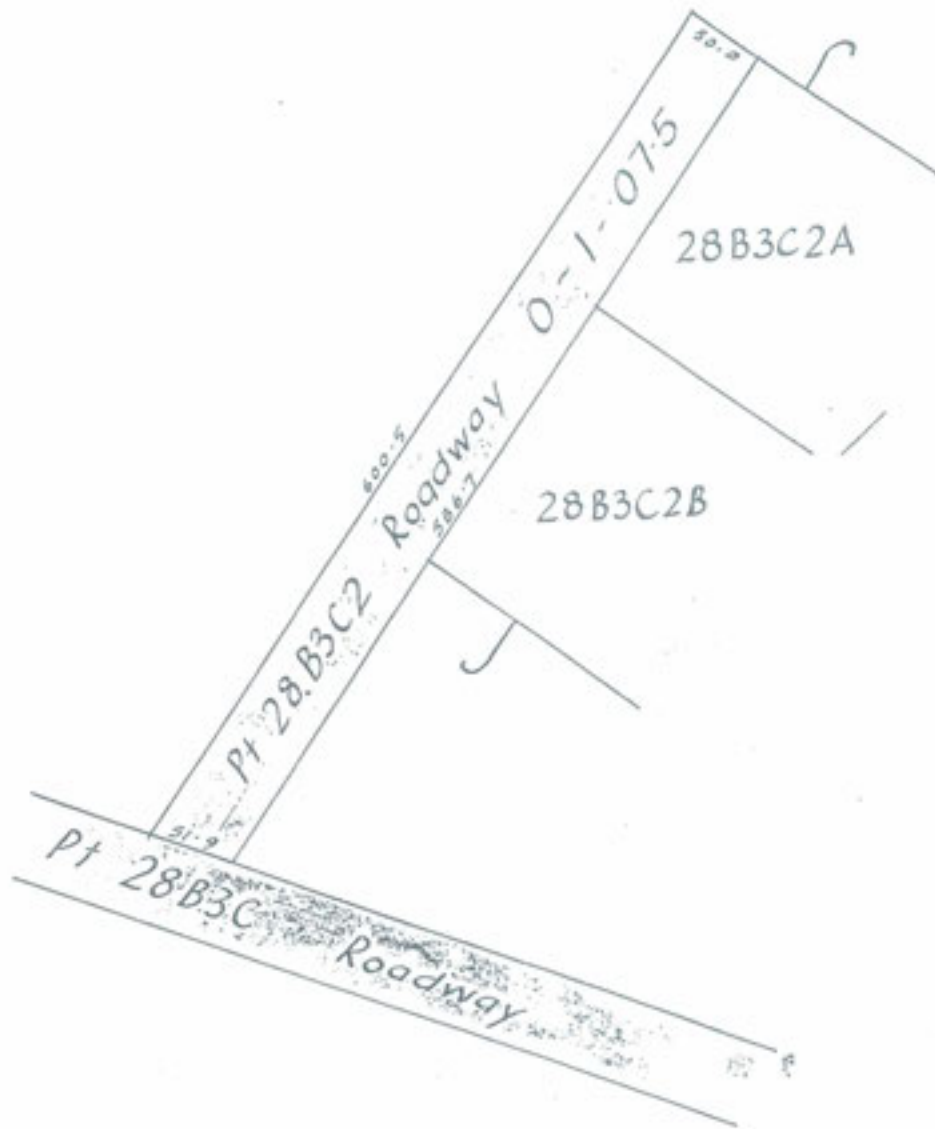
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WHA KATANE COUNTY

1 WHA KATANE

28B3C2C



Pt 28B3C2 Parish of Rangitaiki
Roadway.



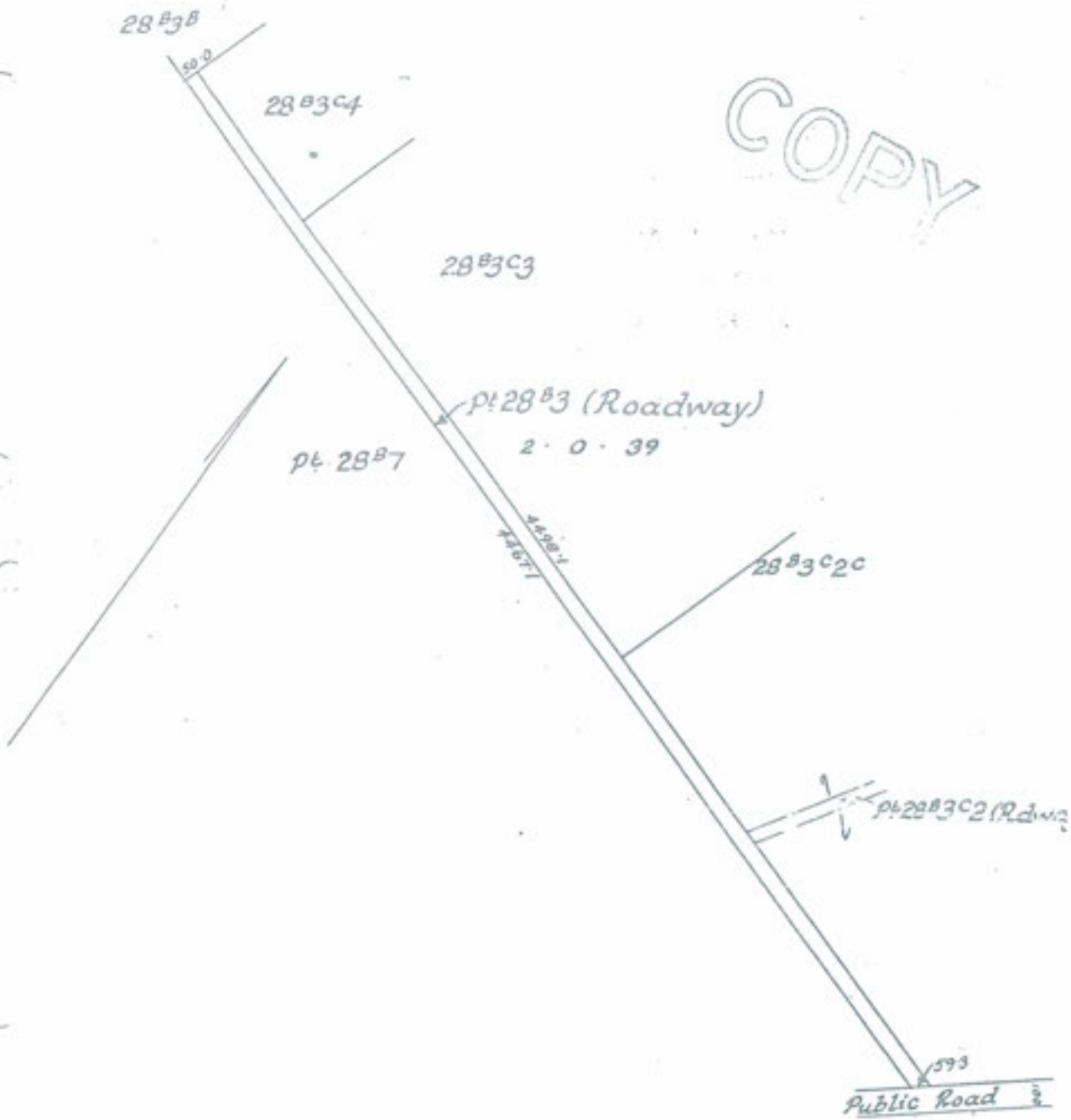
215.

C/T 628/18

Scale	1 chain	to an Inch
N.L.	19316	
alt:	S	Ext: K

South Auckland Land District
Block 1 Whakatane S.D.
Whakatane County.

COPY



Pt 28^B3 (Roadway) Rangitaiki Parish

Scale 5 chains to an Inch
H.L. 11820
Sgt. #. Ext. #.



PO Box 650 WANGANUI
Tel: 58 449

Judge's Chambers,

5 June 1990

MEMORANDUM

I W & A J LYSHT v WHAKATANE DISTRICT COUNCIL

I require further assistance from the parties because, as I feared, the matter has now become totally confused as a result of a welter of irrelevant evidence being placed before me, coupled with a lack of factual evidence which is of relevance.

At the end of the hearing, I asked that copies of the titles be placed before me in order that I might ascertain precisely the legal situation in relation to the roadway shown on the proposed subdivision, being Part 28B3C2. This is a road line not yet proclaimed a public road created by order of the Maori Land Court of New Zealand, Waiariki District, on 17 May 1950. The order of the Court shows it linking to a roadway shown as Part 28B3C which does not appear at that stage to be a public road.

The title which has been sent to me is recorded as Volume 628 Folio 18 South Registry, but it is difficult to ascertain from this title where the limited access highway fits.

The letter from the District Land Registrar gives some simple facts which I should have been told, and the Tribunal as a whole should have been told, at the date of the original hearing of this matter. That is that the road line order is unlimited as to user and such a road is a private road in terms of Section 416 of the Maori Affairs Act 1953, not a private way as I previously thought to be the case. Such a road is a road for the purposes of subdivision in terms of Section 321(1) of the Local Government Act 1974. Thus subdivision is permitted on to that road, and presumably once the subdivision is effected, those with the unlimited user rights can enter upon the land laid out as roadway and from thence, gain access to the limited access highway. Section 416 of the Maori Affairs Act 1953 confers on all persons, and we presume that means the public, the

same rights of user as if it were a public road. However, I note from the letter sent by the District Land Registrar and from the search copy of the title, that the Court Order to which I have referred, declaring part to be set apart as a road line, was not lodged until the date of the letter, ie after I requested a title search, namely 25 May 1990.

What the effect of that is I do not know, because there are various provisions in the Maori Affairs Act 1953 relating to the laying out of such a road line in relation to limited access roads. I do not know whether the omission to register prior to the creation of the limited access highway has any effect upon the public user rights of the private road, and the ability of those public users to gain access to the State Highway. I am not prepared to determine that issue without hearing argument.

The second issue which immediately arises, is whether the Council have any power to require dedication of the private road, whether it is of sufficient width to support a subdivision in terms of the District Scheme, and whether the Council can require formation and servicing if it is to be used as part of a subdivision.

Again I am not prepared to research the matter myself and require submissions addressed to me in that regard.

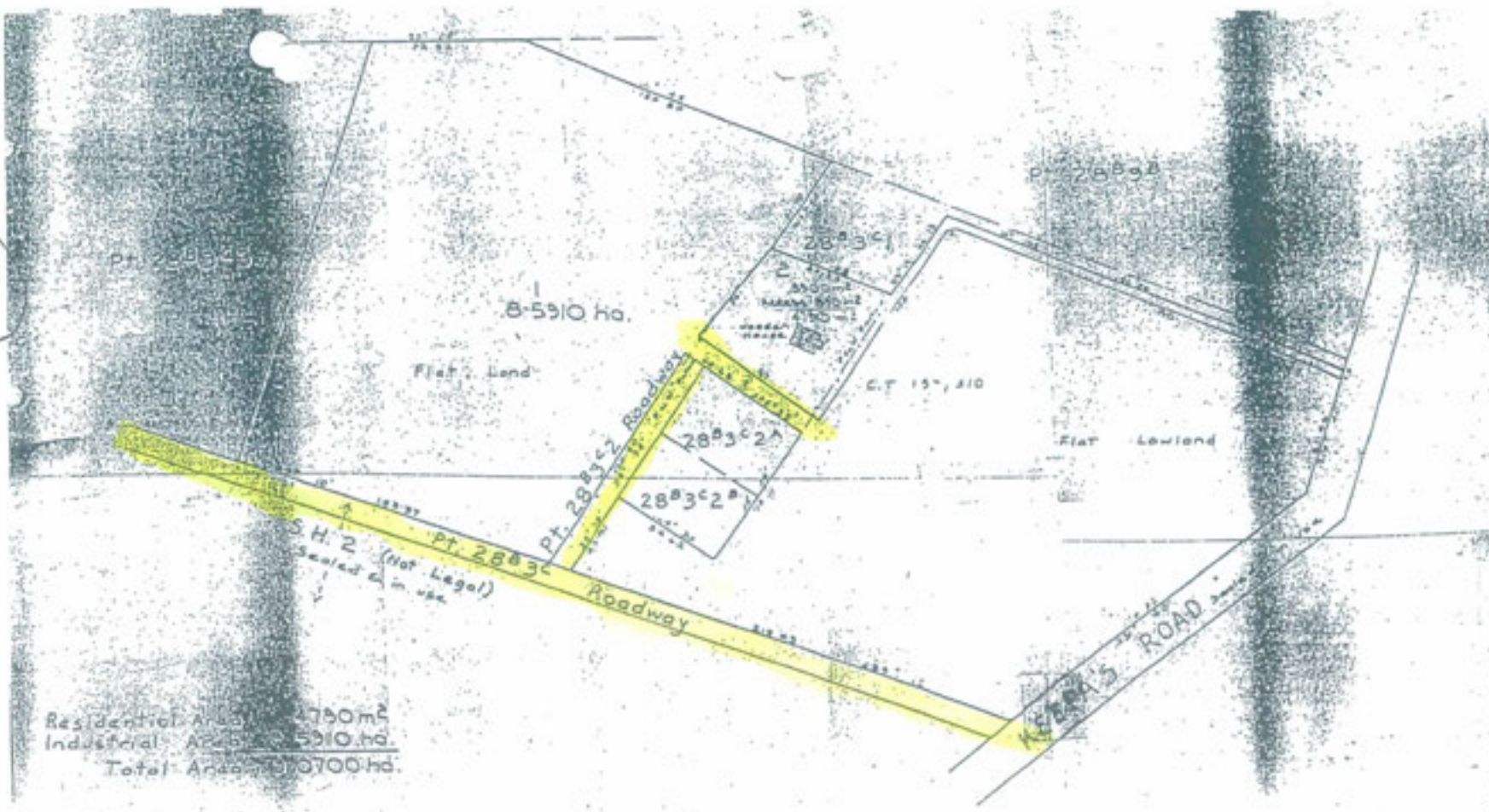
The matter therefore stands adjourned until all parties have had the chance to make submissions to me. Although not for me to advise the appellant, I again bring to his notice that he is in extremely complex legal territory and that I am not prepared to act as his legal adviser. If he chooses to leave me bereft of essential factual information, or to unintentionally mislead me, then it is his operation which will suffer, should a decision be made on incorrect facts.

Dated this 2nd day of June 1990.



[Handwritten signature]
Planning Judge

4



Residential Area 1750m²
 Industrial Area 8.5910 ha.
 Total Area 10.0700 ha.

LOTS 1, 2 & 3 BEING PROPOSED SUBDIVISION OF
 ALLOT. 28^B3^C2^C, PARISH OF RANGITAIKI.

Comprised in C.T. 15/310
 SURVEY DISTRICT of BLOCK 1, WHAKATANE S.D.
 LAND DISTRICT of SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY.
 CASE 141500 JOHN R. RAINFORD JULY 1975
 John Richard Rainford
 Registrar

APPROVED
 OWNER
 Approved by the
 County Council and
 the Counties Association
 of New Zealand
 on 25th July 1975
 subject to the provisions of
 Section 224

Tom
 H.I.

2. Following these investigations proposals were submitted towards the end of August last year.
3. In laying out the proposed extension they had in mind the improved access which would result when the new bridge was built and the possibility of a new station being built on Marshall's Road.
4. Even though there may be difficulties in establishing a new Railway Station, it is considered that the heavy industrial area could still be established and provision made for a possible future station.
5. The roading layout proposed is such that pressure for sub-division and building development within the industrial area is not likely to take place in a position which would conflict with future rail sidings and station.
- * There are a number of existing houses within the proposed industrial zone and while these would be non-conforming they may not be seriously affected by industrial development.
7. Certain areas surrounding the proposed industrial zone are low lying and subject to flooding in wet weather, but the zone itself is reasonably well drained and suitable for building development.
8. As they have no particulars of the siting of the proposed depot for the carrying company mentioned, they cannot comment on the proposal in relation to the proposed zone shown.

RESOLVED: That this be referred to Council)

(4) MUSEUM FINANCE (20/10)
Auckland Institute and Museum (26th July, 1963)

Forwarding two copies of the Auckland War Memorial Museum Maintenance Bill 1963, to be presented to Parliament during the present session.

It includes as statutory contributors the present twenty-five metropolitan contributing authorities and only those provincial authorities, twenty-five in number, which have agreed to inclusion.

In the first Schedule of the Museum Maintenance Bill, not in the Second Schedule, Whakatane County has been printed instead of Whakatane Borough Council. This misprint has been corrected by the Museum's Solicitors with the Clerk of the House of Representatives. The Whakatane Borough Council and the Member of Parliament for the district have also been advised.

NOTED

(5) FIRE PROTECTION VICINITY WHAKATANE (19/16)
Whakatane Fire Board (2nd July, 1963)

Stating that with the construction of the new bridge across the Whakatane River adjacent to the Whakatane Board Mills, there is a need for a revision of the Agreement between the County Council and the Fire Board for fire protection within the area of the County Council. The Fire Board is making preliminary investigations and any suggestions which the Board and Officers may make will be conveyed to the Council.

PRESENT: Councillors W.D.M. Steel (Chairman), D.C. Butler, D.T. Allan, J.W. Gow, G.P.M. Whitham and Rev. W. Rangī.

MINUTES: "That the Minutes of the previous meeting of the Finance and General Purposes Committee held on the 17th July, 1963, copies of which have been circulated, be taken as read and confirmed."

CORRESPONDENCE

OUTWARD "That outward correspondence be approved"

INWARD

(1a) FORT GALATEA HISTORIC RESERVE. (19/7)
National Historic Places Trust. (1st August 1963)

Acknowledging Council's letter of 30th July, advising that the Council has been informed that the Minister of Lands has approved of the Reserve to be known as the Fort Galatea Historic Reserve and stating that it is the intention of members of the Whakatane & District Historical Society to visit Murupara shortly in order to meet interested persons, and, if possible, the Riding member of the Council on the spot, in order to view the Reserve and submit any recommendations thought necessary.

NOTED

(1b) COMMISSIONER OF CROWN LANDS, HAMILTON (19/7)
Commissioner of Crown Lands (24th July, 1963)

Forwarding copy of New Zealand Gazette, 11th July, 1963, No.41 page 949, reserving Sections 9 and 11, Block 5, Galatea Survey District of 17 acres, 3 rods 11 perches, in trust as a Reserve for Historic purposes in the Whakatane County Council.

NOTED

(2) RESIDENTIAL SITES FOR MAORIS (20/5)
Department of Maori Affairs, Rotorua (6th August, 1963)

Stating that the Department has been interested in the possibility of acquiring land in the vicinity of the area mentioned in the Council's letter of 27/6/63, for Maori housing sites. (Board Mills area)

Because the land is privately owned, without the owners consent, progress is exceedingly difficult. As soon as the Department obtains the co-operation of the owners a discussion will be arranged with the Council.

NOTED

(3) ZONING VICINITY WHAKATANE BOARD MILLS (20/4)
Gabites and Beard (17th July, 1963)

Replying to the Council's letter of 2nd July, 1963:-

1. In July of last year they carried out a survey in the vicinity of the Board Mills so as to suggest possible industrial zoning in this Area.

The County Health and Building Inspector reported that the employment of Mr D.I. Rusk for cleaning up the Te Teko dump is no longer necessary now that the dump is being operated under different conditions.

RECOMMENDED: "THAT the employment of Mr D.I. Rusk for clearing the Te Teko Dump be terminated."

3. ✖ ✖ ✖ RATES ON FARM LAND IN INDUSTRIAL ZONE

Messrs A., M.J., and T. Doherty and T. Riini and B. Simpson, waited on the Committee regarding the rates on their properties which are in the vicinity of the Whakatane Board Mills in the area zoned industrial on the Council's Draft District Scheme. Mr Doherty pointed out that the rates on one piece of land which he leases were in 1968/69 \$67.84 but this year are \$565.00. The rates on farm land owned by others of the deputation had increased similarly. It appeared that the valuations had been increased drastically because of the industrial zoning of the land and the rates had increased to such an extent that it was uneconomic to retain the land for rural use. In the circumstances, they asked that the Council declare the locality to be a special area pursuant to Part 5 of the Rating Act 1967 in order to make available relief by postponement of rates on farm land.

Mr Riini asked that the position of postponed rates in the case of leasehold land reverting to the owners during the period before they were written off be clarified.

Having explained their position and answered the questions of the Committee the deputation retired.

RECOMMENDED: ✖ "THAT the Council declare the area comprising the land between Marshalls Road and the Whakatane River from Rangitaiki 295281B (assessment 715/1.50) and the Board Mills Bridge and between Marshalls Road and the Kopeopeo Drain and between Kespa Road and the Whakatane River, such land being zoned industrial on the Council's Draft District Scheme, to be a special area pursuant to Part 5 of the Rating Act 1967."] Could find no information how this was resolved

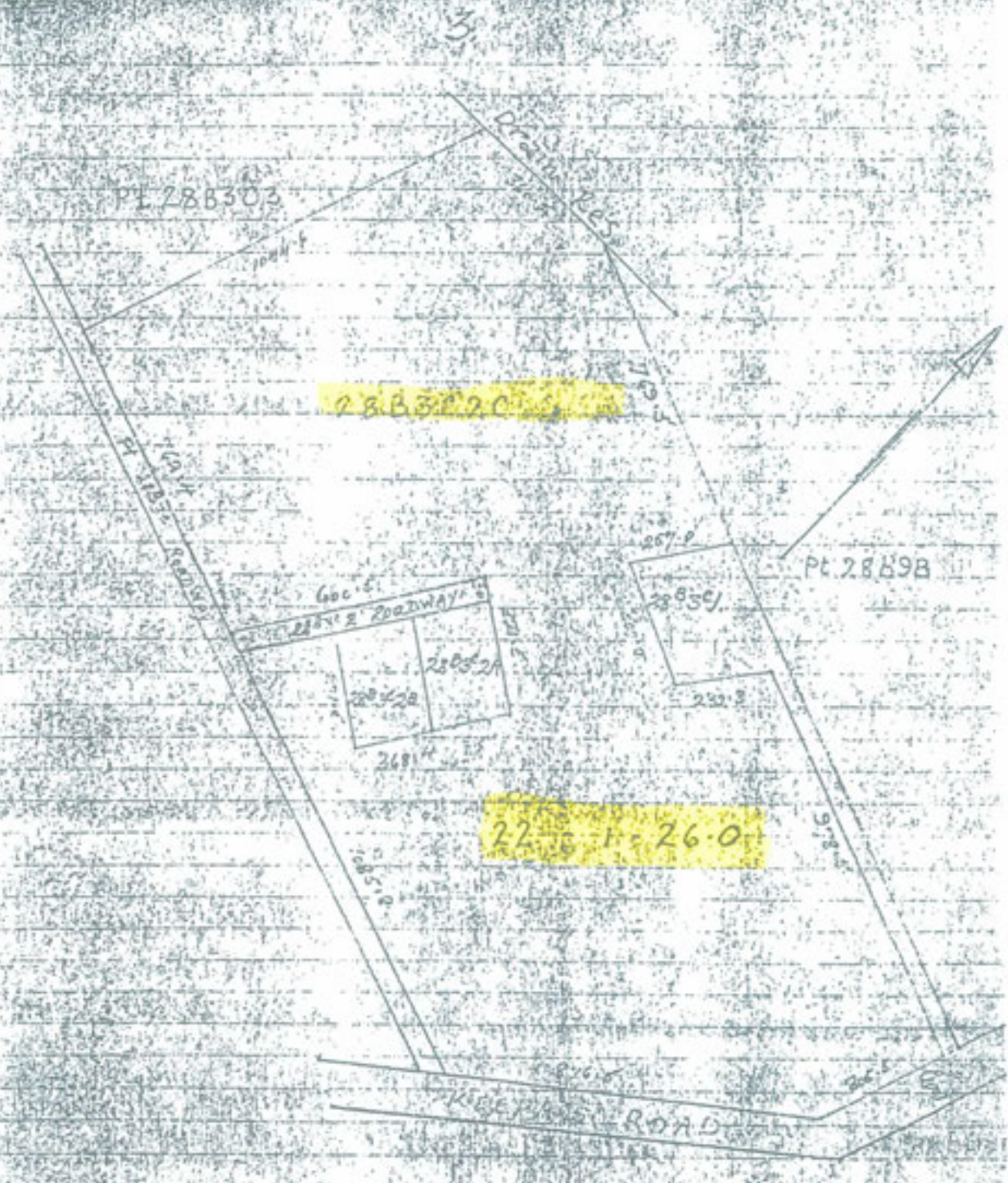
4. CHANGE OF USE APPLICATION - H.B. STOKES

The Committee in its capacity as the Town and Country Planning Committee heard the application of Mr H.B. Stokes for consent pursuant to the provisions of the Town and Country Planning Act to the change of use of his property in Broadmores Subdivision to permit him to erect a packing shed and shop. Mr S. Osborne, Solicitor, appeared on behalf of Mr Stokes.

The application shows that he proposes selling produce grown on the property. The building he proposes using has actually been constructed and is being used for temporary living accommodation and for a packing shed. When he is able to build his house the present premises will be used as a packing shed but there will also be facilities for the sale of produce from the same building. No formal objection has been received to the proposal but the Ministry of Works have commented in writing on the matter of fruit stalls on State Highways generally.

Mr Osborne pointed out that the property is in the middle of a long straight, the applicant is providing a semi-circular driveway with access from the State Highway at each end and that the proposal does not constitute any traffic hazard.

At present the applicant is supplying all his produce to retail outlets and although he is applying for consent to operate a stall on the property for the sale of his produce he has no



2883020 Parish of Kangitaki

SCALE 3 chains to an inch
1.10.1975



22 - 1 - 26 - 0

28 B3C2C Parish of Rangitaiki



255
 HOFFER 1405
 Scale 3 chains to an inch
 No. 19316
 Date: 3 Feb 1931

REVENUE

All distances marked on the map are marked in metres

28B082A
3-3462



\$ 8,000 +

TELEPHONE 6149



WHAKATANE DISTRICT COUNCIL

Our reference S136

Address all letters to
THE GENERAL MANAGER
WHAKATANE DISTRICT COUNCIL
PRIVATE BAG
WHAKATANE

Your reference:

1 December 1980

Dear Sir

re Proposed Subdivision : I W Lysaght

I refer to our recent discussion in my office relating to the proposal by Mr and Mrs Lysaght to subdivide their property on the corner of Keepa Road and State Highway No. 2. As you can see on the concept plan of the subdivision, the proposed internal road leading from the State Highway to Keepa Road passes through a narrow 10m wide between two residential sections. It is clear from the plan that if an additional 10m wide strip was obtained by Council or the Lysaghts, the road could be formed to the normal 20m wide standard. In my opinion, the traffic movement through the subject would be greatly improved if a full width road could be created.

May I suggest that a widened road through the property described as Lot 1 DPS 18658 would also be of benefit to the owners of that Allotment. The property is zoned Industrial 'C' in the Whakatane Borough District Scheme and ideally suited for industrial development. If the road was widened this property could be divided into two or maybe three industrial allotments.

I would very much like the opportunity to discuss this matter with you and the owners of the other properties in the industrial area. Maybe a meeting could be arranged on the site in the near future.

As requested by you, I confirm that the present dwelling on the properties located in the Industrial zone can continue to be used as residential buildings. They can be improved and added to, provided, however, that the market value of the building is not increased by more than 60%. If you require any further information please do not hesitate to contact me.

Yours faithfully

J. W. Mandemaker
PLANNING OFFICER

38

J. D. BUDDLE
P. F. HARVEY, LL.B.
P. THOMSON, LL.B.
D. A. SPARKS, LL.B.

BUDDLE, HARVEY & PARTNERS

BARRISTERS and SOLICITORS

COMMERCE STREET
WHAKATANE
NEW ZEALAND

P.O. BOX 33
TELEPHONE 7129

Your Ref.:

Our Ref.:

PIH/BJD

13th October

19 75

Mr & Mrs. I.W. Lysaght,
11 Frazer Street,
Whakatane.

Dear Mr & Mrs Lysaght,

re: Purchase of Maori Land

In accordance with your instructions we obtained from our Rotorua Agents a search of the road way and in return we have been provided with a very full search, which we enclose, for your information. We have not kept a copy and would be grateful if you will return the enclosures to us in due course. The interesting aspect of the search is the terms of the Roadway Order in that it presupposes that the road will eventually be proclaimed a public road. The persons entitled to the road-way are the owners of Lots 28B 3C 2A, 2B and 2C. It appears to us that if any one of them insisted that the road become a public road the County Council could have no objection, providing that the section owners brought the road up to county standard at their expense. We recommend that you find out from the County Council what their requirements would be for the road to be proclaimed a public road, because, once this happens then any other land having a frontage to the road would be entitled to the benefit.

Our Agent's fee for the search was \$10.00 which we have paid on your behalf and we enclose our account for the reimbursement of it.

The filing fee payable to the Maori Land Court on the Application for Confirmation of the Transfer is \$88.00, according to our calculations. Please let us have your cheque for this sum by return mail. We are also required to obtain a Special Valuation. In view of the value of the land the Valuation fee is likely to be considerable.

Yours faithfully,
BUDDLE, HARVEY & PARTNERS

per: *PI HARVEY*

33

Encl:

- DATE -		
103	RECD	10/16
SER. BLK 1012		

JOHN R. RAINFORD
REGISTERED LAND AND ENGINEERING SURVEYOR

JOHN R. RAINFORD M.N.Z.I.E.
TELEPHONE: OFFICE 7498
RESIDENCE 8328

BANK OF N.Z. BUILDINGS,
THE STRAND,
WHAKATANE.

Our ref. 823

18 September 1973

The County Clerk,
Whakatane County Council,
WHAKATANE.

Dear Sir,

RE LYSAGHT - KEEPA ROAD

Please find attached a further scheme plan of the property owned by Mr. Te Pakitua Wharewera for your council's approval.

Mr. Lysaght is purchasing Lot 1, and Lot 2 is the balance area around Mr. Wharewera's existing house with access to Keepa Road along a 12ft. strip running parallel to the access to the Marae. This proposal will release ~~the~~ Lot 1 for industrial development by Mr. Lysaght. A half chain joining strip between the two large areas was all that Mr. Wharewera would agree to - a chain strip was not acceptable to him. However, other suitable access to the western area should become available either on to the highway or over the Maori Roadway. - Rangitaki 288 Roadway.

We trust this proposal meets with your Council's approval and look forward to your reply.

Yours faithfully,
JOHN R. RAINFORD



REGISTERED SURVEYOR.

Copy SP. to Eng for filing.

- 1945-1946 288 1945-1946

JOHN R. RAINFORD
REGISTERED LAND AND ENGINEERING SURVEYOR

RAINFORD M.N.Z.I.S.
ONE OFFICE 7498
RESIDENCE 8226

BANK OF N.Z BUILDINGS,
THE STRAND,
WHAKATANE.

Our ref. 823

18 September 1973

The County Clerk,
Whakatane County Council,
WHAKATANE.

Dear Sir,

RE LYSAGHT - KEEPA ROAD

Please find attached a further scheme plan of the property owned by Mr. Te Pakitua Wharewera for your council's approval.

Mr. Lysaght is purchasing Lot 1, and Lot 2 is the balance area around Mr. Wharewera's existing house with access to Keepa Road along a 12ft. strip running parallel to the access to the Marae. This proposal will release ~~the~~ Lot 1 for industrial development by Mr. Lysaght. A half chain joining strip between the two large areas was all that Mr. Wharewera would agree to - a chain strip was not acceptable to him. However, other suitable access to the western area should become available either on to the highway or over the Maori Roadway.

We trust this proposal meets with your Council's approval and look forward to your reply.

Yours faithfully,
JOHN R. RAINFORD



REGISTERED SURVEYOR.

BUDDLE, HARVEY & PARTNERS

BARRISTERS and SOLICITORS

COMMERCE STREET

W H A K A T A N E

N E W Z E A L A N D

JOSEPH DIXON BUDDLE
PETER IAN HARVEY, LL.B.
COLIN RODERICK THOMSON, LL.B.

P.O. BOX 43

TELEPHONE 7179

Your Ref.

Our Ref. PIH:KMM

28th September, 1973

The County Clerk
Whakatane County Council,
P.O. Box 244,
WHAKATANE.



Dear Sir,

re: Te Pukitua Wharewera - Town Planning Application

We enclose an Application by the abovenamed for a Specified Departure together with a copy of the proposed Plan of Sub-division and the proposed Public Notice. The Application has been made in the name of Mr. Wharewera because he is still the registered proprietor of the land although there is a signed Agreement for Sale and Purchase with Mr. and Mrs. I. W. Lysaght. This transaction is subject to completion of the survey.

A survey was necessary because Mr. Wharewera would not agree to sell the area upon which his house is built. He is an elderly man who has lived there nearly all his life and because of this we can appreciate his reasons for wishing to retain his house. The house itself is quite old and has a limited life.

The half chain strip of land to the south of Mr. Wharewera's house together with the 12 ft. access strip have been created for the sole purpose of satisfying survey and level requirements as to a road frontage. In fact Mr. Wharewera will continue to use the land as and for an access to his house the roadway laid off by the Maori Land Court. We have checked the Court records and find that from a legal point of view the roadway was laid off only to serve the two housing sections occupied by a son and daughter of Mr. Wharewera. The effect of the Application, if granted, will be to make available for development industrial land close to the town as and when there is a demand for this land. The requirements of people wanting industrial land vary so much that it is impossible at this stage to submit an overall scheme of subdivision of the whole area.

Our immediate concern is to advertise the Application as soon as possible. Please let us know your requirements in this respect and also the names of any persons to whom we should send a copy of the Application and Notice.

Yours faithfully,
BUDDLE, HARVEY & PARTNERS

Per:

Handwritten signature

26th Sept 1973
Elderly Man, would
not agree to sell
Area House On.
House was repaired
1976 onwards, with
Whanau living in
it 200
before Toihau Burn't
t down
ge of Pakitua in
16 Sept 1973

References
Prior C/T 15C/310

Transfer No.
N/C. Order No. S.657734



"J" 6/2/673

Land and Deeds 69

No. 17A/984

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate dated the 8th day of May one thousand nine hundred and seventy-four under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that TE PAKITUA WHAREWERA (m.a.)

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 8.5932 HECTARES more or less being part Allotment 28B3C2C Parish of Rangitaiki



Chimerson
ASSISTANT LAND REGISTRAR.

H037788.1 Transfer to Ian Wallace Lysaght of Whakatane company director and Adrian June Lysaght his wife - 22.5.1975 at 11.31 oc.

H.114012 Gazette Notice taking part within land (104 square metres) for a limited access road entered 14.1.1977 at 9.26 o'clock

H037788.2 ¹⁷¹ MORTGAGED to ^{Palmer} Mr. Stone & Company Limited 21.2.1975 at 11.31 oc. ^{for A.L.R.}
H 872162-1 ^{Palmer} for A.L.R.

H.197980 Mortgage of the residue to The Bay of Plenty Savings Bank produced 18.9.1978 at 11 o'clock H872162-2 ^{for A.L.R.}

H.298925 Mortgage to Bradlands Finance Limited produced 1.11.1980 at 9.31 o'clock H.422772 ^{for A.L.R.}

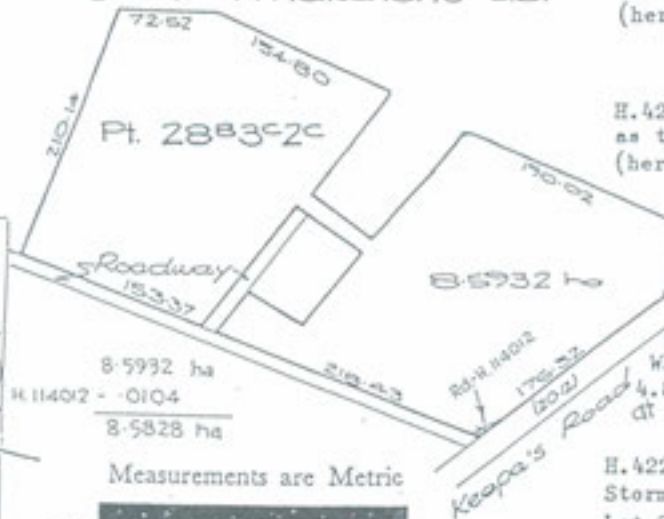
H.422777.1 Discharge of Mortgage H.197980 as to part Lot 1 and Lot 13 Plan S.30171 (herein) produced 4.8.1982 at 9.25 o'clock ^{Williams} A.L.R.

H.422777.5 Discharge of Mortgage H.037788.2 as to part Lot 1 and Lot 13 Plan S.30171 (herein) produced 4.8.1982 at 9.25 o'clock ^{Williams} A.L.R.

H.422777.9 Transfer granting a Sewage and Stormwater easement in gross over the part Lot 6 marked D on Plan S.30171 in favour of the Whakatane District Council produced 4.8.1982 at 9.25 o'clock and entered 26.8.1982 at 10.57 o'clock ^{Williams} A.L.R.

H.422777.10 Transfer granting a Sewage and Stormwater easement in gross over the part Lot 8 marked E on Plan S.30171 in favour of the Whakatane District Council produced 4.8.1982 at 9.25 o'clock and entered 26.8.1982 at 10.57 o'clock ^{Williams} A.L.R.

Blk. 1 Whakatane S.D.



8.5932 ha
H.114012 - 0104
8.5828 ha

Measurements are Metric

ML.1936

No. 17A/984

References

Prior C/T 35A/154

Transfer No.

N/C Order No. B.253355.2



Land and Deeds 69

No. 56 A / 399

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 26th day of January one thousand nine hundred and ninety five under the seal of the District Land Registrar of the Land Registration District of SOUTH AUCKLAND

WITNESSETH that IAN WALLACE LYSAGHT of Whakatane company director and ADRIAN JUNE LYSAGHT his wife are

seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 6.6281 HECTARES more or less situated in Block I Whakatane Survey District being Lot 7 and part Lot 8 on Deposited Plan S.37306



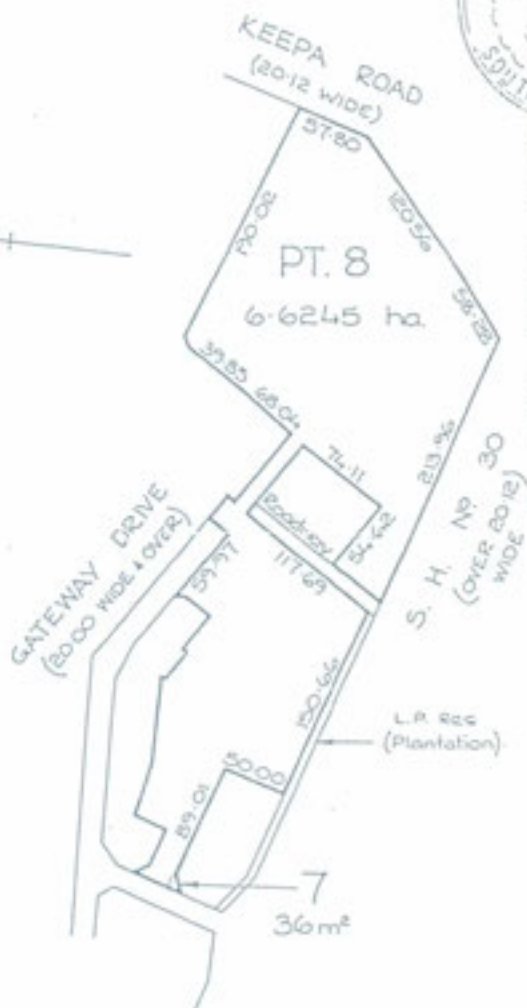
ASSISTANT LAND REGISTRAR

THIS CERTIFICATE IS AFFECTED BY THE FOLLOWING INTERESTS AS AT THE DATE OF ISSUE:

Fencing Agreement contained in H.646195

H.859770 Gazette Notice declaring State Highway No.2 (Pokeno to Wellington) affecting part Lot 8 DPS.37306 to be a limited access road - 16.3.1989 at 1.31 o'clock

B.076550 Statutory Land Charge pursuant to Section 178 Rating Powers Act 1988 - 14.4.1992 at 1.41 o'clock



Total Area: 6.6281 ha.
Measurements are Metric
NB asst.

No. 56 A / 399

JOHN R. RAINFORD
REGISTERED LAND AND ENGINEERING SURVEYOR

J. A. RAINFORD M.H.Z.I.S.
TELEPHONE: OFFICE 7488
RESIDENCE 8224

BANK OF N.Z. BUILDINGS,
THE STRAND,
WHAKATANE.

Our ref. 823

17 July 1973

The County Clerk,
Whakatane County Council,
WHAKATANE.

Dear Sir,

RE LYSAGHT - KEEPA ROAD

Please find attached scheme plan of a property owned by Mr. Te Pakitua Wharewera situated on the corner of Keepa's road and the new state highway just west of the Whakatane river for your council's approval.

Mr. I. Lysaght is purchasing lots 1 and 2 to be developed as industrial sites, with Mr. Wharewera retaining ownership of lot 3 round the existing house.

There is doubt about the legal access to lots 1 and 3 but we are clarifying this with the District Land Registrar and also the Maori Land Court. As you can see from the plan these two lots are dependent on the two roadways created by the Maori Land Court for legal access. Legalisation of the state highway would of course take care of legal access to lot 1.

We trust that this proposal will meet with your council's approval subject to a satisfactory legal access being available, and look forward to your reply.

Yours faithfully,
JOHN R. RAINFORD



REGISTERED SURVEYOR.

JEG:JC
S.P.353

19 July, 1973

The Resident Engineer,
Ministry of Works,
ROTORUA.

Dear Sir,

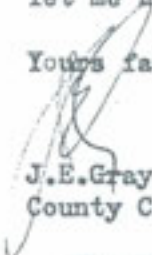
Subdivision of Property of P. Wharewera.

I enclose a copy of a letter from Mr J.R. Rainford, Surveyor, together with scheme plan of property owned by Mr Wharewera and which Mr I Lysaght hopes to purchase.

The land is on the new Marshalls Road portion of State Highway 2 which has not yet been legalised.


If you have any comment on the proposal I shall be grateful if you will let me have it as soon as possible.

Yours faithfully,


J.E.Gray
County Clerk.

The District Commissioner of Works,
Private Bag,
HAMILTON.

Copy for your information.


J.E.Gray
County Clerk.

SP353



Ministry of Works
New Zealand

P.O. Box: 1245, ROTORUA.

Telephone: 81139

Our Ref: 13/40/4

Date: 30 July 1973

Inquiries to: Mr. A.V. Cooke

The County Clerk,
Whakatane County Council,
P.O. Box 244,
WHAKATANE.



Your Ref: letter of 19 July 1973.

Dear Sir,

PROPOSED SUBDIVISION OF THE PROPERTY
OF MR. P. WHAREVERA

The opportunity to comment on the above proposal is appreciated.

The new deviation of this section of S.H.2 (Marshall's Road) has been planned and constructed with the intention of declaring it a limited access road and consequently ensuring the "open road" status which now exists. To maintain the safe and efficient use of this section of S.H.2 direct access should be restricted as much as possible.

The first step towards this aim is now under action for the taking of the land for "limited access road." As you may be aware the legal survey of this new deviation is underway at the present time. Following completion of this work the necessary procedures required for declaring the limited access road will be actioned.

The proposed subdivision as submitted by Mr. Lysaght would certainly be affected by the above declaration for the following reason:-

All access onto S.H.2 from the different lots enclosed in this subdivision would be confined to two locations.

- (a) Keepa's Road (especially in the case of Lot 1).
- (b) The roadway Pt. 28B3C2 (for all other lots).

I refer you to the Public Works Amendment Act 1963, No.42 : Section 4 (Limited Access Roads) subsections 3(a) and 3(b) i.e. the properties have "reasonably practicable alternative access to some other road or street." In other words they have an alternative to direct access onto S.H.2.

Ideally of course we would like all access to be onto Keepa's Road but I doubt whether this would receive a favourable hearing from the subdivider. Industrial traffic such as is intended needs to be controlled onto "open" highways and this is the intention of limited access road declarations.

It would no doubt relieve considerable anxiety in the future if the subdivider could confine his property accesses to the two alternatives mentioned previously.

Please advise any decision taken by your council.

Yours faithfully,
J. McTaggart

15

Appendix C

Maori Roadway Details

W Wharewera
State Highway 30
RD 1
WHAKATANE
Ph: 3088779

23 September 1999

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

Attention: Planning and Consents Department

Dear Sir,

IW & AJ LYSAGHT: APPLICATION FOR RESOURCE CONSENT FOR THE
DEVELOPMENT OF GATEWAY DRIVE AREA

I, as owner/occupier of property Lot 28B3C2B and part owner of Roadway Pt 28B3C2, wish to advise that I have no objection to IW & AJ Lysaght using the Roadway Pt 28B3C2, up as far as the Northern boundary of their workshop and yard area, for the purposes of subdividing their land

Yours faithfully

W Wharewera

W Wharewera

Cc: IW & AJ Lysaght
State Highway 30
Whakatane

HAMERTONS

BARRISTERS AND SOLICITORS

Our Ref: Bill Jones: 10904/01

Your Ref:

4 June 1999

Mr I W and Mrs A J Lysaght
Lysaght Developments
P O box 2091
WHAKATANE

Fax 3086 329

Dear Ian and Adrienne

re: STATUS OF MAORI LAND ROADWAY

You have asked us to advise on the status of Part Rangitaiki 28B3C2 Roadway ("the Roadway").

It is necessary to determine the status of the Roadway with reference to the provisions of the Te Ture Whenua Maori Act 1993 ("the Act"). The Roadway was specifically laid out by the Maori Land Court under a separate Maori land title on 17 May 1950 at the time the Court made the Partition Orders constituting Rangitaiki 28B3C2A, 28B3C2B and 28B3C2C Blocks. The two former Blocks are still held in the original Maori land titles constituted by the Court. The balance of the latter Block is now General land comprised in Certificate of Title 56A/399 owned by you.

The Roadway was laid out to provide access to the Blocks created by the 1950 Partition Orders but no restrictions on the right to use the Roadway were imposed by the Court. Therefore, pursuant to section 318 of that Act all persons may use the Roadway as if it were a public road. In practical terms, of course, the use of the Roadway will usually be limited to the owners of the adjoining properties having access off the Roadway and visitors to those properties. The owners of the adjoining properties also have a specific legal status in the event of any cancellation of the Roadway. The effect of section 323 of the Act is that if the Roadway is subsequently cancelled the Maori Land Court would vest the land comprised in the Roadway in the current owners of the land partitioned from the original parent title from which the Roadway land was originally laid off in such proportions as determined by the Court. The owners at present entitled to the benefit of this provision on any cancellation of the Roadway would be the owners of Rangitaiki 28B3C2A and 28B3C2B Blocks and you as owners of the balance of the former Rangitaiki 28B3C2C Block.

We trust this clarifies the position for you.

Yours faithfully
HAMERTONS

per:
22jmi916

PARTNERS:
Robert Chappell LL.M.
Rob Moran LL.B.
Bill Jones LL.B.
Brian Carter LL.J.
Frank Cain LL.J.
Jonathan Kay LL.B.

ASSOCIATE:
Jacki Cole LL.B./B.Com.

Top Floor
Nicolson Plaza
The Strand
PO Box 601
DX JA31519
WHAKATANE, N.Z.

Tel: (07) 307 8680
Fax: (07) 307 0225

Email:
hamertons@xtra.co.nz

ALSO AT:
Jollicoe Court
PO Box 150
DX JA31001
KAWERAU, N.Z.

Tel: (07) 323 8612
Fax: (07) 323 6629

"27"

HAMERTONS

BARRISTERS AND SOLICITORS

Jur Ref: Bill Jones: 10904/01

our Ref: Colin Keameys

PARTNERS:
Robert Chappell LL.M.
Rob Morse LL.B.
Bill Jones LL.B.
Brian Carter LL.B.
Frank Cain LL.B.
Jonathan Kay LL.B.

8 March 1999

The General Manager
Whakatane District Council
Private Bag 1002
WHAKATANE

Top Floor
Niederer Plaza
The Strand
PO Box 601
DX JA31519
WHAKATANE

Tel: (07) 307 0680
Fax: (07) 307 0225

Email:
hamertons@extra.co.nz

Dear Sir

re: LYSAGHT DEVELOPMENTS - RESOURCE CONSENT
APPLICATION (SUBDIVISION), GATEWAY DRIVE, WHAKATANE

On 15 January 1999 the writer and Ian Lysaght met with Colin Keameys, Gael Cooper and Alan Kane in the Council's Planning Department Offices. The purpose of that meeting was to discuss issues in relation to the Maori Roadway adjoining Lots 27 and 63 of the proposed Lysaght Developments industrial subdivisional scheme at Gateway Drive, Whakatane. As a result of matters discussed at that meeting it was determined that the Lysaghts should apply to the Maori Land Court for a variation of the present Roadway Order constituting Part Rangitaiki 28B3C2 Roadway to:

Firstly, provide that the Roadway Order will not be revoked by Order of Court except with the prior consent of all parties having an interest in the Roadway and the Whakatane District Council; and

Secondly, stipulate conditions as to responsibility of owners of the properties having access off the Roadway to contribute to the future maintenance of and repairs to the Roadway.

An Application to the Maori Land Court to vary the Roadway Order was duly prepared by Hamertons, signed by Mr and Mrs Lysaght on 28 January 1999 and sent to the Court on 29 January 1999 for filing and setting down for hearing. A copy of our covering letter to the Court dated 29 January 1999 is enclosed for the Council's information. Lysaght Developments sent a copy of the Court Application to the Council with their letter of 17 February 1999. Notwithstanding the submissions made

ALSO AT:
Jellicoe Court
PO Box 150
DX JA31001
KAWERAU, N.Z.

Tel: (07) 323 8612
Fax: (07) 323 6629

in our letter to the Court in respect of Miria Hii as the deceased owner of the adjoining Rangitaiki 28B3C2A Block, the Court subsequently issued a direction requiring that succession to Miria Hii be completed before the Application to vary the Roadway Order could proceed to a hearing. In this regard a copy of the Court's letter of 12 February, 1999 is enclosed for the Council's information.

Mr Lysaght has established during discussions with one of the late Miria Hii's daughters, Annette Tawhai who occupies the home on Rangitaiki 28B3C2A Block, that Miria Hii did not leave a Will. Consequently there are no testamentary trustees of Miria Hii's estate and to undertake formal administration of her estate it is necessary for one of the deceased's children, with the formal consents of the other children, to apply to the High Court for a Grant of Letters of Administration in the estate. That Grant is required before any Succession Application can be filed with the Court. Mr Lysaght has made strenuous efforts since receiving advice of the Court's direction to liaise with Miria Hii's family over obtaining a Grant of Letters of Administration and Succession Orders, even to the point of offering to pay all associated costs. For various reasons the family appear at this stage to be unable or unwilling to co-operate in attending to these matters. We enclose for the Council's information a copy of Lysaght Developments' letter to us of 3 March 1999 which sets out fully all steps taken and consultations made by Mr Lysaght since our meeting at the Council's offices on 15 January 1999 to try to comply with the Council's requirement and the Maori Land Court's direction. Unfortunately, those efforts have been frustrated by the "inertia" of Miria Hii's family and there is the possibility at worst that formal administration of her estate and succession to her Maori Land interests may never be able to be completed; at best, that such action could take many months or even years to complete.

We consider the Council's requirement for the Lysaghts to apply to the Maori Land Court for the Order varying the Roadway Order to have been reasonable. However, although the Lysaghts have used their best endeavours to satisfy that requirement they now find themselves unable to do so for reasons entirely beyond their control. We therefore respectfully ask on behalf of the Lysaghts that the Council consider dispensing with its requirement. In support of this request we make the following submissions:

- 1. Pursuant to the Preamble to the Te Ture Whenua Maori/Maori Land Act 1993 the Maori Land Court as a matter of policy actively requires consultation with parties affected or likely to be affected by any Court Order before such Order is made. We enclose a copy of the Preamble having highlighted reference to the principle that the Court facilitate the occupation, development and utilisation of that land, for the benefit of its owners, their whanau at their hapu.

In this case there is clear evidence from Maori Land Court records that the Roadway was laid off by the Court on 17 May 1950 to facilitate a partition of Rangitaiki 28B3C2 Block and access to those parcels of land constituted by Partition Orders made on the same date, namely:

23

First, Rangitaiki 28B3C2A Block vested in Miria Hii,
Secondly, Rangitaiki 28B3C2B Block vested in Walter Wharewera, and
Thirdly, Rangitaiki, 27B3C2C Block vested in Te Pakitua Wharewera. This Block was acquired by IW and AJ Lysaght in 1975 and the balance of the Block following subdivision to date is now comprised in CT 56A/399 which is owned by the Lysaghts.

The Maori Land Court would not, in our opinion, revoke the original Order constituting the Roadway without the consent of the owners of the above parcels of land. There is therefore no realistic prospect, in our opinion, of the Roadway Order being revoked by the Court as such Owners would obviously not consent to any revocation when the Roadway constitutes the legal access to their properties. This view is supported by advice obtained by Lysaght Developments from the Land Titles Office solicitor in Hamilton. In that regard we enclose a copy of Land Information New Zealand's letter of 11 December 1998 in which we have highlighted reference to the consultation process which would be undertaken by the Court before an order affecting the Roadway would be made and registered.

The direction issued by the Court in relation to the Lysaghts' Application to vary the Roadway Order is in itself a prime example of the consultation process implemented by the Court as a matter of policy. Notwithstanding our request to the Court on behalf of the Applicants that it consider processing the Application on the basis of a consent from Annette Tawhai as the occupier of the late Miria Hii's Block, Rangitaiki 28B3C2A, the Court has directed that full succession action be completed in Miria Hii's estate so that all those persons having an interest in that Block, namely Miria Hii's successors, can be consulted in relation to the Application.

2. Lysaght Developments are prepared to form and seal the Roadway to the specifications and standard referred to in the enclosed copy of their letter to us of 22 January, 1999 recording matters discussed with the Council's Roading Engineer, Mr John Tailby. This will greatly improve the standard of the Roadway.
3. If the Lysaghts' subdivisional scheme proceeds only Lots 27 and 63 of their scheme would retain access to the Roadway (in addition to Rangitaiki 28B3C2A and 28B3C2B Blocks) which would significantly reduce firstly, the area of frontage of adjoining land serviced by the Roadway and secondly, the potential use of the Roadway by other parties.
4. With respect to ongoing maintenance of the Roadway the Council would have inherent power under Section 348 (4) (b) of the Local Government Act 1974 to require the owners of land having access off the Roadway to maintain and repair the Roadway as a "private road" under that section.

We ask on behalf of Lysaght Developments that the Council waive its requirement for a variation of the Maori Land Court Order constituting Part Rangitaiki 28B3C2 Roadway on the basis of the submissions made in this letter. Please advise urgently as to whether the Council is prepared to grant this request in the circumstances.

Yours faithfully
HAMERTONS

per: 

Whj;hlb
09hb170

cc Lysaght Developments
P O Box 2095
WHAKATANE



DEPARTMENT OF JUSTICE

Land Registry Office
Private Bag 3049
Hamilton
Telephone 82-959
DX 4032

CP14
1st Floor
Westpac House
Cnr Victoria and Alma Streets
Hamilton

In reply please quote

628/18

25 May 1990

Mr Lysaght

Dear Sir

Re: Road Line Order H.954049


Further to your request I advise as follows:

Road line order for Lot 28B3C2 Parish of Rangitaiki Road Line has been registered under H.954049.

I confirm there is no separate Certificate of Title for the Road line but the order has been registered against Certificate of Title 628/18 being the land in the original partition for Rangitaiki Lot 28B3C2.

The Road line order is unlimited as to user and is legal road frontage to adjoining land as defined in Section 321(1) Local Government Act 1974.

Yours faithfully


J. Neverman
for DISTRICT LAND REGISTRAR

HAMERTONS

BARRISTERS AND SOLICITORS

re: Bill Jones: 10904/01

ref:

1 October 1999

Mr I W & Mrs A J Lysaght
Lysaght Developments
P O Box 2091
WHAKATANE

Dear Ian and Adrienne

re: PART RANGITAIKI 28B3C2 ROADWAY ("the Roadway")

You have asked us to provide a legal opinion as to whether or not the consent of the other two parties having an interest in the Roadway will be required to create, by subdivision of your present property (comprised in Certificate of Title 56A/399), two allotments which will have access off the Roadway.

The Roadway was constituted under the Maori Land Act 1931 and the statutory provisions governing the Roadway are now contained in Part XIV of the Te Ture Whenua Maori Act 1993 ("the Act"). There is no provision under that legislation regulating the subdivision of land situated off a Maori Roadway. In our opinion there is therefore no statutory obligation for you to obtain the consent of the owners of the other two blocks serviced by the Roadway, namely Rangitaiki 28B3C2A Block and Rangitaiki 28B3C2B Block. Our opinion is supported by the provisions of section 318 (1) of the Act which states that:

"Subject to the provisions of subsection (2) of this section, the laying out of a roadway over any land shall confer on all persons the same rights of user as if it were public road" (emphasis added).

Subsection (2) of section 318 of the Act only applies where a Roadway Order of the Court defines or limits the persons or classes of persons entitled to use a Roadway or where the Court Order defines or restricts their rights of user. No such limitations or restrictions have been imposed by the Court in respect of the Roadway in question and therefore, in our opinion, the owners of the two proposed subdivisional allotments will be entitled to use the Roadway for access to their properties as if the Roadway were public road.

PARTNERS:
Robert Cheppell LL.M.
Rob Marec LL.B.
Bill Jones LL.B.
Brian Carter LL.B.
Frank Chia LL.B.
Jonathan Kay LL.B.

ASSOCIATE:
Jacki Cook LL.B/B.Com.

Top Floor
Madison Plaza
The Strand
PO Box 601
DX JA31519
WHAKATANE, N.Z.

Tel: (07) 307 0680
Fax: (07) 307 0228

Email:
hamertons@xtra.co.nz

ALSO AT:
Jellison Court
PO Box 150
DX JA31001
KAWERAU, N.Z.

Tel: (07) 323 6612
Fax: (07) 323 6629

sent by : 6473070225

HAMERTONS

A4->A4 87/18/99 13:48 Pg: 2

Further, in our opinion the parties who have an interest in the Roadway are and will continue to be the owners of any land which was comprised in the three original Partitions created by the Partition Orders of the Maori Land Court on 17 May 1950 to which the Roadway still serves as access. This position would continue to apply unless the original Roadway Order was either varied by Maori Land Court Order to exclude any such land from having the benefit of the Roadway or was cancelled by Maori Land Court Order.

We trust this advice is sufficient for your purposes.

Yours faithfully
HAMERTONS

per:



WHJ:mjc
40jm001

The owners of Rangitaiki 28B3C2A Block and Rangitaiki 28B3C2B Block would be entitled, as persons having an interest in the Roadway, to apply to the Court to have the classes of persons entitled to use the Roadway limited and/or the rights of user defined or restricted. However, this still does not impose any obligation on Lysaght Developments to obtain those owners' consents to the subdivision proposal. In any event, we consider that the owners of those Blocks would find it very difficult to persuade the Court that they were prejudiced by your proposal to create two lots in the subdivision having access of the Roadway for the reasons set out in items (b) and (c) of the Submissions section of your earlier Application to the Maori Land Court dated 28 January 1999. A copy of that section of your Application is enclosed for your reference.

We trust this advice is sufficient for your purposes.

Yours faithfully
HAMERTONS

per: 

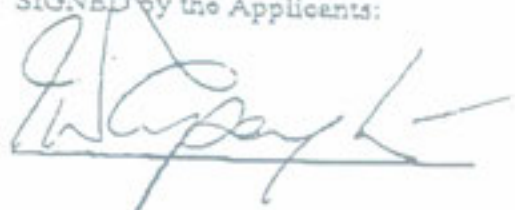

WHJ:39dw467

SUBMISSIONS IN SUPPORT OF ORDERS SOUGHT:

Although the Orders sought are to facilitate an industrial subdivision of the balance of Rangitaiki 28B3C2C Block for the benefit of the Applicants there would also be mutual benefits for the owners/occupiers of Rangitaiki 28B3C2A and Rangitaiki 28B3C2B Blocks as follows:

- (a) The formation and sealing of the Roadway which would greatly improve the standard of the present access to those properties.
- (b) A reduction in the area and frontage of adjoining land serviced by the Roadway. The Roadway presently services adjoining land having a combined area of 7.0327 hectares comprising Rangitaiki 28B3C2A Block (0.2023 hectares), Rangitaiki 28B3C2B Block (0.2023 hectares) and the residue of Rangitaiki 28B3C2C Block now comprised in Certificate of Title 56A/399 (South Auckland Registry) (6.6281 hectares). Under the Applicants' subdivisional proposal the land area serviced by the Roadway would be reduced to approximately 1.4407 hectares having regard to the areas shown for Lots 27 and 63 on the Applicants' subdivisional scheme plans annexed to this Application (which areas are subject to final survey). Furthermore, the frontage to the Roadway which the Applicants presently have for the total length of the western boundary of their present property adjoining the Roadway would be reduced by approximately 50 per cent of the length of that boundary under the Applicants subdivisional proposal.
- (c) All of the 5.5920 hectare balance area of the land presently comprised in Certificate of Title 56A/399 (South Auckland Registry) will be serviced by new roading to be constructed as further subdivision proceeds. This will substantially reduce the potential use of the Roadway by other parties.

SIGNED by the Applicants:

Dated: 29th January 1999

This application is made by the abovenamed Applicants Ian Wallace Lysaght and Adrian June Lysaght whose address for service of copies of proceedings and correspondence in respect of this application is at the offices of Hamertons, Solicitors, Top Floor, Niederer Plaza, The Strand, (P O Box 601), Whakatane (ref: Mr W H Jones).

Preferred place of hearing is Whakatane

Decision No: W75/86

CP13

IN THE MATTER of the Local
Government Act 1974

AND

IN THE MATTER of an appeal under
s.300 of that Act

BETWEEN

I W & A J LYSAGHT

(Appeal TCP 484/84)

Appellants

AND

WHAKATANE DISTRICT
COUNCIL

Respondent

BEFORE THE PLANNING TRIBUNAL

His Honour Judge Treadwell presiding
Mr H M Dodd
Dr A H Hackett

HEARING at WHAKATANE on the 15th day of July 1986

COUNSEL/APPEARANCES

Mr I W Lysaght for self
Mr M Dumbill for Respondent

DECISION

This is an appeal pursuant to the provisions of Section 300 of the Local Government Act 1974. It relates to a proposed plan of subdivision which has been before the Planning Tribunal once in 1984 (decision A40/84) and that decision conveniently sets out the somewhat involved background spanning a period of some ten years. For our part we feel the matter was complex enough and that the appellant is entitled to some certainty in the completion of that is an important industrial supply for the citizens of Whakatane and for the appellant himself.



Highway. The Council in September 1983 refused consent. Scheme plan T88405 was then lodged which covers the balance of land and shows the linking through of Gateway Drive to Keepa Road with the exception of a 10 metre strip in the middle which cannot be created as a public road until land to the north is acquired for roading purposes. The owners of that land are not presently interested. The 10m of land in the gap was to be set aside as a local purpose reserve. The council refused consent to that plan.

REFERENCE TO PROPOSED
LOT 18.

* We are advised that the subdivision, with one minimal exception of a proposed Lot 2 having a depth of only 23 metres, complies in all respects with the provision of the council's reviewed district scheme. The lack of depth of that particular allotment is adequately compensated by a frontage of 51 metres which is more than 2¹/₂ times the minimum required. *

* Therefore a dispensation should be granted in those circumstances. *

There are many side issues in this appeal and the Tribunal was determined to isolate the only issues remaining between the appellant and the council. These are shown on Plan A and Plan B annexed hereto. Plan A in heavy black shows:-

- (a) A new road alignment.
- (b) A narrow 40cm strip of land preventing two residential allotments to the east having access to that road without the consent of the council who would hold it as a local purposes reserve. By way of comment that particular strip does not go far enough because the council's suggested public road would give access to land to the north. Part 28B3C2C would have direct access to a public road without cost which is not the present intention.
- (a) Plan B in heavy black shows a further 40cm strip which is intended to preclude access from Lot 46 on to the roadway shown.
- (b) An extension of the 10 metre strip into a cleaver shaped configuration which will be held as the local purpose reserve. The intention of this is to prevent the creation of a further cul-de-sac in the middle of the subdivision.
- (c) Lastly the creation of plantation reserves virtually along the whole frontage of Keepa Road which would necessitate a reorganisation of the internal subdivision.

Returning to Plan A, this is one of the main issues between the parties. We do not intend to go into the history in any detail but it is apparent that the National Roads Board are not and never have been impressed with the creation of a further registered accessway on to State Highway 2. The Board were insistent that the Maori roadway be closed as a condition precedent to the creation of Gateway Drive or at the very least.



CP11



PO Box 650 WANGANUI
Tel: 58 449

Judge's Chambers,

5 June 1990

MEMORANDUM

I W & A J LYSGIT v WHAKATANE DISTRICT COUNCIL

I require further assistance from the parties because, as I feared, the matter has now become totally confused as a result of a welter of irrelevant evidence being placed before me, coupled with a lack of factual evidence which is of relevance.

At the end of the hearing, I asked that copies of the titles be placed before me in order that I might ascertain precisely the legal situation in relation to the roadway shown on the proposed subdivision, being Part 28B3C2. This is a road line not yet proclaimed a public road created by order of the Maori Land Court of New Zealand, Waiariki District, on 17 May 1950. The order of the Court shows it linking to a roadway shown as Part 28B3C which does not appear at that stage to be a public road.

The title which has been sent to me is recorded as Volume 628 Folio 18 South Registry, but it is difficult to ascertain from this title where the limited access highway fits.

The letter from the District Land Registrar gives some simple facts which I should have been told, and the Tribunal as a whole should have been told, at the date of the original hearing of this matter. That is that the road line order is unlimited as to user and such a road is a private road in terms of Section 416 of the Maori Affairs Act 1953, not a private way as I previously thought to be the case. Such a road is a road for the purposes of subdivision in terms of Section 321(1) of the Local Government Act 1974. Thus subdivision is permitted on to that road, and presumably once the subdivision is effected, those with the unlimited user rights can enter upon the land laid out as roadway and from thence, gain access to the limited access highway. Section 416 of the Maori Affairs Act 1953 confers on all persons, and we presume that means the public, the

same rights of user as if it were a public road. However, I note from the letter sent by the District Land Registrar and from the search copy of the title, that the Court Order to which I have referred, declaring part to be set apart as a road line, was not lodged until the date of the letter, ie after I requested a title search, namely 25 May 1990.

What the effect of that is I do not know, because there are various provisions in the Maori Affairs Act 1953 relating to the laying out of such a road line in relation to limited access roads. I do not know whether the omission to register prior to the creation of the limited access highway has any effect upon the public user rights of the private road, and the ability of those public users to gain access to the State Highway. I am not prepared to determine that issue without hearing argument.

The second issue which immediately arises, is whether the Council have any power to require dedication of the private road, whether it is of sufficient width to support a subdivision in terms of the District Scheme, and whether the Council can require formation and servicing if it is to be used as part of a subdivision.

Again I am not prepared to research the matter myself and require submissions addressed to me in that regard.

The matter therefore stands adjourned until all parties have had the chance to make submissions to me. Although not for me to advise the appellant, I again bring to his notice that he is in extremely complex legal territory and that I am not prepared to act as his legal adviser. If he chooses to leave me bereft of essential factual information, or to unintentionally mislead me, then it is his operation which will suffer, should a decision be made on incorrect facts.

Dated this 27 day of June 1990.



[Handwritten signature]
Planning Judge

368

26 MAY 1949

208 x 57. Wamama 1A 1D 2A - Te Miko hi
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 hi Chappell hi to Miko - woman - dec my father - Oct 17-9-1937.
 no will mine - myself only
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- 190- 1 57. Rangitahi 28B 3C1. Ema Patara Oct 5/42
 - x 57. " 3C2
 - x 57. " 3C3
 - x 57. " 3EA 2L
 - x 57. " 28B 22
 - x 57. " 315
 - x 57. " 31P 3F
 - x 57. Matahina A 1D
 191- x 57. Rangitahi 28B 1B1
 - x 57. Wamama 260 A

Appen & Cur

Patitua Wharewera - woman - dec my mother - dec
 2nd December 1945 - no will - mine

- 1 Te Aomihu Wharewera d. no will - no mine
- 2 Patitua " na. "
- 3 Kihake ^{will 4/47-8} " d. no will - no mine
- 4 Kihie ^{Debburres} 250 f.d. 13/5/45
- 5 Te Paia ^{stewart} Oct 25/59 f.d. 24/1/67
- 6 Te Tamaiarohe " na. D. 1/1/72
- 7 Kaperira " d. no will - no mine
- 8 Mere Mene " d. no will - no mine
- 9 Kararaina ^{Woman} " f.d. 12/10/48
- 10 Patara " d. no will - no mine

Te Aomihu had:

- Ama Bird d. no will - no mine
- Aoi Kaperira d. previous time - no mine

nothing to evidence

no will. Te Paia; Tamaiarohe & Kararaina no present

Piki - my letter produced with Rangitauhi 28 B
3C2 to go to Pikitua solely - that is where he
lives. Also the four men present with the
38A no 22 intent to go to Piki - also Piki
stands out of 28 B 3C3 -

men present agree may in part to what the Smith
has entered. ~~order~~

order as under. to my.

Rangitauhi 28 28 B 3C2 to Pikitua wherever
all other blocks to the other four children equally

196-7 51-2 Ngapuna 1D 2B. George Powell

Appn to succeed

will 369 - Dec 17th March 1937 -

order to

Robert Francis Smith and

William Alexander M. Jackson as trustees

under the will of decd.

276-7 51- Omataroa 7AC 6E 2B1 - Omeria Neteria

Appn to Trust

Whakaurangi Trust - Maram - decd my father's

trust. Decd 15th April 1948 - no will - none

Pani to third fa.

Miripine " fifth fa.

Tauira " " " " " " " " " "

no copy

very busy

PARTICULARS OF TITLE

(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: *Rangitahiri Parish Lot 23B 3C 2C.*
 Area: *22 acres 1 roods 26 perches* hectares square metres
 Title Order—Nature of *Partition Order.* Dated *17-5-50.*
 Land Transfer Reference: Volume ; Folio
 Locality of Land—County, etc. *County Whakatane.*
 Is title completed by survey?

Occupation:
 Present Occupier, Name:

Particulars of Tenancy:

Amount of Sinking Fund as at / / \$

PRESENT OWNERS AND SHARES

Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
<i>Te Pakitua Wharewera</i>	<i>M.</i>	<i>1.00000</i>			

Certified correct as at *1^o October* *19^o 5^o.*

J. King
 Solicitor or Agent.

PARTICULARS OF TITLE

(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: *Rangitāiki Parish Lot 28B 3C 2A*
 Area: *0* acres *2* roods *00* perches / hectares square metres
 Title Order—Nature of *partition Order.* Dated *17.5.50.*
 Land Transfer Reference: Volume ; Folio
 Locality of Land—County, etc. *County Whakatane,*
 Is title completed by survey? *yes.*

Occupation:

Present Occupier, Name:

Particulars of Tenancy: *P/R. 251/III*

Amount of Sinking Fund as at / / \$

PRESENT OWNERS AND SHARES

Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
<i>Minia Hiv.</i>	<i>F.</i>	<i>1.00000</i>			

Certified correct as at *6 October*

19*45.*

J. King
Solicitor or Agent.

PARTICULARS OF TITLE

(To be lodged with application for Confirmation of Alienation or Resolution)

Name of Land: *Rangitaiki Parish Lot 28B 3C 2B.*
 Area: *0* acres *2* roods *100* perches / hectares square metres
 Title Order—Nature of *Partition Order.* Dated *17-5-50.*
 Land Transfer Reference: Volume ; Folio
 Locality of Land—County, etc. *County Whakatane!*
 Is title completed by survey? *yes.*

Occupation:

Present Occupier, Name:

Particulars of Tenancy: *P/R Vol 14A Folio 1828.*

Amount of Sinking Fund as at / / \$

PRESENT OWNERS AND SHARES

Name	Sex, and if Minor, Age	Share	Name	Sex, and if Minor, Age	Share
<i>Walter Wharewera</i>	<i>M.</i>	<i>1.00000</i>			

Certified correct as at *6 October*

1975

J. Kingi
Solicitor or Agent.

7

IN THE MATTER of Section 477 of the Maori
Land Act, 1931

AND

IN THE MATTER of a partition of the Lot 28B
No. 3C No. 2 Parish of
Rangitaiki Block.

AT a sitting of the Court held at Whakatane on the 17th day of May, 1950,
before John Harvey, Esquire, Judge.

WHEREAS the Court upon partition of the Lot 28B No. 3C No. 2
Parish of Rangitaiki Block to give access or better access to the
subdivisions thereof has deemed it necessary and expedient to lay off
a roadline NOW THEREFORE in pursuance of Section 477 of the Maori Land
Act, 1931, and any other power it enabling the Court DOTH HEREBY ORDER
AND DECLARE that the land described in the Schedule hereunder shall
be and is hereby set apart as a roadline AND it is further ordered that
until the aforesaid roadline be proclaimed a public road it shall be
designated the Lot 28B No. 3C No. 2 Parish of Rangitaiki roadline.

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



JUDGE.

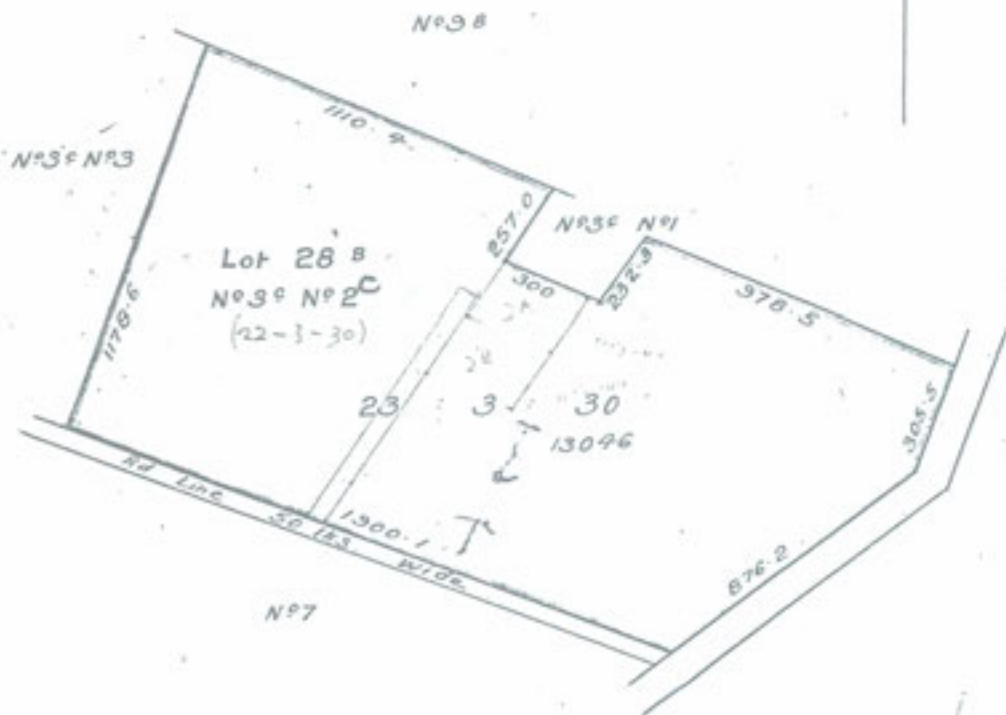
SCHEDULE

A roadline 50 links wide be laid off from road line to the South parallel
to Western boundaries of No. 3C No. 2A & No. 2B and finishing at N.W. Corner
of No. 3C No. 2A containing 0 acres 1 roods 07.5 perches be the
same or a little more or less as same is shown on Plan deposited in
the Office of the Chief Surveyor, Auckland and more particularly
delineated on the diagram attached hereto.

John Harvey

Rangitaiki Parish.

I Whakatane S.D.



W.D.B.



Scale: 5 Chains to an Inch.
H. M. SKEET, Chief Surveyor.
J. E. Thomson, Surveyor.
B. L. Farr, Draftsman.



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2883C2B
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