

APPENDIX I

STATEMENT OF CLAIM

IN THE WAITANGI TRIBUNAL

CLAIM WAI 84

IN THE MATTER of the Treaty of Waitangi Act 1975

AND A claim by Mahlon Kaira Nepia on behalf of Ngati Turangitukua of Ngati Tuwharetoa tribe, referred to as the Turangi Township Claim

THIRD AMENDED STATEMENT OF CLAIM IN RESPECT OF REMEDIES

Friday the 27th day of June 1997

1.1 This Statement of Claim is to be read with:

(a) the further amended statement of claim dated 22 December 1993;

(b) the second amended statement of claim dated 1 March 1994;

and in place of the second amended statement of claim in respect of remedies dated 19 December 1996.

1.2 This amended statement of claim pleads the remedies that are sought by Ngati Turangitukua by way of redress for the Crown's breaches of the Treaty of Waitangi as found in the *Turangi Township Report 1995*.

1.3 In its Report, the Waitangi Tribunal found that the Crown had breached the Treaty of Waitangi in a number of respects and considered that it would be appropriate for Ngati Turangitukua and the Crown to enter into direct negotiations (para. 21.8 of the Report).

1.4 Ngati Turangitukua and the Crown failed to reach a satisfactory settlement and accordingly the Tribunal has accepted that a hearing as to remedies must now be held (Tribunal's Memorandum dated 2 August 1995).

1.5 The Tribunal is now called upon to decide what, if any, recommendations it should make by way of remedy for the Crown's breaches of the Treaty.

WHEREFORE Ngati Turangitukua seek the following recommendations:**2. The return of Turangitukua House**

2.1 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of the site imbued with the sacred memory of Te Puke a Ria (Turangitukua House). (Detailed in full in Schedule 1).

3. Establishment of Turangitukua House

3.1 Te Puke a Ria has been lost forever, but the *hapu* wishes to maintain the cultural significance of the site by developing Turangitukua House as a cultural identity and learning centre for the *hapu*.

3.2 Ngati Turangitukua seek monetary compensation in this regard.

4. Preservation and maintenance of Wahi Tapu

4.1 In relation to the desecration of *wahi tapu*, Ngati Turangitukua seek payment not for the desecration of *wahi tapu*, such desecration not being compensatable, but payment relating to the rehabilitation and ongoing maintenance of *wahi tapu* sites which are still in existence.

4.2 Such payment is to enable Ngati Turangitukua to:

- (a) establish and maintain a *wahi tapu* register;
- (b) conduct a mapping project pertaining to Ngati Turangitukua *wahi tapu*;
- (c) seek archaeological or other advice as required on the best ways to preserve endangered sites;
- (d) undertake native planting and other improvements at *wahi tapu* sites;
- (e) maintain and preserve *wahi tapu* to the highest standards;
- (f) purchase land around *wahi tapu* sites to protect, preserve and restore the sites so far as possible.

4.3 Ngati Turangitukua seek monetary assistance to enable them to undertake this work.

5. The return of Crown or SOE-owned land in Industrial Block B

5.1 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of properties in Industrial Block B owned or formerly owned by a State-Owned Enterprise and which have memorials on their titles pursuant to section 27B of the State-Owned Enterprises Act 1986 (detailed in full in Schedule 2(a)).

5.2 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of Crown-owned land in Industrial Block B (detailed in full in Schedule 2(b)).

5.3 Because of the environmental degradation that has occurred on this land, Ngati Turangitukua seek warranties from the Crown as to liability for environmental hazards which may subsequently emerge, and undertakings as to liability for remedying currently apparent hazards.

6. Compensation to enable the purchase of land in Industrial Block B no longer in Crown or SOE ownership

6.1 To compensate for the taking of the land in Industrial Block B, Ngati Turangitukua seek compensation of a sum enabling the purchase by Ngati Turangitukua over time of such land in the Industrial B Block as is no longer in Crown or SOE ownership.

6.2 Monetary compensation is sought in this regard.

7. The return of Residential Property so that Ngati Turangitukua people can be restored to ownership of residential land in Turangi

7.1 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of residential properties owned or formerly owned by a State-Owned Enterprise and which have memorials on their titles pursuant to section 27B of the State-Owned Enterprises Act 1986 (detailed in full in Schedule 3(a)).

7.2 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of the *kaumatua* housing (detailed in full in Schedule 3(b)).

8. Return to the *hapu* properties of note so that, as *tangata whenua*, Ngati Turangitukua can participate fully in the commercial life of Turangi

8.1 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of properties of note in Turangi owned or formerly owned by a State-Owned Enterprise and with memorials on the titles pursuant to section 27B of the State-Owned Enterprises Act 1986 (detailed in full in Schedule 4(a)).

8.2 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of Crown-owned properties (detailed in full in Schedule 4(b)) if necessary.

9. Compensation for Ngati Turangitukua to establish a 'Start' Fund

9.1 Ngati Turangitukua seek a cash settlement for the purpose of investment and development of an economic base that will enable the *hapu* to restore and enhance the education, training, health, economic wellbeing and cultural strength of the people.

10. Change of ownership of Reserve Properties

10.1 Ngati Turangitukua seek the return, in fee simple without cost to the claimants, of the ownership of all recreation reserves owned by the Crown in the claim area in recognition that Ngati Turangitukua are *tangata whenua* of Turangi and *kaitiaki* of the natural and spiritual environment there, provided that such reversion may be subject to any special conditions required to guarantee the maintenance of conservation values as mutually agreed upon between the Department of Conservation and the *hapu*. These lands are detailed in Schedule 5.

10.2 Ngati Turangitukua seek a recommendation that the Conservation land be reversioned through special legislation if necessary.

11. Regime for the management of conservation lands

11.1 Ngati Turangitukua seek a recommendation that the Department of Conservation give effect to any future *hapu* management plan in the management and development of conservation lands in the Ngati Turangitukua *rohe*.

12. Ancillary claims

12.1 Ngati Turangitukua seek a recommendation that Land Information New Zealand (LINZ) prepare a works programme detailing the outstanding ancillary claims and the time frame within which they will be remedied.

C M Wainwright / K S Feint
Counsel for the claimants

SCHEDULE 1

Wahi tapu Land Which is Sought

<i>Wahi tapu</i> description	Address	CT	Legal description	Area	1995 Govt Valuation
Tē Puke a Ria (Turangitukua House)	130 Atirau Road	34C/191	Section 1 s035736	2.9827ha	\$240,000

SCHEDULE 2(a)

Land in Industrial B Block Owned or Formerly Owned by a SOE
with a s 27B Memorial on the Title

Ref ¹	Address	CT	Legal description	Area	1995 Govt Valuation
	24 Tukehu Street	39B/619	Lot 9 DP28407	1.3628ha	\$80,000
	135 Atirau Road	34B/571	Lot 12 DP61544	8545m ²	\$145,000
	165 Atirau Road	Part 34B/564	Part Lot 3 DP61544	~ 1.04ha	\$395,000
	16 Tukehu Street	36A/464	Lot 10 DP28407	3966m ²	\$60,000
	57 Tukehu Street	39D/774	Lot 31 DP28407	4029m ²	\$15,000
	65 Atirau Road	39D/775	Section 69 Town of Turangi	2.0335ha	\$10,500

1. The reference number refers in all instances to the map reference.

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SCHEDULE 2(b)

Crown-Owned Land in Industrial Block B

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	175 Atirau Rd Ex-Polytechnic Site	42D/699	Lot 11 DP61544	2.4590ha	\$230,000
26	145 Atirau Rd	34B/568 34B/565 34B/568	Lot 1 DP61544 Lot 4 DP61544 Lot 7 DP61544	27.3130ha	\$274,000
16	Atirau Rd/ 11 Dekker Drive	Part 34B/564	Part Lot 3 DP61544	~ 1.70ha	\$190,000
	112 Atirau Rd, Community Corrections	42C/437	Section 1 SO35426	2600m ²	\$150,000
	150 Atirau Rd, Kokiri Centre	44A/734	Section 81 Town of Turangi	2556m ²	\$55,000
	29 Atirau Rd	Proc 2936	Ohuanga North Pt 5A	4.9665ha	\$22,000

SCHEDULE 3(a)

Residential Properties Owned or Formerly Owned by SOEs with s 27B Memorials

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	58 Hingaia St	39D/130	Lot 3 DP28173	612m ²	\$44,000
	44 Tautahanga Rd	39D/131	Lot 51 DP28175	832m ²	\$57,000
	17 Hirangi Rd	39D/132	Lot 59 DP28116	622m ²	\$44,000
	61 Hingaia St	39D/129	Lot 84 DP28173	610m ²	\$51,000
	24 Te Hei Place	39D/145	Lot 73 DP29457	620m ²	\$53,000
	25 Tureiti Place	39D/144	Lot 43 DP28117	622m ²	\$45,000
	35 Paekiri St	39D/665	Lot 28 DP27771	589m ²	\$43,000
	140 Tautahanga Rd	39D/664	Lot 19 DP27771	1065m ²	\$47,000
	61 Maria Place	39D/117	Lot 64 DP29019	799m ²	\$56,000
	9 Noni St	39D/119	Lot 113 DP28580	645m ²	\$58,000
	30 Mawake Place	39D/125	Lot 71 DP28218	615m ²	\$47,000

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	98 Puataata Rd	38B/602	Lot 62 DP50584	694m ²	\$281,000 ¹
	14 Ringakapo St	3 8B/601	Lot 47 DP50584	867m ²	
	9 Paekitawhiti St	38B/595	Lot 28 DP50583	798m ²	
	6 Paekitawhiti St	38B/596	Lot 35 DP50583	944m ²	
	44 Ringakapo St	43A/313	Lot 21 DP50583	1069m ²	\$75,000
	4 Harata St	41A/142	Lot 37 DP28175	577m ²	\$15,000
	11 Hingaia St	41A/141	Lot 36 DP28177	584m ²	\$15,000
	1 Te Hei Place	36A/435	Lot 24 DP29460	587m ²	\$15,000
	61 Rangiamohia Rd	39D/128	Lot 124 DP29640	637m ²	\$49,000
	73 Tureiti Place	39D/126	Lot 49 DP28117	655m ²	\$44,000
	5 Tureiti Place	39D/127	Lot 10 DP28117	665m ²	\$45,000
	29 Puataata Rd	39D/124	Lot 123 DP28221	572m ²	\$46,000
	17 Runuku Grove	39D/123	Lot 119 DP29641	647m ²	\$52,000
	12 Te Hei Place	39D/120	Lot 71 DP29457	655m ²	\$42,000
	66 Rota St	39A/932	Lot 1 DP28530	650 m ²	\$46,000
	26 Patikura Place	39D/118	Lot 112 DP28536	562m ²	\$47,000
	39 Rangipoia Place	39A/931	Lot 53 DP27772	665m ²	\$45,000
	30 Runuku Grove	38B/457	Lot 110 DP29641	809m ²	\$50,000
	49 Patikura Place	38D/561	Lot 76 DP28530	658m ²	\$47,000
	42 Ohuanga Rd	39D/776	Lot 4 DP28579	622m ²	\$130,000
	209 Tautahanga Rd	39D/137	Lot 57 DP27350	678m ²	\$47,000
	123 Tautahanga Rd	39D/138	Lot 2 DP27771	943m ²	\$40,000
	14 Poihaere St	38C/941	Lot 145 DP28535	592m ²	\$17,000
	5 Noni St	38D/916	Lot 111 DP28580	718m ²	\$48,000
	63 Tautahanga Rd	36A/465	Lot 99 DP28173	675m ²	\$65,000
	200 Tautahanga Rd	36C/487	Lot 9 DP27350	668m ²	\$52,000
	73 Patikura Place	36C/364	Lot 89 DP28532	896m ²	\$15,500

1. The two Paekitawhiti Street properties have been combined with the properties in Pauataata Road and Ringakapo Street for valuation purposes.

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Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	23 Hinerangi St	36C/176	Lot 98 DP27350	612m ²	\$52,000
	56 Patikura Place	36C/418	Lot 108 DP28536	615m ²	\$65,000
	4 Rangiamohia Rd	36C/365	Lot 226 DP28537	551m ²	\$58,000
	17 Raukura St	36A/463	Lot 51 DP28580	544m ²	\$66,000
	13 Hingaia St	41A/140	Lot 35 DP28174	597m ²	\$65,000
	96 Puataata Rd	38B/607	Lot 63 DP50585	760 m ²	\$77,000
	5 Ringakapo St	38B/599	Lot 10 DP50584	815m ²	\$78,000
	28 Ringakapo St	38B/600	Lot 40 DP50584	737m ²	\$74,000
	1 16 Puataata Rd	38B/591	Lot 2 DP50583	840 m ²	\$80,000
	42 Ringakapo St	38B/592	Lot 22 DP50583	931 m ²	\$83,000
	38 Ringakapo St/ 1 Paekitawhiti St	38B/593	Lot 24 DP50583	841m ²	\$76,000
	5 Paekitawhiti St	38B/594	Lot 26 DP50583	934m ²	\$75,000
	10 Paekitawhiti St	39B/721	Lot 33 DP50583	673m ²	\$78,000
	4 Paekitawhiti St	38B/597	Lot 36 DP50583	910 m ²	\$75,000
	30 Ringakapo St	38B/598	Lot 39 DP50583	1132m ²	\$80,000
	5 Iwiheke Place	37B/423	Lot 51 DP34051	721m ²	\$72,000
	1 1 Paehoro Grove	37A/794	Lot 60 DP28175	688m ²	\$59,000
	13 Paehoro Grove	37A/795	Lot 205 DP28534	647m ²	Unknown ²
	7 Tamakui Grove	37A/796	Lot 183 DP28539	602m ²	\$55,000
	20 Noni St	37A/793	Lot 102 DP28580	592m ²	\$53,000
	20 Whakarau St	37A/792	Lot 83 DP28584	744m ²	\$49,000
*	15 Iwiheke Place	28A/570	Lot 2 DP34051	612m ²	\$86,000
*	1 Parekaranga Grove	34A/834	Lot 3 DP34051	708m ²	\$83,000
*	12 Ringakapo St	30B/368	Lot 48 DP50584	10 1 6m ²	\$77,000
*	15 Wharekaihua Grove	29D/63	Lot 23 DP34051		\$86,000
*	1 1 Paekitawhiti Grove	30B/376	Lot 30 DP50583		\$80,000

2. Valuation New Zealand has no record of this property on its files.

* SOE properties without section 27B memorials. Investigating whether lack of memorial due to administrative oversight.

SCHEDULE 3(b)

Kaumatua houses

Ref	Address	CT	Legal description	Area	1995 Govt Valuation ¹
	35 Mawake Place	28A/501	Lot 5 DP32367	1467m ²	\$49,000
	37 Mawake Place	25A/456	Lot 456 DP32367	1217m ²	\$47,000
	33 Takinga Street	24D/388	Lot 1 DP32367	744m ²	\$46,000
	33A Takinga Street	28A/500	Lot 2 DP32367	809m ²	\$46,000
	A lot on Takinga Street	24D/390	Lot 3 DP32367	986m ²	\$46,000

1. These properties are not included in Valuation New Zealand's report.

SCHEDULE 4(a)

Properties of Note with s 27B Memorials Owned or Formerly Owned by SOEs

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
1	Iwiheke Place	38A/43	Lots 87, 88 and 89 DP29124	1913m ²	\$370,000 ¹
2	Iwiheke Place	38A/45	Lots 82, 83, 84, 85 and 86 and 104 DP29126	3501m ²	
3	Iwiheke Place	37B/422	Lots 99, 100, 101, 102 and 103 DP29127	2930m ²	
4	Iwiheke Place	38A/44	Lots 96, 97 and 98 DP29124	1849m ²	
5	Tautahanga Road, Telecom Exchange	36C/225	Lot 90 DP28176	1171m ²	\$225,000
	33 Turangi Town Centre, NZ Post	33D/241	Lots 26 DP27579	1070m ²	\$585,000
6	Ohuanga Rd (vacant land)	39D/500	Lot 1 DP32621	4072m ²	\$70,000
7	Ohuanga Rd (‘Club Habitat’)	38D/915	Lot 2 DP32621	3.6573ha	\$850,000
25	State Highway 1 (‘Pony Club land’)	39D/483	Section 70 Town of Turangi Sections 1 and 2 SO28505 Sections 1 and 2 SO28506	34.6702ha	\$595,000

1. The four Iwiheke Place properties have been added together for valuation purposes.

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SCHEDULE 4(b)

Crown-Owned Properties of Note

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	33 Turanga Place	GN773733	Section 74 Town of Turangi	5908m ²	\$375,000
	187-9 Tautahanga Rd	38B/684	Lot 51 DP29638	1.3327ha	\$425,000
	5 Wharekaihua Grove	43B/431	Lot 58 DP34051	2428m ²	\$39,000

SCHEDULE 5

Recreation Reserves

Ref	Address	CT	Legal description	Area	1995 Govt Valuation
	27 Te Rewha St	GN276464.1	Lot 41 DP29782	620 m ²	\$13,000
9	Puataata Rd	Gaz 1984 p 649	Lot 4 DP50583	660 m ²	\$45,000 ¹
10	Puataata Rd	Gaz 1984 p 649	Lot 11 DP50584	3049m ²	
11	Puataata Rd	Gaz 1984 p 649 GN672281.1	Lots 29, 34, 71 and 72 DP50583 Lot 4 DP50584 Lots 52 and 67 DP50585	3.7480ha	
12	Ringakapo St	Gaz 1984 p 649	Lot 42 DP50584	1170 m ²	
15	Taupehi Rd	Gaz 1921 p 2141	Section 1 Block I Turangi Suburban	2492m ²	\$67,000
18	Taupehi Rd	Gaz 1984 p 3384	Section 8 Block III Pihanga SD	55.6617ha	\$80,000
19	Kutai St	Gaz 1984 p 4520	Sections 36-39 Block v1 Turangi Suburban	3686m ²	\$130,000
20	Kutai St	GNB432400.0	Sections 1 and 2 S037359	1.3960ha	\$115,000

1. The three Puataata Road properties are combined with the Ringakapo Street property for valuation purposes.

