

IN THE WAITANGI TRIBUNAL

**Wai 45
Wai 1699
Wai 1701**

IN THE MATTER OF the Treaty of Waitangi Act
1975

AND an application for remedies on
behalf of Te Rūnanga-a-Iwi o
Ngāti Kahu

AND claims by HAAMI PIRIPI on
behalf of himself and TE
RARAWA

**APPLICATION FOR RESUMPTION OF TE RARAWA LANDS
PURSUANT TO SECTION 8A AND 8HB OF THE TREATY OF
WAITANGI ACT 1975**

5 SEPTEMBER 2012

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**APPLICATION FOR RESUMPTION OF LAND PURSUANT TO
SECTION 8A AND 8HB OF THE TREATY OF WAITANGI ACT
1975**

TAKE NOTICE that **HAAMI PIRIPI**, a claimant in the Wai 45 Inquiry on behalf of himself and Te Runanga o Te Rarawa ("Te Rarawa") **WILL MOVE** the Waitangi Tribunal for binding recommendations pursuant to Section 8A(2)(a) and 8HB(1)(a) of the Treaty of Waitangi Act 1975 ("the ToW Act") that all State-owned lands and Crown Forests lands relevant to Te Rarawa and listed in Annex A to this Application ("the Resumable Lands") be returned to the ownership of Te Rarawa.

Grounds

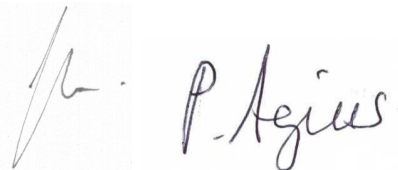
1. This Application is made upon the following grounds:
 - a. That Te Rarawa has mana whenua interests in the Resumable Lands.
 - b. That those interests have been recognised by the Waitangi Tribunal in the *Muriwhenua Land Report*.
 - c. That the *Muriwhenua Land Report* made findings that Te Rarawa's Treaty of Waitangi Claims are well-founded and that Te Rarawa are deserving of remedies.¹
 - d. That action should be taken under section 6(3) of the ToW Act to compensate Te Rarawa for the prejudice caused by the Crown's breaches of Te Tiriti o Waitangi/The Treaty of Waitangi through the return to Te Rarawa of all of the Resumable Lands.
 - e. That it is now a matter of urgency that binding recommendations for the resumption of the Resumable

¹ Waitangi Tribunal *Muriwhenua Land Report* 1997 p9.

Lands in favour of Te Rarawa be obtained as the Ngati Kahu Remedies Application has the ability to alienate from Te Rarawa:

- i.** the Resumable Lands set out in Part A of Annex A that Te Rarawa has iwi mana whenua over and that have been offered to Te Rarawa as redress under the Te Rarawa Deed of Settlement ("the Te Rarawa Deed"); and
 - ii.** the Resumable Lands set out in Part B of Annex A that Te Rarawa have iwi mana whenua over, and currently own.
- f.** That significant irreversible prejudice will be caused to Te Rarawa if the Tribunal makes binding orders to have the Resumable Properties returned to Ngati Kahu as part of the Ngati Kahu Remedies Application as these properties would be alienated from Te Rarawa in perpetuity.
- g.** That Te Rarawa is ready to proceed urgently to a resumption hearing.
- h.** On the further grounds set out in the accompanying Memorandum of Counsel.
- 2.** The Applicant seeks leave to further particularise this Application and to amend or add further to the Application as appropriate.

Dated 6 September 2012



Janet Mason/Priscilla Agius
Counsel for Te Rarawa

Annex A: Resumable Lands

PART A: Properties Which Te Rarawa Has Mana Whenua Over and Which Are Included Within the Te Rarawa Deed

[All references to map numbers are for the map attached as Annex B, taken from the Brief of Evidence of Adam Levy #.....]

- a. Property 117:** [Insert legal descriptions as per in Adam's BoE] Commercial offices, Melba Street, Kaitaia – which has been offered to Te Rarawa and Ngai Takoto.
- b. Property 108:** Housing New Zealand Limited Property offered as an RFR to Te Aupouri, Te Rarawa, Ngai Takoto and Ngati Kahu.
- c. Property 107:** A portion of part of Sweetwater Station offered to Te Rarawa as commercial redress.
- d. Property 104:** Former MetService Building, Okahu Road, Kaitaia offered to Te Rarawa as commercial redress.
- e. Part of Takahue Forest:** Offered to Te Rarawa as commercial redress.

PART B - Properties Which Te Rarawa Has Mana Whenua Over and Are Currently owned by Te Rarawa

- a.** Properties 118, 119, 120: which is Toka Tumoana, owned by Te Waka Pupiri Putea Limited, a subsidiary entity of Te Rarawa. Te Rarawa has its offices at Toka Tumoana.