

Job/Decision Cover Sheet

LI PARANCES REGULATORY GROUP LAND INFORMATION NZ NATIONAL OFFICE

μ New Job Tick Box

CPC FILE REF

CPC/09/14454/A

27 JAN 2010

JOB NUMBER

703782

YOUR CLIENT (target agency)

Department of Conservation

Job Name(same as file name 100 character maximum)

6 Poihaere Street, Turangi

ACCREDITED SUPPLIER

Darroch Ltd

NOMINATED PERSON

Tim Papps

AUTHORS EMAIL AND PHONE

tim.papps@darroch.co.nz, 04 460 3847

WARRANT CATEGORY

108

TYPE OF DECISION(s) (one only off datdecisiontype spreadsheet)

Stage 1 report

(If more than 2 use additional form)

TYPE OF DECISION CHECKLIST ATTACHED AND COMPLETED

Stage 1 report

URGENCY REQUESTED BY DATE (use sparingly and validly)

Released under the Official Information Act 1982

M.



18 January 2010

Decision no:.....
Date Received:.....VED
27 JAN 2010

Manager Clearances
Land Information New Zealand
PO Box 5501
Wellington

**STAGE 1 REPORT - SECTION 40 PUBLIC WORKS ACT 1981 INVESTIGATION OF
6 POIHAERE STREET, TURANGI**

LINZ FILE REFERENCE: CPC/09/14454/A

LINZ PROJECT NO:

CLIENT: Department of Conservation

INTRODUCTION:

The Department of Conservation declared the above property surplus to their requirements on 22 December 2009. The purpose of this report is to investigate the implications of Section 40 of the Public Works Act 1981.

LEGAL DESCRIPTION: Lot 151 DP 28535

AREA: 1029m²

ENCUMBRANCES: Subject to a right to convey and drain sewage created by EI 7226138.10.

LAND STATUS:

The land is comprised in CFR WN33D/914 in the name of Her Majesty the Queen for the Department of Conservation and the due administration of the Conservation Act 1987.

MINERAL STATUS:

Waipapa 1E1F Block was formerly Maori comprised in DI 37/28 when it was declared taken for the Establishment and Development for the Turangi Township, by Proclamation 628317(NZ Gazette 1965, page 436) pursuant to Section 11 of the Turangi Township Act 1964 and the Public Works Act 1928. By virtue of Section 19 of the Public Works Act 1928, the minerals were excluded from the acquisition. Therefore the non-statute minerals remain in DI 37/28.

Gold, silver, petroleum and uranium are owned by the Crown by virtue of Section 10 Crown Minerals Act 1991.

CONTINGENT LIABILITY/CONTAMINATION ISSUES: None identified

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In international alliance with DTZ

OTHER CLEARANCES:

The Department of Conservation confirmed on 19 August 2009 that there is no marginal strip requirement or conservation values on the land.

The Historic Places Trust confirmed on 7 October 2009 that there are no heritage protection measures required.

Housing New Zealand Corporation advised in their email of 16 September 2009 that they were not interested in acquiring the property for housing purposes.

The property is no longer required for public school purposes and is not required for another public work or for an exchange under Section 105 Public Works Act 1981.

The Department of Conservation does not wish to retain a long term interest in the land.

LOCATION & PHYSICAL DESCRIPTION:

The property is situated at 6 Poihaere Street, Turangi. The property is vacant, residential land. The dwelling which was on the land was burnt down on 6 November 2007.

PRESENT ZONING & DESIGNATION:

Zoned Residential under the Taupo District Plan. The land is not designated.

VALUATION:

Government valuation as at 1 July 2007:

Land value	\$79,000
Improvements value	\$ nil
Capital value	\$79,000

SURVEY PLAN REQUIREMENTS: None

TITLE REQUIREMENTS: None

ACQUISITION HISTORY:

The land was originally Maori land part of Waipapa 1E1F Block comprised in DI 37/28 when it was declared land taken for the establishment and development of the Turangi township by Proclamation 628317 (NZ Gazette, 1965, p436) pursuant to section 11 of the Turangi Township Act 1964 and the Public Works Act 1928.

Maori Trustee records the payment of compensation of \$148,859 plus valuation and legal fees. The schedule of land for which this compensation relates, includes several blocks of land, including Part Waipapa 1E1F Block. The Maori Trustee negotiated the compensation on behalf of the owners, but the land was not vested in the Maori Trustee.

Various Maori blocks, including Part Waipapa 1E1F Block, acquired for the same public work were amalgamated as Section 41 Town of Turangi. CT F1/1240 was issued in 1966 for the subject land in the name of Her Majesty the Queen for the Establishment and Development of the Turangi Township.

The subject land was defined by DP 28535 and CT 5A/1110 issued for Lots 135-147 and 149-153 in 1967. Lot 151 was declared to be Crown land subject to the Land Act 1948 by GN 901594 (NZ

Gazette 1971 p2680). DPL 10A/16 issued to John and Mary Jane Irving in 1971 pursuant to the Land Act 1948 for a term of 25 years. The licence was surrendered in 1978. Lot 151 was set apart for the purposes of the Department of Conservation and the due administration of the Conservation Act 1987 and to remain vested in the Crown by GN 985893.1 (NZ Gazette 1989 p632). CFR WN33D/914 subsequently issued in 1989.

CONSIDERATIONS:

Section 40 (2)(a) Impractical, Unreasonable, Unfair

Exemption under this section is not applicable as there is no evidence to suggest that the cost of offer back would exceed the value of the land, it was not on the open market at time of acquisition and it was not Crown land prior to being set apart for a public work.

Section 40(2)(b) Significant Change

The land was probably a vacant section when it was acquired and is vacant at present. Therefore, exemption under this section is not applicable.

Section 40(2)(c) Offer Back

Offer back to the former owners is applicable as the land was originally Maori land when it was taken for the establishment and development of the Turangi Township, therefore the land should be offered back to the former owners or their successors at current market value.

Section 40(2)(d) Gifted Land Policy

Gifted Land Policy is not applicable as consideration was paid for the land.

Section 40(3) Land acquired between 31.1.82 and 31.3.87

Deemed not applicable as the land was acquired outside of these dates.

Section 40(4) Size shape and situation

The land will be able to obtain its own title which would be capable of being transferred to anyone who did not own adjoining land. Therefore, this subsection is not applicable.

Section 40(5) Successor-in-Title

Offer back to successor-in-title is not applicable as the balance land has since been subdivided as part of Turangi so offer back to the successor-in-title would not restore the former title.

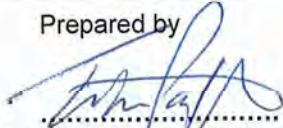
SUMMARY:

No exemptions from offer back apply. The area should be offered back.

RECOMMENDATION:

It is recommended that the land be offered back to the former owners or their successors, pursuant to Section 40(2)(c) Public Works Act 1981.

Prepared by



.....
Tim Papps (Nominated Person)
Property Services

Peer Reviewed by



.....
Murray Bradley
Property Services

APPROVED/DECLINED



.....

(In terms of a warrant from the Chief Crown Property Officer and the Commissioner of Crown Lands dated 10/10/10)

Appendices

- Appendix I Vendor Agency Disclosure Form
- Appendix II Search Copies
- Appendix III Acquisition Information
- Appendix IV Other Clearances
- Appendix V Government Valuation

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Letter

To **Manager Clearances
Land Information New Zealand
National Office
PO Box 5501
Lambton Quay
Wellington 6145**

Date **17 November 2015**
Page **1 of 3**
Our Ref **1004801**
Your Ref **CPC 09/14454**

**Residential Residence - 6 Poihaere Street, Turangi
S40 PW Act 1981 - Stage Two s40 Report
Lot 151 DP 28535 - WN33D/914**

LINZ FILE REFERENCE: CPC 09/14454.

CLIENT: Department of Conservation.

PROPERTY: 1960s Residential Residence.

INTRODUCTION: The above property was the subject of a s 40(2)(c) Stage One s40 Report approved on 10th February 2010. That report was sought to be amended by a Stage Two report presented by Tim Papps of Darroch on the 7 June 2012. I understand that report and recommendation was not approved.
This report supersedes that report.

To investigate if s41 of the PW Act 1981 should be considered, the ownership and land status history of this land has been investigated at the Maori Land Court to verify if:

Land was, immediately before its taking or acquisition, —

- (a) Maori freehold land or General land owned by Maori (as those terms are defined in section 4 of Te Ture Whenua Maori Act 1993); and
- (b) beneficially owned by more than 4 persons; and
- (c) not vested in any trustee or trustees—

MAORI LAND COURT RECORDS: 1. Maori freehold land or General land owned by Maori:
A search of the Courts records relating to Waipapa 1E1F Block located a Court Order declaring the land as Maori freehold land in 1945 by Order Tok 28/102-103, it was still Maori land at the time of 1965.

2. Beneficially owned by more than 4 persons:

There are Ownership Orders that form part of the Courts records in 1960 and later for Waipapa 1E1F Block, which lists 14 owners.

3. Not vested in any trustee or trustees:

There is no record in the Maori Land Court to show that the land was vested in any Trustee or Trustees at the time the land was acquired for a public work in 1965. The Maori Trustee Acted as Statutory agent for the owners.

RECOMMENDATION:

Based on the Maori Land Court records I recommend that this land be subject to s41(e) of the PW Act 1981 to enable a application be made to the Aotea Maori Land Court for an Order to ultimately vest this land pursuant to a s134 application to the Maori Land Court.


Prepared by
John Neal (Nominated Person)

RECOMMENDATION
Approved/ Declined


ZAK SUN

~~Pursuant to a warrant from the Chief Crown property officer dated~~ 9 16 116

~~For and on behalf of Her Majesty the Queen~~
Acting pursuant to delegated
authority from Chief Executive
of Land Information NZ
Pursant to Section 41 of the
State Sector Act 1988

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