

APPLICATION FOR PARTITION OR COMBINED PARTITION

Te Ture Whenua Māori Act 1993
Section 289 or 298

For more information visit www.justice.govt.nz/courts/maori-land-court

WHAT IS THIS FORM FOR?

Use this form to apply to the Court for a partition of Māori Land or the combined partition of Māori and General Land to separate out owner's shares into new land titles.

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

- (i) This form must be accompanied with the appropriate application fee and be filed with the Registrar in the District in which the land is located;
- (ii) Please ensure that all information required on the form is completed;
- (iii) Where tick boxes are provided please ensure you tick all those boxes that apply to your application, unless you are required to select one box, then only select the box that applies;
- (iv) If there is insufficient room on the form to provide all the required information you should continue your application on a separate sheet of paper;
- (v) Additional information – in addition to completing this form, if the application requires you to provide further information you must include all documents, information or evidence you wish the Court to consider; and
- (vi) Comply with the requirements set out in the Checklist at the end of this form.

Office use:

Application: ACCEPTED / REFUSED

Dated:

Signed:

Name:

Designation:

The Māori Land Court of New Zealand

(please select the name of the Māori Land Court District in which the land is located)

Please select one District	<input type="checkbox"/> Taitokerau	<input type="checkbox"/> Waikato Maniapoto	<input type="checkbox"/> Waiariki
<input type="checkbox"/> Tairāwhiti	<input type="checkbox"/> Tākitimu	<input type="checkbox"/> Aotea	<input type="checkbox"/> Te Waipounamu

BLOCK(S): (State name and block number (s) of the land and any Land Information New Zealand title references)

.....

.....

.....

APPLICATION:

I/We

.....(state full name),

apply for a Partition Order/Combined Partition Order of the above land.

GROUND(S) / REASONS: (tick as appropriate)

1. I/we would like a partition of the land because: (set out reasons why you want a partition)

.....

.....

.....

.....

.....

2. I/we believe that a partition will benefit this block of land because:

.....

.....

.....

.....

.....

3. I/we have consulted with the owners and given them adequate opportunity to consider the proposal by:

Personal contact;

A meeting or meetings of owners; and/or

Other means (give details)
.....
.....
.....

4. I/we attach the following evidence of consultation with the owners

Written consents or objections of beneficial owners;

Minutes of meeting(s);

Other means (give details).....
.....
.....
.....

PREFERRED PLACE OF HEARING:

SIGNATURE OF APPLICANT

Dated: / /

CONTACT DETAILS

Contact Address:
.....
.....

(Address to which documents or correspondence in connection with the application can be posted or delivered)

Phone Number(s):

Home:

Work:

Mobile:

Fax:

Email Address:

NOTE: Where fax or email addresses are given these may be used as a means of notice and service.

Fee: \$ 200.00

CHECKLIST OF DOCUMENTS REQUIRED:

Schedule 1 (*Information to accompany application for partition*) fully completed with required attachments.

A valuation of the land before partition and a valuation of each separate are created after partition.
NOTE: An applicant may seek a preliminary hearing by the Court as to the merits of partition before obtaining a valuation.

A sketch plan or diagram showing:

The area of the portion to be partitioned out; and

The position or locality of the partition relative to the whole block; and

Any river, lake or seashore boundaries of the whole block; and

The position of any easement or roadway required for access to the partitioned area.

Details as to how ownership of the land is to be apportioned after partition

Details of notice of the application or proposal to the owners, the minutes of any meetings held for this purpose, and the amount of support for the proposal

Copy of the current (*certificate of*) title (if any) of any land included in partition

Local Authority approval (*where applicable*)

Consents of owners

Consents of Trustees (where applicable)

Consent of Committee of Management of Māori Incorporation (*where applicable*)

Consent of lessee (*where applicable*)

Copy of current roll valuation or valuation by a registered valuer

NOTE: An applicant may seek a preliminary hearing by the Court as to the merits of partition before obtaining a valuation

MĀORI LAND COURT CONTACT DETAILS

This application may be lodged with the Registrar in the District in which the land is located.

TAITOKERAU

L3, Manaia House
41 Rathbone St
WHANGĀREI

DX Box AX10086
WHANGĀREI

PH: (09) 983 9940
Fax: (09) 983 9941
mlctaitokerau@justice.govt.nz

TAITOKERAU

Auckland Information Office
Avanti Finance Building
65B Main Highway
Ellerslie, AUCKLAND

DX Box EX10912
AUCKLAND

PH: (09) 279 5850
Fax: (09) 279 5852
mlctamakimakaurau@justice.govt.nz

WAIKATO MANIAPOTO

L2, BNZ Centre
354-358 Victoria St
HAMILTON

DX Box GX10101
HAMILTON

PH: (07) 957 7880
Fax: (07) 957 7881
mlcwaikato@justice.govt.nz

WAIARIKI

Hauora House
1143 Haupapa St
ROTORUA

DX Box JX10529
ROTORUA

PH: (07) 921 7402
Fax: (07) 921 7412
mlcwaiariki@justice.govt.nz

TAIRĀWHITI

Ngā Wai e Rua Building
Cnr Lowe Str & Reads Quay
GISBORNE

DX Box PX10106
GISBORNE

PH: (06) 869 0370
Fax: (06) 869 0371
mlctairawhiti@justice.govt.nz

TĀKITIMU

L2, Heretaunga House
Corner Lyndon & Warren Strs
HASTINGS

DX Box MX10024
HASTINGS

PH: (06) 974 7630
Fax: (06) 974 7631
mlctakitimu@justice.govt.nz

AOTEA

Ingestre Chambers
74 Ingestre Street
WHANGANUI

DX Box PX10207
WHANGANUI

PH: (06) 349 0770
Fax: (06) 349 0771
mlcaotea@justice.govt.nz

TE WAIPOUNAMU

30 Sheffield Crescent
Burnside
CHRISTCHURCH

DX Box WX11124
CHRISTCHURCH

PH: (03) 962 4900
Fax: (03) 962 4901
mlctewaipounamu@justice.govt.nz

SCHEDULE OF PARTICULARS FOR APPLICATION

Name of block to be partitioned:

Area:

square metres/hectares

Name of applicant(s):

.....

Local authority in which land is situated:

1. Current title held under (specify type of order)

order of the Māori Land Court dated: / /

2. Is title completed by survey?

YES

NO

3. Is there a Land Transfer / Land Information New Zealand title?

If Yes, what is/are the Title Reference(s)

YES

NO

Title Reference(s):

4. Is this partition intended to be a hapū partition in terms of the Resource Management Act?

YES

NO

Note: If this is a hapū partition, consent from the local authority does not need to be obtained. The Court will impose a restriction as to any alienation over the partitioned land. If this restriction is not wanted on the partition, then local authority consent must be obtained.

5. Current Government roll valuation attached or valuation completed by a registered public valuer.

YES

NO

6. Particulars of any improvements claimed by the applicant:

.....

.....

.....

7. Is the land vested in a Trust or Body Corporate; or subject to Part II of the Māori Affairs Restructuring Act 1989 (development)?

YES

NO

If so, consents to the partition from the trustees; or the Chief Executive of Te Puni Kōkiri must be attached.

8. Is the land vested in a Māori Incorporation?

YES

NO

NOTE: If the answer is yes a copy of a special resolution supporting the application must be provided.

9. Particulars of any registered alienations, encumbrances, rights of way, or other easements or profit a prendre affecting the title:

.....
.....
.....

10. Particulars of any unregistered alienations, any encumbrances, rights of way, or other easements or profit a prendre disclosed by Court files, or known to the applicant:

.....
.....
.....

11. Particulars of any alienation the subject of an application for confirmation not yet disposed of:

.....
.....
.....

12. Particulars of present occupation and tenure:

.....
.....
.....

13. Names of present owners, their postal addresses (*where these are known to the applicant*) and their relative shares:

	Sex and, if minor, age	Share
Name		
Postal Address		
Name		
Postal Address		
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(continue on a separate sheet if necessary)

CONSENTS OF TRUSTEES /OWNERS FOR PARTITION

We the undersigned being trustees/owners in

Block hereby agree to the partition of the said land as shown on the plan attached hereto.

Signed by	<input type="checkbox"/> Owner	<input type="checkbox"/> Trustee
Full Name:		
Signature:	Dated: / /	
Address:		

Signed by	<input type="checkbox"/> Owner	<input type="checkbox"/> Trustee
Full Name:		
Signature:	Dated: / /	
Address:		

Signed by	<input type="checkbox"/> Owner	<input type="checkbox"/> Trustee
Full Name:		
Signature:	Dated: / /	
Address:		

Signed by	<input type="checkbox"/> Owner	<input type="checkbox"/> Trustee
Full Name:		
Signature:	Dated: / /	
Address:		

Ataiti Te Rehu Hoterene Armstrong Whanau Trust
C/- Arvay Armstrong-Read
32A Tongatu Road
Whangarei

2 February 2021

Whangarei Maori Land Court
Manaia House
Rathbone Street, 3rd Floor, Manaia House
Whangarei

To Whom It May Concern:

The Ataiti Te Rehu Hoterene Armstrong Whanau Trust enclose their application to partition their lands in the Māori land court whangarei. Attached is the supporting documentation to accompany this application.

We would like this application to be convened within the next possible hearing as permitted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Read', followed by a period.

Arvay Armstrong-Read
Trustee Ataiti Te Rehu Hoterene Armstrong Whanau Trust

Introduction:

The Ataiti Te Rehu Hoterene Armstrong Whanau Trust submit an application to the Māori land court to partition their lands from the Te Orewai Te Horo Trust.

The Ataiti Te Rehu Hoterene Armstrong Whanau Trust has shares within the Te Orewai Te Horo Trust equating to :

Te Horo 3 No 1-31 923.42 shares

The blocks to be partitioned are listed below:

Sole owned blocks :

Kaikou No 3 3B 547.767 shares

Kaikou 3 Lot No 34 140.00 shares

Kaikou 3 Lot No 36 160.00 shares

Multiple owned blocks:

Pipiwai Z 29.883 shares

Omanene 3 12.966 shares

Kaikou B1 .304 shares

Kaikou B8B .042 shares

Kaikou D3 .275 shares

Kaikou 3 lot 45 (confirmation still required of these blocks)

Pipiwai A1 (confirmation still required of these blocks)

Kaikou C1A3 (confirmation still required of these blocks)

The Ataiti Te Rehu Hoterene Armstrong Whanau Trust is proposing to submit this application with the intent to partition the sole owned blocks and then the multiple owned blocks.

We understand the complexities which exist with the multiple owned lands and recognise that this partition may take longer to process due to the sensitivities concerning multiple owned blocks of land. We seek a respectful and transparent process in moving forward with the partition application.

We have attached the following maps below with a sketch plan to indicate the proposed areas to be partitioned. Following the attached maps is a historical overview of the land as experienced by this whanau. It is our intent that this overview is read in relation to this application.

Sole Owned Blocks







Map of Kaikou 3 Lot 34 & Lot 36



Kaikou 3 Lot 36
Total Shares: 160
Ataiti's Share: 160

Kaikou 3 Lot 34
Total Shares: 140
Ataiti's Share: 140

Legend

-  Kaikou 3 Lot 36
-  Kaikou 3 Lot 34
-  Parcel boundary
-  Te Horo 202020 Residue

Date Compiled 20 July 2014
Cartography by Digital Navigators Ltd
Information Sources:
Parcel Information Sourced from LINZ
Crown Copyright reserved
Projection NZTM Grid/GCS 2000

0 0.225 0.45 0.9 Kilometres

Source: Esri, DeLorme, USGS, UNEP, IGN, GEBCO, Swire, GeoEye, AeroGRID, IGN, ISL, and the GIS User Community

Multiple Blocks of Land

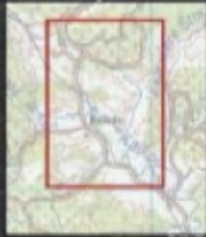


Map of Omanene 3

Insert new slide



Map of Kaikou B8B



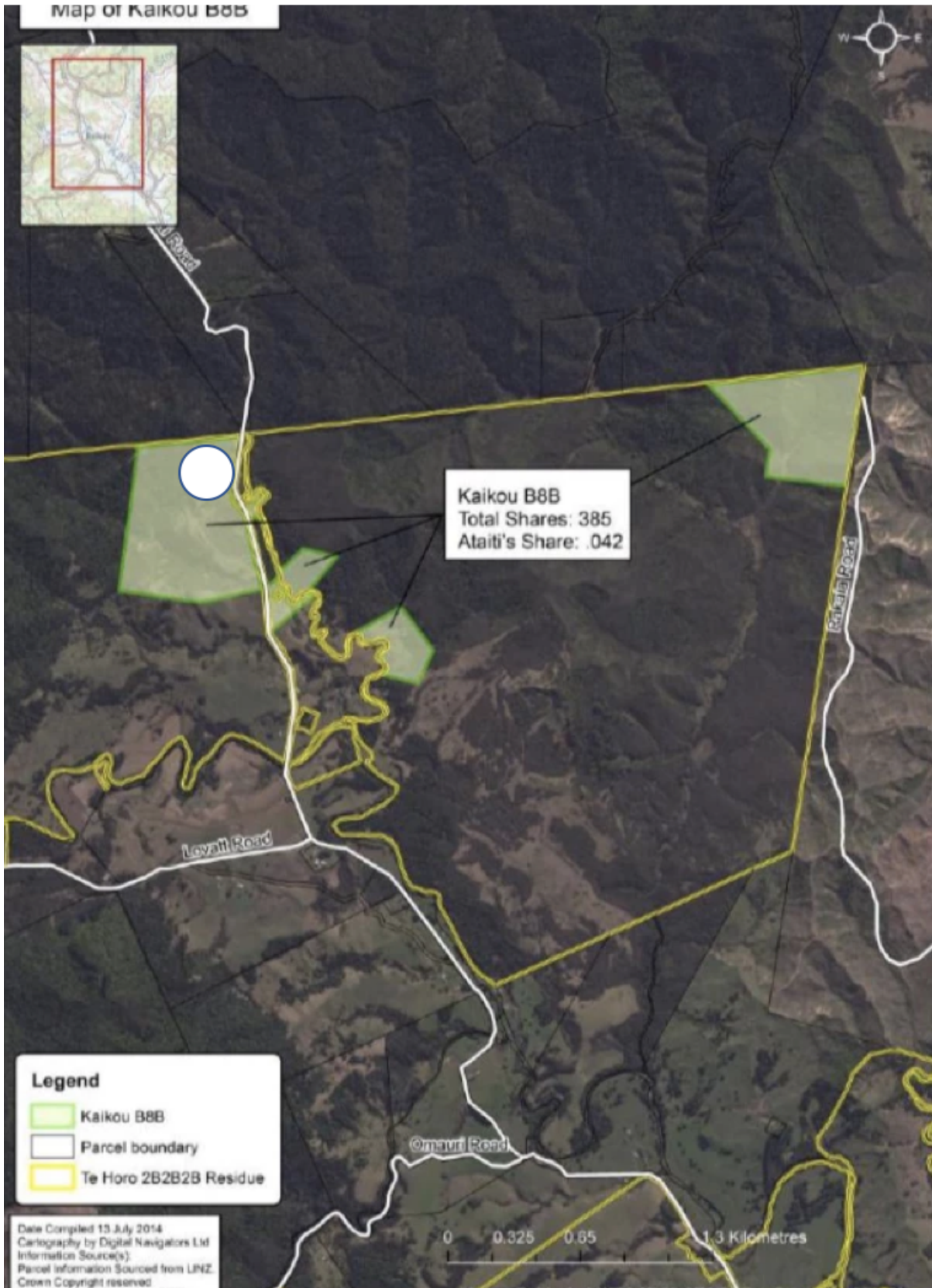
Kaikou B8B
Total Shares: 385
Ataiti's Share: 042

Legend

- Kaikou B8B
- Parcel boundary
- Te Horo 2B2B2B Residue

Date Compiled 13 July 2014
Cartography by Digital Navigators Ltd
Information Source(s):
Parcel information Sourced from LINZ.
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0 0.325 0.65 1.3 Kilometres



Map of Kaikou D3



Howrah Road



Kaikou D3
Total Shares: 210
Ataiti's Share: .275

Legend

-  Kaikou D3
-  Parcel boundary
-  Te Horo 2B2B2B Residue

Date Compiled 13 July 2014
Cartography by Digital Navigators Ltd
Information Source(s):
Parcel Information Sourced from LINZ
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Projection: NZTM Geodetic 2000

0 0.15 0.3 0.6 Kilometres

Basemap: Bing, Localnet, USGS, URIS, AHC, GeoEye, GeoEye2, Aerial, KRI, K2P, and the GIS User Community

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Historical Background

Ataiti Te Rehu Hoterene Armstrong was a major shareholder in several blocks of land at Pipiwai. Her whanau lived on the lands at Pipiwai for many generations and inherited their whenua from Te Rehu Waa Hoterene and Heeni Tame Horomona (Nee Whatipu) who were both significant land holders at Pipiwai.

In the early 1960s the Maori Affairs initiated a proposal for the Te Horo development scheme. At this time Maori Affairs was pursuing a Crown policy at Pipiwai of amalgamating "uneconomic" Maori land and settling new farmers on the land in order to bring the land into production.

Ataiti from the onset of this proposal vehemently objected to the amalgamation of her lands but her objections were dismissed and overruled by the māori land court. The title of these blocks was cancelled and substituted by the one title of Te Horo pursuant to section 435 of the 1953 maori Affairs Act.

It is well documented in the Maori Affairs and Maori Land Court records that Ataiti Te Rehu Hoterene and her siblings Ngarongoa and Moetahi were known as the three major objectors to the proposed development scheme. Ataiti and her siblings were major landholders who strongly opposed the amalgamation of their lands as they wanted to remain on their lands and work their own farms as they had done for so many years prior. Ataiti and her siblings attended a Court hearing regarding the amalgamation and sought to have their lands excluded from the amalgamation however, all of their objections were disregarded and overruled and the Maori Land Court ordered the amalgamation of their lands into the Te Horo development scheme.

One of the first things that occurred after the amalgamation was ordered was that Maori Affairs ripped out all the fences on our Ataiti's land so that there would be no sense of boundaries, or individual whanau ownership of the land. Maori Affairs also padlocked the gates on her land to prevent her from entering onto her whenua. Ataiti Our was known to cut the locks on the gate. She, and her children, were devastated by the destruction of their milking shed, shop and property. Ataiti complained many times to the Maori Affairs, however they never accepted any fault in the destruction of her lands or properties.

The Maori Affairs promised whanau that they would be able to resettle on their lands within five years. At that point it was expected that the lands would be economic and making money. However, resettlement did not

occur within five, ten or even 15 years. One by one, many of the whanau including Ataiti, were either forced to leave, or were left with no option but to move out of their homes in Pipiwai to live elsewhere. In the end we moved our mother to Moerewa because her health began to deteriorate due to the stress of her losing her lands and the manner in which she was treated by Maori Affairs. Her family were forced to leave the area because they could no longer access their farm and the land and required jobs to support their mother and whanau.

The real effect of the taking of her lands by Maori Affairs was that her rangatiratanga, the absolute right to live on and manage her lands, was diminished and taken away. Her rights to her whenua were stolen and Maori Affairs were entitled all rights of ownership and control over her whenua. In return, she was given a shareholding in the new Te Horo block. Ataiti continually opposed the concept of being a shareholder as it took away her mana whenua.

The intention of the Maori Affairs was to develop the land and bring it into economic production. However, the Maori Affairs actually mismanaged the lands and accrued substantial debts. During Maori Affairs administration of the land a complicating issue began to arise where shares were either sold or acquired by the Crown. The selling of these shares also allowed people from outside the whanau to buy land which they never should have been able to, thereby alienating the rights of the original whanau who lost their shareholding in the block. Over time, the Crown came to acquire half of the shares in the block and the effect of this was that many whanau were pushed out of Pipiwai and became landless.

Throughout the entire period that the land was developed by Maori Affairs, Ataiti opposed the amalgamation and sought to have her lands partitioned from the scheme. She was constantly engaged with lawyers, the Maori Land Court and Maori Affairs and she was always actively writing letters, which we have as evidence. Ataiti paid for many applications and lawyers fees out of her own money, a testament to her passion to get her lands back. Because of her constant opposition she was ridiculed and, in spite of her constant efforts she remained unsuccessful. We know now that her attempts would never have succeeded as her lands were identified by the Maori Land Court as essential to the success of the development scheme, even prior to the amalgamation being proposed to the community. In our view, this meant that the initial consultation was a token gesture and the taking of her lands was a fait accompli.

It was a further blow to our whanau that the Maori Land Court allowed the partition of some of our mother's land for a cousin Winiata Shortland. This partition was approved even when the whanau opposed his partition

application. This event caused an enormous level of stress and grief amongst our whanau that continues even today. Again our mother wrote in opposition to this partition but her concerns were ignored. It has caused irreparable damage between us as whanau.

Instead of returning the lands to our family and allowing us to return to our lands to live, in 1986 after 21 years of management, the Maori Land Court ordered that the Te Orewai Te Horo Trust ("the Trust") be established to manage the Te Horo block. The Trust has operated since that date. Numerous and serious complaints regarding mismanagement have been levied against the Trust by many of the whanau, including our own. The Te Horo development scheme continues to be an issue that has exasperated our whanau and the community at Pipiwai for almost 60 years. Today, we continue to seek the return of our lands to our whanau. It is through no lack of trying that still today our tupuna lands remain within the Te Orewai Te Horo Trust.

We the Ataiti Te Rehu Hoterene Armstrong Whanau Trust recognise that whenua is a taonga tuku iho and our whakapapa to this land is essential to maintaining our turangawaewae. It is imperative to the wellbeing and mana of our whanau that our whenua be returned to the rightful kaitiaki. By doing so this whanau will be able to return to create opportunities that will sustain our future generations which will enable our whanau to heal and move forward from the intergenerational trauma caused from the crown taking our land. Our whanau is still hurting today and it won't be until our whenua is returned and able to reclaim their whenua that they can begin to heal and move forward to build a future for her children and mokopuna.

The concluding statement remind us all of our tupuna Ataiti Te Rehu Hoterene Armstrong and the place that is her home, our home.

Ki ngā whenua tāngaengae, ki ngā huarahi i takahia e au, ko Pipiwai te ūkaipo, te kaupupuri i taku manawa, te wāhi kotahi o te ao i tangata whenua ai ahau. He āhuru mōwai, he whenua i tū whakahihī ai āku mātua tūpuna. Koinei taku hononga ki te whenua, te taura here i a au ki taku tuakiri, koinei te wāhi i wātea ai ahau.

To all the familiar places and tracks that I once did roam, Pipiwai is the womb that holds my soul, the only place in the world that I can call my own. It is a haven of peace, a place where my tupuna once stood proud. It is my connection to this land, it keeps me in touch with who I am. This is the only place where I feel free.

Map of Kaikou 3 Lot 45



Legend

- Kaikou 3 Lot 45
- Parcel boundary
- Te Horo 2B2B2B Residue




Date Compiled 13 July 2014
Cartography by Digital Navigators Ltd
Information Sources:
Parcel Information Sourced from LINZ
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Projection: NZTM Geodetic 2000

Source: Esri, DeLorme, USGS, USGS, FSI, Swire, GeoEye, AeroGRID, IGN, etc.

Map of Pipiwai A1



Legend

-  Pipiwai A1
-  Parcel boundary
-  Te Horo 2B2B2B Residue

Date Compiled 13 July 2014
Cartography by Digital Navigators Ltd
Information Sources:
Parcel Information Sourced from LINZ.
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Projection: NZTM Geoid 2000

0 0.075 0.15 0.3 Kilometres

Source: (Ref. Horizontal, UTM), (Vertical, NZTM), (Datum, NZTM), (Projection, NZTM)

Map of Kaikou C1A3

