

IN THE HIGH COURT OF NEW ZEALAND
WHANGAREI REGISTRY

CIV-2017-485-245

I TE KŌTI MATUA O AOTEAROA
WHANGAREI TERENGA PARĀOA ROHE

UNDER THE

Marine and Coastal Area (Takutai
Moana) Act 2011

AND

IN THE MATTER OF

an application by Rueben Taipari
Porter, Christopher Takana Murray,
Linda Waimirirangi Matenga Harrison,
Robert Herewini, Hurae Te Amo,
Daniel Snowden, Jennifer Rupapera,
Ellen Graham and Atarangi
Murupaenga on behalf of **Te iwi ō Te
Rarawa ki Ahipara** for orders
recognising Customary Marine Title
and Protected Customary Rights

**Amended Originating Application on Notice for Recognition Orders
Pursuant to the Marine and Coastal Area (Takutai Moana) Act 2011**

Date: 28 May 2024

*[2] Leave is granted to substitute for Mr Matiu and
Ms Murupaenga the following applicants:*

*(a) Robert Herewini, Hurae Te Amo, Daniel Snowden,
Jennifer Ruparera, Ellen Graham and Atarangi Murupaenga
- Minute of Churchman J 2/8/2024*

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**IN THE HIGH COURT OF NEW ZEALAND
WHANGAREI REGISTRY**

No: CIV-2017-485-245

To the Registrar of the High Court at **Whangarei**
and

To, the **Northland Regional Council**, the **Far North District Council** and
the **Solicitor-General** on behalf of the Attorney General

This document notifies you that —

1. Rueben Taipari Porter, Christopher Takana Murray, Linda Waimirangi Matenga Harrison, Robert Herewini, Hurae Te Amo, Daniel Snowden, Jennifer Rupapera, Ellen Graham, and Atarangi Murupaenga (“the **Applicants**”), will on 3 April 2017 apply to the Court for Recognition Orders under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”).
2. The Applicants will seek a Recognition Order for Customary Marine Title (“CMT Order”) under the requirements of s 58 of the Act.
3. The Applicants will seek to include the recognition of wāhi tapu and wāhi tapu areas in any CMT Order made pursuant to s 78 of the Act.
4. The Applicants will seek a Recognition Order for Protected Customary Rights (“PCR Order”) under the requirements of s 51(1) of the Act.

The Applicant Group

5. The Applicant Group is Te iwi ō Te Rarawa ki Ahipara (“Te Rarawa” or “the Applicant Group”).
6. Te Rarawa is an iwi that comprises various hapū with interests in the marine and coastal area in and around Ahipara, on the west coast of the Far North of New Zealand.

Representative of Applicant Group /Holder of the order

7. At this stage Te Rarawa has not decided upon a representative to hold any Court Order that may be awarded as a result of this application.
8. Te Rarawa will continue to convene hui to make the determination as to who will hold any Court Order that may be awarded.

Contact Details

9. The contact details for Rueben Taipari Porter and for Te Rarawa are:
 - i. Telephone number: 027 2001840
 - ii. Mailing Address: 30A Ngakaroa Road, RD 1, Kaitaia
 - iii. Email: ahiparaonline@gmail.com

Affidavit in Support of Application

10. An affidavit by **Rueben Taipari Porter** was **attached** in support of this application (“the Affidavit”) with the Original Application filed on 3 April 2017.

Specified Area to which Application Relates

11. The common marine and coastal area to which this application relates comprises the marine and coastal area bounded by Ngapae in the north, which is commonly known as Waipapakauri Beach, to Taitea, which is just south of the Hukatere Stream, in the south, and 12 nautical miles seaward from each fixed point on the coastline between these two boundary points (“the Specified Area”).
12. **Attached** to the Affidavit that accompanies this application is a map of the Specified Area.

13. As the application progresses, further evidence and/or historical research may arise that will warrant amendments to the Specified Area.

Grounds for CMT Application

14. The Applicant Group holds the Specified Area in accordance with tikanga.
15. The Applicant Group has exclusively used and occupied the Specified Area from 1840 until the present day.
16. Title to the Specified Area has not been extinguished as a matter of law.
17. Further grounds for a CMT Order include the following:
 - a. Members of the Applicant Group own lands abutting the Specified Area; and
 - b. The Applicant Group exercise their non-commercial customary fishing rights within the Specified Area, and have done so from 1840 to the present day

Wāhi Tapu

18. Various wāhi tapu and wāhi tapu areas of importance to the Applicant Group are located within the Specified Area.
19. If this application for a CMT recognition Order is successful, the Applicant Group will seek to include recognition of these wāhi tapu as part of the Order under s 78 of the Act.

Description of Protected Customary Rights

Kaitiakitanga

20. The Applicant Group have practiced kaitiaki responsibilities in and around the Specified Area.

21. The kaitiaki role involves, in part, the passing on of Maori lore and ecological wisdom to the younger generations.
22. The kaitiaki role of the Applicant Group also involves conservation, protection and supervision of the Specified Area.

Gathering of Sands for Non-Commercial Purposes

23. Members of the Applicant Group gather certain sand that is located within the Specified Area.
24. Red sand is gathered by members of the Applicant Group for the purposes of construction. It is gathered from Waimimiha beach, which is within the Specified Area.
25. White sand is gathered by members of the Applicant Group for the purposes of cooking. It is usually gathered from Tauroa Point, which is within the Specified Area.
26. The Applicant Group requires access to the Specified Area for the purposes of carrying out this customary activity.

Grounds for Protected Customary Rights Application

27. The Protected Customary Rights described above;
 - a. have been exercised since 1840;
 - b. continue to be exercised by the Applicant Group in/at the Specified Area in accordance with tikanga; and
 - c. have not been extinguished as a matter of law.

Memorandum

This document is filed by **Darrell Naden**, Solicitor for the Applicant Group, of the firm Tamaki Legal Limited. The address for service of the Applicant Group is at the offices of Tamaki Legal Limited, Level 3, 2 Osterley Way, Auckland, 2104, New Zealand. Documents for service on the Applicant Group may be left at that address for service or may be –

- posted to the Solicitor at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the Solicitor at darrell@tamakilegal.com, maithili@tamakilegal.com, hugo@tamakilegal.com

Date: 28 May 2024



Darrell Naden
Counsel for the Applicant