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IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2017-485-244.

IN THE MATTER OF

The Marine and Coastal Area (Takutai Moana)
Act 2011

AND IN THE MATTER OF

An application by Charlie Tawhiao, Turi Ngatai, Puhirake Ihaka, Ngaraima Taingahue, Eddie Bluegum, Kalani Tarawa, Bevan Taikato, Mita Rinui, Ngareta Timutimu, Mate Samuels, Margaret Broughton as trustees of the **Ngāi Te Rangi Settlement Trust** for an order recognising customary marine title and protected customary rights

**APPLICATION FOR AND ON BEHALF OF THE NGĀI TE RANGI
SETTLEMENT TRUST FOR CUSTOMARY MARINE TITLE AND
PROTECTED CUSTOMARY RIGHTS**

Dated 3 April 2017

Case Manager
Next Event: / /
- 4 APR 2017
THE HIGH COURT
WELLINGTON

MINISTRY OF JUSTICE
- 3 APR 2017
@ 1:29pm
TAURANGA


NGĀI TE RANGI
Settlement Trust

P O Box 4369,
Mount Maunganui South 3116
P: 07 575 3765
F: 07 5753721
Solicitor acting: J N Gear

To: The Registrar at Wellington;

And to: Bay of Plenty Regional Council;

Waikato Regional Council;

Thames Coromandel District Council;

Tauranga City Council;

Western Bay of Plenty District Council;

The Minister of Local Government as the Territorial Authority for Motiti and Tuhua Islands

And to: The Solicitor General on behalf of the Attorney General

THIS DOCUMENT NOTIFIES YOU THAT:

1. The applicant group, Charlie Tawhiao, Turi Ngatai, Puhirake Ihaka, Ngaraima Taingahue, Eddie Bluegum, Kalani Tarawa, Bevan Taikato, Ngareta Timutimu, Mate Samuels, Mita Ririnui and Margaret Broughton as trustees of the Ngāi Te Rangi Settlement Trust (**Ngāi Te Rangi**) will on _____ apply to the Court for orders on behalf of nga hapu o Ngai Te Rangi:
 - 1.1 Recognising Ngāi Te Rangi customary marine title in the common coastal marine area described at **Schedule 1**;
 - 1.2 Recognising Te Whanau a Tauwhao customary marine title in the common coastal marine area surrounding the Aldermen Islands described at **Schedule 2**.
2. Recognising Ngāi Te Rangi protected customary rights in the areas described above, such as collecting hangi stones, mahinga mātaimai, ruku moana, hī ika, hao ika, koho rau, whati rākau, keri rua, rapu tuna, whakatō kai, taka kai, tao kai, hora kai, kauhoe, whakatere waka, mau rākau / parawhakawai, tua tamariki / iriiri, whakahaere karakia, hikoi whenua, mahi rongoa, wāhi tapu, mahi toi, and wānanga.

The Applicant Group - Ngāi Te Rangi

3. Ngāi Te Rangi is an iwi of the Mataatua waka whose founding ancestors are Te Rangihouhiri and Tamapahore.

Hapu	Marae
(a) Ngā Potiki	Tahuwhakatiki Tamapahore
(b) Te Whanau a Tauwhao	Otawhiwhi Rangiwaea
(c) Ngāti Kuku	Whareroa
(d) Ngāi Tukairangi	Whareroa Hungahungatoroa
(e) Ngati Tapu	Waikari
(f) Ngāi Tamawhariua	Te Rereatukahia
(g) Ngāi Tamawhariua ki Matakana	Te Rangihouhiri
(h) Ngāti He	Maungatapu
(i) Ngāti Tauaiti	Kutaroa
(j) Ngāi Tuwhiwhia	Opureora
(k) Te Ngare	Opounui

Rohe

5. The rohe of Ngai Te Rangi generally comprises the lands and waters of Tauranga Moana.
6. The rohe runs from Nga Kuri a Wharei on the north west coast to Mount Te Aroha then along the Kaimai ranges to Otanewainuku and Wairakei on the north west coast.
7. The rohe of Ngai Te Rangi includes:
 - 7.1 The islands of Motiti, Matakana, Rangiwaea, Motuhua, Tuhua, Motuotau, Moturiki and Karewa and the surrounding coastal marine area;
 - 7.2 Te Moana a Toi being the coastal waters of the Bay of Plenty;
 - 7.3 Tauranga harbour and its associated channels and waterways.

Grounds on which customary marine title is sought:

8. Ngai Te Rangi meets the requirements in s 58 of the Act because:
 - 8.1 They hold the Ngai Te Rangi marine area in accordance with tikanga;
 - 8.2 They have exclusively used and occupied the Ngai Te Rangi marine area from 1840 to the present without substantial interruption;
 - 8.3 The customary marine title has not been extinguished as a matter of law.
9. Ngai Te Rangi will provide more information once funding for research is secured.

Matters that may be taken into account to determine whether customary marine title exists

10. The majority of Ngai Te Rangi marae and maori communities are situated in locations that abut common coastal marine area. This is demonstrated by the fact that there remains large tracts of Maori freehold land within the Ngai Te Rangi rohe that abut the coastal marine area.
11. Ngai Te Rangi and its members are kaitiaki and have exercised non-commercial customary fishing rights to uphold their tikanga in the Ngai Te Rangi marine area and have done so from 1840 to the present day.

Grounds on which protected customary rights are sought:

12. Ngai Te Rangi meets the requirements in s 51 of the Act because:
 - 12.1 Ngai Te Rangi have undertaken the following activities since 1840, collecting hangi stones, mahinga mātaitai, ruku moana, hī ika, hao ika, kohi rau, whati rākau, keri rua, rapu tuna, whakatō kai, taka kai, tao kai, hora kai, kauhoe, whakaterere waka, mau rākau / parawhakawai, tua tamariki / iriiri, whakahaere karakia, hikoi whenua, mahi rongoa, wāhi tapu, mahi toi, and wānanga. marine area in accordance with tikanga;
 - 12.2 Ngai Te Rangi continues these activities in accordance with tikanga and continues to undertake them albeit in some instances using modern equipment.
13. Ngai Te Rangi will provide more information once funding for research is

secured.

Application made in reliance

14. This application is made in reliance on:

14.1 Sections 51(1), 58, 94, 98, 100, 101 and 107 of the Marine and Coastal Area (Takutai Moana) Act 2011;

14.2 The affidavits of Charlie Tawhiao, Hauata Palmer and Reon Tuanau filed in support of the application;

14.3 Further evidence to be filed on behalf of Ngai Te Rangī

Date: 3 April 2017 at Tauranga



J N Gear

Counsel for Ngāi Te Rangī Settlement Trust

This document is filed by Joshua Nathan Gear, solicitor on record for the Ngāi Te Rangi Settlement Trust (**Ngai Te Rangi**). The address for service of Ngāi Te Rangi is at its office at Te Awa o Tukorako Lane, Taiaho Place, Mount Maunganui.

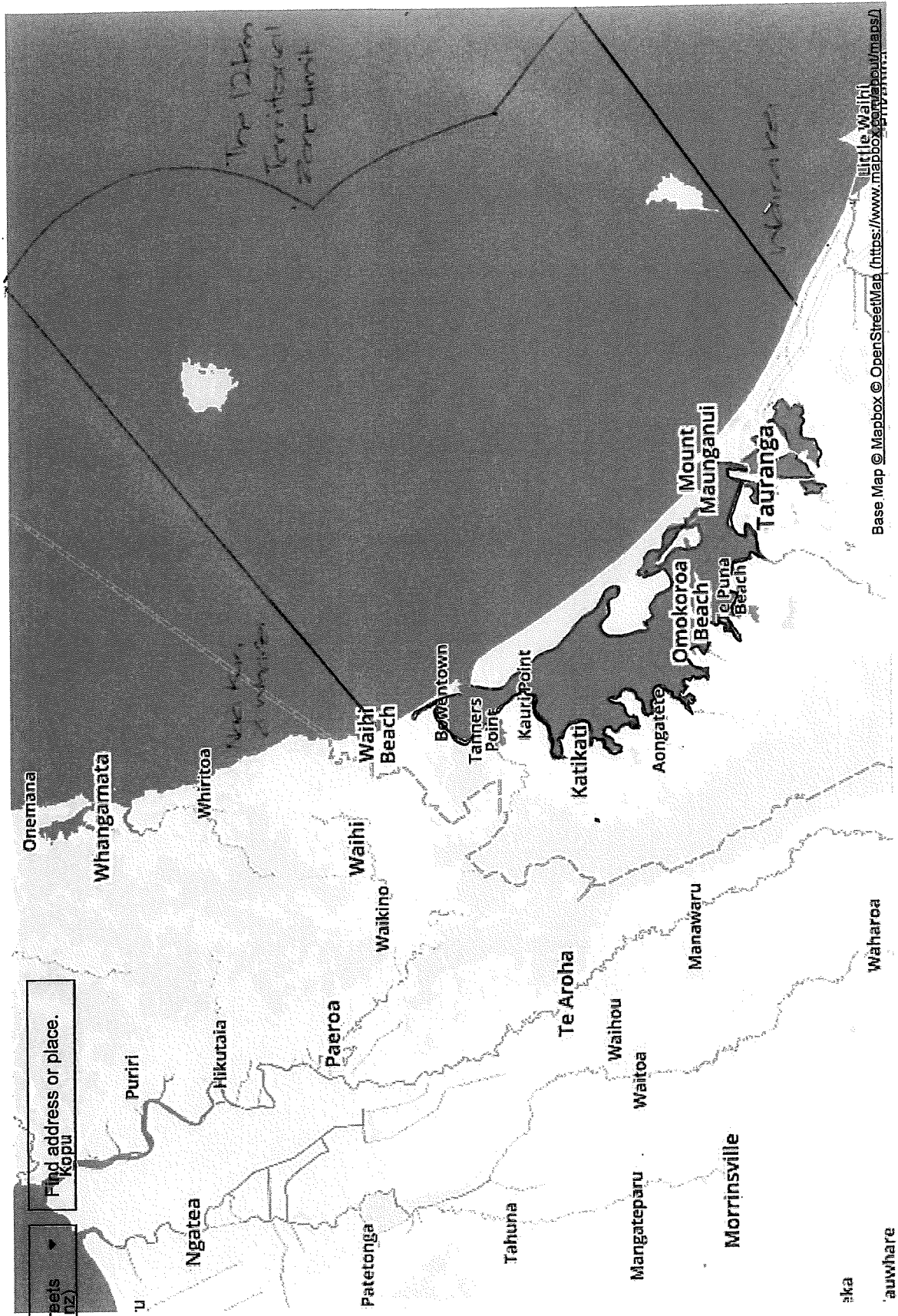
Documents for service on Ngāi Te Rangi may be left at that address for service or may be:

- Posted to their solicitor at P O Box 4369, Mount Maunganui 3116;
- Transmitted to the solicitor by fax to 07 575 3721;
- Emailed to joshua@ngaiterangi.iwi.nz.

Schedule 1

The inner Tauranga Harbour from Otawhiwhi to Rangataua Bay and the coast from Waiororo Stream to Wairakei extending seaward to the 12km territorial sea boundary, and encompassing the coastal marine area surrounding Motiti Island and Tuhua as approximately shown on the **attached** plan and in accordance with the affidavit of Charlie Tawhiao dated 31 March 2017.

"F"

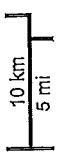


This is the exhibit marked "F" referred to in the affidavit of Charlie Tawhiao sworn / affirmed at Tauranga this 31 March 2017 before me:

JUSTIN ARNOLD
SOLICITOR
TAURANGA

Solicitor of the High Court of New Zealand

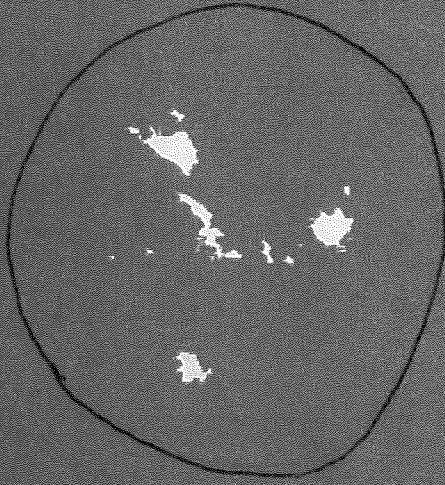
aka
'auwhare



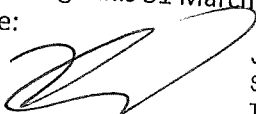
Base Map © Mapbox © OpenStreetMap (https://www.mapbox.com/)

Schedule 2

The common coastal marine area surrounding the alderman islands extending seaward to the 12km territorial sea zone boundary, with the Aldermans at the centre as approximately shown on the **attached** plan and in accordance with the affidavit of Charlie Tawhiao dated 31 March 2017.



This is the exhibit marked "G"
referred to in the affidavit of Charlie
Tawhiao sworn / affirmed at
Tauranga this 31 March 2017 before
me:


JUSTIN ARNOLD
SOLICITOR
TAURANGA
Solicitor of the High Court of New Zealand

Find address or place.

Streets
(<https://data.linz.govt.nz>)

Beach



Pumpkin Hill

Tairua

Pauanui

