

1.

IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-485-320
WHANGAREI REGISTRY

IN THE MATTER OF

the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

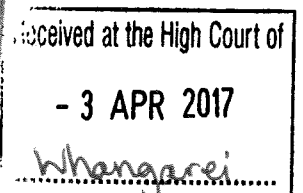
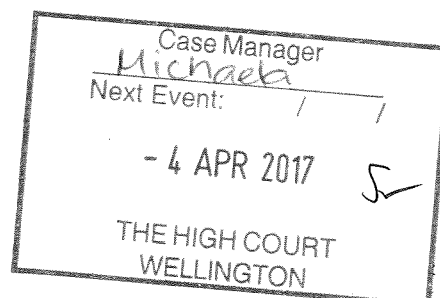
AND IN THE MATTER OF

an application by
Rangitane Marsden for an
order recognising
Customary Marine Title
and Protected Customary
Rights.

APPLICATION BY RANGITANE MARSDEN

**FOR RECOGNITION ORDERS PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

Dated: 26 March 2017



To: The Registrar of the High Court at **WHANGAREI**

and to: Far North District Council
Northland Regional Council

and to: Department of Conservation,
Department of Internal Affairs,
Environment Protection Agency,
MBIE,
NZ Petroleum and Minerals

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Rangitane Marsden will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”) to recognise the Customary Marine Title and Protected Customary Rights of, Te Iwi O NgaiTakoto members.

Protected Customary Rights

2. NgaiTakoto ancestors utilised the common marine and coastal area for
 - fishing (utilising nets, hinaki and hand-lines to catch kuaka (snipe), kanae, kahawai, pioke, araara, patiki, tamure, mango, eels and other fish species).
 - seeding and harvesting of shellfish (including pipi, cockles, oysters, mussels, scallops, karahu, toheroa, tuatua, tuangi, pupu, paapaka and other species)
 - activities related to spiritual practices (such as rahui);
 - planting and cultivating plant species in CMCA wet margins (such as flax, tī kouka, pingao);
 - gathering edible and aquatic plants;
 - extracting minerals for non-commercial purposes;
 - collecting hāngi stones for required purposes;

- collecting natural resources for various purposes;
- coastal sites for ceremonial and residential activities in the CMCA;
- tauranga waka.

The Applicant Group:

3. The NgaiTakoto Iwi descends from our Tupuna Tuwhakaterere and his two subsequent marriages. The rohe of NgaiTakoto is identified as Wharo River (Ahipara) to Hukatere (Utea Pa) the coastline in between. Hukatere north east to Rarawa Beach, south to Houhora Harbour. The coastline in between. Houhora harbour to Ngarui O Te Marangai (East Beach) to Unahi (Rangaunu Harbour) recognising our connections to Whanau Moana and Te Rorohuri of Haititaimarangai Marae (Ngati Kahu) in relation to the Rangaunu harbor. NgaiTakoto comprises of 4 Marae whom reside on the shores of the Rangaunu Harbor. Rangitane Marsden was appointed to make this application for and on behalf of the Iwi members of NgaiTakoto via Te Runanga O NgaiTakoto on the 23rd March 2017.

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area (as defined in s9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. on the west ward side by a line that extends from the coast abutting Wharo, (Ahipara) (including any islands) to the outer limits of the territorial sea; and
 - d. on the north ward side by a line that extends from the coast abutting Hukatere (Utea pa) north east, across to Rarawa Beach (including any islands) south, down to Houhora, to Kaimaumau, to the Rangaunu Harbor and outer limits of the territorial sea.

Grounds on which the protected customary rights order is sought:

5. The grounds on which this order is sought are that :
 - a. NgaiTakoto being a coastal Iwi has relied heavily on our coastlines, rivers, waterways, moana and wetlands to provide food stocks sourced by Whānau, and the Iwi in the estuaries and coastal margins associated within our traditional rohe boundaries; and
 - b. And further, our NgaiTakoto people traditionally sought, sourced, and fished the numerous deep water fish species that were not available around the inner shoreline; and
 - c. Te Runanga O NgaiTakoto (NgaiTakoto Iwi) also undertakes the following activities in the common marine and coastal area: rongoā collecting, transport, transfer of knowledge of hapu marine culture, trade, communication, seasonal kaimoana exchange, access to gardens on land, tangihana, social interaction, manaakitanga and ope mara (labour movement)]
 - d. NgaiTakoto members have undertaken these activities identified above prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.

6. *Te Runanga O NgaiTakoto (NgaiTakoto Iwi)* will provide more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

7. The grounds on which this order is sought are that:
 - a. **NgaiTakoto Iwi** has held the application area in accordance with tikanga. prior to 1840

- b. **NgaiTakoto Iwi** has exclusively used and occupied the application area from prior to 1840 to the present day without substantial interruption.
8. **Te Runanga O NgaiTakoto (NgaiTakoto Iwi)** will provide more information once funding for research and legal representation is secured.

Contact Details:

9. RANGITANE MARSDEN for **Te Runanga O NgaiTakoto (NgaiTakoto Iwi)** contact details are

Rangitane Marsden
P.O.Box 262
Kaitaia
NORTHLAND

10. This application relies on s51(1), s58, s98-113 of the Act and the supporting affidavit of NgaiTakoto kaumātua.

Dated at Kaitaia on the 3rd of April 2017



(Contact Person)