

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

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

CIV-2017-485-245

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

IN THE MATTER OF An application by Te Iwi ō Te Rarawa ki
Ahipara

Hearing: On the papers

Appearances: D C F Naden for Te Iwi ō Te Rarawa ki Ahipara

Minute: 2 August 2024

MINUTE OF CHURCHMAN J

[1] On 28 May 2024 the applicant filed an amended application seeking recognition orders pursuant to the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). An accompanying memorandum sought leave to amend the named applicants on the basis that Mr Matiu and Ms Murupaenga had passed away.

[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.

[3] I note that the amended application at [26] says:

The Applicant Group requires access to the Specified Area for the purposes of carrying out [the] customary activity (of gathering sand for non-commercial purposes).

[4] The Court has no jurisdiction under the Act to grant any rights of access whether in relation to privately owned or public land. The Court's jurisdiction stops at the boundary of the takutai moana, mean high water springs.

Churchman J