

I TE KŌTI MATUA O AOTEAROA  
TE TĀMAKI MAKAURAU ROHE

UNDER THE

**Marine and Coastal Area  
(Takutai Moana) Act 2011,  
sections 98 and 100**

AND

IN THE MATTER

of an application by **Freda Pene  
Reweti Whānau Trust** on  
behalf of **Ngāti Rehua-Ngāti  
Wai ki Aotea** for a Recognition  
Order recognising Customary  
Marine Title

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

**Dated: 27 September 2023**

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**TamakiLegal**

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To the Registrar of the High Court at **Auckland**

and

To the **Far North District Council, Great Barrier Local Board**, c/o Auckland City Council, and the **Solicitor General** on behalf of the Attorney General.

**This document notifies you that —**

1. The **Freda Pene Reweti Whānau Trust** and the **Ngāti Rehua Ngātiwai ki Aotea Trust** (together, 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 recognition of wāhi tapu and wāhi tapu areas in the CMT Order under s 78 of the Act.
4. The Applicants will seek a Recognition Order for a Protected Customary Right (“PCR Order”) under the requirements of s 51(1) of the Act.

**The Applicant Group**

5. Ngāti Rehua-Ngāti Wai ki Aotea is the Applicant Group (“the Applicant Group” or “Ngāti Rehua-Ngāti Wai ki Aotea”).
6. The Freda Pene Reweti Whānau Trust and the Ngāti Rehua Ngātiwai ki Aotea Trust are made up of individuals who are Ngāti Rehua-Ngāti Wai ki Aotea.
7. Ngāti Rehua-Ngāti Wai ki Aotea hold mana whenua over Aotea (Great Barrier Island) and its environs, Hauturu (Little Barrier Island), the Mokohinau Islands, Rakitu Island, and Motu Tohora.

## **Representative of Applicant Group/Holder of the order**

8. The legal entities who will be the representative of the Applicant Group and the holder of any Court Order are the Freda Pene Reweti Whānau Trust and the Ngati Rehua Ngātiwai ki Aotea Trust.

## **Contact Details**

9. Contact details for the Freda Pene Reweti Whānau Trust:
- a. Physical Address: 10 Taurarua Terrace, Parnell, Auckland;
  - b. Telephone: 021 357 860;
  - c. Email: [valmaine@waikato.ac.nz](mailto:valmaine@waikato.ac.nz)
10. Contact details for the Ngati Rehua Ngātiwai ki Aotea Trust:
- a. Physical Address: PO Box 5, Port Fitzroy, Aotea 0963;
  - b. Telephone: 021 083 64192;
  - c. Email: [ngatirehuatrustboard@gmail.com](mailto:ngatirehuatrustboard@gmail.com)

## **Affidavit in Support of Application**

11. The Affidavit of **Valmaine Toki** was filed in support of this application.

## **Specified Area**

12. The area of the takutai moana that this application relates to surrounds Aotea, the islands that are around Aotea, and the rocky outcrops that are near Aotea as well. The seaward extent of the relevant area is as follows:
- a. To a point in the north that includes the Mokohinau Islands;
  - b. To the east, to the extent of the territorial sea;

- c. To a point in the south that is approximately half way between Aotea and the Coromandel Peninsula;<sup>1</sup> and
- d. To a point in the west that includes Hauturu<sup>2</sup> (“Little Barrier Island”).

(“the Specified Area”)

- 13. An updated map of the Specified Area is **attached** and marked “**A**”.

#### **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 the 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 Trust are located within the Specified Area.

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<sup>1</sup> Latitude -36.3903349, Longitude 175.4530334.

<sup>2</sup> Latitude -36.1955252, Longitude 174.9366760.

19. If this application for a CMT Recognition Order is successful, the Trust will seek to include recognition of these wāhi tapu as part of the order under s 78 of the Act.
20. For the purposes of this application, the relevant wāhi tapu and wāhi tapu areas are explained in the affidavit of Valmaine Toki which was filed in support of this application.
21. For the purposes of this application, the Applicant Group reserves the right to apply for the inclusion of additional wāhi tapu with any CMT Order that may be granted where knowledge of the additional wāhi tapu is gained by the Applicant Group as a result of consultation with any Pūkenga appointed by the Court, or as a result of any historical research that is commissioned in relation to the making of the application for a CMT Order.

### **Description of Protected Customary Rights**

22. Protected Customary Rights orders are sought in respect of the following activities in the Specified Area:
  - a. For exercising kaitiakitanga in the Specified Area which involves guardianship, conservation, education and protection measures and sustainability practices;
  - b. To take utilise, gather, manage and/or preserve all natural and physical resources in the Specified Area.
  - c. To utilise, manage, preserve, and develop traditional routes of travel for the purposes and to the extent determined by the Applicant Group subject to tikanga.

### **Grounds for Protected Customary Rights Application**

23. The Protected Customary Rights described above have;
  - a. Been exercised since 1840;

- b. Continue to be exercised by the Trust in the Specified Area in accordance with tikanga; and
- c. Are not 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, AMI Building, 15 Osterley Way, Auckland, 2104, New Zealand.

Documents for service on the Applicant Group may be left at that address for service or may be –

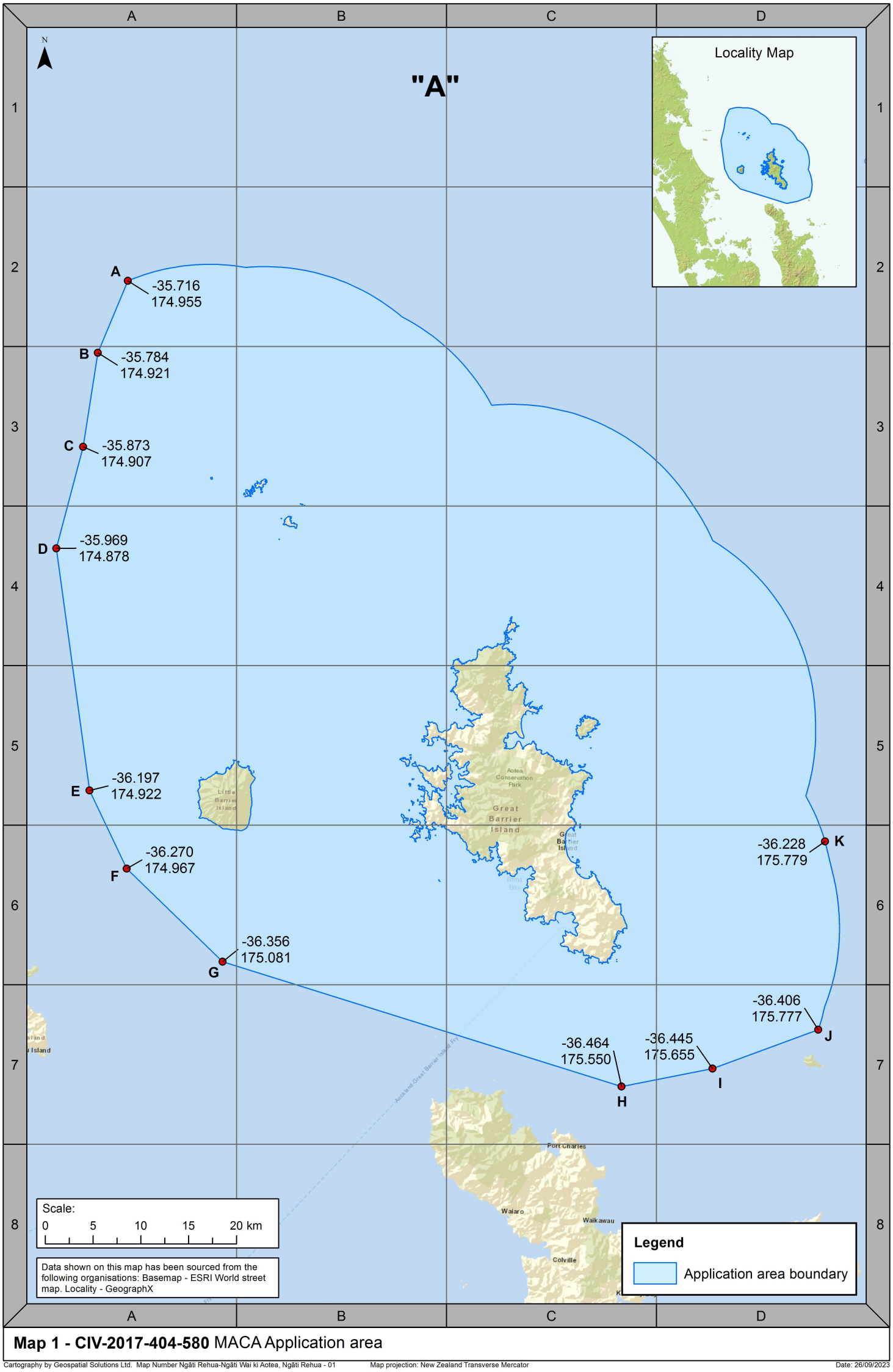
- posted to the Solicitor at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the Solicitor at [darrell@tamakilegal.com](mailto:darrell@tamakilegal.com), [meerah@tamakilegal.com](mailto:meerah@tamakilegal.com), [hugo@tamakilegal.com](mailto:hugo@tamakilegal.com) and [ashley@tamakilegal.com](mailto:ashley@tamakilegal.com)

Date: 27 September 2023



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**Meerah Yogakumar**  
**Solicitor for Applicant**



**Map 1 - CIV-2017-404-580 MACA Application area**