

Aorere – Accretion, determination of status, and ownership of land

Judge Sarah Reeves & Sophie Hursthouse

Introduction

In 2017, an application to the Court was made by Ropata Taylor seeking determination of status and ownership of land situated in the township of Collingwood, Golden Bay.¹ The land had no current title and was significantly affected by both accretion and erosion.

In May 2024, Judge Reeves made final orders by consent determining title, status, and ownership of the land.² This article describes the historical context, the process to finalise the applications, and how the Court was ultimately able to restore the ownership of the land through extensive engagement with the descendants of the original owners.

In many ways, the application encapsulates the nineteenth century history of the Te Tau Ihu region. At its heart is the movement of tīpuna in response to historical events, land loss, and finally, the reconnection of whenua, whakapapa and whānau.

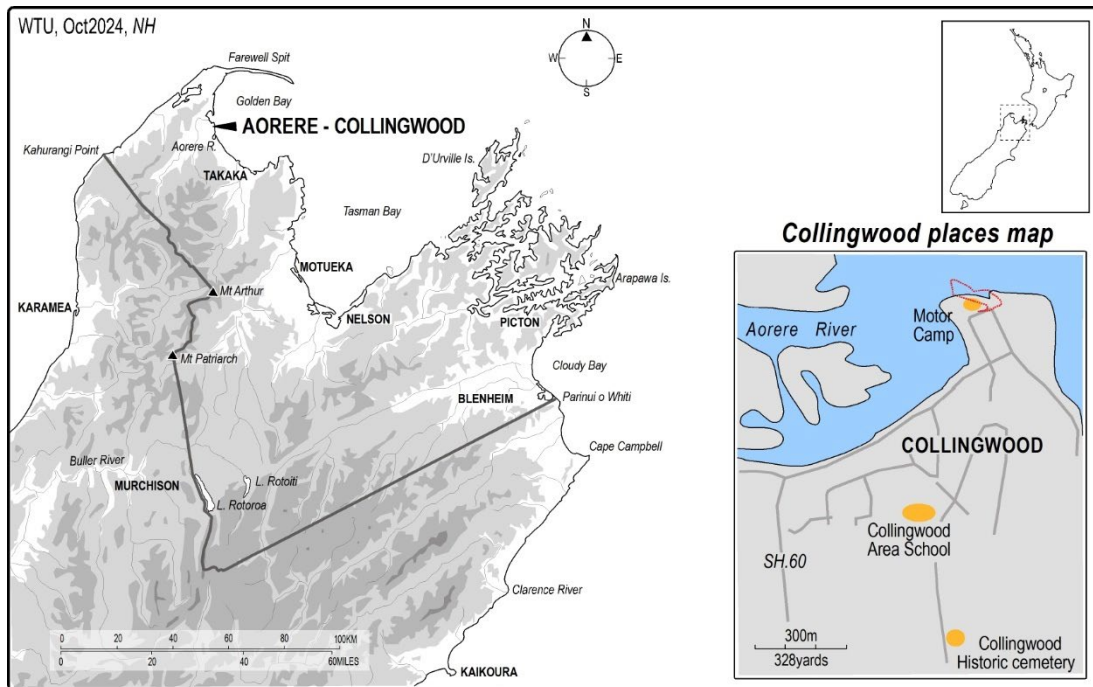
The land sits at the end of Collingwood peninsula, where the Aorere River meets Golden Bay, and is now recognisable as the Collingwood Holiday Park, situated at the end of Tasman Street. The whenua has historic connections to Ngāti Awa, Ngāti Rārua and Ngāti Tama who settled in the area following the hekenga of the early nineteenth century. A pā also known as Aorere was there in the 1840s, for which Tāmati Pirimona Marino was rangatira. In 1866, a Crown grant of 6 acres was issued to three owners, Tāmati Pirimona Marino, Inia te Hunahuna and Mera Riwa. The record of title for that grant was last updated by the Court in 1902.

The topography of the peninsula has undergone significant change due to changes in the shoreline, meaning the land title no longer reflected the shape of the land. Severe tidal erosion has occurred, and accretion has occurred such that former mud-flat and

¹ AP-2023000023409. This article has been approved by the applicant.

² 87 Te Waipounamu MB 219-223 (87 TWP 219-223).

tidal zone is now above mean high-water springs. Now, the title of the land has been updated to reflect that erosion and accretion.



Above: the location of Te Tau Ihu, Aorere/Collingwood, Collingwood Holiday Park, and this land (in red).

Although the history is uncertain, it is supposed that local council buildings have been on the land from the 1950s or earlier – without any reference to or relationship with the owners of the land for most of that time. Now, 123 years after the title was last updated, the Court has succeeded in identifying almost all of the successors to the original grant. The Tasman District Council will now engage with the representatives of the updated ownership concerning their continued use of the land.

During the proceedings, descendants Ihaia Raharuhi and Ngawai Joy Sharrock spoke about the importance of the whenua to them and their whakapapa. Ihaia Raharuhi is a descendent of Hoani Te Uakihi, one of the successors to Tāmati Pirimona Marino. He shared that “the significance to this land and the story of Tāmati Pirimona Marino is kept alive with my whānau through the stories, and photos, and images that we share amongst each other and hang in our whare.” He shared some brief memories on behalf of his Aunty Pat living in Collingwood, the “many happy times playing on the point, known to us as Whopping Point. The only vegetation I can remember on this land were fir trees which extended to the end of the land and the tennis court near the extension of the main road.”

Tāmati Pirimona Marino and Aorere pā

In 1842 when Frederick Tuckett travelled past what is now Collingwood, he found two small villages by the Aorere River.³ The pā may have been there since the 1820s. Between 1846 and 1848, there were eight or nine cultivations and three pā according to Heaphy's Field Book. By 1861, Tāmati Pirimona Marino was still the principal rangatira at Aorere, and according to Raniera Erihana, the place was a permanent settlement. With the discovery of gold nearby in the late 1850s, the population grew rapidly, and at one point there was even a proposal that Collingwood be the site of the nation's capital. In the 1850s and 60s, Ngāti Awa discussed returning to Taranaki to fight. During that time the pā at Aorere regularly sent large waka with contributions of bullets and other supplies to Taranaki.



Left: He waituhi tēnei nā Gottfried Lindauer o Tāmati Pirimona Marino. Source: [Tāmati Pirimona Marino – Ngā iwi o Te Tau Ihu – Te Ara Encyclopedia of New Zealand](#)

Through his parents, Ringahuri of Ngāti Tama/Te Ātiawa and Roka of Ngāti Rārua, Tāmati Pirimona Marino was related to all three of the mana whenua iwi of Mohua (Golden Bay) after the Tainui Taranaki conquest (1828-1830).⁴ Koekoeā describes him thus: “Leader, humanitarian, trader, entrepreneur, mariner, and politician, Tāmati Pirimona Marino lived in a time of great change in Aotearoa. He had considerable mana and influence and was held in high regard in both te ao Māori and in early colonial society.”⁵ The Nelson Examiner described him as “one of the most intelligent,

³ Concise history of Aorere, “Ngā Hekenga O Te Ātiawa,” p220-223.

⁴ Hilary and John Mitchell, “Tāmati Pirimona Marino” (2010) at [Tāmati Pirimona Marino \(theprow.org.nz\)](#).

⁵ [Our tūpuna legacy: Tāmati Pirimona Marino - Issuu.](#)

honest, and friendly of the natives with whom we have met in this district.”⁶ Ihaia Raharuhi said “he was quite an entrepreneur. He became, as far as I know, the first Māori to own a schooner and he traded under his wife’s name Erena. He traded as Thomas [Freeman], that was his Pākehā name.”⁷ Tāmāti Pirimona Marino’s generosity and hospitality to surveyors and officials is often commented on.⁸ In 1857 with the Collingwood goldrush he welcomed and fed hundreds of Māori miners. He died in 1877 without issue, and now rests in a small urupā near Aorere/Collingwood.



Left: Grave of Tāmāti Pirimona Marino at Aorere urupā. Source: [Our tūpuna legacy: Tāmāti Pirimona Marino - Issuu](#).

It is not clear from the written sources, why Ngāti Awa finally left the Aorere pā, but it is understood council buildings were erected on the land around 1950. One of the successors, Fred Te Miha, said the land was slowly taken over by the campground as its Māori owners moved elsewhere. “Basically, the camp squatted on it.”⁹

The Crown Grant

The original Crown grant was for 6 acres, 2 roods, 24 perches (2.691 hectares). It was described as “bounded on the northward, by the highwater mark of Golden Bay, on the eastward by part of Section 200, in the southward and westward by the highwater mark of Harbour of Aorere.” It is likely the land was part of the Nelson Tenths.¹⁰

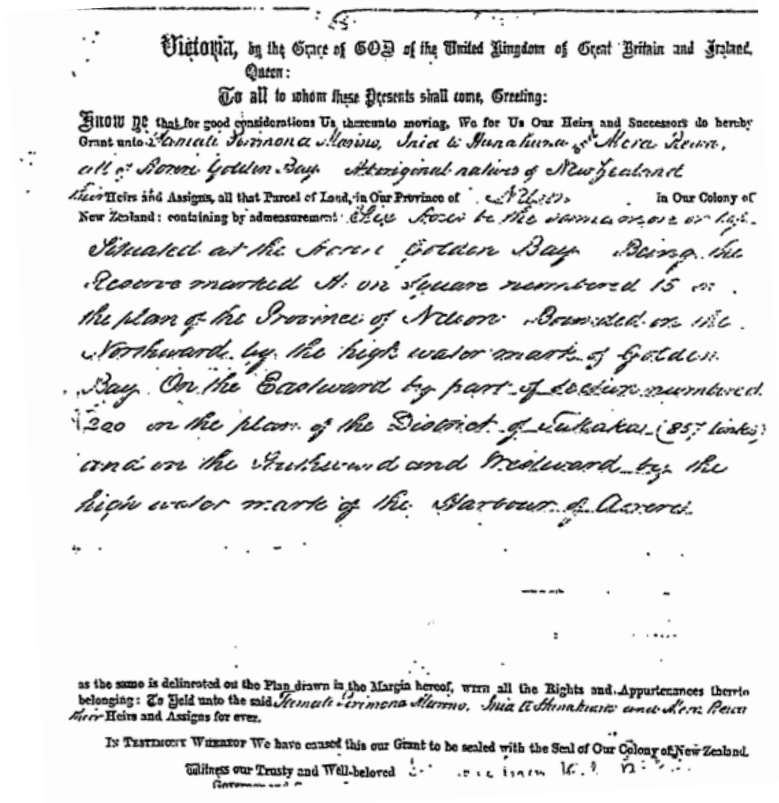
⁶ Concise history of Aorere, “Ngā Hekenga O Te Atiawa,” p221 citing *The Nelson Examiner, and New Zealand Chronicle*, 17 January 1846, p182.

⁷ 49 Te Waipounamu MB 170-187 (49 TWP 170-187) at 177.

⁸ [Tāmāti Pirimona Marino \(theprow.org.nz\)](#). See also for example: Stephens, S. *Letters and Journals*, 1841-1854, MS 2053-2054, Nelson Provincial Museum, p 222.

⁹ Helen Murdoch, “Māori Mull Land Options” Nelson Mail, 19 July 2012.

¹⁰ When Te Tau Ihu Māori agreed to the settlement of Nelson, it was subject to two important conditions, one of which was that one-tenth of all land used for the Nelson settlement would be reserved in perpetuity for the benefit of the families of the customary landowners and their descendants. By 1845, the Nelson settlement officially amounted to about 151,000 acres, but rather than 15,100 acres being reserved as promised, the area amounted to less than 3,000



Left: Part of the 1866 Crown Grant

There are two recorded subsequent dealings with the land: there was an exchange in 1861 between the original owners and William Gibbs who is the original grantee of the adjoining section, where it seems they agreed to amend the boundaries, and there was a conveyance in 1875 of part of the land from the original owners to William Caverly Riley.

The historical list of owners has a written note recording that the block was a state forest,¹¹ which may have been a mistake and the cause of the land record falling through the cracks.

The section that adjoins what remains today of the Crown grant section was purchased by the Tasman District Council on three different occasions. By Collingwood County in 1954 (CT NL49/244), by Golden Bay County in 1978 (CT NL47/200), and by Tasman District Council in 1994 (CT NL5B/443).

The land that this application focussed on - the remaining part of the Crown grant section - was never sold along with the land formed by accretion which adjoins it.

¹¹ acres, which area incurred further losses later. [The Nelson Tenth's : A story of unmet obligations | E-Tangata; Nelson Tenth's — Wakatu Incorporation.](#)
49 Te Waipounamu MB 170-187 (49 TWP 170-187) at 171.

Tasman District Council occupation

Tasman District Council's property services manager Jim Frater said it was on expiry of the campground's lease that the title was searched and it was (re)discovered the land was owned by Māori, although historian John Mitchell said the ownership was well known by Māori "for 100 years or more."¹²

In 2004 Tasman District Council obtained a land status report into part of the area occupied by the Collingwood Camp. It advised the council that they were "in adverse possession" of that land and recommended they seek clarification of the ownership of the land from the Māori Land Court.

In 2013 a meeting of descendants was held, with seven people present and eight apologies. In 2017, an application was made to the Māori Land Court to determine the status of the land, the ownership of the land and the relative interests of the owners.

The application to the Court

The application was not contentious, however there were two issues for the Court to determine:

- (1) The area of land had no LINZ title, nor any current title in the Court's records. Since the area was mapped in about 1850, there had been both erosion and accretion. The application sought to add the accreted area to the parcel of land.
- (2) The record of ownership was not maintained after 1902, at which stage there were seven owners. The application claimed the ownership should have been maintained by the Court and sought to update it to the present day.

When the application came before the Court in 2018, Judge Reeves directed the Registrar to compile a report, including:

1. A list of the current persons through the generations who would have succeeded to the seven owners last listed by the Court in 1902, in their proportions.
2. Findings on the status of the land, including:
 - a. The *Land Status Report* the Tasman District Council received in 2004.

¹² Helen Murdoch, "Māori Mull Land Options" Nelson Mail, 19 July 2012.

- b. A draft Māori Land plan by a surveyor. The surveyor was to review the plans and maps of the area and be available to appear as an expert witness if required, lodge a survey plan for approval and provide any other advice required.
3. A summary of the Court orders to be sought to determine the owners and status of the land.

The matter of ownership needed to be resolved first, as any application for accretion would be made by the owners of the land.

Deputy Registrar Caroline Green (as she then was) conducted a lengthy and comprehensive process tracing the succession to the current owners of the land. The 1902 record showed Tāmati Pirimona Marino's interest was still in his name. Inia Te Hunahuna's interest had gone to his only child and successor, Teira Inia Uenuku. Mera Riwa's interest had gone to three children, Peti Meera Riwha, Mata Meera Riwha and Turu Meera Riwha, and two others – Katere Wi Waaka and Ngaru Wi Waaka, who were either grandchildren or great-grandchildren of Mera. Ms Green traced hundreds of records of succession, starting with these owners recorded in 1902. She noted successors to their interests, then carrying through for each successor of that person, and the next, through several generations until she reached successors that are alive today, or where no further succession had occurred in the court that could be traced.

The finalised list includes 348 owners. That number will change as life interests terminate, interests are consolidated into trusts, and applications for succession are filed with the Court.

Accretion and final orders

In terms of the accretion, LINZ guidelines state that to establish an accretion claim the following three components must be present:

1. The land in question has a moveable water boundary.
2. The doctrine of accretion was not excluded at the time of the original grant or conveyance of the land.
3. The area claimed is stable and has formed gradually and imperceptibly.



Above and on previous page: draft survey plan ML566985 and satellite view. The area marked 'erosion' shows land that was part of the original Crown Grant but has since eroded. The land marked 'accretion' shows the newly formed land. The 'residue' section is land that has always been part of the Crown Grant, but has been occupied by the Council.

Back in court the following day in Nelson, Judge Reeves explained the final orders she would make. Under s 131, she made an order determining that the residue of the original block is Māori Freehold Land. Secondly, she made an order determining the ownership of that land, in accordance with the s 40 report prepared and which had been reviewed and amended by descendants. The third order determines that the additional area of land is in fact an accretion and is to be added to the other area and then comprise one block of land of 0.9241 hectares.

There was agreement to appoint interim agents on behalf of the owners to engage with the Tasman District Council. That order was made under s 37(3) and will be reviewed after 12 months. The orders were:

Pursuant to section 131 determining the status of Area 1, comprising the residue in conveyance 4G/11835 and described in LINZ database as Parcel ID 3611851 as Māori freehold land, subject to survey.

Order 2. Pursuant to section 18(1)(a) determining the ownership resides with the owners recorded on the Māori Land Court record dated 24 July 1902 with substitution of those legally entitled to succeed to those owners now deceased in accordance with

the report created by Miss Green and the alterations agreed to at the judicial conference on 28th May 2024.

Order 3. Pursuant to section 18(1)(a) determining that due to the change in the position of the high watermark, the area described as Area 2, an area of the seabed has become dry land by action of accretion and has added to the Māori freehold land contained in the adjoining Area 1 comprising the residue in conveyance 4G/11835 and described in LINZ database as Parcel ID 3611851, subject to survey. The appellation of the combined Areas 1 and 2 to be known as Aorere, or such other appellation as the Surveyor-General and the Court shall agree.

Then lastly, the Court, of its own motion pursuant to section 37(3) of the Act makes a further order as follows:

Pursuant to section 183(4) of the Act appointing Ropata Taylor and Ihaia Raharuhi as interim agents for the purposes set out in section 183(6) on behalf of all the owners, and in particular to negotiate with the Tasman District Council in respect of the council's occupation of the land. The agency is subject to review by the Court within 12 months.

To wrap up this story, a reflection on the whenua, and its past and present

This application prompted a range of emotions. The whenua was out of Māori hands for generations. Now those descendants have come together to reconnect, with each other, with their whakapapa, and with the whenua. Here are some reflections by descendants from the minutes of the final judicial conference and hearing.¹³

I suppose the first thing I'd really like to do is to acknowledge the tupuna themselves, if not for them ... we wouldn't be in the situation where Caroline has done this extensive research which, in the feedback from so many descendants, it's a treasure trove of whakapapa for many of our families....

- R Taylor

My father's not here to see this day but you know to stand in a place where whānau have been absent for so long is sometimes quite terrifying and to not have whenua to stand on but rely on other people's stories or to support you not knowing whether they are true or not ... can be quite daunting.

...

so, I am here for my dad and the eight generations of people that come us, Tamati Pirimona Marino and Hoani Te Uakihi, being my great great great

¹³ 83 Te Waipounamu 202-215 (83 TWP 202-215).

grandfather so yes there was an absence for a generation and that has its own story and we're here and holding our space and you know going to weave our whakapapa back into the story of where we come from and who we are ...

- Ihaia Raharuhi

...just having everyone together on the whenua was just incredible.

- Ihaia Raharuhi

...this particular piece of land for us ... it was our papakāinga, it was the pā, and even today ... the reason it's a campground that is so popular in Golden Bay in Mōhua is because of the mahinga kai around there, it's at the river mouth. It's known for whitebait and for other fishing and it's a really important site and over the generations all of us, the descendants, through this alienation process have been disconnected from it. We've always known that's where it is, our tūpuna are buried there, close by, but very few of us have ever been on the pā. So, this is for us I suppose as part of our, it's quite restorative and cathartic to get to this point.

- R Taylor