In the High Court of New Zealand
Wellington Registry

CIV-2017-485-250

In the matter of the Marine and Coastal Area (Takutai Moana) Act 2011

And in the matter of an application by Ngati Pukenga represented by Te Tawharau o Ngati Pukenga for orders that recognise their customary marine title and protected customary rights under that Act

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APPLICATION FOR RECOGNITION ORDERS

Dated 3rd April 2017

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

Counsel: Tom Bennion
Bennion Law
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Featherston Street 6140
Tel: 64-4-4735755
tom@bennion.co.nz / emma@bennion.co.nz

To: The Registrar of the High Court at Wellington

And to: Northland Regional Council
Whangarei District Council
(as local authorities in the Whangarei Harbour area)

Bay of Plenty Regional Council
Western Bay of Plenty District Council
Tauranga City Council
(as local authorities in the Tauranga to Maketu area)

Waikato Regional Council
Thames-Coromandel District Council
(as local authorities in the Manaia Harbour area)

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

THIS DOCUMENT NOTIFIES YOU THAT:

1. The Te Tawharau o Ngati Pukenga, on behalf of the applicant group, Ngati Pukenga, will on 3 April 2017 apply to the Court for:

   1.1. A protected customary rights order under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) relating to particular areas of the common marine and coastal area at:

   Tauranga to Maketu as shown on the attached **Map A**
   Manaia Harbour as shown on the attached **Map B**
   Whangarei Harbour as shown on the attached **Map C**

   all bounded by on the landward parts by the line of mean high-water springs and on the seaward by the territorial sea (together referred to hereinafter as the Ngati Pukenga Rohe Moana); and

2. The orders sought in the Ngati Pukenga Rohe Moana arise from:

   2.1. Permanent occupation of the Ngati Pukenga Rohe Moana and use of the adjoining foreshore, seabed and seas from before 1840 and up until today without substantial interruption;

   2.2. Off-shore and in-shore fishing activities along the coastline with its estuaries and stream/river mouths, and around the various rocks, reefs and islands. Fishing includes the taking of shellfish and other kai

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moana, the taking of seabirds found in the area; seaweeds and other plants, for food, crafts and rongoa.

2.3. The areas also contain waka tauranga and other regular or seasonal noho mahinga kai places used for fishing and other activities.

2.4. There are places for swimming and washing; gathering places for the people and places to teach mokopuna about the sea and respect for it.

2.5. Collecting from the beaches and reefs sand and stones as needed, as well as driftwood and other items that washed up.

2.6. Naming places in the sea to specify areas for gathering kaimoana and some of those places are associated with particular families.

2.7. Saying karakia when fishing, sometimes imposing rahui, and doing all of the things that kaitiaki and people with mana do in the area.

2.8. All other related customary uses of the Ngati Pukenga Rohe Moana.

DESCRIPTION OF APPLICANT GROUP

3. Ngati Pukenga are an iwi that has occupied lands and adjoining coastal areas at Tauranga to Maketu, Manaia, and Whangarei Harbour since before 1840.

4. They are represented today by Te Tawharau o Ngati Pukenga whose members whakapapa from Pukenga, the eponymous ancestor of Ngati Pukenga.

5. The Te Tawharau o Ngati Pukenga Trust was established to protect Ngati Pukenga identity, assets and to build a stronger economic, social and culture base for the Ngati Pukenga people.

GROUNDS ON WHICH THE PROTECTED CUSTOMARY RIGHTS RECOGNITION ORDER IS SOUGHT

6. Ngati Pukenga through the Te Tawharau o Ngati Pukenga seeks a protected customary rights recognition order on the grounds that its protected customary rights relating to the Ngati Pukenga Rohe Moana may be

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recognised by an order of the Court made on an application under section 100 of the Act.

7. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for protected customary rights meets the requirements of s 51(1) of the Act.

8. The Applicant Group meets the requirements in s 51(1) of the Act because it:

   8.1. has exercised the rights before and since 1840;

   8.2. continues to exercise those rights in the Ngati Pukenga Rohe Moana in accordance with tikanga in either exactly the same or a similar way, or in a way that has evolved over time; and

   8.3. is applying for rights that have not been extinguished as a matter of law.

PERSON TO HOLD THE ORDERS

9. Te Tawharau o Ngati Pukenga will be the holder of the orders as the representative entity of Ngati Pukenga.

APPLICATION MADE IN RELIANCE

10. This application is made in reliance on sections 51(1), 58, 59, 94, 98, 100, and 101 of the Marine and Coastal Area (Takutai Moana) Act 2011 and the affidavit of Buddy Mikaere which sets out the basis on which Ngati Pukenga are entitled to the orders sought.

CONTACT DETAILS OF THE APPLICANT AND PERSON NAMED TO HOLD THE ORDER

11. The contact address of the Applicant and person named to hold the order is:

    Areta Gray
    General Manager
    Te Tawharau o Ngati Pukenga
    81 The Strand, PO Box 13610, Tauranga

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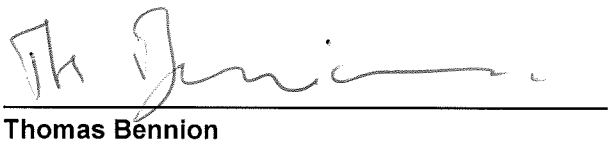
The contract telephone number is: 021 103 6864 or 07-9297133
The contract email is: areta@ngatipukenga.com

Dated at Wellington this 3rd day of April 2017



Thomas Bennion

Counsel for the Te Tawharau o Ngati Pukenga

This document is filed by Thomas Bennion, Solicitor for the Te Tawharau o Ngati Pukenga.
The address for service of the Te Tawharau o Ngati Pukenga is at the offices of Bennion Law, First Floor, 181 Cuba Street, Wellington.
Documents for service on the above-named applicant may be left at that address for service or may be:
Posted to the solicitor at PO Box 25-433, Featherston Street, Wellington 6146; or
Transmitted to the solicitor by email to tom@bennion.co.nz.

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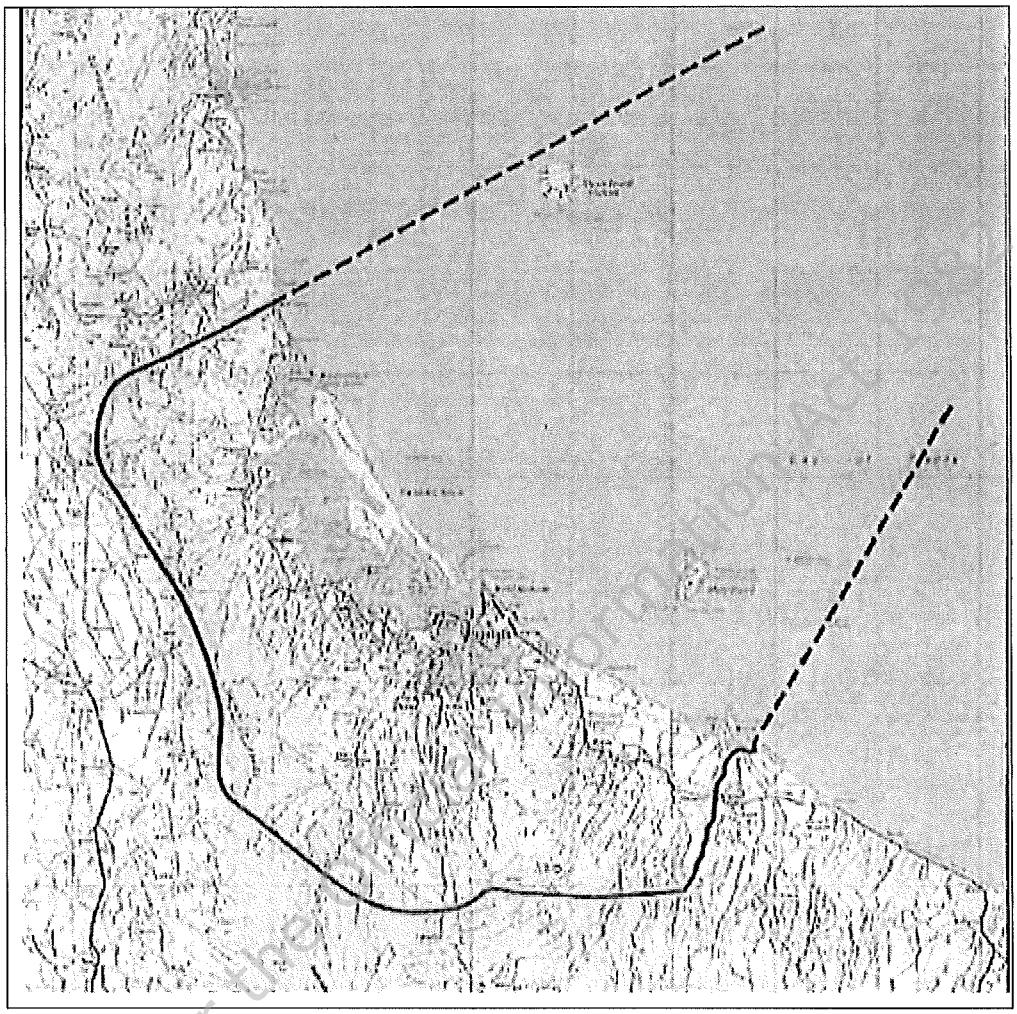
MAP A

The Ngati Pukenga Rohe Moana - Tauranga



1. The area is bounded

   1.1. on the landward side, by the line of mean high-water springs; and

   1.2. on the seaward side, by the outer limits of the territorial sea; and

2. includes the beds of rivers that are part of the coastal marine area (within the meaning of the Resource Management Act 1991); and

3. includes the airspace above, and the water space (but not the water) above, the areas described in paragraphs (1.1) and (1.2); and

4. includes the subsoil, bedrock, and other matter under the areas described in paragraphs 1 and 2.

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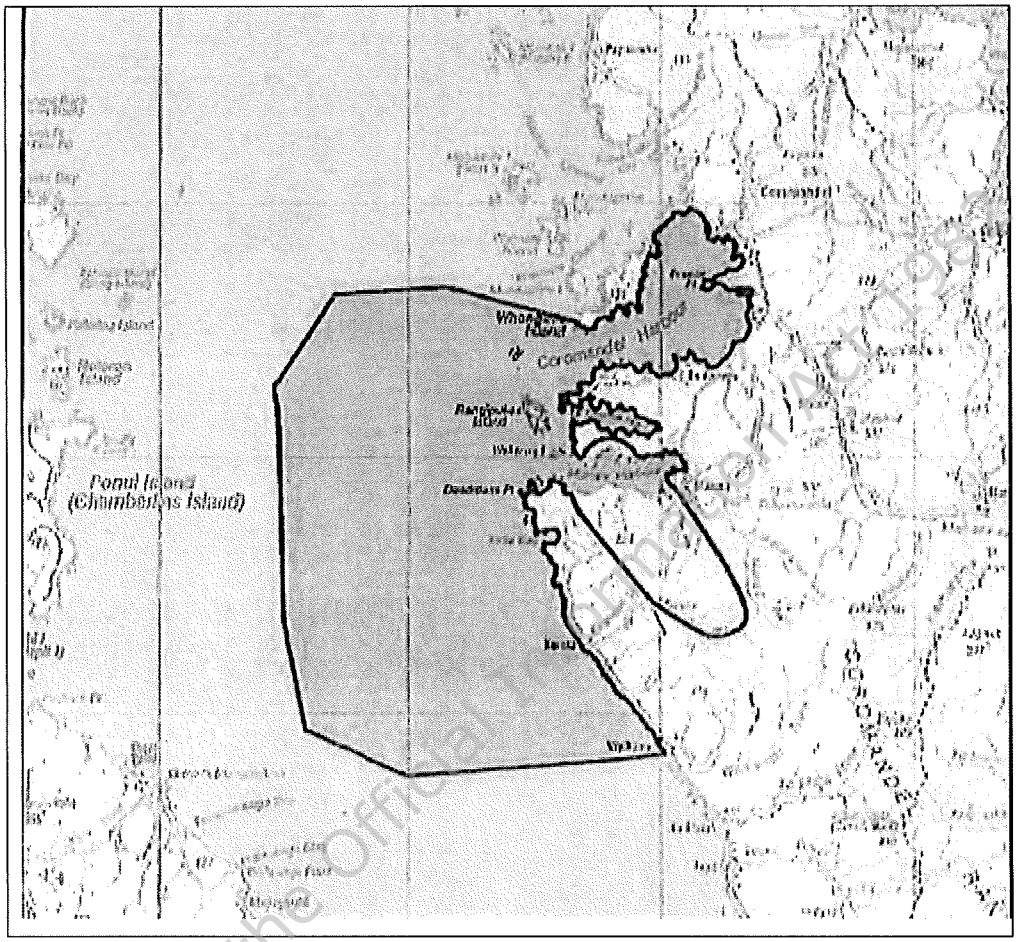
MAP B

The Ngati Pukenga Rohe Moana - Manaia



5. The area is bounded

   5.1. on the landward side, by the line of mean high-water springs; and

   5.2. on the seaward side, by the outer limits of the territorial sea; and

6. includes the beds of rivers that are part of the coastal marine area (within the meaning of the Resource Management Act 1991); and

7. includes the airspace above, and the water space (but not the water) above, the areas described in paragraphs (1.1) and (1.2); and

8. includes the subsoil, bedrock, and other matter under the areas described in paragraphs 1 and 2.

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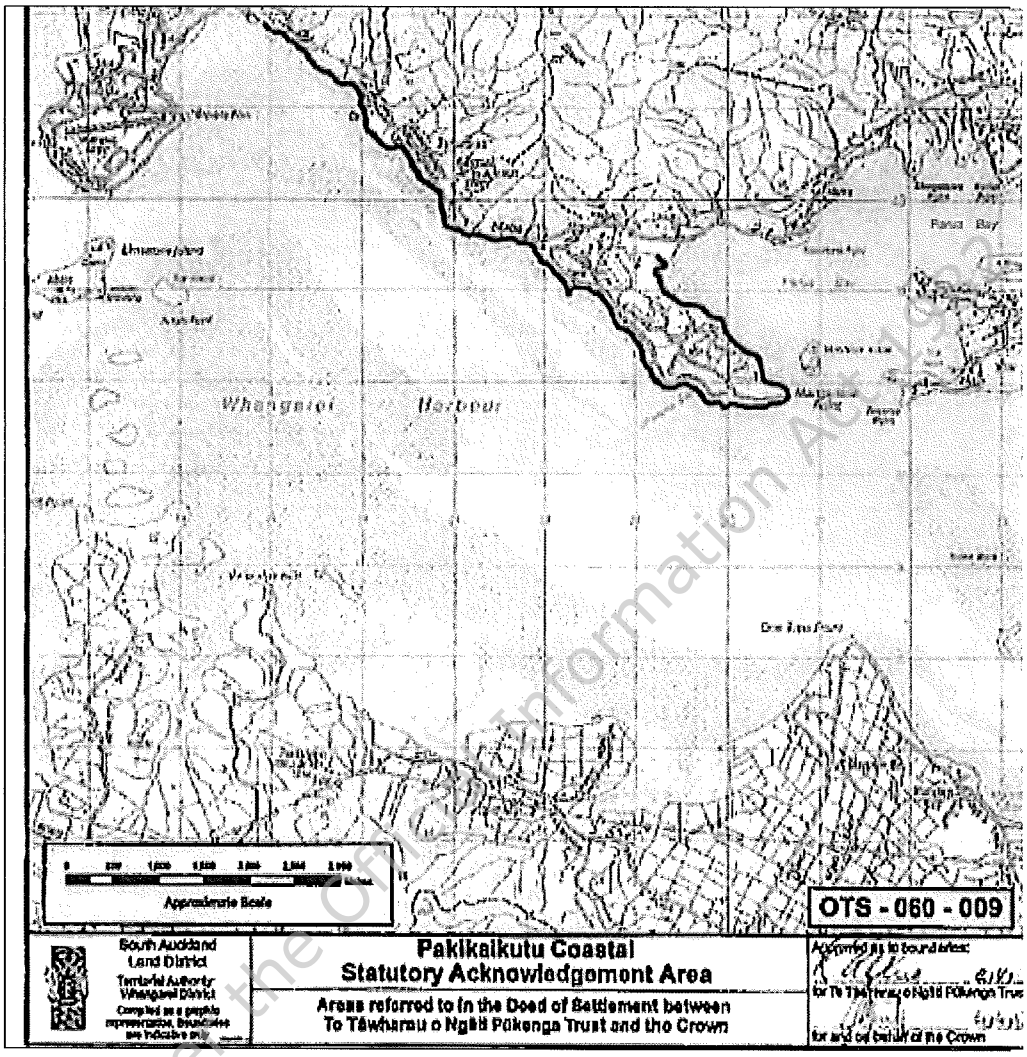
MAP C

The Ngati Pukenga Rohe Moana - Tamaterau



9. The area is bounded

   9.1. on the landward side, by the line of mean high-water springs; and

   9.2. on the seaward side, by the outer limits of the territorial sea; and

10. includes the beds of rivers that are part of the coastal marine area (within the meaning of the Resource Management Act 1991); and

11. includes the airspace above, and the water space (but not the water) above, the areas described in paragraphs (1.1) and (1.2); and

12. includes the subsoil, bedrock, and other matter under the areas described in paragraphs 1 and 2.

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