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IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

CIV-2017-404-545

IN THE MATTER OF The Marine and Coastal Area (Takutai Moana) Act 2011

AND

IN THE MATTER OF an application by the Trustees of the Ngāti Manuhiri Settlement Trust, on behalf of the applicant group Ngāti Manuhiri for Recognition Orders for Customary Marine Title, Wahi Tapu Protection and Protected Customary Rights

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APPLICATION FOR RECOGNITION ORDERS UNDER THE MARINE  
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

31 MARCH 2017

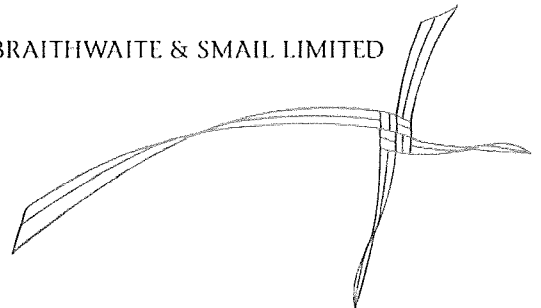
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HIGH COURT  
31 MAR 2017  
1532  
AUCKLAND

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BRAITHWAITE & SMAIL LIMITED



HIGH COURT  
31 MAR 2017  
AUCKLAND

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

**AND TO** the Solicitor General on behalf of the Attorney General

**AND TO** Auckland Council

**This document notifies you that—**

1. The applicants, the Trustees of the Ngāti Manuhiri Settlement Trust, will, on behalf of the applicant group Ngāti Manuhiri, apply to the court for recognition orders for:
  - 1.1. Customary Marine Title in the application area;
  - 1.2. Wāhi Tapu Protection in the application area; and
  - 1.3. Protected Customary Rights in the application area.
2. The applicant group Ngāti Manuhiri are a large natural tribal grouping based in the Mahurangi region of New Zealand. The applicant group is represented by the Trustees of the Ngāti Manuhiri Settlement Trust, the applicants in this application.
3. The application area is the common marine and coastal area that is bounded—
  - 3.1. on the landward side, by the line of mean high-water springs; and
  - 3.2. on the seaward side, by the outer limits of the territorial sea; and
  - 3.3. on the northern end, by Paepae o Tu (Bream Tail); and
  - 3.4. on the southern end, by the Okura River Mouth; and
  - 3.5. including the coastal marine area surrounding the Mokohinau Islands, Hauturu o Toi (Little Barrier Island ), Kawau o Tu Maro,

Tiritiri Matangi, Motu Tohora and other smaller islands and rocky outcrops; and

3.6. the routes to, and areas of, the tauranga waka identified in the affidavit of Terrence (Mook) Hohneck and further evidence to be filed in support of this application; and

3.7. as depicted in the map annexed as exhibit "A" to the affidavit of Terrence (Mook) Hohneck.

4. The grounds on which each order is sought are as follows:

4.1. Ngāti Manuhiri holds the application area in accordance with tikanga, has exclusively used and occupied it from 1840 to the present day without substantial interruption and customary marine title has not been extinguished as a matter of law; and

4.2. The application area contains wāhi tapu and/or wāhi tapu areas with which Ngāti Manuhiri has a connection in accordance with tikanga, and Ngāti Manuhiri requires prohibitions or restrictions on access to protect them;

4.3. Ngāti Manuhiri have customary rights to:

4.3.1. take, utilise, gather, manage and/or preserve all natural and physical resources including sand, shells, stones, gravel, pumice, driftwood, kōkōwai, wai tapu, inanga and kōkopu, as and when required, for purposes and to the extent determined by Ngāti Manuhiri subject to tikanga;

4.3.2. seed and harvest shellfish for non-commercial purposes;

4.3.3. utilise, manage, preserve and develop tauranga waka for the purposes and to the extent determined by Ngāti Manuhiri subject to tikanga;

- 4.3.4. utilise, manage, preserve and develop traditional routes of travel for the purposes and to the extent determined by Ngāti Manuhiri subject to tikanga;
- 4.3.5. utilise, manage, preserve and develop the application area as a place to demonstrate manaakitanga to visitors for the purposes and to the extent determined by Ngāti Manuhiri subject to tikanga;
- 4.3.6. hold wananga in the application area to teach younger generations and to share knowledge; and
- 4.3.7. undertake and implement spiritual practices such as rahui and blessings in the application area in accordance with Ngāti Manuhiri tikanga.

Ngāti Manuhiri have exercised these rights since 1840, continue to exercise them in the application area and they have not been extinguished as a matter of law; and

4.4. The further grounds as set out in the affidavit of Terrence (Mook) Hohneck dated 31 March 2017.

- 5. The application is made in reliance on Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
- 6. The applicants name the Trustees of Ngāti Manuhiri Settlement Trust as the persons to be the holder of the order as the representative of Ngāti Manuhiri.
- 7. The contact details for Ngāti Manuhiri are:

The Trustees of the Ngāti Manuhiri Settlement Trust

Physical Address: 307 Leigh Road, Whangateau, Rodney  
0985

Postal Address: PO Box 57, Leigh, 0947

Phone: (09) 422 6548

Email: m.hohneck@ngatimanuhiri.iwi.nz

8. The contact details for the persons named to hold the order are as set out at 7 above.

Date: 31 March 2017

A handwritten signature in black ink, consisting of several fluid, overlapping strokes.

Signature:

(Solicitor for applicants)

This document is filed by Jennifer Michelle Braithwaite, solicitor for the applicants, of the firm Braithwaite & Smail Limited. The address for service of the applicants is the Ngāti Manuhiri Settlement Trust, 307 Leigh Road, Whangateau, Rodney 0985.

Documents for service on the filing party may be left at that address for service or may be—

- (a) posted to the solicitor at PO Box 13 243, Onehunga 1643; or
- (b) emailed to the solicitor at [jennifer@braithwaitesmail.co.nz](mailto:jennifer@braithwaitesmail.co.nz).