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

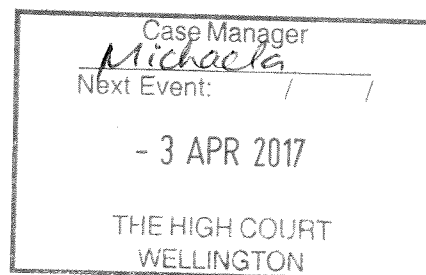
In the matter of                      An application by the trustees of the Maungaharuru Tangitu Trust for and on behalf of Ngāti Kurumōkihi, Ngāti Marangatūhetaua, Ngāti Whakaari, Ngāi Tauira, Ngāi Te Ruruku ki Tangoio, and Ngāi Tahu for orders recognising protected customary rights and customary marine title under Section 100(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 Act.

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**Originating application for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011**

Dated

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**To:** The Registrar of the High Court at Wellington

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

**And to:** The Hawkes Bay Regional Council; the Hastings District Council.

**THIS DOCUMENT NOTIFIES YOU THAT–**

- 1 The applicants will at \_\_\_\_\_ am/pm apply to the Court under section 100(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 (**'the Act'**), for recognition orders made under section 98(1) for:
  - a Protected customary rights over the area covered by this application (the **'Application Area'**); and
  - b Customary marine title over the Application Area.

**APPLICANTS**

- 2 The applicant group is the hapū of Ngāti Kurumōkihi, Ngāti Marangatūhetaua, Ngāti Whakaari, Ngāi Taurā, Ngāi Te Ruruku ki Tangoio, and Ngāi Tahu, and are more particularly described in the affidavit of Tania Marama Petrus Hopmans dated 3 April 2017.
- 3 The applicant group is represented by the trustees of the Maungaharuru-Tangitū Trust (**Trust**), who are the applicants in this application. The Trust is a trust settlement body established for the purpose of the Treaty Settlement entered into between the hapū represented by the Trust and the Crown by way of a Deed of Settlement dated 25 May 2013.
- 4 A copy of the Deed by which this trust was established is attached to and marked as Attachment **'A'** to the affidavit of Tania Marama Petrus Hopmans dated 3 April 2017.

**THE APPLICATION AREA**

- 5 The Application Area is that part of the Marine and Coastal Area (as defined by the Marine and Coastal Area (Takutai Moana) Act 2011), northwards to a point past the Waitaha River, and southwards to Keteketerau from mean high water springs on the landward side, south east to Te Pania reef and thence out to 12

nautical miles and is described in paragraphs 18 to 23 of the affidavit of Tania Marama Petrus Hopmans dated 3 April 2017.

- 6 The Application Area is shown on a map attached to and marked as Attachment 'C' to that affidavit.

#### **GROUNDS FOR APPLICATION**

- 7 The grounds on which each recognition order is sought are as follows:
- a The applicant seeks an order recognising its protected customary rights as it satisfies the requirements for such an order, under section 51(1) of the Act. The applicant:
    - i Has exercised its customary rights since 1840;
    - ii Continues to exercise its rights in the Marine and Coastal Area in accordance with tikanga in either exactly the same or a similar way, or in a way that has evolved over time;
    - iii Is applying for rights that have not been extinguished as a matter of law; and
    - iv On the further grounds set out in the affidavit Tania Marama Petrus Hopmans dated 3 April 2017.
  - b The applicant seeks an order recognising its customary marine title over the Marine and Coastal Area as it satisfies the requirements for such an order under section 58 of the Act. The applicant:
    - i Holds the Application Area in accordance with tikanga;
    - ii Has exclusively used and occupied the Application Area from 1840 to the present, without substantial interruption to that use and occupation;
    - iii Have exercised non-commercial customary fishing rights in the Marine and Coastal Area, and have done so from 1840 to the present day; and
    - iv Have owned land abutting the Marine and Coastal Area, and have done so, without substantial interruption, from 1840 to the present day; and
    - v Is applying for rights that have not been extinguished as a matter of law; and

- vi On the further grounds set out in the affidavit Tania Marama Petrus Hopmans dated 3 April 2017.

#### **APPLICATION MADE IN RELIANCE**

- 8 The application is made in reliance on:
- a Sections 51(1), 58, 59, 94, 98, 100, 101 and 107 of the Act;
  - b The affidavit of Tania Marama Petrus Hopmans dated 3 April 2017 in support of this application; and
  - c Further evidence to be filed on behalf of the applicant.

#### **CONTACT DETAILS**

- 9 The contact details for the applicants and the party named to hold the orders is:

Maungaharuru-Tangitū Trust  
First Floor, 15 Hardinge Rd, Ahuriri, Napier 4110  
PO Box 3376, Hawke's Bay Mail Centre, Napier 4142  
Phone: (06) 835 3300 / 0800 TANGOIO  
Mobile: 027 815 2357  
Email: [info@tangoio.maori.nz](mailto:info@tangoio.maori.nz)

#### **ORDERS SOUGHT**

- 10 The applicant respectfully seeks the following orders:
- a Recognising that the Trustees of the Maungaharuru-Tangitū Trust, for and on behalf of the applicant hapū has protected customary rights in, and customary marine title over, the Marine and Coastal Area;
  - b Setting out that recognition be made in the name of Trustees of the Maungaharuru-Tangitū Trust;
  - c That Trustees of the Maungaharuru-Tangitū Trust are named as the holder of the protected customary rights and customary marine title orders; and
  - d Costs in the event that this applicant is opposed by any other party.

**Date** 3 April 2017.



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**Deborah Edmunds**  
Solicitor / Counsel for the Applicant

**Address for service:**

This document is filed by **Deborah Edmunds**, solicitor for the Applicant, of the firm Kensington Swan, Wellington. The address for service of the is 89 The Terrace, Wellington 6011. Documents for service on the applicant may be left at the address for service, or may be –

- a Posted to the solicitor at c/- Kensington Swan, Private Bag 10 246, Wellington 6143; or
- b Left for the solicitor at a document exchange for direction to Kensington Swan, SP26517, Wellington; or
- c Emailed to [deborah.edmunds@kensingtonswan.com](mailto:deborah.edmunds@kensingtonswan.com)