

IN THE HIGH COURT OF NEW ZEALAND
WHANGAREI REGISTRY

CIV-2017- 485-281

IN THE MATTER OF

the Marine and Coastal Area
(Takutai Moana) Act 2011

AND IN THE MATTER OF

an application by
Patuharakeke Te Iwi Trust
Board for an order
recognising Customary
Marine Title

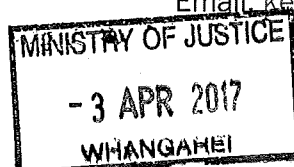
APPLICATION BY PATUHARAKEKE TE IWI TRUST BOARD
FOR RECOGNITION ORDER PURSUANT TO THE MARINE AND COASTAL AREA
(TAKUTAI MOANA) ACT 2011

Dated 3 April 2017

Case Manager
Next Event: / / 5
- 5 APR 2017



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To: The Registrar of the High Court at Whangarei;

and to: Whangarei District Council;

and to: The Department of Conservation, the Department of Internal Affairs, the Environmental Protection Authority, the Ministry of Business, Innovation and Employment, New Zealand Petroleum and Minerals;

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. The applicant, Patuharakeke Te Iwi Trust Board (“PTB”), will on 3 April 2017 apply to the High Court for an order pursuant to s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”) to recognise the customary marine title of Patuharakeke Te Iwi.

The Applicant Group:

2. Patuharakeke Te Iwi whakapapa to the eponymous ancestors Urikuri and Te Taotahi.
3. PTB was appointed to make this application for and on behalf of Patuharakeke Te Iwi after a PTB trust hui held at Takahiwai on 26 February 2017, and a Hui-ā-hapū held at Takahiwai on 5 March 2017.

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area (as defined in s 9 of the Act) adjacent to the historical Takahiwai Block that is bounded:
 - a. on the landward side by the line of mean high-water springs;

- b. on the harbour side by the outer limits of Patuharakeke Te Iwi's rohe moana recognised by the Ministry for Primary Industries ("the rohe moana");
- c. on the westward side by a line that extends from the coast abutting the northwest corner of Takahiwai 3A1B (35°49'34.0"S, 174°23'45.6"E) north to the outer limits of the rohe moana (35°48'32.4"S, 174°23'45.6"E); and
- d. on the eastward side by a line that extends from the centre of the bridge on Takahiwai Road crossing the Takahiwai Stream (35°50'18.384"S, 174°25'22.3968"E) northeast to the outer limits of the rohe moana (35°48'48"S, 174°27'06"E).

Grounds on which the customary marine title application is made:

5. The grounds on which this order is sought are that:
 - a. Patuharakeke Te Iwi has held the application area in accordance with tikanga since before 1840; and
 - b. Patuharakeke Te Iwi has exclusively used and occupied the application area from before 1840 to the present day without substantial interruption.
6. Patuharakeke Te Iwi will provide more information once funding for research and legal representation is secured.

Contact Details:

7. The appointed representative for Patuharakeke Te Iwi is:
Patuharakeke Te Iwi Trust Board
PO Box 557
Whangarei
8. Should an recognition order be made by the Court, the nominated order holder for Patuharakeke Te Iwi is:
Jared Pitman (Chairperson of the Patuharakeke Te Iwi Trust Board)

PO Box 557
Whangarei
(09) 437 7462
admin@patuharakeke.maori.nz

9. This application relies on ss 51(1), 58, and 98-113 of the Act and the affidavits of members of PTB and also Patuharakeke Te Iwi.

Date: 3 April 2017



Counsel the applicant

This document is filed by KELLY MAREE HANNAH DIXON and ALISHA SUZANNE CASTLE, solicitors for the applicant. The address for service on the applicant is 2A Kings Road, Mt Roskill, Auckland.

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 10 081 Dominion Road, Auckland; or
- (b) Transmitted to the solicitor by fax to (09) 620 6250; or
- (c) Emailed to the solicitor at kelly@dixonandcolawyers.com.