

**IN THE HIGH COURT OF NEW ZEALAND
GISBORNE REGISTRY**

CIV 2017-485 289

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

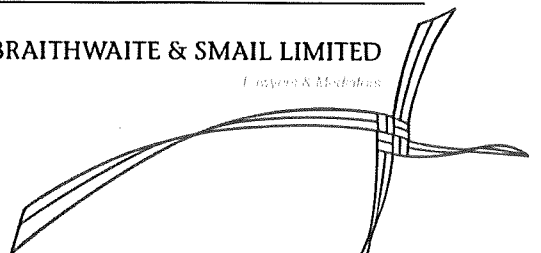
AND

IN THE MATTER OF An application by the Trustees of the Rongowhakaata Iwi Trust Moera Brown, Geroge Ria, Lewis Moeau, Freddy Maynard, Lisa Taylor, Jody Wyllie, LeRoy Pardoe, Staci Hare, Mere-Kingi Nepe and Roberta Howard on behalf of RONGOWHAKAATA IWI for Customary Marine Title, Wāhi tapu Protection and Protected Customary Rights.

**APPLICATION FOR CUSTOMARY MARINE TITLE, WĀHI TAPU
PROTECTION AND PROTECTED CUSTOMARY RIGHTS
DATED 30 MARCH 2017**

BRAITHWAITE & SMAIL LIMITED
PO Box 13 243
Onehunga
AUCKLAND 1643
Telephone: 021 061 7085
Solicitor: RN Smail

BRAITHWAITE & SMAIL LIMITED
Lawyers & Mediators



District/High Court

30 MAR 2017

Gisborne

Case Manager
Next Event: / /
31 MAR 2017
THE HIGH COURT WELLINGTON

To the Registrar of the High Court at Gisborne

and

To the Solicitor General on behalf of the Attorney General; Gisborne District Council; Te Runanganui o Ngāti Porou; Ngai Tamanuhiri and Te Aitanga a Mahaki.

This document notifies you that—

1. The applicants, will, on behalf of the applicant group Rongowhakaata Iwi, 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 Rongowhakaata Iwi is a principal iwi of Turanganui-a-Kiwa (Gisborne) and descends from the eponymous ancestor Rongowhakaata and in particular, Rongowhakaata's wives, Turahiri and Moetai and their issues.
3. The applicant group is represented by the Trustees of the Rongowhakaata Iwi Trust who are the applicants in this application.
4. The application area means the common marine and coastal area that is bounded,—
 - 4.1. on the landward side, by the line of mean high-water springs; and
 - 4.2. on the seaward side, by the outer limits of the territorial sea; and
 - 4.3. on the Northern end, by the northern side of Pouawa River; and
 - 4.4. on the Southern end, by Te Kowhai.

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

5.1. Rongowhakaata Iwi 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

5.2. There are wāhi tapu or wāhi tapu area/s with which Rongowhakaata Iwi has a connection in accordance with tikanga, and Rongowhakaata Iwi requires prohibitions or restrictions on access to protect them; and

5.3. Rongowhakaata Iwi have customary rights to:

5.3.1. take, utilise, gather, manage and/or preserve all natural and physical resources including sand, stones, gravel, pumice, driftwood, kokowai, wai tapu, inanga and kokopu, as and when required, for purposes and to the extent determined by Rongowhakaata Iwi subject to tikanga; and

5.3.2. utilise, manage and/or preserve tauranga waka for purposes and to the extent determined by Rongowhakaata Iwi subject to tikanga; and

5.3.3. utilise, manage and/or preserve traditional routes of travel (including for trading purposes) for purposes and to the extent determined by Rongowhakaata Iwi subject to tikanga; and

5.3.4. utilise, manage and/or preserve the application area as a place to demonstrate manaakitanga to visitors including tourists for purposes and to the extent determined by Rongowhakaata Iwi subject to tikanga; and

- 5.4. Rongowhakaata Iwi have exercised these customary rights since 1840, continue to exercise them in the application area and they have not been extinguished as a matter of law; and
- 5.5. The further grounds as set out in the affidavit of Erena Nepe dated 29 March 2017.
6. The application is made in reliance on Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
7. The applicants name the Trustees of the Rongowhakaata Iwi Development Trust as the persons to be the holder of the order as the representative of Rongowhakaata Iwi.
8. The contact details for Rongowhakaata Iwi are:

The Trustees of the Rongowhakaata Iwi Trust
Physical Address: 78 Whakato Road
Manutuke
Postal Address: CMB 24
Manutuke 4053
Phone: +64 06 862 8086
Email: trust@rongowhakaata.iwi.nz

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

Date: 30 March 2017



Signature:
(solicitor for applicants)

This document is filed by Roimata Norah Smail, solicitor for the applicants, of the firm Braithwaite & Smail Limited. The address for service of the applicants is 78 Whakato Road, Manutuke.

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

- (a) posted to the solicitor at P O Box 13 243, Onehunga, Auckland 1643;
or
- (b) emailed to the solicitor at roimata@braithwaitesmail.co.nz.