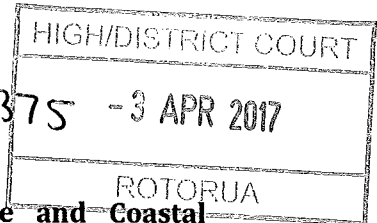


IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY



IN THE MATTER OF

the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

AND IN THE MATTER OF

an application by DEAN
FLAVELL of HIWARAU C,
TURANGAPIKITOI,
WAIOTAHE AND OHIWA
OF WHAKATOHEA for an
order recognising
Customary Marine Title
Applicant

AND

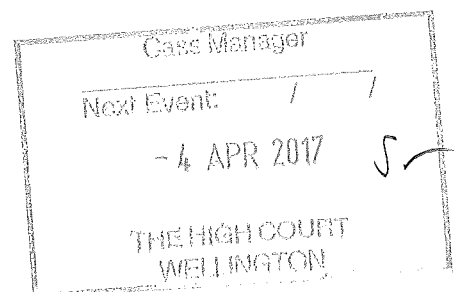
The Attorney General in
right of the Crown

APPLICATION OF DEAN FLAVELL of HIWARAU C, TURANGAPIKITOI,
WAIOTAHE AND OHIWA OF WHAKATOHEA
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 2nd APRIL 2017

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To: The Registrar of the High Court at Auckland;
and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

I, **DEAN FLAVELL** of **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA**, the applicant, will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act") to recognise the customary marine title and protected customary rights of **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA** hapu.

Mr **DEAN FLAVELL** is the representative for Hiwarau C who are the holders of the TAKUTAI MOANA RANGATIRATANGA, Customary rights and Kaitiakitanga and who hold the whakapapa knowledge (matauranga) of Tohoroa -Ohiwa Harbour and all the islands in it, Upokorehe -including Turangapikitoi, Waiotahe and Hiwarau C.

Protected Customary Rights

1. **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA HAPU** utilized the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna and other customary practices and activities.

The Applicant Group:

2. Mr **DEAN FLAVELL** is the representative for **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA** to make this application.

Area to which the application relates:

1. The area to which this application relates is the common marine and coastal area (as defined in s9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs of Hikuwai Beach;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then the mouth of the Maraetotara Stream (west point) east to Ohiwa Harbour, following the foreshore around the harbor to Ohiwa (north east point of the harbour) thence east to the mouth of the Waiotahi River, east to the mouth of the Waioeka River, thence to Haurere Point (east point) including the tidal aspects of rivers and streams, estuaries, and the islands in the Ohiwa Harbour: Ohakana Island, Uretara Island, Whangakopikpiko Island, Motuotu Islands, Hokiana Island and Pataua Island, to the outer limits of the territorial sea (eastward and westward); and
2. The area includes the common marine and coastal area surrounding the following islands: Ohakana Island, Uretara Island, Whangakopikpiko Island, Motuotu Islands, Hokiana Island and Pataua Island.

Grounds on which the customary marine title application is made:

3. The grounds on which this order is sought are that :
 - a. **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA** has held the application area in accordance with tikanga since before 1840
 - b. **HIWARAU, TURANGAPIKITOI AND OHIWA OF WHAKATOHEA** has

exclusively used and occupied the application area prior to 1840
to the present day without substantial interruption.

Contact Details:

- 1 Mr **DEAN FLAVELL** for APPLICANT HAPU is:
c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627
- 2 This application relies on s51(1), s58, s98-113 of the Act and the
affidavit of Mr **DEAN FLAVELL**.

Dated at *Rotorua* on the *2nd* day of April 2017



DEAN FLAVELL