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CIV-2017-404-546

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

CIV

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 Rehua Ngātiwai ki Aotea Trust, on behalf of the applicant group Ngāti Rehua for Recognition Orders for Customary Marine Title, Wāhi Tapu Protection and Protected Customary Rights

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

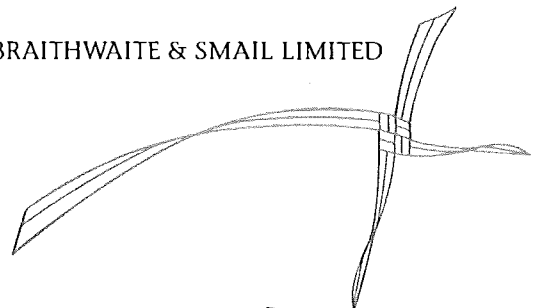
31 MARCH 2017

This application was amalgamated with CIV-2017-404-580 by the Minute of Churchman J dated dated 31 October 2023 and will proceed under CIV-2017-404-580.

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 Rehua Ngātiwai ki Aotea Trust, will, on behalf of the applicant group Ngāti Rehua, 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 Rehua are a large natural tribal grouping based on Aotea (Great Barrier Island), Hauturu-o-Toi (Little Barrier Island), and the Mokohinau Islands. The applicant group is represented by the Trustees of the Ngāti Rehua Ngātiwai ki Aotea Trust, the applicants in this application.

3. The application area means the common marine and coastal area that is bounded on the landward side, by the line of mean high-water springs and on the seaward side, by the outer limits of the territorial sea—

3.1. Between Whananaki and Matapouri; and

3.2. At Okura Te Raki Pae; and

3.3. Surrounding the following islands:

3.3.1. Mokohinau Islands;

3.3.2. Te Hauturu o Toi (Little Barrier) and the surrounding islands;

- 3.3.3. Aotea (Great Barrier) and the surrounding islands, pinnacles and rocky outcrops; and
 - 3.4. the routes to, and areas of, the tauranga waka identified in the affidavit of Nicola MacDonald and other evidence to be filed in support of this application; and
 - 3.5. as depicted in the map annexed as exhibit "A" to the affidavit of Nicola MacDonald.
4. The grounds on which each order is sought are as follows:
 - 4.1. Ngāti Rehua 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 Rehua have a connection in accordance with tikanga, and Ngāti Rehua require prohibitions or restrictions on access to protect them;
 - 4.3. Ngāti Rehua 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 Rehua 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 Rehua 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 Rehua 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 Rehua 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 Rehua tikanga.

Ngāti Rehua 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 Nicola MacDonald 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 Rehua Ngātiwai ki Aotea Settlement Trust as the persons to be the holder of the order as the representative of Ngāti Rehua.
- 7. The contact details for Ngāti Rehua are:

The Trustees of the Ngāti Rehua Ngātiwai ki Aotea Trust

Physical Address: PO Box 59119, Mangere Bridge,
Auckland 2151

Postal Address: 112 Muir Avenue, Mangere Bridge
Auckland 2022

Email: chair@ngatirehua.com

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

Date: 31 March 2017

Signature:

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Jennifer Michelle Braithwaite.

(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 Rehua Ngātiwai ki Aotea Trust, 112 Muir Avenue, Mangere Bridge, Auckland 2022.

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.