

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by JOSEPH
DAVIS of WHAREKAHO,
WHITIANGA for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

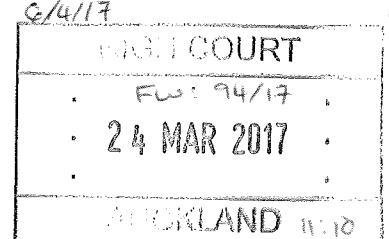
The Attorney General in
right of the Crown

JOSEPH DAVIS
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

22nd
DATED 15 MARCH 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:

1. JOSEPH DAVIS 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 NGATI HEI CHARITABLE TRUST INCORPORATED.

Protected Customary Rights

2. NGATI HEI ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna;

The Applicant Group:

3. NGATI HEI whakapapa to HEI and link to the application area (FROM ANARAKE POINT DOWN TO RUAHIWIHAWI POINT, TE TARA-O-TE-IKA-O-MAUI) JOSEPH DAVIS was appointed to make this application for and on behalf of NGATI HEI CHARITABLE TRUST INCORPORATED in February 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 s9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs of Wharekaho, Te Tara-o-te-ika-o-Maui (Coromandel);
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then Ruahiwihiwi Point (south point) to the Wharekawa Harbour (south west point) north through Tairua Harbour to Whitianga Harbour thence on to Wharekaho, thence to Whangapoua Harbour thence to Anarake point (north point).
 - d. Including the tidal aspect of rivers, streams and tributaries: Whitianga, Whangamaroro, Waiwawa, Tohetea Akeake, Whauwhau, Tairua River, Pepe, Waitoko, Kutakuta, Wharekawa, Pungapunga, Oponoi, Whangapoua, to the outer limits of the territorial sea (eastward and northward); and
5. The area includes the common marine and coastal area surrounding the following islands: Waipapa, Ohinau, Ohinau Iti, Korure, Mahurangi, , Poikeke, Waikaranga, Okorotere, Te Tio, Mahungarape, Korure, Koranga, Whakahau, Motuhua, Waikaia, Whakahau, Kuranui, Rangipuke Ruamaahua, Whakahau, Waikaia, Kuranui, Hikunui, Motuhua, Ahuahu & Ahuahu Archipelago, Pungapunga and Repanga.

Grounds on which the protected customary rights order is sought:

- 6 The grounds on which this order is sought are that :
 - a. NGATI HEI being a coastal iwi has relied heavily on fishing to feed whanau, kaumatua, hapu, to provide kai for hui, tangihanga and marena; and
 - b. NGATI HEI also undertakes the following activities in the common marine and coastal area: Rangatiratanga: Kaitiakitanga, exercising rahui, protection of urupa, indeed of all sand dunes, which are waahi tapu.
 - c. NGATI HEI have undertaken these activities since prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
7. NGATI HEI CHARITABLE TRUST INCORPORATED will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

- 8 The grounds on which this order is sought are that :
 - a. NGATI HEI have held the application area in accordance with tikanga since before 1840
 - b. NGATI HEI have exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. NGATI HEI CHARITABLE TRUST INCORPORATED will deliver more information once funding for research and legal representation is secured.


Contact Details:

10. JOSEPH DAVIS for NGATI HEI CHARITABLE TRUST INCORPORATED is:

c/- Charl Hirschfeld
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11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of JOSEPH DAVIS, kaumātua.

Dated at Auckland on the ^{22nd} ~~8th~~ day of March 2017



JOSEPH DAVIS