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

CIV-2017-404-528

IN THE MATTER OF

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

AND IN THE MATTER OF

**an application by KENNETH
JOHN Linstead of Auckland,
for an order recognising
Customary Marine Title and
Protected Customary
Rights**

Applicant

AND

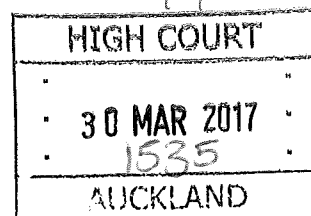
**The Attorney General in
right of the Crown**

**KENNETH JOHN LINSTEAD
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011**

DATED 29 MARCH 2017

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Solicitors
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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. KENNETH JOHN LINSTEAD 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 Te Kupenga o Ngati Hako.

Protected Customary Rights

2. NGATI HAKO 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 HAKO whakapapa to Hako and link to the application area.

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. From Raukura (west point) south east to Mahingarahi point south to Wharekawa, following the foreshore around to the Piako and Waihou river mouth, north to Wharekaiatua Point (north point), south east to Waikawau, thence to Whangapoua, around to Whitianga, south east to Tairua, to Ohui, thence south to Wharekawa, South to Whangamata, South to Otonga, south to Houmonga, thence to Kuramaia (south east point).
 - b. Islands:
 - i. Waiheke

- ii. Ponui
 - iii. Ahuahu
 - iv. Repanga
 - v. Whakahau
 - vi. Ruamahuanui
 - vii. Ruamahuiti
 - viii. Mahurangi
 - ix. and others
- c. All estuaries, harbours, tidal aspects of rivers and streams, rocks & reefs; and

5. The area includes the common marine and coastal area surrounding the above listed islands:

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :

- a. NGATI HAKO 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 HAKO 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 HAKO 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. Te Kupenga o Ngati Hako 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 HAKO have held the application area in accordance with

tikanga since before 1840

- b. NGATI HAKO have exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. Te Kupenga o Ngati Hako will deliver more information once funding for research and legal representation is secured.

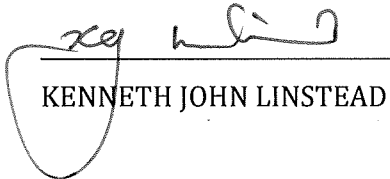
Contact Details:

10. KENNETH JOHN LINSTEAD for Te Kupenga o Ngati Hako is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of KENNETH JOHN LINSTEAD, kaumātua.

Dated at Auckland on the 29th day of March 2017


KENNETH JOHN LINSTEAD