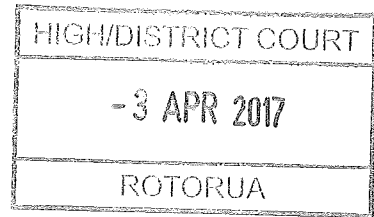


CIV-2017-485-2a1

IN THE HIGH COURTS OF NEW
ZEALAND CIV-2017-
ROTORUA REGISTRY



IN THE MATTER OF

The Marine and Coastal Area
(Takutai Moana) Act 2011

AND

IN THE MATTER OF

An application by the Ngati
Makino Heritage Trust for an
order recognising
Customary Marine Title
and Protected Customary Rights.

APPLICATION BY THE NGATI MAKINO HERITAGE TRUST AND THE
NGATI PIKIAO IWI TRUST FOR RECOGNITION ORDERS PURSUANT
TO THE MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

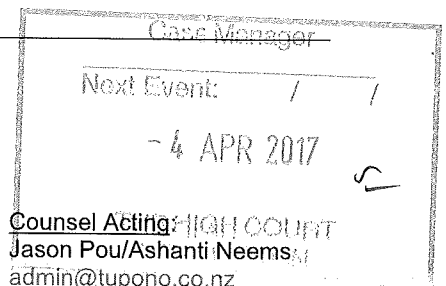
Dated 3rd April 2017



**Tu Pono Legal Limited
Barristers and Solicitors**

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To: The Registrar of the High Court at Rotorua;
and to: Bay of Plenty Regional Council;
and to: Western Bay of Plenty District Council;
and to: Tauranga City Council; and
and to: The Solicitor General on behalf of the Attorney-General.

This Application notifies you that:

1. The Ngati Makino Heritage Trust and the Ngati Pikiāo Iwi Trust (“the Applicants”) are applying 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 (“CMT”) and/or protected customary rights (“PCR”) of the applicants.
2. The applicants have been given the authority to submit this joint application by their respective iwi authorities for and behalf of Ngati Makino and Ngati Pikiāo.
3. An application has been made to engage with the Crown to have the customary interests of our Ngati Makino and Ngati Pikiāo peoples in the Marine and Coastal area recognised. That application is attached to this application and marked with the letter “A” (“OTS application”).

Customary Marine Title and Protected Customary Rights:

4. The Applicants ancestors utilised the common marine and coastal area (“CMCA”) for non-commercial fishing activities; non-commercial seeding and harvesting of shellfish; activities related to spiritual practices such as rahui, karakia and waiata and activities related to the transfer of traditional knowledge systems. This is further detailed in the OTS application attached and marked with the letter “A”.

Area to Which the Application Relates:

5. The area to which this application relates to in the CMCA (as defined in s98 of the Act):

a. AREA 1 - NGATI MAKINO CMT AREA :

- i. The area commencing from the eastern most extent of Otamarakau Pa [LAT 37.832 S – LON 176.608 E]; extending WNW along the coastline to a point on the eastern side of the mouth of the Waihi estuary [LAT 37.787 S – LON 176.528 E]; extending from MHWS seaward to a point at approx; and extending seaward in an elliptical footprint to a limit of approx. 6nm;

b. AREA 2: NGATI MAKINO & NGATI PIKIAO SHARED CMT AREA :

- i. The area commencing on the eastern side of the mouth of the Waihi estuary at approx. [LAT 37.787 S – LON 176.528 E]; heading WNW following the contour of the coastline and Okurei headland to the western most extent of Te Tumu Pa [LAT 37.740 S – 176.395 E]; and including the estuarine areas of both the Waihi and the Ongatoro (Maketu) estuaries and Okurei headland; extending from MHWS in an elliptical footprint seaward to approx. 4nm from tip of Okurei headland.

c. AREA 3: NGATI MAKINO & NGATI PIKIAO SHARED PCR AREA :

- i. The area commencing west bank of Te Awa o te Atua [approx. approx. LAT 37.885 S – LON 176.760 E]; extending along the coastline, WNW to the eastern most extent of Otamarakau Pa [LAT 37.832 S – LON 176.608 E]; and ending at a point along Papamoa east at approx.. LAT 37.729 S – LON 176.368] and following the outline of the seaward extent of Area 1 and Area 2 and extending seaward in an elliptical footprint to approx.10nm.

6. The areas of interest are detailed in the attached map and marked with the letter "B".

Grounds on which the PRC and CMT orders are sought:

7. The applicants are a coastal group whom have relied heavily on inshore fish and shellfish food sources and wetland food stocks sourced by whanau in the estuaries and the coastal margins.
8. The applicants fishermen sought the deep water fish that were not available around the inner shoreline; and
9. The applicants undertook and continue to undertake the activities described in the OTS application in the CMCA.
10. The Applicants have undertaken the activities described in OTS application since 1830, albeit in some instances using modern equipment, and in accordance with tikanga.
11. In relation to the CMT orders, the applicants have held the application area in accordance with tikanga since 1830 and have exclusively used and occupied the application area from 1830 to the present day without substantial interruption.

Contact Details:

12. The appointed representative for the Applicants is:

Awhimate Awhimate
Chairperson
Ngati Makino Iwi Authority
Shop 4, Palmer Court
46 Jellicoe Street
Te Puke 3153

13. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Ngati Makino and Ngati Pikiaro kaumātua, Mr Te Ariki Morehu.

Dated 3rd April 2017

A handwritten signature in cursive script, appearing to read 'Ashanti Neems', is written over a horizontal line.

Ashanti Neems

**Solicitor for the Iwi Ngati Makino Heritage Trust and the Ngati Pikiao n
Authority.**

This document is filed by Ashanti Neems Solicitor for the firm Tu Pono Legal Limited. The address for service is:

C/o Ashanti Neems

Tu Pono Legal Limited

PO BOX 1693

Rotorua 3040

Documents for service may be posted or couriered to that address or may be emailed to the solicitor at admin@tupono.co.nz.