

IN THE HIGH COURT OF NEW ZEALAND
WHANGAREI REGISTRY

CIV-2017-485-307.

IN THE MATTER OF

the Marine and Coastal Area
(Takutai Moana) Act 2011

AND IN THE MATTER OF

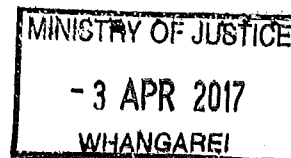
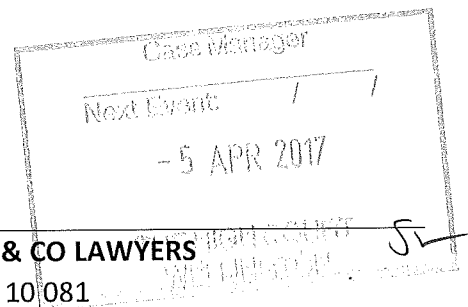
an application by the Ngati
Korokoro Trust for an order
recognising Customary
Marine Title

INTERLOCUTORY APPLICATION BY THE NGATI KOROKORO TRUST
FOR RECOGNITION ORDER PURSUANT TO THE MARINE AND COASTAL
AREA (TAKUTAI MOANA) ACT 2011

Dated 3 April 2017



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- To:** The Registrar of the High Court at Whangarei;
- and to:** Far North District Council;
- and to:** The Department of Conservation, the Department of Internal Affairs, the Environmental Protection Authority, the Ministry of Business, Innovation and Employment, New Zealand Petroleum and Minerals;
- and to:** The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. The applicant, the Ngati Korokoro Trust, will on 3 April 2017 apply to the High Court for an order pursuant to s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act") to recognise the customary marine title and protected customary rights of Nga Hapu o Te Wahapu o Hokianga nui a Kupe.

The Applicant Group

2. This application is made on behalf of Nga Hapu o Te Wahapu o Hokianga nui a Kupe ("**the applicant group**").
3. The applicant group are coastal Hapu located along the south side of the Hokianga harbour and they have been there since the time of Kupe. The applicant group have the following eponymous ancestors:
 - a. Kupe, the founding ancestor of Nga Hapu o Te Wahapu o Hokianga nui a Kupe; and
 - b. Rahiri, the founding ancestor of Ngapuhi.
4. The representative of the applicant group is the Ngati Korokoro Trust ("**representative**"). The representative was appointed by general consensus at a publicly advertised meeting held for the applicant group

at Waiwhatawhata Marae, Hokianga on 19 March 2017. This was the second meeting following a publicly advertised meeting held for the applicant group at Pakanae Marae, Hokianga on 25 February 2017.

Area to which the application relates

5. The area to which this application relates is the common marine and coastal area (as defined in s 9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs between (35°28.72'S, 173°24.62E) and (35°29.79'S, 173°24.30'E);
 - b. on the northward side by a line that extends from the coast abutting the mouth of Te Puata awa (35°28.72'S, 173°24.62E) west to the point in the Hokianga harbour (35°28.72'S, 173°23.62'E);
 - c. on the harbour side by a line that extends from a point in the Hokianga harbour (35°28.72'S, 173°23.29'E) heading south to a further point in the Hokianga harbour (35°29.79'S, 173°23.29'E); and
 - d. on the southward side by a line that extends from Awapokanui (35°29.79'S, 173°24.30'E) west to the point in the Hokianga harbour (35°29.79'S, 173°23.29'E).

Protected Customary Rights

6. The applicant group and their ancestors utilised the common marine and coastal area for:
 - a. non-commercial fishing (utilising nets, hinaki and hand-lines to catch kanae for which Pakanae was renowned, kahawai, patiki, tamure, in particular the karati, mako, pakaurua and tuna/eels);
 - b. non-commercial seeding and harvesting of shellfish (including pipi, cockles, oysters, mussels, scallops, karahu, pupu, paapaka)
 - c. planting and cultivating plant species in the common marine and

- coastal area wet margins (such as harakeke, tī kouka, pingao);
- d. gathering edible and aquatic plants;
 - e. collecting hāngi stones for non-commercial purposes;
 - f. collecting driftwood and other natural resources for non-commercial purposes; and
 - g. obtaining and using whalebone and other cultural materials and resources from marine mammals.

Grounds on which the Protected Customary Rights order is sought

7. The application for a recognition order for protected customary rights is made on the following grounds:
 - a. The applicant group being coastal hapu has relied heavily on utilising nets, hinaki and hand-lines to catch kanae for which Pakanae was renowned, kahawai, patiki, tamure, in particular the karati, mako, pakaurua & tuna (eels) and wetland food stocks foraged by individuals and whanau in the estuaries and coastal margins;
 - b. The applicant group also relied heavily on the seeding and harvesting of shellfish (including pipi, cockles, oysters, mussels, scallops, karahu, pupu, paapaka);
 - c. The applicant group also undertakes the following activities in marine and coastal area:
 - i. planting and cultivating plant species in CMCA wet margins (such as harakeke, tī kouka, pingao);
 - ii. gathering edible and aquatic plants;
 - iii. collecting hāngi stones for non-commercial purposes; and
 - iv. collecting driftwood and other natural resources for non-commercial purposes; and
 - v. obtaining and using whalebone and other cultural materials

and resources from marine mammals.

- d. The applicant group has undertaken these activities since before 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.

Grounds on which the customary marine title application is made

8. The application for a recognition order for customary marine title is made on the following grounds:

- a. The applicant group has held and continues to hold the application area in accordance with tikanga since before 1840; and
- b. The applicant group has exclusively used and occupied the application area from before 1840 to the present day without substantial interruption.

9. Should a recognition order be made by the Court, the nominated order holder for the applicant group is:

David Sarich (trustee of the Ngati Korokoro Trust)
244 Koutu Loop Road
RD3 KAIKOHE
09 4958400

10. The contact person for the appointed representative of the applicant group is:

Cheryl Turner
PO Box 95
RAWENE 0443
wally0494@xtra.co.nz

11. This application relies on ss 51(1), 58, and 98-113 of the Act and the affidavit of Cheryl Louise Turner dated 3 April 2017 and filed in support of this application.

Date: 3 April 2017



Counsel for the applicant

This document is filed by **KELLY MAREE HANNAH DIXON** and **ALISHA SUZANNE CASTLE**, solicitors for the applicant. The address for service on the applicant is 2A Kings Road, Mt Roskill, Auckland.

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 10 081 Dominion Road, Auckland; or
- (b) Transmitted to the solicitor by fax to (09) 620 6250; or
- (c) Emailed to the solicitor at alisha@dixonandcolawyers.com.