

17

IN THE HIGH COURT OF NEW ZEALAND

WELLINGTON REGISTRY

CIV 2011-485-789

IN THE MATTER OF

AN APPLICATION BY CATHERINE
CLARKSON & ORS FOR A CUSTOMARY
MARINE TITLE PURSUANT TO SECTION
58 OF THE MARINE AND COASTAL AREA
(TAKUTAI MOANA) ACT 2011

AMENDED APPLICATION FOR A CUSTOMARY MARINE TITLE

Judicial officer: Mallon J

Filed by **CATHERINE CLARKSON** whose address for service is PO Box 25
184, Featherston Street, Wellington 6011 telephone 021 08365365
catbarrister@yahoo.com.au.

Case Manager <i>Michelle</i>
Next Event: <i>nil</i>
20 MAY 2013
THE HIGH COURT WELLINGTON

APPLICATION FOR CUSTOMARY MARINE TITLE

Pursuant to section 58 of the

Marine and Coastal Area (Takutai Moana) Act 2011

1. **APPLICATION IS HEREBY** made to be heard in the High Court of New Zealand (Wellington) for a recognition order for a Customary marine title in respect of the customary marine title specified area by the person(s) named herein as:

KETEPUNGA KAYLENE CLARKSON, KETEPUNGA MATANA CLARKSON and **CATHERINE MARJORIE CLARKSON** whom wished to be named and known as the customary marine title group **PORONIA HINEANA TE RANGI WHANAU**, whom are "a Whanau" and whose contact details are:

Catherine Clarkson
PO Box 25-184
WELLINGTON 6011

Telephone: 021 08365365

catbarrister@yahoo.com.au

2. Of the customary marine title group **KETEPUNGA KAYLENE CLARKSON** a natural person is to be the holder of the order whose contact details are:

Kaylene Clarkson
235 Lumsden Place
HASTINGS

Telephone 06 876 3066

3. The customary marine title specified area is described as Whangaehu to Poroporo (Cape Turnagain inclusive) demonstrated in the attached topographic map 260-V24 Edition 2 1998, published by Land Information, New Zealand. **[Annex A]**

4. The application is filed on the following grounds:
 - (a) The applicant group holds the specified area in accordance with tikanga; and

 - (b) Has in relation to the specified area, -
 - a. Exclusively used and occupied the it from 1840 to the present day without substantial interruption; that they are tangata-whenua, being direct descendants of **PORONIA HINEANA TE RANGI** from whom they have succeeded to her land, Porangahau 1B4N, 1B4N2, IB4NID which in part abuts an Historic Reserve as defined in section 2(1) of the Reserves Act 1977 which in turn abuts part of the coastal and marine area specified in this application; and

 - b. In accordance with tikanga as direct descendants of **EREATARA TEKURU** Chief of Ngati Kere, great grandfather and great great grandfather of the applicants, have exercised non-commercial customary fishing rights in the specified area and have done so from 1840 to the present day.

5. Filed in support of this application is the Affidavit of **KETEPUNGA MATANA ERIHA**. **[Annex B]** and **KETEPUNGA KAYLENE CLARKSON** **[Annex C]** and the applicants say that there is nothing

in section 118(1)(i) of the act that applies to this application at the date of filing.

Signed and filed on behalf of the applicant(s)

.....

CATHERINE MARJORIE CLARKSON

List of those served with the application:

The Attorney General

Solicitor General

Crown Law Office

Ngati Kahungunu Iwi Incorporated

Ngati Kere Trustees

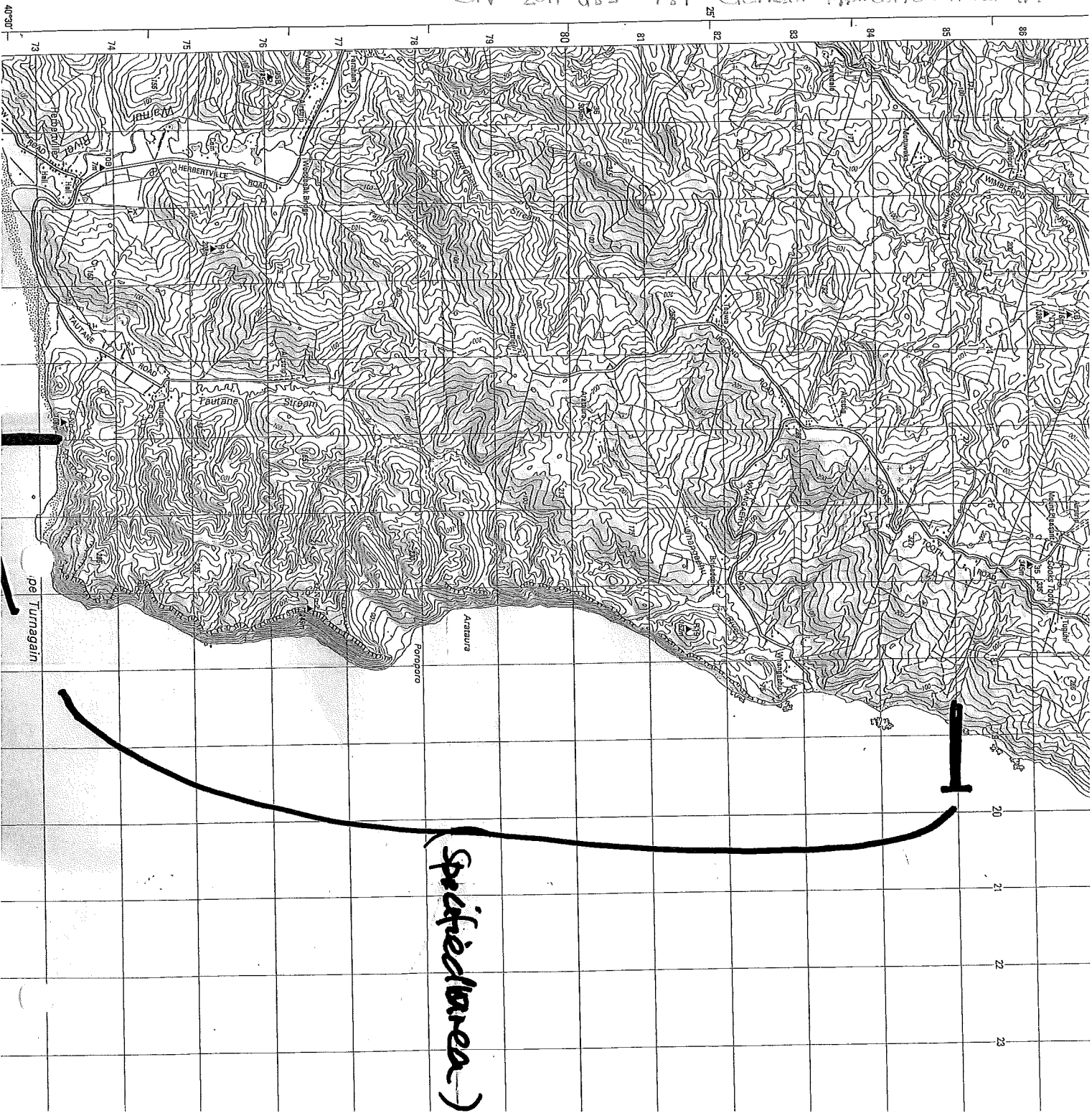
Porangahau Taiapure

Central Hawkes Bay District Council

Hawkes Bay Regional Council

Hawkes Bay Revival Centre

Whangaehu Settlement Committee



Spifedlanae

Reference:
Prior CT: W1/812 (BAL) AND W1/813 (BAL)
Document No.: 708776,8



LT69

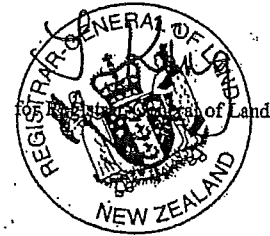
Y1/820

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT 1952

This Certificate dated the 30th day of October Two Thousand under the seal of the Registrar-General of Land, New Zealand, for the Land Registration District of HAWKES BAY
WITNESSETH that THE CENTRAL HAWKES BAY DISTRICT COUNCIL as a Historic Reserve
is seised of an estate in fee simple (subject to such reservations, restrictions, encumbrances and interests as are notified by memorial endorsed hereon) in the land hereinafter described, delineated on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 7820 square metres, more or less being LOT 23
DEPOSITED PLAN 28251

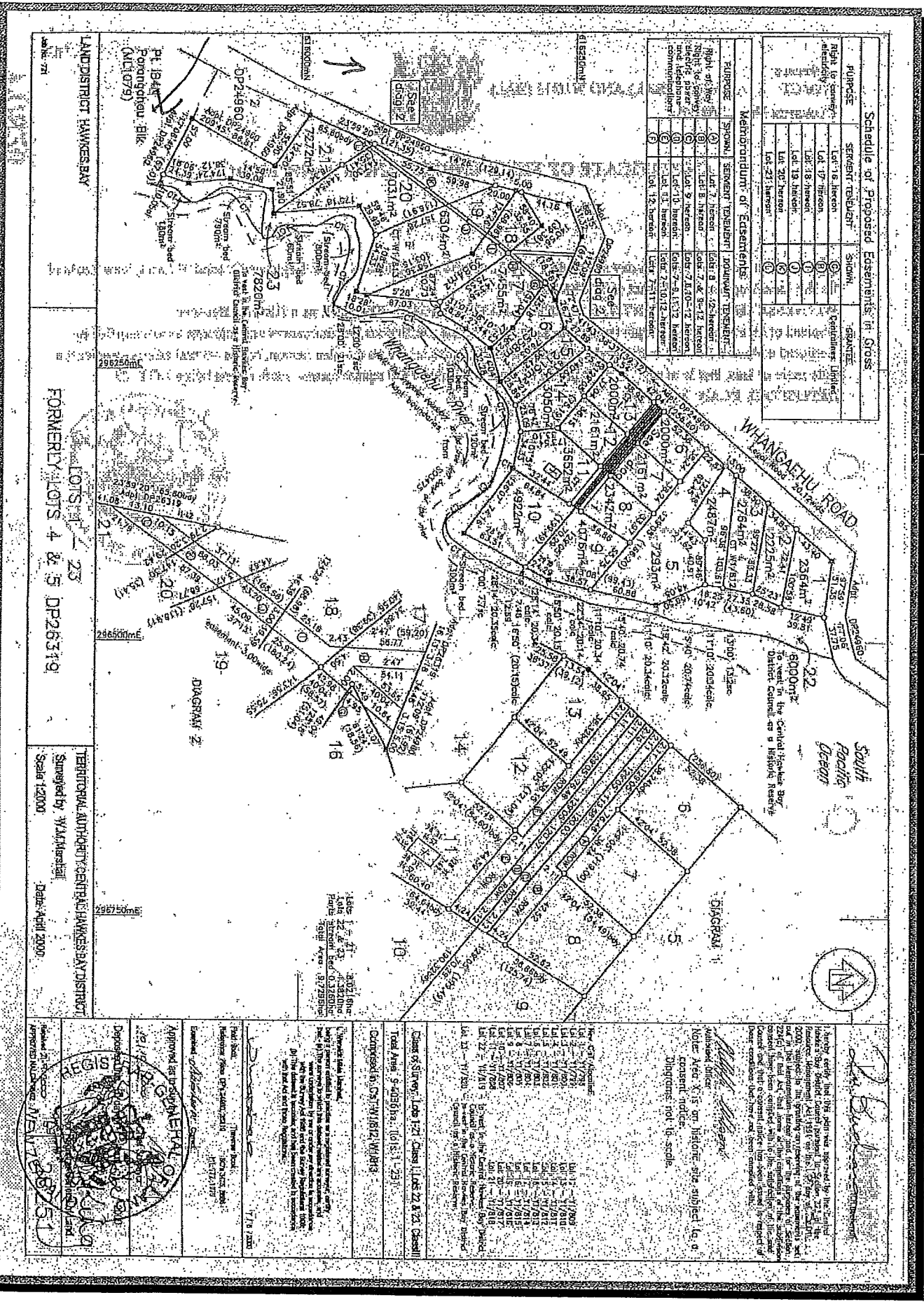
Subject to Reserves Act 1977.

J. King
For RGL



Y1/820

Certificate of Title for Lot 23 DP 28251



Schedule of Proposed Easements in Gross

PURPOSE	SEMENT TOLERANT	SHOWN	GRANTED	CONDITIONS LIMITED
Right to survey/alter	Lot 16 hereon	①	①	
Right to survey/alter	Lot 17 hereon	②	②	
Right to survey/alter	Lot 18 hereon	③	③	
Right to survey/alter	Lot 19 hereon	④	④	
Right to survey/alter	Lot 20 hereon	⑤	⑤	
Right to survey/alter	Lot 21 hereon	⑥	⑥	

Meinordnament of Easements

PURPOSE	SPOWN	SEMENT TOLERANT	POWQUART TOLERANT
Right of way	Lot 7 hereon	Lot 8 & 12 hereon	
Right to survey/alter	Lot 8 hereon	Lot 7 & 8-12 hereon	
Right to survey/alter	Lot 9 hereon	Lot 7 & 8-12 hereon	
Right to survey/alter	Lot 10 hereon	Lot 7 & 8-12 hereon	
Right to survey/alter	Lot 11 hereon	Lot 7 & 8-12 hereon	
Right to survey/alter	Lot 12 hereon	Lot 7 & 8-12 hereon	

LAND DISTRICT HAWKES BAY

FORMERLY LOTS 4 & 5 DP265319

TERRITORIAL AUTHORITY CENTRAL HAWKES BAY DISTRICT
 Surveyed by W.A. Marshall
 Scale 1:2000
 Date April 2000

Approved by the **COMMERCIAL OFFICIALS**

Approved by the **REGISTRAR GENERAL**

Registered under **MW1728251**

Notes:

1. The boundaries shown on this plan are based on the original survey of the land shown on the plan.

2. The boundaries shown on this plan are based on the original survey of the land shown on the plan.

3. The boundaries shown on this plan are based on the original survey of the land shown on the plan.

Diagrams:

Diagram 1

Diagram 2

Diagram 3

Other Information:

Lot 1 - 1/1/2000

Lot 2 - 1/1/2000

Lot 3 - 1/1/2000

Lot 4 - 1/1/2000

Lot 5 - 1/1/2000

Lot 6 - 1/1/2000

Lot 7 - 1/1/2000

Lot 8 - 1/1/2000

Lot 9 - 1/1/2000

Lot 10 - 1/1/2000

Lot 11 - 1/1/2000

Lot 12 - 1/1/2000

Lot 13 - 1/1/2000

Lot 14 - 1/1/2000

Lot 15 - 1/1/2000

Lot 16 - 1/1/2000

Lot 17 - 1/1/2000

Lot 18 - 1/1/2000

Lot 19 - 1/1/2000

Lot 20 - 1/1/2000

Lot 21 - 1/1/2000

Surveyor's Declaration:

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the plan hereon approved by the Central District Council is a true and correct copy of the original survey of the land shown on the plan.

Witness my hand and seal this 1st day of April 2000.

W.A. Marshall

Certificate of Title Plan