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IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

No: CIV:2017-404-518

UNDER THE

of the **Marine and Coastal
Area (Takutai Moana) Act
2011**, sections 98 and 100

AND

IN THE MATTER OF

an application by **Jasmine
Whakaarahia Cotter-Williams**
and **Faenza Bryham** on behalf
of Ngati Taimanawaiti, for
orders recognising Customary
Marine Title and Protected
Customary Rights

**Originating Application for Recognition Orders Pursuant to the Marine and
Coastal Area (Takutai Moana) Act 2011**

Dated: 30 March 2017

TamakiLegal
Barristers & Solicitors

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P/P 10/17 LL-5
HIGH COURT
30 MAR 2017
AUCKLAND 2109
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To the Registrar of the High Court at Auckland

and

To the Solicitor-General on behalf of the Attorney-General

And To: The Auckland Council

This document notifies you that —

1. The Applicants, **Jasmine Whakaarahia Cotter-Williams** and **Faenza Bryham** will on 30 March 2017 apply to the court for recognition orders under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act").
2. The Applicants will seek a recognition order for a Protected Customary Right ("PCR") under the requirements of s 51(1) of the Act
3. The Applicants will seek a recognition order for Customary Marine Title ("CMT") under the requirements of s 58 of the Act.
4. The Applicants will seek to include recognition of wāhi tapu and wāhi tapu areas in a CMT order under s 78 of the Act.

The Applicant Group

5. The Applicant Group is Ngati Taimanawaiti.
6. Ngati Taimanawaiti are located in the Auckland area. Ngati Taimanawaiti's traditional rohe is located around the Waitemata harbour and extending north to Orewa, and South to Orere Point.

Representatives of Applicant Group

7. The persons who will be the representatives of the applicant group and the holders of the order are Jasmine Whakaarahia Cotter-Williams and Faenza Bryham.

Contact Details

8. Contact details for Jasmine Cotter-Williams are:
 - i. Telephone number: 09 275 4755
 - ii. Mailing Address: 6 Kemble Close, Mangere. 2022, Auckland

9. Contact details for Faenza Bryham are:
 - i. Telephone number: 021 02553281
 - ii. Mailing Address: 1/13 Vine Street, Mangere East, 2022, Auckland
 - iii. Email: fsjbryham@gmail.com

10. Contact details for the Ngati Taimanawaiti are
 - i. Telephone number: 09 275 4755
 - ii. Mailing Address: C/- 6 Kemble Close, Mangere 2022, Auckland

Particular Area to which Application Relates

11. The specific common marine and coastal area to which this application relates is the area bounded by lines drawn northwards from Orere Point and westwards from Orewa intersecting in the Hauraki Gulf. ("the specified area").

12. **Attached** and marked **A** is a map of the specified area.

Grounds for CMT Application

13. The applicant group holds the specified area in accordance with tikanga; and

14. The applicant group, in relation to the specified area has, exclusively used and occupied it, in conjunction with other traditional users, from 1840 until the present day.

15. Alternatively, the Waters North of the mid line of the Tamaki River have been held since 1840 and the lands South of the mid-point of the Tamaki River were received in about 1863 through a customary transfer in accordance with s 58(3) of the Act.
16. Title to the specified area has not been extinguished as a matter of law.
17. And on the further grounds contained in the **attached** affidavit of Jasmine Whakaarahia Cotter-Williams.

Wāhi Tapu

18. Should a CMT be awarded, the Applicants seek protection of several wāhi tapu sites under section 78 of the Act.
19. These wāhi tapu are outline in the **attached** affidavit of Jasmine Whakaarawhia Cotter-Williams.
20. The Applicant Group have:
 - a. A connection with the wāhi tapu in the specified area; and
 - b. Require prohibitions and/or restrictions on access to protect the wāhi tapu in the specified area.

Description of Customary Right for Purposes of PCR

21. Kaitiaki practices and customary and environmental education including but not limited to:
 - a. The right to impose rāhui.
 - b. The right to teach and practice Mau Rakau on beaches and in the surf.
 - c. The right to hold waka ama races and other sporting activities within the Marine and Coastal Area.

Grounds for PCR Application

22. The PCR, described above at paragraph [18], has;
- a. been exercised since 1840; and
 - b. continues to be exercised by Ngati Taimanawaiti in/at the specified area in accordance with tikanga; and
 - c. is not extinguished as a matter of law.
23. Further grounds for the PCR application are contained in the **attached** affidavit of Jasmine Whakaarahia Cotter-Williams

Affidavit(s) in Support of Application

24. **Attached** is an Affidavit by Jasmine Whakaarahia Cotter-Williams in support of this application.

Memorandum

This document is filed by Darrell Cy Frederick Naden, solicitor for the applicant group, of the firm Tamaki Legal Limited. The address for service of the applicant group is at the offices of Tamaki Legal Limited, AMI Building, 15 Osterley Way, Auckland, 2104, New Zealand.

Documents for service on the applicant may be left at that address for service or may be –

- posted to the solicitors at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the solicitor at darrell@tamakilegal.com

Date: 30 March 2017



Darrell Naden
Solicitor for Applicant

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Map of Specified Area

