

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CV 2017-404-581

IN THE MATTER

of the Marine and Coastal Area Act 2011

AND

IN THE MATTER

of an application by Otakanini Topu Maori Incorporation, having its registered office at 23 Neville Street, Warkworth, for orders recognising the customary marine title and protected customary rights of Ngati Tama

ORIGINATING APPLICATION

3 APRIL 2017

AS

HIGH COURT
· 03 APR 2017 ·
AUCKLAND 1600

SDW



ATKINS | HOLM | MAJUREY

T L Hovell
PO Box 1585
Shortland Street
AUCKLAND 1140

TO: The Registrar of the High Court at Auckland

AND TO: the Auckland Council; and

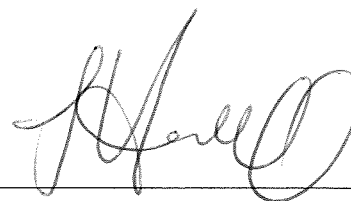
the Solicitor-General on behalf of the Attorney General.

THIS DOCUMENT NOTIFIES YOU THAT:

1. The Otakanini Topu Maori Incorporation (Topu) will on 3 April 2017 apply to the Court for an order under section 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 recognising:
 - (a) The customary marine title of the Topu in the area specified in the map attached to the affidavit of Glenn Joseph Wilcox ("the specified area"); and
 - (b) the protected customary rights of the Topu in the specified area.
2. The grounds on which the applicant seeks the order recognising customary marine title are as follows:
 - (a) The Topu holds the specified area in accordance with fikanga.
 - (b) The Topu has, in relation to the specified area, exclusively used and occupied it from 1840 to the present day without substantial interruption.
3. The applicant will seek, under section 78, to include recognition of wahi tapu, or wahi tapu areas, in any customary title order.
4. The grounds on which the applicant seeks the order recognising protected customary rights are as follows:
 - (a) The Topu has exercised the rights since 1840.
 - (b) The Topu continue to exercise the rights in particular parts of the common marine and coastal area in accordance with fikanga.
 - (c) The rights have not been extinguished as a matter of law.
5. The protected Customary rights include:
 - (a) the exercise of kaitiakitanga;

- (b) rahui;
 - (c) the use of Tauranga waka (landing, launching, anchoring and mooring of vessels);
 - (d) the use of Tauranga ika (anchoring and mooring vessels for fishing purposes);
 - (e) the extraction and use of sand, shingle, aggregate, rocks, stone, driftwood, saltwater, pingao, and wai tapu;
 - (f) Maara mataitai/non-commercial aquaculture; and
 - (g) Using the specified area, including the natural and physical resources within it, for ceremonies associated with burial, baptism and rongoa.
6. The applicant group is the Topu.
7. The particular area of the common marine and coastal area which this application relates is the area specifies in the map attached to the affidavit of Glenn Joseph Wilcox.
8. The name of the person to be the holder of the marine and coastal area to which this application relates is the Topu.
9. The contact details for the Topu are:
- 23 Neville Street,
Warkworth
10. This application is made in reliance on Parts 3 and 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.

DATE: 3 April 2017



Tama Hovell

On behalf of the Otakanini Topu Maori
Incorporation

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