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IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV-2017-485-218

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IN THE MATTER OF                    the Marine and Coastal Area Act 2011

AND

IN THE MATTER OF                    an application by HORI TURI  
ELKINGTON, of Wellington, trustee of the  
Ngāti Koata Trust, for orders recognising  
the customary marine title and protected  
customary rights of Ngāti Koata

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AMENDED ORIGINATING APPLICATION

13 April 2017

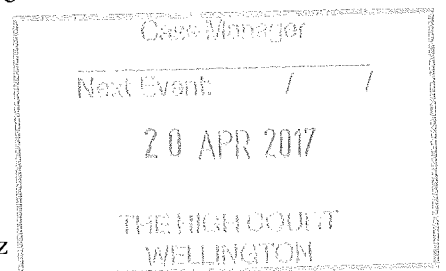
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SOLICITORS:

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Upper Hutt  
WELLINGTON 5371  
Tel: 04 527-0925

Contact:

Loretta Lovell  
loretta@lovellassociates.co.nz



To the Registrar of the High Court at Wellington

and

To: the Marlborough District Council;  
the Nelson City Council; and  
the Solicitor-General on behalf of the Attorney-General.

**This document notifies you that—**

1. The applicant, Hori Turi Elkington, will on \_\_\_\_\_ apply to the court for a order under section 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 recognising:
  - 1.1 the customary marine title of Ngāti Koata in the area specified in the **attached** map (“the specified area”); and
  - 1.2 the protected customary rights of Ngāti Koata in the specified area.
2. The grounds on which the applicant seeks the order recognising customary marine title are as follows:
  - 2.1 Ngāti Koata holds the specified area in accordance with tikanga.
  - 2.2 Ngāti Koata has, in relation to the specified area, exclusively used and occupied it from 1840 to the present day without substantial interruption.
3. The grounds on which the applicant seeks the order recognising protected customary rights are as follows:
  - 3.1 Ngāti Koata has exercised the rights since 1840.
  - 3.2 Ngāti Koata continues to exercise the rights in a particular part of the common marine and coastal area in accordance with Ngāti Koata tikanga.
  - 3.3 The rights have not been extinguished as a matter of law.
4. The protected customary rights include:

- 4.1 the exercise of kaitiakitanga;
  - 4.2 rahui;
  - 4.3 waka navigation, landing, anchoring and mooring;
  - 4.4 whare waka/boat sheds;
  - 4.5 the gathering of traditional foods/medicines/other resources (including taonga raranga);
  - 4.6 non-commercial aquaculture; and
  - 4.7 access to wahi tapu.
5. The applicant is Hori Elkington. The applicant group is Ngāti Koata. For the purposes of this application, Ngāti Koata has the meaning set out at in Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, s23(1)(a).
  6. The particular area of the common marine and coastal area to which this application relates is the area specified in the **attached** map.
  7. The name of the person to be the holder of the order as the representative of Ngāti Koata is the Ngāti Koata Trust.
  8. The contact details for the Ngāti Koata Trust are:

137 Vickerman Street  
PO Box 1659  
Nelson 7040  
Ph (03) 548-1639
  9. This application is made in reliance on Parts 3 and 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.

13 April 2017



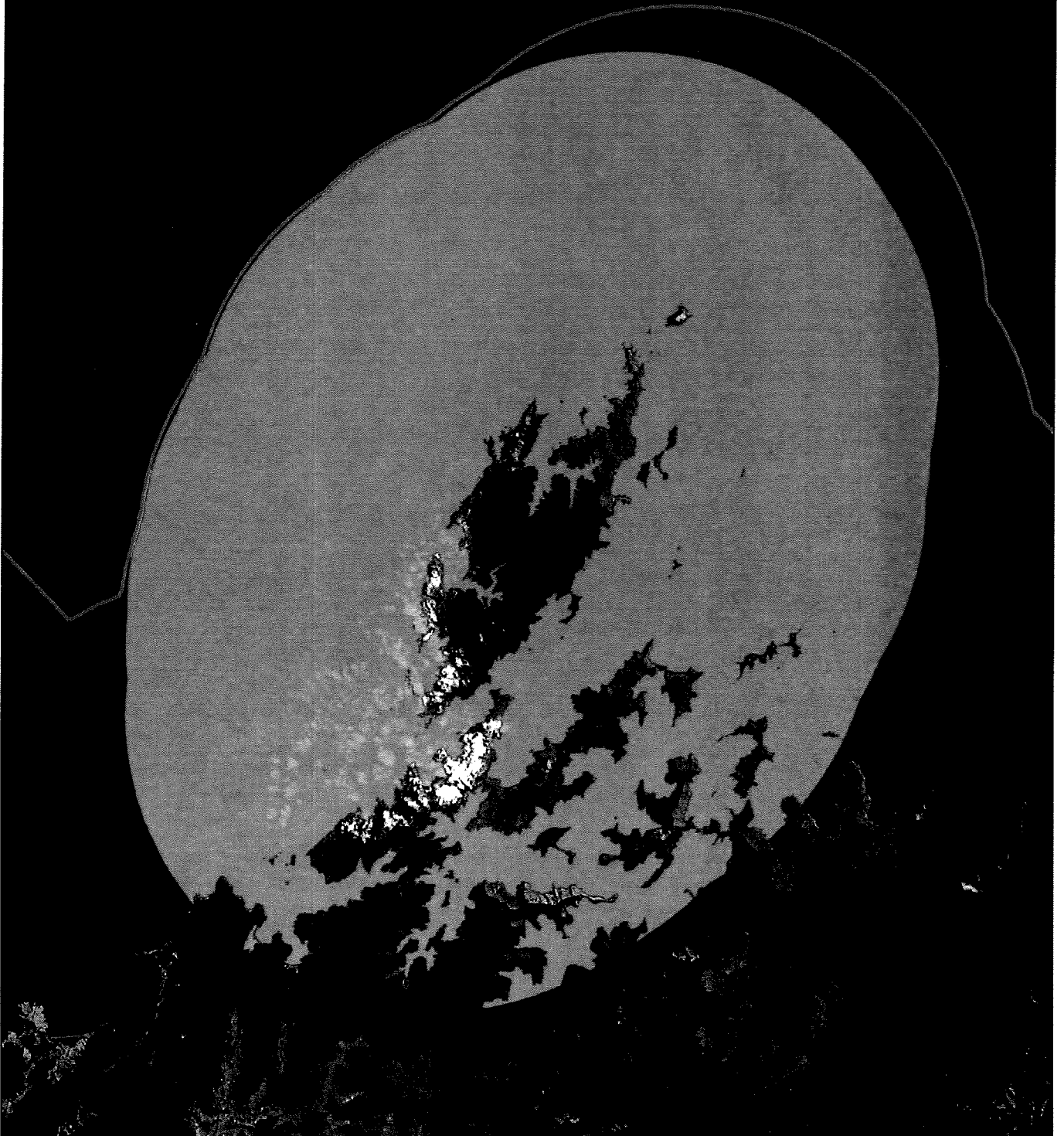
Loretta Lovell  
Solicitor for the applicant

This document is filed by LORETTA TE IRIWAHO LOVELL, solicitor of the applicant, of the firm Lovell & Associates Ltd, whose postal address is 244 Katherine Mansfield Drive, Upper Hutt, Wellington 5371. The address for service of the applicant is:



244 Katherine Mansfield Drive  
Upper Hutt  
WELLINGTON 5371

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

- (a) posted to the solicitor at the address above; or
- (b) emailed to the solicitor at [loretta@lovellassociates.co.nz](mailto:loretta@lovellassociates.co.nz).



**Legend**

-  CMT Application Area under the Marine and Coastal Area (Takutai Moana) Act 2011
-  12 NM Territorial Sea Outer Limit



Mapping by Geospacial Solutions Ltd,  
July 2013 MOJ 2013-024

**Ngati Koata CMT Application Area**