

IN THE HIGH COURT OF NEW ZEALAND

WELLINGTON REGISTRY

CIV-2017-485-300

IN THE MATTER OF

the Marine and Coastal Area Act 2011

AND

IN THE MATTER OF

an application by Caroline Scott of Ngāti  
Tamaahuroa and Titahi Hapū and Oeo Pā  
Trustees for orders recognising the customary  
marine title and protected customary rights of  
Ngāti Tamaahuroa and Titahi Hapū.

**ORIGINATING APPLICATION**

**03 April 2017**

Case Manager
Next Event: / /
- 5 APR 2017
THE HIGH COURT OF WELLINGTON

SV

MINISTRY OF JUSTICE
3-25 03 APR 2017
Etapas & S40.
WATERLOO

To the Register of the High Court at Wellington

and

- To: the South Taranaki District Council;  
: the Taranaki Regional Council; and  
: the solicitor-General on behalf of the Attorney General.

**This document notifies you that-**

1. The applicant Caroline Scott will on the 03 day of April 2017 apply to the Court for an order under section 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 recognising:
  - 1.1 the customary marine title of Ngāti Tamaahuroa and Titahi Hapū in the area specified in the attached map (“the specified area”); and
  - 1.2 the protected customary rights of Ngāti Tamaahuroa and Titahi Hapū in the specified area.
  - 1.3 The grounds on which the applicant seeks the order recognising customary marine title are as follows:
  - 1.4 Ngāti Tamaahuroa and Titahi Hapū holds the specified area in accordance with tikanga.
  - 1.5 Ngāti Tamaahuroa and Titahi Hapū has, in relation to the specified area, exclusively used and occupied it from 1840 to the present day without substantial interruption.
2. The applicant will seek, under section 78, to include recognition of wāhi tapu, or wāhi tapu areas, in any customary title order.

3. The grounds on which the applicant seeks the order recognising protected customary rights are as follows:

3.1 Ngāti Tamaahuroa and Titahi Hapū has exercised the rights since 1840.

3.2 Ngāti Tamaahuroa and Titahi Hapū continue to exercise the rights in particular parts of the common marine and coastal area in accordance with Ngāti Tamaahuroa and Titahi tikanga.

3.3 The rights have not been extinguished as a matter of law.

4. The protected Customary rights are:

4.1 the exercise of kaitiakitanga;

4.2 rāhui;

4.3 the use of Tauranga waka (landing, launching, anchoring and mooring of vessels);

4.4 the use of Tauranga ika (anchoring and mooring vessels for fishing purposes);

4.5 the extraction and use of sand, shingle, aggregate, rocks, stone, driftwood, saltwater, pingao, waimaori, nga taonga katoa a Maru me nga taonga katoa a Tangaroa.

4.6 Maara mātaimai/non-commercial aquaculture; and

4.7 Using the specified area, including the natural and physical resources within it, for ceremonies associated with burial, baptism and rongoa.

5. The applicant is Caroline Scott, Secretary of the Oeo Pā Trustees on behalf of Ngāti Tamaahuroa and Titahi Hapū.

For the purposes of this application, Ngāti Tamaahuroa and Titahi are constituent hapū of the Ngaruahine Iwi and the Ngaruahine Iwi Authority established on the 19<sup>th</sup> day of January 1990, as a result of the devolution of the Department of Maori Affairs.

6. The particular area of the common marine and coastal area which this application relates is the area specifies in the **attached** map.
  
7. The name of the persons to be the holder of the marine and coastal area to which this application relates is the Ngāti Tamaahuroa and Titahi Hapū and the Oeo Pā Trustees.
  
8. The contact details for the Oeo Pā Trustees and Ngāti Tamaahuroa and Titahi Hapū is: Chairperson - Rangiroa Rongonui email rr@opunake.school.nz  
  
19 Patiki Road, RD 32 Opunake,  
  
4682
  
9. This application is made in reliance on Parts 3 and 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Dated this 3 day of April 2017



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C Scott

Applicant

This Originating Application is filed by **Caroline Scott** of Ngāti Tamaahuroa and Titahi Hapū and Oeo Pā Trustees The address for service of the Applicant is:

- (a) 19 Patiki Road, RD 32 Opunake, 4682
- (b) rr@opunake.school.nz

