

In the High Court of New Zealand
Wellington Registry

CIV-2017-485-000213

In the matter of

the Marine and Coastal Area (Takutai
Moana) Act 2011

And in the matter of

an application by the Ngati Tū Hapu
represented by Hori Manuirangi
Chairman of Ngati Tū Hapu Whenua
Toopū Trust, and of the Waiōkura Marae
and Reserves Trust seeking recognition
orders under that Act

APPLICATION FOR RECOGNITION ORDERS

Dated 29th March 2017

Counsel: Tom Bennion
Bennion Law
Barristers and Solicitors
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To: The Registrar of the High Court at Wellington
And to: The Taranaki Regional Council
And to: South Taranaki District Council
And to: the Solicitor-General on behalf of the Attorney-General

THIS DOCUMENT NOTIFIES YOU THAT:

1. Hori Manuirangi Chairman of Ngati Tū Hapu Whenua Toopū Trust, and of the Waiōkura Marae and Reserves Trust, on behalf of the applicant group, Ngati Tū Hapu hapu, will on 29th March 2017 apply to the Court for recognition orders under the Act relating to a particular area of the common marine and coastal area off the South Taranaki coast described generally as the area between Waihi Stream to Taungatara Stream, bounded on the landward parts by the line of mean high-water springs ("Ngati Tū Hapu Application Area") and shown in the attached Map A.
2. The orders sought are protected customary rights and customary marine title in the Ngati Tū Hapu Application Area arising from:
 - 2.1. Permanent occupation of land in this coastal area by Ngati Tū Hapu and use of the adjoining foreshore and seas for many years before 1840 and up until today without substantial interruption;
 - 2.2. The exercise of Kaitiakitānga;
 - 2.3. Rāhui;
 - 2.4. The use of Tauranga waka (landing, launching, anchoring and mooring of vessels);
 - 2.5. The use of Tauranga ika (anchoring and mooring vessels for fishing purposes);
 - 2.6. 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.
 - 2.7. Maara mataitai/non-commercial aquaculture; and
 - 2.8. Using the specified area, including the natural and physical resources within it, for ceremonies associated with burial, baptism and rongoā.

2.9. and all other associated customary uses of the common marine and coastal area in the Application Area.

DESCRIPTION OF APPLICANT GROUP

3. Ngati Tū Hapu are an iwi that has occupied their Application Area for many years before 1840. They are represented in this application by the Chairman of the Ngati Tū Hapu Whenua Toopū Trust and of the Waiōkura Marae and Reserves Trust who is a descendant of the founders of Ngati Tū Hapu.

GROUND ON WHICH THE PROTECTED CUSTOMARY RIGHTS RECOGNITION ORDER IS SOUGHT

4. Ngati Tū Hapu through its Chairperson seeks a protected customary rights recognition order on the grounds that its protected customary rights relating to the Ngati Tū Hapu Application Area may be recognised by an order of the Court made on an application under s 100 of the Act.
5. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for protected customary rights meets the requirements of s 51(1) of the Act.
6. The Applicant Group meets the requirements in s 51 (1) of the Act because it:
 - 6.1. has exercised the rights before and since 1840;
 - 6.2. continues to exercise those rights in the Ngati Tū Hapu Application Area in accordance with tikanga in either exactly the same or a similar way, or in a way that has evolved over time; and
 - 6.3. is applying for rights that have not been extinguished as a matter of law.

GROUND ON WHICH THE CUSTOMARY MARINE TITLE RECOGNITION ORDER IS SOUGHT

7. Ngati Tū Hapu through the Chairman of the Ngati Tū Hapu Whenua Toopū Trust and of the Waiōkura Marae and Reserves Trust seeks a customary marine title recognition order on the grounds that its customary marine title relating to the Ngati Tū Hapu Application Area may be recognised by an order of the Court made on an application under s 100 of the Act.
8. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for customary marine title meets the requirements of s 58 of the Act.

9. The Applicant Group meets the requirements in s 58 of the Act because it:
- 9.1. holds the Ngati Tū Hapu Application Area in accordance with tikanga;
 - 9.2. has, in relation to the Ngati Tū Hapu Application Area, between the mouth of the Kapuni stream westwards to Kaupokonui headland and beach, to the Otakeho Stream, exclusively used and occupied it from 1840 to the present without substantial interruption to its exclusive use and occupation; and
 - 9.3. the customary marine title has not been extinguished as a matter of law.
10. In terms of matters that may be taken into account in determining whether the Applicant Group's customary marine title exists in the Ngati Tū Hapu Application Area:
- 10.1. the Applicant Group have owned land adjoining the Ngati Tū Hapu Application Area and have done so, without substantial interruption, from 1840 to the present day; and
 - 10.2. the Applicant Group have exercised non-commercial customary fishing rights the Ngati Tū Hapu Application Area and have done so from 1840 to the present day.

PERSON TO HOLD THE ORDERS

11. The Chairman of the Ngati Tū Hapu Whenua Toopū Trust and of the Waiōkura Marae and Reserves Trust will be the holder of the orders as the representative entity of Ngati Tū Hapu.

APPLICATION MADE IN RELIANCE

12. This application is made in reliance on sections 51(1), 58, 59, 94, 98, 100, and 101 of the Marine and Coastal Area (Takutai Moana) Act 2011 and the affidavit of Hori Manuirangi the Chairman of the Ngati Tū Hapu Whenua Toopū Trust and of the Waiōkura Marae and Reserves Trust which sets out in full the basis on which Ngati Tū Hapu is entitled to the recognition orders sought.

**CONTACT DETAILS OF THE APPLICANT AND PERSON NAMED
TO HOLD THE ORDER**

13. The contact address of the Applicant and person named to hold the order is:

Hori Manuirangi

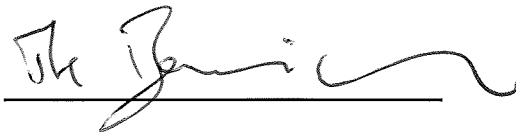
Chairman of the Ngati Tū Hapu Whenua Toopū Trust and of the Waiōkura
Marae and Reserves Trust

2 Sisson Street, RD3, New Plymouth

The contact telephone number is 067520747 or 0274475220

The contact email: ghmanu@clear.net.nz

Dated at Wellington this 29th March 2017



Thomas H Bennion

Counsel for Hori Manuirangi, Chairman of Ngati Tū Hapu

This document is filed by Thomas Bennion, Solicitor for Ngati Tū Hapu Inc.
The address for service of the Ngati Tū Hapu Inc is at the offices of Bennion
Law, First Floor, 181 Cuba Street, Wellington.

Documents for service on the above-named Appellant may be left at that
address for service or may be:

Posted to the solicitor at PO Box 25-433, Featherston Street, Wellington 6146;

or

Transmitted to the solicitor by email to tom@bennion.co.nz.

Map A – Ngati Tū Hapu Application Area

