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**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

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**IN THE MATTER OF**                      **the Marine and Coastal Area (Takutai  
Moana) Act 2011**

**AND**

**IN THE MATTER OF**                      **an application by JAMIE GRANT DANIEL  
TUUTA, Chairperson of Te Runanga o  
Ngati Mutunga, for orders recognising the  
customary marine title and protected  
customary rights of Ngati Mutunga**

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**ORIGINATING APPLICATION**

**31 March 2017**

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**SOLICITORS:**

**ARTHUR NOBLE LTD**  
Barristers & Solicitors  
156 Palmer Rd  
RD 1 Brightwater  
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Case Manager
Next Event:    /    /
<b>31 MAR 2017</b>
THE HIGH COURT WELLINGTON

To the Registrar of the High Court at Wellington

and

To: the New Plymouth District Council;

the Taranaki Regional Council; and

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

**This document notifies you that–**

1. The applicant, Jamie Grant Daniel Tuuta, 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 Ngati Mutunga in the area marked as the “Ngati Mutunga Iwi Exclusive” area in the **attached** map, being all the common marine and coastal area seaward of the Titoki Ridge (Latitude -38.920513; Longitude 174.475193) and the Esplanade Reserve (Latitude -38.993695, Longitude 174.34132); and
  - 1.2 the customary marine title of Ngati Mutunga shared with Te Atiawa in the area marked “Iwi Shared” in the **attached** map, where the Ngati Mutunga and Te Atiawa areas overlap, being all the common marine and coastal area seaward of the Esplanade Reserve (Latitude -38.993695, Longitude 174.34132) and the Waiiau River (Latitude -38.99346; Longitude 174.336663); and
  - 1.3 the protected customary rights of Ngati Mutunga in both areas above.
2. The grounds on which the applicant seeks the order recognising customary marine title in “Ngati Mutunga Iwi Exclusive” area are as follows are as follows:
  - 2.1 Ngati Mutunga holds the specified area in accordance with tikanga.
  - 2.2 Ngati Mutunga 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 customary marine title in the area marked "Iwi Shared" are as follows:
  - 3.1 Ngati Mutunga and Te Atiawa hold the specified area in accordance with tikanga.
  - 3.2 Ngati Mutunga and Te Atiawa have, in relation to the specified area, together exclusively used and occupied the area from 1840 to the present day without substantial interruption.
4. The applicant will seek, under section 78 of the Marine and Coastal Area (Takutai Moana) Act 2011, to include recognition of wahi tapu, or wahi tapu areas, in any customary marine title order.
5. The grounds on which the applicant seeks the order recognising protected customary rights are as follows:
  - 5.1 Ngati Mutunga has exercised the rights since 1840.
  - 5.2 Ngati Mutunga continues to exercise the rights in a particular part of the common marine and coastal area in accordance with Ngati Mutunga tikanga.
  - 5.3 The rights have not been extinguished as a matter of law.
6. The protected customary rights are:
  - 6.1 the exercise of kaitiakitanga;
  - 6.2 rahui;
  - 6.3 the use of tauranga waka (landing, launching, anchoring and mooring vessels);
  - 6.4 the use of tauranga ika (anchoring and mooring vessels for fishing purposes);
  - 6.5 whare waka/boat sheds;
  - 6.6 the extraction and use of: sand, peat, shingle, aggregate, rocks, stone, driftwood, ochre, saltwater, pingao and harakeke;

- 6.7 maara mataitai/non-commercial aquaculture; and
- 6.8 using the specified area, including the natural and physical resources within it, for ceremonies associated with burial, baptism and rongoa.
7. The applicant is Jamie Grant Daniel Tuuta, Chairperson of Te Runanga o Mutunga. The applicant group is Ngati Mutunga. For the purposes of this application, Ngati Mutunga has the meaning set out in the Ngati Mutunga Claims Settlement Act 2006, section 13(1).
8. The particular areas of the common marine and coastal area to which this application relates are the areas specified in the **attached** map, being:
- 8.1 the area marked “Ngati Mutunga Iwi Exclusive” in the **attached** map; and
- 8.2 the area marked “Iwi Shared” in the **attached** map, where the Ngati Mutunga and Te Atiawa areas overlap.
9. The name of the person to be the holder of the order as the representative of Ngati Mutunga is Te Runanga o Ngati Mutunga.
10. The contact details for Te Runanga o Ngati Mutunga are:
- PO Box 32  
6 Ngakoti Street  
Urenui 4349  
Taranaki  
Ph (06) 752-3247
11. This application is made in reliance on Parts 3 and 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.

31 March 2017



Bronwyn Arthur  
Solicitor for the applicant






This document is filed by BRONWYN HELEN ARTHUR, solicitor of the applicant, of the firm Arthur Noble Ltd, whose postal address and address for service of the applicant is:

156 Palmer Rd  
RD 1  
Brightwater  
NELSON 7091

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

- (a) posted to the solicitor at 31/35 Jessie St, Te Aro Wellington; or
- (b) emailed to the solicitor at [bronwynarthur@gmail.com](mailto:bronwynarthur@gmail.com).

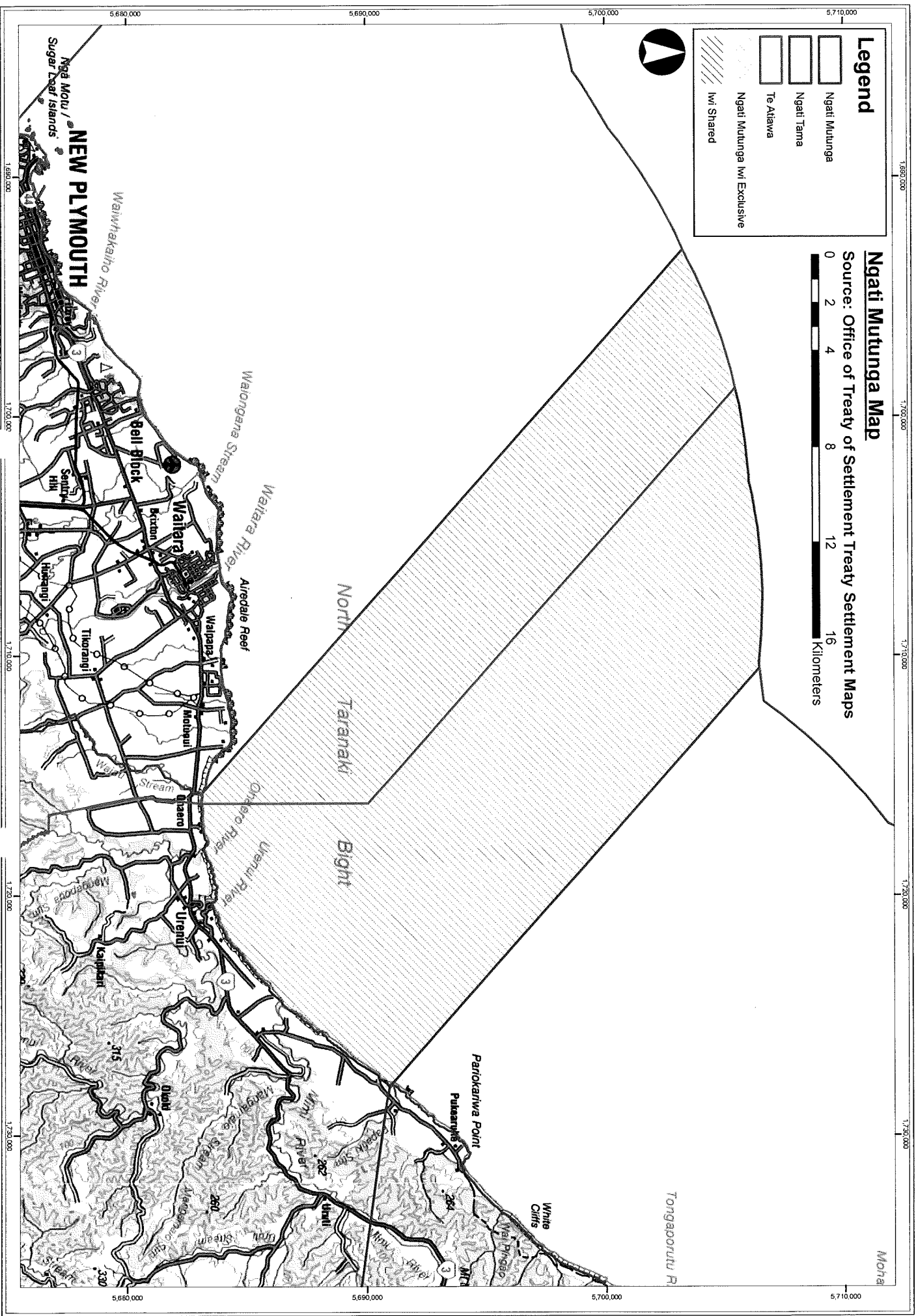
# Legend

-  Ngati Mutunga
-  Ngati Tama
-  Te Atawā
-  Ngati Mutunga Iwi Exclusive
-  Iwi Shared



# Ngati Mutunga Map

Source: Office of Treaty of Settlement Treaty Settlement Maps



**NEW PLYMOUTH**  
Ngā Motu /  
Sugar Loaf Islands

Waikarepa River

Bell Block

Waikarepa

Waikarepa Stream

Waikarepa River

North

Taranaki

Bight

Waikarepa

Waikarepa River

Parakarua Point

Waikarepa

White Cliffs

Tongaporutu R.

Mohā