

IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

CIV- 2017-419-80

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

AND

IN THE MATTER of an application by **GLENN PAUL TOOTILL** on behalf of those with interests in the Kāwhia, Aotea and Whaingaroa Harbours, for orders recognising customary marine title

**NOTICE OF ORIGINATING APPLICATION FOR ORDERS RECOGNISING
CUSTOMARY MARINE TITLE**

Dated 31 March 2017

HIGH/DISTRICT COURT
31 MAR 2017
\$540 Chg, 3:30pm
HAMILTON

To the Registrar, High Court, Hamilton

And to Waikato Regional Council, Waikato District Council, Otorohanga District Council, Waitomo District Council

And to the Solicitor General on behalf of the Attorney-General

This document notifies you that:

1. On _____ at _____ am/pm or as soon after that as they may be heard, Glenn Tootill will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (**the Act**) to recognise the Customary Marine Title of those with interests in the Kāwhia, Aotea and Whaingaroa Harbours (**the Harbours**).

Applicant Group

2. Those with interests in the Kāwhia, Aotea and Whaingaroa Harbours whakapapa to the tūpuna Hoturoa, Hekemaru, Te Wehi, Turi and so forth and have interests in and around the Harbours.
3. As coastal people, those of the Kāwhia, Aotea and Whaingaroa Harbours, say that the takutai moana is of the utmost significance to them. It is part of what defines them as a people. Their relationship with the takutai moana spans centuries and it has been continuous since prior to the arrival of tauwi and prior to the signing of Te Tiriti o Waitangi/the Treaty of Waitangi in 1840.
4. The tangata whenua of the Kāwhia, Aotea and Whaingaroa Harbours identify with their whakapapa and connections to the Harbours and the wider takutai moana in all they do.
5. Glenn Tootill was appointed to make this application for and on behalf of those with interests in the Kāwhia, Aotea and Whaingaroa Harbours on Saturday 29 October 2016.

Application Area

6. The area to which this application relates is the takutai moana/common marine and coastal area (as defined in s 9 of the Act) that is bounded:
 - (a) on the landward side by the line of mean high-water springs;

- (b) on the seaward side by the outer limits of the territorial sea;
 - (c) on the southward side by a line that extends from the coast abutting Waihekuri Stream (coordinates 632 9835.7 mN, 266 0336.1 mE) to the outer limits of the territorial sea;
 - (d) on the northward side by a line that extends from the coast abutting Waipohutukawa (coordinates 37°43.34'S 174°49.30'E) to the outer limits of the territorial sea; and
7. The area includes the common marine and coastal area surrounding Karewa Island.

Application for Customary Marine Title

8. The grounds on which this order is sought are that:
- (a) Those with interests in the Kāwhia, Aotea and Whaingaroa Harbours have held the application area in accordance with tikanga since well before 1840.
 - (b) Those with interests in the Kāwhia, Aotea and Whaingaroa Harbours have exclusively used and occupied the application area since well before 1840 to the present day without substantial interruption.
9. The Applicant, on behalf of those with interests in the Kāwhia, Aotea and Whaingaroa Harbours, will provide more information once funding for research and legal representation is secured.

Contact Details

10. The appointed representative for those with interests in the Kāwhia, Aotea and Whaingaroa Harbours is:

Glenn Tootill

Address – 43 Russleigh Drive, Dinsdale, Hamilton 3204

Phone - 0274 367 371

Email – glenn.tootill@gmail.com

11. This application is made in reliance on ss 51(1), 58 and 98-113 of the Act, Rule 19.2(NA) of the High Court Rules 2016 and the Affidavit of Glenn Paul Tootill filed in support of this application.
12. The applicants reserve their right to amend this application if required.

Date this 31st day of March 2017

A handwritten signature in black ink, appearing to read 'G P Tootill', is written over a solid horizontal line.

G P Tootill

On behalf of the Applicants