

# Te Takutai Moana Act

Applications received in the Toi Moana region



TOI MOANA TOI WHENUA TOI TANGATA  
**Komiti Māori**

# Te Takutai Moana Act 2011

## Process to recognise customary rights

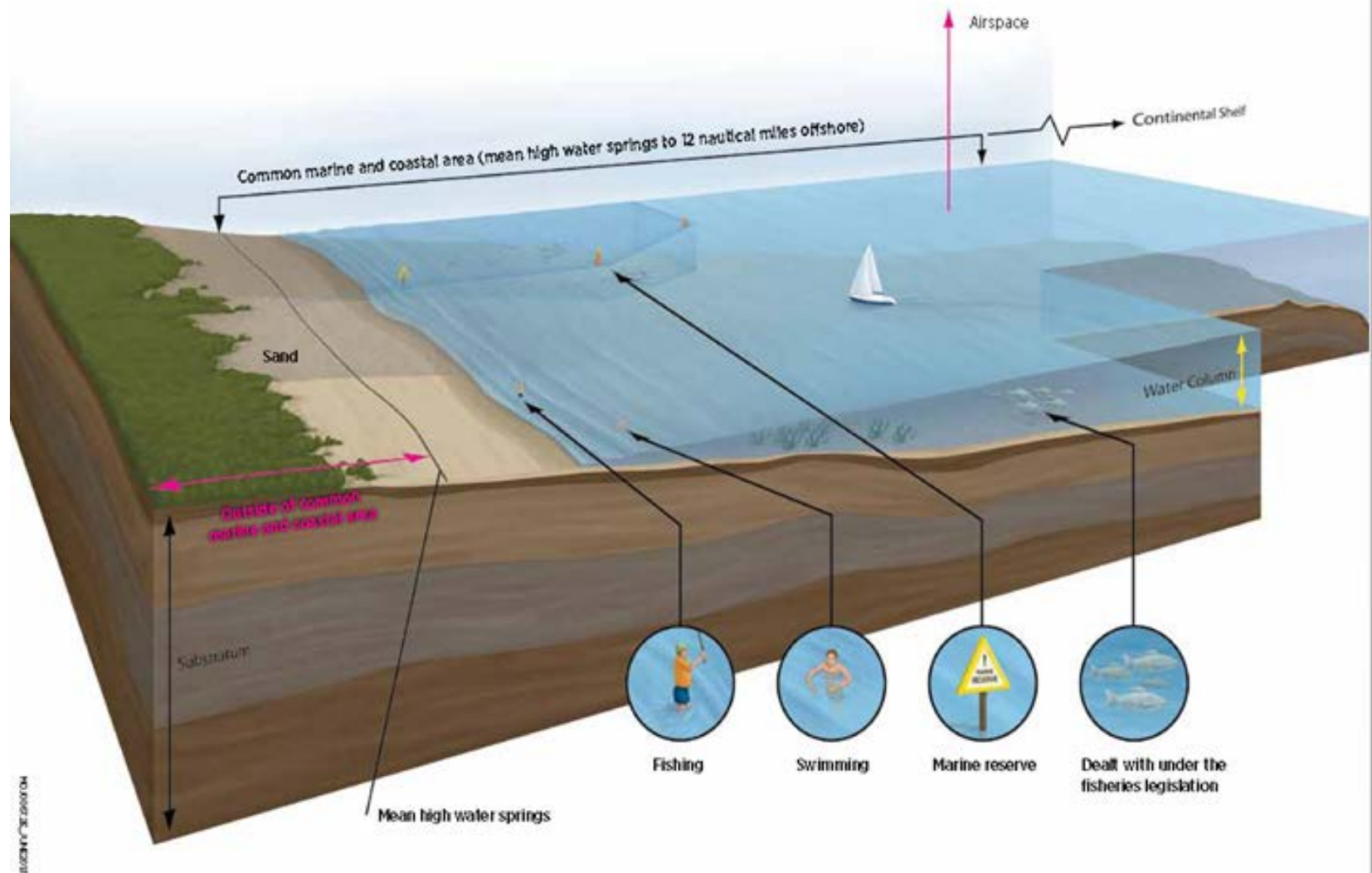
- Replaced Foreshore & Seabed Act 2004
- Deadline for applications: 3 April 2017
- Iwi, hapū or whānau could apply for:
  - **Customary Marine Title (CMT)**
  - **Protected Customary Rights (PCR)**
- Two pathways:
  - **Engage with Crown (via OTS)**
  - **High Court**

# Customary Marine Title

## Recognises relationship with an area

- If CMT granted, rights apply:
  - RMA and conservation permission rights – “veto”
  - Resource management planning document
  - Consultation rights
  - Wahi tapu protection
  - Ownership of minerals (except gold, silver, uranium)
  - Interim ownership of taonga tuturu
- Public access, recreation activities, fishing and existing consents allowed to continue

## Examples of recreational activities in the common marine and coastal area



# Protected Customary Rights

## Recognises customary activities

- Collecting hangi stones, Launching waka, gathering kaimoana, customary fishing, exercising kaitiakitanga (for example by way of rāhui), extraction of fossils, sand, rock and other natural materials
- Won't need a consent to carry out the activity
- Councils can't grant consents that have a more than minor adverse effect on the activity

# Toi Moana region

- Over 100 applications – many overlap
- Crown less likely to engage when CMT applications overlap
- High Court – trying to “group” applications
- “Hot spots”:
  - **Offshore Islands - Whakaari, Motiti, Tūhūa**
  - **Whakatōhea rohe**
  - **Ōhiwa Harbour**
  - **Maketū/Waihi Estuary area and adjoining coastal waters**
  - **Te Awanui**
  - **Waihi Beach to Pāpāmoa and adjoining coastal waters**



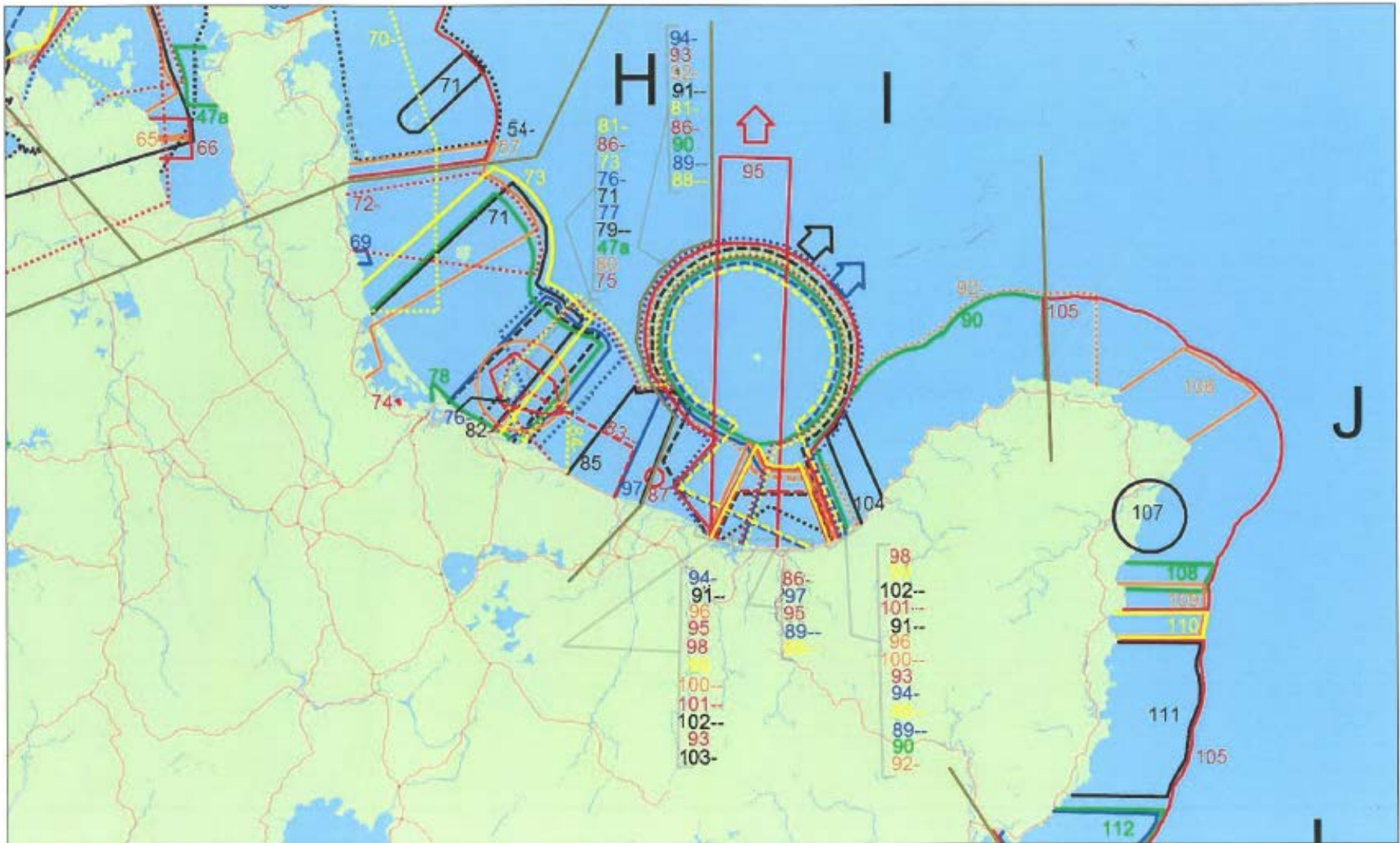
# Takutai Moana applications - snapshot



# Takutai Moana applications – High Court

Map 3 – Bay of Plenty to East Coast

Areas shown are approximate only, for discussion purposes, and are subject to revision





# What now?

- Legal tests are high – for CMT, group need to prove they have:
  - Exclusively used and occupied the area since 1840 without substantial interruption
  - Held area in accordance with tikanga
- BOPRC participating on a neutral basis – observer role, building relationships and understanding
- May be 2-3 years before decisions made
- Consent applicants need to “seek views” of CMT applicants (some exceptions)