

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

No. CIV-2017-485-251

IN THE MATTER OF:

the Marine and Coastal Area (Takutai Moana) Act 2011 (*the Act*)

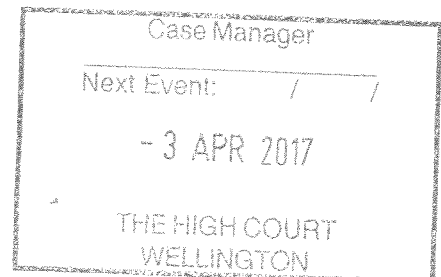
AND IN THE MATTER OF:

an application by WENDY DEE HYNES, CALVIN TUI HART, HAYSLEY KENNY MACDONALD, JEREMY TATERE MACLEOD, LEIGH EDWARD MACDONALD and JANIS BARBARA DE THIERRY as Trustees of TE RUNANGA A RANGITANE O WAIRAU TRUST for orders recognising Customary Marine Title and Protected Customary Rights of Rangitane o Wairau in Te Tau Ihu O Te Waka A Maui

**APPLICATION BY THE TRUSTEES OF TE RUNANGA A RANGITANE
O WAIRAU TRUST (ON BEHALF OF RANGITANE O WAIRAU) FOR
RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011**

DATED THIS 3rd DAY OF APRIL 2017

SOLICITOR ACTING: M J RADICH
FIRM OF SOLICITORS: RADICH LAW
21 BELLS ROAD
PO BOX 842
BLENHEIM 7240
TELEPHONE: (03) 577 8450
FACSIMILE: (03) 577 8451
111361-5



- To:** The Registrar of the High Court at Wellington;
- and to:** Marlborough District Council, Kaikoura District Council, ECAN, Tasman District Council, Buller District Council and the West Coast Regional Council.
- and to:** Department of Conservation, Department of Internal Affairs, Environment Protection Agency, Ministry of Business, Innovation and Employment, New Zealand Petroleum and Minerals;
- and to:** The Solicitor General on behalf of the Attorney-General

This Document notifies you that:

1. **WENDY DEE HYNES, CALVIN TUI HART, HAYSLEY KENNY MACDONALD, JEREMY TATERE MACLEOD, LEIGH EDWARD MACDONALD and JANIS BARBARA DE THIERRY** as Trustees of **TE RUNANGA A RANGITANE O WAIRAU TRUST** will apply to the High Court for orders pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (*the Act*) to recognise the customary marine title and protected customary rights of Rangitane o Wairau in Te Tau Ihu o Te Waka a Maui.

Protected Customary Rights:

2. Rangitane o Wairau's tupuna have utilised the common marine and coastal area (identified particularly in Document 258 of Exhibit A to the Affidavit of Wendy Dee Hynes filed herewith) for customary non-commercial purposes which include:
 - The taking of hangi stones
 - The gathering of karengo
 - The gathering of various species of shellfish and wetfish
 - The gathering of eels and inanga
 - The launching of waka
 - The conducting of ceremonial activities

and which are set out in more detail in the Affidavits of Wendy Dee Hynes and Phillip MacDonald filed herewith.

The Applicant Group:

3. Rangitane o Wairau whakapapa to 95 eponymous tupuna (identified in Document 036 – 037 of Exhibit A to the Affidavit of Wendy Dee Hynes filed herewith) who lived within the area the subject of this Application. The Trustees of the Applicant Trust were authorised to make this Application on 1 April 2017.

Area to which the Application Relates:

4. The area in respect of which Protected Customary Rights Orders are sought is:
 - (a) Bounded on the landward side by the line of mean high-water spring;
 - (b) Bounded on the seaward side by the outer limits of the territorial sea; and
 - (c) Is otherwise shown on the Map which is Document 258 within the Affidavit of Wendy Dee Hynes filed herewith.
5. The area in respect of which Customary Marine Title Orders are sought is:
 - (a) Bounded on the landward side by the line of mean high-water spring;
 - (b) Bounded on the seaward side by the outer limits of the territorial sea; and
 - (c) Includes particularly the Wairau Bar and the Wairau Lagoons as shown on Documents 048, 068 and 282 of Exhibit A to Wendy Dee Hynes' Affidavit.

Grounds on which the Protected Customary Rights Orders are Sought:

6. The grounds on which these orders are sought are that:

- (a) Rangitane o Wairau have relied heavily on inshore fish and shellfish food sources (as set out in the Affidavit of Wendy Dee Hynes and the Affidavit of Phillip MacDonald) and which include (without limitation) the gathering of flounder, kahawai, rig, red cod, butterfish, paua, crayfish, scallops, oysters, kina, gooey duck, pipi, cockles, claims, cat's eyes and kopakopa.
- (b) Rangitane o Wairau have relied on wetland food sources in the estuaries and coastal margins including inanga, eels, swans eggs, ducks and mutton birds.
- (c) Rangitane o Wairau fishermen sought the deep water fish which were not available along the inner shoreline including (without limitation) hapuka, blue cod, tarakihi, gurnard, conga eels, kingfish, blue nose, octopus, squid and moki.
- (d) Rangitane o Wairau also undertake, in the common marine and coastal area the subject of the Application, activities which include the harvesting of karengo, watercress and bull kelp, the launching of waka and the undertaking of ceremonial activities in accordance with tikanga.

7. The Applicant will provide more information once funding for research and legal representation is secured.

Grounds on which the Customary Marine Title Application is Made:

8. The grounds on which these orders are sought are that:

- (a) **RANGITANE O WAIRAU** have held the application area in accordance with tikanga since the earliest Polynesian Settlement of Aotearoa.
- (b) **RANGITANE O WAIRAU** have exclusively used and occupied the application area from the earliest Polynesian Settlement of Aotearoa to the present day without substantial interruption.

9. The Applicant will provide more information once funding for research and legal representation is secured.

Contact Details (for administrative purposes)

10. **WENDY DEE HYNES**, Chairperson
PO Box 883
Blenheim 7240

11. This application relies on s51(1), s58, s98-113 of the Act and the Affidavit of Wendy Dee Hynes and Phillip MacDonald.

DATED this 3 day of April 2017



M J Radich
Solicitor for the Applicant

THIS Application is filed by **MIRIAM JOAN RADICH** of the firm Radich Law Solicitors, 21 Bells Road, PO Box 842, Blenheim. Telephone (03) 577 8450, Facsimile (03) 577 8451, Email: miriam@radichlaw.co.nz.