

1.

IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-485-409
WHANGAREI REGISTRY

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by Huhana
Lyndon for an order
recognising Customary
Marine Title and Protected
Customary Rights.

**APPLICATION BY HUHANA LYNDON
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

Dated 3 April 2017

Case Manager <i>Michaela</i>
Next Event: / /
- 5 APR 2017
THE HIGH COURT WELLINGTON

MINISTRY OF JUSTICE
- 3 APR 2017
WHANGAREI <i>350</i>

pm

To: The Registrar of the High Court at Whangarei

and to: Whangarei District Council

and to: Northland Regional Council

and to: Department of Conservation

and to: Te Runanga a Iwi o Ngapuhi

and to: Ngatiwai Trust Board

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Huhana Lyndon 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 and protected customary rights of the protected customary rights of those whanau who whakapapa to Whangaroa Ngaiotonga Trust.

Protected Customary Rights

2. The ancestors utilised the common marine and coastal area for:
 - a) Seeding and harvesting of plants;
 - b) Seeding and harvesting of kaimoana (including koura, paua, kina);
 - c) Customary fishing (including flounder, mullet, kahawai);
 - d) Hunting birds (including wild ducks and mutton bird); and
 - e) Spiritual practices

The Applicant Group:

3. The applicant group are those whanau who whakapapa to the Ngaiotonga A3 block which is held in trust (“the whanau”).

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area (as defined in s9 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 eastward side by a line that extends from the coast abutting Opaheio to Home Point to the outer limits of the territorial sea ;
 - d. On the westward side by a line that extends from the coast abutting Whangaroa to Te Pipi to the outer limits of the territorial sea

5. The area includes the common marine and coastal area surrounding the islands within the application area.

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that:
 - a. The whanau have relied heavily on inshore and deep water fish including Tamure, Kingi, Maomao, Moke, Kahawai, Kanae, Patiki, Dabs, Tamure, Moke and others.
 - b. The whanau also relied heavily on harvesting shellfish such as kina, paua, koura, kokota, tuatua and kutai;
 - c. The whanau also hunted marine birds such as Mutton Bird on the foreshore and seabed;
 - d. The whanau have undertaken these activities listed above prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.

7. The whanau 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 this order is sought are that:
 - a. The whanau has held the application area in accordance with tikanga since prior to 1840.
 - b. The whanau has exclusively used and occupied the application area from prior to 1840 to the present day without substantial interruption.

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

Contact Details:

6. The Appointed Representative for the whanau is:

Huhana Lyndon

PO Box 7028

Tikipunga

Whangarei 0110

7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Merepeka Henley.

Dated at *Whangarei* on the 3rd of April, 2017



Huhana Lyndon