

IN THE HIGH COURTS OF NEW ZEALAND CIV-2017- 485-167
WELLINGTON REGISTRY

IN THE MATTER OF

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

AND IN THE MATTER OF

An application by
**Michael Kenneth David
Bradley** as representative
of **Te Runanga a
Rangitane o Kautuna
Incorporated** for an
order recognising
**Customary Marine Title
and Protected Customary
Rights.**

**APPLICATION BY MICHAEL KENNETH DAVID BRADLEY
APPOINTED REPRESENTATIVE**

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

Dated 22 March, 2017

This document is filed by Kelly Robert Hennessy as solicitor for the Applicant Group. Documents for service may be left at Unit Q, Stoke Mall, 530 Main Road, Stoke, Nelson, faxed to 03 5476635, or emailed to lawyer33@hotmail.com.



This document notifies you that:

1. Michael Kenneth David Bradley 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/or protected customary rights of Te Runanga a Rangitane o Kaituna and their hapu and whanau.

Protected Customary Rights

2. Te Runanga a Rangitane o Kaituna and their hapu and whanui ancestors utilised the common marine and coastal area for:
 - Non-commercial fishing (utilising nets, hinaki and hand-lines to catch kuaka (snipe), kanae, kahawai, pioke, araara, patiki, tamure, mango, eels and other fish).
 - Non-commercial seeding and harvesting of shellfish (including pipi, cockles, oysters, mussels, scallops, karahu, tuatua, tuangi, pupu, paapaka), paua, crayfish and all other shell fish in the coastal area subject to this claim.
 - Activities related to spiritual practices including but not limited torahui, tapu, urupa (such as rahui wahi tapu);
 - Planting and cultivating plant species in CMCA wet margins (such as flax, tī kouka, pingao) and all native flora and fauna on land and within the coastal marine environment for enhancement and restoration work.;

- Gathering edible and other aquatic plants for restoration and enhancement of the coastal area, in particular adjacent and surrounding our whanau whenua lands in the Marlborough Sounds.
- Extracting non-nationalised minerals for non-commercial purposes, example, rock, gravel, sand, fresh water and salt water for the upkeep and maintenance of our Maori estates in the Marlborough Sounds ;
- Collecting hāngi stones for non-commercial purposes;
- Collecting driftwood and native logs from the sea floor out of the Kaituna , Hoi-rere estuaries and from any other tidal estuaries within the Marlborough Sounds and greater claim area for cultural purposes.
- Collecting any other natural resources for customary purposes; including but not limited to salt, lime, argelite, clay, mud, rock and having access to deceased whales, seal and other marine life that has value to our customary practise.
- Temporary and permanent camp-sites for ceremonial and cultural activities in the CMCA region;
- Identifying and occupying historical and now day turanga waka sites within the claim area.

The Applicant Group:

3. The applicant group Te Runanga a Rangitane o Kaituna whakapapa to the principal eponymous ancestor Whakamana o Rangitane and link to the Tupuna application area which is represented by Michael Kenneth David Bradley appointed representative who was appointed to make this application for and behalf of the applicant group on the 15th January, 2017.

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. all areas within the Mana Moana of Kaituna Rangitane, including from the North Bank of the Wairau Bar at the Wairau River, then along the shoreline going North towards Whites Bay (Pukatea) from Whites Bay to the northern entrance of port Underwood known as Robinson's Point, continuing along the shore line North past Luck Point, onto the Jordy Rocks, continuing past the entranceway of Tory Channell to Wellington Head, then heading North off-shore to the Brothers Islands, then North North West to Cooks Rock (Hinepoupou) from there to Walker's Rock, then North of Cape Jackson to the West of Motungaratiti, continuing North West to Sentinel Rock, then North West to Stephen's, Island, from there, following the North West Coast of D'urville Island, head South to Savage Point on the Southern tip of Durville Island, then down to Cape Soucis at the Western Entrance of Croiselles Harbour, then continuing South to Whangamoia Head. Then from Whangamoia Head to Peppin Island, continuing following the coastline South, past the Boulder Bank and past Nelson to Tahunanui.

5. The area included in the application includes a number of islands within its boundaries.

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that:
 - i) The Applicant group Runanga a Rangitane o Kaituna being a coastal group has relied heavily on the following aquatic species for their historical and present day sustenance. But they also recognise that as a group they need to take

ownership of that bundle of unalienable rights and reciprocal obligations for their long term sustainability and they are already operating and managing those resources by way of a native fish recovery programme which is currently in its infancy due to funding limitations.

They currently have within their application area the following fish species:

- a) Yellow Belly Flounder,
- b) Sand Flounder,
- c) New Zealand Sole,
- d) Lemon Sole,
- e) Spotted Monk,
- f) Giant Monk,
- g) Yellow Eyed Mullet,
- h) Blue Cod,
- i) Red Cod,
- j) Pilchards,
- k) Bastard Cod,
- l) Stingray,
- m) Spiky Dog,
- n) Sand Shark (rig),
- o) Elephant Fish,
- p) Ghost Shark,
- q) 7 Gill Shark,
- r) Groper,
- s) Snapper,
- t) Kahawai,
- u) Terakihi,
- v) Butter Fish,
- w) Moke
- x) Gurnard,
- y) Travelli,

- z) Conger Eel,
- aa) Tidal Eels:
- bb) Sea Run Salmon,
- cc) Tuatua,
- dd) Pipies,
- ee) Cockles,
- ff) Kina,
- gg) Paua,
- hh) Crayfish,
- ii) Scallops,
- jj) Horse Mussels,
- kk) Wild Green-lip mussels,
- ll) Blue Mussels,
- mm) Rock Oysters,
- nn) Pacific Oysters,
- oo) Dredged Oysters (flat),
- pp) Prickly Sea Slugs and Other Sea Slugs,
- qq) And other species that will be included when funding allows further research.

The Applicant Group also seeks to protect and enhance rongoa, including collecting flora and fauna, and to protect their traditional marine and land access to thorough-fares and landing places. Access for culling and breeding all native bird species. Sharing of knowledge and maintenance of our hapu's marine culture. Development of polices relevant to trade, barter and koha.

Establishment of systems of communication to identify cultural fishing sites of significance for signage and education, signage and wananga of locations of cultural significance.

To develop systems that record the resource take from our rohe and to monitor and manage the sustainability and enhancement of our resources for their protection for use by their future generations of the Runanga a Rangitane o Kaituna, similar to the customary authority I exercise through the use of customary fishing permits for “take” in the Marlborough Sounds, since 1990.

Te Applicant Group Te Runanga a Rangitane o Kaituna and their hapu and whanau have undertaken proactive stewardship activities since prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, but in accordance with tikanga.

7. The applicant group 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:

The Applicant Group of Te Runanga a Rangitane o Kaituna and their hapu and whanau,

- a. Has held the application area in accordance with tikanga since prior to 1840.
- b. The applicant group has exclusively used and occupied the application area from prior to 1840 until the present day without substantial interruption, but they no longer have exclusive use of these resources as they did prior to 1840.
- c. The Applicant Group Te Runanga a Rangitane o Kaituna and their hapu and whanau are direct descendants of the original land owners and mana moana kaitiaki in the Marlborough Sounds. Some of their names are recorded on the Ngati Kui and Rangitane land deeds of

sale. Reserves were also set aside for their Tupuna in the deed signed by their Tupuna on 16 February, 1856 and this deed of sale was witnessed at the Kaituna Pa. Other deeds also record the numbers of the Rangitane Iwi of the Marlborough Sounds at that time and they signed these deeds along with the Crown Agent/Magistrate Donald McLean as Crown agent.

Contact Details:

1. The Appointed Representative for Te Runanga a Rangitane o Kaituna and their hapu and whanau is Michael Kenneth David Bradley, postal address is 129 Queen Charlotte Drive, R.D.1. Picton.

This application relies on s51(1), s58, s98-113 of the Act and the affidavit of kaumatua Michael Kenneth David Bradley.

Dated at Nelson on the 22 March, 2017



[Contact Person]

Michael Kenneth David Bradley.