

**IN THE HIGH COURT OF NEW ZEALAND**  
**WELLINGTON REGISTRY**

**I TE KOTI MATUA O AOTEAROA**  
**TE WHANGANUI-A-TARA ROHE**

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 **CALVIN TUI HART, JANIS BARBARA DE THIERRY, HAYSLEY KENNY MACDONALD, RIKI RAYMOND PALATCHIE, KEELAN MURRAY JAMES WALKER, PETER NATHAN MEIHANA** and **WIRIHANA MICHELLE DE THIERRY-LUKITAU** as Trustees of **TE RŪNANGA A RANGITĀNE O WAIRAU TRUST** for orders recognising Customary Marine Title and Protected Customary Rights of Rangitāne o Wairau in Te Tau Ihu O Te Waka A Maui

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

**Dated this 30<sup>th</sup> day of June 2023**

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**Next Event Date:**

**SOLICITOR ACTING: M J RADICH/S A WADWORTH**

**FIRM OF SOLICITORS:** RADICH LAW  
 21 BELLS ROAD  
 PO BOX 842  
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SAW-111361-5-104-V1

*Wellington High Court  
 Received by email  
 20/09/2023*

**TO:** The Registrar  
High Court  
WELLINGTON

**AND:** Marlborough District Council, Kaikoura District Council, Environment Canterbury Regional Council and Tasman District Council;

**AND:** Department of Conservation, Department of Internal Affairs, Environment Protection Agency, Ministry of Business, Innovation and Employment, New Zealand Petroleum and Minerals;

**AND:** The Solicitor General on behalf of the Attorney-General;

**THIS DOCUMENT NOTIFIES YOU THAT:**

1. The Applicants, CALVIN TUI HART, JANIS BARBARA DE THIERRY, HAYSLEY KENNY MACDONALD, RIKI RAYMOND PALATCHIE, KEELAN MURRAY JAMES WALKER, PETER NATHAN MEIHANA and WIRIHANA MICHELLE DE THIERRY-LUKITAU in their capacities as Trustees of the TE RŪNANGA A RANGITĀNE O WAIRAU will, on 3 April 2017, apply to the High Court for orders pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (**the Act**), to recognise:
  - (a) Customary Marine Title (**CMT Application**) pursuant to s58 of the Act.
  - (b) Protected Customary Rights (**PCR Application**) pursuant to s51 of the Act.

**The Applicant Group**

2. The Applicants are the trustees of a charitable trust, Te Rūnanga a Rangitāne o Wairau Trust, which was settled on 13 November 2006 (**the Trust**).
3. The Applicants are, for purposes of this proceeding, the legal representative of the Rangitāne o Wairau (**Rangitāne**) iwi.
4. Rangitāne tūpuna arrived in Aotearoa, at Mahia, on the Kurahaupō waka over 800 years ago. From there, over generations, Rangitāne tūpuna moved south, into Wairarapa and Te Whanganui a Tara. Under the leadership of Rangitāne chiefs Te Huataki, Tukauae, Te Whakamana and Te Rerewa, Rangitāne crossed Raukawakawa moana and have resided in the northern South Island for many generations. Rangitāne people intermarried with the peoples whose ancestors

first arrived at Te Pokohiwi o Kupe (circa 1280). Over centuries, Rangitāne have established themselves in Te Taihu, including along the East Coast of Te Waipounamu.

5. From the time of Rangitāne's settlement in Te Taihu, Rangitāne has maintained ahi kā in the wider Te Taihu area.
6. The nature and extent of Rangitāne's historical and contemporary interests within Te Waipounamu was the subject of consideration in the resolution of Rangitāne's claims against the Crown for historical breaches of its obligations to Rangitāne under the Treaty of Waitangi. At the conclusion of those processes, Rangitāne's Area of Interest was identified in a Deed of Settlement of Historical Claims with the Crown dated 4 December 2010 as extending from the Waiu-toa (Clarence) River in the south to the Wairau (Marlborough), including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatu (Nelson) area (**Area of Interest**).

#### **Representative of Applicant Group/Holder of the CMT Order**

7. The Applicants were authorised to make this application for and on behalf of Rangitāne on 1 April 2017.
8. The Applicants will be the holder of, and administer, the recognition order for CMT should such an order be made.

#### **Particular Area to which CMT Application Relates**

9. The particular common marine and coastal area to which Rangitāne's CMT Application relates includes the area known as Te Pokohiwi-o-Kupe/Wairau Bar and the Wairau Lagoon. The area comprises the common marine and coastal area, as defined by s9 of the Act, that is bounded:
  - (a) On the landward side by the mean high-water springs.
  - (b) On the northward side by a line that extends from Waypoint K (the mouth of the Wairau River) to Waypoint L, Marlborough District Council's regional boundary.
  - (c) On the seaward side, Waypoint L follows Marlborough District Council's regional boundary connecting Waypoints M and N.

- (d) On the southward side, by a line that extends from Waypoint O (Te Parinui o Whiti (White Bluffs)) to Waypoint N, Marlborough District Council's regional boundary.
- (e) Includes particularly the Wairau Bar and the Wairau Lagoons.

**(CMT Application Area)**

10. Attached and marked "A" is a map of the CMT Application Area.

**Particular Area to which PCR Application Relates**

11. The particular common marine and coastal area to which Rangitāne's PCR Application relates is Rangitāne's Area of Interest. The area comprises the common marine and coastal area, as defined by s9 of the Act, that is bounded:

- (a) On the landward side by the mean high-water springs.
- (b) On the southern side by a line that extends from Waypoint J (the mouth of the Waiiau-toa (Clarence River)), seaward to Waypoint I, Marlborough District Council's regional boundary.
- (c) On the seaward side, Waypoint I follows Marlborough District Council's regional boundary connecting Waypoints H, G, F, E, D, C and B.
- (d) On the northward side by a line that extends from Waypoint A (Ruby Bay in the Whakatu (Nelson area)) seaward to Waypoint B, Marlborough District Council's regional boundary.

**(PCR Application Area)**

12. Attached and marked "B" is a map of the PCR Application Area.

**PCR Activities Sought**

13. Rangitāne tupuna have utilised the PCR Application Area for customary non-commercial purposes which include:
- (a) The taking of hangi stones.
  - (b) The gathering of karengo, watercress, bull kelp.

- (c) The gather of other indigenous plants from the takutai moana for cultural activities.
- (d) The gathering of kopakopa for rongoā.
- (e) The gathering of eels and inanga (whitebait).
- (f) The launching of waka.
- (g) Bird snaring and the hunting of muttonbirds.
- (h) Conducting ceremonial activities.

**(PCR Activities)**

14. In reliance on s107 of the Act, Rangitāne reserves the right to further amend this application as evidence of activities that may be the subject of PCR orders under s51 come to light.

**Grounds on which the CMT Application is Made:**

15. The grounds on which the order is sought are that:
- (a) Rangitāne holds the CMT Application Area in accordance with tikanga and has held the CMT application area in accordance with tikanga since the earliest Polynesian Settlement of Aotearoa.
  - (b) Rangitāne has exclusively used and occupied the CMT Application Area from 1840 to the present date.
  - (c) Title has to the CMT Application Area has not been extinguished as a matter of law.

**Grounds on which the PCR Application is Made:**

16. The grounds on which the order is sought are that:
- (a) The activities for which PCR is sought have been exercised by Rangitāne since 1840.

- (b) The activities for which PCR is sought continue to be exercised by Rangitāne within the PCR Application Area in accordance with tikanga.
- (c) The activities for which PCR is sought has not been extinguished as a matter of law.

**Contact Details**

- 17. Contact details for Rangitāne are:
  - (a) Calvin Tui Hart, Co-Chairperson  
PO Box 883  
Blenheim 7240
- 18. In the Originating Application filed on 3 April 2017, Wendy Dee Hynes, who was then Chairperson of the Trust, was named as a point of contact in respect of this Application. Ms Hynes is no longer involved in this Application and, as such, is no longer a point of contact in respect of it.
- 19. This Application relies on s51(1), s58, s98 – 113 of the Act and the Affidavits of Wendy Dee Hynes and Phillip MacDonald dated 3 April 2017 filed in support.

**DATED** this 30<sup>th</sup> day of June 2023



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**M J Radich**  
**Solicitor for Rangitāne**

**THIS** Application is filed by **MIRIAM JOAN RADICH** of the firm Radich Law, Solicitors, 21 Bells Road, PO Box 842, Blenheim. Telephone (03) 5778450, Facsimile (03) 5778451, Email: miriam@radichlaw.co.nz.

0 2.5 5 km

A



### Te Rūnanga a Rangitāne o Wairau Trust

#### Customary Marine Title

**Purpose:** Marine and Coastal Area (Takutai Moana) Act 2011  
High Court CIV number: CIV-2017-485-251

Base Topographical Data sourced from Land Information New Zealand data service ([www.data.linz.govt.nz](http://www.data.linz.govt.nz)) and licensed for re-use under Creative Commons Attribution 4.0 International License.

Prepared by Geolnsight Ltd at 122310 on 13/06/2023  
Information source: Te Puni Kokiri via Marlborough District Council  
Map projection: NZTM 2000 (New Zealand Transverse Mercator)

This map has been produced for the purpose of a High Court application for recognition of customary marine title and has not been produced for any other purpose. Access to material filed in the High Court is governed by the Senior Courts (Access to Court Documents) Rules 2017.

Disclaimer: While this map has been prepared with all reasonable skill and care, Geolnsight Ltd accepts no responsibility for any actions taken by any individual or agency based on the information presented in this map.

- Key**
- Customary Marine Title Waypoints
  - Customary Marine Title
  - Protected Customary Rights

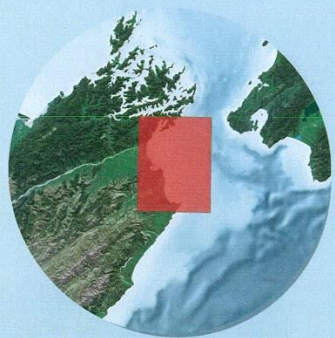
LINZ Colour Basemap  
Scale 1 : 100,000



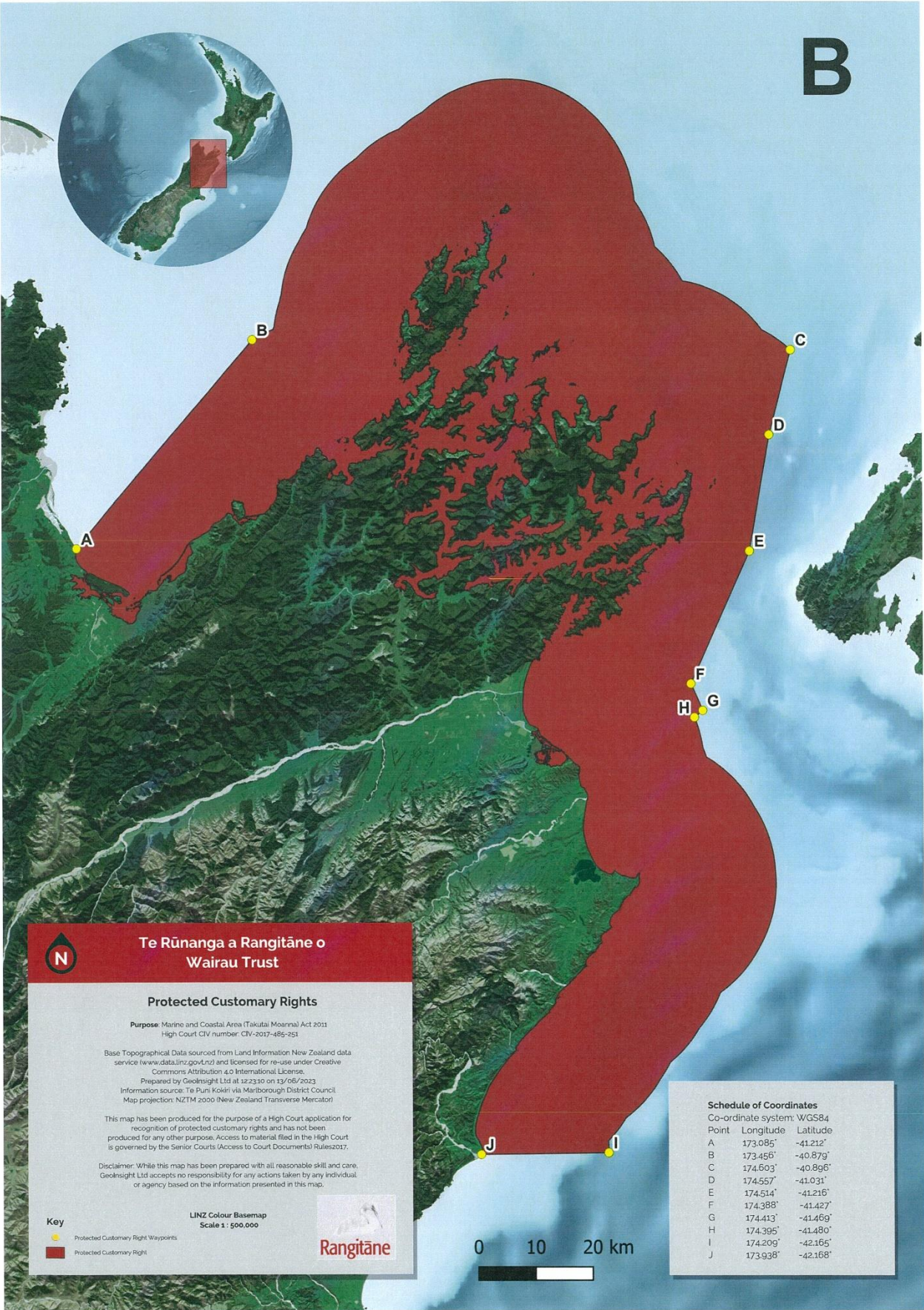
#### Schedule of Coordinates

Co-ordinate system: WGS84

Point	Longitude	Latitude
K	174.062°	-41.498°
L	174.388°	-41.427°
M	174.413°	-41.469°
N	174.395°	-41.480°
O	174.150°	-41.558°



# B



**Te Rūnanga a Rangitāne o Wairau Trust**

### Protected Customary Rights

**Purpose:** Marine and Coastal Area (Takutai Moana) Act 2011  
High Court CIV number: CIV-2017-485-251

Base Topographical Data sourced from Land Information New Zealand data service ([www.data.linz.govt.nz](http://www.data.linz.govt.nz)) and licensed for re-use under Creative Commons Attribution 4.0 International License.  
Prepared by Geolinsight Ltd at 12:23:10 on 13/06/2023  
Information source: Te Puni Kōkiri via Marlborough District Council  
Map projection: NZTM 2000 (New Zealand Transverse Mercator)

This map has been produced for the purpose of a High Court application for recognition of protected customary rights and has not been produced for any other purpose. Access to material filed in the High Court is governed by the Senior Courts (Access to Court Documents) Rules 2017.

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**Key**

- Protected Customary Right Waypoints
- Protected Customary Right

LINZ Colour Basemap  
Scale 1 : 500,000

### Schedule of Coordinates

Co-ordinate system: WGS84

Point	Longitude	Latitude
A	173.085°	-41.212°
B	173.456°	-40.879°
C	174.603°	-40.896°
D	174.557°	-41.031°
E	174.514°	-41.216°
F	174.388°	-41.427°
G	174.413°	-41.469°
H	174.395°	-41.480°
I	174.209°	-42.165°
J	173.938°	-42.168°

