

IN THE HIGH COURTS OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2017-485-225

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by ROBERT
SINCLAIR of PUNARUKU for
an order recognising
Customary Marine Title and
Protected Customary
Rights

Applicant

AND

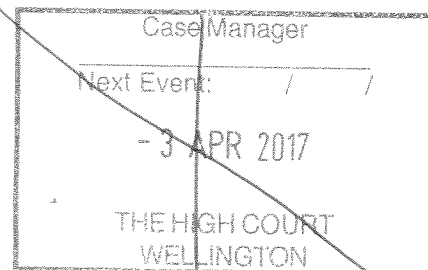
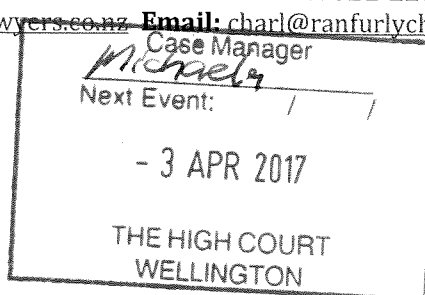
The Attorney General in
right of the Crown

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

DATED 3rd APRIL 2017

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To: The Registrar of the High Court at Wellington;

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

This document notifies you that:

1. ROBERT SINCLAIR 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 Whanau A Kahu. Whanau A Kahu are also known as also known as Whanau A Kauwhakatuakina.

Protected Customary Rights

2. Whanau A Kahu ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, fishing, ceremonial purposes, and more;

The Applicant Group:

3. Whanau a Kahu whakapapa to KAUWHAKATUAKINA and link to the application area (FROM MATAKAOA POINT TO TE WHARENAONAO POINT, INCLUDING KARAKATUWHEREO TIDAL RIVER & ESTUARY, TIDAL ASPECTS OF ALL STREAMS AND RIVERS, TO THE OUTER LIMITS OF THE TERRITORIAL SEA).
4. ROBERT SINCLAIR, kaumatua of Pikitanga a Kauwhakatuakina Marae, Punaruku, was appointed to make this application for and on behalf of Pikitanga a Kauwhakatuakina Marae, Whanau a Kahu in February 2017.

Area to which the application relates:

5. 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 of Punaruku;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then MATAKAOA POINT (north point) south east to TE WHARENAONAO Point (south east point) to the outer limits of the territorial sea (eastward and westward); and
6. The area includes the Karakatuwhero tidal river & estuary, the sand dunes which are waahi tapu, and all tidal aspects of streams and rivers along the coast.

Grounds on which the protected customary rights order is sought:

7. The grounds on which this order is sought are that :
 - a. Whanau A Kahu being coastal, have relied heavily on gathering fish, kaimoana and plants, materials from our coastline for such things as rongoa, gathering firewood, materials for building whare, and for clothing; and
 - b. Whanau A Kahu also undertakes the following activities in the common marine and coastal area: Exercising Mana Motuhake and Rangatiratanga.
 - c. To Whanau A Kahu, all the sand dunes of our foreshores are WAAHI TAPU.
 - d. Whanau A Kahu are the protectors of our koiwi buried in sand dunes along our coastline,
 - e. WHANAU A KAHU have undertaken these activities since prior to 1840 and continue to undertake these activities in the application area, in accordance with our tikanga.
8. WHANAU A KAHU will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

9. The grounds on which this order is sought are that :
 - a. WHANAU A KAHU has held the application area in accordance with tikanga since long before 1840.
 - b. WHANAU A KAHU has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
10. WHANAU A KAHU will deliver more information once funding for research and legal representation is secured.

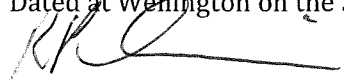
Contact Details:

11. ROBERT SINCLAIR for WHANAU A KAHU is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

12. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of ROBERT SINCLAIR, kaumātua.

Dated at Wellington on the 3rd day of April 2017



ROBERT SINCLAIR