

CIV-2017-404 ⁴⁸⁸⁻²⁹

**IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-
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 Puawai-
Rose Leuluai-Walker for
an order recognising
Customary Marine Title
and Protected Customary
Rights.

**APPLICATION BY PUAWAI-ROSE LEULUAI WALKER
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

Dated 3 April 2017

*Filed by: Puawai-Rose Leuluai-Walker
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71 Valley Road, Hikurangi,
Whangarei 0114*

WPS
HIGH COURT
• Fw: 12/17 •
• 03 APR 2017 •
• 1508 •
AUCKLAND
CB

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. Puawai Leului-Walker 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 the Haika, Hetaraka, Leului, and other whanau who whakapapa to this area.

Protected Customary Rights

2. The ancestors utilised the common marine and coastal area for:
 - a) Seeding and harvesting of shellfish including kina, oysters, scallops, paua, and mussels;
 - b) Customary fishing of many species including snapper, gurnard, bass, and Shark;
 - c) Spiritual practices;
 - d) Planting and cultivating plant species in the wet margins and ngahere of the rohe moana such as Kawakawa, Harakeke and flax;
 - e) Gathering and extracting non-nationalised minerals for non-commercial purposes including shingle;
 - f) Collecting hangi stones;
 - g) Temporary campsites for seasonal migration; and
 - h) Hunting marine birds such as mutton bird and wild ducks.

The Applicant Group:

3. The whanau are of Ngatiwai and Te Uri o Hikihiki descent. The closest marae is Mokau.

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 northward side by a line that extends from the coast abutting Omarama to the outer limits of the territorial sea ;
 - d. On the southern side by a line that extends from the Rimariki island 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 and those islands which have remained in customary ownership.

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 fished all types of fish in the application area.
 - b. The whanau have also seeded and harvested shellfish in the applications;
 - c. The whanau also hunted marine birds such as Mutton Bird on the foreshore and seabed on the islands within the application area;
 - d. The whanau have also seeded and harvested plants and other materials on the foreshore; and
 - e. The whanau have undertaken all other activities already listed within the application area;
 - f. 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, owning much of the adjoining land to the coast within the application area and exercising customary fishing throughout; and
 - 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:

Puawai-Rose Leuluai-Walker
71 Valley Road,
Hikurangi
Whangarei 0114

7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Puawai-Rose Leuluai-Walker.

Dated at Auckland on the 3rd of April,
2017



Puawai-Rose Leuluai-Walker