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IN THE HIGH COURTS OF NEW ZEALAND CIV-2017- 485-306
WHANGAREI REGISTRY

IN THE MATTER OF

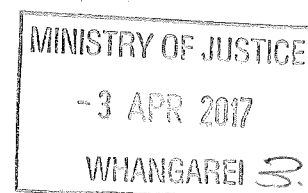
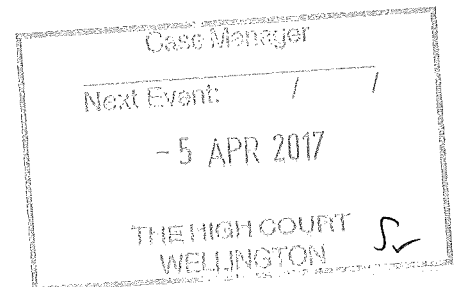
the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

AND IN THE MATTER OF

an application by Samuel
Phillip George for an order
recognising Customary
Marine Title and Protected
Customary Rights.

**APPLICATION BY SAMUEL PHILLIP GEORGE
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

Dated 3 April 2017



S. J. Spence

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. Samuel Phillip George 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 the George, Murray, Piripi, Puru, Rapata, Wehiwehi, Wharemate - Sadler, Wellington, Armstrong 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 Cats eye, Kutai - Horse Mussel, Blue Mussel, Karahu, Kina, Kokota, Oyster, Pipi, Periwinkle, Paua, Pupu, Scallops, Sting Ray and Tuatua
 - b) Customary fishing of many species including Bass , Blue Fin Shark, Butter fish, Cod, Elephant fish, Flounder, Groper, Gurnard, Hammer Head Shark, Hapuka, Herring, Huahua, Jack Mackerel, John Dory, Kahawai, King fish, Koura, Mackerel, Mao mao, Monk, Mullet, Octopus, Pakiri, Pakurakura, Parore, Parrot Fish, Patiki , Piper, Pourai, Red Moki, Shark, Snapper, Trevally, Tuna, and Whitebait.
 - c) Spiritual activities in relations to sites of spiritual and cultural significance including Waahi Tapu and Urupa.
 - d) Rahui, removing tapu, burying of bones
 - e) Planting and cultivating plant species in the wet margins and ngahere of the rohe moana such as Harakeke, Pingao, Pohutukawa, Kowhaiwha, Totara, Kohekohe, Puriri, Taraire, Kawakawa, Harakeke, Pigeon, Pukeko, Native pateke.
 - f) Gathering and extracting non-nationalised minerals for non-commercial purposes;
 - g) Collecting hangi stones;
 - h) Temporary campsites for seasonal migration;

- i) Navigation between coastal settlements on the mainland and offshore islands;
- j) Obtaining and using whalebone;
- k) Access to site of marine strandings'

The Applicant Group:

3. The whanau are of Ngatiwai descent. Samuel George was appointed to make this application for and behalf of the whanau on 27 March 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. On the northward side by a line that extends from the coast abutting Tamateatai to Ohenga, Punaruku Estuary, Tokitoki including Motukauri to Motukowhai, Te Karo to Waikaukau then Whitikau on the south to the outer limits of the territorial sea ;
 - d. The applicant area also includes offshore islands and rocky outcrops
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 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 in 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.
 - 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:
Samuel Phillip George
70A Whangaruru Wharf Road
Rd 4 Hikurangi
7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Walter Murray.

Dated at 03/04/17 on the 3rd of April, 2017

A handwritten signature in black ink, appearing to read 'S. George', written over a horizontal line.

Samuel Phillip George