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**IN THE HIGH COURTS OF NEW ZEALAND CIV-2017- 485-511
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 *Chris
Shenton* for an order
recognising Customary
Marine Title and Protected
Customary Rights.

APPLICATION BY Chris Shenton

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

Dated 3 April 2017

Case Manager
Next Event: / /
- 7 APR 2017
THE HIGH COURT
WELLINGTON

Case Manager
Lizzie
Next Event: / /
4 AUG 2017
THE HIGH COURT
WELLINGTON

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C. Shenton

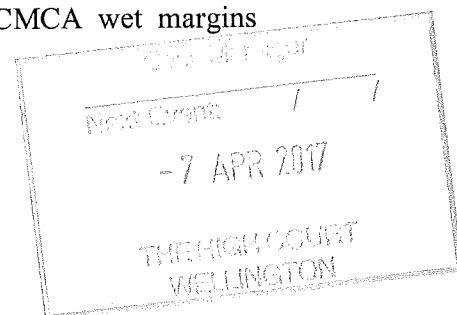
- To:** The Registrar of the High Court at *Wellington*;
- and to:** *Rangitikei District Council, Manawatu District Council, Whanganui District Council, Horowhenua District Council and Horizons Regional Council*
- and to:** Department of Conservation, Department of Internal Affairs, Environment Protection Agency, MBIE, NZ Petroleum and Minerals) with statutory functions relating to land adjacent to the application area.
- and to:** The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Chris Shenton 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 o Nga Wairiki Ngati Apa

Protected Customary Rights

2. Nga Wairiki Ngati Apa ancestors utilised the common marine and coastal area for:
 - non-commercial fishing (utilising nets, hinaki and hand-lines to catch kanae, kahawai, araara, patiki, tamure, mango, eels and other fish).
 - non-commercial seeding and harvesting of shellfish (including pipi, cockles, scallops, toheroa, tuatua)
 - activities related to spiritual practices (such as rahui);
 - planting and cultivating plant species in CMCA wet margins (such as spinifex, pingao);



- collecting whale remains including bones;

The Applicant Group:

3. The Nga Wairiki Ngati Apa whakapapa to Apahapaitaketake and others. Chris Shenton was appointed to make this application for and on behalf of the Te Runanga o Nga Wairiki Ngati Apa on *5 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 Motu Karaka to the outer limits of the territorial sea; and
 - d. on the southward side by a line that extends from the coast abutting Omarupapako to the outer limits of the territorial sea.

Grounds on which the protected customary rights order is sought:

5. The grounds on which this order is sought are that :
 - a. Nga Wairiki Ngati Apa being a coastal group has relied heavily on kanae, kahawai, patiki, tamure, araara, mango, eels, pipi, cockles, scallops, toheroa, tuatua and wetland food stocks foraged by whānau in the estuaries and coastal margins; and
 - b. Nga Wairiki Ngati Apa also undertakes the following activities in the common marine and coastal area: trade, transport, collection of whale remains including bones.
 - c. Nga Wairiki Ngati Apa has undertaken these activities listed above since 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.

6. Nga Wairiki Ngati Apa will provide more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

7. The grounds on which this order is sought are that:
 - a. Nga Wairiki Ngati Apa has held the application area in accordance with tikanga since prior to 1840.
 - b. Nga Wairiki Ngati Apa has exclusively used and occupied the application area from prior to 1840 to the present day without substantial interruption.
8. Nga Wairiki Ngati Apa will provide more information once funding for research and legal representation is secured.

Contact Details:

6. The Appointed Representative for Nga Wariki Ngati Apa is:

Chris Shenton

PO Box 103

Bulls 4863

7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Nga Wairiki Ngati Apa kaumātua.

Dated at Bulls

on the

3rd of April, 2017



Chris Shenton

Nga Wairiki Ngati Apa Coastline

South Taranaki Bight

Legend



Google earth

Image © 2016 CNES / Astrium

Image © 2016 DigitalGlobe

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO