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

**CIV-2017-485-279**

**IN THE MATTER OF**

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

**AND IN THE MATTER OF**

an application by the  
Ngunguru Marae Trust  
for an order recognising  
Customary Marine Title  
and Protected Customary  
Rights

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**MEMORANDUM OF COUNSEL FOR THE APPLICANTS**  
Dated 26 April 2017

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**MAY IT PLEASE THE COURT**

1. This memorandum is filed in relation to an application made by the Ngunguru Marae Trust ("**the Applicant**") pursuant to s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("**the Act**") for recognition of customary title and protected customary rights ("**the Application**") filed with the High Court on 3 April 2017.
2. Pursuant to s 103 of the Act, the Applicant must give public notice of the Application not later than 20 working days after filing the Application. For the purpose of confirming public notice we attach as Appendix "A" a copy of the public notice and confirmation that it was advertised in the Northern Advocate on Saturday 19 April 2017.
3. It has come to our attention that at paragraph 9 of the Application Counsel omitted to include the names of those witnesses who have provided affidavits in support. Counsel also attach to this memorandum for filing an amended copy of the Application with that inclusion.

Dated this 26<sup>th</sup> day of April 2017 at Auckland



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Kelly Dixon / Alisha Castle  
Counsel for the Applicants

"A"

**PUBLIC NOTICE OF APPLICATION  
UNDER SECTION 98 OF THE  
MARINE AND COASTAL AREA  
(TAKUTA MOANA)  
ACT 2011 (ACT).**

Ngunguru Marae Trust (Applicant), for and on behalf of Ngati Takapari hapu and whanau, gives notice that, under s 98 of the Act, it has applied for recognition orders for protected customary rights and for customary marine title for the particular area of the common marine and coastal area that is bounded on the landward side by the line of mean high-water springs; on the seaward side by the outer limits of the territorial sea; on the northward side by a line that extends from the Coast abutting Te Ihu o Manaia (Middle Gable) (35°35.57.7212"S, 174°32'36.006"E) to the outer limit of the territorial sea; on the southward side by a line that extends from the Coast abutting Papamoa (Horahora) (35°41.11.0112"S, 174°30'50.7204"E) to the outer limit of the territorial sea. The area includes the common marine and coastal area surrounding the following islands: Motu Tara; Motu Kūihi (Goose Island); Pii Manu (Ngunguru Sandspit); Motu Kūkytauwaho; Motu Rahomanu; and Phillip Island.

The protected customary rights application is for non-commercial fishing, seeding and harvesting of Mātaitai/Shellfish, obtaining and using whalebone and other cultural materials and resources from marine mammals, activities related to spiritual practices (such as Rahui), planting and cultivating plant species in the wet margins of the rohe moana (such as Harakeke and Pingao), gathering edible aquatic plants, fathering and extracting non-nationalised minerals for non-commercial purposes, collecting hangi stones, temporary campsites for seasonal migration, harvesting, and ceremonial purposes and navigation between coastal settlements on the mainland and offshore islands.

Keatley Ryan Moana Hopkins (trustee of the Ngunguru Marae Trust) is proposed as the holder of the orders.

Any notice of appearance in support or in opposition to the application must be filed with the Registrar of the High Court Wellington no later than the 17 May 2017.

Copies of the applications (CIV-2017-483-279) can be obtained from the High Court, Wellington.

**MARILYN MCRAE**

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Advocate

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