

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

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

**CIV-2017-485-232
CIV-2017-485-267
CIV-2017-485-259
CIV-2017-485-224
CIV-2017-485-221
CIV-2017-485-260
CIV-2017-404-481
GROUP M (Stage 1(a))**

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

IN THE MATTER OF an application by trustees of Ngāi Tūmapūhia-a-Rangi Hapū

AND an application by Tukōkō and Ngāti Moe

AND an application by Ngāti Hinewaka

AND an application by Rangitāne Tu Mai Rā Trust

AND an application by Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Trust

AND an application by Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust

AND an application by Te Hika o Pāpāuma Mandated Iwi Authority

INTERESTED PARTY Ngai Tūmapūhia-A-Rangi Ki Okautete Incorporated

INTERESTED PARTY Ngai Tūmapūhia-A-Rangi Ki Motuwairaka Incorporated

On the Papers

Counsel: D Naden, M Yogakumar and M Sreen for Ngāi Tūmāpuhia-ā-Rangi Hapū (CIV-2017-485-232) and Tukōkō and Ngāti Moe (CIV-2017-485-267)
T Bennion for Ngāti Hinewaka (CIV-2017-485-259)
R Siciliano for Rangitāne Tū Mai Rā Trust (CIV-2017-485-224)

J Ferguson for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua
(CIV-2017-485-221)
M Houra for Te Ātiawa ki Te Upoko o Te Ika a Maui Potiki Trust
(CIV-2017-485-260)
C Hirschfeld for Te Hika o Pāpāuma (CIV-2017-404-481)
B Lyall for Ngāi Tūmapūhia-A-Rangi Ki Motuwairaka Inc and
Ngāi Tūmapūhia-A-Rangi Ki Okautete Inc
J Prebble and C Barnett for the Attorney-General

Minute: 16 May 2023

**MINUTE OF GWYN J
(Te Hika o Pāpāuma)**

[1] This minute addresses some matters that have arisen in relation to Te Hika o Pāpāuma’s participation in the Stage 1(a) hearing and the PCR orders sought in its further amended application.

Timetable for Te Hika o Pāpāuma participation in the Stage 1(a) hearing in relation to the Whareama River mouth

[2] On 3 May 2023 I issued a minute in relation to the Northern Boundary for the Stage 1(a) hearing in which I granted leave to Te Hika o Pāpāuma Mandated Iwi Authority to participate in the Stage 1(a) hearing in respect of the Whareama River mouth.¹

[3] The grant of leave was predicated on Te Hika o Pāpāuma filing all evidence required in relation to the Whareama River mouth in accordance with the existing Stage 1(a) timetable.

[4] Mr Hirschfeld, counsel for Te Hika o Pāpāuma, has since clarified his memorandum of 27 April 2023 and advises that the evidence in relation to the river mouth is not complete. Te Hika o Pāpāuma would be able to have the remaining evidence for Stage 1(a) filed by 30 June 2023 (I note the due date for interested party evidence is 19 May 2023 and for the Attorney-General’s evidence it is 16 June 2023).

¹ The Marine and Coastal Area (Takutai Moana) Act 2011, *Minute of Gwyn J, Group M Stage 1(a) Northern Boundary*, 3 May 2023 at [23].

[5] Mr Hirschfeld has advised other parties of that proposed date. The Registrar is consulting with hearing participants to ascertain if there is any opposition to Te Hika o Pāpāuma filing by that date.

Te Hika o Pāpāuma’s role in the Stage 1(a) hearing

[6] In the meantime, for the avoidance of doubt, if Te Hika o Pāpāuma is to participate in Stage 1(a) of the Group M hearing, it will be as an applicant and not as an “interested party” as stated in counsel’s memorandum dated 27 April 2023.

Confirmation of PCR orders sought in further amended application

[7] On 10 May 2023 I issued a judgment in relation to Te Hika o Pāpāuma’s further amended application.² I sought clarification from counsel whether it was the intention of the further amended application that “recreational use” and “resource extraction” for fossils are no longer being sought as PCRs.³

[8] Counsel has confirmed that PCRs are sought in relation to these two categories.

Gwyn J

² *Te Hika o Pāpāuma (Further Amended Application)* [2023] NZHC 1109.

³ At [17].