

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

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

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

UNDER the Marine and Coastal Area
(Takutai Moana) Act 2011, ss 98 and 100

IN THE MATTER OF of an application by Ngāi Tūmapūhia-a-
Rangi Māori Marae Committee
Incorporated, on behalf of Nga Uri O Ngai
Tūmapūhia A Rangi Hapū, for orders
recognising Customary Marine Title and
Protected Customary Rights

On the Papers

Appearances: C Hirschfeld, B Tūpara and T Atairehia Thompson for Te Hika o
Pāpāuma (CIV-2017-404-481)
J P Ferguson for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-
Rua (CIV-2017-485-221)
R Siciliano and C Mataira for Rangitāne Tū Mai Rā Trust
(CIV-2017-485-224)
D Naden, M Sreen and S M Yogakumar for Ngāi Tūmapūhia-a-
Rangi Hapū (CIV-2017-485-232)
T Bennion and G Davidson for Ngāti Hinewaka
(CIV-2017-485-259)
M Houra for Te Ātiawa ki Te Upoko o Te Ika a Maui Potiki Trust
(CIV-2017-485-260)
M Sreen, S M Yogakumar and A Crawford for Tukōkō and
Ngāti Moe (CIV-2017-485-267)
J Prebble and C Barnett for the Attorney-General
Interested parties:
B Lyall for Ngāi Tūmapūhia-a-Rangi Ki Motuwairaka Inc and
Ngāi Tūmapūhia-a-Rangi Ki Okautete Inc
B Scott for Seafood Industry Representatives
B Lyall and H Swedlund for Kawakawa 1D2 Ahu Whenua Trust

Minute: 26 May 2023

MINUTE OF GWYN J
(Third amended application re Whareama River mouth)

[1] In my minute of 3 May 2023,¹ I directed Ngāi Tūmapūhia to clarify their position regarding the application area as it relates to the Whareama river mouth and in particular whether it seeks to amend its application area.

[2] Counsel have now filed a memorandum dated 19 May 2023, together with a third amended originating application for recognition orders (third amended application).

[3] The third amended application seeks leave to amend the northern boundary description in the following manner:

Amend from	To
“starting at the Whareama River (41°01.00'S 176°06.50'E) in the North”	“starting at the northern bank of the Whareama River in the North” ²

[4] In addition, counsel say for the sake of consistency and in the interests of specificity, leave is also sought to amend the southern boundary description in the following manner:

Amend from	To
“down to the mouth the Pāhoao (sic) River in the South (41°23.10'S 175°45.20'E)” ⁶	“south to the southern bank of the Pāhaoa River” ³

[5] Counsel submit that the proposed amendments are refinements of Ngāi Tūmapūhia’s application area; the amendments sought merely specify where Ngāi Tūmapūhia’s northern and southern boundaries are in relation to the Whareama and Pāhaoa river respectively. Counsel note that the evidence in support of the application remains relevant and, in their submission, this confirms that the essence of the application has not changed. Counsel also note that the proposed boundary

¹ Minute of Gwyn J (Northern Boundary for the Stage 1(a) hearing) dated 3 May 2023.

² Due to the uncertainty as to the accuracy of the co-ordinates at this stage, the co-ordinates are not recorded in the amended application.

³ Due to the existence of doubt as to the accuracy of the co-ordinates at this stage, the co-ordinates are not recorded in the amended application.

amendments do not have the effect of drawing in any new overlapping applications, nor cause prejudice to any parties.

[6] I accept that the proposed amendments to the northern boundary description and the southern boundary description can appropriately be characterised as “refinements” of the existing application.

[7] Accordingly, leave is granted to amend the descriptions in the manner sought in the third amended application.

Gwyn J