

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

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

**CIV-2017-404-558
GROUP E**

UNDER the Marine and Coastal Area (Takutai Moana) Act 2011 and Orders Recognising Customary Marine Title and Protected Customary Rights

IN THE MATTER of an application by RIHARI DARGAVILLE on behalf of Ngaitawake orders recognising Customary Marine Title and Protected Customary Rights Applicant

Hearing: On the papers

Counsel: D Naden for the Applicant

Minute: 27 November 2023

MINUTE (No 8) OF HARVEY J

Solicitors: Tāmaki Legal Limited, South Auckland

[1] On 22 September 2023, an amended application was filed by Mr Dargaville in response to my earlier directions of June 2023.

[2] Then on 24 November 2023, Mr Naden filed a further memorandum confirming that by application dated 24 November 2023, his client sought leave to amend that application by removing reference to ‘Whangārei Harbour and Coastline’ specified area altogether. In paragraph 4 of counsel’s memorandum Mr Naden sets out the proposed amendments. The result is that Mr Dargaville withdraws his application for the recognition of customary marine title, wāhi tapu and protected customary rights in the Whangarei Harbour and Coastline specified area.

[3] Mr Naden submitted that the proposed amendments do not have the effect of drawing in any new overlapping applications, nor do they cause prejudice to any parties. Should leave be granted, counsel also confirmed that Mr Dargaville will no longer participate in the Whangārei Harbour or Whangārei Coastline hearings scheduled to begin in February and July 2024 respectively.

[4] The leave sought to amend the application is granted as requested.

Harvey J