

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

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

**CIV-2017-485-258  
CIV-2017-485-160  
CIV-2017-485-261  
CIV-2017-485-260  
CIV-2017-485-365  
CIV-2017-485-266  
CIV-2017-485-172  
CIV-2017-485-280  
CIV-2017-485-211  
CIV-2017-485-248  
CIV-2017-485-251**

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

IN THE MATTER OF an application for orders recognising  
Customary Marine Title and  
Protected Customary Rights

Hearing: 12 December 2022

Counsel: D Edmunds (written submissions only) for Williams and Grace on behalf of the  
owners of the Hongoeka Blocks (CIV-2017-485-258)  
S J Roughton for Muaūpoko Iwi (CIV-2017-485-160)  
T Bennion for Muaūpoko Tribunal Authority Incorporated (CIV-2017-485-261)  
M Houra for Te Ātiawa ki te Upoko o te Ika a Maui Potiki Trust  
(CIV-2017-485-260)  
M Houra for Te Ātiawa o te Waka-a-Māui Trust (CIV-2017-485-365)  
J Appleyard (written submissions only) for Ngāi Tū Āhuriri  
(CIV-2017-485-266)  
L Black for Tahuaroa-Watson Whānau (CIV-2017-485-172)  
T Castle (written submissions only) Te Rūnanga o Rangitane o Kaituna  
(CIV-2017-485-167)  
R Brown (written submissions only) for Ngāi Tahu Whānui  
(CIV-2017-485-280)  
A Houia-Ashwell for Tupoki Takarangi Trust (CIV-2017-485-211)  
T Ahu for Te Ātiawa ki Whakarongotai (CIV-2017-485-248)  
M Radich for Te Rūnanga a Rangitāne o Wairau Trust (CIV-2017-485-251)  
D Ward for Attorney-General  
S Cvitanovich for Seafood Industry Representatives

Minute: 13 December 2022

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**MINUTE (NO. 15) OF CHURCHMAN J**  
**[CMC – Wellington (No 2)]**

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[1] In my minute of 14 September 2022, I made a direction that those applicants wishing to participate in the Group N Stage 1(b) hearing, which covered the south west coast of the North Island and out into Cook Strait (Raukawa Moana) were to confer with each other and file a memorandum addressing issues relating to the overlap of the seaward boundaries of some claims which overlapped claims from iwi in the north eastern part of the South Island in relation to Raukawa Moana. The reason for that was, that if the boundaries of the applicants' claims remained drawn as they were, then the Stage 1(b) hearing would necessarily be significantly expanded by dragging in those northern South Island applicants whose claims extended eastwards into Raukawa Moana.

[2] A particular problem was presented by the claim of Muaūpoko Iwi (CIV-2017-485-160) which went well beyond the 12 nautical mile limit from Te Ika a Maui in a north westerly direction overlapping with the claims of northern South Island iwi.

*CIV-2017-485-160 – Muaūpoko Iwi*

[3] Ms Roughton indicated that she had been instructed to amend the application in two significant respects: firstly, to narrow the applicant group down to being Ngāti Tamarangi Hapū and not Muaūpoko Iwi; and secondly, to significantly amend the boundary of the area claimed so as to remove the applicant from the Stage 1(b) hearing and limit its participation only to the Group N Stage 1(a) hearing. If the application is amended in this manner, this will significantly reduce the overlap with northern South Island iwi and avoid them having to unnecessarily participate in the Stage 1(b) hearing.

[4] Ms Roughton is directed to file and serve an amended application with amended map no later than 28 February 2023.

[5] Counsel for applicants who were potentially affected by the original application but who are no longer affected by the amended application are to file and serve brief memoranda no

later than 30 March 2023 confirming whether or not they still wish to participate as applicants or interested parties in the Stage 1(b) hearing.

*CIV-2017-485-265 – Muaūpoko Tribunal Authority*

[6] Mr Bennion reported that no progress had been made in resolving overlapping seaward boundaries. The revised map to be filed in CIV-2017-485-160 may advance matters, and Mr Bennion is encouraged to liaise with Ms Roughton on overlap issues.

*CIV-2017-485-211 – Tupoki Takarangi Trust*

[7] Counsel confirmed that there was no overlap with any of the South Island applicants and that discussions with overlapping applicants were continuing.

*CIV-2017-485-248 – Te Atiawa ki Whakarongotai*

[8] Mr Ahu confirmed that this application does not overlap with any northern South Island applications.

*CIV-2017-485-260 – Te Ātiawa Iwi ki te Upoko o te Ika a Maui Potiki Trust*

[9] Ms Houra indicated that her client's application overlapped with Muaūpoko and some northern South Island applicants. She sought to have further time to discuss matters with Rūnanga o Rangitane o Kaituna and Rangitane o Wairau.

[10] It appears that no substantive discussions had yet occurred. Counsel is encouraged to progress such discussions as expeditiously as possible and is reminded of the offer by Mr Ward on behalf of the Attorney-General to facilitate in that process.

*CIV-2017-485-365 – Te Atiawa o Te Waka-a-Maui Trust*

[11] This northern South Island applicant is also potentially affected by the current Muaūpoko claim as well as the Te Ātiawa ki te Upoko o te Ika a Maui Potiki Trust claim. If the Muaūpoko claim is amended as indicated, that overlap may resolve itself but there would

appear to be no reason why the two Te Ātiawa claimants should not be able to resolve their overlap issues, and counsel is encouraged to endeavour to do that.

*CIV-2017-485-251 – Te Rūnanga a Rangitāne o Wairau Trust*

[12] This northern South Island applicant's boundary presently overlaps with some of those Group N 1(b) applicants. Ms Radich confirmed that unless the seaward boundary of the Group N 1(b) applicants is amended, her clients intend participating in the Group N 1(b) hearing.

*CIV-2017-485-167 – Te Rūnanga a Rangitane o Kaituna Incorporated*

[13] Mr Castle reported that the named applicant, Michael Bradley, had died unexpectedly. There will need to be an application for substitution for a new named applicant. The memorandum filed did not address the issue of overlap of seaward boundaries.

*CIV-2017-485-266 – Ngāi Tū Āhuriri*

[14] Ms Appleyard filed a memorandum indicating that there was only a small area of overlap between her northern South Island clients claim and the Group N 1(b) claims, and her clients did not wish to participate in the Stage 1(b) hearing.

[15] It is not clear whether there is in fact any conflict at all. Counsel for the Attorney-General filed a map which appeared to indicate no overlap between the Ngāi Tū Āhuriri claim and the Stage 1(b) hearing applicants' claim.

[16] Ms Appleyard had requested that: "that the area subject to the Group N 1(b) hearing is amended to exclude the overlapping area with the Ngāi Tū Āhuriri claim."

[17] Ms Appleyard is directed to file a memorandum addressing the map that accompanied the submissions of Mr Ward for the Attorney-General and explaining exactly where the overlap is said to be. Such memorandum is to be filed and served no later than 28 February 2023. If that map shows that there is indeed an overlap, then Ngāi Tū Āhuriri is granted leave to participate in the Group N 1(b) hearing.

*CIV-2017-485-172 – Tahuaroa-Watson Whānau*

[18] Ms Black reported that there is significant overlap between this northern South Island applicant's claim and those of Muaūpoko and Te Ātiawa. Unless that overlap is removed through amendments, this applicant wishes to participate in the Stage 1(b) hearing. The applicant is encouraged to continue with dialogues with the overlapping claimants.

*CIV-2017-485-280*

[19] Ms Brown reported that, following the undertaking a mapping analysis, it had been confirmed that there was no overlap between this northern South Island application and those to be heard in the Stage 1(b) hearing. On this basis, they did not wish to participate in the Stage 1(b) hearing.

*CIV-2017-485-258 – Hongoeka Blocks*

[20] Ms Edmunds confirmed that there was no overlap with other applications relating to Raukawa Moana or the top of the South Island.

*Attorney-General*

[21] Mr Ward's memorandum noted that is presently drawn, the boundaries of some of the Group 1(b) applicants overlapped those with South Island applicants which would result in the proposed hearing being lengthened unless the applications were amended. He also noted that the drawing in of the South Island applicants had the effect of significantly expanding the historical research required to be undertaken. He indicated that Te Arawhiti may be able to assist overlapping applicants with a facilitation process in an attempt to clarify boundaries.

[22] He requested that the applicant parties provide an update to the Court on progress with boundary discussions by 1 March 2023 so the Court would have a better understanding of the actual amount of time that is required for the Group 1(b) hearing. That is a sensible suggestion, and I make that direction.

[23] All applications are also adjourned to be called in the June/July 2023 CMCs.

**Churchman J**