

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

**I TE KŌTI MATUA O AOTEAROA  
KI WHANGĀREI TERENGA PARĀOA ROHE**

**CIV-2017-485-320  
CIV-2017-485-208  
CIV-2017-485-240  
CIV-2017-485-290  
CIV-2017-485-237  
CIV-2017-485-245  
CIV-2017-404-578  
CIV-2017-485-268**

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

IN THE MATTER OF an application by Ngāi Takoto Iwi for  
orders recognising Customary Marine  
Title and Protected Customary Rights

On the papers:

Counsel: H Andrews for Ngāi Takoto Iwi  
S Wroe for Ngā Uri o Ngāti Kuri  
S M Downs and J Lang for Trustees of Te Rūnanga Nui o Te Aupōuri  
M Piripi for Te Rūnanga o Te Rarawa  
R Siciliano and K Ketu for Parengarenga A Incorporation and Iwi  
M Sreen for Te Iwi o Te Rarawa ki Ahipara, and Ngāti Tara  
T Afeaki for Ngā Hapū o Ngāti Kahu  
G Melvin for Attorney-General

Minute: 16 December 2022

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**MINUTE (NO. 2) OF CHURCHMAN J**

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[1] By minute of 9 November 2022, I directed that the Registrar schedule a strike-out hearing in relation to a map filed on behalf of Ngāi Takoto Iwi on 23 August 2021. I noted that the map filed was different in two material respects to the original map in that two new areas had been added to the claim.

[2] I concluded the minute by noting that should Ngāi Takoto file a memorandum withdrawing the 2022 map prior to 22 November 2022, then the date allocated to hear the strike-out application (27 and 28 February 2023) could be vacated.

[3] Ms Andrews filed a memorandum dated 22 November 2022. Unfortunately that memorandum provides the Court with little assistance in relation to the issue of whether or not the 2022 map is to be withdrawn. The relevant passages in the memorandum say:

- (a) Ngāi Takoto may be prepared to withdraw the 2022 map and retain their claim area as shown in the 2021 map; and
- (b) In that circumstance, they would seek leave to become interested parties to at least Te Aupōuri and Ngāti Kuri (and possibly other) claims under the MACA.

[4] The memorandum goes on to say that counsel has approached counsel for Te Aupōuri and Ngāti Kuri, and is awaiting a response which counsel anticipated would be provided shortly.

[5] Nothing further has been heard from counsel. No amended map or application has been filed. A date for the strike-out application hearing has been confirmed. The parties involved in that strike-out hearing will no doubt be preparing for it.

[6] In these circumstances, a last-minute withdrawal of the amended map may well result in applications for costs awards against Ngāi Takoto.

[7] If Ngāi Takoto indeed wish to file an amended application withdrawing the 2022 map, that will need to be done promptly.

**Churchman J**