

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

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

**CIV-2017-485-511  
CIV-2017-485-261  
CIV-2017-485-251  
CIV-2017-485-248**

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

On the papers:

Counsel: T Bennion (agent for C Shenton) for Ngā Wairiki Ngāti Apa  
(CIV-2017-485-511), and Muaūpoko Tribunal Authority  
(CIV-2017-485-261)  
B Lyall for Te Whānau Tima and Te Hapū o Te Mateawa (CIV-2017-485-273);  
Ngāi Tūmapuhia-a-Rangi ki Motuwairaka; Ngāi Tūmapuhia-a-Rangi ki  
Okautete; and Kawakawa Trust  
T Ahu for Te Atiawa ki Whakarongotai (CIV-2017-485-248)  
S Wadworth for Te Rūnanga a Rangitane o Wairau Trust (CIV-2017-485-251)  
Dr D Ward and G Melvin for Attorney-General

Minute: 6 June 2023

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**MINUTE OF CHURCHMAN J  
[CMC – Wellington (No 5)]**

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*CIV-2017-485-511 – Ngā Wairiki Ngāti Apa*

[1] In my pre-CMC minute of 30 May 2023, I noted that no updating memorandum had been received from this applicant and required the applicant to attend the CMC in person. The applicant has been represented by a member of the applicant group, Mr Shenton. Mr Shenton had contacted Mr Bennion, who agreed to appear on an agency basis as the CMC. The Court is grateful to Mr Bennion for his assistance.

[2] Mr Bennion confirmed that this applicant wishes to participate in the Group N Stage 1(a) hearing. Given that this hearing has been timetabled, if this applicant wishes to effectively participate, they will immediately need to gather tangata whenua evidence and, to the extent they might not have already done so, to commission such professional historian evidence as they feel they may need.

[3] Mr Bennion advised that the applicant wished to participate in the hearing only to the extent that the hearing area overlapped with their claim.

[4] As part of the applicant's claim extends to the north beyond the hearing area, that part of the claim will remain to be addressed at a future hearing (or by way of direct engagement if that is a course the applicant wishes to follow). It is important for this applicant to understand that, as the timetable directions for the Group N Stage 1(a) hearing have already been set, that they will need to comply with the time limits specified for matters such as the filing of evidence.

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

[5] Counsel advised that the various issues of overlap that had been referred to in the Court's minute of 12 May 2023 had largely been resolved. The only remaining issue relates to the claim by Te Ātiawa ki te Upoko o te Ika a Maui Potiki Trust (CIV-2017-485-260). Some clarification is required by this applicant as to the points marked A-D on its most recently filed map.

[6] Ms Wadworth is to liaise with the counsel for this applicant and, within 30 days of the date of this minute, is to file a memorandum confirming whether the issues as to potential overlap between the respective applications have been resolved or not. If they have not been resolved, the memorandum is to clearly identify the remaining issues of contention.

*CIV-2017-485-261 – Muaūpoko Tribal Authority*

[7] The Court's minute of 30 May 2023 made certain directions in relation to clarification of the south-east boundary of the application. It remains for the applicant to file the precise latitude and longitude co-ordinates for its south-east boundary as directed by the Court at [21] of the 30 May 2023 minute.

[8] Counsel indicated that there was apparently a very small overlap some distance out to sea with a neighbouring application. Counsel indicated that he would attempt to resolve that. If the issue is resolved, counsel is requested to file a memorandum confirming that.

*Attorney-General*

[9] Dr Ward appeared in relation to the Group N matters, and Mr Melvin for the Group M matters. Mr Melvin reported that Ngāti Wairiki Ngāti Apa (CIV-2017-485-511) had some engagement with Te Arawhiti in respect of direct engagement. There was a meeting apparently in June of last year but Te Arawhiti had not heard from this applicant since then.

[10] As noted above, this applicant has expressed a wish to participate in the Group N Stage 1(a) hearing. That means that it will not be able to continue with direct engagement at least over that part of its area that falls within the hearing area.

[11] All matters not already timetabled are adjourned to the 2024 Wellington MACA CMC.

**Churchman J**