

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

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

**CIV-2071-485-196  
CIV-2017-485-317  
CIV-2017-485-291  
CIV-2017-485-514  
CIV-2017-404-556  
CIV-2017-485-222  
CIV-2017-404-568**

IN THE MATTER OF      an application for recognition orders under  
the Marine and Coastal Area  
(Takutai Moana) Act 2011

BY                              Te Rūnanga o Ngāti Awa  
Rurima Island Māori Reservation  
Ngāti Mākino and Ngāti Pīkiao  
Tangihia Hapū  
Ngāti Porou ki Hauraki  
Ngāti Tara Tokanui  
Ngāti Whakaue

On the papers:

Counsel:                      H K Irwin-Easthope and K J Tarawhiti for CIV-2017-485-196  
J Ferguson and N Miler for CIV-2017-485-317  
J Pou for CIV-2017-485-291  
J Mason for CIV-2017-485-514  
B Lyall for CIV-2017-404-556  
J Lewis for CIV-2017-485-222  
J Kahukiwa for CIV-2017-404-568

Interested parties:  
M S Jones for Hauraki District Council, Thames-Coromandel  
District Council, Waikato District Council, and Whakatāne  
District Council

Minute:                        26 May 2022

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**MINUTE (NO. 3) OF CHURCHMAN J  
[Case Management Conferences 2022 – Tauranga]**

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*CIV-2017-485-196*

[1] In a memorandum of 10 May 2022, counsel provided the Court with an update on progress in this matter and details as to engagement with overlapping applicants. Counsel sought leave to attend the Rotorua case management conference (CMC) on 10 June 2022 by AVL and to be excused from the Tauranga CMC on the basis that the issues covered in the memorandum were to be addressed at the Rotorua CMC.

[2] That application is granted.

*CIV-2017-485-317*

[3] The memorandum of counsel confirms some “recent discussions” with neighbouring or overlapping applicants, as well as some discussions between counsel. No information is provided as to the state of readiness of the application for hearing. Counsel support a request for a further CMC in December 2022 made by counsel for Ngāti Awa.

[4] The Court is prepared to adjourn this matter until a date to be fixed in December 2022 and to excuse the attendance of counsel at the CMC on 9 June 2022. However, the Court expects that, at least 30 days prior to the date fixed for the December 2022 CMC, counsel will file a memorandum which not only refers to discussions with overlapping applicants but provides details as to the progress towards timetabling for hearing that has actually been made.

*CIV-2017-485-291*

[5] No memorandum has been filed by counsel in this matter but a two-line email supported the request by Ngāti Awa for adjournment to a CMC in December 2022. That request for adjournment and the request to be excused from the 9 June 2022 CMC in Tauranga is granted. However, it is granted on the condition that no later than 30 days prior to the date fixed for the December 2022 CMC, counsel file a memorandum that sets out in detail the steps undertaken to prepare this matter to be set down for hearing.

*CIV-2017-485-514*

[6] Ms Mason's memorandum confirmed that a historian had been engaged and it was expected that historical research will be completed by the end of 2022.

[7] No information was provided as to any interactions with overlapping parties that might actually have taken place. The memorandum gave an estimated completion time for evidence as being April 2023. Counsel sought to be excused from attending the June 2022 CMC or, alternatively to attend by AVL.

[8] These requests are granted on the condition that no later than 30 days prior to the 2023 Tauranga CMC, counsel file a memorandum providing an update on what initiatives have been undertaken to engage in discussions with overlapping applicants in an attempt to resolve such issues between them as may presently exist.

*CIV-2017-404-556*

[9] Mr Lyall's memorandum notes that although final submissions in relation to Crown engagement were provided on 5 April 2019, there had been no response since then from the Crown. Evidence gathering is at advanced stage and initial conversations have been held with some overlapping parties. The applicant seeks adjournment for 12 months and for counsel's appearance at the Tauranga June 2022 CMC to be excused.

[10] These requests are granted on the basis that the applicant will file a further memorandum updating the Court on progress no later than 30 days prior to the date fixed for the 2023 CMC.

*CIV-2017-485-222*

[11] Mr Lewis filed a helpful memorandum indicating that historical evidence was expected to be finalised in November 2022 and that tangata whenua evidence should be in at least draft form by August 2022. The memorandum listed seven applicants whose claims had been identified as overlapping with the applicant.

[12] On the basis that no timetable directions was sought in relation to the Ngāti Porou ki Hauraki application, counsel sought a 12-month adjournment and leave to appear at the Tauranga June 2022 CMC by AVL. Both those applications are granted.

*CIV-2017-404-568*

[13] This applicant participated in Stage 2 of the *Reeder-Ngā Potiki* application and, pending release of the reserved decision in that matter, does not require any further orders. Counsel's request for excusal of attendance at the Tauranga June 2022 CMC is granted. This matter is adjourned until the 2023 Tauranga CMC.

*Interested parties*

[14] A memorandum was filed by counsel on behalf of all four councils. Counsel sought leave to participate by way of AVL or similar means in the following CMCs:

- (a) Tauranga – 9 June 2022;
- (b) Rotorua – 10 June 2022;
- (c) Hamilton – 14 June 2022;
- (d) Whangarei – 21 June 2022; and
- (e) Auckland – 22 June 2022.

[15] The memorandum also detailed the particular applications that each council had filed an appearance as interested party in. The request for leave to appear by AVL or similar means is granted and counsel are encouraged to liaise with the Registrar to obtain details. Such leave is subject to remote facilities being available at the Courts in question.

*Other applications*

[16] This minute only addresses those applications where the parties sought directions from the Court or leave to be excused or to participate remotely in the

Tauranga CMC. It does not address issues in the cases where counsel indicated that they intended to appear in person. Neither does it address those matters where no memorandum have yet been received.

[17] Counsel who have not filed any memoranda are required to attend in person at the Tauranga June 2022 CMC.

**Churchman J**