

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

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

**CIV-2011-485-797  
CIV-2011-485-803  
CIV-2011-485-814  
CIV-2017-485-210  
CIV-2017-485-213  
CIV-2017-485-243  
CIV-2017-485-293  
CIV-2017-485-300  
CIV-2017-485-282  
CIV-2017-485-183  
CIV-2017-485-212  
CIV-2017-485-215  
CIV-2017-485-310  
CIV-2017-485-534**

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

BY      Ngāti Manuhiakai Hapū CIV-2011-485-797  
Ōkahu-Inuawai me etahi atu Hapū  
CIV-2011-485-803  
Kanihi-Umutahi me Etahi Hapū  
CIV-2011-485-814  
Araukuuku Hapū CIV-2017-485-210  
Ngāti Tū Hapū CIV-2017-485-213  
Te Korowai o Ngāruahine Trust  
CIV-2017-485-243  
Ngāti Hāua Hapū, Ngāruahinerangi  
CIV-2017-485-293  
Ngāti Tamaahuroa and Titahu Hapū and  
Oeo Pa Trustees CIV-2017-485-300  
Ngāti Ruanui Trust CIV-2017-485-282  
Ngaa Rauru Kiitahi CIV-2017-485-183  
Te Kāhui o Taranaki Iwi CIV-2017-485-212  
Rūnanga o Ngāti Mutunga  
CIV-2017-485-215  
Kotahitanga o Te Atiawa Trust  
CIV-2017-485-310  
Te Rūnanga o Ngāti Tama  
CIV-2017-485-534

On the papers:

Counsel: T Bennion and L Black for CIV-2017-485-210 and CIV-2017-485-213  
E Rongo for CIV-2011-485-797, CIV-2011-485-803, and CIV-2011-485-814  
D More for CIV-2017-485-293  
C Scott for CIV-2017-485-300  
D Edmunds for CIV-2017-485-243  
J Inns for CIV-2017-485-282  
M M Piripi for CIV-2017-485-183  
A K Irwin for CIV-2017-485-212 and CIV-2017-485-210=5  
T Hovell for CIV-2017-485-534  
N Milner for CIV-2017-485-310

Minute: 3 June 2022

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**MINUTE (NO. 5) OF CHURCHMAN J**  
**[Case Management Conferences 2022 – New Plymouth]**

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*Ngā Ruahine Hapū and Iwi applicants, Te Rūnanga o Ngāti Ruanui Trust, and Te Kāhui o Rauru Trust*

[1] A joint memorandum on behalf of six applicant groups covering nine applications set out in detail the progress of the applicant groups. It appears that there has been significant discussion and co-operation between the overlapping parties.

[2] The memorandum recorded that all eight Ngā Ruahine applicant groups had been approved for funding and that Ngāti Ruanui intended to apply for funding promptly. The engagement of expert historians was underway but limited by the availability of suitably qualified historians.

[3] The grouping of applicants covered by the joint memorandum includes three priority applications.

[4] Under s 125(3)(a) of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act), the Court is obliged to give priority to such applications. However, none of the three priority applicants are presently seeking any directions toward timetabling.

[5] All of the applicants whose applications are covered by the joint memorandum also have Crown Engagement applications and dialogue with Te Arawhiti is ongoing. The applicants seek further time to consider the merits of one process as against the other. The applicants also wish to continue to explore the option of moving forward as a collective.

[6] The memorandum indicated that the applicants were hopeful that they would be better placed to provide more definitive views with respect to both pathway and timing before the end of 2022, and sought a direction that they be required to provide a further memorandum in early December 2022, and a further direction that counsel (and the self-represented applicants) could be excused from attendance at the case management conference (CMC) on 15 June 2022.

[7] Those applications are granted. These applications are formally adjourned to the 2023 CMC which will be held on Wednesday 21 June 2023 at 10am.

[8] Counsel are directed to file, no later than 5 December 2022 a memorandum advising on progress with the matters detailed at [8] in the joint memorandum of counsel dated 16 May 2022. If, as a result of the filing of that memorandum, a telephone conference is required, it will be arranged to occur on 12 December 2022.

*Te Kaahui o Rauru Trust/Ngā Rauru Kiitahi*

[9] Counsel's memorandum on behalf of this applicant focussed principally on the proposal by a group of applicants in the Group "N" area (broadly between Whanganui and Wellington) to timetable their applications to hearing.

[10] Ngā Rauru Kiitahi's application is the closest of the South Taranaki applications to the Group "N" area.

[11] There is an overlap between the northern-most of the Group "N" applicants who are seeking timetable directions (Te Patutokotoko) and Ngā Rauru Kiitahi's application. The overlap is between Kai Iwi Beach and the Whanganui River. Te Patutokotoko is the only Group "N" applicant to have any overlap with any of the South Taranaki applicants.

[12] The proposal by the Group “N” applicants to set their applications down for hearing has significant implications for Te Kaahui and the other South Taranaki applicants. It is Te Kaahui’s preference to advance their application via the Crown engagement pathway. The Crown has indicated its desire to take a regional Taranaki-based approach, i.e. to directly engage with all South Taranaki applicant groups at once.

[13] That is also Te Kaahui’s preference. However, the Crown has indicated that it is unwilling to engage in an area where an application for the same area is proceeding before the Court.

[14] Te Kaahui therefore wishes to oppose the timetabling of that part of Te Patutokotoko’s application north of the Whanganui River because, unless that is done, there is potential to disrupt not only Te Kaahui’s engagement with the Crown but the overall collective approach by South Taranaki Iwi in relation to direct engagement.

[15] Counsel seeks to attend the Wellington CMC where the Group “N” applicants’ timetable application will be considered. That application is granted as is counsel’s request for leave to file a further memorandum once the boundaries of any potential Group “N” have been confirmed.

[16] In relation to the preparation of its own application, a historian is expected to provide a final report by 30 June 2022 and tangata whenua evidence is progress well. Because of its preference for direct engagement, this applicant does not seek any timetable directions. Counsel’s attendance at the New Plymouth CMC is excused.

*Te Kāhui o Taranaki Iwi, Te Rūnanga o Ngāti Mutunga, Te Kotahitanga o Te Atiawa Trust, and Te Rūnanga o Ngāti Tama*

[17] Counsel for these four applicants filed a joint memorandum confirming that the engagement process with the Crown was underway, it remained the applicants’ preference, and the applicants did not seek timetable directions.

[18] In view of these matters, the application is adjourned until the New Plymouth CMC on 21 June 2023, and counsel's attendance at the 15 June 2022 CMC is excused.

### **Outcome**

[19] As all 15 applications scheduled to be called at the New Plymouth CMC on 15 June 2022 have filed appropriate memoranda updating the Court on all relevant issues, and all seek to be excused from attendance at the New Plymouth CMC, the CMC scheduled to be held on 15 June 2022 is vacated.

[20] All matters will be called again on 21 June 2023. Unless otherwise specified, all applicants are required to file a memorandum no later than 30 days before 21 June 2023.

**Churchman J**