

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

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

**CIV-2017-419-083
CIV-2017-419-084
CIV-2017-404-575**

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

IN THE MATTER OF an application by Angeline Greensill for and
on behalf of the Whāingaroa Moana
Collective for orders recognising Customary
Marine Title and Protected Customary
Rights under the Act

On the Papers

Counsel: A Sykes and J Cole for the applicant
R Siciliano for Ngaati Mahuta ki te Hauaauru CIV-2017-404-575
T Greensmith-West for Waikato District Council

Minute: 20 December 2023

**MINUTE OF CHURCHMAN J
(Whāingaroa Harbour hearing)**

[1] At the June CMC, the applicant sought a hearing for the Takutai Moana in and around Whāingaroa Harbour. Before a hearing could be allocated, it was established that the applicant would file an amended application and map.

[2] The applicant filed a second amended application, dated 11 August 2023. The amendment included a change to the applicant group from Tainui hapū o Tainui waka to “members of the Whāingaroa Moana Collective specifically Tainui hapū o Tainui

waka and Ngāti Tamainupō”. I allowed the amendment in my judgment of 16 August 2023¹.

[3] The judgment noted that the revised map provided in the amended application lacked coordinates required by the Court’s mapping directions. A further map correcting this was filed on 26 October 2023. This map is appended to this minute. The proposed hearing area is the application area depicted by this map.

[4] The Whāingaroa Moana Collective comprises those hapū who whakapapa to the Whāingaroa Harbour and nearby coastal and marine area and includes:

- (a) Tainui hapū o Tainui waka, which itself comprises 12 hapū;
- (b) Ngaati Whakamarurangi, comprising Ngaati Koata, Ngaati Motemote and Ngaati Tahinga;
- (c) Ngaati Maahanga me Ngaa Uri o Te Awaitaia; and,
- (d) Ngāti Tamainupō, comprising Ngā Uri o Tamainupō, Toa Kotara me Te Huaki.

[5] There are two other High Court proceedings with application areas that include the proposed hearing area: Waikato-Tainui - CIV-2017-419-084 and Te Ruunanga o Ngaati Mahuta ki te Hauaauru - CIV-2017-404-575. Ngaati Maahanga and Ngaati Whakamarurangi both have separate Crown-engagement applications. All except Ngaati Mahuta expressed support at the June CMC.

[6] Te Ruunanga o Ngaati Mahuta ki te Hauaauru have an offshore overlap with the hearing area toward the 12-nautical mile limit. They have no interests in the harbour itself. Their memorandum of 18 December supports the proposed hearing and timetable.

¹ *Tainui Hapū O Tainui Waka* [2023] NZHC 2207 [16 August 2023]

[7] Waikato District Council proposed in a memorandum dated 6 November 2023 that a timetable for this hearing be set retrospectively once a hearing date was sent. Whāingaroa Moana Collective filed a further memorandum on 29 November seeking a three-week hearing in 2025 with a revised timetable.

Discussion

[8] Applicants in this rohe have worked steadfastly to achieve a consensus position for their Takutai Moana. I commend their collaborative approach.

[9] Six other Takutai Moana hearings have been allocated following recent CMCs. As the sequencing of these is yet to be determined, there is a wide range to the dates this hearing might be scheduled for. Accordingly, it is more practical to set a timetable working back from the hearing date once known.

[10] I request the registrar to arrange a 3-week hearing for this matter for the first available date after 18 July 2025.

[11] Once the hearing date is set the timetable will be:

- (a) The applicants are to file and serve their evidence 25 weeks prior to the hearing date.
- (b) Interested parties, other than the Attorney-General, are to file and serve their evidence no later than 16 weeks prior to the hearing date.
- (c) If necessary, the applicants are to file submissions as to the appointment of Pūkenga no later than 16 weeks prior to the hearing date.
- (d) The Attorney-General is to file and serve evidence no later than 12 weeks prior to the hearing date.
- (e) Any evidence in reply from the applicant is to be filed and served no later than nine weeks before the hearing date.

- (f) The close of pleadings date will be seven weeks prior to the hearing date.
- (g) The applicant's opening submissions, statement of agreed facts and bundles of authorities are to be filed and served no later than six weeks prior to the hearing date.
- (h) The interested parties' submissions and bundles of authorities are to be filed and served no later than four-and-a-half weeks prior to the hearing date.
- (i) The Attorney-General's submissions and bundles of authorities are to be filed and served no later than three weeks prior to the hearing date.

Churchman J

Appendix A – Map of application and hearing area

