

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

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

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

IN THE MATTER OF See schedule below
APPLICATIONS BY

Hearing: On the Papers

Counsel: L Thornton for Aotea
 T M Ruruhwe for Mahurangi and Ngāti Rongo o Mahurangi
 H J Fletcher for Ngāti Taimanawaiti, and Ngāti Rehua–Ngāti Wai
 ki Aotea
 J W J Graham and R M S Jones for Ngāti Whatua Orakei
 B Lyall, M Sreen and H L B Swedlund for Ngāti Awa Ngapuhi
 T Castle for Te Taou
 J M Pou for Ngāti Manuhiri
 H P Richards-Coxhead for Ngāi Tai Ki Tamaki
 J Kahuikiwa for Ngāti Te Ata
 K Dixon, L Tothill and T Talamaivao for Otakanini Topu Māori
 Incorporation
 J Cheong for Te Whanau-a-Haunui
 L Black for Taumata B Block Whanau and Bouchier

Minute: 15 July 2025

**MINUTE OF CHURCHMAN J
[Auckland Case Management Conference
scheduled for 30 July 2025]**

SCHEDULE

CIV-2017-404-574 Aotea
CIV-2017-485-378 Mahurangi
CIV-2017-404-518 Ngāti Taimanawaiti
CIV-2017-404-529 Ngāti Whatua Orakei
CIV-2017-404-524 Parker on behalf of Ngāti Awa Ngapuhi
CIV-2017-404-542 and CIV-2017-404-567 Te Taou
CIV-2017-404-545 Ngāti Manuhiri
CIV-2017-404-564 Ngāi Tai Ki Tamaki
CIV-2017-404-569 Ngāti Te Ata
CIV-2017-404-580 Ngāti Rehua–Ngāti Wai ki Aotea
CIV-2015-404-581 Otakanini Topu Māori Incorporation
CIV-2017-404-582 Te Whanau-a-Haunui
CIV-2017-485-187 Taumata B Block Whanau
CIV-2017-485-188 Bouchier
CIV-2017-485-276 Ngāti Rongo o Mahurangi

Interested Parties

Te Roroa Whatu Ora and Manawhenua Trusts
Te Kawerau a Maki MAC-01-02-007
Hauraki District Council
Gibbs Foundation
Attorney-General

General

[1] The Case Management Conference (CMC) scheduled to take place on 30 July 2025 will proceed by VMR. All applications for counsel to be excused are granted.

[2] Unless otherwise specified in this minute, all applications are adjourned to be called again at the 2026 Auckland CMC.

CIV-2017-404-574 (Aotea) and CIV-2017-485-378 (Mahurangi)

[3] These applicants have no funding and are therefore unable to progress their case. They seek no orders.

CIV-2017-404-518 (Ngāti Taimanawaiti)

[4] This applicant has made limited progress as a result of funding constraints. It has not yet commenced engagement with overlapping applicants. They seek no directions from the Court.

CIV-2017-404-529 (Ngāti Whatua Orakei)

[5] Te Kawerau Ā Maki (a Crown engagement only applicant) has sought to be an interested party in these proceedings. I grant the direction sought by counsel for Ngāti Whatua Orakei that Te Kawerau Ā Maki serve them (and any other applicant that their direct engagement claim overlaps with) copies of all documents they have filed in the High Court.

CIV-2017-404-524 (Parker on behalf of Ngāti Awa Ngapuhi)

[6] No directions sought.

CIV-2017-404-542 and CIV-2017-404-567 (Te Taou)

[7] Counsel does not have instructions and seeks an indication as to whether he can seek leave to withdraw as counsel by filing a memorandum of counsel. I approve such an application by way of memorandum.

CIV-2017-404-545 (Ngāti Manuhiri)

[8] No directions are sought.

CIV-2017-404-564 (Ngāi Tai Ki Tamaki)

[9] This applicant's preference is to proceed by way of Crown engagement and seeks no orders.

CIV-2017-404-569 (Ngāti Te Ata)

[10] This applicant has nothing to update and will be adjourned until 2026.

CIV-2017-404-580 (Ngāti Rehua–Ngāti Wai ki Aotea)

[11] This applicant has made progress in engaging with overlapping applicants however its progress to being ready for allocation of a hearing has been hindered by funding difficulties. This applicant wishes to have its application heard as soon as possible, ideally in 2027.

[12] This matter will be called at the VMR hearing at 10 am on 30 July 2025. The applicant and any overlapping or interested parties are requested to contact the Registrar to make arrangements for them to participate in the hearing by way of VMR.

CIV-2015-404-581 (Otakanini Topu Māori Incorporation)

[13] This applicant seeks no orders from the Court.

CIV-2017-404-582 (Te Whanau-a-Haunui)

[14] As a result of lack of funding this applicant seeks no orders.

CIV-2017-485-187 (Taumata B Block Whanau)

[15] Lack of funding has stopped the progress of this application. This applicant does not oppose the direction sought by Ngāti Rehua–Ngāti Wai ki Aotea (CIV-2017-404-580) in relation to their application for a hearing date. Counsel are not required to attend the VMR hearing in respect of that application on 30 July 2025.

CIV-2017-485-188 (Bouchier)

[16] No directions are sought.

CIV-2017-485-276 (Ngāti Rongo o Mahurangi)

[17] This applicant has not filed a memorandum and counsel is directed to file a memorandum updating the Court by 25 July 2025.

Interested parties

Te Roroa Whatu Ora and Manawhenua Trusts

[18] This applicant is an interested party but seeks no orders from the Court.

Te Kawerau a Maki MAC-01-02-007

[19] Te Kawerau a Maki (referred to above) are an interested party in the Ngāti Whatua Orakei application. As noted above they have been directed to serve all overlapping parties.

Hauraki District Council

[20] This interested party wishes to attend by VMR and such leave is granted. However, unless they are interested in the Ngāti Rehua–Ngāti Wai ki Aotea application (discussed above) they may be excused from attendance.

Gibbs Foundation

[21] This party is interested in five applications (CIV-2017-404-537; CIV-2017-404-542; CIV-2017-404-563; CIV-2017-404-558 and CIV-2017-485-398). They seek no directions from the Court.

Attorney-General

[22] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[23] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:

- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[24] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[25] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[26] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[27] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Churchman J

Solicitors:

Ara Moana Law, Waiuku for Aotea
Tamaki Legal, Manukau for Ngāti Taimanawaiti
Tu Pono Legal Limited, Rotorua for Ngāti Manuhiri
McCaw Lewis Limited, Hamilton for Ngāi Tai Ki Tamaki
Corban Revell, Auckland for Ngāti Te Ata Hapu
Black Law, Nelson for Taumata B Block Whanau and Bouchier
Brookfields, Auckland for Hauraki District Council