

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

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

**CIV-2017-485-295  
CIV-2017-485-296  
CIV-2017-485-280**

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

IN THE MATTER OF an application by COLIN WAYNE TOPI on  
behalf of TE WHANAU O TOPI for  
recognition orders

AND The landowners of the RUAPUKE ISLAND  
GROUP

AND TE RŪNANGA O NGĀI TAHU O NGĀI  
TAHU on behalf of NGĀI TAHU  
WHĀNAU

AND LANDOWNERS COOPERATIVE  
INCORPORATED  
Interested Party

On the papers

Counsel: J Inns for Ruapuke Island Group  
R Fife to Te Whānau o Topi  
J Riddell for Ngāi Tahu Whānui  
G Melvin for Attorney-General  
J E Hodder KC and B E Morten for Interested Party  
B Walker Interested Party in Person

Minute: 30 October 2024

---

**MINUTE OF CHURCHMAN J**

---

[1] On 18 October 2024 a Case Management Conference (CMC) was held in this matter with a minute subsequently being issued which varied the timetabled directions previously given. Two subsequent memoranda of counsel have been filed.

[2] The first is memorandum from Ms Inns who represents two of the applicants: Te Whanau o Topi and Ruapuke Island Group. It seeks further amendment to the timetable orders.

[3] The second memorandum dated 29 October 2024 is from counsel for an interested party Landowners Coalition Incorporated.

[4] Counsel for the applicants seeks an extension of two weeks for the filing of the applicant's evidence and amended application. This would amend the current filing date from 11 November 2024 to 25 November 2024. The memorandum also proposes consequential amendments or other steps including that the interested parties file their evidence on 20 December 2024 rather than 9 December 2024; that the Attorney-General files her evidence on 27 January 2025 instead of 9 January 2025 and that the close of pleadings date is 10 February 2025 instead of 27 January 2025. The existing dates for the filing of evidence in reply and submissions together with the commencement date of the hearing of 24 March 2025 remain unchanged.

[5] The reasons put forward in support of the application for variation are:

- (a) one of the applicants' witnesses is overseas and unavailable until 21 November 2024;
- (b) the applicants have witnesses in various parts of the country, and it will take some time to coordinate the finalisation of affidavits in different locations as not all the proposed witnesses are proficient in the use of technology such as zoom;
- (c) following recent discussions with the applicants and other witnesses, the applicants' historian is not in a position to finalise his report by the current deadline.

## **Analysis**

[6] It is disappointing that less than two weeks after the CMC there is a further application for variation of the timetable order. No response has been received from

counsel for Te Rūnanga o Ngāi Tahu or the Attorney-General. It is therefore assumed they do not oppose the application. Counsel for the Landowners Coalition Incorporated agree with the proposed timetable.

[7] Basil Walker, an interested party has filed an email opposing the application. The email concludes with the comment:

I believe it is reasonable now to stand the Ruapuke Island application aside until Parliament advises of the direction of the Marine and Coastal amended legislation in 2025.

[8] This is essentially a repeat of the position he advanced at the CMC which was not accepted then. It is not logically connected to the current application for variation of the timetable orders.

[9] The grounds set out in the memorandum for the applicants explain the reason for their requested variation. I note that effectively the applicants are seeking to modify the first four dates set out in the amended timetable directions by pushing them out by two weeks. The last five dates in the timetable order affectively remain unchanged.

[10] I accept that while the changes are inconvenient there is no significant prejudice to any of the interested parties that would warrant declining the application.

[11] Accordingly, I approve the amendment to the timetable in this matter in accordance with the schedule as set out in the document attached to the memorandum of counsel for the applicants dated 25 October 2024.

**Churchman J**

Solicitors:  
Oceanlaw, Nelson for Applicants  
Bell Gully, Wellington for Te Rūnanga o Ngāi Tahu  
Crown Law, Wellington for Attorney-General  
Franks Ogilvie, Wellington for Landowners Coalition Incorporated