

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

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

**CIV-2017-404-528  
CIV-2017-405-564  
CIV-2017-404-569  
CIV-2017-404-582  
CIV-2017-485-250**

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

AND an application by NGĀTI PŪKENGA  
represented by Te Tawharau o Ngāti  
Pūkenga for orders that recognise Customary  
Marine Title and Protected Customary  
Rights under the Act

AND an application by TE TAWHARAU O  
NGĀTI PŪKENGA on behalf of NGĀTI  
PŪKENGA

Hearing: 12 December 2023

Counsel: T Bennion and O Ford Brierley for Ngāti Pūkenga in  
CIV-2017-485-250  
B Tupara for Ngāti Hako in CIV-2017-404-528  
R A Siciliano for Ngai Tai ki Tamaki Trust in CIV-2017-404-564  
J P Kahukiwa for Ngāti Te Ata in CIV-2017-485-569  
J Cheong for Te Whānau-a-Haunui in CIV-2017-404-582  
M Baker in person for Ngaati Whānaunga in MAC-01-01-091  
P F Majurey and A K Scharing for Ngāti Maru in MAC-01-03-  
006, Ngāti Tamaterā in MAC-01-03-011 and Hauraki Māori Trust  
Board in MAC-01-03-001  
T Greensmith-West for Thames-Coromandel District Council, an  
interested party  
G Melvin for the Attorney-General

Date of Minute 12 December 2023

---

**MINUTE OF CHURCHMAN J**

---

[1] Ngāti Pūkenga initially sought allocation of a hearing date for all applications involving the western side of the Coromandel Peninsula. However, Mr Bennion has subsequently filed a memorandum seeking to have Manaia Harbour dealt with alone. The reason for this is that there are a relatively small number of overlapping applicants in relation to the Harbour itself, however, there are some nine other High Court applications as well six Crown direct engagement applications that overlap with the coast outside of the harbour.

[2] There is significant support amongst other overlapping applicant groups, both High Court and direct engagement pathway, to divide the hearing in this manner. The following groups support this proposal:

- (a) Te Kupenga o Ngāti Hako – CIV-2017-404-523;
- (b) Ngai Tai ki Tamaki – CIV-2017-404-565;
- (c) Ngāti Maru – MAC-01-03-006
- (d) Hauraki Māori Trust Board – MAC-01-03-001; and
- (e) Ngāti Tamaterā in MAC-01-03-011.

[3] The Thames-Coromandel District Council indicated that it intended actively participating in the hearing. Mr Greensmith-West proposed a timetable which broadly had the support of the applicants.

## **Discussion**

[4] Holding a separate hearing for Manaia Harbour has the significant advantage of not requiring the participation of the large number of applicants who claim an interest in the Takutai Moana off the western coast of the Coromandel Peninsula but do not assert rights to recognition orders in respect of the harbour itself.

[5] The parties anticipate that a hearing in relation to the harbour would take approximately three weeks.

[6] Accordingly, I request the registrar to allocate a three week hearing covering the area of Manaia Harbour to take place at the earliest available date after 1 July 2025. Once the date for the commencement of the hearing is set the following timetable order will apply:

- (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

Solicitors / Counsel:

Mr T Bennion and Ms O Ford Brierley, Bennion Law,  
Wellington Mr B Tupara, Te Mata Law, Auckland  
Ms R A Siciliano, McCaw Lewis Ltd, Hamilton  
Mr J P Kahukiwa, Corban Revell, Auckland  
Ms J Cheong, Environmental Lawyers, Auckland  
Mr M Baker  
Mr P F Majurey and A K Scharing, Holm Majurey, Auckland  
Mr T Greensmith-West, Brookfields, Auckland Mr G Melvin,  
Crown Law, Wellington