

**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:                      H J Fletcher for Rōpu o Rangiriri Te Whānau-o-Rātāroa, Ngāti  
Tara and Ngāi Tūpango  
M Brady-Clark for Te Ihutai ki Orira  
B R Lyall, H L B Swedlund and L L Black for Nga Hapu o  
TaiaMai ke te Marangāi  
C R Leauga for Ngāti Manu, Ngāti Rangi and Ngāti Rahiri Hapū  
M Sharp for Nga Hapu o Ngāti Wai Iwi  
T Sinclair and B Cunningham for Ngāti Kahu, Te Rarawa and Te  
Uriohina  
T Castle for Ngāti Kura  
J P Kahukiwa for Te Waiariki, Ngāti Korora, Ngāti Takapari  
Hapu/Iwi, Hapu of Niu Tirenī and Ngāti Torehina ki Mataka  
E Rongo for Te Hikutu Hapū  
B Loader for Ngāti Tu ki Ngāpuh  
G Erskine and T Afeaki for Nga Hapu o Tangaroa  
S E Wroe for Ngāti Kuri Trust Board  
C M Hockly for Te Whakapiko hapu of Ngāti Manaia, Reweti  
and Rewha Whanau and Te Parawhau  
H Jamieson for Ngāti Hine, Ngāti Kawa, Ngāti Raahiri and Te  
Kapotai  
M M Piripi for Ngapuhi/Ngāti Kahu ki Whaingaroa and Te  
Rarawa  
P R B Rawiri for Parengarenga A Incorporation and Iwi  
B R Lyall and H L B Swedlund for Te Rae Ahu Whenua Trust –  
Panoho Whanau  
M P Cherrington for Te Aupōuri

Minute:                      14 July 2025

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**MINUTE OF CHURCHMAN J**  
**[Whangārei Case Management Conference scheduled for 29 July 2025]**

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## **Schedule**

CIV-2017-404-442 Rōpu o Rangiriri  
CIV-2017-404-522 Te Ihutai ki Orira  
CIV-2017-404-523 Nga Hapu o Taiamai ke te Marangāi  
CIV-2017-404-525 Ngāti Manu and Ngāti Rangi  
CIV-2017-404-535 Ngāti Rahiri Hapū  
CIV-2017-404-529 Te Whānau-o-Rātāroa  
CIV-2017-404-578 Ngāti Tara  
CIV-2017-485-233 Ngāi Tūpango  
CIV-2017-404-554 Nga Hapu o Ngāti Wai Iwi  
CIV-2017-404-559 Ngāti Kahu, Te Rarawa and Te Uriohina  
CIV-2017-404-565 Ngāti Kura  
CIV-2017-404-566 Te Waiariki, Ngāti Korora, Ngāti Takapari Hapu/Iwi, Hapu of Niu  
Tireni  
CIV-2017-404-570 Te Hikutu Hapū  
CIV-2017-404-572 Ngāti Torehina ki Mataka  
CIV-2017-404-573 Ngāti Tu ki Ngāpuhi  
CIV-2017-404-579 Nga Hapu o Tangaroa  
CIV-2017-485-208 Ngāti Kuri Trust Board  
CIV-2017-485-228 Te Whakapiko hapu of Ngāti Manaia  
CIV-2017-485-352 Reweti and Rewha Whanau  
CIV-2017-485-231 Ngāti Hine  
CIV-2017-485-265 Ngāti Kawa and Ngāti Raahiri  
CIV-2017-488-026 Te Kapotai  
CIV-2017-485-236 Ngāpuhi/Ngāti Kahu ki Whaingaroa  
CIV-2017-485-290 Te Rarawa  
CIV-2017-485-237 Parengarenga A Incorporation and Iwi  
CIV-2017-485-239 Te Rae Ahu Whanua Trust – Panoho Whanau  
CIV-2017-485-240 Te Aupōuri  
CIV-2017-485-245 Te Iwi o Te Rarawa ki Ahipara  
CIV-2017-485-249 Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngātupango  
CIV-2017-485-250 Ngāti Pukenga

CIV-2017-485-252 Te Popoto ki Oturei  
CIV-2017-485-256 McGee Whanau  
CIV-2017-485-268 Ngā Hapu o Ngāti Kahu  
CIV-2017-485-271 Te Whanau Moana me te Rorohuri  
CIV-2017-485-277 Ngāti Manu  
CIV-2017-485-279 Ngāti Takapari  
CIV-2017-485-281 Patuharakeke Te Iwi  
CIV-2017-485-307 Ngā Hapu o te Wahapu o Hokianga nui a Kupe  
CIV-2017-485-438 Henare Waata Whanau  
CIV-2017-485-283 Ngatiwai  
CIV-2017-485-298 Whakaarara Māori Committee  
CIV-2017-485-305 Te Parawhau  
CIV-2017-485-306 Ngātiwai (Whanau of Ohawini)  
CIV-2017-485-404 Nga Uri o Hairama Pita Kino Davies  
CIV-2027-485-409 Whangaroa Ngāiotonga Trust  
CIV-2017-488-029 Walker – Mokau whanau  
CIV-2017-485-308 Te Tao Maui and Hoko Keha  
CIV-2017-485-320 Ngāi Takoto Iwi  
CIV-2017-485-321 Ngāti Kuta and Patukeha ki te Rawhiti  
CIV-2017-485-420 Te Whanau Whero  
CIV-2017-485-510 Ngāti Mokokohi, Te Tahawai, Te Uri-o-Te-Aho, Ngāti Ruamahu  
and Ngāti Torehina  
CIV-2017-485-799 Te Parawhau Hapu (Korokota Marae)  
CIV-2027-485-205 Te Uri O Hau Settlement Trust  
CIV-2017-485-537 Nga Puhi nui tonu  
CIV-2017-404-577 Ngāti Rahiri and Ngāti Kawa  
CIV-2017-485-398 Ngāti Kawau and Te Waiariki Korora  
CIV-2017-404-539 Ngāti Kauwau and Ngāti Awa  
CIV-2017-404-540 Ngāti Torehina Ki Mataure o Hau  
CIV-2017-404-555 Te Whanau o Hone Papita Raua Ko Rewa Ataria Paama  
CIV-2017-404-558 Ngāitawake  
CIV-2017-404-563 Te Tunanga o Ngāti Whatua

## **General**

[1] The 29 July 2025 Whangārei Case Management Conference (CMC) will proceed by way of VMR. All counsel who have filed updating memoranda and sought excusal from attendance are excused. All counsel for applicants who have failed to file updating memoranda are required to either file such memoranda or attend by VMR. Unless otherwise specified all applications are adjourned until the 2026 Whangārei CMC.

### **CIV-2017-404-442 (Ropu o Rangiriri)**

[2] Evidence preparation is underway but hampered by funding issues as have been discussions with overlapping applicants. This applicant intends to withdraw its application for Customary Marine Title (CMT) and to seek Protected Customary Rights (PCR) only. An amended application is to be filed promptly. No directions are required.

### **CIV-2017-404-522 (Te Ihutai ki Orira)**

[3] This applicant seeks no directions.

### **CIV-2017-404-523 (Nga Hapu o Taiamai ke te Marangāi)**

[4] Because of delays in the Crown confirming the Takutai Moana Act funding scheme, this applicant is unable to progress its application and does not seek directions.

### **CIV-2017-404-525 (Ngāti Manu and Ngāti Rangī) and CIV-2017-404-535 (Ngāti Rahiri Hapū)**

[5] No directions are sought in respect of either matter.

### **CIV-2017-404-529 (Te Whānau-o-Rātāroa), CIV-2017-404-578 (Ngāti Tara) and CIV-2017-485-233 (Ngāi Tūpango)**

[6] All three of these applicants have High Court hearings timetabled for 2027 and 2028 and seek no further directions.

**CIV-2017-404-554 (Nga Hapu o Ngāti Wai Iwi)**

[7] This applicant participated in the Whangārei Harbour hearing in respect of which judgment is awaited. No directions are sought.

**CIV-2017-404-559 (Ngāti Kahu, Te Rarawa and Te Uriohina)**

[8] This applicant has made no progress and seeks no direction.

**CIV-2017-404-565 (Ngāti Kura)**

[9] Funding for this application has not been confirmed and the applicant seeks no orders.

**CIV-2017-404-566 (Te Waiariki, Ngāti Korora, Ngāti Takapari Hapu/Iwi, Hapu of Niu Tirenī)**

[10] This application has been heard and counsel seek no directions.

**CIV-2017-404-570 (Te Hikutu Hapū)**

[11] This application seeks no directions.

**CIV-2017-404-572 (Ngāti Torehina ki Mataka)**

[12] As a result of funding uncertainty this applicant is unable to progress to order fixture and therefore no orders are sought.

**CIV2017-404-573 (Ngāti Tu ki Ngāpuhi)**

[13] This applicant seeks no direction.

**CIV-2017-404-579 (Nga Hapu o Tangaroa)**

[14] This applicant participated in the Whangārei hearing and requires no directions from the Court.

**CIV-2017-485-208 (Ngāti Kuri Trust Board)**

[15] This applicant seeks no directions.

**CIV-2017-485-228 (Te Whakapiko hapu of Ngāti Manaia) and CIV-2017-485-352 (Reweti and Rewha Whanau)**

[16] These applicants do not seek any directions.

**CIV-2017-485-231 (Ngāti Hine), CIV-2017-485-265 (Ngāti Kawa and Ngāti Raahiri) and CIV-2017-488-026 (Te Kapotai)**

[17] These applicants have been unable to make progress and seek no orders.

**CIV-2017-485-236 (Ngapuhi/Ngāti Kahu ki Whaingaroa) and CIV-2017-485-290 (Te Rarawa)**

[18] These applicants seek no directions.

**CIV-2017-485-237 (Parengarenga A Incorporation and Iwi)**

[19] This applicant has been unable to make progress and seeks no directions.

**CIV-2017-485-239 (Te Rae Ahu Whenua Trust – Panoho Whanau)**

[20] These applicants participated in the Whangārei hearing which is waiting a decision and seek no directions.

**CIV-2017-485-240 (Te Aupōuri)**

[21] This applicant has made no progress and seeks no direction.

**CIV-2017-485-245 (Te Iwi ō Te Rarawa ki Ahipara)**

[22] In December 2023 this applicant sought to have its application and those of other cross applicants set down for hearing. The applicant has invested considerable resources in engaging with overlapping groups about the hearing proposal including negotiations over proposed boundaries and time frames. The applicant's proposal has widespread support from overlapping applicant parties.

[23] In December of 2023 the Court requested the Registrar to set down a 10 — 12 week hearing for the area between Ahipara and Hokianga Harbour no earlier than the third quarter of 2026.

[24] Since then, as a result of the amendments to the Te Tari Whakatau's Takutai Moana Financial Assistance Scheme, counsel for the applicant filed a memorandum of counsel seeking that concrete dates be set for the hearing proposal in order to enable the applicant to access funding. At that stage the Court was not in a position to allocate a specific date. That difficulty is the direct result of the restrictions on funding. The funding now available is now insufficient to fund all applications that are ready for hearing and seek hearing dates. There is also a limit on how far out in the future the Court can allocate a hearing date. As soon as the Court is in a position to do so this matter will be allocated a firm hearing date.

**CIV-2017-485-249 (Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngātupango)**

[25] This application is set to proceed to hearing on 1 May 2028 and no directions are sought.

**CIV-2017-485-250 (Ngāti Pukenga)**

[26] This applicant participated in the Whangārei Harbour hearing and is awaiting a decision. No directions are sought.

**CIV-2017-485-252 (Te Popoto ki Oturei)**

[27] A lack of funding means that this applicant is unable to progress its application. The applicant seeks no directions.

**CIV-2017-485-256 (McGee Whanau)**

[28] This application is presently unfunded and therefore unable to proceed to hearing. The applicant seeks no orders.

**CIV-2017-485-268 (Ngā Hapu o Ngāti Kahu)**

[29] A consent is granted to the application to amend the named applicants. If the applicant needs to replace the named applicants who have resigned it can do that simply by filing a memorandum. The applicants are making good progress with tangata whenua and historical research. The application has been timetabled to hearing. The Court notes the applicant's concerns about funding and proposals to amend s 58 of the Act. The Court is not in a position to comment on the allegations of breach by the Crown of its various obligations.

[30] The Court is not, at a Case Management Conference able to direct that the "Crown immediately, fully and fairly resource the proceedings as guaranteed and uphold the Crown's mana".

**CIV-2017-485-271 (Te Whanau Moana me te Rorohuri)**

[31] This applicant seeks no directions.

**CIV-2017-485-277 (Ngāti Manu)**

[32] Due to funding constraints this application has made no progress towards hearing and no directions are sought.

**CIV-2017-485-279 (Ngāti Takapari)**

[33] A lack of funding has prevented progress toward hearing and the applicants seek no directions.

**CIV-2017-485-281 (Patuharakeke Te Iwi)**

[34] This applicant is awaiting the release of the Court's decision following the 2024 Whangārei Harbour Stage 1(a) and 1(b) hearing. It seeks no directions.

**CIV-2017-485-307 (Ngā Hapu o te Wahapu o Hokianga nui a Kupe)**

[35] Lack of funding has stopped progress. This applicant seeks no directions.



**CIV-2017-485-438 (Henare Waata Whanau)**

[36] Lack of funding has prevented progress and this applicant seeks no directions.

**CIV-2017-485-283 (Ngatiwai)**

[37] This application was part heard in the two Whangārei hearings which are awaiting decision. Lack of funding has prevented the applicant progressing this applicant in relation to those parts outside the Whangārei hearing area. No directions are sought.

**CIV-2017-485-298 (Whakaarara Māori Committee)**

[38] This application is set for hearing commencing 1 May 2028 and no directions are sought.

**CIV-2017-485-305 (Te Parawhau)**

[39] This applicant participated in the Whangārei hearings and is awaiting the decision, and no directions are sought.

**CIV-2017-485-306 (Ngātiwai (Whanau of Ohawini)); CIV-2017-485-404 (Nga Uri o Hairama Pita Kino Davies); CIV-2027-485-409 (Whangaroa Ngāiotonga Trust) and CIV-2017-488-029 (Walker – Mokau whanau)**

[40] No directions are sought for any of these applicants.

**CIV-2017-485-308 (Te Tao Maui and Hoko Keha)**

[41] New counsel and a new address for service for the applicants has been notified. This applicant is proceeding towards a hearing in the third quarter of 2026, but relevant funding has not yet been approved adding the possibility that the hearing will not be able to proceed. No adjournment is yet requested.

**CIV-2017-485-320 (Ngāi Takoto Iwi)**

[42] Part of this applicant's application area is within the hearing area being sought by Te Iwi Ō Te Rarawa ki Ahipara. The applicant abides the Courts decision in respect

of the memorandum filed on behalf of Te Iwi Ō Rarawa ki Ahipara and request no directions.

**CIV-2017-485-321 (Ngāti Kuta and Patukeha ki te Rawhiti)**

[43] Due to funding constraints this application has yet to be timetabled towards hearing. The applicant seeks no directions.

**CIV-2017-485-420 (Te Whanau Whero)**

[44] This applicant seeks no directions.

**CIV-2017-485-510 (Ngāti Mokokohi, Te Tahawai, Te Uri-o-Te-Aho, Ngāti Ruamahu and Ngāti Torehina)**

[45] The applicant is a cross-claimant in two hearings that have been scheduled and does not seek any further directions.

**CIV-2017-485-799 (Te Parawhau Hapu (Korokota Marae))**

[46] This applicant participated in the Whangārei Stage 1(a) and 1(b) hearing and is awaiting judgment, and no directions are required.

**CIV-2027-485-205 (Te Uri O Hau Settlement Trust)**

[47] This applicant has not filed a memorandum and counsel is directed to attend by VMR the 29 July 2025 CMC and provide an update.

**CIV-2017-485-537 (Nga Puhi nui tonu)**

**CIV-2017-475-577 (Ngāti Rahiri and Ngāti Kawa)**

**CIV-2017-485-398 (Ngāti Kawau and Te Waiariki Korora)**

[48] Counsel for these applicants has not filed any memoranda. She is directed to attend by VMR at the Whangarei CMC scheduled for 29 July 2025 and provide an update as to the applicant's position.

**CIV-2017-404-539 (Ngāti Kauwau and Ngāti Awa)**

[49] Counsel has not filed a memorandum. He is directed to appear by VMR at the 29 July 2025 CMC and provide an update.

**CIV-2017-404-540 (Ngāti Torehina Ki Mataure o Hau)**

[50] This self-represented applicant has not filed a memorandum. They are directed to attend by VMR at the 29 July 2025 CMC.

**CIV-2017-404-555 (Te Whānau o Hone Papita Raua Ko Rewa Ataria Paama)**

[51] This self-represented applicant has not filed a memorandum and is directed to attend by VMR at the 29 July 2025 and provide an update.

**CIV-2017-404-558 (Ngāitawake)**

[52] This applicant has not filed a memorandum and counsel is directed to attend by VMR the 29 July 2025 CMC and provide an update.

**CIV-2017-404-563 (Te Rūnanga o Ngāti Whatua)**

[53] No directions are sought.

**CIV-2017-404-577 (Ngāti Rahiri and Ngāti Kawa)**

[54] No directions are sought.

**Interested parties**

*Channel Infrastructure Limited, Port Nikau Joint Venture; Langs Beach Society Inc and Northport Limited, Marsden Cove Cannels Management Limited and Fletcher Concrete and Infrastructure Limited*

[55] Counsel are excused from attendance at the 29 July 2025 CMC.

*Te Roroa Whatu Ora and Manawhenua Trusts*

[56] No orders are sought.

*Ngāti Rehia*

[57] No orders sought.

*Ngā Uri o Tohu Kākahi; Sailor Morgan on behalf of Ngāti Ruamahue Hapu and Waitaha Executive Grandmother Council*

[58] Counsel for these applicants have not filed an updating memorandum. They are directed to attend by VMR the CMC on 29 July 2025.

### **Attorney-General**

[59] 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.

[60] 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.

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

### **Discussion**

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

[63] 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.

[64] 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:

Tamaki Legal Limited, Manurewa for Rōpu o Rangiriri  
Temata Law, Auckland for Te Ihutai Ki Orira  
Black Law, Auckland for Nga Hapu o Taiaimai ke te Marangāi  
Ngātahi Law, Auckland for Ngāti Rangi and Ngāti Manu  
Corban Revell, Auckland for Te Waiariki, Ngāti Korora and Ngati Takapari  
Oranganui Legal, Wellington for Te Hikutu  
Loader Legal, Auckland for Ngāti Tū ki Ngāpuhi  
Hockly Legal, Auckland for Rewha and Reweti Whānau  
Whaia Limited, Wellington for Te Rūnanga o Whaingaroa and Te Rūnanga o Te Rarawa  
McCaw Lewis, Hamilton for Parengarenga A Incorporation  
Tukau Law Limited, Kaikohe for Te Aupōuri  
Ara Moana Law, Waiuku for Taniwha  
Henderson Reeves, Whangārei for Te Whanau Whero  
Wackrow Panoho and Associates, Auckland for Ngāti Kuta and Patukeha ki te Rawhiti  
Manaia Legal, Auckland for Whānau of Ohawini of Ngātiwai, Ngā Uri o Pita Kino, Whangaroa  
Ngāiotonga Trust and Haika, Hetaraka, Leuluai and other Mokau Whānu  
Te Aro Law Ltd, Wellington for Te Parawhau  
Ocean Law, Nelson for Ngātiwai Trust  
Dixon and Co Lawyers, Auckland for Patuharakeke Te Iwi  
T M Ulrich Ltd, Hamilton for Te Whanau Moana me te Rorohuri