

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

**I TE KŌTI MATUA O AOTEAROA
KIRIKIROA ROHE**

**CIV-2017-419-000081
CIV-2017-419-000084**

UNDER Marine and Coastal Area (Takutai Moana)
Act 2011

IN THE MATTER OF An application by STANLEY RAHUI PAPA
for and on behalf of NGAA HAPUU ME
NGAA MARAE O TE TAKUTAI MOANA
O WAIKATO-TAINUI seeking orders
recognising customary marine title and
protected customary rights
Plaintiffs

IN THE MATTER OF An application by RONALD MIKI APITI,
DIANE BRADSHAW and PHILLIP
MAHARA on behalf of NGATI TE WEHI
seeking orders recognising customary
marine title and protected customary rights
Plaintiffs

AND

ATTORNEY-GENERAL
Interested Party

NGĀTI MAHUTA
Interested Party

NGĀTI APAKURA
Interested Party

WAIKATO REGIONAL COUNCIL
Interested Party

WAIKATO DISTRICT COUNCIL
Interested Party

SEAFOOD INDUSTRY
REPRESENTATIVES
Interested Party

COUNCIL OF OUTDOOR RECREATION
ASSOCIATIONS OF NEW ZEALAND
INCORPORATED
Interested Party

LANDOWNERS COALITION
INCORPORATED
Interested Party

Hearing: On the papers

Counsel: D M Stone and H C Clatworthy for Ngati Te Wehi
J P Ferguson for Waikato-Tainui (for Ngāti Whakamaruarangi)
R A Siciliano and C Ratapu for Ngāti Mahuta
T H Bennion for Ngāti Apakura
G L Melvin and A B Goosen for Attorney-General
A M B Green and E S Greensmith-West for Waikato District
Council
C E Bulow for Waikato Regional Council

Date of minute: 9 December 2025

MINUTE OF ANDREW J

- [1] I thank counsel for their joint memorandum dated 5 December 2025.
- [2] The Court is grateful for the constructive proposals agreed to.
- [3] By consent, I make the following orders and directions:
- (a) That the evidence before the Court in the first Stage 1 proceeding is to be admitted in the rehearing pursuant to s 9(1)(b) of the Evidence Act 2006;
 - (b) That the Registry allocate a five-day hearing in the last quarter of 2026;
 - (c) The applicants are to file and serve any additional affidavit evidence no later than **30 working days** before the hearing date, which witnesses should be made available for cross-examination at the hearing;

- (d) That the Attorney-General is to prepare, file and serve an electronic additional common bundle of documents no later than **20 working days** before the hearing date;
- (e) Any notice requiring a witness to be produced for cross-examination is to be filed and served **20 working days** before the hearing date;
- (f) The applicants are to file and serve their opening submissions no later than **10 working days** before the hearing date; and
- (g) The interested parties are to file and serve their opening submissions no later than **five working days** before the hearing date.

[4] I note that the Waikato Regional Council has engaged with the applicant groups on the issue of the boundary of the rehearing and whether that excludes from the rehearing, the Pakoka boat ramp. I record that Ngāti Te Wehi and Ngāti Whakamaruarangi have confirmed to the Waikato District Council that from their standpoint, the boundaries of the first Stage 1 hearing will remain the same for the rehearing. That would, of course, exclude the boat ramp.

Andrew J

Solicitors:

McCaw Lewis, Hamilton
Te Mata Law, Hamilton
Crown Law, Wellington
Bennion Law, Wellington
Brookfields

Counsel:

J P Ferguson
C E Bulow