

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

**I TE KŌTI MATUA O AOTEAROA
WHANGĀREI-TERENGA-PARĀOA ROHE**

CIV-2017-485-305

UNDER	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER	of an application for an order recognising Customary Marine Title and Protected Customary Rights
BY	Tamihana Paki on behalf of Te Parawhau (CIV-2017-485-000305)
BY	Korokota Marae on behalf of Te Parawhau Hapū (CIV-2017-485-799)
BY	Patuharakeke Te Iwi Trust Board (CIV-2017-485-281)
BY	Stephen Panoho on behalf of Te Rae Ahu Whenua Trust (CIV-2017-485-239)
BY	Te Rūnanga o Ngāti Whātua on behalf of Ngāti Whātua (CIV-2017-404-563)
BY	Pereri Mahanga on behalf of Te Waiariki, Ngāti Korora, Ngāti Takapari (CIV-2017-404-566)
BY	Ngatiwai Trust Board on behalf Ngatiwai (CIV-2017-485-283).
BY	Kare Rata on behalf of Ngā Hapū o Ngāti Wai (CIV-2017-404-554)
BY	Louise Collier on behalf of Ngāti Kawau and Te Waiariki Korora (CIV-2017-485-398)
BY	Te Tawharau o Ngāti Pūkenga o behalf of Ngāti Pukenga (CIV-2017-485-250)

Continued: .../2

BY Te Rūnanga o Ngāti Hine on behalf of Ngāti Hine
(CIV-2017-485-231)

BY Elvis Reti on behalf of the Reti Whānau
(CIV-2017-485-515)

BY Maia Honetana on behalf of Ngāti Tu ki Ngāpuhi
(CIV-2017-404-573)

BY Waimarie Kingi on behalf of Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai (CIV-2017-404-579)

BY Joseph Kingi on behalf of Ngāpuhi Nui Tonu, Ngāti Rahiri, Ngā Tahuhu and Ngaitawake
(CIV-2017-404-537)

INTERESTED PARTIES The Attorney-General
J Kingi on behalf of Ngāpuhi hapū and Ngāpuhi-nui-tonu (MAC-01-01-50)
Channel Infrastructure NZ Ltd
Marsden Cove Canals Management Ltd
Northport Ltd
Fletcher Concrete and Infrastructure Ltd (Golden Bay)
Marine Park Ltd and Port Road Ltd trading as Port Nikau Joint Venture; and Waka Kotahi NZ Transport Agency
Langs Beach Society

Hearing: 17 March 2026

Appearances: C Hockly for Te Parawhau
M Enright for Te Parawhau Hapu
J Kahukiwa for Te Waiariki, Ngāti Korora, Ngāti Takapari
T Talamaivao and K Dixon for Patuharakeke Te Iwi and on instructions from M Sharp for Nga Hapu o Ngati Wai Iwi
T Afeaki for Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai
B Loader for Ngāti Tu ki Ngāpuhi
J Inns for Ngātiwai
N Johnson for Ngā-Puhi-nui-tonu, Ngāti Kawau & Te Waiariki Korora and Reti Whanau
H Swedlund for Te Rae Ahu Whenua Trust and on instructions from T Bennion for Ngāti Pukenga
H Jamieson for Ngati Hine
N Johnson for Ngā-Puhi-nui-tonu

J Golightly for Northport, Marsden Cove and Golden Bay Cement
C Simmons for Channel Infrastructure and Port Nikau
G Mathias for Langs Beach Society Incorporated
R Roff and Y Moinfar-Yong for Attorney-General
D Naden & H Fletcher for Ngāti Tara, Ngāti Kauwau, Ngāti Awa
and on instructions from T Castle for Ngāti Kura at Matauri and
from T Urlich for Te Whānau Moana, Te Rorohuri &
Haititaimarangāi Marae Trust
E Rongo for Te Hikutu Hapū
W Gucake for Ngāpuhi/Ngāti Kahu ki Whāingaroa
T Afeaki for Ngā Hapū o Ngāti Kahu
M Sreen for Ngāti Mokokohi, Te Tahawai, Te Uri-o-Te-Aho,
Ngāti Ruamahue, Te Uri o Hua, Ngāti Rehia and Ngāti Torehina

Date: 17 March 2026

MINUTE OF HARVEY J

[1] I refer to counsels' memoranda and oral submissions raised during the case management conference held on 17 March 2026. I note that with one exception, the parties agreed (or confirmed that they would abide) a reassignment, in part, of the proposed Ngāti Tara and related applicants hearing scheduled to commence on 12 April 2027, to the rehearing of the Whangārei Harbour and Whangārei Coast applications currently part heard. Parties represented by Phoenix Law opposed that approach on the basis that they cannot secure the services of an historian to assist with their evidence preparation in time for an April 2027 hearing.

[2] In addition, there was no agreement on whether Whangārei Harbour and Whangārei Coast rehearing should be held together or within the same hearing programme to follow consecutively. There was also an absence of agreement as to how any hearing time might be allocated within the rehearing framework. Mrs Golightly for Northport had submitted a proposal for how the hearing schedule might be allocated. A request was made by Mr Kahukiwa for the Court to issue a direction inviting further submissions from counsel as to the shape of the rehearing programme.

[3] After taking account of counsels' submissions, my preliminary view is that the most efficient approach to the Whangārei Harbour and Whangārei Coast rehearsals is that they be held consecutively. The issue then becomes what part of the rehearing

programme to allocate to each. While there will be challenges for counsel and their clients in terms of preparation, and in the context of specific evidence needed to support their applications, the legal issues surrounding both the Whangārei Harbour and Whangārei Coast will overlap significantly.

[4] Put another way, if four weeks (or possibly five if necessary) are assigned to the Whangārei Harbour and Whangārei Coast rehearing, it would make sense to avoid duplication and deal with the legal issues in closing submissions comprehensively in a consolidated manner, notwithstanding differences in location. In this context, I also note the understandable desire of Ngāti Tara and related applicants desire to maintain as much of their currently allocated hearing time as possible so that their claims might be properly heard. I can intimate at this early stage that it is likely another Judge will be assigned to hear those claims.

[5] Before any further decisions can be taken regarding the rehearing programme, estimates of likely hearing time required will need to be filed. I acknowledge that there will be challenges with estimating hearing time needs accurately, but it would assist if counsel could provide their best estimates. Counsel should confer to consider both their hearing requirements in terms of allocated hearing days and the shape of the proposed Whangārei rehearing programme as soon as possible. Proposed filing deadlines should also be included. Counsel are directed to file and serve submissions on these matters within three weeks from the date of this minute.

[6] Regarding the Patuharakeke consolidation application, Ms Talamaivao submitted that this can be dealt with on the papers. She also made submissions in response to those of Mrs Golightly regarding the suggestion of a fresh or amended application to take account of the 2025 amendments to the MACA legislation. Ms Talamaivao contended that the amendments did not affect procedural matters like consolidation. Conversely, Mrs Golightly argued that a fresh application and further submissions to take account of the amendments was required. She also submitted that the proper time for submissions on consolidation would be at the closing of the rehearing. The application will be dealt with on the papers. If Mrs Golightly wishes to file any further submissions on this matter, these must be filed within three weeks from today's date. Ms Talamaivao will have a further three weeks to file any reply.

[7] As to the status of the evidence and submissions already on the Court file for Whangārei and Whangārei Coast, a pragmatic approach would suggest that the Court and counsel should continue to draw upon that material as a matter of course, subject to further submissions and evidence to be filed regarding the rehearing.

[8] Once counsels' submissions have been filed a further minute may then be issued along with a direction for a further case management conference.

Harvey J