

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

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

**CIV-2017-404-481
CIV-2017-485-221
CIV-2017-485-224
CIV-2017-485-232
CIV-2017-485-259
CIV-2017-485-260
CIV-2017-485-267
Group M Stage 1(a)**

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

IN THE MATTER OF an application for orders recognising Customary Marine Title and Protected Customary Rights

On the Papers

Minute: 1 December 2023

**MINUTE OF GWYN J
(Stage 1(a) Timetable for evidence regarding wāhi tapu)**

[1] Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011 (Act) provides that one of the rights conferred by a customary marine title (CMT) order is a right to protect wāhi tapu and wāhi tapu areas.¹ Under s 78 of the Act a customary marine title group may seek to include protection of a wāhi tapu or wāhi tapu area in a CMT order.² A “customary marine title group” is defined as a group that has been awarded CMT.

[2] As I directed during the course of the Stage 1(a) hearing, the evidence that will be necessary to establish that a relevant site(s) is a wāhi tapu or wāhi tapu area

¹ Marine and Coastal Area (Takutai Moana) Act 2011, s 62(1)(c).

² Section 78(1).

and to address the matters set out in s 78(2)(a) and (b) of the Act, will be heard during the Stage 1(b) hearing.

[3] I appreciate the practical difficulty involved for the applicants in preparing this evidence in the absence of the Court's judgment as to whether they have been awarded CMT. I can indicate that it remains my intention to issue the substantive judgment on the Stage 1(a) hearing before the Court's Christmas vacation. In the meantime, it is necessary to set a timetable for the filing of that evidence to cover the eventuality that CMT orders will be granted.

[4] The Greater Wellington Regional Council, the Hutt City Council and the Carterton District Council have previously indicated that they would wish to be heard in respect of any CMT orders, including wāhi tapu protection rights, principally to ensure that any orders made are clear and workable. It may be that other third parties would also wish to be heard.

[5] Accordingly I set the following timetable in relation to wāhi tapu evidence:

- (a) The applicants are to file and serve their evidence by **5.00 pm on 19 January 2024.**
- (b) Any evidence in reply is to be filed and served by **5.00 pm on 5 February 2024.**

Gwyn J