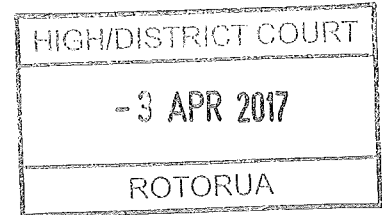


CIV 2017- 485-278

IN THE HIGH COURTS OF NEW ZEALAND  
AUCKLAND REGISTRY



CIV-2017-

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by LARRY  
DELAMERE of  
WHAKATOHEA OPOTIKI  
for an order recognising  
Customary Marine Title  
and Protected Customary  
Rights  
Applicant

AND

The Attorney General in  
right of the Crown

---

LARRY DELAMERE APPLICATION TE WHANAU A APANUI HAPU  
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND  
COASTAL AREA (TAKUTAI MOANA) ACT 2011

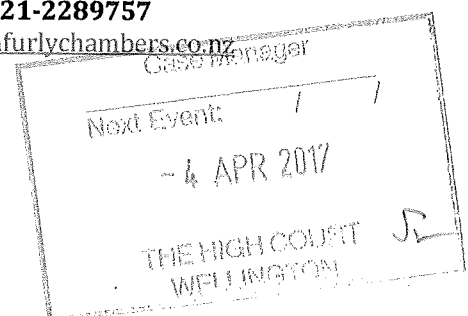
DATED 1<sup>ST</sup> April 2017

---

Foster Milroy  
Solicitors  
Principal: Mark Milroy  
4 Knox Street  
P.O. Box 207  
Hamilton Central  
Hamilton  
3204  
Phone: 07-8388020  
Email: [mark@fmlawyers.co.nz](mailto:mark@fmlawyers.co.nz)

Counsel Acting:  
C Hirschfeld/T Sinclair/B Tūpara  
Ranfurly Chambers  
Barristers-at-Law  
10 Kaihu Street  
Northcote  
Auckland  
0627  
Mobile: 021-2289757

Email: [charl@ranfurlychambers.co.nz](mailto:charl@ranfurlychambers.co.nz)



AD DB

**To:** The Registrar of the High Court at Auckland;

**and to:** The Solicitor General on behalf of the Attorney-General.

**This document notifies you that:**

1. **LARRY DELAMERE** will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act") to recognise the customary marine title and protected customary rights of the TE WHANAU A APANUI HAPU as;
  - a. Te Whanau a Pararaki - Robert Grace
  - b. Ngati Paeakau - Larry Delamere
  - c. Te Whanau a Haraawaka - Roka Cameron
  - d. Te Whanau a Tolhau/HineTeKahu - Danie Craven Poihipi
  - e. Te Whanau a Hikanukutai - Fred Poihipi (Tapa Poihipi)
  
2. Whanau A Apanui hapu are to be consulted widely and may be included as additional to this application.

**Protected Customary Rights**

3. Whanau A Apanui Hapu ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna; whaling overlaps between Whitianga and Maraenui from 1835 to 1939 is but one example of our Coastal use of resources. Mr. Delamere grandfather was the last harpoonists to take whales (two) in Maraenui Bay.

**The Applicant Group:**

4. Whanau A Apanui Hapu whakapapa to Apanui Ringamutu. Apanui Ringamutu is the founding tipuna. He had 15 sons. The applicant area is Whanau A Apanui. This application is for and on behalf of Whanau A Apanui hapu.

**Area to which the application relates:**

5. The area to which this application relates is the common marine and

Handwritten initials 'LD' and 'DB' in the bottom right corner of the page.

coastal area (as defined in s9 of the Act) that is bounded:

- a. on the landward side by the line of mean high-water springs of the main island and other islands in Eastern Bay of Plenty
- b. on the seaward side by the outer limits of the territorial sea; out past Whakari White Island which lies 27 kilometers from the mainland. Fishing activities went approximately another 20 kilometers further North East Whakari White Island.
- c. From the point at Hawaii from the Waipuna Stream eastwardly along the Eastern Bay Coast to 4 kilometers South East of Lottin Point.

6. The area includes the common marine and coastal area surrounding the following islands:

White Island - Whakari

Several Sea Floor Trenches throughout the Whanau A Apanui Coastal region - common knowledge exist of the common variety of fish harvested and fished from such trenches.

Grounds on which the protected customary rights order is sought:

7. The grounds on which this order is sought are that :
  - a. Whanau A Apanui Hapu being a coastal group has relied heavily on the their takutai moana for social cultural economic purposes and a list of activities, uses; and
  - b. Whanau A Apanui Hapu has historically and to the present day exercised continued rangatiratanga over such area to the extent that 93% of their Coastline is still owned by Whanau A Apanui Hapu; and
  - c. Whanau A Apanui Hapu also undertakes the following activities in the common marine and coastal area: *necessary for travel, trade, bird catching - snaring, harvesting plants, shrubs & tree material, gathering resources for rongoa purposes, gathering of Titi at Whakari and other customary activities including commercial.*

- d. Whanau A Apanui Hapu has undertaken these activities since prior to 1840 and continues to undertake these activities in the application area, *albeit in some instances using modern equipment, and in accordance with tikanga.*
8. Whanau A Apanui Hapu will deliver further evidence once funding for research and legal representation is secured.

**Grounds on which the customary marine title application is made:**

9. The grounds on which this order is sought are that :
- a. Whanau A Apanui Hapu has held the application area in accordance with tikanga since before 1840
  - b. Whanau A Apanui Hapu has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
10. Whanau A Apanui Hapu will deliver more information once funding for research and legal representation is secured.

**Contact Details:**

11. LARRY DELAMERE for APPLICANT HAPU is:

c/- Charl Hirschfeld  
10 Kaihu Street  
Northcote  
Auckland 0627

12. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of LARRY DELAMERE.

*Opotiki*  
Dated at ~~Auckland~~ on the 1<sup>st</sup> day of April 2017



LARRY DELAMERE.



**AUTHORITY TO ACT IN RELATION TO THE COASTAL AND MARINE AREA ACT  
2011 (instructing solicitor and counsel)**


Whereas I have signed an authority to act for counsel with then an instructing solicitor to be nominated by me I instruct the following to be respectively my instructing solicitor (Foster Milroy) and Charl Hirschfeld and others of his chambers to be counsel

**Foster Milroy  
Solicitors  
Principal: Mark Milroy  
4 Knox Street  
P.O. Box 207  
Hamilton Central  
Hamilton  
3204  
Phone: 07-8388020  
Email: [mark@fmlawyers.co.nz](mailto:mark@fmlawyers.co.nz)**

**Counsel Acting:  
C Hirschfeld/T Sinclair/B Tūpara  
Ranfurly Chambers  
Barristers-at-Law  
10 Kaihu Street  
Northcote  
Auckland  
0627  
Mobile: 021-2289757  
Email: [charl@ranfurlychambers.co.nz](mailto:charl@ranfurlychambers.co.nz)**

For the avoidance of doubt Charl Hirschfeld will be leading the case and he will be remunerated by me unless I instruct otherwise. I also instruct that the court proceedings in this case be filed in the Auckland High Court.

My contact details are as follows:

Name: LARRY TAKAMOANA DELAMERE  
Email: c/o Houpoto.te.pua@gmail.com  
Phone: 021 0511 845 - 09 482 3577  
Address: 90B Birkdale Road, Auckland 0626  
Signed:   
Date: 31 March, 2017

As the undersigned above I understand that the instructions relate to

- Customary marine title and protected customary rights concerning my iwi, hapū or whānau under legislative recognised relationships in connection with certain parts of the marine and coastal area. *THE WHANAU A APANUI APPLICATION*

*AD DB*