

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

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

CIV-2011-485-817

IN THE MATTER OF 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 the late Claude Augustin Edwards
 (deceased), Adriana Edwards and
 others on behalf of Te Whakatōhea

Counsel: T Sinclair and B Cunningham for Te Whakatōhea; Hiwarau C,
 Turangapikitoi, Waiotahe, and Ohiwa of Whakatōhea;
 Pakowhai Hapū; and Whānau a Apanui
 C Linstead-Panoho and T K Williams for Ngāi Tamahaua and
 Te Hapū Titoko o Ngāi Tamahaua
 N Coates for Te Whānau a Apanui
 E Rongo for Ngāti Torere and Ririwhenua Hapū
 C Leauga and D Stone for Whānau a Te Harawaka
 B Lyall for Te Ūpokorehe Trust
 M Sinclair, M Sharp and J Waaka for Ngāti Muriwai Hapū
 C Hirschfeld for Ngāti Huarere ki Whangapoua
 (watching brief only)
 A Warren and K Ketu for Whānau a Mokomoko
 H Irwin-Easthope for Te Rūnanga o Ngāti Awa
 A Sykes and C Dougherty-Ware for Ngāti Ira o Waiōweka Rohe
 T Bennion for Ngāti Patumoana
 J Pou for Whakatōhea Māori Trust Board
 T Castle for Ngāi Taiwhakaea (watching brief only)

Interested Parties:

 K Feint QC for Ngāti Ruatakenga
 R Roff, R Budd and S Gwynn for Attorney-General
 C Finlayson QC, A Dartnall and S Eldridge for Landowners
 Coalition Incorporated
 M Jones for Whakatane District Council
 T Reweti for Bay of Plenty Regional and Ōpōtiki District Councils
 A Williams for Seafood Industries Representatives

Minute: 8 October 2020

MINUTE (NO. 30) OF CHURCHMAN J

[1] By notice of partial discontinuance of originating application dated 7 October 2020, Mr Larry Delamere, the applicant in CIV-2017-485-278, on behalf of Te Whānau a Apanui hapū, filed a notice of partial discontinuance.

[2] The partial discontinuance related to that part of his application regarding Whakaari Island.

[3] Initially the priority application overlapped with those parts of Mr Delamere's application along the eastern Bay of Plenty coast to the east of Hawai. As a result of the amendment of that application, there is now no overlap between Mr Delamere's application and that of the priority applicant along the eastern Bay of Plenty coastline.

[4] Following discussion with the other applicants affected by the Whakaari component of Mr Delamere's application, he has advised the Court that in the interest of maintaining good relations with those iwi, he has discontinued that part of the application relating to Whakaari.

[5] No parties involved in these proceedings have raised any issue as to costs in respect of the partial discontinuance.

[6] Accordingly, leave to partially discontinue the application in relation to Whakaari is granted. Mr Delamere will now play no further part in these proceedings.

Churchman J