

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

No: CIV:

CIV-2017-404-529

UNDER THE

Marine and Coastal Area  
(Takutai Moana) Act 2011,  
Section 98 and 100

AND

IN THE MATTER

of an application by **Nuki Aldridge (Nicholas Smith)**, on behalf of **Te-Whānau-ō-Rataroa**, of Whangaroa, for a recognition order recognising Customary Marine Title

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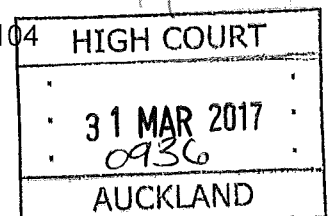
**Originating Application on Notice for Recognition Orders  
Pursuant to the Marine and Coastal Area (Takutai Moana) Act  
2011**

**Dated: 31 March 2017**

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**TamakiLegal**  
Barristers & Solicitors

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To the Registrar of the High Court at **Auckland**

and

To the **Far North District Council, Northland Regional Council**, and the  
**Solicitor General** on behalf of the Attorney General

**This document notifies you that —**

1. The applicant **Nuki Aldridge (Nicholas Smith)** will on 31 March 2017 apply to the court for a recognition order under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”).
2. The applicant will seek a recognition order for Customary Marine Title (“CMT”) under the requirements of s 58 of the Act.
3. The applicant will seek a recognition order for Protected Customary Rights (“PCR(s)”) under the requirements of s 51(1) of the Act.

**The Applicant Group**

4. The applicant group is Te-Whānau-ō-Rataroa, a whānau of Ngāti Uru, Ngāti Pakahi and Te Tahawai of Ngāpuhi.
5. Te-Whānau-ō-Rataroa are located at Whangaroa.

**Representative of Applicant Group**

6. The person who will be the representative of the applicant group and the holder of the order is Nuki Aldridge.

**Contact Details**

7. Contact details for the named representative, Nuki Aldridge, are as follows:

- i. Telephone number:
  - ii. Mailing Address: PO Box 91, Kaeo 0448,
  - iii. Email: [rataroa2@gmail.com](mailto:rataroa2@gmail.com).
8. Contact details for Te-Whānau-ō-Rataroa are as follows:
- i. Telephone number: 021 02680918
  - ii. Mailing Address: PO Box 91, Kaeo 0448
  - iii. Email: [kaiarataki.ngapuhi@gmail.com](mailto:kaiarataki.ngapuhi@gmail.com).

### **Specific Area to which Application Relates**

9. The common marine and coastal area (as defined in s 9 of the Act) to which this application relates is the area that is bounded:
- a. On the landward side by the line of mean high-water springs;
  - b. On the seaward side by the outer limits of the territorial sea;
  - c. On the north-western side by a line that extends from the coast abutting Taupuke Point<sup>1</sup> to the outer limits of the territorial sea;
  - d. On the south-eastern side by a line that extends from the coast abutting Taupaki Pā and Waikukupa Reserve<sup>2</sup> to the outer limits of the territorial sea;

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<sup>1</sup> Longitude 173.718996 and Latitude -35.070469.

<sup>2</sup> Longitude 173.739252 and Latitude -35.085782.

- e. And every area of the common marine and coastal area within those four boundaries.

("the specified area")

10. The area includes the common marine and coastal area surrounding Mahinepua Island.
11. A map of the specified area is at **Page 2** of the Exhibit accompanying the affidavit of Nicholas Smith.
12. The applicant group reserves the right to amend the specified area in light of any further evidence and/or historical research that may arise in the course of these proceedings.

#### **Grounds for CMT Application**

13. The applicant group holds the specified area in accordance with tikanga.
14. The applicant group has exclusively used and occupied the specified area from at least 1840 until the present day.
15. Title to the specified area has not been extinguished as a matter of law.
16. Further grounds in support of the CMT application are contained in the **attached** affidavit of Nicholas Smith, these further grounds include that:
  - a. The applicant group owns land abutting the specified area and have done so, without substantial interruption, from 1873 to the present day; and
  - b. The applicant group and its members exercise non-commercial customary fishing rights in the specified area, and have done so from 1873 to the present day.

## **Description of PCRs**

### *Access to Mahinepua Island*

17. The applicant group have harvested tio (oysters) located on Mahinepua Island.
18. The applicant group have also fished (kahawai, snapper, kingfish, parore, and trevalley), dived, harvested, and gathered mutton birds from Mahinepua Island and its surrounds.
19. The applicant group requires access to Mahinepua Island to continue exercising these customary rights.

### *Access to Taupo Bay*

20. The applicant group have oyster and mutton-bird reserves in Taupo Bay.
21. The applicant group also have rights to get koura and fish from the moana in Taupo Bay.
22. The applicant group had a right of way to access and exercise these rights in Taupo Bay.
23. The applicant group requires access to Taupo Bay to continue exercising these customary rights.

### *Kaitiaki*

24. The Applicant Group have practiced kaitiaki responsibilities in and around the specified area.
25. The kaitiaki role involves, in part, the passing on of Maori lore and ecological wisdom to the younger generations.
26. The kaitiaki role of the Applicant Group also involves conservation, protection and supervision of the specified area.

27. The Applicant Group requires access to the specified area so that its members can continue this customary supervisory and protective role.

**Grounds for PCR Application**

28. The PCRs, described above at paragraph [17-27], have;
- a. Been exercised before and since 1840;
  - b. Continued to be exercised by Te-Whānau-ō-Rātāroa in accordance with tikanga; and
  - c. Not been extinguished as a matter of law.

**Affidavit in Support of Application**

29. As stated above, the application is accompanied, and supported by, the affidavit of Nicholas Smith.

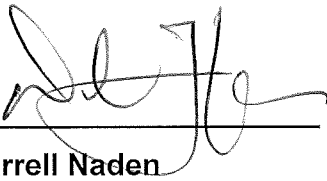
## Memorandum

This document is filed by Darrell Naden, Solicitor for the applicant group, of the firm Tamaki Legal Limited. The address for service of the applicant group is at the offices of Tamaki Legal Limited, AMI Building, 15 Osterley Way, Auckland, 2104, New Zealand.

Documents for service on the applicant may be left at that address for service or may be –

- posted to the Solicitors at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the Solicitor at [darrell@tamakilegal.com](mailto:darrell@tamakilegal.com)

Date: 31/03/2017



A handwritten signature in black ink, appearing to read 'Darrell Naden', is written over a horizontal line.

**Darrell Naden**

**Solicitor for Applicant**