



DRAFT CONSOLIDATED BYLAWS AND DOG CONTROL POLICY 2019

HEARING

Order Paper for meeting to be held at
Council Chambers, Opotiki District Council
108 St John Street, Opotiki

Wednesday 24 June 2020, 9.00am

MEMBERSHIP

Mayor Lyn Riesterer (Chair)
Cr. Shona Browne
Cr. Debi Hocart
Cr. Barry Howe
Cr. David Moore
Cr. Steve Nelson
Cr. Louis Rāpihana

AGENDA ITEMS

The Order Paper is as follows:

1. Conflicts of interest (members to declare conflicts, if any)
2. Apologies
3. Late items
4. **Submissions on Draft Consolidated Bylaws and Dog Control Policy 2019**

TO Ōpōtiki District Council hearings panel
FROM Gerard McCormack, Planning and Regulatory Group Manager
DATE Wednesday 24 June 2020
SUBJECT **Draft Consolidated Bylaws and Dog Control Policy 2019 submissions**

FOR INFORMATION

Recommendation

That the hearings panel:

1. receives the submissions on the Draft Consolidated Bylaws and Dog Control Policy 2019
2. notes that 92 submissions were received
3. notes that of the submissions received, three were received late
4. notes that of the submissions received, 27 submitters requested to be heard by the hearings panel and five of those submitters were unable to attend the hearing at the specified date and time. Three speakers had not confirmed whether they were or were not able to attend the hearing at the time this report was written.

Purpose

The purpose of this report is to provide the hearings panel with a summary of the submissions received on the Draft Consolidated Bylaws and Dog Control Policy 2019 (the Bylaws).

92 submissions were received. Three of the submissions were received after the closing date of Friday 28 February 2020. The number of submissions received in relation to each part of the Bylaws is detailed below:

Section of the Bylaws	Number of submissions received
Part 1, Introduction	0
Part 2, Amenity	0
Part 3, Public Places	0
Part 4, Beaches	88
Part 5, Cemeteries	0
Part 6, Control of Signs	0
Part 7, Alcohol Control	2
Part 8, Animal Control	10
Part 9, Dog Control	25
Part 10, Solid Waste	0
Part 11, Trade Waste	0
Part 12, Water Supply	0
Part 13, Traffic	0
Part 14, Speed Limits	0
Dog Control Policy	3

Please note that several submissions related to more than one part of the Bylaws, so the table above totals more than 92. Six of the submissions received were outside the remit of the Bylaws.

Although no submissions were received that specifically related to Part 14, Speed Limits, four of the submissions received in relation to Part 4, Beaches do mention speed limits on beaches.

Schedule 1 is a table of contents of all submissions received.

Schedule 2 is a timetable of those that wished to speak to their submission.

Schedule 3 are full copies of all submissions; informal feedback that was received prior to consultation and comment threads from relevant Facebook posts.

Deliberations on the submissions will commence after the hearing has concluded.

SCHEDULE 1: TABLE OF SUBMISONS RECEIVED

SUBMISSION	NAME	PAGE #	SUBMISSION	NAME	PAGE #
1	Julie Deeley	1	47	Kerry Knight	59
2	Meg Collins	3	48	Kerry Knight (duplication of Submission 47)	60
3	John Dickson	5	49	Marsh Moore	61
4	Murray McIntyre	6	50	David Rendall	63
5	Steve Lowry	7	51	Andrew Glaser	67
6	Glenda Lawrance	8	52	Karen Standen	68
7	Tareha Walker Snr	9	53	Laurie and Kerry Gardiner	70
8	Joseph Howe	10	54	Karen Standen (duplication of Submission 52)	72
9	Jay Jerry	11	55	Cynthia Murray	74
10	Rachel Rangī	12	56	David Rendall (supplementary to Submission 50)	75
11	Hasley Moore	13	57	Brendon Verhroeff	76
12	Derek Jones	14	58	Kerry Knight	77
13	Julie Deeley	15	59	Nora Moore	78
14	Julie Deeley (supplementary to Submission 13)	16	60	Fiona Reeve	79
15	Waimaria Ropotini	17	61	Carole Palveka	80
16	Jim Robinson	18	62	Lynne Hickling	81
17	Todd and Nola Morgan	19	63	Bob Wickham	82
18	Julie Deeley (supplementary to Submission 13)	20	64	Steve Impey	88
19	Wade Carter	21	65	Bay of Plenty Regional Council	89
20	Jordan Matthews	22	66	Stephen Turfrey	100
21	Michael Collins	23	67	Kerry Knight	101
22	Chris Donkin	24	68	Tim Senior	102
23	Paul Galley	25	69	Grant Fraser	106
24	Billy Sherman	26	70	Coral Chalmers	107
25	Shane	27	71	Peter and Louise Maple	108
26	John Forbes (includes additional information)	28	72	Forest & Bird – Eastern Bay Branch	110
27	Lorraine Steel	33	73	Department of Conservation	121
28	Roger Brewster	34	74	Michael Corboy	127
29	Vaughan Demant Murry	39	75	Michael Snelgrove	130
30	Jayden	40	76	George and Marlene Whitmore	132
31	Maureen Mitchell	41	77	Karen Wealleans	133
32	Alex Jones	43	78	New Zealand Beekeeping	134
33	Cassie Jones	44	79	Mithuna Sotheison	135
34	Harold Deeley	45	80	Gill Browne	136
35	Christopher Torrens	46	81	Grant Fraser	138
36	Glenn Phipps	47	82	Kirk Martinsen	139
37	Bosun Shelford	48	83	Karen Martinsen	140
38	Tony Howe	49	84	Maurice Forbes	141
39	Jon Burchett	50	85	JJ Cornwell	142
40	Kevin Welsh	51	86	David Briscoe	143
41	Nola Gold	52	87	Te Ehuu Waiariki Helmbright	144
42	Rongopai Kingi	53	88	Tracy Hillier – LATE SUBMISSION	312
43	Bridget Malcolm	54	89	Alex Keith Draper	320
44	Shane Gebert	55	90	Daryl Sheffield	321
45	Tangiahua Churchward	56	91	Bruce Ross – LATE SUBMISSION	322
46	Alan Kelly and Titihuia Rewita	57	92	Ross and Maree Everiss – LATE SUBMISSION	324

SCHEDULE 2: SCHEDULE OF THOSE THAT WISHED TO BE HEARD

SUBMISSION NUMBER	SUBMITTER	PAGE NUMBER	SPEAKING TIME	RESPONSE
OPENING OF HEARING 9.00am				
02	Meg Collins	3	9.10am	Confirmed
21	Michael Collins	23	9.15am	Confirmed
50, 56	David Rendall	61	9.20am	TBC
63	Bob Wickham, speaking with Dennis Omeara	80	9.25am	Confirmed
69, 81	Grant Fraser	104	9.30am	Confirmed
72	Linda Conning – Eastern Bay Forest & Bird	108	9.35am	Confirmed
04	Murray McIntyre	6	9.40am	Cannot attend
15	Waimaria Ropotini	17	9.45am	Cannot attend
17	Todd and Nola Morgan	19	9.50am	Confirmed
26	John Forbes	28	9.55am	Cannot attend
SHORT BREAK/MORNING TEA 10.00 – 10.20am				
28	Roger Brewster	32	10.20am	Cannot attend
65	Stephen Lamb – Bay of Plenty Regional Council	39	10.25am	Confirmed
36	Glenn Phipps	45	10.30am	Confirmed
38	Tony Howe	47	10.35am	Confirmed
46	Alan Kelly and Titihuia Rewita	55	10.40am	Confirmed
47, 48, 58, 67	Kerry Knight	57, 58, 75, 99	10.45am	TBC
49	Marsh Moore	59	10.50am	Confirmed
55	Cynthia Murray	72	10.55am	Cannot attend
64	Steve Impey	86	11.00am	Confirmed
SHORT BREAK 11.00 – 11.15am				
66	Stephen Turfrey	98	11.15am	Confirmed
68	Tim Senior	100	11.20am	Confirmed
70	Coral Chalmers	105	11.25am	Confirmed
73	Mike Jones – Department of Conservation	119	11.30am	Confirmed
74	Michael Corboy	125	11.35am	Confirmed
85	JJ Cornwell	140	11.40am	TBC
86	David Briscoe	141	11.45am	Confirmed
END OF SPEAKERS CLOSE OF HEARING PANEL DELIBERATION				

SCHEDULE 3: COPY OF ALL SUBMISSIONS, COMMENT THREADS FROM RELEVANT FACEBOOK POSTS AND INFORMAL FEEDBACK RECEIVED

Feedback number	01
Submitters name	Julie Deeley
Do you agree with the approach?	Yes.
Are there aspects that have not been included?	For the dog exclusion zone on Church street we should be explicitly allowed in writing as part of the bylaw to cross over Church street perpendicularly with a leashed dog (for example by walking down Elliott and crossing over Church) to be able to get to the park (Volkner's Island) or other area designated dog exercise area (ie stop banks). Part of the reason for not wanting to have to walk all the way around on High Street or Ford Street is some of streets you would have to walk on to get your dog to the park contain dogs too scary to walk past! Plus it's a bit of a hike to get around Church street if you have to loop all the way around especially for us older people or people in not great health. So crossing over Church Street should be allowed. and should be stated as allowed to avoid confusion.

Submitters Email deeley.julie@gmail.com

Are there other comments you would like to make? I am a dog owner and have been over 20 years, much of it in Ōpōtiki. I am on my fifth dog. I'd like to see better enforcement of leash bylaws and local education on the same. There are too many loose dogs all over which isn't safe for the dogs or people or my dog and I on our walks.

In contrast, during Agfest at Memorial Park people had well behaved dogs on leashes causing no problems to anyone. Well behaved, leashed dogs should be allowed at community functions like Agfest and on the streets. Freely roaming dogs should not. I would really like to see people with well behaved, leashed dogs at other Ōpōtiki community events. I have no problem with dogs being banned at sporting events.

An example of unleashed dogs- yesterday (December 4) at around 11 am a man on a horse riding through Moody Place from the direction of the old ANZ had three loose dogs accompanying him, two of the dogs were tied only to each other. I was there at the table with my pup. I was looking at the first loose dog travelling close behind the horse moving to my right and didn't see the two others come up behind me from the car park. When I turned around they were already only an arm's length away.

The man unsaddled and took a rest in the park then carried on down Elliott and St John streets' footpaths heading South. He was back again today in Moody Place at roughly the same time with some dogs, also loose. In addition there was a loose dog outside the Arts building on King Street and another further up King street; all spotted on a short loop walk a few blocks in length as I was taking with my pup on a training walk in a matter of minutes. Both dogs on King were with people but not leashed.

Imagine the outcome if the two dogs tied together (but otherwise loose) in my earlier example with the horse rider had decided to either play with or get agro with my leashed pup, or worse if all 3 had? I would have had to

have dropped the leash and left my pup to his fate. We were lucky, the tied dogs sniffed mine and I hustled him away. Today we spotted the rider and his dogs in advance and avoided them by reversing course. We similarly avoided the loose dogs on King Street.

Of course there is the even worse possibly the loose dogs could have a go at a person.

Trying to take a dog for a walk on a leash in this town is an undertaking in planning avoidance routes to stay safe. But exercised dogs socialised well with people are well behaved, people friendly pets so it needs to be safe for people to take them. Plus walking dogs is also good for people's health and mental health and the dogs' health too. This means leash laws need to be clear and enforced.

I've spent the last two summers in Canada where my sister owns a black lab dog. Canada's approach to dogs is hugely different to ours. Dogs are allowed in conservation areas, camping areas, public parks on public conservation area walking paths and downtown with very strictly enforced leash and soiling laws and there are also designated free run zones. It is amazing how well provincial park campers (in tents, caravans etc) in close proximity with a dozen dogs all get along so well and there are no dog messes at all! The shops downtown have bowls out for the dogs. However, the laws are enforced and there are active patrols and instant fines. The dogs there seem much better behaved and cared for.

I understand Opotiki is a bit of a special case socio-economically so I can agree with the ban of dogs downtown in Opotiki and I appreciate having the stop banks and island and most beach areas as designated free run areas. In general the dog control bylaw in Ōpōtiki seems sensible with the proviso Church Street can be crossed perpendicularly en route to destinations.

Perhaps more education in the Panui, on community Facebook pages and in the Ōpōtiki news by council around leash laws in Ōpōtiki would help reduce the number of unleashed animals.

**Do you wish to
speak to your
submission?** No

Feedback number	02
Submitters name	Meg Collins
Do you agree with the approach?	see below
Which aspects do you disagree with and why?	see below
Submitters Email	mcollins658@gmail.com
Are there other comments you would like to make?	<p>Opotiki District Council - Vehicles on Beaches.</p> <p>Request a total ban on all motor vehicles. ie quad bikes, motor bikes and SUVs, from Waiotaha Spit to Ohiwa Spit.</p> <p>Only exceptions are for emergency vehicles, and maintenance vehicles for pest control and the like.</p> <p>Reasons why.</p> <ol style="list-style-type: none"> 1. Whakatane and Tauranga Councils have more restricted rules re vehicles on the beaches. Result is many people come here to use and abuse our beach. During the summer visitors are often observed doing wheelies , excessive speed, dangerous driving. with sometimes up to 6 kids on a quad bike with no rego, also driven by a young person. There are in the North Island 17,298 km of urban roads, and 65,000 kms of rural roads. 2. Habitat for birds and other wildlife should be protected, especially the dunes and the ever changing high tide mark. 3. Incompatibility with other recreational users of the beach, such as swimmers, walkers, fisher people, and young people playing in the sand 4. The existing ban on vehicles for a limited season in the summer, has been totally ineffective. The signage was ambiguous was ignored by drivers. This ban was not enforced by Council. 5. Climate change will probably make an impact of the beaches, with greater storm surges. There has been a report commissioned on Climate Change with respect to beaches and also the impact from vehicles driving on them, with the resultant damage and impaction of the sand. <p>We wish to be heard on this submission,</p> <p>Meg Collins Ohiwa Reserves Care Group</p>
Organisation - if applicable	Ohiwa reserves Care Group

**Do you wish to
speak to your
submission?** Yes

Daytime phone 9746510 022 173 3061

Submission number 3

From: Opotiki District Council <do.not.reply@odc.govt.nz>

Sent: Monday, 27 January 2020 3:44 PM

To: @Information Requests <info@odc.govt.nz>

Subject: OPO Website - General feedback ref: OPO-GF-200127-96UBE-31M

OPO Website - General Feedback

Reference: OPO-GF-200127-96UBE-31M

Feedback type: Other feedback

Attachment: not supplied

Contact name: John Dickson

Feedback message

Submission on Review of Opotiki District Council Bylaws and Dog Control Policy

Your submission should include your full name and contact details and state whether you wish to speak at a Council hearing in support of your submission.

I do not wish to speak at a hearing.

1/ Vehicles on beaches --- surely it is high time to prevent any motorised vehicle from driving on our nationally significant and famous taonga - Waiotaha Beach. There is ample beach vehicle access (for launching craft such as contikis and loading driftwood onto trailers etc) VERY nearby. This beach is the most popular with swimmers, tourists, dog walkers and horse riders. There are persistent issues with motorcycle racing and speeding do-nuting 4WD fools. People who intervene are threatened and abused - c'mon Council! Driving on recovering dunes continues! Birdlife is disrupted, as is the peaceable use of the beach by the vast majority of compliant users. I am absolutely stunned that this has not been introduced - as was reported in Opotiki News, people drive here from out of town to drive on this beach --- because in their area it is (sensibly) prohibited! Completely prohibition makes policing easy - ticket offenders. Kia kaha!

2/ There seems to be relaxing of the 'incessant barking' in the Dog Control policy proposal. Surely not? Please, come on --- this is a major issue, effecting sleep and leaving some neighbourhoods tense and angry, which won't end well. What's with that? Dog Control by-laws need tightening up not relaxing. A compliant dog owner. With 2 brown shavers and no roosters!

thanks for considering this feedback --- otherwise, changes seemokayish - logical --- but who has time to read every amendment? Good policy practice is: review policy in a sequenced, systematic and transparent manner: this process can hardly be said to meet that threshold, now can it? Bundled up as time slipped away it appears?

John Dickson

Feedback number 04

Submitters name Murray McIntyre

Do you agree with the approach? We do not agree with the vehicle restriction map in front of Waiotahi Drifts subdivision.

Which aspects do you disagree with any why? Most people that buy a house / section in the Waiotahi Drifts Subdivision to either live or holiday here, do so to enjoy the beach environment which includes fishing and swimming in front of the drifts. Your proposal indicates that no one residing in the Drifts is able to take a quad bike down to the beach in front of where they live/holiday, to fish with a contitiki or launch a dingy/kayak. As residents, we propose that the restricted area does not include the area directly in front of the Drifts. The majority of people who own a house/bach at the Drifts own quad bikes to use on the beach in front of them. It has taken many many years for this sub division to get where it is now and if you bring in this bylaw prohibiting the use of vehicles on the beach in front of the Drifts it will result in a downturn of prospective buyers and people will look for alternative areas to live and play. We would also like to know how you intend to enforce your proposed restrictions. If I am available I would like to speak to my submission

Submitters Email horsehoe20@gmail.com

Are there other comments you would like to make?

Do you wish to speak to your submission? Yes

Daytime phone 0224317302

Feedback number 05

Submitters name Steve Lowry

Do you agree with the approach? Regarding the beach bylaws i agree.

Are there aspects that have not been included?

Submitters Email beachouse82@gmail.com

Are there other comments you would like to make? I have been in contact with council before regarding the beach bylaws without a positive response . Vehicles travel well above the speed limit often in excess of 50kph especially motor cycles and are often driven by small children especially quad bikes. . Even though damaging sand dunes is prohibited 4x4 vehicles have destroyed large amounts of dunes at the eastern end of Waiotaha beach and have created entry exit points to the beach where ever they have wanted. During the summer months many out of town vehicles are causing a nuisance to beach goers and potential danger to anyone playing or walking on the beach. I firmly believe vehicles should not be allowed on the beach. This is a very delicate part of the environment and should be respected as such. Its really not necessary to drive on the beach and having a vehicle free beach like Ohope would be a plus for the area.

Do you wish to speak to your submission?

Feedback number	06
Submitters name	Glenda Lawrance
Do you agree with the approach?	No
Are there aspects that have not been included?	They way this was put to the public. I found out from Facebook after someone had shared it
Submitters Email	glenda.lawrance@gmail.com
Are there other comments you would like to make?	I do not agree to stopping people from driving on the beach. This needs control rather than what is proposed. We use the beach to access the river for kai and the beach also for kai
Do you wish to speak to your submission?	No

Feedback number	07
Submitters name	Tareha Walker Snr
Do you agree with the approach?	I do not agree with the approach. I believe you have lumped too many changes in at once for any good consideration of all of them. I especially disagree with the expanding of the vehicle exclusion zones on our beaches. People need to access traditional kai gathering places. As far as the waiotahi beach access adjacent to the drifts it appears you have excluded vehicles at the whim of the developers of the new subdivision. People have accessed this area for all time for kai. Where is the Maurice monitoring in your policy.
Are there aspects that have not been included?	As above the blanket vehicle exclusion zones. It certainly can't be because of the birds alone. We need access to gather kai.
Are there aspects that haven't been included?	Have you consulted with Hapu and Iwi
Submitters Email	waaka_tt@yahoo.co.nz
Are there other comments you would like to make?	Publicise better and not just a week before the submission closure date.
Do you wish to speak to your submission?	No

Feedback number 08

Submitters name Joseph Howe

Which aspects do you disagree with and why? The vehicle ban in front of the drifts to the bar and also to the floodgates. You are taking away peoples lifestyle gathering wood, whitebaiting, fishing and alot of other things and to make a submission you have to click on 3 or so pages just to get here to write this submission why cant you make it really simple with one link taking you straight here to submissions no wonder people dont put submissions in. We as people from Opotiki voted our councillors in so before even advertising these bylaws i think yous should have to put them through a council meeting with the councillors before even putting them out to the public, we cant have the council staff putting these bylaws ideas in because half of the management dont even live in Opotiki so i think yous should put all this crap through council meetings so the peolle we voted in can have the say on behalf of the people. Cheers

Submitters Email Oceanseafoods@outlook.co.nz

Do you wish to speak to your submission?

Feedback number	09
Submitters name	Jay Jerry
Do you agree with the approach?	NO!
Which aspects do you disagree with and why?	I disagree with the approach and the way in which this was conducted, I disagree with the seclusion Zones banning traffic/horses from stretches of beach/(s) that provide kai, and hauora to whanau within this region. I feel when the council proposes a bylaw for public submission it needs to be clear as mud in who, what, where and how ! To my understanding an I'm sure to many others, when viewing the provided maps they show entire beaches as Redzones ?! But when asking the question to council having given a reply of/along the lines "Sorry this map is not a fair representation of the Rezoned Secluded areas"?! So which is it? Do we follow the maps provided or whatever is voiced across to us, cause if it isn't in writing it's what Judge Judy likes to say "hearsay! baloney!" Sort it out!
Submitters Email	jayjmcxcii@yahoo.co.nz
Are there other comments you would like to make?	Yes, once the maps have been amended displaying accurately the Redzoned areas for Dotterel breeding area's. There needs to be transition zone allowing traffic/horses to pass through to get to their destination. This will mitigate the destruction to bird life and habitat. - Also who will police this? - At what cost to the tax payer? - How does this project benefit the community? - Is their education available for the public why we do this? - What is the infringement if proposed bylaws are breached? - What is the main enemy for dotterels and how do we know?
Do you wish to speak to your submission?	No

Feedback number	10
Submitters name	Rachel Rangi
Do you agree with the approach?	Some
Which aspects do you disagree with and why?	Prohibiting the use of skateboards down church street. skateboarding can be a mode of transport and never personally noticed it to be an issue up town. If there is sufficient evidence of it causing issue I am ok with this by law. prohibiting vehicles on certain beach areas. Has tangata whenua been included in creating this proposal? I agree with dotterel areas being a no go zone for vehicles. Why has the area infront on drifts along the beach area to the river mouth been made a no go zone. If no good reason I do not support. Especially if horses are included as a vehicle. Alcohol ban area is huge. I live about 4 blocks from town and my house is included in the zone. you'd think it would be square around town and drinking premises'?
Submitters Email	rachelj8@outlook.com
Do you wish to speak to your submission?	No

Feedback number	11
Submitters name	Hasley Moore
Do you agree with the approach?	No I do not agree with all of the proposed changes.
Which aspects do you disagree with and why?	All we want as local tangata whenua is access to our Tribal fish gathering locations.these proposed changes Would affect our right to do this. Article 2 of the treaty of waitangi guarantees rights Of Maori exclusive and undisturbed possession of their Fisheries. I agree that people shouldn't be up in the actual dunes Tearing it up and hooning down the beach. There is a big difference between that and law-abiding People going fishing white baiting etc. Either way this goes I will still be taking my children Grand children fishing and white baiting as we did With our tipuna in years gone past NO ONE will be stopping me from doing this. If this goes ahead you will have full scale protest on your Hands.
Submitters Email	Hasley.moore@horizonnetworks.nz
Do you wish to speak to your submission?	No

Feedback number	12
Submitters name	Derek Jones
Do you agree with the approach?	Somewhat
Which aspects do you disagree with and why?	For the last 30 years i have used the eastern end of the waiotahi beach to fish, mainly at the mouth of the waioeka river, i have done so with both my grandfather and mother who have limited mobility, neither would be able to walk the distance from where the proposal allows access, i do agree that the wildlife in the area need protection but in all my years of going to the beach have i seen a nesting bird below the high tide mark. Limit access to the dunes yes, stop all access no.
Are there aspects that have not been included?	There needs to be a little bit of common sense from both beach users and council, we are a seaside community that is having its access to the seaside limited by bylaws
Submitters Email	Derek.e.jones@gmail.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	13
Submitters name	Julie Deeley
Do you agree with the approach?	I disagree with the total ban of vehicles and horses between high and low tide lines in vehicle restricted areas but am ok with total restriction in Dotterel dunes areas and dunes in general.
Which aspects do you disagree with and why?	I disagree with the total ban of vehicles and horses between high and low tide lines in vehicle restricted areas but am ok with total restriction in Dotterel dunes areas and dunes in general. Driving on the beach to collect firewood or taking dogs for a run or fishing or having a bonfire on the beach are the best part of living in Opotiki plus a lot of families use the beach and river kai as food supplements and require access. Additionally these are Māori lands and the people should not be restricted for no good reason. We can have the dotterel and vehicles too as we have been doing.
Are there aspects that have not been included?	Include a phrase allowing vehicles and horses between tide zones and restrict dunes and breeding areas only in dotterel sensitive areas.
Submitters Email	deeley.julie@gmail.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number 14

Submitters name Julie Deeley

Do you agree with the approach?

Which aspects do you disagree with and why?

Are there aspects that have not been included?

Submitters Email deeley.julie@gmail.com

Are there other comments you would like to make? Clarification on my previous submission about vehicles on the beach: Please replace this paragraph... 'Additionally these are Māori lands and the people should not be restricted for no good reason. We can have the dotterel and vehicles too as we have been doing.' with... Additionally these are Māori lands (clarification: I mean most residents in the area are of Māori descent) and the people should not be restricted for no good reason. We can have the dotterel and vehicles too as we have been doing.

Do you wish to speak to your submission? No

Feedback number	15
Submitters name	Waimaria Ropotini
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Everything needs to be decided with careful consideration I know that this is been an issue over the years and since my koro Bonny was still alive, you can't close off the access road to the river mouth entrance but you can monitor who comes and goes to the area and for what purposes, some 4wd dirtbike horses the users are going down their to show off and make a mess and then you have whanau members who genuinely use the river mouth to fish and to collect food for their families especially families with little young children those are the people you need to be mindful of and know the difference some people are using the sand dunes for recreation and then you have your average jo blogs with his children fishing for kai. Big bold signs need to be erected around these areas by DOC and EBOP to remind us users to respect the doctereel protected bird areas.
Are there aspects that have not been included?	Probably but my internet is playing up and my phone is limit so I cannot comment right now.
Submitters Email	wsropotini@gmail.com
Are there other comments you would like to make?	Yes for us Ratepayers in Opotiki who need dogs on our property to protect our home from intruders should not have to pay a dog registrations and chipped we should have the right to have dogs without paying registrations we have to pay refuse fees for our rubbish but to protect our possessions is something the council members should think about and take into consideration my house has been robbed by neighbours who stay across from me in housing state homes they are gang members which the government need to change their policies and laws around who they let rent.
Do you wish to speak to your submission?	Yes

Submission number 16

Submission to ODC bylaw review

From Jim Robinson, 151 Reeves Road Extension, RD2 OPOTIKI
07 3154 972
21 Feb

My submission is in response to the proposed vehicle/horse access prohibitions from local beaches.

In truth it is difficult from the maps and legalese to work out exactly what is being proposed. However, if I understand correctly, the proposed bylaw amendment would see vehicles and horses banned from beaches including Ohiwa/Bryan's Beach along as far as the Pipi beds, right down to the low tide waterline. Effectively this would ban vehicles and horses from these beaches altogether.

If this is correct—I object. I see many horse riders who ride from the Pipi beds and from the SH2 Waiotaha road bridge parking area down to Bryans Beach. I am not one of them but their activity is unquestionably part of the character of the area; it also brings people to the area. Banning the activity would be to the area's detriment. People can easily ride horses on Bryans beach and along past the Pipi beds without impacting dotterel nesting areas, just as I can run along the beach without impacting dotterel nesting areas.

In addition, banning vehicles from the beach in front of Onekawa (between Bryans and Ohiwa) will likely present issues for ebikes if a cycle trail is ever constructed. Ebikes being interpreted as 'vehicles'.

I am right behind protection of dotterals. They are fabulous little birds, I am well aware of their precarious state in areas around the country. However, blanket banning access to large areas of coastline is not the way to gain support for their protection. Yes, ban access to dotterel nesting areas, absolutely. Ban vehicles from the Ohiwa harbour bed. But don't shut off large areas of ocean coast to healthy, positive recreation.

Jim Robinson

Feedback number	17
Submitters name	Todd and Nola Morgan
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Part 4 Beaches, We do not agree with the complete blanket ban in some areas(including in front of our business) and not in others, there needs to be an area for people going fishing to launch and retrieve small boats and set kontikis to sea. These blanket bans of select areas will severely impact the ability of recreational fishers in these areas who are in generally well behaved, respecting the native birds and their nesting areas. These areas are currently fenced off in the areas where nesting is occurring and therefore are already protected. We have lived in Ohiwa for 20 years and see only a minority of people who do not respect the rules. Behavior has improved over the years with signage and education. It would be a negative impact we believe to increase the bans of vehicles from the restrictions already in place both to locals and visitors to our district. While we understand the importance of protecting the environment we must as a district keep what makes Opotiki special to its residents and visitors. Sustainability needs to be considered both ecologically and economically.
Are there aspects that have not been included?	We do not want to see freedom camping increased in our district as it is not economically or environmentally sustainable, either locally or nationally. While there may have been a fund from national government to fund infrastructure and upkeep in the very short term once this dries up the whole burden will be on the local rate payers to give a select few tourist a free holiday. No where else in the world does this happen for obvious reasons.
Submitters Email	toddmorgan948@gmail.com
Organisation – if applicable	Ōhiwa Beach Holiday Park
Do you wish to speak to your submission?	Yes

Feedback number 18

Submitters name Julie Deeley

Do you agree with the approach? Sorry, I have a further edit to my submission regarding vehicles on beaches. I agree with the current restrictions from Appleton Road to the poles past the surf club so that families have a safe zone to swim, lifeguards to train, and people to hang about. Likewise I have no issue with mudflats being restricted. The 15 kilometres per hour speed limit is fine too.

Which aspects do you disagree with and why?

Are there aspects that have not been included?

Submitters Email deeley.julie@gmail.com

Are there other comments you would like to make?

Do you wish to speak to your submission? No

Feedback number 19

Submitters name Wade Carter

Do you agree with the approach?

Which aspects do you disagree with and why? i strongly disagree with the ban of vehicles in beaches, how are people supposed to set their longlines or go fishing any further than the entrance ways to the beaches. You will also be blocking access for the cultural gathering of whitebait and Kahawai at the Waioeka rivermouth and Huntress creek. In respect to the waiotahi drifts side of the Waioeka rivermouth , most boat users of the Opotiki rivermouth use this access to see where the mouth is for safe navigation. So effectively so will be endangering boatie's lives as for the horses, you are always seeing them in your restricted area - the riders never pick the shit up, 1 case in point the alley way between the library and four square the horse shit has been there for weeks. this happens all through out your restricted area and the rest of the town for that matter you make all these rules but nobody enforces them anyway - bloody pointless

Are there aspects that have not been included?

Submitters Email opo.glass@xtra.co.nz

Are there other comments you would like to make?

Do you wish to speak to your submission? No

Feedback number 20

Submitters name Jordan Matthews

Do you agree with the approach? No

Which aspects do you disagree with and why? Beach access to Waioweka river mouth

Are there aspects that have not been included? Unknown

Submitters Email jordz.matthews23@gmail.com

Are there other comments you would like to make? We access the beach via Snells Rd to gather kaimoana on a regular basis. My concern is that this will impact our food gathering traditions. We want to ensure that we can still access this location for years to come.

Do you wish to speak to your submission? No

Feedback number 21

Submitters name Michael Collins

Do you agree with the approach?

Which aspects do you disagree with and why? All motor vehicles should be prohibited on the beaches from Ohiwa Spit through to Waiotaha Spit. These valuable and relatively unspoiled beaches should be reserved for passive recreational uses, not motorbikes, quad bikes and SUVs. Motor vehicles disturb wildlife and people who simply seek a peaceful place to relax and swim. Often young children are on the beach. Fishers are able to carry their equipment a short distance from road to the sea. Exceptions can be made maintenance emergency for disabled people and lifeguards. The current bylaws regarding vehicles are confusing and are largely ignored. They are out of line with Whakatane bylaws so the quad bike brigade come from Whakatane and other places to Opotiki beaches where it is, in effect, open slather. I wish to be heard and to present photographic evidence of abuse of current rules.

Are there aspects that have not been included?

Submitters Email mcollins658@gmail.com

Are there other comments you would like to make?

Organisation – if applicable Ohiwa Reserves Care Group

Do you wish to speak to your submission? Yes

Feedback number	22
Submitters name	Chris Donkin
Do you agree with the approach?	8.7.3 disagree one roster should be allowed in urban area schedule 1 of part 9 disagree with banning dogs from these areas if a dog is on a lead it should be allowed in town centre refuse centre i am concerned about the lack of bins in public areas this need to be adressed . also council fees and differently charging of rubbish dependant on who you are and know which is very common ri=ubbish should be free to dump and green waste if sorted
Which aspects do you disagree with and why?	as above
Are there aspects that have not been included?	
Submitters Email	olc@xtra.co.nz
Are there other comments you would like to make?	as above
Do you wish to speak to your submission?	

Feedback number	23
Submitters name	Paul Galley
Do you agree with the approach?	No
Which aspects do you disagree with and why?	I disagree with "banning of motorised vehicles" Between MHWS tide and MLWS. tide...Rules for safety of "all" within this tidal range should be implemented and governed...Very simple without complications..The use for beaches in New Zealand within the tidal zone cannot be restricted to selected activities...Paul Galley..(9 Te Karaka Key Waiotaha.)
Are there aspects that have not been included?	
Submitters Email	pg4sme@gmail.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Submission number 24

OPO Website - General Feedback

Reference: OPO-GF-200226-4UCM-8OW

Feedback type: Other feedback

Attachment: not supplied

Contact name: Billy Sherman

Organisation:

Preferred contact method: Email

Email address: toshobilly@gmail.com

Phone number: 0211270988

Feedback message

Ive recently become aware of council intentions with regards to the banning of vehicles and horses from our local beaches. Agreed there needs to be some form of control over vehicles but I feel those who drive onto the beach for the purpose of recreational fishing, kontik use etc should be able to use approved accesses to beaches. Also the gathering of firewood, especially debri such as forest/pine logs etc washed down the rivers rom log processing sites. Could there not be a small charge for this access and perhaps windscreen sticker iissued on an annual basis. Infringement notices issued to those who abuse or ignore the requirements. With regards to horse access to beaches, again correct use of designated access paths a must, but to ban completely should not even be considered. Where would those who ride horses do so, public highways, the cycleway, where?. If the public roads are the only option then the door to similar situations will arise as that of the young boy by the Hukuwai weighbridge area. Lost his life, horse into traffic and onto car bonnet,, kiled as a result, nmerous people gathered at the mudslide site witnesses to the terrible scene of havoc and disaster. Please do not stop the horse traffic, they are in fact a unique icon within the Opotiki area. They are also a small financially input to the local shops when the rodeo comes to town. This area, in fact most of. if not all of New Zealand owes a great debt of gratitude for the history that surrounds these animals, Without their part in our history of growth, who knows how development of the lands, travel from area to area, movement of freight, leave them alone, tidy up any grey areas i you must, but their right to be amongst us is undeniable/

Submission number 25

OPO Website - General Feedback

Reference: OPO-GF-200224-C409I-OCN

Feedback type: Other feedback

Attachment: not supplied

Contact name: Shane

Organisation: Opotiki local

Preferred contact method: None

Email address: opotikishane@gmail.com

Phone number:

Feedback message

I do not support the bylaw about banning vehicles on our Opotiki beaches. Banning vehicles on our beaches is a terrible idea. Whoever even came up with this absolutely ridiculous notion ought to have put more energy and taxpayers money into something more positive that actually benefits and adds to our community instead of taking away.

How about putting council rubbish bins back in public areas instead aye...

Thanks,

Shane.

Submission to Bylaw review

There are a lot more than dotterals that can be munted by vehicles on beaches. These are some of thousands of crabs between the tide lines on Waitotahi beach a few months ago. Being driven over by a vehicle would kill. I don't know why they sometimes come onto the beach but they do. Juvenile tuatua bury in the sand above the water line. Compaction of the sand makes this impossible for them and other species at critical phases of their life cycle. Seabirds use the beach to rest and shelter from storms. There are many reasons why vehicle use on our beaches should be minimised.

John Forbes







Sent from my iPad

From: [John Forbes](#)
To: [Katherine Hall](#)
Cc: [Robyn Forbes](#)
Subject: Submission on use of beaches
Date: Monday, 8 June 2020 12:17:08 PM

I am concerned at the increased use of vehicles on our beaches. I have been familiar with Opotiki's beaches for almost seventy years although clear memory of beach usage would only be over about sixty of those years. For much of this time the use of vehicles on our beaches has been very very limited. It is only in recent years that vehicles have started to be widely used on our beaches.

People managed to fish and undertake other beach activities without the need of vehicles to support this. In fact I think fishing was more popular and widely practised before vehicles became widely used on the beach.

For the last ten or so years I have resided in a property that has extensive views of Waiotahi beach and I have noted an ever increasing use of vehicles on that beach.

Even at night it is surprising how often headlights of vehicles can be seen moving on the beach.

Traditionally beaches have been a place of recreation and relaxation as well as playing an important role in the ecology of our foreshore and near ocean. It is the management of this environment and the potential conflict or uses that should be of concern to Council.

I think most local people acknowledge the nesting of Dotterals that occurs over summer on our beaches but very little beyond that is understood in terms of this areas importance for native birds, particularly water and seabirds.

I am no expert in this area. The Department of Conservation would have particular expertise that Council could consider consulting. Also Kaumatua with a long history of knowledge of the area would be well placed to understand the importance of the habitat to indigenous species. Other groups such as Dune Care groups and Forest and Bird would have appropriate expertise.

Close observers will note the use that is made by birds for both feeding and as a place of rest. A number of wading, foreshore and seabird species feed in the area between the dune crests and back of breakers. When not feeding it has been a place of safety and rest for them. A number of species group together in flocks along the foreshore. Any human activity has an impact on these birds but vehicle movements are particularly unsettling for them.

The beach also has an important role in some stages of the life cycle of marine species. Again, I am not an expert in this area but have had some conversations with scientists from both the Cawthron Institute and Waikato University and think Kaumatua would also have useful knowledge.

Shellfish and especially Tautau have part of their lifecycle dependant on the foreshore. When very small, about the size of rice grains they often bury themselves in sand that is left above the water line when the tide recedes. I don't know what physical impact vehicles driving over these small Tuatua with fragile shells would have but compaction of the sand can make it very difficult for the baby Tuatua to bury themselves. An added problem for them is siltation of the sand but this is not associated with vehicle usage.

At Ohope where there are no vehicles on the beach Tuatua numbers are significantly higher. Some years ago Opotiki beaches had similar populations.

At certain times of the year juvenile rock crabs bury themselves above the tide line and being only shallow in the sand they are especially vulnerable.

Other species are likely to be using the beach but as stated I lack the expertise of DoC, Kaumatua and scientists and groups such as coast care and F&B.

The final part of my submission concerns the recreational use of beaches by non motorised users. Extensive use is made by people walking, swimming, sun bathing, picnicking, relaxing, fishing, gathering kai moana, surf lifesaving training and so on. Users can include babies, toddlers, preschool and educational groups, people with disabilities and the elderly.

When you have a mix of motorised and pedestrians on the roading network, the control and movement of vehicles and other users is tightly controlled eg pedestrian crossings, intersections etc The lack on any control on our beaches is dangerous.

I would ask that ODC works with the Regional Council, the Department of Conservation and any other appropriate groups to determine the importance of the beach to ecosystems and non vehicle users and until such time as those values are established and understood that vehicles be prohibited from using the beach except for emergencies.

John Forbes

I think you have some photos of the small crabs buried in the sand. On the day I took those photos there were thousands of them on the beach.

Sent from my iPad

Submission number 27

Hi Council

I am copying in Kathleen Young, Osca as well, in case this is of interest.

Stray cat numbers seem to be increasing in the area deemed a conservation area by Council (or the District Council). We never used to see cats but there are daily sightings now. As this is close to the area that dotterells nest this is of real concern.

It must also be awful for these cats/kittens with no fresh water (except the briny water at Huntress Creek) in this conditions of drought.

There has also been an exponential increase in rabbits/hares in this area over summer as their droppings will attest to.

Just wondering if Council would consider trapping these cats, or if they'd like assistance to do so since we walk there most days - and perhaps working in with Osca?

I also want to register my support to stop vehicles driving in this area (past the point where it says No Vehicles, which stops nobody) as the fragile dunes are being destroyed by 4 Wheel Drives and motorbikes hooning around the hills.

Kind regards

Lorraine

Lorraine Steele
Tel. 07-3157287, 021-859-805



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of Opotiki District Council Bylaws and Dog Control Policy

RECEIVED
26 FEB 2020
Opotiki District Council
RECORDS

Your name: ROGER BREWSTER
Organisation (if applicable): /
Postal address: PO Box 9016, Springfield, Rotarua
Email: roger.brewster@xtra.co.nz Day time phone: 021 0677288

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 100 St John Street, Opotiki
EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

PRIVACY ACT NOTE
Please be aware that submitting this form to the Council constitutes a disclosure of information to the Council and the information may be used for the purposes of the Council's functions and activities.

I/ We wish to be heard in support of my / our submission
All submissions will be made available to the Council and they will take them in to consideration when making decisions.

You can view a full copy of the Statement of Proposal *Review of Opotiki District Council Bylaws and Dog Control Policy* at www.odc.govt.nz or at Council offices.

Do you agree with the approach in the reviewed bylaws or policy?

I believe that part 4 (Beaches) needs to be changed in regard to vehicles on Bryans Beach

If not, which aspects do you disagree with and why?

I ask Council to clarify/change the Bylaw to make it clear that vehicles will be able to continue to use the beach on the terms in the existing Bylaw

Are there bylaw or policy aspects that have not been included?

/

Other comments:

Please see the attached comments.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

Submission by Roger Brewster on

Review of Opotiki District Council Bylaws relating to Bryans Beach

BACKGROUND COMMENTS

1. My family own a property at 285 Bryans Beach which my wife Elaine and I purchased from John Bryan 1962. Since then three generations of our family have enjoyed wonderful times on this beach.
2. Vehicles have always been permitted on the beach. We have used them for launching of boats, gathering driftwood, rod fishing, launching and retrieving long lines and kontikis. and for taking older or disabled people onto the beach. Occasionally, we also use on the beach our land yacht , which I understand may be classified as a "vehicle ".
3. At first we used a four wheel drive wagon on the beach but after I downsized my car we bought a Kawasaki buggy as being more suitable for our later years.
4. We support the restrictions under the existing 2008 Beach Bylaw relating mainly to vehicle speeds on the beach and prohibiting vehicles on the sand dunes.
5. Recently, I was told by a knowledgeable beach resident that the operative BOP Regional Coastal Environment Plan and the draft review of the Opotiki District Council Bylaws prohibit the use of vehicles on Bryans Beach. This was a big surprise to me.
6. In my view the recreational value of this beach is far greater than its biodiversity value. We are fortunate to have other areas where the wildlife take precedence over the use of vehicles and are protected - in particular, at the Ohiwa harbour and Waioatahe river ends of the beach.
7. I therefore visited Council's pop-up shop for clarification. There I was informed that Council did not intend to make any significant change to the right of vehicles to use Bryans Beach and that they will be able to continue to use it but subject to the existing speed and dune restrictions.
8. This submission seeks a removal of any confusion on the right of vehicles to use Bryans Beach.

THE LEGAL UNCERTAINTY

9. The BOP Regional Coastal Environment Plan sets out issues, objectives, policies and rules for the management of the coastal environment of the Bay of Plenty. The rules only apply to the seaward side of the low tide. The district councils are responsible for the management of the beach above low tide. The Coastal Plan is intended to be a guide for them in the management of their beaches. It does not prohibit the use of vehicles on their beaches.
10. Policy 7.1.5 (Vehicle Access) of the Coastal Environment Plan states that district councils should restrict and prevent where appropriate, vehicle use on beaches including on dunes, bird roosting areas, shorebird nesting areas and other areas sensitive to vehicle disturbance. In my view, this policy does not prohibit vehicles on Bryans Beach . It is a guide to district councils when deciding which beaches to

protect under their Bylaws. The Coastal Plan also recognises the need for Councils to provide access to the beach for recreation. In my view, Policy 7.1.5 leaves it to district councils to weigh the biodiversity and recreational values of a beach and to ~~make an appropriate decision as to which should be given priority.~~

11. Clause 4.5 of Part 4 (Beaches) of the Opotiki District draft Bylaws says that "the Council may by publicly notified resolution declare any part of the beach to be a vehicle prohibited area." Does this mean that vehicle access to Bryans Beach can be prohibited at any time without public consultation? I suggest that this would be unreasonable and the real intention of the clause should be clarified.
12. Clause 4.5.3 of the draft says "Schedule 1 of Part 4 Beaches identifies vehicle prohibited areas." Schedule 1 contains three maps of "Vehicle Prohibited Areas" relevant to Bryans Beach. These extend from the Ohiwa harbour to the Waitahe river. The beach area appears to be included in the area shaded red on the plans. There does not appear to be any legend or explanation of the meaning of the shaded area in Schedule 1. It therefore appears to me, that Bryans Beach could be a vehicle prohibited area referred to in Clause 4.5.3.

REQUEST TO COUNCIL

13 For these reasons I ask Council to change Part 4 (Beaches) of the draft Bylaw and its Schedule/Maps to make it very clear that vehicles can continue to use Bryans Beach as previously

Feedback number	28
Submitters name	Roger Brewster
Do you agree with the approach?	I believe that Part 4 (Beaches) needs to be changed in regard to vehicles on Bryans Beach.
Which aspects do you disagree with and why?	I ask Council to clarify/change the Bylaw to make it clear that vehicles will be able to continue to use the beach on the terms in the existing Bylaw.
Are there aspects that have not been included?	
Submitters Email	roger.brewster@xtra.co.nz
Daytime phone	021 0677288
Address	PO Box 9016, Springfield, Rotorua
Are there other comments you would like to make?	<p>Submission by Roger Brewster on Review of Ōpōtiki District Council relating to Bryans Beach</p> <p>BACKGROUND COMMENTS</p> <ol style="list-style-type: none"> 1. My family own a property at 285 Bryans Beach which my wife Elaine and I purchased from John Bryan in 1962. Since then three generations of our family have enjoyed wonderful times on this beach. 2. Vehicles have always been permitted on the beach. We have used them for launching of boats, gathering driftwood, rod fishing, launching and retrieving long lines and kontikis. and for taking older or disabled people onto the beach Occasionally, we also use on the beach our land yacht, which I understand may be classified as a "vehicle ". 3. At first we used a four wheel drive wagon on the beach but after I downsized my car we bought a Kawasaki buggy as being more suitable for our later years. 4. We support the restrictions under the existing 2008 beach Bylaw relating mainly to vehicle speeds on the beach and prohibiting vehicles on the sand dunes. 5. Recently, I was told by a knowledgeable beach resident that the operative BOP regional Coast Environment Plan and the draft review of the Ōpōtiki District Council Bylaws prohibit the use of vehicles on Bryans Beach. This was a big surprise to me. 6. In my view the recreationally value of this beach is far greater than its biodiversity value. We are fortunate enough to have other areas where the wildlife take precedence over the use of vehicles and are

protected – in particular, at the Ōhiwa harbour and Waiōtahe river ends of the beach.

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10. Policy 7.1.15 (Vehicle Access) of the Coastal Environment Plan states that district councils should restrict and prevent where appropriate, vehicle use on beaches including on dunes, bird roosting areas, shorebird nesting areas and other areas sensitive to vehicle disturbance. In my view, this policy does not prohibit vehicles on Bryans Beach. It is a guide to district councils when deciding which beaches to protect under their Bylaws. The Coastal Plan also recognises the need for Councils to provide access to the beach for recreation. In my view, Policy 7.1.5 leaves it to district councils to weigh the biodiversity and recreational values of a beach and to make an appropriate decision as to which should be given priority.
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REQUEST TO COUNCIL

13. For these reasons I ask to Council to change Part4 (Beaches) of the draft Bylaw and its Schedule/Maps to make it very clear that vehicles can continue to use Bryans Beach as previously.

Do you wish to speak to your submission? Yes

Feedback number	29
Submitters name	Vaughan Demant Murry
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Driving on the beach enables me to get to where the good kai moana grounds are, i have been doing so with my family since i can remember, and in all that time i have not once seen a forrest and bird vehical or even a doc vehical in the same area, its a way of life that keeps me from moving away, it one of the positives that opotiki has to offer
Are there aspects that have not been included?	Grass roots discussion with the actual people who live here, if it wasnt for a work mate discussing it i wouldnt have known i feel like there should be a new approach especially for us younger people who dont read news papers or have the peice of paper attached to our rates, as we dont pay rates but this dicision will effect us far into the future
Submitters Email	vaughn_demant@icloud.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	30
Submitters name	Jayden
Do you agree with the approach?	No how can u set long lines off beach
Which aspects do you disagree with and why?	I disagree with being able to drive on the beach and the vehicles are not recking the sand dunes it is the rising water that is eating away at the dunes
Are there aspects that have not been included?	
Submitters Email	Jayden1.kauta2@gmail.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	31
Submitters name	Maureen Mitchell
Do you agree with the approach?	I am opposed to the changes of Vehicles on the Beach Bylaw changes. These need to have had more consultation with the Public at large through more advertising and suggestions on the impact they will have on Recreational use by sensible members of the public eg Fishermen and women. Many in this community, I believe, have no or little understanding of what the changes are going to mean to a recreational hobby and way of life for many. I attend the 'Popup shop' and there was little communication about these changes. Very disappointed that better communication has not been made by the Council.
Which aspects do you disagree with and why?	I do agree that something has to happen about the lack of respect for beaches by mainly Motorbike riders who treat it as a racing track. Bird life does need protection but at what extent when the Bylaw is suggestion NO vehicle access at all. Why should the recreational fisherman be disadvantaged and penalised? Many people use their vehicles to access the beaches for Kontiki and Drone fishing plus Surfcasting mainly because of age, medical conditions and the equipment involved. The Council is going to stop this access which means that in the areas where access might be available there will be more fishing done at the height of the summer in the same places as swimmers. Surely this is creating a Health and Safety issue? The other issue is that many Responsible Skippers of Boats use the access by the Drifts to checkout the Bar conditions before heading out fishing. If the Bylaw is introduced where do these skippers go in the future. We have waited now for nearly 15 years for the Bar Walls to be built and until they are is the Council going to take responsibility for any incidents that may occur because conditions of the Bar can't be checked until Boaties reach the entrance on their way out. There is always a large number of members of the public who keep the beaches clear of logs and wood after floods by collecting/cutting firewood. Does this now mean that the Council will see fit to employ extra people to do this job as there will be no access for this to be done. The Council seems to be quite shortsighted about the complete impact of this Bylaw and how many of the local community and visitors will be affected. What happened to our 'by nature' image. At the end of the day this Bylaw is denying us our rights of access to our recreational rights of enjoyment from fishing and collecting our kai.
Are there aspects that have not been included?	
Submitters Email	maureen_m@xtra.co.nz
Daytime phone	07 315 6680 027 446 0313
Are there other comments you would like to make?	Is the Council going to employ people to enforce these Bylaws or rely on the general public to take photos and upload them to Council, as has happened with other enforcement of bylaws, for enforcement? This practice, in my mind, is a breach of Human Rights. Some members of our

community are very good at using the system to 'get at others'. The BOP Regional Council in their guidelines allows "Transporting recreational equipment to the water's edge" so why can't that be included in our Bylaw and ban Motorbikes not quadbikes which have no place on beaches. Many of the people riding these Motorbikes have no licence, underage and do not meet The Land Transport Agency regulations.

Do you wish to speak to your submission?

Yes

Feedback number	32
Submitters name	Alex Jones
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Stop doing stupid shit
Are there aspects that have not been included?	
Submitters Email	Jonesalex453@gmail.com
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	33
Submitters name	Cassie Jones
Do you agree with the approach?	No
Which aspects do you disagree with and why?	I don't agree that all dogs need to be kept on a leash or muzzled. Also vehicles should still be allowed on the beach just fence off the areas that are used in nesting and are habitat for other things. If you were to stop vehicles by fenching off the beach i know that they will just get pulled down and they will go down onto the beach anyway
Are there aspects that have not been included?	
Submitters Email	Cassie.cj25@gmail.com
Daytime phone	0273130267
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	34
Submitters name	Harold R. Deeley
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Driving on the beach to collect firewood, taking dogs for a run, fishing/longlining or having a bonfire on the beach are a tradition in the Opotiki area. I disagree with the total ban of vehicles between high and low tide lines in as proposed for vehicle restricted areas. I do however believe in a total ban of vehicles and horses in the Dotterel dunes areas and all dunes above the beach areas. All vehicles and horses should also be banned from the Ohiwa mud flats. A total vehicle ban outside the surf club from Appleton Road on the East to the Maori Totem poles at the parking lot should remain in place. This is not Ohope or Auckland and these bans would be ignored while being almost impossible to enforce, as barriers would be ripped down by locals anyway. A suitable speed limit is already in place and the people who the proposed vehicle bans would hurt currently stick to the speed limit while already avoiding dotterel colonies and the dunes. The reprobates who race their motorcycles and cars on the beach will continue to do so. Amendments should be written to: allow vehicles and horses between tide zones to the river mouth while restricting vehicles on dunes and dotterel breeding sensitive areas. The ban from surf club from Appleton Road on the East to the Maori carved totems at the parking lot should remain in place. Signs should be erected to inform the residents.
Are there aspects that have not been included?	Get rid of freedom camping on our beaches.
Submitters Email	jhdeeley@gmail.com
Daytime phone	020 4037 0139
Are there other comments you would like to make?	If the council wants to really make some positive changes that would benefit community ratepayers, a total ban on freedom campers would be in the interests of all residents. The pipi beds and Hukiaia beach area were once areas for locals to congregate and enjoy. These are our 'ratepayer funded' community beaches. There are plenty of campgrounds available and council shouldn't be stealing business opportunities from private business. Yours sincerely, Harold Deeley – aka Opotiki ratepayer.
Do you wish to speak to your submission?	No

Feedback number	35
Submitters name	Christopher Torrens
Do you agree with the approach?	No, I strongly object
Which aspects do you disagree with and why?	I disagree with the omission of the 2008 Bylaw, pertaining to the prohibition of vehicles driving on Tirohanga Beach between the camp ground and Kelly's Beach Access. Vehicles driving on the beach, particularly at high tide, damage the dunes and flora. Vehicles endanger seals, penguins and many species of bird life inhabiting or visiting Tirohanga beach. Tirohanga is a popular family beach regularly used by children and parents, sunbathers, family groups, swimmers and fishermen . Vehicles pose an unacceptable danger.
Are there aspects that have not been included?	
Submitters Email	marktorrens@hotmail.com
Are there other comments you would like to make?	I do not understand why the 2008 Bylaw that covered the Tirohanga Beach Kelly's Beach access area has been omitted.
Do you wish to speak to your submission?	No

Feedback number	36
Submitters name	Glenn Phipps
Do you agree with the approach?	No Part 4 Beaches - Vehicle access Waiotaha Beach to Waioweka River Mouth.
Which aspects do you disagree with and why?	Vehicle access should be allowed along Waiotaha Beach to the Waioweka River mouth as this is a major kai gathering place for people, such as Whitebaiting, Floundering, and spinning for kahawai. If vehicle access is removed it will limit the opportunity for people to do this, especially for our older and disabled population who are regulars down at the river mouth.
Are there aspects that have not been included?	No
Submitters Email	glennkhipps@gmail.com
Are there other comments you would like to make?	A potential compromise would be to police the speed limit along the beach or no vehicle access through the holiday period (December or January) when the beach is at its the busiest.
Do you wish to speak to your submission?	Yes

Feedback number	37
Submitters name	Bosun Shelford
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Driving on the beach. I run my dog along the beach to get him out of town away from people and it's nice on his feet, I also do alot of fishing off the beach and find it a struggle to carry all my gear down from a car park I also have a dinghy which I launch off the beach as it is too small to cross the bar.
Are there aspects that have not been included?	
Submitters Email	bosunsun101@gmail.com
Daytime phone	0275851619
Are there other comments you would like to make?	If it is such a Hassel on the wild life why not block off areas where they nest then everyone will be happy rather than putting unnecessary protocol in place, alot of people are going to end up with unnecessary fines for trying to gather food or getting thier pets out for a run after being parked up all day while owners are at work.
Do you wish to speak to your submission?	No

Feedback number	38
Submitters name	Tony Howe
Do you agree with the approach?	No
Which aspects do you disagree with and why?	The public must retain the right to drive, sensibly, along our beaches. Each year we take students whitebaiting, floundering at the Opotiki Bar and we also do cleanup days along the beach. We use vehicles to get there and they are a necessity for picking up rubbish that has been washed in. Many people go to the beaches to get firewood for free as there is after a fresh a huge amount of wood freely available. We agree that certain areas should be fenced off for birds to breed and that certain areas like the pipi bed and Ohiwa mudflats should be vehicle free. Most of the Opotiki beaches should be open for people to freely access and enjoy and this includes taking your vehicle.
Are there aspects that have not been included?	
Organisation, if applicable	Ōpōtiki Primary
Submitters Email	principal@opotiki.school.nz
Daytime Phone	07 315 6362
Are there other comments you would like to make?	
Do you wish to speak to your submission?	Yes

Feedback number 39

Submitters name Jon Burchett

Do you agree with the approach? The Vehicle prohibited areas should apply for the Dotteral areas during the nesting season Dog Control is necessary as we have some folk who are just don't care. There are always some people whom spoil it for the majority and I am referring too idiot behavior in vehicles , this is also what happens on the road. Some times the adding of bylaws seems just a the only way but maybe a bit of effort should be applied in the removal of some instead. The population of our district has been reasonably static for quite some time and the need for more and more regulation just seems accepted. Is there not a better way ??

Which aspects do you disagree with and why? RMA matters of National Importance says Maintain or enhance access , we now have proposals from council too Restrict and deny . I would say this is complete opposites sure words can be used to justify it but its not right. There is no logical reason for this too impact on the general public. I view from my place lots of folk everyday a good number in all sorts of vehicles at the Waioeka River mouth going about their business doing all sorts, like fishing walking picknicking just taking in the view etc. All need to access this are and a good number use vehicles and have done so for many years including the 48 years that we have been here.This same scene must also apply to all the other proposed areas on our coastline. There are many and varied reasons too need vehicle access and these can also include disabilities and age .These folk should not be deied the right to access on the whim of those elected.

Are there aspects that have not been included? Dog Control. 9.4.2 Should also include the word People Too many dog owners just let their dogs run completely wild down the beach. Often they can be several hundred meters away from their owners. Chasing all the bird life hassling the seals, disturbing all the wild life in the sand dunes and other people. Much more emphasis needs to put on control including leashes and cleaning up after their animals defecate on these places. I mention the seals as we were watching a seal on the beach for a while it didnt appears disturbed then along comes a dog barking and getting up close and the seal has too escape back into the sea. If this dog was under control this would not have happened. You will also be aware of the incident that was in the Opo News a while ago of the end result was a dead seal.

Submitters Email jon@burchettnz.com

Are there other comments you would like to make?

Do you wish to speak to your submission? No

Feedback number	40
Submitters name	Kevin Welsh
Do you agree with the approach?	No
Which aspects do you disagree with and why?	DISAGREE WITH THE BANNING OF VEHICLES BETWEEN THE TIDE LINES AS NO BIRDS NEST IN THESE AREAS. ODC'S INTENTION TO BULLDOZE THE EASTERN SIDE OF THE RIVER INCLUDING THE DOTTEREL NESTING GROUNDS AT THEIR FIRST OPPORTUNITY MAKES A MOCKERY OF THIS PROPOSED BYLAW. FISHERS AND BEACH USERS THAT HAVE RESPECTED THE NESTING GROUNDS ALONG WITH ANDY GLASER AND D.O.C'S MAMMOTH EFFORT TO PROTECT THESE SITES FOR THE PAST 40 PLUS YEARS WILL MEAN NOTHING AS THIS COUNCIL PLANS TO KILL THEM OFF OVERNIGHT.
Are there aspects that have not been included?	YEP. WHY HAVE BEACHFRONT PROPERTIES BEEN EXCLUDED FROM PROPOSED BYLAWS WHICH ALLOWS THEM TO STILL DRIVE THEIR VEHICALS INTHE NO GO ZONES INFLICTED ON THE GENERAL PUBLIC.
Submitters Email	joesplace8@outlook.com
Daytime phone	07 3155795
Are there other comments you would like to make?	
Do you wish to speak to your submission?	

Feedback number	41
Submitters name	Nola Gold
Do you agree with the approach?	In general, yes, but Tirohanga Beach has been missed out in the list of beaches to have vehicles prohibited. I believe it would be in the best interest of public safety and bird protection to retain the current 2008 bylaw prohibiting vehicles on the beach between the Waiorua Stream outlet and Kelly's Beach entrance (the stretch of beach in front of the houses).
Which aspects do you disagree with and why?	I would like vehicles to be prohibited along the stretch of Tirohanga Beach in front of the residential area, as they currently are. Even with the current vehicle prohibition in place at Kelly's Beach, I have seen a motorbike ride through a longline (even while being waved down by the people fishing), and I have seen vehicles driving through games of cricket, driving right beside families picnicking on blankets with babies and preschoolers, and weaving around dogs chasing sticks. My husband has been bailed up on the dunes track by pig dogs being exercised by owners driving up and down the beach in the evening. Surely residents and visitors to Tirohanga Beach should be able to use the beach and to leave possessions on the beach while they play, fish and swim, without having to worry about being run over (both themselves and their possessions) by a vehicle. As a regular walker on the beach, I enjoy the fresh sea air, the sight and sound of the waves and birds, and a beach covered in shells and bird footprints. I have seen dotterels and oyster catchers in the area between the Waioua Stream and the Tirohanga Stream. The sound of vehicles driving on the beach, the smell of diesel fumes, and the crushing of the sand by tyres are negative aspects to many beach users and birds. There are plenty of uninhabited areas of beach for people to drive on, rather than in residential areas where families walk to the beach and want a safe place to walk, play, fish and swim. Locals and visitors enjoy fishing on and around Tirohanga Beach, and I think people should continue to be allowed to launch their small boats from Tirohanga Beach and to leave their vehicles and trailers parked above the high tide mark while they are boating. Perhaps the beach access areas on either side of the motorcamp could be allocated for this activity.
Are there aspects that have not been included?	Yes, could we please have signs at all vehicle-prohibited beaches advising of the prohibition, and also signs at other beaches advising of the speed limit (15 km/hr) for vehicles using the beach?
Submitters Email	nolaestcourt@yahoo.co.nz
Are there other comments you would like to make?	Thank you for giving the general public the opportunity to comment on the review.
Do you wish to speak to your submission?	No

Feedback number 42

Submitters name Rongopai Kingi

Do you agree with the approach?

Which aspects do you disagree with and why? The Beach Bylaws. At the access to the Waioweka mouth this has been a food source for whanau, hapu and iwi for many years. My dad who is 80yrs fishes there still and always has. This area is only accessible by a 4wd vehicle to get to this food source and all Whakatohea Iwi use it to provide fish, flounder, whitebait and eels for tangihanga and other important events to feed all the visitors that visit our town. With the Coastal areas the I.e Motu is renowned for the kahawai. I also fish there and drive my vehicle to the mouth with my 80year father. I disagree with closing access for vehicles there as well. Unless the Hapu of Hikurukutai have other concerns.

Are there aspects that have not been included?

Submitters Email marykingi1@hotmail.co.nz

Daytime phone 07 315 8672

Are there other comments you would like to make?

Do you wish to speak to your submission?

Feedback number 43

Submitters name Bridget Malcolm

Do you agree with the approach? No

Which aspects do you disagree with and why? With regards to the riding of horses on beaches and around the Ohiwa harbour. Our beaches are some of the most beautiful in the country and horse riders from around New Zealand love to ride on our beaches, and motorists and beach goers also love to see the horses being ridden along the beach, and around the harbour. I think the reasoning behind not letting horses be ridden around/on the Ohiwa harbour is unreasonable. There are very few horses ridden around the harbour and those that ride horses around or on the harbour are very respectful of it. I myself have ridden on the harbour for years - I currently don't ride on the harbour due to my horses not being here, and there are a number of locals that always ask me when I will bring the horses back because they loved to see me riding on the harbour. If you ban horses from the harbour what else should be banned.... people that dig everywhere looking for shellfish thus ruining the ecosystem; people that urinate and defecate on the harbour because there are very public toilets; dogs defecating in the harbour; jet skis that race around near protected habitats, boats that drop waste over board..... where do you stop. As a horse rider you get a birds eye view of all the rubbish that is thrown out around the harbour, and on our rides we used to often stop to pick up broken bottles, plastic etc For horse riders riding on the beach and around the harbour is pure pleasure. Please do not take this away from us!

Are there aspects that have not been included?

Submitters Email bemalcolm@gmail.com

Daytime phone 0272314296

Are there other comments you would like to make?

Do you wish to speak to your submission? No

Feedback number	44
Submitters name	Shane Gebert
Do you agree with the approach?	I agree with the approach but not with all of the proposed bylaw changes.
Which aspects do you disagree with and why?	Access to the mouth of the Waioeka river by vehicle.
Are there aspects that have not been included?	Just on the vehicle beach access proposed changes in particular Waioeka river mouth, I'd just like to say I have always used the correct access points to the beach and travel slowly along the beach between the low and high tide zones to gain access to some very good surf casting and white baiting, it involves quite a bit of gear and for me at least a vehicle makes it possible. In this now very busy world hectic daily life doesn't allow me time to carry all my gear along the beach to the mouth, I am on a dairy farm, work 12 days on 2 days off, most days I work 10 to 12 hours and to have the ability to just jump in the truck and go for a surfcast or white bait when I have a spare hour in the evening is invaluable. I have been driving on the beach to get to my favourite spot safely for the past 40 years I have lived at Waiotahi beach almost all my life and my parents had a dairy farm there for 60 years. Ōpōtiki is not just a place it's a way of life and to change that way of life for the few idiots that ruin it is sad.
Submitters Email	Shane.fiona@xtra.co.nz
Daytime phone	027 621 9003
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	45
Submitters name	Tangiahua Churchward
Do you agree with the approach?	No I appose this because my whanau, hapu and Iwi have been gathering food from the Motu river for centuries, our kaumātua 80+ still access the Motu by travelling along the beach access and for them to walk this hike at their age is not on. The Motu river not only services local hapu and iwi but all iwi within Aotearoa. This will also interrupt our Macca claim which is also in process. Our local stories and histories we hold dear to us of our beachline will also be lost if this goes ahead. So I highly appose this by law.
Which aspects do you disagree with and why?	Declining beach access.
Are there aspects that have not been included?	
Submitters Email	ctangiahua@gmail.com
Daytime phone	022 172 3358
Are there other comments you would like to make?	
Do you wish to speak to your submission?	No

Feedback number	46
Submitters name	Alan Kelly and Titihuia Rewita
Do you agree with the approach?	<p>Yes Because the whole of the OPAPE beach area is of cultural significance to our hapu of Ngai Tama Haua, Te Whakatohea. Vehicles should not be parking on the beach areas at all, because of this. PUKETAPU is a sacred hill and it is also showing serious signs of erosion, as are also, the dunes in front of the residential baches. Yes because the issues of dangerous driving and damage to the beach environment from vehicles has been a prolonged nuisance and safety issue for residents and pedestrian beach users. This nuisance vehicle behaviour is also often present on the beach at night times We have reported dangerous driving and noisy vehicles on Opape Beach many times to the Police through their *555 number and on-line reporting process. Unfortunately though most of the offenders are unregistered two and four wheel motorbikes so follow-up identifying and policing offenders has been difficult. The Police have however been doing more regular patrols and having more presence at Opape which is good to see, but nowhere near as effective as a vehicle ban. I, Titihuia Rewita, have reported cars , four wheel drive vehicles speeding and doing wheelies on Opape beach. One such vehicle which was identifiable and reported to Police, was impounded fairly promptly. I worry about the parking along the beach below the dunes, also because this should be an area enjoyed by whanau/families, and not have the risk of small children playing whilst vehicles and boat trailers are reversing and moving around on the beach</p>
Which aspects do you disagree with and why?	<p>We do not agree with the red line on the map ending a few hundred metres short of the boat ramp at Opape as it still allows for large vehicles including tractors and trailers to park on the beach at the high tide line and this is in front of the 5 beachfront residences , and often digging up the sand at the foot of the sand embankment protecting the carpark and road access. We suggest the redline on the map end exactly at the boat ramp with foreshore signs clearly indicating beach access is for vehicles boat launching only, as at Westend Ohope Boat trailers, tractors and towing vehicles would therefor need to park in the purpose built carpark area, which in consultation with landowners and hapu could be developed further to encourage vehicles from parking on the beach. This car park area and all the land along the beachfront sections is Maori land, NOT public or Council land. It was out of the generosity of the landowners, that vehicles are allowed to park in the carpark As permanent residents at Opape, we have been working hard to protect the dunes and this is not easy, when vehicles park on the beach, and some find themselves stuck on the incoming tide, they then try to drive over the dunes, because the tide is too full in to attempt to drive back through the boat ramp access</p>
Are there aspects that have not been included?	
Submitters Email	rewita.kelly@gmail.com
Daytime phone	021 026 33803

Are there other comments you would like to make? It is surprising there has been no prior consultation with local residents and hapu about such a significant change proposed to Opape beach usage. Any enforcement will need strong support from local people and this should be prioritised I Titihuia Rewita of Ngai Tama Haua hapu, am very upset, that we were not informed by Council of these decisions. Very little respect has been shown by Council with introducing these bylaws

Organisation – if applicable OPAPE BEACH RESIDENT & RATEPAYER

Do you wish to speak to your submission? Yes

Feedback number	47
Submitters name	Kerry Knight
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Part 4. Beaches 4.5 and 4.6 Vehicle access. We opposed the prohibited vehicle access for (but not limited too) Waitaha Beach, map 5. This is a large area that is used by fisherman, to not have vehicle access makes this area largely unaccessible for this purpose. This, and the other beach areas that are going to have prohibited vehicle access, are part of the culture of this town and provide opportunities for locals to feed their families. Because these areas have so long been accessible and because of the area(s) they pertain too it will be impossible to police and the law will be flouted. Home owners have bought in these areas impart because of beach access, a wild natural beach that does not have a city encroaching onto it. They take an enormous amount of recreation away from these areas and diminishing access will hinder this.
Are there aspects that have not been included?	
Submitters Email	kerry@equinoxgroup.co.nz
Daytime phone	021 414 005
Are there other comments you would like to make?	
Organisation – if applicable	Equinox Group
Do you wish to speak to your submission?	Yes

Feedback number	48
Submitters name	Kerry Knight
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Part 4. Beaches 4.5 and 4.6 Vehicle access. We opposed the prohibited vehicle access for (but not limited too) Waitaha Beach, map 5. This is a large area that is used by fisherman, to not have vehicle access makes this area largely unaccessible for this purpose. This, and the other beach areas that are going to have prohibited vehicle access, are part of the culture of this town and provide opportunities for locals to feed their families. Because these areas have so long been accessible and because of the area(s) they pertain too it will be impossible to police and the law will be flouted. Home owners have bought in these areas impart because of beach access, a wild natural beach that does not have a city encroaching onto it. They take an enormous amount of recreation away from these areas and diminishing access will hinder this.
Are there aspects that have not been included?	
Submitters Email	kerry@equinoxgroup.co.nz
Daytime phone	021 414 005
Are there other comments you would like to make?	
Organisation – if applicable	Equinox Group
Do you wish to speak to your submission?	Yes

Feedback number	49
Submitters name	Marsh Moore
Do you agree with the approach?	I do not agree with the proposed changes to the bylaw in respect to the following - Waioeka river mouth vehicle prohibited area - Omarumutu to Opape vehicle prohibited area
Which aspects do you disagree with and why?	<p>In respect to the Waioeka River Mouth I do not agree with the prohibiting of vehicles for the following reasons - My whole life myself and my whanau have been accessing this area that we have always referred to as "The Bar" for the gathering of kaimoana , namely Whitebaiting and fishing and for other activities such as Surfing etc, my earliest memories is by accessing this area by boat with my Koro Tommy Moore to whitebait and fish as he had been taught at a young age out there also. He taught us where we could and couldn't go, mainly the urupa "Ake Ake", this was pointed out as towards the floodgates where the old lone pine once grew, my father would take us there and we would camp for weekends out at "The Bar". As children we were given canvas clad kayaks that we would use to venture out to the bar, we were also brought up Surfing and on regular mornings up to 10 to 20 of us from "our" end of town would across the river at the Wharf and make the hikoi to "The Bar". This area has been always been a huge part of my life and the previous generations of my whanau, this will change if the proposed changes are made. - The main positive of the development of the "Waiotahi Drifts" subdivision has been that access to this amazing place has been become available to the whole of the community for enjoyment, this would cease if these changes are made as proposed. - Access along the beach should be allowed within the tidal zone, the nesting areas for the dottrels is above the high water line. - We now also access this area for the gathering of firewood for whanau and for hangi's for tangihanga, there is normally a abundance of firewood within this area and it has become increasingly difficult to locate wood within our area as whanau are gathering it to keep themselves warm during winter etc, this would cease if the proposed changes were made. - For whitebaiting this area "The Bar" is probably the only area within our rohe where whanau are able to "Blind Scoop" for whitebait, this a technique where you walk along the edge of the bank slowly pulling along a scoop net in the water downstream for a set distance, once you think you have gone far enough you pick up and walk back upstream and start again. With it becoming more difficult upstream to find a "Pozzie" to whitebait this has become the preferred location and technique for some of us in the community as regardless of how many people are there you just go to the back of the line and join in. This technique can only be done after the turn of the tide at low up until a maximum of 3hrs after as the incoming flow becomes too strong to walk against so it also self manages and prevents over fishing of this resource at this location. These activities would cease for those without a boat to access this location or a capable of carrying their gear from the nearest parking area. - Even though the proposed bylaw says "All Vehicles" will be prohibited I can see that those new owners at the Waiotahi Drifts with 4 wheelers and side by side Polaris buggies will still continue to access the beach with their vehicles, it will start with it's just to take my Seahorse down etc then "Nek Minut" they are the only ones accessing this area, this will create huge resentment within the community as it will be seen as becoming a exclusive area, it would be these owners who will be first to "Dob" the locals in for going down their on their 4X4's but not on their neighbour. This will occur as a result if the proposed changes are made. In</p>

regards to the Omarumutu to Opape vehicle prohibited areas , all of the access issues are the same as the Waioeka Mouth etc,. There has no consultation with the landowners of the land blocks affected in this area to my knowledge, if its good enough to mediate with Forest and Bird then make time mediate with the affect whanau and hapu of these blocks!!!!

Are there aspects that have not been included? A access via the Waiotahi drifts to the river mouth for all vehicles needs to be included, not just 4X4 vehicles. With the recent approval for the funds to proceed with the harbour development access post construction for the community to the groynes needs to be included.

Submitters Email kellee.marshalmoore@xtra.co.nz

Daytime phone 027 857 1935

Are there other comments you would like to make? There are "Idiots " who drive above the high water line, within the dunes area and race up and down our beaches, but these will be some of the same ones that will ignore the bylaw, It is us locals who have been going there always who have been acting as the unofficial KAITIAKI of these places, we are ones who tell them off so don't punish the majority for the acts of the minority. Access to firewood is a priority for many whanau, we do not live in an affluent area and a large amount of our whanau struggle to keep themselves warm, heat pumps etc can be cost effective but many whanau cannot manage that extra cost. Just being able to go down to the bar to get a ute load of firewood can be a huge difference for whanau, even if the borrow or ask someone with a ute to help them get a load, these are the realities currently in our district. Agree with restricting access to dottrel breeding grounds, but just that immediate vicinity i.e. above the high tide mark. This is Opotiki and doing the things I've spoken about is some of the reasons why we love living here and why we want children to live and carry on enjoying what has been enjoyed for many generations, this isn't Auckland's Muriwai Beach and we need to look at whats best for our community.

Do you wish to speak to your submission? Yes

Feedback number	50 (full submission attached)
Submitters name	David Rendall
Do you agree with the approach?	No comments as per attached submissions (note I am having difficulties in attaching the submissions to my registration of opposition and will email these separately, I called your office and you had closed early no allowing me time to get assistance in lodging the same)
Which aspects do you disagree with and why?	Vehicle prohibited ares as per submissions
Are there aspects that have not been included?	N/A
Submitters Email	d.rendall@osc.co.nz
Organisation – if applicable	O'Sullivan Clemens, David Rendall, Leesha Naidoo, Craig Green, Nic Lowther, David Bartley, Stuart Dennis, Paul Sandford, Stephen Turfrey, Chapter Two 2012 Limited, Mike White, Helen White, Luke White ,
Daytime phone	0274763791
Are there other comments you would like to make?	N/A
Do you wish to speak to your submission?	Yes

SUBMISSIONS IN RELATION TO BYLAWS AND DOG CONTROL POLICY ATTACHMENT

This objection and submissions are on behalf of the following persons:

- David Bruce Rendall
- Brian Rex Townley
- Stuart John Dennis
- Leisha Naido
- Craig Green
- Steven Turfrey
- Mike White
- Helen White
- Luke White
- Paul Sanford
- David Bartley

These submissions are made in relation to Part 4 of the Proposed Bylaw changes and Schedule 1 of Part 1: Vehicle Prohibited Areas, Map 1-Map 14 (inclusive). The areas covered in Schedule 1 of Part 1: Vehicle Prohibited Areas are in most cases showing complete exclusions from vehicles accessing the beaches. Part 4 of the Bylaw and in particular 4.2.1 denotes

“The purpose of Part 4 Beaches is to control activities on beaches to:

- (a) Protect the public from nuisance.*
- (b) Protect, promote, and maintain public health and safety.*
- (c) Minimise the potential for offensive behaviour.*
- (d) Protect beaches from damage.”*

The Bylaw 4.5 Vehicle Prohibited Areas provides that the Council may by publicly notified resolution declare any part of the beach to be a vehicle prohibited area. 4.5.2 restricts those vehicles that are allowed to operate in the vehicle prohibited area.

1. The areas denoted as vehicle prohibited areas in the most part denote all of the coastline along the Eastern Bay where traditionally vehicles have accessed for a variety of reasons.
2. The variety of reasons that vehicles are used along the Eastern Bay beaches include:
 - (a) Recreational Surfcasting; and
 - (b) Deploying and recovering of longline fishing equipment; and
 - (c) Access of groups of people for the purpose of picnics where access would otherwise be difficult; and
 - (d) Access on to the beaches for the purpose of collecting firewood; and
 - (e) Access on to the beaches for the purpose of launching and retrieving small watercraft; and
 - (f) Access to and from the beaches for disabled persons; and
 - (g) Access to and from the beaches for the purpose of operating parapets, land yachts and other recreational equipment.
3. The purpose of Part 4 Beaches, it appears that none of those activities would give rise or cause concern in relation to 2(a)-(d) above. Furthermore that the access is via established access pathways and do not interfere with any of the dotterel breeding areas or other indigenous zones that require protection especially in the areas of Ohiwa where those areas were until recently under water. To ascertain that they are put at risk by the operation of vehicles by designated tracks to and from the beaches and along the beaches and in most cases below the high water mark for ease of operating on hard sand is incorrect. The vehicle prohibited areas are grossly excessive and reduce the ability of an extremely high percentage of beach users from enjoying the beaches in the fashion they have done for many years.
4. The vehicle permitted areas [4.6] details conditions that apply in vehicle permitted areas and certainly all of those conditions from 4.6.2 (a)-(f) satisfy all of the purposes listed in 4.2 (4.2.1 (a)-(d)).
5. That the vehicles almost exclusively using the beaches currently are being used in a proper, sensible and courteous way, mindful of other beach users and the environment itself. To impose the proposed non-permitted areas in the current format is excessive.

The non-permitted areas should be reduced to those specific areas such as harbour estuary areas, mudflats, dotterel breeding areas and other specific designated areas such as sand dunes and the like with the exception of established access shafts as being the only non-permitted areas.

6. In conclusion the purpose of Part 4 Beaches [4.2 (4.2.1 (a)-(d))] is protected by the vehicle permitted areas rules and in particular 4.6.2 (a)-(f) that any other restrictions over and above the already identified dotterel breeding areas etc. on the beaches would restrict many activities currently enjoyed, none of which could not be suitably controlled by the permitted activities rules.

7. In the event the Council reduced the excessive non-permitted areas to those specific areas as detailed herein which includes the sand dunes, dotterel breeding areas and harbour estuaries and mud flats then all of the above parties in opposition would be likely to support the adoption of the permitted area rules which would satisfy all of beach users and regional authority concerns.

Feedback number 51

Submitters name Andrew Glaser

Do you agree with the approach? Yes. I strongly support vehicle prohibition in areas that have been identified as Indigenous Biodiversity Areas A and dotterel nesting site, but wish for the Bylaw to clearly state that this vehicle prohibited area includes all dune and beach extending to mean low water spring.

Which aspects do you disagree with and why?

Are there aspects that have not been included?

Submitters Email andrew.b.glaser@gmail.com

Daytime phone

Are there other comments you would like to make?

Do you wish to speak to your submission? No

Feedback number	52
Submitters name	Karen Standen
Do you agree with the approach?	No I do not agree with the Beach Bylaw particularly where the area in front of the Waiotahe Drifts subdivision right down to the Waoieka River Mouth is proposed to be a Vehicle Prohibited Area.
Which aspects do you disagree with and why?	<p>It is a used as a source of Kai for the locals: Having lived here for the past 15 years I have regularly seen local people driving respectfully on the beach to access their favorite fishing and swimming spots this is especially necessary for locals at certain times of the year to gain access to the Kahawai when they are running at the river mouth so they can catch a good feed for their families. Rubbish collection: I have seen some of these same local people use their vehicles to take away beach rubbish when it is deposited on the beach after storms have washed it down the rivers. A source of firewood: Locals also use the beach to access the large logs regularly washed down the river as it is a good source of firewood. For this they need access in 4 wheel drive vehicles. Very rare abuse: I have rarely seen locals abusing the beach and it's access-ways. Locals respect the dunes and any areas where birds are anyway often policing others who don't. I for one contacted a group to come and clean up their rubbish they had left on the beach after a group get-together. We do have the odd occurrence where people from town come out and dump their litter along the beach tracks and it is the locals who find and report it. We regularly have cleanups of our beach The only time I have seen irresponsible behavior is when youngsters occasionally go down and ride their motorbikes along the beach at low tide, speeding and doing wheel stands. They tend to do this in the areas where there are very few people so they are mainly at risk to themselves although it is probably somewhat of a noise disturbance to beachfront owners but it never lasts long. This is against the speed restrictions in place which others generally follow but there has been no enforcement yet to my knowledge. Recreational Fishing: People who want to go contiki or long line fishing head down this way too as you need to have plenty of space away from each other so lines do not become tangled and you are away from swimmers who are mostly outside the Surf Club to the westward side and in front of the Campground and Drifts entrances to the beach. People also use the Drifts area of the beach to go white baiting in season and floundering. It is It is also used by people at the Drifts who have mobility disabilities and can-not otherwise easily access the beach. Many of the residents are older and use small 4 wheel drive vehicles or quad bikes to gain access to the beach to fish and exercise their dogs. As a current owner of a beach front section at 1 Rimu Rimu Key, Opotiki and having initially purchased a property at 30 Waiotahe Drifts Boulevard, Opotiki when they first came on the market back in 2004 and subsequently relocating a house there. I can confirm the Drifts was promoted and sold as a place where we could have access to the beach in our four wheel drive vehicles and quad bikes to be able to go fishing and collect driftwood etc. There were even designated access-ways for this purpose shown on maps. Many owners of Drifts properties have purchased quad bikes and small 4 wheel drive vehicles which they to take onto the beach for these purposes (always being considerate of other beach users and sometimes policing others). This change to the bylaw would mean they would have to drive their vehicles out along the main highway to gain access to Waiotahe beach which would be a safety concern. The area is not a Dotterel Breeding Ground.</p>

Are there aspects that have not been included?

I would like to know specifically why the area along the Waiotaha Drifts Subdivision to the river mouth is being targeted when the rest of the beach is not apart from the Dotterel Breeding Area. The only damage to the beach dunes seems to be from the erosion at the river mouth which is a natural occurrence and not due to public access.

Submitters Email

karen.standen@xtra.co.nz

Daytime phone 027 488 2885

Are there other comments you would like to make?

Do you wish to speak to your submission?

No

Feedback number	53
Submitters name	Laurie and Kerry Gardiner
Do you agree with the approach?	Yes
Which aspects do you disagree with and why?	<p>We are making a submission in favour of the new consolidated bylaw and in particular the intent to ban vehicles from Ohiwa Harbour, Ohiwa Spit and Bryan's Beach area as show in Maps of the draft by law. As volunteer members of the local community Coastcare / Tiaki takutai, we are actively involved in dune planting, bird survey/protection and pest control in the above ecologically sensitive areas. We find it frustrating that efforts to protect these areas can be undone by damage caused by inconsiderate vehicle users. Over the last few years we have noticed increasing use of vehicles accessing these areas and this gets worse during the holiday season with higher visitor numbers. These vehicles include utes/4WDs and ATVs and occasionally motor bikes. They use a variety of access points and can drive long distances along the shoreline (as is evident from the tracks left in the sand). While some drivers are accessing the beach/shoreline for amenity (e.g. fishing) there are others who enjoy off road dune driving and honing around. Of particular concern has been the disturbance from vehicles on the local dotterel community (breeding and roosting habitat).While their nesting areas are fenced off (e.g. on Ohiwa Spit) during the breeding season to give them some protection they are still at risk from vehicles traversing the shoreline as the shorebirds roam outside these areas. Even if vehicles stay outside the fenced off areas the shorebirds are disturbed by regular vehicle use. The present rules governing what vehicles can access the beach zone, the areas they are allowed to drive on and the times of year when restrictions are in place are complex and ambiguous. We would therefore support a ban on vehicles for the following reasons: • Protection of sensitive bird breeding/roosting areas (especially dotterels) • Protection of fragile dune habitat and the intertidal zone from vehicle damage. • Improve the beach amenity by keeping vehicles off the shore/beach area • Easier to ensure compliance vs current ambiguous access conditions • Provide timely protection for future population growth and visitor numbers. The revised byelaw would require new signage in designated parking areas to give effect to the ban/restrictions and preferably a means (e.g. gated barrier on approach roads) to physically prevent vehicle access to beaches. We are not looking to speak at the hearing. Laurie & Kerry Gardiner 248 Ohiwa Harbour Road</p>
Are there aspects that have not been included?	
Submitters Email	klgardiner30@gmail.com
Daytime phone	027 223 4076
Are there other comments you	

would like to
make?

Do you wish to
speak to your
submission? No

Feedback number	54
Submitters name	Karen Standen
Do you agree with the approach?	No I do not agree with the Beach Bylaw particularly where the area in front of the Waiotahe Drifts subdivision right down to the Waoieka River Mouth is proposed to be a Vehicle Prohibited Area.
Which aspects do you disagree with and why?	<p>It is a used as a source of Kai for the locals: Having lived here for the past 15 years I have regularly seen local people driving respectfully on the beach to access their favorite fishing and swimming spots this is especially necessary for locals at certain times of the year to gain access to the Kahawai when they are running at the river mouth so they can catch a good feed for their families. Rubbish collection: I have seen some of these same local people use their vehicles to take away beach rubbish when it is deposited on the beach after storms have washed it down the rivers. A source of firewood: Locals also use the beach to access the large logs regularly washed down the river as it is a good source of firewood. For this they need access in 4 wheel drive vehicles. Very rare abuse: I have rarely seen locals abusing the beach and it's access-ways. Locals respect the dunes and any areas where birds are anyway often policing others who don't. I for one contacted a group to come and clean up their rubbish they had left on the beach after a group get-together. We do have the odd occurrence where people from town come out and dump their litter along the beach tracks and it is the locals who find and report it. We regularly have cleanups of our beach The only time I have seen irresponsible behavior is when youngsters occasionally go down and ride their motorbikes along the beach at low tide, speeding and doing wheel stands. They tend to do this in the areas where there are very few people so they are mainly at risk to themselves although it is probably somewhat of a noise disturbance to beachfront owners but it never lasts long. This is against the speed restrictions in place which others generally follow but there has been no enforcement yet to my knowledge. Recreational Fishing: People who want to go contiki or long line fishing head down this way too as you need to have plenty of space away from each other so lines do not become tangled and you are away from swimmers who are mostly outside the Surf Club to the westward side and in front of the Campground and Drifts entrances to the beach. People also use the Drifts area of the beach to go white baiting in season and floundering. It is It is also used by people at the Drifts who have mobility disabilities and can-not otherwise easily access the beach. Many of the residents are older and use small 4 wheel drive vehicles or quad bikes to gain access to the beach to fish and exercise their dogs. As a current owner of a beach front section at 1 Rimu Rimu Key, Opotiki and having initially purchased a property at 30 Waiotahe Drifts Boulevard, Opotiki when they first came on the market back in 2004 and subsequently relocating a house there. I can confirm the Drifts was promoted and sold as a place where we could have access to the beach in our four wheel drive vehicles and quad bikes to be able to go fishing and collect driftwood etc. There were even designated access-ways for this purpose shown on maps. Many owners of Drifts properties have purchased quad bikes and small 4 wheel drive vehicles which they to take onto the beach for these purposes (always being considerate of other beach users and sometimes policing others). This change to the bylaw would mean they would have to drive their vehicles out along the main highway to gain access to Waiotahe beach which would be a safety concern. The area is not a Dotterel Breeding Ground.</p>

Are there aspects that have not been included?

I would like to know specifically why the area along the Waiotaha Drifts Subdivision to the river mouth is being targeted when the rest of the beach is not apart from the Dotterel Breeding Area. The only damage to the beach dunes seems to be from the erosion at the river mouth which is a natural occurrence and not due to public access.

Submitters Email

karen.standen@xtra.co.nz

Daytime phone 027 488 2885

Are there other comments you would like to make?

Do you wish to speak to your submission?

No

Feedback number	54
Submitters name	Cynthia Murray
Do you agree with the approach?	I agree with parts of it
Which aspects do you disagree with and why?	I fully do not agree with the the prohibiting of vehicles and horses on our local beaches. Beach access using vessels of any type whether it motorised or horses is for our people to gather kai, firewood , whānau gathering and for recreational use for personal wellbeing. These activities benefit our people and their whānau. This has been this way in Ōpōtiki for many years so why change this now. We are Not Tauranga we are rural town. Waiotahe beach mapping - why has this been fully prohibited it is very large restriction- for what reason, I agree with no driving on sand dunes above the beach , there is no dotterel nests and bio diversity is constantly changing due to Mother Nature after each storm which constantly changes ... this beach is not damaged by vehicles or horses it changes and damaged by Mother Nature itself called a natural cleanse. So reading the bylaws doesn't give enough grounds or good information to have restriction over a large area. It is noted that by prohibiting vehicle access areas are protecting the bio diversity - if that case where is information to note the what and the how and outcome. It was said that Tangata whenua was consulted if so where is this information for the community to view what this was. Personally their not enough good information for me to support this particular bylaw. I would like the council to consider: to only allow vehicle access on the beach to be driven on the tide lines only.
Are there aspects that have not been included?	No
Submitters Email	cynthiamurraynz@gmail.com
Daytime phone	
Are there other comments you would like to make?	No
Do you wish to speak to your submission?	Yes

Feedback number	56
Submitters name	David Rendall
Do you agree with the approach?	these are the submissions which we could not attach to our initial objection sent earlier today Please confirm you have received the same please
Which aspects do you disagree with and why?	
Are there aspects that have not been included?	
Submitters Email	d.rendall@osc.co.nz
Daytime phone	027 476 371
Are there other comments you would like to make?	
Organisation – if applicable	O'Sullivan Clemens
Do you wish to speak to your submission?	Yes

Feedback number	57
Submitters name	Brendon Verhroeff
Do you agree with the approach?	I disagree with the blanket vehicle ban over Waiotahi Beach. Vehicles should retain access over the beach and paper road. If Council want to limit access to DOC land, this should be dealt with as a separate matter. Likewise, specific areas (for nesting birds etc) can also be cordoned off and/or prohibited as required.
Which aspects do you disagree with and why?	blanket vehicle ban on Waiotahi beach (as above)
Are there aspects that have not been included?	
Submitters Email	brendonv@maven.co.nz
Daytime phone	
Are there other comments you would like to make?	I disagree with the blanket vehicle ban over Waiotahi Beach. Vehicles should retain access over the beach and paper road. If Council want to limit access to DOC land, this should be dealt with as a separate matter. Likewise, specific areas (for nesting birds etc) can also be cordoned off and/or prohibited as required.
Organisation – if applicable	Waiotahi Residential Limited
Do you wish to speak to your submission?	No

Feedback number	58
Submitters name	Kerry Knight
Do you agree with the approach?	I disagree with the blanket vehicle ban on Waiotahi Beach. Vehicles should be able to retain access over the beach and paper road. If Council want to limit access to DOC land, this should be dealt with as a separate matter. Likewise, specific areas (for nesting birds etc) can also be prohibited on an isolated basis.
Which aspects do you disagree with and why?	As above
Are there aspects that have not been included?	As above
Submitters Email	kerry@equinoxgroup.co.nz
Daytime phone	
Are there other comments you would like to make?	As above
Organisation – if applicable	Equinox Finance Limited
Do you wish to speak to your submission?	Yes

Feedback number	59
Submitters name	Nora Moore
Do you agree with the approach?	Opportunities for Māori landowner participation in the consultation process should be expanded upon in the future. It would seem likely that there would be a very low response (submissions/feedback) to this consultation process from Māori landowners from the Whakatōhea and Te Whanau-a-Apanui rohe. Please consider the adverse impact of any proposed Bylaws on under-utilised Māori land. Particularly because of the historical nature of the Opape native reservation blocks following the confiscation of lands from Whakatōhea. The Whakatōhea Pre Settlement Claims Trust is currently going through the Treaty Settlement process with the Crown so that the settlement can provide a platform for Iwi to realise their future aspirations.
Which aspects do you disagree with and why?	Beach Bylaw - Map 06 - Omarumutu to Opape vehicle prohibited area - I disagree with the extent of the boundaries onto Māori land, and these should be reduced. All other boundaries in the district should also be reconsidered if they impact on Māori land. Māori land is held under Te Ture Whenua Māori Act 1993 and sits under a separate legislative and cultural structure to general land. It cannot be sold on the open market, and it is difficult to raise funds to develop, and historical factors mean that much Māori land in the Opotiki and Coast district has not been developed. Māori entities may be adversely impacted by this Bylaw where boundaries have been imposed onto Māori land and may adversely impact on future land use and development. Māori landowners should be consulted with - if any proposed Bylaws have the potential to adversely impact on any future development.
Are there aspects that have not been included?	
Submitters Email	noramoore135@gmail.com
Daytime phone	021 713 768
Are there other comments you would like to make?	
Organisation – if applicable	Opape 19 Lands Trust
Do you wish to speak to your submission?	No

Feedback number 60

Submitters name Fiona Reeve

Do you agree with the approach? I do not agree that vehicles should be prohibited access down to the mouth of waioeka river mouth along the beach, as my family and kids enjoy fishing and whitebaiting there and it's something we've done for many many years and I don't think this is something you should be robbing our children from. There isn't anything nicer in a small community like Ōpōtiki that has not much to offer our children but the access to the outdoors. As that is all they have in our town, kids have complained we have very limited things for our kids to do here compared to other towns, like Whakatane and Kawerau. In my years of kids at the mouth there never is any problem there people approach you with how is your catch and it is great vibe there. We have never had any worries of dangerous vehicles on the beach and we spend a lot of time on Waiotahi beach. We have surf club for my kids nearly 5 days a week over the summer and never had any problems with vehicles. We've used our vehicle with picking up knee boards off beach for our kids on our non surf club days for extra training as they are passionate about our Ōpōtiki surf club. I believe this is only been bought up for all the new subdivisions properties that are been developed, not on our local people's wants and needs. There is way more danger driving along the road from thr drifts to the surf club as speed is 100km should be 80km over summer that's is were I've seen problems and unfortunately loss of lives and accidents. We should be following like Whakatane they lower the speed over summer like near oyster farm. Regards Fiona

Which aspects do you disagree with and why? As above there would need to be a road to access the mouth and parking area if you were going to close access there wth vehicles.

Are there aspects that have not been included?

Submitters Email fionareeve15@yahoo.co.nz

Daytime phone 07 315 6776

Are there other comments you would like to make?

Do you wish to speak to your submission?

Submission number 61

Vehicle Prohibited Areas.

I take strong exception to the new proposed bylaws regarding vehicle prohibited areas.

In my experience the greatest majority of people using beaches in vehicles for recreational use ie surfcasting swimming and using a kontiki are sensible and law abiding. The problems with vehicles on beaches seem to arise more at Christmas holiday time. Perhaps ODC need to be more vigilant at imposing the bylaw that is already in place and punish the perpetrators. Why have rules and regulations and do nothing as seems to be the case at the moment.

I consider it my right to use the beach in a user friendly way that does no harm to people or the environment and I resent being told that I may no longer use the beach because a few idiots spoil it for the majority. How else am I going to put out my Kontiki or surf cast. My particular interest is in Ohiwa spit Bryan's beach.

Regards Carole Pavelka

Submission number 62

From: Lynne Hickling <lynnehickling@gmail.com>

Sent: Wednesday, 26 February 2020 9:26 PM

To: Gerard McCormack <GerardM@odc.govt.nz>

Subject: Beach policy

Notes for Vehicles on Beach Policy for Opotiki District Council

Request a total ban on all motor vehicle. ie quad bikes motor bikes and SUV, from Waiotaha Spit to Ohiwa Spit.

Only exceptions are for emergency vehicles, and maintenance vehicles for pest control.

Reasons why.

1. Whakatane and Tauranga Councils have more restricted rules re vehicles on the beaches. Result is many people come here to use and abuse our beach. During the summer visitors are often observed doing wheelies , excessive speed, dangerous driving. with sometimes up to 6 kids on a quad bike, also driven by a young person and no regos. There are in the North Island 17,298 km of urban roads, and 65,000 kms of rural roads so plenty of road to drive on
2. Habitat for birds and other wildlife should be protected, especially the dunes and the ever changing high tide mark.
3. Incompatibility with other recreational users of the beach, such as swimmers, walkers, fisher people, and young children playing in the sand
4. The existing ban on vehicles for a limited season in the summer, has been totally ineffective. The signage was ambiguous was ignored by drivers. This ban was not enforced by Council.
5. Climate change will probably make an impact of the beaches, with greater storm surges. There has been a report commissioned on Climate Change with respect to beaches and also the impact from vehicles driving on them, with the resultant damage and impaction of the sand.

Submission number 63

Thank you Gerard.

Please submit my email as a submission please.

Confim that please.

Why I suggested you came down here on a low tide was because I dont think anybody of authority has been down here.

They actually need to see the area so that we are aii talking the same language
then i feel we can get satisfactory conclusion for everyone

Bob Wickham

God Bless

On 28/02/2020 1:16 pm, Gerard McCormack wrote:

Hi Bob,

The important thing is that you make a submission outlining your concerns today. I am happy for you to outline them in an email and take that as your submission if it helps. Then you will have an opportunity to verbally present your concerns to the Councillors at the hearing.

Speaking with me at this stage won't achieve much other than potentially assisting your understanding of the bylaws. If we were to meet I certainly won't be defending the merits of the inclusion of these prohibited areas, as they were imposed on Council to enable resolution of a District Plan Appeal, rather than something that came from Council officers. Therefore it is important that Councillors hear the concerns of the community then they will have the opportunity to modify, amend or remove prohibited areas as they see fit.

Kind regards,

Gerard McCormack

Planning and Regulatory Group Manager

Ōpōtiki District Council | PO Box 44 | 108 St John Street | Ōpōtiki | New Zealand

Telephone 07 3153030 | Fax 07 3157050 | Web www.odc.govt.nz<<http://www.odc.govt.nz/>>

From: Bob Wickham <wickhams@xtra.co.nz>

Sent: Friday, 28 February 2020 12:17 PM

To: Gerard McCormack <GerardM@odc.govt.nz>

Cc: Katherine Hall <KatherineH@odc.govt.nz>

Subject: Re: submission

Okay I apologize. I am really sorry to have upset you.

I do appreciate all the information you have sent me.

I also appreciate your attitude has being very understanding and caring

This restriction will be a major change in lifestyle. of many people

Also you have a complete understanding of council and governmental departments and their ability to dictate policy.

I dont.

I would appreciate if you would come down at low tide one day and look at the enormous area being put under vehicle restriction.

Also we would show you were do trials are on the beach. They are a long way from from the area that will be under restriction

Thank You

Bob Wickham

Bob Wickham

God Bless

On 28/02/2020 9:44 am, Gerard McCormack wrote:

Hi Bob,

I have tried to respond to your emails and questions posed in an open and transparent manner, however you are either not reading my responses full or purposefully choosing to read them out of context. I am therefore not prepared to continue this exchange with you further.

Kind regards,

Gerard McCormack

Planning and Regulatory Group Manager

Ōpōtiki District Council | PO Box 44 | 108 St John Street | Ōpōtiki | New Zealand

From: Bob Wickham

Sent: Thursday, 27 February 2020 5:09 PM

To: Gerard McCormack

Cc: Katherine Hall

Subject: Re: submission

SO YOU SAYING OUR SUB MISSIONS CANNOT BE EFFECTIVE OR OF ANY POINT IN PRESENTING THEM
PLEASE CONFIRM THIS OR NOT

WHAT WE CAN DO TO GET A HEARING AND BE ABLE TO REASON WITH COUNCIL???

I HAVE JUST TAKEN PHOTOS OF THE BEACH AREA

THE AREA MASSIVE.

THERE IS ENOUGH ROOM FOR EVERYTHING AND EVERYONE

WE ALL NED TO GO DOWN AND LOOK AT THE 100S OF HECTARES

WILL YOU COME DOWN TOMORROW AT LOW TIDE IT IS ABOUT 4 OCLOCK

BOB

Bob Wickham

God Bless

On 27/02/2020 3:29 pm, Gerard McCormack wrote:

Hi Bob,

We are in a formal process with the draft bylaws having been confirmed for consultation. The stage we are at now is public submissions whereby you make a submission and if you wish can make your points verbally to the hearing panel for them to consider. Therefore discussing this further with officers isn't worthwhile as we cannot change the draft bylaws and nor are we the ultimate decision makers.

The draft bylaws were agreed by Ōpōtiki District Council as they are our bylaws. The prohibition of vehicles from beaches came about as part of a mediated solution to a District Plan appeal submitted by Forest and Bird. Which in simply language means Forest and Bird withdrew their appeal on the District Plan on the basis that Council agreed to include areas prohibiting vehicles from beaches agreed by them DOC and Regional Council in our draft bylaws. The areas identified are already mapped as Indigenous Biodiversity Areas (IDBA) in Regional Plans. Therefore we (our Councillors) now have control over what goes into the finalised bylaws rather than an Environment Court Judge as part of a contested District Plan appeals process.

Kind regards,

Gerard McCormack

Planning and Regulatory Group Manager

Ōpōtiki District Council | PO Box 44 | 108 St John Street | Ōpōtiki | New Zealand

Telephone 07 3153030 | Fax 07 3157050 | Web

From: Bob Wickham

Sent: Thursday, 27 February 2020 2:22 PM

To: Gerard McCormack

Cc: Katherine Hall

Subject: Re: submission

Gerard .I havent requested personally to speak

I ask for a deputation to see the council please not just me

Thank you/.

I can see the need for some prevention.but not total

An appropriate area for dottrils can be put in an protected.

Did the regional council inniate this prohibition orderor our local council?

Bob

Bob Wickham

God Bless

On 27/02/2020 1:30 pm, Gerard McCormack wrote:

Hi Bob,

I have noted that you wished to be heard at the hearing and an officer will be in contact in due course.

In answer to question 1.

The proposed prohibited areas are those identified by the Regional Council and DOC as known dotterel breeding areas and other areas deemed "indigenous biodiversity areas (IBDA). These areas came about following District Plan appeals after Forest and Bird wanted a rule included banning vehicles on beaches with the District. We wanted the public to have the opportunity to submit on this however this was not possible as part of the District Plan appeal process. Therefore a mediated solution was reached with Forest and Bird, DOC and BOPRC that areas would be marked on the draft bylaws for public consultation saving additional costs for our ratepayers. It's very expensive to go through the Environment Court when things are contested. This way Councillors will have the opportunity to discuss and make final decisions. Had we not done this it would have been decided by an Environment Court Judge for us, at great expense to our community.

At this stage it the bylaw is in draft for consultation and the Councillors after hearing submission will determine what is the final adopted bylaw.

Kind regards,

Gerard McCormack

Planning and Regulatory Group Manager

Ōpōtiki District Council | PO Box 44 | 108 St John Street | Ōpōtiki | New Zealand
Telephone 07 3153030 | Fax 07 3157050 | Web

From: Bob Wickham

Sent: Thursday, 27 February 2020 12:44 PM

Subject: submission

SUB MISSION bOB WICKHAM VEHICLE PROHIBITED ON WAIOTAHE BEACH

1 My first question why such a large area?

2 At low tide there ie 500 metres to sand hills.A vast area.

I will show you a photograph.

I can se the wisdom of protecting DoC land and some area for dottril protection But to ban vehicles on the whole area there must be a reason

3 The mouth of the waiotahe stream is a wonderful fishing ground for the local community which is mainly Maori.Many individual fisherman fish there each day. It is also a favorite picnic spot on the whole Waiotahe beach.Whole families come down and picnic there for the whole day The father and moter usually fish the kids play in the water. It is great seeing the parents teaching their older children to cast.When they catch a fist there is great excitement A shout goes around the bay. There is fisherman there every day depending on the tide timing;

4 Fishermen cast and catch fish right up to Hunters creek. As do whitebaiters.

5 In the holidays people net and catch fish in Hunters creek. It is very popular

6 Young Maoris park their vehicle on the sand at Hunters creek and take their diving gear walk across hunters creek and go and dive for mussel and oysters further up the river.

7 The area on the edge of the beach is where people especially old people park there cars and have a picnic.

8 The torpedo long line fishing is carried out extensively at the bottom end of the beach at low tide .that is the best fishing

9 REAL estate will be affected.People buy because of the open freedom of our beaches.

Opotki needs to encourage people not drive them away.

!0 All these activities will be stopped.Why?

!1 I appreciated this was advertised,but hardly anyone in Waiotahe drifts have heard about it.

This is a major issue That needs to go to Parliament, Maori rights and the Environment Court. Myself and Steve Impey request that the council discuss this issue with a deputation from Waotahe Drifts please asap.

Bob Wickham

God Bless

ODC 1.09



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

RECEIVED
27 FEB 2020
Opotiki District Council
RECORDS

Your name: Steve Impey
Organisation (if applicable): _____
Postal address: PO Box 146 Opotiki 3162
Email: s.impey@extra.co.nz Day time phone: 0273416428

Return your submission form to:
POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 108 St John Street, Opotiki
EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

PRIVACY ACT NOTE:
Please be aware that submissions form part of the public consultation process and as such can be reproduced as an attachment to a publicly available Council agenda and remain on Council minute records.

I/ We wish to be heard in support of my / our submission All submissions will be made available to the Council and they will take them in to consideration when making decisions.

You can view a full copy of the Statement of Proposal 'Review of the Opotiki District Council Reserve Management Plan' at www.odc.govt.nz/reviewrmp, at Council offices, or the Opotiki Library.

Do you agree with the approach in the reviewed Reserve Management Plan?

No

If not, which aspects do you disagree with and why?

The banning of all vehicles on the beach

Are there aspects that have not been included?

Other comments:

This ban will stop families, people with disabilities + older people from accessing the river mouth. It will also stop people from fishing with torpedos mounted to quad bike

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.

28 February 2020



Dear Sir/Madam

Bay of Plenty Regional Council's submission to the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019

Thank you for the opportunity to comment on the above. The Bay of Plenty Regional Council does not wish to be heard on this submission.

For matters relating to this submission, please contact Stephen Lamb at stephen.lamb@boprc.govt.nz or 0800 884 881 ext. 9327.

Our Organisation

The Bay of Plenty Regional Council is responsible for the sustainable management of resources within the Bay of Plenty region. Our role is determined by Central Government through statutes such as the Local Government Act and the Resource Management Act, and is different from that of territorial authorities (district and city councils). Some of our key roles are:

- Regional planning for land, water quality and air quality;
- Setting environmental management policies for the region;
- Allocation of natural resources;
- Flood control;
- Natural hazard response;
- Soil conservation;
- Pest control / biosecurity;
- Public transport;
- Strategic transport planning;
- Regional economic development; and
- Strategic integration of land use and infrastructure.

Summary

Please find our detailed comments attached. We trust you find them constructive. Bay of Plenty Regional Council staff are happy to work with the Ōpōtiki District Council on any legislative wording that may require adjustment.

Yours sincerely

pp Stephen Lamb
Natural Resources Policy Manager

On behalf of:
Namouta Poutasi
General Manager Strategy & Science

Objective ID:A3491771

Comments from Bay Of Plenty Regional Council on Ōpōtiki District Council Proposed Consolidated Bylaw and Dog Control Policy 2019

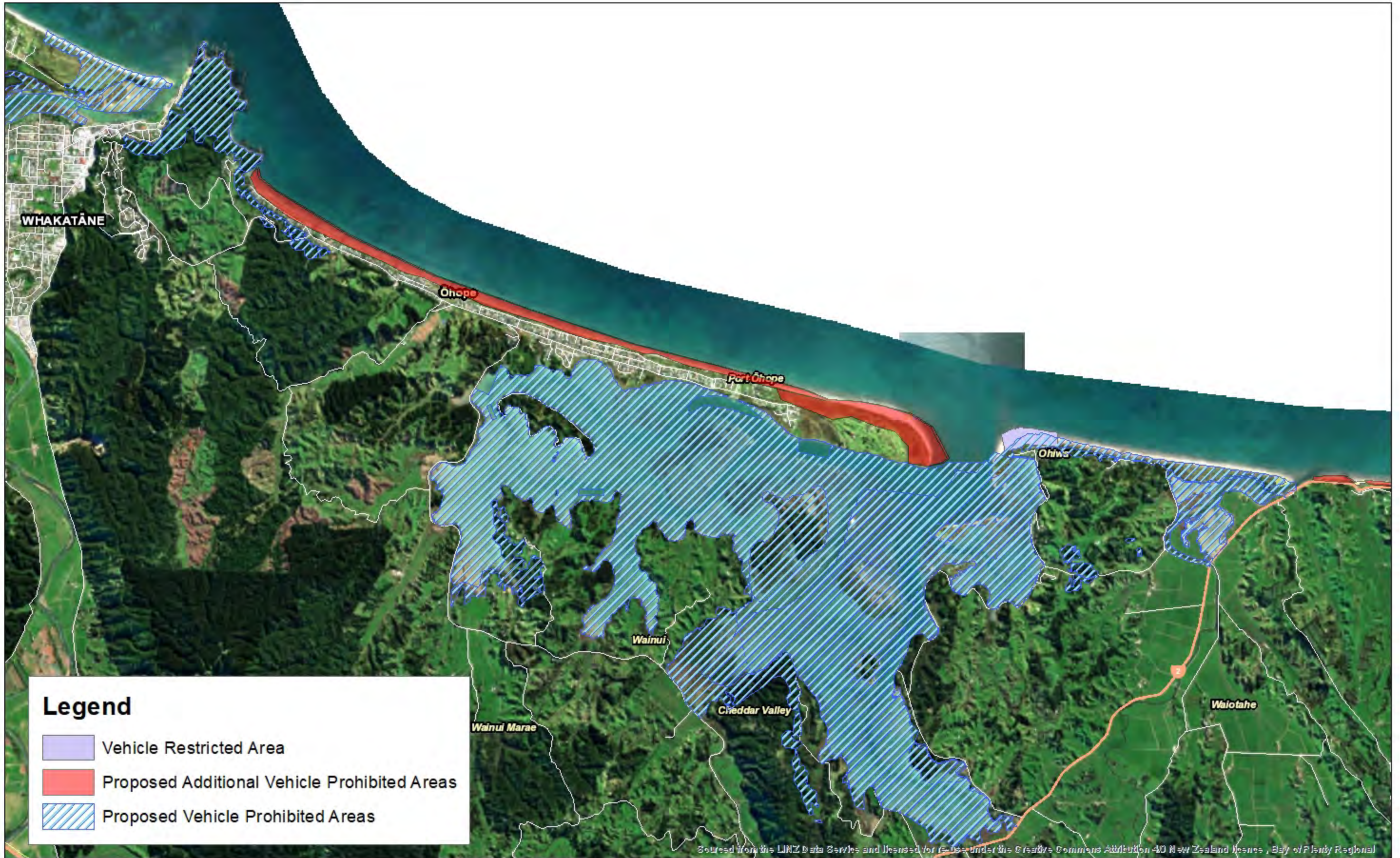
1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
31	Vehicle Prohibited areas 4.5.3 Schedule 1 of Part 4 Beaches identified as vehicle prohibited areas	<p>BOPRC supports the intention of Council to protect geomorphic and ecological values in the coastal marine environment through identifying areas that are prohibited within the bylaws. However it would be preferable for Ōpōtiki District Council to align its bylaw provisions to those of other local authorities with coastal management responsibilities.</p>	<p>BOPRC supports the intent of the bylaw provisions but is seeking a consistent regulatory framework across territorial authority boundaries.</p> <p>In addition BOPRC is seeking the addition of further vehicle prohibited areas.</p> <p>BOPRC would like to encourage Council to extend additional prohibited areas to all dune and beach areas. This approach would be consistent with the Operative Regional Coastal Environment Plan, Policy RA5 (include) NZCPS Policy 20 (include).</p> <p>BOPRC ask Council to amend their bylaw to include further vehicle prohibited or vehicle restricted areas of beach that fall into the categories identified in Policy RA 5 of the RCEP.</p> <p>Also include dune areas above MHWS which are;</p> <ul style="list-style-type: none"> - identified as breeding and roosting sites of significance; - geological systems that provide an important ecosystem function during storm events; and - provide attributes and values that support the natural 	<p>Amend the bylaw as follows:</p> <p>Replace section 4.5 and 4.6 with the following text (or wording to a similar effect):</p> <p>Retain:</p> <ul style="list-style-type: none"> • 4.6.1 • 4.6.4 • 4.6.5 <p><u>Add NEW 4.6.2 No person shall on any part of the beach, except as allowed in Sections b or c or d (below):</u></p> <p><u>a) Drive any land yacht, all-terrain vehicle or other vehicle in a manner which is or might be dangerous, or which causes or might cause inconvenience to any person in the area.</u></p> <p><u>b) Bring or ride any motorcycle thereon.</u></p> <p><u>c) Bring or drive any vehicle thereon except to launch a craft or remove it from the water 50 metres either side of a boat ramp, boat launching facility, or from the designated vehicle access points (this may require an operational signage to mark official access</u></p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
			<p>character of the regional coastline.</p> <p>Amendments would provide consistency with all other Territorial Authorities in the region and provide region wide rules that are easily understood and enforceable (refer to Table 1 Regional Analysis of District bylaws on vehicles on beaches).</p> <p>Refer to Map 1a and 1b for proposed additional vehicle prohibited areas. These maps are examples of what BOPRC are suggesting for the coastline.</p>	<p><u>sites for launching such as Opape).</u></p> <p><u>d)) Leave any trailer thereon other than boat trailers during launching or retrieving of boats only. All-terrain vehicles may be driven on the beach for recreational fishing purposes.</u></p> <p><u>e) Vehicles must be driven in accordance with relevant Speed Limit Bylaws and to ensure the safety and consideration of others in the area.</u></p> <p><u>f) Vehicles may be driven on the beach for the purposes of setting up and running of events on the beach, but only if permitted by the Council and in accordance with that permission.</u></p> <p><u>g) All vehicles should be driven below the high tide line (except when unsafe to do so) and must not be driven on the dunes.</u></p> <p><u>h) Nothing in this paragraph shall apply to any police vehicle, fire appliance, ambulance, government service, surf life saving or Council vehicles or other vehicle authorised by Council to drive on the beach.</u></p> <p><u>Update and retain reference to Schedule 1 of Part 4 Beaches which identifies vehicle prohibited areas maps.</u></p> <p><u>Retain explanatory notes.</u></p>
69	Part 2 Purpose	Inconsistency with purpose of the Dog Control Bylaws and the limited	The intention of amending of the Dog Control Bylaw was to include protection for wildlife. However, the	Refer to suggested amendments to increase the prohibited dog exercise areas

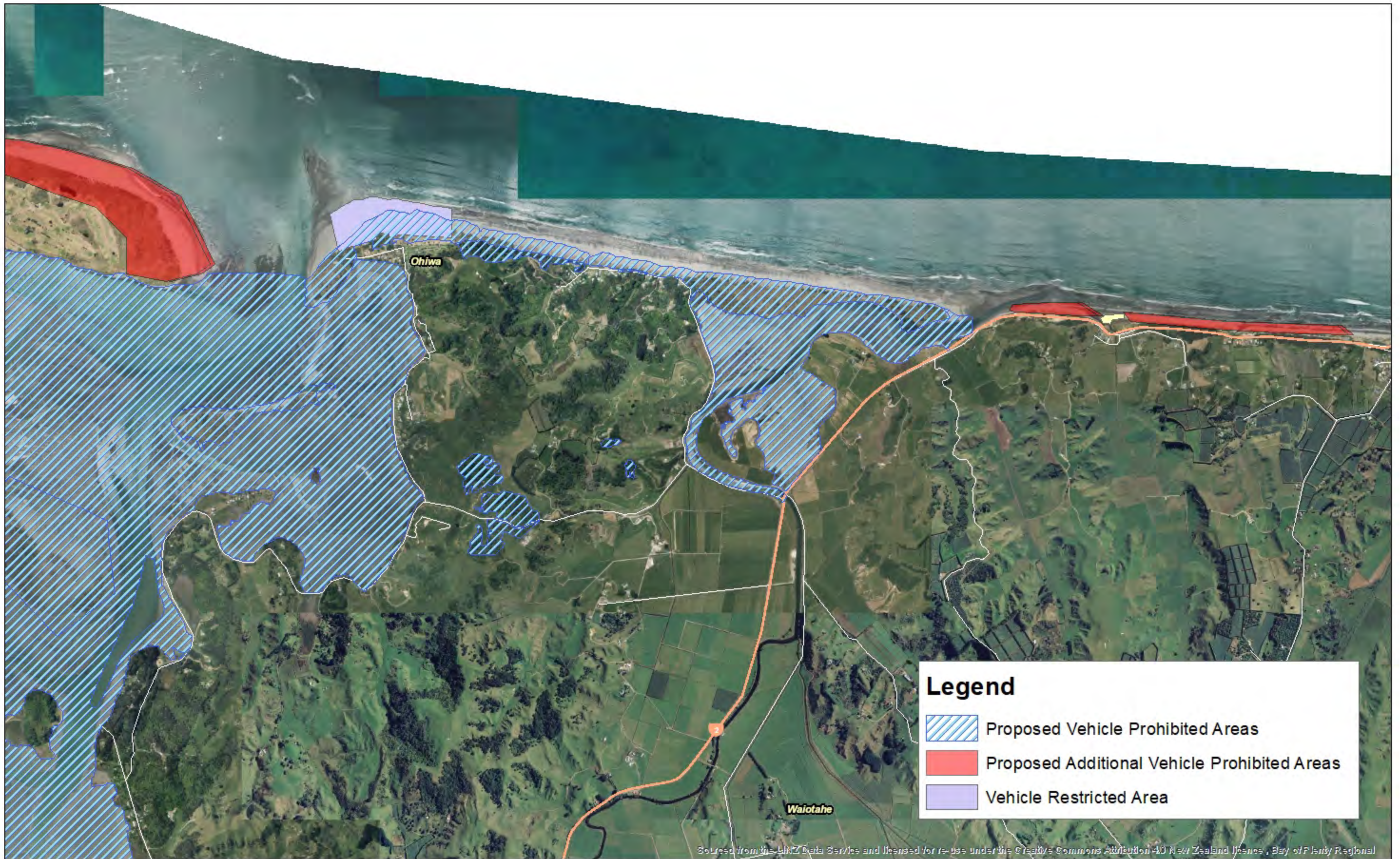
1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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		<p>prohibit dog areas</p> <p><i>Part 9 Dog Control gives effect to the Ōpōtiki District Council's Dog Control Policy 2019, which regulates the control of dogs so they do not cause danger, distress, or nuisance to the community, stock, domestic animals, or protected wildlife.</i></p>	<p>prohibited areas are limited and all beaches are dog exercise areas.</p> <p>Beaches include habitat for endangered birds and dogs can disturb nesting and roosting birds.</p>	(refer to suggested areas below)
69	9.4.2 and Schedule 1 of Part 9: Dog control areas	Clarification	<p>Seek clarification of 9.4.2 practicability as it unclear how this requirement helps protect wildlife when it leaves the discretion to the owner as to whether their dog may or may not be causing distress to wildlife.</p> <p><i>9.4.2 Every dog must be kept controlled on a leash if it is likely to injure, endanger, or cause distress to any stock (including horses), other domestic animal, or protected wildlife.</i></p>	Refer to suggested amendments to increase the prohibited dog exercise areas (refer to suggested areas below)
69	9.4.2 and Schedule 1 of Part 9: Dog control areas	Inconsistent with BoPRC Policy NH24 and Policy 11 of the NZCPS	<p>Seek amendment to give effect to policy NH 24 and Schedule 2A of the Operative Regional Coastal Environment Plan.</p> <p>Policy 24 To maintain or enhance natural heritage values by encouraging landowners and the community to: (h) enhance ecological interconnections that are necessary to sustain indigenous species, including migratory routes.</p> <p>Schedule 2A - Indigenous Biological Diversity Area A with bird roosting sites present in Tauranga Harbour, Kaituna/Maketū area, Whakatane Estuary and Ōhiwa</p>	<p>Reconsider the extent of the proposed dog exercise areas on the beaches</p> <p>Amend maps Schedule 1 of Part 9 to include indigenous biological diversity areas with bird roosting sites listed in Schedule 2A of the Regional Coastal Environment Plan and extend the dog prohibited areas in Ōhiwa Harbour IDBA A49, Ōhiwa Spit, IBDA 50, Ōhope Spit IBDA A51, Whangakopikopiko Island IBDA A54 and Waiōtahe Spit, IBDA A60.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
			<p>Harbour.</p> <p>Schedule 2A bird roosting sites are sand or shell banks or spits within the coastal marine area that are exposed above the median high tide level and which provide habitat for indigenous coastal birds.</p>	<p>By including these sites Council would be protecting 2,510 ha of protected roosting sites.</p> <p>BOPRC supports the existing collaboration with the Ōhiwa Harbour Strategy group on education and community liaison about bird roosting and the effects of dogs in these sensitive areas.</p> <p>Council may consider the need to provide permit provisions for special service dogs in these areas for conservation or seasonal hunting requirements.</p> <p>Refer to maps 2a and 2b that illustrate additional dog prohibited areas that would ensure consistency with Schedule 2A.</p>
69	9.6 and Schedule 1 of Part 9: Dog control areas	Clarification of areas under Conservation Act to be included in the Bylaw	<p>Amend the bylaw (and include maps to illustrate) to include any land identified in the District that is covered in the Conservation Act 1987, A national park constituted under the National Parks Act 1980. Additionally, Te Urewera, as defined in section 7 of the Te Urewera Act 2014 is no longer a National Park and is managed by Te Urewera Board. Currently these areas are only included in the Dog Control Policy.</p> <p>Only permitted hunting dogs, guide dogs or special services dogs are allowed with a permit.</p> <p>No dogs are permitted in any scenic reserve, conservation or forest park (including Raukumara, Kaweka and Ruahine Forest Parks), or any named conservation areas (including the Urutawa Conservation Area and Waioeka Conservation Area)</p>	<p>The Dog Control Policy includes reference to Department of Conservation managed areas and should also refer to areas managed by Te Urewera Board. Both of these respective management areas are not mapped in the Schedule 9 of the Dog control areas of the Bylaws. It would be clearer if Council would include these areas in their maps.</p> <p>Council also need to remove reference to the old DOC conservancy (East Coast Hawkes Bay Conservancy).</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
			unless owners have obtained a permit from DOC. Dog access to Te Urewera National Park is restricted to pig dogs	



**Map 1a: Ōhope Proposed Vehicle Prohibited Areas
(consistent with Schedule 2A of RCEP)**



**Map 1b: Ōpotiki Proposed Vehicle Prohibited Areas
(consistent with Schedule 2A of RCEP)**



Map 2a: Ōpotiki Proposed Dog Prohibited Areas (consistent with Schedule 2A of RCEP)



**Map 2b: Ōpotiki Proposed Dog Prohibited Areas
(consistent with Schedule 2A of RCEP)**



**Map 2c: Ōpotiki Proposed Dog Prohibited Areas
(consistent with Schedule 2A of RCEP)**

28 FEB 2020

9.50
LD



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of Opotiki District Council Bylaws and Dog Control Policy

RECEIVED
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Opotiki District Council
RECORDS

Your name: Stephen Michael Turfrey
Organisation (if applicable): _____
Postal address: 405 Ohiva Harbour Rd. R.D. 2 Opotiki
Email: Land Line 3154755 Day time phone: _____
mobile 0276343523

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 108 St John Street, Opotiki
EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

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I/ We wish to be heard in support of my / our submission All submissions will be made available to the Council and they will take them in to consideration when making decisions.

You can view a full copy of the Statement of Proposal *Review of Opotiki District Council Bylaws and Dog Control Policy* at www.odc.govt.nz or at Council offices.

Do you agree with the approach in the reviewed bylaws or policy?

NO

If not, which aspects do you disagree with and why?

Vehicle Prohibited Areas.
On Beach's for the Purpose to Fish

Are there bylaw or policy aspects that have not been included?

Other comments:

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

Submitters name Kerry Knight

Do you agree with the identified issues/strategies not all

Which aspects do you disagree with and why? the driving on beach /reserves

Submitters Email kerry@egggroup.co.nz

Daytime phone 021414005

Do you wish to speak to your submission? Yes

Submission on Part 4 Beaches of the Ōpōtiki District Council Consolidated Bylaw 2019

from Tim Senior, 8A Thompson Rd, ph 0274958834

Introduction

I live close to Waiōtahe Beach and walk, swim and fish there and take my very young grandchildren there to do the same.

While I support the proposal of banning vehicles from biodiversity areas and bird nesting sites, I believe that this doesn't go far enough.

The stated purpose of the bylaw is to

- (a) Protect the public from nuisance
- (b) Protect, promote and maintain public safety
- (c) Minimise the potential for offensive behaviour
- (d) Protect the beaches from damage

By allowing vehicles on many parts of many beaches, the bylaw as proposed does not give effect to any of these four purposes.

Purpose (a), (b) and (c) nuisance, health and safety and offensive behaviour

Human safety and enjoyment

Vehicles are a very real risk to public safety no matter what the speed and are a significant risk disturbance for the overwhelming majority of people for whom the beach is a place for quiet passive recreation.

I often take my very young grandchildren to Waiōtahe Beach in particular to play and swim. Quite frankly, this has sometimes been a frightening experience with dirt bikes and 4WD vehicles being driven recklessly at high speed along the beach with total disregard for other beach users. In such an environment I shouldn't have to be constantly on the lookout for these vehicles and sometimes having to grab the children and carry them quickly to safety. Attempts to get people to slow down have met with a raised single finger and abuse.

It's all very well having an official speed limit but my observation is that the sort of people who drive recklessly on the beach are not the sort of people who have any regard for rules. Amongst the worst offenders are a small number of local dirt bike riders who ride up and down the beach on very noisy machines at very high speed almost any time when there is a low tide during the day at the weekend. I've also often seen very young children riding dirt bikes on the beach.

Beaches in this district appear to be public places where anyone can do anything.

Council appears to already recognise this and it's also worth noting that the Reserve Management Plan, in Appendix 2, WBRR2 and 3, p124 points out that Waiōtahe beach is the most popular beach and also has the most undesirable vehicle behaviour and unwanted vehicle access to the dunes.

Vehicles used for fishing

From my observation, I know that vehicles are sometimes used by fishermen but I'm not convinced they need to drive the few metres from the beach access to the water's edge. I'm sure such a distance can be easily walked. The problem with allowing vehicles on the beach for the purpose of fishing is that other people more interested in a bit of wild driving think it is therefore acceptable for them to be there too.

Quad bikes are also often used by fishermen and I have rarely seen one driven on the beach in a reckless manner so I'm prepared to accept a compromise that allows quadbikes to be driven on the beach for the purpose of fishing – as is the case in the Whakatāne District.

Beaches as roads

Finally, we live in the 21st century. Beaches were acceptable and well used roadways in the 19th century when there were few other roads. Driving on the beach is probably a hangover from this much earlier time. We now have a good network of roads and there is no longer any need to drive along the beach.

Purpose (d) damage to beaches

The bylaw as proposed recognises that vehicles are a danger to nesting birds. But they are also a significant disturbance to other non-nesting birds.

Research shows that driving vehicles on the intertidal zone can have a significant damaging impact on shellfish such as tuatua. Apart from the need to protect the shellfish themselves, these shellfish are also a significant food source for several species of shore birds, in particular oystercatchers, black and red billed gulls

The damage to sand dunes and their vegetation, that are a natural and crucial erosion barrier (especially given the likely effects of sea level rise), simply by accessing the beach is often significant. It's also worth pointing out that there are no Council approved designated entry and exit points as mentioned in 4.6.2 (c) – or if there are, they are not signed. But other parts of the dunes are also accessed by vehicles from the beach with similar damage as a result. Many local people, with the support of considerable funding from several agencies have planted many thousands of plants in these dunes to restore their function and biodiversity.

Region-wide consistency

The bylaws of all the other territorial authorities in the Bay of Plenty do not allow vehicles to be driven on beaches by the general public. In some places an exception is made for quad bikes for the purpose of fishing. I'm aware that this restriction is not always adhered to everywhere. So I think it's important that there is consistency in the rules across the region, since most people will not be aware that bylaws are different in different places, or even where district boundaries are. If driving on beaches is not allowed anywhere in the region, people are more likely to eventually come to understand that and we are more likely to see behaviour change over time.

Enforcement

It is clear that the current bylaw provisions have been completely ignored by a vehicle drivers and have not been (and are probably impossible to) enforce, largely because there is such a variation of rules on different beaches. I don't believe what's proposed would make enforcement any more

practical since there are still many variations. A simple ban on vehicle use everywhere would make enforcement very straightforward.

Summary

In short, I don't believe it's acceptable that the overwhelming majority of passive beach users should have their safety and enjoyment compromised, or that several aspects of the natural environment are damaged, by a very tiny minority of people who choose to drive on the beach.

Amendments sought:

My preference would be for vehicles to be banned from beaches altogether, with exceptions made for vehicles engaged in official duties and quad bikes used for the purpose of fishing.

At the very least, I would like to see vehicles banned from Waiōtahe beach and Bryans beach, being, arbitrarily, the two most popular beaches in the district.

Evidence

Unfortunately I don't have much photographic evidence of the behaviour I've described as I rarely take a phone or camera to the beach. I only have two photos (below) which shows the tyre tracks of the dirt bikes mentioned above – it's quite easy to see even from the tracks, the speed and nature of the driving.







Opotiki District Council
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Review of Opotiki District Council Bylaws and Dog Control Policy

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Opotiki District Council

ODC

Your name: GRANT FRASER
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Postal address: PO 1, 990 d St 35 OPOTIKI
Email: parkingdog@farmstole.co.nz Day time phone: 0272707086

Return your submission form to:

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ONLINE: www.odc.govt.nz

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Do you agree with the approach in the reviewed bylaws or policy?

NO

If not, which aspects do you disagree with and why?

Are there bylaw or policy aspects that have not been included?

Other comments:

Beach bylaw at Tirohanga should should exclude vehicles (not horses or permitted fishermen on quads) from Tirohanga Stream to Waiau river mouth.

I wish to speak to my submission.
Thanks Grant Fraser.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

ODC 11-45a
28 FEB 2020



Opotiki District Council
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Review of Opotiki District Council Bylaws and Dog Control Policy

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Your name: Coral Chalmers
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Postal address: Box 503 Opotiki
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Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
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EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

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Do you agree with the approach in the reviewed bylaws or policy?

No

If not, which aspects do you disagree with and why?

*Beach vehicle access
Have seen dovecots as far as Kellys Gap
Tirdrop*

Are there bylaw or policy aspects that have not been included?

2008 Bylaw re vehicles on beach.

Other comments:

- * I would like to see 2008 Bylaw extended to Waikanae River Mouth, total ban.
- With large bold informative signage
- enforcement
- access through dunes blocked. Some created recently by S.U.V.s.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

Submission to Opotiki District Council – 28/2/2020

This submission is about “Part 4 Beaches” of the Ōpōtiki District Council Consolidated Bylaw 2019.

Summary

I support the banning of vehicles (other than permitted vehicles as stated) down to the Mean Low Water Spring level on the nominated beaches, particularly Waiotaha Estuary and its associated beach,

Specific comments

Under “purpose” the proposed bylaw states:

4.2 Purpose The purpose of Part 4 Beaches is to control activities on beaches to:

- (a) Protect the public from nuisance.*
- (b) Protect, promote, and maintain public health and safety.*
- (c) Minimise the potential for offensive behaviour.*
- (d) Protect beaches from damage.*

I support the points above, however, what seems to be missing in the purpose is any wording regarding the protection or enhancement of the natural environment including flora and fauna. As a member of our local Bryans Beach Area Community Group, we spend hundreds of volunteer hours doing just that – eg pest control, planting, dune restoration and beach clean ups. Vehicles on beaches contribute to spoiling a lot of this effort by:

- Destroying a fragile coastal ecosystem and dune development which is needed as a natural barrier to future sea level rise.
- Damaging juvenile shellfish beds in the intertidal zone which affects recruitment.
- Interfering with bird roosting as well as nesting habitat, especially for endangered species such as dotterels. Constant vehicle disturbance impacts shorebird survival and damages or interfere with nests and chicks.

I have addressed my other comments to each part of the purpose:

(a) Protect the public from nuisance.

Vehicles on beaches are a nuisance in terms of the noise and damage they cause. In summer, Quad bikes on the beach, frequently driven by children from the holiday park, drive up and down the whole beach, sometimes at reckless speed – certainly over 15kph. 4 wheel drive vehicles are common on the beach most of the year. Many delight in doing “donuts” in the sand. Some others drive to exercise their dog which runs after them. In this latter case there is no control of the dog which is free to hunt in dotterel nesting areas.

(b) Protect, promote, and maintain public health and safety.

Most of the vehicles on the beach I have seen exceed the 15kph speed limit which is not enforced. Only one person I know routinely wears a crash helmet when riding his quad bike. There is often a lot of driftwood on the beach and I believe it is only a matter of time before there is an accident and a driver is injured as has happened on other beaches.

(c) Minimise the potential for offensive behaviour.

It is not clear from the current restrictions exactly which part of the beach can be accessed by vehicles. There have been a number of altercations between local residents and people driving vehicles on the beach where they are not meant to. Clear signage and applying the ban to cover the whole beach down to Mean Low Water Spring will help clarify that vehicles are not allowed anywhere on the beach and may help prevent offensive behaviour.

(d) Protect beaches from damage.

As stated above, vehicles essentially destroy dunes, and the intertidal environment.

Counter arguments by proponents of vehicles on beaches.

The counter arguments for allowing vehicles on the beach seem to mainly come from fishermen, and in particular from those using "Kontiki's". They talk about their "right" to drive on the beach but do not respect the rights of others to have a peaceful vehicle free beach.

I think the fishermen's arguments are specious and do not stack up. The main reason for objection I believe is down to laziness – most now have a Kontiki set up in a vehicle or trailer with electrical launch and recovery and so they do not have to walk or spend any physical effort to go fishing in this manner anywhere on the beach.

There is plenty of beach with adjacent parking and no need to use a vehicle to access the beach for fishing. It would allow other people to walk further along the beach for some peace and quiet and enjoy the natural environment.

Thank you for the opportunity to provide feedback on the proposed bylaw.

Peter Maple

16 Ohiwa Harbour Road

RD 2

OPOTIKI 3198

Eastern Bay of Plenty Branch
Royal Forest and Bird Protection Society NZ Inc
P O Box 152, Whakatane

Contact: Linda Conning 073077108
easternbayofplenty.branch@forestandbird.org.nz

28 February 2020

Opotiki District Council
P O Box 44
Opotiki
info@odc.govt.nz



Submission on Consolidated Bylaw 2019

INTRODUCTION

This submission was prepared by Eastern Bay of Plenty Branch on behalf of the Royal Forest and Bird Protection Society NZ Inc (Forest and Bird). The Branch covers the area from Otamarakau to Lottin Point. The purpose of the Society is *“To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.”*

The Society supports the draft bylaws which are generally clear, except as detailed below, and particularly supports inclusion of the definitions and other provisions which are found in other legislation, rather than the reader having to go away and find them. This makes the bylaws more user-friendly.

Context

Local Authority policies and bylaws are significant instruments for the protection (or otherwise) of our indigenous heritage. Councils have a statutory function under s31 of the RMA to maintain indigenous biological diversity (s(b) (iii)), and a National Policy Statement on Indigenous Biodiversity is pending. That document promotes an integrated approach to the management of biodiversity including *“considering the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity”*¹. Whilst this is not final wording, it is unlikely that this element will be removed in the gazetted NPS.

The relevance of this is that decisions by councils in whatever context, must take place within a framework of maintaining indigenous biodiversity, and this submission follows that fundamental pretext.

Background – District Plan Process

The Proposed District Plan has been the subject of extensive submissions, hearings, and Environment Court mediation, with all aspects being resolved amongst the parties and awaiting final approval from the Court. Forest and Bird lodged an appeal seeking rules to

¹ Proposed NPS IB 3.4 (c)

prohibit vehicles from shorebird nesting sites (with the exception of life saving, emergency services, and management purposes.)

Through the mediation process it was agreed, amongst other things, that two new methods would be inserted into the district plan as follows:

Include two new methods in 13.7 Methods:

9. To control vehicle access to the beach where damage to dune or other geological systems and processes or harm to ecological systems or indigenous flora and fauna might occur through the 2020² reviewed Council Beach Bylaw and associated education and Bylaw enforcement.

10. Council notification of a plan change to provide practical planning provisions and restrictions to give effect to Policy 20 of the NZCPS and implement Policy RA 5 of the BOP Regional Coastal Environment Plan by identifying locations in which vehicle access will be restricted and/or prohibited, and to develop an integrated rule framework in consultation with the community.³

The Council therefore has already agreed to control vehicles on beaches where harm might occur to indigenous fauna and to not do so would be reneging from a signed Consent Order under the auspices of the Environment Court.

The original reason why a rule in the district plan was sought by Forest and Bird is that under the RMA infringement notices for breaches can be issued under that Act, whereas for a bylaw, a District Court prosecution is the only legal enforcement tool (unless a bureaucratic process is undertaken to seek infringement notices for the Bylaws through Regulations under the Local Government Act⁴.)

The vehicles on beaches bylaw is said to be issued under the *Land Transport Act 1998 s 22AB* (1) (f), presumably by the council as the road controlling authority, and *Land Transport (Offences and Penalties) Regulations 1999*. It is assumed that enforcement would be under s 113 (a) of the LTA 1998 but it is not clear if this applies to warranted officers under the LGA 2002, and probably does not. The LTA requires such bylaws to be sent to the Minister within a week of being made, and can be disallowed by the Minister. As it stands, this bylaw will only be enforceable by the police.

We return to this point later.

² The intention is to recognise that the current operative bylaw does not comply with the New Zealand Coastal Policy Statement (NZCPS) and to amend it so that it is compliant.

³ Whakatane District Council has introduced a prohibited activity rule for Opihi and Ohope Spits.

⁴ This has been done by the Bay of Plenty Regional Council for Maritime bylaws.

National and Regional Policy Direction

New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) Policy 20⁵ addresses vehicles on beaches. Councils must give effect to national policy statements. There are many reasons for controlling such activity, including danger to other beach users and disturbance of the peaceful enjoyment of the beach environment. Forest and Bird seeks restrictions based on 1(a) and (b), namely protection of dunes and indigenous flora and fauna.

The language of Policy 20 is very directive (“control use”, “identify”), and also wide ranging. The words used include “might” and “may”, indicating that action is not required only where damage **is** occurring, but where it might, and access “may” be permitted, i.e. not as of right. Note that the policy applies to foreshore, seabed, beaches and adjacent public land.

The landmark King Salmon Supreme Court Case⁶ stated that where language was directive, councils had no discretion as to whether to apply a particular policy. Therefore in this case, the council is required to implement Policy 20. This policy was promulgated because of uncontrolled, widespread use of 4WD vehicles along our coastlines since the advent of second hand imports which began in the early 1990s. Eastern Bay of Plenty has a very high number of such vehicles.

The Council has chosen to implement this Policy through bylaws rather than rules in the district plan, albeit it has agreed to the latter in the medium term.

Bay of Plenty Regional Coastal Environment Plan (RCEP)

Policy RA 5, in implementing the NZCPS, states that councils should restrict, and prevent where appropriate, vehicle use on foreshore, seabed, beaches and adjacent public land including on dunes, bird roosting areas, shorebird nesting areas and any other areas sensitive to vehicle disturbance identified in Schedule 2 Table 1 Indigenous Biodiversity Areas A, listed in the plan. The proposed Beach bylaw implements this policy, including the areas identified in the RCEP. Notably the policy applies to any beach abutting an urbanised settlement area,

⁵ Policy 20 Vehicle access

(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:

(a) damage to dune or other geological systems and processes; or
(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
(c) danger to other beach users; or
(d) disturbance of the peaceful enjoyment of the beach environment; or
(e) damage to historic heritage; or
(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
(g) damage to sites of significance to tangata whenua;
might result.

(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.

(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.

⁶ *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38

and makes exception for emergency services and the like, and boat launching. This exception provides for other restrictions under any Local Government Act bylaw, in recognition of existing bylaws.

The policy also addresses where vehicles are causing damage or potentially increasing erosion.

To summarise, the vehicle restrictions are mandatory under national and regional policy, not at the council's discretion, except as to site details, and the council has chosen to implement it through the Beach bylaw.

SPECIFIC COMMENTS

Section 1.5 Definitions

Beach means the foreshore being an area covered and uncovered by the tide between mean high water springs and mean low water springs and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shell, shingle, dune, or coastal vegetation and to which the public has a right of access but does not include private property.

The phrase "the public has a right of access" could be open to interpretation and there could be areas where there is no right of access which would nullify the definition. We suggest either using the phrase "is controlled by a public body and ~~but~~...." Or in the alternative, leaving it out altogether.

Cycle

For reader convenience it is suggested a cross-reference to wheeled recreational device would be helpful, as the latter covers e-bikes. Otherwise include in the Cycle definition that it does not apply to e-bikes. As discussed below, cycles should also be prohibited from identified bird nesting areas.

Enforcement officer has the same meaning as in the Land Transport (Road User) Rule 2004.

Explanatory note

According to section 1.6 of the Land Transport (Road User) Rule 2004, enforcement officer means:

(a) a constable:

(b) a Police employee who is not a constable who is authorised for the purpose by the Commissioner of Police:

(c) a person who is appointed to that office by warrant under section 208 of the Act or who holds that office by virtue of the [Land Transport] Act [1998].

For reasons further explained below, the definitions should also include an enforcement officer under the Local Government Act, as some aspects of the Beach Bylaw fall under that Act.

Road for the purposes of Part 13 Traffic and Part 14 Speed Limits...

This qualification is supported as it clarifies that this definition of what is a road is **only for those specified purposes**. People assume this means they can drive on a beach as it is a road but that is not correct. Beaches are roads **for the purposes of enforcing traffic laws** relating to registration, warrants of fitness and speed limits and the like but not legal roads unless they have been designated as such.

Wheeled recreational device

We seek clarification as to whether the Public Places bylaw, which references this definition, applies on beaches. If not, wheeled recreational devices (3.4.2 & 3) should also be prohibited in the bird nesting areas. It is assumed that land yachts fall within this definition, and for clarity should be listed as an example. The Society requests that land yachts be prohibited from the bed of Ohiwa harbour, Waiotaha estuary and bird nesting areas. Although this activity is not common in the district, if at all, the inclusion of this would future proof the bylaws.

Working dog – See under Dog Control Policy and Bylaw Submission

Part 4 Beaches

Forest and Bird strongly supports the Beach Bylaw, subject to the comments below, as it is consistent with national and regional policy direction. Forest and Bird considers that cycles should also be prohibited from the bird nesting areas, or at the very least that cyclists must dismount to traverse those areas.

Enforcement

The Society is concerned about the enforcement of these bylaws. An important aspect of the bylaw will be signage and education, but ultimately, it must be enforceable. Forest and Bird is concerned that relying on the police, whilst necessary to a large extent, will mean that it will be difficult for the Council to do more than issue a warning in the case of breaches. Therefore the Society submits that the bylaw should also be under s 146 (b) (vi) of the Local Government Act b) *of managing, regulating against, or **protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with(vi) reserves, recreation grounds, or other land under the control of the territorial authority:***[our emphasis].

This should enable warranted council officers (who should be included under the definition of enforcement officers as set out above), to act without police involvement where that is practicable. However unless the Council seeks powers under regulations to issue infringement notices for its bylaws, a district court prosecution is the only process for imposing fines or other sentence.

For these reasons, Forest and Bird will continue to seek rules in the District Plan as the most efficient way to enable infringement notices without resorting to any other agency.

The council should also be aware that the Conservation (Infringement System) Act 2018 has recently come into force and gives councils powers to issue infringement notices for offences in reserves under the Reserves Act. There are many areas where council administered Recreation Reserves adjoin beaches, and there should be maps showing where this provision could be used, depending on the seaward boundary of those reserves, and any bylaws in place for them.

An Explanatory Note could specify what the current infringement fines are, where applicable, and the maximum fine if not paid, noting that the quantum can be changed by Regulations.

4.6.4 Is the reference supposed to be to 4.6.2?

4.7 Animals

Forest and Bird supports these restrictions, especially excluding horses from the bed of Ohiwa harbour, Waiotaha estuary and bird nesting areas however there is a gap relating to dogs (See separate Dog Control Policy Submission).

Schedule 1 Maps

The Society appreciates the difficulties in mapping foreshore areas but some amendment is required to remove uncertainty. The prohibited areas should extend to MLWS. The Maps for the RCEP state *“Where a site is identified in Schedule 2 as a shorebird breeding site, the boundary of the site extends to mean low water”*. This is not always clear on the maps e.g. Map 3 Waiotaha. A notation should be put on the maps that the vehicle restriction applies to MLWS.

The reason for this is that birds feed at the water’s edge and disturbance of feeding affects nesting success. We understand Council has jurisdiction to MLWS.

Provision should also be made for changes to the foreshore and to movement of nesting areas e.g. on Map 3 Waiotaha, the dotterel area here should extend to the west, to where the land area between the ocean beach and the estuary is at its narrowest, as birds are already utilising that area.

Map 6 Omaramutu to Opape

The nesting areas at this site should be joined up. Stream mouths move frequently, and the separation is artificial based on a moment in time when originally mapped.

Forest and Bird also supports inclusion of the river beds east of Opotiki because banded dotterels, also threatened, nest in such areas.

Part 8 Animal Control

8.2 Purpose

The purpose of Part 8 Animal Control is to regulate the keeping of animals including stock, poultry, and bees, movement of stock, and horse riding in public places to protect the public from nuisance and protect, promote, and maintain public health and safety.

Add to the end of this “and protect the environment from damage” consistent with Part 4 Beaches.

8.9.3 (c)

The prohibition on horse riding on the Ohiwa Harbour mudflats is supported as there has been a history of damage to the substrate and its fauna, and disturbance of threatened bird species. However, add Waiotaha estuary and (d) *in bird nesting areas as shown on maps in Part 4*. Although there is an Explanatory note, for public convenience, the prohibition should also be in this section.

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28 February 2020

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DOG CONTROL POLICY AND BYLAW 2020

The Introduction and Context on page 1 of the Consolidated Bylaw submission are also relevant.

1. Definition of Working Dog

1.1 The Society was unaware of the Council's intention to pass the resolution including hunting dogs in this definition. Forest and Bird does not agree with this extension of the definition which partially undermines the Dog Control Act notwithstanding the Act provides for councils to include other classes of dogs as working dogs. The Act excludes working dogs from requirements to be on a leash in public places (s10 (3) (c)(ii)). This is all very well when the dogs are actually hunting in the bush, but should not exclude them from being on leash when in other situations where they may be in closer contact with people and other wildlife. To our knowledge, kiwi aversion training does not necessarily assist in discouraging hunting dogs from disturbing birds other than kiwi and weka, i.e. not shorebirds.

1.2 Hunting dogs do not need to be classified as working dogs, and should still be on leash in other parts of the district. Section 36A excludes working dogs from being micro-chipped. Given that hunting dogs frequently get "lost", such dogs should be microchipped. Section 54A exempts owners of working dogs from carrying a leash in public. Again, this is not appropriate outside the actual hunting situation.

1.3 The Dog Control Policy and Bylaw therefore needs amending so that working dogs do not include hunting dogs.

Dog Control Policy⁷

2.1. Forest and Bird is concerned that the policy does not mention s5(g) of the Act which requires dog owners "*to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:*"

⁷ s 10 (5) (a) says policy must identify land that is public conservation land & Te Urewera and can provide information and advice but s 20 (3) states that policy does not apply in those areas.

2.1.1 The disturbance of shorebirds can limit their feeding regime and adversely affect their condition and therefore their breeding success, and cause nests to be left unattended thereby reducing the likelihood of fledgling success.

2.1.2 The western part of the Opotiki district in particular provides suitable habitat for many shorebirds, including threatened species, and these populations are a significant contribution to the national population, and attract many visitors both nationally and internationally who come specifically to see them.

2.1.3 The Opotiki District Council is the dog controlling authority outside of public conservation land, and should be using its powers to protect protected wildlife from the disturbance of dogs.

2.1.4 Section 20 (1) (a) provides for the prohibition of dogs, whether under control or not, from specified public places. Forest and Bird considers that all dogs, with the exception of conservation and search and rescue dogs, should be prohibited from identified bird nesting areas. Working dogs should also be prohibited in dotterel nesting areas, and stock should not be driven through such areas in any case.

3. The opening sentence is not an accurate summary of the purpose of the Dog Control Act. Section 4 sets out the objects of the Act which are

(a) to make better provision for the care and control of dogs (i) by requiring the registration of dogs; and (ii) by making special provision in relation to dangerous dogs and menacing dogs; and (iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and (iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and (b) to make provision in relation to damage caused by dogs.

3.1 Section 10(4) requires council policy to have regard to the protection of the community, especially children, from dogs, and to provide for the exercise and recreational needs of dogs and their owners. We note that 9.2.1 of the Dog Control Bylaw provides an acceptable summary:

Part 9 Dog Control gives effect to the Ōpōtiki District Council's Dog Control Policy 2019, which regulates the control of dogs so they do not cause danger, distress, or nuisance to the community, stock, domestic animals, or protected wildlife.

Forest and Bird requests the opening sentence is rewritten as follows:

“Dog control is regulated by the Dog Control Act 1996 (the Act) , the purpose of which is to provide for better care and control of dogs so that they do not injure, distress or disturb people, animals and protected wildlife”; or otherwise use the same wording as in the bylaw itself.

4. Dog control areas p5

4.1 The policy appears to have only two control areas – off leash, and prohibited. Yet there are two further control areas which are dogs on leash, and dogs off leash but under control with leash carried by owner, set out on page 6:

Dogs, other than working dogs, are required to be controlled on a leash in all public places in the urban area (areas zoned as Residential, Industrial, Town Centre and Mixed Activity under the District Plan), except in areas identified as dog exercise areas or dog prohibited areas.

In all public places where dogs are not prohibited or required to be on a leash, dog owners must carry a leash and keep their dog under control.

4.2 Forest and Bird has reservations about dogs “under control”, as we know that many dogs supposedly under control of the owner are anything but. In addition this section is not consistent with the bylaw which states:

Every dog must be kept controlled on a leash if it is likely to injure, endanger, or cause distress to any stock (including horses), other domestic animal, or protected wildlife.

4.3 We also note that Te Urewera is no longer a national park, and it would be helpful to the public if the requirements relating to dogs in that area were included for information.

4.4 Dogs should be excluded from Identified ground nesting breeding areas outside of public conservation land.

4.5 Conclusion on Dog Control Policy

- The inclusion of hunting dogs as working dogs is not appropriate and should be reversed. This would not prevent the council from having lower registration fees for that class of dog if it chooses to do so. However it needs a rigorous process to ascertain if credible avian (not just kiwi and weka) aversion training has been undertaken by a dog if concessions are sought as an incentive. Note that Forest and Bird understands this training must be undertaken annually to be effective.
- The policy should not make a claim for legislation that is not claimed in that legislation i.e. the Dog Control Act is not a “balance” – it is an expression from parliament as to what aspects of dog ownership the Act will be under the law.
- The policy should exclude dogs from identified significant wildlife nesting areas, and in effect the dog control bylaws should mirror the Beach Bylaw in controlling access to areas identified in Schedule 2 Table 1 Indigenous Biodiversity Areas A, listed in the RCEP.
- The section on Dog Control Areas should be re-formatted to more clearly set out the different controls in different areas.

Part 9 Dog Control Bylaw

5.1 There are inconsistencies between the Policy and the Bylaw, and between this bylaw and the Beach bylaw.

5.2 Forest and Bird strongly supports a consistent approach to the identified bird nesting areas so that vehicles, horses and other animals, and dogs, are excluded. This is clear and a simple message for the public to understand.

5.3

9.4.2 *(Every dog must be kept controlled on a leash if it is likely to injure, endanger, or cause distress to any stock (including horses), other domestic animal, or protected wildlife)* is an improvement on the policy but in some instances being on a leash is insufficient (as in bird nesting areas), and the phrase “if it is likely” is vague and uncertain. We suspect this clause is to provide council with support if an incident occurs, a breach can be claimed but a more pro-active approach is

required. Dogs should be excluded from the identified bird nesting areas. The Schedule referred to in 9.4.4 should be added to so that it mirrors the vehicle exclusion areas in the Beach Bylaw.

9.5.2 Dog Exercise Areas

5.4 It is unbelievable that the council would allocate **all** beaches as dog exercise areas. Apart from the wildlife implications, there surely should be some beaches or parts thereof where the public can be free of dogs.

9.6.2 Dog Prohibited Areas

5.5 As above, these should be extended. The current proposal allocates most of the District to dogs. This is not a fair or reasonable approach. Our members seek beaches for wildlife, including Ohiwa Harbour, Ohiwa and Waiotaha beaches.

5.6 The Explanatory Note should include the information in the Dog Policy, although we suggest some editing to avoid ambiguity, as the word “permitted” is usually taken as meaning allowed, whereas in processes under the Conservation Act it means “has applied for and received a permit”:

~~Only permitted hunting dogs, guide dogs and dogs used for special services (including conservation management activities) may be taken onto conservation land. All other dogs are banned.~~ In all Department of Conservation (DOC) land east of Ōhiwa Harbour (in the East Coast Hawkes Bay Conservancy), no dogs are permitted in any scenic reserve, conservation or forest park (including Raukumara, Kaweka and Ruahine Forest Parks), or any named conservation areas (including the Urutawa Conservation Area and Waioeka Conservation Area) unless owners have obtained a permit from DOC or unless it is a disability assist dog or under the control of a Police employee; a warranted officer; an officer or employee of the Department; a Customs officer; or a search or rescue person.

Schedule 1 of Part 9: Dog control areas

Dog exercise areas

- *Beaches (except for those areas on beaches identified as dog prohibited areas)*

5.7 As discussed above, the beach exclusions should be much more extensive, and we cannot understand why there are only three areas specified (Waioeka Spit (East end), Waiaua Spits (both sides of Waiaua River mouth) and Waiotaha Spit (dotterel breeding area). We support those areas being excluded from exercise areas, as well as Hikutaia Domain.

5.8 However all of the vehicle-excluded areas should be included in the Dog Prohibited areas, including the bed of Ohiwa Harbour and Waiotaha Estuary, as people often think its fun to take their dogs to chase the birds. This is not fun for the birds, and ecologically damaging as it disturbs their feeding and breeding behaviour and has negative outcomes for maintaining and enhancing bird populations, some of which are threatened or declining (including all gulls except for the black-backed gull).

5.9 As for the Beach Bylaw, the maps should show the prohibited areas extending to MLWS (which the Waiotaha site does not) and the sites at Waiaua should be joined. We suggest amending to “All breeding sites of northern New Zealand dotterel as identified in the Bay of Plenty Regional Coastal Environment Plan”. Forest and Bird had understood that the Council did intend prohibited areas to be aligned to bird nesting and roosting sites in RCEP.

On leash areas and leash requirements

5.10 The Bylaws do not implement all of the policy (p6):

Dogs, other than working dogs, are required to be controlled on a leash in all public places in the urban area (areas zoned as Residential, Industrial, Town Centre and Mixed Activity under the District Plan), except in areas identified as dog exercise areas or dog prohibited areas. In all public places where dogs are not prohibited or required to be on a leash, dog owners must carry a leash and keep their dog under control. [our emphasis]

At the very least, these two policies need to be incorporated into the Bylaw.

Onekawa Te Mawhai Regional Park and the Ohiwa Domain should be included as on-leash areas.

Conclusion

- Limiting the definition of working dog to those categories previously widely understood to be included, and
 - Aligning the dog bylaws with the Beach and Animal Bylaws
- will create a streamlined and defensible bylaw for the district.

Ōpōtiki District Council

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28 February 2020

To Whom it may concern,

Consolidated Bylaw Review 2019

The Department appreciates the opportunity to submit on the proposed Ōpōtiki District Council Draft Consolidated Bylaw 2019 and Dog Control Policy 2019.

The Department focuses its attention on matters pertaining to vehicles and dogs within the Consolidated Bylaw.

Page No	Section Heading	Department Submission Feedback
31	Vehicle Prohibited areas 4.5.3 Schedule 1 of Part 4 Beaches identified vehicle prohibited areas	<p>Support ODC's decision to prohibit vehicles on beaches which are identified as dotterel nesting areas and IBDA A sites (as identified in the Bay of Plenty Regional Council Coastal Environment Plan) for the purpose of protecting fragile coastal ecosystems and nesting sites of threatened shorebirds including the NZ dotterel.</p> <p>Amend wording to incorporate the reality that the shapes of sand spits will change course over the extended period of the bylaw, so the vehicle and dog prohibited areas require flexibility to match any changes to the shape of the sand spits.</p> <p>Clarify wording and associated mapping to extending all vehicle prohibited areas to include down to Mean Low Water Springs.</p> <p>Clarify wording associated with definitions of vehicles for prohibited beach areas to include all terrain (or similar) vehicles, motorcycles and e-powered cycles.</p>

32	4.7 Control of animals	<p>Support ODC's decision to exclude horses from areas identified as nesting bird areas, sand dunes and coastal vegetation or rehabilitation areas.</p>
36 & 37	Vehicle Prohibited areas 4.5.3 Schedule 1 of Part 4 Beaches identified vehicle prohibited areas	<p>Amend the shape of the Waiotaha spit dotterel nesting area to reflect that the nesting site has extended more to the west of this spit and may continue to do so as a result of coastal erosion at the tip of the spit in the next 10 years (See Map 1 – Waiotaha Spit).</p>
39	4.4 Aircraft	<p>Clarification is sought on the definition of aircraft in relation to drones. The Department recommends that specific policy is included on how and where drones can be used. The Department seeks that the use of drones in relation to all shorebird nesting sites (as described within dog prohibition areas) within the Ōpōtiki District are specifically prohibited. The Department recommends further consideration be given to other guidelines for other sites which could include: To avoid disturbing or harassing shorebirds or seabirds on land, the shore or at sea, you should:</p> <ul style="list-style-type: none"> • take off at least 100 m from any bird • fly no closer than 50 m in any direction to shorebirds or seabirds • abandon contact at the first sign of any bird being disturbed • land your drone at a safe distance away if a bird circles or otherwise interacts with a drone in flight • not fly within 300 m of any shorebird or seabird if there are already three drones present • keep at least 50 m from any other drone.
69	9.6 Dog Prohibited Areas - Schedule 1 of Part 9 Dog Control Areas	<p>Support ODC's decision to prohibit dogs from identified dotterel nesting areas.</p> <p>Amend wording to incorporate the reality that the shapes of sand spits may change course over the extended period of the bylaw, so the vehicle and dog prohibited areas require flexibility to match any changes to the shape of the sand spits (as above in vehicle prohibited areas).</p> <p>Clarify that all dog prohibited areas to include down to MLWS (as above in vehicle prohibited areas).</p> <p>Amend dog prohibited areas to include all dotterel nesting areas as identified in Vehicle Prohibited Maps. This will provided consistency with the Vehicle Prohibited Areas as well as the ODC Reserves Management Plan (9.4.3) which identifies limiting dogs to help biodiversity.</p> <p>Include Waiotaha Beach dotterel nesting area as a Dog Prohibited Area.</p> <p>Amend the shape of the Waiotaha spit dotterel nesting area to reflect that the nesting site has extended more to the west of this spit and may continue to do so as a result of coastal erosion at the tip of the spit in the next 10 years (as above in the vehicle prohibited area) (See Map 1 – Waiotaha Spit).</p> <p>Amend dog prohibited areas Ohiwa spit from the internal walking track west to the tip of Ohiwa spit as a Dog Prohibited Area (see Map 2 – Ohiwa Spit).</p> <p>Amend the two dotterel nesting areas on the east of the Waiaua river mouth to incorporate a larger dog prohibited</p>

area (see Map 3 – Waiaua East).

Amend dog prohibited areas to include the Ohiwa Harbour mudflats to match the shape of vehicle prohibited area. This mapped area should include Whangakopikopiko Wildlife Management Reserve and Pataua Scientific Reserve as prohibited dog areas for public convenience. The Ohiwa Harbour is an important feeding and roosting site for national and international shorebirds which are threatened with extinction. Prohibition of dogs from this area will greatly prevent disturbance to these species.

Amend dog prohibited areas to include the western end of Waioeka river mouth in front of Huntress Creek Conservation Area as a proactive measure for considerations that Dotterels nesting on the eastern end of Waioeka river will shift to the west following the possible construction of the Ōpōtiki Harbour (see Map 4 – Waioeka West Spit).

6 Draft Dog Control Policy

Amend wording associated with DOC land described within 'East Coast Hawkes Bay Conservancy'. Recommend "Only permitted hunting dogs, guide dogs and dogs used for special services (including conservation management activities and emergency services) may be taken onto public conservation land (PCL). All other dogs are banned. On all PCL within Ōpōtiki District, no dogs are permitted in any scenic reserve, conservation or forest park (including Raukumara), or any named conservation areas (including, but not limited to Urutawa, Waioeka Conservation Area) unless owners have obtained an appropriate permit from the Department of Conservation."

7 Draft Dog Control Policy

Amend wording to better recognise the change of status associated with Te Urewera no longer being a National Park. **Clarification** is sought regarding statements pertaining to avian aversion training allowing hunting dogs to be registered as a 'working dog'. The Department seeks clarification throughout the Consolidated bylaw and the Dog Control Policy that working dogs are specifically unable to enter dog prohibited areas associated with shore bird nesting sites. Explanation: working dogs are exempt from many requirements of other dogs, as defined within the Dog Control Act 1996.

The Department wishes to be heard in relation to our submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jade King-Hazel', written in a cursive style.

Jade King-Hazel
Operations Manager
Whakatāne Whirinaki Ōpōtiki District

Attached – Maps pertaining to above submission



Map 1 – Waioatahe



Map 2 – Ohiwa Spit



Map 3 – Waiaua East



Map 4 – Waioeka West Spit* this area needs expanding in relation to future potential Harbour developments which will see the movement of the river mouth and expected movement of NZ dotterel nesting sites.

Opotiki District Council Mayor, Lyn Riesterer, and Councillors.

My name is Michael Corboy and I live at 21 Bryan Road RD2 Opotiki 3198.

Phone: 07 315 4947 or 0277 3456 38, michaelcorboy70@gmail.com

Vehicles on Opotiki District Council Beaches

The following presentation is made out of my concerns for Ohiwa Ocean Beach. I have no idea if what I have to say applies to other beaches and consider that each area of foreshore and dunes might well have special features that also might have to be taken into consideration.

For a long time I have been very concerned at the regular abuse by vehicle users of the Ohiwa Ocean Beach that runs from the entrance to Ohiwa Harbour to the Waioatahe River. I have been told that when I see vehicles being driven inappropriately on the beach I should take a photo on my mobile. I should then send it to the Council so that suitable action can be taken. The trouble is that beaches and mobiles are not always compatible. I do not take my mobile when going for a swim, walking and paddling the dogs along the beach in the surf or putting out my long line from my buggy. Besides that most of the offenders are driving quad bikes and trail bikes that don't have license plates. I often wave down people who are driving or riding very fast, 15 kms per hour is the limit, and it's not hard to detect that people are driving much faster than that. Some stop others don't. I speak to people politely and tell them that being able to take a vehicle on the beach is a privilege that could be withdrawn if the local bylaws are not followed namely speed and driving vehicles just above the high tide line. Most people are polite and take on board what has been said, a few are mildly abusive.

I have often read that the ecosystems of beaches are very fragile and that when food chains are destroyed the knock on effects can be catastrophic. So when I see vehicles speeding along the mid and exposed low tide zones I think I have reason for concern and that our elected members should feel likewise. Now and again thousands of extremely small tuatua form nursery beds in this section of the beach. It is alarming to see tyre marks going right these beds. There are a whole range of shellfish and other mini-beasts living in the low to mid tide zones that are not immediately detected by the human eye but they are there as evidence by observing the feeding times and habits of the seashore birds. Many sea birds some of them quite rare and endangered feed in that area. Taking away their food source is reprehensible. But even more so is that some people are unaware that birds like dotterels (a highly endangered species) nest in the high tide zone and that the nests can be easily driven across and eggs or chicks destroyed. Nesting birds can also abandon their nests when disturbed by vehicles passing close by. Local residents have raised and donated over \$90,000 to place around a thousand traps over the Ohiwa Headland including the dunes and have successfully trapped thousands of the various vermin that destroy

bird eggs and kill chicks. Over almost twenty years they have involved themselves in dune planting. One resident has also devoted many hours to spraying noxious plants. This has involved a considerable time investment on the part of these good citizens. All this work has been to protect and encourage bird life in this area including dunes and foreshore. It is therefore morally incongruous that a relatively small number of people should nullify this work by taking away the food source of these precious birds.

Another worry for me, having spent a lifetime in education, working with children and coming from a large family, is the incompatibility of children and vehicles on the beach. I have witnessed the damage done to the adult human body done by a person running out from the front of a bus and being hit by a very slow moving car. The person was thrown several metres through the air. I feel considerable anxiety when I see vehicles even travelling slowly passing by toddlers playing in the sand. With the sound of the sea are they gleefully absorbed in their play these children do not see or hear cars approaching. They get out of the holes and just run in any direction. Nor should their parents have to look out for them while they are busy watching their other children in the water. Children or parents should not have trouble themselves watching out for vehicles while enjoying time on the beach. There should therefore be a safe place or safe places for families along Ohiwa Ocean Beach – in front of the Holiday Camp and Bryan Road - where vehicles cannot go at any time.

I take our buggy on the beach to put out my long line and to give my stroke disabled sister a treat that she can experience no other way. I also use my buggy, as do other local residents to pick up rubbish especially after storms. I am worried that because so many people do not follow the bylaws those that do are going to lose this privilege as a result. However, if Councillors can see no other way of ensuring people act responsibly and protect this fragile environment then I am happy to lose this honour.

Several years ago when Councillors were considering this issue a huge lobby of four wheel drive enthusiasts held a meeting in the College Hall. What I gathered from attending this meeting was that they wanted to maintain their rights to drive on the beach 'come what may'. There was little concern for the fragile nature of the foreshore and dune environment and it was up to the Council to police the beaches. There was no recognition of the extent of coastline of the Opotiki District or the financial restraints on one of the poorest local councils in the country. This lobby organised a massive petition which no doubt swayed Councillors who had the next election in mind. I would like to suggest that making moral decisions depends far more on making decisions based on logic, reason and evidence rather than the loud noise made by a large number of people.

Whether Councillors decide to ban all vehicles except those carrying out vital services, or stick with the present bylaws some operational changes are needed.

The most important transformation needed is education that explains to people why the foreshore and dunes make up a very easily damaged territory. This informational programme could involve the Council website, pamphlets regularly delivered to households by volunteers, pamphlets given to visitors at holiday parks and motels and at the Information Centre and volunteer wardens to talk to vehicle drivers or riders who are not following the rules. In the area I live in there are three organisations that Council Officers could work with to protect our Ohiwa Ocean Beach, namely The Ohiwa Headland Trust, the Bryans Beach Community Group and Bryans Beach Water Society. Large signs could be erected near entrances to the foreshore which ask people to stop and read before proceeding, that tell people that the beach is regularly patrolled by wardens, the rules and a brief note explaining why the rules etc. are needed. If signage is considered too expensive for our District Council who has many pressing needs to consider, perhaps people could be asked to donate towards the cost. I would be happy to make such a donation to provide one sign for our area even though we need two.

Providing safe area on the beach where vehicles cannot cross is vital. Doing something after a serious accident or death is too late.

I would also suggest that whatever happens that over the next few years there be an ongoing dialogue that involve regular meetings with Council Officers, Community organisations, Elected Ward Councillor and sometimes the Mayor and residents. Such dialogue might also deal with other issues that help Council operations and benefit the community.

I have one further request and that is that I be allowed to speak publicly to Councillors when the issue of 'vehicles on beaches' is being discussed.

Yours sincerely,

Michael Corboy

ODC 12.46

28 FEB 2020



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

RECEIVED
28 FEB 2020
Opotiki District Council
RECORDS

Your name: Michael Snelgrove
Organisation (if applicable): _____
Postal address: 10 Chiwa Cove Rise
Email: _____ Day time phone: 0211077731

Return your submission form to:
POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 108 St John Street, Opotiki
EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

PRIVACY ACT NOTE
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I/ We wish to be heard in support of my / our submission All submissions will be made available to the Council and they will take them in to consideration when making decisions.

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Do you agree with the approach in the reviewed Reserve Management Plan?

No

If not, which aspects do you disagree with and why?

Vehicle prohibited area Waioatahe spit/Estuary.
Please see comments on the back of this sheet.

Are there aspects that have not been included?

Other comments:

If more space is required attach additional paper with your name and contact details on each sheet.
SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.
Thank you for making a submission.

I walk on the Chiwa Spit area from Chiwa motor camp to the Waiotake River most days. After Christmas + new year use here on beach is low. I don't understand why you are to ban vehicles from beach. The dotted area is fenced off and sign posted and no vehicles go near this fenced off area. I would like to see the existing rules to vehicles maintained.

Submission number 76

OPO Website - General Feedback

Reference: OPO-GF-200301-7VWAU-DUJ

Feedback type: Other feedback

Attachment: not supplied

Contact name: george and marlene whitmore

Organisation:

Preferred contact method: Email

Email address: gwhitmore@xtra.co.nz

Phone number: 073154638

Feedback message

to whom it may concern, this is a reply to an article in the Opotiki News 25th feb relating to the new bylaws. Why were the changes not brought up before the last elections? The majority of home owners on this coast have retired here to enjoy a life of fishing and relaxation and know how to respect the beaches and bird life nesting here, and why should we be penalized by do gooders who want to spoil it for others. Why should the horse trekkers miss out their pleasure of a trip accross the harbour and beach, would you rather have them trekking through town. What about the locals who are willing to clean up the beach front after storms. I'm sure you will have received other correspondence on this issue, please listen to the locals who love the life here instead of others who are trying to spoil it.

Submission number 77

Hello.

I would like to make a submission in **strong favour of all proposed, prohibited vehicle areas on Opotiki District beaches -as per maps.**

In the current situation on the beaches, there are

- speeding quad bikes and motorbikes
- disturbance of dunes /plants and rare bird habitat eg dotterels and oyster catchers.

Vehicle prohibition will mean more peace and quiet for passive users of the beach and a better chance for the birds to survive and the ecosystems to stay intact.

Money must be put aside for monitoring /cameras etc as there has been a lot of vandalism of fences (put up to discourage vehicles) on the dunes next to the Waioweka River Mouth, East of The Drifts.

There also needs to be a community response to pest control in the Huntress Creek wetland area. Cats and kittens are dumped there and need to be trapped and euthanized. Stoats, weasels and rats are also likely to be there in high numbers.

I am speaking of this particular area because I am familiar with it. However, these habitats must be protected on all beaches in the Opotiki District.

On a personal level, when I was a child growing up in Opotiki, dotterels were so common on the beaches that they didn't even warrant a mention if you saw them. A very different situation today!

Thank you.

Karen Wealleans

Outer Kaiti, Gisborne

Tel 0284177907

SUBMISSION:
FROM NEW ZEALAND BEEKEEPING INCORPORATED.



RD 1, Ashburton 7771
Email info@nzbeekeeping.co.nz
www.nzbeekeeping.co.nz

TO THE CONSULTATION:
ŌPŌTIKI DISTRICT COUNCIL CONSOLIDATED BYLAW 2019

New Zealand Beekeeping Incorporated is a national beekeeping organisation representing our members some of whom reside in the Ōpōtiki District Council area.

NZ Beekeeping considers beekeeping to be a hobby in the urban areas providing honey and pollination of garden plants and fruit trees. Beehives provide additional benefit for the immediate neighbourhood within a 2-5km radius pollinating flowers.

Proposed Bylaw

8.6 Beekeeping

8.6.1 The Council or an authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place in an urban area.

NZ Beekeeping would support the proposed Bylaw for the urban area where the siting and manipulating of beehives may impact on neighbours. We believe this Bylaw provides Council the ability to control issues according to the situation that exists at the time. It offers flexibility that can overcome conflict that sometimes occurs between neighbours when beekeeping is involved in the urban environment.

In NZ there is a National Pest Management Plan for the control and eradication of American Foulbrood (AFB) disease under the provision of part 5 of the Biosecurity Act 1993. Every beekeeper in NZ is required by law to register all apiaries on to the AFB Apiary database, and pay annual levies.

We support the explanatory note in relation to the Biosecurity Act as well make the suggestion that information regarding beehive registration can be obtained viaASUREQuality;
<https://www.asurequality.com/our-industries/apiculture/apiary-register/>

We would like to advise that there are several beekeeping organisations providing best practice information to members one of which is Apiculture NZ, a voluntary organisation. If there is any aspect from the Apiculture NZ code of conduct the Ōpōtiki District Council considers worthwhile, it should be included as a by-law or an explanatory note and thus become part of the text of the council document.

Thank you for considering our views.

**JANE LORIMER
PRESIDENT**

Submission number 79

To Whom it may concern,

I am writing as a resident of the Ohiwa area and wish to provide the following feedback on the proposed changes to the Bylaws and Dog Control Policy.

I strongly support the areas mapped and identified as vehicle prohibited areas for the protection of Indigenous Biodiversity Areas A and Dotterel nesting sites. This area must include vehicle prohibition to mean low water spring to protect our fragile coastal ecosystem.

My reasons for supporting this is as follows:

- Our coastal dunes are our only natural barrier to sea level rise and we must act now to protect this ecosystem.
- Vehicles on beaches in the intertidal zone damage juvenile shellfish beds affecting recruitment.
- The beach is not just bird nesting but roosting habitat as well. I have firsthand witnessed a lot of people tearing through this area with no thought to the biodiversity of the area.
- Many volunteers dedicate their time to trap and protect nesting shorebirds and are constantly frustrated by those who damage and destroy this area through vehicle use. Constant vehicle disturbance can impact shorebird survival and damage or interfere with nests and chicks.
- We must be proactive and safeguard this coastal ecosystem for the future as pressure on our beaches grow with population growth, greater visitor numbers and new technology that will increase the number and types of vehicles that can be driven on beaches.

Thank you for your consideration.

Kind regards

Mithuna Sothieson

Submission number 80

Name; Gill Browne

Daytime phone; 07 3154645

Email; gill4browne@gmail.com

Volunteer: assist with shorebird protection and monitoring and year around pest control.

Re ODC Vehicles on Beaches bylaw review.

I am writing to support proposed vehicle prohibition in identified indigenous biodiversity area A and identified Dotterel nesting areas in general. My comments will relate in particular to Maps 1-4 as I work in these areas as a volunteer.

These maps are;

Map 1 Ohiwa Harbour vehicle prohibition

Map 2 Ohiwa Spit

Map 3 Waiotahe Estuary

Map 4. Waiotahe Spit.

My reasons include;

We are seeing increased vehicle numbers on beaches with many not observing speed limits. This is incompatible with the safety of other recreational beach users including young children, elderly and fishermen. This will only get worse with increasing population and tourism. Over summer in particular we commonly have issues with some young people on quad bikes hooning and doing wheelies close to nesting sites and I have also observed them chasing shorebirds on quads. With no registration it is difficult to identify and report these incidents.

The existing ban on vehicles for a very limited period in the summer at Ohiwa beach and Spit area is totally ineffective. The current signage is not prominent, ambiguous and completely ignored by drivers. Over 7 years I have never seen this being enforced.

These areas already have adequate vehicle parking provision very close to the beach with multiple pedestrian access ways for beach goes and fishermen to use so vehicles on beaches are unnecessary.

As a volunteer working year around with others to try to reduce pests, and to help protect and monitor shorebird breeding, it is very frustrating and disheartening to see areas damaged and destroyed through vehicle use. Constant vehicle disturbance can impact shorebird survival and damage or interfere with nests and chicks. Endangered species need all the the help they can get.

Vehicles on beaches in the intertidal zone damage juvenile shellfish beds.

We need to protect our fragile coastal ecosystem which provides a natural barrier to sea level rise.

Re dog policy

I would like to see prohibition of wandering dogs in our identified dotterel nesting sites.

Thank you for the opportunity to comment. I do not wish to talk to my submission.

Gill Browne



Review of the Ōpōtiki District Council Reserve Management Plan

Your name: GRANT FRASER

Organisation (if applicable): _____

Postal address: _____

Email: barkingdog@farmside.co.nz Day time phone: 0277707086

Return your submission form to:

POST: Ōpōtiki District Council, PO Box 44, Ōpōtiki 3162
 DELIVER: 108 St John Street, Ōpōtiki
 EMAIL: info@odc.govt.nz
 ONLINE: www.odc.govt.nz

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I/ We wish to be heard in support of my / our submission

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Do you agree with the approach in the reviewed Reserve Management Plan?

If not, which aspects do you disagree with and why?

Are there aspects that have not been included?

Other comments:

I am opposed to the vehicle restriction along Tirohanga Beach being lifted.
 I want it to be increased to run from Tirohanga Motor camp to the Waiaua River mouth. Horse riders and fisherman on quads to be allowed.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.

ODC 2-31P

28 FEB 2020



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

Your name: Kirk Mathisen

Organisation (if applicable): _____

Postal address: 5 Kukumoa Key

Email: kmdesigns@xtra.co.nz Day time phone: 027 2501050

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
 DELIVER: 108 St John Street, Opotiki
 EMAIL: info@odc.govt.nz
 ONLINE: www.odc.govt.nz

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Do you agree with the approach in the reviewed Reserve Management Plan?

No.

If not, which aspects do you disagree with and why?

Banning Quad bikes on Waipohi Beach
 - we launch our jet ski off the beach. we whiteboard
 & need to take our nets down to water.

Are there aspects that have not been included?

Other comments:

Perhaps change it to an age restriction
 ie must hold full drivers license / be 18 yrs etc.

K.S. Mathisen

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.

ODC 2.31P
28 FEB 2020



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

Your name: Karen Martinsen

Organisation (if applicable): _____

Postal address: 5 Kukumoa Key, Ngaitahi Drifts

Email: kmdesigns@tra.co.nz Day time phone: 027 250 1001

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162

DELIVER: 108 St John Street, Opotiki

EMAIL: info@odc.govt.nz

ONLINE: www.odc.govt.nz

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Do you agree with the approach in the reviewed Reserve Management Plan?

NO

If not, which aspects do you disagree with and why?

Banning use of quad bikes on beach.
Use of ^{net} flander at river mouth & carry fishing gear/net etc
too far to walk especially with under 5yr olds.

Are there aspects that have not been included?

We also kayak in the river mouth & need to get them there.

Other comments:

lift age of persons riding bikes.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.

ODC 2.31P
28 FEB 2020



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

Your name: Maurice STANLEY FORBES
Organisation (if applicable): Resident.
Postal address: P.O. Box 437 Opotiki (Sa Kukumoa Key).
Email: motum1@hotmail.com Day time phone: 0274748016

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 108 St John Street, Opotiki
EMAIL: info@odc.govt.nz
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Do you agree with the approach in the reviewed Reserve Management Plan?

No

If not, which aspects do you disagree with and why?

Banning quad bikes on beach this would exclude those who wish to fish with long lines.

Are there aspects that have not been included?

This is penalizing those ~~are~~ responsible citizens.

Other comments:

maybe. have an age limit on riders i.e. driver license rules.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of Opotiki District Council Bylaws and Dog Control Policy

Your name: J.J. Cornwell

Organisation (if applicable): _____

Postal address: 736 SHwy 2, Waiohaka

Email: muschen.dale@xtra.co.nz Day time phone: 027 264 8986

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
 DELIVER: 108 St John Street, Opotiki
 EMAIL: info@odc.govt.nz
 ONLINE: www.odc.govt.nz

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You can view a full copy of the Statement of Proposal *Review of Opotiki District Council Bylaws and Dog Control Policy* at www.odc.govt.nz or at Council offices.

Do you agree with the approach in the reviewed bylaws or policy?

NO

If not, which aspects do you disagree with and why? In respect of restricting or prohibiting vehicle access onto beaches - specifically Ohina harbour entrance

I do not think this is fair. This is an area I use personally for fishing and blowcarting and I use a vehicle to access this location which would not be practical without using current access way. I feel that this is a legitimate form of recreation which will be prohibited by this rule change.

Are there bylaw or policy aspects that have not been included?

Other comments:

I do not think sensible vehicle access using specific corridors to the tidal beach zone has a negative impact on the shore nesting sites. There is provision currently for dealing with "non sensible or responsible vehicle use" it just needs to be used!-

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

ODC 2.24pm
28 FEB 2020

1-50
ODC



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of Opotiki District Council Bylaws and Dog Control Policy

Your name: DAVID C. BRISCOE
 Organisation (if applicable): N/A.
 Postal address: 833 State H/Way 35
 Email: dbriscoe@xtra.co.nz Day time phone: 027 3157010

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
 DELIVER: 108 St John Street, Opotiki
 EMAIL: info@odc.govt.nz
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Do you agree with the approach in the reviewed bylaws or policy?

NO.

If not, which aspects do you disagree with and why?

I Disagree with the apparent revoking of an existing bylaw the "2008 Beach Bylaw" which excludes vehicles from the stretch of beach from the Ouia to the stream to the Kelly's beach access.

Are there bylaw or policy aspects that have not been included?

Other comments:

There are a multitude of other beaches in this review which will now have "vehicle prohibited" status & rather than revoking the standing bylaw it should in fact be extended to include the motor camp & the boundary be the Tirohanga Road access

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, FRIDAY 28 FEBRUARY 2020.

Thank you for making a submission.

TE EHUTU WHAKARIKI HELMBRIGHT
TAIRAWHITI HEREMIA RANAPIA RAYMONA
66 union st Whakamini 99

Tuesday - Friday 28th Feb 2020

Opotiki Council By Laws, dog Policies
Beaches, ALcohol Control, Animal Control

Opotiki District Council Data Protection Officer
Data Protection Regulation 2018 (GDPR)

Toka a kuku pg (4)

Te Ehutu pg (4) - (8) (17) (a)(b)(c)(d)

Whakapapa Te Ehutu pg (9) - (34)
Protection of United Kingdom

Confiscation of Whakatchea
by illegality

Case Law Harold Ruff and
Helmbright Whanau @ others pg (35) - (52)

Case Law Harold Ruff
Maori Land Court Whakatchea
District Court Opotiki pg (53) - (74)

~~Resolution~~ Resolution Aboriginal
Native Customary Lands pg (75) - (89)

statement of claim
Turanga Pikitoi pg (91)

Whakapapa photos pg (92) - (97) (a)(b)(c)



Whakapapa Maui (97) - (101)
To Orotiki District pa
Paparoa Rd Reorganization
Scheme 22 June 2004 pa (102) - (130)
Maori Land Court
Waitangi Tribunal pa (131)
Claim Tauranga Moana Inquiry → (132) - (143)
Resource Management Act →
Canterbury Earthquake →
(Canterbury Replacement District Plan) → (144) - (150)
Order 2041

TE EHUTA WHAKARIKI HELMBRIGHT
TAIRAWHITI HEREMIA RANAPIA RAUMOA

Whakaminanga

Tuesday - Friday 28th Feb 2020

Opotiki Council By Laws, dog Policies,
Beaches, ALcohol Control, Animal Control

Opotiki District Council Data Protection Officer
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~~Resolution~~ Aboriginal
Native Customary Lands pg (75) - (89)

Statement of Claim
Tuwanga Pikitoi pg (91)

Whakapapa photos pg (92) - (97)

Opotiki District Council
PO Box 44
Opotiki 3162
New Zealand

28 January 2020

DATA SUBJECT ACCESS REQUEST (DSAR)

Dear DATA Protection Officer (DPO)

We require Opotiki District Council, to provide us with answers to the specific questions below in respect to our Data Subject Access Request, Pursuant to Data Protection Act (DPA) 2018 and compliant with General Data Protection Regulation (GDPR)

In what Fiduciary capacity have Opotiki District Council, accessed, processed, stored and shared our data.

For what purpose and for what reason has Opotiki District Council, been accessing, processing, storing and sharing data.

With whom have Opotiki District Council shared our data.

For what reason AND for what purpose was our Data shared.

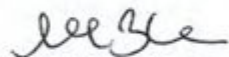
In what Fiduciary capacity was that person of Opotiki District Council acting.

We also require Opotiki District Council, to provide Evidence (in writing) for our consent to access, process, store, hold and share our Data.

We expect a reply to our request within (1) Month from the date of our Data Subject Access Request (DSAR) as required under Article 12 General Data Protection Regulation (GDPR)

Regards

Margaret:Bracken



RD

156 Te Wera Road,

Matawai

Gisborne 4075

Harold Ruff 12 FORD ST OPOTIKI
HRuff

Peter Helmbricht 399 Waitohi Valley

THE SEIGE OF TOKA-A-KUKU

About the year 1834 the seige of Toka-a-Kuku took place. Situated on the Te Kaha point, this bastion commanded an unimpeded view to seaward, while its cliffs were particularly rugged and precipitous. Because of this the defenders were able to concentrate fully upon guarding the approaches from landward.

A Ngapuhi chief called Te Whareonga and his raiding party were returning from Ngati Porou when they violated a peace pact agreed upon a few years before by Ngapuhi's Hongi Hika and Te Whanau-a-Apanui chief Te Uaterangi. The pact demanded that future Ngapuhi parties were not to enter the waters within the Apanui tribal boundaries.

Te Whareonga was reputed to have sailed inside Tikirau, perhaps in his haste to return home, but in doing so, invited trouble with the Apanui people. Furthermore, he was thought to have made insulting remarks as those who witnessed the incident on the shore. News of the affair was quickly relayed by beacon fires throughout the Apanui domain.

The raiders were pursued and overtaken off White Island. On reaching Pakuranui beach, contrary to the wishes of Te Uaterangi, the whole Ngapuhi party was massacred. The slain bodies were hung on the Pohutukawa trees at Kopuakoeaea to serve as a grim reminder to those contemplating similar territorial violations.

Te Uaterangi was troubled by the turn of events, for now he and his people could expect Ngapuhi to seek retribution. So Toka-a-Kuku was provisioned in anticipation of a lengthy seige.

The Apanui chief's fears were well founded, for Ngapuhi, realising the almost inaccessible nature of the Toka-a-Kuku stronghold, sought the assistance of Ngati Porou and Ngati Kahungunu tribes. Their Ngati Porou allies built their pa at Wharekura, while the northerners had their retreat where Hubert Matchitt lived.

Handwritten notes: "Apanui", "1834", "1837-1838"

Exhibit A

①

HEREMIA TUHOTO & MEREAIRA TAOAWATEA

Heremia Tuhoto was the son of Te Ahiwaru (also known as Tamatama-a-rangi II) and his first wife Te Ahunga (alias for Ahungaluta). It was Te Ahiwaru who signed the Treaty of Waitangi at Te Kaha in 1840. Heremia was born at Te Oneroa within the confines of the Whakaruru Pa, Te Kaha. It is known that Heremia was a renown carver along with his brothers. He and his brothers were members of the Te Whanau-a-Apanui contingent of carvers who assisted in the completion of the finely carved meeting house of Ngati Awa, Mataatua. That whareniui stands today in the Otago Museum, Dunedin. Heremia belonged to the Ngati Whakahemo and Te Whanau-a-Tamatama-a-rangi sections of Te Whanau-a-Te-Ehutu. Yet through his parents he was connected to all hapu along the coast from Hawai to Potikirua. Heremia is believed to have died in 1895. He is buried at Wharekura urupa, Maraetai Bay, Te Kaha.

Mereaira was a woman of formidable strength for she is believed to have lived for nearly a century. It is not known when she was born. However, her main kainga were centred at Te Kaha. These were Tuingara and Te Koau. Her principal kainga was Upokokotia directly opposite the Te Kaha marae. Mereaira was also responsible for bringing up her mokopuna tuatahi and tuarua. Mereaira was the daughter of Hamiora (son of the warrior chief Tawatihitihi) and Ramari. Through her father she was principally of the Te Whanau-a-Hinekitepo section of Te Whanau-a-Te-Ehutu and Te Whanau-a-Maru of Raukokore. Her mother Ramari was connected to Te Whanau-a-Kahu of Pahaoa and Te Whanau-a-Hinetekahu of Waiorore. Mereaira passed away on 16 May 1919 and is buried in a marked grave at Te Kaha urupa, Te Kaha.

At this time, a foreign ship had anchored off Te Kaha point, and the crew gave assistance to the beleaguered pa. The defenders acquired some muskets as well, which helped in no small way to change the balance of power. To maintain the supplies of food necessary to feed the garrison, the Apanui people would paddle their canoes to Torere via White Island at night returning before daylight, laden with precious provisions. Tawatihitihī and Tatuarakeke were amongst those leaders who led the canoes to Whakaari and return. The former was the grandfather of Mereaira Taoawatea.

Many of its defenders died of fear and starvation, but they remained undaunted. The siege lasted for almost twelve months, before the raiders decided to return to their own tribal areas.

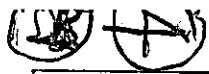
The siege of Toka-a-Kuku was over.

(Taken from Te Whanau-a-Apanui Centennial Booklet with additions by L. Tukaki-Millanta)



exhibit

3



LOCATION AND BRIEF HISTORY OF TE WHANAU-A-TE EHUTU

Te Whanau-a-Te-Ehutu - Mai i Kopiritotoro ki Waiorore,
Ko Te Kaha tona marae,
Ko Tukaki te Whare whakairo,
Ko Tamahae te tekoteko kel runga,
Ko Te Rangihakapuna te wharekal,
Ko Karipori te wharetapere,
Ko Matarua te puna wai,
Ko Te Kaka te urupa,
Ko Kakanui te maunga.

Te Whanau-a-Te-Ehutu are the people based at Te Kaha. The boundaries begin at Kopiritotoro and extend to Waiorore. They take their name from the ancestor Te Ehutu who was the grandson of Apanui Ringamutu.

Te Ehutu's father Tukaki was Apanui's eldest son and it is Tukaki that is recognised as the eponymous ancestor upon which all lines of descent converge. The fully carved meeting house at Te Kaha is called Tukaki.

Today, there are approximately 287 people living in the Te-Ehutu area. Movement to and from the towns and cities continues to fluctuate, many are returning home to settle. The stable population lies within the fifty to seventy year age group.

The Te Ehutu people once lived at the Vicarage (above the present Hotel). Their wharepuni was Te Aokatoa. They later moved nearer to the present marae site. Their wharenui there was called Te Ehutu, built in 1910. After World War One the memorial hall was built near Te Ehutu and it was called Karipori. This hall was the dining hall, dance hall, an all-purpose hall. During World War Two the carved meeting house Tukaki was built and opened in 1944. By the end of the 1950's Karipori hall was considered a health hazard so a new dining hall had to be built.

Te Ehutu wharenui was dismantled and was moved to Potaka. This made room for the erection of a new wharekal. It was named Te Rangihakapuna and opened in 1961 and Karipori was dismantled. Funds were raised to rebuild a new Karipori. It was completed and opened in 1986.

Tukaki carved meeting house was built in Te Kaha as this settlement was more central. Tukaki contains local carvings copied from the original carvings of a Pataka. The Pataka was dismantled in the 1830s during the North Auckland raids and hidden in a cave. In 1910 they were brought out of the cave and taken to the Auckland Museum by a Mr Spencer. When Tukaki was built the original carvings were photographed and the master carver John Talapa and his carvers copied them. Tukaki is the only fully carved meeting house in this part of the eastern Bay of Plenty between Hawaiki and Potikirua.

The house Tukaki was so called because many lines of descent converged on him. All the big gatherings are held at Te Kaha marae. On the Te Kaha marae stands a memorial stone to the soldiers of Te Whanau-a-Apanui who were killed in World War Two. A full list of all soldiers who went to the Boer War, World Wars One and Two are listed on an honours board in the wharekal. Also on the marae is a memorial pouhaki to Tiweka Anaru whose family gifted the land to the Te Kaha marae. Tiweka was a first cousin to Mihiwai Tukaki, their fathers being brothers. An olive tree was presented to the marae by the veterans who fought at Galatos, Crete.

(Taken from Te Reo Paheke: Ruhlterangi Richards with additions by L. Tukaki-Millanta)

Waiariki Matiu and Ramari Heremia begat Parekowhai who married
Lefhard Helmbright, they begat Harold who married Tepora Koopu of
Apanui whom had 14 tamariki ko Pita married Waimirangi Ranapia of
Muriwai Ngai Tamahaua Opape., Her mother of the Wade Uri ki Waikato
hereditary blood to Warrior Chief Te Aho o Te Rangi Paerata and Warrior
Chief Te Wherowhero, signatures to Te Whakaputanga o Te Rangatira ki
Waitangi 28th October 1835 with 35 Warrior Chiefs and 500-odd signatures
to Te Tiriti o Waitangi through out New Zealand [Maori Race],
International Law, with King William the Fourth of the United Kingdom
the Protectorate, of all indigenous Nations, Dominions through out the
Kingdom.

The Ship anchored of the East Coast during the fighting on the shore was
the War Ship Alligator with the Royal Regent of the House of Lords, and
the Church Missionary William Williams sent to these Islands to monitor
and report back to His Majesty King William the Fourth, a protectorate
over the 1835 and 1840, international, Customary Aboriginal Native
Rights Title to the Ika a Maui, now described as New Zealand the Magna
Carta Law of 1266.

As Witnesses to the Peace amongst the tribes, of the East Coast and Nga
Puhi on the shore at Toka a Kuku, beaconed around the Motu, the Chiefs
set up trading kai kumara, Potatoes

Maize, etc, etc, a Blue Print between the two Kingdoms was invoked in
1843, with Her Majesty the Crown of United Kingdom transferring a
Symbolic Transfer of Authority to the House of Lords, for the Chiefs and
Heads of the Native Tribes in New Zealand [Maori Race]. Instructions of
Natives laws, to protect the Natives in their Abstract rights. The 1846 New
Zealand Constitution Act, [UK] 1852 New Zealand Constitution Act, Section
71, 1858 Native Circuit Courts Act, Part IV, no XXXI, [UK] Native Circuit
Courts Act, Part no XXX [UK], can only be repealed by the Natives and the
Crown [UK]

By 1860 the Native Tribes were abundant in, trading to Auckland, Australia
as the Settlers were arriving and needed produce to survive, The Chiefs of
Pakowhai had acquired Ships, Boats, Flower Mills, Milking Cows had
arrived, breeding Pigs amongst themselves with many kaupapa the Chiefs
were keen to adopt as this was all new to them for they were from the au
kohatu. [stone age], Abstract Rights, Protectorate the Crown United
Kingdom

May 1844 Warrior Paramount Chief, Te WheroWhero, of the Natives held a reciprocal feast on a
scale seldom seen before, The North Island was, still a Maori Country, with over 4000 Natives at
this Whakamininga near Mount Hobson near Remuera now known,
Governor Robert Fitzroy attended, invited by the Chiefs but only as the leader of the Pakeha
arriving with out Law, not as his title, the, Governor of the Natives, Due to inter Tribal disputes
amongst the Tribes the Native Paramata [Police] kept the peace. 1600 Natives powhired the
visitors manuhiri which sent a huge roar through out the hills, causing quite a stir amongst the infant
Capital Auckland All went well, Over 1600 baskets of potatoes, 900 Sharks, 100 Pigs, quantities of
Tea, Sugar, Tobacco and 1000 blankets donated to the Chiefs. All this came about after the Signing
of Te Tiriti o Waitangi 6th February at Waitangi 1840. By 1860 the colonist were arriving on Ships
packed to the Limits, purchasing land in the United Kingdom off Criminal Corporate Sharks who
were selling Land, with out Consulting the Native owners. When they arrived with their Whanau
they found out the Natives had never sold anything.. This caused huge problems with the Natives
and the so called Settlers Parliament.
Peace had progressed with the Natives, on the East Coast since the Toka a Kuku incident ended
with, the Tribes trading, purchasing Ships growing Crops working with the Settlers who wished to
uphi and be whanged by the Chiefs.. War broke out in Pakowhai now Opotiki with the killing of
the Reverend Volkner which had been coerced by the Missionaries to invade and Steal what they
could not purchase legally and lawfully,

A number of War Ships anchored at the bar with 500 to 600 troops entering private property, illegally and unlawfully, occupying stolen land the killing of 16 Native tangata [people] and theft of 144,000 acres and the hanging of Warrior Chief Mokomoko, hanging of Warrior Chief Pere who was fighting with warrior Chief and Tohunga, against the kupapa with Te Kooti Ariki Rangi who established the Hahi Ringatu at Wainui. Opotiki and Whakatane Council were established in Opotiki at the turn of the century 1870 to 1900, no consent from the Native Tribes Pakowhai Muriwai, Heremia Waiariki Tairawhiti Hape ki Tuarangi of Hapu One One, and other Tribes within the Te Moana Nui A Kiwa Matāhau and amalgamations of the Waka Districts, and the Crown United Kingdom.

In 1986, the Queen in Right, Settlers and Immigrants, New Zealand Parliament removal of the Crown United Kingdom off the Drivers Licence, held by driving New Zealanders [Maori and Half Casts, Protectorate, Te Tiriti O Waitangi 1835 and 1840] and the Settlers and Immigrants, whom arrived here in New Zealand with out Law, since the outset 1835 and 1840 United Kingdom Protectorate, over the Native Race, the Tangata whenua Maori, Case Law New Zealand Police v Harold Ruff Driving, with an illegal drivers licence. His defence was the unlawfull removal of the Crown UK, I. Am a Hereditary descendant, to Te Tiriti O Waitangi, Signature, Wi Ake, signed at Parkowhai the Opotiki Wharf in 1840, the removal of the Crown UK by the Queen in right of NZ is treasonable of the 1961 Crimes Act, Sectin 73, against the Royal Prerogative Jurisdiction, of the Native Rights, Customs and Practices, protected by the Royal Prerogative of the Crown of United Kingdom. All Harold's defences against the N Z Police and the N Z Judiciary here in Opotiki have been dismissed for want of Jurisdiction, cases withdrawn, he had his Partners car stolen by the Opotiki Police charges dismissed, no Car returned to the whanau today.

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2019, read New Zealand Herald Report; [Privilege comes from stolen land] Jen Margarat is teaching Pakeha how the Treaty of Waitangi was dishoured

t
In the District Court Manukau 24th February 2009 New Zealand Police v John Wayne Kiwa of Motiti. Oral Judgment of Justices of the Peace Mr Armstrong and Mr Wood. It looks like you had a lucky day Mr Kiwa, The Police are not able to go ahead with the case, so it is going to be dismissed for want of prosecution. The legal Council as stated above did not represent the defendent nor was he asked to, Defendants Council was Helmbright Whanau Inc, P Helmbright, of the [Native Assessors, Court Act], The U K Act 1858, to protect the Native race, and can only be removed by the Natives in their collective capacity. Heremia, Waiariki, Tairawhiti Executive Tribal Estate, Te Whare Mairie Charitable Trust. registered in 1997, to engage with Local and Central Government, and Iwi Authorities, and agencies appyling for Resource Consents through the Resource Management Act 1991, Agencies N.Z and Hapu and the Community.

Exhibit

6

In 2008 the New Zealand Crown through the Maori Land Court panued

through out Te Moana Nui A Kiwa, for a Survey Requisition to Survey all Maori Whenua. Their mission statement, all whenua, the Country NZ had never been Surveyed completely, only Part survey and Boundries needed to be authentic, and they needed consent from the beneficiarys of Native title as this had never happened prior since the Unlaw full, Occupation of Marshall Law in 1863.

We opposed this Repugnancy legislation in Whakatohea, Maori Land, building, as they were intending, of removing the original land titles and replacing them with digital title, establishingng a Corporate entity named LINZ, Land Information New Zealand.

By opposing this corporate entity in 2008 and 2010, after numerous hui opposing trustess whom were for the corporate structure, the Maori Land Court, could not proceed as an investigation was invoked by the Natives whom were against any removal of our Native Rights and Title, to the Whenua. All surveys were done by default because of us opposing them. Evidence to be provided

The Heremia Waiariki Tairawhiti Executive Tribal Estate,, Helmbricht Whanau Hapu Maori Incorporation, with other Tangata Whenua te Waka Minga the gathering, Half castes and non Maori and the House of Lords Privy Council Lord Mapiria, and Lord Whiting at Waitangi Te Ti Marae, were also Incorporated in 2002 when the New Zealand Settler Parliament the Crown NZ went in to recess., for the Elections at the Bee Hive, in Wellington, for the Country, and we the Native tribes took back, Te Ika a maui the fish. Aotearoa.

Since 1995 the 6th day of February at Te Ti Marae Waitangi, the New Zealand Crown the Queen in Right, the Prime Minister and Ministers of the Settlers and Immigrants Parliament who were at Waitangi were placed under House Arrest by the Royal Regent of the House of Lords, Lord Hohepa Mapiria, and Lord Cliff Whitng while Her Majesty Queen Elizabeth the Second was enjoying Her Royal Visit, at Waitangi the same day 6th February 1995. The Hake Tua Tahī was Raised, and witnessed by the Crown of the United Kingdom

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House of Lords or Presented by Royal Command in the Session 1837 1838 1 and 2 VICTORIE Subject to this Volume, East India Affairs, Emigration, Religion in Australia Aff airs of the Island of Malta. New Zealand 9th September, Sir R Bourke to Lord Glenelg that the Natives of New Zealand to be left in their Abstract methodology of living as Peace had spread throughtout these Islands from the East Coast of the Bay of Penty since the year of fighting ended at Toka A Kuku

exhibit

7

Heremia Waiariki Tairawhiti E.xecutive Tribal Estate Helmbright Whanau Hapu Maori
Incorporation Mataara Tiger and Barbara Wall Whanau Hapu Maori Incorporation Matatahi Te
Whiwhi Whanau Hapu Maori Incorporation Heta Te No Hiraka Hohepa Whanau
Onepu Tuwharetoa Incorporation Nicholas Whanau Hapu Maketu Incorporation

28th October 2019.

To the Maori Land Court

NOTICE OF INTERLOCKUTORY INJUNCTION

Notice is hereby given that Application has been made

for the enforcement of the following sections

Certificate of title Section 11 Lot 5 DP 8663GS5D/1373 Waiotahi Parish

Gisborne Land Registry Hiwarau C,

Opape 20 Opape 1 F2 Opape 1F5 Lot 5 DP 6829 Lot 1 DP 399923 Opotiki Lot 447

Sec2 1991 P3522 Opotiki Lot AGAZ 902319912798 Sec1.5 Opotiki NPT Lot 2DP4451 PT

Opotiki Lot 9DP 4451 PT Opotiki Lot 9DP9171 AKPT PT OF VALN 75 PT VAN Lot 7520152

FORM Opotiki Lot 3 DP 4574 Opotiki Lot CT 3D/402 DP5641 Opotiki Lot 7630/54000

Waiotahi Parish Lot 2 Lot 427 Lot 422 1 Duncan Rise Herald Island, Auckland SEC311 Waioeka

Parish Block111 Opotiki SD Te Koau No 1 Waikawa Pahaoa No ID Waikawa Pahaoa No 11 Te

Waiti No 1 Te Kaha A1 Te Kaha A3 TeKaha B6B Te Kaha 9B Matangareka No 3B Pouheroro

No 1 Waikawa 2B Waikawa3 Maungaroa No 1 Sec22B Tawaroa Topu Whangaparaoa 1B2B8B

Whangaparaoa 3B Awanui Haparapara 4B Hakota 6 Kapuarangi No 1 East No 2 Maungaroa No 2

Oruaiti No2B2 Oruaiti No 3 Orete M2 and Upokokotia [Aggregated] Te Kaha 4BA

Tunapahore 4 Tunapahore 4B Whangaparaoa 1B2B10 White Island or Whakaari.

The amalgamated Maori Incorporation's of Nga Tikanga Maori Law Society [Inc] O Aotearoa [NZ]

adopted the Imperial Legislation relating to Aotearoa [NZ] being part thereof the Queen of

England,s constitution. Te Ture Whenua Maori land Act, Section 99 'Administration' means probate

of the will of a deceased person. and includes letters of administration of the estate of a deceased

person..Te Ture Whenua Maori land Act Part X11 Trusts Section 210, Interpretation, 'Persons under disability' means any person. Blacks Law Disability ' The want of legal ability or capacity to exercise legal rights, either special or ordinary or to do certain acts with proper legal effect, or injury certain privileges or powers of free action

Parekowhai Waiariki Helmbright Late of 1 Duncan Drive Herald Island, died on the 16 th February 1989, Mother to Harold, Bruce, Leonard, Alice Mary Florence, Ethel, and that the kaitiaki Ahu Whenua trust section 215 [1][2][3a] [5]:6 [7] ,[4a b] that the Court shall not grant an application made under this section unless there is a meritorious objection as above in which, Mary has succeeded solely as a beneficiary, extinguishing her siblings named hereon in as beneficiary, the

want of legal ability or capacity to exercise legal rights, privileges or powers of free action in accordance with section 218 of this Act, [8] the constitution of a kaitiaki Ahu Whenua trust, shall not affect any persons entitlement to succeed to any beneficial interest, in any land vested in the trustees, for the purposes of the trust.Harold was appointed Trustee for his mothers estate up to the time of her death by her self for many years and was known by the Maori Land Court,agents..

To deal with all matters concerning that parcels of land in the Schedule here to and in accordance with Section 20 [i][ii] [d] 1993/1995 and sections 19[a][b] and [d] that the Hapu Whanau Maori Incorporation, the hereditary chiefs and descendants there of present, resolved that the said parcels of Land described in the Schedule here to, is held in possession with the Commissioner of Police, Official Assignee PPC Wrightson Real Estate, in its pretended title, declare all the a fore mentioned parcels of land to be vested in the Ahi Kaa, Heremia, Waiariki, Tairawhiti Tribal Estates Executive, Helmbright Whanau Hapu Maori Incorporation, Mataara Tiger and Barbara Wall Whanau Hapu Maori Incorporation, Matatahi Te Whiwhi Whanau Hapu Maori Incorporation, Heta Te No Hiraka Hohepa Whanau Onepu Tuwharetoa Incorporation, Nicholas Whanau Hapu Maketu Maori Incorporation.. It has also been resolved that the

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aforementioned parcels of Land shall be set aside as a Maori Reservation for Communal Purposes protected within the meaning of Te Tiriti o Waitangi 1840 and pursuant to sections [2] [5] and section 218 [c] [iv] of Te Ture Whenua Maori Act 1993/1995 and waahi tapu, Pursuant to section 85,of Te Ture Whenua Maori Land Act 1993/1995. The Hereditary Chiefs and Descendants have resolved to make Application for an Interlocutory Injunction Application, made at Te Kooti Marae Rangatira Ateha o Aotearoa [nz] Interlocutory Orders issued by immediate release.. Regulations 66/1996 Te Kooti Marae Rangatira Ateha Court Rules.

SCHEDULE

TE KOOTI MARAE RANGATIRA ATEHA o AOTEAROA [NZ]

PART TAIRAWHITI WAIARIKI SECTION II LOT 5

BEING 8663GS5D/1373 Waiotahi Parish

Contact Secretary/ Waimirirangi 02041339930.

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Waiariki Native District Tepora Koopu Helmbright Full Blood to Peter Helmbright
Opotiki Gazette Number LOT Section 269 Opotiki Township, CT ref
290035

Omaio 1 CT ref 352231, Omaio 1 CT ref 352231,
Omaio 44 CT ref 353773,
Omaio 44 CT ref 353773 Omaio NO 43 Sec 11 CT ref 495307,
Omaio NO 43 Sec 9 CT ref 495307, Pukemaui NO 2 CT ref
290090, Te Kaha no 31 CT ref GS2D/426, Te Kaha NO 58, CT ref
480266, Tunapahore 4A CT ref 471324, Tunapahore B2 B, CT ref
GS4D/201, 336979. Waikawa NO 2B and Waikawa 3 [Aggregated]
Waikawa Pahaoa 1B and 1C, 2C, 1B [Aggregated] CT ref 471918,
471831. Wharawhara 27, CT ref 509647. Wharawhara 27 CT ref
509647, Wharawhara 8 CT ref 509487, Whitianga 12 CT ref 492
269. Whitianga 14 and Section 2 Maori Land Plan 386934 CT
ref 353787. Whitianga 14 and Section 2 Maori Land Plan 3869
34 CT ref 353787. Whitianga 15 CT ref 502578. Whitianga
15. CT ref 502578. Whitianga 9B1 [Tutawake Meeting House] CT
ref 502968. Awanui Haparapara NO 1 CT ref GS96/280, 4953
96, 495392. Awanui Haparapara NO 3B 4A CT ref 386531.
Awanui Haparapara 4B CT ref GSPR167/126. Awanui Haparapara
NO 2B NO 1A CT ref 250715. Awanui Haparapara NO 3F
CT ref 394510, Hakota 6 CT ref 500877. Hakota NO 5A Sec 2
CT ref 266423, Hakota NO 5D Sec 4A CT ref 372944... Haupoto Te
Pua 3 CT ref 370859. Haupoto Whituare CT ref 269276.
Haupoto, Haupoto Te Pua 1 CT ref GS2D/646, Haupoto Te Pua GS2D
/647, GS2D/648, Kapuarangi NO 1 East NO 2 CT ref GSPR100/5
. Maraenui A2 CT ref 478561, Maraenui E CT 501028, 501029,
501031, Maraenui NO 127 CT ref 355072 Maraenui NO 141 C
T ref 50173, Maraenui NO 142 CT ref 502038.
. TAIRAWHITI DISTRICT Gazette LOT 2 Deposited Plan 2394 and

LOT 1 Deposited Plan 3525, and LOT 3 Deposited Plan 239 and
LOT 4 Deposited Plan 2396 CT ref 17286, 17287

Opotiki Lot 1 DP 3669 Register 54437 Opotiki Lot 1 DP 5292 Register 2690096
Opotiki Lot 13 DP 9115AK Register 553229 Opotiki Lot Crown Land SO 2883
Opotiki Lot Section 3 27 29 32 35 43 and part section 38 Block V
Town of Ohiwa Opotiki Lot part section 17 and part section 18 Block XIII
Waiaua Survey District Opotiki Lot section 4 Block V Waioeka Survey
District Lot 113096, 1 Opotiki Section 6 Block 11 Waioeka Survey
District 108990 Opotiki Lot 598 Waiotahi Parish Opotiki Lot Section
2 SO 8555 Part GN 191852 1 Opotiki Lot 426 Section 3 SO8555
Part GN191852 Opotiki Lot 426 Section 2 Lots 1 and 3 DP 14521 AK and Lot 2
DP 14521 AK 1188651 Lot 3 DP 14521 AK Lots 1 and 2 DP 3167 Lots 277
278, 317 and 425 Section 2 Town of Opotiki Parts Lot 1 DP14521 AK
Lot 1 DP4459, 118930, 1 Lot 318 and 319 Section 2 159333, 3
Opotiki Lot 1 DP 6691 Sec 443 Opotiki Lot DP 4476 PT ALLOT Sec 4
BLK 1 DP 1 PT Sec 1 Lots 13 16 DP 59333 Lot 4B6 WAIO PSHB
Lot 741403SR14PT Sec 5/P CROWN LAND WAIOE Opotiki Lot DP 5
8663 GS5 D/1373 Section 67/93 Waimana Parish Lot 4 DP3 14588 Being
part allotment 249. Opotiki Lot 9 DP 8461 Having und Lot 10 DP 8461.
Opotiki Lot DP5641 Opotiki Lot 2A3B4A 2A3B4B 2A3B5
Opotiki Lot 2 DP 4088 Lot 427 Lot DP 8663 GS 5D/ 1373

A 8

Order of Incorporation

IN TE KOOTI PARAMATA MAORI
KI WAITANGI O AOTEAROA (NZ)

MAORI LAND COURT
RECEIVED
18 DEC 2008
WAIARIKI

Te Ture Whenua Maori/Maori Land Act 1993
Maori Incorporations Constitution Regulations 1994
Amended by Te Ture Whenua Maori Incorporations Constitution Regulations
Act 1995 / Part XIII



IN THE MATTER OF:
Te Ture Whenua Maori
Incorporations Constitution
Regulations Act 1995
Sec. 247-251

AND

IN THE MATTER OF:
Matatua Waka
Helmbright Whanau
Maori Incorporation
(Applicant)

At a sitting of Te Kooti in Te Paramata Maori Te Whakaminanga O Te Rangitira O Aotearoa
Hohepa Mapiria (Tumuaki) Chief Justice presiding:

Upon the evidence produced before Te Kooti by the Applicant Pita Griffith Holmbright and
Audrey Waimirangi Helmbright of Helmbright Whanau Maori Incorporation before Te
Whakaminanga O Te Rangitira O Aotearoa. It was declared by resolution accepted and
incorporated as a Maori Incorporation within the meaning of Part XIII of Te Ture Whenua
Maori/Maori Land Act 1993 and Te Ture Whenua Maori Incorporations Constitution Regulations
Act 1995.

NOW THEREFORE as a Witness to the resolution passed by Te Whakaminanga O Te Rangitira
O Aotearoa (NZ) on the 09th March 2003, at Terenga Paraoa Marae, Whangarei. I Tumuaki Chief
Justice Hohepa Mapiria DOETH HEREBY confirm, declare and order that Helmbright Whanau
Maori Incorporation be constituted under the regulations of Te Ture Whenua Maori Incorporations
Constitution Regulations 1998.

AND DOETH FURTHER ORDER THAT CT 3D/40 - Lot 2 DP5641 Land Registration of
Gisbourne not withstanding its status as Maori Freehold Land or a Maori Reservation hereby vest
the land in Helmbright Whanau Maori Incorporation and declare that thee Incorporation shall hold
such land and all other lands within the Native District of Matatua Waka as legal beneficial and
equitable owners pursuant to Te Tiriti O Waitangi 1840, for which the Native Aboriginal Title has
not been extinguished pursuant to Section 129 (2)(a) 1993-1995 is deemed Customary Maori
Land held in accordance with Tikanga Maori. Section 271 (4/93-95,254/93-95) immediate
release.
Section 253/93-95

WITNESSED by the hand and seal of the Chief Justice Sec. 5/93 shall bind the
shall bind Maori.

DATED THIS 09th March 2003.



N
12
FOOT

WHANAU TRUST AGM
 Monday, October 19,
 10am
 Whare Maire
 Host
 2019
 Person's Report
 Development
 Business
 Taunua
 Secretary

trustee/chairman
 (bring your
 nominations to the
 meeting)
 2. Future ideas for
 the farm
 3. Papakainga update
 4. Hazard plan
 Any questions/
 apologies contact:
 Jolene George
 0274999950
 Email: Kojwjunior
 @gmail.com

4 SQUARE
 The advertised
 position for
 permanent part time
 assistant has now
 been filled.
**Big thanks to all
 that applied**

Eastern Bay Motors, Pizza Hub, Oia Soui
 The Gift Shop, Kapai Kai, Talking Headz
 Opotiki Bait & Tackle, Cavill Meats
 Opotiki Fresh & Grocers, Mitre 10
 Caltex St John St, Lowes Hire & Engineering
 Cookson & Forbes, Ocean Seafood
*With your generosity we were able to raise
 awareness within our community and support many
 of our local whanau.*

Motu Road- between 1000
 From State Highway 35 to th
 Boundary with Gisborne
Elliott Street - between 6:0
 - Church Street to St John St
St John Street- between 11
3:30pm
 - From Kelly Street to Albert
 During the period of closure
 made for ordinary vehicu
 driven on the closed road
 emergency.

Aileen Lawrie
Chief Executive

NOTICE OF MEETINGS

The inaugural meeting of the Bay of Plenty
 Regional Council for the 11th Triennium, will
 meet at 1:00pm on Monday 21 October 2019 in
 Mataatua Room, Bay of Plenty Regional Council,
 5 Quay Street, Whakatane.

All meetings of Council and its committees are
 open to the public except where the provisions
 of Section 48 of the Local Government Official
 Information and Meetings Act 1987 apply.

Fiona McTavish
 Chief Executive



**will be open
 for Friday
 Night Dining
 BOOKINGS
 ESSENTIAL**

Ph Gaye: 027 955 9939

**OPOTIKI
 BOWLING
 CLUB**

King Street, Opotiki
TWILIGHT BOWLS
 Starts Tuesday
 15th October 2019
 Runs for 6 weeks
 5.15pm to 7pm

Teams of 3 - Cost \$5
 a night per player
 Come along on the
 night and enter your
 team or contact
Tony 021 213 2242
 or **Howard 315 709**
 or **0274 988 140**

NOTICE OF INTERLOCUTORY INJUNCTION

Notice is hereby given that Application has been made for
 the enforcement of the following sections;
 Vesting of section Certificate of Title GS56A/65 DP8783
 (Gisborne Land Registry):
LOT 6 DP 31349 BLK IV MAKETU SD
LOT 5 DP 31349 BLK IV MAKETU SD
LOT 4 DP 31349 BLK IV MAKETU SD
LOT 3 DP 31349 BLK IV MAKETU SD
LOT 2 DP 31349 BLK IV MAKETU SD
LOT 1 DP 31349 BLK IV MAKETU SD
LOT 3 DP 18079 BLK IV MAKETU SD
OTEORA NO 2A NO 1 BLK ML 12222 BLK XII AONGATEE SD
BLK III OPOUTHI SD - TNA
 and sections:

- 4144651 - Title - GS4D/856
- 4129526 - Title - GS5D/1239
- 4115941 - Title - 65736
- 6607091 - Title - 65736
- 4146792 - Title - GS1C/521
- 6627319 - Title - 87444
- 6607089 - Title - 65734
- 6607092 - Title - 65737
- 6607090 - Title - 65735
- 4145468 - Title - 108866
- 4148799 - Title - 121571
- 4128398 - Title - 108866
- 4128399 - Title - 108866
- 4108785 - Title - 108866
- 4138549 - Title - 108866
- 4117993 - Title - 108866
- 4129382 - Title - 108866
- 4128300 - Title - GS5C/380
- 4128227 - Title - GS6C/962

To deal with all matters concerning that parcels of land in
 the Schedule hereto and in accordance with section 20(a),
 (i), (ii), (d) 1993/95 and sections 19(a), (b), and (d) that;
 The Hapu/Whanau Maori Incorporation; the hereditary
 chiefs and descendants thereof present resolved that the
 said parcels of land described in the Schedule hereto,
 that is held in possession with Commissioner of Police,
 Official assignee PPG Wrightson Real Estate in its pretended
 Title declare all the aforementioned parcels of land to be
 vested in the Ahi Kaa of Mataara Tiger and Barbara Wall
 Whanau/Hapu Maori Incorporation, Matatahi Te Whiwhi
 Maori Incorporation, Heta Te No Hiraka Hohepa Whanau
 Onepu Tuwharetoa Incorporation, Helmbright Whanau
 Hapu Maori Incorporation, Nicholas Whanau Hapu Maketu
 Incorporation.

It has also been resolved that the aforementioned parcels of
 land shall be set aside as a Maori Reservation for Communal
 Purposes protected within the meaning of Te Tiriti o
 Waitanga 1840 and pursuant to sections 2, 5 and section
 338(7), and section 218 c (iv) of Te Ture Whenua Maori Act
 1993/95 and Waahi Tapu.

Pursuant to 85 of Te Ture Whenua Maori Land Act 1993/95
 the hereditary chiefs and descendants have resolved to
 make Application for an Interlocutory Injunction. Application
 made at Kooti Marae Rangaitira Ateha o Aotearoa (NZ).
 Interlocutory Orders issued by immediate release
 Regulations 66/1996 Te Kooti Marae
 Rangaitira Ateha Court Rules.

108 St John Street PO Box 4
 01107 213 2242
 www.opotiki.govt.nz



All tenderers shall be
 accredited and regist
 accreditation shall be st
 tender opening.

Tenders are invited for
 This contract comprises
 application of seal chip
 resealing, and reinstatem
 in the Opotiki district.

A document and handli
GST) is required before
 This is non-refundable.
 may be obtained from
 Department, Opotiki Di
 108 St John Street, P O 8

Tenders are to be rec
4:00pm on Thursday 0
 which time there will b
 tenders at the abov
 electronic or late tender
 Lowest or any tender no
 accepted.

Aileen Lawrie
Chief Executive

108 St John Street PO Box
 4
 01107 213 2242
 www.opotiki.govt.nz

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 Pohutu St, Whakata

DUTY FREE
SATURDAY 9am - 12 noon
SUNDAY 10am - 12 noon

PUBLIC NOTICES

**DELUXE THEATRE
 OPOTIKI**

Thursday, October 10

- 1.00pm Abominable 1h 37m G
- 3.00pm Dora & the Lost City of Gold 1h 42m PG
- 5.00pm The Goldfinch 2h 29m M

Friday, October 11

- 1.30pm Ugly Dolls 1h 27m G
- 3.30pm Joker 2h2m R16
- 6.00pm Hustlers 1h 49m R16
- 8.00pm The Goldfinch 2h 29m M

Saturday, October 12

- 10.30am Ugly Dolls 1h 27m G
- 12.30pm Abominable 1h 37m G
- 2.30pm Ad Astra 2h 4m PG13
- 5.00pm Joker 2h2m R16
- 7.30pm Hustlers 1h 49m R16

Sunday, October 13

- 12.00pm Dora & the Lost City of Gold 1h 42m PG
- 2.00pm Joker 2h2m R16
- 4.30pm The Goldfinch 2h 29m M

Tuesday, October 15

- 3.00pm Downton Abbey 2h 2m PG
- 5.30pm Ad Astra 2h 4m PG13
- 8.00pm Joker 2h2m R16

Wednesday, October 16

- 3.00pm Ugly Dolls 1h 27m G
- 5.00pm The Goldfinch 2h 29m M
- 8.00pm Hustlers 1h 49m R16

**ONLINE TICKET SALES AT THE
 DELUXE THEATRE WEBSITE**

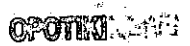
<http://deluxetheatre.co.nz/>
<https://www.facebook.com/OpotikiDeluxeTheatre>

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Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

Special Resolution;

In the Matter of The Malcolm Campbell Family Trust, And Samuel Malcolm Campbell

and

Helmbright Whanau Hapu Maori Incorporation

Injunction Order

With the Terms of, Provisions of Te Ture Whenua Maori/Maori Land Act 1993/95, Sections- 253, 254 incorporate the Malcolm Campbell Family Trust, Samuel Malcolm Campbell and the Said land described as Lot 2, Deposited Plan 365646 and Lot 3, Deposited Plan South Auckland, Certificate of Title 266824(South Auckland Registry) in the Maori Incorporation; Helmbright Whanau Hapu Maori Incorporation an amalgamated Maori Incorporation of Nga Tikanga Maori Law Society (Inc) O Aotearoa[NZ] in which all land is incorporated in the Lands Aotearoa[NZ] 2004 and the Land has the status of Maori Customary Land Sec 129 2(a) the Legal Estate is vested with the Queen of England.

The Fee Simple title is deemed Null and Void and removed from authority of Hauraki District Council, LINZ and others, as that that is entrusted cannot be transferred. There are no land titles, only descriptions.

Section 328, In doing so obtain Occupation Orders pertaining to the prerequisite requirements contained in this section on the lands described. And

Te Tiriti O Waitangi Article II, The Unqualified Chieftainship over Taonga Tuku Iho And

Preamble Te Ture Whenua Maori/Maori Land Act 1993/95 in the best wishes of the owners in "ana kia tu tonu he Koti" on the Marae, the Court.

Section 2 (3) In the event of any conflict the Maori version shall prevail and Section 5; This Act shall bind the Crown.

In the Matters

CIV 2018-470-103, CIV-2015-075-000055 pertaining to the Said Land descriptions; the Maori Trustee Aotearoa [NZ] brought before the Court re; Sections 144 (4) & 71, Court may amend proceedings and Section 20, Jurisdiction in action of recovery of land, thus the court has amended proceedings and transferred to be heard on the Marae.

It is hereby deemed the District Court Thames Registry lacks prerogative authority Section 20 to hear this matter and the Hauraki District Council is without standing.

Whereby special resolution it has been hereby requested and now assented to have the aforesaid matters struck out for lack of Jurisdiction and any attempts in sale of Said property are deemed to breach of the Imperial Laws Application Act 1988 Section 5 Rules and Principals of Equity Shall apply.

The Court further confirmed The Maori Trustee Aotearoa[NZ] having been elected and appointed by the amalgamated Maori Incorporations of Nga Tikanga Maori Law Society (Inc) Aotearoa[NZ] within the terms of and provisions of Te Tiriti O Waitangi February 6th 1840 preamble & Te Ture Whenua Maori/Maori Land Act 1993/95 Part X and Part XI did confirm that all leases for the lands of Aotearoa negotiated and

14

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

consented by the pretend Maori Trustees/Governor in office Reserve Bank of New Zealand Re; Te Tiriti O Waitangi February 6th 1840 (preamble) hath terminated 31st December 2019, thus cancelling any renewal and within the Terms of provisions of the Act of State Aotearoa[NZ] 2004 Nga Tikanga Maori Law Society (Inc) Aotearoa[NZ] all lands Aotearoa[NZ] are confirmed to be held in the aforesaid Incorporations. And

That no further leases(trust) will be entered into without the express consent of the beneficial owners Re Te Ture Whenua Maori/Maori Land Act 1993/95 Preamble Maori Version Shall prevail.

NOTICE

Therefore in cognisance of Te Ture Whenua Maori/Maori Land act 1993/95 Section 349 Declaratory Judgements Act 1908 not affected re; Section 12

In R v Clarke & McDaid [2008] UKHL8, the House of Lords confirmed that there is no valid trial if the bill/indictment has not been signed by an appropriate officer of the Court because Parliament intended that the Indictment be signed by a proper officer of the Court. (in "ana kia tu tonu he Koti" on the Marae, the Court.)

"It is further established by a series of cases, the propriety of which cannot now be questioned, that the Statute of Frauds does not prevent the proof of fraud; and that it is a fraud of a person to whom land is conveyed as a trustee, and who knows it was conveyed to deny the trust and claim the land himself" Rochefoucauld V Boustead 1897 1 Ch .196

So to clarify the position of the rights of the beneficiaries to all their worldly possessions, the Courts of equity have always prevented even the semblance of a possibility that a fiduciary could take an unauthorised profit.

Succinctly, the Doctrine in Rouchefoucauld v Boustead (1897) that a person may not rely on a statutory provision to perpetuate fraud and a thief is considered by the law of trusts to be a constructive trustee of the stolen property from the moment the theft is committed.

(Westentsche Landesbank v Islington (1996)).



At 122Ohiwa Loop Road Opotiki, Tamaterangi Whare Tipuna, Hapu One One, Upokorehe Hapu.

On this, the 1st day of February 2020

The Malcolm Campbell Family Trust

15

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

Special Resolution;

In the Matter of Grant Nigel Stanley

and

Helmbright Whanau Hapu Maori Incorporation

Injunction Order

With the Terms of, Provisions of Te Ture Whenua Maori/Maori Land Act 1993/95, Sections- 253, 254 incorporate Grant Nigel Stanley and the Said land described as Lot 6 Deposited Plan 441267 South Auckland Land Registration District in the Maori Incorporation; Helmbright Whanau Hapu Maori Incorporation an amalgamated Maori Incorporation of Nga Tikanga Maori Law Society (Inc) O Aotearoa[NZ] in which all land is incorporated in the Lands Aotearoa[NZ] 2004 and the Land has the status of Maori Customary Land Sec 129 2(a) the Legal Estate is vested with the Queen of England.

The Fee Simple title is deemed Null and Void and removed from authority of Whakatane District Council, LINZ and others, as that that is entrusted cannot be transferred. There are no land titles, only descriptions.

Section 328, In doing so obtain Occupation Orders pertaining to the prerequisite requirements contained in this section on the lands described. And

Te Tiriti O Waitangi Article II, The Unqualified Chieftainship over Taonga Tuku Iho And

Preamble Te Ture Whenua Maori/Maori Land Act 1993/95 in the best wishes of the owners in "ana kia tu tonu he Koti" on the Marae, the Court.

Section 2 (3) In the event of any conflict the Maori version shall prevail and Section 5; This Act shall bind the Crown.

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"It is further established by a series of cases, the propriety of which cannot now be questioned, that the Statute of Frauds does not prevent the proof of fraud; and that it is a fraud of a person to whom land is conveyed as a trustee, and who knows it was conveyed to deny the trust and claim the land himself" Rochefoucauld V Boustead 1897 1 Ch .196

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

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Succinctly, the Doctrine in *Rouchefoucauld v Boustead* (1897) that a person may not rely on a statutory provision to perpetuate fraud and a thief is considered by the law of trusts to be a constructive trustee of the stolen property from the moment the theft is committed.

(*Westentsche Landesbank v Islington* (1996)).



At 122 Ohiwa Loop Road Opotiki, Tamaterangi Whare Tipuna, Hapu One One, Upokorehe Hapu.

On this, the 1st day of February 2020

Grant Nigel Stanley

17

Gisbourne High Court
1 Customhouse St
Gisbourne

29/04/2019

Re: CIV 2018-416-00044 Bracken Family Trust v Commissioner of Police

Crown Proceedings Act 1950

The 'Sovereign' or the 'Crown' means the Sovereign in Right of his or her Government in New Zealand.

Elizabeth II is the Sovereign or Crown and is the holder of the Legal Estate Aotearoa/New Zealand, Trustee Te Tiriti O Waitangi February 6th 1840.

Policing Act 2008 Interpretation - Police means the instrument of the Crown;

Constable - a sworn officer under oath to keep the peace according to Law. Meaning to uphold the constitution of Elizabeth II.

Paul Gregory Camplin has stated he is a constable, therefore accepted that within his duties and obligations he is bound by the Laws of New Zealand, and therefore bound by the Imperial Laws Application Act 1988 Section 5 Application of the Common Laws of England including the rules and principles of equity.

Paul Gregory Camplin is a Trustee in this matter.

There can be no profit or gain from the trust by a trustee by any act or omission, re Constructive Trusts; Mr Lewin treats of but one grand rule, that where ever a person clothed with a fiduciary duty character gains some personal advantage by availing himself of his situation as a trustee, he becomes trustee of the advantage gained.

It is incongruous to believe that Acts of the New Zealand Parliament are not only for the employees of the Crown (trustees) and them alone, as this lays the foundation of the required behavior of Trustees and it is not for those employees to enforce on beneficiaries of Te Tiriti O Waitangi or those under administration of the Birth Certificate without consent. (Real consent expressed in a Deed of Assignment, from a meeting of the minds).

Criminal Proceeds (Recovery) Act 2009 (Private Law enacted for employees of the Crown for the return of property taken by the Trustees.)

Policing Act 2008 Section 6, Act Binds the Crown and Interpretation; Criminal Court Process means a process issued through the Registrar of the High Court, or Registrar of a District Court in its criminal jurisdiction.

Verifying the following is not a criminal law only corporate statute of the New Zealand Government, re; Search and Surveillance Act 2012 Section 6, Issuing Officer may issue search warrant, on application of constable for offence punishable by imprisonment.

Such matters of true criminal behavior come under the Imperial Laws Application Act 1988, Section 5 Laws of England apply and includes the Declaratory Judgments Act 1908, so Paul Gregory Camplin has declared in his affidavits there is no significant criminal activity for which any application can be based on.

The High Court (in particular Michaela Stack in answer to Official Information and Data Requests) has failed to supply the Minute of Justice Thomas for the Without Notice

Restraining Order, and therefore the order does not exist, making the Without Notice Restraining Order void.

A void order is incurably void, and all proceedings based on the claim or void act are also void. Even a decision of the higher Courts (High Court, Court of Appeal and Supreme Court) will be void if the decision is founded on an invalid claim or void act, because something cannot be founded on nothing (Lord Denning in *Macfoy v United Africa Co. Ltd* [1961]).

Paul Gregory Camplin, Megan Mitchell and the Judiciary are Trustees Te Tiriti O Waitangi as is every government employee. And

Inland Revenue has taken the position of agent to Bracken Enterprises and The Bracken Family Trust; Robert Ewen MacDonald is therefore a trustee of Bracken Enterprises, The Bracken Family Trust and therefore in his affidavit is accusing himself of committing fraud, with every Inland Revenue/Inland Revenue Department Officer.

Particular statutes are enacted in New Zealand Parliament to prevent such fraud, such as the Companies Act 1993 in particular Sections 202 to 209 requiring large companies to have audited accounts, to which the Inland Revenue is just one. There is no audited account's as required, further enforced in *Thomas Gerrard and Sons 1967* to which the Declaratory Judgements Act 1908 Section 12 applies.

The Bracken Family Trust does not name or include the Crown or agents (Inland Revenue, COMMISSIONER OF POLICE) as beneficiaries, yet Megan Mitchell for the Crown is attempting to coerce the trustees of The Bracken Family Trust to breach the said trust in giving authority to the Official Assignee in allowing the retention of funds and sale of stolen property.

The Criminal Proceeds (Recovery) Act 2009 does not meet the requirements of the Laws of New Zealand in fact it is a Constructive Trust created by the Trustees (New Zealand Parliament) in which Mike Bush as COMMISSIONER OF POLICE, Paul Gregory Camplin Constable, (Evidenced in sworn affidavit 20th December 2018 Hamilton) Robert Ewen MacDonald Inland Revenue officer and Megan Mitchell Crown Prosecutor are attempting to become beneficiaries, in breach of their oath (treason) in putting Elizabeth II's title in jeopardy.

Further Evidenced in the Affidavits naming the parties as Respondents;
Blacks I, Respondent - A party who makes answer to a bill or other proceeding in chancery.

Te Ture Whenua Maori/Maori Land Act 1993 Section 144 (2 &3), 129 (2a) - The Crown is bringing proceedings acting as the beneficial owners.

The Bracken Family Trust in its Deed of Trust determined the ability for a change of jurisdiction and as minuted. The aforesaid trust has come under Kooti as described in Te Ture Whenua Maori/ Maori Land Act 1993 Preamble and Section 2(3) Maori version shall prevail and Section 5; This Act Shall Bind The Crown and the Criminal Proceeds (Recovery) Act 2009 in which these matters are to be brought before a Court.

In which proceedings have been undertaken as required and with sealed delivery 'LI 148 447 033 NZ' forwarded to Stephen Kos President Court of Appeal and Patsy Reddy Governor General as Personal Representative = administrator/executor to Elizabeth II whom also has received documentation. (Attached)

17(b)

It would be of great benefit that the employees of the Crown understood their actions, and costs incurred from patent breaches in regards to Letters Patent Standing Orders of Lord Glenelg to Major General Burke 1836 and Lord Normanby to Captain William Hobson 1839.

All parties are on Notice that immediate release of all funds, bank accounts, vehicles etc are required and that the Fee Schedule as determined in;

THE CONSTITUTION, MEMORANDUM OF EVIDENCE, UNDERSTANDINGS, INTENT, PROCLAMATION AND CLAIMED RIGHTS OF Nga Tikanga Maori Law Society (Inc.) O Aotearoa [NZ] 25th August 2010 applies forthwith. (Attached)

The Beneficiaries!

Any persons participating in court proceedings must have a bond. Any trustees/administrators shall have according to law, a bond, filed with the court before any action can be taken, and The subsequent bonds in the names of the following shall be utilized.

Whereas all parties had been notified of the aforesaid constitution and cannot claim ignorance, the following charges are therefore applied;

Megan Mitchell Crown Prosecutor Dollars	One Hundred Million New Zealand
Robert Ewen MacDonald, Inland Revenue Officer Dollars	One Hundred Million New Zealand
Paul Gregory Camplin, Constable Dollars	One Hundred Million New Zealand
Michaela Stack, Deputy Registrar Dollars.	One Hundred Million New Zealand
Mike Bush, Police Commissioner Dollars	One Hundred Million New Zealand

Payable to Helmbright Whanau Hapu Maori (Inc.), (BNZ 02-0388-0020007-083) immediately.

Have a nice day.

Helmbright Whanau Hapu Maori (Inc.)
Nga Tikanga Maori Law Society (Inc) O Aotearoa (NZ)

Cc; High Court of Justice England.
Cc: Elizabeth II C/- Windsor Castle
Cc: Elizabeth II C/- Buckingham Castle



1854

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

Parcel ID('s)

- 4144651 - Title - GS4D/856
- 4129526 - Title - GS5D/1239
- 4115941 - Title - 65736
- 6607091 - Title - 65736
- 4146792 - Title - GS1C/521
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- 6607089 - Title - 65734
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- 4108785 - Title - 108866
- 4138594 - Title - 108866
- 4117993 - Title - 108866
- 4129382 - Title - 108866
- 4128300 - Title - GS6C/960
- 4128227 - Title - GS6C/962

17(d)

**Rangatiratanga 2003
Maori Sovereign People;**

Te Ture Whenua Maori Land

Act 1993-1995

**British Common Law
Of
United Kingdom**

Te Tiriti O Waitangi

1840

Declaration Of Independence

1835

Kaitiaki O Tanemahuta
Nga Ngahere O Aotearoa
Whakapapa ki te Whakapapa
Na Whanau Na Hapu

Kaitiaki

To Administer the
Protection & Quality Control
Of Papatuanuku, being our Whenua.
Mai Maketu ki Kakaramea ki Tawhiuau ki Tongariro.

To operate a self-sufficient operation, to provide whanau/hapu with the opportunity of self-employment benefiting the hapu as a whole.

To help others and to keep them warm within their homes and hearts.

To take on the responsibilities as the kaitiaki

Responsibilities being

To remove all timber already fallen and not in the form of a stockpile.

To clear all fire hazards near and around any populated area, providing local yards for the supply and distribution within their areas.

To clear all fire hazards near and around all Native Forests.

To clear the water ways and sustain
Good flowing water, and natural food resources.

To maintain the regeneration of the native forest.

To ensure that the Native forest is not damaged or injured in any way.

To preserve and conserve the Natural Medicines and Food Resources
within all forests.

19

Kaitiaki O Tanemahuta
Nga Ngahere O Aotearoa
Whakapapa ki te Whakapapa
Na Whanau Na Hapu

Management Team
(Monitoring and Advising)

To monitor operations of Nga Kaitiaki within the forests.

To monitor operations of all other parties within the forest

To advise Nga Kaitiaki of the operations of all other parties within the forest.

To advise all other parties of the operations of Nga Kaitiaki.

The Management shall ensure communication between all parties.

The Management shall promote environmental awareness and aid in the development of education on the Marae.

Nga Ture Tu Te Whenua

Te Ture Whenua 1993
Section 217 sub-sections 5 & 8
Section 218

Nga Kaitiaki shall protect and promote the interests of
The children born and yet to come,

Mai Nga Whakapapa E Noho Ana Te Whenua.

Nga Kaitiaki shall maintain all land, funds, and other assets for those beneficially entitled, any funds in surplus shall be put towards health, social, cultural and economic welfare

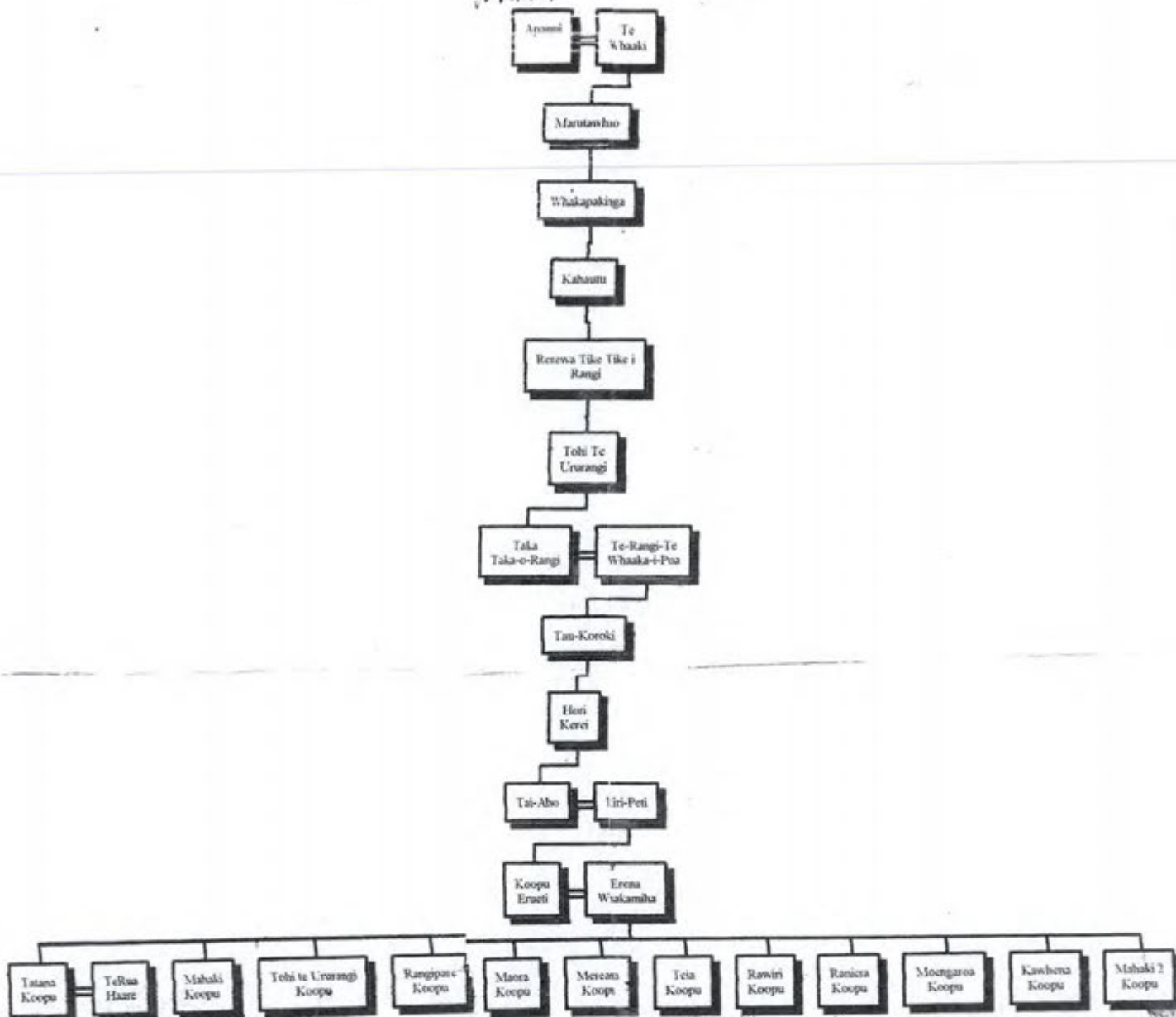
E Tu Tatou I Te Ara O Te Whenua

Nga Kaitiaki for the benefit of the children born and yet to come,
shall promote Education and Development,
By the people, for the people, on the Marae of the people.

He Tangata, He Tangata, He Tangata.

(20)

Apanui



Gangs a bigger force than army

Meaghan Lawrence

New Zealand is said to have more gang members than soldiers.

More than 5300 members or "prospects" are lining up to join one of 25 listed groups.

A recent article by the *Economist* quoted police saying gangs were a bigger force than the army, and organised criminal groups were thriving in rural areas as well as cities.

The Hell's Angels Head Hunters, Nomads and Killer Beez all have a presence in New Zealand. Black Power and the Mongrel Mob have ruled the roost for almost half a century.

Police say three-quarters of the country's gang members are Maori - despite the fact they make up just 15 per cent of the population.

Not all gang members are criminals.

Eugene Ryder, Black Power

Many said they joined as much for whanau as for money, power or thrills, the *Economist* said.

"People have this idea we are all rapists and murderers and methamphetamine cooks. But not all gang members are 'animals,' lamented Eugene Ryder, a leader of Black Power in Wellington, who requires his underlings to study or take fulltime jobs.

For decades gangs have fought ruthlessly for turf, beaten and raped women, and pushed wannabe members into violent crime to earn their stripes, but the *Economist* reports

times are changing and ageing leaders are now prohibiting gang rapes and campaigning against methamphetamine use.

Leaders are also said to now criticise, rather than joke about, domestic violence, and street battles have grown less frequent.

Neil Campbell, who heads the Maori division of the Corrections Department, told the *Economist* some "pro-social" gang members really "do want better for their children".

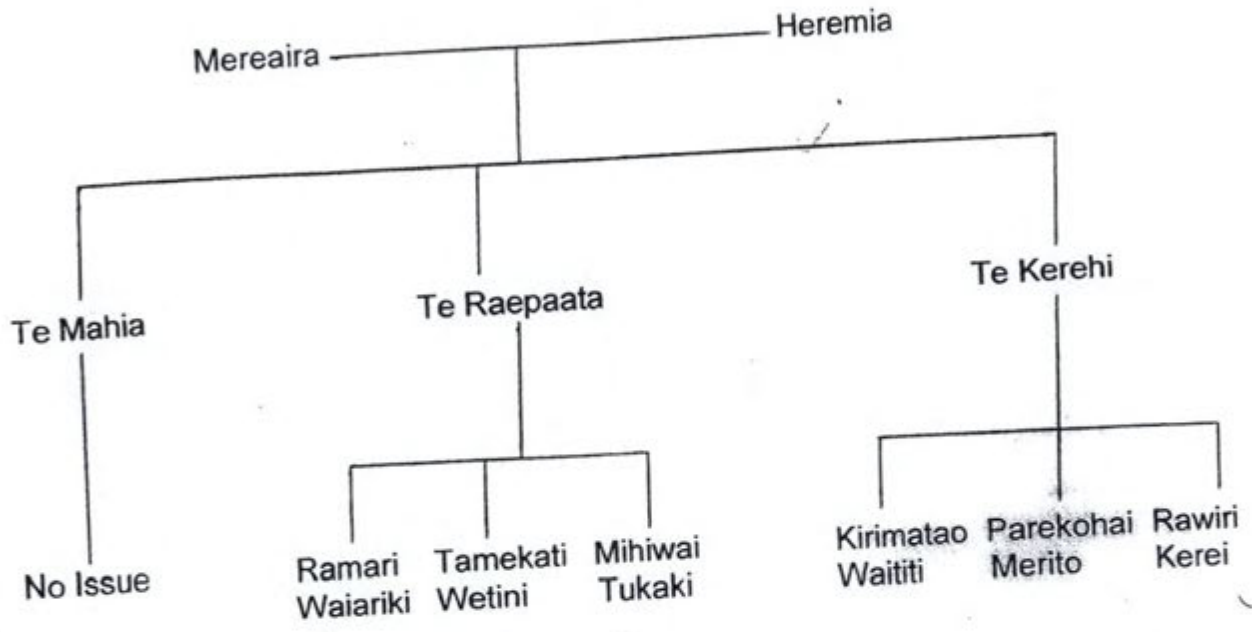
But despite a move towards reform, about a third of inmates are gang members and gangs account for more than 14 per cent of all murder charges, according to police.

The *Economist* reports locking gang members up has arguably exacerbated the problem, by turning jails into recruitment grounds.

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3

Ahi waru



Len Helmbright Parekohai Waiariki

22

35

Waitangi Claim

In the matter of the Treaty of Waitangi Act 1975

nd

In the matter of a claim by:

Wiremu Te Kahika, Chairman of Te Runanga O Te Kahika Trust

And representing the Whanau of Te Kahika, Kahika, Kahikatea, Kahikaroa and Wharekahika.

And Whanau of Opotiki, Hicks Bay, Mohaka, Titahi Bay, Porirua.

And representative of Te Kahika Whanau of Whakatohea, Ngati Pahauwera, Porirua, Ngai Tahu, Waiponamu and Waitaha.

Claimant

Statement of Claim

The claimant says:

1. That we are mokopuna and direct descendants of Rangatira Te Kahika of Whakatohea, Ngati Pahauwera, Mohaka, Ngai Tahu and Waitaha.
2. That Rangatira Te Kahika came upon ships and militia trying to enter the harbour entrance to Opotiki in Sept 8th 1865.
3. The names of these ships are: HMS Brisk, Ahuriri, Ladybird, Stormbird and Huntress.
4. The officers aboard these ships were: McDonnell, Major Brassey, Von Tempsky, Major Charles Stepp, Cptn Stoker, Ltn Bell and The Patea Rangers and the Wanganui Rangers..
5. These men were eye witnesses of the subsequent events that took place. In Sept 8th 1865.
6. As Rangatira Te Kahika walked closer to the mouth of the river, where the ships were entering. The militia on board opened fire for no reason, killing him.
7. When Lt Bell recovered the body of Rangatira he counted 18 bullet holes in his body.

MAORI LAND COURT
 RECEIVED
 18 DEC 2008
 WAIARIKI

MAORI LAND COURT
 REC
 10 DEC 2008
 WAIARIKI

23
 X

8. These ships and company were under the direct orders of the then Governor George Grey, who issued proclamation that Whakatohea was now under marshal law because of the killing by Kereopa Te Rau of the then missionary Rev. C S Vaulkner in March 1865.
9. The result of this proclamation of Marshal Law brought wrongful arrests and wrongful hangings, such as Chief Rangatira Mokomoko, as well as the confiscation of Whanau and Hapu lands and the destruction of villages.
10. The effect of the unlawful death of Rangatira Te Kahika by the militia, as well as the alienation of lands, forests and fisheries, have effected subsequent generations of the Te Kahika Whanau of Whakatohea, Ngati Pahauwera, Ngai Tahu and Waitaha and has disadvantaged generations spiritually, culturally and economically.

The Claimant seeks the recommendations that:

11. The Claimant states his desire that the Crown treat with him by formal process of mediation and negotiation that appropriate action be taken, to acknowledge, apologize, and compensate for the wrongful murder of Tipuna Rangatira Te Kahika.
12. The claimant requests that the matter of apology and compensation from the Crown, over the wrongful murder of Rangitira Te Kahika, be dealt with first.
13. Compensation from the Crown for the impact disadvantages had, economically, socially and spiritually, by the 6 generations of Whanau and descendants of Rangatira Te Kahika due to his wrongful murder.
14. That the Land, Forestry and Fisheries compensation be dealt with secondly.
15. That the Land, Forestry and Fisheries, belonging to Tipuna Rangatira Te Kahika and his descendants be returned and/or compensated.
16. The Claimant authorizes the Waitangi Tribunal Division of the Department of Justice to conduct whatever research is necessary in the resolution of this claim.
17. The Claimant asks that leave be given to amend the Statement of Claim and to file further annexure's, once research has been completed.
18. The claimant seeks the assistance of the Tribunal in funding to cover counsel and research costs on Lands, Forestry and Fisheries pertaining to Rangitira Te Kahika, Whakatohea, Hicks Bay, Mohaka, Titahi Bay and Te Waiponamu.

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This information will identify Whanau and Hapu boundaries and enable the claimant to clearly establish blocks and titles.

DATED this day 20th July 2008



Wiremu Te Kahika

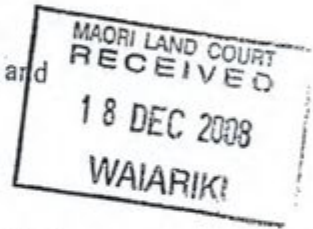
Claimant

Wiremu Te Kahika, Chairman of Te Runanga O Te Kahika Trust

And representing the Whanau of Te Kahika, Kahika, Kahikatea, Kahikaroa and Wharekahika.

And Whanau of Opotiki, Hicks Bay, Mohaka, Titahi Bay, Porirua.

And representative of Te Kahika Whanau of Whakatohea, Ngati Pahauwera, Porirua, Ngai Tahu, Waiponamu and Waitaha.



Address for service is, Mere Neilson, (Secretary) 150 Glomingham Street, Titahi Bay.
Phone: (04) 236 8322

25

[Handwritten mark]

19

RETURN OF MAORIS KILLED OR WOUNDED AT OPOTIKI.

RETURN showing the Number of MAORIS killed or wounded by the Colonial Forces within ten days from their arrival at Opotiki, on the 8th September, 1865.

DATE.	NUMBER.	NAMES.
1865.		
10th September	1	Pita.
11th "	12	Not known.
15th "	3	"
TOTAL ...	16	

No Civil Commissioner or Magistrate accompanied the expedition to Opotiki.

The following extract from the Proclamation of the 2nd September, 1865, and the Proclamation of Martial Law, dated 4th September, 1865, are the only Proclamation or public demand made for the surrender of the murderers of the Rev. Mr. Volkner:—

PROCLAMATION OF PEACE.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander in Chief in and over Her Majesty's Colony of New Zealand and its Dependencies and Vice-Admiral of the same, &c., &c., &c.

"The Governor is sending an expedition to the Bay of Plenty to arrest the murderers of Mr. Volkner and Mr. Fulloon. If they are given up to justice, the Governor will be satisfied; if not, the Governor will seize a part of the lands of the tribes who conceal these murderers, and will use them for the purpose of maintaining peace in that part of the country, and of providing for the widows and relatives of the murdered people.

"The Governor now calls upon all the chiefs and tribes to assist him in putting a stop to all such acts of violence for the future; for all, whether Europeans or Natives, have a common interest in putting an end to such crimes, and in preserving the peace of the Colony."

Given under my hand at the Government House, at Wellington, this second day of September, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY.

By His Excellency's command,
FRED. A. WELD.

PROCLAMATION.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS instructions have been issued and military force has been employed to capture the murderers of the Rev. Mr. Volkner, Mr. James Fulloon and his companions, at Opotiki and Whakatane:

And whereas it is expedient that summary authority should be exercised by the Commander of the Military Forces so employed, and the persons suspected of the said murders, or of abetting and abetting therein, should be tried by Courts Martial:

Now I, the Governor, do hereby proclaim that Martial Law will be exercised throughout the Districts of Opotiki and Whakatane, from the date hereof until this Proclamation shall be duly revoked.

Given under my hand at the Government House, at Wellington, this fourth day of September, in the year of our Lord one thousand eight hundred and sixty-five.

By His Excellency's command,
J. C. RICHMOND.



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NGĀ PŪTAKE O TE WHĀNAU-A-TE EHUTU:
THE ORIGINS OF TE WHĀNAU-A-TE EHUTU.

Marcus Matchitt

WHARE WANANGA
O
AWANUIARANGI
LIBRARY

Year: 2002

This thesis is a partial fulfilment for the requirements of the degree of Master of Māori Studies, at Te Whare Wānanga o Awanuiārangi, at Whakatāne in the Eastern Bay of Plenty.



27
THS 993.125 MAT
Nga putake o Te Whanau-a-te Ehutu = The
origins of Te Whanau-a-te Ehutu

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CHAPTER TEN: THE CONTACT PERIOD,
NORTHERN MUSKET RAIDS, AND
EVENTS LEADING UP TO THE
SIEGE OF TOKA-A-KUKU

This chapter analyses the impact that the northern *iwi* such as, Ngā Puhi, Ngāti Maru, Ngāti Wai and others, had on Te Whānau-a-Te Ehotu of Te Kaha. The main emphasis of this chapter focuses upon the events that led up to the siege of the Toka-a-kuku pā (chapter eleven) at Te Raupa¹³⁶ or Te Kaha point, in 1836 (Wairua 1958: 17).¹³⁷ In addition, the various reasons will be given, which led to that particular siege.

In the account given by Reweti Kohere of Ngāti Porou, Kohere states that the reason for a series of battles between Te Whānau-a-Apanui (Te Whānau-a-Te Ehotu) and Ngāti Porou, which culminated in the siege of Toka-a-kuku, was that Tamahae was held responsible when he attacked the Tūranga and Ngāti Porou regions during his expedition to those areas (Kohere 1949: 22). There appears to be some truth in this statement made by Reweti Kohere, remembering that in the time of Tamahae, he also formed part of an expedition that travelled to Hauturu (Little Barrier Island), where they attacked the local people of Ngāti Wai (Waititi. n. d. 30). During the musket wars that affected the Eastern Bay of Plenty and involved members of Ngāti Wai such as Pōmare, who belonged to that *iwi* as well as others such as Ngā Puhi (Oliver 1990: 345).¹³⁸ Pōmare, during 1820, made his first attack on the Whetūmatarau pā (Te Araroa) where he attacked the Ngāti Porou, taking the chieftainess Te Rangi-i-paia as a prisoner and wife (Oliver 1990: 345). Pōmare, in 1823, along with Te Wera Hauraki of Ngā Puhi, who had just finished attacking the people of Maraenui, Te Kaha and Whangaparāoa (Crosby 1999: 133), returned Te Rangi-i-paia to her people (Crosby 1999: 123).



136 (Oliver 1990: 2107). Toka-A-Kuku. Wi Repa refers to Te Raupa in a *waiata* (110) that can be found in *Nga Haka Whakaitia: Part Raukawa* (1961: 44-45).
137 (Crosby 1999: 212), gives the date of 1834 for the siege of Toka-a-kuku.
138 (Oliver 1990: 345). *The Dictionary Of New Zealand Biography: Volume One: 1769-1869*. (general editor) 1990: 345.

Maori Wars of the Nineteenth Century:

The Death of Ngarara

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The Death of Ngarara.

I have said that the taking of the "Hawes" was connected with our story and the following copied from J. A. Wilson's "Life of Te Waharoa," shows the connection and the sequel. "When the news of the cutting off of the "Hawes" reached the Bay of Islands, some [page 417](#) Europeans resident there, considered it necessary to make an example of Ngarara. They therefore sent the "New Zealander" schooner to Whakatane, and Te Hana, a Nga-Puhi chief acquainted with Ngarara, volunteered to accompany the expedition. The "New Zealander" arrived off Whakatane, and Ngarara encouraged by the success of his enterprise against the "Hawes," determined to act in the same manner towards this vessel. But first, with the usual cautious instinct of a Maori, he went on board in friendly guise for the double purpose of informing himself of the character of the vessel, and of putting the *pakehas* off their guard. Ngarara spent a pleasant day, hearing the korero (news) and doubtless doing a little business; so much so that his was the last canoe alongside the vessel, which latter it was arranged should enter the river the following morning. Meanwhile, our Nga-Puhi chief sat quietly and apparently unconcernedly smoking his pipe on the taffrail, his double gun, as a matter of course lying near at hand; yet was he not unmindful of his mission or indifferent to what was passing before him. He had marked his prey, and only waited the time when Ngarara, the last to leave, should take his seat in the canoe. For a moment the canoe's painter was retained by the ship, 'but in that drop of time,' an age of sin, a life of crime, had passed away, and Ngarara had writhed his last in the bottom of his own canoe—shot by the Nga-Puhi chief in retribution of the "Hawes" [page 418](#) tragedy, in which he had been the prime mover and chief participator.

"One of the natives who took part in the "Hawes" tragedy was a Nga-Puhi man, who at the time was visiting at Whakatane, but usually lived at Maunga-tapu, near Tauranga, having taken a woman of that place to wife. It so happened that Waka-Nene, of Hokianga, afterwards Tamati-Waka, and our ally in the first war between the Maoris and the Government, at the Bay of Islands, 1843-4, was on the beach at Maunga-tapu, when this Nga-Puhi man returned from Whakatane to his wife and friends. Tamati-Waka advanced to meet him and delivered a speech, pacing up and down in Maori style, while Ngati-he, the people of the pa sat round. "Ugh! you are a pretty fellow," said Tamati, "to call yourself a Nga-Puhi. Do they murder *pakehas* at Nga-Puhi in that manner? What makes you steal away here to kill *pakehas*? Has the pakeha done you any harm that you kill him? There! that is for your work," he said, as he suddenly stopped short and shot the native dead, whom he was addressing amidst his connections and friends. This action, bold even to rashness on Waka-Nene's part, stamped his character for the future, throughout the length and breadth of New Zealand as the friend of the pakeha—a reputation he has since so well sustained."

(30)

The revenge taken by the Whaka-tohea people, with which tribe Ngarara was connected, for his death, belongs only indirectly page 419 to this story. But in the course they took they secured the death of an unfortunate white man then staying at Hicks Bay.

It would appear from a narrative written by the late Major Ropata Wahawaha, that on board the "New Zealander" schooner were some Ngati-Porou people on a visit to the Bay of Islands, to which place they had been urged to proceed by Uenuku, a chief of Ngati-Porou, and that it was in course of their voyage back to the Bay that Ngarara was shot. After the occurrence, the Ngati-Awa people of Whakatane (Ngarara's people), having seen the Ngati-Porou on board, came to the conclusion that Ngarara's death was due to the influence of the latter tribe. So they arose, together with the Whaka-tohea, Whanau-a-Apanui and Whanau-a-Ehutu tribes and proceeded to Wharekahika (Hicks Bay), and laid siege to the pa at Omaru-iti there. Here Tu-tohi-a-rangi, Uenuku's son was killed, together with a white man named Tera (?Taylor), whilst another named George, escaped by swimming off to a rock, whence he was rescued by a ship's boat belonging to a whaler, which happened to call in at that place in the very nick of time. Tera's body was burnt. This was either in the end of 1829, or the beginning of 1830.

Subsequently, in 1831, Nga-ure and Wharetomokia of Nga-Puhi, with their people were returning from a friendly visit to Ngati-Porou, of the east coast, by canoe, when Te Whanau-a-Apanui tribe, having heard of their passing page 420 along the coast, thought this too good an opportunity to be lost, so manned a canoe and gave chase. They came up with the Nga-Puhi chiefs off Whakaari, or White Island, and after a fight succeeded in capturing the canoe, and killed most of the crew. Thus was some revenge obtained for Ngarara's death, but it led to consequences perhaps little anticipated by Te Whanau-a-Apanui tribe, as we shall see later on. At this time the Nga-Puhi chief Te Wera was still living at Te Mahia Peninsula, and had been at enmity with Ngati-Porou, but the death of the two Nga-Puhi chiefs, together with that of Tu-tohi-a-rangi, son of one of the principal chiefs of Ngati-Porou, appears to have ended the enmity and engendered a common desire for revenge against the people of the Bay of Plenty in which Nga-Puhi played a prominent part, but not till 1834. But to return to the North, for a few items from the "Missionary Record."

On May 22nd, 1829, the Rev. W. Williams met at Kawakawa, Bay of Islands, a Maori chief who had lately returned from a visit to Tahiti. This is worth noting, in order to put us on our guard against accepting as original traditions of the Maori, matters that this and other Maoris may have learned in their whaling voyages to the central Pacific. Not that there is much danger of this occurring from Nga-Puhi sources, for that tribe has probably contributed less so far towards the ancestral history of the Maoris than any other tribe.

page 421

22nd June, Rev. W. Williams went to Kerikeri to visit the well-known Nga-Puhi chief Rewa, "who had severely injured his hand by the bursting of a gun. It was necessary to amputate three of his fingers, which I proposed to do, but the superstitions of the people were so great that everyone was opposed to it, and I was also given to understand that if I had cut his hand, a party of strange natives who had just arrived from the southward to visit Rewa, would probably have been cut off by Rewa's people as a payment for this accident." This was strict Maori law; some one had to suffer, whether he was the wrong-doer or another was not of much consequence. A noticeable instance of this occurred the following year, as we shall see. This party of natives from the south appears to have returned on August 6th. Who they were

31

is not stated, but probably were some of the Ngati-Porou people. The Rev. J. D. Lang describes Rewa in 1839, as follows:—"He is as fine a looking man as I have ever seen, tall, muscular, athletic, with an expression of kindness on his open countenance, which it is impossible to mistake, notwithstanding the tattooing with which his face is disfigured. His daughter is one of the handsomest native women I have seen."

At this period there appears to have been a Maori god of some note, established at the Bay, named "Whiti," who communicated with the people by a whistling sound, produced by the priest by means of ventriloquism, which, page 422 indeed, was the common mode of manifestation of the presence of an atua.

April 24th, 1829. All the natives round Waimate proceeded to Whangaroa to the hahunga, or "bone-scraping" of Hongi Hika's bones. This was an old custom and the occasion of much feasting, together with some wailing by the relatives when the bones of distinguished persons after the body had been buried for about a year, were exhumed, scraped clean, painted red with kokowai, or red ochre, and then finally deposited in the family vault, usually a cave or chasm only known to a very few.

✓ 32

THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND,

IN THE

Session 1837-38,

(1° & 2° VICTORIÆ.)

ARRANGED

IN FIFTY-ONE VOLUMES.

VOL. VIII.

ACCOUNTS AND PAPERS,

(Fourteen Volumes.)

CONTINUED;

THE SUBJECTS ALPHABETICALLY ARRANGED.

SUBJECTS OF THIS VOLUME:

*East India Affairs; Emigration; Religion in Australia;
Affairs of the Island of Malta; New Zealand.*

1838.



K33

✓

Sir R. Bourke to
Lord Glenelg,
9 September 1837.

Enclosure (C.)

Bay of Islands, and extending as far as Wangaroa, forty miles to the northward of the bay, has, with trivial exceptions, passed from the possession of the natives into that of British subjects. Nor has the consideration given been in all cases so disproportioned to the value of lands in an unsettled country, or even to the returns which the capital thus invested is capable of yielding, as to stamp such transactions universally with the character of injustice. Most of the valuable forests in the interior have changed their ownership; and on the western coast an extensive territory is also claimed by British subjects.

When His Majesty's Government become aware of these facts, it is possible they may consider that the course of events has so altered the relation of this country to the rest of the world, as to demand the application of a different principle than that which, in an abstract view of its previous condition, may have been considered expedient and just; and that His Majesty may be advised to grant a charter of government to the colony of British subjects who are established in it, leaving the natives in the full possession of their abstract rights, so far as they have not conceded them to the colonists, and providing only against their suffering injustice at the hands of the latter.

There can be no doubt that the establishment of any authority whatever would be an incalculable advantage. But I cannot here avoid submitting, with all humility, a suggestion which has occurred to me, with no common force, in the course of my observations on the state of this country; namely, that it seems not more consistent with the arrangements of Divine Providence that an infant people which, by its intercourse with a powerful state, is subject to all the injury and injustice which weakness and ignorance must suffer by being thrown into a competition of interests with knowledge and power, should as naturally fall under and be not less entitled to the protection of the powerful state than the weakness of infancy and childhood is entitled to the protection of those who were the instruments of bringing it into an existence which requires such protection. I may go further, and submit that this would seem the instinct of natural justice, as exemplified by the reference which the chiefs made to the King of England in their declaration of independence. They prayed "that His Majesty would continue to be their parent, and that he would become their protector." The sentiment and the language were their own.

I have, &c.

(signed) *James Busby*,
British Resident at New Zealand.

His Majesty grant a
charter of Government
abstract rights

King of England

And His Majesty

Enclosure (D.)

Enclosure (D.) LETTER from *James Busby, Esq.*, British Resident New Zealand, to the Honourable the Colonial Secretary of New South Wales.

(No. 117.)

British Residency, Bay of Islands,
13 July 1837.

Sir,

I HAVE the satisfaction to acquaint you, for the information of His Excellency Sir Richard Bourke, that peace has been concluded amongst the greater part of the parties who were engaged in the late war; and there seems, I think, no reason to doubt that those who are still inclined to continue it, will have to yield to the general voice.

With the exception of the few who still hold out, the connexions of those who were killed in the various encounters of the parties have foregone their right of retaliation, and the tribes with whom the war first originated remain for the present in the situation in which they were when hostilities commenced. But should the woman whose alleged murder was the ostensible cause of the war prove, on the return of the ship from which she was said to have been landed, to be still alive, in that case a portion of land belonging to Pomares' tribe is to be transferred to the other party, as a satisfaction for the woman murdered by Pomares' people.

It appears also from recent accounts from the southward, that peace had been made by the tribes of the Bay of Plenty.

I have, &c.

(signed) *James Busby*,
British Resident New Zealand.

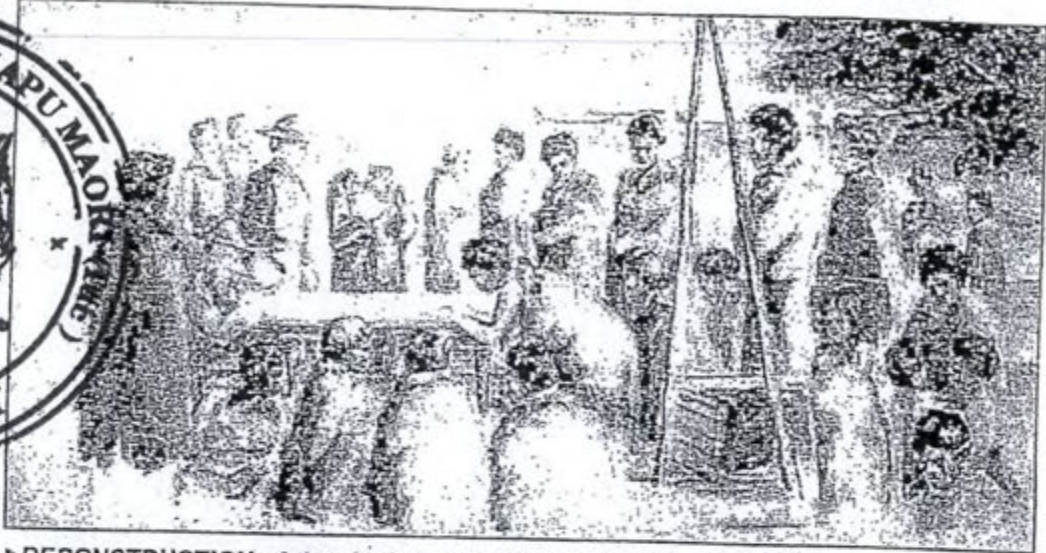
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one

at t' mill

IN a weekly series the OPOTIKI NEWS profiles photographs and information from days gone by, contributed by the Opotiki Heritage and Agricultural Society Museum.



RECONSTRUCTION of the signing of the Treaty of Waitangi, 1840.

12 chiefs signatures gathered for Treaty

ples would not

ng yer what everyone ig, mind, but I don't e her that set fire to hile her Ashley were t her wee baby in the.

will insist on blaming y friend that she says ousnelling", well ... expect folk to think. re were that time she away 'cause she tried oor bairn in a taxi. with these 'lympics e's watching, we're find out who it was for at least another t dursn't bear think-

Street, TV One on Thursdays, 7.30pm- suspended for three after the Olympic

On

Job Sandwich shop 10.00am Booking!

Workshop Open police station. I'd love to collate. -ces. No ch... 10 days on 315

35 on Bench

THE signing of the Treaty of Waitangi was not only a ceremony at Waitangi, signatures were obtained from Maori chiefs in other parts of New Zealand, although these signatures were regarded as "supplementary".

After the initial signing, the Lieutenant Governor, William Hobson, instructed that copies of the Treaty be taken around New Zealand to gather further signatures.

In all, eight hand written copies were used. The Rev Maunsell was to obtain signatures from Waikato Heads, the Rev Brown from Tauranga, the Rev W Williams from Gisborne, and captain Symonds from the interior of the North Island.

Major Thomas Banbury was assigned the task of gathering signatures from the South

Island, and also to negotiate further with chiefs in the North Island.

Another collector of signatures, James Fedarb, or Hemi Purehua as he later became known, arrived at Ohiwa on May 23, 1840.

During the two days of May 27 and 28, seven Opotiki chiefs placed their marks on the Treaty.

Some signatures had a cross beside them and Fedarb explained this in a note at the bottom of the page - "The chiefs at Opotiki expressed a wish to have it signified who were Pikopos (ie Roman Catholics) and who were not, which I did by placing a cross preceding the names of those who are, as above, and at which they seemed perfectly satisfied."

On June 9, Fedarb sailed from Opotiki to Torere, arriving on June 11.

Here the chiefs Putiki and Rangihuataki signed.

Adverse weather meant it took until June 14, before they reached Te Kaha where the chiefs Haupururangi, Haomarama, Wharau, and Ahhiwano placed their marks on the Treaty.

Fedarb sailed again to Torere and a third chief Taku signed.

He left Torere and arrived in Whakatane where he obtained the signatures of 12 chiefs.

On June 17, his mission completed, Fedarb set sail for the Bay of Islands, where he handed his copy of the Treaty to William Colenso who handed it on to Governor Hobson.

next week

TOOHEI WHANAU HAPU MAORI

Glenn Sullivan
CHARTERED ACCOUNTANT

Audit & Business



HELMBRIGHT WHANAU HAPU MAORI

Cherwin

Computer, Networking & Training Academy

Card Provider for your Digital Wealth

IT Support
Network design
Server Management
Voice and Data cabling

Handwritten initials/signature



36

4. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori.

5. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori.

6. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori.

7. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori.

He mea maori hea haka i te mea he mea maori. He mea maori hea haka i te mea he mea maori.

Ke Motu ke nga Rangatahi, ahakoa kiharai i tau
ki te huihuinga nei no te mungo o te huihuinga
no te aha ranei. ka hakaae katon, ki te haka
hutainga Rangatahianga o Ma Tereu a ka usu
ki wton ki te haka mungo

Kone - Huru

Huru - a

Toua - a2

Panahara - a

10 Jan 1886 - Kiwi Kiwi x

9 Feb 77 - Teirau - Motu (Note papito)

29 March - Haimona Pika - Motu (Note papito)
Tawai - a No te Mahomohu

Mate P no ka te Moe

1887 25 June Patuone M no te nga te rangi

Pore Papau te nga tiapa

" Kaka B no nga te tau tahi
12 July Kaka Simonga D no te Karawa

1888 16 Jan Alama D no te Hapoua

16 Jan Taouia X no te papito

16 Sept 24 Papatua X no te Karawa

1889 25 July Hapoua D no te Wata papiti (Hawkes Bay)

July 22. Ke te Wro Sulo nako ngati wapu te - Ke Kahawai

U Kai Tupa
Tahi

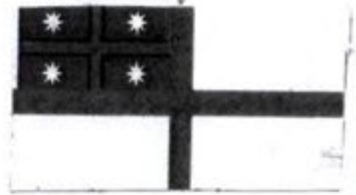
English Writing
Hollands

Photoduplicated at the South Island Office, Wellington N.Z. by X. Evans

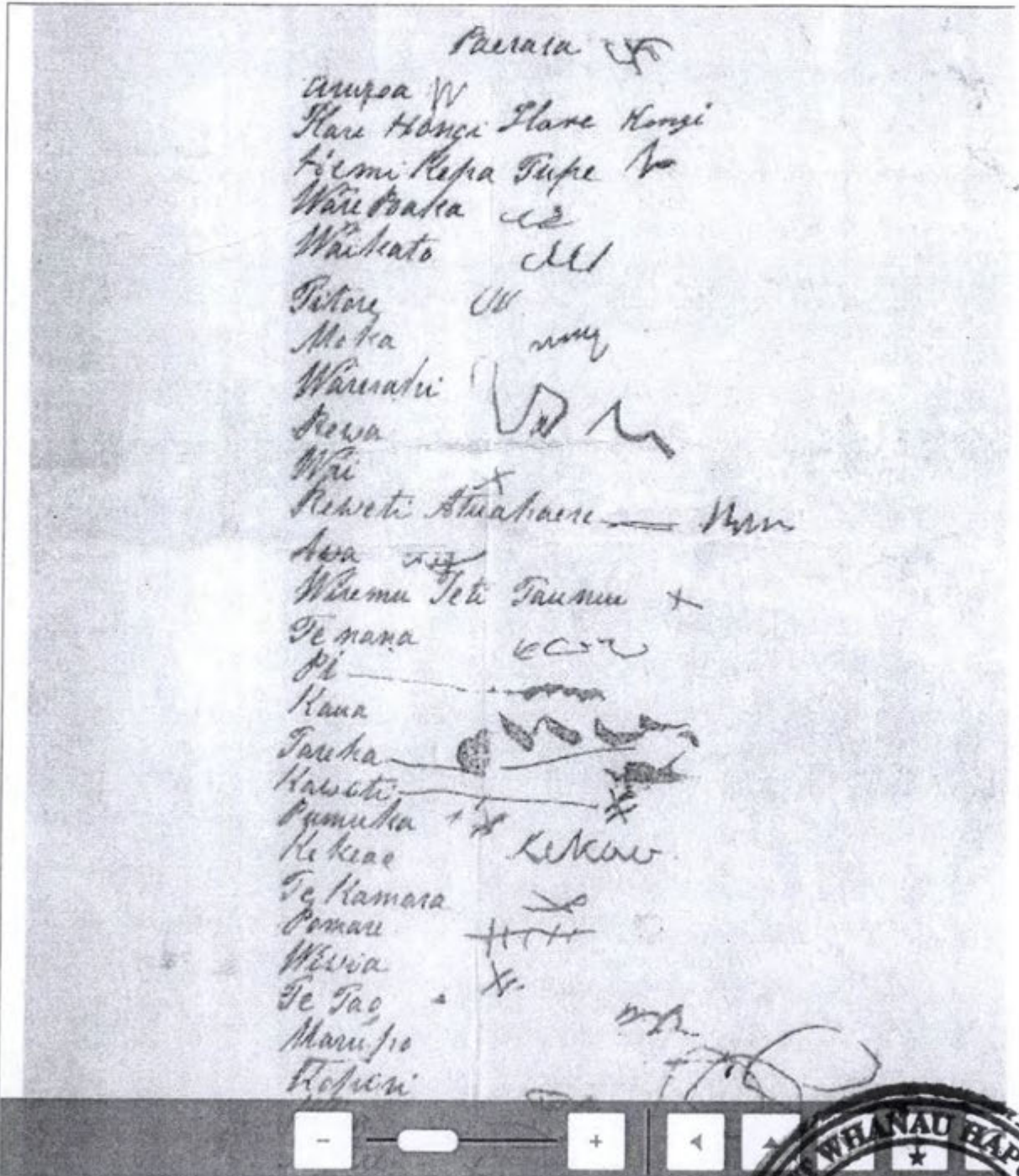
(Two copies)

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The 1835 Declaration of Independence



You can also download this file as a jpg file (5mbs).

The Declaration of Independence - He Whakaputanga o te Rangatiratanga o Nuirene



39

20

'NEW ZEALAND CONSTITUTION ACT' 1846

Section 9 and 10 of the 1846 NZ Constitution Act provided Maori, under Maori Customary Law, the right to Self Government within their own Native Districts. For Maori Laws to be recognized internationally the Queen issues Letters Patent, these Laws then become part of the Laws of England and the United Kingdom, they are then enforceable as New Zealand Law.

The 1846 NZ Constitution Act was created to preserve Article 2 of Te Tiriti o Waitangi (TOW), for the preservation of Tino Rangatiratanga and to restrain the Government from any attempts to govern Maori. The existence of the 1846 NZ Constitution Act is not commonly known.

NZ Constitution Act 1846 Section's 9 and 10 and the Royal Charter which stated:
I quote: "*on the British Crown's Royal Charter, in cases arising between the aboriginal inhabitants of NZ alone, the courts and magistrates shall uphold, (the words "shall uphold") Maori Customary Laws and usage's as aforesaid"*

Unquote: That is what is stated in the Royal Charter (Magna Carta) of the Parliament of Westminster concerning NZ, who enacted Section's 9 and 10 of the NZ Constitution Act 1846, which is a Common Law doctrine and statute, Internationally recognized. That statute and that Common Law doctrine used together, forms the Common Law under statute of Maori Customary Law.

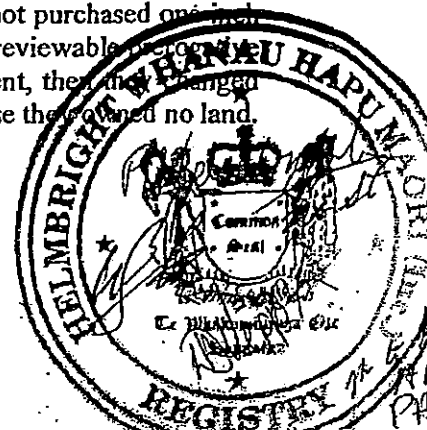
In 1901 in the judgment of the Privy Council where Lord Phillimore was presiding, he stated in his decision in the case "*Hineiti Rirerire Arani versus The Public Trustee of NZ*", he stated:

I quote: "*Maori Customary Law enjoyed legal status in European Colonial courts in NZ, in the absence of any statute indicating otherwise, that statute being enacted by the Native inhabitants themselves.*"

Unquote: Now what that decision did, was it entrenched that Maori Customary Law is to be legally recognized in every court in NZ, and the same to the decision of Lord Davey in 1900 - 1901 where he made a decision in "*Nihara Tamaki versus Baker*", where the Crown refused, in fact they were devoid actually, they refused to accept, that the issue of a Crown grant amounted to this extinguishment of the Native Title. He stated numerous statutes in the Common Law which are referring to the Native Title or such like, of tenure of land under custom and usage which was neither known to lawyers nor discoverable by them by evidence. When he made that statement, he said that the lawyers in NZ were just too plum lazy to look in the statutes, he defined that the Native title had not been extinguished. Once it reached that point, the Privy Council heard it, and under investigation, they found that the Crown has not purchased one inch of soil in NZ. That is what they found and therefore, the Crown lacked unreviewable prerogative power in relation to the Native title. That shook the NZ Settlers Parliament, they changed their voting system and they went on the populist sovereignty model because they owned no land. **No Land, No Kingdom, No Sovereignty.**

CC Governor General

4



Te Kooti Paramata Maori Ki Waitangi
Mataatua Waka Constitution.

1835 Declaration of Independence : Common Law Doctrine

EXHIBIT Q
TWENTY

Article 1 - Article 2 - Article 3 - Article 4

The 1835 Declaration of Independence Article 2 reads:

" All Sovereign Power and Authority within the Territories of the United Tribes of New Zealand is hereby Declared to Reside Entirely and Exclusively in the hereditary Chiefs and Heads of the Tribes in their Collective Capacity, who also Declare that they will " Not Permit any Legislative Authority Separate from themselves in their Collective Capacity to Exist "nor" Any Function of Government to be Exercised within the said Territories" " Unless by Persons Appointed by them", and " Acting under the Authority of Laws Regularly Enacted by them in Congress Assembled "

It is from here that the Crown derive its' power to legislate Law under Te Tiriti o Waitangi.

1840 Tiriti o Waitangi - Common Law Doctrine.

(Maori version shall prevail) Trusteeship to Her Majesty Queen Victoria.

Te Tiriti o Waitangi enforces the Crown and its' Government, The Privy Council in Westminster Parliament the Right to Legislate Law in New Zealand .

1846 New Zealand Constitution Act (UK) Section 10. Westminster Statute

AND

1846 Royal Charter AND Instructions of 1846, CHAPTER XIV.

(The Magistrates and Courts in New Zealand are obliged to enforce Maori Laws, Customs and Usages, respecting Tangata Whenua). CROWN PROTECTORATES .

Te Ture Whenua Maori Act 93/95, and Maori Incorporations Constitutions Regulations 1994/95 (ss 3, 250, 253, 253A/93 and s268 (3) of Sec 17 of).

Maori Customs, Laws and Usage (of Adoption) treated as enjoying Legally Recognisable Status in Colonial Courts 'in the absence of any Statute indicating otherwise'.

1852 New Zealand Constitution Act (UK) Section 71. Westminster Statute.

(Parliament of New Zealand, received a Warrant to the Government of themselves WHENUA), and who are " subject to " the Rules set down by the PARLIAMT (UK), as provided in the NEW ZEALAND CONSTITUTION ACT 1852 (



4. 1852 New Zealand Constitution Act (UK) Section 71. Westminster Statute.
 (Parliament of New Zealand, received the right to the Government of *themselves*
 (NOT TANGATA WHENUA), and who are subject to: the Rules set down by the
 PARLIAMENT OF WESTMINSTER (UK),
 in the NEW ZEALAND CONSTITUTION ACT 1852 (UK).
5. 1858 THE NATIVE CIRCUIT COURTS ACT. Part IV, no. XXX
 (Civil, General, Land and Criminal Jurisdiction) CROWN PROTECTORATE
6. 1858 THE NATIVE CIRCUIT COURTS ACT. Part V, no. XXXI
 (Appointment and Jurisdiction of Native Assessors) CROWN PROTECTORATE
7. 1931 Statutes of Westminster Act, section 8.
 (No authority to alter or repeal Constitution of a "Dominion" ... as adopted by the
 NZ Parliament in The Statute of Westminster Adoption Act 1947. However that
 'Act' provided that the NZ Parliament could make Full Laws for *themselves*
 without the assistance from the Westminster Parliament). CROWN PROTECTORATE
8. 1988 Imperial Laws Applications Act
 (was enacted and reverted all New Zealand Colonial Laws back to the
 Common Laws of England Maori Customary Law is a part of the U.K. Laws. The Imperial Laws
 Application Act 1988 *had to be adopted* by the New Zealand Parliament due to the actions of Sir Geoffrey
 Palmer in 1986, which left this country with no Constitution and no legal authority to enforce laws over
 tangata whenua.) CROWN PROTECTORATE
9. 1993/95 Te Ture Whenua Maori Land Act s3,5,12
 (LETTERS PATENT)
- section 3 Tikanga
- section 5 This 'Act' shall bind the Crown of Westminster Parliament (UK)
- section 12 and whereas pursuant to the provisions of section 17 District Courts
 Regulations Act 1947
 (removal from tenure of office for inability and misbehaviour)
- (Now enacted and the 'Protection Statute' in New Zealand.
 PART XIII of the enactment refers to Maori Incorporations or Te Whakaminega. That Part of the 'Act'
 re-iterates the Declaration of Independence 1835, however, in a more clarified form it
 is the magnetism for Maori to establish their, Government, Court structures and
 Institutions. They have a Mandatory and Statutory, and Autonomous Right to
 Legislate on Maori Customary Law.
 (Te Ture Whenua Maori Incorporations Constitutions Regulations Act 1995.
 In re: Gazette Notice issue No. 172).
10. 1995 Te Ture Whenua Maori Incorporations Constitutions
 Regulations Act clause 4: subclause 1 (a) (b) (h).
 (Incorporation jurisdiction to Regulate and Legislate Maori Laws,
 Customs and Usages).

41

Order of Incorporation

IN TE KOOTI PARAMATA MAORI
KI WAITANGI O AOTEAROA (NZ)

Nga Ariki Te Hapu One One Te Ture Whenua Maori/Maori Land Act 1993
Maori Incorporations Constitution Regulations 1994
Amended by Te Ture Whenua Maori Incorporations Constitution Regulations
Act 1995 / Part XIII



IN THE MATTER OF:
Te Ture Whenua Maori
Incorporations Constitutions
Regulations Act 1995
Sec. 247-251

AND

IN THE MATTER OF:
Nukutere & Matatua Waka
Te Ika a Maui Moananui a Kiwa
Waiariki Helmbright Whanau
(Applicant)

MP Honorable N Mahuta (NZ Crown)

MINISTERIAL REVIEW TAIRAWHITI BRACKEN MOTU RIVER DEVELOPEMENT ^{Turangapikei to Nga Ariki}

WAIOTAHE DRIFTS DEVELOPEMENT KUKUMOA TRUST DEVELOPEMENT

OPOTIKI HARBOUR DEVELOPEMENT & WHAKATOHEA MAORI TRUST BOARD

SURVEY REQUISITION MAORI LAND COURT WHAKATOHEA MAORI TRUST BOARD

PAPAROA ROAD REORGANISATION SCHEME IHUKAATI OHOPE SPIT DEVELOPEMENT

TURANGAPIKITOI NGA ARIKI OPOTIKI DISTRICT COUNCIL & HOUSING NZ Ltd &

POTTS & HODGSON BARRISTERS & SOLICITORS & MINISTER OF MAORI AFFAIRS

Te Tangata Whenua Ahi Kaa the home people Hapu One One, Nga Ariki, Ngai Tamahaua, Ngati Raumoa (Upokorehe), and other hapu, Turanga Piki Toi, Waiariki, retain all Customary Traditions, Values, Mana Whenua, Kaitiatanga exercised through statutory Te Ture Whenua Maori/Maori Land Act 1993-94-95-98 Part XIII Maori Incorporations.

Bellanger v Bellanger, (2003), The House of lords confirmed that (i) a void act is void from the outset and, (ii) no Court-not even the House of Lords-now the Supreme Court has jurisdiction to give legal effect to a void act no matter how unreasonable that may seem because doing so would mean reforming the laws which no Court is to interperate and apply the law, not reform it.

Conclusion based on the case laws referred to (iv) an appeal is not necessary because the order is already void.

Refer to documentation hereonin. CC House of Lords, (the Privey Council), cc Native Government Ika a Maui cc United Nations Human Rights (Ban Ki-moon)

East Tamaki Law Firm
Principal D. Naden
Waitangi Tribunal
Supreme Court Wellington

"In Our collective capacity

Ko Royal Regent Waimirirangi: Helmbright
Ko Royal Regent Pita Helmbright
Ko Royal Regent Aden; Webb; aka D. Christian



13th April 2016

Executive Council Members and nga uri o te Uaterangi Council , o nga Ariki Te Aho o te Rangi Wharepu, Maori Association Executive Committee of the Waiariki District, amalgamated under Hauraki District Maori Executive Council Hauraki District :

INQUIRY

Tahora 2A3B5A, 2A3B4B 2A3B5 Blocks Consolidated Order and Change of Status from Maori Freehold Land to General Land Section 135/93 objection Further inquiry.

INQUIRY

Environmental Bay of Plenty, Opotiki District Council , Kukumoa Trust Russel Lesly Brown, Colin Herbert Brown Ruamoko Pa original (Waiaua Pa) prior 1863 Settlement Act NZ 1865 Confiscation Act and others.

INQUIRY

Environmental Court, Whakatane District Council, Waiotaha Transport Limited Ngati Awa Corporations Removal of the Whakatane Waiariki nga uri o te Uaterangi, heirs and successors Wai Tapu Whakapapa to Te Aho o Te Rangi Wharepu Waiariki District Executive Council Kaitiaki, Royal Regent Pita: Helmbright, Kaitiaki, Royal Regent Waimirirangi: Helmbright, Royal Regent Aden and others.

INQUIRY

Investigation into Maori Freehold Land Section 67/93 Court Conference Te Kooti Whenua Maori Waiotahi Drifts Lot 5 DP 866365 50/1373 2nd May 2005 The whole Lot 144, 000 arcs, taku taimoana Waiariki District and office settlements.

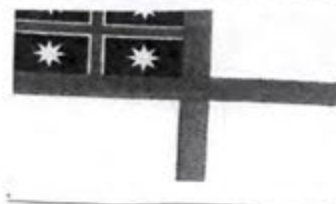
INQUIRY

Maori Freehold Land Requisition Project Te Kooti Whenua Maori 3rd September 2008, Whakatohea Trust Board Customary Title was unextinguished Title

INQUIRY

Paparoa Road Re: Organisation Scheme Opotiki District Council, Whakatane District Council removing boundaries, Opposition by Harold Ruff whanau and Helmbright Waiariki whanau and others Nagti Awa in surport with Bay of Plenty Environmental Regional Council in extinguishing Customary Title Waiariki uri, Uaterangi and others.

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REPORT TO THE COURT

Te Ture Whenua Māori Act 1993, Section 40
The Māori Land Court Rules 1994, Rule 50

Subject:	Opape 20-Survey Requisition
Legislation:	332/93
Previous Evidence:	111 Opotiki MB 83-90

BACKGROUND

Report on direction by Her Honour Judge Fox regarding a reserved decision at 111 Opotiki MB 83-90.

Direction as per reserved decision:

The Registrar is directed under section 40 to conduct an inquiry and report into:

1. The title history of this block
2. The minutes of the court resulting in the Partition of the original Opape Block
3. The allocation of any rights of occupancy or interests
4. The nature and extent of any formed and unformed roads on the block
5. The nature and extent of any easements over the block
6. The status of the Marae; and
7. The views of the Marae trustees to this application.

That report is to be filed with the court within six months of the date of this preliminary determination.

Pronounced in open court at 1.30pm in Gisborne on Monday 28th Day of September 2009.

EVIDENCE AND INFORMATION GATHERED

Accordingly my inquiry and report follows.

1. The title history of the block

This block was created by way of partition on the courts on motion pursuant to section 27(2)/53 on 12 June 1974 at 48 Opotiki MB 271 (attached)
 Partition of the land known as Opape 1C and 1P No.2,
 The area noted on the minute creating partition was 171 acres 1 rood 09 perches (69.3252Ha).

The partition order is not signed.

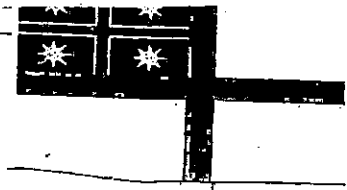
Attached to the Partition order is a sketch plan which is only indicative.

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ARZ

Witnessed by
DC. RR. Aden - CSIR
2018





The block had 107 owners on partition with varying shares totalling 345.11250 shares.
 The block is not registered with Land Information New Zealand
 There is no Certificate of title.
 There have been various leases and mortgages recorded on the historic memorial schedule (attached) however none are now current.

2. The minutes of the court resulting in the Partition of the original Opape Block
 The minutes creating this block a referred above are 48 Opotiki MB 271 dated 12/06/1974- attached.

3. The allocation of any rights of occupancy or interests:
 At 77 Opotiki MB 292-293 dated 7/2/2002 an order was granted to Robert Kurei for occupation of 1700sqm, shown on the diagram attached.
 This is the only recorded occupation order recorded in MLIS

4. The nature and extent of any formed and unformed roads on the block:
 A Road Line was created at 32 Opotiki MB 94 at 25/11/1948 over the former title Opape 1C. Part of the former title 1C and 1P was taken for road following this at NZ Gazette 21/472 at 25/03/1973 (attached).

5. The nature and extent of any easements over the block
 There are no recorded easements over this block.

6. The status of the Marae; and
 There is no Marae on Opape 20. There is however, an Ahu Whenua Trust over the entire area of Opape 20 created at 64 Opotiki MB 45-72 on the 7th of Febuary 1989. The last time the trustees were updated is at 101 Opotiki MB 202-206. The current responsible trustees for this block are stipulated on the attached management structure details report as David Herewini, John Pio, Manny Mokomoko, Meri Portland, Rita Wordsworth and Roberta Kurei. The Maori Trustee is a custodian trustee on Opape 20.

7. The views of the Marae trustees to this application.
 Not applicable – see number 6.

Further points to note:

On October 1 2008 at 105 Opotiki MB 86-108 court directed that a meeting of owners be convened by the Maori Land Court to consider consent for a Survey Requisition for Opape 20.

On 7 July 2009 the court re-convened at 111 Opotiki MB 26-38 as the owners who attended the meeting of owners on the 20th of April recommended that since a clear decision was not able to be made in regards to the survey requisition by those present.

The Ahu Whenua trustees adopted no formal position to the application for survey, but at least one, Mr Mokomoko supported the application. This was evident on the 29th of September 2009 at 111 Opotiki MB 83-90. It is also apparent that Meri Portland was not in opposition to the survey as highlighted in the minutes of the Owners Hui on the 20th of April 2009, and David Herewini did not oppose the survey as per his korero highlighted in 111 Opotiki MB 26-38 (page 37).

[Handwritten signature]

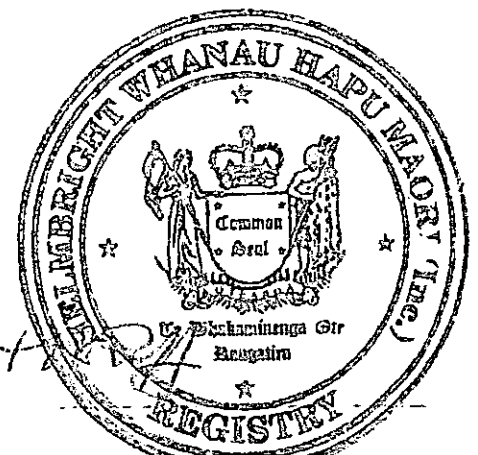
Kerri Anne Rogers
 Team Leader
 Maori Freehold land Registration Project
 4 November 2009

45

A 24

67x

Witnessed by
HARAF
 D.C.R.K. Ltd. 08/11/2018
 Page 196 of 363



TE KOOTI WHENUA MĀORI

MĀORI LAND COURT

Our Ref: A20060026935
A20060026937

Your Ref:

18 May 2007

Peter Helmbright
73 Buchanan Street
OPOTIKI

Tena koe

Subject: Tahora 2A3B4A, 2A3B4B and 2A3B5 blocks - Consolidated Order and
Change of Status from Māori freehold land to General land.

Section: 128/93 and Section 135/93

Please find enclosed a copy of the minutes from the Court hearing at 96 Opotiki
Minute Book 53-60 dated 6 March 2007 in respect of the above.

I also enclose a copy of the minutes of the reserved decision made at 95 Opotiki MB
180-189 dated 11 April 2007. The applications have now been dismissed and I now
return your paper material.

Heoi ano ra na

Rover Waiapu

Rover Waiapu
mo te Pou Rehita
(encl.)



Waiariki District, Hauora House, Haupapa Street, Private Bag 3012, Rotorua 3046, New Zealand
Telephone: 0-7 921 7402 Fax: 0-7 921 7412
www.justice.govt.nz

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

Special Resolution In the Matter of Helmbright Maori Incorporation and Administration

Re: CRI-2018-016-001234 GISBORNE DISTRICT COUNCIL

AND JOHN RICHARD BRACKEN

Judge H L C Raumati states

"[41] The Courts of New Zealand must uphold all Acts of Parliament as enacted, regardless of any attack on assumptions or procedures which might have led to their enactment. The RMA is one such Act of Parliament".

Resource Management Act 1991; Section 8 shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) and The Declaratory Judgements Act 1908 is another which relate directly to the following;

He Whakaputanga 28th October 1835 widely encountered English translation states Maori to be an infant state; this in no way confides the true status. In the Laws of England an infant is incapable of managing his own affairs and whereas the Chiefs placed the feudal estate Nu Tereni/Aotearoa[NZ] with King William IV, King of England and he became the protector.

Te Tiriti O Waitangi; Preamble - Victoria I, the Queen of England in her concern to Protect the Chiefs and sub Tribes of New Zealand in her desire and to preserve them their chieftainship and their Land and to maintain continually also the peace to them.....

Article II; The Queen of England arranges and agrees to give the Chiefs of all the Sub Tribes of the Maori People of New Zealand the Unqualified Chieftainship over their Lands, their Villages, and over all other Treasures [Native Aboriginal Title=He Taonga Tuku Iho]

Thus the relationship is clarified in that the English Royalty being Trustees of Te Tiriti O Waitangi, and the Chiefs and sub Tribes of New Zealand are beneficiaries Te Tiriti O Waitangi in Unqualified Chieftainship.

Article III; All the Maori People of New Zealand will be protected by the Queen of England and will give them All the Rights and Duties All in Equal Measure that apply in Her Constitution to the People of England.

Westminster Parliament enacted Te Ture Whenua Maori/Maori Land Act 1993

Section 2, (3) In the event of any conflict between in meaning between the Maori and English versions of the Preamble, the Maori version shall prevail, and Section 5, Act to bind the Crown - This Act shall bind the Crown.

THE CONSTITUTION MEMORANDUM OF EVIDENCE, UNDERSTANDING, INTENT, PROCLAMATION AND CLAIMED RIGHTS OF; The Beneficiary(s), Shareholder(s) of Nga Tikanga Maori Law Society (Inc) O Aotearoa [NZ]

AND

Amalgamated Maori Incorporations

25th August 2010

Maori Preamble translated as Notified:

Whereas the Treaty of Waitangi established a special relationship between the Confederation of United Tribes O Aotearoa and the British Crown of the United Kingdom: And Whereas that the exchange of Kawanatanga for the protection of Rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas recognised that full chieftainship over the people, the land, the forest, the fisheries, the estates

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Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

and all other treasures as Taonga Tuku Iho of special significance to the Maori people, and for that reason, to promote the retention of those treasures in the hands of the owners, their whanau, and their hapu: And to facilitate the occupation, development, and utilization of those treasures for the benefit of the owners, their whanau, and their hapu: And whereas to maintain Te Kooti-Paremata-Maori or Te Kooti Rangatira Ateha in accordance with Tikanga Maori on the Marae and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.

Whereas the Lower House Nga Tikanga Maori Law Society (Inc) O Aotearoa[NZ] by Special Resolution, Section 253, Capacity and powers of incorporation - Discharge Obligation of Trust - removing Westminster Parliament/House of Lords appointment under fiducial duties(Article 1) for government of all their Lands.
And

Judge H L C Raumati further stated

[42] In R V Wallace, Brewer J held.

"The Law is that Parliament has sovereign power to legislate. The Crimes Act, the Arms 1983, and the Evidence Act 2006 are examples of legislation enacted by Parliament. They apply to all persons present in New Zealand".

Asserting parliament has sovereign power over those under administration. Judges have a due diligence and by their oath they are not capable of pleading ignorance of the law, any assertion, decree, ruling in breach of that oath is contempt of Court, and given they are sworn to uphold the Laws of New Zealand they should accommodate into their duties and obligations, He Whakaputanga-Article II... who also Declare that they "Shall not permit any legislative authority separate from themselves in their Collective Capacity to exist"

Which brings the Court back to what was agreed regarding the Queen of England's Constitution, covered in the Imperial Laws Application Act 1988- Section 5 & 6, Laws of England apply including the rules and principals of equity, And

Clearly stating only the Sovereign can make subordinate legislation; There is no provision, nor is any granted for New Zealand Parliament to make Law for any person present in New Zealand. And even making corporate policy for themselves they acknowledged the Law being made by Maori by the enacting Te Ture Whenua Maori/ Maori Land Act 1993 and the amendment in 1994 Section 17 (3) and Section 5.

The amalgamated Maori Incorporations of Nga Tikanga Maori Law Society (Inc) O Aotearoa[NZ] adopted the Imperial Legislation relating to Aotearoa[NZ] being part thereof the Queen of England's constitution.

Te Ture Whenua Maori Section 99 -"Administration" means probate of the will of a deceased person, and includes letters of administration of the estate of a deceased person,

Te Ture Whenua Maori Act Part XII Trusts Section 210 Interpretation-

"Persons under disability" means any person

Blacks I Disability - The want of legal ability or capacity to exercise legal rights, either special or ordinary or to do certain acts with proper legal effect, or enjoy certain privileges or powers of free action.

Those born in New Zealand are born as Natives; natural born subjects of England, or Maori (native inhabitant) which also includes those whom live amongst Maori in use of their customs and practices.

New Zealand Parliament to be legally/lawfully functioning require an order of administration; Being that all Estates in the territories of Aotearoa are vested in the Queen of England, administration can only come to the Crown, British Crown (Church of England, Roman Catholic Church) per the Queen of England's

Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

constitution defined in the Magna Carta caring for infants estates, to which the utmost care and attention in doing so is required.

The Court returns to He Whakaputanga- Article II; All Sovereign Power and authority within the territories of ~~"The Confederation of United Tribes O Aotearoa"~~ is hereby Declared to reside entirely and exclusively in the hereditary Chiefs and Heads of Tribes in their Collective Capacity." And so

New Zealand Parliament (Church of England/Roman Catholic Church) and Judges in the Courts of New Zealand somehow believe that sovereign power has been transferred to them, yet there is no documented proof of such appointment from "The Confederation of United Tribes O Aotearoa." There is certainly no proof of infancancy re; Te Tiriti O Waitangi as Maori appointed Westminster Parliament/House of Lords to govern over their lands without legislative authority, and retained the Unqualified Chieftainship, and therefore there is no Estate for the proper courts to administer. And

The implementation of the poor laws over all the infants that administration had been placed on making them employees of the Crown is conspiracy. Acts of settlement on the lands just more evidence of the pretend administration, for the duty of an administrator is to manage Estates for the benefit of those under administration. The Judiciary is to uphold the laws not manipulate the Law for their own benefit and their employers, doing so it is just an act of treason.

The evidence before the Court written into New Zealand Parliament Statutes evidence the intent being purely fraudulent; an administrator is a Trustee and the Judiciary and officials operating the PROPER COURTS, should look deeper into the foundation of Law in territories of Aotearoa as they are without duty obligation or function.

"It is further established by a series of cases, the propriety of which cannot now be questioned, that the Statute of Frauds does not prevent the proof of fraud; and that it is a fraud of a person to whom land is conveyed as a trustee, and who knows it was conveyed to deny the trust and claim the land himself" Rochefoucauld V Boustead 1897 1 Ch .196

Injunction Order 26022019

Whereas no function of administration or government can be found, the Court is obliged to clarify that the discharge of Westminster Parliament/House of Lords form governance in Territories Aotearoa contained the provisions of;

Section 253, Capacity and powers of incorporation; in discharge of obligation of trust Te Tiriti O Waitangi; The Church of England/Roman Catholic Church, Westminster Parliament/House of Lords and any derivative thereof in administration of infants estates and all other duties and privileges in territories Aotearoa within the terms of, provisions of the Queen of England's constitution in regards to the Magna Carta and the Proper Courts of the Arch Bishop of Canterbury/Pope and derivatives thereof are discharged.

Every Fee Simple title in Aotearoa[NZ] is a derivative of such action, and this action of recovery from the Crown (British) within the terms of, provisions of Te Ture Whenua Maori Section 85 and 144, Damages calculated at three times the ratable value placed upon the fraudulent title upon Aotearoa[NZ] created by the New Zealand Company, Wakefield Land Company, Canterbury Association, Nation New Zealand, New Zealand Crown, British Crown, Roman Catholic Church, Church of England and derivatives thereof in Territory of Aotearoa[NZ].

Damages placed upon Justin Welby the Arch Bishop of Canterbury, Pope Francis, Arch Bishops of New Zealand Philip Richardson, Winston Halapua, Donald Tamihere, New Zealand Prime Minister Jacinda Ardern, United Kingdom Prime Minister Teresa May, members of Westminster Parliament/House of

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Tairawhiti Waiariki Helmbright Whanau Hapu Maori (Inc)

THE COMMISSIONER OF POLICE, an instrument of the Crown is deemed a fictitious plaintiff acting as beneficiary of a Deed of Settlement. The COMMISSIONER OF POLICE is not a beneficiary of Te Tiriti O Waitangi. Equity matters in New Zealand in regard to any Estates in the territories Aotearoa [NZ] can only be heard on the Marae as the proper courts lack the equitable jurisdiction to hear these matters, as there is no land or estates vested in the British Crown and they cannot become beneficiaries of any land in territories of Aotearoa.

It can be clearly stated that administration of deceased estates as per Section 99 is the only authority of the British Crown per the Queen of England's constitution re; the Magna Carta to which they shall consult the owners (beneficiaries) before any action can be taken, they are trustees in this and only facet of Te Tiriti O Waitangi.

The duty of New Zealand Police is the administration of peace within the terms of, provisions of the constitution of the Queen of England.

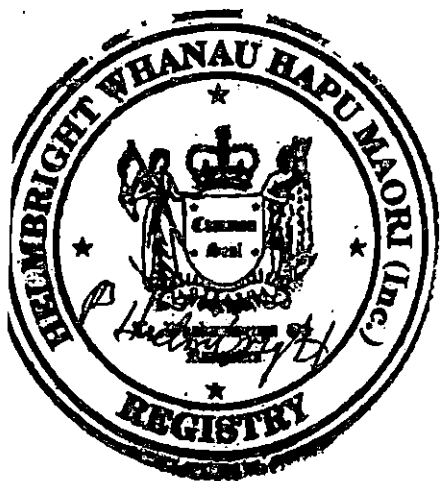
The Court finds that all material property catalogued, identified, and removed from Maori Customary Land in regard to the matter CIV-2018-416-00044, Section 19 - be returned forthwith as with all funds, monies, finances, bank accounts. It is deemed this part of the Injunction Order be Interim.

That these Said Orders be transmitted to the Chief Judge, Native Assessor so they may be sealed as an Injunction Order of the Court transmitted under Section 85 to be filed as a record of the High Court and enforced forthwith.

On the sealing of this order the Chief Judge, Native Assessor declares that this Order shall obtain the quality to stand as an Order in Regard to the Declaratory Judgements Act 1908, Section 12 to bind all lower courts.

At Kutarere Marae, Tamaterangi Whare Tipuna, Hapu One One, Upokorehe Hapu.

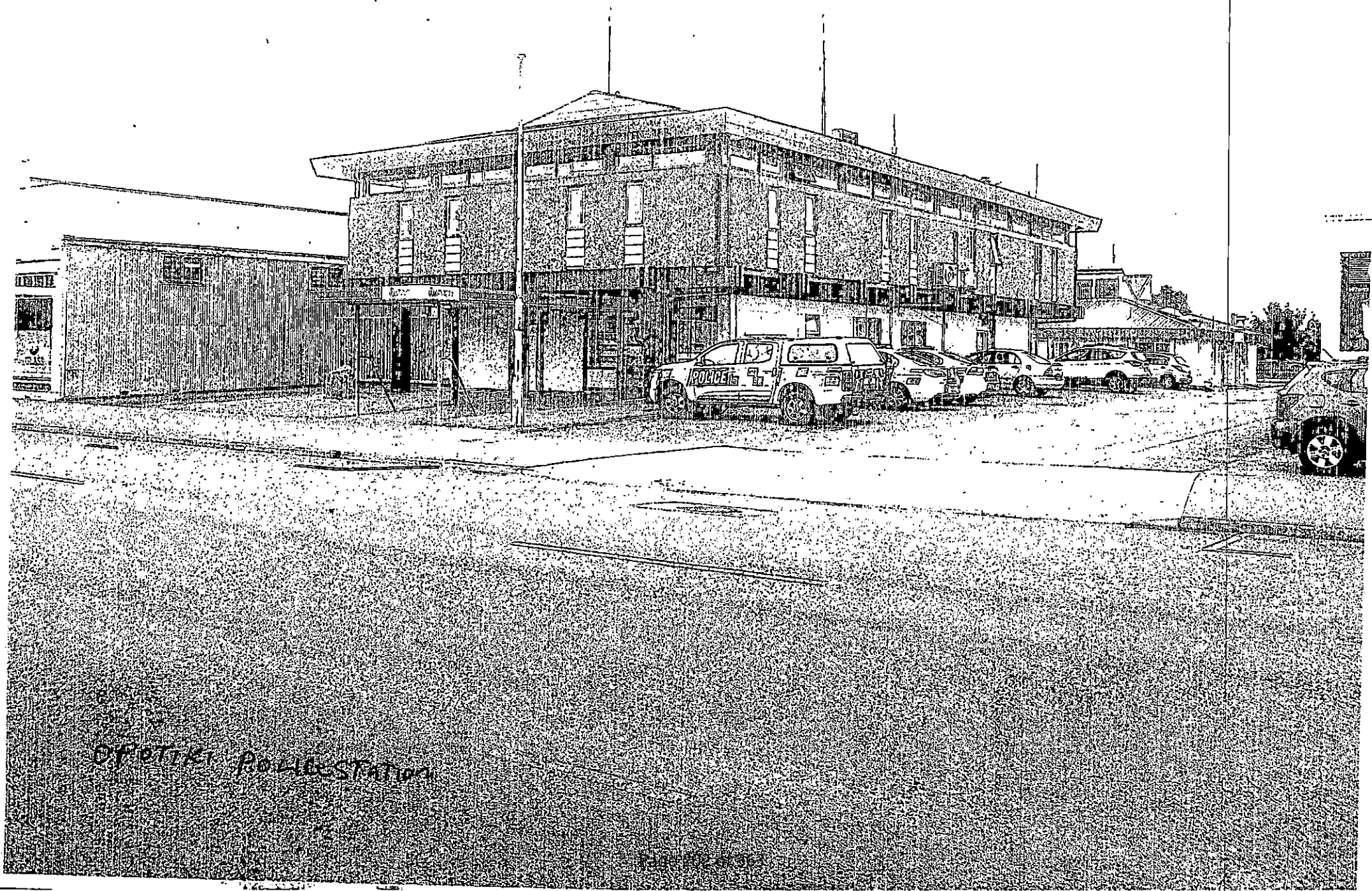
On this, the 6th day of February 2019



The Bracken Family Trust



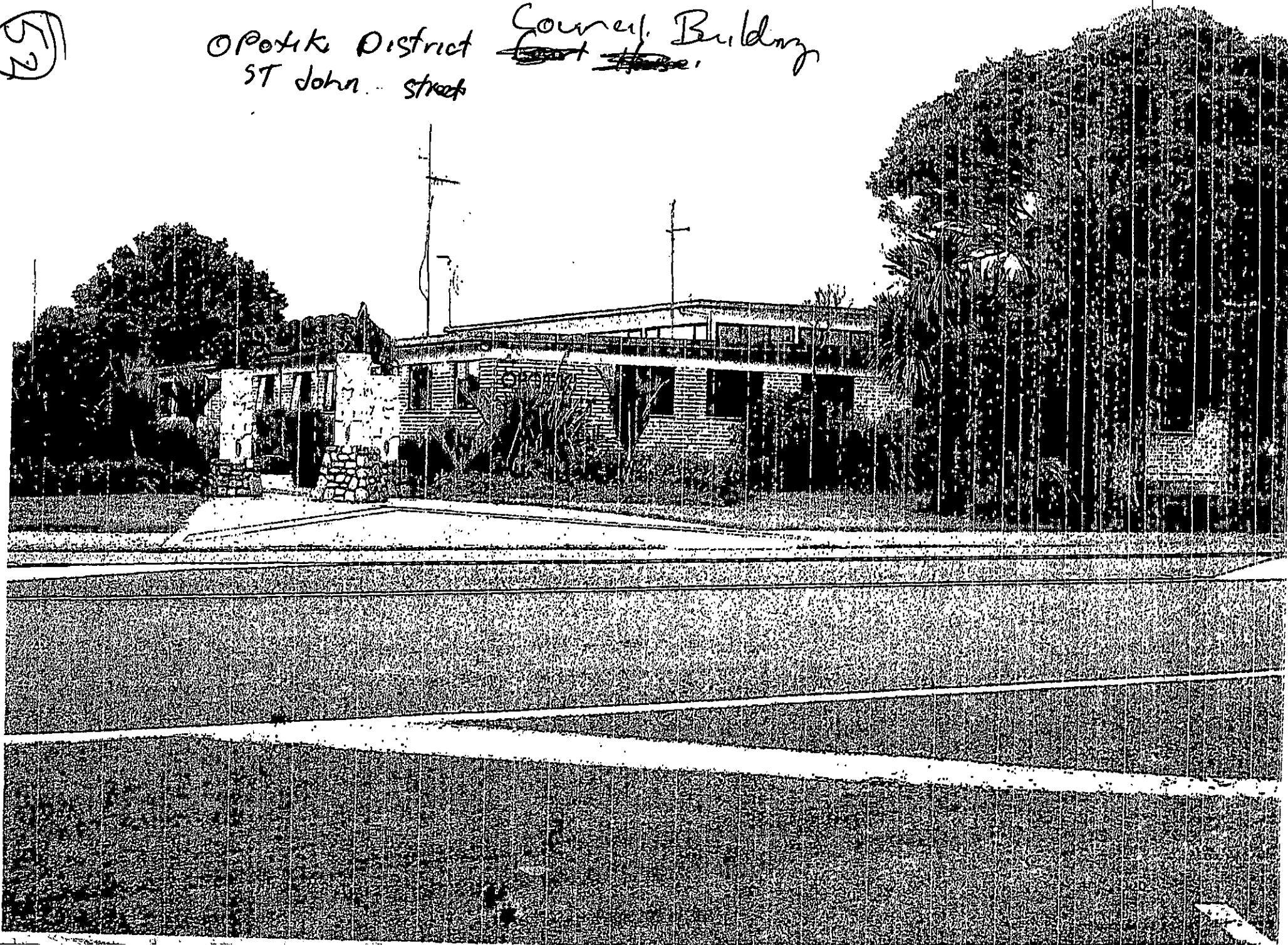
51



OFFICE POLICE STATION

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Opoiki District ~~East House~~ Courney Building
ST John Street



District Court
272

31 AUGUST 1993

CHARGE OF OBSTRUCTION

(67)
C(8)

I APPEARED IN COURT TO FIGHT THE CHARGE OF OBSTRUCTING THE POLICE. I DEFENDED THE CASE MYSELF WITH THE ASSISTANCE OF PETER DE LOREE.

SGT CARL PEDERSON TOLD THE COURT, HE ENTERED THE LAND COURT ON LAND COURT JUDGE HINGSTON'S INSTRUCTIONS STATING SECTION 62.1 OF THE MAORI AFFAIRS ACT. WHEN I QUESTIONED THE VALIDITY OF THIS ACT, JUDGE GRAHAM SENT FOR A MAORI AFFAIRS ACT 1953. THE JUDGE TOLD SGT. CARL PEDERSON THAT ACT 62 RELATED TO STAMP DUTY. HE TOLD CARL PEDERSON THAT THE ACT WAS 69.1.

SGT. CARL PEDERSON STATED THAT HE WAS USHERED INTO THE WHAKATOHEA BUILDING BY CLAUD EDWARDS INSINUATING THAT WHAKATOHEA WAS TOTALLY BEHIND HIM. I TOLD HIM I DIDN'T SEE CLAUD EDWARDS AND HANDED PEDERSON A LETTER WRITTEN BY CLAUD EDWARDS STATING THAT WHAKATOHEA HAD NO INVOLVEMENT IN RAPHAEL TARAWA'S OR MY ARREST. I SHOWED HIM A POLICE STATEMENT WHICH WAS FRONT PAGE NEWS IN THE OPOTIKI NEWS WHICH STATED AN AUCKLAND MAN (RAPHAEL TARAWA) WAS ARRESTED FOR ALLEGED CONTEMPT OF COURT. I TOLD HIM CONTEMPT OF IS SECTION 56 OF THE MAORI AFFAIRS ACT. THIS ACT RELATES TO WITHHOLDING EVIDENCE. RAPHAEL WAS DEFINITELY NOT TRYING TO WITHHOLD EVIDENCE.

I TOLD PEDERSON, THAT ON THE POLICE CHARGE SHEET TO RAPHAEL TARAWA, TARAWA WAS ARRESTED FOR BREACH OF PEACE SECTION 42 (2) OF THE CRIMES ACT 1961. YET HE WAS RELEASED WITHOUT CHARGE. I TOLD PEDERSON THAT HE HAD USURPED (TAKEN WITHOUT AUTHORITY) THE MAORI LAND COURT LAWS AND IMPOSED HIS OWN LAWS. DO THE POLICE COME INTO OUR LAND COURT AND USE GESTAPO TACTICS?

I HANDED THE JUDGE MY WHAKAPAPA SHOWING MY TIES WITH WHAKATOHEA. I STATED THAT AS I WAS THE ONE HANDLING THE CASE FOR THE APPLICATION FOR AN INJUNCTION AND THEREFORE I CONSIDERED THE WHAKATOHEA BUILDING MY HOUSE AND THAT I HAD INVITED RAPHAEL TARAWA INTO THE LAND COURT TO REPRESENT ME AS HE HAD 25 YEARS EXPERIENCE PROSECUTING CASES IN MAORI LAND COURTS - THEREFORE I OWED HIM WHAT LAWYERS CALL A "DUTY OF CARE".

I HANDED THE JUDGE MINUTES OF THE LAND COURT SHOWING THAT THERE WAS NO MENTION BY LAND COURT JUDGE HINGSTON OF SECTION 69.1. I TOLD JUDGE GRAHAM ON THE MATTER OF SECTION 69.1, THE POLICE HAD NO JURISDICTION TO ENTER AS OFFICERS AND CONSTABLES OF THE COURT AS STATED IN SECTION 69.1 RELATED TO OFFICERS OF THE LAND COURT NOT THE CROWN COURT, AND THAT CONSTABLES RELATED TO MAORI WARDENS NOT CROWN COURT POLICE. THE JUDGE DISAGREED WITH ME ON THIS INTERPRETATION.

MISSING MINUTES FROM PREVIOUS PAGE. 278

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D

DURING THIS INTERACTION WITH THE COURT I POINTED AT LAND COURT JUDGE HINGSTON.

COURT: YOU POINT AT ME AGAIN MR RUFF I'LL HAVE YOU ARRESTED

MR RUFF: IS THAT SO - WELL SORRY SIR!! BUT SEEING THAT THE POLICE ARE COMING, HERE'S WHAT YOU SAID!!

I READ FROM THE MINUTE BOOK: 69 OPOTIKI M396

COURT: FOR THOSE OF YOU WHO MIGHT HAVE SYMPATHISED WITH MR TARAWA AND MR RUFF THE COURT HAS TO FUNCTION FOR EVERYBODY AND NOT FOR ONE PARTY WHO FEEL THEY CAN TAKE OVER, AND I SAY THAT PEOPLE MAY NOT AGREE WITH ME, BUT IF WE GAVE IN TO THAT SORT OF ATTITUDE WHAT IS A CHAOTIC STATE OF MAORI LAND A LOT OF PEOPLE WOULD SAY WILL BE A LOT MORE CHAOTIC IF WE ALLOWED COMPLETE OUTSIDERS TO COME IN HERE AND TRY AND TELL US WHAT TO DO, PARTICULARLY WHEN THEY DON'T KNOW WHAT THEY'RE TALKING ABOUT. SO AGAIN I REGRET IT HAPPENED, I THINK WE ALL DO, BUT I DON'T APOLOGISE FOR LOCKING HIM UP. THANK YOU."

MR RUFF: COMPLETE OUTSIDERS! I HAVE A WHAKAPAPA HERE...

COURT: I WASN'T TALKING ABOUT YOU MR RUFF. I WAS TALKING ABOUT MR TARAWA.

MR RUFF: I THINK TARAWA'S TIPUNA NAMED THIS TOWN. BUT HERE IS SOMETHING I DO KNOW, HE WAS RELEASED WITHOUT CHARGE.

COURT: YES, I HAD HIM RELEASED LATER.

MR RUFF: NO. YOU ARRESTED HIM ON SECTION 69. THAT WOULD NOT STICK SO THE POLICE CHANGED IT TO SECTION 42.2.

I TURNED TO THE TWO TRUSTEES SITTING BEHIND ME (PAKU EDWARDS WAS ABSENT), JOSIE MORTENSEN AND PHILIP WILSON. I TOLD THEM THAT I HAD ASKED MY FATHER TO BE PRESENT BUT HE WAS NOT WELL ENOUGH TO BE HERE. MY FATHER AND TRUSTEE PAKU EDWARDS FATHER WERE THE BEST OF FRIENDS IN THE "OLD DAYS", LIKEWISE WITH TRUSTEE PHILIP WILSON'S PARENTS, THEY WERE VERY CLOSE FRIENDS AND HELPED EACH OTHER OUT, AND BILLY BALL TRUSTEE JOSIE'S FATHER WORKED FOR RUFF BROS (TRUCKING BUSINESS) FOR YEARS. THERE WAS NEVER A BAD WORD SPOKEN ABOUT BILLY BALL. WHY THEN ARE YOU THREE TRUSTEES KICKING MY FAMILY IN THE "GUTS".

TRUSTEE PHILIP WILSON SAID: THAT I COULD HAVE MY LAND BACK IF I WENT THROUGH THE RIGHT CHANNELS.

I THEN TOLD HIM THAT I WOULD GO THROUGH THE RIGHT CHANNELS. I WOULD GO AND SEE MY RANGATIRA.

TO THE COURT I SAID: THAT'S A STATEMENT!

of Harold Ruff Require disclosure of Documents Form 26(3)(5) from District Court and a constitution Judicial Review Wharfedale 27-June-2012

54

68

District Court

271

169
c 9

IN THE JUDGES SUMMING UP WHICH IS REPORTED IN THE NEWSPAPER COURT NEWS ON THE NEXT PAGE, I AM DISCHARGED WITHOUT CONVICTION. THIS TELLS ME THAT BOTH THE POLICE AND LAND COURT JUDGE HINGSTON ACTED OUTSIDE THE LAW.

JUDGE GRAHAM SAYS THE ONLY REASON HE IS DISCHARGING ME IS THE MEMORY OF MY UNCLE IAN WHO WAS KILLED IN WORLD WAR II. THOUGH I AM EXTREMELY PROUD OF MY UNCLES WAR TIME EFFORTS, I FEEL CHEATED AND DIRTY SOMEHOW. I HANDED THE JUDGE MY WHAKAPAPA TO SHOW MY AFFILIATIONS WITH WHAKATOHEA. THE WAR TIME RECORDS OF MY UNCLES ON THE WHAKAPAPA WERE TO REMIND HIM OF HIS RESPONSIBILITY TO MY HUMAN RIGHTS, WHICH ALL NEW ZEALANDERS FOUGHT FOR IN WORLD WAR II.

I FEEL THE EVIDENCE WHICH I PRODUCED IN THE CASE WON MY DISCHARGE NOT UNCLE IAN'S MEMORY. I ALSO FEEL THE COURT NEWS REPORT IN THE OPOTIKI NEWS IS EXTREMELY BIASED AS IT ONLY TELLS THE POLICE SIDE OF THE STORY.

THE GOOD THING TO COME OUT OF THE JUDGE'S SUMMING UP IS THE REMINDER IN THE NEWSPAPER OF UNCLE IAN WHO WAS KILLED 50 YEARS AGO. THE NEWS OF HIS DEATH SHATTERED THE RUFF FAMILY AT THE TIME AND IS STILL DEEPLY INTRENCHED IN HIS ONLY SURVIVING BROTHER HARRY AND HIS 4 SURVIVING SISTERS - MAY, AMY, AGNES AND ANNETTE.

AFTER THE JUDGES VERDICT HAROLD HELMBRIGHT KAUMATUA STOOD UP AND THANKED THE JUDGE.

MY THANKS GO TO MY FRIENDS PETER DE LOREE, HAROLD HELMBRIGHT AND MY FAMILY FOR THEIR SUPPORT.

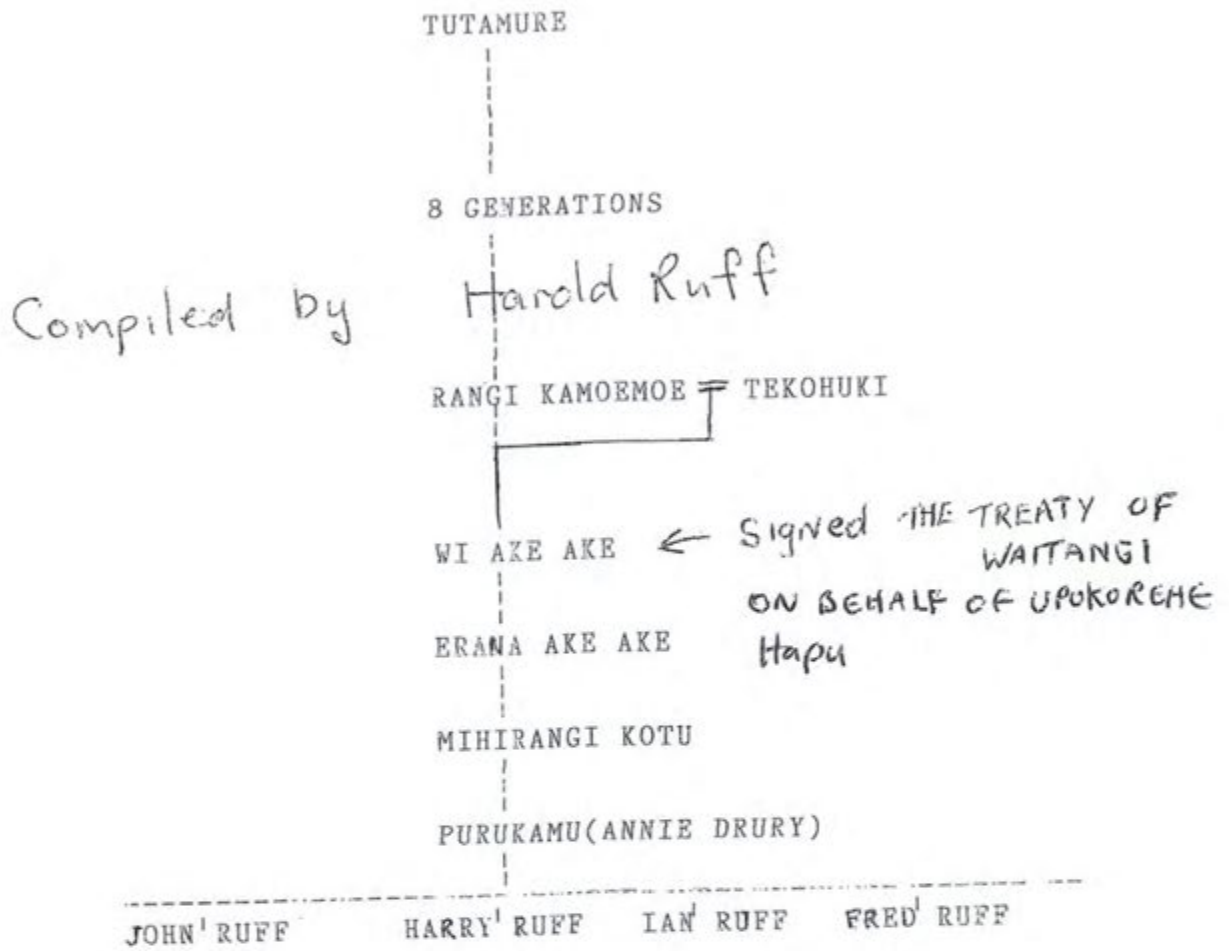


55

Copy *Handwritten*

MY WHAKATOHEA LINE (whakapapa)

This was handed up to district court Judge *(16)*
Graham Opatiki District Court.



Signed by my father

Handwritten Signature: Harry A Ruff

Returned Servicemen 2ND world war

① John Ruff = ARMY served in New Hebrides

* ② Harry Ruff = ARMY served in Fiji

③ Ian Ruff^{1st} = Airforce, Lancaster Bomber Pilot, shot down and killed in 1943 buried in Ameland Holland

④ Fred Ruff = Navy, Dutch Destroyer called Soemba off Italy during allied invasion, Badly shell

shocked ended up in English Hospital. away from N.Z. more than 5 years

Whakatohea Maori Trust Board

122 ST. JOHN STREET
P.O. BOX 207,
OPOTIKI.

Phone 07 315 6150
Fax 07 315 7968



269

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CN

23 August 1993

TO WHOM IT MAY CONCERN

On the 1st of April 1993 there was a Maori Land Court sitting at the Trust Board which is a venue the Trust Board has made available for the Maori Land Court to conduct hearings. The Trust Board was not personally involved in any matters on that particular day.

One of the cases addressed by the Court that day related to the Hiwarau C Block. For reasons that are no business of the Trust Board, the presiding Judge Ken Hingston called in the Opotiki Police and two people were removed from the Court and taken to the Opotiki Police Station.

About 4.30 pm on the afternoon of the 1st of April 1993, the Community Police Officer Cliff Inglis, in a telephone conversation with me, asked what they should do with the two people that they were holding in custody. I told him that it was not a matter that personally affected the Trust Board and as the Court sittings had concluded it was my opinion that they consider releasing the persons concerned.

These are the events I have related as to my knowledge of what occurred.

Yours faithfully

A handwritten signature in cursive script that reads "C A Edwards".

C A Edwards
Executive Chairman

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Memory of airman leads to conviction discharge

It was a moving moment in the Opotiki District Court on Tuesday when the judge's memory of a local airman killed overseas in World War II, led to the discharge of the man's nephew without conviction for hindering police during a meeting of the Maori Land Court in Opotiki on April 1.

Defending the charge before Judge Peter Graham was Harold Ruff, aged 46, who was not represented by counsel, with Sergeant Mark Van der Kley conducting the police prosecution.

Sergeant Carl Pedersen, officer-in-charge at the Opotiki police station, and Constable Clifford Inglis, told the court that at 1.15pm police were called to the Whakatohea Trust Board building where a Maori Land Court hearing was taking place.

They had been requested by Judge Ken Kingston who was presiding over the court, to arrest a man for contempt.

"I sought the judge's authority, and on that advice I

approached a Mr Tarawa and told him he was under arrest, and requested him to leave the court, but he refused," Sergeant Pedersen said. "I told him if he persisted he would be arrested for breach of the peace.

"There was a lot of shouting from a number of people standing around, and the defendant came between Tarawa and me. I told him he was obstructing the police but he persisted, and after an intense struggle I finally got him out of the boardroom." Sergeant Pedersen admitted to using a headlock on the defendant. "It was the only way to remove him from a situation which was becoming increasingly ugly."

Ruff told the sergeant: "You usurped the Maori Land Court laws and imposed yours. Do the police come into our court and use gestapo tactics?"

After lengthy remonstrance with the prosecution, Ruff handed up to Judge Graham the minutes of the land court meeting of April 1.

"This horrifies me," said the judge on reading the contents. "I have spent a lot of time with lawyers who practice in the Maori Land Court, and was fortunate to be educated by such people as Dr Peter Sharples and Judge Mick Brown. "I envied their hearings which were always conducted with dignity and courtesy.

"These minutes concern me, because that dignity is suddenly sacrificed to this kind of conduct. I always wanted my court to have the same dignity as the Maori Land Court, so what went wrong? You failed to observe the mana of your rangatira. I don't understand it.

"You have caused me a lot of trouble," the judge told the defendant. "For your own pride, you have sacrificed the principles of your race. Sometimes there is a hard lesson to learn, but I believe you have learned yours today. Perhaps I am soft, but I think your whanau can look after you better than I can.

"I see in your whakapapa that Ian Ruff was your uncle. I think of him, he was with Bomber Command which lost 40,000 men out of 60,000, and your uncle was one of them. Because of his memory, you will be discharged without conviction."

District Court Report
in the Opotiki News

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NEW ZEALAND
MINISTRY OF TRANSPORT

LICENCE NUMBER BB806222/2

F (5A)

This LICENCE to drive a motor vehicle is issued by the Secretary for Transport and is valid for the following class/es: B/F/G/I*****

Signature of Licence Holder: C X HHRuff
Issued to: _____
(Licence not valid till signed)

Date of Birth: DEC 1946
Eye Colour: BLUE

MR HAROLD HENRY RUFF
12 FORD STREET
OPOTIKI



Date of Issue: 30/06/1977
Expiry Date: 31/12/2017

SPECIAL CONDITIONS:
(SEE REVERSE FOR CODING)

NZ Police Wellington
mihī tuatahi a Ihu Karaiti nana te -
kīmatanga nana te whakamutunga.
Tena Koe,

I received your notice imposing a \$400 fine on me for an alleged offence against 31 (1)(A) LAND TRANSPORT ACT. I also note that you accessed my driver licence number presumably from your records on your computer - Drivers LIC No BB806222. On the top of this page I have photocopied a copy of my licence. You will note the expiry Date of my licence is 13/12/2017. You will also note the top left corner of my licence, the NZ. Ministry of Transport logo. This is a legal document. Under the Treaty of Waitangi I dont mind being Governed but I object to being Ruled. My Tipuna W. Ake Ake signed the Treaty of Waitangi on this very Pakowhai Land. As the land is still under duress, jurisdiction is in question.

exhibit

I am Harold Ruff HHRuff

(59)

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15/0694526 } (31)

SUMMING UP

Wi Ake Ake signed the Tiriti o Waitangi on behalf of the Upokorehe Hapu in May 27-28-1840 on this Very Pakowhai land [Opotiki]. My whakapapa is thus

- Wi Akeake
- Erana Ake Ake
- Mihirangi Kotu
- Annie Mihirangi Purukamu
- Harry Ruff

RECEIVED
18 DEC 2008
WAIARIKI

Harry is my father. I am an independent Chief there of of the Upokorehe hapu

- Pages 23—29 of my file relate to a reply to Gilling report which is filed in the Maori Land Court by the Upokorehe Kaitiaki Resource Management. These pages 23—29 are applicable to this case, regarding prerogative power. I therefore challenge the jurisdiction of this court because I have got to be confident that you can rule in my favour against the NZ Police.
- However under Settler and Immigrant Parliament defacto law, Urepare Whitiki [the closer response between Police and Maori] is an initiative by Winston Peters in approximately 1994. This was meant to implement Marae Justice which would have entitled me a hearing with my own Hapu on this matter. Urepare Whitiki gives the Police a 'quasi' type access to me, to counter Article 2 of the Tiriti o Waitangi - my undisturbed rights of Mana Whenua Mana Maori [prerogative power].
- However the Government has lodged this Urepare Whitiki Hapu initiative in the Settler and Immigrant Whakatohea Trust Board. As I refuse to sign the Hapu Register giving the power of attorney to Whakatohea Trust Board, I therefore have NO dealings with that Government agent, thereby having no access to Urepare Whitiki.
- The Whakatohea Trust Board in collusion with the Police have twisted Urepare Whitiki to mean some form restorative justice after the fact, when it is meant to implement Marae Justice the moment a policeman comes in contact with a Maori.
- The Minister of Justice letter 18 on my file has opted out saying that it's the responsibility of the Minister of Courts.
The Minister of Courts Letter, paragraph 3 page 20 states - ' these issues fall outside the responsibility of the Minister of Courts'.
The letter from the Police Sergeant Ekin says the offence is 'justified'. How can this be? When it has a Ministry of Transport Seal and a Crown on top of the Seal. This Crown makes this a legal contract. NO off the street Policeman nor any Policeman for that matter can say otherwise. The Crown represents the Queen of England and this is a legal Document, because the Queen of England, Elizabeth the Second is my Treaty Partner. Sergeant Ekin's decision must be brought before the Privy Council.
- I demand this court protect my right by charging the NZ police with breach of Urepare Whitiki.
- These are my Demands: 1. The police pays me Exemplary Damages of \$1000.00 per day as from 30 May 2002 until my car is returned and the matter resolved as stated on the last paragraph on page 11 of my file.
2. The NZ police apologise in the Opotiki News for impounding my car immediately it is returned.
3. Costs and expenses be paid by the Court.

I close with an instruction by Lord Normanby (colonial secretary) to Captain Hobson; Quote - 'Nor is this all: They (meaning Maori) must NOT be permitted to enter into any Contracts in which they might be ignorant and unintentional authors of injuries to themselves'.

My name is Harold Ruff

Handwritten signature of Harold Ruff

MAORI LAND COURT
RECEIVED
18 DEC 2008
WAIARIKI

RECEIVED

23 MAY 2008

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P9 3

21

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-I challenge the Jurisdiction of this Court . I uphold the foundations set by my ancestor Wi Ake Ake. Could the Court please clarify the Jurisdictional Powers of its highest Court against the Ruling of the Privy Council English Laws of Statute and Traditional Prerogative Power or Paramount Rule in relation to Native Title. Who has the superior Jurisdiction—Privy Council Statute Law , versus Parliamentary Acts, Settlers, Helen Clarkes Laws coalition Rule. Also the significance of the Crown above your head as opposed to your mooted Republicanism – your intention to remove the Queen of England and thereby remove the King James Bible. God save the Queen of England Elizabeth the Second. That is all.

NEW ZEALAND
MINISTRY OF TRANSPORT

LICENCE NUMBER BE973182/2

This **LICENCE** to drive a motor vehicle is issued by the Secretary for Transport and is valid for the following classes: **A/B*******

Signature of Licence Holder: _____ Date of Birth: **SEP 1965**
 Issued to: _____ (Licence not valid till signed) Eye Colour: **HAZEL**

MR JOHN RICHARD BRACKEN
11 ELSDON BEST STREET
GISBORNE

SPECIAL CONDITIONS:
 (SEE REVERSE FOR CODING)

Date of Issue: **18/05/1982**
 Expiry Date: **30/09/2036**

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 exhibit

MAORI LAND COURT
 RECEIVED
 18 DEC 2008
 WAIARIKI

[Handwritten signature]

THURSDAY 15th APRIL 1993 AT 10am I APPEARED AT THE OPOTIKI DISTRICT COURT ON A CHARGE OF OBSTRUCTING SERGEANT CARL PEDERSEN IN THE EXECUTION OF HIS DUTY. SUMMARY OFFENCES ACT 1981 SECTION 23(a).

Sergeant Carl Pedersen appear on June 8.

Heated exchange

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A heated exchange took place in the Opotiki District Court yesterday when Raphael Tarawa, a land agent from Auckland, told Judge Peter Graham his court could not adjudicate on Maori land issues.

told the judge, "and a serious anomaly has occurred here. Maori land is sovereign, and is outside the jurisdiction of this court. It is a violation of the laws of this country, and of international law," Tarawa said.

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The incident occurred when Harold Ruff, a shearer, was charged with intentionally obstructing Sergeant Carl Pedersen in the execution of his duty during a recent sitting of the Maori Land Court in Opotiki where the police had been called to a disturbance.

"Which part?" asked the judge.

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The defendant said he would like the case "squashed," as he believed he had been unlawfully arrested.

"Our lands are still customary Maori land," said Tarawa.

Judge Graham stood the matter down to allow Ruff to consult a solicitor. When he returned to the court with Tarawa it was with a written note handed to the judge stating he had given power of attorney to Tarawa.

"Don't ever get that idea," responded Judge Graham.

"Your statement is ridiculous. This is a criminal court and the defendant has to plead.

"I am a specialist in Maori land law," Tarawa

"Then we will bring counter charges against the police for false arrest.

"I am trying to get through to you that I have a full day and intend to remand the defendant at large on a not guilty plea to July 26 when the matter can be sorted out," Judge Graham said.

When Tarawa continued his allegations he was asked to leave the court.

JUDGE PETER GRAHAM WAS YELLING AT RAPHAEL TARAWA "SHUT SHUT UP, GET THEM OUT OF HERE."

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Tarawa eruption 10th June

13

66

NOTICE OF HEARING
(Summary Proceedings Act 1957)

CASE NUMBER: CRI-2005-087-000384

06 May 2005

Harold Henry Ruff
12 FORD STREET
OPOTIKI

TAKE NOTICE

(a) That the charge(s) of:

Crm	Charge	Charge Code
05087100952	FAILED TO WEAR CYCLE HELMET - s40 L.T ACT 1998 & 11.8(1) ROAD USER RULE 2004	O501

That the above matter has been adjourned to the 07 June 2005 at 10.00 am, in the District Court of Opotiki.

I apologise for the inconvenience caused.

Barbara Williams
Deputy Registrar

CC: NZ Police Opotiki

MAORI LAND COURT
RECEIVED
18 DEC 2008
WAIARAPIKI

63
exhibit

CR0627_SP62_NoticeOfHearingOfApplication

3 A4

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Please quote this number on all correspondence
CASE NUMBER: CRI-2005-087-000384

10 JUN 2005

Harold Henry Ruff
12 FORD STREET
OPOTIKI

Dear Sir

POLICE DEPARTMENT V HAROLD HENRY RUFF

Crn	Charge	Charge Code
05087100952	FAILED TO WEAR CYCLE HELMET - s40 L.T ACT 1998 & 11.8(1) ROAD USER RULE 2004	O501

As requested this letter is to confirm that the matter brought before the Court on the 7th June 2005 was
"Dismissed through want of Prosecution"

I trust this information is satisfactory.

Yours faithfully

Barbara Williams
Court Officer

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MAORI LAND COURT
RECEIVED
18 DEC 2008
WAIARIKI

Whakatane District Court
Pyne Street, Whakatane, 3080, Box 402, Whakatane, New Zealand
Telephone: (07) 306 0200 Fax: (07) 306 0201

BEFORE THE ENVIRONMENT COURT

Decision No. [2010] NZEnvC 098

IN THE MATTER

of an appeal under Section 120 of the Resource Management Act 1991 (the Act)

BETWEEN

VERNON WILLS
(ENV-2008-AKL-000287)

Appellant

AND

BAY OF PLENTY REGIONAL
COUNCIL

Respondent

*New Zealand Resource Management Act 1991
breach test: 41.3
resource*

Hearing at: Tauranga 2nd - 6th & 19th - 21st November 2009

Court: Environment Judge J A Smith presiding
Environment Commissioner P A Catchpole
Environment Commissioner I D Stewart

Appearances: Ms K Barry-Piceno for Vernon Wills (Wills)
Ms M H Hill and Ms R C Zame for Bay of Plenty Regional Council (the Regional Council)
Mrs M Brown for herself (s 274 party)
Ms E Ulu for herself (s 274 party)
Ms S Hoete for herself (s 274 party)
Mr R J Pepper for Motiti Avocados Limited (s 274 party)

DECISION OF THE ENVIRONMENT COURT

A. A resource consent with the additional conditions we suggest will adequately avoid, remedy or mitigate adverse effects of the application and meet the



Bay of Plenty Regional Council (Decision).doc (rp)

*Case Law
Twenty two*

12500T, 917, Hui Ahiā 7ROA
WAIKIRI REGISTRY
IN THE HIGH COURT OF NEW ZEALAND
ROTORUA REGISTRY

CP 7-02

BETWEEN

PETER GRIFFITH HELMBRIGHT AND AUDRY
WALMIRIRANGI HELMBRIGHT
Plaintiffs

AND

POTTS & HODGSON
First defendant

AND

HOUSING NEW ZEALAND CORPORATION
Second defendant

AND

OPOTIKI DISTRICT COUNCIL
Third defendant

AND

MINISTER OF MAORI AFFAIRS
Fourth defendant

Hearing:

17 November 2002

Counsel:

Mr A Sherlock for first defendant
Ms K Broughton for second defendant
Mr J Kay for third defendant
No appearance for fourth defendant

Date of judgment:

20 November 2002

ques: on documents

JUDGMENT OF MASTER LANG
[re applications by defendants to strike out claims]

Solicitors:

Hesketh Henry, Private Bag 92093, Auckland – facsimile 09 309 4494
Russell McVeagh, P O Box 10-214, Wellington – facsimile 04 499 9556
Hamertons, P O Box 601, Whakatane – facsimile 07 307 0225
Ministry of Maori Development, P O Box 3943, Wellington – facsimile 04 922 6229

Parties:

P G Helmbright, 73 Buchanan Street, Opotiki, plaintiff



66

**IN THE MAORI LAND COURT
OF NEW ZEALAND
WAIARIKI DISTRICT**

Place: Gisborne

Present: CL Wickliffe, Judge
K Lardelli, Clerk of the Court

Date: 28 April 2005

Panui No: Chambers **Application No:** A20030001949

Subject: Lot 5 DP 8663 GS5D/1373 – Investigation

Legislation: Sections 18, 131 and 132, Te Ture Whenua Māori Act 1993

Previous Evidence: 82 Opotiki MB 238-265 and 84 Opotiki MB 136-141

<u>Applicant</u>	<u>Address</u>
Te Whare Maire Trust	C/- P Helmbright, 73 Buchanan St, Opotiki
Mr Toby Kokere Wikotu	14GB King St, Opotiki
Upokorehe Incorporation	

RESERVED DECISION

Introduction

This application with several named applicants, two of whom were added during the course of proceedings, has at its heart a desire on behalf of all of them to contest the validity of Crown derived title over land that was formerly Māori customary land. Although ostensibly about this one block of land, the arguments made in support of the application demonstrated a desire to challenge all Crown or private title to land within the traditional territories of Upokorehe hapu of the Whakatohea Tribe.

While detailed submissions were led regarding different statutes and the common law, it was clear to the Court during the course of these proceedings, that the applicants would never accept that the Crown acquired title to Section 11 in the Parish of Waiotahi through confiscation and that eventually that Crown title was replaced by a title vested in a bona fide purchaser for value.

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Declaration of Independence signed by northern chiefs

28 October 1835

Thirty-four northern chiefs signed a Declaration of Independence at a hui called by the British Resident, James Busby, at his home at Waitangi in the Bay of Islands. This was one of several events that led eventually to the signing of the Treaty of Waitangi in 1840.

On 20 March 1834, many of these chiefs had gathered at the same place, also at Busby's invitation, to choose a national flag to fly on ships owned in New Zealand. But Busby's hope that this conference would encourage the formation of a pan-tribal government had not yet been realised.

In the spring of 1835 Busby was presented with a new opportunity to advance this agenda. News arrived that a self-styled French baron, Charles de Thierry, had announced in Tahiti his intention to set up a 'sovereign and independent state' on land at Hokianga he claimed to have bought in the 1820s. The plan seemed far-fetched, but the possibility that de Thierry's ambitions would provoke intertribal conflict could not be ruled out.

Busby speedily advised British subjects of the impending danger and called a meeting of 34 prominent chiefs. He persuaded them to sign a Declaration of Independence that asked King William IV 'to be the parent of their infant state [and] its protector from all attempts upon its independence'. Calling themselves the United Tribes of New Zealand, the signatories also pledged to meet at Waitangi each year to 'frame laws for the promotion of peace, justice and trade'.

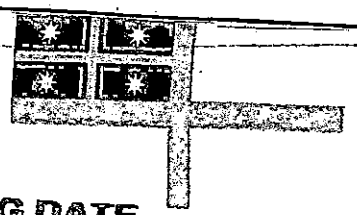
* The Colonial Office in London acknowledged the Declaration by promising that the King would protect Māori in ways 'consistent with a due regard to the just rights of others and to the interests of His Majesty's subjects'.
Busby dubbed the Declaration the 'Magna Charta of New Zealand', and his superiors in New South Wales congratulated him on his initiative.

De Thierry did not arrive in New Zealand until two years after the signing of the Declaration. By then he was no longer seen as a threat. Busby continued to collect signatures, ending up with 52 (all but two of them from northern chiefs), but the group did not meet again as he had planned.

While the Confederation did not live up to Busby's ambitions for it, it gave the United Kingdom a claim to influence in New Zealand that it was to exploit to the full at a third meeting of northern chiefs on the same lawn on 6 February 1840.

Image: Detail from 1835 Declaration of Independence
Read more on NZHistory

69



NOTICE TO DEFENDANT OF NEW HEARING DATE
 (Section 45A Summary Proceedings Act 1957)

CASE NUMBER: CRI-2008-092-012260

Informant: Police Department

v

Defendant: JOHN WAYNE KIWA

Address: 80D WAIMARIE ROAD
 WHENUAPAI
 AUCKLAND

The hearing of the charge(s):

Cm	Charge	Charge Code
08092134008	Failed To Comply Yellow Arrow Traffic Signal (Vehicles) - s40 L.T ACT 1998, 3.1, 3.3 ROAD USER RULE 2004	F112

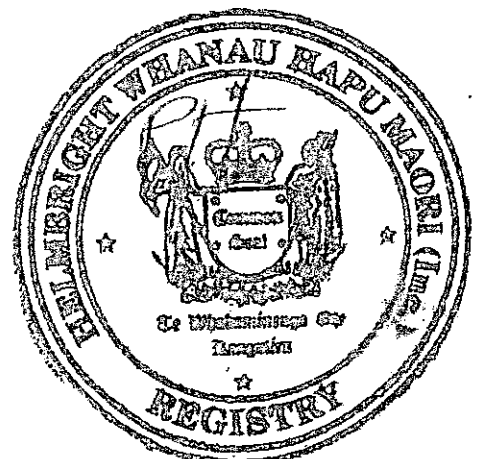
Against you has/have been adjourned.

The Registrar has changed the date of the hearing to 11 November 2008 at 10.00 am, in Courtroom 7 at the Manukau District Court.

You are required to attend the Court hearing personally at that time and place.

Dated at the Manukau District Court this 17th day of September 2008.


 Victoria Savea-Sioa
 Deputy Registrar



~~70~~
 70



71

J.W. KIWA

To request transcripts/Judges notes for dismi
of above charge in accordance with the
Official Information Act.

C.R.N. + charge
to Registrar,
CHARGE - Failed to comply yellow arrow traffic
signal.

Manukau District Court
Win Station Rd
Manukau City
24.2.2009
CRN: 0809213400



Dominion of Aotearoa

A V

COPY C.L. 2

IN THE DISTRICT COURT
HELD AT MANUKAU

NEW ZEALAND POLICE

v

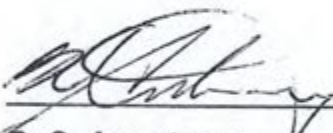
JOHN WAYNE KIWA


Date of Hearing: 24 February 2009

Counsel: Sergeant Seymore for Informant
J Johansson for the Defendant x

ORAL JUDGMENT OF JUSTICES OF THE PEACE
MR ARMSTRONG AND MR WOOD

It looks like you have had a lucky day Mr Kiwa. The police are not able to go ahead with the case, so it is going to be dismissed for want of prosecution.

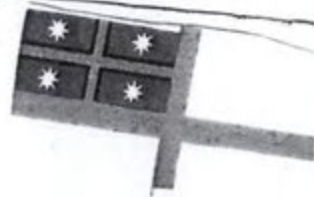

B. C. Armstrong
Justice of the Peace


K Wood
Justice of the Peace

The legal Council as stated above did not represent the defendant nor was he asked to.
Defendants Council was Helmbright Whanau Inc
P. Helmbright, Native Assessor.

72

exhibit S ①
one of nineteen



IN THE HIGH COURT OF NEW ZEALAND
TAURANGA REGISTRY

CIV-2011-470-1098

BETWEEN

LEO JAMES KILMISTER of 47
Kuripuni Street, Kuripuni, Masterton

Plaintiff

AND

JOHN WAYNE KIWA AND ALICE
HELEN KIWA of 170 Ohauti Road,
Hairini, Tauranga

Defendants

AFFIDAVIT OF LEO JAMES KILMISTER IN SUPPORT OF
APPLICATION FOR SUMMERY JUDGEMENT AND ORDER FOR
RECOVERY OF LAND

Dated the 16 day of December 2011

This affidavit is filed by:

Christine Johanne Forbes
Solicitor for the Plaintiff

Solicitor Acting:

David Marc Calderwood

Address for service

Bush Forbes
Barristers & Solicitors
4 Willow Street, Tauranga
PO Box 526, DX HP40017
Telephone 07 577 6039
Facsimile 07 577 6863



73

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 9th April 2003 WALTON MOUNTAIN OR WAIOTAHE
DRIFTS
Gazette Number LOT 5 DP 8663 GS 5D/1373 Waiotahi

WALTON MOUNTAIN OR WAIOTAHE DRIFTS
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:
(a), (b), (c), (d).

Section 19 (1) (b) Jurisdiction in respect of Injunction prohibiting any person where proceedings are pending before the Court of the Chief Judge from dealing with or doing any injury to any property that is the subject matter of the proceedings or that may be affected by any order that may be made in these proceedings.

Section 144 (1) Maori Customary Land Deemed Crown Land for certain purposes
a Recovering possession of the land from any person in wrongful occupation of the land or
b Preventing any trespass or other injury to the land or recovering damages for any such trespass or injury

(4) (a) For the recovery from the Crown in respect of any trespass or injury to Maori Customary Land.

Section 271 4 93-95 254 93-95
Immediate release.



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 9th April 2003 Waimana Trust o Ihu Kaati R.
Clayton
Gazette Number LOT 1 DP 575863 CT 59 C 164

Waimana Trust o Ihu Kaati R. Clayton & R. Peterson
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:
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Section 271 4 93-95 254 93-95
Immediate release.



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 9th April 2003 FLETCHER FORESTS NZ
Gazette Number PLOT 1 DP 6691 SEC 433 ALLO

FLETCHER FORESTS NZ

You are to pay \$320,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:

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Section 271 4 93-95 254 93-95
Immediate release.



77

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 9th April 2003 CONSERVATION DEPARTMENT
OPOTIKI (NZ)

Gazette Number NLOT 1 DP 4476 PTALLOT
PPT SEC 4 BLK 1 PT SEC 1 SE
POLTS 13-16 DP 59333 ALLOTS
PAALLOT 486 WAIO PSHB
741403 SR14 PTSEC 5
PCROWN LAND BLKVWAI0E

CONSERVATION DEPARTMENT OPOTIKI (NZ)

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Not withstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:

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Section 271 4 93-95 254 93-95
Immediate release.



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 1st December 1989 POTTS & HODGSONS
BARRISTERS & SOLICITORS Ian Peterson Principle Partner
Gazette Number LOT 5 DP 6829

POTTS & HODGSONS BARRISTERS & SOLICITORS
Ian Peterson Principle Partner
You are to pay \$1,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$1,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:
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Section 271 4 93-95 254 93-95
Immediate release.



79

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 9th April 2003 PACK HOUSE & COOLSTORE
OPOTIKI

Gazette Number PLOT 9 DP 8461 HAVING UND
PLOT 10 DP 8461

PACK HOUSE & COOLSTORE OPOTIKI & EAST PACK PACK HOUSE & COOL STORE
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Not withstanding
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Maori Customary Land.

Section 271 4 93-95 254 93-95

Immediate release.



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 15th August 2003 OPOTIKI POLICE STATION
Gazette Number LOT AGAZ 902319912798 SEC 1.5

NEW ZEALAND POLICE

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Not withstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:
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Section 271 4 93-95 254 93-95
Immediate release.

81

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 15th August 2003 OPOTIKI DISTRICT COUNCIL
Gazette Number NAL LOT 272 of SEC 1.

OPOTIKI DISTRICT COUNCIL

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:

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Section 271 4 93-95 254 93-95
Immediate release.

82



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 9th April 2003 KUKUMOA TRUST LEPINE
& CO
Gazette Number PT LOT 1 DP 9485
LOT 6 DP 5117

KUKUMOA TRUST LEPINE & CO
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

Section 20 Jurisdiction in actions for recovery of land. Notwithstanding anything to the contrary in the District Courts Act 1947 the Court shall have Jurisdiction to hear and to determine any proceeding for the recovery of Maori freehold land in the following cases:
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(4) (a) For the recovery from the Crown in respect of any trespass or injury to Maori Customary Land.

Section 271 4 93-95 254 93-95
Immediate release.

83



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 9th April 2003
OPOTIKI TOWING & TYRE CENTRE G. NELSON PROP
Gazette Number 38 LOT 3 DP 3692
PLOT 2 DP 3692
PLOT 4 DP 6813
1/2 in 73
91 UNDIV 1/2 INT IN 738 MT

OPOTIKI TOWING & TYRE CENTRE G. NELSON PROP (d) & Son
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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Section 271 4 93-95 254 93-95

Immediate release.



84

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 15th August 2003 OPOTIKI DISTRICT COURT
HOUSE
Gazette Number ALLOT 447

The Registrar and Department for Courts
You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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Section 271 4 93-95 254 93-95
Immediate release.



85

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 1st January 1989 HOUSING NEW ZEALAND
CORPORATION

Gazette Number 67 Buchanan Street LOT 2 DP 4574
Gazette Number 73 Buchanan Street LOT 1 DP 5641
Gazette Number 75 Buchanan Street LOT 1 DP 5641
Gazette Number 1 Stewart Street LOT 7 DP 4725

HOUSING NEW ZEALAND CORPORATION

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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Section 271 4 93-95 254 93-95
Immediate release.



86

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 15th August 2003 OFFICE OF TREATY
SETTLEMENTS

Gazette Number Hukutaia PT LOT 9 DP 9171 AKPT
Gazette Number Hukutaia PT of VALN 7520152 FORM
Gazette Number Hukutaia RES ACOMM INC IN VALN 75
Gazette Number Hukutaia PT VAN 75 20152 FORM
Gazette Number LOT 3 DP 4574
Gazette Number 65 Buchanan Street LOT 3 DP 4574

OFFICE OF TREATY SETTLEMENTS

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$40,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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Section 271 4 93-95 254 93-95
Immediate release.



87

RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOETH HEREBY ORDER that from the 9th April 2003 James Keith ARMSTRONG &

Ghislaine Eva

ARMSTRONG

Gazette Number LOT 4 DP 3.14588

being part Allotment 249 Parish of Waimana.

ARMSTRONG

You are to pay \$30,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$3,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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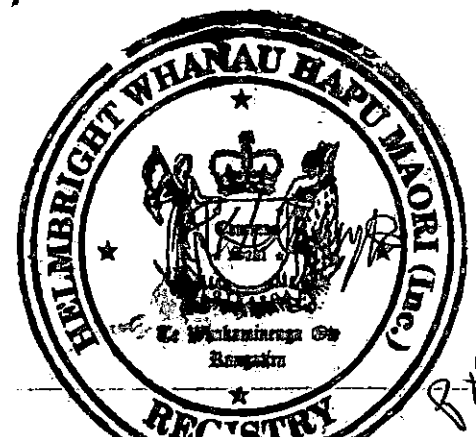
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Section 271 4 93-95 254 93-95
Immediate release.

88



RESOLUTION

The Helmbright Maori Incorporation Kaitiaki Trust C.E.O. Heremia Helmbright
DOTH HEREBY ORDER that from the 9th April 2003 SKIPPER'S FARMS OR WAIOTAHE
FARMS

Gazette Number DP 8999 CT 6 B 1234

SKIPPER'S FARMS OR WAIOTAHE FARMS

You are to pay \$10,000.00 per day into account
number: 031 546 004 1503 00 50

AND \$1,000,000.00 compensation by order into account
number: 031 546 004 1503 00 50

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Section 271 4 93-95 254 93-95
Immediate release.

89

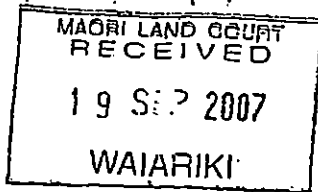


F

Peter Helmbright

NZ Herald costs \$700

FAKED



21 Day Panui

Applications have been made for the enforcement of the following sections: Vesting of the land at Waiariki District Opotiki XI and Part Tahora 2A3B4A, 2A3B4B and 2A3B5, Transfer of status.

Pursuant to sections 251 Te Ture Whenua Maori/Maori Land Act 1993/95 Inclusion in incorporation of owners, of additional Maori Land by vesting order for Helmbright Whanau Maori Incorporation and:

To deal with all matters concerning that parcel of land in the schedule hereto and in accordance with sections 20 (a), (i), (ii), (d), 1993/95 and sections 19 (a), (b), (c), (d), that: the hapu/whanau of TURANGAPIKITOI the hereditary chiefs and descendants thereof present resolved that the aforementioned parcel of land shall be set aside as a reserve protected within the meaning of Te Tiriti o Waitangi 1840 and pursuant to sections 2 and 5 and section 338(7) of Te Ture Whenua Maori/Maori Land Act 1993/95, and Waahi Tapu.

Pursuant to section 85 of Te Ture Whenua Maori/Maori Land Act 1993/95 the hereditary chiefs and descendants have resolved to make application for an Interlocutory Injunction. Application made at Te Kooti Marae Rangatira Ateha o Aotearoa (NZ). Interlocutory Orders issued by immediate release Regulations 66/1996 Te Kooti Marae Rangatira Ateha Court Rules.

Kooti

SCHEDULE
TE KOOTI MARAE RANGATIRA ATEHA
O AOTEAROA (NZ)

OPOTIKI BLOCK IX AND PART TAHORA 2A3B4A, 2A3B4B, 2A3B5
Situating in Blocks V, VII, VIII, IX, XIII, XIV Waiariki District Area 144,000 acres
Hectares more or less

Being GS/SE 389B2389
Waiotahi.

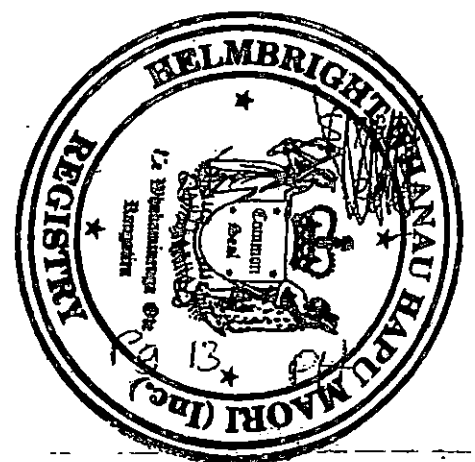
Contact Secretary/Registrar
Ph 021 1180706

FAKED

90

~~thirteen~~

~~pe nine~~



IN THE WAITANGI TRIBUNAL
WELLINGTON

WAI []

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

claims relating to Whakatohea (including Wai 87,
203, 339, 558, 1092 and 1194)

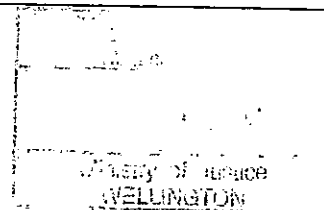
AND

IN THE MATTER OF

a claim by MURIWAI WEHI, WILLIAM
SMITH, AND ADEN WEBB on behalf of the
Whakatohea hapu, TURANGAPIKITOI of
"Cheddar Valley" and the Ohiwa Harbour.

STATEMENT OF CLAIM FOR TURANGAPIKITOI

Dated: 28 August 2008



Solicitor: Peter Connor
Duncan Cotterill & Co
Barristers and Solicitors
Level 4, Cnr Lambton Quay
& Brandon Street
PO Box 10 376
Wellington
Ph: (04) 499 3280
Fax: (04) 499 3308

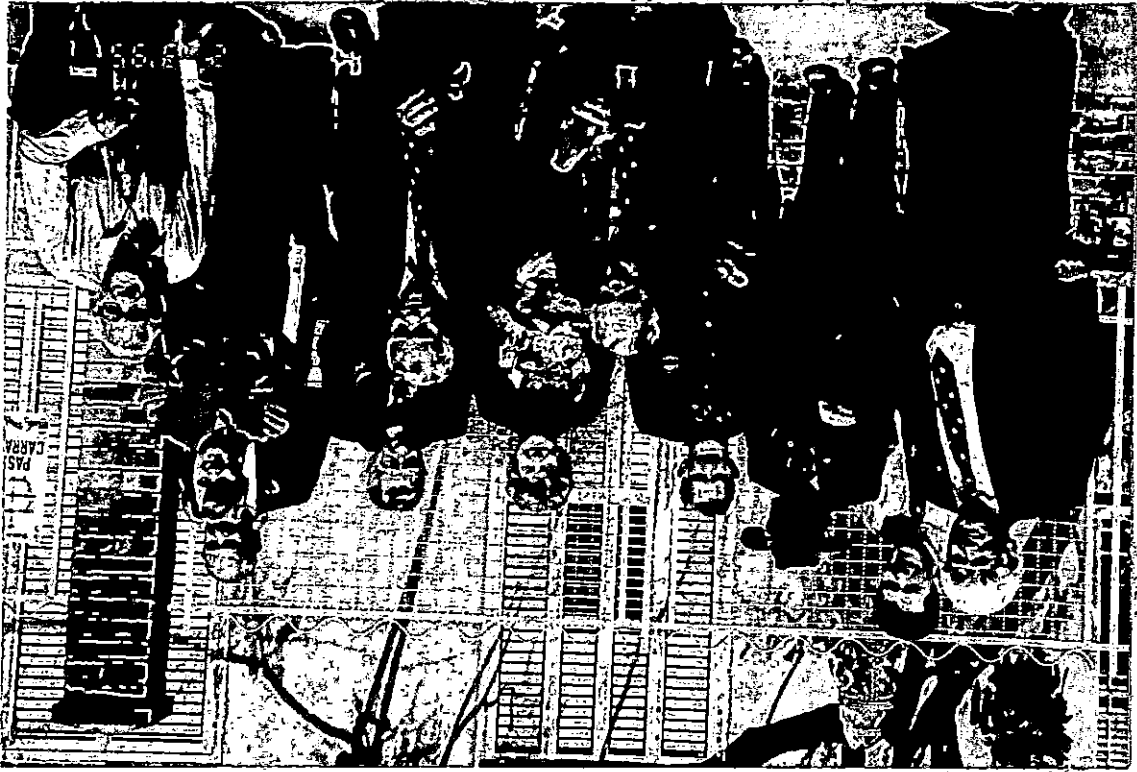
Counsel: Maui Solomon
Barrister
Kawatea Chambers
Level 7, Local Govt. Building
114-118 Lambton Quay
PO Box 3458
Wellington
Ph: (04) 472 6744
Fax: (04) 472-6743
Email: maui.solomon@paradise.net.nz



91

92

28 Maori Battalion
White Leg Helmbright

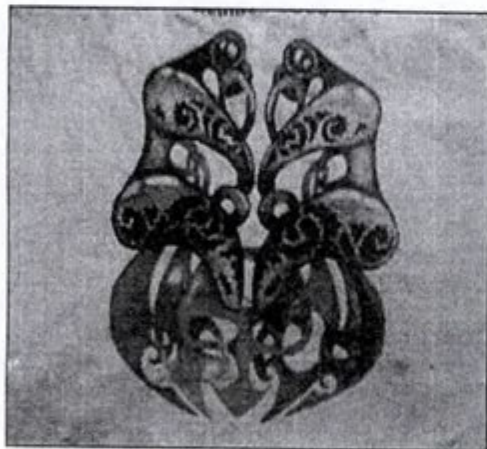


White Leg Helmbright

54/21

93

Nga Uri O
 Mereaira Taoawatea
 raua Ko Heremia Tuhoto
 Reunion 1996 Te Kaha



Hoani Te Kete Wheua Barney Matiu Pako Waiariki



Ramari Heremia



2



PH

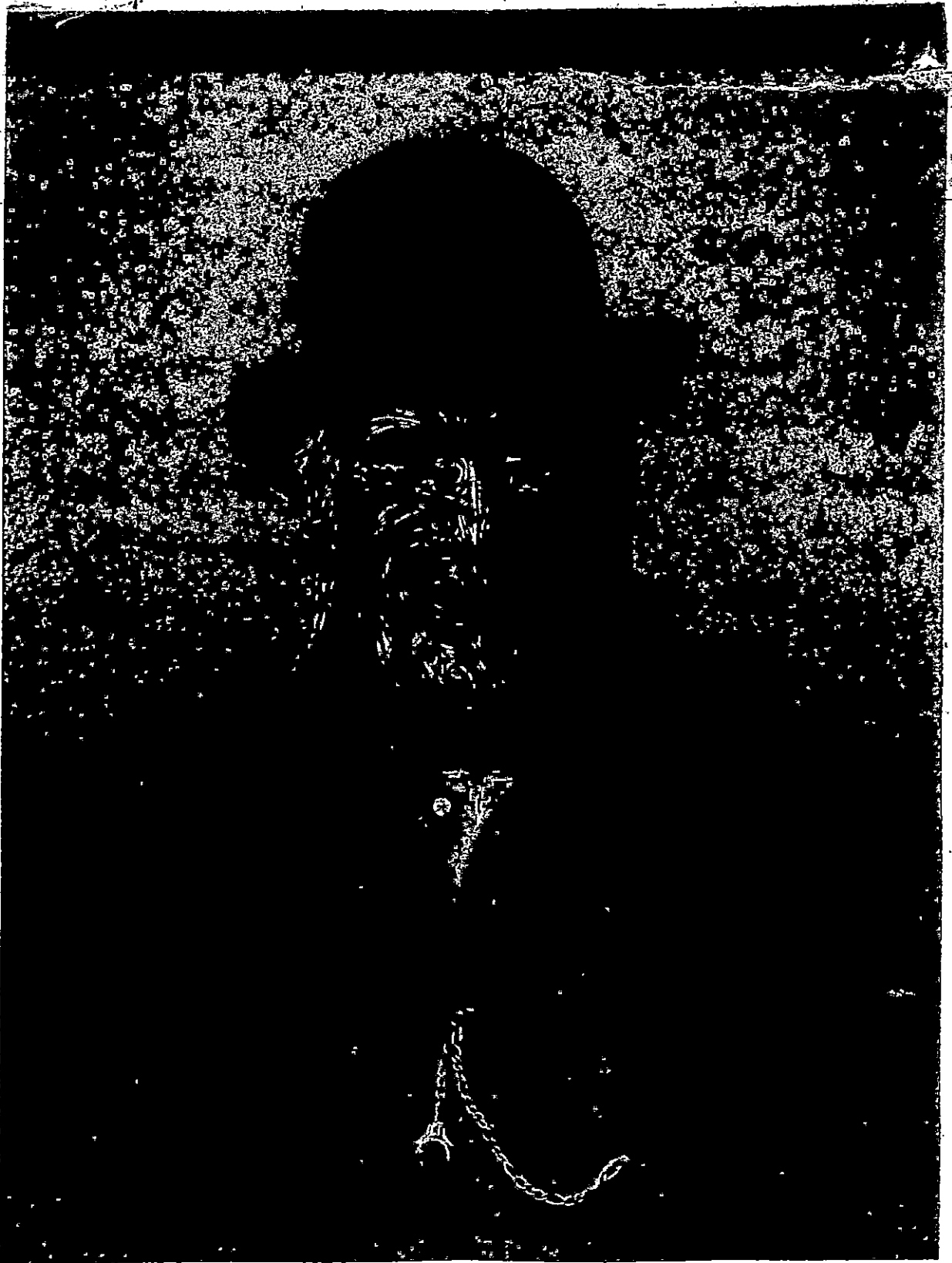
Tawhiao, Maori King



Tawhiao Potatau Wherowhero, also known as the Maori King. King Tawhiao was the son of Te Wherowhero, later known as Potatau, he first officially acknowledged Maori King. Tawhiao was declared King on his father's birthday in 1860. Of extremely high lineage, Tawhiao traced his ancestry to the chief who commanded the ancestral canoe *Tainui* during the migration from Hawaiki. This legendary chief Hoturoa plays an important part in Maori legend. Tawhiao was also connected by another line of descent with Tamate Kapua, the commander of the Arawa canoe in the migration from Hawaiki. Tawhiao was born in Orongokoekoe in about 1825. He was present at the battle of Rangiriri in 1863 and narrowly

escaped with his life. After the Waikato war he retired into the King Country, isolating himself for over fifteen years. In 1884, he visited England with some other chiefs. Being a constant thorn in the side of the *pakeha* government, he was offered a pension in the year 1892, which he quickly returned on advice of the Maori council. The defiant return of this pension of two hundred ten pounds a year - a sizeable sum in those days - put his patriotism and integrity beyond doubt. The *Tangi* after his death was one of the largest in memory. From original postcard printed in Saxony and labeled W & A series circa 1905.





"A Good Joke (*Allee Same te Pakeha*)."
Te Aho te Rangi Wharepu, a chief of the Ngati Mahuta tribe of Waikato. This classic image is based upon a 1905 oil painting by noted New Zealand artist Charles Frederick Goldie (1870-1947) and was issued as a color lithographic postcard. In this image, Goldie emphasizes the moko that so fascinated the Europeans at this time. It is interesting to note at the peak of the postcard craze in 1909 between 9 and 14 million cards were posted in New Zealand.* Of this amount, it is estimated that over half depicted moko in some fashion. This

image strengthens the stereotypical view so prevalent at this time period depicting the Maori people as 'happy go lucky,' lazy and not too bright. The danger was that views such as this were the only ones that many Europeans had at the time; this only strengthened the stereotypes of Maori people as inept and Europeans as culturally and racially superior. From original postcard circa 1905.

* For further information see *Delivering Views - Distant Cultures in Early Postcards*. Edited by Christraud M. Geary and Virginia-Lee Webb, Smithsonian Press, 1998.

TWIST LIBRARY
EIT HAWKE'S BAY
PRIVATE BAG 1201
TARADALE

95

96

MARILAND COURT
FILED
11 Dec 2003
WAIARIKI

1875
1884



Mara Parata

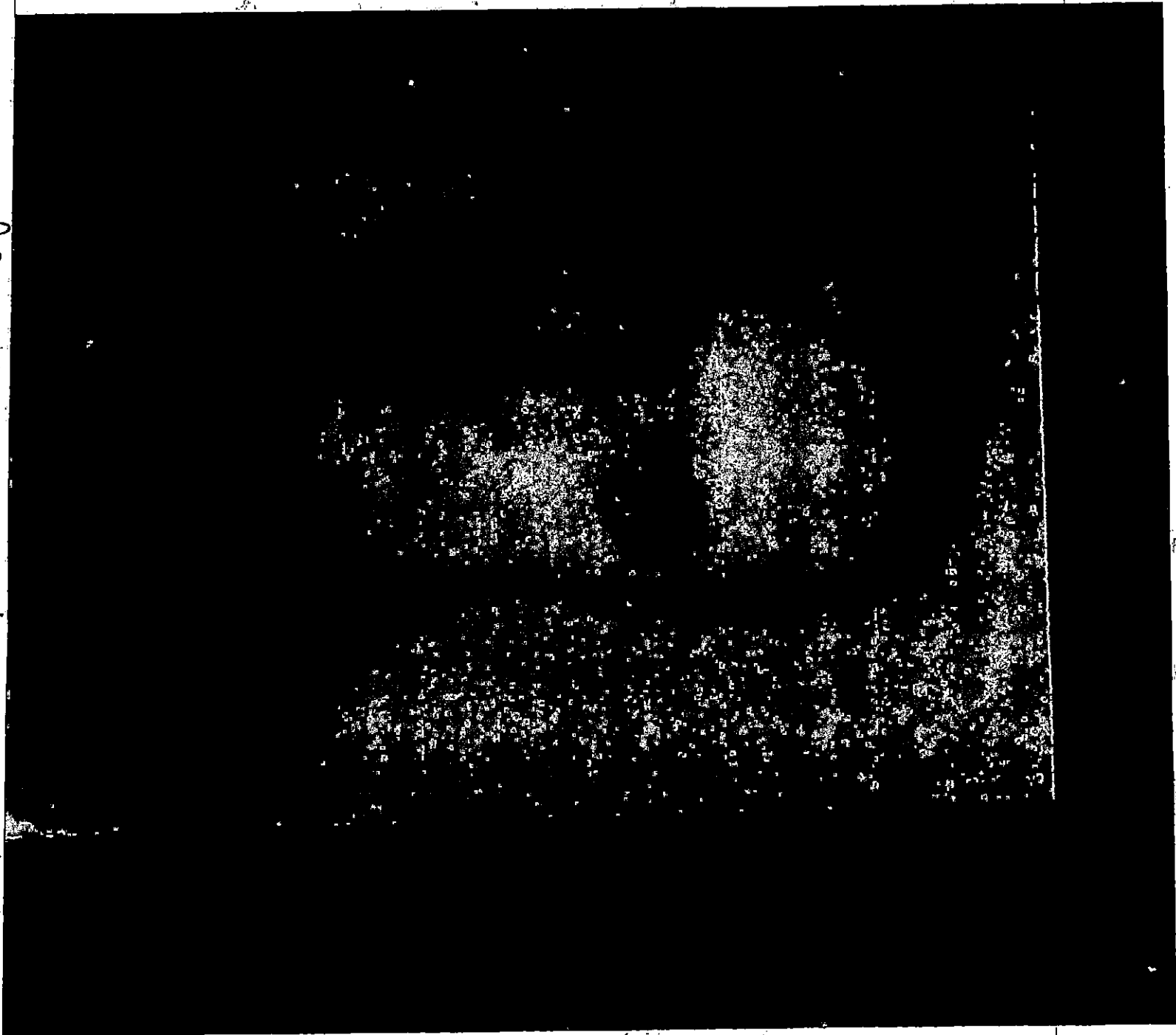
AV(20)

Mimi Parata

āpata

Makere Parata

Ramir
Waiariki



Harry Ruff inherited Hivonra A1 by
last will and Testament of Annie Ruff
19th day of December 1961

Nos of will reads - I Devise my interest in Hivonra A1
Block to my son Harry Alfred Ruff

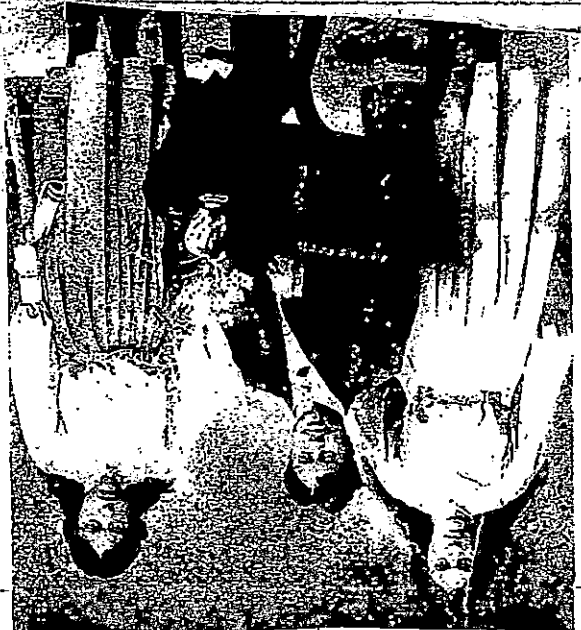
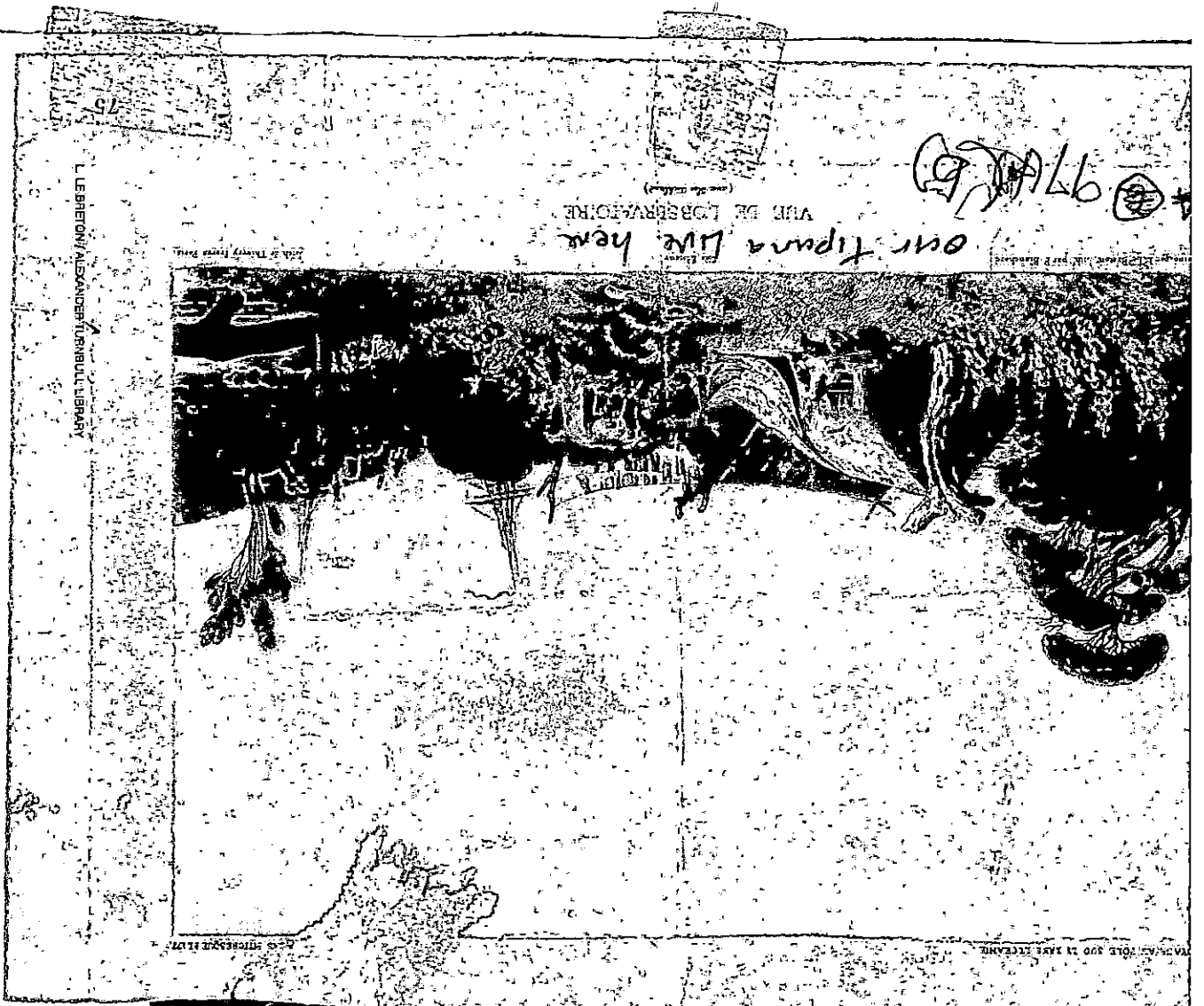
(97)



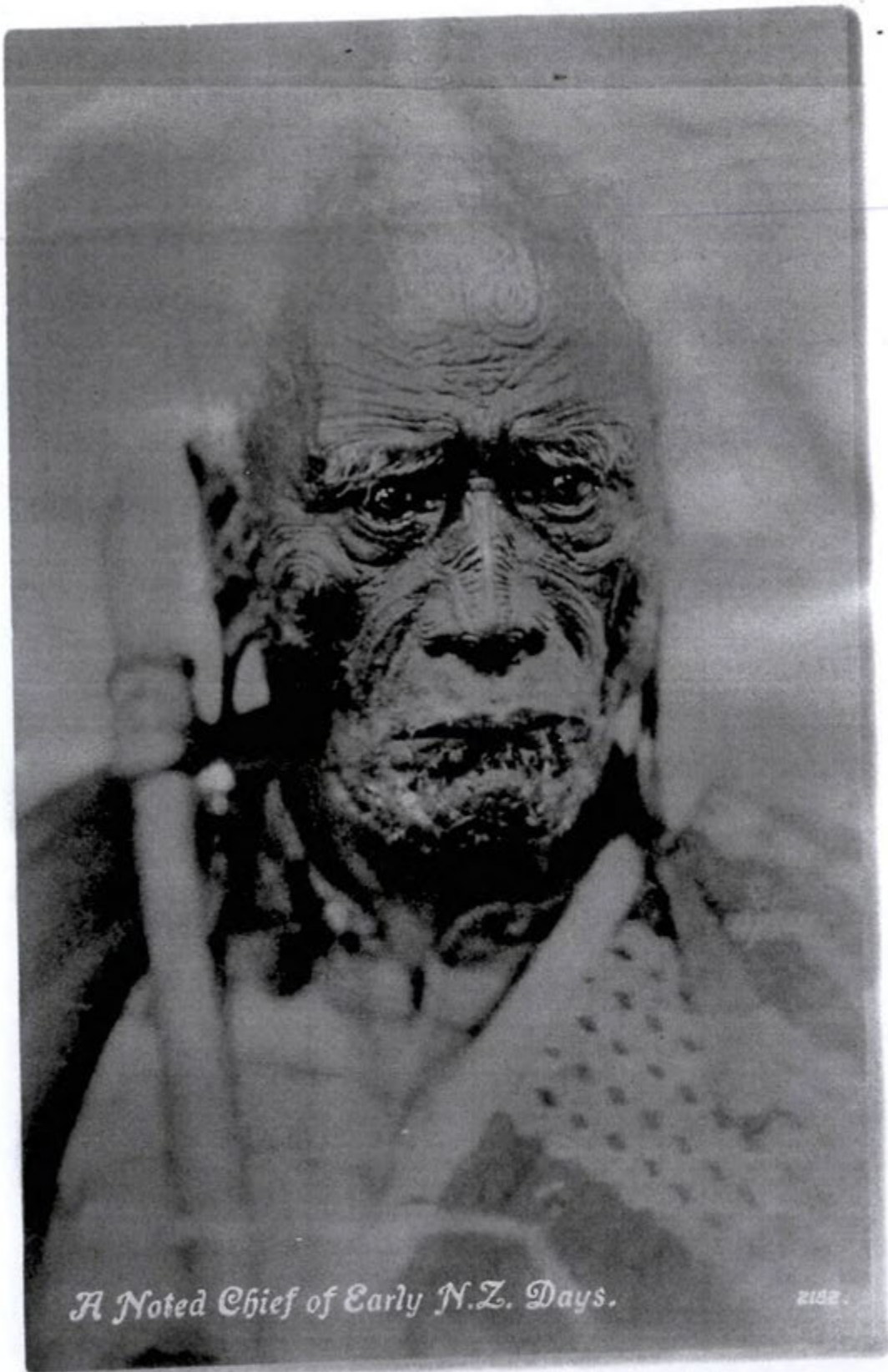
Cleophas) of the Ngati Rangiwewehi of the Te
 l." A noted warrior and Pai Marire leader, he
 figure in the New Zealand wars and insurgen-
 Baptized in the 1840s by the Catholic Church,
 ve served as a policeman in Auckland in the
 1860s, he fought in the King's forces in
 nt forces at Rangiaowhia killed his wife and
 ry 21, 1864, and the following day he saw his
 ni, a defensive position just west of
 the defeat of the King movement forces, he
 jon of Te Ua Haumene. Shortly after this he was
 to go as an emissary to the tribes on the east
 along with Patara to preach the Pai Marire faith
 passed through and to go in peace. Ignoring
 ended that a European be given up to him at
 on the lower Rangitaiki River, and that a
 given up to him at Whakatane. Infuriated, he
 ry C. S. Volkner at Ootiki, Gisborne District,
 in act,
 the church

chalice. One eye he called the parliament the other the Queen
 and the British law. Although this act outraged Europeans, in
 Maori culture to perform such an indignity to the head of an
 enemy conferred additional *mana*. He had further skirmishes with
 the Ngati Manaw, Ngati Rangitahi, and the Government troops
 throughout the next several years and earned the name Kaiwhatu,
 eye eater, after swallowing three additional Ngati Manawa warriors'
 eyes, again in a ritualistic form; On December 21, 1871, Kereopa
 finally stood trial after he was captured after several unfortunate
 turns of events. Kereopa was convicted of the murder by an
 eyewitness who testified that he saw him among the congregation
 members who escorted Volkner to the tree for hanging. Mother
 Mary Aubert, of Father Reigners' mission at Napier, stayed with
 Kereopa his last night. He was hanged on January 5, 1872. This
 disturbing photograph, taken shortly before being captured, gives
 the feeling of a "caged animal." Original photograph with re-
 touched moko by S. Carnell, Napier. Photographer's name in
 blind-stamp seal along with inscription on front reading "S. Carnell
 Photo 8/12/74." Formerly in the collection of Eison Best and Dr.
 Terence Barrow.









A Noted Chief of Early N.Z. Days.

2182.

"Tarāia Ngakuti Te Tumuhua." One of the most famous Maori chiefs exhibiting deep chisel moko. Leader of the Ngāti tamatera tribe, he was often described in early New Zealand literature as being unscrupulous and treacherous, being one of the last to hold a "cannibal feast."* In 1830 he led a war party from the Upper Thames to Cook Strait where he joined the celebrated warrior Te Rauparaha and sailed with him to make war on the Ngaitahu at Kaiāpoi in the South Island. From original postcard marked "A Noted Chief of Early N.Z. Days." Tanner Bros. Ltd. Maoriland Photographic series - Wellington, N.Z. circa 1910.

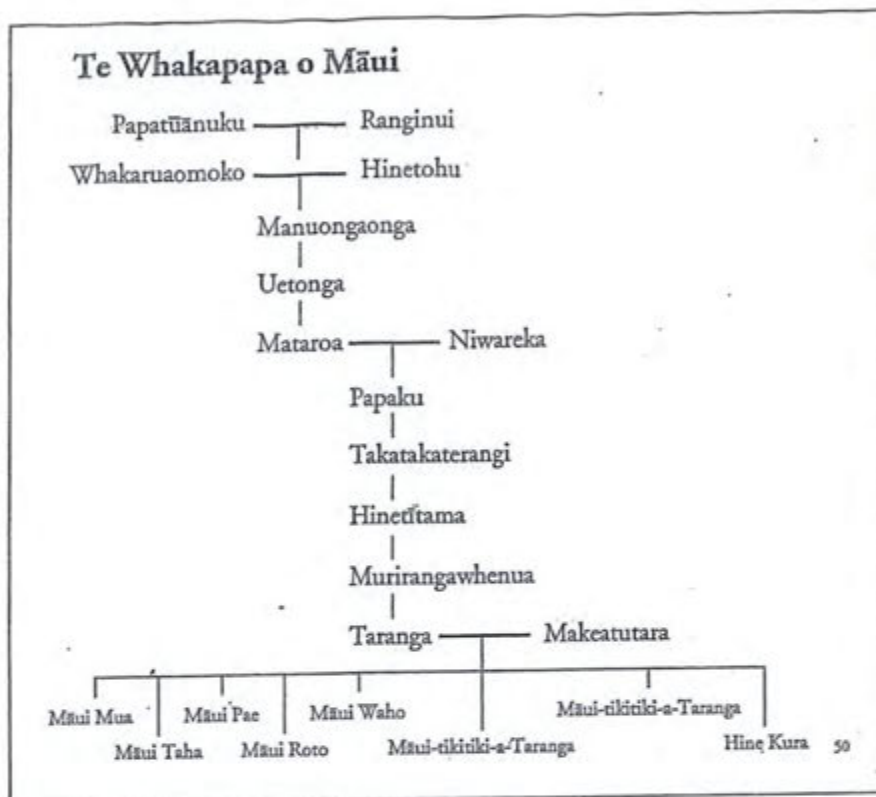
*In reality, he was responsible for many of the small bush wars around the district of Auckland during the early 19th century. He moved his people to the Bay of Plenty then moved back to Hauraki to get better trade with the Europeans, giving a local chief the right to cultivate his land but not build houses, which was a land claim. This local chief built houses, so Tarāia descended on him, killed and ate him, thus absorbing the land claim. This was in 1844 after European settlement; hence he is often known as the "last of the cannibals," which he wasn't.



Great Great Tarāia and father's Cousin
97(d)

Māui

Ko Māui-tikitiki-a-Taranga



Māui is introduced early in whakapapa. Although the world and its inhabitants had been formed, humans still lacked many of the things they needed. Māui shaped the environment further, providing important resources for humans and demonstrating useful skills.⁵¹

Māui had several names attributed to him based on events relevant to his life. One name was Māui-tikitiki-a-Taranga, because he was an aborted child cast away on the ocean by his mother, Taranga, in the topknot of her hair.

Māui was the last born of five brothers. As the last born he was the pōtiki, hence his name Māui-Pōtiki. Māori society was based on primogeniture, so in theory his rank was low. He compensated for this though, by being far more resourceful and imaginative than his brothers were,⁵² proving that the principle of primogeniture was not incontrovertible.⁵³

Māui was a tipua. It is evident through the exploits he engaged in that he was born to this earth for a reason. He had a role to fulfil in providing Māori society with examples of

⁵⁰ Clive Fugill, *Tohunga Whakairo*, New Zealand Māori Arts and Crafts Institute, 1995

⁵¹ *Illustrated Encyclopedia* above n 29, 114

⁵² *Māori* above n 21, 38

⁵³ *The Relevance of Māori Myth and Tradition* above n 6, 21-22

"You dear little child, you are indeed my last born, the son of my old age, therefore, I now tell you your name shall be Māui-tikitiki-a-Taranga."

Ngā Tikanga:

- The recitation of whakapapa is a key factor in the establishment of a person's identity. Whakapapa determines one's relationships, obligations and responsibilities.
- Pōtiki occupied a special status and played a special role in society. They were considered to be taonga. Pōtiki spent more time with a wider group of kin and as a result derived the benefit of learning about the life experiences of their parents, siblings and other relatives. Not infrequently, pōtiki succeeded where those of senior descent failed, by sheer ability and force of personality.⁵⁵ In this example, Māui was reared by his great tipuna, Tamanuikiterangi. He was also given vast knowledge from Tamanuikiterangi about his whānau. Further exploits of Māui also illustrate how his status as a pōtiki allowed him to spend more time with the wider kin group, at the same time acquiring more knowledge about his whānau.

Māui Finds his Father

After Māui had discovered his family, his mother asked him to sleep beside her because he had been lost to her for so long and she wanted to express her aroha.⁵⁶ Early every morning, Taranga would wake and leave the house, returning at night. Māui grew increasingly suspicious, so one night he stole his mother's clothes and hid them. He covered every gap in the house so that the light could not shine through.

That night his mother slept until the sun had risen high in the sky. At last she jumped up. She pulled on the things that prevented the light from entering the house and hurried away. Māui followed his mother into a beautiful open cave running quite deep into the earth.

Māui recited a karakia and transformed himself into a kererū. He flew into the cave and perched on the branch of a mānāpau tree. His mother and father were talking below the tree, so he pecked at one of the berries, dropping it onto his father's forehead.

The people there picked up some stones and threw them at Māui. Māui avoided all the stones except for the stone his father threw. Māui deliberately let it hit him, causing him to fall. As he fell, Māui changed back into human form. Taranga asked him of his origins, "Where do you come from? From the westward?" "No." "From the north-east?" "No." "From the south-east?" "No." "From the south?" "No." "Was it the wind which blows upon me, that brought you here?" "Yes." Taranga then exclaimed that this was her son, Māui.

⁵⁵ Anthony Alpers "Māori Myths and Tribal Legends" in Joan Metge (ed) *Māori Literature Booklet* (Department of Anthropology and Māori, Victoria University of Wellington, Wellington) 38

⁵⁶ See A Collection of Behaviours, Philosophies, Emotions and Cultural Influences for an explanation of 'aroha'.

Ngā Tikanga:

- Respect for kaumātua and kaumātua respect for mokopuna is another important part of Māori society. Without respect and trust, kaumātua would be reluctant to pass on knowledge and taonga.
- Valuable assets are not given freely in Māori society. A basis of trust and respect must be established before taonga is passed on. Initiative is one avenue for obtaining taonga, which is a feature of the successes Māui enjoyed in his exploits.
- Where trust is established between kaumātua and mokopuna there is a corresponding recognition of the tipua attributes possessed by a mokopuna. Kaumātua would understand that tipua have some role to fulfil and would be more willing to pass taonga and knowledge on.

Māui Snaring the Sun

Māui noticed how fast the sun travelled across the sky and that the days were too short for anything to be accomplished. Māui thought that there must be a way to make the sun travel more slowly. He made implements that would usually be used to snare something, and then with a select group of people made his way into the wilderness to enact the snaring of the sun.

When the sun began to rise, Māui got the enchanted jawbone and portrayed capturing and beating the sun, at the same time reciting a karakia. Māui explained that Tamanuiterā was moving across the sky too quickly and now the journey of the sun is slower and the days are longer so people can accomplish more during the day.

Ngā Tikanga:

- One must show respect for the elements and the qualities that they have. The following whakatauki, 'ka mate te rā, ka mate tātou' meaning, 'the sun dies, we all die' is a reflection of the way in which Māori have a respect for the sun. Māori society recognises the important qualities every object or thing in the natural world possesses and this strongly influences the behaviour people display towards nature and its environment.
- The Māori work ethic is reflected in this story using the elements to his or her full advantage, for example getting up early to catch the sunrise and begin work.

Māui Fishes up Aotearoa

Māui decided he wanted to go fishing with his brothers so he hid in their canoe. When the brothers detected his presence, they decided to take him back. Māui refused though, and told his brothers that they would have to find land, as Māui had used his powers of karakia to push the canoe far out to sea.

Kōrero tawhito have also assisted in explaining the importance of the relationships between primogeniture, between family members and their respective mana. A person's position in the family also determines their inherent mana and tapu, their place within the hapū, and the expectations of that person because the blood of their tūpuna runs through them. Senior members of the family primarily inherit ancestral mana, but those from junior branches of a whakapapa can acquire mana by means of feats such as those of Māui.⁶²

As a character, Māui is seen as a role model for humans to follow. He has been described variously as quick, intelligent, resourceful, bold, cunning and innovative, characteristics that are reflected in the Māui traditions. He uses his character to his advantage, by obtaining many valuable assets such as the jawbone from his kuia, Muriangawhenua, for the purpose of providing important resources for humans. The characteristics of a person, if used correctly, can provide many opportunities for them to expand their resources, whether it is through knowledge, skills or tools.

The underlying values and principles adopted from these traditions were so important for Māori for them to survive harmoniously within their environment, spiritually and physically. It was imperative for Māori that these values, laws and principles were passed on from one generation to the next. The Māui traditions became one of many mediums used by Māori for such a purpose.

⁶² *Exploring Māori Values* above n 14, 166

(I)

TE KOOTI WHENUA MAAORI



MAORI LAND COURT

whare.kotua@gmail.com

Our-Ref: E20040004175 & Misc 42/93

22 June 2004

Harold Ruff
12 Ford Street
OPOTIKI

Tena koe

Subject: Paparoa Road -- Re-Organisation Scheme

I refer to your enquiry received in this office on 15 June 2004.

It is unclear as to what you are requiring from the Maori Land Court. From the information you have provided, your concern is with the Whakatane District Council and you should seek legal advice on the matter.

I therefore return your data of which copies have been taken for our information.

Heoi ano na

M. P. Clark

Uru Clark (Miss)
Case Manager

Encl

*I Harold Ruff Require
Constitutional Judicial Review*

HRuff 27-JUNE 2012

(102)



have appeared the Opitiki D.C. decision. However
Whakatare District Council, stating that they
letters Opitiki District Council, Mr. Roney and
Pages 15 to 23 During April 2004 I received
proceed

(E)

from Opitiki District Council saying it shall not
Page 14 24 March 2004 I received a letter

(D)

the Opitiki District Council to give verbal
submissions and handed up to the table pages 11, 12, 13
Pages 3 to 13 11. Feb 2004 I appeared before

(C)

addressed me to lodge a submission. I then
used the letter to the Opitiki News as a submission
News in Opitiki. On Opitiki District Council
Page 1 + 2 2. Oct. 2003 I wrote a to Opitiki

(B)

under the heading Paparua Rel Reorganisation Scheme
towards Opitiki, from Paparua rd. to Burtok Rd,
Council to move the local body boundary further
It is about the intentions of the Whakatare District

(A)

WHAT THE FILE IS ABOUT

I send this file to you, could you
please contact me with the procedure in giving it.

Jana Koe,
c/o Rhona Chung
to the Registrar

20 MAY 2004

Whakatare Maori Land Court

From Harold Ruff
12 Ford St Opitiki

To OPOTIKI HHRuff.080 1 of 2 (1)
DISTRICT COUNCIL

28 - NOV - 2003

Mayer John Forbes

Jena Koe

I attach to this page a letter
I wrote to the Opotiki News. I forward
this letter as a submission.

There are many miles of Foreshore and
crown Grant Title which ~~will~~ sooner or
later will have to be addressed under
the Ture Whenua act⁹³, namely section 144
regarding true ownership.

I write this as a descendent of
Wi Ake Ake who signed the Tiriti o Waitangi
on May 27-28 with other Whatatohua Chiefs
in the year 1840.

I am Harold Ruff

12 FORD ST OPOTIKI

God save the Queen (U.K.)

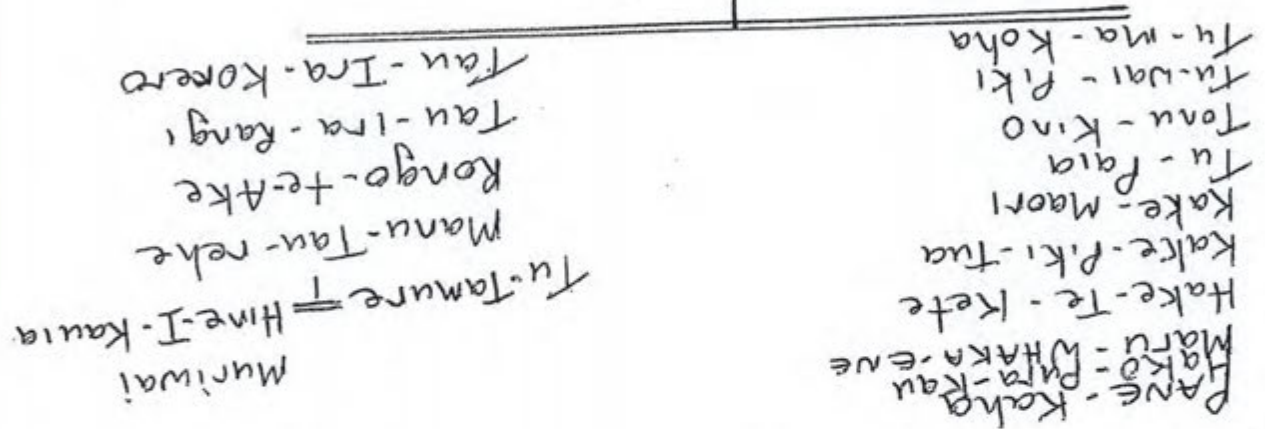
(103)

I was NOT agreeable with the procedure the Chief Executive Officer P.I. Gargiulo offered.

Page 24 29 April 2004 I wrote to

P.I. Gargiulo C.E.O. Opotiki District Council to state my intentions to lodge this file in the Maori Land Court.

I have compiled a whatakapa showing Upokereke and whatakaha relationship with a Pa site west of Paparua Rd called He Pa o Panekaha.



Kahu-Kura-Ahu
Kahu-Kura-Ahea
Tawa-Ki-Tuia
Tai-re-re-ki-te-wa
Hive-Kai-Tangi
Huka-A-Tara
Kangi-Ka-moe-moe
Te-Ake-Ake

Signer Te Tiriti o Waitangi
27.28 MAY AT OPOTIKI
1840

(H) This places the Te Kooti Marae within the Upokereke boundary where it should be. (10/4)

HHRuff
12 Ford St Opa

3

Our Ref: 26.1.3
R:\Chief Executive\Reorganisation Proposal\Hearing Timetable Ltrs.doc

February 5, 2004

Harold Ruff
12 Ford Street
OPOTIKI

Dear Harold

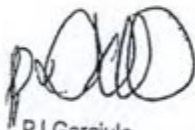
PAPAROA ROAD REORGANISATION SCHEME HEARING
FEBRUARY 11TH AND 12TH

Further to our recent communication regarding above. The purpose of this letter is to confirm your scheduled time of 11.15am to be heard at the hearing on Wednesday 11th February to be held in the Council Chambers, 108 St John Street, Opotiki. Each submitter has been allocated 15 minutes to speak at the hearing.

Attached for your information is the timetable schedule for the hearing day.

Thank you for taking the time to present your submission.

Yours faithfully



PJ Gargiulo
CHIEF EXECUTIVE OFFICER
PJG;dmah

Enc.

105

Ref: to OPOTIKI NEWS sept 25 ~~25~~ page 3 ^{Attachment 2}
~~Subject~~ ARTICLE: PUBLIC INPUT SOUGHT ②

The Editor

Tena Koe,

I read in the paper of the proposed theft of 304,654 hectares of Whakatōhea land by the Whakatāne District Council "slash" Ngāti Awa Trust board joint venture.

I knew that Upokorehe gets its name from an incident which happened at Paparoa. Upokorehe hapu is a Whakatōhea hapu.

The time is long overdue where the Opotiki District Council boundary with the Whakatāne District Council and the Ngāti Awa boundary with Whakatōhea is identified at one common point.

Whakatōhea names its boundary with Ngāti Awa at marae Totara, therefore that's the point where the Opotiki District Council and Whakatāne District Council boundary should be.

I am Harold Ruff

12 Ford St

3156710

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H. Hunt



PAPAROA ROAD REORGANISATION PROPOSAL HEARING TIMETABLE
WEDNESDAY 11TH FEBRUARY 2004

Submission No.	Name of submitter	Time allocated	Support/Oppose
41	Whakatane District Council (D. Christison)	9 am	Support
16/17	John Renouf	9.15 am - 9.45 am	Support
6/7	Tony Tweed		Support
10/11	Donald Guadagni		Support
	Break for morning tea	9.45 am	Support
		10 - 10:15 am	
47	Vaughan Payne	10.15 am	Oppose
52	Hugh Rankin	10.30 am	Oppose
1	Meg Collins	10.45 am	Unknown
50	Laurie Mitchell	11 am	Oppose
38	Harold Ruff	11.15 am	Unknown
44/45	Upokorehe Hapu (Charlie Aramoana)	11.30 am	Oppose
46	Whakatohea Maori Trust Board (Tahu Taia)	11.45 am	Oppose
54	Barry Marshall	12 noon	Oppose

R:\Chief Executive\Reorganisation Proposal\Hearing Schedule.doc

107

My first greeting is to my Lord and ~~SAVIOUR~~ saviour Jesus Christ, his is the beginning and the end.

History

My Tipuna

Wi Ake Ake
Signed the Treaty of Waitangi
that is (Te Tiriti o Waitangi) in
Opotiki in May 27-28 1840 on
behalf of the Upokorehe Hapu

My WHAKAPAPA is thus

Wi Ake Ake married Paroha Toheriri
Erana Ake Ake married Hapeta Kotu
Mihurangi Kotu married Harry Drury
Annie Drury married Alfred Ruff
Harry Ruff is my Father

I am of Upokorehe



Verbal Submission in Opotiki District Court
Extract From OPOTIKI MINUTE
Book M.B. Opotiki No 30 Folio 11-18

⑥

Hislop. Representing Henare Rako
(Charlie Aramoana's Grandfather)

Upokorehe derived its name from
Taikurere. This man was beheaded
and his head dried. Unfortunately the
skin round the neck was not properly
secured and the face wrinkled in the
process of Drying. (Hence Upokorehe)

Mihirangi Kotu states: I cannot trace
from Taikurere. He came from Whakatane
and was killed. Taikurere was warned not
to come from Whakatane but he did and
was killed. Taikurere was killed at Paparoa
on the Ohewa Harbour.

this shows me that Paparoa is
within the Whakatohea Boundary

⑩⑨

① This council has opted out of its responsibility to protect the citizens of Opiti.

② This council has depersonalized itself by alienating 30 odd Govt. agencies and our area all creating oppressors and suppressors on the Tangata Whenua of this district.

③ This council has alienated the N.Z. Police to be at the back and call of all Govt. agencies which this council has alienated with in our Whakatahea region. To arrest oppressors and harass and deprive land and rights from the Tangata Whenua of Whakatahea

④ This council was supposed to be a local Body which come to know personally its citizens but by abdication its responsibility to the 30 odd Govt. agencies who collectively illegally and morally continually trample on our Tangata Whenua rights with out laws. Till it has got to the stage now where I personally discipline you.

⑦

Verbal submission in Opa D.C. my grievances

Verbal submission in Opo D.C.

- ⑤ This Council have manipulated and bribed a lot of our Maori Elders who collude with these Govt. agencies to deprive us of our customary right and also alienate us from land that we have legal native title and customary rights to.
- ⑥ This council has acted treasonously by failing to recognise the statutes of the Te Ture Whenua Act 93 which are protected by the Queen Elizabeth II

③ All 144000 acres confiscated from Whakatohea in the 1860's He identified and lay within the Whakatohea boundary which will be the only boundary requested by Opotiki District Council.

② That all other Govt agencies within their boundaries be removed from with-in their boundaries leaving only the Opotiki district Council with which our Tanga Mānua have contact with.

① That the Whakatohea boundary with Ngāhaua and Tūkei be identified and become a fixed position. That this boundary be the only boundary recognizable by Taurua and Tāngata Whānua

These are my demands

⑨

Verbal Submission in Opotiki
H. H. H. H.

HHRuff

10

~~Verbal~~ Submission in Oyo D.C.

- ① This Hearing today seems to be acting like a court, so I'll hand up papers filed in the Maom Land Court and papers that have been filed to the Powy Council U.K. by other Upokorehe members
- ② This is a Maom Land Court matter.

God save the Queen Elizabeth II
U.K.

HHRuff.

~~VHS~~

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Handed in to Opatiki District
~~After~~ At verbal submission

HARuff
Minute Book: 82 OPO 229

11

Court: One of the suggestions during the proceedings has been that the Maori Trustee be made responsible trustee or custodial trustee as a possibility.

Mr Clark: I can indicate to you that the Maori Trustee would not be acceptable Ma'am. I do not want to re-hash that scenario again, but the owners' agitated long and hard for the removal of the Maori Trustee as responsible trustees, and then these trustees in fact sued them. They would not be acceptable in my submission to the majority of the owners.

There are some other comments which I have noted Ma'am about much of the evidence which is filed by the applicants. I can comment on that if you wish me to, but in the main thrust of my submission there was the material supplied by them was irrelevant, it does not support the allegations, it was an attempt to re-hash matters previously brought before the Court and indeed as I have earlier referred to, if made outside these proceedings would be defamatory, especially of Judge Hingston. I think too, you have probably got a sufficient flavour of the history of some of the involvement both applicants have had in this Court Ma'am to indicate that they certainly do not come before this Court with anything like clean hands. I can go over those matters if you want me to, but it would possibly only inflame the situation and probably not take us too much further forward.

So those are my submissions Ma'am.

Court: Thank you. All right. Do either of you wish to respond?


Mr Ruff: Yes I will. There are two separate issues here in this case being heard by this Court today. The first issue is it is the Court's obligation to investigation into breach of trust by Hiwarau Trustees covered by the heading Hiwarau C Application for Enforcement of Obligations of Trust 238/93. The Court's obligation under Te Ture Whenua Maori Act 1993 to widen the terms of reference, cater for the paths in which the investigation may take you. That is the first issue. The second issue is our challenge to the Court and to the legal title of the land regarding s144 of Te Ture Whenua Maori Act 1993. Our challenge as to the legality of the amalgamation of Hiwarau C Lands in 1969.

I would also like to continue on that I informed this Court today I am executor to all my father Harry Ruff's interests and entitlements in Whakatohea rohe regarding lands, forests, fisheries and foreshores. I oppose any settler and immigrant claim to Mokomoko by Mokomoko or any Government agent where Harry Ruff's interests or entitlements are involved. I place under s144 of Te Ture Whenua Maori Act 1993 on all Harry's interests and entitlement from nga kuri whai roa ki tirau regarding land, forests, fisheries and foreshores. That is my official statement. You have before you the documentation. It is your obligation to challenge this matter, not ours. If you wish to uphold it that is your business, that is all I have to say.

Court: In that case, my response to all of you is to say that my judgment on this issue is a reserved judgment, it will be in writing and you will get a copy of it as soon as possible. Thank you everyone, kia ora koutou.

Copy of minutes to interested parties.

Should read
Nga Kuri a Whareki Tihirau


C L Wickliffe
JUDGE

114

Handed in to Opo D.C.
AT VERBAL submission

H.H. Ruff
Minute Book: 81 OPO 47

12

Court: If you are going to introduce new material we have to adjourn to allow the trustees' solicitors to look at it.

Before I do that though can we go around the room and I see Mr Ruff and Mr De Loree welcome again and you have with you?

Mary Carpenter: I am Harold's sister, Mary.

Court: Mary, welcome to the Maori Land Court.

Introductions: I am Phillip Wilson, sorry for being late. Manny Mokomoko and Josephine Mortensen.

Court: Welcome to you all; so we have the main parties here. Who would like to start?

Peter de Loree: I would like this read out to the Court please?

Court: Is that the letter I have just seen or is that another letter?

Peter de Loree: This is our introduction.

Ileen Graham (Clerk of Court; reads):

"Te Ture Whenua Maori Act 1993, Tikanga Maori under section 3 of Te Ture Whenua, Tikanga Maori meaning Maori customary values and practices. Tell me any Court that can rule over the Privy Council. Native District Regulations at 1,2,3,4,1858 section II. Maori Customary law in 1919 went up to the Privy Council and it was Lord Philamore who was sitting on the Council residing and he determined that the Maori Customary law enjoys legal status in European Colonial Courts in New Zealand. In the absence of any statute indicating otherwise, all rights, so there need not be a written law. Our customary law as it is told to the Courts and Magistrates here then they must uphold them. But in order to do that Maori have got to turn around and use their law to defeat their law, and what we call that is pitch the law against the law and so you say to the lower Courts, that's the District Court. The Maori Land Court, the High Court, the High Court of Appeal in New Zealand you pitch this law against the law they are trying to apply and the superior Court will always prevail and so if you have got a Privy Council decision the Courts must obey that decision, they have no power to overrule it. So you know that our customary laws are legal and in common law and international law. Te Ture Whenua Maori Act section 253 use to your advantage, section 258 of this Act doesn't require Maori to pay taxes or rates and our Courts need to declare it."

Court: Do you want to add anything further to that?

Peter de Loree: Well we would like it as a backstop for everything we say.

Court: The case that you have cited from the Privy Council, is that the Hine Raureti case?

Peter de Loree: It is all here, I could hand it up to you.

Court: I just need the name of the case.

115

RECEIVED
12 AUG 2003

Papers handed in to
Ops Council at request of
other Hapu Upokorehe
Hapu members

FILE NO.:	9.2.1
ID	47.54
C.E. <input checked="" type="checkbox"/>	
MGRS	HWTM E/M.

Order of Incorporation

13A

IN TE KOOTI PARAMATA MAORI
KI WAITANGI O AOTEAROA (NZ)

*Te Ture Whenua Maori/Maori Land Act 1993
Maori Incorporations Constitution Regulations 1994
Amended by Te Ture Whenua Maori Incorporations Constitution Regulations
Act 1995 / Part XIII*



IN THE MATTER OF:

Te Ture Whenua Maori
Incorporations Constitution
Regulations Act 1995
Sec. 269/93-95

AND

IN THE MATTER OF:

Matatua Waka
Helmbright Whanau
Maori Incorporation
(Applicant)

At a sitting in Te Kooti/Paramata Maori Te Whakaminanga Ote Rangatira O Aotearoa Hohepa Mapiia (Tumuaki) Chief Justice presiding:

Upon the evidence produced before Te Kooti by the Applicant Pita Griffith Helmbright and Audrey Waimirangi Helmbright of Helmbright Whanau Maori Incorporation before Te Whakaminanga Ote Rangatira O Aotearoa. It was declared by resolution accepted and incorporated as a Maori Incorporation within the meaning of Part XIII of Te Ture Whenua Maori/Maori Land Act 1993 and Te Ture Whenua Maori Incorporations Constitution Regulations Act 1995.

NOW THEREFORE as a Witness to the resolution passed by Te Whakaminanga Ote Rangatira O Aotearoa (NZ) on the 09th March 2003, at Terenga Paraoa Marae, Whangarei. I Tumuaki Chief Justice Hohepa Mapiia DOETH HEREBY confirm, declare and order that Pita Griffith Helmbright (Chairman), Audrey Waimirangi Helmbright (Secretary), Ruri TeRupe (Kaitiaki Whanau Trust), Graeme Weavers (Kaitiaki Trust), Tony Helmbright (Kaitiaki Ahu Whenua), Jodie Bock (Kaitiaki Topu Whenua Trust), Puti Helmbright (Kaitiaki Putea Trust), are hereby appointed in terms of Section 269/93, 269 of Te Ture Whenua Maori Incorporations Constitution Regulations Act 1995 as a Management Committee of the Incorporation and an Assessors Tribunal Registry within their specified Waka District.

I HEREBY DECLARE THAT the Registered Office of the Incorporation in the interim has been registered accordingly as 73 Buchanan Street, Opotiki.

WITNESSED by the hand and seal of the Chief Justice Sec. 5/93 shall bind the Crown and shall bind Maori.

DATED THIS 09th March 2003.



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ORDER OF INCORPORATION
TE TURE WHENUA MAORI/MAORI LAND ACT 1993
MAORI INCORPORATION CONSTITUTION REGULATION ACT 1994
AMENDED BY TE TURE WHENUA MAORI INCORPORATION
CONSTITUTION REGULATIONS ACT 1995 / PART XIII



IN THE MATTER OF
TE TURE WHENUA MAORI
INCORPORATIONS CONSTITUTION
REGULATIONS ACT / 1995

IN THE MATTER OF
MATAATUA WAKA
HELMBRIGHT WHANAU
MAORI INCORPORATION

IN THE MATTER OF
OPOTIKI DISTRICT COUNCIL
ST JOHN ST
OPOTIKI

TO GIVE NOTICE /GAZETTE NO *NPT LOT 2 DP 4451 PT ALOT.*

To the Opotiki District Council be it there for known to all man that the law making procedureds now rest with Maori under Te Ture Whenua Maori Incorporations Constitution Regulations Act 1995/ Part XIII

The Helmbright Whanau Maori Incorporation gives Notice to the Council that you are in wrong full occupation on Maori Customary land Deemed Crown land for certain purposes Section 144 a of the Act Section 144 b Preventing any trespass or other injury to the land or recovering damages for any such trespass or injury

Section 2 Interpretation of the Act
Section 3 3 The Maori version Shall prevail
Section 5 This Act Shall Bind the Crown

Section 253 253a 268 3 Constitution Regulation Act 1995
Section 4/ 93-95 254 93-94 immediate release
Section 253 / 93-95

10 000 Dollars per day for Trespass and Injury to Maori Customary Land and for wrongfull occupation and Injury according to the Act from this day *11/ 8 / 03* Tuesday *11th* of August 2003 PH In accordance with Tikanga Maori Te Tiriti O Waitangi 1840 and the Declaration of Independence 1835 this notice to take effect immediatly untill furthure notice by Helmbright Whanau Maori Incorporation Management committee and Native Assessors

Naku noa na Chairperson

Peta Helmbright
Secretary

Chief Judge

Kaumata Rangitoto Moore

Kaumata George Moore
117

13c

All Maori Customary Land and Property Rights has been and is protected and held by the British Crown [UK] upon Trust until maori re-affirms their own legal position.
This was affirmed by the Privy Counsel in 1901-1902 Nihara Tamaki vs Baker and Willis vs Attorney General "Native Tribal Title"
This can be referred to under Section 144 of the Te Ture Whenua Maori, Maori Land Act 1993

Te Ture Whenua Maori, Maori Land Act 1993

The Law of Maori for their lands and their people over the whole of Aotearoa, of which the Customary Title is unextinguished.

SECTION 2(1) Interpretation of the Act. It is the intention of Parliament that the provision of this [Act SHALL] be interpreted in a manner that best furthers the principles set out in the Preamble to this Act.

SECTION 3(3) in the event of any conflict in meaning between the Maori and [English version] of the [Preamble], the Maori version SHALL prevail.

SECTION 5, THIS ACT SHALL BIND THE CROWN.

You are therefore reminded of your sworn oath of Allegiance to the Crown of England, Her Heirs and Successors, on your taking up Office.

SECTION 2 and SECTION 5 of Te Ture Whenua Maori, Maori Land Act 1993 requires that the Preamble to the Act and the Maori Version of the Act "SHALL prevail and you are subordinate to it"

Te Ture Whenua Maori Incorporations Constitutions Regulations Act 1995.

The Statutory bodies and persons that regulates and legislates Customary Law for Maori nationally and internationally in exercise of their Rights Powers and Privileges under Sections 253, 253 A and 268[3].

You are also reminded of the External Protectorate, British Crowns Standing Orders in Council from Lord Glenelg and Lord Normanby will be requested by us to "ACTION"

SECTION 271 (4/93-95,254.93-95) immediate release. SECTION 253/93-95.



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Our Ref: 26.1.3
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March 24, 2004

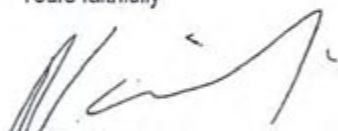
Harold Ruff
12 Ford Street
OPOTIKI

Dear Mr Ruff

PAPAROA ROAD REORGANISATION SCHEME 2003

I write to you pursuant to Clause 37ZZA (2)(a)(iii) of the Local Government Act 1974 to advise you that at its ordinary meeting held on 23 March 2004 Opotiki District Council resolved pursuant to Clause 37ZZA (1)(c) that the draft Paparoa Road Reorganisation Scheme 2003 shall not proceed.

Yours faithfully



PJ Gargiulo
CHIEF EXECUTIVE OFFICER
PJG;dmah

(119)



Opotiki District Council

HHRuff

15

Our Ref: 26.1.3

R:\Chief Executive\Reorganisation Proposal\Opposition submitters ltrs.doc

23 April 2004

Harold Ruff
12 Ford Street
OPOTIKI

Dear Mr Ruff

PAPAROA ROAD REORGANISATION SCHEME 2003

Recently Whakatane District Council and Mr John Renouf have both appealed the Opotiki District Council's decision not to proceed with the Paparoa Road Reorganisation Scheme.

I write to you to point out that if you wish to participate in the appeal process you must give notice of your intent to the Chief Executive Officer of the Local Government Commission. This notice should be given as soon as possible.

If you do not give this notice to the Local Government Commission you will not be allowed to appear and be heard by the Commission in its hearing of the appeal. Therefore if you have any intention of addressing the Commission I advise you to write to the Commission now.

I attached a draft letter for your convenience.

Yours faithfully

PJ Gargiulo
CHIEF EXECUTIVE OFFICER
PJG:dmah

Enc. Copy of draft letter to Commission

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HH Lutt

15A



23 April 2004

Mr Donald Riezebos
Chief Executive Officer
Local Government Commission
P O Box 5362
WELLINGTON

Dear Sir

PAPAROA REORGANISATION SCHEME 2003

Pursuant to Clause 37ZZE (1) of the Local Government Act 1974 I write to give notice that it is my intention to appear and be heard in the Commissions hearing of the appeals to the Paparoa Reorganisation Scheme 2003.

Yours faithfully

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HH Ruff

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The Chief Executive Officer
Local Government Commission
P.O. Box 5362
WELLINGTON

15 April 2004

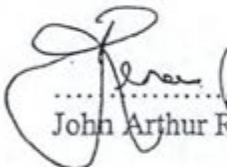
Dear Sir

Re : PAPAROA ROAD REORGANISATION SCHEME 2003

Please find enclosed notice of appeal in respect of the above scheme. I draw your attention to Paragraph 9 in the notice and Schedule 1 thereto.

In addition to the persons named in the Schedule 1 I confirm that I will immediately give notice on those persons required by Section 37ZZD(2) of the Act.

Yours faithfully,


.....
John Arthur Renouf (P.O. Box 3119, OHOPE 3085)

cc The Chief Executive Officer, Opotiki District Council,
P.O. Box 44, Opotiki

The Chief Executive Officer, Whakatane District Council,
Private Bag, Whakatane

COPY FOR YOUR INFORMATION

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H A Rutt o.p.o

17

Before the Local Government Commission

In the Matter of an Appeal by John Renouf
and Others

And in the Matter of a Reorganisation
Proposal pursuant to Part IIBA Local
Government Act 1974

And in the Matter of a decision of the Opotiki
District Council

NOTICE OF APPEAL

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Background

1. In June 2003 I John Arthur Renouf together with other persons wrote to the Opotiki District Council and the Whakatane District Council to initiate a reorganisation proposal (a copy of the initial request is annexed hereto marked 'A').
2. In November 2003 the Opotiki District Council ("the Council") prepared a draft reorganisation proposal and invited submissions (a copy of the draft reorganisation scheme is annexed marked 'B').
3. The Council conducted a hearing to hear submissions on the draft reorganisation scheme on 11 February 2004.
4. On March 24 2004 the Council wrote to all parties advising that the Council had resolved that the reorganisation scheme shall not proceed (a copy of that notice is annexed marked "C").
5. The Council in its notice did not give any reasons for its decision, or provide the minutes or any text of its resolutions.

Appeal

6. Pursuant to Section 37ZZC of the Local Government Act 1974 I give notice that I am dissatisfied with the decision of the Council and hereby appeal to the Commission against the decision.
7. The whole of the Council's decision appealed.
8. The appeal is based upon the following grounds;
 - (a) The Council did not give adequate weight to the Whakatane District Council's ability to provide good government to the area subject to the proposal.
 - (b) The Council did not have adequate regard to the most efficient and effective good government for the area subject to the proposal.
 - (c) The Council did not give adequate weight to the community of interests of the residents of the area subject to the proposal.
 - (d) The Council had excessive regard to the loss of rates income for its District.
 - (e) The Council did not have regard to residential democratic participation requirements of 'good government' in so far as the residents affected are concerned.

HAR

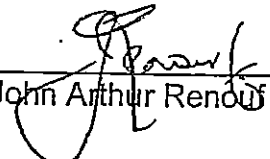
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- (f) The Council did not give adequate regard to the superior practicality of the proposed boundary compared with the impracticality and indeed the irrational location of the existing boundary.

Parties

9. Those persons listed in Schedule 1 (which is appended as 'D') support me in this appeal, all being persons who made a submission on the proposal, those persons together with myself may be regarded collectively as the appellant.
10. The appellants accept that they have personal notice of this appeal for the purposes of Section 37ZZD of the Act.
11. The appellant by this application gives notice that they wish to appear and be heard on the hearing of the appeal pursuant to Section 37ZZD(1) of the Act.
12. The appellants reserve the right in addition to themselves to call witnesses and to provide evidence and further particulars in support of the appeal at the hearing on the appeal.

Dated at Whakatane this 21st day of April 2004



John Arthur Rendou

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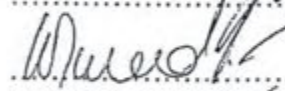
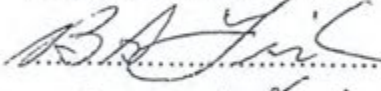
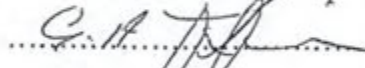
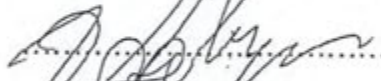
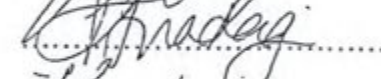
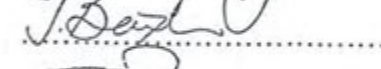

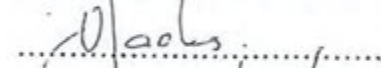
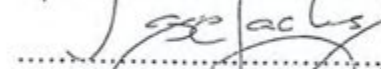

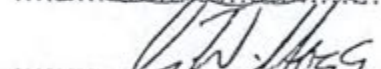
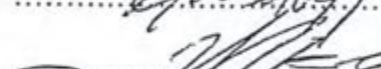


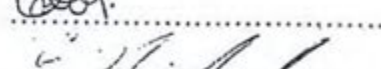
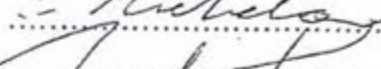
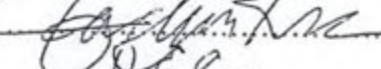
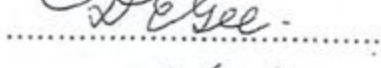
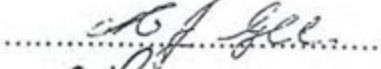
HH Ruff

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'D'

SCHEDULE ONE

We the undersigned do join John Renouf in the appeal against the decision of the Opotiki District Council

	<u>NAME</u>	<u>SIGNATURE</u>
1.	Anthony Tweed	
2.	Karen Tweed	
3.	Barry Fisher	
4.	Gilliam Fisher	
5.	Donald Guadagni	
6.	Pamela Guadagni	
7.	Thelma Baxter	
8.	Roy Baxter	
9.	Victoria Jacks	
10.	Stephen Jacks	
11.	Cheryl Renouf	
12.	Garry Hogg	
13.	Joy Hogg	
14.	Bernette Boon	
15.	Clinton Boon	
16.	Euan Nicholson	
17.	Jaclyn Kras	
18.	David Gee	
19.	Margaret Gee	
20.	Edward Gee	

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21. Narena Olliver

Mara Allen

22. Theresa Gee

S. Gee

23. Richard Habgood

Richard Habgood

24. Somsri Harris

S. Harris

25. Donald Harris

D.B. Harris

26. Pamela Morrison

~~P. Morrison~~

27. Ian Cunningham

I. Cunningham

28. Robert West

R. West

29. Gayle Jenkinson

G. Jenkinson

30. Joanne Dowthwaite

J. Dowthwaite

31. John Dowthwaite

John Dowthwaite

32. Helena Tuck

H. Tuck

33. Philip Mason

P. Mason

34. J & G Chater

J. & G. Chater

35. Ngaire Lewis

Ngaire Lewis

36. Iris Habgood

Iris Habgood

37. Alexander Cunningham

A. Cunningham

Margaret Taira

M. Taira

39 MOANA Taira

M. Taira

40. MARK CARBY

Mark Carby

H. H. R. A. J.

~~23~~
22

WHAKATANE DISTRICT COUNCIL

APPEAL

TO THE PAPAROA REORGANISATION SCHEME 2003

The Whakatane District Council wishes to appeal the decision made by Opotiki District Council on 23 March 2004, with regards to the Paparoa Reorganisation Scheme to include the Paparoa/Burke/Wainui Roads within the Whakatane District Council area.

The Whakatane District Council considers there are a number of factors that relate to the appeal:

1.0 Communities of Interest

Communities of interest with residents from the affected area include

- Schooling - the majority of students from the area attend one of the schools within the Whakatane and Ohope areas. There are buses that collect these students and deliver them to Ohope Beach Primary School, Whakatane Intermediate School, Whakatane High School and Trident High School. The students fit within the zone area for those schools and there is no cost to residents for the buses.
- Employment and business interests - Almost all residents from the area either have business interests or employment within the Whakatane District.
- Leisure and Entertainment - Residents tend to come to the Whakatane District to play sport, dine out, shop, attend functions, go to the movies or pursue other activities. Although the travel time for many of the residents may be the same to Opotiki and Whakatane, the activities available within the Whakatane district and the affinity with work and schooling makes it the more familiar place to congregate towards.

2.0 Geographical Area

The situation of the land makes the area more geographically aligned with the Ohope and Wainui areas rather than Opotiki. The area is opposite Ohope and is clearly visible from the Port Ohope area.

3.0 Communication

The communication links are also aligned with Ohope and Whakatane. Residents are on the Ohope telephone exchange whereas it is a toll call to Opotiki. The properties are on the road that links Whakatane with Opotiki, with the Whakatane District Council boundary line down the middle of Wainui Road.

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H H Ruff

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4.0 Cost Consideration

The Whakatane District Council recognises that based on the rating information provided by Opotiki District Council and approximate rates calculated on the 2003/04 charges for Whakatane District Council, the rates for the Paparoa/Burke Road residents would be less if these properties were included in the Whakatane District Council.

The Whakatane District Council wishes to be present to speak to this appeal.

D R Christison
CHIEF EXECUTIVE OFFICER

Contact Person: Janie Storey
Administration Officer Community
Whakatane District Council
Private Bag 1002
WHAKATANE

Phone (07) 306 0530

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Chief Executive Officer

PJ. Gargiulo

29 April 2004

HHRuff

24

Re. Moving of Boundaries (Paparoa Road Re-Organisation Scheme 2003)

Jena Koe,

I received your letter of 23 April 2004 stating that the Whakatane District Council and Mr John Renouf had appealed Opoitiki District Councils decision not to proceed with the Paparoa Road Reorganisation scheme.

I received also your letter for me to sign if I wished to respond to Mr Riezebos, Chief Executive Officer, Local Government Commission Wellington. However I am not familiar with local body laws and therefore do not wish to be "dragged into" your system where your Local Body Commissioner can answer my objections and job me off if I come under your jurisdiction.

I have decided to lodge this file regarding this matter into the Wairiki Maori Land Court Rotorua under section 5 of Te Ture Whenua Maori Land act 1993 so that any unfavourable decision can be appealed to the Maori Appellate Court, High Court and Court of Appeal and if needed be upto the Privy Council. This procedure was revealed to me by Maori Land Court Judge Wickliffe Minute Book 810p063 Paragraph 10 so if need be I can seek advice from Maori Land Court to make application for breach of native districts regulations against Opoitiki District Council.

J. AM. Harold Ruff (HHRuff)

(130)

Native Land Court created

30 October 1865

The Native Land Court was one of the key products of the 1865 Native Lands Act. It provided for the conversion of traditional communal landholdings into individual titles, making it easier for Pākehā to purchase Māori land.

Coming little more than a year after the Waikato War, this legislation was to achieve what many believed had not been accomplished on the battlefield – acquiring the land necessary to satisfy an insatiable settler appetite. The operations of the Land Court affected Māori more than those of any other colonial institution. When old rivalries were played out in court, the ultimate beneficiaries were Pākehā. Historian Judith Binney described the Native Lands Act as an ‘act of war’.

The Court was required to name no more than 10 owners, regardless of the size of a block. All other tribal members were effectively dispossessed. The newly designated owners held their lands individually, not communally as part of (or trustees for) a tribal group. They could manage it, and sell it, as individuals and for their own benefit.

The first chief judge of the Court, Francis Fenton, maintained that judgements could only be based on evidence before the Court – so all claimants had to attend, whether they wanted to or not. Many Māori racked up large legal bills as a consequence. Those coming from out of town also faced the costs of food and accommodation.

Lawyers, shopkeepers, surveyors and the like granted Māori credit while they awaited the outcome of their case. These expenses forced many Māori to sell the land they had been defending in order to settle their debts.

This process of alienating Māori land concerned some settler politicians. Former Attorney-General Henry Sewell had protested against the government’s policy of confiscating the land of Māori deemed to be ‘in rebellion’. Back in office in 1865, he asserted that the Native Land Court was designed to:

destroy if possible, the principle of communism which ran through the whole of their institutions, upon which their social system was based, and which stood as a barrier in the way of all attempts to amalgamate the Native race into our own social and political system.

Māori landholdings declined dramatically in the late 19th century. Between 1870 and 1892, 2 million ha of Māori land was transferred to Pākehā ownership. Whereas at the signing of the Treaty of Waitangi in 1840 Māori owned almost all of the North Island, by 1892 they owned little more than a third, and a quarter of this was leased to Pākehā. Another 1.2 million ha of Māori land would be sold by 1900.

Image: Native Land Court day, Ahipara
Read more on NZHistory

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PT

Native Land Court created

30 October 1865

The Native Land Court was one of the key products of the 1865 Native Lands Act. It provided for the conversion of traditional communal landholdings into individual titles, making it easier for Pākehā to purchase Māori land.

Coming little more than a year after the Waikato War, this legislation was to achieve what many believed had not been accomplished on the battlefield – acquiring the land necessary to satisfy an insatiable settler appetite.

The operations of the Land Court affected Māori more than those of any other colonial institution. When old rivalries were played out in court, the ultimate beneficiaries were Pākehā. Historian Judith Binney described the Native Lands Act as an ‘act of war’.

The Court was required to name no more than 10 owners, regardless of the size of a block. All other tribal members were effectively dispossessed. The newly designated owners held their lands individually, not communally as part of (or trustees for) a tribal group. They could manage it, and sell it, as individuals and for their own benefit.

The first chief judge of the Court, Francis Fenton, maintained that judgements could only be based on evidence before the Court – so all claimants had to attend, whether they wanted to or not. Many Māori racked up large legal bills as a consequence. Those coming from out of town also faced the costs of food and accommodation.

Lawyers, shopkeepers, surveyors and the like granted Māori credit while they awaited the outcome of their case. These expenses forced many Māori to sell the land they had been defending in order to settle their debts.

This process of alienating Māori land concerned some settler politicians. Former Attorney-General Henry Sewell had protested against the government’s policy of confiscating the land of Māori deemed to be ‘in rebellion’. Back in office in 1865, he asserted that the Native Land Court was designed to:

destroy if possible, the principle of communism which ran through the whole of their institutions, upon which their social system was based, and which stood as a barrier in the way of all attempts to amalgamate the Native race into our own social and political system.

Māori landholdings declined dramatically in the late 19th century. Between 1870 and 1892, 2 million ha of Māori land was transferred to Pākehā ownership. Whereas at the signing of the Treaty of Waitangi in 1840 Māori owned almost all of the North Island, by 1892 they owned little more than a third, and a quarter of this was leased to Pākehā. Another 1.2 million ha of Māori land would be sold by 1900.

Image: Native Land Court day, Ahipara
Read more on NZHistory

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OFFICIAL

Wai 215 #S4(a)

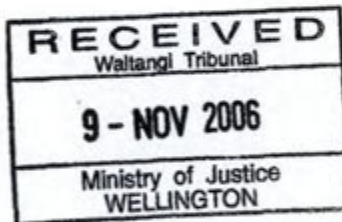
WAI 215

In the Waitangi Tribunal

**In the Matter of The Treaty of Waitangi
Act 1975**

And the Tauranga Moana Inquiry

Comment on Valuation and Rating of Maori Land



Additional report by

**Kenneth Palmer
Associate Professor of Law
The University Of Auckland**

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Introduction

1. My full name is Kenneth Aitken Palmer. I hold the degrees of Bachelor of Laws (Auckland); Master of Laws (Auckland); Master of Laws (Harvard); Doctor of Juridical Science (Virginia). I have a Diploma in Town Planning (Auckland). I am an Associate Professor at the Faculty of Law, University of Auckland. I am a barrister and solicitor of the High Court of New Zealand (admitted 1966). I have a practicing certificate as a barrister.

2. In addition to my comment on "Legislation governing town and country planning in Tauranga Moana between 1953 and 1990", I would like to add a comment on the aspect of rating of Maori land.

Rating sale power

3. In 1987, arising out of an awareness of the periodic sale of Maori land for non-payment of rates, and the more common pressures of rating debt leading to the disposal of Maori land, I observed that the Rating Powers Bill (1987) carried forward the former power of sale from the Rating Act 1967. It was my view that this provision was contrary to the Treaty of Waitangi which promised that the Crown would safeguard undisturbed possession of Maori lands as long as the occupiers desired to retain the land. The Maori people had never been in a position to prevent the imposition of rates on Maori land. Subject to certain exceptions, Maori land became liable under the Rating Act 1894 for rates (and remains liable under the Local Government (Rating) Act 2002, ss 7-9, 91).

4. I made a submission to the Internal Affairs and Local Government Committee concerning the power of sale, and urged the Committee to delete or amend this provision so that land could not be alienated for rating debts. I also alerted the Auckland District Maori Council to my submission, and that Council made a similar submission to the Parliamentary Committee.

5. It was gratifying to find that the Bill, when reported back to the House, had been amended to remove the power of sale. The alternative of vesting the land in a receiver, or trust, but with no power of sale, was substituted. That was a significant

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gain in respect of compliance with the principles of the Treaty of Waitangi. This matter of intervention is recorded in a short article, Kenneth A Palmer, "Rating Powers Act 1988 and Maori Land" [1988] New Zealand Recent Law 287-292.

Valuation and Rating of Maori land

6. Following enactment of Te Ture Whenua Maori Act 1993, with the particular alienation restrictions to the preferred classes, I came to a view that the practices of Valuation New Zealand (now Quotable Value New Zealand) in according land and capital values to Maori land appeared to be inappropriate and inaccurate. It was my view, expressed in the text K A Palmer, *Local Government Law in New Zealand* (2nd Ed. 1993) p.347, that the alienation restrictions could "render the general public market concept for valuation to be inappropriate and may require assessment in relation to a limited Iwi or Maori purchase market. Additionally costs associated with the purchase of the particular Maori land may also affect demand and value".

7. Subsequently, this opinion was put to the test through objections made by Mangatu Incorporation in respect of some 120+ blocks of land in the Gisborne region. The objections were taken, in respect of 2 specimen properties, before the Land Valuation Tribunal. The author appeared as counsel for the objectors. The Tribunal declined to find on the evidence that the value of Maori land would be different from sales to non-Maori. The evidence given by the District Valuer stressed the operational practice of valuing land without regard to the category of owners or character of Maori land. Mangatu Incorporation then took an appeal to the High Court and succeeded before Barker J. See *Mangatu Incorporation v Valuer-General* [1996] 2 NZLR 683.

8. That decision was appealed to the Court of Appeal by the Valuer-General. The High Court ruling was upheld in *Valuer-General v Mangatu Inc* [1997] 3 NZLR 641. The Court of Appeal accepted that the 1993 Act imposed significant constraints on the sale of Maori freehold land, and the valuation of land value of the "owner's estate or interest therein" had to take into account these constraints on sale to persons outside the preferred classes of alienees, and the disadvantages which could arise from continuing multiple ownership. Evidence had been presented in the earlier

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hearing of the difficulty or total inability to obtain mortgage finance from any trading bank in most instances, and that iwi were not able financially to pay an open market value.

9. Concerning the actual value then to be accorded, regrettably in the initial land valuation hearing, Mangatu had been unable to find any valuer in the Gisborne region who was prepared to substantiate the thesis that Maori land should be given a lesser value than land available for sale without any restrictions on the open market. Although at the last minute, a valuer had been found to make a statement to the LVT, that valuer could not come up with any basis for the assumption that there should be a reduction. As a result, the submission that a median guideline reduction of 30% or another approximate figure would be a proper benchmark recognition of the likely impact of the 1993 Act on the hypothetical market value, failed for lack of evidence. Reference on this point can be made to the Court of Appeal decision at p.651, lines 14-40. As a consequence, the matter was referred back to the Tribunal for further consideration and further evidence.

10. As to relevant factors affecting the "estate and interest" in the valuation of Maori land, the CA stated [1997] 3 NZLR 641 (Richardson J for the Court), at 650:

While no one can be absolutely excluded as a possible purchaser of Maori freehold land, the 1993 Act imposes a significant barrier on alienation. Just as on an actual sale, the hypothetical seller and purchaser would have to obtain confirmation of the alienation from the Maori Land Court. The inquiry under the Valuation of Land Act assumes a sale, not the possibility of a sale. The hypothetical purchaser would recognise that anyone not within the preferred classes of alienees would face serious legal restraints in obtaining that confirmation. Further, after confirmation the purchaser's interest will still be subject to the same constraints on alienation. Even if within the preferred classes of alienees, the hypothetical purchaser would recognise that as in *Re Cleave* the Court would be likely to refuse an application for change of status to general land. And, if the purchaser is from outside the preferred classes of alienees, refusal would be even more likely.

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11. In giving guidance as to the factors to be taken into account by the valuer, the Court stated (p 651):

Second, as the High Court held, the assessment of land value must be made on a case-by-case basis. The effect of restricted alienability will be affected by such factors as the nature and size of the property, the historical connection of the owners with the land, **membership of the preferred classes of alienees and the resources available to fund the purchase**, the statutory role of the Maori Land Court in relation to the property and the prospect of obtaining confirmation of an outside sale from the Court. In the absence of further guidance in the legislation valuers will have to weigh the considerations in a sensible and practical way to arrive at what may well be a robust and imprecise judgment. [emphasis added]

Land Valuation Tribunal rehearing

12. In preparing for the rehearing, successful efforts were undertaken by Mangatu to obtain two experienced registered valuers, namely Mr Peter Wright of Lewis Wright of Gisborne, Valuers, and Mr Jack Charters of Colliers Jardine of Auckland. Both these valuers were able to produce substantial briefs of evidence, which included an analysis of the economic capacity of the preferred classes of alienees in respect of the Mangatu Incorporation, and put forward the view that the various properties should be valued between 20-50% below the open market value. Comparative sale values were difficult to obtain, due to a paucity of actual transactions within the iwi. The new evidence was submitted to the re-hearing on 20-21 July 1998, before the same Land Valuation Tribunal, chaired by Judge MacLean, and Associates E Bowis and M Cotterill.

13. In opposition, the Valuer-General through its legal counsel and two valuation witnesses, were obliged to acknowledge the Court of Appeal decision, but still maintained that any reduction which should be accorded to the value of Maori land ought to be minimal. The Valuer-General was prepared to concede a reduction of 5%, attributed to incidental Maori Land Court approval procedures, but strongly resisted any higher reduction. It was asserted that the valuer should assume approval of an open market sale and hence open market valuation. The VG relied on the sale of Maori land to Villa Maria as a sale at an open market value [but this was a sale of

land outside the iwi to another company for wine production]. From the Mangatu perspective, the 5% reduction was totally inadequate, and failed to give any credence to the principles stated by the Court of Appeal in the valuation of the true estate and interest in Maori land and the applicable market.

14. The second decision of the Land Valuation Tribunal under *Mangatu Incorporation v Valuer-General*, LVT, Gisborne, LVP 22-33/95, 29 December 1998, generally accepted the Crown view. The Court stated (p.22):

“The Crown suggests that for both Mangamaia and Awapuni [2 specimen properties], this [discount] should be around 5%. Generally the Crown position is that no further discount should be allowed because of the various factors identified by the objectors, including difficulty on raising mortgage finance, limited financial ability of the existing class of preferred alienees, etc.”

“The practical reality is that when the Tribunal examines all the evidence put before it, as to what has actually been happening in the Maori Land Court, we agree with the respondent that there is simply no evidence of any discount being applied. On the contrary, there seems to be quite a bit of proof suggesting that the Maori Land Court is vigilant to ensure that open market value is being paid. In this regard, the Villa Maria of transaction case is of particular significance as illustrated of what can and does happen.”

“The Tribunal accepts that there are no directly comparable sales that have gone through the Maori Land Court that have been drawn to its attention that can be directly related to either the Awapuni lagoon or the Mangamaia situation”.

15. The LV Court concluded:

“Our view after much consideration is that with respect to the two pieces of land in question, the parameters of the discount applicable range between 5% and 15%. We think the higher parameter applies to the Awapuni block because the sheer complications of and delay involved for any hypothetical purchaser on-selling are high, particularly because of the strong historical links associated with a substantially as yet unidentified potential class of preferred alienees, but less so in the case of Mangamaia with a well organised ownership structure Accordingly, in the Tribunal’s view, the revised amended valuation for Mangamaia of \$1,590,000.00, which equates with the 5.34% reduction is

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sustained, but the Awapuni Valuation, should be reduced by 15% viz \$1,121,000.00 - \$168,150 to \$952,850.”

16. This outcome was considered by counsel (K A Palmer) acting for the objectors as a wholly inadequate response and recognition of the principles articulated in the *Mangatu Incorporation CA* decision. There was no recognition of financial capacity of the preferred classes of alienees. It was also considered that the LVT had failed to distinguish between the function of the Maori Land Court in assessing a valuation for the sale of a property to an outside body, which would result in the Maori owners disposing of the land wholly. That was the situation where a property had been sold to Villa Maria for their use as a vineyard. Clearly, the approval of the Maori Land Court to the alienation of the land outside the preferred classes should normally be at an open market value, as that is the value the land has or will have in that situation.

17. Conversely, where the land is to be valued for rating purposes, and was to remain as Maori freehold land owned in whole or substantially by the preferred classes, the situation could be significantly different. The market to be considered was primarily that of the economic ability of the members of the preferred classes of alienees, to pay for the land or shares in the land. With respect, Valuation New Zealand was adamantly opposed to any acknowledgement or function of recognition of financial wellbeing in an assessment of Maori land values.

18. Another source of confusion, voiced by some Maori owners as well, was a concern that a reduced valuation for rating purposes would prejudice the determination of rentals where the land was leased out, if the rental value was to be assessed on the ratable value. Once more, Mangatu endeavoured to put forward the view that the valuation to be obtained for leasing purposes and the determination of rentals, was not necessarily the same valuation of the land for rating purposes. Where the land was to be leased to a body or person outside the preferred classes of alienees, it would be appropriate for the “leasehold value” to be defined and related to the open market leasehold value, as that was the practical situation which would arise. Furthermore, the lessee would normally assume responsibility under the lease for rates in any event.

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19. Counsel (K A Palmer) recommended to Mangatu that the second LVT decision, should be taken back to the High Court on further appeal, to contest what was considered an inappropriate and inadequate reduction in the land values for rating purposes. However, for various reasons, Mangatu decided to take no further steps, regarding the legal processes as being costly and non-productive of any real benefit. As a general comment, that outcome has had some regrettable consequences for other owners of Maori land and as to the present approach to valuation of Maori land.

20. Following the *Mangatu* decision, the Office of the Valuer-General subsequently issued some guidelines to valuers when valuing Maori land. This process is set out in the evidence of James Francis Rolleston (Wai 215#Q1), at paras 14.1-14.10 (evidence dated 19 May 2006). He states at para 14.6, "The guidelines provide for a reduction based on the number of owners to a maximum of 10%, and additional adjustments for sites of special significance to a maximum of 5%, thus providing a maximum of 15% reduction on Maori land."

21. Mr Rolleston further states at para 14.7 "The reduction is inadequate and no way compensates for the issues raised by the owners of Maori lands. The reduction is also not in the spirit of the *Mangatu* decision".... As counsel in the *Mangatu* case, I would with respect endorse those statements.

22. The correspondence showing the complete table of adjustments prescribed by the Valuer-General (dated 20 December 2000) is set out in "A Submission Report on the Rating of Maori Land in Tauranga" by Hemi Rolleston and Jolene Patuawa, at appendix G. The adjustments relate to two heads. First, there is an adjustment according to the number of owners, ranging from 1-9 owners (-3.5%) to over 2000 owners (-10% max). The second additional adjustment is for listed sites of special significance, ranging from pa sites (-1.5%), urupa (-1.5%) etc to other wahi tapu sites (-.5%) cumulatively totaling -5.0%. Importantly, the list of deductions fails to accord any recognition to the "membership of the preferred classes of alienees and the resources available to fund the purchase" being a highly relevant matter stated by the CA in the *Mangatu* decision.

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23. The Guidelines do not form part of the Rating Valuation Rules, version 3, issued 9 August 2002, under s 5 of the Rating Valuations Act 1998. As such, the legal status of the Guidelines does not appear to be mandatory. However it must be assumed that public valuers in practice, apply the guidelines as a matter of professional approach, and do not refer back to the other principles stated in the *Mangatu* decision to be relevant in determining the value of Maori land.

24. With respect to the Valuer-General, it is my view that the Guidelines do not adequately implement the law as declared in the *Mangatu* decision, in particular in failing to accord any recognition to the nature of the market as being normally restricted to the preferred classes of alienees, and there is no recognition of the critical matter of "the resources available to fund the purchase" of a hypothetical sale within the preferred classes. As a consequence I consider the Guidelines do not do justice to Maori owners in the valuation of Maori land, with the result that the land is likely to be overvalued for rating assessment purposes. Although I was lead counsel in all the *Mangatu* Court proceedings, I was not personally consulted on the subsequent preparation of the Guidelines and I would not have agreed to them.

25. In a later decision, *Faulkner v Tauranga District Council*, High Court, Hamilton, CIV 2004-470-00124, 2 June 2004, Cooper J, Mr Tao Faulkner endeavoured to challenge a decision of the LVT of a valuation of Ohuki 1C2 blk of which he was a part owner. An initial ground that the land was customary land and not liable for rates failed. On the second ground that the land would never be sold and therefore had no rating value, no valuer was called by Mr Faulker to support the appeal. The valuer for Quotable Value New Zealand gave evidence that the guidelines issued following the *Mangatu* decision had been followed and the LVT was satisfied the guideline had been applied. The LVT assumed that land would have some value in respect of rents from occupiers. As the onus was on the appellant, and no evidence was called to contest the guidelines, the appeal failed. One can comment, as above, that the guidelines within the 5-15% parameter do not do justice, and need to be revisited and expanded to take account of all the relevant grounds in the Court of Appeal ruling.

26. Concerning the practicality of a public valuer taking into account "membership of the preferred classes of alienees and the resources available to fund the

purchase" (as stated by the *Mangatu* decision), adequate information on these matters could be obtained from the Maori Land Court and other sources. For example, in the Tauranga Moana Inquiry, evidence has been prepared and submitted by Leanne Boulton titled "A Socio-demographic and Economic Profile of Maori in the Tauranga Moana Inquiry District, 2001" (Wai 215 #S5), which gives information at 2.4 **Income** and Attachment D, on a comparative basis between Maori and the total population. That information could provide a sufficient basis for a further reduction in the rateable value of Maori land in the area.

27. More generally an amendment to the Rating Valuations Act 1998, could require this type of socio-economic information to be provided by the Crown. A comparison can be made with the duty imposed under the Resource Management Act 1991, s 35A (inserted 2005) on the Crown to provide local authorities with information on iwi authorities and hapu in the region or district, to facilitate proper consultation.

Maori Land Rating Policy Strategy

28. As apparent recognition by Parliament of the inadequacy of the land valuation outcomes in respect of Maori land, and substantial lack of flexibility within the valuation methodology in practice to date, the Local Government Act 2002, s 102(4)(f) directs a local authority to establish a mandatory "policy on the remission and postponement of rates on Maori freehold land". The guidelines for the policy are further stated in s 108 of the LGA, with the local authority required to consider the matters set out in Schedule 11 of the Act. The degree to which the various local authorities in Tauranga and in other places have implemented the policies in providing relief on Maori land, has been the subject of evidence before the Tribunal.

29. A general observation can be made, that prior to changes to the farmland role and omission of it under the Local Government (Rating) Act 2002, it was commonplace in respect of the farmland role for local authorities to grant a reduction of up to 25-30% from the open market values, to ensure that the occupiers of farmland which could be under urban expansion valuation pressures, were granted appropriate financial relief. Applying this standard, a reduction in the value of Maori land from open market values by 25-30% is not without precedent and justification.

Conclusions

30. My respectful conclusion on the land valuation matter is that the Guidelines issued by the Valuer-General do not adequately or fairly reflect the directions of law given by the Court of Appeal in the *Mangatu* decision, and the second LVT decision should not have been rigorously applied to limit the guidelines to the 5-15% reduction. The guidelines fail to acknowledge the relevance, in the manner intended, of the **“membership of the preferred classes of alienees and the resources available to fund the purchase”**.

31. The owners of Maori land who are most affected by the rating burden are unlikely to have the resources to take a test case to the higher Courts, and the 5-15% restraint may remain in the guidelines. As stated, the evidence presented to the *Mangatu* re-hearing substantiated reductions up to 45-50% of the open market value, with a mean reduction of 25-30%. The higher figures must be an appropriate reduction in respect of some blocks of Maori land having regard to the circumstances of ownership, economic capacity of the preferred classes, and the legal constraints and clear legislative policy against alienation outside the classes.

32. Furthermore, the Guidelines for Maori Land should distinguish between:

- i. valuations for rating purposes,
- ii. valuations for internal or external leasehold rental determination,
- iii. valuations for insurance of buildings,
- iv. valuations for borrowing,
- v. valuations for compensation payments, and
- vi. valuations for alienation which will result in the land being purchased by non-Maori, and probably losing its status of Maori land.

The practical recognition of the need for different valuation approaches should not be an on-going problem.

Final conclusion - Treaty recognition

33. Both the valuation of Maori land, and the supplementary relief (if any) which may be accorded under the remission policies of local authorities, need to be approached with a spirit of mutual respect and some flexibility. The *Mangatu* proceedings encountered strong institutional opposition at the time to any changes in

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the system of valuation. The recognition of cultural and historical attributes requires a particular approach by the responsible authorities, including public valuers. In *Helmbright v Environment Court (No 1)* [2005] NZRMA 118, Baragwanath J, the Court was concerned with alleged inadequate consultation by the local authority with iwi in the preparation of a district plan, resulting in the omission of any notation of an historic site. This omission had enabled the land to be subdivided, without recognition of the site and its significance to iwi. The Judge stated at para 25 "The importance of due recognition of those values, clearly expressed by Parliament, requires an ungrudging response from the Courts".

34. With respect, the requirement of an ungrudging response is particularly apposite to the resolution in a fair and just manner of the questions and methodology besetting the valuation of Maori land, the ongoing burden of rates, and the imperative to honour the Treaty promise concerning the retention of Maori land.

Kenneth Palmer

Associate Professor of Law

The University of Auckland

8 November 2006

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Copy

Before the Independent Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

And

In the Matter of the Proposed Christchurch Replacement Plan
(Chapter 9: Cultural and Natural Heritage, Stage 3)

L

Legal Submissions
North Canterbury Province of Federated Farmers of New Zealand Inc
(Submitter No 3702 and Further Submitter 5000)

Dated: 06 May 2016

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MAY IT PLEASE THE HEARINGS PANEL

Introduction

1. As I understand it, this is a reconvened hearing on Chapter 9, Natural and Cultural Heritage and all related matters deferred from Stages 1, 2 and 3 Chapters of the Proposed Christchurch Replacement District Plan ("the Plan").¹ This particular hearing is concerned with Topic 9.5, Sites and Areas of Ngāi Tahu Cultural Significance, in relation to the updated revised proposal and evidence being filed in April.²
2. Federated Farmers has made submissions and further submissions on the Plan, including on the proposed new Chapter 9, Section 9.5, addressing sites and matters of Ngāi Tahu cultural significance.
3. The position of Federated Farmers in relation to the new section is as set out in the Memorandum that was filed earlier this week:³
 - (i) Federated Farmers accepts the inclusion in the plan of wāhi tapu sites which were identified as silent files in the operative Banks Peninsula District Plan.
 - (ii) Federated Farmers accepts the inclusion of some rules controlling activities within those areas, but has concerns with the extent of the proposed earthworks and vegetation clearance rules in Ms Ferguson's evidence.⁴
 - (iii) Federated Farmers opposes the inclusion of any additional sites of wāhi tapu or the proposed ngā tūranga tupane and ngā wai sites and any associated rules, until there has been: consultation with affected landowners; an opportunity to 'ground truth' the location of these sites and areas; and an assessment of the values of each site and therefore the most appropriate method(s) to manage them.

¹ Hearing Notice, dated 4 May 2016.

² Minute in relation to reconvening of hearing, dated 21 April 2016.

³ Memorandum of Counsel for North Canterbury Province of Federated Farmers of New Zealand Inc, dated 3 May 2016, at 9.

⁴ But this is not the occasion to discuss this point.

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4. Thus the main concern is with the inclusion of sites in addition to those that were specified when the Plan was notified. Accordingly, I consider that I can best assist the Panel by pointing out what appears to be the relevant law in this area, addressing what, in my submission, is the central question which is, has there been a real opportunity for participation by those potentially affected by a submitter's proposal.

Has there been a real opportunity for participation?

5. The High Court has determined that a planning instrument cannot be appreciably amended unless there has been a real opportunity for participation by those potentially affected by a submitter's proposal. In *Clearwater Resort Limited v Christchurch City Council*,⁵ after stating that a submission can only be fairly regarded as being "on" a planning instrument if it is addressed to the extent to which the planning instrument changes the pre-existing status quo, the High Court went on to state:

... if the effect of regarding a submission as "on" a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly "on" the variation.

The High Court then went on to amplify its statement:⁶

[this] is consistent with the judgment of the Environment Court in *Halswater Holdings Ltd v Selwyn District Council* (1999) 5 ELRNZ 192. It is common for a submission on a variation or proposed plan to suggest that the particular issue in question be addressed in a way entirely different from that envisaged by the local authority. It may be that the process of submissions and cross-submissions will be sufficient to ensure that all those likely to be affected by or interested in the alternative method suggested in the submission have an opportunity to participate. In a situation, however, where the proposition advanced by the submitter can be regarded as coming out of "left field", there may be little or no real scope for public participation. Where this is the situation, it is appropriate to be cautious before concluding that the submission (to the extent to which it proposes something completely novel) is "on" the variation.

It is submitted that the ratio in *Clearwater* is as equally applicable to a proposed plan or a proposed plan change, as it is to a plan variation, in that all three types of proposed planning instruments propose changes to the pre-existing status quo.

⁵ High Court, Christchurch, AP34/02, 14 March 2003, per William Young J, at [66].

⁶ *Ibid.*, at [69].

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6. So, the key issue is whether someone might be taken by surprise by the additional sites sought by Ngāi Tahu through the submission process. A fundamental issue of procedural fairness is the extent to which the submissions seeking the additional sites directly affect third parties. In essence it is a jurisdictional issue.
7. In my submission, the effects on land owners are likely to be such that the Panel will need to be sure that affected owners have had an effective opportunity to participate before proceeding to undertake a merits assessment. In these sorts of situation the submission and further submission processes set out in RMA Schedule 1⁷ are not sufficient on their own to ensure adequate notice, and the submitter that is seeking the changes needs itself to involve the land owner.
8. Even then, if the land owner does not approve of or support the submission, the submission should not proceed to be considered on its merits, as it does not meet the criteria set out above, which form what has come to be known as the "second *Clearwater test*".
9. But that is not to say that is the end of the matter, from Ngāi Tahu's point of view. There are other methods by which new items can be included in the Plan, including by way of variation or plan change. Such methods afford the opportunity for land owners and other directly affected persons to be fully involved in the process from the outset, rather than only having the chance to participate through the further submissions process.
10. Indeed, this better accords with Federated Farmers' long-held policy position that it should be mandatory that land owners be consulted before a plan is notified about any changes from the status quo that affects their properties.⁸
11. I note that the position I have set out is very similar to the position that was adopted by the Proposed Auckland Unitary Plan Independent Hearing Panel, when similar issues arose, particularly as regards

⁷ and, in the present circumstances, Schedule 1 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

⁸ see: <http://www.fedfarm.org.nz/files/FFNZ-RMA-Booklet-final-version.pdf>

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additional Significant Ecological Areas (ie SNAs), Outstanding Natural Landscapes and Features, Scheduled Trees, Scheduled Volcanic Cones and Viewshafts, and Heritage Items. This is discussed by the Auckland Panel in its Procedural Minute No. 6 by Chairperson on Independent Hearings Panel.⁹

The importance of adequate consultation with Māori by a council

12. That Ngāi Tahu is seeking the inclusion of additional items suggests that there has been inadequate consultation by the Council with Ngāi Tahu, as an iwi authority for the area affected. Mandatory consultation by a council with the tangata whenua of an area which may be affected by a proposed policy statement or plan, through iwi authorities, is required by cl 3(1)(d) of the First Schedule to the Act.¹⁰
13. The importance of adequate consultation by Māori with a council in preparing a planning instrument is exemplified in two High Court decisions. In *Ngati Maru Ki Hauraki Inc v Kruithof*,¹¹ an omission from the district plan of an area that was sacred to iwi resulted in the development of a site contrary to Māori concerns. Although the High Court noted that it was a matter of regret, it reminded the applicants, who were seeking to prevent the development on land owned by Mr Kruithof, that:¹²

It is time to recognise that the Treaty did not contemplate a society divided on race lines between two groups of ordinary citizens – Māori and non-Māori, set against one another in opposing camps.

The Court went on to decline to intervene, stating that:¹³

Because the Treaty itself picked up the need to apply British justice in New Zealand it follows that any construction of the Resource Management Act that will work injustice to non Māori is as likely to infringe the principles of the Treaty as injustice to Māori. Here we are faced with a collision between long-term injury to the historic interests of Ngati Maru and the immediate personal interests of Mr Kruithof who has been subjected to obviously heavy expense and distress for an unconscionable time.

⁹ Available at <<http://aupihp.govt.nz/documents/docs/aupihpproceduralminute6.pdf>>.

¹⁰ and, in the present circumstances, Schedule 1 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

¹¹ [2005] NZRMA 1.

¹² *Ibid*, at [48].

¹³ *Ibid*, at [52].

14. Similarly, in *Helmbright v Environment Court*,¹⁴ a district plan did not identify a site of significance to Māori, and the site was subsequently subdivided. The Court was not able to find any ground for late intervention at the request of iwi, finding that could also have breached the Treaty of Waitangi by working injustice to the land owners, and stating:¹⁵

... the fundamental difficulty encountered by the plaintiffs is that the relief they seek would, if granted, entail breach not just of the principles of the Treaty of Waitangi but of the Treaty itself, by working injustice to Waitotahi Contractors.

15. As a response to the situation that arose in cases such as *Kruithof* and *Helmbright*, the Resource Management Amendment Act 2005 amended the RMA to place a stronger pro-active obligation on local authorities to consult with tangata whenua through iwi authorities, by amending Schedule 1, cl 3(1)(d) and inserting a new cl 3B. It seems that the intention was to ensure that significant matters that could affect mana whenua in relation to development of land would be incorporated in a proposed plan so that property owners would be aware of any restrictions or overlays affecting their holdings and would have the opportunity to make a submission regarding the overlay or notation for heritage or mana whenua protection, as part of the plan preparation process.

The Heritage New Zealand Pouhere Taonga Act 2014

16. The Heritage New Zealand Pouhere Taonga Act 2014 came into force on 20 May 2014. The Act repealed the Historic Places Act 1993, and provides, at s 3, that its purpose is:

to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

The Act newly provides as a principle at s 4(c) that

there is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand's historical and cultural heritage

¹⁴ [2005] NZRMA 118.

¹⁵ *Ibid.*, at [29].

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This principle could be seen as setting out an appropriate way for the Council and Ngāi Tahu to progress the issue.

17. Under this Act, the system of identifying places and buildings to be entered on to the New Zealand Heritage List / Rarangi Korero is continued, and these entries will be advised to local authorities who may resolve to add the same properties to lists under their plans. The process of listing places, where submitted by Heritage NZ, includes reference of the proposal to an independent assessor to make a recommendation. In respect of wahi tapu, a wahi tapu area, and wahi tupuna, an application for inclusion on the list is referred to the Māori Heritage Council for assessment through a comprehensive process. It is submitted that this is a fair and robust public procedure which could be considered by the Council as an alternative process and precondition to inclusion of any new place in the Plan.

18. Importantly, at s 5 the Act describes what it does, including at s 5(2)(e), that it:

continues to prohibit the modification or destruction of an archaeological site unless an authority for the modification or destruction is obtained from Heritage New Zealand Pouhere Taonga under this Act;

Clearly the items that Ngāi Tahu wishes to have included in the Plan are well protected already.

Conclusion

19. In my submission, the inclusion of any additional sites of wāhi tapu or the proposed ngā tūranga tupane and ngā wai sites and any associated rules is more appropriately done by way of a variation or plan change.

Dated at Auckland this 6th day of May 2016

Richard Gardner
Counsel
North Canterbury Province of Federated Farmers of New Zealand Inc

150



State Highway 35 Torere, OPOTIKI
P.O. Box 147, OPOTIKI 3162
Phone (07) 315 8485
tracyhillier@ngaitai.iwi.nz 027 9559734

David Peter Chair of Ngai Tai Iwi Authority and Tracy Hillier CEO of Ngai Tai Iwi Authority present this submission on behalf of Ngai Tai Iwi and those who reside within the Community of Torere.

Ngai Tai Iwi hold the Mana Whenua and Mana Moana from Tokata to Te Rangi with Customary Interest Rights to Tirohanga.

With the tribal identity and rohe based in Torere A bay of significant beautiful and supplier of Kaimoana and Fish sharing the bounty of Tangaroa.

Turning to the whenua of Papatuanuku and the realm of Tane Mahuta is the region where the descendants of Manakiao and Torerenuiarua have flourished and formed the Iwi Ngai Tai

It is which this area that Ngai Tai Iwi Authority the mandated entity on behalf of Ngai Tai Iwi make this submission.

Ngai Tai Iwi Authority which to raise to the attention of the Opotiki District Council and those who have the responsibility to manage the Policy development process.

As Ngai Tai Iwi an interest to participate in the Reserves Policy Review and the Bylaws Review was signalled to the ODC, but no information of Policy Documents or Informational Sharing were forwarded to Ngai Tai Iwi Authority.

As Ngai Tai Iwi Authority we were not aware that the ODC had initiated a Public Consultation Process in Dec 2019. There has been no consultation with Ngai Tai Iwi Authority even though the ODC Policy and various Acts indicate the ODC is required to consult with tangata whenua and for ODC that sit with the Ngai Tai Iwi Authority there has been no such consultation which is a breach of process.

Ngai Tai Iwi Authority also raises the issue of Mandate As a matter of challenge Ngai Tai Iwi does not accept that the ODC has the mandate to apply the application of Prohibition Zones within the Mana Whenua Mana Moana of Ngai Tai where there has not been the required level of consultation and Ngai Tai consent.

Ngai Tai Iwi also have a number of gazetted reserves over their coastal lands and moana areas which again places a challenge to a blanket ODC action over the rohe of Ngai Tai.

With this lack of information and consultation and having a limited time frame to response once I became aware of the Review Ngai Tai Iwi Authority has not been able to prepare a full submission to the Review of Bylaws and we wish to bring this to the attention of the ODC

- **VEHICLE PROHIBITED ZONE**

As Ngai Tai Iwi Authority we submit that we are strongly opposed to the Proposed Vehicle Prohibited Zones Policy over Torere. We submit that this Policy should be withdrawn

- **SKATEBOARD EXCLUSION ZONE**

Ngai Tai is opposed to the proposed ODC Policy to establish a Skateboard Exclusion Zone around the CBD Zone as we would not like to see Mokopuna applied with infringement fees and have enforcement inacted against them.

The Council should engage in Education as a tool of behaviour management of skateboard usage

Educate the Young People about their responsibility to care for others and Safe Usage of Skateboards in Public Areas.

- **ALCOHOL BAN**

As Ngai Tai we support the Alcohol Ban should be applied to all Public Reserves and Beaches within the District as a tool of protection for the Public and our special places of interest

- **VEHICLE PROHIBITED ZONES**

Ngai Tai we also have significant issues that we face with vehicles violating over the space where we are Kaitiaki over within the Coastal Region including the Moana Zone and beaches

These areas include sites of cultural, historical, spiritual significance including waahi tapu and urupa. There are also site of considerable of environmental significance rare flora and fauna and birds and their breeding and feeding grounds and rare habits to sustain species at risk.

We have the Hocksetters Frog, Blue Duck, Kiwi, Pukeko, Weka, Kereru and many other species needing protection

Even with the high level of significant negative and damaging behaviour inacted by the General Public within areas that we as Mana Whenua exercising Kaitiakitanga has a responsibility we have significant concerns with the ODC approach that is being presented with this Policy to have strict Vehicle Prohibited Zones.

Ngai Tai beleives the ODC needs to consult fully with the Community of Opotiki on this policy as the Policy has significant impacts on the Opotiki access to beaches and the concern around appropriate methods of enforcement

It is therefore our stated position to oppose the identified Vehicle Prohibited Zones Policy and request the ODC withdraw the Policy until the Community has been fully consulted.



State Highway 35 Torere, OPOTIKI
P.O. Box 147, OPOTIKI 3162
Phone (07) 315 8485
tracyhillier@ngaitai.iwi.nz 027 9559734

David Peter Chair of Ngai Tai Iwi Authority and Tracy Hillier CEO of Ngai Tai Iwi Authority present this submission on behalf of Ngai Tai Iwi and those who reside within the Community of Torere.

Dogs and Dog Ownership are an important feature of our Community in Torere. A significant number of Whanau have dogs.

As Ngai Tai we support the position that within the Dog Control Policy there must be a balance between the interests and freedoms of responsible dog owners with the need to protect the general public from the harm created by dogs, and our submission is the ODC must revisit this area of balance and give greater consideration for Responsible Owners to exercise the rights to go to parks, reserves and beaches

Ngai Tai Iwi have two classes of dogs 1) Working dogs and Hunting Dogs 2) Whanau Pets

We submit that the fees on working dogs should be given a significant reduction in fees as the Dogs are working animals.

The category or definition of working dog should be defined in the Dog Control Policy and include Hunting and all categories of work on the land including people care roles.

Ngai Tai Iwi also submit that the ODC Dog Control Policy and services to Torere should give greater level of service to our Community, especially around responding to notifications of complaints around dog attacks.

There also needs to be consideration within the Dog Control Policy to respond to visitors to our Community bringing Dogs and allowing them to leave this Dog Litter.

Generally we do not support outright exclusion zones for the control of behaviour as this action can create a negative Community Response, especially if the Community does not understand and been part of the debate to set up such zones. We therefore recommend that the ODC revisits this proposed provision within the Dog Control Policy.

Ngai Tai acknowledges the need to protect bird breeding areas and sites of cultural, historical, spiritual, and environmental significance including waahi tapu and urupa there are areas that maybe identified and with full consultation with Ngai Tai have agreed areas of consent for establishing areas for full or limited exclusion. At this time there are no such areas identified within the rohe of Torere

As Ngai Tai we submit that the ODC Dog Control Policy include consideration for the care for Dogs who have become lost, hurt or have no identified Owners and working with Animal Care Agencies like Opotiki OSCA as this should be part of any Dog Control Policy

Community Education should be an important part of any Dog Control and Care Policy and there does not appear to be any reference to this kaupapa in the ODC Policy and we would recommend that the ODC revisit this point within the ODC Dog Control Policy



Tracy F Hillier
NGAI TAMAHAUA HAPU
1 Potts Ave, OPOTIKI
027 955 9734

INTRODUCTION

The Opotiki District Council as the territorial authority with the rohe of Whakatohea, Ngai Tai and Te Whanau Apanui and an area of interest from the Hapu of Te Waimana Kaaku.

Ngai Tamahaua Hapu is one of the Hapu of Whakatohea. With its marae located at Opape and recognised customary influence to the tribal rohe point at Marae Totara Ohope to Te Rangi

Ngai Tamahaua Hapu holds Mana Whenua and Mana Moana status and customary interest and rights to the area of Pakowhai Pa the original name of the township of Opotiki, and the Opotiki Wharf near Tataiaroirangi Pa and the bar of Pakihikura.

Travelling west to Te Papa, Kukumoa past the awa of Hikutawatawa Tawhitinui and Akeake to Te Arakotipa to the Puna of Opotiki Mai Tawhiti where Tarawa place his pet tanatana fish to Paerata te waahi tapu o Tarawa where he was mistaken for a rata tree and discovered to be holding the paepae of a Whare Huinga.

Te the awa of wahi tapu of Ahiaua known as the Waiotahe Pipi Beds. To Waiotahi to Kutarere to Nukuhou and the surrounds and islands of the Ohiwa Harbour.

Turning to the east following Te Waewae Tapu o Tarawa staring at Pa Kowhai Opotiki to Otaotupuku to Te Ngaio to Hukuwai to Tirohanga to the food bowl of Waiaua Omarumutu to Opape

Resting on Te Rangi through Oroi to Takaputahi, Whitikau, to Roto o Wai the Motu River flows from the source of Moutohora and to Moanui and Matawai to Mangapohatu Tahora and Waimana Kaaku.

To the Pakihi, Otara, and Waioweka regions and the awa of Pakihi, Otara and Waioweka

These maoana, whenua and awa sites are areas of significant cultural, environmental, and historical significance to Ngai Tamahaua Hapu and contain a significant number of Reserve Status Land managed by the Opotiki District Council under the Reserves Management Plan and Policies

The Opotiki District Council has stated

The Ōpōtiki district has a huge conservation estate with much of it in close proximity to the coastal areas and settlements. Many of our reserves have a cultural and historical significance. A number of reserves have community involvement, including Tāngata Whenua, leasees and community volunteer groups. The Ōpōtiki district is within the Ecological Districts of Pukeamaru, Mōtū, Ōpōtiki, Waimana and Taneatua

Ōpōtiki District Council recognises that the future management of some of its reserves may offer the opportunity to work with our Treaty Partners to resolve our approaches for the protection and management of reserve values, including handing back some of the reserves to Tāngata Whenua. Even though ownership and or the governing body associated with any particular reserve(s) may change, it is not envisaged there would be any change to the overall strategic objectives and reserve values of that land.

- **SIGNIFICANT ISSUES OF CONCERN at the LACK OF CONSULTATION**

Ngai Tamahau raises to the attention of the Opotiki District Council and those who have the responsibility to manage the Policy development process.

As Ngai Tamahau an interest to participate in the Reserves Policy Review and the Bylaws Review was signalled to the ODC Managers, but no information of Policy Documents or Informational Sharing or notification of initiating the review process was forwarded to Ngai Tamahau.

As Ngai Tamahau we were not aware that the ODC had initiated a Public Consultation Process in Dec 2019. There has been no consultation with Ngai Tamahau even though the ODC Policy and various Acts indicate the ODC is required to consult with tangata whenua and the Resource Management Document Te Tawharautia O Nga Hapu o Whakatohea adopted for ODC requires the ODC to consult with Hapu no consultation was undertaken and creates a breach of process.

Ngai Tamahau raises question of Mandate on whether the ODC has the mandate to apply the application of Prohibition Zones within the Coastal Zone and Mana Whenua Mana Moana of Ngai Tamahau and other Hapu where there has not been the required level of consultation and Ngai Tamahau consent.

With this lack of information and consultation and having a limited time frame to respond once I became aware of the We have not been able to prepare a full submission to the Review of Bylaws and we wish to bring this to the attention of the ODC.

This is the submission prepared in line with the revised submission time of 5pm 2nd march 2020 I acknowledge and appreciate this extension in response to my request made by email to the ODC information line

- **SKATEBOARD EXCLUSION ZONE**

Ngai Tamahau is opposed to the proposed ODC Policy to establish a Skateboard Exclusion Zone around the CBD Zone

Ngai Tamahau strongly objects to the development of any prohibition zones developed without full and open consultation with the Community especially when the Policy has associated infringement fees and enforcement

It is not accepted practice to develop exclusion zones which are enforceable without the Community been made aware of the proposed actions and the impact of any proposed changes

Community Education should be the tool of behaviour management of skateboard usage which comes from our children. Teach them about Community Responsibility for others and Safe Usage of Skateboards in Public Areas.

- **ALCOHOL BAN**

Under section 147, a territorial authority may make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

- (a) the consumption of alcohol in public places
- (b) the bringing of alcohol into public places
- (c) the possession of alcohol in public places.

Ngai Tamahau submits that an Alcohol Ban should be applied to all Public Reserves and Beaches within the District.

For Community Events and for Reserves with Sports Clubs the Organising Committee can access a License for the consumption of Alcohol

The rationale of the ban over the Public Reserves and Beaches is 1) Due to risk to public safety of alcohol around water, surf and sea areas 2) Unsightly rubbish of glass and tins 3) Potential of safety risks of abusive behaviour and violence being exposed to drinking within Whanau friendly environments

• VEHICLE PROHIBITED ZONES

As Ngai Tamahaua we have significant issues that we face with vehicles violating over the space where we are Kaitiaki over within the Coastal Region including the Moana Zone and beaches from Marae Totara to Te Rangi in the Awaawakino region

These areas include sites of cultural, historical, spiritual significance including waahi tapu and urupa. There are also site of considerable of environmental significance rare flora and fauna and birds and their breeding and feeding grounds and rare habits to sustain species at risk.

Even with the high level of significant negative and damaging behaviour inacted by the General Public within areas that we as Mana Whenua exercising Kaitiakitanga has a responsibility we have significant concerns with the ODC approach that is being presented with this Policy to have strict Vehicle Prohibited Zones.

Ngai Tamahaua submits that the ODC has failed to consult fully with the Community of Opotiki in a open and transparent manner on significant Policy position that will have huge implications for the Community of Opotiki.

It is therefore our stated position to oppose the identified Vehicle Prohibited Zones Policy and request the ODC withdraw the Policy until the Community has been fully consulted



Tracy F Hillier
NGAI TAMAHAUA HAPU
1 Potts Ave, OPOTIKI
027 955 9734

On behalf of Ngai Tamahaua Hapu I present this submission to the review of the Dog Control Policy The Dog Control Act 1996 (the Act), aims to balance the interests and freedoms of responsible dog owners with the need to protect the general public from harm from dogs.

Within the ODC Dog Control Policy there seems to be more of a focus on dog nuisance issues and public safety and the application of infringements and enforcement.

Ngai Tamahaua submit that within this Policy there should be equal weight given and consideration to the Rights of Responsible Owners to exercise their Rights to have and enjoy their Dog Ownership, and to exercise and access Reserves and Coastal Beach areas without significant external interference.

The proposed ODC policy on dogs states the need to

- minimise danger, distress, and nuisance to the community generally.
- avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
- The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
- exercise and recreational needs of dogs and their owners.

Ngai Tamahaua supports the Ōpōtiki District Council's Policy direction for dog control within the district, but also wish to present in submission some areas of challenge to the set proposed policy that Ngai Tamahaua believe needs further dialogue and reconsideration.

Due to the fact that the ODC are proposing to make significant changes to the Dog Control Policy and strengthening the area of enforcement, and reducing the rights of Dog Owners through the application of exclusion zones then we feel that the ODC should of undertaken a full open transparent consultation with the Community that clearly shows the Policy changes, and the implication of the changes to the Community and impact on the Rights currently enjoyed by the Community being presented by the ODC through the proposed Dog Control Policy

As Ngai Tamahaua I submit that the ODC consultation process has seriously fallen short of due process, and believe in relation to this Bylaw and the Dog Control Policy should go back to the Community for full consultation

I would seriously challenge the premise that the Community is fully aware of what the ODC is planning to undertake under the promotion and mandating of the Dog Control Policy

As Ngai Tamahaua we do not support the application of exclusion zones without the full consultation and open debate on why particular zones have been chosen for exclusions.

Dogs under control of their owners should be allowed to access Parks and Reserves. However during periods of bird breeding seasons and over cultural, historical, spiritual, and environmental sites including waahi tapu and urupa there are areas that maybe identified and agreed for full or limited exclusion

Within the Policy there has not been consideration given for the care for Dogs who have become lost, hurt or have no identified Owners and working with Animal Care Agencies like Opotiki OSCA as this

should be part of any Dog Control Policy

The Policy should also include a section on the inclusion of Community Education as part of the Dog Control and Care Policy and there is no reference to this kaupapa in the ODC Policy and this should be amended

Feedback number	89
Submitters name	Alex Keith Draper
Do you agree with the approach?	No
Which aspects do you disagree with and why?	Driving on the beach enables me to get to where the good kai moana grounds are, i have been doing so with my family since i can remember, and in all that time i have not once seen a forrest and bird vehical or even a doc vehical in the same area, its a way of life that keeps me from moving away, it one of the positives that opotiki has to offer
Are there aspects that have not been included?	To blanket ban driving on the beach when so many people in our area rely on being able to do so for food gathering is crazy
Submitters Email	Alexdraper9@gmail.com
Daytime phone	
Are there other comments you would like to make?	Please dont let some person sitting behind a desk to dictate how we live and what we do in Ōpōtiki
Do you wish to speak to your submission?	No



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Review of the Opotiki District Council Reserve Management Plan

RECEIVED
28 FEB 2020
Opotiki District Council
RECORDS

ODC 12.587

Your name: Daryl Sheffield
Organisation (if applicable): _____
Postal address: 130 WALKER RD OPOTIKI
Email: CANVAS TECH & XTRA.CO.NZ Day time phone: 02102964232

Return your submission form to:

POST: Opotiki District Council, PO Box 44, Opotiki 3162
DELIVER: 108 St John Street, Opotiki
EMAIL: info@odc.govt.nz
ONLINE: www.odc.govt.nz

PRIVACY ACT NOTE:

Please be aware that submissions form part of the public consultation process and as such can be reproduced as an attachment to a publicly available Council agenda and remain on Council minute records.

I/ We wish to be heard in support of my / our submission All submissions will be made available to the Council and they will take them in to consideration when making decisions.

You can view a full copy of the Statement of Proposal 'Review of the Opotiki District Council Reserve Management Plan' at www.odc.govt.nz/reviewrmp, at Council offices, or the Opotiki Library.

Do you agree with the approach in the reviewed Reserve Management Plan?

No i dont. Seems that No local input HAS BEEN ALLOW.

If not, which aspects do you disagree with and why?

There HAS BEEN little to NOIVE contact with the PEOPLE THAT such a Plan will affect.

Are there aspects that have not been included?

yes. Access to the River mouth for Emergency in case of Boats Running Aground, Fire

Other comments:

Ambulance in case of. Needing Medical Help. or: WHALE STRANDING:

once the Sea wall is in place. Access to Viewing Spots to watch the Boats. Community A&P gain

* Now is A HANDYCAPPED Person ABLE to VISIT THIS AREA if NO VEHICLES ARE Allowed to get them there.

If more space is required attach additional paper with your name and contact details on each sheet.

SUBMISSIONS CLOSE 4PM, TUESDAY 14 APRIL 2020.

Thank you for making a submission.

From: [Katherine Hall](#)
To: Bruce.Ross@rotorualc.nz
Subject: RE: Re; Vehicle use Waiotahi Beach
Date: Wednesday, 20 May 2020 1:48:00 PM

Kia ora Bruce,

Thank you for your email, it has been forwarded to me for a response.

From 2 December 2019 to 28 February 2020, the Draft Consolidated Bylaws and Dog Control Policy 2019 (the 'Bylaws') was out for consultation.

I have noted your comments as they relate to the Bylaws, and will include them in the report that goes to Council for the Hearing. The Hearing is on Wednesday 24 June 2020.

For your information, the Bylaw can be found at this link: [Review of Opotiki District Council Bylaw and Dog Control Policy](#)

Nga mihi,
Katherine.

Katherine Hall
Policy Planner
Opotiki District Council | PO Box 44 | 108 St John Street | Opotiki 3162 | New Zealand
Telephone 07 3153030 | Fax 07 3157050 | Web www.odc.govt.nz | www.facebook.com/opotikidistrictcouncil

Please note there may be delays or changes to some of the services Council provides as we focus on continuing to provide essential services which the public rely on. We appreciate your patience and understanding during these challenging times. The current status of services can be found on our website here: <https://www.odc.govt.nz/our-council/covid-19/Pages/default.aspx>



From: Bruce Ross <Bruce.Ross@rotorualc.nz>
Sent: Monday, 18 May 2020 11:32 AM
To: @Information Requests <info@odc.govt.nz>
Subject: Re; Vehicle use Waiotahi Beach

To Whom it May Concern

I am writing to express my concern with the proposed Opotiki District Council banning of all vehicles on Waiotahi Beach.

Myself and my wife have just recently bought a house at 18 Waiotahi Drifts Boulevard as a holiday home, and are really enjoying the nice, peaceful, relaxed atmosphere of this place.

I would hate to think that Council are proposing to ban all vehicles on the Waiotahi Beach.

Vehicles such as Quad bikes and similar vehicles are part of the way of life for Waiotahi Beach permanent residents and people in our situation as temporary residents.

For me personally I use my quad bike- to transport my Kontiki to the beach, it also assists in the power source for retrieving the Kontiki.

I also use my quad bike, to tow my tinny boat to the beach, so that I can launch from the beach for gong fishing.

I am very respectful of all beach users, and from what I have witnessed so are all other quad bike users on that beach.

Please have it recorded that myself and my wife are vehemently opposed for the banning of ALL vehicles on Waiotahi Beach.

Regards

Bruce ROSS

Bruce Ross Building Compliance Officer – Pools

P: 07 351 8283 | M: 027 218 5025

E: bruce.ross@rotorualc.nz <<mailto:bruce.ross@rotorualc.nz>> | W: rotorualakescouncil.nz

<[http://rotorualakescouncil.nz/?](http://rotorualakescouncil.nz/?utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery)

[utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery](http://rotorualakescouncil.nz/?utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery)>

A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

<[http://www.rotorualakescouncil.nz/?](http://www.rotorualakescouncil.nz/?utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery)

[utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery](http://www.rotorualakescouncil.nz/?utm_source=Stationery&utm_medium=Email&utm_content=Neil%2BMullen&utm_campaign=Stationery)>

From: [Maree Everiss](#)
To: [@Information Requests](#)
Subject: Bylaw Meeting Wednesday 4 June 2020
Date: Monday, 1 June 2020 4:02:21 PM

To Whom it may concern.

I understand there is an Opotiki District Council meeting [this Wednesday 4 June 2020](#) to discuss Bylaw changes in the local district. If possible I would like to register my objection to the section prohibiting vehicle use on the local beaches.

We currently are property owners in Waioeka Drifts Subdivision. One of the attractions of purchasing our property in the Drifts was the unique and ready access to the beach, sea and river, in particular the Waioeka River and River Mouth close by.

We currently use a ATR (All Terrain Vehicle – Quad Bike) to be able to access the beach. This allows us to be able to get to the beach and enjoy the area recreationally. We can travel to the beach on our ATR and are able to fish in the surf through surf casting and using a kontiki, this vehicle carrying our equipment with us. We can also access the river and river mouth to fish and spin fish as well, again using our vehicle to get ourselves and equipment there. We also own small boat specifically purchased so that we can use our ATR to tow the boat to the water and launch it through the surf to be able to go out a short distance, and enjoy the resources that the coast here has to offer.

If vehicle access to the beach is restricted or prohibited this will severely restrict these recreational activities

From my observation in the time we have lived and used the area recreationally we have not seen anyone use four wheeled vehicles in such a way or manner that this has caused public nuisance, or endangered public health and safety. In fact the use of vehicles allowing people greater access to this recreational area I would suggest actually does promote public health and safety. I have not witnessed any examples of offensive behaviour or damage to the beach area from vehicles using this area for the above mentioned activities. Vehicles being used appropriately to access the beach for the recreational purposes is unique and special to the Waioeka area.

Perhaps in order to control vehicles on the beach and understand who uses the beach – Vehicles could be registered with the Council?


I appreciate you considering my thoughts

Kind regards

Ross and Maree Everiss

Sent from my iPad

Thursday 5 December 2019



Opotiki District Council
5 December 2019 · 🌐


Council has reviewed the district's bylaws and Dog Control Policy as required under legislation and now wants your feedback on the proposed changes.

Bylaws are rules made by local authorities that affect how people live, work and play. They help councils manage problems or issues that are considered significant in a local area in a way that best meets the community's needs.

A full copy of the draft proposed consolidated bylaw and Dog Control Policy and Statement of Proposal is on our website and you can also view copies at our office and the Ōpōtiki Library.

Consultation closes 4pm, Friday, 28 February 2020.

<https://www.odc.govt.nz/our-council/consultation/Pages/Review%20of%20Opotiki%20District%20Council%20Bylaws%20and%20Dog%20Control%20Policy.aspx>




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Review of Opotiki District Council Bylaws and Dog Control Policy - Opotiki District Council

👍 1 2 comments 2 shares

👍 Like 💬 Comment ➦ Share 🌐

Oldest

 **Sid Thompson**
Bobette lets have a look at this and add our 5c
Like · Reply · 26 w

 **Julie Deeley**
Looks fine to me as long as you can cross Church perpendicularly. Also there are too many accompanied but unleashed dogs walking the streets so clearly more education and enforcement is in order.
Like · Reply · 25 w

 **Opotiki District Council** 20 February at 11:01 · 🌐

Ōpōtiki Mayor, Lyn Riesterer is encouraging more feedback on our Bylaws review with consultation closing soon.

Proposed changes include extending areas where horse riding and vehicles will be prohibited on beaches in the district (areas like dotteral breeding sites), some stricter rules around animal control and an easing of rules around shop signage so they are more practical to use and enforce.

Will the changes effect you?

<https://www.odc.govt.nz/.../Last-chance-to-have-your-say-on-t...>



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Last chance to have your say on the Bylaw review - Opotiki District Council

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 Write a comment... 🗨️ 📷 GIF 🗨️

 **Author**

Opotiki District Council Our reply yesterday originally stated these areas would all be in the dunes area. This was incorrect and we apologise for that. Apologies. The proposed area extends to the mean low water springs (low tide line). These areas came about following District Plan appeals after Forest and Bird wanted a... See more



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Statement of Proposal Consolidated Bylaw and Dog Control Policy 2019 -...

Like Reply · 1w Edited 🗨️👍 2



Cynthia Murray Wow prohibiting horse riding on beaches and vehicles too .
 Instead of prohibiting why don't you have management plan in place and set rules around both horses and vehicles on beaches they must adhere too.

Like · Reply · 1w



Author

Opotiki District Council Hi Cynthia Murray - thanks for your feedback. I have updated the post to make it clearer that the proposed prohibition would apply to areas identified as "Indigenous Bio-Diversity Areas" (places like known dotteral breeding sites). You can see a map of these areas on the page.

Like · Reply · 1w



Cynthia Murray Opotiki District Council thanks for that

Like · Reply · 1w



Write a reply...



Courtney Andrews Can't find a map that shows - * Add Ōhiwa Harbour mudflats to the list of areas where horse riding is prohibited to protect sensitive habitats and prevent disturbance to mudflat life and potential contamination of shellfish beds.

Like · Reply · 1w



Author

Opotiki District Council Hi Courtney Andrews. Thanks for reading the Bylaws review and thinking about how some of the proposals may effect you and your family. Here's a link to the online submission form so your questions and ideas can be presented to Council before they make their decisions:
<https://www.odc.govt.nz/.../Review-of-Opotiki-District...>



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Like · Reply · 1w



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Like · Reply · 1w



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Like · Reply · 1w



Sarah Kingi So you are saying, we won't be able to drive along the beach at all? Pull your bloody heads in!! What absolute rubbish!

Like · Reply · 1w · Edited



Author

Opotiki District Council Thanks for your feedback Sarah. I have changed the wording in the post so it is clear that the prohibition would apply to areas identified as "Indigenous Bio-Diversity Areas" (places know known dotteral breeding sites). You can see a map of these areas on the page.

Like · Reply · 1w

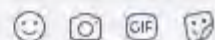


Nicky Mokomoko hardout aunt thats just our lifestyle down here horse riding on beaches, taking the kids to the bar for fishing even the dogs for run on the beaches too!

Like · Reply · 1w



Write a reply...





Auhi Koopu Does this mean that we cannot drive anywhere along the maraenui beach?



Like · Reply · 1w



Author

Opotiki District Council Hi Auhi Koopu Our reply yesterday originally stated these areas would all be in the dunes area. This was incorrect. The proposed area extends to the mean low water springs (low tide line). These areas came about following District Plan appeals after Forest and Bird wanted a rule included in the District Plan banning vehicles on beaches in our District. We wanted the public to have the opportunity to submit but that was not possible as part of the appeal process. Therefore a mediated solution was reached with Forest and Bird, DOC and Regional Council that areas would be marked on the draft Bylaws for public consultation thus saving additional costs for our ratepayers and community. Going through the Environment Court – where a judge would have made the decision for us – can be very costly. This way after all submissions are taken into consideration the final decisions will be made by Ōpōtiki's Councillors.

Council encourages you to read more on Council's Bylaw Review page (see Part 4 Beaches in the full draft proposed Consolidated Bylaws document for vehicle prohibited area info).

<https://www.odc.govt.nz/.../Statement-of-Proposal...>



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Consolidated Bylaw and Dog...



Like · Reply · 1w · Edited



Jim Robinson Opotiki District Council Thank you, the clarification on maintaining tidal zone access is important: I was looking at the maps and thinking - that's harsh on horse riders who ride the beach. IMO it would be clearer to also mark approved access areas on the maps, rather than only marking prohibitions. Also, I regularly see horse riders parking to ride from the Pipi beds and from the SH2 Waioatahe bridge area, it feels like part of what's special here, but from what I can work out on the maps their beach access would be stopped from these points? If so IMO that needs working through.

Like · Reply · 1w



Julie Deeley Opotiki District Council can you please quote the text you refer to allowing vehicles on tidal areas of prohibited area? I've had a skim through and can't find that distinction.

Like · Reply · 1w



Author

Opotiki District Council Hi Jim Robinson Our reply yesterday originally stated these areas would all be in the dunes area. This was incorrect. The proposed area extends to the mean low water springs (low tide line). These areas came about following District Plan appeals after Forest and Bird wanted a rule included in the District Plan banning vehicles on beaches in our District. We wanted the public to have the opportunity to submit but that was not possible as part of the appeal process. Therefore a mediated solution was reached with Forest and Bird, DOC and Regional Council that areas would be marked on the draft Bylaws for public consultation thus saving additional costs for our ratepayers and community. Going through the Environment Court – where a judge would have made the decision for us – can be very costly. This way after all submissions are taken into consideration the final decisions will be made by Ōpōtiki's Councillors.

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<https://www.odc.govt.nz/.../Statement-of-Proposal...>



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Like · Reply · 1w



Jim Robinson I have submitted. If I understand what is being proposed correctly, I do not agree. I fully agree with protection of dotteral nesting areas but protecting those relatively small areas should not entail a blanket ban along a large area of the ocean front. If we're going to ban an activity like horse riding from the open sand — where does prohibition stop? Ebikes class as vehicles, there's another conundrum.

Like · Reply · 1w



Write a reply...





Jay Horse riding on beaches prohibited?! GTFO! Who is the paper pusher thinking up all this crap? Vehicles on beaches too? Ridiculous!!!

Like · Reply · 1w



6



Author

Opotiki District Council Thanks for your feedback Jay and you are quite right - I have changed the wording in the post so it is clear that the prohibition would just apply to areas identified as "Indigenous Bio-Diversity Areas" (places known dotteral breeding sites). You can see a map of these areas on the page.

Like · Reply · 1w



3



Cynthia Murray Opotiki District Council thanks for clearing that and yes makes sense to prohibit around these areas

Like · Reply · 1w



1



Jay Thanks for that, all I seen was our kids backyard playground being taken away from them.

Like · Reply · 1w · Edited



4



Write a reply...



Courtney Andrews Question is this manageable??? Do we expect our kids to ride with a plastic bag stop and collect Or.....may require a rethink a little bit on this to be realistic* Amend the clause regarding the removal of horse manure to require that the person in control of any horse in a public place remove or safely dispose of any manure deposited by that horse as soon as practicable?

Like · Reply · 1w



Lyn Lyn Riesterer Morena Doogs, I appreciate your concerns but this was passed unanimously by Council in July to go ahead for consultation...we highlighted this at the pop up shop and in the paper plus two FB requests so that we could get more submissions...so put in your submissions!

Like · Reply · 1w



Courtney Andrews Wondering has consultation regarding the harbour been discussed specifically with Upokorehe, at iwi hui? As some kaumatua who still gather their Kai utilise 4x4 ect.



Like · Reply · 1w



Guy Mayo Think the horse has already bolted on this. 4WD bogans have pretty much destroyed the dunes at Waitoaha beach.

Like · Reply · 1w



Doogs Howe The vehicle ban in front of the drifts to the bar and also to the floodgates.

You are taking away peoples lifestyle gathering wood, whitebaiting, fishing and alot of other things and to make a submission you have to click on 3 or so pages just to get there to write this submission why cant you make it really simple with one link taking you straight there to submissions no wonder people dont put submissions in. We as people from Opotiki voted our councillors in so before even advertising these bylaws i think you should have to put them through a council meeting with the councillors before even putting them out to the public, we cant have the council staff putting these bylaws ideas in because some of the management dont even live in Opotiki so i think you should put all this crap through council meetings so the peolle we voted in can have the say on behalf of the people.
Cheers

Like · Reply · 1w

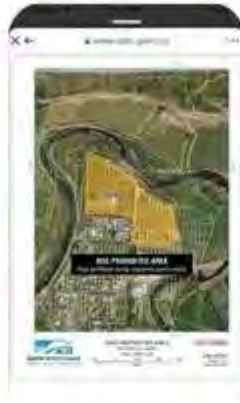


Lyn Lyn Riesterer Doogs Howe following on from my comment already - this means that Barry Howe, Shona Browne and myself knew about this information last year...being the three remaining Councillors from that time!

Like · Reply · 1w



Courtney Andrews Question people walking dogs on stock banks when sport is occurring? Is this manageable?



Like · Reply · 1w



Ngā Gage So these "dotteral breeding sites" are already established and there are not going to be more "sites" introduced before, during or after this bylaw is passed aye??

Like · Reply · 1w



Ilmars Gravis Well that will be up to the dotterels won't it. "Birds" going to breed where "birds" going to breed.

Like · Reply · 1w · Edited



Ngā Gage Ilmars Gravis not where I was going with that question but thank for your 2cents worth...

Like · Reply · 1w



Ilmars Gravis Glad you think it's worth two cents 😊

Like · Reply · 1w

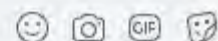


Ngā Gage Ok

Like · Reply · 1w



Write a reply...



Courtney Andrews Ps whanau note to make a formal submission you need to submit 😊

Like · Reply · 1w



Nola Morgan Todd Morgan

Like · Reply · 1w



Nik Lowther Sharon Lowther

Like · Reply · 1w



Nik Lowther David Rendall


Like · Reply · 1w

Write a comment...

Comment thread from different posts on Ōpōtiki Community Notices Facebook Page,
both Thursday 20 February 2020

Post 1


 **Carl Sutherland** shared a link.
20 February at 22:17



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7 comments

Like Comment

 **Daryl Sheffield** thanks for posting
Like · Reply · 1w


 **Carl Sutherland** All good Daryl Sheffield. We all need to put in a submission for this no matter how we feel. Posting on facebook is not going to be heard. But they do need to make it easier for people to put in a submission.
Like · Reply · 1w

 **Linda Sands** Lori Ash
Like · Reply · 1w

 **Maureen Simonsen** Is there a shortened version?
Like · Reply · 1w

 **Carl Sutherland** Ha no there isnt sorry Maureen Simonsen. If you go onto the ODC website you can find everything there. Hard to follow and the submission form is a little hard to find to but it is there. I understand that there are hardcopies at the ODC office
Like · Reply · 1w

 **Maureen Simonsen** Carl Sutherland thanks for the advice.
Like · Reply · 1w

 **Julie Deeley** Maureen Simonsen direct link to submission form here: <https://www.odc.govt.nz/.../Review-of-Opotiki-District...>

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Like · Reply · 1w

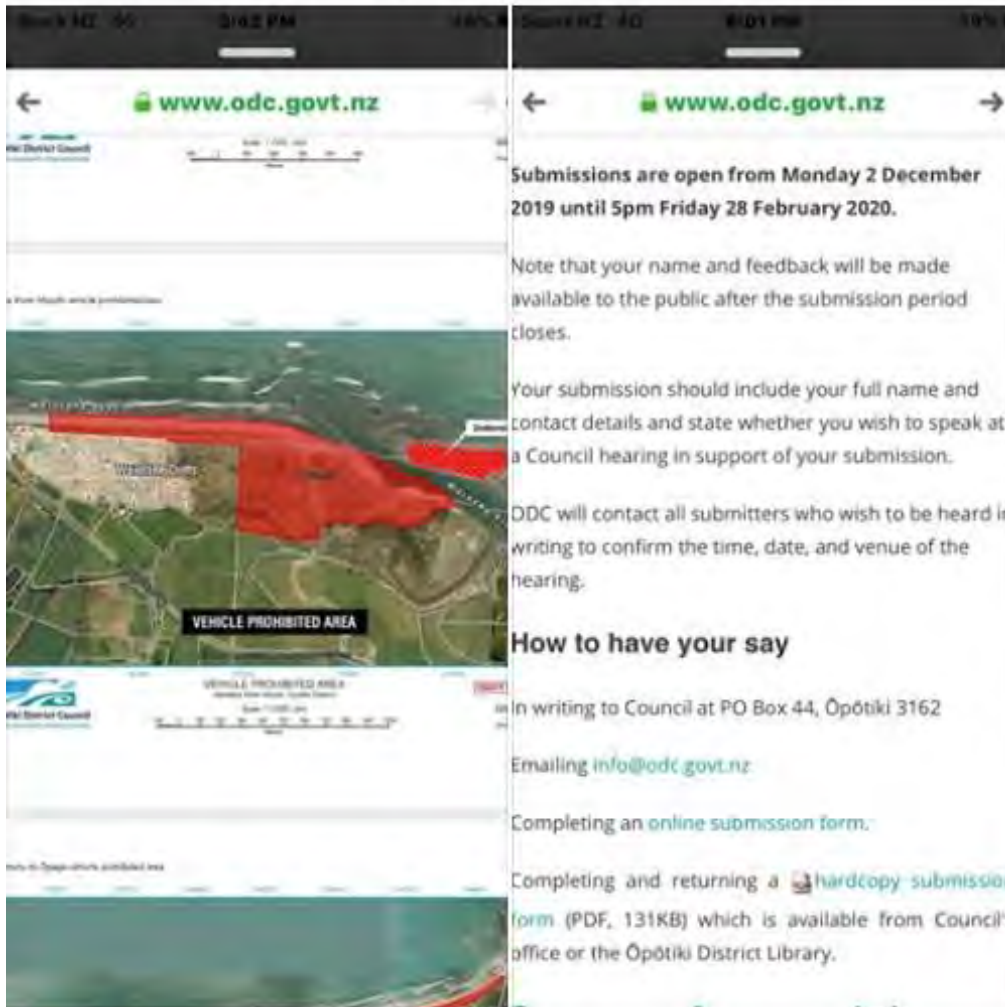
Write a reply...



Karen Standen

Visual storyteller · 20 February at 19:35

This is the proposed area on Waitoatahe Beach that Vehicles will not be allowed. Please have your say. ODC submissions close 28th Feb



53

186 comments

Like

Comment



Jay Opotiki Council, please advise if this is the same case Auhi pointed out? Based on the highlighted zone it looks as though the entire beach is a no go zone ? You need to be more specific when identifying these zones!

Like · Reply · 1w



^ Hide 11 replies



Johnno Greg Admin - this is a closed group so is anyone from Council here? Perhaps tag Louis Rapihana and Lyn Riesterer and Steve Nelson. Who else?

Like · Reply · 1w



Steve Nelson Hi Guys, thanks for the tag! I had no idea of this... I will be asking questions! Cheers

Like · Reply · 1w



Paul Hough So how has something that cuts deep as this get past our councillors ?

Like · Reply · 1w



Sue Poole Shona Browne Deborah Hocart

Like · Reply · 1w · Edited



David Moore Johnno Greg It's the first time I have seen this map or submission. I'm sure Steve, Barry and myself will be asking questions at the next meeting. David

Like · Reply · 1w



Louis Rapihana Kia ora Whānau as David has stated this is the first we have heard of this going out however it isnt unusual for this to happen, a consultation process will happen before it is put in front of us to make the final decision. Please be reassured Councillors will be asking questions before and after this document has been placed in front of us as a Council. BUT PLEASE put submissions in so your views are on the record as to how you feel about these "prohibited areas" along of this also comes from national bodies such as "Bird and Wild" or something like that due to areas being a nesting ground in this case for Dotterel or indigenous biodiversity area.

Like · Reply · 1w





Jay Hi Louis, is it common for proposed bylaws to be submitted for public debate/submission/(s) 8days out from closure? Surely this has been in the pipeline for a while now.


Like · Reply · 1w



Louis Rapihana Hey Jay currently looking into how this has been advertised. However I know it has been up for consultation since December the 8th it has also been pushed in the pop up shops recently held over the holiday period to which this consultation received a few submissions. BUT we are taking on board the concern that has been shown and I ask again that everyone puts a submission, adding the concerns over the process of this. We need to hear the peoples voice through submissions.

Like · Reply · 1w



Shona Browne  **Sue Poole** This came up in my first term on ODC and for memory there were specific areas that were effected - not all areas. It was much debated at the time. It looks like the debate will continue at our next Meeting which is always a good thing. As others have already commented PLEASE do make a Submission that way your concerns will be heard.

Like · Reply · 1w



Paul Hough Why not make it easier . Having a easy access place for the Public to tick yes or no. Something like a petition so locals can voice how they feel. It would be easier than forcing people to email and write an essay on why they disagree or agree on a change that will affect them thats put forward by council. Most people will go oh well what the fuck it's going to happen anyway.. council will go, oh well we consulted the hapu ,iwi and locals. Only ones to benefit from this change will be those who have had enough money to buy in the drifts.

Like · Reply · 1w



Steve Impey Steve Nelson
Hi Steve
What was the answers to your questions

Like · Reply · 4d



Sue Poole So by way of map...this states no vehicles from the river..along waiotaha to the drifts? I was unable to load your other two pic...just asking x

Like · Reply · 1w



Rachelle Te Rangiita people arent gonna be happy about this one lol. I was annoyed theres a skateboarding prohibition down town.I never thought we had much of a skateboarding problem 🙄

Like · Reply · 1w



Tashi Williams Why?

Like · Reply · 1w



Hasley Moore Look whanau people trying to stop us going on our own whenua

Like · Reply · 1w



Bonny A Temple Huck I reckon H Hasley Moore

Like · Reply · 1w



Andrew N Nicki Wood Not just Waiotahi mouth bro



Like · Reply · 1w



Hasley Moore Andrew N Nicki Wood yeah saw that bro

Like · Reply · 1w



Daryl Sheffield hiden from the people

Like · Reply · 1w



Write a reply...





Guy Pene Pakehas at it again

Like · Reply · 1w



Shane Chapman Guy Pene aw bei

Like · Reply · 1w



Guy Pene Shane Chapman aw bei what's up bro

Like · Reply · 1w



Shane Chapman Guy Pene its politics not race.

Like · Reply · 1w · Edited



Guy Pene Did I say it was race just saying bro pakehas at it agin didn't point it at u did I bro

Like · Reply · 1w



Shane Chapman Guy Pene it's a council directive...our community wont stand for this...in case u didnt realise we now have maori on council making these decisions too... they need to clarify wot areas they are talking abt coz the pictures show alot of our beach front which council dont have jurisdiction on

Like · Reply · 1w



Guy Pene Shane Chapman TAUTOKO my bro Shane

Like · Reply · 1w



Steve Impey Guy Pene Why do you think that Guy

Like · Reply · 4d



Sam George Matakatarangi Howe Shane Chapman ka pai shamus. Gud response bro

Like · Reply · 2d



Write a reply...



Christine Wootton I am concerned that the more restricted areas that are zoned no go...the more pressure and stress is put on the remaining areas of waiotaha beach.

Like · Reply · 1w



-  **Hasley Moore** Sam Sam George Matakatarangi Howe c'mon bro get Baz onto this
Like · Reply · 1w  1
-  **Doogs Howe** 🍷 Hasley Moore goodluck trying to keep us from going there aye bro law or not but yeah il hit the oldman up tomorrow
Like · Reply · 1w  5
-  **Hasley Moore** Doogs Howe roger bro yeah bro no good
Like · Reply · 1w  1
-  **Sam George** Matakatarangi Howe Hasley Moore yea bro hv told him. Effin bullshet
Like · Reply · 2d
-  **Hasley Moore** Sam George Matakatarangi Howe shot bro
Like · Reply · 2d
-  **Hasley Moore** Motu was good last night
Like · Reply · 2d
-  Write a reply...    
-  **Cory Howe** They don't own the beach
Like · Reply · 1w   4
-  **Maree-Ann Jensen** Perhaps enforcing the speed limit would be a better idea along all the beachfront. Not just this part
Like · Reply · 1w  3
-  **Hasley Moore** That's allgood but stopping people accessing there own tribal areas isn't right
Like · Reply · 1w   8
-  **Hasley Moore** It's not like hundreds of vehicles roar down that stretch of beach anyway
Like · Reply · 1w  2
-  **Sue Poole** 🗣️ As stated in the post...make. a Submission to the council by FEB 28th...re your feelings...Nga mihi
Like · Reply · 1w · Edited  5



Hasley Moore Not a lot of people even know about this... has it been in the local paper?

Like · Reply · 1w



Angela Bryan <https://www.odc.govt.nz/.../Statement-of-Proposal...>



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Like · Reply · 1w



Hasley Moore Angela Bryan thanks for that. My point is that FB shouldn't be the way we find out these things.

Like · Reply · 1w



Angela Bryan It's been out there for a while, in the council newsletter, on their website and in the Opotiki News.

Like · Reply · 1w



Hasley Moore Angela Bryan that's cool what date was this in Opotiki news?

Like · Reply · 1w



Hasley Moore Angela Bryan our own councillors namely Steve Nelson etc. Knew nothing about it?

Like · Reply · 1w



Steve Nelson It's just all part of the process for people to have their say! ODC wants your feedback... Please have your say!!

Like · Reply · 1w



Julie Deeley Hasley Moore it was in the works before they got voted in.

Like · Reply · 1w



Write a reply...





Bird TeWini You realise the problem is more on the road ? This is dumb and i will run you over if you try and fine me 🤪

Like · Reply · 1w



Bonny A Temple Gonna be some upset locals that includes myself that frequently go on Snell's Beach end. Ain't gonna stop me from going down to the river bar and gather kai for my whanau's cardboard and run my kuri's under command. DOC has put up a Temp fence around d... See more

Like · Reply · 1w



Julie Deeley Bonny A Temple Note: change/update in info from ODC -> given the latest update by the council that area might well be completely restricted to the low tide line, so no access after all! Here is the map <https://www.odc.govt.nz/.../Dog%20Control%20Bylaw%20...>

Like · Reply · 1w · Edited



Julie Deeley Here is the dotterel part <https://www.odc.govt.nz/.../Beach%20Bylaw%20-%20Map%2005...>

Like · Reply · 1w



Julie Deeley You can look at all the maps here: <https://www.odc.govt.nz/.../Statement-of-Proposal...>



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Like · Reply · 1w



Bonny A Temple Julie Deeley that area's tapu(Sacred)and won't be running my kuri in that area.

Like · Reply · 1w





Bonny A Temple Julie Deeley thanks I do know where the dotterel Habitat is at Snells Beach end been doing there for years.



Like · Reply · 1w






Julie Deeley Bonny A Temple Ok, given the latest update by the council that area might well be completely restricted to the low tide line, so no access after all!



Like · Reply · 1w


 **Hasley Moore** The ODC might wanna read article 2 of the treaty of waitangi
Like · Reply · 1w  8


 **Ray Morunga** I feel a protest coming on.
Like · Reply · 1w  2

 **Desmond Te Mokomoko Edwards** I reckon that to Ray Morunga people of Opotiki protest they can not stop people for going on the beach especially driving riding horses driving motorbikes and just reading the other comments the troubles are on the road not the beaches the council going to try just saying this trying to stop horses riding around town but we all know thats a joke
Like · Reply · 1w · Edited  1






 **Stan Wilkinson** There shore is gonna be a protest somewhere somehow lol
Like · Reply · 1w


 **Hasley Moore** Our council hasn't even put this in the public forum and submissions close in 8days?wtf
Like · Reply · 1w  2



 **Stan Wilkinson** Hasley Moore that's not on pushing things through not advising locals and tangata whenua or have they?
Like · Reply · 1w

 **Stan Wilkinson** If that's it then they be pushing shit uphill
Like · Reply · 1w

 **Stan Wilkinson** Lol
Like · Reply · 1w

 Write a reply...    

 **Tarere Temple** Bloody hoha ano te kaunihera aue hika ma,
Like · Reply · 1w

 **Tracy Gilmer** Everyone needs to make the effort to follow the submission process so our voices will be heard. Kia kaha tātou. Get copies printed off and hand them out to whanau who frequent these spots.
Like · Reply · 1w · Edited  4



Larndee Rogers Whaaat?!!!!!!

No way!!!

Where do I find more info as to why they're proposing this?

Like · Reply · 1w



Larndee Rogers Toni Revell
Tam Boynton

Like · Reply · 1w



Tam Boynton Larndee Rogers wtf

Like · Reply · 1w



Larndee Rogers Tam Boynton this is what I found as the explanation

Like · Reply · 1w



Tam Boynton Larndee Rogers fukoff cunts fukn birds my arse 🤔🤔

Like · Reply · 1w



Larndee Rogers And I don't understand that sentence at all



Like · Reply · 1w



Larndee Rogers Add additional vehicle prohibited areas to better reflect expectations for vehicle access....

Like huh??

Like · Reply · 1w



Paula Kurei Larndee Rogers I agree with you like what? Plain english please, lol

Like · Reply · 1w



Larndee Rogers Paula Kurei Yes!! 😂😂 The way I'm reading it they're saying - add extra banned areas so it's easier to access with a vehicle?

👩👩 surely someone can explain that sentence 😂😂

Like · Reply · 1w · Edited

Julie Deeley Policy 20 is here on page 21
<https://www.doc.govt.nz/.../nz-coastal-policy-statement...>

Like · Reply · 1w

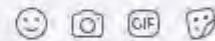


Larndee Rogers



Like · Reply · 1w

Write a reply...



Cheyne Davis Why? What's up with that idea?

Like · Reply · 1w

Lisa Carmichael What is the reasoning behind this and how is this going to even be policed?

Like · Reply · 1w



Paul Hough WTF ! When did all this Kaipapa take place ? First you allow the Tribal lands to be sold for a subdivision to mainly property investors now you want to stop tangatawhenua and locals from accessing fishing grounds.. You allow the pipi beds to be poisoned and do nothing about it . Seriously..

Like · Reply · 1w



Martin O'Neill Councillor Steve this be no good for the kids.

Like · Reply · 1w





Lawrence Charlton Hi link dosnt work ..???

Like · Reply · 1w



Julie Deeley You can go here, read about it and complete an online submission all from this page following some links .
<https://www.odc.govt.nz/.../Statement-of-Proposal...>



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Like · Reply · 1w



Ryken Kingi Morgan Vipond 🤔👉

Like · Reply · 1w



Morgan Vipond Ryken Kingi bro this ain't gonna stop anyone still going there 🤔

Like · Reply · 1w



Ryken Kingi Morgan Vipond oath 🤔🤔

Like · Reply · 1w



Wairua Tapu 🤔🤔
wtf

Like · Reply · 1w



Waiotahi Kaihau Whanau Fucken dreaming mate

Like · Reply · 1w



Renee Hikuroa Don't let this happen. The biggest problem I see everyday when I'm at the beach is rubbish not horses not vehicle's.

Like · Reply · 1w



5



Tom Walker Council need to read the sign at the wharf where the Otara and Waioweka meet to te moana a toi is Pakihikura is it not? So basically cant drive on any beach fricken amazing

Like · Reply · 1w



Waimaria Sharon Ropitini We have to leave our vehicles at home and walk to the beach with my kids lolz.

Like · Reply · 1w



Waimaria Sharon Ropitini Let's all go by horseback council rates put aside \$\$\$ to structure a horse trek to the dunes were cutting back on carbon emissions from our Petrol Vehicles until each household is able to afford a E Vehicle.

Like · Reply · 1w · Edited



Waimaria Sharon Ropitini He koretake kaore ahau I te reo Maori but Heoi I will reach my goal to be a fluent speaker!

Like · Reply · 1w · Edited



Waimaria Sharon Ropitini To protect the Dotterel Bird area yes that's understandable us locals should still have access to the Waioatahe North side of the river mouth don't cut that off for us we know that other people's 4wds are causing the problems with the uneven tracks in the dunes why instead you should have it monitored more closer, (Opotiki Police should monitor) just saying we still want that driveway through the waioatahe drifts turn off to the other side because we still white bait their and catch Kahawai (to put food on our Kai-food tables,) both on the incoming and outgoing tides!!! No better not close that access alot of the local people especially the Hapu of that area will start an uprising!!!!

Like · Reply · 1w · Edited



Waimaria Sharon Ropitini Onto other news can I talk about the other plans can we have an update of the harbour development is that still happening and the new Library (the new research centre).

Like · Reply · 1w · Edited





Louis Rapihana Kia ora Whānau as David has stated this is the first we have heard of this going out however it isnt unusual for this to happen, a consultation process will happen before it is put in front of us to make the final decision. Please be reassured Councillors will be asking questions before and after this document has been placed in front of us as a Council. BUT PLEASE put submissions in so your views are on the record as to how you feel about these "prohibited areas" along of this also comes from national bodies such as "Bird and Wild" or something like that due to areas being a nesting ground in this case for Dotterel or indigenous biodiversity area.

Like · Reply · 1w



Doogs Howe 🙏 **Louis Rapihana** can they make the submission process a bit more simple its hard to find etc so no1 will put submissions in

Like · Reply · 1w



Mikayla Wright Send a email doogs and keep a copy of it for yourself

Like · Reply · 1w

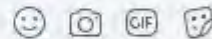


Louis Rapihana Hey Doogs I'll raise that with them!

Like · Reply · 1w



Write a reply...



Tom Walker I see the ban zone includes in front of the new subdivision around the drifts... coincidence?.....dont think so

Like · Reply · 1w



Waimaria Sharon Ropitini Within the 3 hours this posts up the angry face emoji is at 11 reactions it's only going to increase.

Like · Reply · 1w



Seth Tairua No, I object... This is the first we've seen or heard also?

Like · Reply · 1w



Karen Standen 🗨️ Check out all the other Proposed Prohibited Areas at other beaches along to coast too.

Like · Reply · 1w



Karen Standen 🗨️ So all the quad bikes owned by people at the drifts will no longer have access to the beach and they will have to drive down the State Highway to the surf club entrance to fish. Makes no common sense at all.

Like · Reply · 1w



Bonny A Temple Karen Standen I don't think that's going too stop them at all.

Like · Reply · 1w



Renee Hikuroa Karen Standen I was thinking the same. The youth especially are going to feel the impact what about the horse riders now have to risk their lives on the road. Going to be more accidents. Civil liberties taken away.

Like · Reply · 1w

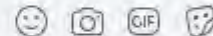


Maureen Simonsen Karen Standen and they will all have to be registered to drive legally on the main road!!!

Like · Reply · 1w



Write a reply...



Karen Standen 🗨️ No going and getting firewood either!

Like · Reply · 1w



Jaydon Inwood They only nest on the high tide mark anyway

Like · Reply · 1w



Julie Deeley To be fair, this is a required review. It was in motion before the present council was voted in. The present mayor is the one raising awareness and asking for submissions, it has been on the council web site, their Facebook page, on Antenna, in the Panui and I think the Opo paper over the past few months and most likely also at the pop up shop downtown that council had. I put a submission in about the dog side of it back in December using the online form.

Like · Reply · 1w · Edited



Mikayla Wright Wow really. So no access to the river mouth at all from both beaches?

Like · Reply · 1w



Jay Make a submission people !

Thank you for taking the time to provide your feedback.

Like · Reply · 1w



Daryl Sheffield how and were do we get the forms to make a submission thanks

Like · Reply · 1w



Louis Rapihana <https://www.odc.govt.nz/.../Review-of-Opotiki-District...> here is the online form or you can call into the council for a hard copy



ODC.GOV.T.NZ
Review of Opotiki District Council Bylaws and Dog Control Policy...



Like · Reply · 1w



Julie Deeley Daryl Sheffield
<https://www.odc.govt.nz/.../Review-of-Opotiki-District...>



ODC.GOV.T.NZ
Review of Opotiki District Council Bylaws and Dog Control Policy...



Like · Reply · 1w



Cynthia Murray It wld b good if someone could post the link to The submission page on here ...

Like · Reply · 1w



Louis Rapihana <https://www.odc.govt.nz/.../Review-of-Opotiki-District...>



ODC.GOV.T.NZ
Review of Opotiki District Council Bylaws and Dog Control Policy...



Like · Reply · 1w



Cynthia Murray <https://www.odc.govt.nz/.../Review-of-Opotiki-District...>



ODC.GOV.T.NZ
Review of Opotiki District Council Bylaws and Dog Control Policy...



Like · Reply · 1w



Rachelle Te Rangiita Thanks I was wondering where to go to do this..... I read through the proposal and its pretty hard to get through I thought lol.... no wonder they dont get much feedback on it!

Like · Reply · 1w



Cynthia Murray Rachelle Te Rangiita agree TBH it took me abit to actually find where submission feedback was?

Like · Reply · 1w



Write a reply...



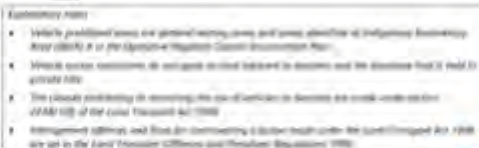


Cynthia Murray Just reading through the proposed bylaws - it seems they have prohibited without reason especially for Waiotaha drifts area.

If they going to prohibited areas they should state the reasons why they identified these areas as a Bio diversity Area? These is brief info under vehicles info but their needs to be factual evidence noted that damages is caused by vehicles on the entire prohibited parts

They pretty much is wanting to prohibit most access to our main beaches along the coast.

Would have been nice to see the actual photos of the permitted areas as this is in the proposal



Like · Reply · 1w · Edited



Kevin Welsh the second part of the 'Explanatory notes' means this vehicle ban wont apply to people with beachfront properties . wtf. am I reading this right??

Like · Reply · 1w



Cynthia Murray Kevin Welsh Yeap it seems That way.

Like · Reply · 1w



Dean Winiata 🇳🇿 I'll march against this,

Like · Reply · 1w





Dean Winiata 🇺🇸 I'll march against this,

Like · Reply · 1w



Julie Deeley Note: ODC has since further clarified the restricted areas are all the way from the low tide area, so no access at all in areas designated restricted. So the following quote from ODC was incorrect. Here is (the original) quote from ODC from their Facebook page: Regional Council and the Department of Conservation have identified known dotterel breeding areas and other areas deemed "Indigenous Biodiversity Areas" and marked those on the maps in red. I appreciate that these are distant aerial photographs and it is not always clear whether the tide is in our out in each photo and so it is not clear exactly where the red IBDA overlays (prohibited areas) apply.

To clarify, these areas are to protect nesting birdlife, all of which will be in the dunes area, not in the tidal zone. Horse riders and vehicles will still be able to access the tidal area of the beach (the area between the high tide and low tide) using designated access points. That will protect the dunes and still allow access for vehicles. This distinction is included in the text and descriptions in the bylaw, but not on the maps themselves. Thanks again for your feedback, it will help us make this clearer in the text of the bylaw.

Like · Reply · 1w · Edited



Cynthia Murray Julie Deeley hmm yes I saw that from photos you could access on the tides- this needs to be made clearer for sure on the maps ...

Like · Reply · 1w



Julie Deeley Cynthia Murray yeah or at least made very specific in the text.

Like · Reply · 1w



Cynthia Murray Julie Deeley agree.

Like · Reply · 1w



Julie Deeley Cynthia Murray so it turns out this is incorrect, it extends all the way down to the low tide line!

Like · Reply · 1w



Cynthia Murray Julie Deeley I just read that so pretty much the entire shore line. Interesting to see it was doc and regional who set this, interested to know how driving along low tide affects the BIO diversity ... and also how driving on high tide sticking to the sand only affects bio diversity when in fact Mother Nature does it every storm

Like · Reply · 1w





Cynthia Murray As far as I can see on the map for Waiotaha their are no dotterel nesting - it only on the other side of river Mouth if I'm correct so I'm assuming they have had discussions with local hapu/iwi Tangata Whenua to be able to put this forward as part of consultation on the actual idea is that correct.

Def need to get as many people possible to put a submission in.

It been amazing to see Lyn our Mayor stepping up and being transparent and active to ensure she gets voice of the community , as I know many ODC can see the impact on their whānau and local community as this has been this way for generations

Like · Reply · 1w · Edited



Julie Deeley **Cynthia Murray** I wondered about that too. It's possible the hapu/iwi WANT some of these areas banned to vehicle traffic if they are tapu. The proposal doesn't give reasons so there is no way to know. I would presume there will be submissions saying so if that's the case.

Like · Reply · 1w





Rose'ft Dayton John Tamarapa

Like · Reply · 1w



Lyn Lyn Riesterer Thanks for the feedback coming in on Ōpōtiki District Council's Bylaws review. With consultation closing next Friday (after being approved for release by all Councillors on 23 July 2019 and opening publically on 2 December) I was concerned at the lack of submissions received. Council's Facebook post yesterday has sparked much debate so I am grateful for that as the Bylaws cover things that may effect you.

I think it's important to clarify that the areas marked in red on the proposed vehicle prohibited area maps are those identified by Regional Council and DOC as known dotterel breeding areas and other areas deemed "Indigenous Biodiversity Areas (IBDA)". I'll be the first to admit that the maps are a bit unclear. These areas came about following District Plan appeals after Forest and Bird wanted a rule included banning vehicles on beaches in our District. We wanted the public to have the opportunity to submit on this however this was not possible as part of the District Plan appeal process. Therefore a mediated solution was reached with Forest and Bird, DOC and Regional Council that areas would be marked on the draft Bylaws for public consultation saving additional costs for our ratepayers. It's very expensive to go through the Environment Court when things are contested. This way Councillors will have the opportunity to discuss and make any final decisions. Had we not done this it would have been decided by an Environment Court Judge for us at great expense to our community.

I strongly encourage you to read more on Council's Bylaw Review page and make a submission.

<https://www.odc.govt.nz/.../Statement-of-Proposal...>





ODC.GOV.T.NZ


Statement of Proposal Consolidated Bylaw and Dog Control Policy 2019 - ...

Like · Reply · 1w




 **Julie Deeley** Lyn Lyn Riesterer is it correct then that vehicles will be able to drive between tide zones even in the vehicle restricted areas? (Minus perhaps the dotterel specific areas)


Like Reply 1w  1


 **Lyn Lyn Riesterer** Julie Deeley the information we put out yesterday was incorrect, apologies, and we will correct this on the Council post shortly. The proposed area extends to the mean low water springs (our low tide line). This is why it's so important to get community submissions - thanks for spreading the message.


Like Reply 1w

 **Julie Deeley** Ahhhhh.


Like Reply 1w


 **Hasley Moore** Lyn Lyn Riesterer my big question is why does no one know about this?and what is the reasoning behind it?if you read through all the comments people are very upset.why has the council not consulted with our hapu?

Like Reply 1w  1

 **Hasley Moore** Lyn Lyn Riesterer the other thing that concerns me is that our own councillors are saying they nothing about it??what is goin here....


Like Reply 1w

 **Lyn Lyn Riesterer** Hasley Moore the decision around the By Law work was done back last year before the new Council...where it was passed unanimously by us to put forward everything for review..Barry Howe, Shona Browne and myself were part of that decision. And it was put out for consultation plus a request for submissions early December..with only two submissions through January and after our Pop up Shop work I wanted everyone to know to look so the opportunity for submissions isn't lost! Please put in a submission!

Like Reply 1w  2

 **Hasley Moore** Lyn Lyn Riesterer thanks

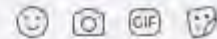
Like Reply 1w  1


 **Hasley Moore** Lyn Lyn Riesterer have done submission..hapu need to discuss this in Te Whakatohea as well

Like Reply 1w




 Write a reply...



 **Kevin Welsh** pretty hard to accept that DOC, EBOP, and ODC give a flying you know what, about the endangered Dotterel nesting grounds as ODC are planning to bulldoze them out of existence and replace with groins to enable access to their marina aspiration. Already they have endangered fragile whitebait breeding habitat by allowing hundreds of house roofs, vehicle and boat detergents etc to spill directly into Huntress Creek from the 'Drifts' development.


Like Reply 1w



 **Julie Deeley** Ok then people, get submissions in to keep horses and vehicles on the beach. The vehicle banned areas ARE all the way down to the low tide line.

Like Reply 1w



 **Julie Deeley** Right, here's a copy of my submission on the beach part of the bylaw which I just submitted via the web site.

I disagree with the total ban of vehicles and horses between high and low tide lines in vehicle restricted areas but am ok with total restriction in Dotterel dunes areas and dunes in general.

Driving on the beach to collect firewood or taking dogs for a run or fishing or having a bonfire on the beach are the best part of living in Opotiki plus a lot of families use the beach and river kai as food supplements and require access.


Additionally these are Māori lands (clarification: I mean most residents in the area are of Māori descent) and the people should not be restricted for no good reason. We can have the dotterel and vehicles too as we have been doing.

Suggestion to include:

Include a phrase allowing vehicles and horses between tide zones and restrict dunes and breeding areas only in dotterel sensitive areas. Note: I have since added a bit to my submission stating I am happy with the current vehicle ban near the surf club between Appleton road and the pou whenua (Carved poles at Waiotahi)


Like Reply 1w Edited



 **Renee Hikuroa** Julie Deeley well written and on point.


Like Reply 1w



 **Julie Deeley** Maybe not perfect but I think it conveys the gist. Anybody who wants to copy it , adapt it, improve it for their own use, feel free. Ōpōtiki citizens better put in a lot of submissions on this because then Council has to listen. If they get more submissions against vehicles and horse access then that's what will happen. You don't have to write a book, just follow the link and tap out a few sentences to tell council what you want!

Like · Reply · 1w



 **Hasley Moore** Julie Deeley that's awesome and probably conveys alot of local views on this 🙌


Like · Reply · 1w



 **Cynthia Murray** Julie Deeley awesome write up.

Like · Reply · 1w



 **Lyn Lyn Riesterer** Julie Deeley yes, this is EXACTLY what we want...we want to listen and NEED submissions!

Like · Reply · 1w





Sandra Ball How do we have the balance of the beach for beach stuff and not being used as a highway? But keeping people happy ?

Like · Reply · 1w



Cynthia Murray Sandra Ball I think using the tide lines could b an option.

Like · Reply · 1w



Julie Deeley Sandra Ball yes I inow know what you mean. As we grow this might become more of an issue but the bylaws are regularly reviewed and revised.

Like · Reply · 1w



Sandra Ball Last summer one evening I was down the beach . there were vehicles going past on the beach like a main highway . It seemed like the beach was being abused . I am confident the vehicles were not being driven by locals.

Like · Reply · 1w



Julie Deeley Sandra Ball I take my dog there almost daily and rarely come across a vehicle on the beach. But I avoid it on weekends.

Like · Reply · 1w



Julie Deeley Sandra Ball might be in the future we have pedestrian only zones (like a strip by the surf club) with vehicle access on either side. Might be a good compromise.

Like · Reply · 1w



Fiona Loeffen 🙄 Julie Deeley same!!! Weekends walking the dogs on the beach are dangerous!!! Most people are very considerate, but the minority use it like a race track and you have to have your wits about you.

Like · Reply · 3d



Julie Deeley Fiona Loeffen yeah I just don't go there on weekends unless it's really early or really late. On weekdays you run across the occasional vehicle. I have a lame pup so don't take any chances with the little dude.

Like · Reply · 3d



Write a reply...





HT Walker-Akurangi This can't be right, our people are so marginalised already

Like · Reply · 1w



Julie Deeley HT Walker-Akurangi it's a balance between types of usage, safe usage and environmental concerns which is only going to get trickier if the population grows.

Like · Reply · 1w



Paul Hough From my understanding the Dotteral already have areas at the ohiwa spit (eastury mouth area) as well as at Te Ahiaua or the Waiotahi pipi beds. These areas are already a no go area. Yet council are now wanting to use them as leverage to stop locals going to there fishing grounds. Something stinks of ugly money and power.

Like · Reply · 1w



Kevin Welsh apart from creating an 'exclusive' beach for the 'Drifts' residence, what is the other reason for closing the beach access to the western side of the river mouth? No dotterel nesting grounds to 'protect' here. What we ARE seeing here is a graphic exam...
See more

Like · Reply · 1w



Leonard Hemi Kevin Welsh most that area the west is an urupa (Maori cemetery). So there is one reason (and a good one).

Like · Reply · 2d



Kevin Welsh Leonard Hemi most of the dunes east of the 'Drifts' western boundary is also Urupa. Bones were literally bulldozed out the way to create the housing development. What does that tell you?I think locals accessing the river mouth between the tide lines , supplementing in many cases, minimal incomes with fish, whitebait, shellfish, and showing the kids that sometimes the best things in life are free, shows no disrespect for the Urupa within the dunes. Who knows, the coastal erosion now facing the "Drifts" might be a consequence for their actions. Like you, I think Urupa should be respected 200%

Like · Reply · 2d



Kevin Welsh that should have read "West of the Eastern boundary"

Like · Reply · 2d



Leonard Hemi Kevin Welsh unfortunately its not respected. The restrictions are not stopping people from fishing, white baiting etc just vehicles.

Like · Reply · 2d



Derek Jones Lyn Lyn Riesterer what happens after the submission process?

Like · Reply · 1w



Lyn Lyn Riesterer Derek Jones a hearing is held...after all submissions have been read and anyone who wishes to be heard at the Submission Hearing has their say...then deliberations and a solution found...normally, and hopefully, a win-win compromise for all parties.

Like · Reply · 1w



2



Derek Jones Thanks for your reply Lyn Lyn i appreciate it, as i understand it "forrest and bird" is an independent organization, do we have any representatives living in our area? Have they conducted a study on the effects of birds etc in the area by vehicals? Or is this a nation wide "ban em all" type thing? If it goes ahead what will be the over cost to rate payers to enforce? Is the juice really worth the squeeze? As i put in my submission i understnd there is a need to protect our wildlife for future generations but at the cost of gathering food and having the lifestyle that keeps us living here is crazy.

Like · Reply · 1w



4



Marilyn Hodgson So..what is the reason for shutting off the beach access and stopping people from fishing at the river mouth on the western side?

Like · Reply · 1w



2



Kevin Welsh as vehicles are already banned from driving in front of the surf lifesaving club, this effectively stretches banned zone from the river mouth to the Whakatane side of the surf club for all, EXCEPT , if you are one of the fortunate that own a beachfront property within this banned area. the second part of the 'Explanatory notes'. states vehicle access restrictions do not apply to these people . What's the go here?

Like · Reply · 1w



3



Julie Deeley Sandra Ball Kevin Welsh says driving is already banned in front of the surf club so there's at least one vehicle free zone and rightfully so too. The speed limit is 15 kph according to the following Panui. In this 2015 Panui there is a map of restricted areas:
<https://www.odc.govt.nz/.../Issue%2063%20-%20October...>

Like · Reply · 1w · Edited



1



Julie Deeley Lyn Lyn Riesterer can you give me a link to the most up to date maps on currently vehicle free zones? Cheers.



Lyn Lyn Riesterer Julie Deeley sorry I'm not that clever around FB and passing through links but please check on the ODC website...I can manage putting in my comments! If still unsure...ring ODC and ask for help in locating them...I have to admit I don't check these things on line...

Like · Reply · 1w



1



Waimaria Sharon Ropitini Ka pai I'm all done! 😊👍

Like · Reply · 1w



Steve Winder Could we not just have some clever person write a simple submission up..... print it and have many copies and have a manned table at new world entrance for us each to sign, somewhere we all go.... then council will see submissions..... no one is going on the council site to do this...a petition they don't listen, they near laugh...they want submissions let's give submissions they have to listen... just saying...

Like · Reply · 1w · Edited



Nigel Tilley Steve Winder nice and easy. Many would agree

Like · Reply · 1w



Lyn Lyn Riesterer Steve Winder we will receive, see and read every single submission that is given in...that is our job and a day has been put aside for the submissions hearings already.

Like · Reply · 5d



Nigel Tilley Steve Winder that's what they want so they can pass these bylaws

Like · Reply · 5d



Kevin Welsh exactly right Steve, once again playing against a stacked deck of cards.....democracy at its best. The same 11th hour feed of information tactic as employed in the recent Library controversy, significantly diminishes local votes, and like you say, will fall heavily in the Drifts favour

Like · Reply · 5d



Lyn Lyn Riesterer Steve Winder how about a written submission on a piece of paper and handed into the ODC office or ask at the Ōpōtiki Library how to go about putting in a submission. If people care enough they will...it doesn't have to be on line and have you submitted yours?

Like · Reply · 4d



Peter Marson Great idea

Like · Reply · 6d



Derek Jones Please people take 5 minutes out of your day to submit a submission to help stop this going ahead, submissions end friday.

Like · Reply · 5d



Nigel Tilley Yep

Like · Reply · 5d

From: [Gerard McCormack](#)
To: [Astrid Hutchinson](#)
Subject: FW: ODC Alcohol Bylaw Review
Date: Thursday, 22 November 2018 11:53:53 AM
Attachments: [image001.gif](#)
[image002.jpg](#)
[image003.png](#)
[Liquor Ban Map.docx](#)
[image004.jpg](#)

Hi Astrid,

Response from the Police about liquor ban areas.

Kind regards,

Gerard McCormack
Planning and Regulatory Group Manager
Opotiki District Council | PO Box 44 | 108 St John Street | Opotiki | New Zealand
Telephone 07 3153030 | Fax 07 3157050 | Web www.odc.govt.nz | www.facebook.com/opotikidistrictcouncil



From: MILLER, Richard [mailto:Richard.Miller@police.govt.nz]
Sent: Thursday, 22 November 2018 11:35 a.m.
To: Gerard McCormack <GerardM@odc.govt.nz>
Cc: HAEREWHA, Whetu <Whetu.Haerewa@police.govt.nz>
Subject: FW: ODC Alcohol Bylaw Review

Hi again Gerard.

The request for the hotel carpark , Hotel Road to SH 35 , Te Kaha would be most beneficial 24/7 all year round.

Regards

Rich Miller

From: MILLER, Richard
Sent: Thursday, 22 November 2018 11:21 a.m.
To: TAYLOR, Kevin <Kevin.Taylor2@police.govt.nz>; 'gerardm@odc.govt.nz' <gerardm@odc.govt.nz>; MACKENZIE, Michael <Michael.MacKenzie@police.govt.nz>; HAEREWHA, Whetu <Whetu.Haerewa@police.govt.nz>
Cc: TAILBY, Shane <Shane.Tailby@police.govt.nz>
Subject: RE: ODC Alcohol Bylaw Review

Hi Gerard.

Feedback as requested.

I have attached a modified map of the area we believe most benefits from the alcohol bylaw in Opotiki.

Basically it is reduced by will still cover the areas in which we have problems.

- That is the usual corridors into the town centre.
- The areas and carparks outside all the hotels which should include the empty section opposite the Opotiki Hotel on Kelly Street.
- The wharf carpark area. The skate park and grounds back to King Street.
- Church Street back to Ford street to encompass the Rose gardens.
- And the area from Kelly Street back along St Johns Street to Ford Street as the drunks normally congregate and continue to drink outside of Caltex on St Johns after closing time and they are looking for food.

Tirohanga Beach to stay the same.

Maraetai Bay in Te Kaha to stay the same

And if possible an extension to include the Te Kaha Beach Resort Carpark (owned by council) back up Hotel Road to State Highway 35.

You will appreciate the bylaw has been in for some time now and is used by Police as a prevention tool rather than a prosecution tool. That is it is used to move people on, to prohibit them drinking outside the hotels while they are waiting for closing time and then the fights. Congregating in Parks and reserves having "private functions"

It is used to prohibit people drinking in the township while walking to and from the hotels. (Preloading - on the way to hotels) (Unloading – leaving hotels to drink from the boots of their cars)

It is an extra tool for hotel staff at closing time so patrons don't take their drinks out into a liquor ban area.

The issue of an instruction not to drink in a liquor ban area and a warning of the consequences if they continue to do so is generally sufficient without proceeding to prosecution.

Hope that is of some assistance.

Regards

S/Sgt Richard Miller

Rural Response Manager Eastern Bay of Plenty New Zealand Police
M +64 021 1913910 | E richard.miller@police.govt.nz
Whakatane Police Station, 62 Boon St, Whakatane . www.police.govt.nz

Safer Communities Together

From: TAYLOR, Kevin
Sent: Tuesday, 20 November 2018 8:23 a.m.
To: MILLER, Richard <Richard.Miller@police.govt.nz>
Subject: ODC Alcohol Bylaw Review

Morena Richie

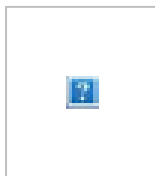
Can you please review this and provide feedback

Inspector Kevin Taylor, B.B.S. (HR Management), CMHRINZ, Post.Grad.Cert. (Applied Management)
Area Commander | Eastern Bay of Plenty | New Zealand Police
P +64 7 3082317 Extn: 76317 | M 0211920244 | E kevin.taylor2@police.govt.nz
Whakatane Police Station, 70 Boon Street, PO Box 282, Whakatane

Safer Communities Together

From: TOPPERWIEN, Joy
Sent: Tuesday, 20 November 2018 8:21 a.m.
To: TAYLOR, Kevin <Kevin.Taylor2@police.govt.nz>
Subject: Scanned Copy

As requested.



Joy Topperwien

Area Executive Officer | Eastern Bay of Plenty | New Zealand Police
Phone: +64 7 308 2346 Extn: 76346

Mobile: 021 947 130 & 027 499 7542 | **Email:** joy.topperwien@police.govt.nz
Whakatane Police Station, 70 Boon Street, Whakatane | PO Box 282 | www.police.govt.nz



"The task of the leader is to get his people from where they are to where they have not been."

=====

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From: [Tim Senior](#)
To: [Astrid Hutchinson](#)
Subject: Boat launching sites
Date: Wednesday, 10 April 2019 1:25:43 PM
Attachments: [Whanarua and Maraehako.JPG](#)
[Te Kopua.JPG](#)
[Schoolhouse Bay.JPG](#)
[Opape.JPG](#)

Hi Astrid

Attached are maps showing all the boat launching areas apart from the ramps at Ohiwa, Opotiki and Waihou Bay. This is not to say that boats are never launched elsewhere, they may be, but rarely. There is the occasional whanau along the coast who launch their boat from some hidden nook but rarely a beach as such.

With very few exceptions (eg Schoolhouse Bay at Te Kaha and Maraehako), the beaches east of Opape are stoney which makes them almost impossible to launch boats from – and also impossible to drive at speed.

Let me know if you can't locate any of these places.

The more I think about it, the more I think the exceptions to a vehicle ban (apart from emergency services and various govt agencies who have good reason to drive on the beach) could be simply be vehicles used for the purposes of fishing or launching or retrieving a boat. For enforcement purposes it would be pretty obvious who fell into these 2 categories (do they have fishing gear or a boat!). I have never noticed anyone in these 2 categories driving on the beach in a way that is in any way inappropriate.

Cheers, Tim

Tim Senior

Land Management Officer

Bay of Plenty Regional Council Toi Moana

P: 0800 884 880 **DD:** 0800 884 881 x6010

E: Tim.Senior@boprc.govt.nz

M: 027 495 8834 **W:** www.boprc.govt.nz

A: PO Box 364, Whakatane 3158, New Zealand

Thriving together – mo te taiao, mo nga tangata

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Comments from Bay of Plenty Regional Council to ODC Draft Bylaws – Animal Control, Beaches, Dog Control & Public Places

Specific provisions that submission relates to / Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions	
Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
3.9 Stock Slaughter	3.9.3 (b) an inspector appointed under the Biosecurity Act.	To allow for the control of goats in a public place the Regional Council also needs exemptions for Authorised Persons and people acting under the direction of an Authorised Person	Amend 3.9.3(b) from: 3.9.3 (b) an inspector appointed under the Biosecurity Act. To: 3.9.3 (b) an inspector <u>or authorised person</u> appointed under the Biosecurity Act <u>or any person acting under the direct supervision of an inspector or authorised person.</u>

Specific provisions that submission relates to / Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions	
Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
Beach bylaw		<p>Seek amendment to take into account policy RA5 of the Pre-operative Regional Coastal Environment Plan.</p> <p>6.1.5 Vehicle access</p> <p>Policy RA5 Regional, district and city councils should restrict, and prevent where appropriate, vehicle use on foreshore, seabed and adjacent public land:</p> <ol style="list-style-type: none"> a) For parking of vehicles in the coastal marine area, except where required in association with the exceptions listed in (c); b) On dunes, bird roosting areas, shorebird nesting areas and any other areas, sensitive to vehicle disturbance identified in Schedule 2, Table 1 Indigenous Biodiversity Area A, other than for surf lifesaving operations; emergency situations; law enforcement activities and coastal conservation management activities; c) On any beach abutting an urbanised settlement area, with the exception of: <ol style="list-style-type: none"> i. Surf lifesaving vehicles, police vehicles, emergency response vehicles, vehicles used by people with disabilities, vehicles used for boat launching and retrieval; ii. Local government vehicles undertaking public service activities including but not limited to coast care, debris removal, maintenance of structures; iii. Land yacht, all-terrain vehicles, or motorcycle provided it is driven at less than 15kms per hour and does not have the potential to cause danger to any person; and provided it is not otherwise restricted by any Local Government Bylaw; iv. Vehicles used for setting up and running events on the beach, provided the event has been authorised by District or City Council; v. Vehicles used for coastal conservation management activities vi. Vehicles used for the establishment and maintenance of regionally significant infrastructure. d) At any part of the coastal environment, where the use of vehicles is causing damage to dunes, vegetation or river mouths and where the damage from vehicles is or has the potential to result in an increased rate of erosion. e) In any circumstances listed in NZCPS Policy 20(1), and f) In order to avoid significant adverse effects of tracked and wheeled vehicle use on the natural character of the seabed. 	<p>Amend to the bylaw to include further vehicle prohibited or vehicle restricted areas of beach that fall into the categories identified in Policy RA 5 of the PRCEP.</p> <p>Also include dune areas above MHWS which are identified as breeding and roosting sites of significance.</p>

Specific provisions that submission relates to / Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions	
Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
Schedule 1 – Plan A	Mapping alignment with IBDA identified in the PRECP	Support the inclusion of the area identified.	Seek further alignment with the IBDA49
Schedule 1 – Plan B	Mapping alignment with IBDA identified in the PRECP	Support the inclusion of the area identified.	Seek further alignment with IIBDA59
Beaches 4.10.1 (a)	Horses allowed to be ridden on Ōhiwa mudflats	This has been of concern for the Ōhiwa Harbour Strategy Partners in the past because of the disturbance to mudflat life and the potential contamination of shellfish beds. The Ōhiwa Harbour Strategy seeks to protect habitat and indigenous species and also shellfish beds.	This section should specifically exclude horses from the Ōhiwa Harbour mudflats
Beaches 4.14.2 and 4.14.3	Vehicle prohibited and restricted areas	Seek alignment with policy RA5 of the Regional Coastal Environment Plan as per comments above, noting in particular alignment with Indigenous Biodiversity A Areas. Also noting that RA5 (c) Vehicle use should be restricted or prohibited on any beach abutting an urbanised settlement area. There are a number of settlement areas abutting sections of beach in the district. Having several vehicle prohibited areas but one vehicle restricted area may be un-necessarily confusing for the public and part at least of the restricted area (at Ōhiwa) may not align with the IBDA either.	Amend the bylaw to include further vehicle prohibited or vehicle restricted areas of beach that fall into the categories identified in Policy RA 5 of the PRCEP.
Dog Control 7.72	Dog prohibited areas and dotterel nesting sites	Dogs are prohibited from one dotterel breeding area in (h) and possibly 2 others in (g) and (f) although this is not specified. There are a number of other dotterel breeding sites and we would suggest seeking advice on these from DOC staff.	
Public places 8.4	Definitions	Definitions seem to be missing from this section.	
Public Places 8.8.1	Freedom camping	It is unclear whether the 200m rule may exclude freedom camping at the designated site at Te Ahiaua.	
Public Places 8.8.4	Freedom camping	Schedule one: Restricted and Prohibited Areas for freedom camping appears to be missing.	
4.7 Vehicle Permitted Areas	Conditions for vehicles on vehicle permitted areas	Support the conditions and note the need for enforcement of the bylaws in this regard, both at sandy beaches and on mudflats at Ōhiwa and Waiōtahe Estuaries	

Specific provisions that submission relates to / Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions	
Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
4.8 Control of Animals on Beaches	Tethering/grazing of horses on dune areas	Support and seek amendment to include tethering of horses on dune areas or where they can reach the dunes and damage vegetation, so that there is no room for arguments that it is not specified in the plan.	Insert into the conditions "tether or graze horses".



Opape

Opape

1141

Opape Beach Road

1348

1367

1372

1433

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53

71

71

76

76

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Schoolhouse Bay, Te Kaha

Wharekura Point

Maraetai Bay

Kopuru Point

State Highway 35

Copenhagen Loop Road

6996

7010

7020

7044

6998

6998

6974

6978

6956

6925

6934

6926

6903

6905

6895

Motukotare Island

7715

35

Te Kopua

Te Kopua

7550

State Highway 35

Obinemango Point

7545





Maraehako

Maraehako Bay

Motu Papaka Islands

Whanarua Bay

Whanarua Bay

Whanarua Bay

State Highway 35

35

From: [Linda Conning](#)
To: [Astrid Hutchinson](#)
Cc: [Gerard McCormack](#)
Subject: FW: Opotiki District Bylaws review
Date: Wednesday, 20 February 2019 10:13:11 AM
Attachments: [image001.jpg](#)
[image004.jpg](#)
[DRAFT Animal Control Bylaw - further amendments With F&B comments.docx](#)
[DRAFT Beaches Bylaw - further amendments with F&B comments.docx](#)
[ODC Consolidated Bylaw Part 07 Dog Control track changes LC comments.docx](#)
[ODC Consolidated Bylaw Part 01 Introduction.docx](#)

Morena

Thank you for giving Forest and Bird the opportunity to be involved in the draft process. I have made a few further comments on the documents attached but summarize here:

Dog Control

Prefer use of the terminology in Dog Control Act of “protected wildlife” – it is a specific offence under the Wildlife Act and it is important to raise awareness that native wildlife is protected by law. The dog prohibited areas should align with the shorebird nesting areas as in the RCEP.

Onekawa-Mawhai & Ohiwa Domain – include in the on-leash section. Also the harbourside trail.

Dotterel breeding sites – these need to be specifically listed and mapped, as the general public cannot be expected to know where they all are. It is important that they are not limited to the CMA (as RCEP policy RA5 applies) but also to landward of MHWS – this is where they actually nest.

Animal Control

Forest and Bird is very concerned that there is no proposed control of horses on beaches in the same situations as dog and vehicle restrictions. In the past nests have been destroyed by horse tramping at Ohiwa Spit. There needs to be cross-references between the Animals and Beaches bylaws so that horse riders are alerted to both bylaws applying to them in different places.

Beaches

Whilst not a key issue for Forest and Bird, we question whether the approach to drones has been thought through applying to all beaches. Forest and Bird supports the use of drones for management purposes, whether, monitoring for enforcement, maintenance of utilities or weed management. However drones can be both a public nuisance and a safety risk, and could potentially disturb breeding wildlife if flown indiscriminately, and their permitted use on all beaches is opposed.

We suggest the council revisits this issue.

Vehicles

We support the approach of a prohibition with exemptions to reverse the assumption of entitlement. However we agree with the Regional Council that Policy RA 5 provides a framework, and under this there should be no vehicles on Ohiwa and Waitahe Beaches.

The approach in the WDC DP is flawed because the birds still use the beach area during other parts of the year, and prolonged disturbance will reduce breeding condition. For the areas known to be threatened species habitat it is best to remove all anthropogenic disturbance, except for walking access.

As previously discussed, without prejudice, these comments from Forest and Bird should not be seen as settling the Forest and Bird appeal point on the Proposed District Plan.

Kind regards
Linda

Linda Conning
114 Otarawairere Rd
Ohope 3121
073077108
022 322 8245

From: Astrid Hutchinson [mailto:AstridH@odc.govt.nz]
Sent: Tuesday, 5 February 2019 4:14 PM
To: goldnbird@xnet.co.nz
Cc: Gerard McCormack
Subject: RE: Opotiki District Bylaws review

Good afternoon Linda

In advance of further discussion, please find attached copies of the draft beaches, animal control, dog control, and public places bylaws with track changes indicating additional amendments made since receiving your comments, as well as comments from Bay of Plenty Regional Council. Also attached is the draft part 1 introduction, including all definitions. Note this is an amalgamation of the definitions and common clauses from all bylaws so there are a number of duplicate definitions yet to be resolved.

Kind regards

Astrid Hutchinson



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From: Linda Conning [mailto:goldnbird@xnet.co.nz]
Sent: Tuesday, 5 February 2019 12:51 p.m.
To: Gerard McCormack <GerardM@odc.govt.nz>
Subject: RE: Opotiki District Bylaws review

Hello Gerard

Just a reminder that you were going to send me the latest version of your bylaws for any further comment. Can you also send the definitions, which weren't in the previous version.

Kind regards
Linda

Linda Conning Associates
114 Otarawairere Rd
Ohope 3121
073077108
022 322 8245

From: Gerard McCormack [mailto:GerardM@odc.govt.nz]
Sent: Wednesday, 12 September 2018 3:21 PM
To: Linda Conning
Subject: RE: Opotiki District Enforcement Policy

Yep (I wish there were more ☺)

Gerard McCormack
Planning and Regulatory Group Manager
Opotiki District Council | PO Box 44 | 108 St John Street | Opotiki | New Zealand
Telephone 07 3153030 | Fax 07 3157050 | Web www.odc.govt.nz | www.facebook.com/opotikidistrictcouncil



From: Linda Conning [mailto:goldnbird@xnet.co.nz]
Sent: Wednesday, 12 September 2018 3:20 p.m.
To: Gerard McCormack <GerardM@odc.govt.nz>
Subject: RE: Opotiki District Enforcement Policy

OK I think I understand – there are some functions that the legislation provides for infringement notices?
Linda

From: Gerard McCormack [mailto:GerardM@odc.govt.nz]
Sent: Wednesday, 12 September 2018 3:00 PM
To: Linda Conning
Subject: RE: Opotiki District Enforcement Policy

Hi Linda,

The policy was written with the expectation that we would be updating our bylaws and to allow for infringement notices to be issued where relevant for example parking offences or liquor ban areas.

We recruited a designated compliance officer last year and in terms of bylaw enforcement we have been working on education to achieve compliance rather than the stick approach. As discussed for the past couple of years we have undertaken pro-active target monitoring and education programmes in known problem areas the summer months and this has proved to be very effective. This year we have been given a government grant of 18k for freedom camping compliance which will enable officers to be deployed 7 days a week and include them ensuring and educating the public and visitors on our bylaws.

If you need anything else then please do not hesitate to contact me.

Gerard McCormack
Planning and Regulatory Group Manager
Opotiki District Council | PO Box 44 | 108 St John Street | Opotiki | New Zealand
Telephone 07 3153030 | Fax 07 3157050 | Web www.odc.govt.nz | www.facebook.com/opotikidistrictcouncil



From: Linda Conning [<mailto:goldnbird@xnet.co.nz>]
Sent: Wednesday, 12 September 2018 2:44 p.m.
To: Gerard McCormack <GerardM@odc.govt.nz>
Subject: RE: Opotiki District Enforcement Policy

Hi Gerard nice to meet you today.

I notice in your table on p7 you have marked X for infringement notice under Bylaws. My understanding is that there is a complicated legal process to allow for infringement notices for bylaws, including an Order in Council.

Are you sure that ODC does have these powers? Has the Council issued any infringement notices for Bylaw breaches?

Kind regards
Linda

Linda Conning Associates
114 Otarawairere Rd
Ohope 3121
073077108
022 322 8245

From: Gerard McCormack [<mailto:GerardM@odc.govt.nz>]
Sent: Wednesday, 12 September 2018 10:27 AM
To: goldnbird@xnet.co.nz
Subject: Opotiki District Enforcement Policy

Hi Linda,

As discussed enforcement policy can be reviewed on link below.

<https://www.odc.govt.nz/SiteCollectionDocuments/OUR%20COUNCIL/Policies%20Plans%20Bylaws/Policies/Enforcement%20Policy.pdf>

Kind regard

Gerard

Sent from my iPhone