# Huihuinga O Te Poari O Te Oneroa-a-Tōhe Te Oneroa-a-Tōhe Board Friday 17 December 2021 at 10.00am

# AGENDA RÅRANGI TAKE



# Rārangi Take O Te Poari

# Te Oneroa-a-Tohe Board Agenda

Meeting to be held via Zoom video and teleconferencing on Friday 17 December 2021, commencing at 10.00am

#### Recommendations contained in the agenda are NOT decisions of the meeting. Please refer to minutes for resolutions.

#### NGĀ MANA WHAKAHAERE MEMBERSHIP OF THE TE ONEROA-A-TŌHE BOARD

Chair: Haami Piripi, Te Rūnanga o Te Rarawa

Deputy Chair, Cr Mate Radich	Graeme Neho	Waitai Petera, Te Rūnanga
Far North District Council	Ngāti Kuri Trust Board	Nui o Te Aupouri Trust
Wallace Rivers	Cr Colin (Toss) Kitchen	Cr Marty Robinson
NgaiTakato	Northland Regional Council	Northland Regional Council

1.0 KARAKIA ME WHAKATAU

Far North District Council Mayor

2.0	NGĀ WHAKAPAHĀ	APOLOGIES
2.0		

John Carter

Hon John Carter QSO

# 3.0 NGA WHAKAPUAKANGA | DECLARATIONS OF INTEREST

#### 4.0 WHAKĀE NGĀ MINITI | CONFIRMATION OF MINUTES

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	5.6	December 2021 Technical Steering Group Update	20

#### 6.0 KARAKIA WHAKAMUTUNGA

TITLE:	Confirmation of Minutes
From:	Rachael King, Planning and Policy Administrator
Authorised by:	Auriole Ruka, Pou Manawhakahaere on 08 December 2021

# Ngā mahi tūtohutia | Recommendation

That the minutes of the meeting held on 15 October 2021 be confirmed as a true and correct record.

# Ngā tapirihanga | Attachments

Attachment 1: Minutes of Meeting - 15 October 2021

Te Oneroa-a-Tōhe Board 15 October 2021

# Ngā Miniti O Te Poari O Te Oneroa-a-Tōhe Te Oneroa-a-Tōhe Board Minutes

Meeting held via Zoom video and teleconferencing on Friday 15 October 2021, commencing at 10.00am

Present:	Haami Piripi	Te Rūnanga o Te Rarawa	(Chair)
	Graeme Neho	Ngāti Kuri Trust Board	
	Waitai Petera	Te Rūnanga Nui o Te Aupouri Trust	
	Wallace Rivers	NgaiTakoto	
	Cr Colin "Toss" Kitchen	Northland Regional Council	
	Cr Marty Robinson	Northland Regional Council	
	Mayor John Carter	Far North District Council	
	Mate Radich	Far North District Council	
l Tae Mai:	Huihuinga i te katoa   F	ull meeting	
	Ben Lee	NRC - GM, Strategy, Governance & Engager	ment
	Sheila Taylor	NRC - Kaiārahi Kaupapa Māori	
	Meloney Tupou	NRC - Kaiāwhina Tari (minutes)	
	Theresa Burkhardt	FNDC - Policy Planner	
	George Riley	Te Rūnanga o Te Rarawa	
	Kerry Shanta	Te Araroa Northland Trust	
	Huihuinga i te wahanga	Part meeting	
	Dave Collard	Director - Snapper Bonanza 2011 Limited	
	Don Stewart	Director - Snapper Bonanza 2011 Limited	
	Gary Hooper	Chief Executive - Aquaculture New Zealand	
	Laws Larson	Te Ohu Kaimoana	
	Deena Tapara	Consultant - Mauri Model	

#### 1.0 KARAKIA TIMATANGA ME WHAKATAU

Graeme Neho

2.0 NGĀ WHAKAPAHĀ | APOLOGIES

Nil

#### 3.0 NGĀ WHAKAPUAKANGA | DECLARATIONS OF INTEREST

It was advised that members should make declarations item-by-item as the meeting progressed.

#### 4.0 WHAKĀTURANGA | PRESENTATIONS

#### Moved (Neho / Carter)

1. THAT the presentations from Snapper Bonanza 2011 Limited (Directors: Dave Collard and John Stewart); and Aquaculture New Zealand (Chief Executive: Gary Hooper) be received.

Carried

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Te Oneroa-a-Tōhe Board 15 October 2021

11.00am - Dave Collard, John Stewart and Gary Hooper left the meeting

#### Moved (Petera / Piripi)

2. THAT the Board endorses the Snapper Bonanza Fishing Competition and supports the application for funding to the Northland Inc events fund.

#### Carried

#### Moved (Neho / Carter)

- 3. THAT the Board approve a \$10,000 sponsorship of the 2022 Snapper Bonanza Fishing Competition to come from Board funds, subject to:
  - a) legal advice confirming that it is within the scope of the purpose of the funding to the satisfaction of the Chair, and
  - b) the Chair's approval of the sponsorship package.

#### Carried

#### 5.0 CONFIRMATION OF MINUTES

#### 5.1 Confirmation of Minutes

#### Moved (Neho / Robinson)

THAT the minutes of Te Oneroa-a-Tōhe Board meeting held on 24 September 2021 be confirmed as a true and correct record.

Carried

#### 6.0 NGĀ RIMITI | ITEMS

#### 6.1 Financial Report

#### Moved (Piripi / Rivers)

THAT the report 'Financial Report' by Rachael King, Board Secretary and dated 8 October 2021, be received.

Carried

#### 6.2 Approval of Te Rautaki o Te Oneroa-a-Tohe Print Run

#### Moved (Kitchen / Neho)

- 1. THAT the report 'Approval of Te Rautaki o Te Oneroa-a-Tōhe Print Run' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 6 October 2021, be received.
- 2. THAT Te Oneroa-a-Tōhe Board approve the costs of \$800.84 + GST to print an extra 68 copies of Te Rautaki o Te Oneroa-a-Tōhe.

#### Carried

#### 6.3 Te Oneroa-a-Tōhe Governance Operating Model

#### Moved (Kitchen / Neho)

- 1. THAT the report 'Te Oneroa-a-Tōhe Governance Operating Model' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 5 October 2021, be received.
- 2. THAT Te Oneroa-a-Tōhe Board approve the Progressive model as the model that will be used to determine the structure and makeup of the Technical Steering Group.

#### Carried

Secretarial Note: Graeme Neho wanted it noted that the wording used in the options table should be amended so as to be less offensive/misleading as to the capability and capacity of Māori.

Te Oneroa-a-Tōhe Board 15 October 2021

# 6.4 Technical Steering Group – 2021 priority action items

#### Moved (Rivers / Robinson)

- 1. THAT the report 'Technical Steering Group 2021 priority action items' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 8 October 2021, be received.
- 2. THAT the Board endorses the following actions from the Beach Management Plan as immediate priorities:
  - a) Speed limits (Action A38)
  - b) Signage (Action A4)
  - c) Prohibition on the spreading of ashes (Action A11)

#### Carried

12.14pm - Deena Tapara joined the meeting and provided a presentation on The Mauri Model

# 6.5 Presentation – The Mauri Model: impact of scattering of ashes

# Moved (Robinson / Piripi)

THAT the report and presentation 'The Mauri Model: impact of scattering of ashes' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 6 October 2021, be received.

Carried

12.53pm - Deena Tapara left the meeting

#### 7.0 KARAKIA WHAKAMUTUNGA

Waitai Petera

#### The meeting closed at 1.03pm

TITLE:	Financial Report
From:	Rachael King, Planning and Policy Administrator
Authorised by:	Auriole Ruka, Pou Manawhakahaere on 10 December 2021

# Whakarāpopototanga | Executive Summary

The purpose of this report is to provide the financial statement of the Te Oneroa-a-Tōhe Board for the period ending 30 November 2021.

# Ngā mahi tūtohutia | Recommendation

THAT the report 'Financial Report' by Rachael King, Planning and Policy Administrator and dated 10 December 2021, be received.

# Tuhinga | Background

A detailed Financial Report is provided as Attachment 1.

In summary, to date the Board has expended \$237,959.74 from the following funds:

1.	Board Operational Fund	\$150,000	\$92,024.37 remaining
2.	Plan Development Fund	\$250,000	\$70,015.90 remaining

# Ngā tapirihanga | Attachments

Attachment 1: Financial Report - as at 30 November 2021

	Actual Income and Expenditure as at 30 November 2021 (NZ\$ GST exclusive) priod		Т	TOTAL (A/c00-6259)		OPERATIONS (CC4701)			PLAN DEVELOPMENT (CC4702)		
Period			Income	Expenditure	Fund Balance	Income	Expenditure	Fund Balance	Income	Expenditure	Fund Balance
	OPENING BALANCE - 1 JULY 2021				164,708.32			94,736.40			69,971.92
	Income										
1	Interest July 21		20.04			11.41			8.63		
2	Interest August 21		20.71			11.80			8.91		
3	Interest September 21		20.71			11.80			8.91		
4	Interest October 21		20.02			11.42			8.61		
5	Interest November 21		20.72			11.80			8.92		
					102.20			58.23			43.98
	Less Payments										
1	Air New Zealand	Flights - Haami Piripi		408.52			408.52				
1	TOAT Board	Meeting Allowances		910.00			910.00				
1	Koi Ake Consultancy	Carved hoe - Te Koru Kore Marae BMP launch		750.00			750.00				
1	Kaitaia College	Koha for kapa haka roopu at BMP launch		500.00			500.00				
4	Te Ahu Charitible Trust	Room Hire and Catering		201.74			201.74				
					(2,770.26)			(2,770.26)			0.00
	ACTUAL CLOSING BALANCE		102.20	2,770.26	162,040.26	58.23	2,770.26	92,024.37	43.98	-	70,015.90

# TITLE: Correspondence Received by the Board

From: Sheila Taylor, Kaiārahi Kaupapa Māori

Authorised by: Auriole Ruka, Pou Manawhakahaere on 10 December 2021

# Whakarāpopototanga | Executive Summary

This purpose of this paper is to detail communications received by the Board via its email address: info@teoneroa-a-tohe.nz

#### Ngā mahi tūtohutia | Recommendation

That the report 'Correspondence Received by the Board' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 9 December 2021, be received.

# Tuhinga | Background

Below is a summary of the emails received since the last Board meeting in October:

6 December 2021 Malene Felsing: Moana Project Manager

#### Ngā tapirihanga | Attachments

Attachment 1: Email from Moana Project Manager

Attachment 2: Email Attachment: Moana Mussel Data Management



Te Oneroa-a-Tohē . <info@teoneroa-a-tohe.nz>

#### Management of Moana Project mussel data

1 message

#### Malene Felsing <Malene.Felsing@metocean.co.nz>

6 December 2021 at 09:22

To: "Anthony.thompson@ngatiwhatua.iwi.nz" <Anthony.thompson@ngatiwhatua.iwi.nz>, "admin@kaiparamoana.com" <admin@kaiparamoana.com>, "NWOT@ngatiwhatuaorakei.com" <NWOT@ngatiwhatuaorakei.com>, "ataylor@uriohau.co.nz" <ataylor@uriohau.co.nz" <ataylor@uriohau.co.nz" <info@ngatimanuhiri.iwi.nz" <info@ngatimanuhiri.iwi.nz, "info@ngatiwhatuaorakei.com," <a href="https://www.co.nz">www.co.nz"</a> <a href="https://www.co.nz"</a> <a href="https://www.c

Tēnā koutou,

Thank you for being part of the Moana Project. As you know, we have finished the sampling of kutai / greenlipped mussels along Te Oneroa-a-Tōhe, and our staff and students are busy processing the samples to extract the genetic information that will help determine the kutai whakapapa. We thank you for all your help with getting this far and are excited that we are getting closer to getting the results.

This means that in the new year, the genetic data will be ready. Together with Maui Hudson (Whakatōhea Māori Trust Board and Waikato University) and Jonathan Gardner (Victoria University of Wellington) we have developed a draft framework (attached) outlining how we propose to handle that data, including IP. In short, we propose that we make the data available to you to use for any purpose. And that we use the Local Contexts Hub, an online platform supported by Waikato University's Te Kotahi Institute to notify you when and where the data will be published. The Hub allows you to put labels on the data indicating your interests and aspirations for the data. These labels will remain with the data, which means that any future users will be notified.

We would like to hear your comments on the draft framework, and I propose that we meet to discuss. Given the COVID situation, an online meeting is probably best. If you have any comments, please give me a ring or send them through by email, and I will follow this email up with an invite to a meeting in the new year.

Ngā mihi,

Malene Felsing

Moana Project Manager

021 298 0898

Malene Felsing Moana Project Manager Te Oneroa-a-Tōhe Board 17 December 2021



t +64 7 825 0540 m +64 21 298 0898 2/17 Nobs Line, Strandon, New Plymouth 4312, New Zealand PO Box 441, Taranaki Mail Centre, 4340 New Plymouth, New Zealand



metservice.com . metraweather.com . metocean.co.nz MetraWeather (Australia) Pty Ltd [ACN 126 850 904], MetraWeather (UK) Ltd [No. 04833498], MetraWeather (Thailand) Ltd [No. 0105558115059] and MetOcean Solutions Ltd are wholly-owned subsidiaries of Meteorological Service of New Zealand Ltd (MetService)

Moana mussel data management.pdf 153K



# Moana Project mussel genetic data management framework

November 2021

# Purpose

The purpose of this document is to clarify how mussel (kuku/kūtai) data within the Moana Project is owned, stored, used and published, and to outline how we would like to recognise iwi interests in the data that come from participation in the Moana Project.

The Moana Project recognises that iwi own and need full control over any matauranga shared with the project. This document covers the genetic data that the Moana Project generates.

# Moana Project background

The Moana Project is an ocean research project managed by MetService which is funded by the Ministry for Business, Innovation and Employment (MBIE). The project aims to improve our understanding of coastal ocean circulation, connectivity of kaimoana species, and marine heatwaves to provide information that supports sustainable growth of the seafood industry, iwi initiatives and how Aotearoa New Zealand manages its marine environments.

The Moana Project is a large initiative, involving more than 50 researchers from 14 different organisations. Through a contract with MBIE, MetService receives funding for the Moana Project. MetService shares this funding through research subcontracts to the Moana Project subcontractors, which include Victoria University of Wellington and similar organisations. These subcontractors carry out research and produce datasets.

# Purpose of mussel research in the Moana Project

The Moana Project is researching the whakapapa of kuku/kutai (greenlip mussels) in the Bay of Plenty and along Te Oneroa-a-Tōhe (Ninety Mile Beach). Mussel larvae (babies) stay in the water column for a long time and are transported around by ocean currents. In the Bay of Plenty, the main aim of the research is to identify where the newly settled young mussels, that are called spat, at the Whakatōhea farm come from and to understand mussel genetic connectivity (how related the mussels are) amongst sites in the Bay of Plenty Region (from the Coromandel to East Cape). At Te Oneroa-a-Tōhe, the main research aim is to identify where the spat washing ashore on Ninety Mile Beach come from. This natural spat supply supports about 80% of the New Zealand mussel farming industry (which is worth more than \$350 million per year). Scientists speculate that the spat comes from



offshore mussel beds, but without knowing exactly where these are, the continued supply of spat cannot be safeguarded.

The mussel research in the Bay of Plenty is done by a PhD student and their supervising professor. The mussel research in the Ninety Mile Beach region is done by a PhD student and a post-doctoral research fellow, and their supervising professor.

# Sampling

To find out about the mussel spat whakapapa, the Moana Project combines ocean modelling and mussel genetics. As part of this, Victoria University of Wellington has sampled mussels from your rohe moana. The work involves collecting 50 mussels at each of 11 sites in the Bay of Plenty and 10 sites along Te Oneroa-a-Tohe and comparing their genetics within either region to determine how related they are.

# Genetic data analysis

After the mussels are collected, a tiny piece of flesh is taken from each mussel and used for DNA extraction. These DNA samples are sent to AgResearch who cut up and sequence the short reads (tiny parts, variously 40 to 120 base pairs in length) of the DNA in which we find single base changes called Single Nucleotide Polymorphisms (SNPs). It is the SNP variation that is informative about mussel whakapapa. AgResearch puts the DNA data in an online folder for us to access on a secure platform called Globus (like DropBox) in a FastQ file format. We go to the folder and download the dataset and transfer it to the Victoria University and/or the national (NeSI) server (both are secure). We align the DNA reads and search for the SNP(s) in each read.

SNPs are where genetic variation occurs (a single base change in a short read of DNA), and we use them as biological markers to tell us how similar or different the populations of mussels are. On average, each mussel contains hundreds of thousands of SNPs and AgResearch will extract something like 20,000 to 40,000 SNPs for each mussel. The SNP dataset that we generate is designed for population genetics – we expect something like only 10% coverage of the mussel genome. The SNP data set is not designed to be used for other purposes beyond population genetics.

Data analysis involves initial quality control, then filtering of the data set, before we start the actual population genetics analyses. It can take 3-6 months.

# Intellectual property of the mussel genetic data

The expectations of MBIE (who funds the Moana Project) and the science community is that data which is collected using public funding should be open and available to future users. The New

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Zealand government recommends that this is done through using a Creative Commons License. As a result, MetService is making the majority of its Moana Project data available on the creative commons attribution license (CC-BY 4.0).

Under the Moana Project research subcontracts, MetService generally owns the intellectual property (IP) rights in new intellectual property created as part of the Moana Project, so that it can easily make the new IP available to the public. Each subcontractor receives a licence to use the new IP for its academic and scientific research purposes. MetService can provide iwi with a similar license - i.e. a perpetual, irrevocable, royalty-free, fully paid up and transferable licence to use, copy and modify the mussel SNP data collected from their rohe moana for any purpose.

# Publication of mussel genetic data and research

Once the analyses are complete, the student will write and submit a PhD thesis. The thesis is held as a pdf file at the Victoria University of Wellington library and can be accessed free of charge by anyone. In addition, the student will write one or more research papers and submit these to science journals for publication (following peer review). It is also possible that the student will present some/all of their work at a national or international conference. This may, or may not, also involve some form of publication.

As part of the publication process, we are usually (but not always) required to make the SNP data openly available so that other researchers can verify the science. The dataset is made available on platforms like <u>Dryad</u>, <u>GenBank</u> or <u>Genomics Aotearoa</u>. These are all databases that aim to provide the data openly so that the scientific community can use the data freely. Dryad uses a Creative Commons Zero (<u>CC0</u>) license, under which the data can be freely used by anybody for any purpose, no restrictions attached. GenBank also places no restrictions on the use or distribution of the data held, although data can be submitted with patents, copyright or other intellectual property rights. Genomics Aotearoa is currently developing an intellectual property management plan that makes provisions for mana whenua interests and rights in any New Zealand indigenous species.

# **Bio-cultural Labels and Local Context notices**

To enable iwi to signal their interests in, and aspirations for, the mussel genetic data, researchers from Victoria University of Wellington will trial using the Local Context Hub (<u>https://localcontexts.org/tk-label-hub/</u>). The Hub is an online platform developed partly by Waikato University's Te Kotahi Research Institute. It allows researchers and iwi to interact around datasets, so that iwi rights and interests in the data are openly disclosed. It works by researchers posting a notice on the Hub about their project, which alerts relevant iwi and invites them to apply labels to the data. The function of the biocultural labels is to add critical information and contextual metadata, including community names and protocols for access, use and circulation. In the Moana Project, the function of the labels is to provide guidelines for use of the data in an open-source environment.



The Hub is in initial stages of development and will likely continue to be refined as its user base grows. By trialling its use for mussel genetic data, the Moana Project hopes to contribute to the recognition of iwi interests in biological datasets.

In the case of the Moana mussel genetic data, the researchers will notify the project on the Hub, inviting iwi to apply labels. Any labels applied are automatically alerted to the researchers and through an API (Application Programming Interface) applied to the dataset once it is uploaded on open platforms like <u>Dryad, GenBank</u> or <u>Genomics Aotearoa.</u>

The labels will be visible to any other researchers wishing to use the data, thereby signalling iwi interests. If labels are changed over time, they will be automatically updated on the platform that the dataset is published on. The process is outlined in the figure below.

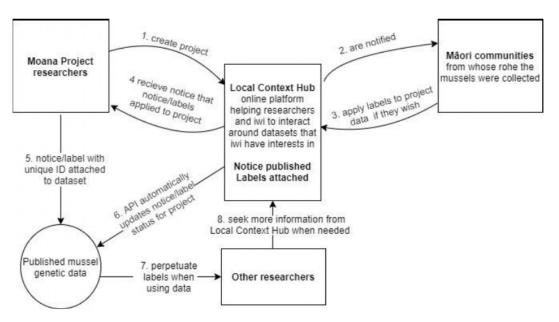


Figure 1: The Local Context Hub is an online platform that helps researchers and iwi interact about datasets that iwi have interests in. Before publishing data that iwi might have interests in, researcher can use the Hub to notify iwi and invite them to apply Bio-Cultural labels. If applied, the labels are published along with the data, so that other researchers are aware of iwi interests and can seek more information from the Hub if using the data.

The labels do not impose binding conditions of use or modify any rights or licences already granted in respect of the datasets, but they enable iwi to make transparent their cultural intellectual property rights and interests, alongside their expectations around protocols and permissions for sharing and future use. The labels can add value as part of an integrated approach to the protection of mātauranga or data as it circulates across global digital networks.

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# TITLE: Speed Limits Bylaw 2021 update

From: Shawn Baker, NTA

Authorised by: Auriole Ruka, Pou Manawhakahaere on 10 December 2021

# Whakarāpopototanga | Executive Summary

Northland Transportation Alliance (NTA) is undertaking a rolling review of speed limits in the Far North District as part of a region wide review process. The speed limit reviews are being undertaken in accordance with the Road to Zero National Road Safety Strategy, the Setting of Speed Limits Rule 2017.

Te Oneroa-a-Tōhe / Ninety Mile Beach was incorporated into the Kaitaia-Awaroa tranche of speed limit reviews to expedite the implementation of Action A38 of the Te Oneroa-a-Tōhe Beach Management Plan.

This Report provides the Board with an update on the review process.

# Ngā mahi tūtohutia | Recommendation

That the report 'Speed Limits Bylaw 2021 update' by Shawn Baker, NTA and dated 7 December 2021, be received.

# Tuhinga | Background

The Land Transport Act 1998 enables the Far North District Council (FNDC), in its role as a road controlling authority, to set speed limits on all local roads (this excludes state highways). The definition of a road includes beaches where vehicles have public access.

To set or review a speed limit on Te Oneroa-a-Tōhe / Ninety Mile Beach, FNDC must follow the requirements of the Land Transport Act 1998; the Setting of Speed Limits Rule 2017; and the Local Government Act 2002. To meet the legal requirements of the various Acts and Rule, FNDC were required to consult the community specifically on the proposed setting of new speed limits on Te Oneroa-a-Tōhe / Ninety Mile Beach. This has now been completed.

# **Community Feedback**

A full Statement of Proposal was publicly notified on 12 July 2021, with submissions closing on 24 August 2021. A total of 104 submissions were received, covering the entire review area. Of the 104 submissions received, nine related specifically to Te Oneroa-a-Tōhe / Ninety Mile Beach.

- Three submissions were in full support of the proposal;
- Three submissions were in partial support (supporting the 30kph zones near beach entrances, but opposing the proposed 60kph speed limit); and
- Three submissions were opposed to the proposals.

# **Preparation of Recommendations Report**

NTA staff are currently undertaking a detailed analysis of the submissions received and preparing recommendations. Recommendations will be based on the technical information and guidance that must be considered under the Setting of Speed Limits Rule 2017, as well as the feedback received.

This Report cannot pre-empt any decision of Council with respect to adopting recommendations made by NTA. However, based on the feedback received, it is expected that a recommendation will be made to adopt the proposed speed limits for Te Oneroa-a-Tōhe / Ninety Mile Beach, which was:

- 30km/h within 200m of a legal beach access; and
- 60km/h on all other parts of the beach.

It expected that, once the Recommendations Report is adopted by Council, the implementation of new speed limits will be carried out before June 2022.

# Submission on Amendments to Speed Limit Rule

The government is currently reviewing the Setting of Speed Limits Rule 2017. The amendments will make significant changes to the way speed limits are set going forward. The changes were signalled at the Te Oneroa-a-Tōhe Beach Board Hui in June 2021.

In accordance with an undertaking made at the June Hui, NTA staff made a submission on the proposed changes to the Setting of Speed Limit Rule to seek specific amendments that would clarify signage requirements on all beaches where a speed limit differed along the beach. NTA staff have not yet received feedback on this submission.

# Ngā tapirihanga | Attachments

Nil

TITLE:	Update on 2021 Beach Collecting and Loader Driving Code of Practice
From:	Sheila Taylor, Kaiārahi Kaupapa Māori
Authorised by:	Auriole Ruka, Pou Manawhakahaere on 13 December 2021

# Whakarāpopototanga | Executive Summary

At the October Board meeting, Laws Lawson (Te Ohu Kaimoana) and Gary Hooper (Aquaculture New Zealand) provided an update on the 2021 beach collecting and loader driving code of practice. This report summarises the Board Member feedback to Aquaculture New Zealand.

Gary Hooper Aquaculture will be available at the meeting to provide an update to the board.

# Ngā mahi tūtohutia | Recommendation

That the report 'Update on 2021 Beach Collecting and Loader Driving Code of Practice' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 8 December 2021, be received.

# Tuhinga | Background

Via email, board members provided comments about the 2021 beach collecting and loader driving code of practice. These are summarised below:

#### Health and safety matters to consider:

- Random drug and alcohol tests on all owner operators, their staff and also the designated observer/observers be included into this code of practice.
- Owner/operators, their staff and the designated observer/observers, fully comply with the COVID-19 responsibilities of Aotearoa (New Zealand).

# Search for spatfall, Harvesting:

 Bullet point 3 and 4 re toheroa and tuatua beds – says "will be avoided wherever and whenever possible". Is that wording strong enough to protect the tuatua and toheroa – or do the mussel spat have preference if not possible to avoid the beds?

#### Safe operating of vehicles:

• Bullet point 11, sub bullet point 2: Speed should be max 60kph, not 90 as stated.

# Ngā tapirihanga | Attachments

Nil

TITLE:	Wild Dogs Update
From:	Sheila Taylor, Kaiārahi Kaupapa Māori
Authorised by:	Auriole Ruka, Pou Manawhakahaere on 13 December 2021

# Whakarāpopototanga | Executive Summary

Since early 2021, attacks by packs of wild dogs have been causing concern for the safety of beach users and owners of properties adjacent to Te Oneroa-a-Tōhe. Te Hiku o te Ika Iwi, Northland Regional Council, Far North District Council and Department of Conservation have been working to resolve the situation.

This paper is to provide an update to the Board on the current situation. The update will be provided by Graeme Neho.

# Ngā mahi tūtohutia | Recommendation

That the report 'Wild Dogs Update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 9 December 2021, be received.

# Tuhinga | Background

Nil

# Ngā tapirihanga | Attachments

Nil

TITLE:	December 2021 Technical Steering Group Update
From:	Sheila Taylor, Kaiārahi Kaupapa Māori

Authorised by: Auriole Ruka, Pou Manawhakahaere on 14 December 2021

# Whakarāpopototanga | Executive Summary

This report is to receive information from the Technical Steering Group on the progress of:

- 1. priority action items from Te Rautaki o Te Oneroa-a-Tohe; and
- 2. other matters assigned to the TSG.

#### Ngā mahi tūtohutia | Recommendation

That the report 'December 2021 Technical Steering Group Update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 3 December 2021, be received.

#### Tuhinga | Background

#### 1. Progress of priority action items from Te Rautaki o Te Oneroa-a-Tōhe:

#### 1.1 Scattering of ashes

A11. Provide information to the public explaining that the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways is inappropriate. Share information via:

1. the Board's website; and

2. local funeral providers.

**Update:** A letter has been drafted and is ready for distribution to local funeral providers. Information will be loaded onto the Board's website in December 2021.

# 1.2 Speed limits

A38. Undertake changes to the FNDC Bylaw(s) specifying safe speed limits and other measures along Te Oneroa-a-Tōhe including:

1. 30km/per hour speed limit within 200m of any beach

accessway or any activity (e.g., boat launching, people fishing etc) on the beach.

2. 60km/per hour speed limit for the remainder of the beach.

3. No driving vehicles along the beach in the sea except when launching boats.

4. Prohibiting vehicles on sand dunes.

**Update:** Under separate paper to this meeting agenda. Consideration of mussel spat vehicles required.

#### **1.3** Resource consent process

A16. Formalise the process by which the Board is notified and receives all applications for resource consents relating to Te Oneroa-a-Tōhe Management Area for consideration.

A22. Establish a process for the Board to receive and review resource consent applications relating to Te Oneroa-a-Tōhe.

**Update:** Verbal update to be provided at this meeting.

# 2. Other matters assigned to the TSG

#### 2.1 Re-print of Te Rautaki o Te Oneroa-a-Tōhe

**Update:** A print run has been approved of up to \$800, however, grammatical changes are required and staff would request these be noted before a further print run is done.

#### 2.2 Northland Event Fund - Snapper Bonanza letter of support and outcome

**Update:** On 8 November, a letter of support for the Snapper Bonanza Northland event fund application was received by Northland Inc (Appendix 1). In mid-December the Snapper Bonanza were notified that their bid to the Northland event fund was successful. Snapper Bonanza thank the Board for the letter of support and extend their gratitude towards the Board. Although appreciative, Snapper Bonanza no longer require the financial support of the Board (verbal update, email confirming conversation with event organisers to be tabled at the Board meeting).

#### Ngā tapirihanga | Attachments

Attachment 1: Te Oneroa-a-Tōhe letter of support for the Snapper Bonanza

Attachment 2: Legal advice from Far North District Council inhouse legal counsel.

Attachment 3: Advice from Te Arawhiti (settlement funds)



2/11/2021

Northland Inc events@northlandnz.com To whom it may concern,

#### RE: Letter of support for Snapper Bonanza

My name is Haami Piripi, and I am providing this letter of support on behalf of the Te Oneroa-a-Tōhe Beach Board for the Snapper Bonanza, Northland Event Fund application.

The Board is a statutory co-governance partnership created via the 2015 Te Hiku treaty settlements for the iwi of Te Rarawa, NgaiTakoto, Te Aupõuri and Ngāti Kuri. Along with iwi representatives, the board also comprises both local and regional council representatives.

Its primary purpose is to work collectively and collaboratively to provide governance and direction to protect and enhance environmental, economic, social, cultural, and spiritual well-being within the Te Oneroa-a-Tōhe management area (attached to this letter) now and in the future. The legislative establishment of the board and its role in beach management was a breakthrough for the various parties associated with Te Oneroa a-Tōhe and enabled the full and active participation of the affiliated iwi in the Far North.

In January 2021, the board approved Te Rautaki o Te Oneroa-a-Tōhe (beach management plan). The plan outlines aspirations for Te Oneroa-Tōhe and includes desired outcomes, objectives, and actions for the board to achieve those aspirations. Pertinent to the Snapper Bonanza are the following outcomes/objectives:

#### • Spiritual value:

- Te Oneroa-a-Tôhe is treated by everyone as a taonga tuku iho a treasure handed down through the generations.
- o The culturally significant pathway of Te Ara Wairua is protected.
- o Wāhi tapu, sites of significance and other heritage are protected.
- Ecology and Biodiversity:
  - Together we help look after the children of Tane and Tangaroa
- Economic wellbeing:
  - o We recognise that Te Oneroa-a-Tōhe can provide for our economic wellbeing
- Recreation:
  - We enjoy using the beach but respect it.
  - People can safely access and enjoy Te Oneroa-a-Tohe for recreational activities in a manner that respects and preserves the mauri of the beach.
  - Recreational activities are consistent with tikanga Māori and the vision and values of the Beach Management Plan.
  - o Te Oneroa-a-Tōhe can be accessed safely, and all drivers respect the beach.
  - Te Oneroa-a-Tôhe is a clean and pristine taonga.
- Leadership: together we are kaitiaki
- Collaboration: we work together
- Education: We understand the beach



The Snapper Bonanza is an iconic northland event and is undeniably world class. It is an important economic and recreational activity that showcases Te Hiku o te Ika as a unique and great land-based fishing travel destination. In more recent years, focussed event management and administration has seen improvement in the events environmental impact.

The event provides vital economic benefits to the communities of Te Hiku o te Ika as well as recreational and social outputs. As a board, we have focussed on the event as an opportunity to support and engage with beach users. As the chairman, I am confident the event can be administered in a way that will also give effect to many of the board's aspirations contained in the beach management plan.

No reira he mana ano to te Poari nei kia tiakina tenei taonga mo te katoa.

Whakapiri whakatata mai kia ora nei te tupuna a Tōhe

Kia pihi ake ngā taringa o te tamaiti ki te karanga o Hinemoana e pāpaki mai ra i te ao, i te po.

Nāku noa, nā

Haami Piripi ONZM Chairman Te Oneroa-a-Tōhe Board

P: 0800 002 004 E: info@teoneroa-a-tohe.nz 210 Lorem ipsum, Ahipara

#### Sheila Taylor

Subject:	FW: Legal advice TOAT BB
Attachments:	Section 67 Ngāti Kuri Claims Settlement Act 2015-FNDC7469.pdf; Schedule 2 Ngāti
	Kuri Claims Settlement Act 2015.pdf

From: Alex Goodwin <<u>Alexander.Goodwin@fndc.govt.nz</u>> Sent: Wednesday, 1 December 2021 9:49 am To: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>> Cc: Bill Lee <<u>bill.lee@fndc.govt.nz</u>> Subject: RE: Legal advice

Good Morning Theresa,

Under the respective Settlement Acts the Te Oneroa-a-Tohe Board (the "Board") is considered a statutory body as well as a joint committee under section 30(1)(b) of Schedule 7 of the Local Government Act 2002. Under Schedule 7 joint committees are deemed to be committees of the Local Authorities that have members appointed to the committee. As such FNDC can deem the Board to me an FNDC committee. In addition, under schedule 2 of the respective Settlement Acts FNDC is required to provide technical and administrative support to the Board in the performance of its functions. Based on the above the Board should be provided with the necessary support in line with its status an FNDC committee while acknowledging its independent function in line with its statutory purpose under the respective Settlement Acts.

The Settlement Acts including the Ngāti Kuri Claims Settlement Act 2015 gives the board the powers that are reasonably necessary to carry out its functions. These powers will naturally extend to the Board spending their funds for the purpose of carrying out the boards functions. This is supported by Schedule 2, Part 1, section 12 of the Ngāti Kuri Claims Settlement Act 2015 (as well as the corresponding sections in the other settlement Acts) which required the Northland Regional Council to holds any funds on behalf of the Board as a separate and identifiable ledger item and expend those funds as directed by the Board. As long as the planned expenditure is being used by the Board to carry out its functions it is within their power to do so.

The functions of the board are set out in the respective Settlement Acts. Based on the Boards plan to spend \$10,000 for advocacy, education and promotional material for the Beach Board and the Beach Management Plan for the Snapper Bonanza Surf Casting Competition which takes place annually on Te Oneroa-ā-Tōhe, the function of the Board that is most likely to be applicable is as follows:

To display leadership and undertake advocacy, including liaising with the community, in order to promote recognition of the unique significance of Te Oneroa-a-Tohe me Te Ara Wairua, the spiritual pathway to Hawaiiki between the living and the dead.

Consideration also needs to be given to the purpose of the Board which under the respective Settlement Acts is its prime function. The purpose of the Board is as follows:

The purpose of the Board is to provide governance and direction to all those who have a role in, or responsibility for, the Te Oneroa-a-Tohe management area, in order to protect and enhance environmental, economic, social, cultural, and spiritual well-being within that area for the benefit of present and future generations.

Without further specific information on the Boards plan for the funds such as the type of promotional material they will be creating I am unable to provide specific advice on whether that plan is likely to be within the functions of the Board and therefore within the Boards power to authorise the funds. I would recommend the Board with assistance from FNDC and NRC undertakes an assessment of their plans for the funds and whether that plan is within the function of Board as per the respective settlement Acts. To assist with this assessment I have attached section 67 from the Ngāti Kuri Claims Settlement Act 2015 which outlines the full functions of the Board. I note section 67 is identical to the corresponding sections in the other Settlement Acts.

In addition to the above before the Board can expend any funds in line with its functions it will also need to ensure that any decision made by the Board to spend the funds is made in line with the procedural requirements of the Settlement Acts (schedule 2 of the Ngāti Kuri Claims Settlement Act 2015) and in line with the standing orders of the Board.

Please let me know if you have any further questions or need any additional information.

Kind regards,



#### WE'RE SUPPORTING THE VACCINE ROLLOUT



From: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>> Sent: Monday, November 8, 2021 10:05 AM To: Alex Goodwin <<u>Alexander.Goodwin@fndc.govt.nz</u>> Cc: Bill Lee <<u>bill.lee@fndc.govt.nz</u>> Subject: RE: Legal advice

Mōrena Alex

Thanks for the email and timeframe to provide the advice, much appreciated.

In terms of the four acts (I have included the links to the other 3 below) I think you'll find that for the purposes of Te Oneroa-ā-Tohe Beach Board the settlement acts are the same.

https://www.legislation.govt.nz/act/public/2015/0077/latest/DLM6576303.html

https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578446

https://www.legislation.govt.nz/act/public/2015/0079/latest/DLM6577219.html

Feel free to contact me if you would like to discuss.

Ngā mihi

Theresa



#### Theresa Burkhardt Policy Planner

Strategic Planning & Policy, Far North District Council | **24-hour Contact Centre** 0800 920 029 DDI +6494089408 | M +64272214149 | <u>Theresa.Burkhardt@fndc.govt.nz</u>

Website | Facebook | LinkedIn | Careers



From: Alex Goodwin <<u>Alexander.Goodwin@fndc.govt.nz</u>>
Sent: Monday, 8 November 2021 9:06 am
To: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>>
Cc: Bill Lee <<u>bill.lee@fndc.govt.nz</u>>
Subject: RE: Legal advice

Good Morning Theresa,

To provide the requested advice I need to work through all of the settlements as well as the Local Government Act 2002 and other legislation. As such I should be able to provide the requested advice by the end of next week.

Kind regards,



#### WE'RE SUPPORTING THE VACCINE ROLLOUT

Unite	Aotearoa New Zealand
against	It's your time to get vaccinated
COVID-19	BookMyVaccine.nz

From: Carla Ditchfield-Hunia <<u>Carla.Ditchfield-Hunia@fndc.govt.nz</u>> Sent: Thursday, November 4, 2021 10:02 AM To: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>> Cc: Bill Lee <<u>bill.lee@fndc.govt.nz</u>>; Alex Goodwin <<u>Alexander.Goodwin@fndc.govt.nz</u>> Subject: RE: Legal advice

#### Morning Theresa

I have referred your query to Alexander Goodwin. He will respond in due course and in the interim provide you with a D & P.

#### Kind regards



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#### WE'RE SUPPORTING THE VACCINE ROLLOUT



From: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>> Sent: Wednesday, 27 October 2021 10:02 AM To: Carla Ditchfield-Hunia <<u>Carla.Ditchfield-Hunia@fndc.govt.nz</u>> Cc: Bill Lee <<u>bill.lee@fndc.govt.nz</u>> Subject: RE: Legal advice

Mōrena Carla

Thanks for your response.

Just by way of background, the Te Oneroa-a-Tōhe Beach Board is a statutory body established through the four Te Hiku Claims Settlement Acts 2015 (Ngāti Kurī, Te Aupōuri, NgaīTakoto and Te Rarawa) and established as a permanent and joint committee of FNDC, NRC and the four lwi, for the purposes of clause (30)(1)(b) of Schedule 7 of the LGA 2002. As such, should it be regarded as an external party?

I have included a link below to one of the four Te Hiku claims settlement acts, Ngāti Kurī's, for your information. Subpart 2 outlines the Te Oneroa-a-Tōhe redress.

https://www.legislation.govt.nz/act/public/2015/0076/latest/DLM6055877.html

The legal advice being sought on behalf of the Beach Board is as follows:

Subject to legal advice, the Te Oneroa-ā-Tohe Beach Board has approved \$10,000 to come from Beach Board funds for the Snapper Bonanza Surf Casting Competition which takes place annually on Te Oneroa-ā-Tōhe / Ninety Mile Beach. The use of the funds would include advocacy, education and promotional material for the Beach Board and the Beach Management Plan.

Can the Beach Board funds be used for this purpose, as per the Te Hiku Claims Settlement legislation? Please find attached some advice on a related matter received from Te Arawhiti in 2020.

Thanks for your consideration of this, please feel free to contact me to discuss.

Ngā mihi

Theresa



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From: Carla Ditchfield-Hunia <<u>Carla.Ditchfield-Hunia@fndc.govt.nz</u>> Sent: Wednesday, 27 October 2021 8:37 am To: Theresa Burkhardt <<u>Theresa.Burkhardt@fndc.govt.nz</u>> Subject: Legal advice

Good morning Theresa

I note your message within teams which stated: "Kia ora Carla, am I able to seek some legal advice from our inhouse legal counsel on behalf of the Te Oneroa-a-Tōhe Beach Board. If so, how do I go about doing so?"

Legal Services and its In-house Counsel provide legal advice to its client, which is the Far North District Council. The team cannot provide legal advice to external parties. I would advise any external party to seek their/its own independent legal advice.

Would you be able to share what it is you are seeking advice about? We may be able to point you in the right direction.

Kind regards



Carla Ditchfield-Hunia Manager - Legal Services Corporate Services, Far North District Council | 24-hour Contact Centre 0800 920 029 DDI +6494015215 | M +64273029031 | Carla.Ditchfield-Hunia@fndc.govt.nz

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Please consider the environment before printing this email.

# Sheila Taylor

From:	Hickey, Maureen <maureen.hickey@tearawhiti.govt.nz></maureen.hickey@tearawhiti.govt.nz>
Sent:	Monday, 16 November 2020 12:00 pm
То:	Ben Lee
Cc:	Sheila Taylor
Subject:	RE: Te Oneroa a Tohe plan development \$

Kia ora Ben

We do have an update. It's based on our understanding the Board is looking to expend the remaining funds on implementation of the beach management plan (rather than the initial operation of the Board or the development of the first beach management plan).

We think it likely that the spending of excess funds on the implementation of the plan is sufficiently consistent with the intention of the deeds of settlement in respect of the Board and funds (that intention being to have a Board for the management and protection of the Te Oneroa-a-Tohe management area). However, there remains a risk that it breaches the deeds of settlement and to cover that off we think the following process needs to be followed:

- if it's not already, the Board should be made aware of this situation and that approval needs to be sought from the parties to the deeds of settlement;
- Ministerial approval will be required this should be a joint decision by the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Crown Relations – Te Arawhiti would send letters to the four governance entities seeking agreement to the money being spent on implementation attached to the advice
- if the governance entities agree, Te Arawhiti would advise the Board of the agreement to expend the funds on implementation; and
- the Board would then need to resolve for the funds to be expended on implementation.

Happy to discuss.

Ngā mihi

Maureen

From: Ben Lee <benl@nrc.govt.nz>
Sent: Friday, 13 November 2020 4:17 pm
To: Hickey, Maureen <Maureen.Hickey@tearawhiti.govt.nz>
Cc: Sheila Taylor <sheilat@nrc.govt.nz>
Subject: RE: Te Oneroa a Tohe plan development

HI Maureen, any update? We have Board meeting 23 Nov and would be great to have information by then.

#### Ngā mihi

Ben Lee Acting Group Manager – Strategy, Governance and Engagement DDI 09 4701157



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From: Hickey, Maureen <<u>Maureen.Hickey@tearawhiti.govt.nz</u>>
Sent: Wednesday, 4 November 2020 10:52 AM
To: Ben Lee <<u>benl@nrc.govt.nz</u>>
Cc: Sheila Taylor <<u>sheilat@nrc.govt.nz</u>>
Subject: RE: Te Oneroa a Tohe plan development \$

Kia ora Ben

Still working on it - it's in the queue for our lawyers to have a look at it.

Should be able to get back to you early next week.

Ngā mihi

Maureen

From: Ben Lee <<u>benl@nrc.govt.nz</u>> Sent: Wednesday, 4 November 2020 10:33 am To: Hickey, Maureen <<u>Maureen.Hickey@tearawhiti.govt.nz</u>> Cc: Sheila Taylor <<u>sheilat@nrc.govt.nz</u>> Subject: Te Oneroa a Tohe plan development \$

Kia ora Maureen, just wondering how you're going re question about using \$ allocated for plan development on e.g. plan implementation?

#### Ngā mihi

Ben Lee Acting Group Manager – Strategy, Governance & Engagement Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau

DDI 09 4701157



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