



30 August 2023



Tēnā koe [redacted]

Thank you for your email of 27 June 2023, requesting information relating to Maitai Bay Campsite. Your request is being considered under the Official Information Act ('OIA').

You requested the following information:

1. *What are the landowners / title holders (including Queen's chain) of the section of land a gate has been erected?*
2. *Who were the decision makers supporting or privy to these actions within DOC?*
3. *Who in DOC were consulted or part of these actions?*
4. *What process was followed in consulting Maori landowners in the area?*
5. *What is DOC's position regarding these actions and alienating tangata whenua from their lands?*

Following your discussion with the Department's Abraham Witana, on 24 July 2023, part six of your request was amended to:

6.
 - a. *All information regarding the Department of Conservation's final decision document, putting in place a gate, near a boat ramp, at the Matai Bay Campsite. This information includes consultation undertaken prior to the creation of the final decision document.*
 - b. *Correspondence between the Raharuhi whānau trust and the Department.*

On 26 July 2023, we extended the timeframe to respond to your request to 30 August 2023 due to the quantity of information sought and consultation necessary.

A gate was installed, near the boat ramp, at the Matai Bay Campsite on 16 December 2019, and subsequently locked on 19 December 2019 to keep members of the public, whānau, and beach users safe from dangerous driving behaviours and damage to the coastal sand dunes, in line with the New Zealand Coastal Policy Statement and the Northland Conservation Management Strategy.

The Department gives effect to the New Zealand Coastal Policy Statement and policies, objectives, and milestones of the Northland Conservation Management Strategy by protecting damage to the coastal sand dunes, by installing a locked gate, near the boat ramp at Maitai Bay Campground.



Please find below, a summary of events that led to the initial decision to put in place a gate, and subsequently lock it, near the boat ramp, at Matai Bay Campsite.

On 28 December 2018, the Department of Conservation ('the Department') received a letter from the Raharuhi Whanau Trust, informing us that access to Waikato Bay is the private property of the Raharuhi Whanau. The letter says that they have allowed the Department, and members of the public, free access for the past 30 years, and request that the Department respects 'the fact' it is private land. The letter also notes that they will negotiate with the Department for a suitable arrangement to allow future access.

On 21 October 2019, the Department received a letter from the Waitai Raharuhi Whanau Trust advising that their recent whānau meeting discussed a gate, near the boat ramp at the Maitai Bay Campground. In this letter, the Department was advised of their whānau decision to put in place a locked gate, near the boat ramp, from 19 December 2019 to 30 January 2020.

On 15 November 2019, the Department responded to the Waitai Raharuhi Whanau Trust, following a face-to-face meeting on 13 November 2019. The letter noted four commitments to be undertaken by the Waitai Raharuhi Whanau Trust:

1. Discuss with their whānau and notify of the intent of the upcoming closure
2. Release a closure panui of the discussed area to the general public
3. Provide the Department with appropriate closure wording to be used for signage
4. Provide the Department with appropriate closure panui for upload to the Department's website, Facebook page, and distribute to other visitor information sites.

The letter also noted the Department's commitments:

1. Purchase a forestry gate for the boat ramp
2. Replace and install the forestry gate at the boat ramp with a lock system
3. Maintain the closure period required at the boat ramp and close the Maitai Bay Campground main entry gate during evening to morning hours from 19 December 2019
4. Once whānau provide the Department with appropriate wording/panui notice, we will produce and install required signage, upload the closure notice to the Department's website, Facebook page, and distribute to other visitor information sites.

After receiving the appropriate wording for the closure, the Department implemented its commitments and worked with the Waitai Raharuhi Whanau Trust to install the gate, produce signage, advertise and ensure the closure notice was uploaded to the Department's website, social media platforms, and visitor information sites.

The gate and signage were installed during the week leading up to the closure date. The Waitai Raharuhi Whanau Trust public notice was released on 12 December 2019 in the local classifieds public notice section of the Northland Age.

The closure commenced on 19 December 2019.



Please find below our responses to your questions. Please note that we initially interpreted your request to mean you are seeking information relating to the decision to install, and subsequently lock the gate, near the boat ramp, at Maitai Bay campground, on 19 December 2019. As such, our responses below are based on our initial interpretation.

We apologise if we have interpreted your request incorrectly, and any inconvenience this may have caused.

Upon review of our initial interpretation, we would like to provide you with information relating to the decision to keep the gate locked after 30 January 2020. For clarity of events, we wish to respond to your questions, set out in our extension letter to you of 26 July 2023, with information on the decision to keep the gate locked. We aim to provide you with this information by 20 September 2023, earlier if possible.

Your questions and our responses are listed below:

1. *What are the landowners / title holders (including Queen's chain) of the section of land a gate has been erected?*

The foreshore between the low-water mark and the mean high-water mark is generally controlled and managed by regional councils unless there is a 'paper' road which are managed by the local council (which is not the case at Meritai or Maitai Beach). Land above the mean high-water mark is either private (where riparian rights may apply) or public land (sometimes referred to as the Queen's chain) where there is an esplanade reserve (usually administered by the local council) or a marginal strip/reserve (generally administered by the Department of Conservation).

The gate is located above the mean high-water mark and located on the Maitai Bay Recreation Reserve. The land is administered by the Department of Conservation's: land parcel ID 5073862, section 1 Block I, Karikari SD, SO51534.

2. *Who were the decision makers supporting or privy to these actions within DOC?*

The Department's Kaitaia Operations Manager.

3. *Who in DOC were consulted or part of these actions?*

The Kaitaia District staff.

4. *What process was followed in consulting Maori landowners in the area?*

As noted above, on 21 October 2019, our Kaitaia office received a letter from the Waitai Raharuhi Whanau Trust. The Department was advised of their whānau decision to put in place a locked gate from 19 December 2019 to 30 January 2020.

The Department engaged with members of the Trust to better understand their request and how we can support such a request to address their concerns.

At a meeting held on 13 November 2019, the Waitai Raharuhi Whanau Trust made a commitment that they would discuss with their whānau and notify their intent of the upcoming closure.

A public notice was made in the Northland Age on the 12 December 2019 advising the following:

Due to numerous instances of dangerous driving on the beach Merita beach access adjacent to the Maitai Bay campground will be closed from December 19, 2019 – January 30, 2020. Pedestrian access is still welcome.

Please also refer to Item 1 in *Table 1 – Schedule of Documents* below for information on the process followed in consulting Māori landowners in the area.

5. *What is DOC's position regarding these actions and alienating tangata whenua from their lands?*

It is not the Department's intention to alienate Māori from accessing their lands. Vehicle access to private land should be through formed access on the landowner's own property, by agreement with adjacent landowners or by way of a formal easement through public land. Vehicle access to land using a beach or foreshore area is not encouraged due to the damage to the foreshore area.

The gate was installed for public safety reasons and to protect the foreshore and sand dunes from inappropriate behaviour in vehicles.

6.

a. *All information regarding the Department of Conservation's final decision document, putting in place a gate, near a boat ramp, at the Matai Bay Campsite. This information includes consultation undertaken prior to the creation of the final decision document.*

b. *Correspondence between the Raharuhi whānau trust and the Department.*

Please find attached, as Item 1, information relating to the decision to install, and subsequently lock the gate, near the boat ramp, at Maitai Bay Campground, on 19 December 2019. Also in Item 1 is correspondence between the Department and the Waitai Raharuhi Whanau Trust relating to the decision to install, and subsequently lock the gate.

Item	Date	Document description	Decision
1	December 2018 – May 2022	Information relating to the decision to install, and subsequently lock the gate, near the boat ramp, at Maitai Bay Campground, on 19 December 2019, including correspondence with the Waitai Raharuhi Whanau Trust	Released in part, subject to some information withheld under section 9(2)(a) of the OIA and section 9(2)(b)(ii) of the OIA.



I have decided to release the relevant parts of the document listed above, subject to information being withheld under the following section of the OIA, as applicable:

- Personal contact details of officials, under section 9(2)(a) – *to protect the privacy of natural persons, including deceased people*
- Commercially sensitive information, under section 9(2)(b)(ii) – *to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.*

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) and attached document may be published on the Department's website.

If you would like to discuss this response with us, please contact Abraham Witana, Te Hiku Treaty Settlement Implementation Advisor, by email to awitana@doc.govt.nz.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'R. Elliot'.

Rolien Elliot,
Acting Operations Director. Northern North Island
Department of Conservation
Te Papa Atawhai