

Submission to the Opotiki District Council on their Statement of Proposal in response to the joint request by Te Arawhiti and Te Whanau a Apanui.

My name is Meryl Elizabeth Bacon and I have a half interest in the beachfront property at Whanarua Bay, described as Lot 1 DP 4651.

In this submission I am responding to the Statement of Proposal as it relates to Whanarua Bay.

1 – Introduction:

In 2005 my partner, Leslie Wilson Jones and I (via the Les and Meryl Trust) jointly purchased our modest beachfront bach in Whanarua Bay. We, our family and our friends so enjoy and appreciate spending time there, swimming, kayaking, walking and generally relaxing.

We were comfortable with the fact that the section had originally been purchased as one of a subdivision by Romeo Wirepa who at the time still lived in the bay. In fact after the tragic house fire which claimed Romeo's life, his daughter Rosana and grandson Tamahau stayed free of charge in our bach for most of a year until their home could be rebuilt.

After the original subdivision, Lot 75 (which is the gravel road running in front of the beachfront properties) was returned to the Wirepa whanau but the Maori Land Court granted an easement for beachfront property owners to use this in order to access their properties and to access the recreational reserve (Lot 80) on the seaward side of their properties.

We were aware that the road down through Lot 66 had been created by beachfront property owners but that (Opotiki District Council)ODC had accepted it's use by them and the general public for many years. In fact this provides the only *practical access for the beachfront property owners to their properties* – although their sections back onto State Highway 35, the sections are very steep and no vehicle access would be possible.

2 - The Statement of Proposal Te Arawhiti and Te Whānau a Apanui joint request Ōpōtiki district reserve land, dated Thursday 4 February 2021 A229160, (as it relates to Whanarua Bay):

“It is proposed that the seven land parcels comprising this reserve be transferred from the Ōpōtiki District Council to Te Whānau a Apanui. It is proposed that Lot 80 (urupā) and all of Lot 71 would be vested in Te Whānau a Apanui unencumbered, without any reserve status and without any public access requirements.

The remaining lots being 66, 68, 69, 70, balance of Lot 80 DP 4651 and Lot 3 DP 6108 would be vested in Te Whānau a Apanui as historic reserves under the Reserves Act 1977. The public rights of access to those parcels, would be as per that Act as is currently the case.

Implementing this part of the proposal would be subject to the Council first being satisfied as to how any existing encroachments are addressed prior to the land being transferred.

It is proposed that Te Whānau a Apanui would be the sole administering body for the reserves.”

Concerns relating to this proposal:

1 – Issue of unresolved access over Lot 66 with Opotiki District Council

- a) **The Ōpōtiki District Council Reserve Management Plan** had a long period of consultation where the majority of the submissions were made in respect of their proposals for Whanarua Bay. Many of these concerned the need for ODC to create an easement over Lot 66 for vehicles to access beachfront properties.

The **HEARING PANEL RECOMMENDATIONS ON SUBMISSIONS ON THE RESERVE MANAGEMENT PLAN** had a standard response to literally dozens of submissions in respect to this issue, which was:

“Council is creating an easement and access policy to address access over all reserves in the district.”

- b) It was therefore with some alarm that the **The Ōpōtiki District Council Reserve Management Plan** was adopted at the 6 October 2020 Ordinary Council Meeting. In this there was no mention of the planned “creation of an easement and access policy to address access over all reserves in the district”.

The only part of the plan that seemed to have relevance to our situation was:

“9.2.6 Access – operational maintenance The provision of access to reserve land for essential services includes; services and activities associated with stormwater management, drainage, flood protection and emergency management. Examples of essential services includes the servicing of essential services assets such as telecommunication lines, electricity cables, water and sewerage assets located on reserves, flood protection and land drainage.”

Without vehicular access down Lot 66 beachfront property owners would have no access to essential services such as repair of electricity cables, maintenance of septic tanks and access to emergency services such as an ambulance and the fire service.

Over this summer my daughter’s friend had to call an ambulance due to a severe allergic reaction leading to respiratory distress. They were renting a property on State Highway 35 in Whanarua Bay but could have easily been down in the bay. Thus lack of vehicular access down Lot 66 could be life threatening.

After many years of beachfront property owners attempting to negotiate an easement over lot 66 and of ODC telling us that they were developing an access policy, I believe it would be an abrogation of their responsibilities to agree to the vesting of Lot 66 in Te Whanau a Apanui before this issue is resolved.

2– Concerns over lack of specificity in the State of Proposal

a) The Statement of Proposal lays out that:

“lot 66 would be vested in Te Whānau a Apanui as historic reserves under the Reserves Act 1977. The public rights of access to those parcels, would be as per that Act as is currently the case.

Implementing this part of the proposal *would be subject to the Council first being satisfied as to how any existing encroachments are addressed prior to the land being transferred.*”

Is Lot 66 considered to be an “existing encroachment”?

Why is the negotiation of an easement over Lot 66 not specifically mentioned?

I wonder what other “existing encroachments” are being considered – perhaps the construction of a building on what appears to lot 80 (beachfront reserve) on the eastern bay.

Surely the specifics need to be spelled out or it makes a mockery of consultation on this proposal.

b) The Statement of Proposal also states that:

“that Lot 80 (urupā) and all of Lot 71 would be vested in Te Whānau a Apanui unencumbered, without any reserve status and without any public access requirements”.

It does not define nor describe the extent of the urupa. If this is more extensive than the existing signage indicates, then it could interfere with the public’s enjoyment of the beachfront recreational reserve.

Again where are the details?

3 – Decision re ownership and management of the reserves

My understanding of the Statement of Proposal was that consultation was to seek views on 3 possible options as listed below:

“Three options have been identified for the management of the reserves identified in this Statement of Proposal, which assumes Council transfers ownership to Te Whānau a Apanui as proposed:

- 1. Te Whānau a Apanui owns the reserves but Council retains sole management of the reserves*
- 2. Te Whānau a Apanui owns the reserves and a joint reserve management board of the Council and Te Whānau a Apanui is created to manage reserves individually or collectively;*
- 3. Te Whānau a Apanui owns the reserves and is the sole management body of the reserves.”*

Thus I was surprised that the Statement of Proposal in relation to Whanarua Bay ended by stating:

“It is proposed that Te Whānau a Apanui would be the sole administering body for the reserves”

I believe this needs further discussion. The residents of Whanarua Bay have an interest in how these reserves are managed. As ratepayers our voice should be heard through the Opotiki District Council. Western democracy supports that there should be “no taxation without representation” and rates are clearly a form of taxation.

I would therefore support option 2 - *Te Whānau a Apanui owns the reserves and a joint reserve management board of the Council and Te Whānau a Apanui is created to manage reserves individually or collectively.*

Thank you for considering these thoughts.

Regards

Meryl Bacon