

## **Submission on the Opotiki District Council Statement of Proposal**

### **Te Arawhiti and Te Whānau a Apanui joint request Ōpōtiki district reserve land**

#### **Specifically, the Whanarua Bay Reserves**

#### **BACKGROUND**

I am making this submission on behalf of the greater Hawksworth Family who has been regularly coming to our bach, located on lots 14 and 15 DP 4651 in Whanarua Bay, for the past 65 years.

My Grandfather John snr (Big John) originally leased the cottage in 1956, and then subsequently purchased the underlying land in 1962 when the Bay was subdivided by Romio Wirepa. It is with pride that we can say that our extended family (now numbering 21) has been coming to this place on a frequent basis ever since, with the fifth generation of our family now enjoying this very special part of New Zealand.

While we have seen some real changes in the past 65 years, we have enjoyed and appreciated that it has changed a lot less than most of the country, and a lot is still very recognisable from the photos we have from all those years ago.

#### **OUR CONCERNS**

Our understanding is that there is now a proposal to gift certain reserve lots that formed part of the original subdivision to Te Whānau a Apanui as part of a Treaty Settlement. These reserves were created as part of the original subdivision of the Bay back in the early 1960's by the Maori owners at the time, which was when my Grandfather purchased our lots. The vesting of land into council ownership for reserves as part of the subdivision process is long established and still applies to subdivisions today, although these days it is more common for a monetary contribution to be paid instead of setting aside land. The reserves were not confiscated but were legitimately vested as an integral part of the subdivision process, and as such we believe should not be considered part of a settlement package.

Our Grandfather, along with the other purchasers, purchased this land legally on the absolute understanding that uninterrupted access was available to the Bay, and the ability to launch boats was part of that purchase. The transfer of ownership from the Council to Iwi has the potential to limit the access to the Bay by bach owners and the public alike.

Unfortunately, it has become apparent over the years that the subdivision was executed very poorly, and the original access (down through the Whanarua Stream) was not fully resolved when the sites were sold. As a result, disputes led to that access being closed and the land-locked property owners down in the Bay were forced to seek other means of accessing their baches. This culminated in forming the road down through Lot 66.

The Opotiki District Council has acknowledged a number of times since that this current means of accessing the Bay is the most appropriate and had expressed their intention to place an easement over the Lot 66 reserve to ensure that access be protected. The councils' failure to implement this has again burdened the beachfront bach owners with a problem not of their making. We believe that this is an ODC and Crown created issue, and one that the Council and the Crown should rectify before any transfer of ownership takes place, if this were to occur.

A number of years ago the lower bach owners invested a significant amount of time and money into establishing formal right-of-way easements over the privately owned lot 75 at the base of the hill, however this legally established right would be worthless if access down Lot 66 was ever denied. We therefore believe that the best solution is that lot 66 and lot 80 are maintained in council ownership, and ongoing access rights are created to ensure that public access is preserved.

## **OUR SUBMISSION**

Our submission on the main points of the Statement of Proposal are:

1. *It is proposed that seven parcels of land at Whanarua are transferred.*

We are not averse to the bulk of the proposed parcels being transferred however we believe that the ownership of Lots 66 and 80 should remain with Council and their designation as recreation reserves be maintained to ensure unrestricted access to the Bay is maintained in perpetuity.

2. *It is proposed that the urupa on Lot 80 should be vested in Te Whanau a Apanui as a separate title of land and no longer having reserve status.*

We agree with this proposal and would like to see appropriate historical research done to ensure the extent of the urupa is correct. Parking of vehicles on the flat area at the base of Lot 66 is important for the eastern bay bach owners so if the historical research shows the extent of the urupa extends into this area, thoughtful adjustment of the parking should be undertaken to ensure access and space for vehicle parking is maintained.

3. *It is proposed that the Recreation Reserve Lot 66 and the remainder of Lot 80 (as well as some other smaller lots) are vested in Te Whanau a Apanui and reclassified as Historic Reserves. The public rights of access would be as per the Act as is currently the case.*

To maintain the intent of the original subdivision we believe that lots 66 and 80 should remain in council ownership with their current Recreation Reserve designation to ensure public access (by foot and by vehicle) is maintained down to the Bay and across the beach to the water to allow for launching of boats. We agree with the vesting of the other lots to Te Whanau a Apanui and would like to see other land on the coast identified for transfer to offset Lots 66 and 80.

4. *It is proposed that Te Whanau a Apanui would be the sole administering body for the reserves.*

If the lots currently put forward were to all be transferred to Te Whanau a Apanui, we would like to see the administration of these reserves to be continued by the Opotiki District Council.

## **SUMMARY**

We have no objection to acknowledging and celebrating the Maori history of the Bay, and we support the proposed separation and protection of the Wahi Tapu site on the small headland between the bays. The existence of this site has been understood and respected by the bach owners for decades and it makes sense that this site is protected from those who may not appreciate the significance when they visit Whanarua.

If the Crown, through Te Arawhiti, considers Te Whānau a Apanui has been sufficiently aggrieved that land should be gifted, we feel that land on other parts of the coast would be more appropriate for transfer than lots 66 and 80 where the implications do not potentially have such significant impacts on other users.

Our family has a long and close connection to Whanarua Bay and would like to continue visiting this special place for generations to come. We would therefore like to see a respectful solution put in place that honours the tangata whenua while also protecting the access rights of the bach owners.

If ownership of these parcels of land is transferred to Te Whānau a Apanui, we would hope (in the strongest terms) that this would only occur following the establishment of robust, legal easements over Lots 66 and 80, to ensure that free and unfettered access is maintained over this land in perpetuity, for all New Zealanders.

Thank you for your consideration on these matters.

Yours Faithfully

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Architect