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To: [@Information Requests](#)
Subject: Submission in response to Statement of Proposal - Te Arawhiti and Te Whanau a Apanui joint request Opotiki district reserve land
Date: Sunday, 21 March 2021 11:28:16 am

Background This submission is made by Steven Cotterell and Victoria Rosser with regard to above Statement of Proposal as it relates to Whanarua Bay recreational reserves. We own 3 properties at Whanarua Bay . All are used by us for various personal purposes with no intentions to utilize or sell for financial gain.

We have invested heavily in the Bay, to be able to enjoy our retirement in this beautiful area. A big part of that enjoyment has come from being able to access the Bay easily from our location on SH 35. The expectation has always been that the access over lots 66 and lot 80 along with the permission from private landholders of lot 75 would continue indefinitely. Any interference to this access would impact greatly on our experience and as well as that of all residents of and visitors to Whanarua Bay.

There has been an ongoing discussion since the original subdivisions were made along the beach at Whanarua Bay regarding access for bach owners. The need for access is not limited to the bach owners but should be provided for all. The fact that the reserves were created (correctly) to allow all New Zealanders and visitors to access the beach but without any official access being made from the reserves to the main road was a mistake in early planning . This is a mistake that finally needs a resolution. Council has stated many times in its response to access issues in the many submissions made by interested parties during the consultation period of the recently adopted Reserve Management Plan (RMP) that policy planning is underway to address the easement and access issues to reserves in the whole district. Until this policy is presented (sometime in July or August we have been advised by council representatives) we don't know how access to the beaches of Whanarua Bay will be achieved. With regard to the access issues in Whanarua Bay , we hope this new policy addresses the uncertainty currently surrounding the situation. This is relevant to the joint request in that regardless of the final policy outcome, it is premature to be considering transfers of reserves ownership and management of reserves to parties outside of the ODC before the policy is declared and implemented.

With a new RMP just implemented in October 2020, it is puzzling that a joint request is now being considered that in several ways goes against the intent and vision of the RMP. Some points supporting this statement will be made in our submission.

Our submission Proposal 1. *It is proposed that 7 land parcels comprising this reserve at Whanarua Bay be transferred from the Opotiki District Council to Te Whanau a Apanui. We oppose this proposal.* There are no compelling reasons given as to how this action will benefit anyone other than one select group in the district. The responsibility of Te Whanau a Apanui is to promote its own interests. There is no communication made as to what these interests are. There is also no communication made as to the inadequacies of the current ownership status. From the broader, public point of view it is obvious that a democratically elected council is in a better position to properly represent the community as a whole, at any point in time and will not take action that compromises the intention of the reserves or the interests of the majority.

Proposal 2. *It is proposed that Lot 80 (urupa) and all of Lot 71 would be vested in Te Whanau a Apanui unencumbered, without any reserve status and without any public access requirements.* We fully respect that clearly identified urupas should be protected and the wahi tapu respected by all . The problem at this stage is that the location of the urupas may be

understood by the Te Whanau a Apanui but these areas have not been clearly defined in the Joint Request . We have contacted Council on this matter for clarification and have received no clear indication of the boundaries of the urupas on Lot 80. In its Latest RMP council has committed to conduct archeological and cultural surveys of all reserves in the district as set out in WHBS1 and WHBS2. Until this work is done it is impossible to make a clear decision on this specific proposal. It has also been stated on many occasions that council is committed to the protection of these sites so we see no reason to bring forward a decision on this matter. This request has obvious effects on Proposal number 3 and should not be considered as a separate issue in the request. Until the boundaries of the urupas are defined we can only state that we agree in principal to the proposal.

Proposal 3. *The remaining lots being 66,68,69,70, balance of 80 and lot 3 would be vested in Te Whanau a Apanui as Historic reserves under the Reserves Act 1977 (RA77).* **We oppose this proposal.**

Under the classification of Historic Reserves the RA 77 section 18 states that the purpose of these reserves is the protection of places, objects and natural features that are of special interest historically, archeologically, culturally or educationally. To be classified the Historic Reserve must have structures , objects or sites that illustrate the history of NZ. It should have significant or notable features which shall be managed and protected to the extent compatible with the primary purpose of the reserve. Private freedom of entry and access to the reserve subject to conditions and bylaws set by the district council must be maintained.

Under section 17 of the RA77, Recreation Reserves shall provide freedom of entry and access to the reserve subject to conditions and bylaws set by the District Council. It must be managed to protect the scenic historic, archeological, biological, geological or other indigenous flora and fauna that are present on the reserve. Further to this RA77 classification, the ODC's RMP has categorized the reserves as Cultural Heritage. The description and primary purpose of this category is “ reserves that protect the built cultural and historical environment and or provide for heritage conservations, education, commemoration, mourning and remembrance.

We believe that the current classification under RA77 and categorization under the RMP gives greater scope to the reserves and ensures that the interests of all parties are accommodated . There is no reason to affect a change in classification of the reserves from Recreation to Historic.

Proposal 4. *It is proposed that Te Whanau a Apanui would be the sole administering body for the reserves.* **We oppose this proposal.** The reasons for this are alluded to in the background of our submission. We can see no advantages in handing the sole administration of the reserves to one particular entity with clearly defined self-interest over a democratically elected council that represents the interests of the whole community. In debates in council meetings regarding the advantages and disadvantages of maintaining the status quo, the cost to council of maintaining and managing the reserves is mentioned. As the residents of Whanarua Bay currently receive very little in the way of “value for money” for their payment of rates, it is reasonable to expect that a proportion of these rates be directed to the proper management and maintenance of the reserves. Most of the maintenance work on the reserves is already done by residents and could be done at an even higher level with some input by council. The reserves have been vested to ODC by the Crown and as such the council should uphold its responsibilities to administer the reserves as intended. As stated by council the Purpose of the Reserves was “to provide access to significant wahi tapu (urupa) sites. Also provide access from the road to the beach at Whanarua Bay.” Council should ensure that the original purpose of the

reserves is fulfilled . This can be achieved through the policy being considered currently to “address the easement and access issues to reserves in the whole district”.

In summary, the classification of the reserves as Recreation should remain. This classification along with council’s categorization of Cultural Heritage fulfils the concerns of the joint request in offering protection of wahi tapu (urupa) sites, as well as offering stability and ongoing access to the beach and sea for the wider community. As a priority council needs to follow up on its commitments made in the RMP to conduct archeological and cultural surveys of the reserves to shore up its responsibilities to identify, define and protect the urupa sites. It also needs to follow up on its commitment to work in accordance with the Resource Management Act 1991 , part of which (Section 6 , part d) refers to the “maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.” Hopefully the current policy discussions around easement and access to reserves will address this. The ownership and administration of reserves should remain with council. They are the only party resourced and positioned to provide fair and impartial management of reserves under their control, that truly reflects the interests of the whole community.

Thank you for providing us with the opportunity to make a submission to the joint request. Please confirm receipt of this submission by return email.

Regards

Steven Cotterell and Victoria Rosser.