

To the Councillors of the Opotiki District Council

**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. In this submission I am responding (in particular) to the Statement of Proposal as it relates to Whanarua Bay.**

My name is Gordon Dennis and I am a trustee of a beachfront property at Whanarua Bay. The property is Lot 8 DP 4651 and it is on the beachfront at Whanarua Bay.

**1. Background**

- 1.1. This property was purchased in the early 70's by my father. The subdivision was described as a residential seaside subdivision. I am aware that there have been several attempts to resolve the original failures to properly and legally constitute access to the beachfront properties.
- 1.2. I note that we have an easement over the private land known as lot 75 and now rely on access over the lot 66 sealed accessway with some comfort in the knowledge that it has been formed for over forty years now, has been accepted by several of Council's Executive staff as being a practical solution, and also that it is a reserve.
- 1.3. The Maori Land Court has determined that we are effectively landlocked and have corrected that matter in relation to lot 75 by issuing easements over lot 75. In her findings, the Judge noted that access over lot 66 was (and is) a matter for the Opotiki District Council to resolve. She also noted that vehicle access via lot 66 was the only practical access into the beachfront properties.
- 1.4. The request by Te Arawhiti and Te Whanau a Apanui may be Council's final opportunity to right the wrong which they have admitted to being a part of and which has dogged this community for decades.
- 1.5. In a 6 October 2020 letter to Beachfront representatives Minister Andrew Little made it clear that "how the access issues are resolved are best left to the Opotiki District Council".

**2. My Submission**

- 2.1. **First Proposal.** Opotiki District Council proposes that seven parcels of land at Whanarua are transferred.

My submission is that some of the reserves are appropriate for consideration to transfer but not all. Lot 66 is wholly unsuitable for transfer while formal access for beachfront properties remains unresolved. Lot 80 is used almost exclusively for recreation and the 'seaside' aspect was the primary reason my father purchased our seaside property.

2.2. **Second Proposal.** Opotiki District Council proposes 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.

My submission is that the area of the urupa has not been defined and only for this reason I reject the proposal.

2.3. **Third Proposal.** Opotiki District Council proposes that the Recreation Reserve Lot 66 (the roadway down into the Bay) 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 (walking) public rights of access would be as per the Act as is currently the case.

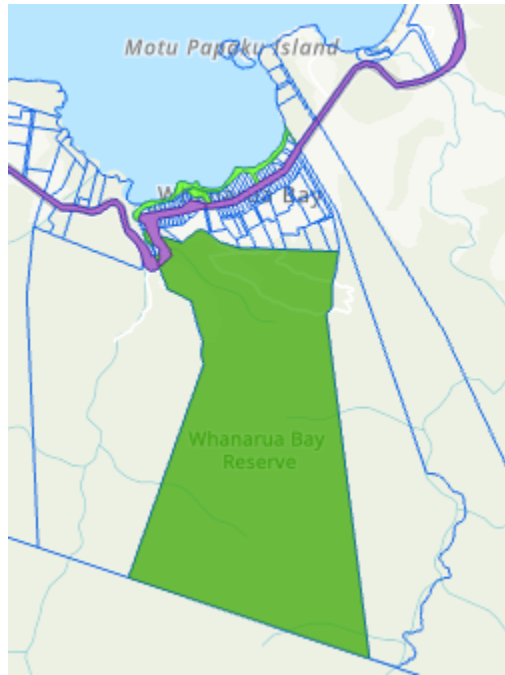
My submission is that lots 66 and 80 are unsuitable for transfer as reserves and that Council should look elsewhere for a suitable reserve for offer in lieu of 66 and 80. In that regard I suggest Councillors consider offering the land described in 'Alternatives' below.

### **3. Alternatives**

My submission is that Councillors should look to alternative reserves to offer. In that regard there are two reserves within the area of the local hapu. Both are part of the original Motuaruhe block.

#### **3.1 Karirangi**

This reserve is also known as the Whanarua Bay Reserve and contains sites that are regarded as significant to the local hapu.



### 3.2 Tokatea

The Tokatea reserve is an area of some 1.7345 hectares just a few kilometers to the east of Whanarua. You will see that its block name is Motuaruhe 6B1 which indicates that it is part of the original Motuaruhe block which included the Whanarua Bay lots 66 and 80.



*State Highway 35 (Te Kaha)*

#### **4. Summary**

The two reserves detailed above would transfer without the grievances and tension that will likely be created by transfer of lots 66 and 80 at Whanarua Bay. Both the Karirangi Reserve and the Tokatea Reserve meet the test of being within the rohe of the local hapu and should be offered instead.

If the Opotiki District Council fail to take the appropriate steps to retain lots 66 and 80 as public reserves and to provide an easement that allows vehicular access to all the beach front properties , then ODC will have failed to protect all of the rate payers along the foreshore.

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**Opotiki**

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