

Submission by James Jensen 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 to the Opotiki District Council Statement of Proposal. My submission relates to Whanarua Bay.

I first visited Whanarua Bay in 2005 and my son is now a fourth generation descendant with an interest in the Bay. Our access is via the sealed accessway down the reserve that I am told is lot 66. I understand that the accessway was developed over an old track following the blocking of the stream access that had been designated for use as part of the original Wirepa subdivision.

It would seem reasonable that, should an access road be blocked then either a) the access is unblocked or b) an alternative access is provided. It appears in this case the Opotiki County was unable to resolve the problem and landowners subsequently formed a new access through the Lot 66 reserve and this has been in place for some 40 years.

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

There are a number of reserves in the Statement of Proposal that appear to be entirely appropriate for transfer as part of a settlement.

I am concerned about lot 66 and lot 80. These do not appear to be appropriate at all. One is the access roadway used to access lower properties. The other represents the reason why people purchased the Romio Wirepa properties and no-doubt paid a premium for the proximity to the foreshore reserve that you now propose to transfer.

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.

It would make sense that this area be protected. I note that the exact area of the urupa has not been defined so I limit my support to the principle of protection.

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.

I do not support the transfer of Lot 66 to Te Whanau a Apanui because:

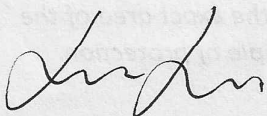
- *Our property is landlocked with no alternative to access other than over lot 66*
- *The Reserves Act will not guarantee our vehicular access over Lot 66 in order to get to our property.*
- *I am aware that in 2002 ODC resolved to grant easements in favour of the beachfront properties, that an appropriate easement was negotiated but then put aside while negotiations with Te Whanau a Apanui were progressed.*
- *An easement would give beachfront owners legal certainty.*
- *We are concerned that reasonable vehicle access to our property may be denied following a treaty settlement.*
- *I have not seen any form of justification for a change of reserve classification from recreation to historic.*

I would support the transfer of Lot 66 if an easement was first put in place.

4. **Fourth Proposal.** Opotiki District Council proposes that Te Whanau a Apanui would be the sole administering body for the reserves.

I do not support ODC relinquishing all administrative responsibilities in lots 66 and 80 at Whanarua in favour of Te Whanau a Apanui because:

- *There is clearly a beachfront community as well as a general Whanarua community who would not be represented by such an arrangement.*
- *The beachfront community would be entirely appropriate for joint reserves administration with iwi if ODC wishes to relinquish its responsibilities.*



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