

**Peter and Carol Martelletti's Submission on Opotiki District Council  
Draft Statement of Proposal for Te Arawhiti and Te Whanau a Apanui Joint Request  
for Opotiki District Council Reserve Land.**

We, like many Whanarua Bay residents and ratepayers are not at all happy with any proposal to hand over ownership of the Whanarua Bay reserves. We have listed our reasons below, not only to comment on the current proposal, but to reject it. ODC appears to be bowing down to Te Arawhiti at the expense of its own ratepayers. They are sacrificial lambs being sent to slaughter.

**Reasons to Reject the Proposal**

1. The tabled proposal by ODC falls well short of the Local Government Act 2002, particularly in relation to Section 83AA.

*83AA Summary of Information*

*A summary of the information contained in a statement of proposal must -*

- 1. Be a fair representation of the major matters in the statement of proposal; and*
- 2. Be in a form determined by the local authority; and*
- 3. Indicate where the statement of proposal is available; and*
- 4. State the period within which persons interested in the proposal may present their views to the local authority.*

The council has stated under their Summary of Proposal

***Given the short nature of this Statement of Proposal, Council is not producing a separate summary.***

Because there is no summary how is it possible that a fair representation of the major matters be determined. This is astonishing considering the history of correspondence and dialogue over access to Whanarua Bay which must be considered a "major matter".

It appears the council has chosen to ignore the law they operate under. A hastily prepared and brief proposal is unacceptable.

2. The ratepayers of Whanarua Bay have been requesting proposals and remedies for the access issues for over 20 years to the ODC. Te Arawhiti and Te Whanau a Apanui make a joint request for a proposal to ODC and it is delivered in 5 weeks including the Xmas-New Year holiday period.
3. To date there has been no circulated independent assessments of the proposed reserves that table the history, the access issues, the mistakes made by government departments when signing off this subdivision and issuing titles with no formed road or access, the effects of the action of the ODC in the current proposed form, the likely future for the most affected parties etc. As stated in point 1 there is no summary of major matters. Their actions are dividing a community, not uniting it.
4. If ODC is so willing to enter into discussions and arrangements with Te Arawhiti and Te Whanau a Apanui then why wont they enter into discussions with the local residents. Local residents have been accused of destroying and desecrating the beach and beach front. This couldn't be further from the truth. They are the ones that have carried out all normal council responsibilities like maintaining access through the reserve Lot 66 and Lot 80, foreshore erosion management, traffic management with a one way light system, water supply management etc. A few years ago there was major erosion of the foreshore and Lot 75 roadway after a storm. No one could access the beach. It was the local residents that put up the money and their time to carry out the repairs of this. Why not transfer ownership to the local residents? If the reasons are that the council doesn't have the power to transfer reserve land to the local residents, then how does that differ from transferring it to the local iwi.
5. In the Te Whanau a Apanui Agreement in Principle to Settle Historical Claims dated 28th June 2019 the mandate is for historical claims and fulfilling their aspirations. The Whanarua Bay falls outside this mandate as it was a private subdivision by a local hapu member to be developed at his own free will and sold for profit. As part of this freehold development parts were vested into council for roading and reserve. Section 5.7 of this Agreement clearly stated that;

***5.7 This exploration may not result in a property being available for cultural redress***

Because of ODC's intimate knowledge of the issues surrounding Whanarua Bay reserves they had ample opportunity to withdraw Whanarua Bay reserves. Why is

ODC trying to satisfy Te Whanau a Apanui aspirations while totally ignoring local ratepayers aspirations. Do they count for nothing?

6. The land that forms the claim as Whanarua Bay reserves was formerly Wirepa whanau land, vested into council as recreational reserves, yet the claimant appears to be Te Whanau a Apanui under the guise of cultural redress. Due to the fact that errors were made during the Wirepa subdivision and Lot 75 was handed back to the Wirepa whanau instead of used for the intended roadway to access the bay, we understand that council had charged rates to the Wirepa whanau. If this happened then the Wirepa whanau have every right to feel aggrieved and a full inflation adjusted refund from ODC should be appropriate.
7. In the Statement of Proposal in the Table referring to Whanarua Bay, the second paragraph states that Lot 80 (urupa) be vested in Te Whanau Apanui unencumbered, without any reserve status and without any public access requirements. There is no attached map defining this area. Locals and visitors have always shown respect for the area below the sign near the bottom of Lot 66. This localised area has never been an issue with the ratepayers and we agree it would be more appropriate to return this area to local hapu or whanau.
8. In the ODC Ordinary Council Meeting Agenda dated 26/1/21, reference page 82 Section 3 indicates the advantage of handing over ownership of the reserves **“council will be compensated for the handing over of the reserves”**. Does the council see handing over ownership an opportunity to gain or profit from this?
9. There has been no provision for emergency services to have unimpeded access to the beach front of Whanarua Bay, plus provision for infrastructure services like sewage pumping from septic tanks, electricity network providers, telco providers, service maintenance providers, and tradespeople.
10. Has council engaged prior to this proposal, independent experts to complete reports on the history and background of the land in question at Whanarua Bay, complete with pro's and con's of such actions, and to include future outcomes for residents, ratepayers, and stakeholders of the local community?

11. Initial discussions indicated Te Arawhiti called for grievances by local Maori. There were plenty of submissions from local hapu and local whanau's. Te Arawhiti stated it would only deal and discuss this on an iwi level. Te Arawhiti asked ODC for a list of reserves that **may** be considered. Initially the idea was floated with options to hold the reserves with joint iwi management, then followed by joint ownership with joint management. Now it is suggested sole iwi ownership with sole iwi administration. ODC are now looking at 3 options for management of the reserves. Wont lines be blurred if one organisation is administering something and another organisation is managing the same ?
  
12. Honourable Andrew Little released a cabinet paper dated 29/7/19 on the Te Whanau a Apanui settlement. He mentions seeking "non standard" redress that he considers necessary to meet Te Whanau a Apanui's aspirations. Nearly half the land in the Te Whanau a Apanui's rohe is Maori freehold land and about half public conservation land. The "non standard" redress approach is due to the fact the Crown has very little to offer in commercial assets, so it would appear they want to make up numbers. It is likely the reason Te Arawhiti have approached DOC and ODC is to see what they can offer. On the Table on Page 34 under Whanarua Bay reserve, the proposed site was subject to an agreement with DOC, ODC, and TWA on the management of the site. Also included was "**Protection of Third Party Interests**". Every individual ratepayer at Whanarua Bay has a third party interest.
  
13. ODC have had over more than 20 years of opportunities to engage and ratify access issues to the beachfront, and despite dialogue of admission of the issues confronted by the beachfront property owners and several promises of an easement, ODC appear to lack leadership to solve these problems. First opportunity to rid themselves of any responsibility they engage with haste and abandon the people they are responsible and answerable to. They need to show courage and leadership to stand up for their ratepayers, not abandon them.
  
14. The Whanarua Bay reserves land was vested into council by the action of freehold land developed and sold as a residential subdivision by the developer for profit. The land has not been confiscated so does not fall under the remit of Waitangi treaty claims of returning confiscated land or monetary compensation in lieu.

15.ODC by their actions of handing over reserve land will land lock the beachfront properties. This will severely impact on the values of all properties in Whanarua Bay, not just beachfront owners. ODC will need to be held to account for their decision by the Whanarua Bay ratepayers. A possible outcome would be a class action against the ODC for loss in value, damages and abandoning their ratepayers.

16.Attached to the Ordinary Council Meeting Agenda dated 26/1/21, page 81 mentions:

The three broad options assessed in this report are:

1. Council continues to own the reserves and the management of the reserves remains as it is, with no transfer of land to Te Whānau a Apanui (the status quo);

2. Te Whānau a Apanui owns the reserves and is the sole management body of the reserves;

3. 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.

In the draft “statement of proposal” only only paragraph 2 is included.

17. With the recent Reserves Management Review late last year there were 38 submissions relating to Whanarua Bay out of a total 58 submissions for all of Opotiki District Council. Does council acknowledge that there are underlying issues that need to be resolved prior to any discussions with other parties?

18. Residents have been told many times by ODC that access and rules are governed by the Reserves Act, hence the delays on acting on past promises. There are many reserves in New Zealand with public access for vehicles, parking and also boat launching facilities.

## Summary

We think it is ironic that the government has set up an entity in 2018, an Office for Maori Crown Relations called Te Arawhiti (meaning bridge) to foster strong, ongoing and effective relationships with Maori, and to get out and listen to people in our communities so they have a clear idea of what New Zealanders want and expect from this new entity. They are not listening to people impacted by suggestions and decisions. ODC's logo states "Strong Community Strong Future. They are dividing a community when they should be uniting a community. Council need to take their ratepayers seriously. They are first and foremost the people they need to serve and protect and build strong communities. We wish the proposal to be rejected.

We wish to be able to read out our submission at the council meeting.

Signed

Peter and Carol Martelletti

10/03/2021