

STATEMENT OF PROPOSAL

Te Arawhiti and Te Whānau-ā-Apanui Joint Request

Opotiki District Reserve Land

Re Whanarua Bay Recreation Reserve SH35

It is proposed that the seven land parcels comprising this reserve be transferred from the Ōpōtiki District Council to Te Whānau-ā-Apanui. It is proposed that Lot 80 (urupā) and all of Lot 71 would be vested in Te Whānau-ā-Apanui unencumbered, without any reserve status and without any public access requirements. The remaining lots being 66, 68, 69, 70, balance of Lot 80 DP 4651 and Lot 3 DP 6108 would be vested in Te Whānau-ā-Apanui as historic reserves under the Reserves Act 1977. The public rights of access to those parcels, would be as per that Act as is currently the case. Implementing this part of the proposal would be subject to the Council first being satisfied as to how any existing encroachments are addressed prior to the land being transferred. It is proposed that Te Whānau-ā-Apanui would be the sole administering body for the reserves.

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Submission details:

Personal statement: My name is Walter Immink, 81 Muriwai Dr Whakatane 3120

I and/my family have been visiting Whanarua Bay for the past 53 years, initially staying with family friends (Lot 19 - Abernethy family) during school and public holidays. I would estimate that I/we visit Whanarua Bay 5-6 times per year. In more recent years, when a family member (Allan & Olga Goldsmith) purchased Lot 20 in January 2015, we have stayed and holidayed in their family bach, but often enjoying the company of other friends and bach owners.

This submission provides comment on Lot 80 (Urupā) and Foreshore, and Lot 66, the access driveway from SH35 down to the two bays at the bottom of the driveway.

Lot 80

- **Urupā** – I fully support that the Urupā is separated out and transferred to Te Whānau-ā-Apanui in full recognition of it being a sacred site. Over the 53 years I have been visiting Whanarua Bay we have been aware of this part of Lot 80 being sacred and acted as kaitiaki and protectors of this area when visitors to be the Bay who were not aware of this fact.
- **Foreshore** – the remainder of Lot 80 which is the foreshore than runs along in front of the bachs, I understand could be transferred to 'historic reserve' status which would indicate foot access only. I do not support the foreshore part of Lot 80 being identified as 'historic reserve', as consider if the Urupā is separated out and transferred to iwi, then there would be no need for the foreshore to be anything other than a recreational reserve – thus allowing bach owners vehicle access in front of their bachs if required.
 - For Lot 20, we do not have vehicle access in front of the property but would like to retain the ability to park where cars currently park in the 2nd bay.

Lot 66

I do not support that Lot 66 (driveway access to bottom of bays through bush) be returned to Te Whānau-ā-Apanui to administer as they see fit for a number of reasons.

- The land was originally owned by Romio Wirepa and sold by a 'willing seller to a number of willing buyers'. If it is not being proposed to be handed back to the Wirepa family for administration, then for access and easement, the Opotiki District Council should allow public access to the bottom of the bays for vehicles, including boat launching, as they have done with Waihou Bay
- The existing vehicle access is there because of hapu blocking off previous access along the Whanarua Bay stream.
- This stimulated bach owners to prepare their own access to the bays, which they did so at their own expense and which has been used by iwi, hapu, bach owners above the bay and general members of the public ever since
- It was developed with the knowledge of the Opotiki County Engineer
- It has been used for 40 years with the tacit approval of the Opotiki District Council
- Opotiki District Council has been providing Whanarua Bay bach owners with various building consents over the years and continue to receive rates from bach owners
- The current driveway provides health & safety access for Fire, Police and other emergency services

Bach owners respect the right to access Whanarua Bay and if access was to be denied then it should be Opotiki District Council's responsibility to provide an alternative access to the beachfront as Opotiki District Council has knowingly sanctioned access to the bays via Lot 66 for the past 40 years. As an alternative, they could offer Lot 66 (exclusive of any area connected to the Urupā at the bottom of the hill) to the bach owners who would continue to maintain the accessway, absorbing any maintenance costs. As a designated 'subdivision' the council needs to enable a safe legal access way and to deny the current bach owners access to the bay and their properties, would severely disadvantage them with the value of their property in the future.

It is the Council's responsibility to make a fair determination on behalf of all parties recognising the cultural significance to hapu and Te Whānau-ā-Apanui and current bach owners rights, who bought their properties in good faith and who for many years have maintained not only Lot 66 (and driveway), but also Lot 80.

Should the council support the proposal and return the administration of all lots to Te Whānau-ā-Apanui, then it would likely involve more court time and financial resources between the iwi and bach owners which would be detrimental to both parties. I request that Opotiki District Council facilitate a reasonable solution for all parties and that they deal with Lot 66 and Lot 80 separately from the full suite of Lots 66,68,69, 70 and Lot 3 DP6108.

During my time of visiting Whanarua Bay I have developed good relationships with a number of iwi and hapu and respect their position and connection with the land, and aside from the amendments listed to Lot 66 and Lot 80, support the return of other Lots to Te Whānau-ā-Apanui.

Thank you for the opportunity to submit on this issue.

Walter Immink



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