

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.

My name is Richard Montgomerie and along with my wife Carmen Montgomerie and 3 children I have an interest in a beachfront property at Whanarua Bay (Lot 3 DP 4651).

In this submission I am responding to the Statement of Proposal as it relates to Whanarua Bay.

1. Background

Our family association with Whanarua Bay began in 2018 when we purchased Lot 3. Since purchasing we have undertaken a number of improvements in the property. We intend to continue to invest in the property in the future. We have made these investments on the expectation that we had and will continue to have unrestricted vehicle access via Lot 66. Having unrestricted vehicle access to our property is critical to our use and enjoyment of the property.

When we purchased the property and our solicitor undertook the usual pre-purchase due diligence no access issues were identified and we purchased the property on the understanding that there was unrestricted vehicle access to the property.

Whanarua Bay is a very special place and despite our relatively short association the Montgomerie whanau has developed a very deep connection and affinity with the Bay and surrounds. We purchased the property on the expectation that we would be long-term owners and that our children could/would retain ownership as adults.

As is the case with all the beachfront back owners we rely on vehicle access down Lot 66. We rely on vehicle access to our property between SH 35 and for all the same reasons that home owners throughout New Zealand rely on vehicle access to their properties.

2. My Concerns

Myself and my family are very concerned that the very reasonable expectation that our property had unrestricted vehicle access will be eroded or even removed through the decision that ODC makes.

I support New Zealand doing everything possible to honour the Treaty of Waitangi and fully support initiatives that provide opportunities to develop and implement partnership under the treaty. My concern is that, based on the options outlined by the ODC that the win-win-win (wins for Te Whanau a Apanui, bach owners, travelers and the ODC) solution that exists, and has been outlined in the submission of Mr Mark Stringfellow and others, will not be adopted by ODC and instead, we as bach owners, will fail to secure what we have long sought which is a legal right of way over Lot 66 that guarantees vehicle access to our properties.

3. **My Submission**

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

As I stated earlier, I fully support New Zealand developing and implementing greater partnership under the treaty. I can see that in a local context transferring all 7 parcels of land to Te Whanau a Apanui demonstrates that partnership. I am however deeply opposed to this option if ODC does not, prior to the transfer of the land, issue the guaranteed vehicle access to our properties (Lots 1 – 14) that we, as bach owners have been seeking for at least 20 years.

3.2. **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.

I support the vesting the urupa on Lot 80 to Te Whanau a Apanui on the condition that prior to the transfer of the land, ODC issue the guaranteed vehicle access to our properties (Lots 1 – 14) that we, as bach owners have been seeking for at least 20 years.

3.3. **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 oppose the vesting Lot 66 and the remainder of Lot 80 as well as some smaller lots to Te Whanau a Apanui on the condition that prior to the transfer of the land, ODC issue the guaranteed vehicle access to our properties (Lots 1 – 14) that we, as bach owners have been seeking for at least 20 years.

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

I do not support Te Whanau a Apanui becoming the sole administering body for the reserves. In my view a partnership approach between ODC and Te Whanau a Apanui such as the co-governance of the Waikato River between the Waikato Regional Council and Waikato River Iwi is likely to provide a much sounder basis for everyone to move forward. I would support co-governance/administration of the reserves on the condition that prior to the changes in administration arrangements that ODC issue the guaranteed vehicle access to our properties (Lots 1 – 14) that we, as bach owners have been seeking for at least 20 years.

4. Summary

The Montgomerie whanau's association with Whanarua Bay is relatively recent but like all that have enjoyed this unique area we are developing a deep affinity with the bay and surrounding area. The absolute requirement of our support for any of the options for the reserves is that, **PRIOR TO** any changes, that ODC issue the waterfront bach owners with a guarantee of unrestricted vehicle access between SH35 and our properties via Lot 66.

5. Contact Details

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I respectfully request the opportunity to present my submission.