

BAY OF ISLANDS WHANGAROA COMMUNITY BOARD

REPORT ON OPITO BAY VISIT

Members Ayr and Owen

Friday 17 September 2012.

Background

On 8th July 2021 Wade Rowsell and Yvonne Sharp [the submitters] made a presentation to the Bay of Islands Whangaroa Community Board regarding the use of the Far North District Council Recreational Reserve located at 455 Opito Bay Road Opito Bay. The presentation requested that the Board to recommend the Far North District Council; “... ***develop the Opito Bay Recreational Reserve into the purpose it was initially intended to be when gifted to the Far North District Council equivalent in 1955. This includes and involves the installation of a playground for children and a petanque court for families.*** The submitters have provided evidence of community support for their request.

A copy of the notes provided to the Board at the presentation is attached as Appendix I to this report

The Board designated members Owen and Ayr [“The Members”] to visit Opito Bay to meet with the submitters and report back to the Board on the proposal. The Members met the submitters at Opito Bay on 17th September 2021.

In undertaking this role, and in its considerations, The Members have been conscious of Council policies and protocols in respect of Council reserves. Whereas these may seem, by some, at times to be overly bureaucratic and cumbersome, they are realities which we have to live with.

The General Area

Opito Bay is a delightful area. It has a good safe beach, a public boat ramp, and a number of boats berthed in the Bay. There are also commercial activities conducted in the area using the boat ramp. It is understood that the users are predominately oyster boats. Access to the Bay is by way of a narrowish winding sealed road.

The Property In Question

The property located at 455 Opito Bay Road is officially described as LOT 29 DP 47619 BLK VIII KERIKERI SD-REC RES and has an area of 1019sq metres.

As will be seen from the photos in Appendix II the property has been partially ‘fenced’ by way of bollards. We understand this was to prevent parking on the whole area of the reserve. As can also be seen from the photos in appendix II of this report the ‘unfenced’ area is used for car and boat trailer parking.

The Original Intention As To Use Of The Land.

In their presentation and accompanying notes, the submitters contend that the land was gifted to the Council in 1955 for the purpose of establishing a children's playground and a petanque court. This differs from what might have been assumed, namely that the transfer of the "reserve area" to the Council was a condition of the consent for the subdivision. This distinction is important. The submitters believe that there is a moral obligation on Council to honour the alleged agreement reached at the time the land was allegedly gifted to the Council should the land have been transferred as a "reserve contribution" no such moral obligation on Council would exist.

It would be very helpful if this issue could be clarified by Council staff.

Commercial Activities in the Bay Area

During our visit the submitters raised issues regarding the Public Boat Ramp being used for commercial activities. They also raised the possibility of the reserve area being turned into a trailer park by Far North Holdings Ltd. It is clear that both of these issues are points of contention for Opito Bay residents. The Members are aware of concern being expressed by a number of local residents and property owners, on the commercial activities in the area. It is important to note however that these issues are not within the scope, authority or jurisdiction of the Board,

Delegations.

It is important to note that reserves are delegated to Community Boards. The reserve delegation to the Board states specifically that the Board is required "*to provide recommendations to the Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan.*" It also has the following delegated authority... "*where recommended by staff to appoint management committees for local reserves*"

In the case of the Opito Bay Reserve the Members are not aware of any Reserve Management Plan having been prepared. Nor are The Members aware of Council staff making any recommendations to the Board regarding the appointment of a Management Committee for the Opito Bay Reserve. This raises the question as to what powers the Community Board has in respect of the Opito Bay Reserve apart from the general delegation which is to "*represent, and act as an advocate for the interests of its community*"

Findings

It is the view of The Members that the addition of a children's playground would clearly enhance the public facilities in the Bay, however it appears that the general public have other uses that may compete for facility use. The Members also have some sympathy for the residents' views on the scope and nature of the commercial activities within in the bay. However the specific task The Members were asked to undertake on the Boards behalf was to report on the request for a children's playground.

Given the discussion above on delegations and authority the Community Board has, The Members make the following recommendations to the Board:

- The Board ask the Opito Bay residents to prepare a draft Reserve Management Plan for the Opito Bay Reserve for consideration by the Board.
- That the Board in its request for a Reserve Management Plan ask the residents to ensure they seek the views of all parties likely to be impacted by the Reserve Management Plan to ensure the Board is aware of any differences of views that may exist, and to avoid, where possible, any potential future conflicts.
- That the Board incorporate the resulting Reserve Management Plan for Opito Bay in its annual and long-term plans.

Lane Ayr

Frank Owen

APPENDIX I

Development of the Opito Bay Recreational Reserve

Summary

To develop the Opito Bay Recreational Reserve into the purpose it was initially intended to be when gifted to the Far North District Council equivalent in 1955. This includes and involves the installation of a playground for children and a petanque court for families.

Rationale

In 1955 when the Opito Bay /Apple Tree Bay blocks were subdivided into a number of sections the developers gave a quarter acre section of land back from the beach at Opito Bay to the then Bay of Islands County Council to create a safe playing area for children.

Since that time the history of that quarter acre block has been a chequered one. Despite numerous approaches by locals to Council over the years to develop a children's playing area nothing has occurred. In fact, the quarter acre block has been informally cut in two with half of the area becoming a boat trailer park and the other a grassed area with the remnants of locals' attempts to make it a suitable playing area for children and families.

The area remains underutilised and a long way from the use it was originally intended to be.

At Opito Bay the focus of the local authority has over the years has been to cater for boaties who launch their boats on the ramp at the eastern end of the beach, park their vehicles wherever they can and head out into the fishing grounds of the Bay of Islands. At busy times the first boats are launched around 4:00 a.m and the last come in at 2:00 a.m the following morning. Boaties clog up the bay as early as 8:00 a.m and despite designated parking areas they even unhook their trailers and park in areas which have been ringed with bollards for day trippers.

Opito Bay is the only swimming beach with good road access in the Kerikeri Inlet and unfortunately the day trippers get a very poor deal. Over the past fifteen years there has been an increasing number of day trippers who come to the beach with their families to swim, walk around the rocks, play games on the beach (when the tide is out), have BBQs etc. These people have come from Kaikohe, Ohaeawai, Okaihau, Moerewa, and of course Kerikeri and a number of small rural settlements. Many of them cannot afford a boat and a day at the beach is a real outing for the entire family. At Opito Bay their day is fraught with the perils of often inconsiderate boaties who rev outboard motors, block the road with their cars and trailers once they have exited the water and also accelerate along the beach front road putting everyone – especially unaware children at risk. Apart from the beach (when the tide is out) there is nowhere for the children to play.

Our day trippers and locals who have children or grandchildren visiting the area deserve better. Kids need somewhere to play in Opito Bay which is safe, user friendly and fun. Somewhere that is easily accessed and can be supervised by parents and caregivers at any given time of the day.

Proposal

The authors of this submission believe there are currently various reviews and audits happening in the Far North District Council and we consider it timely that the Council moves towards fulfilling the 65-year-old commitment to turn the Opito Bay Recreational Reserve into a playground for children. For the reasons covered above we are seeking the support of the Local Community Board to put into motion with the Far North District Council the mechanisms needed to instal a playground on the Opito Bay Reserve as soon as possible.

We ask that you place this document on the agenda for the next Community Board Meeting and one of us would be available to speak to it at that meeting.

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(Yvonne Sharp)

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(Wade Rowsell)

APPENDIX II

Photos attached

10/29/21, 10:31 AM

Opito Rd - Google Maps

Google Maps Opito Rd



Image capture: Sep 2019 © 2021 Google

Kerikeri, Northland

Google

Street View - Sep 2019



<https://www.google.com/maps/place/455+Opito+Bay+Road,+Kerikeri+0294/@-35.1926647,174.0431674,3a,90y,35.36h,97.6t/data=!3m6!1e1!3m4!1siA5fHPY-4-k0ol3eRrxkGA!2e0!7!16384!8!8192!4m13!1m7!3m6!1s...> 1/2

10/29/21, 10:18 AM

Opito Rd - Google Maps

Google Maps Opito Rd

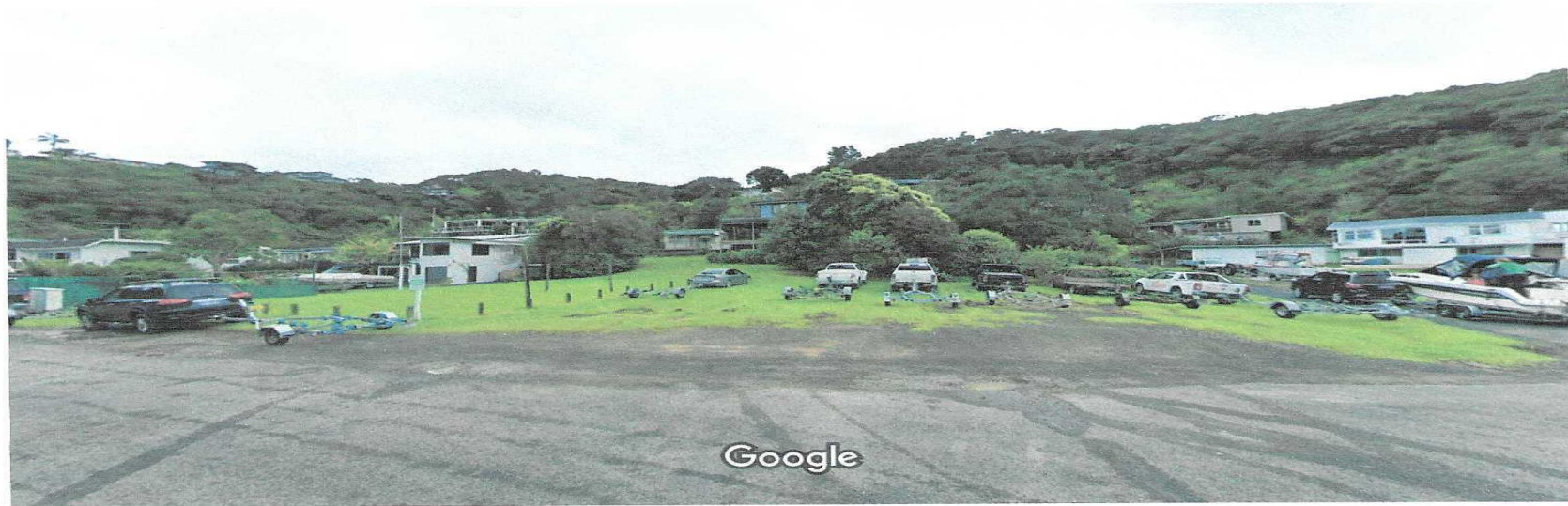


Image capture: Sep 2019 © 2021 Google

Kerikeri, Northland

Google

Street View - Sep 2019

