

# WALLS BAY

## Esplanade Reserve Management Plan



**Adopted by Bay of Islands Whangaroa Community Board 20 February  
And the Council 21 February 2013  
Reviewed October 2014**



**Far North  
District Council**

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# 1. Vision

The Walls Bay Esplanade Reserve enables access to the coastal walkway, contributes to the protection of conservation values of the Opuha harbour and enables public recreational use of the esplanade area and adjoining harbour through the provision of appropriate facilities.

## 2. Purpose of the Management Plan

The Far North District Council has developed a Management Plan for the Walls Bay (Esplanade) Reserve that recognises the commercial slipway and the community's desire for access to and along the sea.

A Management Plan is a working document which:

- Provides the foundation on which all future reserve management will be undertaken
- Publicly states the objectives and policies for the management of an area
- Briefly outlines how these objectives and policies will be achieved
- Acts as a reference point for integrated consistent management
- Conforms to any District Plan rules and any applicable resource consents.

## 3. Introduction and Background details:

### (a) Location:

Opuha is a port town catering for the needs of both local and visiting boaties through marine related services and industries. Industrial development is generally small scale and locally based. Most industrial development is located to the south of the township around the marina and wharf.

Walls Bay Esplanade Reserve ("the Reserve") is a 1,292m<sup>2</sup> strip of land adjacent to the Opuha harbour in Walls Bay that has boundaries with the unformed legal road to the north; Belcher Street to the North/West and Richardson Street to the South; private land to the West (Doug's Opuha Boat Yard); and Crown land seaward. The Reserve forms part of the coastal walkway from Opuha to Paihia. It is joined to the north and south by unformed legal road. There is an existing jetty with a rock wall/wharf abutment to the east and a 0.5m wooden retaining wall and reclamation to the south east that approximately follows Mean High Water Springs – **Attached** as Appendix 1 is a recent survey of the site.

The Opuha basin has been long established as a mooring area as it provided deep water anchorage shoaling towards the beach. To service these boats a boatyard was established on a residential property in 1966, a slipway was constructed around 1971 and planning consent to cross unformed road was granted 1976. Copies of all documents relating to the boatyard activity are available from the Council.

Except for the boatyard the surrounding area is predominately residential single dwelling housing and is zoned coastal residential. The location of the Reserve allows the public direct access to the foreshore.



Figure 1: Aerial photograph Walls Bay Reserve

### **(b) Legal Description**

Walls Bay esplanade reserve is contained in Certificate of Title NA121C/187 (**Attached** as Appendix 2) and the legal description is Section 1 – 4 Survey Office Plan 68634 with an interest: *Subject to section 345(3) Local Government Act 1974* (which is the requirement that stopped road adjacent to the sea becomes an esplanade reserve).

### **(c) Access**

Sea access is from the Opuā harbour via the beach or an existing wharf. Alternatively pedestrian access is available from a track from Richardson Street or along the coastal walkway from near the Opuā hall entrance.

The reserve name is not currently sign posted.

### **(d) Acquisition**

The Reserve came about following the stopping of the unformed road pursuant to *Local Government Act 1974* at the request of the adjoining owner. The road was stopped on 23 July 1998 and as it adjoins a water body it then became an esplanade reserve. The *Local*

*Government Act 1974* required the land be vested in the Council as an esplanade reserve for the purposes of s 229 of the *Resource Management Act 1991*.

## **(e) History**

Insert early history when supplied by Ngati Hine

Prior to the construction of the boat yard and slipway Walls Bay was a popular swimming and picnic area for the families from Kawakawa and Moerewa who travelled to Opuā by train to enjoy a day at the beach. Opuā School students had swimming lessons here when the wind was blowing into the main beach. This was so popular that changing sheds and toilet facilities were built near hall.

In more recent times the Bay of Islands Coastal Watchdog Inc., a community group which has been involved with this reserve since 1996, have facilitated, organised and managed community groups and hapu in a community project to restore and beautify Walls Bay Reserve with the support of Council.

## **4. Statutory requirements**

Local body reserve administration and management is covered and guided by several different pieces of legislation. These include the Local Government Act, Reserves Act and the Resource Management Act [District Plan and Coastal Plan].

### **(a) Local Government Acts 1974 and 2002**

The Local Government Act empowers Local Government to make bylaws. Bylaws are a tool that helps Council to manage its reserves and public spaces. Under these provisions the Council has developed bylaws which this Reserve is subject to; refer to Chapter 17 – Reserves Bylaw.

The Local Government Act 2002 sets out principles for consultation (section 82).

The LGA 2002 also requires the Council to improve opportunities for Maori to contribute to and participate in local government decision-making processes. In developing this management plan, Council has sought input from tangata whenua.

### **(b) Reserves Act 1977**

The Reserves Act provides for the acquisition of land for reserves, and the classification and management of reserves (including leases, licences and easements).

The general purpose of the Reserves Act is to:

- Provide for the preservation and management of areas possessing recreational, natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community or other special features or values for the benefit and enjoyment of the public

- Ensure, as far as possible, the survival of indigenous species of flora and fauna and the preservation of representative samples of natural ecosystems and landscapes
- Ensure, as far as possible, the preservation of access for the public to and along the sea coast, lakeshores, riverbanks, and protecting such areas from unnecessary subdivision and development.

A management plan is not required by the Reserves Act for local purpose reserves. The Council has prepared this plan to comply with a Consent Order from the Environment Court dated 31 January 2002.

Reserve management plans should identify the appropriate use/s of the reserve/s, state how conflicting use will be managed and outline any development proposals. Management plans are required to be reviewed ten years after being approved, but can also be reviewed any other time in response to changed circumstances.

The Walls Bay Reserve is classified as Local Purpose (Esplanade) Reserve under section 23 of the Reserves Act noting s 229 Resource Management Act is applicable as to the purpose of the reserve.

### **(c) Resource Management Act 1991**

#### Far North District Plan

The Reserve is zoned Conservation in the District plan. Relevant Objectives include;

- To protect recreation and conservation areas for the purposes for which they have been set aside or reserved.
- To identify and preserve areas that have high conservation value.
- To ensure integrated management of the effects of recreational activities, especially where these cross the land/water interface.

The policies to achieve these objectives are:

- That existing recreation and conservation areas be managed so as to ensure that the effects of activities remain similar to the existing situation or enhanced.
- That areas identified as having a high priority for protection for conservation purposes and which are included in the Conservation or Recreational Activities Zone are managed so that the effects of activities in those areas do not compromise conservation values.
- That the effects of recreational activities, especially where these cross the land/water interface, are managed by the regulatory authorities in an integrated way.

- That the effects of activities in the vicinity of recreation and conservation areas are managed so that recreation and conservation areas are not compromised

One of the methods to implement these policies is to prepare reserve management plans (under the Reserves Act 1977) for all Council reserves stating the purpose/s of the reserve and including a concept plan.

Chapter 12.7 Lakes, Rivers, Wetlands and Coastline of the District Plan has particular relevance for this Reserve as it includes specific provisions for the operation of the boat yard. Refer to Rule 12.7.6.1.1 (ix).

#### Northland Regional Council - Coastal Plan and Soil and Water plan

The Reserve is located near the "coastal marine area", which is the area from mean high water springs (MHWS) to the 12 nautical mile limit. The Regional Coastal Plan assists the Northland Regional Council, in conjunction with the Minister of Conservation, to promote the sustainable management of resources in this area.

The Regional Coastal Plan and Water and Soil Plan manage the following activities in the coastal marine area relating to the Reserve:

- Structures (e.g. wharves, seawalls and boat ramps);
- Reclamation and impoundment;
- Discharges to water and air.

#### **(d) Other Relevant considerations**

Relevant to the Reserve are the following:

A **Consent Order** from the Environment Court dated 31 January 2002 (RMA 381/01 Doug's Opua Boat Yard; 387/01 E T & M C Leeds; 393/01 The Director-General of Conservation, The Northland Regional Council and The Far North District Council).

The Department of Conservation approval for various easements shown on NRC map 3231b dated August 2014.

A FNDC and NRC approved Combined Council Operational Management Plan Review – August 2014 (as required by the Consent Order from the Environment Court dated January 2002).

Council resolution dated 30 October 2014 granting permission as landowner for the consent holder (Doug's Opua Boatyard) to carry out the consented activities as listed within the Consent Order from the Environment Court dated January 2002 on part of the reserve as shown in dark grey on Thomson Survey Plan 8095 Rev 1-05-13 [plan attached as Appendix 3].

Council resolution dated 30 October 2014:

***THAT Council, in its capacity as landowner and administering body of the local purpose (esplanade) reserve described as Section 1-4 Survey Office Plan 68634,***

**approves the amendments to the Walls Bay Esplanade Reserve Management Plan [document number A1324428] and adopts the plan subject to the following amendments:**

- 1. That 'Appendix 1 - recent survey of site' be removed; and**
- 2. That 'Appendix 3 - Joint NRC/FNDC Resource Consents' be replaced with the updated version of Thomson Survey Plan of 'Joint NRC/FNDC Resource Consents and Existing Uses Doug's Opuia Boat Yard' 8095, Thomson Survey Plan of 'Doug's Opuia Bay Yard Consented Activities as of July 2013' Sheet A and Sheet B.**

Copies of all the documents relating to the boatyard are available from the Council.

## **7. Iwi and Management Planning**

Legislation specifically requires iwi involvement in the management planning processes. It is not a requirement of the Reserves Act for the Walls Bay Reserve to have a management plan, however there is value in using the Reserves Act process..

The Reserves Act 1977 is one of the Acts contained in the First Schedule to the Conservation Act 1987. Accordingly Treaty provisions in the Conservation Act 1987 also apply to the Reserves Act. The Conservation Act states:

- *This Act should be so interpreted and administered to give effect to the principles of the Treaty of Waitangi.*

With regard to the above obligations, Council recognises esplanade and foreshore areas are important to iwi. There is a general expectation in Section 14 of the LGA that Local Authorities will provide opportunities for Maori to contribute to decision making processes. There is also a requirement under Section 77 of the LGA to take account of the relationship of Maori with their ancestral land, water etc, when making significant decisions in relation to land and bodies of water.

Council officers met with members of Ngati Manu hapu at the hall in Opuia to seek their views. At this meeting an alternative management plan was provided. This was reviewed during this meeting. A particular change to the original plan as a result of this meeting was the inclusion of an option to seek public feedback on restoring the foreshore to its original state. They also objected to the commercial use of the reserve and its implications for air and water quality.

Also acknowledgement must be given for the provision of a number of the photos included in the plan.

Specific provisions to involve, consult and work with iwi are included in General Objectives and Policies section of this management plan.





Figure 2: Local iwi involved in building the dinghy racks as a community project

## 8. Public Consultation and Plan process

The Management Plan has been prepared by the Council, and the iwi and public have been consulted at various stages to provide for their input.

On April 2012 the BOI-Whangaroa Community Board resolved to develop a management plan for the Walls Bay, Opuia esplanade reserve.

In July 2012 the public were invited to make submissions on the draft management plan over a 2 month period. The submission period closed 21 September and 13 written submissions were received.

A hearing was conducted in October 2012 and in February 2013 the Bay of Islands Community Board approved the plan. This decision was later confirmed by Council 21 February 2013.

As a result of further information being received a review of the management plan was undertaken in October 2014. This review lead to the conclusion that minor amendments to the plan be made. No consultation or engagement with the public or iwi occurred due to the minor changes proposed

## 9. Objectives and Policies

The intention of this plan is to achieve responsible management of the natural landscape and recreational values of the Reserve for community benefit and enjoyment in continued co-existence with the Boatyard. The objectives are intended to achieve the following vision:

The Walls Bay Esplanade Reserve is an important link in the coastal walkway, contributes to the protection of conservation values of the Opuā harbour and enables public recreational use of the Reserve and adjoining harbour through the provision of appropriate facilities.

Policies are how Council and/or its agent intend to regulate decisions on the management of the Reserve to ensure the decisions are compatible with and will achieve the objectives above.

### (a) Landscape values:

The landscape is comprised of many elements, e.g. vegetation, the pattern of land use, existing structures, and the linkage with the harbour. The management plan seeks to ensure the Reserve is managed to be compatible with the surrounding landscape elements.

#### Objective 1 To maintain and enhance the visual qualities of the Reserve

##### Explanation:

The north and south ends of the Reserve are covered in coastal vegetation. The balance of the reserve has been significantly modified. A seawall and reclamation with a small dingy ramp has been developed along the seaward boundary. A haul out slipway occupies the more northern end of the Reserve and the Opuā-Paihia walkway passes along the top of the sea wall. Sloping lawn leads up to a flat grassed area. Stormwater from above the reserve crosses through the reserve to the harbour and ensuring this is well managed will enhance the landscape values. Ensuring the public space is well maintained contributes to the visual qualities of the Reserve. Careful management of the storm water run-off from the surrounding higher land and roads is required to avoid erosion and sedimentation of the harbour.

##### Policies

1. Removal of the seawall and restoring the shoreline to its natural state will be investigated.
2. The boundary between the esplanade reserve and the boatyard should be clearly pegged and identifiable at all times
3. Stormwater should be managed to avoid erosion or sedimentation of the harbour.
4. The open space areas of the Reserve will be maintained to the Community and Town Services mowing standard - Grade 4.

**Objective 2** To maintain and where possible enhance the visual character of the Reserve

Explanation

The visual character of the Reserve reflects its use for a variety of maritime and community activities such as a walkway, access to moored boats, storage of dinghies, swimming or picnicking as well as access to boatyard services. It is also important to retain as much of the existing open space within the Reserve. Any new features added to the Reserve as a result of the Management Plan should enhance rather than detract from the existing visual character.

Policies:

1. Protect the existing character of the Reserve.
2. Where appropriate use appropriate plantings to soften the impact of the adjacent commercial activities.
3. Provide dinghy storage racks towards the south end of the reserve.



Figure 3: The boat yard operations has potential to dominant the esplanade reserve

**Objective 3** To maintain and where possible enhance the natural features of the Reserve

Explanation

Although the reserve its self is small it is part of a larger coastal landscape with significant natural values. The most notable natural feature of the Reserve is the regenerating bush on the north and south boundaries. This bush area has been enhanced by weed eradication undertaken by community groups. The Bay of Islands Watchdog has prepared a plan of proposed planting and this will be considered when preparing a co-ordinated plan. It is important that any future enhancement of the natural features is part of a coordinated plan.

Policies:

1. Prepare a landscape plan for the reserve that includes:
  - a. A maintenance program for the grassy area
  - b. A restoration/enhancement plan for the regenerating native bush, which includes species, size and location, a weed eradication and pest management and on-going maintenance schedule.

## **(b) Recreation and Use policies**

The management plan seeks to ensure this Reserve provides for recreational opportunities while ensuring the landscape character and natural values are protected and the boat maintenance activities are undertaken safely on the reserve.

**Objective 4** To minimise the effects of the boatyard on the public use of the walking track and esplanade reserve

### Explanation

The Reserve is part of the Opua to Paihia section of the Bay of Islands walkway and is well used. The Consent Order from the Environment Court requires an operational management plan to be prepared by the boatyard operator to minimise the effects on the public use of the walking track and reserve.

Policies:

1. Doug's Opua Boatyard to provide for FNDC and NRC approval an operational management plan of the boat maintenance facility
2. Ensure pedestrian access to and through the Reserve is safe and the boat maintenance activities have minimal effect on the public.
- 3.
4. Monitor the need to up-grade the surface of the foreshore walkway where it crosses the slip way to provide a safe crossing point and the walkway from Richardson Road to the reserve. .
5. Maintain both tracks to DOC's 'Walking Track' standard.

**Objective 5** To provide appropriate furniture to ensure there are adequate facilities while retaining the open space values and landscape character of the Reserve

### Explanation:

There are 57 registered moorings in the bay and many of the owners leave their dinghies on the foreshore. The community has developed vertical dinghy racks to the south of the reserve and dinghies are progressively being moved there. The community wishes to install a picnic table on the flat grassed area. The Reserve is ideal for resting at the end or beginning of the walkway or as a destination in its self. However the open space is limited and furniture should be kept to a minimum.

Policies:

1. Provide and a dinghy ramp and vertical dinghy racks at the south end of the reserve.
2. Include in the landscape plan the location of furniture such as picnic tables and seating.



Figure 4: Above dinghies taking up reserve space and replaced by community built vertical racks

### c) Community Involvement

Reserve areas are most successful when local communities have “involvement” and a connection with them. It is therefore important to provide the community opportunities to become involved in the ongoing management and enhancements of the Reserve.

Objective 6 To provide the public with opportunities to participate in the development of the reserve management plan and on-going care of the Reserve.

Policies

1. Provide opportunities for the local hapu and wider community to be involved in the on going enhancements to the reserve
2. Assist the community to implement the landscaping plan including the planting and weed eradication program.

3. Support and assist where practicable formal and informal reserve “care” groups
4. Provide opportunities for the public to participate in planting days and weed management



Figure 5: Local school groups involved in a planting day

## (d) Administration

**Objective** To ensure the Reserve is managed in terms of its classification for the enjoyment of the public now and in the future

The management of the Reserve will need to be consistent with the requirements of all relevant statutes and regulations, while protecting the character and recreational values of the Reserve.

### Policies

1. To implement the provisions of the plan in a structured and integrated manner
2. To ensure that public use of the reserve should not, to any significant extent, be prejudiced by unconsented boatyard related activities.
3. To have regard for other statutory documents and Council policy in implementing the plan and managing the Reserve
4. To provide for appropriate review should circumstances change

## 10. Continual Review

This plan was originally adopted by Council 21 February 2013 and this is the first review of the plan.

The Council will continue to review the plan in order to be able to adapt to changing circumstances or to adapt in accordance with increased knowledge.

Notwithstanding this, a full review will be undertaken in 2023 being ten years approval by Council of the original management plan.

### Attached:

# Appendix 1 – Certificate of Title



## COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier **NA121C/187**  
Land Registration District **North Auckland**  
Date Issued 01 October 1998

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Estate Fee Simple  
Area 1385 square metres more or less  
Legal Description Section 1-4 Survey Office Plan 68634  
Purpose Local Purpose (Esplanade) Reserve

**Proprietors**  
Far North District Council

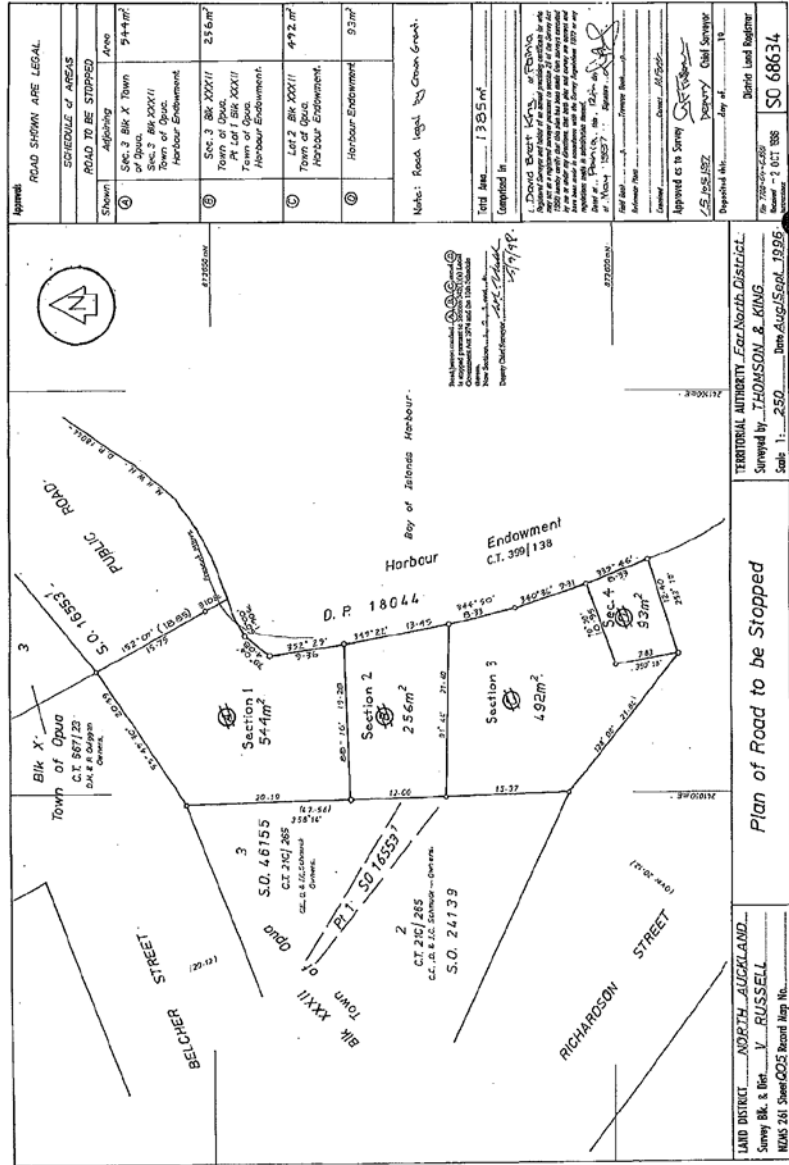
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**Interests**  
Subject to Section 345(3) Local Government Act 1974

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Transaction Id 32976677  
Client Reference schmuck-verry

Search Copy Dated 22/02/12 4:00 pm, Page 1 of 1  
Register Only



ROAD SHOWN ARE LEGAL

Shown	Adjoining	Area
①	Sec. 2 Blk. X Town of Opua. Sec. 2 Blk. XXXII Town of Opua. Harbour Endowment.	54.4m <sup>2</sup>
②	Sec. 3 Blk. XXXII Town of Opua. Pt. Lot I Blk. XXXII Town of Opua. Harbour Endowment.	2.6m <sup>2</sup>
③	Lot 2 Blk. XXXII Town of Opua. Harbour Endowment.	4.92m <sup>2</sup>
④	Harbour Endowment	9.3m <sup>2</sup>

Note: Road legal to Ocean Creek.

Total Area: 1385 m<sup>2</sup>  
Completed in

6. David Russell, Surveyor, is authorized to sign this plan as a legal survey of the land shown hereon, and to certify that the same is a true and correct copy of the original survey, and that the same is a true and correct copy of the original survey, and that the same is a true and correct copy of the original survey, and that the same is a true and correct copy of the original survey.

Approved as to Survey: *David Russell*  
Surveyor, Chief Surveyor

Approved as to Survey: *David Russell*  
Surveyor, Chief Surveyor

Disputed this: \_\_\_\_\_ day of \_\_\_\_\_ 1996

Surveyed by: THOMSON & KING  
Scale 1: 250 Date August 1996

LAND DISTRICT: NORTH AUCKLAND  
Survey Blk. & Div. V. RUSSELL  
MMS 241 Sheet CDS Board Map No.

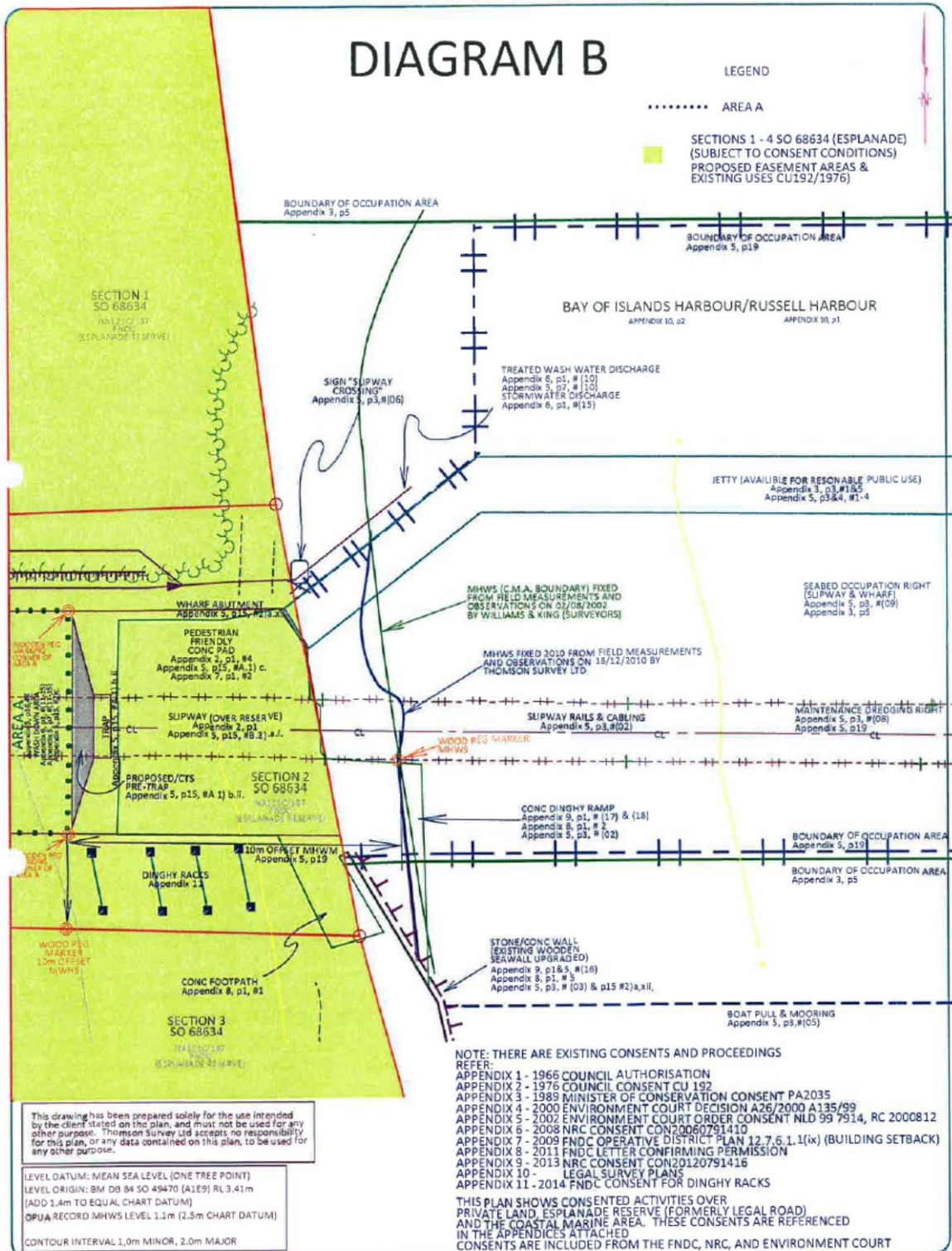




# DIAGRAM B

## LEGEND

- ..... AREA A
- SECTION 1 - 4 SO 68634 (ESPLANADE)  
(SUBJECT TO CONSENT CONDITIONS)  
PROPOSED EASEMENT AREAS &  
EXISTING USES CU192/1976)



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LEVEL DATUM: MEAN SEA LEVEL (ONE TREE POINT)  
LEVEL ORIGIN: BM DB 84 SO 49470 (A1E9) RL 3.41m  
(ADD 1.4m TO EQUAL CHART DATUM)  
OPUA RECORD MHWS LEVEL 1.1m (2.5m CHART DATUM)  
CONTOUR INTERVAL 1.0m MINOR, 2.0m MAJOR



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Document number A1508690  
Registered Land Surveyors, Planners & Land Development Consultants

**DOUGS OPUA BOAT YARD  
CONSENTED ACTIVITIES  
AS OF JULY 2013  
SHEET B**

Survey	Name	Date	ORIGINAL
Design	SH	18-12-10	SCALE SHEET SIZE
Drawn	SH	28-02-13	1
Approved	SL	23-05-14	Page 00 of 48
Rev	SL	23-05-14	2013 OPUA PLAN 104

Surveyors  
Ref. No:  
**8095**  
Series  
Sheet B