

## OBJECTION OR SUBMISSION



Department of  
Conservation  
*Te Papa Atawhai*

New Zealand Government

Bundle 12

### A. Permission Application Number and Name of Applicant

Mercury Bay Boating Club Inc 112555-OTH

### B. Name of Proposed Activity and Location(s)

Application to establish and operate a community facility (boating club/sailing school) for a period of 30 years at Local Purpose Reserve (Lot 6 DP 426920) Dundas Street, Whitianga.

### C.1 Objector or Submitter Information-

Submitter's name (list organisational name if submitting on behalf of a business, community group, etc.)

Contact person and role of organisation

Email

(Communication from DOC will be via email unless alternate contact requested)

Alternate contact for all DOC communication

Phone/Mobile

Postal Address and Post Code

Sec 9(2)(a)

I wish to keep my contact details confidential

**Note:** Your contact details will be not made public, but your name and organisation will be published. DOC will send you all submitter communications.



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**C.2 Your name**

In placing your name and organisation below, you acknowledge that you are the person or authorised person submitting this objection or submission. You are also acknowledging that your name and organisation will be published.

Printed name of submitter or person authorised on behalf of submitter

Sec 9(2)(a)

Organisation

Date

30.4.24.

**D. Statement of Support, Neutrality or Opposition**

- I **Support** this Application (I am making a submission)
- I am **Neutral** on this Application (I am making a submission).
- I **Oppose** this Application (I am making an objection).

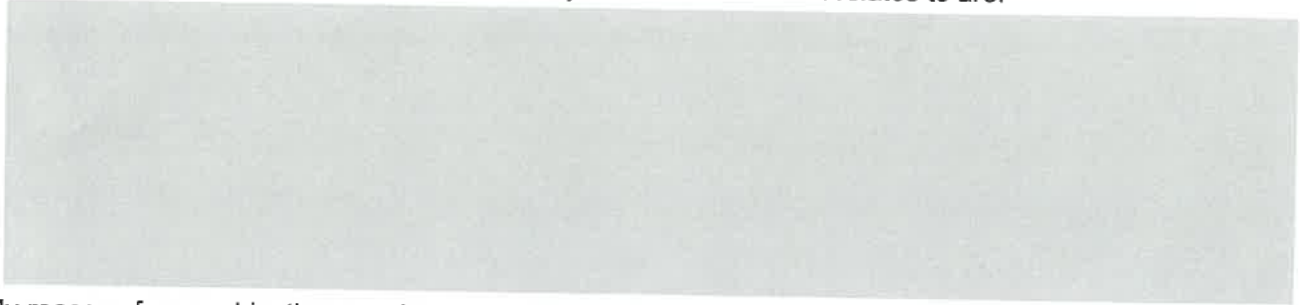
**E. Hearing Request**

- I **Do Not** wish to be heard in support of this objection or submission at a hearing.
- I **Do** wish to be heard in support of this objection or submission at a hearing

Permissions Application Number 112555-OTH

**F. Objection or submission**

The specific parts of the application that this objection or submission relates to are:



My reasons for my objection or submission are:

No Objection.  
The boating club needs to stay in use somewhere in Whitianga. The spot proposed is perfect.

The outcomes that need to be addressed by this application are:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought if the application is approved.



**G. Attachments**

If you are using attachments to support your objection or submission clearly label each attachment, complete the table below and send in your attachments with this 'objection or submission form'.

Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment

**How do I submit my objection or submission?**

Complete this form and email to [permissionshokitika@doc.govt.nz](mailto:permissionshokitika@doc.govt.nz). You may also mail your objection and submission to: Director-General, c/o Department of Conservation, Private Bag 701, Hokitika 7842.



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Printed name of submitter or person authorised on behalf of submitter	Sec 9(2)(a)
Organisation	SEE ATTACHMENT 'A'
Date	2.5.2024

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**F. Objection or submission**

The specific parts of the application that this objection or submission relates to are:

ALL PARTS - NO CONDITIONS

My reasons for my objection or submission are:

TRAILOR BOAT PARKING - THE MARINA CONSENT WAS TO HAVE A PUBLIC BOAT RAMP WITH AMPLE PARKING AVAILIABLE. THIS IS NO LONGER THE CASE SEE NOTES ATTACHED

The outcomes that need to be addressed by this application are:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought if the application is approved.

NONE TO AMEND - NO RELOCATION SUPPORTED. BY PUTTING THE BUILDING THERE SOLVES ONE PROBLEM BUT CREATES A MUCH LARGER PROBLEM. WHICH IS NOT ACCEPTABLE.

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Sec 9(2)(a)	COPY FORM	(A) AND PAGES 1 to 21

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Sec 9(2)(a)

SUBMISSION NUMBER 112555-OTH

1. I am a historian (Lyon Park). Life member of three sports clubs. Thames Valley Administrator and service to sports awards. Tennis New Zealand Volunteer of the Year Award.
2. I am not anti Mercury Bay Boating Club and was a member there for a few years. I am against where the clubrooms are trying to relocate to.
3. Since the marina went in pressure has been put on Lyons Park as shown ( Pages 11 & 12) Since then restrictions have been on parking under the Reserve Management Plan of Lyon Park (Pages 17 & 18).
4. Photos of parking when an event is held on Lyon Park - showing the use of the Eastern sideline, Dundas Street and Albert Street
5. There is not enough trailer boat parking on the reclamation as it is, without the Boating Club using 30% of the available space.
6. Any hearing must be held in **Whitianga**

Attached information ('A' pages (1 to 21))

'A'



# Lyon Park

## WHITIANGA

A gift to the community by  
Thomas Harwood Lyon  
for use as sport and recreation in  
memory of his deceased daughter  
Belle.







Lyon Park is made up of two titles of land, both gifted to the community for sport and recreation. The major part was gifted by T. H. Lyon and the smaller title was gifted by the then Whitianga Tennis Club (Now Mercury Bay Tennis Club).

The original vision of Thomas Lyon of sports clubs, playing fields and a recreational area down to the waters edge of the Whitianga harbour has not eventuated. We as a community are to blame for this and must take responsibility for not adhering to the original Deed of Gift.

May the next generation recognise this special piece of land so that what is left remains as a green area is used for what it was intended for.

Sec 9(2)(a)

Whitianga 2014

Note: When you read through remember that has these two parvcels of land not been gifted to the community it would now be full of residual housing down to the waters edge.

# Lyon Park

## HOW IT ALL STARTED



*Photo shows Mr & Mrs T.H.Lyon with eldest daughter Nellie with her eldest daughter Beverley and her son. Photo was taken on the land which is now known as Lyons Park.*

**Thomas Lyon**  
was a Farmer, Secretary of the dairy company,  
lay preacher and was also involved  
in community affairs.



AREA OF LAND GIFTED BY T.H.LYON 1.678HA

On the 20th April 1940 in memory of his deceased daughter Thomas Lyon  
Gifted part of his farm to the community.

A N D the COROMANDEL COUNTY COUNCIL representing the  
Chairman Councillors and Inhabitants of the County of  
Coromandel ( hereinafter called "the Council") of the  
third part.

WHEREAS the donor, ( as a public-spirited resident of  
Whitianga to provide facilities for recreation and sports  
and advance the welfare of the community and for the further  
purpose of commemorating his deceased daughter has  
executed a Memorandum of Transfer to the Council of an  
area of four acres and twenty-five perches (4a. Or. 25p.)  
more or less situated at Whitianga aforesaid to be held  
by the Council as a Recreation Reserve and Park to be  
called "The Mercury Bay Centennial and Lyon Park"  
(hereinafter called "the said Park".)

*Extract from the deed of gift passing the land to the Coromandel County Council.*

The full name of the park is "The Mercury Bay Centennial And Lyon Park".  
The centennial part was as part of the Centennial of Celebration of the  
dominion of New Zealand



### TENNIS CLUB LAND



Amy Lee was a life member of the Mercury Bay Tennis Club and Treasurer from 1947 to 1982. Amy Lee was instrumental in having the Tennis Club land gifted to the community to form part of Lyon Park.

The Whitianga Tennis Club (now Mercury Bay Tennis Club) moved to the site they occupy today in 1908. In march 1926 they purchased the said land from T.H.Lyon.

		<i>Last Whaitangata No. 6.</i>		
		<i>10-1-18 set Plan H.S.</i>		
359105	1145	16 April 1926	conveyance Lyon to Lees	21 Mar 1926 K475, 337, 3D, 83.
404776	3	7 Dec. 1931	Deed of Appointment Lee to Throghear	24 Oct. 1931 R 575 530.
404777	3	7 Dec. 1931	mortgage Throghear to Eyre	24 Oct 1931 R 575 530.
		Certificate of Title, Val. <u>543</u>		
		Vol. <u>127</u> issued under Law		
		Transfer Act <u>14/15/34</u>		
		<i>applied 21/4/34</i>		

The transfer of land shows the conveyance from Lyon to Lee and others (Trustees of Tennis Club)

①

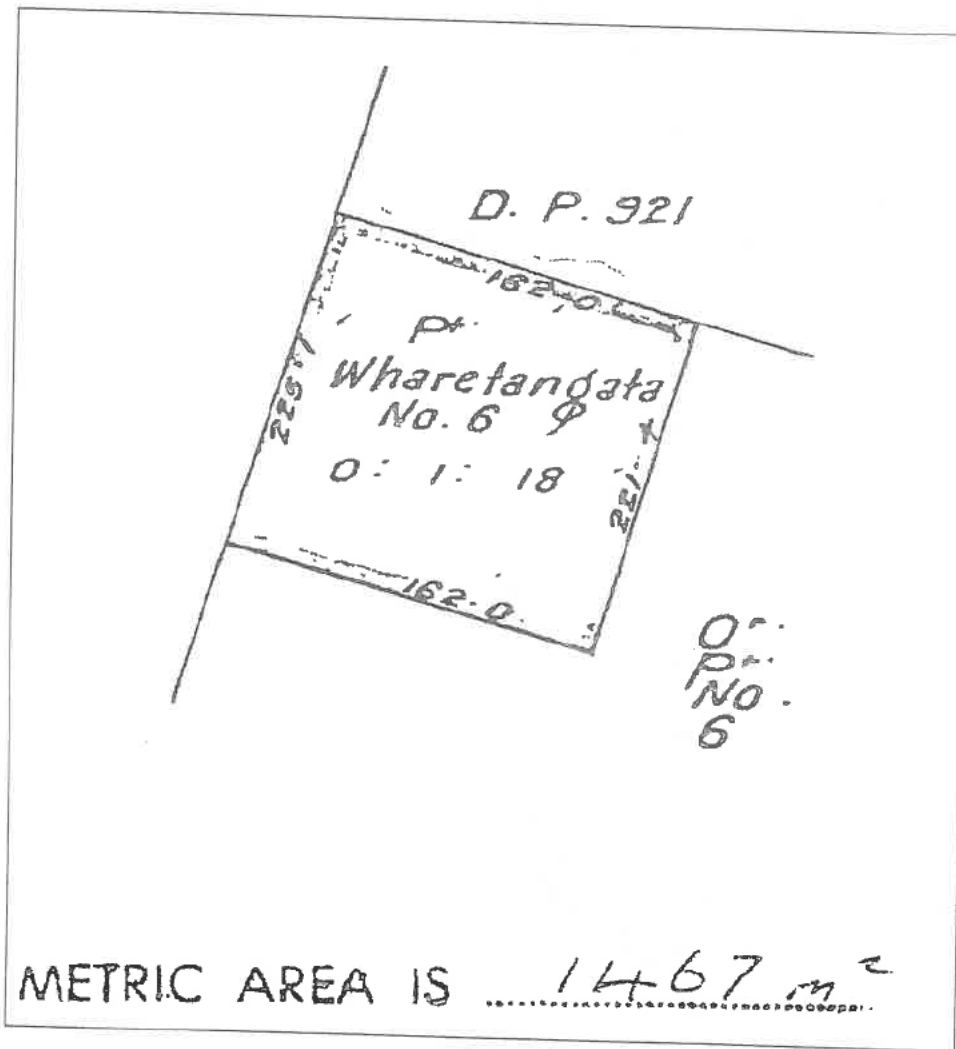


(TENNIS MINUTES 15th OCT 1957.)

Proposed by Mrs Booth seconded by Mrs Packer that the Tennis Courts be vested in the Coromandel County Council as part of the Lyons Centennial Park - carried.

Subscriptions Proposed by Mrs Packer

Minutes of the Tennis Club on the 15th October 1957 approving the transfer of land from the Tennis Club to the Coromandel County Council. This was on the proviso that, to quote Amy Lee "The Tennis Club Continue to have free use of this land providing the Tennis Club at their cost maintain and keep the facility in good condition".



Area of land gifted by the Mercury Bay Tennis Club 1467m2.



S191752 Transfer to the Chairman,  
 Councilors and inhabitants of the  
 County of Coromandel. Passed  
 5:10:1960 at 11:37 P.M. and for  
 the purpose of sports and pleasure  
 grounds and recreation and for  
 the purpose of public amenities  
 pursuant to Sec. 319 Counties  
 Act 1956. Passed 5:10:1960 at 11:37 P.M.  
 H. A. Morley

Title showing transfer of land in 1960 to the Coromandel County Council. This was signed by Herbert Arnold Morley being surviving trustee of the Tennis Club.

So this is how the  
**MERCURY BAY CENTENNIAL AND LYON PARK**  
**AND**  
**THE TENNIS CLUB LAND**  
 both gifted to the community has now  
 become known as  
**LYON PARK**



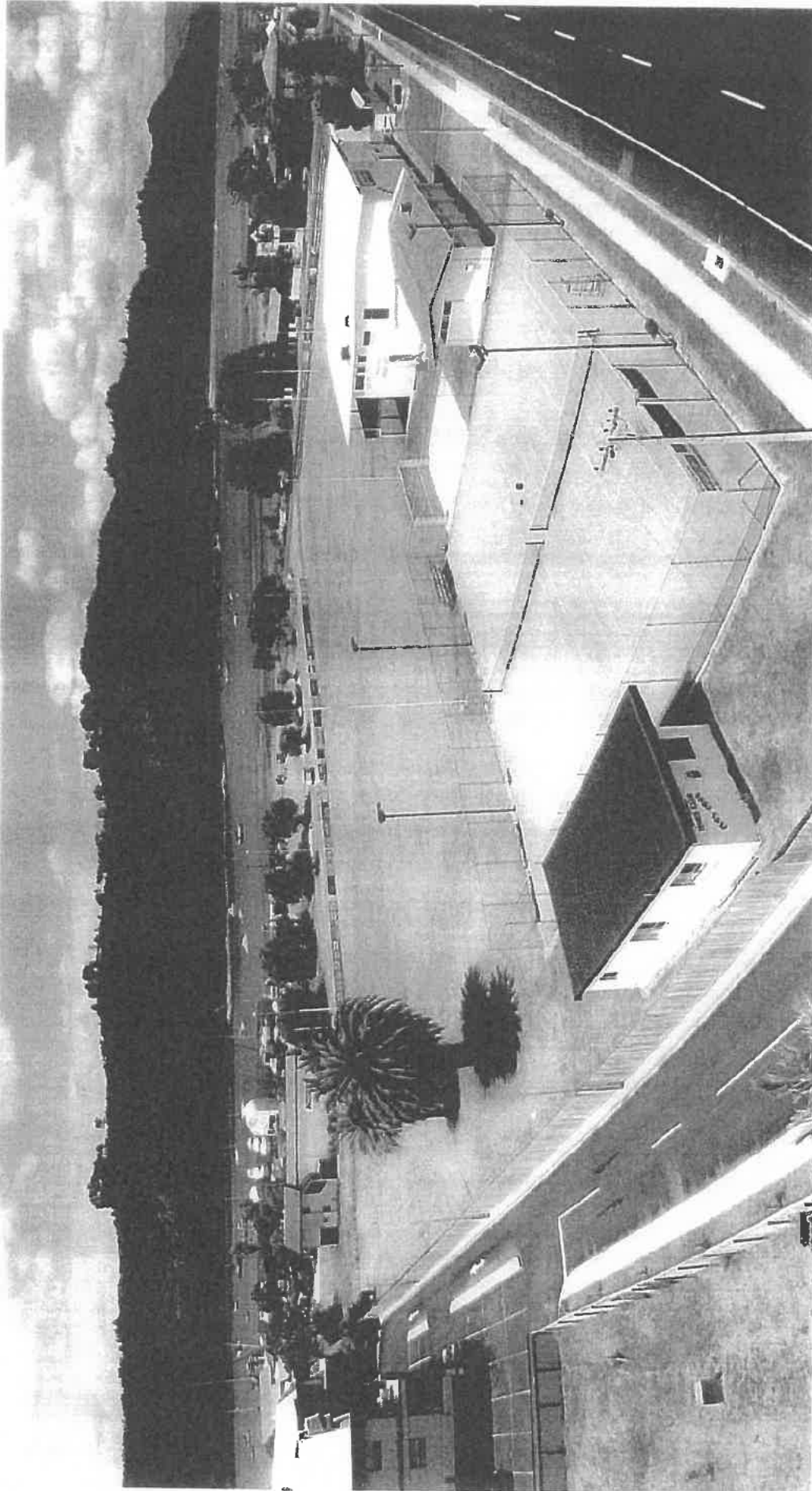


*This 1948 photo show Lyon Park after it was gifted by T.H.Lyon. You will notice the two concrete tennis courts (top left) and the direct access to the Whitianga harbour.*



*This 1994 photo shows the start of the Marina Reclamation being formed taking away from Lyon Park direct access to the waters edge.*





THIS 2014 PHOTO SHOWS LYON PARK AS IT IS TODAY.

The Administration Manager and Chief Planner spoke on the present available open spaces.

Lyons Park - The Board spoke on the useage of this area as a recreational and sporting facility.

RESOLVED: That the Mercury Bay Community Board confirm that it will retain no less than that area of Lyons Park occupied by the Rugby Club and used as a sports field as public open space for recreational use, in perpetuity.

J Gaskell/D Bourne

The Board were asked to consider the provision for clubhouses on Lyons Park. Councillor Leach advised that the present building is capable of catering for a mixture of sporting and recreational clubs and it was generally felt extra buildings on the Albert Street frontage of Lyons Park would be detrimental to the park.

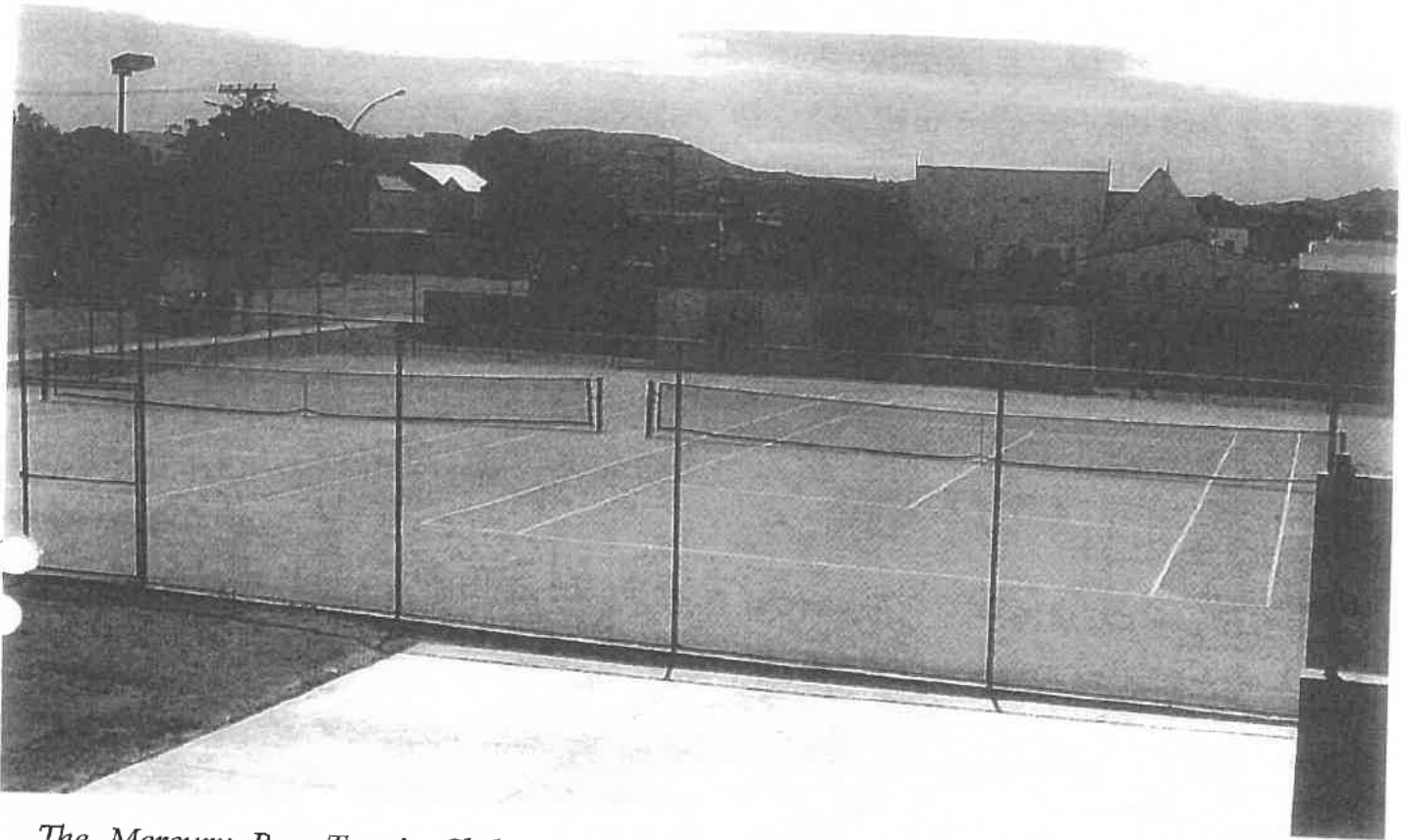
The land on the seaward side of the playing field is estimated to hold some 100 cars which can cater for associated marina parking in peak times, leaving this available for the Mercury Bay Rugby and Sports Club during their sports season. The benefit of a green area ~~in this area~~ was felt to be substantial.

*1991 Extract from minutes of the Mercury Bay Community Board special meeting showing how important it was to keep the sports field as open space for recreational use in perpetuity.*

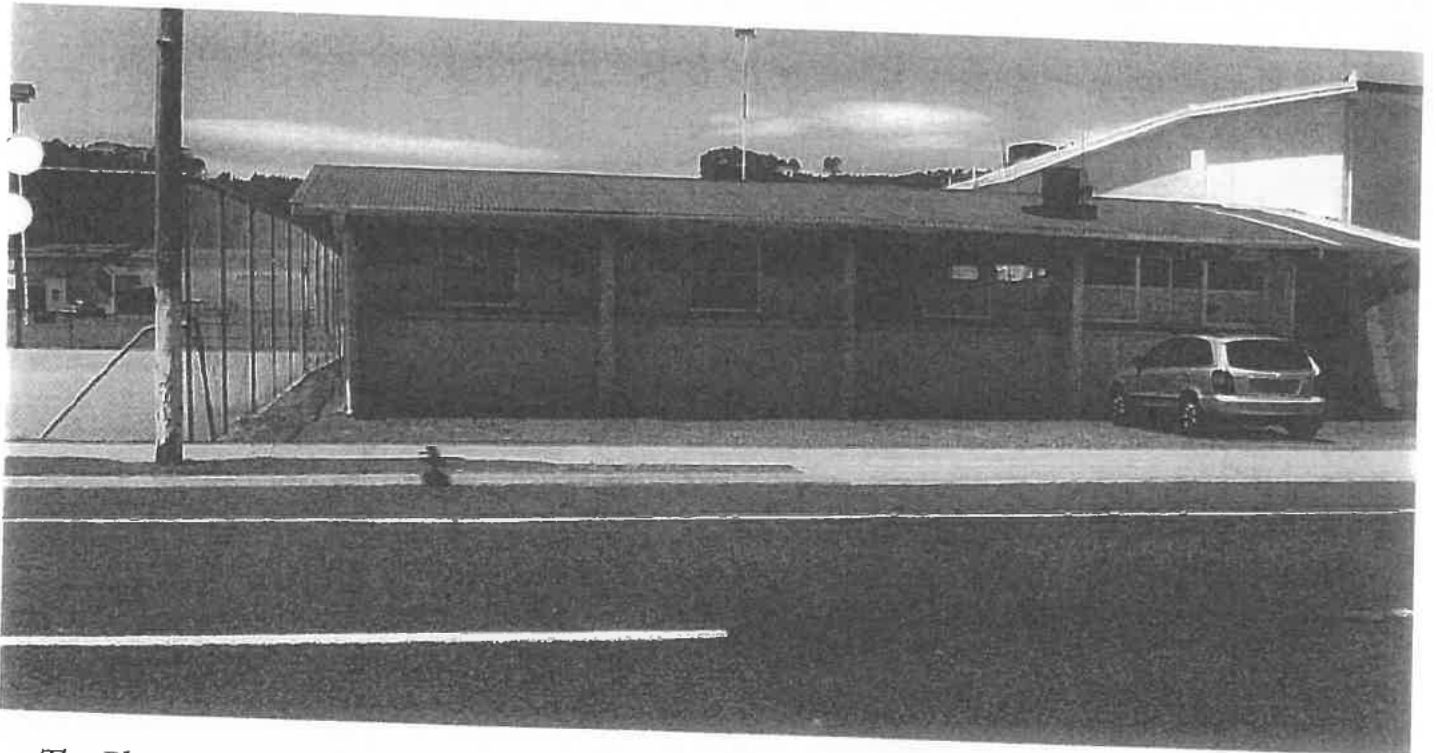








*The Mercury Bay Tennis Club, showing the redevelopment in the year 2000. A full development of this area was not allowed because of the positioning of the Playcentre. These courts are open to the public and is a complying activity on the park.*



*The Playcentre building should not have been put here. At the time the Tennis Club objected as it was going to hinder the future expansion of the Tennis Club. In 1971 the council allowed a 21 year lease for the Playcentre after which the building was to be removed. This did not happen.*



NOW THESE PRESENTS WITNESSETH that the Council DOETH HEREBY SET APART the s  
land for use of the Association for a term of 21 years commencing on the  
13<sup>rd</sup> day of June 1971 yielding and paying the annual rental  
TEN CENTS (10c) such sum to be paid in advance on the first day of April i  
each year SUBJECT to the following covenants, conditions and restrictions,  
PROVIDED that after the expiration of five years (5 years) from the date  
hereof the annual rental shall be THIRTY DOLLARS (\$30.00) or less as deter  
by the Council at that time:

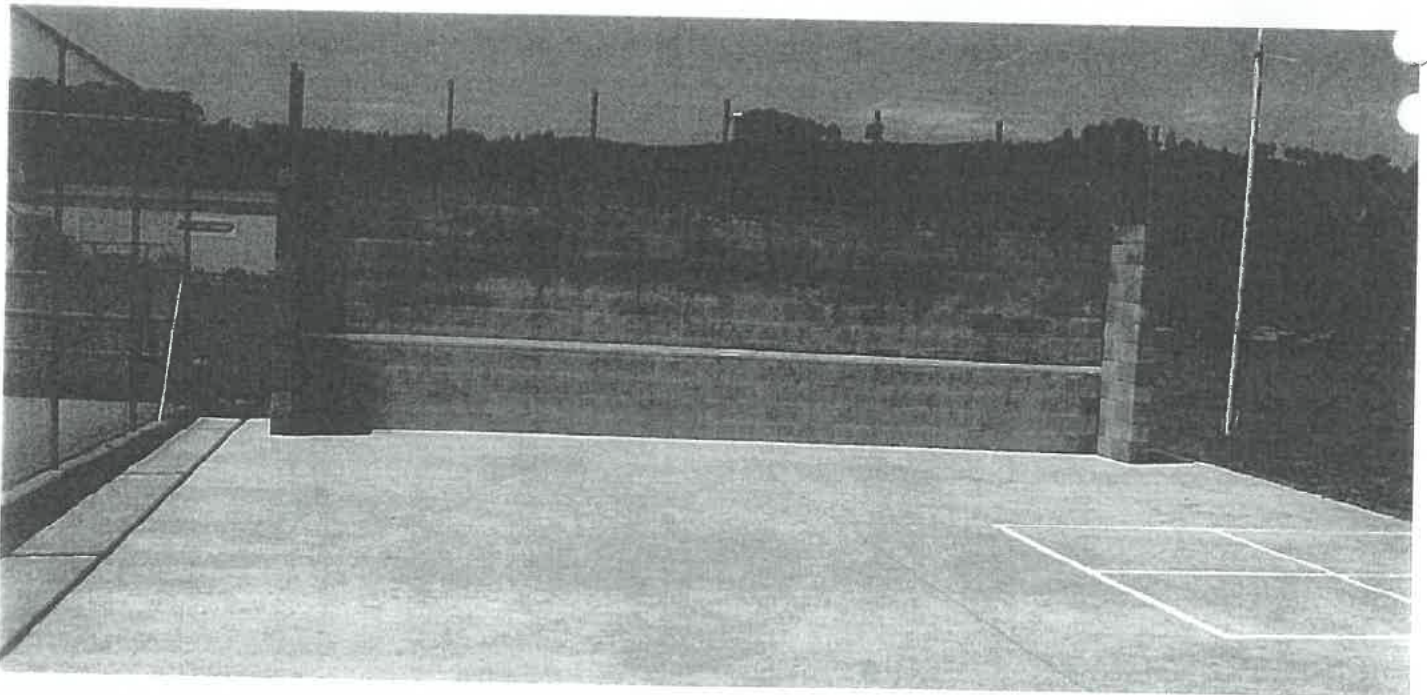
*Extract from lease showing 21 years.*

hereof Council may cancel or alter the conditions of any part of the Agree ent  
12. THAT any buildings so built or erected shall at the expiration of  
these presents or at the sooner determination thereof as hereinafter provided  
and at the sole expense of the Association be removed from the said land withi  
three months of the date of such expiration or determination thereof and under  
no circumstances shall compensation be payable therefor.

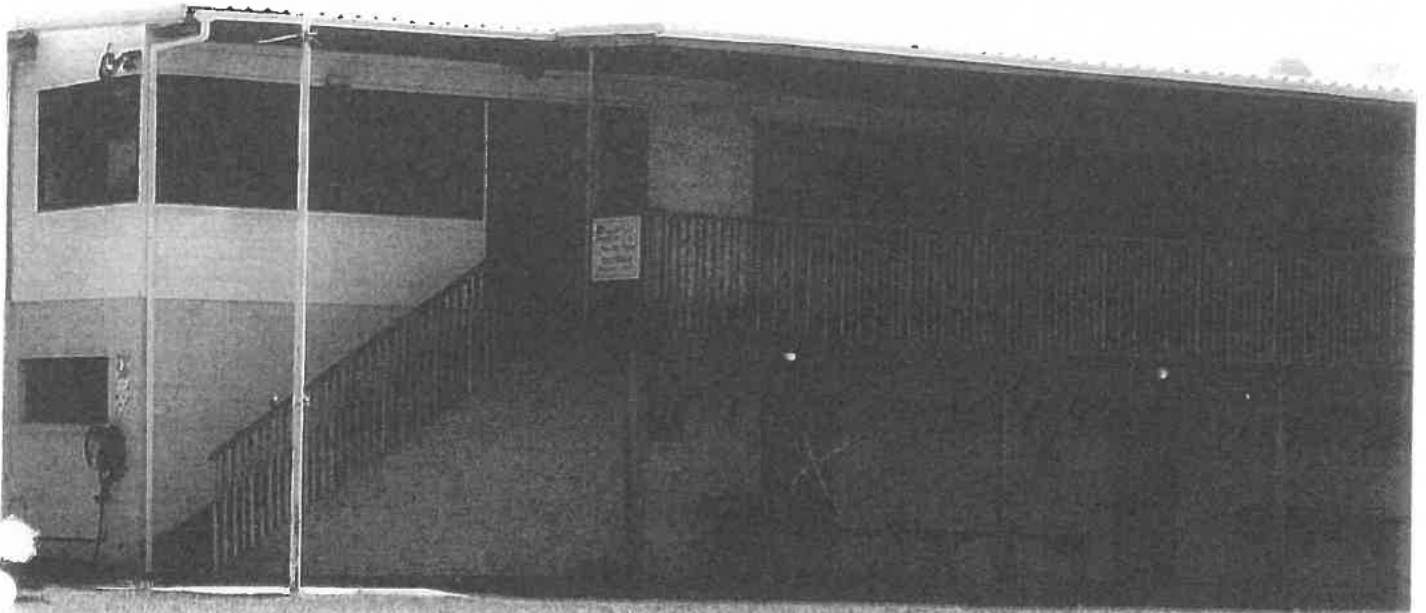
13. THE Association will insure within the meaning ascribed to those  
words in the Fourth Schedule to the Land Transfer Act 1952 and will if deman

*Clause 12 showing removal of building required in 1992*

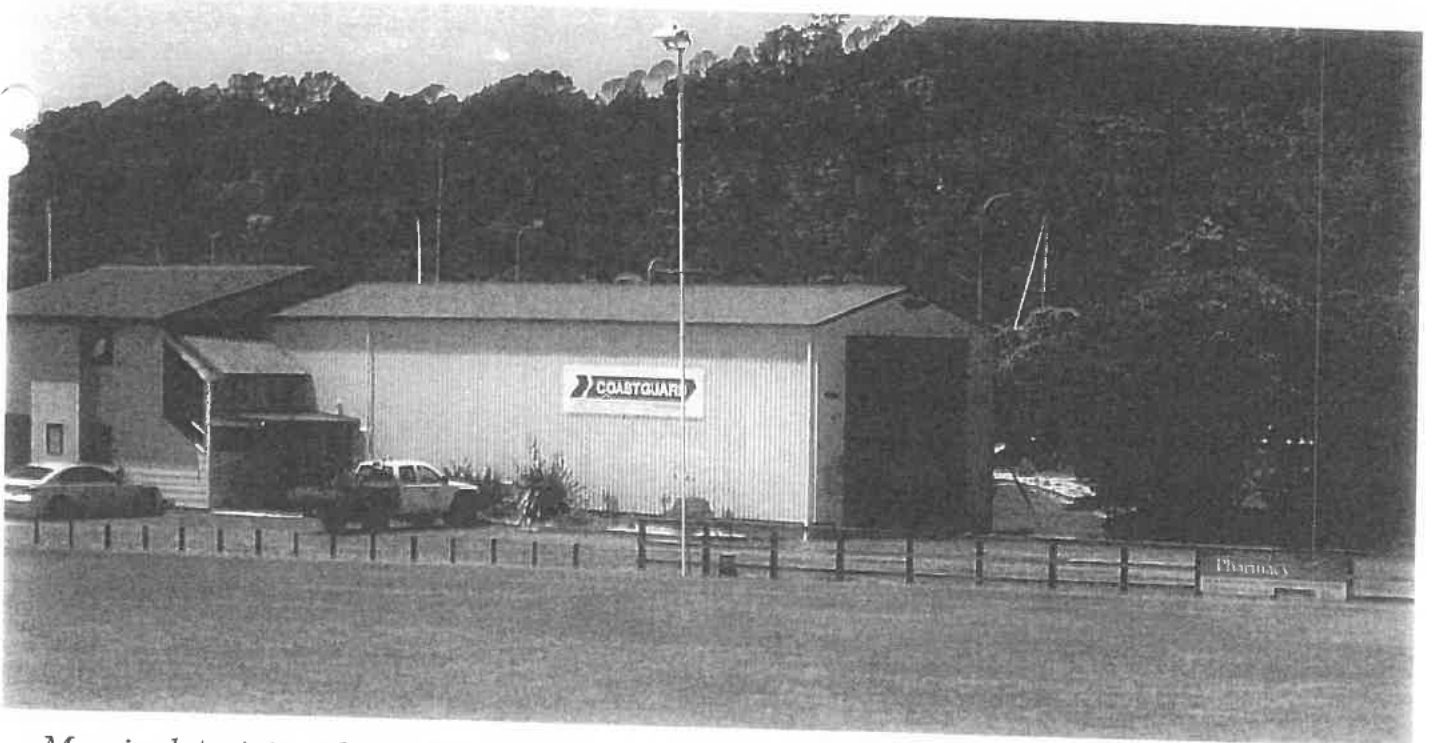
*Note: This building is now a gym and fitness centre which is a complying activity on this park.*



*All purpose volley wall and hard court recreation area for use by the public. Erected and paid for by the Tennis Club in the year 2009. A complying activity on the Park.*



*Mercury Bay Rugby and Squash Club (2 Courts) building. The Rugby Club was guardian of the sports field for many years. Over the years they have leveled and groomed the sports field to the standard it is today. Up until recently the Rugby Club mowed and maintained the field. This playing field has hosted other sports such as Soccer, Summer Touch Football, Tag Football and Softball. The Rugby and Squash Club are a complying activity.*



*Marginal Activity. Should have been built on the marina reclamation part of the land. The driveway into the building has taken the last of the grassed area of the original Lyon Park.*



**“WE USED IT BECAUSE IT WAS THERE”  
- Sorry Belle**

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**Lyon Park - Whitianga**



<b>Reserve Category</b>	<b>Sports and Recreation</b>
<b>Reserve Classification</b>	Recreation
<b>Location</b>	86A Albert Street, Whitianga
<b>Area</b>	0.1467 ha
<b>Legal Description</b>	Pt Wharetangata No.6 Blk, NZ Gazette 2020 In 4925
<b>Location</b>	86D Albert Street, Whitianga
<b>Area</b>	1.6780 ha
<b>Legal Description</b>	Pt Wharetangata No.6 Blk, NZ Gazette 2012 p1878

**Background**

- Lyon Park comprises two parcels of land, both gifted to the community for sport and recreation.
- The larger parcel of land (1.6780 ha) was gifted to the Coromandel County Council on 2 March 1940 by Thomas Harwood Lyon in memory of his deceased daughter Isobel (Belle) and to also acknowledge the New Zealand centennial. The land was to be held by Council as a recreation reserve and to be called "Mercury Bay Centennial and Lyon Park". Originally the land was swampland, with local people beginning work in 1947 to get it to a sports ground standard. The field was ready for the first game of rugby in 1949.
- The smaller parcel of land (0.1467 ha) was originally purchased by the Whitianga Tennis Club from T. H. Lyon in 1926. In 1960 the Whitianga Tennis Club gifted their land to the Coromandel County Council to be included in Lyon Park on the proviso that "The Tennis Club Continue to have free use of this land providing the Tennis Club at their cost maintain and keep the facility in good condition".
- Lyon Park currently accommodates the Mercury Bay Rugby and Sports Club (rugby/squash/gym) and the tennis club, with both groups having facilities on the reserve.
- Mercury Bay Rugby and Sports Club lease and have exclusive use of the area where their clubrooms are located (not the fields).
- The Mercury Bay Tennis Club manage and maintain the tennis court facility which includes the courts, nets, lights and a volleyball area.
- The Whitianga Volunteer Coastguard base and another building (that has been used as a gymnasium) are also located on Lyon Park.
- The Whitianga Volunteer Coastguard lease and have exclusive use of the area where their buildings are located (not the surrounding grounds).

<b>Leases and Licences</b>	
Mercury Bay Rugby and Sports Club Incorporated	Expires 2024 (If right of renewal is exercised in 2029)
Whitianga Volunteer Coastguard Incorporated	Expires 2032

**Reserve Issues**

- No lease has been issued under the Reserves Act for the tennis court facility.
- There is concern over Lyons Park being used as an overflow parking area for marine activities particularly given the ongoing growth of the Whitianga Marina and the limited parking options available to its users.

17 30



**Management Actions**

- a. Ensure that a lease is put in place for the tennis court facility.
- b. Consider putting more restrictive measures in place to prevent unauthorised parking on the reserve particularly when it becomes a health and safety issue.
- c. Where appropriate, encourage codes to use the Mercury Bay Multisport Park to help alleviate any booking conflicts that may occur during the busy winter sports season.

**Reserve Management Policy**

- a. The objectives and policies in the Thames-Coromandel General Policies Reserve Management Plan apply.
- b. Any use of this reserve for parking must directly relate to an activity or event that is being held on the reserve.

Visible sign 715 mm x 1045 mm  
plus 40mm each side for rebates  
File has approx 10 mm bleed added

# A GIFT TO THE COMMUNITY

*Whitanga in 1948; the tennis courts and donated field are highlighted*

Thomas Lyon (1869 - 1942) was a local farmer, lay preacher and family man who was dedicated to his community. In 1908 he allowed the Whitanga Tennis Club (now Mercury Bay Tennis Club) to use part of his farm for courts and in 1920 sold that portion to the club. Then, on 20 April 1940, he gifted an adjacent portion of his farm to the community to be used for recreation and sport's facilities. His gift was in part to create a memorial to his daughter Isabella who died in 1939 aged 45, and in part to celebrate the centenary of New Zealand's membership of the British Empire. It was then known as Mercury Bay Centennial and Lyon Park.

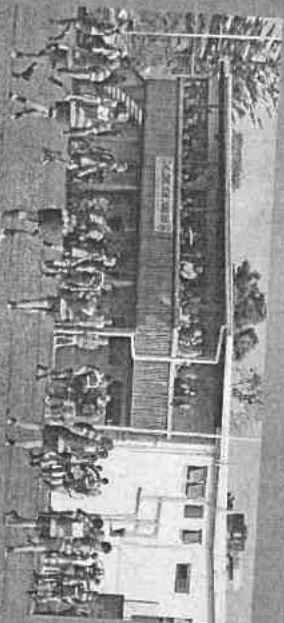


“A special place in the heart of Whitanga.  
We love it.”

# Lyon Park



In 1960, the tennis club gifted its land to the council on the proviso that the club would have continued use of the facilities. It became part of the larger park, now referred to more simply as Lyon Park.



*Mercury Bay Area School First XV at Pierson College in a 2016 Crutcher Cup semi-final*



## A SPORTING LEGACY

- Rugby was played here from 1951, and the club put in a lot of effort over the years to create the excellent playing field in use today.
- The squash courts and clubrooms were built in the late 1960s.
- In the 1970s the clubrooms became a shared facility under the Mercury Bay Rugby and Sports Club. The building was extended in the early 1990s.
- The sports field has also been used for cricket, football, rugby league, and athletics.



### LOCAL HERO

Locally born (1959) Ross Norman learnt to play squash here and went on to win the World Championship in 1986.

61



SAME DAY LYONS PARK 2024 SIDELINE



SAME DAY LYONS PARK 2024 DUNDAS ST





SAME DAY LYONS PARK 2024 CARPARK



SAME DAY LYONS PARK 2024 ALBERT ST

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