

South Head Action Group Inc.



Key Concerns Regarding Higham Road stopping

Introduction

This briefing document outlines the key concerns of the South Head Action Group regarding the Rodney District Council decision to stop the road.

Concerns

1. This road stopping originated in 2006/2007 when South Head residents and other interested people were being consulted on the South Head Walkway Plan. In the draft plan of March 2007, with regard to the Higham Rd portion of this plan the document read that the Rodney District Council will “investigate land swap options”; and provides a map of a proposed walkway through the Higham property along the low tide mark and back through other properties to the South. There is no mention of a road closure at this point. However, our research through the LGOIMA process indicates that there was at least one earlier iteration of the draft plan that specifically refers to a road closure and shifting the access to the Southern boundary (January 2007).
2. There were a limited number of submissions on the Highams Rd part of the plan; 21 in all. 15 supported and the land swap proposal, 5 opposed an access to the beach altogether. Rodney District Council information says none opposed it, however this is incorrect; the submission from the Narbey family (whose property runs along the southern boundary of Highams farm, the proposed new easement) strongly opposed it. It is interesting to read the Higham’s submissions and three other submissions that refer directly to a “Road Closure”. It seems some people were aware of the proposal to close the road and open an easement on the Southern boundary, although this information was not available in the wider public arena.
3. Some submitters who supported the investigation of land swap options did so in the spirit of good neighbours /community members, who were keen to see if a solution that met all needs could be arrived upon. These folk feel very let down by the outcome of their support when no options were ever put to the community to consider, and their support was used to justify a decision to close the road. .
4. A further meeting was held at the South Head Hall in November 2007, because there was so much local contention about the Walkway Plan; 5 key concerns were discussed but not the Higham Rd closure
5. The November 2008, Final Report of South Head Walkway plan reads, “that the proposal to swap the paper road for Highams private land be investigated further and reported back to a future meeting of the council”; even though the Rodney District Council had already voted in principle to close the road in August 2008.
6. Rodney District Council policy clearly states that “the essential precondition of any road stopping is that the council must be satisfied that the road will never be needed for roading purposes in the future nor for access to coastal marine areas”. The decision to close goes against both these criteria.

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7. Rodney District Council policy also states that it will gain consultation from engineering and planning staff; whose report to the meeting of 14th August 2008, advises against the road closure.
8. Rodney District Council policy also states that following advice from engineering and planning staff that “of necessity this assessment will be very conservative, and in the event of any doubt as to the future requirements the request will be rejected”. It would seem that Rodney District Council policy carried little weight in the decision making process.
9. The decision made by Rodney District Council to proceed with this road closure goes against advice from Rodney District Council Roding and Engineering staff and from information provided by DOC, the Regional Coastal Plan and the National Coastal Plan statements.
10. The decision made by the Rodney District Council closes the road and opens an easement on the Southern Boundary of the Higham farm, through which a walkway was originally to an alternative stretch of coast was proposed. This is not a Land Swap; an ‘easement’ does not carry the same legal status as a road. An easement can be closed at the discretion of the landowner(s), affected such as occurs at Papakanui (the South Head lagoon) through forestry land.
11. Neither does this latest proposal have planning permission. The sum documentation about the formation of a road on the easement is attached as an appendix to agenda of the extraordinary meeting of Rodney District Council 23rd September, as a handwritten document from a farmer. There is no engineering advice as to its suitability as a road beyond the initial report written by a Rodney District Council staff member in August 2008, which advises against the proposal.
12. The cost of developing a road on the easement is estimated to be \$700,000; to be met by the Ratepayer. The area of coast the easement leads to is considerably less desirable than Higham beach.
13. Rodney District Council minutes state that the Higham’s are being charged current market value for the land. There is 6.518 Ha and the price being paid is \$101,000, including costs of the survey etc. An average property of 1 Ha sells for \$200,000 at a minimum; a piece of Land approximately 2 Ha that leads to the coast is currently on the market for \$1.4 million.
14. South Kaipara Ratepayers and Residents’ association have repeatedly asked for alternative vehicle access to be considered and planned for in LTCCP and planning Rodney processes, and this also includes a proposal to buy the McLeod Farm. This has yet to be acted upon.
15. It appeared to South Head Action Group members that a number of Rodney District Councillors were partisan to the stopping of the road. In their ongoing campaign to mislead the public these Councillors referred to an agreement with the Auckland Regional Council to build a road through Te Rau Puriri Park. This agreement was never made. As best as we can understand from our research, the Auckland Regional Council undertook a Regional Parks Management Review in 2009. This process was begun in April 2009, and the management plan review was published August 2009. A letter to the Auckland

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Regional Council was written by Rodney District Council requesting road access through the park, in November of 2009 following the LTCCP process, this does not constitute a plan for a road.

16. Currently there is one over burdened vehicle access to the Kaipara Harbour at Shelly Beach, and the population and need for access is growing. Even one further alternative access is insufficient if we consider the long term. We as South Kaipara residents would much prefer to be meeting with you with our vision for the future of our peninsula and the treasures it contains. Not fighting rear guard actions to remove these treasures without decent public consultation.
17. The road was originally titled in September 1894 by Mr Alfred Buckland. It was accessed by Tangata Whenua for many years previous to that.
18. If Mr Buckland could anticipate a requirement for future access; how is it that Rodney District Councillors could not? We have a right of duty /Kaitiakitanga for our mokopuna and future generations. In the absence of any realistic long term planning for the peninsula it is hard to conceive how the Rodney District Council agreed to close this paper road; which is realistically one of only three possible unformed roads available for coastal access options.
19. Whilst there are also other possibilities for purchase of land, this particular road is central on the peninsula. It is the first of the sandy beaches and provides great safe swimming and picnicking for families not only on the peninsula but also in the surrounding area.
20. It also has two accesses to South Head Rd, the most important of which reaches South Head Road opposite the South Head Hall on Donohue Road. The scenery along this route is spectacular and a treasure in itself.
21. Supporters of the road closure express concern for safety and security for the Hotfish and other camps held at the Higham Beach site. This appears to be a primary reason for the road closure decision. Security concerns are simply provided for in a Resource Consent process, which the Highams are required to abide by each time according to the District Plan. It is possible to close a road for period of time, in the same way as for the Christmas parade.
22. There are also other possible locations for a camp which allow security and privacy. There are farm road accesses to both the southern and northern sides of the Haratahi creek. These have been used for the purpose of logging trees so conceivably could be utilised for camp traffic.
23. Further to this there appear to be no permits, waste, building or resource consents for the camp to date. This in itself poses a serious health and safety issue for those using the facilities.
24. Rodney District Council has been a sponsor for at least one of these camps over a number of years and yet has neglected to carry out their statutory duty to ensure the Health and Safety of camp users.

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25. We believe there are also buildings currently on the road itself and are awaiting survey information to verify this.
26. We appreciate that the Higham family has generously made this camp available and many of our members have been privileged to experience this generosity. However, we feel it is important to point out that authority vested in a Council over a road is held in trust for the public. The people who the Highams invite to use the camp are simply a section of the wider public. In effect, these are 'private interests' and not those of the public whose interests it is the duty of our elected representatives to uphold.
27. It is also important to remind you that whilst this is referred to as a 'paper road' this is not the case. Although the road is currently unformed, it has the same legal status as South Head Road, State Highway 16 or the motorway in Spaghetti Junction. Requesting to have the road stopped because it interferes with farming operations holds the same weight legally as asking for road to be stopped because the noise makes it hard to concentrate in an office alongside a busy road.
28. Whilst we appreciate that this inconveniences farming operations, however the family who farm the land knew this road was there when they purchased their farm. The difficulty is that over time people begin to think that the land is actually theirs. However, they do not pay rates on land that is unformed road.
29. This problem is not insurmountable with good fencing and a number of farmers manage successfully with South Head Rd bisecting their farming operations. More widely there are farms which straddle SH 1.
30. There have been difficulties for the wider South Head community and public to use the road for a number of reasons. The route is not marked and we are aware the farm track does not follow the road in at least two significant places. This means when the public uses the farm track they are indeed trespassing. However, the farmer has placed obstacles across the unformed road in the way of fences, trees and maize paddocks. Community members wish to be respectful to the farmer and are required to leave the ground 'as we find it' when traversing the road. This is made very difficult by the actions of the farmer whose land this road passes through.
31. There are also applications for other paper road closures on the peninsula. This could be the thin end of the wedge, in an area where public access is a significant issue.
32. This issue concerns a great number of Aucklanders who access this harbour and coast for recreational purposes. This is a public access issue; to the foreshore of the Kaipara Harbour.

Conclusion

We are keen to see common sense prevail over this matter, and that our Local Board recommends this matter proceeds no further. South Kaipara residents do have a vision for the peninsula that includes a big picture strategy that meets the recreational, economic and cultural needs of all Aucklanders, now and in the future. We wish this to be achieved with all possible options still available to the community, including the unformed road known as Higham Rd.