

South Head Action Group Meeting South Head Golf Club, Kaipara, 6 December 2010

A report for the Hokianga Accord, option4, NZ Sport Fishing and other non-commercial interests
By Trish Rea
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Public meeting

A meeting was held at the South Head Golf Club on Monday 6 December to explain the latest developments regarding the proposed closure of Higham Road, Kaipara Peninsula. Around 18 people, mostly locals, attended the meeting organised by the South Head Action Group Inc. (SHAG).

An incorporated society has been formed, an eight-person committee and a treasurer have been appointed. A well-known local, Ross Webber, is chairman and Arohanui-Grace is secretary. The society currently has around 120 members and more are welcome. SHAG is seeking donations to cover legal expenses, these are not expected to exceed \$10,000. Contact southheadactiongroup@gmail.com.

Background

The Higham family own a farm on the South Head Peninsula. An unformed road, established in 1894, runs through this farm to the inner Kaipara Harbour. Higham Road is one of three unformed roads that could potentially be formed to provide vehicle access to the Harbour. Currently, the only other vehicle access to the inner Harbour is at Shelley Beach, which gets very congested in the busy summer months.

Higham Road terminates at a safe, sandy beach suitable for family picnics, swims and boat launching. The Highams have applied to have the road 'stopped' to prevent vehicles passing through their farm to the waters edge.

A group of residents objected to the proposed closure and formed the South Head Action Group to prevent the road stopping from proceeding.

Before its demise the Rodney District Council supported the road stopping, going against the advice of its own officials, the Auckland Regional Council (ARC) and Department of Conservation. In late May Rodney Council considered around 160 objections to the proposal and about 30 submissions in support. The objections were not upheld and the matter was referred to the Environment Court.

Formation of the Auckland super city on 1 November 2010 has complicated matters. The Auckland Council is now functioning in both the Rodney Council's role as a supporter of the road stopping, and the ARC, as an objector. Moreover, the Auckland Council owns the disputed land, but road management is the responsibility of Auckland Transport, a Council Controlled Organisation based in Waitakere.

Environment Court process

A pre-hearing conference was held in the Environment Court on 29 November.

Auckland Council advised the Court they had not fully considered the issue and needed more time. Also, the Council wanted to gather input from the Rodney Local Board. Mayor Len Brown has been briefed and is also keen for local board input.

SHAG has engaged Andrew Green of Brookfields Lawyers to develop the legal arguments however, SHAG may represent itself in Court. SHAG is pleased with the advice received and has asked, through the Court, for access to documents previously denied by Rodney Council. Auckland Council has agreed to this request, subject to legal privilege.

Whilst SHAG indicated earlier it does not want to mediate, this decision was made on the basis that the alternative offer, a walking easement, is unacceptable.

It was suggested to the Court that it would be useful to peg the road so that its actual position and dimensions could be ascertained. This option may be pursued when, and if, the Council proceeds.

Hearing outcome

- ⇒ Auckland Council has agreed to fulfil SHAG's information request by 6 December.
- ⇒ Auckland Council will advise all parties of its position on the proposed road stopping by 25 February 2011; and
- ⇒ Within 10 working days of this advice a further pre-hearing will be arranged to determine any future process.

Meeting input

Originally Nga Uri O Te Taou, as tangata whenua of the area, objected to the road-stopping process because they had not been consulted. Maintaining vehicle access is vital if tangata whenua are to both maintain their links with historical sacred sites and take their elders to these spiritual places.

George Hill of Haranui Marae provided an update from their December meeting. Haranui Marae will now support the road-stopping process, as long as access is maintained for Maori. Not everyone at their meeting agreed with this decision, but that was the outcome.

There are various matters that have influenced this decision, one being the upcoming discussion about access to the West Coast through Tarawera Road. Haranui Marae will be seeking to have access for whanau only on this road.

While this latest news was disappointing, it was helpful to know everyone's view and important to maintain dialogue with all interested parties.

SHAG organised a group walk over the disputed Higham Road and down to the beachfront. This occurred on 27 November. Farm owner and road stopping applicant, Noel Higham, was advised of the walk beforehand.

In several places the farm track deviates off the legal road, but there are no clear markings to indicate where the road stops and starts. During the walk Mr Higham objected to people using some sections of his farm track and 'trespassing' on his property, albeit unwittingly.

However, some parts of Higham Road are unusable because Mr Higham has planted a maize crop across the road. During the group-walk some people chose to use the track, because they were reluctant to trample through this crop.

Overall, it was an informative day and confirmed for many people the importance of maintaining vehicle access to the inner Harbour for future generations of locals and the wider Auckland community.

Next meeting – Will be advised through a newsletter.

Meeting finished at 2005 hours.