



P.O. Box 58846, Botany, Auckland 2163

Mace Ward
Manager, Parks, Sports and Recreation
Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

BY EMAIL

22 04 2016

Re: Restriction of Access to Pacific Road beach, and Official Information Act Request

Hello Mace

I am representing the Surfbreak Protection Society Inc.(SPS).

SPS were an original submitter to [plan change 166 for Te Arai](#).

It was our understanding at the time that there were to be little or any impacts predicted for the regional surf breaks in the Te Arai area. A Correction was made to the original decision on the 1st of August 2014 (Decision No. [2014] NZEnvC 164) attached to this letter with the Environment Court stamp on it.

The final decision handed down by the Environment Court made no mention of moving the car park at Pacific Rd inland by some 450 to 500 meters.

As you are well aware the surf breaks of Te Arai Point, including Black Swamp, is a highly valued surf break area generally in terms of amenity values, recreation values etc.

SPS are a society dedicated to the preservation of surf breaks, the environments that support them, and public access to the surf breaks.

SPS was a successful submitter to the Board of Inquiry to the 2010 NZCPS with regard to recognition of surf breaks in policies 13, 15, and 16.

The preamble for the NZCPS takes note that: The coastal environment is facing the following key issues:

compromising of the open space and recreational values of the coastal environment,

- *including the potential for permanent and physically accessible walking public access to and along the coastal marine area;*

On Wednesday March 2nd I attended a packed out public meeting at Tomarata Hall, to which you were noted as a speaker, yet were unable to attend.

That was unfortunate as Jim Castiglione of Darby Partners was unable to answer many questions from the audience who were unaware of the developments that are to take place, and primarily, issues around access to the area, especially the beach. I understand that Auckland Council has final say on public easement.

Most people attending the meeting not only had no knowledge of the Private plan change, but even more people, had no knowledge of the consent process relating to the loss of the car park.

The Hearings panel decision on [Private Plan Change 166](#) was incorrect regarding it's assessment of surf breaks on page 32.

The decision only took into account policy 16 Surf breaks of National Significance, in the NZCPS, not policies 13 and 15, which give direction regarding Regional surf breaks, of which there are three regional surf breaks, as recognised in [Appendix 6.3](#) Schedule of Significant Surf Breaks, in the Proposed Auckland Unitary Plan (PAUP).

However, as restricting access to the surf breaks was not discussed, access was not considered as an issue.

During the sale process of this land due respect should have been given to rights of access to the areas surf breaks. The access easement given by the current landowners should not have been at their discretion, but rather as a public entitlement clause in that sale to the Ngati Manuhiri Settlement Trust.

SPS have been informed by members of the local community that on December 18th last year consents were granted non notified by Auckland Council with a further amendment on the 23rd December to curtail beach access on Pacific Road by some 450 meters.

As an original submitter to plan change 166 SPS, along with others, should have been notified of these consents and the land owners desire to limit public access to the beach.

The new plans illustrate that Lot 20 is to straddle Pacific Rd, and instead of the public being able to drive within easy access of the beach, the public would now have to take their surfboards, picnic equipment, and assist their young and elderly, some considerable distance from the beach.

The current Pacific Road car park has been in place since the 1920's, and is well established and locationally stable. There has been no evidence provided of wildlife been harmed, though this appears to be a reason given for the car parks relocation.

Surfers have been accessing this surf break via Pacific Road for the past 50 years or more.

The Orewa Longboarders Club are one of, if not the largest surfing clubs in New Zealand, and have been holding surfing competitions for a number of years at this location.

The proposed retreat of the car park is going to impose severe logistical challenges for the club to host future events at this surf break.

The PAUP schedule of significant surf breaks [Appendix 6.3](#) gives a description of Black Swamp, Pacific Rd, as;

“Exposed beach break that is frequently suitable for wave riding. Good wave quality suitable to all skill levels. Offers a 'wilderness' experience with lack of development. Good access.”

It is the view of SPS that “good access” is interpreted as meaning as close to the surf break as possible, and by stepping the car park back beyond the housing development counts as a diminishment of that value.

While policy 20 of the NZCPS prescribes vehicular access from sensitive coastal areas be restricted, there is an obligation that access for the general public is recognised in Policy 20 (2) to:

*“Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or **public facilities**, or for the operation of existing commercial activities, and make appropriate provision for such access.”* [emphasis added].

In our view, Public facilities is interpreted as giving the public the most convenient access to the site, placing the car park back by 450 meters conflicts with the intent of the NZCPS, and;

Moving the car park back as far as what is being proposed erodes the “good access” assessment given to Black Swamp Rd, a regionally protected surf break as listed in appendix 6.3 of the Proposed Auckland Unitary Plan.

Surf breaks are a public facility and deserve the most advantageous public access available, and to that end SPS recommends that the public access to Black Swamp surf break remains where it is.

SPS agree with the points raised in the Open letter to Auckland Council from the Te Arai Beach Preservation Society and New Zealand Fairy Tern Charitable Trust dated 16 April.

SPS request that the Council revise its decision to relocate the car park on Pacific Road, as it is our view that the decision is in breach of both the NZCPS and the PAUP.

Under the Local Government Official Information and Meeting Act 1987, SPS request all information leading to the Auckland Council’s decision to retreat the current car park at Pacific Road inland, including (but not limited to) the reasons for making the consents non notifiable to original submitters of plan change 166.

Kind Regards

Michael Gunson
Research and Communications
Surfbreak Protection Society Inc.

CC:

Ian.Dobson@aucklandcouncil.govt.nz
Erik.Oosthuizen@aucklandcouncil.govt.nz
Ray.Smith@aucklandcouncil.govt.nz
peter.clark@aucklandtransport.govt.nz
christine.fletcher@aucklandcouncil.govt.nz
chris.darby@aucklandcouncil.govt.nz
penny.webster@aucklandcouncil.govt.nz
Ryan.Bradley@aucklandcouncil.govt.nz
Richard.Hollier@aucklandcouncil.govt.nz
Brenda.Steele@aucklandcouncil.govt.nz
orewaplanningadvisors@aucklandcouncil.govt.nz
info@savetearai.org.nz

winston.peters@parliament.govt.nz
Kelvin.Davis@parliament.govt.nz
tracey.martin@parliament.govt.nz
Mark.Mitchell@parliament.govt.nz
phil.goff@parliament.govt.nz