

# Frequently Asked Questions – South Head Paper Roads

## *By the South Head Action Group*

May 2010

### **What is the issue about?**

The Rodney District Council is planning to close a safe public vehicle accessway to the Kaipara Harbour and sell the land to a private property owner. Higham Paper Road has provided public access to the Kaipara foreshore for almost 120 years.

### **Where is the Kaipara region?**

The Kaipara Harbour is northwest of Auckland and southwest of Whangarei. It has a growing regional population attracted by the rural lifestyle, fishing and recreational opportunities available in the area. Access to the Tasman Sea is provided through the Harbour entrance, between South Head and North Head, and over the often-dangerous Kaipara Bar.

### **When is this closure going to happen?**

Soon, if objections are not submitted by 2 June 2010. If no objections are received the Rodney District Council will prepare a notice declaring the road will be stopped. Documents will then be lodged with Land Information NZ (LINZ) to transfer land title to the Council. However, Rodney District Council has the opportunity to abandon this process and maintain the status quo after considering the objections.

Alternatively, the issue maybe referred to the Environment Court for a full hearing and decision. If the Environment Court declines the application the process will be abandoned. Conversely, if the Environment Court supports the proposal the Rodney District Council will be entitled to proceed with the road closure.

### **What can I do?**

At this late stage the South Head Action Group want you to lodge an objection by 2 June 2010. A simple objection form is available in Appendix Two at the end of this document and online at [http://www.option4.co.nz/Updates\\_and\\_Alerts/documents/Objection\\_form\\_Higham\\_Road\\_Closure.pdf](http://www.option4.co.nz/Updates_and_Alerts/documents/Objection_form_Higham_Road_Closure.pdf).

When making your objection feel free to use any of the points highlighted in Appendix One. If realistic, please request a hearing. If enough people ask for a hearing the Council will be obliged to respond.

### **Why should I be concerned if I don't live in the Kaipara region?**

Ratepayers bear the costs associated with these closure proposals. The process conducted by the Rodney District Council could easily be duplicated by other territorial authorities to deny public access to the foreshore from any paper road or unformed road. Once closed it is unlikely that access to the foreshore from these roads will ever be restored.

### **What do tangata whenua have to say about the process?**

Local Maori are very concerned that Rodney District Council has prosecuted this closure process without any consultation with them. Beneficiaries to Haranui Marae, the Marae that holds Manawhenua [authority] status to the Higham Paper Road area, are affiliated to Nga Uri O Te Taou and Ngati Whatua. Vehicle access is vital if they are to both maintain their links with historical, sacred sites and take their elders to these spiritual places. Nga Uri O Te Taou has asked the Rodney District Council to attend a hui at Haranui Marae to discuss their concerns.

### **What is the alternative?**

The Rodney District Council has a right of duty to plan for future generations. Maori and the locals are committed to ensuring ongoing public access to the Peninsula. Opportunities exist for both the community and Council to work together on suitable alternatives.

## **The Rodney District Council Higham Paper Road process**

### **What is a paper or unformed road?**

A paper or unformed road is a legally recognised road that provides public access to a particular area or feature. They are generally under-developed and often known only to the local community. These roads can cross farmland or private land.

Visionary planners have provided paper roads for free, public access to the waterways since the late 1800s. In the Kaipara region paper roads were provided, by agreement, to enable access across the South Head Peninsula. This enabled early settlers and tangata whenua continuous access from east of the harbour to the coastline.

More recently there has been a concerted effort by some landowners in many parts of New Zealand to prevent public access to these legal roadways.

### **Was there any public consultation?**

No.

In March 2007 the Rodney District Council released a Draft South Head Walkway Plan and called for submissions. This draft plan referred to investigating “*land swap options*”, but there was NO mention of closing Higham Road to public access. Rodney District Council did not directly refer to a landswap proposal at a Walkway Strategy public meeting in November 2007.

### **Were there any submissions to the Draft South Head Walkway Plan?**

Yes. There were 21 submissions to the South Head Walkway Plan, but because there was no direct reference to a Higham Road landswap *proposal* there were no outright objections.

Two submissions objected to the Council’s suggestion to investigate “*land swap options*”. Fourteen submissions “supported” the investigation and five opposed any access to Higham Beach. There is ongoing debate as to the Council’s interpretation of the “*support*” for their suggestion.

There is even wider debate about whether the public was given access to all the background information or whether only selected individuals were given access to vital information.

### **What happened to the Draft South Head Walkway Plan?**

The Rodney District Council finalised and published the Final Report of the South Head Walkway Plan in November 2008. The report notes, “*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*”.

The final report failed to mention that the Rodney District Council had already voted to close the road on 14 August 2008. Three months earlier!

### **What is the Council’s policy about road closures?**

The Rodney District Council’s policy about road closures is clear.

#### **“Uses of Council Unformed Roads: Guidelines for potential users**

##### **A. Stopping of roads**

The essential precondition of any road stopping procedure 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.

## **B. Stopping of Unformed Roads**

Following agreement from the directly affected landowner that the road stopping action may be requested, the matter is referred to the Council's Engineering and Planning staff who will assess whether or not there is likely to be a future need for this road to be formed.

Of necessity this assessment will be very conservative and in the event of any doubt as to the further requirements, the request will be rejected."

### **What advice has the RDC received?**

In August 2008 Rodney District Council's own officials recommended "*that the proposed road exchange should not be advanced and the reference should be removed from the Draft South Head Walkway Plan*".

Department of Conservation policy staff advised the Rodney District Council that both the New Zealand Coastal Policy Statement and Regional Coastal Plan aim to provide for and improve coastal access. DoC advised closure of Higham Road without providing a suitable alternative would be inconsistent with these policies. DoC would not support the closure unless an alternative was provided. This would be classified as a 'landswap'

DoC also suggested the Rodney Council wait until the government-initiated Walking Access Commission was established and could decide on public access issues.

### **Why are people objecting to the 'landswap'?**

Guaranteed public access to the foreshore will be lost.

People are objecting because there was no formal proposal to close Higham Road. The Council has received an application from the Highams to buy the land where the paper road exists and replace it with an easement, for walking access only. No vehicles will be able to access this foreshore area.

The replacement area being offered as an easement is not suitable for a roadway.

An easement can be closed at the whim of the landowner. Public access is not guaranteed.

### **Are there other accessways to the Kaipara?**

Yes, there are limited alternative accessways to the Kaipara. The most popular harbour access is at Shelley Beach, but this area struggles to accommodate current usage and demand is increasing annually. Over the busy summer period there are often no carparks or boat ramp space available. Winter days are increasingly busy due to a new local subdivision and no nearby alternative accessways.

Two other vehicle access points are available on the South Head Peninsula. The closest is over 4.5km further north of Higham Paper Road.

### **What is the cost to ratepayers?**

Discounting Council expenditure to date, ratepayers will bear the cost of developing an easement while incurring any loss associated with the 'landswap' deal. There is serious debate as to whether the Council will receive full market price for Higham Paper Road.

It will cost around \$50,000 to fence and form a track on the existing Higham Paper Road to address the local landowner's stated concerns.

In contrast, estimates range from \$500,000 to over \$750,000 to develop the proposed easement – at the ratepayers expense.

## Appendix One – Points to highlight in an objection

1. This is a public access issue; access to the foreshore of the Kaipara Harbour.
2. Higham Paper Road was originally titled in September 1890. In 1890 Mr Alfred Buckland could anticipate the requirement for future road access to the Kaipara Harbour; how is it that in 2010 Rodney District Councillors cannot envisage road access is required?
3. When South Head was surveyed and sold to early Pakeha settlers Higham Paper Road was one of a number of paper roads made available to Tangata Whenua to access both coasts. This enabled people from Kakanui and Puatahi, on the other side of the harbour, to land and cross the Peninsula to get to Te Oneone Rangatira Beach. These roads also gave land access to waahi tapu [sacred] sites and to the foreshore and seabed that will be cut off if the road is closed.
4. The Council has a right of duty as guardians (Kaitiaki) for the future rights of access to the Harbour and foreshore for our children (tamariki) and future generations (mokopuna).
5. There is currently **one** formed vehicle access and boat ramp to the Kaipara Harbour in over 32km of coastline. This is at Shelley Beach. On holidays and weekends the Shelley Beach facilities are stretched beyond capacity.
6. There is growing pressure to provide public access (both for walking and vehicles) along paper roads on the Peninsula. This is natural outcome of the continuing subdivision of property that is occurring on the Peninsula.
7. Higham Road is one of three paper roads that offer realistic vehicle access to the harbour in the future; the others are Mosquito Bay and Omokoiti (Prawn Farm).
8. South Kaipara Ratepayers and Residents have made a number of submissions to Rodney District Councillors regarding future planning for further vehicle access to the Kaipara Harbour.
9. The South Head Action Group believe this is **NOT** just a local issue. It concerns a great number of others who use the harbour and coast for recreational purposes. If successful, this process could have implications for other regions in New Zealand.
10. There are already applications for other paper road closures. This could be the thin end of the wedge.
11. The population in the area is growing. Rodney District Council has made planning provision for significant population growth in the Western corridor, Helensville and Parakai; but not for the growing need for alternative access to the Kaipara Harbour.
12. Five submissions to the Rodney District Council specifically referred to a road closure; these are from the Highams, a neighbour and camp users. It seems some people had access to in-depth information that was not available in the public arena.
13. There is provision in the Resource Consent process for the Highams to get good security for the camps they generously provide on their land. A road closure is not required to secure this area.
14. The Rodney District Councillors are acting to protect the interests of private individuals, and not in the interests of the public good.

15. It is improper and unsatisfactory for the Rodney District Council to use the draft walkway strategy process as a substitute for specific road stoppages without fully disclosing all the details.
16. The South Head Action Group think it is very unlikely that the alternative walkway easement will ever be developed. This responsibility will fall on a new council in the Auckland Supercity structure. Moreover, the Rodney District Council has been advised by engineers that the proposal is unfeasible.
17. Records show that no new roads have been formed at the ratepayers expense in South Head for many years.
18. The South Head Action Group believe this Higham Paper Road process contravenes the Rodney District Council Long Term Council Community Plan (LTCCP) around consulting with Auckland Regional Council to provide future vehicle access to the Kaipara harbour.
19. The South Head Action Group can find no evidence to support the claims that the Rodney District Council has considered other 'landswap options'. This does not honour the spirit of the Draft South Head Walkway Plan. There are opportunities that have not been explored. The ideal alternative is to develop access to the southern end of Te Rau Puriri Park, around 6km from Higham Paper Road.
20. Lack of Evidence -  
In the published public notice the Council is required to state the reasons for a road closure. The notice states, *"the Council proposes to stop the road because it no longer requires this portion of road for roading purposes..."*  
  
From the supplied information it is unclear if the Rodney District Council has even ascertained whether the Higham Paper Road will be needed for *future roading purposes*.  
  
This contravenes the Rodney District Council road stopping policy, and the Local Government Act 1974.
21. A road stopping procedure requires an Esplanade reserve to be set aside at the foreshore, at the end of the road to be closed. This piece of land becomes inaccessible to the public, except by water or air, or by walking around at low tide.

## **Please act now!**

A simple objection to the Higham Paper Road closure before 2 June 2010 could make all the difference.

Support the South Head Action Group and protect your children's future access to our country and coastline. Make sure at least five other people support your effort by submitting their own objection.

Save time and use the sample form in Appendix Two. This will only take a few minutes.

If you feel strongly about access issues please make a donation to help preserve this freedom.

If emailing, please copy your objection to the RDC and the South Head Action Group, [webberz@xtra.co.nz](mailto:webberz@xtra.co.nz).

**United we stand, divided we fall.**

## Appendix Two - This is my official objection to the Higham Paper Road closure

**From:**

**Address 1:**

**Address 2:**

**Town/City:**

**Email (optional):**

Mr Roger Kerr-Newell  
Chief Executive,  
Rodney District Council  
Private Bag 500  
Orewa  
[Rodger.Kerr-Newell@rodney.govt.nz](mailto:Rodger.Kerr-Newell@rodney.govt.nz)

**Date:**

### Objection to Higham Paper Road Closure

Dear Mr Kerr-Newell,

I wish to make my objection to the stopping of part of Higham Paper Road; that is the portion of road known as Higham Rd, South Head and described as the parcel of land containing 6.6094 Ha being sections 1,2 and 3 on survey office plan 422172.

My reasons are as follows:

...

....

I wish to address my objection at a hearing of the Rodney District Council. Yes / No (delete one)  
Please advise as soon as possible when this hearing will be held.

Yours sincerely,  
Signed:

**Full name:**

**Position and name of organisation (if applicable):**

**Contact number (optional):**