

27 April 2016

Dear Sir/Madam

Thank you for your email regarding the relocation of the Pacific Road car park from its current position and seeking suspension of the consent process, a public meeting and a notified consent process.

As you may be aware, the development of the land in the Te Arai North forestry area was facilitated through a change to the District Plan (Plan Change 166) which concluded in 2014.

As part of this process, it was envisaged that the land area where the existing car park is would be vested with the council as reserve, and the ecological qualities of this area enhanced.

The proposal to relocate the car park, and to vary the alignment and extent of the easement, were included in a subdivision consent application in October 2015. Consent was granted by the council in mid-December 2015 on a non-notified basis as the effects on the environment and on people were considered to be less than minor and the proposal was consistent with the policies and objectives of Plan Change 166.

Council's parks department, which has responsibility for managing the public reserve, was consulted as part of the consenting process and is supportive of both the proposed re-alignment and the car park relocation. It considered that the relocation of the car park was the most appropriate option to provide for ecological enhancement of the reserve, while retaining pedestrian and equestrian access to the foreshore area.

While we understand there is a desire by some interested parties to revisit this decision, it is not possible for the council to review the decision, it has made under the Resource Management Act. Council may only review its regulatory decisions in very limited circumstances, none of which would apply in this instance. However, a third party may always seek a judicial review of a council decision in the High Court.

It should be noted that Pacific Rd, which is currently used to provide public vehicle access to the existing car park is not a legal road, such access is provided by a public access easement, granted under the Crown Forest Assets Act 1989. The access rights granted under this easement may be varied by a process provided for in sections 26-28 of this Act, which include provision for the public to be consulted on proposed varied terms before the Crown makes a decision whether or not to vary the easement.

The option to provide for vehicle access into the reserve, including parking should a need for it be found, would be subject to a variation to the Auckland Regional Parks Management Plan 2010, which will include the opportunity for public input.

In summary, the council's decision as the statutory consent authority under the Resource Management Act to approve the proposed subdivision on a non-notified basis may only be reviewed by way of application for a judicial review in the High Court. However it is important to note that public access to the beach will be retained via the proposed re-alignment of the existing access way. Public vehicle access will continue to be available from Pacific Rd to the relocated car park, with new pedestrian and equestrian links leading from the car park to the reserve and beach. This access will also provide for park maintenance and emergency services to access the reserve and beach. The new car park will be larger than the existing facility and will provide an improved level of amenity. This development does not negate the opportunity for vehicle access to the reserve which could be further considered as part of the reserve management planning process to the public.

Yours sincerely

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