



ARAC Executive

The Executive Committee of Akatarawa Recreational Access Committee Inc.
C/- 6, Takanini Grove, Stokes Valley Tel 04 938 5250

Ministry of Fisheries
Box 1020
Wellington

Attn Randall Bess, Spatial Allocations Manager

2 February 2006

Dear Randall

Submission – Wellington South Coast Marine Reserve Application

We are grateful for the opportunity to provide comment on the Marine Reserve Application, given the length of time between the original proposal, the changes in circumstances in that time and today's position.

Akatarawa Recreational Access Committee Inc. (ARAC) is a multi-faceted user group representing outdoor recreational users within the Greater Wellington area. Our Membership includes hikers, cyclists, horse-riders, quad and trail-bike riders as well as 4WD operators, hunters and fisherfolk. In total over 3,500 of our members locally could be affected by the proposal.

We do not comment on the viability or otherwise of a Marine Reserve *per se*, rather we look at the potential for the reserve to impinge upon otherwise and currently lawful recreational activities within the Wellington South Coast as a whole (more specifically to the west of the proposed reserve).

Our Comments are as follows:-

1. Since the inception of the Reserve as an idea, the character of the South Coast has been significantly modified by the closure of the Quarry works at Owhiro Bay. The quarry equipment has largely been removed, but most importantly, Wellington City Council have physically modified the nature of the lawful road in the first few hundred metres beyond the quarry carpark.

2. The nature of the modification to the road surface has been to lower the level to “allow the road to revert to a natural state”. In effect removing the formed road and leaving a sandy beach that allows some access to vehicles such as 4WD’s, quads, trail bikes etc., whilst also allowing passive use by horses, walkers, cyclists etc.
3. At present it appears that this beach section is above the foreshore, it is not inconceivable that tidal effects would erode parts so as to effectively render the land there foreshore and bring it within the scope of the Reserve – and hence extinguish the lawful road status.
4. We understood WCC’s reasoning for the modification to the road, and supported it – but we had always understood that should the road level reduce to extinguish the road’s lawful status, the Wellington Regional Coastal Management Plan would take effect – and still support lawful access for our recreational users.
5. If the Marine Reserve proceeds, we see a threat to this portion of the road, in that driving, riding horses or cycling along the foreshore would become illegal. In effect the road would be stopped by default without adhering to the consultative provisions of the Local Government Act 1974 (esp. Tenth Schedule)
6. This may seem a little far-fetched, but is nonetheless seen as a real and serious threat to the recreational opportunities currently enjoyed.
7. Many of our members use the area from Red Rocks through to Oteranga Bay for a variety of purposes, including fishing and diving. We note with some concern that to return to civilisation would in effect require crossing the proposed reserve. What of any catch they were transporting? The legislation seems draconian and could easily pose a threat to the lawful activities of our members and a presumption of “guilty until proven innocent”
8. Since the first two hundred metres or so to the west of the carpark are the main essence of our concerns, we note that there seems significant discrepancy and confusion between the original proposals and current application.
 - a. Without wishing to get extremely technical, the boundaries of the proposed reserve seem never to have been lawfully (or accurately) defined as part of the proposal and subsequent consultation.
 - b. The proposal does include maps quoting a reserve in terms of degrees latitude and longitude using a “Projection” of WGS84.
 - c. Unfortunately, WGS84 is a Datum not a Projection. And, in any case, WGS84 has never held lawful status in New Zealand.
 - d. So what projection was used? Without definition, the position could be physically different by up to 200 metres – perhaps not much by maritime standards – but highly important given our concerns in defining land boundaries where we seek accuracy better than 1 metre.
 - e. At the time of the original proposals and consultation, the datum for New Zealand was NZGD1949, with a local projection of NZMG (degrees and minutes hold no real place here). Most maps still use this Datum and Projection, so any checks made by submitters would likely locate boundaries based upon this ex-standard.
 - f. During 2000, this was replaced by a new datum NZGD2000 and a new projection NZTM based upon UTM, giving significant improvements in accuracy
 - g. It may be that the various departments hold accurately defined boundaries – it is just that we have not seen any such document as part of the consultation process to date. As such we are somewhat confused as to where the exact land-based boundaries would lie.

- h. Your own document (Ref 2005_112) produced in November 2005 as part of this consultation process quotes WGS84 as a “projection” – so regret even your consultation seems flawed.

Given these comments, we must oppose the proposal without some tangible assurances:-

1. The current lawful access from Owhiro Bay to Red Rocks will remain as highway – unless subject to formal closure through whatever legislative process may be in force.
2. We require similar assurances that users of the lawful highway will not be subjected to any of the Marine Reserve Provisions – in particular freedom to transport catch and equipment without fear of unwarranted interference with their civil rights.
3. These assurances must be fully qualified and more essentially be codified. Verbal assurances such as “*we would never do that*” have been broken so many times in the past by various governmental agencies that we now find these type of assurances bordering on repugnancy, and are certainly and unequivocally unacceptable.

Should these points be addressed in their entirety, we would still not support the Marine Reserve Application, but we would withdraw our opposition to it.

If the opportunity exists for verbal submissions at any time, we would be happy to appear in support of this submission. Naturally if any clarification is required, please do not hesitate to contact us.

For and on behalf of Akatarawa Recreational Access Committee Inc

Submitted via email, original signed

Andy Cockroft
Coordinator

andic@arac.org.nz