

7 July, 2021

Richard Northey, ONZM
Chairperson
Waitemata Local Board
By email



Dear Richard.

Re: Dove Myer Robinson Park - Coastal Cliff Land Erosion Risk and Need for Reserve Management Plan

At the WLB meeting on 15 June 2021 your team was specifically alerted to the need to spend over \$500k to strengthen the cliff face behind the Parnell Baths under the Landslide Prevention programme.

At about the same time we became aware of an important report done by Tonkin & Taylor for the Council which relates to issues of land stability and erosion that affect not only that cliff face but also the cliffs in the broader coastal context.

The importance of the report - titled "Regional Assessment of Areas Susceptible to Coastal Erosion and Instability" (RAASCEI) and made available to Council earlier this year – cannot be understated. The report is in furtherance of the Council's statutory obligations; and the study it is based on has been peer reviewed by Auckland University.

Its purpose is to fill gaps in knowledge by identifying and mapping the area landward of the current coastline that is susceptible to coastal instability and/or erosion under a range of climate change scenarios and timeframes (ASCEI); and to inform and promote better land-use planning and development decision making.

In relation to the DMR Park, the report has a particular significance for the proposed National Erebus Memorial. It identifies land in the Park as within the ASCEI and therefore susceptible to these risks in both the medium (30 years) and long term (50-100 years) ; and that gives rise to the important question whether that land – which in fact includes the site chosen for the Memorial - should be kept free of all building and related development.

See attached for details on DMR Park. Areas Susceptible to Coastal Instability and/or Erosion ASCIE lines indicate the area landward of the current coastline that is at risk because of coastal erosion or instability caused by coastal erosion.

<https://aucklandcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=3ded5342789f4af48deb906a3c05cabe>

The main issue with our coastal parks is that over the next 50+ years much coastal park land will be lost therefore all landward areas must be kept free of all development to at least provide some Public space¹.

¹ Email report review by Kit Howden

Naturally, we have serious concerns that these risks were not identified or discussed when the resource consent application for the Memorial was dealt with or when WLB gave Landowner Approval.

Our concerns are not simply with the potential, indeed inevitable, community cost that goes hand in hand with attempts to protect existing structures that have been authorised on eroding or unstable land, though that is a serious concern.

Our concerns go to the heart of the decision making relating to the Memorial and whether the decision makers were adequately informed about and understood relevant risks of long-term erosion and instability.

Please urgently seek guidance from your planning and/or legal teams as to whether the risks identified in the RAASCEI report for DMR Park trigger the need to take steps to cancel the resource consent and to suspend, and revoke or vary, Landowner Approval.

It does seem to us that we have a situation where there is proper scope for the landowner to request the Council to invoke its authority to give notice and cancel the resource consent under ss 128 and 132 of the RMA or to make application to the Court for an order to cancel the consent under ss 314 and 319.

We anticipate that because the risks that were dealt with in the Tonkin & Taylor report were not identified, the resource consent application contained significant inaccuracies in terms of these provisions of the RMA.

We also anticipate that this situation enables the landowner to suspend or revoke its consent. An existing Landowner approval can be suspended, and revoked or varied, where highly relevant information regarding the long-term suitability of the chosen site was unknown to all parties at the time that the decision to grant landowner approval was voted on and in fact passed (and as in this case) by a bare majority.

We cannot stress enough that the Tonkin & Taylor report not only puts the Council on notice that any development on the cliff at DMR Park is subject to long-term coastal susceptibility, but it also essentially amounts to the Council putting others on notice of that risk.

Thus, we are reinforced in our belief that the chosen site in the park for the Memorial is not fit for purpose in yet another important aspect.

Need for Reserve Management Plan

We wish to raise another major community concern. It is the need to rectify the lack of a Reserve Management Plan (RMP) for the DMR Park.

We are of the strong view that a 'one size fits all approach' to the management of parks via Local Parks Management Plans is not the right way to deal with the management of this one of Auckland's most cherished local and regional public parks, given its Cultural, Social, Historic (both Maori and European), and Environmental importance.

It should also be readily accepted that it is of particular importance that a Management Plan exists to expressly recognise and provide for the relationship of Maori and their culture and traditions with the site of the Mataharehare Pā, and to recognise and provide for the special

values of the tūpuna rakau, Te Hā, the great Pohutukawa tree which are discussed in the attached letter from Dr Simpson.

The advent of the Tonkin & Taylor report makes the need for a management plan even more pressing as a safeguard against inappropriate development and to guide good decisions.

We therefor formally request your Board to initiate the RMP process. That process will enable a Master Plan to be done, as has been done for each of the Auckland Domain and Pt Resolution and it will enable this community's input as a key stakeholder as it was in both those cases.

We look forward to your response as soon as reasonably possible.

Kind regards,

Luke Niue
Chair

Cc Mayor Goff, Dame Naida Glavish, Councillor Desley Simpson, all WLB members