

LIFESTYLE

At the beach at Whangamata

BY **JOHN BISHOP**

Whangamata, a delightful and popular holiday town on the east side of the Coromandel peninsula, was once the centre of a major test for the Resource Management Act.

LOCAL INTERESTS HAD SPENT YEARS and nearly a million dollars developing a case for a marina at the top end of the town, but the then Minister of Conservation, Chris Carter, vetoed the plan and over-ruled a positive recommendation from both the Environment Court and his own officials.

The local marina society subsequently appealed to the High Court and won their case with the judge, Justice Fogarty, saying that the minister's decision had procedural errors and was wrong in law.

Announcing his veto on 6 March 2006, Mr Carter said he sympathised with the society, but he had a statutory duty to protect the coast under the sustainable management principles of the Resource Management Act.

"Having looked at the issues in this coastal development proposal, the way the Environment Court approached them, and the evidence, I am not satisfied that allowing use of the public's coastal marine area for this development would be appropriate," Mr Carter said.

In his 18 September 2006 decision (*Whangamata Marine Society Inc v Attorney-General* [2007] 1 NZLR 252), Justice Fogarty found that Mr Carter had gone beyond his powers and had made mistakes in vetoing resource consent for the \$10 million project.

Specifically, the minister had reconsidered evidence not put at the Environment Court hearing. This had resulted from a meeting between the minister and marina opponents, including surfers and



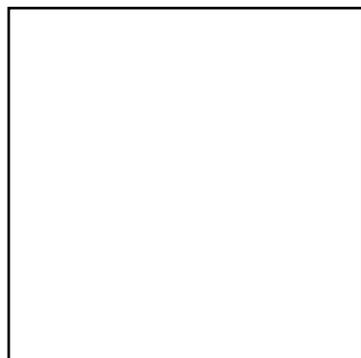
iwi, which the judge said must have influenced his decision.

This was a procedural error because what the minister had heard at the meeting was not part of the Environment Court case. He set aside the minister's veto and ordered him to reconsider the matter. Later, the Environment Minister, David Benson-Pope, approved the development.

Opening the \$10 million marina with berths for 205 craft in 2009, the Prime Minister John Key said: "I think it sends a very strong signal that New Zealand is a country for progress. We want to see development as long as it's done in the right way and this is a tremendous example of that. It's at one with the community and nature."

More oyster catchers than ever

Jan Bartley, one of the two councillors for the ward covering Whangamata for the Thames-Coromandel District Council, says concerns about the marina have "vanished".



Solution to November 2018 crossword

Across

1. Malthusian, 6. Sian, 9. Hinewehi, 10. Now Now, 11. Patsy, 13. Ursa, 14. Doyle, 17. Lydia, 19. Frame, 21. Mohua, 22. Lorde, 23. Reddy, 25. Topp, 26. Barry, 30. Szaszy, 31. Georgina, 32. Dodd, 33. Rhinestone.

Down

1. Mohi, 2. Lynley, 3. Howl, 4. Schwa, 5. Nancy, 7. Inner Ear, 8. News Agency, 12. Starr, 14. Dramatised, 15. Elias, 16. Offer, 18. Delta, 20. Sheppard, 24. Domino, 26. Beyer, 27. Rhein, 28. Bras, 29. Kate.



▲ The marina has berths of over two hundred craft; most owners are from Auckland, Waikato and the Bay of Plenty as well as locals.

He says this is partly because there are so many new people in town who weren't involved in the controversy in 2006, and partly because the fears expressed about the effects of the marina on the environment haven't come to pass.

"For example, there was an expert witness who gave evidence against the proposal on the dislocation of the seabird, the oyster catcher. Now there are more oyster catchers around than there ever were before, you can see them every day perching on the breakwater."

The changes in the tides which the breakwater was supposed to induce haven't occurred either, he says.

Marina Manager Sue Amos says the resource consent had conditions requiring close and regular monitoring which had shown no impact on the environment from the marina's operations.

However, the commercial benefits of the marina are much less obvious.

Mr Bartley says while there are no obvious downsides, the economic contribution is harder to see.

"What we see is about 200 berths with yachts and boats in them, but only a small number of vehicles at any given time, outside the summer period. There's no detrimental effect on the town, but no evidence of a positive impact either."

Local accountant Jeremy Mace agrees that despite

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▲ Coffee, ice creams, muffins, salads, egg dishes, burgers all staples at Blackies located behind the Surf Living Saving Club.

the very positive talk prior to its construction, the marina has not been a game changer.

He says the price of the 200-plus berths has dropped from their initial sale price in 2009.

"I couldn't say that the marina had made a difference. If it wasn't there, the town would still be pretty much like it is now," Mr Mace says.

Mr Bartley notes that of 5,000 dwellings in Whangamata, about 3,000 are usually unoccupied, except for the holiday period, when the population of around 3,500 can multiple up to sevenfold.

The benefits of being a holiday town are also reduced by visitors coming for shorter periods. The holiday season used to be from a week or so before Christmas to about the last week in January.

Now it is a few days before Christmas to just after New Year when there is a noticeable exit, followed by a second major movement about two weeks later.

By the end of January there are still holiday-makers and travellers, but the town is noticeably quieter



▲ Aerial of town and harbour
 📍 Destination Coromandel

at that time of year than 10 or even five years ago.

Food for all

Debate about the benefits of the marina and the economic future of the town aside, Whangamata is my favourite beach resort because in summer it combines reliable weather with good swimming and enough shops and other attractions to occupy a visitor's time enjoyably.

Whangamata has been voted the best holiday beach in New Zealand.

Lunch at Blackies, an expanded shed in the park behind the surf club at the southern end of the beach, is a must do.

Blackies' food isn't gourmet, but it is well made and popular: burgers, pizzas, salads, chips, and all the usual suspects in the egg department. Ice creams, shakes, smoothies and coffees can be served to foot traffic at a separate sales window.

Their house cured salmon on ciabatta with salad is delicious, moist, tender and flavoursome. Their BLT also delivers – nicely cooked bacon served with crispy lettuce, several slices of cold tomato and a tangy dressing.

In front of us four girls aged between eight and 12 are dipping curly fries into tomato sauce and giggling at their own sophistication. At another table boys in their late teens are lounging about, T-shirts off looking for someone to admire them.

Service is enthusiastic rather than professional. 'Number 22' calls out the young lad with blonde dreads piled up like stale rope. Perhaps he can't see the numbers issued on ordering at the counter, but everyone gets their orders.

646 Café on the main street, the unremarkable but accurately named Port Road, is Whangamata's most sophisticated café. Not quite reaching the standards set by the best in Auckland or Wellington, it

▲ Looking south down the beach. The low line white building on the right is the Surf Lifesaving Club which patrols the beach in the summer holidays.

is acceptable as a good local haunt.

The big city bourgeoisie visiting Whangamata on holiday came here when it was called Rossini's, because it was better than the rest, and that has continued now it is called 646.

The menu is the standard café formula done well: eggs in all the usual formulations, fish, burgers, wedges, fries, tasty looking fish cakes, salads and more. The counter has yummy homemade cakes and squares as well as giant scones and a daily offering of muffins.

646 is sometimes open for dinner in the evenings in the summer: it is licensed, and the prices are reasonable.

Oliver's Bakery and Café once at the marina end of Port Road but now more centrally located off Port Road provides the best bread in Whangamata.

This is the bread of a French-trained baker and the ficelles, baguettes, crisp rolls and fancy loaves are a measurable step up from competitors. While the bread

TAIL END

is excellent, Oliver's pies, filled rolls, sandwiches and pastries move quickly too. Arriving after 11am risks eyeing empty bread bins.

Cinema and surf

A visit to the cinema should also be considered. It's open only during summertime and has four or five sessions a day - a carefully selected menu of current movies, children's and family stuff in the daytime and the more serious adult-oriented material in the evenings.

For other entertainment there is a golf course, a gym, a pub, several bars, a caravan park, a privately-owned library, and hikes and bush walks of varying levels of difficulty.

Mostly, people come for the family-centred beach and water activities which include surfing, recreational fishing, scuba diving, and sea kayaking.

The main beach is safe for young children, has good surf, and is patrolled by volunteer life guards. Behind its clubhouse is the community park, where concerts and children's activities are staged in the hot months.

It's not far to the other beaches, Waihi and Whitiroa to the south, and Onemana, Pauanui and Whitianga to the north.

The town has a large supermarket, petrol stations, liquor stores, numerous restaurants and cafes, some quality clothing shops and plenty of real estate agents.

Population growth has been driven by retirees who have bought and built places on the slopes above the town, well back from the beach where the real estate is rather pricier.

This is now a retirement town not just a summer beach resort. But the beach is still its major attraction to me. ■

John Bishop and his family typically visit Whangamata once or twice a year and have done so for more than 10 years.

Fake designer handbags, fake news, fake lawyers ...

You've got to be careful. Things may not be what they seem. Fake lawyers are not all that uncommon, it turns out. Here are some (mostly) recent examples:

New Zealand

With irregular communications and uncertain constitutional arrangements, the qualifications of early lawyers were sometimes suspect. The first Chief Justice, Sir William Martin, spent some energy trying to prevent unqualified people from practising law. There were doubts about Alfred de Bathe Brandon in Wellington and Michael Murphy in Kororaraka (later renamed Russell). Brandon was able to prove that he had been a law clerk in London but was not allowed to practise as a solicitor until he was admitted on 17 February 1844. He later had a glittering career, which included becoming the first President of the Wellington District Law Society.

"There is no evidence that [Murphy] was legally qualified and the probabilities are against it," says *Portrait of a Profession*. The Murphy problem was solved by his appointment as Police Magistrate in Wellington in 1841 (no legal qualifications needed). Both Brandon and Murphy have Wellington streets named after them.

More recently, Brian Damian Hunter was convicted in Palmerston North District Court

in 2012 for using a Wellington lawyer's letterhead to impersonate a lawyer in order to convince a woman to sell her house.

In May 2017, Kalpana Narayan was jailed for two years and four months at Manukau District Court for a number of theft and dishonesty charges. In one case Ms Narayan pretended she was a lawyer and pretended an assault charge had been filed against her victim. She successfully requested several payments for filing fees and a court bond before being found out.

Ghana

Emmanuel Marfo was busily arguing on behalf of his client in a civil suit at the Koforidua Circuit Court in August 2018 when Judge Evelyn Asamoah became suspicious of his inability to follow the legal language used and his knowledge of procedure. The *Daily Graphic* reported that after further judicial interrogation, Mr Marfo admitted he was not a lawyer and was promptly arrested. It got worse for Mr Marfo. The lawyer he engaged to obtain bail was also found to be a fake.

India

In January 2017, the Bar Council of India said that its two-year verification process had cut the number of genuine lawyers to 55-60% of those previously practising. Every year thousands