



Proposed Te Tai o Poutini Plan

Submission from Herenga ā Nuku Aotearoa Outdoor Access Commission (formerly New Zealand Walking Access Commission Ara Hīkoi Aotearoa)

Submitted by:

Inger Perkins, West Coast | Te Tai Poutini, Regional Field Advisor | Kaitohutohu ā-Rohe

E: Inger.Perkins@herengaanuku.govt.nz

M: 027 370 1876 (available on email only between 5 September and 18 October 2022)

Date: 1 September 2022

Herenga ā Nuku will not gain an advantage in trade competition through this submission.

Our submission relates to public access across many of the specific provisions of the proposed plan.

I wish to speak to my submission.

Introduction

Herenga ā Nuku Aotearoa Outdoor Access Commission is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors.

We administer a national strategy on outdoor access, including tracks and trails. We map outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help to resolve access issues and negotiate new access.

Herenga ā Nuku has a team in Wellington and a network of regional field advisors. An independent board governs our work. Our governing piece of legislation is the Walking Access Act 2008.

The primary purpose of the Walking Access Act 2008 is 'to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors'. There is a special focus on access to water bodies and public conservation land.

Herenga ā Nuku plays a key role in negotiating, establishing and improving outdoor access for New Zealanders. This includes making people and organisations aware of public access locations and ensuring that access endures over time. Our mandate includes all forms of public access, including by foot, bike, horse and vehicle.

We appreciate the opportunity to provide comment and recommendations during the development of the proposed Te Tai o Poutini Plan. We also appreciate the improved recognition of the value of public access in the proposed plan.

We support the inclusion of community values and rules that recognise and enable more public access and particularly walking, cycling and other means of active transport. These connect communities and reduce the need to use vehicles.

Specific comments and recommendations

POU-P3: Support the identification of Poutini Ngāi Tahu Cultural Landscapes and provide for their protection through the use of overlays and Plan provisions.

POU-P10: Protect Poutini Ngāi Tahu taonga and cultural sites, including sites and areas of significance to Māori identified in Schedule Three while ensuring Poutini Ngāi Tahu's key role in decision making around their management.

It is important to protect sites and areas with significant associations to cultural traditions, history or identity. Some of these cultural landscapes may remain to be identified. Several objectives and policies within the plan refer to cultural sites and landscapes, however, it is not clear how cultural sites and landscapes will be defined or managed.

We recommend noting within the Public Access section that management of cultural sites and landscapes will not result in any loss of public access where legally available.

TRM-O1-4: Ensuring that visitor facilities are connected to existing services and infrastructure.

We recommend continuing this objective with the words "including those that support and enable walking and cycling" to emphasise the value of connectivity and active transport.

UFD-O1-7: Improve overall accessibility and connectivity for people, transport (including walking and cycling) and services.

We strongly support this objective.

TRN-O3: To enable accessibility, safety and connectivity of land transport infrastructure and consider the amenity of all transport users, including pedestrians and cyclists.

The focus of the above objectives has shifted from that of the exposure draft. It appears to give less importance to pedestrians and cyclists, referring to them in relation to amenity only, rather than accessibility, safety and connectivity.

We recommend returning to the previous version: "To enable accessibility, safety, connectivity and amenity of all transport users, including pedestrians and cyclists."

TRN-P7: *Support increased cycling and walking by:*

- a. Requiring larger developments to provide bicycle parking and*
- b. Providing for off-road pedestrian and bicycle facilities [typo to be corrected] to complement facilities located within the road network.*

The specific means of supporting increased cycling and walking are limited to facilities.

We recommend an additional clause: "Providing for connectivity within, between and across subdivisions and communities."

TRN-R5: *Establishment of shared pathways including cycleways and bridleways on public land*

We recommend adding "including all legal roads" at the end of the sentence.

PA: *Public Access – Te Āheinga Tūmatanui*

To provide a connection between the Public Access overview and objectives, and the provision of access to public resources, we recommend that the second sentence be extended as follows:

'Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008, which is to "provide the New Zealand public with free, certain, enduring and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.'"

The introduction to Public Access concludes with notes about Unformed Legal Roads. The second sentence here notes that many unformed legal roads "cross private land or traverse sensitive ecological environments and careful decision making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on those resources and private landowners."

We recommend that this be reworded as legal roads cannot cross private land, and the right of the public to pass and repass over legal roads is enshrined in law. Certainly, the safety and security of private landowners can be considered and managed should the legal road be used for public access, whether for a single walker or a newly formed road. However, the right of passage must be the priority and managing safety and security is likely to be the responsibility of the adjacent landowner. We suggest the following alternative wording for the second sentence:

"Many separate or are adjacent to areas of private land or traverse sensitive ecological environments. Careful decision-making is needed to ensure any new public use of an unformed legal road is undertaken in a way that minimises any adverse effects on indigenous fauna and flora. Concerns of private landowners should be considered and mitigated where possible, although the right of the public to pass and repass over the legal road will be prioritised."

NC: *Natural Character and Margins of Waterbodies Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai*

In the second sentence of the Overview, we recommend including recreation as a key value of waterbodies and their margins.

We recommend that the sentence be extended as follows:

“Waterbodies are connected (ki uta ki tai — from the mountains to the sea) and have important values, including for biodiversity, cultural, recreational or historical reasons.”

The third paragraph of the Overview notes collaboration between district and regional councils and Pouini NZ Landcare Trust, catchment care and other restoration groups, and Herenga ā Nuku Aotearoa, the Outdoor Access Commission be included here. Waterbodies provide significant active and passive recreational opportunities, whether for fishing, kayaking, coast or backcountry access, or simply sitting quietly. Public access is a key consideration. For example, when a landowner is considering fencing to protect riparian values, removing crack willow or other weeds and/or planting native species, such actions should not obstruct access where it is available. Where access can be provided, it should be included in project planning.

The opportunities for access and recreation in relation to waterbodies and their margins can be reinforced at the end of the Overview. We recommend adding the following sentence:

“Rivers, streams, lakes and wetlands have important recreational values including opportunities for access to and along waterways.”

NC-P1: *Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use maintains the elements, patterns and processes that contribute to their natural character.*

We recommend adding “including public access” at the end of the sentence.