

SUBMISSION ON RE-SHAPING STREETS

Contact: Ric Cullinane, Te Tumuaki, Chief Executive Herenga ā Nuku Aotearoa, the Outdoor Access Commission Email: info@herengaanuku.govt.nz Phone: 04 815 8502

Herenga ā Nuku Aotearoa, the Outdoor Access Commission

Herenga ā Nuku Aotearoa, the 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 public outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help resolve access issues and negotiate new access.

Within our work, a large portion of cases we manage relate to the provision, management and use of unformed legal roads (ULRs) as a key public resource providing connectivity for recreation and active transport.

Urban roads only?

People in urban and rural communities both get important active transport and outdoor recreation benefits from well-designed road policy. The strategy needs to consider rural streets as well as urban roads.

The executive summary of the Regulatory Impact Report (provided in the Re-shaping Streets consultation documents) focuses on reallocating street space in urban areas.

Our core interest in the proposed changes is to prevent erosion of public outdoor access. Accordingly, we submit that the following assessment is required to protect and enhance public outdoor access:

We need to ensure there are no unintended negative impacts on public outdoor access and connectivity from the proposed changes. Potential negative effects could arise if, for example, the rule changes enable Road Controlling Authorities (RCAs) to:

- unduly restrict modes of access on rural roads. An example of this would be making a ULR in a rural setting into a pedestrian mall, thereby preventing vehicle access for connecting to hunting and recreation areas
- allow for road closures on rural ULRs on a more-or-less permanent basis, thus sidestepping the proper process of road stopping notification, or
- allow road closure provisions to be mis-used to solve social issues such as illegal activities (e.g. non-permitted hunting on adjoining lands, or non-permitted fires), thereby preventing lawful access along rural roads.

Although the proposed changes remove process barriers to reallocating street space and trialling new street designs, important checks and balances to RCA decision-making will remain. The issue targeted by the proposals is removing the extra constraints on reallocating road space whenever vehicular traffic is being restricted.

We support removing the requirement for bylaws to achieve urgently needed reallocation of road space – whether in urban or rural areas. We expect the overall impact of this change will improve the provision of connectivity for active outdoor recreation and active transport mode users.

Unformed legal roads

Herenga ā Nuku would like to see an analysis of the potential impact of the proposed changes on the management of unformed legal roads (ULRs). Many RCAs do not have a specific policy to manage ULRs.

Herenga ā Nuku has recently published updated *Guidelines on the Management of Unformed Legal Roads*, with input and endorsement from LGNZ. This is becoming the mainstay of ULR policy for many roading authorities.

Alongside our *Guidelines*, we wish to see maximum clarity within legislation regarding:

- valid reasons for road closures and road stoppings – for example, we have taken issue with several RCAs for using road closure provisions to allow private property owners to manage normal land-use risks (e.g. fire risk in forest land).
- enforcing legal provisions around obstructions on legal roads. We have many cases underway where RCAs are failing to require removal of obstructions across ULRs, leaving public access and connectivity truncated and degraded.

Enabling tracks and trails – extending active transport catchments

We submit that the proposed changes should be assessed specifically in relation to enabling communities to work with RCAs to form tracks and trails along unformed legal roads for non-vehicular modes of transport.

ULRs in urban areas are often of enormous value for community access and connectivity— and could help enable and extend walkable/bikeable catchments surrounding built-up areas.

Conclusion

In conclusion, clarity in the legislation is essential to prevent erosion of legal public access. Herenga ā Nuku submits that:

- the changes proposed should be assessed to ensure the integrity and protection of legal public access along formed and unformed roads, in urban and rural areas is maintained
- the final proposal should take into account opportunities for extending active transport and recreation catchments through tracks and trails along unformed legal roads.

We welcome you to engage with us further to support you in assessing matters relating to active outdoor public access raised above.



Ric Cullinane

Te Tumuaki – Chief Executive

Herenga ā Nuku Aotearoa Outdoor Access Commission