

9 November 2023

Submission on Proposed Waikato Regional Coastal Plan

Introduction

Herenga ā Nuku Aotearoa, the Outdoor Access Commission is the Crown agent responsible for providing leadership on outdoor access issues.

Our role is to provide advice on 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 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*.

Much of our work focuses on active transport. We support the creation, maintenance, enhancement, and promotion of outdoor access, including walking and cycling access. Outdoor access is good for recreation, for safety, health and wellbeing, for a shift to more sustainable travel, and for commuting to local destinations such as schools, places of work and shops.

This submission aligns with one of our core roles: advocating for, negotiating, and developing outdoor access.

1. Key considerations

1.1 Addressing public access to and along the coast

The plan fails to address public access to and along the coast adequately. Public use and enjoyment of the coastal environment are key factors in any consideration of coastal management, as outlined in the documents listed below:

First, the **New Zealand Coastal Policy Statement** – policy 19 (2) states that councils should “maintain and enhance public walking access to, along and adjacent to the coastal marine areas”.

Second, **Waikato Regional Council 2021 -31 Long Term Plan** (page 10) states:

“Community outcomes are the outcomes we aim to achieve in order to promote the social, economic, environmental and cultural wellbeing of the region, both now and for generations to come. The council’s three long-term outcomes are included in our purpose: working together for a Waikato region that has a healthy environment, strong economy and vibrant communities.”

Third, consideration of public access to and along the coast is also outlined in the **National and Built Environment Act 2023 (NBEA)**. Refer to Part 1, Section 5

(5) The coastal marine area is used sustainably to promote the wellbeing of both present and future generations.

(6) Public access to and along the coastal marine area, lakes, and rivers is maintained and enhanced.

(6A) Public recreational use and enjoyment of the natural environment is maintained and enhanced.

The plan is largely silent on public access and enjoyment of the coastal area, with only minor references. It is not a key thread to the Plan. We recommend that **public access to and along coastal areas is one of the key considerations of the plan**. This will enable the plan to be consistent with the new legislation and assist Waikato Regional Council in fulfilling its outcome to promote the social, economic, environmental and cultural wellbeing of the region. Additionally, considering public access to and along coastal areas will likely facilitate tangata whenua with mahinga kai. We suggest that the Regional Coastal Plan:

- directly references the NBEA and these subsections in Section 2 – How this plan works, and
- the principles of these 3 subsections identified above are captured and inserted into the body and purpose of the plan and each chapter within it.

1.2 Public access and spatial representation

We submit that adding a spatial layer showing public land, such as marginal strips, esplanade reserves, regional parks, etc., would facilitate public access, enjoyment and recreation in the coastal environment, in line with our comments above.

Section 2 – How this plan works – Relationships between spatial layers, page 14

The plan describes the usefulness of spatial layers and how they are used to identify the different values of the Coastal Marine Area (CMA). The layers are listed on page 14 list. We suggest an additional layer depicting all forms of public land to inform decision-making for CMA.

Identifying public land is a reminder that the use and activities on some public land are governed by specific legislation. For example, marginal strips are governed by the Conservation Act 1987, and several acts are relevant to the operation of legal roads (such as the Local Government Act 1974). Adding public land as a spatial layer will provide a visual marker similar to the way adding heritage sites also provides a visual alert. Adding a layer that identifies public land will enhance decision-making and reduce errors.

We suggest adding a further bullet point on page 14, such as:

- 'forms of public land'

As part of the above, the spatial plan overlays and the reference to the layers in the schedules in part 3 will also need to be updated.

1.3 Public access restrictions

Within multiple sections of the plan, there is mention of restricting public access 'where necessary' or required for public health and safety concerns. Herenga ā Nuku supports protecting public health and safety but also submits that the council should take care not to allow restriction of public access to and along the coast due to hazards or potential health and safety risks imposed or created by private or commercial operations in the vicinity. We suggest the plan explores this theme within its policies in each section and as an overarching policy.

This would ensure that the plan values and accounts for public access in and around any other activities taking place in the coastal environment.

2. Specific comments

Chapter 10 – Disturbances and deposition

Policies

DD-P2 Recognising the appropriateness of minor disturbance activities

Herenga ā Nuku supports policy DD-P2.

Rules

General Standards and Terms

To ensure public access is maintained, we propose adding ~~we would like to add a~~ further criteria under the General Standards and Terms for activities in the DD – Disturbances and deposition chapter.

We want walkways and designated access points to be seen as an important and valuable part of the coastal environment. Therefore, under Standard 1, please add a further standard as below:

'd. Recognised public walkways or public access points'

We further submit that public access to and along the coast is a key value that the council should maintain. We acknowledge that, in this instance, the walkway or access may need to be restricted. The council must take care to prevent undue restriction of access to and along the coast because of risks to public health and safety caused by private and or commercial operations. If there is a possibility that commercial and or private operations may cause a health and safety risk to the public accessing the coast, then that operation should not be able to be undertaken in the coastal area.

Chapter 19 – Public access and recreation

Policies

PA-P3 Restriction of walking access

As per our comments in section 1.2 above, we suggest amending the additional unnumbered clause within policy PA-P3 to read:

'And ~~where practicable~~, always provide alternative routes or methods of public access, before imposing restrictions'.

This would ensure that public access is valued and accounted for in and around any other activities taking place in the coastal environment.

Chapter 20 - Ngā whenua tapu a te Māori

Policies

Herenga ā Nuku supports policies SASM-P2 Access for customary activities and SASM-P3 Restricting use and access for customary activities.

Chapter 21 – Surf breaks

Policies

Policy SB-P1 Significant surf breaks

Consider amending this policy as follows:

'Protect the use and enjoyment of significant surf breaks and the access to them'.

SB-P2 Considering effects on surf breaks from activities

Herenga ā Nuku supports policy SB-P2, Considering effects on surf breaks from activities, in particular, the inclusion of 'and access to the surf break'.

Chapter 22 – Structures and Occupation of Space

Objectives

STR-O5 Beneficial structures.

Herenga ā Nuku supports STR-O5 Beneficial structures.

Policies

STR – P2 Location of structures to avoid adverse effects

Herenga ā Nuku would like to add a further point (point 7) as follows:

'7. Recognised and or significant public walkways or public access points'

We recommend the addition of a further point to the second list in this policy (under 'and to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on:'). Please add the additional point 5 as follows:

5. Recognised and or significant public walkways or public access points'

Rules

General Standards and Terms

Herenga ā Nuku agrees with the criteria under the Rules General Standards and Terms section. We want walkways and designated access points to be recognised as an important and valuable part of the coastal environment. Therefore, we submit the following additional criteria for activities in this chapter.

Under Standard 1, please add 'd. Recognised or significant public walkways or public access points'

Under standard 5, please amend it to read as follows:

'5. Public access to and along the coastal marine area is maintained and not restricted except where temporarily necessary to protect health and safety in relation to any construction, demolition or removal activities. If the restriction to public access is not temporary, then the access shall be rerouted'.

3. Concluding comments

We support Waikato Regional Council's review and update of the Regional Coastal Plan.

We submit that the plan would benefit from including the considerations for public use and recreation of the coast as outlined in the NBEA and the inclusion of areas of public land in the spatial layers.

Thank you for the opportunity to submit on the Waikato Regional Coastal Plan. Herenga ā Nuku Aotearoa is happy to advise and assist with matters of public access related to this plan change.