

**NEW ZEALAND WALKING ACCESS COMMISSION | ARA HĪKOI AOTEAROA**

**SUBMISSION TO WHAKAMAHERE WHAKATU (NELSON PLAN)**

**December 2020**

The NZ Walking Access Commission - Ara Hīkoi Aotearoa - plays a key role through its statutory leadership in negotiating, establishing and improving outdoor access for New Zealanders. This includes making people and organisations aware of where public access currently exists and ensuring that access endures over time.

The Commission's mandate includes all forms of public access, including on foot, cycling, horse riding and motor vehicles - and for all legitimate purposes.

Specific activities the Commission highlights in this submission include:

- Outdoor connectivity is very important for achieving community wellbeings now and for the future.
- Outdoor access infrastructure – roads, tracks, trails, paths traverse a wide arrange of land types – of which council controlled public land is one. A very high proportion of active recreation is informal and relies entirely on such connective infrastructure.
- The Commission supports a wide array of trails, recreation and community groups to retain and enhance the provision of this infrastructure - connecting them in to local and central government agencies where appropriate.
- Unformed legal roads - sometimes referred to as paper roads – are a valuable resource for outdoor access to areas of cultural, historic, recreational and/or scenic value. We encourage Council to manage this resource with current and future public access in mind.

NZWAC requested amendments are in red/underlined.

**PART 1 – Introduction and general provisions**

**Outcome 1** – Our natural environment is kept well and strong.

*NZWAC seeks more explicit reference to connection health/wellbeing and connection to/enjoyment of our natural environment.*

Whakatū Nelson is a beautiful place to live, where we work together and feel connected to the city, the people and the natural environment. Nelson is a place where our health and well-being is maintained and enhanced through connection to and enjoyment of our natural environment.

**Outcome 3** – Create a vibrant, attractive, connected, and well-planned city that is engaged in climate change mitigation, adaptation, innovation and resilience.

*NZWAC seeks Council commitment to build/improve walking and cycling infrastructure (not just acknowledgement of its existence).*

*NZWAC recommends the term “well-planned” is replaced by a commitment to “people and the environment”.*

A diverse range of people enrich Whakatū Nelson’s vibrant culture, attracted by the well designed and affordable housing choices, the high-quality education and employment options, and the stunning rivers, forests and beaches. We are well on our way to achieving a net zero carbon level by 2050. Sustainable and resilient living is easy thanks to the city’s compact area and form, [increased use and provision of](#) walking and cycling tracks, key transport infrastructure and services, and access to renewable energy. Whakatū Nelson ~~is well-planned~~ puts [people and the environment first](#), and carefully manages urban intensification and a clear urban and rural boundary. Nelson’s form has been strongly influenced by how the community adapts to the effects of climate change, such as sea level rise, increased frequency and severity of storm events, the effects on terrestrial and marine biodiversity from increased temperatures and acidification and overheating of our oceans.

**Outcome 4** – Our City Centre is attractive to businesses, residents and visitors, with an exceptional mix of events, civic facilities and retail.

*NZWAC seeks commitment to ensuring other large urban centres are also well resourced with aspirational walking, cycling and public transport.*

Nelson’s City Centre is valued for its distinctive character and is the premier commercial centre in the top of the South Island - a hub for tourism, entertainment and events. The city’s unique Maori and European heritage is reflected in its heritage buildings, including its Edwardian and Victorian character, are celebrated and complemented with modern architecture that houses a mix of commercial and residential activities. The Suter Gallery, Nelson Centre of Musical Arts, Theatre Royal, and the Museum are among some of the key civic facilities in the City Centre. Our other larger centres (Tahunanui and Stoke) are [people](#), employment and development-friendly environments with well-used, high quality [walking, cycling, public transport and](#) public spaces.

**Outcome 7** – Essential infrastructure future proofs our city.

*NZWAC seeks specific reference to walking and cycling infrastructure.*

Nelson City relies on good quality, sustainable, affordable and resilient infrastructure network that supports a growing population and strong regional economy. Whakatū Nelson’s core infrastructure services, including our [walking and cycling infrastructure](#), transport network, water services, port, airport, polytechnic and hospital, are able to meet the community’s needs. A strategic approach to building new infrastructure supports urban growth and development in the right places, at the right time, to ensure maximum efficiency. We have access to reliable and sustainable energy supplies, energy efficient housing, and identify cost effective ways to increase our use of renewable resources.

## **PART 2**

### **20 Draft Nelson Plan - Part 2 - SRMR - EIT - Energy, infrastructure and transport - Public engagement - October 2020**

#### **SRMR-EIT-P2 Adverse effects of regionally significant infrastructure [RPS]**

*NZWAC seeks addition of mountains, forests and other recreation taonga in acknowledgement that these can also provide public access opportunity.*

Avoid, remedy or mitigate adverse effects on the environment from the establishment, operation, maintenance and upgrade of regionally significant infrastructure, while recognising their functional and operational needs, including adverse effects on:

1. water and air quality, including discharges into water, or onto or into land, and discharges to air from treatment plants and pump stations;
2. cultural values (including places and resources) of significance to Whakatū Nelson's tāngata whenua;
3. the natural character of and public access to, along and within the coastal environment, wetlands, lakes and rivers and their margins, mountains, forests and other recreation taonga;
4. cultural or historic heritage and significant natural values;
5. the social cohesion of communities and the potential for community severance resulting in inadequate connection between parts of settlements;

## **PART 3**

### **34 Draft Nelson Plan - Part 3 - Energy, infrastructure and transport - EIT - Energy, infrastructure and transport - Public engagement - October 2020**

#### **EIT – Energy, infrastructure and transport**

##### **EIT-P10 Transport: Roding hierarchy [DP]**

*NZWAC seeks priority for active transport modes and acknowledgement of the public access value of unformed legal roads.*

Establish and maintain a roding hierarchy that:

1. is responsive to meeting changing land use demands;
2. provides safe, efficient networks and connections for all transport modes with priority for active transport modes;
3. recognises the different functions and design requirements for each road classification;
4. makes effective use of existing infrastructure;
5. is used to classify new or future proposed roads; and

6. ensures that buildings and structures are kept clear of proposed future roads

7. recognises unformed legal roads provide unrealised public access opportunities

#### 44 Draft Nelson Plan - Part 3 - Natural environment values PA Public access Public engagement October 2020

##### **PA-O1 Public and customary access [RP, DP]**

*NZWAC seeks inclusion of public and customary access to other natural, recreation and heritage taonga in addition to water bodies and CMA per SRMR-NFL-11 and SRMR-NFL-12.*

*NZWAC seeks recognition that unformed legal roads can provide public access opportunities.*

Public and customary access to and along Whakatū Nelson's water bodies, ~~and the~~ CMA – Coastal marine area and other natural, recreation and heritage taonga that people use and enjoy is maintained and enhanced.

##### SRMR-NFL-I1 Outstanding natural features and landscapes [RPS]

Whakatū Nelson features a number of outstanding natural features and landscapes, outside the Coastal environment, which are highly valued by the community and are vulnerable to adverse effects caused by inappropriate subdivision, use and development.

##### SRMR-NFL-I2 Significant landscapes [RPS]

Whakatū Nelson significant landscapes, outside the Coastal environment, are highly valued by the community and are vulnerable to adverse effects caused by inappropriate subdivision, use and development.

#### Policies

##### **PA-P1 Maintaining and enhancing public access [RP, DP]**

*NZWAC seeks inclusion of public and customary access to other natural, recreation and heritage taonga in addition to water bodies and CMA per SRMR-NFL-11 and SRMR-NFL-12.*

*NZWAC seeks recognition that unformed legal roads can provide public access opportunities.*

Maintain and enhance public and customary access to and along rivers, streams, wetlands, ~~and the~~ Coastal marine area and other natural, recreation and heritage taonga:

1. through the creation of esplanade reserves and strips in accordance with the requirements set out in APP25 – Esplanade requirements;
2. through the creation of access strips, easements or other mechanisms to provide access when a land use application provides an opportunity for access to be provided; and
3. by seeking agreements with private landowners and land purchase, where appropriate

4. by recognising unformed legal roads can provide public access opportunities

## **PA-P2 Restricting activities that prevent or interfere with public access [RP, DP]**

*NZWAC seeks explicit recognition of threats to all public access (not just walking).*

Restrict the following activities that would prevent or interfere with lawfully established public access to and along rivers, streams, wetlands and the CMA – Coastal marine area, and other natural, recreation and heritage taonga:

1. any use or development that would restrict walking public access; and
2. vehicle use that would lead to conflicts with public access, other users or compromise public safety.

## **PA-P3 Circumstances in which restrictions on public access may be appropriate [RP, DP]**

*NZWAC seeks explicit recognition that only after alternative locations have been considered, that alternative public access will be provided for where it is to and along rivers, streams, wetlands and the Coastal marine area and other natural, recreation and heritage taonga.*

Notwithstanding PA-P2, acknowledge that restrictions on public access to and along rivers, streams, wetlands and the Coastal marine area and other natural, recreation and heritage taonga may be necessary, provided practicable alternative locations for the proposed activity have been considered and any existing public access provided for to:

1. protect public health and safety;
2. protect customary activities, sites of significance to Māori and values of significance to tāngata whenua;
3. protect any coastal indigenous biodiversity habitats and indicative vulnerable species identified in APP13 – Coastal indigenous biodiversity habitats and indicative vulnerable species;
4. protect historic heritage;
5. ensure a level of security consistent with a resource consent;
6. provide for temporary activities;
7. provide for activities undertaken in accordance with the Defence Act 1990;
8. provide for network utility services;
9. provide for emergency vehicle access; or
10. provide for activities at the Nelson Port.

## **Rules**

### **Rule interpretation and application PA-R1 [RP, DP]**

The rules that apply with respect to public access to and along rivers, streams, wetlands and the CMA – Coastal Marine Area and other natural, recreation and heritage taonga are found in the zones chapters of Part 4 – Area specific matters (setback for buildings) and the SUB – Subdivision chapter (esplanade requirements).