# Submission on Draft Otago CMS Partial Review Dec 2020

Name of Submitter:

Organisation:

Postal Address:

Phone:

Email:

[ ] I wish to be heard in support of my submission (this means you can speak at a hearing)

 **Summary of Submission**

1. I/We **support ALL** the tracks in Otago shown on the DoC interactive mapping
2. We **OPPOSE** **ALL** amendments to Policy 3.3.4
3. We **SUPPORT** removal of *‘Should follow the statutory review process’* from Policy 3.3.4
4. We **SUPPORT** DoC and the Director General using its powers under Section 53(2)i of the Conservation Act 1987 and the definition of an ‘Authorised Utility’ and Policy 3.2.3 to give approval to the cycle trails currently fully funded and designed in Otago in the same way they have done for the Bennett’s Bluff Carpark.

# 1. Detail of Our Submission

# 1.1 I/we support **ALL** tracks

This process is about adding tracks to Tables in Part Two of the CMS such that they can at some future date be ‘talked’ about only. This is NOT an APPROVAL process. Policy 3.3 covers the approval process. The proposed 120 tracks may all be worthy but until detailed analysis of each is undertaken in the future and this analysis subjected to the tests in Policy 3.3 we should not pass judgement on any of them.

IF you consider there are areas where **NO** tracks should be developed, consider that in **Every** National Park and **Every** Forest/Conservation Park there are already walking tracks from wide 1.5m gravelled Milford Tracks to poled routes. Creation of tracks across all types of pcl&w is therefore already acknowledged as acceptable by the public and cycle tracks have no different a footprint so should also be considered acceptable subject to the tests in Policy 3.3.

Should we be concerned that 120 tracks will be built? **NO**. There is no ability to develop more than 10-15 tracks over the life of the CMS based on the recent history of track development in Otago. This process is not about picking winners, but simply enabling future discussions.

But wont DOC have to pay to maintain all these trails? **NO**. Not one project is being promoted by DoC and not one project is asking for DoC to fund it and only a few are asking DoC to maintain it. If DoC are not prepared to fund maintenance, alternatives can be found and agreed. The successful few tracks (10-15) will be funded from community and national grants and maintained by private entities NOT by DoC. This is currently what occurs for the Clutha Gold Trail, Queenstown MTB club tracks, Otago MTB club tracks, Queenstown Trail and many many more.

# 1.2 I/we OPPOSE all proposed amendments to Policy 3.3.4

This policy sets a high bar for any cycle track project and is much higher in terms of the environmental tests than for an equivalent walking track or ‘Authorised utility’ under Policy 3.2.3. The amendments proposed **have not been sought** by the cycling community and have not been justified by a failure of the current policy or any change to the Conservation General Policy (CGP) which underpins the CMS. There is simply **NO evidence** the current policy is not fit for purpose. Additionally the proposed wording is inconsistent with other CMS.

# 1.3 I/we support removal of “Should follow the statutory review process..” from Policy 3.3.4

This clause was added to the current CMS in 2015-16 and is both un-necessary and not justified in terms of CGP. Legal opinions obtained by the cycling community (and supplied to the Director General of Conservation and the Minister of Conservation) clearly demonstrate that the reason for the current CMS review is because of this clause. It’s wasting valuable time and resources on all sides.

# 1.4 I/We support DoC using Section 53(2)i of the Conservation Act 1987 and Policy 3.2.3 to approve the fully funded and designed cycle trails

DoC have recently used their ‘powers’ under CMS Policy 3.2.3 (Authorised Utility) and with the Director Generals approval under Section 53(2)i of the Conservation Act 1987 given approval for construction of a road and Car park at Bennett’s Bluff on the Glenorchy Road. This is permitted, as a road, carpark and visitor access tracks for motorised vehicles are ***‘authorised utilities’*** in the CMS and can bypass public scrutiny & consultation under Sec 53(2)i of the Conservation Act 1987.

DoC should apply their powers consistently and approve the national cycle trails already fully funded and awaiting construction. The car park at Bennett’s Bluff will also cater to non-powered vehicles like cyclists as they ride along the road and DoC has no intention or preventing them using it. This shows the inconsistencies in the current position.