

**21 February 2022**

**East Coast Protection Group**

In response to the:

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**SECOND SUBSTANTIVE RESPONSE OF  
TE RŪNANGA A RANGITĀNE O WAIRAU  
TO THE PROPOSED EAST COAST BEACH VEHICLE BYLAW  
8<sup>th</sup> February 2022**

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Contact:

Rick Stolwerk  
Chairperson  
East Coast Protection Group



1. The East Coast Protection Group (**ECPG**) acknowledges the concerns raised by Te Rūnanga a Rangitāne o Wairau (**RoW**) in this, their second substantive response to the East Coast Beach Vehicle Bylaw (**Bylaw**) which is proposed under the Local Government Act 2002 and s22AB of the Land Transport Act 1998.
2. In response to number 2(a) the ECPG does not believe that the proposed Bylaw banning vehicles from east coast beaches in Marlborough removes the right of tangata whenua to exercise customary rights.
3. The ECPG fully appreciates the customary rights of tangata whenua of the subject area and in no way wishes to obstruct the customary rights in the Subject Area.
4. In response to number 13(b) which states:

*The ByLaw must not apply to the exercise by tangata whenua of their of their customary rights in the Subject Area.*

The ECPG agrees with this statement, however we do not support the exercise of customary rights **by the use of any vehicle in the Subject Area.**

5. In relation to number 14 and the accompanying document **5. Draft Bylaw** as stated below and highlighted in yellow,

## Part 2 Access to the east coast

### 7. Exemptions

**7.4 Nothing in this Bylaw will apply to any person or entity who has an extant claim before the Crown or the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011 in the Subject Area.**

The ECPG offers the following comment:

**As stated previously we support the exercise of customary rights BUT ask that all tangata whenua identified in this second substantive response support Part 2 of the Bylaw, in particular:**

6.1 No person may cause any vehicle to enter any beach as defined at Part 1 of this Bylaw at any time....

6.2 No person may cause any motor vehicle to enter any sand dune on Council controlled land at any time.....

6.3 No person may cause any motor vehicle to enter the unformed legal road identified in Schedule 1 at any time.

## CONCLUSION

The ECPG again asks that all tangata whenua identified in the second substantive response support this initiative and protect the coastal environment so allowing the coastal area to recover from the effects of the Kaikoura earthquake in 2016, as stated in Section 4 of the Draft Bylaw. We believe that this can only be achieved by a total ban on all vehicles using the coast, excluding emergency vehicle access. The ECPG wishes to support access to customary rights in the Subject Area, but asks that vehicles not be used when exercising this right.

In support of this initiative we offer the evidence presented by Dr. Shane Orchard *et al* in his recently released scientific paper titled:

**Managing beach access and vehicle impacts following reconfiguration of the landscape by a natural hazard event. February 2022.**

Please see the paper (a PDF copy is also attached) at:

<https://doi.org/10.1101/2022.02.15.480598>