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Report to Environment Committee
from John Sherriff, Manager Resource Investigations

Titahi Bay Beach Compliance

1. Purpose

To seek direction from the Committee about how to proceed with enforcing rules in the Regional Coastal Plan controlling the use of motor vehicles on Titahi Bay Beach.

2. Background

The Regional Coastal Plan includes two rules which restrict the use of motor vehicles on Titahi Bay Beach to protect the remnants of a fossilised forest and for public safety. Specifically, these rules prohibit driving on the centre of the beach at all times and on the ends of the beach between 9.30 pm and 5.00 am. Councillors may recall that these rules were the subject of lengthy legal proceedings when the Regional Coastal Plan was being developed.

To promote these rules the Wellington Regional Council has erected signs, which outline restrictions to driving on the beach, at access points at either end of the beach. Signs have also been put at either end of the central beach area where driving is prohibited at all times. Public notices were placed in local newspapers outlining the restrictions on using motor vehicles on Titahi Bay Beach.

The Council responds to complaints about people breaking these rules. Our current response protocol is to issue a warning letter the first time that someone is found to be breaking these rules and to issue an infringement notice if the same person is found to have repeated the offence. The infringement fee for this activity is \$500.

Over the past five years we have only received five complaints about cars driving on Titahi Bay Beach which resulted in two warning letters being sent. No infringement notices have been issued.

3. **Issue**

For some time now Porirua City Council has, for nine months of the year, maintained barriers at either end of the central part of the beach where driving is prohibited at all times. These barriers are in place from 9.00 am until sunset. This operation involves somebody physically moving the barriers as the tide comes in and out and costs \$45,000 each year.

Porirua City Council have recently decided to reduce expenditure on maintaining the barriers at Titahi Bay Beach by \$25,000. There is an expectation that the Wellington Regional Council will fund the shortfall so that the existing level of service can be maintained.

We need to decide what to do in response to Porirua City Council's decision to reduce their budget for operating the barriers.

4. **Considerations**

A number of issues need to be considered in making a decision about how we will ensure compliance with the rules at Titahi Bay Beach. These issues are:

- The rules related to driving on Titahi Bay Beach are just 2 of a total of 172 rules included in our Regional Plans.
- We receive very few complaints about vehicles driving on the beach, on average one per year. Because of the time it takes to travel to Titahi Bay in many cases the offending vehicle has gone before our officers can get there.
- While we have an obligation to enforce the rules contained in our Regional Plans, we have discretion about how we will enforce them.
- Complaints about this activity are dealt with by the Pollution Control Section. We are currently trying to streamline our incident response work to release resources for implementing *Take Charge*, the Council's pollution prevention programme.
- This is an extremely sensitive and very public issue. There are strongly divergent community views.
- Because of the Regional Coastal Plan rules the Council has some responsibility for the safety of the public using the beach.

5. Options

Several options have been identified to address this issue:

Option 1

Install permanent barriers so that there is no vehicle access to the beach at any time.

Implications:

- This would require a change in the Regional Coastal Plan and will not be a simple process because of the strongly divergent views of the community.
- Reduced enforcement costs.
- To be effective the structure will need to be erected outside the Coastal Marine Area. This option may not be acceptable to Porirua City Council.
- We would still probably have to find a way for boat shed owners to get access to their boat sheds and to allow people to enter onto the beach to launch and retrieve boats. This may involve increased administrative cost.

Option 2

Top up the short fall in Porirua's funding so that the barriers can be maintained to the current level of service.

Implications:

- We have no budget to do this.
- This may not be a priority for expenditure.
- It may trigger a lobby to have the barriers in place throughout the year.

Option 3

Appoint members of the public as rangers. Get them to distribute pamphlets and take the registration numbers of vehicles seen driving on the beach in an unauthorised manner.

Implications:

- There is some uncertainty about whether evidence collected by rangers could be used as the basis for enforcement action.
- There is no budget to pay the expenses of rangers.
- The WRC would be liable for the health and safety of the rangers.

Option 4

Continue to implement our existing response protocol, that is, respond to complaints when they are made, and undertake pro-active compliance checks whenever we can. Use information leaflets or warning letters for first time offenders and infringement notices for subsequent offences.

Implications:

- No additional expenditure required.
- May lead to more people breaking the rules and more complaints being received by our incident response team.

6. Communication

Porirua City Council will be advised about the Council's decision about how it will proceed with enforcing the regional rules which restrict vehicle use on Titahi Bay Beach.

Public notices will be placed in local newspapers to remind them of the restrictions on vehicle use on Titahi Bay Beach.

7. Recommendations

1. *That the Committee endorse the continuing use of the current response protocol for non-compliance of the rules which relate to driving on Titahi Bay Beach (option 4).*
2. *That the Committee note that:*
 - a) *public notices will be placed in local newspapers; and*
 - b) *this approach will be reviewed in six months time.*

Report prepared by:

Approved for submission:

JOHN SHERRIFF
Manager Resource Investigations

JANE BRADBURY
Divisional Manager, Environment