

# Briefing



## In Confidence

DOCCM: 6144749

**To:** DDG Operations

**Date:** 6 July 2020

---

**Subject:** Making a decision to open or not to open the DOC track at Cape Kidnappers.

**Action sought:** We seek your decision on the recommendation to open the Cape Kidnappers track to a lower service standard consistent with managing the site as an adventurous site for high-risk takers.

**Time Frame:** As soon as practicable in line with previous media released timeline

---

<b>Risk Assessment:</b>	Public access for the journey to the Gannet colony may be seen to be restricted by DOC, possibly leading to public debate in the media	<b>Department's Priority:</b>	High
		<b>Level of Risk:</b>	Medium

---

### Contacts

Name and position	Cellphone	First contact	Principal author
Steve Taylor Director Heritage and Visitors	██████████	✓	
Lynnell Greer Manager Visitor Advice	██████████		✓

---

## Executive summary – Whakarāpopoto ā Kaiwhakahaere



1. This report is to present a summary analysis of options and make a recommendation to you to re-open the DOC track at Cape Kidnappers, which forms a part of what is known as the Cape Kidnappers Walk, but to manage the track to the lower service standard 'Tramping Track'.
2. This is to complete an action from the 'Incident Investigation Report Cape Kidnappers Rockfall 23 January 2019' (DOC June 2019) "Confirm future management of Cape Kidnappers Track and whether the track is to re-open or remain closed"<sup>1</sup>
3. The Cape Kidnappers walk begins at a carpark in Clifton and follows the beach below the cliffs, before reaching the DOC reserve which has a track from the beach up to the plateau, then crosses private land of Cape Kidnappers Station to the plateau gannet colony – also on private land. Access across the private land is through informal agreement.
4. DOC has kept the track from the beach to the plateau and main gannet colony closed since January 2019 following the landslide on the beach severely injuring two Korean tourists.
5. Public can access the main gannet colony using the commercial operator, Gannet Overland Safaris, that run 4x4 buses through the private property of Cape Kidnappers Station.
6. The beach access section of the walk is not a formed track but traverses the beach. DOC and Hastings District Council (HDC) each have management responsibility along the beach access route, with HDC managing the first 6km (84%) of the beach, then 2.5km of the beach access has a 10m wide strip of PCL running from the high-tide line down towards the sea, the remainder being under HDC authority.



<sup>1</sup> Incident Investigation Report Cape Kidnappers Rockfall 23 January 2019' (DOC June 2019) <https://www.doc.govt.nz/globalassets/documents/about-doc/conservation-management/cape-kidnappers-investigation-final-26-june-19.pdf>

7. DOC also provides a toilet block and visitor shelter part way up the track from the beach to the plateau. The toilet block is currently non-compliant due to minor discharge of waste into the surrounding environment.
8. DOC and HDC have an MOU to understand the risk and if appropriate develop a joint management approach for the Cape Kidnappers visitor experience. Each agency makes decisions regards lands each administers, but will take account of the other's policy position and approach.
9. A Quantitative Risk Assessment (QRA) has been provided by GNS for HDC and DOC.
10. The QRA has been peer reviewed by Tony Taig of TTAC, an internationally recognised expert in natural hazard risk management. The report has been reviewed by both Don Bogie and Ken Hughey.
11. The QRA shows the risk for people who travel down the beach is far higher than had previously been assumed, It is equivalent to the risk profile of people undertaking mountain climbing (excluding Aoraki/Mt Cook – which has a higher risk profile).
12. Principal Advisor Visitor Risk Don Bogie has advised that this level of risk is intolerable for the majority of users of the beach who expect a relatively safe day visitor experience.
13. There are no management actions that will reduce the risk profile.
14. HDC have decided that their risk management will be to continue their landslide hazard approach (through the Clifton Beach – landslide Hazard Operations Manual) which includes periodically closing the beach through signage when the risk of landslide is elevated (after earthquakes, after large landslides and after storm events) or a landslide event has occurred. Otherwise they do not restrict access. The beach has been closed since 1 May 2020 following another large rockfall.
15. DOC can make potential users more aware of the nature of the hazards of the trip and the level of risk, allowing people to make their own informed choice as to whether or not to make the trip.
16. Having a managed walking track with toilets and a shelter at the far end of the beach is an invitation to complete the journey, and contradicts having signs warning of serious risk from landslides.
17. You are being asked to consider three options for future management of visitor access to the DOC reserve where the track is located. These options are:
  1. **Manage as a day visitor site.** The characteristics of a day visitor site include being a relatively safe experience. As this site is associated with a road-end situation, users expect relatively easy day walks and a low level of risk.  
  
To manage visitor risk we seek to discourage rather than encourage people using the beach by providing more compelling information about the risks of landslide, but continue to provide the facilities and information that make it relatively easy for people to get to the gannet colony. This option can be expected to achieve a high level of public acceptance, but the level of associated risk if understood would not be accepted.
  2. **Manage as a remote site.** The characteristics of a remote site include being a relatively risky experience. These places attract visitors, usually New Zealanders, with a reasonable level of back- country skills and experience. Visitors accept a degree of risk and discomfort. The trip is carried out with a high degree of self-reliance.  
  
To manage visitor risk we seek to discourage people using the beach by maintaining the DOC track to a lower standard (Tramping track or Route), and by providing more compelling information about the risks of landslide and only basic navigation information. We expect to manage some public fallout at the lower standard of formed track, as the expectations of most current visitors will not be met.

3. **No visitor management at site.** The characteristics of sites with no visitor management include deliberately not providing facilities to assist people to use that place. Such places can be an extremely risky experience. The trip is carried out with a high degree of self-reliance.

To manage visitor risk we seek to strongly discourage using the beach by closing the DOC track (ie no longer provide formed access), provide more compelling information about the risks of landslide, and no navigation information. We expect to manage public fallout at the loss of formed access.

17. Assessment of the options concludes that, given the severity of the risk identified, any invitation by DOC to travel down the beach is inconsistent with managing for the safety of people with a low-risk threshold interested in seeing the Cape Kidnappers gannet colony. The site is better more suitable to people willing to take on high risk in an adventurous setting.
18. It is therefore recommended that DOC re-opens the track but manages it to a lower service standard more consistent with an adventurous setting. Either Tramping track or Route standard would meet this objective, but Tramping track standard provides better justification for dealing with future erosion on the higher sections of this track. Information will be provided on the DOC website and at Clifton that makes clearer the risks of making the journey down the beach and the more difficult nature of the track.
19. There are risks with making this decision. There is an expectation that the access at Cape Kidnappers will not be significantly changed, and a wider expectation that Cape Kidnappers will continue to be a significant tourist attraction for the region. This can still be realised through the tours provided by the operator travelling overland.
20. To implement the re-opening the track recommendation the following work would be required;
- a. GNS review of the HDC Landslide Operation Manual (currently scheduled)
  - b. Development of a HDC/DOC Experience Management Plan outlining the management of the track including other hazards e.g. tidal.
  - c. Reduction of the track standard to tramping track (AMIS, maintenance plans etc)
  - d. Review of HDC/DOC website, signage and information provision describing the track and risks
  - e. Working with the Regional Tourism Organisation, concessionaires and stakeholders to understand the risk and adjust marketing appropriately.
21. It is likely that some people will continue to make this trip down the beach route in the belief that the risk is not as great as the advice they are provided.
22. There is also a transport operator with a DOC concession, suspended while the QRA was being produced and while DOC makes a decision about the track access.
23. A separate DOC decision process is underway for managing the transport concession, the decision maker in that case is the Director Operations LNI.

**I recommend that you (Nga Tohutohu) –**

		<b>Paragraph Reference</b>	<b>Decision</b>
<b>(a)</b>	<u>Note</u> this briefing paper and the detailed options analysis paper ( <a href="#">DOC-6294050</a> )		Yes / No

(b)	<u>Agree</u> that the DOC track in the Cape Kidnappers Gannet Protection Reserve be re-opened once the following work outlined in recommendations c - g is completed.	18	Yes / No
(c)	<u>Agree</u> that GNS review of the HDC Landslide Operation Manual (currently scheduled)	20	Yes / No
(d)	<u>Agree</u> a HDC/DOC develop an Experience Management Plan outlining the management of the track, including a hazards plan.	20	Yes / No
(e)	<u>Agree</u> that DOC work with the Regional Tourism Organisation, concessionaires and stakeholders to understand the risk and adjust marketing appropriately.	20	Yes / No
(f)	<u>Agree</u> that the DOC Walking Track be managed to the lower standard Tramping Track.	18	Yes / No
(g)	<u>Agree</u> that information for the public about access to the Cape Kidnappers gannet colonies be adjusted to reflect managing this access route as an adventurous high-risk site making clear the high risk of fatal landslides associated with using the beach.	20	Yes / No
(h)	<u>Agree</u> that the existing toilet block and shelter be decommissioned and replaced with a basic toilet to meet the needs of future visitors to the main gannet colony.	87	Yes / No

\_\_\_\_\_  
Bruce Parkes (endorsement)  
DDG Policy and People

..... / ..... / .....  
Mike Slater (decision maker)  
DDG Operations

## **Purpose – Te Pūtake**

1. To make a recommendation to you to re-open the DOC track at Cape Kidnappers, which forms a part of what is commonly known as the Cape Kidnappers Walk, to a lower service standard Tramping Track consistent with managing the site as an adventurous site for high-risk takers.
2. To identify critical issues with the options considered, and with accepting the recommendation.

## **Background and context – Te Horopaki**

3. Hastings District Council first closed the beach following a landslide that seriously injured two Korean tourists on 23 January 2019. They then re-opened the beach to public use on advice they could not legally nor in practice permanently close the beach.
4. Following the landslide DOC closed the track that runs from the beach to the plateau near the gannet colony at the request of the NZ Police.
5. The 'Incident Investigation Report Cape Kidnappers Rockfall 23 January 2019' (DOC June 2019) "Confirm future management of Cape Kidnappers Track and whether the track is to re-open or remain closed". This recommendation report completes that action.

6. Some people have continued to use the beach and the DOC reserve to visit the gannet colony despite the 'track closed' signs in place at the Clifton campground beginning of the journey, the website information and the signs and locked gate at the far end.
7. HDC, who administer most of the beach, has undertaken management of the risk to visitors on the beach through the following:
  1. Completing a Landslide Operations Manual to formalise their risk management of the site.
  2. Installing signage outlining hazards
  3. Providing kaitiaki guardians at peak times of the day to inform visitors of the landslide and tide risks
  4. Monitoring the effectiveness of information (34-50% of users continued to access the beach after seeing the safety information)
8. The management approach put in place in 2019 was disrupted following the COVID-19 level status announcement. Locals are known to still be using the beach for recreation purposes.
9. HDC/DOC contracted Stantec to undertake a Quantitative Risk Assessment (QRA). Stantec provides advice to Local Government NZ on risk management.
10. DOC and HDC jointly installed a new information sign and hazard signs in February 2020 in response to the draft Stantec report.
11. The Stantec QRA report was reviewed in January 2020 by GNS and they recommended that the report be adjusted and submitted as a Hazard Assessment report and further work be completed to develop a separate and more comprehensive Risk Assessment report.
12. HDC and DOC agreed that GNS would complete the further risk assessment analysis and complete the Quantitative Risk Assessment report, with peer review provided by Tony Taig (TTAC limited UK based natural hazard risk specialist).
13. GNS provided the final draft QRA report to DOC and HDC on 7 April, and presented an overview on 15 April to DOC and HDC, and feedback was provided to GNS by Ken Hughey, Don Bogie, Steve Sutton, and by HDC. The final report from GNS was provided on 13 May 2020.
14. There is significant public interest in the access issue at Cape Kidnappers and sympathy for the beach transport operator, whose concession is suspended awaiting the results of the QRA. The Cape Kidnappers walk is iconic in Hawke's Bay, and many locals take pride in the walk and the gannet colony being part of their own backyard.

### **Risk assessment - QRA findings**

---

15. The Quantitative Risk Assessment provides a profile of the risks of people using the beach and the track to the gannet colony being hit by landslides and rockfalls from the cliffs.
16. The risk profiles are provided for:
  1. Independent walkers using the beach to access the gannet colony
  2. Locals using the beach for regular recreational purposes
  3. Clients of a beach transport operation
  4. Employees of a beach transport operation
  5. DOC and HDC staff
17. The overall risk of serious harm or fatality resulting from landslide or rockfall while travelling along the beach is far higher than had previously been assumed. This is the first completed QRA of the landslide hazard, and other risk assumptions were based on the views of people familiar with historical events.
18. Don has provided advice on the implications of the QRA results ([DOC-6272755](#))

19. To assist with comparisons of risk profiles, Don has drawn on near final reports from Tony Taig of TTAC risk specialists contracted to undertake a wider analysis of the risks to people in New Zealand's outdoor settings.
20. The risk is equivalent to that of people mountain climbing in New Zealand (outside of Aoraki/Mt Cook itself which has a higher risk profile).

### **Risk for different users**

21. For independent walkers using the HDC managed part of the beach to access the gannet colony the risk is intolerable for low to medium risk takers, and tolerable for high risk takers.
22. For independent walkers using the DOC managed part of the beach to access the gannet colony the risk is intolerable for low risk takers, and tolerable for medium and high risk takers.
23. For locals using the beach for regular recreational purposes, the level of risk is based on a local person accessing the beach a set number of days per year. This is a relatively high-risk activity.
24. The most significant risks are on the public beach. The HDC section (6km, which must be crossed first for anyone commencing the trip via the beach) carries 86% of the risk, and the PCL section carries 12% of the risk. Risks on the PCL section of the beach are not much different to a lot of other coastal areas or places in the mountains where people may wish to go.
25. For clients of the beach transport operation the risk is intolerable for low and medium risk takers, and tolerable for high risk takers.
26. For employees of the beach transport operation there are very high-risk levels, equivalent to and possibly higher than works in the forestry industry.
27. For DOC staff having to cross the beach to carry out work, the risk is within a range that would be considered substantial but tolerable. Risk to workers could be reduced to a very low level by minimising or eliminating time on the beach.
28. The societal risk (the chance of a landslide event that could harm or kill a number of people in one event) is greatest if a large group of people or people that society deem vulnerable (such as children) get killed in one incident.

### **Risk levels**

29. The risk from landslides and rockfalls for the public using the beach is considered intolerable to the predominant user group using the beach – classified as Day Visitors.
30. The risk is similar to that faced by people using the backcountry or remote settings in New Zealand, where experience with fording streams and judging changeable weather is important for personal safety.
31. People seeking to visit the Cape Kidnappers gannet colony are typically not going to be expecting this level of risk, will not likely perceive this level of risk, and to all intents and purposes, are embarking on a long 'walk on the beach'.

### **Developing a risk management approach**

---

32. Risk is inherent in most aspects of our lives, and this is a view already expressed in the media in January 2020, that DOC is over-reacting to the risk at this place.
33. Risk management at Cape Kidnappers is being done using the Visitor Risk Management policy and standard procedures.

34. The risk of landslide has been identified due to the very unfortunate serious injury landslide events that have occurred to date. Three events have occurred in the past 50 years (1973, 1988, 2019), with 5 serious injuries including one GBA employee, but fortunately no fatalities<sup>2</sup>.
35. Specialist advice has been sought through the Quantitative Risk Assessment, which has identified an intolerable level of risk for most people using the beach.
36. The options for reducing the risk have been considered by the risk assessment team (including Don Bogie), but due to the unpredictable nature of the landslide events, there is no practical way of bringing the risk down.
37. A better understanding of the occurrence of landslides can be achieved through more systematic monitoring, and DOC should be encouraging HDC to do this as part of its Clifton Beach Landslide Hazard Operations Manual. It will take several years to build up a better body of knowledge on landslide events.
38. People should be advised about the nature of the risk and they can make their own decision as to whether they make the trip or not.
39. What makes managing the risk at this site difficult is that the predominant users are going to be unfamiliar with this type and level of risk, and therefore many cannot make an informed judgement for themselves or for people under their care as to whether it is safe to proceed or not.
40. The journey to the gannet colony via the beach route crosses land administered by HDC, DOC and a private landowner.
41. The majority of the landslide and rockfall risk is associated with the land administered by HDC, with some (16%) associated with PCL.
42. Now that we are aware of the scale of the risk, DOC should not be encouraging people who would normally be unwilling to take on the high level of risk inherent in the beach trip to make this journey.
43. The way people are encouraged to undertake the trip are:
  - The profile in media and word of mouth of the gannet colony
  - The proximity of Cape Kidnappers to Hastings and Napier cities
  - The information provided on websites about the trip
  - The information at site describing what can be seen and how to get there
  - The provision of facilities that add convenience to people making the trip (the track through PCL from the beach to the plateau, the toilets and shelter on the DOC reserve)
  - The services available to access the gannet colony via the beach (the transport operation).
44. Options for managing the risk to people making the trip to the gannet colony should include any of these factors that are within DOC and HDC's control.
45. The approach being taken is within the context of Cape Kidnappers being managed as an experience to see a famous and well recommended viewing of a gannet colony. One of the main ways that people access this gannet colony is now known to be very dangerous due to unpredictable landslides and rockfalls. There is an alternative safe access via the overland bus tour.

---

<sup>2</sup> Source is section 2.5.4 in Cape Kidnappers landslide Risk Assessment QRA GNS Final Report May 2020 (DOC-6298812)



## Options for managing the risk for people interested in visiting the main gannet colony

---

46. The options for managing the risk for people interested in visiting the main gannet colony at Cape Kidnappers can be described across a continuum from no intervention through to preventing people from accessing the beach.
47. Neither ends of this continuum are appropriate nor available to DOC.
48. DOC's Visitor Risk Management policy and procedures require that (amongst other things):
  1. All practicable steps will be taken to ensure DOC facilities are appropriate for the predominant visitor group and/or activity, and meet all statutory obligations
  2. Visitors are responsible for their decisions about the risks they take and for any others under their care and responsibility
  3. Hazard and risk information will be communicated in a consistent manner via the DOC website, publications, visitor centres, signs and other communication channels
  4. Visitors are expected to choose recreational opportunities and destinations that are appropriate to the levels of skill, experience and equipment held by them and/or members of their group
  5. Where hazards cannot be reasonably mitigated by other means and when imminent danger to people exists DOC will close the destination or parts of it as appropriate.
49. Three options are described below, reflecting the different levels of risk that people using the outdoor for recreation are exposed to. These range along a continuum from easy access - low risk opportunities through to situations with much higher levels of inherent risk. These are described with the user group definitions adopted by DOC which underpin the New Zealand Handbook Tracks and Outdoor Visitor Structures SNZ HB 8630:2004.
  1. **Manage as a day visitor site.** The characteristics of a day visitor site include being a relatively safe experience. As this site is associated with a road-end situation, users expect relatively easy day walks and a low level of risk.

To manage visitor risk we seek to discourage rather than encourage people using the beach by providing more compelling information about the risks of landslide, but continue to provide the facilities and information that make it relatively easy for people to get to the gannet colony. This option can be expected to achieve a high level of public acceptance, but the level of associated risk if understood would not be accepted.
  2. **Manage as a remote site.** The characteristics of a remote site include being a relatively risky experience. These places attract visitors, usually New Zealanders, with a reasonable level of back- country skills and experience. Visitors accept a degree of risk and discomfort. The trip is carried out with a high degree of self-reliance.

To manage visitor risk we seek to discourage people using the beach by maintaining the DOC track to a lower standard (Tramping track or Route), and by providing more compelling information about the risks of landslide and only basic navigation information. We expect to manage some public fallout at the lower standard of formed track, as the expectations of most current visitors will not be met.
  3. **No visitor management at site.** The characteristics of sites with no visitor management include deliberately not providing facilities to assist

people to use that place. Such places can be an extremely risky experience. The trip is carried out with a high degree of self-reliance. To manage visitor risk we seek to strongly discourage using the beach by closing the DOC track (ie no longer provide formed access), provide more compelling information about the risks of landslide, and no navigation information. We expect to manage public fallout at the loss of formed access.

50. Option 1 is inconsistent with the risk profile we now have. Visitors are encouraged to use the beach access through the signage, through the provision of a walking track up the escarpment and the provision of toilets and a shelter. The result can be expected to be continued visitation at similar levels to the past, many being people who are low-risk takers, but with limited experience in understanding the risk they are exposing themselves and those under their control to.
51. Option 2 is generally consistent with the risk profile we now have. Visitors may still be encouraged to use the beach access because of the provision of a route up the escarpment, despite the hazard warning information and signage. The result will likely be reduced visitation, but it can be anticipated people with limited experience in understanding the risk they are exposing themselves and those under their control to will still make the trip, and it could be seen that DOC encouraged this by continuing to provide a track.
52. Option 3 is consistent with the risk profile we now have. Visitors may still be encouraged to use the beach access despite the signage and having to navigate their way up the escarpment without a managed track. The result will likely be reduced visitation, and most users should be people who are higher risk takers who have enough experience to understand the risk they are exposing themselves and those under their control. In this option DOC would not be seen to be encouraging people to make this journey.
53. Given the severity of the risk identified, any invitation by DOC to travel down the beach is inconsistent with managing for the safety of people with a low-risk threshold interested in seeing the Cape Kidnappers gannet colony. The site is more suitable to people willing to take on high risk in an adventurous setting.
54. The general right for people to have access to PCL&W is implied through the functions of the Department in the Conservation Act 1987 (S6). DOC can close any part of PCL&W when it considers there is imminent danger to people and property that cannot be reasonably avoided by other means (Conservation general Policy 8(e)).
55. The majority of the risk associated with the beach access route to the gannet colonies is not on PCL&W, but under management of HDC.
56. There is a strong expectation from many stakeholders including the local community that DOC will continue to enable access from the beach to the plateau gannet colony.
57. The strongest message that the beach trip has a high level of risk is to close the beach, which HDC have said they will only do as part of the Landslide Hazard Operations Plan – which means periodic closure when specified triggers occur, not permanent closure.
58. The HDC Landslide Hazard Operations Manual can now be informed by the GNS QRA. HDC intend to review the Manual to align it with the QRA and GNS best practise.
59. DOC is seeking alignment with HDC in managing the visitor experience to Cape Kidnappers gannet colony.
60. It is therefore recommended that DOC re-opens the track but manages it the lower service standard of Tramping Track which is more consistent with an adventurous

setting. Information will be provided on the DOC website and at Clifton that makes clearer the risks of making the journey down the beach and the more difficult nature of the track.

## **Risk assessment for the decision – Nga Whakatūpato**

---

61. The QRA forms the basis for the risk profile and the recommendations regarding risk management. The report may be subject to challenge on the grounds that this is just one set of scientists providing advice.
62. The QRA has been peer reviewed by Tony Taig of TTAC, an internationally recognised expert in natural hazard risk management. The report has been reviewed by both Don Bogie and Ken Hughey. Don describes the report as a 'gold standard' for a QRA, because of the methodology used and the reporting approach. Ken describes the report as providing the best available information to inform decision making.
63. We are planning to use the Science Media Centre, a service provided by willing scientists who focus is on helping the media report science accurately and effectively, to provide an independent view of the QRA report.
64. The decision for visitor access at Cape Kidnappers will likely be compared with other places in New Zealand where there are hazardous cliffs where people regularly visit.
65. In providing his advice, Don Bogie has drawn on the near complete TTAC reports on risk comparators in New Zealand and overseas.
66. Other examples of places with significant hazards receiving large numbers of visitors with limited understanding of the risks are Tongariro Alpine Crossing, the Glacier Valleys and Whakaari White Island.
67. There is strong public support for the transport operator taking people down the beach, a business that has been running for more than 60 years. Any decision that reduces the viability of that business can be expected to be criticised. Such concern is likely to be accentuated as regions look for economic recovery post Covid-19.
68. Don Bogie has provided advice on how the transport operator could encourage potential clients to understand the risk they are facing, that may be sufficient to meet DOCs responsibilities to the PCBU. Legal Services has also reviewed DOC's approach, and PP&L advised on alignment with concession and management planning policy.
69. Other factors assessed for risk to the Department in making this decision are listed below (see [DOC-6294050](#) for the full assessment).
  - Treaty Partner support
  - Alignment with statutory responsibilities (CMS)
  - Alignment with local authority policy
  - Level of individual risk from the tide hazard
  - Police Search and Rescue activity
  - Good visitor access to the gannet colonies
  - Asset cost implications to DOC
  - Alignment with commercial interests
  - Crown Revenue implications
  - Public access advocates support
  - General public acceptance.
70. The factors that related to expectations of stakeholders including local community for continued access to the gannet colonies were sufficient to discount the option that might result in the least use of the beach and hence the strongest risk response. The main alignment problems may come from community expectations that access will remain similar to how it has been in the past.

## **Treaty principles (section 4) – Nga mātāpono o te Tiriti (section 4)**

---

71. The Crown and Heretaunga Tamatea Settlement Trust (HTST) entered into a Deed of Settlement 26th June 2018. This settlement is relevant to Cape Kidnappers. DOC has informed HTST of the situation at Cape Kidnappers (26/5/2020), its current management responsibilities, and the intention to make a decision on the future of the DOC track in light of the results of the QRA report. HTST have indicated they accept that DOC needs to make a decision around access to Cape Kidnappers gannet colonies, and have no immediate issue with the option being selected.

## **Consultation – Kōrero whakawhiti**

---

72. DOC has been in ongoing dialogue with HDC on establishing an appropriate joint approach to managing visitor access to the gannet colony and associated risk. This has involved the Operations Manager, the H&V Visitor Advice Manager and the Senior Visitor Advisor LNI. The option being recommended aligns with their intended management approach, given the QRA report contents.
73. DOC has kept the transport concession holder (Gannet Beach Adventures) informed with the broader timeline for completing the QRA and making a decision, and is currently sharing the options being considered and inviting feedback.
74. The last section of the access to the main gannet colony is across Cape Kidnappers Station, and the Operations Manager has kept ██████████ and ██████████, managers at the station, informed on the situation and issues.
75. HDC has ongoing contact with the community at Clifton through their Council representatives.
76. There have been strongly expressed views by various stakeholders through letters to the Minister, and in the media, that the transport operation along the beach should continue. It is seen as a local institution.
77. The local businesses at Clifton are also expecting the popularity of the Cape to bring customers.
78. There has been strong media interest in the closure of access at Cape Kidnappers, and it is anticipated there will continue to be interest in reporting on this topic as the decision is made publicly available.

## **Financial implications – Te Taha Pūtea**

---

79. Each option has been considered in terms of the operational cost to DOC. The highest costs are associated with retaining a Day Visitor experience with a Walking Track in the Gannet protection Reserve, and toilets to cater for high visitation. The recommendation has not been influenced by the scale of operational cost, but primarily focussed on managing visitor risk.
80. There are Crown Revenue implications that are dependent on the decisions outside of this current process. The fees from the transport concession may reduce considerably or completely depending on the level of business activity that can continue. The recommendation has not been influenced by the scale of Crown revenue, but primarily focussed on managing visitor risk.

## **Legal and statutory implications – Te Taha Ture**

---

81. Legal Services and PP&L provided advice on the legal status of the PCL and planning and policy implications for the options ([DOC-6308838](#)).

82. DOC has authority over places where the public and businesses are on PCL&W. A part of this PCL&W is the Cape Kidnappers Gannet Protection Reserve (in two parts, the reserve where the track is located, and thin strip stretching west around the coast past Black Reef). Another part is the Cape Kidnappers Nature Reserve (also in two parts, one at Black Reef, the other adjacent to and north of the main gannet colony).
83. DOC has no authority over the rest of the beach access, which lies with HDC. DOC Legal have provided advice to this effect, which has been shared with HDC ([DOC-6302035](#)).
84. The relevant Conservation Management Strategy is the Hawkes Bay Conservancy CMS 1994-2004. This signals the significance of Cape Kidnappers 'as one of the world's most accessible gannet colonies'. There is no specific requirement for a track through PCL, and there is a provision to close tracks where it is necessary for public safety.
85. The process of producing a new CMS has commenced, but there is no information relevant from that to inform this decision-making process.
86. There is also the Cape Kidnappers Conservation Management Plan 1998. The options being considered are consistent with that plan. This plan will probably be revoked once a new Hawkes Bay CMS is established.

### **Next steps – Nga Tāwhaitanga**

---

87. Following the decision on the preferred option, the following steps have been agreed with HDC;
  1. The Operations Director LNI will contact HDC to discuss the decision and timing of the steps.
  2. The Operations Manager Hawkes Bay will contact the following to inform them of the decision;
    - i. Heretaunga Tamatea Settlement Trust
    - ii. Cape Kidnappers Station managers, and
    - iii. the beach transport operator.
  3. The Operations Manager Hawkes Bay will discuss with HDC making a joint media release on the decision.
  4. HDC will make the QRA report publicly available with the media release stating the track will re-open when the following work is completed.
    - i. The website information will be adjusted to represent the more significant risk associated with the beach access route to Cape Kidnappers gannet colonies, and options available to people.
    - ii. The signs at the beach entrance will be reviewed and changed to represent the more significant risk associated with Cape Kidnappers.
    - iii. The Draft Cape Kidnappers Visitor Experience Management Plan ([DOC-6102833](#)) will be updated to reflect the decision, and to function as the hazard and risk management plan for this site.
    - iv. The HDC Clifton Beach Landslide Hazard Operations Manual will be updated to reflect the QRA, with the expectation that HDC will seek GNS advice on specific risk management activity.
    - v. The toilet block and shelter should be decommissioned as per the current Indicative Business Case. There should be a basic toilet provided for those people who still make the journey to the gannet colonies and taking account of the change in expected visitor type.
    - vi. The communication plan will be updated and implemented to ensure all reasonable steps are taken to make the public, Regional Tourism

Organisation, interested people and organisations, aware of the change in visitor management approach including a lower standard track and reasons for the change.

- vii. A monitoring plan needs to be confirmed and resourced so DOC and HDC can monitor the numbers of people who continue to walk the beach to the gannets. This should include a visitor survey in the 2020/21 season to gain understanding of the visitors' risk perception. Further follow-up surveys should occur if the use levels stay strong or increase. Consideration should be given to altering safety messages depending on what the surveys learn.

## **Attachments – Nga Tāpiritanga**

---

- Cape Kidnappers landslide risk management options paper [DOC-6294050](#)
- Cape Kidnappers landslide Risk Assessment QRA GNS Final Report May 2020 [DOC-6298812](#)
- Stantec Landslide Hazard Assessment Report Cape Kidnappers Final 2020 [DOC-6301933](#)
- Don Bogie advice on Cape Kidnappers May 2020 [DOC-6272755](#)
- Briefing for Director LNI on Cape Kidnappers and GBA concession [DOC-6293933](#)
- Cape Kidnappers access, planning assessment PP&L [DOC-6308838](#)
- Cape Kidnappers Conservation Management Plan 1998 [DOC-6312537](#)
- Draft Cape Kidnappers Visitor Experience Management Plan ([DOC-6102833](#)),

**ENDS**

---