

Appendix 1 – Officers Recommended Amendments to Public Access Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer's right of reply are shown in red underline for new text and ~~red strikethrough~~ for deleted text.

Overview

The Far North District has an extensive coastline and many rivers and lakes with high recreational, cultural and amenity values. The communities in the district value access to these resources.

The coastal and riparian margins provide public and customary access, together with landscape or visual amenity, recreation, hazard management and ecological values.

The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is recognised as a matter of national importance in the RMA. This public access may include the ability to walk, cycle or drive to or along these esplanade reserves. It may also include supporting facilities such as restrooms and parking facilities.

At the time of subdivision, Council will consider the opportunity to take land adjacent to the coastal marine area or waterbodies for an esplanade reserve. The requirements for esplanade reserves will be implemented in accordance with section 77 and Part 10 of the RMA. In some circumstances, Council may determine that an esplanade strip is more appropriate¹. Council will consider the effects of climate change, including sea-level rise and risks of natural hazards when making decisions². ~~In cases where an esplanade is not required by the District Plan provisions, esplanades may be created by other methods. For example, a landowner may agree to provide an esplanade reserve or strip voluntarily (section 235 of the RMA) or a third party (such as a community group) may assist with funding a reserve³.~~

Council has a responsibility under the RMA, the NZCPS and the RPS to manage public access to and along the coastal marine area and waterbodies.

Objectives	
PA-O1	Public and customary access to and along the coastal marine area and waterbodies is protected, maintained and enhanced for current and future generations.
PA-O2	Public and customary access to and along the coastal marine area and waterbodies <u>is provided in a way that considers⁴ assists with the management of</u> natural hazard <u>risks</u> , and <u>supports⁵</u> the preservation of natural character, indigenous biodiversity, historic heritage, cultural and landscape values.

Policies	
PA-P1	Protect, maintain and enhance public and customary access by: <ol style="list-style-type: none"> managing land use and subdivision in a manner that is consistent with the values of the surrounding environment; requiring subdivision activities to provide esplanade reserves <u>or esplanade strips⁶</u> along the coastal marine area and waterbodies; and utilising access strips, designations and any other mechanisms available to secure land or easements for public access where not otherwise achieved through esplanade reserve requirements.
PA-P2	Require the creation of esplanade reserves <u>or esplanade strips⁷</u> to and along the coastal marine area and waterbodies when considering an application for subdivision where it: <ol style="list-style-type: none"> protects, maintains or enhances existing ecological and/or natural values;

¹ Submission S98.002-004 (consequential amendment)

² Submission S98.002-004 (consequential amendment)

³ Submission S272.016 and others

⁴ Submissions S272.023-024, S445.017-018, S523.019-020 and S529.192-193.

⁵ Submissions S272.023-024, S445.017-018, S523.019-020 and S529.192-193.

⁶ Submission S98.001

⁷ Submission S98.002

	<ul style="list-style-type: none"> b. protects, maintains or enhances the landscape values; c. protects, maintains or enhances public access; d. enables public recreation; e. provides connectivity between esplanade reserves, esplanade strips, access strips and other public places; f. provides for access to or the protection of the cultural or historic heritage values or sites and areas of significance to Māori <u>including for the purposes of mahinga kai and fisheries</u>⁸; or g. does not increase the risk of natural hazards and assists in the mitigation of existing risks associated with natural hazards.
PA-P3	<p>Only allow⁹ Allow a waiver of any the requirement for¹⁰, or a reduction in the required width of an esplanade reserve or esplanade strip¹¹ in circumstances¹² where it can be demonstrated that:</p> <ul style="list-style-type: none"> a. safe and reasonable public access or recreational use already exists and can be maintained for the future, while considering the potential effects of climate change, including sea level rise, erosion and accretion; b. providing access will be detrimental to land and water-based habitats of indigenous flora and fauna within, and adjoining the margin; c. providing access will be detrimental to any historic heritage place or site and area of significance to Māori; d. it would protect the stability, performance, maintenance and operation of essential structures and infrastructure; or e. restrictions on public access are necessary to ensure public health and safety.
PA-P4	<p>Provide for appropriate public access to and along the coastal marine area and waterbodies at the time of subdivision where the development:</p> <ul style="list-style-type: none"> a. is adjoining the coastal marine area, an existing esplanade reserve or an esplanade strip; or b. has potential to contribute to connectivity or contiguous access to the coastal marine areas, waterbodies or public places, and c. it will improve public connection to, and appreciation of, the coastal marine area and waterbodies without resulting in any potential adverse effects on the coastal environment or waterbodies.
PA-P5	<p>Encourage the voluntary creation of esplanade reserves or esplanade strips¹³ for land use activities where it:</p> <ul style="list-style-type: none"> a. protects, maintains or enhances existing ecological and/or natural values; b. protects, maintains or enhances the landscape values; c. protects, maintains or enhances public access; d. enables public recreation; e. provides connectivity between esplanade reserves, esplanade strips, access strips and other public places; f. provides for access to or the protection of the values of historic heritage or sites and areas of significance to Māori; or g. does not increase the risk of natural hazards and assists in the mitigation of existing risks associated with natural hazards.

Rules

Notes:

1. There are no rules for public access contained within this chapter.
2. The activities to improve public access are enabled through zone rules for conservation activity in Part 2 - Area Specific Matters.
3. The rules and standards relating to subdivision and the creation of esplanade reserves or esplanade strips¹⁴ are located in the Subdivision chapter of the Plan. Any application to waive the requirement for, or reduce the width of, an esplanade specified in SUB-S8 will be considered against the purposes of esplanade reserves and esplanade strips in Section 229 of the Resource Management 1991 and Policy PA-P3¹⁵.

⁸ Submission S559.041

⁹ Submission S271.020 and others

¹⁰ Submission S271.020 and others

¹¹ Submission S98.003

¹² Submission S271.020 and others

¹³ Submission S98.004

¹⁴ Submission S98.004 (consequential amendment)

¹⁵ Submission S271.020 and others

Consequential amendment to Subdivision Standard SUB-S8

SUB-S8	Esplanades	
All zones	<p>Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:</p> <ol style="list-style-type: none"> 1. The line of MHWS; 2. The bank of a river whose bed has an average width of 3m or more; or 3. A lake that is larger than 8 ha in size. <p>An esplanade reserve <u>or esplanade strip</u>¹⁶ must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.</p>	Activity status when compliance is not achieved: Discretionary

¹⁶ Submission S98.003