

## Appendix A – Officer’s Recommended Decisions on Submissions – Public Access

Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
149.67	Royal Forest and Bird Protection Society of New Zealand Incorporated	General	Amend	<p><b>ADD</b> a new policy to the Public Access chapter to establish where and under what circumstances public access will be restricted to: Protect indigenous biodiversity values; threatened indigenous species; sensitive natural areas or habitats; and avoid harm to ecological systems or to indigenous flora and fauna.</p> <p><b>AND</b> any consequential amendments and alternative relief to address the concerns raised.</p>	The submitter seeks a new Public Access policy for those circumstances where public access should be restricted to protect indigenous threatened species or sensitive natural areas.	Accept	Topic 2: Public access restrictions
FS45.52	Director General of Conservation	New Policy	Support	<b>Allow</b>	Supports as this new policy recognises and provides for section 6(c) of the RMA.	Accept	Topic 2: Public access restrictions
265.6	Environmental Defence Society Incorporated	General	Amend	<p><b>AMEND</b> the Public Access chapter to give effect to national direction and regional planning instruments. AMEND relevant objectives, policies, rules and standards to ensure planning outcomes are achieved which will not jeopardise the integrity of Kaipara's natural environment. AND any similar, consequential or alternative relief as is necessary to address the issues raised.</p>	<p>The submitter opposes the Public Access chapter in part as it does not include mapped areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This is contrary to NPS-IB and NSP-FM. Relying on future plan changes is not a solution. NPS-IB and NPS-FM requirements should be incorporated into the PDP.</p> <p>It is integral that these features should continue to be protected and not be diminished (unless they no longer meet the required threshold).</p>	Reject	Topic 1: Natural environment values and public access

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FS35.104	Bream Tail Residents Association	General	Oppose	<b>Disallow</b>	The submission lacks the specificity of relief required of submissions to a proposed plan and is not supported by s32 analysis.	Accept	Topic 1: Natural environment values and public access
FS44.45	Daytona Trust	General	Oppose	<b>Disallow</b>	The submission lacks the specificity of relief required of submissions to a proposed plan and is not supported by s32 analysis.	Accept	Topic 1: Natural environment values and public access
FS45.86	Director General of Conservation	General	Support in part	<b>Allow in Part</b>	Agrees the chapter needs amending to give effect to the NPSIB, NPSFM and section 6(c) of the RMA.	Reject	Topic 1: Natural environment values and public access
FS47.96	Federated Farmers of New Zealand	General	Oppose	<b>Disallow</b>	No proposed wording has been provided by the submitter so it has been impossible to assess how the relief sought would impact.	Reject	Topic 1: Natural environment values and public access
FS93.69	Royal Forest and Bird Protection Society of NZ	General	Support	<b>Allow</b>	The submission seeks to improve provisions and improve outcomes for indigenous biodiversity	Reject	Topic 1: Natural environment values and public access

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FS97.45	Tappenden Holdings Limited	General	Oppose	<b>Disallow</b>	<p>The submission seeks to amend the Public Access chapter to give effect to national direction and regional planning instruments.</p> <p>The submission lacks the specificity of relief required of submissions to a proposed plan and is not supported by s32 analysis.</p>	Accept	Topic 1: Natural environment values and public access
294.5	Birt & Currie Surveyors Limited	General	Amend	<b>AMEND</b> purpose and/or mapping of the Esplanade Priority Areas to ensure all identified areas are desired to be acquired by Council.	There are 3 purposes for esplanades. Some of the esplanade priority areas identified in the planning maps may need to have their purpose truncated. Council should put its resources into acquiring the esplanade priority areas.	Reject	Topic 4: Identifying EPAs
99.14	Venessa Anich	Overview	Amend	<b>ADD</b> to the Overview Statement for the Public Access chapter acknowledgement that users of unformed legal roads can be walking, cycling and horse riders.	Kaipara District has an abundance of unformed legal roads and this roading network is a valuable asset for these types of transport.	Reject	Topic 6: Overview and general submissions
149.65	Royal Forest and Bird Protection Society of New Zealand Incorporated	Overview	Amend	<b>ADD</b> text to the Overview of the Public Access chapter which relates to restricting public access in the Coastal Environment where required, in accordance with Policies 19 and 20 of the New Zealand Coastal Policy Statement.  AND Any consequential amendments and alternative relief to address the concerns raised.	Policies 19 and 20 of the New Zealand Coastal Policy Statement recognise that public access may need to be restricted in some cases. The submitter considers that the Overview should include this recognition.	Accept in part	Topic 2: Public Access Restrictions

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136.89	Federated Farmers of New Zealand (Inc) - Northland Province	Overview	Support	<p><b>ADD</b> to the Overview of the Public Access chapter as follows:</p> <p><u><b>Note:</b> The public access provisions in the District Plan do not override other legal requirements, including the legal rights of landowners in relation to access, and in relation to health and safety matters. Public access over private land is only available where permission is given by the landowner.</u></p> <p><b>OR</b> words to similar effect <b>AND</b> any consequential amendments.</p>	<p>The submitter considers greater clarity is required to confirm the provision for public access do not override other legal requirements, including the legal rights of landowners in relation to access, and in relation to health and safety matters.</p> <p>It is appropriate and legal to limit access across private property when this access will be unsafe or will disrupt farming activities, such as when tree felling or earthmoving is occurring, or during harvest or lambing activities.</p>	Reject	Topic 2: Public Access Restrictions
354.1	Mangawhai Tracks Charitable Trust	PA-O1	Amend	<p><b>AMEND</b> the Public Access provisions of the Proposed District Plan (including PA-O1) to encompass the Lincoln Downs recreation reserve.</p>	<p>Public access to the Lincoln Downs reserve needs to be accommodated in the Proposed District Plan. It is of significance to not just Kaipara but the whole of the Northland region. The lack of access to such an area is as important, if not more important than current constraints on coastal areas and water bodies.</p>	Reject	Topic 7: Objectives
217.45	Cato Bolam Consultants Limited	PA-O1	Support	<p><b>PROVIDE</b> clarification of the criteria used in PA-O1 to identify key linkages to the coastal marine area, rivers and lakes as Esplanade Priority Areas.</p> <p><b>AND</b> any other relief that is consistent with and/or consequential to the submission.</p>	<p>The submitter has sought this relief without limiting the scope of the submission on the details in other Proposed District Plan chapters or maps.</p>	Accept in part	Topic 4: Identifying EPAs

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267.15	Northland Fish and Game Council	PA-O1	Support	<b>RETAIN</b> PA-O1 as notified.	Supports this policy directive and associated rules.	Accept	Topic 7: Objectives
149.66	Royal Forest and Bird Protection Society of New Zealand Incorporated	PA-O2	Amend	<p><b>AMEND</b> PA-O2 as follows:            “Public access does not adversely affect the values of sensitive environments, such as the coastal environment, High Natural Character Areas, Outstanding Natural Character Areas, Outstanding Natural Landscapes, Outstanding Natural Features and Sites and Areas of Significance to Māori. <u>Where it does, public access is restricted.</u>”</p> <p><b>AND</b> any consequential amendments and alternative relief to address the concerns raised.</p>	The submitter supports the intent of PA-O2 but requires clarification that, in some cases, access must be restricted in order to avoid adverse effects on sensitive environments. Clarity is sought to improve the Proposed District Plan's effectiveness.	Reject	Topic 2: Public Access Restrictions
FS45.51	Director General of Conservation	PA-O2	Support	<b>Allow</b>	Support the recommended additions as public access should be restricted, especially in the coastal environment. This gives effect to Policy 19 and 20 of the NZCPS.	Reject	Topic 2: Public Access Restrictions
212.13	BA & JK Paton Ltd	PA-O2	Support	<b>RETAIN</b> PA-O2 AND any other relief that is consistent with and/or consequential to the submission.	No reasons provided.	Accept.	Topic 7: Objectives

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217.46	Cato Bolam Consultants Limited	PA-O2	Support	<b>RETAIN</b> PA-O2 AND Any other relief that is consistent with and/or consequential to the submission	The submitter has sought this relief without limiting the scope of the submission on the details in other Proposed District Plan chapters or maps.	Accept.	Topic 7: Objectives
212.12	BA & JK Paton Ltd	PA-O1	Amend	<b>PROVIDE</b> clarification on the criteria used to identify key linkages to the coastal marine area, rivers and lakes as Esplanade Priority Areas. Submission supports in part PA-O1.AND any other relief that is consistent with and/or consequential to the submission.	The submitter has sought this relief without limiting the scope of the submission on the details in other Proposed District Plan chapters or maps.	Accept in part	Topic 4: Identifying EPAs
212.14	BA & JK Paton Ltd	PA-P1	Amend	<b>ADD</b> a definition or assessment criteria for “practicality”, including topography, cultural constraints, ecological sensitivity, or existing access provisions in the context of the word used in PA-P1. AMEND to only apply PA-P1 post-subdivision, or with compensation mechanisms.  AND any other relief that is consistent with and/or consequential to the submission.	'Practical' is not defined which will potentially lead to inconsistent or overly discretionary application by Council. The plan proposes mandatory setbacks from waterbodies to preserve future esplanade strips prior to subdivision occurring. This limits land use and development without compensation or subdivision taking place. This may effect existing use rights and land value.	Reject	Topic 8: Policies

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217.47	Cato Bolam Consultants Limited	PA-P1	Support	<b>ADD</b> a definition or assessment criteria for 'practicality', including topography, cultural constraints, ecological sensitivity, or existing access provisions. This request is in context of PA-O1. <b>AMEND</b> PA-P1 to ensure the policy only applies post-subdivision, or with compensation mechanisms. <b>AND</b> any other relief that is consistent with and/or consequential to the submission	'Practical' is not defined, potentially leading to inconsistent or overly discretionary application by Council. The Proposed District Plan proposes mandatory setbacks from waterbodies to preserve future esplanade strips, even before subdivision occurs. This limits land use and development without compensation or subdivision taking place and could affect existing use rights and land value.	Reject	Topic 8: Policies

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284.20	New Zealand Defence Force	PA-P1	Amend	<p><b>AMEND</b> PA-P1 to specifically provide for public access restrictions where appropriate e.g., for health and safety reasons, or reasons which would conflict with defence activities / temporary military training activities.</p> <p><b>OR</b></p> <p><b>ADD</b> a new policy to the Public Access chapter which provides for public access to be excluded from areas for health and safety reasons, or reasons which would conflict with defence activities / temporary military training activities as follows:</p> <p><u>PA-P3 Restriction of public access</u>  <u>Only allow restriction of public walking access to, along and adjacent to the coastal marine area where the restriction is necessary to:</u>  <u>... [including any other reasons as necessary]</u></p> <p>a. <u>Protect public health or safety, or</u>  b. <u>Provide for temporary activities or special events, or</u>  c. <u>Provide for the safe and efficient operation of regionally significant infrastructure, or</u>  d. <u>Address other exceptional circumstances sufficient to justify the restriction.</u></p> <p>OR wording to similar effect AND any necessary further alternative consequential relief as necessary to give effect to the submission</p>	Public access may need to be restricted at times, such as during activities undertaken by NZDF.	Accept in part	Topic 2: Public Access Restrictions

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349.12	WS & R Smellie and McConaughy Family Trusts	PA-P1	Support	<b>RETAIN</b> PA-P1, particularly the emphasis on 'practical access'.	An EPA is identified around the submitter's property. Submitter supports the principle of public access around the coast but notes that the land at this location is quite steep and may not lend itself to public access in all forms. Therefore the emphasis on 'practical access' is supported.	Accept	Topic 8: Policies
212.15	BA & JK Paton Ltd	PA-P2	Amend	<b>ADD</b> a definition or assessment criteria for “practicality”, including topography, cultural constraints, ecological sensitivity, or existing access provisions in the context of PA-P2. <b>AMEND</b> to only apply PA-P2 post-subdivision or with compensation mechanisms. <b>AND</b> any other relief that is consistent with and/or consequential to the submission.	While PA-O2 and PA-P2 acknowledge the risks of public access on sensitive environments, the actual mechanisms to mitigate or restrict access in these areas are vague or missing.	Reject	Topic 2: Public Access Restrictions
304.95	Director General of Conservation	PA-P2	Amend	<b>AMEND</b> PA-P2 to give effect to Policies 13 and 15 of the New Zealand Coastal Policy Statement, and to recognise and provide for section 6(c) of the Resource Management Act. <b>AND</b> Any further or alternative relief to like effect to that sought.	PA-P2 fails to give effect to Policies and of the NZCPS regarding the avoidance of adverse effects on activities and natural character within the coastal environment. PA-P2 does not recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as per s6(c) Resource Management Act.	Accept	Topic 3: Managing adverse effects

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FS93.205	Royal Forest and Bird Protection Society of NZ		Support	<b>Allow</b>	The submission seeks to improve provisions and improve outcomes for indigenous biodiversity	Accept	Topic 3: Managing adverse effects
217.48	Cato Bolam Consultants Limited	PA-P2	Support	<b>ADD</b> a definition or assessment criteria for 'practically', including topography, cultural constraints, ecological sensitivity, or existing access provisions. <b>AMEND</b> PA-P2 so the policy only applies to post-subdivision or with compensation mechanisms. <b>AND</b> any other relief that is consistent with and/or consequential to the submission.	While PA-O2 and PA-P2 acknowledge the risks of public access on sensitive environments, the actual mechanisms to mitigate or restrict access in these areas are vague or missing.	Reject	Topic 2: Public Access Restrictions
70.3	James Barrett	New EPA	Oppose	<b>ADD</b> the following sites of significance to the Esplanade Priority Areas mapping Paerata Te Aotahi Waiotama Kirikopuni Mareikura Pukehuia AND Kaipara District Council to uphold Section 229 of the Resource Management act for the submitters requested new Site and Areas of Significance to Māori (see submission point 70.1) for all to enjoy.	Establishment of the listed sites as Esplanade Reserves in the Proposed District Plan will enable managed public access to these sites, providing opportunities to educate the community about the cultural and ecological significance of the Wairoa River and Tangiteroria's site of significance.	Reject	Topic 5: New EPAs