

## Appendix B: Officer's Recommended Amendments to Public Access

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

### PA – Public Access

#### Overview

Public and customary access to the coastal marine area and waterbodies helps to provide for the social, cultural, and recreational needs of people and communities. Access to the coast and waterbodies is important for the Kaipara District with two coastlines, the Kaipara Harbour, several prominent rivers and tributaries, and many lakes, streams, and rivers.

The RMA and the New Zealand Coastal Policy Statement 2010 (NZCPS) requires that the maintenance and enhancement of public access to the coastal marine area, and waterbodies is recognised and provided for as a matter of national importance. Policy 19(3) of the NZCPS sets out limited circumstances where restrictions on public walking access to, along or adjacent to the CMA can be imposed where necessary. For example, restrictions may be imposed to protect public health or safety or for temporary activities or special events.

There are several types of public access to the coastal marine area and waterbodies located throughout the Kaipara District. Through subdivision of land, opportunities for additional esplanade reserves or strips created adjacent to the coast, rivers, lakes, or streams, can increase public access across the Kaipara District. To assist in the creation and enhancement of public access, Esplanade Priority Areas identify key public access linkages in both residential and rural settings. These include key walkways, cycleways, and landlocked titles that may provide public access. The Esplanade Priority Areas are shown as overlays on the District Plan maps.

There are also opportunities for subdivision in the General rural zone to create public access through a reserve lot, which is incentivised by enabling an additional lot in the subdivision. When assessing subdivision applications, Council will consider the opportunity to acquire land for an esplanade reserve. The requirements for esplanade reserves will be implemented in accordance with Section 77 and Part 10 of the RMA and the relevant provisions for esplanade reserves in the Subdivision Chapter.

There is a risk that a potential esplanade reserve or strip might be compromised if it is built on prior to subdivision. To address this risk, the zone rules in Part 3 — Area Specific Matters include standards for buildings and structures to be setbacks from the coastal marine area and waterbodies to help ensure that a 20m wide esplanade free of buildings can be created when subdivision subsequently occurs. The effects of public access also need to be managed to protect the values of sensitive environments, such as Outstanding Natural Character Areas in the coastal environment.

#### Objectives

<b>PA-01</b>	<b>Public and customary access</b>
Public and customary access to and along the coastal marine area and waterbodies is maintained and enhanced for current and future generations.	
<b>PA-02</b>	<b>Adverse effects of public access</b>
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.	

## Policies

<b>PA-P1</b>	<b>Providing public and customary access</b>
<p>Protect, maintain and enhance public and customary access to and along the coastal marine area and waterbodies by:</p> <ol style="list-style-type: none"><li data-bbox="188 414 997 443">1. Encouraging public access by identifying Esplanade Priority Areas;</li><li data-bbox="188 448 1321 510">2. Ensuring subdivision provides public access to the coastal marine area and waterbodies in areas identified as Esplanade Priority Area and in other areas where it is practical to do so; and</li><li data-bbox="188 515 1230 566">3. Maintaining appropriate setbacks from public access along the coastal marine area and waterbodies.</li></ol>	

<b>PA-P2</b>	<b>Activities within public access corridors</b>
<p><u>1. Manage activities within public access corridors to <del>avoid</del> mitigate adverse effects on the values of:</u></p> <ol style="list-style-type: none"> <li><del>1. The Coastal Environment;</del></li> <li><del>2. High Natural Character Areas;</del></li> <li><del>3. a. Outstanding Natural Character Areas;</del></li> <li><del>4. b. Outstanding Natural Landscapes; and</del></li> <li><del>5. c. Outstanding Natural Features; and</del></li> <li><del>6. d. Sites and Areas of Significance to Māori.</del></li> </ol> <p><u>Manage activities within public access corridors to avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects on the values of:</u></p> <ol style="list-style-type: none"> <li><del>7. a. The Coastal Environment; and</del></li> <li><del>8. b. High Natural Character Areas</del></li> </ol>	

<b>PA-P3</b>	<b>Esplanade Priority Areas</b>
<p><u>Identify Esplanade Priority Areas to protect, maintain and enhance public and customary access to and along the coastal marine area and waterbodies where they:</u></p> <ol style="list-style-type: none"> <li><u>1. serve one or more of the purposes of esplanade reserves or esplanade strips set out in section 229 of the Resource Management Act 1991; and</u></li> <li><u>2. connect to an esplanade reserve or esplanade strip, or the open space network; or</u></li> <li><u>3. form part of a proposed or existing walking and cycling trail; or</u></li> <li><u>4. reconnect townships and other community settlements with a waterbody or the coastal marine area.</u></li> </ol>	

<b>PA-P4</b>	<b>Restriction of public access</b>
<p><u>Only impose a restriction on public walking access to, along or adjacent to the coastal marine area and waterbodies where such a restriction is necessary to:</u></p> <ol style="list-style-type: none"> <li><u>1. Protect threatened indigenous species; or</u></li> <li><u>2. Protect dunes, estuaries and other sensitive natural areas or habitats; or</u></li> <li><u>3. Protect sites and activities of cultural value to Māori; or</u></li> <li><u>4. Protect historic heritage; or</u></li> <li><u>5. Protect public health or safety; or</u></li> <li><u>6. Avoid or reduce conflict between public uses of the coastal marine area and its margins; or</u></li> <li><u>7. For temporary activities or special events; or</u></li> <li><u>8. For defence purposes in accordance with the Defence Act 1990; or</u></li> <li><u>9. Ensure a level of security consistent with the purpose of a resource consent; or</u></li> <li><u>10. In other exceptional circumstances sufficient to justify the restriction.</u></li> </ol> <p><u>Before imposing any restriction listed above, consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</u></p>	

## Rules

### Notes:

1. *There are no rules for public access contained within this chapter.*
2. *There may be rules in other Part 2 - District-wide matters that apply to public access activities, in addition to the rules of the Subdivision chapter.*
3. *Chapter for provisions relevant to public access, reserve lots and esplanade reserves, including SUB-S8 Esplanade Reserves and SUB-R5 Servicing Requirements.*