

Section 32 Report

Part 2

Public Access

Prepared for the
Proposed Kaipara District Plan

Prior to Notification

28 April 2025

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ABBREVIATIONS USED IN THIS REPORT

Coastal Marine Area	CMA
Kaipara District Council Operative District Plan	KDP
National Environmental Standards	NES
National Policy Statements	NPS
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Proposed Kaipara District Plan	PDP
Proposed Regional Plan	PRP
Resource Management Act 1991	RMA
Section 32 of the RMA	s32

1. INTRODUCTION

1.1 Overview

1. This report details the pre-notification evaluation undertaken by Kaipara District Council (**KDC**) in relation to Public Access for the Proposed Kaipara District Plan (**PDP**). The report has been prepared in accordance with the requirements of section 32 of the RMA (**s32**).
2. This report should be read in conjunction with the Section 32 Overview Report for the PDP which provides a detailed overview of the statutory context and the process to prepare the PDP.
3. The Proposed Public Access chapter is supported by the objectives, policies and rules in the Subdivision chapter of the PDP. A separate s32 report has been prepared for the Subdivision chapter.

1.2 Topic Description

4. The Resource Management Act 1991 (RMA) require Councils to recognise and provide for the maintenance and enhancement of public access to the coastal marine area (**CMA**), and lakes and rivers as a matter of national importance (section 6(d) of the RMA).
5. A key mechanism for providing public access is via esplanade reserves and esplanade strips created through the subdivision process. Esplanade reserves and esplanade strips can be created for a variety of purposes, including to enable public access to or along any sea, river, or lake (section 229,RMA).
6. Section 230 of the RMA requires that whenever a subdivision occurs adjoining the coast or a qualifying lake or river that creates lots smaller than 4ha, a 20m wide esplanade reserve or strip will be created along the coast, riverbank, or lake margin. Esplanade provisions should be based on the circumstances of the Kaipara District taking into account ecological and public access benefits.
7. Esplanade strips may be created at any time by agreement between the registered owner of the land and the local authority (i.e. are not limited to being created at the time of subdivision of land).
8. Access strips are another mechanism for creating public access to or along water bodies or public land. They can be established at any time by agreement between the landowner and Council to acquire an easement over land (section 237B, RMA).
9. Historically, there have been inconsistent approaches to establishing public access as part of subdivisions across the Kaipara District. This inconsistent approach means public access to and along the coastal marine area, lakes and rivers is not always provided where it is appropriate for the public to have access.
10. Currently, the Operative Kaipara District Plan (**KDP**) sets objectives, policies and rules for public access in each zone chapter but does not set any overarching direction or priorities for creating public access (such as Esplanade Priority Areas). The KDP provisions generally support public access through the

creation of esplanade reserves when subdivision is undertaken on land adjoining the coast, rivers and lakes.

11. The provisions of the KDP generally require esplanade reserves of 20m in width for allotments of 4ha or less where an allotment on land adjoining the sea, rivers and lakes (with exceptions for a range of activities such as minor boundary adjustments, road designations or network utility uses). The KDP only requires esplanade reserves of 20m in width for proposed allotments over 4ha in specific circumstances, including where for example, public access to the water is currently available or likely in the future. This approach limits Councils ability to require esplanade reserves on proposed subdivisions over 4ha, which cumulatively has resulted in less opportunities for public access to water where larger scale subdivision has taken place across the District.

2. Statutory context

12. Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statements (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards, and the relevant Regional Policy Statement (**RPS**). The sections below provide an overview of provisions in higher order planning instruments directly relevant to the Public Access chapter.

National Planning Standards

13. Section 75(3)(ba) of the RMA requires that district plans give effect to the National Planning Standards. The purpose of the National Planning Standards is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The first set of National Planning Standards were gazetted in April 2019 and requires the provisions for Public Access to be located in a standalone chapter in Part 2 – District Wide Matters, Natural Environment Values of the PDP.

National Policy Statements

14. Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The NZCPS guides councils in their day-to-day management of the coastal environment and is relevant to the Public Access chapter of the PDP.
15. The key provisions of the NZCPS that are to be given effect to by the Public Access chapter are:
 - a. Policy 4 – Maintain and enhance public open space qualities and recreation opportunities
 - b. Policy 18 - Public open space
 - c. Policy 19 - Walking access.
16. In summary, these NZCPS policies require the PDP to:

- a. Provide for the integrated management of activities that affect the coastal environment and in particular where the public use and enjoyment of public space in the coastal environment is affected
- b. Recognise the important role that esplanade reserves and strips can have in contributing to meeting public open space needs in the coastal environment.
- c. Maintain and enhance public access in the coastal environment.

Regional policy statement for Northland

17. Section 75(3)(c) of the RMA requires district plans to 'give effect' to any RPS. The Northland RPS (**NRPS**) was made fully operative on 14 June 2018. The following provisions of the NRPS are directly relevant to the Public Access chapter:
 - a. Objective 3.11: Regional form
 - b. Objective 3.15: Active management
 - c. Policy 4.7.1 Promote active management
 - d. Policy 5.1.1: Planned and coordinate development
 - e. Policy 5.1.2: Development in the coastal environment
 - f. Method 5.1.5: Statutory plans and strategies.
18. In summary, these NRPS objective and policies and the implementation method require the Public Access provisions of the PDP to maintain and improve public access to and along the CMA.

Iwi and Hapū Management Plans

19. When preparing and changing district plans, section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an Iwi Authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District. At present there are two Iwi planning documents accepted by Council, being:
 - a. Te Uri o Hau Kaitiakitanga o Te Taiao 2011; and,
 - b. Nga Ture mo Te Taiao o Te Roroa 2019.
20. The key issues in the two Iwi and Hapū management plans particularly relevant to the Public Access chapter are:
 - a. Providing access to sites and places for cultural purposes is provided through appropriate mechanisms e.g. legal agreement, condition of consent
 - b. Providing access to cultural redress properties (where there is no or limited current access)

- c. Adverse effects of providing public access on important sites and resources (for example, public access can increase fire risk to plantation forestry)

2.1 Scale and Significance of the Effects

21. The s32 evaluation must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. In order to determine the scale and significance, the following criteria have been used:

TABLE 1: ASSESSMENT OF SCALE AND SIGNIFICANCE OF EFFECTS		
Criteria	Summary of effects	Evaluation (1 is low and 5 is high)
Reason for change	<p>The Public Access chapter is being changed as part of the comprehensive ten-year review of the KDP.</p> <p>The National Planning Standards require the provisions for Public Access to be located in a standalone chapter in Part 2 – District Wide Matters, Natural Environment Values of the PDP.</p> <p>Councils are also required to ensure public access to and along the coast, lakes and rivers as a matter of national importance (s6 of the RMA). The NZCPS provisions also require the maintenance and enhancement of public access to the coastal environment.</p>	2
Degree of shift from status quo	<p>The KDP currently manages Public Access through various provisions found throughout multiple chapters. This complexity is ineffective and the lack of identifying key access linkages does not assist Council maintaining, enhancing or creating more public access.</p> <p>The Public Access Chapter proposes a new management regime by managing public access through a standalone</p>	3

	<p>chapter in accordance with the National Planning Standards.</p> <p>This approach will contribute positively to recreation, cultural, and amenity values.</p>	
Who and how many will be affected, geographic scale of effects	<p>The proposed provisions for Public Access are localised to public access areas and Esplanade Priority Areas.</p> <p>Landowners with land identified as Esplanade Priority Areas will only be affected should they choose to subdivide these areas.</p>	2
Degree of impact on or interest from Maori	<p>There is a high level of interest from Iwi Authorities regarding public access with most comments relating to the need for balance between creating more public access for customary purposes and restricting public access to protect wāhi tapu.</p>	3
Timing and duration of effects	<p>The effects of the absence of public access is ongoing into the future.</p>	2
Type of effect:	<p>Creating public access has positive social and environmental effects. More public access allowing for a greater variety of opportunities to access rivers, lakes and the coastal marine area – providing more recreational and cultural opportunities and enabling restoration and kaitiaki opportunities.</p> <p>Public access can result in adverse effects on the conservation values of an environment where public access results in environmental degradation and can cause adverse amenity effects on sensitive environments such as outstanding landscapes.</p>	2
Degree of risk or uncertainty:	<p>The degree of risk and uncertainty based on the proposed changes is minor. There are greater risks associated with</p>	1

	maintaining the current status quo under the KDC where priority areas for esplanades are not identified and where it is more challenging for Council to secure esplanade reserves and strips on subdivisions over 4ha.	
Total (out of 35):		16

22. Overall, the scale and significance of the effects anticipated from the provisions in the Public Access chapter as assessed as being low-moderate. Accordingly, the level of detail in this evaluation report is appropriate for the level of effects anticipated.

3. Summary of Advice Received from Iwi

23. Section 32(4A) requires evaluation reports to summarise all advice concerning the proposal received from iwi authorities under Clauses 3(1)(d) and 4A of Schedule 1 of the RMA. The s32 evaluation reports must summarise the response to the advice received, including any provisions of the proposal that are intended to give effect to the advice. Table 2 below summarises the consultation undertaken and advice received from iwi authorities in relation to Public Access.

TABLE 2: SUMMARY OF ADVICE RECEIVED FROM IWI		
Details of the consultation process	Summary of advice concerning the proposal received from iwi authorities	Summary of the response to the advice received
Mana Whenua Quarterly Hui 2021- 2022	The general advice received emphasised the need to provide for access for Mana Whenua to customary areas and sites of significance while also restricting access where necessary.	The updated objectives of the Public Access chapter will ensure customary access to and along the CMA is maintained and enhanced for current and future generations and that any adverse effects from public access on historical heritage including sites and areas of significance to Māori are mitigated.

<p>Discussion Document engagement 2021</p>	<p>Te Uri o Hau Settlement Trust provided the following feedback relating to public access.</p> <ul style="list-style-type: none"> • Provide appropriate access so kaitiakitanga may be undertaken. • Access to significant maunga, wahi tapu, and customary resources is important, but this needs to be balanced with the need to protect these areas. <p>Te Runanga o Ngāti Whātua provided the following feedback on Public Access:</p> <ul style="list-style-type: none"> • that iwi manawhenua kaitiaki rights to protect Papatūānuku may be marginalised by the concept of greater public access over wāhi tapu and other sites of cultural significance. • Council should work in partnership with local iwi to co-manage these strips while ownership remains with iwi. Refer Ngāti Whātua Ōrākei and Okahu Bay. 	<p>Customary access has been provided for throughout the policies.</p> <p>PA-P1 and PA-P2 (from the Exposure Draft District Plan) have been combined in accordance with feedback from Te Uri o Hau and Te Roroa. PA-P2 recognises Sites of Significance to Māori</p>
<p>Exposure Draft District Plan engagement 2022</p>	<p>The joint feedback from Te Uri o Hau Settlement Trust and Te Roroa Whatu Ora Trust provided the following advice on the proposed Public Access chapter:</p>	

	<ul style="list-style-type: none"> • The entire plan needs to be reviewed with the aim of simplifying the language, reducing jargon, reducing complexity, and writing in an active voice. • The chapter needs to recognise and provide customary access to and along the Customary Marine Area and waterbodies. • The chapter needs to recognise sites of significance to Māori. • PA-02 – This objective needs to clarify whether public access is more or less important in sensitive environments. • Sensitive environments should include sites of significance to Māori. • There needs to be a policy that provides for the protection of areas where customary activities are undertaken, and sites of significance to Tangata Whenua / Mana Whenua. • PA-P1 and PA-P2 should be combined to simplify chapter while achieving the same outcome. 	
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	<ul style="list-style-type: none"> PA-P3 needs to recognise sites of significance. 	
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4. Evaluation of Objectives

4.1 Appropriateness in Terms of Purpose of RMA

24. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in the PDP is the most appropriate way to achieve the purpose of the RMA.

25. Table 3 contains the objectives proposed for Public Access:

TABLE 3: S32 ASSESSMENT OF PROPOSED Public Access OBJECTIVES	
Proposed Public Access Objectives	
PA-01 Public and customary access.	
Public and customary access to and along the coastal marine area, riparian margins, and waterbodies is maintained and enhanced for current and future generations.	
PA-02 Adverse effects of public access	
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.	

Part 2 of the RMA outlines the purpose and principles of the RMA, and Table 4 identifies the relevant sections of Part 2 of the RMA for each of the objectives in Public Access.

		TABLE 4: RELEVANCE OF PROPOSED Public Access OBJECTIVES WITH PART 2 OF THE RMA	
		Proposed Public Access Objectives	
		PA-01	PA-02
RMA Part 2 Sections	5(2)	✓	✓
	5(2)(a)	✓	
	5(2)(c)		✓
	6(b)		✓
	6(d)	✓	
	6(e)	✓	✓
	6(f)		✓
	6(g)	✓	

	7(a)	✓	✓
	7(b)	✓	
	8	✓	✓

Section 5 RMA

26. The proposed provisions aim to provide for the sustainable management of natural and physical resources while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations in accordance with s5(2)(a).
27. Objective PA-O1 seeks to maintain and enhance public and customary access to and along the CMA and waterbodies for current and future generations in accordance with S5(2)(a).

Section 6 RMA

28. The following section 6 matters of national importance are relevant to the Public Access objectives:
 - a. Section 6(d) - The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
 - b. Section 6(e) - The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.
 - c. Section 6(g) the protection of protected customary rights.
29. Objective PA-O1 seeks to maintain and enhance public access to and along the CMA and waterbodies in accordance with s6(d) of the RMA.
30. Objective PA-O2 will help to ensure Sites and Areas of Significance to Māori are protected by requiring that public access does not affect the values of these sensitive areas. This objective supports the relationship of Māori and their culture with water and sites of significance such as waahi tapu and other taonga sites in accordance with s6(e) of the RMA.
31. Objective PA-O1 will ensure the customary access rights of Tangata Whenua/Mana Whenua to the coast and waterbodies throughout the Kaipara District is maintained and enhanced in accordance with s6(g) of the RMA.

Section 7 RMA

32. The following Section 7 'other matters' are relevant to the Public Access objectives:
 - a. Section (a) – Kaitiakitanga.

b. Section (b) - The efficient use and development of natural and physical resources.

33. Objective PA-O1 directly address this issue by ensuring the customary access rights of Tangata Whenua/Mana Whenua to the CMA and waterbodies throughout the Kaipara District are maintained and enhanced in accordance with s7(a) of the RMA.
34. Maintaining and enabling greater opportunities for public access to water plays an important role in bringing together Kaipara's communities through the ability to access water for social, cultural and recreational use. Objective PA-O1 supports this outcome by maintaining and enhancing public access to and along the CMA and waterbodies throughout the District by ensuring land adjacent to water is efficiently used for public access opportunities in accordance with s7(b) of the RMA.

Section 8 RMA

35. The objectives align with and help give effect to Section 8 of the RMA, which requires the principles of Te Tiriti o Waitangi to be taken into account. The principles of the Treaty of Waitangi were taken into account during preparation of the chapter and feedback received from iwi authorities was incorporated into the Public Access chapter where possible. Objective PA-O1 will ensure the customary access rights of Tangata Whenua/Mana Whenua to the CMA and waterbodies throughout the District are maintained and enhanced and Objective-O2 will manage effects on Sites and Areas of Significance to Māori by requiring that public access does not adversely affect the values of these areas.

4.2 Conclusion - objectives

36. Based on this assessment of the proposed Public Access objectives against the relevant matters in Part 2 of the RMA, it is considered that they are the most appropriate way to achieve the purpose of the RMA.

5. Evaluation of the Provisions

5.1 Introduction

37. S32(1)(b) of the RMA requires the evaluation report to examine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by:
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions*
38. As outlined above, the Public Access chapter propose two objectives. The next step of the evaluation is to assess whether the proposed provisions are the most appropriate way to achieve those objectives in accordance with s32(1)(b) of the RMA set out above. In accordance with Section 32(2) of the RMA, the assessment of efficiency and effectiveness of the provisions must include an

assessment of the costs and benefits of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where there is insufficient or uncertain information on the provisions must also be considered.

39. The following sections of this evaluation report provide an overview of the reasonably practicable options to achieve the objectives, followed by an assessment of the efficiency and effectiveness of the preferred provisions in achieving the objectives.

5.2 Reasonably practicable options

40. To identify other reasonably practicable options, the Council has undertaken the following:
 - a. A stocktake of all esplanade reserves, esplanade strips and access strips to understand where public access already exists in the District. From this exercise, Council identified key linkages to the CMA, rivers and lakes as Esplanade Priority Areas
 - b. Reviewed other relevant district plan provisions on public access and esplanade reserves and strips
 - c. Sought feedback from Councils parks and reserves team
 - d. Collated feedback from community consultation and consultation with key stakeholders such as local iwi.
41. The following broad options have been identified and assessed with regard to Public Access:
 - a. **Option 1 – Status Quo:** Manage public access through various provisions throughout multiple chapters without identifying key linkages.
 - b. **Option 2 – The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.**
 - i. The proposed Public Access chapter is included as a standalone chapter in Part 2 – District Wide Matters, Natural Environment Values of the PDP in accordance with the requirements of the National Planning Standards.
 - ii. The proposed provisions in the Public Access Chapter and Subdivision Chapter result in the following key changes for public access and the creation of esplanade reserves and strips from the status quo in the KDP:
 1. The Public Access Chapter proposes a new management regime by managing public access through a discrete chapter in accordance with the National Planning Standards.

2. The Subdivision chapter of the PDP provides an objective for esplanade reserves, policies for recreation and public access and esplanade reserves and rules for the creation of esplanade reserves.
3. Esplanade Priority Areas apply a consistent approach to creating more public access in the PDP and are included on the Planning Maps. Esplanade Priority Areas identify key linkages in both residential and rural settings, key walkways, cycleways on planning maps, and landlocked titles that may provide Public Access. The Public Access and Subdivision chapters provide a policy and rule framework to support greater public access in Esplanade Priority Areas of the PDP.
4. Requires esplanade reserves, esplanade strips or access strips along the CMA and water bodies for subdivision development where they provide additional public access to promote recreational values, protect or enhance landscape values, assist with the mitigation of natural hazard risks and promote the protection or access to historical heritage or sites and areas of significance to Māori.

In summary this option proposes the following **public access** policies:

- Protect, maintain and enhance public and customary access to and along the CMA and waterbodies by:
 - Encouraging access to public spaces in Esplanade Priority Areas
 - Ensuring subdivision in Esplanade Priority Areas provides access to the CMA and water bodies where practical to do so
 - Maintaining appropriate setbacks from public access along the CMA and waterbodies.
 - Manage activities in public access corridors to mitigate adverse effects on the values of Coastal Environment, High Natural Character Areas, Outstanding Natural Character Areas, Outstanding Natural Landscapes, Outstanding Natural Features and Sites and Areas of Significance to Māori (Policy PA-P2)
42. The preferred option is Option 2 because it will give effect to the National Planning Standards and provide a clearer policy framework, including objectives and policies to support public access to the CMA and waterbodies across the District through the provision of esplanade reserves and strips. The policy framework of the Public Access chapter is supported by the Subdivision chapter which sets out subdivision policies and rules that support the creation of esplanade reserves in accordance with the requirements of the RMA. The policy provisions and rules provide an efficient way of ensuring that public and customary access is appropriately supported and enabled by the PDP. The proposed policy

provisions and rules ensure any adverse effects from public access on the values of specific sensitive environments are mitigated.

43. Option 1 is not further evaluated because it does not appropriately give effect to higher order policy direction and nor is it consistent with the direction of the National Planning Standards.

5.3 Evaluation of preferred option

44. Table 5 summarises the provisions Cascade for preferred option to be evaluated in Table 6.

Provisions Cascade for preferred option to be evaluated in Table 6 below:

Table 5: Preferred option to be evaluated	
Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.	PA-O1 Public and customary access. Public and customary access to and along the coastal marine area and water bodies is maintained and enhanced for current and future generations.
	PA-P1 Providing public and customary access Protect, maintain and enhance public and customary access to and along the coastal marine area and water bodies by: <ol style="list-style-type: none"> 1. Encouraging public access by identifying Esplanade Priority Areas; 2. Ensuring subdivision provides public access to the coastal marine area and water bodies in areas identified as Esplanade Priority Area and in other areas where it is practical to do so; and 3. Maintaining appropriate setbacks from public access along the coastal marine area and water bodies.

	<p>PA-O2 Adverse effects of public access</p> <p>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.</p>
	<p>PA-P2 Activities within public access corridor</p> <p>Manage activities within public access corridors to mitigate adverse effects on the values of:</p> <ol style="list-style-type: none"> 1. The Coastal Environment; 2. High Natural Character Areas; 3. Outstanding Natural Character Areas; 4. Outstanding Natural Landscapes; 5. Outstanding Natural Features ; and 6. Sites and Areas of Significance to Māori.

45. In accordance with S32(2) (a-c) of the RMA, the below table identifies and assesses the benefits and costs, certainty and sufficiency of information supporting the provisions and any risk of acting if information is uncertain or insufficient. The table also provides an assessment of the efficiency and effectiveness of the provisions to achieve the objectives of the Public Access chapter in accordance with s32(1)(b)(ii) of the RMA. **TABLE 6:**

EVALUATION OF PROVISIONS

Option(s) & Package of Proposed Provisions	Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.
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Benefits	<p>Economic:</p> <ul style="list-style-type: none"> Public access enhances the District's towns and communities, by enabling more visitors (tourism) as well as increasing access to remote parts of the district which can have recreational value. Local communities may benefit from increased visitors and tourists to these areas, for example coastal communities across Kaipara where people want to come and explore. This has consequential flow on effects for accommodation, hospitality, services and retail businesses across the District. The provisions enable a simplified approach for managing public and customary access to the CMA and waterbodies which should help simplify plan interpretation and reduce the time and costs associated with resource consent applications for both applicants and Council. <p>Social:</p> <ul style="list-style-type: none"> Additional public access across the District has significant social benefits for people to experience recreational activities within the District. Public access provides for people to undertake many different activities such as boating, fishing, walking, tramping, cycling, running or simply just relaxing. Provides for the protection of amenity values for the community associated with the provision of access to coastal areas and waterbodies. <p>Environmental:</p>
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45. In accordance with S32(2) (a-c) of the RMA, the below table identifies and assesses the benefits and costs, certainty and sufficiency of information supporting the provisions and any risk of acting if information is uncertain or insufficient. The table also provides an assessment of the efficiency and effectiveness of the provisions to achieve the objectives of the Public Access chapter in accordance with s32(1)(b)(ii) of the RMA. **TABLE 6: EVALUATION OF PROVISIONS**

Option(s) & of Package Proposed Provisions	Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.
	<ul style="list-style-type: none"> Ensures development is setback from the CMA and waterways which increases the built environment's resilience to natural hazards and will enable more esplanade reserves and strips throughout the district. Will enable a network of public access through Esplanade Priority Areas and requiring esplanade reserves, esplanade strips or access strips along the CMA and water bodies where they protect or enhance landscape values. Will manage and mitigate any adverse effects from public access corridors on 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 <p>Cultural:</p> <ul style="list-style-type: none"> Public access can have positive benefits on customary activities by providing access to waterbodies to enable Māori to exercise kaitiakitanga of lakes, rivers and the CMA. In many areas this means that kai moana can be collected and in some cases, may provide access to wahi tapu sites or areas that are of cultural significance to Māori.

45. In accordance with S32(2) (a-c) of the RMA, the below table identifies and assesses the benefits and costs, certainty and sufficiency of information supporting the provisions and any risk of acting if information is uncertain or insufficient. The table also provides an assessment of the efficiency and effectiveness of the provisions to achieve the objectives of the Public Access chapter in accordance with s32(1)(b)(ii) of the RMA. **TABLE 6:**

EVALUATION OF PROVISIONS

Option(s) & of Package Proposed Provisions	Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.
	<ul style="list-style-type: none"> Public access can provide access to Māori owned land that has no or limited access. The provisions will ensure adverse effects on cultural values are mitigated through ensuring customary access to the coast and mitigating against any adverse effects from public access on Sites of Significance to Tangata Whenua/Mana Whenua.

Costs	<p>Economic:</p> <ul style="list-style-type: none"> • May result in increased resource consenting costs on applicants due to greater requirements to provide esplanade reserves and strips than the current status quo under the KDP. • Opportunity cost to landowners of giving up land for esplanade reserves and strips. • May result in increased time and costs to Council assessing and processing resource consent applications where esplanade reserves and strips are now required by the provisions compared to the current status quo under the KDP. • Increased costs to Council associated with the maintenance of esplanade reserves. • Commercialisation of some areas may have consequential adverse economic impacts. For example, more tourism and visitors means more expectation for Council to maintain these areas and increased growth demands depending on how desirable the area is to live by. Compensation is payable by council where esplanades are created for lots larger than 4ha. <p>Social:</p> <ul style="list-style-type: none"> • May result in reduced privacy for properties that directly adjoin the coastal marine area and identified waterbodies. • If public access is not carefully managed, crime and undesirable activities can occur in these public places. If areas are popular, more people can mean that these places become less attractive socially if overcrowded. Other behaviours such as littering also have adverse effects on amenity values as well as require more Council maintenance. <p>Environmental:</p> <ul style="list-style-type: none"> • Public access areas can easily become degraded and damaged if no care is taken to maintain or enhance these areas. This could be from litter or ecological degradation from lack of care or overuse of these areas.
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45. In accordance with S32(2) (a-c) of the RMA, the below table identifies and assesses the benefits and costs, certainty and sufficiency of information supporting the provisions and any risk of acting if information is uncertain or insufficient. The table also provides an assessment of the efficiency and effectiveness of the provisions to achieve the objectives of the Public Access chapter in accordance with s32(1)(b)(ii) of the RMA. **TABLE 6:**

EVALUATION OF PROVISIONS

Option(s) & of Package Proposed Provisions	Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.
	Cultural: These provisions will enable better access to cultural sites across the district..
Opportunities for economic growth	Local communities may benefit from increased visitors and tourists to areas with increased public access and this may result in minor economic benefits to the district in these areas. Overall it is anticipated the provisions are not likely to result in any material economic growth opportunities.
Opportunities for employment	Overall, it is anticipated the provisions are not likely to result in any material employment opportunities.
Certainty and sufficiency of information	Not applicable as there is certain and sufficient information.
Risk of acting or not acting if there is uncertainty or insufficient information.	The degree of risk and uncertainty is low as there is now sufficient information using GIS maps to identify where Kaipara's greatest needs are for public access and these areas have been identified as Esplanade Priority Areas.

45. In accordance with S32(2) (a-c) of the RMA, the below table identifies and assesses the benefits and costs, certainty and sufficiency of information supporting the provisions and any risk of acting if information is uncertain or insufficient. The table also provides an assessment of the efficiency and effectiveness of the provisions to achieve the objectives of the Public Access chapter in accordance with s32(1)(b)(ii) of the RMA. **TABLE 6:**

EVALUATION OF PROVISIONS

Option(s) & Package of Proposed Provisions	Option 2: The proposed Public Access Chapter, supported by Objectives, Policies and rules for Esplanade reserves in the Subdivision chapter of the PDP.
Effectiveness in achieving the objective(s)	Option 2 is considered to be the most effective option in terms of achieving the objectives (PA-O1 and PA-O2) which aims to provide and enhance public and customary access for current and future generations to benefit from and utilise as well as protection of sensitive environments. By providing for new areas of public and customary access across the Kaipara District, it is considered that both the policy and rules provide an effective way of achieving the outcomes sought to be achieved by the objectives.
Efficiency in achieving the objective(s)	Option 2 is considered to be the most efficient way of achieving the objective (PA-O1 and PA-O2) by providing for esplanade reserves through the proposed subdivision provisions, which reflect the requirements of the RMA. The provisions provide an efficient way of ensuring that the quality of public and customary access is appropriate and positively contributes to areas of development. The proposed provisions also ensure that sensitive environments are carefully considered when new areas of public access are obtained.

5.4 Reasons for deciding on the provisions

46. The proposed provisions in the Public Access chapter are the most appropriate way to achieve the objectives. They provide for the taking of esplanade reserves and esplanade strips on subdivision by Council. The identification of Esplanade Priority Areas allows Council to fulfil its statutory functions in the most effective manner by not only providing for increased public access but also ensuring they are created pragmatically by connecting to other public access routes. The social, cultural and environmental benefits of developing public access will outweigh any costs to the Council and landowners. While the provisions recognise the benefits of increased public access they also provide for the protections of sensitive environments where increased land use may not be appropriate.
47. The proposed provisions are the most efficient and effective means of achieving the objective as:
- The proposed provisions give effect to Part 2 of the RMA as well as the other applicable higher order documents including the NZCPS and NRPS which promote public and customary access. The proposed format of the chapter also complies with National Planning Standards.
 - The proposed policies and rules provide a pathway for Council to obtain additional public and customary access in Esplanade Priority Areas. The proposed provisions also set a clear expectation as to the quality of these areas to ensure they are “fit for purpose” and can be utilised by the public.
 - Esplanade Priority Areas are a new tool for Kaipara District Council to identify areas that would add significant value to the public access network along the coast, rivers, lakes and streams.
 - Identifying Esplanade Priority Areas in high growth towns/villages will encourage development to be focused around these areas of public access. Gradually, the increase in public access will promote additional development and employment opportunities enhancing social and recreational values. Current examples of this are the Kaihu Valley Trail as well as many examples from neighbouring Council’s who are promoting their blue/green infrastructure (i.e. Whangarei town basin).
 - Overall, the proposed provisions enable the Council to fulfil its statutory obligations, including section 31 of the RMA and gives effect to the relevant Part 2 Matters. The proposed provisions also enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

6. CONCLUSION

48. Pursuant to s32 of the RMA, the proposed Public Access objectives have been analysed against Part 2 of the RMA and are the most appropriate way to achieve the purpose of the RMA.

49. The proposed provisions have been compared against reasonably practicable options. The proposed provisions are the most appropriate means of achieving the proposed objectives.