

# 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).**

## 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 appropriate<sup>1</sup>. Council will consider the effects of climate change, including sea-level rise and risks of natural hazards when making decisions<sup>2</sup>.

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 assists with the management of natural hazards, and 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"> <li>managing land use and subdivision in a manner that is consistent with the values of the surrounding environment;</li> <li>requiring subdivision activities to provide esplanade reserves <u>or esplanade strips</u><sup>3</sup> along the coastal marine area and waterbodies; and</li> <li>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.</li> </ol>
PA-P2	Require the creation of esplanade reserves <u>or esplanade strips</u> <sup>4</sup> to and along the coastal marine area and waterbodies when considering an application for subdivision where it: <ol style="list-style-type: none"> <li>protects, maintains or enhances existing ecological and/or natural values;</li> <li>protects, maintains or enhances the landscape values;</li> <li>protects, maintains or enhances public access;</li> <li>enables public recreation;</li> <li>provides connectivity between esplanade reserves, esplanade strips, access strips and other public places;</li> <li>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><sup>5</sup>; or</li> </ol>

<sup>1</sup> Submission S98.002-004 (consequential amendment)

<sup>2</sup> Submission S98.002-004 (consequential amendment)

<sup>3</sup> Submission S98.001

<sup>4</sup> Submission S98.002

<sup>5</sup> Submission S559.041

	g. does not increase the risk of natural hazards and assists in the mitigation of existing risks associated with natural hazards.
<b>PA-P3</b>	<p>Only allow<sup>6</sup> <del>Allow</del> a waiver of any the requirement for<sup>7</sup>, or a reduction in the required width of an esplanade reserve or esplanade strip<sup>8</sup> in circumstances<sup>9</sup> where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li><del>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;</del></li> <li>providing access will be detrimental to land and water-based habitats of indigenous flora and fauna within, and adjoining the margin;</li> <li>providing access will be detrimental to any historic heritage place or site and area of significance to Māori;</li> <li>it would protect the stability, performance, maintenance and operation of essential structures and infrastructure; or</li> <li>restrictions on public access are necessary to ensure public health and safety.</li> </ol>
<b>PA-P4</b>	<p>Provide for appropriate public access to and along the coastal marine area and waterbodies at the time of subdivision where the development:</p> <ol style="list-style-type: none"> <li>is adjoining the coastal marine area, an existing esplanade reserve or an esplanade strip; or</li> <li>has potential to contribute to connectivity or contiguous access to the coastal marine areas, waterbodies or public places, and</li> <li>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.</li> </ol>
<b>PA-P5</b>	<p>Encourage the voluntary creation of esplanade reserves or esplanade strips<sup>10</sup> for land use activities where it:</p> <ol style="list-style-type: none"> <li>protects, maintains or enhances existing ecological and/or natural values;</li> <li>protects, maintains or enhances the landscape values;</li> <li>protects, maintains or enhances public access;</li> <li>enables public recreation;</li> <li>provides connectivity between esplanade reserves, esplanade strips, access strips and other public places;</li> <li>provides for access to or the protection of the values of historic heritage or sites and areas of significance to Māori; or</li> <li>does not increase the risk of natural hazards and assists in the mitigation of existing risks associated with natural hazards.</li> </ol>

## Rules

### Notes:

- There are no rules for public access contained within this chapter.
- The activities to improve public access are enabled through zone rules for conservation activity in Part 2 - Area Specific Matters.
- The rules and standards relating to subdivision and the creation of esplanade reserves are located in the Subdivision chapter of the Plan.

### 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"> <li>The line of MHWS;</li> <li>The bank of a river whose bed has an average width of 3m or more; or</li> <li>A lake that is larger than 8 ha in size.</li> </ol> <p>An esplanade reserve or esplanade strip<sup>11</sup> must be provided with a</p>	<p>Activity status when compliance is not achieved: Discretionary</p>

<sup>6</sup> Submission S271.020 and others

<sup>7</sup> Submission S271.020 and others

<sup>8</sup> Submission S98.003

<sup>9</sup> Submission S271.020 and others

<sup>10</sup> Submission S98.004

<sup>11</sup> Submission S98.003

minimum width of 20m, in accordance with section 230 of the RMA.