

## Public Access

### Issues

- The need to ensure that public access to and along the Coastal Marine Area (CMA), rivers and lakes is provided when development occurs
- Recognition that esplanade reserves have a range of purposes and public access is only one of these purposes, and that if esplanade reserves/strips are used as the primary means of gaining public access, they are only available at the time of subdivision and therefore will not incorporate large scale changes in land use that do not occur under a subdivision consent
- Recognition in the District Plan provisions of the importance of providing Ngāi Tahu access
- Ensuring that policies reflect the circumstances where public access to and along the CMA and rivers and lakes may need to be limited/restricted
- Consideration of the extent to which the District Plan should manage vehicle access to beaches and riverbeds, or whether this is already managed via other means e.g. bylaws.

### Operative District Plan Approach

The objectives seek that present rights of public access are retained and enhanced; that provision is made for additional access opportunities; and public recreational access to the Port is provided for while maintaining public safety. Supporting policies seek to, amongst other matters, promote and enhance opportunities for public access and recreational use of the margins of rivers, wetlands, and coastal areas where compatible with the conservation values of these areas; and to use esplanade reserves, esplanade strips and access strips to provide public access to waterbodies and to other areas of natural cultural or heritage value.

There are no rules that relate specifically to public access in its own right, but this is achieved via esplanade reserves, esplanade strips, and access strips that are created during the subdivision of land.

### Proposed Plan Approach

The approach builds on the operative Plan provisions. It is proposed to incorporate policy that supports the taking of esplanade strips/reserves through subdivision and in addition provide for the provision of public access at the time of undertaking or consenting large land use developments.

One rule is proposed in this chapter to focus on requiring public access to be provided along waterbodies and the CMA at the time of undertaking large land use development. The intent of this approach is to recognize that large scale land use change can occur without subdivision and that there is a need to gain public access outside the subdivision process.

Other public access will be managed through the Subdivision chapter.

### Changes

One rule that applies in all zones, when a large land use development is proposed adjacent to the coast or listed waterbodies, public access provision is required as a controlled activity.

This rule relates to public access to be provided at time of:

- Development of more than five residential units/residential allotments in General residential zone.
- Development of a site with area more than 5,000m<sup>2</sup> in industrial or commercial areas and requires a discretionary or non-complying consent.
- Any activity requiring consent as discretionary or non-complying in other zones.

When public access is not proposed to be provided, consent is required for a discretionary activity.

### Reasons

Councils are required to ensure public access to and along the coast, lakes and rivers as a matter of national importance under the RMA (section 6). The NZ Coastal Policy Statement provisions require the maintenance and enhancement of public access to the coastal environment.

### What it Means in Practice

The continuation of the existing approach that will be enhanced by the taking of esplanade reserves and strips at the time of undertaking large scale development in specific locations. The combined approach will contribute positively to recreation and amenity values which are valued by the community.