

Good afternoon commissioners,

My name is Bryony Steven, I am a Graduate Planner in the Development Planning Unit at the Waimakariri District Council. I prepared the s42A report on the Public Access chapter and I can confirm that I have read all the submissions, further submissions, submitter evidence and higher order policies. As the reporting planner I understand that my role in this hearing is to be of assistance to the Hearing Panel.

I confirm to the Panel that Variation 1 to the Proposed Plan does not affect the Public Access chapter and no part of Variation 1 is addressed within the Public Access s42A report.

I also note that there are other mechanisms that provide for public access that site outside of the Proposed District Plan. The Public Access chapter in the Proposed Plan provides a framework to provide for access which is primarily achieved through the creation of esplanade reserves and esplanade strips on subdivision consent applications.

By way of introduction to the Public Access topic, I would like to provide you with an overview of the s32 report, the submissions received, the s42A report and my recommendations in that report. Then I will go through the questions from the hearing panel and my preliminary written responses. After which, I will be happy to take questions on the S42A report.

### **S32 report**

I will start by taking you through the key points in the section 32 report for public access.

Section 3 of the section 32 Report establishes the statutory and policy context for public access which includes the RMA, NZCPS and the Canterbury Regional Policy Statement.

The Operative District Plan provides for public access with provisions in the Water chapter and the Coastal Environment chapter.

As per the National Planning Standards, the Proposed Plan has a dedicated public access chapter. Provisions for public access are also found in other relevant chapters in the Proposed Plan.

### **Key resource management issues**

In section 4 of the section 32 report, the key resource management issues for public access are identified.

Issue 1 is the potential for public access to the coastal marine area and alongside water bodies to be compromised from inappropriate subdivision, use or development.

Issue 2 is the potential for adverse effects from public access on natural character, indigenous biodiversity, cultural values, health and safety, and private property rights.

### **PA provisions**

Appendix two of the section 32 report outlines the public access provisions in the proposed plan.

The public access chapter has one objective and three policies. The policies relate to the maintenance and enhancement of public access, the provision of public access and the adverse effects of public access. There are no rules in the chapter and the objective and policies apply across the plan.

### **Submissions on the chapter**

The chapter received 25 submission points from 9 submitters and was mostly supported. Only four submission points sought changes to the chapter; Horticulture NZ and Federated Farmers sought amendments to Policy 2, and Federated Farmers proposed two new policies.

The following are the key issues in contention in the chapter as a result of the submissions:

- Avoiding adverse effects on productive soils and rural production activities;
- Compensation for esplanade reserves and strips;
- Provision to waive requirements for esplanade areas; and
- Provision to provide for education on where public access is available.

After consideration of the submissions received, I recommend one amendment to Policy 3 in response to the submission by Horticulture New Zealand. You can see my recommended amendment in Appendix A in the s42A report.

I recommend Policy 3 is amended to add a new clause to provide for restriction on public access where necessary to protect *land-based primary production from potential reverse sensitivity effects that cannot otherwise be mitigated*.

As stated in section 3.5 of the S42A report, I assessed the submission by Horticulture NZ with reference to the national policy statement for highly productive land that became operative after the notification of the proposed plan.

As discussed in section 3.5.2 of the s42A report, section 3.9 in the NPS-HPL provides for public access as an appropriate use of highly productive land. However, this is subject to measures in section 3.9(3) to which I have set out in paragraph 79 of the report.

It is my view that in order to give effect to the direction in the NPS-HPL an amendment in line with the relief sought by Horticulture NZ is necessary.

The other three submissions that seek changes are by Federated Farmers and I have recommended these points be rejected for the reasons set out in the s42A.

## **Panel questions**