

# Section 32 Report

## Tomonga mārea/ Public Access

prepared for the

# Proposed Waimakariri District Plan

18 September 2021



**WAIMAKARIRI**  
DISTRICT COUNCIL

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## 1. EXECUTIVE SUMMARY

The maintenance and enhancement of public access to and along the Coastal Marine Area (CMA) and rivers and lakes is recognised as a matter of national importance under Section 6(d) of the RMA. Public access is also a key requirement of the New Zealand Coastal Policy Statement 2010 (NZCPS). The District Plan has an important role in providing for public access to and along water bodies and the CMA through the Waimakariri District.

In the District, public access to and alongside the CMA and water bodies can be limited and require maintenance and enhancement. Inappropriate subdivision, use or development such as buildings or structures may compromise existing public access and must be managed.

In addition, it is important to recognise the adverse effects that can be created from public access. This includes situations where public access could compromise natural character, indigenous biodiversity, cultural values, health and safety, or the rights of private property owners. Public access must be managed to ensure that these values are preserved.

The content of the provisions in the Proposed District Plan for public access is similar to the Operative District Plan, with some minor revisions. However, a key change from the Operative District Plan is that Public Access is now a stand-alone chapter. In addition, the Proposed Public Access Chapter better protects the natural and cultural values of all water bodies, as opposed to only those adjacent to the CMA boundary.

The Proposed Public Access Chapter contains objectives and policies that provide the direction for public access across the District. There are no rules or matters of discretion in the Proposed Public Access Chapter as it relies on methods (such as rules and matters of discretion) that are located in other chapters of the Proposed District Plan. This includes Natural Character of Fresh Water Bodies, Activities on the Surface of Water and Subdivision.

It is anticipated that the Proposed Public Access chapter will better meet the purpose of the RMA by maintaining and enhancing public access, restricting public access where appropriate to preserve natural and cultural values, where there are risks to health and safety, and where the rights of private property owners are significantly compromised. In addition, the Proposed Chapter will be more consistent with the National Planning Standards.

## 2. OVERVIEW AND PURPOSE

### 2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the Resource Management Act 1991 (RMA) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

### 2.2 Topic Description

The purpose of this chapter is to ensure that access to, and alongside water bodies and the Coastal Marine Area is maintained and enhanced to meet the needs of present and future generations. The Council is required, as a matter of national importance, to recognise and provide for “the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers” under Section 6(d) of the RMA. This chapter provides the policy direction for public access and the methods for managing public access are implemented across the Proposed District Plan.

In some circumstances public access might not be desirable. This includes situations where public access could adversely affect environmental, cultural, or creational values. The Proposed Public Access chapter recognises this and contains objectives and policies to guide assessment as to where access to sensitive areas should be restricted.

The National Planning Standards require provisions for managing Public Access to be located in the Public Access chapter. The structure and format of the provisions must be consistent with the National Planning Standards. A key difference between the Operative District Plan and the Proposed District Plan is that public access is now a stand-alone chapter.

### 2.3 Significance of this Topic

The District Council has the responsibility under Section 6(d) of the RMA to provide for, as a matter of national importance, *“the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.”*

In the Waimakariri District, public access to the Waimakariri River and the Ashley-Rakahuri River has been facilitated through the development of regional parks. Furthermore, across the life of the Operative District Plan, public access to smaller rivers and tributaries have been enhanced through development and investment and this includes Silverstream, Ohoka Stream, Northbrook Stream (Oi Oi Reserve) and the Kaiapoi River. The Waimakariri Water Zone Committee is looking at improving public access to water bodies where it is available.

There is an expectation in the RMA and the New Zealand Coastal Policy Statement 2010 to provide for public access to the Coastal Marine Area, rivers and lakes. However, the extent of the provision for

public access across the District is difficult to determine. It is therefore important to continue to maintain and enhance public access for the Council to meet its obligations under the Act.

In addition to promoting public access to the CMA and along water bodies, public access to other areas containing public land needs to be preserved and where not available should be promoted.

## 2.4 Current Objectives, Policies and Methods

In the Operative District Plan provisions for public access are located in the Water Chapter, and the Coastal Environment Chapter. The provisions from the Operative District Plan are described in the sections below, and summarised in **Appendix One**.

### 2.4.1 Water

Provisions relating to public access in the Water chapter seek to maintain and enhance public access to and along the rivers of the District where access does not create adverse effects.

The Operative District Plan prioritises access to and along specific listed water bodies. These water bodies are either located closest to the greatest population densities (the main towns), incised rivers with no access within the bed, those that can be sustainably managed for access purposes within urban areas as part of development or redevelopment, or those that have fishery values. There are no rules relating to public access in the Water chapter.

### 2.4.2 Coastal Environment

Provisions relating to public access in the Coastal Environment seek to maintain and enhance public access to the landward edge of the Coastal Marine Area (CMA) where this does not create adverse effects.

The Operative Plan contains policies to manage inappropriate subdivision, use or development that could adversely affect access to and along the landward edge of the CMA. In addition, the policies focus on maintaining existing public access and enhancing public access where appropriate. The Coastal Environment chapter contains one rule relating to vehicle access to the Ashley-Rakahuri River mouth, but no specific rules for public access.

## 2.5 Information and Analysis

### 2.5.1 District Plan Effectiveness Reporting

Title	Author
District Plan Effectiveness Review	<i>Waimakariri District Council, March 2017</i>
<b>Description of Reports</b>	
<p>An assessment of the effectiveness of the Operative District Plan was undertaken as an early step to identify issues and gaps for the District Plan Review. The review included an assessment of resource consent applications and conditions for a variety of topics, other methods used to manage activities outside the District Plan, and a range of internal and external policy and legislative influences.</p>	
<p>The provisions for public access are assessed within the Coastal Environment and Water effectiveness reports. The key findings that are relevant to public access are summarised below:</p>	
<p>(a) Public access to the Waimakariri River and the Ashley-Rakahuri River have been enhanced through the development of regional parks;</p>	

- (b) Difficult to determine whether public access to smaller rivers or tributaries has been enhanced due to a lack of recording of esplanade strips and reserves. However, some streams that have enhanced access due to development and investment include Silverstream, Ohoka Stream, Northbrook Stream (Oi Oi Reserve). Work is also underway to enhance access and enjoyment of the Kaiapoi River;
- (c) A gap was identified with respect to a comprehensive stocktake of esplanade strips/reserves and a Recreational and Ecological Linkages Reserve Management Plan; and
- (a) The addition of the Pegasus Beach access has enhanced public access to the coastal marine area. Access in other areas have been maintained. However, new restrictions have been added as to the type of access permitted (e.g. horse, vehicle etc) in the area covered by the Northern Pegasus Bay Bylaw 2016.

## 2.6 Consultation Undertaken

### Walking Access New Zealand

The District Council sought feedback on the draft public access provisions from Walking Access New Zealand.

Walking Access New Zealand outlined that the draft provisions were not sufficient in meeting the District Plan public access requirements and suggested that the chapter minimally met the requirements of the National Planning Standards and NZCPS.

Walking Access New Zealand suggested that the chapter should be renamed “Access to rivers, lakes and riparian margins”. They believed that Public Access must incorporate the following: *“Public access to the outdoors contributes to the wellbeing of society in numerous ways. It encourages people to take part in recreation, it connects people to places and our natural environment, and importantly, it can connect people and communities in a way that underpins our cultural identity – access to the outdoors is a stereotypically integral part of what it is to ‘be a Kiwi’. Access to the outdoors can be both a means to an end (health, fitness, therapy, customary access) and an end in itself (fun, satisfaction, connection)”*.

Walking Access New Zealand did not see the chapter in the context of other chapters of the Proposed District Plan.

With respect to the naming of the chapter, the Proposed District Plan must be consistent with the National Planning Standards, which require public access provisions to be located in a “Public Access” chapter. Furthermore, the Sites of Significance to Māori chapter addresses customary access and the Open Space Zones (Open Space, Sport and Active Recreation & Natural Open Space) provide for health, fitness, recreation activities, as well as other activities that may be related to public access.

Public access is facilitated through the creation of esplanade reserves and strips through subdivision. With respect to existing access, other chapters of the Proposed District Plan and the Natural Character of Fresh Water Bodies chapters both manage buildings and structures where these would compromise existing or future public access and these are managed through rules and matters of discretion.

A range of non-regulatory methods are often used to facilitate public access to and along water bodies and the CMA. The Waimakariri District contains a range of trails both along rivers, and streams and the CMA that support public access but sit outside of the District Plan. Furthermore, the Council

initiatives such as “Arohata te awa” which aims to improve recreational amenity (such as walking and cycling), enhance cultural values, encourage biodiversity improvements through ecological corridors, catalyse economic diversification (through agri-tourism) and create a drawcard or promotional vehicle for the Waimakariri District. The aims of Arohata te awa are consistent with the Proposed Public Access chapter.

### **Arohata Te Awa Representative**

A meeting was held with a representative to discuss the “Arohata te awa” or “Cherish the River” project (ATA) and how this might relate to the public access chapter.

The ATA project aims to create a 20 metre buffer alongside all water bodies through the Waimakariri District to create a network of water body trails that will provide public access, mountains-to-the-sea corridors of indigenous plantings, while also rehabilitating water bodies and protecting their health.

ATA is based on access to riparian land in public ownership in the first instance. Where land is in private ownership, ATA would aim to negotiate leases, sales or agreements with the landowner to allow public access, or to create or link trails, plant and maintain plantings, and if necessary, rehabilitate the water body.

There was a discussion as to whether the draft public access provisions would conflict with the initiative. The draft chapter may limit or restrict public access where it was necessary to protect indigenous biodiversity, health and safety, the rights of private property owners, or sites of significance to Māori. Public Access may also be managed where there were conflicts between activities.

No specific conflicts between the draft public access provisions and the ATA project were identified.

## **2.7 Iwi Authority Advice**

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan. Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. This section summarises the consultation feedback/advice received from the iwi authority relevant to public access and the District Council's consideration of, and response to (as required by Section 32(4A)(b) of the RMA), that feedback/advice.

Consultation has been undertaken with Te Ngāi Tūāhuriri Rūnanga regarding a range of District Plan matters. Minimal comments were made by the Rūnanga with respect to public access. The comments that were made related to the wording and intent of policies which have been amended based on this advice.

## **2.8 Reference to Other Relevant Evaluations**

This Section 32 topic report should be read in conjunction with the following evaluations:

- (a) Coastal Environment – which contains provisions that relate to the provision of public access to the CMA;
- (b) Natural Character of Fresh Water Bodies – which contains provisions that manage activities in riparian margins, including those that may limit public access;
- (c) Activities on the surface of water – which contains provisions for managing activities on the surface of water where these may limit public access to or along a water body; and



- (d) Subdivision – which contains standards for creating esplanade reserves or strips adjacent to specific water bodies for public access (amongst other purposes such as amenity or natural hazard mitigation).

### 3. STATUTORY AND POLICY CONTEXT

#### 3.1 Resource Management Act 1991

Section 5 of the RMA sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8.

##### **Section 6**

The Section 6 matters relevant to this chapter are:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers; and*
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites wāhi tapu and other taonga;*

##### **Section 7**

The Section 7 matters relevant to this chapter include:

- (a) the maintenance and enhancement of amenity values;*
- (b) intrinsic values of ecosystems*
- (c) the maintenance and enhancement of the quality of the environment;*

Public access may be a component in amenity values.

##### **Section 8**

Section 8 of the RMA requires the District Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Mana whenua, through iwi authorities have been consulted as part of the district plan review process and the obligation to make informed decisions based on that consultation is noted. Section 74(2A) further requires councils to take into account relevant Iwi Management Plans and their bearing on the resource management issues of the District.

Consultation has been undertaken with Te Ngāi Tūāhuriri Rūnanga regarding a range of District Plan matters, and specific feedback was provided with respect to the coastal environment. The nature of this feedback and the response has been outlined in section 2.7 above.

## 3.2 National Instruments

The following national instruments are relevant to this chapter:

### 3.2.1 National Planning Standards

The first set of National Planning Standards came into effect on 3 May 2019 and minor amendments were incorporated in November 2019. The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content.

The Operative District Plan does not include a stand-alone public access chapter and instead contains provisions relating to public access in the Water chapter and the Coastal Environment chapter, which is inconsistent with the National Planning Standards.

The Proposed District Plan will give effect to the National Planning Standards by including a separate district-wide chapter for public access.

### 3.2.1 New Zealand Coastal Policy Statement

The District Council is required to give effect to the NZCPS through the District Plan. The NZCPS requires the avoidance of adverse effects of activities in sensitive environments in the terrestrial coastal environment, including in areas with high natural character values. Policies 18, 19 and 20 of the NZCPS relate to public access, which includes walking, cycling and the use of vehicles in the coastal environment.

#### ***Policy 18 – Public Open Space***

Policy 18 relates to recognising the need for public open space within and adjacent to the coastal marine area for public use and appreciation. This includes maintaining and enhancing walking access linkages between public open space areas in the coastal environment.

#### ***Policy 19 – Walking Access***

Policy 19 relates to recognising the public expectation and need for walking access to and along the coast. This includes maintaining and enhancing public walking access to, along and adjacent to the coastal marine area. The policy also outlines situations where it may be necessary to restrict public walking access

#### ***Policy 20 – Vehicle Access***

Policy 20 relates to the use of vehicles on beaches, foreshore, seabed and adjacent public land. This includes controlling vehicles to protect sensitive habitats, threatened indigenous fauna, dangers to beach users, disturbance of the peaceful enjoyment of the beach environment and damage to sites of significant to tangata whenua. Other parts of the policy identify where recreational vehicle use on beaches may be permitted where adverse effects can be avoided.

The Proposed Public Access Chapter is consistent with the policy direction outlined in the NZCPS. However, other policies, such as controls on vehicles, are addressed in the Natural Open Space Zone provisions and the Coastal Environment Overlay.

## 3.2. National Policy Statement for Freshwater Management

The District Council is required to give effect to the NPSFM through the District Plan. The NPSFM requires local authorities to work with Regional Councils to co-operate for the integrated management of land use and development effects on freshwater. The District Council needs to have objectives, policies and methods within the district plan to promote positive effects and avoid, remedy and mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environment.

As part of the Regional Council's requirement to implement the NPSFM, they have to identify freshwater management units and develop a set of values around ecosystem health, human contact, threatened species and mahinga kai. Although not a function of the Regional Council, both councils will need to work together to provide for the integrated management of freshwater bodies.

## 3.4 Regional policy statement and plans

### 3.4.1 Canterbury Regional Policy Statement

Under Section 75(3)(c) of the RMA, a District Plan must give effect to the relevant or applicable regional policy statement or plan. The Operative Canterbury Regional Policy Statement (CRPS) sets out policy direction for sustainable development (and constraints) with which the District Plan must be consistent.

In the CRPS public access provisions are located within the Coastal Environment Chapter (Chapter 8) and the Beds of Rivers and Lakes and their Riparian Zones (Chapter 10).

#### ***Policy 8.3.5 – Maintenance and enhancement of public and Ngāi Tahu access***

Policy 8.3.5 of the CRPS requires the District Council to set out objectives and policies in the District Plan to maintain and enhance public access to the CMA. Further requires of this policy outline that local authorities should work with government agencies and land occupiers or owners to advocate and promote actions to provide or enhance appropriate access to and along the CMA, and ensure that there are bylaws, physical barriers or other measures in place to control access along parts of the CMA that have high values where these require protection from public access.

#### ***Policy 10.3.5 – Maintenance and enhancement of public and Ngāi Tahu access***

Policy 10.3.5 of the CRPS requires the District Council to consider appropriate measures that will maintain, enhance and where appropriate control public access to and along the rivers of beds and lakes. Furthermore, the CRPS outlines that local authorities must engage with Ngāi Tahu to identify Ngāi Tahu values relevant to maintaining and enhancing Ngāi Tahu access to along and the beds of rivers and lakes and protect Ngāi Tahu cultural values and sites of significance from inappropriate public access.

Further requirements of the CRPS outline that local authorities should advocate and promote a range of reserves, covenants, heritage orders, plan provisions, esplanade reserves and strips, bylaws and management agreements to maintain and enhance public access, or control public access where necessary, including the control of vehicle access.

The proposed public access is consistent with the policy direction outlined in the CRPS. Public access is provided for across the Proposed District Plan, except where this would create adverse effects to natural values. The Public Access Chapter does not provide for Ngāi Tahu access as this is addressed

in the Proposed Sites of Significance to Māori Chapter. However, the Public Access Chapter does limit public access where this would create adverse effects to cultural values or sites of significance.

### 3.4.2 Regional Coastal Environment Plan

Chapter 8 of the Regional Coastal Environment Plan (RCEP) controls activities generally in the CMA. This includes buildings and structures that may compromise public access to the CMA. However, there are exceptions for wharves, jetties or any other structures that may facilitate public access to the marine environment. The RCEP permits the reconstruction, alteration and extension of structures and fences where this maintains existing to the public access to the CMA.

Occupation of the CMA outside the Operational Area of a Port is managed as a discretionary activity where this would exclude public access from areas of the CMA over 10 ha, or exclude the public from more than 316 metres of the length of the foreshore, or involve occupation of the CMA greater than 50 ha and such occupation would restrict public access to, or through the area. Where this in an area of Significant Natural Value, this is managed as a non-complying activity.

### 3.5 Iwi Management Plan

The following Iwi Management Plan policies are relevant to this matter:

- (a) TAN 8.1 Customary access to the coastal environment is a customary right, not a privilege, and must be recognised and provided for independently from general public access;
- (b) TAN 8.2 To require that access restrictions designed to protect the coastal environment, including restrictions to vehicle access, do not unnecessarily or unfairly restrict tāngata whenua access to mahinga kai sites of cultural significance.
- (c) TAN 8.3 To require that general public access does not compromise Ngāi Tahu values associated with the coastal environment.
- (d) CL 5.1 Providing for Ngāi Tahu whānui to have unrestricted access to wāhi tapu, wāhi taonga and other places of cultural importance on Crown land.

The Proposed Public Access Chapter is consistent with the Iwi Management Plan. While customary access is not addressed through the provisions, customary access is addressed through the Proposed Sites of Significance to Māori Chapter. Furthermore, through the provisions of the Proposed Chapter, public access is limited where this could compromise cultural values or sites of significance.

### 3.6 Any relevant management plans and strategies

The following management plans and strategies are relevant to this matter:

- (a) **Waimakariri Accessibility Strategy 2017 - 2021** – which provides a framework for how the Council will contribute to ensuring the local environment and facilities are inclusive and accessible for all people, including those with impairments; and
- (b) **Walking and Cycling Strategy 2017 – 2022** - which aims to encourage people to walk or cycle for recreation and transport to work.

The above strategies both cover issues related to accessibility in the urban environment as opposed to lakes, rivers and the CMA.

- (c) The District Council's **Northern Pegasus Bay Bylaw 2016** which places controls on activities and the use of land, including camping, the use of horses and vehicles on the foreshore, beaches and adjacent areas of Northern Pegasus Bay.

The Northern Pegasus Bay Bylaw 2016 places controls on vehicles driving on beaches and the Ashley-Rakahuri/Saltwater Creek Estuary. It also regulates certain activities that occur on beach environments such as commercial and recreational horse training the use of drones and places controls on dogs.

### 3.7 Any other relevant legislation or regulations

The following legislation / regulations are relevant to this matter:

Other legislation and regulations are relevant to public access, and have been considered in preparing the public access provisions. This includes:

- (a) The **Walking Access Act 2008** which aims to provide the New Zealand public with free, certain, enduring and practical walking access to the outdoors, including around the coast, and lakes, along rivers, and to public resources;
- (b) The **Takutai Moana Act 2011** which establishes a scheme to ensure the protection of the legitimate interests of New Zealanders in the marine and coastal area of New Zealand, recognises the mana tuku iho (inherited status) in the marine and coastal area by iwi, hapū, and whanau as tanagata whenua, provides for the exercise of customary interests and acknowledges the Treaty of Waitangi;
- (c) The **Reserves Act 1977** which preserves access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks;

The Walking Access Act and Reserves Act has been considered in the draft Policy PA-P2(2), where Council will work with land owners to provide public access to reserves where access presently is available.

### 3.8 Any plans of adjacent Territorial Authorities

The District Council is required to have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA.

Regard has been had to District Plans of adjacent Territorial Authorities. These include:

#### 3.8.1 Christchurch District Plan

The Christchurch District Plan is a second generation district plan which contains provisions for public access throughout various chapters of the Plan. These are often contained in matters of discretion, which address subdivision, use or development that may adversely affect public access.

The objectives in the Christchurch District Plan seek to maintain and enhance public access to the coastal marine area provided that these are compatible with health and safety, the sensitivity of the receiving environment, and protecting natural, historic and Ngāi Tahu cultural values of the coastal environment.

Policies focus on public access and customary access to, and along, the margins of rivers, lakes, water bodies and the coastline, including through esplanade reserves and strips. There is an exception for the Lyttelton Port of Christchurch where such public access is to ensure public safety.

### **3.8.2 Hurunui District Plan**

The Hurunui District Plan is also a second generation district plan. Provisions for public access are located within the Access to Rivers, Lakes and Riparian Margins chapter.

Objectives seek to maintain and enhance public access to natural and physical resources that are of significant value to the community. However, the plan considers the limitations of providing for public access, such as the cost of providing access, and how public access could create adverse effects to conservation values, natural character, public safety or how public access may interfere with the lawful activities of private landowners. The Hurunui District Plan also contains a table of water bodies where public access is to be prioritised.

### **3.8.3 Selwyn District Plan**

The Proposed Selwyn District Plan contains objectives, policies and rules in relation to public access. The Proposed Selwyn District Plan contains two objectives, one of which deals with conservation values of surface water bodies and the CMA. Rules within the proposed plan centre on the provision of esplanade reserves and strips and access strips where esplanades haven't been provided. The provisions around esplanade strips and reserves sit within the subdivision chapter of the Waimakariri draft district plan. The proposed Selwyn District Plan does control subdivisions near water bodies and outstanding natural areas as restricted discretionary activities and within the coastal environment as discretionary. The Chapter also contains a list of water bodies within the Selwyn District where esplanade reserves are required.

### **3.8.4 New Plymouth Proposed District Plan**

The New Plymouth Proposed District Plan is a second generation district plan. The objectives in this District Plan provide for public access along the coast, and along water bodies with high recreational, scenic or amenity values. However, the objectives also outline that public access should not adversely affect natural character, indigenous biodiversity, historic heritage or cultural or landscape values.

The approach in the Plan identifies and maps public access corridors that provide access to the coast and water bodies, or connect open spaces and other public access areas such as the Coastal Walkway, and the shared pathway network and Taranaki Traverse. The Plan has specific rules for activities in public access corridors and manages these where they have the potential to limit public access.

### **3.8.5 Porirua Proposed District Plan**

The Proposed Porirua Proposed District Plan is a second generation district plan. The objectives in this District Plan aim to maintain and enhance public and customary access to coastal and riparian margins. There are no rules in the Porirua Public Access chapter.

### **3.8.5 Waimakariri Proposed District Plan**

The Proposed Public Access Chapter is generally consistent in terms of policy direction with neighboring district plans, and other second generation district plans. In most cases, provisions maintain and enhance public access to the CMA and along water bodies where this does not create adverse effects. This is reflected in the Proposed Public Access Chapter.

## 4. KEY RESOURCE MANAGEMENT ISSUES

No specific technical information was used to identify issues with respect to public access. Instead, resource management issues related to public access have been identified through:

- (a) Issues outlined in the Operative District Plan;
- (b) Matters of national importance identified in the RMA; and
- (c) Objectives and policies outlined in the NZCPS

The resource management issues that need to be addressed in relation to public access are:

### 4.1 Issue 1: Public access to the CMA and alongside water bodies can be limited and requires maintenance and enhancement.

Inappropriate subdivision, use or development may compromise any existing or legal public access to the CMA or alongside lakes and rivers. This may include structures or buildings constructed near water bodies or potential public access corridors. Across the District Plan, it is important that activities are managed to maintain public access, and that public access is enhanced where appropriate. The mechanisms to achieve this is through the provision of esplanade reserves, strips and access strips.

### 4.2 Issue 2: Public access to and alongside the CMA can threaten natural character, indigenous biodiversity, cultural values, health and safety, and may significantly compromise the rights of private property owners.

The coastal environment contains identified natural character areas, natural features and landscapes, areas of indigenous biodiversity and sites of significance to Māori. Providing for public access to areas with natural character, scenic, amenity or cultural values may compromise these values, especially if there is an expectation for public facilities. Public access must be managed to ensure that it does not compromise these values. In addition, landowners and occupiers and provision of public access can sometimes be in conflict. It is important that public access is managed in situations where the rights of private property owners could be significantly compromised.

## 5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

### 5.1 Strategic Direction

The following objectives from the Strategic Directions chapter is relevant:

In the Proposed District Plan, Strategic Direction SD-O1 outlines a vision for the natural environment which includes an overall gain in indigenous biodiversity, preserving or enhancing the natural character of coastal water bodies, wetlands and the coastal environment, protecting natural features and landscapes, and ensuring that people have access to a network of natural areas and various environments across the District.

The proposed provisions for public access give effect to this objective by providing for public access where this does not create adverse effects. Furthermore, public access is limited where it may create adverse effects on natural character, important biodiversity values, or any other sensitive environments.

## 5.2 Zone / District-wide Subject

The Public Access chapter is part of **Part 2 – District-Wide Matters – Natural Environmental Values**.

## 5.3 Proposed Objectives and Policies

The proposed objectives and policies are summarised in **Appendix Two** of this report. In summary the proposed objectives and policies provide the policy direction for public access across the Proposed District Plan. As described above, this relates to maintaining existing public access and providing for new public access where this does not compromise specific natural, cultural, amenity values. This also includes situations where there may be risks to health and safety or where the rights of private property owners are significantly compromised.

## 5.4 Proposed Methods

There are no rules or matters of discretion in the Proposed Public Access Chapter. The objectives and policies are given effect to through matters of discretion, rules and standards located in other chapters of the Proposed District Plan. The District Council has developed a number of strategies (Accessibility, Walking and Cycling) and bylaws (North Pegasus Bay Bylaw) that contributing to provide for public access for all people to a number of open spaces.

### 5.4.1 Coastal Environment

The Proposed Coastal Environment Chapter contains matters of discretion for activities such as structures or buildings located within the Coastal Environment Overlay that could potentially compromise existing public access to the CMA.

### 5.4.2 Activities on the Surface of Water

The Proposed Public Access Chapter contains matters of discretion to manage structures and houseboats on the surface of water that may compromise public access to, or along a water body.

### 5.4.3 Natural Character of Fresh Water Bodies

The Proposed Natural Character of Fresh Water Bodies Chapter contains matters of discretion to ensure that public access to or along freshwater bodies is maintained.

### 5.4.4 Subdivision

The Proposed Subdivision Chapter contains standards for the creation of esplanade reserves and strips which provide for public access in some cases.

### 5.4.5 Definitions

The definitions used in the Proposed Public Access Chapter are listed below:

- Coastal Marine Area (CMA)
- Coastal environment
- Water body / Water bodies
- Indigenous biodiversity
- Amenity values
- Mana whenua



## 6. SCALE AND SIGNIFICANCE EVALUATION

Section 32 (1)(c) of the RMA requires that a Section 32 report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed objectives, policies and methods.

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

- (a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;
- (b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and
- (c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Involve a matter of national importance in terms of Section 6 of the RMA;
- (c) Involve another matter under Section 7 of the RMA;
- (d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;
- (e) Address an existing or new resource management issue;
- (f) Adversely affect people's health and safety;
- (g) Adversely affect those with particular interests including Maori;
- (h) Adversely affect a large number of people;
- (i) Result in a significant change to the character and amenity of local communities;
- (j) Result in a significance change to development opportunities or land use options;
- (k) Limit options for future generations to remedy effects;
- (l) Whether the effects have been considered implicitly or explicitly by higher order documents;  
and
- (m) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

### 6.1 Evaluation of Scale and Significance

	Low	Medium	High
<b>Degree of change from the Operative Plan</b>	✓		
The Proposed Public Access Chapter is now a stand-alone chapter in the Proposed District Plan. However, the provisions are similar to the Operative District Plan which presents a low degree of change.			
<b>Effects on matters of national importance</b>		✓	
The Proposed Public Access Chapter addresses a matter of national importance in the RMA, Section 6(d).			
<b>Scale of effects geographically (local, district wide, regional, national)</b>	✓		
The Proposed Public Access Chapter apply across the District, adjacent to water bodies where esplanade reserves or strips are created, or where there is existing public access.			
<b>Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)</b>	✓		
The Proposed Chapter provisions are unlikely to affect a high number of landowners in the District. The number of affected landowners will be the same, or similar to the Operative District Plan due to the similarity of the provisions.			
<b>Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups</b>	✓		
The effects on groups with specific interests is likely to be low. Provisions across the Plan preserve cultural values through rules and matters of discretion.			
<b>Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? Is it consistent, inconsistent or contrary to those?</b>	✓		
The Proposed Provisions give effect to the National Planning Standards, and specific policies of the New Zealand Coastal Policy Statement 2010. The provisions of the Proposed Chapter are also similar to the provisions of other district plans.			
<b>Likelihood of increased costs or restrictions on individuals, communities or businesses</b>	✓		
There is a low likelihood of increased costs or restrictions on individuals, communities or businesses. There may be some costs to the community or Council related to esplanade reserve acquisition or maintenance as they become available through subdivision.			

## 7. EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

## 7.1 Evaluation of Proposed Objectives

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the Act. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment.

Below is an evaluation of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against the relevant objectives in the operative District Plan.

### 7.1.1 Proposed Objective

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
<p><b>PA-O1 Provision of Public Access</b> Public access to and along the CMA, water bodies, and to reserves with high recreational, scenic or amenity values is provided for, maintained and enhanced, where this does not create adverse effects to natural character, landscape, indigenous biodiversity, cultural or recreational values, health and safety, or the rights of private property owners.</p>	<p><b>Relevance:</b> The Proposed Objective addresses relevant resource management issues such as maintaining and enhancing public access to freshwater bodies, the coastal environment and to reserves with high scenic amenity values, and not providing for public access where this would create adverse effects to conservation values, environmental values, cultural values, health and safety, or the rights of private property owners. The Proposed Objective has expanded these matters to all water bodies which better protects these values.</p>
	<p><b>Reasonableness:</b> The extent of the regulatory impact that is imposed on individuals, businesses and the wider community from the Proposed Objective is low. Public access to and alongside freshwater bodies the Coastal Marine Area is also more likely to support community and tangata whenua outcomes. The Proposed Objective also contains a specific set of matters of discretion related to public access which apply across the plan and will better help guide decision-making. For landowners that may have an esplanade taken, they will be aware of this in advance of subdivision.</p>
	<p><b>Achievability:</b> The Proposed Objectives are very similar to the Operative Objectives, with only minor revisions and a change in the structure and format of public access provisions in the District Plan. Given that the Operative Objectives were achieved (according to effectiveness review reporting) it is expected that the Proposed Objective has a high degree of achievability. The provision of public access to reserves through access strips requires landowners agreement and is dependent upon their willingness to engage.</p>

### 7.1.2 Operative Objective

Existing Objective/s	Appropriateness to achieve the purpose of the RMA
<p><b>Objective 3.4.1</b> Public access to and along the rivers of the Waimakariri District is maintained and enhanced.</p> <p><b>Objective 7.2.1</b> The maintenance and enhancement of existing legal public access to and along the landward edge of the Coastal Marine Area unless conservation values, cultural values, the rights of private property owners or public safety are significantly compromised.</p>	<p><b>Relevance:</b> The existing objectives are related to specific resource management issues and are suitable for achieving the purpose of the RMA. However, the Operative District Plan has separate objectives for public access located in the water chapter, and the coastal environment chapter. The Operative Coastal Environment chapter contains a more detailed objective, which aims to limit public access where it could create adverse effects to ecological values, environmental values, cultural values, or where this would significantly compromise privacy or the rights of private property owners. This could be expanded to include all water bodies, which would better protect these values.</p> <p><b>Reasonableness:</b> The extent of the regulatory impact that is imposed on individuals, businesses and the wider community from the Operative District Plan provisions is low. Public access to and alongside water bodies and the coastal environment is also more likely to support community, and tangata whenua outcomes. The taking of land for esplanade reserves through subdivision is also a long standing practice that has been implemented under a range of different legislation for a variety of purposes outside of the RMA.</p> <p><b>Achievability:</b> District Plan effectiveness reporting identifies that public access to water bodies in the Waimakariri District has been enhanced. Therefore this objective is considered to have a high degree of achievability.</p>

### 7.1.3 Alternative Approach

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
<p>Do not include objectives for public access in the Proposed District Plan and rely on non-regulatory methods outside of the District Plan.</p>	<p><b>Relevance:</b>            This approach would not address relevant resource management issues related to public access. Section 6(d) of the RMA outlines “<i>the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers</i>” as a matter of national importance. This approach is also not consistent with the most recent edition of the National Planning Standards, which requires provisions for public access to be a stand-alone chapter in the District Plan. The RMA provides for public access through esplanade reserves, strips and access strips. The provisions of these methods is intended to allow for district councils to achieve section 6(d) of the Act.</p>
	<p><b>Reasonableness:</b>            This approach would not impose any regulatory impact on individuals, private landowners, businesses or the wider community. However, this approach would not adequately protect natural or cultural values and would not address any health and safety issues that may emerge from inappropriate public access.</p>
	<p><b>Achievability:</b>            This approach would not require any regulatory action from the Council and implementation would be straight forward. However, in terms of achieving the Proposed Objectives outlined above, this approach may result in poor outcomes for public access, or poor outcomes for the environment from inappropriate public access as this would not be managed in the district plan.</p>

## 7.2 Summary - Evaluation of Proposed Objectives

The Proposed Objective for public access maintains the approach of the Operative District Plan. In addition, the objective better recognises the natural values of water bodies and limits public access where this may compromise these values.

The Proposed Objectives for public access maintain the approach of the Operative District Plan, with some minor revisions. The scope of the provisions has been widened to better protect the values of all water bodies (as opposed to just the CMA) from the adverse effects that may result from inappropriate public access.

The Operative Objectives are located across different chapters of the District Plan, the Water Chapter, and the Coastal Environment Chapter. It is not appropriate to maintain this approach as the Water Chapter has not been carried over to the Proposed District Plan and provisions for this chapter are now managed in different chapters of the Plan (Activities on the Surface of Water & Natural Character of Fresh Water Bodies).

The Alternative Approach would leave the management of Public Access to non-regulatory methods such as Council Plans or Strategies. However, this option is not appropriate for achieving the objectives as it may result in adverse effects from inappropriate public access.

## 8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

**The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.**

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

**Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.**

## 8.1 Evaluation of Proposed Policies and Methods

Policy and method options to achieve District Plan objectives related to public access	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p><b>Option A: Proposed Approach</b></p> <p>(a) Proposed Public access chapter that contains objectives and policies that provide the policy direction for other chapters of the Proposed District Plan to maintain and enhance public access. There would be no rules in the Proposed Chapter.</p>	<p><b>Environmental:</b></p> <p>(a) Recognises and protects the natural values of the District’s water bodies and CMA and protects these from inappropriate public access; and</p> <p><b>Economic:</b></p> <p>(a) No direct economic benefits have been identified. However, there may be some economic benefits through conservation activities and access track construction;</p> <p><b>Social:</b></p> <p>(a) Supports other Council initiatives such as “<i>Arohatia te awa</i>” that enhance public access across the District.</p> <p><b>Cultural:</b></p> <p>(a) Recognises and protects cultural values of the District’s water bodies; and</p>	<p><b>Environmental:</b></p> <p>(a) No direct or indirect economic costs have been identified through this approach.</p> <p><b>Economic:</b></p> <p>(a) Monetary costs associated with providing and maintaining public access;</p> <p><b>Social:</b></p> <p>(a) A loss of public access where this would compromise areas with high natural values or cultural values, or where the rights of private property owners would be significantly compromised;</p> <p><b>Cultural:</b></p> <p>(a) No direct or indirect cultural costs have been identified through this approach.</p>	<p>(a) A stand-alone Public Access Chapter which is consistent with the National Planning Standards;</p> <p>(b) Provisions of the Proposed Public Access chapter are well integrated with other chapters of the Proposed District Plan; and</p> <p>(c) Provisions provide more protection for natural and cultural values of water bodies.</p>	<p>(a) The risk not acting is that the chapter would not be consistent with the National Planning Standards;</p> <p>(b) The risk of not acting may result in public access to sites with high natural or cultural values, or where there are risks to health and safety as this would not be managed;</p> <p>(c) The risk of not acting may result in a lack of public access, and the Council not meeting its requirements under Section 6 of the RMA; and</p> <p>(d) It is considered that there is sufficient information on which to act on the Proposed Provisions.</p>



Policy and method options to achieve District Plan objectives related to public access	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
	(b) Limits public access where this would compromise cultural values.			
<b>Opportunities for economic growth and employment</b>				
There are limited opportunities for economic growth and employment through public access provisions. There may be a small range of employment opportunities that may arise from conservation activities and access track construction or maintenance.				
<p><b>Quantification</b>  Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.  Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				

## 8.2 Evaluation of Operative Policies and Methods

Policy and method options to achieve District Plan policies and methods related to public access	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p><b>Option B: Status Quo:</b></p> <p>(a) Maintain the Provisions of the Operative District Plan.</p>	<p><b>Environmental:</b></p> <p>(a) The Operative provisions restrict public access to the CMA where this would create adverse effects to conservation values</p>	<p><b>Environmental:</b></p> <p>(a) The Operative provisions do not adequately protect the natural or cultural values of water bodies;</p>	<p>(a) The Operative provisions are not consistent with the National Planning Standards;</p> <p>(b) The provisions would not be well integrated with other chapters of the Proposed District Plan; and</p> <p>(c) The provisions would not adequately protect environmental values of all water bodies.</p>	<p>(a) The risk of this approach is that the District Plan would not be consistent with the National Planning Standards;</p> <p>(b) The risk of this approach is that it would not adequately protect the natural or cultural values of all water bodies;</p> <p>(c) It is considered that there is sufficient information to not act on this approach due to inconsistency with the National Planning Standards and lack of protection for environmental values for water bodies.</p>
	<p><b>Economic:</b></p> <p>(a) No direct or indirect economic benefits are associated with this approach.</p>	<p><b>Economic:</b></p> <p>(a) No direct or indirect economic costs are associated with this approach.</p>		
	<p><b>Social:</b></p> <p>(a) Plan users and decision-makers may be more aware of the Operative District Plan provisions;</p> <p>(b) The Operative Provisions limit public access where this would significantly compromise the rights of private property owners. However, this could be both a benefit and a cost;</p>	<p><b>Social:</b></p> <p>(a) The Operative Provisions limit public access where this would significantly compromise the rights of private property owners. However, this could be both a benefit and a cost</p>		
	<p><b>Cultural:</b></p> <p>(a) Provisions provide some protection for areas adjacent to the CMA with high cultural values;</p>	<p><b>Cultural:</b></p> <p>(a) Less protection for water bodies with high cultural values, as the Operative District Plan does not extend this protection to areas other than the CMA.</p>		

<b>Opportunities for economic growth and employment</b>				
Given that the provisions within the Operative Plan only focus on the coastal environment, there is no additional scope for economic growth and employment outside that which has already occurred.				

### 8.3 Evaluation of Alternative Approach

Policy and method options to achieve District Plan policies and methods related to public access	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p><b>Option C: Alternative Approach</b></p> <p>(b) Do not have public access provisions in the Proposed District Plan.</p>	<p><b>Environmental:</b> (b) No direct or indirect environmental benefits have been identified through this approach.</p> <p><b>Economic:</b> (b) No direct or indirect economic benefits have been identified through this approach.</p> <p><b>Social:</b> (c) Potential for unrestricted public access, as it wouldn't be managed. However, this is difficult to determine as there is no mechanism for providing public access.</p> <p><b>Cultural:</b> (b) No direct or indirect benefits have been identified through this approach.</p>	<p><b>Environmental:</b> (b) Potential for adverse effects to environments with high natural values from inappropriate public access</p> <p><b>Economic:</b> (b) No direct or indirect economic costs have been identified through this approach.</p> <p><b>Social:</b> (b) No requirement in the district plan to take esplanades for public access.</p> <p><b>Cultural:</b> (b) Potential adverse effects to cultural values as these would not be protected from inappropriate public access.</p>	<p>(d) The alternative approach would not be consistent with the National Planning Standards;</p> <p>(e) This approach would not give effect to the NZCPS 2010;</p> <p>(f) This approach would not address resource management issues outlined in Section 6 of the RMA; and</p> <p>(g) The provisions would not adequately protect environment values, cultural values or address risks to health and safety.</p>	<p>(a) The risk of acting is that the District Plan would not be consistent with the National Planning Standards and higher order documents such as the NZCPS 2010;</p> <p>(b) The risk of this approach is inadequate protection of natural and cultural values, and potential risks to health and safety from inappropriate and unregulated public access; and</p> <p>(c) It is considered that there is sufficient information to not act on this approach.</p>
<p><b>Opportunities for economic growth and employment</b></p>				
<p>Not providing for any public access would likely be cost neutral, as any gains in productivity on the land would likely result in costs associated with any damage from flood events. Neither case with result in substantive employment.</p>				

## 8.4 Summary - Evaluation of Proposed Policies and Methods

The Proposed Policies and Methods are the most appropriate to achieve the objectives related to public access. Option A would see the implementation of a revised set of public access provisions that would provide for, and where necessary, restrict public access to areas with high natural and cultural values, where there were risks to health and safety, or where the rights of private property owners would be significantly compromised.

The Proposed Approach would be a stand-alone chapter which is consistent with the most recent edition of the National Planning Standards and would also be consistent with the NZCPS 2010. Option A is also well integrated with other chapters of the Proposed District Plan, and works with these chapters to achieve the objectives related to public access.

Option B would maintain the provisions of the Operative District Plan for public access. In terms of structure and format, this option would not be appropriate as the Water Chapter in the Operative District Plan has not been carried through to the Proposed District Plan. Furthermore, this approach is not consistent with the National Planning Standards which require the provisions for public access to be located within a stand-alone chapter. This approach would also not protect natural and cultural values associated with water bodies, and only manages these in relation to the CMA.

Option C would rely on non-regulatory methods to achieve public access to and along water bodies and the CMA. This approach would not be consistent with the National Planning Standards and not give effect to the NZCPS 2010. This approach could also compromise natural and cultural values, create risks to health and safety or significantly compromise the rights of private property owners from inappropriate public access.

## 9. SUMMARY

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits, and costs and the appropriateness of the proposed approach having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that the Proposed Approach (Option A) is the most appropriate option as:

- (a) The Proposed Approach is consistent with higher order documents such as the National Planning Standards, and the NZCPS 2010;
- (b) The Proposed Approach contains a revised set of provisions that better protect natural and cultural values of water bodies, as opposed to just the CMA; and
- (c) The Proposed Approach is well integrated with other chapters of the Proposed District Plan, and relies on these chapters to achieve the objectives related to public access.

Overall, it is determined that the proposed provisions for public access are the most appropriate for meeting the purpose of the RMA given the range of benefits that can be achieved through the implementation of the provisions.

## 10. Appendices

### 10.1 Appendix One – Relevant Operative District Plan Objectives and Policies

Objectives
<p><b>Water Chapter</b></p> <p><i>Objective 3.4.1 - Public access to and along the rivers of the Waimakariri District is maintained or enhanced.</i></p>
<p><b>Coastal Environment</b></p> <p><i>Objective 7.2.1 - The maintenance and enhancement of existing legal public access to and along the landward edge of the Coastal Marine Area unless conservation values, cultural values, the rights of private property owners or public safety are significantly compromised.</i></p>
Policies
<p><b>Water Chapter</b></p> <p><i>Policy 3.4.1.1 - Maintain and enhance public access to and along rivers of the District where access does not conflict with conservation values, the legal rights of private property owners and public safety.</i></p>
<p><b>Coastal Environment</b></p> <p><i>Policy 7.1.1.1 - Avoid remedy or mitigate the adverse effects of subdivision, use and development, and public access, on the integrity, functioning and resilience of coastal environment habitats, ecosystems and coastal processes.</i></p> <p><i>Policy 7.2.1.1 – Subdivision, use and development should not adversely affect access to and along the landward edge of the Coastal Marine Area.</i></p> <p><i>Policy 7.2.1.2 – Existing opportunities for access to and along the landward edge of the Coastal Marine Area should be maintained and where appropriate, access to the Coastal Marine Area should be enhanced.</i></p> <p><i>Policy 7.2.1.3 – Legal access to and along the Coastal Marine Area should only be restricted where it is necessary to protect significant natural values, sites, resources, and wāhi taonga of significance to Māori, public health or safety.</i></p>

## 10.2 Appendix Two – Proposed District Plan Objectives and Policies

Objective
<p><b>PA–O1 Provision of Public Access</b></p> <p>Public access to and along the CMA, water bodies, and to reserves with high recreational, scenic or amenity values is provided for, maintained and enhanced, where this does not create adverse effects to natural character, landscape, indigenous biodiversity, cultural or recreational values, health and safety, or the rights of private property owners.</p>
Policies
<p><b>PA–P1 Maintaining and Enhancing Public Access</b></p> <p>Maintain and enhance existing public access to and along the Coastal Marine Area, and water bodies, by managing the adverse effects of activities and development, where these would limit public access, or compromise the use or enjoyment of these areas.</p>
<p><b>PA–P2 Providing for Public Access</b></p> <p>Provide for new and enhanced public access to and along the Coastal Marine Area and water bodies by:</p> <ol style="list-style-type: none"> <li>1. encouraging or requiring the creation of esplanade reserves, strips or easements in areas where there are benefits for public access, recreation, cultural values for mana whenua (including customary harvesting) or maintenance;</li> <li>2. work with land owners to provide for safe and appropriate public access to reserves with high recreational, scenic, natural character and cultural values; and</li> <li>3. encouraging the use of mechanisms such as easements to provide for public walking access when a land use or development provides an opportunity for access.</li> </ol>
<p><b>PA–P3 Adverse Effects of Public Access</b></p> <p>Restrict public access to and along the Coastal Marine Area and water bodies with high values, where it is necessary to:</p> <ol style="list-style-type: none"> <li>1. protect rare or threatened indigenous flora and fauna; or</li> <li>2. protect dunes, estuaries, the margins of rivers, lakes and wetlands, or any other sensitive environments; or</li> <li>3. protect sites of cultural significance to Māori, including archaeological sites;</li> <li>4. protect public health or safety; or</li> <li>5. protect the rights of private property owners, where providing for public access would significantly compromise these rights.</li> </ol>