



SECTION 32 REPORT Public Access

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1 Executive Summary

Public access to and along river and lake margins, and the coastal environment allows for the use and enjoyment of the amenity, scenic and recreational values of rivers and lakes, and for the cultural and spiritual values and customary uses of tangata whenua. However, the provision of future public access is interconnected with other issues, and needs to be balanced against other important considerations, including conservation and cultural values, and public health and safety that may be compromised by inappropriate access.

The Operative district Plan approach to maintaining or enhancing public access generally provides a good level of public access to the coast and waterbodies in urban areas, but access in rural areas is limited and segregated (i.e. not connected). Provision for public access through esplanade reserves and strips can only be created when subdivision of land occurs adjacent to a priority waterbody or the coast. Therefore, the current approach to maintenance or enhancement of public access is somewhat 'reactive' and dependent on the extent of subdivision occurring adjacent to waterbodies or the coast.

The key resource management issues for public access are:

- Providing or the maintenance and enhancement of public access to and along the coastal environmental and waterbodies, and
- Avoiding, remedying or mitigating adverse effects that may arise from public access to and along the coastal environment and waterbodies.

The Proposed District Plan uses the overarching term of Public Access Corridors to represent the network of pathway connections that provide public access to and along the coast, priority water bodies, open spaces and other public areas. Key changes include:

- Strengthened objectives and policies in line with national direction and community aspirations, and new strategic rules that are less 'reactive'.
- Increased emphasis and priority for public access, including connections between public spaces and open spaces, in association with the Council's blueprint policy focus and strategic aspirations for a shared pathway network.
- Policy framework provides clearer direction on how to balance competing priorities and values in relation to public access, in accordance with national policy direction.
- Identification of Public Access Corridors on planning maps to support development of a district wide share pathway network, and clarify where the network can be extended or linked in the future
- Building on the opportunities identified in council's Open Space, Sport and Recreation Strategy, including consideration of connectivity and use of open space for community accessibility.

The Proposed District Plan provisions strengthen the management the maintenance and enhancement of public access corridors, provide for appropriate activities and support NPDC's strategic aspirations.

2 Introduction and Purpose

This report contains a section 32 evaluation of the objectives, policies and methods relating to Public Access in the Proposed New Plymouth District Plan. It is important to read this report in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

The New Plymouth District has a long coastline and numerous water bodies (waterbodies is a collective term that describes rivers and streams, lakes and wetlands). The community derive a lot of enjoyment from these resources and place a high value on having access to them, especially the award-winning Coastal Walkway which traverses a 12.7km distance from Pioneer Park at Port Taranaki to the eastern side of Bell Block Beach. Tangata Whenua especially value waterbodies for cultural and spiritual value and customary use. Recreational use such as swimming, fishing, boating and aesthetic appreciation for walking and picnicking along waterways and the coastal environment are all valued by the community and therefore it is important people are able to access this resource.

The report sets out the trends and issues for the Public Access topic, provides an overview of the statutory and policy context, and specific consultation on this topic. The report also includes a review of the existing Plan provisions and evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the Act in relation to Public Access. It specifically focuses on maintaining and enhancing public access. However, the term Public Access Corridors has been selected as the overarching term for a range pathway types that contribute to a wider strategic public access network. This includes well established shared pathways such as the Coastal Walkway and esplanade strips taken at the time of subdivision.

The Coastal Environment and Waterbodies chapters which are primarily focussed on the preservation of natural character and other values associated with the coastal environment and waterbodies (including public access/recreation values) are related to, and have some overlap with the Public Access topic. The evaluation for these topics are set out in the s32 Evaluation Report specific to each topic.

3 Statutory and Policy Context

3.1 Resource Management Act

Section 31 of the Resource Management Act (RMA) sets out the functions of territorial authorities. The key function for the district council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "*Natural and physical resources*" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed public access provisions are:

- (a) *preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*

- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*
- (g) *any finite characteristics of natural and physical resources*

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

Section 229 of the RMA sets out the purpose of esplanade reserves and esplanade strips. Sections 230-233 set out the requirements for esplanade reserves and strips.

All of the above matters are relevant for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers, and the need to balance the provision of public access with the protection of other important values (e.g. natural character, cultural or landscape values).

3.2 New Zealand Coastal Policy Statement 2010

Under section 75(3)(b) of the RMA, the District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS).

Policies 18, 19 and 20 of the NZCPS provide clear direction on open space, walking access and vehicle access in relation to the coastal environment, as set out below:

Policy 18: Public Open Space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a. *ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- b. *taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- c. *maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- d. *considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*

- e. *recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Policy 19: Walking Access

1. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
2. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - a. *identifying how information on where the public have walking access will be made publicly available;*
 - b. *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - c. *identifying opportunities to enhance or restore public walking access, for example where:*
 - i. *connections between existing public areas can be provided; or*
 - ii. *improving access would promote outdoor recreation; or*
 - iii. *physical access for people with disabilities is desirable; or*
 - iv. *the long-term availability of public access is threatened by erosion or sea level rise; or*
 - v. *access to areas or sites of historic or cultural significance is important; or*
 - vi. *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
3. *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
 - a. *to protect threatened indigenous species; or*
 - b. *to protect dunes, estuaries and other sensitive natural areas or habitats; or*
 - c. *to protect sites and activities of cultural value to Māori; or*
 - d. *to protect historic heritage; or*
 - e. *to protect public health or safety; or*
 - f. *to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
 - g. *for temporary activities or special events; or*
 - h. *for defence purposes in accordance with the Defence Act 1990; or*
 - i. *to ensure a level of security consistent with the purpose of a resource consent; or*
 - j. *in other exceptional circumstances sufficient to justify the restriction.*
4. *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*

Policy 20: Vehicle Access

1. *Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:*
 - a. *damage to dune or other geological systems and processes; or*
 - b. *harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or*

- c. danger to other beach users; or*
 - d. disturbance of the peaceful enjoyment of the beach environment; or*
 - e. damage to historic heritage; or*
 - f. damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or*
 - g. damage to sites of significance to tangata whenua might result.*
2. *Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.*
 3. *Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.*

3.3 National Policy Statement for Freshwater 2014

The National Policy Statement for Freshwater Management (NPSFW) came into effect on 1 August 2014 (and amendments made in 2017). The NPSFW is intended to recognise the value of freshwater to New Zealand and give national direction to local authorities. The NPSFW sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

The NPSFW imposes an obligation on all consent authorities to have regard to the NPSFW in consent decision making, although there are no direct obligations for District Plans. The obligations to give effect to the NPSFW fall on the Regional Council to manage freshwater in ways that are consistent with their functions under Section 30 of the RMA. Nevertheless, the objectives and policies (e.g. freshwater quality limits, connections between waterbodies) may be relevant for district councils to consider in land use and subdivision consent and Notice of Requirement decision-making. In particular, Objective C1 requires improved integrated management of land use, water quality and quantity, which requires integration between the regional and territorial authority on the management of land use.

A clear link to the District Plan is where the Regional Policy Statement or Regional Plan introduces provisions to implement the NPSFW that affect land use which could include the management of activities on the surface of water (a district council responsibility). The District Council is expected to work with regional councils and tangata whenua on integrated management, and on RPS provisions that may direct the District Council to take certain actions in the District Plan.

In the Taranaki Region, the Regional Policy Statement (2009) pre-dates the NPSFW, and therefore does not give effect to the NPSFW. However, the Taranaki Regional Council is currently preparing a Proposed Regional Freshwater and Land Management Plan for Taranaki which will give effect to the NPSFW. New Plymouth has worked closely with the Regional Council in the preparation of the proposed district plan provisions, in order to give effect to the NPSFW.

3.3.1 National Planning Standards.

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. The Proposed District Plan has been aligned with this national direction and has not resulted in any major changes to the Public Access section of the plan or the mapping of data.

3.4 Taranaki Regional Policy Statement 2010

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement. The Taranaki Regional Policy Statement (RPS) whilst referring to Public Access throughout separates 'maintaining and enhancing public access' into two separate sections: 'to and along rivers and lakes' and 'to and along the coastal environment'.

The key directions from the RPS for the District Plan regarding public access to rivers and lakes are as follows:

WPA Objective 1: To maintain and enhance appropriate public access to and along rivers and lakes in the Taranaki region, while avoiding, remedying or mitigating any while avoiding, remedying or mitigating any adverse effects that may arise from that access.

WPA Policy 1: Encourage, as far as is practicable, the maintenance and enhancement of public access to and along rivers and lakes, except where circumstances make restrictions necessary to:

- (a) preserve the natural character of rivers and lakes and their margins;*
- (b) protect private property rights and infrastructure;*
- (c) safeguard the ecological, intrinsic or recreational attributes of rivers and lakes;*
- (d) avoid conflicts between competing uses;*
- (e) protect cultural and spiritual values of tangata whenua;*
- (f) protect public health and safety;*
- (g) protect the integrity of river control works;*
- (h) protect historic heritage; and*
- (i) provide for other circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.*

Territorial authorities may wish to consider the following methods:

WPA Meth 7: Include in district plans and conditions on resource consents, provisions to maintain resource consents, or enhance public access to and along rivers and lakes.

WPA Meth 8: Provide information on existing public access points where appropriate.

WPA Meth 9: Establish esplanade reserves, , esplanade strips or access strips following subdivision.

WPA Meth 10: As appropriate, designate and acquire reserves adjoining rivers and lakes.

WPA Meth 11: Put in place agreements or covenants agreements or or covenants with landowners that enhance public access to and along rivers and lakes.

WPA Meth 12: Consider the use of financial instruments and incentives such as land purchase or compensation, rates relief or grants for fencing and other costs.

WPA Meth 13: Advocate to agencies that hold or are responsible for providing information on public access to provide information to the general public on existing legal access to and along the region's lakes and rivers.

WPA Meth 14: Provide to the public information held by the district council on existing legal access to and along the region's lakes and rivers.

The key directions from the RPS for the District Plan regarding public access to and along the coastal environment are as follows:

CPA Objective 1 To maintain and enhance public access to and along the coastal environment in the Taranaki region, while the coastal environment in the Taranaki region, , while avoiding remedying or mitigating adverse effects that may arise from that access.

CPA Policy 1: Encourage, as far as is practicable, public access to and along the coastal environment, except where circumstances make restrictions necessary to:

- (a) preserve the natural character of the coastal environment and ecological values associated with coastal areas of outstanding coastal values and areas with significant indigenous biodiversity values;*
- (b) protect private property rights;*
- (c) avoid conflicts between competing uses;*
- (d) protect cultural and spiritual values of tangata whenua;*
- (e) protect archaeological and historic heritage values;*
- (f) protect the health and safety of the public where these may be adversely affected by an activity in the coastal environment; and*
- (g) provide for other circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.*

Territorial authorities may wish to consider the following methods:

CPA Meth 6: Include in district plans and conditions on resource consents, provisions to maintain or enhance public access to and along the coastal environment.

CPA Meth 7: Establish esplanade reserves, esplanade strips or access strips following subdivision.

CPA Meth 8: Where appropriate, designate and acquire reserved to and along the coastal environment.

CPA Meth 9: Put in place agreements or covenants with landowners that enhance public access to the coastal environment

CPA Meth 10: Consider the use of financial instruments and incentives such as land purchase or compensation, rates relief or grants for fencing and other costs.

Given the above key directions, maintaining and enhancing public access to and along rivers and lakes and to and along the coastal environment is important, whilst remedying, avoiding or mitigating any adverse effects arising from public access.

3.5 Iwi Environmental Management Plans

Iwi Management Plans are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities, and identify important issues regarding the use of natural and physical resources in their area. For the purposes of the District Plan Review, Iwi Environmental Management Plans must be taken into account under Section 74 (2A) of the RMA.

3.5.1 Taiao, Taiora – Taranaki Iwi Environmental Management Plan (2018).

This plan was lodged with Council in July 2018. Of particular relevance is the following three sections:

- Papatūānuku (whenua):

Issue 8: Coastal subdivision has led to a reduction in access to the coast, to food gathering areas, to wāhi tapu, can impact on important coastal plant and animal species and has resulted in degradation of the natural character of areas of important historical and cultural importance to Taranaki Iwi;

Objective 7: Free and unfettered access to important taonga, wāhi tapu and resources (coast) will be restored and protected for future generation.

Policy 13: Taranaki Iwi does not support new subdivision and development within the Coastal Environment outside the current boundaries of established settlements that:

- restricts whānau access to the coast and important sites;*

- Tangaroa-ki-Tai (Sea and Coastal Marine Area)

Policy 3: Taranaki Iwi will oppose any activity which degrades the natural balance present in the living ecosystem and environment of Tangaroa-i-te-tai, including:

- Activities which degrade or restrict access to mātaimai areas;*

- Tangaroa-ki-Uta (Freshwater)

Issue 5: There is a loss of access to and along important waterbodies as they are often surrounded by private land, making the waterbodies inaccessible to our people;

Objective 4: The health and well-being of wai is protected for present and future generations, including access.

Policy 4: Promote and support access to water for the social, cultural, environmental and economic values of Taranaki Iwi;

Policy 5: Access to fresh water bodies to undertake customary activities and uses is enabled, protected and enhanced;

3.5.2 Taranaki Iwi Rautaki Tiaki Whenua – Reserves Management Plan (2019-2029)

Still in draft form, of particular relevance is Section 5.1 Access, which identifies reserves and sites that have limited access, and management policies seeking to formalise access to these reserves. This section also identifies reserves that should be limited to access for management purposes only due to public safety (for example cliff top reserves and areas of active erosion).

3.5.3 Maniapoto Iwi Environmental Management Plan (Ko Tā Maniapoto Mahere Taiao) (2016)

Drafted in 2016, of particular relevance is access to sites of significance, the coastal and waterways. It is also recognised that public access should be restricted to sensitive cultural and conversation sites.

3.5.4 Ngāti Mutunga Iwi Environmental Management Plan (2014 update)

Drafted in 2014, of particular relevance to Public Access includes enhancing access to mahinga kai areas, waterways and the coast. However issues and policies also recognises where it is important to restricted access to protect Waahi Tapu sites, such as urupa.

3.5.5 Tai Whenua, Tai Tangata, Tai Ao – Te Atiawa Iwi Environmental Management Plan (2019)

Still in draft form, three of the eight domains/issues are of particular relevance:

Te Tai Awhi-Nuku – Inland and Coastal Whenua: Inappropriate Subdivision and Development

Policy 4.13: Require esplanade reserves or set back areas along the river and stream boundaries at the time of subdivision development. These reserves should be at least 20 metres. This will provide protection for the waterways, access to those waterways, provision for wildlife corridors, and connectivity between environments and future communities.

Policy 4.14: Require that all esplanade reserves or set back areas are planted with sites-specific native species to provide

Te Tai O Maru – Freshwater: Access to Waterways

Policy 6.2 Require that all waterways have esplanade reserves or set back areas from residential, commercial or urban activities of at least 10 metres or up to 30 metres, and where there is the space up to 50 metres. This will provide protection for the waterways, access to those waterways, provision for wildlife corridors, and connectivity between environments and future communities.

Policy 7.1 Require and be provided access to mahinga kai areas and sites of significance to Māori through esplanade reserves at the time of subdivision development.

Policy 7. 2 Work with landowners, regional council and district councils to obtain access to mahinga kai areas, wāhi tapu/wāhi taonga, urupā and sites of significance to Māori by waterways.

Te Tai O Tangaroa – Coastal and Marine Environment: Access to the Coast/ customary access

Policy 11.1 Require the recognition and provision for customary access to mahinga kai sites and resources, or other sites of cultural significance. Pol.

Policy 11.2 Require that access restrictions be designed to protect the coastal environment (e.g restrictions to vehicle access) and coastal land use and development do not restrict Te Atiawa’s access to mahinga kai sites and resources, or other sites of cultural significance.

In summary, the loss of access to waterways, lakes and the coast is an overarching issue expressed throughout the Iwi Management Plans. This includes concerns of inappropriate subdivision or development along waterways and the coast, and loss of access for customary activities, mahinga kai areas, and sites of cultural significance.

3.5.6 Ngā Kaitiaki Working Group

To assist with the District Plan review process, and to ensure input from tangata whenua, a working group called ‘Ngā Kaitiaki’ was established. This working group is made up of mandated iwi and hapū representatives to review the District Plan with a tea o Māori (Māori worldview) perspective. An independent planner also provides technical planning support to the working group as part of this collaboration. Council’s Ngā Kaitiaki group have provided input into the development of the Public Access Corridor section.

3.6 Other Legislation, Guidance and Policy Documents

Other legislation and regulations that are relevant to public access, and have been considered in preparing the Proposed Plan, are outlined below.

3.6.1 Marine and Coastal Area (Takutai Moana) Act (2011)

The Act recognises the rights of free public access over and through the common marine and coastal area and that the right of coastal navigation is recognised and protected.

3.6.2 Walking Access Act (2008)

The Act also influences public access around New Zealand, which was created to enhance and extend walking access throughout the country. The Walking Access Act sits alongside and does not duplicate existing RMA provisions. The New Zealand Walking Access Commission implements the Act and provides leadership on walking access issues. The Commission maps walking access routes, provides information to the public, has developed a code of responsible conduct, assists with dispute resolution and negotiates new walking access.

3.6.3 Regional Coastal Plan for Taranaki: Operative (1997) and Proposed (2018)

The Operative Regional Coastal Plan for Taranaki recognises that the maintenance and enhancement of public access within the coastal marine area is an important issue. The plan contains objectives, policies and methods to ensure that the natural character of, and public access to, the coastal environment is maintained. Methods include: rules, restrictions to be applied on coastal permits to maintain existing access, coastal permit conditions, advocacy and provision of information.

The Proposed Coastal Plan for Taranaki was released in February 2018. It proposes to largely continue the existing coastal management regime but with a number of important changes which include bringing it in line with the Government's revised New Zealand Coastal Policy Statement. A key objective of the proposed Plan (Objective 12) is that People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced. The District Plan should not be inconsistent with or conflict with the provisions in the Regional Coastal Plan.

3.6.4 Regional Freshwater Plan for Taranaki (2001)

The Regional Freshwater Plan for Taranaki recognises and provides for the maintenance and enhancement of public access to and along lakes and rivers by containing objectives, policies and methods to ensure that public access is maintained or enhanced. Methods include; regional rules relating to the use and development of freshwater and the beds of rivers and lakes, advocating to territorial authorities the establishment of public access to and along rivers and streams with high natural, ecological and amenity values, and promotion of public access through the riparian management strategy and riparian management plans in conjunction with landowners, where appropriate. The District Plan should not be inconsistent with or conflict with the provisions in the Regional Coastal Plan.

3.6.5 Regional Walkways and Cycleways Strategy for Taranaki (2007)

The [Regional Walkways and Cycleways Strategy for Taranaki](#) was created by the Taranaki Regional Council to promote walking and cycling activities in the region, including access to freshwater and the coast. The strategy identifies priority locations for improving public access, and lists current and potential routes that would form a network offering access to the region's natural attractions and centres.

3.6.6 Tapuae Roa Taranaki Regional Economic Development Strategy (2017)

[Tapuae Roa – Make way for Taranaki](#) is a culmination of work undertaken by the district councils and regional council of Taranaki in partnership with Ngā Iwi o Taranaki, released in August 2017. It is designed to feed into the Long Term Plans of all the councils in the region, influence private sector investment decision-making and contribute to the future activities and investment decisions of Ngā Iwi o Taranaki.

The Strategy signals tourism as a key industry and recognises there is significant potential to build on the many attractions associated with Mountain and coastal reaches. A connected and integrated public access network will support economic and tourism potential for the region. For example, the Taranaki Crossing is recognised as a key enabler for unlocking potential for the region's visitor industry prospects.

Furthermore, a key theme running through the document is that lifestyle is recognised as a key factor in population attraction and retention. One of the three key goals to deliver on the Strategy's vision is:

1. Attractive lifestyles: "The Taranaki lifestyle offering retains and attracts people."

This includes a key indicator of: protection of and ease of access to the natural environment.

3.7 Local Policies Plans and Strategies

3.7.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupu Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wāhi atu, tatou katoa).

3.7.2 New Plymouth District Council Blueprint

The Blueprint is a 30-year spatial plan for the district first adopted in June 2015. The key directions and associated high-level initiatives in the Blueprint relevant to the Public Access Corridors chapter are:

- Environment – Enhance the natural environment with biodiversity links and clean waterways
- Communities – Strengthen and connect local communities
- Destination – Become a world-class destination

A key priority is to 'improve cycling and pedestrian linkages and accessibility in New Plymouth'. Part of this involves reconfigured footpaths and paths with new links including the Taranaki Traverse and Coastal Walkway to Waitara so that the District can become a world class destination. The 'flagship' initiative to lead this direction is the Taranaki Traverse – a world-class recreational, environmental and cultural tourism experience. This is a long-term initiative that will require time, focus and a collaborative, multi-agency approach.

3.7.3 New Plymouth Open Space, Sport and Recreation Strategy (2015)

The [New Plymouth Open Space, Sport and Recreation Strategy](#) is a long-term planning document to help Council plan, develop and manage Council-owned recreation and open spaces within the district, in a way that meets the current and future needs of the community. Relevant to public access the strategy identifies "shared pathway networks" for multiple uses along waterbodies and the coast so that waterbodies and the coast are easily accessed by the community. It also seeks to ensure that other types of open spaces are appropriately located and connected by networks such as waterbodies. The strategy also identifies gaps and potential future areas of interest across the district, many of which align with proposed Public Access Corridor locations. The majority of the Public access corridors align with the areas of interest identified in this strategy.

4 Context, Research and Trends

4.1 Operative District Plan Approach

The Operative District Plan contains the following 'Management Strategy' for public access.

Management Strategy

Objective 18: To maintain and enhance public access to and along the coast, lakes and rivers.

Policy 18.1: Public access should be provided to and along the coast and PRIORITY WATERBODIES except where such access should be restricted:

- *To preserve natural character.*
- *To protect SIGNIFICANT COASTAL AREAS.*
- *To protect SIGNIFICANT NATURAL AREAS.*
- *To safeguard ecological, intrinsic or recreational attributes.*
- *To avoid conflicts between competing uses.*
- *To protect cultural and spiritual values of TANGATA WHENUA.*
- *To protect human health and safety.*
- *For reasons of security.*
- *To prevent aggravation of a natural hazard.*
- *To protect the integrity of RIVER and flood control works.*
- *To provide for any other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.*

District Plan Rules

Controlled activity status for:

- Subdivision of land in Residential, Business, Industrial, or Open Space areas adjacent to a priority waterbody that meets the requirements for an esplanade reserve/strip in Table 17.1 or 17.2 in Appendix 17: Preferred Esplanade Reserves or Strips (OL57).
- Subdivision of land in the Rural area adjacent to a priority waterbody that sets aside an esplanade strip of 20m wide, unless a preferred esplanade reserve has been specified (OL58).
- Restricted Discretionary activity for subdivision of land adjacent to a priority waterbody, that does not meet the requirement for an esplanade reserve/strip (OL57 and OL58). Matters of discretion are restricted to:
 - *Whether the taking of the reserve or strip, or its required width is inappropriate for reasons of impact on SITES of significance to IWI or ecological areas sensitive to disturbance, security, public safety, natural hazards (such as stability or flooding) or minor boundary adjustment.*
 - *The extent to which the natural character or functioning, public access or recreational enjoyment of the waterbody will be affected by any reduction or removal.*
 - *Whether the preservation of the natural character of, or public access to, the waterbody can be provided for by alternative means.*
 - *Any existing formal protection afforded to the waterbody through existing reserves or strip, covenants or management agreements.*
 - *Any factors which mitigate against reduction or removal.*
 - *Any works or alternative means to compensate for a waiver or reduction in size of the esplanade reserve or strip.*
 - *For strips set aside for public access, whether the strip is inaccessible due to topography or other reasons.*
 - *The extent to which the public benefits gained justify the costs of acquisitions and maintenance of the strip, having regard to the purpose of the strip.*

Schedules/Appendices

The [Schedule of Priority Waterbodies](#) contains a list of 25 waterbodies throughout the District. It was based on the Regional Policy Statement for Taranaki (1994) and the Regional Freshwater Plan for Taranaki (2001), and lists the waterbodies identified as having special significance in terms of natural character or public access and recreation values, consistent with the values in the Regional Freshwater Plan's identified "regionally significant waterbodies" at the time that the District Plan was prepared in the early 2000s.

[Appendix 17 Preferred Esplanade Reserves and Strips](#) contains a list of preferred esplanade reserves and preferred esplanade strips to be created/set aside at the time of subdivision. These are areas identified as important linkages, primarily in urban areas and between Open Space areas, which have been targeted for public acquisition as esplanade reserve or for access by way of esplanade strips to facilitate public access.

4.2 Other Methods

The other methods outside the District Plan that are used to maintain and enhance public access to waterbodies and the coast are:

- Negotiated agreements between the Council and landowners for public access purposes, including the creation of esplanade strips and access strips under the Act or walkways through the provisions of the Walkways Act 1990.
- Liaison with recreational user groups within the districts through the Council
- Information on areas available to the public for access, including information on where such areas are, what access is allowed, any restrictions that apply and how to protect sensitive areas.
- Promotion and support for dune care groups and community involvement in issues relating to public access and the protection of sensitive areas.
- Retain unformed legal roads where stopping would adversely affect public access to the coast and lakes and rivers.

4.3 State of the Environment

4.3.1 Context

Public access to and along river and lake margins allows for the use and enjoyment of the amenity, scenic and recreational values of rivers and lakes, and for the cultural and spiritual values and customary uses of tangata whenua.

New Zealanders have traditionally enjoyed good access to and along rivers, lakes and their margins. Generally, the public in New Plymouth has a good degree of access to the coast within the district via public roads, marginal strips, public reserves, public walkways or by access strips where formal (legal) rights of access have been negotiated with the landowner. The Coastal Walkway in New Plymouth is highly valued by the community and visitors alike, and has exceeded expectations in terms of use by both commuters and recreational pedestrians/cyclists, and is a key tourism attraction for the District.

There is also a good level of public access to rivers, lakes and streams within urban areas. Formal access has improved over time, enhanced through the creation of esplanade reserves and strips along rivers and lakes. However, this represents but a

small proportion of the total length of Taranaki's waterways, and public access remains disjointed, with relatively little formal access outside of urban areas. Within rural areas, marginal strips, esplanade reserves and unformed legal roads that provide access to waterbodies are scattered and not easily identifiable by the general public.

Where land is in private ownership, access is by agreement with the landowner. Informal access arrangements with neighbouring landowners can enable or hinder public access to natural environments. According to Taranaki Regional Council, approximately half of beds of rivers, streams and lakes in the Taranaki Region are in private ownership which requires goodwill and cooperation of landowners - often via the creation of esplanade strips and reserves. Most private landowners allow people to cross their land if property rights are respected and permission is sought first.

Generally, there is very good public access to most parts of the coast in the Taranaki Region, especially in the New Plymouth District and in urban areas. Compared with other regions, Taranaki has relatively few development pressures threatening amenity and natural values. However, along some parts of the coast, public access to the coast may be difficult or disjointed due to topography, a lack of formal access, or poorly defined public access.

The State of the Environment Report (2015) found that the latest community satisfaction survey showed more than 90 per cent approval rating for living environment, parks and reserves and access to natural environment within the New Plymouth District Council area. Additionally, the report found that there is good public access to major recreational beaches in the region, with a 90 per cent satisfaction with formal and informal public access to rivers, lakes and coast in the region. The New Plymouth District Council also commissioned a NRB Communitrak community survey in 2014, which showed that 95% of New Plymouth District residents are either very or fairly satisfied with public access to the natural environment.

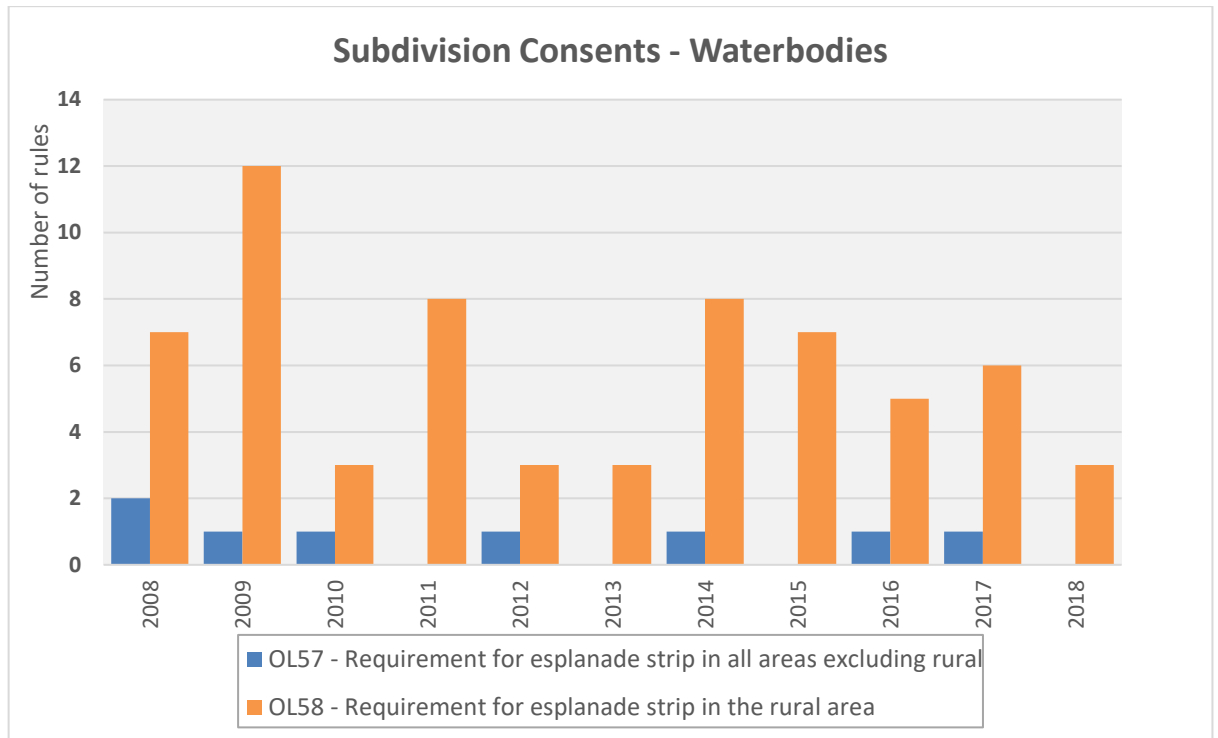
Some of the biggest constraints to public access include physical difficulties such as high tides or eroding cliffs, subdivision and development blocking public access and lack of signs or formed roads. Furthermore, there is increasing interest in residential and lifestyle development along some parts of the Taranaki coast. Further subdivision and lifestyle development has potential to exacerbate some of the problems associated with coastal access. As noted in the 2009 State of the Environment Report for Taranaki in creating a regional inventory, a study of ease of access to 69 identified sites was undertaken. It was found that 29 of the coastal areas (or 42 per cent) were rated as having poor public access with access to the sites hindered by long walks from the nearest formed roads, pathways being generally unclear, rough topography and needing to obtain the landowner's permission to cross land.

Access to the coast and waterbodies continues to be a high priority for the community. However, the provision of any future public access needs to be balanced against other important considerations, including conservation and cultural values, public health and safety, and security issues that may be compromised by inappropriate access. For some waterbodies and the coast, it will be appropriate to encourage and develop public use, especially in circumstances which recreational values or high natural character. For other areas, restricted public access may be required to protect rare or endangered species, protect cultural values or for public health and safety issues. Providing for the maintenance and enhancement of public access to and along the coastal environment and waterbodies also needs to be balanced against the private property rights of land

owners/occupiers and appropriate consultation and agreement sought with landowners.

4.3.2 Resource Consent Trends/Data

The standard widths for reserve/strips under the Operative Plan do vary depending on the location and scale. Esplanade strips which occur in the rural environment area are generally subject to what adjoining and/or adjacent strips sizes are provided. An esplanade strip assessment occurs for every subdivision on a Priority Water Body (referred to as Significant Water Body under the Proposed Plan) where an independent Landscape Architect provides an assessment and recommends to the reporting officer an esplanade strip width. This varies from between 5m and 20m.



The District Plan review highlighted that there have been issues experienced with the Operative Plan in terms of administering and implementing public access in the most appropriate locations. The Parks Department at NPDC are concerned about budget constraints when acquiring reserve areas, with particular concern about ongoing maintenance of reserve areas. It's a balancing act between determining the appropriate size, extent and nature of reserves at the time of subdivision, and the financial viability and budget constraints of new reserve areas.

Waterbodies that are not identified in the District Plan as a Priority Waterbody are often given little consideration in the Operative District Plan. While the majority of proposed Public Access Corridors are located along Priority Waterbodies, that are some strategic links identified as Public Access Corridors located along non-priority waterbodies because they either link existing sections of the network, or provide connections between public open space. Also, while there is a general willingness to provide reserves and public access along waterbodies, it can sometimes be difficult navigating access trips to and from waterways so they can link up with the shared pathway network.

Missed opportunities to join the gaps (long term) in the network will result in poor outcomes for the community. The Public Access Corridors will help to signal the most strategic links that will provide the best outcomes for the community as a connected, integrated network.

The review has looked at the rules and location of Public Access Corridors. A mapped network of proposed Public Access Corridors were tested through the Draft Plan. These were further reviewed and refined for the Proposed District Plan. This included analysing each individual pathway, as well as looking at how each pathway contributes to an integrated network across the district to ensure they provide the best outcomes. Internal workshops were held with NPDC Parks and Transport departments to ensure the network aligns with other strategic planning projects within Council. This analysis also took into account submissions received on council consultation processes, including the Draft District Plan, LTP and Community Board Plans, scoping or feasibility work already undertaken by Council, whether funding has been secured, and recognising where the topography makes implementing a path impractical or not financially viable.

This exercise has demonstrated that improvements can be made to how public access is administered, and can be refined and better recognised in the Proposed Plan.

4.4 Effectiveness of the Operative District Plan Approach

The Operative Plan public access provisions generally achieve the objective of maintaining and enhancing public access to and along the coast, lakes and rivers. However, there are some issues with the Operative District Plan approach, which is limiting the effectiveness of the Operative Plan as follows.

Issue	Comment	Response
Issue 1: Public access to the district's coastal environment, lakes and rivers is at risk of being compromised by inappropriate development.	The Operative Plan is limited in its ability to manage buildings or structures in close proximity to waterbodies or the coast. Having no rules/restrictions for activities could prevent future public access alongside waterbodies or the coast (including shared pathway network). There are no 'strategic' provisions to manage buildings or structures in areas/networks intended for future public access.	Inclusion of rules to control activities and around public access corridors and adjoining esplanade reserves that will maintain or enhance public access. Strengthened objectives and policies that promote the enjoyment and use of any existing and proposed public access to and along waterbodies or the coast.
Issue 2: The Operative District Plan is 'reactive' in its approach meaning that opportunities to secure public access have been missed, resulting in gaps in the district's network of strategic public access corridors.	There are limited restrictions and controls for maintaining or securing public access corridors. This, in conjunction with an inability to enforce public access corridors during processing of developments and subdivision consents has led to gaps in the district's	An increased emphasis on priorities for public access by identifying the Council's shared pathway network, including the Taranaki Traverse. Including policy provisions for identifying and scheduling public access corridors for the Coastal

Issue	Comment	Response
	<p>strategic public access corridors.</p> <p>Provision for public access through esplanade reserves and strips along identified priority waterbodies and preferred esplanade reserves and strips can only be created when subdivision of land occurs adjacent to a priority waterbody or the coast. Therefore, the maintenance or enhancement of public access is somewhat 'reactive' and dependent on the extent of subdivision occurring adjacent to waterbodies or the coast.</p> <p>Further, with the exception of one rule for buildings/structures close to rural watercourses for natural hazards purposes, there are no setback requirements for buildings or structures adjacent to waterbodies. Therefore, a building or structure can locate in very close proximity to waterbodies as a permitted activity, which could hinder or restrict future public access across the land. Greater strategic direction on public access could be provided in the District Plan.</p>	<p>Walkway and shared pathway network.</p> <p>Strengthened objectives and policies that promote the enjoyment and use of any existing and proposed public access to and along waterbodies or the coast.</p> <p>Greater controls in the rules assessment in a bid to locate building platforms away from public access corridors, and strengthened recognition/consideration for future public access in subdivision provisions.</p> <p>Opportunity to align the District Plan with strategic aspirations for shared pathway network.</p>
<p>Issue 3: The Operative District Plan needs to be updated to give effect to the NPSFM, NZCPS, RPS, to reflect best practice and the Council's shared district pathway aspirations.</p>	<p>The District Plan needs to be updated to give effect to the most recent legislative context including the NZCPS (particularly policies 18, 19 and 20 relating to open space, walking access to and along the Coastal Marine Area), as well as the NPSFM and RPS direction.</p> <p>In addition, NPDC's 2014 community consultation on the New Plymouth District Blueprint resulted in a priority to 'improve cycling and pedestrian linkages and accessibility in New Plymouth'. Part of this involves reconfigured footpaths and paths with new links including the Taranaki Traverse and Coastal Walkway to Waitara.</p>	<p>Ensuring public access provisions are in line with higher order documents, best practice around New Zealand and other District Councils within the Taranaki Region.</p> <p>A strengthened emphasis on priorities for public access by identifying the Council's shared pathway network, including the Taranaki Traverse.</p> <p>The Taranaki Traverse is a flagship project from the Blueprint that has the vision of delivering a pathway network that connects the district's rivers, mountain and coast.</p> <p>Under the proposed plan the Council will require that any subdivision of land adjacent to or containing a priority</p>

Issue	Comment	Response
	<p>This requires a strengthened regulatory protection approach with focus on route protection for proposed or existing shared pathways which need some form of protection and review under the District Plan.</p>	<p>waterbody, river of 3m in width or more, or abutting mean highwater springs, provide an esplanade reserve or strip, especially in urban areas and where the esplanade reserve or esplanade strip adjoins a public access corridor.</p> <p>Greater focus on public access corridor protection and enhancement and shared pathways through policy and objective provisions and rules assessment across three sections: public access corridors, waterbodies and coastal environment.</p>
<p>Issue 4: Priority Waterbodies Schedule is outdated</p>	<p>The Priority Waterbodies schedule is outdated and does not include waterbodies identified as priority areas for key biodiversity linkages, public access or recreational values in the Council Blueprint (e.g. the 'shared pathway network', Oakura and Waiwhakaiho River biodiversity corridor, mid-city biodiversity linkages and water quality).</p> <p>The Priority Waterbodies schedule also does not identify the values of waterbodies so there is no way of knowing which waterbodies have high recreational, scenic or amenity values (and therefore which waterbodies should be prioritised for public access).</p>	<p>Review of the Waterbodies schedule and inclusion of specific values of each waterbody (e.g. natural character, recreation, public access, scenic, amenity, cultural or water quality values) (note: this matter is also covered in the Waterbodies s32 report)</p>
<p>Issue 5: Recognition where promoting public access may not be appropriate.</p>	<p>Consultation with Tangata Whenua and submitters to the draft plan have emphasised that whilst public access to waterbodies and the coastal environment is important, in some situations restricting access is necessary to protect other important values.</p> <p>These include for health and safety reasons for the public, as well as for protection of important ecological or cultural values, or cultural activities.</p>	<p>The proposed plan provisions include ensuring that access to the coast and waterbodies does not result in adverse effects on natural character, indigenous biodiversity, historic heritage, cultural or landscape values.</p>

4.5 Effectiveness of Other Methods

The methods set out in Section 4.2 above are generally effective when implemented alongside the District Plan.

Generally, engagement that relates to public access has been part of Council's wider strategies and plans consultation processes. For example, Long Term Plan, Green Spaces Management Plan review, Open Space, Sports and Recreational Strategy review, Coastal Reserve Management Plan, NP District Blueprint, PN Central Area Urban Design Survey (especially feedback on access/link to coast).

There are some major shared pathway projects that will have their own consultation and business case approach. For example the Waitara extension to the Coastal Walkway was consulted on as part of NPDC's Lets Kōrero community conversation and survey in March 2019. The Public Access Corridor between Bell Block and Waitara will be clearly identified as a route on planning maps once the final route has been confirmed through a business case approach and consultation with stakeholders and the community. However, it cannot be mapped until this work has been completed, and could therefore not be included as part of the Proposed Plan data.

Council Parks and Communications departments are active in liaising with community on public space and open space projects, and the 'Lets Go' programme is a good example of a Council promoting PACs and encouraging people to use them. It communicates urban shared pathways, through signage, maps and cycle safety training and is mostly focussed around schools. However, this does not represent promotion of the entire Public Access Corridor network across the district. While high-grade urban shared pathways like the coastal walkway are well defined, other PACs that have little or no infrastructure, minimum signage and generally less defined are less known to the public.

While not solely advocating for a strategic network of public access corridors, there are range of community groups and organisations that could assist with raising the profile of access across the district. There are community groups that are particularly interested in access for forms of recreational activities including mountain biking and bridle paths/horse riding. Other community groups have more of a focus on conservation and identification/protection of sensitive sites, for example, Sustainable Taranaki, Wild of Taranaki, Taranaki Conservationists, Huatoki Conservation Group and Friends of the Te Henui.

5 Consultation

5.1 General Consultation

Extensive consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation. Feedback from consultation relevant to the Public Access section is summarised below.

The Public Access Corridor overlay that was consulted on as part of the New Plymouth District Council Draft District Plan included 22 mapped lines in the Draft Digital Plan (ePlan). Feedback on the Draft District Plan received from the community regarding public access assisted with refined the Public Access Corridor mapped lines and is summarised below:

- One submitter raised for consideration the inclusion of a policy that recognises where promoting public access may not be appropriate.
- Another submitter noted that more direction needs to be given towards requiring esplanades for other values, and, in the coastal environment, implementing NZCPS Policy 19, including Policy 19(3). The submitter seeks relief to address the other purposes of esplanade reserves and strips contained in s229 of the RMA.
- A further submitter had concerns on behalf of the farming community regarding farmland being within or near public access corridors and the proposed shared pathway network and access on private land.
- One submitter noted that certain surf breaks including Oakura, Back Beach, East End, Fitzroy, Waitara (and others) should have guaranteed public access unobstructed by other activities.
- Some submitters supported the inclusion of the Taranaki Traverse.
- Regarding public access to rivers, lakes and the coastal environment one submitter suggested that the qualifying phrase 'where appropriate' or 'as far as practicable' be added. The submitter acknowledged there will evidently be occasions where public access is impracticable or dangerous. Furthermore, where access is over private land, it is expected that access only be granted with permission of the landowner, as they may have legitimate concerns around security of people and property, as well as public safety in relation to hazards.
- One submitter wanted to amend the Rule Summary to provide for new infrastructure as a discretionary activity when making provision for public access.
- Submitters wanted a new policy inserted to acknowledge that there are some areas around infrastructure along waterbodies where public exclusion is appropriate due to safety risks. Additionally, an addition of identifying and scheduling areas where public access is prohibited due to safety concerns and/or the operational requirements of network utility providers.
- Some submitters sought clearer definition of what a public access corridor includes. Furthermore, one submitter requested naming the corridors on the map to assist defining the network.

The provisions in the Proposed Plan have been amended to reflect the above matters where assessed as appropriate in the evaluation below.

5.2 Consultation with Iwi Authorities

Ngā Kaitiaki were consulted in regard to the public access corridor provisions in the Operative District Plan. Feedback from Ngā Kaitiaki is summarised below:

- Ngā Kaitiaki considered that an earlier draft of the plan omitted recognition of kaitiakitanga in regard to where public access is provided in the coastal environment or along waterbodies. In particular, support for Māori resource management tools (e.g. Rāhui). This is to guide the identification of public access (esplanade strips, esplanade reserves, access strips) and following this guide, resource consent conditions to better incorporate mātauranga Māori (including esplanade strip/reserve agreements).
- Ngā Kaitiaki has provided several examples where public access to the coastal environment would reduce the ability to protect activities of cultural value on reef systems traditionally managed by whanau. The policies must recognise that in some situations public access is not appropriate, and therefore access should be provided to another location.

- When read collectively, the policies did not clearly set out where public access should be identified, designed or managed in the District. Ngā Kaitiaki suggested an additional policy is required to restrict public access within the coastal environment and along waterbodies when it is necessary to protect sites and activities of cultural value to Māori. In order to compromise, the group suggested where restriction be temporary at certain times of the year, or following certain events to ensure the on-going health of coastal or freshwater areas/resources. Where public access is provided, this policy should influence the wording of esplanade strip/reserve agreements.
- Ngā Kaitiaki understand that decisions regarding esplanade strips/reserves or access strips are made at time of subdivision. It was suggested that the advice of Tangata Whenua regarding what access is taken/formed is sought through the process to make that decision. Case by case determination of the location, widths and activities permitted on strips/reserves is necessary to enable more specific advice to be provided by tangata whenua. A process providing for this engagement which sits alongside the District Plan is encouraged.

In response, the following changes have been made:

- Recognition of Kaitiakitanga and tangata whenua involvement in resource consent decision making in strategic objectives and policies section, which would inform resource consent processes and the appropriateness of seeking tangata whenua advice in decision-making.
- Inclusion of WB-P6 which sets out the circumstances where it may be appropriate to reduce or waive the requirement for an esplanade reserve or strip including whether the provision of a reserve or strip would compromise the protection of sites and activities of significance to tangata whenua. This balances the matters of national importance under 6(d) and 6(e) of the RMA, as tangata whenua have associations and traditions relevant to some waterbodies and the coastal areas in the District which may not be suitable for public access.
- Identifying public access corridors clearly sets out where public access should be identified, designed and provided for within the district.

6 Key Resource Management Issues

The key resource management issues for public access are:

- Providing or the maintenance and enhancement of public access to and along the coastal environmental and waterbodies, and
- Avoiding, remedying or mitigating adverse effects that may arise from public access to and along the coastal environment and waterbodies.

The provision of future public access is interconnected with other issues, and needs to be balanced against other important considerations, including conservation and cultural values, and public health and safety that may be compromised by inappropriate access.

Following identification of the key resource management issues, the existing objectives, policies and methods were reviewed to determine whether they effectively addressed the issues. Based on this review, the provisions were revised and new draft provisions were circulated to interested parties for feedback, and revised where

appropriate (summarised in Section 5). This feedback was considered and the draft provisions revised where appropriate. A summary of these provisions is outlined below.

7 Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)

In summary, the proposed provisions comprise a district wide chapter to manage the maintenance and enhancement of public access corridors, identification of public access corridors on planning maps, and use of esplanade reserves or strips in the subdivision, coastal environment and waterbodies chapters as set out below.

7.1 Strategic Objectives

The Proposed District Plan includes an outline of the key strategic matters of the district. The applicability/relevance of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed District Plan. Of particular relevance to Public Access is the following Urban Form and Development Matters Strategic Objective:

UFD-19: Provide the community with urban environments that are livable, connected, accessible, safe and well-designed spaces to live, work and play by:

- 1. integrating and enhancing natural features and topography into the design of development to minimise environmental impacts;*
- 2. recognising the local context and character of an area;*
- 3. reducing opportunities for crime and perceptions of crime through design solutions;*
- 4. creating ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;*
- 5. incorporating matauranga māori principles by involving tangata whenua in the design, construction and development of the built environment;*
- 6. using low impact design solutions and/or healthy, accessible, energy efficient buildings; and*
- 7. utilising and/or upgrading existing infrastructure or servicing with new infrastructure.*

7.2 Overlay

Public Access Corridors are identified on the planning map as an overlay. This District Plan uses the overarching term of Public Access Corridors to represent the network of pathway connections that provide public access to and along the coast, priority waterbodies, open spaces and other public areas. Public Access Corridors include:

- The Coastal Walkway.
- Taranaki Traverse.
- Shared pathways and walking trails.
- Esplanade Strips or Reserves taken at the time of subdivision.
- Access Strips that are not directly next to the coast or waterbody, but provide access to and from.
- Unformed legal roads.

Public access can also be in the form of informal agreements with private land owners.

Due to the broad nature of the pathway types, it is difficult to have a single definition and defined set of users for Public Access Corridors. Generally, the network can be used by all or some of the following persons; pedestrians, cyclists, riders of mobility devices and wheeled recreational devices. However the level of accessibility for different users varies depending on the nature of the specific pathway. Consideration to the suitability of access for other recreational activities such as bridle paths and mountain bike/cycling tracks can also given while planning new pathway projects.

Some sections of the mapped network are well identified, such as the Coastal Walkway. Other mapped sections signify where there is potential to extend the network to, and link sections of the existing network. Identifying the high level strategic route along the coast and waterbodies reduces the risk of potentially missing out on vital opportunities to link up sections of the network, should an opportunity arise. Protecting and extending the mapped network aligns with Council's strategic aspiration to develop a district wide shared pathway network.

7.3 Policies

The proposed policies for maintaining and enhancing public access to the coast and waterbodies where practicable and protecting access to ensure that the district's shared pathway network connects open spaces and other public areas provide explicit controls and measures to maintain and enhance public access. This includes providing esplanade reserves, strips or designations and requiring that subdivision and development is appropriate with adequate setback. In addition, the waterbodies and coastal environment policies cover the requirement for esplanade reserves or strips and circumstances where a waiver or reduction in width for a reserve or strip may be appropriate.

It is also important to note that the policies in the Waterbodies and Coastal Environment chapters provide direction on the circumstances where public access is not appropriate or where reserves or strips should be required for other reasons, which would be determined on a case-by-case basis (e.g. for conservation, ecological or cultural purposes).

7.4 Rules

7.4.1 Permitted activity rules that provide for:

- Sport and recreation activities within a public access corridor.
- Customary activities within a public access corridor.
- Natural hazard mitigation activities within a public access corridor.
- Planting, restoration and weed removal within a public access corridor.
- Building activities on land that contains a public access corridor where no part of any building is located within the public access corridor.

7.4.2 Controlled activity rules that provide for:

- Subdivision of land which contains a public access corridor where no building platform(s) is located within the public access corridor.

7.4.3 Discretionary activity rules that manage:

- Industrial activity within 50m of a public access corridor where the industrial activity is outside the Industry or Major Facility zones.
- Quarries within 50m of a public access corridor.

7.4.4 Esplanade reserves or strips are required for subdivision of land:

- Containing or adjacent to a significant waterbody.
- Containing or adjacent to a natural waterbody, where an allotment of less than 4ha is to be created.
- Adjacent to mean high water springs.

7.5 Proposed Approach to Preferred Esplanade Reserves or Strips

Following the review of the Priority Waterbodies Schedule (which includes all rivers that have preferred esplanade reserves/strips adjacent to them in the Operative Plan), it was decided to remove the preferred esplanade reserves/strips from the plan, primarily because the proposed rule framework relating to waterbodies already requires an esplanade reserve or strip to be provided at the time of subdivision of land adjacent to or containing a significant waterbody (i.e. the same outcome is achieved). Council has the ability to waive the requirement for or reduce the width of the esplanade reserve or strip, if appropriate, considering the matters in Policy WB-P5.

7.6 Other Methods

It is considered that other methods that site outside of the District Plan identified and discussed in sections 3.2 and 3.5 remain an effective and continue to be a relevant way in which the Council can manage public access. Therefore, it is proposed to continue with these methods in conjunction with the Proposed District Plan provisions.

8 Approach to Evaluation

Section 32 of the Resource Management Act 1991 (RMA) is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals).

The section requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

8.1 Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan			✓	
Effects on matters of national importance			✓	
Scale of effects – geographically (local, district wide, regional, national).		✓		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).			✓	
Scale of effects on those with specific interests, e.g., Tangata Whenua			✓	
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?			✓	
Likelihood of increased costs or restrictions on individuals, communities or businesses.		✓		
Variation from current best practice in New Zealand.	✓			
Variation from current legislation in New Zealand.	✓			
Likelihood of this topic being controversial, i.e. will it cause a high degree of community disagreement?			✓	
Consequences in terms of environmental, social or economic effects if proposal is ineffective.			✓	

8.2 Explanation Summary

Overall, it is considered that the scale and significance of the proposal and the degree of change from the Operative Plan is moderate/medium. The provisions have evolved from the Operative Plan to reflect best practice requirements, to strengthen provisions to promote the enjoyment, use and prioritisation of access corridors, giving Council more control over activities located on or near waterbodies and the coast with high recreation, scenic or amenity values, and to provide a more cohesive and clear provision structure.

The Plan is in accordance with the current and recent legislation changes and the Taranaki Regional Policy Statement. The changes are generally in keeping with the policy direction of the Operative Plan provisions, however they have evolved given the identified issues in reviewing the Operative Plan of compromised public access from inappropriate development and gaps in the pathway network. Given such concerns, stronger direction and impetus has been given in the proposed provisions to protecting public access ways from subdivision and development. The proposed provisions are

also in keeping with the District's Blueprint directions and will contribute towards enhancing the district's shared pathway network. The proposal relates to a strategic matter in the Blueprint, specifically priority 2.6 'improve cycling and pedestrian linkages and accessibility in New Plymouth'.

The proposal relates to one matter of national importance in section 6 of the RMA which is the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers under 6(d). In addition, 6(e) is relevant as tangata whenua have associations and traditions relevant to some waterbodies and coastal areas in the district which, in certain situations, may need to be protected from public access.

The proposal will have a district wide effect as the provisions will apply across the whole of the district and different zones and will affect most members of the community. The public are affected in terms of the potential social and environmental benefits of having a stronger precedent for public access to waterways and coastal areas and protection of these environments from uncontrolled development. However, the public are also impacted with regard to greater controls regarding subdivision and development when properties adjoin or contain public access corridors, mean high water springs or priority waterbodies.

The changes are consistent with approaches in other second-generation District Plans that have been produced around New Zealand and within the Taranaki Region, including consistency in approach to esplanade reserves or strips with the recent South Taranaki District Plan.

Overall, it is considered that the scale and significance of the proposal is moderate/medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the Public Access Corridors provisions.

9 Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
<p>Objective 18 To maintain and enhance public access to and along the coast, lakes and rivers.</p>	<p>This single general objective is largely appropriate in terms of consistency with the RMA statutory and policy context, as it reflects the matter of national importance in Section 6 of the RMA.</p> <p>This objective is also appropriate with regard to the NZCPS Policies 18 and 19. These policies give regard to recognising the need for public open space within and adjacent to coastal marine area and the public expectation of and need for walking access to and along the coastal marine area.</p> <p>However, this objective or an additional objective could be enhanced by defining which characteristics or locations of waterbodies and coastal environments are suitable or unsuitable for public access. Additionally, this objective could be enhanced through reference to the District’s increased focus on shared pathway networks under the Blueprint Plan and a need to control development so these access corridors are not adversely affected. Furthermore, in keeping with best practice, reference could also be made to the notion that access to these areas must ensure there are no adverse effects on natural character, biodiversity, heritage, cultural and landscape values.</p> <p>On this basis, the existing objective is no longer consider the most appropriate way to achieve the purpose of the RMA.</p>
Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p>Public access is provided along the coast and along waterbodies with high recreational, scenic or amenity values.</p> <p>PA-O2</p> <p>The district’s shared pathway network is developed to provide access to the natural environment, enhance recreational opportunities and improve the district as a world class destination.</p>	<p>The RMA requires the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers and the efficient use and development of natural and physical resources and maintenance of amenity values –sections (6)(d), 7(b) and 7(c). Additionally, under sections 6(a) and 7(f) the RMA precedence is given for the preservation of the natural character of the coastal environment (including the coastal marine area) and other waterways and their margins, and their protection from inappropriate subdivision, use, and development and the maintenance and enhancement of the quality of the environment.</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p>PA-O3</p> <p>Access to the coast and waterbodies does not result in adverse effects on natural character, indigenous biodiversity, historic heritage, cultural, or landscape values.</p>	<p>The proposed objectives seek to maintain and protect existing access to waterbodies and coastal environments in the New Plymouth District, as well as enhancing the district's shared pathway network and public access corridor connections whilst balancing the need for public access with the requirement to protect important natural resources.</p> <p>The objectives meet Part 2 of the Resource Management Act by providing for social and cultural wellbeing, health and safety while also recognising the need to protect important natural resources. This approach includes consideration of 'how', which is addressed through the policies and rules assessment.</p> <p>Policy 18 and 19 of the NZCPS not only recognise the public expectation of and need for walking access to and along the coast but note the need to maintain and enhance walking access linkages between public open space areas in the coastal environment. This is supported by the proposed objectives and the Council's shared pathway policy direction.</p> <p>The objectives reflect a community expectation regarding access to the district's natural environments and waterways, which provide recreational or amenity values. However, community feedback through the review process also highlighted the importance of certain restrictions on public access to New Plymouth's waterway and coastal resources based on cultural or health and safety concerns. Given this feedback, it is expected that there will be community wide acceptance of limits identifying when public access can and must be restricted.</p> <p>The objectives may pose some costs on the community but these are considered to be reasonable. Some costs are expected due to the direction given from section 6(d) of the RMA, Policies 18 and 19(1) of the NZCPS, the and Marine and Coastal Area (Takutai Moana) Act 2011. To some extent, these costs can be offset through Council purchases or compensation for acquiring private land for esplanade strips or esplanade reserves. In this context, there is still a cost to ratepayers; however the community anticipates this to ensure access. Hence the cost is warranted.</p> <p>The objectives are consistent with tangata whenua and community outcomes, with the proposal able to be achieved within Council's powers as they manage activities in the district. However, this objective may also be achieved by landowners and community groups choosing to assist in providing access to these areas. Therefore, the existing objectives in relation to temporary activities are considered the most appropriate to achieve the purpose of the Act.</p>

Evaluation of Alternative Options	Appropriateness to achieve the purpose of the Act
Do not define expectations for public access – rely on objectives of Coastal Environment and Waterbodies	This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise the national importance of maintaining or enhancing public access to waterbodies and the coast in accordance with the RMA.
<p>Summary</p> <p>The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is a matter of national importance and a supported activity in the District, with a balanced approach required.</p> <p>The regulations give precedence to section 6(d) of the RMA and policy 19 of the NZCPS to regulate for public access corridors without causing adverse effects upon the environment.</p> <p>The proposed objectives provide for the maintenance and enhancement of public access to waterbodies and the coastal environment within the District Plan and achieve the purpose and principles of the Resource Management Act 1991 to promote sustainable management of our natural and physical resources. Public access corridors provide for the sustainable management of natural and physical resources whilst balancing the need to provide for economic wellbeing and health and safety with the need to provide for social and cultural well-being.</p>	

10 Evaluation of Options to Achieve the Objectives

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Option A: Proposed approach</p> <ul style="list-style-type: none"> Strengthened objectives and policies that promote the enjoyment and use of any existing and proposed public access to and along waterbodies or the coast Identify public access corridors on planning maps that are consistent with Council strategic direction (shared pathway network). An increased emphasis on priorities for public access by identifying the Council's shared pathway network. New rules will control earthworks, subdivision and built development in and around public access corridors and adjoining esplanade reserves. 	<ul style="list-style-type: none"> Ensures more emphasis is placed on the requirement to provide for public access corridors along waterways and the coastal environment. New rules are less "reactive", and more strategic by identifying public access corridors on planning maps and controlling activities in and around public access corridors, to prevent activities from restricting or hindering future public access opportunities, thus reducing inappropriate development compromising public access to the district's coastal environment, lakes and rivers. The proposed provisions will give the Council greater ability to secure public access and reduce 	<ul style="list-style-type: none"> Rules may potentially limit some subdivision, land development and use activities, particularly if these activities are proposed within or near a public access corridor. This could potentially hinder some opportunities for people to provide for their economic well-being and employment. Costs of consent for non-compliance with the standards. Monitoring costs to enforce standards borne by Council. The greater emphasis placed on acquiring public access corridors may result in tensions with land owners and perceived privacy effects if the Council looks to acquire land or require access to be given. 	<ul style="list-style-type: none"> Updating the provisions will ensure that the public access provisions are in accordance with the higher order policy context and best practice. The Proposed Plan effectively reduces user issues through ensuring all public access provisions are located within one section making the plan more user friendly. Having multiple policies and more explicit rules gives greater certainty around public access direction within the District Plan and how competing values should be managed. The rules assessment gives plan users more certainty and clarity in what is permitted and what requires resource consent, and is more 	<ul style="list-style-type: none"> The risk of acting could entail restricted development and subdivision of private land along these waterways. The risk of not acting could be that public access to the district's coastal environment, lakes and rivers could be further compromised by inappropriate development. The risk of not acting could mean that not securing public access could further cause gaps in the District's network of strategic public access corridors. This would hinder their strategic plan for a district wide network connecting natural environments. The risk of not acting on these provisions outweighs the risk of acting.

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<ul style="list-style-type: none"> Acquire esplanade reserves and strips for subdivision adjacent to the coast or waterbodies. 	<ul style="list-style-type: none"> gaps in the shared pathway network. Encourages greater use of the district’s natural environment by both residents and tourists, contributing to economic, social and cultural wellbeing. Objectives and policies seek to resolve tensions between competing values on a case-by-case basis through the resource consent process. 	<ul style="list-style-type: none"> Greater emphasis on public access to waterbodies or coast could result in tensions between competing values (e.g. ecological, cultural values). 	<ul style="list-style-type: none"> strategic and less “reactive” in comparison to the current framework. Clarity in rule provisions provides a high level of certainty to businesses and the public whom have sections along waterbodies and the coastal areas and who may wish to develop further or subdivide. 	<ul style="list-style-type: none">
<p>Option B: Status quo regulatory approach</p> <ul style="list-style-type: none"> Provide public access to the coast and along priority waterbodies Identify priority waterbodies on planning maps and schedule Identify preferred esplanade reserves and strips Rules specifying standards relating to the 	<ul style="list-style-type: none"> Plan users and professionals are familiar with current provisions, resulting in reduced costs in understanding and complying with the plan. Priority areas for public access through the preferred esplanade reserves and strips are clearly identified in the plan, therefore no (potentially 	<ul style="list-style-type: none"> Lack of strategic direction in plan – provision for public access can only occur when subdivision occurs which results in piecemeal reserves/strips that are not connected Priority waterbodies schedule does not identify the values of each waterbodies, the plan is unclear as to 	<ul style="list-style-type: none"> A permissive approach is effective and efficient as it allows landowners and developers to efficiently use their land while also providing for public access However, the current approach is ineffective in that especially in rural areas, public access provision is piecemeal and not well-connected. It also enables 	<ul style="list-style-type: none"> The risk of acting on these status quo provisions is that the current issues experienced with the operative plan would continue, inappropriate activities could be allowed in areas that the Council has a strategic vision to provide public access, and the plan would not be well-integrated with other

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>creation of esplanade reserves and strips at the time of subdivision consent</p>	<p>unreasonable) restrictions on the efficient use of land.</p> <ul style="list-style-type: none"> • Permissive approach to buildings or structures near waterbodies or coast enables efficient use of land, retention of privacy and ability for social and economic wellbeing associated with private land use and development. 	<p>which waterbodies with high recreational, scenic and amenity value should be priorities for public access and can lead to inconsistent decision making (thus lack of public access and missed opportunities)</p> <ul style="list-style-type: none"> • Buildings or structures are not restricted close to waterbodies in urban areas which could hinder future public access • Lack of integration with other strategic council policy documents (e.g. blueprint, open space, sports and recreation strategy). 	<p>potentially inappropriate activities near areas that future public access is anticipated, and is not well-integrated with strategic directions.</p> <ul style="list-style-type: none"> • This option is not considered to be the most efficient, effective and appropriate to achieve the objectives. 	<p>Council strategic directions.</p> <ul style="list-style-type: none"> • It is considered that the risk of acting on these provisions outweighs the risk of not acting.
<p>Option C: Stringent regulatory approach</p> <ul style="list-style-type: none"> • Rules restricting development and activity along coastal margins and adjacent to rivers and streams. Including use of non-complying and prohibited activity 	<ul style="list-style-type: none"> • Greater certainty regarding the significance of public access corridors to and along rivers, lakes and coastal environments. • Certainty regarding the works and activities that can be undertaken 	<ul style="list-style-type: none"> • Economic implications for affected landowners, such as potential loss of opportunities to increase extent of productive land. • Potential impacts on property values and development potential with tighter rules for 	<ul style="list-style-type: none"> • This approach is effective and efficient for ensuring public access corridors are maintained and enhanced reducing the risk of being compromised by inappropriate subdivision, use and development. 	<ul style="list-style-type: none"> • Risk of not acting include gaps in the shared pathway and public access network. • Risk of not acting could result in restrictions in public access to these natural environments from ad hoc development.

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>status. Greater importance placed on public access corridors to ensure shared pathway networks are provided</p>	<p>without resource consent.</p> <ul style="list-style-type: none"> Great public access corridor provision and shared pathway networks, in line with the Council’s blueprint vision. Potentially higher environmental quality and reducing any side effects of development and subdivision on the fringes of waterways. 	<p>protection in most modified areas. This could affect the future re-sale of these sites.</p> <ul style="list-style-type: none"> Less certainty and inflexibility for landowners and farmers in terms of using their land Costs on landowners in applying for resource consents, including associated time and uncertainty. 	<ul style="list-style-type: none"> The works requiring resource consent would be limited to those that are considered “inappropriate”. The rules would provide clarity for plan users about when resource consent is required. Such an approach is less effective in providing for the use of land. More restrictions will be placed on future development and land use which might compromise people and communities from providing for their economic well-being. 	<ul style="list-style-type: none"> Risk of acting could mean an imbalance in sustainable management of resources under Part 2 of the RMA.
<p>Option D: Non-regulatory approach</p> <ul style="list-style-type: none"> Rely on non-regulatory, financial and voluntary methods to maintain and enhance public access, such as Council purchasing land. 	<ul style="list-style-type: none"> Increased economic opportunities (more productive land) and flexibility for landowners as they are not subject to regulatory restrictions. Other voluntary control regulations can be 	<ul style="list-style-type: none"> No regulatory control places the onus on private landowners to protect waterbodies and provide access to the public along these waterways. Risk that landowners are not supportive of allowing public access. 	<ul style="list-style-type: none"> A lack of regulatory control would enable inappropriate activities, subdivision and development to occur, which could impair existing and potential public access to and along rivers, lakes and the coastal environment. 	<ul style="list-style-type: none"> Acting through not having a regulatory approach could cause significant risks to the maintenance and enhancement of public access corridors, and would not achieve the purpose of the Act.

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<ul style="list-style-type: none"> • Rely on land owners to allow public access to waterways and the coast across the fringes of their property. 	<ul style="list-style-type: none"> • effective (QEII covenant, etc.). • Limited costs on landowners, with no compliance costs. • Enhanced public awareness and understanding of the importance of maintaining and enhancing public access corridors. 	<ul style="list-style-type: none"> • Public access being a low priority and compromised by inappropriate development. • Further gaps in the district's network of strategic public access corridors. • Potentially higher financial costs on Council in purchasing land to secure public access. • Limited public awareness of public access locations • Involuntary methods are fluid and can change with landownership, which would not maintain or enhance public access. 	<ul style="list-style-type: none"> • This approach has no certainty and has the potential to result in significant adverse effects. • No rules or standards is not considered effective to achieve the objectives and would be inconsistent with national policy direction. 	<ul style="list-style-type: none"> • It is considered that the risk of acting on these provisions outweighs the risk of not acting.

Quantification

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 considerable 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.

Options to achieve the District Plan objectives relating to Public Access	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Summary The existing regulatory approach lacks specificity and clarity in addressing public access due to being based on outdated best practice and lack of detail. It lacks alignment with Council strategic directions such as the shared pathway network. The proposed approach as outlined in demonstrated the table above demonstrates strengthened objectives and policies, increased priority on the provision of public access in accordance with Council strategic directions, and protection of public access corridors from inappropriate development, and is aligned with best practice. In conjunction with use of methods outside the District Plan (such as negotiated agreements, liaison with recreational users, information provision and retention of unformed legal roads that provide public access), this approach is the most appropriate method for ensuring the purpose of the RMA.</p>				

11 Summary

This evaluation has been undertaken in accordance with Section 32 of the Act to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option for the following reasons:

- Strengthened objectives and policies will promote the enjoyment and use of public access to and along waterbodies or the coast, in line with national direction and community aspirations.
- Increased emphasis and priority for public access, including connections between public spaces and open spaces, in association with the Council's blueprint policy focus on shared pathway network.
- Policy framework provides direction on how to balance competing priorities and values in relation to public access, in accordance with national policy direction.
- New rules are less "reactive", and more strategic by identifying public access corridors on planning maps and controlling activities in and around public access corridors, to prevent activities from restricting or hindering future public access opportunities.
- Ongoing use of methods outside the District Plan which will assist in achieving the objective of maintaining or enhancing public access.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.