

APPENDIX 4

SECTION 42A REPORT RECOMMENDATIONS VERSION

Public Access

Introduction

Esplanade reserves, along the edges of natural waterbodies, are created through subdivision. Esplanade strips and access strips can be created either through subdivision, or at any other time by agreement between the landowner and Council. The creation of strips outside of subdivision uses the process set out in s235 of the Resource Management Act 1991 (for esplanade strips) or in s237B of the RMA (for access strips).

Section 230 of the RMA makes esplanade reserves mandatory where allotments are created that are less than 4ha in area, unless the District Plan reduces or waives the requirement. Within this chapter, the mandatory requirement is only applied to those waterbodies listed in PA-SCHED1. However, consideration of esplanade reserves or esplanade strips is encouraged where allotments adjoin a waterbody listed in PA-SCHED2. For allotments 4ha or over, esplanade strips or esplanade reserves can only be required if the District Plan rules require it – and if an esplanade reserve or esplanade strip is taken on sites over 4ha, the Council is required to pay compensation under s237F of the RMA. This chapter does not propose to require esplanade reserves or strips for allotments 4ha or over, but encourages their consideration where allotments adjoin a waterbody listed in PA-SCHED1 or PA-SCHED2.

This chapter provides two schedules, PA-SCHED1 and PA-SCHED2. PA-SCHED1 identifies areas where there is an expectation that an esplanade reserve will be taken where subdivision creates an allotment of less than 4ha. Consideration will also be given to esplanade provision where subdivision creates allotments smaller than 4ha which adjoin any waterbody.

Consideration will also be given to esplanade provision where allotments of 4ha or greater are created. PA-SCHED2 identifies areas where Council may have an interest in securing land for esplanade purposes when subdivision of land greater than 4ha occurs, if the site is seen as sufficiently valuable to the community for public access.

Objectives and Policies

| Objective | |
|--|-------------------------------|
| PA-O1 | Provision of Public Access |
| Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved. | |
| Policies | |
| PA-P1 | Requirement for Public Access |

Where an allotment 4ha or less is created adjoining a waterbody listed in PA-SCHED 1 require the provision of appropriate public access to and along the relevant surface waterbody. ~~ies listed in PA-SCHED1.~~¹

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| PA-P2 | Consideration for Further Public Access |
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Encourage opportunities and mechanisms to maintain and enhance public access to and along surface waterbodies, including for mahika kai, when a ~~land use or~~ subdivision consent provides an opportunity for access, with special consideration given to:

1. those waterbodies listed in PA-SCHED1 and PA-SCHED2; and
2. the creation of any allotment smaller than 4ha which adjoins a waterbody.²

Standards

| PA-S1 | Esplanade Requirements | |
|------------------|---|---|
| All Zones | <ol style="list-style-type: none"> 1. An esplanade reserve shall be provided, and vested in Council, where any subdivision creates an allotment smaller than 4ha which adjoins any surface waterbody listed in PA-SCHED1. 2. An esplanade reserve shall: <ol style="list-style-type: none"> a. Provide public access; and b. Have a reserve width of at least 20m. | <p>Activity status when compliance not achieved with S1.2: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. Whether an esplanade reserve of lesser width is sufficient to fulfil the purpose of the reserve. b. The purpose of the esplanade reserve, being one or more of the following: <ol style="list-style-type: none"> i. contributing to the protection of conservation values, in particular by one or more of: <ol style="list-style-type: none"> A. maintaining or enhancing the natural functioning of the adjacent river, or lake; B. maintaining or enhancing water quality; C. maintaining or enhancing aquatic habitats; D. protecting the natural values associated with the esplanade reserve; or E. mitigating natural hazards; |

¹ OWL (29.04)

² OWL (29.04)

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| | | <ul style="list-style-type: none"> ii. enabling public access to or along any river, or lake; iii. enabling public recreational use of the esplanade reserve and adjacent river, or lake, where the use is compatible with conservation values; or iv. enabling access for mahika kai. <p>Activity status when compliance not achieved with S1.1: DIS</p> |
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Schedules

PA-SCHED1 – Waterbodies Where Esplanade Reserve Required

| Waterbody | Location |
|------------------------------|---|
| Halls Stream and tributaries | Between State Highway 8 and Jack Lovelock Trail |
| Ōpihi River | Between Opihi Gorge Road and Stoneleigh Road |

PA-SCHED2 – Waterbodies Where Mackenzie District Council May Have Interest in Securing a Public Access Instrument Regardless of Allotment Size

| Waterbody | Location |
|--|---|
| Opūaha / Opuha River Between Opuha Dam and State Highway 8 | Location Between Opuha Dam and State Highway <u>798</u> ³ |
| Deep Creek | Between Lake Opuha and Plantation Road |
| Ribbonwood Stream | Between Lake Opuha and Plantation Road |
| Te Ana a Wai / Tengawai River | Mainstem, entire length, within Te Manahuna / Mackenzie District |
| Whakatipu / Twizel River | Below State Highway 8 Bridge and Lake Benmore |
| Lake Opuha | Whole Lake |

³ OWL (29.05)

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|-------------------------------|---|
| Takapō / Lake Tekapo | Whole Lake |
| Lake Pūkaki | Whole Lake |
| Lake Ōhau | Whole Lake, within Te Manahuna / Mackenzie District |
| Takamana/ Lake Alexandrina | Whole Lake |
| Whakarukumoana/ Lake McGregor | Whole Lake |