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## PA - Tomonga mārea - Public Access

### Introduction

The maintenance and enhancement of public access to and along the CMA, lakes and rivers is a matter of national importance under the RMA. Public access to and along the coastal environment is a key requirement of the NZCPS. The District Plan has an important role in providing for public access to and along water bodies and the CMA throughout the District.

Public access to the outdoors contributes to the well-being of society in numerous ways. It encourages people to take part in recreation, it connects people to places and the natural environment, and importantly, it can connect people and communities in a way that underpins cultural identity – access to the outdoors is a stereo-typically integral part of what it is to ‘be a Kiwi’. Access to the outdoors can be both a means to an end (health, fitness, therapy, customary access) and an end in itself (fun, satisfaction, connection).

Public access is facilitated by the District Plan through:

- The creation of an esplanade strip or esplanade reserve applied on private land through subdivision consent, especially where there is an opportunity to create, or add to a network for public access; and
- Access corridors or land access mechanisms, often associated with land owned by the Crown, the Regional Council, within Open Space and Recreation Zones, or land use or development related to an ODP.

The District Council may be required to manage public access to water bodies or the coastal environment if there are potential threats to conservation values or cultural values, where there are risks to public safety, or where the rights of private property owners are significantly compromised.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

### Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to public access include:

- Coastal Environment: this chapter contains provisions for managing public access in the coastal environment, and near the CMA.
  - Natural Character of Freshwater Bodies: this chapter contains provisions for public access to and along water bodies and for structures located in natural character of scheduled freshwater bodies setbacks.
  - Activities on the Surface of Water: this chapter contains provisions for managing houseboats where these compromise public access.
  - Subdivision: this chapter contains provisions for the creation of esplanade reserves, strips and easements.
  - Earthworks: this chapter contains provisions for managing earthworks where these may compromise public access.
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- Sites and Areas of Significance to Māori: particularly in relation to ngā wai.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

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

6. primary production<sup>1</sup> (excluding mining and quarrying)<sup>2</sup> from seasonal or temporary<sup>3</sup> reverse sensitivity effects where it cannot otherwise be mitigated<sup>4</sup>.

There are no rules in this chapter. The objectives and policies apply across the Plan.

## Advice Notes

<b>PA-AN1</b>	Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following: <ol style="list-style-type: none"> <li>1. RPS</li> <li>2. NZCPS</li> <li>3. Reserves Act 1977</li> <li>4. Walking Access Act 2008</li> <li>5. Northern Pegasus Bay Bylaw 2016</li> </ol>
<b>PA-AN2</b>	The District Council has jurisdiction over the northern half of the Waimakariri River. The Christchurch City Council and Selwyn District Council have jurisdiction over the southern half of the Waimakariri River.

<sup>1</sup> Public Access s42A report.

<sup>2</sup> Public Access Reply Report.

<sup>3</sup> Public Access Reply Report.

<sup>4</sup> Public Access s42A report. Department of Conservation [419.113] and Horticulture New Zealand [295.97] (applicable to footnotes 1-4).