

Appendix 2 – Recommended Amendments to the Public Access Chapter

KEY

Red Underlined – Additions recommended as part of Noise s42A report

~~Red-Strikethrough~~ – Deletions recommended as part of Noise s42A report

Green Underlined – Recommended Additions from Supplementary Evidence

~~Green-Strikethrough~~ – Recommended Deletions from Supplementary Evidence

PUBLIC ACCESS - PA

Overview

The maintenance and enhancement of public *access* to and along *waterbodies* is recognised in the Act as a matter of national importance. Maintenance and enhancement of public *access* to the natural *environment* is also recognised by Council as contributing to the well-being of people and communities, as well as being vital to the ability of some Māori communities – particularly *mana whenua* – to express and practice their culture.

The Council plays an important role in meeting these needs through protecting *access* to *waterbodies* and through ensuring that the District's pathway networks connect open spaces and other public areas.

Maintenance and public *access* to the Maitake River, *mana whenua access* to mahinga kai sites including the Maitake River mātaihai, and *access* for licensed sports fishers to the Waikaka Stream and their margins is considered a priority.

The Gore District Trails Feasibility Study undertaken in 2017 also provides a basis for the development of public *access* corridors linking open spaces and other public areas.

There are no specific rules within this District Plan relating to Esplanade Reserve provision. As such, the provision defaults to Section 230 of the Resource Management Act (RMA). Under this section, when land is subdivided and an allotment of less than 4 hectares is created, a 20-metre-wide esplanade reserve ~~must~~shall be set aside from that allotment along the mark of mean high-water ~~mark~~springs of the sea, the bank of any river, or the margin of any lake, as applicable. This reserve shall vest with Council in accordance with Section 231 of the RMA.

This chapter does not grant the public unrestricted access to private land. Access is primarily provided through Esplanade Reserves, Council reserves, or ~~by negotiating~~by way of agreement with private landowners, primarily via the Esplanade Strip process. Permission from landowners is required over private land unless explicitly indicated by signage or maps.

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Objectives

- PA-O1 Public access is provided to and along *waterbodies* with high recreational, scenic, ~~Ngāi Tahu cultural or amenity values~~ or which are valued for mahinga kai; provided public access is appropriate considering any cultural value associated with the area such as silent files or other wāhi tapu.
- PA-O2 The District's pathway network is developed to provide public access to the natural environment including for the gathering of food and mahinga kai activities, to enhance recreational opportunities and to improve the District as a world-class trout fishing destination.
- PA-O3 Public access does not result in adverse *effects* on natural character, indigenous *biodiversity*, *historic heritage*, cultural, landscape values or health and safety.

Policies

- PA-P1 Promote the identification and mapping of current and future public access corridors that provide access to *waterbodies* and/or connect open spaces and other public areas, informed by the Gore District Trails Feasibility Study (2017).
- PA-P2 Maintain and enhance public access by:
1. requiring through the *subdivision* process the provision of *esplanade reserves* and/or *esplanade strips* along *waterbodies*, particularly in urban areas and along public access corridors. Public access to and along the Mataura River, and access for licensed sports fishers to and along Waikaka Stream, shall generally be provided by way of *esplanade strips*.
 2. requiring through the land development process, where practicable, works and *buildings* to be set back from public access corridors.
 3. negotiating for *access strips* and access links that achieve future public access corridors including utilising unformed legal *roads*.
 4. require *buildings* and *structures* to be *setback* from *rivers* and streams.
 5. encourage native riparian planting.
- PA-P3 Encourage the enhancement of *mana whenua* customary access to culturally significant sites, such as the Mataura River mātaimai and Mataura Falls/Te Au Nui Pihapiha Kanakana, at the time a *site* is redeveloped.
- PA-P4 Use non-regulatory methods to encourage to facilitate public access to and along *rivers* and streams, and to the natural environment including:
1. involving landowners, access users and *mana whenua* in the development of key actions to maintain and enhance access.
 2. providing clear signage.
 3. ensuring that private *buildings*, *structures* and plantings do not encroach upon reserve areas, and clearly demarcating the edge between public and private areas.
 4. providing incentives for landowners to provide reserves and other access points on their land.

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5. development and adoption of a protocol with the Southland Fish and Game Council providing for notification/education of licensed sports fishers. Notification/education of licensed sports fishers shall take the form of written information to be provided to fishers by the Southland Fish and Game Council in its publications to fishers, and by the erection of signs at *esplanade strips* on the Waikaka Stream including information regarding the following:
 - (a) Biosecurity risk and procedures
 - (b) Trespass
 - (c) Landowner notification
 - (d) Site behaviour/protocol
 - (e) Site specific *conditions* e.g. closure periods

PA-P5 Restrict public *access* in areas that would result in adverse *effects* on natural character, indigenous *biodiversity*, *historic heritage*, cultural, landscape values or health and safety.

Notes

Note 1

Provisions in Other Chapters

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.