

Te Tai o Poutini Plan – Section 32
Evaluation
Report Ten
Open Space and Recreation Zones
Ngā Mokowā Pōaha me ngā Takiwā
Hākinakina
and
Public Access
Te Āheinga Tūmatanui



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

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Executive Summary

Open Space and Recreation Zones

Section 32 of the RMA requires objectives in District Plan proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA. This section 32 evaluation report relates to the evaluation of options for the management of Open Space and Recreation Zones through the combined district plan for the West Coast – Te Tai o Poutini Plan (TTPP).

There are a range of open spaces in the West Coast/Te Tai o Poutini districts. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the land on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones.

The operative district plans do not zone open space land differently from the surrounding land uses, with the public conservation estate included within the districts' rural zones.

The proposed TTPP includes three Open Space and Recreation Zones:

- The NOSZ - Natural Open Space Zone is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values.
- The OSZ - Open Space Zone is open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. A large area of the public conservation lands administered by the Department of Conservation falls within this zone. At a district level the open spaces vary in size from small neighbourhood parks to large parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in towns and settlements and others form an important part of the West Coast walkway and cycleway network. These open spaces include civic spaces, playgrounds, land with community facilities, cemeteries, campgrounds, esplanades, historic reserves and scenic reserves. They also include local purpose reserves that have specifically been set aside for activities such as quarry and gravel reserves, cemeteries, camping grounds and other local purposes such as water supply and drainage.
- The SARZ - Sport and Active Recreation Zone is open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities.

The provisions in the proposed TTPP apply to all three open space and recreation zones, however, the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the TTPP framework.

The key resource management issues that need to be addressed in relation to open space and recreation land are:

1. Ensuring each area of open space and recreation land is zoned according to its predominant character, amenity values, role and function;

2. Ensuring actual or potential environmental effects of activities, facilities or structures are able to be managed according to the predominant character, amenity values, role and function of each area of land and the zone as a whole;
3. Ensuring open space and recreation areas are, as far as practicable, accessible and safe, and provide for amenity and cultural values, recreation, conservation and education.

To address these issues, the following key changes are proposed:

- a) The provision of a Natural Open Space Zone, an Open Space Zone, and a Sport and Active Recreation Zone, in accordance with the National Planning Standards. In the proposed District Plan these zones generally include only public land;
- b) The provision of objectives, policies, rules, standards, definitions and matters of control or discretion that specifically enable, provide for or manage the activities, facilities and structures that usually occur on open space and recreation land in the District, while ensuring that any associated effects are managed according to the predominant character, amenity values, role and function of each zone.

The proposed approach will provide direction and guidance to decision makers regarding the intended outcomes for the Open Space and Recreation Zones.

The proposed approach will sustain the potential of open space and recreation land as a natural and physical resource for current and future generations, maintain amenity values and quality of the environment, and achieve Part 2 of the RMA.

In this report, the Open Space and Recreation Zones provisions are evaluated as a package.

Public Access

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

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

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

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

1.0 Overview and Purpose

This report sets out the statutory and policy context for open space, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the open space topic.

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan (TTPP), including consultation and engagement.

The Proposed TTPP also contains a Natural Environments Values section, and a Historic and Cultural Values section, and their subsequent chapters are related to and have some overlap with the open space topic. The evaluations for these chapters are set out in the Section 32 evaluation report specific to each topic.

1.1 Introduction to the Resource Management Issue

Open space and recreation land is a significant natural and physical resource that makes an important contribution to the well-being of the West Coast, and therefore must be sustainably managed. However, this contribution is not explicitly recognised in the operative District Plans.

Existing open space and recreation land on the West Coast is currently zoned either Residential or Rural and in Buller and Grey Districts Council-owned open space is subject to a Designation. This means there are no current provisions that specifically recognise, enable or provide for the activities, facilities and structures that usually occur on such land on the West Coast. As a result, the operative District Plans are not providing for the activities, facilities and structures that usually occur on such land, and accordingly are not providing for the best outcomes for the community.

1.2 Regulatory and Policy Direction

1.2.1 Part 2 of the RMA

The Resource Management Act (RMA) sets out the functions of territorial authorities in Section 31. 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 in preparing TTPP the Committee recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed open space provisions are:

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

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

- (b) the efficient use and development of natural and physical resources.
- (c) the maintenance and enhancement of amenity values.
- (d) intrinsic values of ecosystems.
- (f) maintenance and enhancement of the quality of the environment. (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:

The above matters are relevant when considering open space issues. Ensuring that the District Plan provides for the efficient and effective functioning of activities within these spaces is vital to the social and cultural wellbeing of the district.

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.

1.2.2 National Instruments

National Policy Statement for Freshwater Management 2020 (NPSFM)

There are many freshwater bodies located in the Open Space and Recreation Zones.

The NPSFM uses the concept of Te Mana o te Wai, that recognises that protecting the health of freshwater protects the health and well-being of the wider environment. As part of Te Mana o te Wai, the NPSFM objectives prioritise the health and well-being of water bodies and freshwater ecosystems, over the health needs of people (such as drinking water), which in turn is over the ability of people and communities to provide for their social, economic, and cultural well-being, for now and in the future.

1.2.3 National Planning Standards and/or Guidance Documents

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 TTPP will give effect to the planning standards. Of particular relevance to the open space topic is the application of the planning template Open Space and Recreation Zones. The three zones use the following standardised definitions:

- Natural Open Space Zone: Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone.
- Open Space Zone: Areas used predominantly for a range of passive and active recreational activities, along with limited associated facilities and structures.
- Sport and Active Recreation Zone: Areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.

1.2.4 West Coast Regional Policy Statement

Under Section 75(3)(c) of the RMA, TTPP must give effect to the Regional Policy Statement. The West Coast Regional Policy Statement (RPS) does not provide specific direction on the provision, protection or management of open space areas.

1.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the

district (section 74(2A)). There are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape.

1.2.6 Other Relevant Regulation

Reserves Act 1977

The Reserves Act contains provisions for the acquisition, control, management, maintenance, development and use of public reserves, specifically historic reserves, nature reserves, recreation reserves, scenic reserves, scientific reserves, government purpose reserves and local purpose reserves. The Reserves Act has three main functions. These are:

- To provide for the preservation and management, for the benefit and enjoyment of the public, areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value. For example, the reserve may have value for recreation, education, as wildlife habitat or as an interesting landscape.
- To ensure, as far as practicable, the preservation of representative natural ecosystems or landscapes and the survival of indigenous species of flora and fauna, both rare and commonplace.
- To ensure, as far as practicable, the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas.

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.

Conservation Act 1987:

The following documents prepared by the Department of Conservation (DOC), in accordance with the Conservation Act 1987 seek to establish objectives for the integrated management of natural and historic resources within the West Coast region:

- West Coast Conservation Management Strategy
- Aoraki/Mount Cook National Park Management Plan 2012
- Arthurs Pass National Park Management Plan 1987
- Kahurangi National Park Management Plan 2001 partially reviewed December 2010 - amended April 2017
- Mount Aspiring National Park Management Plan 2011
- Paparoa National Park Management Plan 2017 amended May 2021
- Westland Tai Poutini National Park Management Plan December 2001 and amended June 2008 and April 2014

Under Section 4 of the RMA restrictions on the use of land under section 9(3) of the RMA do not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 where this is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 ; and does not have a significant adverse effect beyond the boundary of the area of land.

2.0 Resource Management Issue and Analysis

2.1 Background

Open Space fulfils a number of needs in the community. These main matters are recreational (passive such as picnicking and active ranging from dog walking, mountain biking through to organised sport – both indoor and outdoor), visual amenity, cultural and historic heritage, public access to natural areas and waterbodies, and protection of ecological and other natural values.

Across the open space providers there are a wide range of recreational opportunities in the three districts. These are internationally recognised as the basis for the West Coast's importance as a visitor destination as well as encouraging residents to settle in the districts.

There are three main providers of open space on the West Coast – the Councils, the Department of Conservation, and the community sector.

Community sector open space includes racecourses, golf clubs and some sports facilities. These are also principally local community spaces.

District Council Reserves and Open Space

The Council reserves are predominantly located in the towns and settlements. They include major sporting facilities, camping grounds and cemeteries, neighbourhood playgrounds, walkways and memorials. These spaces provide principally for the open space and recreation needs of local communities within the towns and settlements.

Where land is vested under the Reserves Act, as many Council open spaces are, these are subject to a wide range of additional requirements beyond the RMA. The purpose for which a reserve is classified (e.g. recreation reserve vs scenic reserve) will have a major difference with regard to the types of activities which can be undertaken in that space. The Reserves Act also provides a specific mechanism and requirement for Councils to produce Reserve Management Plans to govern the activities on reserves.

Development of these Reserve Management Plans is governed by the Reserves Act, and consultation and decision-making processes are specified. Where Reserve Management Plans are in place, they provide a very high degree of specificity about how the reserve should be managed.

There are a large number of Council owned open spaces, outside of the settlements. A review of the existing policy framework for open space at the three district councils identified the key issue for these open spaces as ensuring they are able to provide for a wide range of community and recreation uses within open spaces, including active and passive recreation, community buildings and conservation values.

Public Conservation Land

Public Conservation Land (PCL) open spaces are mainly in the rural areas, however there are some sites in towns, and in the case of south Westland in particular, a number of settlements have PCL providing their main community open spaces.

Open space and recreation areas will also vary in their significance to residents and visitors. Some areas will be of importance to the whole district or of regional or national importance. These include the National Parks, scenic and recreation reserves, the lakes, rivers, coastal areas and mountains, which attract people to the West Coast.

PCL provides for international, national, regional and local open space needs across the range of their open spaces, but principally the focus is national rather than local.

In relation to TTPP provisions, land subject to the Conservation Act is generally not subject to these as they are exempted from most land use provisions under Section 4 of the RMA.

DOC Concessionaires are however subject to regulation under TTPP, and their activities have the potential to impact on the environment and communities within it.

Other areas will be of importance primarily to the local community. These include the sports fields and playgrounds, community halls and areas of open space and planting. Within the larger towns of the West Coast there are also neighbourhood areas such as children’s playgrounds and walkways.

The main resource management issue in relation to PCL therefore, is ensuring that activities undertaken by concessionaires on the land does not result in adverse effects on communities and infrastructure.

2.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

2.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Te Tai o Poutini Plan Technical Update Open Space Report to Te Tai o Poutini Plan Committee June 2020
Author	Lois Easton
Brief Synopsis	The report introduces the open space topic, the approach in the operative district plans and options for how to manage this issue within the Plan.
Link to Document	https://tpp.nz/wp-content/uploads/2020/06/TTPP-Agenda-June-2020.pdf

Title	Te Tai o Poutini Plan Technical Update Open Space Zones Issues Objectives and Policies. Report to Te Tai o Poutini Plan Committee 25 September 2020
Author	Lois Easton
Brief Synopsis	This outlines the key issues for open space and proposes objectives and policies for the draft plan. .
Link to Document	https://tpp.nz/wp-content/uploads/2020/09/TTPPC-Agenda-September-2020.pdf

Title	Technical Update Open Space Zones Rules. Report to Te Tai o Poutini Plan Committee August 2020
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan for the Open Space and Recreation Zones
Link to Document	https://tpp.nz/wp-content/uploads/2020/11/TTPP-Agenda-13-November-2020.pdf

2.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the open space and recreation zone provisions have been considered as part of the overall TTPP consultation and engagement process.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Open Space and Recreation Chapter. The This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022.

Title	Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 March 2022
Author	Lois Easton
Brief Synopsis	This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback.
Link to Document	https://tppp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf

Additionally there was feedback on the appropriate zone for public conservation land. This was discussed in a report to the Committee on 29th April 2022.

Title	Te Tai o Poutini Plan: Technical Report Zoning of Public Conservation Land: Report to Te Tai o Poutini Plan Committee 29 April 2022
Author	Lois Easton
Brief Synopsis	This report discusses the feedback on the zoning of public conservation land and makes recommendations to the committee.
Link to Document	https://tppp.nz/wp-content/uploads/2022/04/TTPP-Agenda-29-April-2022.pdf

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

Title	First Schedule Consultation
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

2.3 Operative District Plan Provisions

Currently there are no specific provisions for Open Space within the operative District Plans.

In all three districts the open space land is zoned with the same zone as the surrounding general land. PCL is zoned rural zone and is not differentiated in any way. In Buller and Grey Districts, Council owned open space is subject to a Designation.

This means there are no current provisions that specifically recognise, enable or provide for the activities, facilities and structures that usually occur on open space and recreation land on the west Coast. Any such future activities, facilities and structures on such land may have to be facilitated by resource consent on a case-by-case basis which is piecemeal, uncertain, and potentially time-consuming and costly. As a result, the operative District Plans are not providing certainty or the best outcomes for the activities, facilities and structures that usually occur on open space and recreation land or for the community.

The most relevant provisions from the three operative plans are as follow:

2.3.1 Buller District Plan

Objective 4.3.6.1. To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Objective 4.3.27.1. To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.7.6 All land and building shall be maintained so as to preserve the amenities of the environment in which they are situated.

4.3.28.6. Performance standards shall be set that protect the environmental quality of residential living environments.

In terms of rules in the Residential Zone, key Permitted Activity standards are as follow:

- Setbacks from roads and internal boundaries, maximum building coverage, building height, traffic generation and hours of operation.

2.3.2 Grey District Plan

Residential Environmental Area Objectives:

1. To enable a diversity of living environments expressed in built form, density of development, housing types and location.
2. To enable a range of non-residential activities in which any adverse effects on the residential environment are avoided, remedied or mitigated.
3. To retain the amenities and character of the residential areas.

Residential Environment Area Policies

2. Non-residential activities should be allowed provided that:

- a) the adverse effects on residential amenities are avoided, remedied or mitigated, particularly as it relates to scale, glare, odour, and vehicle movements.
- b) they do not lead to a breakdown in community coherence.

In terms of rules in the Residential Zone, key Permitted Activity standards are as follow:

- Setbacks from roads and internal boundaries, maximum building coverage, building height, traffic generation and hours of operation

2.3.3 Westland District Plan

Objective 3.2.1 To establish levels of environmental quality for Westland which enable people and communities to provide for their social, economic and cultural wellbeing, while meeting the principles of sustainable management of natural and physical resources.

Objective 3.9.1 To identify, protect and enhance the distinctive Westland character of the District's settlements.

Objective 3.9.2 To provide for the "intermingling" of land use activities within Westland's settlements and towns, where this does not detrimentally impact on the amenities, health and safety of residents and workers.

Policy 4.2.A A range of activities should be able to locate in the urban areas provided that any adverse effects on the environment or neighbouring land uses are avoided, remedied or mitigated.

Policy 4.4.A The effects of activities which can have significant adverse effects on amenities and the wellbeing of residents shall generally be avoided, remedied or mitigated.

In terms of rules in the Residential Zone, key Permitted Activity standards are as follow:

- Setbacks from roads and internal boundaries, maximum building coverage, building height, and hours of operation

2.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans. The following District Plans were reviewed:

- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Hamilton District Plan (2nd generation, operative)
- Waimakariri District Plan (2nd generation, proposed)

This review found that use of Open Space and Recreation Zones for identification of the range of types of open space is the norm for second generation plans, but many first-generation plans followed a similar approach to the West Coast operative plans.

In developing their provisions, other Councils have been guided in particular by a range of non-statutory parks and open space and recreation strategies and plans in place in other districts.

2.5 Summary of Issues Analysis

Open Space areas within the West Coast add significant value to the community and need to be managed, enhanced and protected for future generations. Amenity levels within open space areas are very high and maintaining these levels is a fundamental element in the management and protection of these areas. Development within open space areas needs to be managed carefully to ensure that any effects on the natural and physical open space environment does not undermine the community's enjoyment of these spaces, nor the intrinsic value of the space itself.

The key resource management issues that need to be addressed in relation to open space and recreation land are:

1. Ensuring each area of open space and recreation land is zoned according to its predominant character, amenity values, role and function;
2. Ensuring actual or potential environmental effects of activities, facilities or structures are able to be managed according to the predominant character, amenity values, role and function of each area of land and the zone as a whole;
3. Ensuring open space and recreation areas are, as far as practicable, accessible and safe, and provide for amenity and cultural values, recreation, conservation and education.

3.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans				x
Effects on matters of national importance (s6 RMA)		x		
Scale of effects – geographically (local, district wide, regional, national)		x		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)		x		
Scale of effects on those with particular interests, e.g. Tangata Whenua		x		
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?		x		
Likelihood of increased costs or restrictions on individuals, businesses or communities		x		

3.1 Explanation Summary

The proposed zones are new zones for the proposed TTPP. The proposed zones are specifically tailored to different types of open space and recreation land on the West Coast, and the activities, facilities or structures that typically occur there. This represents a significant departure from the current approach of the operative District Plans where open space and recreation land on the West Coast is predominantly zoned either Residential or Rural.

Although 84% of the West Coast is made up of land administered by DOC and will be within the proposed Open Space and Recreation Zones, because Section 4 of the RMA exempts the Crown from most aspects of the proposed TTPP in relation to this land, the scale of effects of the change is relatively low.

The changes could result in reduced compliance costs for stakeholders and the wider community as open space and recreation land will be managed under zones fit for purpose, and will better enable or provide for the activities, facilities and structures that usually occur there.

Overall, the scale and significance of the proposed Open Space and Recreation Zones and provisions is assessed as low to medium. Given this, the level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects anticipated from implementation of the proposed provisions.

4.0 Evaluation

4.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objectives:</p> <p>Objective 4.3.6.1. To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.</p> <p>Objective 4.3.27.1. To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.</p>	<p>Existing open space and recreation land on the West Coast is currently zoned either Residential or Rural and is subject to relevant objectives for these zones as well as relevant District-wide objectives.</p> <p>This means there are no current objectives that specifically recognise, enable or provide for the activities, facilities and structures that usually occur on open space and recreation land on the West Coast.</p> <p>As a result, the existing approach is less relevant than the proposed approach which directly enables, provides for or manages the activities, facilities and structures that usually occur on open space and recreation land on the West Coast and will formalise the existing and future use of the zones, while ensuring that any associated effects are managed according to the predominant character, amenity values, role and function of each zone and will contribute positively to the well-being of the West Coast.</p>
<p>Grey District Plan Objectives:</p> <ol style="list-style-type: none"> 1. To enable a diversity of living environments expressed in built form, density of development, housing types and location. 2. To enable a range of non-residential activities in which any adverse effects on the residential environment are avoided, remedied or mitigated. 3. To retain the amenities and character of the residential areas. 	<p>Based on the above, any such future activities, facilities and structures on such land would likely have to be facilitated by resource consent on a case-by-case basis which is piecemeal, uncertain, and potentially time-consuming and costly.</p> <p>The lack of clearly expressed outcomes for open space and recreation land creates ambiguity and uncertainty. This reduces the utility of the objectives and could lead to unintended social and environmental consequences for open space and recreation areas. This, in turn, could impose unreasonable costs on recreation and community groups and the wider community if consents are required for activities or structures that might otherwise be enabled or provided for, or if zone specific effects are inappropriately managed.</p> <p>Overall, the existing approach is less reasonable than the proposed approach.</p>
<p>Westland District Plan Objectives:</p> <p>Objective 3.2.1 To establish levels of environmental quality for Westland which enable people and communities to provide for their social, economic and cultural well being, while meeting the principles of sustainable management of natural and physical resources.</p> <p>Objective 3.9.1 To identify, protect and enhance the distinctive Westland character of the District's settlements.</p> <p>Objective 3.9.2 To provide for the "intermingling" of land use activities within Westland's settlements and towns, where this does not detrimentally impact on the amenities, health</p>	<p>The existing objectives fail to address the resource management issues relevant to the activities, facilities and structures that usually occur on open space and recreation land in the District. Consequently, the current framework of objectives provides insufficient direction and guidance to decision makers regarding the intended outcomes and specific activities and effects to be managed in relation to open space and recreation land.</p> <p>Although the generic focus of the objectives on overall amenity values and character generally achieves the purpose of the RMA, the contribution open space and recreation land makes towards the well-being of the District is not expressly recognised.</p> <p>The existing objectives do not address the specific values of the differing open space and recreation environments.</p> <p>In light of the above, the existing objectives are not considered appropriate in achieving the purpose of the RMA in relation to open space and recreation land.</p>

and safety of residents and workers.	
Evaluation of Alternative Options	Appropriateness to Achieve the Purpose of the Act
<p>Proposed TTPP Objectives:</p> <p>Open Space and Recreation Zones Chapter</p> <p>OSRZ – O1 Development and activities should complement and not conflict with the functions and values of the particular open space and the surrounding environment. Where appropriate open space accommodates a range of functions</p> <p>OSRZ – O2 To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:</p> <ul style="list-style-type: none"> a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form; b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and associated buildings and facilities; and c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, local purposes and pastoral farming. 	<p>The proposed objectives clearly set out the outcomes anticipated by the proposed TTPP with respect to the Open Space and Recreation Zones and address the key resource management issues identified.</p> <p>The proposed objectives are relevant as they specifically recognise, enable or provide for and manage the activities, facilities and structures that usually occur on open space and recreation land on the West Coast.</p> <p>The proposed objectives will provide direction and guidance to decision makers regarding the intended outcomes and specific activities and effects to be managed in relation to open space and recreation land.</p> <p>The proposed objectives are generally consistent with approaches adopted for the zoning of open space and recreation land in the District Plans of adjacent local authorities.</p> <p>The changes could result in reduced compliance costs for stakeholders and the wider community as open space and recreation land will be managed under zones fit for purpose, and will better enable or provide for the activities, facilities and structures that usually occur there.</p> <p>The proposed objectives specifically address the key resource management issues that are relevant to the activities, facilities and structures that usually occur on open space and recreation land on the West Coast. Consequently, the current framework of objectives will provide direction and guidance to decision makers regarding the intended outcomes and specific activities and effects to be managed in relation to open space and recreation land.</p> <p>The proposed objectives expressly recognise the contribution open space and recreation land makes towards the well-being of the West Coast.</p> <p>The proposed objectives specifically address the specific values of the differing open space and recreation environments.</p> <p>In light of the above, the proposed objectives are considered appropriate in achieving the purpose of the RMA in relation to open space and recreation land.</p>
<p>Summary</p> <p>The proposed objectives have been selected because they are considered the most appropriate for achieving sustainable management in relation to the West Coast's open spaces and recreation land. They address the identified resource management issues, give effect to the relevant statutory requirements, and do not lead to unreasonable costs. The objectives seek to provide clear direction about the purpose and function of the various open space zones within the district and how they relate to each other.</p>	

4.2 Evaluation of Policies and Rules in relation to Open Space and Recreation Zones

4.2.1 Description of the Proposed Provisions

Objectives and Policies

There are two Objectives:

OSRZ – O1 Development and activities should complement and not conflict with the functions and values of the particular open space and the surrounding environment. Where appropriate open space accommodates a range of functions.

OSRZ – O2 To recognise the different functions, values and purpose of open space on the West Coast through providing for three Open Space and Recreation Zones:

- a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form;*
- b. The SARZ - Sport and Active Recreation Zone with sport and active recreation values and associated buildings and facilities; and*
- c. The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, local purposes and pastoral farming.*

There are ten policies that apply across the three zones that:

- Recognise management plans prepared under the Reserves Act and Conservation Act
- Recognise the wide range of potential activities across open space
- Seek that buildings and structures are compatible with both the function of the open space and the character and amenity of the surrounding area
- Identify where commercial and residential activities may be appropriate within an open space zone
- Recognise that many open spaces have significance to Poutini Ngāi Tahu
- Provide for a range of indoor and outdoor activities and facilities having regard to the zone
- Provide for a range of local purposes, farming, water supply and mineral extraction where this is compatible with the open space values
- Identify that subdivision and new development should provide for open space

Specific policies in relation to each of the three Open Space and Recreation Zones :

- Identify the primary purposes of each zone
- Identify the types of activities and facilities that can be appropriate in each zone

Rules

In the Natural Open Space Zone

Permitted Activities are:

- Park facilities and park furniture
- Educational activities and research facilities ancillary to a conservation or recreation activity
- Conservation activities, recreation activities and Poutini Ngāi Tahu activities
- Temporary camping grounds
- Residential activities ancillary to a conservation or recreation activity
- Retail activities ancillary to a conservation or recreation activity

Restricted Discretionary Activities are:

- Community facilities
- Vehicle access and carparking
- Most permitted activities not meeting permitted activity standards

Discretionary activities are:

- Retail and residential activities not meeting Permitted Activity standards where ancillary to a temporary activity
- New cemeteries and urupā

- Camping grounds

Non-complying Activities are:

- Retail and residential not meeting Permitted or Discretionary standards
- Vehicle access and carparking not meeting Restricted Discretionary standards
- Other commercial activities
- Mineral Extraction
- Industrial Activities
- Any activity not provided for in another rule in the zone

In the Open Space Zone

Permitted Activities are:

- Park facilities and park furniture
- Conservation activities, recreation activities and Poutini Ngāi Tahu activities
- Community Facilities
- Clubrooms
- Educational and Research Facilities ancillary to a recreation or conservation activity
- Camping grounds and accessory buildings ancillary to a camping ground
- Residential activities ancillary to a conservation or recreation activity or a camping ground
- Retail activities ancillary to a conservation or recreation activity or a camping ground
- Vehicle access and car parking
- Cemeteries and urupā
- Mineral prospecting and mineral exploration
- Agricultural horticultural or pastoral activities

Controlled Activities are

- Park facilities and park furniture not meeting Permitted Activity standards

Restricted Discretionary Activities are:

- Most permitted activities not meeting permitted activity standards
- Mineral extraction

Discretionary activities are:

- Retail and residential activities not meeting Permitted Activity or Restricted Discretionary standards
- Mineral extraction and Agricultural, horticultural and pastoral activities not meeting Restricted Discretionary standards

Non-complying Activities are:

- Retail and residential not meeting Permitted or Restricted Discretionary standards
- Other commercial activities
- Industrial Activities
- Any activity not provided for in another rule in the zone

In the Sport and Active Recreation Zone

Permitted Activities are:

- Park facilities and park furniture
- Conservation activities, recreation activities and Poutini Ngāi Tahu activities
- Community Facilities
- Clubrooms
- Educational and Research Facilities ancillary to a recreation or conservation activity
- Residential activities ancillary to a conservation or recreation activity or a camping ground
- Retail activities ancillary to a conservation or recreation activity or a camping ground
- Vehicle access and car parking
- Grandstands

Controlled Activities are

- Park facilities and park furniture not meeting Permitted Activity standards

Restricted Discretionary Activities are:

- Most permitted activities not meeting permitted activity standards

Non-complying activities are:

- Retail and residential activities and vehicle access and carparking not meeting Permitted Activity or Restricted Discretionary standards
- Any activity not provided for in another rule in the zone

4.2.2 Evaluation of Options around Policies and Rules

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: Modified Status quo -zoning approach only</p> <ul style="list-style-type: none"> Non-specific District Plan policies, rules and standards relating to the current Residential or Rural zoning of open space and recreation land, focused on managing a generic range of activities and associated effects 	<ul style="list-style-type: none"> Plan users and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the Open Space and Recreation sections of the plan. Although not specific to open space and recreation land, the current plan provisions enable the effects associated with activities, facilities and structures that usually occur on different types of open space and recreation land to be generically managed. 	<ul style="list-style-type: none"> Lack of clear direction to the community and decision makers in the outcomes expected in respect of the predominant character, amenity values, role and function of different types of open space and recreation land. Limited, non- open space and recreation specific range of assessment matters currently available, thereby potentially affecting the relevant matters that the District Council can consider when processing a resource consent. The activities, facilities and structures that usually occur on different types of open space and recreation land on the West Coast might be unduly restricted or additional compliance costs may be incurred; Existing rules and standards do not effectively manage the activities, facilities and structures that usually occur on different types of open space and recreation 	<ul style="list-style-type: none"> Due to limited policy guidance, the status quo delivers varying amenity outcomes. The lack of direction in the plan leads to inconsistent decision-making and lack of control over certain activities. Therefore, this option is not considered to be the most efficient, effective or appropriate option to achieve the objectives. 	<ul style="list-style-type: none"> The risk of acting by retaining the status quo, is that is that the activities, facilities and structures that usually occur on different types of open space and recreation land on the West Coast might be unduly restricted, potentially resulting in additional resource consent requirements, delays and uncertainty of outcome or additional compliance costs may be incurred; The risk of acting by retaining the status quo is that TTPP will not align with the National Planning Standards with respect to Open Space and Recreation Zones The risk of acting by retaining the status quo is a lack of clear direction to the community and decision makers in the outcomes expected in respect of the predominant character, amenity values, role and function

		<p>land on the West Coast and associated effects, potentially resulting in additional resource consent requirements, delays and uncertainty of outcome;</p> <ul style="list-style-type: none"> • Potential limitations on benefit to the community due to retention of provisions that are unresponsive or inappropriate or not specific to the activities, facilities and structures that usually occur on different types of open space and recreation land on the West Coast; • May potentially impact on the aspirations of some recreational and community groups, as some activities, facilities or structures may not be specifically provided for, or the cost of resource consent applications or achieving compliance may be difficult to meet. 		<p>of different types of open space and recreation land.</p>
<p>Option B: Proposed Plan</p> <ul style="list-style-type: none"> • Three specific zones where open space and recreation land is zoned 	<ul style="list-style-type: none"> • Clearly establishes the intended predominant character, amenity values, role and function of each zone; • specifically recognise, enable, provide for or 	<ul style="list-style-type: none"> • Some open space and recreation activities, facilities and structures, will have some degree of effect on the environment even though policy support is provided 	<ul style="list-style-type: none"> • The costs of the approach are outweighed by the benefits; • The approach achieves the proposed objectives in an efficient and effective manner, by enabling or 	<ul style="list-style-type: none"> • It is considered that there is sufficient information on which to base the proposed provisions;

<p>according to its predominant character, amenity values, role and function;</p> <ul style="list-style-type: none"> Objectives, policies, rules, standards, definitions and assessment matters to ensure actual or potential environmental effects of activities, facilities or structures are managed according to the predominant character, amenity values, role and function of each area of land and the overall zone. 	<p>manage the activities, facilities and structures that usually occur in open spaces;</p> <ul style="list-style-type: none"> manage actual or potential environmental effects according to the predominant character, amenity values, role and function of each type of open space; clear direction in terms of the outcomes expected according to the predominant character, amenity values, role and function of each type of open space; Provisions tailored to the activities, facilities and structures that usually occur in each type of zone and their anticipated effects, may assist in increased compliance, reduced compliance monitoring; and potential reduction in time/cost of preparing and processing resource consent applications Provides the community with increased certainty and well-being in terms of the activities, facilities or structures that can 	<ul style="list-style-type: none"> Initial uncertainty through change in the District Plan zone structure, policy and rule framework, may result in higher compliance costs and associated time for a short period of time until familiarity is achieved; Rules and standards may potentially limit some activities, facilities and structures; May potentially impact on the aspirations of some recreational and community groups as some activities, facilities or structures may not be specifically provided for, or the cost of resource consent applications or achieving compliance may be difficult to meet. 	<p>providing for activities, facilities and structures and managing actual or potential environmental effects according to the predominant character, amenity values, role and function of each zone;</p> <ul style="list-style-type: none"> This approach will be effective, in that it clearly defines for decision makers and the community, the purpose and status of activities, facilities or structures and anticipated environmental effects, according to the predominant character, amenity values, role and function of each zone. 	<ul style="list-style-type: none"> The risk of not acting is that the activities, facilities and structures that usually occur on different types of open space and recreation land on the West Coast might be unduly restricted or additional compliance costs may be incurred; The risk of not acting is that TTPP will not align with the National Planning Standards with respect to Open Space and Recreation Zones; The risk of not acting is a lack of clear direction to the community and decision makers in the outcomes expected in respect of the predominant character, amenity values, role and function of different types of open space and recreation land.
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	<p>occur in different areas and the type and level of anticipated effects;</p> <ul style="list-style-type: none"> • Better direction and guidance to decision makers regarding the management of activities and effects according to the predominant character, amenity values, role and function of each zone. 			
<p>Option C: Modified Status Quo – Designation Approach</p>	<ul style="list-style-type: none"> • Would cater only for the activities of the authorities that can designate – i.e. the district councils. • Community groups and DOC concessionaires would still be subject to the provisions of the underlying zoning, therefore would not benefit from the designation in terms of time and cost; • Cost to the requiring authority of preparation of Notices of Requirement and any Hearing process. • Once the designation is confirmed, works are subject to Outline Plans which are non-notified with no opportunity for public input. The only 	<ul style="list-style-type: none"> • Would provide a clear and strong signal to the community as to what might occur as of right on open space and recreation land designated for this purpose; • Full public participation in the planning process is available including appeal rights at the time a Notice of Requirement for a designation is first notified. 	<ul style="list-style-type: none"> • This option would be efficient for the District Councils in achieving the proposed objectives for a designation, but for the wider community would be a less efficient method of achieving the proposed objectives compared to Option B. 	<ul style="list-style-type: none"> • The risk of acting on this option over all other options is that it would likely only benefit the District Council. • For the wider community it would be a less efficient method of achieving the proposed objectives compared to Option B. This option would therefore be less effective or efficient in achieving Part 2 of the RMA.

	<p>response a territorial authority can make to an Outline Plan is to request changes within 20 working days. Outline Plans are appealable but only by the territorial authority. This is of great benefit to the holder of the designation, but not to the general public.</p> <ul style="list-style-type: none"> Anything not covered by the designated purpose or not the financial responsibility of the requiring authority may require resource consent, with potential delays, additional costs, and uncertainty of outcome 			
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary</p> <p>The above table demonstrates that Option B is the most appropriate method to achieve the objectives relating to Open Space and Recreation Zones. The existing regulatory approach to managing these in the operative plans is generic and lacks sufficient specificity and clarity to effectively and efficiently address the specific resource management issues identified. Consequently, an alternative approach is proposed that more explicitly recognises the importance of open space and their contribution to the West Coast Communities. The zone framework with three zones ensures that activities on open spaces will be appropriately managed, while ensuring that any associated effects are avoided, remedied or mitigated.</p>				

5.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the Act in order 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 as:

- The approach of having three Open Space and Recreation Zones reflects the types, locations and functions of open space on the West Coast
- The objectives and policies provide direction and certainty to plan users on the outcomes expected for Open Space and Recreation Zones
- The provisions have been developed in accordance with current best practice and put in place an appropriate framework for management of Open Space and Recreation Zones on the West Coast.

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.

Part Two: Public Access

6.0 Overview and Purpose

This report sets out the statutory and policy context for public access, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the public access topic.

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan (TTPP), including consultation and engagement.

6.1 Introduction to the Resource Management Issue

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

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

Because 84% of the West Coast is within public conservation land (PCL) administered by the Department of Conservation (PCL) there is an existing and extensive public access network on the West Coast. In the Buller and Westland Districts in particular, outside of towns and settlements much of the land abutting the CMA and water bodies lies within the PCL. The opportunities therefore to extend public access on the West Coast through TTPP provisions are fairly limited and mainly arise through the esplanade reserve and esplanade strip provisions in the subdivision chapter.

6.2 Regulatory and Policy Direction

6.2.1 Part 2 of the RMA

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

The Section 6 matters relevant to this chapter are:

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

The Section 7 matters relevant to this chapter include:

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

Public access may be a component in amenity values.

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

6.2.2 National Instruments

New Zealand Coastal Policy Statement 2010

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

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

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

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

National Policy Statement for Freshwater Management

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

As part of the WCRC's requirement to implement the NPSFM, they have to identify freshwater management units and develop a set of values around ecosystem health, human contact, threatened species and mahinga kai. All West Coast councils will need to work together to provide for the integrated management of freshwater bodies.

6.2.3 National Planning Standards and/or Guidance Documents

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

The Operative District Plans do not include a stand-alone public access, which is inconsistent with the National Planning Standards.

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

6.2.4 Regional Policy and Plans

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

In the WCRPS public access provisions are located within Chapter 4 Resilient and Sustainable Communities.

The relevant policy is:

Policy 4. 4 To promote:

a); and

b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.

6.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape.

6.2.6 Other Relevant Regulation

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

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

7.0 Resource Management Issue and Analysis

7.1 Background

Section 6(d) RMA requires the Council to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. Access can be provided when land is subdivided, through the provision of esplanade reserves, esplanade strips and access strips.

7.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

7.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Te Tai o Poutini Plan – Technical Update Public Access. Report to Te Tai o Poutini Plan Committee September 2021
Author	Edith Bretherton
Brief Synopsis	The report introduces the public access topic and proposes an objective in relation to public access
Link to Document	https://tpp.nz/wp-content/uploads/2021/09/Agenda-TTPP-28-September-2021.pdf

7.2.2 Consultation and Engagement

Consultation has been undertaken with treaty partner Poutini Ngai Tahu, and key stakeholders Fish and Game, Walking Access New Zealand, Department of Conservation and the Alpine Club. Themes identified through this are:

- Maintenance and re-establishment of customary access to enable gathering of mahinga kai.
- Public access is needed for hunting and fishing. This provides recreation opportunities, enables tourism, and pest control.
- Public access is paramount for the white baiting community.
- Conflict exists and is becoming an increasing issue where hard protection structures reduce access to the coastal marine area and / or waterbodies.
- There are no specific areas where public access is currently not available and is sought as a priority. Similarly, there are no areas where restriction is sought.
- Re-establishment of customary access is a key direction in the Sites and Areas of Significance to Maori provisions.
- Insufficient public access to archaeological sites on public land.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Open Space and Recreation Chapter. The This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022.

Title	Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 March 2022
Author	Lois Easton
Brief Synopsis	This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback.
Link to Document	https://tpp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

Title	First Schedule Consultation
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

7.3 Operative District Plan Provisions

7.3.1 Buller District Plan

The operative Buller District Plan has one policy that relates to public access as follows:

Policy 4.4.14.7. To protect and enhance riparian margins adjacent to rivers, streams, lakes, wetlands and the coast for the purposes of:

- Maintenance of the natural character of waterways, natural*
- habitats and water quality including the mitigation of adverse effects of contaminant discharges and other natural and aesthetic and amenity values associated with the adjacent waterway.*
- Public recreation.*
- Public access.*
- Maintenance of bank stability and reduction in sedimentation.*

In terms of rules, the subdivision section of the Buller Plan contains the provisions for Esplanade Reserves as follow:

8.4.1.15. Esplanade Reserves and Esplanade Strips

8.4.1.15.1. Purpose and circumstances in relation to land use consents:

- To protect conservation values on riparian and coastal margins and associated water quality and aquatic habitats.
- To ensure public access is maintained to and along water bodies where a proposed land use may reduce the ability to gain public access or where access is not currently available.
- To ensure recreational opportunities near water bodies are not lost where the proposed land use may reduce those opportunities or to provide recreational opportunities where these are not currently available.

8.4.1.15.2. Maximum amount of contribution: The full actual cost of vesting or contributing a reserve or strip of not greater than 20 metre width including the value of the land or interest in land and the costs of survey and conveyancing.

7.3.2 Grey District Plan

The operative Grey District Plan has one objective and four policies that relate to public access.

Objective 13.7.1 To contribute to the protection of conservation values and enable public access and recreational use of rivers, lakes and the coastal environment by the creation of esplanade reserves and strips in locations where the above matters require addressing.

Policy 6.4.2 Activities on the surface of water should not adversely affect public access, water quality and amenities such as quietness.

Policy 6.4.3 The adverse effects of activities on natural character of margins should be avoided, remedied or mitigated in terms of:

- a. recreation values*
- b. conservation values*
- c. continued public access*
- d. retention of indigenous vegetation and habitats*
- e. water quality*
- f. heritage sites*
- g. cultural and spiritual values*

Policy 10.6.3 The protection of Maori food-gathering sites (mahinga kai) and access to such sites, will be a consideration in the resource consent process.

Policy 13.8.1 To generally require esplanade reserves or strips to be set aside for allotments of less than four hectares in accordance with the criteria set out in Table 13.1 below.

TABLE 13.1

1. Esplanade reserves and strips may be set aside if:
 - a) Ecological or natural values would be protected or enhanced.
 - b) Public access would be enhanced having regard to the existing level of access available.
 - c) Recreational use would be protected or enhanced.
 - d) Water quality or aquatic habitat value would be protected or enhanced.
 - e) The land is within a natural hazard area or where there is an identified risk from one or more natural hazards (such as coastal erosion).
 - f) The creation of an esplanade reserve would complete or promote the marginal protection of a river, lake or coastline.
2. The width of an esplanade reserve and strip may be varied from 20 metres or waived if:
 - a) The natural values warrant a wider or narrower esplanade strip or esplanade reserve; or
 - b) Topography, or the siting of any building or other feature, renders the 20- metre width inadequate or excessive; or
 - c) The protection of waahi tapu, mahinga kai and other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or
 - d) The protection or enhancement of water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or
 - e) The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion); or
 - f) The costs of the provision and maintenance of a 20 metre wide esplanade reserve or esplanade strip are more than the potential public benefits of the purposes of esplanade reserves or strips; or
 - g) Where the creation of a 20 metre wide esplanade reserve or esplanade strip would create result in risks to public safety or the security of property; or
 - h) There is adequate alternative public access; or
 - i) There is adequate means of protecting water quality and conservation values; or
 - j) There is adequate provision for public recreational use of the area of coast, river or lake in question.

In terms of rules, the subdivision section of the Grey Plan contains the provisions for esplanade reserves which implement policy 13.8.1

7.3.3 Westland District Plan

Policy 4.10. C The maintenance and enhancement of public access and areas of open space shall be encouraged to and along the coastline where these will contribute to enjoyment of the coastal environment by the public.

Policy 4.11.C Esplanade strips shall be required for the purposes of enabling public access and contributing to the protection of conservation values by, in particular:

- i. Maintaining or enhancing the natural functioning of the adjacent river, and*
- ii. Maintaining or enhancing water quality, and*
- iii. Maintaining or enhancing riparian or aquatic habitats.*

In terms of rules, the subdivision section of the Westland Plan contains the provisions for esplanade reserves as follow:

7.7.13 Esplanade Reserves and Esplanade Strips

Purpose and circumstances in relation to land use consents:

- To protect conservation values on riparian and coastal margins and associated water quality and aquatic habitats.
- To ensure public access is maintained to and along water bodies where a proposed land use may reduce the ability to gain public access or where access is not currently available.
- To ensure recreational opportunities near water bodies are not lost where the proposed land use may reduce those opportunities

Westland District Plan or to provide recreational opportunities where these are not currently available. Maximum amount: The full actual costs of vesting or contributing a reserve or strip of not greater than 20 metre width including the value of the land or interest in land and the costs of survey and conveyancing.

7.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of other councils approaches to public access has been undertaken. This has included:

- Far North Draft District Plan
- Porirua Proposed District Plan
- Timaru Draft District Plan
- Nelson Draft District Plan
- Selwyn Proposed District Plan
- New Plymouth Proposed District Plan

The review found that, although there is variation in how the requirements are presented within the various plans, each plan has provisions requiring the creation of esplanade reserves and strips, together with the ability to alter their width in particular circumstances. None of the plans reviewed anticipate the creation of esplanades where access is restricted to a particular group.

8.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans		x		
Effects on matters of national importance (s6 RMA)			x	
Scale of effects – geographically (local, district wide, regional, national)		x		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)		x		
Scale of effects on those with particular interests, e.g. Tangata Whenua		x		
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?		x		
Likelihood of increased costs or restrictions on individuals, businesses or communities				

8.1 Explanation Summary

In summary:

The level of detail of analysis in this report is low. While the management of public access and esplanades has a number of aspects that are of national importance under Part 2 of the RMA (including natural character, natural hazards significant indigenous vegetation, significant habitats of indigenous fauna, public access and the relationship of Māori and their culture and traditions with water), the role that TTPP has under s31 of the RMA is relatively restricted. The provisions recommended for the Proposed TTPP are a refinement of the Operative District Plan provisions rather than a completely new approach. The effect of the provisions is therefore already well understood and the proposed provisions will not result in significant additional environmental, economic, social or cultural costs.

9.0 Evaluation

9.1 Evaluation of the Objective

This section of the report evaluates the proposed objective as to whether they it is the most appropriate to achieve the purpose of the Act.

Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Existing Objectives</p> <p>Buller District Plan Objectives: No specific objectives</p>	<p>Only the Grey District Plan provides specific direction on public access through its objective on esplanade reserves.</p> <p>An objective suitable for the combined plan provisions has been developed as outlined below.</p>
<p>Grey District Plan Objectives:</p> <p><i>Objective 13.7.1 To contribute to the protection of conservation values and enable public access and recreational use of rivers, lakes and the coastal environment by the creation of esplanade reserves and strips in locations where the above matters require addressing.</i></p>	
<p>Westland District Plan Objectives: No specific objectives</p>	
<p>Proposed TTPP Objectives:</p> <p>Public Access Chapter</p> <p><i>PA – 01 To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.</i></p>	<p>The objective is considered the most appropriate way to achieve the purpose of the Act because it:</p> <ul style="list-style-type: none"> • will address the requirement under s6(d) of the RMA to maintain and enhance public access to and along the West Coast’s rivers and lakes • will also give effect to the wider relevant sections of the RMA, including ss6(a), 6(c), 6(e), 6(h), 7(c) 7(f), 7(h) and 7(i) • is within the jurisdiction of the Council and is able to be achieved within the exercise of its functions.

Evaluation of Alternative Options	Appropriateness to Achieve the Purpose of the Act
<p>Do not define expectations for public access – rely on objectives of Coastal Environment and Waterbodies</p>	<p>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>
<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>	

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.

The proposed objective provides for the maintenance and enhancement of public access to waterbodies and the coastal environment within TTPP and achieves 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.

9.2. Evaluation of Methods

9.2.1 Description of the Proposed Provisions

The applicability/relevance of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed TTPP. Of particular relevance to the Public Access provisions is the following proposed Strategic Objective.

POU - O1 To include Tai Poutini wide provisions to support Poutini Ngāi Tahu exercise of customary rights and interests including:

1. *Establishment of papakāinga and kaumatua housing;*
2. *Access to mahinga kai and cultural materials;*
3. *Management of Pounamu and Aotea stone; and*
4. *Management of taonga and wāhi tapu.*

Objectives and Policies

Objective PA – O1 To maintain and enhance customary and public access to and along the coastal marine area, waterbodies and public resources.

Also, the following objectives and policies in other chapters of the proposed Plan.

Objective CE – O3 To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.

Objective SASM – O2 Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

Policy CE – P7 Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures effects on public access should be considered and ways to minimise them found, including:

- a. Provision of alternate certain and enduring access; and
- b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity and function of the structure is maintained.

Policy SASM – P4 Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:

- a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or
- b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.

Policy SASM – P17 Allow any other use and development on sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to:

.....and

d. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa.

Policy HH – P6 When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:

....

e. The impact of the movement of the item on public access to the item....

Policy ASW – P2 Enable the non-commercial use of motorised water craft on rivers lakes and lagoons on the West Coast where this does not impact significantly on natural character, ecosystem and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.

Policy SUB – P9

To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:

- a. The natural values warrant a wider or narrower esplanade strip or esplanade reserve; or
- b. Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or
- c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or
- d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or
- e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).

Rules

In terms of rules:

- all Controlled and Restricted Discretionary Activity subdivisions must comply with the Subdivision Standard SUB – S9 which requires that An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of:
 - a. The coastal marine area;
 - b. A lake; or
 - c. The bank of a river whose bed has an average width of 3m
- Alongside this, impacts on public access is a matter of discretion where resource consents are required for effects on the coastal environment, the surface of water or the margins of waterbodies.
- There are also permitted activity rules for maintenance, upgrade and new natural hazard mitigation structures which require no reduction in public access (NH R2, NH R3, NH R4) . Where access is reduced, discretionary consent is required.

9.2.2 Evaluation of Options around Policies, Rules and Methods

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
Option A: Status quo	Plan users and decision-makers may be more aware of the Operative District Plan provisions;	No policy guidance for public access in the Buller or Westland Plan means lack of clear direction to the community and decision makers in the outcomes expected in respect of public access	<p>The Operative provisions are not consistent with the National Planning Standards;</p> <p>The provisions would not be well integrated with other chapters of the Proposed District Plan.</p> <p>The provisions would not adequately protect environmental values of all water bodies.</p>	<p>The risk of this approach is that the District Plan would not be consistent with the National Planning Standards;</p> <p>The risk of this approach is that it would not adequately protect the natural or cultural values of all water bodies;</p> <p>It is considered that there is sufficient information to not act on this approach due to inconsistency with the National Planning Standards and lack of protection for environmental values for water bodies.</p>
Option B: Proposed Plan Proposed Public Access chapter that contains an objective that provides the policy direction for other chapters of the Proposed TTPP to maintain and enhance public access. There are no policies or rules in the Proposed Chapter.	<p>Recognises and protects the natural values of the West Coast's water bodies and CMA and protects these from inappropriate public access;</p> <p>Recognises and protects cultural values of the West Coast's water bodies;</p> <p>Provision of public access increases people's ability to visit attractive parts of the district, thereby</p>	<p>Monetary costs associated with providing and maintaining public access;</p> <p>Costs to subdividing landowners of losing land through the taking of esplanade reserves</p> <p>Costs to subdividing landowners of restriction of use of land taken for esplanade or access strips or disruption of normal farming activities through public access</p>	<p>A stand-alone Public Access Chapter which is consistent with the National Planning Standards;</p> <p>Provisions of the Proposed Public Access chapter are well integrated with other chapters of the Proposed TTPP</p> <p>The environmental, social and cultural benefits of the provisions relating to public access outweigh the potential costs, and the risk that facilitating public access will cause adverse effects on values.</p>	<p>The risk not acting is that the chapter would not be consistent with the National Planning Standards;</p> <p>The risk of not acting may result in public access to sites with high natural or cultural values, or where there are risks to health and safety as this would not be managed;</p> <p>The risk of not acting may result in a lack of public access, and the Committee not meeting its requirements</p>

	<p>promoting tourism opportunities</p> <p>Provision of public access to the District's water bodies for recreation purposes, including passive recreation</p> <p>Provision of a better living environment through the protection of the West Coast's water bodies in areas of esplanade reserve or esplanade strip</p> <p>Provision of access to the West Coast's water bodies and the consequent enabling of cultural practices</p>		<p>Costs to landowners are anticipated by the higher-order documents that the district plan is required to implement, and so the provisions seek to strike a balance between the (largely public) benefits and the (largely private) costs.</p> <p>The provisions providing for the provision of public access would be at the discretion of the Council. This will allow an appropriate weighing of the benefits in each circumstance against the costs, and reduce the risk of adverse effects on values to be taken</p>	<p>under Section 6 of the RMA; and</p> <p>It is considered that there is sufficient information on which to act on the Proposed Provisions</p>
<p>Option C: Non regulatory Rely on non-regulatory, financial and voluntary methods to maintain and enhance public access, such as Council purchasing land.</p> <p>Rely on land owners to allow public access to waterways and the coast across the fringes of their property.</p>	<p>Increased economic opportunities (more productive land) and flexibility for landowners as they are not subject to regulatory restrictions.</p> <p>Other voluntary control regulations can be effective (QEII covenant, etc.).</p> <p>Limited costs on landowners, with no compliance costs.</p>	<p>No regulatory control places the onus on private landowners to protect waterbodies and provide access to the public along these waterways.</p> <p>Risk that landowners are not supportive of allowing public access Public access being a low priority and compromised by inappropriate development.</p> <p>Involuntary methods are fluid and can change with landownership, which would</p>	<p>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.</p> <p>This approach has no certainty and has the potential to result in significant adverse effects.</p>	<p>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.</p> <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting.</p>

		not maintain or enhance public access.		
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>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.</p>				
<p>Summary</p> <p>The above table demonstrates that Option B is the most appropriate method to achieve the objective relating to Public Access. The existing regulatory approach to managing these in the operative plans is generic and lacks sufficient specificity and clarity to effectively and efficiently address the specific resource management issues identified. Consequently, an alternative approach is proposed that more explicitly recognises the importance of public access and its contribution to the West Coast Communities.</p>				