PUBLIC ACCESS – PA

Overview

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

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

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

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

There are no specific rules within the District Plan relating to *esplanade reserve* or *esplanade strip* provision. As such, ~~and defaults to~~ the requirements default to the provisions of the RMA. Where *land* is subdivided ~~and an allotment of less than 4 hectares is created, a 20-metre-wide~~ an *esplanade reserve* or *esplanade strip* may be required if the *allotment* created is ~~must be set aside from that allotment~~ along the mean high-water mark of the sea, the bank of any *river* or the margin of any *lake*, as applicable. The *esplanade reserve* should be vested with Council in accordance with the provisions of the RMA.

The District Plan does not grant the public unrestricted *access* to private *land*. *Access* is primarily provided through *esplanade reserves*, Council reserves, or by negotiating with private landowners, primarily via the *esplanade strip* process.[1]

Objectives

PA-O1 Public *access* is provided to and along *waterbodies* with high recreational, scenic, ~~Ngāi Tahu cultural or~~ *amenity values* or which are valued for *mahinga kai* and customary practices[2]

[1] Decision 35, paragraph 4.7.3
[2] Decision 35, paragraph 4.2.9

PA-O2 The District's pathway network is developed to provide public *access* to the natural environment including for the gathering of food and *mahinga kai* activities, to enhance recreational opportunities and to improve the District as a world-class trout fishing destination.

PA-O3 Public *access* does not result in adverse *effects* on natural character, indigenous biodiversity, *historic heritage*, cultural, landscape values or health and safety.

Policies

PA-P1 Promote the identification and mapping of current and future public access corridors that provide access to *waterbodies* and/or connect open spaces and other public areas, informed by the Gore District Trails Feasibility Study (2017).

PA-P2 Maintain and enhance public access by:

1. requiring through the *subdivision* process the provision of *esplanade reserves* and/or *esplanade strips* along *waterbodies*, particularly in *urban areas* and along public *access* corridors. Public *access* to and along the Mataura River, and *access* for licensed sports fishers to and along Waikaka Stream, must ~~shall~~ generally be provided by way of *esplanade strips*~~.~~;
2. requiring through the *land* development process, where practicable, works and *buildings* to be set back from public *access* corridors~~.~~;
3. negotiating for *access strips* and *access* links that achieve future public *access* corridors including utilising unformed legal *roads*~~.~~;
4. require *buildings* and *structures* to be *setback* from *rivers* and *streams*; and
5. encourage native riparian planting.

PA-P3 Encourage the enhancement of *mana whenua* customary *access* to culturally significant *sites*, such as the Mataura River *mātaitai* and Mataura Falls/Te Au Nui Pihapiha Kanakana, at the time a *site* is redeveloped.

PA-P4 Use non-regulatory methods to encourage to facilitate public access to and along *rivers* and *streams*, and to the natural environment including:

1. involving landowners, *access* users and *mana whenua* in the development of key actions to maintain and enhance *access;*
2. providing clear *signage*;
3. ensuring that private *buildings*, *structures* and plantings do not encroach upon reserve areas, and clearly demarcating the edge between public and private areas;
4. providing incentives for landowners to provide reserves and other access points on their *land*; and

5. development and adoption of a protocol with the Southland Fish and Game Council providing for notification/education of licensed sports fishers. Notification/education of licensed sports fishers must ~~shall~~ take the form of written information to be provided to fishers by the Southland Fish and Game Council in its publications to fishers, and by the erection of *signs* at *esplanade strips* on the Waikaka Stream including information regarding the following:

   (a) Biosecurity risk and procedures;

   (b) Trespass;

   (c) Landowner notification;

   (d) *Site* behaviour/protocol; and

   (e) *Site* specific *conditions* e.g. closure periods.

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

Notes

~~**Note 1**~~[3] ~~**Provisions in Other Chapters**~~

~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.~~

~~This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~

[3] Decision 35, paragraph 3.2.1