

8.0 Public Access

8.1 Introduction

New Zealand has a long history of public ownership and an expectation of access to and use of the coastal environment, wetlands, lakes and rivers. This expectation of the public is no less for the Marlborough Sounds which contains approximately 1400 kilometres of coastline, including some of the most attractive coastlines in scenic and recreational terms in New Zealand.

Section 6(d) of the Act requires, as a matter of national importance, that public access to and along the coastal marine area, lakes and rivers be maintained and enhanced.

While public access is an issue which spans the boundary between the coastal marine area and its landward edge, there are clear differences between the rights of access over land as opposed to the rights of access within the coastal marine area.

There are a number of locations around the Marlborough Sounds where public access is naturally restricted, for example, the coastal cliffs on the western side of D'Urville Island. Public access to river margins and the coastal area is also restricted in some areas because of private ownership (riparian rights).

Other circumstances exist where access is limited or needs to be limited. The New Zealand Coastal Policy Statement (Policy 3.5.1) and the Marlborough Regional Policy Statement (Policy 7.2.10(b)) outline those circumstances which include:

- To protect areas of significant flora and significant habitats of indigenous fauna;
- To protect Maori and heritage values;
- To protect public health and safety;
- To ensure a level of security consistent with the purpose of a resource consent; and
- In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Public access is already restricted to some parts of the Marlborough Sounds where there is a need to protect special values such as endangered wildlife. The restriction on public access to these locations (which are generally islands), is governed by legislation other than the Resource Management Act 1991. Also, the Defence Act 1990, enables access to be restricted to defence areas, including areas used for temporary military training activities.

Port operations also result in some restrictions to public access in order to provide for the safety of people. At marinas, public access has been the subject of control to maintain security for marina tenants.

Access to and from residential properties in the Sounds is often facilitated by foreshore structures (jetties, boatsheds and moorings). While these are a reasonable expectation of Sounds property owners, they do occupy part of the public domain and can detract from the use and enjoyment of that public domain by other people.

Within the coastal marine area, some structures compromise the right of access, while others may change its nature. For example, structures ranging in scale from private jetties to public marinas and port facilities essentially alienate part of the foreshore and adjoining waters from public use, although they do provide access to both private and public property. Other activities such as marine farming, while having the potential to bring economic benefits to the district, not only physically impede access over water, but may also have a psychological effect in limiting people’s interest in accessing an area for recreational purposes.

The Marlborough Regional Policy Statement advocates that the continued recreational use of marine resources is essential to the continued social wellbeing of the community. It is appropriate that the Council places a high priority on maintaining public access for recreational purposes. It is important therefore to identify those areas where public usage of the foreshore is high and protect them from development which restricts public access.

Dependent on site characteristics, some structures (particularly jetties) are able to be shared between landowners. It is appropriate therefore to encourage the joint use of structures where circumstances permit. In addition, foreshore structures should be located so that their effect on public access is minimised.

8.2 Issue

Managing activities so that access to and along the coast, lakes and rivers is maintained at current levels and wherever practicable enhanced.

8.3 Objectives and Policies

Objective 1	That public access to and along the coastal marine area, lakes and rivers be maintained and enhanced.
Policy 1.1	Avoid, remedy or mitigate the adverse effects on public access caused by the erection of structures, works or activities in or alongside lakes and rivers.
Policy 1.2	Adverse effects on public access caused by the erection of structures, marine farms, works or activities in or along the coastal marine area should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.
Policy 1.3	To prevent the erection of structures and marine farms that restrict public access in the coastal marine area where it is subjected to high public usage.
Policy 1.4	Provide for reasonable public access across jetties erected to serve private properties.
Policy 1.5	Continue to assess the need for enhancing public access to and along the coastal marine area, lakes and rivers.

Policy 1.6	Acquire at the time of subdivision esplanade reserves, or negotiate strips, in accordance with the criteria set out in Volume Two (Chapter 28, Standard Requirements for Subdivision and Development) with regard given to the values listed in Appendix I - Schedule of Water Bodies for Riparian Management purpose.
Policy 1.7	Purchase esplanade reserves and negotiate esplanade strips as and when funding from development and subdivision levies permit.
Policy 1.8	Public access to and along the coastal marine area, lakes and rivers should be maintained and enhanced, except where restriction depriving the public of such access is necessary to: <ul style="list-style-type: none"> • Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; • Protect Maori cultural values; • Protect public health and safety; • Ensure a level of security consistent with the purpose of a resource consent or designation; • Enable defence purposes under the Defence Act; or • In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 1.9	Specify and promote riparian management practices, determined by a schedule of water bodies based on criteria which includes provision of public access and recreation.

It is intended that activities or works will be controlled where public access is important and particularly where the shoreline topography permits easy access. On shorelines close to major population centres it is important to maintain them free of structures that restrict public access.

Although it is a reasonable expectation for Sounds property owners to have ready access to their property, it does not necessarily follow that every property should have its own jetty. Therefore where circumstances permit, the Council will require such structures to be shared. In addition the Council will generally require that all jetties are available to the public for personal safety, navigational safety as well as for access to the Sounds Foreshore Reserve.

Public access along lakes and rivers is also important.

8.4 Methods of Implementation

Rules	Planning maps, Appendix I and rules identify or indicate: <ul style="list-style-type: none"> • Where access to and along the coastline, lakes and rivers is generally allowed by incorporating the Sounds Foreshore Reserve and other esplanade reserves into the Conservation Zone. In addition, any road reserve, where the road has not been formed, which abuts the coastline
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	<p>has also been incorporated into the Conservation Zone. This zone seeks to promote public access.</p> <p>The Council may include conditions on resource consents that:</p> <ul style="list-style-type: none"> • Require jetties to be shared with adjoining properties; • Where public access to and along rivers and streams, within the Sounds area, is desirable; • Allow general public access across jetties; • Restrict the rights of public access in accordance with Policy 8.3.1.8 above. <p>A schedule and associated maps identifies significant water bodies where rules apply to specify the width of riparian management zones on criteria which includes provision of public access and recreation.</p>
Subdivision	The reserves policy, contained within Chapter 23, and criteria set out in Volume Two (Chapter 28 Standard Requirements for Subdivision and Development) establish the circumstances under which esplanade reserves will be acquired.
Guidelines	Guidelines prepared by the Council will assist applicants to consider where structures in the coastal marine area should be located and how they should be designed so as to minimise the effects on public access.
Research	Council will carry out research to assess the need for enhancement of physical access to and along the coastal marine area, lakes and rivers.
Voluntary Agreement	On the basis of proven need the Council may negotiate for access strips to enhance public access to and along the coastal marine area and the margins of wetland, lakes and rivers.

Rules and conditions are considered appropriate to use for the promotion of public access. The acquisition of esplanade reserves and negotiation of strips upon subdivision of land will enhance public access to the coast, lakes and rivers.

Because the nature of the Sounds shoreline is so irregular, it is difficult to pre-determine standards for location and design of structures. Therefore, guidelines are seen as an appropriate means of assisting applicants in deciding where to locate structures and their design.

8.5 Anticipated Environmental Results

Implementation of the policies and methods relating to public access will result in:

- Public access maintained to at least current levels;
- Improved access through the acquisition of esplanade reserves and negotiation of strips; and
- Minimum interference on foreshore from structures.