

8.0 Public Access

8.1 Introduction

New Zealanders have high expectations with respect to access to and use of the high country, coast, wetlands, lakes and rivers. The expectation is just as high in the Wairau/Awatere Plan area as it is for the Marlborough Sounds.

The Resource Management Act 1991 (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.

In respect of the East Marlborough Coast the situation regarding land ownership is somewhat unique in that much of the area immediately landward of the mean high water spring is reserve land owned and administered by the Department of Conservation including:

- Land held for conservation or recreation purposes, and legal roads in particular the foreshore between Rarangi and the Wairau Bar;
- The Boulder Bank and south to the Awatere River (excluding two small sections north and south of White Bluffs);
- Various sections south of Flemings Road and Blind River;
- Most of the land between Lake Grassmere and the mean high water springs;
- Marfells Beach; and
- Chancet Rocks.

Legal road land (formed or unformed) along the coastline is administered by the Council or Transit New Zealand, as appropriate.

The lighthouse reserve at Cape Campbell is administered by the Ministry of Transport (Maritime Transport Division).

Access nevertheless is often restricted because of physical geography.

The remainder of the coastal land is privately owned with much of it being used for low to moderate density pastoral farming.

The Wairau/Awatere is also fortunate in that it is served by networks of rivers, tributaries and streams which bring with them significant opportunities in terms of access. Many of the rivers have legal roads or other forms of public reserve running along the river edges. In addition to being corridors into the landscape, rivers provide significant opportunities for the creation and/or enhancement of tracts of ecological habitat.

In the more populated area of the Lower Wairau Valley there is a recorded history of flood plain management with stopbanked river floodways much of it in Council ownership, and thus public ownership of riparian margins is high and public access can be readily achieved. In some instances private ownership (riparian rights) may compromise instream values and public access. Notwithstanding, the general expectation of access to the coast, lakes, rivers and wetlands, there are circumstances where it is appropriate that access is limited or needs to be limited. The New Zealand Coastal Policy Statement and Marlborough Regional Policy Statement outline those circumstances. For example:

- To protect areas of significant vegetation and/or significant habitats of indigenous fauna;
- To protect Maori 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.

In addition to promoting public access to and along waterways the Council also seeks to promote public access and recreational use of public land resources. For the Wairau/Awatere planning area this is particularly important to the hills and mountains which make up the high country. Recreational use of public high country land includes peoples involvement in activities such as tramping, hunting, fishing, skiing, mountain biking as well as more passive activities such as sight seeing. The Molesworth and Rainbow Stations are becoming increasingly used and valued for tourism and recreational use.

8.2 Issue

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

The effects arising from activities and the development of resources can adversely impact on public access and peoples enjoyment of public reserves. Some activities can also limit recreational use of rivers, lakes, the coast and public land.

Within the coastal marine area, structures can compromise the right of access. 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.

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	Continue to assess the need to enhance public access to and along the coastal marine area, lakes and rivers.
Policy 1.4	Acquire esplanade reserves, and negotiate esplanade strips, at the time of subdivision or development, in accordance with the criteria set out in Volume Two (Subdivision Requirements).
Policy 1.5	Purchase esplanade reserves and negotiate esplanade strips as and when funding permits.
Policy 1.6	To facilitate public access on Council owned or managed floodway land.
Policy 1.7	Acknowledge that public access to and along the coastal marine area, lakes, wetlands and rivers may be restricted: <ul style="list-style-type: none"> • To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; • To foot access; • To protect Maori cultural values; • At times of fire risk; • To protect public health and safety; • To ensure a level of security consistent with the purpose of a resource consent or designation; or • In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 1.8	Esplanade reserves or esplanade strips should be set aside or created where loss of public access to the Coastal Marine Area will occur as a result of a reclamation or other development proposals.
Policy 1.9	Recognise the benefits of the use of unformed public roads as a means to enhance access to and along water bodies.

The objective and policies seek to optimise public access, as well as ensuring that any adverse effects of encouraging public access are avoided, remedied or mitigated.

Objective 2	That public access to and within publicly owned land, be maintained and enhanced.
Policy 2.1	Avoid, remedy or mitigate the adverse effects on public access caused by activities within or near to public land.
Policy 2.2	To facilitate public access and recreational use of Council owned land.
Policy 2.3	Ensure that public access and recreational use do not compromise any important conservation values.

Policy 2.4 Recognise the benefits of the use of unformed public roads as a means to enhance access to public land.

8.4 Methods of Implementation

Rules Riparian margins will be protected by controls on activities on rivers, lakes and streambanks. The Council may include conditions on resource consents that restrict the rights of public access in accordance with Policy 1.7.

Subdivision The reserves policy establishes the circumstances under which esplanade reserves will be acquired.

Guidelines The Council will prepare a set of guidelines on Riparian Management.

Research The Council will carry out research to assess the need for enhancement of physical access to and along the coastal marine area, lakes and rivers.

Council Activities The Council will develop management plans for Council owned or managed floodway land that incorporate access aspects in balance with commercial use and safety aspects.

Voluntary Agreement On the basis of proven need the Council may negotiate for access strips to enhance public access to and along the coast area and the margins of wetlands, lakes and rivers.

Information The Council will make available information on the location and area of esplanade reserves, esplanade strips and access strips taken on subdivision and development.

Riparian Management Strategy The Council will prepare, in consultation with relevant parties, a Riparian Management Strategy to provide further guidance on the appropriate management of riparian margins so that their habitat, water quality, amenity and public access benefits are recognised and enhanced.

Identification of the values of water bodies The natural and human use values supported by surface water bodies within the Plan area are identified in Appendix A of Volume One of the Plan. These values include ecological, habitat, recreational and natural character values. Regard can be had to these values when considering resource consent applications required as a result of rules in this Plan.

As more is learnt about the values supported by water bodies in South Marlborough, it is possible to add to Appendix A by way of plan change.

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

In terms of the duties under Section 35 of the Act to gather information, monitor and keep records, the Council has to make reasonably available, amongst other things, information on the location and area of all esplanade reserves, esplanade strips and access strips. Some of these reserves/strips may have been taken for public access reasons and this information can be provided to the public on request. This information will also be made available through the Council's reporting processes on state of the environment monitoring and on the effectiveness and efficiency of policies, rules or other methods in the Plan - this last reporting process is a requirement of the Act (s.35(2A)).

One of the roles of the riparian management strategy is to investigate the appropriateness of existing riparian management detailed in this and other chapters and the rules contained in Volume Two of the Plan. If, following this investigation, changes to plan provisions are required then those changes will be pursued through the plan change process.

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, and wherever practicable enhanced; and
- Improved access through the acquisition of esplanade reserves and negotiation of esplanade strips.

