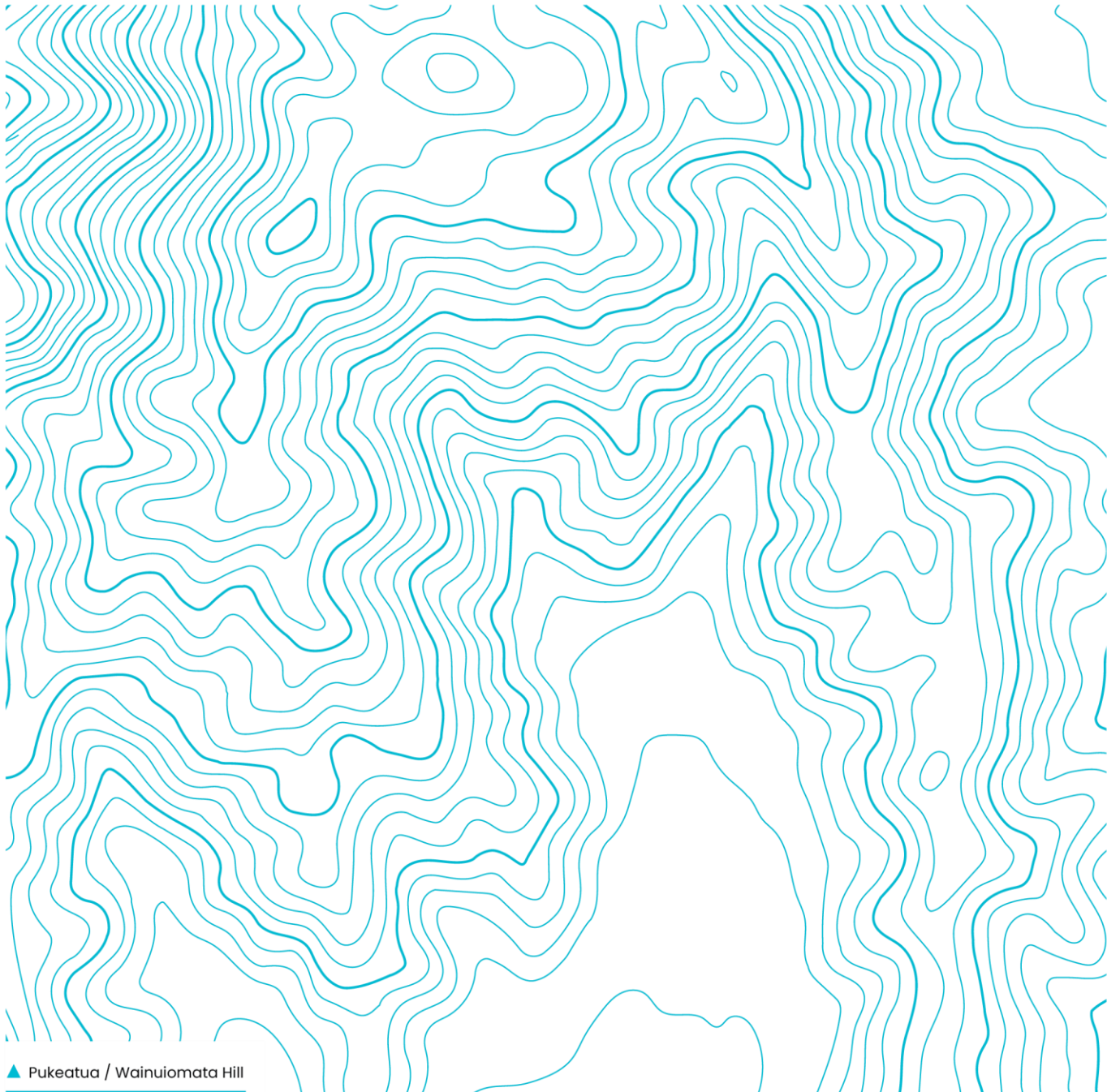


# Section 32 Evaluation

## PUBLIC ACCESS



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## 2 Overview and Purpose

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- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to public access to and along the coastal marine area, lakes and rivers.
- (2) This report is a record of the review with regard to public access, and includes an evaluation of objectives and provisions for the Public Access chapter of the proposed District Plan, in accordance with the requirements of s32 of the Resource Management Act 1991. The purpose of the Public Access chapter is to ensure the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
- (3) This report sits as one of a package of reports for the proposed Plan and should be read alongside the General report for matters common to all topics.

### **Public Access and the coastal marine area, lakes and rivers of Lower Hutt**

- (4) Hutt City has some 42km of coastline comprising the inner Wellington Harbour and open coastline to the Cook Strait. The coastline varies from highly modified areas such as Seaview through to remote and undeveloped areas such as Pencarrow Head, Baring Head and Turakirae Head.
- (5) There are also many rivers and streams (including Te Awa Kairangi/Hutt River, Waiwhetū Stream, Wainuiomata River, Ōrongorongo River and Korokoro Stream) and two highly valued lakes (Lake Kōhangapiripiri and Lake Kōhangaterā).
- (6) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is identified as a matter of national importance in section 6(d) of the Resource Management Act. Requiring Esplanade Reserves and Esplanade Strips for subdivision along rivers, lakes and the coast and protecting existing access is key to maintaining and enhancing public access.

- (7) The Public Access chapter contains the objectives and policies that are relevant for the maintenance and enhancement of public access. The related rules and standards are located in other chapters, such as the Subdivision chapter, which includes provisions for Esplanade Strips or Esplanade Reserves.

# 3 Statutory and Policy Context

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- (8) The following sections discuss the national, regional and local policy framework that are particularly relevant to the statutory and policy context for public access for the District Plan Review.

## 3.1 Resource Management Act 1991

### 3.1.1 Section 5 – Purpose and Principles

- (9) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (10) Under s5(2) of the Act, sustainable management means:

*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

### 3.1.2 Section 6 – Matters of National Importance

- (11) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The relevant s6 matters for public access are:

<b>Section</b>	<b>Relevant Matter</b>
6(a)	<i>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.</i>
6(c)	<p><i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p> <p>Significant indigenous vegetation and significant habitats of indigenous fauna are often located around waterbodies and riparian margins and therefore the provision of public access may have negative impacts on significant biodiversity.</p>
6(d)	<i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.</i>
6(e)	<p><i>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i></p> <p>There is a strong historical and cultural relationship with ancestral lands, water, sites, waahi tapu, and other taonga. This is especially relevant to public access to waterbodies.</p>
6(h)	<p><i>The management of significant risks from natural hazards.</i></p> <p>The management of natural hazard risk along rivers, lakes and the coast, e.g. through the management of flood hazards, may limit or restrict the provision of public access.</p>

### **3.1.3 Section 7 – Other Matters**

- (12) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. The relevant s7 matters for public access are:

<b>Section</b>	<b>Relevant Matter</b>
7(a)	<i>Kaitiakitanga</i>
7(aa)	<i>The ethic of stewardship</i>
7(c)	<i>The maintenance and enhancement of amenity values</i>

7(d)	<i>Intrinsic values of ecosystems</i>
7(f)	<i>Maintenance and enhancement of the quality of the environment</i>
7(i)	<i>The effects of climate change</i>

### 3.1.4 Section 8 – Treaty of Waitangi

- (13) Section 8 of the RMA requires Council to *take into account* the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (14) Council works in partnership with Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust and Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated to actively provide for and protect their interests and develop provisions to recognise and provide opportunities for tangata whenua to exercise kaitiakitanga.

### 3.1.5 Section 31 – Functions of territorial authorities under this Act

- (15) Section 31 lists the functions of territorial authorities. The following are of relevance to the Public Access chapter:
- The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31a), and
  - The control of any actual or potential effects of the use, development, or protection of land (s31b). This includes for the purpose of the avoidance or mitigation of natural hazards and maintenance of indigenous biological diversity.



### 3.1.6 Section 77 (Part 5) and Sections 229 to 237H (Part 10) – Esplanade Reserves and Esplanade Strips

- (16) One of the principal mechanisms by which public access to and along the coastal marine area, lakes and rivers is provided is through Esplanade Reserves and Esplanade Strips (collectively referred to as 'esplanades'). Section 77 and Sections 229 to 237H of the RMA set out the purpose of and requirement for esplanades, and the way in which Esplanade Reserves and Esplanade Strips, and access strips can be created.
- (17) Esplanades have a range of purposes, including:
- to contribute to the protection of conservation values,
  - to enable public access to or along any sea, river or lake, and
  - to enable public recreational use, where the use is compatible with conservation values.
- (18) The requirements of section 77 and section s229 to 237H include:
- **Widths of esplanades**, including how the size of the reserve/strip is calculated, how it is measured, and reasons for waiving or reducing a requirement,
  - **How an esplanade is managed**, including vestment and administration by councils, registering the reserve / strip on the record of title of a property, and compensation of owners by a council (only for land greater than 4ha),
  - **Requirements for ongoing management of an esplanade**, including alterations to esplanades, cancellation of an esplanade, and situations where strips may be closed to the public.
  - **How an esplanade is impacted by movement of a waterbody or the coast**, including in relation to emergency or for public safety.

## 3.2 National Policy Statements and the New Zealand Coastal Policy Statement

- (19) Section 75(3)(a) of the RMA requires district plans to give effect to any National Policy Statement and the New Zealand Coastal Policy Statement.
- (20) The following national policy statements are particularly relevant for public access.
- (21) The full wording of the relevant objectives and policies is attached as Appendix 1 to this report.

### 3.2.1 New Zealand Coastal Policy Statement

- (22) The New Zealand Coastal Policy Statement 2010 (NZCPS) sets out objectives and policies to achieve the purpose of the RMA in relation to the coastal environment. The most relevant objectives and policies of the NZCPS as they relate to public access are identified below.

<b>New Zealand Coastal Policy Statement</b>	
<b>Objective 4</b>	<p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by ...</i></p> <ul style="list-style-type: none"> <li><i>maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and ...</i></li> </ul>
<b>Policy 4</b>	<p><i>Integration</i></p> <p>Gives directions on integrated management of natural physical resource on the coastal environment.</p>
<b>Policy 6:</b>	<p><i>Activities in the coastal environment</i></p> <p>Gives direction on activities in the coastal environment, including for development to be set back from the coastal marine areas and other water bodies to protect public access.</p>
<b>Policy 18:</b>	<p><i>Public Open Space</i></p>

	Gives direction to recognise the need for public open space, including recognising the role esplanade reserves and strips can have in contributing to meeting public open space needs.
<b>Policy 19:</b>	<i>Walking Access</i> Gives direction for the recognition, maintenance and enhancement for public walking access, and direction on when public walking access to, along or adjacent to the coastal marine area can be restricted.
<b>Policy 20:</b>	<i>Vehicle Access</i> Gives direction on the control of vehicle access.

### 3.2.2 NPS for Electricity Transmission

(23) The objective of the NPS for Electricity Transmission 2008 (NPS-ET) is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

(24) The policies of the NPS-ET do not specifically address public access. However, the following policies are relevant in relation to parts of the electricity transmission network that may require public access to riparian and coastal margins or that may be impacted by public access in those margins.

<b>NPS for Electricity Transmission</b>	
<b>Policy 4</b>	<i>When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</i>

<b>Policy 5</b>	<i>When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.</i>
<b>Policy 6</b>	<i>Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.</i>
<b>Policy 7</b>	<i>Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.</i>
<b>Policy 8</b>	<i>In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.</i>

### **3.2.3 NPS for Renewable Electricity Generation**

- (25) The objective of the NPS for Renewable Electricity Generation 2011 (NPS-REG) is:

*To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.*

- (26) The NPS-REG does not directly address public access. However, the following policies are most relevant in relation to renewable electricity generation that may require public access to riparian and coastal margins or that may be impacted by public access in those margins.

<b>NPS for Renewable Electricity Generation</b>	
<b>Policy C1</b>	<p><i>Decision-makers shall have particular regard to the following matters:</i></p> <ul style="list-style-type: none"> <li><i>(a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;</i></li> <li><i>(b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</i></li> <li><i>(c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</i></li> <li><i>(d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</i></li> <li><i>(e) adaptive management measures.</i></li> </ul>
<b>Policy F</b>	<p><i>As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.</i></p>
<b>Policy G</b>	<p><i>Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.</i></p>

### **3.2.4 NPS for Freshwater Management**

(27) The objective of the NPS for Freshwater Management 2020 (NPS-FM) is:

*to ensure that natural and physical resources are managed in a way that prioritises:*

- (a) first, the health and well-being of water bodies and freshwater ecosystems*

- (b) *second, the health needs of people (such as drinking water)*
- (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

(28) The NPS-FM does not directly address public access. However, the following policies are most relevant in relation to public access that may impact natural values of freshwater bodies, including water quality.

<b>NPS for Freshwater Management</b>	
<b>Policy 1</b>	<i>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i>
<b>Policy 3</b>	<i>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i>
<b>Policy 6</b>	<i>There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i>
<b>Policy 7</b>	<i>The loss of river extent and values is avoided to the extent practicable.</i>
<b>Policy 9</b>	<i>The habitats of indigenous freshwater species are protected.</i>
<b>Policy 15</b>	<i>Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.</i>
<b>Clause 3.5 Integrated Management</b>	<i>(4) Every territorial authority must include objectives, policies and methods in its district plan to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</i>
<b>Interpretation</b>	<i>Receiving environment - includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries).</i>

### **3.2.5 NPS on Urban Development**

- (29) The NPS on Urban Development 2020 (NPS-UD) aims to support well-functioning urban environments to provide for current and future community well-being. It requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity.
- (30) While the NPS-UD does not directly address public access, Policy 1 of the NPS-UD has some relevance. It requires planning decisions to contribute to well-functioning urban environments, that have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.

### **3.2.6 NPS for Indigenous Biodiversity**

- (31) The purpose of the NPS for Indigenous Biodiversity 2023 (NPS-IB) is to provide direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB puts a strong focus on the involvement of tangata whenua as partners and on the engagement with people and communities, including landowners.
- (32) The NPS-IB does not directly address public access. However, it is relevant to the extent that it directs territorial authorities to:
- Identify significant natural areas and include them in their district plans (using criteria prescribed by the NPS), and
  - Manage the effects of new subdivision, use and development on the identified areas and indigenous biodiversity in general.

## **3.3 National environmental standards**

- (33) National Environmental Standards (NES) are regulations made under s43 of the RMA, and effectively function like rules in a district or regional plan.
- (34) The following NES are relevant for public access.

### **3.3.1 NES for Electricity Transmission Activities**

- (35) The NES for Electricity Transmission Activities 2009 (NES-ETA) set out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects.
- (36) The relevant regulations for Public Access relate to general regulations on trimming, felling and removing of trees and vegetation (Regulations 30, 31 and 32) and Earthworks (Regulations 33 and 34). The trimming, felling and removing of trees and vegetation in relation to an existing transmission line is permitted subject to standards and elevates to controlled or restricted discretionary depending on the conditions breached. Earthworks are permitted activities subject to conditions and elevate to controlled where conditions are breached.

### **3.3.2 NES for Telecommunication Facilities**

- (37) The NES for Telecommunication Facilities 2016 (NES-TF) aims to provide national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately.
- (38) The most relevant regulations for Public Access are regulation 51, which manages activities carried out at places adjoining the coastal marine area, and regulation 52, which applies to activities over a river or lake. Regulation 56 of the NES states that rules in District Plans can be more stringent than the standards imposed by the NES-TF.

## **3.4 National Planning Standards**

- (39) Section 75(3)(ba) requires district plans to give effect to national planning standards.
- (40) Under the National Planning Standards, where provisions to maintain and enhance public access to and along the coastal marine area, lakes, and



rivers are addressed, they must be located in the Public Access (PA) chapter.

- (41) The following table summarises the requirements of the National Planning Standards for the Public Access chapters.

<b>Topic &amp; unique identifier</b>	<b>Location in DP structure</b>	<b>Elements included under that topic</b>	<b>Elements addressed under other topic areas</b>
Public Access PA	Part 2 - District-wide Matters  Natural Environmental Values	Provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers	Provisions relating to Esplanade Reserves and Esplanade Strips are located in the SUB Chapter.  References to public access are contained in other chapters, in particular the Natural Character (NATC) chapter, the Coastal Environment (CE) chapter and the Natural Hazards (NH) chapter.

### **3.5 Regional Policy Statement for the Wellington Region**

- (42) Section 75(3)(c) of the RMA requires district plans to give effect to any regional policy statement.
- (43) The Regional Policy Statement for the Wellington Region ('the RPS') identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- (44) The relevant objectives and policies of the RPS for public access are discussed below. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Regional Policy Statement for the Wellington Region</b>	
<b>Section 3.2 Coastal Environment (including public access)</b>	
<b>Objective 3</b>	<i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i>
<b>Objective 4</b>	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 5</b>	<i>Areas of the Coastal Environment where natural character has been degraded are restored and rehabilitated.</i>
<b>Objective 6</b>	<i>The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.</i>
<b>Objective 7</b>	<i>The integrity, functioning and resilience of physical and ecological processes in the Coastal Environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 8</b>	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>
<b>Policy 3</b>	<i>Protecting high natural character in the coastal environment</i>
<b>Policy 4</b>	<i>Identifying the landward extent of the coastal environment</i>
<b>Policy 35</b>	<i>Preserving the natural character of the Coastal Environment</i>
<b>Policy 36</b>	<i>Managing effects on natural character in the coastal environment</i>
<b>Policy 37</b>	<i>Safeguarding life supporting capacity of coastal ecosystems</i>
<b>Policy 38</b>	<i>Identifying the landward extent of the coastal environment</i>
<b>Policy 53</b>	<i>Public access to and along the coastal marine area, lakes and rivers</i>
<b>Policy 64</b>	<i>Supporting a whole of catchment approach</i>

<b>Section 3.4 Fresh water (including public access)</b>	
<b>Objective 13</b>	<i>The region's rivers, lakes and wetlands support healthy functioning ecosystems.</i>
<b>Policy 15</b>	<i>Minimising the effects of earthworks and vegetation clearance</i>
<b>Policy 41</b>	<i>Minimising the effects of earthworks and vegetation disturbance</i>
<b>Policy 43</b>	<i>Protecting aquatic ecological function of water bodies</i>
<b>Section 3.10 Resource management with tangata whenua</b>	
<b>Objective 27</b>	<i>Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</i>
<b>Policy 49</b>	<i>Recognising and providing for matters of significance to tangata whenua</i>

### 3.5.1 Proposed RPS Change 1

- (45) On 19 August 2022, Greater Wellington Regional Council notified Proposed Change 1 to the Regional Policy Statement for the Wellington Region (Proposed RPS Change 1). As of the writing of this report, the Regional Council has notified its decisions on Proposed RPS Change 1, but these decisions are open to appeals.
- (46) The table below lists the changes which are relevant for Public Access as notified. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Proposed RPS Change 1</b>	
<b>3.2 Coastal Environment (including public access)</b>	
<b>Policy 3</b>	<i>Protecting high natural character in the coastal environment – district and regional plans</i>
<b>3.4 Fresh Water (including public access)</b>	

<b>Objective 12</b>	<p><i>Natural and physical resources of the region are managed in a way that prioritises:</i></p> <p>(a) <i>first, the health and well-being of water bodies and freshwater ecosystems</i></p> <p>(b) <i>second, the health needs of people (such as drinking water)</i></p> <p>(c) <i>third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and</i></p> <p><i>Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this RPS and its implementation. ...</i></p>
<b>Policy 15</b>	<p><i>Managing the effects of earthworks and vegetation disturbance – district and regional plans</i></p>
<b>Policy FW.3</b>	<p><i>Urban development effects on freshwater and the coastal marine area – district plans</i></p>

### 3.6 Natural Resources Plan for the Wellington Region

- (47) Section 74(2)(a)(ii) of the RMA requires territorial authorities, when preparing or changing a district plan, to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the Act.
- (48) The following provisions of the Natural Resources Plan for the Wellington Region (NRP) are of relevance to Public Access. The full wording of relevant provisions below is attached as Appendix 3 to this report.

<b>Natural Resources Plan for the Wellington Region</b>	
<b>Ki uta ki tai: mountains to the sea</b>	
<b>Objective O1</b>	<p><i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i></p>

<b>Natural Resources Plan for the Wellington Region</b>	
<b>Beneficial use and development</b>	
<b>Objective O7</b>	<i>The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced.</i>
<b>Objective O8</b>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<b>Objective O10</b>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<b>Māori relationships</b>	
<b>Objective O12</b>	<i>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, ...</i>
<b>Objective O13</b>	<i>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.</i>
<b>Natural character, form and function</b>	
<b>Objective O14</b>	<i>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</i>
<b>Biodiversity, aquatic ecosystem health and mahinga kai</b>	
<b>Objective O21</b>	<i>Vegetated riparian margins are established, maintained or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.</i>
<b>Policies</b>	
<b>Policy P1</b>	<i>Ki uta ki tai and integrated catchment management</i>

<b>Natural Resources Plan for the Wellington Region</b>	
<b>Policy P8</b>	<i>Public access to and along the coastal marine area and the beds of lakes and rivers</i>
<b>Policy P9</b>	<i>Contact Recreation and Māori customary use</i>
<b>Policy P31</b>	<i>Biodiversity, aquatic ecosystem health and mahinga kai</i>
<b>Policy P36</b>	<i>Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</i>
<b>Policy P109</b>	<i>Management of riparian margins</i>
<b>Policy P139</b>	<i>Functional need and efficient use</i>
<b>Policy P140</b>	<i>Recreational values</i>
<b>Policy P141</b>	<i>Public open space values and visual amenity</i>
<b>Policy P154</b>	<i>Motor vehicles on the foreshore</i>
<b>Policy P155</b>	<i>Motor vehicles in sites with significant value</i>

### **3.6.1 Proposed NRP Change 1**

- (49) On 30 October 2023 Greater Wellington Regional Council notified Proposed Change 1 to the Natural Resources Plan (Proposed NRP Change 1).
- (50) The purpose of Proposed NRP Change 1 is the implementation of regulatory and non-regulatory recommendations from the Whaitua Implementation Programmes (Te Awarua-o-Porirua (TAoP) and Te Whanganui-a-Tara (TWT) Implementation Programmes). It also includes other regulatory amendments relating to air quality rules and beds of lakes and rivers rules and new sites with significant biodiversity values.
- (51) The most relevant amendments and additions of Proposed NRP Change 1 are listed below. The full wording of relevant provisions below is attached as Appendix 3 to this report.

<b>Proposed NRP Change 1</b>	
<b>Policy P36</b>	<i>Restoring Te Awarua-o-<del>Porirua</del> Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</i>
<b>8 Whaitua Te Whanganui-a-Tara</b>	
<u>Objective WH.O2</u>	<u>The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040: ...</u>
<u>Objective WH.O5</u>	<u>By 2040 the health and wellbeing of the Parangarahu Lakes and associated natural wetlands are on a trajectory of improvement towards wai ora, such that:...</u>
<b>8.2.1 Ecosystem health and water quality</b>	
<u>Policy WH.P</u>	<u>Improvement of aquatic ecosystem health</u>
<u>Policy WH.P2</u>	<u>Management of activities to achieve target attribute states and coastal water objectives</u>

### 3.7 Iwi management plans

- (52) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to 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.
- (53) However, no iwi management plans have been lodged with Hutt City Council.

### 3.8 Hutt City Council plans, policies, and strategies

- (54) Section 74(2)(b)(i) of the RMA requires that when preparing or changing a District Plan, a territorial authority shall have regard to any management plans and strategies prepared under other Acts.

(55) In addition, there are other plans, policies and strategies of Council that, while not directly prepared under a specific Act, should be considered as part of the District Plan Review as they set Council’s intentions on some matters that need to be addressed through the District Plan Review.

(56) The following Council plans, policies and strategies are relevant for Public Access:

<b>Plan / Policy / Strategy</b>	<b>Relevant Provisions</b>
<b>Environmental Sustainability Strategy 2015-2045</b>	<p>The ‘Environmental Sustainability Strategy takes a long-term view of the environment. The strategy looks at the issues, risks and opportunities for the environment and addresses potential issues and change.</p> <p>One of the objectives is to improve access to, and connections between, urban parks and reserves. Another objective is to support and encourage development of pathways and cycleways alongside streams and rivers.</p>
<b>CBD Vision 2030</b>	<p>This document represents a shared future vision for the CBD of Hutt City out to the year 2030. This document considers improving connections to the Hutt River and along the River Trail as a key approach to revitalising the CBD. Some of the relevant outcomes include to:</p> <ul style="list-style-type: none"> <li>• Establish an ecological and cultural corridor (in relation to the Hutt River);</li> <li>• Develop a river promenade; and</li> <li>• Enhance natural surroundings.</li> </ul>
<b>Urban Growth Strategy 2012 - 2032</b>	<p>Council published its ‘Urban Growth Strategy’ in March 2014. This strategy provides a 30-year blueprint for private sector development and related Council investment in Hutt City and contains key principles to guide the city’s population growth and development aspirations.</p> <p>Council intends to develop a comprehensive cycling network that links all key population centres, provides access through the city, and is in alignment with the Great Harbour Way concept.</p>
<b>Reserves Strategic</b>	<p>The focus of this strategy is on the 2,780 hectares of reserve land in the developed parts of the city that HCC manage and that the public can generally access. They include ‘green spaces’, parks,</p>



<p><b>Direction 2016-2026</b></p>	<p>walkways and cycle ways, trails and tracks, hills and gullies, valleys, the harbour, the coastal edge, wetlands, streams and rivers and their margins.</p> <p>Vision Statement: A reserve network that is valued for protecting the natural environment and public open space, the benefits it brings to the city and its role in contributing to the health and wellbeing of the people and the natural environment of our city.</p>
<p><b>Pencarrow Coast Road Policy for Vehicle Use 2012-2017</b></p>	<p>Pencarrow Coast Road is owned by HCC for the primary purpose of maintaining the main outfall sewer. It forms an integral part of HCC's Wastewater infrastructure and it is expected that the area will continue to be used for this purpose in the future. The road is also the major access route to parts of the East Harbour Regional Park.</p> <p>The objective is to manage vehicle use of Pencarrow Coast Road to:</p> <ul style="list-style-type: none"> <li>• Protect HCC's assets in the area which include the main outfall sewer; and</li> <li>• Sustainably manage commercial use of the road to minimise as far as possible any impact on the safety of all users, the environment, archaeological sites and recreational users.</li> </ul>
<p><b>Esplanade and Foreshore Reserve Management Plan 2002</b></p>	<p>Esplanade and Foreshore Reserves offer the public the opportunity to access and pursue a wide range of recreational activities along the margins of water bodies throughout the City.</p> <p>The Reserve Management Plan includes objectives and policies relating to:</p> <ul style="list-style-type: none"> <li>• Passive and Active Recreation; and</li> <li>• Tracks on Esplanade and Foreshore Reserves.</li> </ul>
<p><b>Leisure and Wellbeing Strategy 2012-2032</b></p>	<p>This Strategy identifies that parks, reserves and gardens help preserve and enhance the city's natural beauty and provide opportunities for a wide range of leisure and recreational activities which benefit the health and wellbeing of our people.</p>
<p><b>Hutt City Council's Integrated Transport Strategy 2022</b></p>	<p>Council's current cycle network comprises 26km of cycle routes, including the Hutt River Trail, The Esplanade and Wainuiomata Road shared paths. The Transport Strategy identifies future strategic connections including Te Ara Tupua (from Petone to Ngauranga) and Tupua Horo Nuku (from Point Howard to Eastbourne).</p>

### 3.9 District plans of adjacent territorial authorities

- (57) Section 74(2)(c) of the RMA requires territorial authorities, when preparing or changing a district plan, to have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (58) The approach of district plans of adjacent councils for Public Access is summarised below.

Plan	Relevant Provisions
<p><b>Proposed Wellington District Plan</b></p>	<p>The Proposed District Plan was notified on 18 July 2022.</p> <p>The PDP as notified contains Public Access chapter with objectives and policies but no rules.</p> <p>Other chapters have relevant provisions or refer back to PA policies.</p> <p>The purpose of the Public Access chapter is to ensure public access to, adjacent to, and along the coastal environment, lakes, and rivers is maintained and enhanced and adverse effects of public access are managed.</p> <p>Objectives, policies, rules and standards relating to Esplanade Reserves and Esplanade Strips are located in the Subdivision chapter.</p>
<p><b>Proposed Porirua District Plan (decisions version)</b></p>	<p>The proposed District Plan notified on 28 August 2020. Decisions were notified in December 2023, with no appeals relating to public access.</p> <p>The decisions version contains a Public Access chapter with one objective and two policies but no rules.</p> <p>The objectives and rules apply across the Plan.</p> <p>The purpose of the Public Access chapter is to ensure that public and customary access to and along Porirua City's coastal margins and riparian margins is maintained and enhanced.</p> <p>Objectives, policies, rules and standards relating to Esplanade Reserves and Esplanade Strips are located in the Subdivision chapter.</p>

<b>Upper Hutt District Plan</b>	<p>Contains Public Access chapter with objectives, policies but no rules.</p> <p>Rules and standards relating to Esplanade Reserves and Esplanade Strips are located in the Subdivision chapter.</p>
<b>Kāpiti Coast District Plan</b>	<p>Does not contain a Public Access chapter.</p> <p>Public access considerations are included throughout the plan and in the Coastal Environment chapter in particular.</p> <p>DO-04 To have a coastal environment where public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access.</p> <p>CE-P3 and CE-P5 are policies relating to the objective.</p>
<b>Proposed Wairarapa Combined District Plan</b>	<p>Proposed District Plan notified on 11 October 2023.</p> <p>Contains Public Access chapter with one objective and two policies but no rules.</p> <p>Purpose of the Public Access chapter is to maintain and enhance public access to and enjoyment of the coast, rivers, lakes, and natural inland wetlands and their margins.</p> <p>Policies, rules and standards relating to Esplanade Reserves and Esplanade Strips are contained in the Subdivision chapter.</p>

### 3.10 Other statutory and non-statutory plan, policies, and strategies

- (59) In addition to Hutt City Council’s plans, policies and strategies (discussed above), there are regional and national plans, policies and strategies that, while not mandatory considerations for the District Plan Review, should still be considered as they form part of the management regime for natural and physical resources in the district, and considering these documents can aid integrated management.
- (60) The following other statutory and non-statutory plans, policies and strategies are relevant for Public Access:

<b>Plan / Policy / Strategy</b>	<b>Relevant Provisions</b>
<p><b>Parangarahu Lakes Area Co-Management Plan 2014</b></p> <p><b>Greater Wellington Regional Council and Port Nicholson Block Settlement Trust</b></p>	<p>Identifies the lakes their associated tributaries and wetlands as an area of national significance and outlines the issues, vision and management objectives. Key activities in the plan include to establish a new walking track to replace the removed boardwalk; and advocating for secured links to the Remutaka Cycle Trail.</p>
<p><b>Te Awa Kairangi/Hutt River Environmental Strategy Action Plan 2018</b></p> <p><b>Greater Wellington Regional Council</b></p>	<p>Sets out aims and objectives identified by the community for the management and enhancement of the river corridor environment. The focus is on the enhancement and management of the river and meeting natural, social, and cultural requirements while providing flood protection. Relevant to landscape character and amenity values, this includes three key goals for the protection and enhancement of the river's natural environment, encouraging and enabling improved connections between the river corridor and adjoining communities, and providing spaces and facilities to support recreation opportunities. This environmental strategy sits within the wider Hutt River Flood Management Plan October 2001 and enables the environmental, community and recreation objectives to be achieved.</p>
<p><b>Wellington Harbour Islands Kaitiaki Plan 2012-2017</b></p> <p><b>Department of Conservation</b></p>	<p>Outlines the vision, guiding principles and key management issues and objectives for the management of the islands in the harbour.</p>
<p><b>Toitū Te Whenua Parks Network Plan 2020-2030</b></p> <p><b>Greater Wellington Regional Council</b></p>	<p>Toitū Te Whenua is the management plan for eight regional parks and forests. It includes Akatarawa, Battle Hill, Belmont, East Harbour (including the Northern Forest, Baring Head/Ōrua Pouanui and Parangarahu Lakes), Kaitoke, Pakuratahi, Queen Elizabeth and Wainuiomata parks.</p> <p>The Plan's vision is 'Restoring healthy ecosystems for the benefit of people and nature'. 'He waka eke noa', we're all in this together moving forward.</p>
<p><b>Te Mahere Wai o Te Kāhui Taiao</b></p>	<p>A Mana Whenua whaitua implementation plan to return mana to our freshwater bodies. There are a number of</p>

<p><b>Greater Wellington Regional Council, Taranaki Whānui and Ngāti Toa Rangatira</b></p>	<p>values and environmental outcomes identified, with timeframes for implementation.</p> <p>‘Kei te ora te mauri/mouri (the mauri/mouri of the place is intact) and customary resources are available so that Mana Whenua can safely access and harvest rongoā (traditional medicines), raranga (weaving material) and mahinga kai. Mana Whenua are able to access the awa and exercise customary practices like tohi (baptism), karakia (prayer), waerea (protective incantation) and tuku iho (gifting of knowledge and resources to future generations).’</p>
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### 3.11 Other legislation or regulations

- (61) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.

Plan / Policy / Strategy	Relevant Provisions
Reserves Act 1977	<p>Section 3 of the Reserves Act 1977 sets out three main functions as part of the Act’s general purpose, including “<i>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.</i>”</p> <p>The Reserves Act requires the preparation of reserve management plans which govern in a detailed manner what can and cannot be carried out in the City’s reserves. While the Reserves Act ultimately determines the types of uses appropriate for reserve areas that are classified under the Act, the RMA governs environmental policy and management, minimising the adverse effects of use and development.</p>
Walking Access Act 2008	Section 3 of the Walking Access Act 2008 sets out the Act’s purpose to provide the New Zealand public with free, certain, enduring, and practical walking access.

## 3.12 Statutory Acknowledgements

- (62) The District Plan contains, as an addendum, the relevant provisions and statutory acknowledgement areas as identified by the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 and the Ngati Toa Rangatira Claims Settlement Act 2014. The information provided in the addendum is for the purpose of public information only and does not form part of the District Plan.
- (63) A statutory acknowledgement is a formal acknowledgement by the Crown of the mana of tangata whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi with the site, which is identified as a statutory area.

Statutory Area	Location
<b>Taranaki Whānui ki Te Upoko o Te Ika - Port Nicholson Block</b>	
COASTAL MARINE AREA	As shown on SO 408070
HUTT RIVER	As shown on SO 408071
WAIWHETU STREAM	As shown on SO 408072
WELLINGTON HARBOUR	As shown on SO 408073
RIVERSIDE DRIVE MARGINAL STRIP	As shown on SO 408074
SEAVIEW MARGINAL STRIP	As shown on SO 408075
RIMUTAKA FOREST PARK	As shown on SO 408079
WAINUIOMATA SCENIC RESERVE	As shown on SO 408080
TURAKIRAE HEAD SCIENTIFIC RESERVE	As shown on SO 408081
<b>Ngati Toa Rangatira</b>	
HUTT RIVER AND ITS TRIBUTARIES	As shown on Deed Plan OTS-068-45
COOK STRAIT	As shown on Deed Plan OTS-068-38

<b>Statutory Area</b>	<b>Location</b>
WELLINGTON HARBOUR (PORT NICHOLSON)	As shown on Deed Plan OTS-068-40

# 4 Resource management issues

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## 4.1 Introduction to resource management issues

- (64) The purpose of the Public Access chapter is to ensure the maintenance and enhancement of public access to, adjacent to, and along the coastal environment, lakes, and rivers.
- (65) Hutt City has some 42km of coastline comprising the inner Wellington Harbour and open coastline to the Cook Strait. The coastline varies from highly modified areas such as Seaview through to remote and undeveloped areas such as Pencarrow Head, Baring Head and Turakirae Head.
- (66) There are also many rivers and streams (including Te Awa Kairangi/Hutt River, Waiwhetū Stream, Wainuiomata River, Ōrongorongo River, Korokoro Stream) and two highly valued lakes (Lake Kōhangapiripiri, Lake Kōhangaterā).
- (67) The maintenance and enhancement of public access is recognised in the Resource Management Act as a matter of national importance. Requiring Esplanade Reserves and Esplanade Strips for subdivision along rivers, lakes and the coast and protecting existing access is key to maintaining and enhancing public access.
- (68) Esplanade Reserves are classified as reserves under the Reserves Act 1977 and land ownership is transferred to a territorial authority. The boundary of an Esplanade Reserve is measured from the bank of a river or stream, the margin of a lake or the mean high water springs (MHWS) along the coast. In all cases the landward boundary is a fixed line that does not change if the water boundary moves for example through erosion or sea level rise.



- (69) Esplanade Strips are registered on the title, but the land within the strip remains in the ownership of the landowner. Any restrictions and requirements relating to the use and management of the Esplanade Strip are noted on the title and bind every party having an interest in the land. Unlike Esplanade Reserves, the width of an Esplanade Strip remains unchanged and the boundary moves in accordance with the relevant bank, margin or MHWS – e.g. if a river bank is eroded, the width of the Esplanade Strip will extend beyond its old boundary to offset any lost ground.

#### **4.1.1 Evidence base**

- (70) As part of the District Plan Review, the Council has reviewed the operative District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this review and expert advice, along with internal workshops and community feedback, to assist with developing the proposed District Plan, including for the identification of resource management issues.
- (71) Key aspects of this for public access have included an evaluation of the review of the approach of the operative District Plan, reviews of district plans of other councils in the Wellington region, a review of relevant guidance documents, and engagement with Mana Whenua, the community and other stakeholders.

#### **4.1.2 Existing approach of City of Lower Hutt District Plan**

- (72) The operative District Plan currently does not contain a Public Access chapter. References and provisions relating to public access are contained throughout the plan. Esplanade reserves and strips in particular are covered in Chapter 11 Subdivision and Chapter 12 Financial Contributions
- (73) The key provisions in the operative District Plan of relevance to this topic are summarised below.

<b>Topic / Chapter</b>	<b>Summary of relevant provisions</b>
<b>1.10 Area Wide Issues</b>	While there are no direct references to public access in the objectives and policies of Chapter 1.10.6 Recreation and Open Space they are generally relevant.
<b>3 Definitions</b>	Contains a definition for public access.
<b>5A Central Commercial Activity Area</b>	References to public access in the policies of the Hutt River Corridor sections of the Central Commercial Activity Area.
<b>7B(i) Special Recreation AA – Petone Foreshore</b>	Direct and indirect references to public access in the objectives, policies and rules of the Petone Foreshore.
<b>7B(ii) Special Recreation AA – Seaview Marina</b>	Direct and indirect references to public access in the objectives and policies of the Seaview Marina Area.
<b>7C River Recreation AA</b>	Direct and indirect references to public access in the objectives and policies of the River Recreation Activity Area.
<b>11 Subdivision</b>	Direct and indirect references to public access in the objectives, policies and rules of the Subdivision chapter.
<b>12 Financial Contributions</b>	Provisions relating to public access in the Financial Contributions.
<b>14L Renewable Energy Generation</b>	Rules relating to public access.

- (74) While ODP contains a number of direct and indirect references to public access and esplanades there is no consistent approach and policy guidance in relation to Public Access.

### **4.1.3 Analysis of other District Plans**

- (75) The approach of the district plans of other territorial authorities in the Wellington region are outlined in Section 3.9 above.

- (76) In summary, district plans in the region generally include a Public Access chapter containing objectives and policies but no rules. The only exception is the Kāpiti Coast District Plan that does not contain a Public Access chapter but has references to and consideration of public access throughout the plan.
- (77) All District Plans in the region include provisions regulating Esplanade Reserves and/or Esplanade Strips and these provisions are located in the Subdivision chapters.

#### 4.1.4 National guidance documents

- (78) The following national guidance has been reviewed:

Document	Relevant Provisions
Esplanade reserves, esplanade strips and access strips – Guidance note (2013)	<p>The Quality Planning website provides guidance on the development and implementation of plan provisions on Esplanade Reserves, Esplanade Strips and access strips (collectively referred to as esplanade areas).</p> <p>It also outlines the origins, purpose, and advantages and disadvantages of each type of esplanade area. Guidance also covers the instruments for creating esplanade areas, examples of techniques and methods used to implement them, (including regulatory and non-regulatory methods) and when and how compensation is payable.</p>
NZCPS 2010 Guidance Note Policy 19: Walking access	This guidance note provide guidance on NZCPS policy including an overview and implementation.

#### 4.1.5 Advice from mana whenua

- (79) Council has engaged with mana whenua as part of the District Plan Review, particularly through the Kāhui Mana Whenua engagement group. Through this engagement, Council has heard that the natural environment is of particular significance to Māori, including in relation to waterbodies, the coast, and their margins. However, no specific advice has been received on public access to these areas.

## 4.1.6 Stakeholder and community engagement

- (80) For the District Plan Review, Council has primarily engaged with the community and other stakeholders through two rounds of engagement:
- The *Shaping Your City* engagement (2020), on issues and options for the District Plan Review, and
  - The *Draft District Plan* engagement (2023), on a full draft of the plan that had been developed through the District Plan Review.
- (81) Little feedback was received on public access issues. However, feedback on the draft Public Access chapter supported the approach of the chapter (which has been carried through to the proposed District Plan).

## 4.1.7 Summary of issues analysis

- (82) Based on the research, analysis and consultation outlined above the following resource management issues have been identified.

Issue	Comment	Response
<p><b>Issue 1:</b></p> <p>Waterbodies and the coast are valued by the community for a range of activities, including amenity, recreation and cultural values. Therefore, public access to and along the margins of waterbodies and the coast needs to be maintained and enhanced.</p>	<p>Section 6(d) of the RMA lists the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers as a matter of national importance.</p> <p>People value access to waterbodies and the coast.</p> <p>The provision of riparian and coastal margins, and their management, are key to achieving the outcomes sought for other issues, such as protecting indigenous biodiversity, public access, natural hazard risk management, and natural character. They also contribute to the regional council's</p>	<p>Introduce new Public Access, Coastal Environment and Natural Character chapters that contain policy direction for both the margins of the coast and waterbodies.</p> <p>Introduce esplanade requirements while allowing flexibility for decision makers.</p> <p>Create a Public Access chapter which contains clear objectives and policies in one place.</p> <p>Include rules throughout the plan including in the subdivision, coastal environment and natural character chapters.</p>

Issue	Comment	Response
	function of maintaining and enhancing water quality.	
<p><b>Issue 2:</b> Public and customary access to and along the margin of waterbodies and the coast can have an impact on the values of these areas, including natural, cultural and amenity values, as well as management of natural hazards.</p>	<p>Increased urban growth and rural activities threaten public access to waterbodies and the coast.</p> <p>Subdivision, use and development can impact on public access by restricting key access points to the coast.</p> <p>There may be some areas where it may not be appropriate to promote public access in order to protect other identified values (e.g. sites and areas of significance to tangata whenua).</p> <p>Where public access requires built structures and tracks, it has the potential to cause environmental harm to other natural environment features, including landscapes, significant natural areas, and the coastal environment.</p>	<p>Ensure the provisions recognise the potential for public access to have adverse effects on other features, values and activities.</p> <p>Include objectives and policies which recognise that whilst public access is important, it could have adverse effects on other features, values and established activities.</p>

# 5 Scale and significance assessment

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(83) In writing this evaluation report we must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.

(84) In assessing that scale and significance we have had regard to:

<b>Matters of national importance</b>	Maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is identified in s6 of the RMA as a matter of national importance. Public access is also relevant for a range of other matters of national importance, including in relation to natural character, indigenous biodiversity, cultural values and natural hazard risk.
<b>Other matters</b>	A number of other matters from s7 of the RMA are relevant for public access, including in relationship to Kaitiakitanga, stewardship, amenity values, ecosystems, the quality of the environment and effects of climate change.
<b>Degree of change from the operative plan</b>	While providing greater guidance and improving clarity, the proposed provisions do not introduce any significant changes from the existing provisions.
<b>Geographic scale of effects</b>	Overall, the geographical scale of effects is relatively large as there are rivers and streams throughout Lower Hutt. However, protection of public access for many (but not all) of these is already achieved through public ownership of large stretches of riparian margins.

<b>Number of people affected</b>	The effects of how well public access to and along the coastal marine area, rivers and lakes is maintained effectively affect any person who may want to access these areas. The scale of this will vary significantly by location.
<b>Duration of effects</b>	Effects from maintaining public access (or not maintaining access) will generally be ongoing. However, there may be temporary or short term effects where public access is restricted for temporary or short term activities (such as for events or construction).
<b>Economic impacts</b>	Economic impacts for regulating public access include potential constraints on development in those areas as well as the potential impacts on economic values of an area from the loss of amenity where public access is lost.
<b>Social and cultural impacts</b>	There are social and cultural impacts from the extent that public access is maintained, including through impacts on recreational opportunities and providing for customary activities.
<b>Environmental impacts</b>	Environment impacts will vary by activity. However, there is the potential for positive environmental impacts through the protection of coastal and riparian areas.
<b>Health and safety impacts</b>	Health and safety are relevant considerations for the public access topic as protecting health and safety of people (including from natural hazards) may be a relevant reason for restricting public access.
<b>Degree of interest from mana whenua</b>	Tangata whenua have a particular interest in public access.

<b>Degree of interest from the public</b>	During community engagement, there has been a low level of interest in this topic.
<b>Degree of risk or uncertainty</b>	The approach of providing for public access is well understood and therefore the degree of risk and uncertainty is low.

(86) The overall scale and significance of the effects of public access are **low to medium**, largely because the degree of change from the operative District Plan is low, but public access is identified as a matter of national importance.



# 6 Proposed District Plan objectives and provisions

## 6.1 Public Access chapter

(87) The proposed Public Access chapter includes objectives and policies to guide the maintenance and enhancement of public access to, adjacent to and along the coastal environment and waterbodies. The Public Access chapter does not contain any rules. If, and where needed, such rules and standards are included in other chapters and supported by the objectives and policies of the Public Access chapter.

(88) The proposed provisions are summarised below.

<b>Objectives</b>	<p>Two objectives:</p> <p><b>PA-O1 The Maintenance and Enhancement of Public Access</b> states the expectation that public access to and along rivers, lakes and the coast is maintained and enhanced.</p> <p><b>PA-O2 Managing Adverse Effects of Public Access</b> describes the intended outcome that public access to and along rivers, lakes and the coast does not have a negative impact on existing natural and coastal environment values, historical and cultural values or public health and safety.</p>
<b>Policies</b>	<p>Three policies that address:</p> <p><b>PA-P1 Appropriate Activities</b> allows for activities where they do not limit or prevent public access.</p> <p><b>PA-P2 Maintenance and Improvement of Public Access</b> requires the maintenance and enhancement of public access through subdivision design and layout that provides for public access and the creation of Esplanade Reserves and Esplanade Strips.</p> <p><b>PA-P3 Restriction of Public Access</b> allows for the restriction of public access in certain circumstances.</p>
<b>Rules</b>	<p>There are no rules proposed for the Public Access chapter.</p>

## 6.2 Proposed provisions in other chapters

### 6.2.1 Subdivision

- (89) The objectives of the Public Access chapter would be largely implemented through the Subdivision chapter, which contains the provisions regulating Esplanade Reserves and Esplanade Strips.

<b>Objective</b>	<b>SUB-O4 Esplanades</b> refers to role of Esplanade Reserves and Esplanade Strips in maintaining, enhancing and protecting public access, ecological values, amenity values and recreational values refers to the provision for and protection of identified natural and coastal environment values.
<b>Policy</b>	<b>SUB-P8 Esplanade Requirements</b> contains a policy framework for the provision of Esplanade Reserves and Esplanade Strips that: <ul style="list-style-type: none"> <li>• Requires the provision of Esplanade Reserves and Esplanade Strips for subdivisions adjacent to the Coastal Marine Area, rivers or lakes to maintain and enhance public access, ecological, amenity and recreational values and natural hazard resilience, and</li> <li>• Allows for the reduction or waiver of any Esplanade Reserve or Esplanade Strip requirements in certain circumstances.</li> </ul>
<b>Rules</b>	<b>A number of subdivision rules</b> require compliance with SUB-S9.
<b>Standard</b>	<b>SUB-S9 Esplanade Reserves, Esplanade Strips and Access Strips</b> prescribes when Esplanade Reserves, Esplanade Strips and access strips are required, and sets the minimum dimensions.

### 6.2.2 Other Chapters

- (90) A number of chapters include references to the policies of the Public Access chapter, mainly as matters of discretion for restricted discretionary activities, thereby ensuring that there is scope for the consideration of potential effects of activities on public access to and along waterbodies and the coast. References to relevant public access policies are included in the chapters on:

- Natural Character,
- Natural Features and Landscapes,
- Coastal Environment, and
- Earthworks.

# 7 Evaluation of objectives

- (91) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (92) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (93) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (94) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.

<b>Evaluation of Objectives</b>	
<b>Proposed Objectives</b>	
<b>PA-O1 The Maintenance and Enhancement of Public Access</b> Public access to and along rivers, lakes and the coast is maintained and enhanced.	
<b>PA-O2 Managing Adverse Effects of Public Access</b> Public access to and along rivers, lakes and the coast does not have a negative impact on existing natural and coastal environment values, historical and cultural values or public health and safety.	
<b>Relevance</b>	
<b>Addresses a relevant resource management issue</b>	Yes – addresses the relevant resource management issues for public access identified in section 4.1.7 of needing to provide for public access to and along the coast, lakes and rivers while acknowledging that there are situations where public access can impact the environment.

<b>Assists the Council to undertake its functions under s31 RMA</b>	Yes – the objectives set a clear outcome for Council for the management of effects of the use, development, or protection of land and associated natural and physical resources (i.e. public access to and along waterbodies and the coast).
<b>Gives effect to higher level documents</b>	Yes – gives effect to higher order documents. The reference to maintaining and enhancing public access is consistent with the matter of national importance in section 6(d) and the relevant matters under 7 of the RMA and the identified objectives and policies of the RPS.
<b>Usefulness</b>	
<b>Guides decision-making</b>	Yes – provides clear guidance regarding the maintenance and enhancement of public access to and along water bodies and the coast. Also states the intention to address the potential adverse effect of public access on identified values.
<b>Reasonableness</b>	
<b>Will not impose unjustifiably high costs on the community/parts of the community</b>	While the objectives will result in some costs for landowners when implemented through policies and methods especially relating to the requirement to provide Esplanade Reserves and Esplanade Strips, these costs are well established and understood and are justifiable in context of addressing an identified resource management issue of providing for public access.
<b>Acceptable level of uncertainty and risk</b>	Yes – the proposed objectives clearly describe the intention to maintain and enhance public access while managing potential adverse effects, thereby providing for greater certainty and reducing risk compared to the current provisions. The approach is well established and is consistent with objectives of other recently developed district plans in the Wellington region.
<b>Achievability</b>	
<b>Consistent with identified tangata whenua and community outcomes</b>	Yes – the only submission received in relation to the proposed objectives was generally supportive. It is therefore considered that the objectives are consistent with identified tangata whenua and community outcomes.

<p><b>Realistically able to be achieved within the Council's powers, skills and resources</b></p>	<p>Yes – the proposed objectives are achievable and are within Council's powers, skills and resources by implementing the associated policies and rules that are proposed.</p>
<p><b>Other Potential Objectives:</b></p>	
<p><b>Operative District Plan Objectives – Status Quo</b></p> <p>The status quo objectives of the operative District Plan that relate to public access mainly relate to Te Awa Kairangi / the Hutt River and the Petone Foreshore. The objectives have a strong focus on enhancing amenity values, natural values and recreational values and protecting natural hazard mitigation structures.</p> <p>The status quo objectives do not specifically relate to the maintenance and enhancement of public access or the management of potential adverse effects of public access on identified values but have a wider focus. They do not fully align with intention and wording of higher order documents.</p> <p>They do not provide guidance to decision makers and the public on expected outcomes and therefore create uncertainty and risk.</p> <p><b>Alternative Objectives</b></p> <p>The following variations of the proposed objectives have been considered:</p> <ul style="list-style-type: none"> <li>• Variation 1 – only include Objective 1</li> <li>• Variation 2 – combine Objective 1 and Objective 2 into one objective</li> </ul> <p>Both options have been found to be less appropriate since they do not provide the same level of guidance. Relying solely on Objective 1 would not have recognised the need to manage potential adverse effects of public access on identified values. While combining the two objectives does ensure that the necessary issues are addressed it does not provide the same level of clarity and certainty.</p>	
<p><b>Summary</b></p>	
<p>The above analysis shows that the proposed objectives relating to public access are the most appropriate way to achieve the purpose of the RMA when compared to the status quo and other alternatives.</p> <p>The proposed objectives are in line with national best practice and implement national and regional guidance and direction (s5, s6, s7 of the RMA and relevant provisions of the RPS) by describing the envisaged maintenance and enhancement of public access to and along water bodies and the coast and also stating the intention to manage potential adverse effect of public access on natural and</p>	

coastal environment values and historical and cultural values. They provide greater certainty to decision makers and plan users regarding the desired outcomes.

The lack of existing objectives in the operative District Plan (status quo) specifically relating to public access to and along waterbodies and the coast does not reflect or give effect to higher level direction and does not provide certainty and guidance to decision makers and plan users.

## 8 Evaluation of policies and rules

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- (95) Policies and rules implement, or give effect to, the objectives of a plan.
- (96) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (97) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions.*
- (98) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*



- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

## **Structure of this evaluation**

- (99) For this evaluation, the provisions that implement the two objectives of the proposed Public Access chapter are evaluated collectively, including the provisions of the proposed Subdivision chapter and other chapters that refer back to the policies of the Public Access chapter. This is because these provisions work together to implement the objectives. The evaluation makes specific reference to specific policies and rules where necessary.

## **Quantification of benefits and costs**

- (100) Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.
- (101) Based on the assessment of the scale and significance of the proposed provisions above, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic. Instead, this report identifies more generally where any additional costs or cost may lie and a qualitative assessment of identifiable costs and benefits associated with this proposal is provided in the assessment of policies, rules and other methods contained in this report.

## **Risk of acting / not acting if information is uncertain or insufficient**

- (102) As part of the assessment of the efficiency and effectiveness of provisions, section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (103) For the proposed Public Access chapter, there is certain and sufficient information on which to base the proposed policies and methods as:

- The proposed approach and provisions are well understood,
- The proposed provisions are consistent with existing approaches in the Wellington region,
- The proposed provisions give effect to higher order direction, and
- Previous consultation has not raised any significant issues with the proposed provisions.

### **Evaluation of provisions to implement Objectives PA-O1 and PA-O2**

#### **Proposed provisions**

- **PA-P1 Appropriate Activities**
- **PA-P2 Maintenance and Improvement of Public Access**
- **PA-P3 Restriction of Public Access**
- **Subdivision policies, rules and standards relating to the provision of Esplanade Reserves and Esplanade Strips.**
- **References to policies from rules in the Natural Character, Natural Features and Landscapes, Coastal Environment, and Earthworks chapters**

<b>Efficiency and effectiveness</b>	
<b>Costs</b>	<b>Benefits</b>
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>No direct or indirect environmental costs from the proposed provisions, including those of the Subdivision chapter.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>The requirement for Esplanade Reserves and Esplanade Strips may result in opportunity costs for landowners (i.e. lost land for grazing). These costs are usually relatively small as esplanade areas are a comparatively small part of any site over four hectares and use and development within coastal and riparian margins is limited to protect natural character or manage natural hazard risk.</li> <li>The vesting of Esplanade Reserves will result in ongoing maintenance costs for Council.</li> <li>Any economic growth and employment costs are likely to be negligible.</li> </ul> <p><b>Social</b></p> <ul style="list-style-type: none"> <li>No direct or indirect social costs have been identified, although restrictions imposed through policy PA-P3 could reduce the benefits of public access as a trade-off for protecting those features identified in the policy.</li> </ul> <p><b>Cultural</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>The proposed policies provide clear guidance regarding the provision of public access.</li> <li>Policy PA-P3 provides benefits for the natural environment, by allowing for the restriction of public access where necessary to protect threatened indigenous species, dunes, estuaries and other sensitive natural areas or habitats, which would inform subdivision consent processes.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>The provision for Esplanade Strips as an alternative to Esplanade Reserves (through the provisions of the proposed Subdivision chapter) can result in reduced administration costs and reduced maintenance costs for Council.</li> <li>Any economic growth and employment benefits are likely to be negligible.</li> </ul> <p><b>Social</b></p> <ul style="list-style-type: none"> <li>Improving public access to and along waterbodies and the coast will ensure more people get to experience their values.</li> </ul>

<ul style="list-style-type: none"> <li>No direct or indirect cultural costs have been identified although restrictions imposed through policy PA-P3 could reduce the benefits of public access as a trade-off for protecting those features identified in the policy.</li> </ul>	<ul style="list-style-type: none"> <li>Policy support for appropriate activities that maintain and enhance public access could result in wider opportunities, such as new activities and increased access and use, and enjoyment of these areas.</li> </ul> <p><b>Cultural</b></p> <ul style="list-style-type: none"> <li>These provisions have cultural wellbeing benefits as protection and enhancement of customary access will better enable tikanga Māori and kaitiakitanga.</li> <li>Recognising and managing the potential adverse effects of public access on cultural values helps with the protection of those values.</li> </ul>
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**Effectiveness and efficiency summary**

The proposed provisions are the most effective method of meeting the objectives given they will provide increased environmental, social and cultural benefits as outlined above and ensure the objectives are achieved.

The proposed provisions are the most efficient method of meeting the objectives given the benefits identified above outweigh the costs.

In addition, the provisions would implement the objectives during subdivisions, which always require consent. As a result, the provisions would not be imposing additional resource consent requirements.

**Other reasonably practicable options for achieving the objective**

**Status quo**

The status quo provisions do not provide adequate policy guidance in relation to public access, particularly when compared to the guidance given in the proposed option.

**Rely solely on provisions in other chapters**

The proposed Subdivision and Natural Character chapters contain provisions relating to esplanade requirements and the protection of coastal and riparian margins. While public access is a relevant matter for both, the esplanade provisions address a wider range of issues whereas the focus of the provisions relating to coastal and riparian margins is on the protection of natural character.

Furthermore, the National Planning Standards prescribe that if provisions to maintain and enhance public access are included they must be located in the Public Access chapter.

#### **Include rules**

Land use controls in coastal margins and riparian margins for the purpose of maintaining public access would largely duplicate the provisions of the Natural Character chapter. It is therefore considered more appropriate for the rules and standards of the Natural Character chapter to refer back to the Public Access policies where appropriate.

#### **Overall evaluation**

The proposed provisions are the most appropriate way to achieve the objectives because they are effective and efficient in terms of providing for public access where possible while managing any potential adverse effects. The relevant rules are not included in the Public Access chapter but are more appropriately located in the Subdivision chapter. This ensures that legal access to waterbodies and the coast is maintained and enhanced where it does not have a negative impact on existing natural and coastal environment values, historical and cultural values or public health and safety. The relevant rules of the Coastal Environment chapter, the Natural Character chapter and the Natural features and Landscapes chapter also refer back to the relevant policies of the Public Access chapter.

It is considered that this option will achieve the proposed objectives because:

- The provisions ensure that public access along rivers, lakes and the coast will be a matter for consideration when resource consents for activities or subdivision along rivers, lakes and the coast are being determined.
- The policies provide for appropriate activities, encourage the maintenance and enhancement of public access along rivers, lakes and the coast and allow for the restriction of public access to protect other values.
- The chapter and provisions (including definitions) align with the National Planning Standards and relevant higher order documents.

## 9 Summary

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(104) This evaluation has been undertaken in accordance with section 32 of the RMA 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 it:

- Best gives effect to higher order documents, including section 6 of the RMA, the New Zealand Coastal Policy Statement, the Regional Policy Statement and the National Planning Standards;
- Is the most effective and efficient way to achieve the purpose of the Act and the strategic objectives of the Proposed District Plan; and
- Addresses the identified resource management issues.

# 10 Attachments

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Appendix 1: Relevant provisions of National Policy Statements and the New Zealand Coastal Policy Statement

Appendix 2: Relevant provisions of the Regional Policy Statement for the Wellington Region (including Proposed RPS Change 1)

Appendix 3: Relevant provisions of the Natural Resources Plan for the Wellington Region (including Proposed NRP Change 1)

# Appendix 1: Relevant provisions of the New Zealand Coastal Policy Statement

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<b>New Zealand Coastal Policy Statement</b>	
<b>Objective 4</b>	<p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li>• <i>recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i></li> <li>• <i>maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i></li> <li>• <i>recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i></li> </ul>
<b>Policy 4 Integration</b>	<p><i>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</i></p> <p><i>(a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:</i></p> <ul style="list-style-type: none"> <li><i>(i) the local authority boundary between the coastal marine area and land;</i></li> <li><i>(ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and</i></li> <li><i>(iii) where hapū or iwi boundaries or rohe cross local authority boundaries;</i></li> </ul> <p><i>(b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management,</i></p>



## New Zealand Coastal Policy Statement

	<p><i>such as where land or waters are held or managed for conservation purposes; and</i></p> <p><i>(c) particular consideration of situations where:</i></p> <ul style="list-style-type: none"><li><i>(i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or</i></li><li><i>(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or</i></li><li><i>(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or</i></li><li><i>(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</i></li><li><i>(v) significant adverse cumulative effects are occurring, or can be anticipated</i></li></ul>
<p><b>Policy 6: Activities in the coastal environment</b></p>	<p><i>(1) In relation to the coastal environment:</i></p> <ul style="list-style-type: none"><li><i>(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i></li><li><i>(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</i></li><li><i>(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</i></li><li><i>(d) recognise tangata whenua needs for papakāinga<sup>3</sup>, marae and associated developments and make appropriate provision for them;</i></li></ul>

## **New Zealand Coastal Policy Statement**

- (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*
  - (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
  - (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
  - (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
  - (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
  - (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*
- (2) Additionally, in relation to the coastal marine area:*
- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;*
  - (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*
  - (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*

## **New Zealand Coastal Policy Statement**

	<p>(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</p> <p>(e) promote the efficient use of occupied space, including by:</p> <ul style="list-style-type: none"><li>(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;</li><li>(ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</li><li>(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</li></ul>
<p><b>Policy 18: Public Open Space</b></p>	<p>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</p> <ul style="list-style-type: none"><li>(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</li><li>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</li><li>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</li><li>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</li><li>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</li></ul>
<p><b>Policy 19: Walking Access</b></p>	<ul style="list-style-type: none"><li>(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.</li><li>(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:<ul style="list-style-type: none"><li>(a) identifying how information on where the public have walking access will be made publicly available;</li></ul></li></ul>

## New Zealand Coastal Policy Statement

- (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
- (c) identifying opportunities to enhance or restore public walking access, for example where:
  - (i) connections between existing public areas can be provided; or*
  - (ii) improving access would promote outdoor recreation; or*
  - (iii) physical access for people with disabilities is desirable; or*
  - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or*
  - (v) access to areas or sites of historic or cultural significance is important; or*
  - (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.**

- (3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
  - (a) to protect threatened indigenous species; or*
  - (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or*
  - (c) to protect sites and activities of cultural value to Māori; or*
  - (d) to protect historic heritage; or*
  - (e) to protect public health or safety; or*
  - (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
  - (g) for temporary activities or special events; or*
  - (h) for defence purposes in accordance with the Defence Act 1990; or*
  - (i) to ensure a level of security consistent with the purpose of a resource consent; or*
  - (j) in other exceptional circumstances sufficient to justify the restriction.**

## New Zealand Coastal Policy Statement

	<p>(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</p>
<p><b>Policy 20: Vehicle Access</b></p>	<p>(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:</p> <ul style="list-style-type: none"><li>(a) damage to dune or other geological systems and processes; or</li><li>(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or</li><li>(c) danger to other beach users; or</li><li>(d) disturbance of the peaceful enjoyment of the beach environment; or</li><li>(e) damage to historic heritage; or</li><li>(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or</li><li>(g) damage to sites of significance to tangata whenua;</li></ul> <p>might result.</p> <p>(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.</p> <p>(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.</p>

# Appendix 2: Relevant provisions of the Regional Policy Statement for the Wellington Region (including Proposed RPS Change 1)

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## Regional Policy Statement for the Wellington Region

Regional Policy Statement	
<b>Section 3.2 Coastal Environment (including public access)</b>	
<b>Objective 3</b>	<i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i>
<b>Objective 4</b>	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 5</b>	<i>Areas of the Coastal Environment where natural character has been degraded are restored and rehabilitated.</i>
<b>Objective 6</b>	<i>The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.</i>
<b>Objective 7</b>	<i>The integrity, functioning and resilience of physical and ecological processes in the Coastal Environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>

**Regional Policy Statement**

**Objective 8**

*Public access to and along the coastal marine area, lakes and rivers is enhanced.*

**Policy 3  
Protecting  
high natural  
character in  
the coastal  
environment  
M**

*District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:*

- (a) The extent to which natural elements, patterns and processes occur, including:
  - (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;*
  - (ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;*
  - (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or*
  - (iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.**
- (b) The nature and extent of modifications to the place, site or area, including, but not limited to:
  - (i) physical alterations by people to the landscape, its landforms, waterforms, vegetation, land cover and to the natural patterns associated with these elements;*
  - (ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;*
  - (iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a**

**Regional Policy Statement**

	<p><i>permanent alteration to the character of the place, site or area; and/or</i></p> <p><i>(iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.</i></p> <p><i>(c) Social values: the place, site or area has meaning for a particular community or communities, including:</i></p> <p><i>(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or</i></p> <p><i>(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.</i></p>
<p><b>Policy 4</b> <b>Identifying</b> <b>the landward</b> <b>extent of the</b> <b>coastal</b> <b>environment</b> <b>M</b></p>	<p><i>District plans shall include policies and/or rules to identify the landward extent of the coastal environment using the following criteria:</i></p> <p><i>(a) area or landform dominated by coastal vegetation or habitat;</i></p> <p><i>(b) any landform affected by active coastal processes, excluding tsunami;</i></p> <p><i>(c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and</i></p> <p><i>(d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.</i></p>
<p><b>Policy 35</b> <b>Preserving</b> <b>the natural</b> <b>character of</b> <b>the Coastal</b> <b>Environment</b> <b>R</b></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:</i></p> <p><i>(a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;</i></p>



## Regional Policy Statement

- (b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained;*
- (c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;*
- (d) minimising any significant adverse effects from use and enjoyment of the coast by the public;*
- (e) safeguarding the life supporting capacity of coastal and marine ecosystems;*
- (f) maintaining or enhancing biodiversity and the functioning of ecosystems; and*
- (g) protecting scientific and geological features from inappropriate subdivision, use and development.*

**Policy 36**  
**Managing**  
**effects on**  
**natural**  
**character in**  
**the coastal**  
**environment**  
**R**

*When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to:*

- (a) the nature and intensity of the proposed activity including:
  - (i) the functional need or operational requirement to locate within the coastal environment*
  - (ii) the opportunity to mitigate anticipated adverse effects of the activity**
- (b) the degree to which the natural character will be modified, damaged or destroyed including:
  - (i) the duration and frequency of any effect, and/or*
  - (ii) the magnitude or scale of any effect;*
  - (iii) the irreversibility of adverse effects on natural character values;**

<b>Regional Policy Statement</b>	
	<p>(iv) <i>whether the activity will lead to cumulative adverse effects on the natural character of the site/area.</i></p> <p>(c) <i>the resilience of the site or area to change;</i></p> <p>(d) <i>the opportunities to remedy or mitigate previous damage to the natural character;</i></p> <p>(e) <i>the existing land uses on the site.</i></p>
<p><b>Policy 37</b>  <b>Safeguarding</b>  <b>life</b>  <b>supporting</b>  <b>capacity of</b>  <b>coastal</b>  <b>ecosystems</b>  <b>R</b></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:</i></p> <p>(a) <i>any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats;</i></p> <p>(b) <i>areas used by marine mammals as breeding, feeding or haul out sites;</i></p> <p>(c) <i>habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</i></p> <p>(d) <i>habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species;</i></p> <p>(e) <i>any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and</i></p> <p>(f) <i>the integrity, functioning and resilience of physical and ecological processes.</i></p>
<p><b>Policy 38</b>  <b>Identifying</b>  <b>the landward</b>  <b>extent of the</b>  <b>coastal</b>  <b>environment</b>  <b>R</b></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a District Plan, particular regard shall be given to whether the proposal is within the Coastal Environment using the following criteria:</i></p> <p>(a) <i>any area or landform dominated by coastal vegetation or habitat;</i></p> <p>(b) <i>any landform affected by active coastal processes, excluding tsunami;</i></p>

<b>Regional Policy Statement</b>	
	<p>(c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and</p> <p>(d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location</p>
<p><b>Policy 53</b> <b>Public access to and along the coastal marine area, lakes and rivers</b> <b>R</b></p>	<p>When considering an application for a subdivision consent, or a coastal or land use consent on public land, or a change, variation or review of a district plan to address subdivision or rezoning, particular regard shall be given to enhancing public access to, and along:</p> <p>(a) areas of the coastal marine area, and lakes and rivers with:</p> <ul style="list-style-type: none"> <li>(i) places, sites and areas with significant historic heritage values identified in accordance with policy 21;</li> <li>(ii) areas of indigenous ecosystems and habitats, and areas with significant indigenous biodiversity values identified in accordance with policy 23;</li> <li>(iii) outstanding natural features and landscapes identified in accordance with policy 25;</li> <li>(iv) special amenity landscapes identified in accordance with policy 27;</li> <li>(v) places, sites and areas with high natural character identified in accordance with policy 36; and</li> <li>(vi) the rivers and lakes identified in Table 15 of Appendix 1;</li> </ul> <p>(b) Wellington Harbour and Porirua (Onepoto Arm and Pāuatahanui Inlet) Harbour;</p> <p>Except where there is a need to protect:</p> <ul style="list-style-type: none"> <li>(c) sensitive indigenous habitats of species;</li> <li>(d) the health or safety of people;</li> <li>(e) sensitive cultural and historic heritage values; and/or</li> <li>(f) the integrity and security of regionally significant infrastructure.</li> </ul>
<p><b>Policy 64</b> <b>Supporting a whole of</b></p>	<p>Take a whole of catchment approach that recognises the inter-relationship between land and water, and support</p>

<b>Regional Policy Statement</b>	
<b>catchment approach NR</b>	<p><i>environmental enhancement initiatives to restore and enhance:</i></p> <p>(a) <i>coastal features, ecosystems and habitats;</i></p> <p>(b) <i>aquatic ecosystems and habitats; and</i></p> <p>(c) <i>indigenous ecosystems and habitats.</i></p>
<b>Section 3.4 Fresh water (including public access)</b>	
<b>Objective 13</b>	<i>The region's rivers, lakes and wetlands support healthy functioning ecosystems.</i>
<b>Policy 15 Minimising the effects of earthworks and vegetation clearance M</b>	<p><i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i></p> <p>(b) <i>silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</i></p>
<b>Policy 41 Minimising the effects of earthworks and vegetation disturbance R</b>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i></p> <p>(b) <i>silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</i></p>
<b>Policy 43 Protecting aquatic ecological function of water bodies R</b>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</i></p> <p>(a) <i>maintaining or enhancing the functioning of ecosystems in the water body;</i></p> <p>(b) <i>maintaining or enhancing the ecological functions of riparian margins;</i></p> <p>(c) <i>minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;</i></p>

<b>Regional Policy Statement</b>	
	<p>(d) <i>maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;</i></p> <p>(e) <i>protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;</i></p> <p>(f) <i>maintaining natural flow regimes required to support aquatic ecosystem health;</i></p> <p>(g) <i>maintaining fish passage;</i></p> <p>(h) <i>protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;</i></p> <p>(i) <i>discouraging stock access to rivers, lakes and wetlands; and</i></p> <p>(j) <i>discouraging the removal or destruction of indigenous wetland plants in wetlands.</i></p>
<b>Section 3.8 Natural Hazards</b>	
<b>Objective 19</b>	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i>
<b>Policy 29 Avoiding inappropriate subdivision and development in areas at high risk from natural hazards M</b>	<p><i>Regional and district plans shall:</i></p> <p>(a) <i>identify areas at high risk from natural hazards; and</i></p> <p>(b) <i>include policies and rules to avoid inappropriate subdivision and development in those areas.</i></p>
<b>Section 3.10 Resource management with tangata whenua</b>	
<b>Objective 27</b>	<i>Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</i>

<b>Regional Policy Statement</b>	
<p><b>Policy 49</b>  <b>Recognising and providing for matters of significance to tangata whenua</b>  <b>R</b></p>	<p><i>When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) the exercise of kaitiakitanga;</i></li> <li><i>(b) mauri, particularly in relation to fresh and coastal waters;</i></li> <li><i>(c) mahinga kai and areas of natural resources used for customary purposes; and</i></li> <li><i>(d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.</i></li> </ul>
<p><i>M</i> policies which must be implemented in accordance with stated methods in the RPS</p>	
<p><i>R</i> policies to which particular regard must be had when varying a district plan</p>	
<p><i>NR</i> policies that outline non-regulatory actions to help achieve the objectives of the RPS</p>	

## **Proposed RPS Change 1**

<b>Proposed RPS Change 1</b>	
<b>3.2 Coastal Environment (including public access)</b>	
<p><b>Policy 3</b>  <b>Protecting high natural character in the coastal environment – district and regional plans</b></p>	<p><i>District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:</i></p> <ul style="list-style-type: none"> <li><i>(a) The extent to which natural elements, patterns and processes occur, including:</i> <ul style="list-style-type: none"> <li><i>(i) natural elements: the products of natural processes – such as landforms, <del>waterforms</del> <u>water forms</u>, vegetation and land cover;</i></li> </ul> </li> </ul>

## Proposed RPS Change 1

- (ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;*
- (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or*
- (iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.*
- (b) The nature and extent of modifications to the place, site or area, including, but not limited to:*
  - (i) physical alterations by people to the landscape, its landforms, water forms, vegetation, land cover and to the natural patterns associated with these elements;*
  - (ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;*
  - (iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or*
  - (iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.*
- ~~*(c) Social values: the place, site or area has meaning for a particular community or communities, including:*~~
  - ~~*(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or*~~
  - ~~*(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.*~~

## Proposed RPS Change 1

### 3.4 Fresh Water (including public access)

#### Objective 12

Natural and physical resources of the region are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and

Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this RPS and its implementation.

The six principles are:

(a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and

(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa

The quantity and quality of fresh water:

(a) meet the range of uses and values for which water is required;



<b>Proposed RPS Change 1</b>	
	<p><del>(b) safeguard the life-supporting capacity of water bodies; and</del></p> <p><del>(c) meet the reasonably foreseeable needs of future generations.</del></p>
<p><b>Policy 15</b> <b><u>Managing</u></b> <b><u>Minimising</u></b> <b><u>the effects of</u></b> <b><u>earthworks</u></b> <b><u>and</u></b> <b><u>vegetation</u></b> <b><u>disturbance –</u></b> <b><u>district and</u></b> <b><u>regional</u></b> <b><u>plans</u></b></p>	<p><i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to <u>minimise the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</u></i></p> <p><del>(a) erosion; and</del></p> <p><del>(b) silt and sediment runoff into water, or onto land that may enter water, aquatic ecosystem health is safeguarded</del></p>
<p><b>Policy FW.3</b> <b><u>Urban</u></b> <b><u>development</u></b> <b><u>effects on</u></b> <b><u>freshwater</u></b> <b><u>and the</u></b> <b><u>coastal</u></b> <b><u>marine area –</u></b> <b><u>district plans</u></b></p>	<p><i>District plans shall include objectives, policies, and methods including rules, that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM, and in doing so must:</i></p> <p><i>(a) <u>Partner with mana whenua / tangata whenua in the preparation of district plans;</u></i></p> <p><i>(b) <u>Protect and enhance Māori freshwater values, including mahinga kai;</u></i></p> <p><i>(c) <u>Provide for mana whenua / tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;</u></i></p> <p><i>(d) <u>Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;</u></i></p> <p><i>(e) <u>Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;</u></i></p> <p><i>(f) <u>Integrate planning and design of stormwater management to achieve multiple improved outcomes – amenity values, recreational, cultural, ecological, climate, vegetation retention;</u></i></p> <p><i>(g) <u>Consider the effects on freshwater and the coastal marine area of subdivision, use and development of land;</u></i></p>

## Proposed RPS Change 1

- (h) Consider the use and development of land in relation to target attribute states and any limits set in a regional plan;
- (i) Require that Water Sensitive Urban Design principles and methods are applied during consideration of subdivision, the extent of impervious surfaces and in the control of stormwater infrastructure;
- (j) Require that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;
- (k) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;
- (l) Require riparian buffers for all waterbodies and avoid piping of rivers;
- (m) Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;
- (n) Require efficient use of water;
- (o) Manage land use and development in a way that will minimise the generation of contaminants, including building materials, and the extent of impervious surfaces;
- (p) Consider daylighting of streams, where practicable; and
- (q) Consider the effects of land use and development on drinking water sources.

# Appendix 3: Relevant provisions of the Natural Resources Plan for the Wellington Region (including Proposed NRP Change 1)

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## Natural Resources Plan for the Wellington Region

Natural Resources Plan	
<b>Ki uta ki tai: mountains to the sea</b>	
<b>Objective 01</b>	<i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i>
<b>Beneficial use and development</b>	
<b>Objective 07</b>	<i>The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced.</i>
<b>Objective 08</b>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<b>Objective 010</b>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>

<b>Natural Resources Plan</b>	
<b>Māori relationships</b>	
<b>Objective O12</b>	<p><i>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:</i></p> <p><i>(a) maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and</i></p> <p><i>(b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and</i></p> <p><i>(c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa, and including by maintaining or improving Ngā Taonga Nui a Kiwa so that the huanga identified in Schedule B are provided for, and</i></p> <p><i>(d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.</i></p>
<b>Objective O13</b>	<p><i>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.</i></p>
<b>Natural character, form and function</b>	
<b>Objective O14</b>	<p><i>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</i></p>
<b>Biodiversity, aquatic ecosystem health and mahinga kai</b>	
<b>Objective O21</b>	<p><i>Vegetated riparian margins are established, maintained or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.</i></p>
<b>Policies</b>	
<b>Policy P1 Ki uta ki tai and</b>	<p><i>Air, land, fresh water bodies and the coastal marine area will be managed recognising ki uta ki tai by using the principles</i></p>

<b>Natural Resources Plan</b>	
<p><b>integrated catchment management</b></p>	<p><i>of integrated catchment management. These principles include:</i></p> <ul style="list-style-type: none"> <li><i>(a) decision-making using the catchment as the spatial unit, and</i></li> <li><i>(b) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and</i></li> <li><i>(c) coordinated management, with decisions based on best available information and improvements in technology and science, and</i></li> <li><i>(d) taking into account the connected nature of resources and natural processes within a catchment, and</i></li> <li><i>(e) recognising links between environmental, social, cultural and economic sustainability of the catchment.</i></li> </ul>
<p><b>Policy P8 Public access to and along the coastal marine area and the beds of lakes and rivers</b></p>	<p><i>Maintain and enhance the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers except where it is necessary to:</i></p> <ul style="list-style-type: none"> <li><i>(a) protect the values of estuaries, sites with significant mana whenua values identified in Schedule C (mana whenua), sites with significant historic heritage value identified in Schedule E (historic heritage) and sites with significant indigenous biodiversity value identified in Schedule F (indigenous biodiversity), or</i></li> <li><i>(b) protect public health and safety, or protect Wellington International Airport and Commercial Port Area security, or</i></li> <li><i>(c) provide for a temporary activity such as construction, a recreation or cultural event or stock movement, and where the temporary restrictions shall be for no longer than reasonably necessary before access is fully reinstated, and</i></li> </ul> <p><i>with respect to (a) and (b), where it is necessary to permanently restrict or remove existing public access, the loss of public access shall be mitigated or offset by providing enhanced public access at a similar or nearby location to the extent reasonably practicable.</i></p>
<p><b>Policy P9 Contact Recreation and Māori</b></p>	<p><i>Use and development shall avoid, remedy or mitigate any adverse effects on contact recreation and Māori customary use in fresh and coastal water, including by:</i></p> <ul style="list-style-type: none"> <li><i>(a) providing water quality and, in rivers, flows suitable for contact recreation and Māori customary use, and</i></li> </ul>

<b>Natural Resources Plan</b>	
<b>customary use</b>	<p>(b) <i>managing activities to maintain or enhance contact recreation values in the beds of lakes and rivers, including by retaining existing swimming holes and maintaining access to existing contact recreation locations, and</i></p> <p>(c) <i>encouraging improved access to suitable swimming and surfing locations, and</i></p> <p>(d) <i>providing for the passive recreation and amenity values of fresh water bodies and the coastal marine area.</i></p>
<b>Policy P31 Biodiversity, aquatic ecosystem health and mahinga kai</b>	<p><i>Manage the adverse effects of use and development on biodiversity, aquatic ecosystem health and mahinga kai to:</i></p> <p><i>Riparian habitats</i></p> <p>(g) <i>maintain or where practicable restore riparian habitats, and</i></p>
<b>Policy P36 Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</b>	<p><i>The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana will be restored including by:</i></p> <p>(a) <i>80 managing activities, erosion-prone land, and riparian margins to reduce sedimentation rates and pollutant inputs, to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.4 to 3.8, and</i></p> <p>(b) <i>undertaking planting and pest management programmes in harbour and lake habitats and ecosystems.</i></p>
<b>Policy P109 Management of riparian margins</b>	<p><i>Maintain or restore water quality, aquatic ecosystem health, mahinga kai and natural character, and reduce the amount of contaminants entering surface water bodies, through the management of riparian margins including:</i></p> <p>(a) <i>the exclusion or restricted access of livestock likely to affect riparian margins or water quality, ]</i></p> <p>(b) <i>set-back distances from surface water bodies for some land use activities including earthworks, vegetation clearance, cultivation and break-feeding,</i></p> <p>(c) <i>encouraging the planting of appropriate riparian vegetation, and</i></p>

<b>Natural Resources Plan</b>	
	<i>(d) the control of pest plants and animals.</i>
<b>Policy P139</b> <b>Functional need and efficient use</b>	<p><i>Use and development in the coastal marine area shall:</i></p> <ul style="list-style-type: none"> <li><i>(a) have a functional need, or</i></li> <li><i>(b) have an operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or</i></li> <li><i>(c) be use or redevelopment of, or on, existing structures in the Lambton Harbour Area; or</i></li> <li><i>(d) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and</i></li> <li><i>(e) be made available for public or multiple use unless a restriction on public access is necessary, and</i></li> <li><i>(f) result in the removal of structures once redundant, except where operational requirements prevent this within the Cook Strait Cable Protection Zone and adjacent foreshore, and</i></li> <li><i>(g) concentrate in locations where similar use and development already exists where practicable, and</i></li> <li><i>(f) in respect of (a), (b) and (d) above, only use the minimum area necessary, and</i></li> <li><i>(g) in respect of (c), makes efficient use of any occupied space</i></li> </ul>
<b>Policy P140</b> <b>Recreational values</b>	<i>The adverse effects of use and development in the coastal marine area on recreational values shall be managed by providing for a diverse range of recreational opportunities while avoiding conflicts and safety issues.</i>
<b>Policy P141</b> <b>Public open space values and visual amenity</b>	<p><i>The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be avoided, remedied or mitigated by:</i></p> <ul style="list-style-type: none"> <li><i>(a) having particular regard to any relevant provisions contained in any bordering territorial authorities' proposed and/or operative district plan, and</i></li> <li><i>(b) managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes and amenity values of the coastal</i></li> </ul>

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	<p>environment and the functional needs, operational requirements and locational constraints, of the Commercial Port Area and the Wellington International Airport, and</p> <p>(c) taking account of the future need for public open space in the coastal marine area.</p>
<p><b>Policy P154</b></p> <p><b>Motor vehicles on the foreshore</b></p>	<p>District and city councils may restrict the use of motor vehicles on the foreshore, with the exception of vehicles associated with: (a) (b) (c) (d) surf lifesaving operations, or emergency situations, including (but not restricted to) firefighting, oil spills, rescue operations, salvage of vessels and marine mammal strandings, or local authority activities, or the development, operation, maintenance and upgrade of Regionally Significant Infrastructure.</p>
<p><b>Policy P155</b></p> <p><b>Motor vehicles in sites with significant value</b></p>	<p>The use of motor vehicles on the foreshore and seabed in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) shall be avoided, except when required for surf lifesaving, emergency, law enforcement, Department of Conservation, local authority or Regionally Significant Infrastructure purposes.</p>

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<b>Proposed NRP Change 1</b>	
<p><b>Policy P36</b></p> <p><b>Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</b></p>	<p>The ecological health and significant values of <del>Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and</del> Wairarapa Moana will be restored including by:</p> <p>(a) managing activities, erosion-prone land, and riparian margins to reduce sedimentation rates and pollutant inputs, to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.4 to 3.8, and</p> <p>(b) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems.</p>



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### 8 Whaitua Te Whanganui-a-Tara

<p><u>Objective</u> <u>WH.O2</u></p>	<p><u>The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</u></p> <p><u>(a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningful progress has been made towards improvement where degraded, and</u></p> <p><u>(b) the hydrology of rivers and erosion processes, including bank stability are improved and sources of sediment are reduced to a more natural level, and</u></p> <p><u>(c) the extent and condition of indigenous riparian vegetation is increased and improved, and</u></p> <p><u>(d) the diversity, abundance, composition, structure and condition of mahinga kai species and communities are increased, and</u></p> <p><u>(e) huanga of mahinga kai and Māori customary use for locations identified in Schedule B (Ngā Taonga Nui a Kiwa) are maintained or improved, and</u></p> <p><u>(f) mana whenua can safely connect with freshwater and enjoy a wider range of customary and cultural practices, including mahinga kai gathering, and</u></p> <p><u>(g) mana whenua and communities can safely connect with freshwater and enjoy a wider range of activities, including swimming and food gathering, and</u></p> <p><u>(h) freshwater of a suitable quality is available for the health needs of people.</u></p>
<p><u>Objective</u> <u>WH.O5</u></p>	<p><u>By 2040 the health and wellbeing of the Parangarahu Lakes and associated natural wetlands are on a trajectory of improvement towards wai ora, such that:</u></p> <p><u>(a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningfully improved where degraded, to achieve the target attribute states in Table 8.2, and</u></p>

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- (b) the lakes are not impacted by submerged invasive plants and support healthy native aquatic plants, and
- (c) the lakes function as a productive nursery with breeding habitats of indigenous species, and
- (d) riparian vegetation is present around the perimeter of each lake, and
- (e) the diversity, abundance, composition, structure and condition of mahinga kai species and communities has increased, and
- (f) mana whenua can safely connect with and enjoy waterbodies to undertake a wider range of customary and cultural practices, including mahinga kai gathering, and
- (g) huanga of mahinga kai and Māori customary use for locations identified in Schedule B (Ngā Taonga Nui a Kiwa) are maintained or improved.

### **8.2.1 Ecosystem health and water quality**

Policy WH.P1:  
Improvement  
of aquatic  
ecosystem  
health

Aquatic ecosystem health will be improved by:

- (a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and
- (b) restoring habitats, and
- (c) enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and
- (d) co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water.

Policy WH.P2  
Management  
of activities to  
achieve  
target  
attribute  
states and

Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:

- (a) prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and

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coastal water objectives

- (b) encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and
- (c) imposing hydrological controls on urban development and stormwater discharges to rivers
- (d) requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and
- (e) stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and
- (f) requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and
- (g) soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and
- (h) requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.