

6. Recreation and Open Space

6.1 Introduction

The natural environment of Kaikoura provides a setting for a range of land and water based recreational activities including fishing, marine mammal encounters, walking, camping, diving, surfing, rafting, canoeing, tramping, hunting and climbing. The popularity of Kaikoura as a tourist destination has grown rapidly in recent years, as a result of the abundant marine life, in particular whales, dolphins and seals.

The District also has a range of public open space and indoor/outdoor recreational and community facilities including a swimming pool, halls, sports venues, museum, aquarium, racecourse, library, and public reserves. These facilities provide for active and passive sports, visual amenity, children's play areas and neighbourhood parks, access to the coast, rivers and lakes, protection of cultural and historic sites and features, and nature conservation.

The Clarence, Kahutara, Kowhai, Hapuku and Kekerengu and other rivers are used to varying degrees for active and passive recreational activities. Maritime Rule Part 91 made under the Maritime Transport Act 1994 superseded the Water Recreation Regulations 1979. The Regional Council's Navigation Safety Bylaws, made in accordance with Maritime Rule Part 91, regulate and control the use of vessels on navigable waters. This has the effect of allowing power boating on these rivers when flows are sufficient, subject to compliance with any relevant rules in the District Plan. There are many lakes in the District, the largest Lake Rotorua is 46 ha in area, with the smaller Lake Rotoiti nearby. Both of these lakes have recreation and wildlife conservation values. Under the Resource Management Act, the Council is required to recognise and provide for public access to and along the District's lakes, rivers and coastal areas as a matter of national importance. The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes. Activities on the surface of waterbodies may have adverse effects on ecological functioning and habitat. Council is required to ensure that adverse effects of these activities are managed in accordance with the purposes and principles of the Resource Management Act 1991.

Ownership and Management

There are three main statutes relating to the provision and management of public open space and recreation areas - the Resource Management Act, the Reserves Act 1977. and the Conservation Act 1987.. The Resource Management Act gives Council responsibility for managing the land resources and the surface of the waterbodies.

To assist the Council in managing the coastline within the Kaikoura township, the Council has prepared a Coastal Management Strategy. This document provides a forward planning framework for the development of the coastal environment from the Whaleway Station to Point Kean and at South Bay from the Coastguard to the Caves Restaurant.

The Reserves Act covers management of land classified as scenic, recreation, nature, historic, scientific, government or local purpose reserve. This act is administered by both the Council and the Department of Conservation. The Council manages a range of reserves including recreation, esplanade and road reserves under the Reserves Act. The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes.

The Conservation Act is administered by the Department of Conservation and applies to all land held by the Crown for conservation purposes, including conservation parks, wilderness areas, marginal strips and stewardship areas. The Department is required by the Conservation Act to manage the lands held under this Act for the purpose of preserving and protecting natural and historical resources, in order to maintain their intrinsic values, provide for their appreciation and recreational enjoyment by the public, and safeguard the options for future generations. Generally, the types of activities and consequently the effects within a reserve are those indicated by management plans under the above legislation. In the case of lands managed by the Department of Conservation, the Department has prepared a Conservation Management Strategy for the Nelson/Marlborough Conservancy. The Plan provides for activities in accordance with the provisions of this strategy. Activities that are undertaken on conservation lands other than in accordance with this strategy or that have adverse effects that extend beyond the boundaries of the reserve area are managed through the provisions of the Plan.

6.2 Issue 1 - Open Space and Recreation

The availability and distribution of land and facilities for recreation and amenity to enable people to meet their recreational needs.

6.2.1 Objective 1

To provide open space, recreational areas and facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents and visitors.

6.2.2 Policies

1. To develop or facilitate the development and maintenance of a wide variety of recreation areas and facilities, ranging from indoor facilities to neighbourhood and District recreation areas, in locations that are convenient and accessible for the anticipated users.
2. To take into consideration the following matters when deciding whether to acquire or receive land for recreation areas, or whether to dispose of existing areas:
 - a. the amount of use the land is likely to get and whether the activities that could potentially take place on the land can be easily accommodated elsewhere;
 - b. whether the land has or is able to have, legal and physical access and how close the land is to people who will use it;
 - c. the amount of other land serving the same or similar functions in the same area and the ability of such other areas to accommodate additional use;
 - d. the role of land in providing access linkages, for example, walkway and cycleway links.;
 - e. the size of the land and its ability to accommodate its likely or intended use including the provision of car parking.;
 - f. the role of the land in providing open space and plantings which enhance the amenity of the environment or which protect significant landscapes or views;
 - g. the proximity of the land to river margins, lake shores, wetlands or the coast and its role in providing for public access to or along such waterbodies for the protection of the natural values of the water margins or the maintenance of water quality and aquatic habitats;
 - h. any effect of the recreational area on the natural character of the coastal environment, wetlands, lakes and rivers and their margins;

- i. the role of the land in protecting and enhancing significant areas of indigenous vegetation, habitats of indigenous fauna and trout and salmon, or the margins of lakes, rivers, wetland and the coast;
 - j. the role of the land and the buildings or structures on it in protecting historic and cultural values of significance to the District's communities.
- 3. To require financial contributions towards public recreation areas and facilities from subdivision and development in urban areas to provide for the following:
 - a. additional neighbourhood parks including waterfront areas, walkways and cycleways. needed as a result of additional household and visitor accommodation growth across the District;
 - b. additional recreation areas to enhance the visual amenity of the built environment;
 - c. development and maintenance of existing land set aside for neighbourhood parks and recreation areas.
- 4. To consider providing suitable water supply and public toilet facilities at the district's waterbodies and other places to which the public has access, where there is demand for these services.
- 5. To use financial contributions towards public recreation areas and for the provision of public access, received from subdivisions and developments for the following purposes:
 - a. to purchase land for neighbourhood parks in areas where there are existing or potential deficiencies in the provision of local parks;
 - b. to develop existing and new neighbourhood parks serving the area to a level where they are useable and enjoyable for children's play, passive recreation and for visual amenity with trees, shrubs and garden plantings;
 - c. to obtain and develop neighbourhood walking and cycling linkages;
 - d. to develop recreation areas and facilities which are of importance to the District, but also serve a local need.

6.2.3 Implementation Methods

To achieve the above policies by:

- 1. Designation of Council reserves where necessary to ensure the continued functioning of a site for recreational purposes.
- 2. The levy of financial contributions towards public open space and recreation facilities whenever subdivision or development occurs within Residential, Rural, Settlement, Tourism or Business Zones.
- 3. The setting aside of esplanade reserves, esplanade strips and access strips.
- 4. Through the Council's annual planning process:
 - a. to continue to maintain and develop a wide range of open space and recreational areas and facilities, such as potable drinking water supplies and public toilet/effluent treatment and disposal systems, within the District;

- b. to continue to improve the visual amenity of public lands throughout the District, through planting, street improvements and the appropriate siting and design of buildings and facilities.
- c. to involve the community in decisions regarding the siting, use and design of open space and recreation areas.
- d. to use financial contributions received for public recreation and open space to acquire or develop land for such purposes.
- e. to implement the Council's Coastal Management Strategy.

Explanation and Reasons

The Council considers it is appropriate for it to play a major role in developing or facilitating the development of a wide range of recreational areas and facilities, as it has the ability to acquire land and already owns a considerable amount of land for this purpose. Any neighbourhood reserves should fulfil the requirements of the above policies to ensure that they meet the needs of residents and visitors. The Council needs to take into account levels of use, accessibility, useable land, linkage roles, the size of the land, visual amenity, proximity to waterbodies, natural values and the heritage values when assessing whether to acquire or receive land or dispose of existing land set aside for recreational purposes. The Coastal Management Strategy will assist the Council in managing the provision and development of reserves for the Kaikoura Peninsula.

When large scale residential subdivision or development occurs, it is likely that no neighbourhood parks or areas of visual relief exist in the area. Council will provide recreation areas to satisfy the needs of these residents by requiring land or cash contributions towards recreation areas and facilities. As a result, those who use recreation areas, directly or indirectly, meet the costs of providing the facilities.

Contributions will be required from business development as it is considered that many new business developments within the District attract visitors to the area and that these visitors increase the need for the provision and upgrading of recreation areas.

In areas where new houses are established within an existing neighbourhood, existing recreation areas and facilities are likely to be used to a greater degree due to increased numbers of household units. Consequently it is considered equitable that contributions are made by developers towards developing existing recreation areas and if necessary providing additional areas. There will be no differentiation between forms of tenure such as cross lease and other types of subdivision. with the emphasis being on the effects of subdivision in terms of potential household units.

Where District-wide recreation areas and facilities such as domains, sportsfields, and conservation areas are provided by the Council, these will generally be funded on a District wide basis. This recognises that District needs are generated by demands beyond any particular subdivision.

6.3 Issue 2 - Surface of Water

Activities on the surface of water can have adverse effects on the amenity and habitat values of their surrounding environment and the quality and enjoyment of recreational activities.

6.3.1 Objective 2

To provide for activities on the surface of water where adverse effects on other activities and on amenity, ecological functioning and habitat values are adequately avoided, remedied or mitigated.

6.3.2 Policies

1. To ensure that people undertake activities on the surface of water without affecting the health, safety and recreational amenity of other people using the surface of the water.
2. To enable residents and visitors to the District to utilise the District's lakes and rivers for a range of activities.
3. To protect the habitat and cultural values of the surface of waterbodies, in particular Lake Rotorua and Lake Rotoiti.
4. To encourage the use of riparian plantings in and along the margins of waterbodies to control surface runoff.

6.3.3 Implementation Methods

1. Provision of rules controlling activities on the surface of water.
2. Education and advocacy supporting the use of riparian planting.
3. Through the Council's annual planning process:
 - a. Assist the Department of Conservation in reviewing the existing protected status of the District's lakes and work with the Department, Te Runanga o Ngai Tahu and specific interest groups such as the Fish & Game Council to ensure that the wildlife habitat and cultural values of these areas are adequately protected;
 - b. Continue to support the provisions of Maritime Rules administered and enforced by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council to regulate and control the use of vessels on navigable waters.

Explanation and Reasons

The Resource Management Act requires the Council to control activities on the surface of lakes and rivers. These powers are complementary to Maritime Rules administered by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council, which control the speed and operation of motorised and other craft on the District's navigable waters.

While the surface of the Clarence River is used for active commercial and private recreational activity, the surface of other waterbodies in the District such as the Kahutara, Kowhai, Hapuku and Kekerengu rivers are not used extensively for active recreational activities.

At present there is limited active recreational activity on waterbodies within Kaikoura District. However, Council needs the ability to control the effects of any future activities on the surface of water.

In some situations, the enjoyment of passive recreation associated with waterbodies can be adversely affected by the enjoyment by others of active recreation. This is particularly so, where active recreation involves the use of motorised equipment. The Council considers that people should be able to enjoy both passive recreation and active recreation within the District. For this reason, the Council will continue to support the application and enforcement of the Maritime Rules and any Navigation Safety Bylaws.

Motorised vessels may adversely affect amenity and habitat values associated with waterbodies, due to the noise and wake they create. Therefore, it is desirable to avoid the effects of motorised vessels where amenity or habitat values are threatened. Maritime Rules and Navigation Safety Bylaws can only regulate and control vessels for safety or navigation reasons or to prevent nuisances. The Plan contains district-wide rules to control effects of activities on the environment.

Lakes Rotorua and Rotoiti are of particularly significant conservation value and cultural value. It is important that these values are retained. Methods such as planting of riparian areas are a useful non-regulatory method of protecting the values of the District's waterbodies.

6.4 Issue 3 - Access to Waterbodies and the Coast

Public access to and along the District's rivers, lakes, coastal areas and public lands can be enhanced or adversely affected as a result of activities such as subdivision or land use intensification.

6.4.1 Objective 3

To provide for public access to and along the District's rivers, lakes, coastal areas and public lands for the current and foreseeable recreational and leisure needs of residents and visitors to the District, where such access does not compromise normal farming activities or the cultural, natural conservation or hazard mitigation values of these areas.

6.4.2 Policies

1. To maintain and enhance access to the District's waterbodies and coastal areas, where practicable, and where adverse effects of such access are avoided, remedied or mitigated, except where restrictions are necessary to:
 - a. safeguard the conservation values
 - b. protect the stability or performance of flood control and other essential structures
 - c. avoid conflicts with activities of landowners or occupiers
 - d. protect public safety.
2. To establish the most appropriate means of achieving long-term legal and practical access to waterbodies and coastal areas and assess priorities by consulting with appropriate interested parties, including landowners, the Regional Council, Te Runanga o Ngai Tahu, Department of Conservation, Fish and Game Council and recreational user groups.
3. Where compatible with conservation values, to enable public use of the margins of rivers and lakes and the coastal areas of the District which have significant recreational values, through the taking of esplanade reserves and strips on subdivision and negotiations concerning the provision of access strips.
4. To avoid adverse effects of public access on the natural character of the coastal environment.
5. When considering the setting aside of esplanade or access strips, or the vesting of esplanade reserves, to have regard to the needs of Te Runanga o Ngai Tahu to exercise kaitiakitanga and for access to waahi tapu or mahinga kai.
6. To recognise the role of existing unformed legal roads in providing access to waterbodies, public lands, and recreation areas.

6.4.3 Implementation Methods

1. Rules requiring the setting aside of esplanade reserves.
2. The setting aside of esplanade reserves, esplanade strips and access strips.
3. The use of resource consent conditions to control activities that may have adverse effects on public access to and along, and public enjoyment of, the margins of waterbodies and coastal areas.

4. To develop a programme for identifying opportunities for public access provided by unformed legal roads in consultation with adjoining landowners and recreational users.
5. To consult with Te Runanga o Ngai Tahu regarding waahi tapu and waahi taonga which are of interest to Te Runanga o Ngai Tahu, and to use opportunities that may arise to negotiate improved access.
6. Through funding identified in the Council's annual planning process:
 - a. to identify, in consultation with appropriate parties of interest, priorities for public access to and along waterbodies, and to use any available opportunities to negotiate and promote such access, including identification and marking of unformed legal roads and setting aside of esplanade reserves, esplanade strips and access strips.
 - b. to encourage the Crown to ensure that secure provisions are made for public access to and along waterbodies whenever opportunities are available to these bodies.
7. Placing conditions on subdivision consents requiring the creation of access strips.
8. The requirement of financial and/or reserve contributions towards public access whenever subdivision or development occurs within the District.
9. Keeping publicly available records of the area and location of all esplanade reserves, esplanade strips and access strips in the District.

Explanation and Reasons

The improvement of public access to lakes, rivers and coastal areas has the potential to enhance the public enjoyment levels of recreational activities in these areas. Access is presently available to the majority of rivers and lakes in the District from public roads, both formed and unformed.

While private property owners within the District possess rights in terms of their land, the Resource Management recognises that "The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" is a "matter of national importance" that the Council must recognise and provide for. Where public access to and along waterbodies is not already secured, the Council has the following options under the Resource Management Act:

- to set aside public reserves, either by requiring the creation of "esplanade reserves" upon subdivision, or by negotiating for their creation and subsequent acquisition.
- to create "esplanade strips", by the registration of an instrument over land which gives the public entry rights while ownership is unaffected.
- to negotiate "access strips" from existing roads or reserves to the margins of waterbodies or to an existing esplanade reserve or strip.

Where the margins of rivers are identified as having significant recreational values, it is appropriate for esplanade reserves or esplanade strips to be taken at the time of subdivision. The Council wishes to ensure over time that public access is available to waterbodies with important recreational and conservation values. The Council will continue to identify opportunities to negotiate and promote public access to and along waterbodies. Council is also aware that such public access can compromise land use activities in these areas and will where possible ensure a minimum of disruption to these activities by way of conditions on any legal access arrangements over private land.

6.5 Anticipated Environmental Results

1. Provision of a wide range of recreational opportunities in recognition of the diversity of recreational needs of Kaikoura residents and visitors.
2. The provision and development of existing and additional public open spaces and recreation areas where there is growth and development in the District.
3. Open space and recreational facilities that are convenient and accessible to users.
4. Use of the District's rivers and lakes for a wide range of recreational pursuits provided these are consistent with the protection of significant natural values, environmental amenity and public safety.
5. Gradual evolution of public access to the District's major rivers where there are significant conservation or recreational values, while recognising rights of private property owners.
6. Protection of the cultural values and habitat values of Lakes Rotorua and Rotoiti.
7. Minimal interference with existing land use activities alongside rivers and lakes where esplanade reserves, esplanade strips or access strips are created.
8. The incorporation of the values and opinions of Te Runanga o Ngai Tahu, and their concerns relating to recreational and water based activities in the District.
9. The creation of esplanade reserves.
10. Implementation of the policies and methods in a manner that will result in the maintenance of the ecological, conservation, recreation and landscape values of these open spaces.

Recreation and Open Space Rules

6.1 Activities on the Surface of Waterbodies

Activities specified in the following table shall be assessed as permitted, restricted discretionary, unrestricted discretionary, or prohibited as shown, in respect of this section of the Plan.

Table 6.1

Status	Activity	Conditions
Permitted	Any activity not listed below as a restricted discretionary, unrestricted discretionary or prohibited activity.	
Restricted Discretionary	The use of motorised watercraft on the Clarence River.	Council's discretion is restricted to the following matters i. Effects on other river users. ii. Effects on recreational values. iii. Effects on amenity values. iv. Effects on ecological and conservation values. v. Effects on cultural values.
Unrestricted Discretionary	The use of any motorised watercraft, other than those listed as prohibited activities, on Lake Rotorua, Lake Rotoiti, or Lyell Creek.	Discretion is not restricted to any particular matter.
Prohibited	The use of jet skis or jet boats on Lake Rotorua, Lake Rotoiti, or Lyell Creek and any of its tributaries.	Application may not be made for resource consent.

