

## 10.0 ESPLANADE RESERVES

Esplanade Reserves create sections of continuous reserve around the coast, the Waikato River and along major streams to provide public access and recreational opportunities and to protect the natural coastal and riparian environment in terms of the Resource Management Act (RMA) 1991 and Franklin District Plan. Esplanade Reserves generally extend 20m above Mean High Water Springs but in some instances Council may acquire additional width for recreation and conservation purposes. In most instances, Council requires esplanade reserves rather than esplanade strips because they are more likely to afford the full range of long term recreation, access and conservation benefits to the public.

### 10.0.1 Goal

**In the future Council will acquire and develop esplanade reserves, esplanade strips and access strips for the purpose of providing appropriate public access, whilst protecting natural and cultural values. Council will also review the Proposed Esplanade shown on the operative District Plan Planning Maps as part of a broader review of the Esplanade Acquisition Policy.**



GRAHAM'S BEACH

## 10.1 PROVISION OF ESPLANADE RESERVES

Franklin District's three main coastlines are considered separately in section 5.1.6 of the District Plan because of their unique and distinctive characteristics:

- The West Coast adjoins the Tasman Sea and is a rugged stretch of coastline rising sharply from the sea to the ridge line. It is largely undeveloped except at Port Waikato. The issues along this coastline include:
  - preservation of its natural wilderness character; and
  - coastal erosion.
- The East Coast adjoining the Firth of Thames contains the settlements of Kaiarau, Miranda and Whakatiwai. The coastal environment consists of a broad flat expanse rising towards the Hunua Ranges. The issues along this coastline include:
  - protection of the values and natural functions of the Firth of Thames;
  - protection of significant wildlife habitats, landscape and natural features; and
  - the area's tourism value.
- The remaining area of coastline adjoins the Manukau Harbour. This area contains a wide variety of physical and ecological features which contribute to the functioning of the Manukau Harbour ecosystem. There are several settlements along the coastline ranging in size from Clarks Beach to Wattle Bay as well



as considerable rural subdivision into predominantly four hectare lots. The issues along this coastline include:

- protection of the values and natural functions of the Manukau Harbour;
- servicing of and expansion of existing settlements;
- protection of landscape and natural features;
- protection of significant wildlife habitats; and
- coastal erosion.

The RMA 1991 authorises the Council to secure esplanade reserves or esplanade strips along the coastal margin and the edges of rivers and streams. Esplanade reserves and esplanade strips both provide an opportunity for the protection of the quality of adjacent bodies of water, the protection and enhancement of habitats, the conservation of flora, the reservation of hazard areas, the provision of areas for public recreational use and the provision of public access to the coastal marine area.

Esplanade reserves are created at the time of subdivision and vested in the Council's ownership, whereas esplanade strips are created by restrictions on titles to protect coastal conservation values or to achieve public access to the coast or river. Another key difference is that the boundaries of an esplanade reserve do not move, but an esplanade strip must always extend 20 metres from Mean High Water Springs (MHWS) or from the centre of a stream greater than 3 metres. Thus while an esplanade reserve may be reduced or lost entirely to erosion/sea level rise/changes in river course, an esplanade strip will always exist adjacent to the water body where it was created. ARC strongly advocate for the establishment of esplanade reserves over esplanade strips except in exceptional circumstances. This is because esplanade reserves are considered to be more permanent legal entities than esplanade strips and are more difficult to disestablish than strips. Another benefit is that unlike esplanade strips, esplanade reserves are marked on District Plan maps, and thus there is generally greater public knowledge and use of these areas.

Franklin District Council currently has 88.1 kilometres of coastal esplanade reserve; the majority are on the Manukau Harbour fringe. Approximately another 100 kilometres (approximately) of coastline is shown as "Proposed Esplanade" on the operative District Plan's Planning Maps (indicating that this coastline must be vested free of charge to Council as an esplanade reserve when land adjacent to the coastal marine area is subdivided below 4 hectares).

Esplanade reserves are currently managed by Council, although some landlocked reserves are maintained by landowners through informal use agreements. While some areas of esplanade are formed into usable, continuous walkways (or serve other purposes such as erosion control) much of the network remains fragmented and incoherent. This fragmentation is partially due to the necessarily slow process of acquisition (dependant on landowner-initiated subdivision) and partially due to the initial identification of "Proposed Esplanade" in the Operative District Plan.

In order to afford Council the flexibility to acquire esplanade that consolidates existing reserves and supports the policies expressed in recent key planning documents, a revision of areas marked "Proposed Esplanade" is recommended. This recommendation is supported by various panel decision reports (Decision Reports 1.4.3.1 and 15.4.6.1) arising from the Rural Plan Change (Plan Change 14) that note Council's obligation to provide for public access to the coast under the RMA 1991 (and the Coastal Policy Statement) and recommend a review of esplanade acquisition policy in light of this.

Based on the assumption that Council will review the Proposed Esplanade Reserves shown on the operative District Plan Planning Maps as part of a broader review of the Esplanade Acquisition Policy, the following twenty year allowance has been set to achieve the Esplanade Reserves' goal:

***"an allowance of \$5.5 million over 20 years is sufficient for the development of existing esplanade reserves and the acquisition of reserves to either create a contiguous section or to increase the width of the proposed reserve."***<sup>23</sup>

The Open Space Community Plans (Appendix 11) outline areas where contiguous sections of esplanade reserve could be developed and recommends that these be investigated further. These include:

<sup>23</sup> Justification outlined in Appendix 11.



- Linkages to Pukekohe from Buckland and Paerata;
- Grahams Beach to Manukau Harbour Special Character Area;
- Matakawau Point Reserve to the Kelly's Landing Special Character Area;
- Te Toro to Waipipi Creek Roosts Special Character Area;
- Waiuku to Glenbrook Beach and on to Waiuku Beach/Clarks Beach; and
- Kingseat.

## 10.2 ACQUISITION OF ESPLANADE RESERVES

Under the Resource Management Act 1991, Council can acquire esplanade reserves in the following three ways:

- Land shown as proposed esplanade reserve on District Plan maps is vested (at no cost) to Council when land adjacent to the coastal marine area, or a river or lake is subdivided below 4hectares (Rule 11.5 District Plan).
- Land not shown as proposed esplanade reserve on District Plan maps can be purchased when land adjacent to the coastal marine area, or a river or lake is subdivided below 4hectares.
- Land not shown as proposed esplanade reserves on District Plan maps can be purchased when this acquisition via the ordinary property market as opportunity may arise.

In each of these circumstances Council may decide to purchase additional width for effective protection from stock and inappropriate use, to future-proof the recreational opportunities and to achieve protection of the ecosystem as a whole. Council also has the opportunity to acquire esplanade strips in place of esplanade reserves.

Esplanade Reserves will be purchased by Council utilising the Valuation Methodology as set out in the Development Contributions Policy and funded by Reserve Development Contributions.

### 10.2.1 Esplanade Reserves and Esplanade Strip Acquisition Guidelines<sup>24</sup>

The RMA identifies several criteria based on the protection of conservation values (as defined by s229a i-v). This provides the rationale for acquisition of esplanade reserves/strips even where it is unlikely that a specific piece of esplanade would be consolidated into a wider reserve network.

Section 229 of the RMA specifies the purposes for which an esplanade reserve can be created as:

- (a) *To contribute to the protection of conservation values by, in particular:*
  - (i) *Maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
  - (ii) *Maintaining or enhancing water quality; or*
  - (iii) *Maintaining or enhancing aquatic habitats; or*
  - (iv) *Protecting the natural values associated with the esplanade reserve or esplanade strip; or*
  - (v) *Mitigating natural hazards; or*
- (b) *To enable public access to or along any sea, river, or lake; or*
- (c) *To enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

Esplanade reserves will be required to be set aside where:

- The land has a value for recreational use;
- The land has potential for providing public access to or along the water's edge;
- A number of esplanade reserves exist in the immediate vicinity and the additional land is required to complete or to contribute to completing a chain of reserves.

<sup>24</sup> These guidelines have been based on Part 5B Coastal and the Hauraki Gulf Islands Section of the Auckland City District Plan.



- The land has outstanding conservation value for meeting the purposes of Section 229 of the Act.
- Areas of outstanding conservation value, include -
  - those areas adjacent to or having a functional relationship with outstanding mangrove forests or other maritime flora and fauna.
  - areas containing both mature and regenerating indigenous vegetation.
  - areas where water quality and maritime habitats are significant and should be protected.
  - areas where there is significant potential to improve both terrestrial and maritime habitat value in the future;
- Mitigating natural hazards;
- The establishment of an esplanade reserve/strip furthers the objectives and goals of strategic regional and district planning documents such as Chapter 18 of the Auckland Regional Policy Statement, the District Plan, the District Growth Strategy, the Long Term Council Community Plan and the Waiuku and Kaiaua Coastal Compartment Management Plans.
- The establishment of an esplanade reserve/strip further the Tangata Whenua objectives and policies (as outlined in Part 4 of the District Plan)

Generally the required esplanade reserve or esplanade strip will be 20m wide. In some instances, however, additional width will be required to ensure effective protection from stock and inappropriate use, to future-proof recreational opportunities and to achieve protection of the ecosystem as a whole.

Council may use esplanade strips rather than the setting aside of esplanade reserves, in order to protect:

- Those areas with moderate or low conservation value, which include:
  - areas adjacent to or having a functional relationship with mangrove forests where public access should be restricted, but where valued features can still be preserved in private ownership.
- Those coastal and river areas of land requiring limited protection.
- Public access along the coastline and streams to existing recreation reserves, which include areas which provide access between reserves, but which can be left in private ownership.

**When considering reducing, waiving, cancelling or varying an esplanade area, Council will give consideration to the following matters:**

1. The extent to which the proposed reduction in the width or waiver of the esplanade reserve or esplanade strip meets the objectives and policies of the Plan in respect of the conservation and enhancement of the coastal environment and, in particular:
  - a. The protection and/or enhancement of the natural functioning of the adjacent sea, river or lake.
  - b. The protection and/or enhancement of terrestrial or aquatic habitats.
  - c. The mitigation of any actual or potential natural hazard.
  - d. The protection of natural values associated with the water body, including protection of flora and fauna, wildlife habitats and natural landscape amenity values.
2. The extent to which there are significant ecological characteristics of the land that contribute to the protection and enhancement of the natural functioning of the adjacent sea, river or lake and the terrestrial and aquatic habitats that are present in the proposed esplanade reserve or esplanade strip.
3. The extent to which any areas of actual or potential natural hazards are included in the proposed esplanade reserve or esplanade strip in order to mitigate natural hazards.
4. The extent to which public access to and along the sea or river or waterway is enabled or diminished particularly, if access is to be located on steep topography.
5. The extent to which public safety or security is improved.
6. The extent to which the recreational use of the proposed esplanade reserve or esplanade strip and adjacent water area is enabled or diminished.



7. The extent to which the proposed esplanade reserve or esplanade strip is compatible with the physical characteristics of the land.
8. The extent to which the natural character and visual quality of the coastline, river or lake will be preserved within the proposed esplanade reserve or esplanade strip.
9. The extent to which the use of conservation covenants or other suitable alternative means would achieve the objectives and policies of the Plan.
10. The extent to which there are any natural values associated with the proposed esplanade reserve or esplanade strip of significance to the tangata whenua.
11. The extent to which there are any significant archaeological or historical sites associated with the proposed esplanade reserve or esplanade strip.
12. The extent to which any existing permanent building should be excluded from the proposed esplanade reserve or esplanade strip or be removed or relocated prior to vesting of the esplanade reserve or setting aside the esplanade strip.
13. The extent to which the application is for a minor boundary adjustment that will not create further building sites.
14. The extent to which other unusual or unique circumstances exist such that it would not be appropriate to require an esplanade reserve or esplanade strip.
15. The extent to which the purposes of the esplanade reserve or esplanade strip specified in section 229 of the RMA are not significantly diminished.
16. The extent to which any existing or future buildings dominate or shadow the proposed esplanade reserve or esplanade strip.

#### **10.2.1.a Access Strips**

To enable access to be obtained to present and future esplanade reserves and esplanade strips the Council will make use of the provisions of Section 237B of the Act.

Access strips are an easement over private land negotiated between the Council and the landowner. These strips offer a means of enabling access to esplanade areas or other reserve land that would otherwise be inaccessible to the public.

There are a number of circumstances where access strips would be appropriate:

- Where access to the esplanade area is restricted during times of low tide;
- In locations where reserves networks have not been established and no other access to the esplanade area exists.

### **10.3 DEVELOPMENT OF ESPLANADE RESERVES**

The demand for improved facilities adjacent to the water, which is likely to increase because of current recreational trends and growth indicators,<sup>25</sup> will require increased investment in existing esplanade reserves to improve access to both the coast and waterways (particularly the Waikato River), and the assets supporting these access points such as car parking and lighting, and in some instances, boat ramps. In many locations Council has already worked with the community to identify their goals for the esplanade environment. A point in case is the Waiuku Estuary Management Plan, in which the community has expressed a desire to improve access to the Waiuku Estuary and coastline by developing new walkways, boardwalks and viewing platforms.

The Open Space Community Plans (Appendix 11) outline both current priorities and future possibilities in relation to the development of Esplanade Reserves. The current priority is the development of Rangiwha Creek, Waiuku River/Tamakae Reserve and Golf Course Creek walkways along esplanade reserves (as outlined in the Waiuku Estuary Management Plan).

<sup>25</sup> As outlined in the Franklin District Open Space and Recreation Plan 2005



The ACAM methodology outlined in the Revenue and Financing Policy will be used to determine how much of the total development cost will be attributed to renewal, level of service and growth.

### **10.3.1 Esplanade Reserves Development Guidelines**

In developing Franklin's Esplanade Reserves, Council will:

- Take into account the relevant policies in the operative District Plan (Part 2.12.6: Control of Coastal Erosion on Council Reserves, Part 4 Partnership with Tangata Whenua, Part 5.2.2: Bodies of Water and Part 7: Natural Hazards).
- Amalgamate esplanade reserves that are adjacent to one another but held under different titles.
- Develop esplanade reserve management plans for Manukau Harbour reserves, West Coastal reserves, East Coastal reserves and Waikato River reserves.
- As far as is reasonably practicable, work in partnership with the respective Regional Council to maintain coastal reserve areas - where the public have access and/or reserves have significant conservation values - as specified in the relevant management plan, for the enjoyment of residents, ratepayers and visitors.
- Maintain and promote indigenous coastal and river edge vegetation along all coasts, rivers, streams and wetlands, to enhance the quality of the environment, principally by stabilising the coastal/river edge and by protecting the natural values (in accordance with regional plans such as the Auckland Regional Plan: Air, Land and Water);
- Collaborate with the respective Regional Council to support the vital role of coastal dune systems, whether of substantial or limited extent, through the most appropriate mechanism, such as fencing off foredune systems, controlling animal and human access, importing sand etc;
- Promote the importance of coastal protection and control at reserve areas and through other appropriate points of display;
- Control beach access at designated areas (e.g. Karioitahi Beach);
- Provide adequate facilities, including toilets and parking areas, so that the health, ecological and safety aspects of the reserves are maintained;
- Rationalise and reduce the number and extent of coastal structures (sea walls, jetties, boat ramps and reclamations) to a minimum necessary to provide for the public use and enjoyment of reserves; and
- Ensure that there is no further encroachment into reserve areas from adjacent private properties or private coastal structures (unless on an existing easement or lease) and that there is a progressive removal of existing encroachment features and practices.

### **10.4 DIVESTMENT / DISPOSAL, LAND SWAPS AND GIFTING OF ESPLANADE RESERVES**

Council will not consider the disposal of any Esplanade Reserves.

