

## **PART 11 RECREATION AND RESERVES**

### **11.1 RECREATION AND RESERVES ISSUES**

Recreational activities, whether active or passive, are important in promoting the physical health and well being of the population. The Council in the past has been involved in providing a wide range of opportunities for the use of leisure time. In order to determine its future involvement the Council has adopted a *Recreation Plan*.

The *Recreation Plan* has been prepared in consultation with the public and in conjunction with the District Plan. The *Recreation Plan* is the guiding document in addressing recreational issues facing the District.

### **11.2 OBJECTIVES, POLICIES AND METHODS**

#### **11.2.1 OBJECTIVE - PROVIDING SUFFICIENT LAND**

To provide sufficient recreation and open space land to meet the needs of present and future generations.

##### **Policies:**

1. That the Plan uses a range of methods to acquire land for and develop the reserves and recreational resources of the District.
2. That methods also be used to protect, both legally and physically, valued areas of bush or open space which can remain in private ownership.
3. That this Plan be used to further the key resource development needs of the District as outlined in the Council's *Recreation Plan*.

##### **Methods of Implementation of Policies:**

1. Refer to the Subdivision, Esplanade Reserves, Conservation, and Financial Contributions Parts of this Plan for rules relating to conditions of resource consents. The Council may proactively purchase land as opportunities arise, with priority always given to giving effect to the *Recreation Plan* (Policy 3). Loans may need to be raised in some circumstances.
2. Refer to the Subdivision, Esplanade Reserves, Conservation, and Financial Contributions Parts of this Plan for rules relating to conditions of resource consents, and rural lot entitlements where bush or other features are to be protected.
3. The *Recreation Plan* has been prepared in consultation with the public and identifies the District's principal reserves and recreational needs for the next 5 years.

##### **Reasons and Explanation for Objective, Policies and Methods:**

There is a need to provide adequate space and for its subsequent development for active and passive recreational activities throughout the District both for current and future generations.

##### **Anticipated Results:**

- The adequate, equitable provision of land for open space and recreational needs in the District.

### **11.2.2 OBJECTIVE - MAXIMISING RECREATIONAL OPPORTUNITIES**

To provide for a wide range of recreational activities while ensuring that any adverse effects on the quality of natural and physical resources or the amenity of adjoining areas are avoided or mitigated.

#### **Policies:**

1. Recreational activities locating in the *Rural* zone should not:
  - give rise to levels of noise, illumination, dust, traffic or other adverse effects inconsistent with levels associated with typical agricultural activities in the area.
  - modify, damage or destroy features identified in Schedule 5A.
2. Recreational activities locating in the Conservation zones should not result in the modification, damage or destruction of the areas of indigenous vegetation and habitats of indigenous fauna which contribute to the natural character of the zone.
3. Recreational activities locating in the *Recreation* zone shall be controlled so as to mitigate effects of noise and illumination on dwellings that adjoin the zone boundary.

#### **Methods of Implementation of Policies:**

1. That recreational activities be provided for in the Zones of the Plan where they are compatible with the Objectives and Policies of the particular Zones.
2. That a single management Zone be applied to areas of public reserve throughout the District. See Rule 34: *Recreation Zone*
3. That a wide range of recreational activities be provided for within the *Recreation Zone* subject to performance standards.

#### **Reasons and Explanation for Objective, Policies and Methods:**

Recreation is an important contributor to the well being of people in the District and as such there is a need to maximise the use of existing and future recreation resources where this does not compromise the quality of natural and physical resources or the amenity of adjoining areas.

A single, flexible *Recreation* zone can be justified on the basis of the role of *reserve management plans* which are prepared in consultation with affected communities and recreational organisations.

#### **Anticipated Result:**

- Continuing use and development of reserves to provide for a range of activities;
- Provision for recreational activities in all areas of the District as appropriate to the Zone or locality.

### **11.3 ESPLANADE RESERVES AND ESPLANADE STRIPS**

*Esplanade reserves* and *esplanade strips* are pieces of land adjoining the coast, rivers (including streams), or lakes. Under the Act they have one or more of the following general purposes:

- Helping to protect ecological and conservation values - including water quality, aquatic habitats and the mitigation of natural hazards such as coastal erosion;
- Enabling public access to bodies of water;
- Enabling public recreational use of the land comprising the *esplanade reserve* or strip and of the adjacent body of water - provided that conservation values are not threatened.

As part of a subdivision consent the Council can require an *esplanade reserve* or *strip* where the land being subdivided adjoins the coast, a river, or a lake and one or more of the purposes outlined above will be served.

Land comprising an *esplanade reserve* vests in the Council, while *esplanade strips* remain in private ownership.

An *esplanade reserve* or *esplanade strip* will generally be 20 metres wide unless the Plan states otherwise.

Where an allotment of less than 4 hectares in area is being created and an *esplanade reserve* or *strip* is required from that allotment, the Council does not have to pay compensation for the land comprising a *reserve* or *strip* that is 20 metres or less in width. If a wider *reserve* or *strip* is required, compensation is payable in respect of the additional area of land above 20 metres.

Where an allotment of 4 hectares or more in area is being created and an *esplanade reserve* or *strip* is required from that allotment, compensation is payable regardless of the width of the *reserve* or *strip*.

#### **11.3.1 ESPLANADE RESERVES STRATEGY**

The Plan identifies the locations and circumstances where an *esplanade reserve* or an *esplanade strip* will be required. In developing an *esplanade reserves strategy* the Council has been guided by the following matters:

- The Council has prepared an inventory of all its reserves, including existing *esplanade reserves*. The inventory shows that there are significant stretches of publicly owned land in the form of either paper roads, *esplanade reserves* or land owned by other public bodies, particularly around the Manukau Harbour. These existing public lands provide the basis for developing continuous and usable stretches of reserve;
- A significant amount of rural land has already been subdivided, resulting in extensive stretches of *esplanade reserve* along the coast but not along rivers and lakes;
- Given this existing base the Council's priority is to develop existing reserves rather than obtaining additional land for new reserves;
- The requirement to compensate landowners places a significant financial constraint on obtaining additional land for reserves;
- *Esplanade reserves* as opposed to *esplanade strips* will be taken where Council ownership is necessary for future development;
- A recreation survey carried out by the Council identified access to the coast as being of particular importance to people (refer to the Council's *Recreation Plan*).

<b>11.4 OBJECTIVES POLICIES AND METHODS</b>
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**11.4.1 OBJECTIVE - ACCESS AND RECREATION**

To maintain and improve public access to, and recreational opportunities along, the margins of the coastal area, rivers and lakes.

**Policies:**

1. Esplanade reserves or esplanade strips shall be required where access will provide the greatest public benefit. In particular they shall be set aside or created where the *reserve* or *strip* is required to enlarge, or to enable public access to an existing reserve.
2. Public access over *esplanade reserves* or *esplanade strips* shall be restricted where it is necessary to:
  - protect areas identified in Schedule 5A;
  - be consistent with conservation values;
  - protect Maori cultural values;
  - protect public health and safety;
  - ensure a level of security consistent with the purpose of a resource consent

and in other exceptional circumstances.

**Methods of Implementation of Policies:**

Policy 1:

Planning Maps identify the areas where esplanade reserves are required in urban locations and in rural locations.

Assessing the need for esplanade reserves at the time subdivisions are lodged.

Identifying priority areas through the Recreation Planning process.

Policy 2:

Assessing the appropriateness of the type of esplanade reserve and strip when they are acquired.

General:

Requiring *esplanade reserves* or *esplanade strips* to be set aside or created as a condition of a resource consent (refer to Rules 11.5.1 and 11.5.2). The Council may also proactively purchase *esplanade reserves* in strategic locations.

**Reasons and Explanations for Objectives, Policies and Methods:**

A planned approach is now required in the taking of *esplanade reserves* given the costs of purchase and maintenance of such *reserves*. The Plan is therefore specific in identifying where or under what circumstances a *reserve* or *strip* is required, and conversely, where one (or the other) is not required.

**Anticipated Results:**

- Meaningful areas of *esplanade reserve* and the maintenance and enhancement of both the conservation and recreation values of the land/water interface.

### 11.4.2 OBJECTIVE - CONSERVATION VALUES

To protect the conservation values of the coastal marine area, rivers and lakes and their margins.

#### **Policies:**

1. *Esplanade reserves* or *esplanade strips* shall be required to be set aside or created where this is necessary, and is the most appropriate means, to protect significant natural features identified in the Council's *Conservation Information Base* (Schedule 5A).
2. Using the objectives, policies and methods under Part 5 Objectives 5.2.2 and 5.2.3 to assess resource consent applications and where appropriate acquire reserves or strips where this will result in the implementation of the policies in Part 5.

#### **Method of Implementation of Policies:**

Requiring *esplanade reserves* or *esplanade strips* to be set aside or created as a condition of a resource consent where such is appropriate in terms of Objectives 5.2.2 and 5.2.3 (refer to Rules 11.5.1 and 11.5.2).

Where financial resources limit the acquisition of *esplanade reserves* or *esplanade strips* alternative methods such as resource consent conditions consistent with Objectives 5.2.2 and 5.2.3 shall be imposed.

Classifying certain *esplanade reserves* as *Nature reserves* or *Scientific reserves* under the Reserves Act 1977 and restricting public access accordingly.

Where an *esplanade strip* is created solely to protect conservation values, the instrument creating the strip shall restrict public access.

Developing *esplanade reserves* to restrict certain types of access e.g. motorbikes.

#### **Reasons and Explanations for Objective, Policies and Methods:**

Public access can in certain circumstances result in adverse effects upon the conservation values that are sought to be protected.

#### **Anticipated Results:**

- The avoidance of conflict between conservation values and public access, and the maintenance and enhancement of both the conservation and recreation values of the land/water interface.

### 11.4.3 OBJECTIVE - WAIVERS

To waive the requirement for an *esplanade reserve* or *esplanade strip* where it will be unnecessary or inappropriate for the purposes of protecting conservation values or enabling public access and recreational use of the land and water involved.

### 11.4.4 OBJECTIVE - REDUCTIONS

To reduce the width of any required *esplanade reserve* or *esplanade strip* where 20 metres is unnecessary or inappropriate for the purposes of protecting conservation values or enabling public access and recreational use of the land involved; or where it will conflict with an existing dwelling or activity on the land involved.

**Policies:**

1. The Council will assess the waiver or reduction of the requirements for esplanade reserves and strips in respect of the following matters:
  - the objectives and policies of Part 5 Conservation;
  - the objectives and policies of Part 4 Tangata Whenua

and in particular:

  - The necessity or appropriateness of an *esplanade reserve* or *esplanade strip*, including its width, in terms of:
    - the protection of conservation values; and
    - public access and recreational use

given the type, location and significance of the body of water and land involved;
  - The location of existing dwellings and other buildings and structures on the land involved;
  - In the *Residential* and *Rural-Residential* zones areas where esplanade reserves or strips are required they are shown on the Plan Maps. A general indication as to the width of the esplanade reserve or strip is also shown. Actual widths will be determined on a case by case basis;
  - The cost of purchase and subsequent maintenance of the reserve or strip;
  - Where requiring esplanade reserve and strips would be in conflict with Sections 6(e) and 7(a) of the Resource Management Act.
2. That in general where there is no increase in the number of lots in a subdivision of a property then the Council will not require an *esplanade reserve* or *strip*.

**Methods of Implementation of Policy:**

Considering waiver or reduction of *esplanade reserve* or *esplanade strip* requirements as part of the resource consent application. (refer to Rule 11.5.3).

**Reasons and Explanations for Objective, Policies and Methods:**

In certain circumstances it is not appropriate or necessary to take the full 20 metres or even to take an *esplanade reserve* at all. Therefore there needs to be a mechanism to waive or reduce the requirement for a reserve.

**Anticipated Results:**

- Meaningful and manageable areas of *esplanade reserve* and *esplanade strip*.

<b>11.5 RULE 11.5 - ESPLANADE RESERVES AND STRIPS</b>
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**11.5.1 RESIDENTIAL, RURAL RESIDENTIAL, GROWTH AND BUSINESS ZONES**

Where an allotment is being created and it adjoins or encompasses:

- the coastal marine area; or
- a river whose bed has an average width of 3 metres or more; or
- a lake whose bed has an area of 8 hectares or more,

an *esplanade reserve* or an *esplanade strip* of 20 metres in width shall be set aside in the following locations:

Those locations shown on the Plan Maps.

An area beyond the 20 metre line may be taken where additional width is required to enable practical public access and or protect conservation values.

**11.5.2 RURAL ZONE**

Where an additional allotment is being created and it adjoins or encompasses:

- the coastal marine area; or
- a river whose bed has an average width of 3 metres or more; or
- a lake whose bed has an area of 8 hectares or more,

an *esplanade reserve* or an *esplanade strip* of 20 metres in width may be required to be set aside if one or more of the following circumstances applies:

- Areas along the Manukau Harbour from South Head to the District's boundary with Papakura District, including the Waiuku River, Taihiki River, Whatapaka Inlet (Drury Creek), Whangamaire Creek, Pahurehure Inlet, Whangapouri Creek, and Oira Creek. These areas are shown on the Plan Maps;
- An *esplanade reserve* or an *esplanade strip* is necessary to protect a significant natural feature as identified in the Council's *Conservation Information Base* (Schedule 5A). An *esplanade reserve* or *esplanade strip* shall not be required if the natural feature is adequately protected by a restrictive covenant or other means of legal and physical protection;
- Additional land is required to enlarge, or to enable public access to an existing reserve.

An area beyond the 20 metre line may be taken where additional width is required to enable practical public access and or protect conservation values.

**11.5.3 WAIVERS AND REDUCTIONS**

1. The waiver or reduction of the *esplanade reserve* or *esplanade strip* requirements of Rules 11.5.1 and 11.5.2 shall be assessed as part of the application for subdivision consent.
2. The Council will assess the waiver or reduction in respect of the matters set out in Objectives 11.4.3 and 11.4.4.
3. Where consent is granted to a waiver or reduction conditions may be imposed to achieve the matters set out in objectives 5.2.2 and 5.2.3 and the Objectives of Section 229 of the Resource Management Act.

4. Where an esplanade reserve or esplanade strip is taken consideration shall be given to reducing the requirements of Rules 10.2.4 and 10.2.6 as they relate to reserve contributions.
5. Where the reason for waiving or reducing the esplanade requirements is the lack of Council finances to purchase or maintain the reserve, then prior to granting consent to such a waiver or reduction Council will consult with the Department of Conservation and Regional Councils to see whether these organisations can offer assistance.

**11.5.4 SECTION 237(A) OF THE RESOURCE MANAGEMENT ACT**

1. Generally any land which meets the criteria of Section 237(a) of the Resource Management Act shall vest in a public body so that it can be managed and administered for the benefit of present and future generations.