

## Briefing notes: Pāuatahanui Residents Association meeting

4 November 2025

- **How has the council arrived at the position of favouring a reserve over an esplanade strip — particularly when Section 230 of the RMA enables both as viable options.**
  - *Council's approach aligns with section 230 of the RMA requiring esplanade reserves.*
  - *The RMA (and the District Plan) allows esplanade strips to remain an option, but this option does require discretionary consent.*
  - *Under these settings, if an applicant complies with the rules, the subdivision cannot be declined (a controlled activity).*
  - *If the applicant doesn't comply with the rules (e.g an esplanade strip or reserve less than 20m), then the subdivision consent can be declined (discretionary). The planners assess each application against criteria in the Plan.*

### *Additional information:*

- *The RMA requires esplanade reserves with a width of at least 20m to be set aside from allotments of less than 4 hectares created when land is subdivided, where there is a river of at least 3m wide on average.*
- *The RMA does enable rules in the district plan to override the requirement for esplanade reserves, but only in limited circumstances where there is a proper basis under the RMA to justify a departure from the 20 m default position.*
- **Where, within Council planning, has the intent to have a reserve from the Inlet to Battle Hill come from? This has not been an openly stated objective or the subject of any consultation with the community. If the desired outcome is to create a track from the village to Battle hill, it won't be achieved without community buy in.**
  - *As discussed, neither the reserve nor the path are explicitly stated goals of Council. The Council has four strategic priorities, one of which is to commit to the health of Te Awarua-o-Porirua Harbour and its catchment through investment, advocacy and regulation. Rightly or wrongly, reserves have been viewed as a pathway to improving harbour health. We would like to acknowledge the commitment of residents in this catchment to the very same objective.*
  - *The establishment of reserves is consistent with the outcomes the District Plan and the RMA are seeking to achieve. We acknowledge that this is not the only way to achieve a positive outcome.*
- **Where is the strategic plan that allows for a flood plain in high rainfall events etc**
  - *The Council does not have a strategic plan for a flood plain. Council's obligation is to manage the risks from natural hazards, including flooding, and this is achieved through the District Plan. Unfortunately, many parts of the District were built in flood prone areas and we cannot engineer our way out of this with things*

*like flood plains; however we can make sure people are aware of the hazard and consider the risks as part of the resource and building consent process.*

*Additional information:*

- *If there is a significant risk from natural hazards then Council can decline a resource consent.*
- **What is Council's projected funding for this - short and long term – fencing, plants, maintenance?**
  - *Generally funding decisions are taken every three years through the Long Term Plan (LTP) process. This is informed by Asset Management Plans which outline how each asset class is to be managed and funded.*
  - *The current LTP was approved in 2024, and did not anticipate operating costs of reserves such as this. The new District Plan has seen reduced lot sizes encouraging subdivision, and any Council maintenance costs associated with this activity would need to be identified via the 2027 LTP.*
  - *Please bear in mind that generally up-front costs for initial planting, fencing and maintenance for the first three years lies with the resource consent holder (usually this is covered by conditions of resource consents).*

*Additional information*

- *Esplanade reserves do not appear highly-tended.*
- *They are planted with fast-growing natives to establish canopy cover.*
- *Maintenance is pest plant and animal control, and ‘letting go’ of plants.*
- *Once native vegetation is established, maintenance requirements are minimal.*
- **Some of the current funding for the riparian programme has come from central government & Sustainable Coastlines - what is the ongoing funding availability?**
  - *External funding from MfE is due to conclude in June 2026. This will be considered by Council as part of the decision making for the 2026/7 Annual Plan, scheduled for later this year.*
- **Where is the provision for ongoing maintenance if in Council ownership?**
  - *As above, this would be considered as part of the next LTP, noting that typically the developer would be responsible for the first three years.*
- **What happens when an esplanade reserve results in a section of land becoming landlocked?**
  - *Currently landlocked subdivision allotments can't be created under the RMA, it is possible that there are legacy cases, we will be happy to discuss if this has been allowed to occur as it's not a desired outcome.*
  - *From a planning perspective this is considered on a case by case basis under the resource consent process.*

- *Maintenance access to landlocked esplanade reserves can generally be gained via the river.*
- **If land becomes landlocked through the creation of an esplanade reserve who owns and has responsibility for an access way or bridge within the reserve area.**
  - *The landowner will generally own and be responsible for assets on their land.*
  - *Asset ownership is generally worked through in the resource consent process.*
  - *An easement or other legal instrument might be required in some cases to clarify rights to use and responsibility for maintaining assets.*
- **What happens to infrastructure e.g. bridges if these are on a Council-owned reserve? This raises issues regarding responsibility for insurance cover, ongoing maintenance and potentially replacement costs.**
  - *Asset ownership will need to be finalised as part of the planning process. There is case law around responsibility for infrastructure such as bridges, the Council is very aware of the risks and liabilities around such assets.*
- **What happens to the area that Council has already taken ownership of and that was to be vested as reserve at the Council meeting of 28 August?**
  - *The parcel is already vested as reserve through the subdivision process.*
  - *It has not yet been classified as reserve, so isn't managed under the Reserves Act.*
  - *It will remain unclassified until we have worked through these issues with the community.*
- **Has Council taken ownership of other reserve areas through subdivision applications?**
  - *Yes. Reserves have been specifically referred to in the RMA since 1991 and are routinely vested with Council through subdivision processes for a variety of reasons as provided in the Reserves Act.*
  - *There are historical examples of esplanade reserves being created in the Pāuatahanui area.*
- **What “checks and balances” are in place for determining whether a waterway meets the required definition as this does not appear to be happening? Is any part of the Flightys Road stream wide enough to meet the requirement?**
  - *As part of the resource consent process a surveyor is required to identify and show any waterbodies on the site, and the width of any rivers.*
  - *A river needs to be three metres wide or more on average for an esplanade reserve to be required under section 230 of the RMA. We acknowledge that there are some challenges with this.*
  - *Assessment occurs on a case by case basis. If there is ambiguity about the width, a consents planner will assess and determine if a survey is required.*