

# **PRA Committee Discussion Document on Esplanade Reserves vs Esplanade Strips**

## **Introductory Explanation**

Under the Resource Management Act, an esplanade reserve, 20 metres wide, must be created when land is subdivided into allotments of less than 4 hectares.

Esplanade reserves are classified as reserves under the Reserves Act 1977. Land ownership is transferred to a territorial authority (Council) at the time of subdivision meaning the council must maintain and manage the reserve. The landward boundary does not change as the water boundary accretes or erodes.

Territorial authorities can modify the requirements for esplanade reserves by stating in their district plans that: no reserve is required, the width of the reserve is to be greater or less than 20 metres, an esplanade strip is required instead, or esplanade reserves are required for allotments of 4 hectares or greater.

An esplanade strip is created by a legal instrument between a land owner and a territorial authority. The esplanade strip is registered on the title but remains in the ownership of the landowner. The title sets out restrictions relating to its use and management. The width of an esplanade strip remains unchanged so that if the water edge is eroded the strip moves inland.

## **Porirua District Plan**

Explanatory note: SUB means it applies to Subdivision, O indicates an objective, P indicates a Policy and S indicates a Standard

### **Objective**

#### **SUB-O3 Esplanade reserves and esplanade strips**

Esplanade reserves and esplanade strips created through subdivision contribute to the maintenance, enhancement and protection of ecological, amenity, public access, recreational values and hazard management values of rivers with an average width of 3m or more and the coast.

### **Standard**

#### **SUB-S8 Esplanade Reserve**

A minimum 20m wide esplanade reserve must be provided in accordance with Section 230 of the RMA in the case of any subdivision involving the creation of one or more allotments less than 4 hectares, where the allotment(s) less than 4 hectares:

- a. Adjoin the line of MHWS; or
- b. Have a river whose bed has an average width of 3m or more flowing through or adjoining the allotment

## **Policy**

### **SUB-P12 Reductions or waivers of Esplanade Reserves and Provision of Esplanade Strips**

“Only allow for the provision of an esplanade strip, or a reduction or waiver in the width or provision of any esplanade reserve or esplanade strip, where it can be demonstrated, where relevant, that:

1. Safe public access and recreational use is already possible and can be maintained for the future;
2. An esplanade strip would better provide for public and customary access, recreation, hazard management, stormwater management and ecological values;
3. The ecological values and landscape features of the land adjoining the coast or other waterbody will not be adversely affected;
4. Any scheduled historic heritage places and sites and areas of significance to Māori will not be adversely affected;
5. The reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
6. A full-width esplanade reserve or esplanade strip is not required to maintain the natural character and amenity of the coastal environment; and
7. A reduced width in certain locations is offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management and ecological values.”

Contrary to the impression given at the Council meeting of 28 August, a Plan Change is not required as the District Plan already gives Council the discretion to enable a strip rather than a reserve.

### **Presentation points made to Council meeting of 28 August plus**

With the ability to subdivide rural land in certain areas, notably Paekakariki and Flightys Roads, to under 4 hectares, PRA has been made aware by residents of the requirements for esplanade reserves contained in both the Resource Management Act and the PCC District plan.

- A resident met with Council planners about a proposed subdivision where staff from Parks were also present; it was made very clear that their aim is to have Esplanade Reserves the length of the Horokiri Stream as far as Battle Hill.
- Within the current District Plan there is the ability to waive the reserve for an esplanade strip provided conditions are met
- There is a clear difference between rural lifestyle subdivisions and urban subdivisions. We can understand the need to enforce reserves along rivers in areas of dense urban development — for example, 50 to 60 lots adjacent to a river in Whitby. In such cases, it would be unrealistic to expect so many residents to collectively maintain a strip.
- In most rural situations the requirements under a strip could be more reasonably enforced on a single landowner.
- There are only around 20 properties between the inlet and Battle Hill. The reality is that a fully connected corridor of reserves or strips is unlikely to be achieved for many decades. Even

without exact figures, it's clear this approach would come at a significant cost to ratepayers. It seems counterproductive for the council to prefer spending public funds on maintaining land that could otherwise be managed at no cost if a strip arrangement were permitted.

- There has been a lack of a clear and accessible way to seek clarification from the council. Too often, questions go unanswered, and in this case, it has led community members to believe that a reserve is the only available option.
- PCC is unable to maintain the stream areas that they currently have – the start of Flightys Road and the area of land North of the Lodge at the Inlet, an unformed paper road, that is owned by Council being examples of poorly maintained Council streams
- Surely it is better to leave the land in private ownership with the incentive for landowners to care for the land
- The requirements under a strip instrument can mean that the objectives are met
- There are going to be pockets of isolated land that people can't access without trespassing - the one currently being sought as a reserve as per meeting agenda is alongside the road - not all are.
- Many of the properties on Paekakariki Hill Road will not be able to be developed further unless Council accepts esplanade strips as it not only affects maintenance but property access.
- There are some landowners choosing not to subdivide due to the current position on esplanade reserves

## Questions

- 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.
- 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 wont be achieved without community buy in.
- Where is the strategic plan that allows for a flood plain in high rainfall events etc
- What is Council's projected funding for this - short and long term – fencing, plants, maintenance?
- Some of the current funding for the riparian programme has come from central government & Sustainable Coastlines - what is the ongoing funding availability?
- Where is the provision for ongoing maintenance if in Council ownership?
- What happens when an esplanade reserve results in a section of land becoming landlocked?
- 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.
- 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.
- 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?
- Has Council taken ownership of other reserve areas through subdivision applications?

- 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?

**Summary:**

A way needs to be found for council and landowners to work together to attain the best results for the community, PCC and the environment.