
5. ESPLANADE RESERVES

5.1 SECTION INTRODUCTION

5.1.1 Reserves are an integral component of the district's landscape and contribute to the overall appeal of the district. Reserves have a number of functions including the provision of land for recreation activities, protection of water bodies, providing access to water bodies and the coast, assisting in riparian management, and conservation management.

5.1.2 The Opotiki District Council currently administers 255ha of reserve land within the district, this does not include Department of Conservation reserves, or reserves on private property that are formally protected. The reserves that Council administers consist of predominantly local purpose and recreation reserves. There are a number of esplanade reserves within the district that are located adjoining the Waiotahi, Otara and Waioeka Rivers, and the coast. Requiring reserves along the coastline and rivers is a mechanism by which Council can address the current deficiency in public access routes.

5.1.3 The Act makes provision for the Council to require esplanade reserves at the time of consent for land use activities and for subdivisions. Esplanade reserves have a number of purposes. They:

- Contribute to the protection of conservation values through:
 - maintaining or enhancing the natural functioning of the adjoining water body,
 - maintaining or enhancing aquatic habitats,
 - protecting the natural values associated with the esplanade area,
 - mitigation of natural hazards;
- Enable public access to or along any sea, river, or lake; and
- Enable public recreational use of the esplanade area or adjoining water body where the use is compatible with the conservation values of the area.

5.1.4 The Council requires reserve land to avoid, remedy, or mitigate the adverse effects from activities. Reserves can be used to protect sites of cultural, botanical, ecological, historical, or scenic worth. In some areas of the district those reserves that presently exist can not cope with extra loadings that may eventuate from the development of areas. It is in these instances that a financial contribution for reserve purposes will be required.

5.1.5 The Act makes provision for the Council to require esplanade reserves at the time of consent for land use activities and for subdivisions.

By taking esplanade reserves or esplanade strips, or by requiring a financial contribution for reserve purposes, the Council will be able to:

- Assist in maintaining and enhancing; the functioning of water bodies, water quality, and aquatic habitats
- Protecting natural values of water bodies
- Assist in mitigating natural hazards
- Provide access to and along water bodies and the coast.
- Provide riparian management areas.
- Sustain reserve resources at the present level they are offered.
- Contribute positively to recreation opportunities within the District.

5.1.6 An assessment of existing reserves within the district has been undertaken to inform the preparation of Reserve Management Plans. The Reserve Management Plans are focused only on Council owned and administrated reserves. They provide for the maintenance and development of these reserves, and also outline Council's service delivery options in regard to the reserves.

5.1.7 The requiring of esplanade reserves or esplanade strips does not apply to Maori land where a partition into parcels is to be held by owners who are members of the same hapu. There are mechanisms for securing reserves on Maori land, these are required and administered by the Maori Land Court.

5.2 RESOURCE MANAGEMENT STRATEGY

5.2.1 *Resource management issues*

1. There is a need for reserves to meet the wide range of active and passive recreational needs of residents and visitors.
2. Public access is needed to the coast, rivers, and streams to provide for a wide range of recreational and leisure opportunities.
3. Public access and the increasing demand for public facilities along the coastline will threaten the coastal environment if not managed effectively.
4. Requiring reserves in an ad hoc fashion will not be of benefit to the district.
5. The effects of some land use activities adversely affect the natural character of water body and coastal margins.
6. Areas valued for their cultural, botanical, ecological, historical, or scenic worth, may be lost if they are not protected.
7. Inadequate protection of the margins of lakes, rivers and the coastal environment that have high conservation value results in a loss of aquatic and terrestrial habitats and the natural functioning of waterbodies, and the inappropriate management of riparian areas.
8. Lack of public access to and along the margins of lakes, rivers and the coastal environment results in a loss of amenity and recreational values.
9. Recreational use that is incompatible with conservation values at the margins of rivers, lakes and the coastal environment results in a loss of conservation values.
10. Inadequate protection of the margins and catchment of Ohiwa Harbour has resulted in a loss of public access and conservation values.

5.2.2 *Objectives and policies*

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| Objective | 1. Provision for public access to reserves, rivers, streams and the coastline, where this is consistent with the purpose of esplanade reserves and the values of these areas are complemented by the provision of public access. |
| Policies | <ol style="list-style-type: none"> 1.1 Esplanade reserves, esplanade strips, or access strips may be required through the consent process to improve access to rivers, streams and the coastline; except as otherwise provided for in the Te Ture Whenua Maori Act 1993. 1.2 To negotiate agreements with landowners to provide public access to the water bodies of the district. |

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- 1.3 Investigate land that is unsuitable for development which may fulfil requirements for recreation, open space, or conservation purposes.
- Objective 2. A reserve network that continues to contribute to the environmental quality of the district, and a network that can be maintained in a way that allows future development pressures to be absorbed.**
- Policies**
- 2.1 Use financial contributions for reserves purposes to purchase and develop land for public open space and reserves.
- 2.2 Ensure that any land set aside for reserve purposes in any land use consent, or subdivision consent, is able to be used for reserve purposes.
- Objective 3. Esplanade strips and reserves used as a effective means to protect areas of high cultural, botanical, ecological, historical, or scenic value.**
- Policies**
- 3.1 To ensure that where possible esplanade reserves and esplanade strips will be taken for conservation purposes, public access purposes, and for public recreational use, enhancement of water quality, and for enhancement of riparian habitats.
- 3.2 At the time of subdivision or land development incorporate sites or features of cultural, botanical, ecological, historical, or scenic significance into reserves or open space, where possible.
- 3.3 Provide appropriate measures to recognise and protect areas of cultural, botanical, ecological, historical, or scenic value to Maori, where any protection undertaken will be in full consultation with Iwi and Hapu.
- 3.4 Restrict public access to and along esplanade reserves/strips where necessary to protect important natural or historic values, and to protect the management of stock on adjoining properties.

5.2.3 *Methods of implementation*

The objectives and policies of this section will be implemented by the following methods.

1. Rules
2. Other methods

5.3 RULES

The rules of this section state when esplanade reserves and esplanade strips will be required.

5.3.1 *Esplanade reserves and esplanade strips*

1. An esplanade reserve of a minimum width of 20m will be required adjacent to the coast and rivers where an allotment of less than 4ha is formed on subdivision, or where it may be required as part of the land use consent.
2. The use of an esplanade strip with a minimum width of 20m will be considered rather than an esplanade reserve where an allotment of less than 4ha is formed on subdivision or as part of a land use activity, in the following circumstances:
 - i. Where the requirement for an esplanade reserve would result in an isolated pocket of reserve land without any prospect of access for public enjoyment or maintenance.
 - ii. Where the requirement for an esplanade strip would adequately achieve the conservation and public access objectives without alienating land from private ownership.
 - iii. Where due to natural processes (including the movement of rivers and erosion of banks and coastal foreshore), an esplanade strip would be more appropriate.
3. An esplanade reserve with a minimum width of 20m will be required where an allotment greater than 4ha is formed on subdivision, or as part of a land use activity, in the following circumstances:
 - i. Where land can be used for public access to and along the coast and rivers.
 - ii. Where the land has conservation values.
 - iii. Where a number of esplanade reserves exist in the locality and additional land is required for continuity.
4. An esplanade reserve or esplanade strip with a width in excess of 20m will be required in the following circumstances:
 - i. To adequately protect significant natural features.
 - ii. To enable public access along the banks of rivers and the coastal foreshore.
 - iii. To enable greater recreational use by the public.
 - iv. To adequately avoid or mitigate against natural hazards.

5. A reduction in the width required for an esplanade reserve or esplanade strip will be considered where the reduction in width of the esplanade reserve or strip would not adversely affect:
 - i. Conservation values including, ecological characteristics of the land, water quality, and habitats of flora and fauna.
 - ii. The natural character of the area.
 - iii. The ability to obtain access to and along the river bank or coastal foreshore.
 - iv. The public's recreational use of the land.
 - v. The ability to avoid or mitigate natural hazards.

6. The requirement for an esplanade reserve or esplanade strip may not be imposed in the following circumstances:
 - i. Where the subdivision involves a boundary adjustment.
 - ii. Where the security of private property may be compromised.
 - iii. Where the safety of people may be compromised.
 - iv. Where no environmental or public benefit is to be gained.

5.3.2 *Financial contribution for reserve purposes*

The financial contribution for reserve purposes is stated in **Section 11**.

5.4 **STANDARDS**

There are no applicable standards in this section.

5.5 **SUBDIVISION**

The requirements for esplanade reserves at the time of subdivision are stated in **Section 5.3**.

5.6 **OTHER METHODS**

5.6.1 The other methods for achieving the objectives and policies of this section are:

1. The preparation of Reserve Management Plans for Council owned reserves.
2. Identification of land that is suitable for visitor facilities, eg; toilets, boat ramps, and visitor accommodation, and implement the development of these through the Annual Plan, Strategic Planning Process, and Reserves Management Plans as appropriate.

3. Where private land is involved, Council will negotiate with Iwi or the individual landowner to allow for public access to the coast. Compensation in part or in full, will be available to landowners in circumstances where public access is granted over private land.
4. Council may, in specific circumstances, consider compensation to the landowner where rivers and streams and their margins are of outstanding significance and the land is required as reserve to ensure its protection
5. Make use of the provisions of Environmental Plans or Farm Plans administered by Bay of Plenty Regional Council, to retire suitable areas of land for protection purposes. Recognition and continued support for the ongoing management responsibilities associated with the retired areas.
6. To investigate the use of the Forest Heritage Fund, and the implementation of Queen Elizabeth the Second National Trust Covenants within the district to ensure protection of lands with important values to the community.
7. To make use of the Nga Whenua Rahui mechanism to protect areas of importance to Iwi.
8. To use the results of Council's Natural Heritage Study to establish, in consultation with landowners and the community, priorities for reserve areas.
9. To investigate the use of incentives for landowners to ensure the protection of areas of cultural, botanical, ecological, historical, or scenic worth.

5.7 EXPLANATION

5.7.1 The reasons for the foregoing objectives, policies and methods are stated below.

5.7.2 The reserves within the district perform many functions. They provide recreation opportunities for the community and assist in avoiding or mitigating the effects of natural hazards, enhancing water quality and aquatic habitats, protect natural values, and provide public access to and along water bodies.

5.7.3 The policies of this section seek to redress the deficiencies that exist in the districts reserve resource. The policies assist in ensuring that that creation and management of reserves for the purposes specified in the Act, are undertaken in a focussed and cohesive manner. The purpose of esplanade reserves and strips are to:

- Contribute to the protection of conservation values.
- Enable public access to and along water bodies.
- Enable public recreational use of the esplanade reserve of strip.

5.7.4 The policies of this section state when esplanade reserves and strips will be required, with the policies providing clear direction for the intended use of the esplanade reserves or strips. The policies identify that esplanade reserves and esplanade strips can be used to maintain and enhance the quality of the environment. Esplanade reserves and esplanade strips can be used as mechanisms to protect cultural, historical, and botanical resources of the district.

5.7.5 Pursuant to Section 77 of the Act this section of the District Plan contains those rules about the taking of esplanade reserves. Rules are the preferred method as they establish legal instruments for the taking of esplanade reserves. They enable people to gauge exactly what esplanade reserve will be required from activities undertaken on their site.

5.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

5.8.1 Below are the anticipated environmental outcomes from the implementation of the objectives and policies of this section.

- 4 Increased public access to the coast resource of the district.
- 4 Areas within the district adjacent to water bodies able to be used for public recreation purposes.
- 4 An increase in the number of esplanade areas used for riparian management.