

61 Esplanade Area Rules

61.1 Introduction

This Chapter contains rules relating to subdivision of land adjacent to the coastal environment or a river, and includes areas identified as an Esplanade Priority Area. These rules apply in addition to any other rules in this Plan applicable to the same areas or sites. See Appendix 5 for a list of Esplanade Priority Areas.

61.2 Esplanade Reserves Created Upon Stopping of Roads

Where a road is stopped adjacent to the coast or a river, under the Tenth Schedule of the Local Government Act 1974, or section 116 of the Public Works Act 1981, an esplanade reserve shall be created.

61.3 Esplanade Area - Rule Table

61.3.1 Esplanade Requirements – Sites Less than 4 ha

<p><u>Subdivision</u> is a controlled activity if :</p> <p>a) Where any <u>allotment</u> of less than 4.0 ha in area is created, an <u>esplanade reserve</u> or <u>esplanade strip</u> of a minimum of 20.0 m in width is set aside along the landward side of the line of Mean high <u>Water</u> Springs of the sea, and along the bank of any <u>river</u> whose <u>bed</u> has a width of 3.0 m or more, except in the areas specified in Appendix 5; and</p> <p>b) <u>Esplanade reserves</u> or <u>esplanade strips</u> are vested in the Council, or registered, in accordance with Sections 231 and 232 of the Resource Management <u>Act</u> 1991.</p>	<p>Control is reserved over:</p> <p>i. Whether an <u>esplanade strip</u> should be created instead of an <u>esplanade reserve</u>;</p> <p>ii. The width of an <u>esplanade reserve</u> or <u>esplanade strip</u>;</p> <p>iii. The need for an <u>access</u> strip joining an <u>esplanade reserve</u> or <u>esplanade strip</u>;</p> <p>iv. The matters to be provided for in an instrument creating an <u>esplanade strip</u> (Schedule 10 of the Resource Management <u>Act</u> 1991);</p> <p>v. Whether or not any works might be required prior to vesting;</p> <p>vi. The additional matters listed in Chapter 53.3.</p> <p>Any activity that does not comply with a standard for a controlled activity is a discretionary activity.</p>
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Note

Where a proposed subdivision has lots which have areas greater than four hectares, and where these lots are located in an Esplanade Priority Area identified in Appendix 5 and on the Planning Maps, the Council may be interested to discuss with the subdivider whether an esplanade reserve or strip should be provided.

It should be noted that Esplanade Priority Areas include the whole of the coastal environment, excluding the three port areas identified in Appendix 5.

Any discussion about the provision of esplanade reserves or strips in respect of subdivisions of four hectares or greater, will be on the basis of the subdivider being willing to offer the land for sale, and the Council being willing to pay the purchase price. The Council is under no obligation to purchase land for an esplanade reserve or strip where these conditions apply, and the subdivider is under no obligation to offer the land for sale.

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61.4 Principal Reasons for Rules / Explanations

Esplanade reserves and strips are used to protect significant ecological areas, riparian habitats and outstanding natural features, and to provide public access alongside the coast and rivers. Public access can be limited in areas that would be particularly vulnerable to human activity. A number of cultural sites are located along the coast and riparian margins. These are protected by setting aside esplanade reserves and esplanade strips in appropriate circumstances. Public access provided to, and along the coast, and those rivers identified as Esplanade Priority Areas in Appendix 5, will help to meet the diverse recreation needs of the District. Port areas specified in Appendix 5 are not included in the Esplanade Priority Areas.

Esplanade reserves will normally be required to be vested when land adjoining the sea coast or rivers and streams, with an average width of at least 3.0m is subdivided, or where the lots adjacent to the water area have an area less than four hectares. Esplanade strips may be required as an alternative.

Where lots in areas identified as Esplanade Priority Areas in Appendix 5 have an area greater than four hectares, an esplanade reserve or strip may be desirable where the public benefit of such a reserve or strip would be significant. However, the Council wishes to proceed on the basis of a willing seller and a willing buyer. Also, the Council wishes to retain the ability to decide whether the land in question has sufficient priority to be taken as a reserve or strip, and whether funds are available. For these reasons the Plan does not contain a rule requiring the setting aside of an esplanade reserve or strip in respect of subdivisions of lots exceeding four hectares.

The width of an esplanade reserve or esplanade strip will normally be 20.0m. In determining the appropriate width in any particular case, the Council will take into account the amount of land necessary to enable the reserve or strip to provide, long term for the values to be secured. It may be appropriate for a lesser width at one point to be offset by a compensating increase in width elsewhere. The Council may agree not to require an esplanade reserve or strip. Where the reserve or strip is to be purchased, the Council may also consider a lesser width, where this is appropriate in terms of the Council's land acquisition priorities.

The Council will normally require an esplanade reserve to be vested although it is recognised that an esplanade strip may be preferable in some cases.