

11. Riparian and Coastal Margins

11.1 Significant Issues

Subdivision, use and development, within the coastal environment and alongside rivers, may result in adverse effects on, Significant Ecological Areas, Built Heritage, Sites of Significance to Māori and Outstanding Landscapes and Natural Features.

Lack of adequate and safe public access to water bodies and the coast for recreation and cultural purposes.

Subdivision, use and development near the coast and rivers can worsen the effects of natural hazards.

11.2 Overview

The Resource Management Act 1991 provides for esplanade reserves and strips to be created for the following purposes:

- Protection of conservation values, natural functioning of the adjacent sea or water body, water quality, aquatic habitats, natural values and mitigating natural hazards;
- To enable public access;
- To enable public recreational use, where use is compatible with conservation values.

The District contains a number of significant ecological sites, riparian habitats, and outstanding landscapes and natural features, which are located within the coastal environment or alongside rivers and streams, and merit conservation. A number of sites of significance to Māori have been identified alongside rivers and within the coastal environment. These areas should be given priority when obtaining esplanade reserves.

The coast and numerous rivers within the District have high recreational values and high usage, particularly near residential settlements. There is a need to provide public access to, and along, the coast, and to those rivers which have significant recreational values, in order to provide for people's recreational needs and expectations. In some circumstances it may be necessary to restrict or exclude public access, to protect human health and safety, or ecological values.

Esplanade areas can also be a valuable instrument in hazard mitigation. Esplanade areas can provide a 'buffer' between land use and waterways, as well as providing a means to minimise the risk of property loss. Coastal areas including Whananaki, Matapouri, Ngunguru and Pataua are prone to accretion and erosion. In these areas the acquisition of an esplanade area could limit development along the foreshore and thereby minimise the risks of property loss. The occurrence of natural hazards may preclude public access in some places.

The Resource Management Act 1991 specifies that an esplanade reserve of 20 metres in width shall be created upon subdivision of lots less than four hectares, adjoining either the coast or a river greater than three metres in width. The Plan may provide exceptions and variations to this model. Additionally, the Plan may stipulate the criteria or location of areas where an esplanade reserve may be

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required on lots exceeding four hectares. As an alternative to the esplanade reserve, the Resource Management Act 1991 provides for the creation of an esplanade strip, whereby the private landowner retains ownership.

Esplanade reserves are created automatically:

- Where roads vested in local authorities that abut mean high water springs, are stopped (section 345(3) of the Local Government Act 1974); or
- Where any road along the banks of a river with an average width of 3.0 metres or more is stopped (section 345(3) Local Government Act 1974); or
- Under section 116 of the Public Works Act 1981

11.3 Objectives

11.3.1

Preservation of the natural character of riparian margins and the coastal environment.

11.3.2

Protection of Significant Ecological Areas, Built Heritage, Sites of Significance to Māori, riparian habitats and Outstanding Landscapes and natural features, within the coastal environment and alongside rivers and streams.

11.3.3

Maintain and enhance public access, where appropriate, to and along the coast and rivers.

11.3.4

Recognise and protect riparian margins and the coastal environment as natural hazard buffers.

11.3.5

The relationship of tangata whenua with their sites and other taonga is enhanced.

Explanation and Reasons: These objectives address the provision of safe public access to the coast, rivers and streams; the protection of conservation and cultural values; the provision of areas for water-related recreation activities; and the provision of areas for hazard mitigation alongside the coast, rivers and streams. The necessity for provision of public access will be assessed with regard to health and safety and cultural considerations.

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11.4 Policies

11.4.1 Riparian Management

To avoid the adverse effects of land use activities on the natural character and functioning of riparian margins of water bodies and the coast.

11.4.2 Separation Distances

To ensure that land use activities avoid, remedy or mitigate adverse effects on water quality, by means which may include separating land use activities from water bodies and coastal waters and by encouraging the retention and enhancement of riparian vegetation as buffer areas.

Explanation and Reasons: Land use activities, such as filling and excavation, roading and building close to water bodies can affect amenity, cultural, ecological and natural character values of the water body. This policy is intended to ensure that the margins of water bodies are managed in a manner that retains these values, both adjacent to and within the water body. Separating land use activities from the margins of water bodies enables planting, possible public access and retention of an unmodified environment. In suitable locations, however, the provision of structures necessary for water-based recreation pursuits, conservation purposes and bridges is recognised. The management of water bodies is closely related to the functions of the Northland Regional Council.

11.4.3 Esplanade Priority Areas

To identify esplanade priority areas within the coastal environment and alongside particular rivers, where the land involved will serve one or more of the purposes of esplanade reserves or esplanade strips set out in section 229 of the Resource Management Act 1991.

Explanation and Reasons: The development of esplanade reserves along all rivers and streams is not practicable, nor is it likely to be of community benefit. Emphasis has been placed on establishing esplanade reserves along the coast and particular rivers and streams which have recognised conservation and recreation value. These have been called Esplanade Priority Areas and have been listed in Appendix 5 of this Plan.

11.4.4 Allotments Less than Four Hectares

To set aside esplanade reserves or strips on the subdivision of allotments of less than four hectares where the land involved will serve one or more of the purposes of esplanade reserves or strips set out in Section 229 of the Resource Management Act 1991.

Explanation and Reasons: Subdivision represents an intensification of land use and potentially affects the conservation of the environment and public access. Increased intensification of land use also commonly corresponds to increased

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population density and therefore increased demands for public access to amenities and recreation facilities. Esplanade reserves and strips provide a means by which conservation values or public access can be provided for when land is subdivided.

The coastal environment is significant, as it has ecological value and makes a significant contribution to the landscape quality of the District. Under section 6 of the Resource Management Act 1991, the preservation of the natural character of the coastal environment is a matter of national importance. Many coastal areas play an important part in the recreational activities of the community. There is an expectation that such areas will be available for public use and enjoyment.

11.4.5 Allotments over Four Hectares

To provide for the establishments of esplanade reserves or strips on the subdivision of allotments of 4 hectares and greater where the following criteria are met:

- The land involved will serve one or more of the purposes of esplanade reserves or strips, as set out in Section 229 of the Resource Management Act 1991, and, where appropriate, will recognise and provide for the matters of national importance, as set out in Section 6 of that Act; and
- The compensation payable is commensurate with the public benefits likely to arise from their creation; and
- To show those esplanade reserves or strips identified as esplanade Priority Areas in Appendix 5 of this Plan.

Explanation and Reasons: Subdivision into larger lot sizes represents an intensification of land use, and can lead to potential effects on the conservation of the environment and public access, but at a lesser scale than more intensive development. This policy recognises both the importance of Sections 6 and 229 of the Resource Management Act 1991 and the balancing of the costs and benefits of acquiring esplanade reserves on a case by case basis.

11.4.6 Stopped Roads

To create esplanade reserves where a road is stopped around the margins of water bodies and the coast, in Esplanade Priority Areas identified in Appendix 5 of this Plan.

11.4.7 Public Health and Safety

To avoid the creation of esplanade reserves on sites where the provision of an area for public access would impair public health and safety.

Explanation and Reasons: In some instances, allowing public access in some coastal or riparian areas would endanger people's health and safety. This is especially so around heavy industrial activities, such as ports. Three port areas, defined in Appendix 5, have been exempted from the esplanade requirement, even though they are within the coastal environment.

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11.4.8 Natural hazards

To set aside esplanade reserves where they contribute to effective hazard management.

Explanation and Reasons: Esplanade reserves or strips can provide a natural buffer against natural hazards that affect the coast and the banks of streams and rivers, and help maintain flow capacities.

11.4.9 Cultural Protection

To set aside esplanade reserves and to create esplanade strips to protect areas of significance to Māori.

Explanation and Reasons: This policy addresses the cultural uses of esplanade areas, which includes traditional food and resource gathering areas, as well as places of spiritual significance. These areas are to be identified by tangata whenua.

11.4.10 Hierarchy of Values

To give priority to conservation values, cultural importance, hazard mitigation and public health and safety over recreation and public access values where there is a conflict between values.

Explanation and Reasons: In some circumstances, recreational use and public access may not always be compatible with other values identified for an Esplanade Priority Area. Section 6 of the Resource Management Act 1991 states that preservation of the natural character of the coastal environment, the protection of outstanding natural

features and landscapes, and areas of significant indigenous vegetation and fauna, and the relationship of Māori with the land are matters of national importance. Public access to and along waterways is also a matter of national importance. However, this policy awards priority to conservation, cultural importance and hazard mitigation values over recreation and public access values.

11.4.11 Esplanade Strips

To set aside esplanade strips instead of an esplanade reserve:

- Where a strip would attain the appropriate level of ecological, recreational or hazard protection;
- In areas where the potential for erosion or 'moving' of the banks or margins of a river is high;
- Where there are foreseeable difficulties with surveying;
- Where the cost to the Council of acquiring a reserve is not seen to be justified by public benefit, but the cost of a strip would be so justified;
- Where it is necessary or desirable to restrict public access;

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- Where the efficient and effective management of these areas may be better achieved through private ownership.

Explanation and Reasons: This policy acknowledges that while the protection of rural riparian areas is important, the efficient and effective management of these areas may be better achieved through private ownership by individual landowners. This policy acknowledges the role of the Council in the acquisition and management of esplanade areas but also recognises that it must act responsibly, weighing public costs and benefits. The Resource Management [Act](#) 1991 requires compensation to be paid for esplanade areas on [allotments](#) greater than four hectares.

11.4.12 Widths of Reserves and Strips

To ensure that the widths of [esplanade reserves](#) and strips are 20 metres, except where this width would impair public health or safety; the area would intrude unreasonably on the use of private property or legal [structures](#) on the site; or a different width would satisfy the objectives and policies of the Plan.

Explanation and Reasons: This policy acknowledges that the standard width of 20 metres is not appropriate in all circumstances. The widths of [esplanade reserves](#) and strips should reflect the natural character of the [land](#) and be sufficient to include notable trees, stands of bush and other outstanding ecological or landscape features.

11.4.13 Access strips

To require [access strips](#), or an appropriate easement, to give public [access](#) to [esplanade reserves](#), [esplanade strips](#), or other public [land](#) with [water frontage](#) which otherwise would be landlocked.

11.4.14 Financial Contribution

To allow [esplanade reserves](#) be set aside as a [financial contribution](#), where the [effects](#) of [land](#) use activities on [water](#) bodies or the [coastal marine area](#) and their margins cannot otherwise be avoided, remedied or mitigated

Explanation and Reasons: Large capital developments commonly represent a shift or intensification in [land](#) use and this potentially affects the landscape, amenity, heritage and intrinsic values of ecosystems, and public [access](#). Obtaining an [esplanade reserve](#) will provide some environmental compensation.

11.4.15 Future Availability

To ensure that [buildings](#) or [structures](#) do not compromise the future availability of [land](#) adjacent to [water](#) bodies and the [coastal marine area](#) for [esplanade reserves](#) or [esplanade strips](#).

Explanation and Reasons: This policy applies to all areas, including those identified in Appendix 5, identified as having sufficient ecological and recreational

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value to be included as an esplanade reserve. This land should be protected from buildings or structures, which would limit its availability for esplanade reserve purposes in the future, or degrade its associated values.

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To maintain and, where appropriate, enhance riparian vegetation.

Explanation and Reasons: The maintenance, and , where appropriate, the enhancement, of riparian vegetation helps to provide for water quality management, in-stream habitat enhancement and management, biodiversity and nature conservation, and recreation and amenity values. However, it should be recognised that it is not appropriate in all situations to maintain and enhance all riparian vegetation. Such situations may include where the vegetation is an identified noxious plant. When determining whether to maintain and/or enhance riparian vegetation, the Council will have regard to those matters set out in the Regional Policy Statement for Northland relevant to riparian management including clause 17.4.C.8.

11.5 Methods

11.5.1 Regulatory Methods

- Identification of Esplanade Priority Areas on the Planning Maps (Policy 11.4.3).
- Listing Esplanade Priority Areas in Appendix 5 of this Plan (Policy 11.4.3).
- Rules regarding land use, subdivision and hazard mitigation (Policies 11.4.1 to 11.4.15).
- Resource consent conditions (Policies 11.4.1 to 11.4.15).

11.5.2 Information, Education and Advocacy

- Liaison with the Department of Conservation (Policies 11.4.1 to 11.4.15).
- Liaison with the Northland Regional Council (Policies 11.4.1 to 11.4.15).
- The Northland Regional Council's Environment Fund (Policies 11.4.1, 11.4.5, 11.4.7, 11.4.8, 11.4.9).

11.5.3 Economic Instruments

- Financial contributions to acquire land or cash for future acquisition of land, or for maintenance of reserve land for reserve purposes (Policy 11.4.14).
- Annual Plan allocation to fund Council purchase of land (Policy 11.4.14).
- The Council will seek to negotiate with landowners in accordance with policy direction (Policies 11.4.5, 11.4.13, 11.4.15).

11.5.4 Other Plans and Legislation

- Iwi Management Plans and hapū environmental Plans (Policy 7.4.6).

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11.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangārei District Council Monitoring Strategy.

- The protection and/or enhancement of natural values and cultural/historic heritage along riparian and coastal margins.
- Improved access to and along riparian and coastal margins and enhanced opportunities for recreational use, where appropriate.
- The avoidance of natural hazards (particularly erosion and flooding) along riparian and coastal margins.