

# NZCPS 2010 Guidance note

## Policy 18: Public open space



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## ***Policy 18***

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
  - b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
  - c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
  - d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
  - e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.
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## *Overview of the policy*

Policy 18 of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) promotes the provision and enjoyment of public open space in and near the coastal marine area and including its waters. Linkages with natural character, natural features and natural landscapes, and amenity values are also recognised to ensure the provision of open space is compatible with these other values.<sup>1</sup>

Esplanade reserves and strips are required to be recognised as a tool to help meet the need for public open space. Coastal processes and climate change are required to be considered so as not to compromise access to public open space.

All readers of this policy guidance note should also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>2</sup>. The Introductory note contains general information and guidance that is important for implementing all of the objectives and policies in the NZCPS 2010.

## *Rationale*

Public open space values in and near the coastal marine area are highly valued by New Zealanders. Public open space values can be a major contributor to people's experience of the coast. The sense of public open space is not confined to pristine areas, and can be experienced in a range of settings.

A significant number and type of activities occur within or adjacent to the coastal marine area. Some, such as recreation and tourism, are highly dependent on public open space values of the coast. These and other activities can be compatible with public open space values when located and managed appropriately. Other activities can adversely impact the nature and character of public open space in the coast, and detract from the experience for other users. The effects of activities on public open space values are relevant considerations in Resource Management Act 1991 (RMA) decision processes.

Some aspects of public open space rely on active management. Integrated management with protected areas and maintenance of access between open space areas can add to its appreciation and value. Local authority decision-making in relation to such areas can be very influential. Coastal processes have already limited, and will continue to limit, access to some open space areas. These effects are expected to increase as a result of climate change.

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<sup>1</sup> Refer to the glossary of terms for the definition of 'amenity values' in the RMA.

<sup>2</sup> <http://www.doc.govt.nz/nzcps-introductory-note>

## ***Related objectives, policies and provisions***

This section covers the links (in terms of public open space) between the various provisions of the NZCPS 2010, the Resource Management Act 1991 (RMA), and other legislation.

### **NZCPS 2010**

Implementing Policy 18 of the NZCPS 2010 requires careful consideration of all NZCPS 2010 objectives and policies. Objectives 2, 4, 5 and 6 and Policies 4, 6, 7, 10, 19, 20 and 25 of the NZCPS 2010 are particularly relevant to Policy 18. 'Policy 19: Walking access' and 'Policy 20: Vehicle access' have particularly strong linkages. These links are considered below.

Key related objectives and policies	Other related objectives	Other related policies
Objectives 2, 4, 5 and 6 Policies 4, 5, 6, 7, 10, 19, 20 and 25	Objective 1	Policies 3, 8, 11, 13, 14, 15, 16, 17, 24, 26 and 27

### ***Objective 2***

Objective 2 seeks to preserve the natural character of the coastal environment and protect natural features and landscapes. Policy 18 is one of the ways in which to achieve this objective because public open space can contain characteristics that contribute to natural character, and natural features and landscapes. Public open space values can be an important factor in identifying where various forms of development and subdivision would be inappropriate.

### ***Objective 4***

Objective 4 seeks to maintain and enhance the public open space and recreational opportunities of the coastal environment. This includes by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Policy 18 is one of the primary policies to achieve Objective 4, because it recognises the need for public open space for public use and appreciation, including active and passive recreation.

### ***Objective 5***

Objective 5 is dedicated to coastal hazards and seeks to ensure that management of coastal hazards is risk-based, takes account of climate change and is proactive. Objective 5 is relevant to implementation of Policy 18(d) given the impact of coastal processes on access to public open space and the expected consequences of climate change.

### ***Objective 6***

Objective 6 focuses on enabling people and communities to provide for their social, economic and cultural well-being and their health and safety, through subdivision, use and development and recognises that some uses and developments depend upon the use of natural and physical resources. Implementation of Policy 18 will contribute to Objective 6 because the public use and appreciation of the coastal marine area, including active and passive recreation, contribute to the well-being of people and communities.

### ***Policy 4: Integration***

Policy 4 requires integrated management of both the natural and physical resources in the coastal environment, and any activities that affect that environment. It emphasises the need for coordinated management of activities that cross administrative boundaries and a collaborative approach to management. Policy 4 also states that integrated management requires particular consideration of situations where public use and enjoyment of public space in the coastal environment is affected or likely to be affected. Integrated management of lands and waters in the coastal environment, including protected areas and decisions affecting their qualities, including access to them, is relevant to Policy 18.

### ***Policy 5: Lands and waters managed or held under other Acts***

Policy 5 focuses on considering and managing effects on coastal land or waters that are held or managed under other Acts (i.e. not the RMA) for conservation or protection purposes. These areas include but are not limited to coastal land of the Crown held under the Reserves Act 1977 and marine reserves under the Marine Reserves Act 1971. Lands and waters such as these will often have special values related to their status, and can be important contributors to public open space in the coastal environment. Consideration of these areas is relevant to the implementation of Policy 18.

### ***Policy 6: Activities in the coastal environment***

Policy 6 states principles about the location and scale of activities in the coastal environment, and is directly related to Policy 18 given the following direct links:

- Policy 6(1)(i) seeks to protect the natural character, open space, public access and amenity values of the coastal environment.
- Policy 6(2)(b) recognises the need to maintain and enhance the public open space and recreational qualities and values of the coastal marine area.

- Policy 6(2)(e) promotes the efficient use of occupied space, as a key means of avoiding wasteful uses and proliferation of structures and to protect public open space.

Read together, Policy 6 and Policy 18 provide direction on the provision of public open space in the coastal environment and its importance to the achievement of sustainable management.

***Policy 7: Strategic planning***

Policy 7 promotes strategic planning for the coastal environment in the preparation of regional policy statements, regional plans and district plans. It also promotes the importance of identifying values that are under threat or at significant risk from adverse cumulative effects. Policy 7 requires local authorities to consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment and to identify where particular activities and development are inappropriate.

Public open space considerations are expected to be relevant to strategic processes affecting coastal planning and management.

***Policy 10: Reclamation and de-reclamation***

Policy 10 seeks to avoid reclamation of land in the coastal marine area unless it is necessary or appropriate. If reclamation is considered suitable, decision-makers must consider a range of potential effects that may arise from the proposed reclamation's form and design; and the extent to which it would allow infrastructure to operate efficiently.

Policy 10 and Policy 18 are related. Historically some reclamation of the coastal marine area has resulted in the loss of public open space. There are other direct linkages between the two policies. Policy 10(2) includes a specific requirement to provide public access along the coastal marine area at high tide, which can be an important public open space or linkage between such places. Policy 10(4) promotes 'de-reclamation' of reclaimed land that is no longer needed, where that would restore the area's natural character and provide for more public open space.

***Policy 19: Walking access***

Policy 19 recognises people's expectation of free, safe and generally unrestricted walking access to and along the coast. The policy requires the maintenance and enhancement of public walking access to and along, and near the coast by providing connections between existing public areas and by enhancing walking access where it is threatened by erosion and sea level rise. Policy 19 is closely related to Policy 18, which focuses on providing public open spaces and linkages between them in the coastal environment.

***Policy 20: Vehicle access***

Policy 20 seeks to control the use of vehicles on beaches, foreshore, seabed and adjacent public land where they may cause damage, harm and disturbance to the coastal environment. It also seeks to provide for vehicle access where this is appropriate—for example, for recreational purposes when and where vehicle access

will not cause adverse effects, and access for emergency vehicles. Policy 20 is closely related to Policy 18 because in some situations vehicles can impact on public open space in the coastal marine area, while in others, vehicles will be an appropriate means to gain access to public open spaces.

***Policy 25: Subdivision, use and development in areas of coastal hazard risk***

Policy 25 addresses subdivision, use and development in areas of coastal hazard risk. It sets the goal of containing or reducing the risk of social, environmental and economic harm from those hazards and identifies the range of responses that are generally appropriate, and those that generally are not appropriate. Policy 18(d), with its focus on considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space, is therefore an important contribution to achieving some of Policy 25.

**Resource Management Act 1991<sup>3</sup>**

Specific provisions of the RMA that apply to public access to and along the coast and which are important to the provision of public open space include:

- Matters of national importance including 6(a) and 6(b).
- ‘The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers’ is a matter of national importance under section 6(d) of the RMA and must be recognised and provided for.
- Maintaining and enhancing amenity values is another matter to take into account in decision-making under Section 7(c).
- Section 30 functions including (d)(ii) occupation of space and (vii) activities in relation to surface waters.
- The RMA has provisions for the creation of esplanade areas when land is subdivided (sections 229–237 and section 77) and Policy 18 specifically requires recognition of the important role that esplanade reserves and strips can have in contributing to meeting public open space needs where the land is near the coast. Particular provisions are:
  - Section 77: rules about esplanade reserves on subdivision and road stopping
  - Section 229: purposes of esplanade reserves and strips
  - Section 230: esplanade reserves and strips may be required when land is subdivided and when land is reclaimed (see section 108) or when a road is stopped (under the Local Government Act 2002)
  - Section 232: creation of esplanade strips
  - Section 237B: allowing public access to or along the coast

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<sup>3</sup> <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html>

- Section 105(2) also requires that when a foreshore, seabed or riverbed is reclaimed, the consent authority must consider whether an esplanade reserve or strip is appropriate. Policy 18 will now be an important matter for a consent authority to consider when the proposed reclamation is on or near the coast.
- Section 122(5) states that except to the extent that coastal permit provides otherwise, no coastal permit to occupy the coastal marine area is exclusive.

## Other legislation

### *Conservation Act 1987*<sup>4</sup>

The Conservation Act 1987 purpose is to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish a Department of Conservation (DOC). DOC has a leading role in the conservation of New Zealand's natural and historic heritage. This Act includes provisions for marginal strips, specially protected areas and lands and waters held by the Crown for conservation purposes.

### *Local Government Act 2002*<sup>5</sup>

The Local Government Act 2002 sets out the purpose, role and functions of regional and territorial authorities. It includes the requirement to prepare long-term and annual plans and to set policy relating to development contributions and the power to make bylaws.

### *Reserves Act 1977*<sup>6</sup>

Section 3 of the Reserves Act 1977 sets out three main functions as part of the Act's general purpose:

- Provide for the preservation and management, for the benefit and enjoyment of the public, areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value
- Ensure, as far as practicable, the preservation of representative natural ecosystems or landscapes and the survival of indigenous species of flora and fauna, both rare and commonplace

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<sup>4</sup> <http://www.legislation.govt.nz/act/public/1987/0065/latest/DLM103610.html>

<sup>5</sup> [http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170873.html?search=ts\\_act%40bill%40regulation%40deemedreg\\_local+government\\_resel\\_25\\_a&p=1](http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170873.html?search=ts_act%40bill%40regulation%40deemedreg_local+government_resel_25_a&p=1)

<sup>6</sup> <http://www.legislation.govt.nz/act/public/1977/0066/latest/DLM444305.html>

- Ensure, as far as practicable, the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas

The Reserves Act provides for the acquisition of land for reserves, and the classification and management of reserves (including leases and licences).

### ***Walking Access Act 2008<sup>7</sup>***

Section 3 of the Walking Access Act 2008 sets out the Act's purpose—

- 'a. to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors; and
- b. establish the New Zealand Walking Access Commission with responsibility for leading and supporting the negotiation, establishment, maintenance, and improvement of—
  - i. walking access (including walkways, which are one form of walking access) over public and private land; and
  - ii. types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.'

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<sup>7</sup> <http://legislation.govt.nz/act/public/2008/0101/latest/DLM1244016.html>

## *Origins of the policy*

The independent review of the New Zealand Coastal Policy Statement 1994 (NZCPS 1994) for the Minister of Conservation noted that there is a public expectation the beaches and the sea should be commonly available to all New Zealanders (Rosier 2004<sup>8</sup>). Public open space in the coastal environment was identified as a fundamental value for consideration in sustainable management decision-making. Public open space is a key contributor to people's and communities' social and cultural well-being.

The NZCPS 1994 included policies relating to public use and enjoyment (Policy 3.1.1), open space (Policy 3.1.3) and public access (Policy 3.5.1). The Board of Inquiry<sup>9</sup> found that the maintenance of open space and recreational values such as walking access can be at risk and sometimes receive relatively low priority alongside other RMA matters.

The Board of Inquiry discussed the use of esplanade reserves and esplanade strips at length.<sup>10</sup> They commented that esplanade reserves should not be given priority over esplanade strips because a *'problem with esplanade reserves can be that they are fixed in position and do not move with accretion or erosion of the coastline'* (p. 258). The Board therefore recommended the new policy factor in consideration of erosion and predicted sea level rise so access to public open space in and near the coastal marine area remains available to future generations.

The Board of Inquiry also identified a lack of appreciation by councils and the community of the need for public space along the coastline, and the opportunity that subdivision, use and development provide to achieve that: *'...esplanade reserves and strips are only a part of the picture, albeit an important starting point'* (p. 259). The Board therefore proposed a broader policy on public open space, with esplanade reserves and strips as a matter specifically relevant to access to public open space within and adjacent to the coastal marine area.

Compared to its predecessor, the NZCPS 2010 directs councils to take a more strategic approach to the provision and management of public open space (Policy 18), public walking access (Policy 19) and vehicle access (Policy 20). The NZCPS 2010 also gives clearer direction on the need to provide for public open space, future-proofing access to it against the likely impacts of climate change and coastal processes, and recognising the importance of access to it, and the role of esplanade reserves and strips.

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<sup>8</sup> Rosier, J. (2004), Independent review of the New Zealand Coastal Policy Statement: a report for the Minister of Conservation <http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/review-of-1994-nzcps/>

<sup>9</sup> <http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/>

<sup>10</sup> Refer to the glossary of terms for the definitions of 'esplanade reserve' and 'esplanade strip' in the RMA.

Also relevant is recognition of the potential effects of access on public open space, particularly where access structures (e.g. walkways) or surface occupations (e.g. moorings) reduce open space values. Policy 18 also contains a reminder that public open space issues are not just about the management of remote or wild places. The Board of Inquiry recommended that the policy refer to public open space in cities, towns and settlements, including in coastal areas with a predominantly built or modified character.

For further information refer to the NZCPS Board of Inquiry Report, Volume 2, pp. 255-259.<sup>11</sup> Readers of this policy guidance are also referred to the Board's findings on amenity values (pp. 124-126), walking access (pp. 247-254), access enhancement (pp. 260-262), vehicle access (pp. 263-268) and restrictions on access (pp. 269-272), which are all relevant to the guidance on 'Policy 18: Public open space'.

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<sup>11</sup> <http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/>

## *Implementing the policy*

While guidance is provided here on implementing Policy 18, it is also necessary to consider the entire NZCPS 2010 when implementing each policy. Please also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>12</sup> which covers the matters that are relevant in giving effect to the NZCPS 2010.

Public open space, in this environment, is closely tied to the way people perceive, use and enjoy the coast.

Public open space is important for public use, and appreciation contributes to amenity values. Public open space in the coastal and marine area is an amenity for local communities and visitors. This includes providing access to public open space and not reducing open space quality by inappropriate access or structures.

### **Regional policy statement and plan preparation**

The NZCPS 2010 directs local authorities to actively provide public open space in the coastal environment under Policy 18. Regional policy statements can usefully direct the integrated management of public open space in the coastal environment, by requiring provisions in regional coastal plans, regional plans and district plans that recognise the need to provide for public open space and achieve integration between documents, and between land and sea environments. Consistent resource management policies can address cross-boundary issues, and continually working with adjacent authorities can address issues in a timely and effective manner. This type of integrated and strategic planning and management is promoted in the NZCPS 2010 policies; in particular, 'Policy 4: Integration' and 'Policy 7: Strategic planning'.

The guidance notes for 'Policy 19: Walking access' and 'Policy 20: Vehicle access', are particularly relevant to implementation of parts of Policy 18, particularly the policy direction contained in clauses 18(c), (d) and (e).

RMA planning documents can usefully recognise and provide for public open space within and adjacent to the coastal marine area for public use and appreciation, including active and passive recreation. Public open space is highly relevant in the marine context, although it differs regionally and between districts according to the context and issues.

Assessments of public open space issues and need are expected to consider matters such as the effect of ongoing sea level rise on access to public open space in and near the coastal marine area.

Policy 18 identifies five actions that can contribute to the recognition and provision of public open space. This list is not exclusive and leaves discretion for councils to identify other measures – including non-RMA measures – to contribute to the primary statement of the policy.

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<sup>12</sup> <http://www.doc.govt.nz/nzcps-introductory-note>

Implementation of the matters listed in Policy 18 is discussed below under the following headings:

- Clause (a): Location and treatment of public open space
- Clause (b): Future need for public open space
- Clause (c): Walking access linkages
- Clause (d): Coastal processes and climate change
- Clause (e): Esplanade reserves and strips

### **Clause (a): Location and treatment of public open space**

Policy 18(a) is about the location and treatment of public open space and ensuring this is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment.

Approaches to recognising the need for public open space and providing for it within and adjacent to the coastal marine area include:

- **Coastal strategies** directing coastal, growth or the management of open space can provide a vision for coastal areas including the use and occupation of space to minimise conflicts. Open space strategies are a useful method to identify and provide for public open space alongside the management of coastal and other uses. These strategies are usually non-statutory and can address a number of statutory functions including functions under other Acts. These strategies usually describe the existing open space available and its quality, then determine whether more open space is desirable or whether the existing level needs to be maintained or improved.
- **Spatial planning**, including the preparation of a regional coastal plan and other statutory plans, provide integrated direction for coastal management including certainty about public open space values and the management of activities in relation to these values.
- **Long Term Plans** prepared under the Local Government Act 2002 can outline policies for public open space in the coastal environment and set priorities for future acquisition and management of open space assets.
- **Structure plans** help to manage occupation and associated competition for space in the coastal environment by providing a plan or vision for current and future development.
- **Reserve management plans** can help the delivery and management of public open space in the coast and assist decision-making to manage future uses ; for example, popular recreation reserve areas.
- **Bylaws** can be used to manage behaviour and effects impacting on public open space. The Kapiti Coastal District Council Beach Bylaw 2009 outlines restrictions on vehicle access and requires council approval in certain circumstances. Other relevant bylaws may include dog control, navigation, and temporary events.

- **Monitoring and reporting** is useful to determine the impacts of the use and development of the coastal environment and competition for space on the coastal environment, on a regional, district and resource consent level. For example, a coastal permit for a new jetty may include conditions requiring the ongoing monitoring impact of the occupation of the coastal marine area on the marine environment.
- **Public education** can assist with gaining public understanding of coastal management and planning, including in relation to recognising the need for public open spaces within and adjacent to the coastal marine area for people to use and appreciate, including for recreation.

These methods may also assist with giving effect to Policy 18(a), (b) and (c). Local authorities can recognise other means by which public open space can be acquired, for example a council may buy land via the land acquisition process, or land may be gifted from a landowners or through the subdivision process a council may acquire public open space, esplanade reserves or similar. A strategic approach is desirable to focus effort and acknowledge the range of measures available. In some instances the decisions taken in district plan implementation will determine how land comes within public ownership.

Further examples of these approaches are given in the sections ‘Related and ongoing work’ and ‘Resources’ below. See also the guidance note on ‘Policy 5: Lands or waters managed or held under other Acts’ for information on planning approaches involving protected lands and waters.

### **Clause (b): Future need for public open space**

Clause (b) directs recognition of future needs for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements. In addition to the guidance for Clause (a) above, regional (including regional coastal plans) and district plans and resource consents can assist with future-proofing public open space requirements. Further tools are urban growth planning and more site-specific structure planning.

Regional plans and district plans can also consider options to manage competition for space in the coastal environment. For example, the determination of activity zones will consider existing public open space values as well as anticipate future changes in demand.

Regional plans and district plans can also usefully determine the risks to open space from future changes, and the degree to which those risks require proactive management. Options to address risk include ‘reverse zoning’ to manage the sensitivity of certain open space values to changes in adjacent areas. Direction at a policy level can also assist.

Regional plans can manage the effects of increasing use and development of the coastal marine area through objectives, policies and rules. The Southland Regional

Coastal Plan<sup>13</sup> is a good example of a plan with objectives, policies and rules to manage the increasing intensity of use and development of the coastal marine area and potential conflicts between activities and providing for public open space.

District plans may include an open space policy area or zone where the objective is to limit the number of buildings and structures to maintain open space.

Urban growth planning can also assist in forecasting population growth and related needs. Structure plans are site specific and can be implemented through plan changes and consent applications for specific areas.

See also the guidance note on 'Policy 7: Strategic planning' for information on planning approaches.

### **Clause (c): Walking access linkages**

An important component of recognising and providing for public open space in the coastal marine area is to maintain and enhance walking access linkages between areas of public open space in the coastal marine area (see Policy 18(c)).

Walking access to, along and adjacent to the coastal marine area provides connections between existing public areas in this environment. Policy statements and plans can identify public access routes and public open spaces and include provisions for maintaining and enhancing public access and recognising and providing for public open spaces in the coastal marine area. The resource consent process can assess whether subdivisions, uses and developments may impact on public access (including walking access linkages) and public open space, and can avoid, remedy or mitigate the loss of these resources and amenities.

See also the guidance note for 'Policy 6: Activities in the coastal environment'.

### **Clause (d): Coastal processes and climate change**

Policy 18(d) requires resource management practitioners to consider the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space on the coast.

The dynamic nature of processes affecting open space in or near the coastal marine area means that things like coastal erosion and accretion are considerations in resource management and planning. Local authorities are expected to consider the likely impact of coastal processes and climate change so that future generations have access to public open space. Climate change and erosion combine to limit and put pressures on public space on the coastal margin. Local authorities are encouraged to adopt a forward-thinking and strategic approach to statutory planning in order to maintain and enhance public access to areas of public open space in the coastal marine area.

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<sup>13</sup> <http://www.es.govt.nz/publications/plans/coastal-plan/>

See also the guidance notes for ‘Policy 3: Precautionary approach’, ‘Policy 10: Reclamation and de-reclamation’, and Policies 24–27 on natural hazards.

### **Clause (e): Esplanade reserves and strips**

Esplanade reserves and strips can assist the provision of open space within and adjacent to the coastal marine area and promoting sustainable management in this area. Where sited and managed appropriately, benefits can include:

- Public access and public open space to and along the coast (see also Policies 6(1) and (2), 18, 19 and 20)
- Management of natural hazards (e.g. coastal margin erosion) (see also Policies 24–27)
- Natural character restoration (see also Policies 6(1) and (2), and 14)
- Historic heritage protection (Policy 17)
- Provisions for the relationship of Māori with their taonga (i.e. wāhi tapu) and access to undertake customary activities such as the gathering of mahinga kai (Policy 2)

There are important differences between esplanade reserves and strips relating to their ownership and permanence in the face of changing shorelines. Esplanade reserves are fixed and owned and managed by the relevant local authority. Access strips remain in the title of the original landowner, and their boundary shifts with any physical changes to the water body.<sup>14</sup>

There can be a divergence between expectations and understanding of those providing and demanding access and open space. Public access to and along the coast and open space in this environment has (in some cases) become an assumed right and some land owners can feel that good-will has been abused. There may also be increasing costs to land owners for providing access and open spaces due to compliance with statutory obligations and acceptance of risk.

Esplanade reserves and strips have limitations as a stand-alone management mechanism for providing public open space in the coastal environment. On their own, they can result in a piecemeal collection of unconnected reserves that neither provide continuous access, nor protect conservation or access values in areas of highest need. A strategic approach—such as that described in the discussion of Clause (a) above—can be a useful means to achieve an integrated strategy that considers public open space and access issues together to identify strategic priorities and funding priorities.

Other mechanisms to provide access to and along public open space in the coastal environment include marginal strips and reserves. These mechanisms are discussed in the guidance note for ‘Policy 19: Walking access’.

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<sup>14</sup> Refer to the glossary of terms for the definition of ‘access strip’ in the RMA.

## **Regulatory decision-making**

Public open space effects are often important considerations in decisions on resource consent applications. Proactive assessment of opportunities to enhance public open space through the assessment of coastal activities will assist implementation of Policy 18 and the resolution of conflicts.

Some categories of activity can adversely affect public open space. For example, some RMA decisions have identified issues with the effect of occupation, and structures associated with the activity, on the public open space values of a location.

Some resource consent applications can be very relevant to enhancing public use and appreciation of the coastal environment; for example, reclamations, moorings. In assessing recreation and amenity related applications, the impact of those developments on public open space will also need to be considered.

Consent applications to occupy the common marine and coastal area require an assessment of the degree to which the occupation is exclusive or otherwise. RMA section 122(5) provides that except to the extent that a coastal permit provides otherwise, no coastal permit to occupy the coastal marine area is exclusive. Exclusive occupation confers a right for a consent holder to exclude others from that space.

## *Related and ongoing work*

A number of regions, districts and other authorities are progressing work relating to public open space in the coastal environment.

### *Auckland spatial and unitary plans*

The Auckland Council is preparing integrated and strategic spatial and unitary plans for the region:

- **Auckland Spatial Plan**  
<http://www.aucklandcouncil.govt.nz/EN/ABOUTCOUNCIL/PLANSPOLICIES/PUBLICATIONS/THEAUCKLANDPLAN/Pages/theaucklandplan.aspx>  
The Auckland Spatial Plan is a Local Government Act 2002 plan to provide future direction for population growth in Auckland City. The plan was launched by the Auckland Council in 2012.
- **Auckland Unitary Plan**  
[http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx?utm\\_source=plansandstrategieslandingpage&utm\\_medium=topcontent&utm\\_campaign=landingpages](http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx?utm_source=plansandstrategieslandingpage&utm_medium=topcontent&utm_campaign=landingpages)  
The Auckland Unitary Plan is the principal means to implement the Auckland Spatial Plan for Auckland City. It includes the regional coastal plan but does not cover the Hauraki Gulf Islands Plan which was recently made operative. Public consultation on the Auckland Unitary Plan is scheduled for 2013.

### *Hauraki Gulf Marine Spatial Plan*

The Waikato Regional Council and the Auckland Council are working with other agencies including the Hauraki Gulf Forum to prepare a marine spatial plan for the Hauraki Gulf to address coastal management issues in the Gulf, including through the monitoring results outlined in the report “State of our Gulf Tikapa Moana, Hauraki Gulf State of the Environment Report 2011”.

- <http://www.aucklandcouncil.govt.nz/en/aboutcouncil/representativesbodies/haurakigulfforum/Pages/home.aspx>

## Resources

### Examples of strategies

- **Kapiti Coast District Council—Open space strategy**  
[http://www.kapiticoast.govt.nz/Documents/Downloads/Strategies/OPEN\\_SPACE\\_STRATEGY.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/Strategies/OPEN_SPACE_STRATEGY.pdf)

This strategy sets out the Council's:

- Strategic context for the future management of open space
- Priorities and criteria to guide the management and acquisition of open spaces in the district.

- **Te Korowai o Te Tai o Marokura marine strategy**  
<http://fishnet.co.nz/teamkorowai/>

Te Korowai o Te Tai o Marokura marine strategy from the Kaikōura Coastal Guardians 2012 sets out a vision to achieve a healthy functioning and productive marine ecosystem for the people of Kaikōura.

- **The Wairarapa Coastal Strategy**  
<http://www.gw.govt.nz/assets/Plans--Publications/Wairarapa-Coastal-Strategy/711FinalStrategywis1347.pdf>

The Wairarapa Coastal Strategy was released in 2004 by the Wairarapa Coastal Strategy Group as a joint initiative between the Masterton, Carterton and South Wairarapa district councils, Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa iwi, and Greater Wellington Regional Council. The Strategy sets a long-term vision and strategy to sustain the Wairarapa coast and identifies an inland coastal boundary based on a landscape and ecological criteria.

### Examples of plan provisions

#### Tauranga City Council Harbour Reserves Management Plan

<http://www.tauranga.govt.nz/council-documents-reports/councils-strategies-plans-reports/plans/reserve-management-plans/harbour-reserves.aspx>

This plan is an example of a council reserve management plan (or series of plans) and was developed by the council in 2007 under section 41 of the Reserves Act 1997. This reserves management plan was developed to provide a vision for the future management of Tauranga Harbour reserves through the promotion of:

- Ecological management and enhancement
- Natural character and landscape preservation
- Recreation
- Cultural and historical identification

The Plan includes recreational, local purpose and esplanade reserves, which collectively make up the network of harbour reserves that are included in this comprehensive resource management plan. The plan specifies how it will protect natural character and public access with an integrated vision and goals for the long-term and day-to-day management of harbour reserves.

## Reports, websites and additional information

### *Ministry for the Environment*

New Zealand Urban Design Protocol

<http://www.mfe.govt.nz/publications/urban/design-protocol-mar05/index.html>

### *Quality Planning*

- Designations, notices of requirement, and outline plans  
<http://www.qualityplanning.org.nz/index.php/plan-development-components/designations>
- Subdivision  
<http://www.qualityplanning.org.nz/index.php/planning-tools/land/subdivision>

### *Other*

Environmental Defence Society (2012), Guide to Coastal Development—Protecting and enhancing public access to the coast

[http://www.eds.org.nz/content/documents/publications/coastal\\_guide\\_2012/Protecting\\_Public\\_Access\\_Chapter\\_FINAL.pdf](http://www.eds.org.nz/content/documents/publications/coastal_guide_2012/Protecting_Public_Access_Chapter_FINAL.pdf)

## *Glossary of terms and definitions*

### **NZCPS 2010 glossary**

No relevant definitions.

### **Other definitions**

**Access strip** means a strip of land created by the registration of an easement in accordance with section 237B [of the RMA] for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act).

(Definition from section 2 of the RMA.)

**Amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

(Definition from section 2 of the RMA.)

**Esplanade reserve** means a reserve within the meaning of the Reserves Act 1977—

- a. which is either—
  - i. a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
  - ii. a reserve vested in the Crown or a regional council under section 237D;  
and
- b. which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.

(Definition from section 2 of the RMA.)

**Esplanade strip** means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.

(Definition from section 2 of the RMA.)