

PART 11 RECREATION AND RESERVES**11.1 RECREATION AND RESERVES ISSUES**

Recreational activities, whether active or passive, are important in promoting the physical health and well being of the population. The Council in the past has been involved in providing a wide range of opportunities for the use of leisure time. In order to determine its future involvement the Council adopted a *Recreation and Open Space Plan* in 2005.

The *Recreation and Open Space Plan 2005* prepared in consultation with the public and in conjunction with the Operative District Plan 2000. The *Recreation and Open Space Plan 2005* is the guiding document in addressing recreational issues facing the District.

11.2 OBJECTIVES, POLICIES AND METHODS**11.2.1 OBJECTIVE - PROVIDING SUFFICIENT LAND**

To provide sufficient recreation and open space land to meet the needs of present and future generations.

Policies:

1. That the Plan uses a range of methods to acquire land for and develop the reserves and recreational resources of the District.
2. That methods also be used to protect, both legally and physically, valued areas of bush or open space which can remain in private ownership.
3. That this Plan be used to further the key resource development needs of the District as outlined in the Council's *Recreation Plan*.

Methods of Implementation of Policies:

1. Refer to the Subdivision, Esplanade Reserves, Conservation, and Financial Contributions Parts of this Plan for rules relating to conditions of resource consents. The Council may proactively purchase land as opportunities arise, with priority always given to giving effect to the *Recreation and Open Space Plan 2005* (Policy 3). Loans may need to be raised in some circumstances.
2. Refer to the Subdivision, Esplanade Reserves, Conservation, and Financial Contributions Parts of this Plan for rules relating to conditions of resource consents, and rural and coastal lot entitlements where bush or other features are to be protected.
3. The *Recreation and Open Space Plan 2005* has been prepared in consultation with the public and identifies the District's principal reserves and recreational needs.

Reasons and Explanation for Objective, Policies and Methods:

There is a need to provide adequate space and for its subsequent development for active and passive recreational activities throughout the District both for current and future generations.

Anticipated Results:

- The adequate, equitable provision of land for open space and recreational needs in the District.

11.2.2 OBJECTIVE - MAXIMISING RECREATIONAL OPPORTUNITIES

To provide for a wide range of recreational activities while ensuring that any adverse effects on the quality of natural and physical resources or the amenity of adjoining areas are avoided or mitigated.

Policies:

1. Recreational activities locating in the Rural and Coastal zones should not:
 - give rise to levels of noise, illumination, dust, traffic or other adverse effects inconsistent with levels associated with typical agricultural activities in the area.
 - modify, damage or destroy features identified in Schedule 5A.
2. Recreational activities locating in the Conservation zones should not result in the modification, damage or destruction of the areas of indigenous vegetation and habitats of indigenous fauna which contribute to the natural character of the zone.
3. Recreational activities locating in the *Recreation* zone shall be controlled so as to mitigate effects of noise and illumination on dwellings that adjoin the zone boundary.

Methods of Implementation of Policies:

1. That recreational activities be provided for in the Zones of the Plan where they are compatible with the Objectives and Policies of the particular Zones.
2. That a single management Zone be applied to areas of public reserve throughout the District. See Rule 34: *Recreation Zone*
3. That a wide range of recreational activities be provided for within the *Recreation Zone* subject to performance standards.

Reasons and Explanation for Objective, Policies and Methods:

Recreation is an important contributor to the well being of people in the District and as such there is a need to maximise the use of existing and future recreation resources where this does not compromise the quality of natural and physical resources or the amenity of adjoining areas.

A single, flexible *Recreation* zone can be justified on the basis of the role of *Reserve Management Plans* which are prepared in consultation with affected communities and recreational organisations.

Anticipated Result:

- Continuing use and development of reserves to provide for a range of activities;
- Provision for recreational activities in all areas of the District as appropriate to the Zone or locality.

11.3 ESPLANADE RESERVES AND ESPLANADE STRIPS

Esplanade reserves and *esplanade strips* are pieces of land adjoining the coast, rivers (including streams), or lakes. Under the Act they have one or more of the following general purposes:

- Helping to protect ecological and conservation values - including water quality, aquatic habitats and the mitigation of natural hazards such as coastal erosion;
- Enabling public access to bodies of water;
- Enabling public recreational use of the land comprising the *esplanade reserve* or strip and of the adjacent body of water - provided that conservation values are not threatened.

As part of a subdivision consent the Council can require an *esplanade reserve* or *strip* where the land being subdivided adjoins the coast, a river, or a lake and one or more of the purposes outlined above will be served.

Land comprising an *esplanade reserve* vests in the Council, while *esplanade strips* remain in private ownership.

An *esplanade reserve* or *esplanade strip* will generally be 20 metres wide unless the Plan states otherwise. In some instances Council may require additional width to be set aside, or may allow a waiver or reduction in width.

Where an allotment of less than 4 hectares in area is being created and an *esplanade reserve* or *strip* is required from that allotment, the Council does not have to pay compensation for the land comprising a *reserve* or *strip* that is 20 metres or less in width. If a wider *reserve* or *strip* is required, compensation is payable in respect of the additional area of land above 20 metres.

Council is also entitled to acquire an *esplanade reserve* or *strip* where an allotment of more than 4 hectares is created through subdivision. Compensation must be paid for the full width taken in these cases. Areas where Council intends to acquire an *esplanade reserve* or *strip* are identified on the District Planning Maps.

11.3.1 ESPLANADE RESERVES STRATEGY

Section 229 of the Resource Management Act 1991 sets out the following purposes of Esplanade Reserves.

Council's Reserves Acquisition and Development Plan 2007 (RAD Plan) highlights that Council intends to use *esplanade reserves* and *strips* to create sections of continuous reserve around the coast, the Waikato River and along rivers to provide public access and recreational opportunities and to protect the natural coastal and riparian environment in terms of the Resource Management Act 1991. These *esplanade reserves* and *strips* are also intended to reduce potential risks from natural hazards, in particular coastal erosion.

Archaeological sites are frequently located close to the coast, rivers and lakes. *Esplanade Reserves* can be an effective way to protect archaeological sites from inappropriate subdivision, use and development.

11.4 OBJECTIVES, POLICIES AND METHODS

11.4.1 OBJECTIVES

1. To maintain and improve public access to, and recreational opportunities along, the margins of the coastal area, rivers and lakes.
2. To protect the conservation values of the coastal marine area, rivers and lakes and their margins.
3. To protect property and the environment from the adverse effects of natural hazards, in particular coastal erosion.
4. To protect archaeological sites or areas considered likely to contain archaeological materials, which are located on the coast or around rivers and lakes, by including them within esplanade reserves.

Policies:

1. Acquire esplanade reserves to enable public access to, or along, any sea, river, or lake; and to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river or lake where the use is compatible with conservation and tangata whenua values.
2. Acquire esplanade reserves or strips for the purposes of maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or maintaining or enhancing water quality; or maintaining or enhancing aquatic habitats.
3. Acquire esplanade reserves or strips for the purposes of mitigating the potential effects of natural hazards, in particular coastal erosion and inundation.

Methods

1. Assess the need for esplanade reserves or strips at the time subdivision applications are lodged, and require them to be set aside or created as a condition of consent where such a condition is considered appropriate.
2. Identify areas on District Planning Maps where Council will consider acquiring additional land for an esplanade reserve in order to best meet the objectives set out above, and the objectives of the Reserves Acquisition and Development Plan 2007.

Anticipated Results:

- Provision of *esplanade reserves* and the maintenance and enhancement of both the conservation, heritage and recreation values of the land/water interface.
- The avoidance of conflict between conservation values and public access.
- The maintenance and enhancement of those values of the land/water interface.

11.4.2 [INTENTIONALLY BLANK]

11.4.3 OBJECTIVE - WAIVERS

To waive the requirement for an *esplanade reserve* or *esplanade strip* where it will be unnecessary or inappropriate for the purposes of protecting conservation values or enabling public access and recreational use of the land and water involved.

11.4.4 OBJECTIVE - REDUCTIONS

To reduce the width of any required *esplanade reserve* or *esplanade strip* where 20 metres is unnecessary or inappropriate for the purposes of protecting conservation values or enabling public access and recreational use of the land involved; or where it will conflict with an existing dwelling or activity on the land involved.

Policies:

1. The Council will assess the waiver or reduction of the requirements for esplanade reserves and strips in respect of the following matters:

- the objectives and policies of Part 5 Conservation;
- the objectives and policies of Part 4 Tangata Whenua

and in particular:

- The necessity or appropriateness of an *esplanade reserve* or *esplanade strip*, including its width, in terms of:
 - the protection of conservation values; and
 - public access and recreational use given the type, location and significance of the body of water and land involved;
 - The location of existing dwellings and other buildings and structures on the land involved;
 - In the *Residential*, *Village* and *Rural-Residential* zones, where esplanade reserves or strips are required, these are shown on the Plan Maps. A general indication as to the width of the esplanade reserve or strip is also shown. Actual widths will be determined on a case by case basis;
 - The cost of purchase and subsequent maintenance of the reserve or strip;
 - Where requiring esplanade reserve and strips would be in conflict with Sections 6(e) and 7(a) of the Resource Management Act.
2. That in general where there is no increase in the number of lots in a subdivision of a property then the Council will not require an *esplanade reserve* or *strip*.

Methods of Implementation of Policy:

Considering waiver or reduction of *esplanade reserve* or *esplanade strip* requirements as part of the resource consent application (refer to Rule 11.5.3).

Reasons and Explanations for Objective, Policies and Methods:

In certain circumstances it is not appropriate or necessary to take the full 20 metres or even to take an *esplanade reserve* at all. Therefore there needs to be a mechanism to waive or reduce the requirement for a reserve.

Anticipated Results:

- Meaningful and manageable areas of *esplanade reserve* and *esplanade strip*.

11.5 RULE 11.5 - ESPLANADE RESERVES AND STRIPS

1. Where any subdivision of land adjoining:
 - the coastal marine area,
 - a river whose bed has an average width of 3 metres or more, or
 - a lake whose bed has an area of 8 hectares or more, creates a lot of less than 4 ha, an esplanade reserve or an esplanade strip of 20 metres in width, measured in a landward direction from the mark of Mean High Water Springs or from the bank of any river or lake shall be set aside, except where a waiver or reduction is granted under Rule 3 and Rule 4 below.
2. Council may require an esplanade reserve or strip of a width greater than 20 metres where areas have been identified on the District Planning Maps
3. Requirements for esplanade reserves or strips may be waived where the applicant can demonstrate that:
 - The land has little or no value in terms of the objectives and policies of this Plan.
 - Where existing conservation values are protected in perpetuity, provided that where appropriate public access is secured along the margins of the coast, river or lake concerned.
4. Requirements for esplanade reserves or strips may be reduced where:
 - Existing BUILDINGS are located within the 20 metre area and it is not appropriate to remove the building, and public access can still be secured along the margins of the coast, river or lake.
 - The features or topography of the site means little benefit is gained from acquiring the full 20 metre width.

11.6 RULES APPLYING TO LAND VESTED AS RECREATION RESERVE

- i. Upon the vesting of land as recreation RESERVE by Franklin District Council, that land will be treated, for the purpose of consents applied for and compliance with the RULES of this PLAN, as if it was zoned Recreation Zone.
- ii. Upon the vesting of land as recreation or drainage RESERVE, that land will be zoned in the PLAN as Recreation Zone without further formality.