

6 GENERAL RULE

6.4 ESPLANADE PROVISIONS

6.4.1 ISSUES, OBJECTIVES, POLICIES AND METHODS

See Part B(2) of this Plan.

6.4.2 RULES FOR THE PROVISION OF ESPLANADE RESERVES, ESPLANADE STRIPS, ACCESS STRIPS

(1) Circumstances in which an Esplanade Reserve or Esplanade Strip shall be created for allotments of less than 4 hectares:

- (a) Where any subdivision of land results in the creation of an allotment of less than 4 hectares the Council shall apply the following provisions to all those rivers and the coast set out in 6.4.2(7) and 6.4.2(8):
 - (i) Except as provided for elsewhere in Rule 6.4.2(1) in urban areas an esplanade reserve of a minimum width of 20 metres shall be required (unless varied or waived by a decision on a resource consent application).
 - (ii) Outside of urban areas, an esplanade reserve of a minimum width of 10 metres shall be required where there are assessed conservation, recreational, or access values present (of the type contemplated in section 229 of the Act), unless varied or waived by a decision on a resource consent application. Where limited values exist, an esplanade strip of a minimum width of 5 metres shall be provided.
 - (iii) For subdivisions of land adjacent to the Taumatakahu Steam (Temuka) Rule 6.4.2(1)(a)(i) shall apply to one side only of the waterway as indicated on the Map A and B following 6.4.2(9) as “Proposed Esplanade Reserve” and shall be an esplanade reserve of at least 6 metres in width unless varied or waived by a resource consent application.
 - (iv) Within the Timaru Port area between Unwin Street and the Eastern Mole Extension Council shall not take esplanade reserves provided that there is a legally binding agreement in place between the Port of Timaru Ltd and the Council to protect public access to points of the Inner and Outer Harbour Area except for closure by the Company at times

when vessels are moored, cargo is being handled, the wharves are being prepared for the arrival or departure of a vessel, or are otherwise required for maintenance or reconstruction. In respect of the coastal area adjacent to the Port, extending south from the Eastern Extension Breakwater to Patiti Point, Council shall not take esplanade reserves but rather an esplanade strip of a minimum width of 20 metres shall be required.

- (v) Rule 6.4.2(1)(a)(i) to (iv) shall not apply where the conservation, recreation, or access purpose is secured by: a marginal strip under Part IV of the Conservation Act 1987; land that is not in private ownership; a legal road of sufficient width to protect the required access, recreation or conservation values; or another legal instrument.
- (vi) For portions of stopped road the provisions of this Plan in respect of esplanade reserves and esplanade strips shall apply as if the land were in private title.

(2) **Circumstances in which an Esplanade Reserve or Esplanade Strip may be created for allotments of 4 hectares or more:**

- (a) Where any subdivision of land results in the creation of an allotment of more than 4 hectares the Council shall apply the following provisions to those rivers and the coast set out in 6.4.2(7) and 6.4.2(8):
 - (i) Where recreation, access, or hazard mitigation enhancement can be achieved by way of an esplanade strip this will be preferred to an esplanade reserve. An esplanade strip will be used in preference to an esplanade reserve where the natural or habitat values of the area are subject to a significant risk of erosion.
 - (ii) An esplanade reserve shall be taken to provide for the protection or enhancement of conservation or habitat values, or water quality except where the area is subject to a significant risk of erosion from a watercourse or the sea.
 - (iii) An esplanade reserve or esplanade strip shall be required at the time of land subdivision along the coast and any river, including streams, listed in Rule 6.4.2(7) to ensure the protection or enhancement of conservation, access or recreation values.
 - (iv) Where the esplanade reserve or esplanade strip is

required principally for the protection or enhancement of public recreational use or public access the width shall be a minimum of 5 metres, or such greater width so as to ensure physical access or to provide for recreational use, unless otherwise varied by a condition on a resource consent.

- (v) Where the esplanade reserve or esplanade strip is required principally for the purpose of protecting or enhancing conservation values the width shall be of sufficient width to protect those values and provide a suitable buffer to Council's satisfaction unless varied or waived by a condition of a resource consent.
- (vi) Rule 6.4.2(2)(a)(i) to (v) shall not apply where the conservation, recreation, or access purpose is secured by: a marginal strip under Part IV of the Conservation Act 1987; land that is not in private ownership; a legal road of sufficient width to protect the required access, recreation or conservation values; or another legal instrument.
- (vii) For portions of road located alongside waterways the provisions of this Plan shall apply for the portion of stopped road as if it were land in private title. Where a stopped road crosses a watercourse, an esplanade reserve or strip shall only be required if a reserve or a strip exists on one or both sides of the closed road.
- (viii) Within the Timaru Harbour Basin area between the outer Fishing Boat Breakwater and the seaward end of the Eastern Mole Extension, Council shall not take esplanade reserves provided that there is a legally binding agreement in place between the Port of Timaru Limited and the Council to protect public access to points of the inner and outer harbour area except for closure by the Company at times when vessels are moored, cargo is being handled, the wharves are being prepared for the arrival or departure of a vessel, or are otherwise required for maintenance or reconstruction.

In respect of the coastal area adjacent to the Port, extending south from the seaward end of the Eastern Mole Extension to Patiti Point, Council shall not take esplanade reserves but rather an esplanade strip of a minimum width of 20 metres shall be required.

- (3) Any application to reduce or waive an esplanade reserve, or

esplanade strip shall be a **discretionary activity** which shall be publicly notified.

(4) Any decision to increase the width or size of an esplanade reserve or esplanade strip shall be made by Council having regard to the policies in Part B(2).

(5) Council may decide to require an esplanade reserve or esplanade strip in lieu of any financial contribution required under any other part of the District Plan.

(6) **Vesting of Beds of Rivers**

When considering an application to vary or waive the requirements of section 237A (this section applies to the vesting of riverbeds and areas within the coastal marine area adjacent to esplanade reserves) of the Resource Management Act Council shall assess the application against the policies in Part B(2).

(7) **List of Significant Rivers and Streams in the Timaru District**

When considering whether an esplanade reserve, or notification for an access strip initiated or esplanade strip should be required priority will be given to the waterways listed below:

NOTE 1: The values attributed to the coast, rivers, and wetlands are as follows:

- 1 Natural or habitat values
- 2 Recreation or public access
- 3 Natural hazard mitigation
- 4 Water protection areas
- 5 Of value to Takata Whenua

NOTE 2: Map references are to New Zealand Map Series (NZMS) 260.

- (1) The Coast and natural watercourses in the Coastal Environment except as provided for under Rule 6.4.2(1)(a) (1, 2, 3, 5).
- (2) Rangitata River including mouth and lagoon (not including South Branch) (1, 2, 4).
- (3) McKinnon Creek (1, 2) (J38 886.735/893.702).
- (4) Forbes River (1).
- (5) Carneys Creek (1, 2).
- (6) Black Birch Creek (1).
- (7) Bush Stream (1, 2).
- (8) Scour Stream (1, 2).
- (9) Forest Creek (1, 2).
- (10) Boundary Stream (1, 2).
- (11) Raules Gully (stream) (1, 2).

- (12) Lynn Stream (1, 2).
- (13) Kowhai Stream (1, 2, 3) (upstream of Peel Forest Park's southern boundary).
- (14) Scotsburn Stream (1, 2) (J37 688.940/649.005).
- (15) Coopers Creek (west of old SH 72 only) (1).
- (16) Andrews Stream (1).
- (17) Orari River including mouth and lagoon (1, 2).
- (18) Dobies Stream (1, 2).
- (19) McLeod Stream (west of Yates Road bridge) (1, 2).
- (20) Stony Stream (1).
- (21) Waihi River (1, 2, 4).
- (22) Hae Hae Te Moana River (1, 2, 4).
- (23) Frasers Stream (1, 2).
- (24) Griffiths Stream (1).
- (25) Kakahu River (1, 2).
- (26) Opuha River (1, 2).
- (27) Opihi River including mouth and lagoon (1, 2, 4).
- (28) Hazel Burn (west of limestone quarry on Hazelburn Road) (1, 2).
- (29) Totara Creek (1) (downstream of confluence with Hazel Burn).
- (30) Tengawai River (1, 4).
- (31) Pleasant Point Stream (2, 3) (J38 601.593/630.589).
- (32) Papaka Stream (1).
- (33) Rosewill Stream (1).
- (34) Oakwood Stream (1, 2).
- (35) Otipua Stream (1, 2).
- (36) Ohapi Creek (1, 2).
- (37) Temuka River (1, 2, 4).
- (38) Taumatakahu Stream (1, 2).
- (39) Orakipaoa Creek (1, 2, 5).
- (40) Taitarakihi Creek (1, 2).
- (41) Washdyke Creek (1, 2).
- (42) Saltwater Creek including wetland behind beach (1, 2).
- (43) Pig Hunting Creek including coastal wetland (1, 2).
- (44) Pareora River including mouth and lagoon (1, 2, 4).
- (45) Unnamed tributary of Pareora River (1, 2) (J39 527.438/521.464).
- (46) Taiko Stream (1) (west of Taiko Zig Zag Road).
- (47) Normanby Lagoon (1, 2, 3, 5) (J39 23706 56379).
- (48) Washdyke Lagoon (1, 2, 3, 5) (J39 23705 56480).
- (49) Beach Road Lagoon (1, 2, 3, 5) (K38 23753 56540).
- (50) Horseshoe Lagoon (1, 2, 3, 5) (K38 23764 56553).
- (51) Prattley Road Lagoon System (1, 2, 3, 5) (K38 23784 56589/23808 56598).
- (52) Spider Lagoon (1, 2, 3, 5) (K38 23816 56607).
- (53) Hendersons Lagoon System (Old Orari Lagoon) (1, 2, 3, 5) (K38 23830 56626/23845 56632).
- (54) Kapunatiki Creek Lagoon (1, 2, 3, 5) (K38 23858 56650).
- (55) Raukapuka Stream (1).
- (56) Warners Creek (1).
- (57) Smithfield Creek (1).

Part D

- (58) Old Orari Lagoon (1, 2, 5) (including drain to Orari River).
- (59) Rangatira Stream (1).
- (60) The streams on the Geraldine Downs indicated in Appendix 2 of the Rural 4A Zone (1, 2, 5)

NOTE: These waterways have been identified as having significant esplanade values. Where it is necessary in Council's opinion for access to be provided other than along a water body, Council may negotiate an agreement with the affected landowner. Unless otherwise stated all branches of the waterway are included as are significant tributaries.

(8) Rule (7) does not restrict Council from imposing a requirement to provide an esplanade reserve on parts of other waterways in the District should it be satisfied that there are conservation, recreation, or access values worthy of protection or enhancement. Council may wish to negotiate with the landowner to provide further esplanade protection where this is necessary to achieve the objectives and policies of the District Plan.

(9) **Temuka Esplanade Provisions.**

(See 6.4.2(1)(a)(iii) and Maps A and B on following pages).

Part D



