

# Decision Report

## Plan Change 33 – Wairoa River Esplanades

---

### 1.0 Introduction

- 1.1 This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2 For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions in [blue](#).
- 1.3 For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in [red](#).

### 2.0 Topic 1: Proposed Esplanade Reserves and Strips on Planning Maps H05 and H06 and in Appendix 4.

#### 2.1 Decision

That the Plan Change is retained as notified except that the properties of Janet and Trevor Collins, James Carson, and Maxine Graham and Robin Hanvey are **not** shown as proposed esplanade reserves/strips on the Planning Maps or in Appendix 4 "Proposed Esplanade Strips/Reserves".

That Planning Map H06 is retained as notified and Planning Map H05 is amended to reflect the above as shown in **Attachment A**.

That Appendix 4 is amended to reflect this as shown below.

#### Appendix 4 - Proposed Esplanade Reserves/Strips

1. An esplanade strip of 10m in width or 20m in width where topography dictates a wider strip is necessary to provide public access shall be set aside along the rivers and streams identified in the District Plan namely:
  - (xvii) ~~The true left bank of the Wairoa River from Wairoa Road to Ohourere Stream approximately 250m downstream of the State Highway 29 Bridge at Poripori Road. 500m upstream of the Kaimai Canoe Club site (which is on the reserve at Lot 1 DPS 29327) to where a suitable river crossing may be formed above potential flood waters.~~

3. An esplanade reserve 20m in width (or lesser width if there are special circumstance, e.g. buildings within 20m of the foreshore) shall be set aside in the locations identified in the Planning Maps ~~along the Harbour foreshore~~ in particular:

(iv) along the true right bank of the Wairoa River from Omanawa Road to, but not including, the Ruahihi Power Station on State Highway 29.

The following submissions are therefore:

#### Accepted

| Submission | Point Number | Name                               |
|------------|--------------|------------------------------------|
| 23         | 1            | Carson, James                      |
| 13         | 1            | Collins, Trevor and Janet          |
| 25         | 1            | Graham (Maxine) and Hanvey (Robin) |

#### Accepted in Part

| Submission | Point Number  | Name                             |
|------------|---------------|----------------------------------|
| 15         | 1             | Bay of Plenty Regional Council   |
| 21         | 3             | Federated Farmers of New Zealand |
| FS43       | 1, 2, 3, 4, 5 | Graham and Hanvey                |
| 18         | 1             | Mossops Honey                    |

## 2.2 Reason

**2.2.1** Section 6 (d) of the RMA requires that councils recognise and provide for “the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers” as a matter of national importance. Objective 22 of the Proposed Bay of Plenty Regional Policy Statement also provides that “The coastal marine area, lakes and rivers are generally accessible to the public”. Council must give effect to this.

**2.2.2** The Wairoa River is one of the District’s most significant natural, recreational and cultural water resources. Completing a link of existing and proposed esplanade reserves and strips along the Wairoa River from the Tauranga Harbour to McLaren Falls is therefore important.

**2.2.3** Potential impacts on landowners are acknowledged. It is noted too that landowners are already experiencing many of these impacts due to existing public demand and access. The establishment of public access is a long term vision and there are many ways that potential impacts can be managed if or when esplanade reserves/strips are obtained. It is a long term vision because it may be some time before all the required land is obtained, not because of a lack of intent or planning. Landowners may also choose to sell and move on and any new landowners may have different plans. Therefore, any arguments that the showing of lines on maps is premature are not justified.

- 2.2.4** Plan Change 33 can be implemented under the current District Plan. Esplanade reserves/strips can be obtained through boundary adjustments as well as subdivision and these are a fairly common occurrence in the District. Waivers can be applied for when buildings are within the proposed esplanade reserve/strip, however Council has the option of obtaining a lesser width to provide for public access unless it will cause undue hardship. In instances where a boundary adjustment presents the only opportunity to obtain an esplanade reserve/strip then a waiver may not be applied.
- 2.2.5** Council staff are aware of the difficulties associated with establishing and maintaining walkways and bridges due to flooding, topography and costs and can consider options other than a formed walkway. The key purpose of this Plan Change is to create the opportunity to obtain land to provide public access.
- 2.2.6** Council does have the resources to establish and maintain reserves. Council funds compensation for the obtaining of land and the establishment of reserves from the recreation and leisure financial contribution paid by developers. Maintenance costs are minimal and are funded by rates.
- 2.2.7** The Collins submission highlighted a more practical alternative option to proposing esplanade reserves/strips on their property.
- 2.2.8** Graham and Hanvey are concerned about the possible impacts of showing a proposed esplanade reserve/strip on their property. It does not necessarily need to be shown as Rule 12A.1.3.1 allows the obtaining of an esplanade reserve/strip at the time of subdivision/boundary adjustment to provide access to certain features, in this case a waterhole and fishing spots.
- 2.2.9** The Carson submission was also in opposition to showing a proposed esplanade reserve/strip on their property. It does not necessarily need to be shown either as Rule 12A.1.3.1 allows the obtaining of an esplanade reserve/strip at the time of subdivision/boundary adjustment to provide access to existing public access such as a formed or unformed road or reserves, in this case the existing esplanade reserve/strip at the Kaimai Canoe Club.

### **3.0 Whole of Plan Change 33 - Changes to the District Plan First Review**

#### **3.1 That Planning Maps H05 and H06 are amended as shown in Attachment A.**

**Note:** They exclude the Collins, Carson and Graham and Hanvey properties.

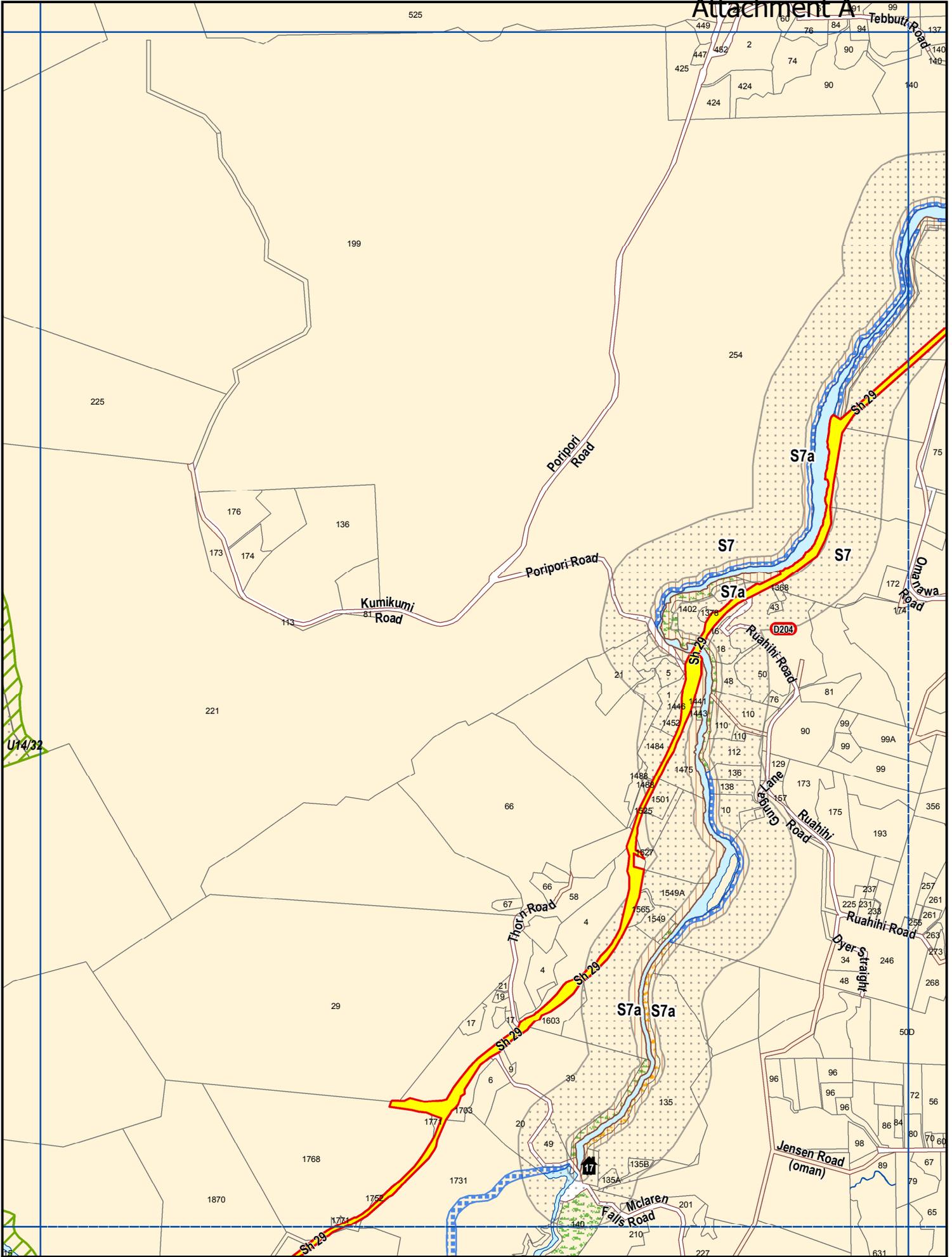
#### **3.2 That Appendix 4 is amended as follows;**

1. An esplanade strip of 10m in width or 20m in width where topography dictates a wider strip is necessary to provide public access shall be set aside along the rivers and streams identified in the District Plan namely:

(xvii) The true left bank of the Wairoa River from Wairoa Road to ~~Ohourere Stream~~ approximately 250m downstream of the State Highway 29 Bridge at Poripori Road.

3. An esplanade reserve 20m in width (or lesser width if there are special circumstance, e.g. buildings within 20m of the foreshore) shall be set aside in the locations identified in the Planning Maps ~~along the Harbour foreshore~~ in particular:

(iv) along the true right bank of the Wairoa River from Omanawa Road to, but not including, the Ruahihi Power Station on State Highway 29.



Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03522.



**H05 Rural Series**

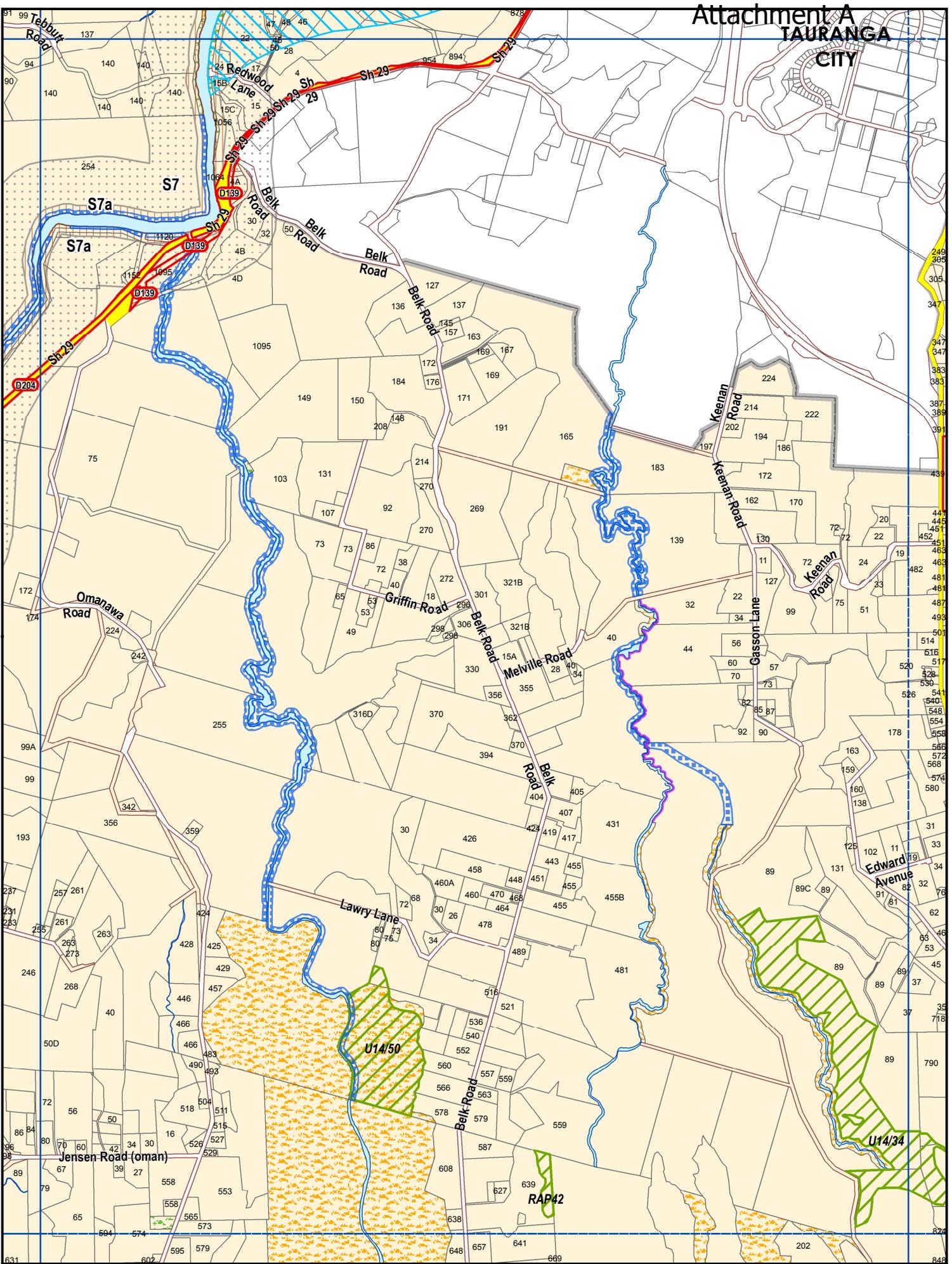
Scale 1:25000 (A4)

0 200 400 600 800 1000 1200 1400m

|     |            |     |
|-----|------------|-----|
| G04 | G05        | G06 |
| H04 | <b>H05</b> | H06 |
| I04 | I05        | I06 |

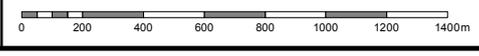
Western Bay of Plenty District Council

Revision Date: 16 June 2012  
PC 28-44: 27 July 2013 - Decisions



Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03522.

# H06 Rural Series



Scale 1:25000 (A4)

|     |            |
|-----|------------|
| G05 | G06        |
| H05 | <b>H06</b> |
| I05 | I07        |



Revision Date: 16 June 2012  
PC 28-44: 27 July 2013 - Decisions