

DEPARTMENT OF CONSERVATION TECHNICAL SERIES No. 10

***PUBLIC ACCESS TO THE
NEW ZEALAND COAST:
GUIDELINES FOR DETERMINING LEGAL
AND PHYSICAL CONSTRAINTS***

by

Sophie Bell and Jeremy G. Gibb

PUBLISHED BY DEPARTMENT OF CONSERVATION, WELLINGTON, NEW ZEALAND



Department of Conservation
Te Papa Atawhai

|SSN 1172-6873

|SBN 0-478-01767-7

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Cataloguing-in-Publication data

Bell, Sophie.
Public access to the New Zealand coast : guidelines for determining
legal and physical constraints / by Sophie Bell and Jeremy G. Gibb.
Wellington, N.Z. : Dept. of Conservation, 1996.
1 v. ; 30 cm. (Department of Conservation technical series,
1172-6873 ; no. 10)
Includes bibliographical references.
ISBN 0478017677
1. Coastal zone management--Government policy--New Zealand.
I. Gibb, Jeremy G. (Jeremy Galwey), 1939- II. Title. III. Series:
Department of Conservation technical series ; no. 10
33.9170993 20
zbn96-043330

Keywords: access, public, restricted, unrestricted, coastline, legal tenure, physical
constaints

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by
Sophie Bell¹ and Jeremy G. Gibb²

¹ 21 Seaforth Terrace, Karori, Wellington, New Zealand

² Coastal Management Consultant, 307 Tanners Point Road, RD 1,
Katikati, New Zealand

ABSTRACT

Most New Zealanders have a high expectation that the public will have free and unrestricted access to and along the 15,000 km-long coastlines of New Zealand. The maintenance and enhancement of public access to and along the coast is recognised as a matter of national importance in the Resource Management Act 1991 and by the New Zealand Coastal Policy Statement, 1994.

These guidelines establish standard step-by-step procedures to determine the current status of public access to and along the New Zealand coast. The procedure involves identifying and classifying land tenure along the coast into either **legally restricted** or **unrestricted** public access and then locating areas where the physical features and coastal processes are **physically restricting** public access. The final product will be a coastal access atlas for the area, which uses colour to identify areas of coast where public access is *legally restricted* (red), *physically restricted* (blue), or *unrestricted* in terms of both legal and physical constraints (green). The procedures were originally developed, tested and standardised within the Wellington Region, but can be easily applied elsewhere in New Zealand by central and local government agencies with coastal management responsibilities.

1. INTRODUCTION

As island dwellers, New Zealanders are extremely fortunate in that they share borders with no other country; the edge of the sea is our only boundary. The coastlines of New Zealand total about 15,000 km in length, (about one-third of the Australian coastline), and the variety of New Zealand's beaches and coastal landforms are representative of the coastlines of the world. The enjoyment people derive from this variety means that many New Zealanders place a high value on access to the coast.

The importance of continued public access to the coast is recognised in legislation and in the New Zealand Coastal Policy Statement (attached as Appendix 1). The New Zealand Coastal Policy Statement includes policies that state ". . . *provision should be made to identify, as far as practicable ... the location and extent of places where the public have the right of access to and along the coastal marine area;. . .*"(Policy 3.5.2) and that ". . . *policy statements and plans should make provision for the creation of*

esplanade reserves, esplanade strips or access strips where they do not already exist except where there is a specific reason making public access undesirable" (Policy 3.5.3). Under S.6(d) of the Resource Management Act 1991, making provision for "the maintenance and enhancement of public access to and along the coastal marine area . . ."; is a matter of national importance for local and territorial authorities implementing the Act.

1.1 Aims

Establish guidelines for step-by-step procedures that can be applied within any region or district managed by a local authority to determine the status of public access to and along the New Zealand coast.

- Compile a series of land tenure maps which identify the types of tenure of all lots along the coast in the study area.
- Extrapolate accessibility from the land tenure data and coastal processes to establish a series maps showing public access.
- Compile the maps into a coastal access atlas for the region.

1.2 Purpose

Maps that span the entire coastline of a district or region, when gathered under one cover, constitute a coastal access atlas. District and regional councils with planning responsibilities are the most likely bodies to hold such an atlas. Organisations and members of the public who need information to play an effective role in maintaining and enhancing public access, and those members of the public who simply wish to visit, explore, and enjoy the coastline, will benefit most from the existence of a coastal access atlas.

This matter is widely accepted by local authorities who are making provision in the preparation of their District and Regional Plans for the *"maintenance and enhancement of public access"* to and along the coast.

2. APPROACH AND CONCEPTUAL FRAMEWORK

These guidelines were developed, tested and standardised from detailed studies made in 1991 (Barker & Bell 1991 a, b) and 1992 along the Kapiti Coast (vol.1), and along the Wairarapa east coast (vol.2). In this area of the Wellington region there is a range of representative areas over which the public have either unrestricted access to the coast, or where access is limited to a degree by one, or a combination, of physical or legal restrictions. During the course of these studies, coastal landowners and staff from the relevant local authorities, Department of Conservation (DoC) and Department of Survey and Land Information (DOSLI) were extensively consulted (see Acknowledgements).

2.1 Public access

In the context of these guidelines, the term "public access" means the right of the public to reach and travel along the New Zealand coast from the land. **This does not include the mode or means by which the public reach the coast** (e.g., pedestrian or vehicular), but rather **identification of the location and extent of areas** that are accessible or restricted in some way. For practical purposes, coastal access is classified here into the categories of **Legally restricted public access, Physically restricted public access, and Unrestricted public access**, where:

2.1.1 Legally restricted public access Refers to lands through or over which members of the public may not pass without special permission from the owner (e.g., lands in private ownership), or lands through or over which members of the public may not pass without permission from the controlling authority according to established procedures.

2.1.2 Physically restricted public access Refers to lands which, although legally accessible, have significant physical limitations to public access such as topographic features (e.g., seacliffs and river mouths), loss of legally accessible lands to long-term coastline retreat, or impassable tracts of coastal vegetation (e.g., mangrove, boxthorn, gorse, etc.).

2.1.3 Unrestricted public access Refers to lands of unrestricted legal access with no significant physical limitations. This includes lands or accessways over which members of the public may pass either without any permission being required or where the controlling authority generally allows access over such lands, but limits such passage from time to time (e.g., areas closed when work is being done on them or for safety reasons). Although public access may be unrestricted, modes of transport through or over the land may be restricted (e.g., trail bikes, cars, horses, etc.).

Other definitions for terms used in this document are set out in Appendix 2.

2.2 Standardisation

Several options are available when preparing a coastal access atlas:

- **Page size** Barker and Bell (1991 a, b) used an A3 page size as the basis for their atlas, but A2, or even A4 could be used if such a size was considered advantageous.
- **Colours** No colours are shown in the boxes in Tables 2 and 3. Compatibility with other systems used by an authority, or the availability of materials may dictate the choice here. The important thing for any regional study or atlas is that page size and colour codes be **standardised for the whole project**.

3. GUIDELINES

The six steps on following pages outline a simple method to determine the current status of public access to and along the New Zealand coast. Each step is illustrated with an example from the study of the Wairarapa east coast (Barker and Bell 1991 b), although, of course, the full suite of maps for that study are not reproduced here.

3.1 Skills

A number of basic skills are required to compile a coastal access atlas.

1. A good understanding of land tenure matters, especially the ability to successfully locate the appropriate cadastral information and verify such information in the field, is essential.
2. Cartographic and draughting skills are required to complete a high-quality coastal access atlas of an area or region for public use.
3. The ability to determine long-term rates of coastal erosion or accretion from either available maps and publications or by comparing historic coastline positions on cadastral plans and vertical sequential aerial photography, is necessary.
4. A basic knowledge of geology and coastal geomorphology is helpful to identify physical limitations to public access to and along the coast.

3.2 Copyright

Because the study involves the use of maps published by DOSLI, it is important to remember that Crown Copyright conditions apply. These must be observed. DOSLI holds the copyright on all the maps that you will need to buy for this project; please consider the following points.

1. You may copy a map for study or research purposes in the first instance, e.g., when you are following the steps set out in this publication. However,
2. When you have made one coastal atlas you may not simply reproduce that material; you will need to:
 - (a) Buy another map (or maps) and transfer the information, thus making other copies, or
 - (b) Approach DOSLI to discuss a fee for the non-commercial use of their maps

The course of action to take will depend on how many copies are required. For under five copies it is probably easier to buy new maps and hand produce new sets. For five or more copies, an agreement with DOSLI for non-commercial use of the copyright should be considered.

3.3 Materials

Materials used for the Wairarapa study, which may be applicable in other studies, are listed in Appendix 3.

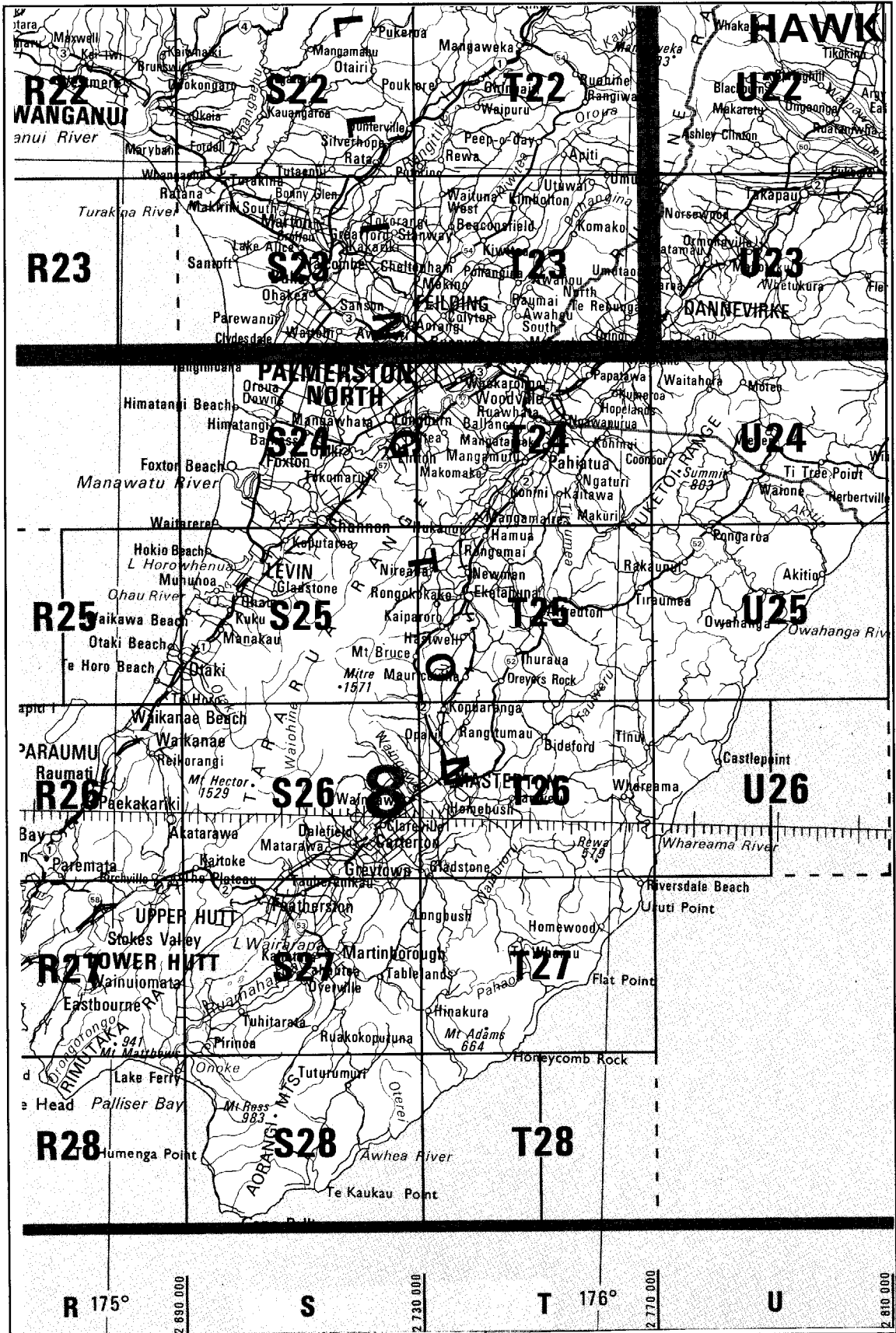


Figure 1 Part of NZMS 311A map covering the study area along the Riversdale coast, east Wairarapa studied by Barker & Bell (1991 b).

STEP ONE - Map preparation

1. The first map of an atlas should show the study area, and identify the boundaries of other more detailed maps used for the project. Depending on the size of the study area or region to be covered (and the scales required to show property boundaries), these outlines might be drawn on a NZMS 311 A map (Figure 1), or onto some larger scale map. A cadastral sheet (or sheets) at the appropriate scale(s) to cover the area, are obtainable from the on-line Survey Data Index (SDI) at DOSLI offices. These sheets then become the second and, if required, succeeding map(s) in the atlas (see Figure 2).

The purpose of Step One is to define the boundaries of both the study area and base maps and cadastral sheets required in Steps Two to Six.

2. The scale at which data is recorded needs to be appropriate to the density of the subdivision. For **rural areas**, SDI plots at 1:10,000, and for urban areas, SDI plots at 1:2,000, should suffice. Other scales are available direct from SDI. It is recommended that the 1:2,000 scale plots from SDI are used for residential areas as they hold the relevant detail without requiring extensive photocopying.

3. Once the smaller-scale Cadastral sheets which cover the study area have been identified, mark the relevant outlines and sheet numbers onto Map 2. For coverage of larger regions, more than one plot from the SDI may be required.

4. Cadastral plots from SDI may be used directly as base maps, and if photocopied to provide a sequence of base maps, they should be sequentially numbered.

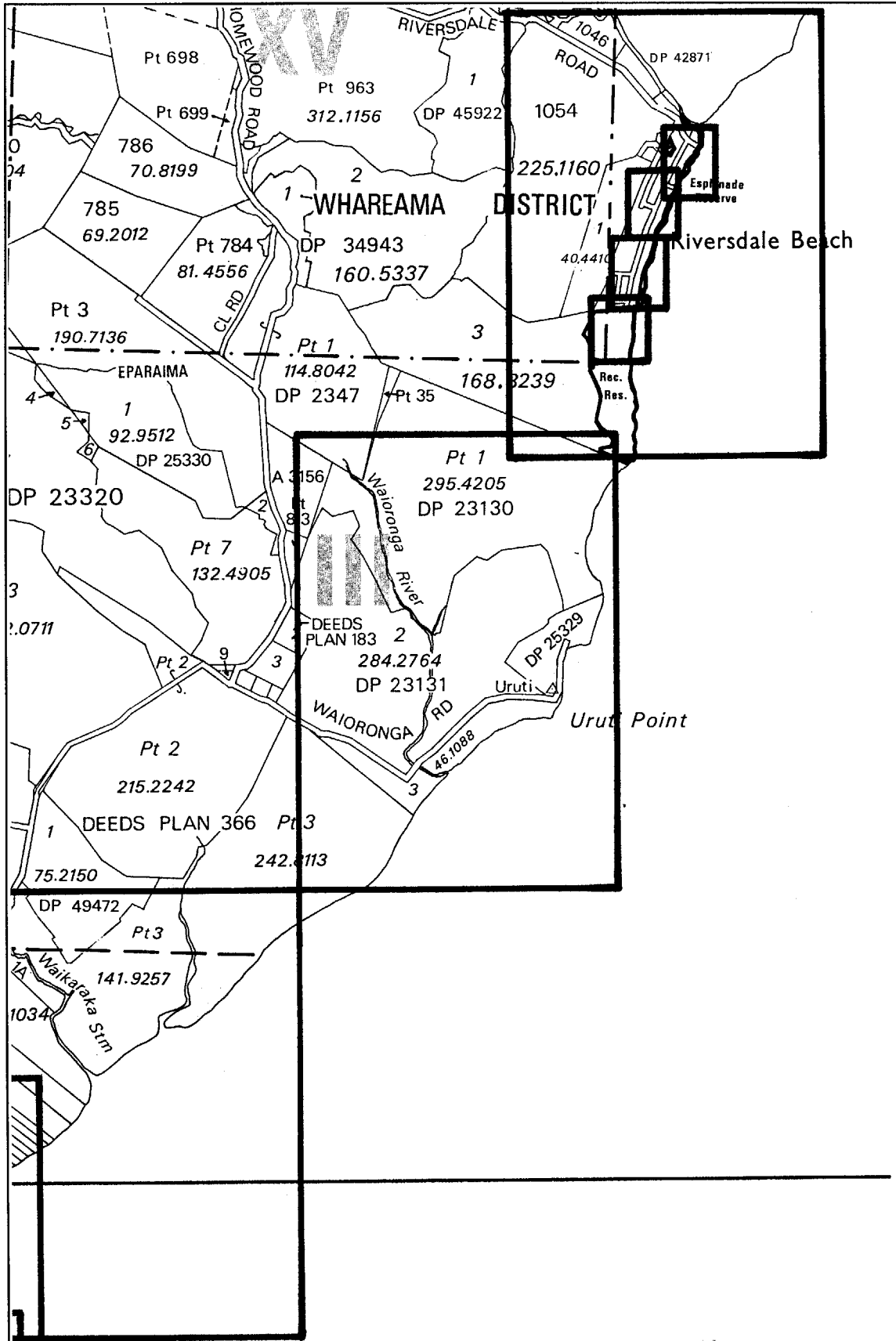


Figure 2 Part of a 1:50,000 scale cadastral sheet showing boundaries of more detailed scale cadastral sheets covering the coastline, Wairarapa east coast (from Barker and Bell 1991b).

Table 1 Common land tenure types used in these guidelines derived from Mason (1991), Sutton and Daniel (1989) and DoC staff comment.

Tenure type	Description
Reserves	<p>Reserves administered by local authorities or other bodies including primarily local purpose (esplanade), scenic and recreation reserves (Reserves Act 1977)</p> <p>Reserves administered by the Department of Conservation including historic, nature, recreation, scenic, and scientific (Reserves Act 1977)</p> <p>Maori reservations (Te Ture Whenua Maori Act, 1993, formerly Maori Affairs Act, 1953). Note: This category stands apart because Maori Reserves are not subject to the Reserves Act.</p>
Parks	<p>National Parks (National Parks Act 1980)</p> <p>Conservation (Forest) Parks (Conservation Act 1987)</p>
Stewardship Area	<p>(Conservation Act 1987)</p>
Public Roads	<p>Formed or unformed</p>
Marginal Strip	<p>Areas reserved from sale or other disposition by the Crown under Part IVA of the Conservation Act 1987. Includes those areas previously reserved from sale under S.129 of the Land Act 1924 and S.58 of the Land Act 1948 and earlier Acts.</p>
Esplanade Strips and Access Strips	<p>Areas provided for access under the Resource Management Act 1991.</p>
Private Land	<p>Includes blue water titles, SOE owned land and Maori land. A blue water title is land which is subject to a certificate of title that includes land which is foreshore or seabed.</p>
Covenanted or protected private land, etc.	<p>Includes covenants and protected private land agreements under the Reserves Act 1977, covenants and management agreements under the Conservation Act 1987, wildlife refuges under the Wildlife Act 1953, and Q.E.II National Trust Act 1977.</p>
Unalienated Crown Land	<p>(Primarily land subject to the Land Act 1948)</p>
Crown Forest Licence	<p>(Crown Forest Assets Act 1989)</p>