

# Public Access to Auckland's Coast

## ■ Introduction

The importance of public access to our coast is recognised in legislation, but access is not guaranteed to all of it. Public access relies on a combination of land ownership, legal rights, and physical accessibility.

This fact sheet provides information about the rights of public pedestrian and recreational access to Auckland's coast. It is for people who want to use the coast for recreation and for owners of jetties or other coastal structures.

## ■ Who owns the coast?

The coast is a dynamic geographical boundary at the interface of complex legal boundaries. For public access and administrative purposes, the coast can be divided between the land and the coastal marine area (CMA).

The CMA includes the foreshore, the seabed, coastal water and the air above the sea from the line of mean high water springs (MHWS) out to the 12 nautical mile territorial limit. MHWS is the average height of high tides when the tidal range is greatest.





The Foreshore and Seabed Act 2004 vested the ownership of the public foreshore and seabed in the Crown<sup>1</sup>. The Act provides for public rights of access in and over the public CMA (including for recreational activities such as swimming), and for public rights of navigation within the whole area.

Above the MHWS, ownership of the coast is a mix of public and privately owned land. Nationally, about 70 per cent of the land on New Zealand's coastline is public. This is lower in the Auckland region because of the high level of urbanisation and coastal development.

Public reserves on the coast are managed by city and district councils, the Department of Conservation and the Auckland Regional Council (ARC) under the provisions of:

- The Reserves Act (1977)
- The Conservation Act (1987)
- The Local Government Act (2002)
- The Resource Management Act (1991) (RMA (1991)).

## ■ Where can I go on the coast?

The foreshore below the MHWS is generally available for public access regardless of the ownership of the adjacent land. But you are always required to have landowner permission to enter private land. So if the land adjoining the CMA is in private ownership, access to the coast from the land is limited unless you have permission to use that land. A landowner has the absolute right to grant or decline access across their property.

Where public reserves meet the CMA, you generally have a right to access the land. Publicly owned coastal land is commonly held in the following kinds of reserves:

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<sup>1</sup> Public foreshore excludes only an estimated 256 parcels of the foreshore and seabed in private title throughout New Zealand. In the Auckland region, significant areas of private parcels are located on the Kaipara Harbour, and in the vicinity of the Wairoa River near Clevedon.

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- Roads and road reserves,
- Esplanade reserves,
- Local Purpose reserves,
- Recreation reserves, and
- Regional parks.

Access may be limited if the reserve manager determines that access should be prohibited or restricted to protect the environment, Māori cultural values or public health and safety. For example, a beach may be closed during the breeding season to protect threatened shorebirds such as New Zealand dotterel, or during pest control operations. Landing is prohibited (except by special permit) at Hauturu/ Little Barrier Island to protect the island from invasive pests.

Access from the CMA to other kinds of publicly owned land may be restricted for safety or security reasons, e.g. access is restricted at Devonport Naval Base and much of the Ports of Auckland Ltd's commercial wharves.

## ■ What's being done to improve public access?

The RMA states that the maintenance and enhancement of public access to and along the CMA is a matter of national importance. A set of statutory documents<sup>2</sup> contains policies and rules to prioritise public access in planning for subdivision, use and development along Auckland's coastline.

In practice, this means resource consents for new subdivision on the coast require public esplanade reserves to be created. Similarly, proposals for new coastal structures may not be given consent if they would limit public access.

The ARC has 21 regional parks that provide public access and recreational opportunities along Auckland's coastline. Many of the region's city and district councils have also bought land along the coast to enhance public access.

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<sup>2</sup> Relevant documents include: The New Zealand Coastal Policy Statement, Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal, Auckland Regional Open Space Strategy, district plans and reserve management plans.

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## ■ What about private structures on the coast?

In the Auckland region, coastal permits from the ARC are required for coastal structures, e.g. jetties and ramps within the CMA.

Because the majority of the CMA is publicly owned, any coastal structure that is allowed to occupy it is usually required to provide for public use and access, e.g.

- Reasonable public use of a jetty may include berthing of boats for short periods to load or offload people or goods
- Practical access should be provided past a structure

The public does not have the right to use structures on privately owned land in the CMA unless the owner grants permission.

The right to use a structure in the publicly owned CMA does not extend to a right of access over privately owned land.

## ■ For more information

Contact the ARC on 09 366 2000 and press 1 for information and advice on:

- Regional parks.
- Access and consent requirements for private structures in the CMA.
- Navigation and boating safety issues (contact the Harbourmaster).

Contact your city or district council for information about access and use of roads and road reserves, esplanade reserves, local purpose reserves, and recreation reserves. Contact the Department of Conservation for information on marginal strips, and conservation land.

The ARC has a range of fact sheets that relate to the use of the region's coastline. Copies are available online at [www.arc.govt.nz](http://www.arc.govt.nz) or upon request. Topics include:

- Moorings
- Jetties, ramps and other structures
- Managing coastal erosion
- So you want to carry out works in the Coastal Marine Area

### How do I contact the ARC?

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