

Appendix 3 Legal Advice on Transferring Esplanade Strips

From: Tim Fischer <Tim.Fischer@simpsongrierson.com>
Sent: Thursday, 13 June 2024 4:18 pm
To: Jaimee Cannon
Subject: RE: Esplanade Strips - Transfer to Hapu

Hi Jaimee

You are correct. It is not legally possible to transfer an esplanade strip to a hapu under the RMA. An esplanade strip is created by registration of an instrument between the territorial authority and the subdividing owner. The underlying land remains in the ownership of the subdividing landowner. Generally, esplanade strips allow for full public access, but there may be limitations as to times or for other particular circumstances.

Regards
Tim

Tim Fischer
Senior Associate



From: Jaimee Cannon <Jaimee.Cannon@boffamiskell.co.nz>
Sent: Wednesday, June 12, 2024 3:51 PM
To: Tim Fischer <Tim.Fischer@simpsongrierson.com>
Subject: Esplanade Strips - Transfer to Hapu

Hi Tim

We are preparing the Public Access S42A report for FNDC. To help respond to a submission, can you please advise if it is legally possible to transfer an esplanade strip to a hapu under the RMA?

I understand that an esplanade strips is a legal instrument created between a land owner and a territorial authority. They are registered on the title, but the land within the strip remains in the ownership of the land owner, so am not sure how a transfer to the hapu would be achieved.

A very brief email response by mid-week next week should be fine.

Thanks
Jaimee

Jaimee Cannon | Planner | Principal

**BOFFA
MISKELL**