

5.2 ADMINISTRATION OF RESERVES POLICY

Date Adopted	Next Review	Officer Responsible
1 July 2009	2011	Manager, Sports Recreation & Environment

Policy Purpose:

The duties of local authorities in respect of the management and administration of reserve land is contained within the Reserves Act 1977. Under the legislation all reserves are classified as either recreation, historic, scenic, nature, scientific, government purpose and local purpose.

The general purposes of recreation reserves are to provide areas for recreation, sporting activities, the physical welfare and enjoyment of the public and the protection of the environment and the countryside.

5.2.1 Design of Reserves – Reserves Management Plan

Policy Purpose:

The Reserves Act 1977 requires that a management plan/s be prepared for recreation reserves by the administering body. An extensive public consultation process must be followed prior to, and following the completion of the draft of the plan/s. Once adopted the plans remains under continuous review.

Policy:

Full Management Plans will be produced in two documents to cover all urban and rural reserves within the terms of the Reserves Act 1977, with the exclusion of those reserves gifted to the city by Ngati Whakaue, and covered by the Gifted Reserves Protocol.

5.2.2 Rural Domains Management

Policy:

Council is responsible for the administration of the following five rural domains:

- Rerewhakaaitu
- Reporoa
- Waikite Valley
- Horohoro/Ngakuru

- Mamaku

These domains will be administered as follows:

- i) The local population and/or user groups will form a rural reserves committee for each domain.
- ii) The Parks & Recreation Manager or nominee will be an ex-officio member of each Rural Reserves Committee.
- iii) Notices of meetings, copies of all minutes taken and a copy of the annual set of accounts will be provided for Council.
- iv) Rural Reserve Committees are to be offered the opportunity of the day to day operational management of their domain.
- v) If (iv) is accepted, an annual grant equivalent to the income derived from the domain less an administrative fee will be made to the local Rural Reserves Committee to assist with the day to day operational cost of that domain.

5.2.3 Easements And Private Access To Reserve Land

Policy:

That direct pedestrian access from private property to reserves is permissible, providing it complies with the following policies:

- a) That the use of reserves to gain vehicular access to private property on a long term basis will not be permitted except in exceptional circumstances where no other access is feasible, in which case legal access may be secured by way of an easement granted pursuant to the Reserves Act.
- b) That vehicle access to private property from reserves will only be permitted on a one-off or irregular basis to facilitate delivery and removal of materials. This is only to occur if staff are satisfied that such access can be undertaken without damage to the reserve. Alternatively if the risk of damage is acceptable the applicant must pay a bond for repair of damage, refundable when damage has been repaired to the satisfaction of the Parks and Recreation Manager.
- c) That boats may only be launched across reserves where staff are satisfied that the boat is able to be launched without damage or modification to the reserve. Alternatively if the risk of damage is acceptable the applicant must pay a bond for repair of damage, refundable when damage has been repaired to the satisfaction of the Parks and Recreation Manager. Rails, or concrete strips or ramps will not be permitted
- d) Alternatives to footpaths will only be considered where they can be demonstrated to be of less visual and physical impact and where they are needed to assist access by people with physical disabilities.
- e) Privately constructed pedestrian access will only be permitted where such can be safely constructed without the need for a building consent i.e. no building platforms will be permitted that have a fall height of over 1 metre, or tracks that require retaining walls of over 1.2 metres.
- f) Walking tracks are to be constructed in a manner that minimises vegetation removal (other than removal of plant pests) and earthworks. Removal of vegetation for the purpose of constructing a

track or any other form of access will require that appropriate replacements be planted at the discretion of the Parks and Recreation Manager.

- g) Any earthworks that interrupt or divert natural stormwater drainage must make provision for the collection and dispersal of stormwater in a manner that does not create scouring, siltation or inundation problems on the reserve or in adjacent waterbodies.
- h) Tracks are to be constructed using naturally occurring materials that blend with the surrounding reserve. Where timber is necessary for construction it must be screened by vegetation, or stained or weathered to an appropriate colour.
- i) Private access tracks or structures will not be permitted where they are likely to compromise the rights of the general public to use the reserve, or where they may create a physical or psychological barrier to legitimate use of the reserve by others.
- j) No "Private Property" signs may be erected on public reserve.
- k) Council may require the owner of any structure on a reserve to remove the structure if it is interfering with the rights of the general public to use the reserve, or is unsafe, or is no longer used for the purpose for which it was built.
- l) Where access from private property onto a reserve is so open that the reserve gives the impression of being part of the private property, Council may require the owner of the private property to erect some form of boundary marker on the true boundary. Alternatively Council may erect a boundary marker to define the boundary of the reserve. This policy must be read in conjunction with the provisions of the Fencing Act 1978.
- m) In genuine cases of disability, Council will consider reasonable alternatives provided they have a relatively low impact upon the reserve. All requests of this nature are to be referred to the Infrastructure Services Committee.
- n) Joint applications that provide a single point of access for a number of properties will be preferred to applications for access for single properties.

5.2.4 Fencing Contributions (New To Be Added)

Policy:

5.2.5 Memorial Seats (New To Be Added)

Policy:

5.2.6 Reserve Key Hireage (New To Be Added)

Policy:

5.2.7 Reserve Fees And Charges (New To Be Added)

Policy:

5.2.8 Reserve Designation (New To Be Added)

Policy:

5.2.9 Esplanade Reserve (Under Review)

Policy Purpose:

- Protection of intrinsic (natural) values in riparian areas of streams and lakes.
- Riparian management that avoids or mitigates adverse effects of catchment uses and management on lakes and streams.
- Provision of public access to lakes, rivers and streams in the Rotorua District.
- Use of esplanade instruments that fairly recognises, for both individual landowners and the community, the rights of use of riparian areas and the responsibilities of their management.
- Any formal access to and along waterbodies is situated and maintained consistent with the protection of natural values and Maori heritage.

Policy:

1. To promote appropriate management regimes for riparian areas by using whatever legal instrument (including Esplanade Reserves and Esplanade Strips) is best suited to protecting the priority values(s).
2. To use every opportunity to promote, facilitate, and achieve riparian management that maintains or enhances the following priority values:
 - The natural functioning of the adjacent lake or river;
 - The natural functioning of wetlands;
 - Water quality;
 - Aquatic habitats;
 - Natural terrestrial values including natural character, ecosystems, habitats and ecosystem corridors;
 - Buffering/remediation of adverse effects on the waterbody arising from catchment use and management;
 - Mitigation of natural hazards;
 - Public access; and
 - Recreation where it is compatible with the above values.

3. To develop methods of implementation including District Plan Rules to ensure the values in Policy 2 are protected.
4. On the creation of lots under 4ha, esplanade reserves shall be required on the margins of all:
 - Lakes over 8ha; or
 - Rivers over 3m wide within any urban zone including Rural B and E, and within or adjacent to the Tarawera and Okareka Settlement Areas; or
 - The following rivers (including tributaries) where they are over 3m wide:
 - Awahou
 - Waiteti
 - Ngongotaha
 - Utuhina
 - Waiohewa
 - Waiowhiro
 - Waingaehe
 - Puarenga
 - Ohau
 - Wairoa
 - Kaituna
5. On the creation of lots under 4 ha, esplanade strips shall be created on both banks of all other rivers where they are over 3m in width.
6. On the creation of lots over 4 ha adjoining the waterbodies listed in Policy 4, esplanade strips shall be created on lake margins and both banks of rivers.
7. All new esplanade reserves and strips shall be 20 metres in width, subject to the provisions of Policies 8 and 9.
8. To consider esplanade instruments wider than 20 metres, as either esplanade reserves alone or in conjunction with other reserves or easements, in the following circumstances:
 - Where an existing retired area is being converted to a reserve (for example a Land Improvement Agreement);
 - Where topography, cultural values or ecological values makes access impracticable or undesirable within 20m of the waterbody;
 - Where facilities will be required in conjunction with the esplanade reserve, for example parking or picnic areas;
 - Where an area is required for avoidance, remediation or mitigation of adverse effects arising from the expected or likely use of the new lots where those adverse effects cannot be avoided, remedied or mitigated onsite;
 - Other situations where the subdividing owner offers a wider reserve and particular features of the site make this desirable.
9. To allow esplanade instruments less than 20m wide where:
 - Extraordinary circumstances or topography on or adjacent to the area in question are such that the full 20m width will lead to conflict with no practical resolution;
 - Existing permanent buildings such as dwellings (but excluding boat sheds, garages and garden sheds) are sited within 25m of the waterbody;
 - Existing access to adjacent allotments is sited within 20m of the waterbody and cannot be readily resited;

- Topography adjacent to or within the proposed reserve requires that services such as a road or access must be placed within 20m of the waterbody;
 - Identified Maori heritage sites are within 20 metres of the waterbody.
10. Where Section 230 of the RMA does not apply i.e. where waterbodies are of insufficient size, the aim is to achieve riparian management of lakes, rivers and wetlands which enhances the values in Policy 2 by other available and appropriate means including vesting of recreation or drainage reserves(particularly in urban areas), voluntary retirement, Land Improvement Agreements, covenants, esplanade strips etc.
 11. That the instruments creating esplanade strips are to include conditions protecting the values identified in Policy 2 where they are present or can be readily restored.
 12. That existing Land Improvement Agreements are to be maintained unless replaced by an esplanade reserve or strip of at least the same terms and area, in which case a recommendation will be made to the Regional Council that the LIA be discharged.

RELEVANT/RELATED LEGISLATION/BYLAWS AND POLICIES

Reserves Act 1977

Section 3 General purpose of this ac

- (a) Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing -
 - (i) Recreational use or potential, whether active or passive; or
 - (ii) Wildlife; or
 - (iii) Indigenous flora or fauna; or
 - (iv) Environmental and landscape amenity or interest; or
 - (v) Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:
- (b) Ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character.
- (c) Ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

Section 29. Appointing a voluntary organisation to control and manage a reserve

For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the Gazette, appoint a voluntary organisation to control and manage the reserve for the purpose of its classification and in accordance with the appropriate provisions of this Act, and subject to such additional conditions and restrictions as may be specified in the notice. A notice under this section shall take effect according to its tenor, and may at any time be in like manner amended or revoked.

Section 41. Management plans

- (1) The administering body shall, within 5 years after the date of its appointment or within 5 years after the commencement of this Act, whichever is the later, prepare and submit to the Minister for his approval a management plan for the reserve under its control, management, or administration.
- (3) The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified ...
- (4) The administering body of any reserve shall keep its management plan under continuous review ...
- (5) Before preparing a management plan for any one or more reserves under its control, the administering body shall:
 - (a) Give public notice of its intention to do so; and
 - (b) In that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and
 - (c) In preparing that management plan, give full consideration to any such comments received.
- (6) Every management plan shall be prepared by the administering body in draft form in the first place, and the administering body shall -
 - (a) Give public notice ... stating that the draft plan is available for inspection ... and calling upon persons or organisations interested to lodge with the administering body written objections to or suggestions on the draft plan before a specified date, being not less than 2 months after the date of publication of the notice; and

- (b) Give notice in writing, as far as practicable, to all persons and organisations who or which made suggestions to the administering body under subsection (5) of this section stating that the draft plan has been prepared and is available for inspection ... and requiring any such person or organisation who or which desires to object to or comment on the draft plan to lodge with the administering body a written objection or written comments ... and
- (c) Make the draft management plan available for inspection, free of charge, to all interested persons during ordinary office hours at the office of the administering body; and
- (d) Before approving the management plan, or, as the case may require, recommending the management plan to the Minister for his approval, give every person or organisation who or which, in lodging any objection or making any comments under paragraph (a) or paragraph (b) of this subsection, asked to be heard in support of his or its objection or comments, a reasonable opportunity of appearing before the administering body or a committee thereof or a person nominated by the administering body in support of his or its objection or comments; and statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.]