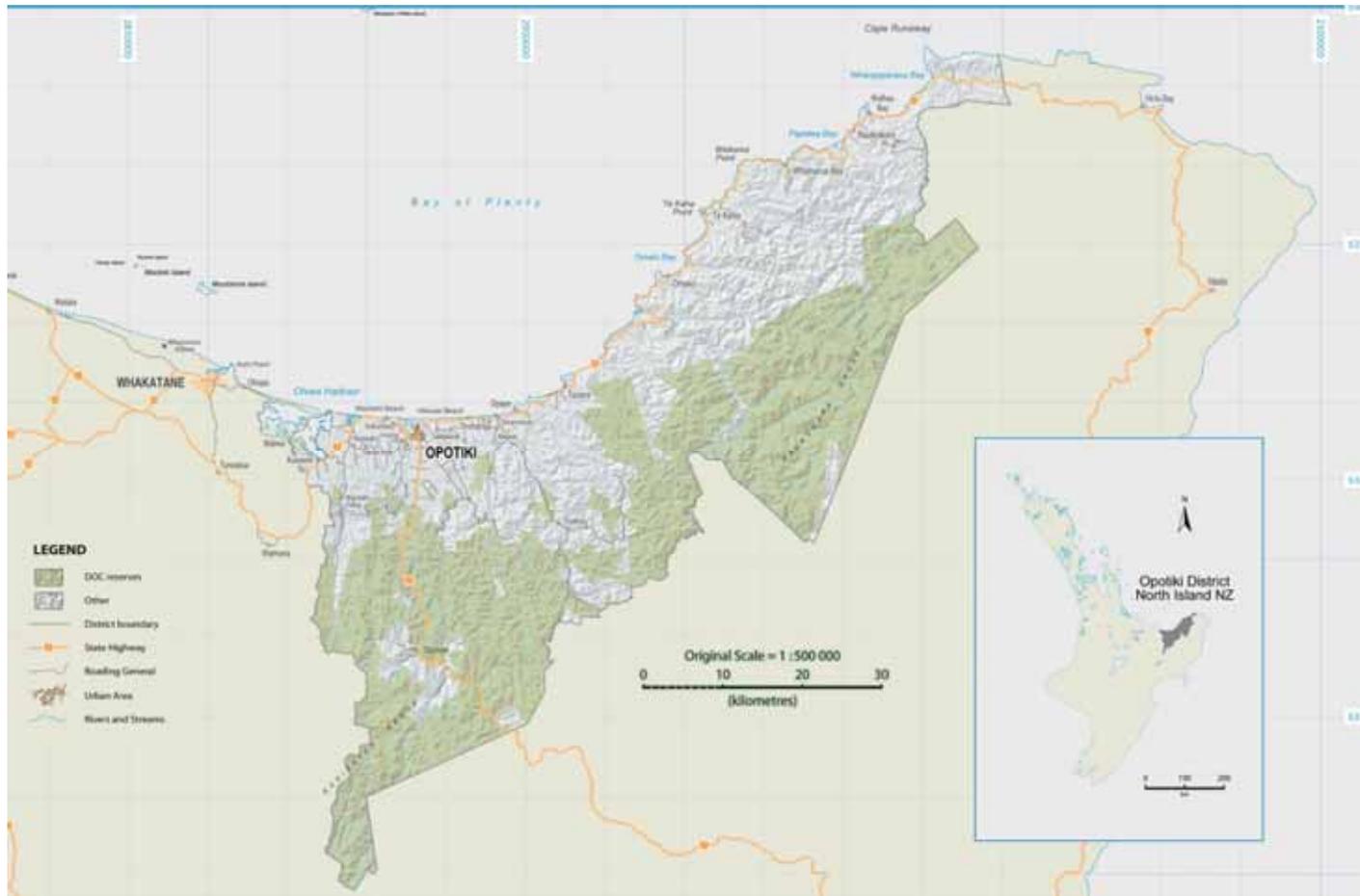


# Reserve Management Plan



**Opotiki District Council**  
STRONG COMMUNITY STRONG FUTURE

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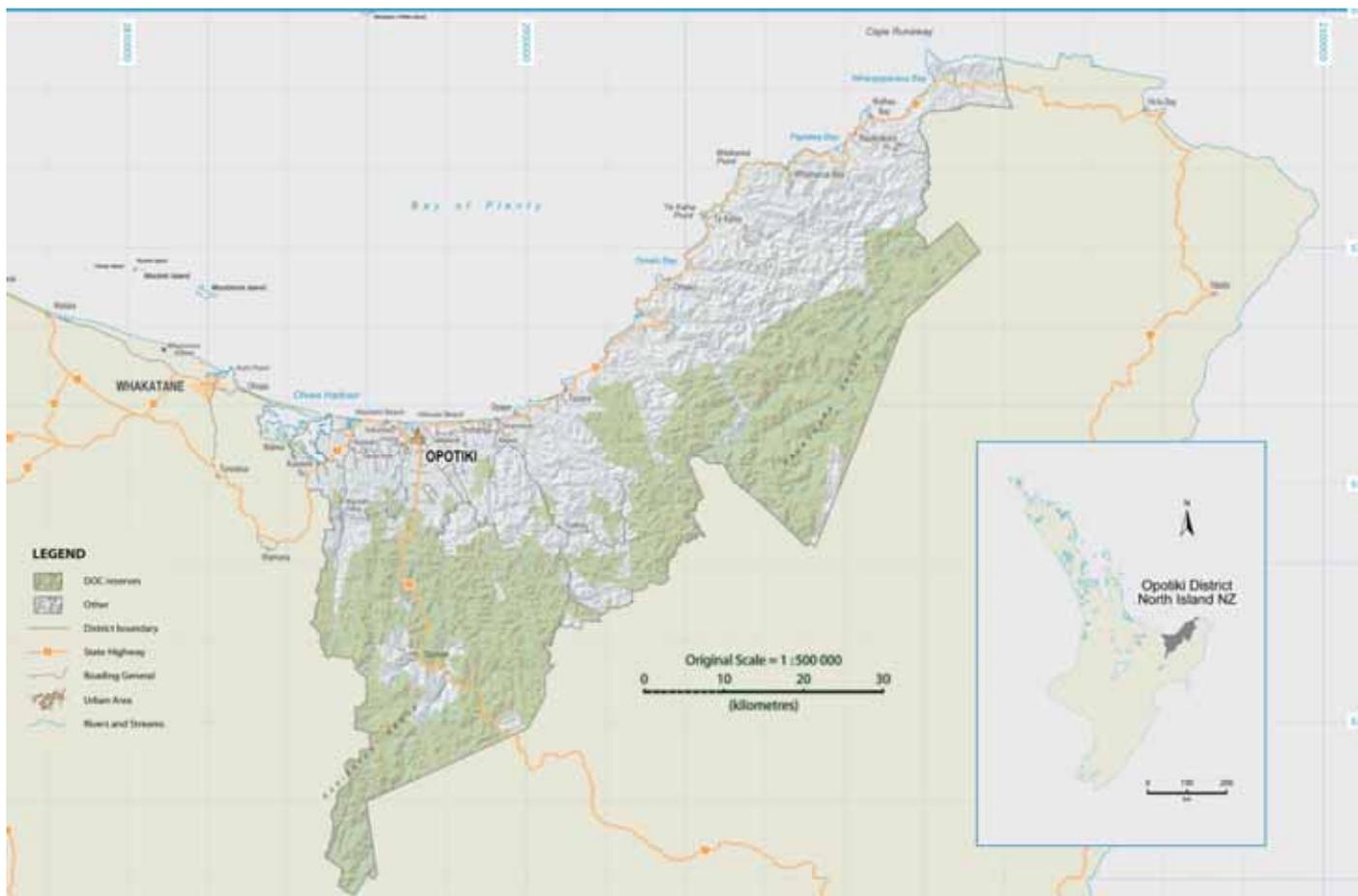
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## 1. Introduction

The Ōpōtiki District ranks highly as a hospitable relaxed place in which to spend your holidays. Located with Rotorua and Tauranga to the north and Gisborne further east, all within a 140 km radius. The Ōpōtiki District encompasses a virtual “Sportsman’s Paradise” and one of the finest natural “Family Holiday Playgrounds” in New Zealand. The wonderful beaches and rivers allow all types of fishing, boating, surfing, swimming, kayaking and associated water sports. The surrounding locality boasts a magnificent bush lined landscape, providing, providing bountiful hunting with outstanding scenic bush walks in a beautiful wilderness setting. The more recent development of the fabulous “Motu Trails Cycleway” gives an added appeal providing a diverse range of cycle skills from the novice to the experienced mountain biker. It also offers fantastic beach rides or walks.. Ōpōtiki hosts both major and community events during the year. Recreational sports adventure, arts and culture. It’s all here, “The Muriwai Tournament”, an annual tournament, featuring a range of sports between whanau, hapu and different Iwi. Also held annually are “The Motu Challenge Multi Sport Event”, an iconic NZ Circuit Rodeo, the Eastern Bay Ag Fest, Ōpōtiki Show Jumping and Show Hunter Show, Peggy’s Day Horse Sports and a very popular Big 3 Hunting Competition.

The Mussel Farm being developed just off the coast of Ōpōtiki has produced an initial harvest. These first green lipped mussels harvested have been of an extremely high standard. Production will increase significantly going forward. Work is continuing on the Ōpōtiki Harbour Entrance development, primarily to facilitate the mussel farm development based in Ōpōtiki. This proposed Harbour Development will unlock a huge economic potential for Ōpōtiki<sup>1</sup>.

## 2. Context



The Ōpōtiki district is located in the Eastern Bay of Plenty, extending from the Ōhiwa Harbour almost to East Cape. It incorporates the townships of Ōpōtiki and Te Kaha, along with a range of smaller settlements scattered throughout the district, the majority along the coastline. It is split into three wards, Ōpōtiki, Waiotahi/Waioeka and the Coast. The Ōpōtiki District encompasses 25% of the Bay of Plenty region. Approximately 50% of the Bay of Plenty coastline falls within the Ōpōtiki District, comprising 160 kilometres of coastline.

The Ōpōtiki district benefits economically from its agricultural production of kiwifruit, which is expected to remain consistent in the coming years. In contrast, the development of the Ōpōtiki harbour is expected to increase aquacultural industry presence in the district which will provide more employment opportunities and increase the number of visitors to the region. Almost half of the district's 8,500 permanent residents reside in the Ōpōtiki township, with the rest occupying small outlying farming, lifestyle and coastal settlements. The presence of 20 marae located throughout the district provide a sense of identity and a focal point for local communities. The extensive coastline boasts numerous beaches, forests and river networks to experience where it is estimated an excess of 30,000 visitors are attracted to explore the natural environment of the Ōpōtiki district annually.

The Ōpōtiki district has a huge conservation estate with much of it in close proximity to the coastal areas and settlements. Many of our reserves have a cultural and historical significance. A number of reserves have community involvement, including tangata whenua, leasees and community volunteer groups.

Ōpōtiki District Council recognises that the future management of some of its reserves may offer the opportunity to work with our Treaty Partners to resolve our approaches for the protection and management of reserve values, including handing back some of the reserves to Tangata Whenua. Even though ownership and/or the governing body associated with any particular reserve(s) may change, it is not envisaged there would be any change to the overall strategic objectives and reserve values of that land.

### 3. How to use this Document

This Reserve Management Plan deals with all council owned reserves in the Ōpōtiki District consistently rather than treating them all separately. Objectives and policies are divided into two sections, one general for all reserves, and an individual section for those reserves that have special policy issues. In this way a document is produced that has a consistent, integrated approach to management yet covers all the issues. For the purposes of strategic planning and management, Ōpōtiki District Council (ODC) has categorised the existing parks network using the national framework developed by the New Zealand Recreation Association

Where possible, management policies have been formulated that are flexible enough to cope with changing needs, yet still meet stated objectives. However, it is recognised that management issues will change with time and some future revision of policies may be necessary and will be achieved in conjunction with the appropriate statutes and the ODC values as stated in this document.

In order to find reserve or policy information in this plan, you may approach it from any one of two ways

#### **General Policy Queries**

To answer queries about general policies such as grazing, dogs on reserves, leasing etc, go to the Table of Contents and look for Council Policies and Procedures. Following this is a list of the policies and procedures relating to reserves that are covered in this section

#### **Specific Reserve Queries**

To find information or policies relating to specific reserves, look up that specific reserve in the table of contents.

## 4. Reserve Act Classifications

### 4.1. Recreation Reserves

Reserves classified as recreation reserves fall under section 17 of the Reserves Act (RA) and have a duty to provide areas for sporting and recreation activities to promote the physical enjoyment and welfare of the public whilst enhancing and protecting the natural environment. Provisions under the RA state that recreation reserves must:

- Provide freedom of entry and access to the reserve, subject to conditions and bylaws set by the district council.
- The management and protection of scenic, historic, archaeological, biological, geological or other indigenous flora and fauna that are present on the reserve. This is to be done in a way that is compatible with primary purpose of the reserve.
- Activities undertaken on the reserve shall not conflict with the Wildlife Act 1953 or Heritage New Zealand Pouhere Taonga Act 2014.
- Conservation of qualities that contribute to the pleasantness, harmony and cohesion of the natural environment and those which enable the better use and enjoyment of the reserve shall be retained.

### 4.2. Historic Reserves

Reserves classified as historic reserves fall under section 18 of the RA where its purpose for protecting places, objects and natural features that are of special interest historically, archaeologically, culturally or educationally. To be historic reserves must:

- Have structures, objects or sites that illustrate the history of New Zealand.
- Significant or notable features shall be managed and protected to the extent compatible with the primary purpose of the reserve.
- Provide freedom of entry and access to the reserve, subject to conditions and bylaws set by the district council.

### 4.3. Scenic Reserves

Reserves classified as scenic reserves fall under section 19 of the RA and have a primary purpose of either protecting and preserving flora where it possesses qualities of scenic interest, beauty, natural landscape or enabling the provision and development of indigenous or exotic flora where such improvements enhance and protect areas that are desirable and in public interest.

- Unless otherwise determined, indigenous flora and fauna, ecological associations, natural environment and beauty shall as far as possible be preserved, and for this purpose, except where otherwise determined, exotic flora and fauna shall as far as possible be exterminated.
- Provide freedom of entry and access to the reserve, subject to conditions and bylaws set by the district council.
- Open portions of reserves may be developed for amenities where necessary for the public to obtain benefit and enjoyment from the reserve.
- Historic and other significant features shall be managed in accordance with the primary purpose of the reserve.

### 4.4. Nature Reserves

Reserves classified as nature reserves fall under section 20 of the RA and are for the purpose of protection of natural features, flora and fauna of rarity, scientific interest, importance and so unique their preservation is in public interest. Nature reserves must:

- Be kept in its natural state as far as possible.
- Extermination of exotic flora and fauna unless otherwise determined.

- Public entry not permitted within the reserve for better protection of the natural environment, except by form of permit granted under sections 48A or 57.

#### **4.5. Scientific Reserves**

Reserves classified as scientific reserves fall under section 21 of the RA and have a primary function to protect and preserve for scientific research, study, education the benefit of the country, ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest. Scientific reserves must:

- Ensure the eradication of exotic species unless otherwise specified.
- Reserve may prohibit public access by notice in order to achieve management priorities in accordance with Wildlife and Heritage Acts.

#### **4.6. Government Purpose Reserves**

Reserves classified as government purpose reserves fall under section 22 of the RA and are for the purpose of providing and retaining areas for government purpose or as otherwise specified. These may be assigned as such for the purposes of wildlife management or other specified wildlife purposes.

#### **4.7. Local Purpose Reserves**

Reserves classified as local purpose reserves fall under section 23 of the RA and serve the purpose of providing and retaining areas for local purpose or as otherwise specified in the classification of the reserve. Where a local purpose reserve is vested in a local authority, it may by public notice prohibit access to the whole or any specified part of the reserve except under the authority of a permit issued by the local authority. Local purpose reserves are covered in this reserve management plan.

## **5. Reserve Categories**

All reserves are classified and normally held under the Reserves Act 1977. The use and management of each reserve area may differ, in particular between local purpose reserves and recreation reserves. The Reserves Act classification (refer to Appendix A) does not often reflect how a reserve is used by the public and is limited in identifying levels of service and lawful uses for each type of reserve area.

Reserve management and use of a reserve is dependent on:

- the physical setting and size of a reserve;
- social use of a reserve;
- infrastructure provided;
- what any possible development of that reserve area may entail.

To aid the effective management of the district's reserves, ODC uses a national framework developed by the New Zealand Recreation Association that allows the reserves to be categorised according to size, type of use and management focus. It provides Councils with a New Zealand relevant industry guideline that can be used consistently across a range of parks, reserves and open space networks. These categories provide Council with not only a strategic management approach in regard to the natural values and recreation use of a specific reserve, but also provides a basis for defining the reserve's primary purpose and character. Allocating reserves to the most appropriate category helps to identify how the reserve may be developed, what assets are provided and the standard of maintenance most relevant to its primary purpose and character.

Table 1 Reserve categories, development and management focus.

Category	Description/Primary Purpose
<b>Sports and Recreation</b>	Reserves (often quite large areas) set aside and developed for organised sport and/or recreation activities, recreation facilities and buildings, often multiple use.
<b>Civic</b>	Reserves often provided within or adjacent to central business districts, and developed to provide a space for social gatherings, meeting places, relaxation and enjoyment.
<b>Cultural Heritage</b>	Reserves that protect the built cultural and historical environment, and/or provide for heritage conservation, education, commemoration, mourning and remembrance.
<b>Neighbourhood</b>	Reserves developed and used for informal recreation and sporting activities, play and family based activities, and social and community activities.
<b>Outdoor Adventure</b>	Reserves developed and used for recreation and sporting activities and associated built facilities that require a large scale, forested, rural or peri-urban environment.
<b>Nature</b>	Reserves that offer the experience and/or protection of the natural environment, containing native bush, coastal margins, forestry, farm parks, wetlands, riparian areas and water bodies.
<b>Recreation and Ecological Linkages</b>	Reserves that are often linear in nature that provide pedestrian and cycle linkages, wildlife corridors and access to water margins. May provide for environmental protection, and access to waterways.

## 6. Definition and Purpose of the Reserve Management Plan (RMP)

The retention and management of reserves provides significantly towards the vibrancy of the community by influencing recreational pursuits, enjoyment and protecting the resilience of the environment for both current and future generations. The purpose of this RMP is to provide for the consistent management of the district's coastal reserves, sports parks and passive reserves for the benefit of the community, environment and the open space amenity of the area.

The Ōpōtiki District Reserve Management Plan is a document that directs the function, day to day management and future operation of each reserve in a way that establishes clearly defined objectives that are compatible with the Reserve Act's requirements, community interests and future vision for the districts reserve network. It also accommodates for the individual character and qualities of each reserve. This plan contains policies and objectives for the effective management of the reserves portfolio, and also for each reserve. They are aimed at maximising use, enjoyment and appropriate development, while balancing ecological sustainability and affordability in a way that allows the district council and community to be certain about the future of the districts public open space.

The procedure for preparing management plans is set out in the Reserves Act 1977, where a continuous review process is accommodated for in order to adapt to changing circumstances. Having an adopted plan means that the Minister of Conservation's consent and public notification are not required for routine matters. Reserve Management Plans are guided by the statutory requirements of the Reserves Act 1977. The Reserves Act requires the development of Reserve Management Plans and a formal planning process for the management of public reserves in New Zealand.

## 7. Planning Framework and Councils Roles

These objectives and policies are in part driven by other planning documents and processes such as the relationship between the Reserve Management Plan, the RM Act / District Plan, Iwi and Hapu Management Plans, relevant legislation and other Council policies and bylaws. Therefore, whilst the Reserve Management Plan provides direction for the management of specific reserves, overall reserve management continues to be guided and controlled by other relevant legislation.

Other relevant plans that contribute towards ODC objectives e.g. The Asset Management Plan

However, Council will work in partnership with its Treaty Partners in the first instance and on an ongoing basis to establish specific direction on the best care for the whenua and where planning for the future.

### Administration/Decision making

As the administering body for reserves held under the Reserves Act 1977 the Council has unique and independent powers as well as general administration powers. Some of these are subject to the consent of the Minister of Conservation, who also has powers to make other decisions affecting the administration and management of reserves. Decisions made by Council must be within the powers conferred by the Act. In practice, for some decisions, the Act overrides other legislation. For example, "full Council" as the administering body only can make resolutions about:

- declarations of reserves.
- exchange of land.
- revocation or change of purpose.

### Approval of Management Plans

Some of the powers conferred on the Minister of Conservation have also been delegated to Council, for example granting rights of way under Section 16 (1). Under this authority, "full Council" must make the decisions and not delegate them to a committee. Some delegations from the Crown are conditional on there being an approved Reserve Management Plan. The intention is to streamline decision-making and recognises that there will be many activities compatible with the purpose of the reserve which has already been addressed in the Management Plan. Council as the administering body may delegate decisions about the following to a committee or sub-committee:

- initiating public consultation.
- preparation, review, and notification of Management Plans.
- leases, licenses, and concessions for short term use of reserves
- easements Decisions to be made by Council officially as the administering body cannot be delegated to staff.

Those pieces of land owned by Council and not classified as reserve are not subject to the constraints of the Reserves Act for decision-making. Some reserves have their own committees which have usually derived from the former Domain Boards. These reserve committees provide a community forum for the needs of users to be conveyed to Council. Their key delegations are:

- maintenance and operation of the reserve.
- letting of facilities.
- setting of hireage fees.

In practice, for the majority of cases, initial contact from the public about reserves will be to a staff member.

Staff are responsible for reserve maintenance and implementing the Management Plan.

## Recording Information

Council retains information regarding Reserve land on electronic platforms for both mapping and asset management and works with Tangata Whenua to better understand the specific values of sites managed as reserve.

## Application of Revenue

Under the Reserves Act, Council has the ability to charge for admission, leases, licenses and concessions, and use of facilities on reserves. All revenue from reserves held under the Reserves Act must be applied for the purposes of the Act – such as developing, managing and maintaining those reserves.

## Community Relationships

It is important to acknowledge that many individuals and groups in the community, as users of reserves, are interested in being involved in reserve development and maintenance. They have already made important contributions in terms of knowledge, experience and time. By involving stakeholders from the development stage, huge community ownership can be built which often results in the provision of services and facilities on a volunteer basis.

## Plan Management and Review

Section 41(4) of the Reserves Act provides that Council must keep its management plan under continuous review, so that the plan is adapted to changing circumstances or in accordance with increased knowledge. This Management Plan may be subject to minor alterations from time to time and will accordingly be updated. Should a major change in policy be proposed then a review of the management plan would take place. Any such change should be notified to give the public the opportunity to make submissions to Council. The District Reserves Management Plan will be reviewed every five years to ensure details about the reserve and reserve users is kept current.

### 7.1 Statutory Framework

#### **Reserves Act 1977 (RA)**

Areas are provided and managed as reserves under the Act to protect a range of special features or values, including recreational, historical and community ones (refer also to Section 2.2). The ODC, as an administering body under the Reserves Act 1977 is required to prepare RMP's for the reserves under its control. The purposes of the RA are summarised as follows;

- Providing for the preservation and management of areas for the enjoyment of the public.
- Ensuring, as far as possible, the survival of all indigenous species of flora and fauna.
- Ensuring, as far as possible, the preservation of access for the public.
- Providing for the preservation of representative samples of all classes of natural ecosystems and landscape.
- Promoting the protection of the natural character of the coastal environment and margins of lakes and rivers The RA classifies all public reserves in accordance with their primary purpose.

A number of the Ōpōtiki coastal reserves are classified as recreation reserves. In accordance with Section 17 of the Act, the reserves have the primary purpose of:

“... providing areas for recreation and sporting activities and physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.”

The RA also provides for a number of other important management considerations under S17 (2). These are:

- (a) “The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by Sections 53 and 54 of this Act, to any bylaws under this Act applying to the reserve and to such conditions and restrictions as the administering body considers may be necessary for the protection and general wellbeing of the reserve and for the protection and control of public using it.”
- (b) Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve. Provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any Regulations or Proclamation or Notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Historic Places Act 1954.
- (c) Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved.
- (d) To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water and forest conservation area shall be maintained.”

### **Resource Management Act 1991 (RMA)**

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Section 6 of the RMA outlines matters of national importance that territorial local authorities must recognise and provide for including:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (g) The protection of recognised customary activities.

The District Plan sets out ODC objectives, policies and methods to carry out their functions in terms of the RMA. The RMA also provides for the creation of esplanade reserves on subdivision for the purpose of S299 (among other things):

- (a) To enable public access to or along any sea, river, or lake: or
- (b) To enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with recreational values.

Esplanade reserves and esplanade strips provide an opportunity for the protection of the quality of the coastal environment, protection and enhancement of habitats, provision of areas for public recreational use and the provision of public access to the coastal marine area. A number of esplanade areas have been created under this piece of legislation through the subdivision process and are now part of the ODC's reserve network.

### **Local Government Act 2002 (LGA)**

The purpose of the Local Government Act 2002 is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, in accordance with the RMA

- (a) States the purpose of local government; and
- (b) Provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) Promotes the accountability of local authorities to their communities;
- (d) Provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of communities, taking a sustainable development approach. Other requirements as they relate to the management of reserves are:
  - Creation of bylaws (refer section 145 of the LGA).
  - Public consultation (refer in particular section 138 of the LGA as it relates to the disposal of parks not governed under the RA).

### **Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)**

The Heritage New Zealand Pouhere Taonga Act 2014 deals with the recognition and registration of historic places, historic areas, and waahi tapu. Methods for protection include creating heritage covenants and registration with the Trust. This RMP seeks to recognise that some reserves include places of historical, cultural and archaeological significance and there is a need to work in accordance with the provisions of the HNZHPTA (for example when carrying out operational functions or developing facilities). Where historic places or waahi tapu have been registered under this Act, the relevant territorial local authority is notified. Registration is often supported by listing in the ODC's District Plan. This RMP recognises the importance of these sites within ODC reserves and is consistent with provision of the HNZHPTA.

### **Conservation Act 1987 (CA)**

The Conservation Act 1987 relates specifically to DOC managed land and promotes the conservation of New Zealand's natural and historic resources. It confers a number of functions on DOC such as:

- The management for conservation purposes of all land and natural and historic resources held under the CA;
- The preservation of indigenous freshwater fisheries (so far as is practicable);

- The protection of recreational freshwater fisheries and freshwater fish habitats;
- Conservation advocacy;
- The provision of educational and promotional conservation information;
- Fostering recreation and allowing tourism on conservation land, providing the use is consistent with the conservation of the resource.

The CA is only relevant in situations where ODC owned reserves adjoin DOC land (including fisheries) and the need arises for a co-operative land management approach. In these situations the policy document recognises the need to promote conservation and historic preservation as appropriate.

### **Walking Access Act 2008 (WAA)**

Section 81 of the Walking Access Act 2008 has replaced the Walkways Act 1990. The aim of section 81 of the WAA is to establish walking tracks over public and private land so that the people of New Zealand have safe, unimpeded foot access to the countryside for the benefit of physical recreation as well as for the enjoyment of the outdoor environment and the natural and pastoral beauty, the historical and cultural qualities of the areas they pass through.

### **Management and Control of the Resources**

ODC's decision-making capability over the reserves covered by the RMP is through vesting by the Crown pursuant to Section 26 of the Reserves Act. Appointments to control and manage are made pursuant to Section 28 of the Reserves Act. ODC's autonomous powers in respect of the reserves differ according to the form of administrative control. The functions of reserve administering bodies are specified in Section 40 of the Reserves Act 1977. The Council, as the administering body for these reserves, is charged with the duty of administering, managing and controlling them for the purpose for which they are classified, and in accordance with the appropriate provisions of the Reserves Act 1977. The Council must, within the means at its disposal, ensure the use, enjoyment, development, maintenance, protection and preservation of the reserves for recreation purposes, as set out in Section 17 of the Reserves Act.

### **Management Planning Procedure**

#### **Administration**

ODC currently administers all of their reserves in the district with advice provided by council staff in accordance with careful consideration of the policies in this RMP. Day to day management is handled by the ODC' Parks and Reserves staff under the supervision of the Reserves Manager.

## **7.2 Planning Framework**

Section 41 of the Reserves Act (RA) mandates that the administering body of recreation and other reserves prepares a RMP for individual or groups and categories of reserves. The RMP's are required to be kept under continuous review (Section 41 (4) of the RA). Through the preparation of a RMP for a reserve or reserves, the administering body of the reserve(s) is able to establish the values present and determine policy for the day-to-day administration and use of the reserve or reserves.

The objective is to achieve a desirable mix of the values and uses. The RMP planning process also provides a way of determining community preferences and establishing the best means of providing for community wishes and expectations. A RMP should be treated as a community document. This gives the community certainty and assurance concerning the function and management of each reserve or group of reserves. This is an essential ingredient of good management planning.

In addition, the RMP provides the reserve administering body with a framework for decision making concerning the day-to-day management of the reserves. When certain activities are provided for or contemplated in an approved RMP, it is not necessary for such proposals to be publicly notified as it is considered that this has occurred through the RMP notification process. The management planning process affords opportunity for community input at that stage. The process of preparing the management plan will have already established that certain proposals or reserve uses are compatible with the overall purpose of the reserve or reserves.

Reserves must be administered and managed for the purpose for which they are classified under the RA 1977. Provisions in the RMP's must be consistent with the statutory requirements that apply to the various reserve classifications. For example, any goals or objectives in the RMP which relate to recreation reserves must be consistent with the purposes defined in Section 17 of the Act.

Those for local purpose reserves must be consistent with Section 23 of the RA. Section 41(3) of the RA requires that a reserve(s) management plan must "provide for and ensure" the following:

- the principles set out in sub-sections 17 to 23 that apply to a reserve of the relevant classification.
- compliance with those principles.
- use, enjoyment, maintenance, protection, and preservation of the reserve(s) as the case may require.
- development (as appropriate) of the reserve(s) to the extent that the administering body's resources permit, for the purpose for which each reserve is classified.

The administering body of a reserve(s) is required to keep the management plan(s) for the reserves administered under continuous review in terms of Section 41(4) of the Reserves Act 1977. The intention is that the plan is adapted to changing circumstances or increased knowledge.

Provisions of the Territorial District Plans prepared in accordance with the RMA apply to reserves. Relevant resource consent must be sought under the Resource Management Act for any land use that is not a permitted activity. Where resource consents are required in terms of the District Plan, it may be necessary for a proposal to be publicly notified (in accordance with the requirements of the RMA) notwithstanding that the proposal of activity is provided for in the reserve management plan. Certain specific activities will however require resource consent under the RMA. Those activities may include any of the factors below where the effects of the activity are deemed to be more than minor:

- Building, including the placement, alteration of construction.
- Mining.
- Signs.
- Subdivision.
- Any change of land use within a scheduled feature, including vegetation clearance other than that specifically permitted.
- Any modification to the natural landform, including earthworks, drainage, deposition of fill, or disposal of solid waste.

Specific plans affecting ODC's reserves include;

### **Regional Plan**

The management of the Ōpōtiki coastal reserves may be subject to provisions in the following Environment Bay of Plenty Regional Plans:

- Regional Water and Land Plan.
- Regional Coastal Environment Plan.
- Ōhiwa Harbour Strategy.

## **District Plan**

The Ōpōtiki District Plan has several sections that have relevance to the management of the coastal reserves. These sections include:

- Chapter 5 – Marine Services Zone
- Chapter 9 – Coastal Zone
- Chapter 10 Coastal Settlement Zone
- Chapter 11 Ōhiwa Harbour Zone
- Chapter 12 Surface of the Water
- Chapter 13 Landscape and Vegetation
- Chapter 14 Heritage

### **Specific assessments**

A number of site based assessments for archaeology determine management practices and interventions for prohibited activities, e.g., sacred sites, i.e., Waahi tapu locations and important archaeological locations.

### **Reserve Reclassification, Acquisition and Disposal of Land**

This can occur if the use of the reserve changes dramatically, or if it is no longer required as reserve and must be done in accordance with Section 24 of the Reserves Act.

In addition, Council cannot act without first consulting with the Department of Conservation and the general public. There is a well-defined statutory process laid down in Section 24 that must be followed before any reserve land can be reclassified or have its reserve status revoked. There are also restrictions on what types of reserve may be affected.

Open space set aside for the purposes of a reserve must be classified as such to prevent unwanted development occurring within the area's boundary. If the occurrence of any proposed developments which will adversely affect the primary purpose of the reserve they must be achieved in a manner that accounts for the reserve's classification as a core focus. Where this is unable to be achieved the controlling authority is responsible to ensure land is exchanged in accordance with section 15A of the Reserves Act, where the function of the proposed new reserve must be considered and be of equal or greater value physically, culturally and environmentally than the previously allocated land.

The disposal of reserves that are surplus to requirements is governed by whether the reserve was derived through a gift or vested in the Council by the Crown, or was created through vesting on the subdivision of land, purchased and otherwise directly acquired by the Council. In situations where land was gifted or taken under the Public Works Act for public reserve, the land is required to be offered back to the former owner. Reserve land derived from the Crown passes back to the Crown on revocation of the reserve.

## Vision 'Strong Community Strong Future'

### 2018/28 Long Term Plan (LTP) Integration

The 2018/28 LTP has provided the Ōpōtiki district with strategic direction to guide decision making and development progress within our community for the next decade. Through the process of developing the LTP Council worked closely with the community to establish 7 goals in the form of high level outcomes which give Council the ability to focus the desires of the community into a collective vision for Ōpōtiki into 2028 and beyond. These 7 Community Outcomes are as follows:

- Development and protection of the natural environment.
- Services and facilities that meet our needs.
- Fair and efficient leadership.
- A strong and effective community spirit.
- Purposeful work and learning opportunities.
- Development supports the community.
- History and culture is treasured.

Ōpōtiki's parks, reserves and cemeteries support our Community Outcomes by providing opportunities to residents and visitors through provision of a diverse range of recreational spaces, beautification through the maintenance and enhancement of greenspace, conservation of the natural environment through preservation and co-stewardship opportunities, and ensuring public accessibility is retained where appropriate. This RMP contributes to our Community Outcomes by providing for the consistent management of the district's coastal reserves and sports parks reserves for the benefit of the community, environment and the open space amenity of the area.

### Objectives

ODC is committed to the provision, maintenance and development of the district's parks, reserves and facilities for the purposes of recreation, beautification, conservation of the natural environment and public access.

ODC recognises parks and recreation facilities play a significant role in the health and wellbeing of the community, and have a critical role in the lifestyle we enjoy and our relationship with the outdoor environment. For these reasons ODC recognises the expectation of resident and visitors to the district to have access to passive and active recreation opportunities.

### Reserve Group Objectives:

To aid ODC with the planning and management of the district's parks network the reserves have been grouped as follows:

#### Coastal Reserves Management Objectives

- Preservation of the coastal environment.
- The provision of access to the coast.
- The provision of recreational facilities that support public use of the reserves.

#### Sports Parks Management Objectives

- Provision of multi-use facilities, surfaces and open space for sport, recreation and events.
- To balance the needs of organised sport against the use of sports parks by the wider (non-sport) community who enjoy the large areas of public space for recreation activities.
- Provision of sports parks and facilities that are easily accessible for sports, recreation and events to encourage increased participation in activities.
- Provision of sports parks that are safe places for all ages to use.

## Passive Reserves Management Objectives

- Provision of passive reserves for the welfare and enjoyment of reserve users and the wider public
- To define and identify all passive reserves as public open space

### General objectives:

- The satisfaction of the statutory requirement laid down by the Reserves Act 1977 and subsequent amendments for all administering bodies of recreation reserves to formulate long term plans for their management.
- The fulfilment of the need for a comprehensive document that deals with all reserves in a consistent and integrated way in accordance with Council policy, i.e. "that a full management policy and plan be produced as one document to cover all reserves within the terms of the Reserves Act 1977".
- The development, management and maintenance of reserve land and facilities to the appropriate standard which reflects their value, character, and use, and to enable maximum public use, enjoyment, and safety consistent with preservation of natural values.
- Taking into account the principles of the Treaty of Waitangi and the provision and recognition of Tangata Whenua's traditional relationship with their lands, water, waahi tapu and other taonga.
- Provide safe, healthy and appropriate facilities that are affordable and significant to that community, reflecting the needs, and the unique character of that locality.
- Support provision of sub-regional recreation and leisure opportunities by working with neighbouring Councils to provide cross boundary recreational opportunities including facilitating specialist agencies to support communities in defining and achieving their future recreation needs.
- Protect important natural environment, cultural and heritage values. Often spaces important for recreation and leisure are also important for other reasons. Council must balance recreational, natural, heritage and cultural values in managing its assets.
- Work and collaborate with the wider community including tangata whenua to provide and promote recreation and leisure facilities.
- The provision of an opportunity for the people of the Ōpōtiki District to have a say in the management of their reserves by making submissions to the preparation and development of this plan.
- To develop and enhance connections between parks to establish and promote a network of recreational walkways and cycleways across the township.
- Provision of open green space that is valued by the community and protected, conserved and enhanced.
- Preserve and protect sites of archaeological or historic significance on sports parks and coastal reserves.
- Increasingly active healthy lifestyles and enhanced physical wellbeing and enjoyment for the Ōpōtiki Community and visitors.
- Promote and support community events.
- Support initiatives for development.
- Play our prescribed role in Treaty Settlements, including any legislated joint governance arrangements, and any orders made under the Marine and Coastal Areas Act.

These strategic outcomes provide broad guidance for reserve provision and management across the district, whilst also identifying a number of different ways that Council may work with the community to provide an overall better range and quality of recreational experience for the public.

## **8. Specific Reserve Classification Objectives**

### **Recreation Reserves:**

To provide for recreation and sporting activities and the physical welfare and enjoyment of the public, namely;

- To protect the natural environment and beauty of the locality and, in particular, to retain open spaces and outdoor recreational activities, including recreational walkways.
- To maintain the public's freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by Section 53 and 54 of the Reserves Act, 1977, and any bylaws applying to the reserve, and to any conditions and restrictions that the administering body considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it).
- To protect those scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife present on the reserve, to the extent compatible with the principal (recreational) purpose of the reserve.
- To conserve those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment, and to the better use and enjoyment of the reserve?
- To maintain the reserve's value as a soil, water, and vegetation conservation area, to the extent compatible with the principal (recreation) purpose of the reserve.

### **Historic Reserves:**

To protect and preserve in perpetuity places, objects, and natural features that are of historic, archaeological, cultural, educational or other special interest. Having regard to the general purpose of the reserve specified above, to administer and maintain the reserve so that:

- The structures, objects and sites of historic significance illustrate with integrity the history of New Zealand.
- The public have freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by section 58 of the RA 1977 and any bylaws applying to the reserve and to any conditions and restrictions that the administering body considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it).
- Those scenic, biological, geological or other scientific features (including flora, fauna or wildlife) present on the reserve are managed and protected to the extent compatible with the principal or (historic) purpose of the reserve.
- To conserve those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment, and to the better use and enjoyment of the reserve.
- To maintain the reserve's value as a soil, water, and vegetation conservation area to the extent compatible with the principal (historic) purpose of the reserve.
- Except where otherwise determined by the Minister of Conservation, the indigenous flora and fauna and natural environment are preserved.

### **Scenic Reserves**

- To protect and preserve in perpetuity area of land possessing significant qualities of scenic interest or significant features or landscapes namely to Manage for their intrinsic worth and for the benefit, enjoyment and use of the public.
- Preserve indigenous flora and fauna, biological associations and the natural environment as far as possible
- Exterminate exotic flora and fauna as far as possible.
- Allow the public freedom of entry and access subject to conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using it.
- Develop open portions for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve.
- Manage and protect archaeological, geological, biological or other scientific features,.

### **Local Purpose Reserves:**

To provide and retain areas for such educational, community, social or other local purpose as specified in the Gazette notice classifying the reserve.

- Having regard to the general purpose of the reserve, to administer and maintain the reserve so that:
  - The reserve's value as a soil, water, and forest conservation area is maintained to the extent compatible with the principal purpose of the reserve. To maintain the public's freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by Section 23 and 61 of the Reserves Act, 1977, and any bylaws applying to the reserve, and to any conditions and restrictions that the administering body considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it).
  - To maintain appropriate public access to the reserve. Council may, from time to time, by public notice prohibit access to the whole or any specified part of the reserve. In that case no person shall enter the reserve, except under the authority of a permit issued by the Council.

### **Esplanade Strips and Coastal Reserves:**

To ensure the protection and enhancement of the coastal reserves including the natural dune system, its function and the natural character of the coastline. The Plan recognises cultural and historical values while providing for appropriate recreational opportunities.

- Protection and enhancement of natural dune processes.
  - Natural buffer from storm events.
  - Helps contain sediment deposition within the coastal margin.
- Maintenance of the natural character and landscape and ecological values of the coastal environment.
  - Retain indigenous biodiversity.
  - Balance cultural and ecological values.
- Provide for and enhance recreational opportunities within the coastal reserves.
  - Encourage and focus recreational activity in locations which minimise adverse effects to the life cycles of indigenous flora and fauna.
  - Inclusion of public amenities within these spaces.

## **9. General Reserve Policies**

### **9.1 Administration and Planning Policies**

#### **9.1.1 Horse Grazing and Microchipping**

The ODC has a number of reserves set aside for the purposes of grazing. The ODC has experienced issues with identifying horse owners for loose horses, and determining numbers of horses grazing within Council reserves, often without approval. To mitigate this ODC require that all council permitted horses grazing in ODC owned reserves set aside for the purposes of grazing must be microchipped in the manner prescribed by ODC. ODC will be supplied with the chip number prior to any new horses being permitted grazing on reserves, and will impound any un-chipped horses at any time. ODC advises that horses are permitted only in paddocks expressly set aside for grazing, leasing or for the purposes of horse events or where permission has been granted by ODC.

#### Objective

- (i) To ensure the number of horses grazing on reserves are compatible with the number or location stated in the leasing/ license to occupy agreement.
- (ii) To prevent unwanted/excessive numbers of horses residing in reserves allocated/ not allocated for grazing.
- (iii) To allow for continued use of reserves set aside for the purposes of grazing.
- (iv) To provide a traceable method of identification to locate horses with their owners.

#### Policy The Council will:

- (i) Only permit microchipped horses to graze on Council owned reserves.
- (ii) Allow use of reserves by horses that have been identified and expressly set aside for the purposes of grazing, leasing or for the purposes of horse events or where permission has been granted by ODC.

#### **9.1.2 Localised Reserve Management**

From time to time Council may choose to enter into operational management changes or new protocols at a specific or specific groups of reserves to work more closely with Tangata Whenua, users groups or communities. This may be to recognise recreation trends, protection of Taonga, botanical/ ecological interventions where this may also involve other agencies.

#### Objective

- (i) To ensure reserves are managed in accordance with changing community use desires.

#### Policy The Council will:

- (i) Ensure operational management changes or new protocols are adopted in the best interests of the community, Tangata Whenua or other specific user groups.

## **9.2 Management Policies**

### **9.2.1 Administration and Management**

The ODC's primary reserves management goal is to achieve the objectives of the ODC's RMP to subsequently comply with the provisions of the Reserves Act 1977, the ODC District Plan, the Resource Management Act 1991 and the ODC Bylaws.

#### Objective

- (i) To ensure the management and future development of reserves takes account of and mitigates or remedies any adverse effects on the primary purpose of the reserve.
- (ii) To ensure that any development on the reserve complies with all relevant statutory and legal requirements.

- (iii) To ensure the management of the reserves is consistent with the classification and primary management objectives of the reserves.

Examples of statutes and any subsequent amendments that may apply include:

- Reserves Act 1977.
- Resource Management Act 1991.
- Conservation Act 1987.
- Local Government Act 2002.
- ODC District Plan.
- ODC Bylaws.
- Heritage New Zealand Pouhere Taonga Act 2014.
- Burial and Cremation Act 1964.
- Dog Control Act 1996.
- Walking Access Act 2008.
- Building Act 2004 and Regulations.
- Health Act 1956 and regulations.
- Land Transfer Act 1952.
- Property Law Act 1952.
- Land Transport Act 1998
- Health and Safety at Work Act 2015.

Policy: The Council will manage activities and future development on and around reserves in accordance with relevant statutes, the ODC District Plan, the ODC Bylaws and the policies contained in this RMP.

### 9.2.2 Consultation – Tangata Whenua

Issue: The ODC has an obligation as a Treaty partner and in accordance with the Resource Management Act 1991, the Reserves Act 1977 and the Conservation Act 1987 to consult with the Tangata Whenua and iwi regarding all major developments proposed on reserves. Day to day management and small scale developments will be undertaken at the discretion of the ODC. Tangata Whenua has considerable knowledge of the District's natural and historical resources, their values and vulnerability to exploitation. Large scale development proposals for reserves can make use of this knowledge and wisdom.

In addition, the Local Government Act 2002 places additional responsibilities on Council to consult with Maori, to involve Maori in decision-making, and to assist them to be able to take part. Council has identified Iwi groups as having Tangata Whenua status in the District, as well as Maori from other areas who live in Opotiki District. Council has worked with Iwi authorities in developing agreements regarding these matters.

#### Objective

- (i) To ensure that proposals for large scale development on ODC's reserves are considered in accordance with the principles of the Treaty of Waitangi, Part Two of the RMA, the LGA(2002), the RA and the CA.
- (ii) Protect the cultural and historical values of Waahi Tapu and Waahi Taonga sites through regular liaison, identification and recording.

#### Policy

- (i) The Council will consult with our Treaty Partners when :
  - Preparing and reviewing the District Reserves Management Plan (includes any major development)
  - Establishing and changing the classification of a reserve
  - Undertaking any management activity that is nearby or involves or may affect a waahi tapu area or urupa.

- Proposing to alter or revoke a reserve status and dispose of the land
- Regularly, via a relationship approach where council will update Tangata Whenua on both ongoing operational, environmental and development matters.

- (ii) Council will take into account concerns, issues and matters of waahi tapu raised by Maori as they affect each reserves management.

### 9.2.3 Consultation – Public/Community

Issue: The management and development of reserves may have significant effects on reserve users, adjoining property owners, the general public and interest groups. In recognition of this, it is important that user groups, adjoining property owners the public and interest groups be provided the opportunity to be consulted on proposed major changes to management of the reserve or any proposed major projects. The purpose of this consultation is to obtain community input for consideration by the ODC when affecting changes to the management of the reserve or planning major developments. The requirement to consult is clarified in the Resource Management Act 1991, the Local Government Act 2002 and the Reserves Act 1977.

Objective:

- To consult with the community on changes to the management of a reserve or a proposed major development of or on a reserve as an affected party.
- To give consideration to the issues raised by the community consultation process for possible inclusion into the proposed management or development of a reserve.
- To ensure that any changes as a result of community consultation reflects the purpose and function of the reserve.

Policy The Council will:

- Consult with the community on all reviews of policy governing the management of reserves as set out in Section 41 of the Reserves Act 1977.
- Consult with the community on any major development of a reserve or development on a reserve.
- Reflect all outcomes from the community consultation process including the function and purpose of the reserve as set out in Part Three, Section 17 and 23 of the Reserves Act 1977 where relevant.

### 9.2.4 Acquisition of Reserve Land+

At times, ODC has the opportunity to purchase or acquire land that can augment the provision of reserve land in the Ōpōtiki District. The land may contribute to (amongst other things) active recreation opportunities, ecological protection and improvement, open space, access and public amenity. In addition, if ODC identifies potential reserve land/open space for public ownership in advance, then budget and District planning provision can be made for future acquisitions.

Objective: To ensure that the acquisition of reserve land is managed in a way that is legal, sustainable and responds to the needs of the District and the Community.

Policy The Council will:

- Continue to use the subdivision process to obtain significant heritage features, access links and other reserve areas as a condition of consent where appropriate.
- Use the reserve acquisition funding provision to purchase significant heritage features, access links and other reserves as and when the opportunity arises.
- Undertake consultation with the community and key stakeholders e.g. Department of Conservation, iwi, local community, reserve users (clubs and neighbours) to determine the acceptability of the proposed sites and determine other options for consideration.

- (iv) Maintain a database identifying land that, subject to availability of funds, will be purchased when the land becomes available.
- (v) Undertake an assessment of reserve values prior to acquisition. Assessment to include description of reserve, primary function, values (use, landscape, biodiversity, culture), reason for assessment and future opportunities.
- (vi) Consider recommendations made to ODC once the procedures are completed.

### **9.2.5 Environmental Sustainability**

The ODC has a number of reserves and facilities on reserves that make a major contribution towards the promotion of sustainability. Sustainability includes practices such as ; the promotion of alternative transportation, utilising energy efficient lighting and other demands on electricity, planting of drought tolerant plant species, reduction of evaporation by mulching of plantings, reducing stormwater runoff from car parks, promoting waste reduction by promoting waste minimisation, recycling, reusing and/ or recovery.

Objective:

Improve the environmental sustainability of the reserve suite and associated facilities by developing bio-diversity, heritage conservation, water conservation, energy reduction, and waste management and minimisation.

Policy: The Council will:

- (i) Protect the reserves by educating the users of the reserves about environmental sustainability including waste reduction and promote the pack in pack out philosophy.
- (ii) Actively promote the positive benefits for the environment and users of pedestrian and cycle routes on reserves through signage and publications.
- (iii) Conserve and enhance the valuable natural and cultural heritage within the reserves.
- (iv) Promote ecological area management and protect biodiversity within the reserves as outlined in Section 5.18 of this document.
- (v) Increase the usage of native evergreen street trees and vegetation to reduce Carbon Dioxide levels and improve air quality in the reserves and streetscapes.
- (vi) Protect existing healthy trees, whether native or exotic, wherever possible.
- (vii) Where possible use renewable or reusable materials in design for reserves and car parks.
- (viii) Promote the use of pervious surfaces within car parks, parks and gardens. Utilise alternative methods in permeable surface construction such as Gobi Blocks.
- (ix) Promote the conservation and adaptive re-use of all forms of heritage items including buildings, structures, and fixtures such as pathways, trees, streetscapes, and paving.
- (x) Promote the implementation of low impact design practices for storm water management in the reserves.
- (xi) Promote the implementation of energy efficient practices and water recycling.

### **9.2.6 Reserve Naming**

Objective:

When new reserves are created or when existing reserves have names that are poorly related to the locality, purpose, cultural identity or nature of the reserve or to its community use, it is desirable for the reserve to be named, or renamed, to ensure ease of identity and consistency.

Policy: The Council will ensure:

- (i) All reserves vested in or administered by Council will be named through a formal resolution of Council following consultation with Tangata Whenua and interested parties.
- (ii) The naming process will consider dual naming with Tangata Whenua, or a sole name.

- (iii) Naming will generally be initiated at the time of vesting and will be publicly advertised with a one-month period for comment.
- (iv) Where an existing reserve is known by the community by a local rather than the official name, signage that recognises both names will be considered.

### **9.2.7 Crime Prevention through Environmental Design (CPTED)**

The public and reserve users may feel unsafe in certain reserves as a result of the following; narrow access ways and entrances, high fences, poor visibility, poor lighting, overgrowth of trees and vegetation, unchecked vandalism and graffiti.

Crime Prevention through Environmental Design (CPTED) is based on the concept that crime and fear of crime can be minimised through effective planning and designing of the environment. The concepts of CPTED focus on the relationships between people and their environments such as good lighting which make people feel safe and act as deterrents to crime. CPTED recognises the need for the integration of safety design principles into the planning, design, development, management and maintenance of reserves.

Objective:

Apply CPTED principles to all reserve development and planning projects.

Policy In reserve developments the Council will plan to:

- (i) Create an awareness and visibility within the reserves to provide a high level of safety and access to assistance when required.
- (ii) Provide appropriate lighting of public and semi-public areas including paths and parking areas. Levels of lighting to be at a standard so that people can clearly see and be seen. All lighting will be in accordance with the Ausroad standards.
- (iii) Ensure no entrapment spots and areas that may isolate user of public areas from public view.
- (iv) Provide good sightlines that maximise visual permeability of immediate and approaching surroundings.
- (v) Increase the amount of pedestrian access options to eliminate lack of options and safety concerns for pedestrians.
- (vi) Increase the amount of both passive and formal surveillance of the open space network by educating the ODC staff and the community on the importance of surveillance and taking an active role in security.
- (vii) Provide legible orientation and directional signage including directions to find assistance when required.
- (viii) Undertake CPTED assessments on reserves with both local users and ODC staff, and integrate results where possible.

### **9.2.8 Occupation Agreements – Leases and Licenses**

Issue: The leasing provisions of the Reserves Act 1977 emphasises the retention of open space and the public accountability for reserves management. On reserves classified under the Reserves Act 1977 leases must be drawn up in accordance with the provisions detailed in Section 54 and the First Schedule of the Act. Requirements differ for reserves not designated under the Reserves Act 1977 however the ODC uses the provisions of Section 54 and the First Schedule to ensure consistency of the various tenancies. The ODC also issues licences to occupy reserve land as an alternative management tool. The grazing of certain reserves is encouraged as an inexpensive management tool, a method of generating revenue, reducing fire risk and the control of pest plant species. Tenancies over reserve land are subject to the provisions of Section 73 and 74 of the Reserves Act 1977. Reserve land is leased by sporting organisations for the construction of club rooms and other facilities. The ODC supports and encourages sporting organisations to develop facilities that service the needs of the organisation. Any structure that is erected on ODC land may have a negative impact on the ecological, cultural heritage and landscape values of the reserve. It is essential to monitor and regulate any future leases and licenses to protect and preserve the natural qualities of the reserves, whilst providing a minimum of compatible facilities for the enjoyment of the users.

Objective:

- (i) To manage any future leases and licenses in terms of the provisions of the Reserves Act 1977, the Local Government Act 2002, ODC Bylaws and other relevant documents, and in conjunction with other policies contained within RMP.
- (ii) To support leases and licenses on reserves, providing they do not decrease the ecology, cultural heritage and landscape values.
- (iii) Subject to (ii) above and other policies in this MP, to support leases for the construction of sporting clubrooms and facilities, where there is community recreational need.
- (iv) To charge a fee for the issue and administration of leases and licences, in accordance with the ODC's Fees and Charges Policy.

Policy: The Council will:

- (i) Ensure that all leases and licences meet the requirements of Sections 54, 73 and 74 of the Reserves Act 1977, and be in accordance with ODC policies and bylaws.

### 9.2.9 Occupation Agreements – Easements and Encroachments

Issue: Under the Resource Management Act 1991, ODC (in its reserve owning and managing role) is an affected party where a proposal on land adjacent to a reserve does not meet the requirements of the District Plan. In these situations, the ODC is approached by adjoining landowners to give its approval. This mainly includes side yard or height plane encroachments. The ODC's main objective in these situations is to ensure that there are no adverse effects on the reserves amenity values or uses. In addition, some of the activities of the adjoining residential properties can have a detrimental effect on the natural and landscape values of the reserves. Adjoining properties should be encouraged to appreciate and enhance the valuable resource that the reserves provide and work with ODC and the general public for their own benefit. Reserve land is also occasionally occupied by network utility providers and other organisations who wish to occupy parts of reserves for specific purposes under the RMA.

Objective

- (i) To give approval or otherwise as an affected party under the RMA based on any adverse effects on the reserves values or use.
- (ii) To ensure where able that surrounding land use and development recognises and actively provides for the protection and enhancement of the natural and landscape values of the reserves.

Policy The Council will:

- (i) Give approval or otherwise to a proposal as an affected party on inspection and approval of certain plans such as inter alia landscape plan, visual impact/assessment plan, light plane encroachment plans.
- (ii) Prior to giving it's permission as an affected party, be satisfied that any adverse effects on:
  - Amenity values.
  - Recreation values.
  - Landscape values.
  - Ecological values.
  - Heritage values.
  - Any other appropriate considerations (cultural, social, natural, economic) can be avoided, remedied or mitigated.
- (iii) Where a designation is proposed for an activity on a reserve, require evidence of consideration of alternative methods to the proposal.
- (iv) Promote public awareness of the potential effects that activities on surrounding private properties can have on the environmental quality of the reserves.

- (v) Monitor reserve boundaries to ensure that no encroachment occurs through subdivision or development or 'privatisation' of reserve land by adjoining property owners and require reinstatement where encroachment has occurred.
- (vi) Discourage damage to vegetation through informal path clearance and step construction and preventing deliberate harm to trees through acts of vandalism.

### 9.2.10 Protection of Esplanade Reserves

Esplanade reserves and esplanade strips provide an opportunity for the protection of the quality of the coastal environment, protection and enhancement of habitats, provision of areas for public recreational use and the provision of public access to the coastal marine area. The Resource Management Act 1991 provides for esplanade reserves or strips to be taken on subdivision of coastal land as a condition of consent under the District Plan.

#### Objective

- (i) To provide reserve space along the coastal edge where appropriate through the acquisition of esplanade reserves.

#### Policy The Council will:

- (i) Ensure that esplanade reserves or strips that recognise ecological, conservation, cultural or recreational values are taken upon subdivision of coastal land in the vicinity of the coastal reserves in order to provide public access to or along the water's edge.
- (ii) Provide the appropriate protection for the coastal environments and protection and enhancement of ecological habitats.
- (iii) Monitor reserve boundaries to ensure that no encroachment occurs through subdivision or development or 'privatisation' of esplanade strips and esplanade reserves.

### 9.2.11 Special Purpose Management and Development

A number of specialised recreational facilities are required for the conducting of a range of recreation and sport including; cricket wickets, sports courts, artificial surfaces. These specialised facilities may be provided in the following ways:

- Funded and maintained by the ODC
- ODC financial grant towards the provision of the facility with no ongoing financial support for the maintenance of the asset.
- ODC financial grant towards the provision of the facility with ongoing financial support for the maintenance of the asset.
- No funding from the ODC.

#### Objective

To facilitate the development of recreational and sporting facilities for the public and community that promotes multiple use and shared responsibility for the facility.

#### Policy The Council will:

- (i) Consider all written submissions for the development of specialised sporting facilities on Council reserves.
- (ii) Advise the applicant that they are responsible for acquiring all relevant approvals for the development.
- (iii) Ensure that all developments meet the relevant legislation and codes including Resource Consent and Building Consent if required.
- (iv) Undertake consultation with all affected users of the reserve regarding the proposal.

- (v) Approve funding contributions/non funding contributions determined on previous funding granted to the sports code and impact of the code on the development of sport and recreation in the District.
- (vi) Ensure that the proposed development is compatible with the current use of the reserve, the ODC long term strategic direction for sports field and reserve development and Reserves Act 1977.

Ensure that the proposed development does not adversely affect, or disadvantage other formal sporting codes use of the reserve or sports field.

### 9.2.12 Abandonment of Facilities

Changes in leisure participation, trends in sport and socio-demographic changes all result in sports clubs and group dissolving, amalgamating or falling into recess. The outcome which concerns ODC is the abandonment of facilities such as clubrooms, tennis courts, cricket practice nets and bowling greens, fences, gates and other structures. Where a sports club or recreation group has a lease over a facility, they are responsible for the use of that facility for the term of that lease.

#### Objective

- (i) Ensure in terms of a lease the lessee of a building or structure on a sports ground is responsible for the facility and it's condition and maintenance until the termination of the lease.
- (ii) To ensure on the termination of or abandonment of any lease any buildings or structures on reserve land that are of benefit and use to the community are retained for community use.
- (iii) To ensure that the lease is in accordance with the Reserves Act 1977 and the ODC Community Organisations – rent and rates Bylaw 2001.

#### Policy The Council will:

- (i) Ensure that the lessee of a building or structure will dispose of the facility under the terms of the lease agreement or the occupation agreement.
- (ii) Retain the right to decide what assets located within the reserve have a community benefit.
- (iii) Ensure that buildings and structures that are suitable for community use revert to the Council where possible on termination of the lease.
- (iv) Revert to Council ownership a building or structure abandoned by a club or organisation during the period of a lease following a favourable assessment of community benefit of the building/structure. No compensation will be paid to the club or organisation by the Council for any abandoned building/structure.
- (v) Instruct the removal/demolition of buildings and structures deemed not suitable for community use. All associated costs for the removal/demolition will be recovered from the lessee.

### 9.2.13 Enforcement

While most activities on reserves generally do not have adverse effects on reserves and reserve users, some activities can be unacceptable. Unacceptable activities fall into three main categories.

- (i) Wilful damage, such as graffiti, dumping of rubbish, breaking trees, “wheelies” on grass and similar activities.
- (ii) Inappropriate use of reserve causing damage or a safety hazard, such as off road driving on reserves, shooting on reserves.
- (iii) Ignoring prohibitions, such as taking dogs or mountain bikes into prohibited dog/mountain bike areas.

#### Objective

- (i) To reduce the level of offences on reserves.
- (ii) To maintain reserves to required standards without additional costs from the offences falling on the ODC.
- (iii) To enforce the relevant ODC Bylaws.

Policy The Council will:

- (i) Advise and educate the public when enforcing the bylaws.
- (ii) Include symbols indicating activities banned by bylaws on reserve signs.
- (iii) Encourage and support the passive surveillance of, and reporting of offences on reserves by Honorary Wardens, reserve neighbours and users.
- (iv) Erect education signage in areas which are prone to unacceptable activities.
- (v) Initiate media releases as a tool for raising awareness about unacceptable activities on reserves.
- (vi) Recover the cost of repairs to wilful damage to a reserve or reserve facilities through the judicial system.
- (vii) Cooperate with any police-initiated projects to reduce unacceptable behaviour on reserves.
- (viii) Retain a register of reported offences on reserves.
- (ix) Request that all public complaints regarding unacceptable activities on reserves be attended to by either the NZ Police or the security company contracted to the ODC.

#### **9.2.14 Smoke Free Outdoor Public Spaces**

Smoking in public places can encourage negative role-modelling for young people in the Ōpōtiki District. ODC has adopted a 'Smoke free Outdoor Public Spaces Policy' that specifies all ODC events and public places to be smoke free including parks, playgrounds, and sports grounds and reserves.

Objective

ODC to adhere to its Smoke Free Outdoor Spaces policy which aims to normalise non-smoking and encourage positive role models for both children and young people in the Ōpōtiki District.

Policy The Council will:

- (i) Continue to implement the 'Smoke Free Outdoor Public Spaces Policy' adopted by the Council.
- (ii) Communicate the provisions of the ODC "Smoke free Policy" to reserve users.
- (iii) Maintain 'Smoke free' signage within Council playgrounds, parks, sports grounds and reserves.

#### **9.2.15 Survey and Monitoring**

A key challenge for ODC is how to protect its reserves whilst maintaining standards of provision and levels of service to the users of the reserves. A record of service requests received by the Council will ensure that the reserves are meeting the needs of the community and that environmental damage is limited as result of public use. The ODC is to undertake monitoring and surveys on ODC reserves for a variety of reasons including:

- (i) Recording of all service requests received from reserve user groups, the general public and interest groups regarding specific requirements for the provision of facilities on sports fields and reserves.
- (ii) Monitoring of Resource Consent conditions applicable to assets that may be located on reserves and sports fields.
- (iii) Monitor the impact of public use on the environment with regards to environmental changes, physical and amenity changes and changes in vegetation and animals.

Objective

- (i) To undertake regular monitoring and surveys to determine whether standards of provision and levels of service are being met.
- (ii) To utilise the results of monitoring and survey to implement revised reserve management practices and implement remedial works within available resources.

Policy The Council will:

- (i) Develop a record of service requests received to monitor any dissatisfaction or otherwise of user groups, the general public and interest groups for the reserves.
- (ii) Monitor assets on reserves in accordance with resource consent conditions.

- (iii) Continue to monitor natural habitats including flora and fauna and animal and pest plants.
- (iv) Monitor the utilisation of reserves to ensure maximum public benefit.

### 9.2.16 Education and Interpretation

The ODC reserves suite is a unique and valuable education resource. The reserves provide opportunities for interpretation and education at all levels.

#### Objective

To increase public awareness of the reserves and an understanding of the archaeological, geological, ecological, Tangata Whenua, landscape values and processes therein.

Policy The Council will:

- (i) Encourage community input in all restoration, dune care, pest animal control, and stream care and weed control efforts and supporting park care groups involving local schools and residents. Examples include: liaison with Tangata Whenua, the Environment Bay of Plenty Regional Council, the Department of Conservation and specialist organisations such as Forest and Bird, to provide/facilitate public education, educational resources and/or workshops.
- (ii) Encourage public 'ownership' of restoration projects, for example, the community can play an active role as 'community watchdogs' that facilitate maintenance of restoration work, help prevent vandalism and ensure compliance with District Plan provisions.
- (iii) Continue to promote public awareness of the importance of the reserves for community use as a part of the district wide network of reserves and walkways.
- (iv) Install signage where applicable at reserve entrances that provide interpretive and educational information on the local history, key ecological values and coastal processes at work in each area.

### 9.2.17 Signage

The installation of signs to inform visitors of inter alia reserve names, access ways, and any restrictions on the use of the reserve, and other relevant information is an important requirement in promoting and managing the ODC reserves asset. A co-ordinated approach needs to be adopted to ensure consistency in styles, aesthetic appeal and suitability of use for signs within the reserves.

#### Objective

- (i) To adopt a coordinated approach to the design, selection and placement of all signs ensuring that they are in harmony with their surrounding environment and in accordance with an approved theme and/or landscape plan.
- (ii) Signage to be designed to complement the reserve and to educate and inform the users of the reserve.
- (iii) To minimise the visual 'clutter' of signs while maximising useful information to reserve visitors.

#### Policies for General Signs

The Council will:

- (i) Ensure that all proposed signs meet the requirements of the ODC Signs Bylaw, the ODC District Plan and any Resource Consent and Building Consent requirements (including installation).
- (ii) Ensure that all applications to erect signs on reserves be made in writing to the ODC for consideration by the Reserves Manager.
- (iii) Ensure that where possible signs will be designed so as to blend in and harmonise with the natural features of the reserve and in keeping with approved themes.
- (iv) Allow the erection of directional signs to sporting clubs on the standard ODC road name sign. The cost of producing, installing and maintaining the sign will be charged to the club. ODC may undertake maintenance of the signs as part of the routine street sign maintenance programme.

## Policies for Reserve Signs

The Council will:

- (i) Provide reserve name signs at entrances to the reserves, sports grounds and walking tracks.
- (ii) Install informative, interpretive and educational signage at appropriate locations to inform visitors of recreation activities, prohibitions, information, restrictions, use of reserve, cultural, historic and ecological features applicable to the reserve.
- (iii) Keep to a minimum the number of signs on a reserve to meet the information needs of the users.
- (iv) Approve the erection of signs indicating the name of the approved club, the representative sporting code, and the logo of the sporting club by reserve sporting groups or organisations. The costs of producing, erecting and replacing signs are the responsibility of the club.
- (v) The ODC may carry out routine maintenance of the signs on behalf of the club as part of a maintenance programme for ODC owned signs.
- (vi) Give approval or otherwise to reserve users to erect temporary signage to advertise events on reserves.
- (vii) Not permit commercial information including sponsor logos on either Council or private reserve signs.

## 9.3 Reserve Use Policies

### 9.3.1 Chargeable Facilities

There are a number of facilities on reserves provided and serviced by the ODC for public use and enjoyment including floodlighting and hot water showers. These facilities are provided for specific users of the reserve therefore the cost of operation and maintenance should be charged to the user who benefits from the facility.

#### Objective

To recover the cost for the use of the facility on or part of reserve where it benefits specific users other than the local community.

Policy The Council will:

- (i) Charge for the use of facilities that benefits a specific group of users, so as not to incur an unreasonable cost on the local Community.
- (ii) Identify chargeable facilities and the level of recovery in the ODC Fees and Charges Schedule.

### 9.3.2 Access to Reserves - Pedestrian

The maintenance and enhancement of public access to reserve and coastal margins is a matter of national importance under the Resource Management Act 1991. Efficient pedestrian access and circulation systems are critical to the successful use and management of the reserves and coastal margins. The Reserves Act 1977 allows for footpaths on reserves where these are for public recreation or enjoyment or are necessary for the public using the reserve. This section describes two types of pedestrian access, these include; recreational walking tracks and formal pathways on reserves. Formal pathways on reserves may link and provide access between roads and suburbs.

#### Objective

- (i) To allow for recreational tracks and formal pathways on reserves where adverse effects on the environment can be remedied or mitigated.
- (ii) Protect and enhance the opportunities for people of all ages and physical abilities to access and enjoy the outdoor environment as demands on open space increase and diversify.
- (iii) To provide an efficient, safe and relatively unstructured pedestrian access network within the reserves for a variety of pedestrian uses without damaging the natural, historical, and cultural values of the reserves.

Policy The Council will:

- (i) Allow the development of walking tracks and pathways on reserves.
- (ii) Consider written applications for the development of new tracks or footpaths within or on reserves.
- (iii) Ensure that plans for tracks give consideration to; landscape, recreational, ecological, heritage and community values of the reserve, safety issues and ongoing maintenance.
- (iv) Ensure that walking tracks or footpaths designed to an appropriate standard for the reserve.
- (v) Provide a programme of routine maintenance and renewal to maintain the appropriate level of service for the reserve as detailed in the relevant asset management plan.
- (vi) Review the current and future pedestrian access provisions within each reserve and provide a plan of pedestrian access appropriate to their location and anticipated level of use.
- (vii) Develop a programme of defined pedestrian linkages with surrounding reserves, open space and coastal areas as part of a walkway network.
- (viii) Expand the pedestrian network through acquisitions, partnerships with the private sector and through District Plan requirements.
- (ix) Provide effective entry points and pathways into the reserves and beaches to encourage public pedestrian access.

### 9.3.3 Access – Cycling

Both local and international experience indicates that developing connected facilities in a walking and cycling network better serves the needs of walkers and cyclists, and encourages more people to walk or cycle.

Objective

ODC will develop a walking and cycling network within reserves where walking and cycling are convenient, attractive and popular forms of everyday transportation and recreation.

Policy The Council will:

- (i) Establish a strategic Cycle and Walking Network within the Ōpōtiki District reserves in accordance with the ODC Walking and Cycling Strategy 2009.
- (ii) Within available budgets develop infrastructure within reserves that is accessible, well connected and safe for pedestrians and cyclists, such that walking and cycling become more viable and convenient forms of travel and recreation.

### 9.3.4 Access – Car Parking

Increased use on reserves often leads to greater demands for vehicular access and car parking. As available space is limited and the construction of these facilities can have detrimental effects on the environmental qualities of the reserves and coastal environment these activities are to be controlled. Occasionally groups request exclusive use of car parking on reserves for special events which may disadvantage other reserve users.

Objective

- (i) To provide and maintain car parks, where financially appropriate to a level which is adequate for servicing the usual activities carried out on the reserve.
- (ii) To provide and manage vehicle access and car parking in appropriate locations within the reserves in a manner that does not compromise the natural character values or recreational use of the reserves in accordance with the requirements of the ODC Public Places and Beaches Bylaws .
- (iii) To implement a charge for reserve users who request exclusive parking for special events in accordance with the ODC Fees and Charges Register.

Policy The Council will:

- (i) Consider to the provision of car parking where there is a proven requirement directly related to the use of the reserve, and where it is physically, and fiscally feasible to provide such facilities.
- (ii) Investigate the construction of car parking facilities that enhance the natural amenity of the reserve e.g. grass blocks.
- (iii) Maintain car parking at a level appropriate for the functional operation of the reserves.
- (iv) Ensure that disabled parking provision is provided in accordance with national standards for disabled parking.
- (v) Prohibit car parking on areas of reserve other than recognised car parks.
- (vi) Monitor that car parks provided on reserves are being used by vehicles associated with recreation or other legitimate use of the reserve.
- (vii) Not allow regular or overnight parking on car parks in reserves.
- (viii) Levy charges for the exclusive use parking for special events in accordance with the ODC Fees and Charges Schedule.
- (ix) With written permission approve parking in areas other than designated car parks on reserves.

### **9.3.5 Access – Commercial Activities**

The provision of access to reserve land for commercial activities may be considered where a lease, license or a concession to operate a commercial business in accordance with Section 56 of the Reserves Act 1977 is granted by the Minister of Conservation or a local authority. Examples of commercial activities could include commercially operated camping grounds/holiday park, restaurants, cafes and signal masts.

Objective

- (i) To allow for access on reserves to conduct commercial activity where adverse effects on the environment can be remedied or mitigated.
- (ii) To provide an efficient and safe access to reserves for a variety of commercial uses without damaging the natural, historical, and cultural values of the reserves.
- (iii) To promote public enjoyment through a range of services and facilities.

Policy The Council will:

- (i) Allow access on reserves for approved commercial activities.
- (ii) Not allow new commercial access to be constructed within or on reserves on unless written permission is granted by resolution of the Council.
- (iii) Ensure that access for commercial activity takes consideration of; landscape, recreational, ecological, heritage and community values of the reserve, safety issues and ongoing maintenance.
- (iv) Ensure that access for commercial activity is designed and erected to an appropriate standard.

### **9.3.6 Access - Operational Maintenance**

The provision of access to reserve land for essential services includes; services and activities associated with stormwater management, drainage, flood protection and emergency management. Examples of essential services includes the servicing of essential services assets such as telecommunication lines, electricity cables, water and sewerage assets located on reserves, flood protection and land drainage.

Objective

- (v) To allow for access on reserves to conduct operational activity where adverse effects on the environment can be remedied or mitigated.
- (vi) To provide an efficient and safe access to reserves for operational maintenance of essential services without damaging the natural, historical, and cultural values of the reserves.

Policy The Council will:

- (iii) Allow access on reserves for approved operational activities
- (iv) Ensure that access for operational activity takes consideration of; landscape, recreational, ecological, heritage and community values of the reserve, safety issues and ongoing maintenance.
- (v) Ensure that access for operational activity is designed to an appropriate standard.

### **9.3.7 Grazing, Riding and Driving on Reserves**

The ODC has a number of reserves that are located within rural townships, or reserves that are located adjacent to rural activity. The ODC receives a number of complaints regarding the grazing, riding and tethering of horses, the grazing of stock; the driving of vehicles; and the riding of motorcycles on reserves.

Objective

- (i) To promote the safety of reserve users by preventing the recreational riding of motorcycles or the driving of vehicles on ODC reserves.
- (ii) To control the riding of horses or grazing of stock or horses on all ODC owned reserves within the urban townships.
- (iii) To allow for grazing of stock on ODC owned reserves within the conditions of a formal written agreement between the ODC and the lessee
- (iv) To minimise the number of complaints regarding riding and tethering of horses, the grazing of horses and stock and the riding of motorcycles and driving of vehicles on ODC reserves.

Policy The Council will:

- (i) Not permit the recreational riding of motorcycles or the driving of vehicles on reserves.
- (ii) Not permit the unauthorised riding and tethering of horses on reserves.
- (iii) Not permit the grazing of horses or stock on reserves unless by formal licence/agreement.
- (iv) Accommodate the grazing of stock to assist with vegetation management or reduce fire risk on reserves in accordance with an adopted reserve management plan or a formal agreement. A fee for formal grazing agreement/licence will be charged.
- (v) Attend to public complaints regarding riding and tethering of horses, grazing of stock and horses; and riding of motorcycles or driving of vehicles on reserves.

### **9.3.8 Buildings, Structures and Earthworks**

The primary focus for each of the reserves in this RMP is active and passive recreation. Buildings will generally not be permitted unless they are in the public interest, will improve the functioning of the reserve and do not compromise the values of the reserve. Well designed, sited and integrated buildings and facilities can enhance the reserves, the public use and enjoyment of them and complement the reserves character and aesthetic values. Others can detract from and have detrimental effects on them. ODC may need to carry out construction works or earthworks for the purpose of maintaining, protecting and enhancing reserve land or adjacent property. In carrying construction works or earthworks the Reserves Act 1977 generally limits buildings on recreation reserves to sporting and outdoor recreation purposes only. The Building Act 2004, Local Government Act 2002, the Resource Management Act 1991, the District Plan also influence construction work within reserves.

Objective

To ensure that only those buildings, structures and facilities essential for appropriate functioning, the convenience, comfort and safety of reserve users are sited within the reserves and that these structures are compatible with the ecological, cultural heritage and landscape values of the reserves.

Policy The Council will:

- (i) Not permit any excavation, earthworks, or development of reserves for the purposes of the maintenance and protection of the reserve land without prior Council consent.
- (ii) Establish or upgrade hard physical works only where appropriate to maintain protection of the reserve and there is no other practicable option.
- (iii) Ensure that physical works are designed to be compatible with the local environment.
- (iv) Ensure that any earthworks or development be justified in terms of the objectives set out in the Ōpōtiki District Reserve Policy document and in consultation with any affected parties.
- (v) Allow soft engineering works, and community or private dune-care projects and projects to protect private property, on Council reserves where ODC consent has been obtained as landowner and where the appropriate resource consents have been obtained. As far as possible, natural processes should be allowed to continue without interference.

### 9.3.9 Playgrounds

Council playgrounds should be more than the presence of pieces of play equipment. Playgrounds should be safe for children and their caregivers, sheltered, fenced, have play equipment which is suited to children of a range of ages, space for ball games and bike riding, and should provide an attractive and enjoyable community environment. Key issues of playground placement are the design and location of access points, visibility and landscape development of the area and additional amenities such as litter bins and seats.

Objective

- (i) ODC will follow the New Zealand standards for playground provision and maintenance to ensure that a sound, basic standard of safety for all playground users is applied to all facilities.
- (ii) ODC will provide playgrounds to cater for most ages and abilities, they will enhance amenities as much as practicable and observe CPTED provisions as outlined elsewhere in this RMP.

Policy The Council will:

- (i) Where possible install playground equipment that is varied, modern and colourful to maintain interest and provide for a wide age and ability; and incorporate at least three different activities. Where possible these activities should be suitable for a variety of ages and skill levels (depending on the category of the playground).
- (ii) Ensure that all existing and new playground/equipment installations will comply with the relevant sections of the Building Code; meet the NZS 2828: 2004, Playgrounds and Playground Safety Surfacing Standards and SNZ HB 5828.1.2006 General Playground Equipment and Safety handbook.
- (iii) Observe where possible CPTED provisions, such as; playgrounds should be observable by neighbouring houses and/or public areas; safe entry and exit points or an open frontage to reduce the danger of entrapment.
- (iv) Provide seats and appropriate signage at each playground.
- (v) Ensure that playground equipment is maintained in fully operational condition. Playground will be inspected monthly and repairs to and broken equipment shall be made safe or isolated within 24 hours of notification.
- (vi) Enforce the ODC Dog Control Bylaws and Policy as dogs are not permitted in play grounds. Refer to the Dog Control Bylaw for more information.

### **9.3.10 Lighting within Reserves and Sportsfields**

Occasionally there is a need to light reserves and sportsfields so that they can be used for activities during the hours of darkness. The height and power of these lights may result in adverse effects on reserve neighbours and the landscape values. ODC wishes to avoid, remedy or mitigate these effects through both the District Plan and reserve management processes.

#### **Objective**

To allow for lighting on reserves where the adverse effects on reserve values can be avoided, remedied or mitigated.

**Policy** The Council will:

- (i) Own and maintain all lighting on reserves.
- (ii) Support applications for the lighting of reserves and sportsfields subject to a demonstrated need, community benefit and cost recovery.

### **9.3.11 Services and Utilities**

The presence of services and utilities can detract from the natural character and the landscape values of the reserves. Existing and proposed additional services and utilities need to be critically assessed in terms of their requirements.

#### **Objective**

To ensure that only those new services and utilities essential for public health, safety and convenience are sited within the coastal reserves, and that these utilities are in harmony with the archaeological, cultural, geological, and ecological and landscape values of the reserves.

**Policy** The Council will:

- (i) Ensure that existing network utility and services infrastructure can be maintained, upgraded and replaced as necessary whilst protecting the reserves environment.
- (ii) Review new proposals for services and utilities and critically assess their requirements to be sited on reserves.

### **9.3.12 Fencing, Barriers and Gates**

ODC has a responsibility to protect the natural, cultural, historic and landscape values of the ODC reserves. In some instances this requires fencing, barriers and gates. Vehicular access may be restricted to reserves and sports fields in locations where it is desirable to enclose service areas, or around the premises of exclusive sporting users by erecting fences, barriers and gates. Reserves adjoin a variety of land uses from rural to urban and industrial settings. This RMP does not provide a blanket provision for fencing however it provides guidance on ODC responsibilities as per the ODC Bylaw. The Fencing Act 1978 sets out the general principle that the occupiers of adjoining land share equally the cost of erecting an adequate boundary fence.

#### **Objective**

- (i) To erect fences, barriers and gates to protect reserve values and provide safety for reserve users.

**Policy** The Council will:

- (i) Consider applications in accordance with the Fencing Act 1978.
- (ii) Erect fences, barriers and gates on reserves where it is necessary to protect reserve values.
- (iii) Erect fences, barriers and gates to ensure the safety of reserve users.
- (iv) Erect fences, barriers and gates on reserves where necessary to avoid, mitigate or remedy the adverse effects of reserve use on neighbours.

### 9.3.13 Reserve/Park Furniture

Reserve and park furniture including the provision of seating, bicycle stands, bollards and barbeques are an important provision for the enhancement of visitor experience, visitor comfort and visitor safety to a reserve or sports ground. Park furniture should at all times enhance the amenity of the reserve and where possible be installed in accordance with an approved landscape plan. A co-ordinated approach will be adopted to ensure consistency in styles, aesthetic appeal and suitability of use for reserve/park furniture within the reserves.

#### Objective

- (i) To adopt a coordinated approach to the design, selection and placement of all reserve/park furniture to ensure they are integrated into their natural environment and in accordance with an approved theme and or landscape plan.
- (ii) Park furniture will be provided for the comfort and convenience of the reserve user and grouped together in appropriate locations.
- (iii) Reserve/park furniture shall be designed to complement the reserve.

#### Policy The Council will:

- (i) Ensure that reserve furniture is designed to blend in and harmonise with the natural features of the reserve.
- (ii) Consider written requests from individuals or organisations for the gifting of reserve/park furniture. All donations accepted will be in accordance with the theme/style of the furniture approved for the specific reserve. The ODC will be responsible for the maintenance and renewal of the furniture. The applicant will be permitted to affix an appropriate sign no larger than 150mm x 75mm to the donated item.

### 9.3.14 Dogs on Reserves and Animal Exercise Areas

Reserves are an ideal place for exercising dogs, but potential conflicts may arise between dogs and other reserve users and the establishment of native flora and fauna. Effective control of dogs is required in order to minimise danger, distress and nuisance of uncontrolled dogs on reserves to the community and to protect the native wildlife.

#### Objective

- (i) To allow dogs on reserves in accordance with the Dog Control Act 1996 and ODC's Dog Policy and Bylaw
- (ii) To protect flora and fauna in specific reserves from damage or destruction by dogs on reserves.

#### Policy The Council will:

- (i) Allow dogs on all reserves unless specifically excluded as detailed in the ODC Dog Policy and Bylaw.
- (ii) Prohibited dogs from all reserves identified as playgrounds.
- (iii) Prohibited dogs from all reserves identified 'Kiwi Zones'.
- (iv) Install signs on all dog free reserves.

### 9.3.15 Camping

ODC subscribes to camping within official camping areas only. Camping has the potential to cause negative effects on the environment, enjoyment and use by other members of the public and places demands on infrastructure and resources. Freedom camping is therefore managed by specifically prohibiting camping at reserves that are not suitable for this purpose. Overnight camping is prohibited on the following reserves: Ruatuna Road/Ohiwa Harbour Recreation Reserve and Esplanade Reserves, Ohiwa Spit Reserves, Ohiwa Beach Reserves, Waiotaha Esplanade Reserve, Ōpōtiki Harbour Reserve and Te Ngaio Recreation Reserves, parts of Te Kaha Recreation Reserve, Whanarua Bay Recreation Reserve, Waihau Bay Recreation Reserve, Memorial Park/Show Grounds, Ōpōtiki Domain (Princess St Res) and Ohui Domain.

Overnight camping is permitted where:

1. Permission has been obtained from the ODC for a one off event.
2. The reserve is subject to a current lease that permits commercial campground operation.
3. Responsible overnight camping is permitted at designated locations within the following reserves: Te Ahiaua Reserve; SH2; Hukuwai Beach Recreation Reserve, SH35; Te Kaha Recreation Reserve, Maraetai Bay SH35 and subject to the following conditions:
  - a. Stay is for a maximum period of 3 consecutive nights.
  - b. Overnight camping is only permitted within in the designated camping zone identified by signs placed on the reserve stating 'Overnight Camping Zone'.

Responsible overnight camping is permitted at Hoani Waititi Memorial Reserve, Omaio Beach Rd in the designated camping zone, for a maximum period of 14 consecutive days.

#### Objective

- (i) To prohibit camping within reserves that are not suitable for this purpose.
- (ii) To permit responsible overnight camping on selected reserves.
- (iii) To provide appropriate facilities at reserves designated for responsible camping and where appropriate, lease reserves for the operation of commercial camp grounds.
- (iv) To promote safe camping and protection of the environment within designated camping grounds.

#### Policy

- (v) To support the visitor industry within the District.
- (vi) Designated camping grounds will be identified in the Reserves Management Plan.
- (vii) Lease a portion of Ohiwa Domain and Volkner's Island Reserve, for the purpose of commercial campground.
- (viii) Responsible camping with restrictions is permitted in the following ODC reserves: Te Ahiaua Reserve, Hukuwai Beach Recreation Reserve, Hoani Waititi Memorial Reserve, and Te Kaha, Maraetai Bay Reserve.
- (ix) Restrictions as to length of stay and location within the reserve shall apply to responsible camping at reserves identified above.

### 9.3.16

#### Shooting on Reserves

The ODC have a number of reserves within the rural area and reserves adjacent to water bodies. Indigenous vegetation land and grassland reserves may provide encouragement for the illegal shooting of game birds and other small mammals. Game bird and water fowl hunting is generally not permitted on any reserve or water body administered by ODC unless specifically allowed for within individual reserve management plans (as per the ODC District Plan). Licences for game bird hunting are administered by the Eastern Fish and Game under the provisions of the Wildlife Act 1953 and the Conservation Act 1987.

#### Objective

- (i) To prohibit shooting on reserves.

Policy The Council will:

- (i) Not permit shooting on reserves in accordance with the ODC District Plan.

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### **9.3.17 Activities Permitted on Reserves - Circuses' and Side Show Operators**

The ODC occasionally receives requests from the operators for the use of reserves to conduct Circuses and Side Shows. These types of use can have effects such as land use, health and safety and animal welfare. The ODC has the power to impose such conditions and restrictions considered to be necessary for the protection and general wellbeing of the reserve and for the protection and control of the public using it.

The ODC is cognisant of the requirements of the RMA relating to noise and effluent disposal relating to these activities. The Building Act in terms of the erection of marquees, fire safety egress, the Health Act 1956 and the Food and Hygiene Regulations in terms of the provision of toilets and refuse disposal and the sale of food. ODC administers the Amusement Devices Regulations and is responsible for the issuing of permits to operate equipment in consultation with the Department of Labour. Some sectors of the community are opposed to the use of animals in circuses based on animal welfare reasons. The general health and safety of animals is provided for by inspection from the Ministry of Agriculture and Fisheries (MAF), the SPCA and the Police under the Animal Protection Act 1960.

#### **Objective**

- (i) To allow the use of reserves for operators of circuses, side shows and similar operations.
- (ii) To ensure that the conditions of the RMA, the RA, the Food Act 1956, and the Food and Hygiene Regulation and the Amusement Devices Regulations applicable to the activity are met.

#### **Policy** The Council will:

- (i) Impose a ground rental as detailed in the ODC Fees and Charges Schedule.
- (ii) Consider written applications for the hiring of ODC reserves.
- (iii) Grant final approval once the applicant has provided evidence that they have met all the relevant codes, statutory requirements and permits (including those from the Department of Labour and MAF).

Ensure that circuses, side shows or similar users of reserves must not use exotic animals for exhibition or performance. Domesticated animals may be used for exhibition, subject to acquiring the relevant MAF Permit. The display of the certificate is a prerequisite prior to ODC approval.

### **9.3.18 Activities Permitted on Reserves - Aircraft and Helicopter Landing**

The ODC receives from time to time requests to land aircraft and helicopters on ODC reserves. In general terms the landing and taking off of aircraft and helicopters does not affect the reserve or the use of the reserve. There may however be temporary adverse effects from the activity on the reserve users and the neighbours of adjoining properties. Whilst the ODC can control the effects of the aircraft and helicopter whilst on the ground; it has no jurisdiction over the helicopter or aircraft whilst in the air.

#### **Objective**

To allow the landing of aircraft and helicopters on reserves, or events involving the use of aircraft and helicopters on approval from the Civil Aviation Authority, where the values of the reserve are not diminished and where the effects on the neighbouring properties can be mitigated.

#### **Policy** The Council will:

- (i) Apply Section 4.4.1 of the ODC Bylaw.
- (ii) Ensure that other than in an emergency, written permission for the landing of an aircraft or helicopter on a Council reserve is received.
- (iii) Ensure that applications for the landing of an aircraft or helicopter on a Council reserve are submitted 10 working days prior to the event.
- (iv) Ensure that all applications include the following approvals from the Civil Aviation Authority;
  - Approved flight plan.
  - Public liability Insurance.

- Public Management Plan for cordoning off of the landing site (using safety cones, safety tape and signage) whilst the aircraft or helicopter is on the ground and during take-off of the aircraft or helicopter.
- (v) Advise the applicant that compliance with all relevant conditions of relevant legislation is the responsibility of the applicant.
- (vi) Ensure that aircraft are attended to at all times whilst on a Council reserve.
- (vii) Ensure that no aircraft are allowed to overnight on a Council reserve.

### 9.3.19 Activities Permitted on Reserves - Fireworks

The ODC from time to time receives applications from groups or organisations to conduct fireworks displays on reserves. Firework displays are controlled by legislation other than the RA and requires the permission of the Department of Labour prior to proceeding. The activity also requires the approval of the Eastern BOP, Ōpōtiki Rural Fire Officer prior to granting permission.

The conducting of formal fireworks displays are allowed on reserves on condition that the display does not affect the value of the reserve. Whilst the conducting of a formal firework display on a reserve is permitted, the informal lighting of fireworks is not permitted on ODC reserves.

#### Objective

To allow fireworks displays on reserves subject to adverse effects on reserve values being avoided, mitigated or remedied.

Policy The Council will:

- (i) Allow firework displays by organised groups on reserves.
- (ii) Receive written applications for firework displays.
- (iii) Grant final approval or otherwise once the required permission from the Department of Labour and the Eastern BOP, Ōpōtiki Rural Fire Officer, Crowd Control Management Plans and Public Liability Insurance are received.

### 9.36.20 Liquor Licenses

Sports clubs may choose to see liquor as part of a service that their club provides, and in addition this can be an avenue for clubs to fundraise. The consumption of liquor can, however, have adverse effects on the reserve, other users and reserve neighbours. These effects may diminish outdoor recreation and landscape values of the reserve. As most sports club premises are located are sited in residential neighbourhoods, these effects may be significant.

#### Objective

To allow the granting of liquor licenses over premises where the values of the reserve are not diminished and where the effects on reserve neighbours can be avoided, remedied or mitigated as per the requirement in the Sale of Liquor Act 1989.

Policy The Council will:

- (i) Support the granting of liquor licences (temporary/permanent) for premises located on reserves where:
  - The hours of supply are stipulated by ODC.
  - The granting of a licence is consistent with the purposes of a reserve.
  - The effects on the reserve, its use and users, and reserve neighbours can be avoided, remedied and mitigated.
  - The values of the reserve are not diminished.
- (ii) Advise applicants of their responsibility for ensuring that all relevant statutory consents are obtained and that the conditions of the consents are met.

### 9.3.21 Refuse and Waste Disposal

The Local Government Amendment Act (No4) 1996 requires all territorial authorities to adopt a waste management plan that makes provision for the collection, reduction, reuse, recycling, recovery treatment and disposal of waste in the District. The aim of the plan is to avoid nuisance or injury to public health whilst have regard for the environmental and economic costs and benefits to the district. The ODC Zero Waste Policy was adopted in 1999. The dumping of waste on reserves and littering can significantly detract from the amenity values and proper functioning of reserves. ODC encourages the policy of 'pack in pack out' as refuse disposal receptacles are not provided.

#### Objective

- (i) To preserve the reserves recreation, cultural and environmental values of reserves through appropriate disposal and collection of waste.
- (ii) The disposal and collection of waste be in accordance with the Local Government Amendment Act (No.4), ODC's Waste Minimisation Strategy (2007) and Waste Management and Minimisation Plan (2018).

Policy The Council will:

- (i) Not provide waste disposal receptacles on reserves and encourage reserve users to subscribe to a 'pack in pack out policy'.
- (ii) Clear reserves of fly tipping residue, abandoned vehicles and litter as soon as reasonably practical.

### 9.3.22 Fire Management

Vegetation on the light sandy soils of the coast dries out quickly and is highly flammable throughout much of the year. Any fire in the reserves threatens the natural values of the reserves and neighbouring properties.

#### Objective

- (i) To minimise the risk of fire within reserves by retaining sufficient firefighting resources to rapidly extinguish any outbreak of fire that does occur.
- (ii) Fires will be prohibited in the reserves unless specifically permitted by the ODC.

Policy The Council will:

- (i) Not permit fires on reserves without prior approval.
- (ii) Allow access for the control of fires onto reserves.

### 9.3.23 Hazardous Substances

Hazardous substances such as chemicals and biological agents in some circumstances may need to be used in the maintenance of reserves. It is important to assess the risks and if needed minimise the effects to reserves users and/or neighbours. Where possible alternative chemicals or practices should be used to reduce risks and potential negative effects of chemicals on the environment.

#### Objective

- (i) All hazardous substances used in the maintenance of reserves are to comply with the Regional Council Air plan.
- (ii) To ensure that where it is considered necessary to use hazardous substances in resources, application is undertaken in a manner that minimises the potential risk to reserve users and neighbours.
- (iii) To ensure the application of hazardous substances such as agri-chemicals is undertaken in a safe and efficient manner that minimises disruption to the public and achieves the desired result.

Policy The Council will:

- (i) Undertake the application of hazardous chemicals on reserves, in accordance with the Hazardous Substances and New Organisms Act 1995 and the Agri-chemical User Code of Practice NZS 8409.

- (ii) Minimise the use of hazardous chemicals on reserves by exploring more environmentally friendly alternatives where practical and financially feasible.
- (iii) Place a public notice in the local newspaper prior to undertaking large scale chemical applications including the spraying of aquatic weed on water bodies, road side vegetation and specialised herbicide applications on sportsfields.
- (iv) Ensure that Council staff and contractors are suitably qualified to undertake the application or disposal of hazardous substances and are provided with at least the minimum level of safety equipment required.
- (v) Erect warning signs on site where a reserve has been sprayed or applied with hazardous substances.
- (vi) Apply herbicides where there is no practicable or financially feasible alternative control measure.

## **9.4 Physical Character Policies**

### **9.4.1 Natural Features and Landscapes**

The protection of outstanding natural features and landscapes from inappropriate use and development are designated in the Resource Management Act 1991. Inappropriate plantings, poorly located structures, uncontrolled pedestrian access and pressure to develop recreational facilities can result in loss of natural character or landscape values of the reserves.

#### **Objective**

- (i) To preserve, protect, maintain and enhance the landform and landscape integrity of the Ōpōtiki District reserves and coastline.
- (ii) To ensure that reserve development or management practice does not detract from natural features and landscapes of the reserves.

**Policy** The Council will:

- (i) Protect and enhance the natural character and visual amenity of the reserves and beaches.
- (ii) Allow natural features or processes such as stream meander to not be altered unless there is a safety risk.
- (iii) Prevent or minimise any human activity or land use that may interfere with the reserves and contribute to pollution, land instability, erosion and sedimentation.
- (iv) Ensure that physical works are designed to be compatible with the local environment as far as practicable. Ensure that hard protection works do not significantly modify the reserve or beach. Landscape and ecological assessments by suitably qualified specialists will be required for any proposed significant changes.

### **9.4.2 Archaeological and Historic Sites**

Archaeological and historic sites contribute to the values of the reserves and should be managed properly to avoid inappropriate use by the community. There are a number of reserves in the District that are culturally significant to Maori and other cultures and contain a number of archaeological sites.

#### **Objective**

To recognise and protect the heritage values, archaeological and geological features and sites of historic significance within the reserve network in consultation with Tangata Whenua and in a manner consistent with the requirements of the Historic Places Act (1993) and the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value and Resource Management Act.

**Policy** The Council will:

- (i) Identify Maori and any other cultures heritage sites within the reserves including recorded archaeological sites.

- (ii) Assess the state of the identified heritage sites and develop strategies for their protection and appropriate restoration.
- (iii) Develop signage, artworks and general park infrastructure to promote identified heritage sites (where appropriate).
- (iv) Manage the reserves and all features of cultural significance located within the reserves to ensure their long term conservation.
- (v) Ensure that public access, recreational activities and planting are managed in a way that recognises features of cultural and heritage significance.
- (vi) The following activities will not take place within historic reserves and reserves with registered archaeological sites without prior archaeological assessment.
  - Any earthworks including excavations, drilling, tunnelling, grading, roading, and other soil disturbances (including fencing and walking track formation).
  - Any deposit of substance on to the land.
  - Any construction, building, erection and placement of any structure.
  - Any mining, quarrying, or mineral exploration or extraction.
  - Any tree planting, any animal or pest plant control measure that involves ground disturbance.

### 9.4.3 Biodiversity Enhancement and/or Restoration

The ODC reserves network includes a number of reserves with a diverse range of vegetation including indigenous vegetation land, wetlands, water bodies, coastal reserves and dune environments. Some reserves contain significant indigenous vegetation and wildlife that are important for the maintenance of biodiversity. Vegetation provides habitat for wildlife, visual amenity values, and reduces erosion and sedimentation of coastal waters. These values can be threatened by inappropriate use and/or introduced fauna and flora. The use of indigenous, ecologically appropriate plant species where reserve has high biodiversity values is important. For restoration plantings the ODC will implement the use of eco sourced plants where practicable. Many of the habitats in the reserves are degraded and require active management and protection from grazing, uncontrolled dogs, pest animals and human activities. There are areas of significant indigenous vegetation and wildlife that will require ongoing management to maintain or enhance those values.

#### Objective

- (i) To conserve, protect and enhance the vegetation and wildlife of the reserves and in the coastal environment.
- (ii) To prepare and implement a programme of staged ecological restoration at high priority sites within the reserve network including coastal reserves and dunes.

#### Policy The Council will:

- (i) Prepare planting plans for all re-vegetation. Where there is no management plan for a reserve, ODC will supply a list of preferred plants advice (including reference to the Historic Places Trust where appropriate).
- (ii) Identify and preserve the natural character of the Ōpōtiki District reserves. Identify any natural and historic resources within the reserves network, and prioritise any remedial works to be completed.
- (iii) Have a co-ordinated approach between the ODC, Bay of Plenty Regional Council, and Department of Conservation in the preservation and restoration of dunes.

#### 9.4.4 Care of the Coastal Environment

The Ōpōtiki District has a significant amount of sandy coastline, high in amenity, which is affected by continuing degradation of the natural dune systems. Dune degradation reduces their ecological value, subsequently threatening natural dune vegetation and animal communities that occupy these areas. Dune degradation also increases the risk to property and infrastructure from coastal processes and hazards. From time to time the Ōpōtiki District experiences severe weather conditions which have a detrimental effect on the coastal environment.

##### Objective

Protect, enhance and restore the natural coastal environment in accordance with the Coast Care BOP Plan (2009 draft) and measures to protect dunes from vehicle damage.

Policy The Council will:

- (i) Educate those who manage, or use ODC beaches about the importance of protecting dunes.
- (ii) Increase community involvement in Coastcare projects.
- (iii) Protect and enhance the natural character and biodiversity of dunes and the beach
- (iii) Continue to manage the vegetation cover of the reserves so that the archaeological, cultural and landscape values of the reserve are protected.
- (iv) Ensure reserves that contain large areas of bush, established re-vegetation sites and wetlands are protected.
- (v) Identify priority reserve sites, and develop a restoration plan. Encourage and facilitate community involvement in all re-vegetation and restoration programmes.
- (vi) Manage public access to reserves to minimise degradation of biodiversity using signs to highlight biodiversity concerns and importance of using designated access ways.
- (vii) Preserve the character of the environment by assisting natural processes. Allow natural processes to continue unobstructed, except where established services or assets must be protected or the processes occurring will lead to a natural disaster (i.e. flooding or earthquake damage).
- (viii) Encourage the re-establishment of dunes by promoting soft engineering options such as planting and sand replenishment. Facilitate dune restoration and maintenance through planting and fencing.
- (ix) Identify and protect significant habitats within the reserves.
- (x) Continue to implement regular maintenance on ODC beaches to ensure that existing works remain effective. Maintenance works to reflect the existing environment.
- (xi) Obtain resource consent for regular maintenance work carried out on the site to enable works to be undertaken progressively or in the event of storm damage.
- (xii) Develop a procedure for responding rapidly should storm damage threaten the integrity of existing works.

#### 9.4.5 Trees and Tree Management

Trees contribute to the recreational, landscape, ecological and heritage values of reserves. Trees, however, may have negative effects or pose a nuisance on the environment, users of a reserve and adjoining property owners. These effects include for example: leaves in gutters, shading of adjoining property, roots effecting drains and lifting footpaths and low or over hanging branches. ODC generally undertakes remedial action to resolve these problems as soon as possible. Nuisances caused by trees on adjoining land come under the general law of nuisance, Section 1 29C of the Property Law Act 1952 and Section 3.3 Clause (l) and (m) of the ODC General Bylaw 2008.

The Reserves Act 1977 also refers to trees on recreation reserves. Under Section 42 of the Act, trees and bush can only be cut or destroyed where ODC is satisfied it is necessary for the proper management and maintenance of the reserve, or for the management or the preservation of other trees and bush, or in the interest of safety for persons or nearby property.

It is evident from these legal provisions that some thought needs to be given to the planning, placement and choice of tree species on the reserves that adjoin neighbouring properties and secondly to the training and long term maintenance of existing trees within reserves.

#### Objective

To maximise the benefits of trees on reserves while avoiding, minimising or mitigating the adverse effects on reserve users and neighbours.

Policy The Council will:

- (i) Follow the relevant provisions in the District Plan, RA, ODC Bylaws and the Property Law Act 2007 when making any decisions about trees within reserves.
- (ii) Take the following into account when planting trees on reserves:
  - Management objectives and policies for the reserve.
  - The effects trees will have on adjacent properties at the time of planting and in the future (e.g. shading, loss of views, root damage, leaf fall, overhanging branches).
  - The effects trees will have on underground and overhead services.
  - Landscape considerations.
- (iii) Carry out regular tree and bush maintenance as follows:
  - Trees and bush will only be thinned or removed where the ODC is satisfied that it is necessary for the management of the reserve.
  - Where necessary for the preservation of other trees and bush.
  - To harvest trees planted for revenue purposes.
- (iv) Attend to public complaints regarding tree(s).
- (v) Process the complaint by:
  - Undertaking a preliminary visual assessment of the identified tree(s)
  - Seeking (if required) a Landscape Assessment report on the value of the tree in the landscape or an Arborist Report regarding the health of the tree to assist in the evaluation of the application.
  - ODC will not remove trees to enhance private views and site lines, unless the specific situation is not in accordance with CPTED principles.

#### 9.4.6 Pest Plant Management

The integrity, health and survival of the forest and indigenous wildlife are dependent on effective pest plant management. Invasive plants are present at various sites throughout the reserves network and are having a detrimental environmental, ecological and visual impact on the conservation values of indigenous (and some planted exotic) vegetation within reserves. Maintenance and enhancement of the native vegetation in the coastal reserves is dependent upon the control and/or eradication of unwanted plants

#### Objective

- (i) To continue the programme of pest plant removal and/or control (with associated revegetation) in required areas.
- (ii) To protect and maintain indigenous vegetation and fauna habitats from the detrimental impacts of pest plants.

Policy The Council will:

- (i) Retain the overall responsibility for the pest plant maintenance of the reserves unless otherwise specified.
- (ii) Work in collaboration with the Bay of Plenty Regional Council in the management of pest plants in accordance with the Regional Pest Plant Strategy.
- (iii) Survey problem plant infestations within the reserves and determine control priorities.
- (iv) Pest Plant Management Programmes will be prioritised in accordance with environment by promoting soft engineering options such as planting and sand replenishment.

- (v) Where practicable develop and manage the reserves to create wildlife habitats which will attract indigenous animal and bird species.
- (vi) Undertake pest plant management by employing both chemical and mechanical methods.
- (vii) Educate the community on the problem of garden waste dumping on the margins of reserves and inappropriate planting of exotic plants.
- (viii) Maintain and monitor pest plant control and continue to prioritise areas for action.
- (ix) Increase and enhance the quality of habitat for indigenous flora through pest plant control mechanisms.
- (x) Control (and where appropriate and feasible) eradicate pest plant species where they threaten the biodiversity and sustainability of the coastal reserve vegetation.
- (xi) Liaise with adjoining land management agencies and landowners to establish and maintain co-ordinated pest plant control programmes of pest animals in accordance with the Regional Pest plant Strategy.

#### **9.4.7 Pest Animal Management**

Indigenous wildlife (particularly native birds, reptiles and insects) contribute significantly to the ecological attributes of the reserves and the user's enjoyment and experience of it, and as such the preservation, creation and enhancement of wildlife habitats should be actively pursued. Various pest animals are present in the reserves and threaten indigenous vegetation and fauna. These pest animals include rabbits, possums, rats, mice, mustelids and feral cats. Domestic livestock can also encroach upon and damage reserve vegetation.

##### **Objective**

- (i) To promote, enhance and maintain the diversity of native wildlife through the establishment, enhancement and preservation of suitable natural habitats throughout the reserves.
- (ii) To help maintain the ecological values of the reserves by minimising the detrimental impacts of pest animals and straying domestic stock.

##### **Policy** The Council will:

- (i) Where practicable develop and manage the reserves to create wildlife habitats which will attract indigenous animal and bird species.
- (ii) Collaborate with the Bay of Plenty Regional Council in the management and control the policies, rules and priorities set in the Regional Pest Animal Strategy.
- (iii) Undertake pest animal management by employing both chemical and mechanical methods.
- (iv) Maintain and monitor pest animal control and continue to prioritise areas for action.
- (v) Increase and enhance the quality of habitat for indigenous fauna through pest control mechanisms.
- (vi) Control (and where appropriate and feasible) eradicate pest animal species where they threaten the biodiversity and sustainability of the reserves ecosystem.
- (vii) Liaise with adjoining land management agencies and landowners to establish and maintain co-ordinated pest animal control programmes in accordance with the Regional Pest Animal Strategy.
- (viii) Encourage the development of nesting areas by planting of food-producing and shelter trees.
- (ix) Prohibit stock grazing of nominated reserves to promote wildlife.
- (x) Continue current pest animal programmes and expand to cover all reserves and coastal areas within resources available.
- (xi) Monitor the effectiveness of ongoing pest animal management and related impacts and set priorities for pest animal control annually.
- (xii) Educate the public on the threats that domestic pets pose to native fauna and any practical solutions available.
- (xiii) Encourage native wildlife protection through pest animal control and dog restraint in vulnerable areas and through the use of appropriate educational and informative signage.
- (xiv) Ensure that all pest animal control measures including the setting of traps and distribution of bait will be undertaken by qualified operators. All traps and bait will be set and distributed in accordance with manufacturer's specifications and best practice methods.

#### 9.4.8 Stormwater Disposal and Water Runoff

These problems have been intensified by the increasing development of Ōpōtiki District for residential purposes over recent years, and the high number of discharge points onto reserves. Excessive stormwater and water run-off can cause severe pollution and erosion into our waterways and foreshore reserves.

##### Objective

To manage stormwater runoff.

Policy The Council will:

- (i) To manage stormwater discharge into the reserves and foreshore and include the following considerations:
  - Promote stormwater treatment. Implement mechanisms to control water quality contamination through stormwater outflows.
  - Encourage land use practices that prevent pollutant run-off from site.
  - Reduce stormwater contamination from roading networks via regular street cleaning, catch-pit maintenance and catch-pit upgrades.
  - Investigate soft engineering solutions, for example the implementation of grassy swales, planting riparian margins and establish wetland treatment systems.
- (ii) Undertake any work on stormwater outlets in consultation with Bay of Plenty Regional Council, Iwi and the local community where appropriate.
- (iii) Educate the community on effects of soil run off from earthworks, vegetation removal, disposal of contaminants and the downstream effects of disposing pollutants directly into or adjacent to waterways that empty into the foreshore reserves. Encourage landowners to manage streams that pass through their property and advise them of their stream maintenance obligations and methods to enhance water quality and ecological diversity.

## 10. Definitions

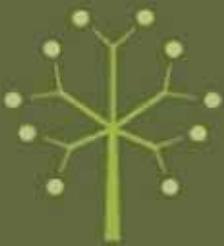
1. **Amenity values:** Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes (Resource Management Act 1991).
2. **Annual Plan:** Contains Council's proposed budget and funding impact statement for one financial year. Identifies any variation from the financial statements and funding impact statement included in Council's current Long-term Council Community Plan for that year.
3. **Archaeological site:** Any place, including shipwrecks, which was associated with human activity that occurred before 1900 AD, and which through investigation by archaeological techniques may provide scientific, cultural, or historical evidence "on" (or "about") the exploration, occupation, settlement, or development of New Zealand (Historic Places Act 1993).
4. **Asset:** A resource controlled by Council, such as a park, road, stormwater system, water or wastewater plant.
5. **Asset Management Plans:** Plans that provide operational guidance concerning service standards, maintenance and capital costs for assets such as parks, roads, stormwater systems, water and wastewater plants.
6. **Biodiversity:** Biodiversity (short for biological diversity) The variety of all life on earth, and the places where they live.
7. **Bylaws:** Ōpōtiki District Council Consolidated Bylaws.
8. **Capital Expenditure:** Money spent to build or buy a new asset or to improve the standard of an existing asset.
9. **Coastal environment:** An environment in which the coast usually is a significant part or element. The extent of the coastal environment will vary from place to place depending how much it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct but interrelated parts: the coastal marine area, the active coastal zone, and the land back-drop. The coastal environment includes at least the coastal marine area, the water, plants, animals and the atmosphere above it, and all tidal waters and foreshore whether above or below mean high water springs, dunes, beaches, areas of coastal vegetation and associated coastal animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs, and coastal wetlands, including estuaries, and in the absence of such features (particularly in urban areas where the natural shoreline has been modified), all of the land that extends 40 metres inland of mean high water springs (NZ Coastal Policy Statement 1994).
10. **Community:** A network of people and organisations linked together by factors such as place (geographic community), common interest or identity (hapu, voluntary organisation) or administrative community (the District).
11. **Community Grant:** A sum of money (or goods and services provided in lieu of money) provided by Council or community boards to nonprofit organisations within the District.
12. **Community Outcomes:** A set of aspirations that reflect the community's desires for economic, social, environmental, and cultural well-being.
13. **Conservation:** The preservation and protection of the natural resources of New Zealand having regard to their intrinsic values and having special regard to indigenous flora and fauna, natural ecosystems and landscape.
14. **Consultation:** Engagement with the community or key stakeholders on specific topics/ projects that affect the community.
15. **CPTED:** Crime Prevention through Environmental Design.
16. **Design Standards:** Standards established by professional engineers responsible for the design of particular works or projects as relating to the ODC Engineering Code of Practice.
17. **District Plan:** A detailed plan of the way the District's environment will be managed to achieve the purpose and principles of the Resource Management Act 1991.

18. **Environment:** Includes ecosystems and their constituent parts, all natural resources, physical resources and the social, economic, aesthetic and cultural conditions which affect the environment or which are affected by the environment (Environment Act 1986).
19. **Esplanade Reserve:** A local purpose reserve usually 20 metres wide, vested in the territorial authority or in the Crown, with the purposes of protecting conservation values, enabling public access to or along the sea, a river or lake and recreational use where this is compatible with conservation values. Usually created as a result of subdivision of land (Resource Management Act 1987, Reserves Act 1977).
20. **Flora:** Plant life of a given place or time (Collins Concise Dictionary).
21. **Fauna:** Animal life of a given place or time (Collins Concise Dictionary)
22. **Habitat:** The environment in which a particular species or group of species lives. It includes the physical and biotic characteristics that are relevant to the species concerned. For example, the habitat of the blue duck consists of swift water with an abundance of freshwater insects. The habitat of “mountain flax” is areas where slopes are steep and drainage is good.
23. **Historic area:** An area of land that (a) contains an interrelated group of historic places, (b) forms part of the historical and cultural heritage of New Zealand, and (c) is within the territorial limits of New Zealand (Historic Places Act 1993).
24. **Historic place:** Any land, building or structure that forms part of the historical and cultural heritage of New Zealand and is within the territorial limits of New Zealand. Includes anything fixed to this land (Historic Places Act 1993).
25. **Indigenous species:** Species or genetic variants of plants and animals found naturally in New Zealand and its territorial waters, including migrant species visiting New Zealand on a regular or irregular basis.
26. **Iwi:** Tribe, people (Waitangi Tribunal Report [Wai 27] 1991).
27. **Iwi authority:** The authority which represents an iwi and which is recognised by that iwi as having authority to do so (Waitangi Tribunal Report [Wai 27] 1991).
28. **Kaitiakitanga:** The exercise of guardianship by the Tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship (Resource Management Act 1991).
29. **Landscape:** The landscape is a result of natural and cultural processes on or near the surface of the earth.
30. **Landscape values:** The visual expression of the elements which comprise the landscape and give it identity and distinctiveness.
31. **Lease:** An agreement which gives the lessee the right to exclusive possession of the land with the intention of conferring an interest in the land as opposed to giving a personal privilege.
32. **Levels of Service:** The service parameters or requirements for a particular activity or service area against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental acceptability and cost.
33. **Leisure:** Physical activities or physical pastimes engaged in, in New Zealand for the purposes of relaxation or enjoyment (Sport, Fitness and Leisure Act 1987).
34. **License:** Permission given by the ODC allowing a person to do some act which would otherwise be unlawful or prohibited.
35. **Local Government Authority:** A Regional, District or City Council.
36. **Long-Term Council Community Plan (LTCCP):** A 10 year plan adopted every three years under section 93 of the Local Government Act 2002. It describes Council's activities, why it participates in these activities and how the activities will be funded. It includes information which is regarded as the Annual Plan for the first year to which it relates.
37. **Objectives:** Statements of intended results. These can be broad or narrow in scope and should be accompanied by provisions for implementation.
38. **ODC:** Ōpōtiki District Council.

39. **Permit:** A written order giving permission to act, especially for entry into a place (Concise Oxford Dictionary, Concessions Policy, October 1994).
40. **Pest animal:** Any introduced animal whose presence or activities result in significant detrimental effects on indigenous plants, animals, or ecological processes. Pest animals and their control are further detailed in the Bay of Plenty Regional Council's 'Regional Pest Animal Strategy'.
41. **Pest plant:** Any introduced plant which causes or may cause serious detrimental effects to any person, domestic animal, crop, pasture, native flora, aquatic habitat or to the general environment.
42. **Playgrounds:** Area in a reserve that contains formal playground equipment that comply with the relevant sections of the Building Code, meet the NZS 2828: 2004 Playgrounds and Playground Safety Surfacing Standards and SNZ HB 5828.1.2006 General Playground Equipment and Safety handbook. A community playground comprises at a minimum of 3 pieces of playground equipment and a District Playground is a large integrated playground that provides activities for a range of ages and abilities.
43. **Protection:** In relation to a resource, means its maintenance, as far as is practicable, in its present state but includes restoration to some former state and augmentation, enhancement or expansion.
44. **Recreation:** The way in which a person chooses to spend time that is free and is apart from work and other tasks involved in providing and maintaining a livelihood.
45. **Recreation, Active:** Is energetic and usually involves the acquisition of skills for its enjoyment.
46. **Recreation, Formal:** Associated with formal/organised sports e.g. rugby/soccer.
47. **Recreation, Informal:** Associated with recreation other than formal sport e.g. walking, picnicking.
48. **Recreation, Outdoor:** May be passive or active. It involves the use and enjoyment of nature.
49. **Recreation, Passive:** Requires little expenditure of energy, time and money and involves few skills. Facilities are not essential although they may be provided. In general it is undertaken in more accessible areas.
50. **Reserve:** Includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is under the management or control of the ODC.
51. **Restoration:** Returning a place as nearly as possible to a known earlier state by rehabilitation reassembly, reinstatement, and/or removal of extraneous additions (ICOMOS 1993).
52. **Survey:** Single measurements and assessment of condition at a defined place in a defined period.
53. **Sustainable:** Meeting current needs without reducing the ability of future generations to meet their own needs. This includes social and economic needs as well as environmental ones.
54. **Sustainable management:** Managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations,
  - (b) safe-guarding the life-supporting capacity of air, water, soil, and ecosystems, and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. In practice sustainable management means: not wasting resources, taking care of land, water and air, looking at the needs of future generations, avoiding or fixing any harmful effects, and considering the long-term impacts of our decisions (Resource Management Act 1991).
55. **Tangata Whenua:** People of a given place. (Waitangi Tribunal Report [Wai 27] 1991) In relation to a particular area, means the iwi or hapu that holds mana whenua over that area (Resource Management Act 1991).
56. **Traditional site:** A place or site that is important by reason of its historical significance or spiritual or emotional associations with Maori (see waahi tapu).
57. **Waahi tapu, wahi tapu:** Sacred place (Waitangi Tribunal Report [Wai 27] 1991).
58. **Walkway:** An area of land that has been declared a walkway or an area of land over which a walkway has been established under the New Zealand Walkways Act (Walking Access Act 2008).

59. **Water body:** Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area (Resource Management Act 1991).
60. **Wetland:** Permanent or intermittently wet land, shallow water and land-water margins. Wetlands may be fresh, brackish or saline, and are characterised in their natural state by plants or animals that are adapted to living in wet conditions. They include swamps, bogs, estuaries, braided rivers, and lake margins.





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