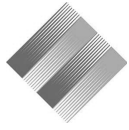
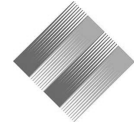


2.0 District Wide Generic Reserve Management Objectives and Policy





2.0 District Wide Generic Reserve Management Objectives and Policy

In managing the varied open space and recreational resources of the district, Western Bay of Plenty District Council (the Council) wishes to ensure a consistent approach to the management of both physical resources and the provision of publicly funded recreation and leisure facilities. This consistent approach will assist equity across the district and ensure that reserve provision achieves the same standards and objectives independent of location or community.

The 'Recreation and Leisure Plan' (adopted June 2002) sets out a series of strategic outcomes these are:

Outcome 1: *Facilities are Safe, Healthy and Appropriate*

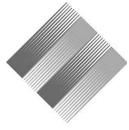
The first outcome concerns the communities' desires to have facilities that are affordable and significant to that community, reflecting the needs, and the unique character of that locality. It also covers Council's legal responsibilities to provide safe and healthy facilities.

Outcome 2: *A Basic Range of Public Facilities is Available*

The second outcome concerns those facilities that Council will take full responsibility for funding and operating. In particular circumstances, it may be more efficient to fund service provision for the public by others.

Outcome 3: *Council and Community Work Together to Provide and Promote Recreation and Leisure Facilities*

This third outcome identifies 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.



Outcome 4: *Sub Regional Recreation and Leisure Opportunities Available*

This outcome recognises that people's involvement in recreational groups, and their use of services, facilities and open spaces occurs without regard to local authority boundaries. Outdoor public recreational opportunities are available to anyone, regardless of where they live. Recreation also contributes directly and indirectly to the local economy, especially tourism and retail activity. Council must balance the unique relationship with Tauranga with its responsibilities to Western Bay of Plenty residents, ratepayers and businesses.

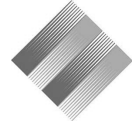
Outcome 5: *Important Natural, Cultural and Heritage Values are Protected*

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.

Outcome 6: *Resources are Secured for Present and Future Public Recreation and Leisure Needs.*

This section considers Council's role in securing resources, including financial, land or other resources, to meet the needs of present and future users of public recreation facilities and spaces in the District.

These strategic outcomes from Council's 'Recreation and Leisure Strategy and Action Plan' provide broad guidance for reserve provision and management across the District.



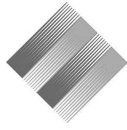
Reserve Classification

Under Section 16 of the Reserves Act 1977 (the Act) it is mandatory that reserves are classified based on their primary values and purpose. The Act provides for eight reserve classifications being:

- Recreation
- Historic
- Scenic (1a)
- Scenic (1b)
- Nature
- Scientific
- Government Purpose and
- Local Purpose

Reserves may have more than one classification if the values requiring protection vary from one part of the reserve to another (to achieve a dual classification the site needs to be surveyed to define the boundary between the lands requiring different classifications).

Reserves in the Maketu Ward are classified; Recreation, Historic, Scenic and Local Purpose. In addition there are reserves that comprise of Road Reserve, Quarry Reserve and Corporate Land; these are not considered under the Reserves Act 1977 but fall under the jurisdiction of the Reserves Department of Western Bay of Plenty District Council.



Reserves Management Plan Generic Objectives

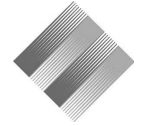
In relation to the four categories of reserve classification within the Maketu Ward the following generic objectives apply to the management of any reserve within the specified classification.

RR O Recreation Reserves: Generic Objectives

- To provide for recreation and sporting activities and the physical welfare and enjoyment of the public.
- 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.

HR O Historic Reserves: Generic Objectives

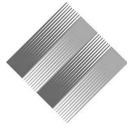
- To protect and preserve in perpetuity places, objects, and natural features that are of historic, archaeological, cultural, educational or other special interest.
- Having regard to the general purpose of the reserve specified above, to administer and maintain the reserve so that:
 - The structures,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

SR O Scenic Reserves : Generic Objectives

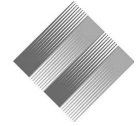
- ❑ To protect and preserve in the public interest for their intrinsic values and for the benefit, enjoyment and use of the public areas of significance for their scenic interest, beauty, natural features or landscape values.
- ❑ To maintain the public's freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by Section 55 and 56 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 of the public using it).
- ❑ To preserve the natural or scenic values of the reserve allowing development for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve and where the primary scenic values are not adversely affected.
- ❑ To protect and manage historic, archaeological, geological, biological, or other scientific features present within the reserve, compatible with the principal or primary purpose of the reserve.



- ❑ To maintain the reserve's value as a soil, water and vegetation conservation area, to the extent compatible with the principal (scenic) purpose of the reserve.

LPR O Local Purpose Reserves: Generic Objectives

- ❑ 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:
 - Those scenic, historic, archaeological, biological, or natural features present on the reserve are managed and protected to the extent compatible with the principal purpose of the reserve;
 - 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.



Reserves Management Plan Generic Policy

In addition to the generic objectives of management related to the classification of the reserve this Reserves Management Plan sets out generic policy for all reserves across all wards within the District. This generic policy addresses issues of management that will be common across reserves and sets out to establish a consistent approach to the management of these issues across the District.

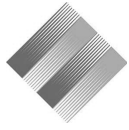
Council's generic policy for managing reserves across the District is set out as follows.

P1 Sportsville

Policy

Recreational activities, such as active sports codes and recreation activities requiring specific facilities, will be grouped to maximise the sharing of facilities and to focus public resources and spending on developing a primary active recreation venue for the community. In the Maketu Ward four existing reserves are identified as the local 'sportsville' type active recreation focal reserves for the various communities – these are Midway Park (Pukehina), Pongakawa Domain (Pongakawa), Spencer Ave Reserve (Maketu) and Paengaroa Domain (Paengaroa).

Explanation: It is more efficient for communities to provide facilities for active recreation in combined locations rather than spreading these across the town or ward. By clustering active recreation facilities in central venues costs can be reduced and duplication avoided. Other benefits can also be achieved through strengthened community facilities, joint sponsorship, and sharing of resources/facilities.



This clustering concept is in line with the 'Sport and Active Recreation Council's (SPARC) 'Sportville' concept. (Note 'SPARC' has recently replaced the Hillary Commission as the national body charged with the mandate to promote sport and active recreation in New Zealand).

P2 Utilities

Policy

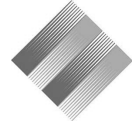
Where utilities, other than those required for servicing the reserve, are proposed to be located through or over a reserve, or where existing utilities are to be upgraded, the authority responsible will undertake early (i.e. at the preliminary scoping stage) and full consultation with the Reserves and Facilities Manager, WBOP DC as an affected party.

In general, utilities should be located to avoid any impingement on the use, enjoyment or general amenity of any reserve. Where avoidance cannot be achieved, mitigation and/or remedial works should be provided.

Where utilities are to be located through or over a reserve, the location of any above ground features should be limited in their scale and sited to least affect the use, enjoyment and amenity of the reserve.

All costs associated with the location of services through or over a reserve, including the cost of fully making good the affected area as well as any mitigation and/or remediation works, shall be borne by the authority undertaking the works to the satisfaction of the Reserves and Facilities Manager, WBOP DC.

Explanation: Reserves are often identified as the location of utilities infrastructure. Individually and cumulatively, however utilities can affect the character and amenity of a reserve and its potential use and enjoyment. Any proposal for the location of new or upgraded utilities through or over a reserve should be fully considered, including the identification of alternative alignments and the avoidance, remedy or mitigation of adverse effects on the reserve.



P3 Buildings and Structures

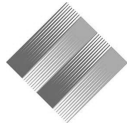
Policy

Buildings on reserves will be for sporting and recreation purposes and/or to facilitate the appropriate use of the reserve by the public.

Any potential adverse effects of buildings and structures (whether located on or adjacent to reserve land) on the amenity values and physical features of the reserve and on neighbouring properties should be avoided.

In proposing to locate a new building on a reserve (by Council or by others), or when considering proposals for the extension of an existing building, or when considering the effects of a proposed building on land adjacent to a reserve, the following shall be taken into regard:

- The need for the building to be located on reserve land.
- The scale of the proposed structure in relation to the reserve and its foreseeable use for outdoor recreation.
- The foreseeable need and demand for the recreation facilities to be accommodated.
- Proposals for joint use of the facility.
- The siting, design, materials and colour of the proposed building or structure.
- The financial position of the applicant to properly construct and maintain the facility, and ongoing associated costs.
- The conservation of open space, views, significant vegetation and significant landscape features.
- The effects of providing access to and parking for the proposed building or structure.
- The potential visual or physical effects of the building or structure on neighbouring properties.



Where Council determines to approve the location of any building or structure on reserve land, the applicant will be responsible for obtaining all necessary resource and building consents before any work commences on site. In addition the applicant must comply with all bylaws, regulations and statutes pertaining to the construction and operation of the building or structure. The consent of the Minister of Conservation will be required before any building or structure is constructed on a reserve in situations where leases over scenic or recreation reserves allow for erection of buildings and structures.

Explanation: Buildings and structures include facilities such as toilets, changing rooms, club rooms, bridges, viewing platforms or lookouts and the like. Buildings and structures are necessary to facilitate public use of reserves. They can, however, also reduce the open space character and amenity of reserves and need to be carefully sited and designed to complement the reserve. Buildings and structures also represent significant investment and require ongoing maintenance. Duplication of such facilities should be avoided with joint use, management and funding promoted.

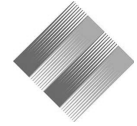
P4 Commercial Use

Policy

Commercial use of reserves will not be allowed unless a formal concession is granted for a particular activity involving a specific site and times during which the activity may take place.

Commercial use (including private or commercial access over a reserve) that conflicts with and/or limits the public use and enjoyment of the reserve or affects its amenity will not be permitted.

Where access over a reserve and use of its facilities provides for a commercial activity, such as use of a public boat ramp by commercial fishing boats and/or tourist related activities, Council will require payment of appropriate charges by the commercial user to assist in the maintenance and enhancement of the facility.



Explanation: Commercial use of reserves can detract from its public use and enjoyment or limit its potential to be used for its allocated purpose. In general it is inappropriate for public land set aside for reserve purposes to be used for any commercial use. In some instances, however, commercial use can be accommodated without unduly impinging on the use and enjoyment of the reserve, in such cases Council will seek financial compensation for the use of public facilities for commercial gain.

P5 Concessions

Policy

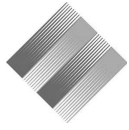
The temporary or permanent private commercial use of public reserves will generally not be permitted.

From time to time, however, Council may determine that a commercial activity is complementary to the purpose of a particular reserve, will assist in the public use and enjoyment of the reserve, is compatible with or will avoid or mitigate any potential adverse effects on neighbours and will not adversely affect the general character and amenity of the reserve. In such cases Council may determine that it is appropriate to provide for the activity by way of a concession.

Any concession for use of a reserve will:

- Define and limit the area within which the activity is to be carried out.
- Specify the times (over the year and during the day) during which the concession can operate.
- Specify the nature of the activities the concession operator can provide.
- Define the signage (if any) permitted in association with the concession.
- Specify the fee or bond amount.

Concessions will not provide for the exclusive use of any part of a reserve and will not function to the disadvantage of general public use of the reserve.



Any concession permitted by Council will be specific to the operator identified and will not be transferable.

Any concession granted by Council will be for a specified period with no automatic rights of renewal.

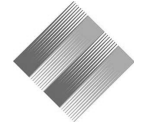
The following criteria will be used to assess any concession applications received:

- The extent to which the proposed activity is compatible with the designated purpose and use of the reserve.
- The extent to which the proposed activity will assist the public use and enjoyment of the reserve and not disadvantage other users.
- The compatibility of the proposed activity in relation to neighbouring properties and the ability for any adverse effects on neighbours to be avoided, remedied or mitigated.
- The extent to which the proposed activity will impinge on the physical attributes and spatial qualities of the reserve.
- The need for permanent structures that could detract from the character of the reserve when the concession is not in operation.

Any application to operate commercial activities on a reserve should be made to the Reserves and Facilities Manager, WBOP DC in writing and include information in relation to:

- A description of the proposal and its proposed location within the reserve.
- A description of the potential effects of the proposed activity and the methods to be employed to avoid, remedy or mitigate adverse effects on reserve users and/or neighbours (i.e. noise from generators).
- The duration of the activity (hours of operation, days over which the concession will function and period of the year over which it will operate).
- The experience and resources of the concessionaire to successfully operate the concession.

Council will charge a levy for the commercial use of reserves. A bond will also be required for any commercial activities for which concessions are granted.



The applicant concessionaire will be responsible for ensuring that they fully comply with and receive any necessary consents in relation to the Resource Management, Building, Health and Safety in Employment Acts and other relevant Acts as well as the District Plan and comply with any relevant bylaws.

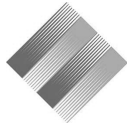
Explanation: Public reserves are for the use and enjoyment of the public. In general reserves provide respite from commercial facilities and provide opportunities for families, groups and individuals to pursue recreational activities away from commercial environments. From time to time, however, there will be temporary and/or permanent commercial activities that are fully compatible with the purpose of the reserve and that can assist or enhance the use and enjoyment of the reserve for a significant number of reserve users. Council will consider applications for concessions on reserves and where appropriate provide for such activities as an adjunct to the reserve.

P6 Organised Events

Policy

Use of any reserve for an organised event requires the approval of the Reserves and Facilities Manager, WBOP DC. Applications for approval to use a reserve for an organised event should be made in writing and include the following information:

- The date(s) of the event; the name of the organisation holding the event; and key contact people.
- The nature of the event; its duration and purpose including how it will provide for public access and enjoyment.
- A plan showing the layout of the event including provision for emergency access, the location of toilets, first aid, parking and other facilities.
- A timetable for preparations leading up to the event and for clearing up after the event.
- Proposals for advising neighbours and the local community about the event.
- The financial resources of the event organiser and/or its sponsors (which must be named).
- Proposals for reinstatement of the reserve.
- Copy of public liability insurance.
- Copy of operator's licences from any operator supplying or in charge of any Amusement Device.
- Food storage, preparation and sale at the event.



The cost of organising and running any approved event on a reserve will be the responsibility of the event organiser. Any reserve used for an approved event is required to be left in the condition in which it was found prior to the event to the satisfaction of the Reserves and Facilities Manager, WBOP DC.

Event organisers for any approved event will be fully responsible for securing in advance all consents and approvals for the operation of the event and will ensure they respect any relevant bylaws or District Plan requirements (such as noise controls).

The Reserves Act 1977 does not permit overnight stays on any reserve which is not a reserve set aside under Section 53 of the Act as a Camping Ground. However, Section 44 of the Reserves Act 1977 allows use of reserves in accordance with its Management Plan. Where any event covers 2-3 days security personnel are permitted to patrol overnight.

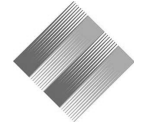
Council will retain the right to require a refundable bond from any event organiser and retain the discretion to expend the bond to reinstate the reserve should this be required. The amount required in bond will be determined by the Reserves and Facilities Manager, WBOP DC, with reference to Council's Schedule of Fees and Charges.

Explanation: Events can enhance the public use and enjoyment of reserves and contribute to the diversity and vibrancy of the community. Events with large numbers of people and activities can also adversely affect the reserve and its neighbours. Council therefore needs to retain full discretion over the number, nature and organisation of any organised event on reserve land.

P7 Signs

Policy

All signs located within reserves will comply with Council's signage policy to ensure consistent sign information and styles on reserves throughout the District.



Signs will generally be grouped or clustered within a reserve to avoid visual clutter and to assist visitors to easily access all relevant information.

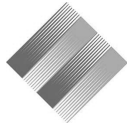
Any new permanent sign to be located within a reserve shall be located with the approval of the Reserves and Facilities Manager, WBOP DC.

Reserve occupiers wishing to erect signs will be responsible for meeting the costs of producing, erecting, maintaining and replacing signs relating to their activity. Subject to the written approval of the Reserves and Facilities Manager, WBOP DC, and all relevant statutory consents being granted (the Club being responsible for securing any relevant consents or approvals) tenant clubs may affix to the building that they occupy, signs denoting their premises.

No commercial signs will be permitted on reserves except with the specific approval of Council (Reserves and Facilities Manager, WBOP DC). Council may permit the erection of advertising signs on recreation reserves developed as sports grounds where these will not detract from the character and amenity of the reserve or adversely affect neighbours. The cost of such signs, any associated resource consents, and the regular maintenance of any such sign will be borne by the advertiser.

Council retains the right to request the removal of and/or to remove any inappropriate, poorly located or obsolete signs as well as those that have fallen into disrepair.

Explanation: Signs are necessary to identify reserves, to assist access within reserves, to provide for the appropriate use of reserves and to provide for the safety of reserve users. Signs provide an opportunity for Council to 'brand' public land and clearly identify public resources. However, signs can individually or cumulatively detract from the amenity of a reserve and need to be designed, located and maintained to avoid visual clutter and the degradation of the values of the reserve. Signs can be located in reserves by others and clear guidelines are needed for the provision of such signs within a public area.



P8 Naming

Policy

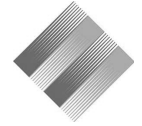
All reserves vested in or administered by Council will be named through a formal resolution of Council following consultation with Tangata Whenua and interested parties.

Naming will generally be initiated at the time of vesting and will be publicly advertised with a one month period for comment.

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.

This Reserves Naming Policy acknowledges the New Zealand Geographic Board (Ngā Pou Taunaha O Aotearoa) "Rules of Nomenclature" which act as guiding principles for determining place names in New Zealand. In summary these rules as they relate to Council administered reserves are:

- Names which have historic, geographic or particular local significance are generally acceptable. So too, for example, are names of early explorers and discoverers, early settlers, surveyors and geologists and early notable people or events which have some connection with the proposed area to be named.
- Names of persons will not be given to features during the person's lifetime. If the name of a deceased person is used, generally the surname is chosen.
- Descriptive names can be used provided there is no duplication of the name in a neighbouring area.
- Name duplication is avoided.
- The use of the possessive form is avoided; e.g. Smith's Reserve.
- Names in local usage normally take precedence.
- Names considered to be in poor taste are avoided.
- Original Māori place names will be encouraged - an "original Māori place-name" means any Māori place name that is recognised by the tangata whenua as one historically associated with a place within their tribal boundary.



- Includes reserves which are approved by the Department of Conservation through the Management Plan process

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

P9 Gifts and Commemorative Built Features

Policy

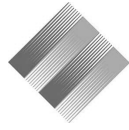
Council will consider requests from individuals and/or organisations within the community for the sponsorship and/or gifting of reserve features including the appropriate recognition of the benefactor. Any such proposals will be assessed in relation to the following criteria:

- The compatibility of the proposed feature in relation to the character and use of the reserve.
- The benefit to the reserve users.
- The ease and cost of maintenance and whom is responsible.
- The relevance of the feature to the community and its appropriateness.

Where a gift or the sponsorship of a reserve feature is approved by Council, the benefactor will be generally acknowledged through the appropriate attachment of a small (eg. 150 x 100 mm) engraved or cast metal plaque associated with the item. Other arrangements for acknowledging the donor will be considered on a case by case basis in relation to the nature of the gift.

Where a significant gift is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.

Where a gift or commemorative feature requires removal it may or may not be replaced. Where replacements are made they will be made with the same or a similar feature.



Council will maintain gifts and/or commemorative features except where maintenance by others is agreed as part of the gift agreement (such as in the case of some sculpture). The benefactor will generally retain no ongoing rights or responsibilities in relation to the feature.

Explanation: Council is keen to work with community groups or individuals that are interested in offering their resources for the benefit of the public at large. The nature of such potential relationships is set out in the Recreation and Leisure Strategy 6.3 'Community Based Resources'.

Members of the public frequently make requests to place features on reserves. Whilst such commemorations can assist in developing community values and mark important historic events, the location and number of such features needs to be managed.

Commemorative features can also add cost to the ongoing maintenance of reserves, and can cause difficulties when the features are damaged, vandalised or require significant maintenance.

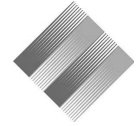
Difficulties can also arise where the individual or group having made the gift, seeks to influence the management of the wider reserve. Council needs to be in a position to control the nature, number and location of such features; encouraging appropriate enhancement of reserves and community input to their development whilst avoiding the potential difficulties and conflicts associated with gifts.

P10 Commemorative Trees

Policy

Where an individual or organisation wishes to plant a commemorative tree on a reserve, this will only be permitted with the approval of the Reserves and Facilities Manager, WBOP DC where the selected location is in line with the concept plan for the reserve.

Any approval for a commemorative tree will specifically exclude any role in the ongoing maintenance of the tree.



Commemorative plaques identifying a donated tree will not generally be permitted. In exceptional circumstances the Reserves and Facilities Manager, WBOP DC, may approve the placement of a plaque.

Where a commemorative tree requires removal it may or may not be replaced. Where replacements are made they may or may not be made with the same or similar species.

Where a significant planting of commemorative tree(s) is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.

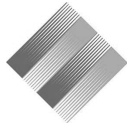
Explanation: Commemorative trees can cause problems for reserve maintenance as trees are often damaged or vandalised and in some instances need to be removed to facilitate the use or ongoing development of the reserve. It may or may not be desirable, from the reserve maintenance point of view, to replace a tree that has had to be removed. Commemorative trees can also become memorials for those that have an association with the person or event being commemorated, at times this can lead to the placement of flowers or other tokens of recognition that are inappropriate in a reserve setting.

P11 Fireworks Displays

Policy

Fireworks displays will not be permitted on reserves except where expressly provided for in the reserve specific policy. In the Maketu Ward these nominated reserves are Midway Park (Pukehina), Pongakawa Domain (Pongakawa), Spencer Ave Reserve (Maketu) and Paengaroa Domain (Paengaroa).

Where provided for on a reserve any organisation wishing to present a fireworks display shall make written application to the Council (Reserves and Facilities Manager) at least one calendar month before the event. The organisation must seek the prior permission from the Department of Labour and include evidence of this approval within their application.



Council may place whatever conditions it finds appropriate on an approval for a fireworks display, for example conditions may relate to the management of fire risk, safety and noise. A requirement of any approval for use of a reserve for a fireworks display will be contingent on the applicant organisation having a sufficient level of public liability insurance.

Explanation: From time to time Council receives requests from organisations wishing to use a reserve for a fireworks display. Such displays are governed by legislation other than the Reserves Act and require the permission of the Department of Labour.

Fireworks displays can generate adverse effects in relation to vegetation, wildlife habitat, animals, and neighbours. They also create a potential fire risk that needs to be managed. Many reserves in the Western Bay of Plenty District are inappropriate locations for public firework displays. Such displays are therefore not permitted on reserves except where it is expressly identified and then subject to Council approval as well as to any conditions that Council may wish to impose.

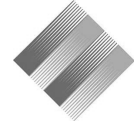
P12 Litter Disposal

Policy

Council will pursue an approach to the provision of rubbish bins on reserves that encourages people to take rubbish away with them. Where rubbish bins are provided Council will, where appropriate, move toward providing facilities for the sorting of rubbish.

No person shall deposit any domestic refuse, trade waste, garden refuse, rubble or debris on a reserve without Council approval (i.e. depositing cleanfill without the prior approval of Council) such activities are an offence pursuant to Section 94 of the Reserves Act 1977 and carry fines. Council will prosecute perpetrators of illegal dumping where these can be identified.

Where a reserve is used for an event or tournament, the user groups and / or event organisers will be responsible for the collection and approved disposal of all associated litter and waste.



Charity type recycling centres and clothing bins will not be located on reserves where these do not directly function to serve the local community.

Explanation: Council has adopted a Solid Waste Action Plan (2002) which establishes the following vision – “Sustainable waste management that protects the environment for present and future generations by vigorously promoting waste minimisation to achieve a zero waste target by 2015”. In addition to waste minimisation recycling is a focus of Council’s vision for the future management of waste. It is appropriate that Council’s objectives for waste management are carried through into the provision for litter collection in reserves. The provision of rubbish bins for the collection of litter is not considered appropriate or necessary on all reserves. Generally the public will be encouraged to take their litter away with them and where bins are provided, Council will move to providing further sorting of rubbish on the reserve.

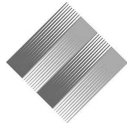
Where rubbish bins are provided the frequency of their emptying can be targeted to their level of use – which frequently varies depending on the season. This will assist in minimising the cost of maintenance whilst maintaining appropriate standards for the provision of service. Where rubbish is generated due to a particular event or activity, the cost of removal will fall upon the organisers. (This policy is consistent with Council’s Schedule of Fees and Charges.)

The dumping of waste on any reserve can significantly detract from its amenity, has the potential to cause hazards and can cause flow on problems such as plant pests infestations.

P13 Encroachment

Policy

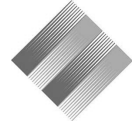
- i) Prevention of new encroachments: From the date of adoption of this Maketu Reserves Management Plan by Council no new encroachments onto public reserve land will be permitted.



Where new encroachment occurs Council will:

- a) Give notice to the encroacher(s) requiring termination, removal and reinstatement of the encroachment at the owner's cost within a specified timeframe.
 - b) Where removal and reinstatement does not occur, Council may carry out the removal and reinstatement and recover costs by way of proceedings through the District Court or if necessary through prosecution.
- ii) Existing encroachments: Where historical encroachments exist Council will advise the relevant party(s) of the encroachment and enter into negotiations to have the encroachment removed and the reserve reinstated at the cost of the encroacher(s). Council's priority for removal of historical encroachments will include any built encroachments and those that adversely affect the public use and enjoyment of the reserve.
- iii) Community Management: Notwithstanding the above, Council will from time to time work with the local community and adjoining landowners to establish and maintain planting on reserve land. This will particularly include planting that defines the interface between reserves and private land and/or where such planting is of benefit to the amenity of the reserve and does not impinge on its public use and enjoyment. Any such community management must have the approval of the Reserves and Facilities Manager, WBOP DC.

Explanation: In many places reserves abut private property. From time to time private activities including gardens, steps, huts and seating areas encroach onto the reserve such that the public is excluded from, or discouraged from using, that portion of the reserve. It is important that new encroachments are prevented and that the removal of historical encroachments is managed over time. In certain locations and with the explicit approval of Council, reserves and the community use and enjoyment of reserves can benefit from a level of community involvement in the planting and maintenance of reserves. Such community involvement can be encouraged by Council where it is of wider environmental and public benefit and does not lead to any form of perceived or real privatisation of the reserve.



P14 Private Access Over Reserve Land

Policy

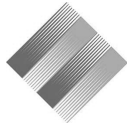
Any existing or new private accessway over reserve land will be treated like an encroachment and will generally not be permitted, except where considered for approval and formalisation following written application to the Reserves and Facilities Manager, WBOP DC.

Applications will be assessed by Council on a case by case basis, with the assistance of the following criteria:

- Is the accessway beneficial for reserve management and/or general public use purposes?
- Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?
- Is alternative access available?
- Are there any particular exceptional reasons why the accessway should be approved?
- Will approval have the potential to increase maintenance costs to Council over time?
- Is approval likely to create a precedent or encourage other requests for private access over reserve land?

Any accessway approved over reserve land will require formalisation by way of an easement (consistent with Section 48 of the Reserves Act 1977), the process of formalisation is subject to notification and will require the consent of the Minister of Conservation.

All costs associated with the granting of a formalised access will be borne by the party granted access. Annual rentals may also be required to be paid at the discretion of the Council.



Explanation: In many locations reserves abut private land and in some such locations access over reserve land provides desirable access to that land. In some places historical access occurs. Private access over reserve land can, however, affect the use, enjoyment and development of the reserve and generally should be avoided except in exceptional situations.

P15 Abandonment of Facilities

Policy

Where any facility owned and/or occupied on a reserve is abandoned or neglected Council retains the right to require the owner to upgrade, remove or otherwise dispose of the facility in line with their lease agreement and the First Schedule of the Reserves Act 1977.

Where the organisation responsible for the facility has ceased to exist or is in abeyance Council will retain the right to remove the facility and/or to allocate use of the facility to other users within the community.

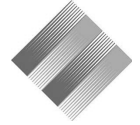
Explanation: Changing demographics and interest in leisure activities can result in clubs disbanding, amalgamating or becoming inactive. Where this results in the abandonment of facilities Council retains the power to have such facilities removed or turned to the use of others.

P16 Motor Homes

Policy

Motor Homes (Movanners), where these display proof of their appropriate certification for being self-contained, will be permitted to stay overnight only where this use is specifically identified within the reserve specific policy for that reserve.

In any reserve where Motor Homes are permitted to stay overnight this will be for a maximum of two consecutive nights in any one calendar month and only within the existing defined Car parking area of the reserve.



A maximum number of three Motor Homes will be permitted in any reserve, identified for Motor Home use, in any one night (unless otherwise expressly approved or provided for through the sign on the reserve).

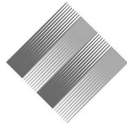
Signs advising whether Motor Homes are permitted (and the length of stay/ maximum number) will be erected on all reserves which have formed car parks.

Explanation: Freedom travelling Motor Homes (which are certified as being self-contained) are becoming an increasingly popular form of tourist accommodation. These vehicles are self-contained (do not require power, water, waste disposal) and can essentially park at will. Reserves provide prime parking destinations for Motor Homes as they frequently provide desirable water edge locations with great views, a peaceful setting and a level of security. Motor Homes can legally park as of right on any Road Reserve.

Motor Homes can also affect the enjoyment of reserves by the local community and other users, taking up Car park space, 'privatising' parts of a reserve with leisure furniture, washing and the like, can generate noise, deposit large volumes of rubbish and affect neighbours.

Western Bay of Plenty District Council has recognised the increasing frequency of Motor Homes in the district by providing two free waste disposal facilities for the emptying of waste collection tanks. One of these facilities is in Major Street near to Uretara Domain in Katikati with the other located in Te Puke, on Commerce Lane.

In the Maketu Ward, Motor Homes will be permitted to stay overnight in the designated area at Poutuia Park, Paengaroa Domain and Dotterel Point Reserve.



P17 Camping

Policy

Informal camping on reserve land will not be permitted pursuant to Section 44 of the Reserves Act 1977. Camping however may be permitted under Sections 53 (h), 55 (2d) and 61 (1) of the Reserves Act 1977, with the prior consent of Council and the Minister of Conservation.

Explanation: Reserves are often located in desirable locations for overnight or prolonged informal camping. This activity can, however, affect the enjoyment of the reserve by other users; can exclusively occupy significant prime areas of the reserve; cause health problems in relation to ablution facilities; generate rubbish in excess of normal public use; and potentially introduce further fire hazard. Informal camping on reserve land is therefore not permitted and will be actively discouraged.

P18 Fencing

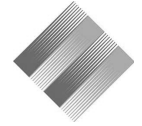
Policy

Where private land directly abuts reserve land Council will seek to ensure that the boundary between public and private land is clearly defined whilst encouraging surveillance over the reserve from residential properties. Generally where boundaries are to be fenced a low height fence (1.0 metre, 1.2 metre maximum) will be encouraged.

Pedestrian gates in boundary fences for residents to access the reserve will be allowed entirely at the owner's expense. No private vehicular access over reserve land is permitted without the prior consent of Council and the Minister of Conservation.

Council will seek to share the cost of boundary fences on a 50/50 share basis as provided for in the Fencing Act 1978.

Explanation: Where private land abuts reserve land there is the potential for encroachment to occur if the legal boundary is not clearly defined. Definition of the boundary assists Council's maintenance and reduces incremental encroachment over time.



In some places where the boundary is not well defined the reserve can feel “privatised” and the public less welcome due to the nature of adjacent residential development. Clear delineation of the boundary assists in reducing the perception of privatisation.

Surveillance over reserves from adjacent residential properties assists the security of reserves and their safety. High fences that restrict surveillance should be avoided and desirable surveillance and access into reserves encouraged.

P19 Reserve Closure

Policy

Council will retain the discretion to limit vehicular and/or pedestrian access to reserves under the provisions of Section 40 and Section 48 of the Reserves Act 1977.

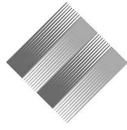
Explanation: For safety reasons and/or in order to better manage reserve use it may be desirable to limit or exclude access to a reserve, particularly at night or at certain times of the year. Council will use its discretion to best manage the balance between public access and reserve management.

P20 Safety and Security

Policy

The design, development and management of reserves will take into account public safety issues and promote the appropriate use and protection of the reserve.

The security of the reserve and any Council owned facilities on the reserve are the responsibility of Council and individuals committing offences against reserve property will be prosecuted in accordance with the Reserves Act 1977.



The security of the private property of any member of the public visiting or using a reserve remains the responsibility of the visitor/user. Council will retain the right to limit access to any reserve, or advise the public, through appropriate signage, where any security issue within a particular reserve is of concern e.g. theft from motor vehicles. Council will cooperate with the police and other agencies to promote the security of reserve users.

Explanation: The issue of safety in reserves relates both to the safety of users and to the security of the reserve and its facilities. Reserves and facilities on reserves can be the subject of vandalism and/or anti-social behaviour by others. Whilst the behaviour of individuals is a societal issue, reserves and facilities on reserves can be designed to enhance safety and reduce the incidence of vandalism. In addition, the public can be assisted in the management of their own safety and the security of their property whilst using the reserve, by providing appropriate signage advising of any issues, which may be of concern.

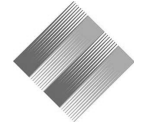
P21 Grazing Licences

Policy

Council may grant a licence to temporarily occupy any reserve or any part of any reserve (recreation, historic, scenic, scientific Government purpose or Local purpose reserve) for grazing purposes under section 74 of the Reserves Act 1977 as a technique for holding the land asset until it is ready to develop a reserve for further public use and enjoyment.

Where grazing licences are granted Council will determine the type of stock to be grazed in accordance with good animal husbandry and stock control practices as well as the cost implications to Council of options for site management, in order to provide adequate safeguards for those features and values (e.g. archaeological values) in existence on the reserve. Reserve lands held under a grazing licence may retain public access and will be signposted accordingly.

Grazing licences may be granted for a term of between one and five years. The Licence to Occupy documentation enables Council at any time upon three months written notice to end the licence should the reserve be required for further development.



Explanation: Grazing licences enable Council to administer and maintain land prior to any possible future development of the reserve according to the purposes for which it was classified.

Some stock, such as older cattle, can however deter public access and impact on archaeological sites. Grazing licences therefore need to specify and control the type of stock to be grazed.

P22 Planting

Policy

Indigenous New Zealand species will generally be used within reserve plantings. Where appropriate these will be eco-sourced.

Where exotic species are planted these will be selected due to: an urban location; the desire for a deciduous species; an historical association; a particular connection to a place or individual; or the advantage of fruit or specimen feature trees or hedging. Exotic species will not include any species considered to be an ecological weed threat.

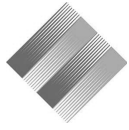
Plantings will generally be low maintenance and self-sustaining.

Plantings, and the alignment of pathways that provide for public access will generally be designed to consider user safety and security. When planting is undertaken for forest revegetation, conservation, ground stabilisation, or environmental protection purposes, this primary objective may override public surveillance and visibility.

Shade trees will be planted in reserves to provide sun protection for users.

Planting will give regard to retaining and enhancing significant views of existing local landowners.

Naturally occurring native trees on reserve land will not be pruned or removed to create or maintain private 'views'. Council will consider any request from the public for the pruning or removal of planted trees located on reserve land on a case-by-case basis.



Council may approve or decline any such request. If site-specific circumstances justify the pruning or removal of a tree or trees those requesting pruning or removal will be required to meet the cost of the work, which shall be carried out in accordance with Council's instruction by an arborist registered with the NZ Arboriculture Association.

With respect to this Planting policy, due recognition shall be given to the Property Law Act 1952.

Explanation: Many of Council's reserves abut harbour, lake or riparian margins and adjoin remnant and/or regenerating indigenous bush. These environments are important for their natural character values. It is appropriate that reserve plantings reinforce and enhance the indigenous vegetation and ecological values of these areas.

P23 Tangata Whenua

Sites or areas with characteristics of special value to Tangata Whenua, including waahi tapu, Tauranga waka, mahinga kai, taonga raranga, rongoa and mahi whakairo may not have been identified in the Historic Places Archaeological Sites Inventory or the District Plan. In consultation with Tangata Whenua these will be identified, evaluated and protected and become part of the reserve management, development and use process. Where there are sites that Tangata Whenua choose not to identify, it will be determined, in accordance with tikanga Maori, the means whereby those sites or areas are to be protected.

Tangata Whenua will be consulted in the reserve management, development and use process where decisions are being made on issues of significance to Tangata Whenua concerning ancestral taonga or tikanga Maori, where these are known to Council to exist.

Use and development of reserves will avoid, remedy or mitigate adverse effects on the natural and physical resources of special spiritual, historical and cultural significance to Tangata Whenua, where these are known to Council to exist.

The effects of use, development and protection of natural and physical resources on relevant Treaty claims or customary rights of Tangata Whenua will be taken into account.