

General Policies for Council Administered Reserves

September 2006



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1. Introduction

1.1 Purpose of this document

This document has been prepared to consolidate policies that apply to all reserves owned and/or administered by New Plymouth District Council. It is intended to provide a common understanding between the council and the community of how the reserves in the district will be managed. It aims to help achieve consistency and accountability in decision making while taking into account the public interest.

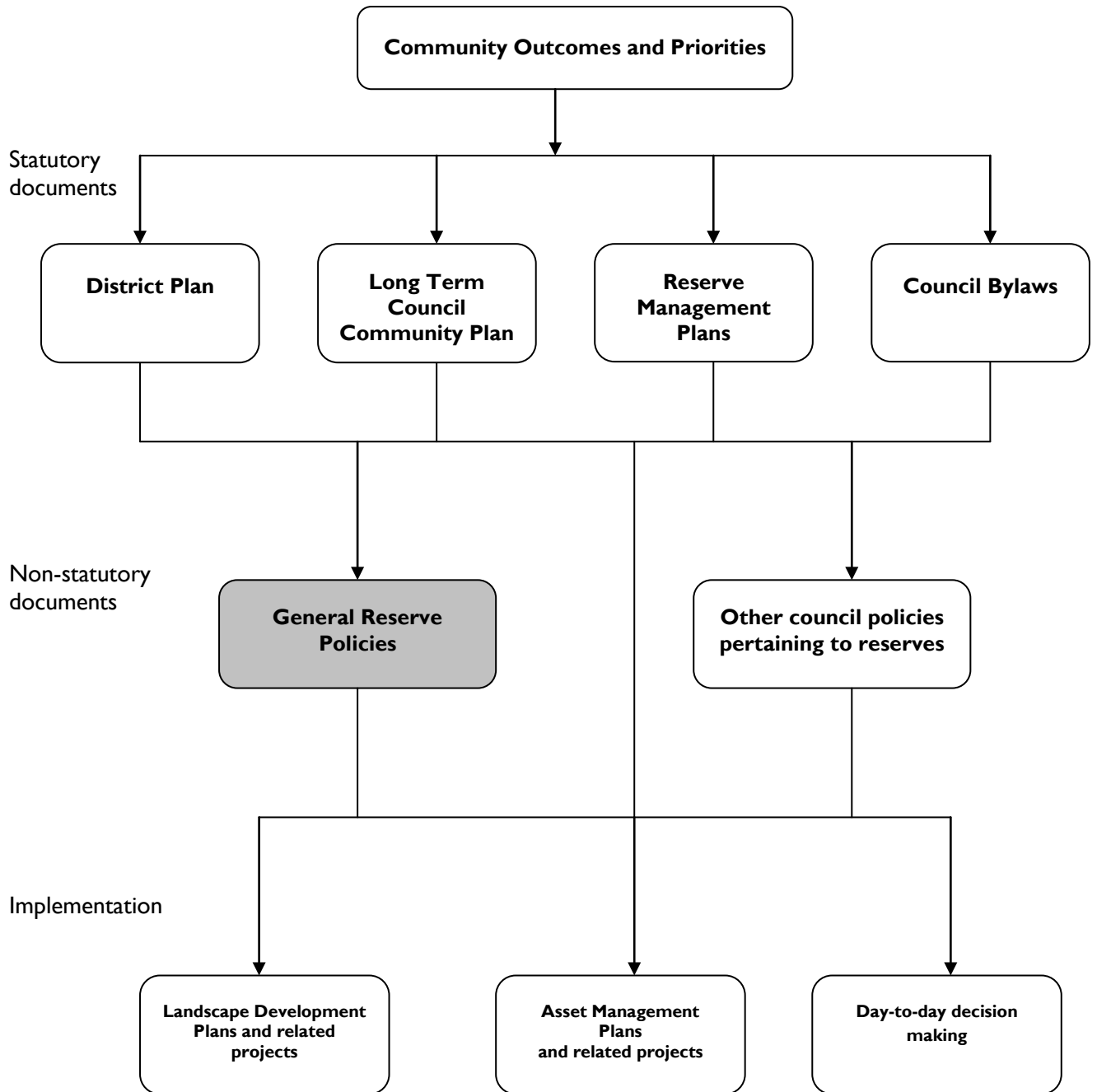
The policies outlined here are not absolutes and do not have statutory force. This document is not a reserve management plan under the Reserves Act. **Where any matter is addressed by both this document and a management plan specific to a reserve then the provisions in the management plan document must take precedence.**

Figure 1 shows where this document fits into the council's overall strategic framework. There are some issues that are better dealt with in a bylaw, asset management plan, or reserve management plan rather than a policy. These include:

1. Restrictions or prohibitions on the use of public land e.g., motorised vehicles, bicycles, skateboards and horses.
2. Development of particular landscapes, tracks and footpaths.
3. Management and development of existing buildings and structures.
4. Service levels related to reserve management and maintenance.
5. Direction on appropriate uses and activities in individual reserves.

'Reserve' is given the meaning under the Reserves Act 1977. This document applies to all land in the New Plymouth District declared and classified as a reserve under the Act and of which the council is an administering body. These policies will also apply to other land that council maintains as a reserve but is not yet declared or classified as such.

Figure 1. Statutory and non-statutory documents that guide day to day decision making regarding reserves



1.2 Document structure

This document has four sections:

Section 2.1 Administration

This section addresses the legal framework for the administration of reserves, including matters that are controlled by law and the council's approach to these issues.

Section 2.2 Use of reserves

This section outlines the council's approach to use of the reserves, both by the general public and from applications for more formal use of reserves.

Section 2.3 Maintenance of reserves and reserve assets

This section defines the policies that will be followed in maintaining council reserve land and associated assets.

Section 2.4 Development of new features and facilities

Policies in this section guide decision making related to the provision of new features or facilities within a reserve.

1.3 Statutory and policy context

1.3.1 Relevant legislation

Reserves Act 1977

The New Plymouth District Council (the council) has been delegated powers and responsibilities under the Reserves Act to act as the 'administering body' for many of the reserves in the district. The Reserves Act sets out how reserves are to be managed by their administering bodies and is concerned with acting on behalf of the owner and beneficiaries of the reserve (the public).

The council takes its direction on how to manage individual reserves from reserve management plans. Reserve management plans have statutory standing under the Reserves Act and they enable an administering body to establish the desired mix of uses and activities for each reserve or group of reserves and set in place policy to guide day to day management.

The policies in this document should be read in conjunction with the Reserves Act and are subject to any management plan specific to a reserve.

The Treaty of Waitangi as it applies to reserves management

Section 4 of the Conservation Act 1987 requires that the Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi.

The council needs to consult with and have regard to the views of tangata whenua before undertaking action and making decisions about reserves for which council is the administering body. Any actions and decisions made by the council for the purposes of managing a reserve under the Reserves Act must, however, comply

with the Reserves Act and be in accordance with the primary and secondary purposes for which the reserve is classified.

1.3.2 New Plymouth District Council plans

Long Term Council Community Plan

The Long Term Council Community Plan (LTCCP) is the overarching planning and policy document for the New Plymouth District. It sets out the council's priorities over the medium to long term to improve the wellbeing of our district and provides a framework and funding for projects, such as those associated with reserves.

District Plan

The District Plan outlines in general terms, how reserves and open spaces within the district should be managed. It recognises that open space is a resource that has value to the community and requires recognition and protection. This is achieved through zoning of open space environment areas and the application of rules for activities that may adversely affect the character of the area.

1.3.3 Council Bylaws and Policies

1.3.3.1 Bylaws relevant to reserve management

Day to day operations in reserves are also controlled by the district's bylaws. Reserve policies should be read in conjunction with the New Plymouth Council Consolidated Bylaws 2000, with particular reference to the following:

- Part 4: Cemeteries and Crematorium
- Part 5: Dog Control
- Part 9: Public Places
- Part 10: Recreational and Cultural Facilities
- Part 12: Stock Control
- Part 14: Trading in Public Places and Itinerant Traders
- Part 18: Traffic

1.3.3.2 Policies relevant to reserves management

Over time elected councillors have adopted a number of policies that are relevant to the management of reserves. These policies should be considered, where relevant, as part of any decision made about a reserve.

As part of the process of developing the General Policies for Council Administered Reserves, council officers reviewed all policies relevant to reserves. Any policies that were out of date have been updated in this document and deleted from the policy register. Obsolete policies have also been removed from the policy register.

The following policies are still considered relevant to reserves management and should be read in conjunction with the General Policies for Council Administered Reserves. These policies are included in Appendix A of this document.

- Coastal Erosion Strategy (P95-014)
- Boundary Fencing (P00-022)
- Public Art on the Foreshore Strategy (P01-005)
- Barrier Free District Policy (P01-015)
- Weld Road Campsite (P03-004)
- Cycle Strategy (P03-009)
- Reduction to UV Exposure (P04-003)
- Memorials in Public Open Spaces (P04-009)
- Organised and Commercial Activity on the Coastal Walkway (P05-014)
- Heritage Trails (P05-017)
- Advertising Signs on Reserves (P06-001)
- District Tree Policy 2006

2. Principles, objectives and policies for reserves management

2.1 Principles for reserves management

Reserves are assets held and managed by the council in trust for the public. Reserves contribute significantly to the quality of life in the district as well as the sense of place for local residents. The following general principles that will guide the provision and management of reserves in New Plymouth District. These principles are reflected in the objectives and policies that make up this document.

1. Parks and reserves will be managed to provide a diverse range of leisure opportunities that meet the formal and informal recreational needs of the community at large.
2. Suitable infrastructure and ancillary services will be provided to enhance the experience of using reserves.
3. Each reserve in the district will be managed to maintain or enhance its distinct set of amenity, recreational and/or natural values, as reflected in reserve management plans.
4. Public health and safety is a paramount consideration in the planning and management of parks and reserves.
5. Provision of access for all sectors of the community is a key consideration in the planning and management of council parks and reserves.
6. Since reserves are a public resource, it is important to consult the public and consider their views when making decisions on matters that significantly effect reserves and their use.
7. Tangata whenua have a distinct physical, historical and cultural relationship with reserve lands within their rohe which must be respected and considered through consultation.
8. Management decisions related to reserves will consider the interests of reserve neighbours as well as reserve users.
9. In managing its reserve estate, the council will seek to derive solutions that are of maximum benefit to the community as a whole.
10. Reserves will be managed in an environmentally sustainable manner and to avoid, minimise and remedy damage to ecological values as a result of public access and use.

2.2 Administration of reserves

Public reserves are primarily administered under the Reserves Act. This section outlines policies related to consultation with mana whenua and members of the public regarding proposed activities on reserve land. This is in keeping with the role of the council, as administering body, to hold and manage reserve lands in trust for the public. It also outlines policies to ensure that the council is consulted on any activity undertaken by another party that has the potential to adversely affect the uses or values within a reserve.

2.2.1 Consultation with tangata whenua

Comment/Explanation

Although the Reserve Act 1977 does not contain any reference to the Treaty of Waitangi, recent case law has changed how councils must consider their relationship with tangata whenua.

Section 4 of the Conservation Act 1987 requires that the Act should be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi. The Court of Appeal in *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 held that the obligation in Section 4 required each of the Acts in the First Schedule to the Conservation Act (including the Reserves Act) to be interpreted and administered as to give effect to the principles of the Treaty of Waitangi, at least to the extent that the provisions of those Acts were clearly not inconsistent with those principles.

The Local Government Act 2002 also contains an obligation to provide for consultation with Maori.

Principles of the Treaty

- Governance (Kawanatanga): The authority to make laws for good order and security of the country subject to any duty imposed on the Crown by its responsibilities and obligations to Maori preserved under the Treaty.
- Iwi authority and control over taonga (Tino Rangatiratanga).
- Exclusive and undisturbed possession of Maori land (Mana Maori).
- Equality and privileges of citizenship (Oritetanga).
- Partnership and relationships (Whakawhanaungatanga).
- Kaitiakitanga: The right of Maori to undertake their duty of tiakitanga over their own land, resources and taonga.
- Active Protection (Tautiaki Ngangahau): The Crown's duty is to ensure active protection of taonga for as long as Maori wish.
- The duty to make informed decisions through consultation.
- The duty to remedy past breaches of the Treaty and to prevent further breaches.

Objectives

To ensure the interests of iwi/hapu with mana whenua status are known to the council in its decision making process in regards to reserves.

Establish and maintain effective and meaningful relationships with tangata whenua of the district.

Policies

1. **Mana whenua will be consulted where a significant development project or activity is proposed on a reserve that may affect mana whenua interests. This includes all works involving significant physical alteration of the land e.g., erection of buildings or other large structures, earthworks, displacement or removal of natural resources.**
2. **Tangata whenua will be otherwise consulted where they have an interest.**
3. **The council will;**
 - **take into account concerns or issues raised by tangata whenua during any consultation process, and**
 - **communicate back to tangata whenua how their issues or concerns have been addressed or if they have not been addressed, the reasons why not with an offer of further dialogue on the matter(s), if necessary.**

2.2.2 Community consultation

Comment/Explanation

Development of reserves, including policy that guides the management of reserves, may have significant effects on reserve users and adjoining property owners. Considering this, it is appropriate for user groups, neighbours to reserves and the general public to be consulted on changes and projects so that particular issues of concern can be identified and acceptable solutions created.

While minimum standards for consultation are contained in the Reserves Act, the Local Government Act 2002 creates an expectation of more consultation in proportion to the significance of the decisions to be made.

Objectives

To consult the community on major development and management of the reserves network asset or individual reserves issues where required by law or where it is otherwise appropriate.

To seek outcomes from community consultation which reflect the function and purpose of the reserves.

To identify and liaise with community organisations, as appropriate, to provide an awareness of the broad set of interests and issues in the district.

To be consistent with the council's policy on iwi consultation.

Policies

- 1. Any major development of a reserve will involve consultation with the affected community as appropriate or as required by law. This includes lessees and users of reserves where relevant.**
- 2. The outcomes sought from consultation will take into account the function and purpose of the reserve as set out in the Reserves Act.**
- 3. Any consultation process will be subject to the applicable provisions of the Reserves Act in relation to general consultation and the Local Government Act 2002.**
- 4. To consider cultural sensitivities of ethnic communities in the district in the planning and management of reserves.**

2.2.3 Council as a lessee

Comment/Explanation

There are lands in the district that the council leases from others and manages as reserve. As a lessee, the council effectively becomes the property owner for the term of the occupation agreement, subject to any provisions therein. At the same time, the council must consider and respect the landowner's long term interests in the land.

Objectives

To ensure good communication and transparency by the council in its planning for and management of lands that it leases and uses as reserve.

Policies

- 1. The council, in planning developments for the reserve lands that it leases, will be cognizant that landowners may eventually seek to terminate the lease and retain the land for their own purposes. Any "permanent" changes to the land, such as new buildings or significant changes to the landscape must be undertaken with approval of the landowner.**
- 2. The council will consult with the landowner of council-leased reserve lands prior to undertaking significant works on those lands or approving long-term uses and activities or major events.**
- 3. If an owner of council-leased reserve land has a concern about a use or activity on that land, they may approach the council and those concerns will be addressed as a priority.**

2.2.4 Council as an affected party to neighbouring activities requiring resource consent

Comment/Explanation

Under the Resource Management Act 1991, the council may be considered an affected party where a development or activity proposal on land adjacent to a reserve or potentially affecting a reserve requires resource consent under the District Plan. The main concern of the council is that adverse effects on reserves or users of reserves are avoided, remedied, compensated for or mitigated. In these circumstances, the council department involved with administering the resource consent process (currently the Customer and Regulatory Services Team) must consult with the council department involved with administering parks and reserves (Parks) on matters affecting reserves.

Objectives

To ensure council consent to a development proposal as an affected party takes into account adverse effects on reserves or prescribed uses of reserves.

Policies

- 1. The council will comment, as an affected party, on all development activity proposals that are adjacent to or potentially affecting a reserve and requiring a resource consent and/or building consent under the District Plan.**
- 2. Before giving its permission as an affected party, the council will generally require to be satisfied that any adverse effects on reserves or users of reserves are able to be avoided, remedied, compensated for or mitigated.**

2.2.5 Naming of reserves

Comment/Explanation

Most reserves within the New Plymouth District, both existing and new, are informally named after the name most commonly used by the local community or after the nearest street in the locality.

If a reserve is to be officially named or renamed under the Reserves Act, the procedure is set out in section 16 (10) of the Reserves Act. Official names for reserves are approved by a council resolution then a council declaration of a reserve name is required to be advertised in the Gazette.

Objective

To establish a consistent procedure for naming reserves.

Policies

- 1. Where possible, the name of a reserve should reflect the relevance of the site, its history and use and the purpose for which was reserved. If there is a strong Maori cultural connection to a reserve, a Maori name should be considered in consultation with mana whenua. Likewise, a strong European cultural connection to a reserve should result in an appropriate European name.**
- 2. Where appropriate, both Maori and European names will be used on signage and in documentation. Maori names will be identified in consultation with mana whenua.**

3. **Official names for reserves will be established after consultation with tangata whenua, reserve users, reserve neighbours and any other identified affected and interested parties.**
4. **All proposed official reserve names must be publicly notified. The public will be given one month to comment on the proposed official name.**

2.2.6 Reserve neighbours

In managing its reserve assets, the council seeks to behave like a good neighbour, considering the interests of the landowners whose properties adjoin reserve land. At the same time, reserves have been established for specific purposes to promote the well being of all of the people in the district. Where landowners have purchased land adjacent to a reserve that has existing uses and developments on it, the expectation is that they were aware of this situation at the time of purchase and the council will weigh their concerns accordingly.

Objective

To manage reserves in a manner that provides for public benefit while considering the interests of adjoining neighbours in having reasonable enjoyment of their property.

Policies

1. **The council will consult with adjoining property owners as immediately affected parties where a new reserve is being established or a new significant use or activity on a reserve is planned.**
2. **Where a reserve, and uses or activities on a reserve, existed prior to the transfer of ownership of an adjoining property, the council considers this to be a pre-existing condition at the time of the land purchase (i.e. the landowner was aware of the reserve and its activities when they bought their property) and will weigh the concerns raised by these landowners accordingly. In these situations, the council is under no obligation to stop or change a pre-existing activity in response to a complaint by the landowner unless that activity contravenes a law or council bylaw or policy. At the same time, the council has a responsibility as a “good neighbour” to ensure that the uses and activities that occur on reserves are reasonable in terms of their effects on surrounding properties.**
3. **The council will not otherwise restrict public use of a reserve at the request of a reserve neighbour unless the landowner is able to demonstrate that the use interferes unduly with a landowner’s reasonable enjoyment of their property.**
4. **Landowners of properties adjoining reserves have the opportunity to apply for temporary access through a reserve, where necessary, to otherwise inaccessible parts of their property. In approving such access, the council will consider the need for the access and the implications for public use and enjoyment of the reserve.**

- 5. The council will take measures to prevent or remedy vegetation encroaching from reserves onto neighbouring land upon request by the affected landowner.**

Other relevant council policies and bylaws

District Tree Policy (February 2006)

2.2.7 Rural domain committees

Comment/Explanation

Prior to the 1989 Order in Council amalgamating local councils into the New Plymouth District Council, there were a number of domain boards in existence, whose responsibility was to manage reserve domains. Following the amalgamation, these domain boards ceased to exist and were replaced by domain committees with reduced powers and responsibilities.

The role of domain committees is primarily to provide basic maintenance of rural domains (e.g., mowing, rubbish collection, toilet cleaning) and provide advice to the council on domain management. The council provides funding to these committees to carry out their work. The arrangement is beneficial to the council, since these domains are remote from New Plymouth and are more efficient to manage locally. The arrangement also provides local employment and provides local input into the ongoing management of these reserves. Rural domain committees are not decision-making bodies; the overall management of reserves rests with the council.

Objective

To provide a clear understanding of the role of rural domain committees and processes for funding their activities.

Policies

- 1. The role of rural domain committees is to:**
 - provide basic maintenance of domain reserves, as agreed between each committee and the council, and**
 - provide advice to the council on ongoing domain management.**

In all cases, decision-making authority in relation to reserves management rests with the council and not with the rural domain committees.
- 2. All lease administration will rest with the council as the administering body and not with domain committees.**
- 3. The council will establish a service level agreement with each recognised domain committee and provide funding to cover required works.**
- 4. The council will monitor the work of domain committees and ensure that the funding is appropriately spent.**

- 5. Domain committees are required to be trusts or incorporated societies. General meetings will be held every three years and all committees shall be comprised of four or more members.**
- 6. Each domain committee shall maintain its accounts to a standard required of a trust or incorporated society. These accounts shall be submitted to the council annually, prior to allocation of the year's funding. The accounts shall also be available for council review upon request.**
- 7. Domain committees will inform the council of the need for major maintenance and capital improvements who will then assess these requests on a priority needs basis.**
- 8. If, in the future, there is insufficient membership to continue a domain committee or the committee is unable to function in its required capacity, the incorporated society will be dissolved and the operation will be taken over by the council.**

2.3 Use of reserves

2.3.1 General use policies

Comment/Explanation

Reserves and reserve assets, i.e. parks, walkways and associated infrastructure, play an important part in the quality of life of residents and visitors to New Plymouth District, helping make the district a vibrant and enjoyable place in which to live. Council administered reserves are a major source of open space, provided for the benefit, enjoyment and use of the public.

General Use policies guide the response of council to applications to use reserves. As a trustee of public land the council reserves the right to decline a proposal for use of a reserve, or to stop a use, if it is:

- incompatible with statutory requirements or council policies,
- has the potential to cause damage to the reserve or reserve values, or
- has the potential to result in unreasonable adverse effects to reserve users or reserve neighbours when weighed against the benefit to the broader public good.

Some activities on reserves may also require resource consent under the Resource Management Act 1991.

Objectives

To ensure maximum community benefit is achieved from district reserves by encouraging use of the reserves, while ensuring maintenance, protection or preservation of each reserve's values, and the enjoyment of reserve users and reserve neighbours.

Where permitted by the Reserves Act, to charge for a particular use where a person or group gains special or exclusive benefits of a reserve, or facilities on that reserve, that is greater than that derived by the general public.

To recognise council's responsibility under the Treaty of Waitangi and the Reserves Act to ensure that customary use of traditional resources on reserves by tangata whenua will not incur a charge.

Policies

- 1. These policies should be read in conjunction with the commercial and non-commercial exclusive use policies (sections 2.3.2 and 2.3.3 respectively).**
- 2. Access to reserves will generally be free of charge to the general public except as provided for in policy 3 below and in section 2.3.2 Commercial exclusive use and section 2.3.3 Non-commercial exclusive use.**
- 3. Where a special benefit accrues to a user of a reserve or facilities on that reserve that is not available to other reserve users, the council may charge a fee to either:**
 - **reflect current market rental,**

- reflect the degree of private benefit to be gained, or
 - cover administrative costs.
4. Any user of a reserve shall be responsible for ensuring that any adverse effects on the reserve, reserve users, or reserve neighbours, can be avoided, remedied or mitigated, unless otherwise authorised by the Council.
 5. All use of council reserves will comply with applicable council bylaws
 6. A bond will generally be required for all booked group uses of reserves. Bonds will be set at such a level that any possible damage to the reserve will be able to be repaired at no cost to the council. Amounts in excess of repair costs will be refunded to users. Where bond amounts do not cover repair costs, the difference will be charged to users. Bonds will be assessed for refunding at the first available opportunity after the end of the booked use.
 7. Where there is the potential for serious damage to the reserve, reserve users or reserve neighbours (including property), the council may require the organiser of an event to take out public liability insurance. Event organisers will also be responsible for reinstating a site to its original condition (see section 2.3.8 Events)
 8. Where necessary, the council will consider closure of a reserve or part of a reserve in conjunction with a requested use, as appropriate and in accordance with statutory requirements for the protection and well-being of the reserve and for the protection and control of the public using it.
 9. Any action or event necessary for the purposes of saving or protecting life or health or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment may be carried out without the prior permission of the council or prior public notice, provided that those involved take every reasonable step to contact the council and carry out public notification, where necessary.

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

NPDC Consolidated Bylaws 2000: Recreational and Cultural Facilities (Part 10)

~~2.3.2 Commercial exclusive use (Revoked 18 March 2014)~~

~~Comment/Explanation~~

~~The council occasionally receives applications for the use of reserves for temporary or long-term commercial activities. These activities can include filming, food sales, circuses, markets, fairs, gypsy conventions, and commercial recreation, among others. Commercial activities are an acceptable part of the range of activities within recreation, historic and scenic reserves, provided that they relate in some way to the purpose of the reserves as contained in sections 17-19 of the Reserves Act. Such activities can be temporary or long-term. Occupation agreements, such as leases and licenses, for commercial activities on~~

~~reserves, are addressed in section 2.3.4 (occupation agreements) of this document. Events are addressed in section 2.3.8 (events on reserves).~~

~~While commercial activities can be appropriate, they must be consistent with the primary purpose of the reserve. The activities should also not adversely impact on the reserve, reserve values, reserve users, or reserve neighbours. Controls on activities should ensure that adverse effects of reserve use can be avoided, remedied or mitigated.~~

Objectives

~~Where appropriate and lawful, to allow temporary and long term commercial exclusive use of reserves.~~

Policies

- ~~1. These policies should be read in conjunction with other use of reserve policies in section 2.3 (use of reserves) and the development policies outlined in section 2.5 (development of new features and facilities).~~
- ~~2. A formal agreement, by way of an occupation agreement, is required for any commercial use of a reserve (see section 2.3.4 Occupation agreements).~~
- ~~3. Commercial activities will be allowed on reserves provided that they:
 - add to the public enjoyment of the reserve and are consistent with the purpose of the reserve,
 - are otherwise appropriate to the location,
 - have reasons related to the council's strategic goals to be located on publicly owned land,
 - satisfy the requirements of the Reserves Act and any other relevant statutes,
 - are in accordance with the objectives of any site specific management plan for the reserve, council bylaws, or council policy, and
 - can avoid, remedy or mitigate any adverse effects on the reserve and reserve values, reserve users, or reserve neighbours.~~
- ~~4. Exclusive use of reserve land will only be considered where there is no greater need for public open space. New proposals may not be approved and leases may not be renewed where there is a demonstrated need to manage an area for non-exclusive public use~~
- ~~5. All applications to operate long term commercial activities on reserves shall be made in writing to the council at least twelve weeks prior to when final approval is required. Applications should include:
 - a. A description of the proposed activity.
 - b. A description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy or mitigate any adverse effects.
 - c. Proof of compliance of the proposed activity with all relevant legislative requirements, regulations, codes, bylaws, and permits.
 - d. A statement of the proposed duration of the activity and the reasons for the proposed duration.
 - e. Relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity.~~

- ~~6. A resolution of council may be required to approve of any application for commercial enterprise on a reserve where the construction or significant modification of a permanent structure is required.~~
- ~~7. The council may grant approval for commercial activities to temporarily occupy a recreation or scenic reserve for a period of up to six consecutive days, if it is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of those using the reserve¹.~~
- ~~8. The council may grant a long-term lease or licence for a commercial activity to occupy part of a recreation reserve where the activity complies with the Reserves Act. See section 2.3.4 Occupation agreements for specific requirements for leases, licences, easements or other agreements.~~
- ~~9. A charge may be levied for any commercial use of a reserve.~~
- ~~10. Any commercial operator on a reserve will be required to participate in an on-site induction concerning the reserve and its objectives and any conditions and considerations related to the business operation.~~
- ~~11. Commercial operators are required to prepare a health and safety plan that addresses any issues related to their use of the reserve, particularly where their operation affects reserve users e.g., due to increased traffic.~~
- ~~12. The council will request that any person operating a commercial business on a reserve without proper approval to cease their operations immediately until such time as an appropriate application process has been completed. Where a commercial business continues to operate without council approval, immediate action will be taken to apply to the Court for an order to remove the business from the site.~~
- ~~13. Commercial operators shall not transfer, sublet or in any way assign the rights to provide their services without the approval of the council.~~
- ~~14. If a member of the public does not agree with a commercial use of a reserve, they may lodge a complaint with the council stating their concerns and the reason(s) why that particular use is not suitable.~~

Other relevant council policies and bylaws

Organised and Commercial Activity on the Coastal Walkway (P05-014)

NPDC Consolidated Bylaws 2000: Trading in Public Places and Itinerant Traders (Part 14)

¹ s54(1)(d) and s56(1)(b) Reserves Act

2.3.3 Non-commercial exclusive use

Comment/Explanation

The term “non-commercial exclusive use” applies to exclusive use of an area of space on a reserve. In keeping with the principal of reserves being accessible to the public, exclusive use of reserve land is considered acceptable as long as the membership to the relevant club or organisation is open to all members of the public. The only exception to this requirement is where long term exclusive use was historically granted to private individuals to lease land for baches at Onaero, Urenui and Tongaporutu recreation reserves.

There are two types of non-commercial exclusive use: long-term and temporary.

Long term exclusive use generally refers to the long term enclosure of reserve space for ongoing use by a particular group that then obtains a greater benefit than that received by the general public. It predominantly occurs through lease arrangements, and generally relates to non-commercial activities carried out from club houses, halls, and other indoor facilities (on recreation reserves) and community group club buildings (on local purpose reserves).

Temporary exclusive use generally relates to one-off or seasonal use, such as:

- Reserve land that is fenced for a season to protect the ground surfaces, facilities and equipment requirement by particular sporting codes.
- Booked sports fields. Sports codes usually pay for their bookings on a seasonal basis, although grounds can also be booked in units of hours and be less than a full day.
- Another form of short-term occupation agreement (see section 2.3.4 Occupation agreements).

The minimum timelines to apply for non-commercial exclusive uses are stated in the policies below. These minimum timelines reflect the amount of time required for council staff to process an application, including any required consultation or document processing. Accordingly, applications for licenses and leases must be submitted at least 12 weeks prior to when approval is required, while applications for temporary or one-off activities must be submitted at least four weeks prior to approval.

Objectives

Where appropriate and lawful to allow long-term and temporary non-commercial exclusive use of reserves.

Policies

1. **These policies should be read in conjunction with other policies in 2.2 (administration of reserves) related to the use of reserves as well as policies on development (see section 2.4 Maintenance of reserves and reserve assets)**
2. **Exclusive use will be allowed on recreation and local purpose reserves where the council determines that:**
 - a. **Membership to the club or organisation requesting the exclusive use is open to all members of the public (private clubs are not eligible to apply for exclusive use).**
 - b. **The activity:**
 - **is consistent with the purpose of the reserve and its location,**

- has reasons related to the council’s strategic goals to be located on publicly owned land,
 - has reasons to be in the location requested e.g., the priority for the use of coastal reserves will be activities that require access to the coast or ocean.
 - satisfies the requirements of the Reserves Act and any other relevant statutes,
 - occurs such that general public has free and reasonable access to the balance of the reserve i.e. outside of the area identified for exclusive use,
 - is in accordance with the objectives of any specific management plan for that reserve, council bylaws, or council policy,
 - can avoid, remedy or mitigate any adverse effects on the reserve and reserve values, reserve users, or reserve neighbours.
- c. Exclusive use is considered necessary because it will be detrimental to the assets of the club or organisation if the general public were to be permitted access.
3. Exclusive use of reserve land will only be considered where there is no greater need for public open space. New proposals may not be approved and leases may not be renewed where there is a demonstrated need to manage an area for non-exclusive public use.
4. A charge may be levied for all forms of exclusive use (temporary or long-term) to compensate the community for lost opportunity to use the reserve space.
5. All applications to use reserve land for non-commercial activities shall be made in writing to the council:
- at least twelve weeks prior to when final approval is required for long-term agreements, and
 - at least four weeks prior to when final approval is required for temporary or one-off activities (see also section 2.3.8 Events).

Applications must include:

- a. a description of the proposed activity,
 - b. a description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy or mitigate any adverse effects,
 - c. proof of compliance of the proposed activity with all relevant legislative requirements, regulations, codes, Bylaws, and permits,
 - d. a statement of the proposed duration of the activity and the reasons for the proposed duration, and
 - e. relevant information relating to the applicant, including any information relevant to the applicant’s ability to carry out the proposed activity.
6. Where temporary exclusive use is deemed necessary for the holding of an event or activity, part or all of the reserve will be closed to the public for the duration of that event. Ground users who have booked a specific area of reserve land will have priority over other users.

7. **Where temporary exclusive use requires the closure of part or all of a reserve, then public notification of this will be made at least one week beforehand, with the user group responsible for meeting the cost.**
8. **The council may grant a long-term lease or licence for a non-commercial activity to occupy part of a reserve where the activity complies with the Reserves Act. See section 2.3.4 Occupation agreements for specific requirements for leases, licences, easements or other agreements.**

2.3.4 Occupation agreements

Comment/Explanation

The term 'occupation agreement' refers to any lease, licence, easement, or other agreement granted between the council and a person, organisation or company that is occupying part of a reserve (including below ground facilities and airspace).

The power of the council to grant an occupation agreement over reserves varies depending on the status of the reserve concerned and the rights transferred from the Crown. Each particular agreement will need to refer to specific sections of the Reserves Act dealing with the type of reserve under consideration. A public notification and consultation process for proposed occupation agreements is usually mandatory. Depending on the proposal, resource consent under the Resource Management Act 1991 may also be required. It is up to the applicant to acquire any such consent.

The following objectives and policies apply to all new occupation agreements from the date of council adoption of these General Policies for Council Administered Reserves. These objectives and policies only apply to agreements that pre-date this policy document if the agreement is silent on an issue. The policies cannot override the specific contractual terms of an occupation agreement.

Objectives

To permit the occupation of reserves for approved individuals, groups, uses or facilities by the granting of occupation agreements where these:

- have reasons related to the council's strategic goals to be located on publicly owned land,
- satisfy the requirements of the Reserves Act and any other relevant statutes,
- are in accordance with the objectives of any site specific management plan for the reserve, council bylaws, or any other council policy,
- can avoid, remedy or mitigate any adverse effects on the reserve and reserve values, reserve users, or reserve neighbours, and
- are approved by the Minister of Conservation, if required.

To balance the retention of publicly accessible open space with appropriate use and occupation of reserves.

To ensure public accountability in reserve management.

To ensure adequate remedy or mitigation of any adverse effects on reserve values caused by leases, licences, easements or other occupation agreements.

To ensure that all costs associated with the development and implementation of occupation agreements are the responsibility of the applicant.

Policies

- 1. Applications for any occupation agreement will be in writing. Information provided will allow the council to assess all applications in an equitable and consistent manner. All applications will include:**
 - detailed information on the type of occupation agreement required, including plans, and the reasons for it,
 - information on alternative locations considered, their costs, and a discussion on why these alternatives cannot be used,
 - an assessment of effects on the reserve, reserve values, reserve users and reserve neighbours and how adverse effects may be avoided, remedied, compensated for, or mitigated, and
 - information about the applicant, including a business plan containing evidence to demonstrate the sustainability of the club as shown through the business plan and historic records of membership and revenues.
- 2. The council reserves the right to check any details of any application including financial checks on applicants.**
- 3. All costs associated with the development and implementation of occupation agreements are the responsibility of the applicant unless otherwise agreed by the council. This includes direct and indirect costs associated with any required consents and permits.**
- 4. No lease or other occupation agreement will be entered into regarding a building or structure located in an area subject to erosion, flooding or any hazard identified in the District Plan or other council plan or assessment. The exceptions are existing or new buildings/structures directly associated with surf lifesaving or surf lifesaving equipment.**

Leases

- 5. Where long-term exclusive use is deemed necessary, the council will provide security of tenure through the establishment of a lease or licence where the activity complies with the Reserves Act. All applications for leases for long-term exclusive use will be considered in relation to the:**
 - purpose of the reserve,
 - preservation of special features,
 - leasing powers of the council,
 - retention of seventy-five per cent or more of the reserve as open space or for public access (in general), and
 - satisfy the requirements of the Reserves Act and other relevant statutes.
- 6. It is generally expected that potential lessees are societies, charitable trusts or companies, incorporated and registered under the appropriate legislation.**

- 7. Where all or any part of a recreation reserve or local purpose reserve is not for the time being required or being used for the purpose specified in its classification, or it is considered necessary or desirable to farm or graze any part of the reserve, a lease to graze or garden can be considered. Such a proposal and the related lease must comply with sections 71 to 73 of the Reserves Act.**
- 8. In general, leases will be negotiated for up to a maximum term of 33 years as per the Reserves Act. The terms of leases will be decided based on a number of factors, including:**
 - The type of use or activity.**
 - Whether the club or organisation has a demonstrated history of having a stable membership and being a trustworthy leaseholder.**
 - The amount of financial investment the lessee intends to make into the leased area or any associated structures.**
 - The time commitment the lessee is willing and interested in negotiating.**
- 9. The council will not enter into perpetual lease agreements.**
- 10. All lease opportunities will be publicly notified with the exception of leases on land that does not have public access via an existing formed road (e.g., grazing leases on existing farm land).**
- 11. In evaluating applications or tenders for leases, the council will consider the contribution of the proposed activity to community wellness and vibrancy and not only the potential revenue to be gained by a lease arrangement.**
- 12. Rent will be levied on all leases as provided for under the Reserves Act and the Local Government Act 2002. Decisions on rent amounts will be based on the following:**
 - Commercial operations or tenancies of a residential nature will generally be charged market rates.**
 - Voluntary recreational organisation or community groups will generally be charged a percentage of market rates.**
- 13. Leases may include provision for public access where this is appropriate and desirable.**
- 14. Car parking requirements of a potential lessee will be considered prior to approval of the lease. In general, the council is not responsible for providing sufficient parking to service the needs of lessees and may decline a lease application where the anticipated level of use exceeds the available parking. Policies concerning the provision of parking are outlined in section 2.4.2 (conservation of natural values).**
- 15. Lease agreements will indicate buildings and structures likely to be in need of removal in the future due to erosion or other hazards. The agreement will note that the council has no obligation to protect the building or structure since the lessee entered into the agreement with an awareness of the risks.**

16. It shall be a condition of every lease that the council will not compensate lessees for improvements upon termination of the agreement subject to the express terms of any lease and the relevant provisions of the Reserves Act (see section 2.3.5 Abandonment or change in use).
17. It shall be a condition of every lease that the council may, before expiry, cancel all or part of the tenancy at one month's notice should the lessee fail to meet the conditions of the lease.
18. The lessee will be responsible for payment of utilities (power, gas, water and/or any other taxes, levies or running costs) associated with their use of reserve land.

Licences

19. Licences will consider policies related to the provision of public access, consistent with section 2.3.3 Non-commercial exclusive use.
20. A market rental may be charged for all licences.
21. Licences must be:
 - a. compliant with all sections of the Reserves Act,
 - b. consistent with any management plan for the relevant reserve.
22. It shall be a condition of every licence that the council will not compensate occupiers for improvements upon termination of the agreement subject to the express terms of any licence.
23. It shall be a condition of every licence that the council may, before expiry, cancel all or part of the tenancy at:
 - Six month's notice, should the land be required for an alternative purpose, as decided by council resolution.
 - One month's notice should the licensee fail to meet the conditions of the licence.
 - Immediately, where there is a breach of a serious nature, such as an activity that might bring the council into disrepute.
24. A licence is required on all reserves vested in the council for radio, electric or electronic communication stations (and associated buildings, dwellings, masts and other structures and tracks), in accordance with s48A of the Reserves Act.

Easements

An easement lawfully grants the non-exclusive right for one person/body to use another's land for a specified purpose, in this case the use of council land for access, network utility infrastructure or other purposes consistent with section 48 of the Reserves Act. In some instances the council will need to grant an easement to itself. The proposed granting of an easement will be publicly notified unless the council determines there will be no material effect or permanent damage on the reserve or reserve access. The need for easements can arise when:

- Network utility infrastructure is laid through reserves. Such infrastructure includes both above and below ground electricity or electronic lines, substations,

transformers, manholes, pipelines for gas or energy, the provision of water systems, stormwater systems, and drainage systems, and any other associated structures owned by network utility operators on reserves (see also section 2.3.7 Network utility infrastructure).

- Access is required to any area included in an occupation agreement (e.g. lease or licence) granted under the powers conferred by the Reserves Act. The Act does not enable the granting of a right of way for private purposes e.g., to have access across a reserve to a private landholding. Any right of way on reserve land cannot restrict public access or otherwise affect the rights of the public in using the reserve.
25. **All easements within the ambit of the Reserves Act must be:**
 - **Compliant with s48 of the Act.**
 - **Consistent with any management plan for the relevant reserve.**
 26. **Any easement on reserve land may have a limited timeframe as a condition of granting the easement. The timeframe associated with an easement will be negotiated between the council and the applicant in consideration of the purpose and expected longevity of the associated activity or use. Easements granted for the purposes of long-lived uses such as network utility infrastructure will not be granted into perpetuity, but may have lengthy timeframes associated with them that may be extended if necessary.**
 27. **It shall be a condition of every easement requiring physical works, including network utility infrastructure, that the reserve be returned as close as possible to its original condition, or to such condition as may be agreed between the applicant and the council, upon completion of the work**
 28. **Rights of way across reserve land will only be considered where a leaseholder or holder of another form of occupation agreement on reserve land requires access to their area of occupation.**
 29. **Historic rights of way across reserves to private landholdings will be honoured but are not transferable upon sale of the property.**
 30. **A rental or compensation charge may be negotiated as a condition of new easements.**
 31. **Due to the long timeframe for some easements, the council reserves the right to review and renegotiate rentals on existing easements over time to ensure fair remuneration for the use of public reserve space.**
 32. **Where the network utility infrastructure relating to the easement is no longer required by the utility provider, the relevant provisions of section 2.3.5 Abandonment or change of use, shall apply.**

Other agreements for the use of recreation reserves

33. **Section 53(1)(f) of the Reserves Act allows the council to enter into an agreement with any person, body, society or voluntary organisation for the use of a recreation reserve or a part of the reserve for a specified number of days each**

year. Such an agreement must be for the purpose of particular games, sports, or other activities or for public recreation or enjoyment and shall not:

- Be for any more than ten years at any one time.
- Be for any more than forty days in any one year, unless prior consent of the Minister of Conservation is received.
- Be for any more than six days in a row at any time in any one year unless prior consent of the Minister of Conservation is received.
- Involve the construction of buildings except of a temporary nature for the particular use of the reserve and for the time required for that use at any time in any one year.
- Apply to any leased or licensed part of the reserve.

34. The person, body, society or voluntary organisation is entitled to charge an amount for admission on those days the agreement applies for, as specified by the Minister of Conservation.

Other relevant council policies and bylaws

Council encroachment policy (under development)

Policy on leasing of airspace and subsoil of council owned and managed land (under development)

2.3.5 Abandonment or change in use

Comment/Explanation

Because the needs of a community and reserve users change over time, leases, licences or need to be able to respond to possible abandonment or change of use of facilities.

Objectives

To proactively plan for changes in the use of reserve facilities within the relevant lease or licence.

Policies

1. **Subject to the express terms of any lease or licence and the relevant provisions of the Reserves Act, where a reserve facility is no longer required by an occupier, lessee or owner before the end of any occupation agreement, the following steps may be taken:**
 - a. **The occupier, lessee or owner may be required to find an appropriate replacement user who shall either apply to the council for an occupation agreement or a sub-lease, as is appropriate and subject to policies in section 2.3.4 Occupation agreements.**
 - b. **Before a replacement occupier, lessee or owner is approved by the council the compatibility of the facility and use with the function and values of the reserve will be reviewed within the context of community needs, council policies, and relevant statutes.**
 - c. **In the event that the occupier or lessee or owner is unable to find a replacement, the council may make reasonable efforts to find a suitable occupier or lessee, or use for the facility.**

- d. In the event the council is unable to find a suitable occupier or lessee and the facility or use is not compatible with the function and values of the reserve or there is no foreseeable use for the facility, the owner will be required to either move the facility in part or whole, or have it demolished, or tender or sell it for removal and then return the land to its original condition.
 - e. If the occupier, lessee or owner is unable to comply with the requirements with the above, the council will either move the facility in part or whole or tender or sell or tender it for removal. If the facility cannot be moved, or the costs of moving it outweigh the likely benefits, the council will have it demolished or tender or sell the building for demolition.
 - f. The costs associated with the removal, sale, or demolition of the facility will be charged to the occupier, lessee or owner.
 - g. The council may also buy or pay compensation to the occupier, lessee or owner for the facility with a view to finding a suitable occupier or lessee, or use for the facility.
 - h. Until such time as a replacement occupier, lessee or owner is approved by the council the current occupier, lessee or owner shall pay consideration as per the occupation agreement.
2. In the event a facility has been abandoned and the occupier or lessee or owner is unable to be located, the council will decide an appropriate course of action by considering any foreseeable use for the facility, and whether the facility or use is compatible with the function and values of the reserve.
 3. It is a term of any occupation agreement that upon abandonment and consistent non-payment of consideration, the occupation agreement will be terminated and possession and ownership of associated reserve facilities shall revert to the council.

2.3.6 Reserve encroachments

Comment/Explanation

Over time, many reserves have been encroached on by adjacent landowners, to a lesser or greater degree. Some encroachments are unintentional and in some other cases, owners of encroachments believe these have been authorised by the council through various processes. Encroachments cannot be deemed to be authorised unless the process in the Reserves Act has been followed. Encroachments typically range from the minor and easily removed without effect (such as washing lines and children's play equipment), to access driveways and, in the more extreme cases, to parts of dwellings.

Objectives

To respond to encroachments so that they are, where possible, either removed or are appropriately authorised.

Policies

As per the council policy on encroachments (under development).

2.3.7 Network utility infrastructure

Comment/Explanation

The council recognises the importance of network utility infrastructure within the New Plymouth district and that some of this exists on reserve land. Providers of network utility infrastructure are governed by separate empowering acts of parliament that may conflict with, or override, some sections of the Reserves Act. There may also be some variance in application between these separate acts. Such infrastructure includes both above and below ground electricity or electronic lines, pipelines for gas or energy, substations, transformers, manholes, and any other associated structures owned by network utility operators on reserves.

Occasionally network utility operators wish to locate utility infrastructure on reserves. Utility infrastructure can impact on the reserve, reserve values, reserve users and reserve neighbours by restricting the current use of a reserve and the potential development of the reserve for future enjoyment. As a general principle, although reserves may be considered for network infrastructure, they are not intended to be regarded as infrastructure corridors. Full consideration should be given to alternative locations.

Where infrastructure must be located on reserves, the council wishes to establish procedures to provide for the inspection, maintenance, ongoing operation and upgrading of existing utility infrastructure and also to provide a process where applications by a network utility provider for use of a reserve may be considered.

It is important for network utility operators to have access to their facilities to inspect, maintain, or operate or upgrade existing works. The empowering acts grant the right of access for these activities subject to certain conditions including giving a reasonable notice of their intention to enter a reserve. It is also important for council to know when network utility operators are proposing work so conflict with other works, or reserve users, can be avoided and so that appropriate conditions can be set. Notification is also important so that, if complaints or queries from members of the public are received, council staff know which companies are working on reserves and can respond appropriately. The utility provider concerned will meet any costs associated with temporary closures of reserves and the costs of reinstatement in the event of damage to a reserve from the network utility infrastructure.

Objectives

To allow network utility operators conditional access to reserves in accordance with the provisions of this document, the District Plan, the Reserves Act and the relevant sections of the relevant empowering act for the purpose of inspection, maintenance, ongoing operation and upgrading of existing utility infrastructure.

To permit the use of reserves for new network utility infrastructure, as long as that infrastructure:

- is designed to be compatible with the purpose and functioning of the reserve,
- does not impinge on public use and enjoyment of the reserve, and
- is designed and planned to avoid, minimise or mitigate impacts on recreational, cultural, and conservation values.

To ensure adverse effects of network utility infrastructure on the reserve, reserve values, reserve users and reserve neighbours are able to be avoided, remedied, compensated, or mitigated.

Policies

- 1. The relevant provisions of other policies referred to in this document, including section 2.3.4 (occupation agreements) and section 2.5.1 (buildings and structures), apply to network utility infrastructure.**
- 2. Any network utility infrastructure constructed within a reserve will be designed to have minimal impact on recreational, cultural and conservation values. An assessment of potential effects on natural and community values will be undertaken prior to undertaking design and construction of network utility infrastructure within a reserve. The level of detail required will be reflective of the values and uses on the reserve.**

Where opportunities exist, network utility infrastructure will be designed to also enhance the recreational opportunities or aesthetic values of the reserve e.g. by creating pathways during the installation of drainage pipes.

- 3. Council will grant network utility operators conditional access to reserve land to inspect, maintain, operate, or upgrade existing works, subject to the provisions of the relevant empowering Acts, the Reserves Act and any conditions imposed by the council.**
- 4. Council will grant utility providers conditional access to reserve land to trim or remove vegetation posing a risk to the integrity of existing lines, support structure or other facilities. This must be undertaken in approval and under supervision of council staff, except in the event of an emergency (see also Policy 6).**
- 5. Network utility operators are required to give reasonable notice of their intention to enter a reserve to inspect, maintain, operate or upgrade existing facilities or to trim or remove vegetation. The exception to this policy is where emergency works are required (see also Policy 6). Prior notification of neighbouring landowners will be undertaken by the network utility provider where there is potential for disruption of adjoining properties.**
- 6. Where a utility provider is required to undertake emergency work on a reserve the utility provider shall inform the council on the same working day or the next working day when the emergency occurs on a public holiday or weekend.**
- 7. The utility provider is responsible for all costs associated with temporary closures of reserves and the costs of reinstatement in the event of damage to a reserve from the network utility infrastructure or maintenance activities.**
- 8. Council will confirm future occupation of reserves by network providers for approved uses and network utility infrastructure by granting of registered easements with appropriate conditions.**

9. Network utility operators must supply a useable and up to date as-built infrastructure plan in a form and detail agreed with council officers, including information regarding their location on reserves within six months of the infrastructure becoming fully operational.
10. Any structures associated with network utility infrastructure will be maintained in a condition that does not detract from the amenity value and public enjoyment of the reserve.

Other relevant council policies and bylaws

District Tree Policy (February 2006)

~~2.3.8 Events on reserves Revoked 18 March 2014~~

~~Comment/Explanation~~

~~New Plymouth District is positioning itself to be a key events destination in New Zealand. Throughout the year, the council offers a number of high profile events that attract large numbers of participants. Many of these events take place on council reserves.~~

~~Because of their potential to impact physically on the reserve as well as impinge on the general enjoyment of the reserve by the public, events on reserves require special consideration.~~

~~An event is defined as a significant activity that occurs on a one off basis and involves temporary use of reserve land (less than six days in a row). It may be a sporting event, a festival, musical performance or other form of public entertainment. It is different to the ongoing activities on reserves such as regular weekly sports matches or club meetings.~~

~~Objectives~~

~~To effectively plan and manage the use of reserves for public events.~~

~~To manage the potential impacts of public events on reserves and reserve infrastructure.~~

~~To ensure fairness and consistency in dealing with events organisers.~~

~~Policies~~

- ~~1. Applications for commercial or non-commercial exclusive use of a reserve for an event will be subject to the policies outlined in sections 2.3.2 (commercial exclusive use) and 2.3.3 (non-commercial exclusive use).~~
- ~~2. For events where exclusive use is not required, the general public must be allowed free access at all times while the event is underway. This acknowledges that public exclusion may be necessary during set-up or clean-up for safety reasons.~~
- ~~3. Applicants wishing to use a council administered reserve for an event will apply to the council in writing at least four weeks prior to the proposed event describing:

 - ~~• the nature of the event,~~~~

- ~~the timing (dates and times) and duration of the event, including setup and cleanup,~~
 - ~~the desired location and rationale for that location,~~
 - ~~the anticipated level of attendance,~~
 - ~~any requirements regarding infrastructure and use of facilities,~~
 - ~~proposed commercial activities to accompany the event,~~
 - ~~access requirements,~~
 - ~~considerations regarding public health and safety, and~~
 - ~~whether there will be a charge for entry (consent is required to charge for an activity on reserve land).~~
4. ~~The council will assess each application for an event on reserve land in consideration of the magnitude and frequency of events being held on that reserve and the implications for reserve neighbours, existing users of reserves and the ability of the general public to access and to use the reserve.~~
 5. ~~Events organisers must apply for all required resource and building consents in a timely manner. All costs for consents and permits required for the event will be borne by the applicant.~~
 6. ~~Event organisers will be responsible for organising and funding additional services and infrastructure to support events such as toilets, rubbish collection, security fencing, and security personnel.~~
 7. ~~Event organisers are responsible to the site and for the health and safety of participants. A risk management plan will be submitted to the council for approval at least two weeks prior to the event.~~
 8. ~~Following the event, the organisers will be responsible for reinstating the event location to its original condition as soon as practicable. This includes the following:~~
 - ~~All rubbish must be removed and the area left clean and tidy.~~
 - ~~All structures and equipment must be removed.~~
 - ~~All tent pegs must be removed to avoid damage to mowers.~~
 - ~~Obvious damage to turf, vegetation or reserve structures will be remedied as soon as possible after the event.~~
 9. ~~The council may levy a fee on all events to cover the cost of maintenance of facilities, turf and vegetation impacted over time by large public gatherings. The amount of the fee will vary depending on the size of the event and its potential for impacting the reserve.~~
 10. ~~All commercial activities associated with events shall be arranged by the event organiser and approved by an authorised officer of the council. Any holder of an occupation agreement for an event shall not transfer, sublet or in any way assign the rights to provide services at an event to another party without the written approval of the council.~~
 11. ~~The event organiser is required to carry liability insurance cover for any major event.~~

~~12. Site inductions are required to familiarise organisers with potential hazards and vulnerabilities associated with the event location.~~

~~**Other relevant council policies and bylaws**~~

~~NPDC Consolidated Bylaws 2000: Public Places (Part 9)~~

~~NPDC Consolidated Bylaws 2000: Recreational and Cultural Facilities (Part 10)~~

~~Organised and Commercial Activity on the Coastal Walkway (P05-014)~~

2.3.9 Signage

Comment/Explanation

This policy applies to signage erected on reserves by anyone other than council.

The construction, maintenance, and fees payable for erection of advertising signs and hoardings are regulated by council's bylaws. Wider neighbourhood effects are regulated by the District Plan, which must be complied with before a permit is issued. The implementation of this policy is subject to the appropriate provisions of both bylaw and District Plan rules.

Objectives

To minimise adverse visual effects while maximising useful information to reserve users.

To ensure consistent sign information, styles and types on reserve land throughout the district.

Policies

As per the 2006 policy re: advertising signs on reserves.

In addition:

- 1. Interpretive signage may be included on a reserve where there are significant cultural, ecological, or historic values and where the council considers that this will add to the public enjoyment of the reserve.**
- 2. Signage on reserves will be used minimally and in accordance with council policies on advertising signage on reserves.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

Advertising Signs on Reserves (P06-001)

2.3.10 Fireworks displays

Comment/Explanation

Groups occasionally wish to use reserves for fireworks displays. These displays are controlled by legislation other than the Reserves Act but also require permission under this Act where the activity is to take place on a reserve.

Objective

To allow fireworks displays on reserves if adverse effects on reserve values, reserve users and reserve neighbours are able to be avoided, remedied or mitigated and where this activity is compatible with the classification of the reserve and other requirements of the Reserves Act.

Policies

- 1. Fireworks displays will only be allowed on reserves where a licensed pyrotechnic is employed to organise and carry out the display.**
- 2. Applications must be made in writing to the council at least ten working days prior to the proposed event.**
- 3. Applicants wishing to use reserves for fireworks displays must provide evidence they have met the requirements of relevant legislation, regulations, codes and permits before final permission will be granted.**
- 4. Adequate public liability insurance is to be taken out by the applicant. Written proof is required before final permission of the council is given.**
- 5. Approval may not be provided for fireworks displays on reserves and existing approvals may be revoked where the risks of hazards is considered too high e.g., due to dry weather and high fire risk.**

2.3.11 Use of flying devices (e.g. aircraft and helicopters)

Comment/Explanation

The council has no jurisdiction over an aircraft or helicopter in the air, however, the council can control effects of activities on the ground on reserves, reserve values, reserve users and reserve neighbours.

Objective

To allow aircraft and helicopter taking off and landing on reserves or events on reserves involving the use of aircraft and helicopters, where the effects on reserve users and reserve neighbours can be mitigated and relevant statutory requirements are met.

Policies

- 1. Aircraft and helicopters will only be permitted to land on reserves for the purposes of special events and in emergencies and not as a general practice. Applications for aircraft and helicopter landings will be assessed on a case-by-case basis.**
- 2. Approval may be granted for any form of aircraft or helicopter to use a reserve for the purpose of landing or taking off with prior written permission from the council and approval from the Civil Aviation Authority or military. Such permission is not required in an emergency.**

3. **Applications for taking off or landing or events involving the use of aircraft and helicopters must be made in writing to the council at least ten working days prior to the proposed event and must state how effects on reserve users and neighbours will be mitigated.**
4. **Compliance with relevant legislation, including the approval of the Civil Aviation Authority or the military, is the responsibility of the applicant.**
5. **Adequate public liability insurance is to be taken out by the applicant. Written proof is required before final permission of the council is given.**
6. **The landing/take off strip is to be suitably marked and personnel provided to ensure that no member of the public strays on to the strip during landing or take off and that the operation is performed safely.**
7. **Model aeroplanes may not be flown within a reserve except in accordance with the consolidated bylaw (Part 10, No 3.2.2).**
8. **Applications for the use of flying devices in reserves (including model aeroplanes, self-propelled aircraft and helicopters) will only be considered where the applicant has prepared an appropriate health and safety plan.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

NPDC Consolidated Bylaws 2000: Recreational and Cultural Facilities (Part 10)

2.3.12 Liquor consumption/sale of liquor

Comment/Explanation

The sale of liquor may be seen as a way for reserve users or occupiers to raise funds for their activity. Reserve users can also request consent for special or one-off type of events where liquor is sold or supplied incidental to the principal purpose of the occasion or event being held.

The consumption of liquor can have adverse effects on reserves, reserve values, reserve users and reserve neighbours. Consequential effects can include increased noise, litter, damage to vegetation, and diminishing outdoor recreation and landscape values of the reserve. As many council administered reserves are in residential neighbourhoods, these effects may be serious.

There are two types of liquor license– temporary/ one-off and long-term. These two types of license are addressed separately in the following policies.

Objective

To allow liquor consumption for activities on reserves where the effects on the reserve, reserve values, reserve users and reserve neighbours can be avoided, remedied or mitigated, and the relevant statutory and bylaw requirements are met.

Policies

1. **The council may support the granting of liquor licences for premises located on reserves or special licenses for one-off types of events where:**
 - **The effects on the reserve, reserve values, reserve users, and reserve neighbours can be avoided, remedied or mitigated.**
 - **The conditions of the current Sale of Liquor Policy of the council are met.**
 - **The sale and/or consumption of liquor does not breach council bylaws (e.g. does not occur within a council liquor ban area).**
2. **Applications for the sale and/or consumption of liquor at a special or one-off event must be made in writing to the council at least eight weeks prior to the proposed event.**
3. **Where permission is granted for long-term sale and/or consumption of liquor, the terms of the occupation agreement will be changed to allow for such sale/consumption.**
4. **Applicants must provide evidence they have met the requirements of relevant legislation, regulations, codes, and permits before final permission will be granted. This includes being able to demonstrate the steps that will be taken to prevent the sale of liquor to minors.**
5. **Applications for long-term use of liquor on a reserve will only be granted where the applicant has an occupation agreement with the council for long-term use and occupancy of the reserve land where the liquor is to be consumed (see section 2.3.4 Occupation agreements) and owns or leases the building(s) on the site.**
6. **Where the council provides consent to sell liquor at an event, the event organiser must arrange for the liquor license and must pay all associated costs.**
7. **The responsibility for managing liquor consumption and associated public behaviour is the responsibility of the license holder. In addition, any financial responsibilities associated with the liquor licenses are the responsibility of the license holder.**

2.3.13 Commemorative and personal memorials

Comment/Explanation

There are two types of memorials placed in reserves: (a) memorials to commemorate special events and visits by dignitaries and (b) personal memorials in the memory of a particular person. Both types of memorial assume an historic significance over time and need to be properly identified, recorded and maintained. .

There are a number of considerations associated with the placement of commemorative and personal memorials. These include the responsibility associated with design and

maintenance of memorials and the cost of their placement and maintenance over the long term.

Objective

To allow commemorative and memorial structures and plantings and the placement of associated plaques as appropriate.

Policies

In addition to the policies in Memorials in Public Open Spaces (P04-009):

Commemorative memorials:

1. **A register of trees and plaques commemorating official events will be kept and updated by the council.**
2. **The council will maintain, repair and replace, as necessary, trees and plaques commemorating official events. Note, this policy does not apply to personal memorials.**

Personal memorials:

3. **All requests for personal memorials from the public shall be in writing will be assessed by council staff on a case by case basis in consideration of the proposed design as well as its placement and long-term maintenance requirements. The Monitoring Committee may consider any challenge to a decline in request for a personal memorial.**
4. **The applicant is responsible for the purchase, construction, instalment and maintenance of their personal memorial unless otherwise agreed with council staff.**
5. **Where a structure containing a personal memorial reaches the end of its effective life, the council reserves the right to remove that memorial and may or may not replace it with a like structure.**

Other relevant council policies and bylaws

Memorials in Public Open Spaces (P04-009)

District Tree Policy (February 2006)

2.3.14 Use of hazardous substances

Comment/Explanation

Hazardous substances such as chemicals or biological agents may occasionally need to be used in the maintenance of reserves. It is important to assess the risks and minimise any adverse effects on the reserve, reserve users or reserve neighbours.

Rules in the Regional Air Plan for Taranaki (1997) and Regional Fresh Water Plan for Taranaki (2001) require that resource consent be sought for the use of hazardous substances and that the use will be publicly notified.

Objectives

To ensure that, where it is considered necessary to use hazardous substances on reserves, application is undertaken in a manner that minimises the potential risk to the reserve, reserve values, reserve users and reserve neighbours.

To ensure the application of hazardous substances is undertaken in a safe, efficient manner that minimises disruption to the public and achieves the desired end result.

Policies

- 1. Council will minimise the use of hazardous chemicals on reserves by exploring more environmentally friendly alternatives where practical and financially feasible.**
- 2. Where hazardous substances are to be used on reserves, the entire operation shall be undertaken in accordance with the relevant legislation including hazardous substance and health and safety legislation, as well as any relevant industry codes of practice and as specified in any relevant contract.**
- 3. Where hazardous substances are to be used on reserves, consideration to the times for application and the methods undertaken to ensure the risk to the reserve, reserve values, reserve users and reserve neighbours is avoided, remedied or mitigated.**
- 4. The application of hazardous substances to reserve land will be publicly notified whenever there is potential affect on human health or safety, in accordance with regional plans for Taranaki.**
- 5. Warning signs shall be erected on a reserve where hazardous substances are being used.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

2.3.15 Camping

Comment/Explanation

New Zealanders value opportunities to camp as a recreational activity. The council leases land for six camping grounds to operate along the coast and provide opportunities for camping, campervan connections and cabin rentals. Outside of these designated areas, camping is not permitted. This is due to potential health and safety issues associated with “freedom camping” i.e. the need for adequate toilet and rubbish facilities, clean water supply, and safety from unruly activity.

Council bylaws do permit self contained motor homes/camper vans equipped with storage capacity for toilet and grey water waste to use public parking areas for the purpose of temporary accommodation for a maximum of 48 hours. The bylaws do not permit vehicles that are not self contained to use public parking areas for the purpose of temporary accommodation. The bylaws prohibit camping on non-designated within reserves.

Objectives

To provide safe and environmentally responsible areas for public camping, with associated infrastructure and amenities.

Policies

- 1. With the exception of policy number 2 (below), camping on reserve land shall only occur in designated camping areas.**
- 2. Self-contained motor homes and campervans may use designated parking areas on reserves for a maximum of 48 hours, where this is consistent with the council bylaws. Reserve areas not designated for parking may not be used for this purpose, except with permission of the authorised officer.**
- 3. Within designated camping areas, the council will ensure that adequate support facilities are provided (e.g. amenity and rubbish facilities, picnic tables, etc) relevant to the type of camping experience identified for a reserve in the management plan and consistent with the national Camping Ground Regulations (1985).**
- 4. Where vandalism, theft or other disruptive activity becomes untenable, the council may close down the camping area either permanently or until such time as the problem is resolved.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

NPDC Consolidated Bylaws 2000: Recreational and Cultural Facilities (Part 10)

2.3.16 Animals

Comment/Explanation

Many people own dogs and enjoy taking them for walks in outdoor areas. Council walkways provide a good opportunity for dog owners to give their dogs and themselves exercise in an attractive setting. However dogs in public places can leave messy deposits and be a safety concern if they attack other reserve users or their animals. Left free to wander, dogs may also dig up vegetation, disrupt resident wildlife or destroy nest sites.

People may seek to ride their horses within reserves. Reserves can provide an attractive location for people to ride and keeps them away from traffic. There are safety and aesthetic considerations with having horse trails within areas used by the general public.

People may choose to take other animals with them into public places. This is appropriate where there is no threat to the health and safety of the public or will not diminish the enjoyment of a reserve by the public. The council also leases land that it does not immediately need for public space for grazing.

Council bylaws identify locations and periods during the year when animals are not permitted on reserves. In particular, bylaws prohibit the taking of animals onto any beach where this may result in a nuisance, danger or inconvenience to other users of the beach. Part 9 of the Consolidated Bylaws prohibits horses from Ngamotu Beach at all times and

from East End – Fitzroy Beach and Oakura Beach during the day while daylight savings is in effect. Part 5 of the Consolidated Bylaws lists a number of locations where dogs are either banned or must be on a leash. In addition, the bylaws prohibit the release of animals into reserves without prior permission.

Objectives

To allow for the appropriate presence of animals within reserves.

To ensure that the presence of animals does not diminish the enjoyment or health and safety or the use of reserves by the general public.

To minimise potential for damage to resident fauna in reserves.

Policies

1. **Animal owners are responsible for cleaning up after their pets on reserves.**
2. **Horse trails will be planned so as to avoid conflict with human use of reserves, to the extent possible. Horse owners will be responsible to cleaning up any faeces deposited within a reserve as per the consolidated bylaws (S 7.4 and S 7.5, Part 9).**
3. **Disposal bins will be provided on reserves that allow dogs and have high amounts of pedestrian traffic e.g. the Coastal Walkway, Te Henui Walkway and Huatoki Walkway.**
4. **Requests to use reserves for activities that involve animals will be assessed on a case by case basis in consideration of:**
 - **public health and safety,**
 - **direction in existing bylaws and management plans, and**
 - **potential for conflict with other activities within the reserve.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Dog Control (Part 5)

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

NPDC Consolidated Bylaws 2000: Recreational and Cultural Facilities (Part 10)

2.3.17 Grazing on reserves

Comment/Explanation

There are two situations where grazing occurs on reserve land. The first is where the council formally leases reserve land for grazing as a temporary management tool to keep the grass down. The other is where grazing occurs on adjoining farmland and stock are able to informally wander into a reserve and graze.

Grazing is a useful management tool on reserves that are not, for the time being, required for the purpose for which they have been classified. Grazing is an economic alternative to

mowing that also provides useful land for agricultural use on a time limited basis. At the same time, grazing use must be managed to minimise impacts on reserve values.

Where grazing occurs on an esplanade reserve (coastal or riparian) there is potential for impact to the natural values of the reserve. Grazing also has the potential to damage waahi tapu sites, such as pa sites. Measures may be necessary to prevent or mitigate damage.

Objective

To enable the use of grazing as a management tool on reserves as an interim measure until a reserve is developed for public use.

To ensure that the natural values of esplanade reserves (coastal and riparian) are protected from grazing.

To ensure that sites of cultural heritage value are not damaged by grazing.

Policies

- 1. Grazing is a temporary measure to manage reserve vegetation until such time as a reserve is developed for public use.**
- 2. The council will take measures to prevent damage to vulnerable coastal and riparian ecosystems in reserves (e.g. dunes, riverbanks) due to formal or informal grazing of esplanade reserves This will be implemented as follows:**
 - Progressive retirement of grazing from esplanades (coastal or riparian) through fencing to manage access by stock.**
 - Restoration of damaged areas where necessary e.g. through dune replanting.**
 - Ensuring that areas are adequately fenced, where necessary.**
- 3. The need for preventative or mitigative measures to protect esplanade vegetation from grazing will be assessed and implemented on a priority basis. This will be done in consultation with Taranaki Regional Council and Coast Care.**
- 4. The council will work with tangata whenua to identify sites that should be protected from grazing. Where a site is identified or a concern is raised about grazing near a waahi tapu site or other site of cultural heritage significance, the following steps will be undertaken:**
 - a. Sites of concern will be entered into the council asset/lease register and onto the grazing lease.**
 - b. A council officer will visit the site with the appropriate mana whenua representative(s) to assess the issue.**
 - c. Where fencing is considered necessary the council will undertake the fencing, consistent with its obligation to protect features of archaeological and historic value under the Reserves Act.**
 - d. Sites no longer grazed will require ongoing maintenance to keep down grass and weeds. In rural areas, the council will leave the site unattended unless weeds threaten to spread to neighbouring pasture. In urban areas, the council will maintain the sites in a tidy and firesafe condition. The area may be grazed occasionally if that will not damage the site.**

- e. **The council will meet with mana whenua at least once a year to visit the site and review the management.**
- f. **The public will continue to be allowed access fenced off sites through the provision of stiles and gates. However, if mana whenua have a concern with public use of the site, trails will not be constructed and signage will inform reserve visitors that the area is of significance to tangata whenua and noting the areas that are not to be walked on.**

2.3.18 Harvesting of vegetation

Comment/Explanation

The council regularly receives requests to allow harvesting of vegetation from reserves for purposes such as weaving, medicines and food. The council seeks to manage harvesting activities on its reserves for health and safety reasons and to ensure that there is no adverse impact on the landscapes that it manages.

Objective

To maintain attractive and healthy landscapes by controlling the harvesting of vegetation from reserve land by the public.

Policies

1. **Formal approval of the council is required for the harvesting of vegetation from a reserve, including the removal of flax.**
2. **Where approval is granted for the harvesting of reserve vegetation, the harvester will ensure that the site is left tidy when completed.**

Other relevant council policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

2.4 Maintenance of reserves and reserve assets

2.4.1 Conservation of cultural heritage values

Comment/Explanation

A number of reserves in New Plymouth District contain known areas of heritage and cultural significance. 'Heritage' encompasses both natural and built features and includes trees, buildings, places and objects of Maori and European origin. These features provide communities with important linkages to the past and an insight into the way their communities have been shaped.

There is known to be a high density of waahi tapu sites in the Taranaki area. In particular, coastal areas were heavily used with settlement and food gathering areas all along the coastline. The disruption of the early period of European settlement, including the land wars and associated confiscation and reallocation of rohe, resulted in some of the history of the location and purpose of waahi tapu being lost. For this reason, the policies shown below address both known and recorded waahi tapu sites as well as those that are unearthed during the course of development.

Waahi tapu hold a special significance to mana whenua. The policies in this section have been designed to respect the interests of mana whenua regarding the sharing of information about their waahi tapu sites.

The following are statutory mechanisms to protect sites of cultural and heritage value:

- The New Plymouth District Plan maps and schedules heritage buildings and items and some, but not all, waahi tapu sites. The District Plan specifies rules to control development and land disturbance on and in the immediate vicinity of these sites. District Plan rules apply equally within and outside of reserves.
- All artefacts found after 1 April 1975 are protected under the Antiquities Act 1975. The Act defines an artefact as *“any chattel, carving, object or thing which relates to the history, art, culture, traditions, or economy of the Maori or other pre-European inhabitants of New Zealand and which was or appears to have been manufactured or modified in New Zealand by any such inhabitant or brought to New Zealand by an ancestor or any such inhabitant or used by any such inhabitant, prior to 1902.”*
- Each Maori artefact is registered onto a national database and custody is determined by the Ministry of Culture and Heritage in consultation with the relevant iwi/hapu and the local museum. A new piece of legislation is currently under discussion in Parliament which will replace the current Act and will strengthen iwi/hapu rights in custody decisions.
- The Historic Places Act 1993 was developed to *“promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.”* The Act addresses the protection of historic places and areas of both Maori and non-Maori origin.
- An "archaeological site" under section 2 of the Historic Places Act 1993 is described as *“any place associated with human activity before 1900, which may, through investigation by archaeological methods, provide evidence relating to the history of*

New Zealand.” An authority from the Historic Places Trust is required to destroy, damage or modify any archaeological site. The Act also provides for covenants to be placed on sites and areas of historical significance.

Objective

To ensure that areas of Maori and non-Maori cultural heritage value are identified and accorded an appropriate level of protection.

To provide a means of protecting both recorded and unrecorded sites having cultural heritage value.

To respect the special significance of waahi tapu and other sites or areas of cultural heritage value.

Policies

- 1. As far as practicable, identified areas of cultural heritage value on reserves will be protected, preserved or maintained as appropriate.**
- 2. Mana whenua will be consulted prior to any decision regarding a significant development² on a reserve.**
- 3. In the event that any of the following apply, an archaeological assessment will be undertaken prior to the approval of proposed works. The identification of waahi tapu may be in open or silent files, as per information management protocols developed between tangata whenua and the council.**
 - Waahi tapu are identified on an Iwi Management Plan that has been lodged with the council.**
 - A waahi tapu site is identified on the District Plan.**
 - An archaeological site is recorded in the NZ Archaeological Association (NZAA) Site Recording Scheme.**
 - A historic place, historic area, waahi tapu site or waahi tapu area is recorded in the New Zealand Historic Places Trust register, and/or**
 - The area is identified by the NZ Archaeological Association or the New Zealand Historic Places Trust as having a high likelihood of finding archaeological sites.**
- 4. If, on or adjacent to a proposed development site, an archaeological assessment reveals an archaeological site, the Historic Places Trust and tangata whenua will be notified and a decision made, through direct dialogue between the council, mana whenua, the Historic Places Trust and other affected parties as to how to proceed. Each incidence will be decided on a case by case basis according to criteria (still to be developed through discussion with tangata whenua) regarding the type of site, its cultural heritage significance and any other considerations brought forward by mana whenua.**

² A “significant development” is any activity on a reserve that result in machine earthworks and/ or construction of buildings or other sizable structures, removal of trees or large areas of vegetation, or shifting of sand or other materials to or from a site.

5. **If, during the course of a development, any artefact or other indication of an archaeological site is revealed, the works will stop immediately. The Historic Places Trust will be notified and a decision made through direct dialogue between the council, the Historic Places Trust, mana whenua, and other affected parties as to how to proceed.**
6. **The council will undertake an assessment of effects on heritage buildings, structures and sites of non-Maori origin prior to modification or removal and a decision made regarding how to proceed in consultation with any affected parties. For the purposes of this policy, an affected party includes any individual or organisation with a historic connection to, or interest in the site of concern. The New Zealand Historic Places Trust will be invited to peer review all assessments and will be considered an affected party for the purposes of consultation on consent applications, particularly with regard to NZHPT-registered historic places.**
7. **The council will work with individual iwi/hapu to develop a protocol regarding the management of vegetation on waahi tapu sites.**
8. **Information will be provided during staff and councillor orientation exercises to increase the awareness within the council of issues associated with maintaining cultural heritage values (Maori and non-Maori).**
9. **The council will consider requests for educational signage related to cultural heritage sites on a case-by-case basis and in consultation with the relevant mana whenua or community.**

2.4.2 Conservation of natural values

Comment/Explanation

One of the general purposes of reserves is to conserve indigenous flora and fauna, both rare and commonplace, in their natural communities and habitats.

Objectives

To maintain and enhance the ecological values within reserves.

To foster awareness of local ecological values within reserves.

Policies

1. **Reserves will be planned and managed to avoid, minimise or mitigate damage to ecological values as a result of public access and use.**
2. **Areas of significant conservation value will be mapped and noted within reserve management plans.**
3. **Ecological landscape characteristics within mapped areas of significant conservation value, such as wetland/lagoons, bush remnants and the habitats of fauna will be protected and maintained and where necessary, restored. Where**

possible, areas of vegetation will be maintained to provide continuous areas of habitat and/or linkages between habitats.

4. **Planting of berry and nectar producing plants will be considered for inclusion in reserve planting in order to encourage indigenous species of fauna.**
5. **Important wildlife habitats in reserves will be managed to ensure that habitat values are protected from adverse impacts associated with public uses and activities as well as any development or maintenance works.**
6. **Plant and animal pests will be controlled with priority on those that have the potential to compromise the integrity of a reserve.**

Other relevant policies and bylaws

District Tree Policy (February 2006)

2.4.3 Fire control

Comment/Explanation

This section details the measures that the council will undertake to minimise the risk of fires starting in or adjacent to a reserve and to minimise damage to the reserve should a fire start.

Objectives

To provide adequate vehicular access to enable fire appliances and other emergency vehicles access to reserves, to the extent possible within existing resources.

To take steps to minimise fire risk and damage resulting from any fire occurring.

To co-operate with appropriate organisations in the prevention and control of fires on reserves.

Policies

1. **No person at any time shall set fire within any reserve, except in accordance with the council's consolidated bylaw.**
2. **The council will take all reasonable measures to ensure the reserve is kept clear of all fire hazards that may pose a fire risk to the reserve, reserve users or reserve neighbours, in accordance with legislation or bylaw requirements.**
3. **The council will liaise, support, assist and cooperate with the appropriate fire authority to provide for the prevention, detection, control and suppression of fire within the reserve, in accordance with relevant legislation or bylaws.**
4. **In times of fire danger, the council may consider closure of a reserve as appropriate and in accordance with the Reserves Act.**

Other relevant policies and bylaws

NPDC Consolidated Bylaws 2000: Fire Prevention (Part 6)

2.4.4 Maintenance of reserve facilities

Comment/Explanation

Facilities on reserves contribute to reserve amenity and should be maintained to an appropriate level of hygiene, safety and condition. Reserve facilities include buildings, toilets, seating, rubbish bins, lighting systems, and sports related structures (tracks, pitches, signage etc) consistent with levels of service set out in the Parks Asset Management Plan.

Maintenance of these facilities is made easier if the facilities are designed in such a way as to deter or be resilient to vandalism.

Objective

To ensure that all reserve facilities are provided and maintained to a standard that meets public safety requirements and amenity values of reserves.

Policies

- 1. Design, materials and location of reserve facilities should minimise the potential for deterioration and vandalism and shall be appropriate for the needs of the community.**
- 2. A regular inspection programme will be performed so that facilities on reserves meet standards of safety, health and condition according to levels of service in the parks asset management plan.**
- 3. The council will maintain council owned facilities and individual clubs and associations will be responsible for the maintenance of their facilities to council standards and as set out in lease conditions.**
- 4. The council will maintain all public toilets on reserves in a clean and hygienic state in keeping with levels of service in the parks asset management plan.**

Other relevant policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

2.4.5 Litter and waste management

Comment/Explanation

The dumping of waste on reserves or the inappropriate use of existing waste disposal facilities can detract from reserve values and the proper functioning of reserves.

The council has a waste management plan that makes provision for the collection and reduction, reuse, recycling, recovery, treatment or disposal of waste in the district.

Objective

To preserve reserve values through appropriate collection and disposal of litter and waste.

Policies

- 1. Litter and waste will be removed from reserves before their accumulation becomes significantly detrimental to the environment.**
- 2. The council will provide and regularly empty litter and waste facilities in reserves that are frequented by the public (as per levels of service in the parks asset management plan).**
- 3. The disposal and collection of litter and waste will be in accordance with the council's current waste management plan.**
- 4. If there are no waste disposal facilities within a reserve, reserve users are required to remove all of their waste from the reserve.**
- 5. No person shall deposit any domestic refuse, trade waste, garden refuse, rubble or other debris on a reserve.**
- 6. Where a reserve is booked and used for a special event, the event organisers are responsible for the collection and disposal of their waste at their own cost.**
- 7. Council will take legal action against persons shown to be guilty of dumping waste materials (including rubbish and garden waste) on reserves.**
- 8. Council will undertake public education campaigns to encourage reserve users to stop littering.**

Other relevant policies and bylaws

NPDC Consolidated Bylaws 2000: Public Places (Part 9)

NPDC Consolidated Bylaws 2000: Solid Waste (Part 17)

2.5 Development of new features and facilities

2.5.1 Buildings and structures

Comment/Explanation

There are three types of buildings on reserve land:

- council-owned and not leased (e.g. public toilets),
- council-owned and leased to a reserve occupier/lessee, and
- privately-owned by the reserve occupier/lessee.

The Reserves Act generally limits buildings on recreation reserves to uses associated with sporting and outdoor recreational activities. Although sections 53 and 54 of the Act do allow local authorities the discretion to erect “buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation”, the primary reference is to the council’s provision of facilities “associated with and necessary for” outdoor recreation stands, pavilions and gymnasias.

The classification of a reserve affects the types of structure that may be considered. Local purpose reserves generally have greater scope for building development than recreation reserves.

Reserve land may be leased for the erection of buildings under section 54(1) of the Act for buildings and other structures associated with public recreation or enjoyment such as baths, a camping ground, or a parking or mooring place. The lessee may be required to construct and manage these structures as a condition of their lease. The erection of buildings may also be permitted on land leased for commercial operations which are of public recreational benefit.

The Building Act 2004, Local Government Act 2002, the Resource Management Act 1991, the District Plan and relevant bylaws also influence the construction of buildings on reserves. All policies in this section apply to the decision to place a building on the reserve; they do not apply to decisions related to the granting of a resource or building consent. All proponents will need to apply for the required consents once their application to build on the reserve is approved.

Objectives

To ensure that buildings and structures on reserves meet the needs of approved use and users without significant adverse effects on the values of the reserve and reserve neighbours.

Policies

- 1. With the exception of approved network utility services, as contemplated in reserve management plans, buildings on reserves will be limited to those necessary for recreation or community development and that are related to the specific use of the reserve.**
- 2. Council will plan and manage its reserves to minimise the number of buildings on each reserve. The duplication of facilities will be avoided by encouraging**

existing lessees to maximise the use of club facilities and/or to investigate opportunities to share facilities with other community groups.

3. In evaluating any proposals for new buildings or structures or alterations to buildings or structures on reserve land, the council shall take regard of:
 - the purpose of the reserve, as reflected in its classification and any relevant management plan,
 - the provisions of the Reserves Act and the District Plan,
 - the need for the building or structure to be located on reserve land,
 - the materials, site, design and colour of the proposed structure,
 - the perceived effect of proposed building or structure or alteration on the reserve, reserve users and reserve neighbours both now and in the future,
 - the financial position of the applicant to properly construct and maintain the buildings and structures and ongoing associated costs,
 - future plans of the applicant/evidence of strategic vision,
 - the possibility of reserve occupiers establishing jointly administered and multiple purpose buildings or structures,
 - the conservation of open space, significant vegetation and significant landscape features. This includes consideration of whether the land could be put to better use for casual recreation,
 - the landscape policies contained in this document, and
 - the need to protect existing outdoor recreation facilities and activities and whether their displacement by the erection of a new structure or extension of an existing structure is in the public interest.
4. New buildings and structures will not be approved for construction within an area zoned in the District Plan or other council plan as being subject to hazards such as erosion and flooding. The exception is buildings directly associated with surf lifesaving or surf lifesaving equipment.
5. The council will only consider applications for new buildings on coastal reserves where the purpose of the building is associated with a recreational or community activity that uses the coast and/or adjoining foreshore or ocean as part of that activity e.g., club and equipment rooms for a surf club or yacht club. This is consistent with the general policies for coastal reserves outlined in the Coastal Reserves Management Plan (2006).
6. A lease, or other appropriate form of occupation agreement, for an area of reserve land is required by a club or organisation prior to seeking approval to construct a building or structure on that land. An occupation agreement is required even where the council has agreed to contribute financially to the building. Once an occupation agreement for the land is in place, the applicant must then seek formal approval of the council to build on the site and apply for a separate occupation agreement for the building itself.

In situations where the council itself owns the building or structure, the club or organisation leases the building and land from the council.

- 7. The following conditions will be placed on any permission for erecting buildings on reserves:**
 - a. The applicant is responsible for obtaining all resource and building consents before work commences on the site.**
 - b. The applicant must comply with all bylaws, regulations and statutes pertaining to the construction and operation of the building.**
 - c. Design, materials and location of proposed buildings or structures or alterations should minimise the potential for deterioration and vandalism.**
 - d. The exterior colour scheme for the proposed building is to be submitted to the New Plymouth District Council for approval before construction commences.**
 - e. Any development, maintenance and replacement of landscaping associated with the building (including resource consents) is the responsibility of the applicant and must be approved by the council.**
 - f. Responsibilities for ongoing maintenance of the building will be outlined as a condition of the lease.**
 - g. Landscape plans (including maintenance standards) are to be submitted to the New Plymouth District Council before planting commences.**
 - h. The exterior of the building will be maintained by the lessee to council standards.**
 - i. The area immediately surrounding the building and construction site is to be maintained in a safe, clean and tidy condition at all times by the occupier.**
 - j. A bond will be required from the applicant before work commences on the site. The bond less any expenses incurred by the Council will be refunded on completion of the contract.**
 - k. Permission to undertake the proposed development will lapse if construction does not commence within two years of the grant of this permission.**
 - l. All costs associated with the application and the resulting development are to be met by the applicant.**
 - m. Policies outlined in section 2.3.5 Abandonment or change in use will apply in all cases.**
 - n. In granting approval to the building or structure, council reserves the right to review the annual rental to reflect the added value of the use and occupancy rights of the lessees interest in the lease.**

- 8. Feasibility studies will be required where proposals for all developments that cost over \$100,000 or significantly increase the area of the reserve occupied, or result in occupiers having debt levels of \$10,000 or greater. The contents of feasibility studies are to be discussed with the council on a case by case basis.**

2.5.2 Car parking

Comment/Explanation

Users of reserves may create demand for car parking spaces within reserves. The development of new car parks should be balanced with the desirability of retaining open space on reserves.

Objectives

To provide and maintain car parks, where appropriate, to a level which is adequate for servicing the usual activities carried out within the reserve and where this is authorized by the Reserves Act.

To support the provision of additional car parking areas on reserve land where there is a proven requirement directly related to the use of the reserve and where this is authorised by the Reserves Act.

To recover some of the costs of car park provision from identifiable beneficiaries where this is authorised by the Reserves Act.

Policies

1. **Driving or parking of motorised vehicles off the formed road or car parks on reserves is prohibited except in accordance with the consolidated bylaw and except those that may be used by council for management purposes.**
2. **Car parks on reserves are for motorised vehicles associated with legitimate use of a reserve.**
3. **Parking other than in areas set aside for car parking is prohibited without prior written approval by the council.**
4. **Regular day, overnight or long-term car parking is prohibited without prior written approval by the council.**
5. **Any person requiring a car to be released from a reserve that has been closed after hours may incur a fee.**
6. **Exclusive use of car parks may be allowed for special sporting and recreation events upon application to the council and the payment of a charge for this exclusive use.**
7. **Groups that have permission to use car parks exclusively may levy a charge on users during the time they have exclusive use of the reserve.**
8. **Reserve occupiers may be asked to contribute to the provision of car parking on reserves where their occupation is a clear and consequential factor in the need for car parking.**

9. **Requests for additional car parking facilities on reserves may be considered subject to the applicant making a written application to the council. All applications will be evaluated in consideration of:**
 - **Information, to be supplied by the applicant, on the purpose and justification for additional car parking.**
 - **A needs assessment of parking needs, based on an inventory of public use of the reserve or reserve facilities.**
 - **Potential applicant resources for assisting to meet the costs of constructing and maintaining the car park area.**
10. **An application for exclusive use of an existing car park will be publicly notified. Applicants will need to meet the costs of public notification.**

2.5.3 Toilets

Comment/Explanation

Public toilets are an essential part of reserve infrastructure. The availability of toilet facilities and their standard of care can make a significant impact upon the comfort of individuals and families who make use of public spaces. These facilities are also necessary to ensure that standards of hygiene in these areas are maintained.

The changing nature of activities in the district and provision of more public conveniences in private businesses (i.e. hotels and shopping precincts) can impact upon the demand for public conveniences.

Objectives

To ensure the adequate provision of public conveniences as a service for visitors to the reserves.

To maintain reserves as safe and healthy environments.

To provide facilities that are pleasant to visit and are non-discriminatory.

Policies

Provision of facilities

1. **Permanent facilities will only be provided where the activities are regular and will generate sufficient patronage.**
2. **Public conveniences will be considered in reserves where facilities are provided for the consumption of food and beverages e.g. where barbecues and picnic tables are provided.**
3. **For one off events, council will require that the event organiser provide adequate public conveniences to support desired activities (see section 2.3.8 Events on reserves). Such facilities may be at the cost of the event organiser.**

4. Council will weigh the benefits of permanent versus temporary facilities when considering upgrades to toilet facilities. For example, for some reserves it may be more economic to use re-locatable toilets to address increased levels of use during peak summer months.

Size and location of facilities

5. Public conveniences will be located to most effectively serve the activities they are intended to support.
6. The size of facilities will be adequate for the number of people expected to use the public conveniences without over crowding or undue waiting times.
7. All toilets provided for the public must be accessible for all age groups and for people with disabilities as appropriate to the nature and purpose of the reserve and the accessibility of the site.

Facility design

8. Facilities must be designed and maintained to a quality of presentation that is consistent with the public profile of the facility as agreed by council.
9. All public conveniences will be clearly identified and locatable through directional signage.
10. All public conveniences will be designed and maintained so as to be non-threatening and safe to use e.g. keeping entrances clear of vegetation and visible.
11. The need for individual privacy will be respected.
12. New toilets will be designed to minimise maintenance requirements and to be resilient to vandalism (see section 2.4.4 Maintenance of reserve facilities).

Other relevant policies and bylaws

NPDC District Toilet Strategy (2005)

2.5.4 Lighting

Comment/Explanation

The council does not encourage the use of reserves after dark outside of organised events. The lack of lighting in many circumstances is a strategic management decision to discourage visitors from using areas at night where safety problems may exist. The council does recognize that some reserve user groups do operate at night, in particular organised sporting clubs and groups using indoor facilities. While lighting can be considered an essential component of night use in a reserve area, it is appropriate that some or all of the cost should fall to those who use facilities at night. Lighting should be considered a useful addition to other safety provisions but not a solution in itself.

Objectives

To provide car park and accessway lighting, as required.

To ensure that the cost of lighting is fairly allocated.

Policies

- 1. The council will only consider providing lighting on reserve land where there is a clear public benefit.**
- 2. Lighting may be provided on reserves subject to the occupier or user of reserve land or facilities making written application to the Council. All applications will be evaluated in consideration of:**
 - a. an explanation from the applicant about why the lighting is needed,**
 - b. other uses of the reserve,**
 - c. potential for adverse effects on neighbouring properties,**
 - d. other potential or existing safety features in the area,**
 - e. how the applicants will contribute to the construction and maintenance of the lighting.**
- 3. The council will pay for lighting in areas of general public use e.g., street lights and in car parks, but the users of sportsgrounds are responsible for meeting the costs of operation, maintenance and replacement of their own lighting needs. For example, sports clubs are responsible for the cost of floodlights and for lighting accessways to club buildings.**

2.5.5 Landscape development

Comment/Explanation

Landscaping makes a major contribution to the amenity and recreational value of a reserve. Managed open space areas and vegetation within urban areas softens the built environment and provide opportunities for outdoor enjoyment in an urban setting. Within rural areas landscaping can act as a contrast to predominantly agricultural and forestry land uses. In both cases the effectiveness of landscape design and maintenance can have a significant effect on the amenity value of the reserve and its perceived purpose.

The aesthetic value of landscapes can be affected by subsequent developments such as the erection of buildings or the clearance or removal of vegetation. The adverse effects of these developments need to be avoided, remedied or mitigated.

Most landscaping development on reserves is undertaken by the council of its own accord, however in some cases private developers or community groups will undertake development on council administered reserves. In this instance it important for council's expectations to be clear.

Trees are often a significant component of reserve landscapes. The council has developed a District Tree Policy (February 2006) to set out objectives and policies related to the management of trees on council administered land. In addition, the council has adopted a policy on Reduction to UV Exposure, in which the council commits to consider the provision of sufficient and effective shade opportunities during the development of open spaces.

Objectives

To improve and enhance the visual landscape character of reserves in the district through amenity plantings of native and exotic species of vegetation and through vegetation management and regeneration programmes.

To ensure that landscape development is appropriate to the location and complements and augments its visual character.

To ensure that landscape development is planned with public health and safety in mind.

To remedy adverse impacts on reserve landscapes incurred as a result of development or other activities on or adjacent to a reserve.

Policies

- 1. Landscape development plans may be required for developments on reserves. The need for a landscape development plan will be determined on a case by case basis.**
- 2. Landscape plans need to consider the following:**
 - existing trees/vegetation,
 - proposed additional planting including species, locations and quantities,
 - location of buildings,
 - drainage and earthworks,
 - the provision of access to and across reserves,
 - location of existing or planned utility facilities, e.g. power lines, pipes etc.
 - the provision of shade, as appropriate to the reserve and its purpose,
 - ensuring adequate visibility to provide for public safety and reduce vandalism,
 - the provision of other functions to enhance the experience of reserve users. This could include the provision of fruit or nut trees available for harvesting by the public,
 - the objectives of any site specific management plan for the reserve, and
 - effects on reserve neighbours.
- 3. Vegetation should reflect the positive features of existing plantings in the area and the character of the nearby landscape. Trees planted in reserves should be of an appropriate species for that reserve and location. The species and planting plan is to be discussed with appropriate council staff.**
- 4. Public safety should be taken into account when planning the density and scale of planting.**
- 5. Landscape conditions may be placed on all permissions for new and alterations to existing, facilities. These conditions will be designed to avoid, remedy or mitigate the adverse effects of any development on the landscape values of the site.**
- 6. Restoration of disturbed landform, at the cost of the developer and to the council's satisfaction, should be included in the costing and design of all**

development proposals. Where necessary, ongoing consequential maintenance should also be included in development proposals.

7. All measures taken to avoid, remedy or mitigate adverse effects on landscape values should be to council's standards.
8. Where ongoing maintenance of measures taken to avoid, remedy or mitigate adverse effects on landscape values is required, the council will enter into a written agreement with the developer to arrange for the funding of this maintenance.
9. Compliance with the relevant conditions of the Resource Management Act and other relevant legislation is the responsibility of the applicant.
10. Landscaping on reserves shall not use noxious or undesirable plants as identified by Taranaki Regional Council and Department of Conservation and as advised by the New Plymouth District Council.

Other relevant policies and bylaws

Reduction to UV Exposure (P04-003)

District Tree Policy (February 2006)

2.5.6 Play equipment

Comment/Explanation

Children enjoy playing - it gives them the opportunity to enjoy themselves, to burn energy, gain confidence, learn new skills, experience challenge and satisfaction, and to interact with other children. Playgrounds containing structures that encourage creative and challenging play. They are also important for promoting childrens' physical development.

The Hillary Commission described the benefits of play as:

“Play is a basic need of children. It is an essential part of growth. Children play because they have an inborn need to know more about everything. Play is necessary for their learning and growth. Play isn't just a form of letting off steam, it is crucial for the basic areas of development in children. Children must have opportunities to expand their physical development, to develop socially, and to develop intellectual skills. We must offer children an environment which provides a wide variety of play opportunities.”

The range of playgrounds and open space areas provided in the district's reserves network contribute to the healthy development of young residents.

Objectives

Provide a clear framework for the provision and maintenance of playgrounds in the district.

Ensure an acceptable level of health and safety is provided for playground users.

Distribute playgrounds of varying levels of complexity and to meet the needs of a variety of age ranges at locations throughout the district.

Create playgrounds that are stimulating and fun, to encourage children to engage in outdoor activity.

Policies

As per the council playground policy (under development)

2.5.7 Outdoor furniture

Comment/Explanation

Providing outdoor furniture on reserves can add to the users' enjoyment of a reserve. However, these structures should be appropriately designed to optimise enjoyment and blend in with the surrounding landscape. Outdoor furniture needs to be maintained so that it remains an attractive asset to the reserve and does not become a safety hazard.

Furniture associated with food consumption such as picnic tables and barbeques creates a need for additional rubbish bins and, potentially, toilet facilities (see section 2.4.3), so the provision of these facilities needs to be considered in its wider context.

Objectives

To provide and maintain well designed and appropriately located outdoor furniture in reserves to add to the enjoyment of the reserve by its users.

Policies

- 1. Seating, picnic tables, rubbish bins, play equipment and all other park furniture shall be placed with regard to need, orientation to sun, shelter from wind, views and proximity to access points.**
- 2. Furniture will be placed to allow respite from the sun as a priority consideration.**
- 3. The focus for placing outdoor furniture will be in areas of amenity and/or recreational value (e.g. on the shores of lakes, rivers, swimming holes and pathways). Care shall be taken to minimise visual distraction from the natural environment.**
- 4. The need for rubbish bins, toilets and other infrastructure will be considered and planned for prior to installing new outdoor eating facilities such as picnic tables and barbeques.**
- 5. Existing barbeques will not be replaced unless at the discretion of the council. Any new barbeques will be installed in consideration of the safety of the location and the structure, the potential for vandalism and misuse and the potential effects on neighbours and other users of the reserve.**
- 6. All furniture shall be designed and coordinated for suitability to function and appropriateness for the surroundings. Furniture will also be constructed for durability and resistance to vandalism (see section 2.4.4 Maintenance of reserve facilities).**

7. **Colour schemes, planting and site design associated with existing structures shall be revised as each comes up for attention on the routine maintenance programme to ensure that their visual impact is minimised and that they are integrated with their surroundings. Where maintenance is the responsibility of lessees the council shall ensure that the required standards are stipulated in lease agreements as these come up for renewal and shall check regularly that the standards are met. Leases may be revoked if these standards are not met.**
8. **Structures, buildings and furniture which are no longer required shall be removed as soon as practicable and those that are unsafe or irreparable shall be removed also and only replaced if an ongoing need is demonstrated.**

Other relevant policies and bylaws

NPDC Consolidated Bylaws 2000: Fire Prevention (Part 6)

2.5.8 Disability access to reserves

Comment/Explanation

In its Barrier Free District Policy (P01-015), New Plymouth District Council has committed to working towards the removal of barriers to the participation of people with disabilities in all aspects of life in the district. Improved access to parks and open space increases quality of life of district residents. Additionally, improved access has the potential to increase the use of reserves by enhancing comfort and convenience for the range of users and providing significant safety benefits.

It is important to retain character and variety in parks and to cater for different levels of ability with a range of challenges and degrees of difficulty. It will not always be feasible or desirable to make all facilities fully accessible. Different degrees of accessibility will be achievable at different sites. There are four main reasons why parks may not be fully accessible:

- Existing facilities. Many existing facilities are not accessible and it may not be practical to modify them. However, where possible a design change should be implemented to improve accessibility of existing facilities.
- High cost. The cost of constructing accessible facilities may be prohibitive and outweigh the usefulness or suitability of such a facility, e.g. constructing an accessible path on a steep hillside.
- Conservation values. Some reserves have high conservation values that should not be compromised, e.g. wide paths may encroach on an ecologically sensitive area that needs to be conserved.
- The nature and purpose of the reserve: some reserves are either not accessible to the public or are difficult to access by their nature and purpose e.g. Paritutu summit trail.

For facilities to be recognised as fully accessible they need to comply with national standards.

Objectives

The New Plymouth District aims to overcome barriers to access to ensure that everyone is able to enjoy our parks and open spaces.

Policies

- 1. Depending on the nature and purpose of the reserve, reserves and associated facilities will be designed, where feasible, to meet the most up-to-date national standard and design criteria for access for people with disabilities.**
- 2. An audit will be undertaken of all reserves to identify accessible facilities and to prioritise opportunities for improvement. Questions will be included in customer surveys, when undertaken, to monitor the maintenance of continued accessibility in parks.**
- 3. The council shall ensure that staff members and contractors involved with providing park facilities are educated about the requirements of people with disabilities, allowing effective service provision.**
- 4. The council shall develop and use a standardised classification system for paths and tracks that allows users to readily identify the degree of ability required.**
- 5. The council shall provide public information about accessible facilities using a variety of media.**

Other relevant policies and bylaws

Barrier Free District Policy (P01-015)

Glossary

Administering body	The Board, Trustees, local authority, society, association, voluntary organisation, or person or body of persons...appointed under the Reserves Act 1977 or any corresponding former Act to control and manage that reserve or in which or in whom that reserve is vested under the Act or any corresponding former Act.
Amenity values	Those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.
Archaeological site	Any place in New Zealand that either (a) was associated with human activity that occurred before 1900; or (b) is the site of the wreck of any vessel where that wreck occurred before 1900; and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand (S2 Historic Places Act 1993)
Artefact	Any chattel, carving, object, or thing which relates to the history, art, culture, traditions, or economy of the Maori or other pre-European inhabitants of New Zealand and which was or appears to have been manufactured or modified in New Zealand by any such inhabitant, or brought to New Zealand by an ancestor of any such inhabitant, or used by any such inhabitant, prior to 1902 (S2 Antiquities Act 1975).
Commercial activity	An activity that results in economic gain by the organiser of the activity.
Council	New Plymouth District Council or, where delegation has been given, any committee or subcommittee or any officer of New Plymouth District Council duly authorised and any commissioner duly appointed.
Cultural heritage value	Encompasses the qualities and attributes of places that have aesthetic, historic, scientific or social value for past, present or future generations. These values may be seen in a place's physical features, but importantly can also be intangible qualities such as peoples associations with, or feelings for a place.
District Plan	The purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Resource Management Act 1991.
Easement	Generally, an interest in land granted under S48 of the Reserves Act 1977 over a reserve or acquired under S12 of the Act over private land or similar. An easement is a right of one person in respect of another person's land and include a right of way (the right to pass over another person's land); a right to lay pipes on another person's land and, through them, convey water or other specified matter; and a right of access to light and air by means of restricting building on another person's land.
Encroachment	A building or structure, or some portion of it, or other modification of the land, that extends beyond the land of the owner and illegally intrudes on reserve land.
Esplanade reserve	A fixed linear area of riverbank, lakeshore or seashore either in a natural or modified state available primarily for conservation and public access.
Fire appliance	Fire truck or other vehicle to suppress fires.
Gazette	Official document for publicly notifying property matters related to reserves e.g., the declaration or classification of reserves.

Hapu	Sub-tribe, usually a number of whanau with a common ancestor.
Hazardous substances	Includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a Hazardous Substance.
Historic place	Any land (including an archaeological site); or any building or structure (including part of a building or structure); or any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and includes anything that is in or fixed to such land (S2 Historic Places Act 1993).
Indigenous vegetation	Flora occurring naturally in New Zealand; or belonging naturally to New Zealand. Indigenous vegetation does not include flora established by humans.
Infrastructure	Public works and utilities provided by the council. In the case of reserves, this includes facilities such as toilets, rubbish bins, lights, vehicle parking spaces and other developments that contribute to the use of the reserve.
Interpretive signage	Signage erected to provide information to the public on the environmental, historic, cultural or other values of an area.
Intrinsic values	In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including (a) their biological and genetic diversity; and (b) the essential characteristics that determine and ecosystem's integrity, form, functioning and resilience.
Iwi	Tribe or grouping of people with tribal affiliations.
Landscaping	To improve the natural features of an area by planting vegetation, creating contoured features, etc.
Landscape development plan	A plan that describes in detail the future layout of vegetation and facilities in a reserve in order to guide future works.
Lease	A lease is an estate in land. It arises when one party, the lessor, confers on another party, the lessee, the right to the exclusive possession of specified premises or area of land for a specified period of time.
Lessee	The holder of a lease
Licence	A licence issued under the relevant sections of the Reserves Act 1977 to occupy reserve land or carry out an activity on reserve land for a specified period of time and in accordance with the conditions in the licence. A licence is essentially a permission granted by the occupier of land to a person to do something on that land which would otherwise be a trespass. Licensees do not have possession of the land.
Licensee	The holder of a licence
Local authority	A regional or territorial authority
Kaitiakitanga	The exercise of guardianship by the tangata whenua of an area in accordance with tikanga maori in relation to natural and physical resources and includes the ethic of stewardship.
Mana whenua	Customary authority and title exercised by an iwi or hapu over land and other taonga within the tribal rohe.
Market rental	Rental charges set at a level that would be realised on the open market.

Mitigative measure	An action to offset, but not completely restore, an adverse effect. To cause to become less severe or harsh.
Network utility infrastructure	Water reticulation or supply, electricity supply, gas and energy transmission and supply, a telephone service, a sewer system, drainage or another system or service designed to improve the amenity, or enhance the enjoyment, of lots or the common property.
Non-commercial activity	An activity that does not result in economic gain by the organiser of the activity.
Pavilion	A building at a sportsground used for changing etc; club rooms.
Policy	A specific statement that guides or directs decision making. A policy indicates a commitment to a general course of action when working towards an objective.
Public liability insurance	A class of insurance covering liability exposures of individuals and businesses for damage to property and injury to individuals.
Reserve	An area designated for free public recreational use.
Reserve management plan	A plan provided for in S41 of the Reserves Act 1977 to enable an administering body to establish the desired mix of uses and value for each reserve or group of reserves and set in place policy to guide day to day management.
Right of way	A right to pass over another person's land; a form of easement.
Risk management plan	A plan that imposes management tools to reduce the risks of an event or activity to an acceptable level.
Rohe	A territory or boundary that defines the area within which a tangata whenua group claims traditional association and mana whenua.
Rural domain	A type of reserve created under the Reserves and Domains Act, which has since been superceded by the Reserves Act 1977. Domains no longer exist – they are all reserves now.
Rural domain committees	Committees formed as trusts or incorporated societies to oversee the upkeep of rural domains.
Service level agreement	A contract between a service provider and a client that specifies, usually in measurable terms, what services the service provider will furnish.
Statutory requirement	Requirements set out in New Zealand legislation.
Tangata whenua	In relation to a particular area, means the iwi or hapu that holds mana whenua over that area.
Taonga	Treasure or property that are prized and protected as sacred possessions of tangata whenua as determined by tangata whenua.
Tikanga maori	Maori customary values and practices.
Waahi tapu	Places or things that are sacred or spiritually endowed, and includes, but is not limited to pa, area (tracks), urupaa, battle sites and tauranga waka (canoe landings)

Appendix A: Additional council policies pertaining to reserves management

P95-014 Coastal Erosion Strategy

5 October 1995

GMCA - Parks

That having considered the report of the Coastal Erosion Strategy Working Party on the development of a Coastal Erosion Strategy for that area of coastline within the bounds of the New Plymouth District, and being aware that the frame of reference for the Working Party was the 1995 report 'Coastal Erosion Strategy' prepared by the Planning Department of the Council, and that in particular eight specified coastal areas are named in the report:

viz Tongaporutu
 Urenui
 Onaero Beach
 Onaero Township
 Waitara Foreshore
 Bell Block Beach
 Fitzroy Beach
 Oakura Beach;

and as recommended by the Coastal Erosion Strategy Working Party the Council resolves to take the following course of action in respect of the specified areas:

- a) Tongaporutu
 - i) Discussions be entered into with Natural Gas Corporation of New Zealand Limited with a view to negotiations for the repair or dismantling of the gabion baskets formerly installed by the Corporation to protect a natural gas pipeline; it being noted that the present state of the gabion baskets indicates a severe state of disrepair;
 - ii) Monitoring of the general area be undertaken, including a watching brief on private seawalls protecting riverside baches.
- b) Urenui
 - i) Planting and reshaping of the dunes in front of the Urenui Motor Camp, and the already approved boulder toe wall protection work due to commence December 1995 be determined as the appropriate erosion prevention strategy for this area;
 - ii) Preference be given for no more hard protection measures along this stretch of coastline;
 - iii) Monitoring of the general foreshore area be undertaken, including the motor camp, golf course and the two rock promontories either end of the Urenui Beach.
- c) Onaero Beach

- i) Examination be undertaken of appropriate planting to stabilise the existing erosion problem at the beach including the maintenance of alternative improved access points to the beach;
 - ii) It be acknowledged that the premises of the Waitara Life Saving Club may require relocation at a future date;
 - iii) Monitoring of the general foreshore area be undertaken;
 - iv) A determination be made that the Onaero Beach (and not the Township) is the most appropriate area for the possible launch of rescue, and like craft.
- d) Onaero Township
- i) The intent of a Council resolution made 14 December 1992 (refer P92-012) on the issue of coastal erosion at Onaero be reinforced:

"That having considered the report of the Director of Parks concerning the request from the Onaero Ratepayers and Residents Action Group for the Council to repair the privately owned concrete structure at the western end of Onaero Beach, the Council resolves to confirm the existing policy with regard to coastal protection works in that only significant roads and/or reserves will be considered for erosion protection, and that the Onaero Beach esplanade reserve is not deemed to come into the category (District wide) of a significant reserve.";
 - ii) Consultation be entered into with the Taranaki Regional Council, the local residents and the Ngati Mutunga Iwi with a view to constructing a seawall that ties in with existing private property protection measures;
 - iii) Facilitate ease of access to the beach for the general pedestrian public;
 - iv) Monitoring of the general foreshore be undertaken.
- e) Waitara
- i) In the first instance, investigate and establish a cost with a view to proceeding with the repair and maintenance of the training/protection wall on the east bank of the Waitara River Mouth in accordance with Resource Consents already approved;
 - ii) Further investigations and costings be also established for a training/protection wall on the west bank of the Waitara River Mouth;
 - iii) Monitoring of the general area be undertaken.
- f) Bell Block Beach
- i) As this stretch of coastline can be considered a rare aeolian (wind blown) landscape feature, and as any stabilisation of sand dunes would be ineffective, no action be taken in this regard;
 - ii) Monitoring of the general area be undertaken.
- g) Fitzroy/East End Beach
- i) Negotiations be initiated with Westgate Transport Limited and/or its shareholder Taranaki Regional Council for the restoration of the Fitzroy/East End Beach(es) potential or recreational usage, and the associated protection of the District infrastructure behind the dune area;
 - ii) Hard protection measures be seen only as a last resort protection option for this area;

- iii) Monitoring of the general area be undertaken.
- h) Oakura Beach
 - i) No erosion protection measures be initiated as the Oakura Beach is at present stabilised;
 - ii) Hard protection measures be avoided where possible along the beach;
 - iii) Monitoring of the general area be undertaken.

That in order to give further impetus to certain proposed District Coastal Erosion Strategy measures as already recommended by the Coastal Erosion Strategy Working Party and again having regard to the document "Coastal Erosion Strategy" prepared by the Planning Department of the New Plymouth District Council September 1995, the Council resolves to receive the Coastal Erosion Strategy Report, and as recommended by the Coastal Erosion Strategy Working Party, adopt the following recommendations:

- a) The New Plymouth District Council expressly declares that only SIGNIFICANT PUBLIC ASSETS along the District's coastline will qualify for possible protection;
- b) Any developments proposed within the Coastal Hazard Zone (to be formulated within the District Plan) will have to meet additional performance standards before being allowed to commence, and that, as a complement to this notation will be entered on land titles under section 36(2) of the Building Act 1991;
- c) A more detailed assessment of protection options be assessed and implemented at Fitzroy and Urenui beaches with a preference for soft stabilisation works;
- d) A monitoring strategy be formulated and implemented to assess the beach profile at all District beaches of SIGNIFICANT recreational value and that where appropriate the Council shall ensure the long term recreational viability of those beaches is not lost;
- e) It be recognised that all approved elements of an integrated Coastal Erosion Strategy are a Council responsibility, and that in the first instance the task of monitoring District coastal erosion areas devolves on the Community Services Manager, reporting to the Council through the medium of the Strategy Committee;
- f) Where it is judged that a coastal area requires protection a detailed analysis should be undertaken by the Council with an emphasis on designing with nature rather than against it and that works should only proceed if there is a net benefit to the Council and the Community from protecting these assets;
- g) Works be assessed and implemented as soon as is possible for the Onaero Township and the Waitara River Mouth;
- h) An accumulating fund be established and continued through the Council's Annual Plan for capital and maintenance funding for the protection of the significant public assets of the District's coastline;
- i) Any protection works to be carried out on a particular stretch of coastline shall involve consultation with the appropriate Iwi of the area;
- j) In all District Coastal Erosion protection works, it be vital that where appropriate public pedestrian access to coastal beaches be facilitated, and that in the first instance this responsibility devolve on the Community Services Department;

and that;

The Council reaffirms an early resolution of 14 December 1992 (refer P92-012) with regard to coastal protection works in that only significant roads and/or reserves will be considered for erosion protection.

P00-022 Boundary Fencing

30 October 2000

GMCA - Parks

That when a boundary fence is required between New Plymouth District Council reserve land and an adjoining private property, the Council adopts the following as a basis for contribution and criteria:

- i) The Fencing Act 1978 defines the level of the Council's contribution as specified in the Second Schedule of the Act as "one half the cost of a post and four rail fence based on the value at the time of application;
- ii) The Council will only contribute to a joint boundary fence when it is established on the correct legal boundary;
- iii) The Director of Parks and Leisure Services be authorised to negotiate agreements up to the value in [i] with consideration being given to factors of materials used, importance of location and the needs of the reserve.

P01-005 Public Art on the Foreshore Strategy

25 June 2001

GMCA - Govett Brewster

That the report of the Art in Public Places Sub-Committee in relation to the adoption of guidelines for the selection of artworks on the foreshore be received and as recommended the following guidelines be adopted:

Guidelines for Artworks on the Foreshore

- a) That all proposals for artworks on the foreshore will be subject to the endorsement of the Art in Public Places Sub-Committee and that proposals will be consistent with the Council's Art in Public Places Policy and Gifts and Bequests Policy.
- b) Any proposal for public artworks will be supported with a detailed proposal with an evaluation of the proposal undertaken by the Director of the Govett-Brewster Art Gallery and the Director of Parks and Leisure Services which will -
 - i) outline the capital and ongoing operational costs of the artwork and how these will be funded; and
 - ii) how the work will be implemented; and
 - iii) how the work fits the development and will integrate with the design concept for the foreshore; andgraphically shows the work and how it will be integrated into the development.

That the emphasis will be on quality strategically sited works that will complement and reinforce the design theme (as outlined) of the developed foreshore.

P01-015 Barrier Free District Policy

18 September 2001

GMCS - Community Development

DEFINITIONS

Definition of Disabling Attitude

“Disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, intellectual or other impairments. Disability is the process which happens when one group of people create barriers by designing a world only for their way of living, taking no account of the impairments other people have.”(New Zealand Disability Strategy, 2001)

Definition of People with Disabilities

“People who have impairments and have less capacity than their peers even with the assistance of a device or devices designed to remedy their reduced capacity.”

POLICY

1. Objective

Make all services, facilities and buildings accessible to people with disabilities.

Actions

New Plymouth District Council advocates for the upgrade of all public facilities to be accessible to people with disabilities.

That the Building Code and the Human Rights Act 1993 and any other legislation with jurisdiction affecting people with disabilities will be applied by the elected representatives, staff, contractors and personnel of any other entities of the New Plymouth District Council, to the assets and services of the District Council and in any role that the District Council plays.

Provide training to ensure service, facility and building development and service delivery are consistent with the New Zealand Disability Strategy

New Plymouth District Council will monitor the compliance and application of all legislation as it applies to its services and facilities.

2. Objective

New Plymouth District Council will work in partnership with the wider community and acknowledge, and work, with the principles of the Treaty of Waitangi to encourage the implementation of the New Zealand Disability Strategy.

Actions

The establishment of the Disabilities Issues Sub-Committee.

Encourage the participation of Mana Whenua and the public.

3. Objective

New Plymouth District Council facilitate and co-ordinate the removal of barriers across the region.

Action

New Plymouth District Council to make submissions to South Taranaki District Council and Stratford District Council to adopt consistent policy and protocol.

4. Objective

New Plymouth District Council will facilitate and monitor the removal of barriers to the participation of people with disabilities in all aspects of life in the New Plymouth District.

Actions

New Plymouth District Council will raise awareness of the barriers inhibiting the participation of people with disabilities in all aspects of life in the New Plymouth District and encourage the active removal of these barriers.

New Plymouth District Council will monitor the removal of barriers to participation of people with disabilities in all aspects of life in the New Plymouth District.

5. Objective

New Plymouth District Council will consult people with disabilities on the proposed plans, policies, strategies and actions of the District Council.

Actions

Workshops and focus groups to be established that will establish dialogue and ascertain the views of people with disabilities.

That people with disabilities determine the issues they wish to be consulted on and will determine the consultation process they wish to engage in ensuring that this process is consistent with social models of disability.

Make all information and communication methods offered to the general public available in formats appropriate to the different needs of disabled people.

P03-004 Weld Road Campsite

1 July 2003

GMCA - Parkscape

Public camping will be prohibited and only day facilities will be provided at the Weld Road Reserve.

P03-009 Cycle Strategy

16 December 2003

GMCA - Special Projects

Refer to the Parks and Recreation Assets Team for a copy of the September 2003 Cycle Strategy.

P04-003 Reduction to UV Exposure

17 February 2004

GMCA - Parks

1. When designing and specifying council facilities and the development of open spaces, consideration is given to the provision of sufficient and effective shade opportunities.
2. Where considering consents, permits and licences under its regulatory powers, the council will encourage and stipulate, where permissible, the inclusion of shade where individuals affected by the implications of the councils regulatory powers are at risk from exposure to UV radiation.
3. In 1 & 2 above reference shall be made to 'Under Cover - Guidelines for Shade Planning and Design' (section 6, Site Specific Considerations. Cancer Society of New Zealand 2000) or such guidelines that supersede it.

P04-009 Memorials in Public Open Spaces

22 June 2004

ACE

Policy Purpose

To provide the New Plymouth District Council with a framework for the placement of memorials in any public open space within the district.

Policy Statement

This policy covers all proposed memorials placed in any public space within the New Plymouth district. All such memorials will be required to conform to this policy.

An existing memorial cannot be taken as a precedent for future approvals and any alterations to any existing memorial will need to comply with this policy.

Policy Objectives

- a) To provide a framework which enables Council to manage the placement of memorials in an efficient and effective manner.
- b) To provide a clear, open, equitable and accountable process for the placement of memorials in public open spaces.
- c) To ensure the design and siting of memorials is consistent with the public interest.
- d) To ensure the placement of memorials:
 - Conserves the natural and cultural character and environment of the district's public open spaces; and
 - Does not invite vandalism.
- e) To ensure the placement of any memorial does not present a public safety risk now and in the future.
- f) To fulfil any legislative requirement that may stem from any bylaw or reserve management plan.

Principles

1. a) Memorials will only be considered where they satisfy one, or both, of the following criteria:

- Commemorating a New Plymouth district association and/or group and/or individual;
 - Commemorating places or events of local, or national significance
- b) That where appropriate the community board be consulted and a recommendation to Council sought.
2. Memorials can encompass all infrastructure (barbeques, shade covers, picnic shelters, retaining walls, sections of pathway, fencing, tables and chairs, playgrounds, buildings etc).
 3. In considering approval for a new memorial, Council will consider:
 - a) How the construction/installation of the memorial will be funded;
 - b) The applicant's ongoing commitment to maintenance costs including responsibility for vandalism and theft; and
 - c) How the ongoing maintenance will be funded.
 4. The provision of memorials in public open spaces will have no financial impact on Council.
 5. The applicant must meet all ongoing maintenance costs of the memorial including vandalism and theft, and if required the applicant must meet all replacement costs. The memorial will not be replaced at Council's expense.
 6. Any memorial that incorporates public art must comply with Council's Art in Public Places Policy.
 7. The placement of memorials will take into account the number of existing memorials, artworks and other objects in the vicinity of the proposed new memorial.
 8. Applications will be assessed according to guidelines established by Council's Parks and Recreation Assets team and any other relevant staff including a member of the Iwi Relationships team should an application be received that is of significance to Tangata Whenua.
 9. Applications must be in writing with supporting evidence demonstrating that the memorial meets the principles of this policy.

Definitions

- Memorial An object established in memory of a group/association, event or individual.
- Public Open Space As defined in the Public Places Bylaw.

Review date

To be reviewed March 2007

P05-014 Organised and Commercial Activity on the Coastal Walkway 15 February 2005 GMCA - Parks

Guidelines and criteria for events on the Coastal Walkway and adjacent Reserves
(including charitable and fundraising events)

The Council (as a result of extensive community consultation) has established the following values as guidelines for activities on the Coastal Walkway:

Casual access – an anytime, unhindered experience.

Pedestrian priority – safe to stroll or jog without the concerns of vehicle negotiation.

Opportunities for other casual use such as cycling, roller blading etc.

Uncluttered, largely naturally landscaped environment.

Non-intrusive services provided for adding value to the Coastal Walkway experience not for their own sake.

Based upon these values the following guidelines and criteria have been developed:

1. All events must be booked in advance through the Council's Customer Call Centre at least two weeks prior to the event taking place. This is to ensure:
 - There will be no clash with an existing event or activity.
 - Maintenance activities can be scheduled to ensure they do not clash with the proposed activities.
 - Other walkway users can be notified if necessary.
 - Any risks can be assessed and managed.
2. Events that have the potential to significantly interfere with the public's ability to utilise the walkway or surrounding reserves must be of limited duration and be, in the judgement of the council or council officers with appropriate delegations, of such benefit to the community as to justify the temporary loss of public enjoyment of the walkway.
3. For guidance the Council recognises the community's desire that the "promenade" area of the Coastal Walkway (Liardet St to Egmont St) will be a more 'vibrant' area with a range of activities and is as such the Walkway in this area is wider to accommodate increased activity. Conversely, the remainder of the Coastal Walkway is anticipated to be for quieter, individual enjoyment of the natural environment.
4. In general, approval for organised events will only be granted to entities with a legal status which provides for accountability. Examples would be Incorporated Societies, Charitable Trusts, or an entity set up to raise funds for educational or recreational establishment.
5. Events should be planned to ensure continued casual usage to all areas of the walkway and surrounding reserves and approval to limit casual access to any public area will only be considered in exceptional circumstances.
6. Soliciting of the public will not be permitted unless expressly allowed for in the approval to undertake the event or activity.
7. Depending on the scale and potential for risk, the Council reserves the right to require a Health and Safety Plan. If required, this plan must be submitted to the Council no later than 10 working days before the event and shall include all necessary details for managing a safe event including:
 - Marshalling and supervision arrangements.
 - First aid provision, and access arrangements for emergency vehicles.

- Contact details of event organisers.
- Assessment of the impact and interaction with casual users during the event.

A model Health & Safety plan can be obtained from the Council for organisations and individuals not having their own.

8. In general, Council will reserve the right for any event deemed to carry a significant public risk to require the organising entity to hold public liability insurance to a minimum of \$500,000 for any single claim involving participants, spectators and members of the public who may seek damages as a result of the event. On demand a copy of this insurance shall be lodged with the Council no later than 10 working days before the event.
9. The sale of foodstuffs, drinks or any other merchandise or services requires formal prior approval of the Council which will be in writing.
10. The Council reserves the right to limit the number of events in any given period. For guidance this will be no more than two weekend and four weekday events in one calendar month.
11. No sound or music amplification shall be employed unless specifically agreed in advance in writing.
12. Access for events on the walkway and surrounding reserves will be provided free of charge.
13. Specific services from the Council may attract charges.
14. The organiser of the event will be held accountable for the cost of any damage (including damage to landscape and vegetation) which is caused by the event.
15. In general, no motorised vehicles shall be brought into the areas (aside from designated car parks) without the prior permission of the Council.
16. Any event found to be operating without the prior approval of the Council and deemed to be impeding the use and enjoyment of the Coastal Walkway for casual users will be stopped immediately and the Council will seek costs of any action taken against the organiser of the unauthorised event.
17. No event or activity will be approved that will, or is likely to, cause damage to any facility or landscape in the area.
18. The Council may refuse to accept a booking for an activity that it assesses to be illegal, likely to offend, is of a political nature or may by association bring the Council into controversy or disrepute.

Criteria and conditions for the hire of equipment, provision of services and sale of food or drink on the coastal walkway and adjacent reserves (concessions).

It is the objective of the Council that concessions allowed on the Coastal Walkway and adjacent reserves provide the public with a high quality experience.

The Council (as a result of extensive community consultation) has established the following values as guidelines for activities on the Coastal Walkway:

- Casual access – an anytime, unhindered experience.
- Pedestrian priority – safe to stroll or jog without the concerns of vehicle negotiation.
- Opportunities for other casual use such as cycling, roller blading etc.

- Uncluttered, largely naturally landscaped environment.
- Non-intrusive services provided for adding value to the Coastal Walkway experience not for their own sake.

Based upon these values the following guidelines and criteria have been developed.

1. No concession will be granted which has the potential to interfere with the public's ability to utilise the walkway or surrounding reserves, or have a detrimental effect upon the environment of the area.
2. To ensure the high quality experience noted above the Council reserves the right to limit the number of concessions on the Walkway, any area of the Walkway, or any adjacent reserve.
3. In general, concessions will only be offered to operators with a proven record of providing a high quality service.
4. Concessions may indicate a preferred site but the Council reserves the right to offer only alternate site/s.
5. The services and/or range of food and beverages offered for sale shall be subject to prior agreement and are not to be amended without approval of the Council which will be in writing.
6. Concessions will normally be offered for a maximum period of three years.
7. Under normal circumstances all new concessions will be tendered at the same time, however the Council reserves the right to tender concessions at any time.
8. Temporary concessions may be granted in addition to longer term concessions. In general these will be for goods and services not provided by an existing concessionaire in the same general area. Temporary concessions will normally not exceed 14 days in duration.
9. All concessionaires (including temporary concessionaires) shall carry public liability insurance to the value of \$500,000 for any one claim.
10. All concessionaires shall comply with all relevant Bylaws and regulations at all times.
11. All concessionaires shall hold relevant certification (eg. food hygiene) or be able to obtain such certification prior to the commencement of taking up the concession.
12. Any concession which involves the hire or use of equipment by the public shall prior to being granted a concession provide a full Health and Safety Assessment and Plan. The Council reserves the right to reject any proposal that it considers unsafe or unsuitable.
13. All advertising signage associated with a concession shall be subject to prior approval and is not to be altered without approval of the Council which will be in writing.
14. Tables and chairs may be allowed. These are to be agreed in advance in terms of number and location and any changes approved in writing.
15. In providing the service, no damage shall be caused to the landscape, fixtures or fittings.
16. Concessionaires will be held accountable for the cost of repairing any damage (including damage to landscape and vegetation) which is a result of their operations.
17. No vehicle shall be taken onto the reserve or walkway other than is necessary to provide the service. Any towing vehicle shall be removed to an official car park during the

period of service provision. Any access required through land belonging to a third party shall be arranged by the concessionaire.

18. Sufficient receptacles shall be provided by each concessionaire to accommodate all rubbish generated by their operation. Such receptacles shall be agreed with the Council prior to the commencement of the service and are not to be changed or altered without the Council's agreement which will be in writing.
19. It is the concessionaire's responsibility to maintain and empty at sufficient frequency those rubbish receptacles required as a result of their activity. All rubbish from the service shall be removed at least daily from the area by the concessionaire. (This is to include the removal of any staining on hard surfaces.)
20. The concessionaire shall not transfer, sublet or in any way assign the rights to provide the service without the approval of the Council.

P05-017 Heritage Trails

21 June 2005

GMCS - Parks

Future proposed heritage trails (or additions to existing trails) will be subject to an evaluation process that demonstrates:

- The point(s) on the trail is(are) of significant local, regional or national historical importance as determined by the relevant historical authorities.
- That there is an education value to interpreting the heritage features with signage as determined the relevant educational authorities.
- That the point(s) on the trail would be of interest to visitors to the area as determined by the relevant tourism authorities.

It is expected that any proposed heritage trail or the majority of points on a proposed trail would meet at least one of the above evaluation criteria.

A successful evaluation under these criteria does not automatically guarantee New Plymouth District council resources to adopt the trail (or additions).

District Tree Policy 2006

21 February 2006

Refer to the Parks and Recreation Assets Team for a copy of the 2006 District Tree Policy.

P06-001 Advertising Signs on Reserves

21 February 2006

GMCA - Parks

As a matter of policy, the following principles shall apply to advertising signs on reserves:

1. No permanent advertising of any kind shall be permitted.

2. Where sponsor(s) of representative or international fixtures wish to display advertising, the Manager Parks and Recreation Assets shall be authorised to permit such advertising, subject to:
 - Prior application by the organising body to the Manager Parks and Recreation Assets.
 - The advertising being displayed for such period prior to any fixture as may be agreed to by the General Manager Community Services.
 - The placing of all advertisements being at the discretion of the Manager Parks and Recreation Assets.

3. Where sponsor(s) of individual clubs or organisations wish to advertise support, the Manager Parks and Recreation Assets shall be authorised to permit such advertising subject to:
 - a) Prior application being made by the club to the Manager Parks and Recreation Assets.
 - b) The advertising being displayed on the days for the duration of club fixtures.
 - c) The placing of all advertisements being at the discretion of the Manager Parks and Recreation Assets.

4. Where clubs or community organisations have premises on or leases of council land, the Manager Parks and Recreation Assets shall be authorised to permit the erection of advertising signs for a longer period than in (i) and (ii) above (but not permanent) subject to:
 - a) Prior application by the club to the Manager Parks and Recreation Assets.
 - b) The advertising signs being located within an area significantly enclosed.
 - c) The signs not affecting the general aesthetic values of the reserve.

Long Term Advertising

5. Clubs or codes which have an established tenancy on parks and reserves may negotiate acknowledgement of sponsorship for agreed extended periods, subject to the following conditions:
 - a) The organisation can prove substantial sponsorship from the advertiser.
 - b) The aesthetic values of the reserve are not unduly downgraded.
 - c) That all proposals are submitted in writing, with professionally prepared sketches, for the approval of the Manager Parks and Recreation Assets.
 - d) All signage will be professionally designed and executed and subject to the approval of the Manager Parks and Recreation Assets.
 - e) Advertising on a wall or fence may be permitted on the above basis, provided that the signage states that the primary message indicates the club or code name. The balance of the sign can then display a sponsor's name and logo, e.g. "Taranaki Marbles Association proudly sponsored by XYZ Fruiterers".
 - f) All signage must be fixed to either a fence at the main entrance or to one wall of club buildings as determined in consultation with the Manager Parks and Recreation Assets. Free standing signs will not be permitted. Signs on fences will be a maximum of 3m² in size and will not extend above height of the fence.

Building signs will be affixed to one wall only, as above, and will not exceed 10 per cent of the wall's area.

- g) As an alternative to (e) advertising by a significant sponsor may be displayed on a structure such as a scoreboard, but will not exceed 10 per cent of the inward face.
 - h) It is the intention of this policy to limit the acknowledgement of sponsorship of a code or club to one sign on the code or club's home ground or reserve.
 - i) Whilst the above guidelines cannot be exceeded, tougher sponsorship policies can be defined in a Reserves Management Plan.
 - j) The use of naming rights shall be regarded as advertising, subject to the principles and policies of this report.
 - k) Notwithstanding the policies above, the Taranaki Racing Club shall be allowed to:
6. Erect up to two information signs (including advertising) at the entrance (southern end of reserve on Coronation Ave) to a design, size and construction to be determined by the Manager Parks & Recreation Assets.
 7. Erect up to six signs (advertising only) on the open space at the northern end of the reserve on Coronation Ave to a design, size and construction to be determined by the Manager Parks & Recreation Assets.
 8. Erect up to two signs information (including advertising) at the southern end of reserve on Coronation Ave to a design, size and construction to be determined by the Manager Parks & Recreation Assets.