

4.0 PART FOUR: POLICIES

Policies provide a benchmark against which Council can make consistent decisions. The following policies are common to all reserves.

4.1 ADMINISTRATION POLICIES

4.1.1 BYLAWS AND ENFORCEMENT

Policies

- a) Council will focus on educating the public about appropriate behaviour and where offences do occur, use warnings to obtain compliance where offenders can be identified
- b) Education signage will be erected in areas which are prone to offences.

Explanation

Unacceptable activity does occur on reserves. Sometimes this is wilful damage (e.g. dumping rubbish), at other times it involves using a reserve in inappropriate ways so as to cause a safety hazard to other users (e.g. golf ball driving). Council can only prosecute in serious cases, often because it is difficult to obtain enough evidence to progress a successful prosecution. Education about good behaviour is more effective.

A number of bylaws have implications for reserve management. These include 'Part XXIV-Domains and Public Reserves' (Paeroa Borough Council Bylaw p122-124), the 'Control of Dogs Bylaw 1991', 'Control of Reserves Bylaw 1985' and the 'Whiritoa Beach Foreshore Control Bylaw 1985'. These are listed in the appendices. The bylaws existing under Hauraki District Council are to be reviewed prior to 30th July 2008. It is likely most bylaws will be significantly amended if not revoked.

4.1.2 COMMUNITY CONSULTATION

Policy

Council will consult the community over any major development of a reserve.

Explanation

Users and non-users have significant interest in the current and future management and development of reserves. Development of reserves, including policy which guides the management of reserves, may have significant effects or changes on users as well as adjoining property owners. Stakeholders have a role in assisting to identify issues and work through acceptable solutions.

4.1.3 GIFTS AND COMMEMORATIVE BUILT FEATURES

Policy

- a) Council will consider requests from individuals and/or organisations within the community for the sponsorship and/or gifting of reserve features including the appropriate recognition of the benefactor. Any such proposals will be assessed in relation to the following criteria:
 - the compatibility of the proposed feature in relation to the character and use of the reserve;
 - the benefit to the reserve users;
 - the ease and cost of maintenance and whom is responsible;
 - the relevance of the feature to the community and its appropriateness.
- b) Where a gift or the sponsorship of a reserve feature is approved by Council, the benefactor may generally be acknowledged through the appropriate attachment of a small (e.g. 150 x 100mm) engraved or cast metal plaque associated with the item. Other arrangements for acknowledging the donor will be considered on a case by case basis in relation to the nature of the gift.
- c) Where a significant gift is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.
- d) Where a gift or commemorative feature requires removal it may or may not be replaced. Where replacements are made they will be made with the same or a similar feature.
- e) Council will maintain gifts and/or commemorative features except where maintenance by others is agreed as part of the gift agreement (such as in the case of some sculpture). The benefactor will generally retain no ongoing rights or responsibilities in relation to the feature.

Explanation

Council is keen to work with community groups or individuals which are interested in offering their resources for the benefit of the public at large.

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

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

Council needs to be in a position to control the nature, number and location of such features; encouraging appropriate enhancement of reserves and community input to their development whilst avoiding the potential difficulties and conflicts associated with gifts.

4.1.4 NAMING

Policies

- a) All reserves vested in or administered by Council will be named through a formal resolution of Council following consultation with Tangata Whenua and interested parties.
- b) Naming will generally be initiated at the time of vesting and will be publicly advertised with a one month period for comment.
- c) Where an existing reserve is known by the community by a local rather than the official name, signage that recognises both names will be considered.

Explanation

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

4.1.5 TREATY OF WAITANGI AND MAORI INVOLVEMENT

Policies

- a) Maori will be consulted when:
 - Preparing and reviewing the District Reserves Management Plan (includes any major development)
 - Establishing and changing the classification of a reserve.
 - Undertaking any management activity that may adversely affect a waahi tapu area or urupa.
 - Proposing to revoke a reserve status and dispose of the land.
- b) Council will take into account concerns, issues and matters of waahi tapu raised by Maori as they affect each reserves management.

Explanation

A local authority, as an administering body, is subject to Section 4 of the Conservation Act which requires that Councils give effect to the principles of the Treaty, to the extent that they are not contrary to the purpose of the Reserves Act, and the classified purpose of a particular reserve. However although the obligation gives effect to the principles of the Treaty, it does not give effect specifically to its articles.

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

in Hauraki District. Council has worked with Iwi authorities in developing agreements regarding these issues.

4.2 DEVELOPMENT POLICIES

The recreation needs of a community are dynamic and open to change as new activities grow and established activities decline. It is important that development is considerate of the possible long term effects on the reserve.

4.2.1 THE BUILT ENVIRONMENT

4.2.1.1 Buildings and Structures

Policies

- a) Buildings and structures on reserves will be for sporting and recreation purposes and/or to facilitate the appropriate use of the reserve by the public. An exception to this can be where a community serving network amenity such as water or sewer pump station may need to be sited within a reserve where a clear benefit to the community can be demonstrated for the choice of site, and where the purpose or level of amenity of the reserve is not compromised. In respect to the latter, a District Plan consent application will be required.
- b) Any potential adverse effects of buildings and structures (whether located on or adjacent to reserve land) on the amenity values and physical features of the reserve and on neighbouring properties should be avoided.
- c) In proposing to locate a new building or structure on a reserve (by Council or by others), or when considering proposals for the extension of an existing building or structure, or when considering the effects of a proposed building or structure on land adjacent to a Reserve, the following shall be considered:
 - The need for the building or structure to be located on reserve land, the scale of the proposed building or structure in relation to the reserve and its foreseeable use for outdoor recreation.
 - The foreseeable need and demand for the recreation facilities to be accommodated.
 - Proposals for joint use of the buildings and structures.
 - The siting, design, materials and colour of the proposed building or structure.
 - The financial position of the applicant to properly construct and maintain the buildings and structures, and ongoing associated costs.
 - The conservation of open space, views, significant vegetation and significant landscape features.
 - The effects of providing access to and parking for the proposed building or structure.
 - The potential visual or physical effects of the building or structure on neighbouring properties.
 - The ability of the applicant to construct and operate the proposed activity in accordance with generally accepted safety protocols and consequently

- indemnify Council from any claims arising as a result of their presence and/or activity.
- The assessment criteria in the District Plan.
- d) Where Council determines to approve the location of any building or structure on reserve land, the applicant will be responsible for obtaining all necessary resource and building consents before any work commences on site. In addition the applicant must comply with all bylaws, regulations and statutes pertaining to the construction and operation of the building or structure.
- e) The consent of the Minister of Conservation will be required before any building or structure is constructed on the reserve in situations where leases over scenic and recreation reserve allow for erection of buildings and structures.

Explanation

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

4.2.1.2 Landscape Plans

Policies

- a) All development proposals for reserves must include a landscape plan. These will be approved by the Hauraki District Council.
- b) Developments will be consistent with the District Reserve Management Plan, and compatible with the reserve's landscape.

Explanation

A key feature of reserves is their aesthetic value and the way they contribute to the overall landscape, both in towns and in the rural area. Any development must protect and add to these values.

4.2.1.3 Playgrounds

Policies

- a) The development of playground facilities will take into account:
 - The appropriateness of the playground in terms of the needs of the local community.
 - The effect the playground will have on other reserve users.
 - Siting with regard to sun, shelter from wind, and in clear view of other reserve users.
 - Diversity for play opportunities.

- b) Playgrounds will be sited and developed in accordance with the objectives of the plan for each reserve, and in consultation with the local community.

Explanation

Many playgrounds that Council manages are situated on reserve land. Playgrounds are important community facilities that provide areas for families and children to relax and play. They range from skateboard facilities, to equipment for pre-schoolers.

Playgrounds are a common site for injury to children resulting in over 1000 children hospitalised every year (T Jambor, D Chalmers and D O’Neil, The New Zealand Playground Safety Manual, ACC, 1994). This injury risk can be minimised by good design and construction.

4.2.1.4 Reserve Furniture

Policies

- a) Design, materials and location of all reserve furniture should minimise opportunities for vandalism.
- b) Seats should be provided at key locations for viewing and orientated with regard to sun and wind shelter.
- c) All reserve signs should be of a standard design.
- d) Signs should be sensitively placed in surroundings while remaining in clear public view.
- e) Rubbish bins should be located where litter could become a problem.
- f) Flood lighting poles should be kept to a minimum by using high powered lights.
- g) Cables for floodlights should be installed underground.
- h) Staff must approve hours of operation for floodlights.

Explanation

Reserve furniture includes floodlights, scoreboards, seats, rubbish bins and goal posts. These contribute to the function and amenity of the reserve.

4.2.1.5 Fencing

Policies

- a) Council will seek to ensure that the boundary between public and private land is clearly defined whilst encouraging surveillance over the reserve from residential properties. Generally where boundaries are fenced a low height (1.0 metre, 1.2 metre maximum) fence will be encouraged.
- b) Pedestrian gates in boundary fences for residents to access the reserve will be allowed entirely at the owner’s expense.
- c) Council will seek to share the cost of boundary fences on a 50/50 share basis as provided for in the Fencing Act 1978.

- d) Lessees wishing to make improvement to fencing must gain the approval of Council.

Explanation

Where private land abuts reserve land there is the potential for encroachment to occur if the legal boundary is not clearly defined. Definition of the boundary assists council's maintenance and reduces incremental encroachment over time. It also helps to reduce the perception of 'privatisation' due to the nature of adjacent residential development.

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

4.2.1.6 Tracks and Paths

Policies

- a) If traffic is of sufficient density, through routes for pedestrians and cyclists should be formed into paths.
- b) Where necessary, paths should be lit for night use.
- c) Cycle stands should be situated in locations to meet demand.
- d) Horses and motorcycles are prohibited from tracks unless specifically exempted.

Explanation

For reserves with high use, tracks and paths provide a means to direct foot and cycle traffic around the reserve. They encourage public use by allowing easy access. (It is important to note that the Reserves Act does not exclude cyclists from reserve land even though it excludes vehicles.)

Paths and tracks in reserves should be constructed in a way as to remain durable and resistant to high use. In some instances it may be desirable to light paths at night for public safety.

Unformed tracks provide valuable access as well as having an aesthetically suitable appearance in reserves.

4.2.1.7 Utilities

Policies

- a) Where utilities, other than those required for the servicing the reserve, are proposed to be located through or over a reserve, or where existing utilities are to be upgraded, the authority responsible will undertake early (i.e. at the

preliminary scoping stage) and full consultation with the Manager Parks and Reserves, HDC as an affected party.

- b) In general utilities should be located underground where possible, and to avoid any impingement on the use, enjoyment or general amenity of any reserve. Where avoidance cannot be achieved, mitigation and/or remedial works should be provided. Any siting of network utilities on neighbourhood reserves is subject to the provisions of Section 48 and 48A of the Reserves Act 1977.
- c) Where utilities are to be located through or over a reserve, the location of any aboveground features should be limited in their scale and sited to least affect the use, enjoyment and amenity of the reserve.
- d) All costs associated with the location of services through or over a reserve including the cost of fully making good the affected area as well as any mitigation and/or remediation works shall be borne by the authority undertaking the works to the satisfaction of the Manager Parks and Reserves HDC.

Explanation

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

4.2.2 VEGETATION

4.2.2.1 Planting

Policy

- a) Plantings will be consistent with the overall character of the reserve. Species planted will be appropriate to soil and microclimatic conditions.
- b) Indigenous New Zealand species will generally be used within reserve plantings.
- c) Where exotic species are planted these will be selected due to: an urban location; the desire for a deciduous species; an historical association; a particular connection to a place or individual; or the advantage of fruit or specimen feature trees or hedging. Exotic species will not include any species considered to be an ecological weed threat.
- d) Plantings will generally be low maintenance and self-sustaining.
- e) Planting and the alignment of pathways that provide for public access will generally be designed to consider user safety and security. When planting is undertaken for forest revegetation, conservation, ground stabilization, or

environmental protection purposes, this primary objective may override public surveillance and visibility.

- f) Shade trees will be planted in reserves to provide sun protection for users.
- g) Planting will give regard to retaining and enhancing significant views of existing local landowners.

Explanation

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

4.2.3 COMMEMORATIVE TREES

Policies

- a) Where an individual or organisation wishes to plant a commemorative tree on a reserve, this will only be permitted with the approval of the Manager Parks and Reserves, HDC where the selected location is in line with the concept plan for the reserve.
- b) Any approval for a commemorative tree will specifically exclude any role in the ongoing maintenance of the tree.
- c) Commemorative plaques identifying a donated tree will not generally be permitted. In exceptional circumstances the Manager Parks and Reserves may approve the placement of a plaque.
- d) Where a commemorative tree requires removal it may or may not be replaced. Where replacements are made they may or may not be made with the same or similar species.
- e) Where a significant planting of commemorative tree(s) is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.

Explanation

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

4.3 MAINTENANCE POLICIES

4.3.1 THE BUILT ENVIRONMENT

4.3.1.1 Buildings and Structures

Policies

- a) Reserve buildings will be maintained to a standard appropriate to their expected use.
- b) Unless otherwise agreed to, the maintenance of buildings such as clubrooms and associated facilities are the responsibility of individual clubs and organisations. These buildings will be maintained to a high degree of visual amenity determined by Council staff.
- c) Staff will perform regular inspection programme to ensure buildings and structures on reserves meet the required standard.

Explanation

Council recognises that the needs of all user groups are not the same and facilities should, as far as possible, be maintained in order to satisfy the needs of each user group. It is important that all buildings and structures are regularly maintained to preserve the visual attractiveness of the reserve as a whole.

4.3.1.2 Playgrounds and Reserve Furniture

Policy

A regular inspection and maintenance programme will be performed so reserve furniture meets the required standard.

Explanation

It is important that reserve furniture is safe and does not compromise public safety and the amenity value of the reserve.

4.3.1.3 Fencing

Policy

Where the reserve is being grazed, all fences will be maintained to a standard suitable for stock control.

4.3.1.4 Fire Control

Policies

- a) Lighting of fires is prohibited on Council reserves. Council will work with the appropriate Fire Authority to prevent, detect, control and suppress fire within reserves.
- b) The Council will take all reasonable measures to ensure the reserve is kept clear of all fire hazards endangering adjacent properties.

Explanation

Fires are dangerous and potentially damaging to reserves and the neighbouring properties.

Education about the dangers, restricting certain activities and attaching conditions to permission granted for activities also helps minimise the risk of fires starting.

4.3.2 VEGETATION

4.3.2.1 Tree Management

Policies

- a) The requirements of the District Plan regarding significant trees will be followed.
- b) Decisions regarding reserve trees will take into account:
 - The requirements of the reserve's management plan
 - The requirements of the District Plan
 - The public interest regarding the reserve's amenity value
 - The desire to protect trees
 - The historical, cultural or scientific significance of the tree
 - The likely effect trees will have on neighbouring properties and reserve users.
 - The likely effects on underground and overhead services.
 - Landscaping considerations.
- c) Trees will be pruned as required.
- d) Trees will only be felled for proper management and maintenance. Council staff must be satisfied that cutting is:
 - Necessary for the proper management or maintenance of the reserve.
 - For the management or preservation of other trees or bush.
 - In the interests of the safety of persons on or near the reserve or property adjoining the reserve.
 - Necessary to harvest trees planted for revenue producing purposes.
- e) The removal of trees will be undertaken to minimise impact. Provision will be made for replanting or restoration of the affected area.
- f) Naturally occurring native trees on reserve land will not be pruned or removed to create or maintain private 'views'. Council will consider any request from the public for the pruning or removal of planted trees located on reserve land on a case-by-case basis. Council may approve or decline any such request. If site-specific circumstances justify the pruning or removal of a tree or trees those requesting pruning or removal will be required to meet the cost of the work, which shall be carried out in accordance with Council's instruction by an arborist registered with the NZ Arboriculture Association.

Explanation

Trees are a desirable feature of reserves and contribute to the amenity value. They provide shelter, give shade, break up large spaces, provide variety and relief on the skyline, screen and relate buildings and carparking to the reserve, provide play spaces, and can be of botanical and historical interest.

Trees can also be a nuisance. Adverse effects can include unwanted shading, loss of view, damage caused by roots, leaf litter and overhanging branches. Public safety must also be a consideration as trees can present risks such as falling branches.

The Reserves Act makes a distinction between scenic and recreation reserves in regard to tree management. The planting, cutting or removal of trees on scenic reserves requires the approval of the Department of Conservation.

The District Plan contains a list of significant trees worthy of protection including individual trees, groups of trees, and identified indigenous bush stands. Their significance can arise from historical and cultural associations, botanical value, or amenity value. Often these trees will be exotic rather than indigenous.

4.3.2.2 Vegetation Control

Policy

A regular weed control programme, appropriate to the reserve, will be employed.

Explanation

Noxious weeds are a significant problem on some reserves and the appropriate measures must be taken to control them. Weed control is an important part of maintaining reserve vegetation, and Council is also obliged as a neighbour to adjoining properties to ensure that its reserves are not hosting noxious weeds.

4.3.2.3 Turf Culture

Policies

- a) Sporting fields will be regularly mowed to a grass height that is appropriate to its intended use. A regular maintenance programme will be undertaken to maintain sports fields to an acceptable standard.
- b) It is the responsibility of each sporting organisation to come to an arrangement regarding line marking with Council staff. Council prefer to mark the fields to obtain best results but may charge the respective organisation for the service. However if the organisation can present a satisfactory methodology plan for Council staff to approve then the respective organisation may mark out the playing area.

Explanation

Turf culture largely concerns the maintenance and development of fields for sporting purposes. It is important for sporting codes that an acceptable standard is maintained on reserves. Some techniques are part of a routine maintenance programme for turf; for example fields are sprayed for Onehunga weed yearly. Others, such as sub soil drainage involving pipes placed underground, will only be employed when required. A Turf Culture consultant advises on current methodology and required maintenance standards.

A number of sporting codes require line marking to indicate boundaries of their playing fields.

4.3.2.4 Litter Disposal

Policy

- a) Council will pursue an approach to the provision of rubbish bins on reserves that encourage people to take rubbish away with them. Where rubbish bins are provided Council will, where appropriate, move toward providing facilities for the sorting of rubbish.
- b) Depositing domestic refuse, trade waste, garden refuse, rubble or debris on a reserve without Council approval (i.e. depositing cleanfill without the prior approval of Council) is prohibited as such activities are an offence pursuant to Section 94 of the Reserves Act 1977 and carry fines. Council will prosecute perpetrators of illegal dumping where these can be identified.
- c) Where a reserve is used for an event or tournament, the organisers will be responsible for the collection and approved disposal of all associated litter and waste.
- d) Charity type recycling centres and clothing bins will not be located on reserves where these do not directly function to serve the community.

Explanation

Litter is unsightly and unpleasant, can also be hazardous, and is perceived to have significant negative impacts on the environment. Generally Council will be minimising the provision of bins and encouraging individuals and groups to take their own rubbish away.

4.4 USE OF RESERVES POLICIES

4.4.1 ABANDONMENT OF FACILITIES

Policy

- a) Where any facility owned and/or occupied on a reserve is abandoned or neglected Council retains the right to require the owner to upgrade, remove or

otherwise dispose of the facility in line with their lease agreement and the First Schedule of the Reserves Act 1977.

- b) Where the organisation responsible for the facility has ceased to exist or is in abeyance Council will retain the right to remove the facility. The organisation will be responsible for paying the costs of removal and disposal. Council may instead allocate use of the facility to other users within the community. No compensation for facilities will be payable in these instances.

Explanation

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

4.4.2 CAR PARKING

Policies

- a) Adequate car parks on reserves for vehicles associated with legitimate reserve uses will be provided where possible. Car parks for disabled users will be set aside where practical.
- b) Long-term or regular overnight parking is not permitted.
- c) Parking cars on areas other than designated areas is not permitted.
- d) Exclusive use of car parks may be allowed for special events subject to the following conditions:
- Organisers will need to apply to Council for exclusive use.
 - If successful, Council will arrange for public notification and may set an appropriate charge.
- e) If a new car park is to be developed the following will be considered:
- The site should not create a need for extensive internal roading
 - The site should permit development of easy foot access to other parts of the reserve.
 - The site should not include any of the areas of highest recreational or natural quality.
 - The design should be chosen to minimise visual impact and construction problems by using suitable landscape forms, planting, and materials.

Explanation

Any use of reserve land can create a demand for car parking. Council intends to provide car parking that will meet the likely demand from reserve users.

Car parks can alienate significant areas of open space from a reserve. Parking cars on areas not intended for that purpose can also damage reserve land and adversely affect the amenity value.

4.4.3 CLOSURE TO THE PUBLIC

Policy

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

Explanation

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

4.4.4 COMMERCIAL USE AND CONCESSIONS

Policy

- a) The temporary or permanent private commercial use of public reserve will generally not be permitted.
- b) From time to time, however, Council may determine that a commercial activity is complementary to the purpose of a particular reserve, will assist in the public use and enjoyment of the reserve, is compatible with or will avoid or mitigate any potential adverse effects on neighbours and will not adversely affect the general character and amenity of the reserve. In such cases Council may determine that it is appropriate to provide for the activity by way of a concession.
- c) Commercial use of reserve will not be allowed unless a formal concession is granted for a particular activity involving a specific site and times during which the activity may take place.
- d) Commercial use (including private or commercial access over a reserve) that conflicts with and/or limits the public use and enjoyment of the reserve or affects its amenity will not be permitted.
- e) Where access over a reserve and use of its facilities provides for a commercial activity, such as use of a public boat ramp by commercial fishing boats and/or tourist related activities, Council will require payment of appropriate charges by the commercial user to assist in the maintenance and enhancement of the facility.
- f) Any concession for use of a reserve will:
 - Define and limit the area within which the activity is to be carried out,
 - Specify the times (over the year and during the day) during which the concession can operate,
 - Specify the nature of the activities the concession operator can provide,
 - Define the signage (if any) permitted in association with the concession, and
 - Specify the fee or bond amount.

- g) Concessions will not provide for the exclusive use of any part of a reserve and will not function to the disadvantage of general public use of the reserve.
- h) Any concession permitted by Council will be specific to the operator identified and will not be transferable.
- i) Any concession granted by Council will be for a specified period with no automatic rights of renewal.
- j) The following criteria will be used to assess any concession applications received:
 - The extent to which the proposed activity is compatible with the designated purpose and use of the reserve
 - The extent to which the proposed activity will assist the public use and enjoyment of the reserve and not disadvantage other users
 - The compatibility of the proposed activity in relation to neighbouring properties and the ability for any adverse effects on neighbours to be avoided, remedied or mitigate
 - The extent to which the proposed activity will impinge on the physical attributes and spatial qualities of the reserve
 - The need for permanent structures that could detract from the character of the reserve when the concession is not in operation.
- k) Any application to operate commercial activities on a reserve should be made to the Manager Parks and Property, Hauraki District Council in writing and include information in relation to:
 - A description of the proposal and its proposed location within the reserve
 - A description of the potential effects of the proposed activity and the methods to be employed to avoid, remedy or mitigate adverse effects on reserve users and/or neighbours (ie noise from generators)
 - The duration of the activity (hours of operation, days over which the concession will function and period of the year over which it will operate)
 - The experience and resources of the concessionaire to successfully operate the concession
- l) Council will charge a levy for the commercial use of reserves. A bond will also be required for any commercial activities for which concessions are granted.
- m) The applicant concessionaire will be responsible for ensuring that they fully comply with and receive any necessary consents in relation to the Resource Management, Building, Health and Safety in Employment Acts and other relevant Acts as well as the District Plan and comply with any relevant bylaws.

Explanation

Public reserves are for the use and enjoyment of the public. In general reserves provide respite from commercial facilities and provide opportunities for families, groups and individuals to pursue recreational activities away from commercial environments. From time to time, however, there will be temporary and/or

permanent recreation-related commercial activities that are fully compatible with the purpose of the reserve and that can assist or enhance the use and enjoyment of the reserve for a significant number of reserve users. Council will consider applications for concessions on reserves and where appropriate provide for such activities as an adjunct to the reserve.

4.4.5 DOGS AND ANIMALS

Policy

The use of dogs in controlled areas is prohibited unless allowed by a dog permit or during a specified period when the area may be open to dogs.

The entry of horses is prohibited onto reserves other than on formed roads unless specifically allowed by Council

Explanation

Council's objective is to control the entry of dogs and other domestic animals, including horses, onto reserves in order to protect plantings and native wildlife. The Dog Control Act 1996 allows Council to classify areas as 'controlled dog areas' or 'open dog areas'. There are already areas where dogs are controlled, for example in scenic reserves, under the Conservation Act.

Designated exercise areas are listed for dogs, in Hauraki District Councils Dog Control Policy.

4.4.6 ENCROACHMENT

Policy

- a) From the date of adoption of this Hauraki District Reserves Management Plan by Council no new encroachments onto public reserve land will be permitted.
- b) Where new encroachment occurs Council will:
 - Give notice to the encroacher/s requiring termination, removal and reinstatement of the encroachment at the owner's cost within a specified timeframe.
 - Where removal and reinstatement does not occur, then the Council may carry out the removal and reinstatement and recover costs by way of proceedings through the District Court or if necessary through prosecution.
- c) Where historical encroachments exist Council will advise the relevant party(s) of the encroachment and enter into negotiations to have the encroachment either formalised or, removed and the reserve reinstated at the cost of the encroacher/s. Council's priority where considering formalisation of existing encroachment will be to maintain the integrity of the Reserve which includes protection of natural or ecological features, and the public's enjoyment of the reserve.

- d) Notwithstanding the above, Council will from time to time work with the local community and adjoining landowners to establish and maintain planting on reserve land. This will particularly include planting that defines the interface between reserves and private land and/or where such planting is of benefit to the amenity of the reserve and does not impinge on its public use and enjoyment. Any such community management must have the approval of the Manager Parks and Property, HDC.

Explanation

In many places reserves abut private property. From time to time private activities including gardens, steps, huts and seating areas encroach onto the reserve such that the public is excluded from, or discouraged from using, that portion of the reserve.

It is important that new encroachments are prevented and that where determined the removal of historical encroachments is managed over time. In certain locations and with the explicit approval of Council, reserves and the community use and enjoyment of reserves can benefit from a level of community involvement in the planting and maintenance of reserves. Such community involvement can be encouraged by Council where it is of wider environmental and public benefit and does not lead to any form of perceived or real privatisation of the reserve.

4.4.7 EVENTS AND FIREWORK DISPLAYS

Policy

- a) Use of any reserve for an organized event requires the approval of the Manager Parks and Property, HDC. Council will consider:
- The date(s) and duration of the event
 - The nature and purpose of the event including how it will provide for public access and enjoyment.
 - How provision for safety, security, and waste on the site will be managed, including the safe preparation and sale of food
 - The effect on neighbours
 - The financial resources of the event organizer and/or its sponsors
- b) The cost of organisation and running of any approved event on a reserve will be the responsibility of the event organiser.
- c) Any reserve used for an approved event will be left in the condition in which it was found prior to the event to the satisfaction of the Manager Parks and Property HDC. Council will retain the right to require a refundable bond from any event organizer and retain the discretion to expend the bond to reinstate the reserve should this be required.
- d) Event organizers for any approved event will be fully responsible for securing in advance all consents and approvals for the operation of the event and will ensure they respect any relevant bylaws or District Plan requirements (such as noise controls).

- e) Where any event covers 2-3 days security personnel are permitted to patrol overnight.
- f) Where provided for on a reserve any organisation wishing to present a fireworks display shall make written application to the Council (Manager Parks and Property) at least one calendar month before the event. The organisation must seek the prior permission from the Department of Labour and provide public liability insurance.
- g) Council may place whatever conditions it finds appropriate on an approval for a fireworks display, for example conditions may relate to the management of fire risk, safety and noise.

Explanation

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

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

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

4.4.8 EXCLUSIVE USE

Policies

- a) Exclusive use of a reserve will satisfy the criteria of the Reserve Management Plan and the Reserves Act 1977. This includes:
 - Exclusive use agreements will only apply when it is inappropriate for a lease agreement to be entered into.
 - Exclusive use of the reserve will not be granted for more than forty days in a year or more than six consecutive days. Council will only enter into an agreement regarding exclusive use for a maximum period of ten years.
 - Exclusive use agreements will only be made when the activity proposed can not or should not be located other than on publicly-owned land.
- b) A charge will be levied when it is clear the user will receive some private benefit.
- c) Groups wanting casual exclusive use must gain written approval from Council. Temporary closures will be advised to the public.

- d) Use of reserve land by sporting bodies will be guided by a lease or license agreement which will ensure the total exclusion of the public does not take place.

Explanation

Reserves facilitate a wide variety of activities which range in use from specific (designed and maintained for specific activities such as the skateboard bowl at Morgan Park), reserved use (e.g. when one group or organisation has the preferential use of an area of the reserve. For example, the Ngatea Rugby Club has an agreement to lease a part of the Hugh Hayward Domain for rugby fields), and casual use (people can use the reserve at anytime for a wide variety of activities e.g. walking and kite flying).

Exclusive users are assigned certain areas on a reserve from which other users are restricted. Exclusive use can be both casual and permanent. One intention of the Reserves Act is to protect public access to reserves although it does make allowances for exclusive use, and sets a number of parameters on how this use is to be managed.

An example of permanent exclusive use is the clubrooms of a sporting organisation. For instance, the Paeroa Netball Association has the exclusive use of that part of the Paeroa Domain that contains the clubhouse. In most cases, permanent exclusive use is guided by a lease agreement between Council and the respective organisation. A circus is an example of temporary exclusive use of a reserve.

The use of open space for organised sports puts limitations on the nature of that open space and the alternative uses outside those of the sport. One management issue is how to balance the needs of sports codes with other values such as amenity and the multiple purpose use of parks. Another management issue is the long-term allocation of sports fields between winter and summer sports, all with differing requirements for turf. Sporting bodies can be given public fields for use in ways that make sure the public is not excluded at times the fields are not required.

Exclusive use does mean that some groups obtain greater benefits from a reserve. In these cases Council seeks to ensure that users who receive the benefits of exclusive use also contribute financially.

4.4.9 GENERAL USE

Policies

- a) When deciding to grant a particular use of a reserve staff will give consideration to:
- Short and long term implications for the reserve.
 - Compatibility with the Management Plan objectives
 - The needs of the community.
 - Cultural practise of Maori, for example if a hangi pit is required as part of an event.
 - Where medical Maori plants are not already found elsewhere but within reserves.

- b) Council will allow the use of reserves for network utilities where utilities are compatible with the proper functioning of the reserves and do not unduly detract from the amenity values or purposes of the reserve.

Explanation

Utility facilities can have significant impact on a reserve both by impacting on amenity values and by restricting the scope of development/enhancement possible and thereby the reserve's use. Once in place utility facilities restrict activities on, and management of, the reserve. It is not desirable to have network facilities on reserves and alternative sites should be considered.

4.4.10 LIGHTING

Policies

- a) Council will provide carparking and accessway lighting on Council-owned land and where there is clear public benefit.
- b) Where groups occupy Council-owned land or own or occupy facilities located on Council-owned land, that group is responsible to either meet the cost or contribute significantly to the costs of car park and accessway lighting.
- c) Where an identifiable beneficiary from reserve accessway and car park lighting exists, the full operation and maintenance costs will be passed on to this beneficiary.
- d) Sports field lighting will be permitted at no cost to Council subject to written permission and all necessary consents being obtained by the applicant. Lighting must be removed within 3 months of a sports club vacating a Council reserve. After this time, the lighting will become the property of Council and no compensation will be paid.

Explanation

Council is sometimes asked to provide lighting for carparks and accessways so that groups can continue to operate at night. Although the provision of lighting can be perceived as improving safety and security, it can also provide the means to assist cars being broken into. Lighting is therefore a useful addition to a range of safety provisions.

Sports clubs often wish to light their fields to train at night. The design and location of lights may have negative effects on neighbouring properties. In general, Council does not encourage the use of most reserves at night.

4.4.11 LIQUOR LICENSES

Policies

- a) Council will support granting of liquor licenses on reserves where the applicant can show the:

- Nuisance to reserve neighbours is minimal.
 - The facility will be managed in an orderly and appropriate manner and the operator acts as a responsible host.
 - The operation of the license complies with all the appropriate statutory requirements.
 - The values of the reserve will not be diminished
- b) The hours of supply do not commence before 10 am or extend past 12.00 midnight except where a special license has been applied for under the Sale of Liquor Act 1989

Explanation

One common way for larger sporting organisations to raise funds is through the operation of a bar. Liquor is sometimes also consumed and sold on a reserve at a special event such as a wine and food festival.

A number of adverse effects can arise from the consumption of liquor on reserves. These can include noise, hours of operation, and disorderly behaviour by patrons. It is prudent for Council to have policies that deal with the sale and consumption of alcohol on reserve land.

4.4.12 OCCUPATION AGREEMENTS (LEASES, LICENSES AND EASEMENTS)

Policies

- a) Any permanent use of a reserve, including buildings, will be subject to a lease (If this permanent use is for duration of less than five years only a license is required). Lease or license agreements can be granted for a maximum period of thirty three years.
- b) Council shall give public notice, in accordance with section 119 of the Reserves Act, specifying the lease or licence proposed to be granted and give full consideration to all objections and submissions received in relation to the proposal.
- c) The lessee/licensee will pay the preparation fee for the agreement.
- d) Rents will be payable on all leases except where Council has determined that no rental is required:
- Rental for voluntary and service organisation shall be set at an appropriate level.
 - Rental for commercial lease shall be set at market levels.
- e) Grazing of undeveloped reserve land will be permitted and encouraged as a technique for holding the land asset until it is ready to develop a reserve for further public use and enjoyment.
- f) Where grazing licences are granted Council will determine the type of stock to be grazed in accordance with good animal husbandry and stock control practices as well as the cost implications to Council of options for site

management, in order to provide adequate safeguards for those features and values (e.g. archaeological values) in existence on the reserve. Reserve lands held under a grazing licence may retain public access and will be signposted accordingly.

- g) Grazing licences may be granted for a term of between one and five years. (Council is able at any time to give three months written notice to determine the licence should the reserve be required for further development.)
- h) All members of the public have the right to join a club leasing reserve land.
 - Members of the public have a right of appeal if their membership is rejected.
 - The club facility, when not required by the club, is to be made available for hire.
 - Facilities supporting individual competition (e.g. tennis, bowls, squash, and croquet) must be available to outsiders when the facility is open. Club members are not to be given preference but the lessee may collect an appropriate fee from charged admission.
 - Public play may be prohibited for no more than forty days per year and not more than six consecutive days.
- i) Any lease on a scenic reserve requires the approval of the Department of Conservation.
- j) Council will not provide compensation for improvements at the termination of a lease/licence
- k) An easement or formal agreement will be required for every pipe, cable, or discharge on reserve land. All legal costs and the costs of formation and maintenance to the Council's satisfaction shall be borne by the grantee.
- l) Rents will be payable on all leases except where Council has determined that no rental is required

Explanation

A lease/licence/easement normally grants particular occupation rights to a lessee. One of the principles of the Reserves Act is to preserve public access to reserve land. This directive must be explicit in the leasing arrangements.

The Act also emphasises the retention of open spaces and the public accountability of reserve management. The intent is that any type of agreement for the use of reserve land should be granted only where it will:

- Result in recreational opportunities for the public.
- Facilitate the full use and enjoyment of the reserve and its facilities.
- Benefit the management of the reserve.
- Not greatly hinder public access to reserve land.

Council will only enter into lease agreements when the intended use is deemed appropriate to the principles of the Reserves Act and to the individual reserve. It

would not, for instance, be appropriate to approve a grazing lease on the Hugh Hayward Domain due to its wide use by the community.

The Reserves Act protects the public's right of access to a club leasing reserve land. Important to note is that leasing arrangement for scenic reserves must have the approval of the Department of Conservation.

Grazing licences on recreation reserves enable Council to maintain land prior to any possible future development of the reserve, and benefit from a small income towards the cost of maintenance.

Some stock, such as older cattle, can however deter public access and impact on archaeological sites. There is also the risk of damage to vegetation and potential inhibiting of regeneration of indigenous plants.

4.4.13 OVERNIGHT STAYS (CAMPING AND MOTOR HOMES)

Policy

- a) Motor Homes, where these display proof of their appropriate certification for being self-contained, will be permitted to stay overnight only where this use is specifically identified within the reserve specific policy for that reserve.
- b) In any reserve where Motor Homes are permitted this will be for a maximum of two consecutive nights in any one calendar month and within the existing defined carparking area.
- c) A maximum number of three Motor Homes will be permitted in any reserve car park over any one night (unless otherwise expressly approved or provided for through the sign on the reserve).
- d) Signs advising whether Motor Homes are permitted (and the length of stay/maximum number) or not permitted will be erected on all reserves which have formed car parks.
- e) Council may approve camping where there is evidence that the adverse effects of camping can be avoided, remedied or mitigated. Areas suitable for camping will be identified in relevant reserve management plans.
- f) All applications are to be in writing and forwarded to Council at least ten working days before any event.
- g) Damage, health issues and appropriate water supply are factors which do not support camping on reserves. If camping is permitted, it must be strictly controlled.

Explanation

The Reserves Act 1977 does not permit overnight stays on any reserve which is not a reserve set aside under Section 53 of the Act as a Camping Ground. However, Section 44 of the Reserves Act 1977 allows use of reserves in accordance with its management plan.

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

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

4.4.14 PRIVATE ACCESS OVER RESERVE LAND

Policy

- a) Any existing or new private accessway over reserve land will be treated like an encroachment and will generally not be permitted
- b) There may be exceptions to this rule. Applications will be assessed by Council on a case by case basis, with the assistance of the following criteria:
 - Is the accessway beneficial for reserve management and/or general public use purposes?
 - Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?
 - Is alternative access available?
 - Are there any particular exceptional reasons why the accessway should be approved?
 - Will approval have the potential to increase maintenance costs to Council over time?
 - Is approval likely to create a precedent or encourage other requests for private access over reserve land?
- c) Any accessway approved over Reserve Land will require formalisation by way of an easement (consistent with Section 48 of the Reserves Act 1977), is subject to notification and will require the consent of the Minister of Conservation.
- d) All costs associated with the granting of a formalised access will be borne by the party granted access. Annual rentals may also be required to be paid at the discretion of the Council.
- e) Where historical accesses exist Council will advise the relevant party(s) of the encroachment and enter into negotiations to have the encroachment formalised.

Explanation

In many locations reserves abut private land and in some instances access over reserve land provides desirable access to private property. In some places historical access occurs. Private access over reserve land can, however, affect the use and development of the reserve and generally should be avoided apart from exceptional situations.

Rights-of-way provide private gains from use of a public resource and may increase the value of the property involved. They can also limit the recreational use of reserves.

Formalisation of existing rights-of-way is vexatious, because of the historic benefits private property owners have enjoyed, relative to the need for Council to remain faithful to the original intent of the reserve itself.

4.4.15 SAFETY AND SECURITY

Policy

- a) The design, development and management of reserves will take into account public safety issues and promote the appropriate use and protection of the reserve.
- b) The security of the reserve and any council owned facilities on the reserve are the responsibility of Council and individuals committing offences against reserve property will be prosecuted in accordance with the Reserves Act 1977.
- c) The security of the private property of any member of the public visiting or using a reserve remains the responsibility of the visitor/user. Council will retain the right to limit access to any reserve, or advise the public, through appropriate signage, where any security issue within a particular reserve is of concern e.g. theft from motor vehicles. Council will cooperate with the police and other agencies to promote the security of reserve users.

Explanation

A problem for many reserves is security. Vandalism can be reduced by design which makes it easy for users to see each other's activity. Residents can be encouraged to participate in reserve design, construction, maintenance, and ultimately use to encourage 'ownership'.

4.4.16 SIGNS

Policy

- a) All signs located within reserves will comply with Council's signage policy to ensure consistent sign information, styles and types on reserves throughout the district.
- b) Signs will generally be grouped or clustered within a reserve to avoid visual clutter and to assist visitors to easily access all relevant information.

- c) Any new permanent sign to be located within a reserve shall be located with the approval of the Manager Parks and Property, HDC.
- d) Reserve occupiers wishing to erect signs will be responsible for meeting the costs of producing, erecting, maintaining and replacing signs relating to their activity. Subject to the written approval of the Manager Parks and Property and all relevant statutory consents being granted (the Club being responsible for securing any relevant consents or approvals) tenant clubs may affix to the building that they occupy signs denoting their premises.
- e) No commercial signs will be permitted on reserves except with the particular approval of Council (including acknowledging sponsorship). Council may permit advertising signs on recreation reserves developed as sports grounds where these will not detract from the character and amenity of the reserve or adversely affect neighbours. The cost of such signs, any associated resource consents, and the regular maintenance of any such sign will be borne by the advertiser. The District Plan limits the type, location and size of commercial signs on reserves.
- f) Council retains the right to request the removal of and/or to remove any inappropriate, poorly located or obsolete signs as well as those that have fallen into disrepair.

Explanation

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