



New Plymouth District Tongaporutu Reserve Management Plan

February 2015



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
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**This management plan was adopted by the New Plymouth District Council
at their meeting on 24 February 2015.**

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1 INTRODUCTION

Parks and Reserves are highly valued by the New Plymouth District community. They contribute to the quality of life of local residents and enhance the visitor experience. The Tongaporutu Reserve Management Plan has been developed to identify appropriate use and activities at the reserve and assist with day to day management and decision making by setting objectives and policies for the use, enjoyment, maintenance, protection, preservation and development of the area. This management plan should be viewed as a community document that provides direction on the future function, development and management of the reserve.

This management plan should be read in conjunction with the NPDC General Policies for Reserves (2006). Where any matter is addressed by this document and the general policies, then the provisions in this document must take precedence. **Figure 1** on page **5** demonstrates how this document fits in the Council's overall strategic framework.

Although this document is the key planning document for the reserve, users of this plan should be aware of the following:

- Where an activity or development is contemplated in this plan, this cannot be taken as a guarantee that it will occur. Decision making on particular activities and future development will take into consideration any requirements under the Reserves Act, Resource Management Act 1991(RMA) and Local Government Act 2002 (LGA) as well as funding availability as determined through the Long Term Plan (LTP). Further public consultation may also be required, depending on the nature of the activity and the implications for other reserve users, reserve neighbours and the public.
- Where an activity is noted as prohibited on a reserve then any proposals for that activity will not be approved unless a subsequent review and amendment of the plan is undertaken, in part or in whole.
- If the Management Plan is silent on an activity, the activity may still be considered. Decisions on whether or not to approve the activity will be weighed against applicable statutory provisions and (where relevant) objectives and policies for Tongaporutu Reserve and the general policies on reserves.

Development of this management plan has taken into consideration the views of users, stakeholders and other affected parties. The plan is a review of the 2004 Tongaporutu Reserve Management Plan. Community feedback prior to the development of this indicates that the community has a high level of satisfaction with the way the reserve has been developed and maintained. This management plan retains content from the previous plan. However, the plan has also been updated to allow for changes in management process, new information and feedback from the community.

All previous management plans for Tongaporutu Reserve will be revoked and replaced with this final version, which involves amendments to the draft management plan which was presented for public consultation. The Council approved this plan at their meeting on 24 February 2015.

1.1. Plan overview

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1.2. Management Plan Purpose

As the administering body of Tongaporutu Reserve, the Council is responsible for the preparation of a Management Plan for the Reserve under section 41 of the Reserves Act 1977. A Management Plan must be kept under continuous review so it remains relevant. Generally speaking, the Council aims to undertake a comprehensive review of its Management Plans at least every ten years. The Tongaporutu Reserve Management Plan was last reviewed in 2004. It does not reflect changes that have occurred since that time, and does not cover all reserves at Tongaporutu.

The Council has developed this Management Plan to achieve the following:

- Satisfy statutory requirements of the Reserves Act 1977.
- Provide a clear set of policies and objectives that allow NPDC to manage its park and reserve resources consistent with the purpose of the reserve, both now and into the future.

- Prepare a comprehensive planning document that deals with the reserve in an integrated manner.
- Provide the people of New Plymouth District an opportunity to have a say in the management of their parks and reserves by making submissions to the preparation and development of this plan.

The Management Plan recognises that activities at, and use of Tongaporutu Reserve is primarily focused on recreational activities, coastal access, and an erosion buffer. There are also 26 privately owned baches located on part of the reserve (west of State Highway 3). At the time of preparation of this Management Plan, the baches are the subject of leases granted under section 73(3) of the Reserves Act.

It is important to note that a management plan only provides a framework for management. Specific or actual uses are matters for determination by the administering body under other provisions of the Reserves Act.

1.3. Planning Process

Tongaporutu Reserve is a reserve subject to the Reserves Act 1977. The process applied for the preparation and adoption of this Management Plan complies with Section 41 of the Reserves Act 1977. The intention to prepare a draft Management Plan was publicly notified in June 2013 and the public were invited to submit comments and information to guide the plan's preparation. An open day was held at Tongaporutu Reserve providing an opportunity for all interested people to attend. An estimated 50 people took the opportunity to attend and give ideas for reserve development and management to the Council and clarify issues about the plan preparation process.

One hundred and two (102) comments were received as part of the initial consultation phase, during the period 29 February to 19 March 2014. These were used to aid the preparation of the draft Management Plan, in particular the policies and aspects of the concept development plans.

As required by the Reserves Act a draft management plan was available for consultation and submission for a two month period. After the consultation period, amendments to the draft were made in consideration of submissions received, to complete the final plan. This plan was presented to the Council and following a hearing where submitters had an opportunity to be heard, the Council determined the final content of the Management Plan.

2 THE STRATEGIC AND PLANNING CONTEXT

2.1 Strategic Context

2.1.1 Long Term Plan

The Long Term Plan (LTP) is the overarching planning and policy document for New Plymouth District. It is updated tri-annually and sets out the Council's priorities over the medium to long term to provide for the wellbeing of the District.

The LTP sets out the strategic intent of the Council, which is currently "New Plymouth will offer an attractive living environment that compares favourably nationally and internationally."

Tongaporutu Reserve contributes to the strategic intent by providing access to a range of open space environments for physical activity, and recreation and appreciation of the natural world.

The Council's obligation to meet the current and future needs of its communities for good quality local infrastructure, local public services and performance of regulatory functions is measured against seven community outcomes which are a key component of the LTP. The community outcomes are-

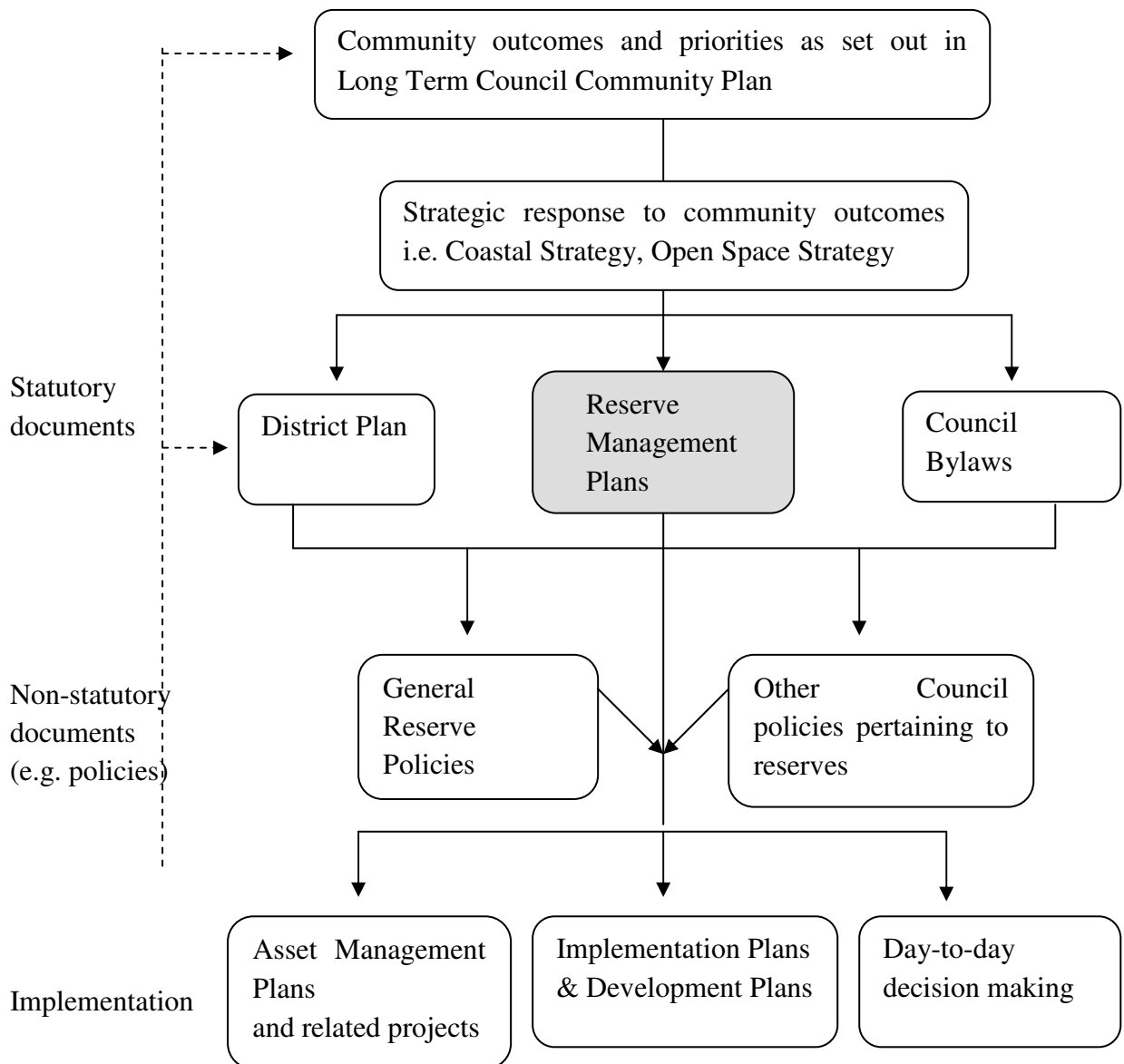
- vibrant
- prosperous
- sustainable
- secure and healthy
- skilled
- together, and
- connected

Tongaporutu Reserve primarily contributes to the sustainable, vibrant, secure and healthy, together and connected outcomes, providing community space that offers a number of different activities.

The LTP provides a framework for funding and implementation of Council projects and programmes, including policy and planning. Funding for the implementation of this management plan will be decided through the LTP process, which will next occur in June 2015.

The following diagram shows the hierarchy of Council planning documents and where this management plan relates to the LTP.

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



3 BACKGROUND INFORMATION

3.1 Physical Description

Tongaporutu Reserve is located on the northern part of the coastline within New Plymouth District with access from State Highway 3. Tongaporutu Reserve comprises two parts, one used for tennis courts, a grazing site and esplanade reserve (the eastern end) and the other for casual recreation, such as picnics, access to the river and the coast, stop off point for travelling public, overnight parking for campervans and local community focus point (the western end).

The two parts to the Tongaporutu Reserve are separated by State Highway 3. Tongaporutu village, as it currently stands, dates largely from the mid-1950s and contains approximately 44 residential dwellings (including the 26 baches on reserve land). The two surrounding census mesh blocks had a permanent population of 177 people in 2013.

Aerial view showing the western and eastern parts of Tongaporutu Reserve



Western End of Reserve

The larger part of Tongaporutu Reserve is situated on the western or seaward side of the state highway. It consists of a long narrow strip approximately 600 metres long abutting Clifton Road to the south and the Tongaporutu River to the north. There are currently 26 baches occupying the central two thirds of this strip on the banks of the river. At the time of preparation of this Management Plan the baches are subject to short term (ten year) leases that are due to expire at the end of March 2015. This part of Tongaporutu Reserve includes a passive open space area 2.5 hectare in size. This part of Tongaporutu Reserve is generally a flat, grassed area with a number of pohutukawa trees on the riverside. Near the highway bridge a concrete boat ramp built by local boat club members, but maintained by the Council is located adjacent to (but not on) the reserve. The Council holds a permit with the Taranaki Regional Council for the boat ramp. Next to the reserve (on legal road) is a “Jack Trash” rubbish disposal unit (a large coin operated rubbish skip) and recycling station.

A gravel car parking area exists at the western end of the reserve; this is the access point to walk to the Three Sisters. Informal parking also occurs on the reserve near the boat ramp.

The western end of this part of Tongaporutu Reserve received substantial amounts of fill approximately 35 years ago and is now developed as a grassed area. The soil in this area is largely impervious, compacted clay that occasionally presents drainage problems.

Aerial views of four groynes at Tongaporutu (centre of aerial image)



There are four rock groynes located at the seaward end of Tongaporutu Reserve. Three of these groynes on the upstream side were constructed by the former Domain Board and Clifton County Council in the early 1980s with some funding assistance from the pipeline construction company. They were installed to reinstate the reserve land that was eroded through the construction of the Kapuni and Maui gas pipelines. The larger seaward groyne was constructed by the Natural Gas Corporation to protect the gas pipeline in the mid-1990s. It comprises gabion baskets that have since been overlaid with boulders.

Although they protect the reserve the groynes are not within the legal boundary of the reserve. The groynes have a Coastal permit issued by the Taranaki Regional Council (TRC). TRC monitors the environmental impact of the structures. The position of the gas pipelines they pass through the reserve at the western end is marked on the plan on page 31. The pipelines are the subject of a pipeline easement (discussed in more detail in section 3.14 below).

Walkway

The local community has constructed a walkway on the legal road between the boat ramp and the esplanade reserve on the eastern side of SH3. While not located on Tongaporutu Reserve, the walkway provides an effective link between the two parts of the reserve. Although it is not on reserve land the walkway is a vital link between the two parts of Tongaporutu Village and therefore the Development Concept Plan includes policies and actions for this space.

Eastern End of the Reserve

The smaller part of Tongaporutu Reserve located to the east of State Highway 3 is quite different in character from the western end. It is flat and accommodates two tennis courts and a former bowling green which is now used for grazing. No off-street parking is provided to serve this part of the reserve but adequate parking can be obtained on the (very wide) adjoining legal road. The tennis courts are fenced. Access is obtained via Hill Road from State Highway 3 or for pedestrians via the walkway under the State Highway bridge. There is also 6020m² of esplanade reserve that provides access along the river front. Currently some neighbouring gardens encroach on to the esplanade reserve. An action of this Management Plan is to require the encroachments to eventually be removed to allow for unrestricted public access to the esplanade reserve.

3.2 Legal Description and Classifications

The larger part of the Tongaporutu Reserve (western end) is to the west of State Highway 3 and comprises of some 2.5130 hectares. This land is described in Computer Freehold Register 141557. Table 1 on page 10 outlines the legal descriptions and interests registered against the computer freehold register.

The smaller part of the reserve to the east of State Highway 3 (eastern end) comprises of the following three land parcels:

- Lot 9 DP 8357 comprises 1,396m². The land is described in the same Computer Freehold Register (141557) as the land at the western end. This is the bare section (former bowling club land) adjoining the tennis club.
- Lots 5 DP 8215 comprises 1,927m² and is identified on Computer Freehold Register 562780. This is the land on which the tennis courts are located.
- Lot 17 DP 8215 comprises of 6,020m² and identified on Computer Freehold Register 562779. This is the esplanade reserve along the river front. This land was not included in the Tongaporutu Reserve Management Plan 2004, because Management Plans are not mandatory for local purpose reserve (unless directed by the Minister of Conservation). However, the Local Purpose, (Esplanade) Reserve has been included in the Management Plan to facilitate integrated management of reserves at Tongaporutu.

Tongaporutu Reserve was classified as a recreation reserve in 1981 (Refer New Zealand Gazette November 1981, page 3231). This includes all the parcels with the exception of Lot 17 DP 8215, which is esplanade reserve. Prior to the preparation of this Management Plan as a draft, Lot 17 was not classified. Classification is mandatory, and in conjunction with the Management Plan process, the Council will considering whether to classify Lot 17, for the purpose for which it is currently held, (local purpose (esplanade) reserve).

The computer freehold register (141557) includes a memorial under section 19 of the Ngati Tama Claims Settlement Act 2003. The effect of this, is that if the reserve status of the land is revoked, the site will revert to Crown Land under the Land Act 1948 and Ngati Tama will have a right of first refusal to acquire the land. The memorial also affects Lot 9 DP 8357 (being the former bowling club site adjoining the tennis courts on the eastern side of State Highway 3).

Table One: Legal descriptions for Tongaporutu Reserve

| Legal description | Area | Computer Freehold Register | Registered Interests |
|--|---------------------|----------------------------|--|
| Lot 5 DP 8215 (recreation reserve) | 1927 m ² | 562780 | Nil |
| Lot 17 DP 8215 (local purpose (esplanade) reserve) | 6020 m ² | 562779 | Nil |
| Lot 9 DP 8357, and Sections 35 and 39 Block IV, Mimi Survey District (recreation) | 2.6526 hectares | 141557 | <ul style="list-style-type: none"> • Pipeline certificate 162251 in favour of Natural Gas Corporation of New Zealand (section 39 only affected) • Pipeline certificate 269149 in favour of Natural Gas Corporation of New Zealand (section 39 only affected) • Section 11 Crown Minerals Act 1991 • Section 19 Ngati Tama Claims Settlement Act 2003 |

Total area: 3.4473 hectares



3.3 Land Acquisition History

The Seaward Reserve

In December 1894, land comprised in Certificate of title 18/120 (containing 10 acres 1 rood 10 perches, being portion of Mohakatino-Parininihi No.2 Block Mimi Survey District Shown on plan 707/68) [now S.O. 1309] was taken and laid off pursuant to Section 70 of the Native Land Court Act 1894. This land was previously owned by Clara Maude Stringer¹ and became part of Mokau Road².

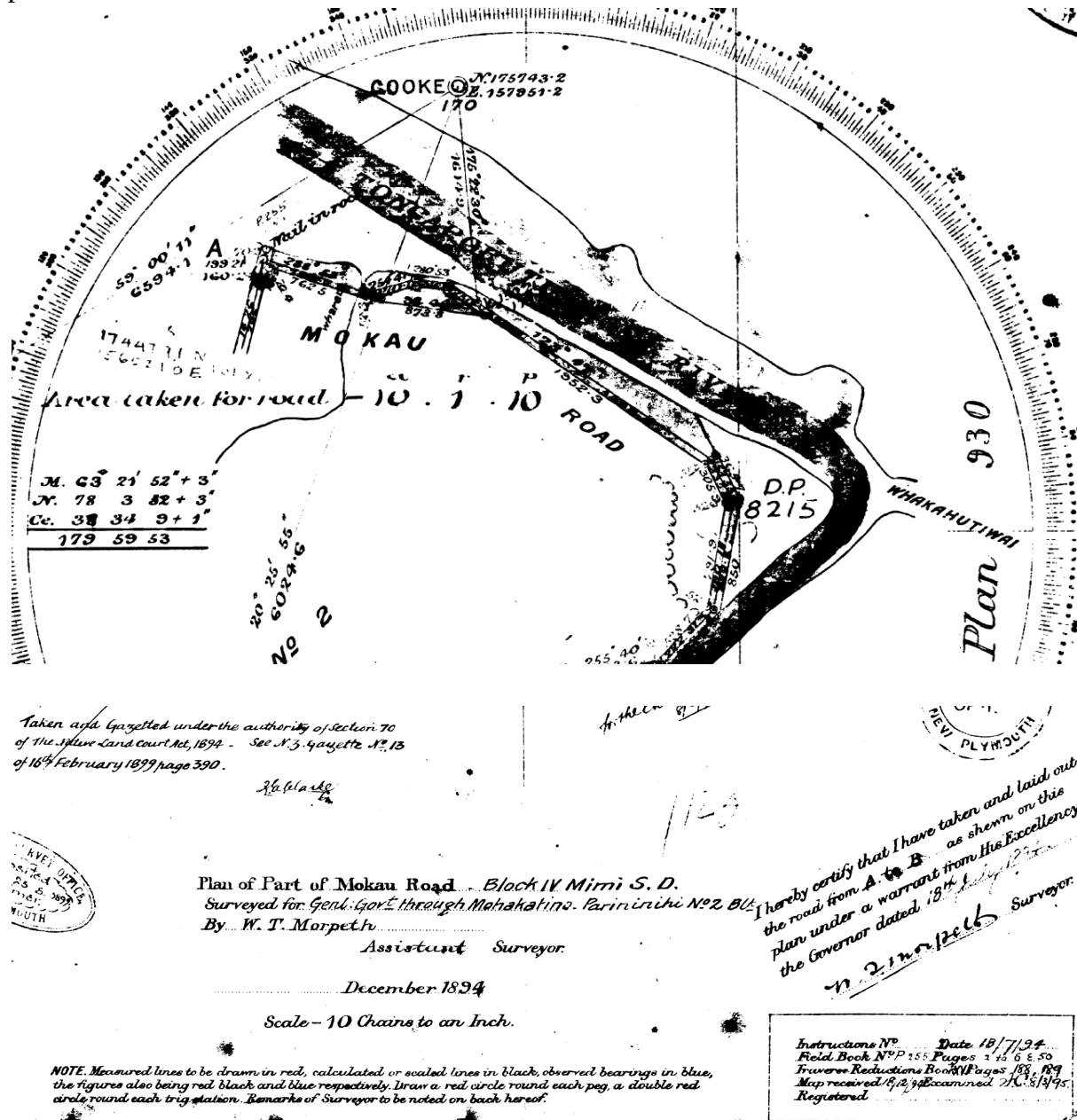


Figure 1: excerpts from SO 1309, showing original road acquisition

¹ Refer to cancelled title 36/321.

² Refer New Zealand Gazette No. 13 16/2/1899 p.390

Section 35

On 18 June 1970 part of Mokau Road situated in Block IV, Mimi Survey District, Taranaki R.D. delineated on S.O. 10129 was proclaimed closed pursuant to Section 29 of the Public Works Amendment Act 1948. This land was then declared to be known thereafter as Section 35 Block IV Mimi Survey District (14/7/70)³.

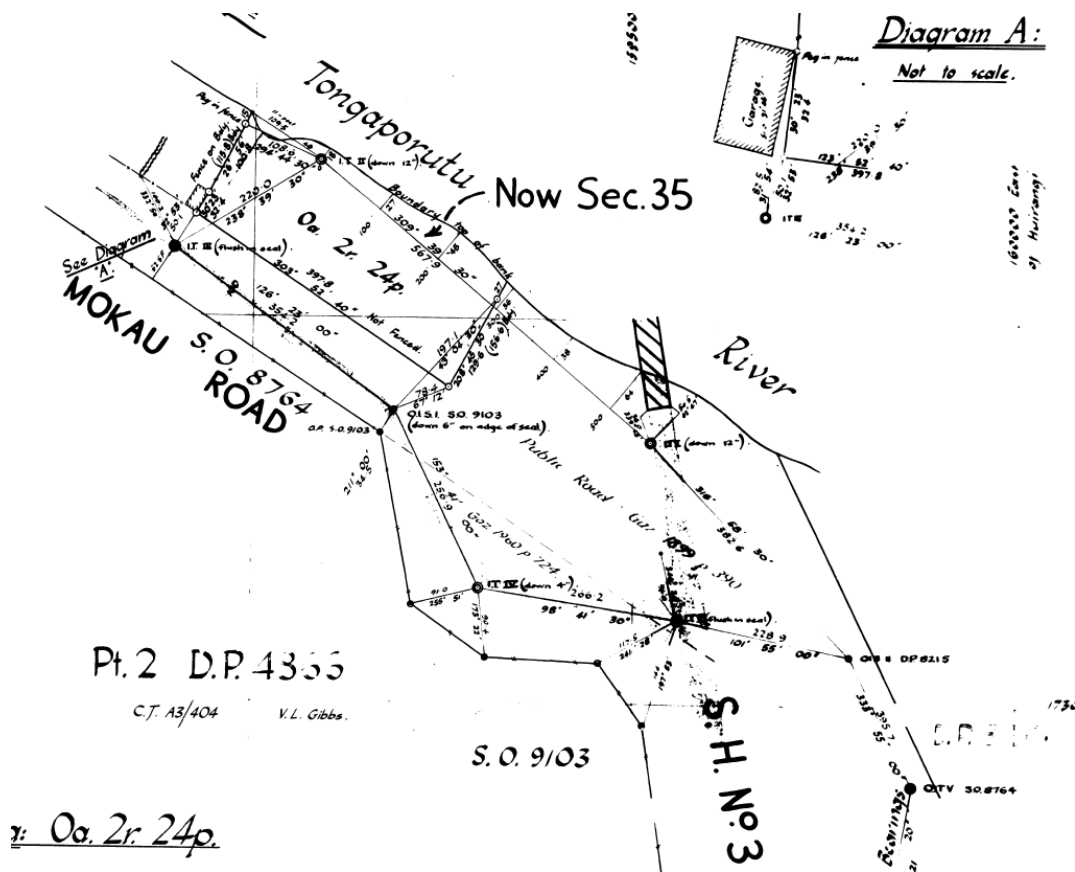


Figure 2. Excerpt from Survey Office Plan 10129 (February 1970)

On 4 March 1976, the Minister of Lands, pursuant to Section 191B of the Counties Act 1956 declared certain land transferred to the Crown by the Clifton County Council to be Crown Land subject to the Land Act 1948. The land comprised all that piece of unformed legal road, adjoining Crown land, Tongaporutu River, Section 35, Lot 1 DP 11460, Lot 1 and Part Lot 2 DP4866, Block IV, Mimi Survey District (S.O. 10801)⁴.

³ Refer *New Zealand Gazette* 18/6/70 No.35 p.1062.

⁴ Refer *New Zealand Gazette* 4/3/76 No.23 p. 456

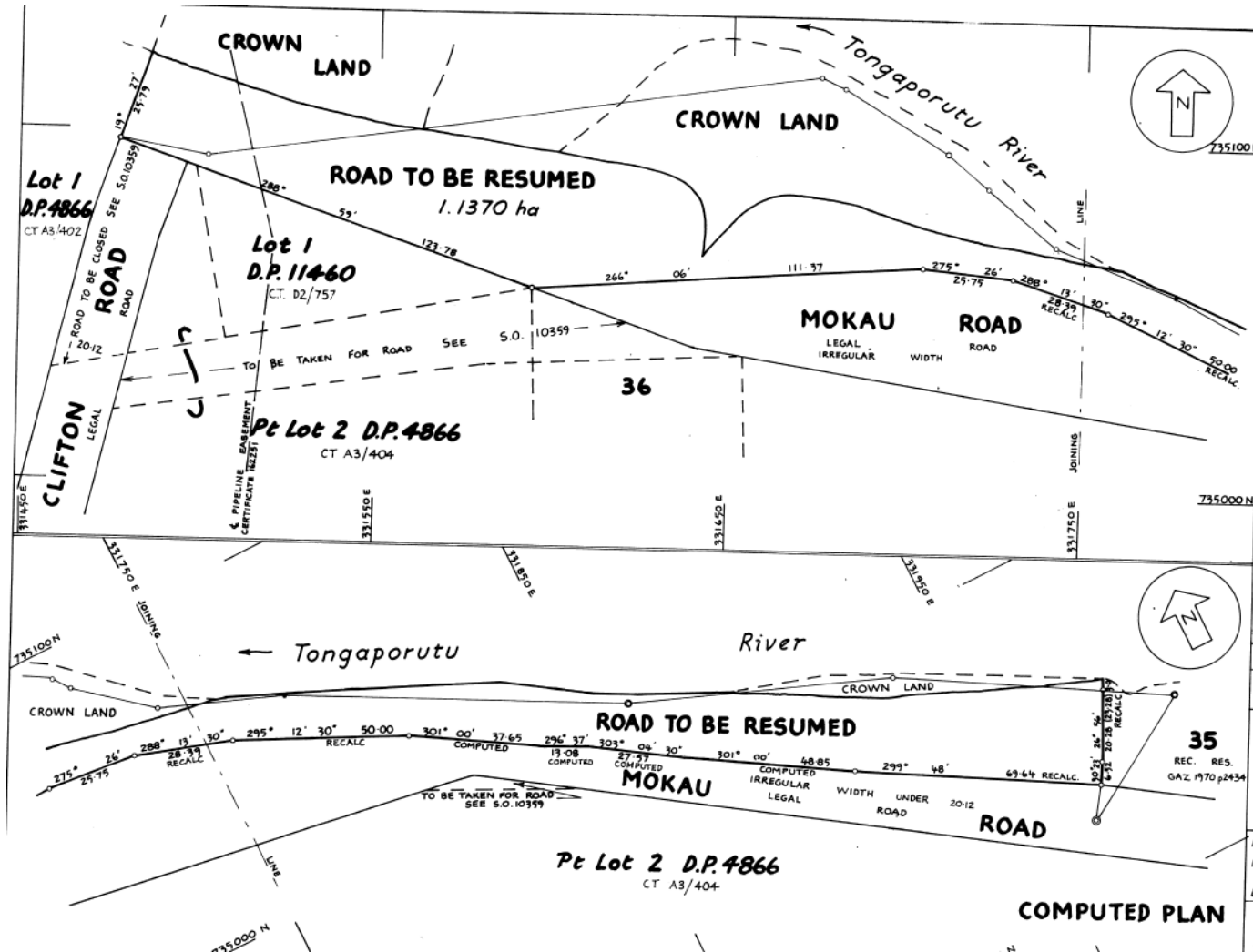


Figure 3: Excerpt from Survey Office Plan 10801 (October 1975)

Section 39

On 26 June 1975, an area of land contained in A3/404, being Lot 1 DP 11460, Clifton County (Block IV Mimi Survey District Part Lot 2 DP 4866 subject to Pipeline Certificate 162251) was transferred to the Crown from V L Gibbs in consideration for transfer by the Crown to V L Gibbs of Section 36, Block IV, Mimi Survey District,. Lot 1 DP 11460 is identified in the above SO Plan 10801.

Section 39 was set aside as recreation reserve in 1976⁵. The section comprises former road, Crown Land and Lot 1 DP 11460. All the land contained in computer freehold register 141557 is subject to a pipeline certificates 162251 (varied by document 354715) and 269149, under the Petroleum Act 1937, in favour of the Natural Gas Corporation of New Zealand.

⁵ Gazette Notice 1976, No.63 page 1221

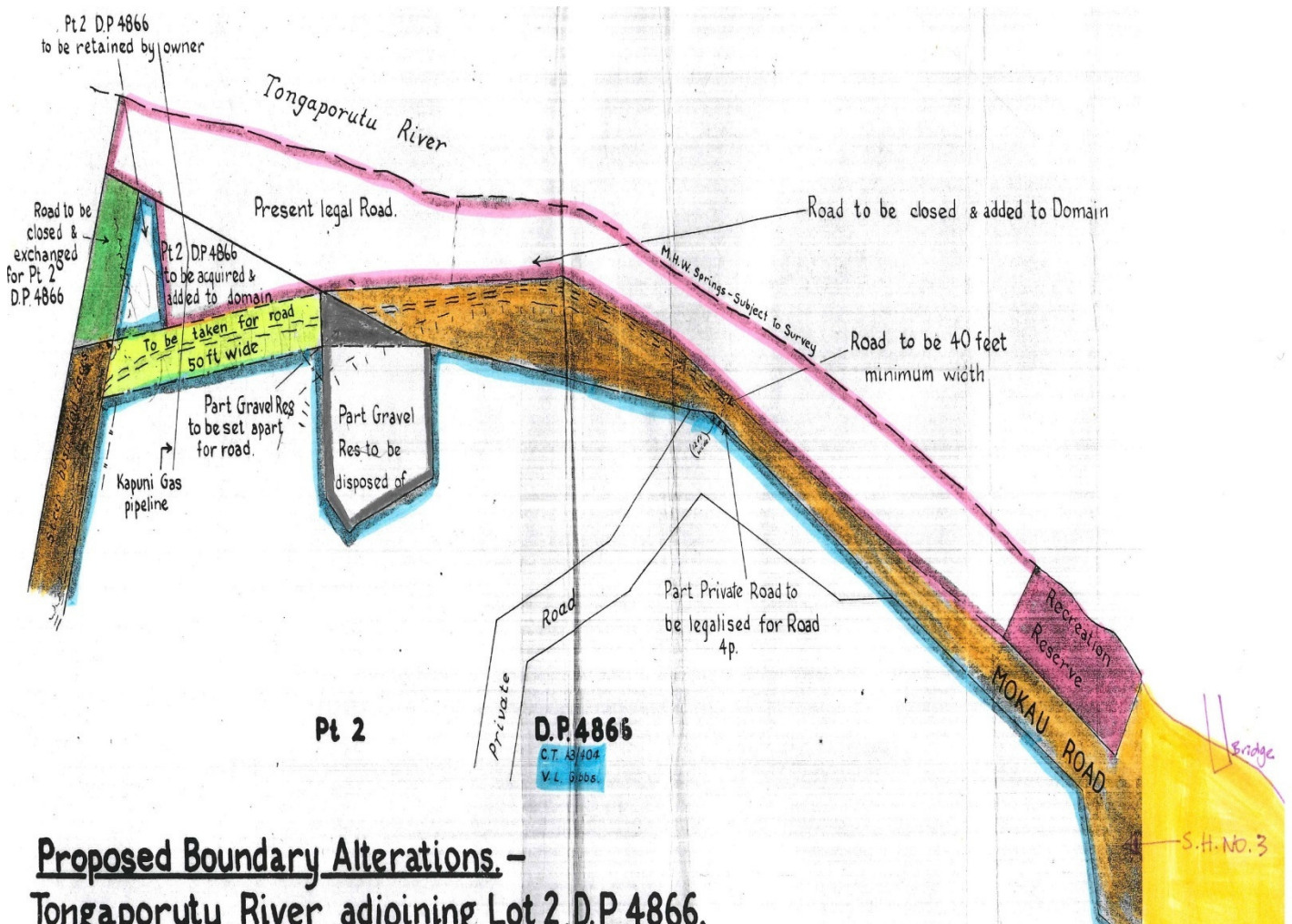


Figure 4: Diagram of Closed Road showing reserve additions – January 1971

The formation of section 39 is shown in the diagram above from January 1971 and includes the disposal of a gravel pit disposed, land acquired for road, and road declared as reserve.

East of state highway

Land on the eastern side of Mokau Road was set aside as reserve in the 1950s as part of subdivision for the housing sections. Prior to this the land, Pt Mohakatino-Parininihi No 2, was subdivided in 1908.

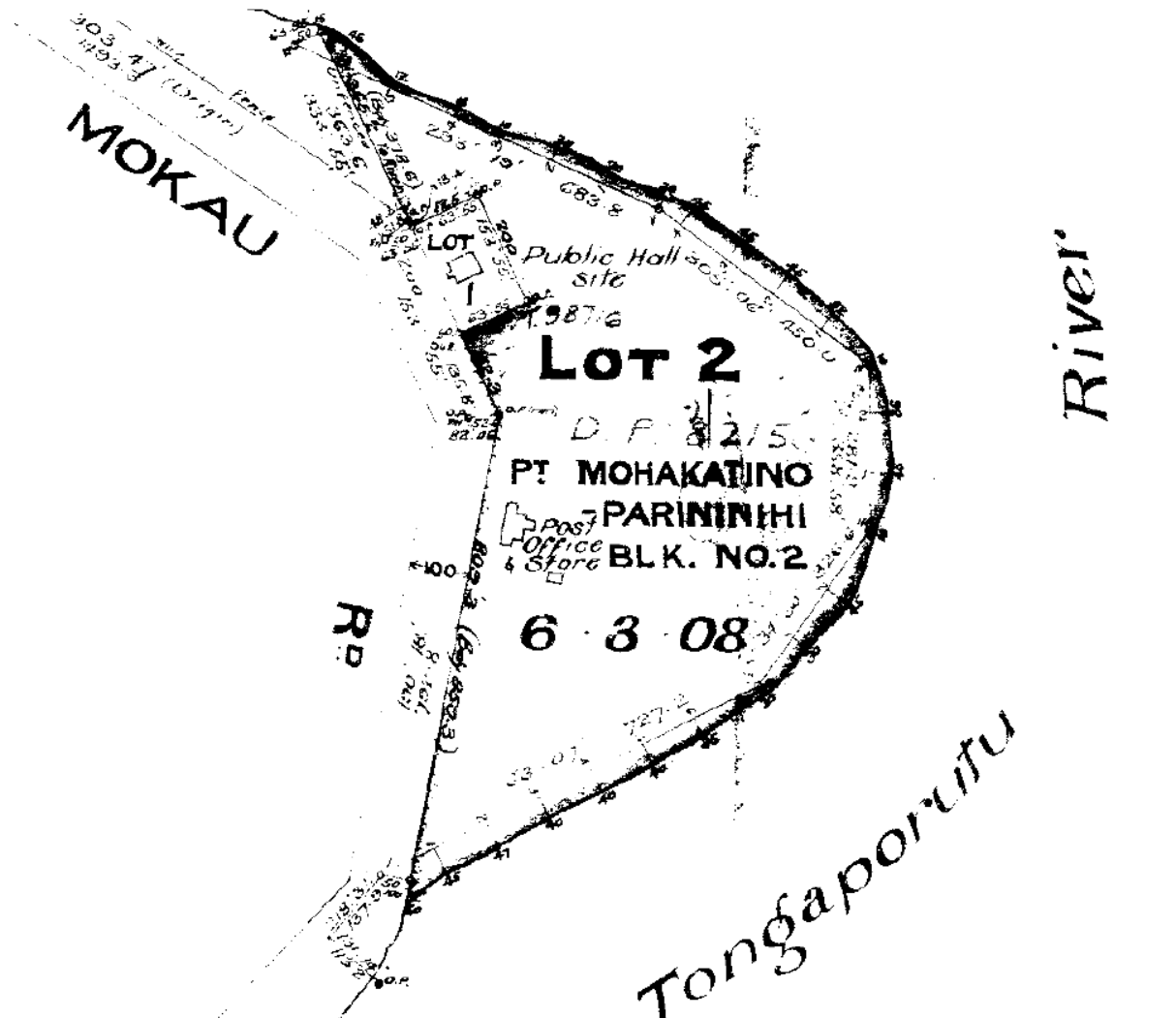


Figure 5: excerpt from Deposited Plan 2522 (January 1908) – parcel prior to housing subdivision – includes public hall site, post office and store.

Lot 5 DP 8215 – tennis court

On 18 December 1957, pursuant to Section 13 of the Land Subdivision in Counties Act 1946, Lot 5 DP 8215 area, being part of the land in certificate of title 62/32 was vested in the Crown as a Recreation Reserve, subject to the Reserves and Domains Act 1953.

Lot 17 DP 8215 - Esplanade Reserve

The esplanade reserve (Lot 17 DP 8215) was vested in the Crown pursuant to section 13 of the Land Subdivision in Counties Act 1946 when the area was subdivided in 1957. The land

was subsequently vested in the Clifton County Council with the enactment of the Counties Amendment Act 1961.

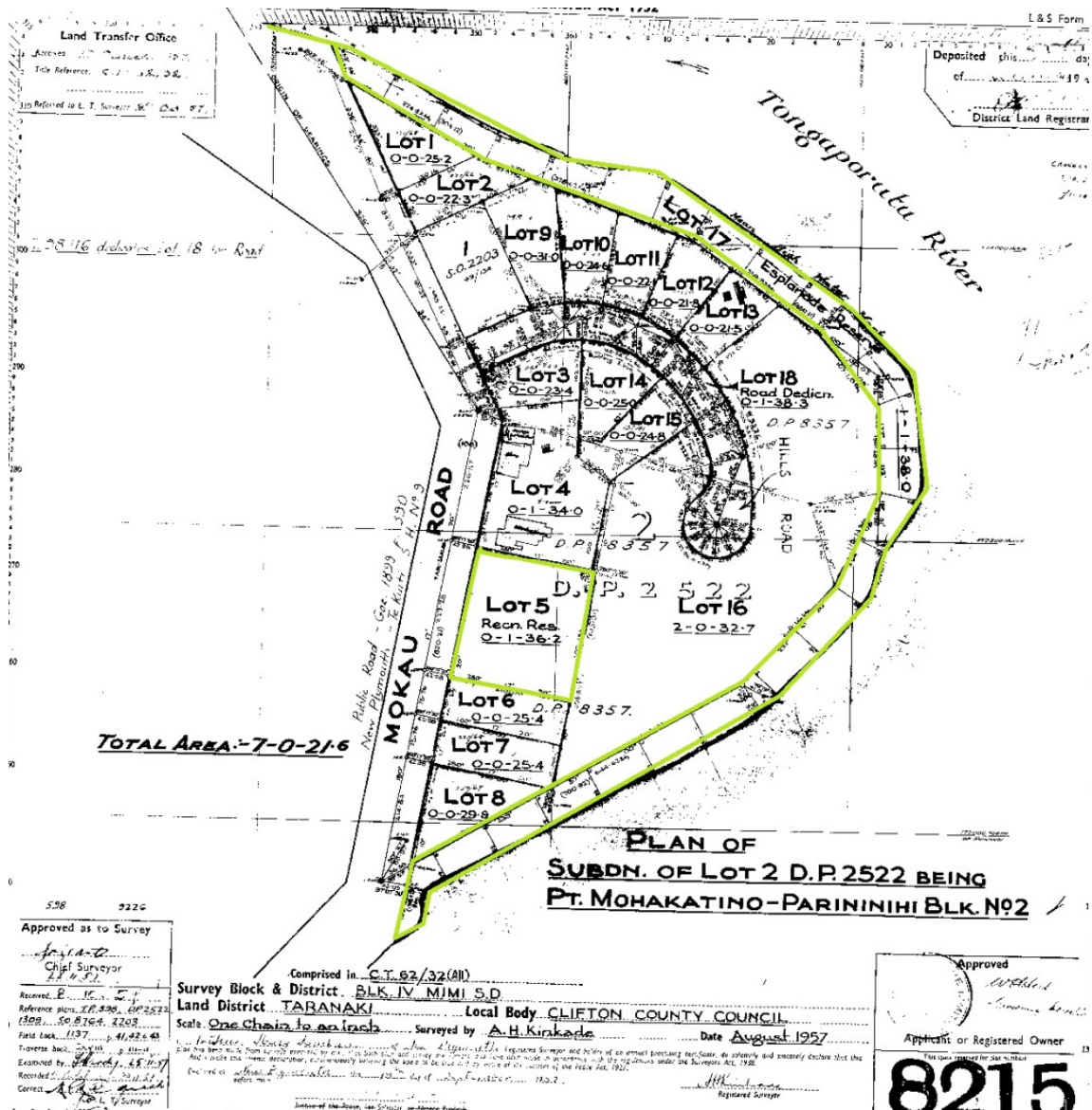


Figure 6: Deposited Plan 8215 (August 1957) showing tennis court and esplanade reserves – Lot 5 & 17.

Lot 9 DP 8357- Bowling Club Site

On 23 October 1958, Lot 9 DP 8357, being part certificate of title 62/32 was transferred from Tongaporutu Store Limited to the Crown for the purposes of the Land Act 1948. Lot 9 DP 8357 was then deleted from title 62/32 (Section 42 Land Act 1948). The Council has rights to manage and control the land and is the administering body of the land under the Reserves Act, but the underlying ownership remains with the Crown. The computer freehold register (141557) includes a memorial under section 19 of the Ngati Tama Claims Settlement Act 2003. The effect of this, is that if the reserve status of the land is revoked, the site will revert

to Crown Land under the Land Act 1948 and Ngati Tama will have a right of first refusal to acquire the land. The memorial also affects sections 35 and 39 on the western end.

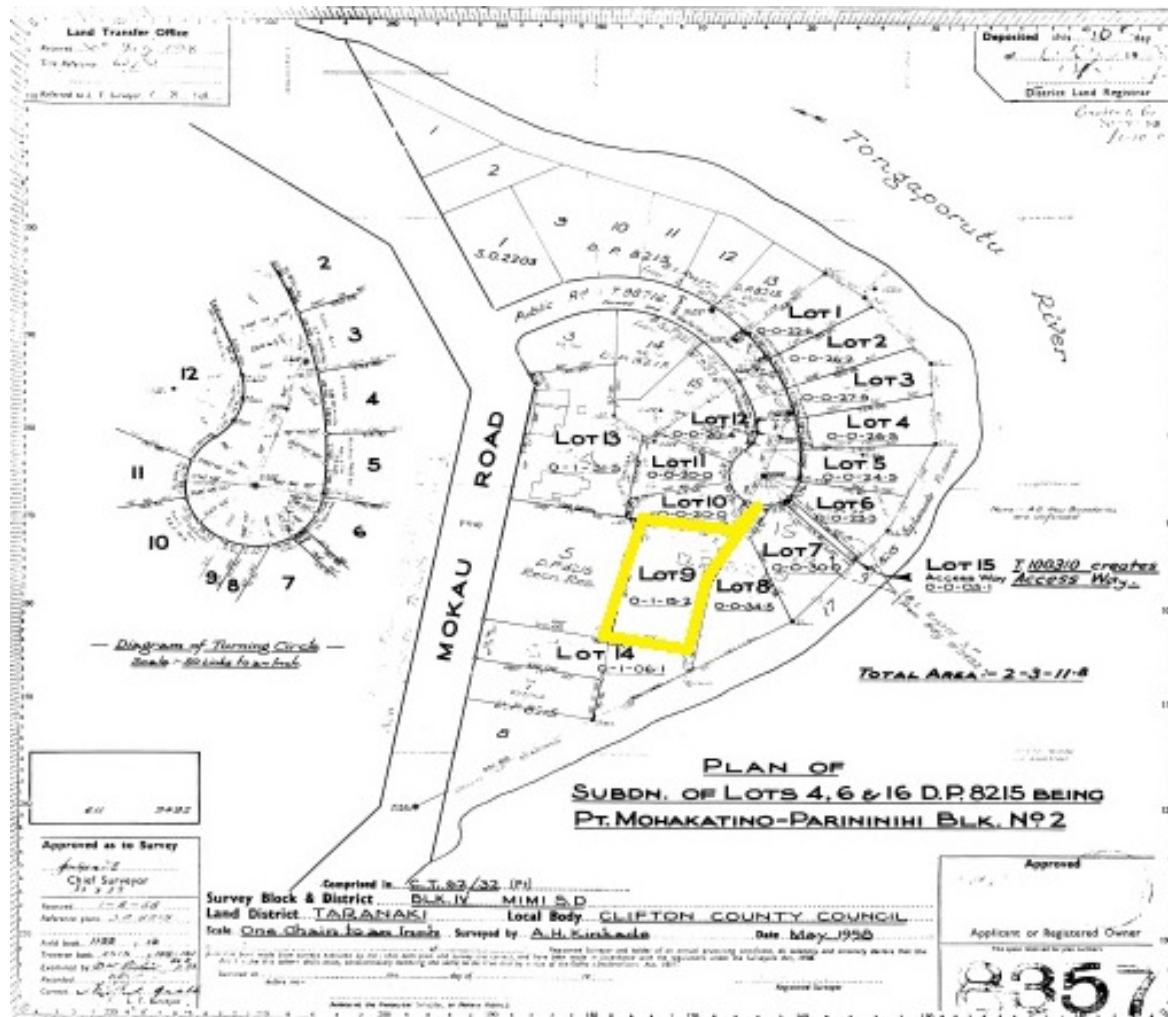


Figure 7: Deposited Plan 8357 (May 1958) – showing Lot 9 (former bowling club site)

3.4 Reserve Classification and Management History

In 1958 the Crown declared the Land then described as Lot 5 DP 8215 and Lot 9 DP 8357 to be a reserve for recreation and a public domain, subject to the Reserves and Domains Act 1953, to be known as the “Tongaporutu Domain”. The Crown also appointed the Clifton County Council to be the Tongaporutu Domain Board, to control and manage the reserve⁶.

In 1970 Section 35 (closed road), (S.O. Plan 10129) was set aside by the Minister of Lands as a reserve for recreation purposes pursuant to the Land Act 1948⁷.

⁶ Refer *New Zealand Gazette* 1958 page 1750

⁷ Refer *New Zealand Gazette* 1970 No.80 p.2434.

In 1976, Section 35 was declared by the Minister of Lands to be a public domain, pursuant to The Reserves and Domains Act 1953, subject to the provisions of Part III of that Act. Section 35 was also declared part of the Tongaporutu Domain to be administered as a public domain by the domain board⁸.

Also in 1976 Section 39 (resumed road, Crown land and Lot 1 DP 11460) Block IV, Mimi Survey District, was set apart by the Minister of Lands pursuant to the Land Act 1948 as a reserve for recreation purposes. Section 39 was also declared a public domain subject to the Reserves and Domains Act 1953 Part III and added to the Tongaporutu Domain to be administered as a public domain by the domain board⁹.

The recreation reserve as it exists today (comprising Lot 5 DP 8215, Lot 9 DP 8357, Sections 35 and 39) was classified as a reserve for recreation subject to the provisions Reserves Act 1977 by the Commissioner of Crown Lands by *Gazette Notice* dated 19 November 1981¹⁰. Note that this Management Plan also includes Lot 17 DP 8215 (esplanade reserve) for completeness.

The recreation reserve was vested in the Clifton County Council under Section 26A of the Reserves Act 1977 and held in trust by it for recreation purposes. It became vested in the New Plymouth District Council as successor to the Clifton County Council under the Local Government (Taranaki Region) Reorganisation Order 1989. While title to the land is in the name of the Council, if the reserve status of the land is ever revoked, that land would revert to the Crown as Crown Land with the exception of Lot 5 DP 8215 and Lot 17 DP 8215. Under section 25(4) of the Reserves Act, if the reserve status of Lot 5 DP 8215 and Lot 17 DP 8215 is revoked, the fee simple ownership of the land would remain with the Council.

⁸ Refer *New Zealand Gazette* 1976 No.63 p.1220-1221

⁹ Refer *New Zealand Gazette* 1976 No.63 p. 1221

¹⁰ Refer *New Zealand Gazette* 19/11/81 p. 3231

3.5 History

The large Pa site opposite the reserve on Clifton Road, demonstrates that the area surrounding Tongaporutu Reserve has a long history of association with tangata whenua. The Coastal Strategy Mana Whenua Mana Moana document notes of the Tongaporutu area:

This area can be considered part of the heart of Poutama country, to whose fighting fame some notable Ngāti Tama warriors contributed. It was the battleground of many a hostile incursion and on the southern bank stood Pou Tehia Pā. A little westward on the headland, stood Pukeariki Pā and offshore was Te Kaeaea's island pā, Pā Tangata.

The proximity and quantity of sea and forest resources, the abundance of river and agricultural produce, the subtropical climate and relatively protected river inlet, was a paradise for the closely linked coastal population.¹¹

Tongaporutu Reserve as we know it today was created over a period of time with parts being added over the years. The first part of the reserve to be formally created was the area on which the tennis courts and adjacent paddock (former bowling club) are now located, plus the riverfront esplanade reserve, which were created in 1958.¹² (Only the tennis courts and bowling green were gazetted as part of Tongaporutu Reserve (Domain) at that time). This was the result of a subdivision of the local store owner, Mr Hill. These community facilities served the small permanent population of Tongaporutu village and the surrounding rural area.

Use of the western/seaward part of Tongaporutu Reserve for recreation purposes appears to date back the construction of the State Highway when it was used for a camp for the Ministry of Works in the 1920s. With a motor camp in operation, on this and the adjacent Gibbs' family land, the area proved very popular in the 1930s.¹³ The Reserve also has a long history of providing an ideal location for casual recreation, picnicking, and access to the beach at low tide.

The Ministry of Works depot site closed in 1956. The realignment of the State Highway, left a portion of the road surplus to Crown requirements and this land was included in the Tongaporutu Domain. (see figure 4 for the location of the original seaward reserve on page 15)¹⁴.

¹¹ Mana Whenua Reference Group, Kaitiaki o Ngati Tama, Ngati Mutunga, Te Atiawa, Nga Mahanga-a-Tairi, "Mana Whenua Mana Moana", position paper for the New Plymouth Coastal Strategy p.13

¹² However, records show that tennis has been played on the current location of the tennis courts since 1923.

¹³ Brian E. Gray, 2000, *The Tongaporutu River Valley*, I & G Selby Ltd, Inglewood, New Zealand

¹⁴ Tongaporutu Bach leaseholders' Association and Brian E Gray, "Tongaporutu Coastal Outpost to Holiday Retreat", 2009

Due to the shelter provided by the headland at the river mouth, Tongaporutu Reserve serves as a popular entry and exit to the Tongaporutu River estuary and access to the “Three Sisters”.

The Three Sisters



Demand for access to the river resulted in the construction of a community built boat launching ramp. The ramp is not legally part of the Reserve, but for practical purposes, it is considered to be very much part of it. The Council has a coastal permit issued by the TRC for the ramp.

Although there are records of settlement of the land that is now classified as Tongaporutu Reserve, (in the form of a wharf and shed) dating back to the turn of the 20th century, no physical evidence of that early settlement remains today¹⁵.

In addition to the area occupied by the baches (discussed in the next section), significant development has been carried out over time on other parts of the reserve and the adjacent recreation areas. This has included within the reserve:

- Development of the tennis club facilities, jointly funded by tennis club fees and grants from both the Council and the Crown.
- Drainage of low lying swampy areas to better facilitate picnicking and casual recreation.
- Use of a parking area to facilitate a water skiing lane in the river.

¹⁵ Margaret deJardine, 1992, *The Little Ports of Taranaki*

And neighbouring the reserve:

- Development of the Boat Ramp
- Community built underpass under State Highway 3.
- Community rubbish clean ups.

Not all of the development has been beneficial. Construction of the gas pipelines in the 1970s lead to increased erosion. Concerns about erosion slowed development of recreation facilities in the 1970s and early 1980s. This was partially fixed by the construction of groynes to stabilise the river bank, but erosion still occurs behind the riverbank wall and holes can appear from time to time.

The Bowling Club land appears to have been grazed since around 1970 (and appears to have not been used for bowling since about 1962). Council file notes indicate that the land was used informally by local children for a play space.

The Council's files also note that concerns about dogs roaming the area, access to the esplanade reserves and issues with rubbish dumping and freedom camping have been concerns for some time.

3.5.1 **History of Baches**

Twenty six baches are located on Tongaporutu Reserve, along the Tongaporutu River, west of State Highway 3. They were constructed over a period of time with a few of the earliest baches that remain today, built in the 1930s.



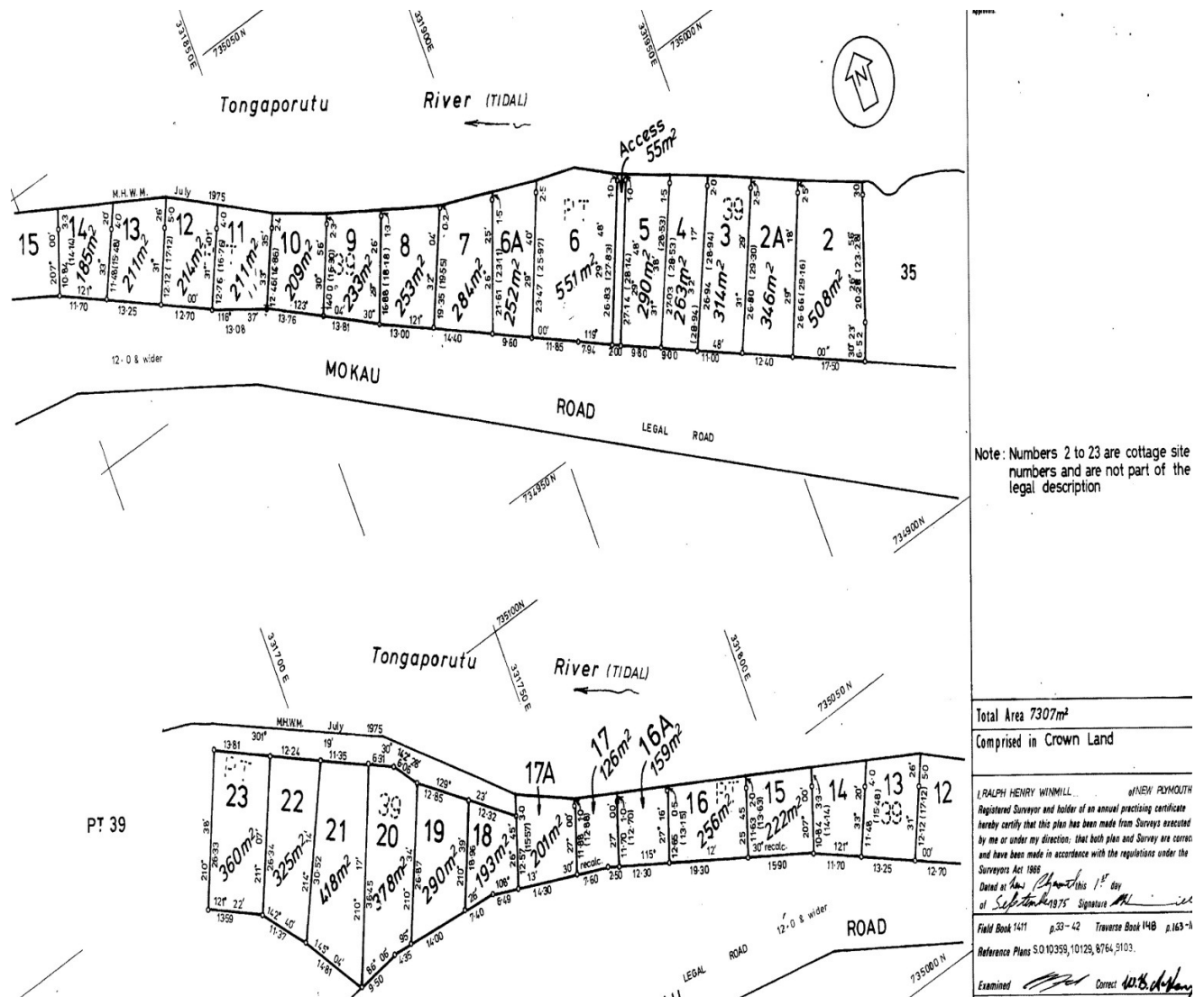


Figure 2: excerpt from Survey Office plan 10788 - diagram of bach Sites

Clifton County Council records show approval granted for baches to be erected on land now classified as Tongaporutu Reserve on or about the following dates:

- March 1942 – approval for one bach to be constructed
- April 1942 – retrospective approval for four baches already constructed on what the bach owners thought was ‘no-man’s land’
- March 1945 - June 1948 – thirteen sections allocated
- September 1952 – plan of area prepared and more sections made available on condition that river protection wall be built and sections backfilled.
- December 1952 – a total of 26 sections allocated excluding two occupied by the Ministry of Works
- April 1975 – 26 bach owners entered into 30 year lease with the Crown giving no right of renewal or ability to acquire the land. Other conditions included a limitation on assignment of leases and the requirement to remove all buildings and other structures within one month of the lease expiring

- December 1979 – retrospective approval granted for the demolition and building of a new bach on Cottage site no.22.

The next major event concerning the leases was the expiry of the 1975 leases in 2005. Following the completion of the Tongaporutu Reserve Management Plan in 2004, the Council considered whether or not it required the part of the reserve used for the baches for recreation in the immediate future and if not whether it was appropriate to lease the land. In 2005, the Council decided to enter into new leases for each of the bach sites for another 10 years, subject to a six month removal period, if the land were required for reserve purposes. In December 2011 the baches were registered as an historic area by Heritage New Zealand Pouhere Taonga¹⁶, citing that “together the baches are historically, architecturally and socially significant as a representative example of a now somewhat iconic ‘Kiwi’ lifestyle that is becoming increasingly rare”¹⁷. The status is a non-statutory recognition of the baches heritage – see policy 6.7.3 on page 53.

The baches were constructed when the land was road reserve. When the land was vested as a domain and subsequently classified as a recreation reserve this was done so with the knowledge that the baches already existed and were in private ownership. It is noted that when the land under the baches was set aside as domain it was done so with the knowledge that leases were to provide funding to allow the development of the domain but that the lease length was to be limited to 30 years in order to allow the “next generation the opportunity to obtain free access to and use of coastal and riverside land such as this”¹⁸. As noted above, in 2005, new 10 year leases were granted under section 73(3) of the Reserves Act 1977, which provides that if a recreation reserve or any part of it:

...is not being used for the purposes of a recreation reserve and in the opinion of the Minister is not likely to be used for that purpose, but it is inadvisable or inexpedient to revoke the reservation, lease or the whole or any part thereof may be granted by the administering body with the prior consent of the Minister...

This Management Plan does not address the grant of leases under section 73 of the Reserves Act. While the appropriate uses for reserve, including leasing, is a relevant matter that may be addressed in a Management Plan, it is not appropriate for the Management Plan to specifically contemplate the grant of leases under section 73, either to the bach owners, or otherwise. This is on the basis that section 73 is a code that provides an exception power, meaning that it authorises a use that falls outside the general purposes appropriate for recreation reserve, and is only able to be exercised if the specific criteria set out in section 73

¹⁶ Formerly New Zealand Historic Places Trust

¹⁷ Heritage New Zealand – Tongaporutu River Baches Historic Area – www.heritage.org.nz/the_list/details/9318

¹⁸ 13 September 1973 Letter from Hon. J Faulkner, Minister of Lands, to Mr. TN Watson County Clerk, Clifton County Council.

is satisfied. Any decision regarding whether or not to grant new leases for the baches when the current leases expire must be addressed separately to the Management Plan.

High Court decision regarding bach leases

The Council decision to issue new bach leases in 2005 was the subject of judicial review proceedings: *Gibbs v New Plymouth District Council* [2006] NZRMA 517.

The judgment dismissed the application for judicial review on all grounds.



3.5.2 Population Trends

The population in the general area around the Tongaporutu Reserve has been relatively static from 2001- 2013 (a total of 198 in 2001 census and 180 in 2013). This does not take into account seasonal populations from the holiday baches in the area.

3.5.3 Access

The reserve is the parking place and access point for the coast and the three sisters.

The baches occupy a significant area of Tongaporutu Reserve on the seaward side of the state highway. As a result of the location of the baches, public access to the Tongaporutu River estuary on the Western side of State Highway 3 is confined in the most part to the areas at each end of the Reserve and, at low tide, along the ‘beach’ area to the front of the reserve. Some access is available along the front of about eight baches at the western end of the reserve but the remainder is affected by the river erosion protection wall and fencing that makes access between and along the beach and grassed area difficult during low tide and impossible at high tides, as fencing and structures within the back yards impede walking. The Council actively works with bach owners to resolve any access issues as they arise.

The Tongaporutu Esplanade Reserve (Lot 17 DP 8215, .6020 hectares) located in a strip between properties on Hills Road and the Tongaporutu River also provides public access for approximately 500 metres along the river's edge. Aside from signage around the underpass, this area is not well sign posted. However, it does provide a significant length of public access to the river's edge. As discussed elsewhere in this plan, public access along the esplanade reserve is compromised by encroachments from neighbouring properties. An intention of this plan is that the Council will work with adjoining land owners who have encroachments on the esplanade reserve to ensure that they remove encroachments at the time of change of ownership, or at the time of walkway development (whichever is earlier).

3.6 Erosion, Sea Walls, Land Reclamation

The seaward part of Tongaporutu Reserve has been subject to estuarine erosion processes. Disruption to the coastline with the installation of the gas pipeline initiated a gabion basket sea wall as a coastal protection. However, the location had been subject to erosion processes prior to the pipeline installation..

The Council recognises the beneficial effect that some of the baches have had on reclaiming and retaining land within the Reserve. The following letter details their impact.

16 March 1972 – Letter to Hon. Duncan MacIntyre from County Clerk:

“A matter causing concern is the Department’s requirement that the cottages be ultimately removed from the area. A plan of the area involved is attached. These were permitted by Council to be erected during a period approximately 20-30 years ago as a means of re-establishing the riverbank which had eroded in places to within approximately 5 feet of the roadway. Some of the sections required fairly extensive filling and a condition on which cottages were permitted to be erected was that sections be filled out and a protection wall built on a line determined by Council to combat that erosion.....there is no doubt that the existence of the cottages and the associated work carried out by the tenants has resulted in the establishing and stabilising of the length of riverbank concerned.”

A district wide approach to erosion management was adopted by the Council in 1995. In relation to erosion and reserves the policy states that only significant public assets along the District's coastline will qualify for possible protection. It also states 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.

In 2009 a TRC report on coastal environments noted that within the Tongaporutu Estuary, the risk of storm surge or river bank erosion was greater than Coastal Erosion.¹⁹ The historic rate

¹⁹ Coastal Erosion Information: Inventory and Recommendations for State of The Environment Monitoring, Taranaki Regional Council November 2009

of erosion between 1882-1945 is estimated to have been 0.16m per year.²⁰ Over the past ten years the Council has received a few service requests about erosion threatening the river bank, sea walls and outdoor furniture.

The Council has TRC consents for the four groynes and the boat ramp (located on land adjacent to Tongaporutu Reserve). The bach owners have consents for the river bank protection in front of their baches. TRC's monitoring notes the environmental performance of Council owned structures as "high". TRC's 2010- 2011 coastal structures monitoring notes state:

The two sections of gabion basket seawall have been in existence for many years, and essentially protect the adjacent land from inundation and flooding, and erosion. While it is recognised that the four groynes affect long-shore sediment movement within the estuary, most of the associated environmental change with respect to the foreshore is considered to have already occurred.

The Tongaporutu Reserve Management Plan 2004 notes that, based on a landscape assessment, Tongaporutu Reserve was not considered a significant asset requiring erosion protection. However the following issues should be noted:

- The western part of Tongaporutu Reserve provides access to the coast and the outstanding natural environment at the Three Sisters. The reserve provides the only practical place to park to access that area.
- The reserve supports Clifton Road which provides access to neighbouring farms, the river and the Te Horo stock tunnel.
- Tongaporutu reserve supports river recreation through the adjacent boat ramp, provision of toilet and picnic facilities.
- The reserve supports the natural gas pipeline, and three groynes adjacent to the reserve protect the road and the adjacent boat ramp from river erosion, that without the groynes could be an issue.

The reserve has strategic importance that may justify some degree of protection. Currently the costs of doing so are managed by the Council (long term maintenance of the groynes) and the bach owners (sea wall protection).

The 2010 National Coastal Policy Statement addresses public open space in the Coastal Marine Environment, which includes tidal estuaries like Tongaporutu. The National Policy Statement seeks to strike a balance between recreational open space, public accesses to the coast and preserving environmental values. The National Policy Statement addresses the need for free and unrestricted access to and along the coast and notes the importance of providing linkages between open space and the coastal environment.

²⁰ Coastal Erosion Information p.21

In this case there is a balance required between providing linkages and access between parts of Tongaporutu and Three Sisters and preserving that access against coastal/ estuary hazards and sea level rise. The National Policy Statement also requires councils to consider a balance between ensuring that vehicle access does not compromise the coastal environment and ensuring that vehicle access helps the public gain access to open spaces.

3.7 Administration and Management

The Reserve is currently administered and controlled by the New Plymouth District Council. Day to day maintenance of Tongaporutu Reserve is sub-contracted by the Council to local providers for activities such as mowing of the reserve, clearing of rubbish and other maintenance.

In 1958 by New Zealand gazette Notice, Clifton County Council were appointed the domain board for Tongaporutu Domain, and a local committee continued to manage affairs for the domain.

In 2002, in response to a Council resolution, a new reserve committee was elected at a public meeting. The Committee was not formally constituted as a committee of the Council and it is understood that it has now been disbanded (although the Council has no formal record of that).

3.8 Dogs

Dogs that are not well managed may have an impact on wildlife known to frequent Tongaporutu Reserve. Incidents of dogs attacking penguins and other wildlife have been reported to Council officers. Feedback in the comments and open day during preparation of this Management Plan noted concerns about dogs roaming on Tongaporutu Reserve. It is important that rules around animals on Tongaporutu Reserve are well understood by all users.

3.9 Camping

Public comments on camping during the preparation of the Management Plan indicate that freedom camping (camping for free in a tent or vehicle) has been a contentious issue for many reserve users. Commentators indicated that campers tended to overload the toilet facilities. Service requests received over the last ten years suggest that from time to time freedom campers leave rubbish behind at the seaward end car park rather than taking it with them or using the Jack Trash disposal. Clear signage about rubbish disposal is required.

In April 2010, the Council undertook a survey of freedom camping at Tongaporutu on five occasions over a two week period. The survey also looked at other coastal sites within the same time frame. It noted that Tongaporutu had a higher level of overnight stays by self-contained vehicles compared to most other sites and had an average of around two campers per night.

The Council's Public Places bylaw allows for camping areas to be set aside in a management plan, but given the issues about toilets discussed above, limiting camping to self-contained vehicles as permitted in the bylaws is a reasonable option.

3.10 Outdoor furniture

The use monitoring survey indicates that the Reserve is a popular picnic spot. Picnic tables are provided for public use at the Reserve. Providing eating and seating facilities at reserves can add value to the users' experience. However, if inappropriately placed or designed they can be subject to vandalism. They also create a demand for rubbish removal receptacles and associated servicing costs.

3.11 Litter and Waste Management

Council waste management policies should be consistent with wider policy objectives and should also comply with any relevant legislative requirements. The Council has a Solid Waste Management Plan that makes provision for the collection and reduction, reuse, recycling, recovery, treatment or disposal of waste in the District. A "Jack Trash" waste disposal unit has been placed on road reserve adjacent to Tongaporutu Reserve as part of the Solid Waste Management Plan.

The dumping of solid waste on reserves or the inappropriate use of existing solid waste disposal facilities could detract from Tongaporutu Reserve values and its proper function. Waste water emanating from Council owned toilets on the reserves is treated by septic tank. Bach owners are responsible for the suitable disposal of their own waste water in accordance with TRC and Health Act requirements. This is currently achieved by a number of methods, including septic tank and aerated wastewater treatment systems.

TRC is responsible for the monitoring of waste water discharge and river quality. The discharge of sewerage into the river is prohibited under TRC's Coastal Plan. The discharge of other domestic wastewater is highly regulated and TRC has advised that no discharge should be occurring into the river. Three baches have their wastewater systems within 25 metres of a tributary stream and require a permit for wastewater discharge. TRC advise that regular monitoring occurs and so far no concerns have arisen about water quality or contamination from wastewater disposal.²¹ TRC continue to monitor this coastal environment.

3.12 Landscape Management

Vegetation on the Reserve is dominated by grassed areas. Pohutukawa trees have been planted in various parts of the Reserve and provide shade for picnicking users. The grassed areas are currently mown by a Council contractor.

²¹ James Kitto, Personal Communication, 22 April 2014

3.13 Facilities – Toilets, Tennis Courts etc

Two toilets are located on the Reserve. One toilet is located at the western end of the Reserve on a natural rise alongside two changing sheds. The other toilet is located next to the tennis courts and belongs to the Tongaporutu Tennis Club which is available to users of the courts.

Two asphalt tennis courts were built by the Tongaporutu Tennis Club with the financial assistance of Clifton County Council and are still regularly used by the community. A small clubroom and toilet facility belonging to the club is located next to the tennis courts. Records indicate that the tennis has been played at this location since 1923 and the tennis club has been in existence since 1928. The club does not hold a lease for their building located on the site, which is a requirement for third party occupants under the Reserves Act 1977. The club has indicated that it does not want to enter into a lease for the occupation of the land.

A First Aid post and small fire-fighting unit have also been placed on the reserve.

3.14 Gas pipelines

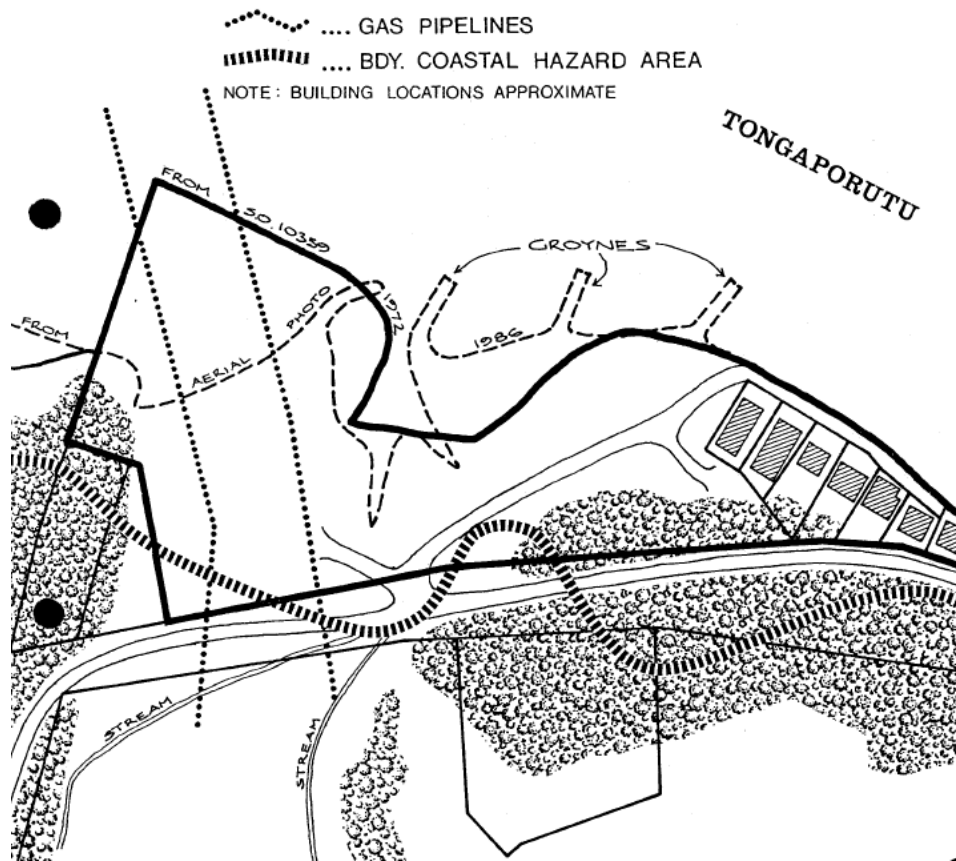
The far western part of Tongaporutu Reserve is subject to two Pipeline Certificates under Section 70A of the Petroleum Act 1937 in favour of Natural Gas Corporation of New Zealand Limited (now NGC New Zealand Limited). These create 12 metre wide easements over two high pressure natural gas pipelines that travel from Taranaki to Auckland, and pass through the western part of the Reserve. The Pipeline Certificates are registered against the computer freehold registers to the land, and set out the rights and obligations of NGC New Zealand in relation to the pipelines.

One of the pipelines runs from Kapuni to Auckland and is now owned by Vector Gas Limited, the second pipeline runs from Oanui to Huntly and is now owned by Maui Developments Limited and managed by Vector Gas Limited.

Four groynes were constructed by the Domain Board and Clifton County Council in the late 1970s and early 1980s (funded by the pipeline construction company). They protect Tongaporutu Reserve from erosion which was caused during the construction of the pipelines across the river. The groynes were intended to reinstate land, which was eroded by construction of the pipelines.

NGC is responsible for the maintenance of the gabion wall protecting the pipeline. The responsibility of maintaining the other three groynes lies with New Plymouth District Council.

Location of gas pipelines



4 PLANNING CONTEXT

4.1 Legislative and policy context

4.1.1 Reserves Act 1977

Administration of reserves

Reserve management plans are required under section 41 of the Reserves Act. As administering body of Tongaporutu Reserve, the Council is responsible for preparation and review of the Management Plan.

Public reserves are administered under the Reserves Act 1977. The general purpose of the Reserves Act (Section 3) is:

Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) Recreational use or potential, whether active or passive; or*
- (ii) Wildlife; or*
- (iii) Indigenous flora or fauna; or*
- (iv) Environmental and landscape amenity or interest; or*
- (v) Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:*

Classification of Reserves

The Council is also required to classify reserve land according to its primary purpose. The classification of reserve land determines the type of uses and development permitted on reserves. These are then given effect to in management plans. With the exception of the esplanade reserve (Lot 17 DP 8357), Tongaporutu Reserve is classified as recreation reserve. It is not mandatory to have a management plan for local purpose reserve (unless required by the Minister). However, for consistency of administration of reserves at Tongaporutu, it is considered important to include the esplanade reserve in this Management Plan.

Management Planning for Reserves

The purpose of a management plan is to provide for the management of reserves so that decisions regarding their use and development do not compromise the long term use of the

reserve or conflict unduly with other uses. Management plans are required to be under constant review.

A management plan must “provide for and ensure”:

- The use, enjoyment, maintenance, protection, and preservation as the case may require, of the reserve for the purpose for which it is classified;
- The reserve’s development (as appropriate) to the extent that the administering body’s resources permit, for the purpose for which it is classified;
- That the principles set out in section 17 to 23 of the Act that apply to the reserve, are incorporated in the plan;
- Compliance with those principles.

Once a management plan has been approved the Council may exercise certain statutory powers that are conditional upon a management plan being in existence (e.g. the granting of leases, licences and easements over reserve land). These are outlined in the Act itself and various powers delegated to local authorities.

Recreation Reserves

Section 17(1) of the Act sets out the general purposes of recreation reserves. They are for the purposes of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

Section 17 of the Act provides for: -

- Freedom of entry and access to the reserves, subject to other provisions of the Act.
- Management and protection of scenic, historic, archaeological, biological, geological, or other scientific or indigenous flora or fauna or wildlife to the extent compatible with the principal or primary purpose.
- Conservation of qualities of the reserve which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve.
- Maintenance of the reserve’s value as a soil, water and forest conservation area to the extent compatible with the principal or primary purpose of the reserve.

Local Purpose Reserves

Under section 23 of the Reserves Act, local purpose reserves are to be managed for the main purpose specified in the classification. For Tongaporutu Reserve the main purpose is Local Purpose (Esplanade) Reserve.

The Reserves Act states that for local purpose reserves, where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features should be managed and protected to the extent compatible with the principal or primary purpose of the reserve.

Under section 23(2), nothing is permitted on local purpose (esplanade) reserve that would "impede the right of the public freely to pass and repass over the reserve on foot, unless the administering body determines that access should be prohibited or restricted to preserve the stability of the land or the biological values of the reserve."

Powers of Administering Bodies

The powers of administering bodies with regard to reserve management are set out in the Reserves Act. In December 1999 the Minister of Conservation delegated many of the Minister's powers under the Reserves Act to territorial authorities (i.e. district councils). This instrument of delegation was updated in March 2004 and in June 2013, by the Minister of Conservation.

Leases, Licences and other Agreements

The Reserves Act gives the Council the power to grant licences, leases and other agreements for recreation reserve as provided by sections 48, 48A, 53, 54, 71, 72, 73, and 74.

Where leases or licences of recreation reserves vested in the Council are proposed under Section 54 of the Reserves Act, the Council is not required to publicly notify proposals if they conform with and are contemplated by an approved management plan (or it has been issued under the Resource Management Act 1991 following the grant of a resource consent that was notified under the RMA) (Section 54 (2A)).

Under the Instrument of Delegation from the Minister of Conservation, the Council has the delegated authority to consent or refuse to consent to:

- The granting of rights of way and other easements (Section 48).
- The granting of a licence for communications stations (Section 48A).
- The granting of leases and licences for specific purposes (Section 54 – Section 54(1A) provides statutory authority also).
- The granting of a lease where the reserve is not for the time being required or is not likely to be used for the purpose for which it is classified (Section 73).
- The granting of temporary licences to occupy for the purposes of grazing, gardening or similar purposes (Section 74).

4.1.2 Other relevant legislation

Local Government Act 2002

In addition to complying with the Reserves Act, in preparing a Management Plan and managing reserve, the Council must also comply with the requirements of the LGA 02. The Part 6 decision making obligations apply alongside the Reserves Act requirements for the preparation and review of the Management Plan, and, in preparing a Management Plan, the Council must consider, identify and assess all reasonably practicable options and consider the views and preferences of persons likely to be affected by, or have an interest in, the Management Plan.

Funding levels for new development and maintenance of existing parks and reserves is set through the LTP. The LTP sets out a process for the next ten years to deliver clear goals between the Council and the community. It is reviewed every three years.

Resource Management Act 1991

The RMA provides the statutory basis for the New Plymouth District Plan and as the administering body for the Tongaporutu Reserve, the Council has a responsibility to comply with the RMA and District Plan. The purpose of the RMA, as expressed in section 5, is to promote the sustainable management of physical resources. One of the functions of the Council under the RMA for the purpose of giving effect to that Act in its District, is the control of the actual or potential effects of the use, development and protection of land.

The TRC also has specific functions under the RMA which are relevant to Tongaporutu Reserve. These are discussed in more detail below.

Conservation Act 1987

The Conservation Act 1987 promotes the conservation of New Zealand's natural and historic resources and provides for the Department of Conservation, which is tasked with managing the Reserves Act.²²

Section 6 of the Conservation Act, provides that DOC's functions include:

- Preserving all indigenous freshwater fisheries, and protecting recreational freshwater fisheries and freshwater fish habitats;
- Advocating for and promoting the benefits of conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular;

²² The Reserves Act is listed in the First Schedule as being one of the acts administered by DOC

- Preparing, providing, disseminating, promoting, and publicising educational and promotional material relating to conservation; and
- To foster the use of natural and historic resources for recreation or tourism where use is not inconsistent with their conservation.

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

Additionally, Fish and Game New Zealand has been established under this Act and has a role to maintain and enhance sports fish and game birds and their habitats in the best long-term interests of present and future generations of anglers and hunters.

Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act promotes the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The Act repeals the Historic Places Act 1993 and continues the New Zealand Historic Places Trust, renamed as Heritage New Zealand Pouhere Taonga. The Act continues with the system of a "list" (formerly known as a "register") known as the New Zealand Heritage List /Rarangi Korero to recognise heritage values. This Act also provides for the establishment and maintenance of an additional list to be known as National Historic Landmarks/Nga Manawhenua o Aotearoa me ona Korero Tuturu.

The Tongaporutu baches have been registered in the New Zealand heritage list as a "historic area" since December 2011. Registration on the List does not create direct regulatory consequences for property owners or create specific rights or control over property. Recommendations from Heritage New Zealand may however be made, and may influence local authority decisions about the regulatory treatment of activities under the RMA through policy statements, plans and resource consents and inform the contents of management plans.

4.2 Role of Other Councils/Organisations

4.2.1 Taranaki Regional Council

TRC also has responsibilities that may affect the management of parks and reserves. Regional councils' responsibilities include:

- Developing regional policies on managing natural and physical resources.
- Promoting sustainable land management and soil conservation.
- Managing freshwater, land, air and coastal resources by developing regional policy statements, regional plans and issuing of consents.
- Managing rivers and undertaking river control and flood protection.

- Contributing to regional emergency management and civil defence preparedness.
- Undertaking regional land transport planning, providing passenger transport services and undertaking harbour management.
- Undertaking pest management.
- Carrying out resource investigation, monitoring and environmental enhancement.

The policy and rules on fresh water are contained in the TRC Regional Fresh Water Plan and TRC is the authority that issues consents for extraction and discharge from/ into water bodies. There are discharge permits administered by the TRC for the domestic waste water related to the baches at Tongaporutu Reserve – these are held by the individual bach owners.

TRC is the authority that administers coastal permits. Permits exist for the rock groynes and sea walls at Tongaporutu, which are managed by the Council. Additionally permits are held by bach owners for the retaining wall/sea protection structures in front of each bach at Tongaporutu.

TRC has classified the area adjoining Tongaporutu in its Regional Coastal Plan as an area of outstanding coastal values.

4.2.2 **Maritime New Zealand**

Maritime New Zealand act as guardians to the maritime environment; an example of this is determining boating speeds at in shore areas such as Tongaporutu estuary. The organisation has the ability to prosecute any breaches of the rules.

4.3 **New Plymouth District Council Plans and Policies**

4.3.1 **Long Term Plan**

The LTP is the overarching planning and policy document for New Plymouth District. It is updated every three years and sets out the Council’s priorities over a ten year time frame to provide for the wellbeing of the New Plymouth District. This wellbeing is measured against seven community outcomes set by the Council that were developed through public consultation:

- Vibrant
- Prosperous
- Sustainable
- Secure and Healthy
- Skilled
- Together
- Connected

The Tongaporutu Reserve contributes to the sustainable and secure and healthy outcomes through the provision of access to a natural environment that contains significant values.

The LTP provides a framework for funding and implementation of Council projects and programmes, including policy and planning. Funding for the implementation of the Management Plan will be provided through the LTP process.

4.3.2 District Plan

The Council must prepare a District Plan under the RMA to promote the sustainable management of natural and physical resources. The bulk of Tongaporutu Reserve is zoned rural, with Lot 5 DP 8215 and Lot 9 DP 8357 zoned residential C. All of the reserve is included in the coastal policy area.

The District Plan also has provisions to protect specific features that occur within reserves, such as archaeological sites, waahi tapu sites and notable trees.

Activities within Council administered reserves have to comply with rules set out in the District Plan, although Methods of Implementation (8.2 in the District Plan) directs that reserve management plans be used as "the primary means of management of COUNCIL owned reserves". The District Plan's reasons for this method include that reserve management plans "*provide for the detailed management of each reserve, including the effects arising from multiple uses, and are considered the most appropriate management tool*".

The District Plan notes that the Tongaporutu River Mouth is a significant coastal area, noting that:

The Tongaporutu River mouth is somewhat similar to the Mohakatino River mouth in that it is relatively unmodified near the entrance to the sea, has a wide lagoon just inside the entrance and has large areas of mud and sand flats. This whole area and the adjacent wetlands and marginal salt marsh provide habitat and food sources for a large number of coastal birds and fish species, spawning areas for native freshwater fish, and roosting areas for a number of migratory and wading bird species (DoC, 1991, 1995). The Geopreservation Inventory has recorded the coast at Tongaporutu as an area of national importance due to the fossils of the Miocene Epoch that are present (DoC, 1991). It has also been recognised as having significant landscape values.²³

The District Plan encourages removal of pest species, riparian planting and improving access to the reserve.

²³ New Plymouth District Plan, Appendix 20 p.231

The District Plan also notes a terraced pa site on private land south of Tongaporutu Reserve and that a portion of the reserve nearest the river is within a Coastal Hazard Zone.

4.4 Open Space, Sport and Recreation Strategy (currently under development)

The Open Space, Sport and Recreation Strategy will devise a picture of what the district's open space network will look like in the next thirty years. The strategy will determine the criteria for the acquisition and disposal of open space, and will provide a consistent decision making framework for open space provision within the New Plymouth District. It will also review the open space needs of urban areas (Future Urban Growth Areas) within the district, and shared pathway networks. The criteria identified in the strategy will be used as part of the decision making process to either acquire or dispose of open space identified within the management plan.

4.5 Council Bylaws and Other Policies

Day to day operations in parks and reserves are also controlled by the district's bylaws. Reserve policies and Management Plans should be read in conjunction with the New Plymouth District Council Bylaws. The bylaws that are relevant to the Tongaporutu Management Plan are Bylaw 2008 Part 5 Public Places and Part 6 Recreation and Cultural Facilities.

4.6 Other Policies Relevant to the Management Plan

Over time the Council has adopted a number of policies that are relevant to the management of Tongaporutu Reserve. The General Policies for Council Administered Reserves provide an omnibus set of policies that apply to all Council administered parks and reserves in the district. In addition, there are a number of individual policies that provide direction to parks and reserves management (listed below).

- Boundary Fencing (P00-022)
- Advertising Signs on Reserves (P00-023)
- Barrier Free District Policy (P01-015)
- Reduction to UV Exposure (P04-003)
- Memorials in Public Open Spaces (P04-009)
- Heritage Trails (P05-017)
- District Tree Policy (P06-002)
- Commercial Trading in Public Places (P14-001)
- Events on Parks and Reserves (P14-002)

Unless this Management Plan specifies an alternative approach to Tongaporutu Reserve these policies should be considered where relevant as part of any decision made about Tongaporutu Reserve.

5 TANGATA WHENUA - STATUTORY CONSIDERATIONS

5.1 Background

Taranaki has been settled by humans for approximately 800 years, with the arrival of many waka over the centuries. There are six intertwined iwi groups having rohe in and around the New Plymouth District: from north to south they are: Ngāti Maniapoto, Ngāti Tama, Ngāti Mutunga, Ngāti Maru, Te Ātiawa and Taranaki . These iwi trace their ancestry through the Tainui, Tokomaru and Kurahaupo waka.

All of the coastal land in New Plymouth District was settled by Māori prior to the arrival of European settlers, from the Hangatāhua (Stony) River in the south to the Ngāti Tama boundary at Mokau.

The Crown assumed ownership of large tracts of land at the time of European settlement and in later years as the District developed. Over a million hectares of land was confiscated from Māori during the 1860 land wars by the Crown. Subsequently, lands were taken for public works such as the railway and schools. These events disrupted the relationship between tangata whenua and their rohe and the kaitiakitanga, or stewardship, role that they traditionally held with regard to those lands and resources. Despite being dispossessed of their lands tangata whenua continue to exercise a form of tino rangatiratanga and mana whenua over their rohe.

Issues related to land ownership and breaches of the Treaty of Waitangi/ Te Tiriti o Waitangi are still in the process of being resolved between the Crown and Māori. The Treaty of Waitangi settlement process has given statutory acknowledgement to Ngāti Tama of their relationship to lands and resources within their rohe, which includes Tongaporutu Reserve.

It is understood that there are other Treaty claims involving Tongaporutu that are yet to be resolved by the Crown. Additional information with regard to tangata whenua interests may be added to this plan as new information becomes available, particularly as and when Treaty settlements are addressed.

5.2 Kaitiakitanga

The Mana Whenua Mana Moana document prepared by the Mana Whenua Reference Group in 2006 describes the history and connection of each iwi and hapu group with their rohe. The document notes that, “One of the most important issues for tangata whenua is land and land use, whether it is in their ownership, private ownership or local authority ownership. Their

responsibilities of kaitiakitanga do not alter”.²⁴ The document describes kaitiakitanga at page 8 as follows:

KAITIAKITANGA in the traditional concept was an obligation and responsibility of tangata whenua to be protectors and caretakers of the tribal estates, interests and resources. This included the ability to put in practice particular protection methods such as rahui. The modern concept of kaitiakitanga is the responsibility on tangata whenua to advocate and practice sustainable development.

One of the most immediate ways for the Council to acknowledge the kaitiaki role of tangata whenua within their rohe is to provide opportunities for participation in decision-making processes on issues related to the management of land and resources, including reserves owned and/or administered by the Council. Mana Whenua Mana Moana notes that “It is of utmost importance that any decision regarding land and resources will be of significance to tangata whenua.”

5.3 Legislative Context

As a partner to the Treaty of Waitangi, Maori are given special recognition under the Conservation Act 1987, RMA and LGA 02. All persons exercising powers and functions under these Acts are required to have regard to these matters.

Section 4 of the Conservation Act 1987 provides that this Act should be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. There is a Crown Law Office opinion to the effect that the Reserves Act 1977 must also be interpreted and administered to give effect to the principles of the Treaty of Waitangi²⁵. It is consistent with this position that the Council takes into account the principles of the Treaty when preparing and implementing this Management Plan.

The LGA 02 contains specific requirements to involve tangata whenua in decision-making regarding lands and resources that are within their traditional rohe but outside of their fee simple ownership. Parts 2 and 6 of the LGA 02 outline principles and requirements for local authorities to facilitate participation by Maori in local authority decision-making processes.

Section 77(1)(c) of the LGA 02 requires that any significant decision made by a local authority in relation to land or a body of water, “take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga”.

²⁴ Mana Whenua, Mana Moana, p.6

²⁵ Crown Law Office opinion is that the Conservation Act 1987 binds the Acts listed in Schedule 1, including the Reserves Act 1977.

Section 81(1) of the LGA 02 requires a local authority to:

- Establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority, and
- Consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority, and
- Provide relevant information to Maori for the purposes of the above.

5.4 Ngati Tama Claims Settlement Act 2003

Tongaporutu Reserve is currently vested in the Council.

As a requirement of the Ngati Tama Claims Settlement Act 2003, Ngati Tama has a right of first refusal over Tongaporutu Reserve land (excluding the esplanade reserve and tennis courts).

The title to the land is subject to a memorial under the above Act, to the effect that, if any part of the land ceases to be classified as reserve under the Reserves Act, it will vest in the Crown as Crown Land under the Land Act 1948.

At that time, Ngati Tama will have a right of first refusal for 50 years over the land.

5.5 Rights and Recognition

Ngāti Tama

The iwi of Ngāti Tama is represented by Te Runanga o Ngāti Tama as the post settlement entity that is mandated to look after the interests of the iwi. Tongaporutu Reserve is part of the original Mohakatino-Parininihi block of land which was subject to the Native Land Court processes in 1882 for investigation of ownership of title. The iwi of Ngāti Maniapoto and Ngāti Tama claimed and counter claimed ownership of the block. The Native Land Court decided in favour of Ngāti Maniapoto at that time and would not allow a rehearing by Ngāti Tama to proceed. Prior to that court decision and since, the ownership of the block has been the subject of disputes between these two iwi.

The Waitangi Tribunal's Taranaki Report 1996 provided the basis for the Ngāti Tama claims and a Heads of Agreement was entered into between the Crown and the iwi in 1999. The historical account within the Heads of Agreement refers to the Native Land Court investigation of the Mohakatino-Parininihi and Mōkau-Mōhakatino blocks and indicates that the Crown has accepted that there was a prejudicial effect on Ngāti Tama in the Native Land Court's determination of ownership.

The Crown identified Tongaporutu Reserve as a property that could be vested in Ngāti Tama in fee simple title as part of the iwi settlement. The research undertaken as part of the claims process would have shown that there is a sufficiently strong connection and interests of Ngāti Tama to the area for land title to be proposed in the package. As a result, the Crown

approached the New Plymouth District Council as the administering body of Tongaporutu Reserve to request agreement for the reserve to be transferred to Ngāti Tama. The Council undertook consultation with the affected community and as a result of that consultation, declined the request of the Crown for that transfer to occur as part of the settlement. As outlined earlier, Ngāti Tama has a right of first refusal over part of Tongaporutu Reserve, if it ceases to be classified as reserve.

The Council accepts that Ngāti Tama have an historical, cultural and spiritual connection with the whenua at Tongaporutu Reserve.

Ngāti Maniapoto

The iwi of Ngāti Maniapoto is represented by the Mokau Ki Runga Management Committee which is mandated to look after the resource management interests of the iwi in the area. Ngāti Maniapoto claim an interest in land as far south as the Waikaramuramu (two kilometres south of Waipingao Stream) which is north of Pukearuhe and south of the Whitecliffs, and includes Tongaporutu.

Ngāti Tama/Ngāti Maniapoto Cross Claim

In 1999 prior to the signing of the Heads of Agreement with Ngāti Tama, an urgent Waitangi Tribunal hearing was held in light of objections raised by Ngāti Maniapoto regarding the settlement package being offered to Ngāti Tama. Ngāti Maniapoto were concerned that the proposed Ngāti Tama Heads of Agreement would prejudice the claims of Ngāti Maniapoto to appropriate redress when their claim was heard. As a consequence, the Ngāti Tama agreement was revised due to an inability for mediation between the two iwi to reach a consensus.

Ngāti Maniapoto are currently involved in Waitangi Tribunal hearings for claims relating to historical breaches of the Treaty of Waitangi in Te Rohe Potae (King Country).

It is important that the views of Ngāti Maniapoto are taken into account in relation to Tongaporutu Reserve, as they have identified that they have interests in the area. The degree to which their views should be considered in relation to the Tongaporutu Reserve needs further consideration and it is expected that once these claims have been settled, there will be more clarity for local authority decision making processes.

It should be noted however that while there are overlapping interests in this area, as noted above, the Crown has offered Ngāti Tama a right of first refusal to purchase the reserve if the reserve classification is revoked within 50 years. The Ngāti Tama/Ngāti Maniapoto Cross Claim Waitangi Tribunal Report stated in relation to the revised package being offered to Ngāti Tama that:

All other redress offered in the Heads of Agreement continues to be offered on the basis that it is either non-exclusive (Statutory Acknowledgements, Deeds of Recognition, and Protocols) or Ngāti Tama have sufficiently strong interests to justify exclusive redress.

Ngā Hapū o Poutama

Ngā Hapū o Poutama consider themselves an iwi and have stated that they represent the views of interested hapū, Ngāti Wai, Ngāti Tūmai, Ngāti Rakei, Ngāti Hine, Te Kawau Papakainga, Te Kawau Marae and Te Kauwau Trust. This list appears to include marae and Maori land trusts. Many of the members of these organisations have whakapapa links to both Ngāti Tama and Ngāti Maniapoto and their tupuna (ancestors) occupied land between Mokau and Parininihi in the area traditionally known as Poutama. However members of Ngā Hapū o Poutama identify themselves separate from both these iwi. They are currently involved in the Te Rohe Pōtae Waitangi Tribunal Hearings as part of a claim they have lodged with the Waitangi Tribunal. Their identified rohe includes land north of the Taranaki confiscation line (from the Te Horo tunnel inland to Tahoraparoa²⁶) and includes the Tongaporutu Reserve.

It is expected that the outcome of the Te Rohe Potae Waitangi Tribunal hearings will provide clarity to Council in terms of the level to which their views should be considered. However it is important to note that neither Ngāti Tama or Ngāti Maniapoto recognise Ngā Hapū o Poutama as an iwi. It is likely that these views and the lack of recognition by those iwi cannot be ignored completely and may have an impact on the level of their future involvement with Tongaporutu Reserve.

²⁶ Tahoraparoa is the full version of the shortened Tahora, on SH 43.

6 GENERAL POLICIES AND OBJECTIVES FOR THE MANAGEMENT OF TONGAPORUTU RESERVE

The General Policies for Council Administered Reserves (2006), and other Council policies referenced in that document, apply to Tongaporutu Reserve. These policies should be considered, where relevant, as part of any decision made on Tongaporutu Reserve.

The implementation of any management plan requires a clear statement of goals and objectives appropriate to the reserve under consideration. Objectives provide the basis for the development of policies and the implementation of this plan. Under each set of goals and objective, this section cross references actions and the Development Plan.

The overarching purposes for Tongaporutu Reserve are those of recreation reserve and local purpose (esplanade) reserve for river and coast access and casual recreation.

Table 1: SUMMARY OF GOALS AND OBJECTIVES FOR TONGAPORUTU RESERVE

| No. | Goal | Objective |
|-----|--|---|
| 6.1 | Compliance with the Reserves Act 1977 | Manage Tongaporutu Reserve in accordance with the classification assigned to them under the Reserves Act 1977. |
| 6.2 | Recreation and use | Define the most appropriate recreation uses for Tongaporutu Reserve and develop and maintain the reserve to increase its usefulness and value to people while maintaining a balance between passive and active recreation. Enhance those qualities of Tongaporutu Reserve character and those identifiable features that contribute to its distinctive environment, use and enjoyment. |
| 6.3 | Circulation and access | Ensure that Tongaporutu Reserve is identifiable to the public, safe and accessible to local residents and visitors, with clear linkages between open space, the coast, residential development and roads. |
| 6.4 | Landscape management and protection | Protect the natural environment and enhance the beauty of the coastal environment. |
| 6.5 | Community relationships and partnerships | Encouraging the local community and tangata whenua to be involved with the conservation, management, planning, use and development of the reserve. |

| | | |
|-----|-----------------------|--|
| 6.6 | Development | Ensure that Tongaporutu Reserve development meets community needs and expectations in an integrated manner that ensures the area's long term sustainability, protection and enhancement of its character and values. |
| 6.7 | Heritage conservation | Ensure that archaeological, heritage sites and heritage areas at Tongaporutu Reserve are identified and the Council undertakes appropriate protection. |
| 6.8 | Land Disposal | Ensure that reserve land holdings are appropriate to the recreation needs of the community. |

6.1 Compliance with the Reserves Act

***Objective:* All parks/reserves are to be managed in accordance with their Reserves Act 1977 classification.**

Policies

6.1.1 Reserve Classification and Administration

Council as the administering body of the Reserve will classify, administer and manage each parcel of land according its classification.

Actions – refer to Implementation Plan – page 63:
Refer to 11.1.1

6.2 Recreation and Use

***Objective:* Identify the most appropriate recreation uses for Tongaporutu Reserve and develop and maintain the reserve to increase its usefulness and value to people while maintaining a balance between passive and active recreation.**

Policies:

6.2.1 Recreation Use

The Council will provide opportunities for casual recreation, sporting activities and access to the coast and river in order to enhance the physical and social welfare and enjoyment of the public. Tongaporutu Reserve is considered suitable for the following recreation and leisure activities:

- Walking and accessing the river and coastal marine area.
- Wildlife viewing.
- Picnicking.
- Dog walking provided dogs are on leashes at all times (consistent with bylaw).
- Other informal active and passive recreation.
- Camping (provided it is consistent with the bylaw).
- Car parking for coastal and boat ramp access (in defined areas).
- Using the tennis courts.
- Safe access to launch and retrieve boats from the boat ramp.

Hunting is not permitted as an activity at Tongaporutu Reserve.

***Objective:* Enhance those qualities of Tongaporutu Reserve character and those identifiable features that contribute to its distinctive environment, use and enjoyment.**

6.2.2 New Development

Any new development or activities within Tongaporutu Reserve will be assessed with consideration to the Development Concept and general objectives in this plan and the 'General Policy for Council Administered Reserves'.

6.2.3 Licences

Subject to the requirements of the Reserves Act, the Council may use grazing licences as a management tool for those areas where there is no immediate recreation demand. All licensees will be expected to be responsible for public safety in respect of their operations.

6.2.4 Leases

Subject to the requirements of the Reserves Act, the Council may lease part of Tongaporutu Reserve for recreational purposes, such as sporting activities. All recreation facilities that are owned by parties other than the Council will be required to have leases under the Reserves Act.

The Tongaporutu Tennis Club building located on Lot 5 DP 8215 does not have a lease, which is a requirement for third party occupants under the Reserves Act 1977. The club have

indicated that they will not enter into a lease for the area their building occupies. The Council continues to permit the occupation for the time being but reserves the right to remove the building, or take it over, at any time.

6.2.5 Commercial activity

One of the defining characteristics of Tongaporutu Reserve is its non-commercial, out-of-the-way experience. Consequently, this location is not considered appropriate for long term commercial trading. However, the Council will consider applications for temporary non-commercial or commercial events on a case-by-case basis, and in accordance with the Council's Commercial Trading in Public Places and Events on Parks and Reserves Policies, relevant bylaws and legislation. Such events must not unreasonably limit access to the reserve, or negatively impact on the values of the reserve.

6.2.6 Camping

Camping in tents, and camping in motor vehicles that are not self-contained, will be not be permitted on Tongaporutu Reserve. Camping in self-contained vehicles will be permitted in areas set aside for car parking and must comply with all relevant bylaws and legislation.

Actions – refer to Implementation Plan page 63:

Refer to 11.1.3

Refer to 11.1.7

6.3 Circulation and Access

Objective: Ensure that the reserve is identifiable to the public, safe and accessible to local residents and visitors. There are clear linkages between open space, the coast, residential development and roads.

Policies

6.3.1 Walking tracks

Subject to funding being allocated through the LTP process, new tracks will be developed in line with the Development Concept. Track development must minimise the impact on Tongaporutu Reserve character, values and functions by being sympathetic to the natural coastal/estuarine environment.

6.3.2 River Access

Coastal and river access will ensure user safety and be appropriate to environmental conditions, taking into account the dynamic nature of the river frontage and complying with all relevant consents, bylaws and legislation.

6.3.3 Signage

Signage will:

- a) facilitate the use of tracks and orientation through Tongaporutu Reserve, particularly with regard to the esplanade reserve on the eastern (upstream) side of the reserve and the underpass under State Highway 3.
- b) identify known safety hazards, particularly with regard to coastal hazards.
- c) A scope for signage to be developed that is to consider inclusion of the following points raised through the submission process, which are:
 - a. Raise overnight campervan awareness of bylaw requirements
 - b. Raise awareness of dog control requirements
 - c. Sign at boat ramp to advise of public toilet location
 - d. Water craft speed restrictions
 - e. Advise of viewing platform for the Three Sister on Pilot Road.
 - f. Raise awareness of SH3 underpass
 - g. Identify river access points, including in front of baches
 - h. Limit the amount of signage, with uniformity and use of positive text
 - i. Install single information board at each end of reserve with general information, map showing access ways, boat ramp & ski lane, campervan parking, toilet facilities.
 - j. Information signage should be at reserve closest to SH3 (boat ramp area). Excessive amount of traffic to western end of reserve return straight away when they discover there is no view of the Three Sisters there. Additionally they can only walk around the beach front, not drive.
 - k. Big clear sign regarding tides and walking to beach – pictures for foreigners - & te reo subtitled. Heritage signs. Toilet block sign on SH3.
 - l. Sign acknowledging public access way to river between bach 5 & 6.
 - m. Include notice of Jack Trash facility availability, at seaward end of reserve.
 - n. Track marker signs for access on riverside frontage of baches and the access way between bach 5 & 6.

6.3.4 Encroachment

The Council will work with land owners who have unauthorised encroachments on Tongaporutu Reserve to ensure that they remove encroachments at the time of change of ownership or at the time of walkway development (whichever is earlier). To avoid doubt, this policy does not extend to the Tongaporutu Baches located on Tongaporutu Reserve. New encroachments on Tongaporutu Reserve are not permitted.

Actions - refer to Implementation Plan page 63:

Refer to 11.1.16

6.4 Landscape Management and Protection

***Objective:* Protect the natural environment and enhance the beauty of the coastal environment**

Policies

6.4.1 Reserve Maintenance

Maintenance of the natural areas and landscape features will be carried out in accordance with industry best practice and the Council's adopted level of service.

6.4.2 Vegetation Management

Vegetation management shall be undertaken in accordance with the Development Concept included in this plan. Where feasible, exotic plant species will be removed over time and replaced by native species that enhance the reserve and its coastal environment.

6.4.3 Pest Control

The control of pest plant and animals at Tongaporutu Reserve shall be managed in accordance with the Council bylaws and pest control practices, with priority given to control of plant and animal pests listed in the Taranaki Regional Council's Pest Plant and Pest Animal Strategies

6.4.4 Erosion management

Erosion management will:

- a) be sympathetic to the coastal environment, protection shall be at standard to ensure protection and in keeping with more natural approaches to erosion management
- b) protect pedestrian and vehicle access to the coast and river,
- c) comply with all relevant, consents, plans and bylaws.
- d) If a greater level of protection over and above than recommended by Council policy is required by third parties that cost will be met by the third party, as the benefits primarily accrue to that third party.
- e) The Council will continue to maintain the four groynes at the seaward end of the reserve in compliance with the coastal permit authorising them.
- f) Erosion of the car park area at the western end of the reserve, along the stream side is to be recommended for funding consideration as a future project.

Actions - refer to Implementation Plan page 63;

Refer to 11.1.8:

Refer to 11.1.18;

Refer to development concept plans at the end of this plan.

6.5 Community Relationships and Partnerships

Objective: Encouraging the local community and tangata whenua to be involved with the conservation, management, planning, use and development of Tongaporutu Reserve.

Policies

6.5.1 Community Engagement

The Council will consult with interested organisations, user groups and parties on significant management and development issues related to Tongaporutu Reserve.

6.5.2 Volunteers

The Council will explore opportunities for volunteer involvement in educational, practical and community-related activities. This may include working together on jointly delivered projects or programmes such as weed control, planting or other activities.

6.5.3 Mana Whenua Partnerships

The Crown has recognised Ngati Tama's interest in Tongaporutu Reserve and the Council will consult with Ngati Tama on important management and development issues for Tongaporutu Reserve.

6.5.4 Stakeholder Partnerships

Establish and maintain effective working relationships with stakeholders through research, communication and co-operation on issues of common interest. The Council will consult with the Department of Conservation, TRC, community funding agencies and Heritage New Zealand Pouhere Taonga, in instances where these organisations have a direct interest in an activity.

Actions - refer to Implementation Plan page 63:

Refer to 11.1.10

Refer to 11.1.11

Refer to 11.1.12

6.6 Development

Objective: Tongaporutu Reserve Development meets community needs and expectations in an integrated manner that ensures the area's long term sustainability, protection and enhancement of its character and values.

Policies

6.6.1 Assets

All park furniture, hard surfaces and barriers shall be designed, constructed and coloured in accordance with the Parks most recent hard asset standards manual (Parks Standards Manual).

Note that any capital investment intended on facilities (structures and fixtures) at the reserve area containing the tennis courts (Lot 5 DP 8215) is to first undergo a use investigation, to determine whether the expenditure is warranted.

6.6.2 Maintenance

Maintenance of facilities within Tongaporutu Reserve will be carried out in accordance with industry best practice.

6.6.3 Easements and Licences to occupy

This management plan contemplates that the issuing of licences to occupy or easements to allow network infrastructure in Tongaporutu Reserve where it is compatible with existing and future use and development of the reserve.

6.6.4 Review

Review of this Management Plan will occur at ten yearly intervals or as required.

Actions - refer to Implementation Plan page 63:

Refer to 11.1.3

Refer to 11.1.8

Refer to 11.8.18

6.7 Heritage Conservation

***Objective:* Ensure that archaeological and heritage sites and areas at Tongaporutu Reserve are identified and the Council undertakes protection where appropriate.**

Policies

6.7.1 Archaeological assessment prior to development works at Tongaporutu Reserve

During the planning stage for work being undertaken at Tongaporutu Reserve, an appropriate archaeological assessment is to be carried out to determine the need to apply for an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.

6.7.2 An "archaeological discovery" protocol is to be applied at Tongaporutu Reserve.

This protocol applies in situations where an archaeological authority it has not been considered necessary. This protocol should be made known to any person undertaking work on the land, such as Council staff, contractors as well as inclusion in grazing licenses. The protocol to be applied is as follows:

- Any discovery of items of archaeological value require work to cease immediately.

- The site must be secured to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
- The contractor/works supervisor will notify the Area Archaeologist of Heritage New Zealand Pouhere Taonga, tangata whenua and any required statutory agencies²⁷ if this has not already occurred.
- Heritage New Zealand Pouhere Taonga will appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
- If the site is confirmed as an archaeological site under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the Council, as landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist and if required authority obtained from the Heritage New Zealand Pouhere Taonga to undertake an activity before work recommences.
- If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above are to be taken and Heritage New Zealand Pouhere Taonga, the New Zealand Police and the iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the human remains/koiwi tangata dealt with according to law and tikanga.
- Work at the site shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately and statutory requirements met.

6.7.3 Interpretation

The Council will work with the community to include historical interpretative signage as part of its review of signage at the reserve.

6.7.4 Tongaporutu Baches

The Tongaporutu baches have been included on the New Zealand Heritage List/ Rārangi Kōrero as an Historic Area under the Heritage New Zealand Pouhere Taonga Act 2014. Inclusion on the list is a mechanism to notify the general public that this area is of significance for its historic heritage values. The Council will consider and have particular regard to any recommendations from Heritage New Zealand as to appropriate measures to assist in the conservation and protection of the historic area, including anything that that has an effect on the historic baches.

As discussed on page 24 the management of bach leases is not addressed in this Management Plan.

²⁷ Such as the New Zealand Police in the event that human remains are found

6.8 Land Retention/Disposal

Objective: Reserve land holdings are appropriate to the recreation needs of the community.

6.8.1 Review

To ensure efficient and cost effective management of reserve land, the Council will assess the land holdings against the retention and disposal policies and criteria in the forthcoming Open Space, Sport and Recreation Strategy.

The land parcel Lot 9 DP 8357 that is currently grazed by sheep and forms part of Tongaporutu Reserve has been identified as land to be considered for disposal.

Actions - refer to Implementation Plan page 63:

Refer 11.1.9

Refer 11.1.10

7 LEVELS OF SERVICE

Service levels are essentially the performance goals of the Council for a particular activity. They provide a common ground which the Council can use to guide and drive its efforts.

Three factors contribute to the development of levels of service from a customer perspective. –They are customer expectations, community outcomes and compliance requirements. The relationship between these three factors and levels of service are illustrated in figure 2 below. The customer expectations and the compliance requirements also contribute to the achievement of the community outcomes and corporate goals.

There are costs associated with providing all levels of service. During the development of levels of service, costs are also considered and the aspirations of customers are balanced against the cost of providing the service.

Levels of service outlined in this plan relate to the development of Tongaporutu Reserve, i.e. the provision of amenities such as seating, pathways, and entrance signs; and the purpose for which the Council provides these amenities.

The maintenance of Tongaporutu Reserve is also determined by levels of service. These are set out in the Parks Asset Management Plan as well as Parks Operations Plans.

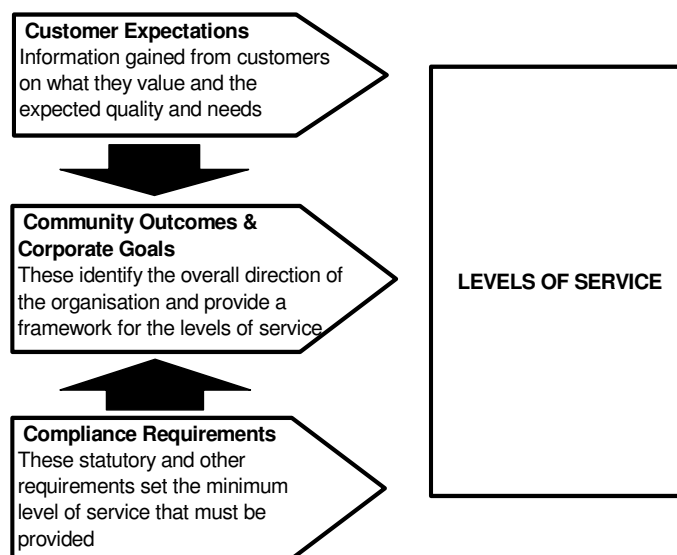


Figure 2 - Relationship between key factors for developing levels of service

Table 2: Levels of Service

| Compliance with the Reserves Act 1977 | |
|--|--|
| Level of Service | How the Council will deliver the service |
| Parks and reserves are managed in compliance with the Reserves Act 1977. | The classification of reserves and production of management plans for these reserves will be undertaken as resources permit. |

| Recreation and Use | |
|---|--|
| Level of Service | How the Council will deliver the service |
| To provide for a combination of active and passive leisure opportunities at Tongaporutu Reserve | Undertake development of Tongaporutu Reserve in accordance with the Development Concept Plans. |

| Circulation and Access | |
|--|---|
| Level of Service | How the Council will deliver the service |
| To provide general public access to and through Tongaporutu Reserve and where feasible, improve accessibility for disabled groups. | Improve signage within Tongaporutu Reserve. Tracks and pathways will be maintained to the Parks Path & Track Manual standard. |

| Landscape Management and Protection | |
|---|--|
| Level of Service | How the Council will deliver the service |
| To recognise the importance of the landscape environment and heritage at Tongaporutu Reserve, and to take measures to protect these features. | Undertake development of Tongaporutu Reserve in accordance with the vegetation management, and the development project plans. Identify the heritage of the site through signage where appropriate. |

| Community Relationships and Partnerships | |
|---|--|
| Level of Service | How the Council will deliver the service |
| To ensure the community has a sense of ownership over, and is actively involved in the management and development of the reserve. | Appropriate community consultation undertaken with partnership opportunities encouraged and facilitated. |

| Heritage Conservation | |
|---|--|
| Level of Service | How the Council will deliver the service |
| Effort will be made to appropriately protect those aspects of the reserve that have significant heritage. | Apply policies around archaeology and consult with Heritage New Zealand regarding anything that has potential to affect the historic baches. |

8 DEVELOPMENT CONCEPT

This section outlines specific components of the Development Concept for Tongaporutu Reserve.

8.1 Development Projects

The plan identifies specific development projects. These include:

- a) Interpretative and information signage.
- b) Circulation and access improvements.
- c) Indicative site for future playground.
- d) Possibility of developing a track through the esplanade reserve on the inland side of the highway.

The development plans are attached as an appendix to this plan

8.2 Funding

Funding for the various aspects of development concepts is conditional on decisions made as part of the LTP process and community partnerships. An implementation plan will also be prepared as part of this management plan process. This Management Plan will outline the priority order in which development will be implemented once the funding is made available.

9 SUMMARY OF PROCESS FOR MANAGEMENT PLAN IMPLEMENTATION, REVIEW AND AMENDMENTS

9.1 Plan Implementation Process

Plan implementation will be set out in a “Tongaporutu Reserve Implementation Plan”. This is a separate living document that will outline what development will be implemented once the funding is made available.

As with all Council programmes, funding for the various aspects of plan implementation is conditional on decisions made as part of the LTP process.

9.2 Plan Review and Amendment

It is a requirement of the Reserves Act and best practice to keep management plans under review so that the plans can be adapted to changing circumstances or increased knowledge. As such, a reserve management plan is a “living document” that may need to be updated from time to time in response to issues or to ensure that objectives are being adequately met. Generally, plans are reviewed at a minimum of ten year intervals and need not necessarily involve a complete rewrite.²⁸

9.3 Scheduled Review

This management plan will undergo a scheduled review every ten years. This review will consider:

- a) The success of the plan in meeting its stated objectives.
- b) The effectiveness and efficiency of plan implementation.
- c) The currency of the plan content.

²⁸ Local Government New Zealand and Department of Conservation. 1999. Reserves Act Guide.

10 RESERVE CLASSIFICATION

As part of the process to review the Tongaporutu Management Plan, the following reserve has been classified as local purpose esplanade reserve under section 16(2A) of the Reserves Act, by the Council on the 23 September 2014.

| Location | Legal Description | Ownership | Original Purpose | Current Purpose | Resolution |
|----------------------------|--------------------------|------------------|-------------------------|------------------------|---|
| Hills Road, Tongaporutu | Lot 17 DP 8215 | NPDC | Esplanade Reserve | Esplanade Reserve | Classified as Local Purpose (Esplanade Reserve) |

11 IMPLEMENTATION PLAN

11.1 Management Actions Timetable

The following are management actions that will be addressed as part of this Management Plan. Those classified as High priority have a significant budgetary impact or are required for safety reasons.

| Action | Description | Priority | Timeframe |
|---|---|----------|--|
| 11.1.1 Classify esplanade reserve as local purpose reserve. | Reserve classification allows the council to comply with the Reserves Act and secures it for future esplanade reserve use. | High | In conjunction with the adoption of this Management Plan |
| 11.1.2 Maintain Council owned assets | The Council sets activity wide levels of service to maintain its assets. This is based on budgets as agreed in LTP and Annual Plan. | High | Ongoing |
| 11.1.3 Resolve issues around occupation and maintenance of tennis courts | The tennis club does not want to lease the tennis facilities. Therefore, the Council will be solely responsible for the management and funding of the courts. Unless a lease is secured for the tennis club building, the Council will permit its existence for the time being but reserve the right to remove, or take over, the building at any time. | High | December 2016 |
| 11.1.4 Develop planting that fits with the natural environment as per the Development Concept. | The Council undertakes regular planting and maintenance; this work will be done as part of the Development Concept process. | Medium | Ongoing |
| 11.1.5 Comply with agreed Council time frames for service requests. | Staff are required to respond in within certain timeframes. | N/A | Ongoing |

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| 11.1.6 Monitor service requests. | Review the service issues on a regular basis to understand concerns and challenges. | N/A | Ongoing |
| 11.1.7 Continue to undertake use surveys. | Surveys help us understand use of the reserve. | High | As required |
| 11.1.8 Maintain Council owned river bank protection works and groynes in accordance with resource consents. | These structures all have consents from the Taranaki Regional Council . | Medium | In accordance with timeframes on consents. |
| 11.1.9 Review land holdings against acquisition and disposal policies. | The Recreation and Open Space Strategy will set policies around land disposal and retention. Lot 9 DP 8357 known as the former bowling green that is currently grazed by sheep and forms part of Tongaporutu Reserve, has been identified as land to be considered for disposal. | Medium | Mid 2016 |
| 11.1.10 Discuss possible assessment of former bowling club site (Lot 9 DP 8357) against land retention and disposal process with DOC. | Dependent on outcome of the above. Under their Treaty settlement legislation the Crown is required to offer this land back to Ngati Tama for first right of refusal. | Medium | December 2015 |
| 11.1.11 Work with Iwi and hapu to implement opportunities provided by Treaty settlements. | Treaty settlements are likely to include obligations and opportunities for iwi and hapu to be actively included in future projects. | Medium | Ongoing |
| 11.1.12 Work with Heritage New Zealand Pouhere Taonga to implement opportunities to recognise historic and archaeological values. | The area has historic importance, new signage provides opportunities for interpretation. | Medium | Ongoing |

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| <p>11.1.13 Continue to operate without reserve rubbish bins.</p> | <p>Feedback from the community was that rubbish management is a major issue. The removal of rubbish bins has reduced the amount of rubbish dumped on the reserve. Furthermore, the council provides the Jack Trash bin as an alternative.</p> | <p>Low</p> | <p>Ongoing</p> |
| <p>11.1.14 Maintain regular mowing of reserve.</p> | <p>The Council has agreed regular mowing schedules for reserve maintenance.</p> | <p>Medium</p> | <p>Ongoing</p> |
| <p>11.1.15 Work with parties to remove encroachments on the reserve and improve access</p> | <p>Encroachments exist on Lot 17 DP 8215, the esplanade reserve. These encroachments are unauthorised and can deter public thoroughfare. Removal of structures and vegetation that impedes public access will be worked through with adjoining occupiers. Note that the remnants of an old dump exists in the vicinity of the reserve and river bank near to 26 Hills Road.</p> | <p>Low</p> | <p>Open walkway within 5 years of adoption of this plan utilising existing budgets.</p> |
| <p>11.1.16 Improve access to the estuary at the western end of Tongaporutu Reserve</p> | <p>This can be achieved by installing some flat boulders within the groyne structures at a well used access place, to improve public access</p> | | <p>To be achieved within existing budgets</p> |
| <p>11.1.17 Investigate ways of installing protection works to prevent erosion of the car park occurring at the western end of the reserve</p> | <p>Erosion alongside the stream is to be investigated to determine the feasibility of installing protection works to protect the car park.</p> | <p>Medium</p> | <p>To be programmed as a future project.</p> |
| <p>11.1.18 Implementation of other development option presented in the development concept plans</p> | | | <p>As required</p> |

12 GLOSSARY

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| Administering body | For the purposes of the Tongaporutu Management Plan the administering body of the reserve, as that term is defined in the Reserves Act, means New Plymouth District Council. |
| 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. |
| Council | New Plymouth District Council or, where a delegation has been given, any committee or subcommittee or any officer of New Plymouth District Council duly authorised or any commissioner duly appointed. |
| District Plan | The Operative District Plan for New Plymouth District and any future Proposed or Operative District Plan. |
| Easement | Generally, an interest in land granted under section 48 of the Reserves Act 1977 over a reserve or acquired under Section 12 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 (without limitation) 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 | Intrusion beyond the legal land parcel boundary into the reserve. Note the baches on the reserve do not constitute an encroachment as they are formalised through a lease arrangement. |
| Gazette | The New Zealand Gazette is the official newspaper of the Government of New Zealand, produced every Thursday by the Department of Internal Affairs. Publications in the Gazette provide evidence of the establishment of reserves, the vesting of land in trust in local authorities and the classification of reserves. |
| Hapu | Sub-tribe, usually a number of whanau with a common ancestor. |
| Interpretative signage | Signage erected to provide information to the public on the environmental, historic, cultural or other values of an area. |
| Iwi | Tribe or grouping of people with tribal affiliations. |
| 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. |

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| Landscaping | To develop and/or enhance the amenity value and natural features of an area by planting vegetation, creating contoured features, etc. |
| 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. |
| Licence | A licence is a non-exclusive right to occupy land or carry out an activity on 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 exclusive possession of the land. |
| Local authority | A regional or territorial authority. |
| Mana whenua | Customary authority and title exercised by an iwi or hapu over land and other taonga within the tribal rohe. |
| 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. |
| Reserve Management plan | A plan prepared in accordance with section 41 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. |
| Rohe | A territory or boundary that defines the area within which a tangata whenua group claims traditional association and tangata whenua. |
| Tangata whenua | In relation to a particular area, means the iwi or hapu that holds tangata whenua over that area. |
| Taonga | Treasure or property that is prized and protected as sacred possessions of tangata whenua as determined by tangata whenua. |
| Tikanga maori | Maori customary values and practices. |

13 DEVELOPMENT PLANS