

2. The Planning Context

2.1 Legislative and policy context

Local Government Act 2002

The Local Government Act 2002 provides the general framework and powers under which New Zealand's local authorities operate. In brief, the legislation sets out-

- The purpose of local government and the role and powers of local authorities.
- The structure of local government and the mechanisms for altering the structure.
- Principles for the governance and management of local authorities and community boards.
- A governance and accountability framework for local authorities' involvement in arms-length organisations - council-controlled organisations and council organisations.
- An enhanced framework for consultation, planning, decision-making, financial management, and reporting.
- A range of obligations, restrictions and powers, including requiring local authorities to assess their communities' needs for water, and wastewater and sanitary services, and placing an obligation on local authorities to provide water services to ensure continued public ownership of water services.
- The powers of the Minister of Local Government in relation to local authorities.

Funding levels for new development and maintenance of existing parks and reserves is set through a Local Government Act 2002 document called the Long Term Council Community Plan (LTCCP).

Resource Management Act 1991

The purpose of the Resource Management Act 1991 (RMA), as set out in Section 5, is “to promote the sustainable management of natural and physical resources”. The RMA provides the statutory basis for the New Plymouth District Plan. It is the council’s role, through the District Plan, to manage and provide for the many recreational activities that occur within the district in a way which will not result in adverse effects on the environment.

Conservation Act 1987

The Conservation Act 1987 created the existence of the Department of Conservation (DOC) and promotes the conservation of New Zealand’s natural and historic resources. The Reserves Act is listed in the First Schedule as being one of the acts administered by DOC.

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;

- 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.

2.2 Role of other councils

Taranaki Regional Council

The Taranaki Regional Council (TRC) also has responsibilities that may affect the management of 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, and
- Carrying out resource investigation, monitoring and environmental enhancement

2.3 New Plymouth District Council plans and policies

2.3.1 Long Term Council Community Plan

The Long Term Council Community Plan (LTCCP) 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. This wellbeing is measured against seven community outcomes developed through public consultation:

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

The LTCCP provides a framework for funding and implementation of council projects and programmes, including policy and planning. Funding for the implementation of this reserves management plan will be decided through the LTCCP process, which will next occur in 2009.

2.3.2 District Plan

The District Plan is a statutory document, carrying legal weight under the Local Government Act 2002. The plan recognises that open spaces, such as reserves, are valued by the community and require recognition and protection. Open space is defined in the plan as “an area of open land, with or without associated buildings, which fulfils a community desire for aesthetic and/or recreational pursuits”. The District Plan zones such areas, which may occur on public or private land, as Open Space Environment Areas (OSEAs). Within OSEAs, rules and standards are in place to control activities that have the potential to adversely affect the character of the areas. These rules primarily relate to buildings, advertising signs and other structures erected within OSEAs.

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

Activities within council administered reserves must comply with rules set out in the District Plan, primarily with regard to buildings and structures and other developments on reserve land. However, the plan also recognises that reserve management plans are the most appropriate tool for the management of reserves and the effects arising from multiple uses of reserve land¹.

The District Plan not only considers activities within areas zoned as OSEAs, but also the potential impacts of activities in proximity to OSEAs. Objectives and policies are in place to ensure that “activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects”² and that new activities are “sensitive to the elements that define the character of the area in which they intend to locate”³. Rules within the District Plan specify standards to achieve these policies and provide for the application of conditions on resource consents to mitigate adverse effects.

Other aspects of the District Plan that affect management of reserves include policies related to the maintenance of natural values. These include the following:

- Assessment criteria associated with plan rules include consideration of the impact of development on the natural character of the coastal environment, wetlands, lakes, rivers and their margins⁴. Conditions may be placed on resource consents, where appropriate, to avoid, minimise or mitigate impacts.
- Activities on and in proximity to indigenous vegetation or habitats may be controlled through conditions on resource consents in order to ensure that

¹ See Policy 8.2 of the Operative District Plan 2005.

² Policy 1.2 of the Operative District Plan 2005.

³ Policy 1.3 of the Operative District Plan 2005.

⁴ See Objective 14 of the Operative District Plan 2005 and associated policy and methods of implementation.

subdivision, use or development does not adversely affect the quality and intrinsic values of these areas⁵.

2.3.3 General Policies for Council Administered Reserves 2006 (P06-003)

General Policies for Council Administered Reserves was prepared to consolidate policies that apply to all parks and reserve owned and/or administered by the New Plymouth District Council. This policy document provides a common understanding between the Council and the community of how parks and reserves in the district will be managed. The policies outlined in this document are not absolutes and do not have statutory force. Where any matter is address is both this policy document and a management plan specific to a reserve/s, then the provision in the management plan must take precedence.

Community Gardens Policy

The development of a community gardens policy is currently underway. This policy will clarify the council's role in the provision community gardens and provide guidelines for those establishing a community garden within a council administered reserve and open spaces. This policy will apply to all council reserves, not just neighbourhood reserves, as it is recognised that there are opportunities for community gardens in all types of open space the council administers.

2.3.4 Cycle Strategy 2007

The purpose of this strategy is to set priorities for works and initiatives to be carried out regarding the planning, managing and promoting of cycling in the New Plymouth District.

The Cycle Strategy covers the whole of New Plymouth District and focuses mainly on:

- Ensuring the provision of a cycle friendly network infrastructure for cycling.
- Improving cycle safety for commuters and recreational cyclists.
- Promoting cycling as a viable mode of transport.
- Promoting cycling as a fun, healthy recreational activity.
- Provision of supporting information, resources, advocacy, and education.

The goal is for New Plymouth to be “attractive and accessible for cycling for commuting and recreational journeys alike”.

There are three simple objectives and all proposed actions relate to these objectives.

- To increase the role of cycling as a viable mode of transport.
- To improve cycle safety through network improvements and education.
- To promote cycling as a healthy and fun recreational activity.

The strategy includes a set of existing and proposed routes across the district, many of which are through reserves. Where proposed cycle routes have been identified in this strategy through neighbourhood reserves this management plan acknowledges this use

⁵ See Policy 16.2 of the Operative District Plan 2005 and associate methods of implementation.

and includes provision in future development to upgrade the route/part route to a suitable cycle standard, in most cases a metal track.

2.3.5 Open Space Strategy (currently under development)

The Open Space strategy will devise a picture of what the district's open space network will look like in the next twenty years. Stage One will determine the criteria for retention, acquisition and disposal of open space, a hierarchy of open space and the levels of service that open space requires. It will also determine the views of the community via community, sports clubs and stakeholder surveys and a mana whenua workshop. These views will be considered alongside the criteria, hierarchy and levels of service outlined above. It is envisaged that this will be released for discussion in March or April 2009.

Stage Two - will be a review of the open space needs of all towns in the district and open space linkages and costal access in the rural areas. The district plan, Oakura and Urenui Structure plans identify future open space opportunities and these will be considered alongside the existing open space network. The criteria, an open space hierarchy, levels of service and community views will be used to review the open space needs for the district's communities. Plus we will be seeking the views of stakeholders, mana whenua and the community to see if this fits with their ideas. It is envisaged that stage 2 will be completed by mid 2010.

The criteria for retention, acquisition and disposal will be used to make further assessment of parks identified in this plan for possible future disposal, those parks are-

- Part Victoria Park
- Larsen Park, Watene Crescent

The Council will also investigate and consider these parks be included in the Waitara endowment land disposal process as they are held under the same legislation. This process requires a decision from the Council pending the outcome of a legal challenge on the endowment process. Prior to a final decision being made a formal public notification process will be required, as well as consultation undertaken with iwi.

In the meantime the two parks identified for possible disposal will be managed in accordance with this management plan; which may include leasing or licensing of unutilised area as opportunities arise. This would be subject to a separate process and reported to the council where required.

2.3.6 Playground Strategy (currently under development)

This strategy will look at existing provision of playgrounds (including skateparks and halfcourts) in the New Plymouth District and identify a future direction for the distribution of different playground levels.

All playgrounds within neighbourhood parks and reserve will be considered during the development of this strategy. This management plan therefore does not provide for any development or improvement of existing playgrounds however, the most appropriate site for a playground within individual neighbourhood parks and reserve is identified.

All comments relating to playgrounds which were received during the consultation on this plan will be collated and considered when developing the strategy.

2.3.7 Council bylaws and other policies

Bylaws relevant to the Neighbourhood Reserve Management Plan

Day to day operations in parks and reserves are also controlled by the district's bylaws. Reserve policies should be read in conjunction with the New Plymouth District Council Bylaws 2008, which include the following with specifically relate to reserves:

- Part 2: Animals
- Part 3: Cemeteries and Crematorium
- Part 5: Public Places
- Part 6: Recreational and Cultural Facilities
- Part 7: Signs
- Part 8: Skateboarding
- Part 10: Stock Control
- Part 12: Trading in Public Places and Itinerant Traders
- Part 13: Traffic

As well as the following New Plymouth District Council Consolidated Bylaws 2000

- Part 5: Dog Control

Other policies relevant to the Neighbourhood parks and reserves Management Planning

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

Unless this management plan specifies an alternative approach to management generally or for specific parks and reserves, these policies should be considered where relevant as part of any decision made about a neighbourhood reserve.

- 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)
- Art in Public Places polices (currently under review)