

Awaiting TCDC Approval
Reserves Act 1977



Mercury Bay South Reserve Management Plan

Including: Ferry Landing, Cooks Beach,
Hahei and Hot Water Beaches
Document 1: Objectives and Policies



June 2007

This Reserves Management Plan has been prepared by the Thames Coromandel District Council (the Council) under the provisions of the Reserves Act 1977 Section 41. The plan is separated into two documents, as follows:

Document 1

Introduction to Reserve Management Plan

- Section 1 Provides a brief introduction to the Ferry Landing, Cooks Beach, Hahei and Hot Water Beach areas.
- Section 2 Identifies the requirement of the Reserves Act 1977 for Council to prepare management plans, and how the community can become involved in the development of this plan.

Aims, Objectives and Policies

- Section 3 Landscape and natural values.
- Section 4 Recreation and leisure, focusing on; general recreation, organised sport, restricted activities, prohibited activities, and special use activities such as leases and licences.
- Section 5 Recreation and leisure, with a focus on the provision of facilities for sport and recreation users.
- Section 6 Tourism and economic development.
- Section 7 Management and co-operation – how Council will work with neighbours, volunteer groups and Maori on reserve issues.
- Section 8 Monitoring of management plan – how and when this plan will be kept under continuous review.

Appendices

Document 2

Individual Reserve Plans

- Section 9 Individual Reserve Plans – identifying particular reserves, (their acquisition and history) and any proposed development.
- Section 10 Other reserves not identified within Section 9.

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Introduction and Overview

Section 1: Purpose of this Plan

Reserve management plans provide direction for i) the day-to-day management of reserves, ii) factors that impact upon these reserves, and iii) to establish clear directions for future management and development where appropriate. This plan will provide for a consistent approach to the management of reserves in the Ferry Landing, Cooks Beach, Hahei and Hot Water Beach area.

The Mercury Bay South Reserve Management Plan endeavors to address the broad range of issues associated with reserves in a comprehensive and holistic manner.

In order to obtain a broad base of input into the plan, the Council assembled a working group comprising key stakeholders. A list of members of the working group is detailed in Appendix 1.

1.1 Reserve Management Plan Requirements

The Council has a responsibility as an administering body under the Reserves Act 1977, Section 41, to prepare management plans for the reserves and parks that it manages.

These management plans should:

“... provide for and ensure the use, enjoyment, maintenance, protection, and preservation ... and, ... the development, as appropriate, of the reserve for the purpose for which it is classified” Reserves Act 1977, Section 41 (3).

Where a reserve or part of a reserve is not gazetted, as detailed in the Reserves Act 1977 Section 14, a local authority is still required to prepare a management plan detailing the function and management of the reserve.

Open space is recognised as an important component of the urban environment, providing opportunities for recreation and leisure. This Management Plan provides a framework within which managers can develop a balanced response to current opportunities and address future pressures.

The reserves in the Ferry Landing, Cooks Beach, Hahei and Hot Water Beach area have historical, cultural and scenic values, and provide valuable open

space for a range of recreational activities and settings; from sports ground to historical reserves, from coastal settings to children's playgrounds. The Management Plan identifies clear objectives and establishes directions for planning, resource management and maintenance of public open space. It clarifies and establishes Council policy and direction, for both Council staff and the public.

The individual reserve plans in Document 2, provide a basis for assigning priorities in works programming and budgeting.

Where required, existing plans have been reviewed, and where appropriate they have been incorporated into this plan. The Council is required to keep the management plan for reserves of which it is the administering body under continuous review (Section 41 (4) Reserves Act 1977), for example, if a change is required to policy for an individual reserve or a section of policy. The intention is that the plan be adapted to changing circumstances or increased knowledge. Refer to Section 8 of this document.

Generally, plans should be reviewed at a minimum of ten year intervals.

1.2 Overview of Reserve Plan Area

Kupe named the area Te Whitianga-a-Kupe around 900 AD. Ngati Hei arrived 400 years later and intermarried with descendents of Kupe. Some direct descendants are still living in the Mercury Bay area.

Captain James Cook visited Mercury Bay in 1769 after first encountering Maori at Poverty Bay. Here they observed the Transit of Mercury and claimed the country formally on behalf of George III of England.

The settlement of Ferry Landing lies opposite the small harbour entrance to Whitianga. Eastwards from here and within Mercury Bay are the areas known as Front Beach (Maramaratotara Bay), Shakespeare Cliff named by Captain James Cook and Cooks Beach; areas that have become popular locations during the summer holiday period.

Further east is Hahei, another popular holiday beach, which provides access to the renowned Cathedral Cove area, managed by the Department of Conservation. Hot Water Beach, with its thermal pools on the beach edge, is another renowned tourist destination situated south of Hahei.

Gold and kauri timber were the two main resources of the area in the early days. Zane Grey put the area on the map in the early 1930's for its excellence as a game fishing area.

The Mercury Bay area is very popular for fishing, boating and other marine activities. During holiday periods, especially over summer, all reserves receive high use especially beaches and boat launching facilities.

1.3 Cooks Beach Reserves

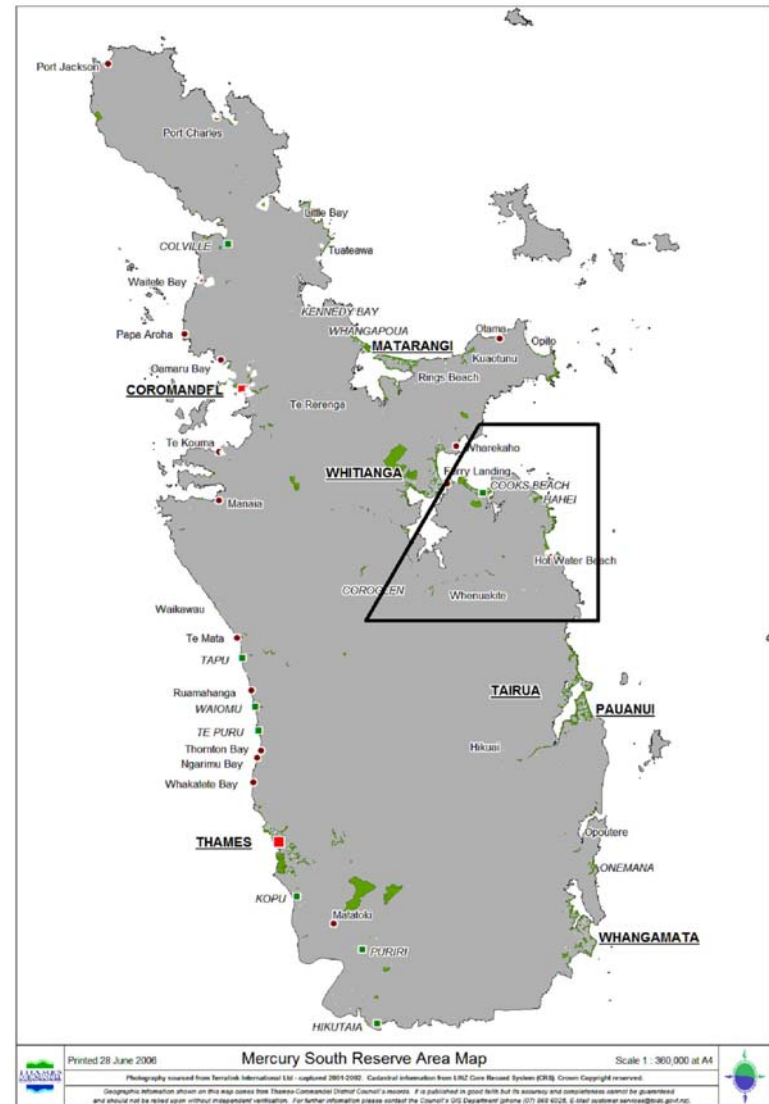
Along the length of Cooks Beach are reserves that provide esplanade protection, recreational opportunities and an attractive environment for both residents and visitors to enjoy.

Purangi Reserve, at the eastern end, provides good boat launching facilities, safe swimming and open space for passive recreation.

Shakespeare Cliff provides stunning panoramas, bush walks and access to the secluded Lonely Bay shoreline.

With the Cooks Beach area expanding through the sub division of the remaining flat land, future reserves should provide for increased recreation space. This will benefit the community as will access linkages and esplanade protection.

Map 1: Mercury Bay South area



1.4 Ferry Landing Reserves

Many of the reserves in this area are around the coastal margins, and provide for access to and along the beach. The historic Ferry Landing cemetery is also located in this area.

Part of a large hill, which would originally have been covered in kauri but is now in regenerating scrub, is known as Maramaratotara Reserve. This area provides a walking track linkage to Back Bay and Whitianga Rock, with stunning panoramic views of the Whitianga area, estuary and Mercury Bay.

1.5 Hahei Reserves

Hahei Village Green is the main community reserve, with Kotare Reserve being developed into a sports field for the area.

Most of the reserves at Hahei are along beach front and stream estuaries. Several reserve areas provide access to the beach for locals and visitors. Wigmore Stream is the only area where boats can be launched by either four wheel drive or tractor.

1.6 Hot Water Beach Reserves

The main reserve at Hot Water Beach is known as Te Puia or Hot Water Beach Domain. On the seaward side visitors can dig in the exposed sand to find hot water at low tide. Other reserves include an esplanade reserve along

Taiwawe Stream, and reserves adjacent to the carpark and extending along the foreshore.

1.7 Reserves South of Cooks Beach

There are a variety of generally small reserves in the Coroglen and Whenuakite areas. These currently receive little public use, are unidentified by signage and remain largely unmanaged.

For management purposes, the Mercury Bay South Reserve Management Plan will cover the area bordered by: in the south west Ounuora Creek at Mill Creek Road, and in the south east Boat Harbour Road.

Section 2: Reserve Management Plan Process

2.1 Reserve Act Classifications

Under Section 16 of the Reserves Act 1977, it is mandatory that reserves be classified based on their purpose. The Act provides for six different reserve classifications, these being:

- Local Purpose Reserves
- Government Purpose Reserves
- Recreation Reserves
- Historic Reserves
- Scenic Reserves
- Nature Reserves.

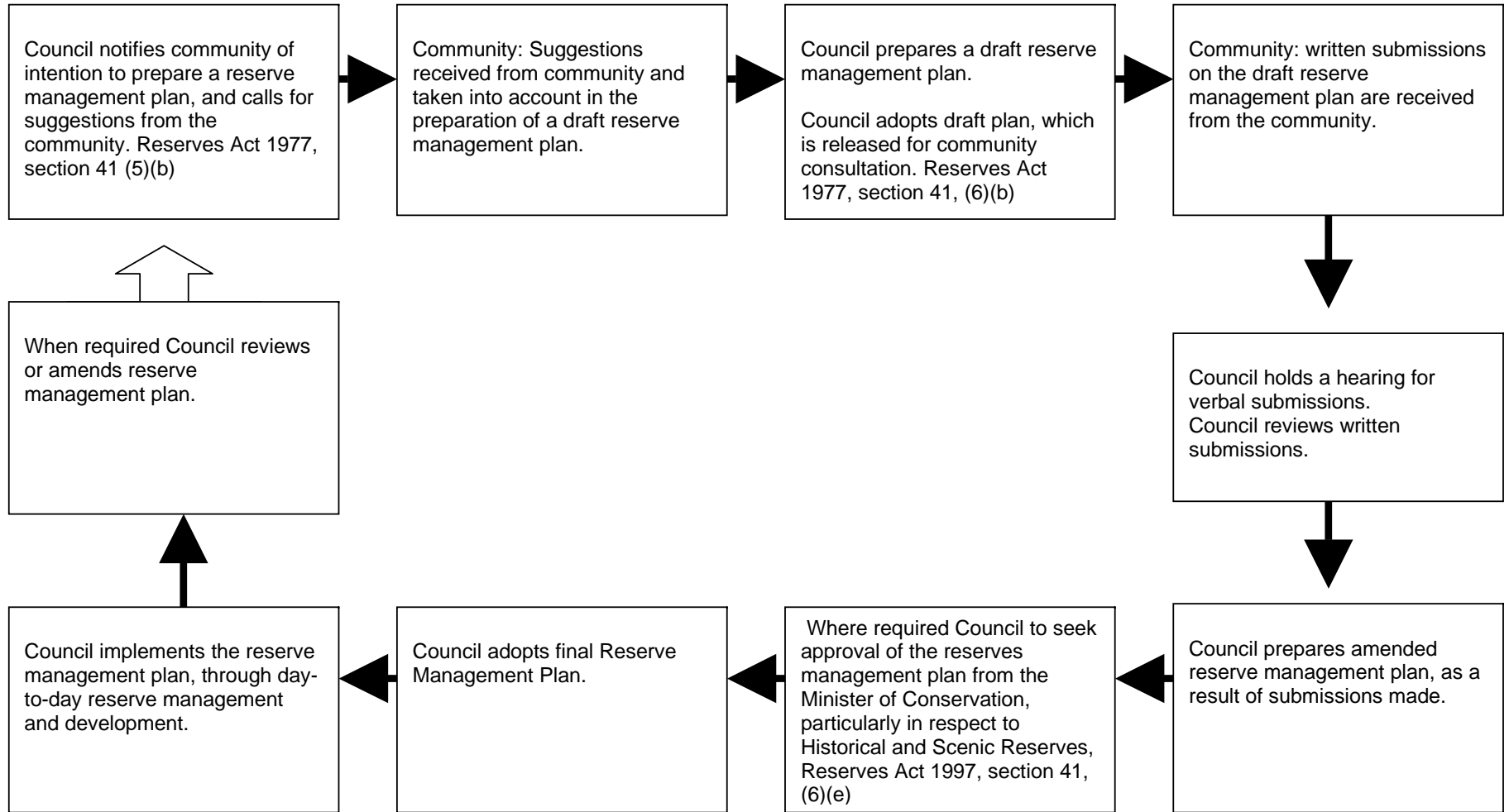
Detailed descriptions of each of these reserve classifications and variations are in Appendix 2.

Reserves in the Ferry Landing, Cooks Beach, Hahei and Hot Water Beach area are classified as: Recreation reserves, Scenic reserves, Historic reserves and Local purpose reserves – esplanade.

Reserves may have more than one classification, particularly if the values requiring protection vary from one part of the reserve to another. To achieve a dual classification the land area needs to have been surveyed to define the boundary between the lands requiring different classifications.

In some instances, reserves or parts of reserves have not been classified. A list of these reserves and proposed classifications are detailed in Appendix 3.

The procedure for preparing reserve management plans is set out in the Reserves Act 1977. A summary of this process is detailed in the following diagram.



2.2 Community Consultation

Community consultation plays an important role in the preparation of any reserve management plan. It provides Council with a sound understanding of relevant local issues from people who are familiar with and use the open space areas in question. To a large degree the direction for the future development of open space is based on the views expressed by the general public.

Public involvement and consultation generates an understanding of Council's land management aims, combats misinformation and misunderstanding, and fosters support for Council's programs and policies.

Submission Period

Public consultation was undertaken from July to September 2006 with a submission hearing held on 6 and 9 October 2006. Seventy-five submissions were received on the draft reserve management plan (Documents 1 & 2). The submissions were reviewed and decisions made on issues raised. Where required, amendments have been undertaken to objectives and policies, and to the individual reserve management plans.

Submission Process

For future changes to the management plan (either document), submitters should:

- (1) List all points according to the section and page number in the management plan.

- (2) Briefly describe each subject or issue.
- (3) State which strategies the submitter agrees or disagrees with.
- (4) Suggest alternatives to deal with any issue with which there is disagreement.

Submissions may be:

Posted to:

Mercury Bay South Reserve Management Plan
c/- Area Manager, Mercury Bay
Thames-Coromandel District Council
Private Bag
THAMES 2801

Delivered to:

Mercury Bay Service Centre
46 Albert Street, WHITIANGA

Faxed to:

07 866 4408

Aims of this Reserve Management Plan

The Reserves Strategy (approved by Council in 2002) identifies strategic objectives for reserve provision across the District and identifies provisions to ensure that the Council achieves these standards and objectives. The Council wishes to ensure a consistent approach to the management both of physical resources and the provision of publicly funded recreation and leisure facilities.

AIM: Protection of natural, cultural and heritage values

Open space is important for recreation and leisure as well as other values. Council must consider recreational, natural, heritage and cultural values in managing its reserves.

AIM: Open space is available for present and future public recreation and leisure needs.

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

AIM: Reserves are accessible, safe, and appropriate.

It is the communities' desire to have good access to a range of open space areas. Facilities on these reserves, reflect the needs, and the unique character of that locality. It is Council's legal responsibility to provide safe and healthy facilities.

AIM: Public facilities are available to all users.

Outdoor public recreational opportunities are available to anyone, regardless of where they live. Recreation also contributes directly and indirectly to the local economy, especially tourism and retail activity.

AIM: Council will work with community groups to provide and promote recreation and leisure facilities.

This identifies a number of different ways that Council may work with the community to provide a better range of facilities and services.

The following Sections of this Reserve Management Plan identify how the Council will manage reserves covered by this Plan:

Objectives and policies are found in the following sections:

Document 1:

- Section 3 Landscape and natural values.
- Section 4 Recreation and leisure, focusing on; general recreation, organised sport, restricted activities, prohibited activities, and special use activities such as leases and licences.
- Section 5 Recreation and leisure, with a focus on the provision of facilities for sport and recreation users.
- Section 6 Tourism and economic development.
- Section 7 Management and co-operation – how Council will work with neighbours, volunteer groups and Maori on reserve issues.
- Section 8 Monitoring of management plan – how and when this plan will be kept under continuous review.

Document 2:

- Section 9 Reserve Plans – identifying individual reserves and any proposed development.

Note:

The following sections should be read as a whole. **This means that more than one objective and/or policy may be relevant in any given situation.** Plan readers should therefore seek to identify all relevant objectives and policies relevant to an issue.

Section 3: Landscape and Natural Values

3.1 Amenity Values – Trees, Shrubs and Gardens

3.1.1 Objectives

- 3.1.1.1 To provide a range of natural shade and shelter opportunities within reserves.
- 3.1.1.2 To maximize the benefits of trees while avoiding or mitigating adverse effects on reserve neighbours
- 3.1.1.3 To provide for and achieve healthy garden environments that provide attractive settings for the users of the reserve.

Rationale

Trees are desirable features of reserves. They contribute to the recreation (e.g. shade), landscape and heritage values of a reserve. Trees however can become a nuisance over time, particularly leaves blocking gutters, roots effecting drains and footpaths, and dangerous branches. Section 42 of the Reserves Act 1977, refers to trees with particular reference to recreation reserves. Thought and care needs to be given firstly, to the species selection and placement of trees and secondly, to the long-term maintenance of trees on or near boundaries. Trees, plantings and garden areas add value and are desirable features of reserves. These planted areas contribute to the aesthetic appearance of a reserve, particularly where the adjoining land is heavily modified with paving or buildings.

3.1.2 Policies

Trees and Shrubs

- 3.1.2.1 Tree plantings on reserves will take into account:
 - a. The current Council Street Tree Plan.
 - b. Where appropriate the preferable use of eco-sourced native trees.
 - c. The type of reserve and any specific management policies for that reserve.
 - d. Any effect on facilities.
 - e. The effect the trees may have on underground and overhead services; and landscape values and considerations.
 - f. The effect the trees (including planting, removal, or general landscaping) may have on surface or subsurface archaeological features.
 - g. The effect the trees (including planting, removal or general landscaping) may have on surface or subsurface archaeological features.
- 3.1.2.2 Where appropriate, shade trees will be planted in reserves to provide sun and wind protection for users.
- 3.1.2.3 Plantings will generally be developed to be low maintenance in the long term. This will include the selection of appropriate species, use of slow release fertiliser and mulch.

- 3.1.2.4 Where exotic species are planted, these will be selected due to:
- a. The desire for a deciduous species.
 - b. An historical association.
 - c. A particular connection to a place or an individual.
 - d. The desirability of providing food and shelter for nectar feeding birds.
 - e. Flowering plants for colour.
 - f. Plants being non-invasive (i.e. do not spread)

Tree Removal

- 3.1.2.5 Tree removal is covered in the Council District Plan and the Council District Tree Strategy 2003. Refer to Appendix 4.
- 3.1.2.6 If necessary Council may seek a landscape report that provides the value of the public amenity of the tree that is subject to a complaint.
- 3.1.2.7 Council will consider the following issues when making decisions about trees:
- a. Any actual or potential danger to peoples health.
 - b. Any undue interference with a neighbours land, including shading.
 - c. Maori cultural values, e.g. removal of dead trees for carving purposes.

Gardens

- 3.1.2.8 Gardens and plantings on Council reserves will take into account:
- a. Management objectives and policies for the reserve.
 - b. Landscape values and considerations.
 - c. Use of non-invasive plant species.
- 3.1.2.9 All plants will be grown in an environment where pruning and cultivation are undertaken to promote a healthy environment.
- 3.1.2.10 Monitor plant species that are susceptible to pest and diseases, and where there are no safe or effective methods of control, Council to undertake removal.

3.2 Cultural Significance

3.2.1 Objectives

- 3.2.1.1 To protect areas of archaeological and cultural significance within a reserve.
- 3.2.1.2 To identify and record any archeological or heritage areas found on reserves.

Rationale

Many of the reserves contain sites of Maori or early European use and settlement. Conserving and enhancing a representative range of these resources will enable current and future generations of the region to continue to appreciate and enjoy the region's unique cultural heritage. Unless historic heritage resources are identified and assessed, strategies for their management cannot be developed. While the Council has identified and assessed many resources, there are still some areas where further work is required. Current records will also have to be periodically reviewed as new information becomes available.

The New Zealand Historic Places Trust has undertaken an archaeological survey on the east coast of the Coromandel Peninsula from Buffalo Beach to Whiritoa.

3.2.2 Policies

- 3.2.2.1 Develop an inventory for each reserve area to identify known and potential:
 - a. Archaeological sites.
 - b. Cultural heritage sites.
 - c. Historic associations.

3.2.2.2 Prior to any development on a reserve, any known archeological sites, structures or features will be identified and avoided where possible.

3.2.2.3 During any reserve development, upon the discovery of any archeological site, structure or feature, the following actions will be adopted:

- a. Work in the vicinity of the site, structure or feature will cease immediately.
- b. Appropriate agencies such as the New Zealand Historic Places Trust, tangata whenua and other statutory agencies as required, e.g. Police, will be notified.

3.2.2.4 Where a discovery addresses matters of significance to tangata whenua / hapu, identification and assessment shall be done in partnership with Maori and other heritage agencies, taking into consideration:

- a. Established protocols relating to the discovery, re-burial or removal of taonga and koiwi, and future protection.
- b. Maori / Iwi determination of the disclosure or non-disclosure of sites.

3.3 Ecosystems

3.3.1 Objectives

- 3.3.1.1 To protect natural areas representative of the range of natural ecosystems of the region.
- 3.3.1.2 To enhance natural ecosystems that:
- a. Have high ecological values.
 - b. Are representative of ecosystems that are under threat or under represented.
 - c. Function naturally (i.e. sand dunes).

Rationale

These reserves contain a variety of ecosystems and natural habitats that are unique to the area. The enhancement of these areas is required to maintain a balance between public use and protection.

3.3.2 Policies

- 3.3.2.1 Protect all unmodified natural habitats and ecosystems.
- 3.3.2.2 Priority will be given to:
- a. Harbour and estuary shoreline margins that lie within a Reserve boundary.
 - b. Rocky shore and coastline margins that lie within a Reserve boundary.
 - c. Remnant natural forest areas.

- 3.3.2.3 Enhancement of natural ecosystems will include, but is not confined to:
- a. The control and eradication of introduced plants and animals.
 - b. Re-vegetation using locally sourced plant species.
 - c. Restriction of access to some areas of the reserve.
 - d. Public education.
- 3.3.2.4 Council will work with reserve neighbours to establish linkages across ecosystems, including wildlife corridors, estuarine and coastal margins.

3.4 Fire and Fireworks

3.4.1 Objective

3.4.1.1 To avoid damage or destruction of reserve land by fire.

Rationale

All fires, whether lit naturally, accidentally or deliberately can pose a risk to visitors, native vegetation, species, historic places, artifacts and assets, and adjoining property.

3.4.2 Policies

3.4.2.1 The use of open fires, including portable barbecues using solid fuels, will only be permitted in designated areas and when the fire is permitted by controls implemented through the Forest and Rural Fires Act 1977.

3.4.2.2 Fireworks displays will not be permitted on public reserves except for those identified to allow for public events.

3.4.2.3 Persons or organisations wishing to have a fire or fireworks display on a reserve will be required to seek a prior Council approval as detailed in Section 4E.

3.4.2.4 Fireworks display organisers will be required to produce the appropriate certification from the Department of Labour.

3.5 Flora and Fauna

3.5.1 Objective

3.5.1.1 To protect indigenous flora and fauna on reserve land areas.

Rationale

Human development and settlement has had a major impact on our native species. Where possible public use should have minimal impact on any natural areas within these reserves

3.5.2 Policies

3.5.2.1 No activities will adversely effect native flora and fauna found within reserve land areas.

3.6 Landscape

3.6.1 Objective

3.6.1.1 To protect significant landmarks, landscapes and vistas.

Rationale

A key focus of reserves is on the visual and natural qualities of the area. Development of any kind will be kept to an minimum, and when appropriate, undertaken and managed so as to have minimal physical and visual intrusion. There are spectacular panoramic views from some reserves that enhance the experience and enjoyment of the visitor. Natural re-growth and re-vegetation programmes can diminish and obliterate these views, and need to be sensitively managed to retain the recreational amenity of these sites. When planning any development or specific management programme, any likely impacts on the reserve will be investigated and assessed. This will ensure that any potential impacts are minimised.

3.6.2 Policy

3.6.2.1 The landscape quality of a reserve will be enhanced and maintained by:

- a. Conserving dominant landscape features.
- b. Protecting cultural associations.
- c. Retaining key reserve sightlines, vistas and panoramic views.
- d. Ensuring that any development in a reserve is appropriate to the setting.
- e. Removing any redundant structures and facilities.
- f. Avoiding any buildings or structures on coastal reserves unless provision has been specifically made in this plan.

3.7 Plant and Animal Pests

3.7.1 Objectives

3.7.1.1 To manage plant pests identified in the Environment Waikato Plant Pest Strategy.

3.7.1.2 To control other plant pests where reserve values are threatened.

3.7.1.3 To control animals and pests identified in the Environment Waikato Animal Pest Strategy.

3.7.1.4 To control other animal pests as prioritised.

Rationale

The Council as a land manager is required to meet its obligations under the Environment Waikato Regional Pest Strategy. Where required this may mean eradication of a species or for others this may only require only boundary control, that is taking measures to ensure that a plant pest established on a reserve does not spread off that park onto neighbouring properties.

3.7.2 Policies

Plants

3.7.2.1 Introduced plant species that have been identified in the Environment Waikato Plant Pest Strategy will be progressively removed from reserve land areas.

3.7.2.2 Management of particular plant pests in a reserve will be undertaken where identified.

3.7.2.3 Plant pests will be managed as budget and priority are assessed in conjunction with Environment Waikato. Council will use alternative weed control measures taking into consideration budgets and options available to contractors/field staff.

3.7.2.4 Exotic plant species will not be removed where they:

- a. Have historical or cultural significance.
- b. Provide a range of amenity values.
- c. Are not threatening reserve values.

Pests

3.7.2.5 Programmes for the control of pests will give priority to situations where pest species are identified in the Environment Waikato Animal Pest Strategy, and

- a. areas that contain significant habitats, ecosystems, or
- b. where the species detract from visitor use and enjoyment.

3.7.2.6 Management of particular animal pests in a reserve will be undertaken where a need is identified.

3.8 Natural Hazards

3.8.1 Objective

3.8.1.1 To assess the risks of flooding and/or erosion to Council facilities and visitors to a reserve.

Rationale

Flooding and erosion are the two main natural hazards in the Coromandel region. While this plan does not specifically address these issues, the emphasis is on avoidance rather than protection. It recognises that hazard events are natural occurrences and that locating activities in inappropriate places creates the risk.

3.8.2 Policy

3.8.2.1 The siting of facilities should have regard to natural hazard threats, including flooding and erosion.

3.8.2.2 Reserves will be left to function naturally in response to flooding and erosion events (i.e. reserve flood plains and/or dunes).

Section 4: Recreation and Leisure

Section 4A - General Use

4.1 General Recreation – Use of Reserves

4.1.1 Objective

- 4.1.1.1 To allow and encourage public use of reserves that is compatible with the purpose of the reserve.

Rationale

The primary role of Reserves is to provide settings for people to enjoy themselves on an casual and unstructured basis while undertaking traditional activities such as walking, picnicking and informal games. These traditional activities are generally low impact, have little adverse effects on other park users and can be undertaken with minimal restriction.

4.1.2 Policies

- 4.1.2.1 Reserve users will be encouraged to use reserves for a range of activities that are compatible with the reserve purpose and do not impact the environment or other users.
- 4.1.2.2 Users of reserves shall be responsible for ensuring that their use complies with Council bylaws. [Refer to Reserve Bylaws – Appendix 5]

- 4.1.2.3 Passive activities may include:

- a. Family group picnics and bbq's.
- b. Informal family or group activities including games, recreational activities, and sport.
- c. Walking, running, or exercise activities.

4.2 Access

4.2.1 Objective

4.2.1.1 Open access, where possible, will be provided to all Council reserves.

4.2.2 Policies

4.2.2.1 The provision of access to Council reserves will be provided unhindered, except:

- a. Where degradation may occur to cultural or historical sites through public use.
- b. Where access is unsuitable due to the nature of the terrain.
- c. Where commercial operators gain private good from the use of reserves [e.g. leases and licences].
- d. Where necessary for the maintenance or protection of the reserve, or safety of reserve users, part or the entire reserve may be closed for public access, following public notification
- e. Where part or all of a reserve may be closed to public access for maintenance or any event, notification of this will be made prior to the event.
- f. For vehicle access where required which will be restricted to formed roads and car parks

4.2.2.2 Private vehicular access to reserve land, to or from private property, will not be permitted except where a formal written agreement exists with Council (e.g., easement).

4.2.2.3 Steps and/or boardwalks may be built where access is difficult or dangerous and/or to protect undergrowth / root systems.

4.3 Alcohol

Refer to the Council bylaws on alcohol. The Council can place conditions on the use of alcohol in reserves including partial and total bans.

4.4 Dogs

4.4.1 Objective

4.4.1.1 To allow dogs provided they do not have an impact on the environment, or other reserve users.

Rationale

Dogs can pose a direct threat to people, animals and birds. Dogs should be under direct and continuous control at all times. This may be achieved through voice control. In cases where the owner cannot guarantee this level of control, dogs should be on a lead. Owners must also be considerate of other reserve users and remove dog droppings as required by law.

4.4.2 Policies

4.4.2.1 Dogs will generally be excluded from the following areas:

- a. Nesting, roosting and feeding areas of threatened bird species.
- b. Scenic reserves; except where provided for (e.g., Shakespeare Cliff Reserve).
- c. Playgrounds and sports grounds.

4.4.2.2 Dogs must be under control at all times and owners must remove all droppings from the reserve.

4.5 Walkways

4.5.1 Objectives

4.5.1.1 Promote a walkway that links the reserve areas of Mercury Bay South.

4.5.1.2 Promote walkway linkages to adjacent Department Of Conservation reserves.

4.5.1.3 Promote any walkway linkages.

Rationale

Some of the reserve areas in Mercury Bay South could be linked with a walking path network. This would cater for the enjoyment of residents and visitors and provide community health benefits. The reserves along the coast can also be linked together, in conjunction with either a coastal walkway or the Department of Conservation track network. These walking routes once established should be promoted to local residents and visitors for health and tourism benefits.

4.5.2 Policies

4.5.2.1 Where possible provide walking track facilities through reserve areas that:

- a. Are suitable to a range of peoples abilities.
- b. Provide linkages between reserves.

4.5.2.2 Develop a coastal walkway track with linkages. This may not follow the coastline.

4.5.2.3 Provide appropriate walkway signage.

4.5.2.4 When assessing a walkway route cultural values and known archaeological sites should be considered and sites of cultural and archaeological significance avoided where possible.

4.5.2.5 Where appropriate, provide for cycling.

Section 4B - Organised Sport

4.6 Organised Sport

4.6.1 Objective

4.6.1.1 To encourage organised sport to take place on a reserve or part of a reserve set-aside for that purpose.

4.6.2 Policies

4.6.2.1 Where possible, active sports and recreation activities requiring facilities will be grouped to maximise the sharing of facilities.

4.6.2.2 The use of reserve land for the playing of organised sport will:

- a. Consider the appropriateness of the activity to the area, and take into account any possible impact this activity may have.
- b. Only be approved when permission for the sporting activity has been sought and obtained from Council.
- c. Not be undertaken during such time when maintenance is being carried out on the land area.

Section 4C - Restricted Activities

4.7 Aircraft Landings and Take-off

4.7.1 Objective

4.7.1.1 To prevent the use of reserves for aircraft activities.

Rationale

Aircraft landing and taking off from reserves can have an large impact on other reserve users due to noise factors, inconvenience on the use of open space, and safety aspects.

4.7.2 Policies

- 4.7.2.1 The use of reserves by any type of motorised aircraft is not permitted, except for the following circumstances;
- a. For emergency only landings of aircraft.
 - b. For emergency evacuation of people under the control of the New Zealand Police, NZ Fire Service, St John Ambulance or surf lifesaving organisation.
 - c. Where a Permit (refer to Section 4E) has been issued by Council.

4.8 Horse Riding

4.8.1 Objective

4.8.1.1 To provide for horse riding on future reserve acquisitions.

Rationale

Many people in the community enjoy horse riding. Activities such as this can create conflicts with other users and may, if undertaken in inappropriate areas, adversely affect the reserve environment. Given this, it is important that people are aware of where these activities may be undertaken.

4.8.2 Policies

- 4.8.2.1 There are currently no designated areas for horses although horses can access the beach via designated vehicle access points and boat ramps.
- 4.8.2.2 Restrictions for horse riding are necessary to protect:
- a. The environment, including the cultural and archaeological values within a reserve.
 - b. The health, safety, and well being of visitors.
 - c. Reserve operation and management.

4.9 Motorhomes and Camping

4.9.1 Objective

4.9.1.1 To allow for self-contained motor-homes overnight use on some reserve areas.

Rationale

Currently the Council has a policy of no overnight camping on reserves, except those which have a licensed campground which allows for camping.

4.9.2 Policies

4.9.2.1 Independent overnight parking by vehicles such as motor-homes is not permitted on reserves.

4.9.2.2 Overnight camping on reserves is not permitted.

Section 4D - Prohibited Activities

4.10 Prohibited Activities

4.10.1 Objective

4.10.1.1 To prevent activities from occurring that would have an adverse impact on the natural environment and amenity values of a reserve or would significantly detract from the enjoyment of other reserve users.

4.10.2 Policy

4.10.2.1 Except for approved operational purposes, or unless specific written approval for an event has been obtained from the Council, the following activities are prohibited on reserves:

- a. Motorised vehicles off road.
- b. Horse riding in Scenic or Historic Reserves.
- c. Firearms, slingshots, projectile firing devices.
- d. Aircraft landings.

Section 4E - Recreation and Leisure – Concessionaires: Leases, Licenses and Permits

Definitions

Lease: Means a grant of an interest in land that –
 (i) Gives **exclusive possession** of the said area of land; and
 (ii) Makes **provision for any activity** on the land that the lessee is permitted to carry out.

Example: long term activity, exclusive use (e.g. use of a building, part of a reserve).

License: Means -
 (i) A **profit a prendre** or any other grant that gives a **non-exclusive interest** in the land; or
 (ii) A grant that makes **provision for any activity** on the land that the licensee is permitted to carry out.

Example: short term, non-exclusive use i.e. 13 days or more (e.g. summer mobile café).

Permit: Means -
 (i) A grant of rights to carry out an activity that does **not require an interest in land**.

Example: special use, one off events, non-exclusive use, 1 – 12 days (e.g. circus, music concert)

4.11 Leases, Licences and Permits

4.11.1 Objectives

4.11.1.1 To allow for the occupation of reserves for approved uses and facilities by the granting of lease, licence or permit.

4.11.1.2 To allow the use of a reserve for special activities where that use is compatible with the designated purpose of the reserve area.

4.11.1.3 To undertake a case-by-case assessment of activities that are not covered by this plan.

4.11.1.4 To process applications for lease and/or license agreements on reserves in an efficient, fair and transparent manner.

Rationale

Leases grant a proprietorial right over the land covered by a lease agreement. This right sometimes enables the lessee to carry out activities without Council agreement and to restrict public access to the land covered by the lease agreement. Given this, the Council may wish to approve only Licence agreements in the future. While the Council may not intend to approve any new leases it is obliged to administer the existing leases in terms of the conditions of those leases.

Whilst a lease, license or permit can be issued for an activity on a reserve, the activity must be compatible with the Reserves Act classification of the reserve (e.g., recreation reserve, esplanade reserve).

4.11.2 Policies – General

4.11.2.1 Activities that require approval, include, but are not limited, to:

- a. All commercial activities on or across reserve land.
- b. Activities that require exclusive use of ,or part of a reserve, including public and private events.
- c. Telecommunication and radio-communications stations, and

- d. Any other similar activities which are not specifically provided for in this Plan.
- 4.11.2.2 Written applications for a lease, licence or permit shall be made to Council:
- a. At least 75 working days for a concert, expo, festival, function, promotion, sport event, seasonal commercial operator and government screening programme and any activity type that will involve more than 500 spectators /participants.
 - b. At least 30 days prior to a wedding ceremony, circus, filming or small display.
 - c. At least 6 months prior to the requested start date for a lease.
- 4.11.2.3 All costs associated with leases, licenses and permits are the responsibility of the concession holder of the agreement.
- a. Fees/rent will be payable on all concessions, according to Council policy.
 - b. Where a lease is approved, the term of the lease and any subsequent renewal will not exceed 19 years 364 days.
(Refer to Rationale Note below)
 - c. Where leases, licenses or permits are to be granted on a Historic or Scenic reserve, the Department of Conservation will be the decision-making authority.
 - d. Where leases, licenses or permits are to be granted on other reserves, the Council will be the decision-making authority.

[Rationale](#)

Under the Resource Management Act 1991, an interest in land over 20 years may be subject to the applicant having an interest in that land. As such Council will only issue a lease for a period of 20 years less 1 day, i.e. 19 years, 364 days.

4.11.2.4 Public notification will be undertaken where a concession applicant has:

- a. Applied for the exclusive use of an area of reserve.
- b. The potential for high impact on the environment or surrounding area.

4.11.2.5 Notification shall be made via Council public notice in the local paper circulating in the district. The applicant will be responsible for meeting the cost of public notification and a hearing if required.

4.11.2.6 The notification of proposed lease agreements shall serve as public notice for the purpose of the Reserves Act 1977.

[Policies - Lease Applications](#)

4.11.2.7 A lease must be for a group or organisation which is "compatible" with the reserves legal classification.
(e.g., a butcher shop is not compatible but a café may be).

4.11.2.8 A lease will be issued where the use of a reserve is exclusive.

4.11.2.9 Where current leases allow for a right of renewal, or new leases are being sought, the lease shall incorporate the appropriate provisions of the First Schedule of the Reserves Act 1977, except where the Council's tenure of the land requires otherwise.

4.11.2.10 Council will maintain current lease agreements.

Policies - License and Permit Applications

4.11.2.11 All applicants who wish to hold an activity on a reserve are required to complete:

- a. The *Reserve Concession Application Form*,
- b. A site plan, and
- c. A hazard identification form (not required in some circumstances).

4.11.2.12 An event plan and health and safety plan is also required for larger events.

[For more information on the requirements to operate on a reserve see the "Applicant Information Pack for a Permit or License to operate on a TCDC reserve".](#)

4.11.2.13 A license will be issued where the use of a reserve is non exclusive and for a period of 13 days to three years. Such licences may have rights of renewal attached and assignment will be at Council's discretion.

4.11.2.14 A permit will be issued where use of a reserve is non-exclusive and for a period of 0-12 days.

4.11.2.15 Council will maintain current license agreements.

4.11.2.16 Where part or all of a reserve is to be closed to public access for an activity, notification of this shall be made prior to the activity causing the closure. Notification shall be made via Council public notice in the local paper circulating in the district at least two weeks before the closure. The activity organisers will be responsible for meeting the cost of public notification.

4.11.2.17 Where there is a possibility of serious damage being caused to the reserve; or disruption to users; neighbouring properties; or property or persons on adjacent public land, Council may require the organiser to have public liability insurance and other appropriate insurance cover. A copy of this will be required prior to the license or permit being issued.

4.11.2.18 Public Liability Insurance of at least \$1 million is required for all commercial activity on a reserve.

4.12 Charges for Leases / Licenses or Permits on Reserve Land

4.12.1 Objective

4.12.1.1 To recover costs to the Council and community, for processing of applications and managing the reserve.

4.12.2 Policies

4.12.2.1 Where a lease, license or permit is approved, Council may charge the applicant a fee which:

- a. Reflects current market values.
- b. Covers administration costs.

4.12.2.2 A bond may be required for using a reserve/s. The following factors will be considered in assessing the amount of a bond:

- a. The size of the activity.
- b. The possibility of damage to the reserve.

4.12.2.3 A bond will be set at such a level that any possible damage can be repaired at no cost to Council.

- a. Amounts in excess of repair costs will be refunded.
- b. If a bond does not cover the cost of repairing damage, the difference will be charged to the concession holder and/or group using the reserve.

4.12.2.4 Payment of bond is required at Council at the time of making an application.

4.13 Liquor Licences

4.13.1 Objective

4.13.1.1 To allow the granting of liquor licences for premises on reserves where the values of the reserves are not diminished and where the effects on reserve neighbours can be avoided.

4.13.2 Policy

4.13.2.1 All Liquor licences on reserve land will be in accordance with Council bylaws and policies, the Liquor Licensing Act and regulations.

Section 5 - Recreation, Leisure and Sport Facilities

5.1 Buildings and Structures

5.1.1 Objectives

- 5.1.1.1 To provide only those buildings and structures that are required to meet reserve user needs.
- 5.1.1.2 To allow for removal of buildings when no longer required in the foreseeable future.

5.1.2 Policies

- 5.1.2.1 The provision of buildings and structures on a reserve will be for sporting, cultural and recreation purposes and to facilitate the appropriate use of the reserve.
- 5.1.2.2 Buildings and structures deemed necessary by Council, will be provided and maintained only where they are necessary to achieve management objectives and policies or are specifically provided for in this plan.
- 5.1.2.3 Any new buildings or alterations to buildings and structures, will comply with required resource and building consents.
- 5.1.2.4 Where a building is no longer required by an occupier or has become redundant, the occupier will be required to remove the building from the reserve.

5.2 Development

5.2.1 Objective

- 5.2.1.1 To ensure that any reserve development meets the needs of approved use and users without significant adverse effects on other users, the reserve, or neighbours.

5.2.2 Policies

- 5.2.2.1 In evaluating any proposal for a reserve area, Council shall take regard of:
 - a. Any cultural, historical, archaeological or spiritual features of the reserve area.
 - b. The scale of the proposed facilities in terms of the reserve use, foreseeable future use, or the foreseeable demand for the particular activity.
 - c. The materials, siting, design and colour of the proposed structure.
 - d. The protection of existing recreation facilities, except where there displacement is in the public interest.
- 5.2.2.2 Council will consult with the New Zealand Historic Places Trust when any proposed development is adjacent to a recorded archaeological site.

5.3 Fences

5.3.1 Objective

5.3.1.1 To erect fences or barriers where required to ensure that the reserve can be used safely.

Rationale

Reserves adjoin a variety of land uses, private or commercial land, or other reserve or government administered land. The Fencing Act 1978 details in general principles how adjoining land occupiers share equally the cost of erecting and maintaining an adequate boundary fence This Act also details procedures for decisions to be reached through negotiation or by District Court, as to suitable type of fence, sharing of costs and other fencing related matters.

5.3.2 Policies

5.3.2.1 Where private land directly abuts reserve land, Council will endeavour to ensure that the boundary between public and private land is clearly defined where and when required, (e.g. clearly visible boundary markers).

5.3.2.2 Council will meet its boundary fencing requirements as detailed in the Fencing Act 1978, by seeking half share costs of boundary fences.

5.3.2.3 Council and adjoining owners shall determine the type of fence appropriate in each case to the character and use of the park, generally with fences at a maximum height of 1.2 metres.

5.3.2.4 No vehicular access onto reserve land to or from private property will be permitted.

5.3.2.5 Where the fences surrounding a facility is sought by a reserve occupier, the cost of erecting and maintaining an appropriate fence to the satisfaction of the Council will be borne by the occupier.

5.4 Land, Gifts, and Commemorative Features

5.4.1 Objective

5.4.1.1 To ensure that any bequeathed land, gifts, and commemorative features are managed in a sustainable manner and are beneficial to the reserve and reserve users.

Rationale

Members of the public frequently make requests to place features on reserves. Whilst such commemorations can assist in developing community values and mark important historic events, the location and number of such features needs to be managed. Commemorative features can also add cost to the ongoing maintenance of reserves, and can cause difficulties when the features are damaged, vandalised or require significant maintenance. Difficulties can also arise where the individual or group having made the gift seeks to influence the management of the wider reserve. Council needs to be in a position to control the nature, number and location of such features; encouraging appropriate enhancement of reserves.

5.4.2 Policies

5.4.2.1 Council will consider on a case-by-case basis any requests from individuals and/or community organisations for the gifting and/or sponsorship of a reserve features.

- 5.4.2.2 All proposals will be assessed in relation to the following criteria:
- The compatibility of the proposed feature in relation to the character and use of the reserve.
 - The benefit to the reserve users.
 - The ease and cost of maintenance and whom is responsible.
 - The relevance of the feature to the community and its appropriateness.
- 5.4.2.3 Any Council approved feature or gift may be acknowledged through the attachment of a small (eg. 250 x 100 mm) engraved or cast metal plaque associated with the feature.
- 5.4.2.4 Where a significant gift is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.
- 5.4.2.5 Where a gift or commemorative feature requires removal, it may or may not be replaced. Where replacements are made they will be made with the same or a similar feature.
- 5.4.2.6 Council will maintain gifts and/or commemorative features except where maintenance by others is agreed as part of the gift agreement (such as in the case of some sculpture). The benefactor will generally retain no ongoing rights or responsibilities in relation to the feature.

5.5 Lighting

5.5.1 Objective

5.5.1.1 To provide lighting only where the costs of developing, maintaining and replacing this lighting is met by the beneficiaries.

Rationale

Lighting within Council reserves could be used on facilities and structures. Some of the benefits from lighting may include; security of facilities from vandalism, better surveillance of park and facilities. The provision of lighting in public places is, however, no guarantee of improved safety. Lighting should only be provided where there is clear public benefit.

5.5.2 Policies

5.5.2.1 The Council will only fund lighting on Council reserve land where there is clear public benefit.

5.5.2.2 Where the Council owns a facility that is occupied by another group on the basis of a landlord/tenant arrangement, it is the tenants' responsibility to provide for lighting.

5.5.2.3 Where any lighting may be provided for on Council reserves it will not unduly impact on affected parties including reserve neighbours.

5.5.2.4 Lighting design should take into effect the reserve use and lighting purpose, and where possible to incorporate efficient downward lighting.

5.6 Naming of Reserves

5.6.1 Objective

5.6.1.1 To acknowledge the links of people and/or events with a place in the naming of reserves.

5.6.2 Policies

5.6.2.1 The naming of a reserve will consider the following:

- a. Any cultural, historical, or spiritual links with the area.
- b. Any known names of the area.

5.6.2.2 Council will undertake consultation with Maori and other interested parties before formal resolution by Council meeting.

5.6.2.3 All Council reserves will be named to assist with location, for when any management or emergency service need arises.

5.7 Parking: Boat ramps

5.7.1 Objective

5.7.1.1 To provide safe and reasonable access to launch and retrieve trailer boats.

5.7.2 Policies

5.7.2.1 A review of the location and management requirements for boat ramps in the Mercury South area will be undertaken in the lifetime of this plan.

5.7.2.2 Boat ramps will only be located in locations where suitable water access and the provision of adequate off road parking is available.

5.7.2.3 Where either Council or a community organisation manages a boat ramp:

- a. A fee may be charged.
- b. Where fees apply, Council will approve them.

5.8 Parking: Vehicles

5.8.1 Objective

5.8.1.1 To provide parking for vehicles and their passengers.

5.8.2 Policies

5.8.2.1 Vehicle parking will only be provided where the demand and use of a reserve area requires this facility.

5.8.2.2 Provide sufficient car and/or trailer parking to accommodate average yearly use without degrading the amenity of reserve areas.

5.9 Playgrounds

5.9.1 Objectives

- 5.9.1.1 To develop and provide for opportunities for children's play.
- 5.9.1.2 To ensure that structures meet the needs of approved use and users.

5.9.2 Policies

- 5.9.2.1 Playground equipment will be allowed only where deemed appropriate to the purpose of the reserve.
- 5.9.2.2 Playground development and structures will meet all required playground safety guidelines, regulations and have required consents.
- 5.9.2.3 The provision of play equipment or areas will accommodate a range of age groups.
- 5.9.2.4 The playground will be managed within the required service and maintenance guidelines.
- 5.9.2.5 Where possible shade will be provided in association with playground structures.

5.10 Public Toilets and Changing Facilities

5.10.1 Objective

- 5.10.1 To provide public convenience at appropriate locations where the usage warrants the facility.

5.10.2 Policy

- 5.10.2.1 Public conveniences will be provided where necessary and maintained to Council standards.

5.11 Reserve Furniture

5.11.1 Objective

5.11.1.1 To provide appropriate reserve furniture to ensure that there are adequate facilities for the public.

Rationale

Reserve furniture provides a range of opportunities and settings for users to the reserve, and enhances peoples experience by providing facilities for rest, picnicking and services (rubbish bins). It is important that the park furniture is at a level appropriate to the reserve and its purpose and use.

5.11.2 Policies

5.11.2.1 Reserve furniture may include, but is not limited to: picnic tables and seating, barbeques, rubbish bins, directional or information signage, drinking fountains, park benches.

5.11.2.2 Review the provision of reserve furniture, and provide for reasonable public use. Where new reserve furniture or signs are to be provided, their design and location should be in accordance with the Council design guidelines.

5.12 Sporting Needs

5.12.1 Objective

5.12.1.1 To provide a range of sport facilities that:

- a. Allows a community to participate in a variety of sporting activities.
- b. Considers a district wide needs basis taking into account the size of the surrounding population and district needs.

5.12.2 Policies

5.12.2.1 Recreational activities, such as active sports codes and recreation activities requiring specific facilities, will be grouped to maximise the sharing of facilities.

5.12.2.2 In any development of existing or future active sport or recreation facilities Council will focus public resources and spending on developing a primary active recreation venue for the community.

5.13 Utilities / Network Utility Operator

5.13.1 Objective

5.13.1.1 To minimise the impact of utilities, on the public use, enjoyment or general visual amenity of a reserve.

5.13.2 Policies

5.13.2.1 In general utilities should be located where they will not impact on the use and enjoyment or general amenity of a reserve.

5.13.2.2 Where existing utilities are to be upgraded, the utility operator will undertake early and full consultation with the Council as an affected party.

5.13.2.3 No future utilities, other than those required for the servicing of the reserve, will be located on Recreation, Scenic or Historic Reserves. Where utilities are required in any of these reserves they will be provided underground, and in such a way so as not to effect areas of cultural and archaeological significance.

5.13.2.4 All costs associated with the installation of services under or over a reserve, including costs for making good the affected area during or after construction, or any remedial work, will be borne by the utility provider.

Section 6 - Tourism and Economic Development

6.1 Promotion

6.1.1 Objective

6.1.1.1 To provide quality promotional communication for access to and information on reserves.

6.1.2 Policies

6.1.2.1 Provide signage that encourages visitors to access and use the reserves in the area.

6.1.2.2 Develop and promote coastal viewing areas.

6.1.2.3 Develop and promote linkages between reserves.

6.1.2.4 Ensure there is co-ordination between different agencies, in particular Department of Conservation and/or Tourism Coromandel.

6.1.2.5 Provide signage that informs and educates the user to historic and/or cultural sites or the history of a reserve.

6.2 Signage

6.2.1 Objective

6.2.1.1 To ensure consistent sign information and minimise visual clutter on Council Reserves.

Rationale

Council bylaws and the District Plan regulate the use of advertising and hoarding signage.

6.2.2 Policies

6.2.2.1 All applications for signs on any Council reserve must be made in writing to Council.

6.2.2.2 Only signage that is related to a reserve or the use of a reserve will be allowed.

6.2.2.3 All signage must meet the requirements of the Council bylaws, the Council Open Spaces Sign System, the District Plan and any required resource consents.

6.2.2.4 The number of signs on Council reserves will be kept to a minimum number required to inform the reserve user.

6.2.2.5 Where possible, a reserve will have signage detailing the common name.

Section 7 - Management / Co-operation

7.1 Bylaws

7.1.1 Objective

7.1.1.1 To provide for controls and penalties for offenses on reserves.

7.1.2 Policies

7.1.2.1 Offences on reserves will be controlled by Council bylaws, and any applicable NZ Government regulation.

7.2 Encroachment

7.2.1 Objective

7.2.1.1 To prohibit the alienation of public reserve land by encroachment from adjoining properties.

Rationale

In many locations reserves abut private property, and encroachment of sheds, gardens, seating and paths has occurred such that the public are discouraged from using that portion of the reserve.

7.2.2 Policies

7.2.2.1 No encroachments onto public reserve land will be permitted.

7.2.2.2 Where encroachment occurs Council will:

- a. Give notice to the encroacher/s requiring termination and removal of the encroachment, and reinstatement of the encroached area to the satisfaction of the Council within a specified timeframe, at the owner's cost.
- b. Where removal and reinstatement does not occur, then the Council may carry out the removal and reinstatement and recover costs by way of proceedings through the District Court or if necessary through prosecution.

7.3 Future Reserve Land Acquisition

7.3.1 Objectives

7.3.1.1 To acquire future reserves that provide for:

- a. Open public recreation space.
- b. Linkages between reserves.
- c. Access along stream, river and coastline margins.

Rationale:

Council needs to consider the future acquisition of reserve land whether through actual purchase, reserve contribution funding, or resource consent subdivision. As populations in many of the areas of the Coromandel Peninsula grow, particularly during the summer holiday period, the demand for publicly accessible land for walking access, sport and recreation needs increases. Many people holiday in the Coromandel region to “unwind” and recreate, thus a high demand is placed on open space for well being purposes. Acquiring future land areas and linkages will need to be continuously assessed.

7.3.2 Policies

7.3.2.1 The acquisition of open space areas for recreation and sport will be undertaken where there is a clear need for land areas to meet these future needs.

7.3.2.2 Where desirable, Council will pursue the acquisition of land to provide for linkages between reserves, for recreation and conservation purposes.

7.3.2.3 Where possible, Council will seek public access to and along stream, river and coastline margins.

7.3.2.4 Future land purchases will be assessed on:

- a. The recreation potential of the land.
- b. Natural and cultural heritage features of the land.
- c. How the land “fits in” with other Council reserve land areas.

7.4 Maori

7.4.1 Objective

7.4.1.1 To involve tangata whenua with mana whenua status in reserve management processes in ways which take into account the principles of the Treaty of Waitangi.

7.4.2 Policies

7.4.2.1 Developed and maintain relationships with hapu that give emphasis to:

- a. The identification, assessment and interpretation of cultural information.
- b. Identifying opportunities for involvement in the management of reserve areas.
- c. Protection of cultural and spiritual values of reserves.

7.5 Public Involvement and Partnerships

7.5.1 Objective

7.5.1.1 To ensure that the reserves cater for the needs and values of the public in general.

7.5.2 Policies

7.5.2.1 Continue to consult and involve individuals, groups and agencies with an interest in the reserves.

7.5.2.2 Support individuals, voluntary groups and agencies, where their actions are in line with the management plan.

7.5.2.3 Improve and strengthen communication between the public and community groups, and those responsible for managing and maintaining the reserves.

7.5.2.4 Improve management partnership between Council and Environment Waikato to ensure clear understanding of roles and requirements.

7.5.2.5 Support the functioning of reserve groups who have been set up by the local community board through:

- a. The provision of a clear mandate for responsibilities of the reserve group.
- b. Funding for projects identified in an annual work programme.

7.6 Reserve Neighbours

7.6.1 Objectives

- 7.6.1.1 To encourage neighbours to be responsive to reserve issues.
- 7.6.1.2 To allow Council as an affected party to give approval for any adjoining proposal where there is no adverse effect on the reserve values or use.

7.6.2 Policies

- 7.6.2.1 Liaise with neighboring landowners with a view to co-operating on matters of mutual interest or benefit including:
 - a. The control of animal and plant pests.
 - b. Public access.
 - c. Maintenance of amenity values, landscape and vistas.
 - d. Security issues.
 - e. Fire control.
- 7.6.2.2 Before giving its permission as an affected party, the Council must be satisfied that any adverse effects on a, b, c and d below can be avoided, remedied or mitigated:
 - a. Recreation values.
 - b. Landscape values.
 - c. Heritage values.
 - d. Any other consideration (e.g. community values) (refer to Reserves Act 1977 section 3 (1) (v))

7.7 Safety and Risk Management

7.7.1 Objectives

- 7.7.1.1 To identify, measure and manage potential hazards in a timely manner to minimise Council exposure to complaints, compensation claims and litigation.
- 7.7.1.2 To minimise the incidence of vandalism to play equipment and other structures within the reserves.

Rationale

The regular maintenance inspections undertaken by Council or their service contractors also function as risk assessment inspections.

7.7.2 Policies

- 7.7.2.1 Continue to carry out an inspection program to identify and eliminate all potential hazards.
- 7.7.2.2 Graffiti to be removed as soon as possible.
- 7.7.2.3 Vandalised reserve infrastructure and play equipment to be repaired as soon as practicable or removed if damaged beyond repair and dangerous.

Section 8 - Monitoring of Management Plan

8.1 Management Plan Review

8.1.1 Objective

8.1.1.1 To keep this plan under continuous review in accordance with the Reserves Act 1977.

8.1.2 Policies

8.1.2.1 This Plan will be reviewed every ten years. In the interim, Council may determine to review part of, or the entire plan, in response to:

- a. Information from monitoring which indicates the need for a review or change.
- b. The identification of new management issues or problems for which policy is required.
- c. Changes in national policy including new or amended laws, regulations or other actions.
- d. Policy changes made by Thames-Coromandel District Council.

8.1.2.2 Any review or change to this management plan will be publicly notified as detailed in Sections 41(5)(a) 41(6)(a) and 119(1)(c) of the Reserves Act 1977.

8.1.2.3 Any person or organisation may make a written submission within the time specified in the public notice.

8.1.2.4 Any person or organisation making a submission can request to be heard in support of their objection or comments on the Plan.

8.2 Monitoring of Management Systems

8.2.1 Objective

8.2.1.1 To review this Management Plan regularly in order to conserve, maintain and enhance the values and character of the areas Reserves.

8.2.2 Policies

8.2.2.1 Annually review the Proposed Development program component of the Individual Reserve Management Plans.

8.2.2.2 Report proposed work program to Council on the following basis:

- a. Annual maintenance programs – annually..
- b. Renewals and replacements – annually
- c. Capital works in line with the long-term Council community plan (LTCCP) – every three years.

Individual Reserve Plans — Refer to Document 2

Section 9. Individual Reserve Plans – Generic objectives and policies, and specific policies apply.

Section 10. Other Reserves – Generic objectives and policies apply.

List of reserves covered by Document 2

Area	Reserve Name	Location	Reserve Classification	Refer to Section ...
Cooks Beach	Bank Street Accessway	29 Bank Street, Cooks Beach	Accessway	9
Cooks Beach	Captain Cook Rd Accessway	36 Captain Cook Road, Cooks Beach	Accessway	9
Cooks Beach	Banks / Endeavour Access	Endeavour Place, Cooks Beach	Accessway	9
Cooks Beach	Central Reserve	Captain Cook Road, Cooks Beach	Recreation	9
Cooks Beach	Central Reserve	Captain Cook Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Cooks Beach Hall Reserve	890 Purangi Road, Cooks Beach	LPR (Public Hall)	9
Cooks Beach	Cooks Stream Reserves	890 Purangi Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Cooks Stream Reserves	890 Purangi Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Cooks Stream Reserves	890 Purangi Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Endeavour Place Beach Access	Endeavour Place, Cooks Beach	Accessway	9
Cooks Beach	Endeavour Reserve	Captain Cook Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Endeavour Reserve	Endeavour Place, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Endeavour Reserve	Endeavour Place, Cooks Beach	Recreation	9
Cooks Beach	Hardy - Capt Cook Rd Accessway	Captain Cook Road, Cooks Beach	Accessway	9
Cooks Beach	Oyster - Hardy Place Accessway	Oyster Drive, Cooks Beach	Accessway	9
Cooks Beach	Purangi Islands	25 Purangi Landing, Cooks Beach	Recreation	9
Cooks Beach	Purangi Islands	25 Purangi Landing, Cooks Beach	Recreation	9
Cooks Beach	Purangi Regional Reserve	212 Captain Cook Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Purangi Regional Reserve	212 Captain Cook Road, Cooks Beach	Recreation	9
Cooks Beach	Purangi Regional Reserve	212 Captain Cook Road, Cooks Beach	LPR (Road)	9
Cooks Beach	Purangi Regional Reserve	Captain Cook Road, Cooks Beach	Recreation	9
Cooks Beach	Purangi Reserve	Purangi Landing, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Purangi Regional Reserve	Oyster Drive, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	LPR (Esplanade)	9

Area	Reserve Name	Location	Reserve Classification	Refer to Section ...
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	Accessway	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	Accessway	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	Accessway	9
Cooks Beach	Riverveiw Road Esplanade	12 Riverview Road, Cooks Beach	Accessway	9
Cooks Beach	Shakespear Reserve	984 Purangi Road, Cooks Beach	Historic & Scenic	9
Cooks Beach	Shakespear Reserve	984 Purangi Road, Cooks Beach	Historic & Scenic	9
Cooks Beach	Marine Parade	Marine Parade, Cooks Beach	Recreation	9
Cooks Beach	Marine Parade	Marine Parade, Cooks Beach	LPR (Esplanade)	9
Cooks Beach	Oyster Drive Accessway	Oyster Drive, Cooks Beach	Accessway	9
Coroglen	Coroglen Hall	1874 SH25 Coroglen	LPR (Community Buildings)	
Coroglen		1925 SH25 Coroglen/Waiwawa River	LPR (Esplanade)	10
Coroglen	Coroglen Hall	1874 SH25 Coroglen	LPR (Esplanade)	10
Coroglen		1904R SH25 Coroglen	LPR (Esplanade)	10
Coroglen	Oteao Stream Esplanade	1857 SH25 Coroglen	LPR (Esplanade)	10
Coroglen	Oteao Stream Esplanade	Rangihau Road / Oteao Stream	LPR (Esplanade)	10
Coroglen	Oteao Stream Esplanade	1857 SH25 Coroglen	LPR (Esplanade)	10
Ferry Landing	Whakapenui Point Reserve	1100 Purangi Road, Ferry Landing	Recreation	9
Ferry Landing	McNeil Esplanade	1047 Purangi Road, Whitianga Harbour	LPR (Esplanade)	10
Ferry Landing	Maramaratotara Reserve	1085 Purangi Road, Ferry Landing	Recreation	9
Ferry Landing	Whakapenui Point Reserve	1100 Purangi Road, Ferry Landing	Recreation	9
Ferry Landing	Whakapenui Point Reserve	1114 Purangi Road, Ferry Landing	Accessway	9
Hahei	[south of Hahei - 1st coastal esp]	Coastline, Cooks Beach to Hahei	Recreation	10
Hahei	Hahei Beach Reserve	1 Hahei Beach Road, Hahei	Accessway	9
Hahei	Hahei Beach Reserve	1 Hahei Beach Road, Hahei	Recreation	9
Hahei	Hahei Beach Reserve	5 Hahei Beach Road, Hahei	Recreation	9
Hahei	Hahei Hall	52 Hahei Beach Road, Hahei		9
Hahei	Hahei Hall Reserve	19a Grierson Close, Hahei	Recreation	9
Hahei	Hahei Hall Reserve	50 Hahei Beach Road, Hahei	Recreation	9
Hahei	Hahei Hall Reserve Accessway	13a Grange Road, Hahei	Recreation	9
Hahei	Kotare Reserve	51 Hahei Beach Road, Hahei	Recreation	9
Hahei	Kotare Reserve	Hahei Beach Road, Hahei	LPR (Recreation)	9

Area	Reserve Name	Location	Reserve Classification	Refer to Section ...
Hahei	Kotare Reserve	15a Michelle Lane, Hahei	Recreation	9
Hahei	Kotare Reserve	Pa Road, Hahei	LPR (Esplanade)	9
Hahei	Kotare Reserve	Pa Road, Hahei	LPR (Esplanade)	9
Hahei	Kotare Reserve	Pa Road, Hahei	LPR (Esplanade)	9
Hahei	Kotare Reserve	43 Pa Road, Hahei	Recreation	9
Hahei	Margaret Place Reserve	6 Margaret Place, Hahei	Recreation	9
Hahei	Margaret Place Reserve	7 Margaret Place, Hahei	Recreation	9
Hahei	Margaret Place Reserve	8 Margaret Place, Hahei	LPR (Esplanade)	9
Hahei	Orchard Rd Reserve	44 Pa Road, Hahei	LPR (Esplanade)	10
Hahei	Orchard Rd Reserve	Pa Road, Hahei	LPR (Esplanade)	10
Hahei	Pa Road	54 Pa Road, Hahei	Recreation	10
Hahei	Te Pupuha Point	Coastline, South of Hahei	Recreation	10
Hahei	Tutaritari Reserve	0 Hahei Beach Road, Hahei	Recreation	9
Hahei	Tutaritari Reserve	14 Tutaritari Road, Hahei	Recreation	9
Hahei	Tutaritari Reserve	84 Grange Road, Hahei	LPR (Accessway)	9
Hahei	Wigmore Crescent Reserve	32A Wigmore Crescent, Hahei	LPR (Esplanade)	9
Hahei	Wigmore Crescent Reserve	32A Wigmore Crescent, Hahei	LPR (Esplanade)	9
Hahei	Wigmore Crescent Reserve	32A Wigmore Crescent, Hahei	Recreation	9
Hahei	Wigmore Crescent Reserve	32A Wigmore Crescent, Hahei	Recreation	9
Hahei	Wigmore Stream Reserve	45 Pa Road, Hahei	LPR (Esplanade)	9
Hahei	Wigmore Stream Reserve	77 Pa Road, Hahei	Recreation	9
Hahei	Wigmore Stream Reserve	93 Pa Road Hahei	Recreation	9
Hot Water Bch	[coastline - Hahei to H2O]	Coastline, Cooks Beach to Hahei	Recreation	10
Hot Water Bch	Hot Water Beach Recreation Reserve	51A Pye Place, Hot Water Beach	LPR (Esplanade)	9
Hot Water Bch	Hot Water Beach Recreation Reserve	51A Pye Place, Hot Water Beach	LPR (Esplanade)	9
Hot Water Bch	Taiwawe Stream Esplande	Hot Water Beach Road	LPR (Esplanade)	9
Hot Water Bch	Te Puia - Hot Water Beach Reserve	720 Hot Water Beach Road, Hot Water Beach	Recreation	9
Hot Water Bch	Te Puia - Hot Water Beach Reserve	720 Hot Water Beach Road, Hot Water Beach	Recreation	9
Hot Water Bch	Te Puia - Hot Water Beach Reserve	720 Hot Water Beach Road, Hot Water Beach	Recreation	9
Hot Water Bch	Hot Water Beach Recreation Reserve	667A Hot Water Beach Road, Hot Water Beach	Recreation	9
Hot Water Bch	Hot Water Beach Reserve	35 Pye Place, Hot Water Beach	Recreation	9
Hot Water Bch	Hot Water Beach Reserve	51A Pye Place, Hot Water Beach	Recreation	9
Hot Water Bch	Taiwawe Stream Esplande	720 Hot Water Beach Road, Hot Water Beach	Recreation	9

Area	Reserve Name	Location	Reserve Classification	Refer to Section ...
Hot Water Bch Whenuakite	Taiwawe Stream Esplanade Parakau Stream Reserve	Hot Water Beach Road 1383 SH25 Whenuakite	LPR (Esplanade) Recreation	9 10

Appendix 1: Mercury Bay South Reserve Management Plan Working Group

The following people / organisations have been involved in the preparation of this draft Reserve Management Plan:

- Department of Conservation - Peter Carter
- Ngati Hei – Peter Johnson

- Barney Bowen
- Phillip Dawson
- Adele Smaill
- Toby Morcom

- Karen Blair
- Merrin Cooper

- Anne Elliot
- Gordon Pye
- Graham Pye

Mercury Bay Community Board

- Alison Henry

Thames- Coromandel District Council

- Lesley McCormick – Area Manager, Mercury Bay
- John Rich –Community Services Manager
- Merle Benson – Area Co-ordinator (Mercury Bay)

erh Consultancy

- Eric Hamilton – Reserve plan compiler

Progressive Group Ltd

- Rose Ward – Reserve plan compiler

Studio of Urban Landscape Limited

- Catherine Hamilton - Landscape Architect
- Gareth Hooton - Landscape Architect

The following groups have been involved in consultation in preparing this draft Reserve Management Plan:

- Mercury Bay Community Board

Appendix 2: Reserve Classifications

Recreation Reserve

Purpose

An area of land (or land and water) possessing open space, and outdoor recreational values especially suitable for 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, including recreational tracks in the countryside.

Objectives of Management (Reserves Act 1977, section 17)

- Allow the public freedom of entry and access subject to such conditions as are necessary for the protection and well-being of the reserve and for the protection and control of the public using it.
- Conserve those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve Secondary.
- Manage and protect scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife.
- Maintain value as a soil, water and forest conservation area.

Guidance for Selection

- Area may be totally modified eg suitable for sports fields.
- Area may be in a partly natural conditions eg suitable for picnic or camp sites or like development.
- Area may be lineal eg suitable for recreational walking and/or vehicle use.

Local Purpose Reserve - LPR

Purpose

An area of land (or land and water) suitable for a specified local educational or community purpose which does not duplicate any other reserve purpose.

Objectives of Management (Reserves Act 1977, section 23)

- Determined by the purpose.
- Prohibit access to the whole or any part of the reserve except by permit where appropriate.
- Manage and protect scenic, historic, archaeological, biological or natural features.
- Maintain value as a soil, water, and forest conservation area.

Historic Reserve

Purpose

An area of land (or land and water) possessing places, objects and natural features as are of historic, archaeological, cultural, educational and other special interest.

Objectives of Management (Reserves Act 1977, section 18)

- Manage structures, objects and sites to illustrate with integrity the history of New Zealand.
- Allow the public freedom of entry and access subject to such conditions and restrictions as are necessary for the protection and general well being of the reserve and for the protection and control of the public using it.
- As appropriate, preserve the indigenous flora and fauna and natural environment as far as possible.
- Manage and protect scenic, archaeological, geological, biological, or other scientific features, or indigenous flora and fauna, or wildlife.
- Maintain value as a soil, water, and forest conservation area.

Guidance for Selection

- Area should be sufficiently large to preserve all the significant historic or archaeological features associated with the place, object or natural feature.

- Area should include sufficient additional land as a buffer against incompatible development or as unobtrusive sites for necessary services for management and public use.
- The primary value should be traditional, historic or archaeological . through an association with major events, or Maori tradition.
- Area should have immediate interest to the visitor, or be important as a key for continuing research and interpretation of New Zealand history.

Scenic Reserve (Natural)

Purpose

Area of land (or land and water) possessing significant qualities of scenic interest or beauty or significant features or landscapes.

Objectives of Management (Reserves Act 1977, section 19 (1)(a))

- Manage for their intrinsic worth and for the benefit, enjoyment and use of the public.
- Preserve indigenous flora and fauna, biological associations and the natural environment as far as possible.
- Exterminate exotic flora and fauna as far as possible.
- Allow the public freedom of entry and access subject to conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using it.
- Develop open portions for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve.
- Manage and protect historic, archaeological, geological, biological, or other scientific features.

Guidance for Selection

- Area should contain one or more natural or associated cultural or heritage features of special significance, or natural landscape of high scenic quality.
- Area should be large enough to protect the integrity of the features and its immediately related surroundings.

Scenic Reserve (Modified)

Purpose

A suitable area of land (or land and water) which by development and the introduction of flora, whether indigenous or exotic, will become of significant scenic interest or beauty.

Objectives of Management (Reserves Act 1977, section 19(1)(a))

- As appropriate to the purpose, preserve the indigenous flora and fauna, biological associations, and natural environment and beauty as far as possible.
- As appropriate, exterminate exotic fauna and (to be extent consistent with purpose) exotic flora as far as possible; allow the public freedom of entry and access subject to conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using it.
- Develop open portions for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve.
- Manage and protect historic, archaeological, geological, biological or other scientific features.
- Maintain value as a soil, water and forest conservation area.

Guidance for Selection

- Degraded natural or semi-natural areas where the public interest warrants restoration or conversion as a scenic attraction.
- Area will generally be small.

Esplanade Reserve

Purpose

A fixed linear area of riverbank, lakeshore or seashore of at least three metres or greater width (usually 20m) either in a natural or modified state available primarily for conservation and public access.

Objectives of Management

Primary (one or more; refer s.229 RMA).

- Maintain or enhance the natural functioning of the adjacent sea, river or lake.
- Maintain or enhance aquatic habitats.
- Protect associated natural values.
- Mitigate natural hazards.
- Enable the public access to or along any sea, river or lake.

Secondary (Reserves Act 1977, section 23)

- Manage and protect scenic, historic, archaeological, biological or natural features.
- Maintain value as a soil, water and forest conservation area.

Government Purpose Reserve

Purpose

- Area of land (or land and water) suitable for a specified government purpose.

Objectives of Management (Reserves Act 1977, section 22)

- Determined by purpose.
- May be administered also under another Act or Acts when another Minister is appointed to control and manage.
- Prohibit access to the whole or part of the reserve except by permit where appropriate.
- Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife.
- Maintain value as a soil, water and forest conservation area.

National Reserve

Purpose

An area of land (or land and water) which protects values of national or international importance.

Objectives of Management (Reserves Act 1977, section 13)

- Provide for the application of management policies to protect the values of national or international significance and for the coordination of management with other national reserves.
- Apply other management objectives according to the underlying category of the reserve.

Guidance for Selection

- Area is the best example of particular national or international values.
- Area may be large or small but of sufficient size to protect the integrity of the value for which it is selected.
- May comprise a clustered group of areas without a single major contiguous area.
- Area may contain only one or two outstanding features of specialised interest rather than a range of features of general interest.

Nature Reserve

Purpose

An area of land (or land and water) possessing indigenous flora or fauna or natural features which are of special public interest in terms of rarity, scientific interest or importance, or uniqueness.

Objectives of Management (Reserves Act 1977, section 20)

- Preserve the area as far as possible in a natural state.
- Preserve indigenous flora and fauna, ecological association and the natural environment as far as possible.
- Exterminate exotic flora and fauna as far as possible.
- Permit entry under controls which protect and preserve the flora and fauna in a natural state.
- Manage and protect scenic historic, archaeological, biological, geological or other scientific features.
- Maintain value as a soil, water and forest conservation area.

Guidance for Selection

- Area should be large enough to ensure the integrity of its ecosystems and to accomplish the management objectives for which it is protected.
- Area should be significantly free of direct human intervention and capable of remaining so.
- Area's biodiversity should be achievable through protection and not require substantial active management or habitat manipulation.

Scientific Reserve**Purpose**

An area of land (or land and water) possessing ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest for scientific study, research, education and the benefit of the country.

Objectives of Management (Reserves Act 1977, section 21)

- Preserve the indigenous flora and fauna, as far as possible.
- Where appropriate manipulate the reserve (or part of it) for experimental purposes or to gain further scientific knowledge.
- Where appropriate prohibit general access to the whole or part of the area and permit persons with the necessary credentials or qualifications to enter for scientific study or for control and management purposes (Reserves Act 1977, section 59).
- Manage and protect scenic, historic, archaeological, biological or natural features.
- Maintain value as a soil, water, and forest conservation area.

Guidance for Selection

- Area should be at least two-thirds in a natural condition, although it may contain limited areas of modified ecosystems.
- Area should be large enough to absorb sustainable scientific and related uses without detriment to its overall long term natural values.
- Area should possess features of special interest for scientific study, research, education and like uses.

Wildlife Refuge or Reserve

(Wildlife Act 1953; Reserves Act 1977)

Purpose

Area of land (or land and water) which provides a haven for any classes of wildlife or possesses important wildlife habitat not otherwise protected.

Objectives of Management

- Restrict and control entry and use as appropriate.
- Secure and maintain wildlife habitat conditions necessary to protect the specified classes of wildlife.
- Allow specific human manipulation for optimum management.
- Deliver such benefits to the public as are consistent with the other objectives of management.
- Facilitate scientific research and environmental monitoring associated with wildlife protection.

If subject to the Reserves Act and if applicable, the reserve will also have the following secondary objectives (Reserves Act 1977, section 22):

- Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife.
- Maintain value as a soil, water and forest conservation area.
- Prohibit access to the whole or any part of the reserve except by permit.

Guidance for Selection

- Area may be natural or have modified ecosystems.
- Size of area should depend on the wildlife protection requirements and may range from relatively small to extensive.

Appendix 3: Reserves requiring classification

Under Section 14 of the Reserves Act 1977

Reserve Park Name	Location	Proposed Reserve Classification
Kotare Reserve	51 Hahei Beach Road, Hahei	Recreation
Kotare Reserve	15a Michelle Lane, Hahei	Recreation
Kotare Reserve	Pa Road, Hahei	Local Purpose Reserve (Esplanade)
Kotare Reserve	Pa Road, Hahei	Local Purpose Reserve (Esplanade)
Kotare Reserve	43 Pa Road, Hahei	Recreation
Parakau Stream Reserve	1383 SH25 Whenuakite	Recreation

Appendix 4: Council Tree Strategy – Tree removal

Removing and replacing trees.

Council will remove trees that meet one or more of the following criteria:

- Trees are dead, dying or seriously diseased.
- Trees are a danger to people's safety, including danger from falling limbs, and where the tree obstructs views of traffic or pedestrians.
- Trees are damaging structures or services, or endangering property.
- If the tree is a weed species or recognised as environmentally damaging
- If the tree is to be replaced by a species that contributes more positively to the tree masterplan.

Remedial measures, such as pruning or crown lifting, will be preferred to tree removal where such measures can satisfactorily overcome the issue.

Council's over-riding responsibility is to people's health and safety, and it should take all steps to reduce potential risk from trees.

Remedial measures can often solve issues. This may include removing diseased limbs, crown lifting trees to improve visibility, pruning trees to accommodate overhead wires, or bundling wires through the trees crown. These measures are preferred to removing trees, in particular where the tree has significant value.

Requests to prune or remove trees.

For safety reasons: The process for dealing with requests from people to prune or remove trees is as follows:

- Requests to prune or remove trees will be assessed in the first instance in terms of potential danger to safety or property. Where there is doubt priority will be given to health and safety.

Requests to prune or remove trees for safety reasons will be prioritised as follows:

1. Immediate Threat: Immediate or same day action will be taken where there is a significant immediate or sudden threat to safety or property.

2. Emerging Threat: Work will be carried out within one month where an emerging threat to safety or property is identified.

For other reasons: Where a person requests pruning or removal of a tree for other reasons or where any threat to safety or property is minor, Council will consider the request in terms of the public value of the tree and the level of affect to the person, against the following criteria:

- Value of the tree: Council will follow the Standard Tree Evaluation Method (STEM) which considers the tree's condition (health), amenity (community benefit), and notability. Greater weight will be given to protecting trees native to the area and those that reinforce the tree masterplan, whereas weed species or those considered environmentally damaging will generally be removed.

Greater weight will be given to protecting prominent or notable trees. Greater weight will be given to protecting trees with good form and health whereas trees with poor form and poor health are more likely to be removed.

Effect on Resident: Council will consider whether any nuisance or inconvenience on an individual property is significant or minor.

- It is Council's policy to not prune or remove trees for views or minor nuisance effects such as leaf fall or bird roosting.
- However discretion may be exercised where the level of effects is great – for instance a tree completely blocks the outlook from a house, or causes severe shading, or other exceptional circumstance.

Requests to prune or remove trees for other than safety reasons will usually be programmed in to routine maintenance work.

Appendix 5: Council Bylaws that apply to Reserves

Council controls the management of reserves through a series of bylaws. These are as follows:

- Thames Coromandel District Council Consolidated Bylaw Part 2 Activities in public places
- Dog iControl Bylaw 2004

Note: These Bylaws may have changed since adoption of this plan. Where possible, refer to either Councils Customer Services, or on Councils website:

www.tcdc.govt.nz/Council/policies_documents/bylaws.htm

Glossary of Terms

Note: unless detailed, all references contained here pertain to sections of the Reserves Act 1977.

Administering body: the board, trustees, authority appointed to control and manage a reserve.

Appointment to control and manage: the appointment of an administering body to manage a reserve. The land remains vested in the Crown.

Autonomous powers: statutory powers held by an administering body under the Reserves Act which can be exercised by the administering body without the prior consent or approval of the Minister of Conservation

Bylaws: an ordinance affecting the public, or some portion of the public, imposed under the provisions of s.106 Reserves Act and accompanied by some sanction or penalty for its non-performance (s.104 of the Act).

Certificate of title: a certificate of title under the Land Transfer Act 1952. See also s.116 Reserves Act

Change of purpose: the change of purpose of a Local Purpose or Government Purpose reserve under s.24 or s.24A Reserves Act. [A change of classification would involve a change between two of the classes provided for in ss.17 to 23 of the Act.]

Change of use: any change of use to which a reserve is put. [If the changed use is not consistent with the principal purpose for the class to which the reserve belongs then it would be outside the authority of the administering body to allow it. A change of purpose or classification must be considered and the use not allowed if the change is not made.]

Classification: putting a reserve into a class under that Act; or a scenic, or a government or local purpose reserve into a type.

Commissioner: means an officer designated by the Director General for the purpose of this act.

Concession: means a (a) a lease, (b) a license, (c) permit, (d) easement granted under section 59. [Does not apply to reserves vested in an administering body.]

Consultation: a process of seeking the views of an affected party, and carefully considering those views before making a decision

Council: in relation to delegated and statutory powers under the Reserves Act it refers to the full Council of the local authority which is the administering body for the reserve; otherwise used to denote the Council as a corporate organisation.

Delegated powers: powers delegated by the Minister of Conservation under the provisions of section 10 of the Act.

Discretion: generally refers to the choice of approving or declining an application or proposal under the Act, or regarding the requirement of complying with specified criteria or considerations.

Disposal of land: in relation to a reserve means the outcome of the process in sections 24 and 25, which results in the reservation being revoked and the land becoming available for disposal.

District plan: the purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Resource Management Act 1991 section72.

Domain board: redundant term. Replaced with a reserve board or a local authority, refer section 16(7).

Easement: generally an interest in land granted under section 48 over a reserve or acquired under section12 over private land, or similar.

Esplanade reserve a type of local purpose reserve, see Resource Management Act 1991 section 229.

Exchange: an exchange of reserve land for other land, section 15.

Fee simple: commonly called the freehold. interest in land, the highest or most absolute interest in land held under the Crown

Gazette notice: a notice published in the *New Zealand Gazette*. The Reserves Act requires certain transactions to be put into effect by such a notice.

Government purpose reserve: a class of reserve provided for in section 22.

Hapu: sub tribe with common interest in land.

he here kia mohio: duty to be informed.

Iwi: tribe, people.

Kaitiakitanga: the exercise of guardianship / custodianship / stewardship by the tangata whenua.

Kawanatanga: government.

Koiwi: bones, human remains.

Lease: grants an interest in land that (a) gives exclusive use of the land, and (b) makes provision for any activity on the land the lessee is permitted to carry out.

Legal description the unique description of a parcel of land given to it on a Survey Office Plan or a Deposited Plan or a Maori Land Plan. [Refer to Survey Regulations 1998].

Lessee the holder of a lease.

Licence: means (a) a *profit a prendre* that gives a non-exclusive interest in land, and (b) makes provision for any activity on the land the licensee is permitted to carry out.

Licensee: the holder of a license.

Local authority: any council board, or public body declared by any other enactment to be a local body for the purposes of this Act.

Local purpose reserve: a class of reserve provided for in section 23.

Management plan: a management plan provided for in section 41.

Mana Maori: Maori jurisdiction or authority.

mana whenua: iwi having authority over land.

National reserve: an overlay on a reserve declared under section 13.

Nature reserve: a class of reserve provided for in section 20.

Objection: an objection for the purposes of section 120.

Parcel of land: an area of land with a unique legal description.

Permit: means a grant of rights to carry out an activity that does not require an interest in the land.

Public notice: section 119, being a notice to which a provision of the Act applies.

Public reserve: any land set apart for any public purpose.

Recreation reserve: a class of reserve provided for in section 17.

Regional Council: as specified in Part I of the First Schedule to the Local Government Act 2002.

Regional plan: an operative plan including a regional coastal plan approved by a regional council or the Minister of Conservation under the First Schedule to the Resource Management Act 1991, and includes all changes to such a plan.

Registration: the registration of any document under the Land Transfer Act 1952.

Revocation: the process of reserve re-classification under section 24.

Right (in land): generally the same as an interest in land, but it could be a lesser interest, e.g. a permit.

Road reserve: unformed legal road or a local purpose (road) reserve to which section 111 applies.

Scenic reserve: a class of reserve provided for in section 19, including natural and modified scenic areas.

Scientific reserve: a class of Reserve provided for in section 21.

Subdivision: under the Resource Management Act 1991 section 218, the term subdivision of land means the division of an allotment, or an application to a Land Registrar for the issue of a separate certificate of title.

Submission: the process where the public can comment on an activity or proposal as per section 120.

tangata whenua: people of the land.

Taonga: treasure, artifacts.

Territorial authority: a district or city council as specified in detailed in the second schedule of the Local Government Act 2002.

tino rangatiratanga: iwi authority with control over Taonga, absolute sovereignty.

Transfer: transfer of title in land to another owner following reserve revocation, section 112.

Trust: generally used to refer to the obligations of the administering body under section 40.

Trustee: includes a body corporate.

Ultra vires: outside or beyond the terms of the proper authority.

Vested reserve: a reserve which is vested in an administering body and not vested in the Crown. Note that land which has been declared to be a reserve (s.14 Reserves Act) or has been acquired in trust, as a reserve, is treated as vested in the reserve's administering body for the purpose of administration of the Reserves Act.

Vesting: where the land ceases to be administered by the Crown, with options of control and management transferred to an administering body (section.26). This also includes where land is to be administered under some other Act [e.g. on subdivision under the Resource Management Act 1991]. The underlying title or reversionary interest remains with the Crown.