

Reserves Management Plan General Policies



1 March 2005



DUNEDIN CITY COUNCIL

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1.0 Introduction

The Dunedin City Council (“the Council”) is responsible for preparing policy for the management of Dunedin’s reserves. As part of this function the Council, as an administering body under the Reserves Act 1977, is required to prepare management plans for the reserves under its management. Management plans may also be produced for areas that are not reserves. Management plans should:

provide for and ensure the use, enjoyment, maintenance, protection, and preservation ...and... the development, as appropriate, of the reserve for the purposes for which it is classified.

(Reserves Act 1977 41 (3))

Management plans under the Reserves Act 1977 outline the Council’s general intentions for the use, development and maintenance of its reserves. The aim of the Reserves Act 1977 is to ensure reserve development and enjoyment are based on sound planning, and that the needs of the public are clearly identified. Management plans must also be read in conjunction with the Reserves Act 1977, which is the overriding statutory document of procedures to be followed to give effect to activities permitted under the Management Plan. Other Acts must also be considered when determining appropriate management for reserves.

Reserve management planning does not occur in a vacuum, rather it is guided by broader aims, objectives and policies. Some of this guidance originates from the aims and objectives of the Council and statutory documents, such as the District, Annual or Strategic Plan. Other non-statutory documents, such as the Recreation Strategy, Track Policy and Strategy, and Play Policy, also provide direction for the objectives and policies contained in management plans.

Three sections make up this document. The ‘Administration’ policies set the Council’s approach to statutory issues. The ‘Use’ section presents policies that guide the Council’s response to applications to use reserves. Likewise, the ‘Development’ section contains policies that guide the Council’s response to development applications and changes in facility requirements.

The General Policies document has been produced to incorporate policies applying to all reserves. This allows a more consistent approach to management and removes the need for policies to be repeated in each management plan. This document contains policies applying to all reserves in Dunedin City including those not classified as reserves under the Reserves Act 1977.

The Council prepares individual management plans for specific reserves according to identified priorities. The general policies of the *Dunedin City Council Reserves Management Plan: General Policies Section* are an integral part of these specific management plans and is intended to be read alongside the specific management plan policies. Where any issue on a reserve is addressed by both the *General Policies Section* and a management plan specific to that reserve, then the policies in the specific management plan take precedence.

2.0 Administration Policies

2.1 Proposed District Plan

Comments

Management plans set out the manner in which activities are undertaken and areas are used. Under the provisions of the District Plan, compliance with management plans may be imposed as a condition of resource consent. This may extend to the manner in which activities will be carried out or how the adverse affects of activities will be managed. Specific policy dealing with development, such as the siting and building of structures on recreation reserves, is set out in the Reserve Management Plan - General Policies section under 'Use Policies', 'Development and Change Policies'. Consent for activities on reserves is required from the Council independent of consent requirements under the Building Act 1991, Resource Management Act 1991, Reserves Act 1977 and the Regional and District Plans.

Objectives

- 1 *To ensure the management and development of reserves takes account of and mitigates or remedies any adverse effects as a result of development on or near the reserve that will impact on the primary purpose of the reserve.*
- 2 *To ensure that any development on reserves complies with all relevant statutory and legal requirements.*

Policies

- 1 Activities and future development on and around reserves are managed in accordance with the Resource Management Act 1991, the Reserves Act 1977, the Building Act 1991, the Reserves Management Plan - General Policies, and the District Plan.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	RMA 1991, Reserves Act 1977, Building Act 1991

2.2 Council As An Affected Party

Comments

Under the Resource Management Act 1991, the Council (as reserve owner or manager) is an affected party where a proposal on land adjacent to a reserve does not meet the requirements of the District Plan. The Council's landowner consent and approval as an affected party is also required for activities on reserves that require resource consent, e.g. the development of clubrooms or facilities. The Council also comments on subdivision applications and developments. This may involve taking financial contributions or land as the reserve contribution, taking esplanade reserves or strips as determined by the District Plan, or negotiating public access rights.

Community and Recreation Services may provide permission as an affected party after a formal application has been lodged. Permission cannot be given prior to this as it removes Council opportunity to comment or require conditions if the proposal/application changes. Council would also have no means of seeking redress under the Resource Management Act 1991 should the activity have adverse environmental effects at any stage.

The Council's main concerns in these cases are that there are no adverse effects on reserve values or uses, or that effects are mitigated, and that, where appropriate, recreational opportunities are secured.

Objectives

- 1 *To give the Council's approval as an affected party where a proposal has no adverse effects on reserve values or use.*
- 2 *To secure reserve land or recreational opportunities made available through the consent process.*

Policies

1. Before giving its permission as an affected party, the Council must be satisfied that any adverse effects on:
 - a. recreation values;
 - b. landscape values;
 - c. ecological values; and
 - d. any other appropriate considerations (eg cultural, heritage, social/community values);can be avoided, remedied or mitigated.
2. The standard affected persons consent form may only be signed after a resource consent application has been formally lodged with Council.
3. The Council will seek conditions on any resource consent or designation where necessary.
4. Where a reserves contribution is required, the Council will take financial contributions unless it determines that taking land is appropriate and beneficial, or is required by the District Plan.
5. The Council will take reserves contributions owed with each stage of subdivision, unless other options are determined appropriate.
6. The Council will not accept landscaping as part of the reserves contribution, unless determined appropriate, in which case consent conditions regarding landscape standards and timeframes will be required.
7. The Council will not accept private reserves, covenanted areas within the subdivision, protection of historic features, provision of parking, or beautification as being an alternative to reserves contribution or justifying reductions in reserves contribution.
8. Where a designation is proposed, the Council will require evidence of consideration of alternative methods to the proposal.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	CARS Manager	
3	Officer	
4	Officer	Land acquisition and Disposal. Land identified in MP or as policy re financial contributions
5	Officer	
6	Officer	
7	-	
8	Officer	

2.3 Community Consultation

Comments

Development of reserves, including policy that guides the management of reserves, may have significant effects on users and adjoining property owners. Considering this, it is appropriate for user groups, reserve neighbours and the general public to be consulted so that issues of concern can be identified and acceptable solutions agreed upon. The development of reserves and their future management also requires input from users and non-users of reserves to take account of the demand and potential demand for reserves. Strategic planning for reserves in this sense needs to include community consultation to ensure the resource is managed to a sustainable level in light of its functions and purpose under the Reserves Act 1977.

Objectives

- 1 *To consult the community on the development of a reserve and in the review or preparation of policy that governs the management of a reserve.*
- 2 *To ensure the outcomes from the community consultation process reflects the function and purpose of the reserve.*

Policies

- 1 The development or review of policy governing the management of reserves will involve consultation with the community as set out in Section 41 of the Reserves Act 1977.
- 2 Any major development of a reserve involves consulting the community as an affected party.
- 3 That the outcomes used from the community consultation process reflect the function and purpose of the reserve as set out in Part Three, Section 17 to 23 of the Reserves Act 1977 where relevant.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Reserves Act, Participation and Consultation Policy and Guidelines (DCC)
2	Officer	
3	Officer	

2.4 Tangata Whenua, Mana Whenua and Iwi

Comments

The Council has an obligation under the Treaty of Waitangi, Resource Management Act 1991, Reserves Act 1997, Local Government Act, and the Conservation Act, to consult with Tangata Whenua, Mana Whenua and iwi regarding the management of reserves.

Objectives

- 1 *To ensure that proposals and management of the Council's reserves are considered in accordance with the principles of the Treaty of Waitangi and Part Two of the Resource Management Act 1991.*

Policies

- | | | | |
|---|---|---|--|
| 1 | That Tangata Whenua, Mana Whenua and iwi be consulted regarding proposals for, and management of, reserves. | 2 | That the Council take account of concerns or issues raised by Tangata Whenua, Mana Whenua and iwi during the consultation process. |
|---|---|---|--|

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Resource Management Act, Reserves Act, Conservation Act, Treaty of Waitangi.
2	Officer	

2.5 Naming of Reserves

Comments

The Council occasionally receives new reserves either through purchase or reserve contribution during the subdivision process. Each of these reserves should be given an official name to ensure ease of identity.

In the past, reserves have been named through common acceptance and usage by the local community, resolution of the local authority or at the request of the donor of the reserve.

The Reserves Act 1977 is one of the Acts contained in the First Schedule to the Conservation Act 1987. Section 4 of the Conservation Act requires that the Acts should be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi. The Council must consult with and have regard to the views of iwi or hapu before undertaking action and making decisions for those reserves it administers. Where a reserve is officially named under the Reserves Act 1977, consultation with iwi or hapu is required. The Council may consider the option of dual naming of reserves where appropriate to reflect Maori and European heritage.

Objectives

- 1 To name reserves through formal Council resolution, after consulting interested parties for comment.

Policies

1. All reserves vested in or administered by the Council must have an appropriate formal name.
2. Proposed names must be approved by resolution of the Council.
3. Names for reserves will be established after consultation with donors, user groups, community groups in the vicinity of the reserve, the community board, iwi or hapu, and other interested parties.
4. All proposed reserve names will be publicly advertised. The public will be given one month to comment on the proposed name.
5. Where appropriate the Council may consider the option of dual naming for reserves.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	CDC/Full Council	
3	Officer	
4	Officer	
5	CDC/Full Council	Conservation Act, Treaty of Waitangi

2.6 Enforcement

Comments

While most activities on reserves generally do not have adverse effects on reserves and reserve users, some activities are unacceptable. Unacceptable activities on reserves include: Willfully damaging reserves, using the reserve in inappropriate ways, and ignoring instructions or prohibitions.

The Council only prosecutes people in extremely serious cases because it can be difficult to obtain evidence capable of standing up in court. An education process, instead of the courts, is usually used to resolve issues. This approach includes issuing written warnings to identified offenders.

Objectives

- 1 To reduce the level of offences on reserves.
- 2 To maintain reserves to required standards without additional costs from offences falling on the Council.

Policies

- 1 The emphasis of Council enforcement of reserve's bylaws will be on advising and educating the public and, where offences do occur, to use persuasion and warnings to obtain compliance.
- 2 Symbols indicating activities banned by Bylaws may accompany reserve name signs.
- 3 The Council will encourage reserve neighbours and users to report suspected offences on reserves.
- 4 If an individual can be identified as an offender or someone involved in an offence (eg the owner of a car involved in an offence) a verbal or written warning may be given.
- 5 Educational signage may be erected in areas that are prone to offences.
- 6 Media releases may be used as a tool for raising awareness about offences.
- 7 Where damage is caused to any reserve or facility, and the person causing the damage can be clearly identified, the costs of repairing the damage will be on-charged to that person.
- 8 Compensation may be in the form of approved and supervised labour.
- 9 The Council will co-operate with appropriate projects initiated by the Police.
- 10 Where an individual can be identified as a repeat offender, the Council may take legal action.
- 11 A register of reported offences will be kept by the Council.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1.	Officer	
2.	Officer	
3.	Officer	
4.	Officer	
5	Officer, Police	
6	Officer	
7	Officer	
8	Officer	
9	-	

10	Officer, CDC	Sec 94 Reserves Act
11	Officer	

2.7 Use of Hazardous Substances

Comments

Hazardous substance, such as chemicals and biological agents, may need to be used in the maintenance of reserves in some circumstances. It is important to assess the risks and if needed minimise the effects to reserve users or neighbours. Where possible alternative chemicals or practices should be used to reduce risks and effects.

Objectives

- 1 To ensure that where it is considered necessary to use hazardous substances on reserves, application is undertaken in a manner that minimises the potential risk and disruption to reserve users and neighbours. Alternative methods of control will be used where appropriate.
- 2 To ensure the application of hazardous substances is undertaken in a safe, responsible and effective manner with minimal adverse impact on human, animal and environmental health.

Policies

- 1 Where hazardous chemicals are to be applied on reserves, the entire operation must be undertaken in accordance with all relevant Acts and codes of practice.
- 2 The Council will minimise the use of hazardous chemicals on reserves by exploring environmentally friendly alternatives, including biological control, where practical and financially feasible.
- 3 Where hazardous chemicals are to be used on a reserve consideration will be made regarding the times for application and methods undertaken to ensure the risk to reserve users and neighbours is minimised.
- 4 The Council or contracting staff will be suitably qualified to undertake the application or disposal of hazardous substances and must be provided with an appropriate level of safety equipment.
- 5 Warning signs will be erected on site where a reserve has been sprayed or applied with hazardous substances.
- 6 The 'Pest Animal and Plant Control' section of this document is to be used in conjunction with this section.
- 7 The Council's 'Use of Agrichemicals Policy' will be complied with for all agrichemical applications applied to reserves.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer, Contractor	Health and Safety Act, Relevant Codes of Practice, DCC Agrichemicals policy, Hazardous Substances and New organisms Act 1996.
2	Officer	
3	Officer, Contractors	
4	Officer, Contractors	Health and Safety Act
5	Contractor	
6	-	
7	Officer, Contractors	DCC Agrichemicals policy

2.8 Pest Animal and Plant Control

Comments

Various pest animal and plant species exist on reserves. Control of undesirable plants and animals is essential to ensure the protection of desirable reserve flora and fauna.

A weed or pest plant is an undesirable species growing in a location where it detrimentally impacts on the values of the desirable indigenous or other vegetation, or other values of the reserve.

Introduced native species such as *Coprosma lucida*, *Coprosma robusta* and *Brachyglottis repanda* may smother other significant native species. Where some species restrict the proper growth of native species, therefore compromising the preservation of the bush, appropriate permission from the Minister of Conservation will be sought to allow its removal. Section 42 of the Reserves Act 1977 allows trees or bush to be destroyed or cut where it is necessary for the management and preservation of other trees and bush.

Wilding seedlings of woody tree species such as pine or sycamore may spread within reserves either from a seed source within the reserve or on adjacent properties. Control may be carried out in conjunction with adjoining neighbours as appropriate.

A pest animal is an undesirable species in a reserve capable of damaging the reserve's native flora and fauna or other values of the reserve. The Council has obligations for pest animal and plant control under legislation such as the Biosecurity Act 1993, Biodiversity Strategy, and the Regional Pest Management Strategy. The Council has programmes and contracts in place for monitoring and controlling pest species.

In the past, problems have been encountered on reserves with straying stock due to poor or no fencing. Some boundary fences may, from time to time, require maintenance and the Council will liaise with the adjoining landowners regarding the maintenance or construction of boundary fences. The Fencing Act 1978 specifies landowner responsibilities and standards.

Objectives

1. *To control pest plants and animals listed in the Regional Pest Management Strategy or undesirable flora and fauna on reserves where they adversely impact on the values of the reserve.*
2. *To comply with the Regional Pest Management Strategy, relevant Acts, codes of practice, and Council policies.*
3. *To control introduced native species that significantly restrict the proper growth and functioning of significant native habitat areas.*
4. *Where appropriate, co-ordination with adjoining landowners on undesirable animal and plant control will be undertaken.*
5. *To ensure adequate boundary fencing is provided on reserves where wandering stock is a threat to the ecological values of the reserve.*

Policies

1. Pest plant species will be controlled to levels specified in relevant legislation or where they encroach upon ecological, scenic and recreational values on the reserves.
2. Management and control of animal pests will be undertaken to minimise damage to desirable reserve fauna, ecosystems, ecological corridors and processes.
3. In the case of Scenic reserves, exotic flora and fauna will be exterminated or removed unless the Minister of Conservation determines otherwise.

4. The Minister of Conservation's permission will be sought for the removal of introduced native species that restrict the proper growth and functioning of significant native areas. This will be done when appropriate environmental advice has been received.
5. Animal control will be undertaken in a humane and ethical way, and in accordance with any relevant Acts and Council policies.
6. Steps will be taken to co-ordinate pest plant and animal control activities with adjoining landowners where appropriate.
7. Permission from the Minister of Conservation will be sought for the removal of bush and trees from Scenic reserves.
8. Permission from the Council will be sought for removal of bush and trees from Recreation reserves.
9. Any wandering livestock or domestic animals, or any feral animals, will be removed, impounded or destroyed after due notice has been given, ie following statutory processes.
10. The 'Use of hazardous substances' section will be used in conjunction with this section.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Regional Pest Management Strategy, Biosecurity Act 1993, Biodiversity Strategy
2	Officer	
3	Minister	Section 19 Reserves Act
4	CDC - Recreation or Local Purpose Reserve Minister - Scenic Reserve	Sec 42 Reserves Act
5	Officer	Reserves Act, Conservation Act 1987, Wildlife Act 1953
6	Officer	
7	Minister	Section 42 Reserves Act
8	CDC	Section 42 Reserves Act,
9	CDC – can authorize person to carry out work	Section 96 Reserves Act
10	-	

2.9 Trees and Tree Management

Comments

Trees are desirable features on reserves. They contribute to the recreational, landscape, ecological and heritage values of reserves. However, at times, neighbours may consider trees located on reserves have adverse effects on their property. The main type of complaints are about shading, blocked views, leaves blocking gutters, roots affecting drains and footpaths, and dangerous branches. Problems may also occur where utility infrastructure is located on reserves, as the location of such infrastructure may conflict with the location or growth of vegetation. While the Council has generally undertaken remedial action to resolve these problems, property owners may seek redress through the courts if they are not satisfied with the Council's response.

Section 129C, of the Property Law Act 1952, specifies considerations and actions available by the Courts in regard to trees adversely affecting neighboring property. Under subsection (5) of this section, the District Court, under application by any land occupier, may order the occupier of any other land to remove or trim trees where it is necessary to remove or prevent, or to prevent the recurrence of:

- a) *Any actual or potential danger to the applicant's life or health or property, or to the life or health of any person residing with the applicant; or*
- b) *Any undue obstruction of a view that an occupier would otherwise be able to enjoy from the applicant's land or from any building used for residential purposes erected on that land; or*
- c) *Any other undue interference with the reasonable enjoyment of the applicant's land for residential purposes.*

In considering obstructions to views or other interference, the court must take into account subsection (6):

- a) *The interests of the public in the maintenance of an aesthetically pleasing environment;*
- b) *The desirability of protecting public reserves containing trees;*
- c) *The value of the tree as a public amenity;*
- d) *The historical, cultural, or scientific significance (if any) of the tree;*
- e) *The likely effect (if any) of the removal or trimming of the tree on ground stability, the water table, or run-off.*

Subsection (11) requires the court to give "regard to the time when the applicant became the occupier of his land in relation to the time when the wrong commenced." An order may still be made if "the applicant became the occupier of his land after the wrong commenced."

The Reserves Act 1977 also refers to trees. Section 42, subsection (2) applies to trees on Recreation reserves. Under this subsection, trees and bush can be cut or destroyed only where the Council is satisfied that it is:

... necessary for the proper management and maintenance of the reserve, or for the management or the preservation of other trees and bush, or in the interests of the safety of persons on or near the reserve or of the safety of property adjoining the reserve, or that the cutting is necessary to harvest trees planted for revenue producing purposes.

It is evident from these legal provisions (and case law) that some consideration needs to be given, firstly, to the planning, placement and choice of tree species in the vicinity of properties adjoining reserves and utility infrastructure and, secondly to the long term maintenance of existing trees close to adjoining properties.

Any tree felling or trimming close to overhead transmission lines is to be carried out in compliance with the 'Electricity (Hazards from trees) Regulations 2003' or its equivalent replacement.

The Council's tree maintenance occasionally involves the trimming or felling of trees. The resulting wood may have value to both the Council and the wider community. The Council may sell the wood for revenue purposes; community groups may sell wood to raise funds for their projects; and individuals may collect wood for firewood purposes.

Objectives

- 1 *To maximise the benefits of trees on reserves while avoiding, minimising or mitigating the adverse effects on reserve neighbours.*

Policies

Tree complaints

- 1 Before making any decision about tree complaints, the Council will prepare a tree report that provides information outlined in Appendix 6.
- 2 If necessary, the Council will seek a landscape report that provides comment on the value, as a public amenity of trees subject to complaint.
- 3 The relevant provisions in the District Plan will be followed in decision-making about trees.
- 4 All applications must be in writing so that the Council has a permanent record of the application.
- 5 Where a complaint is not upheld, but there is no merit to keeping specific trees, the Council will allow unsuitable species to be replaced with more suitable species, provided that no costs accrue to the Council. A formal agreement setting out the proposed works and responsibilities, including a bond, is necessary for the implementation of this policy.

Tree Planting

- 1 Tree planting on reserves will take into account:
 - 1.1 management objectives and policies for the reserve;
 - 1.2 the effects trees will have on adjacent properties at the time of planting and in the future (eg shading, loss of views, root damage,

leaf fall, overhanging branches);

- 1.3 the effects trees will have on underground and overhead services, and any clearance distances required;

and

- 1.4 landscape considerations.

- 2 Trees planted in reserves should be of an appropriate species for that reserve. The species and planting plan is to be discussed with appropriate Council staff at the time.

Wood removal

- 1 Wood from felling and pruning operations will be disposed of at no cost to Council in the following priority order:
 - 1.1 Council organised contracts;
 - 1.2 non-profit community groups where the proceeds of the sale are being used for Council approved projects; and
 - 1.3 members of the public where the wood is for personal use only and will not be sold.
- 2 The written permission of the Council will be required prior to the removal of wood.
- 3 It will be a condition of all wood removal permissions that all wood is removed from the site, and the site is left in accordance with Council standards. Any damage caused to the site will be required to be restored to Council standards by the person responsible for the damage.
- 4 Except when written permission is given

by the Council, no person will be allowed to use a chainsaw, park a vehicle or trailer, or use equipment for removing firewood from a reserve.

- 5 No live or standing trees are allowed to be removed during wood removal operations.
- 6 No wood will be allowed to be removed from scenic reserves and areas managed for conservation and ecological purposes, except for approved safety, landscape and

management reasons.

- 7 In scenic reserves and areas managed for conservation and ecological purposes, felled and fallen trees will be left for habitat management purposes, where safe and not visible from surrounding roads and paths.
- 8 Specific wood removal policies in reserve management plans will take precedence over these general policies.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
<i>Tree Nuisances</i>		
1	Officer	Property Law Act 1952, Section 42 Reserves Act, District Plan
2	Officer	
3	Officer	District Plan
4	-	
5	CDC – Tree on Recreation or Local Purpose reserves Minister – Native flora on Scenic reserves Full Council - Exotic flora on Scenic reserve	Sec 42 Reserves Act
<i>Tree Planting</i>		
1	Officer	
2	Officer	
<i>Wood Removal</i>		
1	Officer, Contractor	
2	CDC - Recreation or Local Purpose reserves	Sec 42 and Sec 53(o) Reserves Act
3	Officer	
4	CDC - Recreation or Local Purpose reserves	Sec 42 Reserves Act
5	-	
6	CDC - Recreation or Local Purpose reserves Minister – Scenic reserves, native vegetation Full Council - Exotic flora on Scenic reserve	Sec 42 Reserves Act
7	-	
8	-	

2.10 Forestry Management On Reserves

Comments

The Council owns a number of reserves containing areas of plantation forestry that are managed for timber production. These areas can facilitate recreational activities such as walking and biking, and often contain tracks for these purposes. Public access to these tracks is routinely closed to allow plantation operations such as thinning, pruning, or harvesting to occur.

Where plantation trees are removed along watercourses or adjacent to tracks, public areas or vegetation, care must be taken to preserve the integrity of these features.

Replanting with natives or exotics, or development of the reserve at the completion of harvesting, will be determined on a case-by-case basis depending on what is appropriate for the reserve and what is specified in the management plans for the reserve. The Council has no current plans to establish new forestry plantations. If any forestry plantations are proposed in the future, they will be considered on a case by case basis with consideration to relevant management plans, reserve use, environmental and social implications.

Native species may regenerate within plantation areas. Where good native growth occurs, seedlings can be removed from plantation areas prior to operations. These seedlings could then be used to assist with native restoration planting projects. Section 42 of the Reserves Act 1977 will be complied with.

Objectives

1. *To allow for the removal of forestry plantations on reserves and their replacement with a more sustainable management regime for recreational use and public enjoyment.*
2. *To ensure public safety and protection of reserve values during plantation operations.*
3. *To provide recreational opportunities compatible with the purpose of the reserve and plantation management, where appropriate.*

Policies

1. Areas of reserve will be temporarily closed as required to permit forestry plantation operations. Public access restrictions will be advertised and sign-posted during operations.
2. No vegetation within ten metres of the edge of any watercourse must be removed or damaged as part of the harvesting operation, other than that which is required for the orderly and proper management of the area.
3. All natural watercourses through the site are to be preserved and maintained intact.
4. Sediments generated by forestry management operations will not be permitted to flow or discharge into waterways.
5. There must be no discharge or storage of hazardous substances on the site except for those to be used during operations, and outlined in any contractual agreements.
6. Tracks, public areas and waterways damaged during plantation operations will be reinstated to at least the standard that existed prior to the operation commencing.
7. Upon completion of timber harvesting, areas will be replanted or developed as appropriate.
8. Where appropriate, native seedlings can be removed from plantation areas prior to operations to be used to assist with native restoration. Section 42 of the Reserves Act 1977 will be complied with.
9. The contractor must take all necessary precautions to minimise damage to soil structure and the site must be left in a condition suitable for restoration planting or development.
10. Development of recreational opportunities in association with plantation areas, or developments after harvesting, will be

consistent with relevant Council management plans or strategies.

11. Revenue from harvesting operations will be used for restoration and development of the reserve.

12. Proposals for new forestry plantations on reserves will be assessed on a case-by-case basis.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	CDC – Recreation Reserve or Local purpose reserve	Section 17, 23, 42, and 53 Reserves Act, Health and Safety Act
2	Forestry Company Contractor	Section 42 Reserves Act
3	Officer, Contractor	Section 42 Reserves Act
4	Officer, Contractor	Section 42 Reserves Act
5	Officer, Contractor	
6	Officer, Contractor	Section 42 Reserves Act
7	CDC Minister – if planning to replant exotic forestry plantation	Section 17, 19, 23, 75 Reserves Act
8	CDC - Recreation or Local Purpose reserves if necessary for management, safety, or harvesting Full Council – Exotic flora on Scenic reserves Minister – Native flora on Scenic reserves	Sec 42 Reserves Act
9	Officer, Contractor	
10	Officer - CDC	
11	Officer	
12	Minister	Section 75 Reserves Act

2.11 Lookouts And Viewpoints

Comments

The Council has a number of significant reserves located on the hills around the city. One of the main attractions of these elevated reserves are the magnificent views they afford. Preserving these views, particularly from formal lookout sites and significant viewpoints, is important to maintain enjoyment of reserve values. Vegetation pruning or removal around lookouts and significant viewpoints is therefore essential for the proper management and maintenance of the reserve and reserve values.

Views from reserves can be adversely affected by activities on land adjacent to reserves. With increasing amounts of semi-rural and farm land being subdivided, the Council faces situations where developments and planting of properties below reserves may impact on the views from lookout sites. The Council will take an active approach to minimise the impacts of such developments on reserve values through the resource consent process.

Objective

1. To preserve and maintain views from reserve lookouts and significant viewpoints.

Policies

1. Appropriate vegetation maintenance will be carried out to preserve views from lookouts and significant viewpoints. Existing lookouts and viewpoints are listed as Appendix 12.
2. Vegetation maintained around lookouts and viewpoints will be trimmed to the extent necessary only to preserve views
3. and will be done in such a way that retains the integrity of the reserve. Section 42 of the Reserves Act 1977 will be complied with.
3. The Council will seek appropriate conditions on resource consents for developments that would adversely affect views from reserves.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer As Council has approved the management plan, staff are implementing plan by trimming vegetation on listed reserves.	Section 42 Reserves Act
2	Officer - for reserves specified in management plan, to the extent specified in the plan. CDC - Recreation or Local Purpose reserves if necessary for management, safety, or harvesting Full Council – Exotic flora on Scenic reserves Minister – Native flora on Scenic reserves	Section 42 Reserves Act
3	Officer	

2.12 Fencing

Comments

The Fencing Act 1978 sets out the general principle that the occupiers of adjoining land share equally the cost of erecting an adequate boundary fence. It also provides the procedures by which a decision is reached - either by negotiation between the parties concerned or by the District Court - as to the appropriate type of fence, sharing of costs and other factors.

Reserves adjoin a variety of land uses from rural setting to urban industrial settings. This management plan cannot give blanket provisions for fencing, however it can give clear guidance on the Council's responsibilities for fencing.

In addition, fences or barriers may be required to prevent vehicular access to grounds, for security (especially in areas such as cemeteries), to enclose service areas, caretakers' residences, or the exclusive premises of sporting users.

Objectives

- 1 *To erect fences or barriers on reserves where necessary to protect reserve values.*
- 2 *To erect fences or barriers to ensure that the reserve can be used safely, or for security purposes.*
- 3 *To erect fences or barriers on reserves where necessary to avoid, mitigate or remedy the adverse effects of reserve use on neighbours, or effects of neighbours on reserve values.*

Policies

- | | |
|---|--|
| <ol style="list-style-type: none">1 Council will meet its boundary fencing obligations under the Fencing Act 1978 by meeting half share costs of boundary fences. Subject to site factors, the standard boundary fence should be:<ol style="list-style-type: none">1.1 adjoining farmland: a 7-8 wire fence, as described in part 6 of the Second Schedule to the Fencing Act 1978; and1.2 adjoining urban premises: a paling fence, as per part 3 of the Second Schedule to the Fencing Act 1978, or (with 3 rails) to 1.8 metres high.2 The Council shall in each case determine the type of fence appropriate to the character, use and environs of the reserve and follow the procedures prescribed by the Fencing Act accordingly.3 Where, in the opinion of the Council, a standard fence is adequate, the adjoining owner shall be advised that Council is not prepared to contribute to any costs in excess of the cost of such fence.4 Where, in the Council's opinion, a fence of construction sturdier or higher than standard is necessitated by normal | <ol style="list-style-type: none">5 recreational use of the reserve, the excess cost shall be borne by the Council.6 Where the enclosure of its facilities is sought by a reserve occupier, the Council's approval is required and the cost of erecting and maintaining appropriate fences to the satisfaction of the Council shall be borne by the reserve occupier.7 The colour and design of fences is to be approved by the Council before the fencing is erected.8 The erection of gates in fences bounding private properties may be permitted with the written approval of the Council. In considering applications for gates to reserves, Council will consider the likely effect of the gate on reserve values, particularly recreational and ecological values.9 The painting and creation of murals on boundary fences will be considered on submission of a copy of the design, including colours, for approval by the Council and submissions from the adjoining property owners. |
|---|--|

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1 and 2	Officer	Fencing Act 1978
3 - 8	Officer	

2.13 Promotion of Reserves

Comments

There is a need to promote the recreation resources available for the people of Dunedin and visitors. Dunedin has a wide variety of reserves, tracks and other recreational opportunities but limited information is available on these resources. Most reserves are located away from main traffic routes and people may not easily find them even if they know they exist. Promotion is therefore seen as important to ensure maximum community benefit is achieved from the provision of these resources.

Signage indicating the location of tracks and resources assists members of the public to find and use these facilities. Information can also be provided on ecological and environmental processes occurring on the reserve.

The reserves and the range of opportunities provided can be promoted to the public in a number of ways, for example, through newspapers, development of information brochures, providing maps and ensuring adequate signage, interpretation panels on reserves or other interpretive material. Brochures are available from the Council Visitors Centre, Department of Conservation, sports shops, and other various locations.

The promotion of reserves for tourism purposes will be done in such a way that use of the reserve does not conflict with the values of the reserves, or the aims and objectives of relevant management plans.

Objectives

- 1. To promote opportunities and resources on reserves through a variety of means.*
- 2. To promote reserves for tourism purposes where this does not conflict with other aims and objectives in this plan or a specific management plan for that reserve.*

Policies

1. The Council may develop promotional material for reserves to assist Dunedin residents and visitors to appreciate and understand ecological and environmental natural processes, and to increase participation and use of reserves.
2. Track signage may be increased where necessary to ensure tracks can be easily located and followed.
3. Tourist activities and their promotion must not be to the detriment of the values and natural character of the reserves, or to their recreational use by the public.
4. The section on Signs applies in conjunction with this section.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	-	
4	-	

2.14 Fire Control

Comments

During certain times of year the risk of fire increases. Measures need to be taken to minimise the risk of fires starting in, or adjacent to, reserves, and to minimise damage to the reserve should a fire start.

Educating the public about fire risks and encouraging them to report fires immediately can reduce the danger of fire. Restricting certain activities or attaching conditions to permission granted for activities also helps minimise the risk of fires starting.

The provision of fire breaks and vehicle access in certain reserves is important to allow fire appliance access and to provide a barrier to contain a fire should one start. Fire breaks and vehicle access should be permitted only where they are compatible with the values of the reserves, or are required in an emergency situation. Tarns and artificially created pond or dam areas provide water sources that can be accessed during emergencies. Where opportunities exist on reserves, water supply areas should be adequately maintained to ensure their usefulness if required.

Rural Fire Authorities issue burn permits on properties adjacent to reserves in rural areas with conditions to ensure reserve protection.

Objectives

1. *Where appropriate and feasible, to provide adequate access within reserves for fire appliances.*
2. *To take steps to minimise fire risk and damage resulting from any fire occurring.*
3. *To co-operate with appropriate organisations in the prevention and control of fires on reserves.*

Policies

1. The Council will support and liaise with the appropriate Fire Authority to provide for the prevention, detection, control and suppression of fire within the reserve, in accordance with Legislation or Bylaws.
2. The Council will assist and co-operate with the appropriate Fire Authority on all fire control measures in accordance with the Act, regulations or Bylaws, to reduce the risk of damage by fire to the Reserve.
3. The Council will support the appropriate Fire Authority in legal action, including the recovery of fire suppression costs taken against a person or persons who light, or cause to be lit, any fire on a reserve without permission.
4. During times of extreme fire danger the reserve may have to be closed to protect public safety. The Principal Rural Fire Officer from the appropriate Fire Authority will order this to occur in accordance with statutory requirements.
5. The Council will take all reasonable measures to ensure the reserve is kept clear of all fire hazards endangering adjacent properties in respect of fire risks in accordance with legislation or Bylaws.
6. Any action or event necessary for the purposes of saving or protecting life or health, or preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment, may be carried out without the prior permission of the Council or prior public notice subject to those involved taking every reasonable step to contact the Council or carry out public notification.
7. Such an action or event must be reported in writing and include an explanation of the circumstances immediately after the event or incident.
8. Specific fire control measures for individual reserves will be outlined in the management plan for that reserve

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1 - 3	Officer	Fire Prevention Bylaws, Rural Fires Act 1977
4	Principal Rural Fire Officer	
5	Officer	
6	-	
7	-	
8	Officer	

2.15 Heritage Conservation

Comments

A number of reserves in the Dunedin area contain known sites of heritage significance. It is important to recognise and retain heritage features, which may include historic structures and archaeological sites. Such sites provide physical evidence of historical events and add to the depth of experience for visitors to reserves. Management of the reserves will, therefore, include retention and interpretation of heritage features so that their heritage significance is recognised.

An archaeological site is described in the Historic Places Act 1993 as any place associated with pre-1900 human activity, which may, through investigation by archaeological methods, provide evidence relating to the history of New Zealand. All archaeological sites are automatically protected under the Historic Places Act 1993, regardless of whether they have been previously recorded or not.

Objectives

1. *To ensure that sites of heritage significance are identified, accorded an appropriate level of protection, and maintained for the enjoyment and education of future generations.*

Policies

1. Known sites of heritage significance within reserves must be identified within the specific Management Plan for individual reserves.
2. Sites of heritage significance will be protected, preserved and maintained in a timely manner.
3. Any development work carried out on or adjacent to historic structures must be sympathetic to their historical context and carried out in liaison with the NZ Historic Places Trust.
4. Work carried out on historic structures will be done in accordance with the principles of the ICOMOS New Zealand Charter for the Conservation of Places of Heritage Value.
5. Interpretation material may be provided to increase the public awareness and enjoyment of sites of heritage significance within the reserves.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1 - 5	Officer	Historic Places Act 1993, Sec 17, 19, and 23 Reserves Act

3.0 Use Policies

3.1 Use of Reserves

Comments

The City's reserves are a major source of open space used for a variety of purposes. The scope of potential use is wide, and includes sport, active recreation, education, scientific research, conservation plantings, wildlife habitat protection, passive recreation (eg picnicking), commercial promotions, festival activities, circuses, competitions, public demonstrations, and ceremonies.

The Council administers reserves and parks for several purposes. Most reserves are managed primarily for public use purposes, however for some reserves other objectives may be more important. These include reserves with scenic reserve status under section 19 (1) (b) of the Reserves Act 1977, land managed as if it was scenic reserve and some types of local purpose reserves. This means that some activities appropriate for recreation reserves may not be appropriate for scenic reserves.

Any proposed use requires due consideration of the extent of possible damage to the reserve, effects on wildlife, any effects on other use or users, and any effects on adjoining land use or users, before approval is given. The Council reserves the right to close reserves, or to decline applications for use where conditions warrant or where activities are not compatible with management plans.

Objectives

- 1 *To allow and encourage public use that is compatible with the purpose of each reserve.*

Policies

- 1 Users of reserves shall be responsible for ensuring that their activity and any associated buildings, structures or other devices complies with the Resource Management Act 1991 and its instruments (including the District Plan), the Building Act 1991 and any other relevant statutory instruments.
- 2 Organised use of reserves requires written application to the Council, and may be approved on such terms and conditions, including payment of any hire charge, bond or insurance premium, as the Council may determine. Such application needs to be made with adequate time for processing prior to the event (minimum 10 days). Special events are subject to longer timeframes for application assessment in accordance with the 'Special Events' section of this document.
- 3 Events, social activities, functions and exhibitions will be allowed on reserves provided that the adverse effects on other users, the reserve, wildlife, and reserve neighbours of such activities can be avoided, mitigated or remedied and meets statutory and policy obligations.
- 4 Any action necessary for the purposes of saving or protecting life or health, or for preventing serious damage to property, or for avoiding an actual or likely adverse effect on the environment may be carried out without the prior permission of the Council or prior public notice subject to those involved taking every reasonable step to contact the Council. Such action must be reported in writing to the Council, including an explanation of the circumstances immediately after the event or incident. This policy aims to cover actions taken by those other than Emergency Services.
- 5 A bond may be required for organised uses of reserves in accordance with guidelines outlined in Appendix 3.
- 6 Horses are permitted on reserves listed in Appendix 11 or other management plans. Where horses are permitted, they must use the appropriate access to the beach and must be ridden in a manner that ensure the safety of both other beach users and the environment.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	Resource Management Act 1991, Building Act 1991, District Plan
2	Officer	
3	Officer	
4	-	
5	Officer	
6	-	

3.2 Special Events

Comments

The Council receives a number of applications or requests for the use of reserves for one-off events. Recreation and sporting events are generally appropriate on recreation or local purpose reserves, particularly where there is an established use of the reserve for that recreation or sporting activity, eg mountain bike racing on Signal Hill Recreation Reserve where mountain bike tracks are already established. Other events may not require specific existing resources and may be facilitated on an appropriate reserve with minimal impact on the reserve or other users. Major events may require the construction of temporary facilities to enable the event to take place.

The scale of events will be determined by staff. A small scale event is likely to be one which is expected to attract less than 250 people, have a short time frame (a day or less), have minimal effects on the reserve or reserve users, and is consistent with relevant management plans, policies and the Reserves Act 1977.

Council requires a bond to ensure any remedial work required to repair any damage that results from an event on a reserve, can be carried out and paid for by the event organiser. The bonds are refunded at the completion of the event if no damage has occurred and conditions of permission have been complied with.

Objectives

1. *To consider applications for one-off events that are not detrimental to the values of reserves, do not significantly affect reserve users or wildlife, or have significant adverse impact on adjoining landowners.*

Policies

1. Applications for one-off events will be considered on an individual basis. Applications for events that may be considered include: mountain bike races, orienteering competitions, filming, sporting events, wine and food festivals. Other events may be considered, at the discretion of staff, in line with relevant management plans and policies.
2. Council bylaws and use restrictions under the Reserves Act 1977 will apply to events requiring exclusive use of reserves.
3. In addition, activities that could potential have, an adverse effect on the reserve environment (including plants and animals), other reserve users, or neighbours are, not considered to be acceptable.
4. Small scale events require applications to be lodged with a minimum of 3 weeks notice.
5. Major events require applications to be lodged with a minimum of four months for a first time event and two months notice for repeat events.
6. Event organisers will be required to obtain public liability insurance.
7. Conditions and charges will be attached to any permission given for the use of reserves for one-off events.
8. Bonds will be required for events on reserves, in accordance with Appendix 3.
9. The section on public Access and Reserve Closure should be read in conjunction with this section.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Management Plans, Reserves Act, Bylaws

2	Officer	Management Plans, Reserves Act, Bylaws
3	Officer	
4	-	
5	Officer – where activities are clearly permitted by Reserves Act, Council Policy, and management plans. CDC – Recreation reserves. Can permit or prohibit games, spots and activities. Can permit temporary closure up to 6 consecutive days, and a total of up to 40 days per year. Ministers consent required to increase number of days	Sec 53 reserves Act, Bylaws
6	-	
7	Officer	
8	Officer	
9	-	

3.3 Public Access And Reserve Closure

Comments

At various times the Council will need to close reserves for issues of safety, maintenance and development, and wildlife protection. Some activities or events may also require the temporary closing of all or part of a reserve. Leases granted under Sections 54 or 56 of the Reserves Act 1977 may restrict access by the general public to areas of reserves.

Sections 53 and 55 of the Reserves Act 1977 relates to the powers of the Council in respect to closing or temporarily restricting access to reserves.

Driving vehicles and riding motorbikes on reserves is a source of danger to other reserve users and has the potential to cause damage to the reserves. Vehicular access by members of the public is generally restricted to car parks or other areas set aside for such purposes. Temporary vehicle access may be approved for special events. In this situation special conditions would be attached to any permission granted.

Objectives

- 1. To ensure the public has freedom of entry, access and use of the reserves subject to any necessary conditions, restrictions, or limitations of use from time to time.*
- 2. To ensure pedestrian safety, restrict vehicle access on reserves to emergency and service/authorised vehicles.*

Policies

- Reserves will be open for public use except where restrictions and limitations are necessary for the reserve's protection and management, exclusive activities, or public safety.
- Emergency and service vehicles will generally be the only vehicles permitted on reserves. Emergency services vehicles are permitted on reserves for training purposes.
- All motorised vehicles (except emergency and authorised vehicles) must keep to designated roads or parking areas.
- Temporary vehicle access to recreation and local purpose reserves, and fee simple areas, may, in special circumstances (e.g. for special events) be granted for specific finite purposes and then terminated at the completion of the purpose.
- Where part or all of a reserve is to be closed to the public for event use, notification of this will be made prior to the activity causing the closure. Notification will be made in the Otago Daily Times at least one week before the closure. Where closure is required by a body other than Council, that body will be responsible for meeting the cost of public notification.
- Section 53 of the Reserves Act 1977 will apply to any event organiser wishing to charge admission fees to access exclusive areas.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	<i>Section 53</i> CDC – Recreation reserves. Can permit or prohibit games, sports and activities. Can permit temporary closure up to 6 consecutive days, and a total of up to 40 days per year. Ministers consent required to increase number of days	Section 17, 19, 23 and 53 - 56 Reserves Act

	<p><i>Section 54 and 56</i></p> <p>Full Council – where reserve is vested in DCC, lease is contemplated in a management plan or there is existing use of same or similar character, scale and intensity.</p> <p>Minister – where not delegated to council</p>	
2	-	
3	-	Section 94 Reserves Act
4	Officer	
5	Officer	Section 119 Reserves Act
6	<p>CDC – Recreation reserves. Can permit temporary closure up to 6 consecutive days, and a total of up to 40 days per year.</p> <p>Ministers consent required to increase number of days</p>	Section 53(1)(d) and (e)

3.4 Exclusive use

Comments

Exclusive use of Council reserves has generally meant their enclosure to protect the ground surfaces, facilities and equipment required by particular sporting codes (eg bowls clubs). Traditionally, the selection of sites for club premises and the construction and maintenance of facilities has been carried out by the user groups with the Council adopting a largely passive role. Tenure of sporting premises, initially granted unconditionally at the “pleasure of Council”, is now generally confirmed by the granting of leases, both to satisfy statutory requirements and to clarify the responsibilities of Council and clubs. Where no lease has been entered into, the Council is arranging for these to be prepared.

Reserves contribute to the urban environment by providing public open space and areas of vegetation. These values may be threatened by the enclosure of grounds or the extension of existing facilities. It is important then, that the City should take the lead in ensuring that facilities are properly sited.

In addition, exclusive use raises concerns about groups obtaining a benefit greater than that received by the public at large. This issue is becoming increasingly important as Council is asked to examine and justify the expenditure of ratepayer’s money.

Objectives

- 1 *To allow the exclusive use of reserves subject to the use meeting Council’s purposes with respect to that land, that use not being possible elsewhere, and the costs of this exclusive use being met by the user.*

Policies

- 1 These policies should be read in conjunction with the Use of Reserves and Buildings and Structures Policies as well as Occupation Agreements.

necessary, the Council will provide security of tenure by preparing formal tenancy agreements.

Temporary Exclusive Use

Long Term Exclusive Use

- 2 A charge maybe levied for all forms of exclusive use.
- 3 Exclusive use may be allowed where Council determines that the activity:
 - a) cannot, or should not, be located on land other than publicly-owned land;
 - b) is in accordance with the objectives of this document, the management plan for the reserve and any other relevant Council documents; and
 - c) satisfy the requirements of the Reserves Act 1977 or other statutes.
- 4 Where permanent exclusive use is deemed

- 5 This section should be read in conjunction with the Public Access and Reserve Closures and Special Events policies.
- 6 Temporary exclusive use will be controlled by the “Standard Conditions of Use”. See Appendix 2.
- 7 Applicants wishing to charge an entry fee, or similar, to a one off event that requires exclusive use of a reserve and involves temporary closure of part or all of a reserve, must first obtain written approval from the Council. All applications need to be made at least eight weeks prior to the event, as a Committee of Council is required to make decisions on entry fees.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	Section 53 CDC – Recreation reserves. Can permit temporary closure up to 6	Section 53, 56 and 1 st schedule of Reserves Act, Fees and Charges Policy, Standard rent formulas, Standard booking fees.

	<p>consecutive days.</p> <p>Ministers consent required to increase number of days.</p> <p><i>Section 54 and 56</i></p> <p>Full Council – where reserve is vested in DCC, lease is contemplated in a management plan or there is existing use of same or similar character, scale and intensity.</p> <p>Minister – where not delegated to council</p>	
3	<p><i>Section 53</i></p> <p>CDC – Recreation reserves. Can permit temporary closure up to 6 consecutive days.</p> <p>Ministers consent required to increase number of days.</p> <p><i>Section 54 and 56</i></p> <p>Minister</p> <p>Full Council – where reserve is vested in DCC, lease is contemplated in a management plan or there is existing use of same or similar character, scale and intensity.</p>	Section 53, 54, and 56 Reserves Act
4	<p><i>Section 54 and 56</i></p> <p>Minister</p> <p>Full Council – where reserve is vested in DCC, lease is contemplated in a management plan or there is existing use of same or similar character, scale and intensity.</p>	Section 54 and 56 Reserves Act
5	-	
6	<p><i>Section 53</i></p> <p>CDC – Recreation reserves. Can permit temporary closure up to 6 consecutive days.</p> <p>Ministers consent required to increase number of days.</p>	Standard conditions of use, Section 53 and 74 Reserves Act
7	<p><i>Section 53</i></p> <p>CDC – Recreation reserves. Can permit temporary closure up to 6 consecutive days.</p> <p>Ministers consent required to increase number of days.</p>	Section S3 (1)(e) and (2) for recreation reserves and local purpose reserves

3.5 Commercial Use – Concessions (Other Than Leases Or Licences)

Comments

The Council occasionally receives applications for the use of reserves for temporary or permanent commercial activities. These activities include filming, markets, commercial recreation and accommodation. Commercial enterprises are a legitimate part of the range of activities within reserves provided that they relate in some way to the purposes of the reserve. Some commercial activities such as filming, while not contributing to the public's enjoyment of reserves, may be seen as appropriate on reserves as it can help to promote Dunedin and its reserves, or to educate people about the value of natural resources.

While commercial activities can be appropriate, they must not be allowed to detract from the primary purposes of reserves. The activities should also not adversely impact on the reserve, its use or users, wildlife and vegetation, or reserve neighbours. Controls on activities ensure that the effects of activities are avoided, remedied or mitigated.

Objectives

- 1 *To allow permanent or temporary commercial use of reserves, subject to that use being approved by Council and provided that it adds to the public enjoyment of the reserve and does not conflict with the aims and objectives of the specific management plan for the reserve.*

Policies

- | | |
|---|--|
| 1 These policies should be read in conjunction with the Use of Reserves policies. | 4 Temporary commercial activity applications need to be made at least ten working days prior to the event. |
| 2 Commercial activities may be allowed provided that they add to the public enjoyment of the reserve and they do not conflict with the aims and objectives of the management plan for the reserve. | 5 Conditions necessary for the protection of the reserves will be imposed on any permission for the commercial use of reserves. Such conditions will also be sought on any resource consent application for the same activity. |
| 3 All applications to operate commercial activities on reserves shall be made to the Council in writing. Applications must include:

3.1 A description of the proposed activity:

3.2 A description identifying the places where the proposed activity will be carried out:

3.3 A description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy, or mitigate any adverse effects:

3.4 A statement of the proposed duration of the activity and the reasons for the proposed duration:

3.5 Relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity. | 6 Appropriate conditions and charges will be attached to the permission granted for any use of tracks or reserves for commercial purposes.

7 A bond will be required for both permanent and temporary commercial activities.

8 Compliance with the relevant conditions of the Resource Management Act 1991, Building Act 1991, Health and Safety in Employment and other relevant Acts and the District Plan is the responsibility of the applicant. |

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	<p>CDC for temporary lease or licence <6 days.</p> <p>Full – vested reserves where lease is contemplated in a management plan or there is existing use.</p> <p>Minister in other cases.</p>	Relevant management plans, section 54 and 56 Reserves Act
3	<p>CDC for temporary lease or licence <6 days.</p> <p>Full – vested reserves where lease is contemplated in a management plan or there is existing use.</p> <p>Minister in other cases.</p>	Relevant management plans, section 54 and 56 Reserves Act
4	-	
5	<p>CDC for temporary lease or licence <6 days.</p> <p>Full – vested reserves where lease is contemplated in a management plan or there is existing use.</p> <p>Minister in other cases.</p>	Sec 54, 56, and 1 st schedule of Reserves Act
6	Determined by body with delegation to grant consent.	
7	Officer	
8	Officer	Relevant legislation

3.6 Encroachments

Comments

On some reserves, neighbours occupy or use reserves for access to their property or as an extension to their property. Note that the term reserve does not include road reserve.

Accessways are non-legal access across reserves to private property. A right-of-way is an existing legal access. Both “pleasure of Council” and non-permitted accesses are encroachments over reserves, which the Council no longer grants.

Rights-of-way and accessways have usually been constructed to allow vehicular access to houses adjacent to reserves. This problem is of particular relevance to the Dunedin Town Belt, but is also a problem in other reserves. While some of the existing accessways have been approved, either at the “pleasure of Council” or by formal easement, many others have been formed without permission, the history of them may not be known, or they may only have been informally agreed to. Two issues are important when considering accessways/rights-of-way across reserves. First, accessways/rights-of-ways provide private gains from use of a public resource. This may include increased property value. Second, accessways/rights-of-way can reduce the recreational, landscape and other values of reserves, because they act as perceived barriers, they may require the removal of trees and bush, and they may involve the development of hard surfacing.

Since 1989, decisions to grant rights-of-way have considered whether or not it is essential to gain access to the property. Fire service or ambulance access has usually been considered essential. The ‘Use of Reserves’ policy already allows emergency services to cross reserves where and when required on a temporary basis. This, therefore, removes the main reason, other than convenience, for allowing rights-of-way and allows Council to take a strong stance on protecting the values of public land.

Formalisation of existing accessways, by “pleasure of Council” permission, and unapproved accesses is a vexatious issue. The Council is caught between the reasonable expectations of those with existing accessways and the need to maintain and enhance reserve values.

An encroachment is use of a reserve for private purposes that has not been authorised by Council in writing. This includes, but is not limited to, structures, earthworks, gardens, plantings, accessways, retaining walls, rubbish dumping for reclamation, and other usage that gives the appearance of private ownership. Encroachments from neighbouring properties into reserves have become a problem as more and more people have extended their properties into adjoining reserves either unknowingly or with the full knowledge that they are encroaching beyond their property boundary. Problems are exacerbated when these properties are sold without the purchaser realising that the land they believed they were buying is actually part of the reserve. Council staff can prompt property buyers to check such matters by having a note on the LIM report. Lawyers should check boundary and other issues and inform their client before they purchase a property. As adjoining property owner, the Council also provides advice on resource consent applications for properties adjoining reserves to ensure reserve values are protected.

New encroachments will not be permitted because they impact on reserve values. The Council may seek removal of existing encroachments without formal agreements where they adversely impact on reserve values. The Council may also seek prosecution for damages. If permission is granted for existing encroachments to continue, conditions regarding reinstatement of the site at the completion of the agreement period may be attached to such permission. By not granting encroachments in perpetuity, and requiring reinstatement of the site, the values of the reserve can be re-established.

A separate section in this document applies to network operators.

Objectives

1. *To require compensation for all temporary or permanent effects on reserve values caused by rights-of-way.*
2. *To allow no new encroachments and seek to remove existing encroachments where they impact negatively on the values of the reserve.*
3. *To set limited timeframes for rights-of-way agreements (eg linked to the life of a building or to a particular activity). Applications will be assessed on an individual basis with the intention that the reserve values will be reinstated at the completion of the agreement period.*

Policies

1. No new encroachments will be allowed on reserves.
2. Existing informal encroachments (ie those without formal agreements), both approved and unapproved, will be considered with a view to formalisation or removal and reinstatement.
3. Applications for formalisation of existing informal encroachments must be made in writing and will be assessed on a case-by-case basis. In considering applications, Council will use the following criteria:
 - 3.1. Does the encroachment detract from the reserve's recreational, landscape, ecological, cultural heritage or other values?
 - 3.2. Is the encroachment required or beneficial for reserve management reasons?
 - 3.3. Is alternative access available?
 - 3.4. Are there any exceptional reasons why the encroachment should not be terminated (eg the property has no legal frontage)?
 - 3.5. Can the accessway be made a legal road?
 - 3.6. What is the life expectancy of the building that the accessway is servicing (eg life of garage without structural improvements)?
 - 3.7. The history of "pleasure of Council" accessways.
4. Approved encroachments on Council reserve land will be required to have a lease, licence, easement or right of way, consistent with the relevant section of the Reserves Act 1977.
5. Any approval for formalisation granted by the Council is subject to public notification of the proposal.
6. All costs, including legal, Department of Conservation and Council costs, and the costs of formation and maintenance to the Council's satisfaction, shall be borne by the grantee.
7. The design and construction material must be approved by the Council to ensure minimum disruption to the landscape or recreational potential of the reserve.
8. Payment for the benefit of rights-of-way, easements and encroachments will be made as a yearly rental. Existing encroachments previously exempt from rental fees may also be charged annual fees.
9. Agreements for encroachments will not be granted in perpetuity. Timeframes for the agreement will be limited and sites may require reinstatement at the end of the agreement period.
10. Declined applications will require the applicant to remove the encroachment and reinstate the site to the satisfaction of the Council.
11. Council will consider applications to seal legal rights-of-way over reserves. Consideration will be given to the landscape section of this document in any permission granted, and conditions imposed for any permission given for sealing.
12. Council will not contribute to the cost or maintenance of sealing of the right-of-way.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	<p><i>Section 48, 54, and 56</i></p> <p>Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister in other cases.</p> <p><i>Section 74</i></p> <p>CDC – vested or controlled and managed recreation or local purpose reserves.</p> <p>Full Council – for Scenic reserves vested or controlled and managed, provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister – Scenic where not delegated to Council.</p>	Sec 48, 54, 56, and 74 Reserves Act
3	<p><i>Section 48</i></p> <p>Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister in other cases.</p> <p><i>Section 74</i></p> <p>CDC – vested or controlled and managed recreation or local purpose reserves.</p> <p>Full Council – for Scenic reserves vested or controlled and managed, provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister – Scenic where not delegated to Council.</p>	Sec 48 and 74 Reserves Act
4	<p><i>Section 48, 54, and 56</i></p> <p>Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister in other cases.</p> <p><i>Section 74</i></p> <p>CDC – vested or controlled and managed recreation or local purpose reserves.</p> <p>Full Council – for Scenic reserves vested or controlled and managed, provided easement</p>	<p>Relevant management plans, Section 48, 54, 56 and 74 Reserves Act</p> <p><i>Note: Section 54 and 56 dont completely fit, as what is encroaching you would not normally give a lease for by choice, but one may be required for the encroaching building or structure.</i></p>

	is contemplated by a management plan or is already existing use of same or similar character, intensity and scale. Minister – Scenic where not delegated to Council.	
5	CDC	Section 48, 54, 56, 74, 119, 120 Reserves Act
6	-	
7	Officer	
8	Full Council	Fees and Charges Policy, 1st Schedule of Reserves Act
9	Full Council	
10	Officer	
11	Officer	
12	-	

3.7 Occupation Agreements

Comments

The term occupational agreements refers to any lease, licence, easement (including rights-of-way, telecommunication agreements), exchange of letters, or other agreement reached between the Council and a person, organisation, or company that is occupying part of a reserve (including below ground facilities). Details of these different agreements and policies relating to each are described below.

The Council's power to grant leases and easements over reserves varies depending on the status of the reserve concerned and the rights transferred from the Crown. Each particular agreement will need to refer to specific sections of the Reserves Act 1977 dealing with the particular type of reserve under consideration.

Objectives

1. *To confirm the occupation of reserves for approved uses and facilities by the granting of occupation agreements.*
2. *To ensure adequate compensation to remedy or mitigate the adverse effects of all utility, stormwater discharge, drainage rights, and underground facilities on reserves.*
3. *To consider the use of reserves for network utilities where utilities do not detract from the purposes of the reserve and no costs for these utilities are accrued to Council.*
4. *To require compensation for all temporary or permanent effects on reserve values caused by rights-of-way, easements, accessways, leases, licences, or network utilities.*
5. *To limit timeframes for easements and rights-of-way agreements (eg linked to the life of the building or activity). Applications will be assessed on an individual basis, with the intention that the reserve values will be reinstated at the completion of the agreement period.*

3.7.1 Leases (revamped section – added leasing containers)

The leasing provisions of the Reserves Act 1977 emphasise the retention of open space and the public accountability of reserve management. On recreation reserves, leases must be drawn up subject to the relevant provisions of Section 54 of the Reserves Act 1977, and the First Schedule to the Act. Requirements differ for land held under other status. Council, however, uses the provisions contained in the First Schedule of the Reserves Act 1977 as a guide when leasing land not subject to the Reserves Act 1977. This practice has been adopted to ensure consistency among the various tenancies.

Where the Council has been appointed to control and manage reserves only, the Department of Conservation is responsible for the granting of leases.

Tenancies over reserve land are subject to the provisions, including public notification, of Sections 73 of the Reserves Act 1977. The conditions of a lease under Section 73 are prescribed by the Act, and its granting requires ministerial approval.

Car parking requirements of a potential lessee should be a consideration. A lessee may desire additional parking from what exists, or improved parking facilities. The section on car parking, should be considered in conjunction with this section.

The Council occasionally receives requests from clubs wishing to store equipment in cargo shipping containers on reserves. This may be in conjunction with an existing lease where more storage space is required, or from a club that uses the same reserve regularly without leasing a specific area or having clubrooms. The use of containers is acceptable for some reserves where it will not significantly interfere with the use and enjoyment of the reserve by the public. An appropriate location and conditions will be determined by the Council at the time of application.

Use of containers on reserves will have a limited two year lease to give clubs the opportunity to assess their storage needs and consider the long term requirements. Clubs needing long term storage will need to arrange alternative permanent storage, eg use of other club facilities, or to construct permanent storage.

Policies

1. Any permanent exclusive use of a reserve, including buildings or cargo shipping containers, will be subject to a lease.
2. All grazing/farming on undeveloped recreation, or local purpose reserves, or fee simple land, will require a lease in accordance with Reserves Act 1977 sections 71-73.
3. Car parking requirements of a potential lessee should be considered. The section on car parking in this document applies.
4. The notification of proposed leases in the relevant management plans will serve as public notice for the purposes of the Reserves Act 1977.
5. All costs associated with leases and other agreements are the responsibility of the lessee or holder of the agreement.
6. Rents will be payable on all leases, except where the Council has resolved that no or reduced rental is required. Rents for approved users (eg voluntary recreation facilities, approved community users) will be set at a “recreation” level. Other rents (eg commercial use, residential tenancies) will be at market levels. Council’s Fees and Charges Policy applies.
7. Where a building or structure is no longer required by a lessee, the section on Abandonment Process in Appendix 10 in this document will apply.
8. The Council may grant permission for use of cargo shipping containers on reserves for storage subject to conditions regarding location, duration, ground preparation, fees, etc
9. An annual fee will be set for use of the reserve for cargo shipping containers for storage and this will be paid prior to the container being placed on the reserve.
10. All containers will be set on a firm gravel base prepared to the Council’s satisfaction.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Full Council – for vested reserves, where lease is contemplated in a management plan or there is existing use of same or similar character, intensity and scale. Minister when not delegated to Council.	Relevant management plans, section 54, and 56 Reserves Act
2	<u>Section 72</u> CDC can enter an agreement with the Minister to lease recreation or local purpose reserve for farming <u>Section 73</u> Full Council – for vested reserves, where contemplated by a management plan or there is existing use of same or similar character, intensity and scale. Minister where not delegated to council.	Section 72 - 73 of the Reserves Act, 1 st Schedule of Reserves Act
3	-	

4	-	
5	-	
6	Full Council – for vested reserves, where contemplated by a management plan or there is existing use of same or similar character, intensity and scale. Minister where not delegated to council.	1 st Schedule of Reserves Act
7	-	
8	Full Council – for vested reserves, where contemplated by a management plan or there is existing use of same or similar character, intensity and scale. Minister where not delegated to council.	Relevant management plans, section 54, and 56 Reserves Act
9	Full Council – for vested reserves, where contemplated by a management plan or there is existing use of same or similar character, intensity and scale. Minister where not delegated to council.	1st Schedule of Reserves Act
10	Officer	

3.7.2 Licences

The Council owns reserves that have not been developed for recreational purposes. Management of these areas can be expensive, with the Council receiving little or no return for its maintenance investment. Grazing/gardening and other similar activities provide an alternative management tool, as well as a source of income to contribute to administration and management costs.

While grazing/gardening and other similar activities have positive aspects, they can damage resources and inhibit regeneration of indigenous plants, which results in the spread of woody weeds and downgrades the quality of recreational experiences.

Tenancies over reserve land are subject to the provisions of Sections 74 of the Reserves Act 1977 including public notification. A licence under Section 74 may be for a term of up to five years only.

Where Council has been appointed to control and manage reserves only, the Department of Conservation is responsible for the granting of licences.

Section 48A of the Reserves Act 1977 permits the granting of licences for communication stations and any works connected with the station.

Policies

- | | |
|---|--|
| <p>1 Licences will be allowed on undeveloped reserves provided that there are no adverse effects on reserve values.</p> <p>2 Licences will not be permitted on riparian margins within reserves where there is an adverse impact on reserve values.</p> | <p>3 Applications for licences must be made in writing.</p> <p>4 All grazing/gardening on reserves will be licensed under an agreement based on the requirements of Section 74 of the Reserves Act 1977.</p> |
|---|--|

- 5 Licences may include provision for public access where this is appropriate and desirable.
- 6 A market rental may be charged for all licences. The Council may charge a rental other than a market rental for approved recreational or management purposes. Council's Fees and Charges Policy will apply.
- 7 It will be a condition of all licences that the Council may, before expiry, cancel all or part of the tenancy at six months' notice, should the land be required for recreational use, or if the licensee fails to meet the conditions of the licence.
- 8 It will be a condition of every licence that the Council will not compensate occupiers for improvements upon termination of the agreement.
- 9 Licences may be granted for communication stations and any works connected with the station, in accordance with section 48A of the Reserves Act 1977 where adverse affects are mitigated.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	<p><i>Section 54 and 56</i></p> <p>CDC for temporary lease or licence <6 days.</p> <p>Full – vested reserves where lease is contemplated in a management plan or there is existing use. Trade, occupation or business must facilitate public enjoyment or benefit.</p> <p>Minister where not delegated to Council.</p> <p><i>Section 74</i></p> <p>CDC – vested or controlled and managed recreation or local purpose.</p> <p>Full Council – for Scenic reserves vested or controlled and managed, provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale.</p> <p>Minister – Scenic where not delegated to Council.</p>	Relevant management plans, section 54, 56 and 74 Reserves Act
2	Officer	
3	-	
4	<p>CDC – for vested or controlled and managed recreation or local purpose reserves.</p> <p>Full Council – for vested or controlled and managed scenic where lease is contemplated in a management plan or there is existing use of same or similar character, scale or intensity.</p> <p>Minister when not delegated to</p>	Relevant management plans, section 74 Reserves Act

	Council.	
5	<p>CDC – for vested or controlled and managed recreation or local purpose reserves.</p> <p>Full Council – for vested or controlled and managed scenic reserves where lease is contemplated in a management plan or there is existing use of same or similar character, scale or intensity.</p> <p>Minister when not delegated to Council.</p> <p>*Determined by body with delegation to grant lease</p>	
6	Determined by body with delegation to grant lease	Fees and Charges Policy
7	Officer	
8	Officer	
9	<p>Full Council – for vested reserves where lease is contemplated in a management plan or there is existing use of same or similar character, scale or intensity.</p> <p>Minister when not delegated to Council.</p>	Section 48A Reserves Act

3.7.3 Easements

On some reserves, neighbours and utility companies occupy or use reserves for access or to locate utility facilities. Examples include rights-of-way, stormwater discharges and underground utility services. An easement lawfully grants the rights for one person to use another person's land for a specified purpose, in this case the use of Council land for access or underground utility services. An easement does not prevent use of the reserve for its primary purpose.

Easements granted will have limited timeframes (eg linked to the life of the building or an activity) and annual fees for rental may be required. Owners of existing easements may also be required to pay rental fees. Conditions regarding reinstatement of the site at the completion of the agreement period may also be included with any permission granted. By not granting easements in perpetuity, and requiring reinstatement of the site, the values of the reserve will be re-established.

The encroachment section of this document should be considered in conjunction with this section.

3.7.3.1 Easements for privately owned underground facilities (Stormwater/wastewater/sewerage/water and gas pipes/electrical/telecommunication cables)

Property owners may be responsible for maintaining utility facilities connecting between their property and the main network operator's facilities. Where network operators are not responsible for these connecting facilities, the owner of the private property being serviced by these facilities is responsible for the maintenance of pipes or lines etc. and the reinstatement of reserve land following work being carried out on facilities across reserves.

Easements or permissions granted for such facilities may contain conditions of use and rental fees.

A related issue is that of stormwater discharges. Members of the public or organisations frequently wish to discharge stormwater into watercourses located on reserves, however several consequences can result.

First, maintenance staff may not know where pipe works associated with stormwater are located, which can lead to damage to both the pipe work and to maintenance machinery. Second, these private underground facilities may affect reserve values. Reserves are set aside for the public to enjoy and to use the land for its recreation, ecological, landscape, heritage and other values. The Council needs to be assured that it receives adequate compensation for any loss of these values when negotiating stormwater discharge agreement. Finally, maintenance of an area damaged from stormwater discharges may be expensive and the Council needs to recover the costs of this from the reserve neighbours responsible for the drainage.

It is important for the Council to know the location and ownership of private utility facilities crossing reserves so that their location can be taken into consideration when development/enhancement or maintenance work is being planned. A historic precedent of uncontrolled discharge into reserves is not justification for continuing this practice into new developments in the same area.

Use of reserves by network utility operators is addressed in the ‘Network Utility Operators’ section of this document.

Policies

- | | |
|---|--|
| <p>1 Applications for pipes, cabling, discharge or drainage rights must be made in writing and contain the following information:</p> <p>1.1 a statement of alternative pipe location or discharge options and their costs;</p> <p>1.2 discussion on why these alternative options cannot be used;</p> <p>1.3 evidence that the pipes or discharge will not detract from the purpose of the reserve; and</p> <p>1.4 a diagram of the proposed works and a survey.</p> <p>2 An easement or formal agreement will be required for every pipe, cable, or discharge on reserve land.</p> <p>3 All legal costs and the costs of formation and maintenance to the Council’s satisfaction shall be borne by the grantee.</p> | <p>4 Payment for the benefit of a pipe, cable or drainage easement must be made as a yearly rental.</p> <p>5 The Council will require those holding easements for services crossing reserves to meet the costs of maintaining the pipes or cables.</p> <p>6 These policies (and relevant ones in the network operator sections) will apply to Council’s Roading Department and Transit New Zealand seeking easements for storm water discharges.</p> |
|---|--|

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale. Minister where not delegated to Council.	Section 48 Reserves Act
3	Officer	
4	-	

5	Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale. Minister where not delegated to Council.	Section 48 Reserves Act
6	-	

3.8 Network Utility Operators

Network utility operators have been placed in a separate section (rather than including under relevant topics) because they are governed by separate empowering Acts of Parliament that may conflict with, or override some sections of the Reserves Act 1977. As the relevant empowering Acts do not entirely correspond with each other, there will be some variance in application between network utility operators. There may also be some variance in the application of the plan to each reserve depending on its status under the Reserves Act 1977.

This section may need to be reviewed in the event of any legislative change or decision of the Courts, which changes interpretation of the legislation.

The section on occupational agreements in this document will be relevant in some cases and should be read in conjunction with this section.

Network utility infrastructure exists on a number of reserves. Access to reserves for maintenance and operations is required by operators and permission for new developments is likely to be sought in the future. Reserves may provide the highest point for which to locate telecommunication and radio communication sites or may be the most direct or convenient line to construct facilities. The use of reserves has a high commercial benefit to network operators and may be a cheaper option than having to use less direct alternative routes across private property.

The term ‘facilities’ refers to any structures, lines (above and below ground), pipes, substation, transformer or other infrastructure owned by network utility operators on reserves.

Utility facilities can have significant impact on a reserve both by impacting on amenity values and by restricting the scope of development/enhancement possible and thereby the reserve’s use. An obvious example of this is where utility facilities are located on reserves there is a need to keep trees and other plantings, buildings, fences and other structures, clear of the lines or structures. Keeping network facilities away from important or highly used sites, of course, is also important. Once in place utility facilities restrict activities on, and management of, the reserve. The need to consider, and allow for, utility facilities, may also lead to greater costs for reserve development/enhancement work eg if additional drainage work is required on a track to prevent scouring and damage to underground pipes or lines. Where this situation occurs, the network utility operator concerned will be responsible for meeting additional costs associated with their special requirements or requests. Where sportsfields are involved, the presence of utility facilities may impose limitations on drainage and irrigation installations. Direct routes may not be possible where this would involve crossing sportsfields. Furthermore, even with the best of techniques, differences in level can occur over time due to subsidence. Mitigation of such affects will be the responsibility of the network operator concerned.

It is not desirable to have network facilities on reserves and alternative sites should be considered. The policies in this document, while allowing use of reserves by network utility operators in accordance with relevant legislation, aim to minimise the impact they have on reserve values, users, and management.

By establishing better relationships with network utility operators the Council can seek better information about the location of existing facilities and establish procedures and charges for network providers wanting to locate facilities on reserves. Educating network providers about the value of reserves will also assist in establishing processes.

It is up to network utility operators to supply Council with useable up-to-date, ‘as built’ asset plans detailing their location on reserves. These maps could be used by the Council when planning projects on reserves and to assist Council contractors to avoid these facilities when working on reserves. This information could be put into Councils GIS system. Any costs associated with the provision of this information or the inputting of such information, will be at the network operators cost.

Objectives

1. *To confirm future occupation of reserves by network utility operators for approved uses and facilities by the granting of occupation agreements with appropriate conditions.*
2. *To allow the use of reserves for network utilities where utilities are compatible with the proper functioning or purpose of the reserve.*
3. *To require compensation (whether in the form of one off compensation payments or annual rental or fees) for use of the reserves by network utility operators, based on commercial rates.*
4. *Occupational agreements will be of a limited timeframe, with an intention that the reserve values will be reinstated at the completion of the agreement period, this will be considered on a case by case basis.*
5. *To allow network utility operators conditional access to reserves in accordance with the provisions of this plan and the relevant sections of the relevant empowering Act for the purpose of inspection, maintenance, and operation, of existing facilities.*
6. *To minimise the affects of utility facilities on the use and development of reserves.*
7. *To develop closer working relationships with service providers with the goal of recording information on existing utilities on reserves, establish formal occupational agreements with service providers, and make them aware of Council's requirements as landowner and/or as the administering body of the particular reserve.*

3.8.1 Occupational agreements for network utility operators

Existing network facilities legally established under Acts of Parliament (eg Telecommunications Act 1987, Electricity Act 1992, etc) do not require retrospective occupation agreements if no such agreement is currently in place. However, facilities installed after the current legislation was enacted, but which have subsequently been materially altered or replaced by something substantially different, require occupational agreements with the Council (as landowner or administering body).

The term occupational agreements refers to any lease, licence, right-of-way, easement, telecommunication agreement, or other agreement reached between the Council and a person, organisation, or company, that is occupying part of a reserve (including below ground facilities). Occupational agreements assist the Council in knowing the location of network utility facilities on reserves and allows conditions (including compensation) to be attached to any consent granted. Occupational agreements may be registered on the title as this records the rights of the network utility operator for use of the land.

Occupation agreements will not be granted in perpetuity. The most appropriate timeframe for agreements may be the useful life of the facilities or as otherwise agreed. The 'useful life' of facilities refers to the length of time that they serve the original purpose for which they were installed. If facilities are upgraded to something significantly different to that existing, to cope with increased demand for the services, their useful life would be considered over and an occupational agreement for the new facilities would be required.

Compensation and/or annual fees for rental will be required. Conditions regarding reinstatement of the site at the completion of the agreement period may also be included with any permission granted. This will include the removal of obsolete facilities from reserves if Council staff consider removal desirable.

One-off payments or annual rental fees may be waived where the network operator concerned is a Council department or the Council recommends the fees be waived. All other policies in this document still apply.

Removal of existing or future facilities once they become obsolete may be necessary to allow for development of the site. Such removal may also avoid the situation where Council contractors come across facilities and be unsure if they are being used or not, or where facilities are causing adverse environmental or visual effects. The costs of facility removal, and the reinstatement of reserves damaged during the removal of obsolete facilities, will be the responsibility of the network utility operator.

By not granting occupation agreements in perpetuity and requiring reinstatement of the site, the values of the reserve will be re-established.

Policies

- 1 Network utility operators are required to have occupational agreements with the Council for any facilities constructed on reserves after the date specified in their relevant empowering Acts, or for facilities which have been materially altered or replaced by something substantially different after the date specified in the relevant empowering Acts.
- 2 Applications for occupational agreements must be made in writing and contain the following information:
 - a) a statement of alternative options and their costs;
 - b) discussion on why these alternative options cannot be used;
 - c) evidence that the utility service will not detract from the purpose of the reserve;
 - d) a diagram of the proposed works;
 - e) any vegetation removal anticipated; and
 - f) current Health and Safety procedures.
- 3 Occupational agreements will not be granted in perpetuity.
- 4 A one-off compensation payment and/or annual rental may be required as a condition of occupational agreements granted.
- 5 One off payments or annual rental fees may be waived if the Council recommends the fees be waived.
- 6 Where network operators have special requirements or requests that increase the cost of reserve development, the network operator concerned will pay any additional costs associated with their request.
- 7 Where desired by the Council, obsolete facilities will be removed at the network operator's expense and the site will be reinstated to the satisfaction of Council.
- 8 Formal agreements may be lodged with the District Land Registrar.
- 9 Leases or licences for utility facilities will be granted only on reserves where they are compatible with the purposes of the reserve.
- 10 Rights of way and other easements may be granted over reserves in accordance with section 48 of the reserves Act 1977
- 11 Licences for communication stations on reserves may be granted in accordance with section 48A of the Reserves Act 1977.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Full Council – for vested reserves where lease is contemplated in a management plan or there is existing use of same or similar character, scale or intensity. Minister when not delegated to	Section 48A, 54 and 56 Reserves Act, Section 22 Electricity Act 1992, Section 23 Gas Act 1992, Resource Management Act 1991, Section 11 and 20 Telecommunication Act 1987. Will be others - will vary depending on empowering Act for each network

	Council.	operator. See legal opinions folder if you need clarification about the relationships between acts or what network operators do or don't have rights to do.
2	-	
3	-	
4	Officer	Fees and Charges Policy, appropriate Council rental formulas, Part III and IV of the Reserves Act, Section 57 Electricity Act 1992, Section 51 Gas Act 1992, Section 19 Telecommunication Act 1987, Public Works Act 1991. Will be others, will vary depending on empowering Act for each network operator.
5	CDC	
6	-	
7	Officer	
8	Officer	
9	Full Council – for vested reserves where lease is contemplated in a management plan or there is existing use of same or similar character, scale or intensity. Minister when not delegated to Council.	Section 48A, 54 and 56 Reserves Act
10	Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale. Minister where not delegated to Council.	Section 48 Reserves Act
11	Full Council – for reserves vested in DCC provided easement is contemplated by a management plan or is already existing use of same or similar character, intensity and scale. Minister where not delegated to Council.	Section 48A Reserves Act

3.8.2 Access

It is important for network utility operators to have access to their facilities to inspect, maintain, or operate existing works. The network operators' empowering Acts grant the right of access for these activities, subject to certain conditions. Access for the construction of new works, or the upgrading of existing works to something that is substantially different from the existing works, will require occupational agreements as detailed above.

It is important for Council staff to know when network providers are proposing work so conflict with other works or reserve users can be avoided and so that appropriate conditions can be set. It is also important that where complaints or queries are received from members of the public, staff know which companies are working on reserves enabling an appropriate response. When network utility operators are working on reserves, parts of reserves may need to be temporarily closed for public safety. The network utility operator concerned will meet any costs associated with advertising closures.

Scheduled work by network utility operators on reserve land will require a written application detailing the operation, any potential adverse affects on the reserve or users, and proposed mitigation. As large-scale works are scheduled well in advance, early applications could be made for a number of areas at one time. Permission for large-scale works should be applied for well in advance of the proposed work date. One of the specific requirements of the empowering Acts in relation to access, is that network utility operators are required to give reasonable notice of their intention to enter a reserve. Applications of this nature are required by Council staff at least 14 working days before the commencement of operations. A written reply and conditions will be given to confirm the work planned and the appropriate specifications for any reinstatement provided.

Where emergency work is required on a reserve, the company or contractor must inform Council staff on the same working day before commencement of any operation. If commencement is required outside of normal office hours the contractor must contact Council staff at the beginning of the following working day. Details of the work should be given and an inspection may be undertaken to ascertain the reinstatement requirements if any.

Policies

- 1 Network utility operators will be permitted conditional access to reserve land to inspect, maintain or operate existing works subject to the provisions of the relevant empowering Acts and the permission of the Council.
- 2 Notice of an intention to enter a reserve to inspect, maintain or operate existing facilities must be given by way of a written application which must detail the work to be carried out and any potential adverse affects on the reserve or users, and any mitigation proposed.
- 3 Network operators are required to give reasonable notice (14 days) of their intention to enter a reserve to inspect, maintain or operate existing facilities.
- 4 Where a network utility operator is required to undertake emergency work on a reserve, the contractor involved shall, where possible, inform Council staff on the same working day before commencing any work.
- 5 Where emergency work is required outside of normal Council office hours, the contractor involved must contact the Council staff at the beginning of the following working day, and arrange an inspection for reinstatement.
- 6 Where emergency work is undertaken, the network utility operator must provide, within seven days, a written report detailing the operation, any reserve damage caused, and how damage will be repaired and the area reinstated to Council's satisfaction.
- 7 Where temporary closures of reserves are required to allow network operators to carry out works safely, the network operator concerned will be responsible for meeting all costs associated with the closure.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Sections 23 and 159 Electricity Act 1992, Sections 24, 48, 50 Gas Act 1992, Resource Management Act 1991,
2	-	
3	-	

4	Officer	Telecommunication Act 1987.
5	Officer	Will be others, will vary depending on empowering Act for each network operator. See legal opinions folder if you need clarification about the relationships between acts or what network operators do or don't have rights to do.
6	Officer	
7	-	Section 17, 19 and 23 Reserves Act, General Policies – Section 3.3 Public Access and Reserve Closure

3.8.3 Removal of vegetation

The trimming or removal of vegetation may be necessary for the construction or maintenance of network utility facilities on some reserves. The proposed location of facilities will need to be discussed with Council staff to minimise damage to vegetation and avoid large trees or significant ecological areas. Network operators would be responsible for costs associated with rehabilitation of the site or replacement plantings at another site as determined appropriate by the Council. Network operators and their contractors will be expected to comply with the 'Specifications for Groundworks (17 July 1998)' or any replacement document, which is used by the Council. Compliance with these specifications would be included as a condition of consent granted for works on reserves.

Maintenance of facilities may require the trimming of vegetation to protect the integrity of lines or structures or the removal of vegetation to access damaged facilities. Where vegetation is to be trimmed or cleared in conjunction with overhead power lines, Transpower's service specification "Management of Trees near Transmission lines" standard will be used by that company's contractors. Additionally, all work shall be in compliance with the Ministry of Labour's "Code of Practice for Safety and Health in Tree Work, Part 1 and 2", the "New Zealand Code of Practice for Electrical Safe Distances (NZECP 34: 2001)" or their replacement documents and amendments. Consultation with Council staff is appropriate for the development of tree management plans or agreements, or any other proposals to remove or trim vegetation on reserves.

Consultation prior to work being carried out is also important to ensure that staff are aware of what is happening on reserves and that appropriate safety measures can be taken if required (eg Work on reserves may impact on reserve users, and temporary closure may be required for safety reasons). It is also important for network operator contractors to be aware of the reserve values and minimise the impact on the reserve and reserve users.

Policies

- 1 Network operators will be permitted conditional access to reserves to trim, or remove, vegetation posing risk to the integrity of the lines, support structures or other facilities. This should be undertaken in consultation with Council staff and approval obtained at least 14 days prior to work being undertaken.
- 2 Where removal or trimming of vegetation from a reserve is required in an emergency, the contractor must inform Council staff where possible, on the same working day before commencement of any operation. If commencement is required outside of normal office hours the contractor must contact Council staff at the beginning of the following working day.

- 3 Network operators will be required to reinstate sites damaged as a result of work carried out under the above policies to the satisfaction of Council. Conditions and charges may be attached to any permission granted.
- 4 Requirements of other sections of this document apply in conjunction with these policies.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1.	Officer	
2	Officer	
3	Officer	
4	-	

3.9 Liquor Licences

Comments

The selling of liquor is seen as one means by which reserve occupiers can raise funds for their activity. However with decreasing club membership, the sale of alcohol has also decreased. The consumption of liquor can have adverse effects on reserves, users, and reserve neighbours. Adverse effects may arise from a club's requirements to extend buildings to allow for the sale of liquor, from noise, or damage caused by people socialising. These effects may diminish outdoor recreation and landscape values of the reserve. As most sports club premises are sited in residential neighbourhoods these effects have the potential to be significant. However, generally the Council does not receive complaints about activities resulting from the sale of alcohol on reserves. A limit on hours of operation, and other appropriate conditions, helps minimise the potential affects on other users and reserve neighbours. The resource consent process also takes into consideration concerns of neighbours. Conditions and restrictions on operating hours can be imposed through this process. Resource consent decisions, and staff comments as the landowner, are recognised by the Liquor Licensing Authority when a licence is issued.

The selling of liquor is only indirectly linked to the use of reserves for sporting or outdoor recreational purposes. Sports clubs and other groups may be in competition with commercial organisations selling liquor. As many clubs receive sponsorship from commercial outlets and will hold social functions at sponsors venues rather than at their own clubrooms, and given the minimal amount of liquor sold by clubs, it is unlikely that clubs pose any significant competition for commercial operators.

Objectives

1. To allow the granting of liquor licences over premises on reserves where the values of the reserve are not diminished and where the effects on reserve neighbours can be avoided, remedied or mitigated.

Policies

- 1 Council will support the granting of liquor licences for premises located on reserves only where:
 - 1.1 the hours of liquor supply fall within the following time frames:
Sunday to Friday 8am - 12 midnight
Saturday and Public Holidays 8am - 1 am the following day;
 - 1.2 the granting of a licence is consistent with the purposes of the reserve;
 - 1.3 the effects on the reserve, its use and users, and reserve neighbours, can be avoided, remedied or mitigated; and
 - 1.4 the values of the reserve are not diminished.
- 2 Applicants will be responsible for ensuring that all relevant statutory consents are obtained and that the conditions of these consents are met.
3. Where the occupier has a liquor licence a condition of granting or renewing occupation agreements, will be that a Host Responsibility programme is put in place.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1.	Officer	Council Corporate Policy
2	-	
3	-	

3.10 Signs

Comments

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

The 'Reserve Name' sign is the main sign at the reserve indicating the name of the reserve, occupiers of the reserve (eg sports clubs), and permitted/restricted activities (which are represented by symbols on the sign).

It may be inappropriate for all reserves to have a reserve name sign. The times when it may be inappropriate to have signage on the reserve is when public access to the reserve is not encouraged in order to protect conservation or wildlife values.

Interpretative signs provide useful historic, ecological, cultural, geographical, botanical, and geological information about the reserve and surrounding area. They may also provide details about tracks and other specific features of the reserve.

Signage may be required in some areas for safety and security reasons. These could include signs warning reserve users to lock vehicles and not to leave valuables in vehicles.

Temporary signage advertising election candidates may be permissible on reserves at sites identified by the District Plan as election advertising sites.

Objectives

- 1 *To minimise visual 'clutter' while maximising useful information to reserve visitors.*
- 2 *To ensure consistent sign information, styles and types on reserve land throughout the City.*

Policies

- | | |
|--|--|
| <ol style="list-style-type: none">1. Any sign must meet the requirements of the Dunedin City Bylaws, District Plan or any resource consent that includes the sign.2. All applications for signs on reserve land should be made in writing to the Council and will be considered by all relevant Council departments.3. The number of signs on reserves will be kept to the minimum number required to meet the information needs of users. | <ol style="list-style-type: none">7. Reserve occupiers will be responsible for meeting the costs of producing, erecting and replacing signs relating to their activity. Maintenance will be carried out by Council as part of their ongoing maintenance of the Council sign.8. Where a sponsor's name is part of an occupier's name, this will be allowed on a sign. No other commercial information, including sponsor's logos, will be allowed on reserve name signs.9. Also see the sections on Partnerships and Sponsors, and Promotion of Reserves. |
|--|--|

Reserve Name Signs

- | | |
|---|---|
| <ol style="list-style-type: none">4. The Council may provide a sign at each reserve advising the name of the reserve, with provision for reserve occupier details on the same sign.5. Reserve occupiers will be allowed to attach signs to the Council sign indicating their names, a symbol for their activity, and directional arrows in accordance with Council requirements.6. All signs will be required to meet the | <ol style="list-style-type: none">10. Tenant clubs may affix to their buildings or fences signs denoting their premises subject to written approval being granted by the relevant Council departments and all relevant statutory consents being |
|---|---|

Other Signs

granted.

11. The Council may permit the erection of advertising on sports grounds where such signs are not visible from outside the reserve, and where these will not detract from the amenity of the reserve. Such signs should meet the requirements of the Council District Plan (or the conditions of a resource consent).
12. The Council will permit the erection of election signs at sites identified in the District Plan for the erection of election signs. No other signage will be permitted at these sites
13. Council may set a charge for the erection

of any sign.

14. Existing advertising signs under existing agreements will be allowed to remain for the life of the sign provided these signs have been lawfully established.
15. Council signs (eg street name signs in the Town Belt), other than those erected for Reserve Management purposes, may be erected on reserves.
16. Warning signs to increase safety and security of property or reserve users will be permitted on reserves.
17. Where appropriate or necessary interpretation panels will be erected on the reserve.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Dunedin City Bylaws, District Plan
2	Officer	
3	Officer	
4	Officer	Council sign standards
5	Officer	
6	Officer	District Plan, Council sign standards
7	Officer	
8	-	
9	-	
10	Officer	District Plan, Council sign standards
11	Officer	District Plan
12	Officer	District Plan
13	Officer	Fees and Charges Policy
14	Officer	
15	Officer	
16	Officer	
17	Officer	

3.11 Partnerships And Sponsorships

Comments

The Council is increasingly entering into partnerships with commercial organisations wishing to provide, or financially contribute to, plantings or small facilities on reserves. Partnerships or community contracts may also be formed with community groups wishing to contribute funds or facilities to enhance a reserve in their community. These contributions can be acknowledged through small plaques or signs indicating the sponsors organisation or contribution.

In some cases where sponsorship is of a significant development on a reserve it may be appropriate for the sponsors organisation to be acknowledged in signage that names the facilities at that particular activity site on the reserve, e.g. Fulton Hogan's CycleSmart@Marlow Park, or playgrounds provided by an organisation.

Objectives

- To enter partnerships, community contracts, or sponsorship agreements with appropriate organisations or groups to assist with reserve enhancement.*
- To acknowledge the contribution made through sponsorship and partnerships with plaques or signage as appropriate.*

Policies

- The Council will explore and develop sponsorship, community contracts, and partnership opportunities for reserve development or enhancement.
- Where appropriate, contributions to reserve enhancement may be acknowledged by allowing small plaques or signs to be erected in the location of the planting or facility.
- Substantial contributions to reserve development or enhancement may be recognised through signage naming the facilities at the activity site or area of the reserve. Signage details will be negotiated on a case by case basis.
- The Council is under no obligation to accept offers of contributions that it considers inappropriate or where conditions associated with the contribution are unacceptable.
- Any plaques or signs erected will comply with Council policy and specifications.
- Where possible and appropriate, plaques and signs will be incorporated into the features of the reserve e.g. a wall, or seat.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	Officer	
4	Officer	
5	Officer	Council sign standards
6	Officer	

3.12 Commemorative Plaques And Trees

Comments

Council frequently receives requests from people wishing to plant commemorative trees or erect plaques on reserves. As a result, a significant number of trees have been planted and established in various reserves and other public areas to commemorate special events and visits of dignitaries. With the passage of time, these plantings assume an historic significance, (ie a record of past events) and as such need to be properly identified, recorded and maintained. Civic events may include visits by Royalty, Heads of State and other dignitaries, commemoration of international, national and local events, anniversaries of community organisations and other events of a civic nature considered appropriate for formal recognition.

With ongoing periodic requests for tree planting to commemorate particular events, problems have arisen in recent years finding suitable sites for the trees. The development of new reserves may provide an opportunity for commemorative plantings although, generally, these new reserves are fully planted at the time of development.

The Council, in conjunction with Keep Dunedin Beautiful and the Rotary Club of Dunedin, have established the 'Trees for Babies' planting project. The project allows people to celebrate the birth of a child, or welcome a child into the family, by planting a native tree in a reserve. This project also helps enhance the reserve by restoring native vegetation. The trees will be planted on a specified date and the occasion will be commemorated with a plaque placed at the planting site. Frasers Gully Recreation Reserve is currently being used for this project.

Interment of placentas or ashes on reserves in association with commemorative plantings or plaques is not permitted as there may be issues with dog strike. Future management of the site may be affected also.

Objectives

- 1 *To allow the planting of commemorative trees and other plants and the erection of associated plaques.*
- 2 *To facilitate the 'Trees for Babies' project on reserves.*

Policies

- | | |
|---|---|
| <ol style="list-style-type: none">1 A register of commemorative trees and plaques will be kept and updated.2 The planting of trees or other special plantings to commemorate significant events in the life of the City shall be supported.3 Commemorative trees and other plants will be allowed at the reserves listed in the schedule of this document (Appendix 6) with the written approval of the Council.4 Commemorative trees and other plants may be allowed at other reserves with the written approval of the Council.5 Trees planted in reserves should be of an appropriate species for that reserve. The species and location is to be discussed with appropriate Council staff at the time permission is sought.6 The Council will maintain trees and other plants planted to commemorate civic | <ol style="list-style-type: none">events. The Council will maintain other trees only where they meet the Council's supply and planting standards. Where trees do not meet the Council's standards, the Council accepts no obligation for replacement.7 If commemorative plants need to be removed, then they may be replaced with the same species if appropriate to the reserve and site.8 The Council will maintain plaques commemorating civic events. Plaques for other events will be maintained by the organisation or individual that erected it.9 Commemorative planting of native trees as part of the 'Trees for Babies' project is permitted on selected reserves.10 Conditions and fees for participation in the Trees for Babies project will be set by the Keep Dunedin Beautiful project team. |
|---|---|

- 11 Interment of placenta or ashes on reserves (other than cemeteries) is not permitted.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	-	
3	Officer	
4	Officer – where reserve has been listed for that purpose in a management plan. CDC – Recreation reserve. Full Council – Scenic reserve if contemplated in a management plan. Minister – Scenic, if introducing new species	Sec 51 and 53 reserves Act
5	Officer	
6	Officer	
7	Officer	
8	CDC – Recreation or local purpose reserve. Full Council – Scenic reserve, exotic species. Minister – Scenic reserve, native species.	
9	Officer	
10	-	
11	-	

3.13 Tracks

Comments

The following objectives and policies refer to the three types of tracks located on reserves. These are recreational tracks, which are used primarily for recreation (eg Pineapple Track), pathways designed for uses other than recreation (eg commuter access across reserves), and tracks required to facilitate the development or maintenance of the reserve.

Recreational tracks are used for walking, jogging, mountain biking and other recreational activities. Activities such as motorcycling and horse-riding may be permitted on some recreational tracks. Where permitted on reserves, these activities will be specified in the specific reserve management plans and will be indicated on reserve signage.

Reserves may provide convenient access as an alternative to footpaths adjacent to roadways. Several of these pathways exist already, particularly through the Dunedin Town Belt. Generally these pathways have been developed to an appropriate standard for commuter traffic. Pathways may be used for recreational purposes, but were not specifically constructed for this purpose.

The Reserves Act 1977 allows for “footpaths” on reserves where these are for public recreation/enjoyment or are necessary for the public using the reserve. While pathways are not primarily for public recreation or enjoyment, they do have a value for recreation and are consistent with the Reserves Act 1977. An example might be the commuter track across Bayfield Park, which is used by school children attending Bayfield High School as well as by recreational users such as people walking their dogs.

Recreation facilities such as tracks may be permitted on scenic reserves where they are necessary to enable the public to obtain benefit and enjoyment from the reserve and where compatible with the principal and primary purposes of the reserve.

It may be necessary to facilitate access through reserves on a temporary or permanent basis to gain access for development and maintenance purposes. These access tracks would only be available for emergency and authorized vehicles.

The use of the terms “recreational tracks” and “pathways” in this document is distinct from any classification system for tracks.

Objectives

- 1 *To allow “recreational tracks” on reserves where adverse effects on the environment can be remedied or mitigated.*
- 2 *To allow “pathways” to cross reserves where adverse effects on the environment can be remedied or mitigated.*
- 3 *To facilitate access through reserves for development or maintenance purposes.*

Policies

- | | |
|---|--|
| 1 Recreational and other tracks are allowed on reserves. For scenic reserves, tracks may be permitted to the extent they are compatible with the principal and primary purposes of the reserve. | 3 Council’s Track Policy and Strategy will be considered in conjunction with this document. |
| 2 Where necessary and appropriate tracks may be formed to facilitate access through reserves for development or maintenance purposes. | 4 The written permission of the Council is required before new recreational and other tracks are developed by other organisations. |
| | 5 The Council should be contacted early in the planning stages of new tracks proposed by other organisations. |

- 6 Plans for tracks should consider:
- 6.1 landscape values;
 - 6.2 recreational values;
 - 6.3 ecological values;
 - 6.4 heritage values;
 - 6.5 other values (including social/community values);
 - 6.6 safety issues;
 - 6.7 means to mitigate or remedy adverse effects; and
 - 6.8 ongoing maintenance requirements.
- 7 People walking on tracks have the right of way over joggers and other non-walkers except in specifically set aside activity areas.
- 8 Horses and motorcycles are prohibited from tracks unless a specific exemption is indicated by way of a sign.
 - 9 Mountain-bikes and bicycles are allowed on tracks over Council administered reserves, unless specifically prohibited as indicated by a sign or by policy in a specific reserve management plan.
 - 10 Organised mountain-bike and bicycle races and other events are allowed on tracks on reserves subject to the written permission of the Council being obtained.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1 and 2	<p>CDC – Recreation reserve.</p> <p>Full Council – Scenic reserve – exotic flora removal only or no vegetation removal required.</p> <p>Can't construct track in scenic reserve if removal of indigenous flora is required.</p>	<p>Sec 17, 19, 42, 53(1)(c)</p> <p>2nd proviso, and 55(1)(h)(i) Reserves Act.</p>
3	-	
4	<p>CDC – Recreation reserve.</p> <p>Full Council – Scenic reserve – exotic flora removal only or no vegetation removal required.</p> <p>Can't construct track in scenic reserve if removal of indigenous flora is required.</p>	<p>Sec 17, 19, 42, 53(1)(c)</p> <p>2nd proviso, and 55(1)(h)(i) Reserves Act.</p>
5	-	
6	Officer	
7	-	Track Policy and Strategy
8	-	
9	-	
10	Officer	

3.14 Car Parking

Comments

Virtually any recreational uses will generate demand for parking space within reserves. Occasionally groups request exclusive use of car parks on reserves for special events. While this use can be legitimate, exclusive users obtain a benefit greater than that of the public at large and exclusive use may be to the detriment of reserve users. The Council needs to ensure that those who benefit from exclusive use of car parks meet the costs of their benefit. Apportioning the costs of car park provision can be difficult. Various options have been tried, including leasing car parks to identifiable user groups. This can be difficult to justify against wider public access requirements and use of leased car parks.

Problems can occur when vehicles are parked on reserves in a manner that damages reserves, inhibits the proper use of the reserve or may restrict access to reserves or facilities, such as parking over an entrance way or in front of a storage area.

Objectives

- 1 *To provide and maintain car parks, where appropriate and financially feasible, to a level that is adequate for servicing the usual activities carried out within the reserve.*
- 2 *To recover some of the costs of car park provision from identifiable beneficiary groups.*
- 3 *To take appropriate enforcement action against owners of vehicles parked inappropriately on reserves*

Policies

- | | |
|---|---|
| <ol style="list-style-type: none">1 Car parking on reserve areas other than recognised car parks, or in any way that causes damages to the reserve, inhibits proper use of the reserve or restricts access to the reserve or facilities, is prohibited.2 Car parks on reserves are for vehicles associated with recreation and other legitimate use of the reserve.3 Regular overnight and long-term parking is not permitted.4 Where gates close at a specific time, anyone requiring to be released after this time will incur a fee.5 Parking in areas other than recognised parking areas may be permitted upon the written approval of the Council.6 Car parking areas will be provided on reserves where there is a proven requirement directly related to the use of the reserve, and where it is both appropriate and financially feasible to provide a car parking facility.7 Reserve occupiers may be asked to contribute to the provision of car parking on reserves where their occupation is a clear and significant factor in the need for car parking.8 Exclusive use of car parks may be allowed | <ol style="list-style-type: none">for special sporting and recreation events. Council may set a charge for this exclusive use.9 Where an application for exclusive use of a car park is successful the Council will arrange for public notification of this use in the Public Notices section of the Otago Daily Times. Applicants will need to meet the costs of public notification.10 Groups having permission to use car parks exclusively may levy a charge (to recover costs) on users during the time they have exclusive use of the reserve.11 Car parks for disabled users may be designated where reserve car parks are marked.12 Groups that sublet car parks for a private gain will incur a commercial rental per square meter for car park spaces based on the Council's current evaluation on commercial car park rental charges for that area.13 It is no defense against an offence committed against these policies if no sign, notice, or road marking was in place at the time the offence was alleged to have been committed. |
|---|---|

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1-4	-	
5	Officer	
6	-	
7	-	
8	Officer	Fees and Charges policy, Standard booking fees
9	Officer	
10	CDC - Recreation Reserves, <6 consecutive days. Minister's consent required to increase number of days. Not specifically permitted for scenic reserves.	Sec 53 Reserves Act
11	Officer	
12	Officer	Council rent formulas
13	-	

3.15 Reserve lighting

Comments

Occasionally groups using reserves have requested the Council to provide car park and accessway lighting. The Council's policy has been that it will only provide lighting where there is clear public benefit. Furthermore, the provision is limited to Council-owned land and facilities.

Costs for car park lighting arise as a direct consequence of the use of facilities at night. While lighting can be considered an essential component of a car park, and of night use, it seems appropriate that some or all of the costs should fall to those who attract users to facilities at night.

With respect to recreation and safety issues, the Council does not encourage the use of public recreation lands after dark. The lack of lighting on Council land is in many circumstances a strategic management decision to discourage visitors from using areas at night where safety problems may exist. Indeed, the Council actively discourages people from using some reserves, for example the Botanic Garden and Bethunes Gully, by ensuring gates are closed and locked at night. The Council recognises, however, that some groups, in particular those running indoor facilities, do need to operate at night.

Users of recreation facilities perceive that the lack of lighting at these facilities affects people's personal safety and increases actual and potential crime, which leads to membership decline. The provision of lighting in public locations is, however, no guarantee of improved safety. In isolation, lighting may improve the ease with which cars may be broken into and give a false sense of security to visitors. As part of a total safety campaign - including surveillance and personal safety allowances (such as not using or visiting facilities alone) - lighting may be considered a useful addition to safety provisions, but is not a solution in itself.

Objectives

- 1 *To provide car park and accessway lighting subject to the costs of developing, maintaining and replacing this lighting being met by the beneficiaries of this lighting.*

Policies

- | | |
|--|--|
| 1 The Council will fund lighting on Council owned land only where there is clear public benefit. | 3 The Council will not contribute to car park and accessway lighting on non-Council owned land, except where a Council owned facility occupies the land and there is clear public benefit. |
| 2 Where groups occupy Council owned land or own facilities located on Council owned land, the onus lies on the occupying group to either meet the cost or contribute significantly to the costs of car park and accessway lighting. If an application is received from a group meeting these conditions the criteria contained in Appendix 5 will be used to decide whether or not the Council will contribute to funding. | 4 Where Council owns a facility which is occupied by another group on the basis of a landlord/tenant arrangement, it is the tenant's responsibility to provide lighting. |
| | 5 Where an identifiable beneficiary from reserve accessway and car park lighting exists, the full operation and maintenance costs are to be passed on to that beneficiary. |

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	- Annual plan process or a report to CDC seeking funding may be required	

2	Officer - Annual plan process or a report to CDC seeking funding may be required	
3	Officer - Annual plan process or a report to CDC seeking funding may be required	
4	-	
5	-	

3.16 Sportsfield Lighting

Comments

Sports clubs occasionally wish to light sportsfields so that they can be used during the hours of darkness. The height and power of these lights may result in adverse effects on reserve neighbours and the landscape values. The Council wishes to avoid, remedy or mitigate these effects through both the District Plan and reserves management processes.

Objectives

- 1 To allow sportsfield lighting where the adverse effects on reserve values can be avoided, remedied or mitigated.

Policies

1. Sportsfield lighting may be allowed on reserves subject to the applicant making written application to the Council. All applications will include:
 - 1.1. a lighting plan showing the location of poles, the strength of lights and the patterns of luminosity;
 - 1.2. evidence of consultation with other reserve users and reserve neighbours;
 - 1.3. a proposed cable plan; and
 - 1.4. a statement regarding the proposed days and hours of operation.
2. It is the applicant's responsibility to consult with all likely affected parties including other reserve users and reserve neighbours.
3. It is the applicant's responsibility to obtain all relevant statutory consents including Resource and Building Consents.
4. The erection, maintenance, operation and replacement of sportsfield lighting will be at no cost to Council.
5. Sportsfield lighting must be removed by a sports club or code within three months of them vacating a reserve. Lighting which is not removed in this time becomes the property of Council. No compensation is payable in this case.
6. The sections on Occupation Agreements and Network Utility Operators in this document will apply.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	- Will vary depending on lease agreement, easements required. Consider under relevant sections of the General policies and reserves Act.	District plan, Management Plans, General Policies, Reserves Act (especially sec 48)
2	-	
3	-	
4	-	
5	-	
6	-	

3.17 Litter Control And Dumping

Comments

The Local Government Amendment Act (No.4) 1996 requires all territorial local authorities to adopt a waste management plan that makes provisions for the reduction, re-use, recycling, recovery, treatment, and collection and disposal of waste in the district. The aim of the Act is to ensure that the management of waste does not cause nuisance nor is injurious to health but also have regard to the environmental and economic costs and benefits to the district (Council Waste Management Plan, 1997).

The illegal dumping of garden refuse, trade waste, domestic refuse, rubble or debris on reserves detracts from the amenity value of the reserve, creates health and safety risks to reserve users and Council staff, and may result in the spread of invasive weeds. Most of the illegal dumping occurs over back fences, over banks in bush areas, or in empty sections that allow access to gully reserves. Where tenants of rental accommodation have carried out such dumping, landlords may be held accountable for ensuring such rubbish is cleaned up.

Illegal dumping may occur in conjunction with building development, where the reserve is treated as a storage or disposal area for the unwanted building materials, or soil. The Council endeavors to prevent this situation occurring by having appropriate conditions or advice notes on resource consents granted for properties adjacent to reserves.

Vehicles are occasionally abandoned on reserves. Vehicle owners have the responsibility for disposing of unwanted vehicles in an appropriate manner. Where the owner of the vehicle can be identified, the Council will take action against the owner.

The Council has a number of options for enforcement under the Litter Act 1979, including instant fines, and requesting the offender remove their rubbish or pay the cost for Council contractors to remove it.

Occasionally people may load up reserve rubbish bins with household rubbish that has been gathering in their cars. The inappropriate use of existing rubbish bins also results in bins becoming full or overflowing more quickly than with normal reserve use, which can significantly detract from the amenity values and proper functioning of the reserve.

In the first instance, assessment of the need for new rubbish bins will be on the basis of reserve usage. Council will look at other factors such as location in relation to playground seating, and event and lookout areas. The Council will consider whether the bin can be easily emptied and if the bin is in an area likely to be prone to vandalism.

Objectives

- 1 *To preserve the reserves recreation, cultural, and environmental values through appropriate collection and disposal of waste.*
- 2 *To actively discourage illegal dumping on reserves, and take appropriate action against offenders.*

Policies

- | | | | |
|---|---|---|---|
| 1 | Where appropriate, Council will provide, and regularly empty, rubbish bins on reserves. | 4 | The Council will take proactive measures to minimize illegal dumping on reserves. |
| 2 | The disposal and collection of waste be in accordance with the Council Waste Management Plan. | 5 | Landlords may be held accountable for ensuring rubbish illegally dumped on reserves by their tenants is cleaned up. |
| 3 | No person may deposit or store any refuse, trade waste, garden refuse, rubble, or debris, or abandon vehicles on a reserve. | 6 | The Council will take appropriate enforcement action under the Litter Act 1979 and Reserves Act 1977 against parties illegally dumping waste or vehicles on reserves. |

- 7 Where a reserve is used for an event or tournament, user groups or event organisers are responsible for the collection and disposal of waste.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1.	Officer	
2	Officer	Council Waste Management Plan
3	-	
4	Officer	
5	Officer	
6	Officer	Section 94 Reserves Act
7	Officer	

3.18 Camping

Comments

In the past, problems have arisen from people camping on reserves. The three major issues giving cause for concern are damage, health and water supply.

Campers may damage trees in their search for firewood and kill grass by covering one place for too long. Campervans driving or parking on grassed areas can also cause damage, especially during wetter months. These types of damage are of concern as they add to the costs of maintaining reserves.

Another problem with camping on reserves is a lack of control over the health conditions of the camping area. Toilets, if available, may not cope with the increase in demand, or, if toilets are not provided, there are possible detrimental long-term effects from human waste left in the reserve.

The free supply of water to reserves is another problem raised by residents. Water is provided at reserves by rates from residents, who may themselves be on a limited water supply. Those camping on reserves may have access to a free water supply, while residents bear the financial cost and a possible loss of supply.

The Council occasionally receives requests for camping on reserves by Scout or Guide groups or for specific events. Permission for camping for these activities is generally granted with conditions to minimise damage to reserves, and address environmental and health issues.

In accordance with Section 44 of the Reserves Act 1977 the Minister of Conservation's approval is required for permanent or temporary accommodation on all reserves, except those designated or set aside for camping, having approved lodgings or areas defined in management plans.

The Council is reconsidering the issue of freedom camping through the Community Development Committee. While it is considered appropriate that on a majority of Council reserves any form of camping be discouraged, a number of matters will need to be further investigated, including, permitting self contained camper vans to camp/park on reserves for a limited time, having a permit system, and use of reserves with appropriate water and toilet facilities for limited camping. When these issues have been addresses and considered by the new Council, any changes to the existing policy will be incorporated into the Reserves Management Plan - General Policies.

Objectives

- 1 *To allow camping in designated camping areas provided that adverse effects of camping can be avoided, remedied or mitigated.*

Policies

1. Should members of the public have any concerns over problems arising from camping on public reserves, particularly in relation to protecting the environment, they could contact the Council.
 - c. damage to the reserve; and
 - d. effects on reserve use, users and neighbours, and
 - e. The natural environment and wildlife.
2. The Council may approve camping on reserves listed in Appendix 4 or other management plans and/or where there is evidence that the adverse effects of camping can be avoided, remedied or mitigated. Adverse effects include those affecting:
 - a. rubbish;
 - b. water;
3. All applications for camping in an approved areas (listed in management plans) are to be in writing and forwarded to Council at least ten working days before the event.
4. In all approved cases, a bond will be required to ensure the reserve standards and conditions are not compromised. See Appendix 3.

5. Any approval must comply with the relevant legislation including health, safety and fire regulations.
6. This policy should be read in conjunction with the Use of Reserves policies.
7. Disposing of “grey water” or sewerage from campervans is not permitted on reserves unless facilities for this activity are provided, such as at a camp ground on a reserve.
8. It is no defence against an offence committed against these policies if no sign was in place at the time the offence was alleged to have been committed.
9. If the Council reconsiders its position regarding camping on reserves, this section of the management plan will be amended to reflect that position.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	-	
2	Officer – for reserves listed in management plans or General policies. Minister in other cases	Section 44 Reserves Act
3	Officer	
4	Officer	
5 - 9	-	

3.19 Circuses And Side-Show Operators

Comments

The Council frequently receives requests from circus, side-shows, gypsy fairs and similar operators for use of reserves. These types of use can have effects greater than those for other forms of temporary commercial use. Three issues particularly worthy of consideration are land use, health and safety, and animal welfare.

The City's public reserves are administered under the appropriate provisions of the Reserves Act 1977. The Council has the power to impose such conditions and restrictions as are considered to be necessary for the protection and general well-being of the reserve, and for the protection and control of the public using it. The legislation specifically addresses the construction and development of compounds for animals for display on reserves. The Council in its administration of reserve land requires a rental for the site and a bond to cover reinstatement of any damage caused by such events.

The Council currently enforces the general provisions of the Health Act 1956, the Food and Hygiene Regulations and the Resource Management Act 1991 (in respect of noise and effluent disposal). The Council administers the Building Act 1991 relating to the erection of marquees, fire safety and egress, and the provision of toilets and other facilities. It also administers the Amusement Devices Regulations and is responsible for issuing permits to operate equipment in consultation with the Labour Department.

Some sectors of the community believe that the use of animals in circuses is inappropriate on animal welfare reasons. Currently the general health and safety of animals is provided for by inspection from the Ministry of Agriculture and Forestry (MAF), the SPCA and the Police under the Animal Protection Act 1960. The policy set out below allows circuses holding a current MAF certificate to use Council land and allows residents to make their decision about whether to attend. Circuses with animals may not use Council land unless approval has been given by Council based on Council's decision as to whether those animals are suitable for captivity, confinement or being kept in enclosed areas as well as the reputation of the circus.

The Council has set aside an area at the Oval as a site for circuses or parking of vehicles for a certain period. The site has been prepared to be quick draining to prevent it become muddy, thereby reducing damage occurring as a result of vehicle or tent use. This site is the only area where permission will be granted for these types of shows, displays or vehicle parking. This area can be booked through the Council booking system at the time permission is granted. The site should be booked well in advance as there can be high demand for this site during certain times of the year.

Objectives

- 1 *To allow the use of reserves for circuses, side-shows, gypsy fairs and similar uses, subject to exotic animals not being kept or used for performance or exhibition and meeting the existing provisions set out by the Ministry of Agriculture and Forestry, SPCA, and the Animal Protection Act 1960.*

Policies

- | | |
|---|--|
| <ol style="list-style-type: none">1 A rental will be charged for circus, side-show, gypsy fair and similar use of reserves.2 A bond will be required for any use by circus, side-show, gypsy fair or similar use of reserves. See Appendix 3.3 The area set aside at the Oval is the only site to be used for circus, side-shows, gypsy fairs and similar use of reserves.4 Circuses, side-shows or similar users of | <p>reserves:</p> <ol style="list-style-type: none">4.1 Must not keep or use exotic animals for exhibition or performance.4.2 Can keep or use domesticated animals for exhibition or performance, subject to meeting the code for the welfare of animals as adopted by the Ministry of Agriculture and Forestry. |
|---|--|

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	-	
4	-	

3.20 Aircraft and helicopter landings

Comments

The Council occasionally receives requests from people wishing to carry out activities involving aircraft or helicopters. These usually involve landings, although some groups have used helicopters for transporting loads where there is no road access and others carry out “ball drops” (where helicopters are used to drop tennis balls or similar for commercial promotion purposes).

In general these events do not affect the reserve or use of the reserve. There may, however, be adverse effects from the activity on reserve users or neighbours. While Council can control the effects of activities on the ground, it has no jurisdiction over the helicopter or aircraft once it is the air.

Objective

- 1 *To allow aircraft and helicopter landings on reserves, or events on reserves involving the use of helicopters and aircraft, where the values of the reserve are not diminished and where the effects on reserve neighbours, the environment, and wildlife, can be mitigated.*

Policies

- | | | | |
|---|---|---|--|
| 1 | Other than in an emergency the use of any part of any reserve for the purpose of landing of an airplane, helicopter, or any kind of flying machine, is not permitted without prior written permission from the Council. | 4 | Approval from the Civil Aviation Authority (or other appropriate organisation) must be obtained by the applicant. |
| 2 | Applications must be made in writing to Council at least 2 months prior to the proposed event. | 5 | Adequate public liability insurance must be taken out by the applicant, with written proof required before the Council’s final permission is given. |
| 3 | Compliance with the conditions of relevant legislation is the responsibility of the applicant. | 6 | The landing/take off strip is to be marked by cones or flags and personnel provided to ensure no member of the public strays onto the landing strip during take off or landing. Warning signs may also need to be erected. |

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	CDC	Section 94 Reserves Act
2	CDC	Section 94 Reserves Act
3 - 6	-	

3.21 Fireworks displays

Comments

Groups occasionally wish to use reserves for fireworks displays. This can be either large, official organized displays to celebrate a particular event, or a display where the public pay to attend, or where community organisations wish to have fireworks in a safe, controlled environment.

Official organised displays are controlled by legislation other than the Reserves Act 1977 and require the permission of the Department of Labour as well as the Council before proceeding.

Community displays run by service clubs are likely to be on a smaller scale than official displays and may have a different focus. Organisations wishing to run community fireworks displays will be required to demonstrate how they will comply with Health and Safety requirements, public safety, and mitigation of affects. Conditions, including bonds, will be placed on any permission granted.

As long as the adverse effects of fireworks displays on reserve values are avoided, remedied or mitigated, fireworks displays are a legitimate use of reserves.

Objectives

- 1 *To allow fireworks displays on reserves subject to all adverse effects on reserve values, the natural environment, and wildlife, being avoided, remedied or mitigated.*

Policies

- 1 Subject to Council permission being granted, organised official fireworks displays will be permitted on reserves.
- 2 Fireworks displays by community organisations may be permitted.
- 3 Written application should be made at least ten working days before the proposed event. Conditional approval may be given
- 4 upon written application to Council. Final approval will be given only after permissions from the Department of Labour have been obtained, if required.
- 4 Conditions on permissions will include the 'Standard Conditions of Use' (see Appendix Two) and the requirement for appropriate public liability insurance.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	Officer	
4	-	

3.22 Research and Education

Comments

The Council receives a number of requests from university students or researchers wishing to carry out research on reserves. A majority of these requests involves the collection of flora and fauna specimens from the reserve. The Minister of Conservation is responsible for granting permission for these activities under section 49 of the Reserves Act 1977. The Council has been delegated this authority for the collection of exotic flora and fauna, and the collection of rock material or soil. Research on reserves may be of benefit to the Council by providing information that may assist with the management of reserves or increased knowledge of species and ecology.

School groups and other educational organisations also use reserves for school projects and outings. Involving such groups with restoration projects on reserves creates a sense of ownership and interest in the reserve. This approach may reduce the amount of vandalism that can occur at neighbourhood parks and reserves as children who have been involved with restoration projects are less likely to vandalise their work, or that of their schoolmates.

Objectives

1. *To facilitate and encourage partnerships with educational providers for the use of reserves for appropriate research.*
2. *To encourage active community participation in reserve projects as an educational tool, and to increase understanding of reserve values.*

Policies

1. The Council may allow appropriate research on reserves where it is not detrimental to reserve values.
2. The Council should be acknowledged in reports/papers and receive copies of reports/papers produced as a result of research carried out on reserves.
3. Conditional permission may be granted for the collection of specified specimens for scientific or educational purposes, in accordance with Section 49 of the Reserves Act 1977.
4. Where appropriate, community groups or educational providers may be involved with enhancement projects on reserves, or be granted permission to carry out such projects on reserves, where they have an educational value.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	Full Council - collection of exotic flora and fauna, rock material or soil. Minister – collection of native species.	Section 49 of the Reserves Act 1977
4	Officer	

3.23 Harvest Of Cultural Material Or Harvest of Material For Cultural Purposes

Comments

Historically many bird and plant species have been utilised by Kai Tahu and whanau as part of their dietary requirements and for other cultural use. Most were gathered as part of the seasonal cycle of harvesting of mahika kai in the Araiteuru rohe (the traditional name for Otago).

Plants and trees supplied weaving materials from the bark and leaves. Dyes could be extracted from the leaves, roots, and mud. Trees also provided raw materials for tools, waka, housing, weapons, and other uses.

Iwi acknowledge that there were impacts upon species and ecosystems, particularly during the early period of settlement. From this came the philosophy of kaitiakitanga, that to ensure the continued viability of species and ecosystems they had to be managed in a sustainable way. Kaitiakitanga is defined in the Resource Management Act 1991 as “the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself”.

Source document: Kai Tahu ki Otago – Natural Resource Management Plan

The Council occasionally receives applications for the harvesting of flora and fauna from reserves or other land it administers. Where these resources are to be used for cultural purposes, the policies in this section will be used to guide the decision.

Pikao (*Desmoschenus spiralis*) is currently being established at a number of coastal sites, in partnership with the Pikao Recovery Group. Harvesting of this material for cultural purposes may be possible once sustainable levels have been reached and in accordance with the procedures below.

Flax (Harakeke, *Phormium spp.*) is well established on many Council reserves, and requests for this resource are common among the applications received. As with pikao and other flora, appropriate harvesting methods are important to ensure successful survival of the plant.

Where an application is for collection of a common species on a recreation reserve, the Council may process the application, with consideration of the Reserves Act 1977. Where the location of harvesting is a scenic reserve, or involves the collection of fauna, the permission of the Minister of Conservation is required. Where necessary, advice may be sought from the Komiti Taoka Tuku Iho (Otago) committee.

The Reserves Act 1977, in particular sections 42(1), 46(1), 49 and 50, and the Wildlife Act 1953 must also be considered when assessing applications to ensure those approved do not contravene any provisions of these acts or any regulations or proclamation or notification under these acts. The treaty of Waitangi and Kai Tahu ki Otago – Resource Management Plan, will also be considered.

Applications for use of resources for commercial purposes are unlikely to be granted.

Policies

1. Applications for the harvest of flora and fauna for cultural (including educational) purposes will be considered on a case-by-case basis.
2. Advice may be sought from the Komiti Taoka Tuku Iho (Otago) committee as required on an application.
3. The processing of any application will consider the sustainability of the species
4. The Council, as landowner, will attach conditions to any approval given.
5. The taking of flora and fauna for commercial purposes will not be permitted.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1-4	<p>Full Council – Exotic flora and fauna, and recreation and local purpose reserves.</p> <p>Ministers - Native flora and fauna, and scenic reserves.</p>	Sections 42, 46, 49, 50 Reserves Act, Conservation Act 1987, Wildlife Act 1953.
5	<p>CDC – Recreation or local purpose reserves.</p> <p>Full Council – Scenic reserve for non-protected exotic fauna.</p> <p>Minister – Scenic reserves where not delegated to Council.</p>	Section 50 Reserves Act

3.24 Volunteers Working On Reserves

Comments

The Council is fortunate to have a number of organisations or groups who volunteer their time and resources to develop or maintain reserves in Dunedin. This may be for one off projects, or on a regular basis with ongoing projects or maintenance of a particular area. The contribution can be volunteer labour, provision of plants, and fundraising for facilities to enhance reserves or amenity areas.

Development and maintenance of reserves by volunteers allows the groups to contribute resources that facilitate their chosen recreational activities, and provide increased opportunities for the Dunedin public. Without the assistance of these groups the Council may be unable to provide the range of recreational and amenity opportunities available or maintain them to the level provided by the groups.

New proposals need to have Council approval before a project can begin. Discussions with Council staff should take place in the early stages of a proposal being developed to ensure that the activity is appropriate and permitted under Council's policies and relevant legislation.

Volunteers working on reserves have responsibilities to comply with Health and Safety requirements (Details available from Council).

Objectives

1. *To facilitate agreements with volunteer organisations or groups so that volunteer work on reserves is carried out in a safe manner, consistent with Council policies and relevant statutory requirements.*

Policies

1. Where appropriate, Council will encourage and facilitate agreements with organisations and groups wishing to carry out volunteer projects on reserves.
2. Volunteers may only carry out work that has been sanctioned by Council and which is part of the agreement.
3. Before beginning any project, hazard plans must be prepared in consultation with the appropriate Council staff. The hazard plan must be shown to all members of the organisation working on site.
4. Volunteers should be using power or mechanically driven tools only if they have the proper experience and safety equipment, and have discussed this with, and received approval from Council staff.
5. Any incident where serious harm occurs to a person must be reported immediately to the Council and the project must be halted while the incident is investigated.
6. Unless otherwise agreed, the organisation carrying out projects requiring resource or building consents, will be responsible for getting such consents prior to starting the projects.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer Depending on project elements, Minister, Full Council or CDC permission may be required - check specific actions under relevant section of General	

	Policies and Reserves Act.	
2 - 6	Officer	

4.0 Development and Change Policies

4.1 Landscape

Comments

The scenic and landscape amenity values of reserves are an important part of their value. Reserves provide tracts of open space and bush within the built environment of the City. Within rural areas, reserves can act to contrast the predominately agricultural and forestry land uses. In both cases, reserves enhance landscape values.

These values may be potentially harmed by some activities on reserves. For instance the development of buildings can reduce the landscape value of a site, as can the clearance or removal of vegetation. These adverse effects need to be avoided, remedied or mitigated.

Objectives

- 1 *To protect and enhance the landscape values of reserves.*

Policies

- 1 A landscape plan may be required for development proposals. Where plans are required, they must be approved by the Council in writing before the development can proceed.
- 2 Landscape plans need to address the following considerations:
 - 2.1 existing trees/vegetation;
 - 2.2 location of buildings;
 - 2.3 proposed additional planting, including species, locations and quantities;
 - 2.4 drainage and earthworks;
 - 2.5 access; and
 - 2.6 location of utility facilities, eg power lines, pipes etc.
- 3 Vegetation should reflect the positive features of existing plantings in the area and the character of the nearby landscape. Trees planted in reserves should be of an appropriate species for that reserve. The species and planting plan is to be discussed with appropriate Council staff.
- 4 Public safety should be taken into account when planning the density and scale of planting.
- 5 All new facilities and alterations or extensions to facilities will be designed, as far as practicable, to be compatible with the reserve's landscape.
- 6 Landscape conditions may be placed on all permissions for new facilities and alterations to existing facilities. These conditions will be designed to avoid, remedy or mitigate the adverse effects of any development on the landscape values of the site.
- 7 Restoration of disturbed landform, at the cost of the developer and to the Council's satisfaction, should be included in the costing and design of all development proposals. Where necessary, ongoing consequential maintenance should also be included in development proposals.
- 8 Where ongoing maintenance of measures taken to avoid, remedy or mitigate adverse effects on landscape values is required, the Council will enter into a written agreement with the developer to arrange for the funding of this maintenance.
- 9 All measures taken to avoid, remedy or mitigate adverse effects on landscape values must be to the Council's standards.
- 10 Compliance with the relevant conditions of the Resource Management Act 1991 and other relevant legislation is the responsibility of the applicant.
- 11 No noxious or undesirable plants, as identified by Otago Regional Council, Department of Conservation and as advised by the Council may be used when landscaping on reserves.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Depending on nature of project, Minister, Full Council or CDC permission may be required - check specific actions under relevant section of General Policies and Reserves Act	General Policies, Reserves Act
2	-	
3	Officer Depending on nature of project, Minister, Full Council or CDC permission may be required if it is contrary to management plans etc - check specific actions under relevant section of General Policies and Reserves Act	General Policies, Reserves Act Landscape Architect may need to be involved if appropriate.
4	-	
5	-	
6	Officer Depending on nature of project, Minister, Full Council or CDC permission may be required - check specific actions under relevant section of General Policies and Reserves Act	General Policies, Reserves Act
7	Permission from body with delegation to grant permission for the development is required – see appropriate sections of general Policies and Reserves Act	Reserves Act, General Policies
8	Done as part of the permission for development.	Reserves Act, General Policies
9	Officer	
10	-	
11	-	

4.2 Changes In Recreational Facility Use

Comments

Changes in leisure participation and trends in sport can result in decreased club membership and may cause the club to struggle financially or cease to function. Where the Council is aware that this situation is occurring, it will encourage clubs to explore options, such as the amalgamation of clubs or sharing of facilities, which may allow clubs to continue to operate with reduced costs to the individual club.

Clubs looking to occupy reserve land will be encouraged to consider use of existing, available, facilities in preference to building new facilities or clubrooms. This retains open space on the reserves without cluttering them with more buildings, and is a far cheaper option for clubs who can end up with significant debt after building new facilities.

Objectives

- 1 *To proactively encourage clubs to explore options such as amalgamation or sharing of facilities.*
- 2 *To encourage clubs to make use of existing, available, facilities in preference to the development of new facilities.*

Policies

- 1 The Council will encourage and facilitate clubs wishing or needing to amalgamate or share facilities.
- 2 The Council will encourage clubs wishing to develop facilities on reserves to explore
- 3 options for using existing, unoccupied, facilities or sharing facilities.
- 3 This section should be read in conjunction with the sections on Abandonment, and Buildings and Structures, in this document.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	
2	Officer	
3	-	

4.3 Buildings And Structures (Including Playgrounds)

Comments

The Reserves Act 1977 generally limits buildings on recreation reserves to sporting and outdoor recreation purposes only. Although Section 53 of the Act does allow local authorities the discretion to erect “buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation”, its primary reference is to the Council’s provision of facilities “associated with and necessary for” outdoor recreation, being stands, pavilions and gymnasia.

Lessees under Section 54(1) (b) of the Act may erect similar buildings or, if it is deemed to be in the public interest, “buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.” The prior consent of the Minister of Conservation may be required. The erection of buildings may also be permitted on land leased for commercial operations that are of public recreational benefit.

The Council’s preference, however, is for clubs looking to occupy reserve land to explore options to use existing, unoccupied, facilities or to share facilities with other clubs, rather than building new facilities, except where this is essential. This retains open space on the reserves without cluttering them with more buildings and is a far cheaper option for clubs which could otherwise end up with significant debt after building new facilities.

The Council has a goal of providing play opportunities within walking distance of most homes. Many reserves offer open public space or playgrounds to facilitate children’s play. The Council will continue to develop children’s play areas in accordance with the Play Policy and Playground Priority Plan.

The Council does not generally consider reserves to be an appropriate location for recycling centres and clothing bins, as they do not directly benefit the reserve or reserve users, and may create a hazard to reserve users or adjacent property owners.

Where new buildings are considered essential, and other options are not available, the Council considers several factors in assessing building applications. First, any building should not unduly limit the outdoor recreational use of the reserve. Second, the Council wishes to be a good neighbour, so no nuisance should be caused to neighbouring properties either by the building itself or by activities associated with the use of the building (including vehicle movements). Third, the amenity value and physical features of the reserve (eg trees and other vegetation) should not be compromised by the construction of buildings.

Objectives

- 1 *To ensure that buildings and structures on reserves meet the needs of approved use and users without significant adverse effects on the values of the reserve and reserve neighbours.*
- 2 *To set aside and develop areas of reserves for children’s play where this is appropriate in terms of the purpose of the reserve.*

Policies

1. A lease, or other appropriate form of agreement, will be required for all non-Council owned or administered buildings and structures on reserves. This is to include those buildings and structures where Council owns and administers part of the facility and those where Council has contributed financially to the building.
2. Feasibility studies will be required where proposals for all developments costing over \$100,000, and/or increase the area of the reserve occupied, and/or result in occupiers having debt levels of \$10,000 or more. Feasibility studies are to be discussed with Council on a case-by-case basis.
3. Applicants will be required to provide evidence of other building options that have been considered, together with reasons why they are considered inappropriate.

4. Appendix 9 will be used to assess applications for new buildings on reserves.
5. Play space development will be guided by the Play Policy, and Playground Priority Plan.
6. That recycling centres and clothing bins will not be located on reserves where there is no direct function to serve the purpose of the reserve, or where it may be a hazard to users of the reserve and adjacent property owners.
7. Recycling centres and clothing bins will not be located on reserves where they do not compliment the landscape, recreation and amenity values of the reserve.
8. Applicants will need to obtain all relevant resource and building consents if their application to build on a reserve has been approved by the Council.
9. The Council will ensure that buildings and structures have adequate separation distances from infrastructure. In terms of transmission lines, the New Zealand Code of Practice for Electrical Safe Distances NZECP 34:2001 sets out the mandatory separation distances that are necessary to reduce the risk of flashovers or contact with live conductors by mobile plant and buildings or structures.
10. Where possible, the Council will ensure that activities such as walking tracks, playgrounds and buildings are located and designed to discourage public access to existing electricity infrastructure.
11. Any excavation near transmission towers is to comply with the safe separation distances specified in the NZECP 34:2001 so that the stability of the towers is not threatened.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	CDC with Council consent – vested reserve where lease is contemplated in a management plan or there is existing use of same or similar character, scale and intensity. CDC with Minister's consent where not delegated to Council.	Relevant management plans, section 17, 19, 23, 54, and 56 Reserves Act
2	Officer – this aspect would be considered in the report to Council.	
3	-	
4	Officer	
5	-	
6	Officer	
7	Officer	Sec 17, 19, 54, and 61 Reserves Act
8	-	District Plan, Resource Management Act, Building consents
9	Officer	
10	Officer	
11	Officer	

4.4 Toilet And Shower Facilities

Comments

The Council provides toilets on some reserves, particularly in association with sportsfields or recreational facilities, and receives requests for the installation of toilets on other reserves. The decision to place toilet facilities on a reserve requires consideration of the landscape and environmental impact, and the needs and desires of reserve users.

Clubs often provide toilets for club members and may allow public use. Public use of club owned facilities may be facilitated by the Council contributing funds toward the development, maintenance or cleaning of toilet facilities.

The provision of showers in conjunction with toilet facilities is beneficial at sportsfields where changing rooms are provided, and at beach or harbour side reserves a shower on the exterior of the toilet facility may be adequate to rinse off salt water and sand.

Organisers of large events on reserves will be responsible for the provision of adequate portable toilet facilities to support the event.

Objectives

1. *Provision of public toilets and showers in conjunction with appropriate reserves or facilities will be considered in response to a proven demand for these services.*
2. *The Council will endeavour to maintain all reserve toilets in a clean and hygienic state in keeping with agreed levels of service.*

Policies

1. Consideration may be given to providing toilet/shower facilities in reserves owned or managed by the Council, where there is a proven need and where adverse environmental affects can be avoided.
2. All new toilets will meet the requirements of the NZ Building Act 1991, NZ Building Regulations 1992 (which includes the need for full access for people with disabilities) and NZ standard for public toilets.
3. Toilet/shower facilities will be designed as functional, easy to maintain, in a style and location that does not detract from the values of the reserve, and that has minimal environmental impact.
4. The Council may consider joint funding/maintenance of public toilets associated with club facilities or owned by other parties, where these toilet facilities will be available to reserve or facility users, and while there is a proven demand for these services.
5. Where toilet/shower facilities are necessary in conjunction with recreational facilities, and where the Council does not own the land, permission and agreement will be sought for toilet installation from the appropriate landowner.
6. Organised events held on reserves may be required to provide sufficient portable toilets to service anticipated attendee numbers.

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	CDC – Recreation reserves. CDC with Council consent - for scenic reserves if contemplated in a	Sec 53 and 55 Reserves Act

	management plan. CDC with Minister's consent - for scenic reserves where not delegated to Council.	
2	-	
3	Officer	
4	Officer – report to CDC or annual plan process may be required to secure funding.	
5	Officer - report to CDC or annual plan process may be required to secure funding.	
6	Officer	

4.5 Abandonment

Comments

Changes in leisure participation, trends in sport and socio-demographic changes in different parts of Dunedin, all result in sports clubs and groups struggling financially, amalgamating, ceasing to function, or falling into recess. This can result in buildings or facilities being abandoned, or being offered to the Council for ownership. In many cases it is difficult for suitable new owners/occupiers to be found for club facilities. Serious consideration therefore needs to be given to the future of the building.

The Council may accept ownership of toilets and change rooms, but not clubroom type facilities. The Council may also be asked to take over aquatic facilities, tennis courts, cricket nets etc. The Council will consider requests to take over ownership of buildings and facilities on a case-by-case basis, with consideration of community benefit and their need for use by the public of Dunedin.

If the Council has control of toilets and clubrooms these may then be made available to clubs booking sportsfields, or to general reserve users. This allows better utilisation of reserve areas for all levels of sports, without a particular club having priority over home ground facilities.

Where a sports club or recreation group has a lease over a facility, they are responsible for that facility for the term of the lease, including removal of the building if required.

Objectives

- 1 To ensure the lessee of a building or structure on a sports ground is responsible for the disposal of the facility and its condition until disposal has occurred.
- 2 To ensure buildings or structures that are of benefit and use to the community are retained for community use.

Policies

- | | | | |
|---|---|---|--|
| 1 | The lessee of a building or structure will dispose of the facility under the terms of the lease agreement and in conjunction with the section on 'Occupation Agreements' and Appendix 10 'Abandonment Processes'. | 5 | Requests from clubs and organisations asking the Council to take over ownership of buildings or facilities will be considered on a case-by-case basis. |
| 2 | The Council will assess the potential future use of a building/facility no longer required by a club. | 6 | The Council will not financially reimburse clubs or organisations wishing to transfer building or facility ownership to Council |
| 3 | Buildings and structures that are suitable for community use will revert to the community where possible. | 7 | The Council will not accept ownership of clubroom type facilities. |
| 4 | Buildings and structures that are unsuitable for community use will be removed at the lessees expense. | 8 | Where the Council takes over ownership of buildings or facilities, their long-term retention is not guaranteed. |

Policy Implementation		
Policy	Delegation/responsibility	Legislation/Council Policy
1	Officer	Lease, 1 st Schedule of Reserves Act, Appendix 10 General Policies
2 - 5	Officer, Community Board or	

	CDC as appropriate	
6	-	
7	-	
8	-	

5.0 Appendices

5.1 Appendix One: Reserves Managed Under This Document

Albertson Avenue Reserve	Chingford Park	Grants Braes Playground
Allanton Cemetery	Chisholm Park	Green Island Cemetery
Allanton Endowment	Clifford Street Playground	Green Island Esplanade Reserve
Allanton Hall Local Purpose Reserve	Cockerell Park	Green Island War Memorial
Allanton Recreation Reserve	College Street	Green Recreation Reserve
Alpine Close Esplanade Reserve	Company Bay Picnic Area	Greenpark Cemetery
Andersons Bay Cemetery	Company Bay Recreation Reserve	Hadley Reserve
ANZAC Park	Cooper Street Playground	Halfway Bush Park
Aramoana Domain	Corstorphine Park	Harrow Street
Aramoana Local Purpose (Recreation) Reserve	Craighall Crescent	Harwood Hall Reserve
Aramoana Memorial Reserve	Craigieburn	Harwood Park
Aramoana Plantation Reserve	Culling Park	Hawthorne Avenue
Arthur Street Reserve	Dalmore Reserve	Helensburgh Road Reserve
Ashmore St Reserve	De Carle Park	Highcliff Road Playground
Aytoun St Reserve	Dean Street Reserve	Highgrove
Bain Neighbourhood Reserve	Doctors Park	Hindon Cemetery
Bathgate Park	Doctors Point Esplanade Reserve	Hocken Street
Bayfield Park	Doctors Point Reserve	Hood Street
Bayview Road Reserve	Doon Street Playground	Hoopers Inlet
Beach Street	Dunedin Town Belt	Howard Street Reserve
Belford Street Playground	East Taieri Cemetery	Hudson Park
Berwick Recreation Reserve	East Taieri Proposed Cemetery	Hyde Cemetery
Bethunes Gully	Elgin Reserve	Hyde Recreation Reserve
Bishopscourt	Ellis Park	Irvine Road
Blueskin Cemetery	Elwyn Crescent Playground	Island Park
Botanic Garden	Emerson Park	Joe Brown Reserve
Braeburn Street Playground	English Avenue Playground	John Street Reserve
Braeview Crescent	Esplanade (St Clair)	John Wickliffe Court
Brighton - Bath Street	Ethel Johnstone Reserve	Jubilee Park
Brighton - McIntosh Road	Evansdale Glen	Kaikorai Common
Brighton Recreation Reserve	Fairfield Local Purpose Reserve - Tree Planting	Kaikorai Sportground
Broad Bay Cemetery	Fairfield Recreation Reserve	Kaikorai Estuary Esplanade Local Purpose Reserve
Broad Bay Reclamation	Fairfield Tavern Reserve	Kaikorai Scenic Reserve
Brockville Park	Falcon Street Playground	Kaikorai Stream Local Purpose (Esplanade) Reserve
Brockville Playground	Ferntree Reserve	Kaikorai Valley Esplanade Reserve
Brooklands Park	Flagstaff Scenic Reserve	Karetai Road
Brugh Place	Forbury Corner	Karitane Esplanade Reserve
Buccleugh Street	Forrester Park	Karitane Foreshore
Bucklands Crossing Recreation Reserve	Forfar Street	Karitane Hall
Burkes Recreation Reserve	Frances Street Playground	Karitane Recreation Reserve - Barvas Street
Cairnhill Street Playground	Frasers Gully	Karitane Recreation Reserve - Coast Road
Caledonian War Memorial Gymnasium	Friendship Reserve	Kellas Street
Caledonian Ground (Logan Park)	Garden Place Playground	Kenmure Playground
Calvert Place	Gasworks Museum	Kew Reserve
Cameron Park	Gilkison Street Playground	Kinmont Park
Canongate Reservoir and Quarry Reserves	Gills Corner	Kinvig Street Playground
Caversham Croquet Club	Gladstone Road	Kirriemuir Street Playground
Caversham Station Reserve	Glenfalloch Reserve	Kitchener Street (leasehold)
Caversham Valley Forest Reserve	Glen Place Playground	Kuri Bush Reserves
Centennial Gardens	Glenelg Street Playground	
	Goodall Street	

Lady Thorn Dell	Outram - Skerries Street Playground	Silverstream Bank
Lambert Street Playground	Outram Bridge Reserve	Silverstream Esplanade Reserve
Larnach Road Playground	Outram Recreation Reserve	Silverstream Stop Bank
Latham Park	Overbridge Reserve	Silverstream Valley Reserve
Lighthouse Reserve	Owhiro Creek	Soldiers' Memorial
Logan Park	Palmyra Reserve	Somerville Street Reserve
Long Beach Recreation Reserve	Parata Avenue Accessway	Southern Cemetery
Lookout Point Reserve	Penno Block and track	Spey Park
Macandrew Bay Beach and Boatramp	Pentland Street Playground	Sproulle Park
Macandrew Bay Cemetery	Peter Johnstone Park	St Clair Playground
MacLaggan Street Reserve	Pilots Beach	St Clair Saltwater Pool
Malvern Street Playground	Pine Hill Park	St Leonards Reserve
Maramoana Reserve	Pitcairn Street Scout Hall	St Peter Chanel
Marine Parade	Pladda Street Playground	Stenhope Crescent Reserve
Market Reserve	Port Chalmers Cemeteries	Stevensons Bush
Martinfield	Port Chalmers Place	Stuart Monument
Mayfield Reserve	Port Chalmers Recreation Reserve	Sunnyvale Park
McMillan Park	Port Chalmers Recreation Reserve (Foreshore)	Tahuna Park
McTaggart Street	Port Chalmers Town Belt	Taieri A&P
Mellor Park	Portobello Cemetery	Te Rauone Recreation & Esplanade Reserves
Melville Park	Portobello Recreation Reserve (Domain)	The Green
Memorial Gardens (Green Island)	Puddle Alley Local Purpose (Esplanade) Reserve	The Oval
Memorial Park and Gardens (Mosgiel)	Puketeraki	The Town Belt
Meremere	Purakanui Cemetery	Three Mile Hill Lookout
Merton Cemetery	Purakanui Recreation Reserve	Three Mile Hill Reserve
Middlemarch Cemetery	Queens Gardens	Tidewater Drive
Middlemarch Playground	Raglan Street Playground	Tilburn Street Recreation Reserve
Middlemarch War Memorial	Ralph Ham Park	Titeremoana Scenic Reserve (Pudding Is)
Miller Park	Reservoir Site - Mosgiel	Tonga Park
Moller Park	Ribbonwood Reserve	Town Belt
Momona Recreation Reserve	Riselaw Road Playground	Town Belt – Port Chalmers
Mosgiel Pool & Car park	Roberts Park	Truby King Recreation Reserve
Mt. Allan Esplanade Reserve	Roseneath Esplanade Reserve	Tuckets Corner
Mt. Cargill Scenic Reserve	Ross Corner	Unity Park
Mt. Pleasant Scenic Reserve	Ross Creek Reservoir	Vauxhall Yacht Club Reclamation
Mulford Park Scout Hall Reserve	Ross Street Reserve	Waikouaiti Cemetery
Museum Reserve	Rotary Park	Waikouaiti Picnic Area
Musselburgh Rise Playground	Sanda Road Reserve	Waikouaiti Recreation Reserve
Nairn Street Playground	Sawyers Bay Brickhill Reserve	Waikouaiti Recreation Reserve - Farmland
Navy Park	Sawyers Bay Entrance Reserve	Waikouaiti Recreation Reserve - Golf course and Gun Club
Nees Corner (leasehold)	Sawyers Bay Overbridge	Waikouaiti Recreation Reserve - Karitane Domain Section
Newington Avenue	Sawyers Bay Railway Lease	Waikouaiti Recreation Reserve - Waikouaiti Domain
North Ground	Sawyers Bay Recreation Ground	Waipori Falls Domain
North Taieri Local Purpose Reserve	Scott Reserve	Waitati - Pine Hill Road Esplanade Reserve
North Taieri Recreation Reserve	Seacliff Recreation Reserve	Waitati Cemetery
Northern Cemetery	Seafarer's Society	Waitati Esplanade Reserve
Oak Grove	Second Beach	Wakari Reserve
Ocean Beach Domain	Seddon Park	Waldronville - Canberra Place
Ocean Grove Recreation Reserve	Shand Park	Waldronville - Delta Drive
Ocean View Domain	Shand Street Playground	Waldronville - Viscount Road - Scouts
Ocean View Recreation Reserve	Shingle Reserve	Waldronville Sewage Treatment
Octagon	Sidey Park	
Okia Reserve	Signal Hill Memorial	
Otekiho Local Purpose Wildlife Reserve	Signal Hill Recreation Reserve	
Otago Boat Harbour Recreation Reserve		
Otokia Cemetery		

Walton Park
Warrington Domain
Watson Park
West Taieri Cemetery
Westwood Recreation Reserve

Wharfdale Street
Wickliffe Street
Wilkinson Street Playground
Willow Park
Wingatui Local Purpose Reserve

Woodhaugh Scenic Reserve
Woodside Glen Recreation Reserve
YFC Park

5.2 Appendix Two: Standard Conditions Of Use

Reserves are public places and are available for public use. It is, however, essential that when you use a reserve the Council is aware of your intended activities. This helps us to maintain the Reserve and to monitor the types of use that occur on it. It is also important for you to abide by the following conditions of use. These conditions are necessary to ensure that the public, reserve neighbours and other users are not adversely affected by your activity.

Should you have any questions about these conditions, please contact the Dunedin City Council Bookings Co-ordinator on 477-4000.

Conditions

- 1 All litter is to be removed from site. If there are more than 50 people likely to be using the reserve please supply your own rubbish bins and arrange for these to be emptied.
- 2 Plants and flowers on the reserve must not be picked, removed or damaged in any way.
- 3 Vehicle access is permitted in, or through, the reserve on car parks and marked accessways. Vehicles should not be taken into any area where they may damage the reserve. You will be liable for reinstating the reserve if any damage is caused.
- 4 Structures or covers, such as tents, stages, caravans etc, are permitted with written Council approval.
- 5 All stalls selling food must have separate approval from Council's Environmental Health Department.
- 6 Fires are allowed on Council reserves in places specially provided by the Council, or where written permission has been obtained from the Council. No other fires are allowed.
- 7 Gas barbecues may be used on reserves.
- 8 You do not have exclusive use to the park. Please be considerate and keep disturbances to other patrons to a minimum. This includes keeping noise within the legal bounds.
- 9 Please do not interfere with the operation of Council contractors. Should you wish them to alter their activity you will need to contact the Council.
- 10 A bond is required and the amount of bond will be assessed prior to the event. This should be presented to the Council Booking Officer at least 24 hours before the event.
- 11 Some, or all, of your bond will be retained by the Council if any condition is broken, or any damage is caused. Any activity resulting in the involvement of the Police or Council Noise Control Officers may also result in some, or all, of the bond being retained.
- 14 Should there be any damage, you will be liable for the costs of reinstating the reserve to its former standard. Any reinstatement will be carried out by the Council.
- 15 Event organizers are required to have appropriate liability insurance for the event.

5.3 Appendix Three: Bonds

1. Bond values will be determined on a case-by-case basis.
2. A bond will be required for all organised uses of reserves. The following factors will be considered in assessing the amount of bonds:
 - the size of the event;
 - the possibility of damage to the reserve;
 - the likely significance of possible damage;
 - the organisers past record of use of reserves; and
 - requirements for vehicle access to the reserve.
3. Bonds will be set at such a level that will enable any damage to be repaired at no cost to the Council. Amounts in excess of repair costs will be refunded to users. If bonds do not adequately cover the cost of repairing damage, then the difference will be charged to the group using the reserve.
4. Bonds may be waived at the discretion of Council. Applications for the waiver of bonds need to be made in writing at least five working days before the event. Considerations for applications for waiving bonds will include:
 - the willingness and ability of the applicant to repair any damage by non-cash means, such as labour and supply of materials; and
 - the adoption of damage avoidance or mitigation measures.

5.4 Appendix Four: Areas Where Permission For Camping May Be Granted

- The Oval (circuses, gypsy fairs and similar events)
- Brighton Domain
- Warrington Domain
- Portobello Domain
- Market Reserve
- Bucklands Crossing
- Forrester Park

5.5 Appendix Five: Criteria For Assessing Applications For Car Park Lighting

Where a group occupying Council-owned land (or having facilities occupying Council-owned land) applies for assistance in supplying car park lighting, the Council will provide funding if applications fulfill certain criteria. Maintenance and running costs will remain the concern of the applicant.

Where the provision for funding for car park lighting on reserves is sought, the Council will consider the level of financial contribution that is appropriate on a case-by-case basis, with the following criteria being used to help determine if the request could be funded:

- 1 the need for lighting;
- 2 safety issues;
- 3 the level of public use of the facilities concerned; and
- 4 the ability of the applicant to secure funding from other sources.

It will be up to the applicant to illustrate these factors based on the following considerations:

1 ***The need for lighting***

The applicant must clearly demonstrate that there is a need for lighting. Any application should indicate safety concerns, current lighting and the likely effects of additional lighting. Consideration must be given to the possible negative effects lighting will have, the maintenance programme for the lighting, and the provisions of the Transitional and Proposed District Plans. The application should also indicate what alternatives have been considered, and why those alternatives are unsuitable.

2 ***Increased safety levels***

The applicant must illustrate the safety provisions currently in place at the facility. They will need to identify the role lighting will provide within these safety provisions.

3 ***Public use***

Council will consider applications in the following categories:

Commercial use: where a facility is used on a for-profit basis, applications will not be considered for funding. This type of use includes those clubs with bars who have on-licences as well as for-profit businesses. Examples of commercial use of Council reserve land include the Noah's Ark Tea-rooms and Happy Days Fun Park.

Semi-commercial use: a number of occupiers have facilities that allow them to operate in a semi-commercial manner. This type of use involves essentially non-profit organisations carrying out commercial activities such as supplying liquor to members. These groups can often attract funds from other sources, such as sponsorship.

Community use: this category refers to the situation where a group is entirely non-profit, offers a community service, or have little or no ability to attract funds other than membership fees. Examples include Scout groups or the Plunket Society.

Decisions on whether or not funding will be supplied to organisations in the semi-commercial and community use categories will depend on the level of public use benefit that the group offers. Groups whose facilities or activities are used by the public (other than members and guests) are more likely to attract Council assistance.

4 ***Alternative funding***

Applicants must show that they have exhausted other funding opportunities, including internal fund-raising and other publicly available funding organisations.

5.6 Appendix Six: Evaluation Of Tree Complaints

1. The Council will consider the following issues when making decisions about tree complaints:
 - 1.1 any actual or potential danger to people's life or health or the complainant's property;
 - 1.2 any undue obstruction of the complainant's view; and
 - 1.3 any other undue interference with the reasonable enjoyment of the complainant's land, including shading.
2. In considering undue obstructions of views and other undue interference by trees, the Council will consider the following factors:
 - 2.1 the requirements of any management plans for the reserve;
 - 2.2 the requirements of the District Plan with respect to trees;
 - 2.3 the interests of the public in the maintenance of an aesthetically pleasing environment;
 - 2.4 the desirability of protecting public reserves containing trees;
 - 2.5 the value of the trees as a public amenity;
 - 2.6 the historical, cultural, or scientific significance (if any) of the trees;
 - 2.7 the likely effect (if any) of the removal or trimming of the trees on ground stability, the water table, or run-off;
 - 2.8 when the applicant became the occupier of the land and when the interference began;
 - 2.9 where the consideration of undue obstruction occurs, the burden of proof will fall on the applicant and not the Council; and
 - 2.10 where the consideration of undue obstruction includes the issue of shading, the costs associated with any action will be negotiated by Council.
3. Trees and bush on reserves will only be thinned or removed where the Council is satisfied that it is:
 - 3.1 necessary for the management of the reserve, including the remedy or mitigation of the issues considered in this document; or
 - 3.2 necessary for the preservation of other trees and bush; or
 - 3.3 in order harvest trees planted for revenue purposes.

Guideline Implementation		
Guideline	Delegation/responsibility	Legislation/Council Policy
1, 2, and 3	Considered in officer report CDC - Recreation or Local Purpose reserves Full Council - Exotic flora on Scenic reserve Minister – Scenic reserves	Sec 42, Reserves Act

5.7 Appendix Seven: Schedule Of Reserves For The Planting Of Commemorative Trees

Mellor Park
Nairn Street Reserve
Queens Gardens
Arthur Street Reserve
Roberts Park
Craigieburn
Chingford Park
Fairfield Reserve
Rotary Park
Ralph Ham Park
Kew Reserve
Market Reserve
Port Chalmers Memorial Gardens
Lady Thorn Dell
Mosgiel Memorial Gardens
Anzac Park Mosgiel
Bayfield Park
Green Island Memorial Gardens
Skerries Street
Truby King Recreation Reserve
Watson Park

TREES FOR BABIES

Ashmore Street Reserve
Wakari Dog Exercise Area
Brackens View
Prospect Bank/Park
Agreed areas of the Town Belt
Frasers Gully Recreation Reserve

5.8 Appendix Eight: Operational Policy: Keys To Reserves

Why have we given out keys in the past?

- Temporarily, for access for one-off events.
- Temporarily, for access for projects.
- Permanently or temporarily, for contractors use in maintenance.
- Permanently, for access by occupiers with buildings on Council-owned land or by neighbours with specific access needs.
- Permanently, to allow access for tenants of Council-owned buildings (but not land).
- Permanently, for rural communities where it is expensive and time-consuming for Council or contractors to arrange access.
- Permanently, to staff for access to reserves and facilities.

Should keys be given out? / In what circumstances should keys be given out?

Yes, but only in circumstances that meet Council's policies. This would restrict key circulation to the following circumstances:

- Temporarily, for access for one-off events.
- Temporarily, for access for projects.
- Permanently, to allow access for tenants of Council-owned buildings (but not land).

The first two are consistent with Council's 'use' policies, which are contained in the Reserves Management Plan. Keys for tenant access are distributed as part of any lease arrangement.

For maintenance and management purposes, keys may be handed out permanently and temporarily to contractors and staff.

The following circumstances could be considered on a case-by-case basis:

- Permanently, for access by occupiers with buildings on Council-owned land or by neighbours with specific access needs.
- Permanently, for rural communities where it is expensive and time-consuming for Council or contractors to arrange access

What controls should we have on keys? / What information should we record about key holders?

- 1 Keys may only be given in out in one of the following situations:
 - 1.1 Temporarily, for access for one-off events.
 - 1.2 Temporarily, for access for projects.
 - 1.3 Temporarily or permanently, for contractor access to facilities and land.
 - 1.4 Permanently, to allow access for tenants of Council-owned buildings (but not land).
- 2 All keys should be 'restricted keys' so that unauthorized copies can not be taken.
- 3 All keys must be returned to Council by the key-holder once they are no longer required. The key-holder is responsible for security of the keys and for the cost of replacing any lost keys. Where the key-holder's loss of keys leads to the need to replace locks and key systems, then the key-holder will be liable for all associated costs.
- 4 The following information will be recorded when keys are handed out and returned:
 - 4.1 a description of the key;
 - 4.2 the number of keys given;
 - 4.3 the date the key was given out;

- 4.4 the expected return date;
 - 4.5 the actual return date;
 - 4.6 the name, address, telephone number and signature of the person taking the key;
 - 4.7 a statement of the reason why the key was taken; and
 - 4.8 the signature of the officer releasing the key and, for permanent keys, the officer approving the release of the key.
- 5 The Sportsfield and Facilities Officer can only approve keys for permanent use.
 - 6 Permanent use is defined as any use over 12 months.
 - 7 Keys for permanent use will attract a cash bond of \$250.
 - 8 Keys for temporary use will attract a cash bond of \$50.
 - 9 The “project” manager for keys is to be the Parks Asset Officer. Day-to-day responsibility for managing the key register, handling key enquiries and key cutting will be the Sportsfield and Facilities Officer.
 - 10 Cutting of extra keys will require authorisation by the Sportsfield and Facilities Officer.
 - 11 Standard locks will be replaced over time, as circumstances warrant, based on the priority of the site.

5.9 Appendix Nine: Evaluating Proposals For New Buildings On Reserves

1. In evaluating any proposals for new buildings (or structures, including cargo containers), or alterations to buildings (or structures) on reserve land, Council will take regard of:
 - 1.1 the materials, siting, design and colour of the proposed structure;
 - 1.2 the scale of the proposed facilities in terms of the foreseeable reserve use for outdoor recreation, the foreseeable demand for indoor recreation facilities, or the foreseeable demand for the particular activity involved;
 - 1.3 the foreseeable demand for recreation facilities, or the foreseeable demand for the particular activity involved;
 - 1.4 the requirements of the District Plan;
 - 1.5 the financial well-being of the applicant;
 - 1.6 future plans of the applicant/evidence of strategic vision;
 - 1.7 the possibility of reserve occupiers establishing jointly administered and multiple-purpose buildings or structures;
 - 1.8 the conservation of open space, significant vegetation and significant landscape features;
 - 1.9 the landscape policies contained in this document and any relevant specific management plans; and
 - 1.10 the protection of existing outdoor recreation facilities, except where Council determines that their displacement by the proposed structure's erection or extension is in the public interest.

The extent to which any earthworks and the construction of buildings will comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

The outcome of any consultation with affected utility operators.

2. The following conditions will be placed on any permission for erecting buildings on reserves:
 - 2.1 The applicant is responsible for obtaining all resource and building consents before work commences on the site;
 - 2.2 The applicant must comply with all bylaws, regulations and statutes pertaining to the construction and operation of the building.
 - 2.3 The exterior colour scheme for the proposed building is to be submitted to the Council for approval before construction commences.
 - 2.4 Any development, maintenance and replacement of landscaping associated with the building (including resource consents) is the responsibility of the applicant. Landscape plans (including maintenance standards) are to be submitted to the Council before planting commences.
 - 2.5 The occupier must keep the area immediately surrounding the building and construction site maintained in a safe, clean and tidy condition at all times.
 - 2.6 A bond will be required from the applicant before work commences on the site. The bond, less any expenses incurred by the Council, will be refunded on completion of the contract.
 - 2.7 Permission to undertake the proposed development will lapse if construction does not commence within two years of the grant of this permission.
 - 2.8 All costs associated with the application and the resulting development are to be met by the applicant.

5.10 Appendix Ten: Abandonment Processes

Where a building or other structure is no longer required by an occupier, the following steps will be taken:

1. *Council assesses the future of the building/facility*

Council determines the future of the building (eg if building will be retained, taken over by Council, leased by another organisation, or removed by the occupier).

The following assessment will be used:

- Is a building/facility appropriate at that location?
- Can the building/facility be utilised by users of the adjacent reserve, or the community?
- Can better use be made of adjacent reserve if Council has control of toilets and change rooms that can be included with sportsfield bookings or made available to the wider public?

2. *Club owned buildings*

If the Council determines that the building/facility is appropriate on the reserve:

- The Council may choose to accept ownership of all, or part of, the building and, therefore, ongoing maintenance costs, to provide facilities for public use.
- The owner will be required to find a suitable new occupier or owner (as permitted by relevant Acts, or policies. Generally buildings cannot be used for accommodation, commercial activities, or for non-recreation purposes. Owners/occupiers should discuss this aspect with staff prior to progressing too far with any potential new occupier);
- The owner will remove the building or structure from the reserve if no new owner or occupier (including the Council) can be found.

If the Council determines that the building/facility is not appropriate on the reserve and that the Dunedin public would receive greater benefit from having the area revert to open space reserve, the building/facility will be removed. The Council may, in some circumstances, assist the club with the removal of the building.

3. *Council owned buildings leased by a club or organisation*

- If no suitable occupier or use can be found, and there is no reasonable, foreseeable, use for the building or structure then Council will consider moving, selling or demolishing the building or structure (not the land).
- Where the building or structure is not compatible with the status or values of the reserve, it will be removed from the reserve.
- Where the cost to refurbish or maintain the building in an appropriate, and safe, condition exceeds the income that could be derived from leasing the building, demolition or sale of the building will be considered.

5.11 Appendix 11: Reserves Where Horses Are Permitted

- Ocean Grove recreation reserve - Tomahawk Beach (beach only), Smails Beach (below high tide line)
- Waikouaiti Beach (below high tide line)
- Island Park Recreation Reserve Beach (Beach and formal access tracks to beach only)

Access to permitted areas is via formal access tracks only. Horses are not permitted in the dunes of any reserve.

5.12 Appendix 12: List of Existing Lookouts and Significant Viewpoints

- Barns Lookout – St Clair
- Mornington Park Bush – Preston Cres
- Prospect Park
- Queens View – Robin Hood Park
- Rotary Park
- Scott Memorial – Port Chalmers
- Signal Hill Recreation Reserve Lookout
- Taieri Lookout
- Three Mile Hill Lookout
- Unity Park

5.13 Appendix Thirteen: Approval From Council

MINUTES OF A MEETING OF THE DUNEDIN CITY COUNCIL HELD IN THE COUNCIL CHAMBER, MUNICIPAL CHAMBERS ON MONDAY 20 SEPTEMBER 2004 COMMENCING AT 2.00 PM

19 DRAFT RESERVES MANAGEMENT PLAN – GENERAL POLICIES

A report from the Reserves Planner presented the recommendations of the Hearings Panel on public submissions on a Draft Reserves Management Plan – General Policies and the final document with the recommended amendments incorporated.

Following discussion it was moved (Hudson/Hanan):

“That the Council approve that amendment to the Draft Reserves Management Plan – General Policies recommended by the Hearings Panel as a result of the public submissions.”

That the Council adopt the final version of the Reserves Management Plan – General Policies, incorporating amendments as a result of public submissions and Hearing Panel recommendations.”

Councillor Hudson acknowledged the enormous amount of work by carried out by Reserves Planner, Jacinda Baker, on this document and thanked Councillor Hanan for participating in the hearing with him.

The motion was then put and carried.

Appendix 14 –Minor changes made to Reserves Management Plan – General Policies 1 March 2005

Section of management plan	Amendments (underlined)
Sec 3.1- Use of Reserves, comments, 1 st paragraph	The City's reserves are a major source of open space used for a variety of purposes. The scope of potential use is wide, and includes sport, active recreation, education, scientific research, conservation plantings, <u>wildlife habitat protection</u> , passive recreation (eg picnicking), commercial promotions, festival activities, circuses, competitions, public demonstrations, and ceremonies.
Sec 3.1 – Use of Reserves, policy 3	Events, social activities, functions and exhibitions will be allowed on reserves provided that the adverse effects on other users, the reserve, <u>wildlife</u> , and reserve neighbours of such activities can be avoided, mitigated or remedied and meets statutory and policy obligations.
Sec 3.2 - Special Events, objective	To consider applications for one-off events that are not detrimental to the values of reserves, do not significantly affect reserve users <u>or wildlife</u> , or have significant adverse impact on adjoining landowners.
Sec 3.3 – Public Access and Reserve Closure, comments, 1 st sentence	At various times the Council will need to close reserves for issues of safety, maintenance, development, <u>and wildlife protection</u> .
Sec 3.5 – Commercial Use - Concessions (other than leases or licences), comments, 2 nd paragraph	While commercial activities can be appropriate, they must not be allowed to detract from the primary purposes of reserves. The activities should also not adversely impact on the reserve, its use or users, <u>wildlife and vegetation</u> , or reserve neighbours. Controls on activities ensure that the effects of activities are avoided, remedied or mitigated.
Sec 3.10 – Signs, comments	<u>Add: It may be inappropriate for all reserves to have a reserve name sign. The times when it may be inappropriate to have signage on the reserve is when public access to the reserve is not encouraged in order to protect conservation or wildlife values.</u>
Sec 3.10 – Signs, policy 4	The Council must <u>may</u> provide a sign at each ground <u>reserve</u> advising the name of the ground <u>reserve</u> , with provision for reserve occupier details on the same sign.
Sec 3.18 – Camping, policy 2	The Council may approve camping on reserves listed in Appendix 4 or other management plans and/or where there is evidence that the adverse effects of camping can be avoided, remedied or mitigated. Adverse effects include those affecting: <ul style="list-style-type: none"> a) rubbish; b) water; c) damage to the reserve; and d) effects on reserve use, users and neighbours; <u>and</u> e) <u>the natural environment and wildlife.</u>
Sec 3.20 – Aircraft and helicopter landings, objective	To allow aircraft and helicopter landings on reserves, or events on reserves involving the use of helicopters and aircraft, where the values of the reserve are not diminished and where the effects on reserve neighbours, the <u>environment</u> , and <u>wildlife</u> , can be mitigated.

Sec 3.21 - Fireworks, objective	To allow fireworks displays on reserves subject to all adverse effects on reserve values, the <u>natural environment, and wildlife</u> being avoided, remedied or mitigated.
Sec 3.2 Aircraft and helicopter landings, policy 2	Applications must be made in writing to Council at least ten days <u>2 months</u> prior to the proposed event.

**Appendix 15: MINUTES OF A MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE
HELD ON TUESDAY 1 MARCH 2005**

16 MINOR REVIEW OF RESERVES MANAGEMENT PLAN – GENERAL POLICIES

A report from the Reserves Planner recalled that on 20 September 2004, Council approved the Reserves Management Plan – General Policies and proposed a minor review of that plan to accommodate issues raised in an additional submission by Save the Otago Peninsula Inc Society.

The report noted that the Society had made a submission during the 2004 review however their submission had not been processed during the management planning process. It was noted that the Reserves Act 1977, Section 41 (9), allowed the Council to consider a change to a management plan that was not a comprehensive review and that Section 41 (9), allowed Council to determine the review to be only minor and determine that public consultation is not required.

It was moved (McBey/Butcher):

“That in accordance with its delegated authority under Section 41 (9) of the Reserves Act 1977, Council determines the proposed changes to the Reserves Management Plan – General Policies are only minor and that public consultation is therefore not required.

That the Council approves the proposed amendments to the Reserves management Plan – General Policies as set out in Appendix One of the Minor Review of Reserves Management Plan – General Policies report.”

Motion carried