

Section 32 Report – Part 2

Reserves

prepared for the

Proposed Waikato District Plan

July 2018



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I OVERVIEW AND PURPOSE

This section 32 report addresses the Reserves Zone provisions. It also addresses provisions within the rural and urban zones which provide for the operation and acquisition of reserves, walkways/cycleways/bridle ways and esplanade reserves.

Public Conservation Land (PCL) is managed by the Department of Conservation and is zoned Rural in the Proposed District Plan. It is expected that PCL will continue to be managed under the relevant Conservation Management Strategy which provides considerable scope for the continued operation and management of the Department of Conservation (DOC) estate. In addition the Minister of Conservation has designations on PCL.

Section 4(3) of the Resource Management Act (RMA) outlines that the RMA and therefore any plans made under the RMA, does not apply to conservation land: *Section 9(3) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes) that—*

- (a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and*
- (b) does not have a significant adverse effect beyond the boundary of the area of land.*

This Section 32 report should be read in conjunction with Part I of the Section 32 Report – Introduction to the Evaluation Report, which provides the context and approach for the PDP as a whole.

1.1 Topic Description

The topic of this report is the evaluation of how best to provide for and manage the use and development of existing and future areas of reserves, parks and public open space in the district.

Waikato District has approximately 13,550 hectares of land zoned 'reserve' in the Proposed District Plan which accounts for approximately 3% of the District. This land is either currently vested as reserve under the Reserves Act 1977, or conservation areas under the Conservation Act 1987, or set aside through other legislation, or held by the Council in fee simple as a result of either being 'gifted' the land or acquiring the land.

This land needs to be managed to reflect the values present on or associated with the land (natural, heritage landscape biodiversity cultural and spiritual) and the value the land has to the public such as for active and passive recreation or for access to areas of the coast, rivers and lakes or for general wellbeing. Some areas of land need to be developed and managed to meet specific needs to support specific requirements of the community. Provision also needs to be made for other activities that occur on reserves across the District either from time to time that are important to the values and well-being of the community but can also impact on the character and amenity of an area if not managed.

The council in preparing its district plan as directed under the RMA must consider a range of factors including considering as directed by s 74(b)(i) of the RMA, the management plans and strategies prepared under other Acts. The Reserves Act 1977 that applies to land vested as reserve and the Conservation Act 1987 outline how the management of land that is held as reserves, parks and public open spaces under that legislation will be managed.

It is noted that the areas of reserve are collectively added to through the process of subdivision and development that is enabled by the District Plan. It is noted that the requirement to contribute land or money for 'reserves' as a result of any subdivision, building, land use, or work is set out in the Local Government Act 2002 (LGA) and that this legislation specifies the maximum level of any contribution¹. There is also a requirement that land is set aside for public access to or along any river, or lake, or the coast under the RMA² when 4ha or more allotments of land are subdivided.

While the LGA and RMA contain specific requirements related to the triggers for contributions for reserves and the quantum of the contribution, the direction in terms of what land should be required for reserve needs to be outlined in the District Plan. This topic therefore also considers the acquisition and vesting of land for reserves through methods such as subdivision.

¹ Subpart 5 of the LGA2002 addresses development contributions

² Section 229 to 237H address when esplanade reserves are required at subdivision, provides for council to establish specific provisions for waiving or varying the requirements of acquisition, specifies the circumstances where compensation is payable for the taking of esplanade reserves or strips.

The report also evaluates how once vested the different reserves across the district are managed as well as considering the impact that development and activities on land around the reserves could have on land reserves.

1.2 Significance of this Topic

Reserves, parks and public open spaces are an essential component in creating liveable, thriving and connected communities in a sustainable, efficient and co-ordinated manner. They are also significant due to the indigenous biodiversity values and the life supporting capacity of indigenous ecosystems present on many. Some reserves, parks and public open spaces are located in areas with high natural character and landscape values and others have heritage and cultural significance. Reserve Zone land and esplanade reserves also provide public access to and along rivers, lakes and the coast.

The Reserves Act has a complementary relationship to the RMA, as together the acts operate to protect and manage reserves classified under the Reserves Act 1977. While the Reserves Act ultimately determines the use of land classified under the Act, the RMA's purpose and principles must guide all environmental policy and management.

Relevant to this topic is the requirement that Reserve Management Plans are prepared for land classified as 'reserve' under the Reserves Act 1977. The process of preparing Reserve Management Plans involves community consultation to establish objectives and policies relating to the management of existing reserves. The outcome is the allocation of space, landscape design, layout, planting and specific uses for the reserve. It is noted that while not all reserves, parks and public open spaces are classified as 'reserve' under the Reserves Act 1977 the Council can prepare a Reserve Management Plan to apply to fee simple land.

Reserves, parks and public open space in the district play an important role in contributing to the purpose of the RMA (s5) to promote the sustainable management of natural and physical resources.

Other sections of the RMA that are relevant include:

- s6 - matters of national importance
 - s6(d) which requires council to provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
 - s6(a) - (c), s6(e) and s6(f) in that reserves, parks and public open space are home to rare and threatened flora and fauna, significant built, archaeological and cultural heritage.
 - S6(h) the management of significant risks from natural hazards could be achieved by land being set aside for reserves or esplanade reserves instead of being developed on.

- s7 - other matters are relevant to reserves:
 - 7(c) the maintenance and enhancement of amenity values:
 - 7(d) intrinsic values of ecosystems:
 - 7(f) maintenance and enhancement of the quality of the environment
 - 7(i) the effects of climate change (in that esplanade reserves as outlined in s229 will potentially contribute to mitigating the effects of natural hazards associated with sea level rise and storm events):

- S 229-237H: Esplanade Reserves and Strips

Esplanade reserves and strips have one or more of the following purposes as set out in s229 of the RMA:

- (a) to contribute to the protection of conservation values by, in particular,—
- (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
 - (ii) maintaining or enhancing water quality; or
 - (iii) maintaining or enhancing aquatic habitats; or
 - (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or
 - (v) mitigating natural hazards; or
- (b) to enable public access to or along any sea, river, or lake; or
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

1.3 Resource Management Issue(s) to be Addressed

The resource management issue is how to best manage the reserves in the District in the context of the RMA and the Reserves Act to promote the physical health and well-being of the community and meet the changing needs of the community; while recognising and protecting natural environment.

It is noted that as part of meeting the changing needs of the community, new areas of reserve will need to be provided and developed in an integrated, cohesive and sustainable manner. This process is also covered through the subdivision topic but the outcomes in terms of managing new reserves are addressed in this issue and topic

1.4 Current Objectives, Policies, Rules and Methods

The District Plan has two similar objective, policy and method frameworks in its separate sections.

The framework of the Waikato Section is focussed on:

- Provision of public green open space and recreational facilities;

- Public access to and along the coast, rivers, lakes and wetlands;
- An integrated network of local, regional and national walkways or cycleways
- Provision of future reserves linking to existing social infrastructure
- Recreation and reserve use and development consistent with the nature and character of the local environment (including protection of landforms, and protection and restoration of indigenous vegetation, wildlife and linking of habitats)
- Recreation facilities being located to avoid adverse effects on the environment, including reverse sensitivity effects.

The methods include:

Regulatory methods:

- Rules on acquisition of esplanade reserves or strips and development setbacks from them; activity status when an applicant proposes not to provide an esplanade that varies between zone and assessment criteria that provide for waiving the requirement for esplanade reserves
- Provisions for public walkways/cycleways/bridle ways
- Rules that control effects of activities.
- Financial contributions in land or cash as a condition of consent.
- Providing additional subdivision entitlements where the Council wishes to acquire land for a reserve or for public access to significant features or significant indigenous vegetation.

Non-regulatory:

- Land acquisition and facility development as determined through reserve management plans and the annual plan process.
- Service delivery activities of adjoining councils.
- Ongoing association with groups such as Sport Waikato.
- Produce brochures on district reserves and recreation facilities such as walkways.

The framework of the Franklin Section is focussed on recreation and reserves and esplanade reserves in the following way:

Recreation and reserves

- Providing sufficient recreation and open space land to meet the needs of present and future generations.
- Providing for a wide range of recreational activities while ensuring that any adverse effects on the quality of natural and physical resources or the amenity of adjoining areas are avoided or mitigated.

Esplanade reserves

- Maintaining and improving public access to, and recreational opportunities along, the margins of the coastal area, rivers and lakes
- Protecting the conservation values of the coastal marine area, rivers and lakes and their margins.
- Protect property and the environment from the adverse effects of natural hazards, in particular coastal erosion.

- Protecting archaeological sites or areas considered likely to contain archaeological materials, which are located on the coast or around rivers and lakes, by including them within esplanade reserves.

The methods include:

Regulatory methods:

- Rules to increase the area of recreation and open space land through conditions of resource consents.
- Rules to protect bush or other features through conditions of resource consents.
- To provide for recreational activities in the zones of the plan where they are compatible with the Objectives and Policies of the particular zones.
- A recreation zone applied to areas of public reserve throughout the district with land vested with council deemed 'Recreation Zone' regardless of underlying zone shown on maps.
- To provide for a wide range of recreational activities within the Recreation zone subject to performance standards.
- To assess the need for esplanade reserves or strips at the time subdivision applications are lodged, and require them to be set aside or created as a condition of consent where such a condition is considered appropriate.
- Identify areas on district planning maps where Council will consider acquiring additional land for an esplanade reserve in order to best meet the objectives set out above, and the objectives of the Reserves Acquisition and Development Plan 2007

Non-regulatory:

- To prepare the Franklin Recreation and Open Space Plan 2005 to identify Franklin's principal reserves and recreational needs.
- To proactively purchase land as opportunities arise, with priority always given to giving effect to the Recreation and Open Space Plan 2005 (Policy 3) and to raise loans in some circumstances.

1.5 Information and Analysis

No specific technical reports were commissioned for the purpose of this topic. Discussions with Council's reserves team were held throughout the development of the proposed plan to inform the discussion document, issues, objectives and rules.

The feedback from internal staff has been on the following matters:

- Reserves Management Plans the primary tool to manage activities and the use of reserves;
- Issues with operative rules in regards to esplanade reserve requirements at road stopping;
- Issues with building height rules and how they apply to floodlights on sports parks;
- Ensuring appropriate zoning of reserves;
- Accuracy of walkways/cycleway/bridle way spatial data;
- List of proposed esplanade reserves is hard to follow consider mapping these;

- Need to ensure decent berm sizes for tree planting;
- New reserves in subdivisions should be provided by developers and that these need to be designed in accordance with council requirements e.g. playgrounds developed in accordance with playground strategy;
- Developers should contribute to landscaping costs in new reserves and paths in esplanade reserves;
- Designation or zoning of cemeteries needs to be confirmed;
- Parking requirements for reserves needs to be looked at;
- Reserves strategies should inform the district plan;
- There should be walking and cycling connectivity between subdivisions;
- There should be a review of reserves zone mapping; and
- There are considerable costs to budget considerations in acquiring and maintaining esplanade reserves.

1.6 Consultation Undertaken

While no specific consultation has been undertaken for the Reserves Zone and Reserves Topic, this matter has been canvassed through the comprehensive consultation and engagement on the wider District Plan review. A series of open days and stakeholder information days were held during 2015 and the third phase during 2017, these are listed below:

- 02/06/2015 – Open day Raglan
- 03/06/2015 – Open day Te Uku
- 04/06/2015 – Open day Te Kowhai
- 09/06/2015 – Open day Tamahere
- 10/06/2015 – Open day Puketaha
- 11/06/2015 – Open day Ngaruawahia
- 16/06/2015 – Open day Whitiakahu
- 17/06/2015 – Open day Orini
- 18/06/2015 – Open day Te Akau
- 23/06/2015 – Open day Matangi
- 24/06/2015 – Open day Huntly
- 25/06/2015 – Open day Tuakau
- 30/06/2015 – Open day Waerenga
- 01/07/2015 – Open day Mangatani
- 02/07/2015 – Open day Pokeno
- 07/07/2015 – Open day Te Kauwhata
- 08/07/2015 – Open day Port Waiakeo
- 09/07/2015 – Open day Otatau
- 23/07/2015 – Extended working group workshop
- 25/03/2015 – Extended working group workshop
- 27/08/2015 – Consultants workshop
- 19/01/2015 – Presentation to Extended Working Group
- 17/10/2017 – Stakeholder information day in Ngaruawahia town hall;
- 19/10/2017 – Stakeholder information day in Tuakau town hall;
- 20/11/2017 – Open day Tuakau;

- 22/11/2017 – Open day Mangatangi;
- 23/11/2017 – Open day Pokeno;
- 28/11/2017 – Open day Te Kauwhata;
- 29/11/2017 – Open day Huntly;
- 30/11/2017 – Open day Raglan;
- 05/12/2017 – Open day Te Kowhai;
- 06/12/2017 – Open day Tamahere; and
- 07/12/2017 – Open day Ngaruawahia

As a result of consultation on the draft district plan in conjunction with various open days, feedback was received from the community. Feedback is summarised in Table I below. The draft district plan was available for public to view on Council's website from November 2017 to January 2018.

Table I: Summary of feedback on Draft Proposed District Plan

Group	Subject Matter	Feedback
Te Kowhai Community Committee	Walkways	Identify walkways on both sides of Te Otamanui lagoon and wetland leading to Waipa River
Ngaruawahia Community Committee	Reserve management plans	Reserves should all have management plans
NGO (Whaaingaroa Environmental Defence Incorp) and Residents	Walkways	Seeking additional measures to reduce emissions through cycle lanes
Residents	Subdivision	More walking and cycling facilities in Raglan
Residents	Subdivision	Rules, objectives and policies are not prescriptive enough.
Residents	Walkways	Greater recognition of value of Tamahere gullies for recreation/walking and bird life.
Residents	Walkways	Ensure walkways/cycleways/bridle way maps are updated in Tamahere to reflect current community desires and council plans.
Residents	Walkways	Requests for more walkways and cycleways including on paper roads in Matangi and elsewhere in the district (e.g Otatau, Tamahere and Mangatangi)
Residents	Reserves and Walkways	There should be more connectivity between parks/reserves (Tuakau).
NGO	Esplanade reserves	Rule is too restrictive as a means of creating esplanade reserves and strips. Council should make the most of every opportunity to increase the coverage of esplanade strips along waterbodies, including when subdivision results in the creation of lots over 4ha. Amend rule to be a permitted activity to created esplanade reserves at subdivision.
Statutory body (DOC)	Reserves	Support for reserves objectives and policies - Retain as drafted as these balance the need for recreation and protecting the local environment and biodiversity values

1.7 Iwi Authority Consultation and Advice

1.7.1 Consultation

Clause 3 of Schedule 1 of the RMA sets out the requirements for local authorities to consult with tangata whenua through iwi authorities. Clause 3 also requires local authorities to consult with any person, group or ministry that may be affected by changes made to the District Plan.

Council used the following methods to establish an Iwi Reference Group.

- Joint Management Agreement
- Tai Tumu Tai Pari Tai Ao (Waikato Tainui Environmental Plan)
- Partnerships
- Collaboration

The purpose of the Iwi Reference Group was to provide Council with a single forum to socialise the proposed changes to the Operative District Plan.

The Iwi Reference group was made up of all iwi and hapuu within the district that council currently consults with via the Resource Consent Process.

Engagement and consultation with the Iwi Reference group took place between December 2014 and December 2017. (See Part 1 Section 32 Report – Introduction to the Evaluation Report)

1.7.2 Advice

Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

Council undertook consultation with the relevant Iwi and Hapuu and through Te Kahui Mangai website and included the following:

Iwi authorities within Waikato District:

- Waikato Tainui
- Ngaati Tamaoho

Iwi for the purpose of RMA list on Te Kahui Mangai

- Tainui o Tainui

Iwi that have relationship from other districts

- Hauraki
- Ngaati Maniapoto
- Ngaati Paoa - Hauraki

A summary of the issues identified through consultation and Council's consideration of those issues are listed in Part 1 Section 32 Report – Introduction to the Evaluation Report

1.8 Decision-making

A series of presentations and discussion documents have been presented to Councillors on the Reserves Topic, from a draft discussion document through to the development of draft issues, objectives and rules. These are summarised in Table 2 below.

Table 2 Summary of decision-making processes.

Meeting	Document	Overview and Direction
Councillor workshop – District Plan Review Natural Resources, Landscapes and Public Facilities (Discussion Document) – 16/02/2016	Councillor Workshop presentation. Discussion document.	Summary: Presentation of discussion document Questions and feedback: <ul style="list-style-type: none"> • Why do we take esplanade reserves if we don't have funding to maintain them? • What about protection for trees on reserves?
Councillor workshop District Plan Review, Draft Objectives – Reserves 5/07/2016	Councillor Workshop presentation. Draft objectives.	Summary: Presentation on draft objectives. Feedback: <ul style="list-style-type: none"> • Interested in what the operative Franklin plan had in regards to objectives.
Councillor workshop District Plan Review, Policies presentation to council, 06/09/2016	Councillor Workshop presentation. Draft Policies.	Summary: presentation of policies.
Councillor workshop District Plan Review, Reserves draft rules – 20/06/2017	Councillor workshop presentation . Draft Rules .	Summary: Draft rules presented and an overview of objectives and policies Questions and Feedback: <ul style="list-style-type: none"> • How proactive are we outside of TK and Tamahere with the mapping of the trails, walkways, and cycleways? • Walkways and cycleways should be a priority in high growth areas and need to be at least 2.5m. Are we considering both walking and cycling? • There has been some good work on trails in Te Kauwhata. • We need to be proactive and have a view of what communities should look like including reserves and walkways/cycleways, and the plans should reflect that. • Council should be directive in planning for neighbourhood parks and greenspaces in subdivisions to ensure these can be acquired. • Council needs to be proactive in planning for reserves to keep up with growth • Need to ensure that reserve land is useable for its intended purpose. • The purchase costs of large tracts of land are prohibitive. The current DP can't address this. We

Meeting	Document	Overview and Direction
		<p>negotiate with developers. It should be that they have to provide an appropriate level of green space/recreation space. Funding goes to the LTP.</p> <ul style="list-style-type: none"> • It is possible to seek external funding for developing key walkways and connections.

1.9 Reference to Other Relevant Evaluations

This s32 topic report should be read in conjunction with the following evaluations:

- Biodiversity
- Landscapes and Natural Character
- Tangata Whenua
- Infrastructure
- National Grid
- Renewable Energy Generation
- Transport
- Water Supply, Stormwater & Wastewater
- Residential Zone
- Rural Zone
- Rangitahi Peninsula Zone
- Country Living Zone
- Village Zone
- Business Zone
- Business Town Centre Zone
- Business Zone Tamahere
- Industrial Zone
- Industrial Heavy Zone

2 ISSUES, OBJECTIVES, POLICIES AND RULES

2.1 Higher Level Planning Documents and Legislation

Under section 75(3) of the RMA, a district plan must give effect to the following:

- any national policy statement; and
- any New Zealand coastal policy statement; and
- any regional policy statement.

In respect to infrastructure provisions, these statutory documents are discussed in terms of their relevance to reserves.

2.1.1 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) contains a range of policies with related implementation methods that are directly applicable to the provisions in the District Plan in relation to reserves, parks and open spaces. These include:

- Policy 6.1 seeking to ensure that subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which: has regard to the principles in section 6A that guide future development of the built environment within the Waikato region and recognises and addresses potential cumulative effects of subdivision, use and development;
- Policy 12.3 seeking to maintain and enhance areas of amenity value that include areas within the coastal environment and along inland water bodies; scenic, scientific, recreational or historic areas; areas of spiritual or cultural significance; other landscapes or seascapes or natural features; and areas adjacent to outstanding natural landscapes and features that are visible from a road or other public place.
- Policy 12.4 seeking to maintain and enhance public access to and along the coastal marine area, lakes, and rivers by requiring district plans to provide direction about where and when additional access should be established; ensuring that subdivision, use and development do not constrain the ability of the land/water edge to adjust over time in response to natural processes, including the effects of climate change; and ensuring subdivision, use and development do not result in inappropriate loss of
 - existing public access.
- Policy 12.5 that addresses the need to restrict public access to and along the coastal marine area, lakes and rivers where necessary and provide for alternative routes, where practicable

In addition there are other policies that seek to require the creation of esplanade reserves and/or strips, or similar for reasons related to enhancing marine water quality (policy 7.2) and managing the effects of activities to maintain or enhance the identified values of fresh water bodies and coastal water (policy 8.3) and to protect and support and enhance indigenous biodiversity values (policy 11.1).

2.1.2 New Zealand Coastal Policy Statement (NZCPS) 2010

The NZCPS is relevant in regard to reserves in the coastal environment. There are a number of objectives that are relevant for this topic, but Objective 4 which promotes maintenance and enhancement of public open space qualities and recreation opportunities in the coastal environment is the most directly relevant. In addition there are a number of policies that address surf breaks of national significance (16); public open space (18) walking access (19) and indirectly vehicle access along beaches (20);

2.1.3 National Policy Statement Urban Development Capacity (NPS UDC) 2016

Under the NPS UDC the council must provide enough development capacity to ensure that demand can be met. This includes providing good quality physical and social infrastructure and open space and to support urban development and estimate the actual and likely availability of open space in the short, medium and long term.

Open spaces falls under the definition of ‘other infrastructure’ and local authorities are required under Policy A2 to satisfy themselves that ‘other infrastructure’ required to support urban development are likely to be available and under Policy B3 estimate the actual and likely availability of development infrastructure and other infrastructure in the short, medium and long term.

This means that Waikato District Council, identified as a high growth council must provide evidence and monitor the provision of open space to support its planning decisions.

2.1.4 National Policy Statement for Freshwater Management 2014

The management of land use and development activities such as through the provision of esplanade reserves adjacent to fresh water bodies mean that the National Policy Statement for Freshwater Management 2014 is also relevant.

Those strategic matters and provisions that have been specifically given effect or had regard to in this chapter are summarised in Table 3 below. These documents broadly identify the resource management issues for the District and provide the higher level policy direction to resolve these issues.

Table 3 Higher order and guiding documents

Document (Statutory obligation in italics)	Relevant provisions the ** Chapter / ** topic is required to take into account/give effect to
Waikato Regional Policy Statement(<i>give effect to</i>)	Policy 12.3, 12.4, 12.5 and 7.2, 8.3 and 11.1 in relation to esplanade reserves specifically but not exclusively
The NZ Coastal Policy Statement 2010 (<i>give effect to</i>)	Objective 4, policies 16,18,19 and 20
Urban Development Capacity Policy Statement 2016 (<i>give effect to</i>)	Policies A2 and B3
National Policy Statement for Freshwater Management 2014 (<i>take into account</i>)	Policies C1 and C2

The Waikato-Tainui Environmental Plan and Maniapoto Environmental Management plan are addressed in Appendix I.

Below are other key statutes relating to the management and provision of reserves, parks and open spaces in the district:

- Reserves Act 1977
- Burial and Cremation Act 1964
- Local Government Act 2002
- Waikato Raupatu Claims Settlement Act 1995
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Nga Wai o Maniapoto (Waipa River) Act 2012

These statutes are discussed in more detail in Appendix I along with an overview of the relevant regional and local strategies and plans relevant to this topic.

2.2 Issues

The evaluation of objectives and provisions in the following sections relate to the resource management issue stated below:

Issue statement	The quality, location or lack of public green space and recreational facilities can reduce opportunities for a community to provide for its health and wellbeing.
<p>As the district's population grows there is a need to ensure that there is adequate land available to meet the range of community recreational needs and that this land is developed in an integrated cohesive manner that is able to be economically sustained by the community and in a way that effects, particularly on amenity of the community in the surrounding environment are able to be managed.</p> <p>A large proportion of the reserves located in the district are managed as natural reserves. Given many of these are located along the coast and the margins of lakes, and rivers regard must be given to the provisions of s6(a) - (c), s6(e) and s6(f) and 6(h) of the RMA.</p> <p>New esplanade reserves acquired adjacent to the coastal marine area, lakes, and rivers located in the district are giving regard to the provisions of s6(d) of the RMA which requires council to provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is particularly important. Many areas have been set aside as reserves or parks or public open spaces but also fulfil values associated with mitigating natural hazards.</p>	

3 EVALUATION OF OBJECTIVES

Table 4 below is a summary of the objectives that have been identified as the most appropriate to address this resource management issue and achieve the purpose of the Resource Management Act 1991.

The following objectives are considered to be the most appropriate way to achieve the purpose of the Act.

Table 4 Summary of objectives

Objective	Summary of evaluation
<p>Objective 8.1.1 Public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities.</p>	<p>This objective is important in meeting the purpose of the RMA as recreational activities, whether active or passive, are important in promoting the physical health and wellbeing of communities. A diverse range of public open space, natural reserves, parks and recreational facilities are required to be provided to support the range of needs of the community especially as it grows and the population changes.</p> <p>This objective would also give effect to the requirement under the NPS UDC in that the council is able to provide good quality physical and social infrastructure and open space to support urban development in the short, medium and long term.</p>
<p>Objective 8.2.1 The natural values of public open space, natural reserves and parks is maintained and enhanced.</p>	<p>This objective is important in meeting the purpose of the RMA in terms of sustainable management of natural resources and will also give effect to s6 and s7 matters. In addition the objective would give effect to Policy 12.3 and Policy 4 of the RPS.</p> <p>This objective should also be read in conjunction with the Biodiversity and Landscapes and Natural Character s32 reports.</p>
<p>Objective 8.3.1 Commercial activities and Temporary events remain ancillary to, and promote the purpose of, the reserve.</p>	<p>This objective is important in meeting the purpose of the RMA due to the wide array of social, cultural, and economic benefits that events provide.</p>
<p>Objective 8.4.1 A community hub is developed in Tamahere.</p>	<p>This objective is important in meeting the purpose of the RMA and gives effect to Policy 6.1 of the RPS “Planned and co-ordinated subdivision, use and development that supports development that maximise opportunities for people to live, work and play within their local area”.</p> <p>This objective provides for particular development sites which have seen extensive community engagement through a plan change to the Operative Plan. The Development of this area is currently underway and has also had input from the Tamahere Community Committee.</p>

4 SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of the proposed District Plan provisions. The scale and significance assessment considered the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- (c) Adversely affect people's health and safety;
- (d) Result in a significant change to the character and amenity of local communities;
- (e) Adversely affect those with particular interests including Maori;
- (f) Limit options for future generations to remedy effects;
- (g) Whether the effects have been considered implicitly or explicitly by higher order documents; and
- (h) Include regulations or other interventions that will impose significant costs on individuals or communities.

The evaluation has focused on those provisions that will result in effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act and those that will result in a significant change. The majority of changes proposed to are not significantly different from the current provisions in the operative plan.

Policies and rules have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

Table 5 below contains a summary of the policies and rules considered to be of a scale and significance to justify a more comprehensive evaluation of options.

Table 5 Scale and significance assessment

Issue	Provisions evaluated	Scale and Significance Reasoning
Issue 1 reserve management and provision	<p>Policy 8.1.2 – Provision, use and development of public open space and reserves</p> <ul style="list-style-type: none"> a) Ensure that subdivision and development contributes to the provision of public open space, natural reserves, parks and recreational facilities. b) Ensure that subdivision involving the vesting of land in council as reserve aligns with the principles of Council’s Parks Strategy or a Structure Plan, by: <ul style="list-style-type: none"> i. being of an appropriate size, scale and location for its intended use; ii. being appropriate for the strategic needs of the local community and the region; iii. having suitable road frontage and is accessible for its intended use and for future maintenance; iv. provide for the safety of the community by establishing fencing on side and rear boundaries; v. linking to, and 	<p>The requirement for subdivision and development to make a contribution recognises that while the quantum of the contribution itself is determined by the LGA applied through the council’s development contributions policy; the provisions of the District Plan need to guide and ensure that the quality of the land provided as reserve as a result subdivision and development supports the range of reserves needed to meet the purpose of the RMA (s 5) and the community’s needs.</p> <p>As the district’s population grows there is a need to ensure that there is adequate land available to meet the range of community recreational needs and that this land is developed in an integrated cohesive manner that is able to be economically sustained by the community and in a way that effects, particularly on amenity of the community in the surrounding environment are able to be managed.</p> <p>In providing for a range of community needs including making provision for temporary events and commercial activities on reserves the council will assist in improving the wellbeing of communities. Such events support community interaction and social well-being through events such as fairs, and other large scale public celebrations and gatherings and meets the purpose of the RMA (s 5).</p> <p>In the case of the Tamahere Park and Tamahere Village Green it is important in meeting the purpose of the RMA and gives effect to Policy 6.1 of the RPS “Planned and co-ordinated subdivision, use and development that supports development that maximise opportunities for people to live, work and play within their local area”.</p> <p>Significant Natural Areas, Outstanding Natural landscapes, Outstanding</p>

	<p>supporting, existing social infrastructure; and</p> <ul style="list-style-type: none"> vi. providing for community wellbeing. <p>c) Require the location and design of recreation facilities and reserve development to integrate and support the surrounding urban environment by:</p> <ul style="list-style-type: none"> i. being appropriately setback from boundaries; and ii. not detracting from the character and amenity. <p>d) Recognise and enable the development and day to day use of reserves is managed through Council’s reserve management plans and provide for these activities and uses to continue.</p> <p>Policy 8.3.2 - Commercial activities</p> <ul style="list-style-type: none"> a) Restrict the scale, type and extent of commercial activities on reserves to: <ul style="list-style-type: none"> i. those compatible with the reserve’s primary use; and ii. those compatible with surrounding residential amenity values. <p>Policy 8.3.3 – Temporary Events</p>	<p>Natural Features, Outstanding Natural Landscapes and Natural Character areas is addressed in the respective s32 reports. Notwithstanding a large proportion of the reserves in the district contain such areas such areas that must in terms of s6(a) - (c), s6(e) and s6(f) and 6(h) of the RMA be protected, maintained and enhanced especially and when reserves are developed.</p> <p>Many of the existing reserves and future areas are significant to mana whenua and to the wider community. Other sites may be valued as they protect water bodies from the effects of development or provide access, to sites of value or have important contribution to make to biodiversity and enhancing ecosystems. Some areas have multiple values present.</p> <p>Use of reserve management plans developed by the Council with the community as the basis for development of reserves would ensure that impacts of activities on surrounding land are able to be considered. It is noted that in situations some recreational facilities can due to their form and function have an impact that would still need to be assessed to minimise effects beyond the reserve ‘s boundary.</p> <p>The District Plan needs to have policies to ensure that the impact of reserve development on adjacent land is able to be managed in a sustainable manner to meet the requirement of Section 5 of the Act.</p> <p>It is noted that the subdivision process provides council with the opportunity of acquiring land and access to land adjacent to the coastal marine area, lakes, and rivers. This is a matter of national importance as set out in s6(d) of the RMA which requires the Council to provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. The provision and presence of</p>
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	<p>a) Enable temporary events and associated temporary structures on reserves, appropriate to the size and purpose of the reserve.</p> <p>b) Manage the scale and extent of temporary events on reserves so that any significant adverse effects on people in the surrounding community is minimised by:</p> <ul style="list-style-type: none"> i. limits on the timing, number and duration of events; ii. meeting the permitted noise limits for the zone; iii. managing the effects of traffic on the road transport network where the permitted number of vehicle movements will be exceeded <p>Policy 8.4.2– Integrated development</p> <p>a) Ensure that development within the Tamahere Park and Tamahere Village Green is integrated and connected with the Tamahere Business Zone.</p> <p>8.4.3 Policy – Design Guides</p> <p>a) Ensure new development is</p>	<p>esplanades reserves also assists in mitigating potential risks from natural hazards regarding 7(i) the effects of climate change and 6(h) – management of significant risk from natural hazard.</p>
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	<p>consistent with the Tamahere Village Design Guide, and in particular:</p> <ul style="list-style-type: none"> i. acknowledges local cultural and historic values; ii. achieves consistency of building scale, form, layout and design theme across the Tamahere Business Zone, Tamahere Park and Tamahere Village Green; iii. promotes a village character; iv. provides amenity planting that minimises the adverse visual effects of hard structures. <p>Policy 8.2.2</p> <ul style="list-style-type: none"> a) Enhance the natural environment during the use and development of reserves, by: <ul style="list-style-type: none"> i. protecting outstanding natural landscapes, outstanding natural features and natural character areas; ii. protecting and enhancing significant natural areas; and iii. restoring and linking habitats for indigenous species, particularly in lake catchments, riparian margins, 	
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	<p>lowland ecosystems, wetland areas and coastal dunes and ecosystems.</p> <p>Policy 8.1.3; Esplanade reserves and walkways</p> <ul style="list-style-type: none"> a) Acquire esplanade reserves or strips along coasts, rivers, lakes and wetlands during subdivision to enable the creation of trails and public access, particularly in identified high priority areas in Appendix 4. b) During subdivision, provide for the acquisition and development of walkways/cycle ways/bridle ways identified on the planning maps, structure plans or in Council's Trails Strategy by: <ul style="list-style-type: none"> i. having convenient and practical public access to and along the route; ii. incorporating safety and security for neighbours and walkway users; iii. integrating with the wider transport network; iv. protecting and restoring natural values. 	
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5 EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

5.1 Identification of Reasonably Practicable Options – for Achieving Objectives

The following assessment consists of an examination of all reasonably practicable options for achieving Objectives 8.1.1-8.1.4.

Objective 8.1.1:

Public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities.

Objective 8.2.1:

The natural values of public open space, natural reserves and parks is maintained and enhanced.

Objective 8.3.1:

Commercial activities and temporary events are ancillary to, and promote the purpose of, the reserve.

Objective 8.4.1:

A community hub is developed in Tamahere.

This high-level screening process considers the effectiveness of each option. Only those options considered to be reasonably practicable will be evaluated in this section.

The options evaluated in Table 6 below range from “do nothing” to broad approaches.

This section will be informed by the cascade table (Appendix 2) that lists all relevant policies and methods for each objective and will help to determine what provisions can be bundled.

Table 6					
<p>Objective 8.1.1: Public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities.</p> <p>Objective 8.2.1: The natural values of public open space, natural reserves and parks is maintained and enhanced.</p> <p>Objective 8.3.1: Commercial activities and Temporary events are ancillary to, and promote the purpose of, the reserve.</p> <p>Objective 8.4.1: A community hub is developed in Tamahere.</p>					
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Approach to achieve objective(s)	Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	How effective provisions are in achieving the objective(s).	Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Discard or evaluate further (with brief explanation).

<p>Option 1: Do nothing – (remove all policies and associated methods)</p>	<p>This option relies on the LGA and strategic reserves acquisition to deliver new areas of public open space and then the Reserves Act for the land to be developed and managed to meet the community's needs.</p> <p>Esplanade reserves would be acquired at subdivisions through the provisions of s229 – 237F of the RMA.</p>	<p>The LGA specifies how much land or money is required to be provided as a result of development therefore this option would provide land or the acquisition of land outside of RMA processes. Land that is vested as reserve will be subject to the Reserves Act and subject to management requirements under that legislation.</p> <p>However not all land is the subject of the reserves act therefore this option may not be effective in achieving the objectives</p>	<p>This option is feasible as it reflects the current situation in many reserves in the district but it does not provide for the wider context in terms of all of the ways that the land may be used to meet the needs of the community such as the use of the land temporarily for events or for commercial activities of a short duration.</p>	<p>This option is considered unacceptable as it does not provide an avenue for the acquisition of reserves and open space at subdivision. Community feedback on the plan has identified that reserves are expected to be acquired during residential development costs be covered by the developer.</p>	<p>Discard as this would not cater for the reserve acquisition at subdivision and would not cater for the pressures of growth.</p>
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<p>Option 2: Status quo – (retain existing policies)</p> <p>In the Waikato Section of the District Plan and apply across the whole district.</p> <p>This would retain walkway/cycleway/bridle way provisions as well as the ability to acquire land as reserve through subdivision.</p>	<p>This option in the Waikato Section involves a Recreation Zone applied to land owned by Waikato District Council for the purposes of public sports grounds that have clubrooms and other large scale recreational and sports facilities, using the Reserves Act to manage activities while small neighbourhood parks and reserves are subject to other zones. This option would retain the walkway/cycleway/bridle way provisions as well as the limited provisions to acquire reserves at subdivision.</p>	<p>These provisions have been partially effective in that it does not easily deal with growth and the needs of the community in terms of the use of the full range of reserves, parks and open spaces and associated recreational facilities. Small neighbourhood parks and reserves need to have focused provisions to enable them to meet the needs of communities.</p>	<p>This option is feasible as it reflects the current situation in many reserves but it does not provide for the wider context.</p>	<p>This option would only be partially acceptable as it does not cater for the full reserve requirements in growth or structure plan areas in that many in the community expect the district plan to directly address the requirements neighbourhood parks and reserves in the district plan.</p>	<p>It is recommended that this option is evaluated further. Whilst not an optimal option, given limited ability to acquire reserves at subdivision, it is a well-known regulatory model in the district which can be implemented and administered.</p>
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<p>Status quo – (retain existing policies)</p> <p>In the Franklin section of the District Plan and apply across the whole district.</p>	<p>The Franklin Section of the plan uses a recreation zone to apply to parks ; reserves and open spaces but also provides for recreational activities in the Rural ,Coastal and Conservation Zone</p>	<p>These provisions have been partially effective to date but do not easily deal with the needs of the community in terms of assisting in the provision of the full range of reserves in the district.</p>	<p>This option is feasible to monitor, administer and implement as it reflects the current situation and practices.</p>	<p>As this option largely reflects the existing current regulatory environment under the Franklin section it is the status quo but it is expected that some in the community would expect the district plan to directly address all parks and reserves.</p>	<p>It is recommended that this option is evaluated further. Whilst not an optimal option, given limited ability to acquire reserves at subdivision, it is a well-known regulatory model in the district which can be implemented and administered.</p>
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<p>Option 3 – develop a range of recreation zones</p>	<p>Develop a range of recreation zones and apply these to the different reserves in the district considering the status of the reserve under the Reserves Act and the use of the reserve.</p>	<p>This type of approach is found in a range of plans across NZ and is expected to be effective in achieving the objectives. This approach would enable the reserves in each zone to be used for a range of activities as permitted activities and as it could include rules that control aspects that are potentially likely to affect the amenity of the different environments and communities would be a more specific framework while also protecting values identified in s6 and 7 of the RMA</p>	<p>This option is feasible but as most reserves, parks and open spaces are already subject to management by the council through Reserve Management Plans. This option could create a higher level complexity and increase costs and delays for the Council as it would potentially require council resources to not only manage the reserves but also to obtain consents. It would create complexities to administer the district plan.</p>	<p>This option would appear to be equitable as it would treat all reserves of a similar nature whether owned by council or not in the same way.</p>	<p>It is recommended that the district plan provide a framework that recognises and aligns with other legislation where appropriate but addresses all reserves in an integrated manner. However this would require additional resources to manage and administer a more complex set of rules.</p>
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Option 4 – Single zone	Apply a single zone to all forms of reserves, parks and open space areas and recreational facilities once vested that enable as a permitted activity those activities and development anticipated in the relevant reserve management plan subject to rules that control landuse and subdivision	This type of approach is found in a range of plans across NZ and is expected to be effective in achieving the objectives on that basis.	This option is feasible as reserves are already subject to management by the council under a Reserve Management Plan or Parks Strategy.	This option would appear to be equitable as it would treat all reserves whether owned by council or not in the same way.	It is recommended that the district plan provide a framework that recognises and aligns with other legislation where appropriate but addresses all reserves; parks and open space and recreational facilities in an integrated manner while minimising resources required by the council to manage the spaces and administer the rules.
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5.2 Evaluation of Selected Options

This section contains an evaluation of those options identified above for further evaluation. The short list of options has been developed further to include (where relevant) policies, rules and methods. In some instances, provisions have been bundled where they are expected to work together to achieve the objective(s). For efficiency, this second tier evaluation focuses on the approach and the policies and rules which implement that approach as a package, rather than a detailed analysis of every policy and every rule.

In evaluating these options it is noted that the Reserve Management Plan process takes into account specific local circumstances, and given the resources and community engagement involved in their preparation they provide an appropriate method for managing reserves.

It is noted that there is an assumption that all Council reserves will be subject to have a Reserve Management Plan or similar. It is recognised that in some cases a group of reserves may be covered by one Reserve Management Plan.

In the case of 'reserves' that are not council administered, it is necessary to provide provisions to manage the development of the reserve.

It is noted that there is a cost to council and therefore the community in managing reserves and there are additional costs if District Plan rules also trigger the need for resource consent.

5.3 Objective 8.1.1

Objective 8.1.1 "Public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities" is implemented by the following policies along with the respective rule in Appendix 2 (cascade table):

Policy 8.1.2 - Provision, use and development of public open space and reserves

- a) Ensure that subdivision and development contributes to the provision of public open space, natural reserves, parks and recreational facilities.
- b) Ensure that subdivision involving the vesting of land in council as reserve aligns with the principles of Council's Parks Strategy or a Structure Plan, by:
 - i. being of an appropriate size, scale and location for its intended use;
 - ii. being appropriate for the strategic needs of the local community and the region;
 - iii. having suitable road frontage and is accessible for its intended use and for future maintenance;
 - iv. provide for the safety of the community by establishing fencing on side and rear boundaries;
 - v. linking to, and supporting, existing social infrastructure; and
 - vi. providing for community wellbeing.

- c) Require the location and design of recreation facilities and reserve development to integrate and support the surrounding urban environment by:
 - i. being appropriately setback from boundaries; and
 - ii. not detracting from the character and amenity.
- d) Recognise and enable that the development and day to day use of reserves is managed through Council's reserve management plans and provide for these activities and uses to continue.

Policy 8.1.3 - Esplanade reserves and walkways

- a) Acquire esplanade reserves or strips along coasts, rivers, lakes and wetlands during subdivision to enable the creation of trails and public access, particularly in identified high priority areas in Appendix 4.
- b) During subdivision, provide for the acquisition and development of walkways/cycle ways/bridle ways identified on the planning maps, structure plans or in Council's Trails Strategy, during subdivision by:
 - i. having convenient and practical public access to and along the route;
 - ii. incorporating safety and security for neighbours and walkway users;
 - iii. integrating with the wider transport network; and
 - iv. protecting and restoring natural values.

5.3.1 Identification of Options

Options considered for ensuring that public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities are outlined in Section 5.1 of this report and include:

- a) Status quo – (retain existing policies) - This option included two sub options given the different approaches in the Waikato Section and The Franklin Section of the plan
- b) Apply a range of recreation zones to different forms of reserves, parks and open space areas and recreational facilities
- c) Apply a single zone to all forms of reserves, parks and open space areas and recreational facilities.

5.3.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

The provisions considered are those related to the provision, use and development of public open space and reserves are described in Table 7 below.

Table 7 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
Provision package described in cascade table for objective 8.1.1 (Appendix 2).	Environmental: Identifies land appropriate for reserves	Environmental: Identifying and protecting land as reserves and open spaces can create adverse effects on the amenity and function of adjoining areas
	Economic: Provides for limited commercial activities and reduces the cost to the council of managing reserves	Economic: The development sector (and those who buy land or new developments) must meet the cost of providing new reserves and esplanade reserves and in some instances their development and the public through rates must pay for the management of the reserves.
	Social: Recognises value of reserves to the social wellbeing of the community Enables people and communities recreation opportunities	Social: Development of reserves may not reflect the aspirations of changing communities and reliance on reserve management plans may for permitted activities may be problematic if they are not updated.

	Ensures the form and function of reserves is appropriate for the community	
	Cultural: Recognises value of reserves to the spiritual and cultural wellbeing of the community	Cultural: Specific values may not be reflected
Opportunities for economic growth and employment		
Provision of high quality reserves, parks and open spaces can generate tourism opportunities especially where the experience is unique.		
Options less or not as appropriate to achieve the objective		
Option 1: Status quo		
<p>Appropriateness:</p> <p>As this option largely reflects the existing current regulatory environment this option would be acceptable, but as reserves ; parks and open space and recreational facilities are valuable resources to the community it is expected that some members of the community would expect the district plan to outline how the land is to be used.</p> <p>It would lead to an inconsistency in approach across the district and add administrative costs in maintaining two sets of provisions for reserves across the district.</p>		
Option 2:		
<p>Apply a range of recreation zones to different forms of reserves, parks and open space areas and recreational facilities.</p> <p>Appropriateness:</p> <p>As this option largely reflects the existing current regulatory environment under the Waikato section it is the status quo but it is expected that some in the community would expect the district plan to directly address neighbourhood parks and reserves.</p> <p>This option would be less optimal as it would add administrative complexity given a more complex set of zoning across reserves.</p>		
Risk of acting or not acting		
<p>Uncertainty or insufficiency of information:</p> <p>Councils Parks Strategy articulates the general requirements of reserves across the district as well as well as documenting the supply of general types of</p>		

reserves. There is certainty and sufficiency of information in this strategy which articulates the current shortage of neighbourhood parks and general openspace in growth areas (e.g. Tuakau and Pokeno).

Risk of acting or not acting:

The approach to providing for the acquisition of reserves through the Proposed District Plan and managing reserves and their provision is based on longstanding processes so the risks are not high.

Efficiency and effectiveness

The suite of provisions will provide a balance in terms of efficiency in enabling the council to rely on other processes such as reserve management plans where appropriate and effectiveness as these other processes are largely effective

5.4 Objective 8.2.1

Objective 8.2.1 “The natural values of public open space, natural reserves and parks is maintained and enhanced” is implemented through the following policy and respective rules in Appendix 2:

Policy 8.2.2- Natural values

- a. Enhance the natural environment during the use and development of reserves, by:
 - i. protecting outstanding natural landscapes, outstanding natural features and natural character areas;
 - ii. protecting and enhancing significant natural areas; and
 - iii. restoring and linking habitats for indigenous species, particularly in lake catchments, riparian margins, lowland ecosystems, wetland areas and coastal dunes and ecosystems.

5.4.1 Identification of Options

Options considered for ensuring that natural values of public open space, natural reserves and parks is maintained and enhanced are outlined in Section 5.1 of this report and included:

- 1) Status quo – (retain existing policies) - This option included two sub options given the different approaches in the Waikato Section and The Franklin Section of the plan
- 2) Apply a range of recreation zones to different forms of reserves, parks and open space areas and recreational facilities
- 3) Apply a single zone to all forms of reserves, parks and open space areas and recreational facilities.

5.4.2 Policy, Rule and Method Evaluation

The following (Table 8) assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

Table 8 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
Objective 8.2.1 Policy 8.2.2 Respective rules in Appendix 2 (cascade table).	Environmental: Identifies and protects natural values	Environmental: The values present in areas not presently reserves may be unprotected
	Economic: The cost of acquiring land with natural values largely falls on the development sector	Economic: The costs make development uneconomic
	Social: urban residents will have improved access to open spaces that include natural values	Social: The values present in areas not presently reserves may be unprotected and lost to the community
	Cultural: Existing areas are protected and managed	Cultural: The values present in areas not presently reserves may be subject to pressure or damage
Opportunities for economic growth and employment		
There are unlikely to be any economic growth or employment opportunities associated with these provisions.		
Options less or not as appropriate to achieve the objective		
Option 1: Status quo		

<p>This option included two sub options given the different approaches in the Waikato Section and The Franklin Section of the plan</p> <p>Appropriateness: As this option largely reflects the existing current regulatory environment and the values need to be managed it is expected that some members of the community would expect the district plan specifically deal with these for all reserves.</p>
<p>Option 2: Apply a range of recreation zones to different forms of reserves, parks and open space areas and recreational facilities</p> <p>Appropriateness: This option would be complex potentially and not warranted for many reserves where a reserve management plan is in place</p>
<p>Risk of acting or not acting</p>
<p>Uncertainty or insufficiency of information: The council understands where the values are located and how the reserve management plan can ensure that these are protected and enhanced.</p> <p>Risk of acting or not acting: Nil</p>
<p>Efficiency and effectiveness</p> <p>The suite of provisions will be efficient as the values are identified through the reserves act processes and this will also as the council is the manager of most of the reserves mean that the council can give effect to the management plan and therefore give effect to the objective.</p>

6 CONCLUSION

After undertaking an evaluation as required by Section 32 of the RMA, The Objective is considered the most appropriate way to achieve the Purpose of the RMA (Section 5) for addressing reserves.

It is considered that the recommended policies and methods outlined above are the most appropriate way for achieving the objective, having considered:

- (i) other reasonably practicable options for achieving the objective; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objective.

APPENDIX I: OVERVIEW OF HIGH ORDER DOCUMENTS AND LEGISLATION

New Zealand Coastal Policy Statement 2010

The Coastal Policy Statement is relevant regarding the development of provisions in the plan which relate to Reserves in the coastal environment (e.g coastal reserves in Raglan and Port Waikato). The NZCPS has been considered through the Waikato RPS. Whilst all of the objectives in the NZCPS 2010 are relevant for this topic, Objective 4 which promotes maintenance and enhancement of public open space qualities and recreation opportunities in the coastal environment is the most pertinent.

Of particular relevant in regards to reserves in the district are:

- Policy 16 (Surfbreaks of national significance),
- Policy 18 (Public open space),
- Policy 19(Walking Access) and
- Policy 20 (Vehicle Access)

National Policy Statement for Urban Development Capacity 2016

Under the Urban Development Capacity Policy Statement, local authorities need to provide for the wellbeing of current generations, and they must also provide for the wellbeing of the generations to come. The policy statement requires councils to provide in their plans enough development capacity to ensure that demand can be met. The policy statement's preamble notes that well-functioning urban environments provide for people and communities' wellbeing, including providing people with good quality physical and social infrastructure and open space.

Open spaces falls under the definition of 'other infrastructure' and local authorities are required under Policy A2 to satisfy themselves that ' other infrastructure' required to support urban development are likely to be available and under Policy B3 estimate the actual and likely availability of development infrastructure and other infrastructure in the short, medium and long term.

This means that Waikato District Council, identified as a high growth council must provide evidence and monitor the provision of open space to support its planning decisions.

National Policy Statement for Freshwater Management 2014

It is noted that the Freshwater Management National Policy requires every regional council to manage fresh water and land use and development in catchments in an

integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects (Policy C1).

Policy C2 directs that when making or changing regional policy statements provision is made for the integrated management of the effects of the use and development and on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure; and land and fresh water on coastal water.

Iwi Management Plans

Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Management Plan has several purposes including to “provide guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment”. The Plan includes a process for resource developers and users to consult and engage with Waikato-Tainui about proposed resource use or activities.

Whilst the entirety of the Waikato-Tainui Environment Plan (WTEMP) is relevant the following sections contain issues, objectives and policies apply more specifically to the use, development and acquisition of reserves in relation to the district plan:

- Section 14 (Customary Activities) promotes access to riparian areas through the acquisition of esplanade reserves. It also promotes establishing permitted or controlled activities for Customary Activities and the protection of customary activities and resources from competing needs.
- Section 29 promotes the management of adverse effect of tourism and recreation to a level acceptable to Waikato-Tainui and that such activities do not damage or intrude upon customary activities, waahi tapu, spiritual, or cultural sites.
- Section 25.3.3 encourages positive environmental effects through development such as reserve acquisition to protect water bodies, provide access, increase biodiversity and enhance ecosystems. Section 25.3.3 further promotes revision of local authority documents to reflect the principles mentioned above and others contained in the WTEMP.

It is noted that that Section 12, addresses issues and objectives and policies relating Rights of First Refusal which are relevant for the management and disposal of particular lands.

Maniapoto Environmental Management Plan

Whilst the entirety of the Maniapoto Environmental Management Plan (MEMP) is relevant the following sections contain issues, objectives and policies that apply more specifically to the use, development and acquisition of reserves in relation to the district plan:

- Freshwater: This section highlights that modifications to riparian areas can have significant effects on Ngaa Wai o Maniapoto. This section also promotes

avoiding restricting customary practices and uses of waterways and riparian zone.

- Recreation: This section highlights the importance for maniapoto to access sites and resources and to carry out practices and traditions and promotes working with land owners/managers and improving facilities and information on public land (e.g gates, stiles, cycleways/walkways, identification of paper roads that are suitable for access and forming roads where appropriate.

The Reserves Act 1977

The Reserves Act 1977 applies to all public land that has been vested or gazetted under the Act. Reserve Management Plans, required under the Reserves Act 1977 provide a framework for future management decisions relating to their maintenance, use and development.

The Reserves Act 1977 specifies in general terms the purpose of each class of reserve and requires that each reserve be managed in accordance with this purpose. The Act also requires that Council complete a process of public notification for the leasing of areas of reserve (covered by the Act) where it is not in accordance with the management plan.

The Burial and Cremation Act 1964

The Burial and Cremation Act 1964 requires every local authority to establish and maintain suitable provision of cemeteries. It is noted that many cemeteries are managed as open space or parks.

Waikato-Tainui Joint Management Agreement and Settlement Acts

On March 23 2010 Council and Waikato-Tainui entered into a Joint Management Agreement in accordance with the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The agreement acknowledges that Council has rights and responsibilities with regard to management of reserves under the Reserves Act 1977.

The agreement also acknowledges that Council has a requirement to consult to determine appropriate management of Crown land under Council control and to consider how management decisions may impact on future return of the land to Waikato-Tainui. The Council administers many reserves where the underlying ownership resides with the Crown. In accordance with the Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui will be offered first right of refusal where Crown land is to be disposed of. The Reserves Strategy identifies land that is subject to first right of refusal. Furthermore Schedules D and E of the JMA set out the process to be followed when Council is working on property and management matters in respect of reserves, and our interaction with Waikato-Tainui.

Local Government Act 2002 (LGA)

The LGA includes provisions which impact directly or indirectly on the management and operation of parks. The LGA includes a provision for the levying of development contributions as a result of land development. Contributions from development either as land or monetary, or a combination of both, are intended to ensure that provision of parks continues to be provided on a similar basis as to the historical provision and in keeping with planned or identified needs. Monetary contributions are to be used to enhance existing parks or purchase appropriately located land. A specific policy needs to be developed by each authority to implement development contributions.

The Council's Parks Strategy is intended to support a development contribution policy through the identification of a desired level of park land provision resulting from growth and to provide guidelines as to the types, purpose and development standards required for park provision.

From time to time land that is vested as reserve or held as a park may need to be exchanged or disposed of. The LGA (Subpart 3) addresses the process for councils to follow when disposing of parks and reserves. The RMA and Reserves Act both deal with the exchange of land that is vested as reserve.

Reserves and Recreation planning - Regional Context

Waikato Regional Sports Facility Plan

The Waikato Regional Sports Facility Plan (2014) prepared by Sport Waikato examines the current and future sport and recreational facility needs in the Waikato region. The principles contained within the Waikato Regional Sports Facility Plan specifically with regards to cooperation with other agencies and territorial authorities as part of Council's decision making process.

Waikato District Sport and Recreation Plan

This documents prepared by Waikato District Council and Sport Waikato covers the existing provision of sports facilities and identifies gaps and opportunities to grow Sport and Recreation in the community.

Other

Other regional strategies and plans that are relevant to the provision for reserves, parks and open spaces include:

- Regional Walking and Cycling Strategy
- Regional Land Transport Strategy
- Regional Rural Cycling Survey 2014
- Sport Waikato Regional Sports Facilities Plan
- Regional Policy Statement

- Future Proof

In addition there are a range of specific facilities that should be considered due to the strategic relevance to recreation to the district

- The Te Araroa trail runs as a spine through the district and is also identified in the district plan as a national walkway
- Te Awa river ride – when complete will be 70 kilometres along the Waikato River with estimates have shown nearly 150,000 will benefit from Te Awa each year, and it will bring significant positive economic benefits. When complete, commuters in the Waikato surrounds will be able to cycle to work and to events, enabling exercise to be integrated into their daily lives and easing congestion and pollution.
- the Waikato Regional Council Strategic Case for investing in cycling. This collaboration is a way of working together to get the most out of cycling in the Waikato.
- Various Department of Conservation trails within the Waikato District and this strategy gives consideration to their locations and potential future linkages

Reserves and Recreation planning – Local Context

In May 2015 Council adopted Sports Park and General Policies Reserve Management Plans. The Sports Park Reserve Management Plan outlines the future use and development of sports parks; the General Policies Reserve Management Plan outlines management policies for all reserves in the district

In addition Council has approved a Neighbourhood Parks Reserve Management Plan covering the districts neighbourhood reserves.

Council is in the early stages of engaging with communities on the development of a Natural Reserves Management Plan. This will cover reserves with particular conservation value.

There are specific Reserve Management Plans for Wainui Reserve, Puketirini, Lake Kainui, Wainui and Huntly Domain including Lake Hakanoa. Those reserve management plans date from 1981 through to 2011.

APPENDIX 2: PROVISION CASCADE

Issue to be addressed	Objective	Policies	Rules
<p>The quality, location or lack of public green space and recreational facilities can reduce opportunities for a community to provide for its health and wellbeing.</p>	<p>Objective 8.1.1 Public open space, natural reserves, parks and recreational facilities are provided to meet the needs of communities</p>	<p>Policy 8.1.2 a) Ensure that subdivision and development contributes to the provision of public open space, natural reserves, parks and recreational facilities. b) Ensure that subdivision involving the vesting of land in council as reserve aligns with the principles of Council's Parks Strategy or a Structure Plan, by: i. being of an appropriate size, scale and location for its intended use; ii. being appropriate for the strategic needs of council the local community and the region; iii. having suitable road frontage and is accessible for its intended use and for future maintenance; iv. for the safety of the community by establishing fencing on side and rear boundaries; v. linking to, and supporting, existing social infrastructure; and vi. providing for community wellbeing. c) Require the location and design of recreation facilities and reserve development to integrate and support the surrounding urban environment by: i. being appropriately setback from boundaries; and ii. not detracting from the character and amenity. d) Recognise and enable that the development and day to day use of reserves is managed through Council's reserve management plans and provide for these activities and uses to continue.</p> <p>Policy 8.1.3 a) Acquire esplanade reserves or strips along coasts, rivers,</p>	<p>Reserve Zone 25.1 (Activity Rules) 25.2 (Effects Rules) 25.3 (Building Rules) 25.4 (Subdivision Rules) 25.5 (Specific Area – Tamahere Park and Village Green)</p> <p>16. Residential Zone – 16.1.2 (P8) Neighbourhood Park; 16.4.13 Subdivision - Reserve Rules; 16.4.14 Subdivision - Esplanade Reserves and Strips; and 16.4.15 Subdivision of land containing mapped off-road walkways.</p> <p>17. Business Zone 17.4.1.8 - Subdivision esplanade reserves and esplanade strips</p> <p>18. Business Zone Town Centre 18.4.7 Esplanade reserves and esplanade strips</p> <p>20. Industrial Zone 20.2.2 Landscape Planting 20.4.4 Subdivision - Esplanade Reserves and Esplanade Strips</p> <p>21. Industrial Zone Heavy 21.2.2 Landscape Planting 21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips</p> <p>22. Rural Zone 22.4.1.7 -Reserve Lot Subdivision 22.4.7 Esplanade Reserve and Esplanade strips</p> <p>23. Country Living Zone 23.4.9 – Subdivision for a reserve 23.4.10 - Subdivision of land containing mapped off-road walkways 23.4.12 - Esplanade reserves and esplanade strips</p> <p>24. Village Zone 24.1.1- P6 Neighbourhood Park</p>

		<p>lakes and wetlands during subdivision to enable the creation of trails and public access, particularly in identified high priority areas in Appendix 4.</p> <p>b) During subdivision, provide for the acquisition and development of walkways/cycle ways/bridle ways identified on the planning maps, structure plans or in Council's Trails Strategy by:</p> <p>(i) having convenient and practical public access to and along the route;</p> <p>(ii) incorporating safety and security for neighbours and walkway users;</p> <p>(iii) integrating with the wider transport network;</p> <p>(iv) protecting and restoring natural values.</p>	<p>24.4.11 – Subdivision creating reserves; and</p> <p>24.4.12 - subdivision esplanade reserves and esplanade strips</p> <p>24.4.13 – subdivision of land containing mapped off-road walkways.</p> <p>28. Rangitahi Peninsula Zone</p> <p>Rule 28.4.8 - subdivision esplanade reserves and esplanade strips</p> <p>Rule 28.4.10 – subdivision of land containing mapped off-road walkways</p>
	<p>Objective 8.2.1</p> <p>The natural values of public open space, natural reserves and parks is maintained and enhanced.</p>	<p>8.2.2 Policy - Natural values</p> <p>a) Enhance the natural environment during the use and development of reserves, by:</p> <p>i. protecting outstanding natural landscapes, outstanding natural features and natural character areas;</p> <p>ii. protecting and enhancing significant natural areas; and</p> <p>iii. restoring and linking habitats for indigenous species, particularly in lake catchments, riparian margins, lowland ecosystems, wetland areas and coastal dunes and ecosystems.</p>	<p>Reserves Zone:</p> <p>25.2.4.3 Earthworks – within Significant Natural Areas</p> <p>25.2.4.4 Earthworks – within Landscape and Natural Character Areas</p> <p>25.2.8 Indigenous vegetation clearance in a Significant Natural Area</p> <p>25.4. Subdivision</p>
	<p>Objective 8.3.1</p> <p>Commercial activities and Temporary events remain ancillary to, and promote the purpose of, the reserve.</p>	<p>8.3.2 Policy - Commercial activities</p> <p>a) Restrict the scale, type and extent of commercial activities on reserves to:</p> <p>i. those compatible with to the reserve's primary use; and</p> <p>ii. those compatible with surrounding residential amenity values.</p> <p>8.3.3 Policy – Temporary Events</p> <p>a) Enable temporary events and associated temporary structures on reserves,</p>	<p>Reserves Zone:</p> <p>25.1 - Activity</p> <p>25.2 - Effects Rules</p> <p>25.3 - Building Rules</p> <p>25.5 - Specific Area – Tamahere Park and Village Green</p>

		<p>appropriate to the size and purpose of the reserve.</p> <p>b) Manage the scale and extent of temporary events on reserves so that any significant adverse effects on people in the surrounding community is minimised by:</p> <p>i. limits on the timing, number and duration of events;</p> <p>ii. meeting the permitted noise limits for the zone; and</p> <p>iii. managing the effects of traffic on the road transport network where the permitted number of vehicle movements will be exceeded.</p>	
	<p>Objective 8.4.1 A community hub is developed in Tamahere</p>	<p>8.4.2 Policy – Integrated development</p> <p>(a) Ensure that development within the Tamahere Park and Tamahere Village Green is integrated and connected with the Tamahere Business Zone.</p> <p>8.4.3 Policy – Design Guides</p> <p>(a) Ensure new development is consistent with the Tamahere Village Design Guide, and in particular:</p> <p>(i) acknowledges local cultural and historic values;</p> <p>(ii) achieves consistency of building scale, form, layout and design theme across the Tamahere Business Zone, Tamahere Park and Tamahere Village Green;</p> <p>(iii) promotes a village character;</p> <p>(iv) provides amenity planting that minimises the adverse visual effects of hard structures.</p>	<p>Reserves Zone:</p> <p>25.1.2 Permitted Activities</p> <p>25.1.3 Discretionary Activities</p> <p>25.1.4 Non-Complying Activities</p> <p>25.5 Specific Area - Tamahere Recreation Reserve and Tamahere Village Green <i>(Land Use – Effects rules in Rule 25.2 apply except: Rule 25.5.1 applies instead of Rule 25.2.7.1 Signs – General Land Use – Building rules in Rule 25.3 apply except: Rules 25.5.3.1 Building Coverage applies instead of Rule 25.3.3 Building Coverage; and Rule 25.5.3.2 Building applies instead of Rule 25.3.1 Height – General and Rule 25.3.3 Building Coverage.)</i></p>