

## SOUTHLAND DISTRICT COUNCIL RESERVES MANAGEMENT POLICY

### DOCUMENT CONTROL

<b>Policy Administrator:</b> Strategic Manager Property	<b>TRIM reference number:</b> R/16/3/3262	<b>Effective date:</b> 28 September 2016
<b>Approved by:</b> Council	<b>Date approved:</b> 28 September 2016	<b>Next review date:</b>

### Contents

1.0	PURPOSE .....	1
2.0	SCOPE .....	1
3.0	DEFINITIONS.....	1
4.0	BACKGROUND.....	1
4.1	The Reserves Act.....	3
4.2	Local Context.....	3
5.0	POLICY STATEMENTS .....	3
5.1	Council Approval .....	3
5.2	General Access .....	3
5.3	Pedestrian Access.....	3
5.4	Vehicle Access .....	4
5.5	Leases and Licences to Occupy.....	4
5.6	Animals.....	4
5.7	Aircraft and Helicopter Landings.....	4
5.8	Sale and Consumption of Alcohol.....	4
5.9	Trading .....	5
5.10	Fires .....	5
5.11	Fireworks Displays .....	5
5.12	Buildings and Structures.....	5
5.13	Boundaries and Fencing.....	6
5.14	Toilets.....	6
5.15	Play Equipment .....	6
5.16	Signs and Interpretation .....	6
5.17	Electoral advertisements and hoardings.....	6
5.18	Pest Plant and Pest Animal Control.....	6

5.19	Litter Control and Dumping.....	6
5.20	Landscaping, Amenity Planting and Areas of Native Vegetation .....	7
5.21	Memorials .....	7
5.22	Monuments, Artwork and Sculptures .....	7
5.23	Outdoor Furniture .....	7
5.24	Network Utility Infrastructure.....	7
5.25	Lighting .....	7
6.0	ROLES AND RESPONSIBILITIES .....	8
7.0	ASSOCIATED DOCUMENTS .....	8
8.0	REFERENCES .....	9
9.0	REVISION RECORD .....	9

# RESERVES MANAGEMENT POLICY

## 1.0 PURPOSE

This policy provides guidance on the administration, use, maintenance and development of reserves across the Southland District.

## 2.0 SCOPE

Policy statements in this document apply to all parks, reserves and open spaces controlled by Southland District Council unless specific exemption is provided in individual Reserve Management Plans.

## 3.0 DEFINITIONS

Term	Meaning
<b>Activity Management Plan (AMP)</b>	The Parks and Reserves Activity Management Plan is used to document Council's management practices for parks and reserves over a 30 year period.
<b>Council/the Council</b>	Southland District Council as the land owner/administering body of reserves.
<b>Long Term Plan (LTP)</b>	Southland District Council's Long Term Plan. It is also referred to as the 10 Year Plan.
<b>Parks, Reserves and Open Spaces</b>	The term reserve refers to any parcel of land owned, administered and/or managed by Council, as a reserve, park, or open space.
<b>Reserve Management Plan</b>	Reserve Management Plans are a requirement of Section 41 of the Reserves Management Act 1977. Reserve Management Plans provide direction for the day-to-day management of reserves and details about factors that impact upon reserves. They also establish clear directions for future management and development.
<b>Unmanned Aerial Vehicles/ UAVs</b>	The term Unmanned Aerial Vehicle (UAV) is defined in the Southland District Council Unmanned Aerial Vehicles Policy. The term UAV covers all electric powered remote controlled model aircraft, including the type commonly referred to as 'drones' that are capable of vertical take-off and landing and small hand-launched gliders with less than a 1.5 metre wing span.

## 4.0 BACKGROUND

Southland District has 155 reserves, parks and open spaces, distributed over a land area of 30,400.94 km<sup>2</sup>. Southland District's reserves offer an extensive range of recreational opportunities and environmental characteristics.

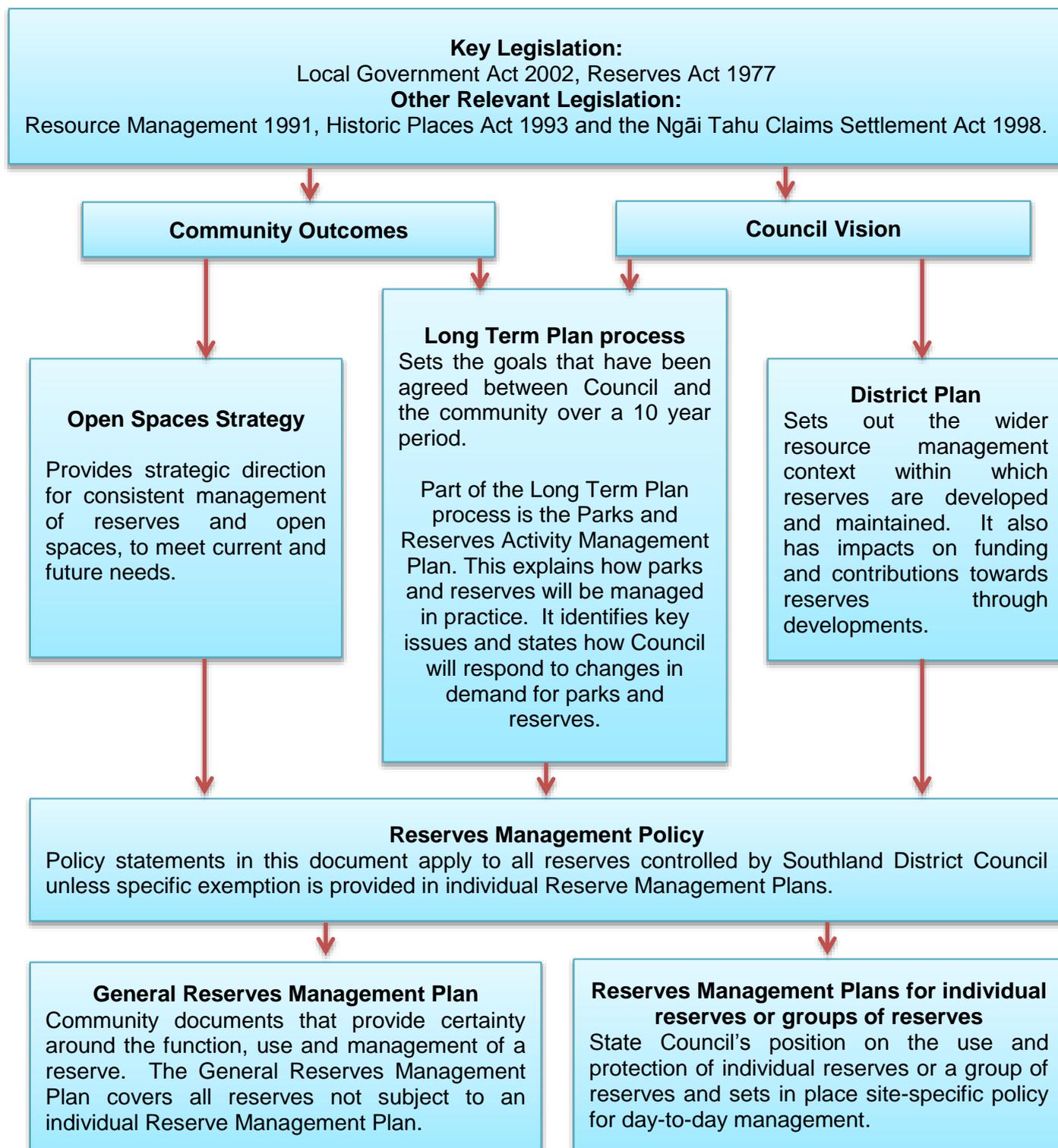
Reserves owned, administered and/or managed by the Council have two distinct forms of legal status:

- land held subject to the Reserves Act 1977, and classified according to its principal purpose
- freehold land held by Council in fee simple title for parks purposes but not held under the Reserves Act.

The Reserves Act 1977 applies to all public land that has been vested or gazetted under the Act and specifies in general terms the purpose of each class of reserve. The Act also requires that each reserve be managed in accordance with its purpose and classification.

The terms parks, reserves and open spaces could also refer to parcels of land held by the Council for a wide variety of purposes akin to those described in the Reserves Act or the Local Government Act 2002. Not all of these parcels of land are protected under these Acts.

Southland District's parks, reserves and open spaces are governed and regulated by a broad range of legislation, plans, policies and bylaws.



#### **4.1 The Reserves Act**

The Reserves Act 1977 applies to land that is gazetted as a reserve under the Act. While the term park(s) is used in this document, not all parks are reserves under the Reserves Act 1977. The management of these parks, however, will not differ in general terms from reserves as defined by the Reserves Act 1977.

Under Section 41 of the Reserves Act 1977, the Council is required to keep Reserve Management Plans under continuous review. Since Reserve Management Plans are aligned to the General Reserves Management Policy, this policy will also be kept under continuous review.

#### **4.2 Local Context**

As well as aligning with other Southland District Council Plans and Policies, the General Reserves Management Policy also adheres to Environment Southland's Regional Plan and Ngāi Tahu ki Murihiku's Natural Resource and Environmental Iwi Management Plan 2008 - e Tangi a Tauria - The Cry of the People.

### **5.0 POLICY STATEMENTS**

#### **5.1 Council Approval**

Some activities outlined in this policy require specific approval or authorisation from the Council. The nature and context of the activity will determine how approval may be granted. For further information on how to obtain approval for specific activities, please contact Southland District Council.

#### **5.2 General Access**

Unless it is limited by the Reserves Act 1977, public access to reserves is a right. The Council provides a level and standard of access to reserves that is appropriate to how each reserve is used.

Several factors may impact on public access to reserves. These include:

- leases or licences to occupy the reserve held by third parties
- safety issues
- activities that are occurring on a reserve for a period of time (eg planting or construction) or
- other restrictions under the Reserves Act 1977.

Clubs and organisations may gain exclusive use of a reserve for a specific period of time (eg during organised sports teams training or match occasions) with prior written approval from the Council.

From time to time, reserves may be closed to the public and a rental charged for the entry by an organisation staging a special event. This is subject to Section 53(1)(e) of the Reserves Act 1977 and requires the written approval of the Council.

#### **5.3 Pedestrian Access**

If required, pedestrian access will be controlled by the provision of walking tracks, footpaths and footbridges.

Where practical, access to reserves and reserve facilities will be inclusive and will consider universal design. Walking tracks will be maintained to the appropriate standard developed by the Department of Conservation and Standards New Zealand as set out in the "New Zealand Handbook - Tracks and Outdoor Visitor Structures (SNZ HB 8630:2004)".

#### **5.4 Vehicle Access**

Council may provide access roads and parking facilities within reserves. Motorised vehicles, other than maintenance vehicles, must only be used on roadways or parking areas unless prior written approval from the Council has been obtained.

Use of non-motorised vehicles (such as bicycles, skateboards and roller-blades) is permitted provided their use does not endanger other reserve users, cause damage to the reserve or make undue noise.

Non-motorised vehicles should not be used on walking tracks unless there is a sign indicating that their use is permitted.

#### **5.5 Leases and Licences to Occupy**

The Council may enter into formal lease agreements on reserve land when the land is available and there is a clear requirement for consistent use or service or a demonstrated opportunity for reliable improvement in service. Management responsibilities of the lessee will be clearly identified in the lease agreement.

#### **5.6 Animals**

Dog access to parks and reserves is determined by Southland District Council's Dog Control Bylaw 2015. The Dog Control Bylaw 2015 also determines what degree of control is required on reserves where dogs are allowed.

Signage or information in the Reserve Management Plans will indicate if other animals are specifically excluded on any reserve.

Council may use grazing as a management tool on reserves. Grazing will comply with the Southland District Council Rooding Bylaw and the Southland District Council Keeping of Animals, Poultry and Bees Bylaw.

#### **5.7 Aircraft and Helicopter Landings**

Landing an aeroplane, helicopter or any kind of flying machine in a Council reserve is not permitted without prior written approval from the Council.

Emergencies are an exception to this rule. Parties wishing to use any reserve for the purpose of landings during special events or for approved training exercises should contact Southland District Council for further advice.

#### **5.8 Sale and Consumption of Alcohol**

Consumption of alcohol in public spaces is regulated by legislation and the Alcohol Control Bylaw. The sale and supply of alcohol is regulated by the Sale and Supply of Alcohol Act 2012. Council permits special licences to be issued for the sale and supply of alcohol on reserves. Club licences may be issued to lease holders within reserves.

## **5.9 Trading**

Trading in reserves must comply with Section 54 (1) (d) of the Reserves Act 1977 and may be subject to the Trading in Public Places Bylaw.

Section 54 (1) (d) of the Reserves Management Act 1977 allows trading to occur under leases and licences or for a temporary occupation of not more than six consecutive days. Trading activities must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

Applications to trade in reserves for a period of not more than six consecutive days will be administered under the Trading in Public Places Bylaw. Applications to trade in reserves for a longer time period will require a lease or licence. If trading is contemplated under the relevant Reserve Management Plan, applications will not be publicly notified. If trading is not contemplated under the relevant Reserve Management Plan, applications will be publicly notified and an opportunity for objections will be provided.

When making decisions regarding applications to trade on reserves, Council will consider a number of factors including the nature of trading, its impact on other reserve users and the effect on the reserve and existing infrastructure and facilities.

## **5.10 Fires**

Lighting fires outside of a contained barbecue is not permitted on reserves unless there is prior written approval from the Council and the Southern Rural Fire Authority.

## **5.11 Fireworks Displays**

Fireworks displays must:

- be approved by the local community board, community development area subcommittee or Council
- be undertaken only by people authorised by Council
- have a safety plan (including fire control) that has been approved by the Council
- have any approvals required under the Hazardous Substances and New Organisms Act
- have a fire permit issued by the Southern Rural Fire Authority if the display is during a Restricted Fire Season.

## **5.12 Buildings and Structures**

The number of buildings and structures on reserves will be limited to a level that facilitates the safe and appropriate use of each reserve. Sharing facilities by more than one club or group is encouraged.

All new buildings or major changes to existing buildings and structures on reserves require approval from Council as the land owner of the reserve. Council will consider how buildings and structures will integrate with the natural environment of the reserve. The Building Act 2004 and the Southland District Plan may also include other requirements which must be met.

Buildings and structures will be maintained to a high standard and, where practical, designed to limit the opportunity for vandalism.

### **5.13 Boundaries and Fencing**

The Council will reach an agreement with adjoining land owners on the type and standard of fencing and the contributions made by each party. On occasion, fencing may not be required. Required contributions may be financial or made through the provision of materials or labour.

There may be some situations where Council is not required to contribute to a boundary fence, for example if there is an existing fencing covenant.

Consideration will be given to the needs of the Council and the adjoining land owner. The characteristics of the reserve and the land use of adjoining neighbours will also influence Council's decisions in relating to fencing. Decisions relating to fencing will be formalised through a fencing agreement.

Where it is impractical or undesirable to erect a fence on a reserve boundary, the fence may deviate from the legal boundary with the agreement of the adjoining land owner.

### **5.14 Toilets**

A district-wide approach is taken to the number, location and standard of public toilets. Proposals for new toilets are considered against criteria which take into consideration requirements and availability across the District.

### **5.15 Play Equipment**

All new playgrounds and replacement of playground equipment will comply with the Building Act 1991, the Resource Management Act 1991 and the New Zealand Safety Standards NZS 5828:2004 or subsequent updates.

The design and location of each playground will reflect the visual character of the reserve and consider environmental factors such as the orientation of the sun, shelter from the wind, visibility and disturbance to adjoining properties.

### **5.16 Signs and Interpretation**

The placement of signs on reserves by non-Council organisations requires written approval from Council. Advertising signs are subject to the Southland District Plan.

Council will ensure that new or replacement signage identifies places that are of cultural significance in accordance with the Ngāi Tahu Claims Settlement Act 1998.

### **5.17 Electoral advertisements and hoardings**

No election hoardings and signs are permitted to be placed or erected in Council controlled or owned parks, reserves and open spaces.

### **5.18 Pest Plant and Pest Animal Control**

Pest plants and animals on Council reserves will be controlled in accordance with Environment Southland's Regional Pest Management Strategy.

### **5.19 Litter Control and Dumping**

Litter bins may be provided on reserves at strategic locations and in sufficient numbers to meet the reasonable demands of the users. These bins will be cleared regularly to prevent overfill and spillage.

Where there are no litter bins, reserve users are required to remove all litter from the reserve. The dumping of refuse including garden waste on reserves is an offence under the Litter Act 1979.

## **5.20 Landscaping, Amenity Planting and Areas of Native Vegetation**

Landscaping, amenity planting and vegetation management will be undertaken on reserves in accordance with Reserves Management Plans.

Any new plantings on a reserve will consider visibility and safety. The retention of indigenous vegetation and threatened plants on reserves is a priority for the Council. Where possible, existing native vegetation on reserves shall be preserved and revegetated using locally sourced native species. The use of exotic species will be restricted to areas where exotic species predominate and/or the recreational use of the reserve would be enhanced by the use of exotics (eg for shade).

The removal or damage to any tree, shrub or plant material from within reserves is prohibited without the prior written approval of the Council.

## **5.21 Memorials**

Memorials and plaques for individuals are only permitted in locations identified in Reserve Management Plans. All memorial plantings and commemorative plaques require written approval from the Council.

## **5.22 Monuments, Artwork and Sculptures**

Monuments, art work and sculptures must have relevance to the reserve and enhance the natural surroundings. When determining whether the placement of a monument, artwork or sculpture is appropriate, the nature of the item, the proposed location, reserve use and reserve values will be considered.

Maintenance of monuments, artworks and sculptures will be undertaken by Council staff, or contractors, unless agreed otherwise at time of construction.

## **5.23 Outdoor Furniture**

Outdoor furniture will be appropriate to the needs of reserve users. The nature of outdoor furniture, including materials and colour will be consistent with the natural surroundings. All outdoor furniture will be approved by the Council.

Maintenance of outdoor furniture will be undertaken by the Council staff or contractors.

## **5.24 Network Utility Infrastructure**

Reserves are often crossed by network utility infrastructure, particularly power pylons. While most of these have been in place for many years, the Council will only consider new requests to place utility infrastructure in a reserve if all alternative options have been considered.

## **5.25 Lighting**

Lighting may be provided for walkways and parking areas in reserves. Impacts on adjoining land owners are considered in relation to ground lighting or lighting outside buildings.

Where there are sports grounds in a reserve, lighting for night time training may be considered. Controls on lighting usage may be imposed by the Council.

## 6.0 **ROLES AND RESPONSIBILITIES**

Reserve users are responsible for ensuring that their use, activity, or any associated buildings or structures comply with relevant legislation, the Southland District Plan, Southland District Council Policies and Council Bylaws.

Some other documents which regulate activity on reserves are provided in the table below.

<b>Activity</b>	<b>Regulated by</b>
Camping	Freedom Camping Bylaw
Consumption of alcohol in public places	Alcohol Control Bylaw and Summary Offences
Sale and supply of alcohol	Sale and supply of Alcohol Act 2012
Dogs	Dog Control Bylaw and Dog Control Act 1996
Other animals	Keeping of Animals, Poultry and Bees Bylaw
Trading	Trading in Public Places Bylaw
Unmanned aerial vehicles	Unmanned Aerial Vehicle Policy

## 7.0 **ASSOCIATED DOCUMENTS**

This document should be considered in the context of the following associated documents:

### Bylaws:

- Southland District Council Dog Control Bylaw
- Southland District Council Keeping of Animals, Poultry and Bees Bylaw
- Southland District Council Alcohol Control Bylaw
- Southland District Council Trading in Public Places Bylaw
- Southland District Council Animal Management Bylaw
- Southland District Council Freedom Camping Bylaw
- Southland District Council Rooding Bylaw

### Plans:

- Reserve Management Plans
- Southland District Plan
- Southland District Council Long Term Plan
- Parks and Reserves Activity Management Plan
- Southland District Council Animal Management Bylaw

### Strategy:

- Southland District Council Open Spaces Strategy

Policies:

- Southland District Council Unmanned Aerial Vehicles Policy
- Southland District Council Smoke Free Open Spaces Policy

Acts:

- Reserves Act 1977
- Resource Management Act 1991
- Local Government Act 2002
- Sale and Supply of Alcohol Act 2012
- Building Act 2004
- Health Act 1956
- Fencing Act 1978

**8.0 REFERENCES**

- New Zealand Handbook - Tracks and Outdoor Visitor Structures (SNZ HB 8630:2004)
- New Zealand Safety Standards NZS 5828:2004

**9.0 REVISION RECORD**

Date	Version	Revision Description
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»