

Part A: Terms of Reference



MISSION STATEMENT OF THE TAUPO DISTRICT COUNCIL

A Council in tune with the needs of the Community,
providing: direction
 leadership
 & support



A.1 RESERVES ACT 1977

The Reserves Act 1977 is the primary piece of legislation that determines how reserves are to be managed within the District. This Act covers many issues relating to administration of reserves including classification, reclassification, revocation, management planning, leasing of reserves and public consultation.

A.2 CLASSIFICATION OF RESERVES

Section 16 of the Reserves Act 1977 requires that reserves be classified according to their principal or primary purpose:

"to ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes".

There are seven distinct reserve classifications defined in Sections 17 to 23:

Section 17	Recreation reserves
Section 18	Historic reserves
Section 19	Scenic reserves
Section 20	Nature reserves
Section 21	Scientific reserves
Section 22	Government purpose reserves
Section 23	Local purpose reserve

Under Section 17 of the Act, recreation reserves are:

"providing areas for recreation and sporting activities and the physical welfare and enjoyment of the public and for the protection of the natural environment and beauty of the countryside with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside."

Under Section 19 of the Reserves Act 1977 scenic reserves are:

- (a) *"For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:*
- (b) *"For the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest."*

Prior to the adoption of the Reserves Act 1977, local purposes did not exist so local authorities only had to deal with recreation reserves. Local purpose reserves were created to enable local authorities to set aside areas for specific purposes such as esplanade reserves, site for community halls, playcentres, kindergarten, kohanga reo, Plunket rooms, Scout halls and areas for pumping stations, drains etc.



A.3 MANAGEMENT PLANS

It is a requirement of Section 41 of the Reserves Act 1977 that all reserves have an operative management plan. The purpose of reserves management planning is to facilitate the management of reserves so that decisions can be made that do not compromise the long term use of the reserve and do not conflict with other uses.

Under Section 41 of the Reserves Act 1977 a management plan is to be prepared for a reserve that shall:

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

If a reserve does not have a management plan, then no part of that reserve can be leased without public consultation. In practice this means that every time a recreational organisation makes an application to lease part of a reserve that proposal must be publicly advertised for submissions. The production of a management plan can avoid this repeated public notification process, provided that the management plan specifies which areas are to be available for lease.

A management plan consists of some reserve history and current information along with a list of objectives for that reserve and a list of policies that detail how the objectives are to be achieved. It is essentially a management tool that allows consistent decisions to be made based on the objectives and policies for that reserve.

Management Planning Procedure

- a) The public is consulted on what future use they would like their reserve put to.
- b) The public response is combined with general objectives, policies and further background information into a draft management plan document.
- c) This document is then made available to the public for further comment. This is the opportunity for "fine tuning" of policies to produce a final document that accurately explains how the reserve will be managed in the future.
- d) The Council is legally obligated to hear all submissions before amending, if required, the final draft. Once approved by Council it may become the operative management plan.
- e) Plans are then forwarded to the Minister of Conservation and instances where the Council lacks the statutory authority, the Minister must approve the plan. Recreation reserves which are vested in a local authority or a local authority which is appointed to control and manage a recreation reserve do not require ministerial consent. It may be noted that the Department of Conservation is consulted during the preparation of all management plans. The Department is an advocate for the natural environment as constituted under the Conservation Act 1987.
- f) The Reserves Act 1977 provides for the management plan to be reviewed continuously so that it is adapted to changing circumstances. If the review involves major changes, it must be open for public input and comment.

A management plan is a working document which sets out objectives and policies of management and how these should be achieved.

Management plans provide a framework within which all future management will be carried out, subject only to review at defined intervals.

The management plan should be the foundation upon which all management decisions are based. The plan is intended to be comprehensive and practical, yet permit flexibility and to remain appropriate by including provision for review.



A.4 STATUTORY MANAGEMENT

The Spa Thermal Park and the majority of the Riverbank Recreational and Scenic Reserve are classified as recreation reserve pursuant to Section 17 of the Reserves Act 1977.

Under Section 17 of the Act, recreation reserves are:

"providing areas for recreation and sporting activities and the physical welfare and enjoyment of the public and for the protection of the natural environment and beauty of the countryside with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside."

One portion of the Riverbank Recreational and Scenic Reserve is classified as Scenic Reserve (the Taupo Bungy site) pursuant to Section 19 of the Reserves Act 1977 and as such is:

- (a) *"For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:*
- (b) *"For the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest."*

Other portions of the Riverbank Recreational and Scenic Reserve are classified Local Purpose Reserve (Esplanade) and Road Reserve. These classifications are primarily to protect the banks of the river and to allow public access to the river.

Section 41 of the Reserves Act 1977 requires a management plan to be prepared for a recreation reserve which shall:

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

The Spa Thermal Park and the Riverbank Recreational and Scenic Reserve are located within the District of Taupo.

A.5 TANGATA WHENUA

The managers of the reserve wish to take account of the aspirations of major stakeholder groups including Tangata Whenua when making management decisions regarding the reserve.

A.6 PROCEDURES UTILISED

Discussions between Taupo District Council, the Department of Conservation and Wairakei Tourist Park Management Board have led to a recognition that there is a need for integrated planning for the areas that they respectively administer i.e.: the Waikato River from the Lake Taupo outlet in the south to Ngaawapurua (Fulljames) Rapids in the north.

It is recognised that each organisation must prepare plans in accordance with their individual statutory responsibilities. However it is considered that to be able to progress in the same direction an agreed set of key principles and an integrated consultation process is vital.

Consultation has been undertaken with relevant organisations such as Mighty River Power Ltd. (formally Electricity Corporation of New Zealand (ECNZ)), Environment Waikato, Royal Forest and Bird Protection Society (Taupo Branch), Taupo Tourism and Eastern Region Fish and Game Council. Members of the public have been invited to comment on the review of some plans or the preparation of others. They were invited to comment on the Draft Plan.

The issues that have already been raised in submissions for Spa Thermal Park and Riverbank Recreational and Scenic Reserve include:

- Enhancement through removal of weeds and increased native vegetation;
- Maintenance of existing grassed areas;
- Ensure access to river;



- Provision of facilities such as walking track(s), confidence course and picnic areas;
- Allow for outdoor adventure activities;
- Conflict of opinion about whether commercial activities and events should be permitted.

Other methods used in preparation of this management plan have involved a literature search of all relevant publications including summarising any studies undertaken with respect to visitor use of the area.

A.7 KEY PRINCIPLES FOR THE UPPER WAIKATO RIVER VALLEY

The Taupo District Council, Department of Conservation and Mighty River Power Ltd. have agreed that plans within the Upper Waikato River Valley will be consistent with each other as much as is possible and collectively provide for sound integrated management. This is to be achieved through a set of common key principles which will apply to all the management plans for the Upper Waikato River Valley area prepared by these organisations.

The principles are:

- To protect significant natural features, landscapes and habitats;
- To protect unique cultural values and historic resources;
- To identify and protect the natural character of the Waikato River Valley adjacent to developed urban and rural settings;
- To ensure continued public access to public land and waterways;
- To promote a wide range of public use (experience) within the range of settings in the upper Waikato River Valley;
- To manage the land and resources of the Upper Waikato River Valley in a co-ordinated and integrated manner with statutory authorities, landowners and the regional community;
- To allow commercial use of resources where they do not conflict with the above principles.

A.8 ADDITIONAL DOCUMENTS

There are a number of other documents which relate directly or indirectly to this Management Plan.

Those that directly effect this plan are the Reserves Act 1977 and the Taupo District Plan. The requirements of the Reserves Act are discussed elsewhere in this document.

The Taupo District Plan is a regulatory document for the whole district prepared and administered by the Planning and Regulatory Division of Council. The Management Plan on the other hand is the Council's plan for the use and development of the Spa Thermal Park and Riverbank Recreational and Scenic Reserve prepared and administered by the Community Services Division on behalf of Council as landowner. The Taupo District Plan has a mandate under the Resource Management Act 1991 (RMA) to promote sustainable management of natural and physical resources. The Taupo District Plan stands alone in relation to regulatory control in respect of reserves, but in exercising discretion under the RMA, the Council must take into account the provisions of the operative reserve management plan.

In other words while the reserve management plan has policies relating to what can and cannot happen on Spa Thermal Park and Riverbank Recreational and Scenic Reserve these also have to be considered in relation to the provisions of the Taupo District Plan.

The Transitional Taupo District Plan proposes a second bridge across the Waikato River upstream of the present Control Gate Bridge. This has a minor affect on the Riverbank Recreational and Scenic Reserve by cutting through the present open grassed areas on the right bank of the river immediately downstream of the present bridge.

Documents which indirectly affect management of Spa Thermal Park and Riverbank Recreational and Scenic Reserve are the Wairakei Tourist Park Strategy and the Draft Tongariro/Taupo Conservation Management Strategy (1995-2005).