



Part Two Legislation and Planning Policy Framework

2.1 Introduction

A hierarchy of legislation and Council strategies and policies provide the framework for this management plan. The preparation of the management plans for reserves is a legislative requirement under the **Reserves Act 1977**. It sets out the management planning process and defines reserves' purposes and functions. Other documents have helped shape the principles for the management of Rere Reserves. They include:

- ▶ Resource Management Act 1991
- ▶ Gisborne District's Combined Regional Land and District Plan (CRLDP)
- ▶ Long Term Council Community Plan (LTCCP)
- ▶ Regional Pest Strategy
- ▶ Tiniroto, Waihua, Mahia and Matawai Ecological District, Department of Conservation

2.2 Reserves Act 1977

The Reserves Act 1977 (the Act) requires Council to prepare management plans for its reserves classified under the Act. The purpose of a management plan is defined in the Act as follows:

"...provide for and ensure the use, enjoyment, maintenance, protection and preservation, as the case may require, and to the extent that the administering bodies' resources permit the development as appropriate, of the reserve for the purposes of which it is classified".

The Rere Falls Reserve is classified Recreation Reserve. This classification provides for a range of uses and is the most commonly used class by local authorities due to its broad recreation and environmental principles:

“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”.

The Rere Rockslide Reserve is classified Local Purpose (esplanade) Reserve. This classification holds the reserve for the purpose specified, in this case as ‘esplanade’, recognising access to Wharekopae River as its principal purpose. The Local Purpose class is the most flexible of all classifications, and provides an opportunity attribute a sub-classification which does not duplicate a classification under the Act. Esplanade reserves for example are not specifically recognised under any other class in the Act.

The primary purpose of this reserve is for esplanade purposes. Council has authority to manage and develop the reserves as it sees fit, consistent with protecting the esplanade values. Under this classification Council has authority to issue licenses without requiring ministerial consent, and by public notice it can prohibit access to the whole or any specified area of the reserve.

2.3 Resource Management Act 1991(RMA)

The purpose of the RMA is to...

“Promote the sustainable management of natural and physical resources to manage the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and their communities to provide for their social, economic, and cultural well-being and for their health and safety while...

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the foreseeable needs of future generations; and
- b. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c. Avoiding, remedying, and mitigating any adverse effects of activities on the environment (Section 5a).

2.4 Gisborne District’s Combined Regional Land and District Plan (District Plan)

The District Plan has been prepared under the Resource Management Act 1991. The Plan defines the way in which the district’s natural and physical resources will be managed to achieve the principles and purpose of the RMA. The District Plan recognises Reserves Act Management Plans as a method to implement its objectives and policies.

The District Plan provides for activities on reserves through the use of zones. Reserves are grouped into four broad zonings based on the levels of actual or potential adverse effects that can be sustained by each reserve site. District Plan zones include; recreation reserve, neighbourhood reserve, heritage reserve, amenity reserve, and cemetery reserves.

At this time Rere Falls and Rere Rockslide Reserves are not yet zoned with a reserves zoning. This seems to be an oversight during the preparation of the District Plan. The two reserves are currently zoned Rural General, which is not entirely incorrect, but does not recognise use rights. The most appropriate zoning for these reserves is Amenity Reserve Zoning recognising a key purpose of this zone is to facilitate public access to rivers. Council is undertaking a plan change to establish an Amenity Reserve Zoning for both reserves.

Under the Amenity Reserve Zoning all land use activities carried out in accordance with an approved Management Plan are permitted activities.

2.5 Long Term Council Community Plan 2009-2019 (LTCCP)

The preparation of the LTCCP is mandatory under the Local Government Act 2002. The LTCCP has two core functions:

1. To provide for community involvement and input into the determination of outcomes for the district; and
2. Set out proposed short, medium and longer-term priorities and actions of the Council.

Community Outcomes from the LTCCP that relate to the Rere reserves include: Vibrant Tairāwhiti, Prosperous Tairāwhiti, Healthy Tairāwhiti, Environmentally Sustainable Tairāwhiti, and Empowered Tairāwhiti. These outcomes recognise the reserves' values in terms of recreation, the environment, community health, and economy in terms of tourism.

The LTCCP identifies that for our reserves and open spaces our community wants to have an open space network that provides for community and recreational opportunities, as well as cultural, landscape and ecological protection and enhancement. The Plan advocates for Council to continue to review, prepare and implement Reserve Management Plans for all reserves in line with the Open Spaces Strategy and the Reserves Act 1977 (pg 136). The preparation of the Rere Reserves Management Plan and its implementation is programmed for 2011 to 2015 with a total budget of \$107,795, however 70.53% is loan and reserve funded with 29.4 % reliant on grant funding.

2.6 Regional Policy Statement

The RMA requires Council to prepare a Regional Policy Statement for the Gisborne District. The Statement is to promote the sustainable management of the regions physical and natural resources and is expected to achieve this by:

- ▶ Providing an overview of the resource management issues of the region; and
- ▶ Setting out policies and methods to achieve integrated management of the regions natural and physical resources.

Natural and physical resources include land, water, air, soil, minerals and energy, all forms of plants and animals and all structures.

Objectives in the statement include reducing sediment load in rivers and improving water quality. These objectives relate to how we manage reserves, such as the Rere reserves where they adjoin a river. Policies relevant to the management of Rere's reserves include:

3.1.3.1 To develop and implement a range of land management measures that improves the water quality by reducing sediment entering waterways.

3.1.3.2 To promote the beneficial outcomes of more sensitive management of riparian margins and, where appropriate, to protect and enhance riparian vegetation.

The statement includes methods for implementing its policies which include:

To retain and enhance, where appropriate, the vegetation along riparian margins...with encouragement given to indigenous planting and to promote the retirement and planting of riparian margins where appropriate.

