



Rangitikei
UNSPOILT...

2010

Historic Reserves Management Plan

FEMVA

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Part One: District-wide Legislative and Policy Framework

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Introduction

Local authorities are obliged to develop Reserve Management Plans for the historic reserves that it administers under the Reserves Act 1977. This management plan has been prepared to enable the Rangitikei District Council to meet its statutory obligations, to establish the desired mix of uses for its historic reserves and to guide day to-day management.

Determining community preferences and establishing the best means to provide for them are essential ingredients of good management planning. The management plan will provide the community with certainty about the function and future management of its historic reserves. It is presented in two parts:

Part One applies to all historic reserves in the Rangitikei District. It outlines the legislative framework, relevant Council policies and plans and general management objectives and policies covering all Council-owned and administered historic reserves in the Rangitikei. The Reserve Act 197 and Council's Reserve Policy apply only to classified reserves.

Part Two comprises sections applicable to individual historic reserves. As Council develops specific plans for each historic reserve, new sections will be included into Part Two.

Review

The management plan will be subject to continuous review as outlined in section 41(4) of the Reserves Act 1977.

Definitions

Council: means the Rangitikei District Council

Reserve: refers to a classified historic reserve under the Reserves Act 1977

Legislation and Policy specific to Historic Reserves

The following legislation is specific to classified historic reserves.

The Reserves Act 1977

The Reserves Act 1977 is the principal piece of legislation that governs the management and development of reserves.

Section 18 of the Reserves Act 1977 states that historic reserves are to be managed primarily for the purpose of:

protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.

Section 18 also outlines the management principles by which a historic reserve must be administered and maintained. These are:

- The structures, objects, and sites illustrate with integrity the history of New Zealand:
- The public shall have freedom of entry and access to the reserve, subject to specified conditions and restrictions:
- To manage and protect the scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife that present on the reserve:
- To maintain its value as a soil, water, and forest conservation area:
- To preserve as far as possible, the indigenous flora and fauna and natural environment.

Section 58 provides for particular powers of the administering body in the exercise of its administrative function. These include:

- Appoint officers, servants, and rangers, whether paid or unpaid:
- To set apart and use part of the reserve as sites for residences for officers or servants of the administering body or for rangers, and for other buildings necessary for the proper and beneficial management, protection, and maintenance of the reserve, and for the provision of displays and information for visitors to the reserve:
- Charge fees for admission to the whole or any part of the reserve, and for the use of amenities and facilities:

Section 58(A) confers leasing powers in respect of historic reserves to the administering body, as follows:

- To grant leases or licences to any person, body, voluntary organisation, or society (whether incorporated or not) for domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes.

- A lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease.

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Legislation and Policy applicable to, but not specific to, Historic Reserves:

The Rangitikei District Council, like all other territorial local authorities, is required to provide for historic heritage items. Five pieces of legislation are relevant: the Resource Management Act, the Historic Places Act, the Building Act, the Local Government Act and the Local Government Rating Act.

Resource Management Act 1991 (RMA)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Historic heritage is deemed to be a physical resource and is defined in the Act as meaning:

Those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;*
- (ii) architectural;*
- (iii) cultural;*
- (iv) historic;*
- (v) scientific;*
- (vi) technological; and*

includes –

- (i) historic sites, structures, places, and areas; and*
- (ii) archaeological sites; and*
- (iii) sites of significance to Maori, including wāhi tapu; and*
- (iv) surroundings associated with the natural and physical resources:*

Section 31 of the RMA requires the Council to establish, implement and review:

“objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District”.

Section 6(f) of the Resource Management Act (RMA) places an obligation of the Council, when exercising its functions and powers under the Act, to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development, as a matter of national importance.

Section 6(e) of the RMA also requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, as a matter of national importance.

These provisions apply to the Council when it is preparing and administering the District Plan and any changes to the Plan, and when it considers applications for land use or subdivision consents. The District Plan is the principal tool for providing policy and regulatory control on activities that may affect historic heritage items.

The RMA also provides for historic heritage orders to be included in District Plans. The Council is a historic heritage protection authority under the RM Act and can impose historic heritage orders on sites or items.

Historic Places Act 1993

The Historic Places Act 1993 requires the NZHPT to maintain and supply to every territorial authority a record of registered historic places, historic areas, wāhi tapu, and wāhi tapu areas and historic heritage covenants. The territorial authority must keep the record available for public inspection during its usual business hours.

Building Act 2004

The Building Act 2004 provides a regulatory regime with regard to building consents, PIMs, dangerous buildings, and dams. The Act has a number of historic heritage-related provisions and local authorities are required to develop strategic policies relating to dangerous buildings and dams and these documents must have regard to historic heritage issues. Where a site or item is registered the Council is required to include the information about the site or item when issuing any Project Information Memoranda (PIM) under the Building Act, or Land Information memoranda (LIM) under the Local Government Official Information and Meetings Act.

Under the Building Act, Councils are required to notify the Historic Places Trust when a building consent is received relating to a registered site.

Local Government Act 2002

The Local Government Act 2002 promotes the economic, social, cultural, and environmental wellbeing of local and regional communities. The Act provides local government with powers of general competence with certain limitations including the need to prepare 10 year, long term council community plans and consultation on any 'significant' policy and action. The Act retains the annual plan process which can be adopted to enable the allocation of funds for the protection of historic sites and items.

Local Government Rating Act 2002

The Local Government Rating Act 2002 allows the Council to adopt a policy on the remission or postponement of rates land on which natural, historic or cultural features are voluntarily preserved or enhanced by the occupier and access is granted to the public. The land must not be used for private profit.

The District Plan

The District Plan Objective 18 in the District Plan involves the:

Recognition and protection of the historic heritage values of buildings, trees, objects, places or areas of historical or cultural significance, artefacts, archaeological and geological sites and wāhi tapu; and protection of them from inappropriate subdivision, use and development.

The Plan also outlines the policies and Plan Rules that will be enforced to implement the Objective.

Heritage Protection Strategy

The Heritage Protection Strategy provides for Council to address its obligations under the above legislation and the District Plan. However, currently no historic reserves are recognised within the District.

Reserves Policy (PR1 of the Policy Manual)

This policy broadly outlines Council role in administering its reserves, in line with the objectives of the Reserve Act 1977. Prior to 27th November 2009, Council has had no classified historic reserves within its reserves register. The Reserves Policy makes no specific mention of historic reserves and focuses on recreational and local purpose reserves; However, subject to review, it is the Council policy that applies across its portfolio of reserves:

- to emphasise retention of open space for outdoor recreation
- maximise freedom of access to reserves for all people rather than a few
- encourage multiple use of reserve land and facilities when feasible and appropriate
- facilitate greater involvement of the public in reserve administration and decision-making.

The Policy states that Council will be responsible for the management of all reserves, in accordance with the applicable Reserve Management Plan.

1 Reserve Management

Where no Reserve Management Plan is currently in place, management of the reserve shall have regard for the purposes as stated in the Reserves Policy. Where there is a demonstrated need for a separate governance arrangement, Council may, following the procedures below, form a Reserve Management Committee to be delegated responsibility for the management of a particular reserve or reserves.

2 Rights of public access

The public has a right to access all reserves administered by Council and it encourages public use through a variety of means.

The Council may, from time to time, limit access to any reserve under its administration for the protection of public safety and well-being, or in accordance with exclusive rights of access granted under a lease or licence to occupy to the lessee or licensee, or in respect of its powers under S53 of the Reserves Act 1977. Council may limit what animals may be brought onto a reserve, whether by the public or by any lease- or licence-holder. These restrictions will have regard for public safety, conservation values, and the management of the reserve.

3 Leases and licence to occupy

A lease is preferred where any or all of the following apply:

- The arrangement is to be long term (no less than 5 years);
- The lessee intends to operate the reserve for commercial gain;
- The Council desires to protect Council-owned improvements or assets located on the reserve;
- The Council desires to ensure the District's reputation is not brought into disrepute as a result of reserve mismanagement;
- If any of the above criteria are not present, or the cost of preparing a lease outweighs the lease rental, Council may negotiate a licence to occupy in lieu of a lease.

Council will not pay or otherwise compensate any occupier of reserves land for improvements to reserves remaining upon the termination of a lease or licence to occupy, unless agreed prior to the improvement being made. Where compensation is to be given, a methodology for assessing the compensation must be part of the lease or licence, or a variation to the lease or license.

The Bylaws

As public places, Council's historic reserves are subject to controls outlined in the following bylaws:

- Control of Skateboarding Bylaw 2005
- Public Places Bylaw 2007
- Trading in Public Places Bylaw 2007
- Control of Advertising Signage Bylaw 2007
- Control of Dogs Bylaw 2005
- Liquor Control Bylaw 2005

The Long Term Council Community Plan 2009-19

The LTCCP 2009-19 makes no reference to historic reserves, since none were identified at that time.

Ends Statements

Council's Ends statements detail the overall objective or end result that Council is aiming to achieve. Statements of particular relevance are:

1. The special character of the Rangitikei District is protected
3. Settlements, properties and tourist attractions within the District are reasonably accessible.
4. Central and local government services meet community needs.
5. Residents and visitors have a safe environment.
7. There is a pleasant environment.
9. Efforts of residents and community groups to help themselves are supported.

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Management Objectives and Policies:

There are two overarching objectives and four general policies that describe how Council will manage its historic reserves in the future.

Objectives

1. To promote and encourage the use of Council's historic reserves for a range of activities that do not conflict with the reserves' main purpose as defined in the Reserves Act 1977.
2. To identify and protect the unique characteristics of each of Council's historic reserves and to enhance the historic heritage amenities, sites, structures, places and areas where appropriate.

Policies

1. To encourage community participation in the planning, development, management and maintenance of Council's historic reserves.

Rationale:

Community support is essential to the management and development of its historic reserves. Council will aim to manage the reserve in partnership with the local community.

Implementation:

Council will work towards a management structure which enables maximum ownership of its historic reserves and associated facilities by the community.

2. To maintain and develop facilities at Council's historic reserves in close consultation with the local community to enhance the historic heritage values and opportunities.

Rationale:

Community support is more likely to be forthcoming if Council works with local communities to develop and maintain facilities at Council's historic reserves that meet their needs.

Implementation:

Any developments at Council's historic reserves will be consulted upon with the community.

3. To encourage maximum use of Council's historic reserves by a range of different groups.

Rationale:

Good day-to-day operational management of appropriate historic heritage facilities has the potential to greatly increase the number of activities and events at Council's historic reserves.

Implementation:

Council practice around the day-to-day operational management of the reserve and facilities will ensure that conflicting demands are managed and that use is maximised.

4. To ensure as far as practical, the safety of users at Council's historic reserves.

Rationale:

It is important that users feel safe when using the facilities at Council's historic reserves. Council has its own procedures, but must also rely on users of the facilities to act appropriately in circumstances which involve Health and Safety, for example, to supervise their children whilst visiting the historic reserve etc.

Implementation:

Council will ensure that regular inspections and remedial work are undertaken effectively and will comply with all requirements for signage and safety etc.

Council will undertake an appropriate monitoring and surveillance regime, and will work with the community and Police to contain any vandalism or anti-social use of the assets, for example to use Crime Prevention through Environmental Design (CPTED) to enhance safety at all historic reserves.

5. To preserve the reserves' unique physical, historic, traditional and cultural values whilst providing for managed public access, amenity value, education and recreation.

Rationale:

Where a reserve contains significant historic heritage (as identified by and listed in the District Plan) that requires careful management to ensure its preservation, Council will apply the policies contained within its historic reserves management plan (part 1) to ensure that the historic heritage amenity is protected whilst allowing for managed and appropriate public access, amenity and recreation.

Implementation:

Where any of Council's reserves contains a historic heritage site identified and listed in the District Plan, the reserve specific Management Plan (Part Two) for that reserve will ensure that the site is managed in line with this Historic Reserves Management Plan (Part 1).