

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

Chapter 14: Reserves and Open Space

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Acronyms

AMP	Activity Management Plan
DOC	Department of Conservation
GIS	Geographic Information System
LiDAR	Light Detection and Ranging - technology that provides detailed contour data
LGA	Local Government Act
LTP	Long Term Plan
MagiQ-BI/NCS	Two related Council information systems - used to manage data, including for resource consents and service requests, including complaints.
NCS	Council's records management
NGO	Non-governmental organisations
NTLDM	Nelson Tasman Land Development Manual
OSS	Open Space Strategy
PC# or C#	Plan Change #/Change #, e.g. Change 3
PCL	Public conservation land
RGP	Reserve General Policies
RMA	Resource Management Act
RMPs	Resource management plans
SNA	Significant Natural Area
TRMP	Tasman Resource Management Plan
V#	(Plan) Variation, e.g. Variation 1

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Executive Summary

This evaluation report assesses the effectiveness and efficiency of the provisions in Chapter 14 “Reserves and Open Space” of the TRMP. The TRMP established three zones: The Open Space Zone, the Recreation Zone and the Conservation Zone. Rules for each zone identify the scope of what activities can be undertaken in each of these zones.

The principal issues for the chapter, as stated in the introduction, are:

- (1) the adequacy of provision of reserves and open space;
- (2) efficient and effective use of reserves and open space land;
- (3) protection of natural values and education about those values; and
- (4) management of environmental effects from and onto reserve and open space sites.

Chapter 14 is focused, firstly, on Council-owned land and implemented by Council functions undertaken via the Local Government Act 2002 - e.g. neighbourhood reserves, sports-fields, cemeteries, halls and walkways. However, the majority of land for reserves and open space is typically acquired through subdivision processes, and so the chapter has wider relevance. Secondly, Chapter 14 also provides policy for the DOC estate which is administered under the Reserves Act 1977.

Reserves, open spaces and conservation areas are delivered through RMA processes (e.g. subdivision), but are designed and managed through a wide range of policy documents such as the Long Term Plan, the Open Space Strategy, the Reserves General Policies, the Nelson Tasman Land Development Manual, Reserve Management Plans, and Department of Conservation management plans.

The Conservation zone covers almost two thirds of the District and is almost entirely administered by the Department of Conservation.

Under the various management documents, and under the rules of the TRMP, most objectives of Chapter 14 have been successfully achieved. These successful objectives and policies relate to the provision of reserves, management of reserves, and containing the effects of activities occurring on the reserve so as to not cause off-site effects. Outcomes have been achieved as a result of the combination of management by the Council’s Community Development team, and by the implementation of rules and policies in the TRMP.

A key factor that has supported high quality implementation and successful outcomes for reserves and open space are the methods that support this objective, including:

- Designation of proposed reserves on planning maps
- Showing indicative reserves on planning maps
- Identification of zones
- Requirement for financial contributions

However, the objective and policy set in Section 14.3 are not being adequately achieved. This section relates to the conservation of those areas in the District which have significant natural and scientific values such as landform, ecosystems, natural character and heritage values. The policies under this objective are not well implemented by the rules or processes of the plan. This means that there is very limited scope or opportunity for the policies and the objective to be effective.

Environmental data show broadscale decline for biodiversity and downward trends on several metrics. Extensive DOC ownership of land is helping to support biodiversity and natural character

outcomes to some degree, but the trend still appears to be a decline. There seems to be little uptake of opportunities that are available through the resource consent process to covenant or otherwise protect ecologically strategic linkages. This is because sometimes landowners are resistant, but also because of reluctance on the part of Council to acquire more land. There are few planning requirements or incentives that support strategic restoration or enhancement of key sites or linkages. Credits against Reserve Financial Contributions are one such, but require a more explicit policy framework.

The Chapter has a tendency to ascribe particular values, purposes and outcomes for different reserves. In this sense, it does not explicitly represent the Mātauranga Māori worldview of multiple values and that the value of open space, reserves, and conservation areas can be multi-faceted and collective. In summary, many of the outcomes sought by Chapter 14 are being achieved, but the policies nevertheless require some revision to better align them with Council’s LTP asset management processes. Other provisions relating to conservation and biodiversity are not successful and require comprehensive revision.

Recommendations

The following recommendations are intended to inform the review of the Tasman District Plan. These recommendations are intended to:

- advise decision-makers about the effectiveness and efficiency of existing provisions
- indicate if there is a ‘need for change’, and
- inform the development of the new Tasman Environment Plan.

The recommendations must be viewed as an initial step in the plan review process. Subsequent information from rapid assessments with expert plan users, political input, public input, new information and legislative change will affect final proposals.

The recommendations contained below are only a succinct summary. The full analysis and detailed information supporting these recommendations is contained in the body of this report.

Table 1: Recommendations

Objective Set	Recommendations
14.1 Provision of Reserves and Open Space	
<p>Objective 14.1.2 Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values</p>	<p><u>Retain with updates</u> – This objective remains appropriate and is unlikely to require significant amendment.</p>
<p>Policy 14.1.3.1 To provide at least four hectares of Council land per 1,000 residents for recreation and amenity space which is in addition to Crown and private land.</p>	<p><u>Obsolete</u> – The need for this policy should be reconsidered. The measure is obsolete and it is likely to be inappropriate to identify particular outcomes.</p>
<p>Policy 14.1.3.2 To ensure additional open space is available in those areas (for example, Golden Bay and Motueka wards) which have high visitor numbers</p>	<p><u>Review</u> – The scope of this policy should be reconsidered. Further consideration needs to be given to whether or not there is a need for policy in relation to the geographic distribution of reserves, and what that policy guidance</p>

	might be. Provision of open space and reserves is an LGA function that is subject to public consultation processes.
<p>Policy 14.1.3.3</p> <p>To identify potential open space areas in advance of urban subdivision in order to provide for the open space needs of the future residents and workers in the area</p>	<ol style="list-style-type: none"> 1. <u>Retain with updates</u> – The intent and function of this policy is desirable and should be retained. Some consideration should be given to any changes that are needed to better provide for future open space needs. 2. TRMP provisions should further reinforce that indicative reserves and walkways are only indicative and that the eventual location may differ as long as the overall outcome is achieved. 3. Consideration should be given to being explicit about the purpose of each indicative reserve or walkway to identify what the key purpose of each is. E.g. “the purpose of indicative walkway X is to link points Y and Z. Perhaps a broader polygon could be used to show the wider scope of where the walkway could ultimately be routed. 4. Provisions should also make it clear that the absence of indicative reserves or walkways does not mean that Council is not able to pursue them or that they are inappropriate. 5. In order for indicative roading, reserve and walkway tool to be more effective, the Community Development team should undertake proactive strategic planning to further identify priority linkages and reserve locations. For example, an indicative walkway network should be identified for the Rural 3 Zone and Rural Residential Zone locations.
<p>Policy 14.1.3.4</p> <p>To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves</p>	<ol style="list-style-type: none"> 1. <u>Retain with updates</u> – Keep intended function of this policy, but amend to reference other relevant documents that identify design outcomes. 2. Other recommendations as per Policy 14.1.3.3 above.
<p>Policy 14.1.3.5</p> <p>To identify areas where there is a deficiency of open space</p>	<u>Obsolete</u> – This policy is unnecessary as it is now superseded by LGA functions.
<p>Policy 14.1.3.6</p> <p>To adjust financial contributions for reserves and community services in lieu of the vesting of land for walkway/cycleway, open space and recreation reserve purposes, unless agreed otherwise.</p>	<p><u>Retain with updates</u> – This policy is necessary but should be reviewed to determine whether it remains fit for purpose or whether changes are necessary.</p> <p>Consideration should also be given to adding a new policy that further strengthens the use</p>

	<p>and imposition of financial contributions in line with the RFC policy in the TRMP. A review of the policy will also need to account for RMA changes to financial contributions.</p> <p>Additionally, the policy review should consider whether or not credit should be given for reserves within a development to meet the demands of that development, as RFCs are intended to address the effects generated by a development that are outside the development itself.</p>
<p>Policy 14.1.3.7 To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast</p>	<p><u>Retain with updates</u> – This policy is valuable and should remain.</p>
<p>Policy 14.1.3.8 To encourage the integration of reserves and open space areas within a whole-catchment and Low Impact Design approach to drainage and the management of stormwater</p>	<p><u>Retain</u></p>
<p>Policy 14.1.3.9 To encourage effective and efficient design and establishment of parks and reserves that can integrate multiple uses and functions of open space, including for network infrastructure</p>	<p><u>Retain</u></p>
<p>General Recommendations for this Section</p> <ol style="list-style-type: none"> 1. The policies that sit under this objective require various levels of attention as set out above. As a general principle, the policies should be reviewed to provide for effects-based outcomes, not design specifications or processes. 2. Provide stronger links and explicit cross-references to reserves design and planning documents for implementation. 3. Undertake community consultation about the needs of different communities for reserves and open spaces. 4. Provide a Māori perspective to the provisions to provide recognition and balance of the varying worldviews, and to recognise that open space, reserve and conservation areas can fulfil a wide range of functions including cultural and historic functions. 5. Further analyse and seek community feedback about how spatially granular and specific the TRMP policies should be regarding the distribution of reserves and open space, recognising that more direction could be included in the provisions identifying the different reserve and open space requirements for different settlements and areas around Tasman. The alternative view that could be tested is that the Plan should be very high level and simply cross-reference to the AMP which contains direction on those matters already. 6. Review the assessment criteria and matters of control/discretion to ensure that appropriate provisions are in place to be able to effectively require necessary reserves and open space outcomes, including on applications for land use consent. 7. Provide a clear policy framework that reflects the need for provision of land for reserves and open space at the time of subdivision. 	

14.2 Use of Reserves and Open Space	
<p>Objective 14.2.2 Efficient and effective use of open space and reserves to meet community needs for recreation and amenity</p>	<p><u>Retain with updates</u> – This objective remains appropriate and is unlikely to require significant amendment.</p>
<p>Policy 14.2.3.1 To maintain and where necessary improve the quality of reserves, open space and public recreational facilities</p>	<ol style="list-style-type: none"> 1. <u>Review</u> – provide high level policy that supports the need for appropriate zones, and reserves, open space and public facilities. 2. <u>Investigate</u> and resolve how zonings should be applied to recreational activities on private land (e.g. golf clubs on private land).
<p>Policy 14.2.3.2 To identify and protect areas that are important for organised recreational pursuits</p>	<p><u>Review</u> – This policy has value in principle but the wording should be reconsidered to see whether it can be made more effective.</p>
<p>Policy 14.2.3.3 To encourage multiple use of reserves and open space and recreational facilities where practical</p>	<p><u>Review</u> – This policy has value in principle but the wording should be reconsidered to see whether it can be made more effective.</p>
<p>Policy 14.2.3.4 To identify and protect areas that are important for informal low key recreation and community activities</p>	<p><u>Review</u> – This policy has value in principle but the wording should be reconsidered to see whether it can be made more effective.</p>
<p>Policy 14.2.3.5 To advocate and promote that the relevant authorities make land and facilities at schools further available to the general public for recreation</p>	<p><u>Review</u> – This is a method not a policy. However consideration could be given to recognising that schools do provide valuable open space outside of school hours.</p>
<p>Policy 14.2.3.6 To relinquish land that is unsuitable (following consultation with the community) and deemed to be surplus in Council’s reserve/open space register and acquire more suitable land</p>	<p><u>Review</u> – Provide high level policy that supports the need for appropriate zones, and reserves, open space and public facilities.</p>
<p>Policy 14.2.3.7 To consult with the community on the management, development and design of open space and reserves</p>	<p><u>Remove</u> – Process related policy is unnecessary for outcomes.</p>
<p>Policy 14.2.3.8 To ensure that any urban reserve land acquired has sufficient road frontage for visibility from the street</p>	<p><u>Review</u> – The outcome identified in this policy is only one of many good practice design factors. Instead consider cross-referencing to more specific design criteria in NTLDM and other documents.</p>
<p>General Recommendations for this Section</p> <ol style="list-style-type: none"> 1. The policies that sit under this objective require various levels of attention as set out above. As a general principle, the policies should be reviewed to provide for effects based outcomes, not design specifications, processes and consultation requirements. 2. Provide stronger links to Reserves design and planning documents for implementation. Rules for Open Space, Recreation and Conservation Zones could cross reference to the Reserve General Policies document and Reserve Management Plans in order to identify permitted activities (since these documents will essentially guide decision-making on resource consent applications in any case. 	

3. Rules could also be considered which allow Council, where it is landowner, to undertake reasonable activity as a permitted activity (The Nelson Resource Management Plan contains examples of this approach).
4. There is value in retaining these policies, but remodeling the policies to strengthen and guide the differentiation between the Open Space Zone and the Recreation Zone.
5. Recognise that open space, reserve and conservation areas can fulfil a wide range of functions including cultural and historic functions.

14.3 Conservation of Areas of Significant Value

<p>Objective 14.3.2 The conservation of those areas in the District that have significant natural and scientific values such as landform, ecosystems, natural character and heritage values</p>	<ol style="list-style-type: none"> 1. <u>Review</u> – This objective and policy set should be thoroughly reconsidered in scope and content.
<p>Policy 14.3.3.1 To identify and protect areas of conservation value by incorporating them into land with a protective status</p>	<ol style="list-style-type: none"> 2. Consideration needs to be given to the placement and function of this set in relation to biodiversity objectives, natural character and landscape outcomes. It may be that these provisions should be relocated elsewhere in the Plan.
<p>Policy 14.3.3.2 To manage the range of activities permitted in areas of specific natural value so that they are of a type that provides for the maintenance and enjoyment of the special natural values with least adverse effect on those values.</p>	<ol style="list-style-type: none"> 3. Reconsider the function and rules for the Conservation Zone. The rules that are currently in place for the Conservation Zone, make the use of the land for anyone else but DOC largely unreasonable. Therefore the Conservation Zone should be entirely restricted to the conservation estate. Ideally the conservation estate and conservation zone should precisely map onto one another.
<p>Policy 14.3.3.3 To enhance the District’s natural areas by encouraging the formation of protected linked corridors between them, especially in the Takaka Hill area</p>	<ol style="list-style-type: none"> 4. The Open Space Zone may need a broader policy and rule framework to support the acquisition and management of conservation sites – including sites of both natural and scientific value – that are not added to the conservation estate.
<p>Policy 14.3.3.4 To provide information about significant natural values of the District</p>	<ol style="list-style-type: none"> 5. A more proactive and strategic approach should be taken to the identification of sites of natural and scientific value that should be conserved. Once these are identified in the appropriate planning documents, then they can be better managed by the Council and addressed if and when resource consent applications are lodged that may affect those sites. Include within methods. 6. Investigate tools and mechanisms to allow the automatic rezoning of land that gets added to the Council’s open space and recreation network, and the DOC estate. 7. Provide a Mātauranga Māori perspective and recognise that open space, reserve and conservation areas can fulfil a wide range of functions, including cultural and historic functions.

14.4 Effects of Activities and Facilities on Reserves and Surrounding Areas	
<p>Objective 14.4.2</p> <p>The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas</p>	<p>1. <u>Retain with updates</u> – Reconsider the terminology used of “avoid” and “significant” to determine if appropriate.</p>
<p>Policy 14.4.3.1</p> <p>To control the scale, extent and location of buildings and structures to ensure the open space character of reserves is maintained</p>	<p>2. <u>Retain with updates</u> – Consideration should be given to providing different levels of off-site effects between Open Space Zone and Recreation Zone. The two zones have different inherent purposes and the policies should reflect these different usage patterns.</p>
<p>Policy 14.4.3.2</p> <p>To ensure that activities associated with open space and reserves do not give rise to adverse environmental effects (such as noise, glare, traffic, pesticide discharge) without adequate mitigation</p>	<p>3. Open Space and Recreation areas are assets to the wider community and consideration should also be given to developing policies that address the potential for reverse sensitivity effects.</p>
<p>Policy 14.4.3.3</p> <p>To design open space and recreational areas to complement and, where necessary, to improve the visual amenity of the surrounding area</p>	<p>This could include methods to reduce the noise impact on new residential activities that are consented in close proximity to Recreation Zone land.</p> <p>4. Integrate key amenity (Chapter 5) topics (e.g. signage) into these policies.</p>

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *“assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address”*

Efficiency: *“measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society”*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind:

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)?
(Enfocus, 2008)

2. Scope

2.1 District Plan Provisions Reviewed

This evaluation report assesses the effectiveness and efficiency of the provisions in Chapter 14 “Reserves and Open Space” of the TRMP. The scope of the chapter is broad and incorporates a wide variety of reserves and open space. For example:

- Small neighbourhood parks;
- Larger District reserves;
- Recreation reserves and facilities for organised sport, clubrooms and parking;
- Esplanade reserves, legal roads and other accesses along waterbodies or the coast;
- Scenic reserves;
- National parks;
- Open space areas that are privately owned (e.g. bowling or golf clubs, showgrounds)

Chapter 14 does not explicitly limit the scope of the chapter to Council-owned land. However the introduction does state that:

“Some recreational land, such as bowling clubs and showgrounds, is privately owned and may be valued by the community for open space and amenity reasons. However, these sites may be subject to development pressures and their long-term role as open space is not assured.”¹ (emphasis added)

From this, and other references to Council reserves and open space throughout, the emphasis of the chapter is on the public open space and recreation resources. This scope will also become clear from the provisions themselves which are discussed below.

The introduction also states:

“The issue of provision of public access and protection of conservation values along the margins of lakes and rivers and along the coastline is addressed in Chapter 8.”²

As a result, the objectives and policies of the chapter do not go into the provision of public access. Rather, the focus is on the quality and quantity of the public open space and recreation facilities.

The principal issues for the chapter, as stated in the introduction, are:

- (a) Adequacy of provision of reserves and open space for a growing population and addressing shortfalls.
- (b) Efficient and effective use of reserves and open space land.
- (c) Protection of natural values and education about those values.
- (d) Management of environmental effects from and onto reserve and open space sites.

These four issues are, in that order, reflected in the objectives set out in the Chapter. A set of 23 policies support those objectives.

¹ Chapter 14, Introduction, page 14/1

² Chapter 14, Introduction, page 14/1

Table 2: Scope

Objectives	Policies
Objective 14.1.2 Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.	Policies 14.1.3.1 – 14.1.3.8
Objective 14.2.2 Efficient and effective use of open space and reserves to meet community needs for recreation and amenity.	Policy 14.2.3.1 – 14.2.3.8
Objective 14.3.2 The conservation of those areas in the District which have significant natural and scientific values such as landform, ecosystems, natural character and heritage values.	Policy 14.3.3.1 – 14.3.3.4
Objective 14.4.2 The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas	Policy 14.4.3.1 – 14.4.3.3

TRMP Zone Structure

The TRMP provides three distinct zones for provision of public reserves and open space:

1. The Open Space Zone is aimed at low-key activities and is generally utilised for neighbourhood parks and greenspaces. It is also utilised for walkways, public accesses and esplanade reserves.
2. The Recreation Zone is aimed at more organised activities and includes sports fields and such. This zone allows for recreational buildings (e.g. recreation centres) to be constructed as a permitted activity.
3. The Conservation Zone is targeted for use for land that is for conservation purposes and administered by the Department of Conservation.

2.2 Timeframe of Evaluation

March – November 2019.

2.3 Summary of Methodology

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and ‘on the ground’ data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP on observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan outcome evaluation approach also arise where environmental outcome data is poor, or where there a multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a ‘rapid assessment’ technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- Environmental data or expert reports where available.
- Council data (e.g. property and asset information, consenting and compliance database information, models)
- Mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- Information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings)

The evaluation may also draw on the results of the TRMP Use-ability Survey (TDC, 2013), where relevant.

For this topic the following data sources were used.

Table 3: Assumptions and Data Used

Data source/s:	Details and Notes
Tasman GIS	Mapping of open space zones and land ownership Mapping of conservation, DOC, and reserve lands
Rapid Assessment	Richard Hollier Anna Gerraty Paul Sheldon Ros Squire
Council reports - Reserves General Policies - Reserves Activity Management Plan	Levels of service, outcomes, public satisfaction results
Council records (MagiQ-BI/NCS/databases)	Resource consent records - Resource consents in the Conservation Zone - Open Space and Recreation Zone consents Service Request database (complaints)
Communitrak Survey	Public satisfaction results

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 18 March 2020 discussing key issues and recommendations identified for this chapter. No additional matters were raised that related directly to this evaluation. However, Councillors did reiterate their impression that biodiversity outcomes were poor and should be comprehensively addressed in the development of the Tasman Environment Plan.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus on iwi/Māori provisions has been prepared. Please refer to that chapter for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

3.1.1 Legislation Changes

Four pieces of legislation drive the provision and management of reserves and public open space, being the Reserves Act 1977, Local Government Act 2002, Resource Management Act 1991, and Conservation Act 1987.

To a large extent Chapter 14 is implemented by activities of the Council that are undertaken under the Local Government Act. The TRMP was drafted when the LGA 1974 was in force. During the term of the TRMP the new LGA 2002 was promulgated. This has had significant implications that are described later in this report.

However, the RMA retains functions relating to the vesting of reserves and esplanade areas, and for Financial Contributions for reserves and community services to be levied. Both functions are implemented through the TRMP.

3.1.2 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements. The plan changes relevant to this topic are outlined in the table below.

Where a plan change has been recently introduced (i.e. <3 years) its impact will be difficult to determine with any accuracy as:

- there may have been limited uptake of the plan provisions (i.e. not many activities undertaken that trigger the new rule set) and/or
- the impact of existing use rights and previously consented activities continue
- the impacts may not be highly visible until there is a cumulative uptake of the provision.

Plan Change 7 (Variation 56) was notified in 2007 and is therefore relevant for consideration under this evaluation.

Table 4: List of Changes

Plan Change or Variation	Description of change and key matters
Plan Change 7 (Variation 56) - Stormwater	<p>V56 proposed to amend the stormwater provisions in the (then) Proposed TRMP. The proposed provisions sought to encourage a much greater level of consideration of stormwater management within land use and subdivision activities.</p> <p>The proposed changes also introduced the concept of low impact stormwater design (LID) for the effective management of stormwater. Increasing the importance of LID held implications for the provision and management of reserves and open space. As a result, V56 brought several provisions into Chapter 14:</p> <ol style="list-style-type: none"> 1. Explanatory text about the role that reserves and open space play in the management of stormwater, particularly in relation to the shared-use function that can be achieved. 2. Policy 14.1.3.8³ was included, which has the effect of encouraging the integration of reserves and open space areas within the catchment and LID solutions. 3. Method 14.1.20.1(e) to implement rules requiring the use of LID
Plan Change 68 – Omnibus	<p>Rezoning of areas to add to conservation zone, and zone corrections for Open Space and Recreation Zones.</p>
Plan Change 69 – Nelson Tasman Land Development Manual	<p>Some changes introduced to Chapter 14 to introduce concepts for multi- use of reserves and network resilience.</p>

3.1.3 Relevant Local Case law

The Environment Court decision on *Little Sydney Mining Company Ltd v Tasman District Council* [2010] NZEnvC 302 (Kenderdine J presiding) related to the vesting of an esplanade reserve. The appellants (LSMCL) had applied for a resource consent for a boundary adjustment. The Council granted consent but, as a condition of consent, sought that an esplanade reserve be vested. An appeal was lodged opposing the condition of an esplanade reserve.

The arguing of the case from a policy point of view centred more on Chapter 8 than Chapter 14 of the TRMP, but nevertheless the principles canvassed are relevant. Ultimately the Court dismissed the appeal and decided that it is in the public interest that the esplanade reserve should be vested.

³ Plan provisions were renumbered when the TRMP was made operative. This policy number was “Policy 14.1.6” at the time of notification of PC7.

3.1.4 Māori Cultural and Land Values

Reserves and Open Space areas seldom have single uses or purposes. They are often valued for protecting multiple values and enabling a range of uses. Chapter 14 is explicit about values such as ecological and conservation values, informal and formal recreation activities, visual amenity and greenspaces within urban areas.

However, many of the reserves in Tasman often protect and/or represent sites or locations that are of significant cultural value to local Manawhenua. For example, Thorp Bush in Motueka is a highly significant stand of native bush that also represents the last remnant of an important mahinga kai site in the area. Many sites also protect wāhi tapu sites. Mātauranga Māori weaves together all of values that are commonly separated in the pākehā worldview (and as exemplified in the paragraph above). Values of culture, history, smells, greenness and health seen as a collective whole contribute to a worldview that is different, but complementary to, pākehā values. Reserves and open space areas can contribute to and enhance the mauri of the land and water.

In 2017 the Supreme Court released a decision ruling that there was a breach of trust and the Crown had failed to act as a trustee for the Nelson Tenth, and that the Crown owed fiduciary duties to reserve 15,100 acres for the benefit of the customary owners and, in addition, to exclude their pa, urupa and cultivations from the land obtained by the Crown. Determination of breach and remedy has not yet been finalised but public lands (including reserves) may have a value in any settlement arising.

3.1.5 Other Factors

Population Change

Tasman District has experienced significant population and demographic changes since the TRMP was first notified in 1996.

Strong population growth and demand for housing has fuelled high levels of land development. This has resulted in busy times for the Council in relation to providing for sufficient recreation and open space facilities, both within these new residential areas, and also for regional recreational resources.

An aging population is also changing the demands for recreational space, quality of spaces and network connectivity.

Other Council Documents and Functions

As the provision of parks, reserves and open space is a core function of Council there are a substantial set of documents that guide planning, design, construction and management.

Table 5: List of Influential Documents

Document	Commentary
Open Space Strategy (OSS)	A non-statutory document, the OSS is to provide clarity about how Council intends to support efficient and effective open space management activities and relationships. The OSS is intended to guide Council over a ten-year period (2015-2025).
Long Term Plan (LTP)	This document sets Council's activities and funding priorities for the next 10 years

Reserves and Facilities Activity Management Plan (AMP)	This document is prepared under the LTP every three years and describes the strategies and works programmes for the Reserves and Facilities activity.
Reserve General Policies (RGP)	This document was prepared to consolidate policies that apply to all reserves owned and/or administered by the Tasman District Council. This allows a consistent approach to reserve management and removes the need for policies to be repeated in omnibus or site-specific management plans.
Reserve Management Plans	These documents are prepared for individual reserves or groups of reserves within a ward. They set out the specific policies for the day-to-day running of the reserve(s).
Nelson Tasman Land Development Manual (NTLDM)	This document, recently adopted, provides the specifications Reserves and Facilities. It provides a set of detailed outcomes that should be achieved for provision of reserves and facilities.
Engineering Standards and Policies (ES&P)	This document, now obsolete, provided the specifications for the construction of reserves and facilities.

Reserves are funded, in part, through the Reserves Contribution Fund. A separate fund is maintained for each ward, and contributions are paid into it as a condition of resource consent on developments that have the potential to increase demand for services (e.g. new dwellings). Decisions on the spending of the funds is made by ward Councillors, except in the case where there are Community Boards, in which case they also contribute to that decision.

The Department of Conservation maintains statutory planning documents for reserves and National Parks. Council reserves and open space areas often adjoin or are in close proximity to DOC reserves or National Parks and therefore alignment between Council's and DOC's functions is important.

Structure and Implementation of Reserves Policies

The functioning and on-the-ground implementation of the Chapter 14 provisions is a little different to most other chapters in the TRMP. The policy provisions in Chapter 14 influence the outcomes on the ground through two distinct pathways. This is because the policies primarily direct the reserve and open space activities **of the Council**, rather than being directly implemented through rules and resource consent processes initiated by the public.

These interactions are shown diagrammatically in Figure 1. From the way Chapter 14 is written it appears to be intended that the primary effect of the policy framework is to influence and guide the policy of the Council's Community Development team which is responsible for the delivery of reserves and public open space and recreation facilities. In other words, the effect of the policy framework on the community is indirect; being implemented through documents such as the Open Space Strategy and the Reserves General Policies. This indirect relationship is reflected in the number of "non-planning" provisions (for example, Policy 14.1.3.3) which read as if they are intended to guide Council reserves and open space policy rather than to guide decision making directly.

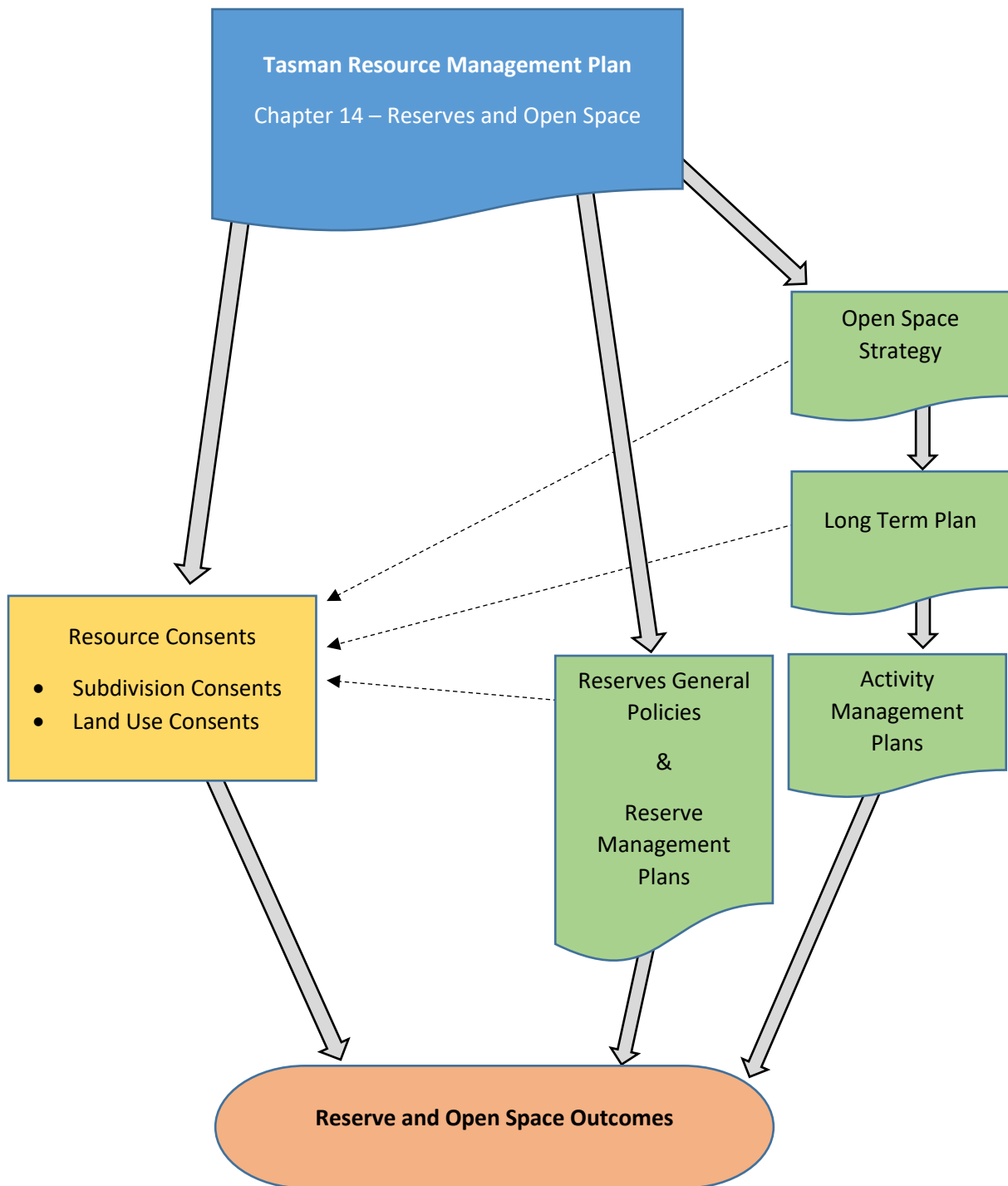


Figure 1: Delivery of reserve and open space outcomes through Council documents and processes

The Council’s Community Development team operates primarily under the Local Government Act (particularly the LTP process) and the Reserves Act 1977 for the purposes of asset management. The Local Government Act 1974 was built on the principle of *ultra vires* - i.e., that local government can only do those things it is specifically authorised to do, and cannot do anything it is not authorised to do. By the mid-1990s, the 1974 Act, had become an unwieldy ‘mish-mash’ of 1950s and 1960s prescriptive planning, overlaid with 1990s accountability and financial provisions.

In December 1999 the Local Government Act was fully re-written⁴. The Local Government Act 2002 brought about a total change in empowering local bodies. It changed from the ultra vires approach to a more permissive approach that gave local authorities "full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction". The Act included a focus on sustainability with the reference to the 'four well-beings' social, economic, environmental and cultural. The purpose of the Act is (a) to enable democratic decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and in the future.⁵

At the time of the original drafting of the TRMP in the mid 1990's the Local Government Act 1974 was in force. The modern LGA requirements of producing a Long Term Plan (LTP) and Activity Management Plans (AMPs) did not exist. As a result, the objectives and policies in Chapter 14 were drafted as a method to deliver some positive Reserve and Open Space outcomes for the community. Unfortunately, when read now in the context of the LGA, the Reserves and Facilities AMP, the Reserves General Policies and the Open Space Strategy, the Chapter 14 policies appear as a rather disjointed grab-bag of policies that have been superseded by more comprehensive documents: The Long Term Plan and the Annual Plan.

However, the Chapter 14 policy framework also directly influences outcomes "on the ground" through the RMA resource consent process. This is shown on the left-hand side of Figure 1. The objectives and the policies, as well as the content of the other Reserves and Open Space documents, is taken into account and directs the provision of reserves through land use and subdivision resource consent processes. This causative pathway is most commonly exercised on developers who are obliged to provide for reserves, walking and cycling linkages, and open space outcomes. The objectives and policies will direct decision making in a number of aspects of reserves and open space.

The table below illustrates which policies are to be, or are effectively, implemented under the LGA by the Council's Community Development team. The Table also shows, and provides commentary on which policies may guide, or may be affected by, RMA rules and resource consent decisions.


















Table 6: Roles of LGA Activities versus RMA and TRMP Activities

































● = Planning ● = Implementation


Policies	Implemented through LGA Processes (LTP and Reserves AMP)	Implemented or Outcomes Influenced through RMA (resource consents)
14.1.3.1 To provide at least four hectares of Council land per 1,000 residents for recreation and amenity space which is in addition to Crown and private land.	● ●	●
14.1.3.2 To ensure additional open space is available in those areas (for example, Golden Bay and Motueka wards) which have high visitor numbers.	● ●	●

⁴ Overseen by the new Local Government Minister, Sandra Lee, and Committee Chair Jeanette Fitzsimons

⁵ Wikipedia - Local Government Act 2002, https://en.wikipedia.org/wiki/Local_Government_Act_2002

Policies	Implemented through LGA Processes (LTP and Reserves AMP)	Implemented or Outcomes Influenced through RMA (resource consents)
14.1.3.3 To identify potential open space areas in advance of urban subdivision in order to provide for the open space needs of the future residents and workers in the area.		
14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves.		
14.1.3.5 To identify areas where there is a deficiency of open space.		
14.1.3.6 To adjust financial contributions for reserves and community services in lieu of the vesting of land for walkway/cycleway, open space and recreation reserve purposes, unless agreed otherwise.		
14.1.3.7 To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast.		
14.1.3.8 To encourage the integration of reserves and open space areas within a whole-catchment and Low Impact Design approach to drainage and the management of stormwater		
14.1.3.8B To encourage effective, efficient and integrated design and establishment of parks and reserves through the implementation of any Council Land Development Manual		
14.2.3.1 To maintain and where necessary improve the quality of reserves, open space and public recreational facilities.		
14.2.3.2 To identify and protect areas that are important for organised recreational pursuits.		
14.2.3.3 To encourage multiple use of reserves and open space and recreational facilities where practical.		
14.2.3.4 To identify and protect areas that are important for informal low key recreation and community activities.		

Policies	Implemented through LGA Processes (LTP and Reserves AMP)	Implemented or Outcomes Influenced through RMA (resource consents)
14.2.3.5 To advocate and promote that the relevant authorities make land and facilities at schools further available to the general public for recreation.		
14.2.3.6 To relinquish land that is unsuitable (following consultation with the community) and deemed to be surplus in Council's reserve/open space register and acquire more suitable land.	 	
14.2.3.7 To consult with the community on the management, development and design of open space and reserves.	 	
14.2.3.7B To ensure multifunctional use of parks and reserve areas, through the integrated design of parks and reserves with other public space and infrastructure networks such as stormwater management corridors, roads and non-vehicle accessways, by implementing any Council Land Development Manual	 	
14.2.3.8 To ensure that any urban reserve land acquired has sufficient road frontage for visibility from the street.	 	
14.3.3.1 To identify and protect areas of conservation value by incorporating them into land with a protective status.	 	 
14.3.3.2 To manage the range of activities permitted in areas of specific natural value so that they are of a type that provides for the maintenance and enjoyment of the special natural values with least adverse effect on those values.	 	 
14.3.3.3 To enhance the District's natural areas by encouraging the formation of protected linked corridors between them, especially in the Takaka Hill area.	 	 
14.3.3.4 To provide information about significant natural values of the District.		
14.4.3.1 To control the scale, extent and location of buildings and structures to ensure the open space character of reserves is maintained.	 	 
14.4.3.2 To ensure that activities associated with open space and reserves do not give rise to adverse environmental	 	 

Policies	Implemented through LGA Processes (LTP and Reserves AMP)	Implemented or Outcomes Influenced through RMA (resource consents)
effects (such as noise, glare, traffic, pesticide discharge) without adequate mitigation.		
14.4.3.3 To design open space and recreational areas to complement and, where necessary, to improve the visual amenity of the surrounding area.		

3.2 Internal Consistency of Provisions

The four objectives are quite distinct from one another, and adequately cover the breadth of Council's Open Space and Reserve activities.

3.2.1 Section 14.1: Provision of Reserves and Open Space

Section 14.1 addresses the provision of an adequate area of reserves and open space, as well as the spatial layout. The objective also sets out the purpose for which the reserves and open spaces are to be provided in order to give some context to the qualities that they should exhibit.

The internal consistency and implementation is commented on in the table below. Provision of reserves and open space is not a matter that is implemented through permitted activity rules. The implementation of these policies is therefore through preparation of Council documents, and through resource consent processes. The consideration of parks and reserves is a core part of the assessment of discretionary resource consents.

However, there is a role for the vesting of land for reserves development, and primarily through the subdivision of land. The TRMP contains strong powers to enable these functions to be carried out. In this respect the policies are well implemented by the rules.

Table 7: Linkages to Implementation Methods

Issue & Objective	Policies	Commentary
Issue 14.1.1 Provision of reserves and open space for recreation and amenity Objective 14.1.2 Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values	14.1.3.1 To provide at least four hectares of Council land per 1,000 residents for recreation and amenity space which is in addition to Crown and private land.	Methods and rules are provided through TRMP sections 16.3 (subdivision rules), 16.4.2.1 (provision of esplanade reserves, strips and access strips on subdivision, and 16.5 (financial contributions in lieu). These outcomes are able to be provided for through the subdivision process. Community Development policy documents support provision of such space.
	14.1.3.2 To ensure additional open space is available in those areas (for example, Golden Bay and Motueka wards) which have high visitor numbers.	Methods and rules are provided through TRMP sections 16.3 (subdivision rules), 16.4.2.1 (provision of esplanade reserves, strips and access strips on subdivision, and 16.5 (financial contributions in lieu).

		This provides additional policy backup for certain locations, but the policy does not provide a high level of specificity and is open to interpretation and debate.
	14.1.3.3 To identify potential open space areas in advance of urban subdivision in order to provide for the open space needs of the future residents and workers in the area.	This policy reads as a future directive for planning around open-space provision. The planning maps identify indicative reserves and walkways. Where there are indicative reserves currently (e.g. Borcks Creek), policy is strongly provided for.
	14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves.	This policy is implemented through the relevant subdivision rules and supporting documents. The policy is clear and, in general terms, is repeated within subdivision and urban design concepts of the TRMP and via connection to NTLDM and transport planning. The indicative reserve method is inherently important in the implementation of this policy. There is less evidence that “convenience and accessibility” is specifically delivered “between townships”
	14.1.3.5 To identify areas where there is a deficiency of open space.	This policy reads as a future directive for Council planning around open-space provision.
	14.1.3.6 To adjust financial contributions for reserves and community services in lieu of the vesting of land for walkway/cycleway, open space and recreation reserve purposes, unless agreed otherwise.	This is a clear and regularly implemented policy that is implemented through Section 16.5, 16.5.2.3. Financial contributions provide a means through which the Council may prevent or offset adverse effects from the subdivision, use or development of land or other resources, and provide facilities for public benefit.
	14.1.3.7 To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast.	This policy has a strong implementation methodology through the subdivision rules in Chapter 16.3. Also suggests a community-council / non-plan implementation to identify needs.
	14.1.3.8 To encourage the integration of reserves and open space areas within a whole-catchment and Low Impact Design approach to drainage and the management of stormwater	This policy is partially implemented through subdivision rules for the relevant zones. However, the implementation of this policy to its full potential requires other steps such as the designations that have been put in place for the Borcks Creek drainage network. The NTLDM supports the implementation of this policy.

		Beyond the TRMP and NTLDM, overarching planning in the form of Catchment Management Planning is required.
	<p>14.1.3.8B</p> <p>To encourage effective, efficient and integrated design and establishment of parks and reserves through the implementation of any Council Land Development Manual</p>	<p>Specific policy that aims at providing a policy context for the NTLDM in respect of parks and reserves</p> <p>Specific policy that has a specific rules framework relating to it</p>

3.2.2 Section 14.2: Use of Reserves and Open Space

Section 14.2 addresses the use of existing reserves and open space. Once again, policies have a dual purpose of directing Council implementation policy through relevant documents and ultimately the relevant Reserve Management Plan, the Reserves AMP and the LTP. However, the policies are also able to be implemented through the relevant rules in Sections 17.9 (Open Space zone), 17.10 (Recreation Zone) and 17.11 (Conservation Zone).

The uses of reserves in the three different zones are controlled well by activity and building rules. As reserves are typically owned or administered by public bodies (e.g. Council, DOC) there is an additional layer of control. However, the land use controls that are in Chapter 17 sit uneasily beside the provisions of the Reserves General Policies and specific Reserve Management Plans which are central to determining whether resource consents (and landowner access permission) for activities on reserves should be granted or not.

Table 8: Linkages to Implementation Methods -14.2

Issue & Objective	Policies	Commentary
<p>Issue 14.2.1</p> <p>Use of reserves and open space for recreation and amenity</p> <p>Objective 14.2.2</p> <p>Efficient and effective use of open space and reserves to meet community needs for recreation and amenity</p>	<p>14.2.3.1</p> <p>To maintain and where necessary improve the quality of reserves, open space and public recreational facilities.</p>	<p>Through subdivision, opportunities for improvements to reserves areas are possible, however the strength of improvements is not a rule-based requirement. As a Community-Council activity, parks and reserves improvements are a non-plan based manifestation of this policy.</p>
	<p>14.2.3.2</p> <p>To identify and protect areas that are important for organised recreational pursuits.</p>	<p>Open space and recreation zones identify areas important for organised recreational pursuits.</p> <p>Areas for recreational pursuits are protected by an appropriate zone. With the TRMP having strong rules to protect such zones from inappropriate activities, this provision is well supported by the plan.</p> <p>This provision also has a strategic ‘future’ directive aspect to it, meaning that if future recreational pursuit areas are identified then they too should be considered for protection.</p>
	<p>14.2.3.3</p>	<p>This policy relates to use of reserves, but doesn’t give an indication of what multi-uses might actually be, and at what scale. It is assumed multiuse encompasses multi-function and that ‘encourage’</p>

	To encourage multiple use of reserves and open space and recreational facilities where practical.	something at all levels, including design. The land use rules in Sections 17.9.2 (Open Space Zone) and 17.10.2 (Recreation Zone) enable a certain set of activities, beyond which consent is required. As such seems to be well implemented from design (subdivision) through to use (Zone rules) stage.
	14.2.3.4 To identify and protect areas that are important for informal low key recreation and community activities.	Areas are identified and protected through zoning currently and, where this is the case, it is effective. The future identification and protection of areas may be undertaken outside the plan, for implementation through subdivision rules or other mechanisms. Alternatively they are sometimes identified and protected as “indicative reserves”.
	14.2.3.5 To advocate and promote that the relevant authorities make land and facilities at schools further available to the general public for recreation.	This is a non-plan policy that is not implemented through rules.
	14.2.3.6 To relinquish land that is unsuitable (following consultation with the community) and deemed to be surplus in Council’s reserve/open space register and acquire more suitable land.	This is a non-plan policy that is not implemented through rules.
	14.2.3.7 To consult with the community on the management, development and design of open space and reserves.	This is a non-plan policy that is not implemented through rules.
	14.2.3.7B To ensure multifunctional use of parks and reserve areas, through the integrated design of parks and reserves with other public space and infrastructure networks such as stormwater management corridors, roads and non-vehicle accessways, by implementing any Council Land Development Manual (proposed as at 08/19)	Implemented through NTLDM. The link between subdivisions and NTLDM is strong and on paper requires an integrated, multifunctional approach to parks and reserves design and creation
	14.2.3.8 To ensure that any urban reserve land acquired has sufficient road frontage for visibility from the street.	Implemented through subdivision design and acquisition of land (Section 16.3 TRMP). Also NTLDM will now be relevant in provision of new reserve land.

3.2.3 Section 14.3: Conservation of Areas of Significant Values

Section 14.3 provides specific policy guidance for areas of significant natural and scientific value. This objective and the policies deal with a subset of the reserves and open space topic: those areas that are of significant natural or scientific value.

This policy framework is primarily targeted at, and implemented through, the Conservation Zone and the rules in Section 17.11. This is evident from the stated Methods of Implementation which lists a sole regulatory method:

- (a) *Rules for Conservation Zones controlling the effects of activities, including building scale, location, height and noise, and requiring setbacks and parking (in some circumstances).*

NB. Significant Natural Areas (SNAs) are not identified as a method here. Policy for SNAs is explicitly provided for in Chapter 10 TRMP.

Non-regulatory methods are also provided and include covenants under the Conservation Act and QEII National Trust Act, protected private land agreements, encouragement of revegetation projects, purchase of land and gazettal as reserve, and financial incentives.

The permitted activity rule (17.11.2.1) is limited to use by the Crown in accordance with an approved conservation management strategy proposed for the given area under the Conservation Act 1987. The implementation of the purpose of the zone is clear, but tightly limited in scope.

There is a close relationship between these provisions and the policy direction of Chapter 10. However, these provisions focus more tightly on the identification and protection of sites, rather than the policy support for protection of biodiversity outcomes more generally. That latter topic is the subject of Chapter 10.

The objective is very broad in scope. It seeks to protect and enhance not just sites of ecological and biodiversity value (as is most commonly thought of) but also sites of scientific value. These could be sites or phenomena of geological, geomorphological or biological importance. It is probable that Policy 14.3.3.1 does support this objective as it refers to identifying and protecting areas of “conservation value”. It would be assumed that conservation value would refer to sites or phenomena that are “worth of conservation” and that this would include sites of scientific value as well as natural value.

Table 9: Linkages to Implementation Methods -14.3

Issue & Objective	Policies	Commentary
<p>Issue 14.3.1 The identification, protection and enhancement of areas of significant natural and scientific value</p> <p>Objective 14.3.2 The conservation of those areas in the District that have significant natural and scientific values such as landform, ecosystems, natural</p>	<p>14.3.3.1 To identify and protect areas of conservation value by incorporating them into land with a protective status.</p>	<p>The <u>identification</u> can be undertaken through identification on planning maps. Acquisition of land can occur through subdivision, including through vesting and esplanade reserve creation. However, the triggers and guidance in the plan for incorporating or protecting such areas are not strong, with matters in Schedule 16.3A only referring to land in a SNA.</p> <p>Where land is already protected, then this could be through a variety of mechanisms, including zoning (e.g. Conservation zone), SNAs (Schedule 10C), QEII covenant and incorporation into the conservation estate.</p> <p>However, there are significant limitations on the scope of the Conservation zone due to permitted rule 17.11.2.1 as described above. With such a restrictive rule structure for the Conservation Zone, very little private land is in the Conservation Zone.</p>

character and heritage values	<p>14.3.3.2</p> <p>To manage the range of activities permitted in areas of specific natural value so that they are of a type that provides for the maintenance and enjoyment of the special natural values with least adverse effect on those values.</p>	<p>Where ‘areas of specific natural value’ are appropriately zoned, mapped and/or scheduled as SNAs then rules provide for their protection from inappropriate activities.</p> <p>Where such areas are not zoned, mapped and/or scheduled then there are no particular protections. Native vegetation is only protected in a small number of circumstances. Native forest is protected, but rules allow for progressive removal of areas of land over time.</p>
	<p>14.3.3.3</p> <p>To enhance the District’s natural areas by encouraging the formation of protected linked corridors between them, especially in the Takaka Hill area.</p>	<p>There are few examples of formally protected natural areas (Borcks Creek) that are linked corridors beyond those in urban locations that are protected by parks and reserves zonings.</p> <p>This policy is not effectively implemented through rules. The policy may be able to be implemented through subdivision, but no particular guidance for doing so is specified in the Plan (e.g. the policy is not reflected in Schedule 16.3A).</p> <p>Schedule 16.3A has not been updated since the TRMP was first notified. As a result it does not adequately give effect to a number of aspects that are now addressed at subdivision time.</p>
	<p>14.3.3.4</p> <p>To provide information about significant natural values of the District.</p>	<p>This is a non-regulatory provision.</p>

Where areas are identified as having conservation values, and land is zoned or covenanted, this objective may be said to be strongly connected to rules. But in the wider scope of the purpose of the objective there is a moderate to poor level of implementation of this objective and these policies within the rules. Sufficient rules, assessment criteria and other tools are not in place to allow for the effective implementation of this objective.

Future conservation opportunities may be realised through subdivision processes. However as an outcome this is less certain, relying on case-by-case assessment of conservation significance. The word ‘significant’ may also be problematic, where significance of habitats and values will depend on interpretation. As a result, uptake of opportunities to protect conservation values is low and requires more proactive spatial planning and stronger triggers in the rules and assessment matters.

3.2.4 Section 14.4: Effects of Activities and Facilities on Reserves and Surrounding Areas

Section 14.4 rounds out the set by addressing activities that occur on reserves and open space but which may result in adverse effects beyond the reserve or open space site. Whilst limited in number and broad in effect, policies 14.4.3.1 and 14.4.3.2 are implemented by non-regulatory Council management activities, and also by the land use rules that control activities in the in the open space, recreation and conservation zones.

Policy 14.4.3.3 relates more to the design elements of open space and is more readily implemented through Council documents including the Nelson/Tasman Land Development Manual and guiding policy documents (e.g. Reserve General Policies).

Table 10: Linkages to Implementation Methods -14.4

Issue & Objective	Policies	Commentary
<p>Issue 14.4.1 Activities and facilities that have the potential to cause significant adverse effects on reserves, open space and surrounding areas.</p>	<p>14.4.3.1 To control the scale, extent and location of buildings and structures to ensure the open space character of reserves is maintained.</p>	<p>Land use controls of zoned open space and recreation areas implement this policy (Rules 17.9.2.1 and 17.10.2.1).</p>
<p>Objective 14.4.2 The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas.</p>	<p>14.4.3.2 To ensure that activities associated with open space and reserves do not give rise to adverse environmental effects (such as noise, glare, traffic, pesticide discharge) without adequate mitigation.</p>	<p>Land-use controls ensure that activities, including temporary activities such as events, are managed to implement this policy. Temporary community activities on open space and reserves are less certain as to their effects, but this policy provides some guidance.</p>
	<p>14.4.3.3 To design open space and recreational areas to complement and, where necessary, to improve the visual amenity of the surrounding area.</p>	<p>Through general subdivisions, esplanade reserves rules and implementation of NTLDM, new reserves can be designed and created to meet this policy, at macro scale. The policy has a largely non-plan implementation aspect too, through Council-community activities in parks and reserves management.</p>

Efficiency

The current structure is substantially inefficient. It creates a body of policy that is indeterminate and ambiguous in its outcome. The current structure reduces the clarity as to the relative roles of the TRMP versus the Community Development reserves and open space planning documents.

3.3 Evidence of Implementation

In this section, evidence of implementation of Chapter 14 is examined so as to inform the evaluation of objectives and outcomes.

As discussed above, the implementation of all policies in Chapter 14 is primarily via the planning and implementation processes of the Council’s Community Development team who are responsible for the delivery of Reserves and Facilities. Arguably, the TRMP reserve provisions were provided to fill a vacuum created by outdated and ineffective local government legislation, which has since been rectified through the promulgation of the LGA 2002. However, some policies are sufficiently relevant to resource management outcomes so as to enable implementation through rules, zones and resource consent decisions.

As a result, the evidence of implementation must be assessed from the following primary sources:

1. The extent to which the Chapter 14 policies have been integrated and adapted into the strategic and planning documents of the Community Development team, and the extent to which this has resulted in outcomes “on the ground”; and
2. The extent to which resource consent applications and decisions relating to Reserves and Open Space have achieved the outcomes.

3.3.1 Provision of Reserves

This subsection of this report covers the quantitative provision of reserves and open space. Policies in Chapter 14 address the identification, acquisition, and provision of reserves in order to achieve certain outcomes, including:

- At least four hectares of Council land per 1,000 residents (Policy 14.1.3.1);
- Additional open space in locations with high visitor numbers (Policy 14.1.3.2);
- Identify potential open space areas in advance of urban development (Policy 14.1.3.3);
- Where there is a deficiency of open space (Policy 14.1.3.5);
- To facilitate public access to water bodies and the coast (Policy 14.1.3.7); and
- Relinquishing land that is unsuitable and deemed to be surplus (Policy 14.2.3.6).

Consents staff have advised that successfully achieving these outcomes has sometimes been jeopardised by inadequate or insufficient assessment criteria or matters of control/discretion on the various rules. In general the assessment criteria for subdivisions appear to be generally sufficient, although could do with improvement and elaboration, but when large land use applications occur (e.g. retirement villages where no subdivision is proposed) there is very limited ability to be able to secure reserves or other necessary linkages.

These policies have been explicitly considered and adopted into Community Development planning documents as necessary and appropriate.

Key measures such as living within 5 minutes’ walk or within 500 metres of open space have been adopted. In general, these measures are achieved, with the exception of some key areas in the northern part of Richmond (around the schools) and in the southern area of Motueka. However, when the open space provided by the schools is taken into account these criteria are achieved.

Indicative Reserves/Walkways

Advice from consent staff is that “Indicative Reserves” and “Indicative Walkways” are an extremely effective and valuable tool for achieving important connectivity outcomes. Sometimes there is push-back from applicants where the actual reserve or linkage that is sought by Council is acquired and formed in a different location to that shown on the planning maps. But it is important to explain that they are indicative only and that the important factor is linking two locations.

It has also been identified that the indicative reserve and walkway network is far from complete and there is a significant risk of poor outcomes or missing critical linkages or opportunities as a result and that additional work is needed to consult with communities in residential, rural-residential and Rural 3 zoned areas to identify and include more indicative walkways.

Staff advise that it would be helpful for provisions to explicitly reinforce the indicative nature and function of indicative reserves and walkways. Staff also advise that it would be helpful if provisions were clear that the absence of indicative reserves or walkways does not mean that Council is not able to pursue them or that they are inappropriate. In other words, make it clear that they are just for highly strategic connections and that not all reserve and walkway requirements are shown.

Reserves General Policies

The RGP document contains more detailed and operational policies. Section 3.2 of the RGP addresses the matter of land acquisition, exchange, disposal and gazettal. Section 3.2 provides the following relevant policies:

- 3.2.2.1 *To aim to acquire neighbourhood parks with a minimum total area of 2,500 m² and a minimum useable area of 1,250 m².*
- 3.2.2.2 *To aim for a minimum size for sport and recreation parks of 5 ha.*
- 3.2.2.3 *To acquire land in developed urban areas in accordance with the reserves acquisition policies of the TDC Engineering Standards and Policies 2008 or subsequent amendments or equivalent document. [NB the “equivalent document” is now the NTLDM]*
- 3.2.2.5 *New reserve land shall be located and formed so as to enable efficient development and maintenance and to offer high levels of amenity value, and connectivity for walking and cycling.*
- 3.2.2.6 *Council may revoke reserve status where it is considered that the land is no longer required for reserve purposes, or change the classification.*
- 3.2.2.7 *Council may dispose of reserve land where it is surplus to requirements and provides no significant long-term benefit to the community or makes no significant contribution to biodiversity or cultural values.*
- 3.2.2.8 *Council may exchange or purchase land adjoining reserves to improve reserve shape or to enable more effective reserve management.*
- 3.2.2.9 *Reserve acquisition shall proceed with the expectation that the land or access values shall be protected for many generations and may be protected via appropriate classification. ...*
- 3.2.2.11 *Council will explore the history of reserve acquisition prior to consultation over disposal options.*
- 3.2.2.12 *Public consultation shall occur where there is any proposed change of reserve status.*

In addition, the accompanying Method 3.2.3.1 of the RGP identifies “implementation of the objectives and policies in the TRMP” as being relevant.

The above policies from the RGP do not strictly implement the Chapter 14, but provide guidance to the administrators of the Council’s Reserve and Open Space assets.

Open Space Strategy, 2015

The OSS identifies the Council’s strategy in relation to existing and future reserves and open space. Section 7.1 of the OSS identifies the Council’s approach to providing an appropriate level of service for open space provision. As a snapshot at 2015 when the OSS was promulgated, it is stated that:

“Current levels of service for the provision of open space are exceeded throughout most of the District.” (p21)

The OSS also provides a ward-by-ward summary of open space provision. No indications of a shortcoming in the provision of open space are noted. The OSS also reports on public survey information collected at the time of writing and does not indicate any public perception of a shortcoming in the extent or coverage of open space.

Reserves & Facilities Activity Management Plan 2018

The AMP contains performance measures which are useful for developing an understanding of the extent to which the corresponding policies in Chapter 14 TRMP are being met.

From the most recent survey information the provision of reserves and open space is meeting or exceeding the level of service set by the Council. The performance measures and assessment are reproduced in the table below. It should be noted that the final policy in the table directly reflects Policy 14.1.3.1 of the TRMP.

Table 11: Public Satisfaction Outcomes for Extent of Reserves

Performance Measure	Current Performance
At least 85% of respondents rate their satisfaction with recreational facilities (which include playing fields and neighbourhood reserves) as “fairly satisfied” or better in the annual residents’ surveys.	Achieved 87% of residents and 89% of users were fairly satisfied or very satisfied with our recreational facilities in 2017. 7% of residents and 7% of users were not very satisfied in 2017. These results compare to 92% of residents and 94% of users were fairly satisfied or very satisfied in 2016. 5% of residents and 4% of users were not very satisfied in 2016. The results tend to indicate that we are providing the recreational amenities that our residents require.
At least 85% of properties zoned Residential are located within 500 meters of open space.	85%
The total area of park land provided by Council exceeds the minimum of 4 ha per 1000 residents required by the Tasman Resource Management Plan.	The area of park land per 1000 residents in 2016/2017 is 16.8 ha. This is the same as in 2015/2016 and above the industry average of 15.9 hectares per 1000 residents. Our target in 2016/2017 was 16.9 ha per 1000 residents and in 2015/2016 was 17 ha per 1000 residents.

Reserve Financial Contributions

Financial Contributions (FCs) are paid by developers when new projects (e.g. subdivision or building development) increase the potential demand for community services. Financial contributions are based on a percentage land value and can be obtained through conditions on permitted activities or on resource consents.

The FC policy is described and set in accordance with Section 16.5 of the TRMP. Funds are taken from developments in each ward, and kept in separate accounts to be later spent in those wards. The spending is for capital works only, but is broad and is spent on a wide range of reserves and public facilities and resources.

The income received by Council from reserve financial contributions is unpredictable and difficult to budget due to ebbs and flows in development activity. The primary purpose of financial contributions is to assist in implementing the principle that the instigators and beneficiaries of activities generating increased demand for community services should meet the costs of avoiding, remedying, mitigating or offsetting those effects. The complementary purpose is to minimise the extent to which the community at large subsidises those activities.

Advice from Council consent staff is that the FC system works very well and that it is important that it is retained. Currently there is only Policy 14.1.3.6 which relates to the adjustment of financial contributions. It is clear from Council records that this policy is used, as appropriate. However,

consideration could be given to including a further policy that strengthens the role and importance of FCs and supports the implementation of the FC policy in the Plan.

Nelson Tasman Land Development Manual (NTLDM)

The NTLDM provides the most specific set of practical outcomes, and design specifications. The NTLDM replaces the Engineering Standards 2013 which previously provided development standards for infrastructure.

The NTLDM provides a set of outcomes in Section 10.1 that specify the outcomes for the design and creation of reserves and associated assets. Most of the outcomes relate to the qualities and features of reserves, but outcome (a) is:

“Sufficient provision of reserves to meet levels of service for recreation, social contact, neighbourhood amenity, access and natural values.” (p1/20)

This outcome is consistent with those sought in the documents discussed above, and evidenced by the results of the public perceptions detailed in the AMP.

Summary

While the actual TRMP provisions relating to the quantity and provision of open space are only indirectly implemented, good quality outcomes are being achieved nonetheless through a range of other statutory and non-statutory Council documents.

3.3.2 Qualities and Activities on Reserve Land

There are several angles that need to be considered when assessing the quality of the reserve and open space resources available, as well as the activities that are enabled thereon:

1. How, and to what extent, do the relevant qualitative policies in Chapter 14 flow through into Reserves and Open Space planning documents?
2. To what extent do the public reserves and open spaces exhibit the qualities or features that are explicitly sought by the relevant Chapter 14 policies?
3. What is the level of public satisfaction with the current quality of reserves and open spaces.

The following TRMP Chapter 14 policies deal with qualitative aspects of reserves and open space:

14.1.3.4 To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves

14.2.3.1 To maintain and where necessary improve the quality of reserves, open space and public recreational facilities

14.4.3.1 To control the scale, extent and location of buildings and structures to ensure the open space character of reserves is maintained

14.4.3.3 To design open space and recreational areas to complement and, where necessary, to improve the visual amenity of the surrounding area

14.2.3.3 To encourage multiple use of reserves and open space and recreational facilities where practical

14.2.3.8 To ensure that any urban reserve land acquired has sufficient road frontage for visibility from the street

There is strong support for these policies in the RGP document. In some cases there are direct parallels where RGP policies directly support TRMP policies. For example, RGP policy 4.1.1.2 directly supports the encouragement of a range of uses, which echoes and gives effect to TRMP policy 14.2.3.3. In all cases, policies that support the outcomes sought by the TRMP policies are reflected in the RGP.

Nelson Tasman Land Development Manual (NTLDM)

The NTLDM provides a strong level of support for the quality of reserves and open space. The relevant outcomes are:

- b) *Variety of reserves throughout the City/District, such as neighbourhood parks, esplanade reserves, walkways and playgrounds;*
- c) *Highly accessible reserves for a range of users, including pedestrians and, cyclists;*
- d) *Multifunctional reserves that can accommodate other functions or values where appropriate, ...*
- e) *Reserves that are affordable and accessible to operate and maintain;*
- f) *Reserves that are safe for all users;*
- g) *An interconnected network of reserves that maximises opportunities for urban greenways, walkways and cycleways;*
- h) *Reserves that are completed to a high standard of presentation prior to vesting in the Council; and*
- i) *Reserves plantings that meet amenity, natural character, beautification (including colour), ease of maintenance and efficiency values, whilst avoiding off-site effects.*

Customer Satisfaction

The Council reports on its Levels of Service and Performance Measures in the AMP. Overall, it is clear from the AMP that customer satisfaction with parks and reserves, as well as recreational and other community facilities is meeting or exceeding performance measures. These are summarized in the table below.

Table 12: Public Satisfaction for Quality of Reserves

Levels of Service	Performance Measure	Achieved
An interconnected open space network and recreation facilities that provide a range of leisure opportunities and meet the needs of users and the community.	At least 85% of respondents rate their satisfaction with recreational facilities (which include playing fields and neighbourhood reserves) as “fairly satisfied” or better in the annual residents’ surveys.	✓
	At least 85% of properties zoned Residential are located within 500 meters of open space.	✓
	The total area of park land provided by Council exceeds the minimum of 4 ha per 1000 residents required by the Tasman Resource Management Plan.	✓
	Overall customer satisfaction with the facilities in parks and reserves exceeds 85%, as measured by the triennial survey of visitors to parks and reserves.	✓
	At least 85% of parks and reserves service standards are met each year (based on exception reporting). The value is	ü

	obtained through an independent auditor, who conducts a bi-monthly, routine maintenance inspection of a sample of assets.	
	No greater than 10 customer complaints received per year regarding burial services (grave and ash interments)	✓
Public toilets at appropriate locations that meet the needs of users and are pleasant to use and maintained to a high standard of cleanliness	At least 70% of respondents who have used the District’s public toilets within the past year rate their satisfaction with public toilets as “fairly satisfied” or better in the annual residents’ surveys.	✓
	Public toilets are cleaned and maintained to 90% compliance with the appropriate contract specification, as measured in the bimonthly sample contract audit.	✓
A network of public halls and community buildings (including multi-purpose community and recreation facilities in major centres and local halls) that provide reasonable access to indoor activities, and recreation space.	A community building is available within a 15- minute drive for 95% of the population (i.e. 20km radius catchment).	✓
	At least 75% of respondents are fairly satisfied or very satisfied with public halls and community buildings provided, as measured triennially by the residents’ survey.	✓
Cemeteries that offer a range of burial options and adequate space for future burial demand.	At least 90% of cemeteries service standards are met each year (based on exception reporting). The value is obtained through an independent auditor, who conducts a bi-monthly, routine maintenance inspection of a sample of assets.	✓

3.3.3 Conservation Values

To recap: Objective 14.3.2 seeks “*the conservation of those areas in the District which have significant natural and scientific values such as landform, ecosystems, natural character and heritage values.*”

The implementation of this objective is first and foremost via the Conservation Zone. The Chapter 17 rule that allows activities in the Conservation Zone includes a performance criteria which effectively only allows land use activities that are carried out by the Crown in accordance with an approved management document under the Conservation Act 1987 or Reserves Act 1977.

Therefore, it makes sense that the Conservation Zone should not extend beyond the boundaries of the DOC estate. A mapping analysis undertaken shows only a handful of tiny areas of land that are conservation zoned but do not appear to be part of the DOC estate or under the management of DOC. These rare cases appear to be either mapping errors, or else small exceptions where the land held a reserve status or where there was an anticipation that land would be acquired by DOC in the near future.

The reverse situation (DOC owned land that is not Conservation Zone) is more common. Map analysis shows a number of large DOC-owned blocks of land (mainly in the Buller area and around the margins of the National Parks) that are not zoned Conservation. These are probably parcels that have been recently acquired by DOC. Plan Changes such as PC68 (Omnibus) captured and rezoned some areas. However, a continually changing DOC estate means that rezonings need to be undertaken regularly.

Other Protection Instruments/Methods

There is strong support for the TRMP Objective 14.3.2 and the conservation policies in the Council's other policy documents, particularly the RGP.

The RGP provides for biodiversity values in the acquisition and maintenance of reserves:

3.2.2.4 When new land with biodiversity values is identified as an acquisition opportunity, or when such land currently owned by the TDC may benefit from a change in purpose, the decision to acquire or to change its purpose shall be based on the significance of its biodiversity values and an assessment of biodiversity protection requirements in consultation with the Department of Conservation, mana whenua and tangata whenua iwi and taking into account the long-term affordability of the purchase and all lifecycle costs.

Sections 5.1 and 5.2 of the RGP also support the protection and enhancement of indigenous diversity, and the protection and enhancement of heritage and cultural values, respectively.

Section 5.1 states:

The TRMP states that the 'identification, protection and enhancement of areas of significant natural and scientific value' is a key resource management issue for reserves and open space (14.3). These policies augment the TRMP by focusing on the maintenance and enhancement of indigenous natural values on existing reserves.

5.1.2.1 Reserves shall be planned and managed to avoid, minimise or mitigate damage to indigenous ecological values as a result of public access and use.

5.1.2.2 Areas of significant conservation value shall be included within reserve management plans and maintenance and restoration programmes proposed. Priority for restoration shall be given to areas adjoining the sea, streams, lakes, rivers, and on or adjacent to areas of karst.

5.1.2.3 Natural character values within mapped areas of significant conservation value, such as wetland/lagoons, bush remnants, coastal dunes and the habitats of fauna shall be protected and maintained and where necessary, restored. Where possible, areas of vegetation shall be maintained to provide continuous areas of habitat and/or linkages between habitats.

5.1.2.4 Plant and animal pests shall be controlled with priorities placed on reserves with sensitive plants and animals and as required by the Tasman-Nelson Regional Pest Management Strategy 2007–2012 and coordinated with the Department of Conservation, Animal Health Board and Nelson/Marlborough Fish & Game Council where practical.

5.1.2.5 Council shall encourage relationships with volunteer groups interested in pest control and planting and weeding programmes.

The TRMP conservation provisions are also being implemented by Council staff in a non-regulatory programme via the Native Habitats Tasman (NHT) programme. This programme brings together statutory bodies, and conservation and farming NGOs. The programme works with landowners who have natural areas with high biodiversity values. The NHT programme focusses on private land rather than the public land for which the focus of Chapter 14 appears to be, but it provides a valuable contribution to achieving the TRMP Objective 14.3.2.

Consents staff have advised that, despite there not being a coherent policy and methods regime to support the conservation objective, they are finding ways to implement this objective. The implementation is generally more indirect, and achieved through subdivision assessment criteria (Schedule 16.3A), persistence and negotiation than through having strong policy tools in the TRMP that they can rely upon. Subdivision criteria are generally suitable but could be improved upon.

However, the above achievements are only applicable when subdivision applications are lodged. There are a few, if any, tools available for securing and protecting such sites through land use consent processes or outside of the consent process.

Moreover, with the Conservation Zone essentially reserved for the DOC conservation estate, there is an issue of non-DOC sites being obtained, protected or managed primarily for conservation purposes. Examples of this are areas of low-land podocarp forest that are purchased or acquired by the Council. Currently there is a lack of recognition in the objectives and policies of Chapter 14 that conservation sites, whether for ecological, landscape or scientific purposes, may need to be acquired and maintained under the Open Space Zoning. The Open Space Zone and its policy regime may need to be broader to reflect this function.

Through the Reserve Financial Contributions funds Council does support and purchase key sites of conservation value. Decisions around these purchases are influenced by Ward Councillors and LTP Levels of Service.

Staff also point out that having this objective and supporting policies does incentivise positive conservation outcomes as a part of a resource consent process, and allows them to point to the provisions to be able to demonstrate positive outcomes. These may encourage covenanting or vesting or protection of areas of value.

Biodiversity Outcomes

The Council's Biodiversity Strategy is being progressed and a draft is expected by December 2020.

It is evident that there is good support for the conservation of sites through additions to the DOC estate or through purchase or protection by the Council.

A component of assessing the effectiveness of this objective is to consider the biodiversity outcomes. The TDC Biodiversity Stocktake Paper (2019) provided relevant information. In relation to the state of terrestrial biodiversity in Tasman it stated:

Generally, we know that, in line with the national trend, the state of biodiversity in Tasman is in decline, i.e. not being 'maintained' as required by RMA s30 and 31, notwithstanding some 'bright spots' e.g. Whio/blue ducks in the Wangapeka (intensely managed area) are close to reaching the targeted numbers of pairs.

And

About 38% of Tasman District land lies outside public conservation land (PCL). About 18,000 hectares or 2% of this land (comprising about 2,000-4,000 sites) is likely significant vegetation/fauna habitat, mostly lowland hill-slope beech and beech-podocarp forest.

The District hosts some of the best examples of ecological areas in the country, much of which is on private land, namely:

- *Coastal turfs - especially on the north-west coast, supporting 10 nationally threatened plant species.*

- *Estuaries - We have 15 of the 300 estuaries in NZ, some highly significant such as Waimea Inlet.*
- *Saltmarshes - these are extensive within the Waimea Inlet.*
- *Freshwater wetlands - about two thirds of Mangarakau wetland is on private land.*
- *Frost flats - in Tasman these are small and often degraded, nearly all lie on private land, and hold nine nationally threatened plant species. A lot of frost hollows of the Buller catchment have been destroyed. There are tiny pockets now, all on private land.*
- *Limestone and marble landscapes are very extensive in Tasman. Eleven nationally threatened plant species are found on such landscapes on private land.*
- *Significant coastal features in the Whanganui Inlet are on private land.*
- *Large numbers of fauna off PCL are threatened, particularly native fish.*
- *There are about 800 higher plant species off the PCL, constituting about almost one-third of NZ flora. About 60 of these species are threatened.*

The key challenges include – fragmentation of land; extensive spraying of scrub on farms; incremental loss through development and intensive land use; non-indigenous pests and weeds; direct loss through weather events (33% of Nelson’s boulder bank vegetation was lost in recent storms); and sea level rise.

The key opportunities include - vegetation of riparian margins and improving connectivity between habitats and ecosystems from the mountains to the sea (ki uta ki tai).

Positively, at least 15% of the District’s important native habitats are covenanted through the QE2 process.⁶

Sites of Scientific Importance

Work around identifying important sites is currently integrated into the landscape assessment work that is currently being undertaken by Council. This is probably the incorrect forum for identification of sites of scientific and conservation value, as they may not necessarily have any overt landscape relevance.

Overall, the identification and conservation of scientifically important sites, both by Council and also through resource consent processes, is also considered to be ineffective.

Summary

This section has looked at the implementation of the objective and policies from TRMP Section 14.3. Council documents contain policy and implementation provisions that support the intent of Section 7.3. However, there is little evidence of effective implementation, nor of improving biodiversity outcomes.

Acquisition of sites has occurred in an ad-hoc way when the opportunity arises and without a strategic process of identification, evaluation and acquisition.

⁶ Snapshot provided by Michael North, November 2018, presentation to Tasman District Biostrategy Workshop.

3.3.4 Effects of Activities on Reserves and Open Spaces, and on Surrounding Areas

To recap: Objective 14.4.2 seeks “The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas”

The implementation of this objective and the supporting policies is done through three main methods:

1. The Council undertaking its activities (buildings, lighting, maintenance etc) of reserves and open space in such a way as to avoid, remedy or mitigate any effects on the reserve land itself, and also on off-site effects that could otherwise occur;
2. The Council controlling third-party activities that are allowed (usually via resource consent) in order to avoid, remedy or mitigate any off-site effects that could otherwise occur; and
3. The Council being responsive to anti-social activities that may be undertaken on reserves and open space sites which may cause adverse effects beyond the site.

While there have been occasional issues in this regard (for example the issue of lights at Lord Rutherford Park) generally it is clear that this policy is well implemented.

Satisfaction data previously presented from the Reserves AMP indicates that reserve and open space areas in Tasman are well maintained and preserve an appropriate level of amenity.

3.4 Effectiveness

This section provides an analysis of the efficiency and effectiveness of the TRMP. It focuses on the achievement of objectives contained within the Plan. The analysis draws on the information in earlier chapters, as well as environmental data, council records, experienced plan users, as well as public and stakeholder opinion.

3.4.1 Cultural Effectiveness

Chapter 14 provides little recognition of the value that open space and reserve areas contribute to local Māori cultural values. As previously stated, reserves fill a broad range of functions simultaneously and often contribute to protection of cultural values. The broad collective whole view of the environment can be supported and reserves can contribute to the mauri of localities and to the land.

Table 13: Rating of Achievement of Objectives

Objective	Analysis	Rating of Achievement
14.1.2 Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.	It is clear that the outcomes sought by this objective are being met, and to a high standard. However, it is also clear from consenting and reserves staff that this objective is not driving the outcomes and is not being actively or directly used to deliver these outcomes. Rather, the outcomes are being driven by strong processes and planning from the Council’s Community Development team acting under the LGA 2002. It is not clear to what extent the planning documents that are	Fully achieved

	<p>being implemented were influenced or based on the outcomes sought by this objective.</p> <p>Staff have also advised that the policies that sit under this objective are, in their current form, unhelpful and extremely dated. They also do not sit well next to the more up-to-date provisions of other documents such as the OSS, the Reserve AMP, the RGP, the NTLDM and the RMPs. Several of the policies that sit under this objective are archaic and have been found to be inappropriate. More recent Council planning documents provide a more modern reflection of the types of reserves and open space that are sought by ratepayers. A further example of this is in the lack of much spatial guidance about the provision of reserves and open space. There are wildly differing requirements for different locations and these are not reflected in the policies, but they can be reflected in the LTP and the AMP.</p> <p>However, a key factor that has generally supported high quality implementation and successful outcomes in this regard are the Methods that support this objective (14.1.20 Methods of Implementation). Most importantly the methods include:</p> <ul style="list-style-type: none"> • Designation of proposed reserves on planning maps • Showing indicative reserves on planning maps • Identification of zones • Requirement for financial contributions <p>While most outcomes are achieved through the parallel asset management processes of the Council, the ability to indicatively identify future reserves is a crucial tool that interfaces with the subdivision processes of the TRMP.</p> <p>In some cases the assessment criteria that apply to subdivision rules, and the matters of control/discretion that apply to land use consents have been inadequate and risk Council missing out on being able to require the provision of reserve land, and good reserve outcomes.</p> <p>Furthermore, staff advise that provision of the comprehensive open space and walking and cycling linkages has been significantly less effective than it could have been due to the lack of a comprehensive strategic indicative layout being in the TRMP planning maps.</p> <p>Incomplete coverage of indicative reserves and walkways is also inefficient because staff therefore have to repeatedly argue and contest for appropriate outcomes.</p> <p><u>The advice received is that the FC system as a whole is very important, works well, and should be retained. There were no noted deficiencies with Section 16.5 TRMP. However, consideration could be given to including a further policy that strengthens the role and importance of FCs and supports the implementation of the FC policy in the Plan.</u></p>	
<p>14.2.2 Efficient and effective use of open space and reserves to meet community</p>	<p>Open space and reserve areas are currently meeting the community's needs for recreation and amenity.</p> <p>As for Objective 14.1.2 the achievement of these outcomes appears to be only weakly based on the implementation of</p>	

<p>needs for recreation and amenity.</p>	<p>TRMP policy, and more strongly based on the spaces and facilities provided through the LGA 2002.</p> <p>Because the reserves are managed by the Council, and because as land owner the Council has the ability to control the use of reserves, most of the policies under this objective are unnecessary.</p> <p>There may be some value in the policies that provide guidance to decision makers on resource consent applications to provide for an efficient and effective use of the open space resource, and to provide for recreation and amenity. But, once again, as the Council is the landowner, it is probably more appropriate that the RGP and the RMPs are utilised to guide the activities that may be permissible on open space and recreation land.</p> <p>This policy also has value in differentiating between the open space and recreation zones. This differentiation and the purposes of each could be strengthened.</p> <p>The supporting methods and flexibility of rules allows for an appropriate scope of activities on Recreation and Open Space reserves.</p>	
<p>14.3.2 The conservation of those areas in the District which have significant natural and scientific values such as landform, ecosystems, natural character and heritage values</p>	<p>The achievement of this objective should be through a range of outcomes, including the preservation of important sites and areas, and in the outcomes of increasing biodiversity and natural character.</p> <p>The rules, assessment criteria and methods are inadequate to be able to reliably achieve the outcomes sought by this objective.</p> <p>Overall, it is recognised that there are poor biodiversity outcomes and downward trends on several metrics. Extensive DOC ownership of land is helping to support biodiversity and natural character outcomes to some degree. But the trend still appears to be a decline.</p> <p>There seems to be little uptake of opportunities that are available through the resource consent process to covenant or otherwise protect ecologically strategic linkages. There are virtually no planning requirements or incentives that support strategic restoration or enhancement of key sites or linkages. Some good outcomes are occurring through non-regulatory methods.</p> <p>There are policy considerations from other TRMP Chapters that are allied to this section. For example, past work by the Council on Significant Natural Areas. The scope of assessment and inclusion of SNAs has been poor and the identification of SNAs has moved on considerably. SNAs do represent sites of significant natural and scientific value, but yet the SNA policy is found elsewhere in the TRMP. The shortcomings of SNA policy and practice to date further reinforce the need for a comprehensive review of all policy that relates to natural conservation and scientific areas.</p>	<p>Declining progress towards achievement</p>
<p>14.4.2 The avoidance of significant adverse</p>	<p>The objective is rather complex in some ways as it first seeks to avoid significant adverse effects of activities and facilities <u>on open space and recreational areas</u>. It therefore directs the</p>	<p>Partial achievement</p>

<p>effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas</p>	<p>Council and decision-makers that buildings and activities must be appropriate. There is then a second part of the objective that then seeks to avoid significant adverse effects beyond the boundaries of the open space or recreation area.</p> <p>To the extent that the Council has control over the use of Open Space and Recreation Zone land then this objective is effective. Council has the ability to change maintenance or facilities so as to avoid, or mitigate off-site effects. Also, as landowner the Council has the ability to not allow organised events and activities that may cause unacceptable off-site effects.</p> <p>However, the Council has found that uncontrolled activities may result in objectionable off-site effects. This could include noisy behaviour and drunkenness, playing loud music, etc.</p> <p>The objective has another potential function that relates to reverse-sensitivity. With the objective seeking to avoid significant adverse effects off site, there could be value in providing additional controls for when applications are lodged to create sensitive receptors around open space and recreation sites. Recreation sites have the potential for frequent noise, lights and other effects. Restricting the exposure of sensitive receptors (mainly residential activities) around these areas may be important for the integrity of the public recreation resources, and also to provide for the amenity of residential areas.</p>	
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Appendix 1: Key Data

Conservation Zone consents data:

<P:\Policy\TRPS & TRMP Plan Review\TRMP Review 1\s35 Assessments and Data\Chapter Evaluations\Chapter 14 Reserves and Open Spaces\Data\14.3.2\16 Aug 2019 - Conservation Zone consents analysis - V1 - JB.xlsx>

Open Space and Recreation Zone consents data:

<P:\Policy\TRPS & TRMP Plan Review\TRMP Review 1\s35 Assessments and Data\Chapter Evaluations\Chapter 14 Reserves and Open Spaces\Data\14.4.2\16 Aug 2019 - OS and Rec Zone consents - V1 - JB.xls>