

PART 2 ■ Legislation and Planning Policy Framework

2.1 Introduction

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

- ▶ Gisborne District Combined Regional Land and District Plan
- ▶ Long Term Council Community Plan 2009-2019
- ▶ Gisborne City and Wainui Open Space Strategy 2002-2022
- ▶ Gisborne District's Walking and Cycling Strategy 2005
- ▶ Active Recreation Strategy

2.2 Reserves Act 1977

As mentioned above the Reserves Act 1977 ('the Act') requires Council to prepare management plans for its reserves classified under the Act. The purpose of a management plan is defined in section 1.1 of this management plan. In short, management plans provide a strategic framework to manage the reserve by. The purpose is defined in the Act as follows:

"...provide for and ensure the use, enjoyment, maintenance protection and preservation, as the case may require, and to the extent that the administering bodies' resources permit the development as appropriate, of the reserve for the purposes of which it is classified..." (Reserves Act 1977, Section 41 (3)).

The Botanical Gardens is classified as Local Purpose Reserve under the Act. Reserves are classified to ensure their control, management, development, use and preservation for appropriate purposes. Local Purpose Reserve is the most flexible classification available under the Act. The Administering body (in this case Council) has the authority to develop and manage the Local Purpose Reserve almost as it sees fit (consistent with the primary purpose of the reserve, which in this case is 'Botanical Gardens') without referring to the Minister of Conservation for approval.

As the administering body Council is the leasing authority for the Botanical Gardens. Under all other classification the leasing authority is the Minister of Conservation, whom Council has to obtain approval to pursue a lease or license over the reserve.

2.3 Gisborne District Combined Regional Land and District Plan

Amenity Reserve Zoning:

The Botanical Gardens is zoned Amenity Reserve in the Gisborne District Combined Regional Land and District Plan (District Plan). The purpose of the Amenity Reserve Zone, according to the District Plan, is to facilitate public access and meet the requirements of Sections 6, 7 and 229 of the Resource Management Act 1991.

The Amenity Reserve zone provides access to the District's rivers, lakes and coastal margins. Also included in this zone are reserves that provide scenic and landscape values.

Flood Hazard Overlays:

Approximately 50% of the reserve running alongside the Taruheru River is covered by Flood Hazard overlays. The area directly adjoining the River is zoned as Flood Zone 4 (areas liable to flooding), and further inland is zoned Flood Zone 5 (flood fringe zone).

Flood Zone Overlay 4 contains areas on floodplains that have previously been flooded. This area became flooded in the 1977 and/or the 1985 floods.

Flood Zone Overlay 5 contains areas that have not previously been flooded but are expected to be flooded under design flood standard conditions. Care needs to be taken not to alter the level of the land in a way which could divert floodwaters and cause adverse effects. The design flood standard for the Taruheru River in the Gisborne urban area is a 100-year return flood period.

2.4 2009-2019 Ten Year Plan

The preparation of the Long Term Council Community Plan (LTCCP) is mandatory in accordance with the Local Government Act 2002.

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

The Community Outcomes identified in the LTCCP that relate most to reserves management planning and active recreation:

- ▶ Vibrant Tairāwhiti
- ▶ Healthy Tairāwhiti
- ▶ Connected Tairāwhiti

Parks and reserves contributes to the 'Vibrant Tairāwhiti' community objective by providing a balanced range of facilities, recreational and leisure opportunities within the District and by providing appropriate facilities on parks and reserves in areas where people are likely to visit or gather at events.

Parks and reserves contribute to the 'Healthy Tairāwhiti' community objective through the provision of well designed Parks, reserves and facilities and the regular maintenance of these facilities.

One of the key roles of Council in regards to parks and reserves is to consult with users and the community on the desired level (quantity, quality and nature) of Parks and Reserves provided within the district. The preparation of management plans for Council reserves is one way in which Council meets this community consultation requirement and the community outcome 'Empowered Tairāwhiti'.

2.5 Urban Development Strategy

The Urban Development Strategy is a guiding document for sustainable spatial and physical planning. It sets out the main directions for the Urban Area's further extension and redevelopment. It takes into account the community's expectations and knowledge about the future and recognises that some aspects of the future are uncertain.

The Strategy links with the Long Term Council Community Plan, the Tairāwhiti Economic Development Strategy, and Council's resource management plans.

The way our city functions, develops and feels shapes our community's ability to be successful. Successful and confident cities are great places to live, they are vibrant, have stimulating public spaces and have a human scale. The Strategy identifies the role and key directions Council, and its communities, plan to take to shape the Urban Area's future development.

Some key objectives which relate to the Botanical Gardens are:

- 1.4 Pedestrian and cycle-friendly transport networks that connect suburban hubs, the city centre and community facilities
- 2.6 High quality public spaces and recreational facilities
- 2.7 Increased use of good urban design practices
- 3.7 Participation of local communities in planning projects
- 7.4 Opportunities for central government support and funding are optimised.

2.6 Open Space Strategy (Gisborne City and Wainui) 2002-2022

Although not a statutory document the Open Space Strategy for Gisborne City and Wainui (OSS) approved by Council in November 2002 sets out a strategic direction for managing open space within Gisborne City and Wainui, to protect and enhance the most valued open spaces.

The OSS identified a number of implementation actions to improve and extend walking and cycling linkages in the City. One of these linkages identified is the extension of the CBD walkway along the Taruheru River to the Botanical Gardens. The OSS also identifies the preparation of a reserves management plan for the Botanical Gardens as a priority.

2.7 Gisborne District's Walking and Cycling Strategy 2005

This Strategy identifies a walking and cycling vision for the Gisborne District and provides a strategic approach to further realize the community vision:

Gisborne District is a walking and cycling friendly region. Walking and cycling are safe, convenient, enjoyable and popular forms of transport and leisure that contribute to community health, well-being and tourism.

The Strategy identifies actual and potential walking and cycling networks and facilities, as well as actions that are designed to increase pedestrian and cyclist numbers. Supported in the Strategy is a recommendation of the Open Space Strategy to continue the CBD riverside walkway through to the Botanical Gardens.