
ANNEX 2 ▶ Planning legislation and Council Documents

RESOURCE MANAGEMENT ACT 1991 (RMA)

The purpose of the Resource Management Act 1991 is to....

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

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

For the purpose of reserves management the Resource Management Act 1991 should be seen as complementary to the purpose of the Reserves Act 1977

“The maintenance and enhancement of public access to and along the sea coast...” (section 6(d) RMA and section 3c Reserves Act 1977)

BY-LAWS RELATING TO RESERVES

By-laws controlling activities at Public Conveniences and on Reserves are:

- ◆ The Gisborne District Reserves Bylaw 1992 (revised draft 2008 currently notified)
- ◆ The Camping on Foreshores Bylaw 1986
- ◆ The Gisborne District Public Places Bylaw 1995.

These by-laws will be reviewed by the 01 July 2008.

HISTORIC PLACES ACT 1993

The Historic Places Act 1993 over-rides any of the provisions of this Management Plan or the Reserves Act 1977, with respect to the protection and preservation of wahi tapu and archaeological sites.

If artifacts which pre-date 1900 are uncovered on the Reserve, such as Middens or burial sites, the site is considered an archaeological site in terms of the Historic Places Act 1993 and the relevant provisions of the Act will apply (section 10). Any disturbance of archaeological sites, regardless of their listing or otherwise in the Combined Regional Land and District Plan, is not permitted. Consent from the New Zealand Historic Places Trust is required to modify or disturb an archaeological site under Section 11 of the Historic Places Act. An authority is required for such activity whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Combined Regional Land and District Plan.

Immediately following the discovery of archaeological material the discoverer must cease excavation in the immediate vicinity and advise Council. Council will then advise the following organizations of the discovery:

- ◆ New Zealand Historic Places Trust
- ◆ Ministry for Culture and Heritage
- ◆ Ngati OneOne

◆ Tairawhiti Museum.

The area should then be secured to protect from weather, reserve users etc. until further notice.

RESERVES ACT STATUTORY PLANNING PROCESS

The Open Space Strategy for Gisborne City and Wainui 2002-2022

Although not a legislative requirement, the Open Space Strategy (OSS) has been approved by Council and sets out to protect and enhance its most valued open spaces. It provides a twenty-year vision of what the public wants them to look like and how they should be used both now and in the future. The Strategy highlights the need to complement Gisborne's attractive lifestyle opportunities with aesthetically attractive open space presentation. Having well designed entrances to create an attractive environment for the region is noted.

One of the main themes of the OSS is the need for a network of linkages creating circuits in and around the City. This network will connect the beaches, harbour, city and rivers. The Reserves, which run along the foreshore of Wainui Beach, have not been promoted as a unique open space in Gisborne, however, as the desirability of coastal properties grows, and Wainui Beach is nationally recognized as one of the best surfing beaches in New Zealand, it is expected that pressure on this resource will grow.

The OSS recommends native plantings and the creation of wildlife corridors. Further, it recommends that an alternative cycle way/walkway from State Highway 35 be developed for the dangerous bends between the City and Wainui. This cycle way/walkway would create an extension to the Heritage Trails investigated by Council.

WALKING and CYCLING STRATEGY FOR THE GISBORNE DISTRICT 2005

This Strategy identifies a walking and cycling vision for the Gisborne District and provides a strategic approach to further the realization of the community vision, which is:

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

This Strategy notes that beaches are an important area for recreational walking and cycling. It recommends safe cycling trails to link Gisborne City to Wainui Beach, and by association, W. D. Lysnar and Wainui Beach Reserves. Further, it notes the possible medium term strategy (2010+) of developing a coastal walkway from Kaiti Beach to Wainui Beach. The Reserves would be part of this trail.

WAINUI BEACH MANAGEMENT STRATEGY

The strategy was developed in partnership with the community, to address the growing pressure on the beach, the foreshore and beach-front properties. Council adopted the Strategy on the 14 August 2003. A working group of resident representatives, the Department of Conservation, Ngati OneOne and Council was identified to oversee the development of the Strategy. The agreed vision statement for the beach was:

'The Protection and enhancement of Wainui Beach and adjoining reserves for the use and enjoyment of future generations'.

The Strategy called for revision of the Lysnar Reserve Management Plan in light of tree/view issues.

The Strategy highlights that Wainui Beach has several natural divisions and that management of the beach must be made on the basis of considering what is the best practical option for each section of the beach. The southern section of Wainui Beach, (south of Stock Route), is the area most vulnerable in terms of erosion caused by the sea. The foreshore north of Stock Route has more risk of instability due to actions of people. Below are the recommendations relating to the management of the Reserves.

Tuahine Crescent to ‘The Dip’

This area has properties that are within ‘Extreme to Moderate’ and ‘Extreme Risk’ Coastal Hazard Zones²⁵. Protection works run along the foreshore and the management strategy seeks to maintain the existing gabion baskets, protect the foredune and rebuild using geotextile sand cushions/bags and artificial dune structure, beach scraping (move excess sand to redistribute to depleted areas of the dune toe), and planting of the incipient dune and foredune.

‘The Dip’ to Hamanatua Stream

Again, protection works run along the foredune and the residential properties on the beachfront are situated within the ‘Extreme to Moderate’ and ‘Extreme Risk Hazard Zone’ Coastal Hazard Zones. The management strategy for this section is to maintain the existing gabion basket protection and spur groyne 1 at Hamanatua stream. Foredune protection using sand cushions/bags and artificial dune structure, beach scraping and planting of the incipient dune and foredune is recommended.

Hamanatua Stream to Makorori Headland

The recommended management strategy for this main section of W. D. Lysnar Reserve, and the section that does not have residential properties on the perimeter, is to continue dune care planting to bare and damaged areas of the foreshore with appropriate grasses. Indigenous flax, Pohutakawa and other suitable species can be planted further back on the Reserve. Pedestrian accesses are recommended to be upgraded. The Whale Grave at northern Okitu is recommended to be maintained (primarily undisturbed). Access for 4WD vehicles, quad bikes, motorbikes and cars to the dunes is recommended to be restricted. The strategy notes that a sealed cycle/walkway through the Reserve is not a viable option nor in keeping with the nature of the Reserve²⁶.



Figure 34: Dune Care Programme opposite Okitu Store

²⁵ Gisborne District Combined Regional Land and District Plan

²⁶ This recommendation may need to be reviewed as pressure on the resource increases.

GISBORNE DISTRICT COMBINED REGIONAL LAND and DISTRICT PLAN

The Gisborne District Combined Regional Land and District Plan (the District Plan) guides local-level management of Reserves and falls under several national/regional higher-order guiding documents.

Resource Management Act (RMA) ▶ The purpose of the Act is: “to promote the sustainable management of natural and physical resources” (Section 5(1), RMA 1991. The Act requires regional authorities to prepare Regional Policy Statements.

Regional Policy Statement (RPS) ▶ The RPS is the main vehicle for interpreting and applying the sustainable management requirements of the Act in a local context. It guides development and implementation of lower order plans such as the Regional Coastal Environment Plan (RCEP) and Combined Regional Land and District Plan (the District Plan) which must give effect to the RPS.

Regional Coastal Environment Plan (RCEP) ▶ The proposed RCEP places emphasis on minimizing and avoiding the damaging effects of human activity in the coastal environment and particularly the coastal marine area. Its intention is to allow maximum use of the coastal environment by people in a manner which will ensure ongoing enjoyment of the natural qualities that our coastline provides.

Within the RCEP W.D. Lysnar and Wainui Beach Esplanade Reserves are noted as having Protected Natural Area (Recreation Reserve) status. The RCEP describes both sites and notes Wainui Beach Reserves main threats as insensitive human developments such as housing development to the crest of the dune, public and private accessways across the dunes, property protection works along the face of the dunes, insensitive recreational use of the dunelands, and introduced plant and animal pests.

Management of the integrity of the dune system, for its value as a natural protection against erosion and inundation by the sea (in accordance with the NZCPS policy 3.4.3). maintenance and enhancement of public access cross and along the dunelands but manage adverse effects (NZCPS policies 3.5.1 – 3) Enhancement and maintenance of the amenity values of the dunelands.

Combined Regional Land and District Plan ▶ The District Plan must give effect to overarching regional documents. Within the District Plan, W. D. Lysnar Reserve is zoned Amenity Reserve from its southern-most point (Lot 14 D.P. 3285) to the northern end of Wainui Beach (Section 1-4 Block VIII Turanganui Survey).

The northern-most part of the reserve, Makorori Headland (Part Lot 2 D.P. 725), is zoned Heritage Reserve. The intention of both reserve zones is to retain open space and natural vegetation with limited development, to provide public access in areas of scenic and landscape value, and enable passive and outdoor recreation, habitat conservation, including new landscaping, maintenance and enhancement works. The Heritage Reserve Zone has a stronger focus on protection of historical/archaeological and cultural/spiritual significance. The different reserve zones are appropriate for the sites and are consistent with the Reserves Act 1977.

Similarly for Wainui Beach Reserve, in the District Plan, almost all sites including the foreshore esplanade is zoned as Amenity Reserve linked to W. D. Lysnar Reserve sites. The only site which has different zoning is the Road Reserve at the end of Pare St. This could be zoned as Amenity Reserve in the District Plan. Land Overlay 3 applies, as does the Coastal Environment Overlay, Heritage Overlay, and Coastal Hazard F4, Area liable to flooding.

The objectives and policies of the Reserves Management Plan reflect the purpose of the Reserves under the Plan (heritage and amenity reserve) and the Reserves Act 1977 (recreation reserve).

The District Plan guides management of Reserves and regulates land use activities including those carried out in accordance with approved Management Plans prepared under the Reserves Act 1977, such as this Plan. All Reserves must comply with the General Rules in the District Plan as well as 22.6 Rules for Reserves.

This section notes that activities must comply, where relevant, with the regional or district rules specified elsewhere in the Plan including: Chapter 3 – Cultural Heritage, Chapter 4 – Natural Heritage, Chapter 5 – Natural Hazards, Chapter 6 – Land, Chapter 8 – Utilities, Chapter 9 – Contaminated Sites, Chapter 9A – Hazardous Substances and Chapter 10 – Signs.

A resource consent is required for activities which do not comply with the District Plan regulations.

Several District Plan overlays apply to W. D. Lysnar Reserve. These are briefly summarized as follows:

Coastal Environment Overlay

This overlay covers the entire length of the Reserve. Maintenance of lawfully established roads and tracks and some vegetation is permitted. Refer to section 4.8 Coastal Environment Overlay in the District Plan.

Heritage Alert

Land Overlay 1, 2 & 3. The objective of Heritage Alert Overlays is to recognize and protect our collective cultural heritage resources. These overlays broadly reflect the land resources varying susceptibility to erosion and damage from development-related activities. The reserve is mostly covered by Land overlay 1 & 2 which permits activities such as vegetation clearance, trenching, maintenance of lawfully established roads, tracks, earthdams, established structures and network utility structures. The Headland also has Land overlay 3. A resource consent application is required in some instances prior to land disturbance or removal of soil which allow for various thresholds of environmental effects for particular activities.

The Coastal Hazard Zone

The Coastal Hazard Zone refers to coastal areas subject to one or more natural hazards. These include sea and wind erosion, landslip and flooding from the sea and coastal rivers. Within the last 150 years there have been approximately eight Tsunami recorded on the Gisborne District Coast. The Coastal Hazard Zone for Lysnar Reserve is: High to Extreme Risk. The Coastal Hazard Zone for the Headland is Extreme Risk from the cliffs inland to the ridgeline. From the ridgeline to the roadside zoned as Moderate Risk and Safety Buffer with a Site Caution overlay along the roadside. The Site Caution Overlay highlights that there is significant potential hazards due to land instability. Resource Consent is required in some instances for earthworks.

GISBORNE DISTRICT LONG TERM COUNCIL COMMUNITY PLAN (LTCCP) 2006-2016

The LTCCP is a mandatory planning document prepared in accordance with the Local Government Act 2002. The Council adopted the LTCCP 2006-2016 on 01 July 2006. The LTCCP has two functions:

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

Two of the Community Outcomes identified in the LTCCP relate most to active recreation:

- ◆ Vibrant Communities
- ◆ Safe and Healthy Haven

To reach the objective of fostering vibrant communities, Council wish to offer residents of Gisborne a range of sport, recreation and leisure opportunities. Council will monitor this objective by the numbers of hectares of parks and reserves per capita, the number of clubs by activity type by township, and participation in sport. At this time there are 225 reserves, totaling 1500ha, maintained by Council for recreational activities. Lysnar Reserve has a land value of \$5,000,000 + improvement value \$80,900.

GISBORNE URBAN COASTAL STRATEGY 2005-25

This strategy has five objectives to guide Council's strategy for coastal development. Three objectives relate specifically to management of recreation reserves. They are:

2. *Maintaining a soft transition between the sea and the land by:* maintaining a green backdrop to the coastline, and making better use of coastal reserves and open spaces through improved design and landscaping, and recognizing their proximity to the sea.
3. *Safeguarding cultural, heritage and recreational values associated with coastal areas by:* protecting sites and areas of significance to tangata whenua, promoting historic and cultural features, maintaining and improving public access and linkages (walkways and cycle ways) to and along the coastline...
- 5 *Improving the natural environment of the coastal areas by:* replanting coastal hillsides in indigenous vegetation where practical...promoting the development and protection of ecological corridors.

The Strategy also recommends developing a coastal walkway from Kaiti Beach, to Sponge Bay and around to Wainui Beach.

GDC ACTIVE RECREATION STRATEGY 2005-2010

This Strategy similarly, calls for Council to encourage physical activity through the provision of accessible facilities and open spaces and create activity friendly physical environments.

WAINUI-OKITU : LANDSCAPE and PLANNING ASSESSMENT

This broad-scale landscape assessment of the Wainui-Okitu-Sponge Bay area was sought by Council to better enable management of the land resource and to inform decisions about zone management and Plan changes in light of pressures for growth and impending new infrastructure. The assessment divides the study area into 14 Landscape Identity Areas (LIAs). Four of the LIAs incorporate the Reserves. From the base of Makorori Headland to north of Pines is classified as LIA 14: Okitu Coastal flats/dunes.

From north of Pines to south of Hamanatua Stream is LIA 12: Lysnar Valley/Hamanatua Stream and mouth. From south of Hamanatua Stream to Stockroute is LIA 10: Wairere Coastal Edge. From Stockroute to the southern end of the residential areas of Tuahine Crescent is LIA 9: Old Wainui.

Overall, the assessment notes that the study area, including the Reserves is a significant economic asset to Gisborne, in particular due to the high amenity values. The amenity values are strongly contributed too by

the Reserves which provide public access to the beach/coast through well-resourced and well-positioned public carparks, public reserves and picnic amenity areas, outstanding coastal beachfront landscapes, significant aesthetic qualities, attractive vegetation (including Pohutakawas) and significant views towards the beach and coast (from reserves and local roads). The assessment identifies that the lack of hard-edged built suburban fencing and the range of soft landscape boundary treatments helps natural patterns to dominate and that guidelines for fence design along beach frontage is recommended. It is also recommended that view shafts, ecological corridors and pedestrian and cycle networks, along riparian pedestrian easements and hill walkways, should be utilized. These accessways/corridors can be linked to the existing Reserves and the walkways/view shafts they offer. Further, it notes that the hill slopes and ridgelines such as the Makorori Headland have high visual sensitivity. The remainder of the Reserves is classified as having moderate to low visual sensitivity.

For LIA 9 and LIA 10, the assessment notes the significant part that reserves play in planning for subdivision. It notes that while they contribute to the beach-side character of the area they also act as natural drainage conduits for storm-water from higher ground.

Invasive exotic weeds characterize the lower sections of Wainui Stream in LIA 12. In a few places there is evidence of riparian indigenous species restoration planting. These waterbodies provide natural opportunities for creating enhanced biodiversity, natural character and amenity values. It is recommended Council consider introducing riparian margins by indigenous re-vegetation in partnership with private land-owners.

For LIA 14 it is noted that the dunes are mostly devoid of indigenous sand-binding species (other than the foreshore dune-care programme) with rough grass dotted with Pohutakawa trees and some Norfolk and Phoenix Pines being predominant. Further, it notes erosion is a problem, with some of the Pines being felled over the years as they become public safety threats.