

12.0 Ngā Whakamanatanga

Authorisations for park use

12.1 Ngā mahi e tika ana kia whakamanatia

Activities requiring landowner authorisation

Scope

Most everyday recreational activities on parks are allowed as of right. However, from time to time, people or organisations wish to use park space for activities that might have an impact on the park, or that might prevent others from also using the park. Under these circumstances people or organisations may need to apply for a specific permission to use the park.

Local boards have the decision-making responsibility over non-regulatory activities in local parks. Their permission once granted, is also known as landowner approval.

People or organisations who receive landowner approval for their activity may additionally require other approvals from the council acting in its regulatory capacity for that activity. Examples include certain decisions under bylaws, resource consents in accordance with the Resource Management Act 1991, building consents in accordance with the Building Act 2004, or asset owner approval e.g., for activities on contaminated land. In some instances, applications for landowner approval are made after regulatory consents have been granted; so that applicants need to vary their original consent to accommodate conditions of landowner approval. It is important that applications for landowner approval come to the council early so that an appropriate pathway for the application can be discussed.

Activities will typically need landowner authorisation, often in addition to a regulatory approval if they:

- require exclusive use of a park or an area of a park e.g. event or filming
- interfere with or change the physical park environment e.g. ground disturbance, plant removal such as for cultural harvest, planting, scientific research
- require a temporary or permanent building or structure to be built or installed
- require temporary access to private property through a local park
- are commercial in nature, in other words are for private gain or financial reward, such as commercial filming
- create an interest in land in favour of a third party, such as a lease.

Landowner authorisation may take the form of a booking, lease, licence, easement or some other written agreement.

Benefits

The purpose of landowner authorisation is to ensure impacts on the park and park users are considered and managed, and a consistent and principled approach is taken to assessing proposals to ensure the park's values are protected.

Issues

A common issue across landowner authorisations is the reinstatement of park land once an activity is completed. The council may at times require site meetings before and after an activity takes place and payment of a bond to ensure that the park is reinstated to at least the same condition.

Approach

The Reserves Act has specific requirements for certain activities that require landowner authorisation on reserves. The classification of the reserve and the type of landowner authorisation being sought will determine which part of the Act applies.

In line with its statutory obligations, the council seeks mana whenua input into relevant authorisation decisions under the Reserves Act and the Local Government Act. This involves working with mana whenua at an early stage of the process. In some cases, staff have agreed protocols and processes to work with mana whenua regarding particular activities. For more information on how the council works with mana whenua, refer to section 11.8 Mana whenua and Māori outcomes.

In some cases, formal public notification will be required under the Reserves Act, and public consultation may be required under the Local Government Act.

The type of activity – how long it will take, how many people might be involved, the effect it will have on the park and on park users – will help to determine the likely impact of that activity. Activities which may only have a minor or low impact (such as small trailer temporary access to private property through an open grassed area) will not generally require an in-depth assessment. Higher-impact activities, however, will need a robust assessment of impacts.

Even when activities are aligned with the purpose and outcomes sought for a park, it is important to assess the potential impact on a park, including whether benefits of the activity outweigh disadvantages, how risks to park land and park users will be managed and any damage remediated.

Landowner authorisations may include a range of conditions to ensure the activity is well managed, including measures to reduce, or offset negative impacts of the activity and ensure it is carried out safely.

Tikanga whakaaetanga aromatawai

Landowner authorisation assessment approach

This section outlines the landowner assessment approach to inform **all** activities requiring landowner authorisation. If the activity requiring landowner authorisation has a standalone policy, this general policy should be read in conjunction to that policy.

Tikanga whakaaetanga aromatawai

Landowner authorisation assessment approach

This section outlines the landowner assessment approach to inform **all** activities requiring landowner authorisation. If the activity requiring landowner authorisation has a standalone policy, this general policy should be read in conjunction to that policy.

12.1.1 Ngā Whāinga / Objectives

- (1) To ensure a consistent approach is taken to assessing proposals requiring landowner authorisation.

12.1.2 Ngā Kaupapa Here / Policies

- (1) Where landowner authorisation is required, then the assessment of an activity will consider:
 - (a) positive and negative impacts.
 - (b) the scale of impacts including:
 - (i) whether impacts are widespread or contained
 - (ii) whether impacts affect significant values
 - (iii) whether impacts are temporary or permanent
 - (iv) cumulative impacts resulting from similar activities over time.
 - (c) whether an activity is likely to be of high public interest, for example activities that may carry a high risk to significant park values or to the health and safety of park users and the public.
- (2) Any activity requiring landowner authorisation shall be in accordance with the Reserves Act classification of the park (where applicable), and the assessment of that activity should consider the relevance of:
 - (a) compatibility with the management focus area (if any)
 - (b) all principles for park management (refer to section 8.0)
 - (c) compatibility with park values and park specific information in Volume 2
 - (d) whether the activity has a community benefit component
 - (e) any reduction in open space and impact on the functionality of the park including future options to enhance the park
 - (f) any relevant policies in this plan

- (g) whether there is a need for that activity to take place on the park, including whether alternative location/s within the park or outside the park are more appropriate
 - (h) potential impacts on current users of the park, such as any exclusive use of the park or part of the park or compromising access including access to or from water
 - (i) the capacity of the park to accommodate the activity
 - (j) any relevant bylaws and approved code of conduct for that activity.
- (3) Activities with significant impacts on a park or its users should be assessed with a high degree of rigour including expert advice where necessary to understand those impacts.

12.2 Ngā mahi aru moni

Commercial activities

Tuapapa / Background

Scope

There are a wide variety of commercial activities operating on parks across Tāmaki Makaurau / Auckland. These can be temporary such as mobile vendors (including coffee carts and ice cream vans); equipment hire (including watersports or bicycle hire); bootcamps and fitness classes; guided tours; dog training; events that charge for entry; and commercial filming.

Commercial activities may also be more permanent; and/or require a lease or a licence. Examples range from licences for grazing animals; to community leases allowing clubs to provide a bar / bistro for member use or their premises for temporary event hire. Coastal parks or destination parks may sometimes include a public kiosk or café.

Commercial trading may happen on parks; however, decisions and approvals may be required from the local board depending on the Act under which the council manages the land.

Benefits

The benefits of commercial activities may include:

- enhancement of the park user's experience by providing additional services to those normally provided on the park
- enabling a wider range of uses and activities to be undertaken, such as windsurfing or kayaking which require specialised equipment, not otherwise available to the general public
- activation of park spaces and enhancement of existing activity in the park e.g. provision of refreshments whilst watching sports games or the kids playing
- helping community groups or clubs to be financially self-sustaining
- educating people on the values of an area or park, such as through cultural or heritage tours
- showcasing a park and/or an area, such as through filming, so that others in Tāmaki Makaurau / Auckland, Aotearoa New Zealand or abroad are attracted to that park.

Issues

Parks are acquired for the benefit of the community and protection of natural, cultural, recreation and amenity values, so commercial activities on parks that compromise those values are to be avoided. Commercial activity can undermine people's experience of parks, especially those parks valued as places of respite and relaxation. A dominance of commercial signage or excessively noisy activities for example may easily detract from a

park. Activities like mobile vendors or commercial events may create competition for parking spaces or generate large amounts of rubbish.

It is important that commercial activities also do not compromise the natural and cultural values of a park. Assessment on the impact of a proposed activity on park values and park users is an important consideration.

Approach

A reserve's purpose under its classification places constraints on whether and how commercial activity may be allowed and how it is authorised. Public notification of a commercial proposal may be necessary where it is not in conformity or contemplated in a park in Volume 2 of the plan, and public consultation may also be required.

Council bylaws also regulate commercial activities on parks. Refer to Appendix B for a summary of bylaws including the Public Trading, Events and Filming Bylaw 2022 and Signage Bylaw 2015 which may be especially relevant to commercial activities.

The requirements of the legislation and bylaws are both the basis for authorising commercial activities on parks. The local board's non-regulatory role in approving commercial activities on parks is managed through the landowner approval process (refer section 12.01). An exception to this is fitness training run on park land. The Ōrākei Local Board approves fitness training on parks provided it does not undermine public enjoyment of parks, the natural and cultural heritage values of parks, threaten public safety or damage public assets. Auckland Council's code of conduct for fitness trainers provides guidance on fitness training to protect support those outcomes.

Commercial filming also has a code of conduct, included in the Auckland Film Protocol 2019. The Protocol outlines the role of Screen Auckland and the process to obtain landowner approval for commercial filming on public open space.

Where commercial activities are proposed to support community outcomes (such as social enterprise) or by community groups or clubs to help support their organisation, that activity will still be examined against this policy noting that the benefits of the activity are included in the landowner assessment criteria. Where an activity is approved by the landowner, it may require a variation to the conditions of an existing lease to provide for the activity and lock in community benefits.

As with all authorisation policies, commercial activities will be assessed against section 12.1 Activities requiring landowner authorisation. New activities require careful consideration to ensure benefits to the community of the activity outweigh the negative impacts on park values and users.

Similarly, any approved commercial activity is likely to be subject to strict conditions to manage impacts on the park or park users.

12.2.1 Te Whāinga / Objective

- (1) To ensure the commercial use of parks occurs in ways that does not compromise park values, that encourages use of parks where they add to the enjoyment and experience of park users, is consistent with the principles for park management and in accordance with the Reserves Act and any relevant bylaws.

12.2.2 Ngā Kaupapa Here / Policies

- (1) Landowner authorisation under section 12.1 is required for all commercial activities unless provided for in policy 12.2.2(2) below.
- (2) Fitness training may occur on parks without a written authorisation provided it:
 - (a) does not cause a public nuisance or public safety issue, damage park land or assets, or undermine park values
 - (b) is not restricted or prohibited in individual park information in Volume 2
 - (c) has not been temporarily restricted to protect public enjoyment or use of the park or to protect important park values, and
 - (d) complies with Auckland Council bylaws.

12.3 Rīhi me ngā raihana hapori

Community leases and licences

Tuapapa / Background

Scope

Community leases and licences provide space in parks for non-profit organisations delivering activities, services or programmes that serve community needs or enhance a park's values. A lease provides for the exclusive use of a park area or a building, while a licence provides for non-exclusive use.

Leases may be granted for facilities that are owned by the council, or by the lessee; or a mixture of both. Lease and licence areas may also contain other specialist infrastructure such as lights, courts, etc. These are often owned and maintained by the lessee; however, in some cases, the council is the owner.

For commercial leases, refer to section 12.2 Commercial activities.

Benefits

Community leases and licences are a significant way in which the local board supports organisations that serve community needs or work to improve parks.

Community leases and licences allow groups to carry out social, cultural, educational and recreational activities, as well as groups working to enhance reserves. Some examples are sports and recreational clubs; community groups including marae which provide youth support, child education and other social outcomes; and environmental organisations such as 'Friends of Parks' groups.

Lease and licence activities in a park can promote a lively, safe environment for other park users.

Issues

Ongoing financial sustainability is a concern for many non-profit sporting and community groups. In some cases, groups struggle to fund maintenance of facilities or other costs such as insurance or utilities.

Provision for ancillary fundraising activities often form part of leasing terms and conditions. For example, many clubs with appropriate permissions fundraise through having a bar/bistro on site for their members to socialise. A lessee's ability to be financially independent while ensuring their activities fit with the park values and outcomes sought for a park is an important consideration for new lease and licence proposals.

For lessees, having certainty that they can use an area of a park for a relatively long period is important, especially where they wish to invest in assets on the park. However, this desire needs to be balanced against the need to ensure that lessee activities continue to meet changing community needs over time. Groups may lose membership or amalgamate with other clubs to create operating efficiencies. Sometimes this leaves

unoccupied structures on parks, leaving council to fund their removal or consider different uses for them.

In some cases, the issuing of a lease or licence results in the loss of open space for public use or for other park development. As Tāmaki Makaurau / Auckland intensifies, the pressures on park land intensify both for open park land, but also from groups seeking community leases or licences.

Approach

Leases and licences may be granted over Reserves Act and LGA land.

The Reserves Act prescribes when and how leasing and licencing may be approved on reserve land according to its classification or purpose (refer to section 9.0).

For parks managed under the Local Government Act, the management focus area identifies the primary outcomes sought for that land (refer to section 10.0).

Volume 2 of this plan, covering the individual parks, identifies where leasing or licencing activities are currently contemplated on a park and the type of activity that is contemplated.

The Community Occupancy Guidelines 2012 (currently under review) provide more detailed guidance on the considerations, process and costs related to processing lease and licence agreements. Lease and licence agreements may include conditions to support community outcomes such as sharing of facilities and requiring membership fees to be reasonable. Similarly, they may include conditions to protect the park environment, the health, safety and wellbeing of visitors, and to facilitate park operations.

It is important that lessees and licensees review their agreements when planning new activities, changes to their operating hours or construction of new assets on the park including building additions or extensions. This is because new activities, unless already provided for in their agreement with council, may require a separate authorisation from the council through the landowner approval process, in addition to a regulatory consent such as a building consent.

At times, the council may also enter into partnering agreements with organisations including lessees and licensees to provide community services or support outcomes in a local community. Refer to the Facilities Partnerships Policy 2018 and the Increasing Aucklanders' Participation in Sport Investment Plan 2019-2039 for more information.

12.3.1 Ngā Whāinga / Objectives

- (1) To protect park values and outcomes sought for the park including minimising loss of public access when considering any community lease or licence arrangements.
- (2) To support activities that meet community needs, enhance environmental outcomes and activate and enhance parks and people's experience of them.

12.3.2 Ngā Kaupapa Here / Policies

- (1) The assessment of an application for a community lease or licence should consider the landowner authorisation assessment approach in section 12.1 and the following:
 - (a) options to provide for shared use or public use and access to park space or facilities where appropriate.
 - (b) any sport or recreation or community needs provision plan or assessment, and compatibility with a network view of the need for that activity to occur on a park.
 - (c) the viability of the proposed activity.

12.4 [tbc]

Events and activation

Tuapapa / Background

Scope

Ōrākei parks host a wide range of events for the public to enjoy, from small private events like weddings to large events and festivals which showcase the area. Many public events are supported by the local board including Summer Fun, Movies in Parks, Music in Parks, Anzac Day and Christmas events.

For the purposes of this policy, events are defined as an organised temporary activity that takes place on one or more days¹⁵. For avoidance of doubt, events do not include regular bookings of sports fields or courts for sporting use, volunteer groups gathering for restoration working bees in a park, or classes and training provided by outdoor fitness operators.

Benefits

The benefits of events include:

- bringing local people together to share memorable experiences
- celebrating Tāmaki Makaurau / Auckland and its people
- supporting a Māori identity
- commemorating and respecting important occasions
- activating Ōrākei parks
- profiling Ōrākei and Tāmaki Makaurau / Auckland
- celebrating different cultures and increasing cultural awareness
- invigorating the local economy, including supporting town centres close to parks.

Issues

The issues related to events on parks include:

- protecting important park values from the impacts of large groups of people and event infrastructure; including risks to cultural, historic, natural and recreational values
- reinstating parks after the event to at least the same condition as before the event
- managing impacts on other park users including impacts relating to noise, lights, vibration, areas of park closure

¹⁵ Has the same meaning as in the Trading and Events in Public Places Bylaw 2015 (as at 25 October 2019); see Appendices for definition.

- managing access, traffic and parking within the park.

Approach

Auckland Council's Events Policy sets out why and how Auckland Council is involved in events.

Those wishing to run an event on a Ōrākei park will need to seek authorisation as outlined in this policy.

All events must comply with relevant bylaws (for example Trading and Events in Public Places Bylaw 2015) and seek regulatory approvals such as resource consent as appropriate. For certain types of events, approval from the local board as landowner is handled through an event permit process where a permit is required. Refer to the Auckland Council [website](#) for further guidance on when and how to apply for an event permit.

Volume 2 of this plan also signals particular parks where the local board has signalled intentions to better support events (e.g. through provision of permanent infrastructure) or to restrict events to manage negative impacts including cumulative impacts.

12.4.1 Te Whāinga / Objective

- (1) To maximise community use of parks through events which are consistent with the park values and provide benefit to the community.

12.4.2 Ngā Kaupapa Here / Policies

- (1) The landowner approval assessment of event proposals should consider the relevance of the objectives and the landowner authorisation assessment approach in section 12.1 and the following:
 - (a) consistency with other approved park authorisations, leases and licences.
 - (b) measures to manage negative impacts of the activity on the park and other park users including travel demand management, appropriate set-up and clean-up activities, and waste management.
 - (c) the track record of organisers in managing events appropriately.
 - (d) the requirement for rest periods for popular event locations where grass surfaces need time to recover and/or the local community can enjoy the park.

12.5 Wāhi noho mō te pō

Overnight Accommodation

Tuapapa / Background

Scope

Overnight accommodation in this plan includes both outdoor camping and indoor accommodation on parks. Outdoor camping ranges from formalised campgrounds to informal camping on open spaces within parks. It includes freedom camping on parks and rough sleeping.

Indoor accommodation is often associated with particular lease activities where accommodation is ancillary to the lease purpose. For example, youth activities such as Scouts or Girl Guides may provide accommodation.

Benefits

Overnight accommodation helps to keep parks safe where campers provide more eyes on the park.

Camping is an experience which brings people closer to nature and offers opportunities for education or to experience a different environment.

Indoor accommodation on leased premises can support activities provided at that location, may be provided as part of education and youth development of tamariki (children) and rangatahi (youth).

Issues

Outdoor camping requires appropriate facilities nearby to support campers including toilets, potable water or wastewater disposal sites. In some cases, campsites are not tidied by campers or litter is left on the park. This can be especially problematic in summer when large numbers of freedom campers seek sites within Tāmaki Makaurau / Auckland. The limited supply of freedom camping sites causes overcrowding, illegal camping and increased tension with residents and other park users.

The safety of campers, especially young people, may also be a concern. Conversely, campers on parks may make other park users feel unsafe.

Approach

Overnight accommodation on parks and reserves can be regulated by the council through a combination of the Reserves Act 1977, Local Government Act 2002 and Freedom Camping Act 2011, and any bylaws made under these Acts¹⁶.

Reserves Act 1977

¹⁶ Currently the Public Safety and Nuisance Bylaw, and Freedom Camping Bylaw.

Section 44 of the Reserves Act does not permit use of a reserve for personal accommodation, including camping, unless an exception under the Act applies.

Exceptions can apply where consent is granted by the Minister of Conservation (which is delegated to Auckland Council), or if the exception is defined in Volume 2 under the individual park section of this management plan. In regard to indoor accommodation within a leased area, provision of accommodation must be explicitly agreed in the lease.

Volume 2 does not provide for overnight accommodation on Reserves Act land except for particular situations including:

- leased facilities where accommodation is part of their lease
- in designated areas for overnight camping in self-contained vehicles.

Local Government Act 2002

The Public Safety and Nuisance Bylaw, enacted under the Local Government Act, currently prohibits staying in a tent overnight in a park¹⁷ unless prior written approval has been obtained from Auckland Council.

Council has also retained a number of legacy freedom camping bylaw provisions, which are collated in the Freedom Camping Bylaw 2015. The Freedom Camping Bylaw 2015 currently prohibits overnight accommodation in vehicles except in designated areas.

The Freedom Camping Bylaw 2015 is due to expire in 2022, and will be replaced with Council's Freedom Camping in Vehicles Bylaw 2022, once enacted.

Freedom Camping Act 2011

Under the Freedom Camping Act 2011, freedom camping is permitted in any local authority area unless it has been restricted or prohibited in a bylaw or other enactment.

Council will regulate freedom camping on land held under the Local Government Act 2002 through a bylaw made under the Freedom Camping Act 2011. Council is in the process of preparing the Te Ture ā-Rohe Noho Puni Wātea ā-Waka 2022 / the Freedom Camping in Vehicles Bylaw 2022. Refer to this bylaw for rules and restrictions relating to particular sites.

Ōrākei parks

In the case of parks within the Ōrākei Local Board area, there are no designated areas on parks within Ōrākei provided for through the Freedom Camping Bylaw 2015.

¹⁷ The Local Government Act 2002 s. 138(2) defines a park: (a) means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but (b) does not include land that is held as a reserve, or part of a reserve, under the Reserves Act 1977.

Part D Volume 2 does not provide for overnight accommodation except for particular leased facilities where accommodation is part of their lease.

12.5.1 Te Whāinga / Objective

- (1) To ensure, where overnight accommodation is proposed, that it occurs in a way that does not compromise park values and is consistent with relevant legislation and bylaws.

12.5.2 Te Kaupapa Here / Policy

- (1) Subject to the Reserves Act and any relevant policies and bylaws, the assessment of an application for overnight accommodation should consider the authorisation assessment approach in section 12.1, and access to amenities such as toilets and potable water.

12.6 Ngā tohu me ngā kōhatu maharatanga me te rui pungarehu

Plaques and memorials and the scattering of ashes

Tuapapa / Background

Scope

Parks are often seen as desirable places to commemorate people and events through plaques and memorials and the scattering of ashes.

Plaques and memorials are often proposed to commemorate people, groups or events of significance to the community, region or nation. Plaques can also be used for other purposes such as showcasing the heritage of a place or creating a trail through a park. In this policy, plaques refer only to those commemorating a particular person or event.

Memorials may take the form of monuments such as obelisks, statues and pillars, other structures such as gates or artworks. They may also take the form of landscaping or planting.

Plaques (typically a metal plate fixed to surfaces like a park bench) are frequently requested by members of the public to celebrate the life of loved ones who have passed, especially where that person had a particular personal connection with a park.

Similarly, people often request to scatter the ashes of a loved one on parks or into waterways within parks. In some cases, memorials are created through planting a tree in memory of a person, or to celebrate new births.

Benefits

Plaques and memorials offer most benefit where they commemorate people or events of significance to the wider community. They may help build understanding across cultures, serve as a reminder of historical events or societal culture or have education benefits.

There may be times when memorials tell uncomfortable or emotive stories to help raise awareness of key issues and build understanding.

Some memorials are works of art in their own right and may be appreciated for their own particular heritage values.

Issues

Plaques and memorials within parks can create a feeling of solemnity and exclusivity. The message and the atmosphere created by their presence is not always appropriate or conducive to the use and enjoyment of the park by the general public.

The acknowledgement of particular people or events may also reflect outdated historical perspectives. For example, many historic memorials reflect only one side of the narrative around Māori-Pākehā relations that is frequently unfavourable to Māori.

Careful consideration needs to be given to the appropriateness, scale, quantity and location of plaques and memorials to ensure they do not detract from the natural setting of

a park or create clutter. This is especially important as the removal of plaques and memorials later is frequently an emotive issue.

Planting a tree or other plant as a memorial can also be problematic because of this emotional investment where those trees or plants do not thrive or need special maintenance.

Scattering of ashes is a very personal and sensitive matter. Different cultures have different ways of dealing with cremation and the disposal of ashes. Scattering ashes on park land can affect grass on sports fields and plants within public gardens and be unsettling for those maintaining or enjoying these spaces. Instead the council provides areas for ash scatterings at North Shore Memorial Parks, Waikumete Cemetery and Manukau Memorial Gardens. However, dispersal of ashes in waterways is a special part of the beliefs of some religions; and there is currently no water-based ash scattering areas in council cemeteries. Scattering of ashes in water is culturally inappropriate for Māori.

Approach

In general, plaques and memorials are supported only as a record of significant events or people and only where they enhance a park and where the negative outcomes such as feeling of privatisation and impact on the enjoyment of the park or park values are avoided. In general, parks in town centres such as squares and plazas, which have a high degree of landscaping, are considered more appropriate spaces to recognise significant events or people.

Plaques and memorials relevant to the local context are preferred. For memorials of regional or national importance, this may mean looking across the region or outside of Tāmaki Makaurau / Auckland to consider the best location for a memorial and to coordinate regionally or nationally to commemorate an event in a particular location instead of installing a memorial.

With the exception of closed cemeteries, it is not considered appropriate to place personal plaques or memorials within parks. Instead, it is preferred that people consider other options such as holding a private event in the park or improving parks in commemoration of a loved one. This can be through initiatives such as taking part in volunteer planting, donations or granting permission to tell significant stories in educational material such as park pamphlets. There are many alternatives to memorialising loved ones outside of parks. This includes sponsoring projects or education of others, donations to charities, or creating memories through digital platforms and websites.

Reviewing outdated plaques and memorials is an important aspect of managing parks. Providing a more balanced historical view reflective of the history of the place or people of the area may mean adding or revising existing messaging on plaque and memorials. Removal of plaques and memorials may also be required when they are cluttering a park, impacting options for renewal or park improvements or reducing people's enjoyment of the park.

It is important to work with mana whenua, heritage specialists, and a range of community stakeholders when reviewing existing plaques and memorials to ensure different views are considered.

The scattering of ashes in parks however is not permitted unless it is an area especially designated for that purpose. Noting that dispersal of ashes into waterways is a special part of the cultural beliefs of some religions, the local board supports education around the adverse impacts of scattering ashes.

Personal plaques, memorials and interment of ashes may be appropriate on closed cemeteries that are in scope of this plan. However, these closed cemeteries are considered heritage areas and have protections under legislation to protect those heritage values. It is important that proposed plaques and memorials are consistent with heritage values. The Cemeteries and Crematoria Code of Practice 2014 also provides guidance for certain activities in closed cemeteries including ash interments.

12.6.1 Ngā Whāinga / Objectives

- (1) To limit the provision of commemorative memorials and plaques to those associated with a public figure, group of people or event of particular significance to mana whenua or the community that is relevant to the proposed park location.
- (2) To encourage people seeking personal plaques and memorials to consider other more appropriate ways to commemorate people, groups or events.
- (3) To work with mana whenua and communities to update cultural narratives associated with existing plaques and memorials where the opportunity arises.
- (4) To support education on the inappropriateness of scattering ashes in waterways in te ao Māori and the negative impacts of scattering ashes on park values.
- (5) To enable the removal of existing personal plaques or personal memorials in association with improvements to a park or its assets.
- (6) To allow for the continued provision, maintenance and renewal of personal plaques and memorials in closed cemeteries subject to the relevant regulatory approvals and specialist advice.

12.6.2 Ngā Kaupapa Here / Policies

- (1) The assessment of applications for plaques and memorials should consider the landowner authorisation assessment approach in section 12.1. They will no longer be permitted unless:
 - (a) they are associated with a grave within a cemetery, or
 - (b) have some relevance to the proposed location and are associated with a public figure, group or event of significance; being a person, group or event of enduring interest to mana whenua and/or the wider community.

- (2) Encourage those seeking new plaques and memorials to instead consider other ways to commemorate people or events including hosting events or donating to planned park improvements (for the avoidance of doubt; noting that no plaque or memorial would be attached unless the criteria of policy 12.6.2(1) are met).
- (3) Work with mana whenua as early as possible to consider proposed plaques and memorials including their location and interpretation.
- (4) Removal of existing personal plaques or personal memorials may be required where:
 - (a) improvements or enhancements to the park are approved; or
 - (b) an associated park asset (such as park benches with plaques) is to be renewed; or
 - (c) the plaque or memorial has fallen into disrepair
 - (d) the plaque or memorial has not been approved.
- (5) Where personal plaques or personal memorials are proposed for removal, the council will make all reasonable efforts to notify the applicant or family.

12.7 Ngā momo ratonga tūmatanui, tūmataiti hoki

Public and private utilities

Tuapapa / Background

Scope

Utilities in this plan refers to infrastructure providing tele- or radio communication services, electricity transmission services, and provision of systems for water, wastewater and stormwater. Examples include cell towers, power lines, transformers, scientific monitoring and research infrastructure, water pipes, filtration systems and pumpstations for water, wastewater and stormwater.

Benefits

Public and private utilities may unlock adjacent land for development, enable growth or provide essential services to the community.

In the case of stormwater treatment infrastructure, it may improve quality of water in the catchment.

In some instances, the provision of new infrastructure can improve park outcomes or support public use of a park. An example is stormwater infrastructure that may re-establish a wetland area in a poorly drained park, enhanced with walkways and planting.

Issues

The open spaces of parks are often perceived as convenient and logical places to locate public and private utilities, or the provision of public services may be one of the functions a park was acquired for. However, the placement of public and private utilities on parks and their cumulative impact can result in:

- restrictions on public access, use and future development (for example, underground pipes or overhead wires may restrict building or planting)
- negative impacts on park values including natural, cultural, heritage and recreational values
- decrease in the amenity of a reserve
- temporary loss of parkland and negative impacts on the park during installation or maintenance.

Approach

In general, the Ōrākei Local Board does not support the use of park land for private infrastructure unless there is a clear benefit, especially to the park, or the negative impacts of the activity to the park have been addressed. As with all authorisation policies, applications to install utilities on parks will be assessed against the authorisation assessment approach in 12.1. Where new infrastructure or upgrades of existing utilities are being proposed, the council may review options to improve the utility to better fit with

the park to address issues such as those noted above. Examples include the undergrounding of utilities, the screening of existing infrastructure through planting or designed feature screens, reducing the size of structures or improving their amenity or the amenity of the park.

Section 48 of the Reserves Act prescribes how easements for utilities will be considered and when the proposal will require public notification.

Section 48A of the Act addresses how proposals for telecommunication stations will be assessed and when public notification will be triggered.

An easement may give a right of access or right to lay infrastructure.

12.7.1 Ngā Whāinga / Objectives

- (1) To generally avoid public and private infrastructure being located on parks where it restricts or prevents current and future use, enjoyment and development.
- (2) To not grant approval for new utilities where they can be located or provided for outside of parks unless it aligns with the classification of Reserves Act land.
- (3) To support the installation of utilities that provide for park operations and recreational use of the park (e.g., water for park users; transformers for sports field lighting) or support public safety in parks and adjacent coastal areas (e.g., tsunami sirens, Safeswim communication and water supply infrastructure).

12.7.2 Ngā Kaupapa Here / Policies

- (1) The development of utilities on parks will not be approved except where alternate locations are not considered reasonably practicable and where they meet the requirements of the Reserves Act 1977 for park land held under that Act.
- (2) Landowner assessment of an application to locate utilities on a park or to upgrade an existing utility will consider the landowner authorisation assessment approach in section 12.1 and the following:
 - (a) measures to reduce the impact of utilities on future development or enhancement of the park e.g., locating utilities including pipelines around the perimeter of the park
 - (b) co-siting with existing compatible park and utility structures
 - (c) minimising the footprint of structures
 - (d) options to hide, screen or improve the visual impact of infrastructure and/or to improve park values
 - (e) measures to reduce the impact of utilities on important park values for example, options to enable fish passage or minimise stream erosion.
 - (f) proposals to offset adverse impacts in circumstances where utilities cannot be located elsewhere

(g) details of alternative locations and options considered and why alternative locations and options are not considered practicable.

(3) Relocation or removal of existing utilities may be sought by the council:

(a) on termination or expiry of lease, easement or right of way for a utility

(b) where the utility has become redundant

(c) where changes are proposed to improve the park for recreational or community use or enhance park values

(d) where impacts of the utility on public access and enjoyment are considered inappropriate.