

PUKEKURA PARK
MANAGEMENT PLAN
2004

PART A
BACKGROUND

CONTENTS

PART A - PUKEKURA PARK MANAGEMENT PLAN 2004 – BACKGROUND

SECTION ONE:

	Page
Executive Summary	1-3
1.1 Introduction and Purpose	4-7
1.2 Statutory Framework - Reserves Act	8-11
1.3 Pukekura Park Land Acquisition History	12-14

SECTION TWO:

2.1 Park Map	15
2.2 Pukekura Park Management 1993 – 2003	16-17

APPENDICES:

I Wider Context	18-21
II Summary of Land Acquisition History	22-36
III Classification Issues	37-40
IV Pukekura Park Titles Map	41
V Schedule of Current and Proposed Reserve Status	42-45
VI Taranaki Botanic Garden Act 1876	46-48
VII Geographical Perspective	49
VIII Plant Collections Managed in Pukekura Park and Brooklands	50
IX Plant and Animal Pest List	53
X Maps of Local Purpose Reserves - A, B and C	54-56
XI Glossary	57

EXECUTIVE SUMMARY

Pukekura Park (comprised of Pukekura Park, Brooklands Park and Highlands Park – amalgamated as one Park by the New Plymouth Borough Land Exchange and Empowering Act 1934, to be known as “Pukekura Park”) offers one of New Zealand’s most outstanding public landscapes. Throughout this document the word “Park” is used to mean the three areas of park land – Pukekura, Brooklands and Highlands. The Park provides natural diversity, tranquility and beauty throughout 49 hectares within central New Plymouth.

The Park is administered by the New Plymouth District Council. Although the Park has been managed for many years as a public recreation reserve under the Reserves Act 1977 (hereinafter referred to as the “Reserves Act”) many areas have not been formally classified under the Act. The various areas of land comprising the Park are currently contained in 21 certificates of title. The Council is in the process of ensuring that the Park is confirmed to be “reserve” land and appropriately classified, as either recreation reserve or local purpose (community purposes and recreation). This process has been undertaken concurrently with the process of preparing this management plan. The Reserves Act requires each reserve to have a management plan, prepared by the “administering body” (in this case the Council).

The Reserves Act sets out the statutory criteria for the management plan and requires that “the management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body’s resources permit, the development, as appropriate of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with...” each of those principles as set out in the Act for a reserve of that classification.

The Pukekura Park Management Plan 2004 (“the 2004 Plan”) is a strategic document providing a clear vision, direction and mandate for the current and future management of the Park through the formulation of general management objectives, goals and policies.

Community involvement in the development of this document has been fundamentally important. The people of New Plymouth and the surrounding district inherently admire Pukekura Park. It holds a special place in the hearts and minds of many that have visited or grown up with its quiet green pathways.

In addition to comments from internal Council teams and submissions from individuals, the following community and environmental groups participated in the review and development of the Pukekura Park Management Plan 2004 through its various consultation phases:

- Friends of the Park
- Forest and Bird Protection Society – Taranaki Branch
- Ngati Tairi Hapu
- Ngati Te Whiti Ahi Kaa
- Historic Places Trust (Taranaki Branch)
- Department of Conservation
- Taranaki Chamber of Commerce
- Taranaki Cricket Association
- Soccer Taranaki
- New Plymouth Joggers and Walkers Club
- Egmont Orienteering Club
- Central School
- Western Institute of Technology in Taranaki
- Events Venue Taranaki Trust
- New Plymouth Horticultural Society
- Destination Taranaki
- Taranaki Fish and Game Council
- Highlands Intermediate School

- Venture Taranaki
- Parkscape Services
- New Plymouth Lions Pakeke Club
- Pukeiti Rhododendron Trust
- New Zealand Herpetological Society
- The Ornithological Society of New Zealand

The involvement of these groups and individuals has provided valuable assistance in developing this further 2004 Plan, which it is hoped, will reflect both the interests of the wider community and the Park itself. A further public consultation and information process will be undertaken in order to obtain further feedback from interested groups and/or individuals in the Park's management. Once finalised the plan will be known as the "Pukekura Park Management Plan 2004".

The Park is one of both local and national significance and provides significant recreational and economic benefits to the local community. Being an important community and tourist attraction, the Park has to be managed in a way that is sensitive to changing user demands and trends whilst still maintaining an appropriate balance between its unique character, attributes and environments (its "character and values"). The 2004 Plan's policies for management and governance of the Park focus on its character and values. The Park's "Character and Values" are defined and explained in Part B of this 2004 Plan.

The key outcomes from the consultation process associated with the 1993 Pukekura and Brooklands Management Plan led to the guiding principles for policy formulation. These principles have not changed and, again, provide an important foundation for the 2004 Plan. The 1993 Plan's guiding principles were:

- to maintain free public entry;
- to maintain present balances and preserve strengths;
- to restrict commercial activity;
- to separate out potentially conflicting uses;
- to enhance access for widest range of users;
- to improve information within the Park;
- to consult the public prior to major change; and
- to be aware of environmental threats.

Much of the 1993 Plan's fundamental governing policies have remained the same, however, as a result of changing social trends, improved leisure opportunities and greater environmental awareness there has been a shift in emphasis towards two major issues. The 2004 Plan addresses these core issues, which are:

- the Park's ecology and environmental health and sustainability;
- the changing demands of Park Users.

The 2004 Plan contains policies that will set out general principles for the management of the Park. In some cases implementation notes have been added to provide detail as to how a particular policy will be implemented. Explanatory notes are also included in some circumstances, for the purpose of providing better understanding of the 2004 Plan's general policies.

The document, "2003 Pukekura Park Development Concepts and Proposals", will be further developed upon completion of the 2004 Plan. These Concepts and Proposals will outline and define appropriate major new developments. Any developments, which are subsequently approved through the assessment process outlined in this Management Plan, will become part of the Park's Development Plan(s). The Development Plan(s) will form part of the Council's Long-Term Council Community Plan for the district.

The 2004 Plan addresses the formulated guiding principles within the ambit of the statutory purposes and objectives of management set out in the Reserves Act. An outline of the 2004 Plan is set out below.

Part A - Background

Section One provides:

- A brief description of the Park which indicates its diversity;
- A brief description of the purpose of a management plan under the Reserves Act 1977 and the requirements of the Council in terms of the control, management and administration of reserves;
- A brief description of the status of land comprising the Park, whether or not each piece of land comprising the park is a “reserve” under the Reserves Act, and the steps to be taken to confirm the land’s reserve status and appropriate classification(s);
- A brief description of the public consultation process the Council undertook before finalising this Plan; and
- A brief description of the acquisition history of the Park.

Section Two provides:

- A Park map;
- A summary of what has been achieved in the Park over the past ten years.

Part A Appendices provide:

- A summary of other statutory, regulatory and documentary influences on the Park’s management;
- A detailed summary of the Park’s acquisition history, describing the location of each separate title;
- A map setting out each individual title comprising the Park;
- A Schedule which summarises the land’s status under the Reserves Act and its proposed classification and/or reclassification where appropriate;
- A copy of the Taranaki Botanic Garden Act 1876, under which the Park (then known as “The Recreation Grounds”) was first acquired;
- Supplementary information of interest including a Geographical Perspective, a Plant Collections List, and a Plant and Animal Pest List; and
- Maps setting out the proposed local purpose reserves within the Park.

Part B - Policies

Part B sets out the Policy Framework, which includes:

- Management Objectives and Purpose Statements for recreation and local purpose reserves;
- The Park’s Vision Statement and principal aims of management;
- A summary of the broad range of issues and considerations relating to the Park and the Park’s management objectives and philosophies;
- A summary of the goals under nine key activity areas;
- A description of what is considered to be the Park’s “Character and Values”;
- Policies to guide the day-to-day management of the Park, organised under each of the nine key activity areas, as follows:
 - Access and Circulation
 - Recreation and Use
 - Landscape Management and Protection
 - Facilities, Buildings and Structures
 - Leases, Licences and Other Agreements
 - Information and Education
 - Community Relationships
 - Development
 - Administration and Management.

Part B Appendices include information relevant to the day-to-day management of the Park:

- An Inventory of Leases, Licences and Other Agreements;
- A map of the Park’s water bodies.

1.1 INTRODUCTION AND PURPOSE

Land Description

Pukekura Park is the centrepiece of the parks and reserves network in New Plymouth. It is controlled and managed by the New Plymouth District Council. In total it covers an area of approximately 49 hectares (120 acres), including the adjacent garden estate area of Brooklands, Brooklands Zoo and the historic Gables Colonial Hospital.

The Park is nationally significant and comprises a large exotic specimen tree collection inter-planted within a margin of indigenous bush. The Park has been continuously developed since its inception in 1876. Its north-south linear shape follows the natural stream valley where a series of artificial lakes have been created by damming the flow at various points. Several streams run through the Park, originating from a well-defined watershed catchment outside the Park boundary.

Geology and climate are important factors contributing to the successful establishment of plants within the Park. Deep deposits of volcanic ash, combined with even annual rainfall, mild winters and warm summer temperatures are conducive to plant growth for a range of species from around the world.

Together with the variety of plant types, the Park is unique in offering a diverse range of landscapes – from dense remnant kohekohe/tawa/mahoe/pukatea forest, to broad-acre lawn with annual bedding displays, to themed garden plantings. A native orchid and fern collection is housed amongst sub-tropical plants in a partially sunken Fernery. An impressive outdoor sound stage and grass amphitheatre provides a venue for summer concerts. The Park's sportsground is a world renowned cricket playing venue with distinctive excavated terrace seating. Visitors may enjoy the busy activity of the main boating lake, the Tea House and the children's Zoo or find quiet solitude in the upper bush tracks of the valley system.



Colourful plant displays add interest and variety to the Park



Purpose of Management Plan

The purpose of this Management Plan, is to produce a working document that defines the New Plymouth District Council's ("the Council's") management objectives and policies for day-to-day and long-term management of the Park. The Plan provides the framework within which the management of the Park will be carried out and provides for consistent decision-making.

Why is it being prepared?

The Park is made up of a number of titles, all vested in the Council, most of which have been determined to be "reserve" land as defined by the Reserves Act. The Council, as 'administering body' of each of the land, is required by Section 41 of the Reserves Act to prepare and keep under review a management plan for those reserves under its control, management or administration. (See Part A Section 1.2 for an explanation of this process).

How will it be used?

The 2004 Plan establishes principles for determining policy to guide the day-to-day management of the park, in accordance with the management objectives set out in the Reserves Act for recreation and local purpose reserves. Although a management plan is not required for local purpose reserves it is considered appropriate in the context of the Park to set out management policies for those areas that the Council has resolved to classify local purpose reserves. This will enable the public to have a comprehensive picture of how the Park as a whole will be managed.

The Council and the community will use the policies in the Plan to shape the management of the Park. The policies will also provide guidance to the public on activities, uses and development that will be acceptable in the Park.

Status of Land and Classification Issues

Reserves must be classified under section 16 of the Reserves Act. Part A Appendices II, III, IV and V provide a detailed analysis of the acquisition of the Park, its current "reserve" status, a map setting out each of the Park's titles and a schedule summarizing the current and proposed reserve status of the land comprising the Park.

The land making up the area known as Pukekura Park was acquired by the Council (by various means and for differing purposes) over a period of sixty-seven years – the first land being acquired in 1929, the last being acquired in 1996. The Park's acquisition history is set out in detail in Part A Appendix II to this Management Plan.

Formal classification by the Council as (administering body), of the land as reserve under the Reserves Act, has only been undertaken for a few small areas of land. The Council, by resolution dated 1 July 2003, determined that the following steps would be taken to confirm that the Park is reserve land as defined in Section 2 of the Reserves Act and that it is to be administered, managed, and controlled in accordance with the Reserves Act:

- A** That those titles as set out in Part A Appendix IV will be amalgamated in to one title, to be held as a reserve for recreation purposes, subject to the provisions of the Reserves Act, such title to:
- a. Separately classify those sections of land leased by the Pukekura Scout Group and Pukekura Kindergarten, as local purpose reserve (community purposes and recreation);
 - b. Incorporate those areas of land which have for many years been managed and developed as part of Pukekura Park but are presently:
 - Vested in the Council as part of the New Plymouth Recreation and Racecourse Reserve (certificate of title A3/286);
 - Vested in the Ministry of Education but subject to an agreement for its purchase by the Council (being part Lots 1 and 2 DP 5390);
 - c. Incorporate those areas of land earmarked for development as part of Pukekura Park but currently comprised in C.T. A3/286;
 - d. Exclude those sections of land currently leased by the New Plymouth Model Engineers Club and New Plymouth Chess Club (being Sections 1047 and part 1048 comprised in C.T. 127/10);
 - e. Take the necessary steps to obtain a new title for those sections referred to in A (d) above, such land to be vested in the Council as local purpose reserve (community purposes and recreation) pursuant to the Reserves Act 1977.
- B** Initiate proceedings to have the Taranaki Botanic Garden Act 1876 repealed.

Integrated Classification Process

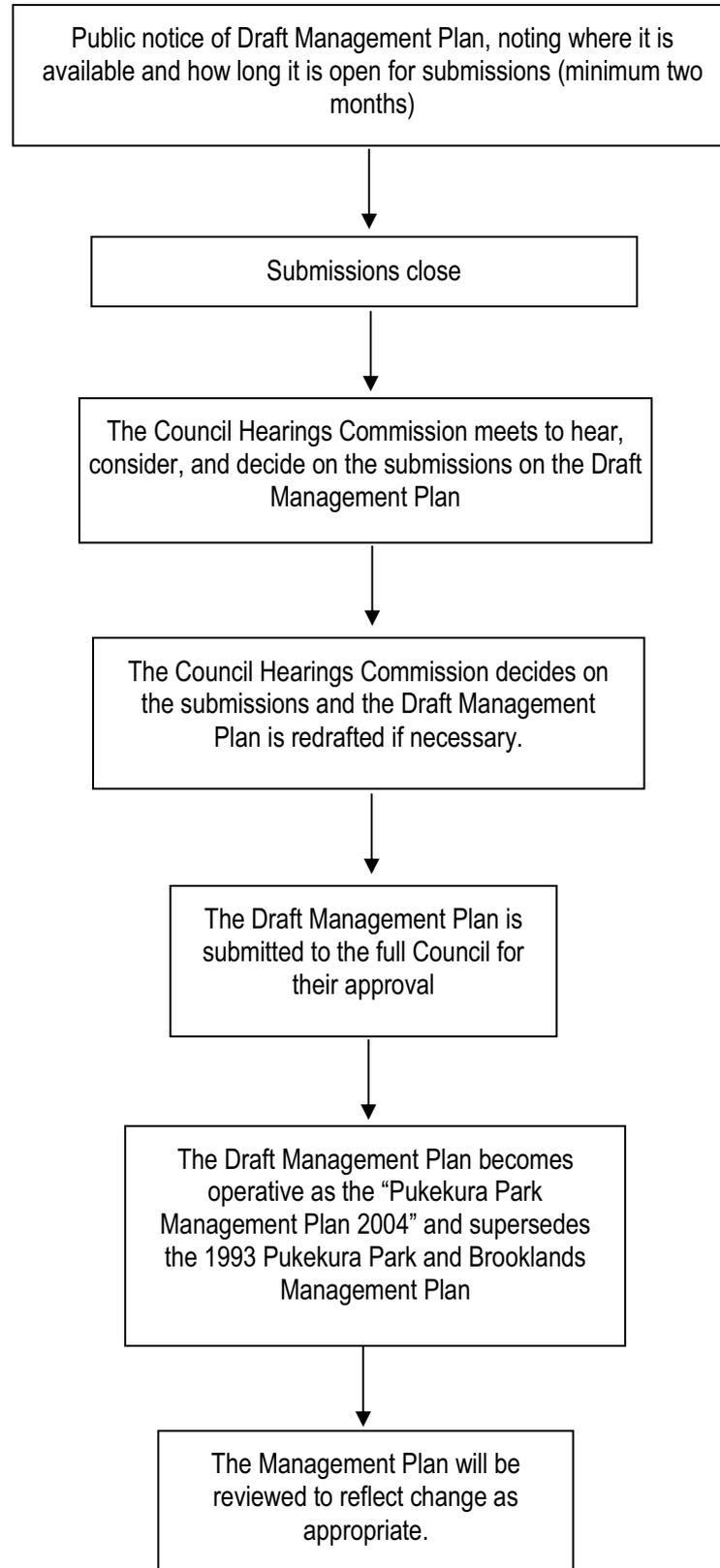
The Council is integrating the classification process with the preparation of the 2004 Plan. The proposed classifications will simply formalise the status quo and the intention of the Council to continue to control and manage the land as reserve land for public use and enjoyment whilst protecting its character and values. The name "Pukekura Park" will be registered on the amalgamated title by means of gazette notice as part of the classification process.

Consultation and Approval Process

The Reserves Act requires a public consultation process to take place whenever a Management Plan is prepared for a reserve. The Act requires public notice to be given stating that the Draft Plan is available for inspection and calling for submissions on the Draft Plan. The public were given a period of at least two months from the date of publication of the notice to object to or comment on the Plan. All submitters were then given a reasonable opportunity to speak to the Hearings Commission in support of his/her submission.

The Reserves Act permits the Council to determine its own procedure for hearing submissions received as a result of public consultation, however, the Act requires the Council to give full consideration to every submission received prior to adopting the Management Plan for the Park.

The process that this Management Plan went through is as follows:



1.2 STATUTORY FRAMEWORK – RESERVES ACT 1977

Administration of Public Reserves

Public reserves are administered under the Reserves Act. The long title provides that the purpose of the Act is to:

“consolidate and amend certain enactments of the General Assembly relating to public reserves, to make further provision for their acquisition, control, management, maintenance, preservation, (including the protection of the natural environment), development, and use, and to make provision for public access to the coastline and the countryside.”

Section 3 of the Reserves Act provides that the Department of Conservation administers the Reserves Act for specific purposes including:

- (a) Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing recreational use or potential, whether active or passive; or wildlife; or indigenous flora or fauna; or environmental and landscape amenity or interest; or natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value;
- (b) Ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character.

Powers and Functions of Administering Body

The Reserves Act gives statutory powers to the Minister of Conservation, the administering body and the Commissioner. Section 2 of the Act defines the “administering body” in relation to any reserve, as:

“the Board, Trustees, local authority, society, association, voluntary organisation, or person or body of persons, whether incorporated or not, appointed under this Act or any corresponding former Act to control and manage that reserve or in which or in whom that reserve is vested under this Act or under any other Act or any corresponding former Act..”

Land held by the Council in fee simple which has either been declared to be a reserve of a particular class/type under the provisions of section 14 of the Act, or has been acquired by the Council in trust as a reserve is, for the purpose of the Act, treated as “vested” in the reserve’s administering body.

The administering body’s duty is to administer, manage, and control reserves under its control in accordance with the appropriate provisions of the Reserves Act, the terms of its appointment, and the means at its disposal. The administering body is also to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve appropriate to its classification (section 40).

The Minister has delegated certain powers, functions and duties to territorial authorities, which apply only where the territorial authority is the administering body of the relevant reserve. Some of the delegated powers are subject to specific directions. Further, some powers are subject to there being an approved management plan for the reserve/s affected by the proposal.

Reserve Classification

Section 16 of the Reserves Act requires that reserves be classified according to their principal or primary purpose and sets out the process of classification. Classification is a mandatory process, which involves assigning reserves (or the parts of a reserve) to the appropriate class (+ type + overlay).

The class of a reserve determines its principal or primary purpose and is a crucial element in management planning.

Classifications ensure control, management, development, use, maintenance and preservation of reserves for their appropriate purposes (section 16(1)). The land making up the Park is, or will be, either local purpose or recreation reserve land.

Recreation Reserves

The purpose of recreation reserves is set out in section 17 of the Act. Section 17(1) provides that the Act shall have effect for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

Section 17 of the Act provides for: -

- Freedom of entry and access to the reserves, subject to other provisions of the Act;
- Management and protection of scenic, historic, archaeological, biological, geological, or other scientific or indigenous flora or fauna or wildlife to the extent compatible with the principal or primary purpose;
- Conservation of qualities of the reserve which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve;
- Maintenance of the reserve's value as a soil, water and forest conservation area to the extent compatible with the principal or primary purpose of the reserve.

Local Purpose Reserves

The purpose of local purpose reserves is set out in Section 23 of the Act.

Section 23 of the Act provides for:

- The provision and retention of areas for such local purposes as are specified in the classification.
- Management and protection of scenic, historic, archaeological, biological, geological, or other scientific or indigenous flora or fauna or wildlife to the extent compatible with the principal or primary purpose;
- Maintenance of the reserve's value as a soil, water and forest conservation area to the extent compatible with the principal or primary purpose of the reserve.

Declaring Land Vested in Local Authority to be a Reserve

Section 14 of the Reserves Act provides that the Council may declare, by resolution, any land vested in it to be a reserve, to be held for the purposes specified in sections 17 to 23 of the Act. No public notice is required where a district plan has designated the land reserve under the Resource Management Act 1991.

Change of Classification or purpose

Section 24 of the Reserves Act provides the statutory process for changing the classification or purpose of the whole or any part of a reserve. This process involves consulting with the public and obtaining the approval of the Minister of Conservation.

Where a local purpose reserve is vested in the Council, Section 24A confers on the Council the power to decide whether or not to change its sub-classification(s). Public notification is required unless the purpose of the change is to bring it into conformity with the operative district plan or certain resource consents granted pursuant to the Resource Management Act 1991.

Management Planning for Reserves

Section 41 of the Reserves Act requires an administering body to prepare management plans for all reserves (except local purpose reserves) under its control, management or administration. The purpose of management plans is to create policies or guidelines for the management of reserves so that decisions regarding their use and development can be made in a manner that does not compromise the long-term use of the reserve and does not conflict with other uses. Management plans are required to be under constant review.

A management plan must “provide for and ensure”:

- The use, enjoyment, maintenance, protection, and preservation as the case may require of the reserve for the purpose for which it is classified;
- The reserve’s development (as appropriate) to the extent that the administering body’s resources permit, for the purpose for which it is classified;
- That the principles set out in section 17 to 23 of the Act are incorporated in the plan;
- Compliance with those principles.

Section 41(13) of the Reserves Act provides that the Council can approve management plan(s) over recreation reserves for which it is the administering body.

The provisions in a management plan relating to a particular class of reserve must be consistent with the statutory requirements related to that class of reserve. Therefore, any goals or objectives relating to recreation reserves must be consistent with the purposes defined in section 17. Likewise, any goals or objectives relating to local purpose reserves must be consistent with the purposes defined in section 23.

Classification of Reserves as an Integrated Part of the Management Planning Process

The Council can exercise its statutory or delegated powers under section 16 of the Reserves Act in an integrated way during the management planning process.

Public Consultation

The Reserves Act requires full public consultation in certain circumstances, for example, whenever a management plan is prepared for a reserve and whenever a reserve that has no management plan is leased.

The minimum statutory level of consultation is set out in section 119 of the Act and involves publishing the notice in the local newspaper and other newspapers as appropriate. In the case of draft management plans, not less than two months is required.

Public consultation of a particular proposed activity (e.g. lease or licence) is not required in certain circumstances where the activity is in conformity with and contemplated by an approved management plan or the proposal is made following notification as part of the granting of resource consent under the Resource Management Act 1991.

Exercise of Additional Statutory Powers over the Reserve

Once a management plan has been approved the Council may exercise certain statutory powers that are conditional upon a management plan being in existence (e.g. the granting of leases, licences and easements over reserve land).

Powers of Administering Bodies over Recreation and Local Purpose Reserves

Recreation Reserves

The powers of administering bodies specific to the management of recreation reserves are listed below:

General powers of Minister and of administering body

42. Preservation of trees and bush –
45. Erection of shelters, huts, cabins, and lodges –
50. Taking or killing of fauna –

Particular powers of Minister and administering body

53. Powers (other than leasing) in respect of recreation reserves –
54. Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases) –
71. Farming by administering body –
72. Farming by [another person or body] –
73. Leasing of recreation reserves for farming, grazing, afforestation, or other purposes –
74. Licences to occupy reserves temporarily –

Afforestation

75. Afforestation by administering body –

Local Purpose Reserves

The powers of administering bodies specific to the management of local purpose reserves are set out in section 53 and 61, respectively, of the Reserves Act.

Section 53 of the Act sets out specific powers (other than leasing) that may be exercised by the administering body in exercising its functions under section 40 of the Act. The powers conferred by section 61 are general and enable the administering body to “do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration and control of the reserve and for the use of the reserve for the purpose specified in its classification”.

Leases can be granted for such things as community buildings, playcentres or kindergartens upon the terms set out in section 61 (2B).

Leases, Licences and Other Agreements

The Reserves Act gives the Council the power to grant licences, leases and other agreements for recreation reserve land as provided by section 48, 48A, 53, 54, 71, 72, 73, 74 and 75.

Where leases or licences of recreation reserves vested in the Council are proposed under section 54 of the Reserves Act, the Council is not required to publicly notify proposals if they conform with and are contemplated by an approved management plan (or it has been publicly notified under a successful resource consent process under the Resource Management Act 1991) (section 54 (2A)).

Where a particular activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale, the Council has the delegated authority to consent or refuse to consent to:

- The granting of rights of way and other easements (s.48);
- The granting of a licence for communications stations (s.48A);
- The granting of leases for specific purposes (s.54 – section 54(1A) provides statutory authority also);
- The erection of buildings etc. for purposes not directly associated with public recreation (s.54);
- The granting of a lease where the reserve is not for the time being required or is not being used for the purpose for which it is classified (s.74);
- The granting of temporary licences to occupy for the purposes of grazing, gardening or similar purposes (s.75).

1.3 PUKEKURA PARK - LAND ACQUISITION HISTORY

Acquisition of Significant Areas of Park Land

Pukekura Park

The last act of Taranaki's last Parliament, the Provincial Council, was to establish Pukekura Park. The Park was officially opened as "The Recreation Ground" in 1876 after the passing of the Botanical Gardens and Public Recreation Grounds Bill in 1875, which enabled public land to be utilised for recreation. The intention by the founder Mr Robert Clinton Hughes was to develop lakes for "competitive swimming and aquatic sports" within an attractive park setting.

Mr Hughes, elected in 1874 to the Provincial Council, was determined that the people of New Plymouth should have ample parklands set aside for them. Mr Hughes asked the Government whether it had land at its disposal to be utilised as a recreation ground. The Provincial Executive selected the site of the present park, described at the time as "a number of hilly town sections and unmade streets intersected by gullies and streams and covered with fern, furze and tutu".

The Botanical Garden and Public Recreational Grounds Bill 1875 was then introduced and approximately 39 acres of land was to be vested in the New Plymouth Town Board. The Bill, however, became in danger of being abandoned because the Town Board was anxious about the reaction of ratepayers to the cost of maintaining the Park.

Mr Hughes then found a number of citizens who agreed to act as trustees of the proposed park and on 30 June 1875 the amended Bill became the last Bill passed by the Provincial Council. The Provincial Council was then abolished and the Colonial Parliament confirmed the Taranaki Botanic Garden Act in September 1876.

Mr Hughes remained a member of the Park Board (and later, committee) until his death on 18 January 1935, at the age of 87. When on 17 October 1929, in a formal ceremony in the Park, the title deeds of the Park and its trust funds were handed by the Park Board to the Borough Council, Mr Hughes asked the mayor to treasure the park for New Plymouth, to regard it as a sacred trust and never to part with an inch of it.

Pukekura Park is said to have been named on the suggestion of Mr S Percy Smith, a surveyor and Maori historian, the name meaning "Hill of the Red Parrot".

Brooklands Park

Brooklands has its origins dating from early settlement by Captain Henry King. Captain King was the Chief Commissioner of the New Zealand Company at New Plymouth and the settlement's first magistrate. In 1843, by special privilege, he was given the first choice of town sections. He took 50 acres of suburban land adjoining the town belt, which he named Brooklands.

Mr Newton King (who we understand was a distant relative of Captain King) bought Brooklands in 1888. Mr Newton King was responsible for saving from destruction the historic building known as the Colonial Hospital, now described as The Gables. Mr Newton King purchased the building in 1904 and re-erected it near the entrance to Brooklands.

Mr Newton King died on 27 July 1927. By will, he bequeathed a sum of £3,000 to the Pukekura Park Board, £2,000 to the Kawarua Park Committee and £2,000 to the East End Reserve Committee. In 1933, the trustees of the estate offered part of Brooklands Estate comprising 53 acres 3 roods and 36 perches of the front part of Brooklands together with the homestead, The Gables and a bungalow in satisfaction of the legacies bequeathed to the Committees. The three committees agreed to forego the legacies bequeathed to them under the will.

The land was acquired pursuant to the New Plymouth Borough Council and Taranaki Harbour Board Empowering Act 1933, which validated the agreement between the Trustees of the Estate of Newton King (deceased) and the Corporation of the Borough of New Plymouth dated 1 August 1933, to be held in trust by the trustees for the corporation for the purposes of a recreation reserve and partly for a public street.

Highlands Park

As a condition of the Council's consent to a subdivision on application by Mr TC List and Mr CA Wilkinson in 1933, Messrs List and Wilkinson transferred seven acres, two roods and thirteen perches to the Council in fee simple as a public plantation and also as a recreation reserve.

Section 6 of the New Plymouth Borough Land Exchange and Empowering Act 1934 deemed the Brooklands Recreation Reserve and the Highlands Recreation Reserve vested in the Council under the Taranaki Botanic Garden Act 1876. Section 6 also amalgamated all three reserves into one reserve (Pukekura Park, Brooklands Park and Highlands Park), to be known thereafter as "Pukekura Park".

Maranui

Further land was added to the Highlands area in May 1944, providing a corridor to the main body of the Park, comprising two areas of land owned by the executors of TC List's estate (deceased): -

- 4 acres 1 rood 27.55 perches, being a portion of "Maranui" comprising the gully of natural and artificial bush (T.C. List had bequeathed the land to the Council, such bequest being conditional upon the Council having acquired part of Brooklands as a public recreation ground or park) primarily for the purposes of a public plantation and secondly for the purposes of a recreation ground;
- A further adjoining 3 roods 7.7 perches, purchased by the Council for the sum of £100, primarily for the purposes of a public plantation and secondly for the purposes of a recreation ground.

The three pieces of land described above (the Highlands Recreation Reserve land and the Maranui land) were amalgamated into one title, C.T. 152/18 on 23 May 1944, altogether comprising twelve acres three roods and eight perches.

A further substantial piece of land was added to Pukekura Park in March 1949, whereby the Council released Mr CA Wilkinson from his obligation to construct a street, in consideration for a transfer of approximately eleven acres to the Council, primarily for public plantation and secondly for the purposes of a recreation ground.

Further Land to be Purchased

The Council intends purchasing a further two hectares of land adjoining the Park from the Ministry of Education. The land is currently part of Highlands Intermediate School land and adjoins Pukekura Park (being Part Lots 1 and 2 DP 5390). The transfer of land will be effected by means of a boundary adjustment. The Council has resolved that documentation effecting the transfer should clearly state that the land is being acquired as a reserve for recreation purposes pursuant to the Reserves Act. This land will be included in an amalgamated Pukekura Park title.

Acquisition History

- 1925 The Mayor Councillors and Burgesses of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 112/179 for the purposes of a public street (less than 1 acre)
- 1929 “The Recreation Ground” transferred from the Board of Public trustees for Public Recreation to the Mayor Councillors and Burgesses of New Plymouth pursuant to section 18 of the Taranaki Botanic Garden Act 1876 in trust for a botanic garden and public recreation grounds. Certificates of title 28/224, 38/138, 47/19, 16/34, 127/10 (limited as to parcels), 71/122 (no longer part of the Park) and 15/254 (approximately 46 acres)
- 1929 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee simple, being all the land in certificate of title 129/225 in trust for a botanic garden and recreation ground (approximately 1 acre)
- 1931 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in C.T. 133/280, as a reserve for the purposes of public recreation (approximately 1 acre)
- 1934 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 138/99, that is Brooklands, which was transferred from Newton King’s estate in lieu of bequests made by Newton King by will to three New Plymouth reserves (approximately fifty three acres)
- 1935 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 134/216, for the purposes of a recreation ground (approximately 1 acre)
- 1936 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 139/179 in trust, for recreation purposes, as a Reserve for Botanic Gardens and Public Recreation purposes, to be managed and administered under the provisions of the Taranaki Botanic Garden Act 1876 (less than 1 acre)
- 1939 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 144/309, primarily for the purpose of a recreation ground under and subject to the provisions of Sections 20 to 24 inclusive of the “Public Reserves Domains and National Parks Act 1928” (less than 1 acre)
- 1941 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 148/43 (less than 1 acre) (originally part of 127/10)
- 1944 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple in certificate of title 152/18 primarily for the purposes of a public plantation and secondly for the purposes of a recreation ground (approximately 12 acres)
- 1952 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, (a closed street) being all the land in certificate of title 177/81 (less than 1 acre)
- 1953 The Mayor Councillors and Burgesses of the Borough of New Plymouth were seized of an estate in fee-simple, being all the land in certificate of title 188/57 in trust, for recreation purposes (approximately 1 acre)
- 1965 Transfer of estate to the Mayor Councillors and Citizens of the City of New Plymouth in fee-simple, being all the land in certificate of title 36/86 for charitable purposes (less than 1 acre)
- 1966 The Mayor Councillors and Citizens of the City of New Plymouth were seized of an estate in fee-simple, being all the land in A3/286, as a reserve for the recreation of the inhabitants of the City of New Plymouth subject to the provisions of the New Plymouth Recreation and Racecourse Reserve Act 1959 under the name of the New Plymouth Recreation And Racecourse Reserve (approximately 94 acres)(this area is not part of Pukekura Park but parts of it are managed and developed as part of the Park)
- 1987 The Council was seized of an estate in fee simple, being all the land in certificate of title H2/621, in trust for a botanic garden and public recreation grounds (originally part of 127/10)

Note: A more detailed acquisition history setting out dealings relating to each title and their location is attached to of this Management Plan in Part A as Appendix II. A map setting out the location of each of the titles is set out in Part A also, as Appendix IV.



1.3 PUKEKURA PARK MANAGEMENT 1993 - 2003

Since 1993 the Park has been subject to fundamental changes in its infrastructure and management. In many ways it was a trying time for the Park - a time that it has survived well, considering the challenges.

The most significant change was in terms of management. In 1994 the position of Park curator was dis-established and a combination of the Council's Park management took over the day-to-day planning and running of the Park. The Park's garden staff were re-organised into a contract unit of Council, accountable for all operational activities. The Park operated in this fashion for a number of years. Even though intentions were good and all practical efforts were made, the Park suffered from unclear management in both its physical and strategic well-being as a result of this re-organisation.

In 1999 the new position of Pukekura Park Manager was established, which covered many of the tasks of the original Curator position. As a result of further Council restructuring in 2002, the management of Pukekura Park and Brooklands is now the responsibility of the Premier Parks team within Parkscape Services, Customer Services Group.

Work is now well under way to improve the daily routine management needs of the Park, to improve the quality and accessibility of services to the Park and to address its long-term development needs.

What has been achieved since adoption of the 1993 Pukekura Park Management Plan?

Despite the somewhat unsettled period of the past decade many positive improvements have been made as a direct result of the 1993 Pukekura Park and Brooklands Management Plan. These improvements are listed below:

1993-2003

Access and Circulation

- Signage - upgrade programme 50% complete
- Buggy transport for the less able - operated by the 'Friends of the Park'
- Rogan Street lighting installed
- Sealing of main tracks - main link from Tea House to Bowl of Brooklands completed
- Victoria Road car park - stage one completed
- Trial and provision of interpretation signage - being trialed.

Recreation and Use

- Festival of Lights Hosts - implemented and successful
- Visitor surveys on Park use and the Festival of Lights - implemented
- Festival of Lights development ongoing

Landscape Management and Protection

- Silt removal to top of main lake completed
- Water Management Technical Study completed
- Provision of some drainage/soakage pits for water from Racecourse and TSB Stadium - first stage completed.
- Boardwalk around notable giant puriri, to protect root compaction, installed
- Heritage maintenance – ongoing
- Eel conservation - Summer Scene eeling activity postponed
- Exchange of rare and endangered plant materials throughout the world - ongoing.

Facilities, Buildings and Structures

- Painting scheme - new painting standards implemented
- Fernery upgrade - Stages 1-4 of 5 stage programme successfully implemented
- Zoo upgrade - Stages 1-3 of 4 stage programme successfully implemented
- Pukekura playground/Zoo playground upgrade - completed
- Toilets outside Tea House upgrade – completed
- Rogan Street Playground - new playground installed.

Information and Education

- Plant labelling - over 200 labels installed
- Marketing and information strategy implemented
- Guided tours - offered by Park staff, contractors and 'Friends of the Park'

Community Relationships

- The 'Friends of the Park' relationship - ongoing successful working relationship
- Community consultation - ongoing
- Extensive recording of all native and endemic plants - almost completed

Development

- Additional plantings - Rhododendron Hillside, Japanese Hillside, Palm Tree Lawn, Brooklands Wetland, Araucaria Grove, Beech Wood
- Entrance upgrade Liardet Street - car parking, paving and tree plantings
- Painting scheme - new painting standards implemented
- Fernery upgrade - Stages 1-4 of 5 stage programme successfully implemented
- Zoo upgrade - Stages 1-3 of 4 stage programme successfully implemented 1999
- Pukekura playground/Zoo playground upgrade - completed
- Toilets outside Tea House upgrade - completed
- Bowl of Brooklands development - completed
- Scanlan Lookout - completed
- Performance stage on the Hatchery Lawn constructed
- Installation of new park sign system mostly completed

Administration and Management

- Pukekura Park is part of national botanic garden organisation
- Change in Park Management role - Pukekura Park Manager (1999) and, subsequently, Manager Premier Parks (2002) appointed.

WIDER CONTEXT

This 2004 Plan fits into a wider context both from a statutory and regulatory context as well as from the Council perspective. To achieve integrated management and consistency of purpose, it is important to consider other documents and organisations that influence and/or impact upon the management of reserves.

Statutory Controls - Other Relevant Legislation

Resource Management Act 1991 (“RMA”), the Local Government Act 2002 (and Local Government Act 1974) (“LGA”).

The Reserves Act, the Resource Management Act 1991, and the Local Government Act set out the core regulatory functions of local authorities. These Acts impact on all reserve land management functions – financial planning, funding of assets and services, land use and planning matters.

The LGA enables and directs administrative processes. The Reserves Act provides specific powers for the administration of reserves. The relevant statutory provisions under which decisions will be made about the reserve will most likely be found in the Reserves Act because the Act generally takes precedence in relation to administrative issues affecting reserves.

The purpose of the RMA, as set out in section 5, is “to promote the sustainable management of natural and physical resources”. The RMA is mostly a regulatory tool. It affects the way people can behave and controls the effect people and properties can have on other people and the environment. In contrast, the Reserves Act contains no regulatory provisions. It sets out how reserves are to be managed by their administering bodies and is concerned with acting on behalf of the owner and beneficiaries of the reserve (the public). The Council, under the Reserves Act, must act in the interests of the owner and the beneficiaries and exercise reasonable control for management purposes over the activity of its agents and the public on the land.

Section 74 of the RMA provides that a District Council, in preparing or changing district plans, must have regard to any management plans and strategies prepared under other Acts.

In the context of the Park, the RMA may affect the Park in the following ways:

- By preventing any activities on the reserve from having adverse impact on adjacent land, the wider community and the environment;
- Planning and overall policies on sustainable management – ensuring community outcomes for reserve planning and associated services are met.

In preparing this Management Plan consideration was given to the purpose and principles of the RMA. The provision and management of reserves by the District Council for recreation, amenity and conservation purposes is consistent with the RMA concept of sustainable management.

Conservation Act 1987

The Conservation Act 1987 promotes the conservation of New Zealand's natural and historic resources. The Reserves Act is listed in the First Schedule as being one of the Acts administered by the Department of Conservation ("DOC").

Section 6 of the Conservation Act 1987, provides that DOC's functions include:

- Preserving all indigenous freshwater fisheries, and protecting recreational freshwater fisheries and freshwater fish habitats;
- Advocating for and promoting the benefits of conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and
- Preparing, providing, disseminating, promoting, and publicising educational and promotional material relating to conservation.

The Treaty Of Waitangi As It Applies To Reserves Management

Section 4 of the Conservation Act 1987 requires that the Act should be interpreted and administered to give effect to the principles of the Treaty of Waitangi. The management plan must therefore take into account the principles of the Treaty of Waitangi/Te Tiriti O Waitangi. The plan must recognise and provide for the relationship of the Tangata Whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Council must therefore consult with and have regard to the views of iwi or hapu before undertaking action and making decisions about reserves for which it is the administering body. Any actions and decisions made by the Council for the purposes of managing a reserve under the Reserves Act must, however, comply with the Reserves Act and be in accordance with the primary and secondary purposes for which the reserve is classified.

Taranaki Botanic Garden Act 1876

The Council has resolved to seek a repeal of the Taranaki Botanic Garden Act 1876, because it is considered that the Park can be effectively and appropriately managed by the Reserves Act, but until then its provisions still apply to the management of the Park. Section 5(2) of the Reserves Act provides that except as otherwise specially provided by the Reserves Act, the Act in its application to any reserve shall be read subject to –

- “(a) Any Act (whether passed before or after the commencement of this Act) or any Provincial Ordinance in force at the commencement of this Act making any special provision with respect to that reserve, whether by direct reference thereto or by reason of the reserve being vested in any particular local authority, Board, or Trustees, or in any local authority of a particular class, or by reason of the reserve being one of any particular class, or authorising the setting apart of any reserve for any purpose:
- (b) The provisions of any will, deed, or other instrument creating the trusts upon which the reserve is held.”

The New Plymouth Borough Council and New Plymouth Harbour Board Act 1933 (1933 No 2(L)) section 4 validated an agreement to vest the land in New Plymouth Borough Council following dissolution of the Board in 1929.

A copy of the Taranaki Botanic Garden Act 1876 (as amended) is attached to Part A of this 2004 Plan, as Appendix VI.

Historic Places Act 1993

The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand through the Historic Places Trust and Board of Trustees.

The general functions of the Trust are as follows:

- To identify, record, investigate, assess, register, protect, and conserve waahi tapu areas, historic places, and historic areas or to assist in doing any of those things, and to keep permanent records of such work:
- To advocate the conservation and protection of waahi tapu areas, historic places, and historic areas:
- To foster public interest and involvement in historic places and historic areas and in the identification, recording, investigation, assessment, registration, protection, and conservation of them:

- To furnish information, advice, and assistance in relation to the identification, recording, investigation, assessment, registration, protection, and conservation of waahi tapu areas, historic places, and historic areas:
- To manage, administer, and control all historic places, buildings, and other property owned or controlled by the Trust or vested in it, to ensure the protection, preservation, and conservation of such historic places, buildings, and other property.

Throughout the development of Pukekura Park many significant endowments have provided a range of features now classified as heritage items. These items include The Gables, the Bandstand, Poet's Bridge, Brooklands Fireplace, Victoria Road gates and the Queen Victoria Drinking Fountain.

There are also a number of historic sites such as the Maori food pits, the musket range embankments and the Brooklands saw pit.

Definitions:

“Archaeological site” means any place in New Zealand that –

- (a) Either-
 - i. Was associated with human activity that occurred before 1900; or
 - ii. Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand:

“Waahi tapu” means a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense:

“Waahi tapu area” means an area of land that contains one or more waahi tapu:

“Historic area” means an area of land that –

- (a) Contains an inter-related group of historic places; and
- (b) Forms part of the historical and cultural heritage of New Zealand; and
- (c) Lies within the territorial limits of New Zealand:

“Historic place”-

- (a) Means-
 - (i) Any land (including an archaeological site); or
 - (ii) Any building or structure (including part of a building or structure); or
 - (iii) Any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and
- (b) Includes anything that is in or fixed to such land.

Other Controls

The New Plymouth District Plan

The RMA provides the statutory basis for the New Plymouth District Plan. It is the Council's role, through the Proposed District Plan, to manage and provide for the many recreational activities that occur within our District in a way which will not result in adverse effects on the environment.

The proposed District Plan has been prepared in accordance with the provisions of the Resource Management Act 1991. It was notified on 28 November 1998. An amended version of the plan incorporating changes made as a result of submissions received by the Council was released on 13 July 2002.

Reserves administered by the Council will have to comply with the standards set out in the District Plan. However, the Proposed District Plan recognises that Reserve Management Plans under the Reserves Act provide for the detailed

management of each reserve, including the effects arising from multiple uses, and are considered the most appropriate management tool.

The Proposed District Plan outlines, in general terms, how reserves and open spaces within the District should be managed. It recognises that open space is a resource that has value to the community and requires recognition and protection. It formulates open space environment areas in order to place emphasis on the main element the community values and provides a mechanism for protecting that value. This mechanism involves the use of open space environment area zoning and the implementation of standards for the purpose of controlling activities that may adversely affect the character of the area.

The District Plan also has provisions relating to historic sites, waahi tapu and notable trees.

The Park has five notable trees. They have been assessed as being Category 1 trees, which means that they are trees of such significance that their preservation is regarded as being either of national or particular regional importance. These trees are *Araucaria heterophylla* (Norfolk Island pine – 2); *Fagus sylvatica Purpurea* (copper beech); Ginkgo biloba (maidenhair tree) and a *Vitex lucens* (puriri) all located in the Bowl of Brooklands area.

New Plymouth District Bylaws

Day to day operations in reserves are controlled by the district's bylaws. It is important that this Management Plan is read in conjunction with the New Plymouth Council Consolidated Bylaws 2000.

Taranaki Regional Council

The Taranaki Regional Council ("TRC") also has a role in the management of reserves.

Under the RMA the TRC is required to control:

- The taking, use, damming and diversion of water in rivers and streams;
- The quantity, level and flow of water in any rivers and streams;
- The use of beds and banks of streams and rivers; and
- Any discharges of contaminants into streams and rivers.

Due to the necessity for more local control, the TRC has delegated control of water channels in the New Plymouth city area to the Council's Water and Wastes Division.

Relevant Council Policies, Strategies and Plans

These include:

- The Long Term Council Community Plan
- The 2001 Water Management Technical Study
- Parks Asset Management Plan
- 1999 Leisure Plan.

**SUMMARY OF LAND ACQUISITION NOW COMPRISING PUKEKURA PARK
Includes Land Description, Statutory References and Location**

“L” ON APPENDIX IV	
20 July 1894	The Board of Trustees for Public Recreation (appointed under the Taranaki Botanic Garden Act 1876) was seised of an estate in fee-simple in Certificate Of Title 28/224
C.T. 28/224	Being all that land containing one rood one perch being Section numbered one thousand one hundred and thirty five (1135) on the Public Map of the Town of New Plymouth deposited in the office of the Chief Surveyor at New Plymouth. 1056m ²
8 April 1929	The Board of Trustees for Public Recreation transferred the said land to the Mayor Councillors and Burgesses of New Plymouth in trust for a botanic garden and public recreation grounds
Location: Fillis Street - Off Davy Street (closed)	History – Application 257 Memorandum of Transfer 54552 dated 9 February 1929 –Transfer states that the land to be transferred had been acquired by the Board of Trustees for Public Recreation by purchase to be held subject to the like trust as those lands originally vested in the Board pursuant to the TBGA 1876 (Certificate of title 127/10) - i.e. to be held in trust for a botanic garden and public recreation grounds; the Board was to be dissolved pursuant to section 18 of the TBGA in order that those lands vested in the Board by the TBGA could be vested in the Borough of New Plymouth; as doubts had been raised as to whether the lands later acquired by purchase would vest in the Borough upon the Board’s dissolution it was agreed that the transfer would be effected by the transfer “in pursuance of the said agreement and in consideration of the premises” the Board of Trustees transferred the land in cs.t. 15/254, 16/34, 28/224, 38/138 and 47/19 to be held in trust for a botanic garden and public recreation grounds. (Relates to Certificates of title 15/254, 16/34, 38/138 and 47/19 also).
“I” ON APPENDIX IV	
23 October 1899	The Board of Trustees for Public Recreation (a Body Corporate) was seised of an estate in fee-simple, in Certificate of title 20/137.
C.T. 38/138	Being all that parcel of land containing three acres and two roods being sub allotment numbered one part of subdivision four part of Allotment marked D Town Belt of New Plymouth.
8 April 1929	Land transferred from Board to the Mayor Councillors and Burgesses of the Borough of New Plymouth in trust for a botanic garden and public recreation grounds.
	Memorandum of Transfer 54552 dated 9 February 1929— transfer states that the land to be transferred had been acquired by the Board by purchase to be held subject to the like trust as those lands originally vested in the Board pursuant to the TBGA 1876 (Certificate of title 127/10) - i.e. to be held in trust for a botanic garden and public recreation grounds;

	<p>the Board was to be dissolved pursuant to section 18 of the TBGA in order that those lands vested in the Board by the TBGA could be vested in the Borough of New Plymouth; as doubts had been raised as to whether the lands later acquired by purchase would vest in the Borough upon the Board's dissolution it was agreed that the transfer would be effected by the transfer "in pursuance of the said agreement and in consideration of the premises the Board of Trustees" transferred the land in cs.t. 15/254, 16/34, 28/224, 38/138 and 47/19 to be held in trust for a botanic garden and public recreation grounds. (Relates to Certificates of title 15/254, 16/34,28/224 and 47/19 also) Prior Certificate of title 20/137)</p>
28 February 1992	Records land vested in Council subject to all existing encumbrances
"H" ON APPENDIX IV	
16 November 1901	The Board of Trustees for Public Recreation (a Body Corporate) was seised of an estate in fee-simple, in Certificate of title 47/19, "Issued in pursuance of "The Taranaki Botanic Garden Act 1876"
C.T. 47/19	Being all that parcel of land containing two roods twelve perches and tenths of a perch being Sections numbered one thousand one hundred and forty, one thousand one hundred and eighty and two thousand three hundred and forty six Town of New Plymouth. (Sections 1140 and 2346)
8 April 1929	Transfer No. 54552 land transferred from Board to the Mayor Councillors and Burgesses of the Borough of New Plymouth in trust for a botanic garden and public recreation grounds.
26 March 1936	Proclamation 1270 – took Lot 5 D.P. 5568 (3.05 per) for a street.
12 August 1987	Bulk of land cancelled as to part Lot 1 D.P. 15913 (sq. m) and Certificate of Title H2/621 issued. Refer "G" – Gover Street.
Location - Tiny triangular piece remaining at top left hand corner of H2/621 – Gover Street	Note: Only a small part now remains on Certificate of title 47/19.
	<p>Memorandum of Transfer 54552 dated 9 February 1929— transfer states that the land to be transferred had been acquired by the Board by purchase to be held subject to the like trust as those lands originally vested in the Board pursuant to the TBGA 1876 (Certificate of title 127/10) - i.e. to be held in trust for a botanic garden and public recreation grounds; the Board was to be dissolved pursuant to section 18 of the TBGA in order that those lands vested in the Board by the TBGA could be vested in the Borough of New Plymouth; as doubts had been raised as to whether the lands later acquired by purchase would vest in the Borough upon the Board's dissolution it was agreed that the transfer would be effected by the transfer "in pursuance of the said agreement and in consideration of the premises the Board of Trustees" transferred the land in certificates of title 15/254, 16/34, 28/224, 38/138 and 47/19 to be held in trust for a botanic garden and public recreation grounds. (Relates to Certificates of title 15/254, 16/34,38/138 and 28/224 also)</p>
"D" ON APPENDIX IV	

29 November 1921	The Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in trust for a Botanic Garden And Public Recreation Grounds, in Certificate of title 129/225
C.T. 129/225	Being all that piece of land containing one acre and eight decimal five perches more or less being sections One Thousand and eighty four (1084) One thousand and eighty six (1086) One Thousand one hundred and seventy two (1172) One thousand one hundred and seventy five (1175) and parts of Section One thousand and sixty five (1065) on the public map of the Town of New Plymouth Deeds Indexes: 1/414, 3/299, 513, 5/43, 13/320 Application No. C.2199
	Portion of Fillis Street fronting Section 1086 and that portion of Wakefield Street fronting Section 1175 were closed pursuant to Fifth Schedule of the Municipal Corporations Act 1933 – cert. 148/43 issued. (“P”)
28 February 1992	Records land vested in Council subject to all existing encumbrances.
Location: Four sections – two between Carrington Road and closed part of Fillis Street (Waterwheel) and two off closed part of Wakefield Street (Rogan Street); part now 148/43	
“J” ON APPENDIX IV	
26 January 1923	Alfred Atkinson transferred estate in fee simple to the Board of Trustees for Public Recreation under “The Taranaki Botanic Garden Act 1876” in Certificate of title 16/34.
C.T. 16/34	Containing “one rood one perch be the same a little more or less and being bounded as follows towards the North by Fillis Street One Hundred and twenty Six links towards the East by Section One Thousand One Hundred and Eighteen Two Hundred and five links towards the South by Section L One Hundred and Twenty six links and towards the West by section One thousand one Hundred and Sixteen-two hundred and five links as the same is delineated in the plan drawn hereon which said piece of land is the Section numbered One thousand one hundred and seventeen [1117] delineated in the public Map of the said Town of New Plymouth originally granted the 7 th Day of June 1857 under the seal of the Colony ...”.
8 April 1929	Transferred by Board of trustees to the Mayor Councillors and Burgesses of the Borough of New Plymouth in trust for a botanic garden and public recreation grounds.
	Memorandum of Transfer 54552 dated 9 February 1929— transfer states that the land to be transferred had been acquired by the Board by purchase to be held subject to the like trust as those lands originally vested in the Board pursuant to the TBGA 1876 (Certificate of title 127/10) - i.e. to be held in trust for a botanic garden and public recreation grounds; the Board was to be dissolved pursuant to section 18 of the TBGA in order that those lands vested in the Board by the TBGA could be vested in the Borough of New Plymouth; as doubts had been raised as to whether the lands later acquired by purchase would vest in the Borough upon the Board’s dissolution it was agreed that the transfer would be effected by the transfer “in pursuance of the said agreement and in consideration of the premises the Board of Trustees” transferred the land in cs.t. 15/254,

	16/34, 28/224, 38/138 and 47/19 to be held in trust for a botanic garden and public recreation grounds (Relates to certificates of title 15/254, 28/224,38/138 and 47/19 also)
Location: Fillis Street – Pukekura Kindergarten site	Application 323
28 February 1992	Records land vested in Council subject to all existing encumbrances
“M” ON APPENDIX IV	
19 March 1925	The Mayor Councillors and Burgesses of New Plymouth were seised of an estate in fee-simple for the purposes of a public street in certificate of title 112/179
C.T. 112/179	Containing decimal four of a perch more or less being part of Section One Thousand and forty eight (1048) on the public map of the Town of New Plymouth.
	Order for N/C No. 1129 pursuant to Section 97 of The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924.
Location: Corner of Liardet and Gilbert Street beside model railway area (triangular piece)	Prior Certificate of title 13/570
28 February 1992	Records land vested in Council subject to all existing encumbrances
“F” ON APPENDIX IV	
22 November 1928	The Board of Trustees for Public recreation were seised of an estate in fee-simple in Certificate of title 127/10, in trust for a botanic garden and public recreation grounds Pursuant to the Taranaki Botanic Garden Act 1876, Limited as to Parcels Title issued in 1928 but land vested by TBGA 1876.
C.T. 127/10	Being all that piece of land containing forty six acres ten perches and decimal two of a perch more or less situated in the Borough of New Plymouth being Sections 1047, 1066, 1085, 1087, 1104, 1105, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1124, 1125, 1130, 1131, 1132, 1133, 1134,, 1136, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1152, 1153, 1154, 1155, 1156, 1157, 1161, 1162, 1163, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1154, 1155, 1156, 1157, 1161, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1173, 1174, 1176, 1177, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1257, 1258, 1259, 1260, 1261, 1262, 1263 and 1264, and part of sections 1048, 1064, 1106, 1109, 1126, 1129, 1244, 1254, 1255 and 1256, 1263 town Allotment “L” and part town Allotment “M”; Liardet Street (closed) from town Boundary to Fillis Street, Davy Street (closed) from Carrington Road to said Allotment “L”, Wakefield Street (closed) from Carrington Road to Eastern boundary of Section 1173, Bell Street (closed) from Carrington Road to eastern boundary of section 1264 all shown on the public map of the Town of New Plymouth and part Allotment “X” shown on the public map of the New Plymouth Town Belt. Deeds Indexes – 1/49, 74, 75, 96, 122, 424, 425, 426, 473, 492, 570, 571, 583, 3/13, 39, 164, 165, 197, 255, 256, 3/350, 351, 372, 382, 392, 401, 402, 403, 404, 405, 481, 509, 511, 514, 4/114, 154, 233, 5/14, 25, 5/161,

	462, 466, 516, 553, 559, 560, 561, 13/123, 137, 157, 235, 255, 277, 476, 522, 570
20 June 1929	<p>Application for Transmission No. 5761 – the application states that the Board had been dissolved pursuant to section 18 (published in the NZ Gazette Number 23, 4.04.29, page 836), such section providing that on dissolution of the said Act the lands vested in the Board should vest in to the Mayor Councillors and Burgesses of the Borough of New Plymouth, the greater portion of the said lands being then comprised in Certificate of title 127/10 limited as to parcels and Certificate of title 71/122 (since sold). The Corporation thereby applied to be registered as proprietor of an estate in fee simple in the whole of the lands included in the said titles subject to the trusts imposed by the said Act etc. Particulars entered in the register books 71/122 and 127/10 on 20 June 1929.</p>
Location: Majority of Pukekura park area -	<p>Order 2108 – cancelled as to part coloured red (1rood 29.149 perches) and new Certificate of title issued - 134/217. [Part 127/10 i.e. Section 1264 and part section 1263 and part 138/99 were incorporated into new Certificate of title 134/217 i.e. part section 34. Area is now part of Certificate of title A3/286 – refer “C”]</p> <p>No.2177 – 16 January 1936 - Cancelled as to the parts of sections 1106 and 1126 pursuant to Section 6 Reserves and Other Lands Disposal Act 1935 as reserve under the TBGA 1876 and new Certificate of title issued – 139/179 (refer “K”) i.e. Part of closed part of Fillis Street. (Palm tree lawn and fountain lake)</p> <p>N.C.O. 2646 – That portion of Fillis street fronting Sections 1087 and part of Sections 1085, 1106 and 1105 and that portion of Wakefield Street fronting Sections 1174, 1194, and 1195 and part Section 1196 and part Wakefield Street (closed) herein have been closed pursuant to 5TH. Schedule of the Municipal Corporations Act 1933 and new Certificate of title issued –148/43 (refer “P”) – 12/5/41 – land applied to purposes of a public recreation reserve.</p>
12 August 1987	<p>Proclamation 112258 – closing part adjoining street coloured yellow on diagram hereof and adding it to within reserve produced- new sections 2415 and 2416. (New appellation 139796).</p> <p>Cancelled as to part Lot 1 D.P. 15913 and Certificate of title H2/621 issued (refer “G”), this portion transferred to NPCC in trust for a botanic garden and public recreation grounds.</p>

“E” ON APPENDIX IV	
8 April 1929	Land transferred from Board of trustees for Public Recreation to the Mayor Councillors and Burgesses of the Borough of New Plymouth in trust for a botanic garden and public recreation grounds in Certificate of title 15/254
C.T. 15/254	Being all that land containing by admeasurement One acre one rood and five perches be the same a little more or less being and comprising the Section numbered One thousand one hundred and seven (1107) One thousand one hundred and eight (1108) One thousand one hundred and twenty seven (1127) One thousand one hundred and twenty seven (1128) and part of sections One thousand one hundred and Nine (1109) and One thousand one hundred and twenty nine (1129) delineated in the Public Map of the said Town of New Plymouth deposited in the office of the Chief Surveyor there and being bounded as follows towards the East North East by parts of Sections One thousand one hundred and Nine (1109) and One thousand one hundred and twenty nine (1129) Four hundred and ten links towards the South South East by Davy Street Three hundred and fifteen and five tenths links towards the West South West by sections One thousand one hundred and twenty six and One thousand one hundred and six (1106) Four hundred and ten links and towards the North North West by Fillis Street Three hundred and fifteen and five tenths links as the same is delineated in the plan drawn hereon which said sections were originally granted the 6 th . Day of June 1884 under the seal of the Colony...
	12 May 1941 – notes portion of Fillis Street fronting section 1107 closed pursuant to MCA 1933 and Certificate of title 148/43 issued.
	Memorandum of Transfer 54552 dated 9 February 1929— transfer states that the land to be transferred had been acquired by the Board by purchase to be held subject to the like trust as those lands originally vested in the Board pursuant to the TBGA 1876 (Certificate of title 127/10) - i.e. to be held in trust for a botanic garden and public recreation grounds; the Board was to be dissolved pursuant to section 18 of the TBGA in order that those lands vested in the Board by the TBGA could be vested in the Borough of New Plymouth; as doubts had been raised as to whether the lands later acquired by purchase would vest in the Borough upon the Board's dissolution it was agreed that the transfer would be effected by the transfer "in pursuance of the said agreement and in consideration of the premises the Board of Trustees" transferred the land in certificates of title 15/254, 16/34, 28/224, 38/138 and 47/19 to be held in trust for a botanic garden and public recreation grounds. (Relates to certificates of title 28/224, 16/34, 38/138 and 47/19 also History – Transfer 12433 – Harriet Fookes transferred estate of freehold in fee simple land contained in Certificate of title 15/254 in consideration of the sum of one hundred and twenty five pounds to the Board incorporated under the TBGA.
Location: Part of Fountain lake b/w Fillis Street and Davy Street.	
28 February 1992	Records land vested in the Council subject to all existing encumbrances
“A” ON APPENDIX IV	

21 January 1931	The Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in Certificate Of Title 133/280, as a reserve for the purposes of public recreation.
C.T. 133/280	Being all that parcel of land containing two roods and five perches more or less situated in the Borough of New Plymouth being Section Two (2) on the public map of Fitzroy District
	Transmission No 6202, pursuant to section 49 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917, as if included in Schedule 1 to the TBGA 1876
Location: Closed section of Holsworthy Road - from entrance to Brooklands Drive	
28 February 1992	Land vested in the Council subject to all existing encumbrances
“T” ON APPENDIX IV	
6 March 1934	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 138/99
C.T.138/99	Being all those parcels of land containing together fifty three acres three roods and thirty six perches more or less situated in the Borough of New Plymouth being parts of Sections Thirty Four (34), Thirty five (35) and Forty Eight (48) on the public map of Fitzroy District – for the purposes of a recreation ground as per Proclamation No. 1192 in Certificate of Title 108/77 which took parts (48 acres 2rds and 25 pers) and 5 acres 1rd 11 pers) for the purposes of a recreation ground and vested the same in the Mayor Councillors and Burgesses of the Borough of New Plymouth.(note – Certificate of title now says “ <u>Now</u> 53 acres 9.86 pers”. “Brooklands Recreation Reserve”
	[History - Title 108/77 (prior CERTIFICATE OF TITLE 40/29 and 84/186) 4 February 1924 – Newton King was seised of an estate in fee-simple, being all that land containing ninety acres three roods and seventeen decimal five perches more or less situated in the Borough of New Plymouth being parts of Section Thirty Four (34) Thirty Five (35) and Forty Eight (48) on the public maps of Fitzroy District (Block Five (V) Paritutu Survey District)
	Fifty three acres three roods and thirty six perches more or less situated in the Borough of New Plymouth being parts of Sections Thirty Four (34), Thirty five (35) and Forty Eight (48) on the public map of Fitzroy District were taken for the purposes of a recreation ground as per Proclamation No. 1192] – 48 acres 2 rds 25 pers + 5 acres 1 rd 11 pers, that part of the land was then cancelled from Certificate of title 108/77 and a new Certificate of title 138/99 issued].
	Land acquired pursuant to New Plymouth Borough Council and Taranaki Harbour Board Empowering Act 1933, but later Section 6 of New Plymouth Borough Land Exchange And Empowering Act 1934 (1934 No 9 Local & Personal) deemed the land (Pukekura, Brooklands and Highlands) to be vested in the Corporation under the Taranaki Botanic Garden Act 1876, to be known as “Pukekura”. Brooklands Recreation Reserve was described as:

	<p>“All those pieces of land, situate in the Borough of New Plymouth, containing 53 acres 3 roods 36 perches, more or less, being parts of Sections 34, 35 and 48 on the public map of the Fitzroy District (Block V, Paritutu Survey District) and being part of the land comprised in certificate of title, Volume 108, folio 77, Taranaki Register, the said pieces of land being more particularly delineated upon the plan deposited in the Lands and Survey Office at New Plymouth as No 81/39 and thereon edged pink and marked “Part 34, Part 35, Part 48 (48 acres 2 roods 25 perches), and part 48 (5 acres 1 rood 11 perches).”</p> <p>Section 4 of the Act deemed the land vested in the Corporation pursuant to the Taranaki Botanic Garden Act 1876 to be a recreation reserve within the meaning of the [Reserves Act 1977]</p>
4 September 1980	<p>[7 May 1980 – Part section 48 containing 372 square metres to be known as part Section 238.</p> <p>Gazette Extract declared part Section 238 Fitzroy District in Certificate of Title 138/99 to be classified as a reserve for Local Purpose (site for Community Buildings) subject to the provisions of the Reserves Act 1977. Refer Certificate of title 188/57 – further 2834 square metres of part Lot 1 D.P. 5670 to be known as part Section 238 and also classified as a reserve for Local Purpose (site for Community Buildings) subject to the provisions of the Reserves Act 1977.</p> <p>Total area of part Section 238 is 3206 square metres and is delineated in computed plan S.O. 11561].</p>
Location: Brooklands area – Brooklands zoo & garden area, tennis club rooms and triangular bush area.	
28 February 1992	Balance of land vested in Council subject to all existing encumbrances
“R” ON APPENDIX IV	
5 March 1935	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 134/216, for the purposes of a recreation ground
C.T. 134/216	<p>Being those parcels of land containing one acre two roods and sixteen and eighty seven hundredths perches more or less situated in the Borough of New Plymouth being parts of Sections Thirty Four (34) and Thirty Five (35) on the public map of Fitzroy District – (equivalent area is 6497 sq.m.)</p> <p>Prior Certificate of title 134/215, Order for N/C No. 2107 Pursuant to the New Plymouth Borough Land Exchange Act 1934</p>
Location: Small piece between Racecourse and Brooklands (Eight –sided)	
28 February 1992	Records land vested in Council subject to all existing encumbrances.
“V” ON APPENDIX IV	

19 April 1939	The Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 144/309, primarily for the purpose of a recreation ground under and subject to the provisions of Sections 20 to 24 inclusive of the "Public Reserves Domains and National Parks Act 1928".
C.T. 144/309	Being all that parcel of land containing one rood and eight perches and nineteen one hundredths of a perch more or less situated in the Borough of New Plymouth being Lot 27 (twenty seven) on a plan and deposited in the Land Registry at New Plymouth as No. 4443 and being part of Section No. 49 (forty nine) of the Fitzroy District
	Memorandum of Transfer 64958 - Prior Certificate of title 118/114 -19 April 1939 – transfer C.A. Wilkinson, A.J. List, J.C. Nicholson and C.H. Wynyard (executors of T.C. List's will) to the Mayor Councillors and Burgesses of the Borough of New Plymouth in consideration of the sum of fifteen pounds primarily for the purpose of a public plantation or pleasure ground to be used under conditions to be imposed from time to time at the will and discretion of the Corporation and secondly for the purposes of a recreation ground produced under and subject to the provisions of sections 20 to 24 inclusive of the "Public Reserves Domains and National Parks Act 1928"– new Certificate of title issued, being CERTIFICATE OF TITLE 144/309.
Coronation Ave entrance – near dairy V	Prior Certificate of title 118/114 (Former Certificate of title 108/26, Transfer No. 53365).
28 February 1992	Land vested in the Council subject to all existing encumbrances
"K" ON APPENDIX IV	
16 January 1936	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple, in trust, for recreation purposes in certificate of title 139/179, Reserve for Botanic Gardens and Public Recreation purposes, to be managed and administered under the provisions of the Taranaki Botanic Garden Act 1876.
C.T. 139/179	Being those parcels of land containing two roods and two perches more or less being Sections 1106 (one thousand one hundred and six) and 1126 (One thousand one hundred and twenty six) on the public map of the Town of New Plymouth
	Title records portion of Fillis Street fronting 1106 closed pursuant to Municipal Corporations Act 1933 (new Certificate of title issued, being 148/43).
Location: Palm tree lawn to fountain lake.	Prior Certificate of title 5/462 & 5/46, Order for N/C No. 2177 certificate of title 127/10 Section 6 Reserves and Other Lands Disposal Act 1935
28 February 1992	Records land vested in the Council subject to all existing encumbrances
"P" ON APPENDIX IV	
12 May 1941	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 148/43.
C.T. 148/43	Being those parcels of land containing together two roods and thirty eight perches and twenty seven one hundredths of a perch more or less situated in the Borough of New Plymouth being Sections Nos. 2380 (two thousand three hundred and eighty)

	and 2381 (two thousand three hundred and eighty one) of the Town of New Plymouth, subject to Section 194 of the Municipal Corporations Act 1933.
	Order N/C No. 2624 Municipal Corporations Act 1933 – Fifth Schedule i.e. stopped street
Location: End of Fillis Street and end of Wakefield Street/Rogan Street (closed roads)	25 May 1944 – Order in Council (W.No. 5697) approving of the NPBC applying the land to the purposes of a public recreation reserve.
28 February 1992	Balance of land vested in Council subject to all existing encumbrances
“S” ON APPENDIX IV	
23 May 1944	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 152/18 <u>primarily</u> for the purposes of a public plantation and <u>secondly</u> for the purposes of a recreation ground.
C.T.152/18	Being those parcels of land containing twelve acres three roods and eight perches and twenty five one hundredths of a perch more or less situated in the Borough of New Plymouth being Lot 2 (two) on Deposited 5439 and Lots 1 (one) on Deposited Plan No. 6095 and being part of Sections Nos. 35 (thirty five) and 49 (forty nine) of the Fitzroy District, New Plymouth. Prior certificates of title 25/69, 138/106, 150/28 Transfer No. 71704
20 March 1934	Prior certificates of title (i) <u>Certificate of Title 118/114.</u> - Memorandum of Transfer No. 59418 List and Wilkinson having applied to the Corporation for its consent to a subdivision pursuant to section 335 of the Municipal Corporations Act 1920, and as a condition of the Corporation’s consent agreed to transfer Lot 2 DP 5439 being part of section 49, Fitzroy District, NP Borough, in pursuance of such agreement and in consideration thereof List and Wilkinson transferred the land to the Corporation to the intent that it would be held by the Corporation in fee simple as a public plantation and also as a recreation reserve within the meaning assigned to that expression by and subject to the provisions of “The Public Reserves Domains and National Parks Act 1928”(dated 6.11.33)
	New Certificate of title issued, being 138/106, which states that The Mayor Councillors and Burgesses of New Plymouth were seised of an estate in fee-simple in Certificate of title 138/106 being all that land containing seven acres two roods and thirteen perches more or less situated in the Borough of New Plymouth being Lot two (2) on Deposited Plan No. 5439 and being part of section Forty nine (49) on the public map of Fitzroy - as a public plantation and also as a Recreation Reserve Section 4 of the New Plymouth Borough Land Exchange And Empowering Act 1934 (1934 No 9 Local & Personal) (“NPBLEEA

	<p>1934”) deemed the lands held by the Corporation under the TBGA 1876 to be a recreation reserve within the meaning of The Public Reserves Domains and National Parks Act 1928; the powers of the Council being extended accordingly.</p> <p>Land was described as: “All that parcel of land situate in the Borough of New Plymouth, containing 7 acres 2 roods 13 perches, more or less, being Lot 2 on Deposited Plan No 5439, and being part of Section 49 on the public map of Fitzroy District, and being the whole of the land comprised in certificate of title, Volume 138, folio 106, Taranaki Register.” i.e. the “Highlands Recreation Reserve”.</p> <p>Section 6 of the NPBLEEA 1934 Act provides: “On the passing of this Act the Brooklands Recreation Reserve and the Highlands Recreation Reserve shall be deemed to be vested in the Corporation for the same purposes and subject to the same trusts and with the same powers as the lands vested in the Corporation under the Taranaki Botanic Garden Act 1876, and such last-mentioned lands, together with the Brooklands Recreation Reserve and the Highlands Recreation Reserve, shall thereafter be known as Pukekura Park.”</p>
23 May 1944	<p>(ii) Prior <u>Certificate Of Title 25/69</u> – 6 July 1894 - Newton King was seised of an estate in fee simple in Certificate of title 25/69 being all that land containing fifteen acres being part of Section numbered thirty five Fitzroy District as the same is more fully described as Thirty A in a plan deposited in the office of the District Land Registrar of the New Plymouth as No. 445.</p> <p>Executors transferred by transfer No. 71704 Lot 1 Plan 6095 being part of Section 35 D.P. No. 6095, being part of Section 35A on D.P. 445 Part Section 35 Fitzroy District being 4 acres 1 rood 27.55 perches more or less, to the Mayor Councillors and Burgesses of the Borough of New Plymouth primarily for the purposes of a Public Plantation and secondly for the purposes of a recreation ground. New Certificate of title issued being 152/18. [Balance of land contained in new Certificate of title 152/159]</p>
23 May 1944	<p>(iii) Prior <u>Certificate Of Title 150/28</u> –A.J.List, J.C. Nicholson, and C.H. Wynyard (T.C. List’s executor) were seised of an estate in fee simple in Certificate of title 150/28 being all that land containing ten acres and fourteen perches and thirty eight one hundredths of a perch more or less situated in the Borough of New Plymouth being part of Lot 5 (five) on deposited Plan 44443 and Part Lot 1 (one) on deposited Plan No. 5390 and being part of Section 49 (forty nine) of the Fitzroy District.</p>
	<p>Memorandum of Transfer 71704 – New Certificate of Title 152/18</p> <p>Re 25/69 – Executors of T.C. list’s estate transferred land contained in Certificate of title 25/69 i.e. 4 acres 1 rood 27.55 perches more or less, with the consent of the life tenant (A.J. List) in pursuance of the provisions of the will which provided that if within a certain time frame the Corporation had acquired as a</p>

	<p>public recreation ground or park a portion of the land known as “Brooklands” lying between “Maranui” and “Pukekura Park” of sufficient area to form an extension of the said “Pukekura Park” up to the boundary of “Maranui” then the Trustees should hold upon Trust for the Corporation that portion of “Maranui” comprising the gully of natural and artificial bush lying on the Western side of “Maranui” (being Certificate of title 25/69). As the Corporation had acquired such land as a public recreation ground or park the Trustees agreed to transfer the land to the Corporation and did so by transfer dated 10 May 1944, primarily for the purposes of public plantation and secondly for the purposes of a recreation ground</p> <p>Re 150/28 – at the same time transfer was effected of Certificate of title 150/28 (subject to a building line condition), whereby the trustees of List’s estate agreed to sell the land to the Corporation for the sum of 100 pounds primarily for the purposes of public plantation and secondly for the purposes of a recreation ground.</p>
	Re 138/106 – a request by the Council to issue one certificate of title for the land in Certificate of title 25/69 and 150/28 to be amalgamated with land in certificate of title 138/106 was effected on 23 May 1944. As a result Certificate of title 138/106 was cancelled.
	New Certificate of title issued vide Transfer No. 71704, being 152/18, on 23 May 1944 primarily for the purposes of a Public Plantation and secondly for the purposes of a recreation ground.
Location: Highlands area	
28 February 1992	Records land vested in Council subject to all existing encumbrances.
“U” ON APPENDIX IV	
9 March 1949	Balance of land in title 138/108, part section 49 Fitzroy District, transferred from Charles Anderson Wilkinson to Mayor Councillors and Citizens of City of New Plymouth <u>primarily</u> for the purposes of a Public Plantation and <u>secondly</u> for the purposes of a Recreation Ground.
	TRANSFER 80217 – Council released C.A Wilkinson from obligation to construct street inconsideration for transfer of land primarily for public plantation and secondly for purposes of a recreation ground – 9.2.49
138/108	Being all that parcel of land containing together Eleven acres and seven and six tenths perches more or less situated in the Borough of New Plymouth being parts of Lot Two (2) on deposited Plan No. 5390 and being parts of Section forty nine (49) on the public map of Fitzroy District.
	Prior Certificate of title 118/114 transfer no. 59417 - 20 March 1934 transfer of interest from List to Wilkinson in Lot 2 D.P. 5390 excepting Lot And the southern portion of Lot, new

	Certificate of title 138/108 being issued
	Subsequently:
	(i) 138/108 24 November 1933 – Lot 1 d.p. 5439 was laid off for a street (Lot 1 D.P. No. 5439 of a width of less than 66 feet but not greater than 40 feet)
	(ii) 138/108 List and CAW transferred Part Lot 2 D.P. 5390 (8a 3r 19.4 per) to the Education Board. (new Certificate of title issued - 160/88)] 22 December 1948
	(iii) 138/108 Balance of land in title 138/108, part section 49 Fitzroy District, transferred from Charles Anderson Wilkinson to Mayor Councillors and Citizens of City of New Plymouth <u>primarily</u> for the purposes of a Public Plantation and <u>secondly</u> for the purposes of a Recreation Ground. (Transfer No. 80217) 9 March 1949 as described above
	(iv) 138/108W7276 – Kura St. closure shown therein (0:1r: 18.43p) – refer prior Certificate of title TN118/114 W7276 – “Evidence of the closing of part Kura Street (....Transfer 59419) produced 30 October 1952 – NCO 3909 3 November 1952 - certificate of title Vol 177 Folio 81 issued for part Kura Street closed (now section 207 Fitzroy District). Refer “O”.
Location: Tennis courts Coronation Ave/Upjohn Street and Coronation Ave entrance	
28 February 1992	388869 Application to record the vesting of the balance of the within land in the Council subject to all existing encumbrances.
“O” ON APPENDIX IV	
3 November 1952	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple in certificate of title 177/81
177/81	Being those parcels of land containing one rood and eighteen decimal four three perches more or less situate in the City of New Plymouth being Section 207 Fitzroy District (formerly part Kura Street closed) (Block V Paritutu Survey District)
	Prior Certificate of title TN118/114 W7276 – “Evidence of the closing of part Kura Street (....Transfer 59419) produced 30 October 1952 – NCO 3909 3 November 1952- certificate of title Vol 177 Folio 81 issued for part Kura Street closed (now section 207 Fitzroy District)”
17 April 1977	266476 Gazette Extract notified that the Council passed a resolution on 18 June 1979 that the Council, pursuant to section 14(1) of the Reserves Act 1977 declared the land vested in the Council and zoned as a reserve under the NP district scheme, to be a recreation reserve within the meaning of the Act, further declared the reserve to be classified as a reserve for recreation purposes subject to the provisions of the Reserves Act 1977.
Location: Formerly part Kura Street closed – Upjohn Street/Coronation	

Ave junction.	
“N” ON APPENDIX IV	
29 October 1953	Mayor Councillors and Burgesses of the Borough of New Plymouth were seised of an estate in fee-simple, in trust, for recreation purposes in certificate of title 188/57.
188/57	being those parcels of land containing one acre and twenty eight decimal eight perches more or less situate in the city of New Plymouth being part of Section 48 Fitzroy District and being also part of Lot 1 on Deposited Plan 5670 – the boundaries of the said parcel of land being more particularly defined on Deposited Plan 6845. Prior Certificate of title 143/71, No. W 8004 Order for N/C No. 4075
	8 October 1953–W 8004 - Gazette Extract No.55, page 1023 – vests land in Mayor.... Governor-General declares land, pursuant to Section 9 Public Reserves & Domains Act 1928, to be vested in Mayor Councillors and Burgesses of the Borough of New Plymouth in trust, for recreation purposes.
	Subject to the reservations and conditions imposed by Section 59 of the Land Act 1948.
	7 May 1980 – Appellation – Part Lot 1 D.P. 5670 therein containing 2834 square metres now known as part Section 238 Fitzroy District.
4 September 1980	Gazette extract 270577 declared Part section 238 to be classified as a reserve for public purpose (site for community buildings) subject to the provisions of the Reserves Act 1977. [refer also Certificate of title 138/99 – further 372 sq m classified also. Total area = 3206 sq m. Area delineated on S.O. 11561.
Location: Land between Upjohn and Somerset Streets.	
22 June 1992	Land vested in the Council subject to all existing encumbrances.
“B” ON APPENDIX IV	
29 September 1965	Transfer of estate to the Mayor Councillors and Citizens of the City of New Plymouth in fee-simple in Certificate of title 36/86 for charitable purposes
C.T. 36/86	being all that parcel of land containing one rood one perch and three tenths of a perch being the Section numbered One Thousand One Hundred and Ninety Six (1196) Town of New Plymouth, from Public Trustee (estate of Harry Frethey) to the Mayor Councillors and Citizens of the City of New Plymouth
	Transfer No. 144061 – transfer of freehold estate in fee simple for the sum of 2500 pounds from the Public Trustee to the Mayor Councillors and Citizens of New Plymouth for charitable purposes.
Location: Band room - End of Rogan Street – adjoins top left hand corner of New Plymouth Recreation and	

Racecourse Reserve	
28 February 1992	Records land vested in Council subject to all existing encumbrances.
“C” ON APPENDIX IV	
18 January 1966	The Mayor Councillors and Citizens of the City of New Plymouth under the name of the New Plymouth Recreation And Racecourse Reserve were seised of an estate in fee-simple as a reserve for the recreation of the inhabitants of the City of New Plymouth subject to the provisions of the New Plymouth Recreation and Racecourse Reserve Act 1959.
A3/286	Being all that parcel of land containing 94 acres 1 rood and 30 perches more or less situate in the City of New Plymouth being Lot 1 on Deposited Plan 9521 being Sections 1197-1200, 1213-1215, 1228-1230, 1245-1250, 1264-1274, (all inclusive), 1806, 1807, 1809-1814, 1832-1844, 1858-1870, 1884-1896, 1910-1922, 1928-1943 (all inclusive), 2413, 2414, and part Sections 1227, 1244, 1263 and 1774-1783 (inclusive), 1801-1805 (inclusive) M, and Parts closed streets Town of New Plymouth, part Section D, New Plymouth Town Belt, Section 10 and part sections 34 and 35 Fitzroy District. Area clearly delineated on D.P. 19480 Prior certificates of title. 55/172, 68/107, 126/43, 134/215, 134/217 N/c Order No. 145769
22 June 1992	Records land vested in Council subject to all existing encumbrances.
“G” ON APPENDIX IV	
12 August 1987	The Council was seised of an estate in simple in Certificate of title H2/621, in trust for a botanic garden and public recreation grounds
H2/621	Being all that parcel of land containing 2537 square metres more or less situate in the City of New Plymouth being Lot 1 on Deposited Plan 15913 being part of Sections 1140, 1180, 2346 and part section Town of New Plymouth.
Location: Gover Street – between Fillis and Rogan Street	<u>Prior Certificate of title 47/19 (pt) [“H”], 127/10 (pt) [“F”], Transfer No. 343127.1</u>
23 July 1992	Records vesting of land in Council subject to any existing encumbrances
“Q” ON APPENDIX IV	
30 August 1996	The Council was seised of an estate in fee simple as Local Purpose Reserve (Recreation) in Certificate of title K2/978 subject to the Reserves Act 1977
K2/978	Being all that parcel of land containing 84 square meters more or less situate in Block V Paritutu District being Lot 2 on deposited Plan 19071,
Location: Near Gilbert Street and Victoria Road (small triangular piece) - transferred to Council Purchased by Council after flooding problems from park.	Prior Certificate of title B3/1294 (bal), N/C Order No. 435131

CLASSIFICATION ISSUES

Is the Pukekura Park Land “Reserve” Land?

The purposes for which a reserve must be managed derive from its classification.

If the land is reserve or parts of the land are reserve, the Council is required to give the reserve a classification consistent with its current or proposed purpose and to control, manage and develop the land in accordance with the provisions of the Reserves Act.

Determinations therefore needed to be made by the Council as to whether the land is in fact “reserve” land as defined in Section 2 of the Reserves Act.

Both the Department of Conservation and Land Information New Zealand have advised the Council that they hold varying legal opinions on the reserve status of some of the areas of land based on their method of acquisition. This variance of opinion relates to the land initially acquired by the Board of Trustees for Public Recreation constituted by the Taranaki Botanic Garden Act 1876 (“TBGA”) during the period 1894 to 1928, such land having been transferred from the Board to the Council in 1929, under section 18 of the TBGA 1876.

It is considered that this land does fall within the definition of “reserve” under the Reserves Act because of the provisions of the New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No.9 Local & Personal) (“NPBLEAEA 1934”). Section 4 provides that the lands vested in the Council under the provisions of the TBGA 1876 were deemed to be a recreation reserve within the meaning of the Public Reserves, Domains, and National Parks Act 1928 (this reference having been substituted by the Reserves and Domains Act 1953 and later, the Reserves Act 1977).

The definition of “reserve” in Section 2 of the Reserves Act is extensive and includes “(a) any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953”.

The NPBLEAEA 1934 further provided that the land (“Brooklands Recreation Reserve” and the “Highlands Recreation Reserve”) to be transferred to the Council, together with the land obtained by the Council under the TBGA 1876, would from then on be known as “Pukekura Park”.

It is considered that Council records further support the above view.

In summary, it is considered that the following land is “reserve” land”:

- a) All that land comprised in certificates of title
 - 108/77 (now CT 138/99) shown as “T” in Part A Appendix IV;
 - 138/106 (now part of CT 152/18) shown as “S” in Part A Appendix IV;
 - 28/224 shown as “L” in Part A Appendix IV;
 - 38/138 shown as “I” in Part A Appendix IV;
 - 134/216 shown as “R” in Part A Appendix IV;
 - 7/19 (title included H2/621 at this time) shown as “H” in Part A Appendix IV;
 - 16/34 shown as “J” in Part A Appendix IV;
 - 133/280 shown as “A” in Part A Appendix IV;
 - 127/10 shown as “F” in Part A Appendix IV;
 - 15/254 shown as “E” in Part A Appendix IV;
 (deemed by the NPBLEAEA 1934 to be recreation reserves under the Reserves Act);
- b) All that land comprised in C.T. 139/179 (vested in the Council, pursuant to Section 6 of the Reserves and Other Lands Disposal Act 1935, to be managed and administered under the TBGA 1876 “as if included in Schedule 1” to the said Act) shown as “K” in Part A Appendix IV;

- c) All that land comprised in H2/621 (such land having previously been comprised in titles 127/10 and 47/19) shown as “G” in Part A Appendix IV.

The following land is clearly reserve land:

- a) All that land comprised in CT 188/57 shown as “N” in Part A Appendix IV;
- b) All that land comprised in CT 177/81 shown as “O” in Part A Appendix IV;
- c) All that land comprised in CT K2/978 shown as “Q” in Part A Appendix IV;
- d) All that land comprised in CT 144/309 shown as “V” in Part A Appendix IV.

Land Where Uncertainty Exists To Be Declared “Reserve” Land

There are a few areas of land where there is some uncertainty as to whether or not the land is “reserve” land within section 2 of the Reserves Act. These areas are listed below:

- a) land comprised in CT 36/86 shown as “B” in Part A Appendix IV;
- b) land comprised in CT 129/225 shown as “D” in Part A Appendix IV;
- c) land comprised in CT 148/43 shown as “P” in Part A Appendix IV ; and
- d) land comprised in CT 138/108 shown as “U” in Part A Appendix IV.

Rather than seek a determination as to status on these areas of land from the Minister of Conservation, the Council has determined that the issue can most effectively and quickly be resolved by declaring this land to be reserve land under Section 14 of the Reserves Act (to be held for any of the purposes specified in Sections 17 to 23 of that Act). This action will simply formalise the status quo and, it is considered, the original intention of the Council that this land be reserve land.

Question of Appropriate Classification for Pukekura Park Land

It is considered that the classification of recreation reserve (Section 17 of the Reserves Act) is the most appropriate classification for the majority of Pukekura Park because of its original and existing uses and because the classification is very flexible in terms of the powers and rights conferred on the Council and provides a high level of decision-making authority without having to first gain the approval of the Minister of Conservation.

Purposes Incompatible With Recreation Reserve Classification

There are, however, a few uses of the land within Pukekura Park incompatible with the recreation reserve classification. These areas, described below, have for many years been used for purposes which clearly fall within the classification of local purpose reserve:

- (a) The land upon which the “Pukekura Kindergarten” (North Taranaki Free Kindergarten Association Incorporated) is situated, the main building being on C.T. 127/10 (part section 1118), with the play area being located on C.T.16/34 (part section 1117) - shown as “A” in Part A Appendix X;
- (b) The land upon which the “Pukekura Scout Group” (Scout Association of New Zealand) is situated, being Part Lot 2 DP 5390 (part of C.T. 138/108) - shown as “B” in Part A Appendix X; and
- (c) The land leased by the New Plymouth Model Engineers Club and the New Plymouth Chess Club on the Gilbert/Liardet Street corner (C.T.127/10 – being sections 1047 and part 1048) shown as “C” in Part A Appendix X.

The Council considers that the areas as described in sub-paragraphs (a) – (c) above should be classified local purpose reserve (community purposes and recreation). This classification will allow the greatest amount of flexibility, in that it will allow for future change of use without the need for re-classification under the Reserves Act. For example, if the Pukekura Scout Group ceased to exist, sports clubs and voluntary organisations and societies could lease the building without first being required to obtain a reclassification of that part of the reserve.

Reclassification of Certain Areas Classified under the Reserves Act 1977

Out of the land comprised in the twenty-one certificates of title vested in the Council, the following areas have been classified under the Act:

- (a)
 - (i) Part Section 238 Fitzroy District in Certificate of Title 138/99 declared by Gazette extract to be a reserve for local purpose (site for community buildings) subject to the provisions of the Reserves Act 1977 – 4/9/80, this area being 372 square metres included in “T” shown in Part A Appendix IV;
 - (ii) Part Section 238 Fitzroy District in Certificate of Title 188/57 declared by Gazette extract to be a reserve for local purpose (site for community buildings) subject to the provisions of the Reserves Act 1977 – 4/9/80, this area being 2834 square metres included in “N” shown in Part A Appendix IV;
- (b) The land comprised in C.T. 177/81 which was declared by Council resolution, pursuant to Section 14 (1) of the Reserves Act, to be a recreation reserve within the meaning of the Act and classified as a reserve for recreation purposes shown as “O” in Part A Appendix IV; and
- (c) The land comprised in C.T. K2/978 which was vested in the Council as local purpose reserve (recreation) subject to the Reserves Act 1977 shown as “Q” in Part A Appendix IV.

The areas of land described in sub-paragraphs (a) (i) and (ii) above do not have a building of any description on them and as far as can be established never have had. In order to reflect the current use of the land but also to be compatible with anticipated future use of that land the Council has determined that these areas be reclassified as recreation reserve.

No change is required in respect of that land in sub-paragraph (b) above as it is already classified as recreation reserve.

The land comprised in CT K2/978 (located at 5 Victoria Road) (sub-paragraph c) was previously contained within CT B3/1294, and was purchased by the Council in order to construct a culvert over the property for the purposes of draining Pukekura Park. The land was then subdivided into two lots – Lot 1 DP 19071 (CT K2/977) and Lot 2 DP 19071, with the Council obtaining an easement in gross over Lot 1 for the right to drain water over it.

The land contained in CT K2/978 forms part of Pukekura Park for all practical purposes and should therefore be given the same classification as the majority of the land comprising Pukekura Park, that is, recreation reserve.

Summary of Pukekura Park Land Status

A summary of the reserve status and classification issues is attached to Part A of this Management Plan as Appendix V and is entitled “Schedule of Current and Proposed Reserve Status”.

Further Land To Be Purchased

The Council intends purchasing a further two hectares of land adjoining the Park from the Ministry of Education. The land is currently part of Highlands Intermediate School land and adjoins Pukekura Park (being Part Lots 1 and 2 DP 5390). The transfer of land will be effected by means of a boundary adjustment. The Council has resolved that documentation effecting the transfer should clearly state that the land is being acquired as a reserve for recreation purposes pursuant to the Reserves Act 1977. This land will be included in an amalgamated Pukekura Park title.

Amalgamation of all Pukekura Park Land into One Title

The Council has resolved to amalgamate the majority of the parcels of Pukekura Park land into one title (with most of the boundaries currently contained in the land being removed). This will formally proclaim that the land is to be retained as one piece of land for the use, enjoyment and pleasure of the people of the district.

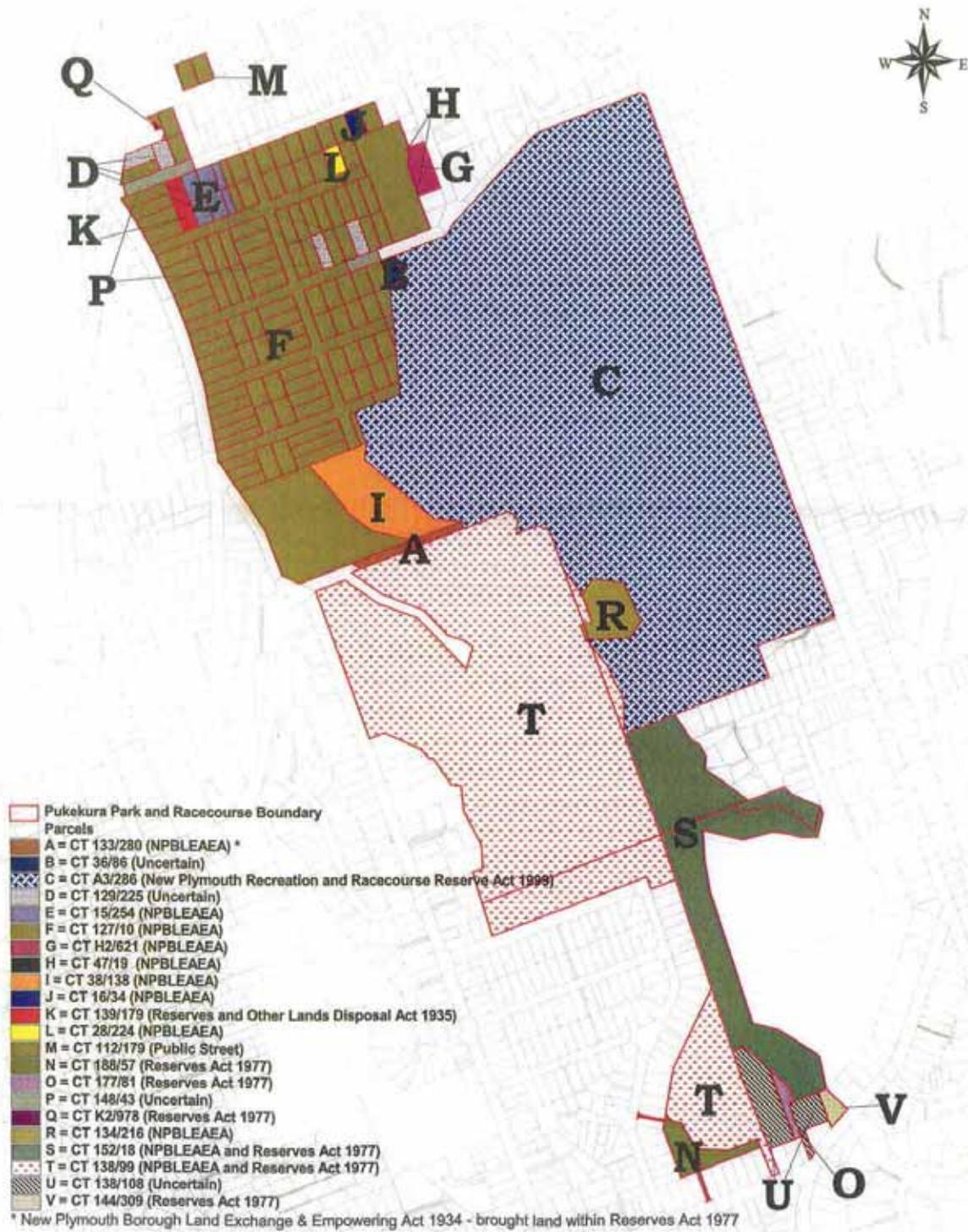
The amalgamated title will not include the land leased by the New Plymouth Model Engineers Club and New Plymouth Chess Club.

Land To Be Excluded From The Title

The land leased by the New Plymouth Model Engineers Club and the New Plymouth Chess Club is comprised in C.T. 127/10 (being sections 1047 and part 1048) and was originally vested in the Board of Trustees for Public Recreation pursuant to section 2 of the TBGA 1876. This land is situated on the corner of Gilbert Street and Liardet Street and does not in fact physically adjoin the Park. The Taranaki Botanic Garden Amendment Act 1907 enabled this land to be leased and it has not since then been considered part of the park.

Given the land's use and locality it is considered appropriate to formally remove this land from the Pukekura Park title and to obtain a separate title for this land, with the classification local purpose (community purposes and recreation). Such a classification will allow the Council flexibility in terms of the land's permitted uses, as it will allow the Council to develop and manage the land as it sees fit (consistent with the stated purpose of the land).

Pukekura Park and New Plymouth Racecourse



LAND DESCRIPTION WITH SCHEDULE OF CURRENT & PROPOSED RESERVE STATUS

	CT	Acquired/Vested	Reserve Under section 2 of Reserves Act 1977?	To be classified
A	133/280	"as if included in Schedule 1" to TBGA 1876	Reserves And Other Lands disposal And Public Bodies Empowering Act 1917 & New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
B	36/86	Purchased by Council, to be held in trust for charitable purposes	Uncertain although probably reserve under section 2 (2) of the Reserves Act 1977 as acquired for use, benefit, enjoyment.... of the inhabitants of the district UNCERTAIN	Gazette resolution under section 14(4), declaring land vested in Council to be reserve, classified as recreation reserve (section 14(1))
C	A3/286	Vested in Council as a public reserve for the recreation of the inhabitants of New Plymouth	New Plymouth Recreation and Racecourse Reserve Act 1999 RECREATION RESERVE	Automatically classified recreation reserve by section 16(11)(a) of the Reserves Act 1977
D	129/225	29/11/21 –vested in Council for a Botanic Garden & Recreation Grounds	Question mark – appears intention was to include it in Pukekura Park land but not clearly stated. UNCERTAIN	Gazette resolution under section 14(4), declaring land vested in Council to be reserve, classified as recreation reserve (section 14(1))
E	15/254	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
F	127/10	Vested in Council upon dissolution of Board of trustees for Public Recreation pursuant to section 18 of the TBGA 1876	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve NB. Part sections 1118, 1047 and 1048 are to be classified local purpose reserve (community purposes and recreation)
G	H2/621	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
H	47/19	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L)	RECREATION RESERVE Section 16(1) by delegated

			RESERVE	authority as confirms the existing purpose of the reserve
I	38/138	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
J	16/34	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve NB. Part section 1117 will be classified local purpose reserve (community purposes and recreation)
K	139/179	"as if included in Schedule 1" of the TBGA 1876	Reserves and Other Lands Disposal Act 1935 RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
L	28/224	Transfer 54552	New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
M	112/179	Public street	Omit from consideration – now part of Gilbert street	N/A
N	188/57	Classified part of reserve therefore implies rest considered to be a reserve by Council W 8004 – Gazette Extract whereby Governor-General declared land to be vested in [Council] pursuant to section 9 Public Reserves and Domains Act 1928, in trust, for recreation purposes	(i) 2834 square metres classified as LOCAL PURPOSE RESERVE (SITE FOR COMMUNITY BUILDINGS) [NZ Gazette, 14 August 1980, No.94, page 2411] (ii) Implies rest of land in this title is reserve as did not use section 14 process.	(i) CHANGE TO RECREATION RESERVE using section 24 procedure (ii) RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
O	177/81	Closed street	RECREATION RESERVE Declared recreation reserve pursuant to section 14(1).	LEAVE AS IS
P	148/43	Stopped street – MCA 1933 Fifth schedule, Order in Council later approved "public recreation reserve"	Probably "reserve" under section 2(2) but UNCERTAIN	Gazette resolution under section 14(4) declaring land vested in Council to be reserve, classified as recreation reserve (section 14(1))
Q	K2/978	On Subdivision by Council of land adjoining park –5	LOCAL PURPOSE RESERVE (RECREATION)	CHANGE TO RECREATION RESERVE using section 24

		Victoria Road – reserve		procedure
R	134/215	Exchange effected under TBGA on 15 May 1935 “for the purposes of a recreation ground”.	RESERVE - Section 17 TBGA 1876	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
S	152/18	Land derives from c.t. 25/69,150/28 and 138/106	138/106 - New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) also Public Reserves Domains and National Parks Act 1928 RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve
T	138/99	Was 108/77	New Plymouth Borough Council And New Plymouth Harbour Board Empowering Act 1933 (1933 No 2)(L) 138/106 - New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9)(L) RESERVE 372 square metres classified and notified by Gazette Extract as local purpose (site for community buildings) [NZ Gazette, 14 August 1980, No.94, page 2411]	(i) RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve ii) CHANGE TO RECREATION RESERVE using section 24 procedure
U	138/108	TRANSFER 80217 – Council released C.A Wilkinson from obligation to construct street inconsideration for transfer of land primarily for public plantation and secondly for purposes of a recreation ground – 9.2.49	Land not specifically included in TBGA land therefore element of doubt, although wording seems to imply purchased to be included in Pukekura park land UNCERTAIN	Gazette resolution under section 14(4) declaring land vested in Council to be reserve, classified as recreation reserve (section 14(1)) NB. Part Lot 2 5390 will be classified local purpose reserve (community purposes and recreation)
V	144/309	Transfer 64958 “recreation ground” subject to Public Reserves Domains and National Parks Act 1928	RESERVE	RECREATION RESERVE Section 16(1) by delegated authority as confirms the existing purpose of the reserve

Taranaki Botanic Garden.

any bridge-ways or watercourses in upon through across or over any part of the said lands.

(4.) Do anything which may be requisite for the proper and beneficial management and administration of the said lands or any part thereof.

10. It shall be lawful for the Board from time to time, with the consent of the Governor, to make alter and repeal by-laws for the safety and preservation of the property upon the lands vested or to be vested in them, and for repressing such impropriety in the conduct of visitors as may tend to immorality profanity injury breach of the peace or discomfort of other visitors, and otherwise for the more efficient and regular government of the said lands, and such by-laws shall be published in the *New Zealand Gazette*, and in some newspaper circulating in the Town of New Plymouth, and shall come into operation on the date to be fixed thereby, not less than one month from the approval of such by-laws by the Governor.

11. All sums of money which shall be received by the Board, whether by grant or by donation, or in any manner howsoever in respect of the lands vested or to be vested in them, shall be applied in managing administering and improving such lands, and generally for carrying into effect the purposes of this Act.

12. It shall be lawful for the Board to lease any of the lands vested or to be vested in them, not exceeding one-tenth of the whole thereof, for any term not exceeding twenty-one years, subject to such rents and conditions and in such manner and form as the Board shall think fit.

13. Whoever shall do or attempt to do any of the following things upon or within the boundaries of the said lands, without the permission of the Board, shall be liable to a penalty over and above the damage done not exceeding five pounds:—

- Light a fire.
- Wilfully break a fence or part of any fence.
- Wilfully break or cut any tree or plant.
- Shoot at any bird or animal with a gun or other instrument.
- Wilfully dig or cut the sod, or damage any dam or water-course.
- Wilfully take away destroy or injure any bird or animal being upon the said lands, or any egg of any bird.
- Take away any wood shrub plant or any other thing.

14. Any person who shall be convicted of any breach of any by-law made by the Board under the powers contained in the tenth section of this Act shall be liable to a penalty of not less than one shilling and not exceeding five pounds.

15. All penalties and forfeitures under this Act may be recovered in a summary way by any person appointed in that behalf by the Board to sue for the same, and shall be applied as other moneys under this Act are directed to be applied.

16. In the month of December in each year the Board shall forward to the Governor a statement of all moneys received or expended by them during the preceding year, and of all moneys at such date in the hands or under the control of the Board, and the Governor may, if he shall think fit, order such statement to be published in the *Provincial Gazette*.

17. It shall be lawful for the Board, with the consent of the Governor, to exchange portions of the land described in the First Schedule hereto for other land adjoining such land: Provided that the land received in exchange shall be of the same value or extent as that given by the Board; and for the purpose of effecting such ex-

*Powers inserted
see 30a
135 5/11
Natural
Park Act
1920*

By-laws.

Application of moneys.

Board may lease land

Offences.

Penalties.

Penalties how recovered and applied.

Annual statement to be forwarded to Governor.

Board may exchange lands with the consent of the Governor.

*In respect of
Council Land
Board
authority
1907 to 1910
see 2 (part)
Powers inserted
to make change
for taking
fences
from 1907
on to 1910*

X

Taranaki Botanic Garden.

grant, shall, subject to any leases or agreements affecting the same already entered into, be vested in and held by the Board of Trustees for public recreation herein constituted, in trust for a botanic garden and public recreation grounds, without any conveyance or assurance.

Lands in Second
Schedule vested in
Board of Trustees.

3. The lands described in the Second Schedule hereto, comprised ~~in the said recited deed of grant~~, and held upon trust by the Superintendent as public thoroughfares, shall be, without any conveyance or assurance, vested in and held by the said Board in trust for a like purpose. ~~Notwithstanding anything herein contained, such portions of Davy and Wakefield Streets as are described in the Second Schedule hereto shall not vest in the Board until the owners of the land adjoining such portions shall have given their consent by deed to such vesting, or until such adjoining land shall have been conveyed to the Board.~~

Constitution of
Board of Trustees.

4. The Board shall consist of seven members, to be appointed by the Governor, and notified by Proclamation in the *New Zealand Gazette*, of whom four shall be a quorum, and the members of such Board shall hold office until they die, resign, or become disqualified under the provisions of this Act.

Board a corporate
body.

5. The Board so constituted shall be a corporate body in fact and in law by the name of the "Board of Trustees for Public Recreation," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued, plead and be impleaded, defend and be defended in all Courts, and in all cases and suits at law or in equity whatsoever, with power to take purchase and hold all goods chattels and personal property whatsoever which may be required for carrying out the provisions of this Act, and also to take and hold all such land hereditaments and premises as may be transferred to or vested in the Board for the purpose of public recreation, or as endowments for the Board, or for any other purpose in connection with the improvement or management of any lands vested in the Board for the purposes of this Act.

Disqualification of
members.

6. If any member of the Board shall be directly or indirectly concerned in any contract with the Board, or shall receive or be entitled to receive any money or emolument for any work done or to be done for the Board, or shall be absent from three consecutive meetings without the consent of the Board, or shall be adjudicated a bankrupt or insolvent, or take the benefit of or be brought under the operation of any Act relating to bankrupt or insolvent debtors, or shall become a public defaulter, or shall become convicted of felony, his seat in such Board shall become vacant.

Members may resign.

7. It shall be lawful for any member, by writing under his hand addressed to the Governor, to resign his seat in the Board, and upon the receipt by the Governor of such resignation, the seat of such member shall become vacant.

Vacancies.

8. If a vacancy occurs in the Board through death or through any of the reasons aforesaid, it shall be lawful for the Governor to appoint a fit and proper person to fill the vacancy.

Powers of Board.

9. The Board so constituted may exercise all or any of the following powers:—

- (1.) Lay out enclose and plant the land held by the Board, and build thereon in such manner as they shall think fit, and sell give or exchange any spare plants seeds or specimens they may have in their possession.
- (2.) Cause such parts of the said lands to be laid out for carriage-ways, and such parts thereof for foot-ways, as they may think proper.
- (3.) From time to time to make stop up divert widen or alter

Taranaki Botanic Garden.

change it shall be lawful for the Board to execute such conveyances and instruments as may be deemed necessary.

Governor may dissolve Board.

18. The Governor may, on the petition of the majority of the members for the time being of the Board, or of two-thirds of the rate-payers of the Borough of New Plymouth, dissolve the said Board, and on such dissolution the said lands vested by this Act shall vest in the Borough of New Plymouth, and be managed by the said Borough as the Board is authorized to manage the said lands.

dissolved by Governor 26/3/29
Nz Gazette No 23
4/4/29

Schedules.

SCHEDULES.

FIRST SCHEDULE.

A. R. P. A. R. P.

ALL those town allotments, containing by admeasurement 30 acres 3 roods 38 perches, numbered respectively 1047, 1048, 1064, 1066, 1085, 1087, 1104, 1105, part of 1106, part of 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1124, 1125, part of 1126, part of 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1140, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1173, 1174, 1176, 1177, 1180, 1182, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, part of 1244, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264 ... 30 2 38

See 1183 exchanged
for sub: Linton
& Town Belt D
Transfer 10007
Plan 1361
22/10/1897

All those pieces or parcels of land containing by admeasurement 10 acres 1 rood 37 perches, being town allotments:—		
L	...	2 3 37
Part of M	...	0 1 10
X	...	7 1 0
		10 2 7
		41 1 5

SECOND SCHEDULE.

All those streets containing by admeasurement 7 acres 0 roods 14 perches, comprising:—Liardet Street, from town boundary to Ellis Street; Davy Street, from Carrington Road to eastern boundary of Section 1133; Wakefield Street, from Carrington Road to eastern boundary of Section 1173; Bell Street, from Carrington Road to western boundary of M; Shortland Street, from Carrington Road to eastern boundary of Section 1284 ... 7 0 14

John Street, from Gover Street to L	...	0 0 13
Davy Street, from L to eastern boundary of allotment 1133	...	0 1 14
		7 2 1
Total	...	48 3 6

WELLINGTON, NEW ZEALAND:

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GEOGRAPHICAL PERSPECTIVE

Climate (average annual figures)

Rainfall
1530mm

Sunshine Hours
2165 hours

Wind
Predominantly North
Average five days gales force per year

Temperature
Summer: 13° - 21°, high 30°C
Winter: 5° - 13°, low -2°C

Landforms

Pukekura Park

A central valley system framed by the flat hillside areas east, west and south of the main valley

Brooklands

A flat plateau area with smaller valleys on its eastern and western boundaries and the Pukekura Park valley on its northern boundary

Soils

New Plymouth black loam
New Plymouth brown loam

Original Vegetation

Quoted as "fern", "furze" and "tutu" from earliest writings on the subject. These indicate:

"Fern"

Various brackens, tree ferns and other terrestrial ferns

"Furze"

Ulex europaeus, common European gorse

"Tutu"

Coriaria arborea and/or *C.sarmentosa*

PLANT COLLECTIONS MANAGED IN PUKEKURA PARK AND BROOKLANDS

New Zealand Native Flora in Pukekura/Brooklands Parks*

* Includes some introduced non-endemic species.

Trees

<i>Agathis australis</i>	kauri
<i>Alectryon excelsus</i>	titoki
<i>Beilschmiedia tawa</i>	tawa
<i>Corynocarpus laevigatus</i>	karaka
<i>Dacrycarpus dacrydioides</i>	kahikatea
<i>Dacrydium cupressinum</i>	rimu
<i>Dysoxylum spectabile</i>	kohekohe
<i>Hedycarya arborea</i>	porokaiwhiri, pigeonwood
<i>Knightia excelsa</i>	rewarewa, New Zealand honeysuckle
<i>Laurelia novae-zealandica</i>	pukatea
<i>Leptospermum ericoides</i>	kanuka
<i>Leptospermum scoparium</i>	manuka
<i>Litsea calicaris</i>	mangeo
<i>Metrosideros excesa</i>	pohutukawa
<i>Metrosideros robusta</i>	rata
<i>Nothofagus truncata</i>	tawhairaunui
<i>Phyllocladus trichomanoides</i>	tanekaha
<i>Podocarpus ferrugineus</i>	miro
<i>Podocarpus spicatus</i>	matai
<i>Podocarpus totara</i>	totara
<i>Prumnopitys ferruginea</i>	miro
<i>Vitex luscens</i>	puriri
<i>Weinmannia racemosa</i>	kamahi

Sub Canopy

<i>Alseuosmia macrophylla</i>	
<i>Aristotelia serrata</i>	makomako, wineberry
<i>Brachyglottis repanda</i>	rangiara
<i>Carpodetus serratus</i>	putaputaweta
<i>Clematis paniculat</i>	pauwhananga
<i>Coprosma australis</i>	raurekau
<i>Coprosma robusta</i>	karamu
<i>Coriaria arborea</i>	tutu
<i>Cordyline australis</i>	ti kouka
<i>Cyathea dealbata</i>	ponga, silver tree fern
<i>Cyathea medullaris</i>	mamaku, black tree fern
<i>Dicksonia fibrosa</i>	wheki ponga
<i>Dicksonia squarrosa</i>	wheki, brown tree fern

<i>Dodonea viscosa</i>	akeake
<i>Entelea arborescens</i>	whau
<i>Freycinetia banksii</i>	kie kie
<i>Fuschia exorticata</i>	kotukutuku, tree fuschia
<i>Geniostoma rupestre</i>	hangehange, brittlewood
<i>Griselinia littoralis</i>	papauma
<i>Griselinia lucida</i>	puka
<i>Hoheria angustifolia</i>	narrow-leaved lacebark
<i>Hoheria glabrata</i>	ribbonwood
<i>Hoheria populnea</i>	houhere
<i>Lophomyrtus bullata</i>	ramarama
<i>Macropiper excelsum</i>	kawakawa
<i>Melicope ternata</i>	wharangi
<i>Melicytus ramiflorus</i>	mahoe
<i>Meryta sinclairii</i>	puka
<i>Mysine australis</i>	mapou
<i>Pisonia brunoniana</i>	parapara
<i>Pittosporum eugenioides</i>	tarata
<i>Pittosporum tenuifolium</i>	kohuhu
<i>Pseudopanax arboreus</i>	puahou
<i>Pseudowintera colorata</i>	horopito
<i>Rhopalostylis sapida</i>	nikau
<i>Ripogonum scandens</i>	supplejack
<i>Schefflera digitata</i>	patepate
<i>Sophora tetraptera</i>	kowhai
<i>Sophora microphylla</i>	kowhai

Ground level

<i>Elatostema regosa</i>	parataniwha, New Zealand begonia
<i>Adiantum cunninghamii</i>	puhinui, maidenhair fern
<i>Anartropteris lanceolata</i>	whare-ngarara, lance fern
<i>Asplenium bulbiferum</i>	mouku, hen and chicken fern
<i>Asplenium oblongifolium</i>	huruhuru, shining spleenwort
<i>Asplenium polyodon</i>	petako, sickle spleenwort
<i>Asplenium flaccidum</i>	makawe, hanging spleenwort
<i>Blechnum capense</i>	kiokio
<i>Blechnum chambersii</i>	rereti
<i>Blechnum discolor</i>	piupiu, crown fern
<i>Blechnum filiforme</i>	panako, thread fern
<i>Blechnum fluvilate</i>	kiwikiwi, creek fern
<i>Grammitis billardierei</i>	paretao, strap fern
<i>Histiopteris incisa</i>	matata, water fern
<i>Hymenophyllum spp</i>	filmy ferns
<i>Lastreopteris hispida</i>	tuakura, hairy fern
<i>Leptopteris hymenophylloides</i>	heruheru, single crape fern
<i>Lycopodium spp</i>	club mosses
<i>Marratia sinclairii</i>	para, king fern
<i>Paesia scaberula</i>	matata, ring fern
<i>Phymatosorus diversifolius</i>	kowaowao, hounds tongue
<i>Phymatosorus scandens</i>	mokimoki/fragrant fern
<i>Pneumatopteris pennigera</i>	pakau, gully fern

<i>Pteris macilenta</i>	titipo, sweet brake
<i>Pteris tremula</i>	turawera, shaking brake
<i>Pyrrosia eleagnifolium</i>	ngarara wehi, leather leaf fern
<i>Tmesipteris spp</i>	fork ferns
<i>Trichomanes reniforme</i>	raurenga, kidney fern

Generic Park Collections

Rhododendron – hybrids dating from pre-1940 plus a selection of more modern plants and species

Vireya rhododendron

Camellia

Hebe

Aloe

Pinus

Azalea – evergreen and deciduous

Magnolia

Nymphaea (water lilies)

Acer

Hydrangea

Fernery Collections

Vireya rhododendron species

Begonia – tuber hybrida and others

Fuchsia

Ferns – New Zealand and exotic, indoor and outdoor

Orchids

Gesneriads

Insectivorous

Palms and cycads

Thematic Collections

Conifers

Indoor plants

Scented garden

Woodland and bog gardens (especially hosta and primula)

Herbaceous perennial borders

Annual bedding display

Native trees and shrubs – endemic forest and other plantings

Himalayan trees and shrubs

Sub-tropical

Mediterranean

Trees - notable specimens

- native and exotic

Within all categories, rare and endangered plants exist.

PLANT AND ANIMAL PEST LIST

Plants

Any noxious plants will be eradicated when detected.

The following are plants that have the potential to dominate other plantings and bush and will be monitored, controlled and if necessary eradicated.

<i>Acer pseudoplatanus</i>	Sycamore
<i>Allium triquetrum</i>	Onion weed
<i>Agapanthus orientalis</i>	Common agapanthus
<i>Asparagus scandens</i>	Asparagus fern
<i>Calystegia silvatica</i>	Great bind weed/Convolvulus
<i>Cobaea scandens</i>	
<i>Crocsmia x crocosmiiflora</i>	Montbretia
<i>Eleagnus pungens</i>	Common eleagnus
<i>Hedera helix</i>	Common ivy
<i>Hedychium flavescens</i>	Ginger
<i>Hedychium gardnerianum</i>	Ginger
<i>Ipomea indica</i>	Blue morning glory
<i>Jasminium polyanthum</i>	Common jasmine
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Pennisetum clandestinum</i>	Kikuyu grass
<i>Rumex sagittatus</i>	Climbing dock
<i>Solanum mauritianum</i>	Woolly nightshade
<i>Tradescantia fluminensis</i>	Wandering jew

Wildlife

These are the few wildlife that have potential to harm the Park environment and will be monitored, controlled and eradicated as necessary:

Mustelids	Geese
Feral cats/dogs	Magpies
Mice (Zoo)	Rats (Zoo)
Rabbits	

Fish Species Present in Pukekura Park

Native species

Long-finned eel *Anguilla dieffenbachii*
 Short-finned eel *Anguilla australis*
 Banded kokopu *Galaxias fasciatus*

Introduced (exotic) species

Goldfish *Carassius auratus*
 Perch *Perca fluviatilis*

'APPENDIX X - A -'



New Plymouth District Council - Ortho-Overlay Plot

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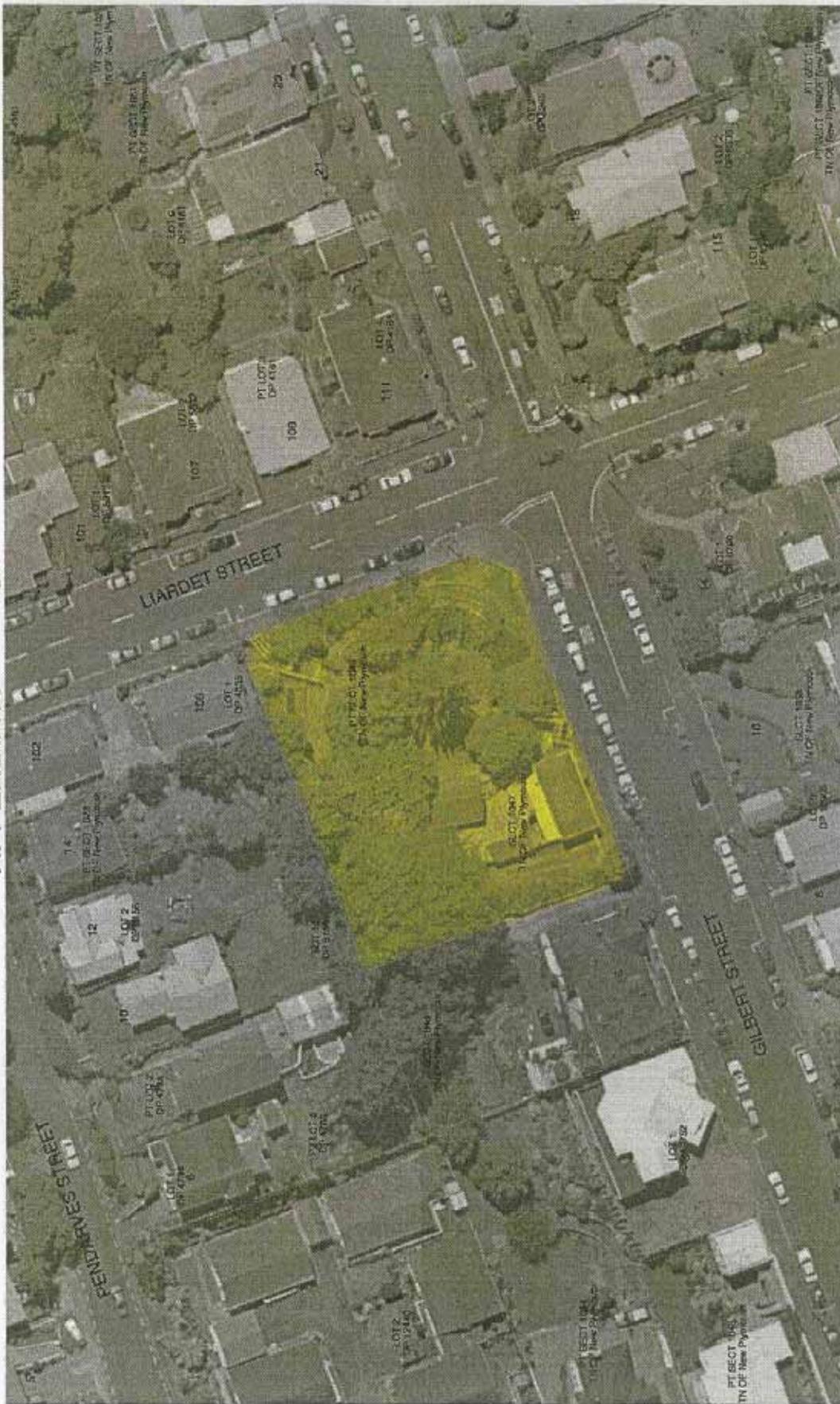
'APPENDIX X - B -'



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'APPENDIX X - C'



New Plymouth District Council - Ortho-Overlay Plot

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GLOSSARY

The following explanations are provided for words and terms used within this management plan.

Certificate of title	<i>A Certificate of Title (CT) is a formal document that records transactions concerning the specific parcel of land identified by the CT. It records the legal description of the land, all owners, current and historic, any legal documents (mortgages, leases, rights, easements, restrictions etc) registered against the land.</i>
Exotic	<i>Non-native – in this case, a plant species originating from outside New Zealand</i>
Fee simple	<i>The greatest interest or “property” that can be enjoyed in land. It is the closest the common law comes to permanent “ownership” because its duration, while uncertain, is extensive and essentially infinite.</i>
Hapu	<i>Maori sub-tribe or clan, usually a number of whānau (families) with a common ancestor</i>
Indigenous	<i>Native – in this case, a plant species originating from within New Zealand.</i>
Iwi	<i>Maori Tribe or grouping of people descended from a common ancestor.</i>
Notable tree	<i>A specimen tree specifically listed within the District Plan..</i>
Opportunistic	<i>Referring to plants with the potential to reach the upper canopy if growing conditions allow.</i>
Reserve	<i>A term meaning area designated for free public recreational use.</i>
Reserves Act 1977	<i>The act of parliament under which reserves are managed.</i>
Tangata whenua	<i>People of the land in relation to a particular area, means the Iwi, or hapu, that holds mana whenua (customary authority) over the area.</i>
Taonga	<i>Treasure, property: taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included for example are te reo Maori (the Maori language), waahi tapu, waterways, fishing grounds and mountains.</i>
Waahi tapu	<i>A place sacred to Maori in a traditional, spiritual, religious, ritual or mythological sense.</i>
Watershed	<i>An area of land separating one natural drainage system from another.</i>
WOMAD	<i>World of Music and Dance – a music event involving cultures from around the world.</i>

ABBREVIATIONS

CT	<i>Certificate of Title</i>
CBD	<i>Central Business District – comprising the central area of commercial activity in New Plymouth, defined by parameters given in the District Plan</i>
TRC	<i>Taranaki Regional Council</i>