

This was organised by sector, was internally orientated, and tended to emphasise technical specialisation, with little understanding of priorities outside its remit. Changes in the 1990s led to a devolved neighbourhood management model that was also more outward looking and focused on results. Today, the division of responsibilities within the various divisions of the Department of Physical Planning and Economic Affairs (ROEZ) aims to ensure that interventions in open spaces should be approached in a more integrated fashion. This example suggests that coordination through a single management structure is not by itself enough to deliver integrated management. What is more important is the integration of planning, expertise, and day-to-day operations at the local level and the degree to which the organisational structure allows this to happen, or, conversely, militates against it.

## Regulation of public open space

Open spaces are subject to a variety of pressures coming from the different functions they perform and the varying nature and intensity of the uses they accommodate. Two key factors affect whether and to what extent these issues impact on the quality of those spaces over the short and the long term. These are the instruments regulating such spaces, particularly how different activities are sanctioned or discouraged, and the monitoring systems that aid regulation and which feed back into the policy-making and implementation processes.

### Regulatory powers and instruments

The eleven cities rely on a range of powers for public open space management, but these powers are rarely neatly packaged from one source. Nevertheless most cities have a clear statutory basis for at least some of their open space management activities.

In Hannover, the federal construction law and the federal nature protection law form the legal framework for open space management, together with the federal and state planning legislation – which define open space as an important land-use category. City councils in Germany also have a statutory responsibility to ensure safety in public open spaces. Similarly, the Japanese Urban Park Act of 1956 established that local governments have specific statutory responsibilities over the development and maintenance of open spaces within their boundaries. It sets basic rules which local governments should follow, including the types, sizes and functions for new open spaces. In New Zealand, under the 1991 Resource Management Act, city councils can require developers to set

aside land as a reserve, or pay a levy towards a reserve acquisition fund. Land designated as a reserve is vested in an appointed administrator (usually the city council) who has to prepare a management plan.

Sometimes powers apply specifically to organisations set up with the specific purpose of managing public open space, as in the case of the Minneapolis MPRB. Parks Victoria was also created in such a fashion, by legislation to manage the state's national, state, regional and recreational parks, providing services to the state or its agencies for the management of parks, reserves and waterways on public land.

Conservation powers offered some of the most robust powers available to the cities. In Århus, for example, 33 per cent of the municipality is affected by landscape protection legislation that imposes specific obligations and restrictions on open space management and requires the preparation and implementation of management plans. In Paris, if open space is classified under national heritage legislation, or is attached to, or indirectly connected with, a protected building or landscape, then the Architect of Historical Monuments in the Ministry of Cultural Affairs has a regulatory role.

Spatial planning powers were available in all cities. In Zürich, the key legal instruments framing the management of open spaces are the city's zoning plans. In Japan, the 1956 Urban Park Act also establishes what uses and activities are and are not allowed in open spaces and which of these require local government permission. In Wellington, under the planning legislation, the city council is responsible for providing consent even for tree removal and substantial pruning.

### DEVOLVED POWERS

A further set of powers related to those that local management agencies were able to establish themselves, through powers devolved down to them from state or national governments. The key pieces of legislation for open spaces management in Curitiba are of this nature. Local legislation includes the city's Zoning and Land Use Plan (open spaces are defined as a specific land use), the transfer of development rights, and law giving protection to open areas through a conservation unit system, which includes public and private land. In the latter case, it might involve the transfer of development rights, agreed through negotiations with landowners and facilitated by fiscal incentives. Similarly, in Minneapolis, as an independent law-making authority, the Minneapolis Parks Board can enact ordinances addressing the use of parks, planting policies, standards for construction, and so forth, provided that they comply with US and state laws and with city ordinances.

In many countries, however, open space management has largely remained a non-statutory activity for local authorities. In France, for