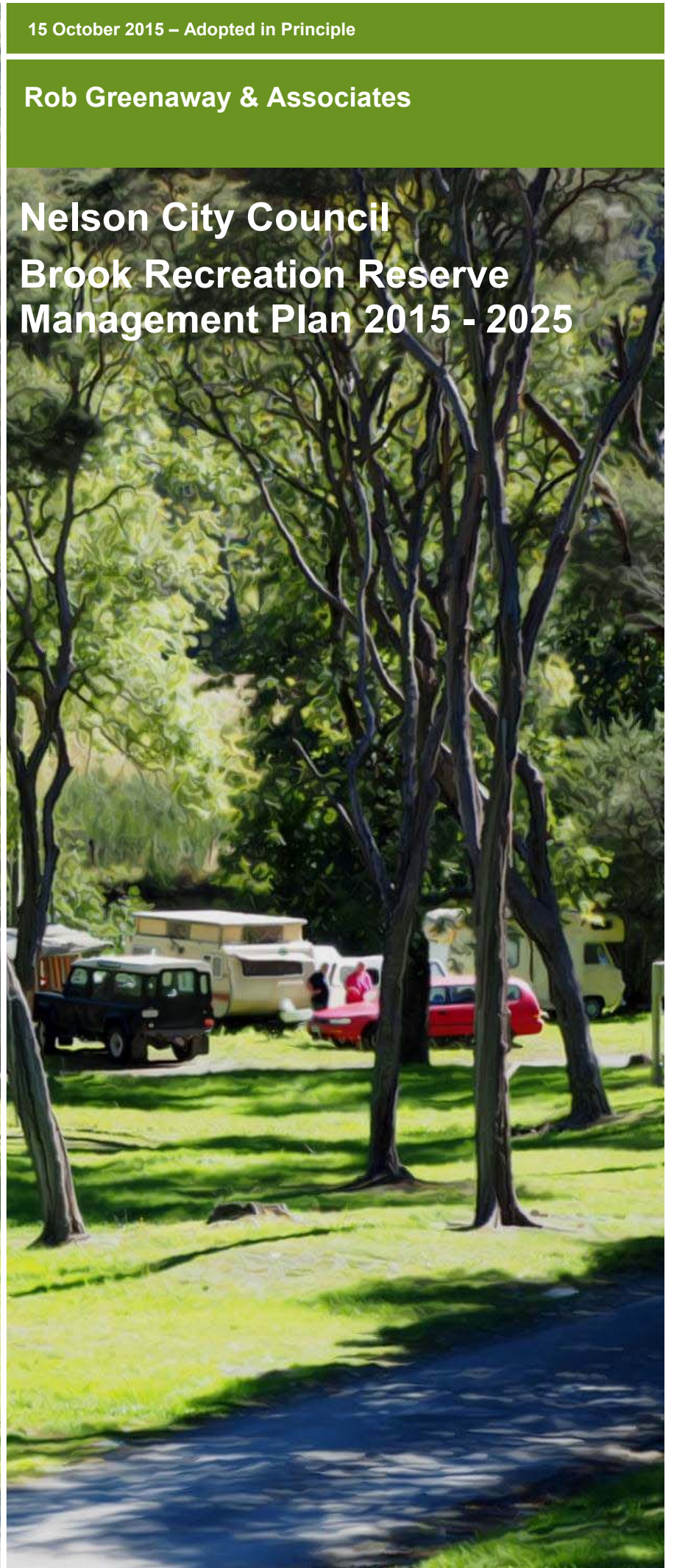


15 October 2015 – Adopted in Principle

Rob Greenaway & Associates

**Nelson City Council
Brook Recreation Reserve
Management Plan 2015 - 2025**



Nelson City Council Brook Recreation Reserve Management Plan 2015 - 2025

**Prepared for Nelson City Council
by Rob Greenaway & Associates
www.greenaway.co.nz**

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Nelson City Council

Brook Recreation Reserve Management Plan 2015 – 2025

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This Management Plan was adopted in principle by the Nelson City Council on October 15 2015. The Plan has no status under the Reserves Act 1977 until the relevant land areas are gazetted under the Act. At the time of 'adoption in principle' this depends on the public processes of road stopping and the proposal to convert the stopped road, recreation reserve and freehold land to local purpose reserve (recreation). Until this public process is completed, this Management Plan is Council policy under the Local Government Act 2002.

While the processes of gazettal are public processes, it is not expected that further consultation on this Management Plan will be required prior to final adoption.

1 Introduction and Summary

This Management Plan responds to a period of uncertainty about the use and management of the Brook Recreation Reserve, located at the southern end of Brook Street in Nelson City. When the draft Management Plan was prepared, the Reserve was made up of areas of freehold title held by Nelson City Council (NCC), and part of a recreation reserve gazetted as such under the Reserves Act 1977. It also included the Brook Valley Holiday Park, which had been operating as a camping ground since the mid-1920s. Management of the camping ground had been inconsistent in recent years, resulting in uncertainty for residential campers and a significant reduction in its use by casual campers. Interest was also shown in alternative uses of the Reserve, including developments for tourism, education and to better support the activities of the Brook Waimarama Sanctuary.

The draft Management Plan, issued for public consultation in June 2015, reviewed the issues affecting the use and administration of the Reserve – and there were many. The land is subject to a multitude of statutory and planning rules and regulations, and several had not been complied with.

The draft Plan also considered many potentially competing uses for the Reserve, and again there were many. The intent of the draft was to develop an approach by which all potential uses are complementary, or at least not in conflict. Consultation has identified that the Reserve can support a wide range of uses and values, if they are designed, developed and managed carefully.

Two possible Visions were proposed in the draft Plan. One included provision for a significant regional tourism and recreation hub within the Reserve (within a defined footprint), and the second provided for a lesser scale of tourism development. Under both scenarios, provision was made for a camping ground and for residential camping, both of which had wide general support (although support for residential camping was often conditional), developments to support the activities of the Brook Waimarama Sanctuary – including the Brook Conservation and Education.

Through the draft management plan consultation and hearings process, an amalgam of the two Visions was developed. This retains a focus on community recreation and conservation while allowing for camping and commercial recreation or tourism development of an appropriate scale and style.

Nelson 2060 – the city's sustainability strategy adopted in 2013 – was kept in mind as the objectives and policies of this Plan were developed. The strategy is based on extensive community input and external review and focuses on developing a healthy, prosperous and happy Nelson over the next fifty years. The strategy includes a vision for Nelson:

Nelson 2060 is an inclusive city, with a diverse range of residents who can connect easily to each other and to the beautiful place we call home. Our inclusive leadership style supports our unique approach to living, which is boldly creative, ecologically exemplary, socially balanced and economically prosperous.

This Plan supports several of the Nelson 2060 goals:

- We are all able to be involved in decisions

- Our natural environment - air, land, rivers and sea - is protected and healthy
- We are able to rapidly adapt to change
- Our economy thrives and contributes to a vibrant and sustainable Nelson
- Nelson is a centre of learning and practice in Kaitiakitanga and sustainable development
- Everyone in our community has their essential needs met

2 Reserves Management Context

Management planning enables Council to identify the desired mix of uses for each reserve or group of reserves under its control, to protect specific values, and to agree on policies which guide the day-to-day management and use of reserves.

The Reserves Act 1977 (Section 41) requires that management plans be prepared for all reserves, although it is optional for local purpose reserves. Areas that are not reserves, such as the freehold land which were considered in the draft of this Plan, can still be included in a reserve management plan. However, they need to be identified as freehold land and Council cannot be bound by the terms of the Reserves Act for them. The management plan for these areas becomes Council policy under the Local Government Act 2002 (including Section 138 which requires consultation regarding long leases or disposal of a 'park' – see Section 5.1).

The Act states that a management plan should provide for and ensure the use, enjoyment, maintenance, protection and preservation of a reserve in a way that is appropriate to its classification. This Plan envisions gazetting all freehold land, and the legal road within the Reserve, as Local Purpose Reserve (Recreation).

Management plans are prepared through a public process. Council first advertises its intention to prepare a draft plan and invites the public to provide suggestions. Council then prepares a draft management plan, taking into consideration suggestions received and other consultation and research. The draft plan is publicly notified and submissions sought from all interested parties. Council also provides an opportunity for people to speak in support of their submissions. A revised final plan is then approved by Council.

2.1 Structure of this Management Plan

This Management Plan includes the following sections:

- Section 3: Locates and describes the Reserve
- Section 4: Reviews the history of the Reserve
- Section 5: Reviews the many statutes, regulations, policies, strategies and rules which apply to use and management of the Reserve
- Section 6: Summarises the consultation that was carried out to inform the draft and final Management Plan
- Section 7: Defines the Vision and a set of objectives and policies that will help achieve the Vision for the Reserve

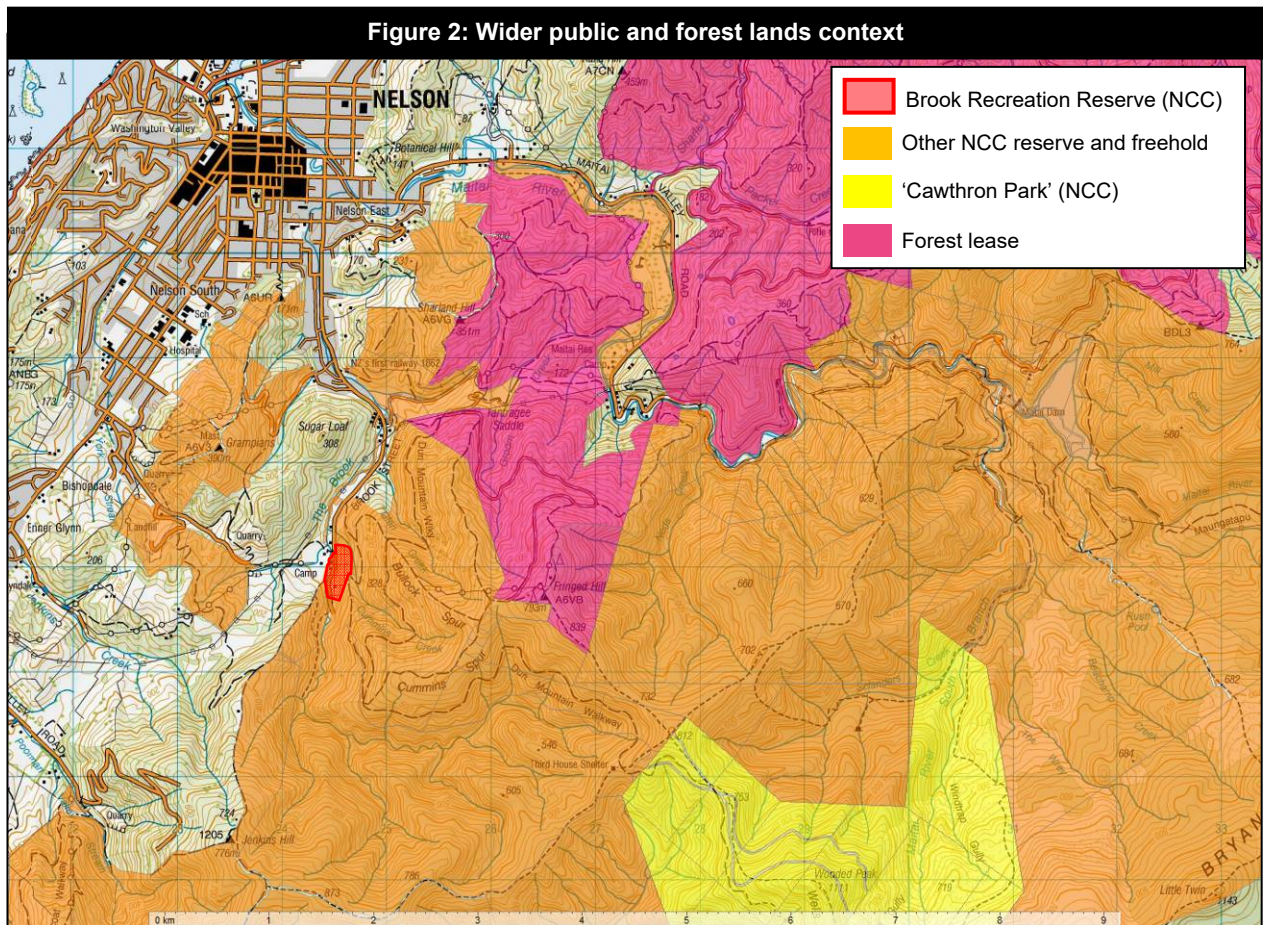
3 The Site

The Brook Recreation Reserve is located at the southern end of Brook Street at the entry to the Brook Waimarama Sanctuary. When the draft Management Plan was prepared, the site



included land classified as recreation reserve under the Reserves Act 1977, legal road and freehold land held by Nelson City Council (NCC or 'Council').

The 10.112ha Reserve is located adjacent to a much larger area of publicly-accessible land, and other land held freehold by Council, including other forms of reserve as well as landfill near Bishopdale; and forest lease where public access is based on formal agreements with leaseholders and owners. An area of more than 1000ha of land gifted to the Council in the 1860s by Thomas Cawthron is located beyond the Brook catchment in the headwaters of the South Branch of the Maitai River and the Roding River (Figure 2).



One parcel of land within the Reserve was gifted to NCC in 1911 to “be held for ever as and for Pleasure Grounds or for any other purpose of enjoyment or recreation”, and NCC freehold title at the time of the draft Plan being prepared.

The Reserve includes all land at the site zoned Open Space and Recreation under the Nelson Resource Management Plan (NRMP). This zone defines the north-eastern Reserve boundary, as well as all land areas which have been used as camping ground. The NRMP also schedules the Open Space and Recreation Zone area within the Reserve as a ‘camping ground’.

The Open Space and Recreation Zone (and the scheduled camping ground boundary) does not entirely follow land title boundaries. This means that part of the Reserve area has previously been included in Council’s existing Conservation and Landscape Reserves

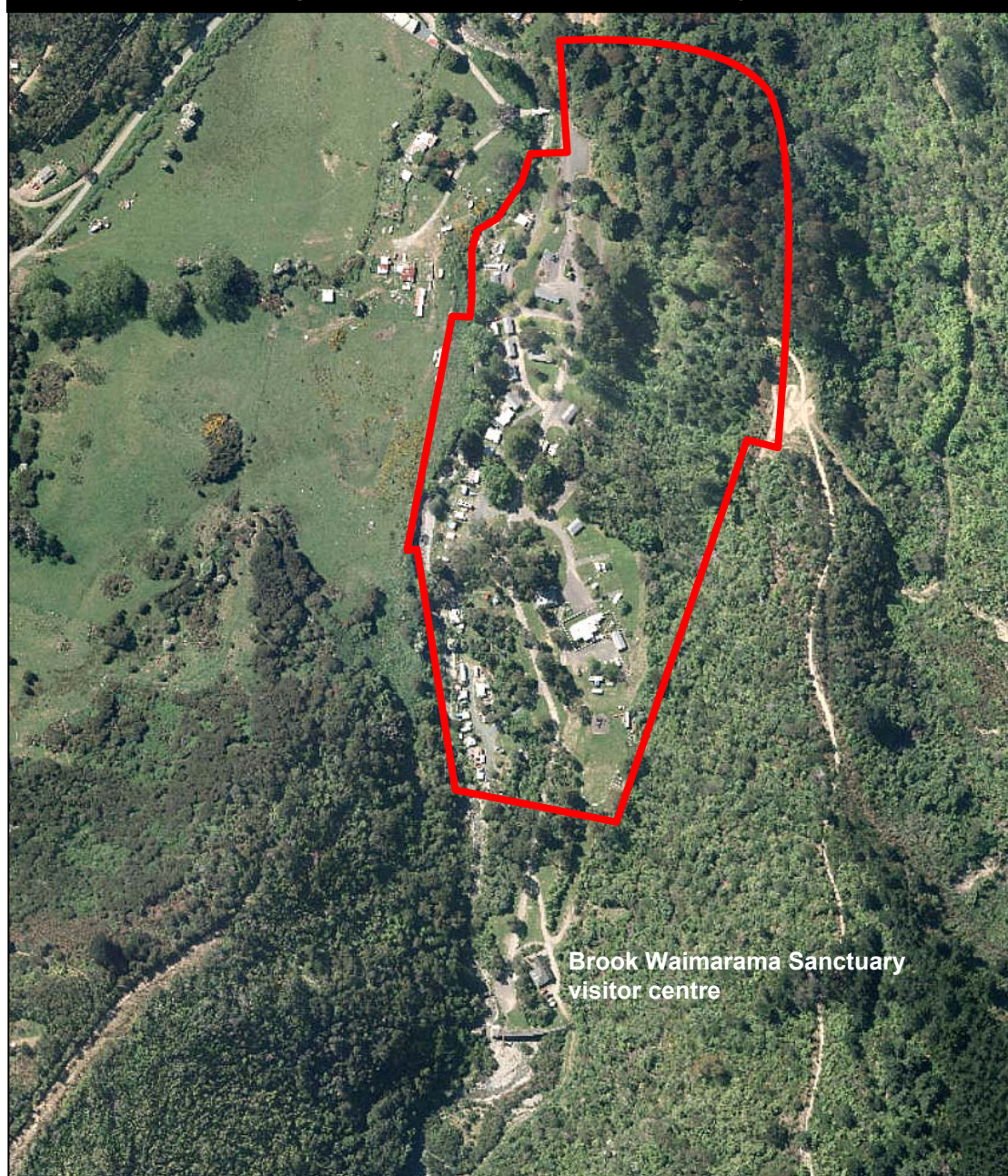
Management Plan (2009). This new Management Plan supersedes the older plan for those areas.

Some of the land on the eastern edges of the Reserve is zoned Rural, while a sliver on the western edge is within the Residential Zone. The small size of the latter area means it is insignificant for the purposes of this Plan.

A complex array of planning mechanisms therefore apply within the Reserve boundary, but the intent of the boundary definition is to:

- develop a plan which is appropriate to an area with a defined set of uses and values and which considers planning zone boundaries (to include all areas: scheduled as camping ground; zoned Open Space and Recreation; and gazetted

Figure 3: Brook Recreation Reserve boundary



as reserve outside the Brook Waimarama Sanctuary lease);

- include whole land parcels where possible; and
- appropriately direct long-term use and development of a cohesive setting.

The Brook Recreation Reserve has traditionally been used as a camping ground, with its hey-days in the 1960s and 1970s. Investment and activity in the camp ground has waned over the past decade. The main existing uses of the Reserve at the time of preparing the draft Plan were by: semi-permanent residents in relocatable homes (although several had quite fixed components) and some of whom had been in site for more than a decade; some casual commercial camping; and as an entry and utility area for the Brook Waimarama Sanctuary.

3.1 Reticulated services

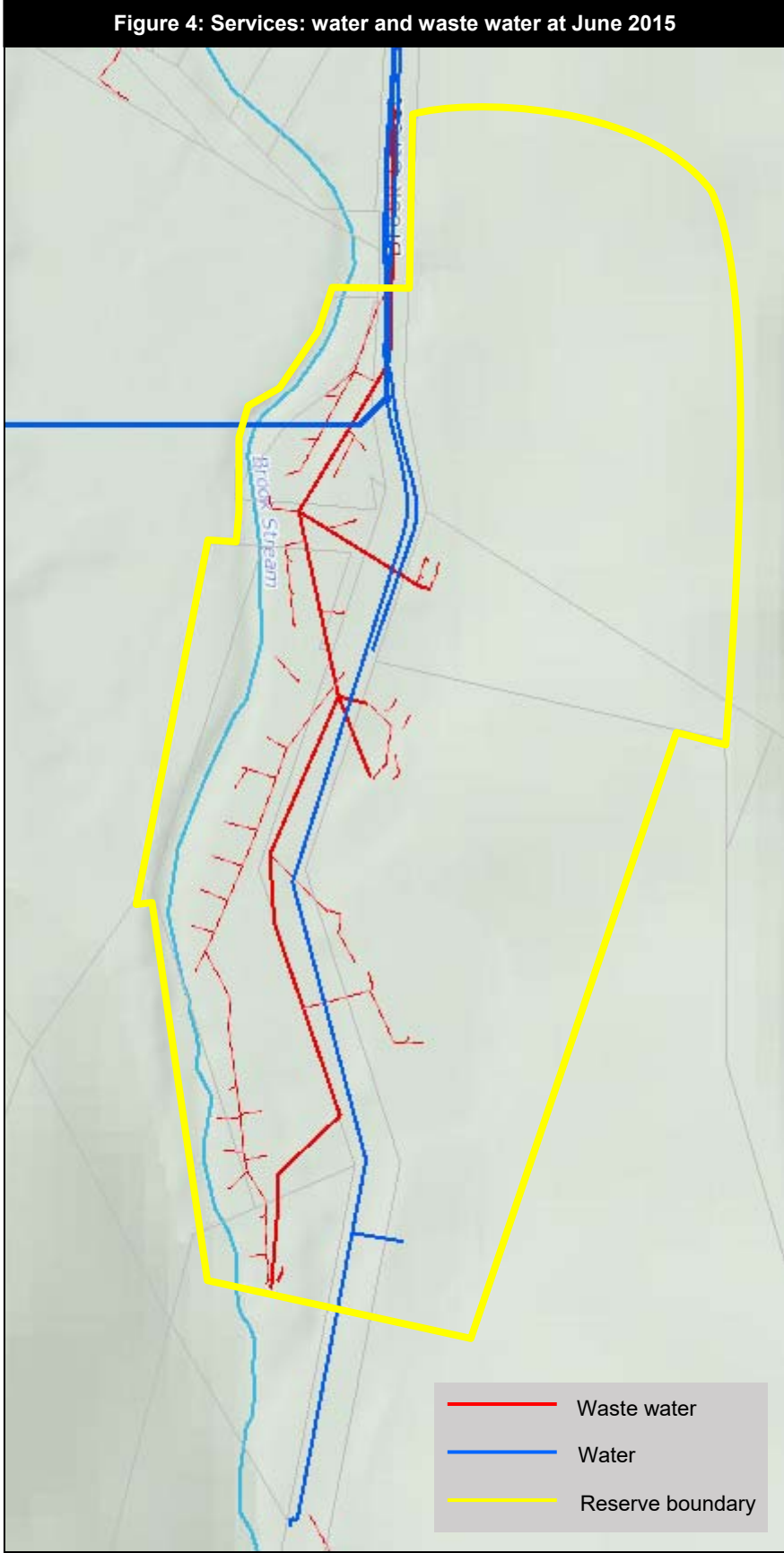
Figure 4 shows reticulated services within the Reserve. These include waste water pipes connected to gully traps. These are adjacent to the long-term camping sites west of the road and are only suitable for grey water (and not for sewage), installed around 2011. The main waste water line was connected to the camp along Brook Street in the late 1970s to replace a septic tank system which was overloaded during the peak season.¹

Waste water connections to the east of the road are only connected to buildings.

The water supply system shown in Figure 4 does not detail the water taps provided throughout the Reserve and adjacent to long-term camping sites. The only provision for stormwater within the Reserve is located at the car park on Brook Street, north-east of the camp gate.

The Reserve is serviced by public transport.

¹ Seddon Marshall, pers. comm. This inoperative septic tank might still be in place.



4 Reserve History

It is difficult to realise now, that in 1842, on one side, and for some distance up the Maitai River, and up the Brook-street stream (this last locality being then called Little Scotland) there was a dense forest of trees of large size, and considerable value. There were to be found mati, pukatere, tikotea, totara, white and red pine, several kinds of birch, and the curious milk tree², which, when tapped, yields a sap like milk, and by no means unpalatable. There is nothing left of this primeval forest now, although the locality is called "the Wood." Birds, too, were plentiful in the Wood, and afforded some sport to the settlers. The wild pigeon, the kaka, the weka, and the pukaki [pukeko?], were numerous; but have entirely disappeared before the progress of settlement, and the native rat, once so serious a nuisance, has taken to other haunts, although once or twice, of late years, we have been reminded that he is by no means extinct.

From The Jubilee History of Nelson: From 1842 to 1892 by Lowther Broad (1892)

Cindy Batt, Shanann Carr, Dawn Goodman, Bob Lynch, Seddon Marshall and Helen Pannett are acknowledged for their assistance in preparing this history.

4.1 Maori History

Much of the pre-European history of the Brook Recreation Reserve area is privy to the iwi of Te Tauihu and their descendants. This summary of Māori history is based on publicly-available information relating to the relationship of Māori to the Reserve and does not provide information specific to each iwi of the district. It has been compiled by Cindy (Te Ata) Batt.

Despite the habitat richness of its swampy and forested ecosystems, Whakatū was not a long-term habitation or cultivation site for Māori. It was, as Mitchell & Mitchell (2004)³ have noted, treasured as an extremely rich mahinga kai (food gathering area) for seasonal harvests of shellfish, fish, birds' eggs, aruhe (fern root), harakeke (flax), tutu berries and other resources.

Whakatū was also an important junction for many of the trails to and from Westland, Buller and Karamea, where resources of pounamu (greenstone), flint from Pahau (used for drilling greenstone) and kakara taramea (a sweat-scented gum made from speargrass leaves) were gathered.

Because of the strategic location of Whakatū on these trading routes, and with its abundant local food resources, the Waimea estuary and neighbouring districts were much coveted. Māori tribal history depicts many changes in the dominant iwi in the region as various tribes strove for rights.

By the early 1840s newly dominant iwi had permanent settlement sites in areas like Rangitoto, Whakapūaka, Motueka, and the Abel Tasman Coast, while continuing to use Whakatū as a seasonal resource area for fish and birds.

² Matai, pukatea, titoki, totara, kahikatea, red beech, beech and possibly turepo – either the small- or large-leaved milk tree.

³ Mitchell, H. & Mitchell, M. J. (2004) *Te Tau Ihu o Te Waka: A History of Maori of Nelson and Marlborough, Volume I: Te Tangata me te Whenua The People and the Land*. Huia Books

Evidence given by Ngāti Rārua witnesses during the Native Land Court hearing into the ownership of the Nelson and Motueka Tenth's Reserves asserted that their tribe had mahinga (food-gathering places), identified as being “at Mahitahi and other parts of the locality”. Other submitters noted that the Chief of Ngāti Tama of Wakapūaka had a take (right) to Nelson and the mahinga there.

As a result of The Treaty of Waitangi Settlement Acts (August 2014) seven of the eight iwi with an interest in the region have been given statutory acknowledgement over the Mahitahi/Maitai catchment and its tributaries, which include the Brook Stream (see Section 5.6.1). These are:

- Te Ātiawa o te-waka-ā-Māui,
- Ngāti Rārua,
- Ngāti Tama ki Te Taihu,
- Ngāti Koata,
- Rangitāne O Wairau,
- Ngāti Toa Rangatira, and
- Ngāti Kuia

In the early 1800s the forest in the Brook area was flourishing with bird life, and the rivers and streams were teeming with native species of tuna (eels), inanga, koura wai māori (freshwater crayfish) and molluscs. The creeks and river banks also provided watercress, berry fruit, flaxes and grasses. There are numerous accounts of tuna tracking overland within the Reserve area, supporting older stories of tuna heke (migration of eels) between the Mahitahi/Maitai and Brook catchments. The Reserve area remains a source of pakohe (argillite), used for making adzes and other tools, due to its proximity to the Nelson mineral belt.

Māori of earlier times were attracted to the catchments of the Brook and Mahitahi/Maitai due to the ease of seasonal resource gathering; with kai (food), plant material for building and crafts, and local minerals for tools; all regarded as taonga. It is very likely that many hāpu of the locally dominant iwi took, at the very least, temporary shelter within the area that is now the Brook Recreation Reserve.

Māori retain a unique relationship with their environment and immediate surroundings and maintain their role as ‘kaitiaki o te tai ao’ (guardians of the environment). Their knowledge of seasons and migratory patterns, celestial interpretation and depth of knowledge regarding minerals and their qualities are integrated into daily living. The maintenance and recognition of the natural and cultural resource values within the Reserve remain important iwi considerations.

4.2 European history

4.2.1 From reservoir to campground

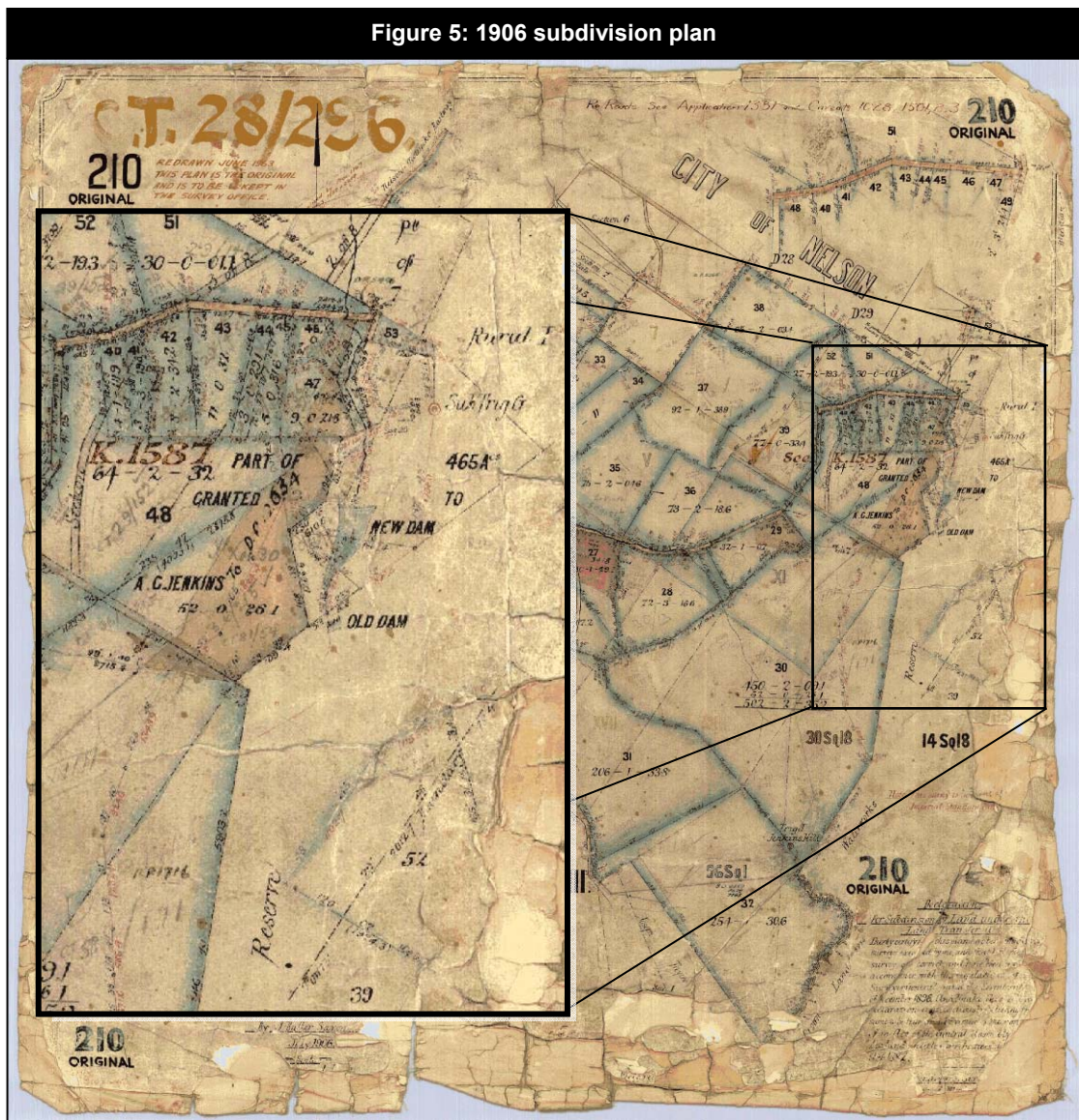
The New Zealand Government Gazette of 16 September 1865 gave notice that, under the Nelson Waste Land Act 1863, “all the Crown Land included within the watershed of the gorges of the Brook-street stream and tributaries; bounded on the south-ward by the ridges of

the hills forming the said watershed, and on all other sides by the sold lands [that is, land in private ownership]” was reserved for the purposes of the Nelson Waterworks. In 1879 the Crown vested the ownership of the ‘Waterworks Reserve’ in “the Mayor, Councillors and Burgesses of the said Borough of Nelson, in trust for the purposes aforementioned [a waterworks reserve].”

It is a little unclear as to how far north the boundary of the Waterworks Reserve extended into the existing Brook Recreation Reserve at that time.

The original Brook water supply consisted of the ‘old dam’ (or the ‘No. 1 weir’) and the ‘waterworks reservoir’ completed in 1868. The ‘old dam’ was located fully within the Waterworks Reserve but the reservoir may have been located on land purchased separately for that use. The ‘new dam’, now referred to more commonly as the Big Dam was completed in 1904.

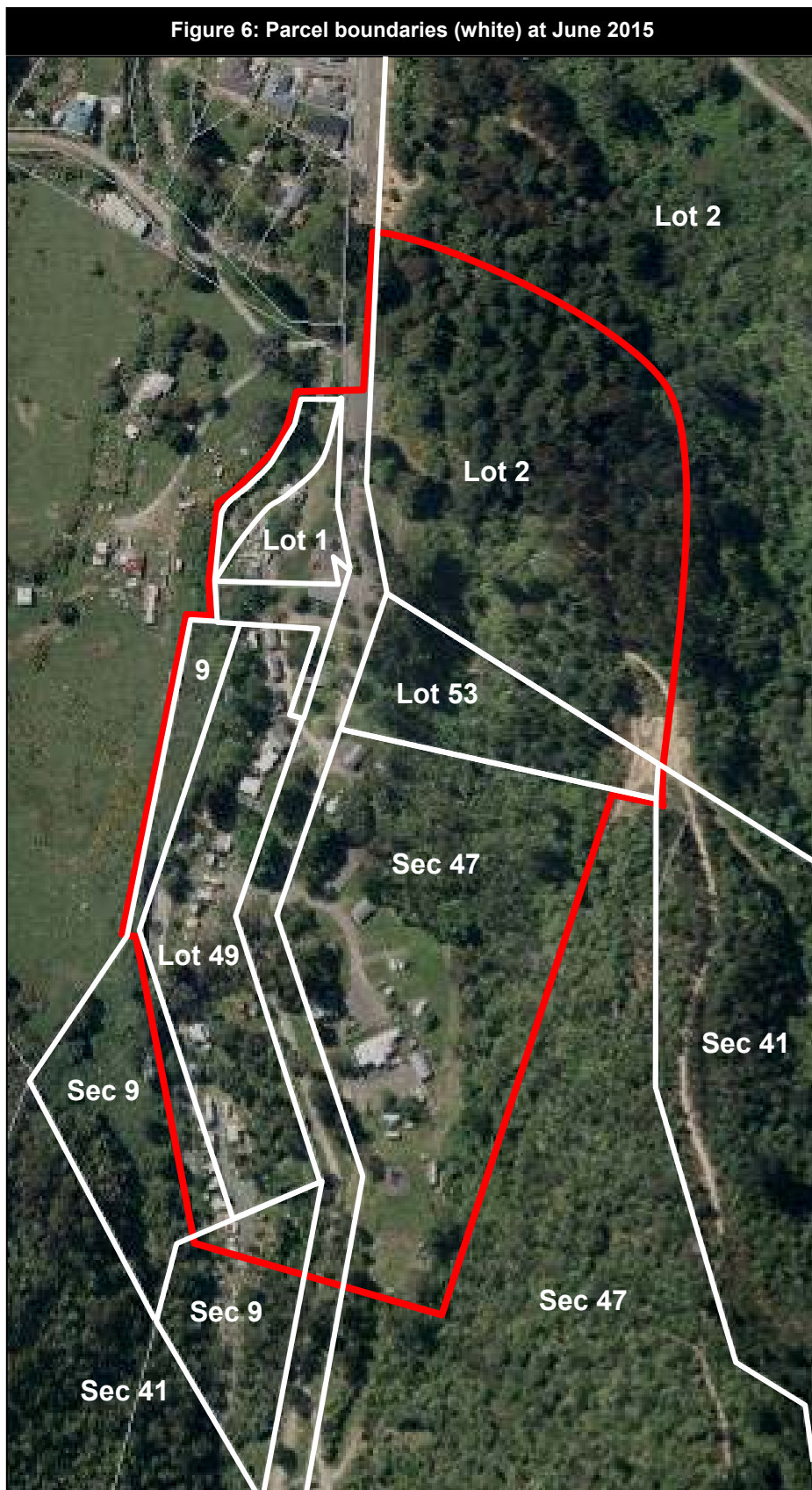
The 1906 subdivision plan for land to the west of the Waterworks Reserve shown in Figure 4 indicates the ‘old dam’ as part of the Waterworks Reserve. However, it is not clear if the site of the waterworks reservoir (now within the Brook Recreation Reserve) and the Big Dam were



part of a separate title. Either way, the Big Dam (shown as the 'new dam' in Figure 5) is shown as a surveyed land feature on the same area as the waterworks reservoir, and the site was managed as Waterworks Reserve from the 1860s. This includes the existing recreation reserve.

Council minutes reported in the *Colonist* newspaper in 1904 indicate that at least part of the Big Dam site had been acquired 'from the late Mr Jenkins' before then, and that a neighbouring land owner, Mr A. O'Brien, was concerned that, "the new dam encroached on his land and cut off his water supply."⁴ In February 1905 Council had completed "a survey of Upper Brook street, which showed that the wall of the dam encroached on private property". It was moved that the Mayor and two councillors, "be deputed to wait on Mr O'Brien to ascertain on what terms the land could be purchased, and also the piece of scrub on the western side of the dam".

"The Mayor seconded the motion, and said the map they had



⁴ *Colonist*, Volume XLVI, Issue 11008, 23 April 1904, Page 2

*and the survey did not agree. The land was not very valuable, and he suggested in Committee that they should secure the whole of the watershed. He would like the Council to agree to that course, so that the Committee would have definite instructions. According to their estimate they would need 32 acres. Cr Hounsell thought the reserve should be fenced on both sides. The Town Clerk's name was added to the Committee, and as amended the motion was carried.*⁵

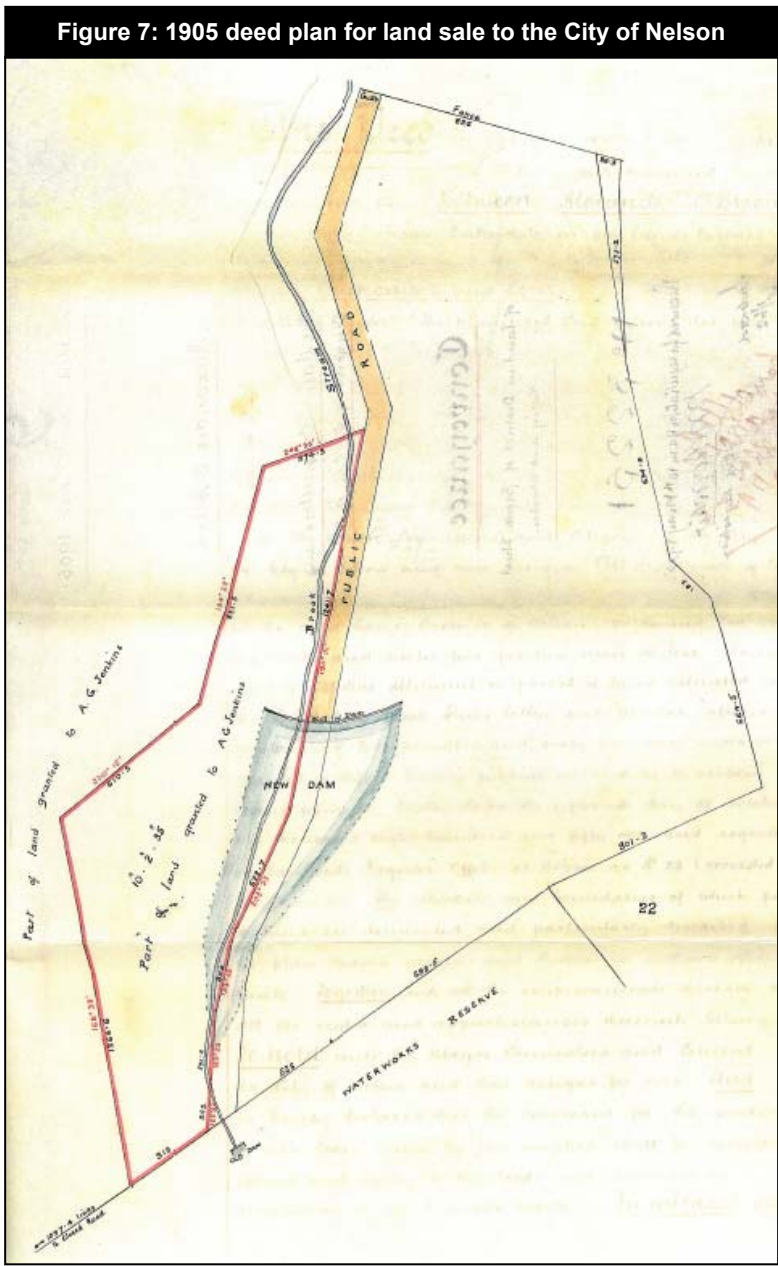
At the following Council meeting it was reported that the Committee had met with Mr O'Brien and "obtained an offer in writing from him, which they submit."⁶

A deed held by the Nelson Provincial Museum dated 6 May 1905 shows that Alexander O'Brien sold – for 107 pounds, 3 shillings and 9 pence – to Nelson City Council a parcel of 10 acres, 2 roods and 35 perches which makes up, more or less, the western side of the Brook Stream from just below the 'old dam' (Figure 7). The northern end of this parcel is the trapezoid-shaped part of Section 9 in Figure 6.

The existing title for Lot 53 within the Reserve (the parcel immediately north of the recreation reserve, see Figure 6) on the east of the Brook Stream shows a large part of the 465 acres originally granted to A.G. Jenkins was surveyed for subdivision for 'Messrs Fell, Jackson & Rout' in 1906. This included Lot 53 and much of the land to the west of the road through the Reserve.

In 1931 the Council purchased Lot 53 from Ellen Florence Smith.⁷

In the early 1910s proposals were in place to secure the large area from the Newport



⁵ Colonist, Volume XLVII, Issue 11255, 11 February 1905, Page 2

⁶ Colonist, Volume XLVII, Issue 11266, 25 February 1905, Page 2

⁷ File G10-03

Estate as part of the Waterworks Reserve, with a loan raised to enable its purchase. This lot was described as along the northern boundary of the Waterworks Reserve in 1911.⁸ Lot 2 in Figure 6 was acquired by NCC from William Andrews in the 1930s, and this may have been the same area.⁹

The small parcel of Lot 1 immediately west of Lot 2 was purchased from Roy Simpson in 1957. A small parcel to the west is riverbed and has no title. Section 9 south of Lot 1 appears to have been acquired by Council as part of stopping the road access heading west as shown in Figure 5.

Lot 49, south again, was gifted to NCC in 1911 by Charles Fell, William Rout and Ralph Jackson. The Memorandum of Transfer states that the piece of land “be held for ever as and for Pleasure Grounds or for any other purpose of enjoyment or recreation”.¹⁰ All three men were active members and patrons of the Nelson Beautifying Society in the early 1900s.¹¹ Council minutes recorded in the Nelson Evening Mail state:

From Messrs Fell and Atkinson, stating that when Messrs Fell, Jackson and Rout laid off the Enner Glynn property they reserved from sale a plot of land

Figure 8: Brook Street Reservoir and Cottage 1902-1908



Kerr Collection/Nelson Provincial Museum Permanent Collection
A630 317298

⁸ Nelson Evening Mail, Volume XLVI, 27 May 1911, Page 8

⁹ File G10-03

¹⁰ NL T 11452. NCC recall file F5000000501601. A legal opinion was sought by NCC in 2015 as to the enduring effect of this gift.

¹¹ Nelson Evening Mail, Volume XLVII, 18 April 1912, Page 2

containing three or more acres situated on the Brook stream, just below the Corporation water works reserve and extending from near the big dam to some distance below the iron gate. The owners now desired to offer the land to the public as a reserve if the Council would undertake the care of it, subject to the condition that it should be held for ever as a public recreation reserve. The letter was referred to the Works Committee to frame a reply, expressing the Council's appreciation of the gift.¹²

The existing certificate of title for Lot 49 has no reference to reserve status of the land, and a search of the NZ Gazette has revealed no formal protection of the land beyond its freehold condition. Nonetheless, the intentions of the Memorandum of Transfer remain.

In 1914 the Council's Finance Committee was instructed to 'proceed with the transfer from Mrs Blick of five acres of land' adjoining that 'recently acquired' as Waterworks Reserve.¹³ It is not clear where this land was, but more recent property titles show a variety of older boundaries which have changed over time.

In the same year the City Engineer provided a 'comprehensive report' to Council on its 'places of public recreation'. Of the Waterworks Reserve he stated:¹⁴

The Council visited this within the week, and those members who went there saw what has been done,

Figure 9: Big Dam and reservoir, mid to late 1900s



Nelson Photo News, May 26 1962. "From the extensive files of Mr Fred Jones we print pix of Nelson in earlier years"... "The Brook Street reservoir shortly after completion. The old reservoir can be seen in background."

¹² Colonist, Volume LIII, Issue 13165, 22 July 1911, Page 4

¹³ Nelson Evening Mail, Volume XLVIII, 23 May 1914, Page 3, Nelson Evening Mail, Volume XLVIII, 20 December 1913, Page 3

¹⁴ Nelson Evening Mail, Volume XLVIII, 20 June 1914, Page 7

and, I understand, approve the work. This ground, of course, is under the strict control of the Council, and open only to permitted visitors. The caretaker has authority to show people over the works, and to permit adults and others in charge of a responsible person to visit as far as the upper weir [the No. 2 weir, above the 'old dam']. In my opinion, it would be extremely ill-advised to make the ground above the big dam too free, and certainly no one should be allowed there without the knowledge of the caretaker. If permits are to be required, the Engineer, as the officer responsible for the water supply, is the proper person to grant or arrange for them. There is no reason why the ground below the big dam, especially as a great part of it happens to be a public road, should not be perfectly open to anyone who chooses to make use of it. The previous Council were of the opinion that it should be made known as a place available for picnics.

Council meeting minutes first show a mention of the proposal for a camp at the Brook in early December 1926 when the City Engineer was asked to report on what would be required to establish camping sites for motorists at a site near the reservoir. Later that month a site visit by councillors was arranged. By the end of the month Councillor Gibbs formally proposed that that a site at the northern end of the Waterworks Reserve inside the gate be set apart as a camping place, that some sanitary conveniences and fireplaces be provided, and that the charge be two shillings per night or ten shillings per week for each car; and that the caretaker of the Waterworks Reservoir was instructed to collect the fees in advance and erect notice boards warning against damaging or interfering with the trees. Councillor Plum seconded the motion.

Figure 10: The Brook Street Reservoir in about the 1920s



C.W. Bell records in his history of the second 50 years of NCC¹⁵ that, the following year, surprise was expressed that though the camp had been developed as instructed, “motorists were not using it but were camping elsewhere. It was decided to publicise the facility.”

The land title which contained the reservoir (Section 47 Brook Street and Maitai District) was gazetted under the Reserves Act, after having been created as a separate title in 1978 from Sections 9 and 41 Brook Street and Maitai District.¹⁶ The recreation reserve was classified by the Minister of Lands in January 1979, subject to the provisions of the Reserves Act, and was then vested by the Minister of Lands in the Nelson City Council in trust for a reserve for recreation purposes in December 1979. There were no terms and conditions associated with this vesting.

At this time the Big Dam was lowered for the second time for safety reasons – having filled with shingle after a major flood in 1970 and continuing problems with leaks and cracks. Council records indicate that Council was reviewing the future of the camp over the same period, with a proposal by the managers of the Tahunanui Beach Camp to adopt management of the Brook and Maitai campgrounds. At that stage, the Brook camp was still managed by the caretaker of the Waterworks Reserve.

The more southern Section 9 and the two Sections marked as 41 in Figure 5 share the same title (NL69/288) although they are not all connected, having been separated by the subdivision of Section 47 (the recreation reserve). The northern Section 9 and Section 41 also share the same title (NL81/54). These represent the old boundaries shown in Figure 5 from 1906.

By the 1960s and 1970s the campground was in full flight, and summer camping space was at a premium. In the early 1970s, the Nelson Polytechnic (now the Nelson Marlborough Institute of Technology (NMIT)) built several of the existing cabins as part of their ‘building department apprentice training’ for NCC.¹⁷

Figure 11: ‘Reservoir camp’ 1961



Nelson Photo News, February 4, 1961. “There was little space for play at the reservoir camp. The council could well consider acquiring additional land here for this purpose.”

¹⁵ Bell, C.W. (1978). *Unfinished business: The second fifty years of the Nelson City Council*. Nelson, N.Z. Nelson City Council.

¹⁶ S.O. 12445. This title indicates that there were several older parcel boundaries in the Reserve that have been modified and / or amalgamated over time.

¹⁷ File G10-03

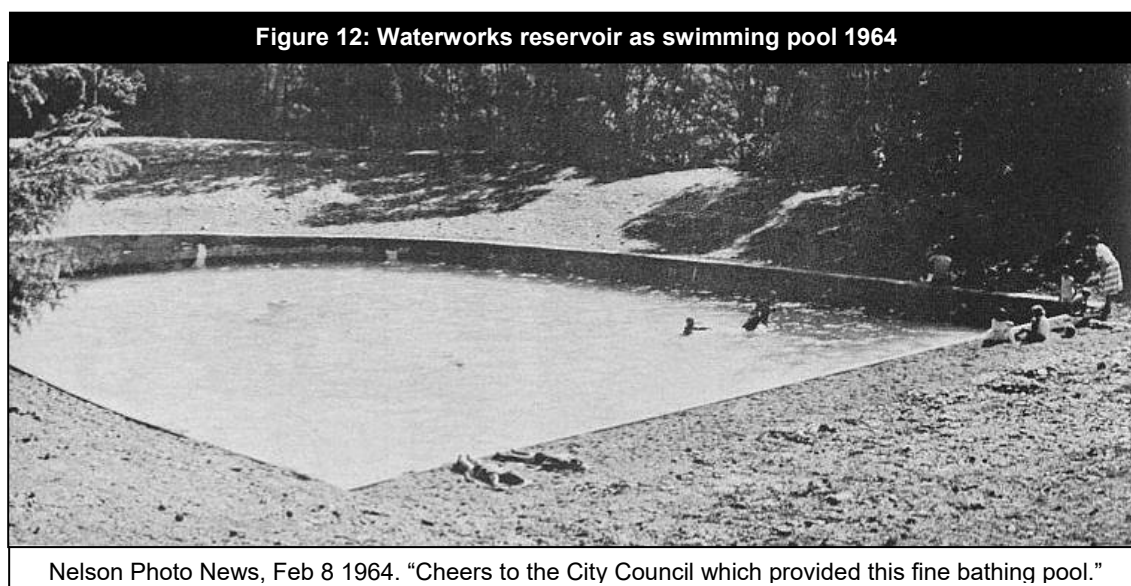
In the 1980s the campground was leased to the Tahuna Beach Holiday Park, and for 21 years the site was managed by Harold and Diane Gibson. During this time, allowance was made by those managers for semi-permanent accommodation, although there was no Council policy regarding this. The number of semi-permanent occupants peaked in 2014 with 54 residents, occupying approximately 54% of the 100 marked camping sites (down to 25 by early 2015).¹⁸

Two City Engineer's reports in 1976 reviewed options "on making the Brook Camp a caravan park in the future". The Engineer recommended against the camp being "developed solely as a caravan park" due to a lack of space ("tents can utilise odd spaces and bushed areas inaccessible to caravans"), a concern that trees might need to be removed, a need for additional roading, and that facilities would only be used in peak periods. At the time the camping ground had 30 power points, and the cost of adding more was considered prohibitive. In 1980 a trial of storing caravans during the off-season on site at \$2 per week was recommended by a Council subcommittee.¹⁹

A filed newspaper article on 1 May 1982, probably the Nelson Mail, noted that there was a 'desperate shortage' of rental accommodation in Nelson and that 'more people than ever before' had sought 'semi-permanent' residence in motor camps:

At the Brook Reservoir Motor Camp 17 of the 26 cabins are occupied by 'permanents,' according to co-caretaker Mrs Marjon Burridge. There are permanents occupying 25 caravans at the camp and some people are living on a long-term basis in tents, she said. The groups include families with school age children and others with tiny tots. But space at the camp is limited and last week Mrs Burridge had to turn away seven caravans. "What the Minister of housing says (about the housing shortage) is a lot of hoo," she said.²⁰

The swimming pool, based within the historic waterworks reservoir (Figure 12), was closed in



¹⁸ The lease to the Brook Waimarama Sanctuary included an area previously used for camping with a reduction in the number of sites available. The current count is approximately 100 sites.

¹⁹ File G10-03

²⁰ File G10-03

the late 1990s, at which time it was leaking badly.

In 2010 the lease to Tahuna Beach Holiday Park expired and an extra five year lease was sought; but due to uncertainty over the future of the site – considering a decline in patronage, aging camp infrastructure, and the adjacent development of the Brook Waimarama Sanctuary – only a one year lease was agreed, and NCC took over day-to-day management of the camp in the 2010/11 financial year. Little investment in, or promotion of, the campground has since been undertaken, pending a decision on the preferred uses of the area.

Existing heritage assets within the Reserve, in addition to those associated with the waterworks, include the 1964 memorial to Charles Kidson, NCC City Engineer from 1939 until his retirement in 1962. He also died in that year. His memorial wall immediately to the south of the old reservoir contains samples of 26 different types of rock found in the Nelson District. Numerous native trees were also planted within the Reserve as part of the memorial.

A trout hatchling rearing facility was reported anecdotally as having been established by the local acclimatisation society in the late 1800s at the south-west corner of the Reserve. Two large depressions are still evident beside the Fantail Glades, where there is a small causeway. No written information about this activity was located during the preparation of the draft or final Plan, but much reference is available about the trout hatchery in Albion Square.

4.2.2 1993 Draft Management Plan

A draft management plan for the 'Brook Reservoir Motorcamp' was prepared by NCC in 1993 as part of an omnibus management plan for the then NCC Parks and Recreation Division.²¹ The relevant six-page chapter applied to a similar land area considered by this Management Plan, but with the 'primary objective' of managing flooding and erosion threats posed by the Brook Stream. The 1993 draft plan allowed for:

- Free public access for general outdoor recreation with an allowance for temporary closures for some areas for parks maintenance, safety or river control work.
- Camping, 'at a charge', with the permission of the lessee (Tahuna Beach Camp Inc.).
- River stabilisation, with "river control measures [taking] precedence over other management and development decisions." The comment was included that, "River stabilisation should be by the planting of mat rooted vegetation on the river banks."
- Flood mitigation, with "all development of the park [to] be located or designed with due attention to the high risk of flooding."
- The maintenance of existing vegetation "in good condition" but that it "may be removed only for reasons of safety or good management." New planting was expected to continue with "an emphasis on the planting of native species to complement the overall character of the area."
- Buildings and other structures to improve the quality of the camping ground, sized and designed to suit the "rural character of the camp".

²¹ File G07-04

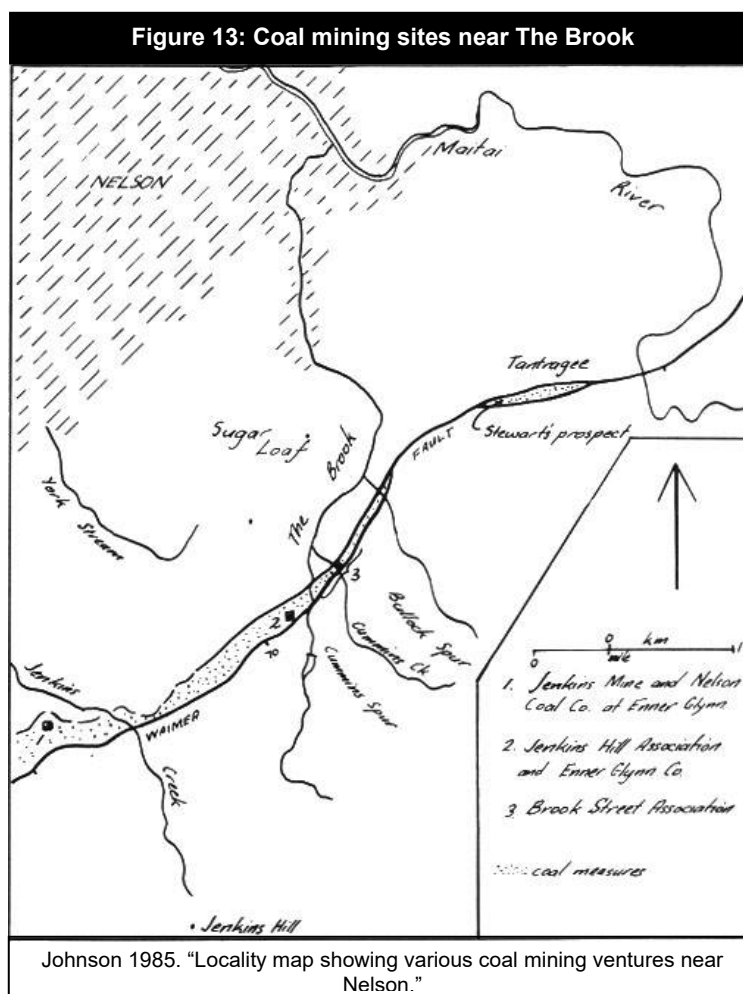
- Motor vehicles on formed roadways and with access to camp sites, at a restricted (but not defined) speed.
- Fires in barbecue pits only, with fire restrictions during dry periods.
- A minimum of fences and barriers so as to maintain the “open character of the park”.
- A minimum of signs grouped to reduce “visual disruption and the risk of vandalism”.
- Undergrounding of new electricity and telephone wires where possible.
- No dogs or horses.

There is no record of a final version of that draft management plan having been adopted.

4.2.3 Mining in the Brook Valley

Coal mining endeavours in and around the Brook Valley are reviewed by M. R. Johnston in his 1980 history of the activity in Nelson City.²² Coal was known in the Brook Valley at least as early as 1853. During 1858 Alfred George Jenkins opened up a coal prospect on his property called Enner Glynn. In 1894, the Brook Street Coal Prospecting Association prospected the east side of The Brook, and about 2.7 tonnes of hard, good quality coal was extracted. Unstable ground and a shortage of capital to develop the mine shafts saw this venture fail.

The Jenkins Hill Prospecting Association was also established in 1894 and found a vertical seam of coal, which reached a thickness of 37.8 metres in places on the west side of ‘The Brook’. The mine eventually produced 1337 tonnes of coal but lack of capital and a fire at the mine eventually saw the mine sold in 1895 and no further coal mining was done. Coal was also extracted from shafts sunk in and around Cummins and Bullock Spurs, north of the Reserve. None of these



²² M. R. Johnson. 1985. Coal Mining Near Nelson City in: *Journal of the Nelson and Marlborough Historical Societies*, Volume 1, Issue 5, October 1985. Nelson Historical Society (Inc.), Nelson

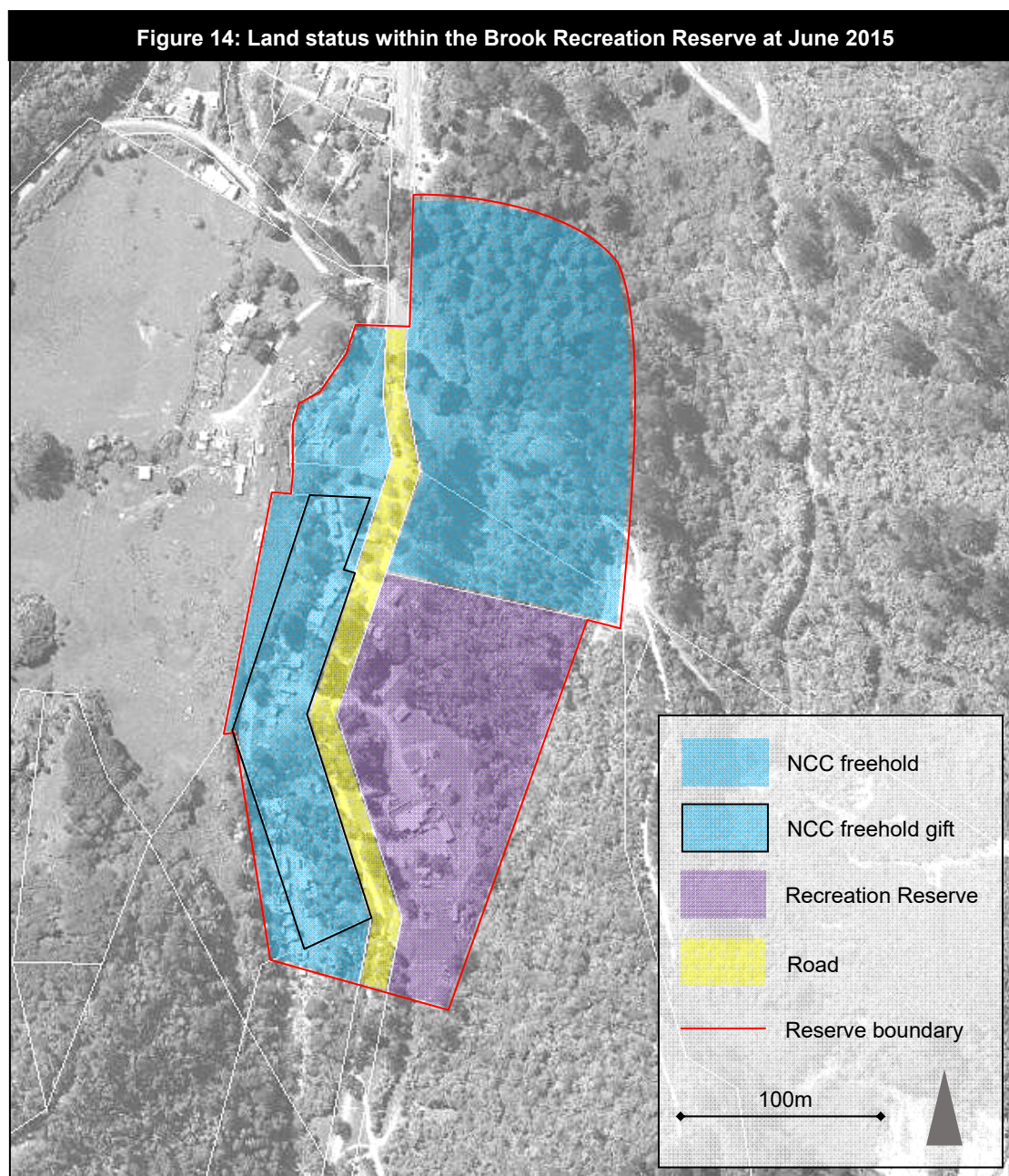
activities appear to have taken place within the Reserve itself, but were certainly nearby.

Similarly, mining for chromite and copper by the Dun Mountain Company in the 1850s started north of the Reserve and continued until 1872. The legacy of this activity is the Dun Mountain Trail and other historic artefacts such as Dun Mountain Company Lime Kiln near Wooded Peak. Again, no relevant assets are located in the Reserve.

4.3 Land status at June 2015

The Brook Recreation Reserve was made up of land with three different legal status (Figure 14) when the draft Plan was prepared:

- Recreation Reserve, administered by NCC under the Reserves Act 1977 (approximately 25,600 m²);
- Land held freehold by NCC and administered under, primarily, the Local Government Act 2002 (approximately 57,600 m²), including 11,730 m² gifted to



NCC and according to the Deed of Transfer to “be held for ever as and for Pleasure Grounds or for any other purpose of enjoyment or recreation” (see Section 4.2.1). This condition endures regardless of the status of the land under other legislation, such as gazettal under the Reserves Act;

- Legal road, administered by the Minister of Transport and NCC according to the Land Transport Act 1998 (approximately 8,580 m²). This Management Plan proposes closing this road, in which case its administration would pass to NCC as reserve.

Title references for the areas included in the draft Management Plan, and the status of the land at the time of adoption of this final Plan, are listed in Appendix 1. This Plan applies to the latter list.

5 Statutory and other obligations for reserve management

5.1 Reserves Act 1977

The draft Management Plan considered gazetting the Brook Recreation Reserve as a recreation reserve under the Reserves Act. Through the consultation process it became clear that this status would not allow the use of the Reserve to support activities carried out partly or primarily on land outside the Reserve (such as the activities of the Brook Waimarama Sanctuary and other several activities proposed by submitters). Consequently, and after discussions with the Department of Conservation (and in accord with their submission on the draft Plan), it was concluded by the hearing panel that the status of Local Purpose Reserve (Recreation) would be more appropriate. This allows for more flexibility in supporting activities on neighbouring land (in accord with this Management Plan), while retaining the original planned primary purpose for the Reserve as defined by the Reserves Act and considered through consultation (recreation). This section of the Plan therefore refers to the legal status of local purpose reserve as defined by the Reserves Act; but by defining the primary purpose as 'recreation' also refers to the high-level directives for administering a recreation reserve under the Act. This ensures that the expectations of submitters on the draft Plan are honoured and the Plan is workable.

Section 23(1) of the Reserves Act defines the primary purposes of local purpose reserves:

- in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.

The specified purpose of the Brook Recreation Reserve is 'recreation', and this purpose is read from Section 17(1) of the Act:

- 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.

The Act requires, in relation to local purpose reserves, that (23):

- where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve: provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014;
- to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained. and
- where a local purpose reserve is vested in a local authority or where the administering body is a local authority, it may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case

no person shall enter the reserve or, as the case may be, that part, except under the authority of a permit issued by the local authority.

This has very little difference to the purposes of a recreation reserve, and it is worth noting that provisions for public access under a recreation reserve classification are effectively the same considering the requirements of this Management Plan (Reserves Act Sec 17):

- The public has freedom of entry and access, unless all or parts of the reserve are set aside for specific uses via a lease or other management arrangements considered necessary by the administering authority.

In June 2013 the Minister of Conservation delegated authority to local government to approve leases, management plans and other uses of reserves, where the activity is consistent with the purposes of the reserve and other requirements of the Reserves Act, including consultation processes. This places Council in the dual position of being both the administering authority of the reserve, as well as the delegate of the Minister for authorising reserve uses under the Reserves Act. Council must separate its reserve management planning, administration and development roles from those of decision-maker under that delegation.

5.1.1 Reserve management plans

Section 41 of the Reserves Act states that a management plan for a local purpose reserve is optional. Council considers it essential that a management plan is in place for Brook Recreation Reserve and this Management Plan will therefore be pursued regardless of the Reserve's classification.

Management plans identify the objectives of reserve management, define which activities can be carried out on the reserve as of right, activities for which approval is required and activities which are prohibited.

The purpose of a reserve management plan is to 'provide for and ensure the use, enjoyment, maintenance, protection, and preservation of the reserve, 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' (41(3)). The administering body of a reserve must 'comply with the management plan for the reserve and any amendment thereof', 'in the exercise of its functions'. (41(11)). The process of preparing a management plan under the Act is described in Section 2 of this document.

5.1.2 Leases on reserves

Council has the ability to lease all or parts of a local purpose reserve, pursuant to Section 61 of the Reserves Act, for a wide variety of activities, so long as they give effect to the purpose of the reserve as defined in Section 23 of the Act (summarised above). Section 61 also defines Council as a 'leasing authority' under the Public Bodies Leases Act 1969 for a local purpose reserve that it administers. This controls Council's ability to consider and agree to lease agreements, but provides for a wide range of leasing options (so long as they support the purpose of the reserve, and in this case, the directives of this Management Plan.

This includes the ability to (61(2A)): "lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

- a. community building, playcentre, kindergarten, plunket room, or other like purposes:
- b. farming, grazing, cultivation, cropping, or other like purposes.”

As stated above, in 2013 the Minister of Conservation delegated authority to local government to approve leases and other uses of reserves, where the activity is consistent with the purposes of the reserve and other requirements of the Reserves Act. Administering bodies for reserves, other than local government, require approval from Council for leases, but are not required to publicly notify the application if it is in accord with a reserve management plan or resource consent (54(2A)).

5.1.3 Accommodation on reserves

Section 44 of the Reserves Act defines unauthorised uses of reserves in relation to temporary or permanent occupation. This describes the requirement for authorisation by Council²³ for the use of a reserve ‘for purposes of personal accommodation, of any reserve or any building, vehicle, boat, caravan, tent, or structure situate on any reserve’ (44(1)).²⁴ Section 44(2) notes that, without authorisation, ‘the owner of any vehicle, caravan, tent, or removable structure shall not permit it to remain on a reserve for a total period of more than 4 weeks during the period commencing on 1 November in any year and ending with 31 March’.

5.1.4 Reserves Act bylaws

Council may make bylaws for reserve land under its control under Section 106 of the Reserves Act. This allows, for example, the ability to ensure compliance with specific elements of a management plan via prosecution. These bylaws must be approved by the Minister of Conservation (108). This authorisation has not been delegated to local government. The Council has not prepared any bylaws under the Reserves Act but applies the reserve bylaw provisions in the Urban Environments Bylaw 2015, prepared under the Local Government Act 2002, to all its defined reserves (see Section 5.2.1).

5.2 Local Government Act 2002

When the draft Plan was prepared, almost two thirds of the Brook Recreation Reserve was freehold land held by NCC and administered according to, primarily, the Local Government Act 2002, and other legislation which applies to specific activities (such as those discussed in other parts of this section). The Local Government Act also has bearing on how Council manages gazetted reserve land under the Reserves Act.

The purpose of the Local Government Act is to (Section 3) is to:

- state the purpose of local government;
- provide a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them;
- promote the accountability of local authorities to their communities;

²³ Prior to June 2013, authorisation was required by the Minister of Conservation

²⁴ Section 44 (1) provides allowance for accommodation via, “(d) in a government purpose reserve or local purpose reserve, where living or sleeping accommodation is necessary because of the purposes specified in the classification of the reserve; or (e) in areas defined on management plans prepared under section 41 and for the time being in force.”

- provide for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.

The purpose of local government is described as (Section 10):

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

This Management Plan provides a mechanism for Council to help fulfil its obligations under the Act by: supporting a consultation process appropriate to the requirements of the Act; and clearly specifying Council's and the community's preferences for the management of the Brook Recreation Reserve.

5.2.1 Local Government Act bylaws

Council may make bylaws under sections 145, 146 and 149 of the Local Government Act. Bylaws assist Council's management of activities on, for example, reserves, so that they can be used for their intended purpose without exposing the community to hazard, nuisance or activities that may adversely affect people's health, safety or wellbeing. Section 155 of the Act requires that a local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

Nelson City Council *Urban Environments Bylaw 2015* defines a reserve as: "Any land which is owned by or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden or open space. It does not include road reserve." It was prepared in accordance with section 145 of the Local Government Act 2002 (not the Reserves Act) and is not confined in scope to gazetted reserves. The reserve bylaw provisions in part seven of the *Urban Environments Bylaw* control motor vehicle activity, golf, public access and gates. They also require a permit to be granted for a number of activities such as chainsaw use, taking of rocks and minerals, killing of animals including pest animals, and planting, spraying or removal of vegetation. Exemptions apply for authorised officers carrying out activities in reserves; and nothing in the reserves provisions in the bylaw prevent Iwi from carrying out activities in reserves which are provided for in any legislation which enacts Deeds of Settlement between Iwi and the Crown.

Other bylaws, including other bylaw provisions in the *Urban Environments Bylaw*, such as Part Six - Control of Alcohol in Public Places, are also relevant to this Management Plan.

5.2.2 Roads and the Local Government Act 1974

Section 319 of the Local Government Act (1974 – some parts of which remain in effect) gives councils a range of general powers over the construction, repair, development and modification of roads. Sections 319 and 342 of this Act allow councils to permanently stop or temporarily close a road, so long as a prescribed process is followed, as set out in Schedule 10 of the Act. This Management Plan applies to land which was once a road (Figure 14), but at adoption is gazetted reserve land, and Section 310 of the Act no longer applies.

5.2.3 Nelson City Council Parks and Reserves and Community Facilities Activity Management Plans 2012-2022

Activity management plans provide base information for the preparation of Council's Long Term Plan and Annual Plan – which are reporting requirements under the Local Government Act 2002 – as well as to assist in the general management of specific groups of assets and services. Both Activity Management Plans reviewed here are pending adoption by Council.

The purpose of the *Parks and Reserves Activity Management Plan 2012-2022* is to guide and direct NCC in its provision and management of parks and reserves assets and activities to achieve the following objectives (p7):

- To provide open space for the city at a level and quality which meets the needs of the community (by identifying agreed levels of service for parks assets and services),
- To provide parks and reserves in the most cost effective manner and to ensure standards of provision are sustainable over time,
- To assist council in achieving its community outcomes.

The purpose of the *Community Facilities Activity Management Plan 2012-2022* is to guide NCC in its provision and management of community facilities to achieve the following objectives (p9):

- To provide community facilities for the city at a level and of a quality which meets the needs of the community,
- To provide community facilities in the most cost effective manner and to ensure standards of provision are sustainable over time,
- To assist Council in achieving its community outcomes.

'Future work and development projects' for walking and cycling have been identified in the Parks and Reserves Activity Management Plan, as a 'medium' priority (p21): "Further develop 2 hubs for mountain biking in the Brook Valley and Marsden Valley and provide a range of options in those locations." This Activity Management Plan also identifies continuing investment in riparian planting in the Brook Valley (p75).

This Management Plan provides a framework for future revision of the two Activity Management Plans.

5.3 Camping-Grounds Regulations 1985

The Camping-Grounds Regulations 1985 is a legislative instrument to manage the use of camping grounds and to ensure compliance with the Health (Registration of Premises) Regulations 1966, and were prepared to comply with section 120B of the Health Act 1956. The Camping-Grounds Regulations require that any area used as a camping ground must have a certificate of registration issued by the relevant local authority (Nelson City Council in this case), and must comply with a number of level-of-service and supply standards (for example, the quality and quantity of toilets and kitchens, and the frequency of cleaning, and emptying of rubbish bins).

The Brook camping ground is registered under the Regulations, as is required, but did not comply when the draft Plan was prepared. The Regulations limit the use of camping grounds

to 'temporary living places', as well as 'relocatable homes' within a defined 'relocatable home park'. A relocatable home park must be defined on the camping ground camp plan (part of the registration certificate). The relocatable homes must be within that area, completely separated from camp sites, and 'serviced with reticulated sewerage, storm water drainage, and a reticulated water supply' (11(4)). Otherwise, all accommodation within a campground is limited to 'temporary living places', which are 'a cabin, caravan, vehicle, tent, or other building or structure intended for human habitation for periods not exceeding 50 days in any continuous term of occupancy' (2). There was no provision in the Brook camping ground registration for a 'relocatable home park' and therefore all visitor occupation should have been limited to the maximum of 50 days.

However, existing residential campers within the Reserve were provided with individual grey-water gully traps, water connections (via taps) and had minimal requirements for the management of stormwater. Some areas, such as Fantail Glade, are effectively visually separated from the campground generally, and are provided with communal toilets and showers. As NCC is the approval agency for the Camping-Ground Regulations, it is a local decision as to whether this level of service meets the requirements of a 'relocatable home park'.

5.4 Building Act 2004

The Building Act 2004 applies to 'temporary or permanent movable structures' (8(1)(a)) and requires adherence to defined construction standards. The Act does not apply to a 'vehicle', as defined in section 2 of the Land Transport Act 1998, being 'a contrivance equipped with wheels ...on which it moves or is moved'. The distinction between these two devices (a moveable structure and a vehicle) and the concept of occupation has been tested in law, and the Ministry of Business Innovation and Employment offers the following distinction:

- *a vehicle such as a caravan can properly be described as 'immovable' if it is either:*
 - *no longer supported solely by its wheels, or*
 - *attached to the ground or to utility services and the like.*
- *permanent occupancy is when there is an intention that the occupancy will be for an indefinite period, which could in the event be comparatively short.*
- *long-term occupancy is when the occupancy will be for a definite period that can properly be described as 'long' in the particular circumstances.²⁵*

This implies that all forms of accommodation relied on by residential campers at the Reserve would normally be subject to compliance with the Building Act. However, the Camping-Grounds Regulations 1985 notes that while "the owner of a relocatable home situated in a relocatable home park shall ensure that it complies with the requirements of the Building Regulations 1992" (regulation 13), the local authority can issue a certificate of exemption under the Regulations:

14 (2) Where a local authority is satisfied that undue hardship would be caused by the application of regulation 13 to any relocatable home, it

²⁵ <http://www.dbh.govt.nz/codewords-15-article-9>

may grant the owner a certificate of exemption from such requirements of that regulation as it specifies in that certificate....

(4) A certificate of exemption granted under ... subclause (2) ... shall have effect for such period as the local authority specifies in that certificate, and may be renewed from time to time, but may not be transferred from the operator, or owner or occupier of a relocatable home, to the succeeding operator, or owner or occupier.

No certificates of exemption were issued to any form of 'relocatable' camping accommodation in the Reserve when the draft of this Plan was prepared.

5.5 Residential Tenancies Act 1986

The Residential Tenancies Act outlines the rights and responsibilities of landlords and tenants. The Act provides a dispute resolution service by allowing for mediation, and hearings at the Tenancy Tribunal.²⁶ The Act is explicit in its not applying to camping grounds:

5 Act excluded in certain cases

(1) This Act shall not apply in the following cases:...

(ta) where the tenant occupies, under a tenancy agreement, a cabin, caravan, vehicle, tent, or other building or structure that—

(i) is located in a camping-ground subject to regulations under the Health Act 1956; and

(ii) is intended for human habitation for periods not exceeding 50 days in any continuous term of occupancy:...

This means that there is no obligation on the part of the provider of a registered camping ground to provide security of tenure for any camp user, whether they be short or long-term, or within a relocatable home park. For example, tenancy bonds are not required and there is no minimum termination period for a tenancy. Essentially, camp users have no property or tenancy rights under this or any other Act.

Severinson (2009)²⁷ describes this status under tenancy law as a dilemma, with both positive and adverse effects (p129 and 131, and not in reference to the Reserve):

Where mainstream renting is becoming an increasingly complex transaction, moving into the camping ground did not require high costs, for example, bond payments

...a lack of coverage by the Residential Tenancies Act has positive aspects, and that both owners and residents prefer not to have a formal tenancy agreement. Despite these ideas that the minimal commitments and obligations suited camping ground residents and that this may be seen as a beneficial characteristic of camping ground residence, it does also create

²⁶ For a précis of the Act's requirements see: <http://www.dbh.govt.nz/residential-tenancies-act>

²⁷ Severinsen, C. 2009 *Marginally Grounded - Camping Ground Residence In New Zealand*. A thesis submitted for the degree of: Doctor of Philosophy Department of Public Health Wellington School of Medicine and Health Sciences University of Otago, New Zealand

situations where there is an imbalance of power and this seriously affects the ability of residents to feel secure in their housing.

5.6 Resource Management Act 1991

Nelson City Council is a unitary authority with combined regional and district council functions under the Resource Management Act. The Nelson Regional Policy Statement 1997 and the Nelson Resource Management Plan (NRMP) are key documents prepared by Council in accordance with the Act to help achieve the integrated and sustainable management of natural and physical resources.

The Nelson Regional Policy Statement sets out how Council will achieve integrated management of the significant resource management issues of the area under the headings of: Treaty of Waitangi, Development and Hazards, Natural and Amenity Values, The Coast, Water, Soils, Discharges to Air, Energy, Waste Management, Infrastructure, and Resource Monitoring. The activities of Council must be in accordance with the Nelson Regional Policy Statement. The Nelson Regional Policy Statement is given effect through a range of methods, one of which is the NRMP.

The NRMP defines three planning zones within the Reserve (Residential, Rural, and Open Space and Recreation) and schedules much of it as a camping ground (the area zoned Open Space and Recreation; the blue area in Figure 15). These zones and the relevant rules define what activities are permitted within the Reserve and what must be provided for in consent applications for other activities.

The area zoned Residential is a minor component of the Reserve on the true left bank of the Brook Stream. As there is no development capacity in this area, and none proposed in this Management Plan, the objectives and rules of this zone are not considered further.

The Rural Zone has three resource management objectives under the NRMP (ch12):

- Protect resources and capacities: Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations.
- Rural character: Maintenance or enhancement of an environment dominated by open space and natural features.
- Protection of amenity: Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment.

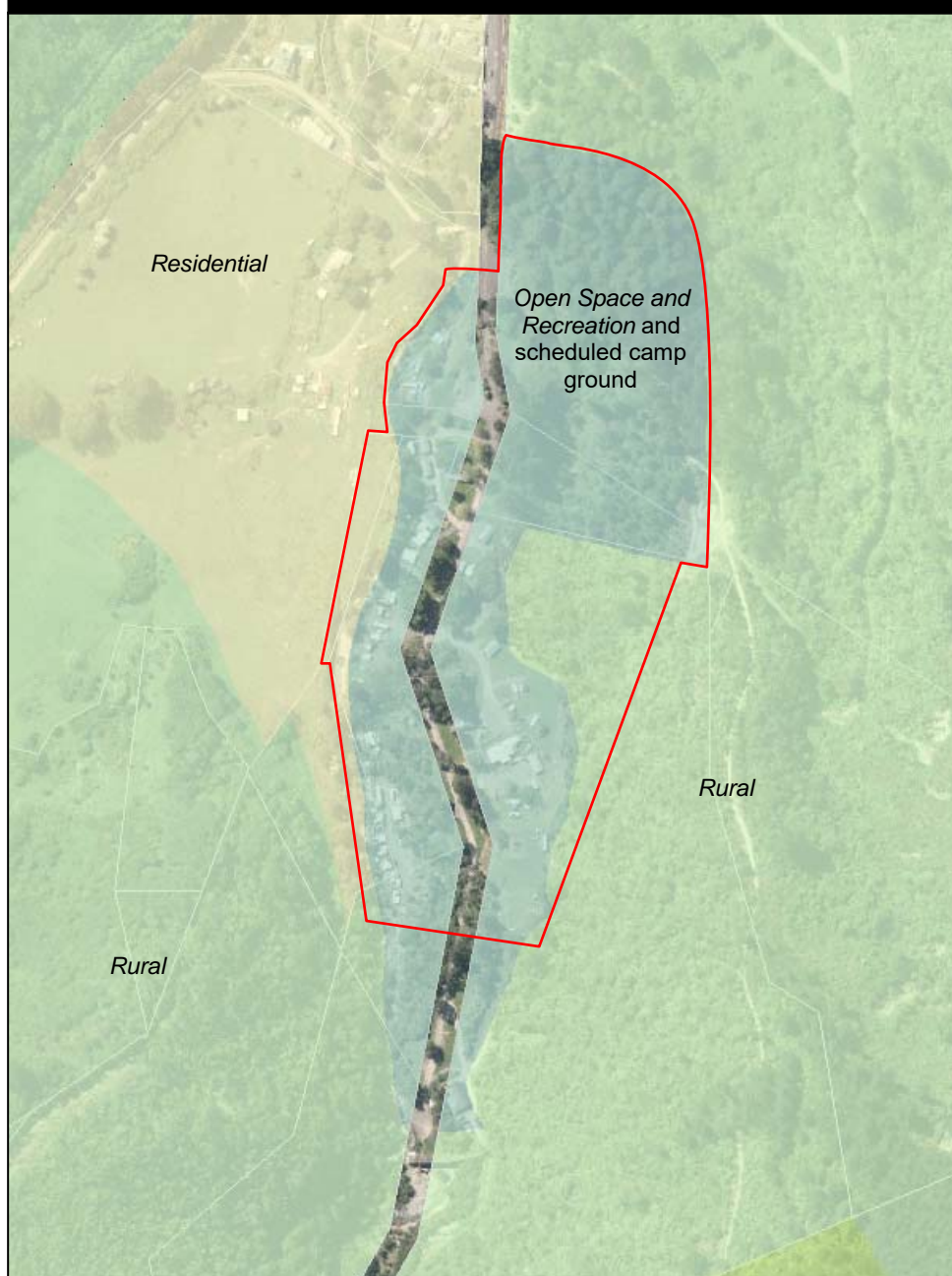
The Open Space and Recreation Zone has two resource management objectives under the NRMP (ch11):

- Present uses: Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of open space and recreation land.
- Future uses: Retain the opportunity to provide for changing community needs and aspirations.

The NRMP also indicates that the Reserve is subject to various 'overlays', each of which provide rules to control effects of potential uses and activities on the site. These include:

- the Fault Hazard Overlay, which affects building and subdivision activities;
- the Riparian Overlay, which protects indigenous vegetation and controls the disturbance of riverbanks. The riparian values within this overlay within the Reserve are identified as (Table 6.1): Conservation (aquatic habitat and water quality) priority 1 and 2 (see below); Access where urban development occurs; and Hazard mitigation (flood capacity);
- the table of Flood Paths, which controls development activities to minimise risks associated with flooding. This includes a 30m wide flood path shown as a

Figure 15: NRMP zones, camp ground schedule area and Reserve boundary



Riparian Overlay on the Brook Stream as it passes through the Reserve;

- a Landscape Woodland (W36). The contents of this woodland are not defined, but its boundaries are indicated, and differ from the Open Space and Recreation Zone boundary;
- and a number of specified and protected landscape trees (18 Californian redwood (sequoia) and a deodar cedar).

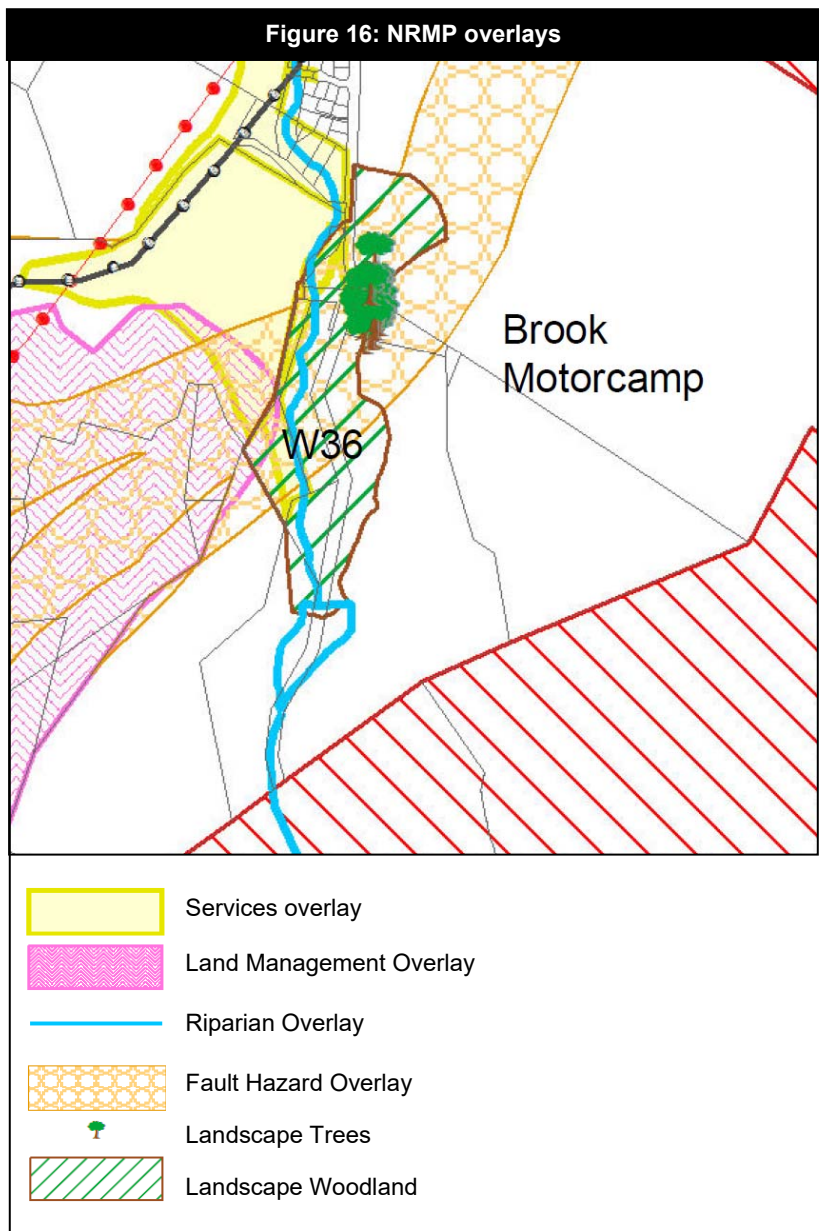
Conservation priority 1 and 2 values apply where a waterway offers, amongst other things (AP6.1): trout fishing, swimming, walking, passive recreation, kayaking and other boating; identified wildlife corridors, significant native riparian vegetation; water quality being managed for fishery and contact recreation purposes; native fish habitat.

The overlays have specific rules which trigger consents for different activities, and control the location and type of activities able to be established.

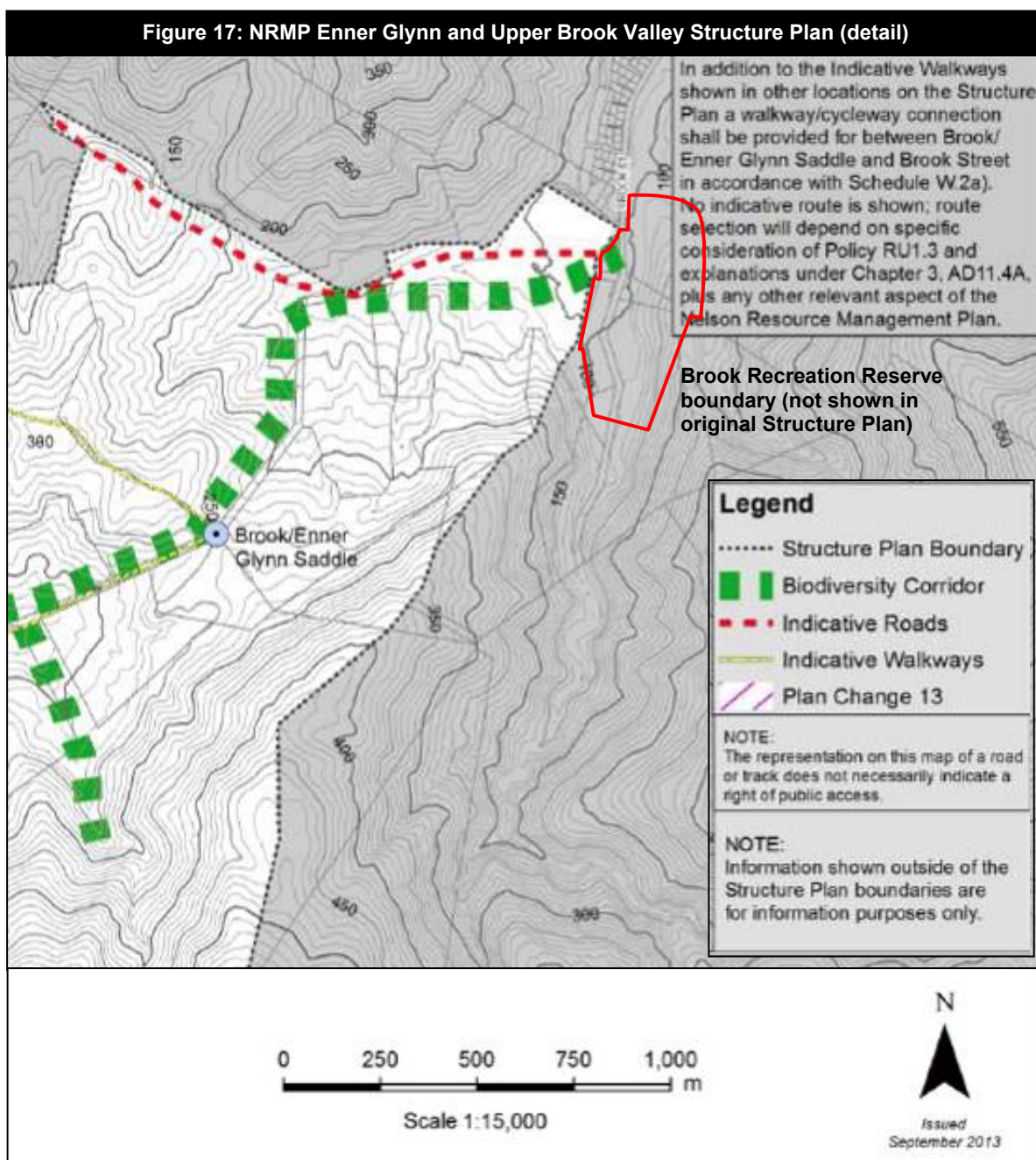
Open Space and Recreation Zone Schedule OSs.7 in the NRMP lists the activities that are able to be undertaken as permitted activities in the 'Brook Reservoir Motor Camp' (the blue area in Figure 15) subject to compliance with the remainder of the Open Space and Recreation Zone rule table. Notably, this does not include permanent or semi-permanent accommodation options. Ratifying this land use would need a resource consent (likely to require public notification) or a change to the NRMP (a plan change); as would any other activity that was not listed or identified in a reserve management plan for the area of gazetted recreation reserve, or did not comply with the remaining provisions of the Open Space and Recreation Zone schedule or rule table.

Permitted activities listed in Schedule OSs.7 are (subject to compliance with the general rules, including those relating to the overlays):

- a) Camping and short



- term living accommodation
- b) Conferences and conventions
- c) Service buildings
- d) Aerials
- e) Informal recreation activities
- f) Play equipment
- g) Hire of camping and sporting equipment



- h) Any activity listed in any management plan approved for the land under the Reserves Act
- i) Sales of refreshments, groceries and souvenirs
- j) Temporary structures for the purposes of military training.

The NRMP also defines a Structure Plan for the Rural Zone to the west of the Reserve (Schedule W). This identifies an 'indicative road' from near the end of Brook Street to Bishopdale and a Biodiversity Corridor leading from Brook Street to Enner Glynn Road. (Figure 17). The structure plan notes (p12-94):

In addition to the Indicative Walkways shown in other locations on the Structure Plan a walkway/cycleway connection shall be provided for between Brook / Enner Glynn Saddle and Brook Street No indicative route is shown

A Biodiversity Corridor is defined in the NRMP as (p2-3):

a vegetated corridor of a minimum width of 20m that allows for the flow of indigenous organisms and biological resources along the corridor, for biological processes within the corridor, and connectivity between areas of ecological value.

The timing for the development of the indicative road and walkway/cycleway is not defined and would depend on the subdivision activities of relevant private landowners.

5.6.1 Te Tau Ihu Statutory Acknowledgement

A Statutory Acknowledgement is a type of cultural redress frequently included in Treaty settlements between the Crown and a Maori claimant group. Statutory Acknowledgements are usually provided over Crown-owned portions of land or geographic features (such as lakes, rivers, wetlands, mountains or coastal marine areas). With respect to bodies of water such as lakes, rivers, and wetlands, the Statutory Acknowledgement excludes any part of the bed not owned or controlled by the Crown. The Te Tau Ihu Statutory Acknowledgements 2014 are to be read as an attachment to the Nelson Regional Policy Statement, the Nelson Air Quality Plan and the NRMP.

The Brook Stream and the Brook Recreation Reserve are located within the Treaty Settlement Area defined by the Maitai (Mahitahi) River and its tributaries. This area has Statutory Acknowledgement for:

- Ngāti Tama ki Te Tau Ihu
- Te Atiawa o Te Waka-a-Maui
- Ngāti Toa Rangatira
- Ngāti Koata
- Ngāti Rarua
- Ngāti Kuia
- Rangitane o Wairau.

All but the final two iwi listed have Deeds of Recognition associated with their Acknowledgement.

The text describing the iwi association has been used in the preparation of Section 4.1 of this Management Plan (Maori history), and relevant iwi were advised of the preparation of the draft Plan and invited to a consultation meeting, as well as being provided with copies of the draft Plan.

5.7 Climate Change Response Act 2002

The Climate Change Response Act 2002 sets out a means by which New Zealand can meet its international obligations under the United Nations Framework Convention on Climate Change and the Kyoto Protocol; and provides for the implementation, operation, and administration of a national greenhouse gas emissions trading scheme.

The Act is relevant to this Management Plan because Lots 53 and 2 as shown in Figure 6 on page 17, have notices on their titles 'pursuant to Section 195(2)' of the Act dating from December 2011. This means that the Nelson City Council, as an account holder on the NZ Emission Unit Register, has been allocated 'pre-1990 forest land'²⁸ carbon credits for the 'forests' on those properties. This does not restrict Council from managing the trees in any particular way, but does indicate that the trees on those properties have a recognised role in carbon sequestration, and that an accounting exercise via the NZ Emission Unit Register would need to be completed if the trees were felled and not replanted.

5.8 Other Plans and Policies

5.8.1 Nelson 2060

Nelson 2060 is the city's sustainability strategy adopted in 2013. It is based on extensive community input and external review and focuses on developing a healthy, prosperous and happy Nelson over the next fifty years. The strategy states a vision for Nelson:

Nelson 2060 is an inclusive city, with a diverse range of residents who can connect easily to each other and to the beautiful place we call home. Our inclusive leadership style supports our unique approach to living, which is boldly creative, ecologically exemplary, socially balanced and economically prosperous.

Ten goals are identified:

- 2) We support and encourage leaders across our community
- 3) We are all able to be involved in decisions
- 4) Our natural environment - air, land, rivers and sea - is protected and healthy
- 5) We produce more of our own food
- 6) We are able to rapidly adapt to change

²⁸ Pre-1990 forest: was forest land on 31 December 1989, remained as forest land on 31 December 2007, and was predominantly exotic forest species on 31 December 2007. Under the ETS, forest land is an area of at least one hectare of forest species that has, or is likely to have: tree crown cover of more than 30% on each hectare; and an average tree crown cover width of at least 30 metres. Forest species are trees capable of reaching five metres in height in the place they are growing. This does not include trees grown for the production of fruit or nuts. See: <http://archive.mpi.govt.nz/forestry/forestry-in-the-ets/pre-1990-forest>

- 7) We move from using fossil fuels to renewable energy sources
- 8) Our economy thrives and contributes to a vibrant and sustainable Nelson
- 9) Nelson is a centre of learning and practice in Kaitiakitanga and sustainable development
- 10) Everyone in our community has their essential needs met
- 11) We reduce our consumption so that resources are shared more fairly.

5.8.2 Nelson Biodiversity Strategy 2014

The Nelson Biodiversity Strategy describes a vision for biodiversity management in Nelson City based on eight principles. The vision is:

Our vision is that Nelson is celebrated as the gateway to a region richly endowed with natural places that teem with native plants and animals. The mauri (life force) and wairua (spirit) of ecosystems and species of significance to tangata whenua, and to the community as a whole, are protected and enhanced. Nature is accessible in and around the city. Tangata whenua customary use of nga taonga tuku iho (the treasured resources) is a recognised and accepted part of the wider integrated management of biological diversity in Whakatu. Valued exotic species thrive in appropriate places, and pest and weeds are controlled and/or eradicated.

This non-statutory strategy has two broad goals, each with two objectives:

- Goal 1: Active protection of native biodiversity:
 - Objective 1.1 – ecological health, mauri and wairua of natural ecosystems are sustained
 - Objective 1.2 – native biological diversity is restored, enhanced and, where appropriate, connected.
- Goal 2: Ecologically sustainable use of biodiversity:
 - Objective 2.1 – biodiversity use is ecologically sustainable
 - Objective 2.2 – biodiversity resources are available for the community to prosper including tāngata whenua customary use of nga taonga tuku iho.

The strategy is based on aligned action by agencies, and the Nelson Biodiversity Forum has been tasked with implementing it. Biodiversity Action Plans have been developed and adopted by partners to the strategy for freshwater, coastal marine and terrestrial environments.

It is intended that the strategy will be considered whenever Council policies are developed, implemented and reviewed.

5.8.3 Nelson Tasman Regional Pest Management Strategy 2012-2017

The Tasman-Nelson Regional Pest Management Strategy has been prepared under the Biosecurity Act 1993. This strategy is a joint strategy between Tasman District Council and Nelson City Council, and is implemented by Tasman District Council. The strategy declares certain plant and animal species as pests. These pests (listed in Table 1 of the strategy) are

banned from sale, propagation, breeding, distribution and commercial display. The Strategy aims to avoid or reduce the incidence of adverse effects of pests on the environment, assist with the protection of significant biodiversity values and to protect amenity and recreational values of the region. The strategy requires land occupiers to undertake control and management of plant pests on land for which they are responsible. Council, as occupier, is required to control pests on land it owns and administers in accordance with Part II of the strategy (pest management programmes).

6 Consultation summary

Consultation for the draft Management Plan included:

- Meeting with camp residents to explain the management planning process prior to public notification – 21 November 2014,
- Public notice of intention to prepare the Management Plan seeking suggestions by post or email – Nelson Mail, 24 November 2014,
- Nelson City Council webpage with information about the management plan process with map, promoting the opportunity to make general comments via email – live from 24 November 2014,
- Media release about plan preparation – distributed locally, 25 November 2014
- Opinion piece by Mayor Rachel Reece in Nelson Leader (community newspaper) – 4 December 2014,
- Consultation with camp residents regarding values to be managed for within the Reserve – 6 December 2014,
- Article in Live Nelson (distributed throughout Nelson) – 10 December 2014 (Figure 18),
- Meeting with local iwi coordinated by Geoff Mullen (NCC Kaihautū) – 30 January 2014,
- Letters to approximately 700 residents in the Brook area about upcoming public meeting – 9 February 2015,

Figure 18: Live Nelson article, 10 December 2014

Suggestions called for Brook Recreation Reserve

Nelson City Council is beginning the process of preparing a management plan, which will define the activities that can take place within the Brook Recreation Reserve.

This Council-owned land includes the Brook Motor Camp, but does not include the reserve area currently leased to the Brook Waimarama Sanctuary Trust for a fenced wildlife sanctuary.

Council is seeking written suggestions from the public about how the reserve should be used in the future, what needs protection on the site and how the setting could best serve both Nelsonians and visitors to the region.

This information will help guide the development of a draft Brook Recreation Reserve Management Plan, which the public can provide further comment on next year.

Mayor Rachel Reece says the management plan will outline the community's wishes for how the area is managed in the future.

"The aim is to take a broad view of the Brook Recreation Reserve, taking into account the interests of different stakeholders for the activities that could take place within the reserve.

"We think developing a management plan is the most efficient and effective way

to provide for the needs of the community. I encourage everyone interested in this recreation reserve to tell us what their vision is for this area through this initial consultation process."

Council is seeking written suggestions on the proposed plan until Friday 16 January 2015 at 5pm.

People are invited to make written suggestions by emailing:

submissions@nelson.govt.nz with Brook Recreation Reserve Management Plan in the subject line, or by post to: Nelson City Council, Admin Support, PO Box 645, Nelson 7040. Please note, no specific format is required for these initial suggestions.

Council will also hold public meetings in early February next year to gather further feedback, before the draft management plan



Map showing the area covered by the draft Brook Recreation Reserve Management Plan.

is prepared. The public will then be asked to provide submissions on the draft plan through a two month consultation phase.

A panel will hear verbal submissions before making recommendations on the final content to Council.

The draft Brook Recreation Reserve Management Plan is due to go before Council for final approval in June 2015.

- Media release about upcoming public meeting – distributed locally, 12 February 2015,
- Nelson Leader article – 12 February 2015,
- Meeting with camp residents to provide an update on progress – 13 February 2015,
- Public notice in Nelson Mail about upcoming public meeting – 14 February 2015,
- Nelson Mail article about upcoming public meeting – 14 February 2015,
- Public meeting held (50 attendees, including approximately 12 NCC staff and councillors) – 17 February 2015,
- Nelson Mail article following public meeting “Strong support for Brook Valley campground” – 18 February 2015.

A series of news articles in the Nelson Mail regarding camp management, the 2014 proposed closure, the closure reprieve and the management plan process, as well as letters to the editor, appeared from mid-2014 onwards.

Meetings and phone discussions were also held with:

- Nelson Mountain Bike Club, Paul Jennings,
- Brook Waimarama Sanctuary, Hudson Dodd,
- Nelson Cycle Lift Society, Jo Rainey,
- Nelson Marlborough Institute of Technology, Martin Mongan,
- Department of Conservation, Lionel Solley,
- Eureka Park, Gail Collingwood,
- Maitai Valley Motor Camp, Carol Wood,
- Nelson City Council staff members: Chris Ward, Lindsay Barber, Gary Alsop, Peter Grundy, Geoff Mullen, Lisa Gibellini, Paul Harrington, Reuben Peterson and Richard Frizzel and acting camping ground manager Rachel Whitehead.

Twenty-eight people provided written ‘suggestions’ to Council following the public advertisement of the intent to prepare the draft Plan. Most were from individuals, but included responses from the Department of Conservation, Nelson Marlborough Institute of Technology (NMIT) and the Brook Waimarama Sanctuary. A further 15 people provided written comments on forms made available at the public meeting held on 17 February 2015. Several of these were from the same people who had responded earlier.

Forty-five submissions, 13 from agencies or groups, were made on the draft Management Plan which was released in June 2015. Eight submitters presented to an independently-chaired hearing panel on the 2nd of September 2015, and the panel made recommendations for the revision of the draft Plan at a public deliberation on the 22nd of September 2015. Reports and summaries of these processes are available as separate documents.

This version of the Plan was adopted in principle by Council in open forum on 15 October 2015.

7 Vision, Objectives and Policies

7.1 Vision

The Brook Recreation Reserve serves as a centre for environmental education and conservation and as a destination for camping and outdoor recreation, including appropriately-scaled and complementary commercial recreation and tourism development.

This option allows for the following main developments on the Reserve (subject to agreement on a comprehensive development plan):

- ✓ Facilities and services which support the activities of the Brook Waimarama Sanctuary,
- ✓ Facilities and services associated with the Brook Conservation Education Centre,
- ✓ Eureka Park,
- ✓ A commercial camping ground,
- ✓ Commercial tourism and recreation developments of a scale and type which complement the natural, social and existing commercial values of the Reserve,
- ✓ Developments for casual local recreation opportunities and events, such as improved access to the Brook Stream and play and picnic facilities, and
- ✓ A relocatable home park.

7.2 Reserve administration

7.2.1 Objective

To provide for streamlined and focused administration of the Reserve.

7.2.2 Policies

- 1) The Reserve will be administered by Nelson City Council.
- 2) An occupation agreement will be developed in discussion between the Council and occupants of the proposed relocatable home park with reference to: other such agreements administered by NCC; all relevant policies in this Management Plan; controls on the number of residents per site; the number of sites per occupation agreement (one); residents' and visitor parking controls; a notification period for exiting the Reserve should a review carried out under section 7.7.2 (3) of this Plan result in a closure of the relocatable home park; and to help secure this Plan's agreed Vision. Council will be responsible for formulating the final version of the occupation agreement, and compliance with it will be a requirement of occupation.

7.3 Comprehensive development plan

7.3.1 Objective

To develop and agree on a comprehensive development plan for the Reserve prior to commencing any new works on the site and in accord with this Management Plan.

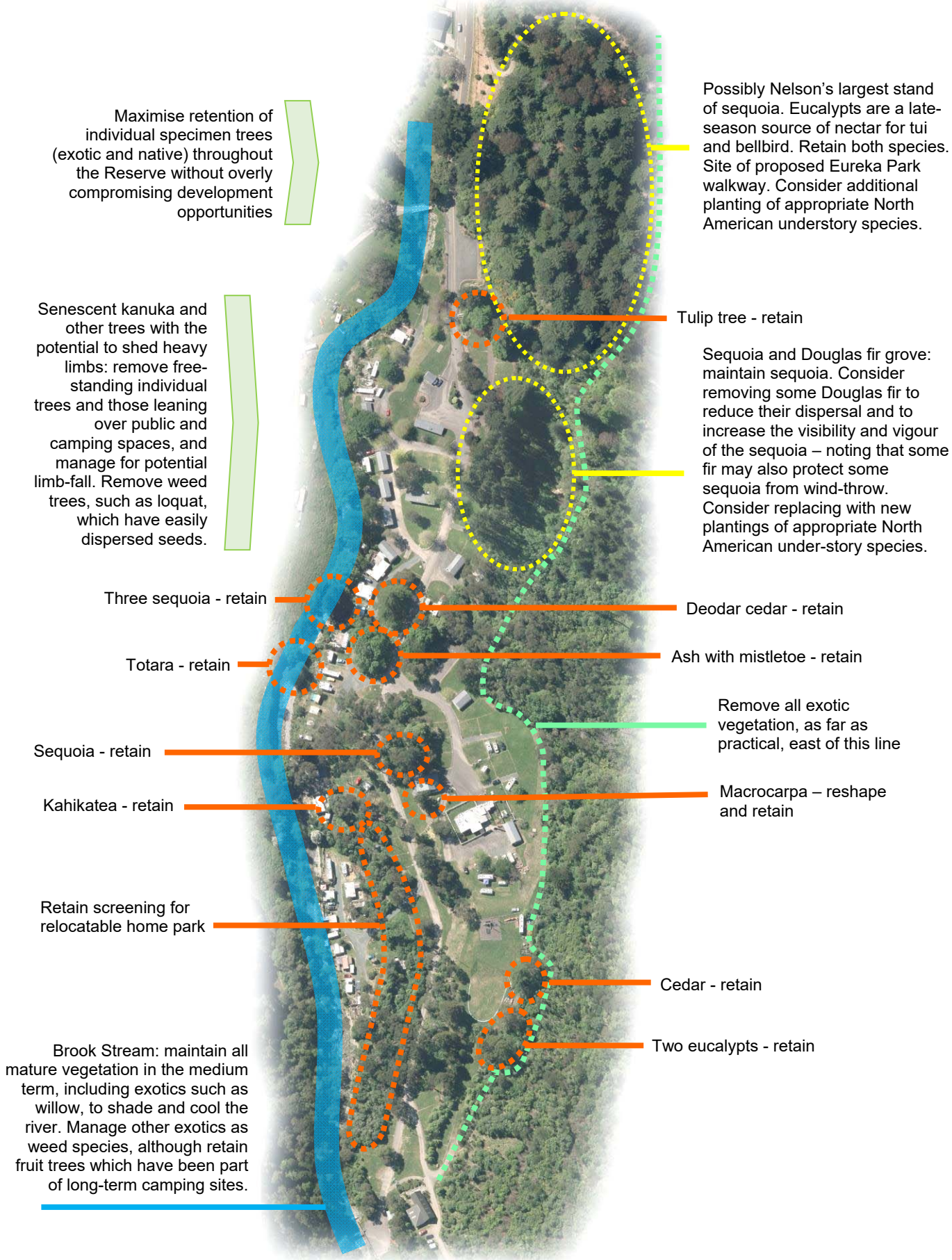
7.3.2 Policies

- 1) The comprehensive development plan will be drafted by NCC.
- 2) The comprehensive development plan, and any subsequent amendments to it, must be approved prior to any works commencing or consents applied for, by NCC.
- 3) The comprehensive development plan will form part of this Management Plan, once approved.
- 4) The comprehensive development plan shall provide for:²⁹
 - a. An attractive entrance to the Reserve to encourage visitors,
 - b. Facilities and services required to manage, operate and service the Brook Waimarama Sanctuary,
 - c. The relocation of the Brook Conservation Education Centre facilities and services to within the Reserve, including only those activities permitted by the resource consent held for the current location of the Centre,
 - d. Design flexibility to allow for the incorporation of commercial recreation or tourism activities which are consistent with the Vision for the Reserve,
 - e. Parking management provisions for drivers seeking parking spaces within the Reserve to reduce needless traffic activity, speed, and the parking of cars in inappropriate locations, and to create a pedestrian-friendly setting throughout the Reserve,
 - f. Off-road pedestrian and cycle access to any parking spaces provided for Reserve visitors outside the Reserve,
 - g. Protection and interpretation of heritage features within the Reserve, including the Kidson memorial and its associated native vegetation, reservoir, and the trout rearing ponds if they prove to be of any heritage value,
 - h. Accessibility provisions for people with disabilities, including inclusive camping opportunities,
 - i. Responses to flood, earthquake and other natural hazards on and near the Reserve,
 - j. Capacity for shared use of existing and proposed built facilities by commercial and community agencies to minimise land coverage by structures, including the potential relocation of the camping ground office to near the Reserve entrance area, and its operation as a combined ticketing and information office, as well as alternative uses of the existing camping ground office and building,

²⁹ Some of these requirements are necessary under the NRMP, and there are additional requirements of the NRMP not mentioned, such as traffic turning circles other roading and car parking needs. Those requirements which are repeated here are for consultation and clarity purposes and do not form an exhaustive list.

- k. Walking tracks and information services for Eureka Park, developed in consultation with the promoters of that park,
- l. Cycle and walking tracks giving access to new and existing recreation routes to the east and south of the Reserve,
- m. A campground providing a minimum of 65 camping sites (or a number defined as sustainable by a business plan), including levels of service for toilets, kitchen facilities and other activities which comply with the Camping-Ground Regulations 1985,
- n. A relocatable home park providing for a maximum of 25 sites designed to comply with the Camping-Ground Regulations 1985 (see also Policies 7.7.2 and 7.8.2),
- o. Facilities and services to provide security and safety for campers and other Reserve users and facilities, developed in consultation with the NZ Fire Service and any other relevant emergency service provider,
- p. Retention of the landscape trees and woodland defined in the NRMP, and other vegetation identified in Figure 19 of this Plan, as far as is possible,
- q. Maintenance and improvement of the cultural health of the Reserve, primarily via managing for biodiversity and stream health in the Brook Stream,
- r. An area of open space suitable for general community recreational use, small community events, play facilities and picnicking; and providing easy access to the Brook Stream for play and environmental education purposes,
- s. Consideration of the effects of the implementation of the NRMP Enner Glynn and Upper Brook Valley Structure Plan (Figure 17 page 38),
- t. The allocation of space so that camping and other open public recreation areas are separated, as much as possible, from potentially busy commercial activities and built visitor services,
- u. A redeveloped roading network to suit the uses described above, providing for pedestrian, cycle, car and bus access, and emergency evacuation,
- v. Other requirements of the NRMP and applicable legislation.

Figure 19: Vegetation management recommendations



7.4 Reserve land status, acquisition and disposal

7.4.1 Objective

To size and manage the Reserve within an appropriate statutory framework and one which gives clear direction as to Reserve development and the control of leases and licences, and to secure public ownership of the Reserve in perpetuity.

7.4.2 Policies

- 1) The Reserve will be managed according to the Reserves Act as a Local Purpose Reserve (Recreation).
- 2) Land disposal shall not be pursued for any area within the Reserve.
- 3) Land acquisition on neighbouring properties will be considered on a willing buyer / willing seller basis (that is, no designations will be sought) if additional land is required.

7.5 Leases, licences, permits and fees

The provision for leases and licences will be fundamental to the operation of the Reserve. These may include a lease, licence or permit granted under section 59A of the Reserves Act 1977 to carry out an activity in the Reserve that generally involves a commercial component or some form of temporary or fixed occupation. These activities include, but are not limited to: transport services; commercial education or instruction services; commercial guiding; commercial attractions and services; filming; commercial hunting; trading or operating a business; building or occupying a structure; easements; or occupation of land. An organised group does not require a concession if there is no commercial arrangement with participants, including where a club might charge membership fees or a fee to cover costs.

7.5.1 Objectives

To allow for and control leases, licences and permits within the Reserve according to the Reserves Act 1977 (whether the reserve is entirely gazetted or not) to help achieve the Vision for the Reserve as efficiently, and with as much certainty, as possible.

7.5.2 Policies

- 1) Nelson City Council may choose to issue leases, licences and permits, and to charge fees, for activities in the Reserve to achieve the Vision for the Reserve, in accordance with this Management Plan, the Reserves Act, the NRMP and other relevant legislation.
- 2) Nelson City Council may choose to manage certain activities in the Reserve directly and is not bound to operate public and commercial services via lease, licence or permit only.
- 3) Leases, licences and permits will not be issued for activities and services which are considered to compete with existing commercial or community activities within the Reserve or on adjacent public lands, or with activities provided directly by NCC. This policy will not apply to temporary food vending services active during events.

- 4) Applications for permits for temporary and short-term activities in the Reserve (whether community, non-commercial or commercial) must be applied for at least two months before the activity or event and will be processed rapidly and not refused without good reason, but will be issued only where the activity complements Reserve values and has little or no conflict with existing uses and users.
- 5) Nelson City Council will set prices for leases, licences, permits and fees with consideration of:
 - a. the funding needs of the Reserve,
 - b. the costs of administering and servicing any agreement,
 - c. standard commercial rates, and
 - d. the need to support the viability of a service where there is community benefit.
- 6) Nelson City Council may choose to not charge for permits where there is community benefit from the activity.
- 7) The fees for permanent campers will be based on the fee-rate existing when this Management Plan is adopted, with annual increases based on the Consumers Price Index (CPI); until such time that a comprehensive development plan is agreed.

7.6 Restricted reserve access or closure

7.6.1 Objective

To allow the closure of parts or all of the Reserve to general public access from time to time for the safety of Reserve users, the security of Reserve assets, for management purposes and at times of risk to other Reserve values.

7.6.2 Policies

- 1) Nelson City Council will define opening hours and access to the general public, from time-to-time, for all or parts of the Reserve, with consideration for:
 - a. The needs to provide security and ease of access for campers,
 - b. The need to provide access for other permitted activities within the Reserve,
 - c. The needs to secure private and commercial assets and belongings, and
 - d. Other risks to property or people, including those caused by natural events, construction activities, managed events and management activities.
- 2) Public access to areas within the Reserve that are defined and developed for general public recreation, including walking and cycling, will not be unduly restricted during daylight hours.
- 3) Reserve opening hours (for those other than campers and those engaged in Reserve management activities), and access restrictions required from time-to-time, will be advertised at the Reserve entry and via NCC community communication methods.

- 4) Camping areas will be defined and located in such a manner that access to them by the general public is discouraged.
- 5) Control gates for vehicle access to the Reserve may be installed and operated.
- 6) Other security measures may be installed and implemented at NCC's discretion or as agreed within a lease, licence or permit.
- 7) Access to the Reserve by individual residential campers shall only be refused when: agreed terms of occupation have not been complied with (in which case a written trespass notice may be issued); during natural disasters and emergencies as defined by NCC or a disaster coordination authority; or when other policies in this Management Plan relating to the lifespan of the relocatable home park come into effect.

7.7 Activities permitted on the Reserve

The Reserve has a variety of public use values which need to be provided for, although they may not require the development of new infrastructure.

7.7.1 Objective

Nelson City Council will make provision for certain uses of the Reserve which are in addition to those specified to be included in the comprehensive development plan (as detailed in policy Section 7.3) where they do not compromise the primary uses of the Reserve or its natural or cultural values.

7.7.2 Policies

- 1) Activities agreed through the comprehensive development plan and listed in Section 7.3 will be permitted within the Reserve subject to controls identified elsewhere in this Management Plan and identified as necessary by NCC from time to time.
- 2) Nelson City Council will also allow, subject to notification (unless specified otherwise) by interested parties, and where they do not compromise or pose risk to the Reserve's environmental, cultural, heritage and social values, and occur within prescribed times (unless specified otherwise – see Policies 7.6.2) the following activities:
 - a. Tāngata whenua iwi fulfilling their role as kaitiaki of the Reserve's natural and Maori cultural values, and providing for the customary use of traditional materials and indigenous species, and cultural practices, in the Reserve by tāngata whenua iwi (in accordance with the Reserves Act),
 - b. Research and monitoring of social, environmental, heritage and cultural values of the Reserve by recognised research agencies and authorities,
 - c. Access to the Reserve by social welfare, public health agencies and emergency services at all hours and without notification (noting that these agencies have certain rights of access regardless),
 - d. Access to the Reserve by mobility assistance dogs without notification,

- e. The temporary presence of dogs, horses and other livestock only if they are associated with a permitted event of a specified duration and where controls on their activities are defined,
 - f. Conservative and pro-active arboricultural practices to manage the risk to Reserve users posed by potential tree and limb fall, particularly near camping sites where users have little protection and relatively long exposure.
- 3) Residential camping within a relocatable home park as defined by, and compliant with, the Camping-Ground Regulations 1985, will be enabled subject to:
- a. Provision for a maximum of 25 sites in, preferably, one area of the Reserve, based around Fantail Glades,
 - b. Consideration of the specific and individual needs of residential campers (without overly compromising the potential to use and develop the Reserve as otherwise anticipated by this Management Plan),
 - c. A three-yearly review beginning three years after the comprehensive development plan is approved by NCC. The review shall include consideration of: visual appearance, behaviour of residents, revenue, land stability and safety, compliance with camp and external rules and regulations, the social benefits of continuing provision for a relocatable home park, and – having regard to the Vision for the Reserve – alternative priority uses for area. See also Policies 7.8.2.

7.8 Activities not permitted on the Reserve

7.8.1 Objective

To limit the potential for adverse effects on Reserve values by restricting certain activities.

7.8.2 Policies

- 1) The following activities and things will not be permitted within the Reserve, in addition to the restrictions which apply under the Reserves Act:
 - a. Pets and other domestic animals unless provided for under Policies 7.7,
 - b. Occupation by residential campers within the Reserve who have not signed and agreed to the terms of an occupation agreement (see 7.2.2 (2)); and any activities proscribed by that agreement,
 - c. Occupation by residential campers in a relocatable home park or elsewhere within the Reserve after 2026 (the term of this Management Plan), unless three-yearly reviews (see 7.7.2 (3)) indicate that this activity should continue and is of benefit to the management and use of the Reserve and to residential campers,
 - d. The scattering of human or pet ashes or other remains within the Reserve,
 - e. Hunting, fishing, fossicking, rock-hounding and firewood gathering unless provided for under policies in Section 7.7,
 - f. The mounting or installation of any memorial unless permitted by NCC,

- g. The use of model airplanes, drones and other motorised model craft unless associated with a permitted event or required for reserve management purposes,
- h. Activities which generate noise that may disturb the peaceful enjoyment of the Reserve and which do not benefit its management, maintenance and development,
- i. The lighting of any fires in any location,
- j. Commercial activities unless operating under an agreed lease, licence or permit issued by NCC,
- k. Community or competitive sporting activities unless permitted by NCC or agreed within a lease, licence or permit,
- l. Public and private utility services unless required for the functioning of the Reserve or where they are unable to be located off the Reserve, and provide important community benefits,
- m. The charging of fees to the public for any activity within the Reserve unless agreed within a lease, licence or permit, or as result of a service provided by NCC,
- n. The use of private vehicles in any area of the Reserve not defined for that use,
- o. The installation of signs and information panels that do not conform to a standardised design template approved by NCC,
- p. The installation of any commercial advertising or sponsorship signs without the written approval of NCC,
- q. Other activities that NCC considers inappropriate and which can be included in a reserve bylaw under Sections 106 - 108 of the Reserves Act 1977 and approved by the Minister of Conservation.

Appendix 1: Land titles

At time of adoption in principle

Figure 6 (page 17) location	Title reference		Area included in draft Plan	Area excluded from draft Plan
Sec 47	Section 47 Brook Street And Maitai District	Sec 47 – Recreation Reserve	Some	Area leased to Brook Waimarama Sanctuary
Lot 53	Lot 53 Deposited Plan 210	NL29/102	Some	Area leased to Brook Waimarama Sanctuary (tiny bit)
Immediately south of Lot 1	Part Section 9 District of Brook Street and Maitai	CT 53911 – was part of NL28/296	All	None
Lot 1	Lot 1 Deposited Plan 5496	NL133/27	All	None
Lot 49	Allotment 49 Deposited Plan 210	NL34/283	All	None
Sec 9 west of Lot 49	Part Section 9 and Part Section 3 of 8, 41 District of Brook Street And Maitai and Part Section XI District of Suburban South and Defined On Deposited Plan 2634	NL81/54	Some	Area leased to Brook Waimarama Sanctuary
Sec 9 south of Lot 49	Part Section 9 District of Brook Street and Maitai	Part Sec 9 on NL69/288 (same title as below)	Some	Area leased to Brook Waimarama Sanctuary
Sec 41 west of Sec 9	Not included in the draft Plan – but registered on the same title as 9a. Included here for clarity.		None	All
Lot 2	Lot 2 Deposited Plan 764	NL43/244	Area zoned Open Space in NRMP	Area not zoned Open Space in NRMP
North-west of Lot 1 – Brook Stream bed mostly	Parcel 6545237	No title	All	None
Legal road	No title		From northern end of Lot 1 (camp entrance) to Sanctuary lease area	Area adjacent to that leased to Brook Waimarama Sanctuary (although proposed closure of road area within the Reserve would include this portion of road)

