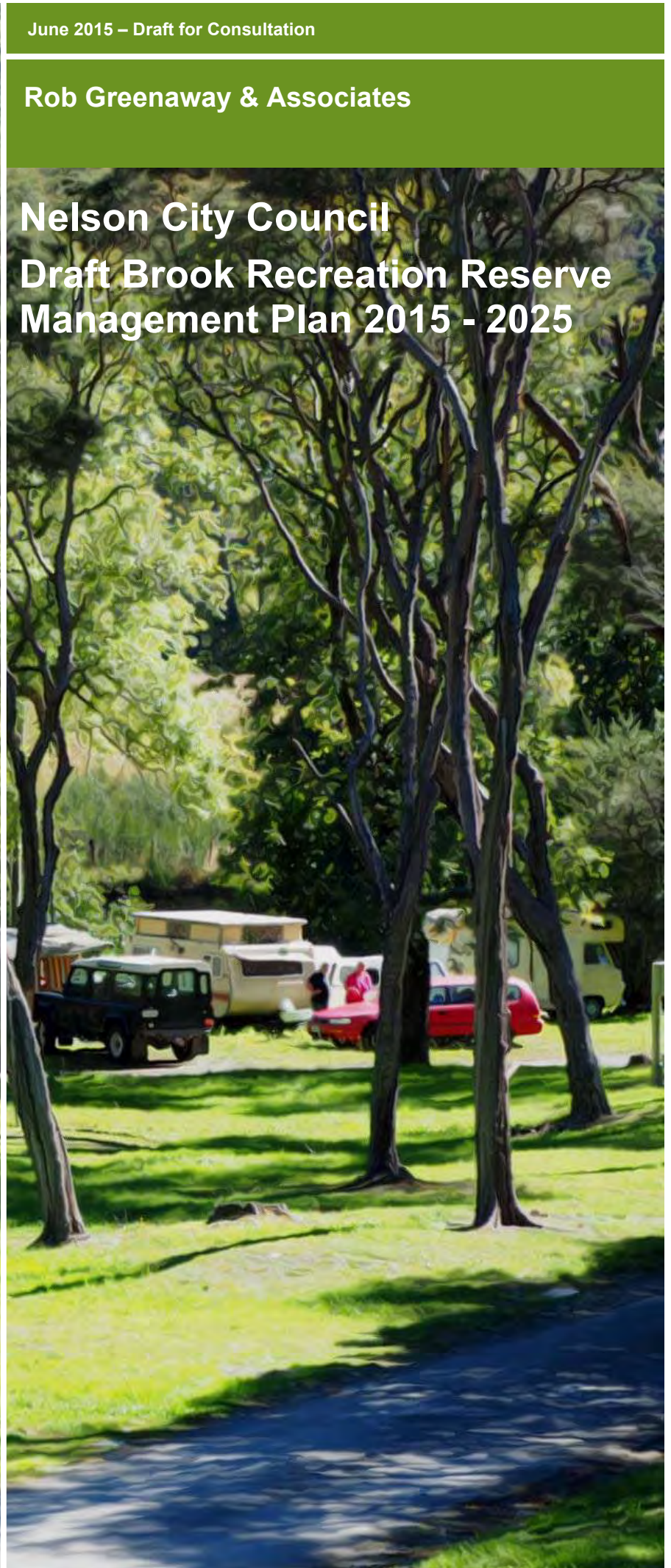


June 2015 – Draft for Consultation

Rob Greenaway & Associates

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



# **Nelson City Council**

## **Draft Brook Recreation Reserve Management Plan 2015 - 2025**

**Prepared for Nelson City Council  
by Rob Greenaway & Associates  
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**Draft for Consultation  
11 June 2015**

# Nelson City Council

## Draft Brook Recreation Reserve Management Plan

### 2015 – 2025

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### **From the Mayor**

This draft Brook Recreation Reserve Management Plan brings together research, investigation, community and individual meetings, and feedback from interested parties. There is much in this draft of general historical interest, and it provides a sound basis from which to consider how the community wishes to see the Reserve used and developed in the future. If you have made a contribution to the process so far, we hope that you see your input reflected here.

Consultation on this draft plan is open for two months until Monday 17 August. We hope the community carefully considers the potential to develop complementary activities within the Reserve; as well as identifying where potential uses may be in conflict or have possible effects on neighbours and Reserve users, and how these conflicts might be addressed.

Please note that Council, in commencing the submissions process, has signalled its preference for Vision 1 as outlined in this document, allowing for a recreation area, camping, education facilities and tourism ventures to be pursued in the future.

A submission form – available online and in hard copy – asks you to identify the development options you wish to support, those you do not support, and what alternatives you would like to see considered. You may, of course, submit on any part of the draft plan.

You can also choose to present your submission at a hearing, which will be held several weeks after submissions close on Monday 17 August. The hearing panel will make recommendations to amend the draft plan, and a final version will then be adopted by Council.

We thank all those people who have taken the time to put forward the suggestions that have guided the development of this draft plan to date. I now strongly encourage you to give further feedback during this formal consultation phase. You can do this via:

- the online submission form via [nelson.govt.nz](http://nelson.govt.nz) (search = Brook Management Plan)
- by picking up a submission form at the Council's Customer Service Centre, or Libraries
- by writing your thoughts on paper and posting to: Admin Support, Re: draft Brook Management Plan, Nelson City Council, PO Box 645, Nelson 7040
- Or emailing your comments to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)

Thank you in advance for your consideration and input,

*Mayor Rachel Reese*

## 1 Introduction and Summary

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This draft 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. The Reserve is 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 includes the Brook Valley Holiday Park, which has been operating as a camping ground since the mid-1920s. Management of the camping ground has been inconsistent in recent years, resulting in uncertainty for residential campers and a significant reduction in its use by casual campers. Interest has also been shown in alternative uses of the Reserve, including developments for tourism, education and to better support the activities of the Brook Waimarama Sanctuary.

This draft plan reviews the issues affecting the use and administration of the Reserve – and there are many. The land is subject to a multitude of statutory and planning rules and regulations, and several have not been complied with in the past.

The draft plan also considers the potentially competing uses for the Reserve, and again there are many. The intent of this draft is to develop an approach by which all potential uses are complementary, or at least not in conflict. However, this may result in some compromises, and consultation on this draft plan will identify how acceptable those compromises are.

Two possible Visions are proposed. One includes provision for a significant regional tourism and recreation hub within the Reserve (within a defined footprint), and the second provides for a lesser scale of tourism development. Under both scenarios, provision is made for a camping ground (which is desired, or not opposed, by all those consulted to date) and for residential camping; and for the Reserve to be gazetted as recreation reserve under the Reserves Act. It is also proposed to close the public road currently passing through the Reserve and to transfer its status to recreation reserve.

The Nelson City Council stated its preference for Vision 1 when it approved this draft plan for consultation.

The possible effects on traffic in the Brook Valley resulting from tourism developments in the Reserve are described, using the current proposal for a gondola or cycle-lift as a template. The draft plan considers options for other tourism and recreation developments, and notes that most options, including the gondola proposal, will require resource consents, which are likely to be publicly notified. The final adopted management plan will therefore not be the final word in permitting many of the proposed developments within the Reserve.

Both Visions support the use of the Reserve for education activities proposed by the Nelson Marlborough Institute of Technology (NMIT), some of which are for the Department of Conservation, and by the Brook Waimarama Sanctuary. A fundamental provision is to support the activities of the Sanctuary which leases a significant area of land adjacent to the Reserve.

A Brook Recreation Reserve Board is also proposed to manage the Reserve as an administering authority, although policies have been drafted to enable NCC to remain the administrator should the idea of an independent Board not be adopted.

Nelson 2060 – the city's sustainability strategy adopted in 2013 – was kept in mind as the objectives and policies of this plan were drafted. This 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 draft 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

An early apology is made for the fact that this draft plan is quite long and is relatively complex. There is no short way of digesting it easily. Section 9 – the objectives and policies – are relatively short, and you might wish to start reading there, although you will then need to refer to earlier sections for clarification.

Your input through the consultation process is most welcome. A consultation response form is provided separately.

## 2 Reserves Management Context

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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, except local purpose reserves. Areas that are not reserves, such as the freehold lands identified in this draft 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 5.2 of this draft plan).

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 draft plan recommends gazetting all freehold land, and the legal road within the Reserve, as recreation reserve. Accordingly, the considerations required by the Act have been applied to the entire Reserve.

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 (summarised in Section 6 of this draft plan). Council then prepares a draft management plan (this document), 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.

This draft plan will be amended in response to public submissions and the recommendations made to NCC by a hearing panel. Council will then form and adopt a final management plan. The Reserves Act requires that Council then keeps the management plan under continuous review to ensure that the plan responds to changing circumstances or increased knowledge. It will also be formally reviewed after 10 years.

### 2.1 Structure of this Management Plan

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This draft 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 this draft management plan
- Section 7: Considers the main management issues and options facing the Reserve
- Section 8: Takes the discussion of Section 7 and proposes two alternative Visions for the Reserve



- Section 9: Defines a set of objectives and policies that will help achieve the Visions. This includes describing a potential administrative authority for the Reserve.

In the final version of this management plan, it is likely that the contents of Section 7 will be significantly reduced and summarised to describe the rationale behind each set of objectives and policies in Section 9.

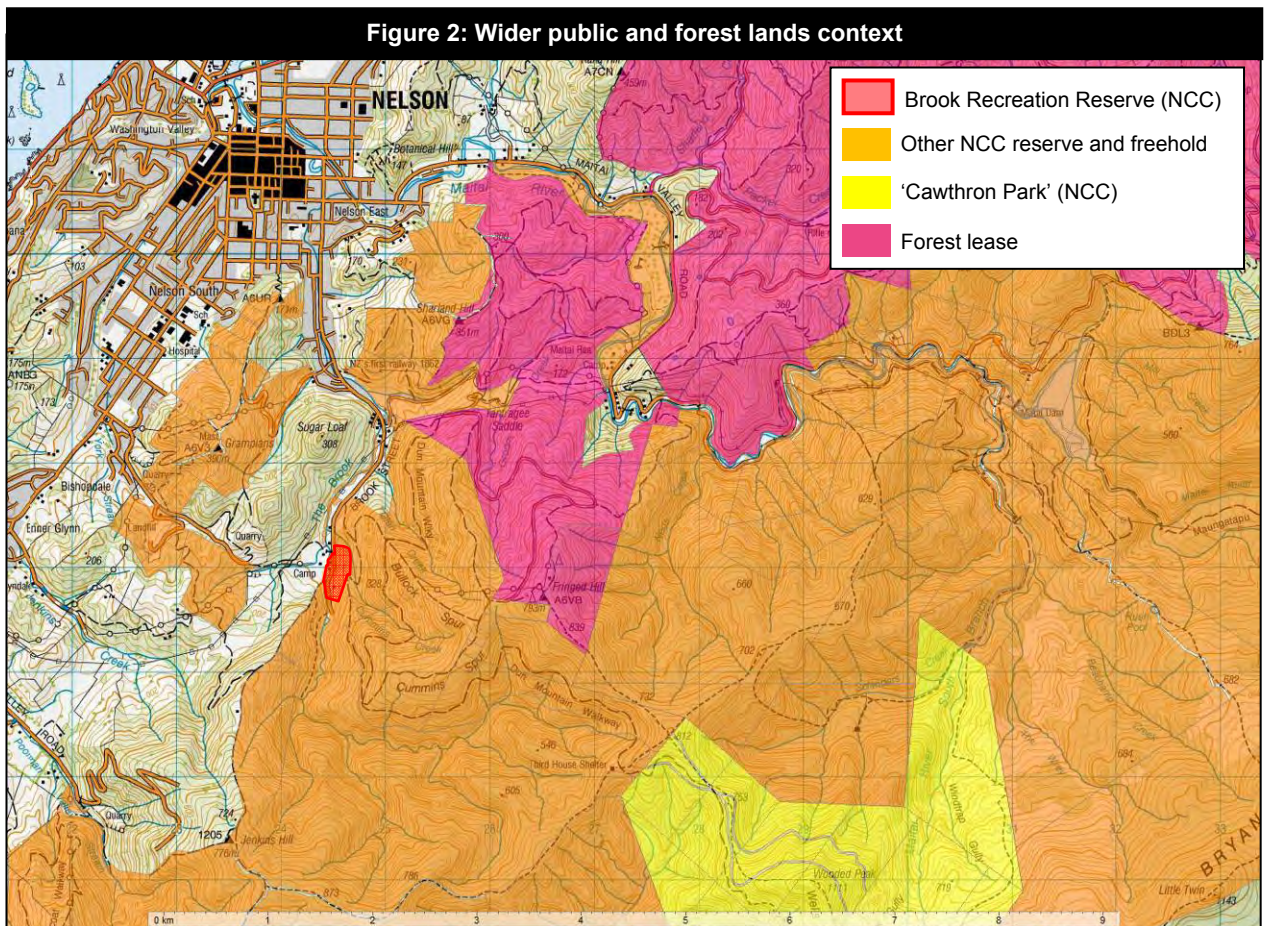
### 3 The Site

The Brook Recreation Reserve is located at the southern end of Brook Street at the entry to the Brook Waimarama Sanctuary. The site includes land classified as recreation reserve

Figure 1: Location of the Brook 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”. However, it currently remains as NCC freehold title.

The NCC *Urban Environments Bylaw 2015* defines a reserve as any land which is owned or under control of the Council and which is set aside for public enjoyment as a reserve, park, garden or open space. This allows Council to manage an area as a reserve even if it has not been gazetted as one under the Reserves Act 1977 (although the Reserves Act will not apply to such land and it will be managed under the Local Government Act 2002, amongst others); hence the naming of the land covered by this draft plan as the Brook Recreation Reserve.

In this draft plan, where the word 'Reserve' is capitalised, it refers to the Brook Recreation Reserve. Where it is not capitalised, it refers to the gazetted recreation reserve component.

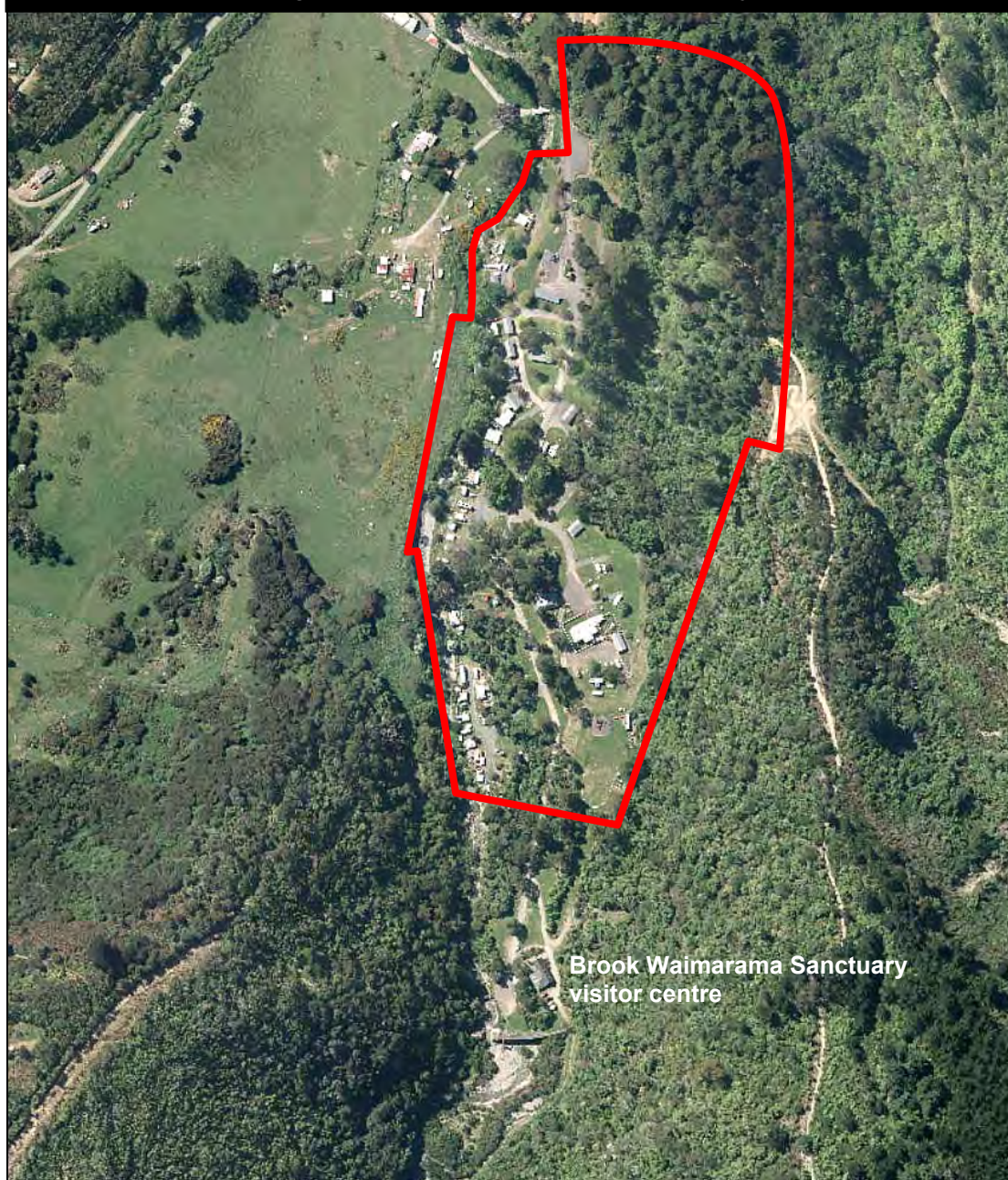
The Reserve includes all land at the site zoned Open Space and Recreation under the Nelson Resource Management Plan (NRMP). This zone defines the north-eastern Reserve

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.

The gazetted recreation reserve land parcel extends into an area leased to the Brook Waimarama Sanctuary. As the lease defines the primary uses and management controls of this part of the recreation reserve, it is not included in this management plan. This leased part of the recreation reserve remains within the scope of the *NCC Conservation and Landscape*

**Figure 3: Brook Recreation Reserve boundary**



### *Reserves Management Plan.*

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 draft 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 as recreation 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 are now by: semi-permanent residents in relocatable homes (although several have quite fixed components) and some of whom have 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**

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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.<sup>1</sup>

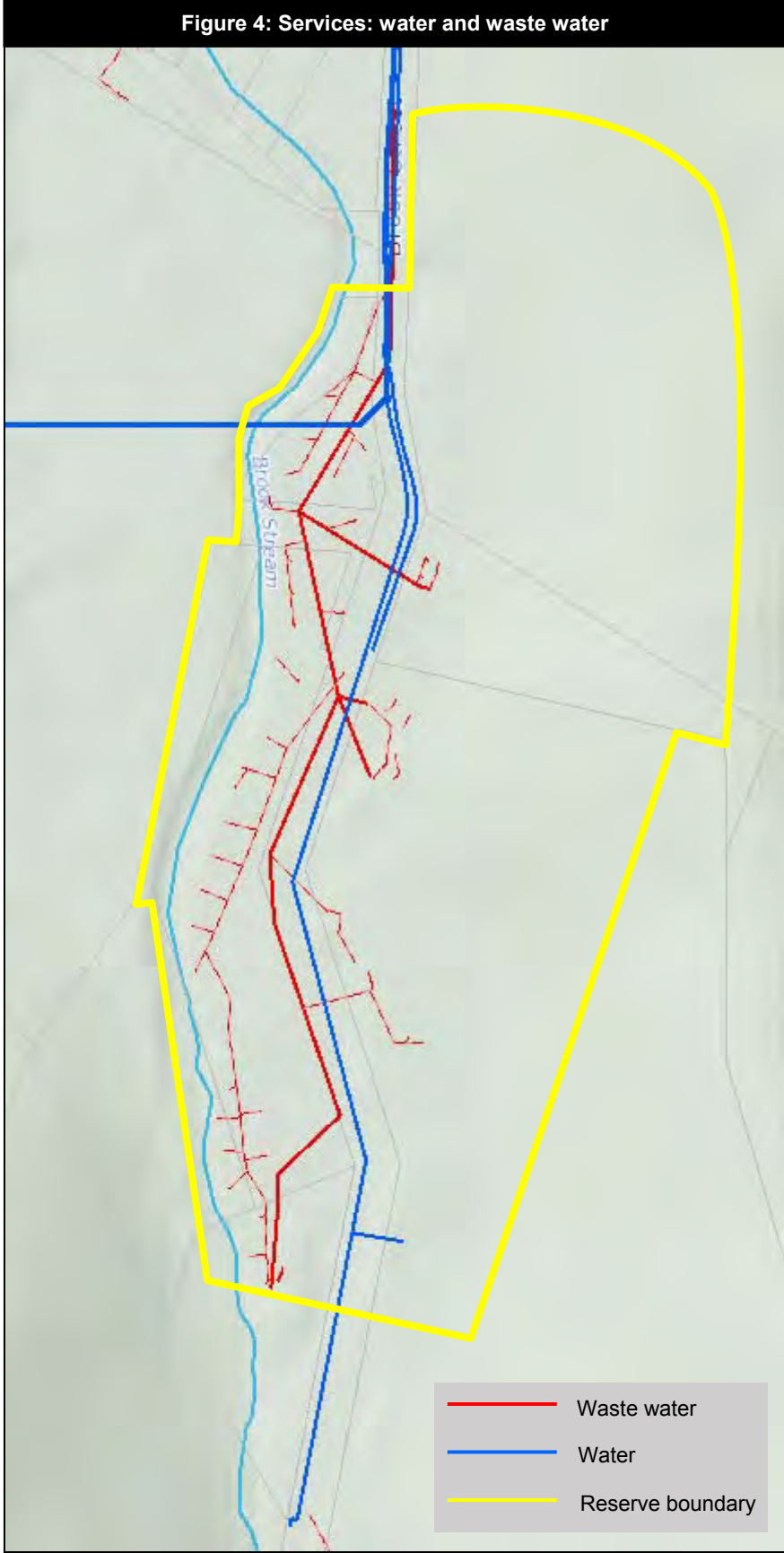
Waste water connections to the east of the road are only connected to buildings.

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.

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



## 4 Reserve History

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*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 tree<sup>2</sup>, 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

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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)<sup>3</sup> 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.

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

<sup>3</sup> Mitchell, H. & Mitchell, M. J. (2004) *Te Tau Ihu o Te Waka: A History of Maori of Nelson and Marlborough, Volume 1: 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 5.7.1). These are:

- Te Ātiawa o te-waka-ā-Māui,
- Ngāti Rārua,
- Ngāti Tama ki Te Taihū,
- 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**

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### **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

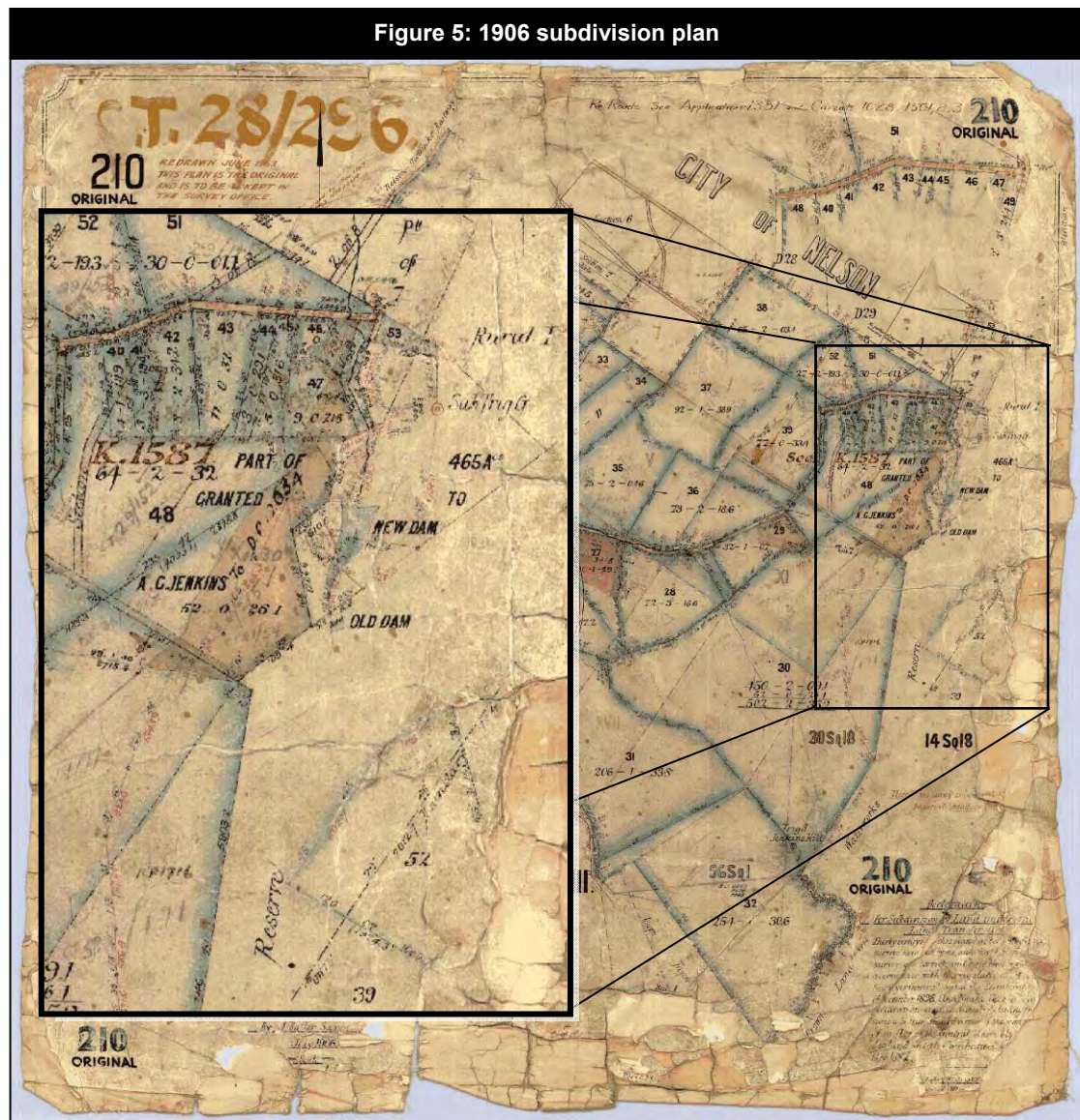


the hills forming the said watershed, and on all other sides by the sold lands [that is, land in private ownership]” was reserved for the purposes of the Nelson Waterworks. In 1879 the Crown vested the ownership of the ‘Waterworks Reserve’ in “the Mayor, Councillors and Burgesses of the said Borough 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."<sup>4</sup> 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*



<sup>4</sup> *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.*<sup>5</sup>

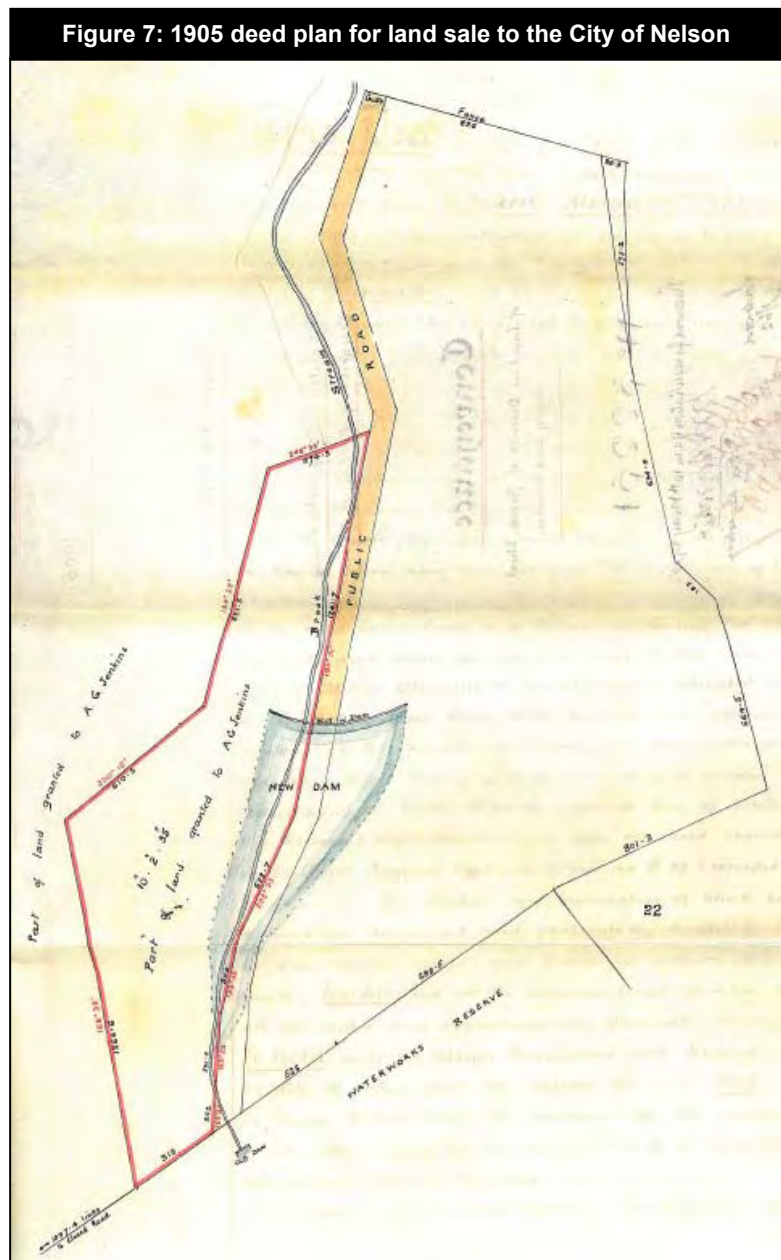
At the following Council meeting it was reported that the Committee had met with Mr O'Brien and "obtained an offer in writing from him, which they submit."<sup>6</sup>

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.<sup>7</sup>

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



<sup>5</sup> Colonist, Volume XLVII, Issue 11255, 11 February 1905, Page 2

<sup>6</sup> Colonist, Volume XLVII, Issue 11266, 25 February 1905, Page 2

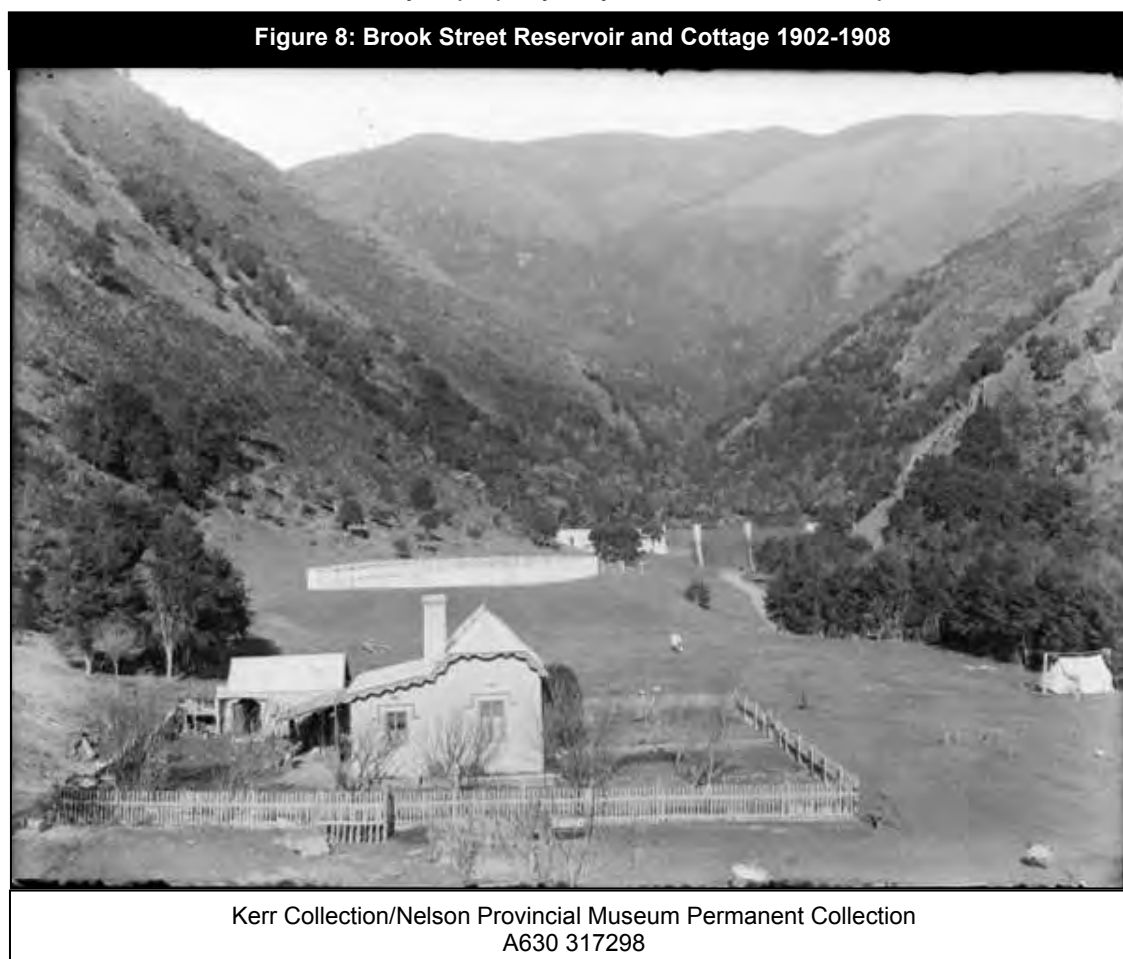
<sup>7</sup> File G10-03

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.<sup>8</sup> Lot 2 in Figure 6 was acquired by NCC from William Andrews in the 1930s, and this may have been the same area.<sup>9</sup>

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”.<sup>10</sup> All three men were active members and patrons of the Nelson Beautifying Society in the early 1900s.<sup>11</sup> 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*



<sup>8</sup> Nelson Evening Mail, Volume XLVI, 27 May 1911, Page 8

<sup>9</sup> File G10-03

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

<sup>11</sup> 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.<sup>12</sup>*

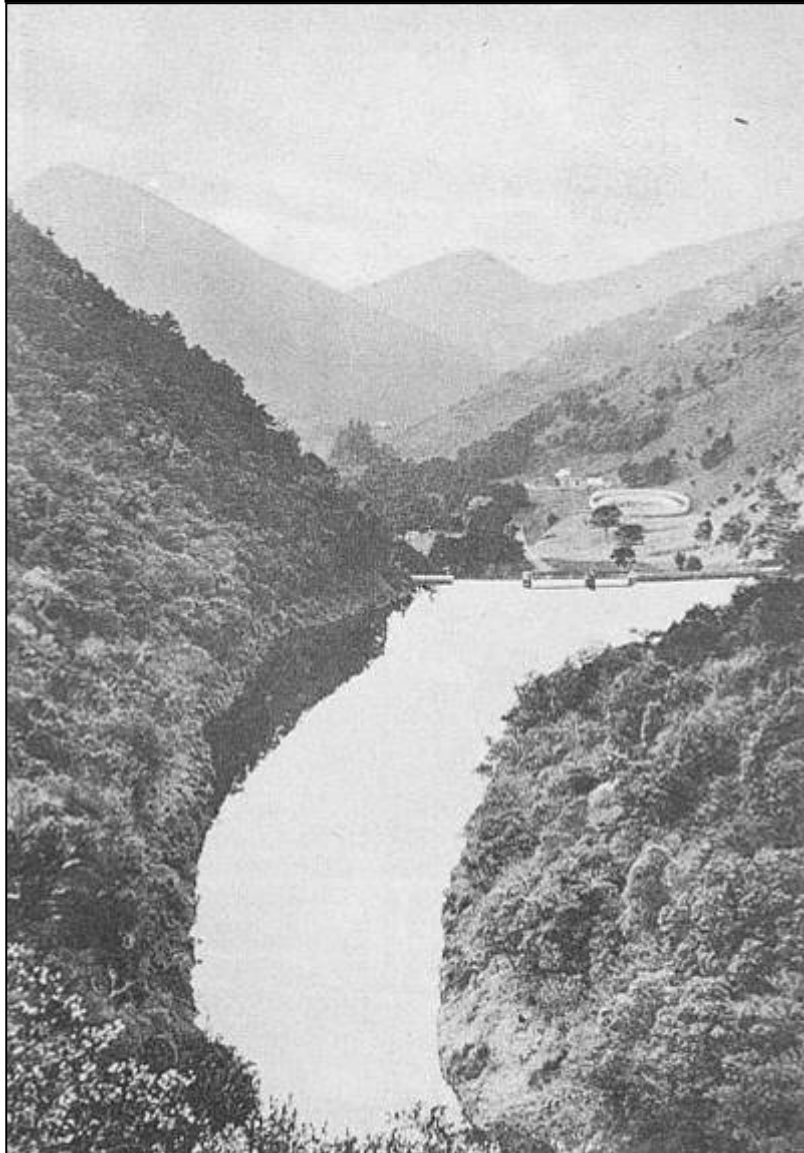
The existing certificate of title for Lot 49 has no reference to reserve status of the land, and a search of the NZ Gazette has revealed no formal protection of the land beyond its freehold condition. Nonetheless, the intentions of the Memorandum of Transfer remain.

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.<sup>13</sup> 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:<sup>14</sup>

*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."

<sup>12</sup> Colonist, Volume LIII, Issue 13165, 22 July 1911, Page 4

<sup>13</sup> Nelson Evening Mail, Volume XLVIII, 23 May 1914, Page 3, Nelson Evening Mail, Volume XLVIII, 20 December 1913, Page 3

<sup>14</sup> 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

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



F N Jones Collection/Nelson Provincial Museum Permanent Collection. 312678

boards warning against damaging or interfering with the trees. Councillor Plum seconded the motion.

C.W. Bell records in his history of the second 50 years of the NCC<sup>15</sup> 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 by the NCC as recreation reserve under the Reserves Act in 1980, after having been created as a separate title in 1978 from Sections 9 and 41 Brook Street and Maitai District.<sup>16</sup> 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 the NCC.<sup>17</sup>

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

**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.”

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

<sup>16</sup> 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.

<sup>17</sup> File G10-03

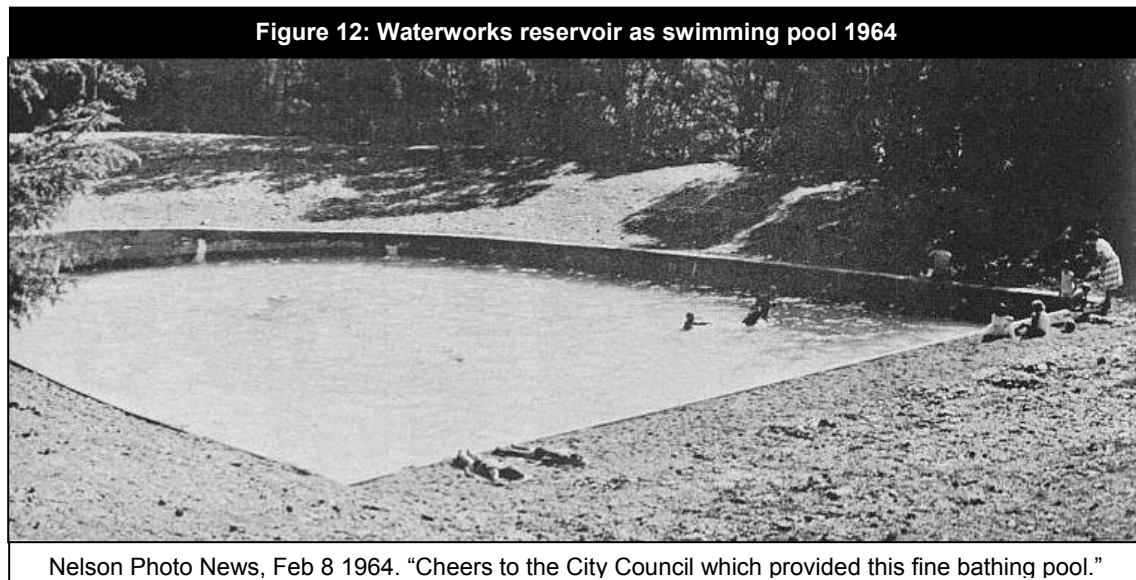
made by those managers for semi-permanent accommodation, although there was no Council policy regarding this. The number of semi-permanent occupants peaked in 2014 with 54 residents, occupying approximately 54% of the 100 marked camping sites (down to 25 by early 2015).<sup>18</sup>

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.<sup>19</sup>

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.<sup>20</sup>*

The swimming pool, based within the historic waterworks reservoir (Figure 12), was closed in the late 1990s, at which time it was leaking badly.



<sup>18</sup> 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.

<sup>19</sup> File G10-03

<sup>20</sup> File G10-03



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, the 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 this draft plan, but much reference is available about the trout hatchery in Albion Square. Any relevant information would be welcome during the consultation phase on this draft plan.

#### **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.<sup>21</sup> 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".

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<sup>21</sup> File G07-04

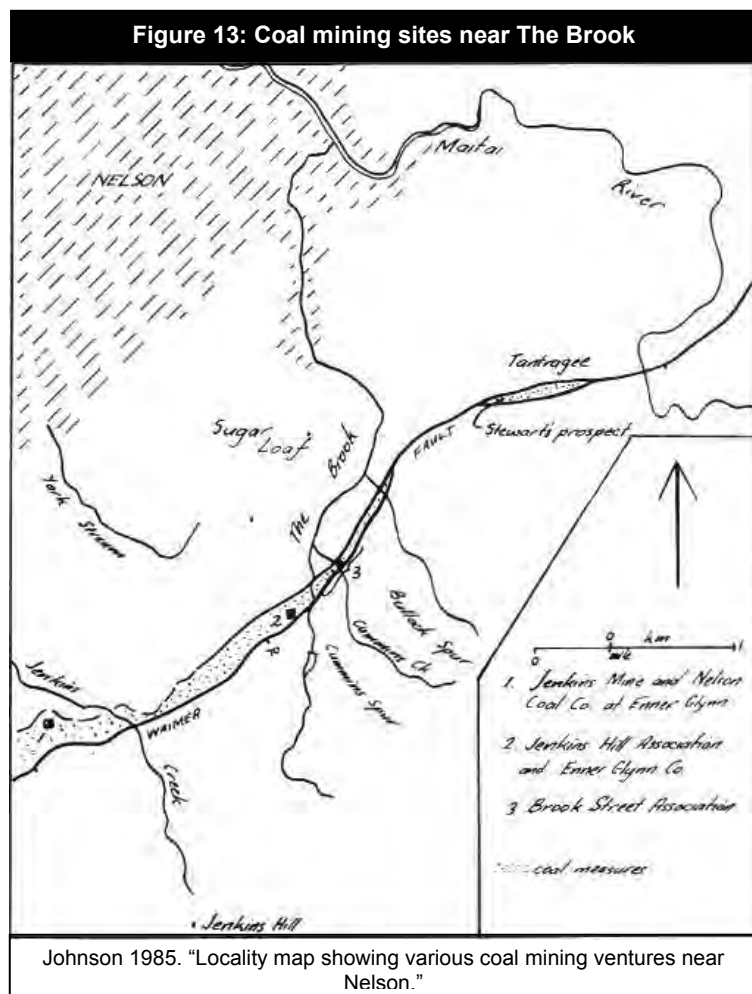
- Motor vehicles on formed roadways and with access to camp sites, at a restricted (but not defined) speed.
- Fires in barbecue pits only, with fire restrictions during dry periods.
- A minimum of fences and barriers so as to maintain the “open character of the park”.
- A minimum of signs grouped to 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.<sup>22</sup> 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



<sup>22</sup> 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.

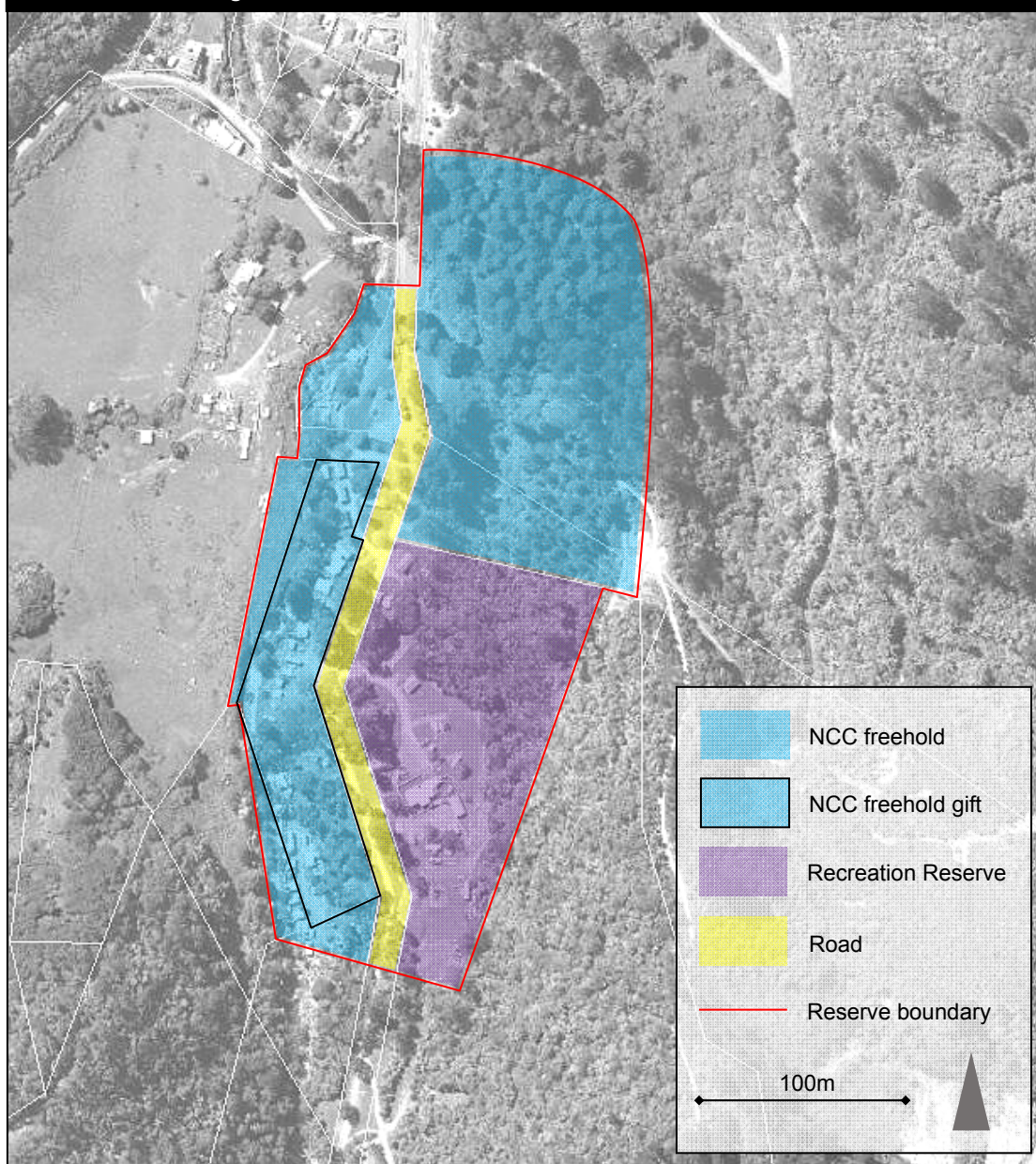
## 5 Statutory and other obligations for reserve management

### 5.1 Land status

The Brook Recreation Reserve is made up of land with three different legal status (Figure 14):

- Recreation Reserve, administered by NCC under the Reserves Act 1977 (approximately 25,600 m<sup>2</sup>),
- Land held freehold by NCC and administered under, primarily, the Local Government Act 2002 (approximately 57,600 m<sup>2</sup>), including 11,730 m<sup>2</sup> 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),

Figure 14: Land status within the Brook Recreation Reserve



- Legal road, administered by the Minister of Transport and NCC according to the Land Transport Act 1998 (approximately 8,580 m<sup>2</sup>). This management plan proposes closing this road, in which case its administration would pass to the NCC as either recreation reserve or freehold title (this draft plan recommends recreation reserve).

This section of this draft management plan considers how these and other legislation and legal obligations affect the control and development of the Brook Recreation Reserve.

Title references for the areas included in this management plan are listed in Appendix 1.

## **5.2 Local Government Act 2002**

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Almost two thirds of the Brook Recreation Reserve is 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;
- 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 draft 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.

Section 138 of the Local Government Act defines a 'park' as (138(a)) "land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes", excluding reserves gazetted under the Reserves Act. This definition ('park') would apply to all land within the Reserve – excluding the recreation reserve and road – and notably that component gifted in 1911 by Charles Fell, William Rout and Ralph Jackson (Lot 49). Section 138 states:

- (1) *A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park.*
- (2) *In this section,—*  
dispose of, *in relation to a park, includes the granting of a lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park.*

This draft management plan does not propose any sale or other reduction in size of the Reserve, but some long-term leases might occur. It is also recommended to gazette the entire Reserve as recreation reserve under the Reserves Act, in which case Section 138 of the Local Government Act would no longer apply.

### **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.

The NCC *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 and are discussed in relation to specific policies in Sections 7 and 9 of this draft 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 draft management plan considers the need to stop the road through the Reserve to permit better use of the setting for camping and other public and lease activities. Schedule 10 of the Act requires a formal process of advertising the intent and objectives of stopping a road (that is, to change its legal status from road to some other status, such as reserve or freehold

land). This draft management plan can set out the objectives for a road stopping, but is not the formal process required under the Act to achieve a stopping. A subsequent consultation and, potentially, a hearing process, would be required.

### **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). The Plan notes (p40):

*Feedback for the conservation and landscape reserves has been received through the initial consultation for developing the Conservation and Landscape Reserves Management Plan, Nelson Community Plan and Annual Plan consultation, Nelson Regional Growth Strategy consultation and Heart of Nelson City Centre Strategy consultation. Feedback shows that people:*

- *Value the native habitats of the conservation and landscape reserves and are concerned about biodiversity loss. They would like to see an increased investment in habitat restoration and control of pest plants and animals.*

- *Value the green back drop to the city and would like to see this maintained, restored and protected.*
- *Use the reserves for informal recreation such as mountain biking, walking, jogging and enjoyment of the natural environment and would like the reserves to be enhanced for these activities with improved tracks and facilities, particularly in the water catchment reserves.*
- *Would like improved information and signs in the reserves.*

The Community Facilities Activity Management Plan considers management of the Brook, Maitai and Tahunanui campgrounds, noting for 'future demand' (p46):

*Tourism is a key economic driver in the Nelson region, and the seasonal use of the campgrounds fluctuates with the large influx of tourists during the summer months increasing demand. This is an accepted campground trend that is likely to continue into the future.*

*Accordingly to research undertaken by the Association of Holiday Parks NZ, the number of visitors using holiday parks is increasing, and there is evidence that these visitors stay longer and spend more than other visitors to New Zealand's regions. This research is reflected in the visitor statistics at Tahunanui campground, but not at the Brook and Maitai campgrounds.*

*Nelson is well placed to receive this tourism market and its future increase with four campgrounds, including the three Council-owned ones. Nelson is also one of the most popular holiday park destinations in New Zealand. Tahunanui campground has and continues to be a sought after summer destination for Kiwi and international tourists. In 2010/2011 it had 191,298 visitors.*

*The Brook and the Maitai campgrounds have a lower level of visitor numbers. In the 2010/2011 year the Maitai campground attracted 6,932 visitors, and the Brook 2,603 visitors.*

The Plan notes in relation to financial performance (p48):

*Tahunanui and the Brook campgrounds resulted in a combined \$167,245 being credited to rates in 2009/2010 and this has been steadily growing since 2005. The Maitai campground operating costs were subsidised by rates by \$21,151 in 2009/2010, a figure that has fluctuated between \$10,000 and \$20,000 since 2005.*

These figures pre-dated the management of the Brook campground being taken over by Council.

Under the heading 'key issues' the Plan states (pp48-49):

*The key issues for campgrounds are:*

- *The need to ensure all three campgrounds are economically viable, well managed and support increased tourism. Ideally all three campgrounds should result in income being credited to rates. Currently this is only the case for Tahunanui and the Brook campgrounds. However,*



management of the Brook campground was transferred to Council from June 2010/2011 and this may alter its economic performance.

- *Future management of the Brook campground is currently uncertain, in part due to the future plans and viability of the adjoining Brook Waimarama Sanctuary. The campground could facilitate compatible activities with the Sanctuary, such as educational camps for school children and other wilderness training opportunities, or the Sanctuary may seek to expand into some of the land used for campground purposes. Given this, only a 3 year lease extension was offered to the then lessee in 2010, and this was declined. The Council is to manage the campground for the next 3 years in anticipation that the Sanctuary would, by that time, have a more certain development plan with secured funding. While the camp assets are aged, they are in good condition, and Council should not undertake any works to change or improve the campground over the next three years until the Sanctuary initiatives are known....*
- *All three campgrounds provide for semi-permanent residents. This is a statutory compliance issue as campground regulations impose a 50 day maximum stay provision. In addition, semi permanents create costs due to higher levels of service with respect to stormwater and electrical certification requirements. Currently Council has an informal policy of a sinking lid on semi permanents (when one moves out they are not replaced). However this is not well translated in practice via the lessees and the pricing policy at Tahunanui campground favours long term stays. The Tahunanui Reserve Management Plan 2004 capped permanent resident numbers at the campground. There are some community benefits in accommodating semi-permanent residents at campgrounds, and it can be an affordable or lifestyle choice for some. The issue of semi-permanents needs to be considered in the context of both Community Housing and permanent residents at the marina, and the risks associated with those activities.*

Priorities for future work included (p18 and p51):

- *Review funding policy and include Maitai and Brook Campgrounds.*
- *Opportunities to enhance niche levels of service to be assessed by joint Council/lessee working group across all three campgrounds including how to level out seasonal demand and enhance profitability of Maitai and the Brook campgrounds in particular.*
- *Ensure lessee/camp maintenance schedules match up with condition assessments.*
- *Review statutory compliance issues associated with long-stay residents and structures.*

### 5.3 Reserves Act 1977

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Just over a quarter of the Brook Recreation Reserve is within parcel *Section 47 Brook Street and Maitai Survey District*, which is gazetted as Recreation Reserve under the Reserves Act 1977 (Deeds Index 8/122).

Section 17(1) of the Reserves Act defines the primary purposes of recreation reserves:

- 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 recreation reserves, that:

- 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 (Sections 17, 53 and 54);
- That where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, they shall be managed and protected to an extent compatible with the primary purpose of the reserve;
- Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved; and
- 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.

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.

#### 5.3.1 Reserve management plans

Section 41 of the Reserves Act requires that Council prepare a management plan for every reserve under its control. 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. A draft management plan prepared in 1993 for the Brook Reservoir Motor Camp is described in Section 4.2.2 of this draft plan.

### **5.3.2 Leases on reserves**

Council has the ability to lease all or parts of a recreation reserve, pursuant to Section 54 and Schedule 1 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 17 of the Act (summarised above). This includes leases to 'any person, body, voluntary organisation, or society (whether incorporated or not)' for buildings and structures 'associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities'; as well as to 'any trade, business or occupation', 'provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve' (54(1)).

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)).

### **5.3.3 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 Council<sup>23</sup> 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)). 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'.

### **5.3.4 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).

## **5.4 Camping-Grounds Regulations 1985**

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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

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<sup>23</sup> Prior to June 2013, authorisation was required by the Minister of Conservation

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 does not currently comply. 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 is no provision in the Brook camping ground registration for a ‘relocatable home park’ and therefore all visitor occupation is limited to the maximum of 50 days.

However, existing residential campers within the Reserve are provided with individual grey-water gully traps, water connections (via taps) and have 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’; notwithstanding potential non-compliance with other statutes and the Nelson Resource Management Plan (discussed below).

## 5.5 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.<sup>24</sup>*

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

<sup>24</sup> <http://www.dbh.govt.nz/codewords-15-article-9>

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 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.*

There have been no certificates of exemption issued to any form of ‘relocatable’ camping accommodation in the Reserve.

## **5.6 Residential Tenancies Act 1986**

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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.<sup>25</sup> 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)<sup>26</sup> 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 ....*

<sup>25</sup> For a précis of the Act’s requirements see: <http://www.dbh.govt.nz/residential-tenancies-act>

<sup>26</sup> 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

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

## **5.7 Resource Management Act 1991**

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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.

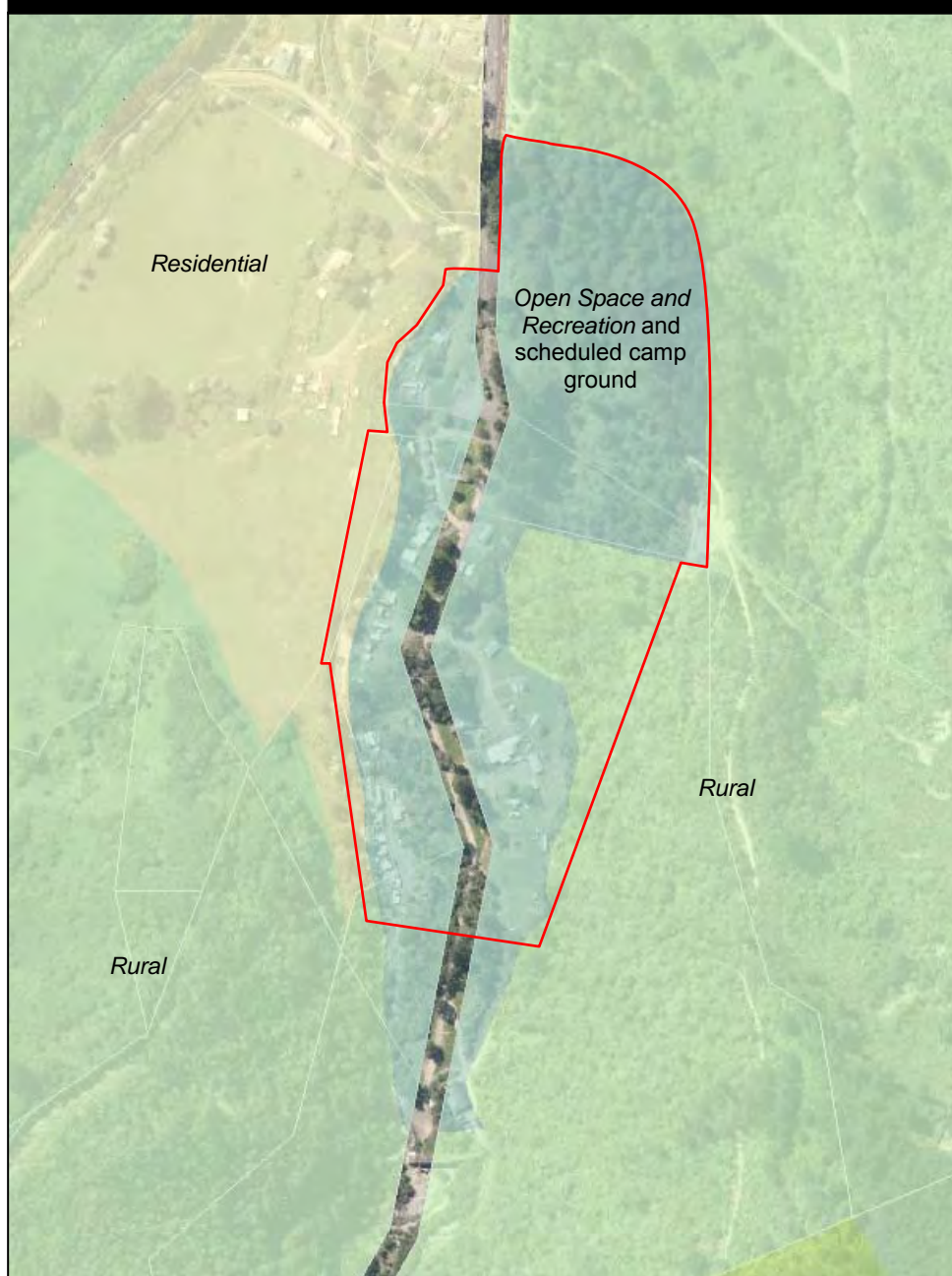
The Open Space and Recreation Zone has two resource management objectives under the NRMP (ch11):

- 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

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



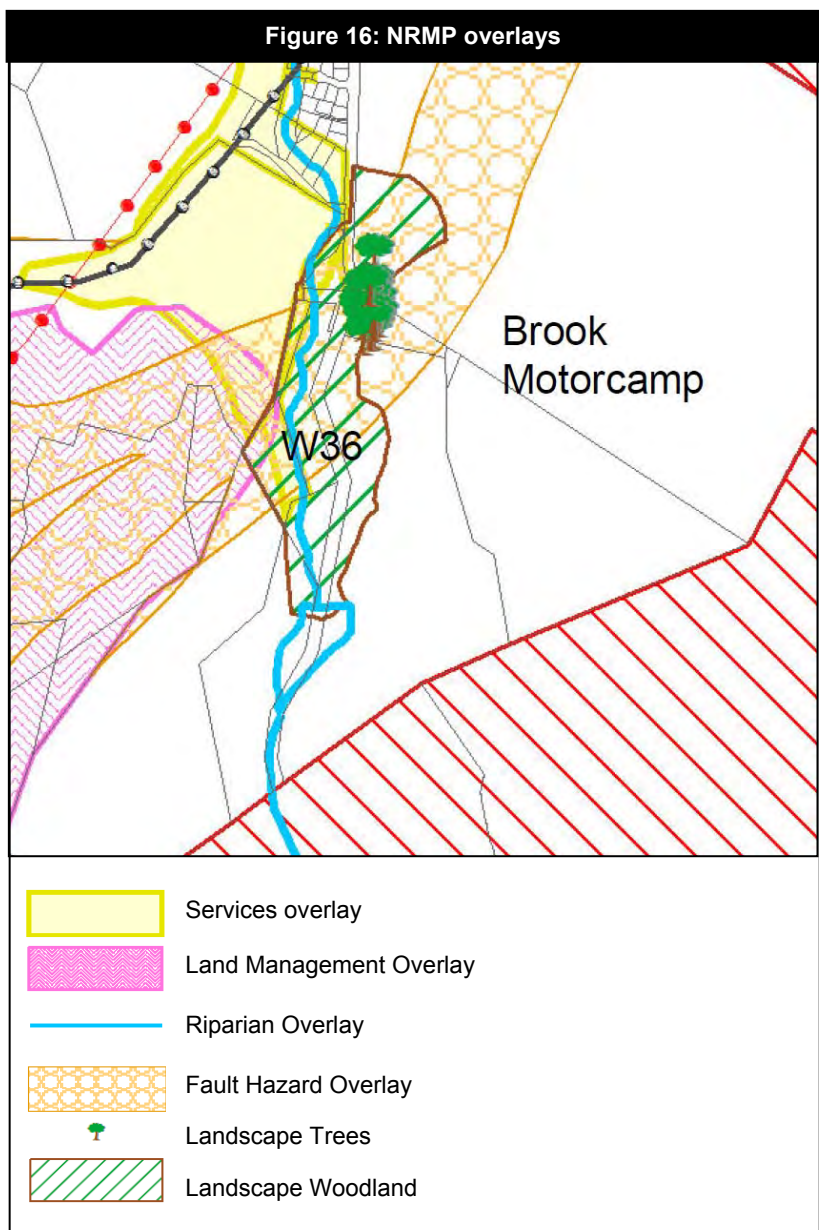
Reserve are identified as (Table 6.1): Conservation (aquatic habitat and water quality) priority 1 and 2 (see below); Access where urban development occurs; and Hazard mitigation (flood capacity);

- 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 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.

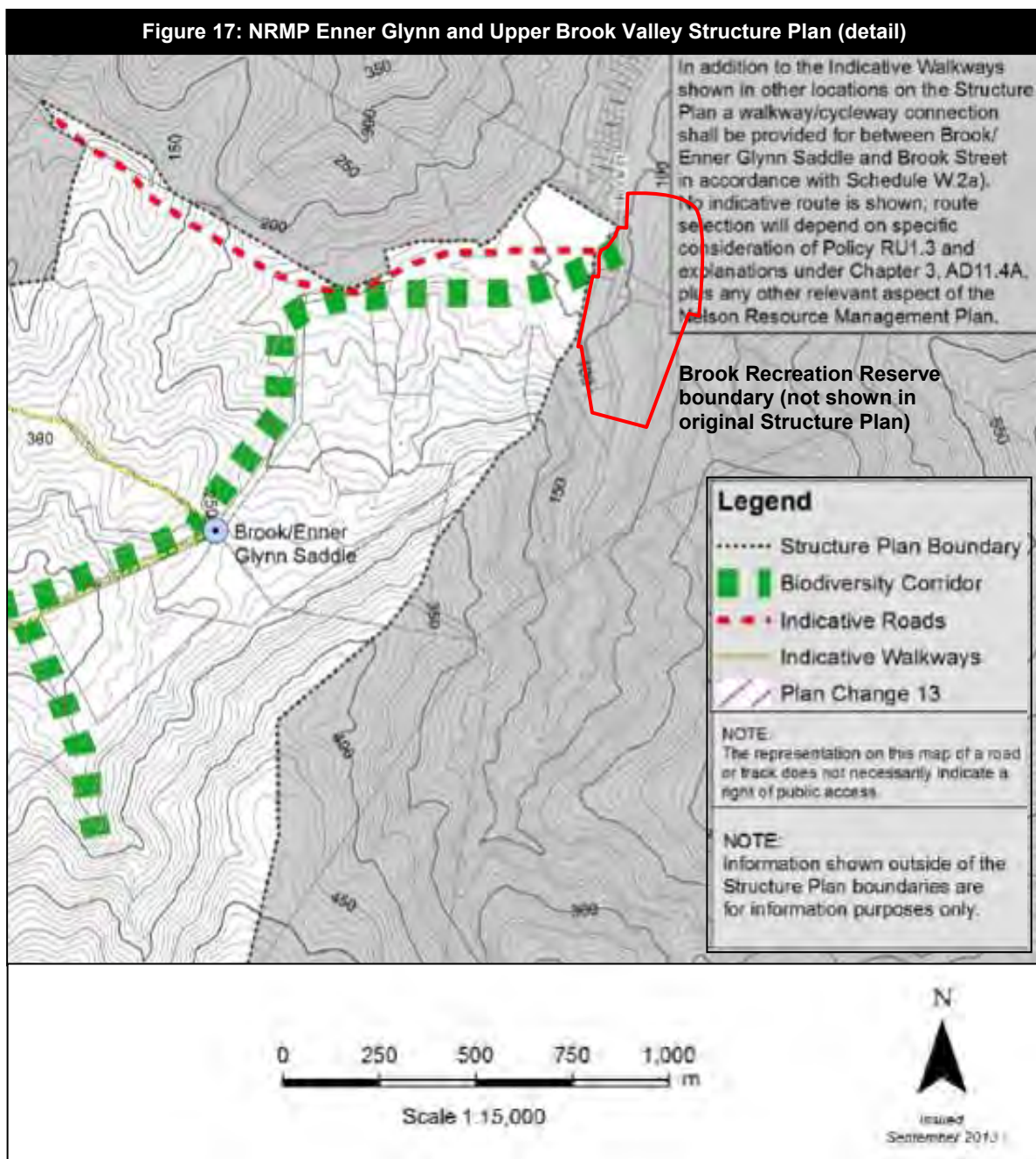
The NRMP also defines a Structure Plan for the Rural Zone to the west of the Reserve (Schedule W). This identifies an 'indicative road' from near the end of Brook Street to Bishopdale and a Biodiversity Corridor leading from Brook Street to Enner Glynn Road. (Figure 17). The structure plan notes (p12-94):

*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.



**5.7.1 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 the relevant iwi were advised of the preparation of this draft plan and invited to a consultation meeting.

## **5.8 Climate Change Response Act 2002**

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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 18, 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'<sup>27</sup> 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.

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<sup>27</sup> 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>

## 5.9 Other Plans and Policies

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### 5.9.1 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:

- 1) We support and encourage leaders across our community
- 2) We are all able to be involved in decisions
- 3) Our natural environment - air, land, rivers and sea - is protected and healthy
- 4) We produce more of our own food
- 5) We are able to rapidly adapt to change
- 6) We move from using fossil fuels to renewable energy sources
- 7) Our economy thrives and contributes to a vibrant and sustainable Nelson
- 8) Nelson is a centre of learning and practice in Kaitiakitanga and sustainable development
- 9) Everyone in our community has their essential needs met
- 10) We reduce our consumption so that resources are shared more fairly.

### 5.9.2 Nelson Biodiversity Strategy 2007

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.

### **5.9.3 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 this draft management plan has included:

- Meeting with camp residents to explain the management plan 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,
- NCC 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 this 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. Key themes from these suggestions were (in no particular order):

- Maintain provision for camping within the Reserve, noting that it would be a unique association with a wildlife sanctuary in New Zealand, provide economic benefit to the region and provide an alternative for freedom campers who occupy the city centre,
- Maintain provision for long-term accommodation,

- Upgrade the camping facilities to 'four star' standard, make the site more welcoming and a more effective tourism asset for Nelson,
- Maintain camp sites as 'basic DOC-style',
- Support the work and activities of the Brook Waimarama Sanctuary by ensuring good access and traffic flow, a high quality recreation setting, pest animal and plant control, and a range of other complementary developments,
- Maintain the site as relatively undeveloped and 'natural',
- Limit commercial activities on site to only camping,
- Protect, maintain and enhance the Brook Stream,
- Include provision for local day-use of the site and provide better casual access to the Brook Stream and other park-style picnic facilities,
- Formally protect the freehold land within the Reserve to provide certainty of purpose via gazettal as recreation reserve under the Reserves Act,
- Develop the Eureka Park concept on the Reserve to honour Nelson's sister city relationship with Eureka,
- Support a wide range of outdoor activities, including biking, walking, tramping and nature appreciation, noting that the region is well-provisioned for beach activities and accessible bush or mountain activities are now in demand,
- Support and opposition for providing for a cycle lift – a gondola – and other associated services and facilities within the Reserve,
- Support and opposition for relocating the Brook Conservation Education Centre to within the Reserve (administered by NMIT and providing ranger training for the Department of Conservation),
- Concern over adverse traffic effects on Brook Valley residents if additional development occurs within the Reserve, such as an education facility and a gondola,
- Support activities and events complementary to the Waimarama Community Organic Gardens,
- Ensure any future public road developments in the area do not adversely affect the amenity of the Reserve.

Concern was also raised about the legality of preparing a single management plan for an area with land administered as recreation reserve under the Reserves Act as well as freehold land administered under the Local Government Act. There was also interest in having the Reserve fully gazetted as recreation reserve prior to preparing the management plan, potentially to restrict opportunities to base additional commercial activities on the site. Statutory issues are considered in Sections 2 and 5 of this draft plan. Council opted to not gazette the Reserve until such a decision is supported by the findings of this management plan; noting that the leasing provisions within the Reserves Act allow for commercial leases where they support the primary purposes of a reserve, and that this could include a wide range of recreation and tourism services that could equally be provided for on freehold land.



## 7 Issues and options

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This section of the draft management plan discusses the various management issues facing the Brook Recreation Reserve that have been identified via consultation, pre-existing planning documents (such as the *NCC Community Facilities Activity Management Plan 2012-2022*) and review of relevant legislation and policy. Options for the treatment of each issue are identified.

In the following section, two Visions for the development of the Reserve are outlined, using options from each discussion point in this section. In the final version of this plan, only one of these Visions – or an amalgam of both – will be retained for implementation.

### 7.1 Camping and residential camping

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*Many of the permanent residents have difficulty fitting into a more conventional suburban lifestyle. We happily live in a more simple way and, in doing so, are a lower drain on the community's (and the earth's) resources than most people are. Most residents like living here, as opposed to being here reluctantly, as often occurs in those campgrounds surrounding large cities.*

Bob Lynch suggestion

#### 7.1.1 Issue

The Brook Recreation Reserve has included a camping ground since the mid-1920s, and has until recently been actively promoted as such. The *NCC Community Facilities Activity Management Plan 2012-2022* noted (p49):

*Future management of the Brook campground is currently uncertain, in part due to the future plans and viability of the adjoining Brook Waimarama Sanctuary. The campground could facilitate compatible activities with the Sanctuary, such as educational camps for school children and other wilderness training opportunities, or the Sanctuary may seek to expand into some of the land used for campground purposes. Given this, only a 3 year lease extension was offered to the then lessee in 2010, and this was declined. The Council is to manage the campground for the next 3 years in anticipation that the Sanctuary would, by that time, have a more certain development plan with secured funding. While the camp assets are aged, they are in good condition, and Council should not undertake any works to change or improve the campground over the next three years until the Sanctuary initiatives are known....*

Council sought to close the campground in 2014 when apparent issues were identified with cost, long-term site-management uncertainty and non-compliance with various planning rules and regulations. This decision was later reversed when strong interest was expressed by community members to retain the camp; and the need for the development of this management plan was identified.

An Opus asset assessment for the camp facilities has identified approximately \$1.27 million in asset renewal costs up to 2026. A valuation identified a \$1.74 reinstatement estimate for camp assets; an existing asset value of \$955,000; and a demolition estimate of \$80,000.

The majority of the camp income currently comes from residential campers. In 2001, the camp had 13,400 person nights, but only 5400 in 2005. Camp records indicate a peak of 54 long-term campers in early 2014, although data collection has not been consistent over the years. The camp has 100 marked sites, so long-term occupation would have accounted for up to 54% of all sites in late 2014. As at early 2015, 25 long-termers remain. Several have been on-site for more than 10 years continuously, others have stayed periodically over a 25 year period. Most others have been in occupation for less than three years. At least one has paid a premium to a private individual when purchasing their caravan on site, assuming some transfer of property rights.

Consultation indicated an interest in the camping area providing a cheap alternative destination for freedom campers who currently occupy space within the central city. This option is provided by the Maitai Valley Motor Camp which provides affordable campsites as a requirement of its lease (\$8 per night as at early 2015). The Nelson City Holiday Park also offers relatively cheap camping options close to the city centre. It will be important for camping provisions within the Reserve to complement those offered by the Maitai and Nelson City options, as well as the Tahuna Beach Holiday Park, and to not work in direct competition. The Reserve has the potential to accommodate those seeking a boutique 'bush' and educational experience associated with the Brook Waimarama Sanctuary (which the Brook Waimarama Sanctuary Trust describes as a unique opportunity in New Zealand for a wildlife sanctuary), as well as cyclists and walkers attracted by the various tracks within and around the Sanctuary, and those leading to and beyond Fringed Hill. A gondola or other tourism or commercial recreation development could be a significant added attraction for that camping market. The Maitai Valley Motor Camp is also pet-friendly, and considering the Reserve's proximity to the Brook Waimarama Sanctuary, there is no need to compete with the motor camp by providing for pets. These opportunities create the potential for the Brook Recreation Reserve to offer a well-differentiated camping product.

An abundance of planning rules and regulations apply to long-term camping options in camp grounds, including at the Reserve:

- The Camping-Ground Regulations 1985 (see Section 5.4). These limit the maximum period of stay within a registered camping-ground (which the Brook Reserve is) to no more than 50 days, unless a form of relocatable housing is situated within a registered 'relocatable home park' with 'living places' separated from short-term camping areas and connected to 'reticulated sewerage, storm water drainage, and a reticulated water supply'. The Regulations apply equally to freehold land and recreation reserve. The NCC enforces these Regulations, which includes certifying waivers of the regulations of the Building Act 2004.
- The Nelson Resource Management Plan (see section 5.7) requires a resource consent for permanent accommodation within the Open Space and Recreation Zone.
- The Nelson Resource Management Plan does not permit the erection or extension of any structure (excluding a fence) within 15 metres of the centre-line

of the Brook Stream (a Riparian Overlay) in both the Residential and Open Space and Recreation zones within the Reserve (REr.71 and OSr.56 respectively). Many of the long-term camp units, especially within the southern part of the camping area, are within this overlay and may be considered 'structures'.

- The Reserves Act 1977 (see section 5.3.3) limits camping on a recreation reserve by 'the owner of any vehicle, caravan, tent, or removable structure' to a total period of more than four weeks during the period from 1 November to 31 March, without authorisation. This applies to only the recreation reserve, but is superseded by the Camping-Ground Regulations over the entire Reserve.
- Lot 49, which includes most of the land currently occupied by long-term residents was gifted to Council in 1911 with the requirement, as stated in the Memorandum of Transfer (see Section 4.2.1), that the land "be held for ever as and for Pleasure Grounds or for any other purpose of enjoyment or recreation". It is doubtful that permanent accommodation would match that land use expectation.

Residential campers within the Reserve are generally required to sign a 'Terms and Conditions of Long Term Stay' although due to different occupation dates not all existing residential campers have signed the latest (April 2010), or any, version. The agreement sets out requirements for: payment of fees; electrical warrants of fitness requirements; the scale of site occupation; and refusing the keeping of pets, subletting sites and operating a business on site; amongst other provisions and controls. There are no requirements for duties which assist camp management or supervision.

The Maitai Valley Motor Camp offers long-term accommodation on its site – particularly in response to the Christchurch earthquakes – with various provisos. These include, for example, a restriction on any permanent structures (all equipment and accommodation must be immediately removable), garden planting is only permitted in moveable planter-boxes, and long-term campers are located in a defined area. The manager of the Motor Camp notes that long-term campers are a very important source of income for the business, particularly over winter.

The Tahuna Beach Holiday Park operates a formal relocatable home park with approximately 170 semi-permanent residents.

Council permits 'liveaboard' occupation at the Nelson Marina based on a set of rules, which include: controls on the level of occupation (three per pontoon); electricity consumption (limited to battery chargers and small household appliances (like TV, radio) – no electrical heaters are permitted); animals (only birds are permitted as pets); and that any liveaboard tenant who does not live aboard their boat for more than three months loses their liveaboard status. Liveaboard tenants are expected to: help monitor security within the marina and its parking lots; report to the Marina Supervisor any unusual conditions or activities (like broken street lights, mooring lines, water pipes) needing attention; and to assist visiting yachts by directing them to the visitors' area.

Similar requirements could form a revised occupation agreement for residential campers at the Reserve. The Tahuna Beach Holiday Park requires semi-permanent residents in its relocatable home park to accept a licence to occupy, which includes terms of conduct.

### 7.1.2 Consultation and research response

There is wide support for the retention of a camping ground at the Brook Recreation Reserve, from nearby residents of Brook Street, residential campers and other existing and potential users of the site, including the Brook Waimarama Sanctuary, NMIT and the Cycle Lift Society.

There is a range of attitudes to residential camping, with those on-site clearly stating their preference to remain, while there is concern that residency limits other public uses of the site and reduces the ability of the area to attract short-term campers. Severinsen (2009) rather unkindly describes the latter potential conflict (p126):

*... holidaymakers and the general New Zealand public are frequently attracted by an idealised notion of camping. This New Zealand holiday idyll for some becomes tarnished by the realities of long-term residents – noisy, unkempt social misfits and the development of permanent and aesthetically displeasing dwellings.*

In contrast, the Brook camp was described by a current resident as “an affordable accommodation option that provides dignity, serenity and sanity.” Some residents describe it as an attractive choice for living, while others see it as their only option, feeling unable to settle into traditional housing for economic, social, personal or health reasons.

In her 2009 thesis on camping ground residence in New Zealand, Christina Severinsen stated a conclusion in line with the consultation findings for this draft plan (p236):

*[Study] participants have provided a picture of housing circumstances on the margins of society and especially for those socially and economically excluded from the housing market. Residents have focused on the process of community and home and place-making rather than the physical nature of their dwellings. Hence, this research has shown the ways in which social connections within camping grounds, and attachment to place, enable many residents to achieve a sense of social inclusion and support and health.*

*Camping ground residence is shaped and defined by residents, but also by outsiders' use and conceptualisations. In this way, camping grounds have also been described as sites of conflict, where residents often had to negotiate and construct their housing in opposition to wider, more dominant views....These narratives show variability and contradictions in views of place, how different residents may perceive camping grounds differently but still feel at home, and highlight the ways in which camping grounds can simultaneously shape both negative and positive health experiences.*

Severinsen recommends (p231):

*In terms of camping grounds, there has been a punitive reaction to residents, and little acknowledgement of housing solutions to address the 'problem'. This research has shown the narratives, policies, and practices that give rise to social exclusion effectively marginalise camping ground residents. The complexity of camping ground residence means there are no simple solutions. For example, a more rigorous enforcement of the Camping Ground Regulations (1985) through evicting residents overstaying the 50-day period, without providing alternative permanent stable housing,*

*undermines residents' rights to accessible, affordable housing. Similarly, there is a situation in New Zealand of mutual dependency between owners of camping grounds and long-term residents [via a predictable income stream].*

*Any suggestion to enforce the Camping Ground Regulations (1985) does not take into account the inherent risks to residents' housing rights.... In New Zealand, the concurrent lack of available alternatives to more secure housing must firstly be dealt with. Furthermore, policy needs to keep perspective of the importance of 'home' present in camping grounds in potential changes to legislation and enforcement of the Camping Ground Regulations (1985). Regardless of whether residents chose to live there or not, camping grounds are the home of many residents, and their present place in society. This research gives indication for addressing social exclusion in housing at all levels, and that housing must be an intersectoral approach focusing on housing rights.*

*In sum, camping ground residence must be acknowledged as [a] much more complex and significant situation than is portrayed in public and political narratives. Furthermore, without moves to ensure adequate provision of housing for all members of society, camping grounds will continue to form part of housing provision in New Zealand, namely as a low cost accessible housing option for socially excluded, marginalised population groups. Ideally, current practice should be aimed at finding permanent, secure housing, and on assisting people in sustaining tenancies.*

### **7.1.3 Options**

The preferred option is to retain a commercial camping ground within the Reserve, and this is based on consistent consultation feedback. Returning the operation to a lease with either a commercial or not-for-profit agency is also desirable, as this model appears to have worked in the past.

Options for retaining services for residential campers are complex. If a 'relocatable home park' is decided as an option for the Reserve, this management plan recommends locating it on an area of currently freehold title which has excellent screening and proximate ablutions. The preferred site includes and extends on Fantail Glades, as this has a separate and quite well-concealed entry and a strong vegetated boundary. The area currently provides for ten residents with five or more sites unoccupied; and potentially another ten sites could be provided by extending this area to the north (Figure 19), noting that there is a trench to the north of Fantail Glades which would require a design solution, although it already has a small filled path across it. This option frees the remainder of the river-side settings for casual recreation and camping, and riparian development for natural values. There is also one residential site in the far north of the Reserve occupied by a residential camper which retains good screening (see Figure 20).

Stages to achieving a 'relocatable home park' include:

- Define and agree on a suitable area for this activity within the Reserve with a capped number of available sites (such as the number of existing residential

campers as at April 2015: 23 – see Figure 20 – plus a small allowance for long-term campers who are currently away<sup>28</sup>, giving a proposed maximum total of 25).

- Define a period of occupation for residential camping if this activity is not seen as suitable in the long-term or appropriate considering land status (such as occupying land gifted for public recreation).
- Define and approve a 'relocatable home park' within the Reserve under the Camping-Ground Regulations. This will require NCC to define the degree to which the existing levels of service for wastewater and stormwater comply, and if they do not, the work required to ensure compliance.
- Apply for a resource consent for accommodation within the Open Space and Recreation Zone, unless the activity is defined as camping and all units are truly relocatable (as they are in the Maitai Valley Motor Camp, which is also in an Open Space and Recreation Zone under the NRMP and is also a designated camping ground).
- Avoid permanent structures in the Riparian Overlay.
- Waive compliance with the Building Regulations as they apply to each form of accommodation, as necessary and reasonable.
- Waive compliance with occupation limits under the Reserves Act if the entire Reserve is gazetted as recreation reserve (which is recommended by this draft plan).
- Work with existing residents to develop an appropriate transition process, which may allow for the retention of some existing sites outside the relocatable home park for defined periods.

Draft policies based on these issues and options are in Sections 9.1, 9.2, 9.6 and 9.7.



<sup>28</sup> Section 9.7 defines how this is recommended to be agreed.

Figure 20: Location of residential campers at April 2015



## 7.2 Protected trees and vegetation management

*The Brook camp is a precious area; it really could play a major and leading role in showcasing Nelson as an innovative place, where nature and people can interface in this (potentially) wonderful environment.*

Donna Butler suggestion

### 7.2.1 Issue

Trees within the Reserve are within a 'landscape woodland' as defined under the Nelson Resource Management Plan, as well as 18 specified 'landscape' sequoia and one 'local' deodar cedar (see Figure 16 on page 40). The Nelson Resource Management Plan states:

#### **DO4.1.8 Landscape Trees**

*The protection of Landscape Trees or groups of Landscape Trees is considered important, and removal should be avoided where this can reasonably be achieved.*

Explanation and Reasons

*DO4.1.8.i The protection of Landscape Trees (listed in Appendix 2) is important to the District, but of a lesser priority than Heritage Trees. The assessment matters listed alongside the respective rule will guide decision making with respect to when protection can "reasonably be achieved".*

#### **DO4.1.9 Local trees**

*The protection of Local Trees or groups of Local Trees is desirable, and removal should proceed only after alternatives have been considered.*

Explanation and Reasons

*DO4.1.9.i The protection of Local Trees (listed in Appendix 2) is desirable, but of a lesser priority than Landscape Trees.*

The characteristics of the 'landscape woodland' are not defined in the NRMP and there are no Rules in the Open Space and Recreation Zone specific to them. They have status as a 'heritage overlay' and may require consideration when development activities affect them.

The NRMP permits crown thinning (or 'normal trimming') of Landscape Trees in accordance with 'accepted arboricultural practice' in the Open Space and Recreation Zone, but a non-notified resource consent is required for further pruning work (OSr.69). The consent will define controls over the timing, amount and manner of pruning allowed. A resource consent is required to remove a Landscape Tree, and this may be notified (requiring public input). A 'local' tree may be removed if notice is given to Council one week prior to the work being done (OSr.72).

An important consideration is the activity of camping in the Reserve in lightly-built structures – tents, vans and caravans – which offer little protection from falling limbs. Arboricultural practices need to recognise the relatively high level of risk posed by possible tree and limb fall in a setting with long-term exposure for campers.

It is anticipated that the proposals in this management plan will reduce the need for public notification for any resource consents required to manage trees within the Reserve.



### **7.2.2 Consultation response**

The consultation process indicates that the key issues for management of Woodland Trees within the Reserve involve:

- Senescent kanuka and several other trees which pose a risk to campers and other Reserve visitors,
- Many notable individual and groups of trees which lend the Reserve its core landscape values,
- The role of trees in shading and cooling Brook Stream, and
- The trees' and other vegetation's role as habitat and wildlife corridor; noting that the NRMP Enner Glynn and Upper Brook Valley Structure Plan seeks the development of a biodiversity corridor in the area (see Figure 17 on page 42).

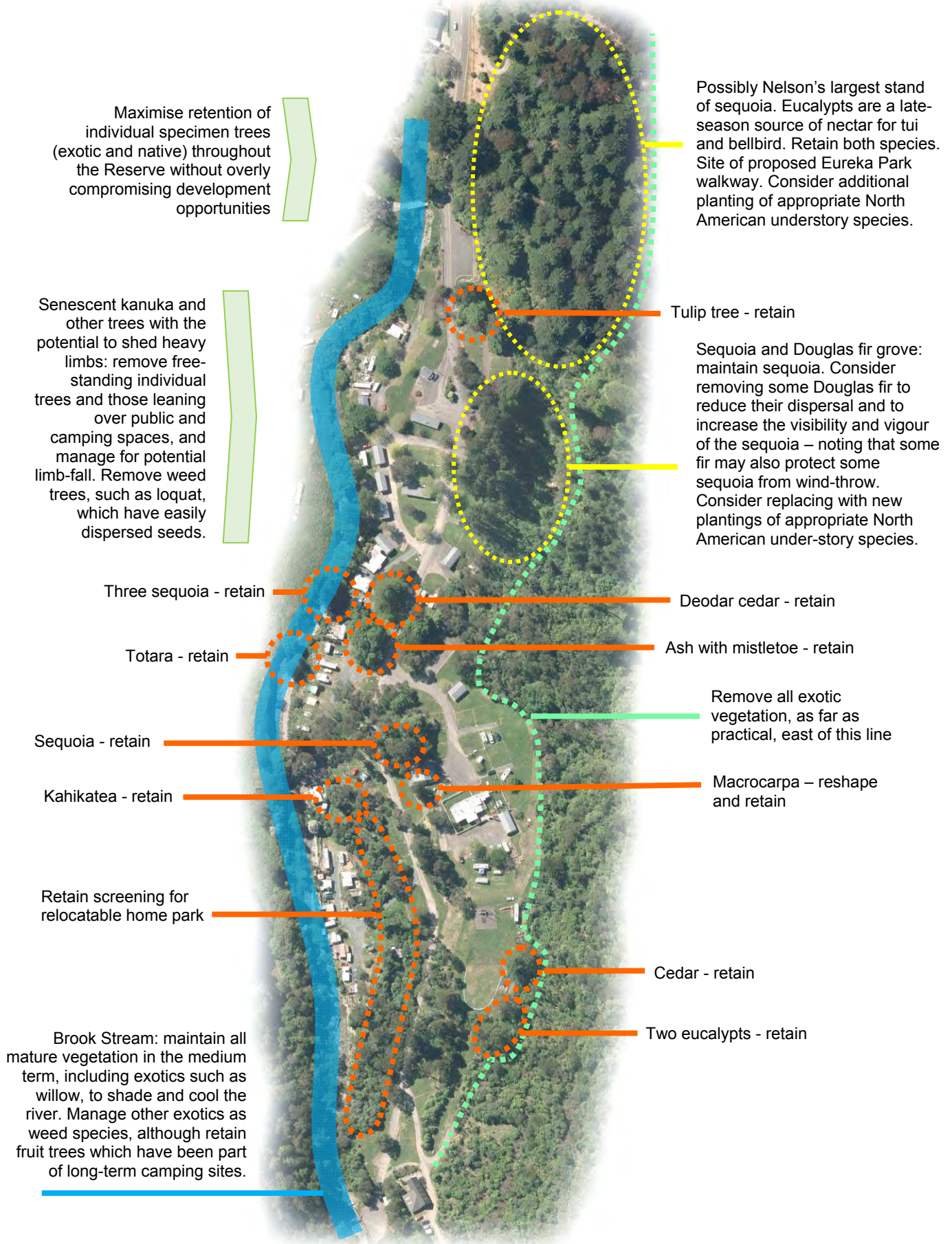
Comment was received (including from the Department of Conservation) that the Reserve is not a significant area for native biodiversity.

### **7.2.3 Options**

The draft proposals made here and shown in Figure 21 are based on a review by Council's Environmental Reserves Supervisor (Lindsay Barber) and the author of this report. The intention is to secure the Reserve's core mature vegetation, which is representative of its 'early settler' development history, while allowing flexibility for future development of the Reserve as a visitor and camping setting. Management of other vegetation may still require non-notified consent under the NRMP, but only according to an agreed development plan.

Draft policy is included to encourage the management of trees to limit risk exposure from tree and limb fall (Section 9.6). The options in Figure 21 are draft requirements for the proposed comprehensive development plan for the Reserve (Section 9.2).

**Figure 21: Vegetation management recommendations**



## 7.3 Civil defence role

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### 7.3.1 Issue

The consultation process has indicated an interest in the degree to which the camping facilities at the Reserve have an important civil defence role. Feedback about this idea has been sought from Roger Ball, the regional Civil Defence Emergency Management manager. In summary:

- An assessment of Civil Defence Centres, which are used for evacuation and welfare purposes, has been carried out in the region and the Brook Recreation Reserve has not been identified in this role,
- The camp facilities could potentially be useful for emergency accommodation in some circumstances, and the Reserve area also represents a potential safe location for evacuation in some extreme scenarios. However, looking at the City's risk profile as a whole, other facilities are a better fit to fulfil the role of a Civil Defence Centre,
- There are many reasons why other facilities are a better option than the Reserve to be designated a Civil Defence Centre, including location, access to transport routes, kitchen facilities and communication links,
- A further consideration is the availability of trained staff to run Civil Defence Centres, and this places a limit on the number of Civil Defence Centres that could be run effectively at the time of an emergency,
- Priority for emergency accommodation will be given to indoor settings; and any outdoor options under canvass would be a last resort, particularly considering seasonal and weather issues. There is not a shortage of suitable outdoor spaces in more accessible and better equipped sites in the region.

### 7.3.2 Consultation response

Interest in the value of the Reserve as a civil defence setting appears to be premised on developing additional rationale for sustaining a camping ground within the Reserve.

### 7.3.3 Options

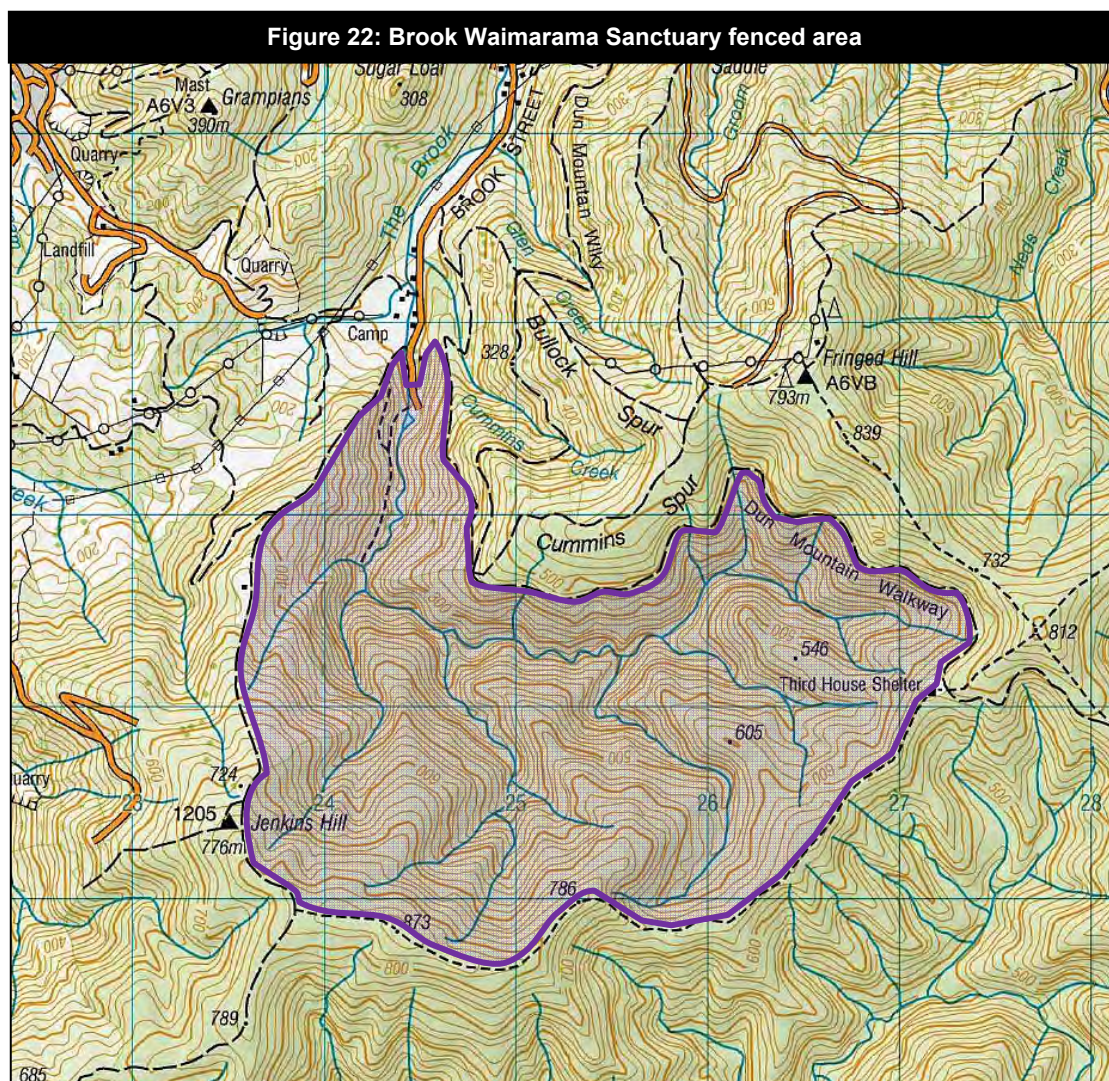
This management plan proposes maintaining a camping ground under all options, and any additional value of the setting for civil defence is not part of that rationale. This management plan will therefore not include policy or site development recommendations for civil defence activities, although the Reserve will retain its existing level of access for emergency purposes.

#### 7.4 Existing development proposals: Brook Waimarama Sanctuary

*The [Brook Waimarama Sanctuary] Trust is an excellent example of an independent community project with strong community involvement and support that will contribute to protecting and enhancing our natural heritage. It will also provide an accessible and inspiring wildlife experience just a few kilometres from the heart of Nelson city, where people can enjoy and learn more about our environment and be inspired to get involved in protecting it. The sanctuary will have significant value in engendering further understanding and commitment to environmental restoration in the wider community, and awareness of how such work contributes to overall community wellbeing and prosperity.*

Department of Conservation suggestion

The Brook Waimarama Sanctuary is a community-based initiative working to create a pest-free wildlife sanctuary within a 14km-long pest-proof fence enclosing 715ha of the Brook catchment immediately south of the Brook Recreation Reserve (Figure 22). The project was launched in 2004 and has strong community involvement and support, and the endorsement of the Department of Conservation. Fence construction began in 2014 with completion due in



2016. Mammalian pest eradication within the fenced area will then be completed, and a range of rare bird, insect and lizard species liberated and/or bred.

In addition to conservation gains, the Brook Waimarama Sanctuary Trust, which administers the project, aims to create a significant visitor attraction for Nelson/Tasman, complementing the region's other main destinations, such as Abel Tasman National Park and the World of WearableArt and Classic Cars Museum. Income from visitors will sustain the Trust's work.

The Brook Waimarama Sanctuary is located within the Brook Conservation Reserve, which is administered according to the *NCC Conservation and Landscape Reserves Management Plan 2009*. This permits:

- The construction of the predator-proof fence (although a resource consent was still required to address its potential adverse effects), while maintaining access to the Dun Mountain Walkway, the Third House-Jenkins Hill track, the Jenkins Hill to Brook Valley track and access to Marsden valley,
- Charging a fee for access to the Sanctuary, while maintaining "an appropriate level of free public access to the sanctuary, as agreed with Council, with times to be determined through lease negotiations". The latter has been set as including an annual public open day during the visitor shoulder season.
- Constructing "such buildings and other structures as are necessary for the operation of the Brook Waimarama Sanctuary",
- And carrying out pest control activities on the outside boundary of the fenced area.

The *Conservation and Landscape Reserves Management Plan* also provides for the "development of the area at the northern edge of the reserve as an educational training centre by Nelson Marlborough Institute of Technology, Brook Waimarama Sanctuary Trust and the Department of Conservation." However, the proposal for the location of this facility is outside the boundaries of the Brook Conservation Reserve and is therefore considered by this draft management plan. The *Conservation and Landscape Reserves Management Plan* recognises the 2005-2015 lease to the Trust for its existing visitor centre. The Trust also operates a utilities shed near the northern boundary of their lease area. This was sized to avoid the need for a consent application.

#### **7.4.1 Issue**

The Brook Waimarama Sanctuary is an established and important provider of regional and national conservation values, with objectives of developing a significant regional tourism and education asset. It is an important recreation resource and it has strong community support for its activities. The Trust supports the development of the Reserve as a tourism and recreation hub. At the minimum it seeks:

- Improved visibility of the Sanctuary as a destination within the Reserve and within Nelson,
- Development of the camping ground to an improved standard to enhance visitor experiences in the Reserve and Sanctuary (a unique opportunity for a fenced sanctuary in New Zealand), to lengthen the regional visitor stay, and to broaden the visitor market to include, for example, special interest and education groups,

- Improved traffic flow and parking within the Reserve to better support buses and private vehicles, and to allow the development of the existing car park adjacent to the Big Dam for other visitor activities,
- The relocation of the Brook Conservation Education Centre to within the Reserve, operated in cooperation with NMIT and the Department of Conservation,
- Management of the Reserve's natural values, and public access to them, to complement the conservation values within the predator-proof fence, and
- Capacity to develop additional Sanctuary management infrastructure within the Reserve, such as utility sheds and wildlife enclosures.

With the objective of developing a regional education and tourism hub, the Trust supports:

- A management plan which allows for the location of complementary commercial and public recreation activities within the Reserve, such as mountain bike hire and a ropes course,
- Locating the proposed gondola within the Reserve if it does not displace the activities of the Trust, and has minimal environmental and social impacts.

#### **7.4.2 Consultation response**

Consultation indicated strong and wide support for the activities of the Brook Waimarama Sanctuary Trust. The Trust is widely considered to be an important beneficiary of the management of the Reserve. Its conservation activities and role as a visitor attraction underpin this support.

However, cumulative effects of traffic on local streets was considered a potential issue in consultation, and there was some concern over the development of associated commercial activities within the Reserve, and the loss of open space values due to too much facility and parking development.

#### **7.4.3 Options**

The preferred scale of development within the Reserve for the purposes of the Brook Waimarama Sanctuary depends to a large degree on the preferred vision for the Reserve; that is, the scale to which it is developed as a regional tourism hub with a range of complementary visitor attractions, accommodation and education services.

Either way, the policies of this draft management plan should provide a wide scope for the development of facilities and services for the Trust within the Reserve, subject to agreement on a comprehensive development and facility management plan.

Options to support the Brook Waimarama Sanctuary permeate all draft policies in Section 9.

## 7.5 Existing development proposals: Brook Conservation Education Centre

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*With the closure of the Brook Conservation Education Centre, the [Brook Waimarama Sanctuary] Trust has worked to maintain the partnership with NMIT and DOC to continue offering the Trainee Ranger programme. All three parties are committed to re-establishing the centre at a site adjacent to the sanctuary to provide the educational benefits of access to the sanctuary. Nelson is the only region in New Zealand where the DOC ranger training takes place and the Sanctuary and site are essential for this continuing.*

### Brook Waimarama Sanctuary Trust suggestion

The Brook Conservation Education Centre, jointly operated by the Nelson Marlborough Institute of Technology (NMIT) and the Brook Waimarama Sanctuary Trust, opened in 2011 several hundred metres north of the Reserve, within the Brook Conservation Reserve. It was closed due to risk posed by a landslip on Fringed Hill after one year of operation. The *NCC Conservation and Landscape Reserves Management Plan 2009* permitted development of the Centre, and there has been public and agency support for locating it in the Brook Valley for some time. There is a strong strategic advantage for it to be located near the Brook Waimarama Sanctuary, and NMIT proposes redeveloping the Centre within the Reserve.

The Centre is the only tertiary institute in the country contracted by the Department of Conservation (DOC) to provide the National Certificate in Conservation (Trainee Ranger Level 3), as well as ongoing conservation-related staff training. The Brook Waimarama Sanctuary Trust provides NMIT with opportunities to use the Sanctuary for training purposes, and for students to engage in projects that directly benefit the Sanctuary.

### 7.5.1 Issue

The location of the Brook Conservation Education Centre within the Brook Valley is considered by the three agencies involved (DOC, NMIT and the Brook Waimarama Sanctuary Trust) as a fundamental requirement of the ranger training and education programme. The parties also see the Centre having a wider role in supporting the education activities carried out by the Trust (and to be jointly operated) as well as providing local meeting and seminar space.

The site proposed for the Centre within the Reserve is immediately to the north-east of the existing camp office. It is currently occupied by tent sites, and is part of the recreation reserve. The existing Centre occupies approximately 1720m<sup>2</sup> of space including parking, which is almost identical to the area available on that grassed area in the Reserve.

### 7.5.2 Consultation response

Locating the Brook Conservation Education Centre within the Reserve has been described in some suggestions as a poor use of space otherwise available for camping or other public recreation activities.

Several suggestions suggest that an education facility of the type proposed would be inconsistent with the purpose of a recreation reserve under the Reserves Act. While the purpose of a recreation reserve is described in the Act as (17(1)):

*providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.*

section 53 provides broad scope for developing a recreation reserve in a variety of ways to benefit the public, including (53(1)(g)):

*provided that where the Minister considers it to be in the public interest, the administering body may, with the prior consent of the Minister, erect buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation:*

and (53(1)(k)):

*with the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants of the administering body or of rangers or for other buildings considered desirable or necessary for the proper and beneficial management, administration, control, protection, and maintenance of the reserve:*

These provisions are paralleled in the provisions in the Act for the leases on recreation reserves (Section 54 of the Act), summarised in section 7.6 of this report in reference to the gondola proposal.

This draft management plan adopts the position (to be tested through consultation on this draft) that the Reserve has an important role in supporting the activities of the Brook Waimarama Sanctuary Trust. With this in mind, it would therefore be appropriate to locate within the Reserve “other buildings considered desirable or necessary for the proper and beneficial management, administration, control, protection, and maintenance” (53(1)(k)) of the Brook Conservation Reserve (the Trust’s lease area).

As discussed in Section 5.3, 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 means that gaining prior consent of the Minister of Conservation for those authorities is not required and this management plan will define the desired uses of the recreation reserve. However, the Department of Conservation’s written suggestions for this draft plan supports the location of the Centre on the Reserve.

Other suggestions were in support of the use of the Reserve for outdoor and environmental education and training purposes.

### **7.5.3 Options**

Should consultation on this draft support the use of the Reserve for outdoor and environmental education and training purposes, the most comprehensive option available for such a service is the relocation of the Brook Conservation Education Centre to within the Reserve, subject to agreement on a comprehensive development plan.

Draft policies in Sections 9.1, 9.2 and 9.6 allow for the Brook Conservation Education Centre.



## 7.6 Future development proposals: Gondola

*The prospect of a gondola up Fringed Hill is one of the most exciting pieces of news for the Nelson area for some time and if done well could be a world class attraction. The area as a whole needs to accommodate all spectrums of uses from day walkers, nature seekers, mountain bikers, restaurateurs, visitors, history seekers, kids of all ages, arborists and the like.*

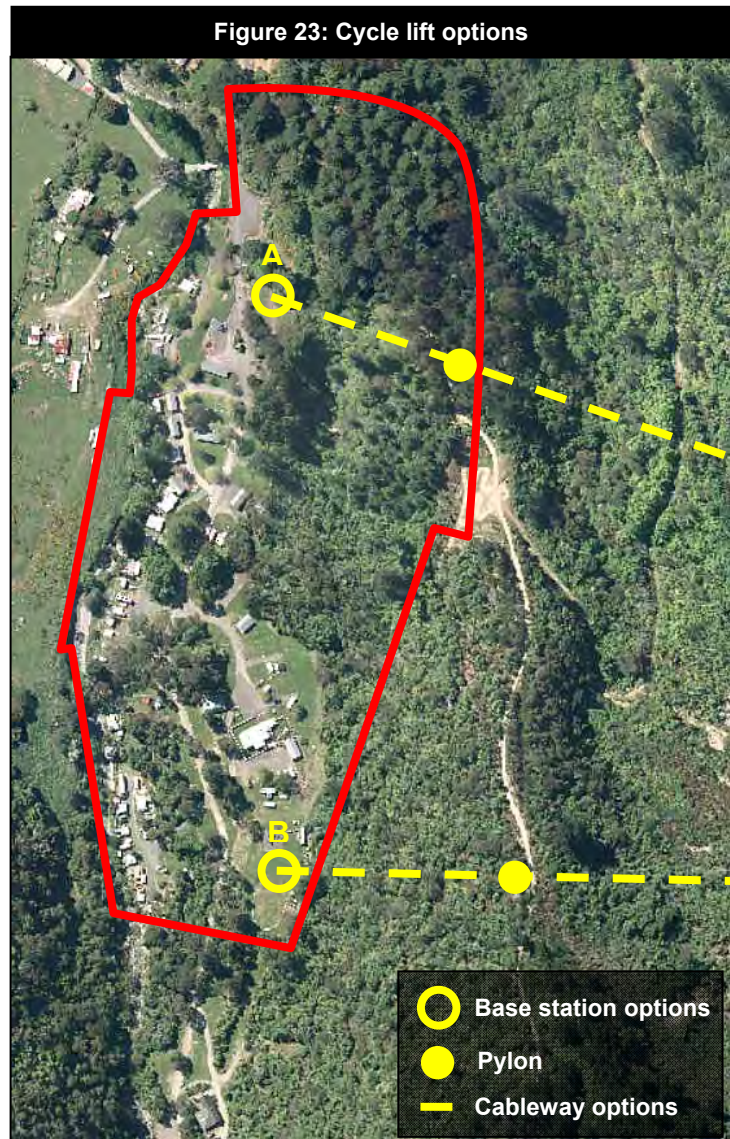
Tim Hardiman suggestion

The Nelson Cycle Lift Society (NCLS) was formed in 2010 with the objective of gaining resource consent for a passenger lift – a gondola – to take walkers and cyclists to the summit of Fringed Hill. A network of cycle and walking tracks to the east of the Reserve, and leading back to the gondola base station and connecting with other routes in the area, is also proposed.

The NCLS, with funding from NCC, prepared a feasibility study in 2014. This indicated that the concept is likely to require some grant funding for capital development, but with an appropriate level of additional commercial investment, is potentially a self-sustaining development.

The NCC has indicated support in principle for the proposal, if an appropriate site is identified.

The Brook Recreation Reserve is the Society's preferred site for a base station. Two potential locations within the Reserve have been identified to minimise the need to clear vegetation for the cableway and pylons (Figure 23). The northern option requires a pylon to also be located within the Reserve, and both options would need to be supported by provisions for car parking, ticketing and retail services, and service, staff and management buildings. The NCLS proposal has the support in principle of both the Brook Waimarama Sanctuary and NMIT, and there is the potential to share the use of services and buildings on the site, as well as, potentially, management and administration.



The NCLS is keen to retain a camping option within the Reserve, and considers that this will support the creation of a regional tourism hub in the Brook Valley and enhance the success of its proposal.

### 7.6.1 Issues

The proposal has the potential to:

- Support the development of the Brook Recreation Reserve as a regional tourism hub;
- Complement the existing activities of the Brook Waimarama Sanctuary and those proposed by NMIT, via the sharing of facilities and services, cooperative promotion and ticket sales, and by attracting more regional, national and international visitors to Nelson,
- Provide more visitor activities in Nelson, supporting tourism generally – although this benefit is not necessarily dependent on the activity being based within the Reserve,
- Potentially occupy large areas of open space within the Reserve with developed structures, and change its character from one of a relatively quiet camp and reserve to one with a strong focus on active and commercial recreation and tourism,
- Generate increased traffic activity on Brook and Westbrook Streets, and other roads connecting the Reserve to the City.

Either of the two proposed base-station sites would be located within the Open Space and Recreation Zone defined by the Nelson Resource Management Plan, while pylons and other facilities would largely be within the Rural Zone. The southern base-station option would see it located on recreation reserve and the northern option would have the station on existing freehold NCC land. Both options would result in the need for a resource consent; but this management plan could indicate that the location of a base station and other facilities on the recreation reserve were permitted activities under the Nelson Resource Management Plan. This option is not currently available for locating facilities on the freehold land (but would be if the entire Reserve would be gazetted as recreation reserve). But, either way, the development is dependent on public consenting processes that are additional to this management plan.

Fringed Hill and the land to its west (east of the Brook Recreation Reserve), where the remainder of the gondola infrastructure is proposed to be located, is within the Brook Conservation Reserve, which is controlled according to the *NCC Conservation and Landscape Reserves Management Plan 2009* prepared under the Reserves Act. That Plan does not contemplate or provide for the gondola proposal, and a change to the Plan, within a consultation process prescribed by the Reserves Act, would also be necessary.

The Brook Recreation Reserve is the NCLS's preferred option for the base station, but an alternative is to locate the facility in the Maitai Valley. This has less favourable wind patterns and would require additional research and design, a new feasibility study, and a delay in construction, if approved, by an estimated two years.

Traffic and parking issues associated with the gondola proposal are reviewed in Section 7.7 of this draft plan.

### 7.6.2 Consultation response

The proposal gained both support and opposition through the initial consultation stage for this draft management plan. It is potentially the most contentious issue associated with this process. The main concerns relate to:

- Effects on open space, scenic and recreation values within Reserve, particularly the scale of car parking required,
- Traffic effects on local streets,
- The viability of the proposal and potential financial costs to ratepayers (this issue is beyond the scope of this management plan, but is addressed by the already completed feasibility study),
- Adverse effects on residential campers and other campers within the Reserve as a result of additional visitor activity and the occupation of camping area.

The Brook Waimarama Sanctuary and NMIT have stated their preference for the base station to be located at the northern end of the Reserve to reduce crowding of facilities and people in the southern end.

Several suggestions were that a gondola would be inconsistent with the purpose of a recreation reserve under the Reserves Act. The purpose of a recreation reserve is described in the Act as (17(1)):

*providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.*

Section 54 provides the administering authority the ability to lease part or all of a recreation reserve for a variety of purposes and structures (54):

*(1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40, to the extent necessary to give effect to the principles set out in section 17,—*

*(a) lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 53(1)(h) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease—*

*(i) may require the lessee to construct, develop, control, and manage the baths, camping ground, parking or mooring place, or other facilities for public recreation or enjoyment, or may require the lessee to control and manage those provided by the administering body; and*

*(ii) shall be subject to the further provisions set out in Schedule 1 relating to leases of recreation reserves issued pursuant to this paragraph:*

*(b) lease to any voluntary organisation part of the reserve for the erection of stands, pavilions, gymnasiums, and, subject to sections 44 and 45, other buildings and structures associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities, or lease to any voluntary organisation any such stands, pavilions, gymnasiums, and, subject to section 44, other buildings or structures already on the reserve, which lease shall be subject to the further provisions set out in Schedule 1 relating to leases of recreation reserves issued pursuant to this paragraph:*

*provided that a lease granted by the administering body may, with the prior consent of the Minister given on the ground that he or she considers it to be in the public interest, permit the erection of buildings and structures for sports, games, or public recreation not directly associated with outdoor recreation:*

A gondola, delivering cyclists and walkers to participate in their recreation pursuits would fit the description of a facility provided for 'public recreation or enjoyment'.

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 means that gaining prior consent of the Minister of Conservation for those authorities is not required and this management plan will define the desired uses of the recreation reserve.

### **7.6.3 Options**

Decision options include:

- Agreeing, or not, to locate the gondola in the Reserve, depending on:
  - The options of: developing the Reserve as a regional tourism hub; or to retaining it as a more low-key development style (as per the vision options in Section 8),
  - Effects of the development on traffic volumes on nearby roads.
  - The costs and benefits of developing the gondola base station in the Maitai Valley.
- Controlling the scale and location of development for a gondola within the Reserve by:
  - Deciding to locate the gondola base station in the north or the south of the Reserve. The north is the preferred option by other key parties,
  - Limiting the scale of development for facilities associated with the gondola to a specified footprint. For example, the NCLS indicates that provision for 160 carparks is desired. This would occupy almost

5000m<sup>2</sup> of flat land, assuming an average occupation per vehicle, including aisle space, of 30m<sup>2</sup>. This would be more than approximately 12% of the level land within the Reserve<sup>29</sup> if all parking was provided for on-site. Approximately 3500m<sup>2</sup> of level area is available at the site of the existing – but closed – Brook Conservation Education Centre approximately 260m north of the existing camp gate.

- Providing for a tourism-activity hub envelope in the Reserve without prescribing a specific development activity. This would allow for the NCLS to apply for a resource consent, but would not foreclose the opportunity to develop part of the Reserve for other compatible tourism or commercial recreation activities should the consent application fail. This allows for Vision 1 for the Reserve (see Section 8.2 – the Reserve as a tourism hub) to be retained as an objective under this management plan regardless of the actions of the NCLS.

The latter option is adopted by this draft plan. However, a gondola is used as an example for traffic generation and the scale of potential site occupation. Draft policies in Sections 9.2 and 9.6 allow for and control tourism or commercial recreation activities within the Reserve.

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<sup>29</sup> There is approximately 40,000m<sup>2</sup> of level land within the Reserve, which is approximately 40% of its total area (10.112ha).

## 7.7 Traffic and parking

*With a 160 carpark and 4 bus parks there wouldn't be much land in the campground left. Brook Street is hard enough to drive up now with a car parked on the roadside. If there were cars and buses driving up and down as regularly [as proposed] then the road would be total chaos.*

Pam Mander suggestion

All visitor activities currently carried out on the Reserve, and those proposed, generate traffic on local roads, and require parking within or near it. This demand may have adverse effects on local residents and on Reserve values.

### 7.7.1 Issue

The Brook Waimarama Sanctuary, a relocated Brook Conservation Education Centre and the proposed gondola – or other tourism or commercial recreation development – would all generate additional traffic on local streets and have demands for onsite parking. These have the potential to adversely affect local residents and to occupy open space within the Reserve, competing with other land uses and landscape values.

A review of traffic and parking requirements is provided in this section of this draft plan for all currently proposed facilities on the Reserve; noting that while this management plan can open (or close) the door for the proposed developments on the Reserve, resource consent will still be required for most components of each new activity. This analysis is therefore not a definitive statement about the suitability of, or the ability to gain consent for, the proposed activities.

Base considerations for the analysis include:

- The Brook Waimarama Sanctuary is an established activity on and near the Reserve and already generates traffic in local streets. Additional traffic is anticipated as the Sanctuary grows in popularity. Traffic effects of the Sanctuary are therefore considered to be anticipated and accepted. The Sanctuary Trust may, however, wish to reconfigure parking and road access within the Reserve to support improved visitor flows and better land use.
- The Brook Conservation Education Centre has been established in the Brook Valley since 2011, although it did not operate for long. However, the Centre gained resource consent for its existing parking and traffic generation in a location very near the Reserve and on land administered as reserve by NCC. Local traffic generation by the Centre is therefore not considered an additional concern. The Centre also generates a very small amount of traffic.

### Parking

The Brook Conservation Education Centre has 22 parking sites at its existing location. The Brook Waimarama Sanctuary currently uses 30 sites immediately below the Big Dam within the Reserve but needs additional areas for buses. The gondola has an expectation of requiring 160 parks plus three coach parks. If each site occupies 30m<sup>2</sup>, the total parking area required would be 6,600m<sup>2</sup>, or almost 17% of all the level land within the Reserve. Figure 25 indicates the approximate scale of land coverage that would result within the Reserve.

## Traffic

Appendix 3 contains an analysis of traffic activity potentially generated by the main visitor activities on the Reserve.

The Brook Conservation Education Centre is projected to contribute a peak of 164 cars per month, or just over five per day (assuming a relatively high level of use of public transport, car-sharing and cycling).

The Brook Waimarama Sanctuary is projected to generate a peak of 1,700 cars in January, or 55 per day in that month, and an average of just over one bus per day (36 in January). This is based on:

- 33,000 annual visitors to the Brook Waimarama Sanctuary,
- 2,030 visitors to the Brook Conservation Education Centre.

As both these activities (Sanctuary and Education Centre) are currently consented to operate in the Brook Valley, their contribution to traffic movements on Brook Street are considered to form part of the base from which any additional changes caused by the proposed gondola are to be measured.

The figures above for vehicle counts need to be doubled to equate to vehicle movements, accounting for return trips.

Existing peak traffic on Brook and Westbrook Streets in the record used here (November 2014, recorded on both streets just south of the Seymour Street intersection) currently occurs between 5.00pm and 6.00pm with 392 traffic movements (both lanes). The Sanctuary and Conservation Education Centre would add another 11 movements to give a base of 403 movements in that hour (using peak January data). If the additional traffic activity caused by the gondola is dispersed according to existing traffic patterns, it amounts to 13 extra traffic movements in that hour (6.5 vehicles passing twice); for a total of 415 traffic movements for that hour; or an additional 3% more vehicle activity for the entire day (4558 compared with a base of 4417 movements). This percentage of contribution to total traffic activity on Brook Street would increase closer to the Reserve (as background levels of traffic decrease). The gondola is projected to generate a peak of just over 2,140 cars in January, or 69 cars per day in that month, and an average of 1.5 buses per day (48 in January). The calculations for the gondola, and seasonal activity, are based on:

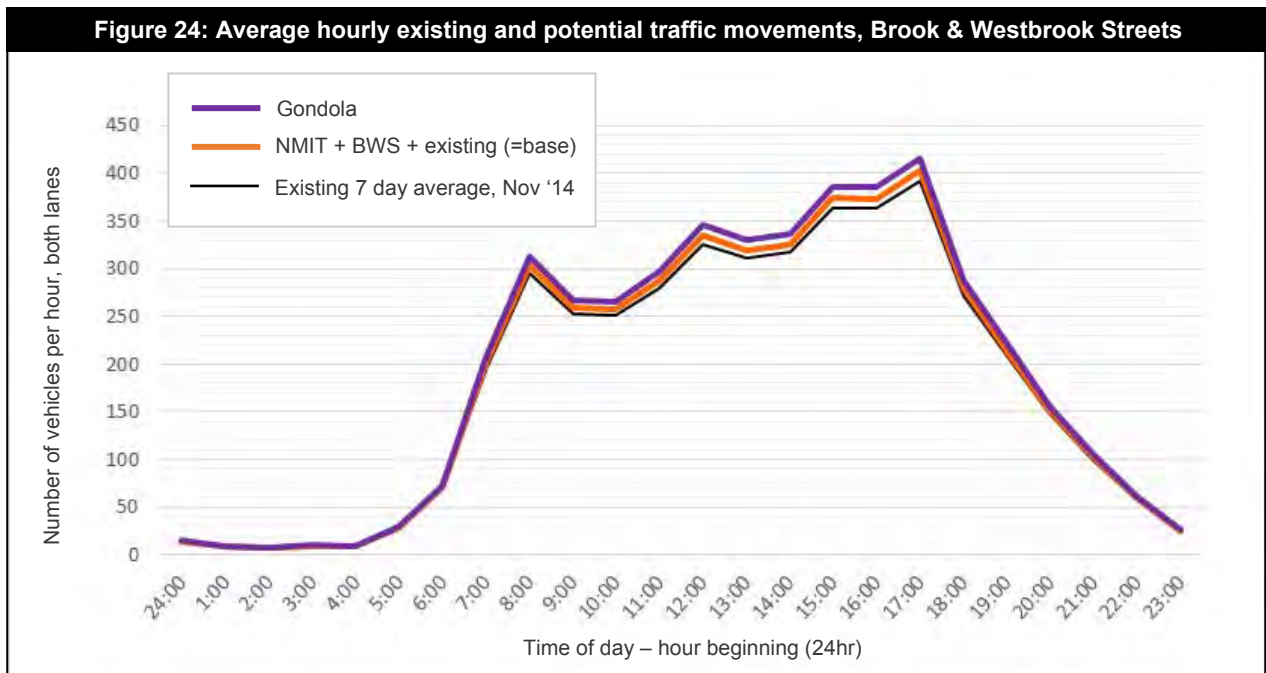
- 42,600 annual visitors to the gondola,
- Monthly visitor patterns to the Brook Waimarama Sanctuary and the gondola as per records for occupation of commercial accommodation in Nelson, with a peak in January of 16% of all annual visitor activity, and an even level of activity for the Brook Conservation Education Centre,
- Different percentages of all visitors taking public transport, cycling, buses and private cars, as shown in Appendix 3.

Existing and potential traffic activity is shown in Figure 24 using traffic counts for November 2014 and projected traffic activity for January in year 1 of operation for the Sanctuary, NMIT and gondola.

In January, the Brook Conservation Education Centre would contribute 4% of all traffic activity to the Brook Recreation Reserve, the Sanctuary 42% and the gondola 53%; if no allowance is made for casual recreation and camping activities.

All developments would generate more cycle activity in local streets, with an estimated 8,250 visitors per year on bikes to the Reserve, or 16,500 movements per year, or 45 movements per day. It is estimated that 13% of these would be associated with the Brook Conservation Education Centre, 54% with the gondola and 32% with the Sanctuary. There is no base count for existing cycling activity on Brook or Westbrook Streets.

These figures are likely to be lower due to double counting between the Sanctuary and the gondola, with a certain percentage of visitors likely to do both activities during the one trip. This reduction is not accounted for in this assessment.



**7.7.2 Consultation response**

Increased traffic activity on local streets resulting from new developments on the Reserve were a strong focus of concerns expressed during the early consultation phase for this management plan. Associated with that was worry about the scale of parking required on-site for all visitor activities on the Reserve, and whether this would occupy too many potential camping areas and reduce the Reserve’s open space values.

**7.7.3 Options**

The Brook Conservation Education Centre is essentially an existing activity in the Brook Valley and there should be no consideration of its traffic effects, which are very minor. The decision relates to locating the Centre within the Reserve and its occupation of space that would otherwise be available for camping or other recreation.

The Brook Waimarama Sanctuary is an established activity in the Brook Valley and its contribution to additional traffic in the Brook Valley has been anticipated and accepted. The



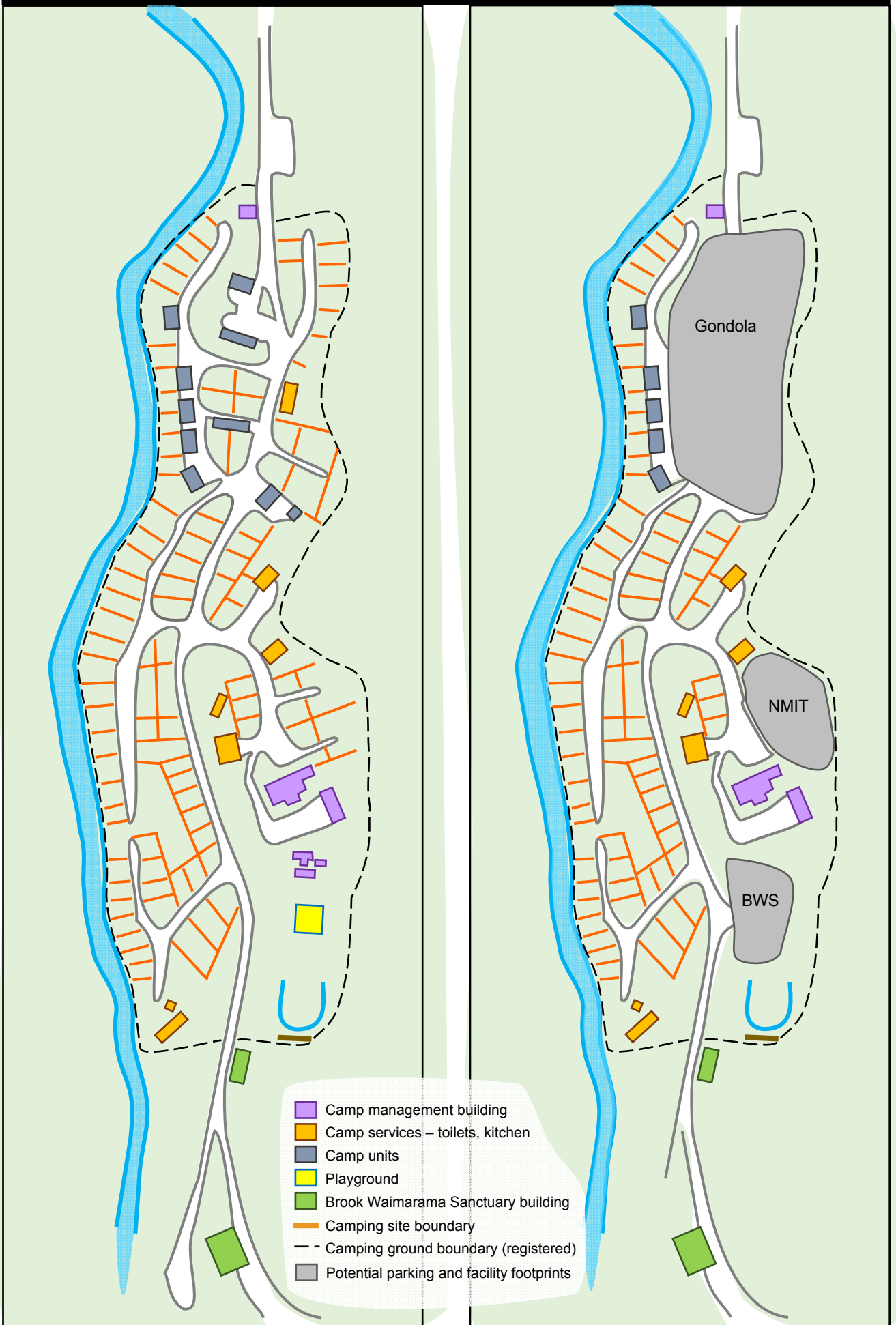
issue relates to reconfiguring vehicle routes and parking within the Reserve and the Brook Conservation Reserve to maximise benefits to visitors and Trust activities.

The gondola proposal could result in the occupation of a large area of level land within the Reserve for parking and buildings, including the base station. This area of occupation could be significantly reduced if parking was provided for off-site. Approximately 3500m<sup>2</sup> of level area is available at the site of the existing – but closed – Brook Conservation Education Centre approximately 260m north of the existing camp gate. The gondola proposal would result in an additional 69 vehicles (138 movements) per day during the peak season (January) on Brook Street and 1.5 buses (3 movements).

Options relate to the degree to which the addition of the gondola to the Reserve would create an unacceptable increase in traffic on local streets, and the degree to which site occupation within the Reserve is acceptable.

Draft policies in Section 9.2 require a comprehensive development plan to consider options for new tourism or commercial recreation activities within a defined envelope.

Figure 25: Development footprints for parking and facilities – existing (left) and potential (right)



## 7.8 Land status and disposal

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*Whilst it is sensible for the management plan to include all parts of the 'Brook Recreation Reserve' (as defined for this consultation), the different land tenures/classifications result in a more complex process, both for preparation of the management plan and administration of the land more generally. Council may therefore wish to consider formally gazetting the freehold land as recreation reserve to provide certainty of purpose and administration under the Reserves Act.*

Department of Conservation suggestion

### 7.8.1 Issues

Several issues and options have been identified through consultation about the preferred legal status of the Reserve. Currently it is held as both recreation reserve and freehold title.

There are several issues to consider:

- Freehold land does not have a specified preferred use, as does a reserve under the Reserves Act, and it is easier to sell or to adopt a change in purpose – although the freehold land within the Reserve would be considered a 'park' under Section 138 of the Local Government Act 2002 (see Section 5.2 of this draft plan) and consultation would be required before it could be sold or leased long-term. Reserve status provides more long-term security for communities by identifying preferred land uses and further securing tenure.
- Under the Nelson Resource Management Plan, a management plan prepared for a recreation reserve may define permitted activities on that land (see Section 5.7 on page 38 of this draft plan). This allowance does not exist for freehold title, meaning that a consent must be sought for all aspects of any activity that is not permitted according to the underlying zone rules.
- Land gazetted under the Reserves Act may be leased according to specified restrictions and allowances under that Act, and this provides administering authorities with strong guidance and templates to follow. For recreation reserves, the allowances are quite broad and do not confine leases to only recreation purposes, and so do not restrain administrators too onerously. Freehold title may be leased on any legal commercial or non-commercial basis.
- The Reserves Act allows prosecution for various undesirable activities within a reserve. However, control of most activities on reserves and other public land is normally secured via comprehensive council bylaws prepared under the Local Government Act; and these are always required in addition to the prosecutions available under the Reserves Act.
- Prior to 2013, most of the actions controlled by the Reserves Act required the consent of the Minister of Conservation. With the general delegation by the Minister of many authorisations, this level of external control has been significantly reduced. Administering authorities now have more independent

determination as to the appropriate uses of reserves, although they must still comply with the Reserves Act.

The *NCC Conservation and Landscape Reserves Management Plan 2009* states as policy (6.3.3):

*Consider rationalising and divesting areas of land as needed, in particular around the entrance to the Brook Motor Camp and Brook Waimarama Sanctuary, if not required for reserve purposes.*

This management plan will supersede that 2009 plan for the Reserve. Divesting such land if it was gazetted recreation reserve would be difficult. Regardless, this management plan indicates that there is a high level of demand for open space within the Reserve, and divestment of any land is not recommended.

The legal road which passes through the existing camp would require Council bylaws to manage its opening and closing if it is retained as legal road. Its location limits the ability to easily redevelop and relocate access through the Reserve, and it is problematic where it passes beyond the Reserve and to within the fenced area of the Brook Waimarama Sanctuary. Any camping or other recreation or commercial facility development would not be permitted on the road. For these reasons this management plan proposes formally stopping the road and changing its status to either freehold title or recreation reserve.

Section 41(3) of the Reserves Act 1977 requires that a reserve management plan provides for, “to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified” and will incorporate and comply with the principles which underpin its gazetted classification – in this case a recreation reserve. However, as discussed, this management plan covers land which is not yet gazetted, but which this draft plan recommends gazetted. This poses the potential problem that, subsequent to gazettal, this management plan could require re-advertising as a draft plan for the new recreation reserve areas. To avoid this outcome, this draft plan has been prepared in accordance with the purposes of a recreation reserve (as stated in section 17 of the Reserves Act) in compliance with section 41(3) of the Act for all components of the Reserve. If all the Reserve is gazetted, Council would apply section 41(5A) of the Act to adoption of this plan for any new areas of recreation reserve; whereby it would resolve that additional submissions would not “materially assist in its preparation”. That is, the process of preparing this draft (and final) plan is considered sufficiently adequate to result in the approval of this plan for any areas subsequently gazetted as recreation reserve. In the meantime, submissions on this draft plan relate to both recreation reserve under the Reserves Act, and freehold land administered by Council under other legislation.

The core issue is, should the entire Reserve be gazetted as recreation reserve?<sup>30</sup>

### **7.8.2 Consultation response**

Consultation indicates a preference to gazette the Reserve entirely as recreation reserve, including representation by the Department of Conservation.

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<sup>30</sup> For the purposes of clarity, this question is posed as a matter of consultation under the Local Government Act and to advise Council planning processes; and is not a planning process under the Reserves Act.

### **7.8.3 Options**

The option remains to gazette the Reserve as recreation reserve. However, timing is an issue. If it is gazetted prior to agreement to a comprehensive development plan for the Reserve (based on the recommendations of this management plan), and this management plan permits a wide range of uses of the Reserve, the community may lose some rights of appeal under the Resource Management Act where all aspects of an activity would otherwise require a consent.

This draft management plan recommends gazetting the Reserve as recreation reserve in Section 9.3. This would mean that the Reserve would no longer have components defined as a 'park' under the Local Government Act 2002 (see Section 5.2 of this draft plan), but this would not diminish any level of protection or the need for consultation over major proposed changes in land use.

## **7.9 Site management and leasing**

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The Reserve has a multitude of expectations to deliver a variety of values. Its management has the potential to be a demanding task. Clarity of purpose, and surety of tenure for on-site users and lease-holders (should there be some), and for a management agency, are essential if the Reserve is to deliver on those expectations.

### **7.9.1 Issues**

The consultation process for this management plan indicates that there is the potential for a variety of formal uses of the Reserve; the main four being the Brook Waimarama Sanctuary, the campground, the Brook Conservation Education Centre and the proposed gondola. There may also be other interests, such as cycle hire and a ropes course. However, the site requires one comprehensive development plan. It would be a challenge to create four or more separate leases for the site and, without the focused input of a single coordinating agency, expect those many leaseholders to easily adopt a cohesive development programme, considering: the requirements for resource consents for some activities; different timing for on-site works; and potentially different expectations for levels of service and on-site supervision.

### **7.9.2 Consultation response**

This issue was not a strong focus of written suggestions, but was raised in various conversations and meetings. While there was a general expectation that NCC was not, by nature, a campground management agency, comment was made that if the Council could manage a city, it should be able to deal with a campground. However, there has been quite strongly stated dissatisfaction by residential campers with Council's management since the lease to the managers of the Tahuna Beach Holiday Park was surrendered. Expressions of interest were received from several agencies to secure a lease to manage the campground during the consultation process for this draft plan.

### **7.9.3 Options**

Several examples of different means of reserve management are available in the region.

- The Kaiteriteri Recreation Reserve Board is appointed by the Minister of Conservation (the reserve is conservation land) to be the administering authority for the Kaiteriteri Recreation Reserve. The Board appoints and employs a manager for the reserve and campground, and administers leases to a variety of commercial operators, ensuring that these operators do not compete with the services offered by the Board. The Board maintains its own audited accounts and reports annually to the Minister, and operates according to a management plan prepared under the Reserves Act.
- Tahunanui Reserve (not a reserve under the Reserves Act, but administered according to a reserve management plan) has multiple leases and licences administered by the NCC. These include the Tahuna Beach Holiday Park which operates under a commercial lease held by Tahuna Beach Camp Incorporated – an Incorporated Society which has an exemption from paying income tax due to its role in 'promoting a city'. Other separate leases are held by, for example, a café, Natureland, the roller-skating rink, Nelson Society of Modellers and the

Tahunanui Fun Park, with licences to operate held by various food and refreshment concessionaires – all with different commercial and not-for-profit motives. The leaseholding areas are generally well-separated and NCC has managed and implemented a development plan for all public areas according to the directives of the management plan.

- The Maitai Valley Motor Camp is located on NCC freehold title held for the purposes of a 'recreation ground'. The camp is leased to and operated by a private company – Maitai River Camp and Cabins Limited. The site is subject to the *NCC Esplanade and Foreshore Reserves Management Plan 2008*, which is silent about service delivery or recreation objectives within the motor camp, leaving all direction by NCC within only the commercial lease agreement and via registration of the motor camp under the Camping-Grounds Regulations 1985 (as to levels of service).

The Brook Recreation Reserve differs from these examples due to its confined topography and scale, the potential close proximity of different activities, and reliance on one quite tight road access network. It would clearly be preferable for one agency to coordinate development on the site. The question is, who should this be? Options include:

1. Administration of separate leases by the NCC as administering authority, with the NCC potentially retaining direct management of some activities, such as camping.
2. The Reserve being administered by an independent board, as per the Kaiteriteri example, with the board managing leases to one or more agencies, but coordinating all development activities on the site, and potentially employing a reserve manager from lease income. The legal status of the board could be structured so as to allow fundraising from public sources (as per the activities of the Brook Waimarama Sanctuary Trust). This could result in there being two managers operating side-by-side – that of the Reserve, and the Brook Waimarama Sanctuary, as well as managers of other activities on site (such as a campground, although the board could choose to manage the campground directly, as at Kaiteriteri).
3. Leasing the Reserve – in part or in whole – to an existing or new agency which would gain control over the wider setting under the umbrella of one manager. Subleases, if required, would then be agreed by that agency and the NCC (assuming the lease mechanism required the agreement of the NCC as the administering authority). The agency would be responsible for finalising a comprehensive development plan for the Reserve.
4. The Reserve being leased by the NCC to one leaseholder made up of representatives of all agencies who are active on the Reserve. It would be incumbent on that agency to support and coordinate the activities of its members and to agree on a mutually advantageous development plan and programme.

In all cases, NCC would retain the requirement to approve a final development plan and any amendments to it, and the Reserve would be administered and developed according to this management plan. Council would also retain the role of processing any required resource consent applications.

Option 4 is possibly the most problematic, considering the potential for self-interest to stymie accord and the need to agree on members at any early stage. The other options depend on the interests of individual agencies, including the NCC, and the outcomes of consultation on this draft. Option 2 is recommended to be considered by this draft plan.

Reserve administration and management, and leasing, licences and fees, are considered in the draft policies in Sections 9.1 and 9.4 respectively.



### 7.10 Summary of options – are they all compatible?

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This section of the draft plan describes a wide variety of options for the use, development and management of the Reserve. Several options are limited by land status and the need to gain resource consent. For example, this management plan cannot state that a gondola can be developed within the Reserve. It can only contemplate that it is either an appropriate use, or dismiss it as incompatible with existing and desired Reserve and community values. Even if it accepts the gondola as appropriate, it might not gain resource consent. For that reason, it is preferable to provide the option – to be tested through consultation on this draft – for the development of an undefined tourism or commercial recreation activity within a prescribed area within the Reserve.

Similarly, this draft plan grapples with the issue of residential camping. Residential camping has been permitted on the Reserve for several decades despite it being incompatible with a raft of regulations and rules. The most appropriate setting for a 'relocatable home park' within the Reserve (considering the need to visually separate it from other reserve uses and the location of grey-water connections) turns out to be on land gifted to Council for purposes which do not include permanent or semi-permanent accommodation, and is partly within a Riparian Overlay which does not permit permanent structures other than fences. However, considering general community well-being issues, it is likely to be appropriate to ensure current residential campers are provided for within the Reserve. This may result in some 'reverse-sensitivity' issues if those campers find other potential developments on the Reserve to be incompatible with residential living on-site. Compromise on the part of residential campers may be necessary if there is a desire for those other developments to proceed and for a relocatable home park to be provided.

Suggestions made during consultation included opinions that the gondola and Brook Conservation Education Centre were incompatible with other uses on site. Several suggestions stated that these developments were also incompatible with the Reserves Act, which is incorrect. Concerns appear to have been focused on: whether a camping ground of any nature could co-exist with these facilities on-site; whether residential camping would be unpleasant due to the scale of development; and if the developments would result in unacceptable adverse effects on local residents as a result of additional traffic. Concerns were also expressed over the loss of open space values due to too much development on the Reserve.

The three main parties interested in developments on the Reserve – NMIT, the Brook Waimarama Sanctuary, and the Nelson Cycle Lift Society – are focused on retaining a camping option, as it is seen as beneficial to their activities. The question is whether this supports an option for residential camping, due to problems with securing a 'relocatable home park' on site and the degree to which residential campers wish to remain in what would become a more intensely developed and used setting.

This draft management plan proposes, for consultation, that the use of the Reserve for all the activities proposed is appropriate and compatible subject to:

- Consultation on this draft management plan indicating a preference to develop the Reserve as a significant tourism hub for the region; and if this is the case, it would suggest that an appropriate tourism or commercial recreation development was appropriate;

- Further testing of the gondola concept – or other tourism or commercial recreation development – through a resource consent process; and
- Agreement on a comprehensive site development plan incorporating the recommendations made by the final version of this management plan; completed by the agency which has administrative control of the Reserve (as per the discussion in section 7.9) and by agreement with the NCC;
- Agreeing to long-term management process for residential camping. This draft plan proposes a maximum life-span for the activity, subject to ongoing reviews. In this case, the proposed maximum period is ten years, subject to a five-yearly review, and with no new camping residents accepted. This provides some certainty for existing residents, moves towards honouring the intent of the 1911 land gift to Council, and potentially allows for residential camping to continue beyond the ten year period if reviews show that there is minimal conflict with other Reserve activities (which may be a function of a reduction in the number of residents over time) and benefit to the Reserve and residential campers.

## 8 Visions

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*Nelson Marlborough Institute of Technology recognises the Nelson City Council's undertaking for a comprehensive approach to planning for the potential uses for the Brook site and has identified the following key themes:*

- Education
- Tourism / community / visitor activities
- Accommodation
- Public open space
- Conservation & science

NMIT suggestion

Two Visions are proposed for this draft management plan for the Reserve. Consultation will indicate preferences for each, or components of them. The Visions consider the five values identified in the suggestions of the Brook Waimarama Sanctuary and NMIT as it appears in the NMIT suggestion above. These are consistent with most suggestions received, although there is disagreement about how these themes might be achieved. Accordingly, there are degrees to which each theme can be achieved under each Vision. The key difference is in having additional tourism or commercial recreation services within the Reserve (which may or may not include the currently proposed gondola). Importantly, the preferred Vision will be realised through agreement on a comprehensive development plan which will be prepared under the direction of the final management plan and approved by the Reserve's administering authority.

Both Visions include provision for the Brook Waimarama Sanctuary and the Brook Conservation Education Centre.

The Nelson City Council stated its preference for Vision 1 when it approved this draft plan for consultation.

### 8.1 Vision option 1

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***The Brook Recreation Reserve is a significant destination for domestic and international visitors to Nelson and Tasman and operates as a tourism hub, while also serving the local community as an environmental education, outdoor recreation and conservation landmark.***

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,
- ✓ An additional tourism or commercial recreation development envelope,
- ✓ Eureka Park,
- ✓ An upgraded commercial camping ground,

- ✓ 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.

Management activities to support this Vision would include:

- ✓ Stopping the legal road through the Reserve,
- ✓ Maintaining, as far as possible, the significant vegetation identified in Section 7.2,
- ✓ Adopting an appropriate management framework as discussed in Section 7.9,
- ✓ Gazetting the remaining freehold land as recreation reserve,
- ✓ A caveat on the area within the reserve allocated to parking and other facilities for tourism or commercial recreation to encourage use of alternative locations for parking and the sharing of resources with other facility providers on the Reserve. An allocation of 1500m<sup>2</sup> total ground coverage could be complemented by approximately 3500m<sup>2</sup> level land available at the old Brook Conservation Education Centre site, and
- ✓ An agreed comprehensive development plan.

## 8.2 Vision option 2

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***The Brook Recreation Reserve provides environmental education, outdoor recreation and conservation services for the regional community, supporting the work of the Brook Waimarama Sanctuary Trust and providing a camping opportunity.***

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,
- ✓ An upgraded commercial camping ground,
- ✓ 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.

Management activities to support this Vision would include:

- ✓ Stopping the legal road through the Reserve,
- ✓ Maintaining, as far as possible, the significant vegetation identified in Section 7.2,
- ✓ Adopting an appropriate management framework as discussed in Section 7.9,
- ✓ Gazetting the remaining freehold land as recreation reserve, and
- ✓ An agreed comprehensive development plan.

## 8.3 Space allocation

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Figure 27 and Figure 27 indicate a space allocation for each option. These are not recommended development plans or policies for development footprints, but shows the potential level of occupation of the Reserve for each possible main new use, and the remaining space available for camping sites. Option 1 offers 55 camp sites and Option 2 offers 65. Approximately 100 sites are currently provided. A final development plan could maximise space allocation to increase this number, as well as reviewing the use of more cabins and potentially recommending an alternative roading network. An open space area for casual recreation, picnics and play is allocated adjacent to the Brook Stream, the steep bank of which would require work to enable easier access, if this development was desired. Camping sites are absent to the east of the main access road in Option 1 as the scale of development in this area would most likely be incompatible with camping.

Figure 27: Vision option 1 – spatial only

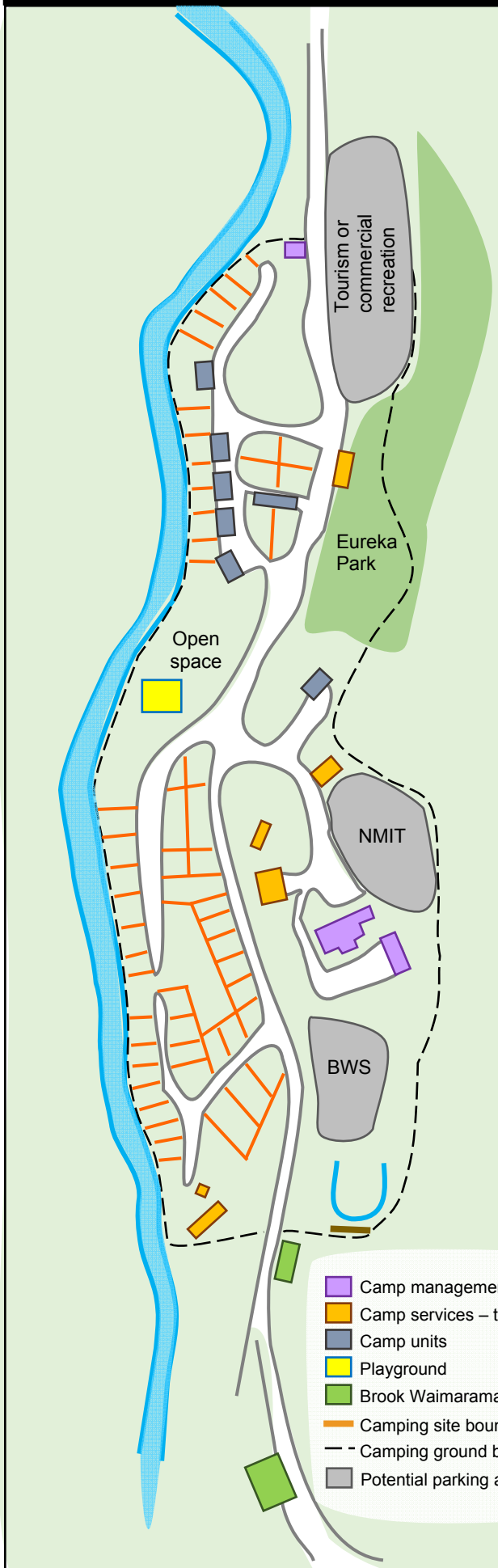
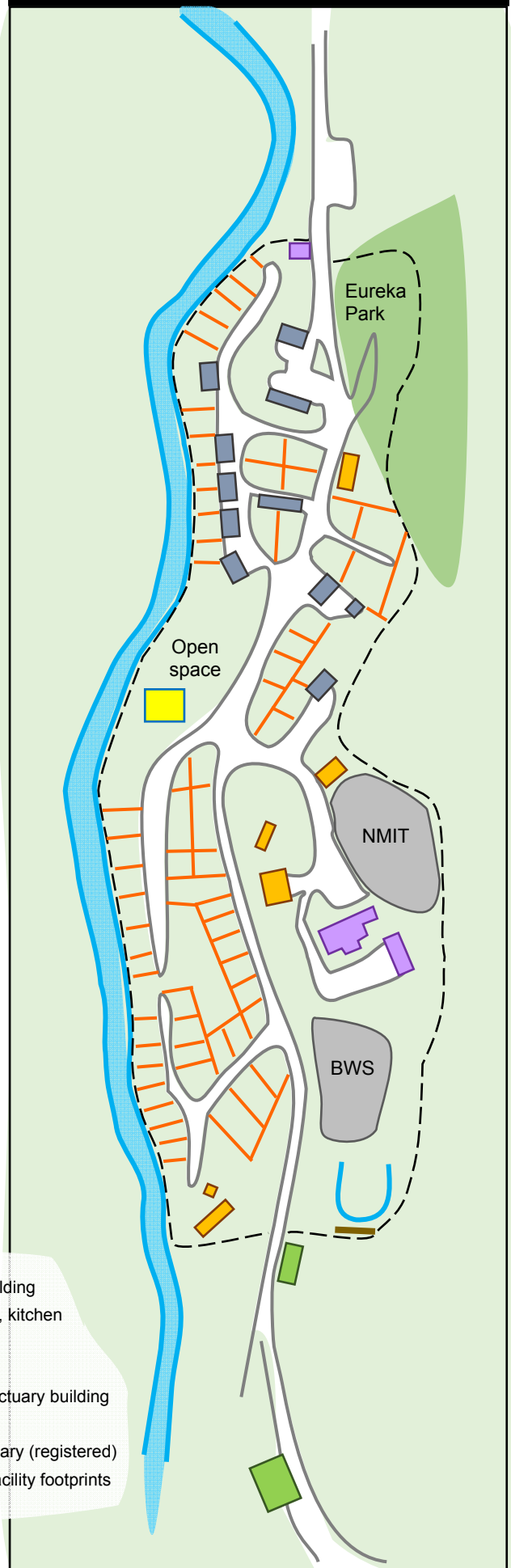


Figure 27: Vision option 2 – spatial only



- Camp management building
- Camp services – toilets, kitchen
- Camp units
- Playground
- Brook Waimarama Sanctuary building
- Camping site boundary
- Camping ground boundary (registered)
- Potential parking and facility footprints

## 9 Objectives and Policies

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These draft policies – developed for consultation – take either: a particular stance on an issue considering feedback to date; or provide for all possible outcomes, allowing for submissions on this draft plan to recommend deletion or addition of specific provisions. The reason for the latter approach is because it may prove difficult to add missing provisions to the final management plan without additional consultation if they are not included in this draft and are not considered in consultation. Drivers for these and alternative policies are reviewed in Section 7 of this draft plan.

### 9.1 Reserve administration

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Section 7.9 of this report considers options for management of the Reserve. This draft plan recommends the formation of a board to administer the Reserve. Notably, Section 38 of the Reserves Act permits an administering authority to control and manage land that is not a reserve; and although this management plan recommends gazettal of the Reserve, it is not a pre-requisite for the appointment of a board.

If this recommendation is not adopted (that is, the administering authority remains the NCC), the policies drafted in the following sections would be administered by the NCC. The term 'Board' is used only in this draft policy section and the term 'administering authority' (which could be a Board) is used elsewhere.

#### 9.1.1 Objective

To provide for streamlined and focused administration of the Reserve.

#### 9.1.2 Policies

- 1) The Reserve will be administered by a Brook Recreation Reserve Board with delegated authority by the Minister of Conservation to be its administering authority under Section 30 of the Reserves Act.
- 2) The Board will be appointed by the Minister subsequent to the publication of this management plan in final form.
- 3) The Board will decide its operating procedures and legal status to best benefit funding, management and development of the Reserve as agreed with, and as directed by, the Minister.
- 4) The Board will include representation from, if available; the Nelson City Council, the Brook Waimarama Sanctuary, Nelson Marlborough Institute of Technology, iwi, an invited member of the local community, other interested parties with relevant specialist skills and representations, and – potentially – operators of other tourism or commercial recreation services provided within the Reserve.
- 5) The Board may choose to employ a reserve manager, at an appropriate stage and if finances allow, or rely on the management of specific activities and services by lease and licence holders as directed by individual agreements.
- 6) The Board may draft and seek approval for bylaws to control use of the Reserve under the Reserves Act, and/or adopt existing bylaws enforced by NCC.

- 7) An occupation agreement will be developed in discussion between the administering authority and occupants of the proposed relocatable home park with reference to: other such agreements administered by NCC; all relevant policies in this management plan; and to help secure this plan's agreed Vision. The administering authority will be responsible for formulating the final version of the occupation agreement, and compliance with it will be a requirement of occupation.



## 9.2 Comprehensive development plan

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The Reserve is subject to many demands for different activities, all of which have the potential to be complementary on site if they are located, designed and developed appropriately. Consultation on this draft management plan will define the activities to be provided for. Consequently, a development plan will need to be developed in accord with the final management plan and agreed upon by the administering authority (and the NCC if it is not the administering authority). For the purposes of this draft plan, all the potential requirements of a development plan are listed here. Individual items may be added to or removed subsequent to consultation.

### 9.2.1 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 the directives of this management plan.

### 9.2.2 Policies

- 1) The development plan will be drafted by the administering authority with the assistance of NCC,
- 2) The development plan, and any subsequent amendments to it, must be approved prior to any works commencing or consents applied for, by NCC.
- 3) The development plan will form part of this management plan, once approved, for the purposes recognised by the Nelson Resource Management Plan.
- 4) The development plan shall provide for:<sup>31</sup>
  - a. Facilities and services required to manage, operate and service the Brook Waimarama Sanctuary,
  - b. 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,
  - c. Provision for a 1500m<sup>2</sup> footprint for tourism or commercial recreation developments in the north-east of the Reserve, allowing for shared use of facilities in other parts of the Reserve (such as ticketing and administration),
  - d. 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,
  - e. Off-road pedestrian and cycle access to any parking spaces provided for Reserve visitors outside the Reserve,

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<sup>31</sup> 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.

- f. Protection and interpretation of heritage features within the Reserve, including the Kidson memorial and reservoir, as well as the trout rearing ponds if they prove to be of any heritage value,
- g. Accessibility provisions for people with disabilities, including inclusive camping opportunities,
- h. Responses to flood, earthquake and other natural hazards on and near the Reserve,
- i. 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,
- j. Walking tracks and information services for Eureka Park, developed in consultation with the promoters of that park,
- k. Cycle and walking tracks giving access to new and existing recreation routes to the east and south of the Reserve,
- l. 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,
- m. A relocatable home park providing for a maximum of 25 sites designed to comply with the Camping-Ground Regulations 1985 (see also Policies 9.6.2 and 9.7.2),
- n. 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,
- o. Retention of the landscape trees and woodland defined in the NRMP, and other vegetation identified in Section 7.2 of this plan, as far as is possible,
- p. Maintenance and improvement of the cultural health of the Reserve, primarily via managing for biodiversity and stream health in the Brook Stream,
- q. 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,
- r. Consideration of the effects of the implementation of the NRMP Enner Glynn and Upper Brook Valley Structure Plan (Figure 17 page 42),
- s. 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,

- t. A redeveloped roading network to suit the uses described above, providing for pedestrian, cycle, car and bus access, and emergency evacuation,
  - u. Other requirements of the NRMP and applicable legislation.
- 5) The development plan shall include contingencies and alternatives should major activities requiring resource consent not gain consent, such as proposed or other tourism and commercial recreation activities.

### **9.3 Reserve land status, acquisition and disposal**

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Consultation indicates a desire to gazette the Reserve as recreation reserve. This draft management plan adopts that policy. There is no rationale for disposing of any lands within the Reserve. There may be potential to expand the Reserve should the opportunity arise and demand exist.

#### **9.3.1 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.

#### **9.3.2 Policies**

- 1) The Reserve, as defined in this management plan, will be gazetted as recreation reserve under the Reserves Act 1977, noting that this may require subdivision of Lot 2 (see Figure 6 page 18), or the gazettal of all of Lot 2 as recreation reserve. Section 47 and Section 9 will require subdivision as their areas outside the Reserve are already leased to the Brook Waimarama Sanctuary and have an alternative purpose,
- 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,
- 4) An application to stop the legal road passing through the Reserve will be made by the administering authority of the Reserve to NCC. The stopped road will revert to recreation reserve under the Reserves Act, thereby maintaining public recreation values and access in accordance with this management plan.

## **9.4 Leases, licences, permits and fees**

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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.

### **9.4.1 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.

### **9.4.2 Policies**

- 1) The administering authority 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) The administering authority may not grant easements or rights-of-way under Section 48 of the Reserves Act, or any other legislation, without the approval of NCC.
- 3) The administering authority 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.
- 4) 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 the administering authority. This policy will not apply to temporary food vending services active during events.
- 5) 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.
- 6) The administering authority 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.
- 7) The administering authority may choose to not charge for permits where there is community benefit from the activity.
  - 8) Income from leases, licences, permits and fees will be applied by the administering authority (if it is not the NCC) to only the operation, management and development of the Reserve; any other use of funds will be subject to the approval of NCC.
  - 9) 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 and the administering authority has a business plan in place, at which time fees will be set considering commercial rates and the costs of service provision, in consultation with the NCC.

## 9.5 Restricted reserve access or closure

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The co-location of a camping ground with public open space for recreation and events and a variety of other commercial and educational services, as well as residential campers, poses some problems for managing access and security.

Residential and casual campers can provide some surveillance of the Reserve at all hours, but they cannot be expected to function as a full-time professional security team.

The provision of a commercial camping ground will require the presence of an onsite camp manager, and this person, or other responsible representative of the administering authority, must have the ability to close parts or all of the Reserve from time to time, and to trespass individuals or groups from the site. Trespass rules need not be written as a bylaw or policy, as they function under the Trespass Act 1980 and recourse to this Act will always be available to the Reserve's administering authority. Policies here will allow for the containment of activities within parts of the Reserve, closure at specific times, and the provision of access for only certain people (such as campers and staff) at certain times.

The Reserves Act specifies in its Section 53 a number of opportunities for, and limits to, restrictions on public access within a recreation reserve. It also allows the administering authority to (53(1)(o)) "do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve." With this and the other provisions of Section 53 of the Reserves Act in mind, this management plan proposes the following objective and policies.

### 9.5.1 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.

### 9.5.2 Policies

- 1) The administering authority 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 the administering authority's discretion.
- 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 the administering authority 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.



## 9.6 Activities permitted on the Reserve

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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.

### 9.6.1 Objective

The administering authority of the Reserve 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 9.2) where they do not compromise the primary uses of the Reserve or its natural or cultural values.

### 9.6.2 Policies

- 1) Activities agreed through the comprehensive development plan and listed in Section 9.2 will be permitted within the Reserve subject to controls identified elsewhere in this management plan and identified as necessary by the administering authority from time to time.
- 2) The administering authority 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 9.5.2) 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 permitted 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. Provision for a period of 10 years (up to 2026) with a review of provision in 2021 and in 2026. (The Reserves Act requires that this management plan also be reviewed at least every 10 years.) See also Policies 9.7.2.

## 9.7 Activities not permitted on the Reserve

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The Reserve is a confined space and has the potential to be intensely used for a variety of activities. As a result, restrictions on certain activities will be required to maintain its environmental, cultural, heritage and social values. The Reserves Act (section 94) enables the enforcement of certain restrictions, such as the destruction of vegetation, the lighting of fires outside defined areas, and littering. These policies are in addition to those, and in most cases are additional to those in Council's *Urban Environments Bylaw 2015*, and are specific to the Reserve. They will require enforcement via a reserve bylaw prepared by the administering authority under Section 65 of the Reserves Act.

A ceiling for the number of residential campers in the relocatable home park is proposed, along with a means by which 'existing' residential campers can be identified, considering that some occupy the camping ground for only part of each year.

### 9.7.1 Objective

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

### 9.7.2 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 9.6,
  - b. Occupation by residential campers within the defined relocatable home park (see Policies 9.6.2) or elsewhere within the Reserve who were not occupants at the release of the final version of this management plan or who have been resident (that is, living on-site) within the Reserve for less than nine months in the 12 months prior,
  - c. Continued occupation by residential campers who are resident (living on-site) within the Reserve for less than nine months over any 12 month period,
  - d. Occupation by residential campers within Reserve who have not signed and agreed to the terms of an occupation agreement (see 9.1.2 (7)); and any activities proscribed by that agreement,
  - e. Occupation by residential campers in a relocatable home park or elsewhere within the Reserve after 2026, unless reviews in 2021 and 2026 indicate that this activity should continue and is of benefit to the management and use of the Reserve and to residential campers,
  - f. The occupation of the relocatable home park by more than 25 residents,
  - g. The scattering of human or pet ashes or other remains within the Reserve,
  - h. Hunting, fishing, fossicking, rock-hounding and firewood gathering unless provided for under policies in Section 9.6,
  - i. The mounting or installation of any memorial unless permitted by the administering authority,

- j. The use of model airplanes, drones and other motorised model craft unless associated with a permitted event or required for reserve management purposes,
- k. Activities which generate noise that may disturb the peaceful enjoyment of the Reserve and which do not benefit its management, maintenance and development,
- l. The lighting of any fires in any location,
- m. Commercial activities unless operating under an agreed lease, licence or permit issued by the administering authority,
- n. Community or competitive sporting activities unless permitted by the administering authority,
- o. 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,
- p. 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 the administering authority,
- q. The use of private vehicles in any area of the Reserve not defined for that use,
- r. The installation of signs and information panels that do not conform to a standardised design template approved by the administering authority,
- s. The installation of any commercial advertising or sponsorship signs without the written approval of the administering authority,
- t. Other activities that the administering authority considers inappropriate and which can be included in a reserve bylaw under Section 65 of the Reserves Act 1977 and approved by the Minister of Conservation.

## Appendix 1: Titles included in this management plan

Figure 6 (page 18) location	Title reference		Area included in this plan	Area excluded from this plan
<b>Sec 47</b>	Section 47 Brook Street And Maitai District	Sec 47 – Recreation Reserve	Some	Area leased to Brook Waimarama Sanctuary
<b>Lot 53</b>	Lot 53 Deposited Plan 210	NL29/102	Some	Area leased to Brook Waimarama Sanctuary (tiny bit)
<b>Immediately south of Lot 1</b>	Part Section 9 District of Brook Street and Maitai	CT 53911 – was part of NL28/296	All	None
<b>Lot 1</b>	Lot 1 Deposited Plan 5496	NL133/27	All	None
<b>Lot 49</b>	Allotment 49 Deposited Plan 210	NL34/283	All	None
<b>Sec 9 west of Lot 49</b>	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
<b>Sec 9 south of Lot 49</b>	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
<b>Sec 41 west of Sec 9</b>	Not included in this plan – but registered on the same title as 9a. Included here for clarity.		None	All
<b>Lot 2</b>	Lot 2 Deposited Plan 764	NL43/244	Area zoned Open Space in NRMP	Area not zoned Open Space in NRMP
<b>North-west of Lot 1 – Brook Stream bed mostly</b>	Parcel 6545237	No title	All	None
<b>Legal road</b>	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)

## Appendix 2: 30m Riparian Overlay

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## Appendix 3: Traffic analysis

This appendix provides the base data for the summary of traffic effects provided in section 7.7 on page 70.

NCLS = Nelson Cycle Lift Society (gondola)

BWS = Brook Waimarama Sanctuary

NMIT = Nelson Marlborough Institute of Technology, Brook Conservation Education Centre

### Demand and transport mode projections, year 1

NCLS	Domestic	Local	International	Education	Totals
Visitors pa	14,400	9,200	14,000	5,000	<b>42,600</b>
% bike or walk	5%	30%	5%	5%	
% Nbus	5%	5%	5%	5%	
% bus / van / coach	0	0	10%	85%	
% private car	90%	65%	80%	5%	
pax per car	2.5	2.5	2	4	
pax per bus / van / coach	0	0	20	20	
Bus pa exc Nbus	0	0	70	213	<b>283</b>
Cars pa	5,184	2,392	5,600	62.5	<b>13,239</b>
Cycles pa	720	2,760	700	250	<b>4,430</b>

BWS	Domestic	Local	International	Education	Totals
Visitors pa	11,000	7,000	11,000	4,000	<b>33,000</b>
% bike or walk	5%	20%	5%	5%	
% Nbus	5%	5%	5%	5%	
% bus / van / coach	0%	0%	10%	85%	
% private car	90%	75%	80%	5%	
pax per car	2.5	2.5	2	4	
pax per bus / van / coach	0	0	20	20	
Bus pa exc Nbus	0	0	55	170	<b>225</b>
Cars pa	3,960	2,100	4,400	50	<b>10,510</b>
Cycles pa	550	1,400	550	200	<b>2,700</b>

NMIT	Ranger	Other ed	Seminar		Totals
Visitors pa	30	1,000	1,000		<b>2,030</b>
% bike or walk	15%	15%	5%		
% Nbus	50%	30%	5%		
% bus / van / coach		10%	10%		
% private car	35%	45%	80%		
pax per car	1.5	2.5	2		
pax per bus / van / coach			20		
Bus pa exc Nbus	0	40	5		<b>45</b>
Cars pa	1,400	180	400		<b>1,980</b>
Cycles pa	900	150	50		<b>1,100</b>



**Vehicles by month (double these figures for movements)**

Patronage by month, based on Commercial Accommodation Monitor Data for Nelson for 2014

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NCLS	16%	11%	10%	8%	6%	5%	6%	5%	5%	7%	8%	12%
BWS	16%	11%	10%	8%	6%	5%	6%	5%	5%	7%	8%	12%
NMIT	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%

**Cars per month**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NCLS	2,142	1,448	1,345	1,120	827	643	763	635	725	898	1,112	1,580
BWS	1,701	1,149	1,068	889	657	510	606	504	576	713	883	1,255
NMIT	164	164	164	164	164	164	164	164	164	164	164	164
Total	4,007	2,761	2,576	2,174	1,648	1,318	1,533	1,304	1,465	1,776	2,159	2,999

**Buses per month**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NCLS	46	31	29	24	18	14	16	14	15	19	24	34
BWS	36	25	23	19	14	11	13	11	12	15	19	27
NMIT	4	4	4	4	4	4	4	4	4	4	4	4
Total	86	59	55	47	35	28	33	28	32	38	46	64

**Average vehicles by day by month (double these figures for movements)**

Average cars per day

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NCLS	69	52	43	37	27	21	25	20	24	29	37	51
BWS	55	41	34	30	21	17	20	16	19	23	29	40
NMIT	5.3	5.9	5.3	5.5	5.3	5.5	5.3	5.3	5.5	5.3	5.5	5.3
Total	129	99	83	72	53	44	49	42	49	57	72	97

Average buses per day

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NCLS	1.47	1.10	0.93	0.80	0.57	0.46	0.53	0.44	0.52	0.62	0.79	1.09
BWS	1.17	0.88	0.74	0.63	0.45	0.36	0.42	0.35	0.41	0.49	0.63	0.87
NMIT	0.12	0.13	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
Total	2.77	2.12	1.78	1.56	1.14	0.95	1.06	0.91	1.05	1.23	1.55	2.07

**Movements per hour for peak month (January)**

Hour of day (beginning)	Existing hourly movements		Existing + BWS + NMIT = base	Gondola potential additional	
	Brook and Westbrook Streets 7 day average Nov '14			Cars	Buses
24:00	14	<1%	14	0.5	0.0
1:00	9	<1%	9	0.4	0.0
2:00	7	<1%	7	0.3	0.0
3:00	10	<1%	10	0.3	0.0
4:00	9	<1%	9	0.1	0.0
5:00	27	1%	28	0.4	0.0
6:00	69	2%	71	0.7	0.0
7:00	195	5%	200	3.1	0.1
8:00	295	7%	303	5.3	0.1
9:00	252	6%	259	6.9	0.1
10:00	251	6%	258	7.3	0.2
11:00	280	7%	287	9.1	0.2
12:00	326	8%	335	10.7	0.2
13:00	311	7%	319	10.1	0.2
14:00	317	7%	326	9.8	0.2
15:00	364	8%	374	13.4	0.3
16:00	363	8%	373	13.7	0.3
17:00	392	9%	403	15.9	0.3
18:00	271	6%	279	9.7	0.2
19:00	208	5%	214	7.4	0.2
20:00	148	3%	152	5.7	0.1
21:00	100	2%	102	4.2	0.1
22:00	58	1%	59	2.1	0.0
23:00	25	1%	25	1.1	0.0
<b>Totals</b>	<b>4297</b>	<b>100%</b>	<b>4417</b>	<b>138</b>	<b>3</b>