

Submissions Index – Reserves Bylaw

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2	01	Jackie McGrath		Yes
3	02	Matt Hippolite	Ngati Koata Trust	No
4	03	Dan McGuire		No
5	04	Queenie Ballance	National Council of Women	No
6	05	Helen Campbell	The Friends of Nelson Haven and Tasman Bay	Yes
9	06	Christopher St Johanser	The Brook Valley Community Group	No
10	07	Patrick Gerard	Nelson Youth Council	No
11	08	Helen Black		Yes
12	09	Mike Hurley	Transpower NZ Limited	Yes

Subject: FW: Draft Reserves Bylaw - Submission from Jackie McGrath

From: Bruce&JackieMcGrath [<mailto:bjmcg@xtra.co.nz>]

Sent: Wednesday, 22 January 2014 1:55 p.m.

To: Debra Bradley

Cc: k.switzer

Subject: Re: Thank you!

My initial comments/questions are as follows :

- 1)Is there any thing in the proposal that will change the use of the reserves for dog walkers and their pets from the provisions agreed to previously?
- 2) Does the 20km speed restriction apply to bikes and mobility scooters?
- 3)I believe that clear signage prohibiting vehicles from using areas other than designated parking areas or formed roads in reserves would be useful.
- 4)The dumping of rubbish in reserves is definitely an issue that seems to be increasing in these difficult economic times.Maybe reduced fees at the Pascoe street facility could reduce this problem.
Green waste could be composted and sold to the public.This did happen at one time and may still be happening not sure of this.

I can go into these points more thoroughly verbally if requested.

Subject: FW: Reserves Bylaw - update

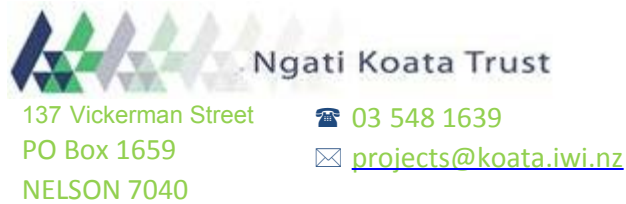
From: Matt Hippolite | Ngati Koata Trust [<mailto:projects@koata.iwi.nz>]
Sent: Monday, 10 February 2014 2:10 p.m.
To: Debra Bradley
Cc: Frans van Boekhout | Ngati Koata Trust; TrustChair
Subject: RE: Reserves Bylaw - update

Tena koe Debra,

Thank you for considering our concerns with this bylaw. That clause seems to cover it.

Naku noa, na

Matt Hippolite



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From: Debra Bradley [<mailto:debra.bradley@ncc.govt.nz>]
Sent: 31 January 2014 3:53 p.m.
To: Matt Hippolite | Ngati Koata Trust
Subject: Reserves Bylaw - update

Tena koe Matt,

The Planning & Regulatory Committee considered the draft Reserves Bylaw on Tuesday, and have approved a draft document for public consultation (from 1 February to 3 March 2014). This includes the following provision which I hope resolves your concerns about the bylaw:

“Nothing in this bylaw shall prevent Iwi from carrying out activities in reserves which are provided for in any Deeds of Settlement between Iwi and the Crown.”

However, you are most welcome to make a submission on the draft Reserves Bylaw. Please let me know if you would like the consultation documents sent to you.

Mauri ora,

A1151973 (PDF)

Subject: FW: Draft Reserves bylaw

From: Dan McGuire[SMTP:DAN.SULLIVAN@KINECT.CO.NZ]

Sent: Tuesday, February 11, 2014 8:31:30 PM

To: Submissions

Subject: Draft Reserves bylaw

Auto forwarded by a Rule

Council has invited comments. I find that at least once a week, when walking across the Botanics Reserve, I have to stay at the very edge of the grounds to avoid getting hit by a golf ball when people are playing golf.

The main track to the Centre of NZ needs a more obvious sign about the fact that cycles are not allowed on the main track.

Thank you.

Dan McGuire

P.O. Box 582

Nelson

0272466155

26 FEB 2014

Nelson City Council Public Consultation Submission form

The Nelson City Council wants your opinion.
Please tell us what you think.

Please type or print clearly. Remember to read the submission writing guidelines (over) before starting.

Office Use Only			
		Submission Number	4
File Ref		INITIALS	

Name Queenie Ballance

Daytime phone 539 0459

Address 6, Brougham Street, Nelson 7010

Organisation represented (if applicable) Nelson Branch, National Council of Women N.Z

Do you wish to be heard in support of your submission? YES NO # of pages 1

 If you do not tick a box we will assume you do not wish to be heard.

Public information

Submissions to Council consultation are public information. Your submission will be included in reports, which are available to the public and the media.

The consultation/proposal my submission relates to: DRAFT RESERVES BYLAW (no 222)
The whole document : 9 Respect for other users.

My submission is:

- We support the draft as it gives a broad-based policy
- Would be helpful if at some stage, all the plethora of relevant legislation, bylaws (including this one) and related documents were amalgamated into one document

9.1 Respect for others

We have concern that shared pathways will create problems for users. Clearly defined guidelines could be useful. Two suggestions were made -

① cyclists be requested to have a bell or device to warn walkers of their approach.

② Walkers on shared pathways be requested to walk on the right so as to face oncoming cyclists & take suitable avoidance tactics while those cyclists travelling in same direction would find it easier. This would take time to implement, but ~~it~~ could be worth the effort.

Date 19 Feb. 2014 Signature Queenie Ballance (convener)

Help with making a submission overleaf...



PO Box 645 • Nelson 7040 • 03 546 0200
www.nelsoncitycouncil.co.nz

Nelson City Council Public Consultation Submission form

Office Use Only			
		Submission Number	5
File Ref		INITIALS	

Name: Helen Campbell

Daytime phone: 03 521148

Address: 8432 State Highway 63, RD2 Nelson 7072

Organisation represented: The Friends of Nelson Haven & Tasman Bay (Inc)

We wish to be heard in support of our submission.

Submission on Proposed Reserves Bylaw No. 222

Introduction:

The Friends of Nelson Haven & Tasman Bay (Inc.) (“the Friends”) has taken an interest in a wide range of coastal and marine issues since 1973 throughout the Top of the South Island. We believe that the interface between the land and the sea, and activities that occur on the land, frequently affect coastal and marine environmental values and attributes. Consequently we may make submissions on resource consent applications, bylaws, reserve management plans and other statutory and management documents, which may not be on the coast, in the sea or located specifically in the Nelson region. For instance, we have submitted on issues such as the use of methyl bromide at Port Nelson, Tasman District Council's draft Reserves policy, outstanding natural landscape and features (s. 6 Resource Management Act 1991) as well as the draft Paremata Flats Recreation Reserve Management Plan (which has not yet come to fruition).

We therefore make the following comments in regard to the Statement of Proposal for Adoption of the Nelson City Council Reserves Bylaw (Bylaw No. 222) and the draft bylaw:

1.0

The proposed Bylaw and the information supplied does not state what the **term** of the Reserves Bylaw 2014 will be. *Please clarify.*

2.0 Section 4: Other Relevant Legislation, Bylaws and related Documents

2.1. We presume that the Council will not wish to update this Bylaw more frequently than is necessary. We suggest that this Section includes a phrase that ensures readers of the Bylaw will be aware that offence and other management provisions contained in amended or new legislation, new reserve management plans and revised manuals etc. will be “outside” of this Bylaw.

2.2 This Bylaw seeks to cover a much wider range of “reserve” land than is formally protected under, for instance the Reserves Act and the Local Government Act (local purpose reserves). It needs to be made clear that formally protected reserve land has offence and other management

provisions that hold more “weight” than this Bylaw – the issue is not the “silence” of the Bylaw but the hierarchy of the “purpose” under which the land is managed.

Suggested changes:

- a. *Delete* “and which may apply where this bylaw is silent.” and
- b. *Add* into the list “Local Government Act” and “Trading in Public Places Bylaw No. 213” and
- c. *Add* after the list: “and any other legislation, bylaws and related documents including reserve management plans that are current.” “

Alternatively:

Delete all text under section 4 and replace with “The management of reserves may be regulated or controlled by legislation, plans and other bylaws. Consultation with NCC Reserves staff will clarify requirements.” In the event that this alternative is accepted then suggested point 1. of Section 8 of the Bylaw, as below, can be deleted.

3.0 Section 8: Activities Requiring Permission

3.1 We appreciate the Council's intention to limit the “possible” activities that may cause harm to the environment, humans, and species, especially where other documents (as in Section 4) may be the more appropriate management “tool”, but as this draft Bylaw also covers (as noted above) land such as gardens and open spaces we consider it important to alter the wording of this section to include other activities and eventualities (for instance, horses grazing flower beds) and to add Notes for clarification.

3.2 We also believe that it would be very helpful if there were to be included in this note some encouraging words to “act local” volunteers who wish to undertake pest weed and animal control and restoration projects.

3.3 The intention appears to be in this Section that the “permission” will be in the form of a letter, perhaps, rather than a formal permit (except for hunting/pest animals). It also implies that no public notification process will be followed. We believe Council needs to reconsider this: for instance the Mineral Belt in the Waterworks Reserve does contain many types of sough-after minerals.

Suggested changes:

The list should read:

- “- *use of chainsaws or other tree felling implements* (although if the issue here is **noise** this needs to be addressed separately)
- *taking of rocks, minerals (see Note 3. below) and sand*
- *possession of firearms or weapons of any kind for killing or control of any animals including game birds and animal pests. This includes the use of traps and toxins.*
- *planting or removal of vegetation*
- *grazing of livestock*
- *placing or erection of memorials including plaques*
- *landing of recreational motorised aircraft.”*

To be followed by:

“Notes:

1. *As noted in Section 4 of this Bylaw, reserves may be managed under other legislation, plans etc. Before any activity is undertaken on a reserve, as defined, contact with NCC reserves staff is essential.*
2. *Written permission is required for volunteer restoration and enhancement projects which Council encourages.*
3. *Some activities, for example, exploration for, or the mining of minerals, may require a public*

consultation process to be undertaken at the applicant's cost.”

Shared pathways: Where there are “shared pathways” there will inevitably be conflict between both users and uses. Council needs to ensure that where there are “pathways” adjacent to creeks, streams and rivers, that the riparian vegetation, which is essential to the continuing survival of life in these waters through cooling, oxygenation, food sources etc, is not removed or adversely restricted or impacted when pathways - shared or otherwise - are constructed or maintained by Council staff or used.

Date: 28 February 2014

Signature: *Helen Jeannette Campbell*

emailed: 28 February 2014/hard copy in mail

Subject: FW: Submission in re Reserves Bylaw 2014

From: Stephen McGrath[SMTP:STEPHEN.MCGRATH9@GMAIL.COM]

Sent: Monday, March 03, 2014 10:21:02 AM

To: Submissions

Subject: Submission in re Reserves Bylaw 2014

Auto forwarded by a Rule

re: Submission in re Reserves Bylaw 2014

The Brook Valley Community Group submits as follows:

1. We note and support the Purpose of this draft bylaw and our comments are addressed to furthering it.
2. We do not wish to speak to this submission.
3. In reference to item 3.3 of the Statement of Proposal, we note that: "the bylaw also enables the Council to manage any adverse effects of other activities such as cycling and sports and to close a reserve for a range of reasons".
4. In reference to item 4.1 we note also that: "[Small scale development of unauthorised mountainbike tracks]...can generally be managed informally without a bylaw", and further that: "[Mountain biking]...is not currently a significant issue, and does not need to be controlled through a bylaw".
5. The drafters of this proposal are of the opinion that it is sufficient that "significant damage would be covered by the general clause 7.1 that states that activities in reserves must not cause a hazard or damage". [4.1]
6. We agree that the proposed bylaw should enable the Council to manage the adverse effects of cycling, mountainbiking in particular. We disagree with the contention that small-scale development of unauthorised mountainbike tracks can be managed informally. We refute entirely the contention that mountainbiking is not currently a significant issue. The impact of mountainbiking on reserves in the Brook Valley has been and continues to be of major concern to the Brook Valley Community Group, as the Nelson City Council is aware, having heard us speak on the matter.
7. Terms such as 'significant', 'small-scale' and 'unauthorised' have rhetorical value only unless definitions are supplied. All engage judgement. If the bases of those judgements are not clear there cannot and will not be public accountability for decisions made. The bylaw as drafted in these respects will serve only to legitimate behaviours already unacceptable to other recreational users of the reserves by vitiating lines of accountability for compliance, as has been the case in the past.
8. We submit that: Mountainbikiing has been identified as a significant issue requiring control by means of provisions of this proposed bylaw.
9. We submit that: Any development of mountainbike tracks shall be prohibited without formal approval involving community consultation having been obtained. The current use of recreational tracks for the purpose of mountainbiking shall be reviewed.
10. We submit that: The general clause 7.1, designed as of course it is to have general application, is insufficient as a control mechanism in respect of the activity of mountainbiking in reserves.
11. Our argument is that the existence of any specific clause in the bylaw depends upon the acknowledgement of the insufficiency of such a general clause to address specified activities. The intention to relegate mountainbiking to the character of an unspecified activity serves the dual purpose of supporting the contention that it is not currently a concern, and second to weaken the Council's ability to manage "any adverse effects of other activities such as cycling" [3.3]. These are undesirable outcomes.
12. Our community has clearly identified the activity of mountainbiking to be one which has brought significant hazard to members of our community and damage to our reserves. The threat presented by mountainbiking to walkers on recreational tracks has been and remains of concern to the Brook Valley Community Group. We look to the Nelson City Council to signify its support of our community by incorporating appropriate clauses into this bylaw.

Christopher St Johanser

A1151973 (PDF)

Page 9



19 February 2014

Nelson City Council
P O Box 645
Nelson

To The Mayor and Councillors

DRAFT RESERVES BYLAW (NO. 222)

Nelson Youth Council wishes to declare its support in the implementation of the Draft Reserves Bylaw (No. 222), which appears to be very similar to its predecessor- the 2006 Reserves Bylaw.

It is believed by the Youth Council that no deliberately impulsive or radical changes have been made and that the few restrictions outlined in the bylaw are in no way controversial, impractical or contrary to any basic civil rights outlined in New Zealand's governing legislative documents.

We do not consider it necessary to speak to our submission, but if the council or any member of the community wish to contact the Youth Council in regards to this submission, please email Patrick Gerard on paddyhopai@gmail.com

Yours sincerely

Patrick Gerard

Chelcie Phillips

Chia-Wei Jao

Sam Stephens

Sophie Smith

Bawi That

Carla Lindley

Rosa Wilkie

Pearl Jordan

Chloe Rumsey

Emily James

Jethro Burr

Harry Tod-Smith

Daniel Kirby

Apitoni Filiai

Hannah Malpas

Daniel Leaper

Joseph Cotton

Nick Erasmuson

Finlay Langelaan

Nelson Youth Councillors

Subject: FW: Submission for Park and Reserves Bylaw 2014

From: Helen Black [<mailto:helen.black@actrix.co.nz>]
Sent: Monday, 3 March 2014 2:30 p.m.
To: Council Enquiries (Enquiry)
Subject: RE: Submission for Park and Reserves Bylaw 2014

RE: Submission of Parks and Reserves Bylaw 2014-03-03

Thank you for offering the opportunity to make a submission and I would like to make the following comments:

1. I support a bylaw clause addressing the dumping of green and other waste in the region. One way to address this would be to look at the fees structures at the transfer station that currently are in place to see whether they are affordable.
2. Regulation, enforcement and planning of shared areas in parks and reserves:

I believe golf and mountain biking are activities that have a potential to cause harm to passer-by's and that a bylaw is needed.

The collateral damage for allowing these activities unchecked are far too high on other users of parks and reserves adjacent to residential areas. Mountain biking is a highly individual sport where bikers strive to better their techniques at speed, which naturally will have an impact on users whose preferences to use our parks and reserves differs.

The Sharland Creek MTB Park, once a sought after destination for people to have a walking experiencing in native forest close to town, and the Codgers area are prime examples of a 'natural' exclusion process that are happening through the policy of 'sharing without checks and balances'. I wish to see the council take an inclusive overview of how our parks and reserves are being utilised to avoid 'in-house' decisions that caters for the most vocal or connected interest groups.

Most sports have a code of conduct that is enforced by the club or coaches. The Nelson Mountain bike Club advertises the national Mountain bike Code of Conduct as a guide to its users of Nelsons Reserves. It does not work. To have a pleasant walking experience is more about striking it 'lucky' than anything else.

The last few years have clearly shown that existing bylaws of conduct on footpaths, the road code and the mountain biking code itself are frequently violated nor is it enforced. During the last two years I have lived with the evidence of this 'off-hand' policy, when the passion for this sport been allowed to rule my neighbourhood to a point that I did not enjoy leaving my house. I left Nelson for 3 1/2 month, not once did I have a negative experience with fellow users while we were out walking on footpaths, parks and reserves and I lost 10 kg's.

I believe there is a need for the council to safe guard and support walking through planning, regulation and enforcement within our parks and reserves.

I wish to speak to this submission.

Helen Black
8A Sowman Street
A1151973 (PDF)

Submission by Transpower New Zealand Ltd on the Nelson City Council Draft Reserves Bylaw

March 2014

Keeping the energy flowing



Address for Service:

Transpower New Zealand Ltd
Attention: Mike Hurley
PO Box 1021
Wellington 6140

Phone (04) 590 7244
Email: environment.policy@transpower.co.nz
A1151973 (PDF)

**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED
ON THE NELSON CITY COUNCIL DRAFT RESERVES BYLAW**

To: Nelson City Council

By email: enquiry@ncc.govt.nz

Name of Submitter:

Transpower New Zealand Ltd

This is a submission on the Nelson City Council Draft Reserves Bylaw

Address for Service:

Transpower New Zealand Ltd
Attention: Mike Hurley
PO Box 1021
Wellington 6140

Phone (04) 590 7244
Email: environment.policy@transpower.co.nz

Transpower NZ Ltd wish to be heard in support of its submission.



Signature of submitter

Date: 03 March 2014

**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED
ON THE NELSON CITY COUNCIL DRAFT RESERVES BYLAW**

Introduction to Transpower

Transpower is the state-owned enterprise that owns and operates the National Grid – or high voltage transmission network – that carries electricity around the country. It connects power stations owned by generating companies to substations feeding the local networks that distribute electricity to homes and businesses. Some businesses that are intensive electricity users directly connect to the National Grid. The National Grid represents the asset base and includes towers, poles, lines, cables and substations, stretching and connecting the length and breadth of the country; with two national control centres (in Hamilton and Wellington). The National Grid is supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

One of Transpower's key objectives therefore is to maintain and develop the National Grid. As part of this objective, Transpower must plan and develop the network to meet increasing demand, and to connect new generation, which contributes to New Zealand's economic and social aspirations.

Area Assets

The following National Grid assets are within or traverse Nelson City:

- Stoke to Upper Takaka A & B (STK-UTK A&B) 66kV lines on pi-poles
- Kikiwa to Stoke B 110kV (KIK-STK B) line on pi-poles
- Blenheim to Stoke A 110kV (BLN-STK A) line on towers
- Kikiwa to Stoke A 220kV (KIK-STK A) line on towers
- The Stoke substation

A map showing the location of the National Grid assets within Nelson City has been included as Appendix A.

National Grid lines traverse a least one reserve and possibly others within the City. The Stoke to Upper Takaka A and B lines both traverse Saxton Field and this is an area where the bylaw would apply. The Stoke to Upper Takaka A and B lines are currently being relocated as shown on the map in Appendix B to provide for the future development of the Saxton Field area.

Specific Comments on the Bylaw

The National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) both recognise and confirm the national significance of the National Grid. The objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- a. Managing the adverse environmental effects of the network; and*
- b. Managing the adverse effects of other activities on the network.*

The NESETA manages the effects under the RMA of the operation, maintenance, development and upgrading of the National Grid transmission lines. The provisions of the NESETA apply to all areas of the City including any reserves that the existing lines traverse. The provisions of the

NESETA will continue to apply to the lines following the relocation of the lines for the Saxton Field development.

Under the Electricity Act 1992 Transpower must provide notice to landowners before entering land and actively seeks to work with landowners around the timing, and where relevant, the methods used for any scheduled work. However, there are also instances where Transpower can need immediate access to land for emergency repairs. The Electricity Act provides Transpower with the legal right to enter land to operate and maintain the National Grid Infrastructure.

Transpower considers that there are clauses in the proposed bylaw that unnecessarily regulate Transpower's activities that are already covered by other legislation.

Clause 6 (Motor Vehicle Use) will require Transpower to obtain the written authority of an authorised officer to drive or park any motor vehicle on a reserve. Transpower appreciates that recognition has been made for the use of vehicles where the written approval of an authorised officer has been obtained. The maintenance activities of Transpower also require the use of heavy machinery and this is provided for when the written approval of an authorised officer has been obtained.

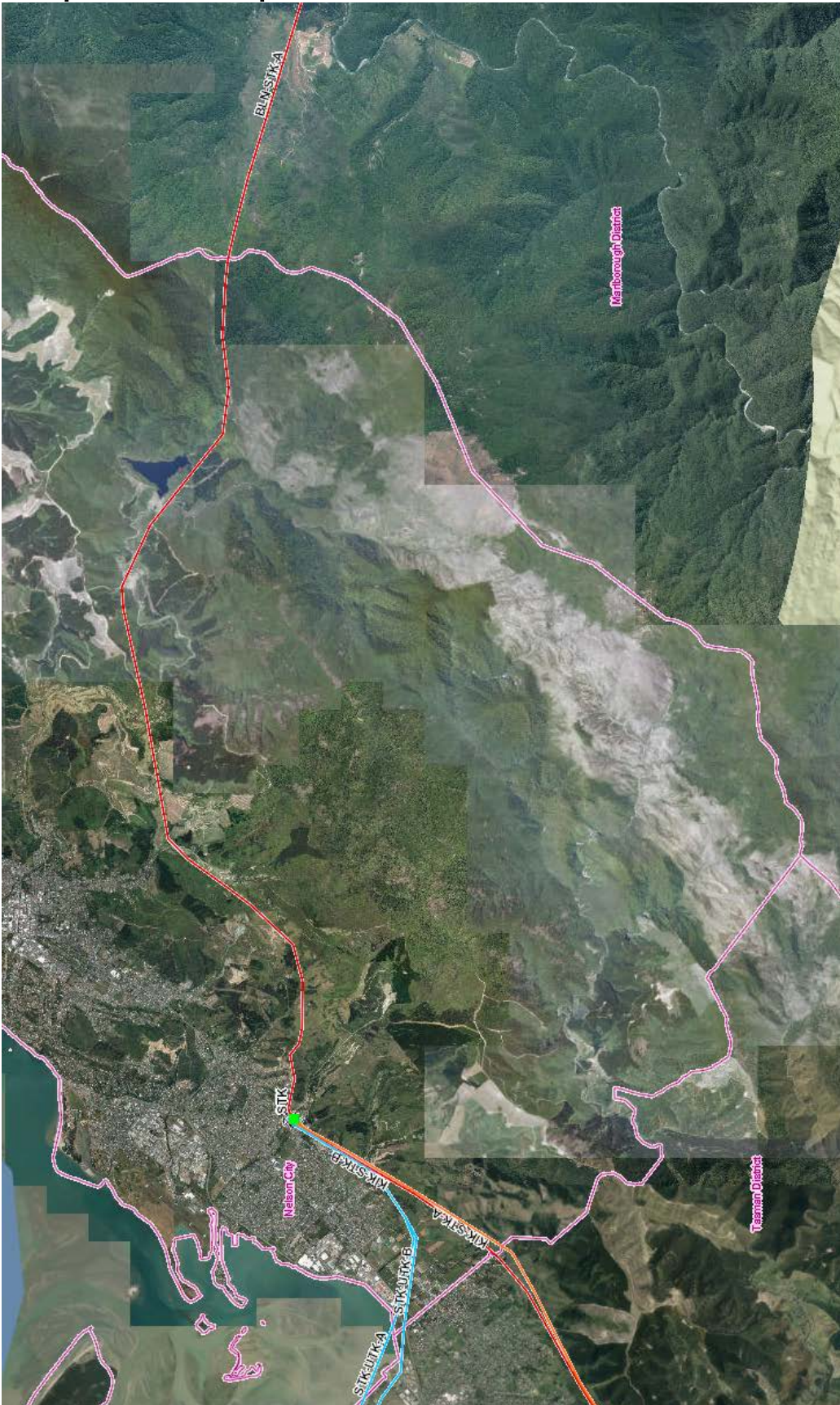
In addition Transpower is concerned that the wording of Clauses 7 (Hazard or Damage) and 9 (Respect for Other Users) could compromise its ability to maintain the existing National Grid Transmission lines. Any maintenance work that Transpower carries out has the potential to cause a hazard for other uses of the reserve. Transpower would seek to carry out its necessary work as safely as possible. One way of minimising the hazard would be to restrict access to the area where the maintenance work is occurring, however this could be seen as contrary to clause 9 as it would restrict the use of the reserve for other people.

Transpower appreciates that the drafting of the bylaw may have inadvertently captured its activities.

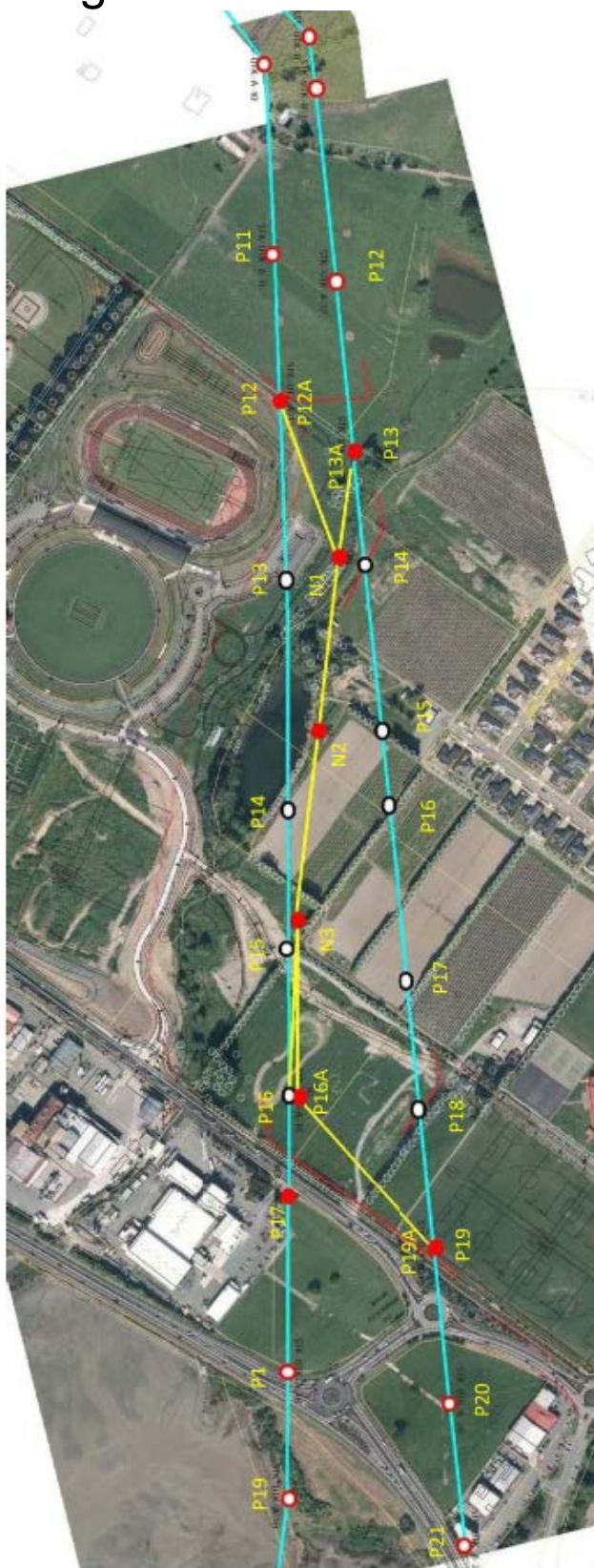
Decision Sought

That an exemption is included in Clause 11 (Exemptions) for the operation, maintenance, development, and upgrading of the National Grid (or network utilities in general) where it is otherwise permitted or approved by the Council.

Appendix A Map of Transpower Assets within Nelson City



Appendix B Realignment of lines in Saxton Field



Existing alignment in Blue. New Alignment in Yellow