



Nelson City Council

te kaunihera o whakatū

Draft Reserves General Policies

6 August 2026

for public consultation



Draft Reserves General Policies 2026

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This is a live document and is under constant review. Once adopted the latest version will be available on the Council websites (nelson.govt.nz). Check any printed copy against the latest online version. See the record of amendments on page 4.

Acknowledgements

TBC

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Policy amendment summary

Amendment	Date
Version as adopted by Council	XXX

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Glossary

Note: references to legislation, bylaws, policies, etc refers to that document or any subsequent replacement version.

Appropriate delegated Council officer/s	Council officer/s identified as having responsibility for the relevant management area as recorded in Council's Delegations Register.
CPTED	Ministry of Justice's Crime Prevention through Environmental Design national guidelines.
Esplanade areas	Esplanade reserves, esplanade strips, access strips and rights-of-way or other easements in favour of the public which provide access to or along the margins of rivers, lakes and the coast.
Exotic circus animals	Those species which are not domestic, native or farm animals and which have not been cleared as being suitable for general release into the New Zealand environment because of potential hazard to the environment or for reasons of public safety.
Reserves General Policies or Policies	This document – the Nelson City Council's Reserves General Policies.
LTP	Nelson City Council's Long Term Plan.
Local Government Act or LGA	Refers to the Local Government Act 2002.
Motor vehicle	The New Zealand Transport Agency/Waka Kotahi definition of motor vehicles includes battery-powered scooters, cycles and skateboards of more than 300 watts power. ¹
NCC or 'Council'	Nelson City Council or its appropriate delegated officers.
NRMP	Refers to the Nelson Resource Management Plan prepared under the Resource Management Act 1991 or any other relevant plan prepared under that Act's replacement legislation.
Reserves	In the case of these Reserves General Policies, the term 'reserve' applies to any of the land titles listed in Appendix 1 of this document. This includes land that is declared and classified under the Reserves Act 1977, land declared reserve but not yet classified, and 'park' held in fee simple and administered under s.138 of the Local Government Act. These Reserve General Policies also apply to easements, rights-of-way, leases and other forms of land administration managed as reserve by Council for public access and enjoyment. Areas of road parcel where they form part of a reserve and are identified on reserve management plans as being managed as part of the reserve are also included. As these areas do not have relevant certificates of title, they do not appear in Appendix 1. Cemeteries are not covered by the policies in this document. Note 1: For land that is held subject to the Reserves Act, these Reserves General Policies are applied and can be enforced under the Reserves Act. For other categories of land, which are not subject to the Reserves Act, these Reserves General Policies apply only as Council policy and the Local Government Act applies. Note 2: The list of land parcels in Appendix 1 will become incomplete over time, but an updated database will be available from Council.

¹ See <https://www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/>

These Policies will apply to all such reserves identified over time by Council.

Reserves Act	Refers to the Reserves Act 1977.
Regional	Where the term 'regional' is used it generally applies to the combined Nelson and Tasman Districts. Council aims to consider region-wide issues when providing for large-scale recreation and sport opportunities and in the management of indigenous biodiversity values.
Shipping container	A shipping container is a large, standardised, durable steel box designed for intermodal freight transport.
TDC	Refers to Tasman District Council.
Vehicle	The Reserves Act defines a 'vehicle' to be a "contrivance equipped with wheels or revolving runners upon which it moves or is moved; and includes a contrivance from which the road wheels or revolving runners have been removed". This therefore includes cars, motorbikes, bicycles, scooters, land yachts, kite buggies, caravans, a horse and cart, as well as 'vehicles' which have had their wheels or runners removed.

Māori terms

Atua	God, spiritual guardian
Hapū	1. (noun) tribe, subtribe, clan, kinship group 2. (stative) be pregnant, conceived in the womb
Iwi	1. (noun) extended kinship group, tribe, nation, people, nationality 2. (noun) strength, bone
Kai	1. (verb) to eat, consume, feed oneself, patake, devour 2. (noun) food, meal
Kaitiakitanga	Guardianship, stewardship, trustee
Mahinga	Place where work is done, activity, garden, fishery
Mana	Prestige, authority, control, power,
Mana whenua	Territorial rights, associated with possession and occupation of customary land
Manaakitanga	Hospitality, kindness
Mātauranga	Education, knowledge, wisdom, understanding, skill
Mātauranga Māori	Māori knowledge – the body of knowledge originating from Māori worldview
Mauri	Life principle, life force, vital essence
Ngā taonga tuku iho	Treasures inherited from the ancestors
Pā	Fortified village, fort,
Pounamu	Greenstone, nephrite, jade
Rangatira	Chief (male or female), chieftain, chieftainess,
Rongoā	Remedy, medicine, cure, treatment, tonic
Tangata whenua	Local people, hosts, indigenous people of the land - people born of the whenua, i.e. Of the placenta and of the land where the people's ancestors have lived and where their placenta are buried
Taonga	Treasure, anything prized – applied to anything considered of value
Tapu	Be sacred, prohibited, restricted, set apart, forbidden, under atua protection
Te reo Māori	The Māori language
Tikanga	Correct procedure, custom
Tino rangatiratanga	Self-determination
Tūpuna	Ancestor, grandparent, grandfather, grandmother
Waka ama	Outrigger canoe
Wāhi	Location, locality, place, piece, portion, section
Wānanga	Tribal knowledge, learning, lore

Wairua	Spirit, soul
Whakatū	Nelson
Whakapapa	Genealogy, genealogical table, lineage, descent.
Whānau	Extended family, family group
Whenua	1. Land – often used in the plural, ground, country, nation, state 2. Placenta, afterbirth
Ūrupā	Burial ground, cemetery, graveyard

1 Introduction

These Reserves General Policies have been prepared to consolidate policies that apply to all reserves owned and/or administered by Nelson City Council. This allows a consistent approach to reserve management and removes the need for policies to be repeated in omnibus or site-specific management plans. However, Saxton Field is specifically excluded from these Reserves General Policies, as it is covered by the Saxton Field Reserve Management Plan prepared jointly with Tasman District Council.

The policies in the Reserves General Policies apply to all land that has been declared reserve and classified under the Reserves Act. They apply to all classifications of reserve (recreation, scenic, historic or local purpose reserve) where Council is the administering body, unless stated otherwise in this document. However, a few policies apply differently to the various classifications, and this is made clear in the relevant policy section. For land declared and classified reserve or declared reserve but not yet classified, the policies have effect under the Reserves Act, and this document has been prepared in accordance with the Act's requirements for reserve management plans.

The Reserves General Policies also applies as Council policy to land that Council manages in the same way as reserve. This includes land that is:

- 'park' held in fee simple and administered under s.138 of the Local Government Act (land not declared or classified under the Reserves Act) ²
- the subject of easements for public access and use, including esplanade strips and access strips under the RMA, marginal strips under the Conservation Act 1987, and rights-of way
- a road parcel adjacent to a reserve or providing public access and managed for reserve purposes
- a closed cemetery (some of which may be already declared a reserve under the Reserves Act)
- where Council manages or leases non-Council owned land for recreation or public open space purposes (where these policies are relevant and/or subject to any terms and conditions set by the land owner).

Although Council does not own the underlying land in the case of easements in favour of the public, esplanade strips, access strips, marginal strips or leased land, it has a responsibility to ensure that the use of the land is compatible with the easement, land status, or lease agreement and with community expectations. Where another agency or individual has an easement over Council reserve land, Council must also ensure that such use does not compromise other reserve values.

A list of land areas which are considered a 'reserve' for the purposes of this policy document is provided in Appendix 1. However, this list does not include some areas which do not have certificates of title, such as road parcels, or where Council does not own the underlying land (such as for leases, access strips and rights-of-way). Such areas may be defined in separate reserve management plans, and will be available from Council on request.

² The definition of a 'park' in s.138 of the Local Government Act is "land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes" but excluding land held as a reserve, or part of a reserve, under the Reserves Act. Section 138 requires consultation before disposing or leasing such land.

This document sets out the policies which direct the use, management and development of Nelson's reserves. These policies have been prepared in accordance with the requirements of section 41 of the Reserves Act, although in relation to those areas that are not subject to the Reserves Act the process in section 41 is not necessary.

These Reserves General Policies are intended to be an overarching policy document covering the general policies applying to the management, use and development of all reserves. Over time, Council intends to review and amend or replace the existing reserve management plans, and possibly adopt new reserve management plans, that will sit alongside these Reserves General Policies. These reserve management plans will contain proposals for the management, use and development of those specific reserves and any policies specific to them, and will be prepared and adopted also following the process in section 41 of the Reserves Act. The intention is that most policies will be covered in these Reserves General Policies and that the reserve management plans applying to a specific reserve or group of reserves will only contain policies that need to be different or in addition to these Reserves General Policies due to site specific circumstances and considerations. This combined Reserves General Policies and site-specific reserve management plan approach has the following benefits:

- Provides a consistent approach to reserve management, use and development – where appropriate
- Reduces duplication of overarching policies in every reserve management plan
- Provides a streamlined process and decision making and
- Reduces the time and cost associated with reserve management plan preparation and reviews for Council and for submitters.

However, this approach can lead to some potential inconsistencies between the policies in these Reserves General Policies and the policies in the specific reserve management plans. Council will address any potential inconsistencies on a case by case basis, taking into account the following general principles:

- Where there is no specific reserve management plan for a reserve or group of reserves, or where a specific reserve management plan is silent/has no relevant policies in relation to a matter, then these Reserves General Policies will generally apply
- For specific reserve management plans, the policies in that plan will take precedence over these Reserves General Policies where there are inconsistencies that are specific to that reserve.

Council reserves the right to apply discretion in its use of these principles.

1.1 Document structure

This document has one introductory section and three sections of policy.

This introductory section provides an overview of these Reserves General Policies structure and development process.

- **Section 2** provides an overview of the Reserves Act and Local Government Act, which are the key pieces of legislation applying to this document. (Appendix 3 contains a summary of other relevant Acts, regulations, policies and strategies.)
- **Section 3** outlines the guiding principles for reserve provision and management in Nelson, and the way reserves are grouped and classified.

The further three policy sections are:

- **Section 4: General Management**

This section addresses the framework for the general management and acquisition of reserves by Council.

- **Section 5: Use of Reserves**

This section outlines Council's approach to the use of the reserves, both by the general public and for applications for more formal reserve use.

- **Section 6: Development of New Features and Facilities**

Policies in this section guide decision-making with respect to the provision of new features or facilities within a reserve.

- **Appendices**

1.2 Policy development process

These Reserves General Policies are prepared by Council under the Reserves Act as a tool to assist with its long term planning. These policies apply to reserves administered under the Reserves Act and have therefore been prepared according to the management planning provisions of that Act (section 41). The policies also apply to other areas of public open space as defined in the glossary and in Section 1 Introduction. These Reserves General Policies are a Reserve Management Plan for the purpose of section 41 of the Reserves Act.

These other areas are administered primarily according to the Local Government Act. As the Reserves Act provides the most detailed guidance for the preparation of management plans for reserves, its method has been applied universally.

Council made a resolution under section 41(5A) of the Act to not seek written suggestions on the proposal to develop the first draft of the Reserves General Policies. Council considered feedback at that stage would not have materially assisted with its preparation. However, direct consultation was undertaken with Te Taihū iwi, and with targeted stakeholders where specific draft policies required their input.

A revised draft was subsequently prepared and approved by Nelson City Council on 6 August 2026.

The Draft Reserves General Policies were then released for public submissions from Monday 17 August 2026 and submissions closed on Friday 23 October 2026. A public hearing was held on [insert date] with [insert number] individuals and groups making oral submissions. A summary of the key issues raised in written and oral submissions is presented in Appendix 5. The final Reserves General Policies were adopted by Council on [insert in final Reserves General Policies adoption date following consultation] and approved by Council under delegation from the Minister of Conservation (under the *Reserves Act 1977 Instrument of Delegation for Territorial Authorities 12 June 2013*).

These Reserves General Policies will be effective from adoption. If there is a significant amendment to or a comprehensive review of the Policies, public notification of the proposed changes is required. Minor amendments, including changes resulting from amendments to relevant bylaws, or which do not represent a significant change in policy, may be made by the Council without notification. However, Council may decide to consult with directly affected parties, specific stakeholders and Te Taihū iwi prior to making minor changes. An updated version of this document will be maintained on Council's website, including a summary of any amendments made over time (see page 4).

2 The Reserves Act 1977 and Local Government Act 2002

2.1 Reserves Act 1977

Section 3 of the Reserves Act outlines its purpose which is *"for the preservation and management for the benefit and enjoyment of the public" areas possessing "recreational use or potential, whether active or passive; or wildlife; or indigenous flora or fauna; or environmental and landscape amenity or interest; or natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value"* and to ensure *"as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development."*

The Act details a range of offences, such as littering and lighting fires, which may be prosecuted under the Act. Where relevant, these offences are referenced in this document, and the creation of duplicating policy is avoided. Council may make bylaws under sections 106-108 of the Act to give effect to the policies in this policy document. The Act only applies to land declared reserve under the Act.

The Act is administered by the Department of Conservation. Many decision-making functions under the Act that are required to be made by the Minister of Conservation have been transferred to territorial authorities by the Minister (under the *Reserves Act 1977 Instrument of Delegation for Territorial Authorities 12 June 2013*). This delegation document needs to be referred to in tandem with the Act when considering approval requirements.

Under the Reserves Act, policies must be applied so that they support the 'general purposes' for which a reserve is classified. In Nelson, these are recreation, historic, scenic and local purpose, defined in sections 17, 18, 19 and 23 of the Act respectively. The policies in this document apply to all classes of reserve as defined by the Reserves Act, as well as to all Council's reserves as defined for the purposes of these policies,³ unless otherwise specified.

2.1.1 Reserve management plans

Reserve management plans are prepared under the Reserves Act and identify the Council and community's expectations for the development and management of a specific reserve or group of reserves. Reserve management planning is intended to allow Council to identify and establish the desired mix of use and protection for each reserve or group of reserves and set in place site-specific policy for day to day management. Determining community preferences, and establishing the best means to provide for them, are essential ingredients for good management planning.

A management plan provides the community with certainty about the purpose and management of a reserve and should be a community document. The reserve management plan is developed in close consultation with the communities of interest. Once approved, a management plan enables the administering body to exempt permitted activities from public notification in some cases. Some site-specific policies will be included in reserve management plans, but these Reserves General Policies will contain all policies which apply at the wider city level and which will not be replicated in site-specific reserve management plans once they are reviewed and adopted.

³ See the definition of 'reserve' in the glossary on page 7.

2.2 Local Government Act 2002

The purpose of the Local Government Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. To that end the purpose of local government is defined by the Act (section 10) as:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.*

The Act is particularly relevant to the Reserves General Policies in two key areas, as it outlines local government decision making and consultation requirements and processes (refer to Part 6 of the Act), and requirements relating to 'parks' owned by councils (refer sections 138 – 139A of the Act).

Section 138 of the Act outlines consultation requirements for the disposal of parks. Parks are land acquired or used principally for community, recreational, environmental, cultural or spiritual purposes but which are not held as reserve under the Reserves Act. Disposal includes sale of or the granting of any lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park. Sections 139 and 139A cover provisions relating to regional parks. Sections 140 and 141 deal with restrictions on disposal of endowment property and conditions applying to any sale or exchange of endowment or trust property. Some Council reserves are held in trust or as an endowment.

The Act also enables Council to prepare bylaws relating to reserves, refer to *Appendix 3: Summary of relevant strategies, bylaws and other policies*.

2.3 Other legislation, policies, bylaws and strategies

Appendix 3 of this document provides a summary of other relevant statutory and regional policy documents. Some of these may have primacy over these Reserves General Policies or may need to be read in conjunction with the Policies.

3 Principles for Reserves Management

Reserves⁴, are assets held and managed by the Council for the benefit of the residents of Nelson City, visitors and tourists, and future generations of New Zealanders. Reserves offer a wide range of activities and values, including sporting activities, the preservation and enjoyment of heritage features and cultural values, environmental and scenic qualities, casual recreation opportunities and public access.

3.1 Guiding principles

The guiding principles for the policies developed in this document are the eight Community Outcomes which were identified through consultation on Council's Long Term Plan (LTP) 2024 - 2034. The Community Outcomes reflected what Council, and the community, saw as important for community well-being at that point in time. They help to build a picture of the collective vision for Nelson's future and how members of the community wanted the city to look and feel over the coming 10 years and beyond. They also informed Council decision-making and the setting of priorities. Reserves have an important role in supporting the achievement of these outcomes:

- Our unique natural environment is healthy and protected.
- Our urban and rural environments are people friendly, well planned, accessible and sustainably managed.
- Our infrastructure is efficient, resilient, cost effective and meets current and future needs.
- Our communities are healthy, safe, inclusive and resilient.
- Our communities have opportunities to celebrate and explore their heritage, identity and creativity.
- Our communities have access to a range of social, cultural, educational and recreational facilities and activities.
- Our Council provides leadership and fosters partnerships, including with iwi, fosters a regional perspective, and encourages community engagement.
- Our region is supported by an innovative and sustainable economy.

The rationale and focus of these outcomes are defined in the Council's LTP. Council reviews its LTP every three years, and the Community Outcomes may change in future LTPs. However, the preparation of these Policies was within the context of the outcomes above.

The Parks and Facilities Activity Management Plan, the NRMP, Nelson Tasman Land Development Manual and the Development Contributions Policy provide the policy framework for the acquisition, development and maintenance of reserves as a means of achieving these outcomes.

These Reserves General Policies aim to support the achievement of the objectives, policies and desired outcomes for Council reserves as specified in those high-level documents.

⁴ Refer to the definition of reserves on page 7

4 General Management

This section addresses the framework for the general management and administration of reserves.

4.1 Reserve planning and management

All reserves subject to the Reserves Act are required to have a reserve management plan, with the exception of local purpose reserves unless the Minister of Conservation so directs. Nelson City administers reserves of various classifications under the Act. The management plan must provide for the use, enjoyment, protection, preservation and, to the extent that resources permit, the development of the reserve for the purpose for which it is classified:

Reserve classification	Purpose under the Reserves Act
Recreation Reserve s.17(1)	“...for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.”
Historic Reserve s.18	“...for the purpose of protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.”
Scenic Reserve s.19(1)(a)	“...for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest.”
s.19(1)(b)	“...for the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.”
Local Purpose Reserve s.23(1)	“...for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.” Examples of purposes include: accessway; community buildings; drainage; esplanade.

Council also owns and manages for reserve purposes other areas of land that are classed as “parks” under the Local Government Act. This land and other land parcels and access agreements⁵ administered by Council but not held under the Reserves Act also require a sound planning and management foundation, and are subject to these Reserves General Policies, as Council policy.

⁵ For definitions see the glossary on page 7 and Section 0 *Introduction*

Site-specific management plans help further refine community expectations for the development and use of specific reserves and are based on a process of community consultation. Council administers omnibus plans for collections of reserves, and site-specific management plans for larger land parcels and reserves.

Any reserve or facility management committee, acting as an agent of the Council and established to carry out day-to-day administration and development activities is bound by the policies in this document and any relevant reserve management plan.

Saxton Field is governed by the Saxton Field Committee according to its terms of reference. This includes the power to prepare and recommend a Saxton Field Reserve Management Plan and any development plan to the two Councils for adoption. Saxton Field does not come under these Reserves General Policies.

4.1.1 Expectation

- 4.1.1.1 Management planning is undertaken in accordance with the Reserves and Local Government Acts, at an appropriate scale and in a manner which enables community input.
- 4.1.1.2 Reserves will be managed in accordance with their classification or purpose.
- 4.1.1.3 Sound management planning methods are also applied to relevant land used for parks, reserves and public access not held under the Reserves Act.

4.1.2 Policies and methods

- 4.1.2.1 To maintain and review (in accordance with Section 41 of the Reserves Act) reserve management plans for all reserves, either as omnibus plans (for land units with similar characteristics) or as site-specific plans for major land holdings. The reserve management plans will include policies needed for the management of any site specific and special features of each reserve. A schedule of reserve management plans at the time of preparing this document is included in Appendix 2.
- 4.1.2.2 To only develop policies in site-specific management plans where there is a site-specific issue or particularly circumstances that are not covered by these Reserves General Policies. This may include issues raised by Te Tauihu iwi.
- 4.1.2.3 To identify in site-specific management plans the values and uses of each reserve, including iwi values, and define the strategic directions required to help deliver on iwi and community expectations. Council's activities and proposed developments on reserve land will be reflected in the relevant activity management plan and funded in Council's LTPs.
- 4.1.2.4 To identify in reserve management plans, areas managed as reserve but not declared or classified under the Reserves Act, and to advise the public of Council's intention, in accordance with the provisions of Section 4.6 *Land acquisition, exchange, disposal and gazettal*, to:

- declare and/or classify the land under the Reserves Act or
 - retain the land in its current legal status or
 - if it is no longer required for reserve purposes to either transfer or dispose of the land.
- 4.1.2.5 To identify in reserve management plans areas declared reserves, and to advise the public where Council has intentions to:
- change the classification of the reserve or
 - if it is no longer required for reserve purposes and of Council's intention to either transfer or dispose of the land.

4.2 Te Tiriti o Waitangi

Te Tiriti o Waitangi is the founding document of New Zealand. In order to recognise and respect the Crown's responsibility to take into account the principles of Te Tiriti o Waitangi, Council has duties under the Local Government Act to facilitate participation by Māori in its decision making processes. A summary of Te Tiriti as it relates to reserves is contained in Appendix 3.

Council will work co-operatively with the eight Te Taihū iwi and relevant Māori organisations.

4.2.1 Expectations

- 4.2.1.1 The Council will work in a spirit of partnership (which includes the principles of good faith, co-operation and respect) to achieve the objectives of reserve provision and use. A partnership approach recognises the mana of iwi and the desire to work together to maintain and support the reserve network.
- 4.2.1.2 Te Taihū iwi need to be given the opportunity to be actively involved in the management of reserve values where cultural or heritage values are present or nearby. Council recognises and respects the desire of iwi to exercise kaitiakitanga/customary practices of guardianship, in relation to places or resources that have spiritual or historical and cultural significance for them by providing opportunities for active involvement. Active involvement by iwi is supported and can be achieved in several different ways. Some of these ways are:
- a) Engaging with Te Taihū iwi about proposed work associated with the reserves, particularly prior to any disturbance of reserve land and wāhi tapu
 - b) Engaging with Te Taihū iwi regarding the protection of wāhi tapu and other taonga
 - c) Establishing partnerships with Te Taihū iwi on restoration and pest management projects particularly when iwi desire to exercise kaitiakitanga duties

- d) Enabling customary use by Te Taihū iwi on a case-by-case basis ensuring consistency with the provisions of the Reserves Act
 - e) Partnering with Te Taihū iwi when developing reserve signage, structures or interpretation materials which refer to places or resources of spiritual, historical and cultural significance to Māori
 - f) Engagement (including appropriate and relevant information) from the early stages of any significant development on a reserve that may affect the interests of Te Taihū iwi.
- 4.2.1.3 Reserve users understand the cultural significance of reserves and are invited to respect and appreciate the cultural history of relevant reserves, as this adds to the quality of their experience.

4.2.2 Policies and methods

- 4.2.2.1 To give effect to the principles of the Te Tiriti o Waitangi, in line with relevant legislation and general Council policies and obligations.
- 4.2.2.2 To provide opportunities for expressions of tikanga Māori, such as by:
- a. providing for cultural harvest and resource use (where sustainable and the local abundance of the species is ensured and in accordance with the Reserves Act, Wildlife Act 1953 and reserve management plans) and
 - b. the installation of pouwhenua and bilingual signage and interpretation panels, thereby enhancing Te Taihū iwi history and visibility in the landscape.
- 4.2.2.3 To protect recorded and unrecorded archaeological sites from damage, in accordance with the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. The NRMP also makes provision for managing the effects of activities on cultural or heritage values.
- 4.2.2.4 To apply the Accidental Discovery Protocol (see Appendix 4), where an archaeological authority is not required, for all development activities on the reserve, and where archaeological sites are uncovered through natural processes.
- 4.2.2.5 To ensure that any activities involving earthworks or the construction of buildings are designed to minimise risks to recorded and unrecorded archaeological sites, including an archaeological assessment for these activities if required.
- 4.2.2.6 To enable and give favourable consideration to the establishment of resources (such as harakeke for harvesting) for cultural use within reserves, provided this establishment is compatible with other reserve uses, river control and nature conservation objectives and is consistent with reserve management plans.

4.3 Protection and enhancement of recreation and amenity values

Many Council reserves provide significant amenity values and recreational opportunities to Nelson residents and visitors. Some reserves are primarily for recreational purposes, for example formal sportsgrounds. Recreational activities can be formal (e.g. organised sports) or informal (e.g. walking, children playing and picnics). Most reserves provide landscape and amenity values (e.g. planted areas, greenspace and backdrops to the city).

4.3.1 Expectations

- 4.3.1.1 The recreational and amenity values of reserves are maintained and enhanced.
- 4.3.1.2 There is strong community awareness of recreational and amenity values within reserves.

4.3.2 Policies and methods

- 4.3.2.1 To identify opportunities to enhance recreational and amenity values in reserves.
- 4.3.2.2 To provide a diverse range of recreational activities across Nelson.
- 4.3.2.3 To work with relevant sports, recreational groups and community groups (where appropriate) when developing recreational opportunities or modifying existing facilities.
- 4.3.2.4 To provide meeting points and spaces for community gatherings, events, sporting tournaments, recreational, educational and social activities.
- 4.3.2.5 To provide reserves that help build strong neighbourhood identities and reflect the diversity of the city.
- 4.3.2.6 To protect and enhance the amenity values of reserves.

4.4 Protection and enhancement of indigenous biodiversity

The Council administers large areas of reserve with high levels of natural and ecological value, much of which is water supply reserve in the upper Maitai and Roding catchments, but also including reserves on and around the Grampians and the Brook Valley (including land leased to the Brook Waimārama Sanctuary), and coastal land including at Haulashore Island, Tāhunanui and Wakapuaka. Much of the city's eastern boundary traces the ridge of the Bryant Range, which, beyond the city's water supply reserves, is largely administered by DOC, which also manages much of the Boulder Bank. A significant percentage of the land within Nelson City is managed for natural values. The Whangamoa mineral belt includes some species that are endemic to the area.

Council's reserves contribute to a range of community values including supporting indigenous biodiversity and environmental values, alongside recreational use. Our reserves also complement the larger tracts of land administered by DOC. Smaller local reserves have multiple values and are generally accessible to the public. As a unitary authority, the Council is also responsible for the management of water quality and quantity in the city, as well as flood management.

Reserves often also include large areas and pockets of exotic plants, including turf grasses, with significant amenity value, which are valued by the community.

Council has decided to transition over time away from commercial forestry. The intention is to replant commercial forestry areas following harvesting with a continuous canopy of mixed species.

Community and other volunteer groups are supported in their projects to protect and restore indigenous flora and fauna on Council's reserves (e.g. predator control and planting projects).

Council has adopted, with the Tasman District Council, the *Waimea Inlet Management Strategy* and the *Tasman-Nelson Regional Pest Management Plan*. These documents include, as a focus, the management of pest plants and animals which threaten indigenous biodiversity values. As discussed in Appendix 3, *Kotahitanga mō te Taiao Strategy* provides a broad coordination framework for Top of the South councils, DOC and iwi in nature restoration programmes. In addition, the NRMP contains provisions relating to indigenous vegetation (which includes reserves), for example relating to vegetation clearance or other impacts.

The Reserves Act identifies offences on reserves (section 94) such as the dumping of rubbish (which may also include pest plant species), liberating any animal (such as cats or other predators), damaging plants and introducing plant matter and seeds without authorisation. No specific additional policies are required to address these issues.

4.4.1 Expectations

- 4.4.1.1 The indigenous biodiversity values of reserves are maintained and enhanced.
- 4.4.1.2 There is strong community awareness of indigenous biodiversity values within reserves.

4.4.2 Policies and methods

- 4.4.2.1 To include areas of significant indigenous biodiversity value within reserve management plans with proposed maintenance and restoration programmes.
- 4.4.2.2 To, where appropriate, protect, maintain and restore natural character values within reserves, such as wetlands/lagoons, bush remnants, coastal dunes and the habitats of indigenous species. Where possible, areas of vegetation will be maintained to provide continuous areas of habitat and/or linkages between habitats.
- 4.4.2.3 To continue, where appropriate, to provide indigenous plantings in reserves (including urban reserves) to provide habitat for native species and restore indigenous ecosystems.
- 4.4.2.4 To use eco-sourced plant species in indigenous plantings, where possible.
- 4.4.2.5 To avoid, minimise or mitigate damage to indigenous biodiversity values caused by public access and use within reserves.
- 4.4.2.6 To control plant and animal pests, with priorities placed on reserves with sensitive plants and animals and as required

by the *Tasman-Nelson Regional Pest Management Plan* and coordinated with the Department of Conservation, OSPRI and Nelson/Marlborough Fish & Game Council, where practical.

- 4.4.2.7 To encourage and, where possible, support relationships with volunteer groups interested in pest control, planting and weeding programmes.

4.5 Protection and enhancement of heritage and cultural values

Some reserves include identified items of cultural value to both Māori and other New Zealanders, including sites of interest where no artefacts are obvious, as well as notable trees and buildings. In some cases, reserves are significant to Māori for not just tangible but also intangible reasons where no physical features exist. Reserves provide communities with important linkages to the past and an insight into the way their communities have been shaped.

Wāhi tapu hold a special significance to Te Taihū iwi. The policies in this section have been designed to identify protocols for the management of cultural values as well as other heritage values. They also provide for the interests of Te Taihū iwi regarding the sharing of information about their wāhi tapu sites.

Iwi Management Plans and statutory acknowledgements should be referred to as initial baseline information on cultural values for reserves, and may address how a specific reserve could be managed from a cultural perspective (see also Section 4.2 *Te Tiriti o Waitangi*).

Statutory mechanisms which protect sites of cultural and heritage value include:

- NRMP maps and schedules of heritage buildings, items, archaeological sites and trees reflect some, but not all, sites of value to Te Taihū iwi or the community. This plan contains rules to control development and land disturbance on and in the vicinity of these sites, protected trees and any alteration to heritage structures.
- The Heritage New Zealand Pouhere Taonga Act 2014 was developed to “*promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.*” The Act addresses the protection of historic places and areas of *both Māori and non-Māori origin*. An authority from Heritage New Zealand Pouhere Taonga is required to destroy, damage or modify any archaeological site. The Act also provides for covenants to be placed on sites and areas of historical significance.

Te Taihū iwi, hapu and whanau can inform management options for reserves in relation to cultural and historical values, especially in the absence of mapping and relevant schedules of sites and areas of significance.

4.5.1 Expectations

- 4.5.1.1 The special significance of wāhi tapu and other sites or areas of cultural heritage value on reserves are recognised, explained (if desired by Te Taihū iwi) and respected. It is acknowledged that some sites may not be recorded on Council records and discussions may be needed with Te Taihū iwi.

4.5.2 Policies and methods

- 4.5.2.1 To, as far as practicable, identify sites, or areas on reserves which have cultural heritage values, and ensure their protection, and maintenance.

- 4.5.2.2 To consult Te Taihū iwi prior to any decision regarding proposed land disturbance activities on reserves with identified wāhi tapu sites.
- 4.5.2.3 To undertake an archaeological assessment prior to the approval of proposed works where any of the following apply. A cultural impact assessment may also be required⁶:
- a) When wāhi tapu are identified on an Iwi Management Plan that has been lodged with the Council
 - b) If a wāhi tapu site is identified in the NRMP
 - c) When an archaeological site is recorded in the NZ Archaeological Association (NZAA) Site Recording Scheme
 - d) If a historic place, historic area, wāhi tapu site or wāhi tapu area is recorded in the Heritage New Zealand Pouhere Taonga List Rārangi Kōrero and/or
 - e) When the area is identified by the NZ Archaeological Association or Heritage New Zealand Pouhere Taonga as having a high likelihood of finding archaeological sites.
- 4.5.2.4 To notify Heritage New Zealand Pouhere Taonga and Te Taihū iwi if an archaeological assessment reveals an archaeological site, and a decision will be made as to how to proceed in consultation with them.
- 4.5.2.5 If during earthworks, any artefact or other indication of an archaeological site and Māori site of significance with artefacts or kōiwi, is revealed, to stop all work immediately. Heritage New Zealand Pouhere Taonga must be notified and a decision made through direct dialogue between the Council, Heritage New Zealand Pouhere Taonga, Te Taihū iwi, such as via iwi trust offices, and other affected parties, as to how to proceed.
- 4.5.2.6 To undertake an assessment of effects and obtain a resource consent, if required, prior to any modification of a heritage building, structure and sites of non-Māori origin. Heritage New Zealand Pouhere Taonga will be invited to peer review all assessments particularly with regard to historic places registered with them and an application for an authority to undertake an activity that will or may modify or destroy the whole or a part of any archaeological site will be sought, if required.
- 4.5.2.7 To consider applications or requests for educational signage related to cultural heritage sites on a case-by-case basis and, where relevant, in consultation with Te Taihū iwi.

⁶ The identification of wāhi tapu may be in open or silent files in accordance with information management protocols developed between Te Taihū iwi and Council.

4.6 Land acquisition, exchange, disposal and gazettal

Council's planning documents require a range of parks, reserves and streetscapes to be provided throughout the urban area that are accessible and well used by the community and contribute to quality of life. The policies below support this expectation, as well as identifying protocols for the acquisition, disposal, exchange and classification of reserves in accordance with sections 14, 15, 15AA, 16, 24 and 24A of the Reserves Act. Chapter 10 of the *Nelson Tasman Land Development Manual 2020* (see *Appendix 3: Summary of relevant strategies, bylaws and other policies*) identifies development standards for new reserves provided through new subdivisions, including, for example, preferred sizes for neighbourhood reserves and open space amenity reserves (preferring to have a total area of 2,500 m² and a useable, flat area of 1,250 m²) and the preferred minimum lengths of road frontage for conservation and landscape reserves/special interest site reserves and public gardens/formal gardens. The Manual also refers to the role of the Parks and Facilities Activity Management Plan and indicative reserve notations in the NRMP for defining acquisition requirements for sportsgrounds and other areas of open space. These expectations are not replicated here, but form part of the expected implementation of policy for new reserve acquisitions and developments.

There are instances where Council may wish to exchange reserve land for other land or where existing reserve land may be surplus to current and long term requirements and Council may seek to dispose of that land.

Over time, Council may also decide to formally declare and classify under the Reserves Act land currently held and used as reserve but not currently reserved and/or classified under the Act.

4.6.1 Expectations

- 4.6.1.1 Residents of Nelson will have equitable access to recreation opportunities, taking into account access opportunities to land provided by Council, central government agencies (primarily Education and Conservation), and private land providing formal public recreation or open space access.
- 4.6.1.2 Important ecological and cultural values are protected and enjoyed by residents and visitors.
- 4.6.1.3 Reserves are strategically located to maximise their benefit to the Nelson community and visitors, and to complement recreation, conservation, cultural and historic areas and opportunities provided by Council and other agencies.
- 4.6.1.4 Reserves are of adequate size for their intended uses.
- 4.6.1.5 Council provides a mix of reserve types.
- 4.6.1.6 Pre-purchase agreements and controls on disposal options stipulated by the Public Works Act 1981 are complied with and funds from any sale of land are managed in keeping with how the land was acquired.
- 4.6.1.7 Where known sites of significance to iwi are located on reserve land being considered for disposal, Council will engage with Te Taihū iwi early in the consideration process.

- 4.6.1.8 The public and Te Taihū iwi are consulted during the decision-making process when reserve disposal and exchange options are considered.

4.6.2 Policies and methods

- 4.6.2.1 To locate and form new reserve land to enable efficient reserve development and maintenance and/or to offer high levels of amenity, cultural and/or indigenous biodiversity value, and/or connectivity for walking and cycling.
- 4.6.2.2 To meet anticipated future needs via land purchase, where this is appropriate and cost effective.
- 4.6.2.3 To proceed with reserve acquisition with the expectation that the land or access values will be protected for many generations and may be protected via appropriate reserve declaration and classification. The values of esplanade areas will be protected via the vesting of a reserve or creation of an esplanade strip. Land currently not declared reserve but managed for recreation, heritage, cultural, environmental or scenic purposes may be considered for formal protection under the Reserves Act.
- 4.6.2.4 To classify land that has already been declared reserve in accordance with its primary purpose, subject to policy 4.6.2.5.
- 4.6.2.5 To consider changing the classification of a reserve if the primary purpose or use of the reserve has changed. In making that decision Council will take account of the original purpose of reservation and consult with the original donor of the land (if any) and Te Taihū iwi, if appropriate.
- 4.6.2.6 Where Council believes there may be cultural values important to iwi on a potential reserve site, it will engage with Te Taihū iwi when declaring land reserve or classifying land.
- 4.6.2.7 To consider the Nelson Biodiversity Strategy and *Kotahitanga mō te Taiao Strategy* in decisions to acquire new land with indigenous biodiversity values, while also taking into account the long-term affordability of the purchase and all lifecycle costs.
- 4.6.2.8 To consider revoking the reserve status where the land is no longer required for reserve purposes and unlikely to be used for such purposes in the future. In making that decision Council will take account of the original purpose of reservation and endeavour to consult with the original donor of the land, if appropriate. If the reserve status is revoked, this land may subsequently be made available for exchange for other land for reserve or for sale. How the land was funded needs to be considered, as there may be requirements for the sale proceeds to go back into funding new reserves or their development.
- 4.6.2.9 To consider disposing of reserve land where it is surplus to requirements and provides no long-term benefit to the community or makes no contribution to recreation, scenic,

open space, indigenous biodiversity, historical or cultural values now nor is likely to in the future. How the land was funded needs to be considered, as there may be requirements for the sale proceeds to go back into funding new reserves or their development.

- 4.6.2.10 Where Council believes there may be cultural values important to iwi on reserve land being considered for disposal, it will engage with Te Taihira iwi.
- 4.6.2.11 To consider exchanging or purchasing land adjoining reserves to improve reserve shape, access, visibility, safety or to enable more effective reserve management.
- 4.6.2.12 To recover the cost of reclassification processes from the person or organisation who requests a change to a reserve classification or purpose, unless otherwise determined by Council.
- 4.6.2.13 To explore the history of reserve acquisition prior to consultation over disposal options and identify and honour any legally recognised commitments made to previous owners or interests under the Public Works Act 1981.
- 4.6.2.14 To carry out public consultation in accordance with the Reserves Act or Local Government Act (as appropriate) where there is any proposed change of reserve status, or the classification or purpose of any reserve is changed, or reserve land is identified for disposal.

4.7 Encroachments and temporary access

Encroachments include the expansion of private land use activities onto reserve land, including gardens, driveways or vehicle access and structures, including fences and long term private parking. The Council encourages the passive surveillance of reserve land by neighbours, which may involve a high degree of transparency and physical access between private and public land, and minimal fencing at the boundary. However, the primary purpose of providing reserve land for public use must be made clear, and any restrictions on use by the public removed. Neighbouring landowners may also require temporary access across a reserve for construction or other purposes, and this may be considered where impacts can be managed and there are no enduring adverse effects.

4.7.1 Expectations

- 4.7.1.1 The activities of reserve neighbours do not impact on legitimate public use, or reduce the amenity value, of reserves, and private structures do not occupy public space, including the airspace above reserves.
- 4.7.1.2 Encroachments on reserve land are removed at the encroaching party's cost.
- 4.7.1.3 Implementation of the Fencing Act 1978 where necessary. There is not a general requirement for Council to share fencing costs and any assessment will consider this possibility on an exceptions basis.

4.7.2 Policies and methods

- 4.7.2.1 To keep reserves free of private structures and encroachments unless a clear public benefit is evident and/or Council has entered into a legally compliant use and occupation agreement with regard to the activity, or Council considers the effects of the encroachment to be minor and not implying permanency.
- 4.7.2.2 To notify neighbouring landowners or owners of encroaching structures of the existence of an inappropriate encroachment onto reserve land with a time limit placed on the removal of the structure or installation. Legal action may proceed if the encroachment is not removed within a fair and reasonable timeframe.
- 4.7.2.3 To clearly identify, by fencing, planting, or other means, boundaries between reserves and adjoining private properties where encroachments may be a problem.
- 4.7.2.4 To allow reserve neighbours to use reserve land for vehicle access to otherwise inaccessible parts of their land for specific and limited purposes where impacts can be managed and there are no enduring adverse effects, but only with the written permission of Council and with a requirement to make good any damage. Written permission will only be provided if the impacts on the public use and the amenity and ecological values of the reserve are minor and where the applicant can adequately manage health and safety on the site. A fee may be required for use of the land, and to compensate for administration costs, and for reinstatement of turf or other reserve amenities. A bond may be requested by Council.
- 4.7.2.5 To prohibit ongoing casual or formed motorised vehicle access to adjoining land through reserve land unless authorised by Council on a temporary basis (e.g. via a lease, licence or permit).

4.8 Sustainability, climate change and monitoring

The Climate Change Response (Zero Carbon) Amendment Act 2019 introduced a national framework to address climate emissions and adaptation. This has two focuses – contributing to limiting global average temperature increases, and allowing New Zealanders to ‘to prepare for, and adapt to, the effects of climate change’. In May 2019 the Council declared a State of Climate Emergency. Nelson City Council has adopted a Whakatū Nelson Climate Change Strategy 2025 which sets out Council’s plans to address climate change.

Nelson residents and visitors should be able to access reserves with the lowest environmental and carbon footprint practicable, and to minimise their footprint on site. Councils are also responsible for managing reserves and other areas with indigenous biodiversity values in accordance with the requirements of the Reserves Act.

The concept of resilience includes consideration of how indigenous biodiversity:

- will adapt to the impacts of climate change
- can be self-perpetuating with minimal ongoing management input and

- may require input to support ecosystems which are no longer self-supporting (due to, for example, competition with pest plants and animals).

Council will work with relevant agencies and according to the Kotahitanga mō te Taiao Strategy and via site-specific strategies to identify the best methods for sustaining indigenous biodiversity values on reserves, considering the costs, benefits and possible alternative options. Indigenous biodiversity is considered further in Section 4.4 *Protection and enhancement of indigenous biodiversity*.

The aim will be to ensure the environmental values of reserves are protected and possibly enhanced, and that reserve users have minimal impact on those values within the reserve, where this is consistent with the primary purpose of each reserve. Integrating carbon sequestration efforts with protecting habitats of indigenous species on Council reserves is valuable for creating a sustainable and resilient natural landscape.

Council will consider sustainability and resilience measures for all new facilities on reserves, whether it occupies, leases or tenants them.

4.8.1 Expectations

- 4.8.1.1 New facilities and buildings on reserves, and building refurbishments, will need to be designed and built to minimise their environmental footprint during the whole of life of the building, including construction, operation and demolition. This will require consideration of, for example, water harvesting, efficient irrigation systems, low embodied carbon materials, low energy lighting, use of onsite renewable energy and other energy efficiency measures (also refer to Policy 6.3.2.9 under 6.3 *Buildings and structures*). Council will consider sustainability and resilience measures for all new facilities on reserves, whether it occupies, leases or tenants them.
- 4.8.1.2 The use and management of reserves contributes to achieving Climate Change Response expectations, while minimising negative impacts on indigenous biodiversity.
- 4.8.1.3 The efficient use of resources on reserves is achieved (including water, agrichemicals and fertiliser, and energy) while appropriate levels of service are maintained.
- 4.8.1.4 Reserve users are encouraged and enabled to reduce their environmental and carbon footprint when accessing and using reserves.

4.8.2 Policies and methods

- 4.8.2.1 To understand the impacts and risks that climate changes poses to Council's reserves.
- 4.8.2.2 To detail in reserve management plans site-specific climate change response actions, particularly regarding coastal erosion, inundation and flood risk and mitigation.
- 4.8.2.3 To encourage clubs, community groups and event organisers, to develop sustainable and low carbon processes and programmes within reserves.

- 4.8.2.4 To design and construct new builds on reserves, where practicable, with sustainability principles at the forefront, considering climate change and energy efficiency, including encouraging efficient water and energy use and, for example, the use of plant species that will be sustainable in expected changing conditions, and where feasible retrofitted into existing facilities.
- 4.8.2.5 To support the provision for sustainable transport through the development and maintenance of cycle and walkways within reserves and to provide for enjoyable and safe cycle and walking access through and within relevant reserves.
- 4.8.2.6 To consider the installation of electric vehicle (EV) chargers and electric bike (e-bike) chargers at the parking lots.
- 4.8.2.7 To encourage existing leaseholders and licensees on reserves to adopt zero-waste protocols for products sold or provided within reserves; and new leases and licences will incorporate this requirement.
- 4.8.2.8 To review vending services on reserves which encourage single-use plastics, with a view to their removal or adaptation.
- 4.8.2.9 To encourage community groups, clubs and events and all organised activities to educate their participants to reduce waste and to adopt 'pack-it-in pack-it-out' policies for all non-recyclable waste.

4.9 Fire control

Section 97 of the Reserves Act outlines the penalties for lighting fires on reserves. The Act also requires that any fires lit on reserves must be in an established fireplace in a camping ground or picnic area. Fire bans also apply to many areas of Nelson at certain times of the year. Commercial plantation forestry companies may also declare their forests closed to access during periods of high fire risk, and these may be adjacent to reserves administered by Council which could remain open. Reserve closures at such times may need to be coordinated with private landowners and managers.

No additional policy is required to enforce fire restrictions on reserves. This section details the measures that Council will undertake to minimise the risk of fires starting in or adjacent to a reserve and to minimise damage to the reserve should a fire start.

4.9.1 Expectations

- 4.9.1.1 Adequate access for fire appliances and other emergency vehicles must be provided on reserves where practicable.
- 4.9.1.2 Fire risk, and damage resulting from any fire, are minimised.
- 4.9.1.3 Council co-operates with appropriate organisations and neighbouring property owners in the prevention and control of fires on reserves.
- 4.9.1.4 Reserves may be closed due to fire risk. Council will let the public make their own informed decisions, with signage and

media/communications, until Fire and Emergency New Zealand (FENZ) decides or recommends closure of a reserve. There is risk to reserves users from fire due to the speed at which fire moves through vegetation and forests.

4.9.2 Policies and methods

- 4.9.2.1 To take all reasonable measures to ensure reserves are kept clear of all hazards that may pose a fire risk to them and reserve users.
- 4.9.2.2 To liaise, support, assist and co-operate with the appropriate fire authority to provide for the prevention, detection, control and suppression of fire within reserves.
- 4.9.2.3 To enable the public to make their own informed decisions about using reserves when there is a fire risk, until such time as FENZ decides or recommends closure of a reserve, at which time Council will close the reserve.
- 4.9.2.4 To send draft reserve management plans to Fire and Emergency New Zealand (FENZ) for their consideration and input.

4.10 Commercial sponsorship, advertising and naming rights

The focus of this section is on sponsorship, advertising and naming rights agreements, and the associated placement of signs on parks and reserves. Sponsorship, advertising and naming rights requests are most often made for reserves where sports fixtures and major events are staged but can also apply to other Council reserves and facilities. Council's *Naming Rights and Sponsorship Policy for Community Services Facilities 2009* (or any replacement policy) applies to Council owned facilities on reserves as outlined in the Policy. Council's *Naming of Reserves and Other Features Policy 2004 (or any replacement)* applies to the naming of all Council's parks and reserves. Council is currently in the process of preparing a new Naming Policy which will cover all Council assets including parks and reserves. When complete, this new Naming Policy will replace the *Naming of Reserves and Other Features Policy 2004*.

Sponsorship in this context is the act of providing money towards a sport, event or other activity in exchange for advertising. The form and content of an advertisement is normally completely controlled by the advertiser, although if it is a sign, its placement may be controlled by the NRMP (signs could require a resource consent) and the Urban Environments Bylaw (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*). Advertisements, including sponsorship signs, on reserves are controlled most directly by the Urban Environments Bylaw and the policies in Sections 4.11 *Commercial activities* and 4.12 *Commercial and other non-Council signs*.

Sponsors of major events often require event spaces to be 'cleaned' of the signage of potentially competing sponsors. Accordingly, to enable major events, all sponsorship agreements must allow for the removal or covering of all existing advertising material when major events are held. The Major Events Management Act 2007 also provides support for declared 'major events' via protections from advertising intrusions and other potential disruptions to event delivery.

Recreation reserves are primarily community recreation settings, in accordance with their purposes under the Reserves Act and/or management plan, but they often attract casual use because of their natural and landscape features. The presence of commercial signage in such

settings needs to be limited to ensure that all reserve values are maintained, while noting that sponsorship agreements are fundamental to the funding of many sports activities.

The policies in 4.10.2 below will apply to all new and renewed use and occupation agreements on reserves and such agreements should include a clause requiring compliance with these policies.

Internal club sponsorship agreements which do not result in new signs (including building names) on reserves or on the exterior of buildings are not the subject of this section (although, see Section 5.9 *Alcohol*).

4.10.1 Expectations

- 4.10.1.1 Naming rights and sponsorship agreements on reserves do not result in conflicts which compromise the ability of the reserve to provide a venue for major events or their normal functioning.
- 4.10.1.2 When deciding on naming rights and sponsorship agreements, Council will consider wider environmental and social wellbeing objectives to ensure inappropriate products are not advertised. The placement of signs on reserves will not detract from the landscape and community values of the reserve, and users will be able to experience the reserve with little exposure to commercial advertising. These decisions will be at Council's discretion.

4.10.2 Policies and methods

- 4.10.2.1 To apply Council's *Naming Rights and Sponsorship Policy for Community Services Facilities 2009* (or any replacement policy) to sponsorship and associated naming of facilities on Council's reserves.
- 4.10.2.2 To apply Council's *Naming of Reserves and Other Features Policy 2004* (or any replacement policy) for the naming of Council's reserves and assets and features within them.

The following policies apply to any naming rights proposals and any sponsorship or advertising agreements not covered by the above policies

- 4.10.2.3 To ensure that naming rights proposals and any sponsorship or advertising agreements for any facility, asset, feature or service on a reserve are approved by Council and are appropriate to Council's wider social wellbeing objectives (e.g. consider not advertising unhealthy food and sugary beverages, psychoactive substances, smoking or vaping products).
- 4.10.2.4 To ensure all sponsorship and naming rights agreements can deliver a sponsorship 'clean' venue where short-term major events rely on the support of another dominant sponsor.
- 4.10.2.5 To enter into sponsorship or naming rights agreements with sponsors only where their values, practices or products are not in conflict with any other Council policy, are for defined periods, and are considered appropriate for a community venue.

- 4.10.2.6 To reject sponsorship or naming rights arrangements where they impose or imply conditions that would limit, or appear to limit, Council's or any code or club's ability to carry out their functions fully and impartially.
- 4.10.2.7 To only enter into sponsorship or naming rights arrangements where there are clear benefits to the community and users of the relevant reserve.

4.11 Commercial activities

Commercial activities include any service, event or game where payment by the participant, purchaser or audience is required or expected, or where commercial sponsorship material is displayed or distributed. This includes activities provided by private companies, individuals and not-for-profit agencies.

Commercial activities, such as commercial mountain biking activity, stalls, markets, busking, circuses and events (including major sporting events) can support and underpin the enjoyment of a reserve.

Events and activities held on reserves can provide income for not-for-profit organisations – such as sports clubs and associations. They often rely on this income to provide their services.

The NRMP and the Nelson City Council Urban Environments Bylaw regulate some commercial activities on reserves, although the NRMP is not specific about whether specific permitted activities – such as conferences and fairs – are commercial or not (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*). The Urban Environments Bylaw specifies permit requirements for some commercial activities in public spaces, such as mobile shops and itinerant traders.

4.11.1 Expectations

- 4.11.1.1 Commercial activities which enhance the public enjoyment of reserves, and which are compatible with the reserve's principal purposes, uses and capacity, may be permitted on a case-by-case basis, subject to the requirements of the NRMP, Council bylaws and whether they comply with these Reserves General Policies. Commercial activities are using public land and can have an impact on the reserves they use. It is appropriate for Council to charge for such uses.

4.11.2 Policies and methods

- 4.11.2.1 To provide for commercial activities on reserves, subject to obtaining all relevant Council consents and authorisations and providing that:
 - a) The use is compatible with the purpose of the reserve; and
 - b) The activity or structure does not conflict with the protection of the natural values and with other uses of the reserve; and
 - c) Any new structure associated with the activity can be readily removed; and

- d) Unless the activity is contemplated by a relevant reserve management plan, the activity will be subject to community consultation where:
 - a long-term concession (e.g. lease or licence) is sought or
 - the activity is considered significant or
 - where required by legislation.

4.11.2.2 To require applications to Council for organised events on reserves to detail all the following:

- a) The nature and purpose of the event and organisation
- b) The timing (dates and times) and duration of the event, including setup and clean-up
- c) The desired location and rationale for that location
- d) The anticipated level of attendance
- e) Any requirements regarding infrastructure and use of facilities
- f) Any proposed commercial activities to accompany the event
- g) Access requirements
- h) Confirmation that any required resource and/or building consent will be sought
- i) Considerations regarding public health and safety
- j) Whether there will be a charge for entry (prior consent from Council is required to charge for an activity on reserve land) and
- k) How the event will contribute towards Council's waste minimisation objectives.

4.11.2.3 To advise applicants for commercial activities, events and exclusive uses that their application for a simple activity, as determined by Council officers, must be made at least 20 working days prior to the event, although exceptions will be made where the activity is to accommodate a postponement. However, where applications are more complex, have a higher impact or require full Council consideration, Council will advise applicants of the required timeframe, which may be considerably longer. All applicants are recommended to have very early discussions with Council officers to determine how long the process may take.

4.11.2.4 To enable non-commercial fundraising activities, such as food stalls run by community groups, where appropriate and compatible with the reserve's purpose and relevant legislation.

- 4.11.2.5 To issue permits for commercial activities carried out by not-for-profit agencies where the activity:
 - a) Provides for, or is associated with, a public use
 - b) Is short-term or temporary and
 - c) Is compatible with the primary purpose of the reserve, these Reserves General Policies, the relevant reserve management plan and the Reserves Act.
- 4.11.2.6 To permit busking on reserves subject to and in accordance with Council's city-wide policies.
- 4.11.2.7 To limit commercial activities to specified sites detailed in leases, licences and permits and in compliance with reserve management plans.
- 4.11.2.8 To define in leases, licenses and permits where and when commercial or sponsorship signage can be displayed. Signage must be in accordance with:
 - a) relevant permitted activity rule in the NRMP
 - b) resource consents
 - c) relevant Council bylaws
 - d) Council's *Naming Rights and Sponsorship Policy for Community Facilities 2009* (or any replacement policy) and
 - e) Section 4.12 *Commercial and other non-Council signs*.
- 4.11.2.9 To require payment of an appropriate share of the income or a fixed fee from commercial activities to cover processing costs, and/or reserve maintenance and development (excluding commercial sponsorship for not-for-profit groups). Any fees from commercial use of reserves will be returned to the wider reserve network budget for use on Council's reserves.
- 4.11.2.10 To require holders of concessions (e.g. leases, licences and permits) to 'make good' any damage to the reserve. A bond may be requested by Council.

4.12 Commercial and other non-Council signs

This section of the Reserves General Policies, along with Section 4.13 *Council signs*, replaces Council's *Policy on Signs on Council Reserves* No. 3324 and No.3324a.

'Commercial signs', for the purposes of this policy, are defined as those which advertise a commercial product or service and where the sign is dominated by or solely features the name or product of the advertiser; in contrast to a sign advertising an event or facility where a sponsor's logo or name may feature as a relatively small element of the sign. The design of the latter may form part of a sponsorship agreement and will also be subject to this policy.

'Other non-Council signs' may include signs on reserves or buildings related to leases (e.g. clubs, camping grounds). Signs will generally only be related to activities occurring on reserves.

Signs advertising candidates for elections may be permitted on a limited number of reserves. The most up to date Candidates Handbook covers election signs for the upcoming election or any by-election.

The installation of fixed and temporary signage must also comply with the NRMP, Council bylaws and the Council's *Naming Rights and Sponsorship Policy for Community Services Facilities* (December 2009) or any replacement policy.

4.12.1 Expectations

- 4.12.1.1 Commercial signs advertent events or activities held on the reserve or other non-Council signs may be permitted on a case-by-case basis, subject to the requirements of the NRMP, Council bylaws and whether they comply with these Reserves General Policies and Council's *Naming Rights and Sponsorship Policy for Community Facilities (or any replacement)*, where applicable.
- 4.12.1.2 The placement of signs on reserves will not detract from the landscape and community values of the reserve, and users will be able to experience reserves with little exposure to commercial advertising or other non-reserve related signage.

4.12.2 Policies and methods

All commercial and other non-Council signs

- 4.12.2.1 To require all commercial and other non-Council signs to comply with the requirements of the NRMP, any resource consent, Council bylaws, these Reserves General Policies and the relevant Reserve Management Plan. Where any existing occupation agreement may have in the past permitted any signage which does not comply with these policies, Council will make any future agreements consistent with these policies and enforce them.
- 4.12.2.2 To design and locate signs to maintain a pleasant landscape setting within and adjacent to the relevant reserve, and one that is not dominated by commercial advertising or other signage.
- 4.12.2.3 To review, by relevant Council officers, the wording, location and content of proposed commercial and other non-Council signs on reserves, taking into account a social responsibility lens and considering each reserve's landscape values and the other policies contained in these Reserves General Policies.
- 4.12.2.4 To limit electronic signs to those required for scoreboards and event management information.
- 4.12.2.5 To prohibit signs, designed to be visible from the air, from being placed on the roof of any building or structure.

Commercial signs

- 4.12.2.6 To only permit on reserves commercial signs that are associated with a sports, recreation or environmental sponsorship agreement relating to that reserve. Signs for

activities not related to approved reserve uses will generally not be permitted on the reserve.

- 4.12.2.7 To provide for temporary or longer-term commercial advertising signs associated with the sponsorship of sporting and other recreation events or activities as part of the event or lease or licensed activity. These signs must be in accordance with Council's *Naming Rights and Sponsorship Policy for Community Facilities 2009* and located according to direction by Council; and in reference to Section 4.11 *Commercial activities*. Fees may apply.
- 4.12.2.8 To group wherever possible commercial signs in a confined area and minimise their number.
- 4.12.2.9 To ensure that commercial signs are not clearly visible from beyond the reserve boundary, and where practical be inward facing if on a playing surface perimeter.

Other non-Council signs

- 4.12.2.10 To only permit on reserves other non-Council signs that are associated with an activity permitted under an occupation agreement (e.g. lease, licence or permit) relating to that reserve. Signs for activities not related to approved reserve uses will generally not be permitted on the reserve.
- 4.12.2.11 To group signs relating to an occupation agreement, wherever possible, in a confined area and to minimise their number.
- 4.12.2.12 To permit signs provided for in the occupation agreement to be located on the reserve, where they comply with these Reserves General Policies.
- 4.12.2.13 To permit wayfinding signs necessary to inform reserve users within the lease area.

Elections signs

- 4.12.2.14 To manage elections signs on Council reserves through the relevant Candidates Handbook for the upcoming election or by-election.

4.13 Council signs⁷

Council signs on reserves are important to indicate the primary purposes of the reserves, who the administering body is, any exclusions or prohibitions for use and any known and important hazards. Signs are also used for wayfinding. Consistency in signs is important to improve their legibility, highlight their association with the Council and to enable comprehension, and to encourage appropriate reserve activities.

Council's *Graphic Standard Guidelines* (2014) includes the *Parks and Reserves Sign Manual*. This gives direction on the wording, design, siting and maintenance of signs within reserves.

⁷ This section, along with Section 4.12 *Commercial and other non-Council signs*, replaces Council's *Policy on Signs on Council Reserves* No. 3324 and No.3324a.

Commercial and other non-Council signs are considered under section 4.12 *Commercial and other non-Council signs*. All signs on reserves must comply with the rules and policies of the NRMP.

4.13.1 Expectations

- 4.13.1.1 Users of reserves are aware of permitted and important prohibited uses of reserves and important hazards.
- 4.13.1.2 Signage encourages the appropriate use of reserves.
- 4.13.1.3 Signs provide information about special values of reserves where appropriate, including cultural and natural heritage.
- 4.13.1.4 Signs provide both the English and Māori name for a reserve, if these differ.

4.13.2 Policies and methods

- 4.13.2.1 To adequately sign reserves with, as a minimum, the reserve name and, where appropriate, information about activities, where reserve values need protection, the natural values at the reserve and other relevant information.
- 4.13.2.2 To use a consistent sign design on all reserves in accordance with the Nelson City Council *Parks and Reserves Sign Manual*.
- 4.13.2.3 To use nationally compliant icons to indicate permitted and prohibited activities and important hazards on reserves.
- 4.13.2.4 To adopt the recommendations of the *Standards NZ Handbook for Track Tracks and Outdoor Visitor Structures* (SNZ HB 8630:2004) for signs associated with tracks and buildings and *Playground equipment and surfacing* (NZS 5828:2015).
- 4.13.2.5 To provide, where a reserve has more than one name, both the English and Māori name on the reserve name signs. Where appropriate an interpretation of the Māori name may be provided in consultation with Te Tauihu iwi.

4.14 Fees and charges

Where the benefits of providing a Council service accrue to an identified group, Council will normally aim to recover those costs from that group. In some circumstances, the staging of an exclusive event may have wider economic or social benefits. In such circumstance Council may agree not to fully recover the costs. Council does not therefore adopt a standard policy which requires any exclusive activity on a reserve to be fully self-funding. Council's *Revenue and Financing Policy* sets expectations for the degree to which parks and active recreation services should be funded from general rates or fees and charges. Council sets fees annually for all its activities, including parks, reserves and recreation, through the Schedule of Fees and Charges.

See also Section 4.11 *Commercial activities*.

4.14.1 Expectation

- 4.14.1.1 The use of reserves for community benefit is encouraged, while the reasonable costs of providing an exclusive service are recovered.
- 4.14.1.2 Fees and charges for any formal camping grounds operated by a third party (i.e. not Council) will be set in accordance with the terms of their lease or any other form of occupation agreement they may have with Council.

4.14.2 Policies and methods

- 4.14.2.1 To charge fees where a commercial, profit or special benefit accrues to a user of a reserve or facilities on that reserve that is not available to other reserve users:
 - a) To apply fees and charges in accordance with Council's Schedule of Fees and Charges, if appropriate (note that fees and charges for staying in formal camping grounds, operated by a third party, which occupy Council reserve land, will be set in accordance with the relevant lease or other form of occupation agreement.)
 - b) To reflect current market rental particularly for commercial activities, if appropriate
 - c) To reflect the degree of private and public benefits, and to meet the requirements of the Revenue and Financing Policy
 - d) To cover administrative costs; or
 - e) Any combination of the above.
- 4.14.2.2 To require bond payments where there is potential for damage to turf or other facilities.
- 4.14.2.3 To encourage organisers of community events to apply to Council's contestable fund, rather than seeking a waiver or reduction in fees and charges. Only in exceptional circumstances will Council consider waiving or reducing fees and charges where there is strong community benefit from an event or activity. Any such waiver or reduction is solely at Council's discretion (or Council officer discretion where delegations are in place).

4.15 Crime prevention and safety

Reserves should provide safe areas for recreation. While it is inevitable that some anti-social activities will occur, such as graffiti and other vandalism, physical damage to reserves should be kept to a minimum and rapidly repaired. The potential for physical, oral and emotional threat to a person should be minimised through passive and active surveillance, high visibility and appropriate use of access areas and areas of congregation, and the development of a culture of community care. In some cases, environmental and ecological considerations will need to be considered alongside the Ministry of Justice's *Crime Prevention Through Environmental Design* (CPTED) national guidelines.

4.15.1 Expectations

- 4.15.1.1 Reserves provide safe community settings.
- 4.15.1.2 Damage from vandalism is repaired as soon as practicable.

4.15.2 Policies and methods

- 4.15.2.1 To design, use materials and locate reserve facilities to minimise the potential for hazards, deterioration and vandalism, making them appropriate for the needs of the community, while recognising that an element of risk may be unavoidable when participating in play and other recreation.
- 4.15.2.2 To ensure that reserve design and developments incorporate, where possible, the Ministry of Justice's CPTED national guidelines.
- 4.15.2.3 To consider the acquisition of additional land to improve natural surveillance (by improving sight-lines) and access to reserves where necessary.
- 4.15.2.4 To manage works on reserves according to comprehensive Health and Safety Plans, including adequate on-site signage and enclosure of hazards.
- 4.15.2.5 To adequately identify or mitigate known hazards and significant risks to the public on or adjacent to reserves wherever appropriate and practical.
- 4.15.2.6 To prohibit on reserves the erection of permanent or temporary structures or equipment likely to result in injury to the public.
- 4.15.2.7 To remove, make safe or clearly identify with signs any unsafe structures and equipment on reserves.
- 4.15.2.8 To ensure that clubs and associations with facilities and structures on reserves are responsible for the maintenance of their facilities to Council standards as set out in lease, licence or permit conditions.
- 4.15.2.9 To require event managers, in consultation with Council, to provide for appropriate security throughout reserve areas potentially affected by their activities.
- 4.15.2.10 To remove all graffiti as soon as practicable.

4.16 Reserves as neighbours

Reserves have been established for specific purposes. It is important that people buying land nearby recognise the range of activities and developments which could reasonably be expected on a reserve.

Council, as landowner, may be considered an affected party where a resource consent for a proposed development is lodged on land adjoining or near a reserve. The primary focus for Council as landowner is to minimise any adverse effects on reserves or the users of reserves.

4.16.1 Expectations

- 4.16.1.1 Reserves are managed to provide for public benefit and their use may have impacts on neighbours.
- 4.16.1.2 Where developments are proposed nearby which may impact on reserve use or wider reserve values, Council reserves officers may comment on the adverse effects of the proposed activities where a resource consent is required and Council has been advised of the application.

4.16.2 Policies and methods

- 4.16.2.1 To carry out community consultation when a change in reserve use, which does not comply with these Reserves General Policies or the relevant reserve management plan, is proposed and is likely to have a significant effect on adjoining landowners. Council has discretion (within legal constraints) as to whether it consults and, if it does, on the type of consultation it undertakes and with which individuals or groups it consults⁸.
- 4.16.2.2 To assess the effects of proposed developments occurring on neighbouring land which require resource consent (where Council has been advised of those consent applications). Such effects could be on the existing and/or future uses contemplated for the reserve or provided for in any relevant reserve management plan, and on the management, enjoyment and amenity of the reserve. If reserve users or activities are likely to be impacted, Council reserves officers (if advised of the consent application) may comment on the proposed developments.
- 4.16.2.3 To assess all applications for affected party approvals:
 - a) Give written approval on behalf of Council, as landowner, if satisfied that the proposed development will not unduly affect the qualities of the reserve or the current and intended uses of it; or
 - b) Withhold written approval unless and until the development proposal is modified to avoid, remedy or mitigate likely adverse effects on the reserve or its use, in ways specified by the appropriate delegated Council officer/s.
- 4.16.2.4 To advocate that any adverse effects on parks and reserves, their ecosystems or users of reserves are acceptable or avoided.

4.17 Naming reserves

Reserves should be named in such a manner as to achieve a variety of positive outcomes, such as (in no order of priority):

⁸ Council will consider the criteria in its Significance and Engagement Policy when determining these matters. However, where a reserve and uses or activities on a reserve existed prior to the transfer of ownership of an adjoining property, any concerns raised by these landowners will be weighed accordingly.

- Making them easy to find
- Providing opportunities to reflect Te Reo Māori names and stories
- Highlighting cultural or historical associations
- Recognising special contributions made to society or to the environment by past residents, families or organisations (we generally do not name reserves after people who are still alive)
- Identifying dominant ecological, geological or geographic features
- Highlighting preferred uses of a reserve or
- Identifying links with other areas of public land, particularly in the case of esplanade reserves, accessways and easements.

4.17.1 Expectation

4.17.1.1 Reserve names will enhance the value of reserves, tell the story of the place, reflect the area's natural and cultural heritage and be culturally, locally and regionally appropriate.

4.17.1.2 Reserves will be named in a manner consistent with Council's *Naming of Reserves and Other Features Policy 2004* (or any replacement policy).

4.17.2 Policies and methods

Note: Council is in the process of preparing a Naming Policy. This new policy will replace Council's *Naming of Reserves and Other Features Policy 2004*. Council also has a *Naming Rights and Sponsorship Policy for Community Services Facilities 2009* which applies to naming features within reserves (e.g. courts, tracks, sportsfields, stadia, roads, changing rooms, pavilions), but not to the naming of new reserve areas, which is covered by the 2004 policy.

4.17.2.1 To name reserves consistent with Council's *Naming of Reserves and Other Features Policy 2004* (or any replacement policy).

4.18 Use of agrichemicals on reserves

Agrichemicals provide a cost-effective means of managing plant and animal pests on reserves, but they also have perceived and potential adverse effects on some reserve values. Council will seek to reduce the use of agrichemicals, using them where they provide the best management options. The use of agrichemicals is often controlled by resource consents which, for example, limits their use near waterways.

4.18.1 Expectations

4.18.1.1 The use of agrichemicals on reserves is carefully managed.

4.18.1.2 Agrichemicals are applied using industry standard best practice.

4.18.1.3 Council will work with Te Taihū iwi to understand and mitigate the adverse effects, where practical, of agrichemical use on collection of taonga and harvesting.

4.18.2 Policies and methods

- 4.18.2.1 To use agrichemicals in accordance with relevant resource consents and, where applicable, via a Growsafe certified “approved handler” and in accordance with NZS 8409: 2021 *Management of Agrichemicals* or any successor standard. Any chemicals used will be applied in accordance with the manufacturer’s recommendations.
- 4.18.2.2 To require chemical control in high visibility/pedestrian traffic areas, to be carried out at a time of day which causes as little inconvenience to the public as possible, as approved by the relevant Council project supervisor.
- 4.18.2.3 To undertake chemical pest plant control in public areas using the least toxic, effective chemical of a type approved by the relevant Council project supervisor. Chemicals used for pest plant control in turf areas will as far as practicable be turf registered.
- 4.18.2.4 To position signs indicating that spraying operations are in progress so that persons entering the area receive adequate warning that spraying is being undertaken. The signs will remain in place at the conclusion of spraying until the withholding period recommended by the manufacturer has been met to avoid direct contact with spray material.
- 4.18.2.5 To work with Te Taihū iwi to understand and mitigate, where practicable, the adverse effects of agrichemical use on collection of taonga and harvesting.

4.19 Coastal hazards

Council has an obligation to manage the coast in accordance with the *New Zealand Coastal Policy Statement 2010*, which directs local authorities with respect to the management of the coastal environment. Management of coastal reserves needs to pay particular regard to Policy 26 *Natural defences against coastal hazards*. The Ministry for the Environment’s *Coastal Hazards and Climate Change Guidance Manual for Local Government*, dated July 2024), outlines the preferred methods to give effect to this policy.

Council implements a programme to protect, restore and manage healthy indigenous coastal vegetation around the coastal margin. This will also complement the policies in Sections 4.3 *Protection and enhancement of recreation and amenity values* and 4.4 *Protection and enhancement of indigenous biodiversity*.

4.19.1 Expectations

- 4.19.1.1 Coastal reserves held by Council will be managed to provide, where appropriate, for the protection, restoration or enhancement of natural defences, such as beaches, estuaries, wetlands, intertidal areas, dunes and barrier islands.
- 4.19.1.2 The Council is not actively planning to provide any increased levels of protection to private properties adjoining coastal reserves.

4.19.2 Policies and methods

- 4.19.2.1 To prefer sustainable natural⁹ solutions to the management of coastal hazards and vulnerabilities on coastal reserves, where appropriate, and with consideration given to the effects of climate change.
- 4.19.2.2 To continue to protect and restore the form and function of the natural coastal environment.
- 4.19.2.3 Any solution needs to consider best practice coastal, environmental and engineering advice.

4.20 Litter and waste

The dumping of waste on reserves or the inappropriate use of existing waste disposal facilities can detract from reserve values and the proper functioning of reserves, and cause ecosystem damage. These activities can increase costs to Council, and therefore ratepayers, for example through costs incurred to clean up sites and undertake plant pest control from dumped plant material, or empty bins that contain household waste.

The dumping of any rubbish on reserves is an offence under the Reserves Act and is liable to prosecution. Other legislation, such as the Litter Act 1979, is also available for Council to pursue those who litter.

The Council has a waste management plan that makes provision for the collection and reduction, reuse, recycling, recovery, treatment or disposal of waste in Nelson. Costs of rubbish removal from reserves can be high and Council regularly reviews where and whether it continues to provide rubbish bins on reserves.

4.20.1 Expectation

- 4.20.1.1 Reserve values are maintained through the appropriate collection and disposal of litter and waste where this is practicable and cost effective. Council will promote a 'carry in, carry out' philosophy.

4.20.2 Policies and methods

- 4.20.2.1 To encourage all reserve users to adopt the 'carry in, carry out' approach and to minimise the number of rubbish bins on reserves to keep costs down and to improve waste management practices. This approach may be supported by education campaigns and clear signage at reserves.
- 4.20.2.2 To remove litter and waste from reserves before their accumulation becomes detrimental to the amenity of the reserve, the environment or encourages additional dumping.
- 4.20.2.3 To advise event organisers that where they book and use a reserve for a special event, they are responsible for the collection and disposal of the waste generated at the event at their own cost.

⁹ Natural solutions could include planting, beach renourishment with sand and other non-engineering or hard landscaping solutions.

- 4.20.2.4 To take legal action against persons where evidence indicates that they have been illegally dumping waste materials (including rubbish and garden waste) on reserves.
- 4.20.2.5 To continually review initiatives to encourage dog owners to remove animal waste from reserves.

5 Use of Reserves

This section outlines the Council's approach to the use of reserves, both by the public and through applications for exclusive or organised use. It also includes policies related to various use and occupation agreements.

5.1 Use and access

Reserves are classified under the Reserves Act according to seven primary purposes. The Nelson City Council currently administers recreation reserves, scenic reserves, historic reserves and local purpose reserves (including esplanade reserves). Council also manages freehold land which is administered for park and recreation purposes but which is subject to the Local Government Act (rather than the Reserves Act) (see Section 4.1 *Reserve planning and management*). Esplanade areas have the general purposes of protecting natural riparian values and allowing for public access to and along riparian areas (land adjacent to rivers, lakes, wetlands and the sea). These purposes identify, in broad terms, how Council should manage the reserves and how they should be used.

Other forms of reserve in the city administered under the Reserves Act, such as some historic, government purpose, nature and scientific reserves, are owned by the Crown and usually administered by the Department of Conservation.

As an owner of public land (and an 'administering body' under the Reserves Act), Council has the right to approve use of a reserve it administers. It can also decline a proposal for use of a reserve or decide to call for applications for suitable uses of reserves (e.g. via a tender process). Council can also decline approval for or stop the use of a reserve, if it:

- Is incompatible with statutory requirements, the reserve's purpose, the reserve management plan or Council policies
- Has the potential to cause damage to the reserve or its values
- Has the potential to result in unreasonable adverse effects to reserve users or neighbours when weighed against any benefit to the broader public good
- Cannot be accommodated or
- Interferes with the management, use or future development of the reserve.

Council will apply these same considerations to reserve land not held under the Reserves Act.

Developing and maintaining access through esplanade areas and some reserves can be costly. In some areas where esplanade areas do not form continuous links, access may not be currently possible, although a long-term objective may be to provide access when more esplanade areas become available. Council does not expect to form access to or through all reserves in the short-term where the costs will outweigh the benefits. Priority for access development will be given to areas which provide access to expansive recreation settings, the coast, lakes and rivers.

Some recreational activities on reserves may conflict and require restriction; for example, where golf practice may endanger other users. The Summary Offences Act 1981 (s.13) allows prosecution where a person undertakes an activity in a public place which might cause injury or affect the safety of others. Some activities on reserves may also require resource consent under the Resource Management Act (via the NRMP).

Further definitions of controlled reserve uses are provided in Nelson City Council bylaws, specifically (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*):

- Controls of dogs (see also Section 5.10 *Domestic and circus animals*)
- Responsible camping
- Urban Environments Bylaw which prohibits and controls alcohol consumption, and trading in public places.

Some reserves are sites of significance to Māori and may be of a sacred nature (tapu and wāhi tapu) and some activities may be culturally inappropriate on these areas. Reserves may also be of important cultural interest to Māori and for the exercising of Te Taihū iwi customary rights to harvest food and other cultural resources such as rongoā, and to carry out cultural practices, including waka ama and wānanga.

5.1.1 *Expectations*

- 5.1.1.1 Reserves in Nelson are administered according to their primary purpose and to ensure that their use is compatible with that purpose.
- 5.1.1.2 There is little conflict between recreation activities, and the value of a reserve to the community is maximised by encouraging a range of uses. This may involve Council identifying areas or opportunities for use of reserves suitable for commercial or community activities and calling for applications to use those areas.
- 5.1.1.3 Reserves are freely available for use by individuals and groups on a casual basis, unless constrained by Council-approved events or activities or where specific uses incur high development or maintenance costs, and partial cost-recovery through user-charges is appropriate.
- 5.1.1.4 Reserves may be closed where Council identifies unacceptable levels of risk to people or reserve values, or during maintenance or development activities, or where a rāhui is declared.
- 5.1.1.5 Access to and through reserves, including esplanade areas and public access easements, is enabled where it is cost-effective, is consistent with the purposes for which the land is managed, and where significant community benefits can be gained.
- 5.1.1.6 Sports fields are efficiently allocated to maximise benefit to the Nelson community and to manage playing surface use and maintenance in a cost effective manner.
- 5.1.1.7 Reserves support the cultural practices of Te Taihū iwi.

5.1.2 *Policies and methods*

- 5.1.2.1 To complete and regularly review reserve management plans to enable reserve use, design, and developments to match the purpose of the reserve, Te Taihū iwi and community expectations including equitable access.
- 5.1.2.2 To ensure that access to reserves will be free of charge to the general public except where some form of exclusive use occurs (commercial sporting events, other commercial activities, utility services or otherwise) where Council may

require a fee, or where partial cost-recovery for high cost activities through user-charges is appropriate.

- 5.1.2.3 To close reserves to the public where there are unacceptable risks to users, reserve assets, or natural or cultural values, or during maintenance and development activities.
- 5.1.2.4 To require reserve users to be responsible for managing any adverse effects from their activity on the reserve, other users, or adjoining landowners, unless otherwise authorised by Council.
- 5.1.2.5 To enable access opportunities (including for people with disabilities) on existing esplanade areas and to lakes, rivers and the coast and to other areas of open space. When enabling access, Council will take into consideration community demand, practicality, cultural values and protecting indigenous biodiversity.
- 5.1.2.6 To encourage multiple use of reserves, open space and recreation facilities where practical. Activities that are in direct conflict with other reserve uses will be restricted or prohibited if necessary.
- 5.1.2.7 To provide appropriate access to reserves and reserve facilities for people with disabilities where practicable or where required by the Building Act 2004 (e.g. public toilets, seating, playgrounds, and paths).
- 5.1.2.8 To ensure that fences, buildings, or other structures do not unnecessarily restrict foot access onto or across reserves, and are designed in a manner that does not provide a hazard to people with disabilities.
- 5.1.2.9 To allow, in an emergency situation, any action or event necessary for the purposes of saving or protecting life or health to be carried out without the prior permission of Council or prior public notice, provided that those involved take every reasonable step to contact Council and carry out public notification, where necessary.
- 5.1.2.10 To ensure transparency in the allocation of sports fields to various sporting codes and clubs.
- 5.1.2.11 To facilitate and enable Māori cultural practices on reserves, including the harvesting of cultural resources, where they comply with the Reserves Act, Local Government Act, the primary purpose of the reserve and the Wildlife Act 1953 (or any regulations or Proclamation or notification under the Act). This policy is subject to those cultural practices being supported by Te Taihū iwi and having the approval of Council officers with the appropriate delegations in the case of any recreation or local purpose reserve. For any scenic or historic reserve, the approval of the Minister of Conservation is needed (note that decision making has been delegated by the Minister to Council under the *Reserves Act 1977 Instrument of Delegation for Territorial Authorities 2013*).

5.2 Events and reserve closure

The Reserves Act gives the administering body of a reserve a broad range of powers to control and ensure the use, enjoyment, development, maintenance, protection, and preservation of the reserve for the purpose for which it is classified. This may require the closure of all or parts of a reserve to any use and the creation of areas of exclusion for specific activities.

Where an esplanade reserve or strip exists, there may be a need to restrict access to preserve the stability of the land or the biological values of the reserve.

Section 44 of the Reserves Act restricts the “use of a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation” to approved areas only and for defined time periods.

Assessments of these access restrictions are made at the time that the esplanade area is set aside and are incorporated into any easement instrument or management plan for the reserve.

See also Sections 4.9 *Fire control* and 4.11 *Commercial activities*.

5.2.1 Expectation

- 5.2.1.1 Closure of reserves or enclosure and exclusive use of parts of reserves will support the use, enjoyment, development, maintenance, protection, and preservation of reserves.
- 5.2.1.2 Those holding agreements for exclusive use of part or all of a reserve will encourage behaviours that uphold the mana of the whenua and wai; and approval processes will consider this requirement and, if necessary, this will be discussed with Te Tauihu iwi.

5.2.2 Policies and methods

The policies in this section need to be read in conjunction with the policies in Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*.

- 5.2.2.1 To permit the exclusive use of part or all of any recreation reserve for regular or occasional sporting or recreational events, subject to Council approval and, where necessary, a legal mechanism (such as a lease, licence or permit).
- 5.2.2.2 To temporarily close reserves (including esplanade areas and other areas of public access), or portions of reserves, to public access and use in accordance with the Reserves Act and Local Government Act.
- 5.2.2.3 To notify the public and adjoining landowners of significant reserve closures.

5.3 Use and occupation agreements (including leases, licences, permits and easements)

The term ‘use and occupation agreement’ refers to any lease, licence, easement, permit or other agreement granted between Council and either a person, organisation or company that is occupying or exclusively using part of a reserve (including below-ground facilities and airspace).

Where Council identifies areas or opportunities for use of reserves suitable for commercial or community activities (other than for short term or casual uses), it may decide to call for

applications to use and occupy an area. This approach can be preferable to accepting applications for use of reserves on a first in, first served basis. This approach enables Council to assess which uses provide the greatest benefit to the wellbeing of the Nelson community.

This is a complex section. It contains policies which apply to all types of use and occupation agreements. It then goes on to outline policies specific to each of the following types of agreements:

- Leases and licences
- Permits (including other similar forms of agreements)
- Easements.

Note that grazing and camping use and occupation agreements are dealt with under sections 5.4 *Grazing* and 5.5 *Camping*.

A **lease** is required where exclusive use or occupation of reserve space is sought for an appropriate building or activity for a defined period (note that under the Reserves Act leases cannot exceed a maximum term of 33 years and are often for significantly shorter periods).

A **licence** is required where non-exclusive occupation of reserve space is sought for any activity that the licensee is permitted to carry out on the land or in a building for a defined period (usually for a shorter period than a lease).

A **permit (including other similar forms of agreements)** allows for access to an area where it is otherwise limited or controlled, and may take the form of a contract or a MOU (memorandum of understanding). In exceptional circumstances temporary permits may be granted for access to a neighbouring property for a specific short term activity for which there is no other access, and the permit would be subject to conditions about reinstatement of damage and protection of reserve values.

An **easement** is often required to provide access across a reserve and the right to construct utility services. The installation of services may be on or above a reserve. An easement appears on the legal title to the land and may be enduring, while leases, licences and permits are for a defined period.

Note: Transpower New Zealand Ltd and some other network utility providers have a statutory right to access or use reserves to inspect, operate and maintain their existing assets. Section 48A of the Reserves Act also enables Council to grant licences for communications stations.

Section 53(1)(f) of the Reserves Act allows the Council to enter into an agreement with any person, body, society or voluntary organisation for the use of a recreation reserve or a part of the reserve for a specified number of days each year. Such an agreement must be for the purpose of particular games, sports, or other activities or for public recreation or enjoyment and will not:

- Be for any more than ten years at any one time
- Be for any more than forty days in any one year, unless with consent¹⁰
- Be for any more than six days in a row at any time in any one year, unless with the consent of the Minister of Conservation
- Involve the construction of buildings except of a temporary nature for the particular use of the reserve and for the time required for that use at any time in any one year and

¹⁰ The Reserves Act refers to the requirement for consent from the Minister of Conservation to amend the periods of occupation, but the delegations made by the Minister of Conservation (Reserves Act 1977 Instrument of Delegation for Territorial Authorities 2013) transfer this decision making power to territorial authorities.

- Apply to any leased or licensed part of the reserve without written approval from the lessee or licensee.

In addition, under section 59A of the Reserves Act, the Minister of Conservation (and Council under delegation from the Minister dated 12 June 2013) can grant concessions (a lease, licence, permit or easement) where the reserve is vested in the Crown and Council has been appointed to control and manage the reserve.

Council's power to grant a use or occupation agreement over a reserve depends on the status and classification of the reserve and the powers and restrictions that apply. The powers are more restrictive for scenic and historic reserves, than for recreation and local purpose reserves. Any agreement needs to refer to specific sections of the Reserves Act dealing with the classification of the reserve under consideration. The requirements of section 138 of the Local Government Act need to be met when dealing with any park land held under that Act.

A public notification and consultation process for proposed use or occupation agreements is usually mandatory under the Reserves Act. However, in some circumstances public notification may not be required where the proposed use and occupation agreements were specifically contemplated in the relevant reserve management plan for the reserve or an existing notified resource consent. Depending on the proposal, the applicant may also need a resource consent under the Resource Management Act (via the NRMP).

The following policies apply to new use and occupation agreements from the date of Council adoption of these Reserves General Policies (unless they conflict with policies in any relevant reserve management plan). These Reserves General Policies only apply to agreements that pre-date this policy document if the agreement is silent on an issue. These policies cannot override the pre-existing and specific contractual terms of an occupation agreement.

For land held which is not held as a reserve under the Reserves Act and is held as a "park" under the Local Government Act, the provisions of section 138 of that Act will also apply in relation to leasing of the park or part of the park.¹¹

5.3.1 Expectations

- 5.3.1.1 The use or occupation of reserves for approved individuals, groups, uses or facilities by the granting of occupation agreements, is permitted where they:
- a) Have reasons related to the Council's strategic goals to be located on publicly owned land and are in accordance with the vision and expectations of any relevant reserve management plan
 - b) Satisfy the requirements of the Reserves Act, Local Government Act and any other relevant statutes
 - c) Are in accordance with the objectives of any management plan for the reserve, Council bylaws, or any other relevant Council policy and

¹¹ Section 138 states that a local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal. This includes granting of a lease for more than six months that excludes or substantially interferes with public access to the park - 'park' in this context means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes but does not include land held as a reserve or part of a reserve under the Reserves Act.

- d) Can manage any negative impacts on the reserve and its values, other users, or neighbours.
- 5.3.1.2 The exclusive use or occupation of reserves is appropriate under the classification or purpose of the reserve, and is balanced with the need for public access to reserves and open space.
- 5.3.1.3 Use or occupation agreements are transparent (subject to confidentiality requirements) and in the public interest. This may involve Council identifying areas or opportunities for use of reserves suitable for commercial or community activities and calling for applications to use those areas.
- 5.3.1.4 Adverse effects on reserve values are avoided or managed by the terms and conditions of any use or occupation agreement.
- 5.3.1.5 Community facilities will often be developed in partnership between Council and community groups with an expectation of joint and shared funding agreements. Multi use of community facilities and buildings on reserves is encouraged.
- 5.3.1.6 Costs incurred by Council associated with preparing agreements will generally be recovered from the applicant unless Council decides otherwise (e.g. where Council can use a largely standard community lease or licence agreement).

5.3.2 Policies and methods

All use or occupation agreements

- 5.3.2.1 To identify, through preparation of Reserve Management Plans and other strategic planning processes, new opportunities for use of reserves suitable for community or commercial activities, and to undertake a public process calling for applications to use those suitable areas, in preference to accepting ad hoc applications on a first in, first served basis.
- 5.3.2.2 To ensure that all applications for any occupation agreement are in writing. Information provided will allow assessment of all applications in an equitable and consistent manner. As a minimum, all applications must include:
 - a) Detailed information on the type of use or occupation agreement required, including proposed activities, how the proposed activities comply with the reserve classification or purpose, plans of any buildings and/or site development, and the reasons why a use or occupation agreement is sought
 - b) Information on alternative locations considered, their costs, and a discussion on why these alternatives cannot be used
 - c) Information on all legislative requirements and approvals required (including but not limited to

resource consents, building consents, approvals from stakeholders who hold a formal interest in the land, such as easements and requiring authorities)

- d) An assessment of effects on the reserve, reserve values, reserve users and reserve neighbours and how adverse impacts or effects may be managed and
 - e) Information about the applicant, including a business plan, containing evidence to demonstrate the sustainability of the proposal, and any money that will be paid to Council for use of the reserve.
- 5.3.2.3 To require the applicant to identify any potential impacts on Māori cultural values from their proposed activity and outline any engagement they have had with Te Tauihu iwi on the proposal and any impacts.
- 5.3.2.4 To recover all costs from the applicant associated with the development, preparation, consultation and implementation of use or occupation agreements unless otherwise agreed. This includes direct and indirect costs associated with any required consents and permits.
- 5.3.2.5 To allow the holder of a use or occupation agreement to charge an amount for admission on those occasions when the reserve is used for the agreed purpose, in accordance with the agreement and any legislative requirements.
- 5.3.2.6 To favour use or occupation agreements with community organisations such as clubs, incorporated societies and registered charities, or similar Māori or iwi organisations, but to not exclude the opportunity for agreements with private individuals or commercial agencies.
- 5.3.2.7 To secure a bond, where relevant, to limit Council's financial risk where potential adverse effects on reserves are possible.
- 5.3.2.8 To develop all use or occupation agreements in accordance with relevant legislative requirements and these Reserves General Policies including but not limited to specific reference to Sections 4.8 *Sustainability, climate change and monitoring*, 4.10 *Commercial sponsorship, advertising and naming rights*, 4.11 *Commercial activities*, 4.12 *Commercial and other non-Council signs*, 5.6 *Abandonment or change in use*, 5.9 *Alcohol*, 5.11 *Smoke and vape-free reserves*, 5.14 *Vehicles and parking*, and 6.8 *Lighting*.
- 5.3.2.9 To make it a condition of every agreement that the Council will not compensate occupiers for improvements upon termination of the agreement, subject to the express terms of any agreement (see Section 5.6 *Abandonment or change in use*).

Leases and licences

The policies in this section need to be read in conjunction with the policies in Sections 5.2 *Events and reserve closure* and 4.11 *Commercial activities*, for licences in particular.

- 5.3.2.10 To provide a lease or licence where security of tenure is necessary, and where the activity complies with the Reserves Act, Local Government Act and/or other relevant legislation.
- 5.3.2.11 To consider all applications for leases generally for long-term exclusive use and for licences generally for medium term non-exclusive use, in relation to the:
 - a) Leasing or licencing powers of the Council
 - b) Purpose and classification of the reserve, and relevant provisions in the Reserves Act, including:
 - Recreation Reserves – purpose: s.17, leases: s.54 and s.73, and licences: s.54 and s.74
 - Scenic Reserves – purpose: s.19, leases: s.56, and licences: s.56 and s.74
 - Historic Reserves – purpose: s.18, leases: s.58A, licences: s.58A and s.74
 - Local Purpose Reserves – purpose: s.23, leases s.61, licences: s.74. Note: The Public Bodies Leases Act 1969 applies to some occupation agreements for Local Purpose Reserves or
 - For land not declared reserve but held as park under the Local Government Act, under section 12, and in accordance with the provisions in s.138 of that Act
 - c) Need to ensure the preservation of special features of reserves
 - d) Need to retain an adequate proportion of the reserve as open space or for public access (in general) and
 - e) Requirements of the Reserves Act and any other applicable legislation, any relevant reserve management plan, and these Reserves General Policies.
- 5.3.2.12 To generally expect that potential lessees and licensees have formal status (e.g. are incorporated societies, charitable trusts, registered under appropriate legislation, or similar Māori or iwi organisations).
- 5.3.2.13 To consider opportunities to lease or grant a licence over all or any part of a recreation reserve or local purpose reserve or park land for grazing, farming or gardening. These uses could be considered where that area is not immediately required or being used for the purpose specified in its classification. Such licences could also be permitted where it is considered necessary or desirable to farm or graze any part of the reserve and where scenic, historic or ecological values are not compromised. Such a

proposal and the related lease or licence must comply with sections 61, 71 to 74 of the Reserves Act for reserves or section 138 of the Local Government Act in relation to park land.

- 5.3.2.14 To decide the terms of leases or licences considering a number of factors, including:
- a) The type of use or activity
 - b) Whether any club or organisation has a demonstrated history of having a stable membership and being a trustworthy leaseholder
 - c) The amount of financial investment the lessee or licensee intends to make into the leased or licenced area or any associated structures
 - d) The lease or licence period sought by the applicant and
 - e) Reserves Act requirements for land held under that Act or Local Government Act requirements for park land.
- 5.3.2.15 To consider when evaluating applications or tenders for leases or licences the contribution of the proposed activity to community wellbeing and vibrancy, and not only the potential revenue to be gained by a lease or licence arrangement.
- 5.3.2.16 To prefer coordinated applications for the multiple use of reserve areas to reduce the proliferation of leases, licences and buildings.
- 5.3.2.17 To levy rent or licence fee on all leases and licences as provided for under the Reserves Act and the Local Government Act. Decisions on rent amounts will consider the following:
- a) Operations or tenancies of a commercial nature will generally be charged market rates
 - b) Voluntary recreational organisations or community groups will generally be charged, at least, a cost recovery fee and
 - c) Other relevant Council policies.
- 5.3.2.18 To include in leases and licences provision for public access, where this is appropriate, and Council decides it is desirable.
- 5.3.2.19 To consider car parking requirements necessary for the activity covered by the lease or licence prior to approval of the activity and associated occupation agreement. In general, Council is not responsible for providing sufficient parking to service the needs of lessees or licensees and may decline a lease or licence application where the anticipated level of use from both the lease or licence activities and other reserve uses exceeds the available

parking. Policies concerning the provision of parking are outlined in Section 5.14 *Vehicles and parking*.

- 5.3.2.20 To require lease or licence agreements to indicate buildings and structures that are likely to need removal in the future due to erosion, inundation or other hazards. The agreement will note that Council has no obligation to protect any buildings or structures against erosion, inundation or other hazards.
- 5.3.2.21 To require the lessee or licensee to pay for relevant utilities (power, gas/sewerage changes, water and/or any other taxes, levies or running costs) associated with their use of the reserve land.
- 5.3.2.22 To require lessees or licensees to maintain the leased or licence areas and facilities in a safe condition.
- 5.3.2.23 To honour existing lease or licence agreements if there is a change in reserve purpose or classification, unless otherwise agreed with the lessee or licensee.
- 5.3.2.24 To consider ancillary access rights for reserve lessees and licensees across reserve land only where access to their area cannot be obtained elsewhere. The term of any ancillary access rights will not exceed the end date of the occupation agreement.
- 5.3.2.25 To require lessees and licensees to comply with:
 - a) All sections of the Reserves Act, Local Government Act, Public Bodies Leases Act (for Local Purpose Reserves) and other relevant statutes and
 - b) Any management plan for the relevant reserve.

Easements

An easement lawfully grants the non-exclusive right for one person/body to use another's land for a specified purpose, in this case the use of Council land for access, network utility infrastructure or other public purposes consistent with section 48 of the Reserves Act. In some instances, Council will need to grant an easement to itself or a related Council Controlled Organisation. The proposed granting of an easement will be publicly notified unless the reserve is not likely to be materially altered or permanently damaged or the rights of the public in respect of the reserve are not likely to be permanently affected by the right of way or other easement. The need for easements can arise when:

- Network utility infrastructure is laid through reserves. Such infrastructure includes (among other things) both above ground and underground electrical installations or work, the provision of water supply or water systems, drainage systems, and any other associated structures owned by network utility operators which may be located on reserves (see also Section 5.8 *Utility services*).
- Access may also be required to enable any utility operator to access the easement area, which may be provided by rights of way or incorporated in any easement agreement. Any rights of way on reserve land cannot restrict public access or otherwise affect the rights of the public in using the reserve.

- 5.3.2.26 To ensure that all easements on land held under the Reserves Act are compliant with the requirements the Act, and specifically:
 - a) Compliant with s.48 of the Act and
 - b) Consistent with any relevant reserve management plan.
- 5.3.2.27 To ensure that all easements on other lands are compliant with the requirements the Local Government Act, and consistent with any relevant reserve management plan.
- 5.3.2.28 To consider requiring a limited timeframe as a condition of granting any easement. The timeframe associated with an easement will be negotiated with consideration of the purpose and expected longevity of the associated utility service, activity or use. An easement may include rights of renewal or a renewal at Council's discretion.
- 5.3.2.29 To include a condition in every easement where physical works occur, including network utility infrastructure, that the reserve be returned as close as possible to its original condition upon completion of the work, or to such condition as may be agreed. A bond may be required by Council to ensure this outcome.
- 5.3.2.30 To require a fee or compensation charge as a condition of new easements where relevant. The charge type will be determined in consultation with the holder of the easement.
- 5.3.2.31 To retain the right to review and renegotiate fees on existing easements over time to ensure fair remuneration for the use of public reserve space, where the easement instrument permits this.
- 5.3.2.32 To apply the relevant provisions of Section 5.6 *Abandonment or change in use* or any relevant provisions in an easement document, where the network utility infrastructure relating to the easement is no longer required by the utility provider.

Permits (including similar forms of agreements)

- 5.3.2.33 To issue permits with reference to policies related to the provision of public access, consistent with Sections 5.2 *Events and reserve closure* and 4.11 *Commercial activities*.
- 5.3.2.34 To consider charging a fee for all permits. Decisions on fee amounts will be based on the following:
 - a) Permits relating to activities of a commercial nature will generally be charged market rates
 - b) Voluntary recreational organisations or community groups will generally be charged a fee and
 - c) Relevant Council policies.
- 5.3.2.35 To ensure permits are:

- a) Compliant with all sections of the Reserves Act, Local Government Act and other relevant statutes and
 - b) Consistent with any relevant reserve management plan.
- 5.3.2.36 To make it a condition of every permit that the Council will not compensate occupiers for improvements upon termination of the agreement subject to the express terms of any permit.
- 5.3.2.37 To grant temporary permits, in exceptional circumstances, for access to a neighbouring property for a specific short term activity for which there is no other access. The permit would be subject to conditions about reinstatement of damage and protection of reserve values, and Council may require a bond.

5.4 Grazing

Grazing on reserves requires a use or occupation agreement. It is useful for pest plant and fire control, and provides revenue to Council. Grazing can be an appropriate land management tool where it is desirable to maintain lands in open, low-stature vegetation. However, grazing can conflict with other reserve management objectives, such as public access and protection or restoration of habitats for indigenous species. The Reserves Act permits the grazing of recreation reserves and local purpose reserves where the reserve is “not for the time being required for the purpose specified in its classification, or where the administering body of a recreation reserve has decided that it is necessary or desirable to farm or graze any part of the reserve as part of a development, improvement, or management programme” (s.72(1)). Any relevant agreement or lease must, “include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, geological, or other scientific features or indigenous flora and fauna” (s.72(3)).

The policies in Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)* apply to any occupation agreements for grazing purposes on reserves.

5.4.1 Expectations

- 5.4.1.1 Grazing may be used as a vegetation control option and/or as an income generating opportunity where the land does not contain significant indigenous vegetation and significant habitats of indigenous fauna, or geological landforms. Any occupation agreements for grazing may need to make provision for public access through the reserve.
- 5.4.1.2 Grazing activities are controlled to limit or prevent adverse effects on recreation, scenic, historic and indigenous biodiversity values.
- 5.4.1.3 Costs incurred by Council associated with preparing agreements will generally be recovered from the applicant unless Council decides otherwise (e.g. where Council has a grazing contract for vegetation control or where Council can use a largely standard lease or licence agreement).

5.4.2 Policies and Methods

- 5.4.2.1 To control all grazing activity on reserves via grazing leases or licences or in some instances by another form of contractual agreement.
- 5.4.2.2 To advertise any proposal to grant grazing leases or licences on reserves, and to consider submissions to the proposal as required under sections 73 and 74 of the Reserves Act for reserves and under the Local Government Act for other land.
- 5.4.2.3 To consult with Te Taihū iwi where grazing leases or licences are proposed or about to be renewed where the activity may adversely affect wāhi tapu or other sites of cultural significance for Māori.
- 5.4.2.4 To only provide for grazing on esplanade areas and riparian zones with short term agreements and where it is required for land management, the conversion of pest plant infested areas to appropriate riparian vegetation or to enhance access. Esplanade strips not owned by Council may be grazed by their owners.
- 5.4.2.5 To review, at their expiry dates, existing grazing leases and licences on reserves which include significant indigenous vegetation and significant habitats of indigenous fauna, or geological landforms in order to protect these areas.
- 5.4.2.6 To only enter into grazing leases or licences where adequate fencing is installed and existing areas of importance to indigenous biodiversity and natural riparian and coastal functions are protected.
- 5.4.2.7 To prioritise maintaining recreation access through areas where grazing leases or licences are in place except in exceptional circumstances and/or during particular seasons (e.g. lambing).
- 5.4.2.8 To identify in reserve management plans where grazing is an appropriate land use and over what period grazing will be expected to continue. Where there is no reserve management plan in place for the relevant reserve, Council officers will identify whether grazing is an appropriate land use on a case-by-case basis, considering the other policies in these Reserves General Policies.

5.5 Camping

Overnight accommodation on parks and reserves can be regulated by the Council through a combination of the Reserves Act, Local Government Act, Resource Management Act and Freedom Camping Act 2011, and any bylaws made under these Acts. Section 44 of the Reserves Act restricts the “use of a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation” to approved areas only.

Camping may only occur in developed and identified camping areas on reserves where provided for in a reserve management plan, where formal campgrounds currently exist or via a formal lease agreement, and where developments comply with the Camping-Ground

Regulations (Appendix 3: *Summary of relevant strategies, bylaws and other policies*). However, Council may allow temporary camping on reserves for major national or regional events or during civil defence emergency events.

'Freedom camping' is defined and controlled by the Freedom Camping Act and the Nelson City Council Responsible Camping Bylaw. These need to be considered in conjunction with the requirements of the Reserves Act and Local Government Act.

The policies in *Section 5.3 Use and occupation agreements (including leases, licences, permits and easements)* apply to any occupation agreements for camping purposes on reserves.

5.5.1 Expectations

- 5.5.1.1 Existing formal camping grounds on Council reserves (e.g. Brook Valley Holiday Park, Maitai Valley Motorcamp, Tahuna Beach Holiday Park) continue to be provided for with appropriate occupation agreements.
- 5.5.1.2 Temporary camping opportunities may be approved at Council officers (with appropriate delegations) discretion in appropriate reserve locations only where it supports large scale, organised national and regional events, or in the case of civil defence emergency events, and where adverse effects on the reserve and its neighbours can be controlled.
- 5.5.1.3 Informal and short-term camping may be permitted at Oyster Island and Haulashore Island provided approval is sought from the relevant Council officer.
- 5.5.1.4 Agreements for temporary camping activities will encourage behaviours that uphold the mana of the reserve whenua and wai; and approval processes will consider this requirement.

5.5.2 Policies and methods

Formal camping grounds

- 5.5.2.1 To permit camping in formal camping grounds/holiday parks where they already exist and/or are contemplated in a relevant reserve management plan, or have been appropriately consulted on and have occupation agreements in place, which comply with the relevant requirements of the Reserves Act, Local Government Act and Resource Management Act.

Temporary camping (generally associated with events)

- 5.5.2.2 To permit temporary camping on reserves where it is specifically provided for within the relevant reserve management plan and it supports the staging of a large scale, organised regional or national event only (that is, camping is not an activity in itself), and Council officers consider that the activity is compatible with other uses of the reserve and with community values.
- 5.5.2.3 To require an occupation agreement for a temporary campsite (see *Section 5.3 Use and occupation agreements (including leases, licences, permits and easements)*). This

must be applied for preferably at least six months prior to the event. A resource consent may also be required, and this would most likely extend the period needed to assess an application. **Note:** this policy does not apply in the case of a civil defence emergency event.

5.5.2.4 To require all applications that include a temporary campsite on reserves to contain the following information:

- a) How the camping activity will comply with the Camping Ground Regulations, including a camping and fencing plan
- b) Proposals for dealing with access to the camping area, provision of water and sanitation, management and removal of waste including waste minimisation and sustainability measures, vehicle parking and traffic management, noise control, protection of the grounds, security management, welfare of staff and patrons, and any other relevant information and
- c) The information required in 5.3.2 under section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*.

5.5.2.5 To determine the period of camping permitted (consecutive days of exclusive occupation) in compliance with the requirements of the Reserves Act and with consideration of effects on other reserve users and reserve neighbours, avoiding medium and long-term unavailability of public reserve assets including consideration of the repair and recovery of reserve assets, particularly turf.

5.5.2.6 To require the applicant for a temporary campsite to be responsible for making good any field or facility damage, provide security and necessary facilities (including toilets), and minimising effects on reserve neighbours (including noise control and litter management) (see also Sections 4.8 *Sustainability, climate change and monitoring* and 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*). Payment of a bond may be required.

5.5.2.7 To require parking plans for any permitted campsite and require that private vehicles do not park within the designated camping area.

Freedom camping

5.5.2.8 To not permit freedom camping on reserves, unless expressly provided for in Council's Responsible Camping Bylaw 2025, or any subsequent replacement bylaw.

Camping associated with Civil Defence Emergency Management events

5.5.2.9 To permit camping on appropriate areas of reserves in response to a civil defence emergency management event.

5.6 Abandonment or change in use

The needs of a community and reserve users change over time, and most agreements, leases and licences for reserves will undoubtedly reach the end of their useful tenure at some stage. Buildings and other structures may be abandoned or passed over to alternative uses. The policies in this section provide guidance when a facility is no longer used or there is a proposal to change its use.

5.6.1 Expectations

- 5.6.1.1 Abandoned facilities and structures are effectively managed considering changes in community demand and activities over time.
- 5.6.1.2 Council's approach is to implement the provisions of the Reserves Act, particularly the provision that all improvements will revert to the lessor (Council) without compensation payable to the lessee, unless it is in the wider community interest to take an alternative approach.

5.6.2 Policies and methods

- 5.6.2.1 To take the following steps where a reserve facility is no longer required by an occupier, lessee, licensee or owner before or at the end of any occupation agreement. This will be subject to the express terms of any lease, licence, or other agreement and the relevant provisions of the Reserves Act and Local Government Act (which will require all improvements to revert to Council without compensation payable to the lessee unless it is in the wider community interest, in Council's discretion, to take an alternative approach):
 - a) Before a replacement occupier, lessee, licensee or owner is approved by Council the compatibility of the facility and use with the classification, purpose and values of the reserve will be reviewed within the context of community needs, Council policies, and relevant statutes
 - b) The departing occupier, lessee, licensee or owner may be required to work with Council to find an appropriate replacement user who will either apply to Council for an occupation agreement or a sub-lease, which will be subject to the policies in Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*
 - c) If it is not possible to find a suitable replacement occupier, lessee or licensee and the facility or use is not compatible with the classification, purpose and values of the reserve or, if Council does not have any use for the building, the owner will be required to either move the facility in part or whole, or have it deconstructed or demolished, or tender or sell it for removal and then return the land to its original condition
 - d) If the departing occupier, lessee, licensee or owner is unable to comply with the requirements above, Council will either move the facility in part or whole or tender or

sell or tender it for removal. If the facility cannot be moved, or the costs of moving it outweigh the likely benefits, Council will have it demolished or tender or sell the building for demolition and

- e) The costs associated with the removal, sale, or demolition of the facility will be deducted by Council from any proceeds from the sale or charged by or on behalf of Council to the departing occupier, lessee, licensee or owner, if the total cost is not covered by a bond.

- 5.6.2.2 To include in any occupation agreement upon abandonment and/or consistent non-payment of consideration, that the occupation agreement will be terminated, the building vacated and possession and ownership of associated reserve facilities will revert to the Council.

5.7 Firearms, hunting, fishing and pest animal control

Hunting and fishing provide recreational opportunities and food. Pest animal control contributes to Nelson City Council's strategic goals for the protection and enhancement of indigenous biodiversity and climate change resilience.

Tramping, trail running, and mountain biking are all increasing in popularity in the Nelson reserves. Hunting has the potential to conflict with the safety of other users in these areas.

Council may permit recreational hunting and pest animal control activities such as hunting and trapping on land it owns. This includes removing ungulates (deer, pigs, goats) and other pest species. Recreational and commercial hunters must apply for permits to hunt in Council's reserves where hunting is permitted under the relevant reserve management plan.

The activities of game bird hunting and fishing for sports fish are administered by the Nelson/Marlborough Fish & Game Council. The Department of Conservation manages whitebaiting.

Relevant legislation governing these activities include the Wildlife Act 1953, Wild Animal Control Act 1977, and Fisheries Act 1996.

5.7.1 Expectations

- 5.7.1.1 Reserves may provide access to hunting and fishing areas on non-Council land.
- 5.7.1.2 Council will continue to follow best practice to manage pest animals in its reserves.
- 5.7.1.3 Council will encourage volunteer trapping that protects indigenous species and habitats, where appropriate.
- 5.7.1.4 Fishing and whitebaiting are permitted where compliant with Fish & Game New Zealand and Department of Conservation rules and regulations.
- 5.7.1.5 Recreational hunting does not negatively impact indigenous biodiversity and ecosystems, or impact opportunities for ecological restoration.

5.7.2 Policies and methods

- 5.7.2.1 Hunting is not permitted on Council reserves except:
- where permitted in a Reserve Management Plan or
 - where it is part of a formal pest control programme permitted by Council.
- 5.7.2.2 To prohibit the carrying or use of firearms or any other weapon on reserves, except those reserves where hunting is permitted by individual reserve policies and the person carrying the firearm has a Council permit to hunt, or unless otherwise approved by the Council (for example for pest control operations).
- 5.7.2.3 To issue relevant permits for firearms (such as for shooting ranges or target shooting competitions) only to clubs (and their members) with a lease or licence to occupy a reserve and only for club activities within their approved area, and such permits will also apply to participants managed by the clubs during training activities and open days.
- 5.7.2.4 To identify in reserve management plans any game bird hunting and access areas. Council officers will liaise with Fish & Game New Zealand in relation to planning for and managing game bird hunting and the provision of access to hunting and angling areas. Where there is no reserve management plan in place for a reserve, game bird hunting will not be permitted.
- 5.7.2.5 To only permit hunters licensed by Fish & Game NZ on defined reserves and esplanade areas where potential conflict with other reserve users is able to be avoided or minimised.
- 5.7.2.6 All recreational and commercial hunting will require a permit issued by Council and must be carried out in accordance with the conditions attached to that permit.

5.8 Utility services

As Nelson grows and intensifies, the demand to place public and private utilities on reserves (such as stormwater, water supply, wastewater and telecommunications infrastructure) is increasing. Due to their open space nature, reserves can be perceived as convenient and logical places to locate both above ground and underground utilities. Utilities can result in permanent loss of reserve land, a decrease in visual and physical amenity, restrictions on the future use and development of reserves for recreation purposes and degradation of reserve values. Infrastructure on reserves can have adverse impacts on public enjoyment of parks either because of ongoing operational side effects (such as noise, artificial light or odour) or during utility maintenance activities.

However, some Council reserves have dual purposes. There are large areas of water catchments (e.g. Maitai and Roding Water Reserves), stormwater detention areas (e.g. Frenchay Reserve), esplanade reserves and unformed legal roads. Where these areas are classified as Local Purpose Reserve for a utility purpose, the land's primary purpose is for these utility services. However, these areas are also available and used for recreational, amenity,

scenic and conservation purposes, providing they do not compromise the primary utility purpose.

Where there is no practical alternative, public utility network services may need to be located within reserves to service reserve activities or to support supply across some areas within Nelson. Any necessary utilities should not compromise the main purposes of the reserves or the potential for future use of the reserve.

Section 48A of the Reserves Act also enable Council to grant licences for communications stations.

The Electricity (Hazards from Trees) Regulations 2003 are a statutory obligation and outline requirements for safe vegetation clearance distances.

5.8.1 *Expectations*

- 5.8.1.1 The management and recreational enjoyment of reserves, and their natural, historic and cultural values, are not adversely affected by the installation and maintenance of utility services.
- 5.8.1.2 Developments on reserves are designed to avoid interference with existing utility infrastructure and to avoid unnecessary future costs to Council.
- 5.8.1.3 The placement of new utilities on reserves to service non-reserve-related activities is avoided unless there are no practical alternatives elsewhere.
- 5.8.1.4 New utilities in reserves will require an easement to be registered on the land title. Refer to section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*
- 5.8.1.5 Over time, Council will encourage network utility providers to obtain easements for existing infrastructure on reserves which do not currently have easements.

5.8.2 *Policies and methods*

- 5.8.2.1 To provide for new utility services necessary for the servicing of reserves or reserve facilities if they are installed, located and protected in a way which minimises their future impact on reserve management and use, including planting, waterways and new structures or buildings, and their visual and physical impact.
- 5.8.2.2 To consider enabling utility services to be provided through reserves that service adjacent developments in the following circumstances:
 - where there are no practical alternatives elsewhere and
 - if they are installed, located and protected in a way which minimises their visual and physical impact and future impact on reserve management and use, including planting, waterways and new structures or buildings.

- 5.8.2.3 To require all new utility services (except streams) to be placed underground unless exceptional circumstances and where technical or operational feasibility make it impractical to do so (e.g. telemetry poles).
- 5.8.2.4 To ensure that access to or servicing of utility services does not unduly disrupt reserve use or other reserve installations.
- 5.8.2.5 To allow network utility operators to remove or trim vegetation within reserves, subject to compliance with the Electricity (Hazards from Trees) Regulations 2003 (or any successive regulations) and in consultation with Council.
- 5.8.2.6 To require a full assessment of the effects of any proposal to locate on a reserve any cellular phone or other broadcast tower on reserve users and reserve amenity, including a process of community consultation, prior to consideration and a decision by Council.
- 5.8.2.7 To require an easement or an agreement to grant an easement under section 48 of the Reserves Act before any utility services are located on, over or under reserve land, and such easements should also define access provisions for the servicing and maintenance of utility services where necessary. Any agreement must be accompanied by a corridor plan.
- 5.8.2.8 To consider a one-off compensation payment to Council for the loss of amenity values on reserves, along with an annual fee for using the reserve.
- 5.8.2.9 To encourage network utility providers to obtain easements for existing infrastructure on reserves which do not currently have easements.

5.9 Alcohol

The Council's *Urban Environments Bylaw* defines permanent alcohol ban areas in Nelson, and specified periods of ban, including in some reserves. The bylaw also defines the Council's power to impose temporary alcohol prohibitions.

The policies here are intended to enable Council as landowner or manager to manage any adverse effects of alcohol consumption on reserves, in addition to the restrictions of the bylaw. The *Sale and Supply of Alcohol Act 2012* also applies.

The consumption of alcohol on reserves may be associated with special events, where an alcohol licence is required for any sales, and with family picnics and social celebrations.

Unruly behaviour on reserves associated with alcohol consumption, the use of other drugs or any other issue, can be managed via the police through existing laws.

5.9.1 Expectations

- 5.9.1.1 Alcohol may be consumed on reserves, including formal camp grounds, where the adverse effects of that activity on reserve values, users and neighbours, can be avoided. Any alcohol consumption must meet relevant statutory and bylaw requirements and comply with the terms of any

alcohol licence under the Sale and Supply of Alcohol Act 2012. Council approval will be needed for alcohol consumption on reserves associated with events.

- 5.9.1.2 Leases and licences will generally specify whether and where alcohol is allowed to be sold (subject to the grant of an alcohol licence).

5.9.2 Policies and methods

- 5.9.2.1 To only permit the sale or supply of alcohol for consumption within a reserve in accordance with an issued alcohol licence where it is associated with a permitted recreation activity or event or with an approved business.
- 5.9.2.2 To not permit the consumption of alcohol at or near playgrounds and other play and activity areas, including without limitation, built swimming areas and skate parks.
- 5.9.2.3 To require the approval of the appropriate delegated Council officer for alcohol consumption on reserves associated with events.
- 5.9.2.4 To limit alcohol licenses (On Licence and Club and special licences) for the sale of alcohol on reserves to formal camping grounds, sports clubrooms and multi-purpose community buildings. In making assessment to allow new licences, the following will be considered:
 - a) Whether there is landowner agreement for alcohol licences as defined in use or occupation agreements
 - b) The extent to which it is in accordance with an approved reserve management plan (where relevant) and
 - c) How alcohol consumption will be confined within buildings and other demarcated spaces, including for formal camping grounds¹²
- 5.9.2.5 To place appropriate signs on reserves where total or temporary alcohol bans are in place.
- 5.9.2.6 To not permit the advertising of alcohol on reserves, apart from price and product schedules at point of sale, unless by the prior approval of the Council staff member with the appropriate delegation, and/or where permitted in accordance with a reserve management plan.

¹² Landowner approval to the sale of alcohol may be given for temporary structures such as tents during temporary events. Clubs will still be required to apply for a liquor licence from Council's regulatory officers. Special licenses may be granted by the licensing authority or licensing committee concerned

5.10 Domestic and circus animals

It is important to allow spaces for dog exercising and for people to take their companion dogs. The Council's Dog Control Bylaw identifies areas where dogs must remain on a leash, where they may roam while under the effective control of their owner, and where dogs are not permitted. A schedule of where these rules apply to reserves is supplied in the Bylaw and is not repeated in this document.

Dogs can be harmful to wildlife and may cause a nuisance to members of the public, which is why they must be controlled on reserves. The bylaw provides adequate policy for the management of dogs on Council reserves.

In addition to dogs, section 94 of the Reserves Act (*Offences on reserves*) states:

(1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Minister or the Commissioner or the administering body, as the case may require:

(a)...

(b) causes or allows any cattle, sheep, horses, or other animals of any kind whatsoever to trespass on any reserve; or

(c) liberates any animal on any reserve; ...

The Regional Pest Management Plan also has rules about not feeding stray cats or dumping cats in reserves.

Equestrian activities are appropriate on some reserves but can result in turf and other surface damage. They can also be a nuisance to other reserve users. Where areas are identified as suitable for equestrian activities these will be identified in the relevant reserve management plan. Note that grazing is covered under the policies in 5.4 *Grazing*.

Council has banned exotic circus animals within the city by resolution. The presence of any other circus animal will be considered as part of an application for a temporary use or occupation agreement (Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*) and must meet the requirements of Council's resolution on Circuses on Council Land (1 February 1995) or any subsequent policy or decision.

There may be situations where exemptions may be allowed for domestic pets in formal camping grounds, depending on the terms of any lease or other occupation agreement.

5.10.1 Expectations

5.10.1.1 Dog control policies are coordinated for all Council-controlled places (including reserves) via the Dog Control Bylaw.

5.10.1.2 Provision is made for other animals on reserves for special events, and where appropriate, for equestrian activities, community gardens and other activities approved by Council.

5.10.2 Policies and methods

5.10.2.1 To not maintain any policy separate to the Dog Control Bylaw in relation to dogs on reserves. Any dogs on reserves must comply with this Bylaw.

- 5.10.2.2 To permit any animals (except exotic circus animals) on reserves as part of special events, such as A&P shows and circuses, community gardens and other activities with the permission of Council officers (with the appropriate delegations), and in accord with any relevant reserve management plan. The permitting of such animals must meet the requirements of Council's resolution on Circuses on Council Land (1 February 1995) or any subsequent policy or decision, and any decision or policy of Council relating to circuses on Council land.
- 5.10.2.3 To not allow domestic pets in formal camping grounds unless expressly provided for in the camping ground lease or other formal occupation agreement.
- 5.10.2.4 To identify in reserve management plans where equestrian activities may occur and what activity limits may apply. Where there is no reserve management plan in place for a reserve, any new equestrian activities on that reserve will need to go through a public consultation process to enable the activity, unless it is for an event or activity of less than five days duration in which case it may be approved by a relevant Council officer.
- 5.10.2.5 To require those responsible to make good any damage to the reserve where animals, other than stock as permitted by leases or licences, are brought onto reserves. Council may require a bond for events or activities with animals that may damage or leave mess on a reserve.
- 5.10.2.6 To allow assistance and service animals on reserves.

5.11 Smoke and vape-free reserves

The adverse effects of smoking on physical welfare are well-understood. Smoking on reserves also creates a fire hazard.

Council supports community expectations that smoking and vaping will not occur in public spaces where youth and children enjoy outdoor recreation. Council aims to encourage greater family use of reserves and to support healthier lifestyles.

However, Council may grant exceptions to allow smoking and vaping during major events or in formal camping grounds to limit fire risk caused by unsanctioned and dispersed smoking activity. In these cases, a designated smoking and vaping area may be established.

5.11.1 Expectations

- 5.11.1.1 Nelson residents and visitors enjoy the city's reserves without exposure to smoking or vaping.
- 5.11.1.2 A reduction in the visibility of smoking and vaping has a positive influence on the physical welfare and enjoyment of the public when using public open space.

5.11.2 Policies and methods

- 5.11.2.1 To promote all reserves as Smoke and Vape Free Environments.

- 5.11.2.2 To work with the National Public Health Service to install appropriate Smoke and Vape Free signs in neighbourhood reserves, sport parks and near playgrounds.
- 5.11.2.3 To require all events on reserves to be to be Smoke and Vape Free. The only exception to this directive is for events which require a designated smoking area (by agreement with relevant Council officers) because pass-outs for the event are not permitted or where campgrounds have developed appropriate policy and designated areas for users. Any designated smoking areas must comply with legislation and be considered an open area.
- 5.11.2.4 To allow exceptions for smoking or vaping in formal camping grounds within designated smoking areas, with approval in accordance with Council's delegations register.

5.12 Piloted and unpiloted aircraft on reserves

While Council has no jurisdiction with respect to piloted aircraft flying over reserves, it has a responsibility to ensure that activities on reserves comply with the noise standards in the NRMP, and to control the effects of activities on and around reserves.

Activities involving piloted aircraft (including helicopter landings, landings and launching by parachutists, paragliders and hang gliders, and fixed-wing airplane activity) generate noise, may involve safety considerations and may conflict with general reserve use, indigenous biodiversity values and the quiet enjoyment of neighbouring properties. The Summary Offences Act 1981 (s13) allows prosecution where such activities might cause injury.

Civil Aviation Authority (CAA) rules require that the operators of unmanned aircraft (including model planes and helicopters, drones and other unmanned aerial vehicles) obtain permission/consent from property owners before flying over their land, and within 4km of an aerodrome unless it can be carried out as a 'shielded operation'. A shielded operation is a flight where the aircraft remains within 100 metres of, and below the top of, a natural or built object, such as a building, tower or tree. Within four kilometres of aerodromes, there must also be a physical barrier like a building or stand of trees between the unpiloted aircraft and the aerodrome which must be capable of stopping the aircraft in the event of a fly-away.¹³

The *Nelson City Urban Environments Bylaw* requires a Council permit to land recreational aircraft on all Nelson reserves.

Council encourages drone users to comply with the policies in this document and to register their flights with an appropriate service (e.g. AirShare).

Definitions - In this section:

Commercial means any use for commercial purposes including helicopter rides, drone photography (e.g. real estate), recreational activities where a payment is needed, drone deliveries, etc.

Piloted means any aircraft which is piloted by a person present within the aircraft and includes paragliding or hang gliding.

Unpiloted means any aircraft which is piloted by remote control.

¹³ See <https://www.aviation.govt.nz/drones/rules-and-regulations-for-drones-in-new-zealand/part-101-rules-for-drones/#Shielded-operations>

Code of conduct for use of unpiloted aircraft:

What you must do:

- Be courteous of other reserve users, beachgoers and people walking dogs or riding horses
- Keep your drone or unpiloted aerial vehicle in full view at all times (e.g. not operated through binoculars, video monitor or smartphone)
- Fly in daylight hours only (unless Council has approved night flying) and
- Cease operation if requested by Council officers.

What you must not do:

- Fly a drone over a sports field if it is in use
- Operate over parked vehicles or reserve roads
- Operate within 20 metres of or be flown over other users of the reserve
- Fly over or within 50 metres of livestock on reserves, sensitive wildlife habitats such as wetlands, or nesting or roosting birds
- Operate within 20 metres of or fly over reserve buildings and overhead wires
- Operate over dry flammable vegetation and
- Fly over adjoining private properties.

Unpiloted aircraft

5.12.1 *Expectation*

- 5.12.1.1 Drones and other unmanned aerial vehicles can be flown for fun or operated commercially, for example filming.
- 5.12.1.2 The use of unpiloted aircraft on reserves complies with CAA rules, Council bylaws and the code of conduct for use of unpiloted aircraft, and that use of these aircraft does not pose a hazard to other aircraft or reserve users or disrupt users' quiet enjoyment of a reserve.

5.12.2 *Policies and methods*

- 5.12.2.1 To manage the use of commercial and recreational unmanned aircraft on reserves in accordance with CAA rules, bylaws, the code of conduct for use of unpiloted aircraft, and the relevant reserve management plan.
- 5.12.2.2 To limit the use of commercial unpiloted aircraft, to event organisers during approved events, or for conservation purposes or other uses approved by Council and where their use does not create public hazards.
- 5.12.2.3 To allow without a Council permit the recreational use, including landing and taking off, of drones weighing less than 250g on reserve land provided their users comply with CAA rules, bylaws and the code of conduct for use of unpiloted aircraft except those areas outlined below:
 - Council land managed as plantation forest

- Queens Gardens, Anzac Memorial Park, Melrose Gardens, Broadgreen Gardens and Isel Park
 - Council cemeteries
 - Council swimming pools
 - Areas containing roosting, nesting and post-breeding flocking sites for protected native birds species
 - any Council land that is leased to another party (e.g. bowling greens, tennis courts, grazing licences), other than by the lessee, and
 - any location on Council land during an organised gathering of people (including sporting events) other than by the event organiser.
- 5.12.2.4 To require a permit from Council for drones weighing 250g or more, or planned to be flown in the exclusion areas listed in 5.12.2.3 (other than for Council initiated drone flights).
- 5.12.2.5 To encourage drone pilots to register their flights with the appropriate service (e.g. AirShare).

Piloted aircraft

5.12.3 Expectations

- 5.12.3.1 Reserves may provide for aerial activities of piloted aircraft where the activities on the reserve comply with CAA rules, the noise standards in the NRMP and they do not conflict with other reserve uses and the quiet enjoyment of neighbouring properties.
- 5.12.3.2 Reserves provide access for emergency services where possible.

5.12.4 Policies and methods

- 5.12.4.1 To limit piloted aircraft to landing on or taking off from reserves for only the purposes approved by the relevant Council officer. However, use of reserves by aircraft is not a general practice. Applications for aircraft landings will be assessed by the relevant Council officer on a case-by-case basis and subject to adequate public liability insurance, a health and safety plan, and the CAA or New Zealand Defence Force.
- 5.12.4.2 To require applications in writing for taking off or landing or events involving the use of piloted aircraft (including helicopters) made to Council at least ten working days prior to the proposed activity occurring. This application must state how effects on reserve users and neighbours, and public safety will be well managed. Use of aircraft must be provided for within the relevant reserve management plan or approved by the relevant Council officer.
- 5.12.4.3 To allow the taking off or landing of piloted aircraft on Council reserves by emergency services in response to an emergency situation or event.

5.13 Fireworks and fires

Council does not allow the lighting of fires (including fireworks) on reserves, unless approved by the relevant Council officer in association with an event or within an established fireplace in a camping ground. The Summary Offences Act 1981 (s.35(a)) also states that setting off or throwing “any firework or explosive material in such a manner as to be likely to cause injury to, or to alarm, any person” is an offence under that Act. However, organised fireworks displays on reserves may be permitted.

5.13.1 Expectation

- 5.13.1.1 Fire hazards on and near reserves, and risks to people, property, and domestic and farm animals, are minimised by permitting fires only within established fireplaces in camping grounds and only professionally organised fireworks displays on reserves.

5.13.2 Policies and methods

- 5.13.2.1 To only allow fires associated with events or fireworks displays on reserves where an application is made to Council 30 days prior to the event. Among other details of the event, applications must:
- Define the dates, times, specific location and other details relating to the display
 - Include confirmation of liability insurance
 - Demonstrate compliance with relevant legislation, regulations, codes and permits
 - Outline that a licensed pyrotechnic technician is employed to organise and implement any fireworks display
 - Demonstrate consultation with and approval from Fire and Emergency New Zealand (FENZ) and outline any conditions FENZ has asked the organisers to comply with and
 - Provide a safety plan including relevant fire containment and suppression equipment.
- 5.13.2.2 To consult with nearby landowners (to be carried out either by Council or the applicant) and assess risks to people, property, wildlife, domestic and farm animals in the neighbourhood before granting any approvals.
- 5.13.2.3 To not provide approval for fires or fireworks, and to revoke existing approvals, where there is a high, very high or extreme fire risk or other potential risk factors on or near the reserve.
- 5.13.2.4 To only allow the lighting of fires where provided for in a reserve management plan or within an established fire place in a camping ground or picnic area. Lighting of fires on reserves (including those without management plans) will otherwise be prohibited.

5.14 Vehicles and parking

The New Zealand Transport Agency/Waka Kotahi definition of motor vehicles includes battery-powered scooters, cycles and skateboards of more than 300 watts power.¹⁴

The Reserves Act defines a 'vehicle' to be a "contrivance equipped with wheels or revolving runners upon which it moves or is moved; and includes a contrivance from which the road wheels or revolving runners have been removed". This therefore includes cars, motorbikes, bicycles, scooters, land yachts, kite buggies, caravans, a horse and cart, as well as 'vehicles' which have had their wheels or runners removed.

Council has adopted these definitions, while recognising that changing sport and recreation trends will require it to have flexibility to manage the effects of new activities.

The Reserves Act states that unauthorised use of a vehicle on a reserve is an offence, with penalties able to be applied.

Controls on the use of reserves vary for motor vehicles and non-motorised vehicles. The 'Reserves' section of the Council *Urban Environments Bylaw* states that no person shall drive, ride or park any motor vehicle on any area of any reserve except:

- On those areas developed and/or set aside specifically for that purpose; or
- Where signs or markings indicate that motor vehicles are permitted; or
- At the direction or with the permission of any authorised officer.

Where a formed road or carpark is an integral component of a reserve Council may control its use by vehicles under the existing controls in Council's *Traffic and Parking Bylaw 2023*.

5.14.1 Expectations

- 5.14.1.1 The use of vehicles on reserves is controlled to ensure the primary purpose of reserves is achieved and to limit conflict and risk, including disturbance to vegetation, habitats of indigenous species and grassed areas.

5.14.2 Policies and methods

Policies applying to both motor vehicles and non-motorised vehicles

- 5.14.2.1 To prohibit any vehicles driving or parking on any area of any reserve, except on those areas developed and/or set aside for that purpose or where signs or markings indicate that vehicles are permitted, or at the direction or with the permission of any authorised officer (including through any formal occupation agreement).
- 5.14.2.2 To limit vehicle speeds within reserves on areas developed and/or set aside for vehicles to no more than 20 km/h, unless it is signposted differently; or permitted as part of a special event; or as stated within a reserve management plan.
- 5.14.2.3 Council may close formed roads or car parks on reserves to vehicles (e.g. during the night).

¹⁴ See <https://www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/>

- 5.14.2.4 To normally require a cost-recovery fee for any person needing a vehicle to be released from a reserve that has been closed after hours.
- 5.14.2.5 To allow full access to reserves for emergency vehicles and Council approved vehicles for maintenance, research or monitoring purposes.
- 5.14.2.6 Where a formed road or carpark is an integral component of a reserve Council may control its use by vehicles under the existing controls in Council's *Traffic and Parking Bylaw 2023*.

Motor vehicles

- 5.14.2.7 To require that no person shall enter or exit a park or reserve using a motor vehicle except through Council-formed entrances or exits.
- 5.14.2.8 To allow mobility devices designed and constructed for people needing help with mobility and being used by people with physical or neurological impairment (defined by the Transport Agency as 'vehicles' having a maximum motor power of 1500 watts) to use parks and reserves where the public would normally not be allowed to use motor vehicles, unless excluded in a reserve management plan. 15

Non-motorised vehicles

- 5.14.2.9 To restrict the use of unpowered and low-powered vehicles (pedal or push powered cycles, scooters, skateboards and similar devices and battery powered vehicles of less than 300 watts power) on reserves where they conflict with other activities. Otherwise, they will normally have freedom of access on all formed roadways and cycleways. See also 6.1 *Inclusion and disability access*.
- 5.14.2.10 To permit speeds above 20 km/hr where a facility has been specifically designed for that purpose (e.g. specific mountain biking tracks, cycle velodromes, go-cart facilities, BMX tracks).

5.15 Burials, cremation ashes, placenta burials and assisted dying (outside of cemeteries)

The administration of Council's cemeteries is carried out in accordance with the *Nelson City Council Urban Environments Bylaw No. 225* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*). These Reserves General Policies do not apply to cemeteries.

Reserves are often seen as desirable places to commemorate and remember people and events, and scatter ashes. However, memorials, commemorative plaques and dedicated structures within parks can create feelings of ownership and exclusivity, constraining Council's ongoing management and public use of the area. The atmosphere created by the presence of these is not always conducive to the use and enjoyment of the reserve by the general public. Scattering of ashes is a very personal and sensitive matter, with different cultures having different ways of dealing with cremation and the disposal of ashes.

15 See <https://www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/mobility-scooters/>

Reserves, other than cemeteries, are not appropriate settings for human remains, including ashes, considering their use by all members of the community. Ground-contact activities occur in most reserves, and natural areas can have mahinga kai values. Burials of any sort can make areas sacred or tapu for many ethnicities and human remains or ashes on reserves can be culturally offensive, rendering them inaccessible to some cultures. Ashes can affect grass on sports fields and the health of plants within public gardens. Reserves are also not appropriate for burial of pet remains, or interment or scattering of their ashes.

Buried placentas can be disturbed by reserve management activities, such as tree planting and removal, and the activity needs to be carried out in culturally appropriate locations. Council periodically has planting days for burial of placentas in approved locations.

As with the burial of human remains and ashes, assisted dying has strong cultural implications, and the activity itself is not compatible with the primary purpose for which reserves are provided. Council does not have appropriate facilities for assisted dying on its reserves.

5.15.1 Expectations

- 5.15.1.1 Reserves remain accessible to all members of the community and are used according to their primary purposes.
- 5.15.1.2 Burials and the interment or scattering of ashes are appropriate in cemeteries, with appropriate permits, but not on other reserves. Placentas may be buried in approved locations in association with special planting days for that purpose. Assisted dying is not permitted on reserves.

5.15.2 Policies and methods

- 5.15.2.1 To not permit the interment or scattering of cremation ashes or the burial of human remains, on Council reserves, other than within designated areas in a cemetery with the appropriate authorisation.
- 5.15.2.2 To not permit the scattering or interment of pet ashes or the burial of pet remains on reserves.
- 5.15.2.3 To allow the burial of placentas on approved areas within reserves in association with specific Council-run planting days for that purpose.
- 5.15.2.4 To not permit assisted dying on reserves.

6 Development of New Features and Facilities

Policies in this section guide decision-making related to the provision of new features or facilities within a reserve.

For all new developments, reference should also be made to the *Nelson Tasman Land Development Manual 2020* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*). The NRMP may regulate development of some new features and facilities in reserves. The following policies seek to guide the development of reserves once Council has acquired land for reserve purposes from subdivisions, purchase or other avenues.

6.1 Inclusion and disability access

Council is committed to working towards the removal of barriers to the participation of people with disabilities on reserves. Improved access has the potential to increase the use of reserves by enabling access and enhancing comfort and convenience for a wide range of users while providing significant safety benefits.

It is important to retain character and variety in reserves and to cater for different levels of ability with a range of challenges and degrees of difficulty. It will not always be practicable to make all facilities fully accessible. Different degrees of accessibility will be achievable at different sites. There are four main reasons why reserves may not be fully accessible:

- Existing facilities. Many existing facilities are not accessible, and it may not be practical to modify them. However, where possible a design change should be implemented to improve accessibility of existing facilities guided by universal design principles.
- Practicality and cost. The practicality and cost of constructing accessible facilities may be prohibitive and outweigh the usefulness or suitability of such a facility e.g. constructing an accessible path on a steep hillside.
- Conservation values. Some reserves have high conservation values that should not be compromised e.g. wide paths may encroach on an ecologically sensitive area that needs to be conserved.
- The nature and purpose of the reserve: some reserves are either not accessible to the public or are difficult to access by their nature and due to their purpose.

For facilities to be recognised as fully accessible they need to comply with national standards, the NRMP, the Building Act 2004 and, for example, the *Access Standard in the Built Environment* (NZS4121:2001). However, Council will consider opportunities to improve accessibility to reserves or reserve structures (e.g. play equipment), even if they cannot be made fully accessible.

6.1.1 Expectation

- 6.1.1.1 Everyone can enjoy Nelson's reserves.

6.1.2 Policies and methods

- 6.1.2.1 To design reserves and associated facilities to meet contemporary national standard and design criteria for access for people with disabilities depending on the nature and purpose of the reserve and where it is practicable.

- 6.1.2.2 To complete an audit when new facilities are proposed to identify accessibility needs and to prioritise opportunities for improvement, in consultation with relevant disability agencies, when appropriate.
- 6.1.2.3 To consult with disability advocacy agencies to identify issues of exclusion.
- 6.1.2.4 To consider prioritising the location of new parks, reserves and facilities, and upgrades, near public transport routes and bus stops to enable better access for everyone.
- 6.1.2.5 To ensure that officers and contractors involved with providing reserve facilities are educated about the requirements of people with disabilities and/or accessibility issues, allowing effective service provision.
- 6.1.2.6 To develop tracks and signs according to the *Standards NZ Handbook for Track Standards* HB 8630:2004.
- 6.1.2.7 To provide public information about accessible facilities using a variety of media.

6.2 General reserve and sportsfield development

Reserve development may involve the creation of new reserves or enhancing existing ones. It may involve creation of sportsfields, open space areas or new infrastructure and amenities like playgrounds, sports infrastructure, toilets and changing rooms. Developments may be undertaken by the Council, by developers on behalf of Council, or by community groups authorised by the Council.

Development of reserves is necessary to enable public use and enjoyment of reserves and the protection and enhancement of landscape, ecological, historical, cultural, recreational, and educational values. Developments may include walkways and cycleways within and to connect to recreational and community spaces. It can also include establishment of trees and vegetation that provide amenity, shelter, shade and stormwater or erosion management. Also see policy 4.4 *Protection and enhancement of indigenous biodiversity*.

Site-specific constraints and risks should be considered when development takes place, as well as changing environmental conditions resulting from climate change and other environmental hazards. Council intends creating a network of open spaces and facilities that are fit-for-purpose, accessible, safe, connected and valued.

For reserves held under the Reserves Act, development must comply with the provisions of the Act and the reserve classification. The Nelson Tasman Land Development Manual 2020 outlines requirements for the general development of new reserves undertaken as part of subdivisions.

6.2.1 Expectation

- 6.2.1.1 Reserves will be developed to provide a variety of recreational needs within Nelson, while appropriately protecting other reserve values.
- 6.2.1.2 Reserves will be developed to meet Council's regulatory standards (e.g. *Nelson Tasman Land Development*

Manual 2020, Building Act 2004, Council-agreed levels of service, Council strategies).

6.2.2 Policies and methods

- 6.2.2.1 To design and develop reserves and recreational facilities to a high standard while protecting and enhancing the landscape, ecological, historical, cultural, recreational, and educational values of the reserves, where appropriate.
- 6.2.2.2 To facilitate recreational use and enjoyment of reserves through provision of appropriate reserve infrastructure that meets the needs of reasonable uses - without unacceptable adverse effects on the values of the reserve.
- 6.2.2.3 To provide, monitor and maintain structures, facilities and fixtures to a standard that meets legislative, public safety and accessibility requirements and relevant service levels, and which complements the values of a reserve.
- 6.2.2.4 To consider the following matters when developing reserves:
 - a. The classification or purpose of the reserve
 - b. The impact the development has on the natural, cultural, landscape/landform and character of the reserve, reserve users, indigenous biodiversity and any approved activities such as utilities
 - c. Whether the location may be subject to environmental hazards including stormwater overland flow paths, areas prone to flooding, sea level rise, land instability and erosion; and options to mitigate those hazards
 - d. Minimising the opportunities for vandalism and crime and improving public safety including using CPTED guidelines and
 - e. Outcomes and recommendations of Council strategies, needs assessments, concept plans and/or relevant specialist assessments.
- 6.2.2.5 To prepare concept, landscape and/or detailed development plans for reserves, where appropriate, which need to consider and provide direction on the following matters (at the level of detail appropriate to the plan type):
 - a. Vision, core values and existing features such as topography, trees/vegetation, indigenous biodiversity, viewshafts, buildings, sites of significance to Te Taihu iwi and waterways
 - b. Site challenges and constraints such as NRMP provisions, pest animals and plants, geotechnical risks, location of utilities and other existing approved uses, and overland flow paths
 - c. Character and values of the surrounding area
 - d. Access to the reserve
 - e. Te Taihu iwi, key stakeholder and community needs and aspirations

- f. Proposed buildings, structures, plantings, landscaping and signage and
- g. Construction and life cycle maintenance requirements.

6.3 Buildings and structures

Buildings and structures have the potential to enhance use and management of reserves. There are three types of buildings on reserve land:

- Council-owned (e.g. public toilets, and community halls which are rented out from time to time),
- Council-owned and leased to a reserve occupier/lessee, and
- Non-Council assets which are owned by the reserve occupier/lessee.

Some buildings offer a mixture of these uses.

Other structures such as memorials are sometimes placed on reserves. These are addressed in Section 6.4 *Commemorative furniture, memorials* below.

The classification of a reserve affects the types of structure that may be permitted. The Reserves Act generally limits buildings and facilities on recreation reserves to uses associated with sporting and outdoor recreational activities. However, sections 53 and 54 of the Reserves Act provide local authorities with the discretion to erect “buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation” such as public halls, on recreation reserves, provided it is in the public interest, and subject to Ministerial consent. Council can erect buildings on some portion of a recreation reserve (section 53 of the Act) for outdoor recreation or for public recreation and enjoyment not directly associated with outdoor recreation (if in the public interest). Buildings or structures may also be used for the management and control of the reserve or its protection and maintenance (e.g. for rangers’ residences). Recreation reserve land may also be leased for the erection of buildings under section 54(1) of the Act for buildings and other structures associated with public recreation or enjoyment such as baths, a camping ground, stands, pavilions, gymnasiums, parking places or similar. The lessee may be required to construct and manage these structures as a condition of their lease. The erection of buildings may also be permitted on land leased for commercial operations which are of public benefit.

The Reserves Act allows for buildings on scenic reserves (section 55 and 56), but with stronger restrictions, than for recreation reserves. Buildings may be for the convenience of public using the reserve or for facilities and amenities necessary for the public using the reserves such as such as baths, camping grounds, and parking or mooring places. Buildings or structures may also be used for the management and control of the reserve or its protection and wellbeing (e.g. for rangers’ residences).

Local purpose reserves (section 61) generally have greater scope for building development than other classifications of Council reserves and may allow for a range of community-based activities and facilities (e.g. libraries, museums, community halls).

Under section 58 of the Reserves Act councils may erect buildings necessary for the proper and beneficial management, protection or maintenance of historic reserves or for visitor information displays. Historic reserve land or buildings may also be leased (under section 58A) for domestic residential purposes or for the carrying out of any activity, trade, business or occupation in any building or on any specified site within the reserve.

The Resource Management Act and the NRMP also control building on reserves, and a resource consent may be required.

The Building Act 2004, Local Government Act, and relevant bylaws also influence the construction of buildings on reserves. All policies in this section apply to the decision to place or extend a building on a reserve; they do not apply to decisions related to the granting of a resource or building consent. All applicants will need to apply for the required regulatory consents if their landowner application to build on the reserve is approved.

Council generally wishes to retain the maximum flexibility in the future use of built facilities on reserves while enabling security of occupation for users. For this reason, Council will aim to be the owner of built sport and recreation facilities on reserves where they provide community wide value and use (e.g. toilets, changing rooms, stadia, pump stations, etc), and Council is likely to be the majority funder of the building. However, where a building is primarily for the purpose of one organisation or a few organisations and is largely funded by that or those organisation(s), Council's preference is for these buildings and facilities on reserves to be owned and maintained by the clubs or organisations using them. However, Council retains the ability to vary from this preference where the specific circumstances of the situation may indicate that it is sensible to take an alternative approach, considering wider public use and interests, and the variety of activities that can be accommodated in the building. Council will enter into suitable lease and other occupation agreements with sporting codes and other groups. It is expected that the sporting/recreational codes who wish to construct new, or extend or replace existing facilities, will have to fundraise a large portion of the costs of those facilities. Council may contribute towards the cost based on Council's assessment of wider community value. This applies also to the renewal and replacement of significant assets associated with a facility (e.g. athletics tracks, cycle velodromes and courts).

6.3.1 Expectation

- 6.3.1.1 Buildings and structures on reserves comply with the relevant purpose and classification of the reserve. They must be appropriately designed to fit into a reserve setting. They must also meet the needs of an approved use and users without significant adverse effects on the values of the reserve, adjoining landowners or on the reserve's open space character.

6.3.2 Policies and methods

General policies and matters relating to buildings on reserves

- 6.3.2.1 To limit buildings and building extensions on reserves - with the exception of approved network utility services - to those necessary to meet a demonstrated demand for reserve management, recreation or community activities and that are compatible with the classification, primary purpose or specific use of the reserve (see also Section 5.8 *Utility services*) and are compatible with relevant development standards.
- 6.3.2.2 To allow Council to develop its own facilities while adhering to the same scrutiny as would apply to an application by any other organisation.
- 6.3.2.3 To minimise the number of buildings and structures on reserves. The duplication of facilities will be avoided by

encouraging existing lessees and new users and development proposals to maximise the use of club facilities and/or to investigate opportunities to share existing and new facilities with other groups.

- 6.3.2.4 To require all organisations (except Council) proposing to construct or occupy any buildings on a reserve to obtain a land use agreement prior to constructing or occupying any building (e.g. an agreement to lease). See Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*. Such land use agreements are to meet the requirements of the Reserves Act and Local Government Act, and to require, as a condition of the agreement, the organisation to be responsible for ongoing maintenance of the building to Council's standards.
- 6.3.2.5 To not allow shipping containers and similar structures for storage on reserves without Council consent and to encourage the phasing out of existing containers over time. Note that this policy does not apply to temporary containers required for short term events, or containers that have been modified with a suitable exterior design treatment and that have been approved by Council.
- 6.3.2.6 To place seating, picnic tables, rubbish bins, play equipment and all other reserve furniture with regard to supervision, need, orientation to sun, shelter from wind and sun, views and proximity to access points and drinking water.
- 6.3.2.7 To consider whether Council will provide any funding support for existing users where they identify the need to develop public amenities which provide shade, drinking water and other community safety and comfort requirements.
- 6.3.2.8 To remove structures, buildings and furniture which are no longer required, or are unsafe or irreparable as soon as practicable, and to only replace them if an ongoing need is demonstrated.

Matters Council will consider in relation to buildings on reserves

- 6.3.2.9 To evaluate any proposals for new buildings or structures or alterations to buildings or structures on reserve land considering the following matters (along with any other matters Council considers appropriate):
 - a) The classification and purpose of the reserve and any relevant reserve management plan or Council strategy
 - b) The provisions of the Reserves Act and Local Government Act, and the NRMP
 - c) The need for the building or structure to be located on the reserve
 - d) The uses the building or structure will be put to

- e) The environmental sustainability principles applied to the design and operation (also refer to 4.8 *Sustainability, climate change and monitoring*)
- f) Lighting (refer to 6.8 *Lighting*) and signage requirements (refer 4.12 *Commercial and other non-Council signs*)
- g) A needs assessment of parking and toilet requirements including the ability to use existing toilets, car or cycle parking on or near the reserve
- h) How the facility design and maintenance comply with the CPTED guidelines
- i) How the facility will be accessible to all users (refer to 6.1 *Inclusion and disability access*)
- j) The materials, site, design and colour of the proposed structure and its compatibility with the classification and the open space and amenity values of the reserve, along with any heritage values of the reserve
- k) The perceived effect of any proposed building or structure or alteration and its intended use on the reserve and reserve users now and in the future
- l) The effects of any new fences on reserve users and neighbours, and whether any fence meets the requirements of the Fencing Act 1978
- m) The financial position of the applicant to properly construct and maintain the buildings and structures and ongoing associated costs
- n) Future plans of the applicant and the evidence of a strategic vision which complements the classification and purpose of the reserve, and the provisions contained in any relevant reserve management plan or other Council strategy
- o) The possibility of reserve occupiers establishing jointly administered and multiple purpose buildings or structures
- p) The scale and nature of any Te Taihu iwi and public consultation carried out by the applicant, where necessary
- q) The conservation of open space, significant vegetation, habitats and significant landscape or heritage features. This includes consideration of whether the land could be put to better reserve uses (e.g. for casual recreation where it is located on a recreation reserve) and
- r) The need to protect existing outdoor recreation facilities and activities and whether their displacement by the erection of a new structure or extension of an existing structure is in the public interest.

- 6.3.2.10 To avoid approving or developing new buildings and structures (except erosion protection structures) within an area identified in the NRMP or other Council plans as being subject to hazards such as erosion, liquefaction and flooding, unless it has been demonstrated that these risks can be adequately mitigated.
- 6.3.2.11 To avoid fencing of compounds as much as possible to maximise freely accessible open space.
- 6.3.2.12 To ensure that new fixed (that is, not easily relocated) buildings, extensions and structures are generally owned by Council, where they provide community wide value and use (e.g. toilets, changing rooms, stadia, pump stations, etc), and Council is likely to be the majority funder of the building. However, where a building is primarily for the purpose of one organisation or a few organisations and is largely funded by that or those organisation(s), Council's preference is for these buildings and facilities on reserves to be owned and maintained by the clubs or organisations using them. However, Council retains the ability to vary from this preference where the specific circumstances of the situation may indicate that it is sensible to take an alternative approach, considering wider public use and interests, and the variety of activities that can be accommodated in the building. It is expected that the sporting/recreational codes who wish to construct new, or extend or replace existing facilities, will have to fundraise a large portion of the costs of those facilities, and Council may contribute towards the cost based on Council's assessment of wider community value. This applies also to the renewal and replacement of significant assets associated with a facility (e.g. athletics tracks, velodromes and courts).
- 6.3.2.13 To require, where appropriate, clubs or organisations to lease the relevant building and/or land from Council. See Section 5.3 *Use and occupation agreements (leases, licences, permits and easements)*.
- 6.3.2.14 To recover costs (if appropriate) from new occupiers of the reserve or existing occupiers extending facilities, where new fencing or any special features are required as the result of a new or extended facility.

Conditions Council may apply to permission for buildings to be constructed or extended on reserves

- 6.3.2.15 To apply the following conditions, where relevant, to any permission for erecting, replacing or extending buildings on reserves (note that this list is not exhaustive and Council may apply additional conditions):
 - a) A land use agreement is obtained on terms acceptable to the Council (e.g. an agreement to lease) See Section 5.3 *Use and occupation agreements Including leases, licences, permits and easements)*

- b) The applicant is responsible for obtaining all resource and building consents before work commences on the site, including those for utility connections
- c) The applicant must comply with all bylaws, regulations and statutes relating to the construction and operation of the building
- d) Design, materials and location of proposed buildings or structures or alterations should minimise the potential for deterioration of the building and vandalism
- e) The location of the proposed building and its construction materials, design and exterior colour scheme are to be approved by relevant Council Parks and Reserves officers before construction commences
- f) Any development, maintenance and replacement of landscaping associated with the building (including to meet any resource consents) is the responsibility of the applicant and must be approved by relevant Council Parks and Reserves officers
- g) Landscape plans (including maintenance standards) are to be submitted and approved by relevant Council Parks and Reserves officers before planting commences
- h) Plans detailing parking and access to buildings during construction are to be submitted and approved by Council's Parks and Reserves officers before construction commences. Also refer to the policies in *6.5 Car and cycle parking*
- i) Require new occupiers or existing occupiers proposing to extend their facilities to contribute to the provision of parking for cars or other vehicles on the reserve where their occupation is a clear and consequential factor in the need for vehicle parking. The design, location and standards of all parking and access to the building are to be approved by Council's Parks and Reserves officers before construction commences and should, where possible, enable the area to be used for other valid reserve activities when not required for vehicles, and to retain good open space values. Also refer to the policies in *6.5 Car and cycle parking*
- j) Require all parking in reserves to be available for all reserve users, not just the applicant or party responsible for its provision. Also refer to the policies in *6.5 Car and cycle parking*
- k) The area immediately surrounding the building construction site is to be maintained in a safe, clean and tidy condition at all times during construction by the occupier and the contractor

- l) A bond may be required from the applicant before work commences on the site. The bond less any expenses incurred by Council will be refunded on completion of an agreed scope of activity
- m) Permission to undertake the proposed development will lapse if construction does not commence within two years of the grant of permission or over a period otherwise agreed with Council Parks and Reserves officers
- n) Any proposed development must minimise any network utilities located within the reserve (such as transmission lines, water supply, wastewater or stormwater pipes) or provide for their relocation, subject to the agreement of the utility operator, at the applicant's cost
- o) All costs associated with the application and the resulting development are to be met by the applicant (unless shared with Council if it is party to the development) and
- p) Policies outlined in Sections 5.3 *Use and occupation agreements (including leases, licences, permits and easements)* and 5.6 *Abandonment or change in use* will apply in all cases.

What applicants need to do when applying for landowner consent to construct or extend a building on a reserve

- 6.3.2.16 To require applicants to prepare a feasibility study where proposals are considered by Council Park and Reserves officers to be significant, or where they significantly increase the area of the reserve occupied, or where there is an element of financial risk associated with the activity. The applicant is responsible for funding the cost of the feasibility study. The required contents of feasibility studies are to be decided on a case-by-case basis.
- 6.3.2.17 To require the applicant to provide sufficient information to Council Parks and Reserves officers to enable them to assess the application, including all the relevant matters under the policies in 6.3.2 above.

6.4 Commemorative furniture, memorials and plaques

Memorials in reserves include those which commemorate special events and visits by dignitaries, and in exceptional cases the memory of a person, particularly where they have made a special contribution to the reserve. Commemorative activities should help tell stories about the shared history, geography, and both indigenous and post-colonial heritage of Nelson.

Built memorials assume an historic significance over time and need to be properly identified, recorded and maintained. However, their proliferation can have an adverse effect on the enjoyment of reserves and can pose management problems, particularly when stolen or vandalised.

Cemeteries are places specifically set aside for commemorating our loved ones. However, over time plaques in memory of people who have passed away have become increasingly numerous

on (often donated) park furniture and other features within Council's reserves. This can lead to reserves inadvertently becoming commemorative spaces and relatives can become upset over any reserve upgrades Council may need to undertake. Numerous memorial plaques can also affect other people's enjoyment of the reserve.

These Reserves General Policies do not cover memorials in cemeteries.

6.4.1 Expectations

- 6.4.1.1 Memorials and commemorative plaques relating to significant events add to the understanding of the region's cultural and social history and are only installed by agreement with Council officers with the appropriate delegations.
- 6.4.1.2 The primary purpose of a reserve remains the focus, and the number and location of memorials and commemorative plaques should be limited and controlled.
- 6.4.1.3 Plaques commemorating deceased individuals should be located in cemeteries.
- 6.4.1.4 Commemorative requests will be managed in a consistent and effective manner.

6.4.2 Policies and methods

For all reserves

- 6.4.2.1 To only place memorials and commemorative plaques for significant events in reserves with the approval of Council officers with appropriate delegations. When considering a request for the placement of a new memorial Council officers will consider:
 - a) The relevance of the memorial to increasing the understanding of regional history
 - b) The contribution of any relevant individuals to the development and use of the reserve
 - c) Compliance with any relevant reserve management plans and the primary purpose and classification of the reserve
 - d) Its size, design and use of materials
 - e) How the construction and installation of the memorial will be funded and
 - f) The applicant's ongoing commitment to maintenance costs including responsibility for vandalism and theft.
- 6.4.2.2 To preferably confine memorial trees to defined memorial planting areas (e.g. whenua/placenta) outlined in the relevant reserve management plan.
- 6.4.2.3 To decide the types of trees, locations and time of planting on a case-by-case basis once a request has been

approved and a fee may be charged for services by Council.

- 6.4.2.4 To restrict plaques attached to trees to those relating to a tree being classified as a protected tree.
- 6.4.2.5 To require the locating of new memorials to take into account the number of existing memorials, artworks and other objects in the vicinity of the proposed new memorial.
- 6.4.2.6 To require applications to be in writing with supporting evidence demonstrating that the memorial meets the principles of this policy.
- 6.4.2.7 To maintain regionally important memorials where agreed by Council and entered on Council's asset register, or identified in the NRMP.
- 6.4.2.8 To recognise that commemorative furniture (with or without plaques) may contribute amenity to the city and can enhance our parks and reserves. Council officers will consider commemorative furniture requests in exceptional cases based on the following conditions:
 - a) Where there is a public demand for additional furniture in a location
 - b) It meets the policy requirements outlined in section *6.11 Outdoor Furniture*
 - c) Plaques on commemorative furniture will be small and are only permitted in exceptional cases where people have made a significant contribution to the reserve and are to be approved, designed and fitted by the Council
 - d) New plaques will not be permitted on existing furniture
 - e) Wording on the plaque will focus on the contribution made to or enjoyment of the reserve by the person named on the plaque, and will not contain information more appropriate in a cemetery, including birth or death dates, and the wording must be approved by Council Parks and Reserves officers
 - f) Subject to clauses h) and j), the commemorative plaque will be for a 10-year term from the date of installation of the plaque. Council officers will endeavour to return the plaque to the sponsor at the expiry of the term, if requested
 - g) The donor will be responsible for the cost of the furniture, its installation, the plaque and its attachment to the furniture
 - h) The Council will not guarantee the continuity or reinstatement of the furniture or plaque once the furniture has been removed or damaged for whatever reason, even if the removal and damage of the

furniture occurs within the 10-year commemoration term

- i) Formal agreements will record the details of the furniture donation which will include contact details of the donor for future administration
- j) The applicant agrees to the Council removing or relocating the furniture during the 10-year commemoration term if the site is needed for redevelopment or an alternative reserve use and
- k) The donor retains ownership and maintenance responsibility for the plaque, all other components of the asset are to be owned by Council.

6.4.2.9 To remove furniture and/or plaques which have not been authorised by Council.

6.4.2.10 To prohibit the scattering or interment of ash and other human remains on reserves other than in designated cemeteries. How we use parks and reserves can change over time and may not be compatible with the practice of ash scattering and interment of human remains. Also refer to the policies in *5.15 Burials, cremation ashes, burial of placentas and assisted dying (outside of cemeteries)*

For Historic Reserves

6.4.2.11 To require that any memorials constructed on historic reserves relate to the historic reasons for the reserve being created.

6.4.2.12 To consult with other appropriate organisations (e.g. Te Tauihu iwi and/or Heritage New Zealand Pouhere Taonga) on the scope, design and wording on any memorial prior to granting approval of any memorials on historic reserves.

6.5 Car and cycle parking

Demand for car and cycle parking spaces within reserves or on legal road adjoining reserves is common. The provision and development of new car parks within reserves should be balanced with the desirability of retaining open space on reserves.

However, parking spaces are required for sports grounds, courts and places of assembly including stadium and gymnasias. In some cases, car parking is developed for peak use during, for example, sports events, and the parking area may retain important open space values when not in use.

6.5.1 Expectations

6.5.1.1 Car parking will be provided at the level required to meet the regular reserve use requirements while not compromising reserve values. Such parking may be provided within the reserve or as on-street parking. Formed carparking will not be provided to meet the needs of major events.

- 6.5.1.2 Cycle parking may be provided for public halls, community centres and other reserves where there is demand.
- 6.5.1.3 Some of the costs of car park provision will be recovered from identifiable beneficiaries (e.g. through lease provisions) or where this is authorised by the Reserves or Local Government Acts or the NRMP, as appropriate.

6.5.2 Policies and methods

- 6.5.2.1 To require new reserve management plans to define existing parking areas and any proposed at the time of preparation.
- 6.5.2.2 To generally only provide car and cycle parks on reserves for vehicles associated with legitimate regular uses of a reserve. Formed carparking will generally not be sufficient to cater for major events.
- 6.5.2.3 To prefer car and cycle parks to be provided within the adjoining legal road to minimise the adverse effects on the use and enjoyment of the reserve.
- 6.5.2.4 To locate car and cycle parks to ensure that the visual amenity values of open space are not compromised.
- 6.5.2.5 To consider the need for reserve occupiers to contribute to the provision of car or cycle parking on reserves where their occupation is a clear and consequential factor in the need for car or cycle parking (e.g. through lease or licence agreements – see Section 5.3 *Use and occupation agreements (including leases, licences, permits and easements)*).
- 6.5.2.6 To design where possible car or cycle parking to be able to be used for other valid reserve activities when not required for vehicles and to retain good open space values. The design must comply with the requirements of the *Nelson Tasman Land Development Manual 2020*.
- 6.5.2.7 Council will consider the need for accessible carparks during car park design and development.
- 6.5.2.8 To consider requests for additional car or cycle parking facilities on reserves subject to the applicant making a written application to Council. All applications will be evaluated by Council's Parks and Reserves officers considering:
 - a) The classification (if applicable) and purpose of the reserve
 - b) Information, to be supplied by the applicant, on the purpose and justification for additional parking
 - c) An assessment of parking needs, based on an inventory of public use of the reserve or reserve facilities and evidence of the modes of transport for people using the reserve

- d) The ability to use existing car or cycle parking on or near the reserve
- e) Potential applicant resources for assisting to meet the costs of constructing and maintaining the car or cycle park area and
- f) Council's resources available to meet its share of any costs of constructing and maintaining the car or cycle park area.

6.6 Boundary fencing

Fences may delineate the extent of public land, keep reserve uses contained on Council land (such as grazing), support safe use and reduce the opportunity for encroachments onto reserves from adjoining property owners. They may also block passive surveillance, be unsightly, and expensive to construct and maintain.

Council is subject to the Fencing Act 1978, which defines an 'occupier' to include a local authority vested with control of a public reserve (as defined by the Reserves Act, but not applying to esplanade reserves) that it controls (section 2). Council is also the 'occupier' of any land it owns freehold. The Fencing Act sets out, amongst other things, cost sharing and notification requirements for common boundary fences (Part 3).

A variety of factors need to be weighed when deciding whether and how to fence a reserve. The *Nelson Tasman Land Development Manual* (see *Appendix 3: Summary of relevant strategies, bylaws and other policies*) provides for only fencing of private boundaries where new utility reserves (such as stormwater detention ponds) are provided within a new subdivision (10.4.2) and, for neighbourhood parks/open space amenity reserves, that (10.3.9) "Low and/or natural barriers and fencing with neighbouring properties are encouraged to enhance safety through passive surveillance." These requirements form additional reserve development policy. The Resource Management Act (including the NRMP) also contain provisions relating to fencing.

6.6.1 Expectations

- 6.6.1.1 Fencing on reserves will be cost-effective and enhance and protect reserve values, including visual amenity values from neighbouring areas and passive surveillance.

6.6.2 Policies and methods

- 6.6.2.1 To ensure that reserve boundaries are fenced where necessary to:
 - a) Adequately define reserve boundaries
 - b) Prevent stock trespass
 - c) Prevent unauthorised vehicle access
 - d) Reduce risks in hazardous areas, and
 - e) Ensure public safety.
- 6.6.2.2 To apply the Fencing Act 1978 in the case of common boundaries between a reserve and a private landowner

which require fencing, unless both parties agree to an alternative approach.

- 6.6.2.3 To encourage the use of a range of standard fence designs that enhance the amenity of the reserve and encourage passive surveillance. New reserves will have boundary fences, where required, of a consistent and appropriate style.
- 6.6.2.4 To adequately maintain all fences in accordance with the relevant activity management plan.
- 6.6.2.5 To seek a contribution towards the costs of fencing on reserve boundaries from adjoining landowners and, where possible, create fencing covenants on reserves to protect amenity values and support passive surveillance.

6.7 Public toilets

Public toilets support the use of reserves but are costly to construct and to maintain. Many reserves have limitations in terms of water supply and sewage disposal. In some situations, Council is also required to obtain a resource consent for the structure and/or disposal of wastewater under the NRMP.

6.7.1 Expectations

- 6.7.1.1 Public toilets on reserves will be well-located, affordable and will not duplicate alternative public services nearby. Council may provide public toilets at public gardens and sportgrounds, however they are generally not provided at neighbourhood parks.
- 6.7.1.2 Public toilets and their surrounding sites are designed or upgraded using the CPTED guidelines and are maintained to ensure spaces are safe and secure for all users.
- 6.7.1.3 New toilet design and siting will be provided in accordance with national standards (specifically NZS 4241:1999 *New Zealand Standard for Public Toilets*).

6.7.2 Policies and methods

- 6.7.2.1 To generally provide public toilets - unless adequate public toilet facilities are available nearby - at reserves where:
 - a) Organised sporting or recreational events are held regularly
 - b) There is high public use (e.g. Queen's Gardens, Tāhunanui Beach) and/or
 - c) A reserve management plan or activity management plan defines a strategic need for the facility considering other local services.
- 6.7.2.2 To weigh the benefits of permanent versus temporary toilet facilities where effluent disposal can be adequately provided for on-site when considering upgrading existing or installing new toilet facilities. For example, for some

reserves it may be more economic to use re-locatable toilets to address increased levels of use during peak summer months.

- 6.7.2.3 To require organisers of activities or events on reserves without permanent toilet facilities, or where toilet facilities are inadequate for the anticipated use, to provide portable toilets for the duration of the activity or event.
- 6.7.2.4 To site, design and maintain new facilities to a quality of presentation that is consistent with the public profile of the facility as agreed by Council and in accordance with NZS 4241:1999 *New Zealand Standard for Public Toilets*.
- 6.7.2.5 To provide accessible toilets when providing new or upgrading existing toilets, except in situations where it is not practicable.
- 6.7.2.6 To aim for toilet buildings to complement the local environment as well as them being safe, low maintenance and resilient to vandalism.
- 6.7.2.7 To provide clear directional signage to all public toilets.

6.8 Lighting

Council recognises that some groups use reserves at night and therefore require lighting (e.g. Railway Reserve or for organised events, or sports training). While lighting can be considered an essential component of night use in a reserve area, it is appropriate that some or all of the cost should fall to those who use facilities at night. Any lighting installed on reserves needs to be available for other reserve users to use (although they may need to be booked and a cost recovery charge may apply).

Council does not universally encourage the use of reserves after dark outside of normal evening uses. The lack of lighting in many circumstances is a strategic management decision to discourage visitors from using areas at night where safety problems may exist. Lighting areas may encourage inappropriate use or vandalism of reserves. Council will consider the CPTED guidance when making lighting decisions on reserves.

Artificial light at night may impact behaviours and growth of indigenous species and sky glow may affect their movement and dispersal.

Major lighting installations, such as those on sports fields, may require a resource consent under the NRMP.

The *Nelson Tasman Land Development Manual* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*) notes (10.5.1.1) that where lighting is required for neighbourhood parks, the design will be consistent with AS/NZS1158, CPTED and must be approved by the appropriate delegated Council officer prior to construction.

6.8.1 Expectations

- 6.8.1.1 Reserve lighting will support appropriate uses of reserves and be affordable.
- 6.8.1.2 The costs of lighting will be fairly allocated.

6.8.2 Policies and methods

- 6.8.2.1 To only consider providing lighting on reserves where there is a clear public benefit and with reference to the relevant reserve management or activity management plan.
- 6.8.2.2 To prioritise lighting provision on sportsfields (e.g. where training occurs) and in areas which provide pedestrian and cycle linkages and commuting routes between and within communities and where no alternative lighted access exists.
- 6.8.2.3 To provide lighting on reserves subject to the occupier or user of reserve land or facilities making a written application to Council. All applications will be evaluated in consideration of:
 - a) An explanation from the applicant about why the lighting is needed
 - b) Other uses of the reserve and the ability to enable multi-use of lighting by other reserve users
 - c) Potential for adverse effects on neighbouring properties
 - d) Other potential or existing safety features in the area
 - e) How the applicants will contribute to the construction, operating and maintenance of the lighting and
 - f) How the proposal complies with CPTED guidance.
- 6.8.2.4 To pay for lighting in areas of general public use (e.g., street lights and in car parks) through Council funding.
- 6.8.2.5 To require the users of sports grounds to be responsible for meeting an agreed share of costs of operation, maintenance and replacement of their own lighting needs. For example, sports clubs will generally be responsible for the cost of floodlights and for lighting accessways to club buildings.
- 6.8.2.6 To include the management and maintenance of reserve lighting within occupation agreement terms and conditions where lighting is required as part of their reserve activities.
- 6.8.2.7 To consider the impacts of lighting on the surrounding environment (e.g. wildlife).

6.9 Landscape development and tree protection

Landscaping makes a major contribution to the amenity values of reserves. Managed open space areas and vegetation within urban areas soften the built environment and provide opportunities for outdoor enjoyment in an urban setting. Trees provide valuable shade and protection from UV exposure and provide opportunities for natural play.

The aesthetic value of landscapes can be affected by subsequent developments such as the erection of buildings or the clearance or removal of vegetation on reserves. The adverse effects of these developments need to be avoided.

Most landscaping development on reserves is undertaken by Council. In some cases, private developers or community groups will undertake development on Council-administered reserves. In this instance it is important for Council's expectations to be clear.

Section 42 of the Reserves Act (*Preservation of trees and bush*) limits and controls the ability of Council to cut or remove trees from reserves controlled by that Act. The NRMP also contains provisions for protecting listed trees.

Development standards for new reserves are set out in the *Nelson Tasman Land Development Manual* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*) and form part of reserve development policy. Reference should be made to section 10.6 of the Manual in reference to the design and preparation for planting within new reserves.

6.9.1 Expectations

- 6.9.1.1 Well-landscaped reserves are enjoyed by residents and visitors to the city, are safe, readily maintained and are managed according to the expectations set in any relevant reserve management plan and other relevant Council policies.
- 6.9.1.2 The limitations on tree removal or cutting created by the Reserves Act are complied with.

6.9.2 Policies and methods

- 6.9.2.1 To require all significant reserve development proposals to include a Council-approved landscape plan and to adhere to any relevant reserve management plan.
- 6.9.2.2 To limit the planting of high-maintenance flowerbeds and gardens to formal gardens and other similar areas.
- 6.9.2.3 To manage the risk from poisonous species growing adjacent to children's play equipment or play areas but retain feature trees (such as kōwhai) where they are already present at such sites.
- 6.9.2.4 To ensure that existing or potential pest plants are not planted in reserves.
- 6.9.2.5 To include native species, propagated from plants native to the location, wherever possible in reserve planting programmes, including erosion control plantings.
- 6.9.2.6 To plant additional trees on reserves where they are compatible with the purpose of the reserve and existing uses.
- 6.9.2.7 To trim, remove and replace old or damaged trees that pose a significant safety risk, as determined by professional assessment where necessary.
- 6.9.2.8 To ensure that all heritage trees, including those listed in the NRMP, are protected, unless they become dangerous

in which case the minimum necessary emergency remedial work is permitted.

- 6.9.2.9 To ensure that any trees donated by the public for transplanting onto reserves are of an appropriate species, size and condition and are not contrary to any approved landscape or reserve management plan.
- 6.9.2.10 To consent to the removal of trees from reserves only where the purpose of the removal meets one of the following criteria:
 - a) There are clear benefits to the general community, particularly regarding safety
 - b) A genuine nuisance exists, such as causing major damage to important assets, or the tree is affecting underground or overhead utilities, and it is not feasible to relocate these items of infrastructure or
 - c) Where there is a proven need for the clearance to allow for construction of approved reserve facilities.
- 6.9.2.11 To consider requests to remove a tree on a case-by-case basis with appropriate consultation with decisions being made by Council officers with the appropriate delegations.

6.10 Play equipment

Council is committed to providing a range of play experiences throughout Nelson. We are fortunate that our natural environment – beaches, tracks and forests – are all excellent play settings for children. However, in urban areas and the suburbs, local play equipment on reserves provides vital and safe play opportunities for children.

Council applies two national standards to the installation and maintenance of play equipment:

- SNZ HB 5828.1:2006
General Playground Equipment and Surfacing Handbook
- NZS 5828:2015
Playground equipment and surfacing

Expectations for levels of service are further interpreted in the Parks and Facilities Activity Management Plan.

The Building Act 2004 states that territorial authorities, such as the Council, are exempt from the need to gain a building consent for a playground if it has been designed or reviewed by a chartered professional engineer (Schedule 1, clause 42, Exempt building work).

The *Nelson Tasman Land Development Manual* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*) sets some standards for new playgrounds.

6.10.1 Expectations

- 6.10.1.1 There is equitable access to a variety of safe play opportunities across the city, including the provision of accessible play equipment.

6.10.2 Policies and methods

- 6.10.2.1 To define in activity management plans and any relevant reserve management plan expectations for playground location and development.
- 6.10.2.2 To require all new building, maintenance and repair of old playgrounds and playground equipment to comply with the current New Zealand Safety Standards (NZS 5828:2015).
- 6.10.2.3 To have regard to the orientation of the sun, shelter from the wind, public visibility and potential disturbance to adjoining properties when designing and siting new playgrounds, and to:
 - a) Maximise accessibility to, and use of, playgrounds
 - b) Take advantage of natural contour, shade and shelter
 - c) Ensure sufficient space for other play activities
 - d) Ensure safe and convenient access to paths, roads, or parking and
 - e) Ensure the ability to supervise children using play equipment (for example, by placing seating, if required, facing the playground).
- 6.10.2.4 To include accessible and inclusive features in new playgrounds.
- 6.10.2.5 To seek opportunities to make existing playgrounds more accessible and inclusive for people with disabilities, when playgrounds are renewed or upgraded.
- 6.10.2.6 To design and site each playground considering the special visual character of the reserve.
- 6.10.2.7 To manage the number, location and standard of playgrounds on reserves in accordance with best practice.
- 6.10.2.8 To reflect the local demographics in the provision and design of playgrounds.
- 6.10.2.9 To provide adequate barriers, such as gardens or fencing, between children's play equipment and busy roads or reserve accessways where safety issues are identified through regular audits.
- 6.10.2.10 To ensure that all children's play equipment is safe and well-maintained.

6.11 Outdoor furniture

The provision of outdoor furniture on reserves can improve amenity, while too many assets can clutter a reserve and unnecessarily increase costs. However, these structures should be appropriately designed and maintained to remain an attractive asset to the reserve and to not become a safety hazard.

The *Nelson Tasman Land Development Manual* (see Appendix 3: *Summary of relevant strategies, bylaws and other policies*) and Council's Accessibility Guide 2020 set some standards for reserve furniture.

6.11.1 Expectations

- 6.11.1.1 Well-designed and appropriately located outdoor furniture in reserves encourages and supports appropriate use.
- 6.11.1.2 Reserve users will be encouraged to take the rubbish they generate home with them and rubbish bins will be kept to a minimum across the reserve network to reduce cost and to reduce the likelihood of illegal dumping.
- 6.11.1.3 Outdoor furniture and surrounding areas are designed or upgraded using CPTED guidelines, and are maintained to ensure spaces are safe for all users.

6.11.2 Policies and methods

- 6.11.2.1 To design, install and place seating, picnic tables, rubbish bins, play equipment and all other park furniture regarding suitability, function, need, passive and active supervision, orientation to sun, shelter from wind, views, proximity to access points, durability, the potential for vandalism, and with reference to any relevant reserve management plan.
- 6.11.2.2 To generally not provide litter bins on reserves and to encourage 'take home' policies.
- 6.11.2.3 To focus the placement of outdoor furniture in areas of amenity and/or recreational value (e.g. on the shores of lakes, rivers, swimming holes, pathways and playgrounds). Care will be taken to minimise visual distraction from the natural environment.
- 6.11.2.4 To consider and plan the location of all outdoor infrastructure likely to be needed in the longer term on a reserve prior to installing any new infrastructure, including considering the needs of disabled users.
- 6.11.2.5 To install barbeques taking into account the safety of the location and the structure, the potential for vandalism and misuse and the potential effects on neighbours and other users of the reserve. Gas or electric barbecues, instead of solid-fuel barbecues will be used at reserves with high fire risk and/or vulnerable vegetation.
- 6.11.2.6 To ensure seating meets the needs of older adults and those with mobility issues (e.g. seats have backs and arm rests).
- 6.11.2.7 Structures, buildings and furniture which are no longer required will be removed as soon as practicable and those that are unsafe or irreparable will be removed also and only replaced if an ongoing need is demonstrated.

Appendix 1: Reserves administered by Council (*refer Shape Nelson page*)

The Nelson City Council is the administering body for the classified reserves listed below, and owner of the identified parks. The table does not include esplanade strips, access strips, rights-of-way and other easements in favour of the public, which are administered by Council. Areas of road managed as part of a reserve (including local purpose (road) reserve) which are subject to these Reserves General Policies, will be identified in reserve management plans.

(Refer to Appendix 1: Table of reserves administered by Council and their land classification on the Draft Reserves General Policies consultation page on Shape Nelson. Maps with the indicative areas of the reserves are also available on the Shape Nelson page.)

Reserve name	Legal Description	Title Reference	Declared as reserve (yes or no)	Classified (yes/no)	Classification status	Purpose if not classified	Reserve Management Plan

Appendix 2: Reserve management plans

Reserve management plans
Saxton Field Reserve Management Plan 2021, joint with Tasman District Council
Rutherford and Trafalgar Parks Management Plan 2010
Conservation and Landscape Reserves Management Plan 2009
Esplanade and Foreshore Reserves Management Plan 2008
Haven Holes Esplanade Reserve Management Plan 2006
Tāhunanui Reserve Management Plan 2004

Appendix 3: Summary of relevant strategies, bylaws and other policies

Local Government Act 2002, Council bylaws and policies

The following comment on the Local Government Act relates specifically to bylaws developed under the Act and is in addition to the other matters under the Act covered in section 2 of the document. Councils may make and enforce bylaws under sections in Part 8 of the Local Government Act to help manage its services. Nelson City Council bylaws that are relevant to this Plan include (as of January 2026 - always check Council's website for up-to-date versions of the bylaws):

- **Control of Dogs Bylaw 2020.** The Schedules to the Bylaw define the reserves and other Council-administered properties where dogs are prohibited or permitted on a leash, and neighbourhood parks where dogs may be off leash. Some areas have prohibition periods, such as the Boulder Bank and swimming holes on the Maitai River. The bylaw also refers to the ability to penalise non-compliant behaviour via the Dog Control Act 1996 or the Local Government Act. The Bylaw is a requirement of Nelson City Council's **Dog Control Policy** (June 2020) which further explains Council's approaches to dog management.
- **Responsible Camping Bylaw 2025**, prohibiting freedom camping from most park and reserve areas, but allowing 'tenting' on Haulashore and Oyster Islands.
- **Traffic and Parking Bylaw 2023**, regulates and sets requirements for the control of parking of vehicles and other traffic (including pedestrian traffic) on any road, and for other objects or other things on any road. This Bylaw applies to roads within reserves.
- **Urban Environments Bylaw 2022 (last amended in 2025)** covers a range of urban activities, including:
 - In its 'Control of Alcohol in Public Places' section, and the associated Schedule A, parks and reserves where complete alcohol bans apply, and where prohibitions apply from 9.00 pm on any day to 7.00 am on the following day.
 - In its 'Trading in Public Places' section – which applies to all public areas in Nelson - it covers permit requirements for itinerant trader or mobile shops, and advertisement on streets, other public places, trees or structures which is under the control of the Council.
 - In its 'Reserves' section, requires permits to carry out the following activities in Council reserves:
 - use chainsaws or other tree felling implements
 - take rocks, minerals and sand
 - possess firearms
 - kill animals, including shooting of game birds and control of pest animals
 - plant, spray or remove vegetation
 - graze livestock
 - land recreational motorised aircraft and
 - place or erect memorials, including plaques.
 - The Reserves section of the bylaw also states that no users of any reserve shall impact on the safety and legitimate enjoyment of the reserve by others

and no person shall enter or remain in any reserve during any time that the Council has determined that the reserve should be closed to the public.

- This section also controls motor vehicle use on any area of any reserve except on those areas developed and/or set aside for that purpose, or where signs or marking indicate that motor vehicles are permitted, or at the direction or with the permission of any authorised officer. Emergency vehicles are exempt from the motor vehicle provisions in the Reserves part of the bylaw.
- The Reserves section of the bylaw also limits the playing of golf on reserves to the Waahi Taakaro Golf Course.
- The section allows iwi to carrying out activities in reserves which are provided for in any legislation enacting Deeds of Settlement between iwi and the Crown.
- The operation, maintenance, development, and upgrading of network utilities is also allowed for where otherwise permitted or approved by Council or other legislation.
- The Burial and Cremation section managed activities within Nelson's cemeteries, including burials and cremations.

Council has also adopted several stand-alone policies to address specific issues. These are not enforceable, like a bylaw, but direct Council to respond in a consistent manner when delivering certain services. Some of these policies apply to more than just reserves.

The Reserves General Policies replaces the following Council policies:

- **Policy on Signs on Council Reserves** – No. 3324 and No.3324a – Replaced by Sections 4.11 *Commercial activities*, 4.12 *Commercial and other non-Council signs*, and 4.13 *Council signs*.

The Resource Management Act 1991 and Nelson Resource Management Plan

Nelson City Council is a unitary authority with combined regional and district council functions. The Nelson Regional Policy Statement 1997, the NRMP and the Air Quality Plan are key documents prepared by Council in accordance with the Resource Management Act to help achieve the integrated and sustainable management of natural and physical resources. The NRMP contains various land use controls which apply regardless of these Reserves General Policies. Various provisions in the NRMP apply to reserve development, use and management. They can be found within the NRMP or any replacement plan. In addition, National Environmental Standards and other regulations prepared under the Resource Management Act can also regulate activities on reserves.

The NRMP notes (AD10.3.viii Reserve management plans):

The day to day management of reserves under the Reserves Act 1977 is controlled by management plans under the Reserves Act. This Plan only sets out to manage reserves at the broadest resource management level, leaving the operational and planning details of reserves to the reserves management plans. Most reserves have been included in the Open Space and Recreation Zone or Residential Zone.

The NRMP contains objectives, policies and rules to manage some activities on reserves in relation to their effects on the environment. Some activities require resource consent.

Te Taihū Statutory Acknowledgements

A Statutory Acknowledgement is a type of cultural redress frequently included in Treaty settlements between the Crown and a Māori 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). For 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 Taihū Statutory Acknowledgements 2014 are to be read as an attachment to the Nelson Regional Policy Statement, the Nelson Air Quality Plan, the NRMP and Iwi Cultural Areas of Interest. Note that the Te Taihū Statutory Acknowledgements do not indicate all sites of importance to iwi. Rivers and their resources – especially tuna (eels), harakeke (flax) and inanga (whitebait) – are referenced as valuable resources.

Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 seeks to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. This includes historic places, such as archaeological sites and wāhi tapu. Under this Act it is an offence to destroy, damage, or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. The Act also requires an authority if there is a reasonable cause to suspect that an archaeological site (recorded or unrecorded) may be damaged, modified, or destroyed by any activity (other than by natural processes). Accidental discovery protocols shall apply to all Council parks and reserves. (Also refer to Appendix 4).

Te Tiriti o Waitangi

Te Tiriti o Waitangi is Aotearoa/New Zealand's founding documents and creates a partnership between the Crown and iwi. The Māori text has a different emphasis to the English text. However, the preamble to Te Tiriti is important because it sets out the intentions that both parties act in a manner that is binding and enduring.¹⁶ There are three key articles. The first article refers to Māori tino rangatiratanga and self-determination. The second article refers to Māori having full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other taonga. The third article refers to protection of Māori and Pākehā.

Te Tiriti principles, as defined in the Court of Appeal and the Waitangi Tribunal, include:

- Partnership - the duty to act reasonably and in good faith
- Participation - to consult and
- Protection - to actively protect Māori in the use of their lands and waters and interests.

In order to recognise and respect the Crown's responsibility to take into account the principles of Te Tiriti o Waitangi, Council has duties under the Local Government Act to facilitate participation by Māori in its decision making processes. There are several provisions in the Reserves Act, Resource Management Act (RMA), the Heritage New Zealand Pouhere Taonga Act 2014 and the LGA that require both the recognition of Māori culture and traditions and provision for iwi participation in decision-making.

The key principles that guide reserve management include:

- Tino rangatiratanga – shared decision-making
- Mauri – the life force is protected

¹⁶ Kingi T. (2016). *Aotūroa Framework, Section 3: Te Taihū Iwi Whakamahere Wakatū*. Karewarewa Innovations Consultancy.

- Kaitiakitanga – shared active protection and
- Manaakitanga – shared responsibilities.

Collaboration between iwi and Council is promoted to enhance opportunities to achieve shared outcomes. Kaitiakitanga is a shared responsibility with resource managers and users to actively protect natural and physical resources. Council can enable iwi to exercise kaitiakitanga in accordance with tikanga Māori (customs), kawa (protocol) and Mātauranga Māori (Māori knowledge). Manaakitanga refers to shared responsibilities to look after reserves.

There are eight mutually recognised iwi in Te Taihū (Nelson–Marlborough). These iwi are Treaty partners with the Crown and work with Council to meet obligations under the legislation and the Deeds of Settlement for each iwi. They are represented by eight iwi authorities:

- Ngāti Apa ki Te Rā Tō Trust
- Ngāti Koata Trust
- Te Rūnanga o Ngāti Kuia Trust
- Ngāti Rāua Iwi Trust
- Ngāti Tama ki Te Waipounamu Trust
- Te Ātiawa o Te Waka-a-Māui Trust, represented by Te Ātiawa Manawhenua ki Te Taihū Trust
- Te Rūnanga a Rangitāne o Wairau Trust and
- Te Rūnanga o Toa Rangitira.

Section 4.2 *Te Tiriti o Waitangi* considers Treaty obligations as they apply to reserves.

Kia Kotahi te Taihū, Together Te Taihū Partnership Agreement

On Tuesday 12 December 2023, Nga iwi o Te Taihū and the mayors of Nelson City Council, Tasman District Council and Marlborough District Council signed a Kia Kotahi Te Taihū, Together Te Taihū Partnership Agreement. The Agreement represents an opportunity for iwi and council partners to work collaboratively on matters of mutual interest in a way that addresses some of the broader strategic and regional challenges. The agreement recognises the important and unique roles that both iwi and councils play in social, cultural, environmental, and economic wellbeing of Te Taihū. It seeks to weave these aspirations more closely together to strengthen Te Taihū as a region and deliver shared aspirations more effectively.

Nelson Biodiversity Strategy 2018

This Nelson Biodiversity Strategy represents a commitment by more than 30 partner agencies – including Nelson City Council – for aligned action to achieve an agreed indigenous biodiversity vision for Nelson. It was launched in 2007 and revised in 2017. The Strategy works through a ‘Whole of Environment’, ‘Whole of Council’ and ‘Whole of Community’ approach towards two main goals:

Goal 1 - Active Protection of Native Biodiversity

Nga taonga tuku iho (the treasured resources), native species, and natural ecosystems of Nelson/Whakatū are protected and restored.

Objective 1

Ecological health, mauri and wairua of natural ecosystems are sustained and native biological diversity is restored, enhanced and, where appropriate, connected.

Goal 2 Ecologically Sustainable Use of Biodiversity

The community has the living resources it needs and has minimised adverse effects on valued biodiversity.

Objective 2

Biodiversity use is ecologically sustainable and biodiversity resources are available for the community to prosper including tangata whenua customary use of ngā taonga tuku iho.

Reference to the Biodiversity Strategy will assist in the preparation of reserve management plans for reserves with natural values.

Kotahitanga mō te Taiao Strategy

Kotahitanga mō te Taiao (2019) is an alliance formed by all Councils and some of the iwi¹⁷ in the top of the South Island, and the Department of Conservation. The Strategy (a non-statutory document) focuses on landscape-scale conservation projects with environmental, social, economic, and cultural benefits. It sets 'high-level' guidance and identifies 'opportunities for collaboration and cooperation'. Implementation is recommended via (in summary):

- Aligned action and engagement plans developed by each partner, each referring to, for example, the *Te Tauihu Intergenerational Strategy Tūpuna Pono Being Good Ancestors*, and national processes such as the National Policy Statement for Indigenous Biodiversity and the New Zealand Biodiversity Strategy; and
- Cooperative endorsement of funding applications where the projects align with the Strategy. Relevant assessment criteria are proposed within the Strategy.

Five 'transformational' outcomes are described:

- Native species, including those found nowhere else, are thriving
- Naturally functioning ecosystems are protected, restored and enhanced
- Wilderness is sustained
- People flourish in harmony with nature and
- Ecological connections and resilience are protected, restored and enhanced.

Objectives are set for land management units within the top of the South, focusing on, amongst other things, the management of pest plants and animals, community engagement, the practice of iwi customs, values and traditions, managing for enhanced indigenous biodiversity and healthy, clean, safe and abundant environments (including a full range of natural habitats) and climate change. The Strategy is most relevant to these Reserve General Policies where reserves may be developed to enhance natural habitat (see policy 4.6.2.1).

Camping-Grounds Regulations 1985

The Camping-Grounds Regulations 1985 are a legislative instrument to manage the use of camping grounds and to ensure compliance with the Health (Registration of Premises) Regulations 1966, and were prepared to comply with section 120B of the Health Act 1956. The Camping-Grounds Regulations require that any area used as a camping ground must have a

¹⁷ Ngāti Tama, Ngāti Apa, Te Atiawa, Ngāti Waewae, Ngāti Kuia

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 Regulations also set out requirements for semi-permanent relocatable home parks.

Councils can make decisions under the Reserves Act to allow formal camping grounds on recreation and scenic reserves, however, they must also comply with the camping ground regulations.

Councils have been delegated authority to make decisions to permit temporary occupation of a reserve in accordance with s44 of the Reserves Act. Section 53 (d) and (e) of the Act limit the period that a recreation reserve can be partly or exclusively occupied where a fee is charged for admittance to no more than 40 days per year, and no more than 6 consecutive days, but that these periods can be extended with the appropriate consent.

Activity Management Plans

The Council Parks and Facilities Activity Management Plan 2024-2034 (AMP) defines expectations for level of service delivery for public gardens, neighbourhood parks, play facilities, trees, walking and cycling, sportsgrounds, Saxton Field, conservation reserves, landscape reserves and esplanade and foreshore reserves.

Acquisition and development standards are proposed in the AMPs, and long-term investment requirements identified considering future demand and existing and proposed standards of provision. The AMPs feed into Council's Long Term Plan, where long-term investment opportunities are defined.

These Reserves General Policies aim to avoid replicating any of work of the AMPs. However, individual Reserve Management Plans may define preferred levels of service which need to be referenced, and budgeted for, in AMPs (see policy 4.1.2.3).

Tasman-Nelson Regional Pest Management Plan 2019-2029

The Tasman-Nelson Regional Pest Management Plan has been prepared under the Biosecurity Act 1993. This is a joint Plan between Tasman District and Nelson City Councils. The strategy declares certain plant and animal species as pests. These pests are banned from sale, propagation, breeding, distribution and commercial display.

The purpose of the Plan is to provide a framework for efficient and effective pest management in the Tasman-Nelson region. It aims to avoid or reduce the incidence of adverse effects of pests on the environment, assist with the protection of significant indigenous biodiversity values and to protect amenity and recreational values of the region. The Plan 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 the Plan.

Nelson Tasman Land Development Manual 2020

The *Nelson Tasman Land Development Manual* defines various development standards that new reserves should meet when they are vested or first developed, particularly with regard to access, carparks, stormwater management, lighting and the avoidance of the installation of some services within reserves. The stated aim of the Manual in relation to parks and reserves is, "to achieve a high standard of accessibility, public health and safety, variety, multifunctional

use, and environmental value, whilst maintaining whole-of-life affordability". The Manual identifies minimum standards of construction for:

- Track, path, cycleway, road and carpark formation, width, grade surface and material
- Steps bridges / culverts safety rails and barriers
- Vegetation clearance
- Lighting and
- Furniture, including signs, seats, picnic tables and rubbish bins.

Nelson Out and About

Council has adopted an *Out and About Active Travel and Pathway-based Recreation Policy* (2015) and strategies and an *Out and About On Tracks Strategy* (2022).

The *Out and About Active Travel and Pathway-based Recreation Policy* covers physical activities on Nelson's roads, footpaths and pathways, either for travel or recreation purposes. It includes: walking and running; non-motorised wheeled forms of transport such as cycling, mountain biking, scooting and skateboarding; wheelchairs; mobility scooters; and electric bicycles. The Policy's vision is: *An attractive, accessible and safe network that puts Nelson at the forefront of active travel and path based recreation*. It sets out a network map for 'pathway-based recreation' and a forward works programme to achieve it. The Policy has a concise set of objectives for urban pathway development and management.

The *Out and About On Tracks Strategy* grew from the active travel policy when it became evident there was a need to develop a complementary but separate strategy specifically for track-based recreation. The purpose of the 2022 Strategy is to provide clear direction for Council, its partners, stakeholders and the community about the planning and provision of front country off-road recreation within the City boundaries over a six year period. Its vision is: "Nelson is a city held in high regard regionally, nationally and internationally for its well balanced, easily accessible, sustainably and collaboratively managed network of often scenic front country off-road tracks, that provide enjoyable and safe recreation opportunities for all users, whilst demonstrating strong environmental stewardship and positively contributing to the local economy." The Strategy recognises that all track users are equally important, and need to be catered for within a planned track network. An implementation plan is included.

Nelson's Accessibility Guide

In 2020 Council adopted an updated *Accessibility Guide* (2020). The Guide was created to support Council officers and Council's immediate contractors responsible for community facilities, to better serve the Nelson community. While the NZ Standards are a minimum requirement, aspects of some standards are not at a level to ensure Council facilities are as accessible as they could be for our population. The Guide was created as a Nelson City Council internal document and should not be relied on by other organisations, as Standards may change and are the definitive resource.

Taonga Tuku Iho Heritage Strategy 2002-2032

In 2022 Council adopted this Strategy following wide community support and formal endorsement from the eight iwi of Te Taihū o Te Waka a Māui. The purpose of Taonga Tuku Iho is to inspire a step change in the way we view and approach our heritage and collective identity, together as people of Te Taihū o Te Waka a Māui. It will act as a blueprint and set

the direction for the protection and delivery of taonga tuku iho outcomes for Wakatū through a partnership approach.

He Tātai Whetū Arts & Creativity Strategy 2022-2032

This document is a platform from which to champion, invest in and support the arts and creativity in Whakatū Nelson and to reorient current activity and view it through a creative lens. Iwi were engaged during the preparation of the Strategy. On 21 June 2022 the draft Strategy was presented to Te Waka a Māui Iwi Chairs Forum for endorsement and received unanimous support.

Long Term Plan

Every three years Council adopts a Long Term Plan under the Local Government Act to provide a long term focus for Council's decisions and activities, and to provide a basis for accountability to the community. It sets out the activities the Council intends to deliver over the coming ten years, Council's community outcomes, levels of service, coordination of the Council's resources and the budgets for the ten year period.

Appendix 4: Accidental discovery protocol

This protocol applies to any discoveries resulting from land disturbance not covered by a specific archaeological authority granted by Heritage New Zealand Pouhere Taonga or conditions on a specific resource consent.

This protocol covers any land disturbance activities on reserves that meet the permitted activity rules in the NRMP. This protocol is current as of November 2025.

Check with Nelson City Council to ensure that no later update applies.

There is a risk of disturbance and accidental discovery of cultural material on reserves resulting from earthworks and/or erosion. Cultural material includes: taonga (Māori artefacts), kōiwi (human bone) or wāhi tapu. Many potential permitted activity construction or land disturbance activities will be in areas that are not within identified cultural precincts or discovery 'hotspot' areas. Iwi/Māori generally do not support activities that require earthworks – due to the threat to, and risk of damage of, both taonga and wāhi tapu sites.

Where there is an archaeological authority granted by Heritage New Zealand Pouhere Taonga to modify or destroy a cultural site, any finds of Māori origin uncovered are to be recorded and given to iwi/Māori.

In the event of an accidental discovery, the following protocols will be implemented. These protocols aim to mitigate any damage to and/or fossicking of wāhi tapu, taonga and kōiwi. It is important that adequate measures are taken to protect the area and cultural material.

Key organisations involved in this process include:

- Taonga Tūturū (Ministry for Culture and Heritage (MCH)) – administration of the Protected Objects Act 1975
- Heritage New Zealand Pouhere Taonga (HNZ) - administration of the Heritage New Zealand Pouhere Taonga Act 2014
- NZ Police – if the find involves kōiwi tāngata
- Te Whatu Ora – if the find involves reinternment of kōiwi tāngata.

Taonga / Māori treasures / archaeological material discovery protocol explanation

The diagrams on the following pages outline the processes to follow in the event of a taonga/archaeological material find or a kōiwi tangata find on a reserve.

Taonga or 'ngā taonga tuku iho' (gifts handed down from the ancestors) are recognised, but not exclusive to, physical tangible heritage places that can be described as those land-based places created, formed or shaped by earlier inhabitants or tūpuna. These are cultural sites, such as: urupā (burials); pā; hangi pits; terraces; oven stones; middens; stone/rock structures; rock art; waka; house sites; pounamu (greenstone); modified soils; gardens; pakohe (argillite); fishing nets; sinkers; toki (artefacts); tools; weapons; Māori built heritage places, such as marae buildings; wharenui (carved meeting house); pataka (food storage house); whare (house); post holes from remnant whare; occupation sites; carvings; artworks; and other structures such as waharoa (gateways) and various other taonga.

Taonga also reflects natural heritage sites such as natural features, with traditional activities (e.g. springs, trees, wetlands, caves) or a hapū and iwi landmark (e.g. mountain, river, lands, sea/lake, village, taonga species, pā harakeke (flax harvesting area) where no human activity is evident.

Taonga also includes intangible heritage, places where no visible feature or evidence is present but where a significant event or traditional activity may have occurred such as a battlefield,

waka landing sites, places of meeting, of learning, of ritual, fishing grounds, taniwha den to name a few.

Various traditional activities have taken place across the Nelson region. There is evidence of occupation (pa and village sites), warfare, burials, marakai (gardens), large māhinga kai sites where natural resources and kai species were harvested, and other taonga have been found.

Note that, under the Protected Objects Act¹⁸, all taonga tūturu found are in the first instance (prima facie) Crown owned, to allow claims for ownership to be heard by the Māori Land Court.

The process to follow in the event of any Māori cultural site find is on the following page (Discovery of Taonga - Accidental Discovery Protocol).

Kōiwi Tāngata/human remains discovery protocol explanation

Kōiwi tāngata are identified by iwi/Māori as the remains of deceased tūpuna. Kōiwi tāngata is highly tapu, requiring particular tikanga to facilitate the management of such discoveries. Heritage New Zealand Pouhere Taonga refer to kōiwi tāngata as human remains, particularly referring to bones that have not been made or incorporated into an artefact. 'Cultural items' refers to any taonga/artefacts discovered with the kōiwi tāngata/human remains. Kōiwi tāngata are not considered an artefact¹⁹. Taonga that is found with kōiwi tāngata must be reinterred with the kōiwi. The process to follow if kōiwi tāngata are revealed is outlined in the diagram below.

The process to follow in the event of discovery of kōiwi tāngata/human remains is on the second page below (Discovery of Kōiwi (Human remains) - Accidental Discovery Protocol).

¹⁸ Protected Objects Act: <http://www.mch.govt.nz/nz-identity-heritage/protected-objects/taongatuturu>

¹⁹ Heritage New Zealand - Pouhere Taonga *Archaeological Guidelines Series Kōiwi Tāngata Human Remains*, 2014,

* Note that the term 'iwi' means the eight Te Taihū iwi authorities and *Ngai Tahu Iwi* authority for a specific area in southwest Tasman.

Discovery of Taonga - Accidental Discovery Protocol

STOP WORK within 30m* of discovery of find

*The 30m buffer around find site is limited by property boundary or site works area

Whoever discovers **Taonga** is to immediately report the discovery to Nelson City Council (NCC) (**03 546-0200**) and, in conjunction with the **Iwi monitor** (if present), take immediate steps to secure the site (tape it off) to ensure the archaeological material is undisturbed and the site meets health and safety requirements

NCC will notify and contact the **Iwi Trusts** and **Heritage NZ Pouhere Taonga** of the discovery within 24 hours.

Organise an onsite meeting for the assessment. Involve the **Site Manager/Contractor**, **Iwi rep/monitor** and an **Archaeologist**.

— On confirmation that discovery is a Taonga/archaeological material find —

The **Iwi rep/monitor** will provide advice from the **Iwi trust/s** for protection/storage.

Will assist with site recording, lead tikanga onsite and secure the find.

The **Archaeologist** will inspect site.

Complete site records.

Works can restart on location once the **Iwi Trust/s**, **Heritage NZ Pouhere Taonga** and **Taonga Tūturu** have given approval to proceed.

Approval for continued activity **may** require Iwi monitoring of all earth disturbance.

The **Iwi rep/monitor** and **Archaeologist** will transfer taonga to an appropriate location to be determined by the **Iwi Trust/s**.

Once secured the **Iwi rep/monitor** will finalise tikanga process for those involved with handling of the taonga e.g. Iwi monitor, archaeologist and any others involved.

Discovery of Kōiwi tāngata (human ancestral remains)

Accidental Discovery Protocol

STOP WORK within 100m* of discovery of find

*The 100m buffer around find site is limited by property boundary or site works area

Whoever discovers **Kōiwi tangata** is to immediately report the discovery to Nelson City Council (NCC) (03 546-0200) and in conjunction with the **Iwi monitor** (if present), take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site meets health and safety requirements

NCC will immediately notify the **Police**, **Iwi Trusts** and **Te Whatu Ora** of the discovery, and within 24 hours notify **Heritage NZ Pouhere Taonga** and **Taonga Tūturu** of the discovery.

Organise onsite meeting for the assessment.

Involve **Site Manager/Contractor**, **Iwi rep/monitor** and an **Archaeologist**.

On confirmation that discovery is a Kōiwi tāngata find

Police, with **Iwi** presence, conduct Inspection.
Wait for clearance.

The **Iwi rep/monitor** will provide advice from the **Iwi trust/s** for protection/storage.
Will assist with site recording, lead tikanga onsite and secure find.

The **Archaeologist** will inspect site.
Complete site records.

Works can restart on location once the **Police**, **Iwi Trust/s**, **Heritage NZ Pouhere Taonga** and **Taonga Tūturu** have given approval to proceed.

Approval for continued activity **may** require monitoring by iwi of all earth disturbance.

The **Iwi rep/monitor** and **Archaeologist** will transfer Kōiwi tangata/taonga to an appropriate location, to be determined by the **Iwi Trust/s**.

Once secured the **Iwi rep/monitor** will finalise tikanga process for those involved with handling of the Kōiwi tangata/taonga e.g. Iwi monitor, Archaeologist and any others involved.

Examples of Common Finds – Taonga Māori

Middens, burnt patches of ground and hangi stones



Toki (adze)



Stone fragments



Pits/depressions



Examples of Common Finds – European Taonga



Sample of Maori post hole features



Pile holes and drains, house site



Samples of typical 19th century artifacts.

Appendix 5: Key community feedback themes on the draft Reserves General Policies

(To be completed following consultation.)