

**MINUTES OF A MEETING OF THE COMMITTEE TO HEAR SUBMISSIONS ON THE DRAFT CONSERVATION AND LANDSCAPE RESERVES MANAGEMENT PLAN HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON WEDNESDAY 14 OCTOBER 2009 COMMENCING AT 09.30AM**

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**PRESENT:** Councillor R Reese (chairperson), Councillors A Boswijk and M Holmes

**IN ATTENDANCE:** N MacDonald (Manager Community Policy and Planning), P MacArthur (Manager Parks and Facilities), S Yarrow (Community Policy and Planning Advisor), M Cleland (Environmental Reserves Advisor) and R Palmer (Administration Advisor)

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## **1.0 SUBMISSIONS**

### **1.1 ROYAL FOREST AND BIRD PROTECTION SOCIETY NEW ZEALAND INC – CENTRAL OFFICE**

In Attendance: Debs Martin

Ms Martin explained that the Society generally agreed with the recommendations suggested by the staff set out in the submissions summary however it had concerns regarding the following areas,

1. Policies 5.1.2 and 5.1.3 relating to the acquisition of land.

She explained that in some instances the need for protection may not trigger National ownership however the land may still be of value to the community so the policy should still give consideration to acquisition of land that supports rare or ecologically valuable ecosystems over land that compliments existing Council reserves.

2. Policy 5.24

The proposed change to policy 5.24.1 does not adequately cover the protection of indigenous biodiversity, as the primary purpose of the reserve may not always have this focus.

3. Pest management

The Society urged the council to immediately implement its policy 5.7.3 with regard to pest animals within high conservation areas.

4. Public access and use

The Society urged the Council to insert a requirement that public access should not be inconsistent with indigenous biodiversity rather than merely relying on the concept of “reserve values” which was not clear or defined.

5. Tracks and Track Marking.

- i. The Society urged the Council to replace the word “limit” in policy 5.14.2 with the word “avoid”. Ms Martin advised that the Society would like to

see policy 5.14.4 use the words “appropriate access” rather than “walking and cycling” as proposed in response to the submission by Tim Percival.

- ii. Ms Martin reiterated that the wording of clause 5.14.2 should read “seek to avoid effects on sensitive vegetation and habitats” rather than “limit the potential for damage to sensitive vegetation and habitats”.

## 6. Hunting and Fishing

The Society requested the Council ensure that the effects of hunting were monitored so as to ascertain the effectiveness of recreational hunting within these reserves and thus an additional policy relating to this would be desirable.

7. The Society urged the Council to give serious consideration to reviewing the reserve status of the Roding water reserve and also the reserve status of the Brook Conservation Reserve.

## 1.2 TASMAN HANG-GLIDING AND PARAGLIDING CLUB.

Nick Taber and Glen Meadows presented the submission explaining that the Barnicoat Hill was a very special site for hang-gliding and paragliding as these activities could operate from here when other sites in New Zealand were closed.

Submitters stressed that they supported the staff recommendations in respect of the policies relating to aircraft and aerial sports permit foot launched, non-motorized launching and landing of flights from the Barnicoat range.

## 1.3 TIM PERCIVAL

Mr Percival explained that his concerns related to the apparent tendency of the Council to improve walking tracks and he urged the Council to retain different types of tracks to ensure that there was a variety for all users from single type tracks through to the wider less interesting walkways.

He also explained that the single tracks clearly discouraged mountain bikers which increased the safety of trampers using them.

Mr Percival also explained that he would like to see an additional policy added to those relating to the Roding Reserve to permit foot launched non-motorized paraglider flights from Mt. Malita, and a similar policy in relation to the Maitai Water Reserve to allow the flights from Dun Mountain.

## 1.4 DEPARTMENT OF CONSERVATION

Katherine Hughes presented the submission outlining the areas of concern for the Department which were;

### 1. Classification

The Department expressed concern regarding the Council’s reluctance to consider classification of reserves under the Reserves Act 1977 as in its opinion this provided certainty for the public as to the use and gave the Management Plans and Policies much more authority.

She also expressed the opinion that the Council needed to look closely at the areas of unformed legal road passing through these reserves as there was a different public expectation regarding access over these pieces of land. If they were not to be available for traffic, they should be stopped and incorporated into the surrounding reserve land.

2. Heritage protection

The Department's wish was that the words "other than natural decay" be deleted from policy 5.3 and it did not intend that the whole sentence should be removed.

3. Leases, licences and concessions

The Department not consider that the term "concession" was appropriate as it was used in relation to reserves vested in the crown.

4. Individual Reserve Maps

The Department would like see that the reserve boundaries followed legal boundaries and if legal boundaries were not appropriate that they either be changed or allotments be amalgamated or there be a clear statement as to why the legal boundary was not being followed e.g. Catchment boundaries or the like.

The map should also show tracks, car parks, points of entry and other points of interest to make them more meaningful to the public.

5. Roding and Maitai Water Reserves

The Department could not believe that the Council was meeting its resource Consent conditions in relation to fish passage past the weir on the Roding River or the Maitai dam or the south branch of the Maitai river. The policies in relation to these two reserves should be amended to make it clear that such passage will be provided and maintained.

6. Maitai Water Reserve

There should be some time frame within the policy relating to vehicle access over the Mangatapu track.

7. Brook Waimarama Sanctuary

The council should move to reclassify the Brook Waimarama Sanctuary to Local Purpose (wildlife sanctuary) Reserve.

It should also move to revoke the Nelson Water Works Act 1863.

8. Marsden Valley Reserve

The Department would urge the Council to amend policy 6.4.3 to make it clear that Council will advocate for the removal of Douglas Fir from sites on private land, from where it could spread to Council Reserves.

9. Titoki Reserve

The Department understands that Titoki Reserve is being considered as a possible site for a cellphone tower and would point out that such a facility is not consistent with the scenic reserve status of that reserve.

10. Landscape Protection

Policy 5.4.1 relating to landscape protection could be split into two policies the first being more enabling in relation to modified areas and the second relating to the avoidance of structures in respect of unmodified areas.

11. Reserve Acquisition

The Department supports the proposal to amend policy 5.1.3 to include “ecological corridors.”

12. Heritage Protection

In relation to heritage protection the Department would suggest that policy 5.3.4 also includes “management” as well as “protection and use of heritage sites.”

## **1.5 VICTORY RESIDENTS AND PARENTS**

Sally Shaw and Helen Watson presented the submission.

The submitters stressed their support for the provision of food trees in public places as provided for by the management plan and in particular Pipers Park and the Railway Reserve.

## **1.6 TAMIKA SIMPSON**

Ms Simpson explained that she and her partner were land owners adjacent to the Brook Sanctuary and were specifically concerned for the loss of public access to that area through the intention to charge entrance fees

She explained that in her opinion as the public purse was assisting to build the fence, rate payers should be compensated in some manner for example by having free access to the sanctuary.

She also expressed concern regarding the change from a water works reserve to a sanctuary reserve having regard to the possible future use which might need to be made of that water source.

Ms Simpson also explained that she had wished to ensure that the Brook camp remained as a camp and be available in due course for future development and not become part of the sanctuary.

## **1.7 NELSON MOUNTAIN BIKE CLUB**

Chris Mildon, on behalf of the club, endorsed the staff recommendations relating to the Clubs submission, advising that in his opinion having a good mountain bike trail system was an important community resource and provided a good incentive for visitors to stay longer in the City.

## **1.8 NELSON CYCLE TRAILS TRUST**

Chris Alison, on behalf of the Trust, expressed satisfaction with the staff recommendation regarding amendments to the draft management plan.

He acknowledged that while some tracks could be multi use, it was important to consider providing tracks specifically for mountain bikes with others being restricted to hikers or walkers.

## **1.9 ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC – TASMAN BRANCH**

Jocelyn Bieleski explained the concerns of the society in relation to the protection of indigenous species, and the encouragement of birds. She explained that in the society's opinion while fruit trees within reserves were a great incentive, care needed to be taken to ensure they were not established in inaccessible places where the fruit would merely give rise to greater pest populations.

She also expressed the opinion that wherever possible natives should be used for plantings to stabilize slopes rather than poplars or other exotic trees.

## **1.10 BROOK WAIMARAMA SANCTUARY TRUST**

Rod Witte spoke to the Committee outlining the Trusts submission and explaining its wish to see the boundaries of the reserve between the Brook and Roding Catchments amended to accord with the resource consent which had recently been granted in respect of the sanctuary fence.

He also asked that the Council consider classifying all the land within the fence to Local Purpose (wildlife sanctuary) Reserve.

He explained that the Trust would ask the Council to consider the status of the camp ground having regard to the possible need of the sanctuary to provide a parking and coach turning area.

He also advised that the Trust would be looking to have policy 6.3.1 amended to provide for a right of renewal for the lease following the expiry of the initial term.

Mr Witte advised that the Trust needed to be able to charge for entry so as to ensure that the sanctuary was cost effective however it would be agreeable to providing two free open days at appropriate times during the year.

Mr Witte also requested an additional policy to cover control of pest plants on the fence line, which was a condition of the resource consent.

He advised the Committee that policy 6.3.3 in relation to the rationalisation and divesting of areas of land was acceptable as long as this did not occur until the lease to the Trust had been resolved.

He explained that the Trust did not support the allowance of recreational hunting within the sanctuary area as the Trust had its own hunters who dealt with feral animals and public safety was paramount.

The Trust supported the provision of Eureka Park however it would like to point out that it was the Trust's proposal to establish a walking link with the educational training centre through that area, and it would not like to see this access prevented.

### **1.11 TREVOR AND MYFANWY JAMES**

Trevor James spoke to the committee advising that the property owners adjacent to Bolwell Reserve were grateful for the assistance which the parks staff had provided in relation to planting within the reserve therefore they supported the recommendation of staff in this regard.

Mr James also requested a classification as to what was meant by "fire resistant" plants.

## **2.0 DECISIONS**

### **2.1 USE OF THE RESERVES ACT**

Staff advised the Committee that they were reluctant to classify Council reserves under the Reserves Act unless such classification provided benefits which were not available to the Council under section 138 of the Local Government Act 2002.

It was noted that if the only way to meet the policies of the Management Plan would be classification under the Reserves Act then that step would be taken.

It was suggested that perhaps the section of the Plan relating to reserves acquisition and classification could be clarified to make it clear as to the reasons for using or not using the Reserves Act.

### **2.2 OVERVIEW MAPS**

It was agreed that the maps within the Management Plan were for information rather than instruction and therefore it was not appropriate that they carry any greater detail.

### **2.3 RESERVES ACQUISITION**

It was agreed that a new policy under 5.1 could be provided whereby the Council would give consideration to purchasing land if protection could not be achieved by any other means and it was of regional significance.

### **2.4 MANAGEMENT OF HERITAGE SITES**

It was agreed that "management" of heritage sites was envisaged by the Plan however such would be dealt with in relation to the individual reserves.

### **2.5 LANDSCAPE PROTECTION**

It was agreed that the provisions under policy 5.4.1 relating to protecting relatively unmodified landscapes should remain as written as there was no clear definition or understanding as to how to distinguish between modified or unmodified landscapes.

## **2.6 INTERPRETATION**

It was agreed that an interpretation section was not necessary.

## **2.7 PLANTS, AND ANIMAL PEST CONTROL**

The committee discussed the management of pest animals as a resource however acknowledged that bio diversity protection was the prime objective.

## **2.8 TRACKS AND TRACK MARKINGS**

It was agreed that policy 5.14.2 should be amended by changing the words “limit the potential for” to “seek to avoid”.

It was agreed that policy 5.14.4 should be reworded in such a way as to make it clear that the access through the reserves to other public lands would acknowledge the use of the other public land and therefore the word “appropriate” could well be a better use than “walking and cycling”.

## **2.9 LEASES, LICENCES AND CONCESSION**

It was generally accepted that concessions were short term licences to occupy or to use a reserve and therefore added understanding to policy 5.30.

It was agreed that the last bullet point reading “the activity or structure does not conflict with other uses of the reserve” should be deleted from policy 5.30.1

## **2.10 FISH PASSAGE**

It was agreed that staff should follow up with the Department of Conservation to ascertain just exactly how the Council may not be meeting its resource consent conditions. If necessary a new policy could be added in respect of the Roding River weir, the Maitai dam and the south branch at the Maitai to highlight fish passage as an issue and an indication that the situation would be investigated.

## **2.11 RECREATIONAL HUNTING**

It was agreed that the policies relating to recreational hunting within the Roding and Maitai water catchments should be amended by changing the last part of the policy to read “adverse affects on water quality as well as ensuring public safety.”

## **2.12 BROOK CONSERVATION RESERVE**

It was agreed that policy 6.3.2 relating to the fee for access to the reserve should be amended to read “To allow a fee to be charged for access to the reserve, but provide for an appropriate level of free public access to the sanctuary, as agreed with Council, with times to be determined through lease negotiations.”

Policy 6.3.5 should be amended to make it clear that recreational hunting would only be permitted outside the fenced area of the sanctuary.

## **2.13 BOTANICAL HILL RESERVE**

It was agreed that policy 6.10.4 should be amended to read “discourage mountain bikes from the high-use foot tracks on the Nelson city centre side of the Botanical Hill.”

## **2.14 BOTANICAL HILL RESERVE AND SIR STANLEY WHITEHEAD PARK**

It was agreed that general policy 5.29.1 should be amended by changing the initial word “permit” to “consider” and deleting the words “Reserve Acts 1977”.

## **3.0 DECISION**

### ***Recommendation to the Council:***

**THAT** the Draft Conservation and Landscape Reserves Management Plan dated October 2009 as amended in accordance with the staff recommendations on document 829525, and/or the forgoing decisions be adopted.

Reese/Holmes

Carried

The Meeting closed at 4.05pm