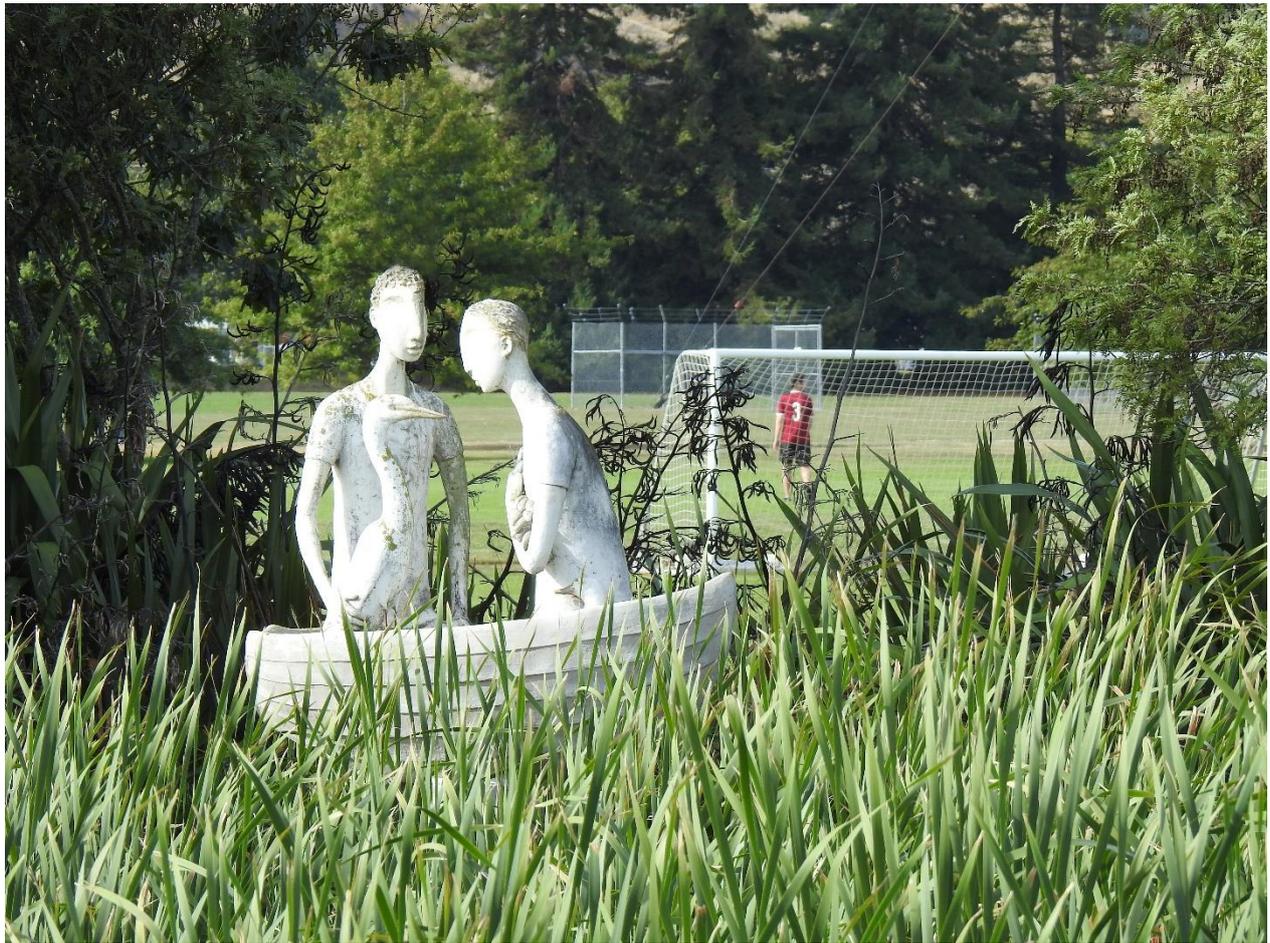


# saxton field

## Reserve Management Plan 2021 - 2031



# saxton field

## Reserve Management Plan 2021 – 2031

**April 2021**

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### **Acknowledgements**

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The Saxton Field Committee directed the development of this Plan: Chair Derek Shaw and members Kit Maling (TDC), Trevor Tuffnell (TDC), Judene Edgar (NCC) and Tim Skinner (NCC). Aroha Gilling of the Department of Conservation brought a Mātauranga Māori perspective to the Panel considering and hearing the submissions on the Draft Saxton Field Reserve Management Plan.

This document has been prepared by Rob Greenaway. The project was overseen by Tasman District Council and Nelson City Council staff Susan Edwards, Tara Fifield, Rosie Bartlett, Andrew Petheram, Paul Harrington and Richard Hollier.

# saxton field

## Reserve Management Plan 2021 – 2031

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Tasman District Council approves Plan for adoption	
Nelson City Council approves Plan for adoption	



#### **From the Chair of the Saxton Field Committee**

This Management Plan for Saxton Field is based on engagement with iwi and multiple strands of community consultation, with oversight by the Saxton Field Committee. We will use this Plan to better develop and manage Saxton Field as a premiere sports venue, but also as a quality green space which attracts constant use for casual recreation and play contributing to community wellbeing. We wish to see the landscape and environmental qualities of the reserve improved further. If you have contributed to the process, thank you and we hope you see your input reflected here.

*Chair, Derek Shaw*

*Saxton Field Committee Members: Kit Maling (TDC), Trevor Tuffnell (TDC), Judene Edgar (NCC) and Tim Skinner (NCC)*

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## Abbreviations

<b>CPTED</b>	Ministry of Justice's <i>Crime Prevention through Environmental Design</i> national guidelines
<b>LTP</b>	Long Term Plan
<b>NCC</b>	Nelson City Council
<b>NRMP</b>	Nelson Resource Management Plan, to be superseded by the Nelson Plan during the life of this Management Plan
<b>RMA</b>	Resource Management Act 1991
<b>TDC</b>	Tasman District Council

**A glossary of Māori terms is provided in Appendix 3.**

## 1 Introduction

---

This Reserve Management Plan (the Plan) sets out the proposed vision, priorities and policies for Saxton Field for the next ten years.

Saxton Field is a significant regional sport and recreation venue managed by the Nelson City Council (NCC) and Tasman District Council (TDC) via the joint Saxton Field Committee. Saxton Field lies within the Nelson City boundary – which runs along Champion Road – and so only NCC bylaws and resource management planning regulations apply to the reserve. This document is, however, jointly approved by both NCC and TDC, as each council is the administering authority under the Reserves Act for the reserves each owns (see Appendix 1 for a list of the separate land titles covered by this Plan).

Many of our most significant regional sports assets are located on Saxton Field, including the Saxton Cricket Oval, Athletics Oval, Saxton Pavilion (used by cricket, athletics and football), the Nelson Netball Centre, Saxton Stadium, Sports House (Sport Tasman's regional sports administration hub), the Saxton Velodrome, and the Hockey and Softball Pavilion and two artificial hockey surfaces. The reserve is also home to regional football clubs, and supports archery, baseball, BMX and target shooting. The two councils, iwi and numerous clubs, codes and individual volunteers have worked in partnership to create what is now one of the most multi-purpose sport and recreation settings in New Zealand.

Saxton Field is also popular for casual recreation. The reserve has been developed as a pleasant open space, and internal roadways and paths are used for cycling, skating, walking and running. Saxton Creek has been substantially upgraded in the past five years with the aim of improving water quality in the catchment and providing more natural habitat for native birds, plants and fish. With the addition of an esplanade reserve adjacent to the Creek, more walking and cycling access has been developed, linking Saxton Creek with adjacent communities and providing more walking, cycling and running options.

Saxton Field also supports significant regional, national and international cultural, social and sporting events.

This Plan is a statutory document defining how Saxton Field will be developed and managed over the next 10 years. The Plan sets out a broad vision for how Saxton Field will be developed, and defines policies which control specific activities on the reserve, such as the sale of alcohol, how leases will be agreed and how facility proposals will be assessed and prioritised. The Plan also requires a revised development plan to be prepared for Saxton Field to achieve the proposed Vision. The most recent development plan – from 2019 – appears in Appendix 8.

The Plan does not pretend to be able to predict the future, and sport and recreation trends will come and go over its life. The direction set therefore needs to have flexibility to respond to new ideas, but with enough guidance to ensure that the core values of Saxton Field are understood and made the best use of.

This Plan is therefore a 'living document', and it has been prepared in accordance with the requirements of section 41 of the Reserves Act 1977. Any significant amendment to policy once the Plan is adopted will require consultation with public and Te Tau Ihu iwi. Minor amendments may be made by the councils via the Saxton Field Committee in consultation with affected parties and specific stakeholders, and Te Tau Ihu iwi.

This Plan replaces the previous management plan that was adopted in 2008 and which considered a land area of 65.4 hectares, plus 7 hectares leased from Radio New Zealand. This Plan includes several new small additions and now includes 74.2 hectares: 17.7 hectares owned by TDC, and 56.5 hectares by NCC (including the 7 hectares leased from

Radio New Zealand). The new areas include an esplanade reserve on Saxton Creek, and two recently-acquired small parcels (59 and 63 Daelyn Drive)<sup>1</sup> with an adjacent public walkway between Daelyn Drive and the reserve (Figure 1).



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<sup>1</sup> These two titles are in the process of being vested as recreation reserve at the time of preparing this Plan, and are treated as having been vested.

Figure 1: Saxton Field, with land status



## 1.1 Document structure

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This document is in two parts.

The first part includes the Vision, expectations for use and development, and the policies which will direct how Saxton Field is developed and managed. There are four sections:

### **Section 2: Vision**

This section sets the scene for how Saxton Field will be developed and managed in broad terms. The Vision is especially important as it will drive how future development plans evolve and is the reference point for all decisions made according to the following policies. The Vision is also a repository for specific development suggestions identified through consultation which are not matters of policy (such as more seating for older walkers).

### **Section 3: Management and development**

This section addresses the framework for the management of Saxton Field and directs that a revised development plan be progressed. Issues range from observing the principles of the Treaty of Waitangi to applying principles of sustainability, and provides policies which will allow the Saxton Field Committee and councils to provide the maximum benefit to as many people as possible at Saxton Field, while managing any adverse effects.

### **Section 4: Use of Saxton Field**

This section outlines the expected uses of Saxton Field, both by the general public and for applications for more formal reserve use and recommends how use and occupation agreements – leases, licences, permits and easements – should be issued.

### **Section 5: Development of New Built Features and Facilities**

This section reviews how proposals for new structures and buildings should be assessed, including sport and recreation facilities, memorials, lights and provisions for access for all.

The second part provides background, including a summary of the history of Saxton Field and the various statutory rules and regulations which apply to it, and the consultation outcomes which have informed the development of the Vision and policies. This part of the Plan also describes the various bylaws and statutory controls which help direct its management.

## 1.2 The main new features of this Reserve Management Plan

---

The following are the main changes to the management of Saxton Field recommended by this Plan:

- There are several potentially confusing aspects to the management of Saxton Field which result from it being owned and managed by two councils – Tasman and Nelson – and used by multiple clubs and codes with their own booking systems for assets on the reserve. This Plan recommends retaining the Saxton Field Committee as the governing body, but coordinating management more effectively via a consolidated Activity Management Plan, developing a single booking portal for fields and buildings, and encouraging greater cooperation amongst codes and clubs in the sharing of resources.
- Saxton Field currently lacks interpretation of indigenous cultural values, and this Plan places a priority on interpreting the local history of Te Tau Ihu iwi through information services, artwork and supporting cultural harvesting within the Reserve.
- The 2008 Reserve Management Plan for Saxton Field lacked clarity over the processes of issuing and terminating temporary and long-term use and occupation agreements,

and these are provided in detail here. This obviates the need for specific policies for, for example, circuses.

This Plan does not prescribe any new facilities to be developed on Saxton Field, although there are several proposals being promoted by several groups. Rather, the Plan defines an assessment process for new facility proposals which are likely to arise over the life of the Plan. Otherwise, this Plan is very much a 'steady as she goes' document, maintaining the momentum of new facility development, the improvement of existing facilities and opportunities, and providing clarity over the many management issues facing a complex facility like Saxton Field.

### 1.3 Existing features on Saxton Field

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Saxton Field is substantially developed in the north-western corner, while it is still under development in the south-west and along Saxton Creek upstream of Saxton Pond. Figure 2 on the following two pages show the current uses of the reserve at September 2020.

Field names have various origins. Circus Green has been a traditional site for visiting circuses. Two Oaks Green is named after the two historic oak trees at the eastern end of Suffolk Road East. Airfield Green is the site of Nelson's first airfield. Transmitter Field has an obvious origin. Harakeke Field is named for the original dominant vegetation in the Saxton Field area, and for the new planting of flax (harakeke) in Saxton Creek. Champion Green is named for the Champion Mine in the Roding River catchment. Avery Field records the name of the previous landowner. The history of the Saxton family is summarised in section 6.2 *Saxton Field*.

Figure 2: Saxton Field layout at September 2020



## SAXTON FIELD LAYOUT AS AT SEPTEMBER 2020

1. Circus Green
2. Netball courts (13)
3. Sports House – Saxton Stadium
4. Two Oaks Green – hockey grass
5. Airfield Green – senior football fields (3), football training fields (3)
6. Playground
7. Hockey artificial
8. Transmitter
9. Junior football fields (7)
10. Softball fields (4)
11. Target shooting and cricket facilities
12. Saxton Cricket Oval
13. Athletics, senior football field (1)
14. Archery
15. Harakeke Green – senior football fields (4), grass cricket wickets (2)
16. Baseball field (1)
17. BMX bike track
18. Champion Green
19. Saxton Velodrome, Learn To Ride Course
20. Avery Field – sports field and cricket wickets



**Part 1: Proposed Vision and Policies**

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## 2 Vision for Saxton Field

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**Saxton Field is where the regional community comes together to play sport and for recreation. It is an inclusive environment for everyone.**

The primary purpose of the Saxton Field complex is providing a collection of high-quality venues that cater for regional sport and recreation activities based on a collaborative sports clustering model.

Saxton Field has a key role in providing an attractive aesthetic greenbelt for the regional community with open space and trees, which can be used for informal recreation and provides for spectators to watch activities.

Saxton Field provides for additional activities, including high level (national and international) sporting activities and events.

The development and use of Saxton Field will encourage behaviours that uphold and enhance the mana of the Saxton Field whenua and wai.

Four areas of community benefit or value have been identified for managing Saxton Field:

- Administering, playing and viewing formal sports and events in facilities of national and regional standard.
- Participating in casual and informal sport, recreation, exercise, play and quiet contemplation (defined as 'casual recreation').
- Providing a pleasant and accessible landscaped park setting which makes Saxton Field a destination in its own right with a mix of built and open spaces.
- Enhancing natural and environmental values for their own sake and to support iwi maintaining their role in kaitiakitanga.

Outcomes for each of these values should be able to be secured without compromise to the others. Four outcome areas are identified below, and each has a summary of methods by which they can be achieved. These methods are not necessarily policies, although they may be reflected in them, but they must be considered when a revised development plan for Saxton Field is prepared.

### **Sport and events**

- Saxton Field is a role-model for sports clustering, enabling multiple high-quality regional and local sports, and selected national and international events, to operate collaboratively from within the complex.

Methods:

- Implementing the policies in this Plan. Managing and providing for sport is a focus of many of this Plan's policies.
- A review of parking provision and wayfinding.
- Ongoing dialogue with sports codes and clubs.

### **Casual recreation**

- Saxton Field is designed and developed with the aim of being a busy venue throughout the day and year, with constant use by Nelson and Tasman residents and visitors for a wide range of complementary casual recreation activities.

**Methods:**

- Making provisions for casual and family recreation a major focus of the revised development plan. This will include:
  - Improved wayfinding and recreation routes for walking and cycling.
  - An audit of access provisions for those with limited mobility (see Section 5.4 *Inclusion and disability access*).
  - Seating, shade and water at appropriate distances, with particular consideration for older visitors and for people with disabilities.
  - Enhanced facilities for family recreation, including quality play spaces.
  - Effectively marketing Saxton Field as a casual recreation venue, including the development of a feature entrance to the reserve and how the reserve can be made more inviting from a drive-by perspective.
  - Art, heritage and culture, particularly focused on interpreting the history of Te Tau Ihu iwi (see Section 3.2 *Te Tiriti o Waitangi / The Treaty of Waitangi*).
  - Advocating for improved pedestrian and cycle linkages to Saxton Field (see Section 3.3 *Sustainability and Climate Change*) and continuing to develop walkways through Saxton Field.
  - Providing access to the Saxton Creek pond for model boating.
  - Considering how all sports venues can serve dual purposes for casual recreation and as community venues.
  - Monitoring the development of neighbouring areas, and maximising the opportunities to provide access for new residents from adjacent areas to Saxton Field and for access from Saxton Field to new recreation opportunities and new complementary recreation facilities and services.

**Landscape**

- Saxton Field is a destination park, admired for the design and quality of its landscape and its smart integration with the needs of sport and recreation.

**Methods:**

- A revised development plan which includes a comprehensive landscape treatment overlay for the entire reserve, providing shade – natural and built – near the right venues, assisting wayfinding and building on the concept of interpreting the history of Te Tau Ihu iwi (see Section 3.2 *Te Tiriti o Waitangi / The Treaty of Waitangi*).
- Policy which addresses the built environment, including limiting the number of pavilions, the clustering and quality design of buildings, and a low signage policy (containing and limiting signs and avoiding billboards and electronic signs).

**The Natural Environment**

- Saxton Creek and Orphanage Creek are developed to showcase the management of urban waterways for natural values, enabling biodiversity gains and sustainable cultural harvest.

**Methods:**

- Continuing improvements to Saxton Creek according to the resource consents attached to its staged development.
- Enabling Te Tau Ihu iwi to perform the roles of kaitiakitanga.
- Adopting sustainable management practices for waterways, including avoiding or limiting the use of herbicides and other chemicals and considering the potential for cultural harvest.
- Monitoring upstream developments as an affected party.

Saxton Field and the activities that occur at the complex also contribute to both councils' community outcomes, which are as follows:

- Our unique natural environment is healthy, protected and sustainably managed
- 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.



## 3 Management and development

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This section addresses the framework for the administration, management and development of Saxton Field, and implementation of Te Tiriti o Waitangi / Treaty of Waitangi obligations.<sup>2</sup>

### 3.1 Reserve governance, management and development

---

The Saxton Field Committee has the power to decide on the implementation of approved budgets for operations, maintenance and capital developments, as well as approving concessions and marketing plans. The two councils approve separately (but subject to adoption by the other Council, unless it is for a matter specific to one Council, and based on the recommendations of the Saxton Field Committee) future capital works programmes, leases, licences and easements, reserve policies (including this Management Plan) and development plans (see Appendix 2 for the Committee's terms of reference).

The Terms of Reference for the Saxton Field Committee refers only to the requirement for the Committee to report its agendas, minutes and recommendations to each Council, in accordance with standard committee administration protocols. There is no further requirement to report on performance of Saxton Field as a community asset beyond standard asset management systems operated by each Council. It is logical that monitoring and reporting of management performance is also consolidated, and a combined Activity Management Plan is proposed by this Plan.<sup>3</sup>

The cost of reserve management, maintenance and development is split equally between the two councils, with each taking responsibility for agreed activities. Maintenance is currently carried out by Nelmac, but according to two separate contracts administered separately by each Council. Work and maintenance programmes can mean the transfer of funding between councils.

This Plan proposes some new expectations for the management and development of Saxton Field, which will require interpretation through a revised development plan. This policy ensures that revising the development plan is considered a priority for the Saxton Field Committee and that the development plan reflects the recommendations of this Plan. It is not the place of this Plan to define all development options or priorities, but rather to set broad direction and specific policy.

Reserve use for formal sports depends on booking fields via several different avenues, including clubs and codes. There is no consolidated field booking system, which has been described by users during consultation for this Plan as quite frustrating.

#### 3.1.1 Expectations

- 3.1.1.1 Saxton Field will continue to be governed by the Saxton Field Committee which represents the interests of the Nelson/Tasman communities and Te Tau Ihu iwi, and those of the landowners (TDC and NCC), including ensuring compliance with all statutory responsibilities.

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<sup>2</sup> Other relevant statutory requirements are contained in the Reserves Act, the Nelson Resource Management Plan (and the Nelson Plan once operative) and the Resource Management Act 1991, and Council bylaws.

<sup>3</sup> An Activity Management Plan (AMP) defines an activity carried out by a Council and the assets needed to carry out that activity. AMP's: Outline the level of service that the Council will provide to the public over at least a ten-year period from when the Plan was prepared; Outline the performance measures the Council will monitor to check whether it is delivering the proposed level of service; Provide information on how the activity will be funded; Provide information on any new projects or expenditure that will be required during the ten years; Outline the assumptions Council has used in preparing the Plan and the uncertainties and risks involved in undertaking the activity. AMPs provide the base information for the preparation of Long Term Plans and Annual Plans. Saxton Field is currently subject to two separate AMPs prepared by each council.

- 3.1.1.2 Facility development at Saxton Field will aim to encourage and facilitate the use of the reserve by all members of the community by focusing on inclusivity and by responding to changes in demand for sport and recreation opportunities over time (see also section 5.4 *Inclusion and disability access*).
- 3.1.1.3 Saxton Field will be administered as cost-effectively and efficiently as possible, and Council staff will have clarity about their inter-regional responsibilities and costs; and the Saxton Field Committee will encourage co-ordinated and integrated management of the complex.
- 3.1.1.4 Monitoring of management and asset performance at Saxton Field shall be consolidated and reported to both councils.
- 3.1.1.5 A revised development plan will reflect the expectations identified within this Plan, and consider the influences of new neighbouring developments.
- 3.1.1.6 Ongoing engagement with Te Tau Ihu iwi and consultation with the community shall ensure that the ongoing development of Saxton Field meets community expectations.

### 3.1.2 Policies and methods

- 3.1.2.1 The Saxton Field Committee shall consider options for consolidating day-to-day reserve management, maintenance and marketing, and make recommendations to both councils for administration and management of the reserve via a single entity or individual, and the development of a single Activity Management Plan for all reserve assets.
- 3.1.2.2 Council staff shall monitor reserve management performance and practices to ensure that they are achieving the objectives of this Plan, and the councils' aligned level of service and performance standards set out in their Long Term Plans, and provide a centralised asset and service performance analysis that is common to both councils.
- 3.1.2.3 The Saxton Field Committee shall ensure that a revised development plan for Saxton Field is a priority and that it supports the expectations of this Plan.
- 3.1.2.4 Means by which all field and reserve bookings can be administered via a single portal shall be developed and implemented.
- 3.1.2.5 The Saxton Field Committee will support community and iwi engagement in the ongoing development and maintenance of Saxton Field.

## 3.2 Te Tiriti o Waitangi / The Treaty of Waitangi

---

The councils will work in collaboration with iwi (based on mutual good faith, co-operation and respect) to achieve the objectives of reserve use. A collaborative approach recognises the mana of Te Tau Ihu iwi, their role as kaitiaki of Saxton Field, and the desire to work together to maintain and support reserve development and management.

Te Tau Ihu iwi, and in particular mana whenua iwi, need to be given the opportunity to be actively consulted during the development of reserve values where cultural, natural or heritage values are present or nearby. Council recognises and respects the desire of Te Tau Ihu mana whenua iwi to exercise kaitiakitanga/customary practices of guardianship, in relation to places or resources that have spiritual or historical and cultural significance for them. Active

involvement by Te Tau Ihu iwi can be supported and achieved in a number of different ways at Saxton Field.

Saxton Field sits adjacent to the boundary of NCC and TDC areas, and is a meeting place for all residents of the region – for competition, play, celebration and contemplation. There is currently little cultural expression at the reserve, and little which speaks of a regional identity. This can mean that it is not welcoming to all members of society, and an opportunity to develop a unique and local cultural idiom has been missed. It also has the potential to provide a venue to interpret the history of interested Te Tau Ihu iwi through art, wayfinding material, interpretation and landscape treatments; all benefiting the enjoyment and marketing of Saxton Field as a 'Top of the South' destination.

Some of these ways the cultural values of Saxton Field can be better developed are:

- Working with Te Tau Ihu iwi to identify how best to interpret cultural values and history through the revised development plan.
- Establishing partnerships with Te Tau Ihu mana whenua iwi in restoration projects (on an ongoing basis, reflecting the progress achieved already in the redevelopment of Saxton Creek).
- Enabling customary use of natural resources by Te Tau Ihu mana whenua iwi on a case-by-case basis, ensuring consistency with the provisions of the Reserves Act.
- Engagement from the early stages of significant developments on the reserve that may affect the interests of Te Tau Ihu iwi.

### 3.2.1 *Expectations*

- 3.2.1.1 Reserve users better understand and appreciate the cultural history of Te Tau Ihu iwi in the Nelson/Tasman region, and this adds to the quality of their experience at Saxton Field.
- 3.2.1.2 Te Tau Ihu mana whenua iwi fulfil their role as kaitiaki of, especially, natural and cultural values at Saxton Field.
- 3.2.1.3 The principles of the Te Tiriti o Waitangi / Treaty of Waitangi, to the extent that they are consistent with the provisions of the Reserves Act, will be given effect.

### 3.2.2 *Policies and methods*

- 3.2.2.1 To acknowledge and work collaboratively with Te Tau Ihu iwi as kaitiaki of Saxton Field.
- 3.2.2.2 To provide opportunities for expressions of tikanga Māori, such as by the Saxton Field Committee receiving recommendations for the naming of reserve features, and by 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 and Wildlife Act 1953), the installation of pouwhenua and bilingual signage and interpretation panels, thereby enhancing Te Tau Ihu iwi visibility in the landscape.
- 3.2.2.3 To include in a revised development plan, the means by which Te Tau Ihu iwi can have their respective cultural values and histories told at Saxton Field via art, interpretation and wayfinding tools.
- 3.2.2.4 To support the establishment and use of resources (such as harakeke, particularly species suitable for weaving) for cultural use (including harvest) within natural areas at Saxton Field, provided this establishment

and use does not conflict with, for example, waterway control and nature conservation objectives.

- 3.2.2.5 To protect recorded and unrecorded archaeological sites from damage, in accordance with the provisions of the Heritage New Zealand Pouhere Taonga Act (2014).
- 3.2.2.6 Where an archaeological authority is not required, apply the Accidental Discovery Protocol (see Appendix 5) for all development activities on the reserve, and where archaeological sites are uncovered through natural processes.
- 3.2.2.7 Ensure 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.

### 3.3 Sustainability and Climate Change

Saxton Field users should be able to access the reserve with the lowest environmental and carbon footprint possible, and to minimise their footprint on site.

Councils are also responsible for managing reserves and other areas with biodiversity values in accordance with the requirements of the Reserves Act. The concept of sustainability includes consideration of how these biodiversity values can be self-perpetuating with minimal ongoing management input, and where input is required to support ecosystems which are no longer self-supporting (due to, for example, competition with weeds and pests). Councils will work with relevant agencies to ensure the environmental values of Saxton Field are maximised, and that reserve users have minimal impact on those values within the reserve and in a regional context, where this is consistent with the primary purpose of the reserve.

New facilities and buildings, and building refurbishments, will also need to be designed and built to minimise their environmental footprint during their construction and operation. This will require consideration for, for example, water harvesting, efficient irrigation systems, low energy lighting and other energy efficiency measures (see also Policy 5.1.2.5 in *Buildings and structures*).

#### 3.3.1 Expectation

- 3.3.1.1 The efficient use of resources on Saxton Field is achieved – including water, agrichemicals and fertiliser, and electricity – while appropriate levels of service are maintained.
- 3.3.1.2 Saxton Field users are encouraged and enabled to reduce their environmental and carbon footprint when accessing and using the reserve.

#### 3.3.2 Policies and methods

- 3.3.2.1 Council staff shall work with clubs, community groups and event organisers to develop sustainable and low carbon processes and programmes.



- 3.3.2.2 New builds on Saxton Field shall be designed and constructed with sustainability principles at the forefront, considering climate change and energy efficiency, including encouraging efficient water and electricity use and, for example, the use of drought-tolerant plant species, and where feasible retrofitted into existing facilities.
- 3.3.2.3 The Saxton Field Committee will advocate for the development and maintenance of cycle and walkways and public transport options beyond the boundary of the reserve to enable all users to opt to not use private cars.
- 3.3.2.4 The revised development plan may include provision for enjoyable and safe cycle and walking access through and within the reserve, linking with external paths, including expanded bike parking facilities, and connections with public transport options.
- 3.3.2.5 Existing concessionaires, licensees and leaseholders shall be encouraged to adopt zero-waste protocols for products sold or provided within Saxton Field; and new concessions, licences and leases shall incorporate this requirement.
- 3.3.2.6 Drinking fountains will be provided at regular intervals, and any vending services which encourage single-use plastics will be reviewed with a view to their removal or adaption.
- 3.3.2.7 Community groups, clubs and events will be encouraged to educate their participants to reduce waste and to adopt 'pack-it-in pack-it-out' policies for all non-recyclable waste for all organised activities.

### 3.4 Commercial sponsorship and naming rights

Sponsorship and advertising are different. 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 a resource management plan (signs could require a resource consent) and the Urban Environments Bylaw 225 (under review in 2020) (see Section 7.2 of this *Plan Local Government Act 2002 and Council bylaws*). Advertisements at Saxton Field are controlled most directly by the bylaw and the policies in Section 3.5 *Commercial activities and commercial signs* and by the NCC *Naming Rights and Sponsorship Policy for Community Services Facilities* (December 2009).



The Major Events Act 2007 provides additional security for declared 'major events' by providing protections from advertising intrusions and other potential disruptions to event delivery.

Internal club sponsorship agreements which do not result in new signs (including building names) at Saxton Field are not the subject of this section (although, see Section 4.8 *Alcohol*). The focus of the policies in this section is on naming rights agreements and the placement of signs which may conflict with those of major events, particularly where they are televised, or where they do not support the community values expected at Saxton Field, and are in addition to any other applicable NCC bylaws and policies.

Sponsors of major events often require event spaces to be 'cleaned' of the signage of potentially competing sponsors. To enable major events to be held, all sponsorship

agreements must allow the removal or covering of all existing advertising material when major events are held.

Saxton Field is also primarily a community recreation setting, in accordance with its purposes under the Reserves Act, and it attracts casual use because of its quality natural and landscape features. The presence of commercial signage in this setting needs to be limited to ensure that these values are preserved, noting that sponsorship agreements are fundamental to the funding of many sports activities.

These policies shall apply to all new and renewed use and occupation agreements at Saxton Field.

### **3.4.1 Expectations**

- 3.4.1.1 Naming rights and sponsorship agreements at Saxton Field do not result in conflicts which compromise the ability of the reserve to provide a venue for major events or its normal functioning, they support the community values of Saxton Field and maintain a quality landscape setting.
- 3.4.1.2 The placement of signs at Saxton Field 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.

### **3.4.2 Policies and methods**

- 3.4.2.1 Naming rights proposals and agreements for any facility or service at Saxton Field will be recommended by the Saxton Field Committee and approved by the relevant council.
- 3.4.2.2 The relevant council will consider approval of the wording, location and content of commercial signs on the reserve, taking into account a social responsibility lens and considering the reserve's landscape values and the other policies below.
- 3.4.2.3 Commercial signs that are not associated with a sports or recreation sponsorship agreement shall not be permitted on Saxton Field.
- 3.4.2.4 All sponsorship and naming rights agreements at Saxton Field shall be dependent on the ability to deliver a sponsorship 'clean' venue where short-term major events rely on the support of another dominant sponsor.
- 3.4.2.5 Sponsorship agreements at Saxton Field with sponsors shall be entered into 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.
- 3.4.2.6 Sponsorship arrangements shall not be permitted where they impose or imply conditions that would limit, or appear to limit, councils', the Committee's or any code or club's ability to carry out their functions fully and impartially.
- 3.4.2.7 Sponsorship arrangements shall only be entered into where there are clear benefits to the community and users of Saxton Field.
- 3.4.2.8 Signs shall be designed and located to maintain a pleasant landscape setting within and adjacent to the reserve, and one that is not dominated by commercial advertising.

### 3.5 Commercial activities and commercial signs

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 service providers, such as vendors, buskers, circuses and events can support and underpin the enjoyment of a reserve. While these activities may be provided for, management of Saxton Field should aim to maximise the benefit from casual and free enjoyment of sports and events.

Not-for-profit organisations – such as sports clubs – and associations, and events held for charitable purposes, often rely on income from events to support services and activities that benefit the community, and this outcome should be provided for.

The NRMP and the NCC Urban Environments Bylaw 225 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 Sections 7.2 of this plan *Local Government Act 2002 and Council bylaws* and 7.5 *Resource Management Act 1991*). The NCC bylaw specifies permit requirements for the following commercial activities in public spaces, such as mobile shops and itinerant traders.

The bylaw does not refer to alcohol advertising on reserves, and this is addressed in the following policies for commercial activities.

The installation of fixed and temporary signage must also comply with the *NCC Naming Rights and Sponsorship Policy for Community Services Facilities* (December 2009) or any replacement policy). The Saxton Field Committee will seek the development of guidelines to assist with design and location decisions for commercial signs, particularly for internal facing signage.

#### 3.5.1 Expectations

- 3.5.1.1 Commercial activities and signs which enhance the public enjoyment of Saxton Field, and which are compatible with its principal purposes, uses and capacity, may be permitted on a case-by-case basis, subject to the requirements of relevant resource management plans, Council bylaws and whether they comply with this Plan.

#### 3.5.2 Policies and methods

- 3.5.2.1 Commercial activities, including circuses, trade exhibitions, festivals, mobile trade vehicles and carts, concerts and other commercial activities may be provided for on the reserve subject to obtaining all relevant Council authorisations and:
  - a) The use is compatible with the purpose of the reserve;
  - b) Subject to community consultation where a long-term licence or lease is sought, the activity is considered significant, and the activity is not envisaged by this plan;
  - c) The activity or structure does not conflict with the protection of the natural values and with other uses of the reserve; and
  - d) Any structure associated with the activity can be readily removed.
- 3.5.2.2 Applications to councils for organised events on the reserve must detail:
  - 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) Proposed commercial activities to accompany the event;
  - g) Access requirements;
  - h) Confirmation that any required resource consent has been sought;
  - i) Considerations regarding public health and safety; and
  - j) Whether there will be a charge for entry (prior consent from councils is required to charge for an activity on reserve land).
- 3.5.2.3 Applications for commercial activities, events and exclusive uses must be made at least 20 working days prior, although exceptions will be made where the activity is to accommodate a postponement.
- 3.5.2.4 Councils may prioritise opportunities for non-commercial fundraising activities, such as food stalls, over provision for similar but purely commercial activities.
- 3.5.2.5 Permits for commercial activities carried out by not-for-profit agencies will be issued where the activity:
- (a) Provides for, or is associated with, a public use; and
  - (b) Is short-term or temporary; and
  - (c) Is compatible with the primary purpose of the reserve, this Plan and the Reserves Act 1977.
- 3.5.2.6 Busking shall be only permitted on Saxton Field subject to NCC's city-wide policies.
- 3.5.2.7 Commercial activities shall be limited to specified sites detailed in leases, licences and concessions.
- 3.5.2.8 Licences, leases and concessions shall define where and when commercial or sponsorship signage can be displayed, and in accordance with relevant permitted activity rule in the relevant resource management plans, resource consent or relevant Council bylaws.
- 3.5.2.9 Councils may require payment of a minimum fee or a share of the income from commercial activities or a fixed fee to cover processing costs, and/or reserve maintenance and development (excluding commercial sponsorship for not-for-profit groups).
- 3.5.2.10 Licences and concessions shall require holders to 'make good' any damage to the reserve, and a bond may be requested by the relevant Council.
- 3.5.2.11 Temporary or long-term commercial advertising signs associated with the sponsorship of sporting and other recreation events or activities may be provided for as part of the event or lease or licensed activity and in accordance with relevant permitted activity rule in the relevant resource management plans, resource consent or relevant Council bylaws, and when located according to direction by Council.
- 3.5.2.12 Signs for activities not related to approved reserve uses will generally not be permitted on the reserve.

- 3.5.2.13 Permanent electronic signs shall be limited to those required for scoreboards and event management information.

### 3.6 Crime prevention and safety

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Users of Saxton Field should perceive it as a safe area for recreation. While it is inevitable that some anti-social activities will occur, such as graffiti and other vandalism, physical damage to the reserve should be minimal and rapidly repaired. The potential for physical and emotional threat to a person should be unlikely due to passive and active surveillance,<sup>4</sup> high visibility and appropriate use of access areas and areas of congregation, and the development of a culture of community care.

#### 3.6.1 Expectations

- 3.6.1.1 Saxton Field provides a safe community setting.
- 3.6.1.2 The community and emergency services are comfortable with surveillance, access and management provisions.
- 3.6.1.3 Damage from vandalism is repaired as soon as practicable.

#### 3.6.2 Policies and methods

- 3.6.2.1 The design, materials and location of reserve facilities should minimise the potential for hazards, deterioration and vandalism and shall be appropriate for the needs of the community, while recognising that an element of risk in play and other recreation is often unavoidable.
- 3.6.2.2 Event managers shall provide for appropriate security throughout reserve areas potentially affected by their activities in consultation with the relevant Council.
- 3.6.2.3 Unsafe structures and equipment on Saxton Field are removed, made safe, or clearly identified by signs.
- 3.6.2.4 The erection of permanent or temporary structures or equipment likely to result in injury to the public shall be prohibited on Saxton Field.
- 3.6.2.5 The carrying or use of firearms or any other weapon on Saxton Field shall be prohibited unless permitted under the Urban Environments Bylaw 225. Permits shall only be issued to clubs and their members who have an existing lease or licence to occupy the reserve and only for club activities, and such permits will also apply to participants managed by the clubs during training activities and open days.
- 3.6.2.6 Works on Saxton Field shall be carried out in accordance with the relevant councils' health and safety management requirements.
- 3.6.2.7 Clubs and associations with facilities and structures on Saxton Field shall be responsible for the maintenance of their facilities to standards as set out in lease conditions.
- 3.6.2.8 All graffiti shall be removed as soon as practicable.
- 3.6.2.9 Developments shall incorporate, where possible, the Ministry of Justice's *Crime Prevention through Environmental Design* (CPTED) national guidelines.

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<sup>4</sup> Passive surveillance is that by neighbours, passers-by and other reserve users, while active surveillance requires formal security measures such as CTV, patrols and alarms.

### 3.7 Cross-boundary issues

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Councils seek to be a good neighbour, taking into consideration the interests of adjoining landowners. However, Saxton Field has been established for a specific set of purposes. It is important that people buying or owning land nearby recognise the range of activities and development which could reasonably be expected on a reserve. This includes noise from temporary or regular events and fixtures. The Saxton Field Committee and the councils shall ensure that Saxton Field is able to be used for the purposes for which it is provided and in accordance with this Plan and relevant resource management plans.

#### 3.7.1 *Expectation*

- 3.7.1.1 Saxton Field is managed to provide for public benefit while considering the interests of adjoining landowners.

#### 3.7.2 *Policies and methods*

- 3.7.2.1 The councils have a responsibility to ensure activities on Saxton Field are in accordance with this Plan and relevant resource management plans.
- 3.7.2.2 Landowners adjoining Saxton Field will have the opportunity to apply for a licence under the Reserves Act for temporary access through the reserve to otherwise inaccessible parts of their land. In approving such a licence, the need for the access and the implications for public use and enjoyment of the reserve shall be considered. A fee may be required to cover costs.
- 3.7.2.3 Where requested, councils will take measures to prevent or remedy vegetation encroaching from the reserve onto neighbouring land, and amenity planting within the reserve will be implemented and maintained with a primary focus on reserve values and with consideration for neighbouring properties.
- 3.7.2.4 Community consultation will occur when a change in reserve use which does not comply with this Plan is proposed or is likely to have a significant effect on adjoining land owners.

### 3.8 Land acquisition

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The acquisition of the 7.14 hectare Radio New Zealand radio transmitter site, currently leased to NCC with rights of renewal until 2032, has been identified as desirable since Saxton Field was first developed. However, the aerial is a major structure and includes a significant amount of buried copper wire which provides the aerial's ground connection, hence its need to occupy a large area. Several discussions have been undertaken with Radio New Zealand over the years, and the option for NCC to acquire the land is on the table. However, this requires finding and developing an alternative transmitter site at the Council's cost, which is currently prohibitive. Should an option arise, however, the addition of the aerial site to the reserve remains desirable.

There may be some land acquisition opportunities adjacent to Saxton Field if there are specific constraints to development on Saxton Field. Alternatively, land acquired by NCC via reserve contributions from subdivision and development may be added to Saxton Field or developed as separate reserves.

### 3.8.1 *Expectations*

- 3.8.1.1 Opportunities to acquire the Radio New Zealand aerial site – if they arise – will be explored.
- 3.8.1.2 Opportunities presented by the subdivision and development of neighbouring land will be monitored.

### 3.8.2 *Policies and methods*

- 3.8.2.1 Acquisition options for the Radio New Zealand aerial site will be explored with Radio New Zealand if the opportunity arises. Formal discussions will only be entered into if there are significant capacity constraints at Saxton Field and the benefits of the land addition match the expense of relocating the aerial and buying the land.
- 3.8.2.2 The Saxton Field Committee will remain engaged in the development process of neighbouring land developments and consider opportunities in consultation with NCC and TDC as they arise.



## 4 Use of Saxton Field

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This section outlines how Saxton Field will be used, both by the general public and through applications for exclusive or organised uses of the reserve. The NRMP notes that permitted uses of Saxton Field, in addition to those listed in the NRMP (see Section 7.5 *Resource Management Act 1991*), can be defined within this Plan.

### 4.1 Recreational use and access

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As discussed in Section 7.1 (*The Reserves Act 1977*), reserves are classified by the Reserves Act according to a defined primary purpose. Saxton Field is predominantly recreation reserve, with an esplanade reserve and a short walkway (both local purpose reserves). These purposes identify, in broad terms, how Council should manage the reserves and how they should be used.

The Vision for Saxton Field drives the expectations and policies in this section. It is also relevant that Saxton Field is one of the few locations in the region where some major events can be held, including those which require specialised surfaces or facilities (such as the artificial hockey turfs, athletics track and the softball diamonds), or where a large serviced event space is required.

As a trustee of public land, the councils have the right to decline a proposal for use of a reserve, or to stop a use, if it:

- Is incompatible with statutory requirements, the reserve's purpose or Council policies;
- Has the potential to cause damage to the reserve or reserve values;
- Has the potential to result in unreasonable adverse effects to reserve users or reserve neighbours when weighed against any benefit to the broader public good;
- It cannot be accommodated; or
- It interferes with the management, use or development of Saxton Field.

Some recreational activities on reserves may conflict and require restriction; for example where golf practice may endanger other users. The Summary Offences Act 1981 (s13) allows prosecution where such activities might cause injury. Some activities on reserves may also require resource consent under the Resource Management Act 1991 (via relevant resource management plans).

Further definitions of controlled reserve uses are provided by NCC bylaws, specifically (see Section 7.2 of this Plan *Local Government Act 2002 and Council bylaws*):

- Controls on dogs (see Section 4.7 *Dogs, equestrian activities and other domestic animals*);
- No freedom camping at Saxton Field, although the NCC freedom camping bylaw is currently specific to only NCC land at Saxton Field;
- Prohibiting alcohol consumption on 'Saxton Field Reserve' (taken to mean the area covered by this Plan) from 9.00 pm on any day to 7.00 am on the following day (the sale of alcohol requires a liquor licence which may have alternative restrictions and allow for later consumption); and
- Requiring itinerant traders, or operators of mobile shops to have a Council permit.

### 4.1.1 *Expectations*

- 4.1.1.1 The maximum sustainable public use and enjoyment of the land and facilities at Saxton Field for sport, recreation, play and contemplation, while maintaining and improving its landscape and environmental values.
- 4.1.1.2 That Saxton Field will be able to host major sports events and tournaments which benefit from being at a single site.
- 4.1.1.3 The value of the reserve to the community is maximised by encouraging a range of uses and shared use of fields and facilities by clubs and codes and for there to be minimal, if any, conflict between recreation activities.
- 4.1.1.4 Saxton Field is freely available for use by individuals and groups on a casual basis, unless constrained by approved events or activities or where specific uses incur high development or maintenance costs and partial cost-recovery through user-charges is appropriate.
- 4.1.1.5 All or part of Saxton Field may be closed where the councils identify unacceptable levels of risk to people or reserve values.
- 4.1.1.6 Sports fields are efficiently allocated to maximise regional community benefit and to manage playing surface use and maintenance in a cost-effective manner.
- 4.1.1.7 Saxton Field supports the cultural practices of Te Tai Ihu mana whenua iwi.

### 4.1.2 *Policies and methods*

- 4.1.2.1 The component reserves at Saxton Field shall be administered according to their primary purposes (explained in more detail in Section 7.1 *The Reserves Act 1977*) and to ensure that their use is compatible with those purposes. Land not gazetted as reserve within Saxton Field shall be managed as if it was a Recreation Reserve under the Reserves Act until and if a different purpose is defined through gazettal.
- 4.1.2.2 Access to Saxton Field shall be free of charge to the general public except where some form of exclusive use occurs (sport, event, commercial, utility or otherwise) and full or partial cost-recovery for high-cost activities through user-charges is appropriate.
- 4.1.2.3 Part or all of Saxton Field may be closed to the public where there are unacceptable risks to reserve users, adjoining landowners, reserve assets or natural and cultural values.
- 4.1.2.4 Any individual sport activity at Saxton Field may be relocated to alternative settings to benefit significant national and regional events, with fair advance warning.
- 4.1.2.5 Shared use of facilities will be encouraged, noting the need to protect specialised surfaces from inappropriate and/or damaging activities.
- 4.1.2.6 Sports field allocation processes are transparent and aim to maximise benefit to the sports community while sustaining the quality of the turf or other playing surfaces and to manage other costs to the councils and sports clubs. Councils and the Saxton Field Committee shall have ultimate responsibility for all sports field allocation decisions; and to retain this opportunity, the exclusive use of any land through inflexible

use and occupation agreements shall be avoided and, where they currently exist, not renewed unless essential for a specialised activity.

- 4.1.2.7 Turf and special surfaces will be managed to maximise their capacity for use, but with consideration of costs and the opportunity for games to be played on alternative fields in other locations, and the inevitability of needing to close some fields during periods of wet weather or for maintenance purposes.
- 4.1.2.8 Reserve users shall be responsible for ensuring that any adverse effects on the reserve, reserve users, or adjoining landowners are avoided, remedied or mitigated, unless otherwise authorised.
- 4.1.2.9 Multiple and shared use of playing fields, open space and recreation facilities shall be encouraged where practical. Activities that are in direct conflict with other reserve uses shall be restricted or prohibited if necessary.
- 4.1.2.10 Appropriate access to reserve facilities and areas of open space for people with disabilities shall be provided where practicable and affordable and where required by the Building Act 2004. See also Section 9.4 *Inclusion and disability access*.
- 4.1.2.11 The construction of fences, buildings, or other structures will be minimised to retain the open space values of Saxton Field. See also Section 9 *Development of New Features and Facilities*.
- 4.1.2.12 Any action or event necessary for the purposes of saving or protecting life or health may be carried out without the prior permission of Council or prior public notice, provided that those involved take every reasonable step to contact Council.
- 4.1.2.13 Māori cultural practices on Saxton Field, including the harvesting of cultural resources, shall be encouraged where they comply with the Reserves Act and the primary purpose of the reserve and are supported by Te Tau Ihu mana whenua iwi and have the approval of the councils.

## 4.2 Exclusive use, events, camping and reserve closure

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The Reserves Act gives the administering authority of a reserve broad powers to control the use and development of reserves to 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 short-term or temporary exclusion for specific activities.

Where an esplanade reserve or strip exists, there may be a need to restrict access to:

- Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- Protect Māori cultural values and the mana of the whenua and wai;
- Protect public health and safety;
- Ensure a level of security consistent with the purpose of a resource consent (or permitted activity); or
- In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Informal camping is generally referred to as 'freedom camping' and is controlled by the *Freedom Camping Act 2011* and the *NCC Freedom Camping Bylaw*, and is not permitted on Saxton Field.

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.

The Camping-Grounds Regulations 1985 require local authorities to only permit formal camping in registered campsites (see 7.6 *Camping-Grounds Regulations 1985*).

Saxton Field has been used for short-term camping accommodation for large-scale events, such as Bay Dreams, and this has proven to be a successful means of supporting sporting and cultural events in the region.

#### 4.2.1 **Expectation**

- 4.2.1.1 Temporary closure of all or part of Saxton Field, or longer-term enclosure and exclusive use of parts of the reserve, will support its use, enjoyment, development, maintenance, protection and preservation.
- 4.2.1.2 Temporary camping opportunities may be approved by the councils in appropriate locations on Saxton Field only where it supports major national and regional events, and adverse effects on the reserve and its neighbours can be controlled.
- 4.2.1.3 Those holding agreements for exclusive use will encourage behaviours that uphold the mana of the Saxton Field whenua and wai; and approval processes will consider this requirement.

#### 4.2.2 **Policies and methods**

The policies in this section need to be read in conjunction with the policies in 4.3.2 "All use and occupation agreements".

- 4.2.2.1 To permit the exclusive use of part or all of any part of Saxton Field 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, and where they comply with relevant resource management plans.
- 4.2.2.2 To close all or part of Saxton Field to public access and use only when required for reserve development, maintenance or public safety and the protection of Māori cultural and biodiversity values.
- 4.2.2.3 To notify the public and adjoining landowners of significant reserve closures.
- 4.2.2.4 Camping may be permitted by the councils on Saxton Field, in consultation with the Saxton Field Committee, where it supports the staging of a significant regional or national event only (that is, it is not an activity in itself), subject to securing a certificate of registration from the NCC. Freedom camping shall not be permitted.
- 4.2.2.5 A licence to occupy for a temporary campsite shall be required (see Section 4.3 *Use and occupation agreements*) and must be applied for preferably at least six months prior to the event to enable restructuring of field bookings (refer to policy 4.1.2.4, enabling the relocation of field allocations). A resource consent may also be required, and this would most likely extend the period of time needed to assess an application.

- 4.2.2.6 The period of camping permitted (consecutive days of exclusive occupation) shall be determined with consideration of effects on other reserve users and reserve neighbours, avoiding long-term unavailability of public reserve assets including consideration of the repair and recovery of reserve assets, particularly turf.
- 4.2.2.7 As per the licence to occupy, the applicant for a temporary campsite shall be responsible for making good any field or facility damage and minimising effects on reserve neighbours, including noise control, security and litter management (see also Section 3.3 *Sustainability and Climate Change* and Section 4.3 *Use and occupation agreements*).
- 4.2.2.8 Parking plans will be required for all major events on the reserve, and private vehicles will not be permitted to park within a designated camping area.

### 4.3 Use and occupation agreements

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The term 'use and occupation agreement' refers to any lease, licence, easement, permit or other agreement granted between either Council and a person, organisation or company that is occupying or exclusively using part of a reserve (including below-ground facilities and airspace). In the case of Saxton Field, with its dual ownership, use and occupation agreements will be specific to each Council, but should only be recommended where they ensure the use supports the broad purpose of this Plan.

A **lease** is required where exclusive use or occupation of reserve space is sought for an appropriate building or activity for a defined period (generally a long one).

A **licence** may be required to carry out a non-exclusive and/or short-term activity on a reserve, including commerce and trade and some utility services.

An **easement** is often required to provide access across a reserve for utility services, the location of services under or above a reserve or for access to a neighbouring property. An easement normally appears on the legal title to the land, while leases and licences are other forms of legal agreement.

A **permit** allows for access to an area where it is otherwise limited or controlled.

Of note, Transpower New Zealand Ltd has a statutory right to access or cross reserves to inspect, operate and maintain its existing assets.

The power of the councils to grant a use or occupation agreement over a reserve varies depending on the status of the reserve and the rights transferred from the Crown. Any agreement needs to refer to specific sections of the Reserves Act dealing with the type of reserve under consideration. A public notification and consultation process for proposed use or occupation agreements is usually mandatory. Depending on the proposal, the applicant may need a resource consent under the Resource Management Act (via relevant resource management plans).

The following policies apply to all new use and occupation agreements from the date of councils' adoption of this Plan. These expectations and 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 a use or occupation agreement.

However, see also Policy 4.1.2.6: "Councils and the Saxton Field Committee shall have ultimate responsibility for all sports field allocation decisions...."

### 4.3.1 *Expectations*

- 4.3.1.1 The use or occupation of any part of Saxton Field for approved individuals, groups, uses or facilities by the granting of use or occupation agreements is permitted where they:
- a) Have reasons related to the vision and expectations of this Plan as well as the councils' strategic goals for the use of public land;
  - b) Satisfy the requirements of the Reserves Act and any other relevant statutes;
  - c) Are in accordance with the policies of this Plan, Council bylaws, or any other Council policy; and
  - d) Can avoid, remedy or mitigate any adverse effects on the reserve and reserve values, reserve users, or reserve neighbours.
- 4.3.1.2 The exclusive use or occupation of Saxton Field is balanced with the need for public access to free, open space.
- 4.3.1.3 Community facilities will often be developed in partnership between councils and community groups with an expectation of joint and shared funding agreements.
- 4.3.1.4 Use or occupation agreements are transparent and in the public interest.
- 4.3.1.5 Adverse effects on reserve values are avoided or managed by the terms and conditions of any use or occupation agreement.
- 4.3.1.6 Costs incurred by Council associated with preparing agreements will be recovered from the applicant unless decided otherwise.

### 4.3.2 *Policies and methods*

#### **All use or occupation agreements**

- 4.3.2.1 Applications for any use or occupation agreement shall be in writing. Information provided will allow assessment of all applications in an equitable and consistent manner. As a minimum, all applications shall include:
- a) Detailed information on the type of use or occupation agreement required, including proposed activities, plans of 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) An assessment of effects on the reserve, reserve values, reserve users and reserve neighbours and how adverse effects may be avoided, remedied, compensated for, or mitigated; and
  - d) Information about the applicant, including a business plan containing evidence to demonstrate the sustainability of the proposal.
  - e) For applications relating to camping under section 4.2 of this Plan, they will also be required to contain the following information:
    - How the event will comply with the Camping Ground Regulations, including a camping and fencing plan;
    - 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.

- 4.3.2.2 The councils shall reserve the right to review any details of any application including financial checks on applicants.
- 4.3.2.3 Te Tau Ihu mana whenua iwi will be consulted regarding the potential effects of a use or occupation agreement where there may be effects on Māori cultural values.
- 4.3.2.4 All costs associated with the development, preparation and implementation of use or occupation agreements are the responsibility of the applicant unless otherwise agreed. This includes direct and indirect costs associated with any required consents and permits.
- 4.3.2.5 Use or occupation agreements will be favoured with public bodies such as clubs, incorporated societies and registered charities, but does not exclude the opportunity for agreements with private individuals or commercial agencies.
- 4.3.2.6 Each Council retains the right to veto any application for a use or occupation agreement if the application is inconsistent with that Council's broader strategic goals, or where they consider that the agreement will adversely affect the viability of other competing facilities or services.
- 4.3.2.7 A bond may be secured by either Council to limit their financial risk where potential adverse effects on the reserve are possible.
- 4.3.2.8 All use or occupation agreements will be developed with reference to Sections 3.3 *Sustainability and Climate Change*, 3.4 *Commercial sponsorship and naming rights*, 3.5 *Commercial activities and commercial signs*, 4.8 *Alcohol*, 4.9 *Smoke and vape-free* and 4.12 *Vehicles and parking*.

## Leases

- 4.3.2.9 Where security of tenure is necessary, a lease or licence may be provided where the activity complies with the Reserves Act and/or other relevant legislation. All applications for leases for exclusive use will be considered in relation to the:
  - a) Vision for Saxton Field;
  - b) Preservation of special features;
  - c) Leasing powers of the Council;
  - d) Retention of an adequate proportion of the reserve as open space or for public access (in general); and
  - e) The requirements of the Reserves Act, this Plan, their fit within the revised development plan, and relevant statutes.
- 4.3.2.10 It is generally expected that potential lessees are societies, charitable trusts or companies, incorporated and registered under the appropriate legislation.
- 4.3.2.11 The terms of leases will be decided based on 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 intends to make into the leased area or any associated structures;
- d) The time commitment the lessee is willing and interested in negotiating; and
- e) Reserves Act 1977 requirements.

4.3.2.12 Councils cannot enter into perpetual lease agreements.

4.3.2.13 In evaluating applications or tenders for leases, the contribution of the proposed activity to community wellbeing and vibrancy will be considered, and not only the potential revenue to be gained by a lease arrangement.

4.3.2.14 Rent shall be levied on all leases as provided for under the Reserves Act and the Local Government Act 2002. Decisions on rent amounts will be based on 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, with consideration of the viability and significance of the activity enabled; and
- c) Other relevant Council policies.

4.3.2.15 Leases may include provision for public access where this is appropriate and desirable.

4.3.2.16 Car parking requirements of a potential lessee shall be considered prior to approval of the lease. In general, the councils are not responsible for providing sufficient parking to service the needs of lessees and may decline a lease application where the anticipated level of use exceeds the available parking. Policies concerning the provision of parking are outlined in Section 4.12 *Vehicles and parking*.

4.3.2.17 Lease agreements shall indicate buildings and structures that are likely to need removal in the future due to inundation or other hazards. The agreement will note that the councils have no obligation to protect the building or structure since the lessee entered into the agreement with an awareness of the risks.

4.3.2.18 It shall be a condition of every lease that the councils shall not compensate lessees for improvements upon termination of the agreement subject to the express terms of any lease and the relevant provisions of the Reserves Act (see Section 4.4 *Abandonment or change in use*).

4.3.2.19 The lessee shall be responsible for the payment of utilities (power, gas/sewerage charges, water and/or any other taxes, levies or running costs) associated with their use of reserve land.

4.3.2.20 Lease agreements will require the lessee to maintain the leased facilities in a safe condition.

## Licences

4.3.2.21 Licences will be considered with reference to policies related to the provision of public access, consistent with Sections 4.2 *Exclusive use, events and reserve closure* and 3.5 *Commercial activities and commercial signs*.

4.3.2.22 A rental may be charged for all licences. Decisions on rent amounts will be based on 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) Relevant council policies.

4.3.2.23 Licences must be:

- a) Compliant with all sections of the Reserves Act; and
- b) Consistent with this Plan.

4.3.2.24 It shall be a condition of every licence that the Council will not compensate occupiers for improvements upon termination of the agreement subject to the express terms of any licence.

### **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 purposes consistent with section 48 of the Reserves Act. In some instances a Council will need to grant an easement to itself. The proposed granting of an easement will be publicly notified unless there will be no material effect or permanent damage on the reserve or reserve access. The need for easements can arise when:

- Network utility includes both above and below ground electricity or electronic lines, substations, systems, stormwater systems, and drainage systems, and any other associated structures owned by network utility operators on reserves (see also Section 4.6 *Utility services*).
- Access is required to any area included in a use or occupation agreement (e.g. lease or licence) granted under the powers conferred by the Reserves Act. The Act does not enable the granting of a right of way for private purposes e.g., to have access across a reserve to a private landholding. Any right of way on reserve land cannot restrict public access or otherwise affect the rights of the public in using the reserve.

4.3.2.25 All easements within the ambit of the Reserves Act must be:

- a) Compliant with s48 of the Act; and
- b) Consistent with this Plan.

4.3.2.26 Any easement on reserve land may have a limited timeframe as a condition of granting the easement. The timeframe associated with an easement shall be negotiated with consideration of the purpose and expected longevity of the associated activity or use.

4.3.2.27 It shall be a condition of every easement where physical works, including network utility infrastructure, occur, that the reserve be returned as close as possible to its original condition, or to such condition as may be agreed, upon completion of the work. A bond may be required to ensure this outcome.

4.3.2.28 Rights of way across reserve land will only be considered where a leaseholder or holder of another form of use or occupation agreement on

reserve land requires access to their area of use or occupation which cannot be obtained elsewhere.

- 4.3.2.29 A rental or compensation charge may be required as a condition of new easements. The charge type shall be determined in consultation with the holder of the easement.
- 4.3.2.30 Due to the long timeframe for some easements, the right to review and renegotiate rentals on existing easements over time shall be retained to ensure fair remuneration for the use of public reserve space, where the easement instrument permits this.
- 4.3.2.31 Where the network utility infrastructure relating to the easement is no longer required by the utility provider, the relevant provisions of Section 4.4 *Abandonment or change in use*, shall apply.

#### **Other agreements for the use of Saxton Field**

- 4.3.2.32 Section 53(1) of the Reserves Act allows the administering authority 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 comply with Reserves Act requirements.
- 4.3.2.33 The person, body, society or voluntary organisation is entitled to charge an amount for admission on those occasions when the reserve is used for the agreed purpose.

### **4.4 Abandonment or change in use**

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The needs of a community and reserve users change over time, and most agreements, leases and licences on Saxton Field 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.

#### **4.4.1 Expectations**

- 4.4.1.1 Abandoned facilities and structures are effectively managed considering changes in community demand and activities over time.

#### **4.4.2 Policies and methods**

- 4.4.2.1 Subject to the express terms of any lease or licence or other agreement and the relevant provisions of the Reserves Act, where a reserve facility is no longer required by an occupier, lessee or owner before the end of any use or occupation agreement, the following steps may be taken:
  - a) The occupier, lessee or owner may be required to find an appropriate replacement user who shall either apply for a use or occupation agreement or a sub-lease, as is appropriate and subject to policies in Section 4.3 *Use and occupation agreements*;
  - b) Before a replacement occupier, lessee or owner is approved by the relevant Council, the compatibility of the facility and use with the function and values of the reserve will be reviewed within the context of community needs, Council policies, and relevant statutes;
  - c) If it is not possible to find a suitable occupier or lessee and the facility or use is not compatible with the function and values of the reserve or there is no foreseeable use for the facility, the owner shall be required to either move the facility in part or whole, or have it

demolished, or tender or sell it for removal and then return the land to its original condition;

- d) If the occupier, lessee or owner is unable to comply with the requirements above, Council will move the facility in part or whole, or tender it for sale or removal. If the facility cannot be moved, or the costs of moving it outweigh the likely benefits, it will be demolished or tendered for sale or demolition by Council; and
- e) The costs associated with the removal, sale, or demolition of the facility may be charged to the occupier, lessee or owner, if the total cost is not covered by a bond.

4.4.2.2 In the event a facility has been abandoned and the occupier or lessee or owner is unable to be identified, an appropriate course of action will be taken considering any foreseeable use for the facility, and whether the facility or use is compatible with the function and values of Saxton Field, and according to each councils' approach to asset disposal.

4.4.2.3 It is a term of any use or occupation agreement that upon abandonment and consistent non-payment of consideration, the use or occupation agreement shall be terminated, and possession and ownership of associated facilities shall revert to the relevant Council.

## 4.5 Fees and charges

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Where the benefits of providing a service accrue to an identified group, a Council will normally aim to recover all or part of these costs from that group. In some circumstances, the staging of an exclusive event may have regional economic or social benefits, and a Council will seek to foster that activity, while managing any costs to the ratepayer. A schedule of fees and charges are published annually by each Council.

See also Section 3.5 *Commercial activities and commercial signs*.

### 4.5.1 Expectation

4.5.1.1 The use of Saxton Field for community benefit is encouraged, while the reasonable costs of providing an exclusive service are recovered.

### 4.5.2 Policies and methods

4.5.2.1 Where a special benefit accrues to a user of the reserve or facilities on the reserve that is not available to other reserve users, a fee may be charged:

- a) To reflect current market rental;
- b) To reflect the degree of private and public benefits;
- c) To cover administrative costs; or
- d) In any combination of the above; and
- e) In accordance with councils' schedule of fees and charges, if appropriate.

4.5.2.2 Bond payments may be required where damage to turf or other facilities is likely.

4.5.2.3 Fees and charges may be waived at the Council(s) discretion where there is strong community benefit from an event or activity or exclusive use or where the activity is administered by a registered charity.

## 4.6 Utility services

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Public utility network services, such as water, electricity, drainage and telecommunications, may be required to be located within Saxton Field – where there is no alternative – to service internal activities or to support supply across nearby residential or commercial areas. Open space often provides a convenient option for such services, but they should not compromise the main purposes of a reserve.

Vegetation clearance on reserves to comply with the safe clearance distances specified in the Electricity (Hazards from Trees) Regulations 2003 is a statutory obligation and, as such, will be undertaken on Saxton Field as required.

### 4.6.1 Expectations

- 4.6.1.1 The management and recreational enjoyment of Saxton Field, and its natural, historic and cultural values, are not adversely affected by the installation and operation of utility services.
- 4.6.1.2 New developments on Saxton Field are designed to avoid interference with existing utility infrastructure and to avoid unnecessary future costs to either Council.
- 4.6.1.3 The placement of new utilities to service non-reserve-related activities on Saxton Field is avoided unless there are no practical alternatives elsewhere.

### 4.6.2 Policies and methods

- 4.6.2.1 New utility services necessary for the servicing of Saxton Field, or for developments beyond the boundaries of the reserve, which require a resource consent under the relevant resource management plans, may be provided for if they are installed, located and protected in a way which minimises their future impact on reserve management, including planting, waterways and new structures or buildings, and their visual and physical impact, and where there are no practical alternatives elsewhere.
- 4.6.2.2 All new utility services shall be placed underground unless exceptional circumstances and technical feasibility make it impractical to do so.
- 4.6.2.3 Access to or servicing of utility services should not unduly disrupt reserve use or other reserve installations.
- 4.6.2.4 Network utility operators may be allowed to remove or trim vegetation, subject to compliance with the Electricity (Hazards from Trees) Regulations 2003 and in consultation with councils (except in emergencies when the proviso may be overridden).
- 4.6.2.5 Cellular phone towers will not be located within Saxton Field without a full assessment of their effects on park users, community consultation and a resolution by the relevant Council.
- 4.6.2.6 Easements shall be required before any utility services are located on, over or under the land in Saxton Field, and these easements shall also define access provisions for the servicing and maintenance of utility services where necessary.
- 4.6.2.7 One-off fees may be payable to either Council to compensate for the loss of amenity values on the reserve.

## 4.7 Dogs, equestrian activities and other domestic animals

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The NCC Control of Dogs Bylaw 2013 prohibits dogs on the Saxton Field Cricket Oval, the Athletics Track, playing fields and Saxton Field hockey and softball areas. However, they are allowed on-lead in non-playing/field areas of Saxton Field when games or training sessions are occurring. At other times dogs may be off-lead but not on playing surfaces of sports fields. They are excluded from sections of reserves set aside for children's playgrounds.

The bylaw requires other considerations, such as the immediate removal of dog faeces from public areas and that, "every person, with or in control of any dog in any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit." It also excludes access by dogs to, "children's playgrounds – the section of the reserve set aside for playground equipment". Some exemptions are given for dog obedience and training classes, and assistance working dogs (including guide dogs, search and rescue, pest management and police).

The bylaw is considered to provide adequate policy for the management of dogs on Saxton Field, and is explicit about exceptions applying to assistance working dogs.

Equestrian activities can result in turf and other surface damage. Horses can be unpredictable, especially in confined areas, and can leave large piles of manure. It is often difficult or dangerous for a rider to tether or control a horse while this is collected. For these reasons, horses will only be permitted in special circumstances.

NCC has banned exotic circus animals within the City by resolution, and the presence of any other animal will be considered as part of an application for a temporary use or occupation agreement (Section 4.3 *Use and occupation agreements*).

### 4.7.1 Expectations

- 4.7.1.1 Dog control policies are coordinated for all Council-controlled places via the Dog Control Bylaw.
- 4.7.1.2 Provision is made for allowing other animals on Saxton Field for special events only.

### 4.7.2 Policies and methods

- 4.7.2.1 No policy separate to the Control of Dogs Bylaw shall be developed in relation to dogs on Saxton Field.
- 4.7.2.2 Animals may be brought onto reserves as part of special events in accordance with the restrictions agreed in a use or occupation agreement.
- 4.7.2.3 Where animals are brought onto the reserve, those responsible shall be required to make good any damage.

## 4.8 Alcohol

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The *NCC Urban Environments Bylaw 225* prohibits alcohol consumption on Saxton Field from 9.00 pm on any day to 7.00 am on the following day. The bylaw also defines the Council's power to impose temporary alcohol prohibitions. The policies here are intended to manage any adverse effects of alcohol consumption on Saxton Field, in addition to the restrictions of the bylaw. The *Sale and Supply of Alcohol Act 2012* also applies.

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.

#### **4.8.1 Expectations**

- 4.8.1.1 Alcohol may be consumed on Saxton Field where that activity, and adverse effects on reserve values, users and neighbours, can be avoided and where relevant statutory and bylaw requirements are met, and with the approval of NCC and TDC and regulated by appropriately delegated alcohol licensing officer/s.

#### **4.8.2 Policies and methods**

- 4.8.2.1 The sale or supply for consumption within the reserve of liquor shall only be permitted in accordance with an issued alcohol licence where it is associated with a permitted recreation activity or event, and where the consumption of liquor is ancillary to those activities (that is, it is not an activity in itself).
- 4.8.2.2 The consumption of alcohol shall not be permitted in or near playgrounds and other play and activity areas. Alcohol licenses (On and Club) for the sale of alcohol on Saxton Field shall be limited to sports clubrooms and multi-purpose community buildings and will generally be defined in use or occupation agreements. These agreements shall confine alcohol consumption to the building and attached verandas. Long-term licences for the sale of alcohol on Saxton Field shall be limited to sports clubrooms and multi-purpose community buildings and will generally be defined in use or occupation agreements. Sale of alcohol may be permitted in temporary structures such as tents during temporary events. Special licenses may be granted if the approval of delegated Council officer/s is obtained.
- 4.8.2.3 The advertising of alcohol shall not be permitted on Saxton Field, apart from price and product schedules at point of sale.

### **4.9 Smoke and vape-free**

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Both councils have smokefree policies for their reserves, although exceptions may apply during major events to limit fire risk. In these cases a designated smoking area may be required to limit the risk of fires caused by dispersed smoking activity.

#### **4.9.1 Expectations**

- 4.9.1.1 Visitors enjoy Saxton Field with no exposure to smoking and/or vaping.

#### **4.9.2 Policies and methods**

- 4.9.2.1 Saxton Field shall be promoted as a Smoke and Vape Free environment.
- 4.9.2.2 Councils shall work with Nelson Marlborough Health to install and maintain appropriate bilingual Smoke and Vape Free signs at Saxton Field.
- 4.9.2.3 All events held at Saxton Field will be directed to be smoke and vape free. The only exception to this directive is for events which require a designated smoking area (by agreement with council staff) because pass-outs for the event are not permitted.

## 4.10 Recreational unpowered aircraft

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All of Saxton Field is within an Air Traffic Control Zone and much of it is within 4km of Nelson Airport. The use of unpowered aircraft therefore requires air control clearance from Airways, 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. There must also be a physical barrier like a building or stand of trees between the unpowered aircraft and the aerodrome which must be capable of stopping the aircraft in the event of a fly-away.<sup>5</sup> Altitude 'shields' at Saxton Field are provided by the Radio NZ aerial and two 50kV overhead transmission lines, but neither provide appropriate settings for flying unpowered aircraft.

The *Nelson City Urban Environments Bylaw 225* requires a Council permit to land recreational aircraft on all Nelson reserves. It will be expected that the relevant Council will be consulted regarding significant applications, and that if, for example, drones are required to televise sports or special events at Saxton Field, that provision for their use can be included in a relevant licence (rather than requiring both a permit and a licence).

### 4.10.1 Expectation

- 4.10.1.1 The use of unpowered aircraft at Saxton Field comply with Civil Aviation Authority rules and council policies, and not pose a hazard to reserve users or disrupt its quiet enjoyment.

### 4.10.2 Policies and methods

- 4.10.2.1 The use of commercial recreational aircraft, including drones, shall be limited to supporting approved events – which may include events featuring recreational aircraft – and their use shall not create public hazards.
- 4.10.2.2 Event organisers can include the use of drones in a licence application and, if their use is considered safe and necessary, the approved licence shall be deemed to be a permit to operate.
- 4.10.2.3 No fixed-wing unpowered aircraft shall be permitted on Saxton Field, and casual use of small private drones (weighing less than 250g) will only be allowed on Airfield Green when no play or practice is underway on Airfield Green.

## 4.11 Fireworks and fires

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The Reserves Act states that it is an offence for anyone to "light any fire on a reserve except in an [established] fireplace in any camping ground or picnic place" (94(1) (a)). This is interpreted to include fireworks. The Summary Offences Act 1981 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" (35(a)) is an offence under that Act. However, organised fireworks displays on reserves may be permitted. There is no reason to permit any other form of fire on Saxton Field due to its high levels of use, the number and value of its facilities, and the unnecessary risk.

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<sup>5</sup> See <https://www.aviation.govt.nz/drones/rules-and-regulations-for-drones-in-new-zealand/part-101-rules-for-drones/#Shielded-operations>

### 4.11.1 Expectation

- 4.11.1.1 Personal and fire hazards on and near Saxton Field, and risks to domestic and farm animals, are minimised by permitting only organised fireworks or pyrotechnic displays at the reserve.

### 4.11.2 Policies and methods

- 4.11.2.1 Fireworks displays shall only be allowed where an application is made 30 days prior to the event (including confirmation of liability insurance, compliance with relevant legislation, regulations, codes and permits) and a licensed pyrotechnic technician is employed to organise and implement the display.
- 4.11.2.2 Council staff shall consult with adjoining landowners and assess risks to domestic and farm animals in the neighbourhood before granting any approvals.
- 4.11.2.3 Approval may not be provided, and existing approvals revoked where there is a high fire risk or other potential risk factors on or near the reserve.
- 4.11.2.4 Lighting any other form of fire, associated with camping or picnicking or for any other reason, shall not be permitted at Saxton Field.

## 4.12 Vehicles and parking

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'Vehicles' include motorised cars and motorcycles, as well as bicycles and e-mobility devices; although motorised and pedal-powered vehicles are often treated separately in policy. The New Zealand Transport Agency generally treats battery-powered scooters, cycles and skateboards of more than 300 watts power as motor vehicles, although not all are required to operate on roads due to their varying ability to meet appropriate safety standards.<sup>6</sup> Mobility devices "designed and constructed for people needing help with mobility because of physical or neurological impairment" are defined by the Transport Agency as 'vehicles' having a maximum motor power of 1500 watts, and are allowed to be used on footpaths.<sup>7</sup> The Department of Conservation treats any electric bike of more than 300 watts as a motorbike.<sup>8</sup> The Reserves Act classes any 'contrivance' with 'wheels or revolving runners upon which it moves or is moved' as a vehicle and so includes land yachts, kite buggies, a horse and cart, and battery-powered cycles, scooters and skateboards. The Reserves Act permits the unauthorised use of a vehicle on a reserve to be considered as an offence under the Act, with penalties able to be applied.

Separate regulations control the use of vehicles on legal roads, but there are none within Saxton Field.

The 'Reserves' section of the NCC Urban Environments Bylaw 225 limits vehicle speeds within a reserve to less than 20 km/hr and controls driving within a reserve to only those locations set aside for that purpose or where directed by an authorised officer, unless it is an emergency vehicle.

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<sup>6</sup> See <https://www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/>

<sup>7</sup> See <https://www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/mobility-scooters/>

<sup>8</sup> Department of Conservation, 2015. *Electric bikes on public conservation land*. DOC Guideline.

#### 4.12.1 *Expectations*

- 4.12.1.1 The use of vehicles on Saxton Field is controlled to ensure the primary purpose of the component reserves is achieved, and to limit conflict and risk, including disturbance to vegetation, habitat and grassed areas.
- 4.12.1.2 Policies here do not duplicate existing bylaws.

#### 4.12.2 *Policies and methods*

- 4.12.2.1 Regular day, overnight or long-term car parking by non-reserve users is prohibited without prior written approval by the councils.
- 4.12.2.2 Any person requiring a vehicle to be released from any part of the reserve that has been closed after hours may incur a cost recovery fee.
- 4.12.2.3 Groups that have permission to use car parks exclusively may levy a charge on users during the time they have exclusive use of the reserve.
- 4.12.2.4 Any vehicle-accessible grassed part of the reserve may be used for temporary parking with the approval of the relevant Council and according to a use or occupation agreement where required, and where turf and facility damage is made good, the use does not overly compromise other reserve users, and where ground compaction will not damage tree roots or under-ground utilities.
- 4.12.2.5 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 Saxton Field may be restricted where they conflict with other activities, but they will normally have freedom of access on all formed roadways and cycleways. See also Section 5.4 *Inclusion and disability access*.
- 4.12.2.6 Vehicles of any sort, as defined by the Reserves Act, as well as any e-mobility device of any power-level, will only be permitted on specialist surfaces, such as the athletics track, by formal agreement with the relevant Council.

### 4.13 *Cremation ashes and burial of placentas*

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Saxton Field is not an appropriate setting for the scattering of cremation ashes, considering its use by all members of the community and where it can be considered culturally offensive, the many ground-contact activities, and the mahinga kai values of Saxton Creek. This policy also applies to the burial of placentas, which can also be disturbed by reserve management activities, such as tree planting and removal.

#### 4.13.1 *Expectations*

- 4.13.1.1 Saxton Field is not used for scattering cremation ashes or the burial of placentas.

#### 4.13.2 *Policies and methods*

- 4.13.2.1 The scattering of cremation ashes or the burial of placentas is not permitted at Saxton Field.

## 5 Development of New Built Features and Facilities

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Policies in this section guide decision-making related to the provision of new built features or facilities within Saxton Field. This Plan is not intended to prescribe a list of preferred developments, or compare and rank any proposals currently mooted. During the life of this Plan, new proposals will arise, current ones will falter, and existing facilities may prove undesirable. Councils and the Saxton Field Committee should, however, be able to measure proposals against criteria agreed by the community, and to consult over major proposals where they may affect other reserve users and neighbours (in addition to any requirements related to gaining a consent under the relevant resource management plan if required).

The facilities at Saxton Field have mostly been developed in partnership between the councils and community groups and clubs, with cost sharing via grants, sponsorships, fundraising and volunteer effort. This approach will continue, ensuring that the councils and Saxton Field Committee provide the strategic oversight to maximise community benefits from the developments proposed, while community groups and clubs are supported in their drive to provide for their activities and members.

The Saxton Field Committee will expect any code or organisation applying for a new or enhanced facility at Saxton Field to have considered Sport New Zealand's National Sporting Facilities Framework, relevant National Sport Organisation facility strategies, the Regional Sport and Active Recreation Spaces and Places Strategy and the latest regional sports and recreation facility plans. The funding of any facility considered to be a new regional facility will need to be considered by the joint councils' Regional Funding Forum (or other committee formed for this purpose).

### 5.1 Buildings and structures

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There are three types of buildings on reserve land:

- Council-owned and not leased (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
- Privately-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 5.2 *Memorials*.

The Reserves Act generally limits buildings on recreation reserves to uses associated with sporting and outdoor recreational activities, and where they only service activities conducted within the reserve. However, sections 53 and 54 of the 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.

The classification of a reserve affects the types of structure that may be considered. Local purpose reserves generally have greater scope for building development than recreation reserves. Reserve land may 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 recreational benefit.

The Building Act 2004, Local Government Act 2002, the Resource Management Act 1991, resource management plans 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 the 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 consents if their application to build on the reserve is approved. The two sections at 59 and 63 Daelyn Drive are also subject to building and land use covenants common to all sections in the subdivision.

High voltage transmission lines bisect Saxton Field. These are part of the national electricity transmission network and are recognised in resource management plans as having special status in planning rules, in accordance with the *National Policy Statement on Electricity Transmission*. Electrical codes of practice also apply, particularly NZECP 34:2001 *New Zealand Electrical Code of Practice for Electrical Safe Distances*.

The councils wish to retain the maximum flexibility in the future use of built facilities on Saxton Field while enabling security of occupation for users. For this reason, the councils will aim to be the owner of all built sport and recreation facilities on the Reserve, while entering 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 facilities will have to fundraise at least 20% of the costs of those facilities and the councils will contribute the remaining amount if approved by both councils. This applies also to the renewal and replacement of significant assets associated with a facility (such as the athletics track).

### 5.1.1 Expectation

- 5.1.1.1 Buildings and structures on Saxton Field meet the needs of an approved use and users without significant adverse effects on the values of the reserve and adjoining landowners and its open space character; and match the value of Saxton Field as a regional sport and recreation hub.

### 5.1.2 Policies and methods

- 5.1.2.1 With the exception of approved network utility services, buildings and building extensions on Saxton Field will be limited to those necessary to meet a demonstrated demand for recreation or community activities and that are compatible with the primary purpose or specific use of the reserve (see also Section 4.6 *Utility services*) and are compatible with relevant development standards.
- 5.1.2.2 The Saxton Field Committee and the councils may promote their own facility development proposals, but they must adhere to the same scrutiny as would apply to an application by any other agent.
- 5.1.2.3 A revised development plan must be in place for Saxton Field before any additional facility proposals are considered (that is, additional to those facilities identified in the councils' approved LTP budgets for Saxton Field). The process of formulating the revised development plan, where it considers new facilities, will include analysis according to this policy section.
- 5.1.2.4 The number of buildings and structures on Saxton Field will be minimised. 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.
- 5.1.2.5 In evaluating any proposals for new buildings or structures or alterations to buildings or structures on reserve land, regard shall be given to:

- a) The gazetted purpose of the reserve, and the Vision for Saxton Field described in Section 2 *Vision for Saxton Field* of this Plan;
  - b) The provisions of the Reserves Act and relevant resource management plans;
  - c) The need for the building or structure to be located on Saxton Field;
  - d) The uses the building or structure will be put to;
  - e) The environmental sustainability principles applied to the design and operation;
  - f) Lighting and signage requirements;
  - 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 complies with the Ministry of Justice's Crime Prevention through Environmental Design (CPTED) national guidelines;
  - i) How the facility will be accessible to all users;
  - j) The materials, site, design and colour of the proposed structure and its compatibility with the open space and amenity values of the reserve;
  - k) The perceived effect of proposed building or structure or alteration and its intended use on the reserve, reserve users and adjoining landowners both now and in the future;
  - l) The effects of any new fences on reserve users and neighbours;
  - 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 Vision for Saxton Field;
  - o) The possibility of reserve occupiers establishing jointly administered and multiple purpose buildings or structures;
  - p) The scale of public consultation carried out by the applicant, where necessary;
  - q) The conservation of open space, significant vegetation, habitats and significant landscape features. This includes consideration of whether the land could be put to better use for casual recreation; 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.
- 5.1.2.6 New buildings and structures (except erosion protection structures) will not be supported within an area identified in relevant resource management plans or other Council plans as being subject to hazards such as erosion, liquefaction and flooding.
- 5.1.2.7 Fencing of compounds will be avoided as much as possible to maximise freely accessible open space.
- 5.1.2.8 All new buildings, extensions and structures shall be owned by either or both of the councils.
- 5.1.2.9 Where a Council owns the building or structure, the club or organisation shall lease the building and land from the Council. See Section 4.3 *Use and occupation agreements*.

- 5.1.2.10 The following conditions, where applicable, will be placed on any permission for erecting or extending buildings on Saxton Field:
- a) A land use agreement is first gained;
  - 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 and vandalism;
  - e) The exterior colour scheme for the proposed building is to be approved before construction commences;
  - f) Any development, maintenance and replacement of landscaping associated with the building (including resource consents) is the responsibility of the applicant and must be approved;
  - g) Responsibilities for ongoing maintenance of the building will be outlined as a condition of the lease;
  - h) Landscape plans (including maintenance standards) are to be submitted and approved before planting commences;
  - i) The exterior of the building will be maintained by the lessee to the relevant Council's standards;
  - j) The area immediately surrounding the building and construction site is to be maintained in a safe, clean and tidy condition at all times by the occupier;
  - k) A bond may be required from the applicant before work commences on the site. The bond less any expenses incurred by councils will be refunded on completion of an agreed scope of activity;
  - l) Permission to undertake the proposed development will lapse if construction does not commence within two years of the grant of permission or over a time period otherwise agreed;
  - m) Consideration is shown for the status of the high voltage transmission lines within the reserve;
  - n) All costs associated with the application and the resulting development are to be met by the applicant unless a Council is party to the application; and
  - o) Policies outlined in Sections 4.3 *Use and occupation agreements* and 4.4 *Abandonment or change in use* shall apply in all cases.
- 5.1.2.11 Feasibility studies will be required where proposals are considered 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 required contents of feasibility studies are to be decided on a case-by-case basis.
- 5.1.2.12 New occupiers may be asked to contribute to the provision of parking for cars or other vehicles (as defined by the Reserves Act) on the reserve where their occupation is a clear and consequential factor in the need for vehicle parking.
- 5.1.2.13 Where possible, vehicle parking will be designed to be able to be used for other valid reserve activities when not required for vehicles and will retain good open space values.

- 5.1.2.14 The construction of any reserve boundary fence will be undertaken under the direction of the councils to ensure consistency and to minimise effects on passive surveillance and neighbours, and where new fencing or any special features are required as the result of a new facility, costs may be recovered from the new occupier.
- 5.1.2.15 Seating, picnic tables, rubbish bins, play equipment and all other park furniture may be placed with regard to supervision, need, orientation to sun, shelter from wind and sun, views and proximity to access points and drinking water.
- 5.1.2.16 The councils may support existing users where they identify the need to develop amenities which provide shade, water and other community safety and comfort requirements.
- 5.1.2.17 A consistent approach to sign design and installation will be implemented throughout Saxton Field, including those installed and maintained by users with use or occupation agreements.
- 5.1.2.18 Structures, buildings and furniture which are no longer required shall be removed as soon as practicable and those that are unsafe or irreparable shall be removed also and only replaced if an ongoing need is demonstrated.

## 5.2 Memorials

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Memorials in reserves include those to commemorate special events, visits by dignitaries and the memory of a particular person, particularly where there is a special relationship with the reserve. They may include plaques and signs attached to existing structures on site, trees and park furniture, such as seats and picnic tables. 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.

There is one area where memorial trees have been planted within the reserve, adjacent to Saxton Creek (see Figure 2 on page 12). Future such plantings will be confined to this area to ensure a proliferation of noted trees do not compromise future developments in the reserve. The Saxton Field Committee does not support the naming of any feature after a person.

### 5.2.1 Expectations

- 5.2.1.1 Memorials and commemorative plaques add to the understanding of the region's cultural and social history and are only installed by agreement with Council.
- 5.2.1.2 The primary purposes of Saxton Field remain the focus of facility provision, and the number and location of memorials and commemorative plaques will be limited and controlled.

### 5.2.2 Policies and methods

- 5.2.2.1 Memorials and commemorative plaques may only be placed in Saxton Field with the permission of the Saxton Field Committee. When considering a request for the placement of a new memorial the Committee will consider:
  - a) The relevance of the memorial to increasing the understanding of regional history;
  - b) The contribution of the individual to the development and use of Saxton Field;

- c) Compliance with the primary purpose 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.

- 5.2.2.2 Memorial trees shall be confined to defined memorial planting areas.
- 5.2.2.3 The Committee will favour small plaques set in park furniture rather than constructed memorials unless they also function as stand-alone artistic works. Plaques may not be affixed to trees.
- 5.2.2.4 The councils shall maintain regionally important memorials where they are entered on their asset register.
- 5.2.2.5 The applicant is responsible under Council direction for the purchase, construction, instalment and maintenance of personal memorials, unless otherwise agreed.
- 5.2.2.6 The placement of memorials shall consider the number of existing memorials, artworks and other objects in the vicinity of the proposed new memorial.
- 5.2.2.7 Applications must be in writing with supporting evidence demonstrating that the memorial meets the principles of this policy and the Vision for Saxton Field.
- 5.2.2.8 The Saxton Field Committee can recommend that any memorial be removed by the relevant council.
- 5.2.2.9 If a removed or damaged memorial item includes a plaque, councils shall endeavour to include this in its replacement or return it to the relevant agency or individual.
- 5.2.2.10 No feature at Saxton Field will be named after an individual, but name recognition can appear within a built facility if the person has made a significant contribution to its development.

### 5.3 Lighting

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Lighting can encourage the use of a reserve after dark, and this can pose security risks where there is a lack of passive surveillance and naturally low levels of activity. Having no lighting in many circumstances is a strategic management decision. Lighting should be considered a useful addition to other safety provisions but not a solution in itself. Major new lighting proposals for sports fields will normally require a resource consent under relevant resource management plans, and this process is considered sufficient to not require additional policy in this Plan. Floodlighting of sports fields and artificial playing surfaces for competition and training purposes is in response to the need for competition and training in the evenings. Floodlights should be owned and installed by councils regardless of who funds them. The large scale of Saxton Field has enabled the location of most floodlighting away from boundaries, reducing potential conflict with neighbouring residential properties. Improved technology is also reducing light spill, which is the most common cause of conflict.

#### 5.3.1 Expectations

- 5.3.1.1 Reserve lighting will support appropriate uses of Saxton Field and be affordable and energy efficient.

5.3.1.2 The costs of sport park lighting will be fairly allocated to users.

### 5.3.2 Policies and methods

- 5.3.2.1 Lighting will be provided and maintained on the reserve where there is a clear benefit. Priority for all-night lighting will be given to areas which provide pedestrian and cycle linkages and commuting routes between and within communities where no alternative lighted access exists, and where these settings have natural passive surveillance (near properties, roads or other busy public areas).
- 5.3.2.2 Lighting will be provided in areas of general public use, including street lights and in car parks, but the users of sports grounds and event managers are responsible for meeting the costs of operation, maintenance and replacement of their own lighting needs. For example, sports clubs are responsible for the cost of floodlights and for lighting accessways to club buildings.
- 5.3.2.3 Use of unused flood-lit fields and the floodlights may be allocated to sports users other than the owner of the floodlights.
- 5.3.2.4 Councils will seek to transfer the ownership of existing flood lighting from clubs to councils and for them to be maintained as part of councils' wider asset management programmes.
- 5.3.2.5 Use of low energy and more sustainable lighting options will be encouraged.

## 5.4 Inclusion and disability access

The Saxton Field Committee and the councils are committed to working towards the removal of barriers to the participation of people with disabilities on the reserve or any community accessibility issue. Improved access has the potential to increase the use of Saxton Field by enhancing comfort and convenience for a wide range of users while providing significant safety benefits.

It is important to retain the character and variety of the reserve and to cater for different levels of ability with a range of challenges and degrees of difficulty. It might not always be feasible or desirable to make all facilities fully accessible. Different degrees of accessibility will be achievable at different sites.

For facilities to be recognised as fully accessible they need to comply with national standards stated in relevant resource management plans, the Building Act 1991 and, for example, the Access Standard in the Built Environment: NZS41212001. These standards may need to be exceeded to encourage greater participation and inclusivity. Where appropriate, the councils will carry out periodic consultation with disability advocacy agencies, and support the audit of Saxton Field facilities by recognised advocacy agencies.



### 5.4.1 Expectation

5.4.1.1 Everyone is able to enjoy Saxton Field.

#### 5.4.2 *Policies and methods*

- 5.4.2.1 Where practicable all facilities will be designed to meet contemporary national standard and design criteria for access for people with disabilities, including the provision of appropriate play equipment.
- 5.4.2.2 When new facilities are proposed, and prior to the completion of the revised development plan, an audit shall be undertaken to identify accessible facility requirements and to prioritise opportunities for improvement.
- 5.4.2.3 Councils shall ensure that staff members and contractors involved with providing park facilities are educated about the requirements of people with disabilities and/or accessibility issues, allowing effective service provision.
- 5.4.2.4 Councils shall provide public information about accessible facilities using a variety of media.

## Part 2: Background

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## 6 History<sup>9</sup>

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This section summarises the complex history of Te Tau Ihu iwi in the region and the development of Saxton Field from developed farmland to its current status as a regional sports park. Te Tau Ihu iwi history puts reserve land management and Te Tiriti o Waitangi / Treaty of Waitangi obligations in its important regional context, particularly considering the number of iwi with interests in Te Tau Ihu and the roles of mana whenua iwi in exercising rangatiratanga and kaitiakitanga (loosely, authority and guardianship). Further detail on the cultural significance of reserves to Māori in the region is included in Appendix 4, and a glossary of Māori terms is provided in Appendix 3.

### 6.1 Te Tau Ihu iwi

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Saxton Field forms part of an area of Aotearoa – Te Tau Ihu – the top of the South Island – where land and resource rights have been contested for centuries.

Te Tau Ihu o Te Waka-a-Māui is the prow of the demigod Māui's canoe, with productive lands and seas and well as prized minerals, such as argillite, used in tool- and weapon-making.

Hāwea, Waitaha and Ngāti Māmoē are three of the earliest tribal groups recorded in the region for whom genealogies exist. They were preceded by others, such as Tūtūmaiaoa, Maeroro, Tūrehu, Patupaiarehe, and Ngā Rapuwai. Ngāti Hāwea descendants now live mainly in South Westland, having been pushed south by later arrivals.

Waitaha established communities across Nelson–Marlborough and are believed to have been the first to quarry the argillite in the eastern ranges of Nelson. They also developed much of the Waimea Gardens complex on more than 400 hectares of the Waimea Plains. Seeing the wealth of Waitaha, the North Island tribe Ngāti Māmoē crossed to the South Island via Ahuriri (Napier) the Wairarapa and Wellington and eventually pushed Waitaha south. Ngāi Tara, Rangitāne and Ngāti Apa made their initial forays to the South Island in the 16th and 17th centuries. Ngāti Apa, also established a number of pā and kāinga in the Marlborough Sounds during the 16<sup>th</sup> century.

Ngāti Tūmatakōkiri, another Kurahaupō canoe tribe originally from Taupō in the central North Island, arrived in the late 16th century. They eventually dominated a huge territory from Whangarae (Croisilles Harbour) in north-eastern Tasman Bay, west to Onetahua (Farewell Spit), and the West Coast hinterlands to Māwhera (Greymouth), and encountered Abel Tasman near separation point in 1642. They pushed Ngāti Wairangi to districts south of Greymouth and held sway for approximately two centuries, but were eventually displaced by surrounding tribes, including Ngāi Tahu from the West Coast, Ngāti Kuia and Rangitāne from the eastern districts of Nelson–Marlborough, and Ngāti Apa from the North Island. Captain Cook interacted mostly with Ngāti Kuia and Rangitāne when he was repairing his ships in Queen Charlotte Sound in the 1770s.

In the early 1820s an alliance of displaced Tainui tribes (Ngāti Toarangatira, Ngāti Koata and Ngāti Rārua) moved south to Taranaki. Joined by Taranaki tribes Ngāti Mutunga, Ngāti Tama and Te Āti Awa, they migrated south to the Kāpiti Coast and Wellington. After many battles, this alliance, led by the Ngāti Toa chief Te Rauparaha, conquered and dominated that region.

Te Rauparaha then led the alliance on a series of incursions into Nelson–Marlborough, which was also conquered. Allocations of the lands saw Ngāti Toarangatira, Ngāti Koata, Ngāti

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<sup>9</sup> Historical information in this section is sourced from the Te Papa collections ('The Saxton Family'), Te Ara (The Encyclopaedia of New Zealand), and summaries for earlier reserve management plans. *Saxton Sketch*, (John Waring Saxton), Nelson, December 1849. Nelson Provincial Museum, Bett Collection: 314837

Rārua, Ngāti Tama and Te Āti Awa become the dominant tribes. Agricultural and horticultural produce was traded at whaling communities, where many Māori also served as builders and whaleboat crew. Within a few years of this final conquest, a new group of Europeans arrived to establish the New Zealand Company's second settlement (after Wellington).

The New Zealand Company began attempting to purchase land in the Nelson area in 1839, first developing the Maitai River flats which bordered Te Whakatū (Nelson Haven). Several thousand settlers arrived in Nelson within a few months and the need to occupy land beyond the Waimea Plains became clear, leading to disputes over land purchase agreements. Local Māori initially supported and participated in the new economy. Māori-owned ships worked the New Zealand coast, carrying Māori and European produce within Nelson–Marlborough and to North Island ports. More than 400 hectares under Māori cultivation produced hundreds of tons of potatoes and thousands of bushels of wheat for sale at Nelson markets, the whaling stations, Wellington and further afield.

In 1843 Nelson officials attempted to enforce a dubious New Zealand Company claim to land in the Wairau Valley. Te Rauparaha and his nephew Te Rangihaeata defended their position and the outcome is remembered as 'The Wairau Incident', with deaths on both sides, and while no further punitive actions took place, relations between Māori and Pākehā were seriously damaged.

Relationships further deteriorated. In 1853 Governor George Grey took 371 hectares of Motueka Native Reserve lands for the Anglican Church's Whakarewa School, without offering compensation. This removed the best of the Nelson tribes' productive lands, leaving them with no income. They were evicted from their homes and cultivations. Land Commissioner Donald McLean's 'Waipounamu purchases' of 1853–56, together with the Native Reserves Act 1856 and later amendments, set the scene for 120 years of Māori alienation from their lands. By the 1970s, Nelson Māori were left with little more than 1,200 of 8,000 hectares guaranteed by the land purchase agreements of the 1840s.

After this long period of migration, conquest, and intermarriage there are eight mutually recognised tribes in Nelson–Marlborough today:

- Ngāti Tama ki Te Tauihu
- Te Ātiawa o Te Waka-a-Māui
- Ngāti Toa Rangatira
- Ngāti Koata
- Ngāti Rarua
- Ngāti Kuia
- Rangitane o Wairau
- Ngāti Apa ke te Rā Tō

## 6.2 Saxton Field

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Prior to colonisation, the Saxton Field area was productive coastal swamp, with the rivers draining the hills rich in tuna (eels) and other native fish, and covered in harakeke (flax) and other wetland plant species. While Māori settlement in the immediate area is unlikely, members of Te Tau Ihu iwi would have made seasonal visits to collect building and weaving material and for food.

European settlement expanded in the region as more settlers arrived, including John Waring Saxton (1808-1866). Saxton was born in England, the second son of 12 children. His sister

Maria married a New Zealand Company governor and wealthy shipowner, Joseph Somes, and the Saxton family emigrated on his advice. John and Priscilla Saxton and their five children arrived in Nelson aboard the ship *Clifford* in May 1842.

John Saxton and family originally settled in a house on their town acre in The Brook. He was later offered a large allotment in Stoke by Joseph Somes. This property stretched from Main Road Stoke, south to the hilltops, and from Ngawhatu to Champion Road. Although he had no farming background, Saxton and his sons successfully developed the difficult land, which was swampy on the flats and otherwise very hilly.

John Saxton was treasurer of the Nelson Institute (the predecessor of Nelson's library and museum), a member of the Provincial Council and was involved with the Anglican Church. As a musician, he was in demand at social events, and was a gifted painter of water colours. His set of Nelson views appeared in Edward Jerningham Wakefield's book, *Adventure in New Zealand*. Saxton's diaries from 1841-1850 are held by the Nelson Provincial Museum.

Sadly, despite his success, he suffered from recurring bouts of depression, and died in 1866, aged 58. The family homestead, Oaklands, still stands today on land behind Saxton Field. It was originally the NZ Company's barracks at the Port, and was moved in 1844 by Saxton to its current site.

Records show 45 acres of land leased from the Saxtons in 1932 by an aero club, and, in 1934, Kingsford Smith opened the club's first hanger and landed his famous Fokker airplane Southern Cross at the airfield. The following year, Cook Strait Airways started operations from the site. At some stage in the next two decades, ownership of the land passed to the Crown and was leased to the King-Turner family until 1977, when the NCC acquired 23.5 hectares of land for sports activities, along with a lease of 7 hectares of adjoining land occupied by the New Zealand Broadcasting Corporation's radio transmitter (now Radio New Zealand).

Figure 3: 'Estuary view' by John Saxton 1849, showing Oaklands and Saxton Farm



The first management and concept plan for the 30.6 hectare sports field was developed in December 1980, and the land was gazetted as recreation reserve in 1981, with NCC the administering authority. Development of the reserve for sport progressed over the next two decades, and in 1996 the need to extend the area was identified via the Nelson Resource Management Plan, with designations placed on adjacent properties requiring the sale of private land to Council on a 'willing-seller willing-buyer' basis (see Section 7.5 *Resource Management Act 1991*). Land acquisitions by NCC and TDC of the designated areas continued from 1999 to 2006, with recent additions of esplanade reserve resulting from neighbouring residential subdivision and acquisition of two parcels on Daelyn Drive by the NCC in 2016. Saxton Field now covers an area of 74.2 hectares; 17.7 owned by the TDC and 49.7 by Nelson City, plus the 7 hectares leased by Nelson City from Radio New Zealand.

The joint Saxton Field Committee – made up of two councillors from each Council and an independent chair – was established in 2016 (with its first meeting in February 2017) to act as a governance group to oversee management and development of Saxton Field. Previously, Councillors met informally with council staff to review specific development proposals. The membership of the Saxton Field Committee, like all council committees, is reviewed after each triennial local government election. The Committee has the power to decide on the implementation of approved budgets for operations, maintenance and capital developments, as well as approving concessions and marketing plans. The two councils approve separately (but subject to adoption by the other Council and based on the recommendations of the Saxton Field Committee) future capital works programmes, leases, licences and easements, reserve policies (including this Plan) and development plans (see Appendix 2 for the Committee's terms of reference).

Development of Saxton Field has progressed over 40 years, but there are still new proposals to locate additional recreation and sport facilities on the reserve. Saxton Creek has been redeveloped over the past three years – with work continuing – to improve its flood capacity and environmental values. Part of the Raine Estate to the south is to become a substantial new residential area, and a retirement village – Summerset Richmond Ranges – with 400 residents has recently opened on Hill Street, with access to Saxton Field via the Saxton Creek esplanade reserve.

## 7 Statutory Framework

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This section reviews the various national and local statutory documents which direct how certain aspects of Saxton Field must be managed.

### 7.1 The Reserves Act 1977

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This Reserve Management Plan is prepared on behalf of NCC and TDC by the Saxton Field Committee according to the Reserves Act 1977. The two councils retain their roles as administering authority over the reserve parcels each owns (as per the Reserves Act), but have delegated governance authority to the Committee according to its terms of reference (Appendix 2). As administering authorities, each Council retains final decision-making authority over the reserves each owns, where decisions have not been delegated to the Saxton Field Committee, subject to agreement with the other Council (unless for a matter specific to one Council).

Section 3 of the Reserves Act outlines its purpose which is *"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."*

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 described in this document, but the creation of duplicating policy is avoided. Councils may also make bylaws under sections 106-108 of the Act to give effect to the policies in a reserve management plan and relevant council bylaws.

The Act only applies to reserve land gazetted under the Act, and so does not apply to the RNZ transmitter site. However, this Plan will act as a guiding reference for the use and development of these settings as part of Saxton Field – although any controls on use must be implemented via tools other than the Reserves Act, such as the Resource Management Act (RMA) (via relevant resource management plans) and the Local Government Act (for example, via bylaws, if necessary).

Reserve management plans, prepared under the Reserves Act, are required to provide for and ensure the use, enjoyment, maintenance, protection, preservation and development, as appropriate, of the reserve for the purposes this which it is classified. This can include identifying the community's expectations for the development and management of a specific reserve or group of reserves. Reserve management planning is intended to allow councils to identify and establish the desired mix of use and protection for each reserve, 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 function and management of a reserve and should be a community document. Once approved, a management plan enables the administering body to exempt specified permitted activities from public notification in some cases.

The majority of Saxton Field is gazetted as a Recreation Reserve under the Reserves Act. This defines the primary purpose of the land to be for (s17(1)):

*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.*

In addition to that primary purpose s17(2) states:

- (a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:*
- (b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:*  
  
*provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:*
- (c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:*
- (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.*

The esplanade reserve beside part of Saxton Creek is a local purpose reserve under the Reserves Act, with a defined purpose (s23(1)) “of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.” In this case, the reserve has ‘esplanade’ as its defined purpose. This ‘purpose’ is further defined by the Resource Management Act 1991 (s229):

*An esplanade reserve or an esplanade strip has 1 or more of the following purposes:*

- (a) to contribute to the protection of conservation values by, in particular,—*
  - (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
  - (ii) maintaining or enhancing water quality; or*
  - (iii) maintaining or enhancing aquatic habitats; or*
  - (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or*
  - (v) mitigating natural hazards; or*
- (b) to enable public access to or along any sea, river, or lake; or*
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

The Reserves Act allows an administering authority to restrict public access to a local purpose reserve as it sees fit.

The 6-metre-wide sliver of land adjacent to NCC's parcel at 59 Daelyn Drive is also a local purpose reserve, with its purpose defined as 'walkway'. This purpose is not further defined by any legislation but is taken at face-value, and the reserve must be managed in accordance with its purpose.

The requirements for reserve management plans in s41 of the Reserves Act do not apply to local purpose reserves, and in this case this Plan applies to these reserves as NCC and TDC general policy only.

The Reserves Act does not apply to the Radio NZ transmitter site. This Plan applies to this area as general policy only.

## 7.2 Local Government Act 2002 and Council bylaws

The purpose of the Local Government Act 2002 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.*

Councils may make and enforce bylaws under sections 145, 146 and 149 of the Local Government Act 2002 to help manage its services. NCC bylaws that are relevant to this Plan include (as at March 2020 – more may come into effect during the life of this Plan, and existing ones may be modified):

- Control of Dogs Bylaw 2013 (under review at the time this Plan was prepared), prohibiting dogs from the Saxton Field Cricket Oval, the Athletics Track and Saxton Field hockey and softball areas, but allowing them on-lead "around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off lead on sports grounds other than the playing area of sports grounds.)" The bylaw also generally excludes dogs from playground areas.
- Freedom Camping Bylaw 2017, prohibiting freedom camping on the Saxton Field land that is owned by Nelson City.
- NCC Parking and Vehicle Control Bylaw 2011, for locating mobility and motorcycle parks and managing parking restrictions where desired.
- Urban Environments Bylaw 225 (at June 2015), including:
  - In its 'Control of Alcohol in Public Places' section, prohibiting consumption of alcohol on 'Saxton Field Reserve' 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, with the following provisions:
    - 'No person shall carry on business in Nelson as an itinerant trader, or as an operator of a mobile shop, without a Council permit, except in the case of an itinerant trader or a mobile shop participating in a Council approved street market or street stall.' In relation to commercial activities, the bylaw requires permits for most when conducted in public spaces, including reserves (discussed further in Section 3.5 *Commercial activities and commercial signs*).

- 'No person shall place an advertisement on any street or any other public place, or any tree or structure which is under the control of the Council other than a dedicated "poster tower" without a Council permit which specifically authorises such advertising'. 'No person may write, paint, chalk, spray or etch on, or otherwise mark, any street, footpath, or any tree or structure which is under the control of the Council, without a Council permit'. 'A permit will only be granted where the Council is satisfied that the advertisement is for an identifiable public or community purpose, will cause no detracting from the amenities of the City, will not inhibit or interfere with the use of the immediate area by the public, and will not cause harm to or otherwise damage the thing on which the advertisement is to be fixed or made.'
- In its 'Reserves' section, stating that permits are required to carry out the following activities in Council reserves:
  - drive a vehicle faster than 20km/hour (and limiting driving within a reserve to only those locations set aside for that purpose or where directed by an authorised officer, unless it is an emergency vehicle)
  - use chainsaws or other tree felling implements
  - take rocks, minerals and sand
  - possess firearms
  - kill animals, including pest animals.
  - plant, spray or remove vegetation
  - graze livestock
  - land recreational motorised aircraft
  - place or erect memorials, including plaques.

The Reserves section of the bylaw also limits the playing of golf on reserves to only a designated area in Neale Park or the Waahi Taakaro Golf Course (i.e., golf practice or play is not permitted on Saxton Field).

### 7.3 Te Tiriti o Waitangi / Treaty of Waitangi

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Te Tau Ihu iwi are Treaty partners with the Crown and work with councils to meet statutory obligations under the Deeds of Settlement for each iwi. There are eight iwi within the rohe of Te Tau Ihu. They are represented by the following iwi authorities:

1. Ngāti Apa ki Te Rā Tō Trust;
2. Ngāti Koata Trust;
3. Te Rūnanga o Ngāti Kuia Trust;
4. Ngāti Rārua Iwi Trust;
5. Ngāti Tama ki Te Waipounamu Trust;
6. Te Ātiawa o Te Waka-a-Māui Trust, represented by Te Ātiawa Manawhenua ki Te Tau Ihu Trust;
7. Te Rūnanga a Rangitāne o Wairau Trust; and
8. Te Rūnanga o Toa Rangatira.

Te Tiriti o Waitangi/the Treaty of Waitangi is Aotearoa/New Zealand's founding document. 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.<sup>10</sup> There are three key articles. The first article refers to Māori tinorangatiranga 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.

The Treaty 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.

It is important that Te Tiriti o Waitangi and the Treaty partnership is recognised and acknowledged, to enable iwi and local authorities to work together to achieve outcomes that benefit Māoridom and New Zealanders.<sup>4</sup>

There are also several strong provisions in the Reserves Act 1977, Resource Management Act 1991 (RMA), the Heritage New Zealand Pouhere Taonga Act 2014 and the Local Government Act 2002 (LGA) that require both the recognition of Māori culture and traditions and provision for iwi participation in environmental decision-making. In particular: RMA sections 6-7 require local authorities to recognise and provide for, as a matter of national importance, Māori culture, traditions, customary activities, protection of heritage sites and also have regard to kaitiakitanga. The Reserves Act (via the First Schedule of the Conservation Act), LGA section 4 and RMA section 8 require local authorities to take into account the principles of Te Tiriti o Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes.

The key principles for iwi/Māori that guide reserve management include:

- Tino rangatiratanga – shared decision-making
- Mauri – the life force is protected
- Kaitiakitanga – shared active protection
- Manaakitanga – shared responsibilities

For iwi/Māori, tino rangatiratanga is shared decision-making with Council and resource users. Collaboration is promoted to enhance opportunities to achieve outcomes. Kaitiakitanga is a shared responsibility with resource managers and users to actively protect natural and physical resources. Manawhenua seek 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.

Section 3.2 *Te Tiriti o Waitangi / The Treaty of Waitangi* considers Treaty obligations at Saxton Field.

## 7.4 Heritage New Zealand Pouhere Taonga Act 2014

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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

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<sup>10</sup> Kingi T. (2016). *Aotūroa Framework, Section 3: Te Tau Ihu Iwi Whakamahere Wakatū*. Karewarewa Innovations Consultancy.

Act it is an offence to destroy, damage, or modify any archaeological site without an authority from the New Zealand Historic Places Trust. 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). While there are no known archaeological sites on Saxton Field, accidental discovery protocols shall apply, and are interpreted further in Section 3.2 *Te Tiriti o Waitangi / The Treaty of Waitangi* of this Plan.

## 7.5 Resource Management Act 1991

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Nelson City Council is a unitary authority with combined regional and district council functions under the Resource Management Act. The Nelson Regional Policy Statement 1997 and the Nelson Resource Management Plan (NRMP, 2004) are key documents prepared by Council in accordance with the Act to help achieve the integrated and sustainable management of natural and physical resources. The NRMP is under review at the time of preparing this Plan, and the new Nelson Plan will likely result in changes to the planning zones and zone rules which apply to the reserve (much of it is currently zoned 'Rural'). In the meantime, the NRMP remains the operative plan and currently directs various land use controls which apply regardless of this Plan. The NRMP also predates the acquisition of land to the west of the Radio NZ transmitter tower and so retains designations over much of that land in the expectation of it being acquired for reserve purposes, and applies a regional reserve overlay only to the eastern titles. A review of planning rules which apply to the reserve under the NRMP are not provided here as they will expire within the life of this Plan.

### 7.5.1 Te Tau Ihu Statutory Acknowledgement

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

While Saxton Field is outside any Te Tau Ihu Statutory Acknowledgement area, it is near to the Te Tau Ihu Coastal Marine Area which was recognised by the Crown as of interest to all eight Te Tau Ihu iwi, although iwi have different opinions about the scale of interest of each.

Rivers and their resources – especially tuna (eels), harakeke (flax) and inanga (whitebait) – are also referenced as valuable resources. Saxton Field was originally an area of estuarine and inland wetland which would have provided various food and building resources, but it would be unlikely for kainga (settlement areas) or cultivations to have been established.

## 7.6 Camping-Grounds Regulations 1985

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

A camping ground is defined by the Act (s2):

***camping ground** means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of these regulations*

The Act requires that (although there are exceptions), (s3(1)):

*no person shall use or permit to be used any land as a camping ground unless that person is the holder of a current certificate of registration in respect of that land issued by the local authority in accordance with the Health (Registration of Premises) Regulations 1966.*

A camping plan is also required (s4(1)):

- (1) *For every camping ground there shall be prepared and maintained a camp plan showing the following matters:*
- (a) *the position and boundaries of the camping ground;*
  - (b) *the position and boundaries of every camp site;*
  - (c) *the number of each camp site;*
  - (d) *the position of every building, access road, path, cookhouse, caravan drainage point, ablution place, toilet, sewage tank, and disposal system within the camping ground;...*

The Act also sets out requirements for semi-permanent relocatable home parks, but these are not an appropriate use for Saxton Field.

Saxton Field has been used for short-term camping accommodation for large-scale events such as Bay Dreams, and short-term camping at Saxton Field has proven to be a successful means for supporting sporting and cultural events in the region. Councils have 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 limits 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 by consent.

The NRMP does not list camping as a permitted activity in the Regional Reserve schedule for Saxton Field (see Section 7.5 *Resource Management Act 1991*) (although the schedule does not apply to all of Saxton Field). The Bay Dreams event, as a result, required a resource consent.

A review of the Camping-Grounds Regulations 1985 at a national level has been proposed for some time, but there is no timetable for this work.

## Appendix 1: Land status

The following parcels of land are subject to this Reserve Management Plan.

Owner	Area (ha)	Legal description	Status
TDC	4.5380	Lot 1 Deposited Plan 20000 Title NL13B/489	Recreation Reserve
NCC	2.4610	Lot 1 Deposited Plan 3173 Title NL90-4	Recreation Reserve
NCC	0.0809	Lot 1 Deposited Plan 3926 Title NL105/28	Recreation Reserve
TDC	4.0468	Lot 1 Deposited Plan 8366 Title NL4C/239	Recreation Reserve
NCC	0.0301	Lot 134 Deposited Plan 490496 Title 7653096	Local Purpose (Walkway) Reserve
NCC	0.4622	Lot 135 Deposited Plan 490496 Title 717631	Local Purpose (Esplanade) Reserve
NCC	0.5199	Lot 136 Deposited Plan 510343 Title 7815358	Local Purpose (Esplanade) Reserve
NCC	0.1289	Lot 19 Deposited Plan 490496 Title 717606	Recreation Reserve (in process of gazettal)
TDC	5.0639	Lot 2 Deposited Plan 326169 and Lot 1 Deposited Plan 361671 Title 251279. Parcel IDs 6822599, 6644744	Recreation Reserve
TDC	4.0468	Lot 2 Deposited Plan 8366 Title NL4C/240	Recreation Reserve
NCC	0.0792	Lot 20 Deposited Plan 490496 Title 717607	Recreation Reserve (in process of gazettal)
NCC	0.3842	Lot 6 Deposited Plan 507574 Title 7759457	Local Purpose (Esplanade) Reserve
Radio NZ	7.1452	Part Deposited Plan 3154 Title NL1A/883	Radio NZ freehold, leased by NCC. Not subject to Reserves Act 1977. This Plan applies as guidance only.
NCC	21.8325	Part Lot 2 Deposited Plan 2553 Title NL90-5	Recreation Reserve
NCC	23.4879	Part Section 75-76 Waimea East District and Lot 2 Deposited Plan 3926 Title 156982. Parcel IDs 3611065, 3651350, 3626594	Recreation Reserve

## Appendix 2: Saxton Field Committee Terms of Reference

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These are the Saxton Field Committee Terms of Reference as at March 2020. These will be removed from the final version of this Plan as they are likely to be reviewed during the life of the Plan.

### Saxton Field Committee

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#### Terms of Reference

November 2018

#### 1 Purpose

The Saxton Field Committee (the Committee) is to oversee the development and management of Saxton Field on behalf of Nelson City Council and Tasman District Council (the councils).

#### 2 Membership

Each council must appoint two elected members to the Committee.

An independent member will be appointed in accordance with the councils' Policy for the appointment and remuneration of jointly-appointed independent members to committees'.

At the inaugural meeting a Chairperson will be elected for the purposes of the inaugural meeting only, and will not have a casting vote at that meeting.

The independent member will be the Chair of the Committee and will have voting rights.

If the Chair is unavailable a Chairperson will be elected from among members attending on the day.

#### 3 Iwi and Stakeholders

Representatives from iwi, relevant sporting codes, relevant community groups, and Sport Tasman may be invited to attend Committee meetings when required.

However, these representatives will only have speaking rights with the agreement of the Committee Chair. The representatives will not have voting rights.

#### 4 Quorum

Quorum for the Committee is three members, including a minimum of one councillor each from Nelson City Council and Tasman District Council.

#### 5 Meeting Frequency

Ordinary Committee meetings will be held at least three times per year, or as needed.

#### 6 Areas of Responsibility

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field
- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

## 7 Powers to decide

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions

## 8 Powers to recommend

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve
- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above

All recommendations will carry the rider that it shall be subject to adoption by the other Council, unless for a matter specific to one Council.

## 9 Role of the Committee

- To act as a governance group for matters relating to Saxton Field
- To request, receive and consider any information relevant to the areas of responsibility
- To be an interface between community groups and the two councils
- To report to Nelson City Council, and Tasman District Council when required

## 10 Role of the Chair

- To review the agenda with staff prior to Committee meetings
- To chair meetings according to the agreed agenda and to assist the Committee to reach consensus on issues and options

## 11 Role of staff

Staff provide technical expertise, project management and administrative support to the Committee. Their role is to:

- Provide advice and reports to enable full consideration of the options before the Committee
- Provide advice to the Committee on legal and statutory issues and obligations
- Lead technical discussions on options under consideration
- Manage project resources (budget and staff time)
- Manage project issues, risks, changes and advise the Committee of issues as they arise
- Provide staff reports to meetings at decision making points
- Organise and manage engagement with key stakeholders and the wider community
- Keep Committee members briefed on key communications with key stakeholders and the public
- Prepare and distribute agendas for Committee meetings
- Maintain records of processes used, options considered, key decisions made by the Committee and reasons for decisions, so that the decision making process can be clearly understood

**12 Independent member**

The independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members to committees'.

**13 Remuneration**

The independent Chair will be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members to committees'.

Reimbursement of the independent Chair's expenses relating to vehicle mileage and travel time will be done in accordance with the Tasman District Council Expenses Policy for Elected Members. To claim expenses the independent chair is required to fill out and submit a claim form to seek reimbursement. Any such claim must be made within the relevant financial year.

**14 Interests**

Interests should be declared at the start of Committee meetings.

**15 Reporting**

- Agendas and minutes of Committee meetings will be prepared by Tasman District Council.
- Minutes of Committee meetings will be received by each Council, at which point any recommendations to the Council/s will be considered.
- Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)).
- Tasman District Council Standing Orders apply to Committee meetings.

**16 Varying Terms of Reference**

These terms of reference may be varied by resolution of both councils and any such resolution shall carry the rider that it shall be subject to adoption by the other council.

**17 Review of Terms of Reference**

These Terms of Reference will be reviewed after one year of Committee operations, and no later than the third year of the 2016-19 triennium.

**18 Dissolution of the Committee**

The councils may dissolve the committee at any time. Any such dissolution is completed once both councils have separately confirmed the decision by resolution.

## Appendix 3: Ngā Tikanga O Ngā Kupu Māori – Māori Glossary

Aituā	ill omen, trouble, disaster, accident, fatality, misfortune, death.
Aorere	the Tasman District
Ariki	paramount chief, high chief
Aruhe	wild fern root
Atua	god, spiritual guardian
Awa	river, stream
Hapū	1. (noun) tribe, subtribe, clan, kinship group 2. (stative) be pregnant, conceived in the womb
Hui	to gather, congregate, assemble, meet
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
Kaitiaki	trustee, minder, guard, custodian, guardian, keeper
Kaitiakitanga	guardianship, stewardship, trustee
Karakia	incantation, ritual chant
Mahi	work, job
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
Mātaítai	seafood, shellfish – fish or other food obtained from the sea
Mātauranga	education, knowledge, wisdom, understanding, skill
Mātauranga Māori	Māori knowledge – the body of knowledge originating from Māori worldview
Ngā Taonga tuku iho	treasures inherited from the ancestors
Pā	fortified village, fort,
Pakanga	battle, hostility, war,
Pākohe	argillite, metamorphosed indurated mudstone – a dark grey stone often used for weapons and sometimes musical instruments.
Pou	post, upright, support, pole, pillar, sustenance
Pounamu	greenstone, nephrite, jade
Pūhā	perennial sowthistle, <i>Sonchus arvensis</i> , sowthistle
Rāhui	to put in place a temporary ritual prohibition, closed season, ban, reserve - traditionally a <i>rāhui</i> was placed on an area, resource or stretch of water as a conservation measure
Rangatira	chief (male or female), chieftain, chieftainess,
Rāranga	weaving
Rohe	boundary, district, region, territory, area, border (of land)
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
Tangihanga	weeping, crying, funeral, rites for the dead
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
Tohunga	skilled person, chosen expert, priest
Tūāhu	sacred place for ritual practices by a tohunga
Tūpuna/tipuna	ancestor, grandparent, grandfather, grandmother
Tūpuna/tīpuna	ancestors, grandparents
Waka ama	outrigger canoe
Wāhi	location, locality, place, piece, portion, section
Wāhi pakanga	battle ground
Wānanga	tribal knowledge, learning, lore
Wāta kirihi	watercress
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
Whenua papatipu	land under customary title, ancestral land – the base upon which the hapū was nurtured
Whenua Rāhui	Reserve - land set aside for a particular purpose
Ūrupā	burial ground, cemetery, graveyard

## Appendix 4: The cultural significance of reserve lands to mana whenua iwi

This appendix was provided by Tiakina te Taiao via their Māori cultural impact assessment (MCIA) of Tasman District Council's 'Reserves General Policies' document. The MCIA has the following acknowledgement:

*This report could not have been written without the working group members who gave their time to this project. The Tiakina Board (B Thomas, M Stephens, J Morgan, J Katene, F Hippolite) K Johnson and M Ingram (Wakatū Inc), D Horne, K Stafford. Thank you to Teresa Foster for writing up the draft MCIA and Māori translations and Ursula Passl for guidance and feedback on this document.*

### **Ngā tikanga ake o ngā whenua Rāhui**

#### **The cultural significance of reserve lands – mana whenua iwi worldview**

This section provides an overview of Māori cultural values and the relationship mana whenua iwi have with Council reserve lands. The history of the Tenths Reserves and Occupation Reserves will be outlined to explain why mana whenua iwi continue to maintain an interest and association to those lands Council designates as a reserve under the Reserves Act or any other legislation.

The four Tainui-Taranaki iwi in western Te Tau Ihu – Ngāti Koata, Ngāti Rārua, Ngāti Tama and Te Ātiawa – are recognised as mana whenua on the basis of acquiring Māori customary title through a combination of take raupatu (conquest) and tuku (gift) and ahi kā roa (keeping the fires alight, by occupation or in other recognised ways). Over time, the whakapapa of the migrant iwi from the north became, as the Waitangi Tribunal has put it, 'embedded in the whenua through intermarriage with the defeated peoples, the burial of placenta (whenua) and the dead, residence, and the development of spiritual links.'

As tangata whenua, mana whenua iwi have lived in Aorere (Tasman) since pre-European times. Whenua unites kinship and individual identity – providing a link between the past, the present and the future. For Māori therefore, the relationship between humans and other living elements of the environment such as natural resources including land and water originates through whakapapa (genealogy). Māori connected and related to the world as their very survival and wellbeing was tied to the environment and resources. It is in this connection that Māori identity and belonging is shaped and affirmed. Land is recognised by Māori as a taonga of paramount importance and kaitiakitanga is the obligation of mana whenua iwi to be responsible for the well-being of the landscape.

The climate and supply of kai (food), freshwater and resources along river margins, estuaries, wetlands, bordering flax swamps and the coastal beaches of islands and the mainland were highly regarded and protected and sustained Māori communities for centuries. Resources included whenua (land), ngahere (forest), wai (water), nga awa (streams and rivers) and nga moana (the seas) as well as ika (fish), kaimoana (seafood), tuna (eels) and manu (birds).

The access to land, freshwater and natural resources was an important consideration as to where tūpuna ancestors settled. Some of the archaeological records show the importance of the location of coastal settlements, occupation areas and seasonal camps adjacent to rivers and estuaries in Aorere. Not all sites are recorded by the New Zealand Archaeological Association, but those known to mana whenua iwi continue to be significant to them. For example, some of the significant settlements existed at various times beside the Waimeha River, the islands of Waimeha estuary, Mapua, Motueka and Riuwaka and many other locations in this rohe. The spatial and temporal distribution of these wāhi tapu (sacred sites) indicates that these lands sustained whānau tūpuna for generations.

Continued occupation by mana whenua iwi in Aorere and the surrounding areas resulted in traditional and contemporary Māori knowledge and encompasses tikanga and kawa (values and practises), te reo Māori (language), kaitiakitanga, mātauranga o te Taiao (environmental knowledge), whakairo, raranga, rongoā (oral and visual arts), whakatauki, pepeha (whanau, hapū narratives), korero tawhito, pakiwaitara (stories and legends).

### **Te hītori o ngā whenua rāhui - History of Tenths Reserves and Occupation Reserves**

The historical creation of the Tenths reserves and occupation reserves are a result of the NZ Company and Crown policies introduced almost 170 years ago. A key issue is the current legislation places numerous constraints on management and administration of these areas for mana whenua iwi as well as severely limits the access and enjoyment to resources by mana whenua iwi.

The New Zealand Land Company (commercial enterprise formed in Britain and supported by the Crown) developed a principle that any land purchased from the customary Māori owners for European settlement would have one-tenth set aside for the future prosperity of the Māori vendors (this land became known as the 'Tenths Reserves')

It is estimated that as much as 450,000 acres were surveyed for the Nelson District. Only 151,000 acres was reserved for the New Zealand Company for the Nelson settlement, therefore 15,100 acres should have been put into the Tenths Reserves. Only 5,100 acres was set aside (10,000 acres short).

Furthermore, the Government enacted legislation allowing lessees rights of perpetual renewal and historically was 99 year leases (now 21-year rent reviews, which severely restricted the income received by the Māori owners). As a result of this history, the Māori customary owners lost ownership of important occupation sites, Pā sites, urupā, wāhi tapu and cultivated lands.

The Crown intended to hold the Tenths Reserves on trust on behalf of and for the benefit of the tangata whenua who were those families who held Māori customary title to the 151,000 acres in the 1840s. Despite the guarantees and the provisions stipulated in the 1845 Crown Grant, the Crown failed to reserve a full one-tenth of land or exclude urupā, wāhi tapu and cultivated land from European settlement.

From 1882 onwards, the Public Trustee, Native Trustee and Māori Trustee administered the Tenths Reserves and occupation reserves on behalf of the original owners and their descendants. During this period, a great deal of land was either sold or taken under public works legislation for schools, road, airports, infrastructure works - in many cases without the owners' consent and without compensation for the loss.

The establishment of Wakatū Inc was the result of recommendations made by the Sheehan Commission of Inquiry that the Tenths Reserves should be returned to the direct ownership and control of the Māori land owners. This recommendation was implemented by the Wakatū Incorporation Order 1977, which according to its explanatory note constituted "the proprietors of the land commonly known as the Nelson-Motueka and South Island Tenths".

Mana whenua iwi continue to uphold kaitiaki obligations and responsibilities for their cultivated lands, customary lands, urupā, wahi tapu areas, pa, occupation areas, camp sites and fortified food storage areas. Current Council reserve lands therefore may have the above cultural layers as well as may be traditional harvest areas for mahinga kai (native foods) such as aruhe (fern root), rongoā and rāanga species, pūhā and kōwhitiwhiti/wāta kirihi (watercress) patches, native fisheries and freshwater. Likewise, Council reserve lands may be links and access ways to customary lands and paakohe trails or areas used for ceremonial purposes, historical hui or wāhi pakanga – the site of historic battles. In addition, customary practices and traditions such as waka taua landing areas and wananga areas may have been

used on reserve lands. For these reasons, mana whenua iwi continue to have an enduring relationship and association with the Tenth Reserves and reserve lands designated under the Reserve Act and other legislations.

### **Me mōhiotia te mana me te tino rangatiratanga o ngā iwi**

#### **Recognition of mana whenua iwi rangatiratanga and kaitiakitanga of nga taonga tuku iho**

Mana whenua iwi demonstrate rangatiratanga and kaitiakitanga, an obligation and responsibility inherited from their tūpuna ancestors, to ensure Te Taiao – the environment and its resources – are maintained, enhanced and protected, and that the obligation passes to the next generation. The management of Council reserve lands must be inclusive of mana whenua iwi and can extend to co-management and joint management arrangements. Where policies and plans are developed without mana whenua iwi participation, mana whenua iwi are unable to practice kaitiakitanga (guardianship). Consequently, mana whenua iwi cannot contribute their mātauranga (knowledge) to the decision-making processes and cannot play a role in the protection and maintenance of nga taonga tuku iho.

In addition, if mana whenua do not participate in management processes associated with nga taonga tuku iho, their rangatiratanga (chieftainship), guaranteed under Article II of Te Tiriti o Waitangi cannot be recognised. This guarantee protected mana whenua iwi lands and other taonga, but also the mana (authority) to control them in accordance with their own customs and traditions and having regard to their own customary preferences.

#### **Whakangungua te mauri o te whenua me te wai - Protecting the mauri of reserve lands and waterways**

The concept of mauri is important in Māori worldview. All elements of the natural environment (including people) have a mauri or life force and all forms of life are interconnected and interrelated. Mana whenua iwi are responsible for protecting the mauri (life force) of all elements of the natural environment including lands, waterways, springs and native flora and fauna, fisheries and coastal environments. For mana whenua iwi the maintenance and enhancement of the mauri of all living things in, on or adjacent to reserve lands is imperative to the sustainable management of resources and a key environmental principal to ensure the health and well-being of taonga resources and people.

The degradation of coastal and freshwater resources is a key concern for mana whenua iwi. The decline in water quantity and water quality has impacted on the cultural values and traditional uses for mahinga kai resources. A water body with a healthy mauri will sustain healthy ecosystems, support cultural uses and mahinga kai (food sources), and be a source of pride and identity to the people.

#### **Tiakina te wao nui a Tāne - Protecting indigenous habitats, biodiversity and associated mātauranga**

The protection, maintenance and enhancement of indigenous biodiversity and associated habitats are an integral part of Māori environmental management. The health and wellbeing of coastal wetlands, estuaries, rivers and lakes and forests are vital to sustain the diversity of indigenous flora and fauna. The utilisation of natural resources for traditional customary practices such as weaving, building waka and pā and the use of rongoa plants are important to mana whenua and ensure the transmission of mātauranga Māori from one generation to the next.

Coastal development and activities in and around reserve lands have led to degradation of, damage and destruction of wāhi tapu, cultural heritage and sites of significance to mana whenua iwi. Activities on reserve lands and reserve management approaches may destroy or

damage habitats supporting indigenous flora and fauna. The loss of indigenous biodiversity affects mana whenua iwi cultural values.

For example Higgs Reserve is important to mana whenua iwi as a mahinga kai area and nesting area for the taonga kotuku bird. Furthermore, wāhi tapu here includes hangi sites and part of occupation area of matāhua. Unfortunately contractors working nearby destroyed native trees and vegetation at Higgs Reserve. The loss of cultural resources and areas results in a loss of indigenous habitats, biodiversity and associated mātauranga as well as access and use to taonga resources. The inclusion of mana whenua iwi in the management of reserve lands will ensure cultural values and biodiversity values are enhanced and protected.

### **Kia mau kē ki ngā tikanga o ōu mātau tūpuna - Maintaining customary use**

The customary practices of collecting and harvesting inanga, ngā tūmomo ika (fish species), ngā tūmomo manu (bird species), tuna, kaimoana, native flora and fauna from or adjacent to reserve lands continues to be an important part of mana whenua iwi life. Traditional food gathering areas continue to sustain the spiritual and physical well-being of mana whenua iwi. Although fewer māhinga mātaurai exist today, they are still an important part of cultural life. Therefore the maintenance and enhancement of these areas is even more critical. The practice of manaakitanga – harvesting local kai from the area for manuhiri (visitors) is an indication the food baskets are healthy and reflects on the mana (status) and well-being of mana whenua iwi and their ability to look after local resources as the kaitiaki of this rohe.



### **Whakamarumarutia ngā wāhi tapu me ngā wāhi taonga - Protection of wāhi tapu and wāhi taonga associated with reserve lands**

There are many wāhi tapu areas (sacred places and sites) associated with or adjacent to reserve lands. Wāhi tapu provide mana whenua iwi with a physical and spiritual link to tūpuna ancestors and are places or sites associated with customary tapu practices, kōiwi (human remains), historical events, pā sites or wāhi pakanga (sites of battles). Wāhi tapu can also signify ahi kā roa (long-term residency) and the historical association mana whenua iwi have with their customary lands. For example, the Motueka public cemetery reserve is a known historical occupation area. Other examples include: Kaka Point, Little Kaitereterē, Māpua, Kina Peninsula and Anawhakau Pā at Tapu Bay. The Anawera crescent reserve (a recreational reserve) surrounds this historic location. As kaitiaki, mana whenua iwi are responsible for the protection of these wāhi tapu areas in their rohe.

The protection of remains of traditional camp sites used as a base from which to gather seasonal food and waka landing sites are widespread in the Tasman rohe. For example, river margins and estuaries were used by mana whenua iwi to access food and other resources. Sites are often found near wetlands or at the confluence of tributaries. Wāhi tapu associated with rivers include, but are not limited to: urupā (burial grounds), sites used for ceremonial purposes, mahinga mātaurai (food gathering areas), riu waka (landing sites), camping sites, work areas and places for harvesting rongoā. For example, Stephens Bay and Anawera are known areas for the supply of kawakawa a native plant used for medicinal purposes by mana whenua iwi.

**Kia mau ki ngā tikanga Māori me te mātauranga Māori - Use of mātauranga and application of tikanga**

The use of mātauranga (knowledge) and tikanga (customary practices) is fundamental in the management of Council reserve lands. Reserve lands may sustain a diverse range of indigenous habitats, flora and fauna, fisheries and bird life. Mātauranga associated with those habitats and indigenous species underpin the cultural identity of mana whenua iwi – this mātauranga forms the basis of manawhenua iwi tikanga and kawa. The loss of biodiversity results in the loss of cultural identity through the inability to apply mātauranga and tikanga connected with those resources. The physical and spiritual wellbeing of mana whenua iwi is therefore compromised. The value manawhenua iwi attach to reserve lands is reflected in the use of wāhi ingoa (names), whakataukī (proverbs), karakia (prayer) and waiata (song) to describe different parts of the landscape, including features relating to mountains, hilltops, rivers, estuaries and coastal environments. Customary names and whakatauki describe the cultural value tūpuna (ancestors) placed on their relationship with the natural environment. For example Puketawai and Pukekoikoi Pā are significant Occupation reserves for Ngāti Rārua and Te Ātiawa whānau and hapū.

## Appendix 5: Accidental discovery protocol

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**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 at Saxton Field that meet the permitted activity rules in the local resource management plans.**

**The protocol is current at February 2021. Referral must be made to the relevant council to ensure that no later update applies.**

There is a risk of disturbance and accidental discovery of cultural material at Saxton Field resulting from earthworks and/or erosion. Cultural material includes: taonga (Māori artefacts), kōiwi (human bone) or wāhi tapu. Many potential permitted activity construction/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 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.

### Taonga/Māori treasures discovery protocol explanation

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The diagrams on the following pages outline the processes to follow in the event of a taonga/kōiwi tangata find at Saxton Field.

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<sup>11</sup>. 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; whareniui (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.

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<sup>11</sup> Heritage New Zealand - Pouhere Taonga website, retrieved from: <http://www.heritage.org.nz/protecting-heritage/maori-heritage>.

Various traditional activities have taken place across the Nelson/Tasman 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 Act<sup>12</sup>, 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 artefact<sup>13</sup>. 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).**

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<sup>12</sup> Protected Objects Act: <http://www.mch.govt.nz/nz-identity-heritage/protected-objects/taongatuturu>

<sup>13</sup> Heritage New Zealand - Pouhere Taonga 'Guidelines for kōiwi tāngata/human remains', retrieved from: <http://www.heritage.org.nz/protecting-heritage/archaeology/archaeological-guidelines-and-templates>.

\* Note that the term 'iwi' means the eight Te Tau Ihu 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 Tasman District Council (TDC) (03 543-8400), or Nelson City Council (NCC) (03 546-0200)

TDC / NCC will notify and contact the **Iwi Trusts** and **Heritage NZ** of the discovery. 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 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** and **Heritage NZ** 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 finalize tikanga process for those involved with handling of the taonga e.g. Iwi monitor, archaeologist and any others involved.

# Discovery of Kōiwi (Human 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 Tasman District Council (TDC) ( **03 543-8400**), or Nelson City Council (NCC) (**03 546-0200**)

TDC / NCC will notify and contact the **Police, Iwi Trusts** and **Heritage NZ** 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 find

**Police** 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** and **Heritage NZ** 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 finalize tikanga process for those involved with handling of the Kōiwi tangata/taonga e.g. Iwi monitor, Archaeologist and any others involved.

## Appendix 6: Existing and contemplated leases and licences

Lessee	Commencement	Expiry	Type	Use
Jason Howcroft	1/07/2019	30/06/2021	Concession Licence	Motorcycle skills training
Target Shooting Nelson	1/01/2017	31/12/2036	Lease	Indoor shooting range
Nelson Cricket Association Incorporated	1/11/2016	31/10/2036	Lease	Indoor cricket centre
Tasman District Council - Get Moving	1/07/2018	30/06/2020	Lease	Office and function space for community workshops
Nelson Suburbs Football Club	1/02/2015	30/06/2040	Lease	Football clubrooms
Nelson Netball Centre Inc.	15/05/2016	30/06/2031	Lease	Netball offices
Nelson Hockey Softball Pavilion (2010) Inc	1/07/2011	30/06/2021	Lease	Hockey and softball clubrooms
Nelson Hockey Association (1993) Inc	1/09/2005	31/08/2025	Lease	For the playing of hockey and other outdoor sports
Top of the South Athletics Charitable Trust	1/4/2016	31/3/2026	Lease	Equipment shed and use of sports pavilion
Nelson Table Tennis	1/07/2011	30/06/2021	Lease	Table tennis courts
Tasman Regional Sports Trust	28/03/2010	27/03/2030	Lease	Offices and storage

For leases and licences that are due to expire before 2030, the proposed new term to be offered to each lessee will generally be five years depending on review of the new application, or a roll-over of the current lease period where a substantial long-term asset is involved.

## Appendix 7: Community Feedback

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Prior to preparing the Draft Saxton Field Reserve Management Plan we asked for your help to review the way we manage Saxton Field, to ensure a bright future for our region's largest sports, recreation and events venue.

The first stage was holding workshops with sporting groups and other users of Saxton Field.

The workshops helped the councils develop the draft vision and objectives for Saxton Field, and helped to identify issues and opportunities for the reserve.

Separately, all Te Tau Ihu iwi were contacted to identify areas of interest, and engagement with Ngāti Koata, Ngāti Tama and Ngāti Rarua was established via Tiakina Te Taiao, and directly with Te Ātiawa. Other iwi – Ngāti Kuia, Ngāti Apa, Ngāti Toa Rangatira and Te Runanga o Rangitāne o Wairau wished to be kept advised of progress.

The second stage of the consultation was based on the process required under the Reserves Act 1977 for the preparation of a reserve management plan, with both councils advertising the intention to prepare a Draft Saxton Field Reserve Management Plan. An online questionnaire was prepared to encourage feedback. All relevant schools were contacted individually for comment.

A total of 114 responses to the online questionnaire were received, along with direct contact from six groups and individuals. Fifty-four percent of responses were from Nelson residents or groups, and 44% from Tasman-based groups or individuals, with several spanning both. The following groups offered advice:

- Nelson Suburbs Football
- Sherwood Archery Club
- Tasman Wheelers Cycling Club
- Nelson Children's Athletics
- Nelson Hockey Association
- Nelson Basketball Association
- Nelson Netball Centre Incorporated
- Stoke Nayland Cricket
- Tasman Regional Sports Trust
- Tim Barnes - Strength and Conditioning
- Gymnastics Nelson
- Cycling Nelson
- Nelson Marlborough DHB
- Champion Green Facilities Committee
- NZ Catchball Association

The key themes from the online input included:

- Maximise capacity of the venue for regional / national / international sport and events and maintain fields to withstand high use (turf maintenance and drainage, lights, seating, artificial turfs, additional facilities, sports hubbing, concerts, festivals, more shared facilities, more indoor facilities, better promotion). And some feedback to keep Saxton Field as it is.
- Some facilities were considered to be at capacity, including netball, parking and space for football.
- More capacity for casual recreation and sport was desired, including better walking, play and cycling opportunities, improved wayfinding, better connections with Richmond, more shade, water, more casual seating and a café.
- Greenspace should be better developed and have a greater presence.

- Streamline management and field booking systems.

General satisfaction questions were asked regarding: satisfaction with sport opportunities; major events; casual play and recreation; and the natural environment and landscape. Satisfaction was lowest for casual play and recreation and the natural environment and landscape.

The feedback from both stages of the early public engagement was considered by the Saxton Field Committee and was instrumental in the preparation of the Draft Plan. The Draft Plan was approved by the Committee for public release on 18 September 2020. It was released for public submissions on 8 October 2020, with 13 submissions received by the 10 December 2020 closing date. The organisations who submitted were:

- Nelson Cricket Association
- Sport Tasman
- Nelson Marlborough District Health Board
- Nelson Rhythmic Gymnastics Club
- Nelson Hockey Association
- Table Tennis Nelson
- Stoke Bowling Club.

The remaining six submissions were from individuals.

Overall the submissions were generally supportive of the direction proposed in the Draft Plan. The submissions form asked nine specific questions, with options for additional input. Most submitters responded to the specific questions and eight provided additional comments.

1. The Draft Plan proposes that local and regional sport, recreation and cultural events will generally have priority over national and international sports fixtures. Do you support this approach for Saxton Field?	Yes:6, No:5
2. More focus is being given to the provision of facilities and services for casual recreation, such as walking and cycling and improving wayfinding and accessibility for all users. Do you agree?	Yes:11, No:1
3. The Draft Plan puts more focus on enhancing Saxton Field's landscape, natural and cultural values. Do you support this proposal?	Yes:11, Maybe:1
4. Do you feel there is a need to develop a more centralised single booking portal for all fields and facilities?	Yes:7, No:3
5. Should there be more focus on interpreting local and regional stories and cultural values at Saxton Field?	Yes:7, No:1, Maybe 1
6. Do you support limiting commercial and sponsorship signs to maintain landscape and visual values at Saxton Field and to minimise a commercial atmosphere?	Yes:6, No:5
7. The Draft Plan proposes to implement sustainability principles at Saxton Field (eg encouraging events to have 'pack-it-in pack-it-out' policies for non-recyclable waste). Do you support this approach?	Yes:11, No:1

8. Do you think temporary camping should be allowed when it is associated with major regional and national sport and cultural events, but not as an activity by itself?	Yes:8, No:3
9. Do you agree with keeping Saxton Field smoke and vape-free and controlling the sale and consumption of alcohol as proposed in the Draft Plan?	Yes:12

A range of other matters were raised in the submissions. For a full summary of the submissions and the deliberations report considered by the Hearing Panel appointed to hear the submissions, please refer to: [www.tasman.govt.nz/my\\_council/meetings/committees\\_and\\_subcommittees/all\\_meetings/Submission\\_Hearings/2021](http://www.tasman.govt.nz/my_council/meetings/committees_and_subcommittees/all_meetings/Submission_Hearings/2021) and find the following report: [2021-02-10 Agenda Submissions Hearing \(Saxton Field Reserve Management Plan\).pdf](#)

