

**Minutes of a meeting of the Brook Recreation Reserve
Management Plan Gazettal and Road Stoppings Hearing Panel**

Held in Council Chamber, Civic House, 110 Trafalgar St, Nelson

On Monday 12 September 2016, commencing at 9.09am

Present: P Reaburn (Chairperson) and Councillors K Fulton and B McGurk

In Attendance: Group Manager Infrastructure (A Louverdis), Contractor from The Property Group (P Graham) and Administration Advisor (J McDougall)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There were no changes to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Hearings

4.1 Brook Valley Community Group

Further to the submission, on behalf of the Brook Valley Community Group, Christopher St Johanser raised the following points in relation to:

1. *Land to be declared reserve – submission deadline 6 May 2016*
2. *Change of classification of reserve – submission deadline 6 June 2016*
3. *Proposed stopping of road – submission deadline 29 August 2016*
4. *Land to be declared reserve – submission deadline 29 August 2016*

Mr St Johanser said that his main concern was the lack of consultation on the proposed change of the classification of the land to Local Purpose Reserve (Recreation) from Recreation Reserve. He said that there was no mention in the draft management plan that went out for

consultation of any classification as Local Purpose Reserve (Recreation).

He noted that the decision that the Panel were considering was based on a presumption of an outcome.

Mr St Johanser sought assurance that the panel had open minds on the issues, had no bias and that the process was real.

Mr St Johanser said:

- his letter of 12 January 2015 which summarised a public meeting of the Brook Valley Community Group held on 6 December 2014, in particular item 3, had been ignored and this was the first time the Brook Valley Community Group had been heard or any response given on this topic.
- that section 27 of the New Zealand Bill of Rights Act regarding natural justice had been breached by not allowing objections to be heard.

Mr St Johanser tabled the letter of 12 January 2015 (A1627133). A further document was tabled by Mr St Johanser: Nelson Mail 10 October 2015 "Group says it will fight Council". (A1626709)

Mr St Johanser noted

- he was not opposed to parcels of land surrounding existing recreation reserve land being reclassified as recreation reserve, as that was within the terms of the gift and also consistent with the vision of Thomas Cawthron
- that the main thrust of the objection was for the panel to recognise procedural fairness not been maintained, and that the current hearing panel was not the right mechanism for consultation

Mr St Johanser complained that he had not been advised of the time and place of the hearings, nor had had the opportunity to see the agenda.

The Chair noted that he had been given a copy of an email from Council to Brook Valley Community Group on 25 August at 9.05am, informing the group of the hearing today and advising where copies of the agenda could be found. In response, Mr St Johanser advised that it would have been received by the Secretary of the Group but not passed on to him.

In response to questions, Mr St Johanser advised that

- he considered that a breach of a principle of natural justice had occurred and gave suggestions for the next steps;
- as a way forward, he thought that the Brook Valley Community Group would be happy for the entire area to be gazetted as

recreation reserve and that he did not object to the road stopping as such;

- the area should be maintained as recreation reserve and that there was a strong public view that the motor camp should be continued;
- if an alternative process had been used which would have engendered a debate about the classification, the only issue that would have been raised was that of the increase in traffic on the narrow roads of the Brook Valley;
- following the submission of suggestions to Council on the draft management plan, he had then sent information from the subsequent public meeting to Council. He added that Mr Greenaway had telephoned him asking if he would be putting in a submission and Mr St Johanser had said to use the earlier document as a submission, but for some reason, that had not happened.

The Group Manager, Alec Louverdis, confirmed that Mr Greenaway had received a copy of the 12 January 2015 letter and considered that as part of the Draft Reserve Management Plan compilation.

The Chair assured Mr St Johanser that the role of the panel was to be independent and have an open mind on issues. The Chair advised that the panel treated input seriously and with an open mind.

Mr St Johanser said that he felt he had been heard by the panel today.

Attendance: The meeting adjourned from 10.39am to 10.50am for morning tea.

4.2 The Brook Waimarama Sanctuary Trust

Hudson Dodd, spoke on behalf of the Brook Waimarama Sanctuary Trust (BWST) in relation to:

- *Proposed stopping of road – submission deadline 29 August 2016*

In answer to queries, Mr Dodd advised that

- he thought that the community had made an assumption that all land would have Recreation Reserve status as in the draft management plan
- the request for a legal mechanism to ensure access to the BWST land was to address the risk of an unintended consequence of the road stopping such as lack of legal access to the BWST land.
- he first became aware that relocating the education centre might not be a permitted use of recreation reserve land, following the Department of Conservation submission.

In reply to a question from the Chair in relation to maintaining access through the reserve, officers advised that there was a presumption of public access for all land designated as recreation reserve and as local purpose recreation reserve

Mr Dodd noted that he had no concerns about the process or procedures.

5. Summary

In reply to a question, officers confirmed that there had been two speakers from the Brook Valley Community Group on 2 September 2015 and that both had put in submissions with the draft Reserves Management Plan: one from Mr St Johanser; and the other from Moira Bauer on behalf of the Brook Valley Community Group.

The following were requested from officers, and subsequently issued to the Panel for the deliberations meeting of the panel on Tuesday 13 September 2016:

- Copies of consultation of draft management plan dated June 2015 that went out for consultation and draft management plan dated 15 October 2015 which was adopted in principle by council
- Copies of two submissions, one from Mr St Johanser and the other from the Brook Valley Community Group to the June 2015 draft management plan
- Copy of submission minutes and
- Copy of deliberation minutes to the June 2015 draft management plan.

The meeting to deliberate on the submissions on Brook Recreation Reserve Management Plan Gazettal and Road Stoppings Hearing Panel was set for 9.00am on Tuesday 13 September 2016.

There being no further business the meeting ended at 11.43am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date