

LGOIMA

When releasing responses to previous LGOIMA requests, names of individual requestors may be withheld to protect their privacy.

Information requested by the media, from public sector organisations and MPs will always be published while information specific to an individual or their property will not generally be published.

Request from: Brook Valley Community Group

For: Brook Reserve Land Reclassification

Response by: Mark Tregurtha
Manager Strategy

**SR 1946270**

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

21 November 2019

P (03) 546 0200
E enquiry@ncc.govt.nz
nelson.govt.nz

Dear [REDACTED]

REQUEST FOR INFORMATION REGARDING THE BROOK RESERVE – SR1946270

I refer to your email dated 18 October 2019 in which you requested that Council provide the following information relating to the Brook Reserve land reclassification:

1. Copy of the texts of the recommendation and any subsequent resolution by Council
2. Any internal communications having relevance, whether by way of emails, memos, notes or other communications.
3. Any and all subsequent communications with external parties on this proposal. Specifically any response received from those office holders charged with giving formal consideration to the proposal.
4. Any material emanating from any Court, including the Environment Court, together with any further information or any planned or actual response to information received from those officers or Courts.

Following our telephone conversation on Monday 18 November I understand that your request relates to whether Council has taken advice on the process for changing the specific local purpose for the Brook Reserve and declaring stopped road to be reserve and, whether Council has gone back to the Environment Court, or any other Court or Commissioner on this matter. You also asked for an update on the Reserve land reclassification process.

Information relating to the above requests are addressed below:

1. Copy of the texts of the recommendation and any subsequent resolution by Council.

A copy of report to the Council meeting of 8 August 2019 on the Brook Reserve can be accessed through Council's website at

http://meetings.nelson.govt.nz/Open/2019/08/CL_20190808_AGN_1872_AT.PDF

And the minutes of the meeting at:

http://meetings.nelson.govt.nz/Open/2019/08/CL_20190808_MIN_1872.PDF

To assist, the resolution from the 8 August 2019 meeting is set out below.

Resolved CL/2019/001

That the Council

1. ***Receives the report Brook Reserve – change of specific local purpose and declaring stopped road to be reserve (R10247) and its attachments (A1903135, A2230208 and A2237459); and***
2. ***Declares the stopped road land as marked purple on Attachment 1 (A1903135) of report (R10247) to vest as Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve under section 14 of the Reserves Act 1977, to be amalgamated into the adjoining reserve; and***
3. ***Approves the change in specified purpose of the Local Purpose (Recreation) Reserve as marked green on Attachment 1 (A1903135) of report (R10247) to Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve under section 24A of the Reserves Act 1977; and***
4. ***Delegates the authority to the Chief Executive to take the steps necessary to prepare and place notices in the Gazette in order to vest the stopped road land as reserve and change the specific local purpose of the Local Purpose Reserve; and***
5. ***Delegates the authority to the Chief Executive to take the steps necessary to complete the road stopping process under Schedule 10 of the Local Government Act 1974 and amalgamate the reserve.***

2. Any internal communications having relevance, whether by way of emails, memos, notes or other communications.

Council has taken legal advice on the process for reclassifying the Reserve and the next steps for the Reserve Management Plan. This legal advice is being withheld under 7(2)(g) of the Local Government Official Information and Meetings Act 1987 in order to maintain legal professional privilege.

There are no other responses received from the Hearings Panel or Council (the bodies charged with considering this matter) apart from the linked report and minutes referred to above.

3. Any and all subsequent communications with external parties on this proposal and any response received from those office holders charged with giving formal consideration to the proposal.

As noted above Council has taken legal advice on the next steps for the Brook Reserve Management Plan. This legal advice is being withheld under 7(2)(g) of the Local

Government Official Information and Meetings Act 1987 in order to maintain legal professional privilege.

4. Any material emanating from any Court, including the Environment Court, together with any further information or any planned or actual response to information received from those officers or Courts.

No further information or correspondence relating to the reclassification has been received from or provided to the Environment or any other court since we provided comprehensive information to yourself and Ms Grey on 23 November 2018 and 18 February 2019.

As previously advised, the Environment Court confirmed Council's decision to stop the road, subject to Council declaring the stopped road to be reserve under the Reserves Act 1977 to be amalgamated into the adjoining reserve. This condition has now been met and Council officers are completing the necessary steps to vest the stopped road as reserve and amalgamate it into the adjoining reserve. Council has also resolved to change the specified local purpose of the reserve, as set out in the resolution above, and officers have proceeded to complete this work.

You have the right to seek an investigation and review of by the Ombudsman. Information about how to make a complaint is available on Freephone 0800 802 602 or at ombudsman.parliament.nz

Yours sincerely



Mark Tregurtha

Manager Strategy

[REDACTED]

From: [REDACTED] on behalf of Pat Dougherty
Sent: Monday, 21 October 2019 1:08 PM
To: LGOIMA
Subject: FW: Lgoia inquiry

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: [REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Friday, 18 October 2019 7:44 PM
To: Pat Dougherty [REDACTED]
Cc: [REDACTED]
Subject: Lgoia inquiry

Dear Pat,

I wish to make formal inquiry into events subsequent to the Hearing, misrepresented as of submissions but in fact of objections under the Reserves Act, held in regard to NCC's proposal to reclassify Brook reserve land. I do so in my role as Chair of the Brook Valley Community Group Incorporated.

I understand the recommendations of this panel to have been forwarded to the full Council. Please provide the texts of that recommendation and of any subsequent resolution by Council.

Please also provide any internal communications having relevance , whether by way of emails, memos, notes or other communications.

Further, I wish to be provided with any and all subsequent communications with external parties on this proposal. I specify any response received from those office holders charged with giving formal consideration to the proposal. Any material emanating from any Court, including the Environment Court, is requested, together with any further information on any planned or actual response to information received from those officers or Courts.

You yourself spoke of your predecessor's long concealment of the previous iteration of this attempt to alienate public land in the Brook. I gained the impression at that time that you intended a different approach to legal risk management. Are you instead replicating her secretive strategy?

It's possible I have missed a relevant announcement and if so, then on behalf of our members I wish to be provided with the text.

Yours truly

[REDACTED]