



Notice of the Ordinary meeting of

Classification of Greenmeadows Panel

Date:	Wednesday 27 May 2020
Time:	9.00a.m.
Location:	via Zoom

Agenda

Rārangi take

Chairperson

Ms Helen Neale

Members

Cr Matt Lawrey

Cr Tim Skinner

Quorum 2

**Pat Dougherty
Chief Executive**

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436.

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Order 12.1:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

**4. Deliberation on the proposed classification of
Greenmeadows Reserve**

3 - 19

Document number R14789

Recommendation

That the Classification of Greenmeadows Panel

1. Receives the report Deliberation on the proposed classification of Greenmeadows Reserve (R14789) and its attachments (A2097295, A2084230 and A2140227); and

2. Confirms that the Chair should prepare a report recommending that the Council:

Approves the classification of part of Greenmeadows (being part of Record of Title NL114/188) as shaded orange in Attachment 1 (A2097295) as Local Purpose (Community Purposes) Reserve under s23 of the Reserves Act 1977; and

Approves the classification of part of Greenmeadows (being part of Record of Title NL114/188) as shaded red in Attachment 1 (A2097295) as Local Purpose (Road) Reserve under s23 of the Reserves Act 1977.

Deliberation on the proposed classification of Greenmeadows Reserve

1. Purpose of Report

- 1.1 To consider Council's proposal to classify parts of Greenmeadows Reserve and provide a recommendation on this matter to Council.

2. Recommendation

That the Classification of Greenmeadows Panel

- 1. Receives the report Deliberation on the proposed classification of Greenmeadows Reserve (R14789) and its attachments (A2097295, A2084230 and A2140227); and***
- 2. Confirms that the Chair should prepare a report recommending that the Council:***

Approves the classification of part of Greenmeadows (being part of Record of Title NL114/188) as shaded orange in Attachment 1 (A2097295) as Local Purpose (Community Purposes) Reserve under s23 of the Reserves Act 1977; and

Approves the classification of part of Greenmeadows (being part of Record of Title NL114/188) as shaded red in Attachment 1 (A2097295) as Local Purpose (Road) Reserve under s23 of the Reserves Act 1977.

3. Background

- 3.1 Nelson City Council intends to prepare a reserve management plan for sportsgrounds within its district. However, the Reserves Act 1977 (the Act) requires that all reserve lands be classified for their primary purpose before this process can be undertaken.

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

- 3.2 Once classified, reserves may generally only be used for the primary purpose for which they are classified, in accordance with the requirements of the Act. It is possible for different parts of the same reserve to be classified for different purposes. Once classifications have been approved for all of Greenmeadows, staff will arrange for a Survey Office Plan depicting the classifications to be prepared to enable the classifications to be gazetted and recorded against the relevant titles.

Greenmeadows – legal status

- 3.3 Parts of two titles of land (Records of title NL114/188 and 473412) together make up Greenmeadows, as shown in Attachment 1. The purple dotted line shows the boundaries of NL114/188 and the blue dotted line shows the boundaries of 473412. The black dotted line shows what is treated as boundaries of Greenmeadows and Isel Park.
- 3.4 Nearly all of NL114/188 is within the Greenmeadows Reserve boundary, with a small part being outside the boundary on the edge of Songer Street and Main Road Stoke and used as footpath, and a small part being outside the northern boundary of Greenmeadows and being treated as part of Isel Park. Part of 473412 is within Greenmeadows boundary and the remainder is within Isel Park boundary. Both titles are Reserves Act land and are yet to be formally classified under the Act.
- 3.5 Prior to Greenmeadows (both titles) being transferred to Council, the land was owned by the Crown and was part of the Stoke Domain. The land (Part Section 50 District of Suburban South and defined on DP 4585 further described in Record of Title NL114/188 and Lot 46 DP 5508 part sections 49 and 50 further described in Record of Title 473412) was deemed to be recreation reserve subject to Part 2 of the Reserves and Domains Act 1953 and vested in the "Mayor, Councillors and Citizens of the City of Nelson" in trust for recreational purposes pursuant to a Gazette Notice published on 20 October 1966. When the Reserves and Domains Act 1953 was repealed by the Act, the land became reserve subject to the Act.
- 3.6 At its meeting on 13 December 2018, Council approved the classification as recreation reserve of those parts of Greenmeadows and Isel Park used for recreation purposes as shaded green on Attachment 1 (A2097295) (which did not require public notification) and approved public notification for the parts of Greenmeadows Reserve and Isel Park still requiring classification of their primary purpose being;
- 3.6.1 the area the Greenmeadows Centre is located on, being part of Record of Title NL114/188 and proposed to be classified as Local Purpose (Community Purposes) Reserve as shaded orange in Attachment 1 (A2097295),
- 3.6.2 a small section of land running along the Songer Street and Main Road Stoke boundaries, being part of Record of Title NL114/188 as proposed to be classified as Local Purpose (Road) Reserve as shaded red in Attachment 1 (A2097295).

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

3.7 At the same meeting Council resolved that it:

Delegates a Greenmeadows Reserve Hearings Panel, as a subcommittee of Council, authority to consider, hear and deliberate on submissions or objections on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve classifications; and

Appoints three members to the Greenmeadows Reserve Hearings panel; being an independent member (Chairperson), the Chair of the Sports and Recreation Committee and the Chair of the Community Services Committee; and

Delegates to the Chief Executive the authority to appoint the independent member (Chairperson) of the Greenmeadows Reserve Hearings Panel; and

Approves the Terms of Reference in Attachment 2 (A2084230) for the Greenmeadows Reserve Hearings Panel to consider, hear and deliberate on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve; and

Agrees that the public notification processes are initiated within 18 months.

3.8 As noted in paragraph 3.6, the Council resolved at its 13 December 2018 meeting to classify part of the Greenmeadows Reserve and Isel Park as Recreation Reserve, as shaded green in Attachment 1. This decision was made on the basis that the classification of this part was consistent with the existing purpose of the Reserve and therefore, public notice was not required in accordance with section 16(5)(a) of the Act. This includes the area where the sports fields and tennis courts are located.

3.9 A copy of the full set of Council resolutions from the 13 December 2018 meeting, noting that these were proactively released, is attached (A2140227).

3.10 The Panel now needs to decide whether it will recommend that Council approve the proposed classification, or not.

4. Discussion

Public notification

4.1 The Act sets out the process for classification of reserves. The process requires public notification of the proposed classification for one month (or longer if over the Christmas holiday period), the right for objectors/submitters to be heard and consideration of these views before Council makes its final decision.

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

- 4.2 Council gave public notice of its intention to classify part of Greenmeadows Reserve on 11 December 2019 and, as the notification was over the Christmas period, the consultation period ran to 12 February 2020. The public notice was advertised in the December 2019 edition of Our Nelson, and on Council's website including Shape Nelson. Copies of the proposal were also made available at Council's Customer Service Centre, Nelson's public libraries and the Greenmeadows Centre. Additionally, the five tenant groups of the Centre were advised and given the opportunity to raise questions with staff.
- 4.3 No objections/submissions were received on the proposed classification, therefore no hearings of objectors/submitters was required to be undertaken by the Panel.
- 4.4 The proposed classification for these two areas is discussed below, and outlined in the map in Attachment 1.

Proposal to classify part of Greenmeadows Reserve as Local Purpose (Community Purposes) Reserve.

- 4.5 The Panel needs to consider any public submissions or objections with an open mind and consider any reasonable alternatives to the proposed classification.
- 4.6 No submissions/objections were received on Council's proposal to classify parts of Greenmeadows Reserve as Local Purpose (Community Purposes) Reserve (as shaded orange in Attachment 1).
- 4.7 The reason for the proposed classification as Local Purpose (Community Purposes) Reserve is that this part of Greenmeadows now has a wider community purpose than purely recreation. For example, the newly constructed sports and community facility is used by rugby, tennis, cricket as well as community group Stoke Seniors. In addition the facility includes a commercial kitchen that has the ability to be hired out. There is also a café at the facility. The broader use of the facility is important as it allows for wider benefits to the Stoke community to be realised.
- 4.8 As the proposed classification provides for this type of broader use and no alternative views were received by objectors/submitters staff recommend the Panel approve a recommendation to Council for this part of Greenmeadows Reserve to be classified as Local Purpose (Community Purposes) Reserve (as shaded orange in Attachment 1).

Proposal to classify part of Greenmeadows Reserve as Local Purpose (Road) Reserve.

- 4.9 The Panel needs to consider any public submissions or objections with an open mind and consider any reasonable alternatives to the proposed classification.
- 4.10 No submissions/objections were received on Council's proposal to classify parts of Greenmeadows Reserve as Local Purpose (Road) Reserve (as shaded red in Attachment 1).

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

- 4.11 The reason it has been proposed to classify this part as Local Purpose (Road) Reserve is that this small section of land has been identified as within the title for the reserve but is currently being used as footpath/road/parking. This use is also intended to continue for the future. The current roading use is due to the road being widened at some point and part of the reserve (approximately 0.1730 hectares) being converted to footpath and parking.
- 4.12 Reserve land that is being managed as road should not be classified for recreation or community purposes, given its primary purpose is roading. It is preferable to classify it as Local Purpose (Road) Reserve and this is therefore what staff recommend for this piece of land.
- 4.13 An alternative approach, to ensure that the land used for roading purposes is not classified for an inconsistent purpose, would be to vest the land as road under section 114 of the Public Works Act 1981. However, that would involve obtaining approval from the Minister of Conservation and the ultimate decision maker would be the Minister for Land Information rather than the Council. Given that the Council has already engaged in a process to classify Greenmeadows Reserve, it is considered that classifying this piece of land as Local Purpose (Road) Reserve is the most efficient and cost-effective resolution for this issue.
- 4.14 Once a decision has been made to classify the land for this purpose, Council could then decide whether to make a resolution under s111 of the Reserves Act to dedicate the reserve as road. This would be considered following completion of its classification, and would result in the land being vested as legal road, no longer subject to the Act.

5. Options

Option 1: Status quo - do not classify the parts of the Reserve	
Advantages	<ul style="list-style-type: none">• None known
Risks and Disadvantages	<ul style="list-style-type: none">• This option would create ongoing legal risk as classification of the reserve for its primary purpose is a requirement of the Act
Option 2: Recommend to Council to:	
<i>1) Classify the part of Greenmeadows (being part of Record of Title NL114/188) as shaded orange in Attachment 1 (A2097295) as Local Purpose (Community Purposes) Reserve under s23 of the Reserves Act 1977; and</i>	
<i>2) Classify the part of Greenmeadows (being part of Record of Title NL114/188) as shaded red in Attachment 1 (A2097295) as Local Purpose (Road) Reserve under s23 of the Reserves Act 1977.</i>	

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

Advantages	<ul style="list-style-type: none">• Enables Council to appropriately classify parts of the Reserve that is consistent with their current and future intended use• Addresses any ongoing legal risks associated with this land not being formally classified• Enables Council to progress development of a Sportsgrounds Reserve Management Plan
Risks and Disadvantages	<ul style="list-style-type: none">• None known
Option 3: Make another recommendation to Council for example to classify these parts as Recreation Reserve	
Advantages	<ul style="list-style-type: none">• None known
Risks and Disadvantages	<ul style="list-style-type: none">• Council would need to re-consider the mix of community and sporting uses at the facility to ensure that the primary purpose of the facility was for recreation only

6. Next steps

- 6.1 Following deliberations, the Chair will prepare a report with recommendations to Council and this, together with a covering report from officers, will be considered by Council at its meeting on 25 June 2020.
- 6.2 Once the decision is made by Council to classify the parts of the Reserve as noted in this report, then staff will proceed with preparation of a final survey plan to be approved by LINZ, place a notice in the New Zealand Gazette for all the areas of Greenmeadows being classified and register the Gazette notice against the relevant Records of Title.

7. Conclusion

- 7.1 Having deliberated, the Panel now needs to make its recommendation to Council. Staff support option two, that the Panel recommend to Council that it approves the classification as consulted on.

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Attachments

Attachment 1: A2097295 - Map of areas at Greenmeadows Reserve proposed to be classified [↗](#)

Item 5: Deliberation on the proposed classification of Greenmeadows Reserve

Attachment 2: A2084230 - Terms of Reference - Greenmeadows Reserve
Hearings Panel [↓](#)

Attachment 3: A2140227 - Resolutions from the 13 December 2018 Council
meeting - proactively released [↓](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>Classifying Greenmeadow's Reserve fits with the purpose of local government as a regulatory function of the Reserves Act 1977 which requires Reserves to be classified according to their primary purpose.</p> <p>Classification will also enable Council to continue with the development of a Sportsgrounds Reserves Management Plan which, under s.41, is also a requirement of that Act.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>Classification as proposed in this report as well as development of a Sportsgrounds Reserve Management Plan will support the Community Outcome;</p> <p><i>Our communities have access to a range of social, educational, and recreational facilities and activities.</i></p>
<p>3. Risk</p> <p>Consultation has been carried out to determine the community's views on the proposals. As no objections/submissions were received the risk that the recommendations and decision making process is not supported by some stakeholders or objectors is considered minor. There is a legal risk if the Reserve remains unclassified as to its current use.</p>
<p>4. Financial impact</p> <p>There is a cost to complete the survey plan for the Greenmeadows Reserve as well as to place the appropriate Gazette notices and attend to registration against titles. This cost will be met under existing budgets.</p>
<p>5. Degree of significance and level of engagement</p> <p>The decision to classify the reserve is of low significance. The reserve is not a strategic asset and there will be no change to the use of the reserve as a result of the classification proposed. The community was provided the opportunity to provide input however no input was received.</p>
<p>6. Climate Impact</p> <p>Climate impact has no bearing on the proposal to classify the parts of Greenmeadows Reserve as set out in this report.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>No engagement with Māori has been undertaken in preparing this report.</p>

8. Delegations

The Greenmeadows Reserve Hearings Panel, as a subcommittee of Council, has authority to consider, hear and deliberate on submissions or objections on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve classifications.

Following consideration of submission or objections, the Panel has the power to recommend to Council, as per the Panel's Terms of Reference (A2084230):

- *Whether or not to classify part of the reserve as Local Purpose (Community Purposes) Reserve or some other specific local purpose raised by submissions or objections.*
- *Whether or not to classify part of the reserve as Local Purpose (Road) Reserve or some other specific local purpose raised by submissions or objections.*



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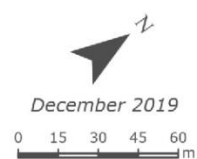
Greenmeadows

Proposed Land Classification



- **NL114/188** (Part section 50 District of Suburban South and Defined on DP 4585)
- **473412** (Lot 46 DP 5508, part sections 49 and 50)
- Park Boundary

- Proposed classification: Local Purpose (Community Purposes) Reserve
- Proposed classification: Local Purpose (Road) Reserve
- To be classified: Recreation Reserve



File Ref: A2097295
MSP. Original map size A4.

Greenmeadows Reserve Hearings Panel

Terms of Reference

1. Purpose

Council has a requirement to classify land for its primary purpose under the Reserves Act 1977.

Council notified the public of its intention to classify part of Greenmeadows, being part of title NL114/188, as Local Purpose (Community Purposes) Reserve and part of Greenmeadows, being part of title NL114/188, as Local Purpose (Road) Reserve on 11 December 2019.

The purpose of this Panel is to hear, deliberate and make recommendations back to Council on any submissions or objections that are received as part of this public notification process.

This Panel is a sub-Committee of Nelson City Council.

2. Membership

The Panel is comprised of three members:

- An independently appointed member (Chairperson);
- Chair of Sports and Recreation Committee;
- Chair of Community Services Committee.

3. Quorum

Quorum for the Panel is set at three members and must include the Chairperson.

4. Areas of Responsibility

The Panel is to hear and deliberate on all submissions or objections received in response to the public notification process and make recommendations to Council.

5. Powers to decide

None.

6. Powers to recommend

Following consideration of submissions or objections, the Panel has the power to recommend to Council:

- Whether or not to classify part of the reserve as Local Purpose (Community Purposes) Reserve or some other specific local purpose raised by submissions or objections.
- Whether or not to classify part of the reserve as Local Purpose (Road) Reserve or some other specific local purpose raised by submissions or objections.

7. Role of the Panel

- To request, receive and consider any information relevant to the options under consideration
- To hear submissions or objections
- To deliberate on submissions or objections
- To make recommendations to Council

8. Role of the Chairperson

- To review the agenda with staff prior to meetings
- To chair meetings according to the agreed agenda and to assist the Panel to reach consensus on issues and options
- To act as spokesperson for the Panel
- To present findings to the Council

9. Role of staff

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

- Provide advice and reports to enable full consideration of the options before the Panel;
- Providing advice to the Panel 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 Panel Chair of issues as they arise
- Provide staff reports to meetings at decision making points
- Organising and managing engagement with key stakeholders and the wider community

- Keeping Panel members briefed on key communications with key stakeholders and the public;
- Prepare and distribute agendas for Panel meetings
- Maintain records of process used, options considered, key decisions made by the Panel and reasons for decisions, so that the decision making process can be clearly understood.

10. Conflicts of Interest

Conflicts of interest should be declared at the start of Panel meetings.

11. Reporting

- Minutes of Panel meetings will be taken
- A report to Council with a recommendation will be prepared by staff on behalf of the Panel summarising the options considered and the reasons supporting the recommended option.

Item 3: Classification of Greenmeadows under the Reserves Act 1977: Attachment 1

Decision released from public excluded session			
Recommendation from (agenda report)	Date of meeting	Recommendation to (decision-making meeting)	Date of meeting
Council	13/12/18	n/a	13/12/18
Report Title and number			
Classification of Greenmeadows under the Reserves Act 1977 R9565			
Documents released			
Decision CL/2018/319 and Attachments A2097295 and A2084230			
Decision			
<p>Resolved</p> <p><i>That the Council</i></p> <p><i><u>Receives</u> the report Classification of Greenmeadows under the Reserves Act 1977 (R9565) and its attachments (A2097295 and A2084230); and</i></p> <p><i>Sportsfields and tennis courts:</i></p> <p><i><u>Resolves</u> under s16(1) of the Reserves Act 1977 to classify the part of Greenmeadows (being part of Record of Title NL114/188) where the sportsfields and tennis courts are located as shaded green in Attachment 1 (A2097295) as Recreation Reserve under s17 of that Act; and</i></p> <p><i><u>Resolves</u> under s16(1) of the Reserves Act 1977 to classify the land in Record of Title 473412 (being part of Greenmeadows and part of Isel Park) as shaded green in Attachment 1 (A2097295) as Recreation Reserve under s17 of that Act;</i></p> <p><i><u>Determines</u> that, under s16(5) of the Reserves Act 1977, public notice seeking submissions or objections on the proposed classification of this part of Greenmeadows and Isel Park as shaded green in Attachment 1 (A2097295) is not necessary as the proposed classification is substantially the same as the purpose for which these parts of reserve were held and administered immediately before the commencement of that Act; and</i></p>			

Item 3: Classification of Greenmeadows under the Reserves Act 1977: Attachment 1

Delegates to the Chief Executive authority to take the steps necessary to prepare and approve a survey plan and prepare and place notice in the New Zealand Gazette classifying this part of Greenmeadows and Isel Park as shaded green in Attachment 1 (A2097295) as Recreation Reserve and to register the Gazette notice against the Record of Title; and

Community facility:

Resolves to give public notice under s16(4) of the Reserves Act 1977 of its intention to classify the part of Greenmeadows (being part of Record of Title NL114/188) as shaded orange in Attachment 1 (A2097295) as Local Purpose (Community Purposes) Reserve under s23 of that Act, noting that a survey plan will be prepared and approved by the Chief Executive; and

Road reserve:

Resolves to give public notice under s16(4) of the Reserves Act 1977 of its intention to classify the part of Greenmeadows (being part of Record of Title NL114/188) as shaded red in Attachment 1 (A2097295) as Local Purpose (Road) Reserve under s23 of that Act, noting that a survey plan will be prepared and approved by the Chief Executive;

Public notification:

Delegates to the Chief Executive authority to take all steps necessary to prepare and place public notices in accordance with the Reserves Act 1977 on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve classifications; and

Delegates a Greenmeadows Reserve Hearings Panel, as a subcommittee of Council, authority to consider, hear and deliberate on submissions or objections on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve classifications; and

Appoints three members to the Greenmeadows Reserve Hearings Panel; being an independent member (Chairperson), the Chair of the Sports and Recreation Committee and the Chair of the Community Services Committee; and

Delegates to the Chief Executive the authority to appoint the independent member (Chairperson) of the Greenmeadows Reserve Hearings Panel; and

Item 3: Classification of Greenmeadows under the Reserves Act 1977: Attachment 1

Approves the Terms of Reference in Attachment 2 (A2084230) for the Greenmeadows Reserve Hearings Panel to consider, hear and deliberate on the proposed Local Purpose (Community Purposes) Reserve and Local Purpose (Road) Reserve; and

Agrees that the public notification processes are initiated within 18 months.

Reserve management plan:

Notes that the Reserve Management Plan for Sportsgrounds will be a matter for the Sports and Recreation Committee's consideration once the Greenmeadows classification process has been completed; and

Release of information:

Agrees that only the decisions and attachments (A2084230 and A209729) relating to Report (R9565) be released from public excluded business; and

Agrees that Report (R9565) be excluded from public release at this time.

Carried