



# INFORMATION PACK

## Part Emerson Street Recreation Reserve

### Notice of Proposal to Revoke Reservation

- Public Notice
- Aerial photo showing location of land on the Reserve
- Aerial photo showing close up view of the land on the Reserve
- Computer Interest Register 447977
- Submission form
- Copy of Section 24 of the Reserves Act 1977



## **NOTICE OF PROPOSAL TO REVOKE RESERVATION OVER PART EMERSON STREET RECREATION RESERVE**

In terms of Section 24 of the Reserves Act 1977, the Dunedin City Council proposes to revoke the reservation over part Emerson Street Recreation Reserve adjoining 16 and 18 Emerson Street, Concord. The area, legal description and reason for revocation are described in the Schedule below.

An Information Pack is available from DCC Customer Services Centre, or by phoning 477 4000 or from [www.dunedin.govt.nz](http://www.dunedin.govt.nz) – Consulting On.

Submissions or objections can be made at [www.dunedin.govt.nz/consultation](http://www.dunedin.govt.nz/consultation) or e-mailed to [reserves@dcc.govt.nz](mailto:reserves@dcc.govt.nz) or posted to Emerson Park Recreation Reserve, Parks and Recreation Services, Dunedin City Council, P O Box 5045, Moray Place, Dunedin, 9058. Submissions should include the submitter's name and postal address and whether or not they wish to be heard in relation to their submission to the proposal. Submissions should be received by 15 May 2017 by 4.00 p.m.

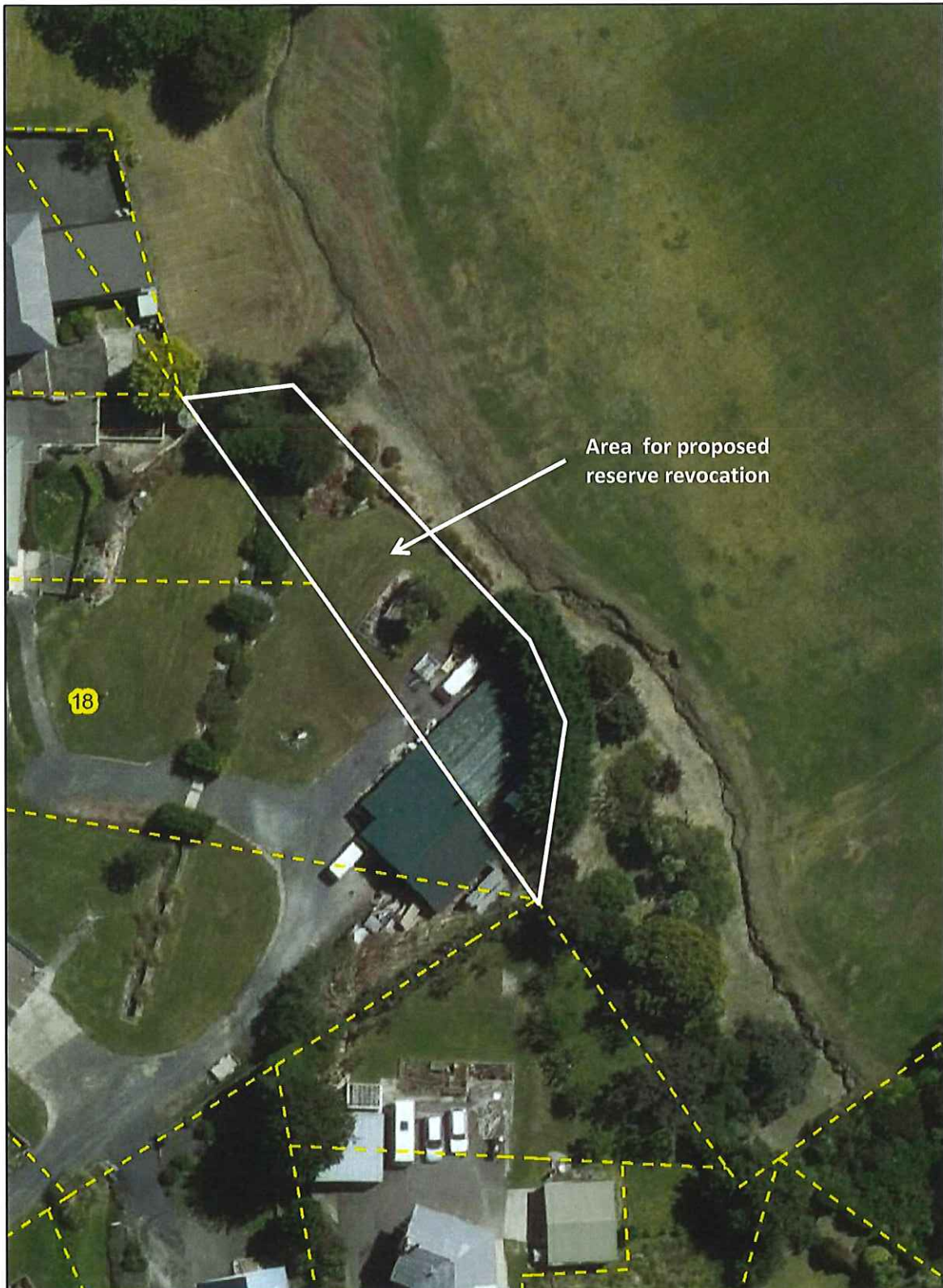
### **Schedule**

Area: 550m<sup>2</sup> more or less being part Section 11, Block XV, Dunedin and East Taieri Survey District, Part CIR 447977

Reason: the area is surplus to reserve requirements



**Emerson Street Recreation Reserve: Aerial photo showing area for proposed revocation of Reserve status adjoining 16 and 18 Emerson Street, Concord**



Area for proposed reserve revocation



### Photographic Map

Scale at A4:  
1:446  
08/03/2016 03:32:20 PM



PARCEL LINES CAN VARY FROM LEGAL PARCEL BOUNDARIES. This map is for illustration purposes only and is not accurate to surveying, engineering or orthophotographic standards. Every effort has been made to ensure correctness and timeliness of the information presented.

2013 Urban and rural photography January / February 2013. Dunedin City Council CC BY 3.0 NZ  
2006/2007 Urban photography March 2007, copyright NZAIA. Rural photography March 2006, copyright Terralink International Ltd.

Emerson Street Recreation Reserve: Aerial photo showing close up of area for proposed reserve revocation



**COMPUTER INTEREST REGISTER  
UNDER LAND TRANSFER ACT 1952**



**Search Copy**

  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 447977  
**Land Registration District** Otago  
**Date Registered** 25 September 2008 09:00 am

**Prior References**  
660764

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<b>Type</b>	Fee Simple	<b>Instrument</b>	GN 660764
<b>Area</b>	2.4867 hectares more or less		
<b>Legal Description</b>	Section 11, 13 Block XV Dunedin & East Taieri Survey District		
<b>Purpose</b>	Recreation Reserve		

**Proprietors**  
Dunedin City Council

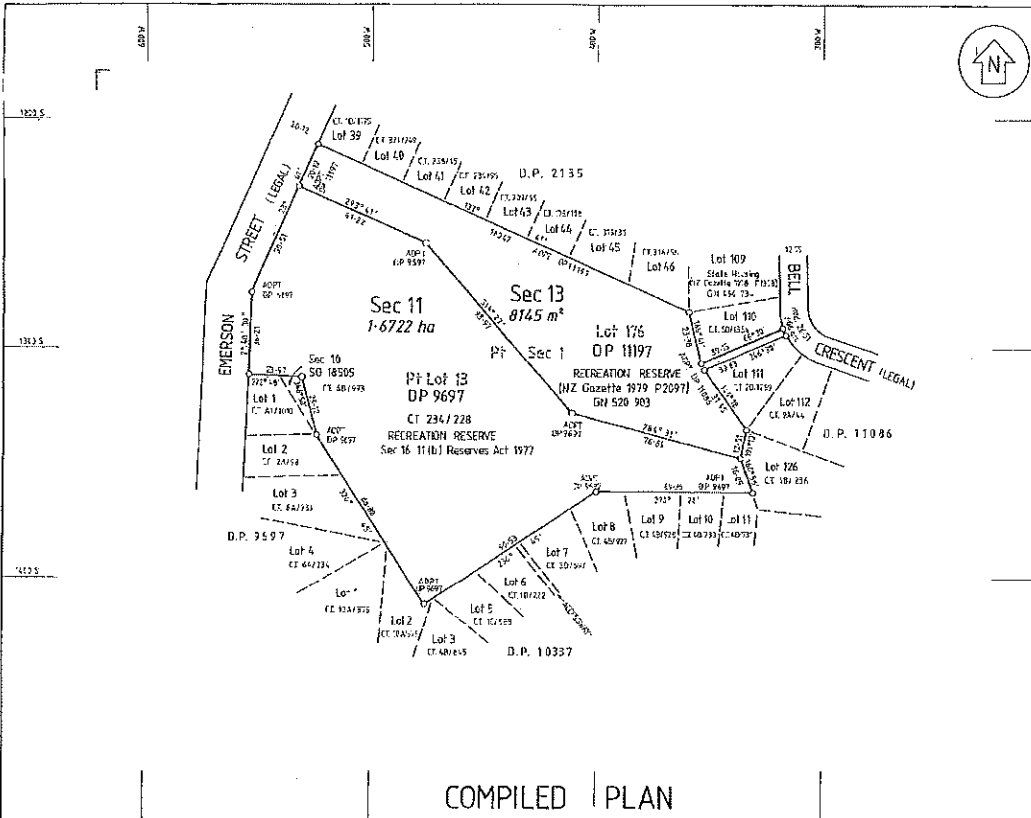
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**Interests**

Subject to the Reserves Act 1977

Subject to a right to drain stormwater over part Section 11 Block XV Dunedin & East Taieri Survey District marked H on DP 402876 created by Easement Instrument 7946499.6 - 25.9.2008 at 9:00 am

The easements created by Easement Instrument 7946499.6 are subject to Section 243 (a) Resource Management Act 1991



COMPILED PLAN

FORMER DESCRIPTION

Lot 176 OP 11197 being Part Section 1, Block XV Dunedin & East Taieri S.D.  
Part Lot 13 DP 9697 being Part Section 1, Block XV Dunedin & East Taieri S.D.

Adopted from OP 9697 unless otherwise shown.

NATURE: Old Cadastral  
ORIGIN: Trig Y, Town S.D.

Total Area 2.4867 ha

Compiled in Sec 11 (b) Reserves Act 1977  
CT 234/228 GN 520 983 (stat 1979 P 2097)

*Engineer certifies that this plan has been prepared in accordance with the provisions of the Survey Act 1977 and that the same is correct and true in accordance with the regulations under the Survey Act 1977.*

Approved as to Survey  
11 June 1986  
Chief Surveyor

Deposited this day of June 1986  
District Land Registrar  
SO 21629

LAND DISTRICT OTAGO RM 244/148-34  
SURVEY BLK. & DIST. XV DUNEDIN & EAST TAIERI  
NZMS 261 SHEET No. 144

SECTIONS 11 & 13

TERRITORIAL AUTHORITY GREEN ISLAND BOROUGH  
COMPILED IN SURVEY OFFICE  
Scale 1:1000 Date JUNE 1985

**Title Diagram 447977**

Cpy - 01/01, Pgs - 002, 08/10/08, 09:32



Extract from *N.Z. Gazette*, 17 July 1986, No. 109, page 3003

*Union of Reserves and Naming a Reserve*

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby declares that on and after the date of publication of this notice, the reserves described in the Schedule hereto, shall be united to form one reserve to be known as the Emerson Street Recreation Reserve.

SCHEDULE

OTAGO LAND DISTRICT—GREEN ISLAND BOROUGH—EMERSON STREET RECREATION RESERVE

1.6722 hectares, more or less, being Section 11 (formerly part Lot 13, D.P. 9697), Block XV, Dunedin and East Taieri Survey District, Section 16 (1) (b) of the Reserves Act 1977, S.O. Plan 21629.

.8145 square metres, more or less, being Section 13 (formerly Lot 176, D.P. 11197), Block XV, Dunedin and East Taieri Survey District, All *Gazette* notice 520983, S.O. Plan 21629.

Dated at Dunedin this 10th day of July 1986.

J. R. GLEAVE,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 12/2/41; D.O. 3/3/53)







**Submission on Proposal to Revoke Reservation over  
part Emerson Street Recreation Reserve**

**Send to:** Emerson Park Recreation Reserve  
Community and Recreation Services  
Dunedin City Council  
PO Box 5045  
Moray Place  
Dunedin 9058

**On-Line** [www.dunedin.govt.nz/consultation](http://www.dunedin.govt.nz/consultation)  
**Email** [reserves@dcc.govt.nz](mailto:reserves@dcc.govt.nz)

**Submissions due to Council by 15 May 2017 at 4.00 p.m.**

Name: \_\_\_\_\_

Organisation (if appropriate): \_\_\_\_\_

Office held within Organisation (e.g. President, Secretary etc.): \_\_\_\_\_

\_\_\_\_\_ Tick if submitting for Organisation:

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Submission on the proposed licence**

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## New Zealand Legislation

# Reserves Act 1977

### 24 Change of classification or purpose or revocation of reserves

(1) Subject to section 13(2), where—

- (a) the Minister considers for any reason that a change of classification or purpose of the whole or part of any reserve is advisable or that the reservation of any land as a reserve should be revoked; or
- (b) the local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or that the reservation of the whole or part of the land as a reserve should be revoked,—

then, subject to the succeeding provisions of this section, the Minister may, in his or her discretion, by notice in the *Gazette*, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve:

provided that the classification of any government purpose reserve for railway purposes shall not be changed and the reservation of the land or any part thereof as such a reserve shall not be revoked except with the consent of the Minister of Railways.

(2) Before any classification or purpose is changed or any reservation is revoked pursuant to subsection (1),—

- (a) where subsection (1)(a) applies and there is an administering body of the reserve, the Commissioner shall notify the administering body in writing as to the Minister's reasons for considering that a change of classification or purpose is advisable or, as the case may be, that the reservation should be revoked, and shall invite the administering body to comment thereon in writing to the Commissioner;
- (b) the administering body of the reserve after consulting the Commissioner, or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal;
- (c) every person claiming to be affected by the proposed change of classification or purpose or revocation shall have a right of objection to the change or revocation, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his or her objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer or chief executive of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections: provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, notice of objection to the proposed change or revocation may be given at any time before 10 February next following that period;
- (d) where a local authority which is not the administering body initiates action under subsection (1)(b) to change the classification or purpose of or to revoke the reservation of the whole or part of the land as a reserve, the local authority shall notify the administering body in writing of the resolution of the local authority, and the reasons for it, and the administering body shall notify the Commissioner in writing of the attitude of the administering body to the proposed change of classification or purpose or to the proposed revocation;
- (e) the Minister shall as soon as practicable consider the proposed change of classification or purpose or revocation and all objections received thereto and, in the case of objections made to

- an administering body, the resolution of the administering body thereon, and, in any case where paragraph (d) applies, the attitude of the administering body to the proposal:
- (f) the Minister shall have power to receive such submissions and make such inquiries as he or she thinks fit on the proposal:
  - (g) the procedure to be followed by the Minister in any matter arising under this section shall be as prescribed in regulations made under this Act or, where there are no such regulations or so far as the regulations do not extend, as the Minister determines:
  - (h) any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of classification or purpose or the revocation of reservation set forth in the public notification.
- (3) No change of classification or purpose of a scenic, nature, or scientific reserve, or any part thereof, to a recreation, historic, government purpose, or local purpose reserve shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification.
- (4) *[Repealed]*
- (5) No change of classification or purpose nor any revocation of reservation of an historic reserve or any part thereof shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the historic features or for any other cause no longer suitable for the purpose of its classification, or where, in the opinion of the Minister, the change of classification or purpose or the revocation is required in the public interest. The Minister shall obtain a report from Heritage New Zealand Pouhere Taonga before making his or her decision.
- (6) Subsection (2) shall not apply to any government purpose reserve, but no change of classification or purpose or revocation of the reservation of such a reserve or any part of such a reserve shall be made without the prior approval of the Minister appointed under [section 22](#) or [section 36](#) to control and manage that reserve.
- (7) Subsection (2) shall not apply to any local purpose reserve, other than a reserve made on a subdivision of land under section 13 of the Land Subdivision in Counties Act 1946 or a reserve vested in the Corporation of a borough pursuant to the Municipal Corporations Act 1954 or the Corporation of a county pursuant to [Part 2](#) of the Counties Amendment Act 1961 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or [Part 20](#) of the Local Government Act 1974 (as enacted by [section 2](#) of the Local Government Amendment Act 1978) or as a condition of any resource consent under the [Resource Management Act 1991](#):  
provided that the Minister may, after considering such evidence as may be submitted to him or her, direct that the proposals be publicly notified, and in that case subsection (2) shall apply.
- (8) The Minister must not change the classification or purpose, or revoke the reservation status, of the whole or a part of a nature reserve or a scientific reserve under subsection (1).
- (9) Instead, a change to the classification or purpose, or the revocation of the reservation status, of the whole or a part of a nature reserve or a scientific reserve must be made by the Governor-General by Order in Council, on the recommendation of the Minister.
- (10) The Minister must not make a recommendation under subsection (9) to change the classification or purpose, or to revoke the reservation status, of a nature reserve or a scientific reserve unless—
- (a) the Minister is satisfied that the reserve is no longer suitable for the purposes of its classification because of the destruction of its forest, bush, or other vegetation, or of its fauna or natural or scientific features, or for any other similar cause; and
  - (b) the Minister has complied with subsection (2), with any necessary modifications.
- (11) Subsection (10)(a) does not apply if the intended change of classification is from—
- (a) nature reserve to scientific reserve or scenic reserve:
  - (b) scientific reserve to nature reserve or scenic reserve.

Compare: 1953 No 69 s 18(1)–(5); 1965 No 108 s 2(1)

Section 24(1): amended, on 1 January 1980, by section 3(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(2)(b): amended, on 1 January 1980, by section 8 of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(2)(c): amended, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002 No 84).

Section 24(2)(c) proviso: inserted, on 1 January 1980, by section 9 of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(4): repealed, on 24 May 2013, by [section 8\(1\)](#) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(5): amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 24(7): amended, on 17 December 1997, by [section 362](#) of the Resource Management Act 1991 (1991 No 69).

Section 24(7): amended, on 1 April 1979, by [section 3\(5\)](#) of the Local Government Amendment Act 1978 (1978 No 43).

Section 24(8): inserted, on 24 May 2013, by [section 8\(2\)](#) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(9): inserted, on 24 May 2013, by [section 8\(2\)](#) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(10): inserted, on 24 May 2013, by [section 8\(2\)](#) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(11): inserted, on 24 May 2013, by [section 8\(2\)](#) of the Reserves Amendment Act 2013 (2013 No 17).