

2 May 2018

Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Dear Sir/Madam

RESERVES ACT 1977:

**EMERSON PARK RECREATION RESERVE
REVOCAION OF RESERVATION**

The above application for granting of the proposed Reserve revocation over part Emerson Park Recreation Reserve under Sections 119 and 120 of the Reserves Act 1977.

Public Consultation

The public notice of intention to grant the licence was advertised in the Otago Daily Times on 8 April 2017 with submissions closing on 15 May 2017. The Dunedin City Council also displayed information on the DCC website for the period of consultation, and provided hard copies at the Civic Centre. One submission was received in opposition to the proposal.

The Hearing and Appearances

Council staff attending were:

Grant Redman (Commercial and Project Manager, Parks and Recreation), Maria Sleeman (Leasing Officer, Parks and Recreation), and Wendy Collard (Governance Support Officer).

Submitters in attendance included:

Ms Karen Anderson

Procedural Issues

No procedural issues were raised.

Principal Issues

The principal issue is as follows:

- Objection to Emerson Park Recreation Reserve Revocation of Reservation

Background

The report noted that in 1984 a small part of Emerson Park Recreation Reserve (the Reserve) was developed to be used as part of the adjoining property at 18 Emerson Street, Dunedin, with a licence to occupy the reserve land granted to the owner.

The owner has applied to purchase the licensed land that was legally part of the Reserve. The sale of the land was approved by Council at its meeting held on 28 March 2018. Part of the process to give effect to the sale was that the recreation reservation of the licensed land needed to be revoked. The action was undertaken under section 24 of the Reserves Act 1977 and came with a public notification process as specified in Section 24(2)(c).

One submission was received with the submitter wishing to be heard. The submission described that the area was set aside for off-leash exercise for dogs pursuant to clause 5.6.1(d) of the Dunedin City Dog Control Bylaw 2016.

Evidence of Submitters

Karen Anderson spoke to her submissions and commented that the granting of the leases, licences and the revocation of Reserves would be inconsistent with the status created by the Dog Control Bylaw 2016.

Ms Anderson then spoke to her submission on the Emerson Park Recreation Reserve revocation of reservation and advised that the reasons for her objection included:

- Right of access for dogs off the leash as provided for by the Bylaw;
- the revocation of the reserve would be changing the Bylaw; and
- concerns contaminants and the removal of structures should the revocation of the reserve be declined.

Information from Council Officers

Under the Reserves Act 1977, submitters needed to demonstrate that the area was required for future recreational use. As it has not been able to be used for a number of years, revocation of part of the reserve would not detract from the amenity, or the use of the balance reserve. Therefore it was recommended that the objection be declined in this instance.

Decision

In giving final consideration to the objection, and all other information presented at the hearing, and in particular the weight that I needed to apply to the evidence presented regarding the Dunedin City Council Dog Control Bylaw 2016, it is my opinion that the evidence presented carries little or no weight. I noted that the area concerned had not been easily or freely identified and available as part of Reserve due to it being physically separated by a stream and there was no footbridge to assist with access. Taking this into regard, I feel that this application is a practical step to address the use of this land to the mutual benefit of both Council and the owner of 18 Emerson Street, Concord, Dunedin.

I note that the decision to revoke the proposed reserve status will mean that Council complies with the requirements of the Reserves Act 1977 and its own policy for the disposal of reserve land, as well as its earlier resolution, to dispose of this land.

*That pursuant to section 120 and Section 24(i)(b) of the Reserves Act 1977, the Dunedin City Council **grants** the revocation of the Recreation Reserve status as the land is surplus to reserve requirements. This land being part of Emerson Street Reserve legally described as 0.0550 hectares (subject to survey) more or less being part Section 11, Block XV, Dunedin and East Taieri Survey District, part Computer Interest Register 447977 and shown in the area attached to this decision (appendix one).*

Yours faithfully



Colin Weatherall
Independent Commissioner
Hearings Committee

Appendix One: Approved Plan/s for Emerson Park Recreation Reserve Revocation of Reservation (scanned image/s, not to scale)

