

Report to:	Council
Date:	27 March 2024
Subject:	Hotpools Lease Report
Prepared by:	W Doughty – Chief Executive Officer
Input sought from:	D Clibbery – Senior Manager Operations P Kearney – Senior Manager Corporate Services
Authorised by:	W Doughty – Chief Executive Officer

1. SUMMARY

The Council granted a concession lease in favour of Kaikōura Springs Ltd. (Concessionaire) on the 25th July 2022 for an area of recreational reserve located adjacent to the Esplanade for the development of wellness hotpools. A process was undertaken to meet the statutory requirements under the Conservation Act 1987, as it was understood that the Crown owned the land and, (where relevant) the Local Government Act 2002, before the lease could be granted.

Following a subsequent request by the proposed developers, Council sought public feedback on the proposal to either extend the current lease area or to remain with the status quo area under the initial lease. Public consultation ran between the 01 December 2023 until 22nd January 2024. A total of 87 submissions were received of which approximately three quarters (75%) were in support of extending the lease area. Public hearings were held on the 14th February 2024 with 10 people identifying that they wished to be heard. The hearings were adjourned before any deliberations took place.

One of the parties that opposed the proposed development raised a number of comments and issues via their legal team. Prior to reconvening for deliberations and in order to confirm the validity of the council process followed Council staff sought further legal review on several issues raised through the consultation process. Part of the findings from this review was that, in fact, it is Council that own the land rather than the Crown and therefore the Concessionaire lease process was not the valid process to follow in this instance.

This paper recommends a number of next steps to Council following that further advice.

2. RECOMMENDATION

It is recommended that the Council:

- a) Receives this report.
- b) Formally terminates the process for consideration of an extension to the current lease area.
- c) Notes that Council and not the Crown owns the recreational reserve. The Reserve has been vested in Council pursuant to the Reserves Act and by definition is therefore the administering body.
- d) Notes that a draft Reserve Management Plan will need to be prepared for the recreational reserve as required under Section 41 of the Reserve's Act with public feedback being sought on the draft.
- e) Notes that dependant on the outcomes from the Reserve Management Plan process, Council could still be in a position to further progress with a lease for the proposed hotpools development or similar without Minister approval.
- f) Notes that until such time as a Reserves Act process is completed the existing concession lease is null and void and that this is formally communicated to Kaikōura Springs Limited.
- g) Notes that a media release will be prepared to confirm the outcomes from this paper.

3. BACKGROUND AND CONTEXT

3.1 Existing Agreement

The Council granted a concession lease in favour of Kaikōura Springs Ltd. (Concessionaire) on the 25th July 2022 for an area of recreational reserve located adjacent to the Esplanade for the development of wellness hotpools. The final lease included a term of 33 years with a commencement date which was

the earliest of either the date at which the Concessionaire obtained all necessary resource consents and building consents for the construction and operation of the facility or 31st March 2024.

3.2 Further work undertaken

A number of submissions in opposition to the proposed extended lease area raised legal concerns with regard to the basis for the original concession lease. Following the hearings, Council adjourned the deliberations and sought further advice.

This advice has indicated that some of the issues raised by lawyers of the opposing submitters are not valid and had apparently overlooked the authorities of the Minister delegated to local authorities by the then Minister of Conservation in 2013 or had otherwise been misleading.

Further work has been undertaken with regard to the status of the recreational reserve. A Land Status Check completed by the Department of Conservation is included in attachment 1.

Advice from KDC's lawyers indicates that because of this the current lease document – which was based upon an incorrect belief that the reserve was vested in the Crown, which had in turn granted KDC a management authority in respect of it, may be unsound, despite the fact that the vesting in Council technically provides KDC with an even greater degree of control over the area.

A further issue raised by KDC's lawyers is that a Reserve Management Plan does not exist for this reserve, and whilst an interpretation might be made of the Reserves Act that the associated delegation of the Minister's powers to the effect that the lack of a Reserve Management Plan does not preclude leasing of that reserve, to do so could well be challenged through a judicial review.

Because these issues create a risk that a judicial review could find the existing lease to be invalid, the following process is proposed:

3.3 Proposed Next steps

As the original concession lease process may be in doubt it is not considered prudent to progress with the current deliberations for consideration of the extended lease area. It is recommended that the consultation process in respect of extending the lease area is terminated.

As administering body for the reserve, Council has the duty of administering, managing and controlling the reserve under its control. A draft management plan will need to be prepared before any lease for the future use of the area could be considered. This management plan needs to conform with section 41 of the Reserves Act and seek public input into the draft process. Ministerial approval of the proposed management plan will not be required. It is recommended that the draft management plan for the reserve commences as a priority. This draft plan will then be subject to consultation with the community.

Any future lease for the site would need to be considered once the reserve management plan process is completed. Council has defined powers under S54 of the Reserves Act to grant leases over recreational reserves providing the proposed activities are in keeping with the agreed management plan.

It is recommended that Council informs Kaikōura Springs Ltd that the existing concession lease is null and void.

It is also recommended that Council informs the public of the outcomes from consideration of this paper.

4. COMMUNITY VIEWS

A draft Reserve Management Plan for the recreational reserve will be prepared with community input.

5. FINANCIAL IMPLICATONS AND RISKS

Significant ratepayer cost could result from a judicial review, which might also not result in a positive outcome for Council. As such it is strongly believed that this risk should be avoided by following the previously described additional process steps.

The risk of litigation from the existing concession holders from terminating the existing concession lease is considered to be very low as the concession is conditional on the Concessionaire obtaining all necessary consents to enable the Concession Activity to proceed by 31 March 2024, which was clearly unachievable given the limited progress that the Concessionaire has made on the project.

Some unbudgeted costs will be incurred for the development of the reserve management plan, but the quantum of these costs is expected to be low.

Council would incur much greater costs if the hot pools project did not proceed. In addition to losing the future lease revenue, Council would need to meet the cost of removing the old swimming pool and upgrading the toilet and playground.

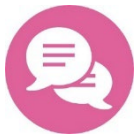
6. RELEVANT LEGISLATION

Reserves Act 1977 (Section 59A), Conservation Act 1987 (Part 3B), Local Government 2002.

7. SIGNIFICANCE AND ENGAGEMENT POLICY

This decision is not deemed significant under the Council's significance and engagement policy. However, Council understands the importance of this area as a community space and the need to therefore ensure any process considering the future of the space is robust and complete.

8. COMMUNITY OUTCOMES SUPPORTED



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations

Attachment 1: SLM Land Status Check report

SLM Land Status Check

Date:	7 March 2024
For/From:	Kaikōura District Council
SLM Advisor:	Toni Anderson
Peer Reviewer:	Lucy Hardy
Subject:	R268093 - Parcel: Sec 468 Town of Kaikōura – Part of Kaikōura Recreation Reserve

Request

Trello card Reference: R268093

Request for the status of Sec 468 Town of Kaikōura (shown in aqua outline below), including who administers it.



Summary and conclusion

- Forms part of the Kaikōura Recreation Reserve
- Vested in and administered by Kaikōura District Council
- Subject to the Reserves Act 1977
- Reserved by NZ Gazette 1966/1411, classified by NZ Gazette 1982/35
- Crown derived.

Detail

- The Kaikōura Council was appointed to be the Domain Board of the Kaikōura Domain by NZ Gazette 1909, page 2147.
- Section 468 Town of Kaikōura was added to the Kaikōura Domain by NZ Gazette 1966, page 1411.
- When the Reserves Act 1977 was enacted, the Kaikōura Domain became a recreation reserve controlled and managed under the Reserves Act by the Domain Board through section 16(7)(a) of the Reserves Act.
- NZ Gazette 1982, page 35, legally classified the Kaikōura Domain as recreation reserve under the Reserves Act and officially named it the Kaikōura Recreation Reserve.
- This part of the Kaikōura Recreation Reserve was controlled and managed by Council, and automatically vested in Council through section 26A of the Reserves Act when the recreation reserve was classified in 1982.

Consideration of Section 26a of the Reserves Act 1977

Section 26a of The Reserves Act 1977 is applicable to this reserve.

- Criteria for Section 26a to apply:
 - Is it a local purpose or recreation reserve?
Yes, recreation, NZ Gazette 1966/1411
 - Has it been classified and is there a gazette notice?
Yes, classified by NZ Gazette 1982/35
 - Was the reserve controlled and managed by a territorial authority prior to 1980 and is there is a substantiating gazette notice?
Yes, NZ Gazette 1909, page 2147.

Detail - land and property information

Address/Location/Coordinates	Near 192 Esplanade, Kaikōura
Region / Local Office	Northern South Island / South Marlborough
Name of Reserve	Kaikōura Recreation Reserve (part)
NaPALIS ID's	Protected Area ID: 2803333 (part) Primary Parcel ID: 1237298
Type of Area	Reserve
Legislation / Section of Act	Reserves Act 1977 / s.17 Recreation Reserve
Classification / Overlay	Yes. NZGN 1982/p35
Administering Body:	Vested in Kaikōura District Council pursuant to s.26A of the Reserves Act 1977.
Reserve Board:	None
Area (hectares)	0.4249 ha
Legal Description	Section 468 TN OF Kaikōura
Landonline Parcel ID	3738620
Title Reference	No record of title for this parcel
Gazette References	<ul style="list-style-type: none"> • 1900/107 Kaikōura County Council appointed as Domain Board – published 18/1/1900 • 1966/1411 Recreation reserve – published 1/9/1966 • 1982/35 Classification & naming – published 14/1/1982
Applicable Treaty Settlement	Ngāi Tahu Claims Settlement Act 1998
Current rights over land	None found
Special provisions	None found
Official Name (by NZ Geographic Board)	Kaikōura Recreation Reserve is an officially named reserve by virtue of the heading of the Gazette Schedule use of the name in NZ Gazettes prior to the NZ Geographic Board Act 2008.
District Council / Region	Kaikōura District Council / Canterbury Regional Council ECAN
Rates - (Area and rating reference)	21080/36301 Land value: \$255,000.00

Note: The Department of Conservation (DOC) endeavours to the best of its ability and knowledge to ensure that this land status check is accurate at the date of this check. However, DOC cannot accept any liability for the accuracy or content of this land status check. Specific advice should be sought from a qualified LINZ accredited professional before relying on this land status check.

Subject to the limitation above, I confirm that the information in this status check is correct and that it is complete to the extent relevant to the type of transaction and the status of the land.



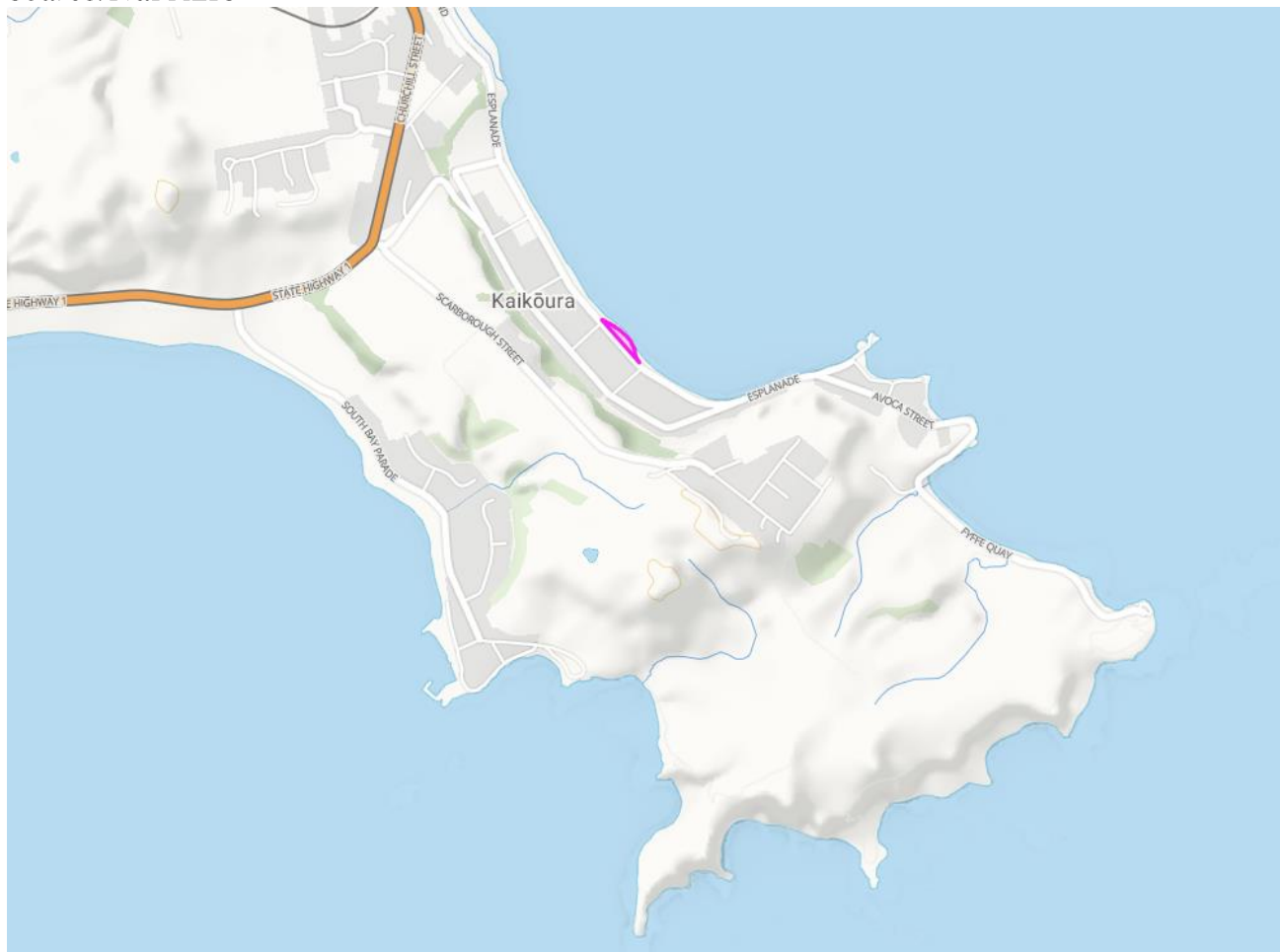
Signed:

Name of SLM Advisor: Toni Anderson

Date: 7 March 2024

Appendix 1 – Location maps

Source: NaPALIS



Appendix 3 – Gazette Notices

Source: Gazette Archives

Figure 3.1 - 1900/107 Kaikōura County Council appointed as Domain Board

JAN. 18.]

a point in the last-mentioned railway reserve distant about 15 chains in a northerly direction from the south-western corner of Section 74 in the said Parish of Ahuroa: all in the Land District of Auckland: including all adjoining and intervening places, lands, reserves, roads, rivers, streams, and watercourses: as shown by a red line on the plan marked P.W.D. 18627, deposited in the office of the Minister for Public Works, at Wellington, in the Provincial District of Wellington.

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this sixteenth day of January, in the year of our Lord one thousand nine hundred.

WM. HALL-JONES,
Minister for Public Works.

GOD SAVE THE QUEEN!

South Australia declared to be infected with Bubonic Plague.

(L.S.) RANFURLY, Governor.
A PROCLAMATION.

IN pursuance of section ninety-two of "The Public Health Act, 1876," I, Uchter John Mark, Earl of Ranfurly, Governor of the Colony of New Zealand, do hereby proclaim and notify that the Colony of South Australia is infected with a disease called or known as bubonic plague, being an infectious or contagious disease highly dangerous to the health of the people.

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this seventeenth day of January, in the year of our Lord one thousand nine hundred.

J. G. WARD.
GOD SAVE THE QUEEN!

Setting apart Land in Marlborough for Leasing as Small Grazing-runs under "The Land Act, 1892."

(L.S.) RANFURLY, Governor.
A PROCLAMATION.

BY virtue and in exercise of the powers and authorities vested in me by the one-hundred-and-seventy-second section of "The Land Act, 1892," and of every other power and authority enabling me in that behalf, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, do hereby declare that the land mentioned in the Schedule hereto shall be subject to the provisions of sections one hundred and seventy-two to one hundred and eighty-six of Part V. of "The Land Act, 1892," relating to small grazing-runs.

SCHEDULE.

MARLBOROUGH LAND DISTRICT.

S.G. RUN No.	Survey District.	Area.
		Acres.
102	Kaitarau	10,324
103	"	3,215
104	"	3,952
105	"	6,838
106	Kaitarau and Puhipuhi ..	5,837

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this thirteenth day of January, in the year of our Lord one thousand nine hundred.

JOHN MCKENZIE,
Minister of Lands.

GOD SAVE THE QUEEN!

Powers delegated to the Kaikoura Domain Board under "The Public Domains Act, 1881."

RANFURLY, Governor.
ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this eighth day of January, 1900.

Present:

THE RIGHT HONOURABLE R. J. SEDDON PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in him by "The Public Domains Act, 1881," His Excellency the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council thereof, doth hereby revoke a certain Order in Council, dated the ninth day of October, one thousand eight hundred and ninety-three, making delegation of certain powers in manner as therein appears; and doth hereby, with the like advice and consent, and in respect of the land hereinafter mentioned, delegate all the powers conferred by the said Act, except the powers under or conferred by sections five and twelve thereof, for the period of ten years from the date hereof (unless previously altered or revoked under the said Act), to

THE KAIKOURA COUNTY COUNCIL,

which shall be known as the Kaikoura Domain Board (herein referred to as "the Board"), subject to the stipulations hereinafter contained, that is to say,—

1. The Board shall meet for the transaction of business on the third Saturday in each month, at half-past ten o'clock a.m., at the Courthouse, Kaikoura, or at such other time or place as may from time to time be fixed by the Board. The first meeting shall be held on Saturday, the seventeenth day of February, one thousand nine hundred.
 2. Special meetings may be convened by the Chairman or by any two members of the Board, provided that two days' notice of such meeting be given to each member, specifying the business to be transacted at such special meeting; and no other business than that so specified shall be transacted at such meeting.
 3. Any three members of the Board shall form a quorum. Any meeting may be adjourned from time to time.
 4. The Chairman of the Kaikoura County Council shall be the Chairman of the Board. He may join in the discussion, and shall have an original as well as a casting vote.
 5. The Board shall prepare and submit at each annual meeting a report of the proceedings for the previous year ending on the thirty-first day of December, together with a statement of the receipts and expenditure of the Board for such year. A copy of every such report and statement, certified by the Chairman to be correct, shall be sent to the Minister of Lands as soon as possible after each annual meeting.
 6. If at any meeting the Chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.
 7. All questions shall be determined by the majority of votes of the members of the Board present at a meeting.
- And with the like advice and consent as aforesaid doth hereby also order that this delegation shall take effect in respect of the parcels of Crown lands described in the Schedule hereto.

SCHEDULE.

ALL that piece or parcel of land in the Marlborough Land District, containing by admeasurement 29 acres, more or less, being Section No. 2 of 267 of Kaikoura Suburban. Bounded towards the north and north-west by a public road, 1237, 240, 1380, and 535 links; towards the east by Section No. 1 of 267 in the said district; and towards the south and south-west by a public road, 2346 and 1081 links.

Also, all that parcel of land in the Marlborough Land District, containing by admeasurement 50 acres 2 roods 37 perches, more or less, being Sections Nos. 346 and 349, Block X., Mount Fyffe Survey District. Bounded towards the north-west by a public road fronting Section No. 286; towards the north generally by a public road, and Section No. 256, and the road fronting Section No. 203; towards the north-east by a public road; and towards the south by a road running along the sea-shore.

Also, all that parcel of land in the Marlborough Land District, containing by admeasurement 1 acre 3 roods 21 perches, more or less, being Section No. 2, Block X., Mount Fyffe Survey District. Bounded towards the north by Section No. 341, 505-9 links; towards the east by a public road, 351-6 links; towards the south by Section No. 340, 500 links; and towards the west by a public road, 406-4 links: be all the aforesaid linkages more or less: as the same is delineated on the plan deposited in the office of the Chief Surveyor, Blenheim.

ALEX. WILLIS,
Clerk of the Executive Council.

Figure 3.2 - 1966/1411 Section 468 added to the Kaikōura Domain

Reservation of Land

PURSUANT to the Land Act 1948, the Minister of Lands hereby sets apart the land described in the Schedule hereto as a reserve for scenic purposes.

SCHEDULE

TARANAKI LAND DISTRICT—TAHORA SCENIC RESERVE—
STRATFORD COUNTY

SECTION 34, and Lots 1 and 2, D.P. 8449, being part Sections 13 and 14, Block VI, Pouatu Survey District: Area, 27 acres 2 roods 2·8 perches, more or less (S.O. Plan 8950).

Dated at Wellington this 24th day of August 1966.

R. G. GERARD, Minister of Lands.

(L. and S. H.O. 4/1318; D.O. 13/166)

Reservation of Land

PURSUANT to the Land Act 1948, the Minister of Lands hereby sets apart the land described in the Schedule hereto as a reserve for the preservation of flora and fauna.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT—WHAKATANE COUNTY

SECTION 6 (formerly part Section 4 and Crown land), Block VI, Awaateatua Survey District: Area, 272 acres 1 rood, more or less (S.O. Plan 43380).

Dated at Wellington this 29th day of August 1966.

R. G. GERARD, Minister of Lands.

(L. and S. H.O. 4/426/1/2; D.O. 8/5/244)

Reservation of Land and Declaration That Land be Part of the Kaikōura Domain

PURSUANT to the Land Act 1948, the Minister of Lands hereby sets apart the land described in the Schedule hereto as a reserve for recreation purposes; and, further, pursuant to the Reserves and Domains Act 1953, declares the said reserve to be a public domain, subject to the provisions of Part III of the last-mentioned Act, to form part of the Kaikōura Domain, to be administered as a public domain by the Domain Board.

SCHEDULE

MARLBOROUGH LAND DISTRICT—KAIKOURA COUNTY

SECTION 350, Kaikōura Suburban Registration District, situated in Block XI, Mount Fyffe Survey District: Area, 1 acre 3 roods 32 perches, more or less (S.O. Plan 4685).

Dated at Wellington this 23rd day of August 1966.

R. G. GERARD, Minister of Lands.

(L. and S. H.O. 1/312; D.O. 8/3/10)

Reservation of Land and Declaration That Land be Part of the Kaikōura Domain

PURSUANT to the Land Act 1948, the Minister of Lands hereby sets apart the land described in the Schedule hereto as a reserve for recreation purposes; and, further, pursuant to the Reserves and Domains Act 1953, declares the said reserve to be a public domain, subject to the provisions of Part III of the last-mentioned Act, to form part of the Kaikōura Domain, to be administered as a public domain by the Domain Board.

SCHEDULE

MARLBOROUGH LAND DISTRICT—KAIKOURA COUNTY

SECTION 468, Town of Kaikōura: Area, 1 acre and 8 perches, more or less (S.O. Plan 4665).

Dated at Wellington this 23rd day of August 1966.

R. G. GERARD, Minister of Lands.

(L. and S. H.O. 1/312; D.O. 8/3/10)

Authorization of the Exchange of Part of the Orepuki Cemetery for Other Land

PURSUANT to the Reserves and Domains Act 1953, the Minister of Lands hereby authorises the exchange of that part of the Orepuki Cemetery described in the First Schedule hereto for the land described in the Second Schedule hereto.

FIRST SCHEDULE

SOUTHLAND LAND DISTRICT—WALLACE COUNTY

SECTION 187 (formerly part Sections 2 and 89) situated in Block II, Longwood Survey District: Area, 1 acre 1 rood 36·6 perches, more or less (S.O. Plan 7425).

B

SECOND SCHEDULE

SOUTHLAND LAND DISTRICT—WALLACE COUNTY

LOT 1, D.P. 6781, being part Section 145, Block II, Longwood Survey District: Area, 2 roods 10·1 perches, more or less. Part certificate of title, Volume 188, folio 91.

Dated at Wellington this 22nd day of August 1966.

R. G. GERARD, Minister of Lands.

(L. and S. H.O. 2/192; D.O. 8/4)

Agreement for Grant of Right of Way in Favour of James Naughton Donohue, of Helensville, Farmer, Over Land in Waioneke Survey District, Taken for State Forest Purposes, Assented to

WHEREAS, by a Declaration dated the 8th day of February 1965, and published in *New Zealand Gazette*, 25 February 1965, No. 10, page 260, all those pieces of land comprising a total area of 5 acres and 19 perches, being parts Allotments 51 and 52, Waioneke Parish, shown coloured blue on plan M.O.W. 19169, and being part of the land in *Gazette* notice A. 67095, North Auckland Land Registry, were taken for State forest purposes; and all that piece of land comprising 16·6 perches, being part Allotment 51, Waioneke Parish, shown coloured blue, edged blue, on the said plan M.O.W. 19169, and being the balance of the land in *Gazette* notice A. 67095, North Auckland Land Registry, was taken for road;

And whereas James Naughton Donohue, of Helensville, farmer, is entitled to compensation in respect of the said land;

And whereas the Minister of Works has agreed to grant to the said James Naughton Donohue a right of way over all that parcel of land situated in the County of Waitemata containing 7 acres 1 rood 0·3 of a perch, more or less, being Allotment 81 of the Parish of Waioneke, and being the whole of the land comprised and described in certificate of title, No. 6c/562, North Auckland Land Registry, subject to K. 36074, in part satisfaction of the compensation aforesaid;

And whereas the said James Naughton Donohue has agreed to accept such grant of right of way in part satisfaction of the said compensation;

Now therefore, the Minister of Works hereby gives notice, pursuant to section 97 of the Public Works Act 1928, that he assents to the agreement hereinbefore referred to.

Dated at Wellington this 12th day of August 1966.

PERCY B. ALLEN, Minister of Works.

(P.W. 54/592; D.O. 12/168/0)

Land Held for Police Purposes Set Apart for Education Purposes in the City of Dunedin

PURSUANT to section 25 of the Public Works Act 1928, the Minister of Works hereby declares the land described in the Schedule hereto to be set apart for education purposes from and after the 5th day of September 1966.

SCHEDULE

OTAGO LAND DISTRICT

ALL that piece of land containing 1 rood 23·2 perches situated in the City of Dunedin, being part Lots 17 and 18, Deeds Plan 114, Township of Shiel Hill, being part Section 7, Block I, Andersons Bay Survey District.

Dated at Wellington this 22nd day of August 1966.

PERCY B. ALLEN, Minister of Works.

(P.W. 31/1605; D.O. 25/71)

Proclaiming Land as Road in Block II, Opaheke Survey District, Franklin County, and Revoking Previous Proclamation in Part

PURSUANT to the Public Works Act 1928, the Minister of Works hereby proclaims as road the land described in the Schedule hereto, and revokes the notice dated 8 March 1966 and published in *Gazette*, 24 March 1966, No. 16, page 414, proclaiming land as road, road closed, and land taken, Opaheke Survey District, in so far as it relates to the land first described in the First Schedule thereto.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land containing 8·2 perches situated in Block II, Opaheke Survey District, North Auckland R.D., and being part Allotment 23, Parish of Hunua; as the same is more particularly delineated on the plan marked M.O.W. 20048 (S.O. 44765) deposited in the office of the Minister of Works at Wellington, and thereon coloured blue.

Dated at Wellington this 4th day of August 1966.

PERCY B. ALLEN, Minister of Works.

(P.W. 34/3575; D.O. 15/3/0)

Figure 3.3 - 1982/35 Classification & naming

3,470 hectares, more or less, being part Section 4, Block VI, Hunua Survey District. Part *New Zealand Gazette*, 1908, page 2659. S.O. Plans 16348 and 17558.

8,0067 hectares, more or less, being part Section 26, Block VI, Hunua Survey District. Balance *New Zealand Gazette*, 1912, page 3392. S.O. Plans 16590 and 23927.

Dated at Wellington this 14th day of December 1981.

C. A. McILROY,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 7/3/106; D.O. 13/86)

Classification and Naming of Reserves

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby declares the reserves described in the Schedule hereto to be classified as reserves for recreation purposes to be known as the Kaikoura Recreation Reserve, subject to the provisions of the said Act.

SCHEDULE

MARLBOROUGH LAND DISTRICT—KAIKOURA COUNTY

1596 square metres, more or less, Section 341, Town of Kaikoura, reserve for recreation purposes by section 72 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913. S.O. Plan 1107.

99 square metres, more or less, Part Section 418 (formerly part Section 414), Town of Kaikoura, reserve for recreation purposes by all *New Zealand Gazette*, 1950, page 1672. S.O. Plan 3915.

4249 square metres, more or less, Section 468, Town of Kaikoura, reserve for recreation purposes by all *Gazette Notice* 48425. S.O. Plan 4665.

1301 square metres, more or less, Sections 477 and 478 (formerly parts Section 410), Town of Kaikoura, reserve for the purposes of a recreation ground and site for a cottage hospital by part Proclamation 34. S.O. Plan 5625.

4,0986 hectares, more or less (4,0905 hectares by balance Proclamation 34). Section 479 (formerly part Section 410), Town of Kaikoura, reserve for the purposes of a recreation ground and site for a cottage hospital by balance Proclamation 34. S.O. Plan 5917.

1179 square metres, more or less, Section 481 (formerly part Section 414), Town of Kaikoura, reserve for recreation purposes by all Order in Council 738. S.O. Plan 3916.

1,8363 hectares, more or less, part Lot 3, D.P. 392, situated in Block XI, Mount Fyffe Survey District, reserve for recreation or health purposes by all Transfer 51012. All certificate of title 25/263.

2,8012 hectares, more or less, Lot 1, D.P. 1408, situated in Block X, Mount Fyffe Survey District, reserve for recreation purposes by all Transfer 13453. All certificate of title 40/117.

1,7100 hectares, more or less (1,7080 hectares by balance of *New Zealand Gazette*, 1898, page 867 and 1937 page 2268). Section 40, Block X, Mount Fyffe Survey District (formerly part Section 2, Block X, Mount Fyffe Survey District, and part Section 340, Kaikoura Suburban Registration District, situated in Block X, Mount Fyffe Survey District).

Part reserved for public recreation ground by part *New Zealand Gazette*, 1898, page 867 and part reserved for recreation purposes by balance *New Zealand Gazette*, 1937, page 2268. S.O. Plan 3896.

4,0469 hectares, more or less, Section 5, Block IX, Mount Fyffe Survey District, reserve for recreation purposes by part *New Zealand Gazette*, 1938, page 2777. S.O. Plan 1674, 43,4162 hectares, more or less, part Section 9, Block X, Mount Fyffe Survey District, comprised of the following areas:

- (a) 1,1230 hectares, more or less, part Section 9, Block X, Mount Fyffe Survey District, reserve for recreation purposes by suburban 9 of section 12 of the Land Act 1924 (*New Zealand Gazette*, 1936, page 1708). S.O. Plan 2375.
- (b) 1,7730 hectares, more or less, Section 5, Block X, Mount Fyffe Survey District, reserve for public recreation purposes by part *New Zealand Gazette*, 1918, page 2563. S.O. Plan 1206.
- (c) 5013 square metres, more or less, Section 8, Block X, Mount Fyffe Survey District, reserve for public recreation purposes by part *New Zealand Gazette*, 1918, page 2563. S.O. Plan 1206.
- (d) 15,3781 hectares, more or less, Section 349, Block X, Mount Fyffe Survey District, reserve for public recreation ground by part *New Zealand Gazette*, 1892, page 1750. S.O. Plan 1206.
- (e) 7,5560 hectares, more or less, part Section 266, Kaikoura Suburban Registration District, situated in Block X, Mount Fyffe Survey District, reserve for recreation purposes by balance *New Zealand Gazette*, 1935, page 2660. S.O. Plans 1206 and 4245.
- (f) 12,1451 hectares, more or less (11,7359 hectares by part *Marlborough Gazette*, 1875, page 13). Section 2 of 267, Kaikoura Suburban Registration District, situated in Block X, Mount Fyffe Survey District, reserve for public recreation ground by part *Marlborough Gazette*, 1875, page 13. S.O. Plan 1206.
- (g) 4,9397 hectares, more or less, part Section 346, Kaikoura Suburban Registration District, situated in Block X, Mount Fyffe Survey District, reserve for recreation purposes by part *New Zealand Gazette*, 1881, page 959. S.O. Plan 1206.

The lands in (b), (c), (d), (e), (f), and (g) above were referred to as part Section 9, Block X, Mount Fyffe Survey District by *New Zealand Gazette*, 1936, page 1708.

8417 square metres, more or less, Section 30, Block X, Mount Fyffe Survey District, reserve for recreation purposes by part *New Zealand Gazette*, 1951, page 323. S.O. Plan 4027.

2,7316 hectares, more or less, Section 36, Block XI, Mount Fyffe Survey District, reserve for recreation purposes by all *Gazette notice* 35703. S.O. Plan 4115.

1,4973 hectares, more or less, Section 38, Block XI, Mount Fyffe Survey District, reserve for recreation purposes by all *New Zealand Gazette*, 1956, page 444. S.O. Plan 4192.

7891 square metres, more or less, Section 350, Kaikoura Suburban Registration District, situated in Block XI, Mount Fyffe Survey District, reserve for recreation purposes by all *Gazette notice* 48426. S.O. Plan 4685.

Dated at Blenheim this 11th day of December 1981.

D. I. MURPHY,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 8/2/9; D.O. 8/3/10)

Classification of Reserve

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby declares the reserve, described in the Schedule hereto, to be classified as a reserve for recreation purposes, subject to the provisions of the said Act.

SCHEDULE

CANTERBURY LAND DISTRICT—CHRISTCHURCH CITY—
SYDENHAM PARK RECREATION RESERVE

5,1240 hectares, more or less, being Rural Section 41338 (formerly part Rural Section 239), situated in Block XV, Christchurch Survey District. Part certificate of title 125/181. S.O. Plan 15434.

Dated at Christchurch this 9th day of December 1981.

B. R. SLY, Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 11/2/185; D.O. 8/5/68/A)

Authorisation of the Exchange of Parts of a Reserve for Other Land

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby authorises the exchange of those parts of the reserve for recreation purposes described in the First Schedule hereto, for the land described in the Second Schedule hereto.

FIRST SCHEDULE

NORTH AUCKLAND LAND DISTRICT—MOUNT WELLINGTON
BOROUGH

2 square metres, more or less, being Lots 5 and 6, LT 92579, situated in Block II, Otahuhu Survey District. Part certificate of title 30B/1289.

SECOND SCHEDULE

120 square metres, more or less, being Lots 4 and 7, LT 92579, situated in Block II, Otahuhu Survey District. Part certificates of title 740/257 and 452/182.

Dated at Auckland this 7th day of December 1981.

R. F. SMITH,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 2/2/129; D.O. 8/5/332)

Change of the Name of A. J. and C. A. Fielding Protected Private Land

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby declares that the protected private land for scenic purposes, described in the Schedule hereto, and known as the A. J. and C. A. Fielding protected private land shall hereafter be known as Waimaru protected private land.

End.