

**QLDC Council**  
**11 August 2022****Report for Agenda Item | Rīpoata moto e Rāraki take [3]****Department: Community Services**

**Title | Taitara** Reserve Revocation & Disposal of 45-49 Frankton Road, Paddy Burton Memorial Park to the New Zealand Transport Agency (Waka Kotahi)

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The purpose of this report is to consider revocation of reserve classifications and disposal of parts recreation and local purpose reserves known as the Paddy Burton Memorial Park, at 45-49 Frankton Road to the New Zealand Transport Agency (Waka Kotahi).

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Note** that following public notification no submissions were made by submitters to the proposal, and further, note that no objections to the proposal were received.
3. **Approve** pursuant to section 24(1) of the Reserves Act 1977 and subject to the Department of Conservation ratifying the revocation, that the recreation reserve classification over part Paddy Burton Memorial Park, located at 45-49 Frankton Road, with legal descriptions Lots 1 and 2 DP 311236, and having an area of approximately 83.4m<sup>2</sup> (subject to final survey), be revoked on the basis the Subject Land is no longer needed for reserve purposes because:
  - a. The Subject Land is not being actively used for reserve purposes;
  - b. The Subject Land is only a small portion of the reserve situated at this site and the wider Queenstown area;
  - c. The Subject Land has little value as recreation and local purpose reserve;
  - d. The Subject Land is proposed to be formed as State Highway following reserve revocation, increasing the access to the remaining reserve;
  - e. The Subject Land can be considered for disposal to the New Zealand Transport Agency (Waka Kotahi) as State Highway.
4. **Approve** the land being declared as surplus land to be sold in accordance with the Property Sale and Acquisition Policy 2014, and publicly notifying this intention; and

5. **Approve** the land being sold to the New Zealand Transport Agency (Waka Kotahi) on the following basis:
  - a. The sale must be subject to the reserve revocation process being completed;
  - b. The purchase price must not be materially less than Council's registered valuation for the land; and
6. **Delegate** to the Chief Executive the authority to take such action and sign such documents as may be reasonably necessary to implement Council's resolutions above and matters ancillary to them.

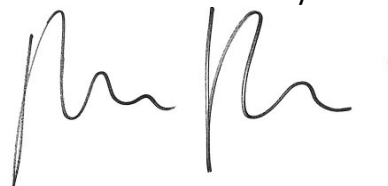
Prepared by:



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25/07/2022

Reviewed and Authorised by:



Meaghan Miller, Acting GM  
Community Services

25/07/2022

## CONTEXT | HOROPAKI

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### Description of Land

- 2 Lots 1 and 2 DP 311236 (the Subject Land) are part of the Frankton Road roadside area and forms part of a larger reserve known as Paddy Burton Memorial Park, refer **Attachments A & B** to this report.
- 3 The site has an existing Council pump station situated upon it but is otherwise open space reserve and non-reserve land, with grass and some established plants and a public bench and memorial upon it.

### Acquisition History

- 4 The site was originally part of the land acquired for the Crown under the Kemp purchase from Māori in 1848, and it became Crown land at that time.
- 5 These properties were originally granted to the Queenstown Borough Council in 1877 by Crown Grant in terms of the Otago Waste lands Act 1872 under Record of Title OT37/10. Alienation of the land occurred at that time. The land is freehold in the ownership of the Council.
- 6 The Subject Land is subsequently derived through subdivision from these earlier titles.

### Reserve classification and use

- 7 49 Frankton Road (now in two parts) has legal descriptions as follows:
  - a. Lot 1 DP 311236 in freehold but vested in QLDC as a *Recreation Reserve* and subject to the Reserves Act 1977.
  - b. Lot 2 DP 311236 is held in freehold but vested in QLDC as a *Local Purpose Reserve* and subject to the Reserves Act 1977.
- 8 It should be noted that the adjoining property also forming part of Paddy Burton Memorial Park and with legal description Section 4 Block XLI, Town of Queenstown is freehold Recreation Reserve, held by the Queenstown Lakes District Council and is unaffected by this proposal.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 9 Under consideration is a partial reserve revocation of the Subject Land and disposal to the Waka Kotahi / the New Zealand Transport Agency (WK) in order for it to be legalised as State Highway.
- 10 WK wish to acquire and make the land State Highway as a result of the major Arterials Stage 1 project currently under construction. Stage 1 of this project links into the State Highway/Frankton Road, and a wider carriage way and footpath is required because of the optimal design at this intersection.

- 11 The Subject Land, shown as **Attachment C** to this report, is currently unformed bare land, with only a small driveway on it servicing the Council pump station. It is considered to have a relatively low public reserve benefit beyond open space, and is being considered for disposal to be used as new State Highway that is likely to have more public benefit.
- 12 The Council has sought a registered valuation from Seagers, who valued the Subject Land at \$237,000 plus GST (if any) as at the 22<sup>nd</sup> February 2021.
- 13 A Historic Heritage Assessment (European Heritage) was prepared by Origin Consultants for the Council which assessed any actual or potential effects on historic heritage as a result of the Arterials Project. The Subject Land was not identified as an area of interest for heritage values.
- 14 Public notice of the Intention to revoke reserve classifications was published in the Mountain Scene on 19 May 2022, calling for submissions and objections to be received no later than 19 June 2022. The notification was also directly issued to relevant iwi, the Otago Conservation Board and, due to the memorial nature of the reserve, the Burton family were also contacted directly prior to the notification being published.
- 15 On behalf of the Burton family, Trevor Burton, husband of the late Paddy Burton, confirmed that he had no objection to the proposal.
- 16 No other enquiry, submission or objection was received.
- 17 Option 1 Proceed with Reserve Revocation and Disposal of the Subject Land to WK.

*Advantages:*

- 18 The Subject Land can be converted to State Highway, enabling the widening of the road in accordance with the intentions of the Arterials Stage 1 project.
- 19 Will improve traffic and pedestrian safety at this intersection.
- 20 The Council will receive income for the sale of the land.

*Disadvantages:*

- 21 Approximately 83.4m<sup>2</sup> of reserve land will no longer be available for recreational purposes.

- 22 Option 2 Stop the Reserve Revocation process and not dispose of the Subject Land to WK.

*Advantages:*

- 23 An area of reserve will be retained for recreational purposes.

*Disadvantages:*

- 24 WK will not be able to utilise the land as state highway and the optimal design for the State Highway/Frankton Road intersection will not be achieved.

- 25 Will not improve traffic and pedestrian safety at this intersection.
- 26 Council will not receive income for the sale of the land.
- 27 This report recommends **Option 1** for addressing the matter as it will enable the optimal design for the State Highway/Frankton Road intersection while Council will also receive income for the sale of the land. Further, the Subject Land is no longer considered to be needed for reserve purposes for reasons outlined in this report].

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 28 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the matter involves reserve land. The significance is considered moderate because the reserve is a small part of a larger reserve land holding in the area, is currently unused for recreation and will therefore have only a minor impact on residents or ratepayers.
- 29 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.
- 30 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes district community, and the Burton family given the memorial nature of the reserve.
- 31 The Council has, in accordance with the Reserves Act 1977 publicly notified its intention for reserve revocation, calling for objections and submissions, none of which were received.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 32 The Council has notified its intention for reserve revocation and disposal of the Subject Land to the following iwi;
  - a. Te Rūnanga o Ngāi Tahu
  - b. Oraka Aparima
  - c. Awarua
  - d. Waihopai
  - e. Hokonui
  - f. Moeraki
  - g. Puketeraki
  - h. Otakou
- 33 No objections or submissions were received.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 34 This matter relates to the following risks identified in the QLDC Risk Register.
- a. Risk 00012 Core infrastructure is insufficient – poor infrastructure planning
  - b. Risk 00056 Ineffective provision for the future planning and development needs of the district
  - c. Risk 00009 Ineffective management of community assets
- 35 Risk 00012 has been assessed as having a high inherent risk rating. Risk 00056 has been assessed as having a moderate inherent risk rating. Risk 00009 has been assessed as having a high inherent risk rating.
- 36 In relation to each risk referred to above, the approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by the provision of improved infrastructure and fit for purpose community assets in the district, which provides the Council with an additional permanent control over the risks.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 37 In the event that the Council proceeds with the subsequent disposal of part of the property to WK, the land has been valued at \$237,000+GST (if any).

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 38 The following Council policies, strategies and bylaws were considered:
- a. *Vision Beyond 2050, supporting Thriving People through provision of effective roading assets*
  - b. *Property Sale and Acquisition Policy 2014*
  - c. *Procurement Policy 2021*
  - d. *The Significance and Engagement Policy 2014*
- 39 The recommended option is consistent with the principles set out in the named policies.
- 40 This matter is not included in the Ten Year Plan/Annual Plan but will not have any impact on it.

**LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE**

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- 41 Revocation of a reserve, or any part of a reserve, must be undertaken in accordance with section 24 of the Reserves Act 1977. The Council must resolve to revoke the reserve, or any part of, with reasons for the proposed revocation.
- 42 Section 24(2)(b) also requires that the Council, as administering body of the reserve, consult with the Commissioner prior to public notification which was undertaken.
- 43 Further consultation requirements for the revocation are contained within sections 24, 119 and 120 of the Reserves Act 1977 and outlined in paragraphs 38 and 39 of this report.
- 44 If the Council resolves to revoke the reserve, the Council decision and resolution is provided to the Minister of Conservation for consideration. Ultimately, the final decision regarding whether or not revocation is approved will be made by the Minister of Conservation or her delegate within the Department of Conservation.

**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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- 45 The recommended option:
- 46 Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing for improved roading and State Highways within the district; and
- 47 Is consistent with the Council's plans and policies; and
- 48 Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

**ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Overview Plan
B	Reserve Classifications Plan
C	Proposed Reserve Revocation and Potential Disposal Plan