

Full Council

2 May 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [9]

Department: Community Services

Title | Taitara: Proposal to classify Reserves at Frankton Bus Hub

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider a proposal to classify the Frankton Bus Hub on State Highway 6a as Local Purpose (Transport) Reserve and Recreation Reserve under the Reserves Act 1977.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** the classification Local Purpose (Transport) Reserve pursuant to section 16(1) of the Reserves Act 1977 over Section 12 Block XX Town of Frankton, under delegation from the Minister of Conservation;
3. **Approve** the classification of Recreation Reserve pursuant to section 16(1) of the Reserves Act 1977 over Section 14 Block XX TN of Frankton, and that public notification is not required in accordance with section 16(5) of the Reserves Act 1977, under delegation from the Minister of Conservation; and
4. **Delegate** publishing of the associated gazette notice and signing authority to the General Manager, Community Services.

Prepared by:



Name: Jeannie Galavazi
Title: Principal Parks Planner
28 March 2024

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager, Community Services
9 April 2024

Context | Horopaki

1. New Zealand Transport Agency (**NZTA**) has been working with Queenstown Lakes District Council (**QLDC**) for some years to design upgrades along the State Highway 6 (**SH6**) corridor to better manage traffic in the area. With the announcement by the Government of a national road funding programme in January 2020 known as the NZUP programme, NZTA and the QLDC has an opportunity to deliver on some of the proposed improvements required.
2. Through the planning process for the upgrades, the Frankton Bus Hub, which is located upon Section 12 Block XX Town of Frankton (**the Bus Hub Land**), has been identified as needing to be classified as reserve under the Reserves Act 1977 (the **Reserves Act**). This had not historically occurred.
3. QLDC has also identified that the adjacent land, with legal description Section 14 Block XX Town of Frankton, needs to be formally resolved and gazetted as Recreation Reserve under the Reserves Act.

Analysis and Advice | Tatāritaka me kā Tohutohu

4. The Bus Hub Land is a long property parcel adjacent to SH6 and has an existing bus hub, commuter shelter and toilet facility located upon it (refer to Attachment A).
5. The land was previously set apart by the Minister of Lands as Recreation Reserve by gazette in 1972 (refer to **Attachment B**) but was never formally classified as Recreation Reserve under s16 of the Reserves Act.
6. The Crown is the owner of the Bus Hub Land, however control and management is vested in QLDC. To legalise the land's current and future use the Council is required to classify the reserve accordingly.
7. It has historically been managed as a recreation reserve with tree and low level plantings and a pathway. For the past decade or so it has also been operating as a public transport hub.
8. The current and future use is predominantly public transport, therefore QLDC has determined that the appropriate classification is Local Purpose (Transport) Reserve.
9. Classification can be undertaken by Council using s16 of the Reserves Act, provided public consultation has been carried out in accordance with s119 and 120 of the Act. The intention to classify the subject land as Local Purpose (Transport) Reserve was publicly notified on 15 September 2022.
10. At the completion of the public notice period one submission was received that opposed the classification. The Council resolved the submission through discussion and clarification of the proposed action with the submitter and the submission was subsequently withdrawn.
11. Through this classification process, it has also been identified that a small parcel adjacent to the bus hub land is unclassified. This parcel has the legal description Section 14 Block XX Town of

Frankton and was set apart for recreation under gazette in 1972 (at the same time as the Bus Hub Land). This land should be classified as Recreation Reserve to complete its classification process. Section 16(5)(a) of the Act states that public consultation is not required where land is being classified in accordance with what the land was 'set apart' or designated for, therefore public notification for this parcel is not required.

12. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

13. Option 1 Agree to classify the Bus Hub Land as Local Purpose (Transport) Reserve, and Section 14 Block XX Town of Frankton as Recreation Reserve.

Advantages:

- Will ensure that the existing and proposed uses are in accordance with the reserve's purposes under the Act.

Disadvantages:

- None.

Option 2 Decline the proposal.

Advantages:

- None

Disadvantages:

- The land would not be appropriately classified for the existing and proposed use, which is not in accordance with the provisions of the Act.

14. This report recommends **Option 1** for addressing the matter because it legalises existing uses with management requirements under the Reserves Act.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

15. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the matter would involve proposed reserve land. The significance is considered moderate because the reserve is a small part of a larger reserve land holding in the area but will have only a minor impact on residents or ratepayers.

16. QLDC has undertaken initial consultation on the proposal with the Department of Conservation and full public consultation on the bus hub land in accordance with the Reserves Act.

17. In particular, before the reserve status can be classified, the Reserves Act requires the Council to publicly notify the proposed classification of the subject land in a newspaper circulating in the District calling for submissions and objections. The notice and submission requirements were undertaken by Council in accordance with s119 and 120 of the Reserves Act.

Māori Consultation | Iwi Rūnaka

18. Council has ensured that local runanga were consulted on the classification proposal, by providing the public notification to them directly as part of the advertising of the notice. No submissions or were received.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

19. This matter relates to the following risks identified in the QLDC Risk Register.

- a. Risk 00056 Ineffective provision for the future planning and development needs of the district
- b. Risk 00009 Ineffective management of community assets

20. Risk 00056 has been assessed as having a moderate inherent risk rating. Risk 00009 has been assessed as having a high inherent risk rating.

21. 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.

Financial Implications | Kā Riteka ā-Pūtea

22. There are no financial implications.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

23. The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy 2021
- Reserves Act 1977

24. The recommended option is consistent with the principles set out in the named policies.

25. This matter is not included in the Long Term Plan/Annual Plan as there is no budget required to implement.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

26. Classification of a reserve must be undertaken primarily in accordance with s16 of the Reserves Act. The Council, if approved, must resolve to classify the reserve under delegation from the Minister of Conservation.

27. Further consultation requirements for the classification are contained within s119 and 120 of the Reserves Act.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

28. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Classifying the reserve for its purpose, will It will help meet the current and future needs of the community. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;

29. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.

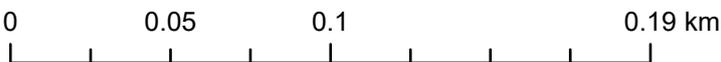
Attachments | Kā Tāpirihaka

A	Overview Plan
B	NZ Gazette 1972 p 2638



Subject Property: Section 12
 Block XX Tn of Frankton
 proposed to be classified as
 Local Purpose (Transport)
 Reserve

Section 14,
 Block XX Tn
 of Frankton,
 to be
 classified as
 Recreation
 Reserve



Scale: 1:2,257

Map Date:
 18/08/2022



Cancellation of the Vesting in the Featherston Borough Council and Revocation of the Reservation Over a Reserve

PURSUANT to the Reserves and Domains Act 1953, the Minister of Lands hereby cancels the vesting in the Mayor, Councillors, and Citizens of the Borough of Featherston and revokes the reservation for water supply purposes over the land described in the Schedule hereto.

SCHEDULE

WELLINGTON LAND DISTRICT—FEATHERSTON COUNTY

SECTIONS 580, 581, 582, and 583, Featherston Suburban, situated in Block VIII, Waiohine Survey District: area, 2 acres 1 rood 28.7 perches, more or less. All certificate of title, Volume A2, folio 1303 (S.O. 25303).

Part Section 515, Featherston Suburban, situated in Block VIII, Waiohine Survey District, and Block III, Wairarapa Survey District: area, 207 acres 1 rood 5 perches, more or less. Balance certificate of title, Volume 14, folio 10, as shown on the plan marked L. and S. 19/95/64 deposited in the Head Office, Department of Lands and Survey, Wellington, and thereon edged red. (S.O. 11217 and S.O. 14233.)

Dated at Wellington this 20th day of November 1972.

DUNCAN MACINTYRE, Minister of Lands.

(L. and S. H.O. 10/95/64; D.O. 4/1006/8)

Change of Purpose of a Reserve and Vesting in the Waiheke County Council

PURSUANT to the Reserves and Domains Act 1953, the Minister of Lands hereby changes the purpose of the reserve described in the Schedule hereto from a reserve for general education to a reserve for recreation purposes, and further, vests the said reserve in the Chairman, Councillors, and Inhabitants of the County of Waiheke, in trust, for recreation purposes.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT—WAIHEKE COUNTY

Lot 437, D.P. 25861, and Lot 448, D.P. 33180, being part Te

provisions of Part III of the Reserves and Domains Act 1953, and shall be deemed to be a recreation reserve subject to Part II of the said Act, and further, revokes the reservation for recreation purposes over the said reserve, and such land to remain subject to the existing lease dated 24 June 1965 issued under section 27 (3) of the Reserves and Domains Act 1953 between Her Majesty the Queen and the New Zealand Farm Forestry Association.

SCHEDULE

HAWKE'S BAY LAND DISTRICT—DANNEVIRKE COUNTY

SECTION 35, Block X, Takapau Survey District: area, 8 acres 1 rood 0 perches, more or less (S.O. Plan 823).

Dated at Wellington this 20th day of November 1972.

DUNCAN MACINTYRE, Minister of Lands.

(L. and S. H.O. 1/165; D.O. 8/3/6)

Reservation of Land and Declaration that Land be Part of the Frankton 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 Frankton Domain to be administered as a public domain by the Domain Board.

SCHEDULE

OTAGO LAND DISTRICT—LAKE COUNTY

SECTION 12, Block XX, Town of Frankton: area, 1 acre 1 rood 24.6 perches, more or less (S.O. Plan 11885).

Section 14, Block XX, Town of Frankton: area, 29.01 perches, more or less (S.O. Plan 12533).

Dated at Wellington this 14th day of November 1972.

DUNCAN MACINTYRE, Minister of Lands.

(L. and S. H.O. 1/1431; D.O. 8/3/109)