

QLDC Council
1 September 2022

Report for Agenda Item | Rīpoata moto e Rāraki take [8]

Department: Property & Infrastructure

Title | Taitara: Proposal to vest 53-61 Stanley St (Playcentre) as Local Purpose Reserve

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to seek a resolution from Council that accepts the vesting of three parcels of land on Stanley Street as Local Purpose Reserve (Community).

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

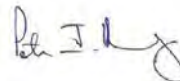
1. **Note** the contents of this report; and
2. **Accepts** the vesting of Section 3 Block XVIII TN OF Queenstown, Section 4 Block XVIII TN OF Queenstown, and Section 5 Block XVIII TN OF Queenstown as Local Purpose Reserve (site for community centre and carparking).

Prepared by:



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28/07/2022

Reviewed and Authorised
by:



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GM Property &
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15/08/2022

CONTEXT | HORPOAKI

1. Three adjacent parcels of land are proposed to be vested in Council as Local Purpose Reserve (Community). These parcels have the appellations; Section 3 Block XVIII TN OF Queenstown, Section 4 Block XVIII TN OF Queenstown, and Section 5 Block XVIII TN OF Queenstown. The street address for these parcels is 53 – 61 Stanley Street, Queenstown. Together these three parcels total 2580 sqm of land.
2. The Subject Land was originally acquired in 1959 and 1960 by the Crown from three separate former owners, Esme I Lyons, George Hood and John E Healey. Acquisition of the Subject Land was completed under the Public Works Act 1928 for purposes of a Public School, being the expansion of Queenstown School which already occupied adjoining land in the same street block.
3. By the late 1960's the school had outgrown its existing site and a new Queenstown Primary School was relocated to land in Robins Road (opened 1975). The existing school property continued to be used by Queenstown High School until it was also relocated to a larger site in Gorge Road (opened 1980).
4. The land identified for the relocation of the primary school formed part of the Queenstown Domain (Domain Land). The Domain Land was vested in the Crown under the Reserves and Domain Act 1953 and controlled by the Council. A total of approximately 3.5 hectares of land was released by the Council to the Crown for relocation of the primary school. In return it was agreed that the Crown would release (vest) for reserve purposes the Stanley Street school land to the Council when it was no longer required for education purposes. The agreement to release the school site to Council in return for the Domain Land was recorded in a series of written communications between the Crown and Council representatives between 1971 and 1973 (1971/73 Agreement).
5. Following the relocation of Queenstown High School in 1980, the then Minister of Education confirmed with Council the ongoing requirement for part of the Stanley Street school land for education purposes. This included the Subject Land being retained for use by the Queenstown Playcentre, which it continues to occupy at present. The balance of the school site not required for ongoing education purposes was released and vested pursuant to the Reserves Act 1977 in Council in line with the 1971/73 Agreement (NZGZ 1982, p3209). This land comprised the land immediately adjoining the Subject Land and several parcels of land on the opposite side of Ballarat Street. This land is currently held as Local Purpose (site for community centre and carparking) Reserve (NZGZ 2002, p2447, Record of Title 25218).
6. In 2003 the descendants of George Hood brought a case in the High Court against the Crown (Hood & Ors v. The Attorney-General & Anor (2004) 5 NZ ConvC 193,880). The case sought an offer back in line with the Public Works Act 1981. Both the High Court and Court of Appeal determined that it would be unreasonable and unfair to offer the land back to the former owner, based on the 1971/73 Agreement between the Crown and Council. This agreement took precedence over any Crown offer back obligation to the former

owner. The Court of Appeal, in effect, exempted the land from offer back. The Supreme Court declined the Hood family leave to appeal.

7. Since the 2003 High Court and Court of Appeal case QLDC has been working with the Crown on a process to declare the land surplus and vest the remaining land as Local Purpose Reserve. Both parties have agreed a process to honour the 1971 agreement. The vesting of these parcels as Local Purpose Reserve is the next step.

Image 1: Location of three parcels to be vested as Local Purpose Reserve (site for community centre and carparking).



ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

8. The land is currently owned by the Crown (Ministry of Education) for education purposes, but pursuant to an informal 1971 agreement between Crown and QLDC it is to be released to QLDC for reserve once it is no longer required by the Crown for educational purposes.
9. The land and buildings on this site are currently used by Queenstown Playcentre. This facility is in the process of being relocated to Queenstown Primary School. Once the relocation is complete the Crown will no longer need the site for educational purposes.
10. Council is planning to use the Local Purpose Reserve, once vested, as part of an interim Central Queenstown Car Park. Longer term, the Local Purpose Reserve would form part of the Project Manawa development masterplan site.

11. As the reserve will be Crown-owned, the Department of Conservation (DoC) will need to complete the actions to vest in Council.
12. DoC has advised us that they need a resolution from Council confirming the acceptance of these three parcels to be vested in QLDC as Local Purpose Reserve (site for community centre and carparking), to complete the process.
13. The “Local Purpose Reserve (site for community centre and carparking)” is the same annotation as the adjacent former QPAC and QAC sites on Ballarat Street.
14. Declining to accept the vesting of the land as Local Purpose Reserve would be counter to the 1971 Agreement. This would also be counter to the long-held position of QLDC that the land is required as Local Purpose Reserve, once it is no longer needed for educational purposes.
15. Declining the vesting of the land would also limit the immediate plans to use the land as part of an interim car park, as well as limiting the ability for the land to be considered as part of the Project Manawa development masterplan.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

16. This matter is of low significance, as determined by reference to the Council’s Significance and Engagement Policy because there will be little impact on Council’s function if the recommended option is taken, and it is accepted that the creation of reserves that can meet community needs, are a good outcome.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

17. Ongoing maintenance and development on this reserve will become the responsibility of QLDC. These financial obligations are proposed to be covered by the proposed interim car park. In the longer term as part of Project Manawa.

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

18. The following Council policies, strategies and bylaws were considered:
 - Vesting of Roads and Reserves Policy
19. The recommended option is consistent with the principles set out in the named policies.
20. This matter is not specifically included in the Ten Year Plan/Annual Plan, but has an impact on Project Manawa if vesting of Local Purpose Reserve is not completed.

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

21. 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. The recommendation in this report is appropriate and within the ambit of Section 10 of the Act because it will help to improve pedestrian connectivity and provide for Recreation Reserves to meet open space needs;

22. The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

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.