

# Lakeview Land Swap Proposal

## Introduction

On 24 March 2015 the Council considered the notification and public consultation requirements for the Council's proposed exchange of reserve land on the Lakeview site. The Council resolved to:

- i. Notify the intention to classify the reserve land (Pt Block XXXII TN of Queenstown and Pt Block LVI TN of Queenstown) as recreation reserve under section 16(1) of the Reserves Act 1977.
- ii. Notify the intention to exchange an area of reserve land (Pt Block XXXII TN of Queenstown) for an equivalent area of adjacent Council-owned freehold land (made up of Lots 1-3 DP 354070, SO 24298, Pt Section 15 Blk XXIX TN of Queenstown, Section 10 Blk XXIX TN of Queenstown and Section 1 SO 12299) under section 15 of the Reserves Act 1977.

The attached **Lakeview Base Map** provides the location of land parcels (including legal descriptions) within the Lakeview Site.

## The Proposal

### *Reserve Status*

The reserve land on the Lakeview site was initially vested in Council in trust to hold for recreation purposes. In 1953, the classification was changed by Council to a 'reserve for a municipal camping ground' under the Public Reserves, Domains and National Parks Act 1928.

On the passage of the Reserves Act 1977 all reserves existing immediately before the commencement of the Act were required to be classified according to their principal or primary purpose under the Act. For some reason, presumably oversight, the Minister (or Council) has not yet classified the land under the Act.

The Department of Conservation guidelines for administering bodies suggests it is mandatory to classify a reserve under the Reserves Act before public notification of a draft management plan, but desirable before exchange of land or granting a major lease.

The Reserves Act provides that the Minister shall classify unclassified reserves. The Minister has fully delegated some powers under the Act to local authorities through the Instrument of Delegation (IOD). In this instance the Council would be exercising a function of the Minister under the Act to rectify this previous failure to classify the Lakeview reserve land.

## **Classification**

The Council can classify land according to seven different classes of reserve<sup>1</sup>. Public notice of the intention to classify must be given at least one month before any decision to classify is made and the decision-maker must receive and fully consider all submissions and objections (including hearing from any person if the person so wishes). Once a classification is determined the resolution is to be notified to the Minister for Conservation and published in the Gazette.

The Reserves Act provides that no public notice is necessary where the classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of the Act. “Municipal Camping Ground” most naturally fits into the “Recreation Reserve” purpose. Camping is a form of recreation and naturally fits the express purposes of recreation reserves under the Act.

Considering that the adjoining James Clouston Memorial Reserve (Lot 1 Deposited Plan 7498) is already recreation reserve and the land was originally given in trust to the Council for the purpose of recreation reserve, it could be justified for the Council to classify the land as recreation reserve without notification. The Council would simply be taking a necessary administrative step. However as specific consultation is recommended for the proposed land exchange and the Queenstown campgrounds are identified as a strategic asset, it is recommended that the classification be notified.

While not subject to the proposed reserve exchange, land also occupied by the Queenstown Holiday Park (Part Block LVI Town of Queenstown) is also currently classified as municipal camping ground under the predecessor legislation. For the same reasons as outlined above, it is recommended that Council also classify this parcel as recreation reserve.

## **Proposed Reserve Exchange**

The Lakeview site is located immediately adjacent to the Ben Lomond Scenic Reserve, and forms the north-western urban boundary of the Queenstown Town Centre. As depicted in **figure 1** below, the site comprises a mixture of freehold land and reserve land. In order to realise the site's development potential, for public and private use, a re-allocation of the land parcels is being considered. This would require a reserve land exchange under the Reserves Act.

A **Land Exchange Plan** of the proposed re-allocation within the Lakeview site is attached. The James Clouston Memorial Reserve will remain unaffected by this proposal.

At this time the Council is working on possible scenarios for the reserve land exchange. Options for use of the reserve land include the creation of a public open space (market square), a Hot Pools development (Ngai Tahu Tourism) and securing

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<sup>1</sup> Reserves Act 1977 sections 17-23.

sections of the existing Ben Lomond Reserve bike track which are currently on Council freehold land.

The requirements of the Reserves Act state that land becoming reserve land must be held for the same "purposes" as the land being exchanged. The purposes of a recreation reserve are:

"providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside".

There is no requirement that on exchange the particular use must remain the same, as long as any change in use remains within the general purpose of the reserve classification.

**Figure 1: Lakeview Existing Land Titles and Status**



The reserve land to be exchanged (Block XXXII Town of Queenstown) toward the eastern end of the Lakeview site, is partly utilised by the Queenstown Holiday Park. The extent of current use is provided in Attachment C **Queenstown Lakeview Holiday Park Lease Area**. It is intended that it will remain there, but with a reduced footprint, reflecting its level of public use. The balance of this land is presently used

as housing<sup>1</sup>; the exchange will improve the use of the reserve for its purpose and ensure that the use is more consistent with the purposes of a recreation reserve.

Any consideration to the future use of the proposed Lakeview recreation reserve (eg, baths, camping or mountain biking) is a matter for a management plan. It is intended to prepare a management plan for the Lakeview reserve land if the land exchange is completed.

In order for the Minister of Conservation to authorise the exchange of land the Council must first publicly notify the intention to exchange and have received and considered written public input on matters specific to the Reserves Act considerations of an exchange, such as public access and recreation values. All objections received and a resolution from Council requesting the exchange (if determined) can then be considered by the Minister.

### Land Summary

**Table 1: Proposed Reserve Land to be classified as Recreation Reserve**

Legal Description:	Gazette:	Proposed Classification:	Total Area:
<ul style="list-style-type: none"> <li>Part Blk XXXII TN OF Queenstown</li> <li>Part Block LVI TN OF Queenstown</li> </ul>	Municipal Camping Ground NZGZ 1953 p 29	Recreation reserve	26,513 m <sup>2</sup>
	Municipal Camping Ground NZGZ 1962 p 1889 and vested in trust in QLDC	Recreation reserve	8,656 m <sup>2</sup>
<b>Total:</b>			<b>35,169 m<sup>2</sup></b>

**Table 2: Proposed Land to be exchanged**

Land Status:	Legal Description:	Total Area:	Parcel	Total Exchange Area:
Recreation Reserve	<ul style="list-style-type: none"> <li>Part Blk XXXII TN OF Queenstown</li> </ul>	26,513 m <sup>2</sup>		18,135m <sup>2</sup>
<b>Total:</b>		<b>26,513 m<sup>2</sup></b>		<b>18,135m<sup>2</sup></b>
Freehold Land	<ul style="list-style-type: none"> <li>Lots 1-3 DP 354070 (Marked D SO 24298)*</li> <li>Pt Section 15 Blk XXIX TN of Queenstown</li> <li>Section 10 Blk XXIX TN of Queenstown</li> <li>Section 1 SO 12299</li> </ul>	40,329m <sup>2</sup>		12,266m <sup>2</sup>
		2,435m <sup>2</sup>		2,435m <sup>2</sup>
		2,205m <sup>2</sup>		927m <sup>2</sup>
		1,012m <sup>2</sup>		214m <sup>2</sup>
		2,293m <sup>2</sup>		2,293m <sup>2</sup>
<b>Total:</b>		<b>48,274m<sup>2</sup></b>		<b>18,135m<sup>2</sup></b>

\*Not gazetted (part of Lot1 DP 354070) see Attachment A Lakeview Base Map.

<sup>1</sup> Approximately 50 cabins used as rented/private accommodation. The cabins are aged and of a poor standard. The Council intends to have them removed at some point after the licences expire on 30 September 2015 (when the land is required for an alternative use).

## Public Notification/Consultation

Pursuant to section 119 of the Reserves Act, where proposals are to be publicly notified, notices are to be published once in a newspaper circulating in the area in which the reserve is situated.

Pursuant to section 120, where the public notice is given, any person or organisation may object against, or make submissions with respect to, the proposal. Every such objection or submission is to be made either online [www.qldc.govt.nz](http://www.qldc.govt.nz) or in writing and sent to Council via email [lakeviewexchange@qldc.govt.nz](mailto:lakeviewexchange@qldc.govt.nz) or by post to Lakeview Exchange, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348. The Council officer to contact in relation to this proposal and submission process is Paul Speedy, Manager Strategic Projects and Support, phone (03) 441 0499.

All submissions must be dated and signed by the person and should include the following information (all submissions will be available for public viewing):

- Full name, postal address and telephone number; if possible please also include an email address.
- The submission, with reasons to support the persons view.
- Whether the person wishes to be heard in support of the submission.

Where the objector or person or organisation making the submissions requests in his or her objection or submission, Council will give the objector or that person or organisation a reasonable opportunity of appearing before the appointed Council hearing panel in support of his or her objection or submission. The hearing panel will give full consideration to every objection or submission received before deciding to proceed with the proposal. Consideration of submissions will be confined to matters relating to the reserve classification and land exchange.

**Table 3: Time Table for Consultation**

24 March 2015	Council resolution to publicly notify intention to: <ul style="list-style-type: none"> <li>• classify reserve land</li> <li>• exchange reserve land</li> </ul>
6 – 8 April 2015	Notification advertisement in, Otago Daily Times, Mirror, Southland Times, and Lakes Weekly Bulletin
8 May 2015	Submissions Close
Late May 2015	Submissions heard by panel of Councillors (to be confirmed)
Late May early June 2015	Consider submissions and decision (to be confirmed)

### Attachments

- A. Lakeview Base Map
- B. Land Exchange Plan
- C. Queenstown Lakeview Holiday Park Lease Area