

QLDC Council
3 September 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 7

Department: Property & Infrastructure

Title | Taitara Hanley's Farm Woolshed Road Realignment (RCL), Variation

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

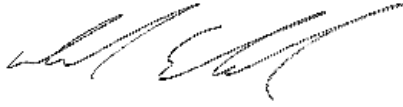
The purpose of this report is to consider extending the term with which to complete the Woolshed Road realignment approved in 2017, and to consider a further request to realign road at Hanley's Farm.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Agree** to extend the previous Council approval from 26 January 2017 to be increased to a maximum period of 5 years from the original approval, being 25 January 2022, and
3. **Approve** initiation of the procedures of section 114, 116 117 & 120 of the Public Works Act 1981 to undertake the additional road stoppings and vestins as shown on the attached Paterson Pitts plan Job Ref. Q6205-02 dated 09/06/20 Revision C with RCL Group; and
4. **Approve** the new road stopping, sale & vesting being subject to the applicant paying all costs associated with process; and
5. **Approve** that the new road stopping and sale be subject to the applicant paying market value for the stopped road, with this fee being set by a Council appointed registered valuer at its sole discretion; and
6. **Agree** that Council's approval to undertake this additional road stopping, sale and vesting process, along with any sale and purchase agreements relating to it shall be limited to a period of 2 years from the date of this resolution; and
7. **Delegate** final terms and conditions, along with any associated agreements and consent notices to facilitate the legalisation and to provide any approvals for the placing or removal of easements, minor alignment, area changes and signing authority, to the Chief Executive of Council.

Prepared by:



Daniel Cruickshank
Property Advisor

25/08/2020

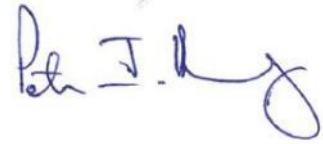
Reviewed by:



Ulrich Glasner
Chief Engineer

28/08/2020

Reviewed and Authorised
by:



Pete Hansby
GM, Property &
Infrastructure

28/08/2020

CONTEXT | HOROPAKI

1. Council previously approved a request by RCL Group (the applicant) to the realignment of the Hanley's Farm portion of Woolshed Road (Attachment C) on 26 January 2017, passing the following resolution:

On the motion of Councillors MacDonald and Stevens it was resolved that the Council:

- 1. Note the contents of this report;**
 - 2. Approve initiation of the procedures of section 116 of the Public Works Act 1981 to stop those portions of road shown on the attached Paterson Pitts plan No Q6205-02 as Sections 1 through 8, with a total area of 1.4952ha, subject to the applicant vesting as road Areas 11 through 17, with a total area of 2.2707ha [Attachment B to these minutes];**
 - 3. Approve the road, when stopped, being disposed of in accordance with section 117 of the Public Works Act 1981 and amalgamated with the adjoining land held in Computer Freehold Register 392959 (Sections 1, 3, 4, 6 & 8) & 392960 (Sections 2, 5 & 7);**
 - 4. Approve the disposal of road being for nil consideration in exchange for the areas of road being vested in Council as a prerequisite;**
 - 5. Agree that Council's approval to undertake this process and any sale and purchase agreements relating to it shall be limited to a period 3 years from the date of this resolution;**
 - 6. Approve Council's costs in undertaking the procedures of the Public Works Act 1981 being billed and paid on a monthly basis by the applicant;**
 - 7. Delegate final terms and conditions along with approvals for any placing or removal of easements in favour of Council, minor alignment and area changes and signing authority to the Chief Executive of Council.**
2. The applicant has progressed parts of the above road stopping, however due to delays with the subdivision, has not completed the works to complete the transfer prior to the 3 year drop-dead date in the contract.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

3. Council previously approved a road realignment at Hanley's Farm for RCL Group in January 2017 as noted above. The applicant still wishes to progress with this road stopping but

was unable to complete their required pre-conditions before the drop-dead date of 25 January 2020 was passed. They have requested an additional period of time, proposed at approximately 1.5 years from the date of this report, to complete the actions required under this approval.

4. A key part of the earlier approval was that Council would only stop and transfer road once new roading links had been provided by the applicant. The exchange was also progressed on a nil consideration basis, due to the greenfield nature of the development.
5. In addition to the earlier request, the applicant has lodged a further proposal to carry out a road stopping, sale and vesting to the south of the previous approval. This land is labelled in Attachments D & E as:
 - a. Road to be stopped for section 10 Lot 902 DP 510675 and sections 11, 12 & 13 Lot 1015 DP 544558 measuring 1082m²
 - b. Land to be acquired as road for Section 9 Part Lot 902 DP 510675 measuring 294m²
6. It is proposed to carry out the additional road stopping as a disposal set at its current market value, to be set by a registered valuer. Due to the timing of this request, the market value is still to be assessed, but the applicant has agreed in principle to purchase the land subject to valuation.
7. Option 1 Agree to extend the prior approval and to initiate the road stopping, transfer and vesting as proposed.

Advantages:

8. It provides a pragmatic and beneficial realignment of legal roads within the subdivision, enabling best use of the land available.
9. Will provide a timely and efficient resolution to the area within the main develop.

Disadvantages:

10. It will not provide a means of public consultation for the road stopping process.
11. Option 2 To decline the request to extend the prior, and further road stopping request.

Advantages:

12. None noted.

Disadvantages:

13. Will not provide a pragmatic and beneficial realignment of legal roads within the subdivision, enabling best use of the land available.
14. Will not provide a timely and efficient resolution to the area within the main development.

15. This report recommends **Option 1** for addressing the matter because it provides a timely and pragmatic roading realignment through the subdivision.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

16. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves the stopping and disposal of Council legal road.

17. The persons who are affected by or interested in this matter are the residents and ratepayers of the Queenstown Lakes District.

18. The Council has received confirmation from the adjoining owner Jacks Point that they are supportive of the road realignment as proposed once complete.

> MĀORI CONSULTATION | IWI RŪNANGA

19. The Council has not consulted with Iwi in this instance, as the exchange involves land of particular interest to the owner and adjoining owners.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

20. This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating. This matter relates to this risk because the Council seeks a perpetual property right through the exchange of legal road, and this risk needs to be highlighted when considering approving any roading action.

21. The approval of the recommended option will support the Council by allowing it to implement additional controls for this risk. This shall be achieved through the review and approval of any Public Works Act roading legalisation by affected land owners/interest holders, and the Minister of Lands.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

22. All costs associated with the exchange will be met by the applicant, and the land being stopped and sold will be done so at Council's market valuation.

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

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

- Significance & Engagement Policy 2014

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

25. This matter is not included in the Ten Year Plan/Annual Plan, but has no effect upon it.

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

26. To carry out the road exchange the Council must follow the procedures of section 114, 116 117 & 120 of the Public Works Act 1981, receiving all necessary consents to the exchange.

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

27. The recommended option:

- 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 ensuring Council has roading assets in locations most beneficial to the community and rate payers;
- 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Overview Plan
B	Legal Roads Plan – Current
C	Original Road Realignment, 2017
D	Proposed New Road Realignment
E	Proposed Road Schedule

Overview Plan



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this site is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this site and data held within.

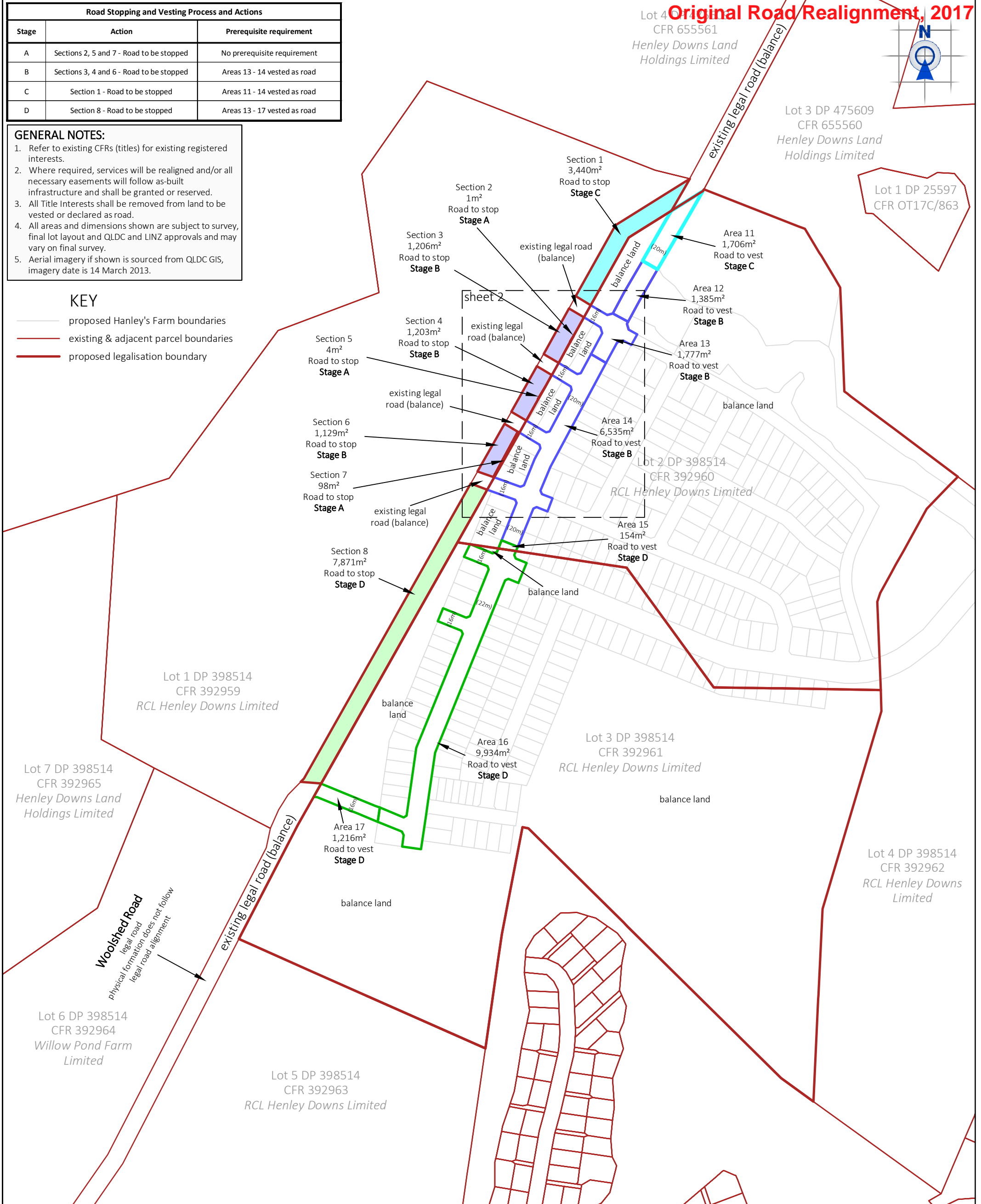


Road Stopping and Vesting Process and Actions		
Stage	Action	Prerequisite requirement
A	Sections 2, 5 and 7 - Road to be stopped	No prerequisite requirement
B	Sections 3, 4 and 6 - Road to be stopped	Areas 13 - 14 vested as road
C	Section 1 - Road to be stopped	Areas 11 - 14 vested as road
D	Section 8 - Road to be stopped	Areas 13 - 17 vested as road

- GENERAL NOTES:**
1. Refer to existing CFRs (titles) for existing registered interests.
 2. Where required, services will be realigned and/or all necessary easements will follow as-built infrastructure and shall be granted or reserved.
 3. All Title Interests shall be removed from land to be vested or declared as road.
 4. All areas and dimensions shown are subject to survey, final lot layout and QLDC and LINZ approvals and may vary on final survey.
 5. Aerial imagery if shown is sourced from QLDC GIS, imagery date is 14 March 2013.

KEY

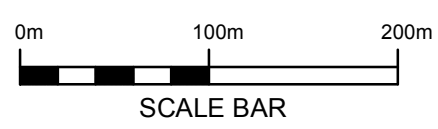
- proposed Hanley's Farm boundaries
- existing & adjacent parcel boundaries
- proposed legalisation boundary



Woolshed Road
 legal road
 physical formation does not follow
 legal road alignment

QUEENSTOWN:
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 1092 Frankton Road.
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 E queenstown@ppgroup.co.nz

Notes:
 If this plan used as the basis for any sale and purchase agreement, then it is done so on the basis that the areas and dimensions are preliminary, and may vary upon completion of the final survey.



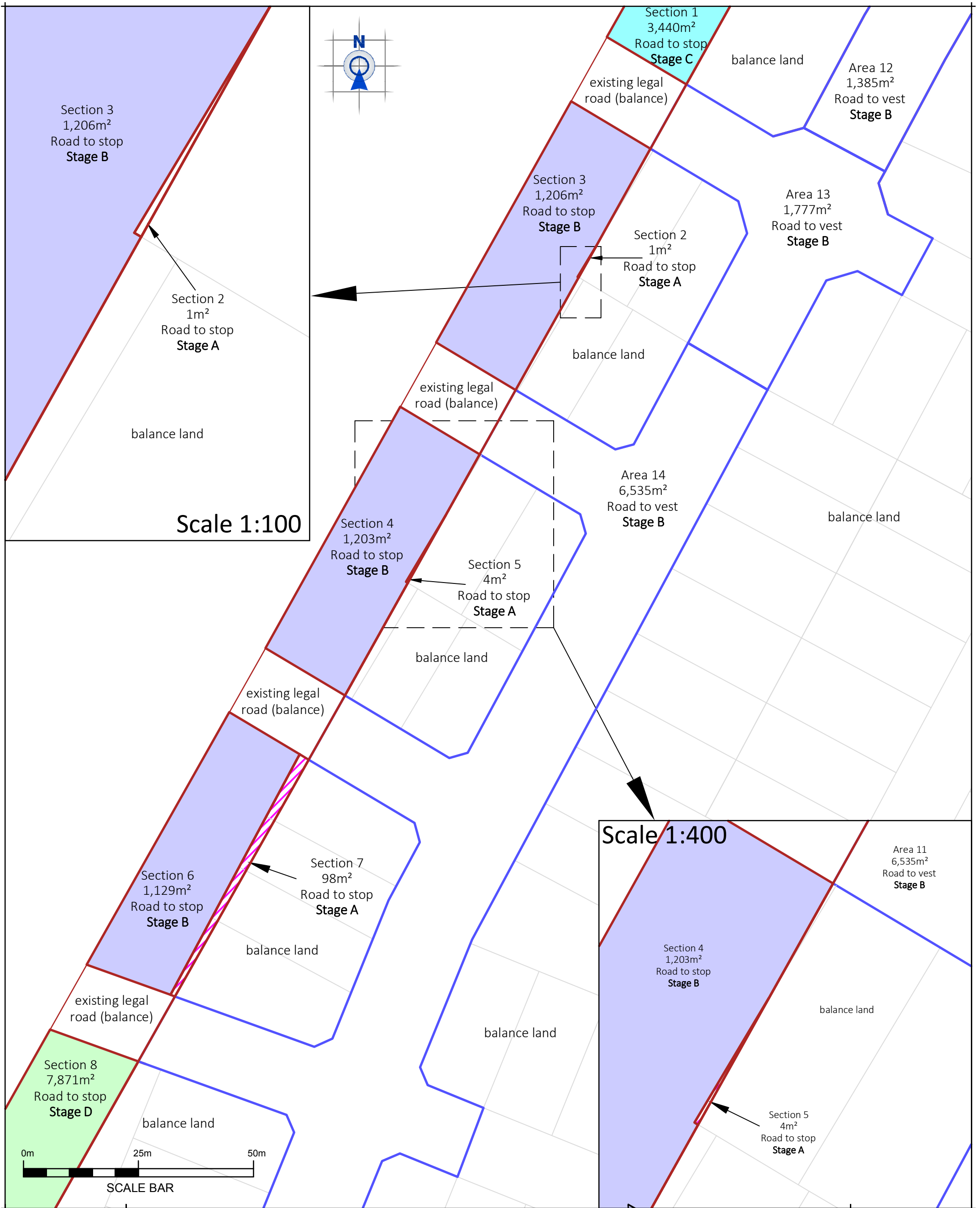
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Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Sections 1 - 8
Proposed Road Legalisation
Woolshed Road

Surveyed by:	MA	Original Size:	Scale:	1:4000			
Designed by:	RCLBJ	A3	DO NOT SCALE				
Drawn by:	MA						
Checked by:	HS						
Approved by:	SW						
Job Ref:	Q6205 - 02	Sheet No:	1	Revision No:	C	Date Created:	18/11/2016



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Notes:

Please refer to sheet 1 for plan notes

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


Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

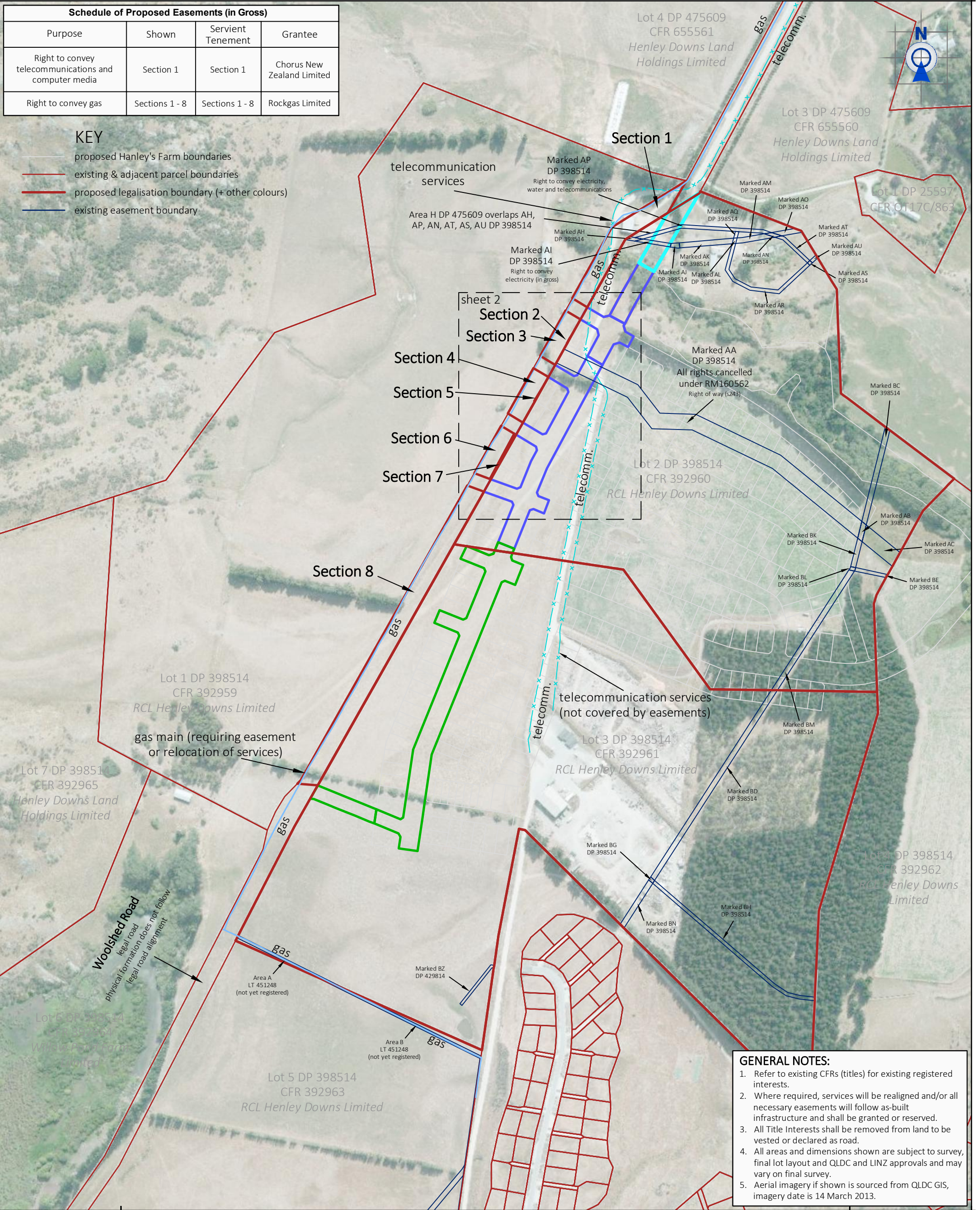
Purpose/Drawing Title:
Proposed Road Legalisation
Road Stopping Detail
Woolshed Road

Surveyed by:	MA	Original Size:	Scale:
Designed by:	RCLBJ	A3	1:750
Drawn by:	MA		unless stated
Checked by:	HS		DO NOT SCALE
Approved by:	SW	Job Ref:	Revision No:
		Q6205 - 02	C
		Sheet No:	Date Created:
		2	18/11/2016

Schedule of Proposed Easements (in Gross)			
Purpose	Shown	Servient Tenement	Grantee
Right to convey telecommunications and computer media	Section 1	Section 1	Chorus New Zealand Limited
Right to convey gas	Sections 1 - 8	Sections 1 - 8	Rockgas Limited

KEY

-  proposed Hanley's Farm boundaries
-  existing & adjacent parcel boundaries
-  proposed legalisation boundary (+ other colours)
-  existing easement boundary

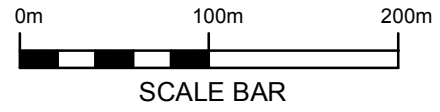


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Notes:
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Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Proposed Road Legalisation
Infrastructure Records Overlay
Woolshed Road

Surveyed by:	MA	Original Size:	Scale:	1:4000
Designed by:	RCLBJ	A3	DO NOT SCALE	
Drawn by:	MA			
Checked by:	HS	Sheet No:	Revision No:	Date Created:
Approved by:	SW	3	C	18/11/2016
Job Ref:	Q6205 - 02			

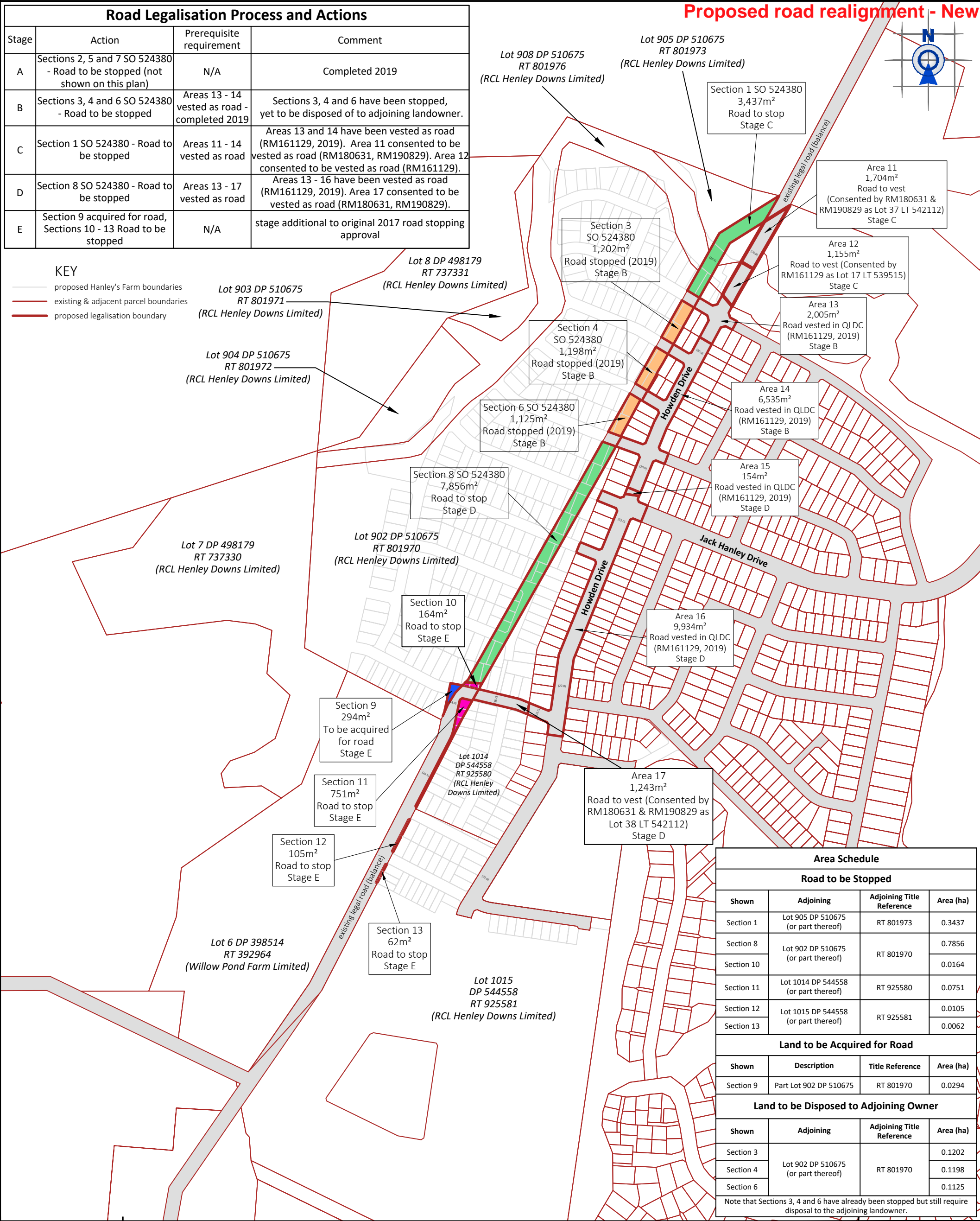
Proposed road realignment - New

Road Legalisation Process and Actions

Stage	Action	Prerequisite requirement	Comment
A	Sections 2, 5 and 7 SO 524380 - Road to be stopped (not shown on this plan)	N/A	Completed 2019
B	Sections 3, 4 and 6 SO 524380 - Road to be stopped	Areas 13 - 14 vested as road - completed 2019	Sections 3, 4 and 6 have been stopped, yet to be disposed of to adjoining landowner.
C	Section 1 SO 524380 - Road to be stopped	Areas 11 - 14 vested as road	Areas 13 and 14 have been vested as road (RM161129, 2019). Area 11 consented to be vested as road (RM180631, RM190829). Area 12 consented to be vested as road (RM161129).
D	Section 8 SO 524380 - Road to be stopped	Areas 13 - 17 vested as road	Areas 13 - 16 have been vested as road (RM161129, 2019). Area 17 consented to be vested as road (RM180631, RM190829).
E	Section 9 acquired for road, Sections 10 - 13 Road to be stopped	N/A	stage additional to original 2017 road stopping approval

KEY

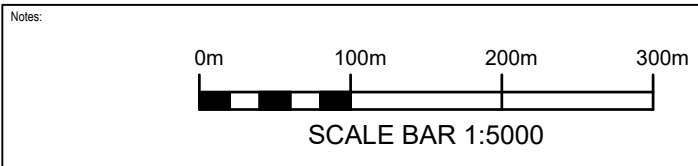
- proposed Hanley's Farm boundaries
- existing & adjacent parcel boundaries
- proposed legalisation boundary



Area Schedule			
Road to be Stopped			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 1	Lot 905 DP 510675 (or part thereof)	RT 801973	0.3437
Section 8	Lot 902 DP 510675 (or part thereof)	RT 801970	0.7856
Section 10	Lot 1014 DP 544558 (or part thereof)	RT 925580	0.0164
Section 11	Lot 1014 DP 544558 (or part thereof)	RT 925580	0.0751
Section 12	Lot 1015 DP 544558 (or part thereof)	RT 925581	0.0105
Section 13	Lot 1015 DP 544558 (or part thereof)	RT 925581	0.0062
Land to be Acquired for Road			
Shown	Description	Title Reference	Area (ha)
Section 9	Part Lot 902 DP 510675	RT 801970	0.0294
Land to be Disposed to Adjoining Owner			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 3	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1202
Section 4	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1198
Section 6	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1125

Note that Sections 3, 4 and 6 have already been stopped but still require disposal to the adjoining landowner.

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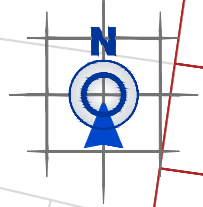
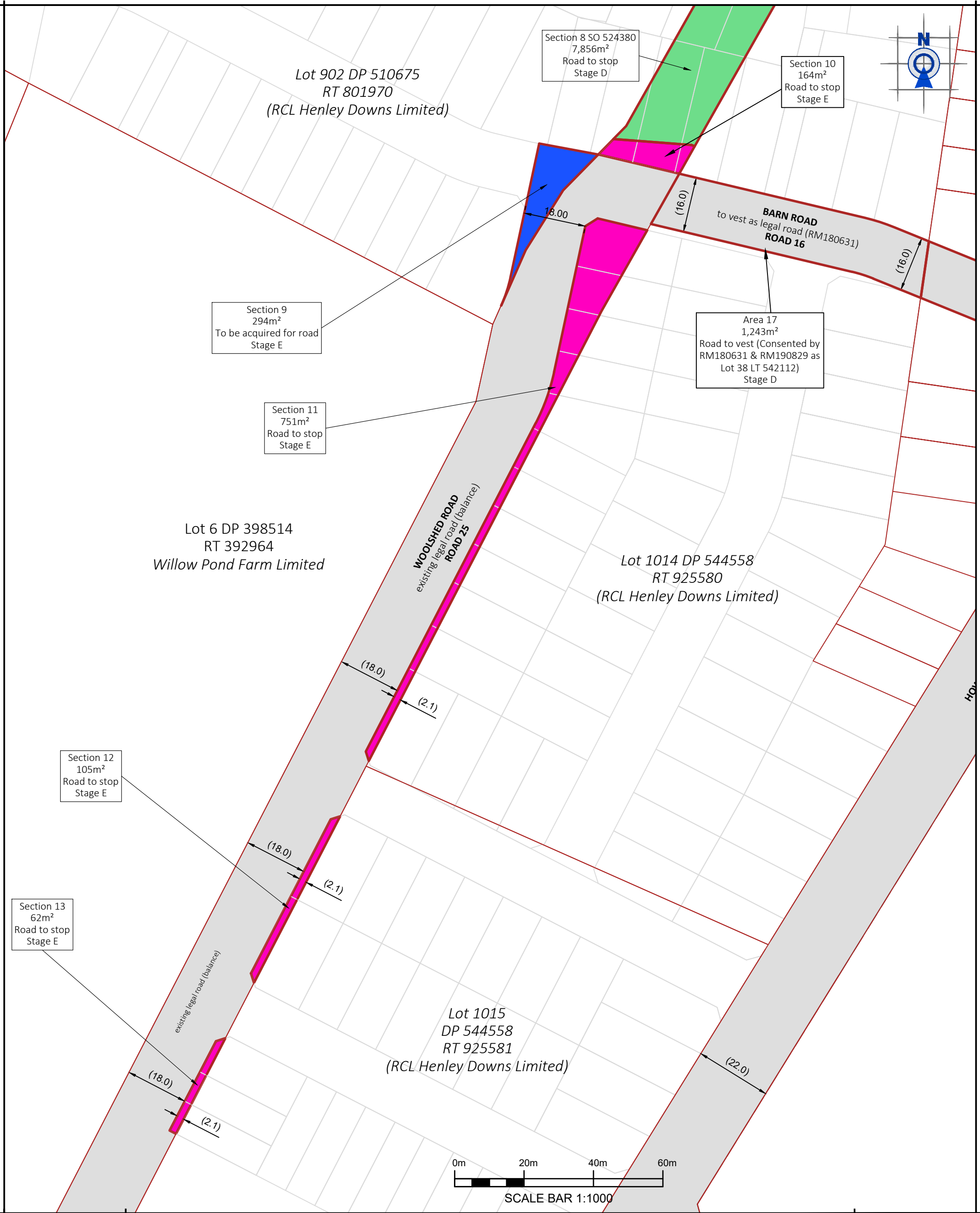
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Client/Location:
RCL Henley Downs Limited
Jack Hanley Drive
Hanley's Farm

Purpose/Drawing Title:
Sections 1, 3, 4, 6 and 8 - 13
Proposed Road Legalisation
Woolshed Road

Surveyed by:	Original Size:	Scale:
Designed by:	A3	1:5000
Drawn by: MA June 2020		
Checked by: SW DB June 2020		
Approved by:	DO NOT SCALE	
Job Ref: Q6205 - 02	Sheet No: 4	Revision No: C Date Created: 09/06/2020



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Notes:
Please refer to sheet 4 for
plan notes

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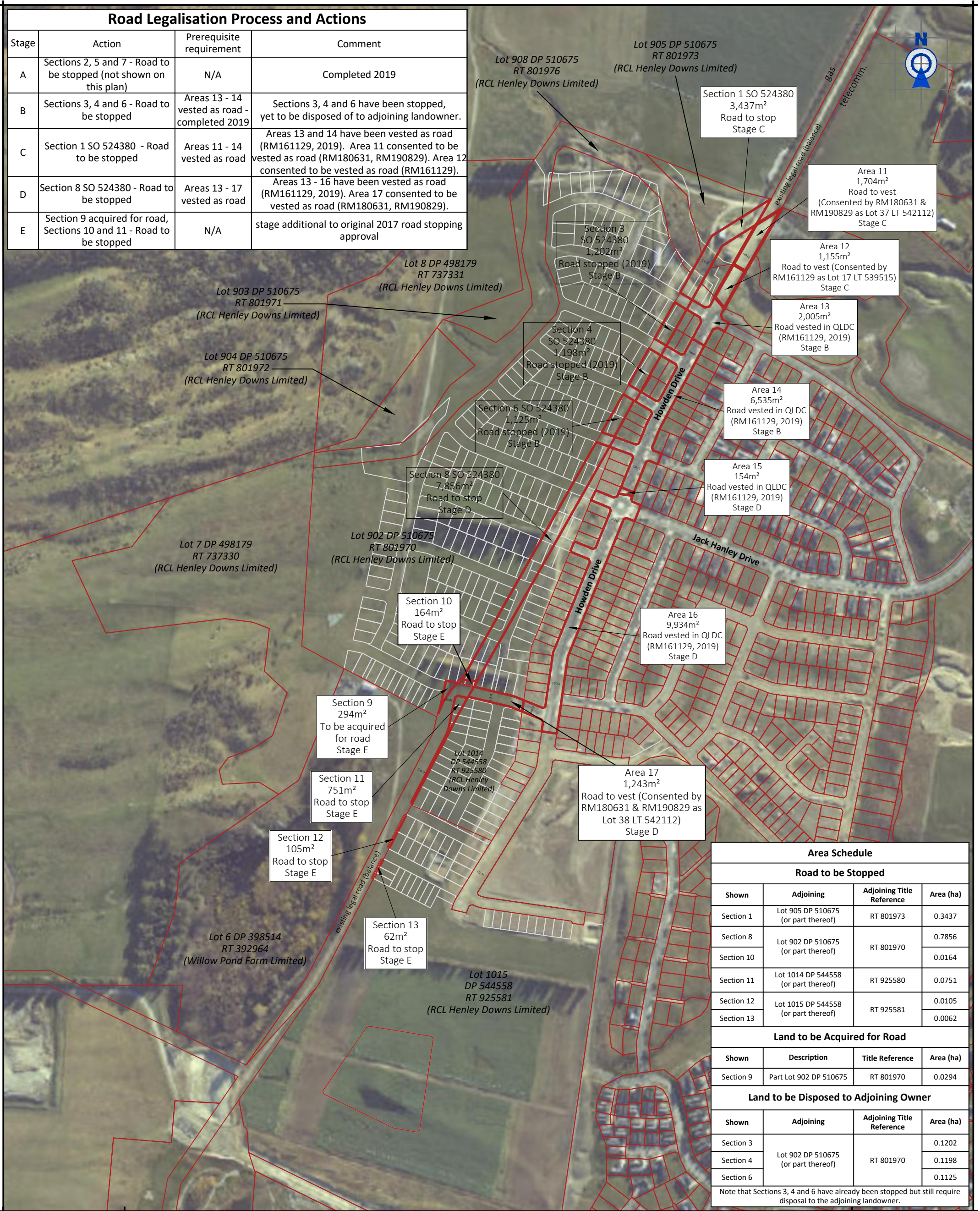
Client/Location:
RCL Henley Downs Limited
Jack Hanley Drive
Hanley's Farm

Purpose/Drawing Title:
Sections 1, 3, 4, 6 and 8 - 13
Proposed Road Legalisation
Woolshed Road

Surveyed by:	Original Size:	Scale:
Designed by:	A3	1:1000
Drawn by: MA June 2020		
Checked by: SW DB June 2020		
Approved by:	DO NOT SCALE	
Job Ref: Q6205 - 02	Sheet No: 5	Revision No: C Date Created: 09/06/2020

Road Legalisation Process and Actions

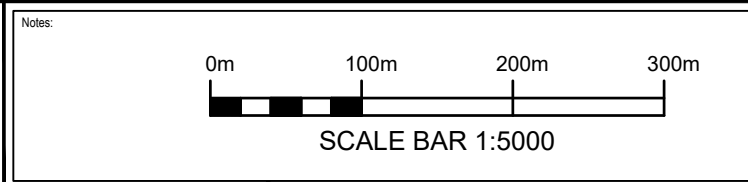
Stage	Action	Prerequisite requirement	Comment
A	Sections 2, 5 and 7 - Road to be stopped (not shown on this plan)	N/A	Completed 2019
B	Sections 3, 4 and 6 - Road to be stopped	Areas 13 - 14 vested as road - completed 2019	Sections 3, 4 and 6 have been stopped, yet to be disposed of to adjoining landowner.
C	Section 1 SO 524380 - Road to be stopped	Areas 11 - 14 vested as road	Areas 13 and 14 have been vested as road (RM161129, 2019). Area 11 consented to be vested as road (RM180631, RM190829). Area 12 consented to be vested as road (RM161129).
D	Section 8 SO 524380 - Road to be stopped	Areas 13 - 17 vested as road	Areas 13 - 16 have been vested as road (RM161129, 2019). Area 17 consented to be vested as road (RM180631, RM190829).
E	Section 9 acquired for road, Sections 10 and 11 - Road to be stopped	N/A	stage additional to original 2017 road stopping approval



Area Schedule			
Road to be Stopped			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 1	Lot 905 DP 510675 (or part thereof)	RT 801973	0.3437
Section 8	Lot 902 DP 510675 (or part thereof)	RT 801970	0.7856
Section 10	Lot 1014 DP 544558 (or part thereof)	RT 925580	0.0164
Section 11	Lot 1014 DP 544558 (or part thereof)	RT 925580	0.0751
Section 12	Lot 1015 DP 544558 (or part thereof)	RT 925581	0.0105
Section 13	Lot 1015 DP 544558 (or part thereof)	RT 925581	0.0062
Land to be Acquired for Road			
Shown	Description	Title Reference	Area (ha)
Section 9	Part Lot 902 DP 510675	RT 801970	0.0294
Land to be Disposed to Adjoining Owner			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 3	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1202
Section 4	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1198
Section 6	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1125

Note that Sections 3, 4 and 6 have already been stopped but still require disposal to the adjoining landowner.

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Client/Location:
RCL Henley Downs Limited
Jack Hanley Drive
Hanley's Farm

Purpose/Drawing Title:
Sections 1, 3, 4, 6 and 8 - 13
Proposed Road Legalisation
Woolshed Road

Surveyed by:	Original Size:	Scale:
Designed by:	A3	1:5000
Drawn by: MA June 2020		
Checked by: SW DB June 2020		
Approved by:	DO NOT SCALE	
Job Ref: Q6205 - 02	Sheet No: 6	Revision No: C
		Date Created: 09/06/2020

PROPOSED ROAD LEGALISATION

Woolshed Road, Hanley's Farm

Area Schedule

Schedule of Areas – Road to be Stopped			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 1	Lot 905 DP 510675 (or part thereof)	RT 801973	0.3437
Section 8	Lot 902 DP 510675 (or part thereof)	RT 801970	0.7856
Section 10			0.0164
Section 11	Lot 1014 DP 544558 (or part thereof)	RT 925580	0.0751
Section 12	Lot 1015 DP 544558 (or part thereof)	RT 925581	0.0105
Section 13			0.0062

Request to extend final completion date

New road stopping request

Schedule of Areas – Land to be Acquired for Road			
Shown	Description	Title Reference	Area (ha)
Section 9	Part Lot 902 DP 510675	RT 801970	0.0294

To vest in Council as road

Schedule of Areas – Land to be Disposed to Adjoining Owner			
Shown	Adjoining	Adjoining Title Reference	Area (ha)
Section 3	Lot 902 DP 510675 (or part thereof)	RT 801970	0.1202
Section 4			0.1198
Section 6			0.1125

Request to extend final completion date