

QLDC Council
27 November 2014

Report for Agenda Item 14

Department

Planning and Development

14: Land to be acquired for road and road to be stopped – Stalker Road, Queenstown

Purpose

- 1 To advance a propose road legalisation proposal from Shotover Country Limited related to a proposed new roundabout at the intersection of Stalker Road and State Highway 6.

Recommendation

2 *That Council:*

- a. **Approve** the submitted road re-legalisation proposal at Stalker Road, Lower Shotover Road from Shotover Country Limited, and authorise that:
 - i. The land exchange and road stopping is to be undertaken under Sections 114, 116, 117, 119 & 120 of the Public Works Act 1981 as per the Clark Fortune McDonald & Associates' Plan 11117 Drawing 51C 15.10.14 (the plan).
 - ii. The part of road shown as Section 4 on the plan shall be stopped and be incorporated into Lot 4 DP 325561.
 - iii. Section 1 & 2 on the plan shall be vested as road for nil consideration or cost.
 - iv. The applicant, at their cost, shall meet the legalisation costs and shall undertake the legalisation survey.

Prepared by:



Vanessa Rees-Francis
Technical Officer

6/11/2014

Reviewed and Authorised by:



Marc Bretherton
GM Planning & Development

7/11/2014

Background

- 3 Shotover Country Limited has applied to the Council with a proposal for land exchange involving the acquisition of land for road and the stopping of road. The legalisation is proposed to exchange the land required for the construction of a proposed new roundabout at the State highway intersection.
- 4 The applicant has had a private plan change approved by the Council for their development at Shotover Country (Plan Change 41). Within this Plan change a new roundabout with Stalker Road and State Highway 6 has been approved. It is a requirement of the Shotover Country special zone that once 450 dwellings are consented within Shotover Country, the roundabout must be constructed. The applicant is now seeking to formalise the land exchanges required to give effect to this.

Comment

- 5 In reference to Attachment A, the proposed legalisation can be summarised as follows:
 - b. **Section 1** – Land to be acquired for road with an area of 0.0263 ha and currently in the ownership of MP and ME Henry and P V Judge. Marked in 'green' on the plan in Attachment A.
 - c. **Section 2** – Land to be acquired for road with an area of 0.3886 ha and currently in the ownership of Shotover Country Limited. Marked in 'green' on the plan in Attachment A.
 - d. **Section 3** – Land which will amalgamate with the adjoining property Lot 4 DP 325561, in the ownership of J E and R A Kelly. This land has an area of 0.1952ha and is currently in the ownership of Shotover Country Limited. Marked in 'grey' on the plan in Attachment A, this is 'severance' land, resulting from the re-legalisation.
 - e. **Section 4-** Road to be stopped. This road has an area of 0.2231ha and is an existing alignment of Stalker Road which is to be stopped and amalgamated with Lot 4 DP 325561. Marked in orange on the plan in Attachment A.
- 6 The applicant has provided signed consent forms from the parties directly affected by the proposal – J E and R A Kelly and M P and ME Henry and PV Judge.
- 7 The New Zealand Transport Agency (NZTA) has been consulted on the legalisation proposal. They are aware of it and advise that there will need to be a 'Notice of Requirement for Alteration to Designation', one from NZTA and one from QLDC. This will finalise what becomes designated as State Highway and what becomes local road.

- 8 The applicant has agreed to relocate any existing services at their cost if they are compromised by the roundabout works. If the existing services are not affected, they will not be relocated.
- 9 Until the detailed geometric design of the roundabout is completed and signed off by the NZTA, the extents of service relocation (if any) are not fully known. The applicant's consultant & the NZTA will liaise with QLDC on engineering matters through the design approval process. This legalisation process is to determine the land exchange only.
- 10 We have requested APL Property Limited to review the proposal as our technical advisors and asked them to provide comment on whether the application can be progressed as promoted under the Public Works Act 1981, at no cost to Council. Their report on this matter can be viewed within Attachment B.

Financial Implications

- 11 The proposal outlines an acquisition of land for road and the stopping of road. It has been advanced to the Council on the basis of 'nil consideration', meaning that the Council is not to be compensating any party for inequality of exchange.
- 12 The Council will need to engage a Crown Accredited Legalisation consultant to progress the legalisation proposal using Sections 114, 116, 117 & 120 of the Public Works Act 1981. The costs associated with this will be met by the applicant and we have been given an approximate figure of \$3,000.
- 13 The applicant has advised they will undertake the legalisation survey at their cost.

Local Government Act 2002 Purpose Provisions

- 14 Section 10 (2) of the Local Government Act 2002 has been considered in the submission of this report to the Council.
- 15 The adoption of the recommendation for the proposed road legalisation to be progressed under the Public Works Act 1981 is a regulatory function and the recommendation noted in this report is efficient, effective and appropriate to present and anticipated future circumstances.

Council Policies

- 16 The following Council Policies were considered:

- *Council's Policy of Significance*

The report recommendation is not significant under the Council's Policy on Significance as it does not moderately or substantially affect ratepayers, Involves more than \$2 million of budgeted or \$200,000 of unbudgeted expenditure, Involves ownership, control, construction, replacement or abandonment of a strategic asset (as defined in the Act and/or Policy), Involves Council's shareholding in CCTO or CCO and does not Affect's the Council's capacity to carry out, or the cost of carrying out, an activity identified in the LTP.

Consultation

- 17 No public consultation is required for land exchange and road stopped undertaken under the Public Works Act 1981.
- 18 However, as usual with these applications, we have pre-circulated it for comment to the Trails Trust, Aurora Energy, the New Zealand Walkways Access Commission (NZWAC), and Fish and Game.
- 19 The NZWAC have stated that they have no concerns given that there will be no restriction to public access and the re-alignment places the legal access onto the most practical location whilst assisting highway safety. Adequate public access remains in the immediate vicinity as per the status quo.
- 20 The New Zealand Transport Agency has been consulted on the application (its comments are within this report) as have all the landowners affected by the proposal. All parties will need to provide formal agreement to the exchange as required by the Public Works Act 1981.
- 21 The applicant will need to consult with Aurora Energy and the Council's engineering staff on all relocation of services or on relocation of legal protection for services affected by the exchange.

Publicity

- 22 No media statements or public communications are required in association with this report.

Attachments

- A Proposed Road Legalisation at Stalker Road, Lower Shotover Road and Frankton-Ladies Mile Intersection.
- B Report from APL Property concerning the proposal and the use of the Public Works Act 1981 to achieve the land exchange.

NOTE : ALL AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO DETAILED DESIGN AND APPROVAL BY QUEENSTOWN LAKES DISTRICT COUNCIL AND NEW ZEALAND TRANSPORT AGENCY

Lot 2
DP 458502
CFR 597019
M P and M E Henry and P V Judge

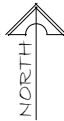
LOWER SHOTOVER ROAD FORMATION
NZTA Limit

Frankton - Ladies Mile Highway
LEGAL ROAD

PROPOSED
ROUNDBABOUT

Section 1
0.0263 ha

EXISTING SEAL FORMATION



Section 2
0.3886 ha

NZTA Limit
Lot 200
DP 463420
CFR 613274
Shotover Country Limited

Section 3
0.1952 ha

Lot 4
DP 325561
CFR 103219
J E and R A Kelly

Section 4
0.2231 ha

SECTIONS 3 AND 4 (0.4183 HECTARES) ARE TO BE AMALGAMATED WITH LOT 4 DP 325561 (CFR 103219)

LAND TO BE ACQUIRED FOR ROAD

Shown	Description	Title Reference	Area
Sec 1	Pt.Lot 2 DP 458502	597019	0.0263ha
Sec 2	Pt.Lot 200 DP 463420	613274	0.3886ha

SEVERANCE

Shown	Description	Title Reference	Area
Sec 3	Pt Lot 200 DP 463420	613274	0.1952ha

ROAD TO BE STOPPED

Shown	Adjoining	Title Reference	Area
Sec 4	Lot 4 DP 325561 & Lot 200 DP 463420	103219 and 613274	0.2231ha

LEGAL ROAD
STALKER ROAD

ISSUE FOR COMMENT 15.10.14

 **Clark Fortune McDonald & Associates**
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Rev.	Date	Revision Details	By

PROPOSED ROAD LEGALISATION AT STALKER ROAD, LOWER SHOTOVER ROAD AND FRANKTON - LADIES MILE HIGHWAY INTERSECTION

Client	Shotover Country Ltd	Surveyed	Signed	Date	Job No.	Drawing No.
				---	11117	51C
Notes:						
All dimensions shown are in meters unless shown otherwise.						
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- Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.	Drawn	Signed	Date	Scale	1:500 @ A1	
- Ensuring the information is the most recent issue.	PTC		15.10.14		1:1000 @ A3	
- Copyright on this drawing is reserved.	Designed	Signed	Date	Datum & Level	Rev.	
				MSL		



PROPOSED ROAD LEGALISATION – STALKER ROAD

Report to: Vanessa Rees-Francis

From: Joanne Conroy, APL Property

Date: 5 November 2014

Attachments

- Plan showing the proposed roundabout. Section 2 shown in green will become legal road, the orange section 4 is current road to close and the grey section 3 will be severance land.

Background

The consent for Shotover Country requires them to build a roundabout at the intersection between Stalker Road and the Frankton-Ladies Mile intersection once 450 dwellings are consented in the subdivision.

The location of the roundabout is to be East of the current Stalker road intersection so that it is opposite where Lower Shotover road intersects the state highway.

In order to achieve this, a section of legal road must be closed and a new road legalized to the east. Please refer to the attached plan. The orange section 4 is currently legal road that must be closed and the green section 2 is the proposed new legal road.

The land for the new road and section 3, the severance land, currently belong to Shotover Country Limited. Shotover Country intend for the land acquisition to be at nil consideration to Council. They will provide the land for the new road, and the severance land and closed road will transfer to Kelly, the land owners to the West. Section 1 will be acquired from Henry and Judge at no cost (we understand Shotover Country will undertake some earthworks for these parties as compensation).

There are a number of easements on Lot 200 (Shotover Country land) and services within the legal road that is to be closed. Shotover Country will put in place or surrender the appropriate easements as required at their cost. They will also undertake all of the survey work required.

The process will require agreement from NZTA and the affected owners, all of which are pending. NZTA has approved the layout in principle through the zone change process and the detailed engineering designs are currently being drafted for their final approval. The adjoining owners (Kelly, Henry, Judge and Stalker) have also approved this proposal.

The Public Works Act allows road to be closed (section 116) where adequate road access to land is provided. That will be done by the declaration of section 2 as road pursuant to section

Discussion

Shotover Country are required to legalise and form this roundabout as part of their resource consent once consent is granted for 450 dwellings. They have obtained the agreement in principle of the adjoining landowners and will seek Transit approval. The proposal does not require Council to fund the purchase of the land needed although there will be legalization costs of approximately \$3,000 which Shotover Country have agreed to pay.

The proposed roundabout will allow traffic to flow more easily from Shotover Country and Lower Shotover Road, but will have a slowing effect on State Highway traffic. Despite that, NZTA will not reduce the speed limit at this stage. There is a possibility that traffic from Quail Rise heading towards Frankton will opt to turn East onto the State Highway and go around the roundabout rather than attempting to turn right at the Tucker Beach/State Highway intersection.

Options

1. *To approve closing the part of road shown as section 4 and approve the vesting of the road shown as Section 2, for nil consideration or cost pursuant to sections 114-120 of the Public Works Act, with the closed road (section 4) to be incorporated into Lot 4 DP 325561 for nil consideration; or*
2. *To approve closing the part of road shown as section 4 and approve the vesting of the road shown as Section 2, subject to other terms and conditions; or*
3. *Not to approve the proposal as presented and for Shotover Country to achieve the roundabout in some other way and seek a variation of the consent.*

Financial and Risks

The proposal results in no compensation being paid or received by Council, and the road legalization costs of approximately \$3,000 being met by Shotover Country.

Relevant Council Policies and Plans

Resource Management Act 1991 – this proposal enables the condition of a zone change to be met.

Public Works Act 1981 – the road stopping and legalization is to be undertaken pursuant to section 114 – 120.

Electricity Act 2010 – to enable the electricity cables to be located in the new road and easements created in the old road.

District Plan – this proposal enables the condition of a zone change to be met.

Attachments

- Plan showing the proposed roundabout. Section 2 shown in green will become legal road, the orange section 4 is current road to close and the grey section 3 will be severance land.

Local Government Act 2002 Purpose



The author has reviewed Section 10 of the LGA. This matter gives effect to the purpose of local government because:

- *Activity (local democracy, infrastructure, local public services, or performance of regulatory functions):*

The proposal is consistent with the purposes of local government (as set out in section 10 of the Local Government Act 2002). The Shotover Country subdivision created the need for a new round about to improve the safety of the road.

- *Quality (efficient, effective and appropriate to present and future circumstances):*

The proposal will provide for the legalisation of the road for the roundabout at no cost to Council.

- *Economic (most cost effective for households and businesses):*

The proposal will provide for the legalisation of the road for the roundabout at no cost to Council.

Recommendation

That Queenstown Lakes District Council approve closing the part of road shown as section 4 and approve the vesting of the road shown as Section 2, for nil consideration or cost pursuant to sections 114-120 of the Public Works Act, with the closed road (section 4) to be incorporated into Lot 4 DP 325561 for nil consideration.