

QLDC Council  
26 January 2017

Report for Agenda Item: 4

Department: Property & Infrastructure

Woolshed Road Legalisation – RCL Henley Downs Ltd

**Purpose**

The purpose of this report is to consider road stopping, transfers and vesting in the Hanley's Farm development area.

**Recommendation**

That 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;
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.


Prepared by:



Dan Cruickshank  
Property Advisor

29/11/2016

Reviewed and Authorised by:



Peter Hansby  
General Manager, Property &  
Infrastructure  
23/12/2016

## Background

- 1 The Council has a number of 'paper' legal roads throughout the district which were placed over the land some decades ago. The roads are often re-located when large scale development of adjoining land takes place, so as to better position the roads through the development.
- 2 RCL Henley Downs Ltd (RCL) is currently intending to develop the farm land adjacent to the Jacks Point subdivision off State Highway 6, now referred to as Hanley's Farm. Note the subdivision was renamed as Hanley's Farm in 2016 as new historical information on the correct spelling of the area became known.
- 3 The roads proposed to be stopped and exchanged are unformed and provide no physical access to the adjacent land.

## Comment

- 4 The developers of Hanley's Farm, RCL, have expressed a desire to stop, transfer and vest new legal road running through their development. These roads are labelled and shown coloured green, purple, and blue on the attached plan from Paterson Pitts as Sections 1 through 8, the roads to be stopped and transferred to RCL totalling 1.4952ha and Areas 11 – 17 (new road to be vested in Council) totalling 2.2707ha.
- 5 The process of stopping a road can be completed by Council with the consent of the Minister of Lands under the Public Works Act. The process is non-notified but must ensure that an alternative comparable legal road will be maintained through the process, as well as ensuring that adjoining owners have provided their consent.
- 6 The proposal will effectively re-align Woolshed Road, but still maintain connections to the existing paper road at either end of the altered route. Due to this, we consider it is unlikely that there would be public objection or that there are matters of public access which are negatively affected through the proposal. RCL intends to undertake the process by breaking it up into 4 stages, providing greatest flexibility to their subdivision planning.
- 7 The applicant has requested that on the basis that they will be vesting more legal road through the proposal than the land being stopped and transferred, that the transfers should be permitted at nil consideration.

- 8 Council's Chief Engineer has been consulted on the application and approves of the proposal. Specifically, the new roading widths are considered acceptable under Council's Land Development & Subdivision Code of Practice requiring a minimum of 15m for 1-200 units and 20m for up to 800 units. Council does not have any in-ground infrastructure on the existing legal road, however there are gas and telecommunications infrastructure in the ground belonging to other entities that will need to be relocated by the applicant.

## **Options**

- 9 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.

- 10 Option 1 Agree to initiate the road stopping, transfer and vesting as proposed.

### *Advantages:*

- 11 It provides a pragmatic and beneficial realignment of legal roads within the Henley Downs subdivision, enabling best use of the land available.
- 12 Will provide a timely and efficient resolution to the area within the main development.

### *Disadvantages:*

- 13 It would not provide a means of public consultation for the road stopping process.

- 14 Option 2 Agree to initiate the road stopping, transfer and vesting under different terms and conditions.

### *Advantages:*

- 15 Similar to above.

### *Disadvantages:*

- 16 Similar to above.

- 17 Option 3 Decline the request by RCL.

### *Advantages:*

- 18 It would not progress stopping the legal road without public consultation.

### *Disadvantages:*

- 19 It would not provide a pragmatic and beneficial realignment of legal roads within the Henley Downs subdivision, enabling best use of the land available.
- 20 It would not provide a timely and efficient resolution to the area within the main development.

21 This report recommends Option 1 for addressing the matter.

### ***Significance and Engagement***

22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the issue relates to roads, identified as a strategic asset. In this case the significance is medium because the portions of road to be stopped will be realigned to a better location, once the stopping, transfer and vesting project is completed.

### ***Risk***

23 This matter relates to the strategic risk SR3, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because stopping roads must follow the process detailed in the Public Works Act.

24 This report addresses the risk by seeking a Council resolution to stop the road, enabling the correct process to be commenced.

### **Financial Implications**

25 The applicant has agreed to pay all costs incurred by Council to enact the proposed road stopping, transfer and vesting.

26 This matter is not included in the 10-Year Plan/Annual Plan because the road stopping was not contemplated at the time the plan was written. As all costs to Council are being met by the applicant, Council will not require specific budgets to progress the project.

### **Council Policies, Strategies and Bylaws**

27 The following Council policies, strategies and bylaws were considered:

- Property Sale and Acquisition Policy 2014

28 The recommended option is consistent with the principles set out in the named policy. Any land that is no longer required for Council's core purpose or function should no longer be held (principle 1). By vesting land to Council as new road, Council's existing road becomes redundant.

### **Local Government Act 2002 Purpose Provisions**

29 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;
- 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.

### **Consultation: Community Views and Preferences**

30 The persons who are affected by or interested in this matter are the owners adjoining the road to be stopped, transferred and vested. RCL own the adjacent land and therefore will provide their written consent to the proposal allowing it to progress non-notified through the PWA process.

### **Attachments**

- A Application by RCL
- B Road legalisation plans, No Q6205-02



Our Ref: Q6205

18 November 2016

Dan Cruickshank  
Property Advisor  
APL Property Queenstown Limited  
Level 1, 50 Stanley Street  
Queenstown

Dear Dan

## **ROAD STOPPING UN-FORMED ROAD – WOOLSHED ROAD**

Please find herewith an application for legal road re-location including aspects of road stopping and provision of new roads at Woolshed Road, for RCL Group and the Hanley's Farm residential development.

The proposal includes stopping unformed parts of Woolshed Road in exchange for providing new vested roads through the subdivision process. The new vested roads will follow a similar axis of direction as the existing unformed road (Woolshed Road), be fully formed under the subdivision process, and will maintain connectivity at all times to the unchanged parts of Woolshed Road to the north and south.

Plans showing the locations of road to be stopped and new roads vested are included as **Attachment A**. Area schedules are also included.

The adjoining land is currently owned by RCL Henley Downs Limited.

There are two aspects to the road legalisation proposal:

### **A. Road vesting**

- Land to be vested as road as part of the Hanley's Farm subdivision – Proposed Areas 11 - 17 (totalling 2.2707ha). The lots will be as defined on the subdivision land transfer plans.

### **B. Road to be stopped**

- Road to be stopped – Proposed Sections 1 – 8 (totalling 1.4952ha)

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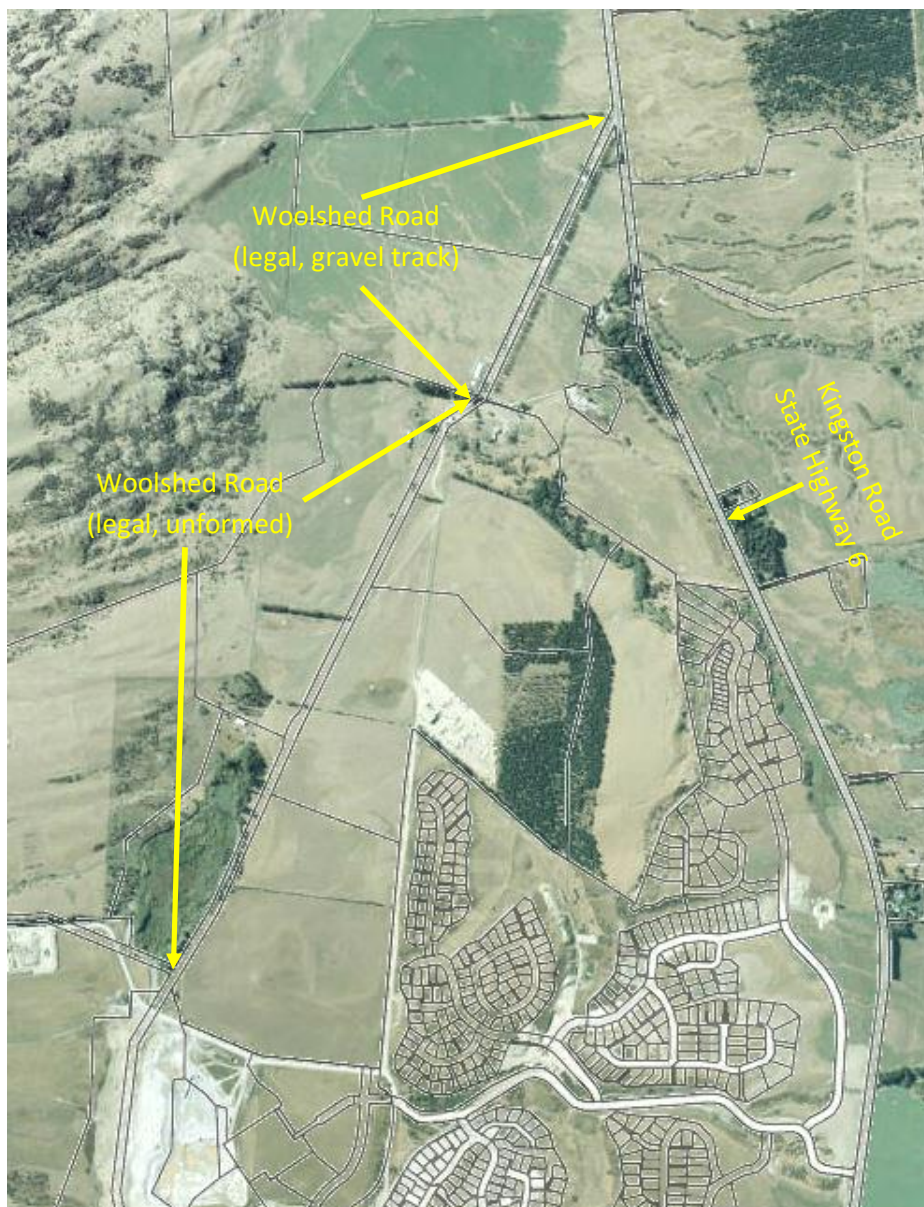
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## BACKGROUND

The land contained within CFR'S 392959, 392960, 392961, 392962, 392963 and 655560 is the subject of a residential development known as Hanley's Farm. Plans showing consented boundaries (RM160562) and proposed boundaries so far (RM161129, application lodged with Council) are shown on the plans in **Attachment A**, to show context.

Woolshed Road is a gravel track on legal road from its intersection with Kingston Road (State Highway 6) to the northern most point of Lot 2 DP 398514. From this point onwards south, Woolshed Road is an unformed legal road across paddock land. Road relocation is proposed to facilitate the development of housing, infrastructure and amenities provided by RCL Group, and to move the unformed legal roads to locations which improve public access from that currently achieved.

Access to properties further 'down the line' (to the south of Section 8) will be improved with fully formed legal roads provided, rather than unformed roads.



**Figure 1: Woolshed Road locality, showing gravel track and unformed portions**

## PROPOSAL

### UNFORMED LEGAL ROAD - RELOCATION

The existing unformed legal road traverses paddock land as highlighted in **Figure 2** below. There is an existing gravel farm track running through the site in a different location (centre of the image **Figure 2**) but this is not legal access and it is not planned for this to become legal access.



**Figure 2: area of unformed legal road (Woolshed Road) to be stopped**

The applicant proposes relocating the unformed legal road labelled Sections 1 to 8 to Areas 11 to 17 shown on the plans prepared by Paterson Pitts, included at **Attachment A**.

Areas 11 to 17 would be vested as part of the Land Transfer subdivision plans associated with the development of Hanley's Farm. Roads would be vested to Council prior to the road stopping process. The subsequent road stopping process would take place in stages, which may occur in any order so long as the prerequisite road vesting requirement has been met.

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

Easements for gas and telecommunication services will be provided as necessary, for services which exist in the road stopping land.

The road to be stopped would be disposed of to the adjoining owner of the land as follows:

Adjoining owners of road to be stopped	
Sections 1, 3, 4, 6 and 8	CFR 392959 (RCL Henley Downs Limited)
Sections 2, 5 and 7	CFR 392960 or part thereof (RCL Henley Downs Limited)

Because this is a legal road relocation proposal we would anticipate the exchange value would be nil, but this should be subject to a valuation process by Council.

## ASSESSMENT

We confirm the roads are in fact legal roads. They appear as legal road in LINZ spatial cadastral database (Landonline) and in the survey plans included as **Attachment B**. Legal road is shown as yellow parcels on the LINZ spatial print.

The legal road proposed for relocation is unformed. This is evidenced in the **Figure 1** and **Figure 2** aerial image overlays and in the topographical survey (dated September 2016) plan sheets included as **Attachment C**.

There is no public use of the roads. The roads traverse paddock land and do not have gate access on the alignments.

Formal consent has been sought from the adjoining landowner RCL Henley Downs Limited. This is included as **Attachment D**.

The road does not lead to any public reserve or public waterway. The legal road connection from the legal Woolshed Road gravel track to the north through to the south will be preserved through the relocation process. The Council's required legal road widths are provided for, including for future provisioning (See QLDC Land Development & Subdivision Code of Practice, Table 3.2 (Suburban Live and play, Primary Access to Housing). This can be seen on **Attachment A**.

QLDC Land Development & Subdivision Code of Practice – Table 3.2		
Suburban – Live and Play – Primary access to housing		
1 to 200 units	15 metres minimum road width required	16 metres road width provided
Up to 800 units	20 metres minimum road width required	20 – 22 metres road width provided

No other land is affected by the proposed road stopping. The road areas proposed to be stopped are not used for access for any current or, in particular, future public purpose. They are parts of road laid out by survey in 1870 (See SO 349 – **Attachment B**) which have not been formed to date.

A buried gas main owned by Contact Energy is located within Sections 1 to 8, within the unformed legal road portions. There are also Chorus telecommunication cables crossing Section 1. These services will either be moved, removed, or have easements provided if they exist at the time of road stopping. We do not expect these to be an impediment to the road stopping.

## CONCLUDING COMMENTS

We anticipate the Road Legalisation land exchange and road stopping can be undertaken under Sections 116, 117 and 120 of the Public Works Act 1981, as per the Paterson Pitts plans included as **Attachment A**.

On a Council Resolution in favour of the road legalisation proposal the applicant, at their cost, would undertake the legalisation survey and gazettal and all associated registrations.

If useful, the applicant can request David Abercrombie of Abercrombie and Associates Ltd to assist with the road gazettal and registration and disposal process. David holds accredited supplier status to Land Information NZ. He also holds a real estate agent licence in accordance with the Real Estate Agents Act 2008. Abercrombie and Associates Ltd is an approved supplier (with Paterson Pitts) to Queenstown Lakes District Council under the supplier panel for Surveying Services, QLDC contract 41401.

Please contact the undersigned if you need any further information. Our telephone number is (03) 441 4715.

Yours faithfully

**PATERSON PITTS GROUP**

Queenstown Office

**Steve Winter**

Manager

Registered Professional Surveyor

### **Attachments:**

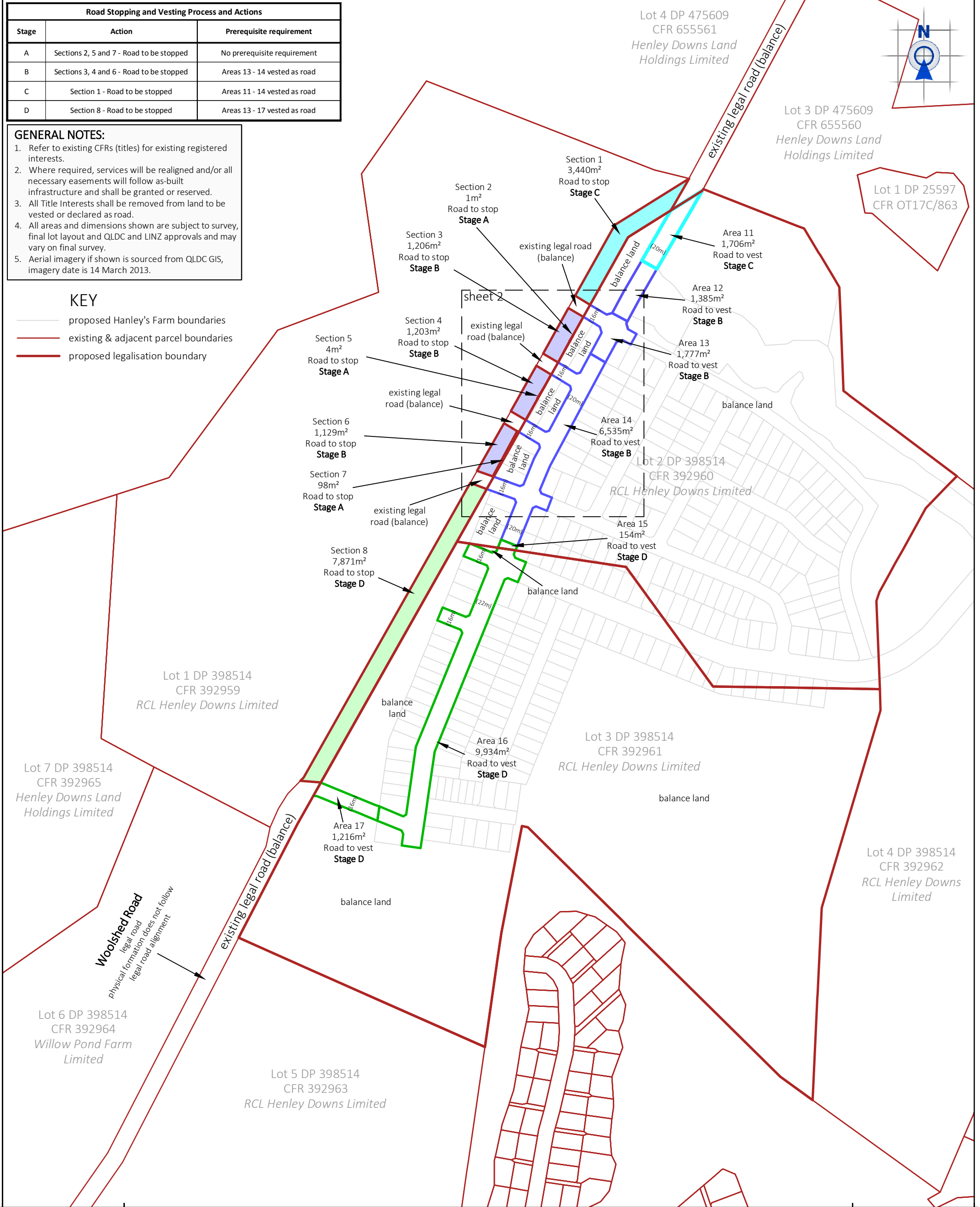
Application Form – Road Stopping

A – Proposed Road Legalisation plans

B – Survey plans

C – Topographical survey (sheets 20, 21, 22, 23, 29)

D – Consent from adjoining landowner



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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.

0m 100m 200m

**SCALE BAR**

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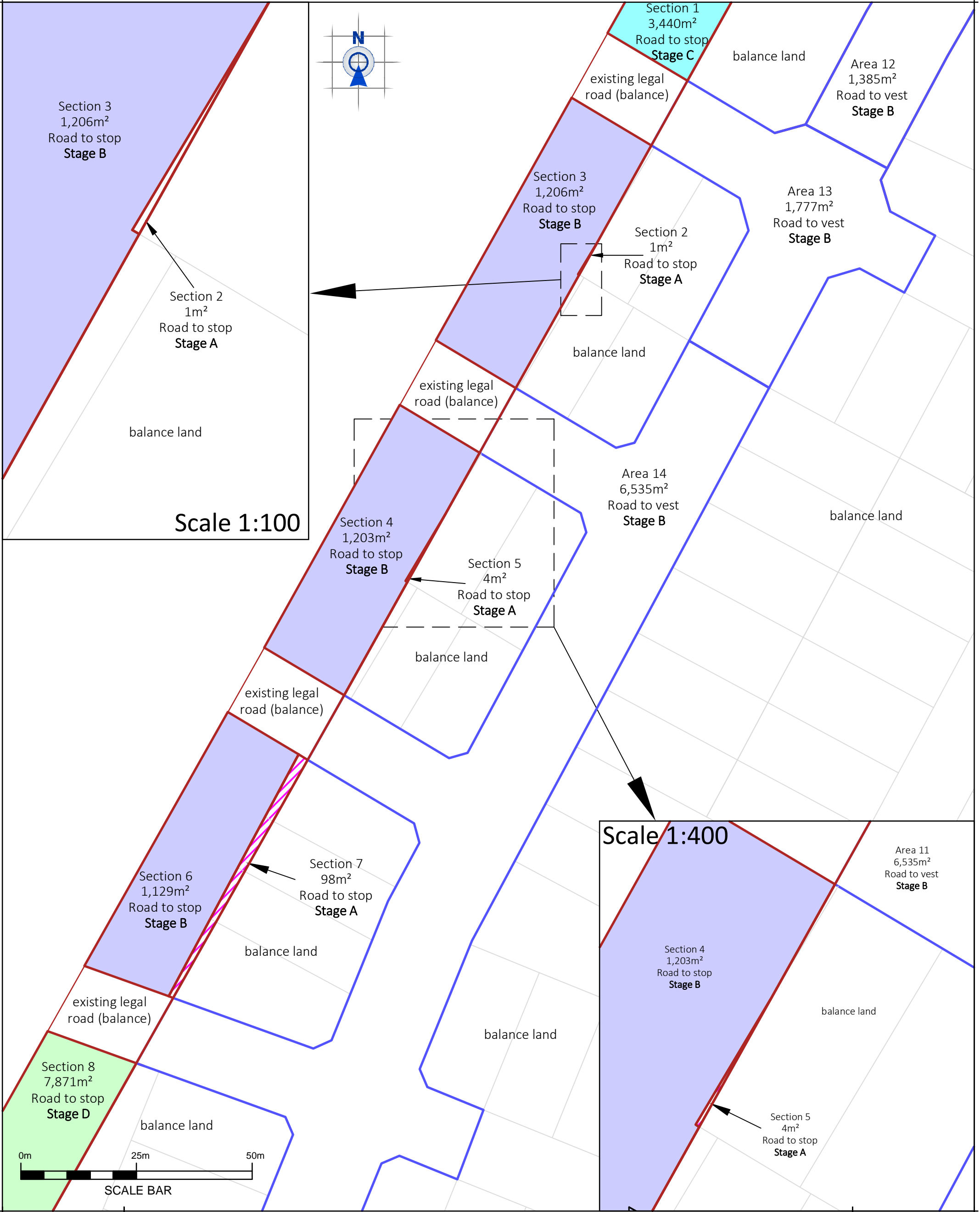
Client/Location:

**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						
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 unless stated
Drawn by:	MA		
Checked by:	HS		
Approved by:	SW		
Job Ref:	Q6205 - 02	Sheet No:	2
		Revision No:	C
		Date Created:	18/11/2016

