

**QLDC Council  
24 September 2015**

**Report for Agenda Item: 8**

**Department: Infrastructure**

**Proposed road legalisation at Stalker Road**

**Purpose**

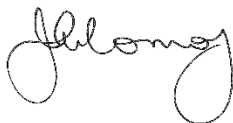
The purpose of this report is to consider a proposal which will involve land acquisition and road stopping of parts of Stalker Road, Queenstown.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a land exchange pursuant to sections 114, 116, 117 and 129 of the Public Works Act 1981 as per the Clark Fortune McDonald and Associates plan 11876, Drawing 08 29.06.15 [‘ the plan’ appended as Attachment A].
3. **Approve** Council undertaking the legalisation including gazettal and registration at the applicant’s cost.
4. **Approve** sections 1 and 2 (combined area of 407 square metres) being stopped and exchanged for section 3 (407 square metres) which will vest in the Queenstown Lakes District Council as road, subject to the applicant, at its cost, undertaking the legalisation survey and all associated registration costs.
5. **Delegate** signing authority for the road legalisation to the General Manager, Infrastructure.

Prepared by:



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Property Ltd

24/09/2015

Reviewed and Authorised by:



Marc Bretherton  
General Manager,  
Planning & Development

15/09/2015

## Background

1. The existing formed 'Stalker Road' was vested originally as part of a rural subdivision in 2010. Its formation was originally constructed to service 3 allotments. The original subdivision design had a cul-de-sac turning head designed at the end of Stalker Road. None of the lots in the original subdivision had dwellings established on them and in recent times this part of Stalker Road has been used to service the Shotover Gravel Supplies operation adjacent to the Shotover River.
2. Since the road was originally vested, Plan Change 41 – Shotover Country Special Zone has been made operative and this portion of legal road lies in Activity Area 1e of the new zone.
3. Shotover Country Ltd has now applied for Outline Plan resource consent for development of the 1e activity area for low density residential housing. Through the Outline Development planning process, Council's planners and the principal Transport Planner have supported stopping the portions of the turning head that will no longer be required as road. This recommendation was made to reduce Council's roading maintenance burden and to make better use of the land as residential housing.
4. In return for the sections of road to be stopped, a new section of road will vest in the Council to fit the location of the extended Stalker Road and the intersection of Ashenhurst Way.

## Comment

5. Attachment A details the proposed area of land/road subject to the road legalisation proposal.
6. The proposal is that Sections 1 and 2 (combined area of 407m<sup>2</sup>) be stopped and exchanged for Section 3 (an area of 407m<sup>2</sup>) which will vest in Council as road. Section 3 is currently part of Lot 3 Deposited Plan 470413 and is owned by Shotover Country Ltd.
7. Council can use the provisions of Sections 114, 116 and 117 of the Public Works Act 1981 for this road stopping and land exchange. The Council will undertake this process at the applicant's cost. The exchange of land is considered to be of equal value and therefore the exchange will occur for nil consideration.

## Options

8. Option 1 To approve the proposed stopping of existing road and vesting of future road as shown in the Clark Fortune McDonald & Associates' Plan 11876.

### Advantages:

9. Conforms with the recommendation of Council's Planners and the Principal Transportation/Infrastructure Planner.

10. Results in section 1 and 2 being closed, thus removing any future maintenance costs on these areas.

**Disadvantages:**

11. None identified.
12. Option 2 Not to approve the proposal (status Quo).

**Advantages:**

13. None identified.

**Disadvantages:**

14. Does not address the recommendation of Council Planners and the Principal Transportation/Infrastructure Planner.
15. Will result in section 1 and section 2 remaining as legal road even though they serve no purpose, requiring Council to maintain these areas.
16. This report recommends Option 1 for addressing the matter.

***Significance and Engagement***

17. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because although it is dealing with a local road, which is significant under the policy, the result will not have any long term or detrimental impact on the public.

***Risk***

18. This matter relates to the strategic risk SR3 'Management practice – working within legislation'. The risk is classed as moderate. The matter relates to this risk because the options highlighted require the Council to follow a regulatory process to consider stopping or legalising roads.

**Financial Implications**

19. All costs incurred in closing and vesting the roads, including survey and registration costs, will be met by the applicant.

**Council Policies, Strategies and Bylaws**

20. The following Council policies, strategies and bylaws were considered:
  - Significance and Engagement Policy 2014 – The proposal deals with a local road which is a significant asset in the policy.
  - Property Sale and Acquisition Policy – The proposal requires land to be retained only if the purpose for its ownership remains valid. In this case the road areas (sections 1 and 2) are no longer required for road as the cul-de-sac will no longer exist.

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

21. 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 closing legal road no longer required for that purpose and replacing it with road that will be more suitable.
- Can be implemented through current funding under the 10-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.

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

22. The Principal Transportation/Infrastructure Planner (Denis Mander) has reviewed the proposal and stated that the Council Transport Department has no objection to the proposal. The amended road will improve functionality for the new development layout. The areas of turning head will become surplus to requirement.

## **Attachments**

- A. Location map
- B. Road Legalisation Plan
- C. ODP 1e development plan overlay



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED





FOR CONSENT 11.08.15

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# **OUTLINE DEVELOPMENT PLAN** **ACTIVITY AREA 1e & Part 1f**

Client	SHOTOVER COUNTRY LTD	Surveyed	-	Signed	-	Date	-	Job No.	11580	Drawing No.	01
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	RWB	Signed	-	Date	01.01.14	Scale	1:750 @ A1 1:1500 @ A3	Sheet	001
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