

QLDC Council  
10 December 2020

Report for Agenda Item | Rīpoata moto e Rāraki take : 7

Department: Property & Infrastructure

Title | Taitara Jacks Point Road Exchange

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider a road exchange at Jacks Point of unformed legal road.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Agree** to rescind the previous Council approval from the 14<sup>th</sup> March 2007 relating to the 'Proposed stopping of legal road – Woolshed Road, Jacks Point'; and
3. **Approve** initiation of the procedures of section 114, 116 117 & 120 of the Public Works Act 1981 to undertake the road stopping, vesting and disposal as shown on the attached plans by Southern Land T4006-C7 (stopping) and Construction Survey 2007.LRA.s01.Rev G (vesting); and
4. **Approve** the road exchange being completed for Nil consideration; and
5. **Approve** the acquisition of land for a new reservoir site from Jacks Point Land Limited or Henley Downs Farms Holdings Limited (location to be agreed) being completed for Nil consideration by agreement pursuant to the Public Works Act 1981 (PWA) for water reservoir and treatment purposes; and
6. **Agree** that the stopping and disposal of road shall be conditional on the provision of an in-ground infrastructure easement, of acceptable location and width to the Council; and
7. **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 3 years from the date of this resolution; and
8. **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.

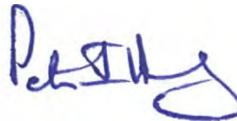
Prepared by:



Daniel Cruickshank  
Property Advisor

20/11/2020

Reviewed and Authorised by:



Peter Hansby  
General Manager  
Property & Infrastructure

27/11/2020

## CONTEXT | HOROPAKI

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- 1 Council's Finance, Audit, Property and Corporate Committee previously approved a request by Jacks Point Ltd to stop and exchange legal roads at Jacks Point, on the 14<sup>th</sup> March 2007, passing the following resolution:

**On the motion of Councillors Heath and Pettit it was resolved that:**

- 1. That in accordance with Sections 114, 116, 117 & 120 of the Public Works Act and the Jacks Point Stakeholder's Agreement, Council resolve to undertake road stopping to permit the sections, defined on Clark Fortune McDonald & Associates' Plan No. 9587, numbered 1 to 15, to be stopped and amalgamated with the adjoining titles.**
  - 2. That Lot 102, defined on Plan No 958 be vested in the Council as legal road.**
  - 3. That the legalisation costs will be billed and paid on a monthly basis by the applicant and deducted from the residual value of the exchanged land as assessed by Council's valuer.**
- 2 The road legalisation was commenced at that time following the resolution being passed, however land valuations for the road being stopped and the impact of the Global Financial Crisis stopped it from being concluded.
  - 3 In 2019 Jacks Point development companies known as Jacks Point Land Ltd and Henley Downs Farm Holdings Ltd (the applicant) entered an agreement with the Council to work together to place a new connecting road between Jacks Point and Kelvin Heights. This agreement included stopping of the road approved in 2007 (refer to Attachment B & C), vesting of new road (refer to Attachment D), stopping of a second portion of road adjacent to the lake, as well as providing for land to site a new Council water reservoir if required.
  - 4 The agreement wasn't finalised due to the need to update the 2007 resolution, design revisions to the new link road, and a request by the Walking Access Commission to remove the further road considered for stopping adjacent to the lake.
  - 5 The Council has carried out extensive mapping of easements in the vicinity of Jacks Point as part of consideration of this roading request. This was to provide more clarity on public access routes to the lake from the main residential areas (refer to Attachment E).

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 6 Council has previously approved a legal road exchange at Jacks Point in 2007 as noted above. This approval was given at the time in consideration of the overall development and alternative public access routes being created through the development.

- 7 Jacks Point have been negotiating with the Council to vary this agreement and complete the road stopping as previously proposed so that they can amalgamate the road areas with adjoining properties. The current legal road alignment is impaired and unlikely to be able to be formed as a result of the 2007 resolution, as it is situated running through a number of private properties as well as some of the Jacks Point golf course.
- 8 Council engineers support the proposal on the basis that an alternative link road be vested between Jacks Point and Kelvin Heights, that a site be secured for a new Council reservoir in the area should that be required, and that a new in-ground infrastructure route be provided through the existing formed jacks point roads that are not “legal road”, should that be required. The applicant has agreed to these requests and spent considerable time and money to design the new road and place it in a location suitable to Council engineers. Agreement has also been reached for a potential reservoir site gifting, should that be required. A new in-ground infrastructure easement route within the formed roads is still to be confirmed.
- 9 Consultation on the road exchange has been undertaken with the Walking Access Commission, Queenstown Trails Trust and Jacks Point Residents Association (JPROA). Walking Access Commission requested that a section of road adjoining the lake be removed from the stopping proposal. This has been agreed to and removed from the request. The JPROA provided a letter of support.
- 10 The Council does not intend to form the new legal road or construct trails or walking tracks within it at this time and will be retained as a ‘paper’ legal road only, for future consideration.
- 11 Option 1 Agree to rescind the previous resolution and approval new initiating the road stopping, transfer and vesting as proposed.

*Advantages:*

- 12 It provides a pragmatic and beneficial realignment of legal roads within the subdivision, enabling best use of the land available.
- 13 Will provide Council with an option for a new reservoir site at Jacks Point.
- 14 Will conclude a long running property resolution.

*Disadvantages:*

- 15 It will not provide a means of public consultation for the road stopping and exchange process.
  - 16 Will not provide a timely and efficient resolution to this property resolution.
- 17 Option 2 To decline the request.

*Advantages:*

- 18 Would retain existing legal roads as they are located.

*Disadvantages:*

- 19 Will not provide a pragmatic and beneficial realignment of legal roads within the subdivision, enabling best use of the land available.
- 20 Will not provide Council with an option for a new reservoir site at Jacks Point.
- 21 Will not conclude a long running property resolution.
- 22 This report recommends **Option 1** for addressing the matter because it provides a pragmatic and beneficial new roading alignment, resolves a long running property resolution and provides Council with an option for a new water reservoir site.

**CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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**> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

- 23 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.
- 24 The persons who are affected by or interested in this matter are the residents and ratepayers of the Queenstown Lakes District.
- 25 The Council must receive confirmation from the adjoining land owners to the road being stopped, prior to being able to stop and amalgamate the road to their property titles.
- 26 The Walking Access Commission and Queenstown Trails Trust have been consulted on this proposal, with their feedback incorporated.

**> MĀORI CONSULTATION | IWI RŪNANGA**

- 27 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**

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- 28 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.
- 29 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**

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- 30 It has been agreed that each party will pay their own costs for legal and other consultant services.
- 31 The exchange of roads will be completed at nil consideration on a like for like basis.
- 32 The provision of land for a reservoir site if required, will also be provided at nil consideration.

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

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- 33 The following Council policies, strategies and bylaws were considered:
- Significance & Engagement Policy 2014
- 34 The recommended option is consistent with the principles set out in the named policy/policies.
- 35 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**

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- 36 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**

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- 37 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

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A	Overview Plan
B	Road stopping plan - 2007
C	Road stopping plan – 2020
D	New road Jacks Point Kelvin Heights link road to be vested
E	Plan of existing easements

# Overview Plan

Attachment A



Legend:  
Red line - road to be stopped  
Blue line - new road to be vested  
Green line - legal road to remain  
(NB: location approximate)





Lake Wakatipu

See Sheet 7a-7b

See Sheet 6a-6b

See Sheet 5a-5b

See Sheet 4a-4b

See Sheet 3a-3b

See Sheet 2a-2b

Woolshed Road

JPV

State Highway 6

**NOTES:**

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**FOR APPROVAL**



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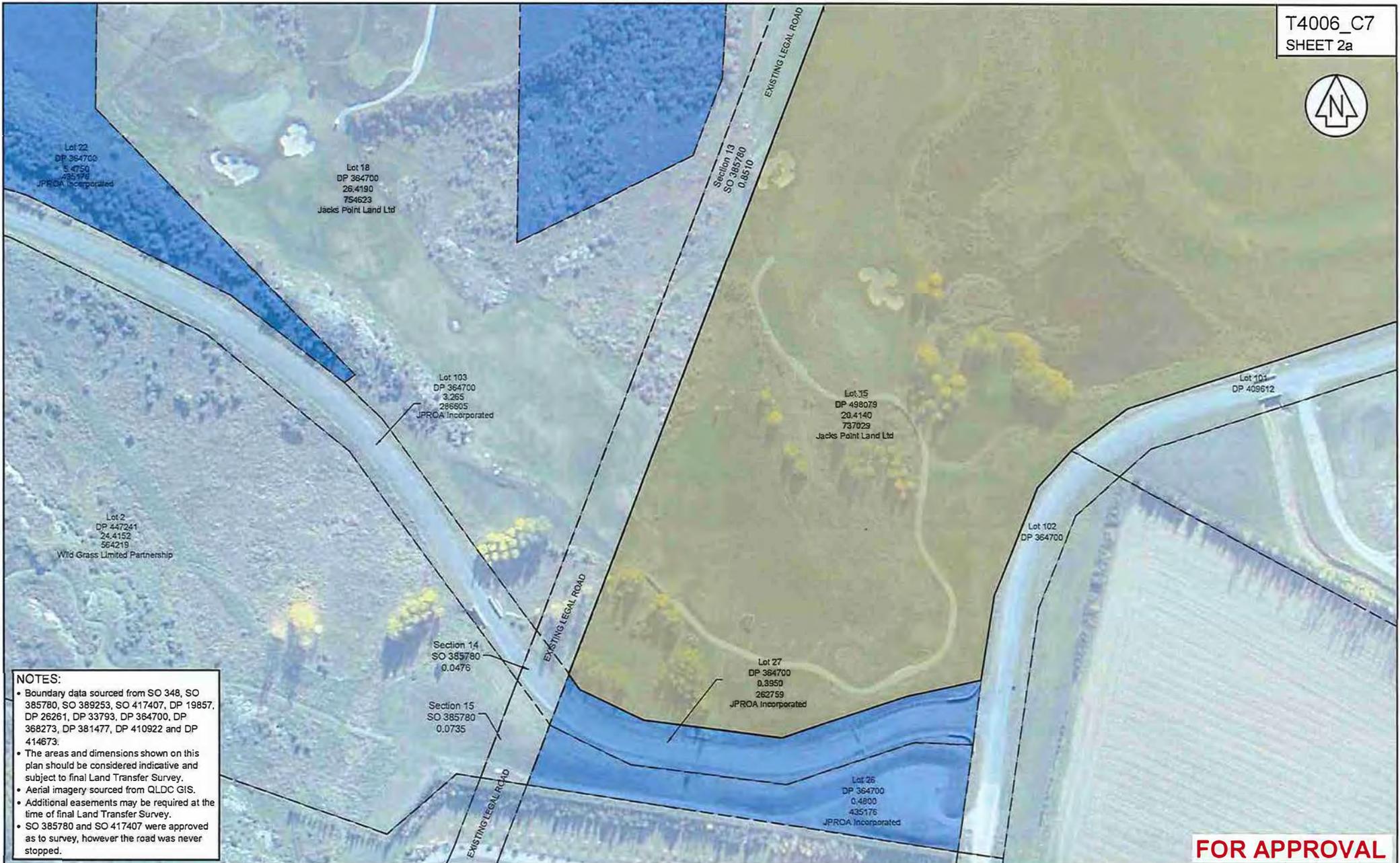
Jacks Point Proposed Road Stopping  
Overall Plan  
Sections 1-19, 26 and 27

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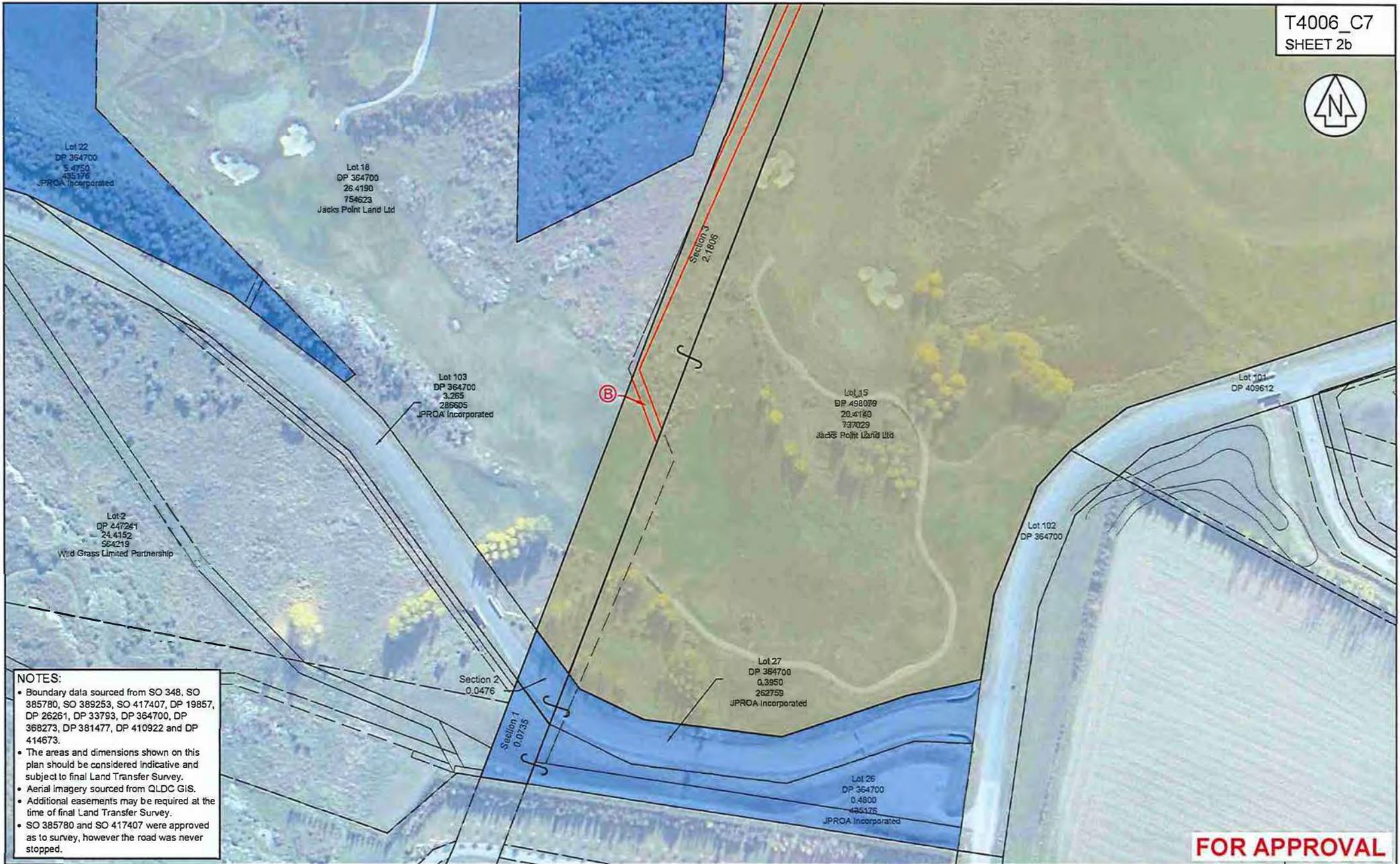
Jacks Point Proposed Road Stopping  
Existing Ownership  
Sections 1-19, 26 and 27

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Jacks Point Proposed Road Stopping  
Ownership and Easements  
Sections 1-19, 26 and 27

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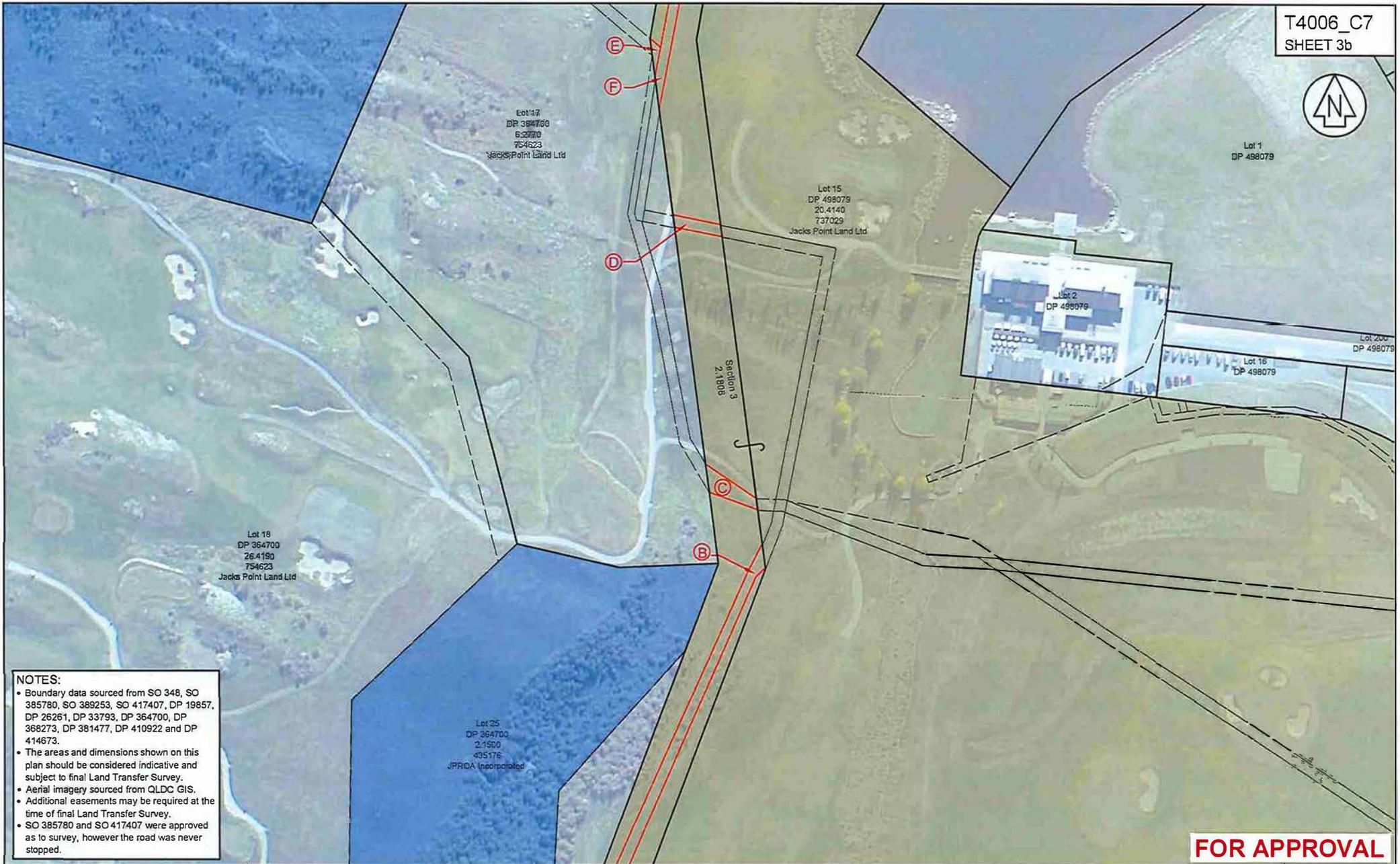
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Jacks Point Proposed Road Stopping  
Ownership and Easements  
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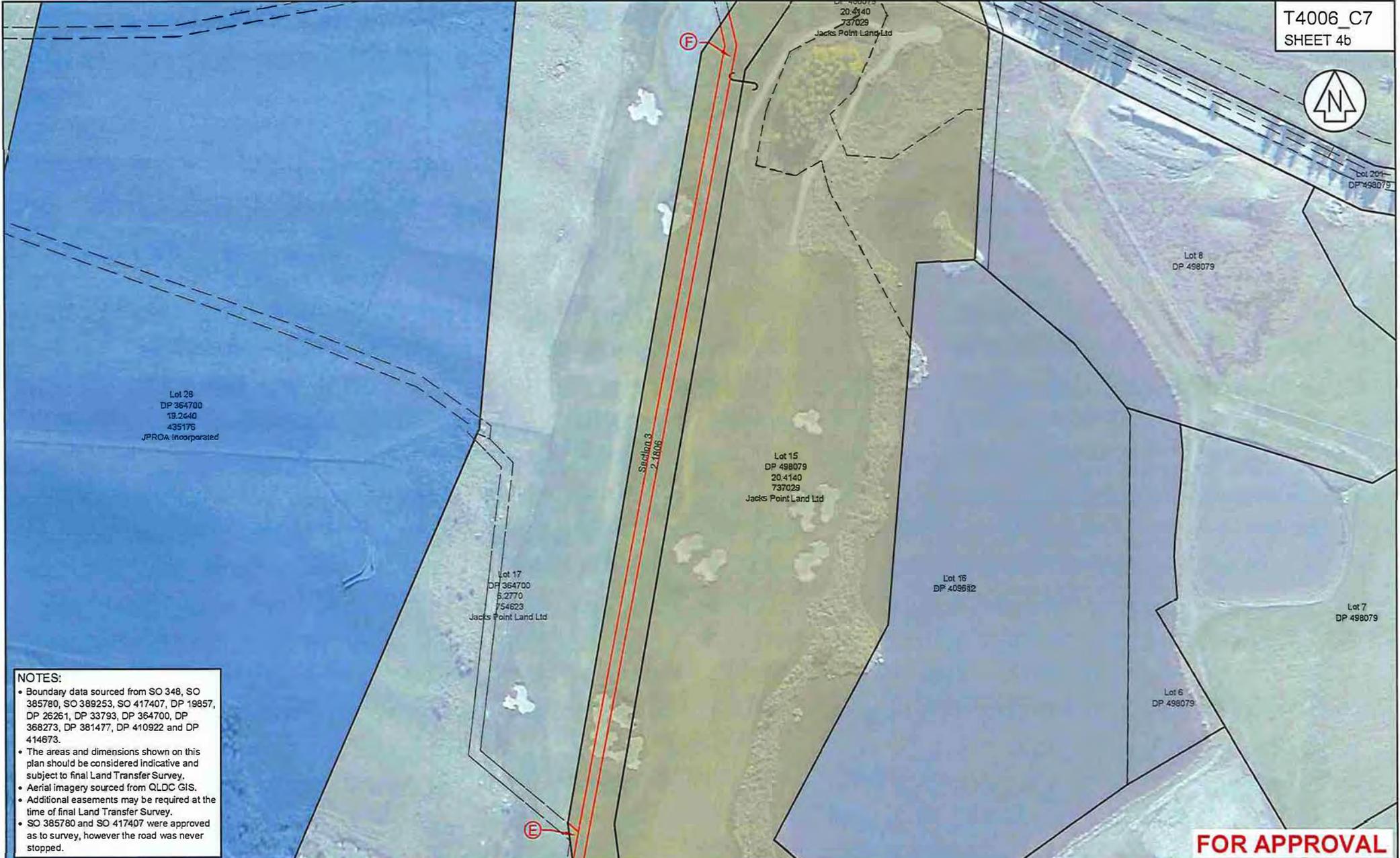
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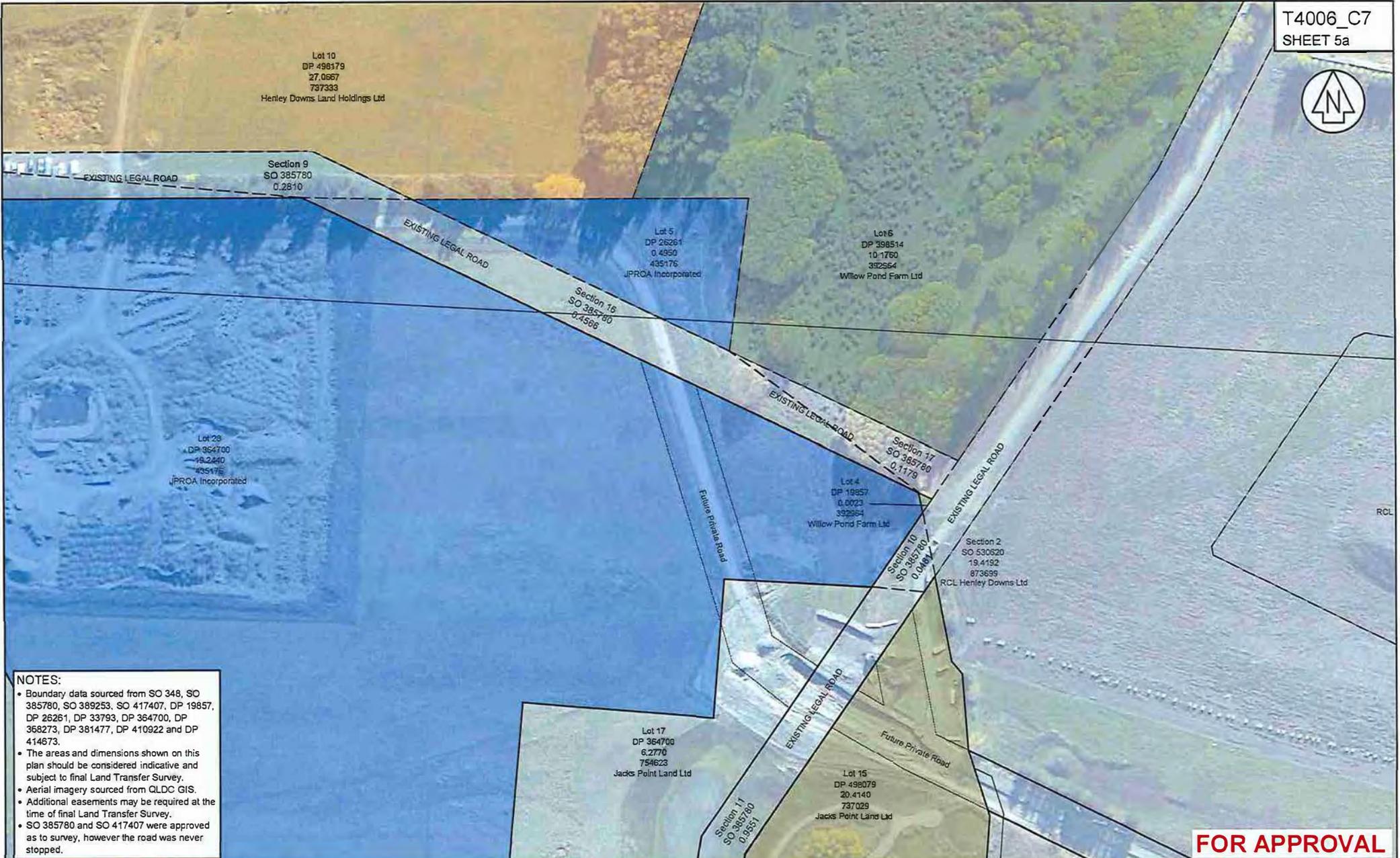
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Jacks Point Proposed Road Stopping  
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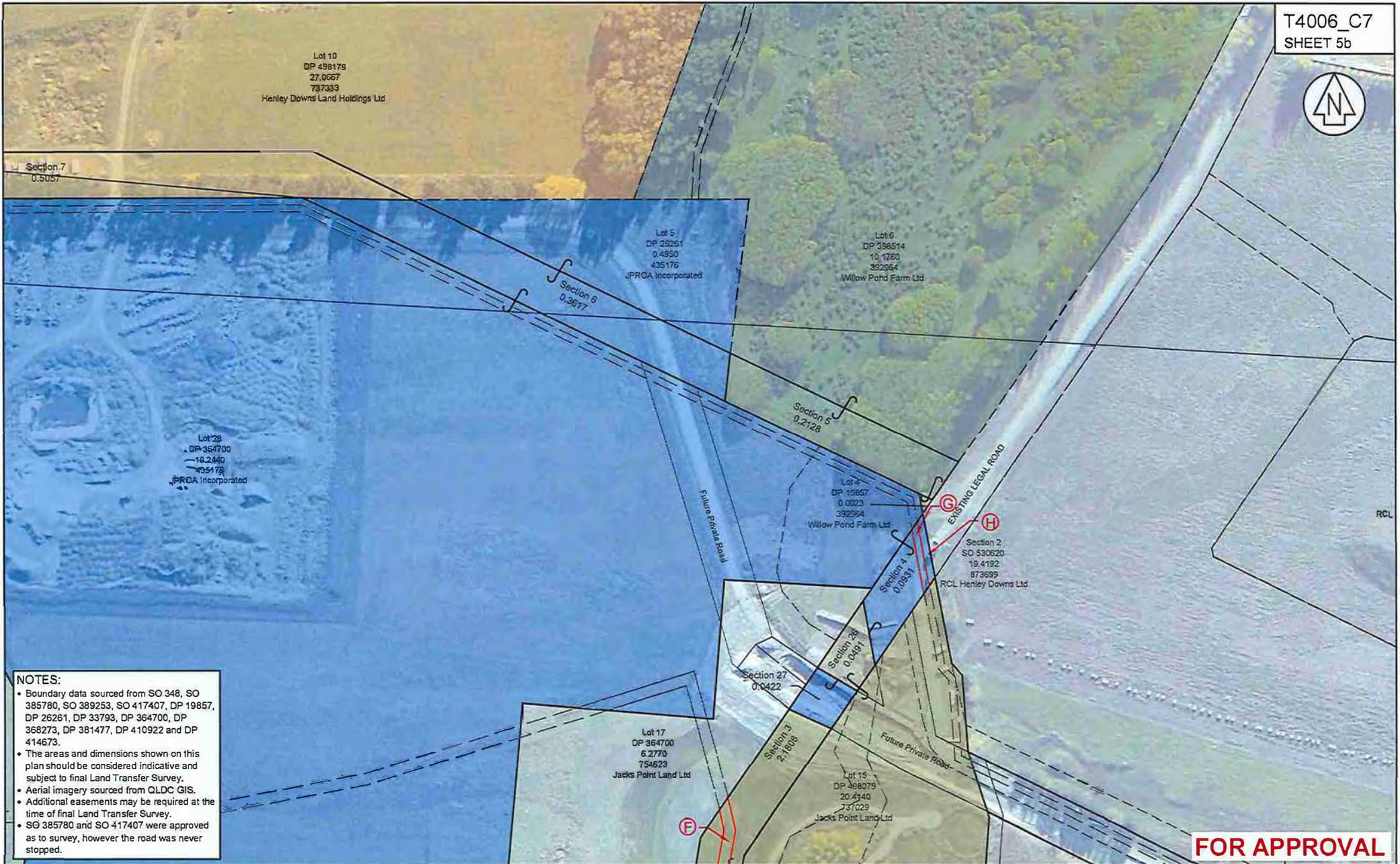
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**NOTES:**

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- SO 385780 and SO 417407 were approved as to survey, however the road was never stopped.

**FOR APPROVAL**



REVISION	DESCRIPTION	DATE
A	ORIGINAL IS-SUE	10/02/19
B	ADDITIONAL AREA	22/05/19
C	EASEMENTS AND SCHEDULE	04/07/19
D	UPDATED EASEMENT SCHEDULE	26/07/19
E	AERIAL IMAGERY	05/08/19
F	ADDITIONAL EASEMENTS	05/09/19

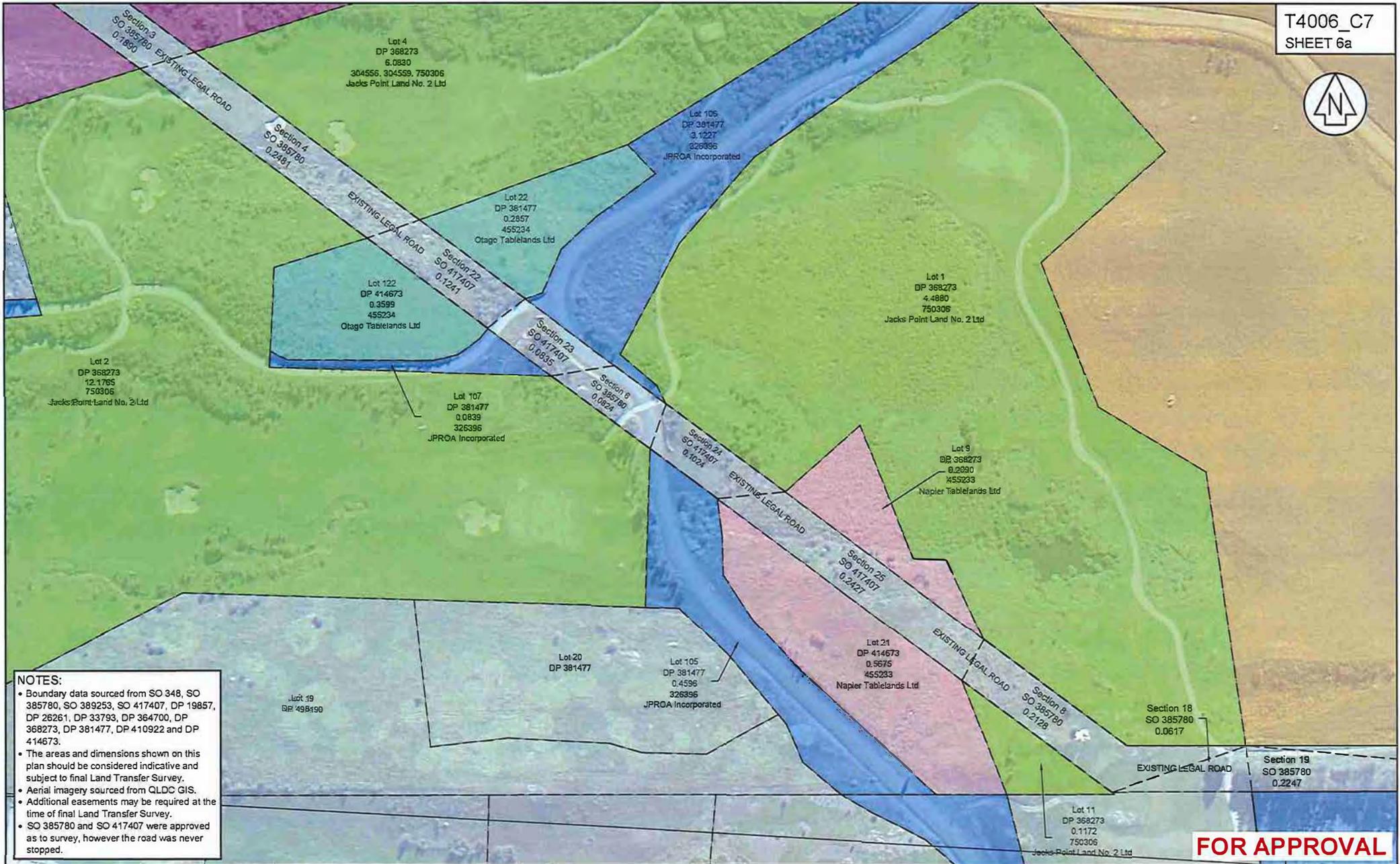
Jacks Point Proposed Road Stopping  
Ownership and Easements  
Sections 1-19, 26 and 27

PREPARED FOR		SCALE	
Darby Partners		1:1500 @ A3	
DRAWN BY		SHEET NO. & LEVEL	
AHB	DATE: XX/XX/XX	SHEET 3 & LEVEL	
MS	05/09/19	Mt Nicholas 1949	
CHECKED BY	DATE: XX/XX/XX	LEVEL IN TERMS OF PDLX	
AHB	05/09/19	CHORD OF 1/1 DP 30007 RL - 2002.00	
DATE	DATE	DRAWING REFERENCED	
05/09/19	05/09/19	T4006_C7	
DATE	DATE	REVISION	
05/09/19	05/09/19	F	

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REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	19/02/19
B	ADDITIONAL AREA	25/05/19
C	EASEMENTS AND SCHEDULE	04/07/19
D	UPDATED EASEMENT SCHEDULE	26/07/19
E	AERIAL IMAGERY	05/08/19
F	ADDITIONAL EASEMENTS	05/09/19

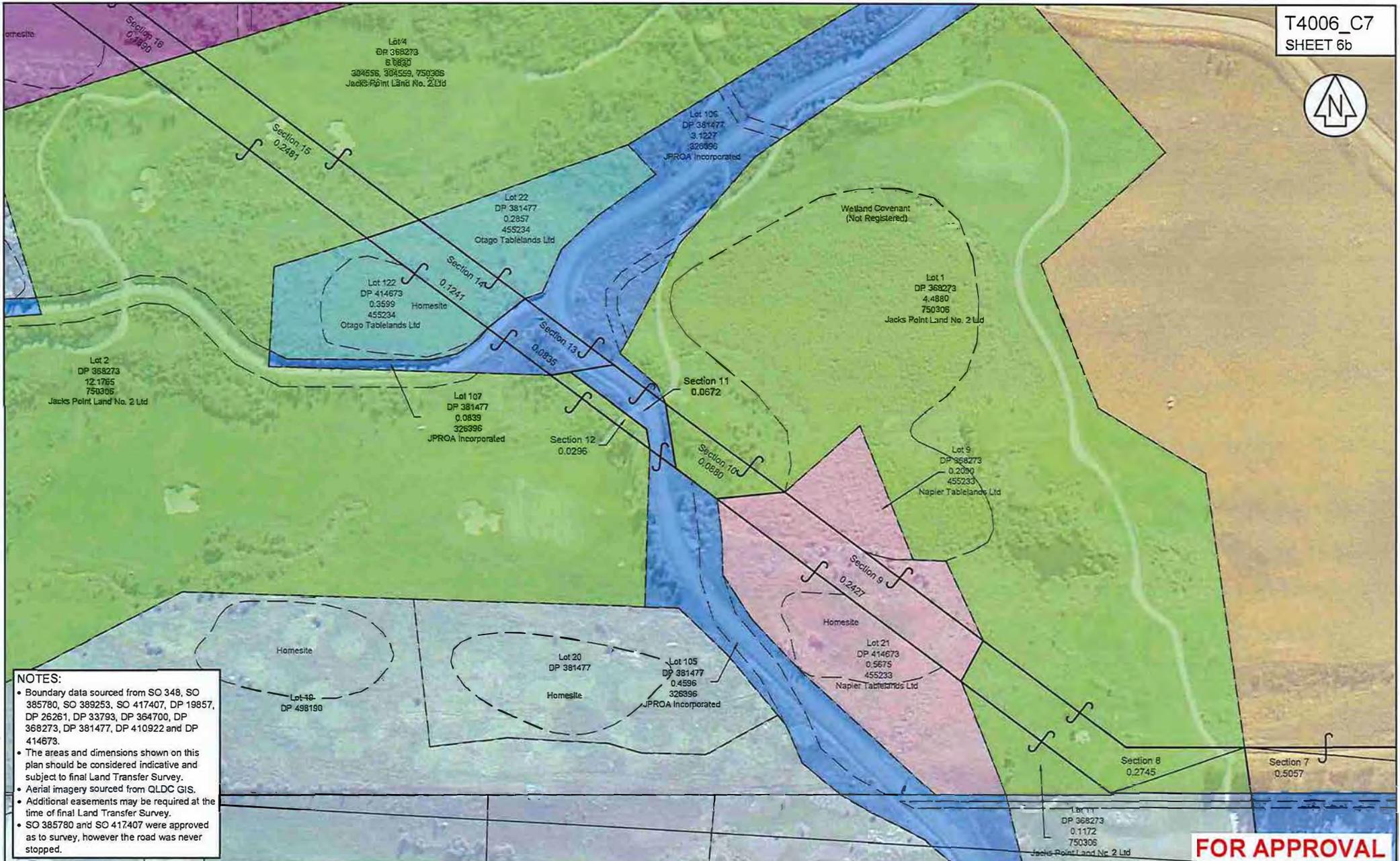
Jacks Point Proposed Road Stopping  
Existing Ownership  
Sections 1-19, 26 and 27

PREPARED FOR		SCALE	
Darby Partners		1:1500 @ A3	
SURVEYED		DATE	
AHB	XX/XX/XX	AHB	05/09/19
MS	05/09/19	AHB	05/09/19
DRAWING REFERENCE		REVISION	
T4006_C7		F	

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**FOR APPROVAL**



REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	19/02/19
B	ADDITIONAL AREA	22/05/19
C	EASEMENTS AND SCHEDULE	04/07/19
D	UPDATED EASEMENT SCHEDULE	26/07/19
E	AERIAL IMAGERY	05/08/19
F	ADDITIONAL EASEMENTS	05/09/19

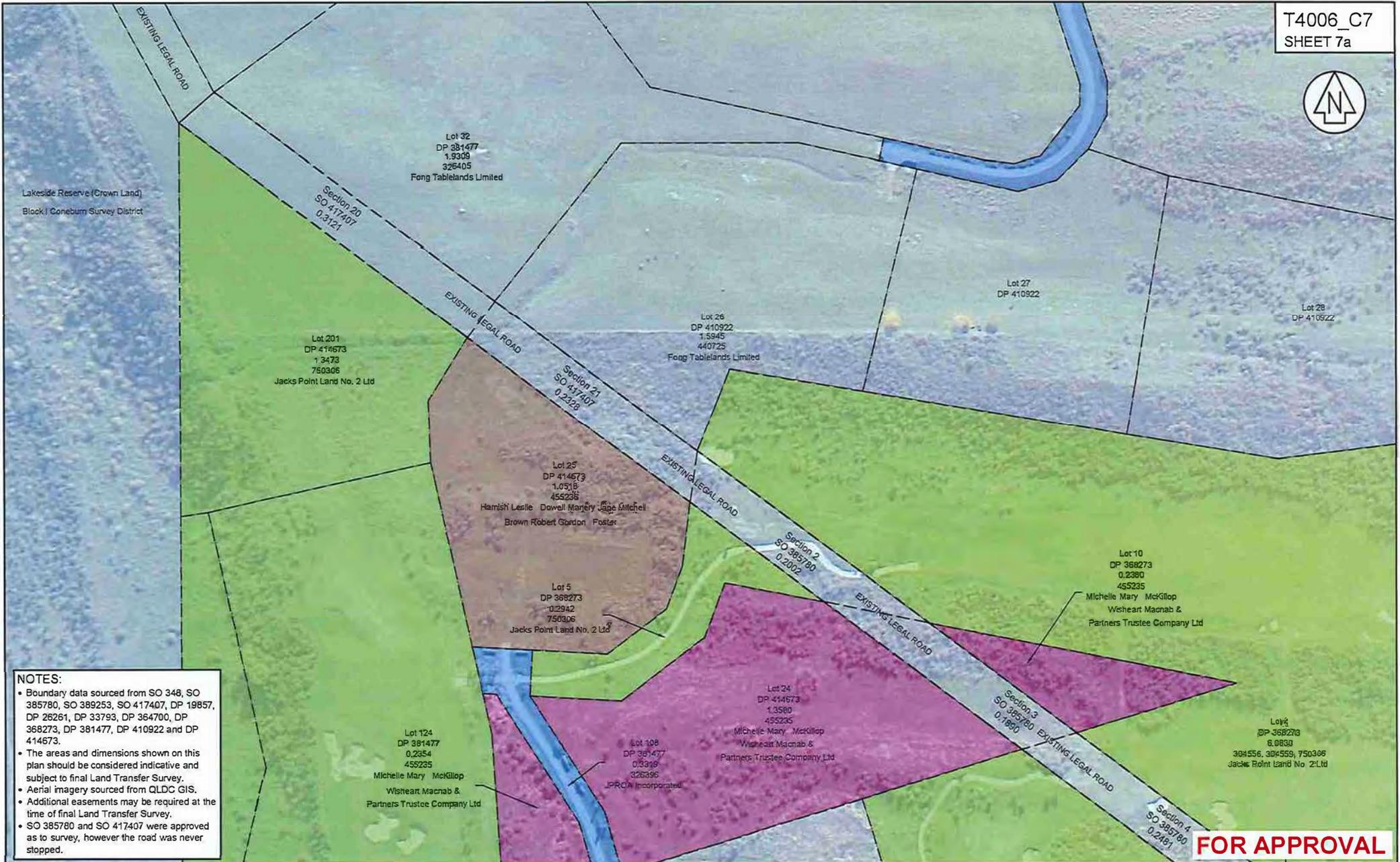
Jacks Point Proposed Road Stopping  
Ownership and Easements  
Sections 1-19, 26 and 27

PREPARED FOR		SCALE	
Darby Partners		1:1500 @ A3	
SURVEYED		DATE	
AHB	XX/XX/XX	AHB	05/09/19
MS	05/09/19	AHB	05/09/19
DRAWN		DATE	
MS		05/09/19	
PROJECT		REVISION	
T4006_C7		F	

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**FOR APPROVAL**



REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	18/02/19
B	ADDITIONAL AREA	22/05/19
C	EASEMENTS AND SCHEDULE	04/07/19
D	UPDATED EASEMENT SCHEDULE	26/07/19
E	AERIAL IMAGERY	05/08/19
F	ADDITIONAL EASEMENTS	05/09/19

Jacks Point Proposed Road Stopping  
Existing Ownership  
Sections 1-19, 26 and 27

PREPARED FOR		SCALE	
Darby Partners		1:1500 @ A3	
DATE		SATURDAY & LEVEL	
05/09/19		Mt Nicholas 1949	
DRAWN		CONTRACT NO. OR ORDER NO. - 000.00	
MS		T4006_C7	
DATE		REVISION	
05/09/19		F	

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### Earthworks - provisional quantities based on draft alignment only

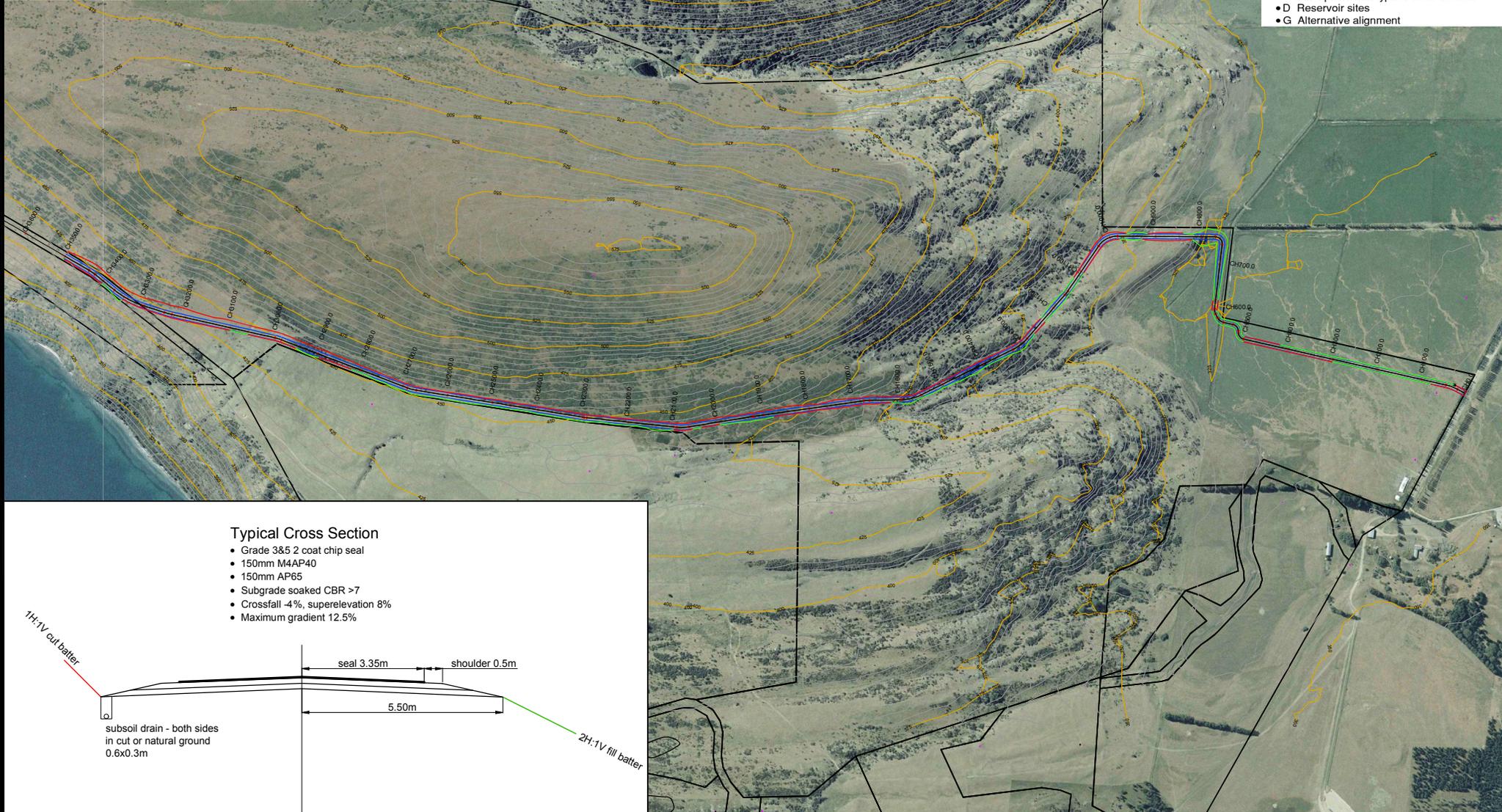
1	Clear existing vegetation	LS	1
2	Strip topsoil to stockpile	m3	17400
3	Cut to waste	m3	39600
4	Cut to Fill	m3	20800
5	Rock excavation (extra over rate)	m3 (PS)	20000
6	Respread topsoil, cultivate and sow	m3	5850

### PLAN NOTES

- Areas and dimensions subject to final survey.
- Surface features from site and aerial survey.
- 25.0m Major Contour Interval.

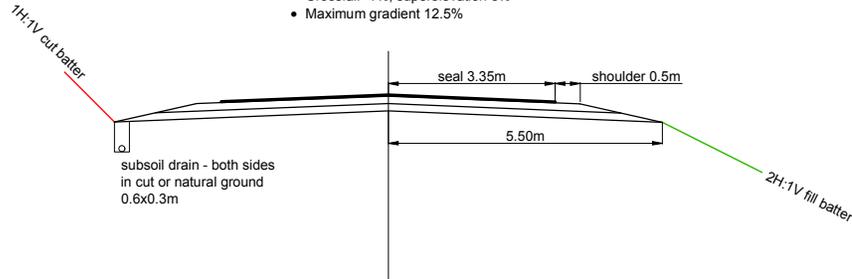
### PLAN REVISIONS

- A Original plan
- B Revised alignments
- C Final plans with typical cross section
- D Reservoir sites
- G Alternative alignment



### Typical Cross Section

- Grade 3&5 2 coat chip seal
- 150mm M4AP40
- 150mm AP65
- Subgrade soaked CBR >7
- Crossfall 4%, superelevation 8%
- Maximum gradient 12.5%



If this plan is 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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2006602 JACKS PT LEGAL RD REALIGNMENT REV 01.DWG

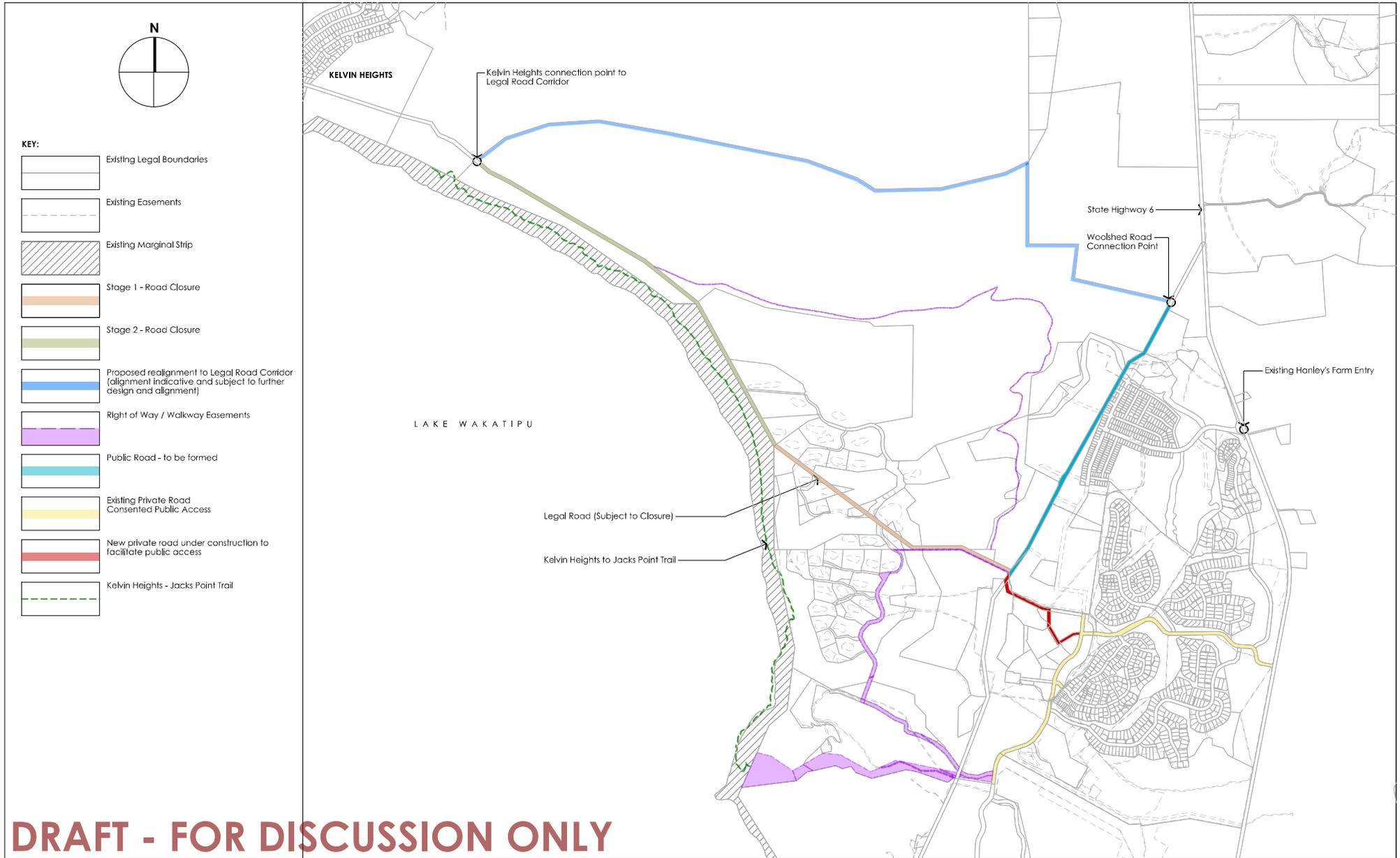


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JACKS POINT TO  
KELVIN HEIGHTS  
LEGAL ROAD

ALTERNATIVE  
REALIGNMENT  
OPTION

SURVEYED	G.H. LESTER	DATE: 2-Jun-20
DESIGNED	---	SCALE 1: 8000
DRAWN	G.H. LESTER	ORIGINAL PLAN A3
CHECKED	---	DRAWING & ISSUE NO.
APPROVED	---	2007.LRA.s01.Rev G



**DRAFT - FOR DISCUSSION ONLY**



SCALE: 1:10,000 (A1); 1:20,000 (A3)



NOTE:  
All boundaries and areas are subject to survey

REVISION:	NO.	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	Legal Road - Closure	22.11.19	TG	-	-	-
A	Plan Update - Additional Info	16.01.20	TG	-	-	-

**JACKS POINT  
LEGAL ROAD  
REALIGNMENT AND CLOSURE PLAN**

PLAN STATUS:	JOB CODE:	DRAWING NO:	REV:
DRAFT	JP_9_3	LEG-032	A