

SOUTH WAIRARAPA DISTRICT COUNCIL

5 FEBRUARY 2020

AGENDA ITEM C7

A REQUEST FOR THE PROPOSED VESTING OF TWO RIGHT OF WAYS SUTHERLAND DRIVE AND SOUTHDOWN DRIVE WITH COUNCIL

Purpose of Report

To inform councillors and seek approval from Council to the proposed vesting of the two Right of Ways Sutherland Drive and Southdown Drives with the Council.

Recommendations

Officers recommend that the Council:

1. *Receives the Request for the Proposed vesting of two right of ways Sutherland Drive and Southdown Drive with Council.*
2. *Approves the request for the vesting of the Right of Ways Sutherland Drive and Southdown Drive with the Council.*

1. Background

The South Wairarapa District Council is responsible for approving Right of Ways that are sought to be vested with the Council for ongoing maintenance and ownership. The current owners of the abovementioned Right of Ways seek for them to be vested with Council.

2. Discussion

In terms of location, these Right of Ways are both located in the rural area, to the south of Martinborough. Sutherland Drive comes off Fraters Road and Southdown Drive comes off Sutherland Drive. Both are located west of White Rock Road.

In terms of the size of these Right of Ways, Sutherland Drive has a length of 2.07km approximately, with Southdown Drive being a length of 1.48km approximately. In terms of the properties served by these two Right of Ways, Sutherland Drive has a total of 64 lots coming off it, and Southdown Drive serves a total of 14 lots.

The first rural subdivision off Sutherland Drive occurred in March 1999 and in January 2000 the first rural subdivision consent was granted off Southdown Drive.

2.1 Request for Vesting Sought by the Owners

The request for the vesting of the two Right of Ways with Council has been recently raised by the owners Elaine and Andy Sutherland. In their letter to Council of September 2019 and a subsequent meeting at Council Mr and Mrs Sutherland set out their reasons for the potential vesting along with raising issues associated with the local roading.

There are a high number of properties now served by the Right of Ways. Since the earlier sealing of Fraters Line (which was funded by subdivision contributions), and with increased rates of use there are more frequent potholes along these Right of Ways. Mr Sutherland has organised and had to undertake maintenance work, consisting of physical grading, remedying the surface corrugations along the route. There is also the collecting of contributions from property owners for the maintenance and upkeep of the roads.

Originally when the Sutherlands built the Right of Ways, they were to serve approximately 15 lots as per the District Plan at the time. With the Wairarapa Combined District Plan of 2011 Rule 20.1.2 (b), rural lot standards, provided for a minimum lot area of 4ha. With the resultant subdivision consents granted since then, there is a high number of properties and high use rate now on these roads in the Rural zone. In considering whether to vest the two Right of Ways the following points have relevance:

- The nature of the Right of Ways requires repeated maintenance
- Use rates has increased in intensity since early subdivision and forming
- The aspect of setting a precedent, however Roading Manager Tim Langley believes there is a low risk of precedent, and also noting Roading is a core activity of Council
- Should the Right of Ways be vested the cost to survey and legal costs will sit with current owners, along with minor improvements before acceptance
- With vesting the cost of regular maintenance cycles, and we be funded out of approved unsealed road maintenance, attracting NZTA subsidy
- Currently there is no intent to seal the Right of Ways.

Another option is for the status quo to remain and the Council manage the maintenance of the two Right of Ways at the cost of the Sutherlands.

3. Conclusion

It is recommended that Council approves the vesting of the Right of Ways Sutherland Drive and Southdown Drive to South Wairarapa District Council as part of ensuring overview of maintenance, and safety for local ratepayers and users.

The proposed vesting will increase the total length of roads maintained by the South Wairarapa District Council.

As the way forward, Council to accept the request to vest both Sutherland Drive and Southdown Drive, with no consideration for sealing of these roads by Council within the next 5 years.

4. Appendices

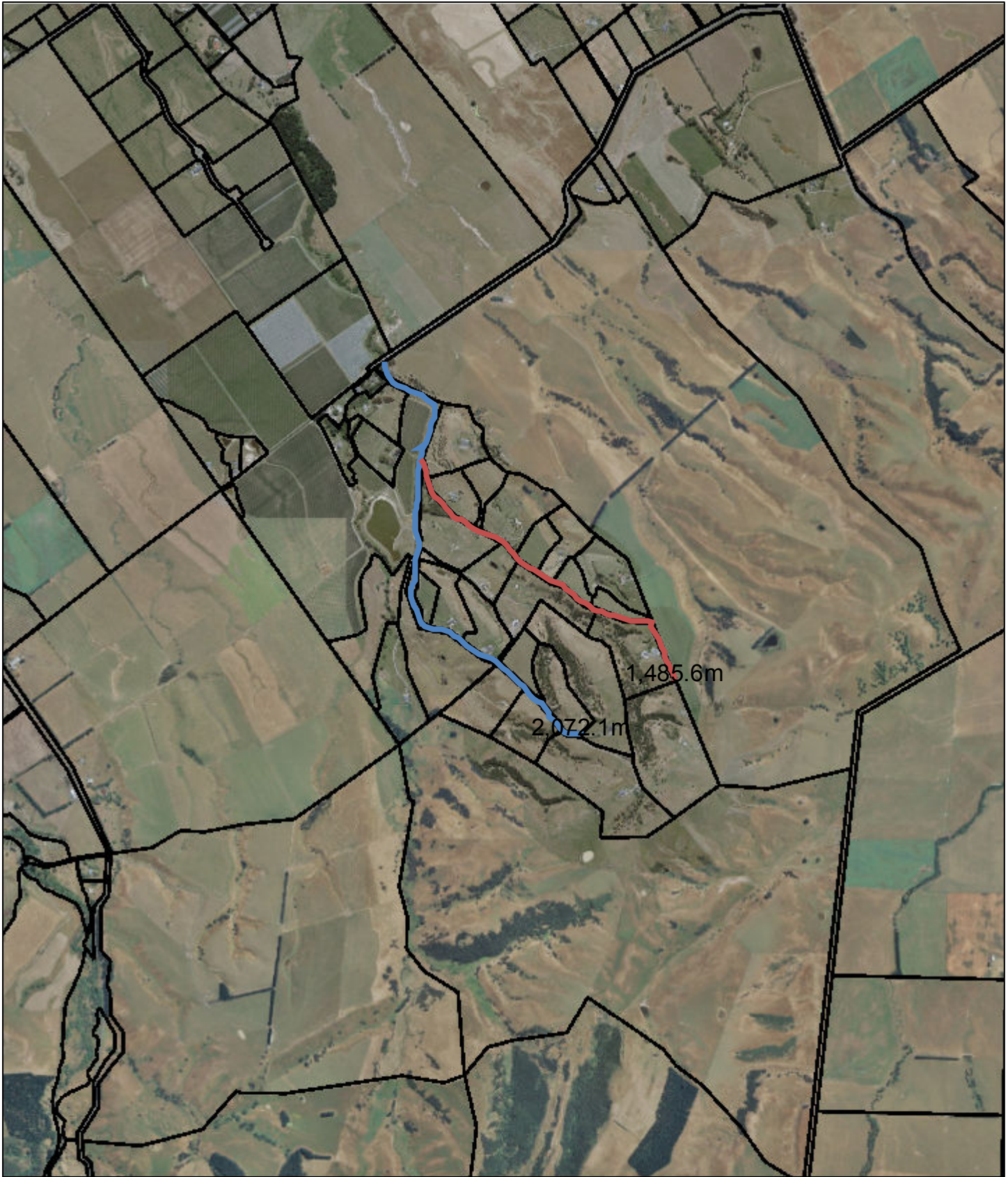
Appendix 1 – Southerland Drive and Southdown Drive Map

Contact Officer: Tim Langley, Roading Manager

Reviewed By: Russell O'Leary, Group Manager Planning and Environment

Appendix 1 – Southerland Drive and Southdown Drive Map

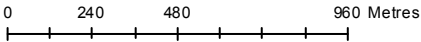
Sutherland Drive /Southdown Lane



January 8, 2020

1:21,363

- ☐ Masterton Property
- ☐ Carterton Property
- ☐ South Wairarapa Property



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