

POLICY

Roads and Streets

FORMATION OF UNFORMED ROADS

1 Introduction

An unformed road, or paper road as they are commonly known, is a road that has not been formed to Council road standards and is not maintained by the Council as a formed road. This situation generally arises because: the legal road may have been surveyed by a previous subdivision without formation being required or conditions being imposed; or, have been created in the original surveys of the District in colonial times; or, land use changes; or, building consents have allowed new buildings to be erected beyond the end of the maintained road.

Where a road has been formed to Council standards the Council usually maintains the road as part of normal operations.

The Council often gets requests to form unformed roads for various reasons. It may be because there is development proposed further along the unformed road or a property owner is building a new house along the unformed road. .

2 Policy Context

The Council's present policies and practices should ensure no new unformed roads are created. Subdividers are now required to form or upgrade roads to minimum acceptable standards as part of the subdivision process.

New dwellings relying on access to unformed legal roads is an ongoing issue because building consent may be granted by the Council and there is limited ability for building consent to be refused. Lack of formed access to the Council's standards is not a ground for refusal. Often access to the new dwelling in these situations will be by the construction of a driveway on the road reserve. This does not constitute a formed road to council standards and so the property owner will remain responsible for its ongoing maintenance.

3 Policy Objective

The objective of this policy is to ensure that the liability for upgrading any road is clearly with the resident/property owner/organisation requesting and benefiting from the upgrading.

4 Policy Statement

4.1 When a request to form an unformed legal road (a 'paper' road) is received, the applicants are to be advised that the following options are available to them:

- (a) To form the road to the Council's roading standards and specifications, or better, in which case the Council will accept on-going responsibility for its maintenance.
- (b) To form the road to a lesser standard that the applicant or the Consent Authority (including the Council's building or planning consent arms) may require, in which case on-going maintenance will be at the property owner's expense. The applicant is also to be advised that if this option is chosen they will not be able to restrict or control public access to or along the section of public road involved.
- (c) To request the Council stop the road, and thus allow formation of a private access way to the landowner's satisfaction and expense. The applicant shall be advised that if this option is chosen the Council may or may not support it; the costs will have to be borne by the applicant; the process that application must follow includes provision for public submissions and the

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Council has no control over the outcome of that process; ultimately any decision made in the road-stopping process is appealable through the Environment Court; and if the stopping is completed the applicant will be required to purchase the stopped road off the Council at an agreed value and amalgamate it with their existing title, at their expense.

- 4.2** In all instances a written application is to be made and approval given in writing by the Utilities and Roding Manager before any work starts.
- 4.3** Approval of option 4.1 (a) is to be subject to the following conditions:
- (a) All work is to be at the expense of those requesting it.
 - (b) All work is to be in accordance with Council's specifications and to its standards.
 - (c) The standards and specifications used for the work are to be those adopted and in use for similar access to similar properties upon subdivision.
 - (d) Future maintenance of the road, to appropriate standards, will become the responsibility of the Council following acceptance of the construction work from the contractor.
- 4.4** Where any dwelling house was lawfully erected prior to 23/1/92, and it has sole access to an unformed or substandard legal road, then the Council will contribute up to 50% of the cost of upgrading to the Council's standard, to be funded as a subdivision commitment.

5 Links to legislation, other policies and community outcomes

Local Government Act 1974 s319

6 Adopted by and date

Adopted by Council on 2 April 2013

7 Review

Review every six years or sooner on request.