

## Policy for Council Maintenance of Previously Unmaintained Paper Roads

### 1. Relevant Legislation

- Local Government Act 2002
- Local Government Act 1974
- Land Transport Act 1998
- Public Works Act 1981

### 2. Definitions

**Paper road** means a legal road shown on a survey plan that is either not formed as a road, or is partially formed as a road, and is not currently maintained by Council (also known as “unformed legal road”).

**Dwelling** means any building or structure used and occupied for human habitation or intended to be so used, but excludes mobile homes, caravans or any building or structure used solely for a seasonal vacation purpose.

**Community facility or activity** means Marae, halls, facilities and activities for tourism, accommodation or recreation.

### 3. Policy Objective

- 3.1 To provide certainty around the conditions which must be satisfied before Council will assume responsibility for maintaining a Paper Road previously unmaintained by Council.

### 4. General Approach

- 4.1. Council will assume responsibility for the maintenance of a Paper Road previously unmaintained by Council provided that:
- 4.1.1. All land owners whose only access to their properties is from the Paper Road have agreed to approach Council with a request for maintenance; and
- 4.1.2. At the time that the request is made in accordance with clause 4.1.1 the Paper Road is already formed to such an extent that it provides satisfactory access for those vehicles servicing activities along the road, which in any event must consist of at least a single carriageway gravel road; and
- 4.1.3. The Paper Road provides the only access for at least three dwellings on separate certificates of title where the access to those dwellings is no more than 500 metres apart from each other; or

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- 4.1.4. The Paper Road provides the only access for at least five dwellings where the access to those dwellings is no more than 500 metres apart from each other.
- 4.2 For the purpose of calculating the number of dwellings at clause 4.1.3 and 4.1.4 above, a community facility or activity shall be deemed to be the equivalent of one dwelling.

### 5. **Where a paper road is partly formed outside the legal road boundaries**

- 5.1. If a paper road has been partly formed and part or all of this formation lies outside the legal road boundaries such that some or all of the physical road is located on private land adjoining the paper road, Council will not agree to maintain that road unless:

- (a) the owners of the land upon which the road is formed agree through a legally binding agreement to transfer that area of land upon which the road is formed to Council at no cost in accordance with clause 5.2; and
- (b) all other conditions set out in clauses 4.1.1, 4.1.2, 4.1.3 or 4.1.4 have also been met.

- 5.2 Where a transfer of land is required in accordance with clause 5.1.(a), that transfer will be effected by way of the usual road legalisation process provided that:

- a) The Council shall fund the necessary costs to survey and legalise the road;
- b) The landowners shall fund any legal costs they incur.

### 6. **Council Discretion**

- 6.1. If through a change in circumstances any of the conditions set out in clauses 4 and 5 are no longer able to be met, Council may, in its sole discretion cease the maintenance of the road and leave the road at the standard existing when Council assumed responsibility for its maintenance.

### 7. **Conditions for On-Going Council Maintenance**

- 7.1. When all of the conditions set out in clause 4 (and where applicable, clause 5) have been met then Council will take over the road maintenance on the following basis:

- a) Paper Roads will be maintained by Council's roading contractor and to the condition existing at the time Council assumes responsibility for ongoing maintenance;
- b) Paper Roads will be maintained up to the access of the last qualifying dwelling and not beyond. In the context of this Policy, qualifying dwelling refers to those dwellings that meet the requirements of clauses 4.1.3 or 4.1.4.

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- c) Council will determine when or if the road will be upgraded to Council standard through the annual budget process, the timing for which shall be at Council discretion with the costs of any upgrading met by Council.
- d) Council will determine when to undertake any required road legalisation as set out in clause 5.

### 8. When the Policy doesn't apply

- 8.1 This Policy does not apply if a land owner has previously reached agreement with Council (whether through a consent process or otherwise) that access to a particular property or properties will be granted without the usual requirement to form the road to Council's prescribed standards. In these cases the obligation to maintain the road will continue to be that of the relevant land owners.

### 9. Associated Council Policies and Procedures

- Western Bay of Plenty District Council's Long Term Plan;
- Western Bay of Plenty District Council's Annual Plan;
- The submissions process for the draft long term plan and draft annual plan and adoption of these final plans.

<b>Group</b>	Corporate and Planning Services	<b>Contact (3<sup>rd</sup> Tier Manager)</b>	Policy, Planning and Community Manager
<b>Supersedes</b>			
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