

Policy # 4105 - Private Roads and Right of Ways

Date Issued: 23 November 1998

Under the Local Government Act 1974, Section 349, Council may declare private roads or right of ways to be public road, subject to them being "properly formed by the owners thereof...".

In considering the status of private roads or multiple right of ways, it is important to note that the greatest difficulty experienced by landowners is in respect to arranging for, and carrying out, maintenance. This factor increases substantially the larger the number of properties involved.

- 1 That landowners may apply to have private roads and right of ways serving five (5) or more lots declared public road, in accordance with Section 349 of the Local Government Act 1974. The application will thereafter be subject to Policy # 4103 (Limits of Council Responsibility for Formation/ Maintenance of Roads).
- 2 It shall be a condition of all future subdivisions with access serving five or more lots, that such access be declared public roads. This will become a condition of subdivision consent, involving the "creation" or "upgrading" of the road to a standard satisfactory to Council.