



What is a Paper Road?

Paper roads, sometimes referred to as "*unformed legal roads*", are fairly common in rural New Zealand and often cross or border rural properties. While they are generally shown on survey plans and online services such as GIS Maps they can be difficult to physically identify when actually visiting/inspecting a property.

As paper roads have the same legal status as any other legal road the public are legal guaranteed their right to travel the paper road be it on foot, horseback or in a vehicle. The only difference is that there is no requirement from the Council to maintain them, hence the unformed term.

Traditionally a significant portion of the public weren't aware of the existence of paper roads let alone that there were some in their locality. The improved access to information, particularly online, is seeing this change.

How did Paper Roads come about

The majority of paper roads were created in the 1800's to early 1900's by people based in England who had little, if any, knowledge of the terrain the road was crossing. Additional survey records did not have anywhere near the degree of accuracy that they have today. As a result of this lack of local knowledge in many locations paper roads may be inaccessible or unlikely to ever result in a road being formed. Additional due to historical survey limitations their location may be inconsistent with today's aerial or satellite photographs which leads to uncertainty as to their exact location.

Ownership and Maintenance of Paper Roads

The local Territorial Authority (e.g. Auckland Council) owns and administers all roads in its district excluding state highways it is responsible for paper roads. There is however no requirement for the Territorial Authority to legally form, repair or maintain paper roads. In Auckland formed roads are managed on behalf of Auckland Council via Auckland Transport.

Paper Roads are now Public Knowledge

Successive governments in recent times have elected to foster access to outdoor areas as a way to improve general public well being. The *Walking Access Act 2008* basically guarantees the New Zealand public practical walking access to the outdoors. This Act resulted in the Walking Access Commission being formed and the Commission has developed an online Walking Access Mapping System (WAMS) to show land open to public access, including paper roads.

Refer to: www.wams.org.nz or the Commission's website www.walkingaccess.govt.nz

What are Your Rights and Responsibilities

In some cases it may be difficult for a visitor to accurately determine the exact location of the paper road and you could utilise this as justification to refuse entry. However, you must remember that the public have the right to use the paper roads.

If uncertainty as to where the paper road is causes you ongoing problems with public access you can choose to mark the location of the paper road including fencing it off. It should be noted that the Territorial Authority could legally require you to fence your boundary with the paper road.

You must not obstruct the paper road with fences, trees, vegetation, buildings or locked gates. While you are entitled to erect a gate it must remain unlocked. **Members of the public must** ensure that gates are left as they are found.

Additionally your stock must not prevent public using the paper road however where use of the road is infrequent or unlikely and your stock are unlikely to inconvenience or present a danger to users of the paper road you can apply for an exemption from this rule.

It is worth noting that uses of the paper road are required to leave it in the same state as prior to their use and if access, e.g. via motor bikes, is likely to cause damage to the paper road you can ask the Territorial Authority to ban access to the road. You also need to be aware of your obligations under the Health & Safety in Employment Act 1992 and this may require you to erect appropriate signs near the paper road.

Resolving Disputes

As the Territorial Authority owns and administers all roads, it may assist in the resolution of disputes in relation to paper roads. The Walking Access Commission is able to assist with disputes about walking access. Otherwise, the Disputes Tribunal or the District Court may be the appropriate forum to resolve a dispute.

If the dispute relates to the exact location of the paper road then a professional survey may be required.

Closing or Stopping a Paper Road

Finally, it is possible to ask the Territorial Authority to close or stop a paper road. The Territorial Authority will weigh up the value of the paper road, as it will be difficult to replace, against the interests of the landowners and the applicant.

Disclaimer:

1. *This document is intended to provide a brief overview of paper roads and not to be the definitive guide in relation to paper roads;*
2. *If you have concerns in relation to a paper road it is strongly recommended that you undertake your own investigation as to the accuracy and completeness of this document and the implications of the paper road in relation to your situation.*