

DWELLINGS ON UNFORMED LEGAL ROADS POLICY

Source: Council	
Date: February 2020	
Reviewed:	Next Review: February 2023
See also:	

1. That Council requires all owners of dwellings on Council owned unformed legal road to enter into a licence to occupy.
2. The licence to occupy is non-assignable, the sale and purchase of any dwelling covered by this policy will require a new licence to occupy to be entered into, prior to the completion of the dwelling sale and purchase.
3. Where a licence to occupy is not entered into by dwelling owners before 1 September 2020, Council may require the removal of all improvements and reinstatement of the land back to a suitable condition as determined by Council, by no later than 1 December 2020.
4. That the licence to occupy includes a non-renewable 25-year term as a maximum, expiring on 1 September 2045.
5. That at the termination of the 25-year term of the licence to occupy, dwelling owners are not entitled to any compensation from Council and must remove all improvements from the Council unformed legal road, within three months after the expiry of the licence to occupy, being no later than 1 December 2045.
- 5a. Annual Licence Fee shall be 2.5 percent of the rateable land value of the Licensed Area undertaken by a registered valuer appointed by the Council, and the equivalent rates apportionment on the property by Council. The Annual Licence Fee pursuant to this clause shall be reviewed after every valuation and reported within Council's Long-Term Plan.
6. That any dwellings and/or appurtenances which are considered, in the opinion of the Council, to be unsafe or a health risk shall be removed by the dwelling owner within three months of receiving a notice from Council unless the identified dwelling and/or appurtenance is made safe and/or the health risk is remedied to the satisfaction of Council. If the dwelling owner fails to comply with this order, the Council can remove the dwelling at the dwelling owner's expense.
7. The licence holders shall not restrict public access, allowing them to ingress, egress and regress anywhere along the unformed legal road, excluding access into buildings.

8. That no further additions or improvements to the dwellings are permitted other than:
 - (a) reasonable standard of repairs and maintenance; and
 - (b) upgrading of wastewater systems with the prior consent of council as the landowner in addition to the obtaining of any necessary regulatory consents
9. Dwellings shall not be used for the undertaking of commercial activities.
10. That no new dwellings and/or appurtenances be allowed to occupy unformed legal road.
11. If a licensee requests that Council undertake a road stopping process with respect to the licensed area, any decision on whether or not to undertake the process is entirely at the Council's discretion. Approval may be declined or approved subject to such terms and conditions as the Council thinks fit, including a requirement that the licensee pays the Council's costs, including legal costs, in relation to the road stopping process.
12. Where dwellings and/or appurtenances encroach upon unformed legal road, Council at its discretion shall notify the owners and may require that a licence to occupy be entered into. Where the occupiers of the dwellings choose not to enter into a licence agreement then the policy regarding the removal of any improvements shall apply.
13. Any dwellings, or parts thereof, located on unformed legal road that are not licenced will be managed in accordance with this policy as they come to the notice of council.
14. The licensee shall comply with all terms and conditions of the licence to occupy and any subsequent legal amendments as determined by the licensor.

Interpretation

Definitions:

"Appurtenances" means any structure or artefact that is associated with the dwelling, such as, septic tank and disposal system, water tank, deck, etc.