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To:	Chairperson and Members
From:	Sue Southey, Manager Planning and Regulatory Services
Endorsed by:	Pim Borren, Chief Executive
Date:	21 March 2016
Subject:	Fernglen Road
INFORMATION	
Recommendation: That Council notes the information contained in report 036/16.	

Purpose

The purpose of this report is to inform the Notice of Motion from Cr B Goodwin.

Status

Fernglen Road (also known as Lennies Road) is a legal paper road, unformed by the Council. Unformed (paper) roads have the same status as any other legal road, which means that the public can pass and repass over them on foot, on horseback, or in vehicles.

Under the Local Government Act 1974, the Council owns and administers all roads, however, **it does not have any legal obligation to form, repair or maintain a paper road.**

Whilst the public has a right to use a public road, in practical terms public use may be difficult or unsuitable (particularly for vehicles) because of the topography or terrain involved.

The public right only extends as far as the road itself, and does not extend to surrounding land.

History

Fernglen Road is located 40km from Masterton off the Ngahape Road and traverses Ngaumu Forest which is leased by Juken NZ Limited (JNL) under a Crown Forest Licence.

Prior to occupation by JNL the NZ Forest Service had formed a forestry road for their use. JNL has also built a roadway, and whilst this follows the legal roadway in places does deviate onto JNL's leased land for a considerable part of its length.

Until recently there was a locked forestry gate across the entrance to Fernglen Road, this gate provided walking and bicycle access. It is illegal to block a paper road and/or otherwise prevent someone from using it so at the Council's request JNL removed the gate and constructed themselves a new access. Whilst undertaking this work they deposited spoil and trees on to the paper road preventing access.

At Council's request this was removed and as a result the surface was left uneven and muddy. Once this dried out the paper road was passable on foot, cycle and motorcycle.

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Since then a slip, including a tree, has come down from the bank above the paper road and effectively blocked the paper road for all access except foot and mountain bike.

A survey has been carried out and the remaining sign belonging to JNL has been relocated again to property under their care.