

4 March 2024

Daniel Just
fyi-request-25383-c66bf558@requests.fyi.org.nz

Kia ora Daniel,

Thank you for your correspondence dated 2 February 2024, requesting information about Unformed Legal Roads (Case CAS-854541-G4J9D5).

We would approach an obstruction constructed across an unformed legal road as being a breach of section 357 of the Local Government Act 1974 – because it is an unauthorised encroachment. There is of course also the common law right to pass and repass on the highway which applies to unformed legal roads as much as it does to formed roads. While this informs our stance that unformed legal roads should not be intentionally obstructed it does not come with its own enforcement powers.

Please refer to the below links to the AT website that supplies information about the subject for your attention:

<https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/unformed-legal-roads-paper-roads>

<https://at.govt.nz/media/926025/Management-of-unformed-legal-roads.pdf>

We have answered your questions below.

Disclosure of the Auckland Council process for action on Unformed Legal Roadway enforcement and rectification. Process from beginning of identification of issue or complaint through to resolution, including SLA and typical resolution times.

Please note that as this is a matter relating to roads it is within the jurisdiction of Auckland Transport rather than Auckland Council. We do not hold any specific document that sets out a standardised process for taking action on the enforcement of laws relating to unformed legal roads. Cases usually come to our attention by being raised by members of the public and each tends to be investigated on its merits. Therefore, your request is declined under 17(e) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as the requested information does not exist.

Number of requests through Auckland Council (Including the properties team) for action/enforcement/correction of access to an Unformed Legal Roadway, recorded by year to date (As far as records allow).

We do not index the records of our customer requests in a way that would allow us to filter the data to find only those records where requests had been made for action/enforcement/correction of access to unformed legal roads. Without an automated way to find this data we would have to rely on staff reading the relevant records of every case related to unformed legal roads received by Auckland Transport since November 2010 to determine which ones met the criteria of your request. This would require a very substantial amount of research and collation.

Therefore, your request is declined under 17(f) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as the requested information cannot be made available without substantial collation.





Number of enforcement actions taken to restore access to Unformed Legal Roadways, and the road names this corresponds to.

Your request is declined under 17(f) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as the requested information cannot be made available without substantial collusion.

If possible, the budget allocation against the ongoing enforcement and review of access to Unformed Legal Roadways (e.g inspections, call centre staff, admin staff, properties staff, enforcement team.)

Auckland Transport has no specific budget allocated for the enforcement of unformed legal road matters – each case that is brought to our attention is dealt with as a component of staff time as part of the day to day duties of the staff members involved. This is the same for matters relating to the review of access to unformed legal roadway. It would not be possible to calculate the total cost of the staff time of the various staff who may have been involved in matters related to access to unformed legal roads.

Therefore, your request is declined under 17(e) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as the requested information does not exist.

Our Transport Controls Manager would be happy to talk through these matters with you and may be able to provide you with useful and specific information if there is some particular matter you are interested in. If you would like our Transport Controls Manager to get in touch with you, please email us at atofficialinformation@at.govt.nz quoting your case number (Case CAS-854541-G4J9D5) and the best contact number to reach you on.

I trust this clarifies your request, but should you believe that we have not dealt with your request appropriately, you are able to make a complaint to the Office of the Ombudsman in accordance with section 27(3) of the LGOIMA Act and seek an investigation and review regarding this matter.

Regards

A handwritten signature in black ink, appearing to read 'Phil Wratt', is positioned above the printed name.

Phil Wratt
Engagement Manager, Customer Care