



ROADING POLICIES

JANUARY 2015

Record of Amendments

Amendment No.	Subject	Effective Date	Updated By
Version 1	Draft for Consultation	18 September 2015	Julie Muir
Version 2	Amended to include feedback from Consultation	February 2014	Julie Muir
Version 3	References to Road Hierarchy in Section 1.6 updated to reflect One Network Road Classifications	22 January 2015	Julie Muir

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INTRODUCTION

1.1 Purpose of the Roothing Policy

The purpose of the roading policies is to ensure that Council can achieve its vision of a safe, efficient and fully accessible transportation network by managing activities of landowners and individuals when these affect the operation of the road network.

The roading policy does not detail the activities that Council undertakes to provide a network of formed roads, footpaths and car parks which meet the needs of the user. This information is contained in the Roothing Activity Management Plan. More information regarding this is contained below under ‘Other Strategic Roothing Documents’

1.2 Objectives of the Roothing Policy

The overall objectives of the roading policies are:

- to clearly and concisely document the requirements for landowners and individuals undertaking activities on roads
- to put in place a minimal regulatory framework to ensure the safety of people using roads and protect the roading assets from damage
- to ensure application and permitting processes are simple and efficient
- to keep administration costs to a minimum
- to ensure that enforcement can be undertaken quickly and effectively
- to recover administration and enforcement costs on a user pays basis.

1.2 Other Strategic Roothing Documents

The Roothing Activity Management Plan is the key strategic document which outlines Councils strategic objectives for Transportation, and the activities Council undertakes and decision making processes that are used to provide a network of formed roads, footpaths and car parks which meet the needs of the user. The Asset Management Plan contains the following information:



The Activity Management Plan is reviewed every three years, and will be available on Council’s website from 2015.

In addition to the Activity Management Plan, Council also has the following Roothing Strategies:

Strategy	Adopted
Seal Extension Strategy	September 2004, updated May 2007
Walking and Cycling Strategy	August 2004
Safety Strategy	February 2005
Standards for Gravel Roads for Inclusion on CODC Roothing Hierarchy	February 2004

1.3 Road Safety

Safer Journeys is New Zealand's road safety strategy to 2020, with the vision of a 'safe road system increasingly free of death and serious injury'. At the heart of Safer Journeys is the Safe System approach, which recognises that some error and some crashes are inevitable.

The safe system differs from the traditional approaches to road safety which focused largely on the actions of the road user.

The safe system approach is based on four principles:

1. People make mistakes.
2. People are vulnerable.
3. System designers and users need to share responsibility.
4. We need to strengthen all parts of the system: roads and roadsides, speeds, vehicles, and users.

The shared responsibility principle requires both road users and system designers to take an increased role in creating safer roads. A safe road system starts with good planning. Council's roading policies and bylaw demonstrate the importance that Council places on its role in creating safer roads.

Key components of the safe system are the four elements:

- **Safe roads** – that are predictable and forgiving of mistakes. They are self explaining in that their design encourages safe travel speeds.
- **Safe speeds** – travel speeds suit a road's function and safety level. Drivers understand and comply with speed limits and drive to the conditions.
- **Safe vehicles** – that prevent crashes and protect road users, including pedestrians and cyclists, in the event of crash.
- **Safe road use** – road users that are skilled and competent, alert and unimpaired. They comply with road rules, take steps to improve safety, and demand and expect safety improvements.

Council has committed to integrating the Safer Journeys and safe system approach in Council activities where appropriate. Many of the roading policies contained within this document contribute to the safe roads and roadsides, and safe road use elements of the safe system. The method by which each policy contributes is detailed within this document.

1.4 Roding Bylaw

A Roding Bylaw is being prepared to enable Council to undertake a simple enforcement process when activities are occurring on roads which affect road safety, accessibility of others, or damage the road assets.

This Roding Policy provides background for the development of the Roding Bylaw, and provides a guideline for when enforcement will be undertaken.

1.5 District Plan

Specific references to the Central Otago District Plan have been included in some of the policies where there are rules in the District Plan relating to these activities. In the event of any conflicts, the District Plan and any conditions imposed on a resource consent take precedence over the Roading Policy.

1.6 One Network Road Classifications and Central Otago Road Sub-Classifications

The Central Otago District Roading Hierarchy has been revised in January 2015 to align with the One Network Road Classification System. This is a national road classification system that has been developed by the Road Efficiency Group which is a joint initiative between road controlling authorities, the NZ Transport Agency, and Local Government NZ.

The One Network Road Classification will be an essential tool in decisions on future roading planning, investment and maintenance. It will help local government and the NZ Transport Agency make these decisions in a more strategic, consistent and affordable way throughout the country.

Information regarding the road classification system, levels of service, and how these are established is documented in the 2014 Roading Activity Management Plan which is a background document to the 2015 Long Term Plan.

A full list of maintained roads and their classification and sub classifications is available on Councils website.

There are eight One Network Road Classifications, of which Central Otago District Roads and Streets fall within the bottom five classifications as outlined below. Each road is classified based on its typical daily traffic volumes (AADT), heavy commercial vehicle volumes or bus (urban peak) numbers. Roads may be lifted up a classification if they also meet specified criteria regarding connectivity to hospitals, population centres, regions, airports, tourist destinations, or freight volumes.

Gravel roads in the Access and Low Volume Access Road classifications have a further Central Otago District Sub-Classification. These roads comprise ??? of the network, and a further breakdown of this large group is required to enable efficient work planning and prioritisation of response.

Arterial

These roads make a significant contribution to social and economic wellbeing and they link regionally significant places, industries, ports or airports. Their functionality is increased if they provide the only 'lifeline' route to some places within the region. In urban areas they may have significant passenger transport movements and a higher number of pedestrians and cyclists using the road.

Arterial Roads have more than 3,000 AADT in rural areas and more than 5,000 AADT in urban areas, or carry more than 300 heavy vehicles per day.

The only Arterial road on the Central Otago District Council network is Barry Avenue in Cromwell. State Highways 8 and 8A on the State Highway network are Arterial roads.

Primary Collector

These are locally important roads that provide a primary distributor/collector function by linking significant local economic areas or areas of population. They may be the only route available to some places within the region and in urban areas they may have moderate passenger transport movements and numbers of pedestrians and cyclists using the road.

Primary Collector Roads have more than 1,000 AADT in rural areas and more than 3,000 AADT in urban areas, or carry more than 150 heavy vehicles per day. There are no Primary Collector State Highways in Central Otago.

1.3% of the roads on the Central Otago District Council roading network are Primary Collector roads.

Secondary Collector

These are roads that provide a secondary distributor/collector function in that they link local areas of population and economic sites and may be the only route available to some places within the local area.

Secondary Collector Roads have more than 200 AADT in rural areas and more than 1,000 AADT in urban areas, or carry more than 25 heavy vehicles per day.

9.5% of the roads on the Central Otago District Council roading network are Secondary Collector roads.

State Highways 85 and 87 on the State Highway network are also Secondary Collector Roads.

Access and Low Volume Access Roads

These are all other roads.

Access Roads have more than 50 AADT in rural areas and more than 200 AADT in Urban areas, and carry less than 25 heavy vehicles per day. Low Volume Access roads have less than 50 AADT in rural areas and less than 200 AADT in Urban areas.

24% of the roads on the Central Otago District Council roading network are Access roads, and 65% are Low Volume Access roads

In order to enable effective day to day management of the extensive network which falls within these two classifications, the gravel roads are further split into five CODC Hierarchy classifications. Hierarchy classifications are used for programming of grading, priority of response in emergency events, priority of renewals work, and the width of the road.

Traffic data for a number of gravel roads is outdated and is being updated to enable more robust classification of these roads in 2017. Estimates of the existing traffic volumes on some roads have been used for assigning the 2015 classifications.

Access - Major Gravel Roads

Major gravel roads are roads which have more than 50 vehicles per day and have a higher than normal percentage of heavy vehicles or higher use alternative through routes.

Access - Intermediate Gravel Roads

Intermediate gravel roads are roads which have more than 50 vehicles per day, are through roads and form part of a route which services an area, service significant horticultural, farming or industrial activities, are higher volume gravel roads in lifestyle block areas, are part of school bus routes, or other activity of importance to the community.

Low Volume Access - Minor Gravel Roads

Minor gravel roads are roads which have less than 50 vehicles per day, and provide access to more than three houses or are used as an alternative through route by a number of properties.

Low Volume Access - Lanes

Lanes are gravel roads which have less than 50 vehicles per day, and provide access to three or less houses. While these roads may be a through route there are alternative higher classification routes available and they are generally only used as access to farmland or by residents of three or less houses.

Low Volume Access - Back Country Tracks

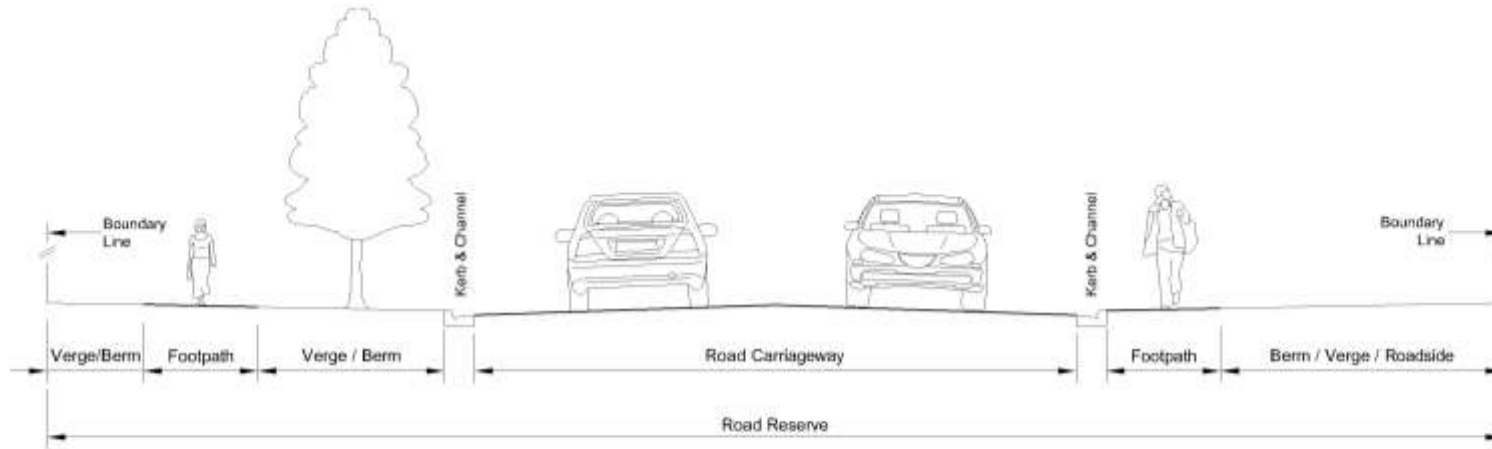
Back Country Tracks have less than 50 vehicles per day, service land use beyond dwellings and buildings and provide high country access.

1.7 Scope of Activities

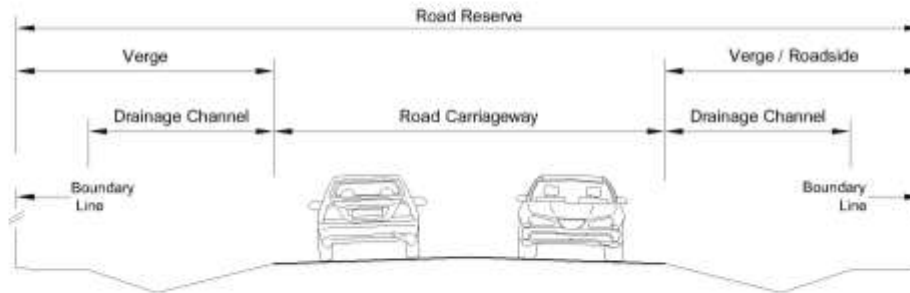
These policies apply to any road reserve which is under the control of Council including State Highways where this function has been formally delegated to the Council by the New Zealand Transport Agency.

The New Zealand Transport Agency has currently not formally delegated any of the activities covered under these policies to Council, and therefore must be contacted where these occur on a State Highway.

1.8 Typical Road Cross Sections



TYPICAL URBAN CROSS SECTION
Not to Scale



TYPICAL RURAL CROSS SECTION
Not to Scale



2. TEMPORARY TRAFFIC MANAGEMENT

2.1 Purpose

To identify when temporary traffic management is required, the code of practice used, and the process that is followed.

Traffic Management Plans for work which involves State Highways will require approval of the NZTA.

2.2 Objective

The objective of this policy is to:

- Provide for the health and safety of people on the road.
- Provide for public access while work or events are occurring on roads

2.3 Road Safety Implications

Any activity which is occurring within the road reserve has the potential to impact on road safety by:

- placing event participants or workers at risk of being hit by a vehicle
- causing confusion for people driving on the roads
- creating a distraction for motorists
- placing vulnerable road users such as pedestrians and cyclists at risk of being hit by a vehicle.

Temporary traffic management is required to mitigate these risks.

2.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

2.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 353 states that Council must take all sufficient precautions for the general safety of the public and traffic and workers employed on or near any road. This includes a requirement to take reasonable precautions to prevent crashes by implementing traffic management.

2.6 Policy – Traffic Management

Scope of Activities

The type of activities which are undertaken on roads which are covered under this policy includes, but are not limited to:

- Undertaking an event within the road reserve such as fairs, parades, markets
- Undertaking a sports event within the road reserve

- Hanging banners or signs within the road reserve
- Putting a pipe or cable along or across a road
- Installing a bore on the road verge
- Trimming or cutting down trees on verges
- Trimming or cutting down trees on private land if these may fall on the road reserve
- Trimming or cutting down trees on private land if these are cut from the road reserve
- Working from equipment located within the road reserve such as excavators
- Storing material or machinery on verges or footpaths
- Working on or over footpaths
- Cleaning irrigation races within road reserve
- Constructing a vehicle crossing or access way

Traffic Management

Traffic management must be undertaken in accordance with the requirements of the New Zealand Transport Agency Code of Practice for Temporary Traffic Management Local Road Supplement (NZTA CoPTTM Local Road Supplement)

A traffic management plan must be prepared, approved and implemented for:

- all work which involves establishment of plant and/or workers on the road reserve
- activities which are undertaken on adjoining land but will impact on the safety or movement of people on road reserve while the work is taking place.

Work which involves excavation, or disturbance of the ground within the road reserve also requires a permit for working on the road. The requirements for this are outlined below under Services in Roads.

Consideration for Cyclists

Signs installed for temporary traffic management must not be placed in locations which are in the path of cyclists or on road shoulders where they could cause a hazard to cyclists.

Contractors Who Regularly Undertake Work on Roads

Council expects contractors who regularly undertake work within road reserve, or work which impacts on road users, to have generic traffic management plans for their activities.

Generic plans are approved on an annual basis and can be used as required.

The generic plans need to be resubmitted annually to incorporate any changes to personnel, or traffic management standards.

Landowners and One-off Activities

Council understands that there are occasions when landowners need to undertake work which may affect the road, or alternatively may need to be undertaken from within the road reserve. An example of this is trimming or clearing trees which are on land beside the road.

If the work will benefit the road then Council may be able to assist with traffic management. Council is also able to provide standard traffic management plans for some activities, which the landowner can then implement. Plans for some activities are available from our website.

Alternatively, Council staff will be able to refer landowners to organisations who are able to provide traffic management assistance if this is required.

Failure to ensure that traffic management is provided may result in work being stopped and fines may be imposed.

Landowners are encouraged to contact Council staff who will be happy to provide advice and assistance.

Community Events

Event organisers are encouraged to contact Council staff for assistance with implementing temporary traffic management plans for events. Council has provided a grant to Sports Central who has signs available for sports and community events.

If these are not available the Council staff can provide advice on how to prepare traffic management plans and hire signs.

Failure to ensure that traffic management is provided may result in events not being approved, being closed, and fines may be imposed on event organisers.

Event organisers are responsible for preparing and communicating a pre-race/event briefing to all participants, volunteers and employees, which details the traffic management plan, identifies hazards and risks, road closures, and any requirements imposed by Council as the Road Controlling Authority.

3. SERVICES ON ROADS

3.1 Purpose

To enable services to be located within the road reserve.

3.2 Objective

The objective of this policy is to ensure that:

- public services are located in a manner which does not impact on road safety, or future road maintenance and renewal costs
- the road corridor is utilised in an effective manner so that any particular service does not compromise other or future service providers or road users
- ensure that reinstatement is carried out to a standard which does not result in any ongoing costs or reduction in road safety.

3.3 Road Safety Implications

Safe location of above ground services within the road corridor is essential in order to provide roads which are forgiving of mistakes.

Installation of services within the road reserve has the potential to impact on road safety by:

- creating an obstacle which can be hit in the event of a crash
- causing damage to the road surface through inadequate reinstatement
- placing loose material on the road surface during construction.

3.4 Enforcement Provisions

Enforcement provisions are provided for under The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) and are legislated under the Utilities Access Act 2010.

3.5 Statutory and Legal Requirements

There are a number of pieces of legislation which enable the location of public services within road reserve. These include the Telecommunications Act 1987 and the Electricity Act 2002. Council also locates Council-managed public services such as water and sewage infrastructure within road reserve.

The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) is now a legislated requirement under the Utilities Access Act 2010. The Code applies to the activities of all transport corridor managers and utility operators throughout New Zealand.

The requirements for installing utilities within the road corridor is therefore highly regulated, and Council's influence is largely limited to imposing reasonable conditions regarding the location for electrical and telecommunications infrastructure.

3.6 Policy – Services on Roads

Permits to undertake work within the road reserve are issued in accordance with the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors. This code is available from www.nzuag.org.nz.

The Code provides a nationally consistent and cooperative framework for corridor managers and utility operators, to manage transport corridors while also providing for the access rights of utility operators. The Code enables access by utility operators to transport corridors to be managed in a way that –

- maximises the benefit to the public while ensuring that all utility operators are treated fairly and reasonably
- ensures that disruptions to transport corridors and utility services caused by work by another party are kept to a minimum, while maintaining safety
- provides a nationally consistent approach to managing access to transport corridors; and
- provides for corridor managers to place reasonable conditions on utility operators by agreement, balancing perceived risks of the activities with costs collectively.

Specifically the code recognises that transport corridors are utility corridors and there is no primacy of one utility over another. The beneficiaries of this pragmatic approach are the same community and businesses which the transport corridors and utility operators share as customers.

The Code requires corridor managers to coordinate the work of the various utilities within their districts, including their own, in a way which ensures the best outcomes for all New Zealanders in terms of the performance and longevity of the utility services and the transport corridor.

Any activity which is undertaken which involves excavation or disturbance of the ground within the road reserve requires a permit. This includes work which a resource consent or a deed of grant has been issued for.

This permit has historically been referred to as a Road Opening Notice or a RON. This is now referred to as a Corridor Access Request (CAR) and a Works Access Permit (WAP) under the Code. The purpose of this permit is to:

- identify who is doing the work, the purpose and location of the work, and when the work will be undertaken
- enable work within the road reserve to be co-ordinated
- ensure that reinstatement is carried out to an appropriate standard
- ensure that road assets are not damaged as a result of the work.

Utility Operators must submit plans which show the exact location and position of the proposed utility within the road relative to the legal road boundaries, and with dimensions from features on the site such as the edge of the road carriageway, fences, culverts, trees etc. Sufficient information must be provided to enable the physical position to be identified by the Council on site prior to approval being provided.

Utility Operators must provide a full description of the construction methodology, reinstatement, resurfacing and compaction and agree this with the Council prior to Work commencing.

Approval for permits to work within the road reserve are provided within five working days, and there is no charge for this.

Council staff are able to assist landowners with this process if they are undertaking one-off installations within the road reserve.

Applications are required to be submitted on the appropriate Council form.

There is no fee for the approval of installation of services. Proceeding with construction prior to receiving approval may result in work being stopped and a fine being imposed.

Location of Above Ground Services within the Road Reserve

The preferred location for all above ground services will be as far from the road carriageway as possible, and away from corners, intersections and bends.

Where location of above ground service in risk areas is unavoidable, then these will be required to be mitigated by providing road safety features which meet recognised standards.

Risk areas are defined as bends, corners and intersections, or within 3m of the edge of the road carriageway. This distance may vary depending on the classification of the road, the size of the service, and the topography at the site.

All new service installations and replacement or changes to existing service installations within the road reserve must have the prior approval of Council.

4. PRIVATELY OWNED SERVICES WITHIN ROADS

4.1 Purpose

To provide a legal agreement for the location of privately owned services within road reserve.

Public utilities such as electricity, telecommunications and gas are legally entitled to be located within the road reserve under various acts and statutes.

Privately owned services are not covered under these Acts and require specific approval of Council.

4.2 Objective

The objective of this policy is to:

- promote economic development by enabling the location of private services within road reserve
- ensure the location and ownership of private services within road reserve are recorded
- ensure private services are located in a manner which does not impact on road safety, or future road maintenance and renewal costs
- identify the responsibilities of the landowners and Council with regards to installation, maintenance, replacement and insurance provisions for private services on roads.

4.3 Road Safety Implications

The road safety implications for private services are the same as those for services on roads and temporary traffic management.

4.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

4.5 Statutory and Legal Requirements

Council is empowered by Sections 338 and 357 of the Local Government Act 1974 to authorise the location of services in road reserve.

4.6 Policy – Private Services within Road Reserve

The policy requirements for temporary traffic management and services in roads also apply to private services in roads.

Location

The requirement for location of private services in the road reserve is the same as for services on roads.

Deed of Grant

Council can authorise the location of private services in road reserve through the issue of a Deed of Grant. In most cases issuing a deed of grant is a simple process which is prepared and executed by Council staff.

Exceptions to this are where service owners wish to alter the conditions contained in the Council Deed of Grant template, or if the service is owned by a body corporate or services a number of properties. In these cases Council may enlist the assistance of a lawyer.

Term of the Grant

Authority to locate services in road reserve under section 338 and 357 of the Local Government Act 1974 may only be provided for a term of 50 years. The Deed of Grant document therefore contains the phrase "50 years or such longer period as the law at the time may allow". A further clause provides an automatic renewal of the licence at the end of the 50 years.

Costs

The cost of preparing a Deed of Grant is required to be met by the service owner. Council has a set fee for preparing a Deed of Grant using the standard Council template for a service which has one owner. This fee is contained in the schedule of fees and charges within the Annual Plan.

Changes to the template require additional staff and legal input, and costs associated with making changes to the template are additional to the prescribed fee.

Services which are owned under a body corporate or which have numerous owners require specialist legal input and these costs are also required to be met on top of the prescribed fee.

Installation of the Service

The service owner is required to provide Council information regarding the location of the service, notification of work commencing, and reinstate the site. The service provider is also responsible for obtaining any other consents which may be required.

Maintenance of the service

The Deed of Grant includes provisions which enable maintenance work to be undertaken on the service.

Insurance Requirements

The Deed of Grant includes requirements for owners of private services to take out and maintain insurance for all public liability risks and liabilities of the service owner to third parties (including the Council).

The amount of public liability insurance required for any single event is as follows for water pipes with a diameter of:

- 50mm or less – nil
- 51mm to 300mm - \$500,000 where the service is located within or alongside a sealed road carriageway, and \$250,000 where the service is located within or alongside an unsealed road carriageway
- Larger than 300mm - \$1,000,000 where the service is located within or alongside a sealed road carriageway, and \$500,000 where the service is located within or alongside an unsealed road carriageway

Breach, Arbitration and Termination

If the service owner breaches the terms of agreement contained in the Deed of Grant, Council will provide notice in writing requiring this to be restored.

If there is any dispute which cannot be resolved then the Deed of Grant includes provisions for the matter to be referred to arbitration.

Termination would occur if the terms of the agreement were seriously and/or continuously breached, and the decision of the Arbitrator was to terminate the agreement. Council is unable to terminate the agreement.

These conditions have been included to protect the service owner who may have invested in costly infrastructure from changes in Council policy. They also protect Council from serious breaches of the terms of agreement.

Subsequent Owners

A Deed of Grant is issued to an individual or legal entity and does not automatically transfer with a change in the ownership of land which is serviced by the private service.

The Deed of Grant does provide a mechanism by which the Deed can be transferred from one party to another.

Council will seek to secure ongoing compliance with the deed by registration of an encumbrance.

5. TEMPORARY ROAD CLOSURE FOR EVENTS

5.1 Purpose

To enable communities to close roads for events such as carnivals, festivals, and sporting events, and accommodate temporary road closures for the film industry.

5.2 Objective

The objective of this policy is to:

- provide information to groups wishing to close roads
- ensure all consultation occurs with affected parties.

5.3 Road Safety Implications

Any activity which is occurring within the road reserve has the potential to impact on road safety by:

- placing event participants at risk of being hit by a vehicle
- causing confusion for people driving on the roads
- creating a distraction for motorists
- placing vulnerable road users such as pedestrians and cyclists at risk of being hit by a vehicle.

Temporary traffic management and road closures are required to mitigate these risks.

5.4 Enforcement provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

5.5 Statutory and Legal Requirements

The Transport (Vehicular Traffic Road Closure) Regulations 1965 require public notification of a proposed closure 42 days before the event. People can object up to 28 days before the proposed closure. This regulation is required to be used for road closures where an exemption to road rules is required for those who will be using the road during the event. This is typically used for closures on State Highways or for motorsport events.

The Local Government Act 1974, Section 319 (h) Schedule 10 - 11(e), enables Council to close roads for any exhibition, fair, show, market, concert, film-making, race or sporting event or public function, provided that the closure, in the opinion of Council, is not likely to impede traffic unreasonably. Council is required to advertise its intention to temporarily close a road, and its decision once it has decided to temporarily close a road. The Local Government Act process is simpler and is used for most events on Council managed roads.

5.6 Policy – Temporary Road Closure for Events

The policy requirements for temporary traffic management also apply to temporary road closure for events.

Procedure

An application for a Temporary Road Closure must be completed and provided to Council.

If the closure includes a State Highway then then the closure this will need to be co-ordinated with NZTA.

Council's roading staff will check the proposed closure and detour, and prepare an advertisement for closure.

Advertising of the proposed closure will be undertaken in the Central Otago News on the Council Notice Board. Further advertising may also be required in the Saturday edition of the Otago Daily Times if the proposed closure is a more significant one, involves a number of roads, or includes State Highways.

When the closure is proposed under the Local Government Act then adverts must be placed once for the intention to close and one more time for the decision to close. A period of 14 days is provided from the date of the first advertisement for receiving submissions.

Applications should therefore be submitted at least four weeks prior to an event to enable Council to meet its legal obligations for closing the road, and to enable time to receive and respond to submissions.

Advertising for proposed closures using the Traffic Regulations need to follow the statutory time frames required by this legislation, and should be submitted at least 12 weeks prior to the event.

Proposals for events which may generate submissions need to be submitted three months before the event to ensure adequate time to consider submissions.

Failure to provide sufficient time to undertake the above processes may result in the closure being declined.

Council Roding Staff will review the existing roading programme, the three-waters programme, and current Carriageway Access Requests to ensure that the event does not coincide with work being undertaken within the road. For car racing events this will include the reviewing the suitability of the current surface of the road for this type of event

Submissions will be received by the Council. If submissions are received then the submitter will be contacted to find out if there are any amendments that could be made to the proposed closure, which would result in the submission being withdrawn.

If the submission is not withdrawn then the application and the submission will be referred to the Roding Committee for a decision.

If there are no submissions received then Council will advertise the closure, and the event can proceed once traffic management requirements have been approved.

Public Liability

Where public liability insurance is required for events within the road reserve, a minimum cover of \$500,000 is to be provided.

Costs

All costs associated with temporarily closing the road shall be met by the event organiser.

A standard fee is included in Council's fees and charges schedule, which covers costs for closures under the Local Government Act which are only advertised in the Central Otago News.

Closures under the Traffic Regulations, or which require advertising in the Otago Daily Times, will be undertaken on a cost recovery basis.

Closures under Local Government Act 1974 Schedule 10 Section 11(d)

Council will assess applications for temporary road closures short periods of time under this section of the Act for farming or other operations which would otherwise be hindered by continued access on their individual merits.

Delegations

When a temporary road closure is publicly notified under either the Local Government Act 1974 (LGA) or Transport (Vehicular Traffic Road Closure) Regulations 1965, and no submissions are received, the Roding Manager has delegated authority to approve the road closure.

When submissions objecting to the proposed closure are received the application and submissions will be considered by the Roding Committee.

The Roding Manager has delegated authority to consider requests for closure from the film industry provided that consent of adjacent and neighbouring property owners is given, and an appropriate detour is available; and/or the period of closure will be intermittent.

6. OCCUPATION OF UNFORMED LEGAL ROADS

6.1 Purpose

To outline Council's approach to managing issues that arise regarding unformed legal roads.

Refer also to Policy 9 Forming Legal Roads, Policy 13 Temporary Grazing of Road Sides, Policy 14 Gates and Cattle Stops Across Roads, and Policy 15 Fencing within Road Reserve.

6.2 Objective

The objective of this policy is to:

- clarify the legal situation with regards to occupation of unformed legal roads.
- identify Council's responsibilities with regards to unformed legal roads
- identify the process Council will follow when advised of issues regarding occupation of unformed legal roads.

6.3 Road Safety Implication

As these roads are not formed, or promoted for vehicle use, Council does not consider that there are any road safety issues regarding them.

6.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

6.5 Statutory and Legal Requirements

Council has a responsibility under Part 21 of the Local Government Act 1974 to ensure that the public right of passage along a road is preserved.

6.5 Policy – Occupation of Unformed Legal Roads

Some of the information contained in this policy has been reproduced from the New Zealand Walking Access Commission "Guidelines for the Management of Unformed Legal Roads". This document is available on the Commissions website, www.wams.org.nz.

Background

Most unformed legal roads were established in the early days of settlement. Before Crown land was sold, land was set aside as roads to ensure public access would be available once land was developed. They were also established to ensure public access to rivers and lakes.

These roads are shown on survey plans, and frequently not built or used. Some are utilised as part of farmland, some are too rough to cross, and others traverse the side of sheer cliffs. The important point is that however impractical, unformed or impassable, unformed legal roads have the same legal status as a formed legal, publicly maintained road.

The public have a legal right to use these roads on foot, on horseback, or in vehicles, without hindrance. This principle has been strongly upheld in the highest courts.

With the exception of State Highways, most legal roads are vested in councils. In essence, councils hold title to roads on behalf of the public and are obliged to see that the rite of passage is preserved.

Adjoining Landowners (Rural Areas)

In many cases unformed legal roads are being farmed as part of the farming operation on the adjoining land.

Council considers that this is an appropriate management mechanism for this land.

This does not mean that the road has been integrated into the adjoining title however, and the roads still retain their legal status as public land, and the public have the right to pass along them. Any fences across the roads are legally required to have gates located in them, which must not be locked. Landowners need to ensure that livestock do not prevent the use of the road by the public.

If a request is made to Council for access along a legal road which has a fence across the road, then Council may require the adjoining landowner to install a gate.

Legal unformed roads which provide access to the following are considered higher use unformed legal roads:

- Access to a waterway
- Access to a Conservation area or any other Department of Conservation managed land

If livestock are preventing use of a legal road by the public then Council may require the landowner to contain their stock from the road. Council does not consider that sheep or dairy cows will prevent public access, but in some cases cattle and deer, and in particular bulls and stags, may prevent access. Deer, stags and bulls should be contained on high use unformed legal roads.

Temporary fencing for the purpose of stock control may be erected across an unformed legal road but must not inhibit pedestrian access. Council considers covering over a section of an electric fence is sufficient to enable pedestrian access on lower use unformed legal roads.

Temporary electric fences which cross higher use unformed legal roads are required to include clear signage along with any covered insulated sections to enhance access. This is required to be sufficient to enable pedestrian, horse and bike access. Where temporary electric fences are frequently used in these locations and cross the legal road the adjoining landowner should consider installing a gate. Permanent fencing across high use unformed legal roads is required to include a gate.

The use of a single wire electric fence will generally provide sufficient access on all other unformed legal roads which are not identified as high use roads.

Landowners have the right not to have their stock disturbed, or their property damaged as a result of people passing along the unformed road. There is a legal right however for the public to be able to pass along the road and if normal passage will create difficulties for stock on higher use unformed legal roads then farmers will need to accommodate this within their farming operations.

It is an offence to damage the surface of the road, and Council can take legal action against users who cause damage to the surface within the road reserve through inappropriate vehicle use.

Public Use

The public should follow some basic rules when using unformed legal roads:

- Leave gates as they find them
- Don't litter or damage property
- Don't chase or distress livestock
- Keep dogs on a leash.

Any negligent behaviour that causes damage to the road or adjoining property, or distress to an adjoining landowner could result in legal action for loss or damage.

It is important that users stay within the legal road boundaries. Council considers it to be the responsibility of the road user to ensure that they remain within the legal road boundary.

Where requested, marking of unformed legal roads may be undertaken by landowners, users, or the Walking Access Commission in consultation with Council on a case by case basis.

While it is not legally required, as a matter of courtesy Council encourages people using unformed legal roads to advise the adjoining landowner of their intentions. In our experience landowners are accommodating of public access when requested, and are able to advise of any hazards which may exist in the area. Farmers are often the 'rescuers' of first resort where an unformed legal road user runs into trouble.

Central Otago District Council supports the application of the NZ Outdoor Access Code, produced by NZ Walking Access Commission for users of unformed roads

7. FORMED LEGAL ROADS WHICH ARE NOT MAINTAINED BY COUNCIL

7.1 Purpose

The purpose of this policy is to outline Council's approach to managing issues that arise regarding roads which have been formed within legal road corridors but are not maintained by Council.

7.2 Objective

The objective of this policy is to:

- clarify the legal situation with regards to roads that have been formed and are located within legal road corridors but are not maintained by Council using public funding
- identify Council's responsibilities with regards to formed, but not publicly maintained legal roads
- identify the process Council may follow when advised of issues regarding formed, but not publicly maintained legal roads.

7.3 Road Safety Implications

Council does not inspect formed legal roads which are not included on Council's maintenance list. As a result it does not identify or mitigate any road safety issues on these roads. These roads are generally back country roads and their condition is self-explaining to road users.

Council may install a sign stating "End of Council Maintained Road" on roads which are used by the wider public and where it has been identified that maintenance or other issues exist which may not be obvious to road users.

7.4 Enforcement Provisions

There are a number of issues that can arise on legal roads which are not maintained by Council that are enforced using the same provisions as apply to any legal road, either formed or unformed. The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

7.5 Statutory and Legal Requirements

Section 319 of the Local Government Act 1974 sets out the powers Council has in respect of roads. "the council shall have the power in respect of roads to do the following things

- (a) To construct, upgrade, and repair all roads with such materials and in such a manner as the council sees fit."

Section 353 states:

"the council must take all sufficient precautions for the general safety of the public and traffic and workers employed on or near any road"

7.5 Policy – Formed Legal Roads which are not Maintained by Council

Background

There are many roads within Central Otago which are located within legal road corridors which are not maintained using public funding. Often these roads have been formed by landowners to enable them to access their land, or to provide access to telecommunication infrastructure. In some cases the roads may have originally been formed using public funding, but are no longer maintained by Council.

These roads have the same legal status as a formed legal, publicly maintained road. The public have a legal right to use these roads on foot, on horseback, or in vehicles, without hindrance. This principle has been strongly upheld in the highest courts.

Council does not maintain an inventory of these roads, undertake inspections or any maintenance or reinstatement work on them.

Gates

The policy regarding gates across roads is outlined in Section 14 of the Roothing Policy.

Landowners may not lock gates on legal roads, even if the road is not maintained by council. Council is able to close roads in some circumstances under Schedule 10, sections 11 and 13 of the Local Government Act 1974.

Landowners are encouraged to contact Council to discuss any situations where they believe it is necessary to close a road to the public. There are a number of legal requirements that need to be met to enable a road to be closed. It is therefore advantageous if landowners advise Council in advance of times when the road may need to be closed.

Public Use

Formed tracks which are located within legal road reserve may be used by the public.

It is an offence to damage the surface of the road, and Council can take legal action against users who cause damage to the surface within the road reserve though inappropriate vehicle use as determined by Council.

It is important that users stay within the legal road boundaries. Council considers it to be the responsibility of the road user to ensure that they remain within the legal road boundary.

Because these roads have been formed by private individuals, they are often constructed where it is most practical to build a road, and may deviate from the legal road reserve in places. These roads cannot be used by the public where they deviate from the legal road boundaries, without the consent of the landowner.

In some cases farm tracks continue beyond the extent of the legal road, and public access is not legally provided beyond the legal road boundary. There are a number of popular high country routes which are not continuous legal roads. These roads sometimes have a section which crosses private land. Landowner consent is required to use these tracks where they extend beyond the legal road boundary.

Topographical plans should not be used to identify legal roads. These plans show many roads which are located on private land and are not legal roads. A useful mapping resource for identifying the legal status of roads is available on the New Zealand Walking Access Commission website www.wams.org.nz.

Council encourages people accessing unmaintained back country roads to determine the legal status of the road before setting out.

8. ROAD STOPPING

8.1 Purpose

To manage requests from the public to stop sections of legal road.

Road stopping is the term given to removing the legal road status road and providing a freehold title for that section of land. This then enables the sale of that section of the land to the adjoining landowner.

8.2 Objective

The objective of this policy is to:

- outline the criteria Council may consider when determining if a road should be stopped or not
- identify which statutory process should be used for different situations
- identify the responsibility for costs of road stopping
- outline the method by which the land will be valued.

8.3 Road Safety Implications

There are no road safety implications related to this policy.

8.4 Enforcement Provisions

There are no enforcement provisions related to this policy.

8.5 Policy – Road Stopping

Where a section of road is stopped and freehold title issue, it shall only be sold to the adjoining landowner, or on the open market by Council.

Application Process

Adjoining landowners can apply to have sections of road stopped. This includes the full width of a road or a part of the road. Customers wanting to apply for a partial road stopping generally have an existing need where they have illegally built their property or garden on the road reserve and they wish to rectify this situation.

An application form is required to be completed and submitted to Council with the associated processing fee. The application is to include the following information:

- Name of road
- If the road is formed or unformed
- Reasons for requesting the stopping of the road
- Details of other property which is accessed or has frontage to the road
- Letters of support from other adjoining landowners
- Details of any other users of the road

Council Review of Proposal

Council staff will review the following evaluation criteria and provide feedback to the applicant regarding their proposed recommendation to Council to proceed with the stopping process or to decline the application. If their recommendation is to decline the application then the applicant will be advised of the reasons for this and provided with the opportunity to withdraw from the process at this point.

Where the proposal will result in public access being removed to any other property or recreational areas, including lakes and rivers, the road stopping proposal is unlikely to be recommended for approval unless the applicant can provide an appropriate alternative solution for access.

Item	Criteria to be considered
District Plan	Has the road been identified in the District Plan for any specific use or as a future road corridor?
Current level of Use	Is the road used by members of the public for any reasons?
	Does it provide the only or most convenient means of access to any existing lots?
	Will stopping the road adversely affect the viability of any commercial activity or operation?
	Will any land become landlocked if the road is stopped?
Future Use	Will the road be needed to service future residential, commercial, industrial or agricultural developments?
	Will the road be needed in the future to connect existing roads?
Non-traffic uses	Does the road have current or potential value for amenity functions, e.g walkway, cycleway, recreational access, access to conservation or heritage areas, park land?
	Does the road have potential to be utilised by the Council for any other public work either now or potentially in the future?
	Does the road have significant landscape amenity?
Access to Waterbody	Does the road provide access to a river, stream or lake?
	Does the road adjoin a waterbody? If so there is a need to consider Section 345 of the Local Government Act, which requires that after stopping the land be vested in Council as an esplanade reserve.
Infrastructure	Does the road currently contain any services or infrastructure, or is it likely to in the future? This includes council infrastructure, telecommunications, electricity, irrigation and private infrastructure.
	Can the existing services or infrastructure be protected by easements?
Traffic Safety	Does the use of motor vehicles on the road constitute a danger or hazard?

Road Stopping Costs and Fees

Where a road stopping is initiated by the Council, the costs and expenses associated with the road stopping (including Council staff time) are to be funded from the Business Unit initiating the road stopping.

Where any other person applies to stop a road, then that person shall be responsible for meeting all costs and expenses associated with the road stopping process as determined by the Council (including Council staff time).

The Council may, in its discretion, determine that there is an element of public benefit to the proposed road stopping, and may agree that the costs associated with the road stopping should be shared between the applicant and the Council in such proportions as the Council shall determine. This will normally only be considered in the situation where a section of formed road is located on private property, and a road stopping process is being undertaken in tandem with legalising the existing road alignment.

The Council shall not commence any road stopping procedure unless it obtains a written agreement in advance from the applicant to pay all costs and expenses incurred.

The costs and expenses associated with the road stopping process will include:

(a) Application Fee

An application fee shall accompany a road stopping application to the Council (unless the application is made by a Council Business Unit). The purpose of this fee is to cover the administration and staff costs incurred by the Council as a result of evaluating the application in accordance with this Policy. This fee is included in the Council's Annual Plan.

(b) Processing Fee

If the applicant wishes to proceed with the road stopping application after evaluation by Council staff of the application and the preparation and presentation of the first report to the relevant Community Board or the Corporate Services Manager (as applicable), then a further non-refundable fee of \$1,000 (GST inclusive) will become due and payable to the Council to cover the staff time in processing the application from that point.

(c) Other Costs

Other costs and expenses that an applicant will be liable to meet should a road stopping application proceed, include (but are not limited to):

Survey Costs

Includes identification and investigations of the site and professional fees associated with the compilation of a survey office plan.

Cost of Consents

Any costs associated with obtaining consent to the proposal including, but not necessarily limited to, the Minister of Lands.

Public Advertising

Includes the cost of public notification required under the Local Government Act 1974.

Accredited Agent Fees

Includes professional and other fees incurred as a result of any gazettal actions required.

Land Information New Zealand (LINZ) Fees

Includes lodgement fees associated with survey office plan approval, registration of gazette notice, easement instrument or any other dealing, and raising of new certificate(s) of title.

Legal Fees

The applicant will be responsible to meet their own legal costs, as well as those incurred by the Council including, but not limited to, the preparation of an Agreement for Sale and Purchase and the settlement of the transaction.

Valuation Costs

The costs to obtain an independent registered valuation of the proposed stopped road, including any additional costs that may be incurred by any ensuing discussions with the valuer as a result of the applicant querying the valuation.

Cost of Court and Hearing Proceedings

Pursuant to the Tenth Schedule LGA, if any objections is received to a road stopping application, and the application is referred to the Environment Court for a decision, then the applicant shall meet all of the Council's legal and other costs associated with the conduct of the legal proceedings in that Court.

Staff Time

Staff time to be calculated on a time and attendance basis according to individual staff charge-out rates.

Market Value of the Road

In addition to the administrative and staff costs associated with a road stopping the applicant shall pay to the Council the current market value of the stopped road as determined by a registered valuer appointed by the Council. For the purposes of this paragraph "current market value" means the value attributable to the highest and best use of the land including consideration of the value that the stopped road adds to the adjoining land with which it is to be amalgamated with.

Which Statutory Process is Used

The following criteria have been established to ensure that the appropriate statutory procedure is consistently adopted by the Council and to avoid, as much as practicable decisions being contested by any party.

The Local Government Act 1974 road-stopping procedure shall be adopted if one or more of the following circumstances shall apply:

- (a) Where the full width of road is proposed to be stopped and public access will be removed as a result of the road being stopped; or
- (b) The road stopping could injuriously affect or have a negative or adverse impact on any other property; or
- (c) The road stopping has, in the judgment of the Council, the potential to be controversial; or
- (d) If there is any doubt or uncertainty as to which procedure should be used to stop the road.

The Local Government Act process requires public notification of the proposal. This involves erecting signs at each end of the road to be stopped, sending letters to adjoining owners/occupiers and at least two public notices a week apart in the local newspaper. Members of the public have 40 days in which to object.

The Public Works Act 1981 road stopping procedure may be adopted when the following circumstances apply:

- (e) Where the proposal is that a part of the road width be stopped and a width of road which provides public access will remain.
- (f) Where no other person, including the public generally, are considered by the Council in its judgment to be adversely affected by the proposed road stopping;
- (g) Where other reasonable access will be provided to replace the access previously provided by the stopped road (i.e. by the construction of a new road).

Community Board and Council Consideration

Proposals to stop roads are referred to the relevant Community Board for input, and then to Council for approval to proceed with the proposal. The Community Board and Council will be provided with a report prepared by Council staff which details the review of the proposal against the evaluation criteria, the statutory process to be followed, and a recommendation regarding proceeding with or declining the proposal.

Objections Received during Public Consultation

If an objection is received then the applicant will be provided with the opportunity to consider the objection and decide if they wish to continue to meet the costs for the objection to be considered by the Council and the Environment Court.

If an objection is received and it is accepted by the Council then the process will be halted and the Council may not stop the road.

If the objection is not accepted by the Council then the road stopping proposal must be referred to the Environment Court for a decision. The applicant is responsible for meeting all costs associated with defending the Council's decision in the Environment Court.

9. FORMING LEGAL (PAPER) ROADS

9.1 Purpose

To manage requests from the public to form legal (paper) roads.

9.2 Objective

The objective of this policy is to:

- outline the process that will be followed to consider requests to form unformed legal roads
- to clarify responsibility for costs for construction and maintenance
- ensure that consideration is given to the effects on adjoining landowners
- ensure that approval or refusal to form unformed legal roads is made in a procedurally robust manner.

9.3 Road Safety Implications

Unformed legal roads which are formed for the benefit of individual landowners are not maintained by Council. As these roads are not included on Council's maintenance list they are not inspected and road safety issues are not identified or mitigated.

Council specifies the standard of road which is to be constructed when providing approval to form unformed legal roads. This is to ensure that the road is fit for the purpose it is intended. The practicality and safety of forming unformed legal roads in challenging topography is also considered as part of the approval process.

If Council becomes aware of a safety issue on a road which has been formed in accordance with this policy and the applicant does not remedy this after notification, then Council may undertake work to make the road safe and recover this cost from the applicant.

9.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

9.5 Statutory and Legal Requirements

Section 316 of the Local Government Act 1974 vests roads and the materials of which they are composed in the Council. Section 317 provides that all roads in a District are under the control of the Council. That control means that occupiers of land adjoining an unformed legal road, have no legal basis to decide whether or not there can be any use by others of the unformed legal road.

Section 319 of the 1974 Act sets out particular powers that Council has in respect of roads. Relevantly here, it provides:

“The Council shall have power in respect of roads to do the following things:

- (a) To construct, upgrade, and repair all roads with such materials and in such manner as the council thinks fit.”

While sections 319(a) and 317 do not specifically provide Council with the power to authorise others to construct a road Council has jurisdiction to do so at the cost of a person such as the applicant because of sections 316 and 317. However, a consequence of Council’s ownership and control, regardless of whoever undertakes work upon a road, is that the responsibility for the work remains with Council. That responsibility requires Council to ensure that the road is formed in accordance with the Council’s standards.

Section 353 of the 1974 Act also states:

“the council must take all sufficient precautions for the general safety of the public and traffic and workers employed on or near any road”.

The same approval processes are therefore required to undertake work on an unformed legal road, as for a formed and Council maintained road.

9.6 Policy – Forming Legal Roads

Background

Because Council has control over roads, it has the ability to refuse or allow a road to be formed.

Requests to form roads or provide access along unformed legal roads where the road is being used in a manner similar to the adjoining land have the potential to result in landowner disagreement.

The following process has been developed to ensure that Council meets its legal obligation when considering requests to form legal roads, while also ensuring the impact on the adjoining landowners is considered.

Process

1. An application to provide public access along an unformed legal road or to form an unformed legal road must be received by Council. Information required to be provided by the applicant includes:
 - i. The reason for requiring access. For example to provide river access for recreational use, to provide property access.
 - ii. If the purpose is to provide property access, does the property front an existing formed legal road.
 - iii. Any improvements that are located on the road such as buildings, plantings, deer fencing, reservoirs etc.
 - iv. How access is currently provided.
 - v. Whether affected property owners aware of the application and if so have they provided agreement.
2. Council staff identify who the affected or any other interested parties are and contact them for feedback on the application if their signed consent has not been provided by the applicant.
3. Delegated authority is provided to the Roading Manager to provide consent to form an unformed legal road when all the affected and interested parties are in agreement, with the following conditions:
 - i. The road be formed to the relevant subdivision standard.

- ii. The road be surveyed to ensure construction occurs within the legal alignment.
 - iii. The survey and road construction are undertaken at no cost to Council.
 - iv. The applicant is responsible for maintaining the road in the future to a safe standard. If Council does not believe the condition of the road is safe and the applicant does not remedy this after notification, then Council may undertake work to make the road safe and recover this cost from the applicant.
 - v. The applicant is aware that Council does not accept any responsibility for future maintenance costs.
 - vi. The applicant shall not locate any improvements on the road without the prior consent of the Council.
 - vii. The applicant shall not impede others from using the road.
4. Delegated authority is provided to the Roding Committee to consider applications to provide public access or form an unformed legal road when the parties are not in agreement. Both parties will have equal opportunity to address the Committee. In addition to the criteria in 3 above, the following criteria will be considered by the Roding Committee in forming their decision:
- i. legal implications
 - ii. the cost of the work and future maintenance costs
 - iii. feasibility of forming a road within the legal alignment
 - iv. safety issues
 - v. history
 - vi. type of use proposed
 - vii. opportunities for alternative access
 - viii. fencing and gates
 - ix. the impact on adjoining landowners and land uses
 - x. any other relevant matters.
5. Where a new road is being formed to intersect with a State Highway then the creation of the intersection must be approved by NZTA. :

10. ENCROACHMENT OF ROAD ON PRIVATE PROPERTY

10.1 Purpose

To manage instances where formed and maintained roads encroach onto private property.

10.2 Objective

The objective of this policy is to:

- outline a process to be followed where roads encroach on private property
- prioritise road encroachment requests
- ensure that the compensation paid to resolve road encroachments is fair and reasonable.

10.3 Road Safety Implications

There are no road safety implications related to this policy.

10.4 Enforcement Provisions

There are no enforcement provisions related to this policy.

10.5 Statutory and Legal Requirements

The Land Transfer Act 1952 and Public Works Act 1991 provide some guidance regarding the legal options regarding encroachment of road on land owned by another party.

Section 62 of the Land Transfer Act 1952 outlines the principle of indefeasibility of title. Indefeasibility of title means that the interest of the registered owner of land is paramount over all other interests unless the other interests are noted on the title.

Dedication of land as road creates a right of public passage over land where it has been dedicated for road by the landowner. This requires records of an intention to dedicate the land as road, and an acceptance by Council. This can have been done by a previous owner and still have effect.

Section 114 of the Public Works Act 1981 provides a process for declaring land as road to be vested in Council.

10.6 Policy – Encroachment of Road on Private Property

Background

Within Central Otago there are numerous instances where the formed road lies outside the legal road reserve and encroaches on private property.

This situation is a historic one, and all road construction work that has been undertaken since 1999 has included confirmation of legal boundaries to ensure that further instances of this do not occur.

Property owners who get legal surveys undertaken for the purpose of subdivision, may become aware that a road encroaches on their property.

The provision of plans with aerial overlays also identifies these encroachments to property owners. The aerial photographs are not entirely accurate, and while they provide an indication of the location of property boundaries, this needs to be confirmed by a survey.

Where a road encroaches on private land and it is not practical to realign the road, then the existing road alignment can be legalised. This involves Council acquiring the land the road is occupying, and this land then being vested as road.

Process

Where a property owner identifies a possible encroachment of a road on private property the following process will be followed.

1. A legal survey must be undertaken by the property owner to identify and quantify any actual road encroachment. If the survey identifies that there is an encroachment then Council may refund the property owner the cost of reasonable survey expenses. Council may refund expenses when annual budget provisions allow.
2. Where a sealed road encroachment has been identified by legal survey, and the landowner is willing to legalise the encroachment, purchase of the land will be prioritised based on the extent of the encroachment, the length of time since the encroachment was identified to Council, and the availability of funding.
3. If the road is a gravel road and it is practical to realign the road within the legal boundaries, then realignment will be undertaken as part of the next programmed metalling on the road. If it is not practical to realign the road, and the landowner is willing to legalise the encroachment, then purchase of the land and legalising the existing road alignment will be prioritised in the same manner as for sealed roads.
4. Properties where the extent of the encroachment is a larger proportion of the total area of the property, or the encroachment may have an injurious effect on the property owner's ability to use the land, will be prioritised over those where the encroachment is of a lesser nature.
5. The value of compensation will be calculated using the Public Works Act calculation. This is the same formula that Council uses to determine land value where roads are stopped and disposed of to adjoining property owners.
6. Council funds legalising of existing roads from income generated from road stopping.

11. TEMPORARY STORAGE ON ROADS

11.1 Purpose

To ensure the temporary storage of materials on road reserve does not compromise the safety of the road, impact on other property owners or result in damage to the roading assets.

11.2 Objective

The objective of this policy is to:

- identify when material may be stored on road reserve
- outline requirements for storing materials on road reserve.

11.3 Road Safety Implications

Inappropriate storage of material on roads can cause a hazard in the event of a crash. Mud can also be tracked onto the road from farm vehicles accessing the material. This causes the roads to become slippery.

This policy adopts a risk based approach to identifying when storage on road verges will be considered appropriate and when it may not occur. This is based on the likelihood and consequence of a vehicle crashing into the material, as well as the damage that can occur to the road in accessing the materials.

11.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

11.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. This includes placing anything on a road (including the road verge) without the authorisation of Council.

11.6 Policy – Temporary Storage on Roads

Background

Council accepts that there are occasions when material can be temporarily stored on road reserve to assist in the efficiency of operations on adjoining land without compromising the safety of road users or damaging the roading assets.

Examples of materials which are typically found stored on road reserve are:

- Hay bales
- Farm equipment and machinery
- Fire wood
- Landscaping material
- Building materials including pipes

When Material may be Stored on Rural Road Reserve

Material may not be stored on rural roads which are classified as sealed collector roads, or major gravel roads. Material may be stored on all other rural roads, provided that:

- there is 100m of clear visibility in both directions. Council consent will be required where clear visibility in both directions is less than 100m. This can be requested by phone call to Council's Roading staff.
- where material is accessed from the road carriage way, the material can be accessed from the road carriageway without impacting on roadside drainage
- road user safety will not be at risk from mud will not be tracked onto the road carriageway
- the material is located a minimum of 5m away from the edge of the road carriageway
-
- Material should not be stored on rural road reserve within 150m of the nearest house unless the nearest house is occupied by the owner of the material being stored on the road reserve

In addition to the above, solid materials such as farm implements and machinery, and construction material such as pipes may only be temporarily stored on gravel roads which are classified as Minor, Lane or Track.

Duration of Storage on Rural Roads

Material may be stored on roads which are classified as local sealed or intermediate gravel for a period of 14 days without Council consent.

Material may be stored on roads which are classified as Minor or Lane for a period of 28 days without a permit.

Council consent will be required for storage of material on road reserve for periods longer than those identified above. This can be requested by phone call to Council's Roading staff.

When Material may be Stored on Urban Road Reserve

There are higher amenity values associated with road verges in urban areas, and storage of materials on road verges is often an issue for neighbours. There may also be increased problems with visibility for vehicles at intersections, and accessing properties. For this reason storage of materials on verges is not as permissible in urban areas as it is in rural areas.

Wrecked or damaged vehicles must not be stored on road reserve. All vehicles which are parked or located on road reserve are required to be registered.

Firewood, landscaping and building materials may only be temporarily stored for a maximum period of 14 days. These materials must also be located in a manner so that they do not obstruct visibility for vehicles at intersections, or accessing property. Material must be located behind the kerb line, must not obstruct footpaths, or fall into kerbs or stormwater drains.

Shipping Containers

Shipping containers may not be stored on road reserve without specific approval from Council. Council staff will consider the location, duration, and availability of alternative locations when considering requests to store shipping containers on road verges. Generally shipping containers will not be permitted to be located on Collector streets, near intersections, or for periods exceeding 14 days. Shipping containers will not be permitted to be located where they obstruct footpaths or pedestrian traffic.

12. LEVELLING AND CULTIVATION OF ROADSIDES

12.1 Purpose

To improve the visual amenity in rural areas by allowing road verges to be levelled and cultivated. This includes levelling, grassing, mowing and/or harvesting of the road verge.

12.2 Objective

The objective of this policy is to:

- identify when cultivation of the roadside is permitted
- to enable economic use of wide road reserves in rural areas
- to improve the visual amenity of wide rural road verges
- to protect drainage infrastructure
- to maintain and improve road safety.

Cultivation means grassing and should not be confused with tree or shrub plantings (see Road Planting).

12.3 Road Safety Implications

Cultivation of the road side can improve visibility through management of vegetation on the road verge. Levelling of road sides to enable grass to be planted or cultivation of hay can also provide a clear zone for vehicle recovery in the event of a crash.

12.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

12.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads and activities which constitute an offence. It is an offence to dig up, remove or alter in any way the soil or surface or scarp of a road (including the road verge) without the authorisation of Council.

12.6 Policy – Cultivation & Levelling of Roadsides

There are locations within the District where there are very wide road reserves where cultivation of the road margin provides benefits to both the adjoining landowner and the road users.

As well as improving road safety, cultivation of these margins reduces overgrown vegetation which may cause a fire hazard or visibility issues. It may also improve the visual amenity.

Cultivation of the road margin shall only be available in rural areas and to adjoining landowners, at the discretion of the Council. For the purpose of this policy a rural area is that where the speed limit is greater than 70 km/h.

Landowners require a permit for this activity. The purpose of the permit is to ensure Council knows who is undertaking work within the road reserve, and to enable information regarding private services in the road reserve and drainage requirements to be provided. There is no fee for issuing a permit for this activity as it is considered to be of mutual benefit to the landowner and the road users.

The permit holder shall be responsible for:

- Identifying and protecting all services, including survey marks and must satisfy all requirements set by utility providers.
- Any levelling work which is required to enable cultivation of the road margin. The extent of this work is required to be approved by Council as part of the permit process.
- Control of all pest plants, bushes and seedling trees in the area permitted for cultivation.
- Any damages caused by the cultivation and all costs associated with remedial work or repairs.

All cultivation shall be carried out in a manner so as not to disturb or interfere with water channels, road drainage or cause damage to culverts, the carriageway or any other services.

The extent of cultivated area shall be limited to ensure that all operations associated with the activity can be carried out within the road verge and will not encroach on the roadway.

Any cultivations and crops planted shall not obstruct, impede or restrict visibility at intersections, property access ways, or road corners.

Irrigation of cultivated areas shall not encroach onto the roadway, or cause any damage to roadside drainage or culverts.

Council may require the removal of the crop or cessation of cultivation at any time. The Council will not be liable for any costs as a result withdrawal of a permit to cultivate.

Failure to comply with the requirements of this policy will result in removal of a permit to cultivate.

13. TEMPORARY GRAZING OF ROAD SIDES

13.1 Purpose

To enable temporary grazing of road sides in appropriate circumstances.

13.2 Objective

The objective of this policy is to:

- enable temporary roadside grazing on low volume roads to assist with vegetation control
- identify when grazing of road sides will be permitted
- ensure the safety of road users is not compromised
- ensure road assets are not damaged as a result of road side grazing.

13.3 Road Safety Implications

Grazing of road sides can impact on road safety if:

- the presence of stock on roadsides is unexpected
- temporary fences are located too close to the road or in high risk locations
- stock are able to wander onto the road.

13.4 Enforcement provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

13.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. The Electricity Act 1992 and the Electricity Regulations 1997 provide requirements for electric fences. The Animal Law Reform Act 1989 also applies.

13.6 Policy – Grazing of Roadsides

There are many low volume roads within the Central Otago District where grazing of the road side provides benefits to both the adjoining landowner and the road users.

Grazing of these roadsides reduces overgrown vegetation which may cause a fire hazard, or visibility issues.

The location of stock on roads also presents a hazard to road users, and stock can cause significant damage to water channels and culvert openings.

This policy takes a risk-based approach to identifying when grazing of road sides is appropriate, and requirements for this to occur.

Where Grazing of Roadsides Can Occur

Grazing may only be undertaken on roadsides by adjoining landowners in rural areas.

Grazing may be undertaken on gravel roads which are classified as Track, Lane, Minor or Intermediate in accordance with the requirements of this policy, without a permit being issued.

A permit is required for grazing on gravel roads which are classified as Major, and for all sealed roads.

Containment of Animals

Uncontained grazing of roadsides is permitted on unmaintained legal roads, and on tracks where cattle stops and/or gates have been permitted in accordance with the requirements of the Roding Policy.

In all other locations animals shall be securely fenced or tethered in such a manner that they are a minimum distance of 2 metres from the edge of the road carriageway.

Cattle and horses may not be grazed or tethered on the road side during the hours of darkness.

Bulls must not be grazed on the road side at any time.

Temporary Fencing

Only stock-proof electric fences shall be permitted. These shall be constructed of approved flexible electric fencing standards. Warratahs shall only be used where required at corners and intermittently along the fence line to ensure the fence is structurally secure. The fence will be required to have a minimum of three wires for grazing of sheep. A single wire will be permitted for large adult animal stock.

Fences must run along the side of the road and are not permitted to be erected across the road.

Steel waratahs or wooden corner posts, with a maximum diameter of 100mm, may be used for tensioning purposes. These must be painted or marked in a way to ensure they are clearly visible.

Fences shall comply with the requirements of the Electricity Act 1992 and the Electricity Regulations 1993. Suitable labels shall be used to notify the public that the fence is live.

Siting of Fencing

The fence shall be erected no closer than 2 metres from the edge of the road carriageway. Where cattle are to be grazed, then the fence is to be sited so that it does not include the road side drainage channel and culvert inlets or outlets.

A maximum length of 200 metres of fencing is permitted for temporary grazing at any one time. The maximum period the fence shall remain in place shall be 10 days. These limits may be extended in exceptional circumstances and subject to written permission from the Council.

Temporary fences are not permitted on both sides of the road at the same time.

Waterways are to be fenced 2 metres back from the top of the bank to prevent stock intrusion into the waterway.

All temporary fences shall remain in position while the road berm is being grazed and must be completely removed immediately afterwards.

Removal of Fencing

The Council may require the fence to be removed at any time.

Damage to Infrastructure

The owner of the animals shall be responsible for the cost of repairs and reinstatement of any surface or services damaged as a result of the road side grazing. This includes the maintenance or reinstatement of all inlets, water channels, culverts, water table cut outs, culvert makers and edge markers affected by the grazing.

Liabilities and Public Liability Insurance

The Council shall not be held responsible in any way for claims or damages resulting from the road side grazing. Public Liability Insurance cover of at least \$1,000,000 shall be arranged and maintained by the owner of the animals to protect its liability for damage to third parties.

14. GATES AND CATTLE STOPS ACROSS ROADS

14.1 Purpose

To identify when Council may consider permitting a gate or cattle stop across a road and requirements relating to installation and maintenance.

14.2 Objective

The objective of this policy is to:

- Identify the classifications of road where Council will consider permitting the use of gates or cattle stops
- ensure that gates and cattle stops on public roads are constructed and maintained to an appropriate standard
- provide for the safety and legal rights of passage of road users
- identify the responsibilities of the landowners and Council with regards to maintenance, replacement and removal of gates and cattle stops on roads
- avoid neighbour disputes.

14.3 Road Safety Implications

The presence of gates and cattle stops on very low volume, mountainous, back country roads is predictable and expected by road users. In these instances the policy outlines the requirements for installation and maintenance to ensure the gates and cattle stop do not pose a safety hazard.

Gates and cattle stops create a hazard when they are located on roads where users travel at higher speeds and could not reasonably expect a gate or cattle stop to exist.

The approaches of cattle stops on medium to high volume gravel roads are prone to excessive deterioration as a result of vehicles braking on the approach. The cross fall of a gravel road is designed to allow water to run off the road. This cross fall flattens on the approach to a cattle stop and, as a result, it is more prone to potholes occurring. This deterioration also causes a safety issue.

On gravel roads which are used to access residential properties, or are part of school bus routes there is a public expectation that Council will provide a reasonable level of service for the surface of the road. The surface of the road, and roadside drainage channels and culverts can be damaged where cattle stand on the road which impacts on the level of service able to be provided.

14.4 Enforcement Provisions

The Local Government Act 1974 Section 344 outlines the process that is to be followed for installation, maintenance and removal of gates and cattle stops on public roads.

14.5. Statutory and Legal Requirements

The Local Government Act 1974 Section 344 has provisions for gates and cattle stops on public roads.

14.6 Policy – Gates and Cattle Stops on Roads

When Council may Permit Gates and Cattle Stops to be Installed

Gates or cattle stops will only be permitted on legal roads where, in the Council's opinion it is not practicable or reasonable to fence the road.

Gates will only be permitted on roads which are classified as Tracks on the Roading Hierarchy, or on legal roads which are not maintained by Council.

Cattle stops will generally only be permitted on roads which are classed as Tracks, Lanes, and Minor Roads, or on legal roads which are not maintained by Council.

In exceptional cases Council may allow cattle stops to be installed on roads which are not classed as Tracks, Lanes or Minor Roads where these roads are located in high country areas and the extent of fencing that would be required would be significant, and the traffic volumes on the road are low.

Applications

Requests for erection of gates and cattle stops on roads shall be made in writing and include the following details:

- Location
- Type of construction proposed
- Plans and details of cattle stops
- Length of road which would require fencing if the gate or cattle stop is not installed
- Any additional information relating to practicalities of constructing a fence
- Sketch of the site
- Signed consent of all adjacent landowners of the road on which the gate or cattle stop will be constructed (also regular road users where appropriate)

The cattle stop is required to be able to accommodate regular use by heavy vehicles. Council has a standard detail which identifies the required dimensions and criteria, and contact details for manufacturers of some approved cattle stops which is available on request.

Erection of a gate or cattle stop may not commence on any road maintained by Council until the plans and design have been approved by Council in writing.

Council may make alterations or additions to the proposal as it sees fit prior to approving the installation.

Approval of a gate or cattle stop on a road will include the power to fence the road up to the gate or cattle stop.

Installation, Replacement and Maintenance Costs

Council will not fund the construction, replacement or maintenance of gates or cattle stops located within roads.

Gates and cattle stops must be maintained by the person who has been issued the permit to erect the gate or cattle stop, and their successors in title, to the satisfaction of the Council.

Gates across roads must be hinged top and bottom, swing freely, and have a sufficient length of chain to enable the gate to be easily hooked closed.

Council will advise permit holders, or their successors, of instances where gates or cattle stops require maintenance. This work is required to be undertaken by the permit holder in a timely manner.

If the gate or cattle stop is damaged to an extent where it is hindering public access or compromising public safety, and the permit holder fails to undertake immediate repairs, then Council may undertake any work necessary to maintain public access and safety and may recover these costs from the permit holder.

Maintenance of the fence to the gate or cattle stop shall also be the responsibility of the person permitted to erect the gate or cattle stop.

It is the responsibility of the landowner to undertake cleaning of cattle stops. The installation of the cattle stop results in reduced fencing for the landowner, and Council's expectation is that cleaning of the cattle stop will be undertaken by the landowner in lieu of constructing and maintaining the fence that would otherwise be required.

The approaches to cattle stops are prone to increased potholes and corrugations due to the fact that the road is required to be graded to a flatter crossfall on the transition from the gravel road to the cattle stop, and as a result of vehicles braking and accelerating when crossing the cattle stop. As a result of the greater level of deterioration, heavier cutting with the grader blade is required on the approaches. An unavoidable consequence of this is that some material will on occasions fall into the cattle stop grate.

Council will not undertake cleaning of cattle stops which may require emptying as a result of gravel entering the grates due to maintenance grading on the approaches.

Removal of Gates or Cattle Stops

Where land use changes or traffic growth occurs along any road which results in the hierarchy classification of the road changing then Council may serve notice upon the person authorised to erect the gate or cattle stop of the Council's intention to remove it.

Council may also serve notice of the intention to remove gates or cattle stops where they are considered to be redundant.

Notice will be served in accordance with the requirements of Section 344 of the Local Government Act 1974, which provides an opportunity for the person authorised to install the gate or cattle stop to make a submission to Council to reconsider the removal.

Council may fund the removal of cattle stops, provided the removal is permanent and a gate is not being installed to replace the cattle stop.

Gates to be Unlocked and Public Access Maintained

Gates across roads shall not be locked by the adjoining landowner or members of the public. The Local Government Act 1974 requires that gates across legal roads shall have a notice "Public Road" fixed to the gate.

Signs which are placed on gates across legal roads which are intended to restrict or reduce public access will be removed by Council, and the costs for removal will be recovered from the landowner.

Where Council is made aware that a gate across a legal road has been locked by another party then Council will require the lock to be removed.

In exceptional circumstances Council may lock gates on public roads in accordance with provisions within the Local Government Act 1974 or other relevant legislation.

Liability

The Council shall not be liable for any damages as a result of any accident arising out of the existence of a gate or cattle stop which has been authorised by Council in accordance with this policy.

Gates and Cattle Stops not Authorised by Council

Gates and cattle stops which have been erected without written permission from Council may be reviewed in accordance with this policy.

Where the gate or cattle stop complies with this policy then the landowner will be provided with the opportunity to apply for the continued use of the gate or cattle stop.

Where the gate or cattle stop does not comply with the policy then the affected landowner will be notified of the Council's intention to remove the gate or cattle stop in accordance with the procedure outlined above. The landowner will be provided with the opportunity to object to the removal.

Where a gate or cattle stop has been erected without written approval from Council and is removed by Council, all costs to remove the gate or cattle stop and reinstate the road may be recovered from the person who installed the gate or cattle stop.

15. FENCING WITHIN ROAD RESERVE

15.1 Purpose

To allow fencing within roads in appropriate circumstances.

15.2 Objective

The objective of this policy is to:

- identify when fencing within the road reserve is permitted
- enable economic use of wide road reserves in rural areas
- reduce maintenance costs of wide road verges
- maintain and improve road safety
- ensure public accessibility along roads is protected
- define the requirements for fences within road reserve
- avoid neighbour disputes.

15.3 Road Safety Implications

Fences within the road corridor provide a hazard which can be hit during a crash. The type of fencing, location of the fence, and classification of the road will therefore be considered by Council staff prior to approving consent for fences within the road corridor.

15.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

15.5 Statutory and Legal Requirements

Council has a responsibility under Part 21 of the Local Government Act 1974 to ensure that the public right of passage along a road is preserved.

15.6 Policy – Fencing within Road Reserve

There are roads with wide road reserves where fencing within the road margin provides benefits to both the adjoining landowner and the road users.

Council may permit fencing within the road reserve where it is satisfied that this will not restrict the public right of passage along the road and there is mutual benefit in allowing this to occur.

Grazing of these margins reduces overgrown vegetation which may cause a fire hazard, or visibility issues.

Fencing within the road reserve shall only be available in rural areas and to adjoining landowners, at the discretion of the Council. For the purpose of this policy a rural area is any road which has a speed limit greater than 70km/hr.

Landowners require a permit for this activity. Permits will be contained within the property files and may be noted on LIMS issued for that property. In some cases Council may require the permit to be registered as an encumbrance on the property title.

Location of Fences

The fence shall be located to avoid any existing roadside drainage channels, or underground services.

The distance of the fence from the formed road will be agreed by Council and will consider the need for future drainage improvements, provision of pull off areas from the road, road safety considerations and accessibility along the road shoulder by other road users.

The permitted distance of a fence from the edge of the road varies between 2.5m to 5m depending on the classification of the road and speed limit.

The applicant shall peg the proposed fence line and obtain the approval of the Council for the location prior to erection of the fence.

Maintenance of the Occupied Area

The permit holder will be responsible for control of vegetation, trees, pests, and pest plants within the fenced area. This includes removal, trimming and cutting back trees which are affecting the road.

Where fencing has occurred within the road reserve, then the occupier will be considered to be the adjoining landowner for the purposes of the Roding Policy - Trees on Adjoining Land.

In this case the landowner has had the benefit of occupying the road at nil cost, and as such is considered responsible for maintenance and removal of existing trees within the fenced area.

Use of the Occupied Area

Use of the road reserve shall be similar to the adjoining land.

No structures shall be erected on the area of road reserve occupied and building line requirements from the legal property boundary shall be complied with.

No trees or hedges shall be planted on the occupied land without the consent of the Council.

The occupier shall not excavate material from within the road reserve.

Access to the Occupied Areas

Representatives of Central Otago District Council or utility providers may enter the occupied area for the purpose of installing, maintaining, repairing or removing any new or existing service over, under or on the land or for any other lawful purpose.

In exercising this right the Council and utility providers will consult with the permit holder in advance and have regard to all reasonable requests.

Liability

The Permit Holder shall be responsible for the cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the fence. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the fence.

The applicant shall be responsible for contacting all organisations including utilities companies who may have infrastructure in the road. The location of any underground, surface or overhead infrastructure shall be determined by the applicant. Appropriate additional protection of the infrastructure, if required, shall be arranged and maintained at the applicant's cost.

The Council shall not be held responsible in any way for claims or damages resulting from the fence.

Removal

The Council may request the fence to be removed at any time. If the Council, for whatever reason, decides the fence is to be relocated, the owner shall relocate it to the property boundary, or an alternative approved location, at their expense.

16. ALFRESCO DINING

16.1 Purpose

To provide for outdoor dining in appropriate areas.

16.2. Objective

The objective of this policy is to:

- minimise the effects on pedestrian access
- maintain the aesthetic quality of the local environment
- encourage appropriate street activity in urban areas.

16.3 Road Safety Implications

Alfresco dining generates increased street activity, which in turn provides a more challenging environment for road users. Council may consider safer speed zones for areas which have a higher prominence of street activity, including alfresco dining areas.

16.4 Enforcement provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

16.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads and activities which constitute an offence. This includes placing any obstacle or thing on a road (including the road verge and footpath) without the authorisation of Council.

16.6 Policy –Alfresco Dining

Retirement of car parks to enable Alfresco Dining within the road carriageway requires the specific consideration of the relevant Community Board.

Tables and chairs may only be located on footpath where a reasonable footpath width can be maintained.

The width of clear footpath required will vary in different locations, but as a guide, a minimum of width 1.5 metres will be required when tables and chairs are fully occupied.

Conditions

1. Users may:
 - Place chairs and tables on the land adjacent to their premises;
 - Set out umbrellas and planter boxes on the land and these shall be considered as part of the “obstructed footpath” criteria.

2. All tables, chairs, planter boxes and umbrellas must be in a clean and tidy condition. Any furniture set out must be of a safe standard, i.e. must not be able to be blown around in the wind and must not have any sharp or protruding edges.
3. The land to be occupied by each business will only be that directly in front of their respective property (building).
4. Signs, billboards or banners are not permitted on the land or road other than those permitted under Policy 18 Advertising on Roads.
5. A clear unobstructed footpath width of at least 1.5m width must be maintained.
6. The land is to be properly supervised by the user, and kept clean and free from litter at all times. Tables are to be cleared immediately once customers have vacated.
7. Furniture should only be out during trading hours. All tables, chairs, planter boxes and umbrellas are to be removed immediately after business has closed each day, unless specific approval has been provided by Council to allow furniture of a more permanent nature to be used.
8. All Licensing and Health regulations are to be observed and any instructions given by Police and Council Officers are to be complied with immediately.
9. The area may be cleared at the request of a utility service provider should work be required to be done in the area.
10. The area must be cleared at the request of NZTA when the area is within a State Highway road reserve
11. The Council shall not be held responsible for any claims or damages resulting from the user's occupation of the road. The user is responsible for maintaining public liability insurance to protect the user's liability for damage to third parties.
12. The user will not operate its business on the land or allow the land to be used in any way that may constitute a nuisance or annoyance to any person lawfully using the street.
13. The Council reserves the right to prohibit or terminate the use of any part of the road, either temporarily or permanent, for any reason.
14. Any existing conditions on the use of the footpath shall remain (e.g Building Consent, Resource Consent, or other Council regulation).

17. HAWKERS AND MOBILE ACTIVITIES

17.1 Purpose

To provide guidelines for issuing a licence for trading in a public place or approval for mobile activities when the proposed site is located within the road reserve.

17.2 Objective

The objective of this policy is to:

- enable appropriate street and car park activity in urban areas
- ensure activities do not impact on road safety
- minimise the effects on pedestrian access and car parking
- consider the impact on adjoining landowners
- maintain the aesthetic quality of the local environment.

17.3 Road Safety Implications

Activities within the road reserve can impact on road safety by creating a distraction to motorists, create safety issues relating to car parking, impede visibility at accessways and intersections, and obstruct pedestrians and people with mobility impairments.

This policy outlines requirements to mitigate these risks.

17.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

Section 209 of the Public Places Bylaw also provides enforcement provisions relating to trading in a public place.

17.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. This includes placing any obstacle or thing on a road (including the road verge and footpath) without the authorisation of Council.

17.6 Policy – Hawkers and Mobile Activities

There are a number of activities which are undertaken within the road reserve, or Council controlled car parks using mobile facilities. This includes trading (Hawkers) and other activities such as health services buses, education buses, recruitment activities, etc.

A licence for trading in a public place must be obtained for any activities involving the sale of goods or services from Council's Environmental Health Officer. Consent for activities other than selling goods or services is obtained from Council's Rooding Team.

Requirements

Any vehicle used within the road reserve or on a Council controlled car park must be roadworthy and meet all legal requirements for being on the road.

A license will not be provided if the vehicle will be located in an area or road which has a parking time restriction on it.

Process

For trading within the road reserve or a Council controlled car park:

- A completed application and the associated fee must be lodged with Council.
- If the proposed location is one of the Council pre-approved sites identified on the Application for A License for Trading in a Public Place Form, then approval will be provided through Councils Planning and Environmental Team.
- If the site is not a previously approved site then the application will be referred to the Rooding Team for consideration of the site prior to the Environmental team providing approval.

Site Approval

The following conditions will need to be met for any site within the road reserve, or a Council controlled car park, that is being used for trading or other mobile activities:

- The vehicle and activity must be located so that it does not obstruct the visibility at intersections or access ways.
- There must be adequate parking available in the vicinity for users of the service.
- The vehicle and activity must not create a distraction for motorists.
- There must be at least 1.5m of unobstructed footpath available for pedestrians.
- The vehicle must not be located in a time restricted parking area.
- Approval of the properties immediately adjacent and opposite the proposed site should be provided. If approval is not provided then this is to be noted on the application form.
- NZTA must also be contacted for approval for trading in public places and mobile activities on State Highways.

18. ADVERTISING ON ROADS

18.1 Purpose

To provide guidance on when Council may consider vehicles have been parked for the prime purpose of advertising, and manage sandwich boards, flags and goods on footpaths.

18.2 Objective

The objective of this policy is to:

- ensure de-facto car sales areas do not occur on road sides and in council controlled car parks
- ensure that vehicles are not parked on roads and in car parks for the prime purpose of drawing attention to advertising placed on the vehicles, or to flags supported by the vehicle
- to ensure that footpaths are not obstructed by advertising boards
- ensure sightlines at intersections are not obstructed by advertising boards
- to protect the visual amenity from excessive advertising within the road reserve.

18.3. Road Safety Implications

The display of a number of vehicles for sale on road reserve, and advertising signs attached to vehicles can cause a safety issue by causing a distraction to motorists.

Inappropriate and excessive signs and goods located on footpaths can restrict movement along paths for pedestrians and people with mobility impairment.

Advertising signs on paths, verges and vehicles can also obstruct visibility at intersections and access ways.

18.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

NZTA has a bylaw covering Advertising Signs on Highways. That bylaw does not apply to any sign constructed, maintained or displayed behind the kerb line where a 50km/h or lesser speed limit applies

18.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. This includes placing any obstacle or thing on a road (including the road verge and footpath) without the authorisation of Council.

18.6 District Plan

Rule 12.7.5 Signs (i) identifies which signs are a permitted activity throughout the District. This outlines the requirements for signage relating to real estate sales, construction sites, property signage, public safety information, events, electioneering, land information and road signs.

Rule 12.7.5 Signs (iv) states that “no sign shall be placed or affixed to a vehicle and/or trailer which is parked on private or public property (including a road) where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity on a nearby property. This does not restrict signs placed on or affixed to vehicles such as lettering where the sign is incidental to the primary use of the vehicle.”

18.7 Policy – Display of Vehicles for Sale and Advertising on Roads and Car Parks

The presence of a sign on a vehicle indicating it is for sale is generally not an issue when the vehicle is legally parked on the road or a car park as part of normal vehicle use. This does create problems when the prime reason for parking of the vehicle in a specific location is to advertise the vehicle for sale.

Parking of vehicles which have signwriting on them is not an issue when these vehicles are legitimately parked as part of the normal vehicle use, but it does create a problem when vehicles carrying advertising signs or supporting flags are parked on roads or car parks primarily for the purpose of advertising.

Display of Vehicles for Sale on Roads and Road Sides

A vehicle will be considered to have been parked for the prime purpose of displaying the vehicle for sale if the vehicle has a For Sale notice fixed to it, and

- it is parked in the same location for extended periods on a Collector Road or Collector Street, and this is not adjacent to the workplace or residence of the vehicle owner or vehicle user.
- there are three or more vehicles advertised for sale in the immediate vicinity, or
- the registered owner of the vehicle is a licenced motor vehicle dealer

Vehicles Used For Advertising on Roads and Road Sides

A vehicle will be considered to have been parked on a road or car park for the purpose of drawing attention to any advertising sign fixed to it if:

- The vehicle is parked for extended periods on a Collector Road or Street, and this not adjacent to the workplace or residence of the vehicle owner or vehicle user.
- If there is any sign attached to the vehicle or a trailer which is not kept in position during normal vehicle use or does not comply with the traffic regulations.

18.8 Sandwich Boards, Flags and Goods on Footpaths

Advertising and goods may be displayed for sale on footpaths and verges subject to the following conditions:

- The display of goods or signboard is 620mm “standard” or less in width and 1 metre high
- There is a minimum of 1.5 metres of unobstructed footpath available across the entire frontage of the property

- Only one display board or flag per property¹ or shop frontage is permitted.
- Any additional signs will be subject to an application, and must be in writing and contain the following information:
 - Name and address
 - Trading name of business
 - The reason why an additional sign is required
 - The wording and dimension of the sign
 - Details of clearance available
 - A map showing location of existing sign, and any tables and chairs, or other obstructions
 - within the site, and location of proposed sign.

¹ Property shall have the meaning of a separately used and inhabited part of a rating unit (SUIP).

19. ROADSIDE PLANTING IN RURAL AREAS

19.1 Purpose

To address issues related to the establishment and management of trees within the road reserve in rural areas.

Issues and management of trees on road reserves in urban areas are covered in the Central Otago District Council District Tree Management and Operational Guidelines 2011.

For the purposes of this policy trees and shrubs are any woody plant from 1m high through to large trees.

19.2 Objective

The objective of this policy is to:

- identify when plantings on roadsides are permitted
- to reduce road safety issues caused as a result of trees
- to reduce damage to infrastructure in or on the road from trees or tree roots
- to ensure trees do not obstruct traffic or utilities.

19.3 Road Safety Implications

Planting within the roadside can have significant impacts on road safety by impeding visibility, encroaching onto the road, falling on the road, affecting the road surface as a result of roots and shading of the road, and by creating a hazard that can be hit in the event of a crash.

19.4 Enforcement Provisions

The Central Otago District Council Roadway Bylaw will provide enforcement provisions to support this policy.

19.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. This includes planting any tree or shrub on a road (including the road verge) without the authorisation of Council.

19.6 Policy – Roadside Planting in Rural Areas

Trees may only be planted on road reserves in urban areas in accordance with the Central Otago District Council District Tree Management and Operational Guidelines 2011.

Planting will not generally be permitted within the legal road boundaries of formed rural roads. The exception to this is where plantings are permitted for beautification and traffic management on the approaches to rural towns. All planting within the road reserve in rural areas requires a permit.

Historical Plantings

Historical plantings, which were established before adoption of this policy, shall be permitted to remain provided the plantings are not considered to be a nuisance by the Council.

Council will record the location of historic shelterbelts which have been planted in the road reserve in rural areas by adjoining landowners.

The adjoining landowner will be advised that the plantings have been identified as a shelterbelt planted by the landowner without Council consent. The existing and subsequent landowners will be responsible for maintenance and removal of the trees in the future if they become a nuisance. Where the shelterbelt is significant then Council may require this agreement to be registered as an encumbrance on the title for future property owners.

Responsibility of Adjoining Land Owners

Where permitted or historical plantings exist within the road reserve the adjoining landowner is responsible for:

- removing plantings within the road reserve which impede visibility along the road, at intersections, property access ways, road corners, and signs
- removing plantings within the road reserve which cause shading of the roadway which exacerbates freeze/thaw issues on gravel roads to the extent that there are significant and identified risks to road users with regards to accessibility and road safety.
- removal of overhanging branches which obstruct pedestrians and traffic, and all tree trimmings and tree debris from the roadside
- any costs to repair or reinstate services or the road damaged as a result of the plantings
- tree maintenance required to avoid services
- ensuring that roadside drains are kept clear of tree roots, tree trimmings and tree debris
- keeping the area free of pest plants
- costs of clearing the road if the trees fall across the road.

Removal of Plantings

The Council may direct the permit holder or adjoining landowner to remove inappropriate plantings at the expense of the permit holder or landowner.

20. TREES ON ADJOINING LAND

20.1 Purpose

To outline the process that Council will use to address issues arising from trees on adjoining land.

Issues and management of trees on road reserves in urban areas are covered in the Central Otago District Council District Tree Management and Operational Guidelines 2011.

For the purposes of this policy trees and shrubs are any woody plant from 1m high through to large trees.

20.2 Objective

The objective of this policy is to:

- to identify the circumstances which will result in landowners being required to address tree issues
- to outline the process that council will follow to inform landowners of tree issues
- to identify the responsibility for costs for removal, trimming or cutting back trees
- to identify the responsibility for costs for rectifying faults on the road resulting from trees on adjoining properties.

20.3 Road Safety Implications

Trees on adjoining land can have a significant impact on road safety.

In some instances trees have a detrimental impact on the safety of a road by shading the road and causing ice issues on sealed roads and freeze/thaw issues on unsealed roads. Tree roots can also affect the surface of the road and footpaths.

Branches can overhang the property boundary and impede on pedestrians from using paths, and in extreme cases hit vehicles using the road. They can also obstruct visibility at intersections and access ways.

Some trees also drop branches or fall across the road in high wind.

20.4 Enforcement Provisions

Section 355 of the Local Government Act 1974 provides enforcement provisions for this policy.

20.5 Statutory and Legal Requirements

Section 355 of the Local Government Act 1974 provides powers and a process to Council to require removal, trimming, cutting back or lowering of trees and hedges on adjoining land.

“355 Council may require removal of overhanging trees, etc

- (1) The council may, by notice in writing under the hand of the chairman or the principal administrative officer, require the owner of any land abutting upon any road within the district to do any of the following acts:
 - to remove, lower, or trim to the satisfaction of the council any tree or hedge overhanging or overshadowing the road in cases where, in the opinion of the council, the removal, lowering, or trimming is necessary in order to prevent injury to the road or obstruction to the traffic thereon or to any channel, ditch, or drain appertaining thereto:
 - to cut down or grub up, as the council directs, and remove all obstructions to traffic or drainage arising from the growth of plants or the spreading of roots upon or under the road up to the middle line thereof along the whole frontage of the land occupied or owned by him:
 - to remove, lower, or trim to the satisfaction of the council any tree or hedge, or to lower any fence or wall, if in the opinion of the council the tree, hedge, fence, or wall is likely, by reason of its obstructing the view, to cause danger to the traffic on that or any other road.
- (2) Within 10 days after service of the notice, the owner may apply to a District Court for an order setting aside the notice.
- (3) On the hearing of the application, the court, whose decision shall be final, shall determine whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.
- (4) In the case of a notice which is not set aside as aforesaid, if the owner fails to do any such act in compliance therewith within 1 month from the service thereof, or, where application as aforesaid has been heard, then within 1 month after the giving of the decision of the court, he commits an offence and is liable to a fine not exceeding \$5 for every day during which the failure has continued, and the council, by its officers or agents, may enter on the land and do that act and recover the cost from him.
- (5) The said cost shall be a charge upon the land.
- (6) In any case where the council might give any such notice as aforesaid in respect of any land, any resident of the district may, by notice in writing, request the council to do so.
- (7) If for the space of 28 days after the receipt of the last-mentioned notice the council fails to comply therewith, the resident making the request may apply to a District Court for an order requiring the council to comply with that notice.
- (8) On the hearing of the application, the court shall determine whether and to what extent the notice shall be complied with by the council, and the decision of the court shall be final.
- (9) The council may remove, lower, cut down, grub up, or trim, as the case may be, any fence, wall, tree, hedge, or plant to which subsection (1) applies, after giving oral notice to the occupier, or, where there is no occupier, to the owner, of the land, if life, property, or any road is in imminent danger. The cost of the work shall be a charge against the land as if notice had been given under subsection (1) and had not been set aside by a District Court.
- (10) For the purposes of this section the term **cut down** means cutting down and keeping cut down or removing or controlling by chemical means the stem and roots of any plants so as to prevent their throwing out any leaf, offshoot, or flower.”

20.6 District Plan

Rule 4.7.6 C Tree Planting states that:

- “(a) No trees shall be planted on a property in such a manner that they obstruct the vision of motorists on the road or cause the root system to have an adverse effect on the road surface.
- (b) No trees shall be planted adjacent to any road in a position that will shade the carriageway between the hours of 1000 and 1400 on the shortest day of the year where the speed limit is above 50km/hr and the topography is not already preventing direct sunlight onto the carriageway.”

20.7. Policy –Trees on Adjoining Land

Council spends a considerable sum of money each year undertaking the following activities as a result of trees on adjoining land.

- ice control on sealed roads
- signs and spot metalling on gravel roads during freeze thaw periods
- removal of tree roots from within the road carriageway or under footpaths
- replacing culverts and sumps which are damaged by roots
- cutting back vegetation which is hitting vehicles
- cutting back vegetation which is obscuring visibility at intersections, corners, signs, and street lights
- removing branches or trees which have fallen across roads
- spraying seedlings and suckers.

When Council will Require Trees to be Removed or Cut Back

Council will require trees or hedges to be removed, lowered, or trimmed:

- when work is required on the road to repair damage to the road as a result of trees on adjoining land. This includes pavement repair work where the failure is exacerbated by trees shading the road or tree roots affecting the surface of the road.
- when overhanging vegetation is obstructing visibility at intersections or road corners
- when overhanging vegetation is obstructing signs and street lights
- if a branch has a height less than 2m over a footpath
- it is of an age or condition that significant branches or the tree may fall onto the road reserve.

Process for Landowner Notification

Council has adopted a three-stage process for notifying landowners that trees or hedges on their property are required to be removed, lowered or trimmed.

The first step will be a written letter which identifies the problem, the minimum acceptable solution, an expected timeframe for addressing the problem, and an information brochure outlining Council's policy. The initial notice will advise that Council can assist with traffic management for complete removal of the trees.

If the issue isn't resolved in a timely manner, or is a repeating one, then formal notice will be served in accordance with Section 355 of the Local Government Act 1974. An expected timeframe will be provided to undertake the work. This timeframe will depend on the seriousness of the problem. Trees which are posing an immediate safety risk will have a shorter timeframe than those which are progressively damaging assets.

As a last resort Council will arrange to have the work undertaken to cut back, lower or trim the tree and recover the costs under the provisions of Section 355 of the Local Government Act 1974. This work will be undertaken by Council's Road Maintenance Contractor, and a 3% margin will be added to cover Council's administration and inspection costs.

Responsibility for Costs for Removal, Trimming or Cutting Back Trees

Council does not have sufficient funding to enable it to contribute to the cost of removal, trimming, or cutting back trees which are located on adjoining property.

Council will however provide traffic management for complete removal of trees where this requires people or equipment to operate from within the road reserve.

Council will not provide traffic management for tree maintenance activities such as trimming or cutting back trees or hedges.

The landowner is responsible for all costs of removal, trimming, cutting back of trees and hedges and disposing of vegetation.

Responsibility for Costs for Rectifying Faults on the Road Resulting From Trees on Adjoining Properties

The initial repair of faults which result from trees on adjoining property will be funded by Council.

Landowners will then be advised that the repair has been required, the cost of the initial repair and advised that action is required to stop this occurring again. Council will work with landowners to develop relevant and effective solutions to mitigate further damage to road infrastructure.

Council will recover reasonable costs for any subsequent repairs required as a result of the continued existence of the tree or hedge under the provisions of the Roading Bylaw.

Where the fault is as a result of shading of the road, then Council will fund mitigation of shading effects for 12 months after notification to the landowner.

For the avoidance of doubt, a row of trees on the property boundary is considered to constitute a hedge, and the initial repair will apply to the entire row of trees or hedge.

If a tree in a row of trees or hedge falls across the road and requires clearing, then Council will clear the carriageway in the first instance at no cost to the landowner. The landowner will however be responsible for costs for any further trees in the row falling on the road.

21. REMOVAL OF TREES ON ROADS

21.1 Purpose

To enable the removal of trees from rural roadsides by people or organisations other than Council.

21.2 Objective

The objective of this policy is to:

- ensure that trees with amenity and heritage value are protected
- identify where trees on road reserve can be removed
- enable trees which are detrimental to the road to be removed by other parties
- outline health and safety expectations and requirements when removing trees
- outline traffic management requirements for removal of trees.

21.3 Road Safety Implications

Trees on roadsides impact on the safer roadsides component of the New Zealand Road Safety Strategy. Removal of trees from high risk locations on roads is desirable to make the road more forgiving in the event of a crash.

In some instances trees have a detrimental impact on the safety of a road by shading the road and causing ice issues on sealed roads and freeze/thaw issue on unsealed roads, or by tree roots affecting the surface of the road.

21.4 Enforcement Provisions

The Central Otago District Council Roadway Bylaw will provide enforcement provisions to support this policy.

21.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 353 general safety provisions for roads, and Section 357 penalties for damage to roads apply.

21.6 District Plan

Rule 14.7.2 Notable Trees states:

“the removal of any tree identified in register in Part B of Schedule 19.4 except where the tree has died of natural causes is a discretionary activity”.

Significant trimming of any trees or group of trees listed in the register is also a discretionary (restricted) activity.

21.7 Policy – Removal of Trees on Roads

There are many locations in Central Otago where there are trees which are located within the road reserve which have a detrimental effect on the road. Council has limited funding to remove all of these trees.

Council receives requests from individuals and organisations wishing to cut down trees for firewood. A permit is required to be issued by Council for removal of any trees within the road reserve.

Identifying Trees for Removal

Council maintains a list of locations where there are trees on roads which have been identified as being desirable to remove. Staff will review this list to identify sites where trees could be removed by others.

Procedure

Consent will only be provided to remove naturally occurring trees within the road reserve where the purpose of the removal is deemed to be of benefit to the road environment, and the tree has no amenity or heritage value.

Any person wishing to remove trees from within the road reserve requires a permit. Application for a permit shall include the following information:

- Definition of the site
 - Road name
 - Location on the road as a distance from the nearest Rapid number
 - Photograph of the trees to be removed
 - Location of power lines or other overhead services relative to the trees
- Extent of operation proposed
- Details on how tree debris will be disposed of or stored
- Written consent of the adjoining property owner
- Name of the person who will be responsible for removing the trees
- Details of any machinery that is proposed to be used
- Personal protection clothing and equipment
- Details of tree felling and chainsaw certificates held
- Details of any traffic management qualifications held
- Details of any road closures required while the trees are being felled

Traffic Management Requirements

The traffic management requirements vary depending on the classification of the road.

Council will assist with traffic management for removal of trees in some cases where there is significant benefit to the road environment by having the trees removed. This assistance ranges from providing all traffic management while the trees are being felled, to providing a traffic management plan for implementation and arranging temporary road closures.

Chainsaw Qualifications

Council requires people who wish to remove trees from within the road reserve to have undertaken appropriate qualifications relating to the use of chainsaws and tree felling.

22. ROAD NAMING

22.1 Purpose

To provide guidelines for naming a new or previously unnamed Public Road.

22.2 Objective

The objective of this policy is to

- ensure a consistent road naming convention across the district
- provide opportunity for names suggested by members of the public to be applied to new roads and streets
- reduce duplication of road names within the district
- clarify responsibilities.

22.3 Road Safety Implications

There are no road safety implications related to this policy.

22.4 Enforcement Provisions

There are no enforcement provisions related to this policy.

22.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 319A, Initial naming of roads, states:

“Where the Council names any road for the first time, it shall, as soon as conveniently may be after doing so, -

Advise the District Land Registrar of the land registration district within which the land is situated, who shall note his records accordingly; and

Advise the Chief Surveyor of the land district within which the land is situated. ”

22.6 Policy – Road Naming

The requirements of AS/NZS 4819:2011 Rural and Urban Addressing shall be followed for providing road names.

The road name may only consist of a surname, or one word.

A road name shall not be offensive, racist, derogatory or demeaning.

A road name should be easily pronounced and spelt and be easily understood when written or in conversation. However in the case of indigenous languages it is accepted that a traditional name which may appear at first to be complex will, over time, become familiar and easy to use within the community.

The name element of a road name, regardless of any difference in the road type, shall not be:

- a) the same as an existing road name,
- b) similar in spelling to an existing road name; or
- c) similar in sound to an existing road name.

to any other road name within the Central Otago District Council boundaries unless approved by the Rooding Committee.

A road name should not consist of the conjoined names of places or localities found along the length of the road, or include a hyphen.

A road name derived from the Maori language should be local to the area and endorsed by Kai Tahu ki Otago Ltd.

Responsibility for Choosing and Approving Road names

All new legal road reserves shall be required to be named by subdividers and this will be managed as part of the resource consent process.

Approving of names for new or previously unnamed public roads shall be the responsibility of the relevant Community Board. Road names are required to comply with this policy.

All requests for naming of existing unnamed roads shall be managed by the Rooding Staff.

Options for Road Names

Council Rooding Staff maintain a list of names for each ward which is derived from the names on war memorials within the area, and any other names which have been suggested by members of the public which have a particular relevance to that area. These names will not duplicate other road names within the district.

The choice of road names for subdivisions is largely left to the discretion of the developer who may select a name from the list maintained by Council, or a different name which complies with the requirements stated above.

In all cases three options for road names should be submitted for consideration. The Community Boards reserve the right to accept any of the submitted names or another name.

Costs

All costs associated with naming a new road shall be met by the applicant.

No charge will be made for naming of existing unnamed roads.

Procedure

Naming of New Roads

The subdivider is required to provide three suggested names with their background to the Council.

The suggested names will be checked to ensure they comply with the requirements of this policy and AS/NZS 4819:2011.

A report will be prepared for the relevant Community Board. Following resolution by the Community Board the subdivider and Council's Rates Officer will be notified of the Community Board's decision.

Council will also notify the District Land Registrar and Chief Surveyor of the name.

Naming of Existing Unnamed Roads

A report will be prepared for the relevant Community Board. The report shall include the background of the proposed name.

The report is to be supported by a resolution of the relevant Community Board.

The applicant and Council's Rates Officer will be notified of the Community Board's decision.

Council will also notify the District Land Registrar and Chief Surveyor of the name.

Road Name Designations

The physical features of the road are to be considered, and the designation shall be in accordance with the following definitions:

Court	yard surrounded by houses with entry from street
Close	street closed at one end
Place	small group of houses round square
Way	road or track for passing along
Grove	road lined with houses and trees
Crescent	street of houses in crescent shape
Terrace	raised level space, natural or artificial, especially for walking, standing or cultivation; row of houses built on one level, or of uniform style
Lane	narrow road or street
Drive	street or road, especially scenic one
Street	public road in a city or town with houses or buildings on each side
Avenue	road or path usually bordered by trees; broad main street

Road name designations shall be determined from the table on the following page:

Urban

CODC Hierarchy	NZS 4404:2004 Class	Type	Dwelling volumes	Units/Traffic	Designations
Local Urban	Local Roads	Private Way	1-6 dwelling units		Court or Place
		Private Way	7-12 dwelling units		Court or Place
		Cul de sac	Up to 20 dwelling units		Place or Close
		Residential	Up to 750 vpd		Way, Grove, Crescent, Terrace, Drive or Street, Avenue or Road
Service Lane		Industrial/Commercial Service lane	NA		Way, or Lane
Collector Urban		Commercial (Park Precinct)	<2000 vpd		Refer below
Local Urban	Local Distributor Roads	Residential	200 – 1000 vpd		Grove, Crescent, Terrace, Drive, Avenue, Road or Street
		Commercial	300 – 1000 vpd		Street or Road
Collector Urban	Collector Roads	Residential	1000 - 3000		Street or Avenue
		Industrial/Commercial	>1000		Street or Avenue

Rural

CODC Hierarchy	NZS 4404:2004 Class	Traffic volumes	Designations
Track	Minor Local	NA	Track or Road
Lane or Minor Gravel	Minor Local	<50	Way, Lane or Road
Intermediate Gravel	Minor Local	51 - 149	Way, Lane or Road
Major Gravel or Local Sealed	Minor Local/Sub collector	>150	Lane or Road
Collector	Collector Roads	>500	Drive or Road

23. ROAD RENAMING

23.1 Purpose

To outline the process for altering the name of a public road.

23.2 Objective

The objective of this policy is to:

- minimise the administration costs for road renaming
- reduce duplication of road names within the district
- clarify responsibilities.

23.3 Road Safety Implications

There are no road safety implications related to this policy.

23.4 Enforcement Provisions

There are no enforcement provisions related to this policy.

23.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 320 states:

- “That Council can only alter the name of a road by special order.
- That following the making of the special order Council shall send a copy of the special order to the District Land Registrar and the Chief Surveyor.
- The District Land Registrar shall note his records accordingly, without payment of any fee.”

23.6 Policy – Road Renaming

Changing existing road names is sometimes an emotive issue for members of the public and can cause inconvenience to residents on that road. There is also a lengthy legal process that is required to be followed in order to change a road name.

Road names are generally changed because the existing name is confusing and does not comply with the requirements of AS/NZS 4819:2011. Typically the roads have origin-destination names, are hyphenated, are known locally by a different name, or the road is not continuous.

Applicants who request a road be renamed to a different name for other reasons are to be encouraged to consider the name suggested being applied to an unnamed road or street as an alternative to renaming an existing road name.

Requests to alter a road name shall be considered initially by the relevant Community Board and will only be forwarded to Council if supported by the Community Board.

Requests to alter road names shall be considered by the Council annually.

Costs

All costs associated with altering a road name shall be met by the applicant if considered appropriate.

Procedure

A draft proposal is to be prepared by the Roading Manager. This report is to consider if the proposed name change duplicates or could be confused with any existing road names within the district, and the reason for the proposed name change. The draft proposal is to be supported by a resolution of the relevant Community Board.

The proposal will then be presented to the Council for resolution to alter the road name by special order.

Public notification is required in accordance with the requirements of a special order of Council.

Following closure of the public notification period a report on the submissions is to be prepared for the Council by the Roading Manager.

If the special order is confirmed by a resolution of Council, the District Land Registrar and Chief Surveyor shall be notified of the change. A copy of the special order is to be provided with this notification. Council's Rates Officer will also be informed.

The applicant and submitters will be informed of the Council's decision.

24. STOCK MOVEMENT ACROSS ROADS

24.1 Purpose

To identify the requirements for droving stock across roads

Across is defined as a movement generally perpendicular to the road centreline. It covers the movement of livestock from one side of the road to the other side of the road.

Movement of stock along roads is covered in Policy 25 – Droving Stock Along Roads.

This policy does not include the movement of stock across State Highways. Contact NZTA on (03) 951 3009 for requirements for State Highways.

24.2 Objective

The objective is to manage the movement of stock along roads to ensure:

- the safety of the livestock, the people driving the stock and other users of the road
- that public and private infrastructure, property and roading assets are protected
- that road users are not unreasonably delayed.

24.3 Road Safety Implications

Stock on roads create a crash hazard for motorists when inadequate warning is provided to motorists to enable them to stop when there is stock ahead.

Stock effluent on roads also causes the road to become slippery and can result in loss of control of vehicles.

24.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

24.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 353 states that Council must take all sufficient precautions for the general safety of the public and traffic and workers employed on or near any road. This includes a requirement to take reasonable precautions to prevent crashes by implementing traffic management.

The Local Government Act 1974 Section 357 Penalties for damage to roads identifies activities which constitute an offence. This includes placing or leaving anything on a road, and wilfully or negligently allowing any liquid harmful to sealed or paved surfaces or likely to create a danger to vehicles on such surfaces to escape onto the road.

Section 341 of the Local Government Act 1974 enables Council to lease for the purpose of construction and maintenance of a tunnel or subway connecting land on one side of the road with land on the other side upon such terms and conditions as it thinks fit.

24.6 Policy – Moving Stock Across Roads

24.6.1 Scope

This policy covers the movement of stock from one side of the road to the other side generally perpendicular to the road centreline.

Council accepts that the frequency with which stock are moved from one side of the road to the other varies and the requirements of this policy differ dependent on the length of time the crossing is required, the frequency of use, the number of stock crossing, and the classification of the road.

There are three levels of crossing, each of which has different requirements:

- Permitted – on rural roads where the frequency of livestock crossing is low. In this situation stock may be moved across roads in accordance with the policy requirements, without a permit being issued by Council.
- Conditional – on rural roads where the frequency of livestock crossing is moderate. In this situation stock may be moved across roads in accordance with the policy requirements provided a permit has been issued by Council.
- Restricted – on all urban roads and streets and on rural roads which carry high traffic volumes and/or the frequency of livestock crossing is high. In this situation a permit is required and Council will apply appropriate specific conditions which may include the requirement to construct an underpass.

24.6.2 Permitted Livestock Crossings

A livestock crossing point is a permitted activity under the following circumstances.

This means that livestock may be crossed at these locations without a permit being issued by Council. All of the following conditions must be met:

- If the crossing will be used for cattle then the number of cattle crossing shall not exceed the amount relative to the average daily traffic volume for the road as shown on diagram 1.
- The road is a rural road with a posted speed limit of greater than 70km/h.
- The number of times the crossing is used is less than 16 times in any month.
- Livestock will not begin or continue crossing ½ hour before sunrise and ½ hour after sunset.
- A minimum of 250m advance warning of the crossing is required.

Advance warning comprises of a distance of 100m of unimpeded visibility between any approaching vehicles and the sign warning of the crossing, and a minimum of 150m of unimpeded visibility between the warning sign and the crossing site. Refer to diagram 2.

- The road surface at the livestock crossing shall be kept free of stock effluent after crossing is completed on each occasion that it is used.
- All personnel manning the crossing are required to wear a high visibility vest.

24.6.3 Conditional Livestock Crossings

A livestock crossing point is a controlled activity if any one of the conditions for a permitted livestock crossing cannot be met, but the site does not trigger the requirements for a restricted livestock crossing.

A conditional crossing requires the application for and granting of a permit by Council.

Where there are multiple crossing points between two specific properties either side of the road then Council reserves the right to consider these as either a conditional or restricted crossing situation.

24.6.4 Restricted Livestock Crossings

A livestock crossing point is a restricted activity if any one of the following circumstances applies:

- If the crossing will be used for cattle and the number of cattle crossing exceeds the amount relative to the average daily traffic volume for the road for a permitted and conditional crossing as shown on diagram 1.

Or

- The number of times the crossing is used exceeds 40 in any month

Or

- The unimpeded visibility requirements cannot be met for the crossing site.

Or

- The road has a posted speed limit of less than 70km/h, or the road is located within an urban area.

A restricted crossing requires the application for and granting of a permit by Council.

The Council shall apply appropriate specific conditions to restricted livestock crossing permits which are granted under the restricted permit category. Conditions may include the requirement to construct an underpass.

Requirements for Stock Crossing Permits

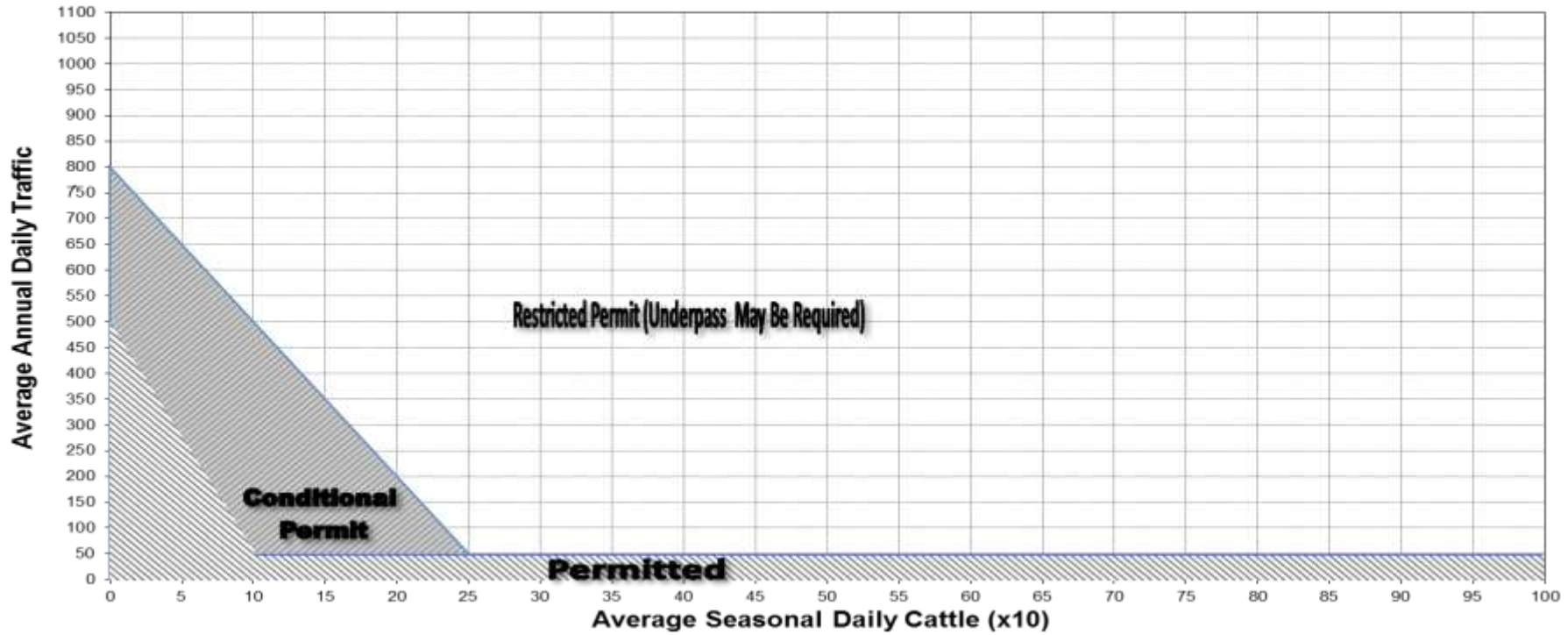


DIAGRAM 1

Stock Crossing Permit or Underpass

The following table summarises the characteristics used to identify the permit types:

Table 1

Livestock Crossing Permit Class

Characteristic	Permitted	Conditional	Restricted
Characteristics to be met	All listed below	All listed below	Any
Rural (Speed Limit > 70km/hr)	Rural	Rural	Urban
Listed Restricted Rural Road	No	No	Yes
Stock Crossing Frequency	Less than 15/month	Between 15 & 40/month	More than 40/month
Average Annual Daily Traffic (AADT)	Less than 50VPD	Between 50 & 800VPD	Greater than 800VPD
Annual Seasonal Daily Cattle (ASDC)	Refer Stock Crossing Frequency above	ASDC less than 250- Refer Diagram and Stock Crossing Frequency above	ASDC greater than 250- Refer Diagram 2
Road Cleanliness	Road surface at the crossing shall be kept free of stock effluent after completed crossings	Road surface at the crossing shall be kept free of stock effluent after completed crossings	Road surface at the crossing shall be kept free of stock effluent after completed crossings

Notes

1. Stock crossing frequency refers to the number of herd movements as a group.
2. AADT is the volume of vehicle traffic recorded in the Council RAMM database.
3. VPD is the number of vehicles per day.
4. ASDC is the average seasonal daily cattle (1 cow = 8 sheep). Length of season for sheep shall be 365 days. Season length for cows shall be the length of the milking season.
5. Restricted Rural Roads: State Highways

24.6.5 Exemptions

Livestock movements on public roads that are the result of an emergency, such as flooding or fire, landslide and damage to fences, or similar, or for the purposes of returning wandering or loose livestock to the owner's property or to a temporary pound, shall be exempt from the requirements of this policy.

24.6.6 Application for Livestock Crossing Permit

Every person who wishes to move livestock across a road regularly or frequently where livestock movement is conditional or restricted under the requirements of this policy, shall make an application to the Council on the required form at least five days prior to any movement of stock.

The application shall not be approved unless all information required from the applicant has been provided.

24.6.7 Consideration of an Application

In considering any application for a permit and in imposing any conditions in the permit the Council shall take into consideration the:

- a) limits and maximum values for characteristics specified in Table 1 of this policy;
- b) traffic safety criteria, including traffic volume and sight distances;
- c) frequency or scale of any potential traffic hazard or obstruction or nuisance;
- d) social impact;
- e) environmental impact; and
- f) potential damage to the road or structures in the road.

24.6.8 Decision on an Application for a Crossing

Applications for conditional crossings will be granted within five working days after receipt of all required information.

Applications for restricted crossings and notification of any conditions will be provided within 20 working days after receipt of all required information.

24.6.9 Conditions of Permit

Any livestock crossing permit may be granted subject to such conditions as the Council may impose, including but not limited to the:

- a) dimensions and surface of any entrance to the road;
- b) dimensions and placement of warning signs;
- c) use, colour and placement of warning lights;
- d) use, size and placement of road cones;
- e) number of competent persons required to be present;
- f) length of time for which other road users might be halted;
- g) use of mats or similar devices to protect the road;
- h) removal of excrement from the carriageway and entrances to the road;
- i) lighting of the crossing may be required by the Council if some crossings may take place outside daylight hours (likely to become mandatory once suitable technology available);
- j) specific times for movement;
- k) maximum number of livestock; or
- l) meeting of any other conditions reasonably necessary to achieve or ensure compliance with this policy;
- m) evidence of current Public Liability Insurance coverage of at least one million dollars.

24.6.10 Timeframe for Construction of Stock Underpasses

Where a restricted crossing permit is issued or a crossing is identified as becoming likely to be restricted, the Council and livestock owner may agree to an alternative to a road surface crossing by means of a livestock underpass or overpass subject to Section 341 of the Local Government Act 2002.

Generally construction of a stock underpass for a crossing which existed prior to adoption of this policy shall be completed within five years of the date of adoption of this policy.

Where the crossing is classified as a priority crossing by the Council, an underpass shall be constructed within two years of the adoption of this policy.

An underpass shall be constructed prior to operation of the crossing where it is a condition for a restricted permit issued after August 2013.

24.6.11 Variation of Permit

The Council may at any time during the term of a permit, by written notice to the permit holder, vary any condition within the permit to address such issues as a change in the:

- a) nature of the livestock crossing;
- b) traffic volume; or
- c) legal requirements imposed on the Council.

24.6.12 Compliance with the Permit

The permit holder shall at all times comply with, and be responsible for compliance with, the conditions of the permit.

24.6.13 Term of Permit

A livestock crossing permit shall be valid, unless revoked by Council due to non-compliance, for a term of five years.

The Council will provide notice, in writing, to permit holders at least two months prior to the due date of the permit expiring.

24.6.14 Suspension or Cancellation of Permit

The Council may suspend or cancel any permit by giving 20 working days written-notice to the permit holder where it is in the public interest to do so or if the permit holder fails to comply with any condition of the permit.

24.6.15 Summary Cancellation

An authorised officer may suspend or cancel any permit immediately by giving written notice to the permit holder, if:

- a) the Council is lawfully directed to suspend or cancel the permit;
- b) the permit holder disregards any conditions of the permit in a manner which the authorised officer determines may endanger the health or safety of any person or damage any part of the road or cause environmental degradation; or
- c) the livestock movement is not effectively controlled in accordance with the requirements of a permit.

24.6.16 Transfer or Termination of Permit

When the permit holder of any property from which livestock is moved subject to a livestock movement permit ceases to occupy that property then this permit shall be at an end.

The permit holder shall not transfer the rights and responsibilities provided for under this policy and under the permit to any other party.

24.6.17 Council May Recover Costs

The Council may set fees and charges for the recovery of the reasonable costs incurred for the:

- a) application process
- b) administration of the permit
- c) unscheduled maintenance or repair of the road or any part of the road due to damage caused by the livestock movement; and
- d) unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after the livestock movement.

24.6.18 Fees and Charges

In the event that the Council institutes a fee for the permit the permit holder shall pay all fees and charges payable to the Council for the reasonable costs of the administration of the permit, as set out in the Council's Schedule of Fees and Charges.

The permit holder shall pay all fees and charges payable to the Council for the reasonable costs for any unscheduled maintenance to repair the road or any part of the road due to damage caused by the livestock crossing or to remove excessive livestock excrement from the road carriageway or any entrance to the road.

24.6.19 Signage Requirements

NOTES:

1. Tapes across the roadway shall not be permitted except where specifically approved by CODOC and only on roads with a traffic volume less than 50 vehicles/day.
2. Tapes, if approved by CODOC, shall be mounted no more than 100mm above the road surface.
3. Crossing to have drover in attendance at all times.
4. Road surface shall be left free of debris and effluent following each crossing. The use of approved mats is recommended.
5. Advanced warning distances are minimum required.

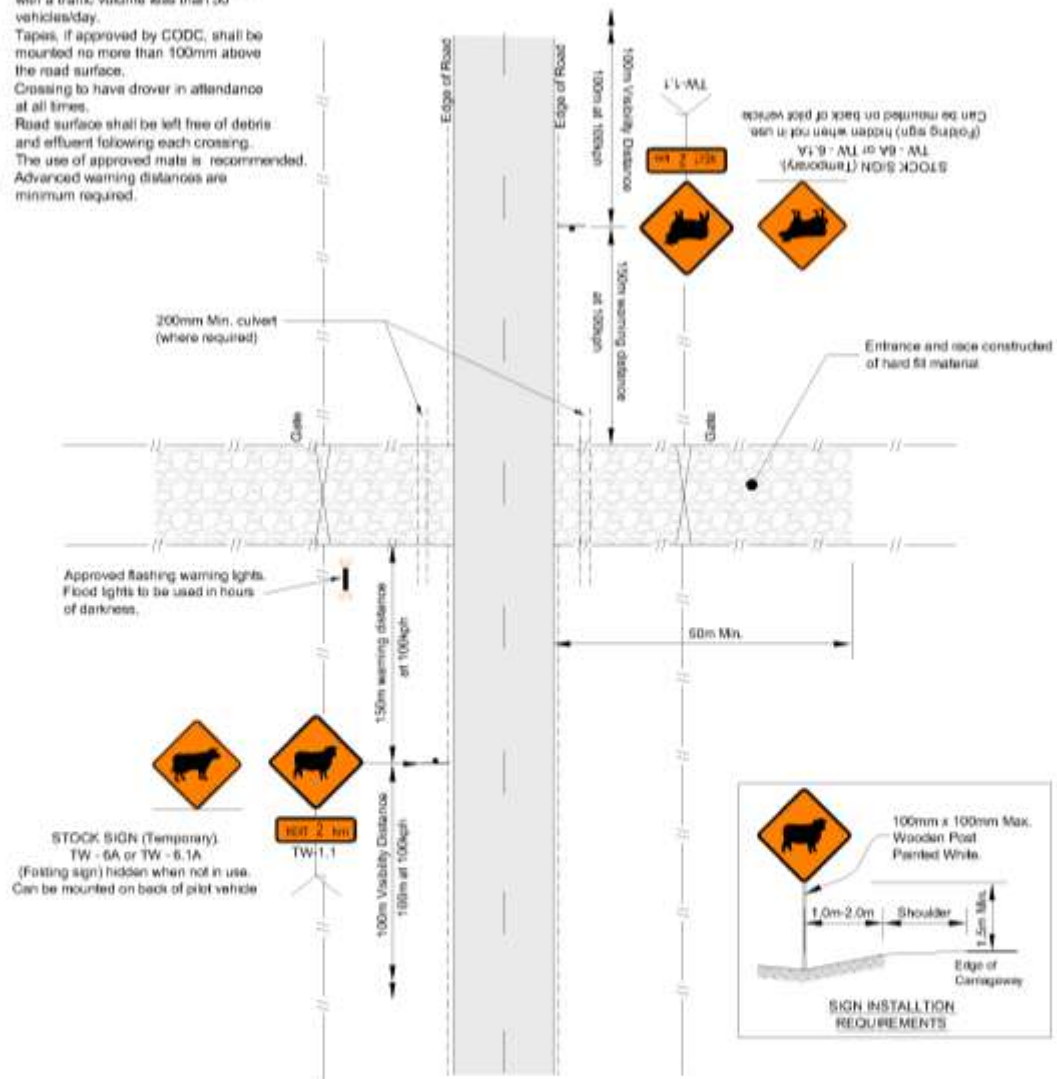


DIAGRAM 2

Stock Crossing Warning Sign Layout
(Refer notes below)



STOCK CROSSING WARNING SIGNS - PERMANENT CROSSINGS

Sign and Warning Device Requirements:

- The required signs are either a TW-6A (cattle) or a TW-6B (sheep); whichever is the most appropriate for the majority of stock using the crossing.
- The sign will be a folding sign. A full length stainless steel hinge is recommended.
- The symbol will be a black silhouette with a black border around a 750mm x 750mm diamond shaped sign (as per the Manual of Traffic Signs and Markings).
- The orange background will be a minimum High Intensity reflective material (class 1).
- Sign is to be manufactured to meet the standards specified in the RSMA Standard for the Manufacture and Maintenance of Traffic Signs, Posts and Fittings.
- An amber rotating flashing light mounted at the crossing point and located to be clearly visible in each direction.
- The sign shall be opened while stock is on the road.

Installation requirements:

- Sign to be mounted on a 100mm x 100mm square treated wooden post. The post will be painted white.
- The post will be located 1m to 2m off the outside edge of the gravel verge.
- The height from the road level to the underside of the sign shall be 1.50m minimum.
- As near as possible the signs should be located as per the following table:

Traffic Speed	100 km/hr
Minimum distance from warning sign to the stock crossing	150m
Approaching drivers uninterrupted minimum viewing distance of the sign	100m
Minimum total warning distance	250m

Note: The signs must always be folded down when not in use.

25. DROVING STOCK ALONG ROADS

25.1 Purpose

To identify the requirements for droving stock along roads.

Along is defined as a movement generally parallel to the road centreline. It covers the movement of livestock from one gateway to another gateway further along the road, not necessarily on the same property. These movements are commonly known as stock droving. This policy covers both short and long distance stock droving.

This policy does not include the movement of stock along State Highways. Contact NZTA on (03) 951 3009 for requirements for State Highways.

25.2 Objective

The objective is to manage the movement of stock along roads to ensure:

- the safety of the livestock, the people driving the stock, and other users of the road
- that public and private infrastructure, property, and roading assets are protected
- that road users are not unreasonably delayed.

25.3 Road Safety Implications

Stock on roads create a crash hazard for motorists when inadequate warning is provided to motorists to enable them to slow down or stop when there is stock ahead.

Stock effluent on roads causes the road to become slippery and can result in in loss of control of vehicles.

Motorists can become frustrated when stock are not kept under control during droving operations. This occurs when there is inadequate personnel for the size of the operation.

25.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

25.5. Statutory and Legal Requirements

The Local Government Act 1974 Section 353 states that Council must take all sufficient precautions for the general safety of the public and traffic and workers employed on or near any road. This includes a requirement to take reasonable precautions to prevent crashes by implementing traffic management.

25.6 Policy – Moving Stock Along Roads

This policy provides for the:

- a) acceptance of long-term, intermittent, or temporary movement of livestock along public roads in the district;
- b) establishment of two classes of livestock movement along roads;
 - Permitted; on rural roads, where the frequency of livestock droving is low and the distance driven is less than 10km;
 - Conditional; on roads with a posted speed limit of less than 70km/h, where the frequency of livestock droving is high and/or the distance driven may be over 10km;

25.6.1 Procedure

Permitted

The movement of livestock along a road in accordance with the following requirements does not require a permit.

- a) The number of animals being moved along the road shall not exceed either 3000 sheep or 600 cattle;
- b) the number of livestock movements along the road do not to exceed 10 in any month;
- c) no livestock movement along the road shall begin or continue outside the hours of daylight;
- d) a minimum of 250m advance warning of the stock shall be provided. Advanced warning shall comprise a minimum of 100m of unimpeded visibility between any approaching vehicle on the open road and the sign warning of the hazard (stock) ahead. The warning sign shall be a minimum of 150m in advance of the stock.
- e) the roads on which the drove takes place are rural roads with a posted limit of greater than 70km/h.

The livestock are to be kept under control at all times. This would normally mean the livestock are attended at all times by at least two drovers, on the roadway one in front and one behind the livestock. More may be required to ensure that the livestock are under control and other road users have adequate warning and that there is no damage or danger to either public or private property.

Signs and warning lights are required to be used in accordance with the requirements of this policy.

Conditional

Any livestock movement along the road that is conditional requires the application for and receipt of a current and valid livestock droving permit.

A conditional livestock droving permit is issued where at least one characteristic of the number of animals, the number of movements in any month, droving distance, or a characteristic specific to the location or timing of the drove, exceeds the limits for a permitted livestock movement along the road.

A conditional permit is required for stock droving on any road which has a posted speed limit of 70km/h or less.

25.6.2 Council May Restrict Movement

In the event that an authorised officer considers it necessary to close or restrict access to any road as a result of obstruction from road works, flooding, landslide, civil emergency or any other event, the authorised officer shall have discretionary power to halt or divert any movement of livestock from the use of that road notwithstanding any prior permit for movement of livestock on that road.

25.6.3 Exemptions

Livestock movements on public roads that are the result of an emergency, such as flooding or fire, landslide and damage to fences, or similar, or for the purposes of returning wandering or loose livestock to the owner's property or to a temporary pound, shall be exempt from the requirements of this policy.

25.6.4 Application for a Conditional Livestock Droving Permit

If movement is classed as conditional under the requirements of this policy, then an application should be lodged with Council on the required form at least five days prior to any movement of stock.

The application shall not be approved unless all information required from the applicant has been provided.

A permit will be issued within five days. There is no fee for issuing a permit for droving of stock.

Unless issued for a specific livestock movement a livestock droving permit shall be valid, unless revoked, for a term of five years.

25.6.5 Consideration of an Application

In considering any application for a permit and in imposing any conditions in the permit the Council shall take into consideration the:

- a) traffic safety criteria, including traffic volume and sight distances;
- b) frequency or scale of any potential traffic hazard or obstruction or nuisance;
- c) social impact;
- d) environmental impact; and
- e) potential damage to the road or structures in the road.

25.6.5 Conditions of Droving

Droving must be undertaken in accordance with the requirements of this policy, and any other conditions that the Council may impose, including but not limited to the:

- a) dimensions and placement of warning signs;
- b) use, colour and placement of warning lights;
- c) use, size and placement of road cones;
- d) number of competent persons required to be present;
- e) length of time for which other road users might be halted;
- f) removal of excrement from the carriageway and entrances to the road;
- g) specific times for drove;
- h) maximum number of livestock;
- i) meeting of any other conditions reasonably necessary to achieve or ensure compliance with this policy;
- j) evidence of current Public Liability Insurance coverage of at least \$1,000,000; and
- k) provisions to be made to protect frontages and private property neighbouring the stock movement route.

The permit holder shall at all times comply with, and be responsible for compliance with, the conditions of the permit.

25.6.7 Variation of Permit

The Council may at any time during the term of a permit, by written notice to the permit holder, vary any condition within the permit to address such issues as a change in the:

- a) nature of the livestock drove;
- b) traffic volume; or
- c) legal requirements imposed on the Council.

The Council may suspend or cancel any permit by giving 20 working-days written notice to the permit holder where it is in the public interest to do so or if the permit holder fails to comply with any condition of the permit.

25.6.8 Summary Cancellation

An authorised officer may suspend or cancel any permit immediately by giving written notice to the permit holder, if the:

- a) Council is lawfully directed to suspend or cancel the permit;
- b) permit holder disregards any conditions of the permit in a manner which the authorised officer determines may endanger the health or safety of any person or damage any part of the road or cause environmental degradation; or
- c) livestock movement is not effectively controlled to be in accordance with the requirements of a permit.

25.6.9 Transfer or Termination of Permit

When the permit holder of any property from which livestock is moved subject to a livestock driving permit ceases to occupy that property then this permit shall be at an end.

25.6.10 Signage Requirements

- The required signs are either a TW-6A (cattle) or a TW-6B (sheep); whichever is the most appropriate for the stock being moved.
- The sign may be a permanently mounted folding sign where the movement is a regular activity over a short distance. A full length stainless steel hinge is recommended.
- If the stock is being moved irregularly and/or over a long distance then signs may be mounted on approved temporary stands and shifted as necessary along the route or be mobile by mounting on accompanying pilot vehicles
- The symbol will be a black silhouette with a black border around a 750mm x 750mm diamond shaped sign (as per the Manual of Traffic Signs and Markings).
- The orange background will be a minimum High Intensity reflective material (class 1).
- Sign is to be manufactured to meet the standards specified in the RSMA Standard for the Manufacture and Maintenance of Traffic Signs, Posts and Fittings.
- An amber rotating flashing light shall be mounted on the roof or a pole on the accompanying pilot vehicles so as to be clearly visible in each direction.
- The sign shall be opened while stock is on the road.

Installation Requirements:

- If permanently mounted signs shall be mounted on a 100mm x 100mm square treated wooden post. The post will be painted white.
- The post will be located 1m to 2m off the outside edge of the gravel verge.
- The height from the road level to the underside of the sign shall be 1.5m minimum.
- As near as possible the signs should be located as per the following table:

Traffic Speed	100 km/hr
Minimum distance from warning sign to the stock being moved	150m
Approaching drivers uninterrupted minimum viewing distance of the sign	100m
Minimum total warning distance	250m

Note: The signs must always be folded down when not in use.

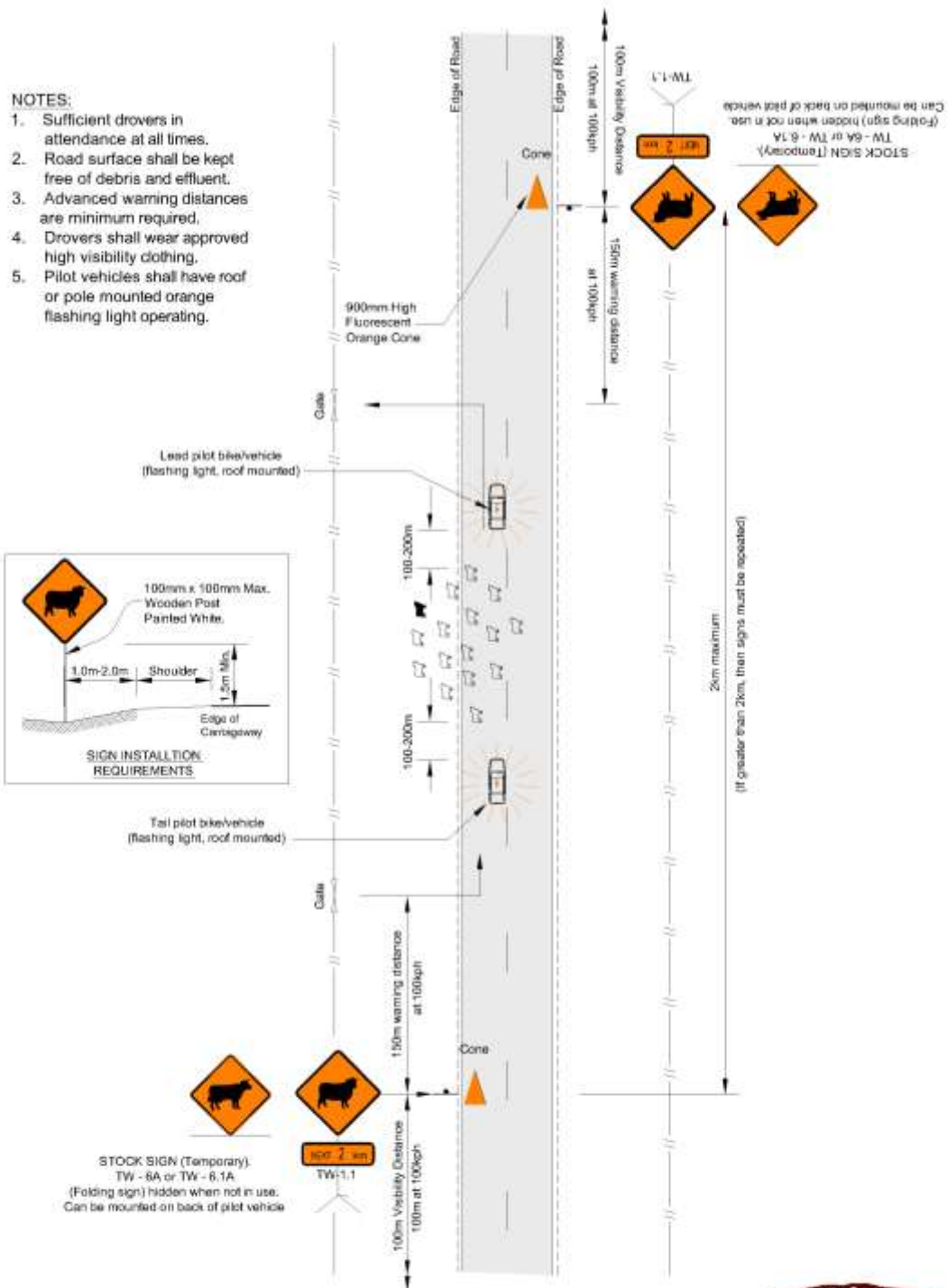


DIAGRAM 3
Stock Driving Warning Sign Layout



26. STOCK RACES

26.1 Purpose

The purpose is to provide the requirements for stock races within the road reserve

26.2 Objective

The objective is to ensure that:

- stock races are situated a suitable distance from the road carriageway to ensure the safety of other users of the road
- that public and private infrastructure, property, and roading assets are protected
- stock race are constructed of suitable materials to prevent damage to the road and stock wandering onto the road.

26.3 Road Safety Implications

Fences and stock within the road corridor provide a hazard which can be hit during a crash. Damage to drainage infrastructure can result in damage to the road surface or flooding of the road.

26.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

26.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence. This includes encroaching on a road by erecting a fence, other obstacle or work of any kind.

26.6 Policy – Stock Races within Roads

Stock races will not generally be permitted within the legal road boundaries of formed rural roads.

Council's preference is that stock races are contained within the property boundary.

The exception to this is where there are exceptionally wide road reserves where use of this land would result in improved management of vegetation.

A permit is required for all stock races within the road reserve. This permit will transfer with any change in land ownership.

Stock races will not be permitted within the road reserve of sealed roads or major gravel roads.

Application for a Permit

Applications shall include the following information:

- Locality plan
- Fencing details
- Type of stock
- Frequency of use
- Length and width of race
- Approval of any neighbouring property owners affected by the race
- Supporting information that justifies why the race is to be located on the road rather than private property
- Public Liability insurance details (\$1,000,000 minimum required)

Conditions

All races shall comply with the following conditions.

The width of a race shall be determined by the berm width available and the number of stock being driven. The maximum width shall be 5 metres.

The race pavement shall be formed with suitable hardfill approved by the Council.

The fence and edge of a race shall be no closer than 2.5m to 5m from the gravel edge of a gravel road depending on the classification of the road and speed of vehicles. Existing water channels and drains shall be avoided in all cases.

The construction and use of a race shall not disturb, encroach into or foul water channels and drains.

Reflectorised markers or road marker posts shall be installed and maintained at a maximum frequency of 100 metres along the race, subject to the approval of the Council.

The Council may require the race to be removed and the berm to be reinstated if it deems necessary.

If stock need to cross the road carriageway to access the race then a separate permit must be obtained for the stock movement in accordance with Section 24 of the Roding Policy.

An applicant who proposes construction of a race along the road berm adjacent to another landowner's property shall submit the written permit of that landowner with the application. Any conditions agreed with the other landowner to minimise the effects of the race shall be documented on the written permit submitted.

The permit holder shall be responsible for the cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the stock race. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the stock race.

Liabilities and Public Liability Insurance

The Council shall not be held responsible in any way for claims or damages resulting from the construction or operation of the stock race. Public Liability Insurance cover of at least \$1,000,000 shall be arranged and maintained by the permit holder to protect its liability for damage to third parties.

27. DAMAGE TO ROADS

27.1 Purpose

To ensure that the road surface is kept clear of material which will compromise the safety of road users, and/or reduce the life of the road assets.

27.2 Objective

The objective of this policy is to:

- reduce the risk of crashes occurring as a result of material placed on roads
- reduce damage and gradual deterioration to roads as a result of material placed on roads
- to clearly document Council's requirements and the process that will be followed when material is placed on roads
- to recover administration, removal and enforcement costs from people who place material on roads.

27.3 Road Safety Implications

Material placed on roads impacts on road safety as a result of:

- the road surface becoming slippery or rough
- creating sudden unexpected changes to the road environment
- creating dust which reduces visibility
- causing road users to brake or swerve to avoid obstacles
- causing damage to the surface of the road, for example scouring.

27.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

27.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads, and activities which constitute an offence.

27.6 Policy – Depositing Material on Roads

Scope

This policy includes material which is deposited on roads and will affect the safety of road users, damage the road surface or the road assets, or will result in a gradual deterioration of the road over a period of time.

The type of material which is periodically placed on roads which will be actioned using this policy includes but is not limited to:

- Mud or stock effluent tracked from adjoining land
- Material spilt from vehicles carrying loads such as gravel, rubble, stones, green waste
- Material spilt from vehicle faults such as, oil, diesel, hydraulic fluid
- Litter, glass, refuse and garbage
- Concrete and cement run off
- Emptying of spray tanks on road sides
- Emptying of stock effluent tanks on road sides
- Stock effluent from stock crossing roads or stock moving along roads
- Liquids which flows onto roads or is spread by irrigators from adjoining land such as:
 - Irrigation water
 - Stock effluent
 - Clay or silt bound stormwater

Council accepts that there will be occasions when small amounts of material may unavoidably be deposited within the road reserve which will not result in a safety risk or damage to the road. Where the deposit is minor in nature, a low risk, or unlikely to cause damage to the assets then Council will not take any further action. Where it is clear that it will affect safety, damage the road surface, or result in deterioration of the road over a period of time then the steps outlined in this policy will be followed.

Costs for Removal

The person responsible for the material being on the road will be responsible for all costs associated with the removal and if necessary disposal of the material. This will include Council's costs in investigating the matter.

Procedures

Immediate Safety Risk and Person Responsible Identified

Where material deposited on a road is considered an immediate safety risk, and the person responsible can be identified, contacted and is willing to respond immediately then they will be provided the opportunity to remove the material and restore the road surface.

The Council will act if the situation is not remedied within one hour of contact being made, and the cost of removal, disposal, and if necessary reinstatement will be recovered from the person responsible.

Immediate Safety Risk and Person Responsible Not Immediately Identified

Where material deposited on a road is considered an immediate safety risk, and the person responsible cannot immediately be identified, contacted or is unwilling to respond immediately then Council will rectify the situation.

The cost of removal, disposal, and if necessary reinstatement, will be recovered from the person responsible where they can be identified.

General Removal

Where material deposited on a road is not considered an immediate safety risk, then the person responsible will be notified and provided a timeframe to remove the material.

If the material is not removed within the timeframe, and Council is not contacted and an extension of time agreed, then Council will rectify the situation, and the cost of removal and if necessary reinstatement will be recovered from the person responsible.

Ongoing or Repeated Offences

Where the issue is an ongoing one in that it occurs on more than one occasion and is the responsibility of the same person, then Council will take enforcement action in accordance with the provisions of the Roading Bylaw in addition to recovering costs for removal.

Responsibility for Material Originating from Adjoining Land

Where material is tracked onto roads from adjoining land, is spilt from adjoining land, or is from stock moved from adjoining land and can be traced to the actions of a tenant or individual then Council will pursue this matter with the tenant or individual.

Where Council is unable to get any action from the tenant, or is unable to establish who was operating on the land and caused the problem, then the matter will be discussed with the landowner to establish a way forward.

Council considers that landowners have a responsibility to ensure that activities which are undertaken on their land do not impact on roads. Costs resulting from these adverse activities will ultimately be funded by rates, which are levied on landowners.

Landowners therefore have a duty of care to ensure the activities of tenants, employees or contractors working on their land do not result in material being deposited on roads.

28. DUST SUPPRESSION

28.1 Purpose

To reduce the impacts of dust on houses which are located within 100m of a gravel road.

28.2 Objective

The objective of this policy is to manage the impacts of dust on residential properties where there are houses close to gravel roads

- cost effectively
- safely
- and in an environmentally acceptable manner.

28.3 Road Safety Implications

Dust on gravel roads creates a safety issue by restricting visibility for vehicles following or passing another vehicle. It also restricts the visibility and can create an unpleasant environment for vulnerable road users such as pedestrians, cyclists and horse riders.

28.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw enforcement provisions for placing material on roads will apply to this policy.

28.5 Statutory and Legal Requirements

The Local Government Act 1974 Section 357 outlines penalties for damage to roads and activities which constitute an offence.

28.6 Policy – Dust Suppression

Central Otago has one of the largest gravel road networks within New Zealand and sealing all these roads is not affordable.

In order to mitigate the effects of dust on residential properties, dust suppression is undertaken on a length of road 100m long, where there is a house within 100m of a gravel road.

Landowners are contacted to provide input into the location of the 100m length of dust suppression on the road. This is to ensure that local conditions such as prevailing winds are considered.

Council reserves the right to vary the length and location of dust suppression undertaken dependent on local factors such as adjoining properties, and locations of intersections, corners or hills.

Dust suppression for horticultural or commercial activities is required to be funded by the land or business owner.

Dust suppression is funded within Council's District Roading Programme.

Eligibility for Dust Suppression

It is the responsibility of the landowner to advise Council of the existence of the house within 100m of a gravel road, and request dust suppression to be undertaken.

Council maintains a list of sites which has been developed from inspections along roads. However some houses are not visible from the road and will therefore not be included on this list.

Council will check that there is a residential house located within 100m of the road prior to commencing any work. The distance is measured in a direct line from the road reserve on aerial photographs, and not along driveways.

Method of Dust Suppression

Council undertakes two methods to suppress dust – Eco or Otta sealing, and oiling.

There are other products which can be used as temporary dust suppression instead of oiling. For the purposes of this policy, oiling shall be considered to refer to all temporary dust suppression products.

Eco Sealing

Eco sealing is undertaken following metalling operations. This provides a surface which is similar to that of a sealed road.

Timing of this work is at the discretion of Council and will be programmed to be undertaken on all eligible sites within areas following metalling, and when funding permits.

Where a house is clearly visible from the road or there is a historic oiling site, then property owners do not need to apply for this to be undertaken.

Council will undertake a letter drop to all residents which have a rapid number on roads following metalling to advise residents that eco sealing is being programmed for that road. This letter will list which properties have been identified as meeting the criteria for eco seal.

It is the responsibility of landowners who have not been included in the programme but believe they should be, to advise Council prior to the work being undertaken. Council will not re-establish equipment to undertake isolated eco sealing due to the increased cost of doing this.

Property owners will be contacted to provide input into the location of the seal.

Oiling

In order to mitigate the environmental and safety implications of oil on roads, the oil cannot be applied thickly. The rate of application impacts on the effectiveness and longevity of the suppression of dust.

If sections of road which have had oil applied become rough and require grading then this reduces the effectiveness of the oiling.

Council is phasing out the practise of oiling roads due to the low customer satisfaction regarding application consistency and the length of time the oil remains effective. This is being replaced with the safer and more environmentally and cost sustainable option of eco sealing.

Oiling is undertaken annually in November and December by Council at locations which have historically been oiled until these roads are re-metalled, at which point eco sealing will be undertaken.

Oiling may only be undertaken on Council maintained roads and car parks by Council. The Otago Regional Plan: Waste for Otago defines the conditions relating to application of oil as a dust suppressant. This requires that the oil be tested and that it is applied to minimise the environmental effects.

Where oil is applied to roads by parties other than Council then this will be treated as a material placed on a road in accordance with Roading Policy 26.

Existing properties which qualify but have not historically been oiled will only be included in the oiling programme at the request of the property owner. These sites will be included in the next oiling programme and equipment will not be re-established on request from the property owner.

Construction of New Houses Within 100m of a Gravel Road

Where new houses are constructed within 100m of a road after eco sealing has been undertaken on this road and the landowner wishes to have dust suppression undertaken they they have two options available to them:

1. Council will undertake eco-sealing when the road is next metalled. The frequency with which metalling is undertaken on gravel roads can be more than 12 years on some roads.
2. The landowner can pay to have eco seal constructed.

Requests for Eco Seal to be Undertaken Over Longer Lengths of Road

Requests for eco seal to be undertaken for lengths more than 100m will be at the discretion of Council. In considering these requests Council will consider any exceptional circumstances including:

- the traffic volume on the road
- the amount of heavy vehicles which use the road
- the topography and geometry of the road
- future maintenance costs associated with a longer length of seal.

Where Council approves a length of eco seal longer than 100m, then the cost for constructing the additional length is to be funded by the property owner.

29. VEHICLE ACCESSWAYS

29.1 Purpose

To provide the requirements for constructing a vehicle accessway in urban and rural areas.

Authority to approve access ways on State Highways, or on side roads within 20m of the edge of a highway in a 50km zone, and 60m in a 100km zone rests with the NZ Transport Authority. NZTA have different requirements for access ways, and applicants should contact NZTA for further advice.

29.2 Objective

The objective of this policy is to ensure that:

- vehicle crossings are constructed where they are required
- that crossings do not compromise the safety of the crossing user or road users
- that crossings do not impede drainage
- that District Plan and resource consents requirements are adhered to
- that crossings are located with regards to other street furniture and street trees
- that crossings are constructed to an appropriate standard
- that road and services assets are not damaged during construction.

29.3 Road Safety Implications

Vehicle crossings create a safety issue when there is inadequate sight distance or if they are located close to intersections.

A hazard is also created when access ways are not surfaced appropriately and loose gravel is flicked onto the road carriageway. In some cases gravel and silt can be washed down the access way and onto the road. This results in a loss of traction for vehicles using the access, and can create a danger for vehicles using the road, particularly motorcycles.

If road side drainage is blocked then this can result in flooding on the road.

29.4 Enforcement Provisions

The Central Otago District Council Roading Bylaw will provide enforcement provisions to support this policy.

29.5 Statutory and Legal Requirements

Section 335 of the Local Government Act 1974 outlines the requirements for vehicle crossings.

If at any time Council believes vehicles are likely to be taken across any footpath or water channel, they can require a property owner to pay for the construction of a vehicle crossing.

The Central Otago District Plan has requirements for vehicle access. Section 12 – District Wide Rules and Performance Standards includes rules relating to the vehicle access.

There are often conditions placed on vehicle access as part of the resource consent for individual properties.

29.6 District Plan

Rule 12.7.1 Access Standards from Roads states that access to and from roads is a permitted activity provided it is in accordance with the standards identified in the District Plan.

29.7 Policy – Vehicle Access Ways

A vehicle crossing is required in any location where vehicles are being taken, or likely to be taken, from a road onto land adjoining the road.

A vehicle crossing requires a permit from Council. Council does not charge for these permits.

The purpose of the permit is to ensure that the requirements of this policy are able to be met at the proposed crossing location. For this reason Council encourages property owners to apply for a permit prior to construction of houses and garages.

Restrictions on the locations of crossings and construction materials that can be used are sometimes included on resource consent conditions relating to a property. It is the property owner’s responsibility to ensure compliance with all existing consent conditions. A resource consent condition takes preference over an access way consent.

Road Classifications

The District Plan has a different road classification list to that used for other district road management, and includes an additional classification of Arterial Roads. The Vehicle Access Policy incorporates the District Plan requirements for vehicle access, and therefore refers to a different road classification system to other parts of the Roding Policy.

All State Highways that pass through the district are classed as State Highways.

Urban Arterial	Rural Arterial	Rural Collector
Barry Ave McNulty Road Dunstan Road Earnsclough Road Sunderland Street	Springvale Road Dunstan Road Ida Valley Omakau Road Bannockburn Road Earnsclough Road Roxburgh East Road Teviot Road	Ranfurly Patearoa Road Ranfurly Nasby Road St Bathans Loop Road Poolburn Moa Creek Road Ardgour Road Lowburn Valley Road Pearson Road Ripponvale Road Moa Flat Road Dalmuir Road Galloway Road

Table - Road Types (Source District Plan Schedule 19.7)

Standards of Access Way – Urban and Rural

All vehicle access ways are required to be designed, constructed and maintained to ensure that:

1. They are able to be used in all weather conditions
2. They have no adverse impact on road drainage systems
3. Stormwater and detritus (including gravel and silt) do not migrate onto the road
4. They intersect the property boundary within 15 degrees of a right angle
5. They are sealed to at least the same standard as the adjacent road carriageway, where this is a sealed road.

Specific Construction Requirements Urban Access Ways

Where there is kerb and channel along the property frontage then a kerb cut-out is required to be constructed.

The access way may be constructed in concrete, asphalt or chipseal, or pavers. Any resource consent conditions relating to materials for access ways to the property must be adhered to. The construction of the kerb crossing and the surfaced access area must be adequate to carry the design loads expected.

If there is a footpath across the property frontage then the area of path must be reinstated in the same material as the adjoining path unless permitted otherwise by Council. The depth of material across the footpath must be increased to accommodate the additional loads from vehicles crossing the path. Concrete paths may require reinforcing.

In urban areas where kerb and channel is not provided, and stormwater drainage is provided by open drain rather than piped system, crossings shall be constructed as for rural locations.

Vehicle crossings shall be designed to enable the 90th percentile car to use them without grounding of any part of the vehicle.

The location of vehicle access ways across existing stormwater sumps often causes problems for vehicles. If a property owner wishes to locate a crossing across a sump, this should be discussed with Council staff before proceeding. The property owner will be responsible for all costs associated with moving the sump should this be required. Covering of sumps with metal plates or the like is not permitted.

Where existing street trees or gardens are in conflict with the proposed crossing location approval must be obtained from Council for their removal or reinstatement. Existing irrigation lines must be replaced with medium/high density pipe of the same diameter as the existing line, with no joins in the line beneath the crossing. The line must be contained in an 80mm diameter minimum PVC duct under the crossing. The duct must extend 300mm either side of the crossing. The property owner will be responsible for all costs associated with removal or relocation of trees and gardens, and for protecting the existing irrigation lines.

A minimum distance of 1 metre is required between the crossing and any above ground utility assets or trees. This includes trees, lights, drainage sumps, power and telecom boxes and power poles.

There are no specific limits on the number of crossing locations that may be constructed for each property. More than one crossing location per property will only be approved if this does not have a detrimental effect on road safety or availability of street parking in urban areas.

Crossings widths are required to meet the following:

Local Residential	Local Commercial	Arterial Roads	
		Activities which generate 30 or less vehicles per day	Activities which generate more than 30 vehicles per day
2.8m – 3.5m	3.5-8.0m	3.5m	Between 3.5m and 6.0m for one way operation Between 6.0m and 8.0m for two way operation

Table 1 – Widths of Crossings

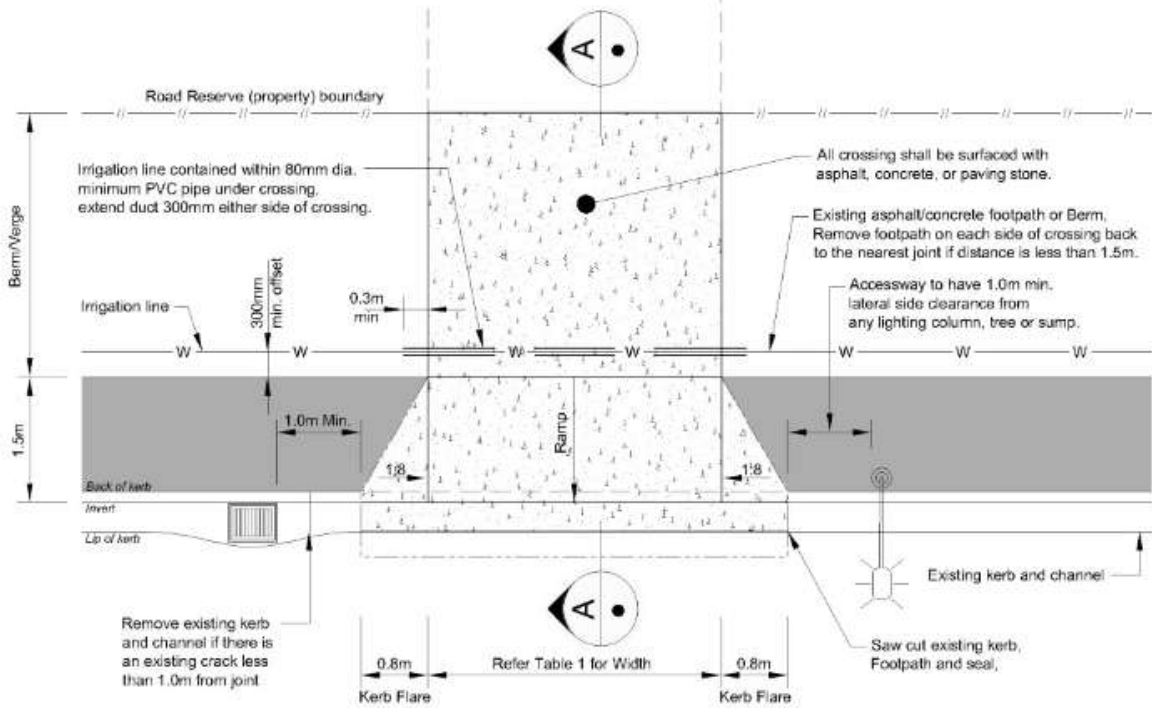
Excessively wide crossings can create more unpredictable manoeuvres and increase safety issues.

The requirements for sight distances and distance from intersections are outlined below and crossings in urban areas must also comply with these requirements.

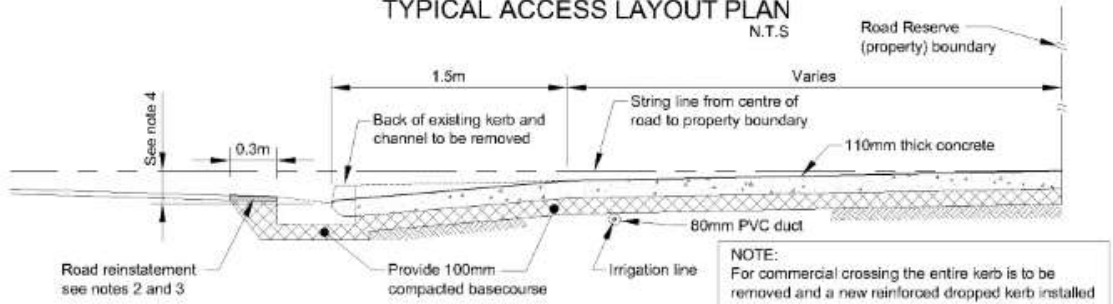
If the property is located on an Arterial Street then there are additional requirements for access to these properties which are outlined below.



DIAGRAM FOR AN URBAN AREA WHERE KERB AND CHANNEL IS PROVIDED



TYPICAL ACCESS LAYOUT PLAN
N.T.S.



CROSS SECTION A-A
N.T.S.

NOTES:

1. All concrete shall comply with NZS 3109, and be 30MPa crushing strength after 28 days minimum. All surfaces to have broom finish.
2. A full bitumen coat completely covering the surface and extending up the sides of the reinstatement is to be applied prior to the laying of the M10 asphaltic concrete.
3. Any damaged road surface shall be sealed with M10 asphaltic concrete, 300mm in front of kerb and channel or as required. Asphalt thickness to match existing road, but not less than 30mm.
4. Height from channel invert to string line to be between 150mm and 250mm.
5. Where an irrigation line exists within the berm/verge area this must be replaced with medium/high density pipe of the same diameter with no joints beneath the crossing.
6. Accessway to be located 1.0m clear from lighting column, tree or sump.

Crossing Material	Depth of Material	Bedding Material	Basecourse Material
Concrete - Residential	110mm	9.0m min	100mm
Concrete - Commercial/Industrial	150mm with 665 mesh reinforcing (Minimum requirement)		
Pavers	80mm	20mm bedding sand	150mm compacted AP65 subbase
Asphalt - Commercial/Industrial	30mm	—	150mm AP40
Asphalt - Residential	25mm	—	150mm AP40

TABLE 1



Specific Construction Requirements in Rural Areas

Access ways to Arterial roads are required to be sealed from the carriageway edge to the road reserve boundary.

Access to Rural Collector and Local Roads are required to be sealed a minimum of 2m back from the edge of the sealed road where the adjacent carriageway is sealed.

The crossing must not obstruct the side drainage on the road. Where the side drain is shallow, only carries small flows during rain, and can be crossed without fill, the access way may pass through the side drain. Where the side drain is of unsuitable shape the side drain is required to be culverted under the crossing.

Where a culvert is required this shall be sized appropriately for the catchment intercepted, but must be a minimum of 250mm diameter. It is the responsibility of the property owner to ensure that the culvert is of sufficient size.

Vehicle crossings shall be designed to enable the 90th percentile car to use them without grounding of any part of the vehicle. They must also be designed to manage stormwater and debris run-off onto the road reserve.

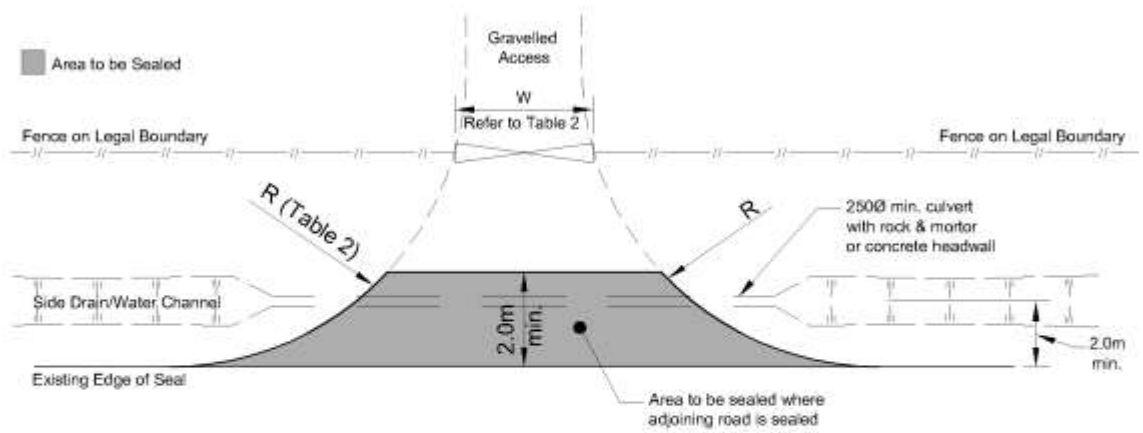
Crossings widths are required to meet the following:

	Local	Collector	Arterial Roads (30 or less vehicles per day)		Arterial Roads (more than 30 vehicles per day)	
			Normal vehicles	Heavy vehicular accessways	Normal vehicles	Heavy vehicular accessways
width	-	6m max	6m max	9m min	6m max	9m min
Curve radius	-	6.0m residential 15.0m non-residential	6.0m	9.0m	9.0m	15.0m

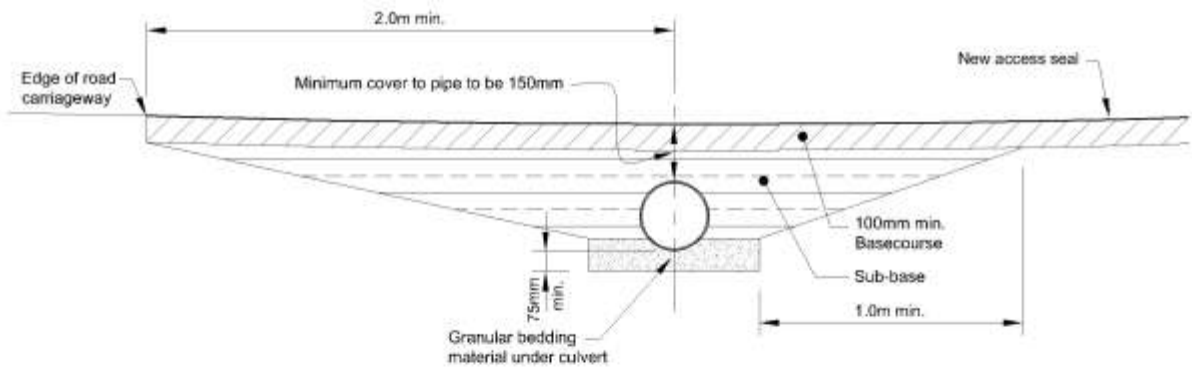
The requirements for sight distances and distance from intersections are outlined below and crossings in rural areas must also comply with these requirements.

If the property is located on an Arterial Roads then there are additional requirements for access to these properties, which are outlined below.

RURAL ROAD VEHICLE CROSSING



TYPICAL ACCESS LAYOUT
N.T.S



ACCESS CULVERT BEDDING DETAILS
N.T.S

	Local	Collector	State Highways & Arterial Roads (30 or less vehicles per day)		State Highways & Arterial Roads (more than 30 vehicles per day)	
			Normal Vehicles	Heavy Vehicular Accessways	Normal Vehicles	Heavy Vehicular Accessways
Width (W)	—	6.0m max	6.0m max	9.0m min	6.0m max	9.0m min
Curve Radius (R)	—	6.0m residential 15.0m non-residential	6.0m	9.0m	9.0m	15.0m min

TABLE 2

Sight Distances

The following sight distances are required to be met.

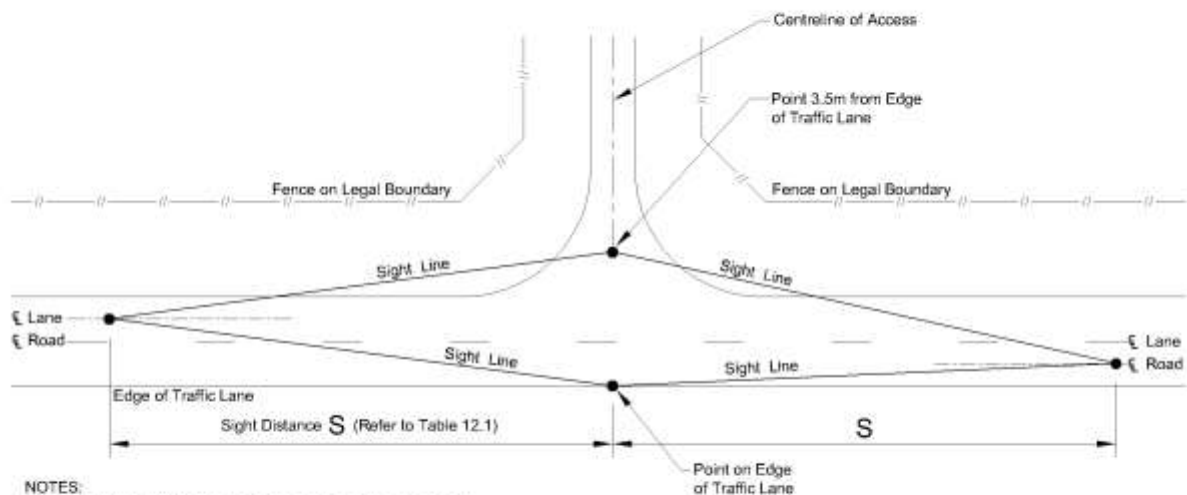
Operating Speed of the road	Sight Distance		
	Local Roads	Collector Roads	Arterial Roads
40	30	70	
50	40	90	140
60	55	115	175
70	85	140	210
80	105	175	250
90	130	210	250
100	160	250	330
110	190	290	330
120	230	330	330

The operating speed is the 85th percentile speed on frontage road. This can be taken as the speed limit plus 15% unless specific speed survey data is available.

The sight distances recommended are the stopping distances for a vehicle on the frontage road. They should be measured along the centre of the appropriate lane to the centre of the driveway in both directions.

Where it is not possible to achieve the above sight distances at any point along the property boundary, the crossing should be located at the point which gives the greatest possible sight distance.

SIGHT DISTANCE DIAGRAM



NOTES:

1. Sight distance shall be measured to and from a height of 1.15m metres above the existing road surface and the proposed surface level of the side road or access.
2. There are to be no obstructions to visibility inside the area bounded by the sight lines

Distance from Intersections and other Accessways

Urban Areas

Arterial Roads – residential access ways may not be constructed within 7.5m of the road reserve boundary of a road intersection.

For Local Roads the distance to the access from any intersection with a State Highway or Arterial road shall be a minimum of 15m.

For corner sections on Local Roads, access ways should be located at least 7.5m from the property's corner boundary line for safety reasons.

Rural Areas

For Collector Roads, if the speed limit is 100km/h then a distance of 200m is required between access ways, regardless of what side of the road the accessways are located on.

A minimum distance of 30m is recommended between access ways on Collector and Local roads unless it is a shared access point, however this can be reviewed if safety is not considered to be compromised.

Distance from Intersections in Rural Areas

Vehicle Movements per day	Collector and Local Roads	Arterial Roads where the speed limit is 100kph
For activities that attract low level of vehicles (30 or less vehicle movements per day)	Not less than 30m	100m
For activities that attract a high level of vehicle movements (more than 30 per day)	Not less than 60m	100m

Maintenance and Upgrading of Crossings

Where any existing vehicle crossing is considered by Council to require repair or replacement due to normal wear and tear the property owner whose property is served by the vehicle entrance will be required to meet the full cost of the work unless:

1. The reason for the repair can be traced specifically to any third party that may have damaged the entrance either through improper use or as a result of installation of below ground services. In this case Council will endeavor to have the third party, identified by the property owner, undertake the repair. Failing this Council will undertake the necessary works and use all available legal remedies to recover this cost from the person or agency responsible.
2. The entrance needs to be constructed to new levels or profiles following changes the Council has made to either the road or footpath. In this case Council will meet the full cost of the works required.

Relocation of Vehicle Crossings

Where a crossing has been constructed in a location unacceptable to a subsequent owner, the owner may construct a new crossing at another location subject to conforming with this policy and at the property owner's expense.

Council may require removal of the redundant crossing at the property owner's expense.

Application Process

Application for a vehicle crossing is required to be made to Council prior to installation.

The work is to be carried out in accordance with Policy 2 – Temporary Traffic Management and Policy 3 - Services on Roads.