



**Ruapehu District Council**

**Land Transport Policy**

**2006**



## Table of Contents

1.0	INTRODUCTION.....	1
2.0	APPROVALS.....	2
3.0	DEFINITIONS .....	3
4.0	TREES ON ROAD RESERVE.....	5
5.0	STOPPING OF ROADS .....	7
6.0	TEMPORARY CLOSURE OF ROADS FOR PUBLIC EVENTS.....	9
7.0	STRUCTURES ON THE ROAD VERGE AND ROAD ENCROACHMENT .....	11
8.0	PRIVATELY FUNDED ROAD IMPROVEMENTS.....	16
9.0	CONTROL OF ROADSIDE VEGETATION .....	19
10.0	UNFENCED ROADS .....	20



## 1.0 INTRODUCTION

1.1 This Policy shall be known as the Ruapehu District Council Land Transport Policy 2006 and shall come into force on the eighth day after the passing of the resolution confirming the adoption of the Policy and that date shall be fixed in the resolution.

1.2 This Policy is developed in accordance with the appropriate provisions of the following acts and documents:

- Building Act 1991.
- Building Act 2004.
- Electricity Act 1992.
- Land Act 1948.
- Land Transport Act 1998.
- Land Transport Management Act 2003.
- Local Government Act 1974.
- Local Government Act 2002.
- Public Works Act 1981.
- Resource Management Act 1991.
- Telecommunications (Residual Provisions) Act 1987.
- Traffic Regulations 1976.
- Transport Act 1962.
- Transit New Zealand Act 1989.
- The requirements of the Ruapehu District Council Land Transport Bylaw 2006.
- The Ruapehu District Plan.

1.3 Council is the custodian of the road reserve on behalf of the Ruapehu community. Council has a duty to manage land transport assets in a prudent and sustainable manner. In order to ensure that the road reserve is managed in this way, it is necessary for Council to regulate what activities can be carried out within the road reserve.

1.4 The Local Government Act 2002 (the Act) states the purpose of local government as being to:

- (a) Enable democratic local decision-making by and on behalf of, communities.
- (b) To promote the social, economic, environmental and cultural well being of communities in the present and for the future.

Council therefore has an obligation to manage its assets in such a way so as to work towards achieving these purposes. This Policy assists Council in doing this by providing a consistent framework within which decisions on activities that may affect the road reserve are made.

1.5 Section 14 of the Act sets out eight principles of local government. These include:

- (a) Ensuring “prudent stewardship and the efficient and effective use of its resources in the interests of its district or region”.

- (b) “In taking a sustainable development approach a local authority should take into account
- (i) The social, economic, and cultural well-being of people and communities, and
  - (ii) The need to maintain and enhance the quality of the environment, and
  - (iii) The reasonably foreseeable needs of future generations”.

In performing its role as custodian of the Ruapehu land transport network, Council must act in accordance with the above principles.

1.6 The purpose of this Policy is to:

- (a) Identify the requirements of Council in relation to the use and occupation of roads within its District.
- (b) Establish the framework within which Council will exercise its powers in respect of the roads under its control.
- (c) Enhance the control and management of the road network within the District so as to promote the purpose and principles of local government.

## **2.0 APPROVALS**

2.1 The implementation of this Policy on the use of any part of the road reserve shall be delegated to the Chief Executive except:

- Stopping of roads, and
- Gates across roads.

These matters shall be subject to a resolution of Council.

2.2 The issuing of permits for activities covered by this Policy shall be delegated to the Chief Executive or such other person authorised by the Chief Executive.

2.3 All permits shall be subject to the terms and conditions as determined by the Chief Executive or such other person authorised by the Chief Executive.

2.4 Where a permit application relates to an existing use or activity on a road covered by this Policy, Council shall not charge the applicable fee provided that a permit application is lodged with Council within 12 months of this Policy coming into operation.

2.5 Upon written request from an occupier, landowner, or ratepayer, Council may grant exemptions to this Policy by resolution of Council. An exemption will be at the discretion of Council and may contain specific conditions pertaining to the exemption. Council reserves the right to withdraw any exemption with a minimum of 24 hours notice.

2.6 The applicant shall be responsible for all costs to construct and maintain any necessary works. The applicant shall also be liable for any damage to the road reserve in the course of carrying out any approved or unapproved activity.

- 2.7 Consents may be required from Horizons Regional Council under the Resource Management Act 1991, where activities disturb the bed and banks of waterways or have the potential to discharge contaminants to land, air or water.

### 3.0 DEFINITIONS

- 3.1 In this Policy, except where inconsistent with the context, the following definitions shall apply.

“*Arterial Road*” means those roads with a dominant through function, either serving to link territorial authorities or major areas of activity within a territorial authority.

“*Authorised Officer*” means any person appointed or authorised by Council to act on its behalf and with its authority including a parking warden appointed by Council under section 7 of the Transport Act 1962.

“*Bylaw*” means any operative Ruapehu District Council Land Transport Bylaw.

“*Carriageway*” means that portion of the road used or reasonable useable for the time being for vehicular traffic in general, and including any cycle track or footpath used by the public.

“*Collector Road*” means those roads that are locally preferred routes forming a link between the arterial roads and residential, commercial, industrial, and recreational areas. Collector roads have a main through traffic carrying function but often also serve adjacent properties

“*Council*” means Ruapehu District Council or duly authorised officer of Council.

“*Debris*” means any refuse, rubbish, animal remains, glass, metal, garbage, dirt filth, rubble, ballast, stones, earth, hedge trimmings or waste matter, or any other thing of a like nature.

“*District*” means the area administered by the Ruapehu District Council.

“*District Engineer*” means the person employed in this role at the Ruapehu District Council or his/her representative.

“*Footpath*” means as much of any road or public place that is laid out or constructed by the authority of the council for pedestrian use.

“*Frequent Crossings*” means on average, more than one crossing of stock in a seven-day period.

“*Heavy Motor Vehicle*” means a motor vehicle the gross laden weight of which exceeds 3,500kg but it excludes vehicles used, kept, or available for the carriage of passengers for hire or reward.

*“Hours of Darkness”* means

- (a) Any period of time between half an hour after sunset on one day and half an hour before sunrise in the next day or
- (b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 meters.

*“Local Road”* means those roads with the main function of providing access to adjacent properties

*“Network Utility Operators”* has the same meaning as provided in section 166 of the Resource Management Act 1991

*“Person”* means any individual, body corporate, or partnership.

*“Publicly Notified”* means a notice published in:

- (a) One or more regular newspapers circulating in the District, and
- (b) Any other public notice that Council thinks desirable in the circumstances.

*“Road”* has the meaning provided in section 315 of the Local Government Act 1974, which includes every bridge, culvert, drain, ford, gate, building, footpath or other thing belonging thereto or lying upon the line, or within the limits thereof. The road reserve also includes any street furniture or signs administered by Council.

*“Road Verge”* means any margin of a road adjacent to but not forming part of either the carriageway or footpath (if any).

*“Vehicle”* has the same meaning as in the Land Transport Act 1998.



## 4.0 TREES ON ROAD RESERVE

### 4.1 Summary

4.2 Council accepts responsibility for all existing trees in the maintained road reserve. Planting of trees in the maintained road reserve by private individuals without the prior written consent of Council being attained is not permitted.

### 4.3 Objectives

- To reduce the risk of damage and injury to road users that may be caused by plantings shading the road,
- To ensure that no planting impedes visibility,
- To minimise damage caused by plantings destroying the integrity of the road surface, water channels and utilities within the road reserve,
- To preserve the road for the purposes for which they are designed,
- To prevent unjustified environmental damage.

### 4.4 Legal References

#### 4.5 Local Government Act 1974

- Section 316 Property in Roads
- Section 317 Control of Roads
- Section 355 Council may Require Removal of Overhanging Trees

#### Public Works Act

- Section 133 Removal of Trees, Hedges, etc, That Obscure Visibility or Interfere with a Public Work

### 4.6 Policy and Criteria

#### 4.7 Trees in the Road Reserve

4.8 Trees that:

- Pose a potential hazard to the safety of people or traffic,
- Threaten the integrity of the road reserve by de-stabilisation of embankments, or by the encroachment of roots or leaves onto the carriageway,
- Threaten the integrity of the road reserve by encroachment of roots or leaves into culverts,

~ shall be removed as soon as possible after approval of the intended removal by the Chief Executive, except for those trees that pose an immediate danger, which may be removed immediately at Council's discretion.

- 4.9 If the tree removal is likely to cause objection, or if the Ruapehu District Plan identifies the tree for protection, the Chief Executive shall refer the removal decision to a meeting of Council.
- 4.10 Trees planted by Council on Council recreation and road reserves shall have agreed maintenance programmes and conform to Ruapehu District Plan requirements and any Council adopted tree planting guidelines.
- 4.11 Any new trees planted on Council reserve lands by residents shall have specific written approval from the Chief Executive and shall be maintained by the resident or his or her successor. Any trees that pose a threat to the road, road verge, public safety, or be a variety of such height as to potentially encroach on existing structures and overhead lines shall not be permitted. Any unauthorised plantings shall be removed at the expense of the person responsible.
- 4.12 Trees on Council reserves with the potential to cause nuisance or damage shall be removed as soon as possible subject to the approval of the Chief Executive.



## 5.0 STOPPING OF ROADS

### 5.1 Summary

5.2 Council will consider, upon application, the stopping of any road or portion of a road.

### 5.3 Objectives

- To specify the conditions on which Council will consider applications for road stopping.

### 5.4 Legislative References

#### 5.5 Local Government Act 1974

- Section 342 Stopping and Closing of Roads
- Schedule 10 Conditions as to Stopping of Roads and the Temporary Prohibition of Traffic on Roads

### 5.6 Policy and Criteria

5.7 Applications may be made to Council's District Engineer for the stopping of any road or portion of road. The applicant shall provide the following details at the time of application:

- (a) A statement detailing the reason the applicant requires the road to be stopped.
- (b) Maps and documents detailing the extent of road to be stopped.
- (c) Written statements from all landowners adjacent to the road to be stopped and other likely affected parties, supporting the stopping of the road.
- (d) Indications of which parcels of land, portions of the stopped road are to be amalgamated.
- (e) Written confirmation that the applicant is prepared to meet the costs of the process whether it is successful or not.

5.8 When considering an application to stop a road Council shall consider the following factors:

- (a) The disposal of the stopped road shall be dealt with in the manner allowed for under section 342 of the Local Government Act 1974, including disposing of the same by selling to the owner or owners of any adjoining land or by tender to the adjoining owner.
- (b) That the application is a reasonable, bona-fide and practical case for stopping the road,

- (c) In accordance with the procedures set out in the 10<sup>th</sup> schedule of the Local Government Act 1974, any public objection to the application.
  - (d) Purchase price, (to be fixed by a competent valuer), for a parcel of land being stopped.
  - (e) The status, use, and Council's obligations in terms of the remaining road.
- 5.9 The applicant shall pay an investigation fee of \$500 (GST exclusive) to allow a report to be prepared on the feasibility of the closure.
- 5.10 If Council approves the application in principle, the cost charged to the applicant by Council will be the greater of:
- (a) All costs incurred by Council including legal fees and land transfer charges, or
  - (b) The current valuation of the land (to be established by a competent valuer).
- 5.11 In the case of an unsuccessful application, the applicant shall meet all of Council's actual and reasonable costs.



## 6.0 TEMPORARY CLOSURE OF ROADS FOR PUBLIC EVENTS

### 6.1 Summary

6.2 Council allows the temporary closure of roads for public events to contribute to the public enjoyment of the event and to ensure public safety.

### 6.3 Objectives

- To ensure public safety during special events being held on, or adjacent to, the roadway. This includes the safety of participants and passers-by, and that emergency access is provided for.
- To ensure that all parties affected by the temporary road closure are given adequate notice of the closure and an opportunity to make submissions.

### 6.4 Legislative References

#### 6.5 Transport (Vehicular Traffic Road Closure) Regulations 1965

- Section 3 Controlling Authority may Close Road
- Section 4 Notice of Intention to Close Road to be Advertised

#### 6.6 Local Government Act 1974

- Section 342 Stopping and Closing of Roads
- Section 342A Temporary Closure of Roads by Police
- Section 357 Penalties for Damage to Roads
- Schedule 10 Conditions as to Stopping of Roads and the Temporary Prohibition of Traffic on Roads

#### 6.7 Standards NZ

- Code of Practice for Temporary Traffic Management

### 6.8 Policy and Criteria

6.9 Roads may be temporarily closed for the purpose of (but not limited to):

- (a) Exhibitions.
- (b) Fairs.
- (c) Shows.
- (d) Markets.
- (e) Concerts.
- (f) Filmmaking.
- (g) Races, or
- (h) Other sporting events or public functions.

6.10 For State Highway routes, Transit New Zealand is the road controlling authority and all queries and applications shall be directed to that authority.

- 6.11 All temporary road closure applications shall be made on the appropriate form, providing full details supporting the request, and shall be made to the the District Engineer or his nominated representative at least 52 days prior to the event.
- 6.12 Council will accept responsibility for issuing the necessary public notices, given subject to written applications being received within the legal timeframe (i.e. 52 days prior to the event).
- 6.13 The applicant shall accept responsibility as follows:
- (a) To pay the cost of public notice advertisements issued by Council on the applicants behalf as part of a fee payable to Council.
  - (b) To accept financial liability for any damage that is caused to the road, bridges or any road furniture and utilities forming part of the road.
  - (c) To take out, and provide Council with a copy of, a current public liability insurance cover providing adequate cover for the event.
  - (d) To advise the local Police Station/s, Fire, and Ambulance Services of the event – not withstanding that Council has already notified the New Zealand Police in writing.
  - (e) To advise all property owners adjacent to the road/s to be closed temporarily of the activity to be undertaken.
  - (f) Where no convenient detour is available or has been notified, to allow the public the right of passage at approximately half hour intervals.
    - (i) All applications must include a Temporary Traffic Management Plan in accordance with the Standards NZ Code of Practice for Temporary Traffic Management.
    - (ii) To obtain sufficient “Road Closed” signs to be erected at all intersections and roads affected. Suitable barricades are to be erected across the road/s concerned, at the expense of the applicant.
    - (iii) To man the barricades with marshals at all times. Marshals are to be attired so that they are obvious to the public.
  - (g) To obtain, at the applicant’s expense, sufficient “Detour” signs to clearly label the available detour/s throughout the route, to enable road users to easily follow the detour.
  - (i) Each application shall be accompanied by the prescribed fee as set out in Council’s Schedule of Fees and Charges.
- 6.14 The Chief Executive shall be delegated authority to consider and make a decision on any applications for temporary road closures.
- 6.15 Any submissions received will be negotiated and resolved by non-adversarial processes. If this fails, the matter will be referred to the Mayor and Chief Executive who shall be delegated the power by Council to make a decision.



## 7.0 STRUCTURES ON THE ROAD VERGE AND ROAD ENCROACHMENT

### 7.1 Summary

7.2 Council limits the placement of structures within the road reserve to prevent damage to the road and injury to road users. In some instances, Council allows private individuals and organisations to install fences or other encroachments within the road reserve. However encroachments onto the road reserve must be managed.

### 7.3 Objectives

- To ensure that structures on the road margin are constructed of suitable materials.
- To ensure that any structures are in suitable locations that minimise the risk of injury to road users.
- To limit damage to the road reserve.
- Vehicle lines of sight and sight distances are maintained.
- Maintenance of the road and other Council assets (such as enclosed drainage structures) is not compromised.
- Encroachments do not create hazards for motorists and the public.
- Encroachments are constructed and maintained to an adequate standard, and
- Trees behind a fence encroachment become the responsibility of the landowner. This includes any overhanging branches affecting the roadway.

### 7.4 Legislative References

#### Local Government Act 1974

- Section 316 Property in Roads
- Section 344 Gates and Cattle Stops Across Roads
- Section 357 Penalties for Damage to Roads

#### Resource Management Act 1991

- Section 176 Effect of Designation

#### Local Government Act 2002

- Section 181 Construction of Works on Private Land

### 7.5 Policy and Criteria

7.6 Council allows the following structures to be placed on the road verge subject to the conditions of this Policy:

- (a) Bus shelters.
- (b) Mail Boxes.
- (c) Memorial Crosses.

- (d) Fences.
- (e) Gates and Cattle Stops.
- (f) Other Structures may be allowed from time to time at Council's discretion.

7.7 All non-complying structures on the road margin shall require a permit from Council. Applications for permits shall be made on the required form "Road Encroachments". All forms can be requested from any Council office. The prescribed fee as set out in Council's Schedule of Fees and Charges shall accompany each application.

## **7.8 Conditions for Permitted Structures**

### **7.9 Mail Boxes**

7.10 The mail box should be positioned so that access by the mail delivery vehicle or individual does not unreasonably impede the flow of traffic or create a hazard to the safe use of the carriageway by other vehicles. The structure holding the mailbox shall be constructed of a material that will collapse if struck by a vehicle.

### **7.11 Applications for Approval**

7.12 Any person wishing to erect any structure other than a mailbox shall make an application to the District Engineer. The applicant shall supply full details proposed location and design of the structure.

### **7.13 School Bus Shelters**

7.14 School bus shelters shall be constructed of an approved material (please contact Council for a list of approved materials) and in such a manner that they can be relocated. They shall be placed as far as practicable from the road.

## **7.15 Memorial Crosses at Fatal Accident Sites**

7.16 Council shall approve the erection of crosses at the sites of fatal accidents on road reserves in the District pursuant to the conditions of this Policy.

7.17 Applications should be made in writing to the District Engineer and contain the following information:

- a) Proposed site of Cross.
- b) Proposed design and size of cross.

7.18 The positioning of the crosses is to be to the District Engineer's satisfaction.

7.19 Crosses are to be no larger than 450mm x 300mm and the applicant is responsible for the cost of erection and maintenance.

7.20 Council shall not be liable for damage done to materials due to its staff or contractors employed in road works.

7.21 No work shall be undertaken on the erection of any structure until the application is approved in writing from the District Engineer.

## **7.22 Other Road Encroachments**

7.23 Applications for road encroachments shall be submitted on the “Road encroachment” application form. This form can be requested from any Council office. The prescribed fee as set out in Council’s Schedule of Fees and Charges shall accompany each application.

7.24 Council may require that any road encroachment be removed. Such notice will be in writing. The encroachment holder has one month from the date of the notice in which to remove the encroachment. The person receiving the notice may object to the removal of the gate in writing to Council within 14 days of receiving the notice. Council will consider the objection within 14 days of receiving the objection. Council may dismiss the objection or decide not to proceed with the removal. If the encroachment is not removed within the given time period Council may remove or relocate to the property boundary the encroachment e.g. fence at the encroachment holders expense.

## **7.25 Occupation of Unformed Roads**

7.26 Where an unformed legal road passes through property owned or occupied by the same person on each side, that person may apply to use the unformed road without payment to Council, subject to:

- Compliance with this Policy,
- The public right of access is not impeded,
- That the use is for the grazing of farm stock or for access as part of their normal farming operation.
- The occupier must not modify or alter any existing formation of the road without the prior consent of the Council.

7.27 Where different persons own or occupy each side of a road reserve, each person may occupy half the area unless an alternative agreement between them is agreed to. In the event of a dispute the Chief Executive shall arbitrate. The conditions to occupy shall be as for 7.26 above.

7.28 Where for any reasons Council wishes to remove the right to occupy, any specific length of unformed road (including those not maintained by Council), the relevant Ward Committee or Community Board is authorised to revoke the right to occupy.

## **7.29 Fences**

7.30 Where Council allows private individuals and organisations to install fences within the road reserve. The following shall be considered when deciding whether or not to approve an application for a fence encroachment:

- (a) Fences must be of an “adequate” standard and state of repair, as defined in the Fencing Act 1978.
- (b) Fences should not reduce lines of sight or vehicle sight distance below industry accepted safety standards.
- (c) Strainer posts and other solid objects that are potential hazards to road users and/or vehicles during accidents should be avoided, or marked with reflector tape if considered necessary. All gates must be located on property boundaries, and not constructed within the designated road reserve.
- (d) Any property boundary fence erected on the road reserve be appropriate to the type of stock to be farmed within the adjoining property and that that fence be maintained in good order and repair for as long as the encroachment applies.

7.31 The applicant is responsible for keeping the enclosed portion of road reserve tidy and free from plant pests or any plant growth that would create a visibility hazard to road users.

7.32 The applicant must agree to maintain all surface water channels, culverts, and culvert entrances within the enclosed area in good workable condition. If the applicant does not adequately maintain drainage structures, Council may enter the enclosed area as if no enclosure existed to carry out maintenance works at the occupiers’ expense.

7.33 The applicant must accept all liability for any loss incurred or damage done, affecting or arising from a fence erected under the authority of the encroachment licence, unless negligence by a Council employee can be proved. Damage done to the fence by any private person or private contractor will be an issue between the applicant and other party.

7.34 No property boundary fence erected on the road reserve may be electrified or constructed using barbwire.

**7.35 Gates and Cattle Stops across Roads**

7.36 Council may allow the erection of a swing gate, cattle stop or both across any rural road where:

- In Council’s opinion it is not practicable or reasonable to fence the road, or
- By agreement, the road has been taken or may be constructed through private lands and the owner or occupier requests that a gate or cattle stop or both be erected on the outer boundary at the cost (including maintenance) of one or both of the parties as may be agreed

7.37 All applications for gates and/or cattle stops across roads will be referred to the relevant Community Board for comment prior to deciding the application.

- 7.38 The following conditions shall apply to any gate or cattle stop across a public road:
- (a) Any gate across a road shall not be locked without the permission of Council, and must be able to be freely opened at all times. In exceptional circumstances Council may require a gate to be locked in the interest of public safety.
  - (b) Any person who erects a gate across a road shall erect signs with the words “Public Road” painted thereon in letters not less than 75mm in height to be fixed on either side of the gate and this signage shall be at all times maintained by the person authorised to erect the gate.
  - (c) Council shall not be liable for damages in respect to any accident arising from the existence of the gate or cattle stop.
  - (d) Any application to erect a gate or cattle stop across a “No Exit” road, where there are properties under different ownership further along the road, must obtain the consent from the owners of those properties
- 7.39 Where any gate is erected across a road without the specific approval of Council, or where any person fails to comply with the conditions of 7.38 of this Policy, notice shall be served on the person who erected the gate to remove it within 14 days, after which time Council shall remove it at the expense of the owner.
- 7.40 Roads beyond gates or cattle stops shall not be maintained by Council unless:
- Council uses the road beyond the gate for its own purposes, or
  - A written agreement is entered into with the person who erected the gate to the effect that maintenance shall be carried out beyond the gate.
- 7.41 Where a gate has been erected across a road and is subsequently removed, maintenance of the road beyond the position where the gate had been erected shall not be recommenced unless the road is brought up to a standard acceptable to the Council by the person wishing to have the road maintained.



## **8.0 PRIVATELY FUNDED ROAD IMPROVEMENTS**

### **8.1 Summary**

8.2 Council allows for individuals or groups to have an identified road or section of a road improved if that individual or group is willing to fund all or (in some cases) part of the construction costs.

### **8.2 Objectives**

- To enable individuals or groups to achieve an enhanced level of service that they feel is desirable.

### **8.3 Policy and Criteria**

8.4 All applications for privately funded road improvements shall be directed to Council's District Engineer. Such applications shall contain the following information:

- (a) Name and contact details of applicant(s).
- (b) List of affected parties.
- (b) Written support of affected parties.
- (d) Location of proposed works.
- (e) Nature and description of proposed works.

### **8.5 Fully Privately Funded Road Improvements**

#### **8.6 When the work is to be carried out by Council contractor**

8.7 Council will prepare an initial cost estimate for the proposed works within 3 months of receiving a completed application. The quote will be provided for the applicant's consideration. Within 10 working days of receiving the quote the applicant shall either confirm their intention to proceed with the work or indicate their withdrawal of the proposal.

8.8 If the applicant intends to proceed with the works a deposit of 20% of the total contract price is required by Council. Final payment is to be made not more than 20 working days after completion of the works.

8.9 Council will use its best endeavours to carry out any agreed privately funded road works within one year of the required private contribution being received by Council

8.10 All planning, design, contract supervision and administration costs will be met by Council, providing the application is supported by the relevant Ward Committee or Community Board.

8.11 On going maintenance costs of this road shall be met by Council, if in Councils opinion the road has significant public good.

**8.12 Where the work is to be carried out by private labour**

8.13 In addition to the information required above, anyone seeking to improve the road utilising their own labour and funds must submit the plans and the reasons for the improvement to the District Engineer for his approval.

8.14 If the plans are approved by the District Engineer the applicant will be informed in writing within 20 working days of receipt of the plans. If the plans are not approved the applicant will be informed of the reasons and given an opportunity to rectify the identified issues.

8.15 The work must be carried out and completed to the satisfaction of the District Engineer within one year of the approval being given to the applicant unless prior arrangement has been made.

8.16 Any work carried out on public roads must be in compliance with the Ruapehu District Council Land Transport Bylaw.

8.17 Council will inspect the work and will undertake the ongoing maintenance of the improved piece of road if it conforms to the standards laid out in the original plans and in Councils opinion the road has significant public good.

**8.18 Part Privately Funded Road Improvements**

8.19 In some situations Council may consider that there is an element of Community or District benefit from upgrading a road.

8.20 Private groups or individuals may negotiate with Council to develop a shared funding arrangement for road improvements.

8.21 In addition to the information required in 8.4 above, applicants wishing to negotiate a shared funding regime must provide

- a) A description of the benefits that, in their opinion would eventuate, from the upgrade of the road,
- b) A description of the negative impacts and costs that may eventuate from the upgrade of the road,
- c) The names of individuals prepared to make a contribution to funding the improvement and

- d) The names and addresses of individuals that, in the opinion of the applicant(s), will benefit but will not contribute funds to the upgrade / improvement of the road.
- 8.22 Council will then consider the application, applicants will be notified if Council considers there to be an appropriate level of public benefit to warrant ratepayer involvement in the road improvement.
- 8.23 If Council considers that there is an appropriate level of public benefit, Council will
- a) Prepare an initial quote for the works. The quote will be provided for the applicant's consideration. This quote will detail the total cost for the work and the likely level of Land Transport New Zealand Financial Assistance Rate.
  - b) Utilise a principle based approach to define the level of public benefit and the funding share that will be met by Council. The considerations that Council will take into account are listed below.
    - 1) The community outcomes to which the road improvement will contribute to,
    - 2) The distribution of benefits between the community as a whole, any identifiable part of the community, and the individuals who wish to financially contribute to the road improvement,
    - 3) The period in or over which those benefits are expected to occur and
    - 4) The extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity
- 8.24 Council will meet with the identified beneficiaries to discuss the cost of the works, the timeframe over which they will be carried out and the level of benefit that Council has assessed should be met by the District or any identifiable part of the District.
- 8.25 On going maintenance costs of this road shall be met by Council, if in Councils opinion the road has significant public good.



## **9.0 CONTROL OF ROADSIDE VEGETATION**

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### **9.1 Summary**

9.2 Council will continue its programme to remove roadside plant pests. Council uses chemical herbicides to control roadside vegetation. Individual landowners may enter into an agreement with Council to undertake the maintenance of the roadside vegetation adjacent to their land, if they feel that the use of chemical herbicide is inappropriate

### **9.3 Objectives**

- To stop the spread of plant pests.
- To control roadside vegetation.

### **9.4 Legislative References**

9.5 Horizons Regional Council - Plant Pest Management Strategy

### **9.6 Policy and Criteria**

#### **9.7 General Road Side Vegetation Control**

9.8 Council uses chemical sprays to control vegetation growth within the road reserve. Council provides the opportunity for landowners to choose not to have the road verge fronting their property chemically sprayed. Individual landowner or occupiers may enter into an agreement with Council to undertake the maintenance of the roadside vegetation adjacent to their land themselves, if they feel that the use of chemical herbicide is inappropriate.

9.9 Prior to Council terminating chemical spraying of the identified road frontage, the landowner must enter into a “No Spray Agreement” with Council, any administration fees payable are recorded on Councils Fees and Charges manual.

9.10 Once a “No Spray Agreement” is entered into the Ruapehu District Council will not spray the areas specified, on the condition that the land owner/occupier agrees to control to vegetation in the road reserve to Transit NZ standards, and keep the road reserve area free of plant pests.

9.11 The applicant must agree to remove any plant pests immediately after notification from Council or Horizons Regional Council, at no cost to Council.

9.12 All applications shall be made on the “Vegetation Control – No Spray Agreement” form. This form can be requested from any Council office.

9.13 Where the landowner or occupier fails to comply with 9.11 as required the Council shall recommence chemical spraying.



## **10.0 UNFENCED ROADS**

### **10.1 Summary**

10.2 Council requires owners to fence properties adjacent to roads where there is considered to be a danger to road users.

### **10.2 Objective**

- To ensure the safety of motorists and other road users.

### **10.3 Legislative References**

10.4 Local Government Act 1974

- Section 353 General Safety Provisions as to Roads

### **10.5 Policy and Criteria**

10.6 Owners of un-utilised or undeveloped properties are not required to fence their road boundaries, unless in any particular situation there is considered to be a danger to traffic.

10.7 If, in Council's opinion public safety or convenience renders it expedient, Council may require the owner or occupier of any land not separated from a road by a sufficient fence to enclose the same by a fence to the satisfaction of the Council. Such a fence shall be installed at the full cost of the owner or occupier of land adjacent to the road.