



Use of Council Roads and Road Reserve Policy

Owner: Executive Manager
Infrastructure

Review frequency: 3 Yearly
Date Adopted: 24 June 2026
Next review Date: 24 June 2029



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1. Policy Objectives

- 1.1 The purpose of this policy is to guide how Ruapehu District Council manages temporary use, occupation, modification, and maintenance activities within Council roads and the road reserve.
- 1.2 It also sets out the circumstances in which Council may permit activities, require conditions, or decline proposals, ensuring consistent and transparent decision-making.
- 1.3 This policy aims to:
 - (a) Support the safe and efficient use of Council roads and the surrounding road reserve.
 - (b) Provide clear processes for temporary closures, structures, encroachments, roadside vegetation control, privately funded improvements, and occupation of unformed legal roads.
 - (c) Protect the integrity and long-term function of the roading network.
 - (d) Ensure that private use of the road reserve does not compromise public access, safety, traffic operations, or asset condition.
 - (e) Enable appropriate community activities and events that rely on temporarily using or closing roads.

2. Definitions

- 2.2 **Carriageway**
Means the part of a road intended for movement of vehicles. It does not include the road verge or footpath but does include a vehicle crossing.
- 2.3 **Footpath**
Has the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.
- 2.4 **Person**
Any individual, body corporate, or partnership.
- 2.5 **Road**
Has the same meaning as in Section 2(1) of the Land Transport Act 1998.

For the avoidance of doubt, Road includes unformed legal roads, sometimes referred to as paper roads, that are legally vested in, or under the care, control, or management of the Council, whether or not they are formed or maintained.
- 2.6 **Road Reserve**
Land that has been legally designated for road purposes, including formed and unformed portions, and typically includes the full road corridor from boundary to boundary—even if only a portion is physically used as a road.
- 2.7 **Road Verge** - Means any margin of a road adjacent to but not forming part of the carriageway or footpath (if any).
- 2.8 **Unformed Legal Road** – Means any road in the district that had never been formed or was once formed and has become Unformed.
- 2.9 **Vehicle** - Has the same meaning as in section 2(1) of the Land Transport Act 1998.

3. Background

- 3.1 This policy has been developed in accordance with Council's role under the Local Government Act 2002 and the principles set out in Section 14 of that Act.
- 3.2 All decisions under this policy will reflect the Local Government Act 1974, Land Transport Act 1998, relevant Rules, the District Plan, and the New Zealand Guide to Temporary Traffic Management.
- 3.3 This policy should be read in conjunction with the Traffic and Parking Bylaw 2026 and the Stock Movement on Roads Bylaw 2026.
- 3.4 Decision-making authority under this policy is recorded in Council's Delegations Manual.

4. Policy Statement

4.1 Temporary Use of Roads (Events and Closures)

- 4.1.1 Council allows the temporary closure of roads for public events to contribute to the public enjoyment of the event and to ensure public safety.
- 4.1.2 Roads may be temporarily closed for the purpose of (but not limited to):
exhibitions,
(a) fairs,
(b) shows,
(c) markets,
(d) concerts,
(e) filmmaking,
(f) races,
(g) other sporting events or public functions.
- 4.1.3 All temporary road closure applications must be made on the appropriate form, providing full details supporting the request, and must be made to the Land Transport Manager or nominated representative at least 52 days prior to the event.
- 4.1.4 The applicant must:
(a) pay the cost of public notice advertisements issued by Council on the applicant's behalf.
(b) 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) take out a current public liability insurance cover providing adequate cover for the event and provide Council with a copy of the insurance documents.
(d) advise the local police station/s, fire, and ambulance services of the event
(e) advise all property owners adjacent to the section of temporarily closed road of the activity to be undertaken.
(f) Provide an approved Temporary Traffic Management Plan in accordance with the New Zealand Guide to Temporary Traffic Management (NZGTTM).
(g) Pay the prescribed fee as set out in Council's Schedule of Fees and Charges
- 4.1.5 Council will:
(a) issue the necessary public notices, subject to written applications being received within the legal timeframe (i.e. 52 days prior to the event).
(b) advise the local police station, fire, and ambulance services of the event.
- 4.1.6 Where an application is turned down and an appeal is made by the applicant, the matter will be referred to the Chief Executive who will work with the applicant to find a suitable resolution.

Explanatory notes:

- *The Application for Temporary Road Closure can be found on Council's website.*
- *Traffic Regulations require proposed road closures to be advertised at least 42 days prior to the event to advise the public and give a reasonable period for any objections).*
- *Council is subject to the requirements of S342 and Schedule 10 of the Local Government Act 1974 in relation to the temporary closure of roads for public events.*

- 4.1.7 *For State Highway routes, New Zealand Transport Agency is the road controlling authority and all queries and applications should be directed to that authority.*

4.2 Structures and Encroachments in the Road Reserve

- 4.2.1 Council limits the placement of structures within the road reserve to prevent damage to the road and injury to road users.
- 4.2.2 In some instances, Council may provide a Road Encroachment Licence to Occupy to private individuals and organisations to install certain structures within the road reserve.
- 4.2.3 No work shall be undertaken on the installation of any structure until the application is approved in writing from the Land Transport Manager.
- 4.2.4 Where Council has granted a Road Encroachment Licence to Occupy for a structure, the licence holder is responsible for its ongoing maintenance to ensure the safety of road users.

Mailboxes

- 4.2.5 A mailbox does not require a Road Encroachment Licence to Occupy provided that:
- (a) it is 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, and
 - (b) the structure holding the mailbox is constructed of a material that will collapse if struck by a vehicle.

School bus shelters

- 4.2.6 A school bus shelter requires a Road Encroachment Licence to Occupy. Conditions of the licence are as follows:
The shelter:
- (a) must be constructed in such a manner that it can be relocated.
 - (b) must be placed as far as practicable from the road.
 - (c) must not compromise movement of traffic, the integrity of the road structure or restrict sight distances.
 - (d) location must be approved by the Land Transport Manager.

Memorial symbols at fatal accident sites

- 4.2.7 A memorial symbol at the site of a fatal accident may be erected by members of the community without a Road Encroachment License to Occupy, provided they meet Council's standards set out below.
- 4.2.8 Requirements for erecting memorial signs are as follows:
- (a) Memorials are to be no larger than 450mm x 300mm
 - (b) The memorial must not be set in concrete
 - (c) Crosses that are to be erected on the road reserve should be mounted on, or as close as practical to the fence line
 - (d) The applicant is responsible for the cost of construction and maintenance.
 - (e) Council is not liable for damage done to materials due to its staff or contractors employed in road works.

- 4.2.9 When installing crosses, individuals should not put themselves in dangerous situations.

When working on the road they should be reminded to:

- (a) park in safe locations well away from moving traffic; and
- (b) wear bright coloured or reflective clothing; and
- (c) check for the location of public services - underground power, telephone cables etc.

- 4.2.10 Council may have memorials removed if they do not comply with this policy or if:

- (a) The memorial falls into a state of disrepair; or
- (b) The memorial is erected in a position or location that could cause, contribute or worsen any possible accident; or
- (c) The memorial is located in a position within the road reserve which will impede normal maintenance or construction works; and
- (d) The road in the immediate area is reconstructed such as to substantially change the circumstances that led to the accident.

Gates and Cattle Stops

- 4.2.11 A gate or cattle stop across a rural road requires a Road Encroachment Licence.

Conditions of the licence are as follows:

- (a) A gate must not be locked and be able to be freely opened at all times.
- (b) There must be signage on both sides of the gate displaying the words "Public Road" in letters at least 75mm high, maintained in legible condition.
- (c) Where the road is a no-exit road with properties under different ownership beyond the proposed gate or cattle stop, the written consent of those property owners is required.
- (d) The applicant is responsible for installation, maintenance, and signage

- 4.2.12 Applications may be referred to the relevant Community Board for comment before a decision is made

- 4.2.13 Council will not maintain any road beyond a gate or cattle stop unless:

- (e) the road is required for Council's operational purposes or to maintain public access; or
- (f) a written agreement is in place with the applicant covering maintenance responsibilities.

- 4.2.14 Council accepts no liability for accidents arising from the existence of a gate or cattle stop.

- 4.2.15 If a gate or cattle stop is later removed, Council will not resume maintenance of the road beyond that point unless the road is first upgraded, at the applicant's expense, to a standard acceptable to Council.

Fences

- 4.2.16 A fence on the boundary of private property and the Road Reserve does not require a Road Encroachment Licence to Occupy.

- 4.2.17 A fence located within the Road Reserve requires a Road Encroachment Licence to Occupy.

Other structures or encroachments

- 4.2.18 Council may consider other structures within the Road Reserve. An application for Road Encroachment Licence to Occupy must be completed and submitted to Council.

Removal of road encroachment structures

- 4.2.19 Council may require the removal of any road encroachment. Notice of such requirement will be given in writing. The encroachment owner must remove it within one month of the date of the notice.
- 4.2.20 The encroachment owner may object in writing within 14 days, and Council will decide within a further 14 days whether to uphold or dismiss the objection.
- 4.2.21 If the encroachment is not removed as required, Council may remove it or relocate it to the property boundary at the encroachment owner's expense.

4.3 Stock Crossings

- 4.3.1 All stock crossings permitted are subject to the conditions outlined below:
- (a) The exit and entry points of any stock crossing are to be installed directly opposite one another in the road, and fences are to be fitted with gates.
 - (b) Crossings must be positioned with a minimum of 170 metres clear visibility in both directions and no closer than 60 metres to an intersection.
- 4.3.2 If no practical stock crossing location can be found that satisfies this criteria, then appropriate signage must be positioned to ensure that road users are aware of stock crossing.
- 4.3.3 In addition to the conditions provided in clause 4.3.1 above all dairy cattle crossings are subject to the following conditions:
- (a) Internal farm race and farm management practices are to be arranged so that only one crossing is required per property and there is no requirement to regularly drive dairy stock along the maintained road.
 - (b) Internal farm races leading to maintained road crossings are to be hard surfaced for at least 50m into the property, in order to reduce the carriage of mud, etc, onto the maintained road by stock movement. Surfaces between fences and the edges of sealed or metalled formations must be similarly maintained at the owner's expense and must be shaped to ensure effluent and surface water drain away from the maintained road carriageway.
 - (c) Temporary warning signs are to be installed at the crossing point to meet the requirements of the Traffic Control Devices Manual (TCD Manual) while dairy cattle are crossing the maintained road.

4.4 Privately funded road improvements

- 4.4.1 Council allows for individuals or groups to have an identified road or section of a road that is part of Council's maintained road network improved if that individual or group is willing to fund the construction costs (or in some cases, part of the construction costs, see section 5.58 below).
- 4.4.2 All applications for privately funded road improvements must be directed to Council's Land Transport Manager.
- 4.4.3 Applications must contain the following information:

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

4.5 Fully Privately Funded Road Improvements

4.5.1 *When the work is to be carried out by Council contractor:*

- 4.5.2 Council will prepare an initial cost estimate for the proposed works within three 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 will either confirm their intention to proceed with the work or indicate their withdrawal of the proposal.
- 4.5.3 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 practical completion of the works.
- 4.5.4 Council will use its best endeavours to carry out any agreed privately funded road works within one year of the required deposit being received by Council.
- 4.5.5 All planning, design, contract supervision, administration and construction costs must be met by the applicant.
- 4.5.6 Ongoing maintenance costs of the improved road may be met by Council if, in Council's opinion the road has significant public good.

4.5.7 *When the work is to be carried out by private labour*

- 4.5.8 In addition to the information required in clause 4.4.3, anyone seeking to improve the road utilising their own labour and funds must submit the plans and the reasons for the improvement to the Land Transport Manager for his approval.
- 4.5.9 If the plans are approved by the Land Transport Manager, 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.
- 4.5.10 The work must be carried out and completed to the satisfaction of the Land Transport Manager within one year of the approval being given to the applicant unless prior arrangement has been made.
- 4.5.11 Any work carried out on public roads must be in compliance with the Ruapehu District Plan.
- 4.5.12 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 Council's opinion the road has significant public good.

4.6 Partly Privately Funded Road Improvements

- 4.6.1 Private groups or individuals may request that Council enter into a shared funding arrangement on the basis that there is an element of community or district benefit from upgrading a road.
- 4.6.2 In addition to the information required in clause 4.4.3, 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.
- 4.6.3 When considering any application for shared funding arrangement, Council will take into account the following factors to determine the level of public benefit and the funding share that Council will meet:
- (a) Council's community outcomes to which the road improvement will contribute,
 - (b) The distribution and extent 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,
 - (c) The extent to which the actions or inaction of particular individuals or a group contribute to the need for the road improvements
 - (d) The period in or over which the benefits are expected to occur.
- 4.6.4 Applicants will be notified if Council considers there to be an appropriate level of alignment with its community outcomes and public benefit to warrant ratepayer involvement in the road improvement.
- 4.6.5 If Council considers that there is appropriate alignment and level of public benefit, Council will 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 NZTA Financial Assistance Rate.
- 4.6.6 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.
- 4.6.7 If the work is to proceed, a formal written agreement will be prepared and signed by the parties. The agreement is to include the scope of the works, timeframes for work, who is responsible for the work, deposit amount (if any) due prior to work beginning, and the expected payment terms.
- 4.6.8 Ongoing maintenance costs of this road will be met by Council.

4.7 Occupation and use of unformed legal roads

- 4.7.1 Where property is adjacent to, or intersects with, an unformed legal road and is 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 the following conditions:
- (a) Compliance with this policy,
 - (b) The public right of access is not impeded,

- (c) That the use is for the grazing of farm stock or for access as part of their normal farming operation, providing this activity does not impede public access rights. Use for any other activity must be with the permission of the Chief Executive.

- 4.7.2 The occupier must not modify or alter any existing formation of the road without the prior consent of the Chief Executive or a person authorised by the Chief Executive.
- 4.7.3 Where different persons own or occupy land adjacent to a road reserve, each person may occupy half the area, unless an alternative agreement between them is agreed to. Any agreement between the parties must also be agreed by the Land Transport Manager. In the event of a dispute the Chief Executive will arbitrate. The conditions to occupy shall be as for 4.7.1 above.
- 4.7.4 Where an applicant wishes to occupy an unformed legal road without owning or occupying adjacent land, this will be considered by the Chief Executive or Land Transport Manager, taking into account the existing use of the road. If permission is granted, the conditions to occupy shall be as for 4.7.1 above.
- 4.7.5 Where for any reason 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.

4.8 Roadside vegetation control and no spray agreements

- 4.8.1 Council uses chemical sprays to control vegetation growth within the road reserve.
- 4.8.2 Council provides the opportunity for landowners to choose not to have the road verge fronting their property chemically sprayed.
- 4.8.3 Individual landowners or occupiers may enter into an agreement with Council to undertake the maintenance of the roadside vegetation adjacent to their land themselves.
- 4.8.4 Prior to Council terminating chemical spraying of the identified road frontage, the landowner must enter into a No Spray Agreement with Council, and pay any administration fees. Fees payable are recorded in Councils Fees and Charges manual.
- 4.8.5 All applications must be made on the No Spray Agreement form. This form can be requested from any Council office or downloaded from the Council website.
- 4.8.6 Once a No Spray Agreement is entered into, Council will not spray the areas specified, on the condition that the land owner/occupier agrees to control the vegetation in the road reserve to NZTA standards, and keep the road reserve area free of plant pests.
- 4.8.7 Where the landowner or occupier fails to comply with the conditions of the No Spray Agreement the Council will resume chemical spraying.
- 4.8.8 This policy does not preclude Council from mechanically mowing roadsides.

4.9 Fencing adjacent to roads

- 4.9.1 Council may utilise its powers under s 353 of the Local Government Act 1974 to require owner or occupier to fence properties adjacent to roads in certain

circumstances, for example where it considers that it may be dangerous for road users.

- 4.9.2 When exercising its powers under s 353, Council will take into account factors such as unutilised or undeveloped properties.
- 4.9.3 Any fence required to be constructed must be installed at the full cost to the owner or occupier, and the fence must meet Council's requirements.

5. Annotations

Date	Description
24 June 2026	Use of Council Roads and Road Reserve Policy adopted.

6. Policy Version Control

Policy drafted by	Policy Team
Policy reviewed by	Manager Policy, Strategy & Sustainability Executive Manager – Finance and Strategy
Policy reviewed and adopted by Council	24 April 2026

7. Related Legislation/Policy

Land Transport Act 1998

Stock Movement on Local Roads Bylaw 2026

Traffic and Parking Bylaw 2026

