

Road Reserve Management Policy

1. Introduction

This policy sets out the Waimakariri District Council's (Council) approach to managing activities within the road reserve. It addresses uses and management requirements in the road reserve that can affect private activities or impose costs on residents and provides clear guidance to staff and the community.

2. Purpose

The purpose of this policy is to clarify controls, responsibilities, and any associated costs for use of the road reserve affecting a wide range of private and public activities.

These expectations are clearly set out so that the requirements are visible to, and can be clearly understood by, all users of the road corridor.

3. Scope

This policy provides guidance on management of Council road reserves and establishes:

- Criteria for sealing unsealed rural roads, including funding requirements
- Specifications for the use of unformed legal roads and forming unformed legal roads, and the process for stopping unformed legal roads
- Responsibilities for use, fencing, and maintenance of the road berm
- Requirements for sealing roads and vehicle crossings
- Criteria for forming stock underpasses
- Expectations for temporary traffic management activities.

4. Policy objectives

The overarching objective of this policy is to assist the Council to consistently and transparently apply management requirements and cost-share agreements for use of the road reserves, and to ensure fair and equitable outcomes for all parties.

- 4.1. The policy sets out the criteria for sealing unsealed rural roads so that costs and benefits are fairly distributed in accordance with set criteria.
- 4.2. The policy clarifies responsibilities for accessing and using unformed legal roads. It provides a process to consider privately constructed assets on or under such roads.
- 4.3. The policy ensures that the public right of passage along unformed legal road corridors is preserved.
- 4.4. The policy ensures that the responsibility for forming and maintaining private accesses on an unformed legal road is clearly with the party requesting and benefiting from the access.
- 4.5. The policy manages rural road boundary fencing and berm grazing to ensure safety for vehicles, pedestrians and stock, and to reduce road maintenance issues.

- 4.6. The policy specifies suitable materials for vehicle crossings to ensure standardisation and limit impacts from future works within the road reserve.
- 4.7. The policy manages the construction of stock underpasses to safely allow stock and farmers to travel from one side of the road to another and allow road users to pass unhindered.

5. Sealed roads

5.1. Rural seal extension

This policy is used to assess any requests to seal rural roads with speed limits of 60km/h or greater.

The Council will only consider sealing unsealed rural roads in one of the following situations:

- When co-funding is approved by the New Zealand Transport Agency (Waka Kotahi)
- When roading financial contributions from subdivisions of at least 30% of the cost of sealing the road have been received by the Council
- When privately funded, as detailed below.

See *Appendix C*: for seal extension technical requirements.

5.1.1. New Zealand Transport Agency Approved Projects

5.1.1.1. The New Zealand Transport Agency has set criteria for the funding of seal extensions and few projects are likely to be eligible for or receive New Zealand Transport Agency co-funding.

5.1.1.2. Any roads which meet the New Zealand Transport Agency criteria will be identified and submitted to the Long Term Plan and Regional Land Transport Plan (RLTP) processes for consideration of funding allocation.

5.1.1.3. The Council may programme the seal extension in the earliest year funding is available or bring forward the funding to the following financial year.

5.1.2. Roothing Financial Contribution Projects

5.1.2.1. The Council will consider sealing a rural unsealed road when receipted Roothing Financial Contributions from subdivisions reach at least 30% of the cost of sealing the road.

5.1.2.2. Funding for these projects will come from the Subdivision contribution budget.

5.1.2.3. The Council may at its discretion, attempt to obtain subsidy from the New Zealand Transport Agency either fully or by using the contributions to offset the capital cost of the work. However, the sealing will be programmed for completion, whether New Zealand Transport Agency approval is obtained or not.

5.1.3. Private Funding of Seal Extension

5.1.3.1. The Council will consider sealing existing roads where the adjoining property owner(s) is willing to fund 50% of the cost of the sealing.

5.1.3.2. Seal extensions up to a total length of 1km per year may be approved by the General Manager, Utilities and Roothing under delegated authority, subject to the following conditions:

- Those requesting the work will pay 50% of the cost. The balance shall be funded as a deficit balance within the current years roading account.
- Any additional works required to support the seal extension (e.g. signs, markings, drainage) will be included in the cost apportionment. Any works required to address existing deficiencies will be covered by Council.
- The design and tender for the seal extension work will normally be prepared by the Council and all physical work will be organised by the

Council. Those requesting the work will pay 50% of the costs of design, tender and construction of the physical works.

- The sealed road will remain the property of the Council in accordance with the Local Government Act 1974 section 317.
- Future maintenance, including resealing, will be the responsibility of the Council.

5.2. Sealed road surfacing

- 5.2.1. Generally, the most appropriate and cost-effective sealed road surfacing is chip seal. By default, all roads and streets which Council agree to seal shall be surfaced with chip seal to ensure the lowest lifecycle cost is achieved, unless other surfacing is considered appropriate based on the technical grounds noted below.
- 5.2.2. Asphaltic concrete (hotmix) is more durable with less noise and vibration, but its usage incurs a higher lifecycle cost. Its use will require approval by the General Manager, Utilities and Roading.
- 5.2.3. Asphaltic concrete (hotmix) may be used to seal Strategic and Arterial Roads with speed limits of 50 km/hr or less, and with urban scale development on both sides of the road.
- 5.2.4. Asphaltic concrete (hotmix) or similar surfacing may also be used on selected streets within the town centres or on other roads and bridges on a case-by-case basis.
- 5.2.5. Asphaltic concrete (hotmix) or similar surfacing may be used in cul-de-sac heads, at intersections with large numbers of heavy turning vehicles, and in any other area where it is the most appropriate technical and cost-effective option. It is used in situations where there are high vehicle turning movements to reduce the wear and tear from turning vehicles.
- 5.2.6. Asphaltic concrete (hotmix) or similar surfacing may also be used, on an exceptions basis, where it is technically considered the most appropriate solution to address inconsistencies in vertical and horizontal alignment in some streets.
- 5.2.7. In situations where streets are already surfaced with asphaltic concrete (hotmix) or similar material, but are not consistent with this policy and require resurfacing, they will be resurfaced with asphaltic concrete (hotmix) or similar surfacing unless there are compelling technical and/or cost reasons for not doing so.

6. Unformed legal roads

This policy specifies controls on the use, access and maintenance of unformed legal roads, also known as paper roads.

6.1. Public use of unformed legal roads

- 6.1.1. The Council has statutory powers to manage and control roads under the Local Government Act 1974 (Part 21) and Land Transport Act 1998 (Part 3) to ensure that the public right of passage along unformed legal road corridors is preserved while protecting the environment, the road and adjoining land, and the safety of road users.
- 6.1.2. Herenga ā Nuku Aotearoa - the Outdoors Access Commission was established pursuant to the Walking Access Act 2008 to lead, support, negotiate, establish, retain and improve access to the outdoors. The rights and responsibilities in the Outdoors Access Commission's Outdoor Access Code should be adhered to when using unformed legal roads.
- 6.1.3. While there is no specific statutory right to use a motor vehicle on any road, where the terrain permits, vehicles may be used on unformed legal roads, unless this is prevented or restricted through a bylaw or other enactment.
- 6.1.4. Road corridor users must not modify, obstruct, or damage the surface of unformed legal roads, except in accordance with the provisions of this policy.

- 6.1.5. Most unformed legal roads will not have clearly delineated areas set aside for different types of users. Vehicles, pedestrians, bicycles and horses are likely to share the same space. Unformed legal roads are considered “shared zones” available for use by pedestrians, cyclists, equestrians and motorists as per the purpose of the Land Transport (Road User) Rules 2004. This means that motorists must give way to pedestrians, but pedestrians must not unduly impede the passage of any vehicle.
- 6.1.6. Due to the risk posed to other road users, the road surface, and adjoining property and vegetation, the Council does not permit the lighting of fires on unformed legal roads.
- 6.1.7. Unformed legal roads are public places for the purposes of the Arms Act 1983. Therefore, the discharging of a firearm on an unformed legal road so as to endanger property, annoy, or frighten any person is prohibited.

6.2. Maintenance of unformed legal roads

- 6.2.1. The Council is not obligated to, and does not generally intend to:
- Maintain or repair damage to unformed legal roads
 - Fence unformed legal roads
 - Inspect, identify or mitigate any road safety issues on unformed legal roads
 - Signpost or otherwise mark unformed legal roads.
- 6.2.2. The Council is obligated to inspect and maintain non-roading assets that it has purposefully installed in unformed legal roads, such as drainage or plantation forestry.
- 6.2.3. Any existing or new Council non-roading assets within unformed legal roads should not obstruct public access.
- 6.2.4. Adjacent landowners are generally responsible for fencing, vegetation control, and pest plant management. The Council should be consulted before removing any exotic non-pest trees or hedges. Naturally occurring indigenous vegetation shall not be removed or disturbed without written approval from the Council. This is particularly relevant where there are features of ecological importance or Significant Natural Areas; refer to the District Plan for more details. Exceptions may be considered on a case-by-case basis.

6.3. Private occupation and encroachments in unformed legal roads

- 6.3.1. The Council recognises that a range of activities may wish to make use of, or locate on, unformed legal roads. The Council will consider requests for occupation of an unformed legal road on a case-by-case basis.
- 6.3.2. Approved requests for occupation will be formalised through a Licence to Occupy and must comply with this policy and the conditions of that Licence to Occupy. See the draft Council *Rural Land Lease and Licence Policy* for additional terms; in the event of any conflict with terms within the *Rural Land Lease and License Policy*, the terms of this policy shall prevail.
- 6.3.3. Should the Property Team recommend against granting a Licence to Occupy for occupation of an unformed legal road, such approval is reserved for the Utilities and Roading Committee.
- 6.3.4. The Council recognises that there are a large number of existing occupied unformed legal roads that are not subject to a formal lease or Licence to Occupy. While the Council will endeavour over time to standardise these occupancy activities, this will be governed by the availability of Council staff resources. Priority may be given to unformed legal roads where issues arise in relation to an existing use.
- 6.3.5. See *Appendix C: Technical requirements* for conditions for unformed legal road occupation.
- 6.3.6. Failure to obtain the necessary authority from Council to occupy or encroach onto an unformed legal road is an offence under the Local Government Act 1974.

6.4. Unauthorised encroachment

6.4.1. Where there is an unauthorised encroachment on an unformed legal road, the Council:

- Will investigate complaints about encroachments
- Will first attempt to resolve encroachments through voluntary removal, Licence to Occupy, or road stopping (as appropriate, see section 6.6 below) before considering legal action
- May consider an appropriate alternative public access, where such an alternative is equal to or better than the existing unformed legal road and can be provided at no cost to Council
- May remove, or require removal of, unauthorised encroachments that obstruct or impede public access, at the cost of the party responsible, unless exceptional circumstances exist in relation to the encroachment (including a public benefit).

6.5. Formation of unformed legal roads

6.5.1. The Council is not obligated to, and does not generally intend to, form or improve unformed legal roads.

6.5.2. However, the Council will consider requests from adjacent property owners, developers, and interest groups to construct carriageways, cycle tracks, bridle paths and footpaths within unformed legal roads at the applicant's expense, where this is vital for development or where significant public benefits are clearly demonstrated.

6.5.3. A written application is to be made and approval given in writing by the General Manager, Utilities and Roading before any physical works start in the road reserve.

6.5.4. When considering applications to facilitate use of unformed legal roads by walkers, cyclists, or equestrians, Council will consider the proposed extent of modification required to the surface of the unformed legal road, potential for liability, and future maintenance. Any use of Council resources to modify an unformed legal road will need to be approved by Council.

6.5.5. Developers and subdividers seeking to use unformed legal roads are required to seek approval to form and/or upgrade roads to a Council-standard as part of the subdivision process.

6.5.6. When a request is received for a formation on an unformed legal road, the applicant will be advised that, should the request be approved, the following options are available:

- The applicant forms the road to the Council's roading standards and specifications, or better. Approval of a Council-standard road is to be subject to the following conditions:
 - All work is to be at the expense of those requesting it
 - All work is to be in accordance with the Council's specifications and to its standards
 - The standards and specifications used for the work are to be those adopted and in use for similar access to similar properties upon subdivision
 - Where it is agreed by the Council that the road is to be vested, future maintenance of the road (to appropriate standards) will become the responsibility of the Council following acceptance of the construction work from the contractor or completion of the civil maintenance period.
- The applicant forms the road to a lesser standard than the Council requires, in which case on-going maintenance will be at the property owner's expense. The applicant is also advised that if this option is chosen, they will not be able to restrict or control public access to or along the upgraded section of public road. Approval of a lesser-standard access requires an encumbrance to be registered against the title(s) of the applicant's lot(s) recording their responsibility to maintain that part of the road.
- The applicant may alternately request the Council stop the road. This would remove the legal road status and enable the sale of the section of land if approved. See Section 6.6 for more details on road-stopping.

- 6.5.7. Where a formed access is requested for a section of unformed legal road that adjoins two or more properties, notice will be given to the other adjoining landowner(s) of the application, giving them 20 working days to respond with their view. Where more than one adjoining landowner wishes to use the same section of unformed legal road along a shared boundary, the Council will encourage all parties to agree on the arrangements. Where agreement is not reached, the Council will use its discretion as to how the occupation is divided.
- 6.5.8. Where any dwelling house was lawfully erected prior to 23 January 1992, and it has sole access to an unformed or substandard legal road, then the Council will contribute up to 50% of the cost of upgrading to the Council's standard, to be funded as a subdivision commitment.
- 6.6. Stopping unformed legal roads**
- 6.6.1. Where a road is proposed to be stopped, the Council will generally follow the Local Government Act 1974, section 342 process. The Public Works Act 1981, section 116 process will only be used in exceptional circumstances where doing so is deemed to be in the public's interest.
- 6.6.2. Any applicant requesting to stop an unformed legal road should give regard to:¹
- a. The Council may or may not support the request.
 - b. The full costs will be borne by the applicant, and the applicant will need to enter into a cost agreement and may be required to pay a deposit for such costs prior to any work being undertaken.
 - c. The process the application must follow includes provision for public submissions and the Council has no control over the outcome of that process.
 - d. Ultimately, any decision made in the road stopping process is appealable through the Environment Court.
 - e. If the stopping is completed, the applicant will be required to purchase the stopped road at an agreed value and amalgamate it with their existing title, at their expense.
- 6.6.3. In considering applications to stop an unformed legal road, the Council will evaluate the application against:
- Current use – e.g. public walking/driving access, service to land-locked sections
 - Strategic value – e.g. connections to water bodies, reserves, conservation land, or some other future strategic need
 - Alternatives for public access
 - Biodiversity and ecological value – e.g. value of the land to ecosystem services; rarity, representativeness, and density of native flora or fauna
 - Future use of the road as proposed by the applicant
 - Intended or potential alternative future uses – e.g. walk- or cycle ways, drainage, amenity, recreation uses, significant landscape amenity
 - Corridor user safety
 - Existing or anticipated infrastructure, encumbrances and easements.
- 6.6.4. Where a section of unformed legal road is stopped and freehold title issued, subject to the requirements of the Public Works Act 1981 or any other relevant legislation, the Council may choose to dispose of the land accordingly.

¹ Section 6.6.2 (c) to (e) only apply in respect of road stopping carried out under the Local Government Act 1974 but would not apply to road stopping carried out under the Public Works Act 1981.

7. Roadside management

This portion of the policy specifies requirements for private use of the road reserve for fencing, grazing, storage, and berm management.

7.1. Fencing on road reserve

- 7.1.1. New boundary fences adjacent to Council road reserves shall be located on the surveyed property boundary.
- 7.1.2. Replacement boundary fences on Council road reserves not located on the surveyed property boundary are to be relocated onto the surveyed property boundary when replaced.
- 7.1.3. In exceptional cases, when agreed by the Utilities and Roding Committee, existing boundary fences may be retained onto a line that is not on the surveyed property boundary when the adjacent property owner wishes to retain this alignment, providing that public access is not obstructed.

7.2. Private entry structures

- 7.2.1. Private entry signs, features, artwork and monuments will not be permitted within the road reserve.
- 7.2.2. Subdivision entry structures shall be situated on private land and maintained at the cost of the property owner.
- 7.2.3. Private gates must not open into or otherwise obstruct the road reserves.

7.3. Grazing on road reserve

- 7.3.1. The grazing of road reserve frontages is not permitted on the following roads:
 - Within the urban area
 - On the roads listed in *Appendix A: Grazing-restricted roads*
 - On the mown verge of sections of road regularly mown by the Council or its contractors.
- 7.3.2. The grazing of road reserve frontages is permitted along Council-controlled roads within the District, except those set out above, and is subject to the conditions found in *Appendix C: Technical requirements*.
- 7.3.3. Stock owners may apply to the Council for an exemption to graze on frontage of roads listed in *Appendix A: Grazing-restricted roads*. Exemption requests must meet the following requirements:
 - Cattle or sheep only
 - Road frontage is on the "Roads Considered for Exemptions" table in *Appendix A: Grazing-restricted roads*
 - Stock owner has no history of grazing-related service requests or complaints with Council.
- 7.3.4. Approved exemption requests will be formalised through a Grazing Permit system and must comply with the requirements of *Appendix C: Technical requirements* and the conditions of that Permit. A Permit may be issued for no longer than a three-year period and is not transferable. A Permit may be revoked if there is more than one justified grazing-related service request or complaint at any property or permitted berm associated with the Permit holder.
- 7.3.5. Should the Roding Team recommend against granting a Permit for grazing on the road reserve, or the road is on the "Non-Eligible Roads" table in *Appendix A: Grazing-restricted roads*, such approval is reserved for the Utilities and Roding Committee.

7.4. Temporary storage on road reserve

- 7.4.1. Generally, the Council does not permit temporary storage within the road reserve. Material may not be stored under any circumstances on roads classified as Collector, Arterial, or Strategic Roads within the rural area. See the District Plan for a list of classified roads.
- 7.4.2. Temporary storage may be considered on a case-by-case basis with written approval from the Council. Any temporary storage on the road reserve is subject to the conditions found in *Appendix C: Technical requirements*.
- 7.4.3. An unformed legal road may not be used for storage of any kind, or the long-term parking of any vehicles.

7.5. Roadside berm maintenance

This policy does not cover sealed or unsealed Council-maintained footpaths or shared paths.

7.5.1. Berms Adjacent to Council Property

The Council will maintain grass berms outside Council property including reserves, cemeteries, community facilities (e.g. pools, halls, community centres, and libraries), gravel pits, forestry blocks, and rental housing. The mowing will be managed either directly by the Council, via committees, or in accordance with lease conditions where the Council property is leased.

7.5.2. Berms Adjacent to Private Property

- 7.5.2.1. The Council will not maintain berms or frontages of private property, except where otherwise provided for in this policy.
- 7.5.2.2. The Council expects that berms will be covered in natural turf and maintained in a clean and tidy condition by the adjoining property owner to ensure safe space for all road users and prevent erosion of roadside drains.
- 7.5.2.3. Refer to *Appendix D: Approved berm planting* for a list of natural turf species approved for planting on a berm.
- 7.5.2.4. Permanent landscaping and decoration are not permitted on or in berm areas as these areas are reserved for utility and public access only.
- 7.5.2.5. Berms along many rural Collector and Arterial Roads are mown regularly for a nominal distance off the road for traffic safety reasons. Adjoining property owners are responsible for maintaining the remainder of the berm.
- 7.5.2.6. Adjoining property owners are responsible for the removal of any noxious weeds or pest plants growing in rural berms. A list of pest plants is maintained by Environment Canterbury; for more details, see the *Canterbury Regional Pest Management Plan*.
- 7.5.2.7. The Council does not generally maintain berms that contain stormwater conveyance and treatment such as swales, drains or overland flow paths, although within Drainage Rated Areas the Council does maintain a limited number of designated drains located within berms. Adjoining property owners are encouraged to maintain these berms but may apply to the Council for an exemption as per section 7.5.3.
- 7.5.2.8. Stockwater races in the berm are required to be maintained by adjoining property owners in accordance with the Council's *Stockwater Race Bylaw 2025*.
- 7.5.2.9. The owner or occupier of any undeveloped residential zone property shall ensure that grass and other vegetation within the property boundaries is maintained in accordance with the Council's *Property Maintenance Bylaw 2020*.

7.5.3. Exceptions for Berms Adjacent to Private Property

7.5.3.1. Property owners can apply in writing to the Council for an exemption to the requirement to maintain the berm adjoining their property.

7.5.3.2. Any requests for an exemption will be evaluated on a case-by-case basis using the following criteria:

- Whether the berm is a stormwater conveyance and treatment area that requires mowing to ensure it operates efficiently or it meets regulatory requirements
- The berm design and whether its maintenance can be safely carried out by the adjoining property owner (e.g. berms that are too steep to be maintained by a hand mower or line trimmer)
- Whether the berm's maintenance could impact the safety of road network users (e.g. vehicular, pedestrian, equestrian, or cycle traffic)
- Whether the mowable area of the roadside berm is greater than 400 m² (urban only)
- Special circumstances may be considered on compassionate grounds.

7.5.3.3. Any exemption granted in accordance with section 7.5.3.2 will be at the Council's discretion.

7.5.4. Trees and Hedges Within Berms

7.5.4.1. This policy does not cover consented street trees and street gardens; refer to the Council *Street and Reserve Trees Policy*.

7.5.4.2. Tree and hedge planting within urban and rural road reserves is not permitted without written approval from the Council to ensure road safety and avoid the Council incurring maintenance costs when the property changes hands.

7.5.4.3. Trees and hedges established before adoption of this policy shall be allowed to remain, provided the plantings are not considered to be a nuisance by the Council.

7.5.4.4. Plantings will be considered a nuisance by Council if they create a safety risk or interfere with road maintenance, drainage, utility services or public access. The Council may direct the adjoining property owner to remove nuisance trees or hedges at the expense of that owner. The Council should be consulted before removing any nuisance trees.

7.5.4.5. Where historical plantings (other than consented street trees) are allowed to remain within the road reserve, the adjoining property owner is responsible for their maintenance; refer to *Appendix C: Technical requirements* for a list of responsibilities.

7.5.4.6. The Council should be consulted before removing any exotic non-pest trees or hedges. Naturally occurring indigenous vegetation shall not be removed or disturbed unless the Council considers it to be a nuisance. This is particularly relevant where there are features of ecological importance; refer to the District Plan for more details.

7.5.5. Overhanging trees and vegetation

Overhanging vegetation or other obstructions from property adjacent to any road reserve will be managed as per section 355 of the Local Government Act 1974. Refer to *Appendix B: Roadway clearance* for more details.

7.5.6. New berms

7.5.6.1. Council contractors are responsible for the establishment and mowing of new grass berms that are sown as part of roadworks, footpath resurfacing or trenching during the defects liability period. Once the maintenance period of the work has expired, berm mowing will be managed in accordance with this policy.

- 7.5.6.2. Developers and subdividers are responsible for the establishment and mowing of new grass berms that are sown as part of new development. Once the maintenance period of the work has expired the berm mowing will be managed in accordance with this policy.
- 7.5.6.3. When new road reserve is vested with the Council through subdivision or new construction, the land will generally be fully cleared by the property owner prior to vesting. Any Protected Trees or Significant Natural Areas in the District Plan shall be protected. Other significant or notable vegetation should be evaluated on a case-by-case basis by the Council's Roading and Greenspace Units for possible retention by the Council as street trees.

The following factors will be taken into consideration as part of this evaluation:

- Impacts on public access, traffic safety, and sightlines
- Ability to realign or redesign proposed works
- Amenity and/or historic value
- Botanical and/or ecological value
- Tree health and form
- Risk of falling limbs or other potential damage to the tree arising from construction processes.

7.5.7. Construction works

- 7.5.7.1. Where existing grass berms are required to be excavated or altered as part of Council maintenance or capital works (including works by utility operators), the Council or the relevant utility operator will re-establish the grass and any Council installed street trees, plantings and associated irrigation. Private trees and plantings will not be reinstated. Letter boxes will be reinstated.
- 7.5.7.2. Any construction work undertaken in the berm will require written consent from the Council. Where a property owner arranges work to excavate or alter the berms as a result of works to their property or neighbouring property, the cost of reinstatement of a berm will be met by that owner.

7.6. Services in the road reserve

Any activity undertaken which involves excavation or disturbance of the ground within the road reserve requires the Council's authorisation. This includes work which has been granted a resource consent.

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* in the form of Corridor Access Requests.

7.6.1. Location of overhead services within the road reserve

- 7.6.1.1. The preferred location for all overhead services will be as far from the road carriageway as practicable and away from corners and intersections.
- 7.6.1.2. Road safety features which meet recognised standards (e.g. barriers) are required where overhead services cannot be located away from 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 associated cabinets and kiosks shall be situated to avoid limiting sight distance and shall be frangible or protected as per the *National Code of Practice for Utility Operators' Access to Transport Corridors*.

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

7.6.2. Private services within the road reserve

- 7.6.2.1. Installation of private services within the road reserve is generally not supported except in unusual circumstances (e.g. where no alternative exists on private property) and with authorisation by the Council through a Licence to Occupy and registration of an encumbrance on the private service owner's property.
- 7.6.2.2. A private service owner will be responsible for the cost of preparing a Licence to Occupy and encumbrance (including registration), installing the service, making good the road surface as required, maintaining the service during the term of that Licence, and relocating the service should construction of new Council infrastructure within the road reserve create a conflict.
- 7.6.2.3. As-Built plans shall be provided to the Council by the service owner once installation is complete.

8. Vehicle crossing surfacing

8.1. Surfacing standard

8.1.1. The Council defines standard surfacing material for driveways as follows:

- Urban areas: asphaltic concrete or broomed concrete
- Rural areas (including rural lifestyle zones) for access off sealed roads, other than access solely to paddocks: asphaltic concrete or chip seal
- Rural area unsealed roads and paddock-only access: metal/gravel.

8.1.2. Prohibited materials for surfacing vehicle crossings are:

- Stamped concrete and other decorative finishes that do not provide a safe, firm, relatively smooth and comfortable walking surface, are prohibited where they would cross a footpath or be on a main pedestrian route
- Loose surfaces that could migrate onto the adjacent footpath or roadway, or into nearby drainage channels and gutters, will not be permitted.

8.1.3. If there is a sealed footpath or shared-use path across the property frontage, then the area of path must be reinstated in the same material as the adjoining path, including markings, unless permitted otherwise by the Council.

8.1.4. The path shall be continuous across the vehicle crossing to convey priority to footpath or shared-use path users.

8.1.5. Vehicle crossings at footpaths or shared-use paths may require reinforcing or additional depth of material to accommodate the additional loads from vehicles crossing the path; refer to the Council Engineering Code of Practice for details.

8.1.6. All vehicle crossings shall be constructed and maintained in accordance with the Council's *Vehicle Crossing Bylaw 2019*.

8.2. Non-standard vehicle crossing surfaces

Other finishes such as stamped or coloured concrete, exposed aggregate, bevelled or smooth edge cobbles, etc. are considered to be non-standard finishes and may be approved for use subject to the conditions in *Appendix C: Technical requirements*.

9. Stock underpass

9.1. Underpass standard

9.1.1. Refer to the New Zealand Transport Agency *Stock under control (crossing and droving) guidelines* for options to cross stock over a road.

- 9.1.2. Construction of a stock underpass is subject to approval from the General Manager, Utilities and Roading and will require a resource consent in accordance with the District Plan Rule TRAN-R22 (restricted discretionary activity). Note the underpass construction would also need to meet earthworks rules within the District Plan.
- 9.1.3. Where the General Manager, Utilities and Roading considers that the request should not be approved, and the matter cannot be resolved through negotiation with the applicant, only the Utilities and Roading Committee may refuse such permission.
- 9.1.4. Prior to applying for a resource consent for construction of an underpass, the applicant will apply to the General Manager, Utilities and Roading for approval to install the underpass. The General Manager, Utilities and Roading shall ensure that the following conditions are imposed:
- The applicant completes a Stock Underpass Construction Agreement.
 - The applicant completes a Stock Underpass Use Agreement and Subsoil Lease Agreement.
 - An encumbrance is registered against the title(s) of the applicant's lot(s) recording their responsibilities under the Stock Underpass Use Agreement and Subsoil Lease Agreement.
 - The Council will financially support the construction of each stock underpass only to the extent that the work meets the New Zealand Transport Agency formula for financial support detailed in the New Zealand Transport Agency Planning and Investment Knowledge Base, as it may be amended from time to time.
 - The maximum contribution available is 25% of the total cost of the work. The actual contribution depends on the volume of traffic on the road
 - The New Zealand Transport Agency policy requires that the funding be from the Minor Safety Improvements Programme. In the event that such funding is not available in the current financial year, the Council will make provision for that expenditure in the next financial year. In this event, should the applicant wish to proceed with the construction earlier than when the Council can provide the financial assistance, the applicant shall carry the full cost and invoice the Council for its share after the commencement of the year in which programme provision is made. Deferment of the Council's contribution shall not alter the requirement for the grantee to comply with the Competitive Pricing Procedures requirements of the Construction Agreement.
 - The General Manager, Utilities and Roading shall report to the Utilities and Roading Committee each grant of a Stock Underpass Construction Agreement that attracts Council financial support.
 - Removal of a stock underpass, in accordance with the conditions contained in the Stock Underpass Use Agreement, may be subject to District Plan requirements or conditions of an existing resource consent, and must also be authorised by the General Manager, Utilities and Roading when requested to do so by the grantee, before any physical removal works commence. Alternatively, should the General Manager, Utilities and Roading recommend the closure of an underpass against the wishes of the grantee, such approval is reserved for the Utilities and Roading Committee and any removal works undertaken must be consistent with requirements of the District Plan or resource consent.

9.2. Gates and cattle stops on unformed legal roads

- 9.2.1. With approval from the Council, a person may erect a swing gate or cattle stop, and associated fencing, across an unformed legal road in accordance with section 344 of the Local Government Act 1974. A sign must be affixed to the gate indicating it is a public road.

- 9.2.2. The Gates and Cattlestops Order 1955 prescribes the form and construction of swing gates and cattle stops which have been authorised to be placed across roads.

10. Temporary traffic management

- 10.1.1. All requests to undertake an activity that varies from the normal operating condition of the legal road, whether it is on a carriageway, footpath, or adjacent to the road, shall include a Traffic Management Plan (TMP). TMPs are also needed for activities outside the legal road which will affect the normal operating conditions of the road.
- 10.1.2. Activities such as the ones listed below are all situations that are likely to require a TMP to undertake the activity (this is not an exhaustive list):
- Road construction or maintenance activities
 - Construction or maintenance of assets within the road corridor
 - Construction of vehicle crossings
 - Concrete pours where the concrete pump or concrete truck will affect legal road, including a footpath or carriageway
 - Scaffolding installation on or near the footpath
 - Crane or lifting work that requires safety zones to close a traffic lane, footpath or grass berm
 - Multiple deliveries to a site causing congestion on adjacent roadway
 - Tree felling and vegetation maintenance works that require exclusion zones which extend into the legal road or are undertaken from the roadside
 - Community or sporting events that impact the normal operating condition of the legal road.
- 10.1.3. The movement of stock is covered under the Council Stock Movement Bylaw 2020, which outlines the requirements for permitting and traffic control while moving stock along or across the road.
- 10.1.4. Prior to any such activities starting, a TMP complying with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management (CoPTTM) or relevant temporary traffic management guidance document must be submitted to the Council and approved by a Traffic Management Coordinator (TMC).
- 10.1.5. Where these requirements are not met, or where activities are deemed to be dangerous or not installed as per an accepted TMP, the Council will require all activity varying the normal operating condition of the road to stop and the area made safe.
- 10.1.6. If the area is not made safe as per CoPTTM or other adopted guidance, Worksafe New Zealand will be notified. The Health and Safety at Work Act 2015 requires Persons Conducting a Business or Undertaking must, so far as is reasonably practicable, provide and maintain an environment that is without health and safety risks.

11. Responsibilities

This policy will be implemented by the Roding and Transport Unit of the Council.

12. Definitions

Berm (also Verge) – grassed, soiled, or metalled area between the carriageway and the property boundary.

Council – the Waimakariri District Council and includes any person, authorised by the Council to act on its behalf.

District Plan – the Council's District Plan and includes any amendments and replacements.

Fencing – a barrier or partition enclosing an area to prevent or control access.

Indigenous Vegetation – a plant community, of a species indigenous to that part of New Zealand, containing throughout its growth the complement of native species and habitats normally associated with that vegetation type or having the potential to develop these characteristics.

Licence to Occupy – a licence which provides permission to use land for an agreed purpose. A licence does not confer a right to exclusive possession of the land.

Permanent Landscaping – an area that has been laid out and maintained with plants, including associated structures.

Road – has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Rounding Powers Act 1989.

Road Encroachment (also Road Occupation) - any action or physical obstruction upon, over, or under any portion of a road. Encroachments not covered by this policy (e.g. covered in other Council bylaws and policies) include stock movement, private mailboxes, outdoor advertising, and outdoor dining.

Road Reserve (also Road Corridor) – the area from the property boundary on one side of the legal road to the property boundary on the other side of the legal road, including (but not requiring) any berm or formed footpath and carriageway.

Rural Area – an area zoned rural in the District Plan.

Significant Natural Area – an area of significant indigenous vegetation and/or significant habitat of indigenous fauna that meets one or more of the ecological significance criteria listed in the District Plan.

Street Trees – trees permitted, planted, and maintained by the Council Greenspace Unit within road reserve.

Unformed Legal Road (sometimes referred to as Paper Road) – land that has been established as a legal public road, but which is not formed or maintained by the Council or the New Zealand Transport Agency.

Urban Area – an area of land that is, or is intended to be, predominantly urban in character and part of a housing and labour market of at least 10,000 people. Refer to the District Plan for a list of urban areas in the Waimakariri District.

Vehicle Crossing – the area within public road or other public land from a road carriageway to a property boundary intended for use by vehicles accessing the property.

13. Relevant documents and legislation

- Animal Welfare Regulations 2018
- Arms Act 1983
- Building Act 2004 and Building Regulations (stock underpasses)
- Canterbury Regional Pest Management Plan
- Electricity Act 1992
- Electricity Regulations 1993
- Gates and Cattlestop Order 1955
- Government Policy Statement on Land Transport
- Government Rounding Powers Act 1989, s 55 to 57 (removal of trees, hedges, etc.)
- Guidelines for the Management of Unformed Legal Roads (Herenga ā Nuku Aotearoa Outdoor Access Commission)
- Health & Safety at Work Act 2015
- Land Transport Act 1998, s 22AB (making certain bylaws)
- Land Transport Management Act 2003
- Land Transport (Road User) Rules

- Local Government Act 2002, s 175 Power to recover for damage by wilful or negligent behaviour (berm management)
- Local Government Act 1974
 - part 21 (managing roads)
 - s 317 (private funding of seal extension)
 - s 319 (formation of paper roads)
 - s 353 (fencing and grazing of roadsides – general road safety provisions)
 - s 355 (control of vegetation on road berm)
- National Code of Practice for Utility Operators' Access to Transport Corridors
- New Zealand Outdoor Access Code
- New Zealand Transport Agency Bridge Manual
- New Zealand Transport Agency Code of Practice for Temporary Traffic Management
- New Zealand Transport Agency Guide to Temporary Traffic Management
- New Zealand Transport Agency Planning and Investment Knowledge Base
- New Zealand Transport Agency Stockwater Crossing Bylaw
- Property Law Act 2007, s 332 to 338 (trees and unauthorised improvements on neighbouring land)
- Property Maintenance Bylaw 2020
- Public Works Act 1981, s 116 (stopping roads)
- Street and Reserve Trees Policy
- Transport Act 1962, s 72 (making certain bylaws)
- Vehicle Crossing Bylaw 2019
- Vehicle Crossing Information Pack (QP-C289)
- Waimakariri District Council QS-K401: Information regarding installation of stock underpasses
- Waimakariri District Council Stock Movement Bylaw 2020
- Walking Access Act 2008.

14. Questions

Any questions regarding this policy should be directed to the General Manager, Utilities and Roding, in the first instance.

15. Effective date

30 September 2025

16. Review date

30 September 2030

17. Policy owned by

General Manager, Utilities and Roding

18. Approval

Adopted by Waimakariri District Council on 30 September 2025

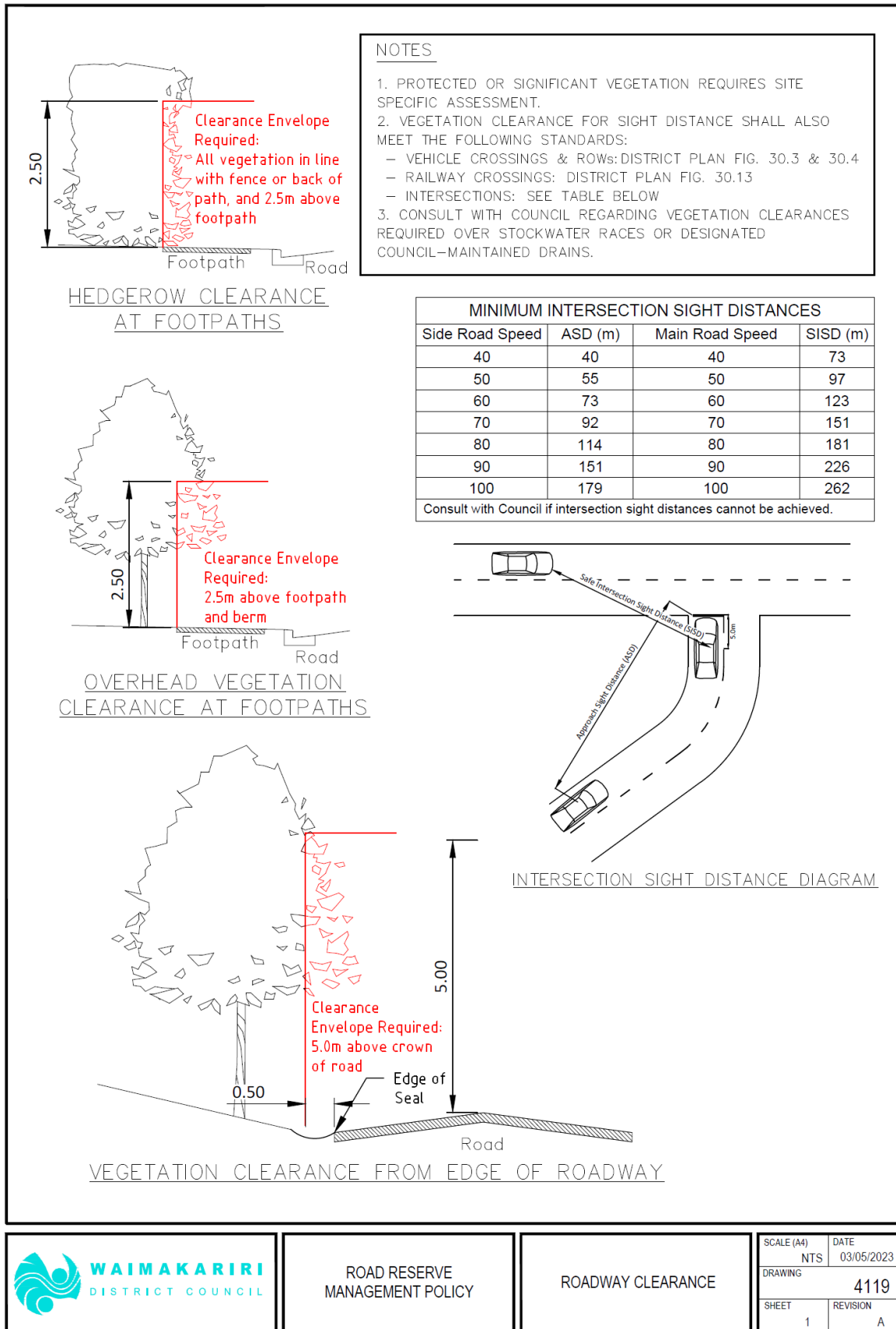
Appendix A: Grazing-restricted roads

Non-Eligible Roads	
Local Roads	
Loburn Whiterock Road (Hodgsons Road to Chapel Road)	
Collector Roads	
Ashley Gorge Road Beach Road Birch Hill Road (Fishers Road to Foothills Road) Boys Road Carrs Road (Dixons Road to Carboys Road) Fernside Road (Plaskett Road to Flaxton Road) Fishers Road Gressons Road Hodgsons Road Island Road (Ohoka Road to Tram Road) Johns Road Lower Sefton Road (Toppings Road to Wyllies Road) Marshmans Road (Fawcetts Road to Forestry Road) Mill Road (Ashworths Road to Ohoka Road) Plaskett Road (Oxford Road to Ashworths Road) Rangiora-Woodend Road (Gressons Road to SH1) River Road (Rangiora) South Eyre Road Swannanoa Road Threlkelds Road Toppings Road (Lower Sefton Road to Upper Sefton Road) Two Chain Road (Swannanoa Road to Tram Road) Waikuku Beach Road	
Arterial Roads	
Cones Road (Fawcetts Road to Dixons Road) Dixons Road (Loburn) Fawcetts Road Flaxton Road Kippenberger Avenue Loburn Whiterock Road (Dixons Road to Hodgsons Road) Main North Road (Kaiapoi) Ohoka Road (SH1 to Skewbridge Road) Rangiora-Woodend Road (Kippenberger Avenue to Gressons Road) Skewbridge Road Tram Road Williams Street	

Strategic Roads
Ashley Street Cones Road (Milton Avenue to Fawcetts Road) Cust Road Depot Road Millton Avenue Oxford Road Upper Sefton Road

Roads Considered for Exemptions
Collector Roads
Ashworths Road (Mill Road to Plaskett Road) Birch Hill Road (Foothills Road to Ashley Gorge Road) Carrs Road (Carboys Road to Chapel Road) Fernside Road (Flaxton Road to SH71) Harleston Road High Street (Oxford) Lower Sefton Road (Toppings Road to Wyllies Road) Marshmans Road (HDC boundary to Forestry Road) Two Chain Road (Tram Road to South Eyre Road) Wyllies Road
<i>Note: The above Collector Roads meet one of the following criteria as of 2024:</i> <i>Average daily traffic < 1,000 and Operating (mean) speed ≤ 85 km/h</i> <i>Average daily traffic < 1,500 and Operating (mean) speed ≤ 90 km/h</i> <i>This Exemptions list will be reviewed and updated periodically.</i>

Appendix B: Roadway clearance



Appendix C: Technical requirements

Seal Extension Requirements

The width of the seal is to be approved by the General Manager, Utilities and Roading in accordance with the Engineering Code of Practice and the District Plan.

Normally this will be 6.0m; however, this may be altered when the nature of the road and its traffic density indicate another width is more appropriate. The absolute minimum width in any circumstance is 4.0m.

All private seal extensions shall have a two-coat wet-coat chip seal surface to ensure that future maintenance costs are able to be shared with the Crown.

Nominal minimum length of seal extension is 100m. The actual length to be sealed is to be approved by the General Manager, Utilities and Roading who will agree an appropriate end-point, having consideration for the road alignment.

The gap to the nearest section of seal is not to be less than 400m providing:

- That the “minimum gap” requirements shall only be enforced at the end of the seal-extension closest to the adjacent sealed surface; and
- Any gap less than that detailed above is to be sealed in accordance with Section 5.1.3.1.

Unformed Legal Road Occupation Requirements

Any requests to occupy an unformed legal road are subject to the following requirements:

- Public access along the road must not be obstructed, and such access could be by modes such as motorised vehicles, bicycles, foot, and/or horses. A minimum traversable width of 4m must be maintained at all times.
- Temporary fencing may be installed within an unformed legal road for purposes of stock control but must still allow public access. Permanent fencing may be installed across an unformed legal road at public boundaries but must include an unlocked gate or other means of public passage, where agreed with the Council.
- Occupiers are responsible for maintaining the surface of the unformed legal road to the same or better condition than prior to the occupation commencing. Damage caused to existing infrastructure or fencing through the occupation of the unformed legal road is the responsibility of the occupier to remedy at their cost.
- Occupiers are responsible for controlling all noxious pests and weeds, including as required under the Canterbury Regional Council Pest Management Plan.
- Livestock that presents a hazard to the public (e.g. bulls) shall not be permitted to occupy or graze unformed legal roads and must be fenced if grazing or occupying adjoining land.
- ‘Private Property,’ ‘Keep Out’ signs, or similar are only allowed on private buildings and must not be posted in such a way that they are seen as applying to the unformed legal road itself.
- Generally, new structures, permanent landscaping, or planting of trees will not be permitted by the Council within unformed legal roads.
- A Licence to Occupy does not negate any requirement for building or resource consents and the Licence holder is responsible for obtaining all other relevant approvals.

Road Reserve Grazing Requirements

The grazing of road reserve frontages subject to the following requirements:

- Stock owners, or their agents, shall not graze the frontage of a third party’s property without the permission of that property owner. It is advisable that the stock owner obtains this permission in writing (this does not apply to driven stock).
- Grazed stock shall be fenced so that they cannot stray onto the carriageway. The fence should be clearly visible.

- The fence shall consist of temporary electric fencing to be secured by electric fence standards – i.e. fiberglass, plastic, or light metal standards. The use of waratahs, posts and other more substantial type fencing is not allowed on berms.
- 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.
- The fence shall be completely clear of the carriageway and road shoulder.
- Public access on the frontage/berm should be accommodated where practicable.
- Livestock shall only be grazed upon road reserves during the hours of daylight.
- Horses shall only be grazed upon road reserves when tethered or accompanied by a person and fastened to a lead rope.
- All grazing shall be in accordance with the Animal Welfare Regulations 2018.
- Livestock that presents a hazard to the public (e.g. bulls) shall not be permitted to occupy or graze formed or unformed legal roads and must be fenced if grazing or occupying adjoining land.
- Where road reserve is used for grazing the adjoining landowner is responsible for sowing and maintaining a grass surface appropriate for both the stock and the public's use of the road.

Road Reserve Temporary Storage Requirements

Temporary storage on the road reserve is subject to the following requirements:

- Written approval must be granted prior to any storage on the road reserve.
- Appropriate temporary traffic management may be required by the Council.
- Materials shall be located a minimum of 5m away from the edge of rural road carriageways.
- Materials storage and access must not cause damage to roading assets, including pavement, berms, kerbs, drainage, and edge marker posts.
- Material may not be stored in a location that obstructs a vehicle crossing, footpath, cycle facility, drainage facility or race, or sight distance, or otherwise impacts road corridor user safety.

Berm Trees and Hedges Requirements

Where permitted or historical plantings are allowed to remain within the road reserve, the adjoining property owner is responsible for the following requirements:

- 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 to the extent that there are significant and identified risks to road users related to mobility and road safety.
- Removing overhanging branches or fallen trees which obstruct pedestrians, cyclists, and vehicles, and all tree trimmings and tree debris from the roadside.
- Paying costs associated with repairing or reinstating services or damage to the road as a result of the plantings.
- Carrying out any tree maintenance required to avoid services or overhead utilities.
- Ensuring that roadside drains are kept clear of tree roots, tree trimmings, and tree debris.
- Removing any noxious weeds and pest plants (e.g. gorse and broom).

Vehicle Crossing Non-Standard Finish Requirements

Non-standard finishes may be approved for use on vehicle crossings subject to the following requirements:

- That in the event of an excavation across their frontage it is unlikely that a non-standard surface will be restored to its original appearance.

- That a minimum of 3-100ø ducts to be provided across the full width of the proposed driveway with the information being recorded on the Property Information File and GIS records to enable services to be laid under the driveways without the need for excavating the driveways unless specifically otherwise required
- That the property owner accepts full responsibility for repair and maintenance of the portion of the driveway that is located on road reserve
- That should a footpath ever be built across the frontage of their property the portion of the non-standard driveway that would form part of the path may be replaced with a standard surface.

Appendix D: Approved berm planting

The following species are considered suitable for planting on berms:

- Perennial dwarf ryegrass
- *Dichondra repens*
- *Selliera radicans*
- *Acaena inermis*
- *Pratia angulata*
- *Leptinella* sp.