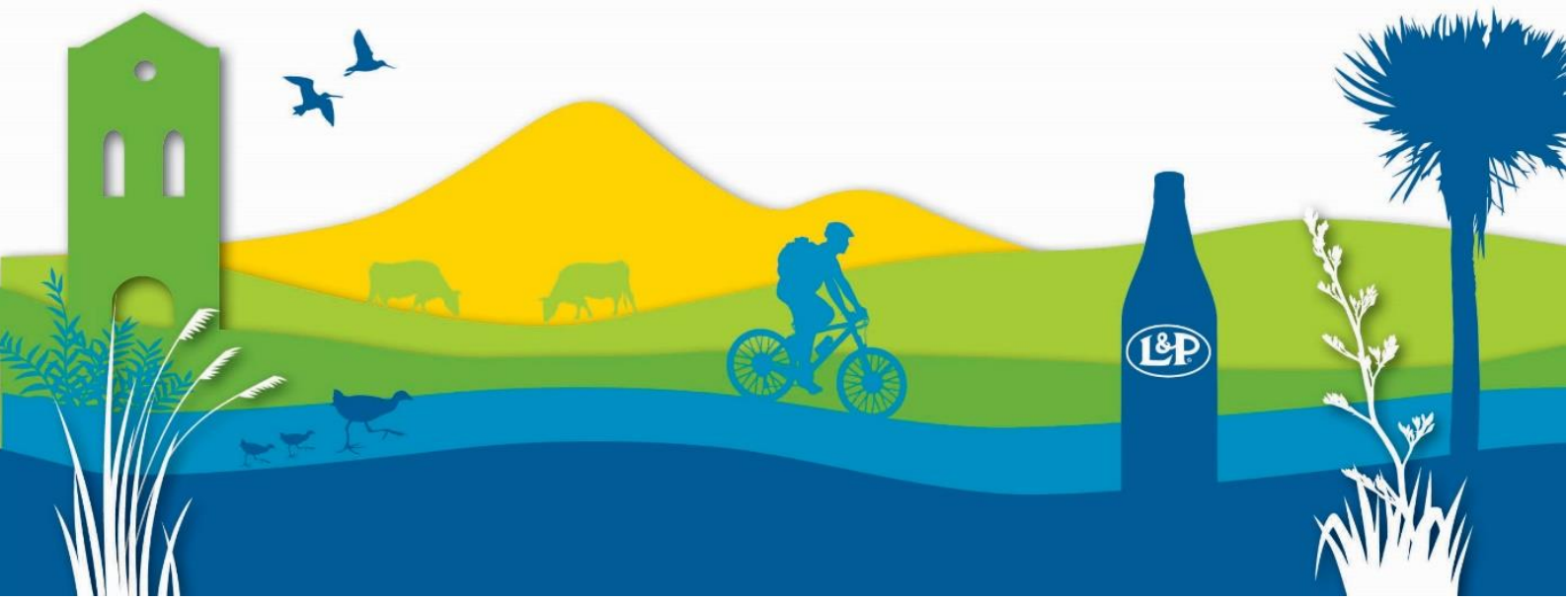




# 2023 Land Transport Policy

our home, our future  
tō tātou rohe kāinga, tō tatou ao tūroa



Contents

- 1 Introduction ..... 1
- 2 Objectives ..... 1
- 3 Related Information ..... 1
- 4 Codes of Practice for Corridor Access ..... 1
- 5 Vehicle Crossings..... 2
- 6 Corridor Access Requests..... 3
- 7 Seal Extensions ..... 4
- 8 Berm Maintenance ..... 4
- 9 Objects or Items and Road Reserve ..... 4
- 10 Damage to Roads and Road Reserve ..... 5
- 11 Plants and Vegetation ..... 5
- 12 Material on Roads ..... 6
- 13 Licence to Occupy the Rural Road Reserve ..... 6
- 14 Rural Roadside Fencing ..... 7
- 15 Temporary Electric Fences on Rural Road Reserve ..... 7
- 16 Compliance and Enforcement ..... 8
- 17 Related Council policies/strategies or guidelines ..... 9
- 18 Glossary .....10
- 19 Review .....11
- 20 Document management and control.....11

## 1 Introduction

- 1.1 This collection of Land Transport policies sets out the Hauraki District Council's decision on managing activities of landowners and individuals when they affect the operation of the road network.
- 1.2 These policies are made in accordance with the Land Transport Act 1998, the Local Government Act 1974, and the Fencing Act 1978.
- 1.3 These policies apply to any formed road in the district controlled by the Council, including Council owned road reserve, and State Highways under formal delegation from Waka Kotahi New Zealand Transport Agency.
- 1.4 These policies do not detail the activities that the Council undertakes to provide a network of formed roads, footpaths and car parks. That information is contained in the Land Transport Activity Management Plan and the Council's Long Term Plan.
- 1.5 Where the power to enforce these policies is not provided for directly in legislation or via a contract, the Council has included the relevant policies in either the Council's Traffic and Parking Bylaw, Nuisance Bylaw or Stock Crossing Bylaw.

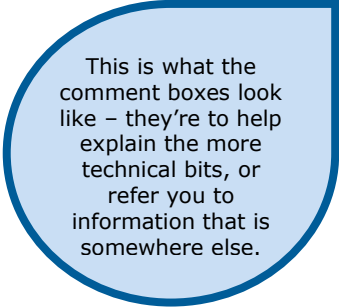
## 2 Objectives

The objectives of this policy are to:

- 2.1 Clearly and concisely document the requirements for landowners and individuals undertaking activities on and near Council roads.
- 2.2 Put in place the minimum regulatory framework to ensure the safety of people using roads and protect the roading assets from damage.
- 2.3 Ensure administrative efficiency for addressing queries and complaints regarding activities on and around our roads.

## 3 Related Information

- 3.1 There is related information in comment boxes in this policy. Related information does not form part of this policy and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

## 4 Codes of Practice for Corridor Access

The Council adheres to the following codes of practice in regard to carrying out, and managing activities on and around its roading network.

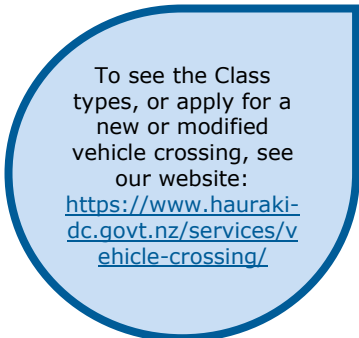
- 4.1 Code of Practice for Temporary Traffic Management (CoPTTM).

- 4.2 National Code of Practice for Utility Operators' Access to Transport Corridors.

## 5 Vehicle Crossings

This policy should be read in conjunction with clause 3.16 of the Council's **Nuisance Bylaw 2019**.

- 5.1 Every person wishing to construct a new vehicle crossing or utilise an existing one must comply with this policy and applicable bylaw.
- 5.2 Applications for a new or modified vehicle crossing can be made using the prescribed form, available on the Council's website.
- 5.3 Before undertaking any work within the road reserve, a Corridor Access Request should be applied for.
- 5.4 Vehicle crossings must be constructed using the appropriate specifications from the Council's District Plan and Engineering Manual, or the Waikato Regional Infrastructure Technical Specifications (RITS), appropriate to the land use of the property being accessed (residential, rural, commercial, or industrial).
- 5.5 All vehicle crossings must be approved by the Council, and will be inspected by the Council during construction as required.
- 5.6 The maintenance of all existing and proposed vehicle crossings are the responsibility of the benefiting property owner/s.
- 5.7 The Council will proactively inspect Class A, Class B and Class C vehicle crossings, and will inspect all other classes as required, to determine the safe and efficient operation of the crossing.
- 5.8 Where a vehicle crossing incorporates a bridge, the Council may require the owner to acquire a structural inspection of the bridge. If the owner does not comply, the Council may acquire a structural inspection and pass on the cost to the owner.
- 5.9 The Council may require the owner of a vehicle crossing to remove, repair, or construct a vehicle crossing to the Council's approved standard, as per the **Council's Nuisance Bylaw** and section 335 of the Local Government Act 1974.
- 5.10 The owner of a vehicle crossing may object to the Council's notice to fix, and follow the process outlined in section 335 of the Local Government Act 1974.
- 5.11 If no objection or payment is made within the specified timeframes, the Council may construct or repair the crossing and recover the costs from the owner.
- 5.12 Where the Council considers a crossing is redundant or in excess of reasonable requirements of the occupier, it may serve notice on the occupier/owner that it intends to remove it at the Council's expense.



To see the Class types, or apply for a new or modified vehicle crossing, see our website:  
<https://www.hauraki-dc.govt.nz/services/vehicle-crossing/>

## 6 Corridor Access Requests

This policy should be read in conjunction with clause 11.0 of the Council's **Traffic and Parking Bylaw 2022**.

- 6.1 A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, or for events or activities that affect the normal use of the road. It is required to ensure all work sites in the road reserve are as safe as possible for workers, motorists, pedestrians and cyclists.
- 6.2 In accordance with the Council's Traffic and Parking Bylaw users must request corridor access when they are carrying out any activity that:
- 6.2.1 alters, or creates the need for alterations, to the surface of any part of the road corridor (road, footpath, berm), or
  - 6.2.2 changes the everyday manner in which users (pedestrians, motorists, cyclists) would ordinarily use that section of road corridor, or
  - 6.2.3 consists of sustained or repetitive heavy vehicle activity outside the normal use of the road corridor (such as forestry).
- 6.3 For forestry related logging advance consultation is needed with the Council prior to lodging an application for a CAR. Details required in the application include matters such as the number of vehicles expected to travel on the road, axle loads, time of year of the activity and the company's health and safety plan.
- 6.4 Urgent works can be carried out without a CAR in certain situations, to protect the health and safety of the public or to protect or prevent damage to the road or a utility located within the road corridor. However, the person must notify the Council and stakeholders within a specified timeframe and gain retrospective permission, as per the Council's Bylaw.
- 6.5 Matters that must be included in an application for corridor access and timing of the application are outlined in the Council's Bylaw.
- 6.6 Where corridor access is granted, the approval will include reasonable conditions as per the Council's Bylaw.
- 6.7 The Council may pass on the reasonable costs to the event organiser for Transport Management Plan templates, in accordance with the Council's Schedule of Fees and Charges.
- 6.8 The Council has made the decision to subsidise Traffic Management for several annual civic and cultural events in the district.<sup>1</sup> Applications for subsidy for Traffic Management at other community events can be lodged with the Transport Team and will be considered by the

To apply for corridor access, fill out the application form on our website:  
<https://www.hauraki-dc.govt.nz/services/roads-and-transport/access/>

The Council's District Events Coordinator can provide Traffic Management Plan (TMP) templates for corridor access to the organisers of events, for specified locations.

---

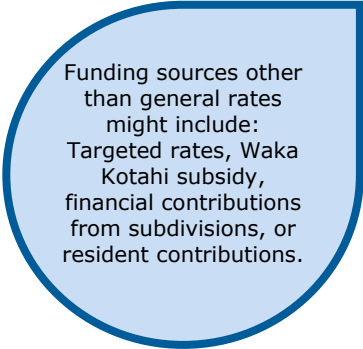
<sup>1</sup> At the time of writing this policy the events that are granted a subsidy for Traffic Management are; ANZAC services, the Paeroa Highland Games and Tattoo, the Waihi Beach Hop Warm-Up Party and Christmas parades.

Council’s Community Partnerships Committee. Subsidies will be granted based on budget availability.

## 7 Seal Extensions

This policy sets out the decision-making process for requests to seal unsealed sections of road in the District. The policy aims to create clarity around the decision-making process and support the understanding of the community in respect of this process.

- 7.1 In general, the Council does not seal unsealed roads in the District, unless:
  - 7.1.1 the traffic volume means that sealing the road will lead to reduced costs of maintenance over time, or
  - 7.1.2 the cost of the seal is met by funding sources other than general rates, or
  - 7.1.3 there is a verified health risk for a resident within 80 metres of the unsealed road.
- 7.2 Where roads have a low volume of traffic, the Council will consider funding a portion of the cost to seal an unsealed road when an application has been made to Council. The level of funding will be determined on a case by case basis and at the Council’s discretion.



Funding sources other than general rates might include: Targeted rates, Waka Kotahi subsidy, financial contributions from subdivisions, or resident contributions.

## 8 Berm Maintenance

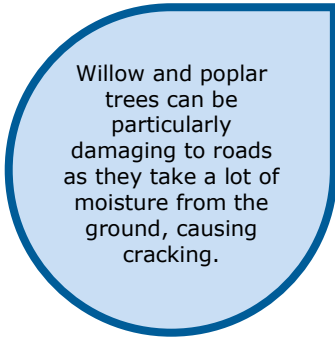
- 8.1 Maintenance of berms is generally the responsibility of the owner or occupier of the property adjacent to the berm.
- 8.2 The Council will mow:
  - 8.2.1 roadsides bordering parks and reserves.
  - 8.2.2 any area identified through either the Council’s Long Term Plan, Annual Plan, or Council resolution.

## 9 Objects or Items and Road Reserve

- 9.1 In accordance with the **Council’s Nuisance Bylaw 2019**, written permission of the Council is required to install, or construct any object or item on, over, or under a public place, which includes road reserve.
- 9.2 Any object or item placed or constructed within the road reserve, with permission from the Council, must be maintained by the landowner and removed by the landowner at the Council’s request.

## 10 Damage to Roads and Road Reserve

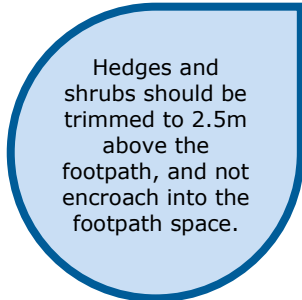
- 10.1 The Council may use its powers under section 357 of the Local Government Act 1974 in regard to damage to roads, and activities which constitute an offence under that Act.
- 10.2 Section 357 of the Local Government Act 1974 outlines penalties for damage to roads, and activities which constitute an offence.
- 10.3 When damage is caused to the Council's road or road reserve, it is the responsibility of the person who caused the damage to resolve the damage.
- 10.4 The cost of repairing the damage, or necessary reinstatement will be recovered from the person responsible where they can be identified.
- 10.5 Where the person responsible for damage to an urban berm cannot be identified, the Council will repair the berm to an acceptable standard.
- 10.6 Where the person responsible for damage to a rural berm cannot be identified, the Council will consider repairing damage on a case by case basis.



Willow and poplar trees can be particularly damaging to roads as they take a lot of moisture from the ground, causing cracking.

## 11 Plants and Vegetation

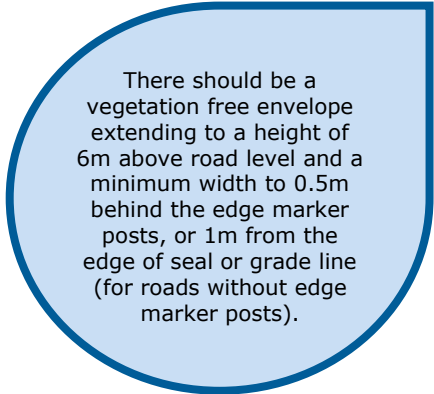
- 11.1 No person may dig up, remove or alter in any way the soil or surface of a road (including the road berm) without the authorisation of Council.
- 11.2 The planting of trees and shrubs is not permitted within the legal road boundaries of formed roads without the prior permission of the Council.
- 11.3 Historical plantings, which were established before adoption of this policy, may remain, provided the plantings are not considered to be a nuisance by the Council.
- 11.4 Trees and hedges planted by the Council on road reserves are the responsibility of the Council, with the exception of occupied rural road reserve (see clause 13 below).
- 11.5 The property owner or occupier is responsible for pruning and trimming vegetation from plants on property adjoining the road reserve (see the Council's Nuisance Bylaw). Section 355 of the Local Government Act 1974 provides powers to Council and a process to require removal, trimming, cutting back or lowering of trees and hedges on adjoining land.
- 11.6 Council may require trees or hedges to be removed, lowered, or trimmed:
- 11.6.1 when work is required on the road to repair damage to the road as a result of trees on adjoining land,



Hedges and shrubs should be trimmed to 2.5m above the footpath, and not encroach into the footpath space.

11.6.2 where overhanging vegetation is obstructing visibility at intersections or road corners or obstructing signs and street lights,

11.6.3 it is of an age or condition that significant branches or the tree may fall onto the road reserve.



There should be a vegetation free envelope extending to a height of 6m above road level and a minimum width to 0.5m behind the edge marker posts, or 1m from the edge of seal or grade line (for roads without edge marker posts).

## 12 Material on Roads

- 12.1 No person should deposit material on roads which will affect the safety of road users, create a nuisance, or damage the road surface or the road assets, or will result in a gradual deterioration of the road over a period of time.
- 12.2 Where material is deposited on a road, the Council's response timeframes will align to the risk to public safety.
- 12.3 If the person responsible can be identified, contacted, and is willing to respond immediately then they will be provided with the opportunity to remove the material and restore the road surface.
- 12.4 If the situation is not remedied within risk related timeframes, the cost of removal, disposal, and if necessary reinstatement will be recovered from the person responsible where they can be identified.
- 12.5 Where material is unintentionally deposited, and the deposit is minor in nature, a low risk, or unlikely to cause damage to the assets then Council will assess to its discretion if action will be taken.

## 13 Licence to Occupy the Rural Road Reserve

- 13.1 Existing occupations and any new occupations of Council rural road reserve<sup>2</sup> will only be accepted if they do not intrude upon the 'clear zone' and are subject to the conditions set out below:
  - 13.1.1 The fencing requirements outlined in this policy must be adhered to.
  - 13.1.2 Trees, shrubs and hedges are not to be planted on rural road reserve, without the permission of the Council.
  - 13.1.3 Any existing trees, shrubs and hedges in the road reserve are to be maintained to the Council's standards by the landowner occupying that road reserve, regardless of who planted the trees, shrubs and hedges.
- 13.2 If vegetation in the occupied road reserve poses an urgent health and safety risk the Council will enter the occupied road reserve and address the issue.

---

<sup>2</sup> This Policy replaces the Council's 1996 Fencing on Road Reserve (Rural) Policy Statement, MagiQ number 1380369. For decades the Council has permitted many adjacent land owners in rural areas to occupy the road reserve between a farm boundary and road carriageway free of charge. This permission was subject to certain conditions, including fencing requirements, and no planting of trees, shrubs and hedges on fenced areas of road reserve.

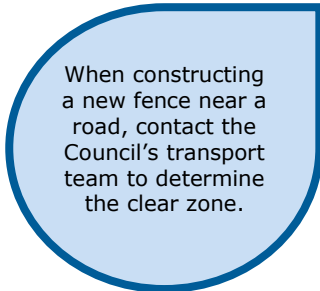


- 13.3 If the conditions set out above are not followed the Council has the right to cancel the licence to occupy.

## 14 Rural Roadside Fencing

This policy is made in accordance with section 353 of the Local Government Act 1974 regarding general safety provisions as to roads.

- 14.1 Except as provided below, all road frontages of rural land should be fenced with an appropriate stock-proof fence erected on the road reserve boundary, at the cost of the landowner.
- 14.2 Where it is impracticable to construct a fence on the boundary because of the topography or instability of the land, the Council may permit a boundary fence to be erected on a practical line on the road reserve or on the adjoining property, or on part of each.
- 14.3 The Council may permit a permanent fence to be erected on road reserve in situations where, in Council's view, the fence would not be a traffic hazard.
- 14.4 A fence is a traffic hazard when it causes an obstruction to driver visibility or intrudes upon the 'clear zone' of the road carriageway.
- 14.5 Fences must be located outside a clear zone of the road carriageway.
- 14.6 Any fence constructed under 14.1-14.3 must be maintained by the landowner to an appropriate standard.
- 14.7 If the Council observes a fence on road reserve that is deemed to be a safety issue or traffic hazard, the Council will issue a notice to fix the issue within 5 working days. If the work is not undertaken within the required timeframe then the Council will remedy the issue at the expense of the landowner. .
- 14.8 Generally, rural fences shall be constructed to the standard of a 7 or 8 wire fence as set out in Schedule 2 of the Fencing Act 1978.
- 14.9 Where the fence is located on road reserve between a Hauraki District Council land drain and the road boundary, the fence shall be constructed to the requirements in the Council's **Drainage Bylaw**.
- 14.10 Gates which open towards the road must meet crossing standard requirements outlined in the District Plan.



When constructing a new fence near a road, contact the Council's transport team to determine the clear zone.

## 15 Temporary Electric Fences on Rural Road Reserve

Temporary fences may be installed on rural road reserves between the permanent boundary fence and the carriageway for the purpose of grazing the grassed road berm, subject to the following conditions:


- 15.1 Temporary fences must be set back to the requirements of the Waikato Regional Council from the edge of drains and water tables.

- 15.2 Drains and water tables must not to be enclosed by temporary fences.
- 15.3 Grazing of the roadside berm must not compromise traffic safety, and land owners who utilise the roadside berm for grazing must ensure that their public liability insurance covers this situation.
- 15.4 Minimum distance between temporary fence and permanent fence to be 3m.
- 15.5 Temporary fences must not be located on the carriageway side of edge marker posts.
- 15.6 No stock is to be held behind temporary fences during the hours of darkness.
- 15.7 Temporary fences must have at least a single electrified wire supported on either timber posts with a cross-section not greater than 50mm by 50mm, or electric fence standards.
- 15.8 No waratah standards (steel Y posts) or barbed wire are to be used.
- 15.9 Other temporary fence configurations may be used with the written approval of the Group Manager Service Delivery.
- 15.10 The only classes of stock which may graze the road berm behind a temporary fence are cattle (excluding bulls) and tethered horses.
- 15.11 Goats may be tethered on rural road berms, including during the hours of darkness, for the purpose of vegetation control.
- 15.12 Temporary fences must be clearly visible to road users.

## 16 Compliance and Enforcement

The Council is responsible for the enforcement of this policy. The Council's Bylaws and government legislation provide enforcement provisions to support this policy.

- 16.1 If a breach, or suspected breach, of this policy is reported or observed, information will be gathered to ascertain how and why the breach occurred.
- 16.2 The depth and scope of the investigation will depend on the seriousness of the incident.
- 16.3 When determining the most appropriate enforcement response to a particular situation, investigators weigh all competing considerations and exercise judgement.
- 16.4 Before any action is taken, the sufficient standard of proof must be established.
- 16.5 When non-compliance is identified, an array of enforcement tools are available. Where the level of risk to health and safety and the environment is low, and it is legally appropriate, enforcement will be carried out by way of a graduated approach with the focus on encouraging voluntary compliance.
- 16.6 The initial response to non-compliance would likely involve starting with the least serious tools or a combination of tools:



An investigation could include visiting property, collecting information, or discussing with complainants or alleged offenders.

- 16.6.1 Advice and education;
  - 16.6.2 Verbal warning;
  - 16.6.3 Advisory notice or letter to request compliance where minor breaches occur;
  - 16.6.4 Formal written warning for a serious breach where there was a degree of intent demonstrated by the responsible person, the breach was avoidable, and the likelihood of a repeat breach occurring is high. Copies of warning letters must be attached to any relevant files.
- 16.7 If the non-compliance has re-occurred or it poses a high level of risk to health and safety or the environment, and the Council has strong grounds for taking formal enforcement action, the following may occur:
- 16.7.1 A warranted officer (as per the Council's Delegations Manual) can issue an infringement notice for offences under an Act or a Council bylaw. The notice requires the payment of a fine (set fee), as provided for by an Act or regulation to which the breach is alleged to be against.
  - 16.7.2 Issue of statutory notice, such as a Notice to Fix.
- 16.8 Where the breach is significant and prosecution is contemplated as a response, the decision must be referred to the Team Leader, Group Manager and Chief Executive Officer. It must also be referred to suitably qualified Councillors that are on the Regulatory Committee.
- 16.9 If prosecution is being considered then the authority to proceed is conditional on the matter being subjected to independent legal review. The review applies two tests: the evidential test and public interest test. These tests are separately considered and must both be satisfied before a prosecution is initiated.
- 16.10 In general the Council will only revert to prosecution for those serious or persistent offenders or where the effect of the offending is severe. Prosecution is conducted by lawyers, on the Councils behalf.

Infringement Notices are issued in accordance with the Summary Proceedings Act, which determines the process.

## 17 Related Council policies/strategies or guidelines

- Stock Crossing Bylaw 2022
- Traffic and Parking Bylaw 2022
- Nuisance Bylaw 2019
- Land Transport Activity Management Plan
- Operative District Plan
- Council's Engineering Manual
- Council's Long Term Plan, Annual Plan, and Annual Report
- Waikato Regional Infrastructure Technical Specifications (RITS)

## 18 Glossary

Unless the context requires otherwise, the definitions of words or terms used in this policy that are also in the Land Transport Act 1998, are those defined in that Act.

<b>Authorised Officer</b>	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.
<b>Berm</b>	means the grass area between your home or business's property boundary and the urban street; it can include both sides of the footpath.
<b>Clear zone</b>	means the area adjacent to the traffic lane that should be kept free from features that would be potentially hazardous to errant vehicles. The clear zone is a compromise between the recovery area for every errant vehicle, the cost of providing that area and the probability of an errant vehicle encountering a hazard. The clear zone should be kept free of non-frangible hazards where economically and environmentally possible. Alternatively, hazards within the clear zone should be treated to make them safe or be shielded by a safety barrier (Austroads Geometric Design Guidelines Part 6 Table 4.1).
<b>Council</b>	means the Hauraki District Council or any person delegated or authorised to act on its behalf.
<b>Council drain</b>	means every drainage channel (on or under the ground) or watercourse (such as a river or stream) vested in or under the management of the Council or constructed by the Council as a drainage channel.
<b>Heavy vehicle</b>	means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500 kg.
<b>Person</b>	has the meaning given in the Interpretation Act 1999, or subsequent amendment.
<b>Road</b>	includes - (a) a street; and (b) a motorway; and (c) a beach; and (d) a place to which the public have access, whether as of right or not; and (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and (f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.
<b>Road reserve</b>	means the area from the property boundary on one side of the road to the property boundary on the other side of the road. This includes the berm (grass verge), footpath and carriageway (road).
<b>Stock</b>	means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, and any other animal farmed, and dependent on humans for their care and sustenance.
<b>Structure</b>	means a temporary, permanent movable, or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels) and includes: a mechanical, electrical, or other system; a fence as defined in Part 1 (2) the Fencing Act 1978; a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable.
<b>Vehicle crossing</b>	means a formed access for vehicles to enter or leave private land from or to a road.

## 19 Review

The policy will be reviewed within five years after the first policy is adopted by the Council and then at intervals determined by the Council.

It should be reviewed in line with the review of Council's related bylaws and relevant asset management planning documents.

## 20 Document management and control

Title	Hauraki District Council Land Transport Policy 2023
Sponsor	Roading Manager and Strategic Planning Group Manager Service Delivery
Approved by:	The Council
Adoption date:	31 May 2023
Review by:	May 2028
File ref:	2960979
Property of Hauraki District Council	



For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road