

PERMITS FOR ACTIVITIES IN THE ROAD CORRIDOR POLICY



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To be reviewed	With Roding Bylaw 2025

1. Introduction

- 1.1. The Permits for Activities in the Road Corridor Policy describes the Gore District Council's (the Council) purpose, its procedures and its requirements for permitting of various activities on, across or along or under public roads in the Gore District, including State Highways where there is formal delegation from the NZ Transport Agency.

2. Stock Races

Objective

- 2.1. To ensure stock races are appropriately placed and erected to protect road users and infrastructure in the road.

Purpose

- 2.2. This section is intended to ensure stock races:
 - a) are constructed of suitable materials to prevent stock wandering onto the road;
 - b) are situated at a suitable distance from the carriageway to allow for a clear zone;
 - c) do not reduce the safety of road users; and
 - d) do not cause damage to drainage facilities or other infrastructure in the road.
- 2.3. The Council does not encourage stock races on the road berm.
- 2.4. The Council's preference is for all stock races to be built on private property. Only in exceptional circumstances will the Council permit a race on the road berm where two sections of a property are separated by land owned by a second owner.
- 2.5. Permits for stock races are not transferable with a change in ownership and must be re-applied for.
- 2.6. Note: Any proposals for races to be located within the boundaries of any State Highways within the District shall be directed to the New Zealand Transport Agency or its agents.

Procedure

- 2.7. Where the Council is satisfied that a stock race on a road berm is necessary, a permit may be granted subject to the conditions of this Policy.
- 2.8. The decision to grant a permit will be subject to (but is not limited to) consideration of the following issues:
 - a) traffic volume;
 - b) visibility;
 - c) any potential effect on neighbouring property owners;
 - d) local drainage;
 - e) infrastructure in the road.

Application for a Permit

- 2.9. All races shall be subject to a permit issued by Council.
- 2.10. Applications shall include the following information:
 - a) locality plan;
 - b) fencing details;
 - c) type of stock;
 - d) frequency of use;
 - e) length and width of race;
 - f) approval of any neighbouring property owners affected by the race;
 - g) supporting information that justifies why the race is to be located on the road rather than private property;
 - h) public Liability insurance details (\$2,000,000 minimum required).
- 2.11. Each application shall be accompanied by the prescribed fee as set out in the Council's Schedule of Fees and Charges.

Conditions

- 2.12. All races shall comply with the following conditions:
 - a) the maximum length of any race shall be one and a half kilometres (1.5km);
 - b) the width of a race shall be determined by the berm width available and the number of stock being driven. The maximum width shall be 5 metres;
 - c) the race pavement shall be formed with suitable hardfill approved by the Council;
 - d) the fence and edge of a race shall be no closer than 1 metre from the gravel edge of a gravel road or 2 metres from the edge of seal on a sealed road. Existing water channels and drains shall be avoided in all cases;
 - e) a race will only be permitted on one side of a Type 3 road (formed and maintained by the Council).

Siting

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

Edge Markers

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

Removal

- 2.15. Subject to its provision of a minimum of 3 months' notice the Council may require the race to be removed and the berm to be reinstated if it deems necessary.

Crossing of Road

- 2.16. If stock need to cross the road carriageway to access the race, then a separate permit must be obtained for the stock movement in accordance with Part 5 of the Roding Bylaw 2025.

Written Permission

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

Damage to Infrastructure

- 2.18. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 2.19. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the stock race shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the stock race.

Liabilities and Public Liability Insurance

- 2.20. The Council shall not be held responsible in any way for claims or damages resulting from the construction or operation of the stock race.
- 2.21. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

- 2.22. Section 357 of the Local Government Act 1974.

3. Roadside Grazing

Objective

- 3.1. To permit the grazing of livestock on road berms to control roadside vegetation while ensuring the protection of road users and infrastructure in the road.

Purpose

- 3.2. This section is intended to permit the grazing of the road berm without increasing the risk of damage, injury or inconvenience to road users or infrastructure in the road. Injuries and or damage may result from collision with animals and/or other vehicles and other structures as the result of avoiding

animals. Large animals such as cattle and horses pose the greatest safety risk and can also significantly damage water channels and culvert ends.

Compliance with the Roding Bylaw 2025

Roadside Grazing

- 3.3. No person shall graze stock on a public road berm without obtaining a permit, as set out in this section, from the Council.

Procedure

- 3.4. Grazing the road berm in rural areas is permitted by the Council subject to the requirements of this section. Generally grazing the road berm in urban areas is not permitted. Animals in urban areas are subject to the provisions of the Council's current Bylaw relating to the keeping of Animals, Poultry and Bees in urban areas and the District Plan.

Application

- 3.5. A permit for grazing is required. All grazing shall be in accordance with this section.
- 3.6. The applicant shall state:
- a) stock owner's name and address and contact telephone number;
 - b) number of stock;
 - c) types of stock;
 - d) intended grazing strip locations and sides of road;
 - e) the dates of the proposed grazing; and
 - f) public Liability Insurance details (\$2,000,000 minimum required).

Fees

- 3.7. Each application shall be accompanied by the prescribed fee, if any, as set out in the Council's
- 3.8. Schedule of Fees and Charges.

Containment of Animals

- 3.9. All animals shall be securely fenced in or tethered in such a manner that they cannot get closer than one metre from the gravel edge of the road formation (normally the invert of the water table).
- 3.10. Cattle or horses shall not be grazed or tethered on the road berm during the hours of darkness.
- 3.11. Bulls are prohibited from grazing the road berm at any time.

Fencing

- 3.12. Generally only stock-proof electric fences shall be permitted. These shall only be constructed of approved flexible electric fencing standards with a minimum of three wires except a single wire will be permitted for adult large animal stock (i.e. not sheep).
- 3.13. Steel waratahs are not permitted except as noted below. Wooden corner posts, with a maximum diameter of 100mm, may be used for tensioning purposes.
- 3.14. Note: Solid posts and waratahs may be permitted in exceptional circumstances where there is an unusually wide road berm providing adequate recovery area before the fence.
- 3.15. Fences shall comply with the requirements of all current electricity legislation, regulations, standards and rules. Suitable labels shall be used to notify the public that the fence is live.

Siting of Fencing

- 3.16. The fence shall be erected no closer than 1.0 metre from the edge of the gravel or 4.0 metre from the road centreline or 0.5 metres from the water channel whichever is further from the centreline.
- 3.17. A maximum length of 500 metres of fencing is permitted for temporary grazing at any one time. The maximum period the fence shall remain in place shall be 10 days. These limits may be extended in exceptional circumstances and subject to written permission from the Council.
- 3.18. Temporary fences are not permitted on both sides of the road at the same time.
- 3.19. Waterways are to be fenced 2m back from the top of the bank to prevent stock intrusion into the waterway.

Fences during Grazing

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

Removal of Fencing

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

Damage to Infrastructure

- 3.22. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 3.23. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the roadside grazing shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the roadside grazing.

Liabilities and Public Liability Insurance

- 3.24. The Council shall not be held responsible in any way for claims or damages resulting from the roadside grazing.
- 3.25. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

- 3.26. Electricity Act 1992, the Electricity (Safety) Regulations 2010 and all relevant electricity standards and rules.
- 3.27. Section 357 of the Local Government Act 1974.
- 3.28. Gore District Plan Requirements.
- 3.29. Animals Welfare Act 1999.
- 3.30. Keeping of Animals Poultry and Bees Bylaw 2022.

4. Gates Across the Road

Objective

- 4.1. To protect road users, unobstructed legitimate public access and infrastructure in the road while permitting, in some circumstances, gates, cattle stops, and electrical cattle stops to be erected across roads.

Purpose

- 4.2. This section is intended to:
- a) allow for gates or cattle stops across roads where approved by the Council;
 - b) ensure the public right of access to all roads; and
 - c) maintain road safety.

Procedure

- 4.3. The Council may allow the erection of a swing gate or a cattle stop or both across any Type 1 (unformed public road "paper road") or Type 2 road (formed public road unmaintained by the Council), where:
- a) in the Council's opinion it is not practicable or reasonable to fence this road, or
 - b) by agreement the road has been taken or may be constructed through private lands and the owner or occupier requests that a gate or cattle stop or both be erected on the outer boundary at the cost (including maintenance) of one or both parties as may be agreed.
- 4.4. Requests for gates across Type 1 and 2 roads shall be directed to the Roding Manager for consideration and approval.
- 4.5. Applications for gates and cattle stops across Type 3 roads (formed road maintained by the Council) shall be subject to the specific approval of the Council.
- 4.6. Requests for gates across Type 3 roads shall be directed to the Roding Manager who shall investigate the request and report to the Council for its consideration.

Applications

- 4.7. Types 1 and 2 roads:
- 4.8. Requests for erection of a gate, cattle stop or electrical cattle stop on a road shall be made in writing by the applicant and include details of:
- a) location of gate;
 - b) type of construction;
 - c) purpose gate required;
 - d) sketch plan of site;
 - e) signed permit of all adjacent landowners affected by the gate (also regular road users where appropriate); and
 - f) public Liability Insurance details (\$2,000,000 minimum required).

Fees

- 4.9. Each application for a gate across a Type 3 road shall be accompanied by the prescribed fee as set out in the Council's Schedule of Fees and Charges.

Swing Gates

- 4.10. The approval of a swing gate shall be deemed to include fencing on the road berm up to the gate.

Gates to be Unlocked

- 4.11. Any gate permitted across a Type 3 road shall not be locked. It must be able to be freely opened at all times. The gate shall have a notice “Public Road” affixed.
- 4.12. In exceptional circumstances, the Council may permit a gate across Type 2 or 3 roads to be locked in the interest of public safety e.g. Type 2 roads that are subject to sudden and severe changes in weather during winter.

Damage to Infrastructure

- 4.13. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 4.14. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the construction or use of the gate or cattle stop shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the construction or use of the gate or cattle stop.

Liabilities and Public Liability Insurance

- 4.15. The Permit Holder shall be liable for claims or damages in respect to any accident arising from the existence of the gate or cattle stop. The Council has no liabilities over a private structure.
- 4.16. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

- 4.17. Section 344 of the Local Government Act 1974
- 4.18. Section 9 of this policy: Use of Roads and Road Licences
- 4.19. Walking Access Act 2008

5. Storage On Roads

Objective

- 5.1. To restrict storage of materials on roadsides to protect road users and infrastructure in the road.

Purpose

- 5.2. Storage of materials within the road berm is permitted on a Type 1, unformed public road (paper road) or a Type 2 road (formed public road unmaintained by the Council), but only in exceptional circumstances on a Type 3 road (formed road maintained by the Council). Materials include, but are not limited to, hay bales, silage, logs, aggregate stockpiles water troughs and machinery.
- 5.3. This section is intended to reduce the risk to road users crashing into unforgiving materials stored on the road berm or being detrimentally affected by materials spilt or tracked onto the road from machinery accessing the stored material.
- 5.4. It also intends to protect the carriageway, drainage facilities and other infrastructure such as signs from damage.

Application Procedure

- 5.5. In exceptional circumstances, the Council may consider an application for storage of materials on the road berm and issue a temporary permit.
- 5.6. Applications shall include the following information:

- a) name of road;
- b) location along the road;
- c) type and amount of material to be stored;
- d) length of time storage required;
- e) distance from road boundary and edge of road formation;
- f) reasons why storage on the road berm is necessary; and
- g) public Liability Insurance details (\$2,000,000 minimum required).

5.7. Where possible the requirements of the Clear Zone Standard shall be met with regard to the distances from the road edge to the stored items.

Fees

5.8. Each application shall be accompanied by the prescribed fee as set out in the Council's Schedule of Fees and Charges.

Unapproved Storage

5.9. Where storage on the road berm is found on a Type 3 road, the Council will endeavour to contact the owner of the items stored. The owner of the items will be given 14 calendar days to remove the items.

5.10. If the owner cannot be found or the items are not removed, the Council may arrange removal of the items and seek recovery of the costs of removal from the owner of the items illegally stored.

Damage to Infrastructure

5.11. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.

5.12. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the storage of materials on the road berm shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the storage of materials on the road berm.

Liabilities and Public Liability Insurance

5.13. The Council shall not be held responsible in any way for claims or damages resulting from the storage of materials on the road berm.

5.14. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

5.15. Section 357 of the Local Government Act 1974

5.16. Walking Access Act 2008

5.17. Gore District Council Clear Zone Standard

6. Roadside Planting

Objective

6.1. The objective of this section is to protect road users and infrastructure in the road while permitting, where appropriate, enhancement of the local environment with road berm plantings.

Purpose

- 6.2. This section is intended to manage and co-ordinate plantings to:
- a) reduce the risk of damage and injury to road users that may be caused by the plantings shading the road;
 - b) ensure plantings do not impede visibility;
 - c) minimise damage to infrastructure in, on or over the road; and
 - d) preserve the road for its primary function of carriage of traffic and other utilities.

Procedure

- 6.3. Road berm planting is permitted, subject to the requirements of this section.
- 6.4. Planting in rural areas will only be granted in exceptional circumstances and only for the beautification of rural areas or positive traffic management. Planting shall be in accordance with the Clear Zone Standard.
- 6.5. Existing plantings in rural areas shall be allowed to remain provided they comply with the conditions of this section.

Application for Permit

- 6.6. All new plantings on the Council's roads require a permit from the Roading Manager.
- 6.7. Applications for the permit shall include the following information:
- a) names of plants;
 - b) estimated heights at maturity;
 - c) distance from the road boundary;
 - d) distance from edge of metal or kerb and channel/footpath;
 - e) approximate spacing;
 - f) side of road to be planted, i.e. north, south, etc.;
 - g) identification of utilities within or adjacent to the proposed planting area; and
 - h) provide evidence of Public Liability Insurance cover (\$2,000,000 minimum required) - plantings in urban areas may be exempt from this requirement.

Fees

- 6.8. Each application shall be accompanied by the prescribed fee set out in the Council's Fees and Charges Schedule.

Shading

- 6.9. No plantings, existing or new, in a rural speed environment (speed limit greater than 70km/h) shall be planted, or allowed to grow, so that excessive frosting or shading of the roadway occurs.
- 6.10. The minimum horizontal distance a planting on the north side of a road shall be from the edge of the carriageway to the base of the planting, to comply with the shading requirement is four times the height or allowable height of the planting.

Side Drainage

- 6.11. No planting will be allowed on the road berm if the distance from the fence line to the water table invert is less than five metres. Plantings must not extend within two metres of the water channel or overhang the road.

Clear Zone Standard

- 6.12. No new plantings in the road berm will be permitted where it does not meet the requirements of the Clear Zone Standard unless specifically allowed for under this section.

Planting Purpose

- 6.13. Planting on the road berm solely for the purpose of providing shelter shall not be allowed.

Responsibilities

- 6.14. All responsibility for roadside planting shall lie with the Permit Holder and shall transfer with the ownership of the land. This responsibility includes:
- a) costs to remedy and reinstate any services damaged;
 - b) roadside drains kept clear;
 - c) annual control of pest plants by 31 December in any calendar year;
 - d) removal of overhanging branches; and
 - e) immediate removal of tree trimmings from the road berm whether or not generated from roadside, plantings or shelterbelts inside the property.

Visibility for Road Users

- 6.15. Plantings that obstruct, impede or restrict visibility at intersections, approaches to traffic signs, property access ways or road corners shall not be permitted.

Damage to Infrastructure

- 6.16. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 6.17. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the roadside plantings shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the plantings.

Liabilities and Public Liability Insurance

- 6.18. The Council shall not be held responsible in any way for claims or damages arising from the roadside plantings.
- 6.19. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Cancellation of Permit

- 6.20. The Council reserves the right to cancel any permit at any time.

Removal of Plantings

- 6.21. The Council may direct the Permit Holder or landowner to remove inappropriate plantings at the expense of the Permit Holder or landowner.

Existing Plantings

- 6.22. Established plantings shall be permitted to remain provided the planting complies with the requirements of this section and the plantings are not considered, by the Council, to be a nuisance.

Legislation and References

- 6.23. Section 355 of the Local Government Act 1974.
6.24. Pest Management Strategy – Environment Southland.
6.25. Gore District Plan.
6.26. Gore District Council Clear Zone Standard

7. Cultivation of the Roadside

Objective

- 7.1. The objective of this section is to ensure the safety of road users, and that the road infrastructure is not impaired by permitting private cultivation of the road berm.

Purpose

- 7.2. This section is intended to manage the cultivation of the road berm by adjoining landowners.
7.3. Cultivation means grassing and should not be confused with plantings (refer Section 6 of this policy, Roadside Planting).

Permit Procedures

- 7.4. Cultivation of the road berm shall only be available to adjoining landowners.
7.5. Cultivation of the road berm shall be at the discretion of the Council.
7.6. Landowners require an annual permit from the Council before commencing cultivation.

Fees

- 7.7. Each application shall be accompanied by the prescribed fee as set out in the Council's Fees and Charges Schedule.

Period of Permit

- 7.8. All cultivation and/or levelling out shall be completed within six months of the date of approval of the application.
7.9. Permits are to be renewed annually. Where the cultivation is of a perennial nature then the need for an annual permit is waived.

Protection of Utilities

- 7.10. The Permit Holder shall be responsible for identifying and protecting all underground services, including survey marks and underground cables, and also comply with and satisfy any requirements set by the Land Information New Zealand and/or any utility providers.

Control of Pest Plants

- 7.11. The road berm under cultivation shall be kept free of all pest plants and scrub.

Boundary

- 7.12. Permit Holders shall limit the extent of the cultivation to ensure that all operations associated with the cultivation can be carried out within the road berm and will not encroach on the carriageway.

Sight Visibility

- 7.13. Any cultivations and crops planted shall not obstruct, impede or restrict visibility at intersections, approaches to traffic signs, property access ways or road corners.

Right to Removal

- 7.14. The Council may require the removal of a crop or cessation of cultivation at any time. The costs of removal shall be borne by the Permit Holder.

Damage to Infrastructure

- 7.15. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 7.16. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the cultivation of the road berm shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the cultivation.

Liabilities and Public Liability Insurance

- 7.17. The Council shall not be held responsible in any way for claims or damages resulting from the cultivation of the road berm.
- 7.18. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

- 7.19. Local Government Act 1974
- 7.20. Section 6 of this policy: Roadside Planting
- 7.21. Regional Pest Plan Management Strategy
- 7.22. Walking Access Act 2008

8. Operating on the Road

Objective

- 8.1. To protect road users, including those working on the road, and infrastructure in the road from operations undertaken on the road.

Purpose

- 8.2. This section is intended to:
- a) prevent injury or damage to road users including road workers, pedestrians and cyclists and their vehicles;
 - b) prevent damage to the road surface, drainage and roadside furniture (signs etc.);
 - c) manage operations within the roading network;
 - d) protect existing utilities in the road; and
 - e) ensure the Council is made aware of activities on road.

Procedure

- 8.3. The Council permits operations to be carried out on or near the road subject to the conditions of this section and compliance with the "Working on the road code of practice".
- 8.4. Operations are classified into three groups:
- a) permitted (no permit required);
 - b) controlled (permit required); and
 - c) discretionary (permit required and at the Council's discretion).

Permitted Operations

- 8.5. Are those operations:
- a) Carried out wholly within the road berm and will not disturb or damage the top surface of the berm or other infrastructure in, on or above the road. Painting a road boundary fence or trimming a hedge on the berm where no overhead cables are present are examples of permitted operations.
- 8.6. These operations shall not require a permit provided that operators comply with the conditions of this section, including adopting the appropriate safety measures such as submitting and complying with a Council approved Traffic Management Plan (TMP).

Controlled Operations

- 8.7. Are those operations:
- a) carried out wholly within the road berm but require disturbance of the top surface of the berm or will potentially disturb or damage other infrastructure within the road. Cultivating the road berm or trimming a hedge on the berm close to an overhead cable are examples of controlled operations;
 - b) carried out on the roadway itself and will not disturb the roadway surface. Tree trimming where the machinery will be on the roadway is an example.
- 8.8. These operations are allowable and shall be subject to the issuing of a permit by the Council. The Council will impose additional conditions such as the requirement for a Works Approval Permit (WAP) and Traffic Management Plan (TMP) being required at the time the permit is issued.

Discretionary Operations

- 8.9. Are those operations:
- a) carried out on the roadway and require disturbance of the roadway surface. Digging a trench in a road is an example of a discretionary operation.
- 8.10. These operations may or may not be allowable and may require compliance with other bylaws, policies or rules. Applications shall be considered on a case-by-case basis.
- 8.11. Note: These terms are not to be confused with those used under the Resource Management Act and compliance with the conditions of this section does not negate the requirements of the Gore District Plan under the Resource Management Act.

Application

- 8.12. For controlled and discretionary activities, applicants shall apply to the Council for a WAP by submitting a Corridor Access Request (CAR) to operate on or near the roadway. Details including the following will be required:
- a) the location of the work;
 - b) the type of operation;

- c) whether the operation will be carried out on the carriageway or in the berm;
- d) the timing of the work;
- e) Traffic Management Plan.

8.13. Each application shall be accompanied by the prescribed fee as set out in the Council's Fees and Charges Schedule.

Traffic Management

8.14. A Traffic Management Plan (TMP) is required for all work to be carried out in the road reserve. The applicant shall have a suitably qualified person prepare and submit a TMP to Council for approval. The TMP shall comply with the requirements of the Code of Practice for Temporary Traffic Management (COPTTM) or its successor. All necessary safety measures and associated costs shall be the responsibility of the applicant.

8.15. The TMP shall match the scale and assessed risks of the activities proposed for the site. Auditing of sites may be carried out to ensure TMP compliance, and failure to comply may result in an immediate closure of the site. Any costs arising from closure, including those suffered by third parties and remediation, shall be borne by the applicant.

Clean Up

8.16. The site shall be left in a similar or better condition than before the work was undertaken.

8.17. The site may be inspected before and after the work is complete to ensure compliance.

8.18. Debris shall not be left on the road or road berm.

Damage to Infrastructure

8.19. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.

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

Liabilities and Public Liability Insurance

8.21. The Council shall not be held responsible in any way for claims or damages resulting from the operation on the road.

8.22. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation and References

8.23. Gore District Plan.

8.24. Council Bylaws.

8.25. All applicable traffic regulations, standards and rules.

8.26. TNZ Code of Practice for Temporary Traffic Management and Local Roads Supplement.

8.27. NZ Guide to Temporary Traffic Management (NZGTTM).

8.28. Standards New Zealand Code of Practice for Working in the Road.

9. Use of Roads and Road Licences

Overview

- 9.1. To permit the occupation and use of Type 1 roads (unformed public road "paper road"), Type 2 roads (formed public roads not maintained by the Council), and Type 3 roads (formed public roads part of the Council maintained network) primarily by the adjoining landowners and occasionally by third parties.

Purpose

- 9.2. This section is intended to clarify the rights of the public to use Type 1, 2 and Type 3 roads as well as identify the rights and obligations of the adjoining landowners.
- 9.3. Additionally, third parties may, for a number of reasons, require a licence to occupy a certain portion of the road.

Procedure

- 9.4. Subject to the requirements of this section, public access is a right along a Type 1 road. Roads may be occupied by adjoining landowners or road licences may be issued for specific occupation such as for the driving of stock.

Access

- 9.5. The type of transportation shall be limited by the physical nature of the road and the state of the surface (e.g. ground surface type, topography, vegetation, foundation, weather conditions, etc.).
- 9.6. The mode of transportation, including the driving of stock shall not cause measurable damage to the ground surface, pavement formation or vegetation.
- 9.7. The public accessing the roads shall ascertain the status and location prior to use.
- 9.8. Utility networks and public works providers shall be entitled to travel on Type 1 roads using any vehicle considered necessary, provided that any ground surface damage shall be repaired as soon as possible.
- 9.9. The Council gives no assurances that any road is passable. Applicants use roads at their own risk.

Structures

- 9.10. Buildings or structures shall not be erected on any Type 1, 2 or 3 roads; other than for public utilities.

Use

- 9.11. Where a Type 1, 2 or 3 road is fenced and occupied as part of an adjoining property, the landowners whose property through which the road passes shall be entitled to use the road subject to the following:
- any trees planted shall be subject to Section 6 of this policy, Roadside Planting;
 - subdivisional fencing for the purposes of stock control may be erected but should not prevent foot access;
 - no physical works shall be carried out on the road other than with the written approval of the General Manager, Critical Services; and
 - the adjoining landowner shall be responsible for the control of noxious plants and pests on the road.
- 9.12. The Council shall not require consideration for the use of the road.

Rights to Access

9.13. Where a Type 1 or Type 2 road is fenced and is contained within a unitary landholding, the landowner may assume rights to use the land, or in the case of landholdings under separate ownership, the occupation shall be by agreement by the landowners. In either case the occupation is subject to section 5.5 to 5.7 of this policy; except:

- a) where the road provides practical access to a parcel of land isolated from a Type 3 access road, the landowner of the isolated land shall have right of access by foot or light vehicle, and to drive stock provided no measurable damage is made to the road surface.

9.14. Roads may be isolated by swinging gates subject to Section 4 of this policy, Gates across the Road.

Adjacent Ownership

9.15. Where a Type 1, 2 or 3 road has for some time been occupied by one adjoining owner under any previous permit issued by Council, a change in the ownership of another adjoining property shall not be reason to review the occupation unless the road is required for legitimate roading purposes.

Issue of Licenses

9.16. Section 45 of the Public Works Act allows the issue of a lease; tenancy or license of any land held for a public work on such terms and conditions as the Council thinks fit.

9.17. This authority is used for the issue of licenses in the case of existing buildings constructed on roads, for public utilities not constructed by the Council or in special circumstances where the land is to be occupied by a third party or an adjoining landowner.

9.18. All licenses shall be at the pleasure of the Council unless specifically approved by the General Manager, Critical Services. The issue of a license, except in the case of public safety, shall not limit the access rights of the public.

9.19. In accordance with the Council's existing delegation, the General Manager, Critical Services is authorised to sign road licenses on behalf of the Council.

9.20. Application for licenses shall be made to the General Manager, Critical Services.

9.21. Each application shall be accompanied by the prescribed fee as set out in the Council's Fees and Charges Schedule.

Damage to Infrastructure

9.22. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.

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

Liabilities and Public Liability Insurance

9.24. The Council shall not be held responsible in any way for claims or damages resulting from the use of a road.

9.25. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Legislation And References

9.26. Local Government Act 1974

9.27. Public Works Act 1981

9.28. Walking Access Act 2008

10. Permanent Fencing on the Road Berm

Objective

10.1. Protect road users and existing infrastructure by restricting permanent fencing on the road berm.

Purpose

10.2. This section is intended to reduce the risk of damage and injury to road users from straying animals and erection of inappropriate structures within the road margin. The positioning of all fencing on the road berm must give due regard to the requirements of all road users including pedestrians, driven stock, utilities and shall not enclose both adjacent sides of the road at any one time.

Procedure

10.3. Any approval given to erect a fence and occupy the road margin shall be “at the pleasure of the Council” and subject to the Council’s conditions.

10.4. A road line licence will be required to be issued in accordance with Section 9 of this policy Use of Roads and Road Licences.

Use

10.5. Use of the area of road margin occupied “at the pleasure of the Council” shall be similar to the

10.6. use of adjacent farmland.

Fees

10.7. Each application shall be accompanied by the prescribed fee as set out in the Council’s Fees and Charges Schedule.

Placement

10.8. The construction of the fence shall avoid any existing roadside drainage channels, drainage ditches or underground services.

Clear Zone Standard

10.9. The position of the fence shall be determined using the guidelines from the Council’s Clear Zone Standard. This guideline uses traffic volumes, operating speeds and shoulder slopes to determine a safe clear zone area. This Standard shall not apply to any fence or marker post used to indicate the end of a race, underpass or like structure, which has been installed to enhance the safety of the road user.

10.10. Any such structure shall be painted white, reflective, be no closer than three metres from edge of the carriageway and have specific approval of the Council.

Site Maintenance

10.11. No consideration shall be required by the Council for occupation of the road berm except that the occupier shall be responsible for the control of noxious plants and pests.

- 10.12. Tree planting shall comply with Section 6 of this policy Roadside Planting.

Boundary Fence

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

Damage to Infrastructure

- 10.14. The Permit Holder shall be responsible for identifying the location of all existing services and protecting these services from damage.
- 10.15. The cost of repairs to or reinstatement of any surface, underground or overhead services damaged as a result of the fence shall be the responsibility of the Permit Holder. This includes the maintenance or reinstatement of all inlets, water channels, culverts and water table cut outs affected by the fence.

Liabilities and Public Liability Insurance

- 10.16. The Council shall not be held responsible in any way for claims or damages resulting from the fence.
- 10.17. Public Liability Insurance cover of at least \$2,000,000 shall be arranged and maintained by the Permit Holder to protect its liability for damage to third parties.

Structures

- 10.18. No structures of any nature shall be erected on the area of occupied road berm and building line requirements from the legal property boundary shall be complied with.

Removal

- 10.19. The Council may require the fence to be removed at any time. If the Council, for whatever reason, decide the fence is to be relocated, the owner will relocate it to the boundary at their expense.

Legislation and References

- 10.20. Electricity Act 1992, the Electricity (Safety) Regulations 2010 and all relevant electricity standards and rules.
- 10.21. Section 357 of the Local Government Act 1974.
- 10.22. Gore District Plan.
- 10.23. Animal Welfare Act 1999.
- 10.24. Fencing Act 1978.
- 10.25. Walking Access Act 2008.
- 10.26. Gore District Council Clear Zone Standard

11. Commencement Of Policy

11.1. This policy comes into effect on [date] 2025.

11.2. This policy was adopted by the Gore District Council at its meeting held on [date].

Debbie Lascelles

Chief Executive

[date]

Document History and Version Control Table

Version	Action	Approval Date	Approval Authority	Due for Review
1.0	Creation of original document	[date]	Full Council	2035