



**Waitaki District Council**

**Code of Practice  
For Stock Crossings**



## Quality Record Sheet

### Waitaki District Council Code of Practice for Stock Crossings

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## 1.0 OVERVIEW

Stock crossing public roads is part of rural life. In 2010, there were around 150 stock crossing in use across Waitaki District and 19 stock underpasses.

Stock numbers in the South Island increased seven-fold in the twenty years prior to 2010 (Stuff.co.nz, Business Day, 13/5/2010). On-going irrigation development and the intensification of agriculture are likely to mean greater stock numbers and more stock crossing roads in future.

There are also increases in the amount and type of traffic on the roads. While there a steady annual increase of vehicles and kilometres travelled, there have been changes in vehicle design and a greater emphasis on safety. There are more tourists and more commuting by farm workers as well as to off-farm work.

The New Zealand Transport Agency has identified stock control on roads as an area requiring improvement and there are benefits to all when safety is made a priority.

This Code has been developed to:

- Provide a process that supports the controls already in place through the Waitaki District Council Roding Bylaw 2005
- Provide guidance for farmers and Council staff
- Ensure consistency in approach, and certainty for farmers considering dairy conversions

In developing this Code, Council has a combination of roles and responsibilities:

- Supporting the local economy; acknowledging the importance of farming activities
- Enabling the convenient and safe movement of all road users
- Prudent management of the assets built up over the years for the benefit of all users.

This code details the processes applications, approvals and conditions for stock crossings including:

- i. A **Level Crossing** which allows stock to walk from farmland on one side of the road directly across to the other side of the road. Level crossings are usually associated with the movement of milking stock.
- ii. A **Stock Underpass** allows road users, as well as stock and farmers to travel from one side of the road unhindered.

The key issue for this code is safety, and Council is committed to ensuring the road is a safe environment for all users.





## 2.0 INTRODUCTION

### 2.1 Purpose of This Code

This Code has been developed to:

- Provide a process that supports the controls already in place through the Waitaki District Council Rooding Bylaw 2005
- Provide guidance for farmers and Council staff
- Ensure consistency in approach, and certainty for farmers considering dairy conversions

Council's rooding network provides a significant contribution to the Waitaki community; and supports the following community outcomes:

- Waitaki people are safe and healthy.
- Waitaki has essential transport networks and services: we have a safe and affordable rooding network.
- Waitaki's unique culture and heritage are preserved and celebrated: our distinctive natural environment is valued and protected.

In developing this Code, Council has a combination of roles and responsibilities:

- Supporting the local economy; acknowledging the importance of farming activities
- Enabling the convenient and safe movement of all road users
- Prudent management of the assets built up over the years for the benefit of all users.

Given this combination of factors, Council recognises that there will be benefits and costs to be shared across the community.

In 2010, there were about 150 stock crossings in use across Waitaki District and the New Zealand Transport Agency has identified stock control on roads as an area requiring improvement.

### 2.2 Application of The Code

This code applies to all roads under the control of and maintained by the Waitaki District Council. State Highways are managed by the New Zealand Transport Agency (NZTA); any issues related to crossing stock over State Highways should be addressed to NZTA.

This code is not intended to replace the Waitaki District Council Rooding Bylaw 2005, but add clarity. Should there be any doubt or ambiguity, the Bylaw shall take precedence over this Code.

### 2.3 Code Management and Reviews

Responsibility for this code lies with Council's Rooding Manager.

The first version of this code was **adopted by Council for Consultation in August 2011.**

Reviews shall be considered every three years.

This code supersedes the Waitaki District Council Policy For The Installation Of Stock Underpasses (Draft 2008).

## 2.4 Definitions

<b>AADT</b>	Average Annual Daily Traffic
<b>Applicant</b>	Any landowner seeking to cross stock over a road managed by the Waitaki District Council
<b>CAR</b>	Corridor Access Request seeking access to the road corridor to undertake works (refer Code of Practice for Utilities Access to the Transport Corridor)
<b>COPTTM</b>	Code Of Practice for Temporary Traffic Management
<b>Council</b>	Includes any staff of the Waitaki District Council, or its agent who is authorised to manage and implement this code.
<b>MOTSAM</b>	Manual Of Traffic Signs and Marking
<b>NZTA</b>	New Zealand Transport Agency
<b>Permit Holder</b>	Any landowner who has been granted approval to cross stock over a road managed by the Waitaki District Council in the form prescribed within this code
<b>RAMM</b>	The Roding Asset Management Software system used By Waitaki District Council. The system includes an inventory of all roads.
<b>TMP</b>	Traffic Management Plan
<b>WAP</b>	Works Approval Permit issued allowing access to the road corridor to undertake works (refer Code of Practice for Utilities Access to the Transport Corridor)
<b>WDC</b>	Waitaki District Council



## 3.0 CONTROLS ON STOCK CROSSINGS IN THE WAITAKI DISTRICT

### 3.1 Legislative and Regulatory Requirements

#### 3.1.1 Local Government Act 2002

The Waitaki District Council Rooding Bylaw 2005 was prepared in terms of the Local Government Act 2002, specifically section 145

*145 General bylaw making power for territorial authorities*

*A territorial authority may make bylaws for its district for 1 or more of the following purposes:*

*(a) protecting the public from nuisance:*

*(b) protecting, promoting, and maintaining public health and safety:*

*(c) minimising the potential for offensive behaviour in public places.*

This code has been prepared to provide a process for the implementation of the Bylaw.

The management of roads is also included in Part XXI of the Local Government Act 1974.

#### 3.1.2 Building Act 2004

The Building Act 2004 and associated provisions (the Building Code and the Building Regulations) apply the construction of structures including stock underpasses. This code provides guidance on the application of these provisions and the interaction across Council departments.

#### 3.1.3 Traffic Management

All traffic management within the Waitaki District rooding network is required to comply with the Code Of Practice for Temporary Traffic Management (COPTTM).

COPTTM is produced by the New Zealand Transport Agency (NZTA) and available on NZTA's website ( <http://www.nzta.govt.nz/resources/code-temp-traffic-management/index.html> ).

In terms of stock crossings, this will typically include:

- Preparation of a Traffic Management Plan (TMP)
- Approval of the Traffic Management Plan by Council
- Use of a flashing beacon
- The erection of signs and cones as detailed in the Approved Traffic Management Plan, and removal once stock have crossed
- Persons on the road wear high-visibility clothing

Applicants may require professional assistance to prepare a Traffic Management Plan in terms of the COPTTM; any costs for this shall be borne by the applicant.

A 'generic TMP is included in Appendix 9.8. This sample plan illustrates the requirements of a TMP and indicates the layout for a simple situation

Flashing beacons and high-visibility clothing shall be maintained by their owner to COPTTM standards.

#### 3.1.4 Signs

All signage within the Waitaki District rooding network is required to comply with the Manual Of Traffic Signs and Marking (MOTSAM).

MOTSAM is produced by the New Zealand Transport Agency (NZTA) and available on NZTA's website ( <http://www.nzta.govt.nz/resources/motsam/part-1/> ).



**TW - 6A\***

*\* reflectorised fluorescent  
orange background*

### **3.1 Stock Sign (TW-6.1)**

A TW6 sign is for Temporary Warning Sign for Sheep, while a TW 6.1 is for Cattle.

## **3.2 Council Bylaws and Policies**

This Code provides processes and guidance for the implementation of the Waitaki District Council Roading Bylaw 2005, particularly Part X – Animals.

This code is not intended to replace the Waitaki District Council Roading Bylaw 2005, but add clarity. Should there be any doubt or ambiguity, the Bylaw shall take precedence over this Code.

Much of the process and guidance provided expands upon the following clauses of Part X:

- 22 Droving Of Stock
- 23 General Conditions For Droving Of Stock
- 24 Additional Provisions Relating To Droving Of Milking Stock
- 25 Power To Restrict Droving
- 26 Damage To Road
- 28 Permit To Drove
- 29 Duration And Transferability Of Permits And Dispensations

Part X is appended as Appendix 9.5.

Waitaki District Council has developed four roading policies:

- Road Network Hierarchy Policy
- Carriageway Width Standards Policy 2008
- Seal Extension Policy
- Extent of Network Policy

The Road Network Hierarchy Policy is applicable to this code as an assessment criterion for stock movement options.

In terms of stock crossings this will typically include the use of signs, cones and a flashing beacon as detailed in the Approved Traffic Management Plan.

In general, signs, flashing beacons and high visibility clothing shall be purchased by the permit holders. These items shall be used in accordance with this code and the approved Traffic Management Plan (if applicable).

The upkeep of signs, flashing beacons and high visibility clothing is the permit holders responsibility. Signs shall be kept in good order, clean and fit for purpose. New signs will be required from time to time as signs become faded or are damaged.

MOTSAM states that the signs should only be displayed when stock is actually within the road reserve. This is a responsibility that should be taken seriously as motorists will learn to ignore warning signs where no hazard exists. Folding signs are permitted provided they are closed when not in use

## 4.0 STOCK MOVEMENT OPTIONS

### 4.1 Introduction

The typical situations for stock movement within the road corridor (the formed carriageway and the grass shoulder) are:

- No stock droving or stock crossing within the road (prohibited or other by means such as a stock lane, underpass or by truck)
- Stock droving along a road
- Infrequent stock crossing across a road
- Frequent stock crossing across a road

The appropriateness of the different options will relate to the location and circumstances of the crossing.



## 4.2 Evaluation of Options

### 4.2.1 Roothing Bylaw Requirements

The Waitaki District Council Roothing Bylaw 2005 states

*“24.2 No road or any part of a road may be used for the purpose of droving milking stock for milking purposes without the prior written consent of the Council. In considering an application under this section, Council shall apply its Assessment Criteria. Council may require the farmer / stock owner to use only specified points of access and exit to and from the farm as it considers necessary to ensure that danger to other road users is minimised, provided that such selected entry and exit points allow the farmer to continue farming operations in an efficient manner.”*

*24.3 Any new dairy conversions and expansions that occur from the operative date of this bylaw that have a property that is operated as a split dairy unit shall, if deemed necessary by Council, require a stock underpass or overpass.”*

The following pages outline the Assessment Criteria used to determine the most appropriate option.

## 4.2.2 Assessment Criteria

The assessment criteria includes:

1. The location of the proposed crossing; level crossings in Urban Areas (where the posted speed limit is 80 km/h or less) are prohibited.
2. The road where the proposed crossing is located; level crossings on State Highways and most Waitaki District Council Arterial and Collector Routes are prohibited. Danseys Pass Road is designated as an 'Arterial – Special' and level crossings may be permitted; gates and cattlestops may also be approved subject to Local Government Act 1974 requirements.
3. The amount of traffic on the road where the proposed crossing is located; level crossings on roads where the Average Annual Daily Traffic (AADT) is 500 or greater are prohibited. The AADT is measured in Council's traffic counting programme and recorded in the road asset management system 'RAMM'.
4. The frequency of stock crossing. Level crossings are prohibited where the number of days a crossing is used in any month is greater than 10. Note this is not an average over the milking season or year (this would equate to 40 incidences of stock crossing in one month where stock are being moved to and from two milkings each day).

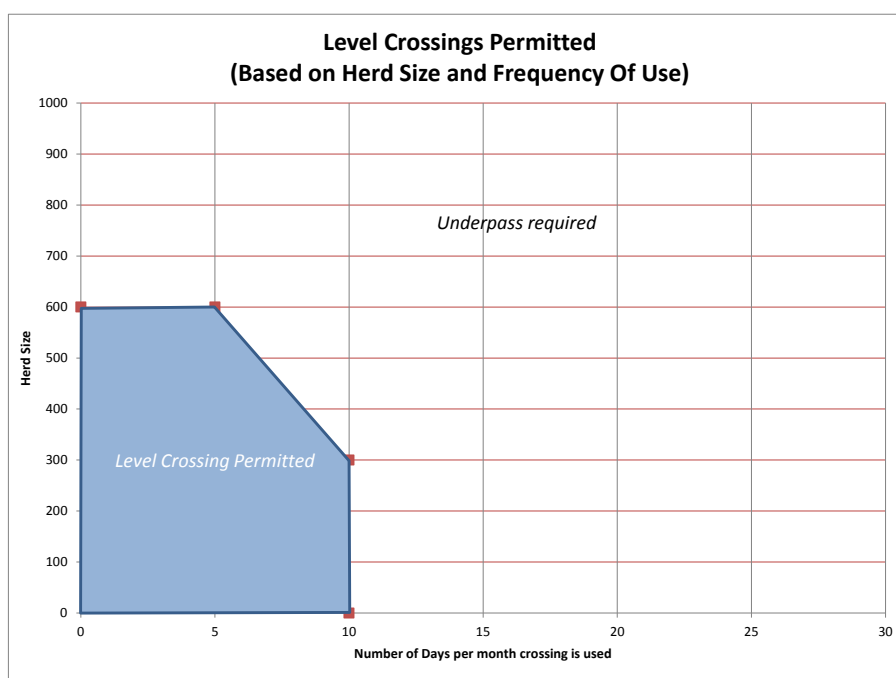
The frequency of stock crossing will generally be assessed in terms of the proportion of grazing area on either side of the road being crossed.

(Accordingly if 30% of the grazing area is across a road then it is assumed that a crossing is used for at least 10 days per month).

Where an application regards this approach as inappropriate, an alternative method shall be documented to support the application.

5. The number of milking stock crossing the road. Level crossings where herd sizes exceed 600 animals are prohibited. The total number of animals applies when herds are split into smaller groups for crossing.  
(In 2011 the average herd size in Waitaki District was 630 cows; accordingly this criteria applies to larger herds)

The frequency of stock crossing and the herd size will be considered in combination; this is illustrated in the following chart.



In some cases Council may issue a level crossing permit for no exit roads carrying very low traffic volumes (AADT less than 50) where the herd size is larger than 600 or the frequency of crossing is more than 10 days per month.

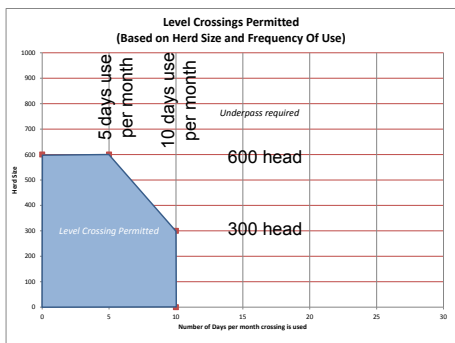
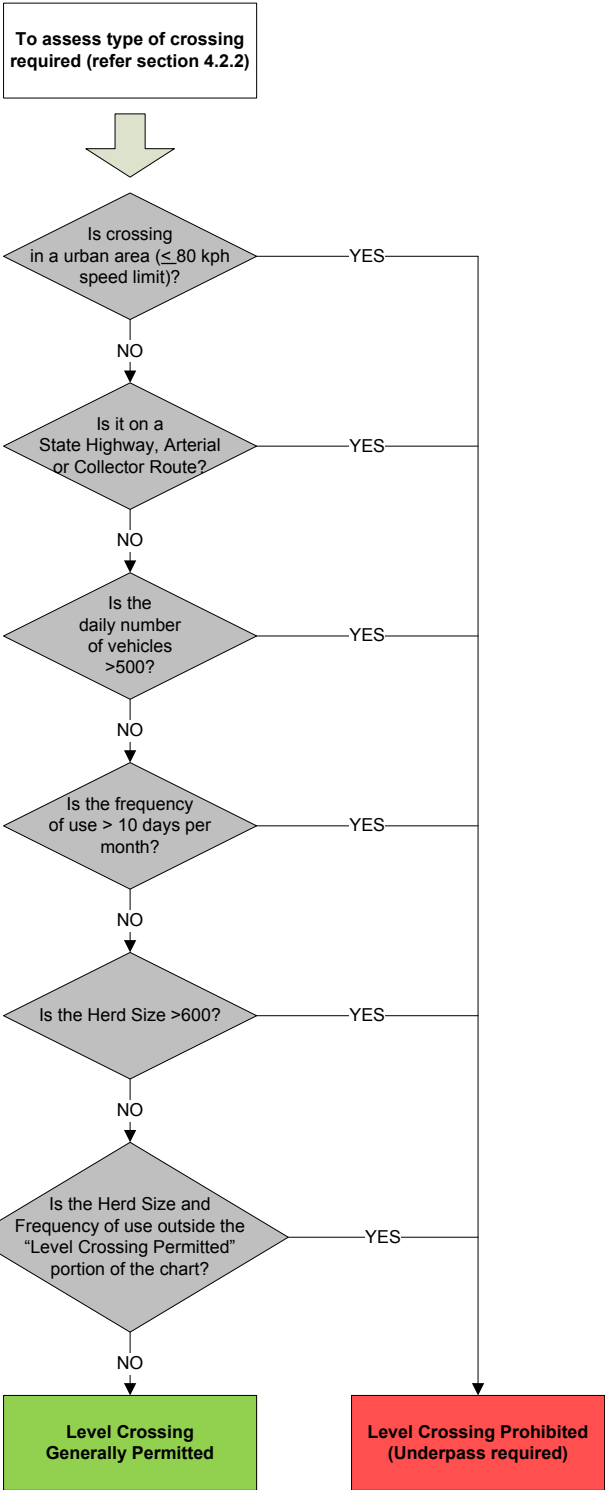
In such cases a level crossing permit may be approved and strict compliance with the conditions of the permit is essential. Any non-compliance may result in termination of the permit and the installation of an underpass would be required. The issue of such a permit will not create a precedent for that site or any other site.

Site specific factors will also be considered. Safety is a key consideration and issues such as sight distances will be considered on a case by case basis.

Stock crossings for deer require specific design and approval.

The application of the criteria is illustrated in the following flow diagram.

**Stock Crossing Assessment Criteria – Quick Guide**



## 5.0 STOCK DROVING

### 5.1 Overview

The requirements for Stock Droving are addressed through the Waitaki District Council Roading Bylaw 2005.

The requirements of the bylaw are effected through Council's Enforcement Officers.

This code does not propose any additional processes or actions beyond those detailed in the Bylaw.



## 6.0 LEVEL CROSSINGS

### 6.1 Overview

A level crossing is a stock crossing where animals are able to walk across the road formation, typically from one part of the farm to another.

Level Crossings allow stock to walk from farmland on one side of the road directly across to the other side of the road.

Level Crossings are usually associated with the movement of milking stock.

In general, if crossing occurs rarely (less than once per month) the stock driving rules apply, while regular crossing (one to forty crossings per month) requires a permit.



### 6.2 Application and Approval Process

The following application process should be followed for all stock crossing applications.

#### 6.2.1 Proposed Crossings

Applications for crossings should be made as early as possible. Where a 'dairy conversion' or expansion is being considered, the layout of lanes and crossings is integral to farm efficiency and discussion with Council's Roading Engineers would be beneficial.

Applications shall be made in the format included in this code (see Appendix 9.3). Applications should be accurate and complete when submitted. Enquiries regarding the details required are welcome and should be addressed to Council's customer services staff.

**There is no fee for this application.**

Council staff will generally consider applications and contact the applicant within ten days of receipt. The issue of permits will follow depending upon the complexity of the application.

The safety for road users, farm workers and stock is a key consideration when assessing an application.

#### 6.2.2 Existing Crossings (Permit in place)

Refer 8.2 Transitional Provisions

#### 6.2.3 Existing Crossings (No permit in place)

An application is required as per proposed crossings once a crossing with no approval is identified.

Any landowner who is crossing stock over a road regularly is encouraged to contact Council and obtain a permit to ensure a safe road environment for all.



## 6.2.4 Dispute Resolution

Any applicant who has concerns with the process or outcome of an application should address their concerns to the Roding Manager.

## 6.3 Conditions Of Use

### 6.3.1 General Conditions

In general, the following conditions will be part of a crossing permit.

1. Only one crossing will be approved on any road per milking operation.
2. No stock crossing will be permitted at road at night without lighting installed and operated to WDC specification. "Night" is as defined in the Land Transport (Road User) Rule 2004.
3. Appropriate warning shall be provided
  - a. Signage as per MOTSAM PW37 for regular use
  - b. Flashing light and/or and/or high visibility clothing as per COPTTM for occasional use
4. 'Tapes' or other temporary fencing shall not be erected across or left lying on any road
5. Stock crossings shall be 'manned' throughout the time stock are crossing. The person supervision stock crossing shall have due regard for other road users and ensure that the road can be used safely and without undue delay.
6. Road cleaning may be required to ensure that mud and/or faecal matter does not create a nuisance or safety hazard. The permit holder shall take reasonable and practical actions in this regard.

### 6.3.2 Stock Crossing Inspections

Council will undertake inspections from time to time to ensure the purpose of this code and the permit conditions are met.

In general inspections will proceed as follows:

Crossing Type	Inspection Frequency	Resulting Actions
New crossings with permits issued under this code	<ol style="list-style-type: none"> <li>1. At least one inspection each year during milking season checking compliance and safety</li> <li>2. One inspection outside of season to assess the road condition</li> <li>3. Spot checks</li> </ol>	<p>Any non-complying issues raised with the permit holder</p> <p>Where any serious issues are identified during an inspection, a timeframe shall be agreed for follow-up inspection</p>
Existing crossings with permit in place	<ol style="list-style-type: none"> <li>1. At least one inspection each year during milking season checking compliance and safety</li> <li>2. One inspection outside of season to assess pavement condition</li> <li>3. Spot checks</li> </ol>	<p>Any non-complying issues raised with the permit holder</p> <p>Where any serious issues are identified during an inspection, a timeframe shall be agreed for follow-up inspection</p> <p>Permit holder advised of the requirements to apply for a new permit.</p>
Existing crossings without permit	Identified through Spot checks	Identified and landowner advised of requirements to apply for permit.

**There are no fees associated with undertaking inspections.**

## **6.4 Permit Duration and Termination**

Permits for levels crossings are valid for a period of two years from the date of issue.

Council may terminate a permit should any permit holder refuse to comply with the conditions of the permit.

If a crossing becomes redundant any signs or structures that have been erected are to be removed from the road corridor within three months

## **6.5 Permit Renewal**

If a permit holder intends to continue to use a crossing beyond the expiry date on the permit, an application for a new permit should be submitted prior to the expiry date. Use of the crossing may continue (in terms of the expired permit conditions) while the application is being processed.

Should the circumstances of the farming operation change (e.g. herd size or the extent of grazing area on either side of a road) the permit holder should contact Council to discuss if a new application is necessary.

## 7.0 STOCK UNDERPASSES

### 7.1 Overview

A stock underpass allows road users, as well as stock and farmers to travel from one side of the road unhindered.

A stock underpass is a considerable structure that requires an on-going management regime so that all users interests are assured.

The assessment criteria for considering stock movement options are discussed in section 4.2. This assessment may require the installation of a stock underpass if a level crossing is not appropriate.



### 7.2 Application and Approval Process

#### 7.2.1 Initial Application and Overview of Process

**The application process commences with the crossing application as described under level crossings (section 6).**

Once it is clear that an underpass is required; Council will advise the applicant that a level crossing is not appropriate and if a crossing at the location identified is to proceed that a stock underpass will need to be installed. At this stage Council will advise what (if any) financial assistance is available to the applicant. Any funding assistance from Council will be considered in line with NZTA policies and the NZTA Planning Programming and Funding Manual (specifically F10.6).

There is a combination of approval processes required throughout the establishment of an underpass and applicants are reminded to allow sufficient time for each application and approval process.

The process is illustrated in Appendix 9.1 and summarised below.

- |        |   |
|--------|---|
| Step 1 | Submit Crossing Application<br>Council determines that a level crossing is not appropriate<br>Council advised applicant of the level of financial assistance available for an underpass<br>Applicant decides to proceed with an underpass   |
| Step 2 | Applicant submits application to install an underpass<br>Roading staff assess application and advise building control of application<br>Application approved (or declined with reasons)   |
| Step 3 | Project Meeting arranged by Roading staff   |
| Step 4 | Processes for works within the road corridor <ul style="list-style-type: none"> <li>• Corridor Access Request and Works Approval Notice</li> <li>• Temporary Traffic Management Plan</li> </ul> PIM and Building Consent Application and issue/approval<br>Land Use Consent Application and issue/approval<br>Preparation of legal documentation for structure within the road corridor |
| Step 5 | Work proceeds and completed   |

Advise of completion and post-construction documentation submitted

Step 6 Council staff assess completion of documentation and satisfactory completion of works

Step 7 Works approved, two year maintenance period commences  
Code Compliance Certificate issued  
Final documentation signed

### 7.2.2 Application to Install an Underpass

Any proposal to install an underpass will require a detailed application and a high level of quality assurance to ensure a successful outcome for all parties.

The application shall include:

1. The design for the underpass structure
2. Details of the Consultant Engineer who will be responsible for detailed designs and submitting Producer Statements
3. Details of the Contractor who will be undertaking the installation work and road reinstatement
4. The layout of stock access and egress
5. The design for any fencing and/or barriers at road level
6. A conceptual Traffic Management Plan for the construction period

**There is no fee for this application.**

Once the completed application is received, Council staff will process the application, inform Building Control staff of the proposal and advise the applicant of the processes involved.

#### **Underpass Design**

A professionally designed structure is essential to meet the requirements of Council, the road user and the farmer for the particular site involved.

The design and construction of stock underpasses shall be to a high standard to ensure that underpasses do the job they are intended for, allow safe passage of road users and last for many years. A rigorous design, construction and 'sign off' process is required to ensure this occurs.

Designs should be prepared by suitably qualified personal such as a Consulting Engineer, and accompanied with the appropriate Producer Statement (PS1 – Producer Statement Design).

As well as technical details for the underpass structure, the design shall clearly show:

- the layout of stock access and egress
- any fencing and/or barriers at road level
- Any utilities present at the site (power, telephone, water etc)

General construction standards are provided in Appendix 9.10

Particular attention is required to the management of water on site. This includes consideration of any irrigation, water races and other water supplies; ponding on the road during or after construction; and drainage of surface water and mud and/or faecal matter from the low point of the underpass. The applicant may require additional consents for drainage depending on the specific site situation.

Difficult engineering conditions such as a high water table will require specific design; these situations will not constitute a reason for relaxing the requirements of this code.

#### **Producer Statements**

Council favours the use of producer statements for assurance that designs are appropriate, and that works are completed to the required standards. This approach places the responsibility on the applicants professional and reduces the number of parties involved through the construction process.

The Producer Statements involved are:

*Design (PS1):* Intended for use by the party responsible for the design when the territorial authority carries out a less rigorous review of the documents.

*Construction (PS3):* Intended for the use by the contractor of the building works where the territorial authority requires a producer statement at the completion of construction. (Not used in favour of PS4)

*Construction Review (PS4):* Intended for use by the design professional required by the building consent to undertake construction monitoring of the building works.

The Producer Statement for Design (PS1) shall be submitted with the design as part of the application to install an underpass.

### **Construction Contractor**

Details of the Contractor who will be undertaking the installation work and road reinstatement are required. This Contractor should be approved by Council for undertaking such work.

### **Traffic Management**

A conceptual Traffic Management Plan for the construction period is required to ensure traffic will be managed appropriately through detours or road closures. A final Traffic Management Plan should be prepared and submitted for approval once the underpass application is approved.

### **7.2.3 Detailed Design, Consents and Construction**

Once an application to install an underpass is approved a number of application, approval and completion processes commence.

Council's roading staff will assess the application from a roading perspective and advise the applicant on Access to the Road Corridor (Road Openings), Building Consent, Land Use Consent, and Legal Documentation processes required.

Applicants should be aware Consent processes and approvals are separate to Roothing applications and approvals.

### **Access to the Road Corridor (Road Openings)**

The applicant is required to submit a Corridor Access Request. This process will assist with the identification of any other utilities such as electricity and telecommunications in the vicinity of the proposed underpass. A traffic management plan for the construction period is also required; this should be submitted with the corridor access request. A Works Approval Notice is issued allowing access to the road corridor to undertake works.

(refer Code of Practice for Utilities Access to the Transport Corridor)

### **Building Consents**

A Building Consent is required for an underpass. The use of Producer Statements to support the design will limit the amount of review and inspections required. Council's Roothing staff will assist the applicant in the liaison with the Building Control staff.

### **Land Use Consents**

Council is able to authorise works to be undertaken within the road corridor but this does not extend into the private land on either side of a road boundary. Therefore Land Use Consents may be required where the necessary earthworks for ramping exceed 100 m<sup>3</sup>.

## Legal Documentation

Council will arrange the necessary legal documentation for the underpass structure to exist and be used in the road corridor. The associated costs will be met by the application. (see 7.3.1)

## Construction

Construction may commence once all consents and approvals are issued.

Construction shall be undertaken by a contractor approved by Council for undertaking such work within the road corridor. Minimum specifications are detailed in Appendix 9.10.

Regular inspections will be required by the Applicant's Consulting Engineer (or other suitably qualified personal) and Council's building control and roading staff may undertake inspections from time to time. The applicant should communicate with Council staff regularly during the project



Upon completion the applicant shall obtain the appropriate Producer Statements to certify the construction is in accordance with the design and consents (PS4 construction review). Asbuilt plans detailing the final location of the structure and any utilities involved or relocated are also required.

Building Control staff can issue a Code Compliance Certificate once works are complete and appropriate Producer Statements are received. Roothing staff can commence the two year maintenance period (access to the transport corridor) once the works are inspected and the works completion notice is received.

All design construction and certification costs are to be met by the applicant.

### 7.2.4 Financial Assistance

Funding assistance is entirely dependent upon the level of funding Council received from NZTA.

Generally funding assistance is derived from Roothing's 'Minor Improvements Programme' budget which is set by NZTA. The level of financial assistance available for the construction of an underpass is defined in NZTA's Planning, Programming and Funding Manual and cannot be guaranteed by Council due to other demands on these funds.

When funds allow, Council will meet the costs of application fees, inspections and assisting an applicant with the processes involved.

The 'Estimated Value of the Building Work' on the Application for PIM and Building Consent will be used for the purposes of calculating financial assistance. A 'rough order cost' may be used earlier to indicate the extent of the financial assistance to the applicant and in Council budgets.

Additional financial assistance may be available to contribute to the construction of an underpass, should Council secure funding from NZTA for this purpose. The applicant may be required to provide the 'local share' of the subsidisable portion of funding. The level of assistance is based on the amount of traffic on the road involved, and ranges from no assistance up to 25% of the project cost. As the financial assistance for the construction of an underpass is entirely dependent on NZTA and Council any applicant seeking this assistance should discuss this with Council's Roothing Manager.

### **7.2.5 Dispute Resolution**

Any applicant who has concerns with the process or outcome of an application should address their concerns to the Roding Asset Manager.

## **7.3 Conditions Of Use**

### **7.3.1 General Conditions**

Once an underpass is constructed and the required sign-offs are obtained, an agreement will be issued detailing the ongoing conditions associated with the underpass.

This agreement is in the form of an 'encumbrance instrument' is linked with the property where the stock cross to (typically the property which has the milking shed) and remains with that property irrespective of land ownership.

In general the agreement includes:

- Ownership of the underpass - the landowner
- Agreement for the underpass on Council's road
- Responsibilities to operate and maintain the underpass

#### Existing Underpasses

It is Council's intention to progressively update the documentation for approved existing underpasses.

### **7.3.2 Underpass Inspections, Maintenance and Audits**

All underpasses are recorded on Council's bridge inventory noting private ownership of the structure within the road corridor.

All existing Underpasses are inspected by Council as part of bridge inspection programme. These inspections may be undertaken by Council's Contractor or Consultant.

Any maintenance issues identified will be reported to the land owner for action along with timeframes within which actions should be undertaken. Where any issues are 'more than minor' Council will initiate a site meeting to discuss the issues and an appropriate course of action.

Once the works are complete these will be inspected and recorded on Council's bridge inventory.

Non-action of issues may result in Council undertaking the works and billing the landowner.

All costs associated with recording underpass details and undertaking inspections will be met by Council, while any maintenance and repairs are at the cost of the land owner.

## **7.4 Permit Duration and Termination**

The duration of the agreement regarding an underpass is stated in that agreement.

Generally underpasses will be maintained indefinitely and the responsibilities of Council and landowner will continue unless mutually agreed otherwise.

If the landowner finds an underpass is no longer required for the farming operation, the landowner should advise Council so this can be included in future management of the roading network.



## 8.0 TRANSITIONAL PROVISIONS

### 8.1 Application of this Code to New Crossings

This code shall apply from the date when this code is approved for consultation.

Any applications submitted but not issued at the date of approval for consultation shall proceed in line with the processes in place at the date of application.

### 8.2 Application of this Code to Existing Crossings (with Permit)

A new application is required when any existing permits expire; or two years where no expiry date is stated on any existing permit.

New permits will be issued for applications that comply with the criteria detailed in this code. Where an existing crossing does not meet the criteria Council will determine a period for compliance based on degree of the non-compliance of each criteria, as well as the combination of criteria not met.

The following priority of compliance and compliance periods shall be used as a guide.

Criteria	Compliance Priority	Compliance Period	
Is the crossing in an Urban Area (where the posted speed limit is 80 km/h or less)	1	1 year	
Is the crossing on a State Highway?		Refer to NZTA for State Highway crossings	
Is the crossing on an Arterial Route?	2	1 year for sites where this criteria is exceeded along with any other criteria	2 years
Is the daily number of vehicles >500?		1 year for sites where this criteria is exceeded along with any other criteria	2 years
Is the frequency of use >10 days per month?	3	2 years for sites where frequency of use >15 OR where this criteria is exceeded along with any other criteria	3 years
Is the Herd size >600?		2 years for sites where 2 years for sites where herd size >900 OR this criteria is exceeded along with any other criteria	3 years

For crossings established and permitted prior to the commencement of this code, Council may alter these timeframes depending on safety issues.

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