

# Research Report

## Review of Roding Policies

### 1 Purpose

To describe and discuss the review of the:

- Community Initiated Infrastructure – Roding Contribution (2015)
- Dust Management Policy (2016)
- Limits of Council Responsibility for Formation / Maintenance of Roads Policy (2014)
- Private Roads and Rights of Way Policy (1998)
- Road Maintenance Policy (1998)
- Road Mirrors – Private Crossings Policy (2014)
- Road Naming and Property Numbering Policy (2014)
- Road Speed Limits Policy (2016)

### 2 Context and Situation

Local government best practice is to review non-legislated policies every six years, which is in line with section 17A of the Local Government Act 2002. The eight roding related policies are therefore all due for review.

The Council is required to consider whether a policy is still the most appropriate way of addressing the perceived problem with respect to roding.

#### 2.1 Council's role relating to roding

Under section 10 of the Local Government Act 2002, the purpose of local government is to "... promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future". Roding plays a role in all aspects of wellbeing by providing connectivity and accessibility. Providing safer roads through activities such as maintenance, sealing and speed limits improves public health and safety.

##### 2.1.1 Local Government Act 1974

Council has discretionary powers under Part 21 of the Local Government Act 1974 to form and maintain roads in the Far North District (District). The Local Government Act 1974 does not compel Council to form and maintain carriageways on legal roads within their District.

In the Far North, there are approximately 2500 kilometres of legal roads which are shown on maps but are not maintained by the Council. There is no legal obligation to form or maintain any of these roads.

### 3 Objectives

#### 3.1 Purpose of review

To determine whether a policy is still the most appropriate way to address problems regarding roding in the Far North District.

#### 3.2 Review objectives

- To define roding related problems in the Far North District that are within Council's function to control.
- To identify if a policy is still the most appropriate way to address roding related problems in the Far North District.
- To identify if the policies meet current legislative requirements.

## 4 Community Initiated Infrastructure – Roading Contribution Policy (2015)

### Council's role relating to roading infrastructure

The decision to develop roading infrastructure in the District is the responsibility of Council and Waka Kotahi. Waka Kotahi is responsible for state highways and Council is responsible for local roads. Local roading infrastructure is funded through rates and subsidies from Waka Kotahi.

An unsealed road is a metal or gravel road without any bitumen/tarmac surfacing. Council has a programme of maintenance that includes grading and pothole repair. The cycle for this programme is determined by traffic volume, or use. High volume traffic unsealed roads receive regular maintenance.

To best plan for roading upgrades, Council adopted the *Far North District Council Road Prioritisation to Guide the Delivery of Road Asset Upgrades* matrix in June 2019. Utilising this matrix, the Infrastructure Committee adopted a three-year unsubsidised seal extension programme in July 2021.<sup>1</sup>

### Purpose of current policy

Council sometimes receives requests by a community to extend, renew, or develop new roading infrastructure that has not been planned for by Council. The Community Initiated Infrastructure – Roading Contribution Policy outlines the process for neighbourhood communities who wish to fund the upgrade of their road.

### Review of policy

Since the implementation of the policy, two communities have agreed to self-fund their roading upgrades.

The policy follows best practice in that it:

- empowers communities to make their own decisions about local roading infrastructure
- ensures agreement of affected parties

The policy aims to ensure that appropriate consultation is conducted. Communities are to undertake their own consultation, following guidance from Council. However, it may be more appropriate for Council to undertake consultation as an impartial party. More research is required to identify the most appropriate method of consultation.

The policy currently states that “The Community must contribute the equivalent of the NZTA subsidy (Funding Assistance Rate) which is currently 59% and Council shall fund the balance of all costs”. However, the Waka Kotahi subsidy has since increased to 69%. Further discussion is required with Elected Members to decide what the appropriate subsidy should be i.e., continue to remain at 59% or continue to align with Waka Kotahi subsidies.

Components of the policy refer to operational procedures. Best practice strategic policy should not include internal operational procedures. Therefore, the components referring to operational procedures should be revoked. However, internal guidelines could be developed to support staff to assess and process applications for roading contributions.

Therefore, a policy is an appropriate mechanism to manage community-initiated infrastructure roading contributions. However further research is required to ensure that the Policy is in the appropriate form.

## 5 Dust Management Policy (2016)

Dust from unsealed roads can impact adjacent residents, affecting their health as well as general quality of life; for example, dust on washing lines, roof dust contaminating water supplies, and dust inside homes.

Increased logging truck movements during periods of dry weather can increase the number of complaints regarding dust nuisance.

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<sup>1</sup> [Infrastructure Committee Meeting 21 July 2021](#)

### Council's role relating to dust management of unsealed roads

The District has 2,508 km of roads, only 35% (858km) of which are sealed. The decision to upgrade local roading infrastructure in the District is the responsibility of Council. Local roading infrastructure is funded through rates and subsidies from Waka Kotahi.

An unsealed road is a metal or gravel road without any bitumen/tarmac surfacing. Council has a programme of maintenance that includes grading and pothole repair. The cycle for this programme is determined by traffic volume, or use. High volume traffic unsealed roads receive regular maintenance.

### Purpose of current policy

The purpose of this policy is to support the Council in allocating funding to address the worst affected properties with a clear and consistent method that identifies health risk priority areas and potential mitigation options.

### Review of policy

The policy outlines

- the process for prioritising dust mitigation on roads e.g., full seal extension
- potential financial assistance available for the community.

The components of the policy outlining the prioritisation process have since been superseded by the Dust Matrix. Council adopted the *Far North District Council Road Prioritisation to Guide the Delivery of Road Asset Upgrades* matrix in June 2019. The Dust Matrix provides a more substantial criteria than the Policy. Utilising this matrix, the Infrastructure Committee adopted a three-year unsubsidised seal extension programme in July 2021.<sup>1</sup>

The matrix ranks unsealed roads according to criteria including:

- traffic volumes
- the number of homes, schools, marae and community facilities nearby
- the distance between these buildings and roads
- whether the road is a significant detour or is used by forestry traffic and heavy vehicles.

An algorithm selects the roads according to the prioritisation criteria and the data that is fed into the matrix. This ensures that roads are ranked fairly and objectively.

Council staff work closely with the forestry industry to align harvest activities with the matrix, so that roads where logging is planned are given higher priority for seal extensions.

Council's website is up to date with clear, transparent information regarding the matrix and the prioritisation of seal extensions. The Dust Management Policy is not referred to on the webpages regarding road maintenance. The policy can still be found on Council's *Policies* webpage.

The potential financial assistance referred to in the policy is no longer available.

Therefore, a policy is an appropriate mechanism to manage dust from unsealed roads. However, the Dust Management Policy is not the most appropriate form of policy. More appropriate policy instruments are already in place.

## 6 Limits of Council Responsibility for Formation / Maintenance of Roads Policy (2014)

### Council's role relating to formation / maintenance of roads

Council has discretionary powers under Part 21 of the Local Government Act 1974 to form and maintain roads in the District. Once public roads are formed Council does have some responsibility regarding maintenance to prevent public nuisance.

### Purpose of current policy

The policy outlines the criteria for the prioritisation of the maintenance of roads in the District.

### Review of policy

The policy:

- commits Council to continue to maintain roads as per the road maintenance schedule (Road Asset Maintenance Management)
- outlines criteria for Council to follow when considering a request to maintain a road
- outlines at which point along a road Council will accept responsibility for maintenance.

Council receives approximately 20 requests per year for Council to form and maintain a road. The policy is used to support responses to requests. If a request meets the criteria as outlined in the policy, the request is put before the governing body to decide if Council will maintain the road.

Staff have identified that the decisions regarding road maintenance are not strategically aligned with other Council decisions. For example, Council facilities have been installed along roads which are not currently maintained. The maintenance of roads can align with several strategic policy instruments (e.g., stormwater provisions, accessible walking and cycling network provisions, and travel demand management).

Consequently, decisions regarding the prioritisation of road maintenance are often made in a reactive, ad hoc manner.

A policy is an appropriate mechanism to manage the prioritisation of the maintenance of roads. However, further research is required to ensure that the Policy is in the appropriate form.

## 7 Private Roads and Rights of Way Policy (1998)

### Council's role relating to private roads and rights of way

Under the Local Government Act 1974, Section 349, Council may declare any private road or right of way to be a public road, subject to the roads being properly formed by the owners.

### Purpose of current policy

Landowners can find it particularly difficult to arrange for the maintenance of private roads or right of ways when multiple properties are involved. Therefore, the policy was developed to support landowners who are struggling to maintain their private roads or right of ways.

### Review of policy

The policy consists of two clauses as follows:

- landowners may apply to have private roads and rights of ways serving five or more lots declared a public road
- all future subdivisions with access serving five or more lots, access shall be declared public roads.

The policy has been superseded by other policy instruments. Landowners can apply to vest a road as a public road by subdivision through the District Plan. Roads must meet the physical requirements of the Environmental Engineering Standards.

Therefore, a policy is an appropriate mechanism to manage private roads and right of ways serving five lots or more. However, the Private Roads and Rights of Way Policy is not the most appropriate form of policy. More appropriate policy instruments are already in place.

## 8 Road Maintenance Policy (1998)

### Council's role relating to road maintenance

Council has discretionary power to maintain roads within the District, under Part 21 of the Local Government Act 1974. The maintenance of roads adheres to prioritisation criteria and is funded by both Waka Kotahi and rates.

### Purpose of current policy

The Road Maintenance policy outlines the guidelines for procuring contractors to undertake road maintenance in the District.

### Review of policy

The policy has been superseded by other policy instruments as follows:

- some activities referred to in the policy are now subsidised by Waka Kotahi
- Council sets the road maintenance strategy via the Regional Activity Management Plan.
- Council's current Sustainable Procurement Policy<sup>2</sup> outlines the process for roading procurement.

An operational database, the Road Asset Maintenance Management (RAMM), supports the Regional Activity Management Plan. The RAMM is a platform to hold all maintenance contract information and includes a hierarchy process for each road, in which contractors base their work programmes.

Therefore, a policy is an appropriate mechanism to manage procurement for road maintenance. However, the Road Maintenance Policy is not the most appropriate form of policy. More appropriate policy instruments are already in place.

## 9 Road Mirrors – Private Crossings Policy (2014)

### Council's role relating to road mirrors

Council does not have a specific role relating to road mirrors. However, Council has the power to regulate all road encroachments under section 357 of the Local Government Act 1974.

Council also has an obligation to ensure that activities and buildings on Council owned land do not negatively impact public health and safety.

### Purpose of current policy

The policy outlines the exceptional circumstances in which an application to install a road mirror on a road would be accepted.

### Review of policy

All road encroachments are regulated by the Local Government Act 1974 section 357 which states that all road encroachments must obtain approval from Council. A policy is not required regarding road encroachments which will duplicate the legislation.

The components of the policy refer to operational matters regarding requests to encroach on a road to erect a road mirror. An external facing policy is not required for operational matters.

Therefore, an external facing policy is not the most appropriate way to manage the installation of road mirrors. However, internal guidelines should be developed to support staff to assess applications for road mirrors.

## 10 Road Naming and Property Numbering Policy (2014)

### Council's role relating to road naming and property numbering

Council has the power to name roads under the Local Government Act 1974, part 21, 319(j).

### Purpose of current policy

The policy aims to ensure correct addressing, so that emergency services and other services can locate a property. It applies to both public and private roads.

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<sup>2</sup> [Sustainable Procurement Policy](#)

## Review of policy

The review has identified that the policy gives appropriate guidance to ensure clear and unambiguous addressing.

However, elected members have identified that the current policy offers no guidance on the social and cultural aspects of naming and placemaking.

Research has identified that naming processes are included in other policies including the *Reserves Policy* and *Art and Memorials in Public Places Policy*. Best practice would be to ensure consistency of naming procedures across Council. Some local councils (e.g. Wellington City Council, Hamilton City Council) have general naming policies in place and some local councils are in the process of developing general naming policies.

More research is required to ensure that policies regarding the naming of community spaces and places follow consistent guidelines and are not reviewed in isolation.

Therefore, a policy is an appropriate mechanism to manage road naming and property numbering. However further research is required to ensure that the Policy is in the appropriate form.

## 11 Road Speed Limits Policy (2016)

### Council's role relating to speed limits

Under the Land Transport Act 1998, Council as a Road Controlling Authority has the responsibility to set speed limit restrictions on local roads (i.e., all roads other than state highways).

Council is required to use the New Zealand Transport Agency (NZTA) document *Land Transport Rule – The Setting of Speed Limits*<sup>3</sup> when considering whether a speed limit should be changed. The *Setting of Speed Limits* document sets out the method for calculating the speed limit for a section of road based on the following information:

- the existing speed limit
- the character of the surrounding land environment (e.g., rural, fringe of city, fully developed)
- the function of a road (i.e. arterial, collector or local)
- detailed roadside development data (e.g. number of houses, shops, schools, etc.)
- the number and nature of side roads.

### Purpose of current policy

The policy aims to ensure that:

- speed limits are safe, appropriate, and credible
- speed limits are consistent with national standards
- applications are processed effectively.

## Review of policy

Waka Kotahi is in the process of implementing the *Tackling Unsafe Speeds*<sup>4</sup> programme. The programme aims to streamline the speed management process through a number of proposals including amending the Land Transport Act 2008 and implementing a new Settings of Speed Limits Rule (2021).

Central government completed consultation on the Settings of Speed Limits Rule 2021 in June 2021. The draft Setting of Speed Limits Rule 2021 proposes to amend the way in which speed limits are set by Road Controlling Authorities.

The Regional Council will become responsible for setting speed limits. A Regional Speed Management Plan will be developed by the Regional Council which will:

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<sup>3</sup> [Land Transport Rule – The Setting of Speed Limits](#)

<sup>4</sup> [Tackling Unsafe Speeds](#)

- align with the Regional Land Transport Strategy
- identify roads which may require speed limit changes
- outline the implementation process
- outline the consultation process (to reduce consultation fatigue).

Components of the implementation of the new Setting of Speed Limits Rule 2021 are still unclear until the proposal is finalised.

If central government implements the proposed changes, the Road Speed Limits Policy will need to be revoked. Therefore, it would not be an efficient use of resources to undertake an extensive review of the policy including potential amendments at this time.

It is important to note that a National Speed Limits Register is being developed. Once established, the Council's Speed Limits Bylaw will also need to be revoked.

Therefore, a policy is an appropriate mechanism to manage road speed limits. Further review of the Road Speed Limits Policy should occur once the central government proposals are finalised.

## 12 Discussion

The roading policies were reviewed as a collective to ensure that policies were not developed in isolation.

### 12.1 Is a policy still the most appropriate way to address roading issues in the Far North District?

The review has identified that a policy is still the most appropriate way to address the following roading related issues:

- Communities wishing to financially contribute to roading
- Dust from unsealed roads
- Prioritisation of roads for maintenance
- Private roads and right of ways serving five lots or more
- Procurement of roading contractors for road maintenance
- Naming of roads
- Setting of Speed Limits

The review has identified that a policy is not the most appropriate way to address the installation of road mirrors.

### 12.2 Is the policy in the most appropriate form?

The following issues are already covered by other more appropriate policy instruments and a separate policy is no longer required:

- Dust from unsealed roads
- Private roads and right of ways serving five lots or more
- Procurement of roading contractors for road maintenance

The Community Initiated Infrastructure – Roading Contribution Policy should be amended to ensure consistency with current Waka Kotahi guidelines, remove potential for consultation bias, and to remove operational procedures.

The Limits of Council Responsibility for Formation / Maintenance of Roads Policy should be amended to ensure the policy supports strategic decision making of road maintenance.

The Road Naming and Property Numbering Policy should be amended to ensure appropriate guidance is provided regarding social and cultural aspects of road naming. However, further research is required to identify if a general naming policy would be a more appropriate form of policy.

The review identified the Road Speed Limits Policy is an appropriate form of policy. Further review of the Road Speed Limits Policy should occur once the central government proposals are finalised.

### 13 Conclusion

Policies regarding roading related issues remain a necessary mechanism for efficient and effective roading management in the Far North District. However, Council needs to ensure that the policies are in the most appropriate form to enable consistency across Council resources.