

Options Analysis

Roading Policies Review

1 Purpose

This report identifies and assesses options for the review of the following seven roading related policies:

- Community Initiated Infrastructure – Roading 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 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 roading 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 roading.

2.1 Council's role relating to roading

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". Roading 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 Problem Definition

Research has identified the roading policies were originally made to address the following roading related problems:

- Communities wishing to financially contribute to upgrading roads not planned to be upgraded by Council
- Dust from unsealed roads causing nuisance and a risk to public health and safety
- Prioritisation of roads for maintenance
- Coordinating the maintenance of private roads and right of ways serving five lots or more
- Procurement of roading contractors for road maintenance
- Residents wishing to install road mirrors which may cause risk to public health and safety
- Communities requesting to amend road speed limits

4 Objective

The objective of a policy response is to ensure appropriate policy statements are in place to support Council decision making regarding roading related problems.

5 Methods to address problems

To determine the appropriateness of the provisions of the current policies, they have been assessed for:

- Legality – are they consistent with applicable legislation?
- Clarity – can the public and elected members easily understand their obligations?
- Necessity – is there evidence of a problem that is being addressed?
- Consistency – do they align with other Council policy instruments?

The policies have been assessed as a collective to ensure that the policies are not developed in isolation from each other. This process aims to utilise resources effectively.

6 Options

Under section 77 of the Local Government Act 2002, the Council is required to:

- seek to identify all reasonably practicable options
- assess the options in terms of their advantages and disadvantages
- take into account the relationship of māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

6.1 Community Initiated Infrastructure – Roading Contribution (2015)

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo will allow for communities to continue to make decisions about local road infrastructure.

However, the policy does not align with Waka Kotahi current practice. Maintaining the status quo will potentially lead to confusion and discrepancies in trying to interpret the policy. For example, will communities be expected to subsidise 59% or 69%. The policy does not follow best practice in that it includes operational procedures. Operational procedures are subject to change more often than strategic decisions. Maintaining the status quo will not address that the policy currently allows for potential bias in consultation procedures.

Option two: Continue the policy with amendment (Recommended option)

Amending the policy will allow for communities to continue to make decisions about local road infrastructure. Elected members will decide on a reasonable subsidy amount for communities to contribute, which may or may not align with Waka Kotahi but will set a clear standard. Amendments to the consultation requirements may be able to reduce potential for consultation bias. Council will be able to adhere to best practice policy development by removing reference to operational procedures. Operational procedures are subject to change more often than strategic decisions and may therefore require amendments more often.

Option Three: Amalgamate the policy with the Limits of Council Responsibility for Formation / Maintenance of Roads Policy

This option has similar advantages and disadvantages as in Option two: Continue the policy with amendment. Amalgamating the policy with the Limits of Council Responsibility for Formation / Maintenance of Roads Policy may be a more efficient use of resources than having two separate policies. However, more research is required

to identify the most appropriate form of policy for the Limits of Council Responsibility for Formation / Maintenance of Roads Policy, which may unnecessarily delay the process for the Community Initiated Infrastructure – Roading Contribution policy amendments and lead to unclear policy statements. Once specific amendments to both policies are completed, staff can still present a report recommending amalgamation if appropriate.

Option Four: Revoke the policy

Not having a policy in place may lead to ad hoc decisions regarding communities who wish to self-fund roading infrastructure. Increased resources may be required to respond to community requests.

Table 1: Table showing summary of options for the Community Initiates Infrastructure - Roading Contribution Policy

Community Initiated Infrastructure – Roading Contribution (2015)		
	Advantages	Disadvantages
Option one: Maintain status quo	<ul style="list-style-type: none"> Communities continue to make decisions about local road infrastructure. 	<ul style="list-style-type: none"> Policy does not follow best practice by including operational procedure. Policy does not ensure impartial consultation. Policy is not certain (clear)
Option two: Amend the policy (recommended)	<ul style="list-style-type: none"> Communities continue to make decisions about local road infrastructure. Policy aligns with current legislation. Policy will adhere to best practice. Policy will ensure impartial consultation. 	
Option three: Amalgamate the policy	<ul style="list-style-type: none"> Communities continue to make decisions about local road infrastructure. Policy aligns with current legislation. Policy will adhere to best practice. Policy will ensure impartial consultation. 	<ul style="list-style-type: none"> Potential inefficient use of resources in developing amalgamated policy. Potential for policy to not be certain (clear).
Option four: Revoke the policy		<ul style="list-style-type: none"> May lead to ad hoc decisions regarding communities who wish to self-fund roading infrastructure. May lead to increased resources managing requests.

6.2 Dust Management Policy (2016)

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo may lead to reputational risk for the Council, as the policy refers to financial assistance which does not exist. Increased resources may be required for staff to process customer requests regarding financial assistance.

Option two: Continue the policy with amendment

Amending the policy will allow for the policy to align with current procedures and remove reference to financial assistance which no longer applies. However, best practice policy process is to not duplicate other policy instruments. Increased resources are required to refer to and review multiple policy instruments and to ensure consistency between policies. Reputational risk may occur if discrepancies in policy instruments lead to inconsistent decisions.

Option three: Amalgamate the policy with the Limits of Council Responsibility for Formation / Maintenance of Roads Policy

This option has similar advantages and disadvantages as in Option two: Continue the policy with amendment. However, amalgamating the policy with the Limits of Council Responsibility for Formation / Maintenance of Roads Policy will be a more efficient use of resources than having two separate policies.

Option Four: Revoke the policy (Recommended option)

The components of the policy which refer to the process for prioritising dust mitigation on roads have been superseded by the *Far North District Council Road Prioritisation to Guide the Delivery of Road Asset Upgrades* (Dust Matrix). The Dust Matrix provides a more substantial equity focused criteria than the policy and the associated algorithm provides a fair and transparent approach. Reduced resources are required to respond to community enquiries as information regarding specific road prioritisation can be easily sourced and shared.

Table 2: Table showing summary of options for the Dust Management Policy

Dust Management Policy (2016)		
	Advantages	Disadvantages
Option one: Maintain status quo	None	<ul style="list-style-type: none">• Reputational risk as financial assistance no longer applies.• Policy does not follow best practice by duplicating other policy instruments.• Increased resources required to review and refer to multiple policy instruments.
Option two: Amend the policy	<ul style="list-style-type: none">• Policy aligns with current procedures.	<ul style="list-style-type: none">• Policy does not follow best practice by duplicating other policy instruments.• Potential for reputational risk and Increased resources to review and refer to multiple policy instruments.
Option three: Amalgamate the policy	<ul style="list-style-type: none">• Policy aligns with current procedures.• Allows for slightly more efficient and effective use of resources than option two.	<ul style="list-style-type: none">• Policy does not follow best practice by duplicating other policy instruments.• Potential for reputational risk and Increased resources to review and refer to multiple policy instruments.
Option four: Revoke the policy (recommended)	<ul style="list-style-type: none">• Council follows best practice by streamlining policy instruments.• Cost effective as less resources required to review and refer to multiple policy instruments.	None

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

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo will ensure existing processes and policy criteria remain. No implementation process will be required. However, decisions regarding the maintenance of roads will continue in a reactive manner, with no alignment to other Council strategic decisions.

Option two: Continue the policy with amendment (Recommended option)

Amending the policy will allow for the policy to be strategically aligned with other policy instruments. An amended policy should support streamlined implementation of road maintenance requests, allowing for more efficient use of resources.

Further research, consultation and engagement is required to identify the most appropriate form of policy.

Option Three: Revoke the policy

Council staff receive several requests regarding road maintenance every month. Revoking the policy without a viable option in place will lead to inefficient use of resources. Decisions regarding road maintenance will be made completely ad hoc.

Table 3: Table showing summary of options for the Limits of Council Responsibility for Formation / Maintenance of Roads Policy

Limits of Council Responsibility for Formation / Maintenance of Roads Policy (2014)		
	Advantages	Disadvantages
Option one: Maintain status quo	<ul style="list-style-type: none"> Existing processes and policy criteria remain. 	<ul style="list-style-type: none"> Reputational risk as reactive decisions continue. Policy does not allow for cross-council strategic alignment.
Option two: Amend the policy (recommended)	<ul style="list-style-type: none"> Policy strategically aligned with other Council policy instruments More efficient use of resources with streamlined implementation. 	
Option three: Revoke the policy		<ul style="list-style-type: none"> No policy in place to support requests from the community, leading to inefficient use of resources. Reputational risk as ad hoc decisions made.

6.4 Private Roads and Rights of Way Policy (1998)

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo is not a practically viable option as the policy does not align with other Council policy instruments. The Operative District Plan is a more appropriate form of policy to manage private roads and rights of way.

Option two: Continue the policy with amendment

Amending the policy will allow for the policy to align with other Council policy instruments. However, best practice policy process is to not duplicate other policy instruments. Increased resources are required to refer to and review multiple policy instruments and to ensure consistency between policies. Reputational risk may occur if discrepancies in policy instruments lead to inconsistent decisions.

Option Three: Revoke the policy (Recommended option)

Revoking the policy will improve consistency and clarity for policy decisions regarding private roads and rights of ways. No implementation process is required as the Operative District Plan already outlines the policy direction for private roads and rights of ways.

Table 4: Table showing summary of options for the Private Roads and Rights of Way Policy

Private Roads and Rights of Way Policy (1998)		
	Advantages	Disadvantages
Option one: Maintain status quo	None	<ul style="list-style-type: none"> Policy does not follow best practice by duplicating other policy instruments. Increased resources required to review and refer to multiple policy instruments.
Option two: Amend the policy	<ul style="list-style-type: none"> Policy aligns with other Council policy instruments 	<ul style="list-style-type: none"> Policy does not follow best practice by duplicating other policy instruments. Increased resources required to review and refer to multiple policy instruments.
Option three: Revoke the policy (recommended)	<ul style="list-style-type: none"> Council follows best practice by streamlining policy instruments. Cost effective as less resources required to review and refer to multiple policy instruments. 	None

6.5 Road Maintenance Policy (1998)

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo is not a practically viable option as the policy does not align with current legislation or other Council policy instruments. The Sustainable Procurement Policy is a more appropriate form of policy to manage the process for roading procurement.

Option two: Continue the policy with amendment

Amending the policy will allow for the policy to align with current legislation and other Council policy instruments. However, best practice policy process is to not duplicate other policy instruments. Increased resources are required to refer to and review multiple policy instruments and to ensure consistency between policies. Reputational risk may occur if discrepancies in policy instruments lead to inconsistent decisions.

Option Three: Revoke the policy (Recommended option)

Revoking the policy will improve consistency and clarity for policy decisions regarding road maintenance procurement. No implementation process is required as the Sustainable Procurement Policy already outlines the policy direction for roading procurement.

Table 5: Table showing summary of options for the Road Maintenance Policy

Road Maintenance Policy (1998)		
	Advantages	Disadvantages
Option one: Maintain status quo	None	<ul style="list-style-type: none"> Policy does not follow best practice by duplicating other policy instruments. Policy does not align with current legislation Increased resources required to review and refer to multiple policy instruments.
Option two: Amend the policy	<ul style="list-style-type: none"> Policy aligns with current legislation Policy aligns with other Council policy instruments 	<ul style="list-style-type: none"> Policy does not follow best practice by duplicating other policy instruments. Increased resources required to review and refer to multiple policy instruments.
Option three: Revoke the policy (recommended)	<ul style="list-style-type: none"> Council follows best practice by streamlining policy instruments. Cost effective as less resources required to review and refer to multiple policy instruments. 	None

6.6 Road Mirrors – Private Crossings Policy (2014)

Option one: Maintain the status quo – Continue the policy without amendment

Maintaining the status quo will ensure existing processes and policy criteria remain. No implementation process will be required. However, the policy does not follow best practice in that it duplicates legislation and refers to operational procedures. It is not an effective use of resources to review a policy which refers to operational matters.

Option Two: Revoke the policy (Recommended option)

Revoking the policy will ensure council adheres to best practice policy development. Implementation will include the development of internal guidelines to support staff to assess applications for road mirrors and updates to Council’s website to provide clear communication regarding the installation of road mirrors.

Table 6: Table showing summary of options for the Road Mirrors - Private Crossings Policy

Road Mirrors – Private Crossings Policy (2014)		
	Advantages	Disadvantages
Option one: Maintain status quo	<ul style="list-style-type: none"> Existing processes and policy criteria remain 	<ul style="list-style-type: none"> Policy does not follow best practice by duplicating legislation Policy does not follow best practice by including operational procedures Inefficient use of resources to review a policy which refers to operational matters
Option two: Revoke the policy (recommended)	<ul style="list-style-type: none"> Council adheres to best practice by not including operational matters in external policy instruments. 	None

6.7 Road Speed Limits Policy (2016)

Option one: Maintain the status quo – Continue the policy without amendment (Recommended option)

A full review of the Road Speed Limits Policy was not conducted as there are significant central government proposals regarding speed limits due to be finalised later in 2021. A full review of the policy will be required once the central government proposals are finalised. Internal consultation identified that the policy sufficiently supports requests for road speed limits. According to the policy, new requests for road speed limits will not be considered until May 2022.

Option Two: Undertake a full review of the policy

A full review of the policy will identify if the policy requires amendments. However, the policy will most likely require major amendments once the central government proposals are finalised.

Table 7: Table showing summary of options for the Road Speed Limits Policy

Road Speed Limits Policy (2016)		
	Advantages	Disadvantages
Option one: Maintain status quo (recommended)	<ul style="list-style-type: none"> • Policy sufficiently supports requests for road speed limit amendments. • Efficient use of resources to review policy once central government proposals are finalised. 	None
Option two: Undertake a full review of the policy	<ul style="list-style-type: none"> • Identify potential amendments 	<ul style="list-style-type: none"> • Inefficient use of resources as upcoming central government proposals may require major amendments.

7 Conclusion and Recommendation

The recommended option is to revoke the Dust Management Policy, Private Roads and Rights of Way Policy, Road Maintenance Policy, and Road Mirrors Private Crossings Policy as these policies duplicate more appropriate policy instruments.

To adhere to best practice, it is recommended to amend the Community Initiated Infrastructure - Roading Contributions Policy.

The Limits of Council Responsibility for Formation / Maintenance of Roads Policy does not strategically align with other Council policy instruments. The recommended option is to amend the policy. However, more research and engagement is required to identify the most appropriate form of policy.

The Road Speed Limits Policy will most likely require significant amendments once central government proposals are finalised later this year. Therefore, the recommended option is to continue the policy without amendment. A full review will be conducted once the central government proposals are finalised.

Table 8: Table showing summary of recommended options and key considerations for roading related policies

	Recommended Option	Key Considerations
Community Initiated Infrastructure Roading Contribution (2015)	Continue with amendment	<ul style="list-style-type: none"> • Communities continue to make decisions about local road infrastructure. • Policy aligns with current legislation. • Policy will adhere to best practice. • Policy will ensure impartial consultation.
Dust Management Policy (2016)	Revoke	<ul style="list-style-type: none"> • Council follows best practice by streamlining policy instruments. • Cost effective as less resources required to review and refer to multiple policy instruments. • Increases clarity as financial assistance no longer applies.
Limits of Council Responsibility for Formation Maintenance of Roads Policy (2014)	Continue with amendment	<ul style="list-style-type: none"> • Policy strategically aligned with other Council policy instruments • More efficient use of resources with streamlined implementation.
Private Roads and Rights of Way Policy (1998)	Revoke	<ul style="list-style-type: none"> • Council follows best practice by streamlining policy instruments. • Cost effective as less resources required to review and refer to multiple policy instruments.
Road Maintenance Policy (1998)	Revoke	<ul style="list-style-type: none"> • Council follows best practice by streamlining policy instruments. • Cost effective as less resources required to review and refer to multiple policy instruments.
Road Mirrors Private Crossings Policy (2014)	Revoke	<ul style="list-style-type: none"> • Council adheres to best practice by not including operational matters in external policy instruments and not duplicating legislation.
Road Speed Limits Policy (2016)	Continue without amendment	<ul style="list-style-type: none"> • Policy sufficiently supports requests for road speed limit amendments. • Efficient use of resources to review policy once central government proposals are finalised.