

VEGETATION ON ROAD RESERVES

1. Introduction

- 1.1 The purpose of this Policy is to regulate vegetation on road reserves and includes wilding trees, ornamental and utility plantings, and cultivated crops
- 1.2 This Policy does not apply to State Highways.
- 1.3 This Policy shall apply from the date of its adoption by Council.

2. Law

- 2.1 Local Government Act 1974. 316. - Property in Roads
(1) Subject to section 318 of this Act, all roads and the soil thereof, and all materials of which they are composed, shall by force of this section vest in fee simple in the council of the district in which they are situated. There shall also vest in the council all materials placed or laid on any road in order to be used for the purposes thereof.
- 2.2 Local Government Act 1974. Section 357 - Damage to Roads
Every person commits an offence who, not being authorised by the Council, or by or under any Act, -
(a) Encroaches on a road by making or erecting any building, fence, ditch or other obstacle or work of any kind upon, over, or under the road, **or by planting any tree or shrub thereon.**
- 2.3 The Council has significant powers under the Local Government Act 1974 and Public Works Act 1981 to order the cutting down, lowering or trimming of trees on, overhanging or adjacent to road reserve.

3. Council Approval

- 3.1 Persons wishing to mow the road verge, for aesthetic or baling purposes, need not apply to Council for permission provided all of the requirements of this Policy are complied with.
- 3.2 Persons wishing to cultivate the road verge, or plant or remove any vegetation shall apply to the Council in writing for permission to do so. Appropriate conditions will be applied to each approval.
- 3.2 Approval shall be in the form of a letter of approval from the Council. The approval may be amended or revoked by the Council at any time. If revoked the applicant shall cease the activity being carried out and shall return the road reserve to its prior condition without compensation.
- 3.3 The approval will be granted in the name of the applicant who shall be personally responsible for ensuring all conditions of the approval are complied with.
- 3.5 Council approval must be granted before any physical works commence.

4. Mowing the Road Verge

- 4.1 Where the person wishing to mow of the road reserve is not the adjoining land owner he/she shall consult with the adjoining land owner.
- 4.2 The period of occupation for mowing purposes shall be one summer season.
- 4.3 The person carrying out the mowing shall be responsible for any damage done to reticulated services, survey marks, roading assets and other private property located on the road verge.
- 4.4 At the end of the occupation period the site shall be left in a tidy condition.

5. Cultivation of the Road Verge

- 5.1 'Cultivation' means the ploughing or drilling of the road verge to establish and harvest a crop.
- 5.2 Cultivation of the road reserve will only be permitted where the applicant also owns the adjoining land.
- 5.3 The period of occupation shall generally be limited to the period of one crop rotation.
- 5.4 The applicant shall contact all utility providers to determine the presence and location of underground services, (for example; power, telephone, water) and also land survey marks. The applicant shall be responsible for any damage done to underground services and survey marks.
- 5.5 At the end of the occupation period the site shall be smoothed, replanted in grass and left in a tidy condition..
- 5.6 The applicant shall be responsible for the control of scrub and noxious weeds during the period of occupation and for 12 months there-after.
- 5.7 All cultivation shall be carried out in such a manner so as to not interfere with surface water channels

and drains or cause damage to culverts, the roadway, or any other roading assets.

5.8 No cultivation shall extend within 3 metres of the edge of the carriageway.

6. Existing Trees on Road Reserve

6.1 All trees on road reserve are the property of the Council. Trees that have been planted by adjoining landowners with the approval of the Council shall be maintained and trimmed by the adjoining landowner in accordance with the conditions of approval or as otherwise directed by the Council.

6.2 Self propagating trees (wilding trees), for example, wild fruit trees, pines, willows, and sycamores are a nuisance and will generally be controlled or removed by the Council.

Good specimens of others species can make a worthwhile contribution to the landscape of the District and will be retained unless there is good reason for their removal, as listed below.

7. Removal of Trees from Road Reserve

7.1 The Council will remove trees from the road verge for the following reasons:

- 1 The trees are self-propagating species
 - 2 The trees are causing an actual or potential traffic hazard
 - 3 The trees are dead, dying, diseased, or have lost their aesthetic value.
 - 4 The trees promote icing of the road which is deemed to be a traffic hazard.
 - 5 The trees have become a danger to the public
 - 6 The trees interfere with reticulated services etc.
 - 7 The trees interfere with drainage channels, watercourse, streams or rivers.
 - 8 The trees are causing damage to public or private property.
 - 9 The trees interfere with the quality of life of adjoining land owners to an unreasonable extent.
- 7.2 No other person shall remove trees from the road reserve without the prior approval of the Council.

8. Planting of Trees on Road Verge

8.1 Only plantings that offer some aesthetic value will be considered. Self propagating species such as those on the Council's 'Prohibited Species List' shall not be permitted.

8.2 To avoid winter shading of the road, plantings will generally only be permitted on the southern side of sections of roads aligned within 45 degrees of an east-west line.

8.3 The applicant shall contact all utility providers to determine the presence and location of underground and overhead services, (for example; power, telephone, water) and also land survey marks. The applicant shall be responsible for any damage done to underground and overhead services and survey marks.

Note: Netcon Ltd. advises that trees must be trimmed when they come within a 4m vertical separation distance from power wires. If they become too close to the wires they must be trimmed by the network operator, at the applicants cost.

8.4 All plantings shall be a minimum of 5.0m from the road edge.

8.5 Plantings shall be of species with a mature height not exceeding 5.0m, and shall be spaced not closer than 5.0m apart.

8.6 Issues including, but not limited to, sight distance, distance from existing accessways, drainage, known safety concerns, and possible road upgrade plans shall be considered by the Council when considering applications.

9. Vegetation on Neighbouring Property that Causes a Nuisance

9.1 Trees and shrubs etc. situated on adjacent private property may be ordered by the Council to be cut down, lowered, or trimmed when they overhang or overshadow a road to such an extent that they cause damage to the road or obstruct use of the road or obstruct the maintenance of the road.

10. Noxious Weeds and Scrubs

10.1 The eradication of noxious weeds and scrub on road reserve, out to the centreline of the road, is the responsibility of the adjoining land owner. Should this not be carried out Environment Canterbury will instigate enforcement proceedings.

10.2 The Council may carry out weeds and scrub control on road reserves for road safety and maintenance purposes.

