

What's the Problem?

Fencing within Road Reserve and stock escaping can cause problems with pedestrians, vehicles and future development of the road.

How is it a problem?

A fence within the road reserve can cause problems with pedestrians forced into traffic by not having enough area to walk down footpaths or berms.

If a fence is too close to the edge of seal it can cause a serious problem with vehicles accidentally hitting the fence in the dark if they cut a corner.

If the fence is not correctly constructed it can cause a hazard by allowing stock to wander on to the road and be hit by a vehicle.

If the Council has emergency works or do road improvements, it can cause delays in getting the work done.

Problems for services - water, telecom, power, sewage etc



What can I do to prevent Possible Injury to Road Users & Pedestrians

When buying a property check the permanent fences are constructed on the legal boundary line.

Do not build any permanent or temporary fence, wall or building within the road reserve area without written permission from Council.

If you think a tree, hedge or fence is causing a visual problem, especially on corners, check with the Assets Management and Engineering Department for the height requirements.

Do not plant anything within the road reserve areas without permission from Council.

The temporary fence must be easy to be relocated (eg plastic warratah with electrical wire). No wooden or metal posts allowed.

Road Edge markers, sign posts or poles must not be used as part of the temporary fence.

Stock must be removed from the road reserve area at night-time.

Council reserves the right to charge lease on use of the road reserve area.

Council Policy

Encroachment of Fences on Road Reserve Policy
Adopted 9 October 1995:

Temporary Fences

In general, temporary fences are required to be located on the legal road reserve boundary. However dispensation may be granted by the Asset Manager on behalf of the Grey District council.

- [1] That a permanent fence is also provided closer to the road reserve Boundary.
- [2] That there is sufficient room between the permanent fence and the temporary fence for movement of stock and for grazing.
- [3] That the movement of stock between the permanent fence and the temporary fence does not interfere in a detrimental way with any of Council's facilities or services.
- [4] That the fence is provided to prevent stock wandering on to the road while a more permanent fence is being installed.
- [5] That the temporary fence is stock proof in that the fence shall prevent stock from wandering onto a road;
- [6] The temporary fence is installed no closer than (3) three metres from the edge of the top edge of the road formation;
- [7] Such approvals for temporary fences shall be granted subject to the landowner, and successors to the title, removing the temporary fence at the landowners expense at any future date if so required by Council;
- [8] Such approvals for temporary fences shall be conditional upon the landowners signifying in writing to the Council that they or their successors to title will be responsible for meeting any possible damages claim arising from the granting of the dispensation.

Do I really Need to do All This?

The answer to this is ... YES.

Why – Under the Local Government Act 1974:

Section 353 – General Safety provisions as to roads. The Council shall take all sufficient precautions for the general safety of the public and traffic and workmen employed on any road and, in particular shall:

- [c] Whenever the public safety or convenience renders it expedient, require the owner or occupier of any land not separated from a road by a sufficient fence to enclose the same by a fence to the satisfaction of the council.

Section 355 – Council may require removal of overhanging trees etc:

- [1] The Council may, by notice in writing, require that owner of any land abutting upon any road within the district to do any of the following acts:
 - [c] to remove, lower or trim to the satisfaction of the council any tree or hedge, or to lower any fence or wall, if in the opinion of the Council the tree, hedge, fence or wall is likely, by reason of its obstructing view, to cause danger to the traffic on that or any other road;



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Section 357 – Penalties for Damage to Roads:

- [1] Every Person commits an offence who, not being authorised by the Council 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 therein;

Benefits

You do not have to move the fence at a later date at your expense;

Valuable stock are safe and not injured or killed;

The Public are safe from wandering stock.

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Road Reserve



Temporary Fencing
within
Road Reserve
for
Stock Grazing