

# Councils Policy is ... Public Safety at All times

## What's the Problem?

Placing fences, structures and other facilities within road reserve can cause problems with pedestrians, vehicles and future development of the road including utilities.

## How is it a problem?

If a fence is not on the road reserve boundary it can cause problems with pedestrians forced into traffic by not having enough area to walk down footpaths or berms.

Also 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.

Hedges or vegetation and fences alongside the road reserve can cause problems by obstructing the vision of vehicles, especially on corners of intersections.

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.

Problem for services - water, Telecom, power, sewage etc.

## What can I do to prevent Possible Injury to Road users and Pedestrians?

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

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

Keep trees, hedges and vegetation neatly trimmed to the boundary line of the road reserve area.

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.

When planting trees, hedges or other vegetation check what their:

- final growth heights are;
- final width is;
- if the plant has an invasive root system which can get into pipes under the ground;
- if leaves can block drains.

**Check before planting them!**

**Do NOT plant anything within the Road Reserve Area without written permission from Council**

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

### Permanent Fences

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

To locate fence lines within road reserve in accordance with the following conditions:

- [1] The permanent fence is located no closer than three (3) metres from the edge of the top edge of the road formation;
- [2] Such dispensations shall be granted subject to the landowner, and any successors to title, relocating the fence at the landowners expense at any future date if so required by Council;
- [3] Any dispensation so granted will be conditional on the landowner signifying in writing to Council that they or their successors to title will be responsible for meeting any possible damages claimed 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;



The council may remove, lower, cut down, grub up, or trim as the case may be, any fence, wall, tree, hedge or plant to which subsection [1] of this section applies, after giving oral notice to the occupier, to the owner, of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land as if notice had been given under subsection [1] of this section and had not been set aside by a District Court.

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;

You can help your community by ensuring safe and efficient access for vehicles and pedestrians on road reserve.

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## Road Reserve

Permanent Fencing  
along Road Reserve Frontage  
(includes hedge, walls and tree lines)

