

# **Waitomo District Council**

## **Stock Underpass Policy**

---

First adopted:	28 May 2009
Document Number:	734005 Version Number 1.0.17
Review History:	October 2024
Date of Next Review:	(3 yearly) February 2028
Associated documents:	Stock Underpass Installation – Application Form, Memorandum of Encumbrance, Building Consent – Application Form
Responsibility:	General Manager - Infrastructure Services
Adopted by:	Council (25 February 2025)

# Contents

<b>INTRODUCTION   KUPU ARATAKI.....</b>	<b>4</b>
<b>PURPOSE AND SCOPE   TE ARONGA ME TE KORAHİ.....</b>	<b>4</b>
<b>DEFINITIONS   NGĀ WHAKAMĀRAMATANGA.....</b>	<b>4</b>
<b>POLICY   KAUPAPA HERE .....</b>	<b>5</b>
1. Policy principles .....	5
2. General Conditions .....	5
3. General Construction Requirements.....	6
4. Backfilling.....	7
5. Road Sealing .....	7
6. Roadside Barrier Rails.....	7
7. Fencing, Roadside Stock Control and Barriers.....	8
8. Funding .....	8
9. Memorandum of Encumbrance .....	8
10. Application Process.....	9
11. Appendices .....	9
12. References .....	9

## INTRODUCTION | KUPU ARATAKI

Waitomo District Council (WDC) owns 459.2km of sealed roads and 546.5km of unsealed roads in the district (this does not include areas of paper road). As the land and the airspace above it is owned by the Waitomo District Council, any person who seeks to install a stock underpass will require authorisation from the Council (the landowner).

The need for the policy is to ensure installation of stock underpasses are designed and installed to the required standard meeting to withstand traffic loading, road safety and engineering requirements. This policy describes the terms and conditions and process to obtain authorisation and the Council's criteria to approve the stock underpass application and grant the required building consent.

Key legislation applicable to the policy are –

- Section 10 of the Local Government Act 2002 – this enables the Council to meet the current and future needs of communities for good quality local infrastructure.
- Local Government Act 1974 – this gives Councils general powers in respect of roads
- This policy supports Waitomo District Council's Land Transport Bylaw 2024 as the regulatory requirement for encroachment licences in Waitomo District.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

### Purpose

To provide a framework for clarifying the requirements for stock underpasses on local roads and enable a streamlined process in management of stock underpasses in the Waitomo District.

### Scope

1. This policy applies to any proposed stock underpass under all local roads within the Waitomo District.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

**Approval** means approved in writing by an authorised officer of Waitomo District Council

**Council** means the Waitomo District Council.

**Legal Road** has the same meaning as road in the Local Government Act 1974 (Section 315). In short, it covers the total area of land between road and adjoining property boundaries including:

- carriageway (formed road intended for vehicles)
- footpath including kerb and channelling, bridges gates, drains and other places within legal road intended for use by the public

- cycle ways and cycle paths
- land that is legally designated as road but is not currently formed as carriageway or footpath (road corridor, unformed or paper road)
- subsoil below the legal road
- airspace above the legal road

**Road** has the meaning given to it by Part 1 section 2 of the Land Transport Act 1998.

**Stock** includes any cow, bull, ox, heifer, steer, sheep (includes any ram, ewe, wether, lamb) goat or kid, horse, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind, but excludes any animal that is under harnessed control.

**Stock Underpass** A structure constructed to permit passage of stock beneath a road.

## POLICY | KAUPAPA HERE

### 1. Policy principles

- 1.1. Waitomo District Council as the landowner of legal roads has the discretion to consent to a stock underpass. Nothing in this policy requires Council to grant or decline an underpass application.

#### Guidance note:

An applicant intending to install a stock underpass that crosses under a Council road is advised, in the first instance, to contact the Roding Manager, Waitomo District Council, PO Box 404, Te Kuiti, telephone (07) 878 0800 to make an appointment to inspect the likely site. An early indication of Council's requirements will be established, and this will assist in the official application for the installation of a stock underpass. A standard application form has been developed for this purpose (attached at Appendix A).

The initial site inspection and processing of the application form and approval of concept construction drawings will be undertaken free of charge.

### 2. General Conditions

- 2.1 A building consent is required for the underpass structure. This must be applied for with WDC Building Control through the online building consents system Objective Build and has a 20 working day processing timeframe.
- 2.2 A formal application on the attached form (Appendix A), together with plans and specifications detailing the proposal shall be submitted to the General Manager – Infrastructure Services, Waitomo District Council, PO Box 404, Te Kuiti, for approval.

- 2.3 A one month approval period shall be allowed for within the applicant's programme. The applicant shall be responsible for making sure all of the requirements for the building consent and underpass application are met.
- 2.4 During the course of all works within the road reserve the applicant is responsible for making good at own cost all damage to and refund Council the costs of subsequent reinstatement of services.

### **3. General Construction Requirements**

- 3.1 The underpass shall be designed so that the minimum cover retained over the top of the structure below the road surface is not less than 400mm.
- 3.2 The minimum length of an underpass at right angles shall be 12 metres, with at least a 3 metre clearance to be maintained between the edge of seal and the end of the underpass on each side. The minimum length is set at 6 metres either side of the road centreline. Therefore if an underpass does not run perpendicular to the road centreline the minimum length shall be increased to gain the full 6 metre clearance.
- 3.3 However, where the centreline of a formed road does not correspond with the centreline of the road reserve, it will be treated on its own merits and the final length of the structure shall be as approved by the Roding Manager.
- 3.4 Each application will be dealt with on its own merits, with the final total length of a stock underpass being determined by the following factors:
- Roding hierarchy
  - Sealed or unsealed road
  - Seal width
  - In-situ soil conditions
  - Construction of wingwalls
  - Roadside drainage requirements
  - Traffic safety/ risk assessment
  - Any other factors Council deems necessary for consideration in order to ensure the structural integrity of the road.
- 3.5 In the case of a sealed road the trafficked road shall comprise the width of the seal.
- 3.6 Where the road is unsealed a carriageway of 6 metres shall be allowed for.
- 3.7 A full design specification for the underpass shall be submitted with accompanying confirmation by a chartered professional engineer that the design is adequate to withstand applied traffic loads and other normal applied loads. The stock underpass structure shall at minimum be capable of carrying maximum Class I traffic loadings.
- 3.8 Supply and installation shall be carried out as per manufacture's specifications, plans and producer statement for the structures used to form the underpass.
- 3.9 Tests (at the applicant's expense) shall be carried out by a chartered engineer on the subgrade prior to the placement of the units or pipes to ensure that the bearing capacity complies with the design requirements and the results submitted to Council with the final as-built plans.
- 3.10 The groundwater level shall be below the invert level of the structure at all times during construction.
- 3.11 The excavation and installation of the underpass shall be carried out by a competent contractor familiar with NZTA specifications, safety procedures and relevant health and safety legislation which shall all be adhered to.
- 3.12 Council will consider temporary road closure for one day if warranted. All costs associated with temporary road closure including detour signing to Council's approval and the payment of newspaper advertising will be the applicant's responsibility. The contractor/applicant shall submit a Traffic Management Plan to the Roding Manager for approval, 10 working days prior to work commencing.

- 3.13 Before any work commences within the road reserve a completed and signed Memorandum of Encumbrance (refer attachment). The Encumbrance will include any further conditions that Council may wish to apply. Approval for proceeding with construction will be given in writing.
- 3.14 The applicant shall obtain all resource and building consents required for the installation of the underpass eg; disposal of stormwater etc, at their own expense. No construction will be allowed to proceed until all such consents have been obtained.
- 3.15 The site shall be signed and fenced as per the NZTA's Code of Practice for Temporary Traffic Management (CoPTTM) i.e., Road Works, Temporary 30 km/hr, Metal Surface Signs, etc, until all works on the road have been completed.
- 3.16 Drainage with sufficient capacity to drain the underpass shall be installed at the site.
- 3.17 The structures installed shall take into account the likely scouring of fill batters, and shall provide protective work (e.g. wingwalls) to prevent or minimize the effects of the scouring and subsequent damage to the road.
- 3.18 The installation contractor shall provide a producer statement (PS4) confirming on completion of all works that installation complies with all conditions laid down in the plan and specifications.
- 3.19 Upon satisfactory completion of the stock crossing, the applicant agrees to maintain the structure, drainage and fencing, and agrees to undertake the requisite cleaning and maintenance of the underpass invert. The application shall maintain the reinstated carriageway for a period of 12 months from the date of the final reinstatement whereafter normal carriageway maintenance will revert to Council.

#### **4. Backfilling**

- 4.1. Backfill shall be imported material comprising well-graded aggregate free of organic material and generally with a maximum particle size of 65mm. In no case shall excavated material be used as backfill except with express written permission of the Roding Manager.
- 4.2. Backfill shall be placed in level layers no greater than 300mm of uncompacted thickness. Appropriate mechanical compaction shall be applied evenly to each layer before process to the next layer. Excavation of the road shall be wide enough to ensure compaction plant can access and compact the material surrounding the underpass satisfactorily.
- 4.3. Backfill shall only be placed by the applicant to a level and compacted, 400mm below the adjacent sealed surface. The road construction above this level shall be done by a Council Approved Contractor and shall at minimum be identical in design to the surrounding road. The proposed road design has to be submitted to the Roding Manager for approval.

#### **5. Road Sealing**

- 5.1. All reinstatement of the road surface shall be at the cost of the applicant.
- 5.2. Reinstatement of the road surfacing to a standard comparable to that of the site prior to excavation shall be done by a Council approved contractor. All joints are to be sawcut to ensure smooth transitions.

#### **6. Roadside Barrier Rails**

- 6.1. The applicant shall, at the time of construction, install barrier rails sufficient to warn approaching traffic of the hazard, identify the position of the underpass and reduce the possibility of vehicles leaving the road and dropping into the openings adjacent to the road.

The end of the barriers shall also be marked with bridge end hazard markers approved by the Council.

## **7. Fencing, Roadside Stock Control and Barriers**

- 7.1. Adequate fencing and gates shall be supplied and installed by the applicant to control stock movements when entering and leave the underpass and prevent the escape of stock onto the roadside.
- 7.2. All costs associated with the installation and maintenance of this fencing within the road reserve shall lie with the applicant and work shall be done to ensure stock control is maintained to the satisfaction of the Council at all times.
- 7.3. This work will also include the provision of all required sight rails and Armco barriers as determined by the Roading Manager.

## **8. Funding**

- 8.1. Stock underpasses are a qualifying activity within the Work Category 341, however they are not a priority in the GPS (Government Policy Statement on land transport) 2024.
- 8.2. WDC's 341 works programme does not currently include Stock Underpass installations, therefore no funding is available through Council.
- 8.3. The GPS and Council work programmes are reviewed every 3 years.
- 8.4. Each application will be treated on its own merits and granting of such subsidies will depend on the amount of funding available and the current GPS.
- 8.5. Financial assistance will be based on NZTA Programme & Funding Manual and in order to qualify for such consideration, NZTA requires the form of structure not exceed the cost of an equivalent 3.0m x 2.2m box structure (unless specifically approved by NZTA). Thus, maximum allowable funding will be based on the NZTA equivalent structure.
- 8.6. Funding will be based on the NZTA formula, for example:

Controlling Authority Share (CAS) =  $0.05 \times t$  (on roads having less than 500 Annual Average Daily Traffic (AADT)) where:

- CAS = maximum subsidy of 25% (on roads have greater than or equal to 500 AADT)
- CAS = road controlling authority's contribution to the total construction cost of an access structure on an existing road (in percent)
- $t$  = annual average daily traffic volume of the road in question

## **9. Memorandum of Encumbrance**

- 9.1. It is a requirement that a Memorandum of Encumbrance be registered on the titles of the affected properties. The Memorandum of Encumbrance is to include the following information:
  - Legal description of the properties
  - Type of stock underpass (pipe, precast box etc)
  - Construction material (concrete, steel etc)
  - Dimensions of structure
  - Depth of cover over the structure



- Design loading data
- Location (road, rapid no.)

9.2. All costs relating to the registration of the Memorandum of Encumbrance are the responsibility of the applicant.

## 10. Maintenance

10.1. Any repairs to the stock access structure may be included in work category 114: Structures maintenance. However, at a minimum, the landowner will be responsible for the cost of:

- maintenance of the track through the structure
- associated drainage and fencing
- the repair of any damage to the structure caused by the landowner’s use or activity.

## 11. Application Process

1. Submit a completed application form. Application forms are available on the Council’s website.
2. Application with adequate information to assess the proposed underpass, for example – relevant plans and site photos.
3. Council acknowledges the application and may request additional information.
4. Council inspects the proposed underpass site.
5. Council sends a letter granting or declining the installation of the underpass subsequent to any building or resource consents and traffic management plans.
6. The applicant must, if they have not already, obtain any required regulatory consents. Note, construction cannot start until all consents are granted and traffic management plans approved.

## 12. Appendices

1. Appendix A - Stock Underpass Installation – Application Form.
2. Appendix B – Memorandum of Encumbrance.

## 13. References

Local Government Act 1974 section 357 (1)(a)	<a href="https://www.legislation.govt.nz/act/public/1974/0066/latest/DLM420720.html">https://www.legislation.govt.nz/act/public/1974/0066/latest/DLM420720.html</a>
Local Government Act 2002 section 10	<a href="https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171803.html">https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171803.html</a>
Waitomo District Council’s Land Transport Bylaw	<a href="https://www.waitomo.govt.nz/council/publications/bylaws/">https://www.waitomo.govt.nz/council/publications/bylaws/</a>
Waitomo District Council’s Public Places Bylaw	<a href="https://www.waitomo.govt.nz/council/publications/bylaws/">https://www.waitomo.govt.nz/council/publications/bylaws/</a>