

SOUTH WAIRARAPA DISTRICT COUNCIL

26 AUGUST 2015

AGENDA ITEM C5

REPORT ON POLICY ON NAMING OF PUBLIC ROADS, PRIVATE ROADS AND RIGHTS-OF-WAY

Purpose of Report

To report on proposed changes to the Policy on Naming of Public Roads, Private Roads and Rights-of-Way.

Recommendations

Officers recommend that the Council:

1. *Receive the report.*
2. *Amend the Policy on Naming of Public Roads, Private Roads and Rights-of-Way as set out in section "2. Recommendations" of this report.*

1. Background and Discussion

The South Wairarapa District Council is responsible for naming roads and under its current policy, right of ways serving more than four sites.

A consistent and considered approach is needed when naming roads in the District.

Roads are named to ensure ease of identification for the Council, the public, and especially key service providers such as emergency response organisations (police / fire / ambulance), and postal and utility services.

The Council is empowered to name roads under Sections 319 and 319A of the Local Government Act of 1974 (LGA 1974).

The "Policy on Naming of Public Roads, Private Roads and Rights-of-Way" (the Policy) includes naming of all rights of ways (ROWS) with more than four users. The provision of a name and sign post has been included as a condition of subdivision consent where a ROW with more than four users has been created.

This has been a straightforward process when all the lots using the right of way are created by the same subdivision.

Council has recently had a scenario where a 5th lot was added to an established right of way through a later subdivision. A consent condition in line with Council's policy was added to the subdivision consent requiring the ROW to be named.

However the existing users of the right of way have raised objections to the ROW being named, stating that changing their address will cause major inconvenience.

It is their preference for the ROW to remain unnamed.

The residents also raised concerns over not being consulted regarding the introduction of a ROW name, or the name itself.

The developer has since advised that it is their preference that the right of way is not named in accordance with the wishes of the existing users.

In investigating this issue, officers have realised that sections 319 and 319A of the LGA 1974 refer to naming roads only. Privately owned ROWs do not meet the definition of a road in the LGA 1974 (see LGA 1974's s319 and s319A and definition of road attached at Appendix 2).

Council therefore does not have the statutory right to impose a ROW name where it is not offered by the applicants.

Also there are parts of the Policy which suggest that the naming of ROWs with more than four users is optional which is consistent with the law and other parts which suggest it is compulsory, which is contrary to law.

Guidelines: General, 4.1.3 of the Policy states;

"The Council will actively promote the formal naming of existing unnamed (or informally named) public or private roads and any rights-of-ways that serve more than four lots".

This appears to suggest that naming ROWs with more than four users is encouraged but optional.

Purpose: 2.0 of the Policy includes;

*"The policy also includes areas that **require** an official address for identification purposes such as private rights-of-way serving more than four lots." [Emphasis added]*

Definitions: 3.0 under "Rights-of-Way (Private Way)" includes;

*"Rights-of-Ways are not maintained by the Council but those rights-of-ways that serve more than four lots **shall** be formally named for the reasons set out in Sections 1.0 and 2.0 of this Policy." [Emphasis added]*

Guidelines: Procedure for Naming Roads, 4.2.2 includes;

"To assist Council in assigning a name, an application for subdivision consent where a road or rights-of-way serving more than four lots is

*proposed **shall** include three possible road names to Council for consideration and approval.* [Emphasis added]

2. Recommendations

- a. That the Policy on Naming of Public Roads, Private Roads and Rights-of-Way be amended as below;

Purpose: 2.0 of the Policy includes;

"The policy also includes areas that would benefit from require an official address for identification purposes such as private rights-of-way serving more than four lots."

- b. Definitions: 3.0 under "Rights-of-Way (Private Way)";

"Rights-of-Ways are not maintained by the Council but those rights-of-ways that serve more than four lots may shall be formally named for the reasons set out in Sections 1.0 and 2.0 of this Policy."

- c. Guidelines: Procedure for Naming Roads, 4.2.2 includes;

"To assist Council in assigning a name, an application for subdivision consent where a road ~~or rights-of-way serving more than four lots~~ is proposed to be named shall include three possible road names to Council for consideration and approval."

"For rights of way serving more than four lots where it is proposed to name the right of way, the users of the right of way shall jointly submit an agreed proposed name which shall be adopted by Council subject only to the guidelines for the selection of new road names being satisfied".

3. Appendices

Appendix 1 - s319, s319A, and Definition of Road from Local Government Act 1974

Appendix 2 - Policy on Naming of Public Roads, Private Roads and Rights-of-Way (as recommended to be amended)

**Appendix 1 - s319, s319A,
and Definition of Road from
Local Government Act 1974**

Formation, alteration, stopping, and closing of roads

Heading: inserted, on 1 April 1979, by section 2 of the Local Government Amendment Act 1978 (1978 No 43).

319 General powers of councils in respect of roads

- (1) The council shall have power in respect of roads to do the following things:
- (a) to construct, upgrade, and repair all roads with such materials and in such manner as the council thinks fit:
 - (b) *[Repealed]*
 - (c) to lay out new roads:
 - (d) to divert or alter the course of any road:
 - (e) to increase or diminish the width of any road subject to and in accordance with the provisions of the district plan, if any, and to this Act and any other Act:
 - (f) to determine what part of a road shall be a carriageway, and what part a footpath or cycle track only:
 - (g) to alter the level of any road or any part of any road:
 - (h) to stop or close any road or part thereof in the manner and upon the conditions set out in section 342 and Schedule 10:
 - (i) to make and use a temporary road upon any unoccupied land while any road adjacent thereto is being constructed or repaired:
 - (j) to name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road:
 - (k) to sell the surplus spoil of roads:
 - (l) for the purpose of providing access from one road to another, or from one part of a road to another part of the same road, to construct on any road, or on land adjacent to any road, elevators, moving platforms, machinery, and overhead bridges for passengers or other traffic, and such subways, tunnels, shafts, and approaches as are required in connection therewith.
- (2) Before exercising a power under this section to do anything that will or is likely to interfere with any pipe, line, or other work associated with wastewater or the supply of water, electricity, gas, or telecommunications, the council must give not less than 10 working days' notice in writing of the proposed interference to the owner of the pipe, line, or other work, except in the case of any emergency or danger.

Compare: 1954 No 76 s 170(4)(a)–(h), (j), (l)–(o); 1956 No 64 s 191A(5)(a)–(h), (j), (l)–(o); 1972 No 132 s 2

Section 319: inserted, on 1 April 1979, by section 2 of the Local Government Amendment Act 1978 (1978 No 43).

Section 319(a): amended, on 30 March 1985, by section 39(1) of the Local Government Amendment Act 1985 (1985 No 60).

Section 319(b): repealed, on 30 March 1985, by section 39(1) of the Local Government Amendment Act 1985 (1985 No 60).

Section 319(e): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 319(2): inserted, on 6 August 2010, by section 27 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

319A Naming of roads

If the council names any road for the first time, or alters the name of a road, the council must as soon as practicable send a copy of the relevant resolution to the Registrar-General of Land and the Surveyor-General.

Section 319A: replaced, on 7 July 2004, by section 5 of the Local Government Act 1974 Amendment Act 2004 (2004 No 64).

319B Allocation of property numbers

- (1) For electoral, postal, and other purposes the council may allocate a number to any area of land or building or part of a building within its district and may change the number allocated to any such area of land or building.
- (2) The council shall comply with any request from a Chief Surveyor to allocate a number to or change the number of any area of land or building or part of a building in its district.
- (3) The principal administrative officer shall advise the Chief Surveyor of the land district in which the land or building is situated of the numbers allocated under subsection (1) or subsection (2).

Section 319B: inserted, on 30 March 1985, by section 29 of the Local Government Amendment Act 1985 (1985 No 60).

320 Powers relating to roads

[Repealed]

Section 320: repealed, on 7 July 2004, by section 6 of the Local Government Act 1974 Amendment Act 2004 (2004 No 64).

321 Road access

[Repealed]

Section 321: repealed, on 1 August 2003, by section 98(1) of the Resource Management Amendment Act 2003 (2003 No 23).

321A Roading contributions as condition of approval of scheme plan

[Repealed]

Section 321A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

312 Savings as to previous approvals

[Repealed]

Section 312: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

313 Code of urban subdivision

[Repealed]

Section 313: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

314 Registration of company leases and cross leases

[Repealed]

Section 314: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Part 21**Roads (other than regional roads), service lanes, and access ways**

Part 21: inserted, on 1 April 1979, by section 2 of the Local Government Amendment Act 1978 (1978 No 43).

315 Interpretation

(1) In this Part, unless the context otherwise requires,—

access way means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve

council means a territorial authority; and, in relation to land that does not form part of any district, means the Minister of Local Government

district means the district of a territorial authority; and, in relation to land in respect of which the Minister of Local Government is the council, means that land

footpath means so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof

private road means any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this Part, by the owner thereof, but intended for the use of the public generally

private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain

persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district

road means the whole of any land which is within a district, and which—

- (a) immediately before the commencement of this Part was a road or street or public highway; or
- (b) immediately before the inclusion of any area in the district was a public highway within that area; or
- (c) is laid out by the council as a road or street after the commencement of this Part; or
- (d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- (e) is vested in the council as a road or street pursuant to any other enactment;—

and includes—

- (f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;
- (g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989

service lane means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land

survey plan has the same meaning as in the Resource Management Act 1991.

- (2) *[Repealed]*
- (3) Nothing in this Part shall be construed as imposing any obligation on the council in relation to any private road or private way.
- (4) Every accretion to any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake caused by the action of the river or stream or of the sea or lake shall form part of the road.

- (5) Where any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake is eroded by the action of the river or stream or of the sea or lake, the portion of road so eroded shall continue to be a road.

Compare: 1948 No 39 s 2; 1954 No 76 s 169(1)(a)–(e), (2), (5), (7); 1956 No 64 s 191(a)–(e), (g)–(k); 1972 No 132 s 2; 1975 No 8 s 2(1)

Section 315: inserted, on 1 April 1979, by section 2 of the Local Government Amendment Act 1978 (1978 No 43).

Section 315(1) **access way**: amended, on 1 April 1988, by section 15(a) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **council**: amended, on 1 April 1988, by section 15(b) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **council**: amended, on 14 January 1983, by section 28(1) of the Local Government Amendment Act (No 2) 1982 (1982 No 166).

Section 315(1) **district**: amended, on 1 April 1988, by section 15(c) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **private road**: amended, on 30 March 1985, by section 39(1) of the Local Government Amendment Act 1985 (1985 No 60).

Section 315(1) **regional council**: repealed, on 1 July 1992, by section 34 of the Local Government Amendment Act 1992 (1992 No 42).

Section 315(1) **road**: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 315(1) **road**: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 315(1) **road paragraph (f)**: amended, on 1 April 1988, by section 15(d) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **road paragraph (f)**: amended, on 12 December 1979, by section 7(1) of the Local Government Amendment Act 1979 (1979 No 59).

Section 315(1) **scheme plan**: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 315(1) **service lane**: amended, on 1 April 1988, by section 15(e) of the Local Government Amendment Act 1988 (1988 No 71).

Section 315(1) **survey plan**: replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 315(2): repealed, on 1 April 1980 by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

316 Property in roads

- (1) Subject to section 318, 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) At the request of the New Zealand Transport Agency, a council may accept or relinquish its property, or any part of its property, in a State highway.
- (3) If a council acts under subsection (2),—

**Appendix 2 - Policy on
Naming of Public Roads,
Private Roads and Rights-of-
Way (as recommended to be
amended)**

Policy on Naming of Public Roads, Private Roads and Rights-of-Way

1.0 RATIONALE:

The South Wairarapa District Council is responsible for naming roads within its boundaries. A consistent and comprehensive approach is needed for naming of roads in the District. Roads are named to ensure ease of identification for the Council, the public and key services such as emergency, postal and utility services. The Council is empowered to name roads under Section 319A of the Local Government Act of 1974. The procedures under which the Council wishes to achieve the abovementioned objectives are defined below.

2.0 PURPOSE:

To set out guidelines and standards relating to the naming of public roads, private roads and rights-of-ways in the South Wairarapa District. The Council's policy will apply to new or unnamed roads, both public and private, including roads with existing names that may be locally, but not officially, recognized and will also apply to proposals to change the name of an officially named road. The policy also includes areas that *would benefit from* ~~require~~ an official address for identification purposes such as private rights-of-way serving more than four lots. This policy is critical for correct addressing, which is used by emergency services, making our community safer.

3.0 DEFINITIONS (for purposes of this Policy only):

Road – A generic term that for the purposes of this policy only encompasses public roads, private roads and rights-of-ways that serve more than four lots.

Private Road – any roadway, place or arcade laid out on private land by the owner thereof intended for the use of the public generally. Private roads are not maintained by the Council but shall be formally named for the reasons set out in Sections 1.0 and 2.0 of this Policy.

Public Road – Any road open to public travel that is under the jurisdiction of and maintained by the Council.

Rights-of-Way (Private Way) - An easement, a privilege to pass over the land of another, whereby the holder of the easement acquires a reasonable and usual enjoyment of the property, (normally the right to pass and re-pass) and the owner of the land retains the benefits and privileges of ownership consistent with the right of way easement. Rights-of-ways are not maintained by the Council but those rights-of-ways that serve more than four lots *may shall* be formally named for the reasons set out in Sections 1.0 and 2.0 of this Policy.

Suggested Suffixes – Terms such as “road”, “street”, “lane” etc. are to be used in circumstances appropriate to the physical situation, with the following suffix definitions acting as a guide:

Avenue	A wide straight road planted with trees on either side
Boulevard	A wide, main road, often planted with rows of trees
Circle	A street surrounding a circular or oval shaped space
Common	A street with a reserve or public open space along one side
Court	A short enclosed road, i.e. a cul-de-sac
Crescent	A crescent shaped street, generally with both ends intersecting the same street
Crest	A road running along the top or summit of a hill
Cul-de-sac	A short enclosed road
Drive	An especially scenic road or a main connecting route in a subdivision
Glade	A tree covered street or passage between streets
Green	As for Common, but not necessarily bounded by a reserve
Grove	A road that often features a group of trees standing together
Heights	A road traversing high ground
Lane	A narrow road
Lookout	A road leading to or having a view of fine natural scenery
Parade	A public promenade or road
Place	A short, sometimes narrow road
Ridge	A road along the top of a hill
Rise	A road going to a higher place of position
Road	A route between places, general usage
Row	A road with a line of professional buildings on either side
Street	A road that usually has houses on both sides
Track	A narrow country street that may end in pedestrian access
View	A road commanding a wide panoramic view across the surrounding areas
Way	A narrow road, often synonymous with lane

4.0 GUIDELINES:

4.1 GENERAL

- 4.1.1 The naming of roads provides a unique address to enable a property to be identified for power, telephone, mail and emergency services.
- 4.1.2 The Council is responsible for naming roads.
- 4.1.3 The Council will actively promote the formal naming of existing unnamed (or informally named) public or private roads and any rights-of-ways that serve more than four lots.
- 4.1.4 All approved road and rights-of-way names, both public and private, will be recorded in the Council’s GIS system and flagged as a public road, private road or rights-of-way.
- 4.1.5 This Policy will be reviewed and amended from time to time.

4.2 PROCEDURE FOR NAMING ROADS

- 4.2.1 Applications for naming all roads that are created or extended as part of a subdivision are required to be submitted as part of the resource consent process.

- 4.2.2 To assist Council in assigning a name, an application for subdivision consent where a road ~~or rights-of-way serving more than four lots~~ is proposed to be named shall include three possible road names to Council for consideration and approval. For rights of way serving more than four lots where it is proposed to name the right of way, the users of the right of way shall jointly submit an agreed proposed name which shall be adopted by Council subject only to the guidelines for the selection of new road names being satisfied.
The names should be listed in order of preference with a brief statement of their significance. The applicant must also submit a concept/survey plan identifying the road, and pay the appropriate fee.
- 4.2.3 Once Council receives the application, it will check the suitability of the preferred and alternative names against its Policy.
- 4.2.4 The road naming application will be submitted to the relevant Community Board for a recommendation prior to consideration and decision by Council. The final decision to approve the name shall remain at the discretion of Council.
- 4.2.5 The Council will approve, amend or decline the name by way of a formal resolution adopted by Council.
- 4.2.6 Council will advise the applicant in writing of the decision.
- 4.2.7 Council will ensure that the road naming process is completed and the signs are installed at no cost to Council before the Section 224C certificate is prepared for issue. Performance bonds will not be accepted.
- 4.2.8 Applications for naming of existing roads are required to be submitted to the Council's Chief Executive Officer. The Council will consider and make a decision on the road name application and will follow steps 4.2.3 to 4.2.5.
- 4.2.9 The Council also requires to be consulted for naming of existing private roads and rights-of-way to ensure that a current or proposed name complies with Council policy and the various agencies to be informed are appropriately advised.
- 4.2.10 Applications for private road and rights-of-way names are to be submitted to the Council on a standard form that is available from the Council office after consideration by officers. Such applications will be submitted to the Council for the adoption of a name, or names.
- 4.2.11 Immediately after Council approves the name of any road, the Council will advise Land Information NZ, Quotable Value, Council's rating and GIS departments and all emergency services in the area of the name of the road.

4.3 GUIDELINES FOR THE SELECTION OF NEW ROAD NAMES

- 4.3.1 There must not be another road with the same name in the South Wairarapa District emergency services area; this includes same road names with a different suffix. However, existing roads with the same names as of the date of adoption of this Policy are allowed.
- 4.3.2 Identical names with different spellings will not be accepted (e.g. Beach, Beech).

- 4.3.3 The name should have significant local content or meaning.
- 4.3.4 Names are to be selected in proportion to the length of the road. Long names on short cul-de-sac's can be difficult to display on a map.
- 4.3.5 The end name for the roadway should be the one that most accurately reflects the type of roadway that it is.
- 4.3.6 All private roads and rights-of-ways serving more than four lots are to have the suffix "Lane" or "Way".
- 4.3.7 Where the road is a continuation of an existing named road, or will in the future link to an existing named road, then the current road name will automatically apply.
- 4.3.8 Names are entirely at the discretion of Council, whether for policy reasons or for other considerations.

4.4 CHANGING EXISTING ROAD NAMES

- 4.4.1 Where there is uncertainty about a road name, generally the most recently gazetted name will be the officially recognized name for the road.
- 4.4.2 A name change will only be made if the Council considers that the change will result in a clear benefit to the community. Reasons for changing road names may include:
 - To correct the spelling
 - To eliminate duplication in spelling or sound
 - To clarify a situation where more than one name is used for a road
 - To make geographical corrections
 - To assign different names to separate ends of a road with a permanently impassable section somewhere along the length
- 4.4.3 Where a road name is requested to be changed, a significant majority of residents and owners along the road must support the proposed change. The applicant shall also provide any history relating to the existing street name. The road name change report shall be presented to the relevant Community Board for comment prior to the Council meeting. However, the final decision to allow a road name to be changed and the new name of the road is always at the discretion of the Council.

4.5 SIGNAGE

- 4.5.1 If Council approves the name of a road as part of a subdivision, a standard Council road sign shall be created and erected at the applicant's expense. This requirement will usually be a Section 224 condition of resource consent.
- 4.5.2 Street signs on private roads and rights-of-ways must have the word "Private" under the street name and the applicant is required to pay for the sign, its installation and maintenance.
- 4.5.3 Repair, maintenance or replacement of any road sign for a private road or rights-of-way will not be at Council's expense.
- 4.5.4 Council will provide and erect nameplates and posts for existing public roads that are newly named (not part of a recent subdivision).

- 4.5.5 Council will maintain all road signs on public roads.
- 4.5.6 Where appropriate, and at the discretion of Council, when signage for a road that has a significant historic name is to be replaced, a sign plate may be erected that identifies the historic significance of the name.