

# WAIMAKARIRI DISTRICT VEHICLE CROSSING BYLAW 2019

This Vehicle Crossing Bylaw 2019  
was adopted at a Council meeting held on  
4 June 2019



Chief Executive



Governance Manager



**June 2019**



# Waimakariri District Draft Vehicle Crossing Bylaw 2019

## 1 General

### 1.1 Introduction

1.1.1 This Bylaw may be cited as the Waimakariri District Vehicle Crossing Bylaw 2019.

1.1.2 This Bylaw supersedes the Waimakariri District Vehicle Crossing Bylaw 2007 and comes into force on 4<sup>th</sup> June 2019.

1.1.3 This Bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by section 145 of the *Local Government Act 2002*.

1.1.4 Before making this Bylaw, Council was satisfied that those matters listed in section 147A(3) of the *Local Government Act 2002* apply.

### 1.2 Objectives

The objective of the Bylaw is to ensure that vehicle crossings (entranceways) provide safe and convenient access to property:

- (a) allowing for other traffic and pedestrians.
- (b) allowing for good drainage without damaging the roading asset.
- (c) are constructed and maintained in a timely and safe manner to the Council's specifications
- (d) Protect future property owners

### 1.3 Definitions

For the purposes of this Bylaw the following definitions shall apply:

**Berm** has the meaning a grassed, soil or metal area between the road carriageway and the property boundary, and includes road verges in rural areas.

**Bylaw** means this bylaw as altered, varied or amended from time to time.

**Council** means the Waimakariri District Council.

**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 but excludes the kerb and channel

**Significant Building** means any building; or any other structure with a floor area to, or greater than, 10 m<sup>2</sup> (ten square metres) that requires a building consent under the Building Act 2004; or that requires the use of more than 3 m<sup>3</sup> {three cubic metres) of concrete.

**Vehicle Crossing** means the area within public road or other public land from a road carriageway to a property boundary intended for use by vehicles accessing the property.

**Vehicle Crossing Permit** means the written approval issued by the council detailing the standards and conditions that are required to install the Vehicle Crossing.

Words implying the singular include the plural and vice versa.

## **2 Vehicle Crossings**

- 2.1** All properties for which it is anticipated that vehicle access will occur directly from the roadway will require a vehicle crossing.
- 2.2** Where an application is made to construct a significant building, then an application for a vehicle crossing permit must be made before the vehicles begin to access the property, unless a complying vehicle crossing already exists.
- 2.3** Where an application for a vehicle crossing permit must be made, it shall be made using the standard Council application form and shall include all necessary details as requested.
- 2.4** The Council may from time to time set either deposits or inspection fees to be paid. These must be paid at time of application for a vehicle crossing permit.
- 2.5** Except for emergency services vehicle access, vehicles must not access the property until the vehicle crossing permit has been approved by the Council, and then only in a manner approved by the vehicle crossing permit.
- 2.6** The vehicle crossing must be installed to the standards and conditions as detailed in the vehicle crossing permit, and all costs shall be borne by the landowner whose land is accessed via the vehicle crossing.
- 2.7** Any removal or relocation of street trees must be done in accordance with the Street and Reserve Trees Policy 2017.
- 2.8** The Council will accept responsibility for the ongoing maintenance of that portion of the vehicle crossing that crosses a footpath, after the 12 month maintenance period as detailed in the vehicle crossing permit has expired.
- 2.9** The landowner will be responsible for the maintenance of all other portions of the vehicle crossing. However where the Council are replacing the kerb and channel for asset renewal purposes or upgrading footpaths, Council may, at its discretion replace the vehicle crossing at no cost to the landowner whose land is accessed.
- 2.10** Notwithstanding clause 2.1, existing properties that do not have a vehicle crossing do not require one to be installed unless Council determines there is a traffic or pedestrian safety issue, or there is impediment to good drainage, or damage to the roadway is likely.



- 2.11** Existing vehicle crossings do not require an application for a vehicle crossing permit to be made unless the scale and nature of the use of the crossing is likely to change, or unless landowners are advised by the Council that it determines there is a traffic or pedestrian safety issue, impediment to good drainage, or damage to the roadway is likely. Upon receiving this advice, the vehicle crossing is deemed to be non-complying and is required to be upgraded to current standards by the landowner whose property is accessed by such vehicle crossing.

### **3 Offences**

- 3.1** Subject to the provisions of 2.10 and 2.11, any person who knowingly operates a vehicle that accesses a property for which a vehicle crossing permit has not been issued, or doesn't use the vehicle crossing for access or accesses the property not in accordance with the vehicle crossing permit, commits an offence against this bylaw, except when access is required by emergency service vehicles.
- 3.2** Subject to the provisions of 2.10 and 2.11, any landowner or occupier who allows access (other than for emergency service vehicles) on to their property in situations where a vehicle crossing permit has not been issued, or the access is not occurring over a vehicle crossing, or the vehicle crossing is not in accordance with the vehicle crossing permit, commits an offence against this bylaw.
- 3.3** Any person who applies for a vehicle crossing permit and then starts work and doesn't complete the works in the time noted on the vehicle crossing permit, or doesn't complete the works within 30 days of the Code Compliance Certificate for the building, or doesn't carry out the works in accordance with the standards and conditions on the vehicle crossing permit, or doesn't pay the appropriate fees, commits an offence against this bylaw.
- 3.4** Any person who begins work on a vehicle crossing without first receiving a vehicle crossing permit from the Council commits an offence against this bylaw.
- 3.5** Any person who fails to comply with a notice given under Section 335 of the Local Government 2002 commits an offence against this bylaw.
- 3.6** Any person who causes damage to the road reserve (including footpaths, street furniture, street trees and gardens, berms and drainage) by not using the designated vehicle crossing commits an offence against this bylaw.
- 3.7** Any landowner who does not maintain the vehicle crossing to their property to a proper standard commits an offence against this bylaw. A proper standard is defined as a crossing that provides safe and comfortable access to properties, does not impede any stormwater channels or stormwater flow, and is not a hazard to traffic or pedestrians.

## **4 Penalties/Remedies**

- 4.1** Any person who commits an offence against this bylaw shall be liable for fines as provided in Section 242 of the Local Government Act 2002.
- 4.2** The Council may remove or alter any vehicle crossing that has not been constructed in accordance with the standards and conditions of the vehicle crossing permit, and recover the costs of removal or alteration from the person who committed the breach, as provided in Section 163 of the Local Government Act 2002.
- 4.3** Any person who breaches clause 3.6 above shall be liable to pay the costs of remedying any damage caused in the course of committing the offence, as provided in Section 176 of the Local Government Act 2002.

## **5 Bylaw to be Repealed**

- 5.1** All bylaws concerning vehicle crossings in force made by the Council or its predecessors are hereby repealed, provided that this repeal shall not affect the past operation of any such repealed bylaws, or the validity or invalidity of anything done or suffered, or any right required, or duty or liability incurred under those bylaws.

## **6 Revocation**

The following Bylaw is hereby revoked: Vehicle Crossing Bylaw 2007 (June 2007)

## **7 Review of Bylaw**

This Bylaw shall be reviewed by 4<sup>th</sup> June 2029.

This Bylaw can be reviewed at any other time before that date at the discretion of the Council.