



Vehicle Crossings Bylaw

Governing Body of Far North District Council

Resolution in Council 23 September 2021.

Under section 145 of the Local Government Act 2002 and section 22AB (zk) of the Land Transport Act 1998 the Governing Body of the Far North District Council made the following bylaw about vehicle crossings.

The bylaw is due for review by 23 September 2026.

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1. Title

This bylaw is the Vehicle Crossings Bylaw.

2. Related information boxes

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.

3. Commencement

This bylaw comes into force two days after the date it is made by the governing body of the Far North District Council.

Related information

This bylaw is due for review by 23 September 2026.

4. Application

This bylaw applies to the district of the Far North District Council.

Part 1: Preliminary provisions

5. Purpose

The purpose of the bylaw is to protect the public from nuisance, promote public safety and protect public infrastructure by regulating the use, construction, reconstruction, upgrading and relocation of vehicle crossings giving vehicular access from roads to properties located within the Far North District by requiring compliance with the **council’s** engineering standards for vehicle crossings or another design approved by the **council**.

6. Interpretation

(1) The Interpretation Act 1999 applies to this bylaw.

(2) In this bylaw, unless the context otherwise requires:

Approval means an approval granted under this bylaw.

Council means the governing body of Far North District Council, or any person delegated or authorised to act on its behalf.

Engineering standards mean the council’s current Engineering Standards and Guidelines.

Motor vehicle has the same meaning as in section 2 (1) of the Land Transport Act 1998.

Related information

As at as at 07 August 2020, the definition is:

“(a) means a vehicle drawn or propelled by mechanical power; and

(b) includes a trailer; but

(c) does not include—

(i) a vehicle running on rails; or

(iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or

(iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

(v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or

- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
- (viii) a mobility device."

Occupier has the meaning given by section 2(1) of the Local Government Act 1974.

Related information

As at 22 October 2019, the definition is:

"in relation to any property, means the inhabitant occupier of that property."

Owner means any person, as defined in section 2(1) of the Local Government Act 1974.

Related information

As at 22 October 2019, the definition is:

"... in relation to any property, means the person entitled to receive the rack rent thereof, or who would be so entitled if the property were let to a tenant at a rack rent."

Road has the same meaning as in section 315 of the Local Government Act 1974 but excludes access ways for the purposes of vehicle crossings as per section 335(10).

Related information

As at 22 October 2019, the definition is:

"...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) [modified by section 335(10) of the Local Government Act 1974]

(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 Roading Powers Act 1989."

Road corridor (or 'road reserve') includes **roads** as defined above and includes all land from boundary to boundary (including the **berm**).

Road Controlling Authority (RCA) has the same meaning as in section 2 of the Land Transport Act 1998.

Related information

As at 1 September 2020, the definition is:

"...means the authority, body, or persons having control of the road and includes any person acting under and within the terms of any delegation or authorisation given by a controlling authority."

Road corridor manager means the **road controlling authority**, namely the Far North District Council, that has jurisdiction over the **road**.

Vehicle crossing means the area of driveway, whether temporary or permanent, between a **road** and a private property boundary, intended for use by **motor vehicles** accessing the property, but does not include paddock entrances with less than ten (10) stock movements per month.

Related information

The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw.

Part 2: Substantive provisions

7 An approval is required for a vehicle crossing

- (1) Every person wishing to construct, reconstruct, upgrade or relocate a **vehicle crossing**, whether for a permanent or a temporary crossing, must have an **approval** from the **council**.
- (2) An **approval** is not required for a **vehicle crossing** constructed, reconstructed, upgraded or relocated as part of a subdivision or land use consent where a resource consent has been granted for this work, or permission has been granted by the **council** for a private **road** or right-of-way under section 348 of the Local Government Act 1974.
- (3) An approval is not required to repair or maintain an existing **vehicle crossing**.
- (4) Every application for an **approval** must be made by a person who has the legal authority to deal with the property accessed by the **vehicle crossing** (“**the applicant**”) and:
 - (a) be in the form required by the council; and
 - (b) include all the information required by the form; and
 - (c) be accompanied by the applicable fee listed in the **council’s** Fees and Charges Schedule.

Related information

Forms for applying for a permit can be found on the council’s website at [Vehicle Crossing Application Form](#) or picked up at any Council office.

The current [Fees and Charges Schedule](#) can be found on the council’s website or a copy can be viewed at any Council office.

Approvals are required for:

- Construction i.e. building a new vehicle crossing
- Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose
- Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing
- Relocating i.e. moving a crossing from one place to another.

Approvals are not required for:

- Repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole)
- Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert.

Whether or not an approval is required for work on the vehicle crossing, a Work Access Permit is required for all work on the **road corridor** (see clause 18). This is required under the [National Code of Practice for Utility Operators’ Access to Transport Corridors](#).

8 Assessment of an application

The **council** will assess the information provided in an application to determine the appropriate **engineering standard** or other **council**-approved design that should apply to the proposed **vehicle crossing**. **Council** will respond to the applicant in 30 working days or less.

9 Granting an approval

The **council** may grant an approval in its sole discretion if:

- (a) the information provided in the application is sufficient to determine the appropriate **engineering standard** or other design approved by the **council** for the **vehicle crossing**; and
- (b) the **council** is satisfied that the proposed **vehicle crossing** will not cause undue impacts involving road safety or negative impacts on the environment; and
- (c) the applicable fee has been paid to the **council**.

10 Content of an approval

An approval will include:

- (a) a statement as to the appropriate **engineering standard** or other design approved by the **council** applicable for the **vehicle crossing** which must be followed in the design and construction of the **vehicle crossing**;

Related information

The council's current engineering standards are published on the council's website at [Engineering Standards and Guidelines](#) or can be picked up at any Council office.

- (b) notice that the **council** will inspect the **vehicle crossing** to make sure it meets the specified **engineering standard** or other design approved by the **council** and any other conditions included in the **approval**;
- (c) information on how to obtain a Work Access Permit which is required to access the **road corridor** and commence construction of the approved **vehicle crossing** (see clause 18).

11 Additional approval conditions

The **council** may include additional condition/s applying to an **approval**:

- (a) regarding any relevant provisions from Chapter 15 (Transportation) of the Far North District Plan;

Related information

Chapter 15 of the District Plan ('Transportation') covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.

- (b) any other relevant conditions applying to the **vehicle crossing** e.g. placement of the crossing to avoid a sump or utility connection, the positioning of grates, and compliance with any covenants relating to the site etc.
- (c) a temporary **vehicle crossing** may be subject to additional conditions relating to where the crossing is situated, the purpose of the crossing, how long the temporary crossing will be in place; the effects of the crossing on normal usage of the **road**; and the design and materials used in its construction.

12 Temporary vehicle crossings

(1) An approval is required for a **vehicle crossing** needed for a purpose, such as forestry harvesting or building construction, where activity will occur for no longer than twelve (12) months at a time ("**temporary vehicle crossing**").

(2) Once a **temporary vehicle crossing** has fulfilled its purpose, it must be removed within three (3) months. Removing this crossing and any reinstatement work must be conducted to the **council's** satisfaction at the expense of the owner or occupier.

Related information

If a temporary crossing is not being used currently but will be used again in many years' time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system.

13 Withdrawing an application

An **applicant** may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the **council**, in its absolute discretion, decides that a refund (or partial refund) is reasonable in the circumstances.

14 Duration of an approval

- (1) All **approvals** granted under this bylaw have a duration of three (3) years, during which time the work must be completed to the satisfaction of the **council**.

- (2) If the work is not completed to the satisfaction of the **council** within three (3) years, the owner or occupier must apply for a new **approval** before work can start or continue. The re-application fee is listed in the **council's** current Fees and Charges Schedule.

15 Amending or transferring an approval

- (1) A person granted an **approval** may, at any time within the duration of the **approval**, apply to the **council** to amend the **approval** or its conditions. An application for amendment must be made in the same manner as an application for an **approval**, with any necessary modifications specified. In this instance, **council** may require, at its sole discretion, a new fee to be paid depending on the nature of the amendment sought.
- (2) **Approvals** are not transferable to another property or to a different location at the property concerned.
- (3) **Approvals** may be transferred to another person at the same property, such as a new property owner, if the **council** has been notified in writing of this transfer.

16 Suspending or cancelling an approval

- (1) The **council** may suspend or cancel an **approval** if:
- (a) the applicant has not obtained a Work Access Permit before commencing construction – see clause 18 of this bylaw;
 - (b) a resource consent for the work has been issued, or permission has been granted by the **council** for a private **road** or right-of-way under section 348 of the Local Government Act 1974, and there is no need for a separate **approval** - see clause 7(2) of this bylaw;
 - (c) upon inspection, in the opinion of the **council** the proposed construction work is likely to be unfit for purpose, unsafe or cause damage to public assets; for example, due to the wrong material used, wrong placement of the **vehicle crossing** as per the approved site plan, incorrect dimensions, or insufficient compaction of the sub-surface etc
- (2) The suspension or cancellation takes effect from the date of the **council's** decision to suspend or cancel the **approval**. The notice of cancellation must include the reasons for the **council's** decision.
- (3) Suspending or cancelling an **approval** does not affect the **council's** powers to take other enforcement action under this bylaw, any other legislation or New Zealand law for the acts or omissions that were the reasons for the suspension or cancellation.

17 Other obligations not affected

An **approval** does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the **approval**.

18 Working in the road corridor

- (1) A Work Access Permit is required before commencing any work in the **road corridor**.

Related information

A Work Access Permit gives permission from the **council** as the **road corridor manager** to carry out the specified activity in the **road corridor**. A set of conditions is issued with the Work Access Permit, to be followed when working in the **road corridor**.

- (2) In order to receive a Work Access Permit, the applicant must complete a Corridor Access Request including a Temporary Traffic Management Plan at least ten (10) working days before the planned commencement of any construction work. In the **Approval** notification letter the **council** will provide information to the applicant regarding how to apply for a Corridor Access Request and prepare a Temporary Traffic Management Plan.

- (3) The Work Access Permit, together with an approved Temporary Traffic Management Plan, must always be available on site for the duration of the work carried out in the **road corridor**.

19 Construction requirements

- (1) Construction of a **vehicle crossing** must be managed to allow for the safe passage of pedestrians.

- (2) Interruption to pedestrian and vehicular traffic must be kept to a minimum.

20 Vehicle crossings that are unsafe or in disrepair

(1) If at any time, in the opinion of the **council**, a **vehicle crossing** does not comply with the **engineering standards**, the **council** may, by written notice addressed to the **owner** or **occupier** of the property to which the crossing gives access, require the **owner** or **occupier** to remove or reconstruct the crossing within the time period specified in the notice to the satisfaction of the **council**.

(2) Before issuing a written notice, the **council** will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the **vehicle crossing** such as safety concerns, and the crossing's current and intended future use

(3) If the recipient of such a notice fails to comply with that notice within the prescribed time, the **council** may arrange for such removal, repair or reconstruction to be carried out and may charge the **owner** or **occupier** for the full costs of such work, including reasonable administration costs.

21 Redundant or excessive vehicle crossings

(1) Where the **council** is satisfied that a **vehicle crossing** is redundant or is in excess of the reasonable requirements of the **owner** or **occupier** of the property, the **council** may serve notice upon the **owner** or **occupier** that the **council** will remove this crossing at the expense of the **council**.

Related information

This clause is made under <u>section 335(9) of the Local Government Act 1974</u>

(2) Before issuing a written notice or removal, the **council** will consult with the property owner regarding the best course of action. This discussion will cover why the **council** considers the **vehicle crossing** is redundant or in excess of the reasonable requirements of the **owner** or **occupier**, and will ascertain what is the crossing's current and intended future use, if any, and why the crossing is required.

22 The council may improve a vehicle crossing

The **council** may reconstruct, widen or relocate a **vehicle crossing** at the council's expense if the **council** is satisfied that this will improve public safety, is necessary for environmental protection, or will reduce the risk of damage to the council's assets.

23 Objections

(1) Any person who has the legal authority to deal with the property accessed by the **vehicle crossing** may object to a **council vehicle crossing** decision, by lodging an objection to this decision in writing to the **council** within 28 days of being notified of the decision.

(2) The **council** will make a decision in writing on an objection including the reasons for it within a reasonable time frame.

(3) Nothing in this bylaw affects the right of the applicant to apply for judicial review of a decision by the **council** concerning **vehicle crossings**.

Part 3: Compliance and Enforcement

24 Compliance and enforcement

Council will use a range of compliance and enforcement methods as it considers appropriate under its statutory powers to respond to breaches of the bylaw. These include advice and education, issuing warnings, infringement notices, enforcement orders, injunction applications to restrain the commission of offences and breaches of the bylaw, removal of works, recovery for damage and criminal prosecution.

Part 4:
Offences and penalties

25 Offences and penalties

Any person who fails to comply with any condition or restriction under this bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242 (4) of the Local Government Act 2002 of a fine not exceeding \$20,000.

In addition, under section 22AB of the Land Transport Act 1998, the **Road Controlling Authority** may prescribe fines, not exceeding \$1,000 for the breach of any bylaw made under this section.

Schedule
Part 1
Diagram 1

Clause 6 Interpretation

Access Standards Terminology Appendix 3F. FNDC Operational District Plan

