
Crimes Act 1961

157 Duty to avoid omissions dangerous to life

Every one who undertakes to do any act the omission to do which is or may be dangerous to life is under a legal duty to do that act, and is criminally responsible for the consequences of omitting without lawful excuse to discharge that duty.

Local Government Act 2002

153 The Crown bound by certain bylaws

(3) However, the Crown is bound by any bylaw if non-compliance with that bylaw by the Crown would be likely to have an adverse effect on public health or safety

Wellington City Council Bylaws

Public Places

16. Vehicle access

16.1 The prior written approval of the Council will be required before any person constructs, repairs, removes, widens or narrows any vehicle access.

16.2 Before granting approval, the Council will consider what is reasonably necessary to:

1. ensure the safe and convenient use of the road by pedestrians and vehicles ...

16.4 In setting conditions, the Council will have specific regard to the criteria in **any codes of practice**, Land Transport Safety Authority Guidelines or other standards that are currently in force **within the Council's jurisdiction**.

16.5 If the Council decides any vehicle access is in a bad or unsafe state of repair or there has been a significant deterioration or change in vehicle access use, the Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, renew or remove such access to the satisfaction of the Council.

16.6 It is the owner's responsibility to carry out any work required in the notice, and pay all costs.

Code of Practice for Land Development

[Part C: Road Design and Construction](#)

C.1.5 Public Transport

The road shall have a minimum carriageway width of 11.0m (this includes an allowance of 2.0m on each side of the road for parking). If no parking is allowed or parking is provided in indented bays then the carriageway width may be reduced to 7.0m.

C.1.7 Road Widths *(all road widths)*

Carriageway and road reserve widths and gradients shall be provided in accordance with **Table 1: Road Widths**.

Design of all roadways and intersections shall allow for the safe movement of the design vehicle.

Carriageways **shall also have a minimum width on bus routes**, refer Section C.1.5

“Who would talk their way out of why they are standing in a wet paper bag?”

13 August 2012

Katherine Raue

By email: kateraue@gmail.com

Dear Ms Raue

Thank you for your email of 21 July to the Chief Executive, in which you ask for a response from the Council to the assertion that the lane widths for the bus lane along Manners Street and Willis Street are below those set in the code of practice (<http://www.wellington.govt.nz/services/urban/codeofpractice/pdfs/04partC.pdf>).

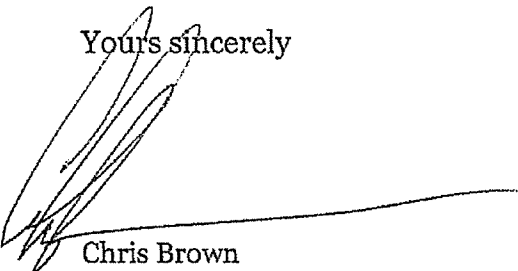
I have been asked to provide you with a response.

Section 1.5 of the code of practice, cited in your email, refers to road widths in areas where residential subdivisions have aggregated to 150 household units or more. Similarly, section 1.7, where it states that '*carriageways shall have a minimum width on bus routes*' refers back to section 1.5, also referring to residential areas.

If you refer to the table on page 17 of the code, you will see that the Golden Mile is referenced but does not have a prescribed road width, instead requiring '*Specific Design*'.

Please contact me if you have any questions.

Yours sincerely



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