



## **Road Use Bylaw 2022**

Governing body of the Far North District Council

Resolution in Council 19 May 2022.

Bylaw made under sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

The bylaw is due for review by 19 May 2027.

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## 1 Title

This bylaw is the Road Use Bylaw 2022.

## 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 by Council without any formality.

## 3 Commencement

This bylaw comes into force on 23 May 2022.

<b>Related information</b>
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This bylaw is due for review by 19 May 2027.
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## 4 Application

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

## Part 1: Preliminary provisions

### 5 Purpose

The purpose of this bylaw is to regulate or control the use of roads and adjoining land by –

- (a) vehicles; and
- (b) stands, stalls or mobile shops; and
- (c) animals; and
- (d) structures, vegetation or other things that may affect road safety or the environment.

### 6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

**approval** means an approval granted under this bylaw and includes all conditions to which the approval is subject.

**Authorised agency** means the New Zealand Police, New Zealand Fire and Emergency, St Johns Ambulance, Northland Regional Council, Department of Conservation and any surf life saving club.

**beach** means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.

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

**Enforcement officer** means any person appointed by Council under section 177 of the Local Government Act 2002, any parking warden appointed by Council under section 128D of the Land Transport Act 1998 and any person defined as an enforcement officer under section 2(1) of the Land Transport Act 1998.

**footpath** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Related information**

As at 01 May 2021, the definition is: means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.

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

**Related information**

As at 1 April 2021 the definition is: means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500 kg.

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

**Related information**

As at 01 February 2011, 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.

**keeper** has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

**Related information**

As at 01 April 2021 the definition is: In relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop.

**mobile or travelling shop** has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

**Related information**

As at 01 April 2021 the definition is:

- (a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but
- (b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously.

**parking warden** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 01 April 2021 the definition is: means a person appointed [by a local authority] to hold the

office of parking warden under section 128D [of the Land Transport Act 1998].

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

**Related information**

As at as at 01 April 2021, the definition is: includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

The effect of this definition, in particular paragraph (d), is that any public place where it is possible for a vehicle to be driven or ridden is a road, even on places that are not commonly used as a vehicle route but are able to be accessed by the public on a vehicle, and the provisions in this bylaw apply to that place.

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

**Related information**

As at 01 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
  - (i) a perambulator or pushchair:
  - (ii) a shopping or sporting trundler not propelled by mechanical power:
  - (iii) a wheelbarrow or hand-trolley:
  - (v) a pedestrian-controlled lawnmower:
  - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
  - (vii) an article of furniture:
  - (viii) a wheelchair not propelled by mechanical power:
  - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
- (x) any rail vehicle.

**wheeled recreational device** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Related information**

As at 01 May 2021 the definition is:

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

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

**Related information**

This means words and phrases that are defined in the Interpretation Act 1999 have the same meaning in this bylaw. For example, as at as at 01 January 2014, the Act defines **person** as "includes a corporation sole, a body corporate, and an unincorporated body."

## Part 2: Vehicle restrictions

### 7 Roads where vehicles must travel in a specified direction

All vehicles on the roads, or parts of roads, listed in Schedule 1 must travel only in the direction specified for the road, or part of road, in that Schedule. A person must not drive a vehicle in contravention of this clause.

**Related information**

These roads have “One way” signs erected.

### 8 Roads where turning right or certain vehicles prohibited

- (1) All vehicle on the roads, or parts of roads, listed in Part A of Schedule 2 are prohibited from turning to the right. A person must not drive a vehicle in contravention of this subclause.

**Related information**

These intersections have “No right turn” signs erected.

- (2) Heavy motor vehicles are prohibited from travelling on the roads, or parts of roads, listed in Part B of Schedule 2. A person must not drive a heavy motor vehicle in contravention of this subclause.

**Related information**

These roads have “No heavy vehicles” signs erected.

- (3) Wheeled recreational devices are prohibited from being used on the roads, or parts of roads, listed in Part C of Schedule 2. A person must not use a wheeled recreational device in contravention of this subclause.

**Related information**

Devices include skateboards and scooters, but not cycles. On roads not listed in Part C of Schedule 2, wheeled recreational devices must be used and operated in accordance with clause 11.1 of the Land Transport (Road User) Rule 2004. The Land Transport (Road User) Rule 2004 also contains restrictions and prohibitions on riding cycles.

### 9 Vehicles containing offensive matter not to be left on road

- (1) A person must not leave a vehicle containing, or that recently contained, manure, offal, or any other matter or thing that is likely to be offensive or injurious to health, on any road, or place adjoining a road that is within 30 metres of any dwellinghouse, –
- (a) during the period between half an hour after sunset and half an hour before sunrise; or
  - (b) for more than two hours during any other part of a day.
- (2) In this clause “dwellinghouse” has the same meaning as in section 2(1) of the Health Act 1956.

**Related information**

As at 29 June 2021 the definition is: means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

## Part 3: Putting structures or vegetation on or near roads

### 10 Vegetation, walls, or fences must not cause nuisance or danger to traffic

A person must not plant or erect, at or within 5 meters distance from corners, bends, or intersections on roads, any tree, shrub, hedge, scrub, or other growth, or fence or wall, that, in the opinion of the council is, or is likely to constitute, a source of nuisance or danger to traffic.

#### **Related information**

The council can require the owner of any land adjoining a road corridor to remove or trim any vegetation or wall under section 355 of the Local Government Act 1974.

In general it is an offence to place vegetation, a fence or other items on any part of a public road (which includes the berm) without authorisation, under section 357 of the Local Government Act 1974, and the council will normally require their removal. In exceptional circumstances, if deemed an appropriate use of public land, the Council may decide to grant a licence to occupy the road.

### 11 Only certain signs allowed on or near road

- (1) Except as provided in subclauses (4), (5) and (6), a person must not cause, permit or otherwise enable the display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes in contravention of subclause (2) –
  - (a) on or over public buildings or bridges; or
  - (b) on or over buildings, walls, fences, posts, trees, footpaths, or hoardings — that are situated –
  - (c) in, or on, or adjoining any land or road that is the property of, or under the control of, the council; or
  - (d) any place where that display is visible from a road or public place.
- (2) Any display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must not –
  - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals;
  - (b) distract unduly or be likely to distract unduly the attention of a road user;
  - (c) resemble or be likely to be confused with any traffic sign or signal;
  - (d) give rise to excessive levels of glare;
  - (e) use lights or reflective materials;
  - (f) invite drivers to turn so close to a turning point that there is no time to signal or turn safely;
  - (g) have sharp edges, projections or moving parts that may be a nuisance or danger to road users; or
  - (h) constitute or be likely to constitute in any way a danger or nuisance to road users or the environment.

#### **Related information**

Some examples of signs that may not comply with subclause (2) are:

- If there are too many signs on a single location that are not reasonably spaced apart they are likely to distract road users who are trying to read them all at the same time and therefore the signs will not comply with paragraph (b).



- Signs that are made with fluorescent or phosphorescent material may mislead or distract drivers from traffic signs installed in the vicinity or mask those signs and therefore not comply with paragraph (c).
  - A sign that reflects the light from the lamps of any vehicle on the road would not comply with paragraph (d).
- (3) All posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must be constructed, fixed, placed and maintained in accordance with the provisions of Schedule 3 to ensure they are not and do not become a danger or nuisance.
- (4) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with Schedule 3 if the person has an approval from Council for the display.
- (5) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2)(e) if the person has an approval from Council for the display.
- (6) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2), if –
- (a) it is displayed for a limited period of time to advertise a sporting, community or cultural event; and
  - (b) it is a maximum size of 3 square metres; and
  - (c) the person has an approval for the display from Council; and
  - (d) it is removed no more than 2 days following the completion of the event to which it relates.
- (7) For the purposes of the approvals from Council required in clause 11, if the planned display is to be located on Te Oneroa-a-Tōhe/90 Mile Beach, it must be approved by the Te Oneroa-a-Tōhe Beach Board before an approval is applied for under this bylaw and evidence of the Board’s approval must be included with the application to Council made under this bylaw.
- (8) For the purposes of this clause “public buildings” means buildings that are owned by the council and for the avoidance of doubt a “road user” includes a pedestrian.
- (9) This clause does not apply to advertisements for candidates in an election under the Electoral Act 1993 or the Local Electoral Act 2011.

**Related information**

Other types of signs, advertising or displays etc that are erected, placed or left on a road and not covered by the description in this clause are prohibited under section 357(1)(a) and (b) of the Local Government Act 1974 unless authorised by the council. Some signs may also require a resource consent under rules in the Far North District Plan made under the Resource Management Act 1991 or a building consent under the Building Act 2004. Signs on Te Oneroa-a-Tōhe/90 mile beach must be approved by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan (available at this link: <https://www.teoneroa-a-tohe.nz/beach-management-plan>), as well as the council. Any signage displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori.

Signs on State Highways are regulated in the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010, available at this link: <https://nzta.govt.nz/assets/resources/Bylaws-state-highway/Bylaw-2010-New-Zealand-Transport-Agency-Signs-on-State-Highways-Bylaw-July-2010.pdf>

Part 4: Trading on roads and footpaths

## 12 Approval required for stands and stalls in public places

- (1) A hawker, pedlar, or keeper of a mobile or travelling shop who wants to operate a stand or stall (including a vehicle used as a stall) —
  - (a) in any road or part of a road; or
  - (b) in any public place adjoining a road or State highway if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic –must have written approval from the Council to operate that stand or stall.
- (2) Subclause (1) does not apply to a person who meets the description in section 31(1) of the Food Act 2014, but subclauses (3) and (4) do apply to that person.

### Related information

As at 23 February 2021, section 31(1) of the Food Act 2014 is:

31 Exemption from food control plan and national programme if trading in food for certain fund-raising

(1) This section applies if—

- (a) a person or group of persons trades in food for the sole purpose of raising money for a charitable, benevolent, philanthropic, or cultural purpose; and
- (b) the fund-raising activity is not carried out on more than 20 occasions in any calendar year (unless it is incidental to another charitable, benevolent, or philanthropic activity, such as a permanent stall selling donated goods at a hospice).

- (3) Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part A of Schedule 4 is prohibited.
- (4) Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part B of Schedule 4 is restricted to the type of stand or stall stated in that schedule and the council may not grant an approval for any other type of stand or stall in the specified road, part of a road or public place.
- (5) Subclauses (3) and (4) do not apply to a person who has a licence to occupy the road or public place from the council or to stands or stalls that are part of an event and included in the council's authorisation of the event.

### Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

“hawker” and “pedlar” are common older words used to refer to a person who sells things either by travelling from place to place (hawker) or door-to-door or on a street (pedlar).

## 13 Approval required for alfresco dining on footpaths or shared roadways

- (1) A person who wants to occupy any part of a road with structures for providing food or beverage services, including tables, chairs, umbrellas, or heaters, must have written approval from the Council for that occupation.
- (2) A person may not apply for an approval under this clause to occupy –
  - (a) any place that is adjacent to a pedestrian crossing or a place where parking is restricted to passenger service vehicles; or
  - (b) any place that will obstruct, or interfere with, the use of council street furniture or rubbish bins by the public; or
  - (c) any place that will obstruct access to, or egress from, any building.

- (3) The area for which an approval is sought must leave a minimum of 1.5 metres clear access for pedestrian traffic.

**Related information**

A footpath is part of a road and this clause applies to footpaths accordingly.

An approval under this clause does not include providing alcohol. A separate licence is required under the Sale and Supply of Alcohol Act 2012.

## Part 5: Animals on roads

### 14 General requirements

- (1) A person having control of animals being driven or ridden on any road must ensure that any solid materials deposited on the road from the animals are removed and disposed of within a reasonable period of time, if these materials cause or are likely to cause in any way a danger or nuisance to road users or damage to the road.
- (2) A person must not drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

**Related information**

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.

Under section 33 of the Impounding Act 1955 stock straying or wandering on any road can be impounded and the owner prosecuted for an offence under that Act.

## Part 6: General road safety

**Related information**

The clauses in this Part are made under section 22AB(1)(zk) of the Land Transport Act 1998 to regulate road-related matters, including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

In addition to the provisions of this bylaw, several other actions on roads, if done without the council's permission, are offences under section 357(1) of the Local Government Act 1974. For example: a building or fence that encroaches on a road, digging up the soil of a road or excavation near a road, or placing or leaving any thing (such as a skip) on the road.

Similarly, if someone wants to use a road (including a footpath) for an event, the person must get the council's permission under section 342 of the Local Government Act 1974. The council can also close roads for "vehicle races or trials, or any processions, carnivals, celebrations, sporting events, or other special events" under the Transport (Vehicular Traffic Road Closure) Regulations 1965.

### 15 Safe placement of bins, skips or containers on roads

- (1) A person must not place a waste bin, skip, shipping container or other similar receptacle on a road unless it –

- (a) is on a part of the road where parking is not prohibited or restricted under the council's Parking Bylaw; and
  - (b) is not closer than one metre to a traffic lane at any time; and
  - (c) has its edge that faces on-coming traffic painted white or a fluorescent colour that is in contrast to the colour of its main body and the edge markings are maintained to ensure clear visibility to traffic; and
  - (d) is not left on the road between half an hour after sunset of one day and half an hour before sunrise the following day unless properly lit by flashing amber lights on outer corners of the bin facing on-coming traffic.
- (2) This clause does not apply to containers of domestic waste placed on a road in a manner that complies with the council's Solid Waste Bylaw.

**Related information**

The council's Solid Waste Bylaw can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/governance-and-executive-management-gem/bylaws/solid-waste/solid-waste-bylaw-2016.pdf>

## 16 Activities that may impede or obstruct road users

A person must not perform, sing, play musical instruments, preach, lecture or exhibit on a road –

- (a) in a way that impedes pedestrians or vehicles; or
- (b) in a way that prevents or obstructs access to shops or premises adjacent to the road; or
- (c) in a way that creates a nuisance.

**Related information**

A footpath is part of a road and this clause applies to footpaths accordingly.

## Part 7: Approvals

### 17 Application for approval

- (1) An application for an approval required by this bylaw must be made to the council by the person, company or group who needs the approval ("**the applicant**") and –
- (a) be in the form required by the council; and
  - (b) include all the information required by this bylaw and by Council; and
  - (c) be accompanied by the applicable fee set in the council's Fees and Charges Policy.

**Related information**

The Fees and Charges Policy can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/ltf-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

- (2) All applications for an approval must include –
- (a) information about the applicant and their contact details as required in the form; and
  - (b) the address or a description of the location where the matter covered by the approval will occur.
- (3) An application is not treated as having been made until all the provisions in this clause have been complied with.

### 18 Assessment of application

The council must assess all applications that are received for approvals under this bylaw as soon as reasonably practicable after the application has been made. When assessing an application, the Council must consider –

- (a) whether the matter covered by the approval will comply with any applicable provisions of this or any other bylaw made by the council; and
- (b) whether any conditions are required to be included in the approval under clause 20; and
- (c) if the application relates to a sign, any relevant assessment criteria in the Operative Far North District Plan; and
- (d) any other factors that Council considers relevant to the application.

## **19 Decision on application**

- (1) The council must decline an application for an approval under this bylaw unless the matter to be covered by the approval –
  - (a) is a permitted activity under any applicable plan, provision, statutory or regulatory requirement; or
  - (b) is covered by a resource consent – under the Resource Management Act 1991.
- (2) The council may grant an approval if it is satisfied the approval will not, or is not likely to, –
  - (a) affect the safe or efficient operation of any road, footpath, grass verge, grass berm or public place; or
  - (b) be a nuisance, or source of a nuisance, or a health hazard, or a danger to traffic; or
  - (c) detract from the amenity or character of a neighbourhood.
- (3) The council may decline an application for an approval if –
  - (a) it is not satisfied about any one or more of the matters in subclause (2); or
  - (b) granting the approval would unreasonably affect the council's ability to enhance or promote road safety or provide protection for the environment.
- (4) An applicant may withdraw their application for an approval under this bylaw 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 a refund, or partial refund, is reasonable in the circumstances.

## **20 Conditions on approvals**

- (1) All approvals granted under part 7 of this bylaw must include a condition that enables the council to carry out inspections to ensure the approval and any other conditions under that approval are being complied with.
- (2) The council may include conditions on an approval for any one or more of the following matters –
  - (a) limiting the days, or times of day, a thing can be put on a road, or public place adjoining a road, and the condition may also require the thing –
    - (i) to be lit by flashing amber lights on outer corners facing on-coming traffic or such other lighting that may be considered by the council to be sufficient; or
    - (ii) to be contained within an area on the road that has been fenced off in a manner that satisfies the council:
  - (b) payment of a bond, of an amount determined by the council, to be used by the council to make good any damage caused by the person granted the approval. The council may

charge that person a further amount if the bond does not cover the full cost incurred by the council:

- (c) where normal pedestrian traffic will be impeded or pedestrians will pass nearby, specifying how pedestrian safety is to be ensured:
- (d) requiring action to be taken, including to –
  - (i) prevent tools, dust, rubbish, materials or water falling on vehicles or adjoining land; or
  - (ii) keep footpaths clean; or
  - (iii) prevent dirt or water falling on the public; or
  - (iv) protect road safety, including the safety of pedestrians; or
  - (v) prevent the obstruction of street channels; or
  - (vi) protect street lamps, which must not be enclosed unless specified otherwise in the approval; or
  - (vii) protect fire hydrants, which must not be enclosed and must be able to be easily got at and used; or
  - (viii) minimise any likely obstruction to road users:
- (e) requiring the person granted the approval to hold a current insurance policy of a specified amount (such amount to be determined at the sole discretion of the council) covering any damage that may be caused and providing a copy of the policy to the council:
- (f) requiring a copy of the approval to be displayed on any premises:
- (g) restricting the area or space the approval applies to:
- (h) removal of litter:
- (i) prohibiting or restricting the use of amplified equipment, megaphone or similar devices:
- (j) requiring access to all underground services to be provided at all times:
- (k) any other matter the council considers is reasonable to enhance or promote road safety or protect the environment.

## 21 Duration of approval

- (1) All approvals granted under this bylaw have a duration of 12 months from the date granted, unless another duration period is specified in the approval.
- (2) A person granted an approval may apply to the council to renew the approval, before the end of its duration, by –
  - (a) informing the council, in writing, the approval is still necessary and giving reasons why; and
  - (b) demonstrating any conditions are being met, or seeking amendment of the conditions.
- (3) The provisions of this bylaw about approvals apply to the renewal of an approval, with any necessary modifications, including payment of any applicable fee.
- (4) If the council has not made a decision on the renewal application before the duration of the approval ends, the approval will continue to have effect until the renewal application is decided.
- (5) For the avoidance of doubt, if the duration of an approval has ended, the person granted the approval may apply for a new approval and refer to the previous approval to support their application, but during the time between the previous approval ending and a new one being determined, the applicant cannot do any of the things that were covered by the previous approval. The applicant must remove all items covered by the previous approval and ensure the location is cleared of any hazards caused by their activity.

## **22 Objections**

- (1) An applicant may object to the council about –
  - (a) a decision to decline an approval by lodging an objection in writing within 20 working days after the date of the decision; or
  - (b) a condition on an approval by lodging an objection in writing within 20 working days after the date of the decision.
- (2) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (3) Nothing in this clause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.

## **23 Amendment of approval**

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 (including payment of a fee), with any necessary modifications.

## **24 Transfer of approval**

Approvals are not transferable to any other person, company or group.

## **25 Suspending or cancelling approval**

- (1) The council may suspend or cancel an approval, in its absolute discretion, if –
  - (a) the council has approved an event or road stoppage at the same location, which, in the Council's opinion, necessitates the suspension or cancellation; or
  - (b) any conditions on the approval are not being met; or
  - (c) the council considers the suspension or cancellation necessary to enhance or promote road safety, provide protection for the environment, or for any other reason it considers relevant and reasonably necessary.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval, or from five working days after the written notice was sent via post or email to the address or email address provided to the Council by the applicant, whichever is earliest. The notice 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 or any other legislation for any acts or omissions that may have contributed to the suspension or cancellation of the approval.
- (4) The person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in sub-clauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

- (7) Any fees paid for the approval are not refundable if the council suspends or cancels the approval.

## **26 Other obligations not affected**

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

## **Part 8: Vehicles on Beaches**

### **27 Vehicles prohibited**

All vehicles are prohibited on any beach or any part of a beach which is identified in schedule 6 at all times unless an exemption has been provided under clause 29 of this Bylaw.

### **28 Restriction on the use of vehicles on beaches**

- (1) Vehicles are prohibited on any beach or any part of a beach which is identified in schedule 7 during the times and or dates listed in the schedule unless an exemption has been provided under clause 29 of this bylaw.
- (2) Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description.

### **29 Exemptions**

- (1) Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions of that agency is exempt from the restrictions imposed under clause 30 and 31 of this bylaw.
- (2) Council may issue an exemption to clause 27 and 28 of this bylaw to any person and may impose any conditions to that exemption. Council may revoke an exemption in its sole discretion at any time.

### **30 Persons to provide details**

Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw relating to vehicles on beaches the person shall, on demand by an enforcement officer, give his or her full name and full address. The failure to provide such information or give correct information shall constitute a further offence against this Bylaw.

### **31 Offenders to leave beach**

Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.

## **Part 9: Enforcement, offences and penalties**

<b>Related information</b>
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The council has powers under the Land Transport Act 1998 and Local Government Act 2002 to take various actions to enforce the provisions of this bylaw. For example, under section 128E of the Land Transport Act 1998 the council can remove vehicles that are causing an obstruction. All other actions to enforce the provisions of this bylaw are taken by the Police.

### 32 Offence and penalty

- (1) A person who fails to comply with or breaches this bylaw commits an offence under the Local Government Act 2002 and the Land Transport Act 1998 and is liable to the penalties set out in those Acts.
- (2) Subclause (1) does not prevent the council or other enforcement authorities from having recourse to other legal remedies, as they see fit, to enforce the provisions of this bylaw.

#### **Related information**

A person who commits an offense against this Bylaw under the Land Transport Act 1998 may be served with an infringement notice in accordance with sections 22AB and 139 of the Land Transport Act 1998 and may be liable to a fine of up to \$1,000. A person who is convicted of an offense against this Bylaw under the Local Government Act 2002 is liable to a fine not exceeding \$20,000.

Breaches of this bylaw may also be offences under the Land Transport (Offences and Penalties) Regulations 1999 with fines of up to \$1000.

## Part 10: Savings and transitional provisions

### 33 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2004, 2006, 2007, 2008, 2009 and Schedules 2, 3, 4, 5, 6, 7 and 8 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

### 34 Skating and Cycles Bylaw revoked

- (1) The Skating and Cycles Bylaw made by the council on 12 July 2007 and all amendments made to that bylaw are revoked.
- (2) The revocation of the Skating and Cycles Bylaw in this clause does not prevent any legal proceedings, criminal or civil, commenced to enforce that bylaw from continuing to be dealt with and completed as if the bylaw had not been revoked.

### 35 Nuisances Bylaw revoked in part

Clause 1106 of Chapter 11 (Nuisances) of the General and Fire Bylaw made by the council on 28 November 1990 is revoked.

### 36 Applications, approvals etc under revoked bylaws

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 33, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except –

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commences; and
- (b) any approval, permit or authorisation granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

### 37 Other existing permits or approvals for matters regulated under this bylaw

If, before the date this bylaw commenced, the council granted a person a permit, authorisation, licence, approval or other form of consent to do any act or thing that is regulated under this bylaw, that permit, authorisation, licence, approval or other form of consent will continue, and be treated, as if it is an approval granted under this bylaw, except –

- (a) the permit, authorisation, licence, approval or other form of consent will only continue until the date that is 12 months from the date this bylaw commences; and
- (b) the permit, authorisation, licence, approval or other form of consent granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

#### **Related information**

The effect of clauses 36 and 37 is that anything that may have been previously approved by the council, whether under the revoked bylaws or under the council's general powers in the Local Government Act 2002 or any other Act, will continue to be approved until 12 months after this bylaw commences. If the person doing the thing wants to continue doing it after that date, they must apply for a new approval under this bylaw. Clause 37 in particular will affect people who have permits, licences or approvals for mobile shops or signs.

## Schedules

### 38 Roads that have vehicle restrictions or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified.
- (2) Schedule 2 has 3 parts –
  - (a) Part A lists the roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right:
  - (b) Part B lists the roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited:
  - (c) Part C lists the roads, or parts of roads where, under clause 8, wheeled recreational devices are prohibited.
- (3) Schedule 4 lists the roads or public places where, under clause 13, the occupation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop is prohibited or restricted. Schedule 4 has two parts –
  - (a) Part A specifies the roads or places where stands or stalls are prohibited:
  - (b) Part B specifies the roads or places where only certain types of stands or stalls can be approved.
- (4) Schedule 6 lists the beaches or parts of beaches where vehicles are prohibited at all times.

- (5) Schedule 7 lists the beaches or parts of beaches where vehicles are prohibited at specified times and or dates.
- (6) The Schedules described in this clause are organised by the type of restriction or prohibition. Schedule 5 shows all the restrictions or prohibitions on maps for the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between it and the other Schedules in this clause, the other Schedules prevail.

### **39 Provisions for signs to not be a danger or nuisance**

Schedule 3 states provisions for the construction, fixing, placing and maintenance of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h).

### **40 Amendment of Schedules**

- (1) The council may, by resolution, add or remove any road, or part of a road, or public place from Schedules 1, 2, or 4.
- (2) The council may, by resolution, add or remove any beach, or part of any beach from schedule 6.
- (3) The council may, by resolution, add or remove any beach, or part of any beach from schedule 7 and may amend, add or remove any time or date restrictions applicable to those beaches.
- (4) The council may, by resolution, add or remove any provisions from Schedule 3.
- (5) Schedule 5 may be amended or removed without any formality.

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Schedule 1 – Roads where vehicles must travel in a specified direction

Clause 7

Roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified

ROAD NAME	TRAVEL DIRECTION	START GPS	END GPS
DICKESON STREET	Southerly	-35.4078617987209, 173.799459289245	-35.4086896463027, 173.800126053371
FAIRWAY DRIVE	South East	-35.2262859468282, 173.948055830472	-35.2271030950929, 173.949224484447
HOMESTEAD ROAD	North West to North East	-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
KERIKERI ROAD	South West	-35.2271030950929, 173.949224484447	-35.228403843574, 173.948081874859
LYON STREET	Easterly	-35.3165902527345, 174.114493268496	-35.3170231732711, 174.117421123837
THE STRAND (NORTH)	Northbound	-35.2618361520496, 174.12151016454	-35.2598179764385, 174.12065684762
THE STRAND (SOUTH)	Southbound	-35.2618361520496, 174.12151016454	-35.2637971260703, 174.121798983856
WILLIAMS ROAD	Southerly	-35.2813432670373, 174.091970489943	-35.2821262432564, 174.091045822137

Schedule 2 – Roads where turning right or certain vehicles prohibited

Clause 8

Part A – Roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right

ROAD NAME	LOCATION	START_GPS	END_GPS
HONE HEKE ROAD		-35.2274901432561, 173.956737019312	-35.2297291974002, 173.954844220669
MELBA STREET	At Melba Street	-35.1140100207861, 173.264259244944	-35.1141045089006, 173.264051480076

Part B – Roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited

ROAD NAME	LOCATION	RESTRICTION	START_GPS	END_GPS
COMMERCE STREET (KAITAIA)	Between the intersection of Pukepoto Road and Commerce Street and the intersection of Commerce Street and Redan/Couth Roads	No heavy vehicles that are bus or stock truck or truck and trailer or semi-trailer combination	-35.1165093774186, 173.265631704285	-35.108679520053, 173.258675165054

Part C – Roads, or parts of roads, where under clause 8 wheeled recreational devices are prohibited

ROAD NAME	LOCATION	Legal Desc	START_GPS	END_GPS
AUGUSTA PLACE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2261566863974, 173.947929980772	-35.2255903246232, 173.948326680357
BAYVIEW ROAD (PAIHIA)				
COBHAM COURT	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2298434264742, 173.951959382446	-35.2283852705134, 173.953156239256
COBHAM ROAD	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2276848153804, 173.948702361719	-35.2313124864811, 173.953481802509
COMMERCE STREET (KAITAIA)	Commerce street between its junction with Redan Road to the south and it's junction with Taafe Street to the north, on both the east and west sides of		-35.1165093774186, 173.265631704285	-35.1127442548037, 173.262964959387

FAIRWAY DRIVE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2262859468282, 173.948055830472	-35.2261566863974, 173.947929980772
HOBSON AVENUE (KERIKERI)	Hobson Avenue Car Park	Lot 16 DP 35860, Part Lot 2 DP 83550, Section 64 Block XI Kerikeri SD, Lot 22 DP 35860, Section 46 Block XI Kerikeri SD, Lot 21 DP 35860, Lot 2 DP 97524, Lot 1 DP 97524, Part Lot 1 DP 26369		
HOBSON AVENUE (KERIKERI)			-35.2294054501442, 173.947186213376	-35.2289852947719, 173.950660228532
HOMESTEAD ROAD	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
HONE HEKE ROAD	Hone Heke Road, from the Junction with Cobham Road, to the junction adjoining Kerikeri Road.		-35.2210833849848, 173.954417629571	-35.2313124864811, 173.953481802509
JULIAN CAR PARK	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park	Part Lot 13 DP 28912		
KERIKERI ROAD	From the roundabout at the junction of that road, Butler Road, Hobson Avenue, to the junction with Clarke Road.		-35.2294054501442, 173.947186213376	-35.2255750424365, 173.950500400308
MARINO PLACE	Marino Place Car Park	LINZ Parcel id 6851067		
MARSDEN ROAD (SH11)	Land zoned Recreational Activities in the Far North District Plan on Marsden Road from the corner of School Road to Bayview Road	Lot 4 DP 57340, Lot 1 DP 11040, Lot 3 DP 57340, Lot 1 DP 57340, Lot 2 DP 57340, Lot 5 DP 57340, Part Lot 27 DP 11040		
PARNELL STREET	Parnell Street from the Police Station to the ferry ramp.		-35.3941585612966, 173.504681224527	-35.3925698107695, 173.505143403918
RAWENE FERRY RAMP	Parnell Street from the Police Station to the ferry ramp.		-35.3923884647662, 173.505189005378	-35.3921644377561, 173.505341377438
RUSSELL ESPLANADE	Parnell Street from the Police Station to the ferry ramp.		-35.3925698107695, 173.505143403918	-35.3923884647662, 173.505189005378
SELWYN ROAD (PAIHIA)			-35.2806868253955, 174.08908491049	-35.2821262432564, 174.091045822137
WILLIAMS ROAD	Williams Road to the corner of Joyces Road.		-35.2813432670373, 174.091970489943	-35.2844726239531, 174.08869556123

## Schedule 3 – Provisions for signs to not constitute a nuisance or danger

Clause 11(2)(h)

Posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that meet the provisions of this Schedule will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h). Signage that does not comply with these requirements must not be put up without written approval from the Council. Approval is at the sole discretion of the Council.

- (1) The poster, placard, handbill, writing, picture, or device must be constructed, fixed, placed and maintained to:
  - (a) not exceed 1 square metre in area or 2 metres for any edge dimension; and
  - (b) use a colour combination for the background, wording and legend that does not cause confusion with any of those used for any official road sign or traffic sign; and
  - (c) not display more than 6 words, symbols or graphics and no more than 40 characters; and
  - (d) use no reflective material; and
  - (e) provide no internal or external illumination; and
  - (f) have the bottom edge not more than 2.5 metres above road level or ground; and
  - (g) contain no moving parts or a dynamic display; and
  - (h) not reduce the width of any footpath or other place used by pedestrians to less than 1.5 metres and if fixed, be not closer than 5 metres from the edge of the carriageway, if moveable, be not closer than 2 metres from the edge of the carriageway; and
  - (i) be secured against wind gusts; and
  - (j) not project more than 50mm from a building frontage if it is less than 2.5 metres above ground level; and
  - (k) be more than the following distances from an intersection, permanent regulatory or warning sign, curve (with chevron signing), or pedestrian crossing:
    - (i) 100 metres in the urban environment (as defined by the Operative Far North District Plan); or
    - (ii) 200 metres in the rural environment (as defined by the Operative Far North District Plan).
- (2) On roads where the speed limit is 70km/h or less, the poster, placard, handbill, writing, picture, or device must use lettering and symbols at least 120 millimetres in height.
- (3) On roads where the speed limit is greater than 70km/h, the poster, placard, handbill, writing, picture, or device must:
  - (a) use lettering and symbols at least 160 millimetres in height; and
  - (b) provide an unrestricted view to drivers for a minimum distance of 180 metres; and
  - (c) have supports that meet the relevant requirements regarding strength, rigidity and impact performance in section 7.0 of the New Zealand Transport Agency's "Traffic Control Devices Manual – Part 1 General requirements for traffic signs".

### Related information

The Traffic Control Devices Manual – Part 1 General requirements for traffic signs can be read at this link: [Traffic control devices manual - Part 1: General requirements for traffic signs \(nzta.govt.nz\)](https://www.nzta.govt.nz/traffic-control-devices-manual-part-1-general-requirements-for-traffic-signs)

## Schedule 4 – Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Clause 13

### Part A – Places where stands or stalls are prohibited

#### Kerikeri

Any place in the Stone Store Basin that is within a 300 metre radius of the Stone Store, including Landing Road.

Start GPS: -35.2150106378605, 173.962339324991

End GPS: -35.2150106378605, 173.962339324991

#### Paihia

Any place outside the Memorial Hall on Williams Road.

Start GPS: -35.2822803795467, 174.090925796558

End GPS: -35.2824091261618, 174.090781583073

#### Russell

The Strand (North)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.2598179764385, 174.12065684762

The Strand (South)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.264872330982, 174.121538317746

### Part B – Places where type of stand or stall is restricted

- (1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –
  - (a) In Paihia at –
    - (i) Paihia Beach and all reserves between School Road and Seaview Road  
Start GPS: -35.2851187007768, 174.096891702562  
End GPS: -35.2823553472988, 174.093036912683
    - (ii) Te Tii Beach between the roundabout on junction of Puketona Rd and Marsden Rd through to the Bluff  
Start GPS: -35.2788504373091, 174.089661222051  
End GPS: -35.2773440975235, 174.08293900111
    - (iii) Te Karuwha Parade  
Start GPS: -35.2774686433065, 174.082874727032  
End GPS: -35.2706370437992, 174.079689916184



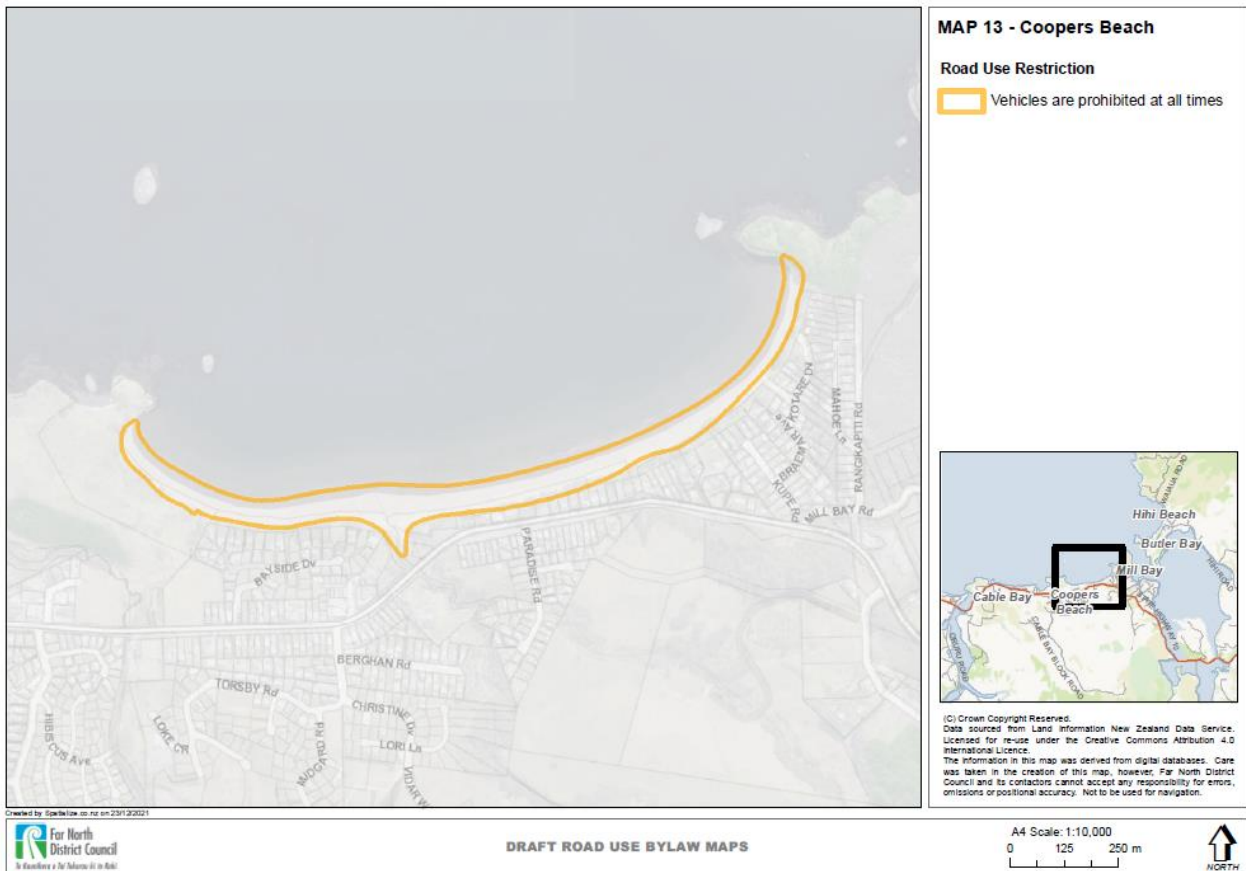
- (b) In Russell at –
  - (i) Tapeka Point Beach
    - Start GPS: -35.2470182629473, 174.116510214275
    - End GPS: -35.2460729956379, 174.118431103766
  - (ii) Long Beach in or on any place outside of the car park area
    - Start GPS: -35.2570963427531, 174.131095418639
    - End GPS: -35.2610813938921, 174.140446317826
- (2) Approvals for stands or stalls in or on the following roads or public places are restricted to those used by operators of a passenger service vehicle to sell tours or trips –
  - (a) In Paihia at Paihia Beach and all reserves between the Bluff through to School Road
    - Start GPS: -35.2823699222072, 174.093047512929
    - End GPS: -35.2788504373091, 174.089661222051

## [Schedule 5 – Maps]

[As stated in Subclause 38 (6), Schedule 5 contains maps for ease of reference only. Schedule 5 is not part of this bylaw and is provided in a separate document.]

## Schedule 6 – Beaches or parts of beaches upon which vehicles are prohibited

1. Coopers Beach – Vehicles are prohibited on the entirety of Coopers Beach (as indicated on the Map below) at all times.



## Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted

[No beaches or parts of beaches are included in Schedule 7 at this time.]