

Parking Bylaw Proposal

Context

The governing body of the Far North District Council (“the Council”) made a Parking and Traffic Control Bylaw on 17 June 2010. The bylaw was made under the Local Government Act 2002. Under that Act, the bylaw was due for review by 17 June 2020. It was not reviewed, and therefore will be automatically revoked on 17 June 2022 under section 160A of the Local Government Act 2002.

The population of the Far North District has grown significantly in the past 10 years from 59,000 in 2010 to 71,000 in 2020. Most of the increase has occurred since 2014 with at least 2% increase in population per year and most new residents are in the three largest towns: Kaitiāia, Kaikohe and Kerikeri¹. Increasing urbanisation of parts of the Far North District has resulted in more private motor vehicles travelling into, or through, the urban areas. This has then created:

- competition for the use of space in central business districts between private motor vehicles and other transport modes, or commercial or recreational activities
- congestion on the limited number of routes into and through central business districts at “peak” times.

An Integrated Transport Strategy for the Far North District – that aims to address a range of transport problems – was endorsed by the governing body of the Council on 10 December 2020. One of the strategic responses in the Strategy is: “Changing demographics and land uses increases pressure to provide better and safer transport networks and more travel choices.”. Detailed development of the strategic responses in the Integrated Transport Strategy has begun, but will not be completed before the Parking and Traffic Control Bylaw is revoked on 17 June 2022. On 20 May 2021, the Council therefore decided to make two new bylaws to replace the Parking and Traffic Control Bylaw before it is revoked. Information about the Council’s decision can be read at this link: https://infocouncil.fndc.govt.nz/Open/2021/05/SPC_20210504_MIN_2395_WEB.htm

The proposal

The Council proposes to make a new bylaw, under section 22AB of the Land Transport Act 1998, to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by:

- limiting the period of time that vehicles may park on any part of the road
- limiting the parking of vehicles on some roads to vehicles of any specified class or description, or specifying only vehicles of a certain class are permitted to use any parking place
- regulating any other parking-related matters including matters to enhance or promote road safety, or provide protection for the environment.

Reasons for the proposal

Until such time as the Integrated Transport Strategy is implemented, the best way to address the problems (of competition for use of space and congestion in the District’s urban areas) is to maintain the controls that already exist. This is because, without the benefit of higher-level policy to guide decision-making, there is a

¹ .id Estimated residential population figures 1996 – 2020 retrieved from this link: [Current population estimate | Far North District | profile.id \(idnz.co.nz\)](https://www.idnz.co.nz/profile/id)

risk any new controls that are developed will either under- or over-regulate and lead to outcomes that cause unnecessary cost to the Council and community. For example, in the absence of policies on travel demand management it would be difficult to determine where the best location is for creating new parking spaces. A new bylaw will therefore continue the existing controls to allow time for the Integrated Transport Strategy to be implemented and new controls developed as part of that implementation.

Analysis of the options

The Council considers “doing nothing” is not a reasonably practicable option. The current bylaw will be automatically revoked on 17 June 2022 and all the existing parking regulation will cease to have effect. A new bylaw is required. There are two reasonably practicable options for making a new bylaw described below. Under either of the options, the new bylaw will:

- not duplicate other legislation, e.g. rules made under the Land Transport Act 1998
- continue existing restrictions and controls without amendment, except to correct errors (e.g. incorrect description of locations) or update wording to be consistent with legislation
- meet best practice drafting standards as advocated by the Parliamentary Counsel Office.

Option One: Make one new bylaw under Land Transport Act 1998 and Local Government Act 2002

This option would be maintaining the status quo because the existing bylaw was made under both Acts. Under this option the new bylaw would therefore also include “traffic control” matters. While it is good practice to avoid making multiple regulations when one will do, in this instance there would be four separate topics covered in one bylaw: parking, road use (“traffic control”), mobile shops, and other uses of public places near roads. This may restrict the flexibility to respond to future changes – changing one part of a bylaw inevitably leaves room for people to advocate changes to other parts and potentially lengthen the amendment process unnecessarily. The length of the bylaw may also make it difficult for users to browse and easily find provisions that are relevant to them.

Option Two: Make two new bylaws – one dealing with parking and one dealing with road use – under the Land Transport Act 1998

Under this option, regulation of parking would be separated from the other road use regulation. The volume of parking spaces, time limits and possible future provisions (e.g. parking fees) means a parking bylaw will be a long document and likely to require regular amendments to respond to the demands of the transport network. Also, responsibility for the enforcement of parking restrictions and other road uses is split between the Council and the Police. The Council is only responsible for enforcement of parking and a small number of other minor offences. All other road use matters are dealt with by the Police. It is therefore better for parking to be regulated in a stand-alone bylaw for ease of enforcement. A second bylaw would deal with all the other aspects of road use (“traffic control”), including the use of public places adjacent to roads.

Section 22AB of the Land Transport Act 1998 gives the Council broad powers to make bylaws regulating all aspects of road use. The transport legislation is extensive (the Land Transport Act 1998, plus numerous regulations and rules) in regulating roads, traffic and the behaviour of road users. It is highly unlikely the transport legislation has missed or overlooked any particular problem or matter that should be regulated. It is therefore not necessary for the bylaw to also be made under the Local Government Act 2002.

Costs and benefits (advantages and disadvantages)

The costs and benefits of both options are roughly the same. The resources required to develop and implement a single bylaw vs two bylaws are the same, if the two bylaws are done at the same time, i.e. there is no duplication of costs for public consultation. Similarly, if two bylaws are done at the same time the cost to the community is the same as it would be for a single bylaw, i.e. cost of involvement in consultation and cost of any changes to behaviour required by the new bylaw/s. Both options will address the problems of competition for space and congestion in the urban areas of the District. The benefits of option two are slightly higher because:

- clarity about the scope of the regulation will make the bylaws easier for people to understand
- separate bylaws reflect the split of enforcement responsibilities between the Council and the Police
- there will be more flexibility to respond to changes in the transport network by amending the bylaws
- bylaws made under the Land Transport Act 1998 are not subject to the mandatory reviews that apply to bylaws made under the Local Government Act 2002 and the risk of the bylaws being automatically revoked due to not being reviewed will be avoided.

Impacts on tāngata whenua and te ao Māori

The impacts on tāngata whenua from the regulation of parking are similar to the impacts on communities generally. The impacts will mostly occur when new parking spaces are proposed to be created and therefore will be considered in the implementation of the Integrated Transport Strategy.

Decision on options

On 20 May 2021, under section 155(1) of the Local Government Act 2002, the governing body of the Far North District Council determined that two new bylaws regulating parking and road use, made under the Land Transport Act 1998, are the most appropriate way of addressing the problems of:

- competition for space in the central business districts
- congestion in the central business districts.

Proposed Parking Bylaw

A draft of the proposed Parking Bylaw is included in this proposal.

New Zealand Bill of Rights Act 1990 implications

Part 2 of the New Zealand Bill of Rights Act 1990 sets out twenty rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The proposed Parking Bylaw may give rise to implications for the following rights (section numbers are references to the sections in the New Zealand Bill of Rights Act 1990):

- section 19 – right to freedom from discrimination on the grounds of discrimination in the Human Rights Act 1993
- section 21 – right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence.

The Council will fully assess these implications before it makes the Parking Bylaw. The preliminary assessment is:

- section 19 rights – the bylaw’s provisions for specified parking spaces to be used only by people with disabilities are permitted under section 19(2) as “measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged”
- section 21 rights – the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are in statutes.

How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the Parking Bylaw to present their views on the proposal to the Council by making a submission. Submissions can be made by using any of the following methods:

- online at the Council’s website www.fndc.govt.nz/have-your-say
- email your submission to submissions@fndc.govt.nz

- drop-off your submission at any Council service centre or library, details of their locations and opening times are listed at www.fndc.govt.nz/contact or you can get that information by phoning the Council on 0800 920 029
- post your submission to: Strategy Development Team, Far North District Council, Private Bag 752, Kaikohe 0440
- make an oral presentation of your submission at a meeting of the Council's Strategy and Policy Committee

Please include your full name and email address or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where the meetings for this are taking place.

Privacy statement – Please be aware, any submissions that are made on the new Road Use Bylaw become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, are copied and made available to the Council's governing body as well as the public. Any personal information included with a submission, such as your name, is treated as part of the submission and will also be released publicly. Your submission and any personal information that you supply, such as your name, will not be treated as confidential unless you specifically request it in your submission.

Draft Parking Bylaw

The draft of the proposed bylaw is as follows:

Parking Bylaw

Contents

Clause Title

1	Title
2	Related information boxes
3	Commencement
4	Application
Part 1: Preliminary provisions	
5	Purpose
6	Interpretation
Part 2: Prohibited, restricted or limited parking	
7	Places where parking is prohibited for all vehicles
8	Places where parking is restricted to certain types of vehicles
Part 3: Time restricted parking	
9	Short-stay parking restrictions (P5 – P30)
10	Long-stay parking restrictions (more than P30)
11	Places where parking restricted to certain times of the day or year
Part 4: Parking places	
12	Use of parking places

- Part 5: Approvals
- 13 Approval to use parking space
 - 14 Conditions on approval
 - 15 Amendment of approval
 - 16 Suspending or cancelling approval
- Part 6: Enforcement, offences and penalties
- 17 Removal of vehicles in breach of bylaw
 - 18 Offences under transport legislation
- Part 7: Savings and transitional provisions
- 19 Parking and Traffic Control Bylaw revoked in part
 - 20 Applications, approvals etc under revoked bylaw

Schedules

- 21 Roads that have parking restrictions, limits or prohibitions
- 22 Amendments to Schedules

Schedule 1 – Roads, or parts of roads, where parking is prohibited

[View Schedule 1](#)

Schedule 2 – Roads, or parts of roads, where parking is restricted to certain types of vehicles

[View Schedule 2](#)

Schedule 3 – Roads, or parts of roads, where parking time is restricted

[View Schedule 3](#)

Schedule 4 – Parking places

[View Schedule 4](#)

Schedule 5 – Parking restrictions or prohibitions grouped by town or area

[View Schedule 5](#)

1 Title

This bylaw is the Parking 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 2 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 *[date to come]*.

4 Application

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

Related information

This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by –

- (a) limiting the period of time that vehicles may park on any part of the road;
- (b) limiting the parking of vehicles on some roads to vehicles of any specified class or description, or specifying only vehicles of a certain class are permitted to use any parking place;
- (c) regulating any parking-related matters including (but not limited to) charges for the use of parking places, enhancing or promoting road safety and providing protection for 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.

approved disabled person's parking permit 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 disabled person's parking permit or mobility parking permit —

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the territorial authority having control of the parking area.

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

electric vehicle 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 motor vehicle with motive power wholly or partly derived from an external source of electricity.

emergency vehicle 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 vehicle used for attendance at emergencies and operated —

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

goods vehicle 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 motor vehicle that is —

- (a) designed exclusively or principally for the carriage of goods; or
- (b) used for the collection or delivery of goods in the course of trade.

motorcycle 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:

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by Waka Kotahi; but

(c) does not include a moped.

parking warden means a person appointed by the council as a parking warden under section 128D of the Land Transport Act 1998.

passenger service 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:

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include—
 - (i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
 - (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

The term “passenger service” is also defined in section 2(1) 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 1 April 2021 the definition is:

Road 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.

small passenger service 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 any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

trailer 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 without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable; but
- (b) does not include—
 - (i) a sidecar attached to a motorcycle; or
 - (ii) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

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:

- (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.

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

Related information

This means that words or phrases used in this bylaw that are defined in the Interpretation Act 1999 have the meanings given in that Act. For example, section 29 of that Act defines “person” as “includes a corporation sole, a body corporate, and an unincorporated body”.

Part 2: Prohibited, restricted or limited parking

Related information

“Keep clear” areas are not included in this bylaw because they are created under clause 10.6 of the Land Transport Rule: Traffic Control Devices 2004. Clause 10.6 is as follows:

10.6 ‘Keep Clear’ zone at intersections

10.6(1) A road controlling authority may mark the road surface of an intersection, or a place used as a vehicle entrance or exit, to indicate the area that a road user must not enter when the road user’s intended passage through that area is blocked by traffic.

10.6(2) An area in 10.6(1) must be marked, in compliance with Schedule 2, by means of either:

- (a) yellow reflectorised material in the form of diagonal crosshatched markings; or
- (b) the words ‘keep clear’ marked between lines that define the area.

7 Places where parking is prohibited

(1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1 that are marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.

Related information

These places may also have “No parking” signs erected.

- (2) Where Schedule 1 specifies a class or description of vehicle, subclause (1) only applies to vehicles of that class or description.
- (3) Where Schedule 1 restricts parking to specified dates or times, subclause (1) only applies during those specified dates times.

8 Places where parking is restricted to certain types of vehicles

(1) A person is prohibited from stopping, standing or parking a vehicle, other than a goods vehicle, on the roads, or parts of roads listed in Part A of Schedule 2 that have loading zone signs erected. If Part A of Schedule 2 specifies a time period, a person may only stop, stand, or park a goods vehicle for that specified period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that relates to a loading zone applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. Under clause 6.16(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a loading zone —

- (a) if the vehicle is not a goods vehicle; or
- (b) if the driver leaves the vehicle unattended for more than five minutes or any period longer than that specified on the sign; or
- (c) if goods or passengers are not actually being loaded or unloaded from the vehicle.

(2) A person is prohibited from stopping, standing or parking a vehicle, other than a vehicle displaying an

approved disabled person's parking permit, on the roads, or parts of roads listed in Part B of Schedule 2 that have signs erected with the disabled symbol on them. If Part B of Schedule 2 specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person's parking permit for that specified period.

Related information

Under clause 6.4(1A) of the Land Transport (Road User) Rule 2004 a person must not park a vehicle in a place reserved for vehicles displaying an approved disabled person's parking permit unless the driver or a passenger is disabled and the permit is prominently displayed in the vehicle.

- (3) A person is prohibited from stopping, standing or parking a vehicle, other than a passenger service vehicle, on the roads, or parts of roads listed in Part C of Schedule 2 that have bus stop signs erected. If Part C specifies a time period, a person may only stop, stand, or park a passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clauses 6.8(2) and (3) and 6.15(3) of the Land Transport (Road User) Rule 2004, a bus may stop or stand within six metres of a bus stop sign, or, if the area in which stopping or standing is marked out is longer or shorter than six metres, the driver or person in charge of the bus must not leave the vehicle unattended on the area. Under clause 6.8(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle other than a bus must not stop, stand, or park the vehicle within 6 metres of a bus stop sign.

- (4) A person is prohibited from stopping, standing or parking a vehicle, other than a small passenger service vehicle, on the roads, or parts of roads listed in Part D of Schedule 2 that have Taxi or Small PSV signs erected. If Part D of Schedule 2 specifies a time period, a person may only stop, stand, or park a small passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Ride sharing services, such as Uber, are small passenger service vehicles and can park on places with "Taxi" signs.

- (5) A person is prohibited from stopping, standing or parking a vehicle, other than an emergency vehicle, on the roads, or parts of roads listed in Part E of Schedule 2 that have Emergency Vehicles signs erected.

Related information

These places may also be marked on the roadway with broken yellow lines.

- (6) A person is prohibited from stopping, standing or parking a vehicle, other than a boat trailer, on the roads, or parts of roads listed in Part F of Schedule 2 that have Boat trailer signs erected. In this subclause "boat trailer" means a vehicle –
- (a) designed and constructed for the carriage of a boat; and
 - (b) without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.
- (7) A person is prohibited from stopping, standing or parking a vehicle, other than an electric vehicle, on the roads, or parts of roads listed in Part G of Schedule 2 that have signs with the electric vehicle charging symbol erected.

Related information

There are some places provided for electric vehicle charging in off-road carparks or on private land that are not listed in the Schedule, all EV charging places can be seen on the map at this link:

<https://charge.net.nz/map/>

- (8) A person is prohibited from stopping, standing or parking a vehicle on the roads, or parts of roads listed in Part H of Schedule 2 that have Authorised Vehicle signs erected, unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If Part H of Schedule 2 specifies a time period, a person may only stop, stand, or park a vehicle for that specified time period.

Part 3: Time restricted parking

Related information

Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that incorporates the symbol “P” on the top of the sign, or relates to a loading zone, applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. All other signs apply at all hours of the day and night, unless a time period is specified on the sign.

9 Short-stay parking restrictions (P5 – P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 with a P sign erected for more than the time period specified in the Schedule for that road, or part.

10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 with a P sign erected for more than the time period specified in the Schedule for that road, or part.

11 Places where parking restricted to certain times of the day or year

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part C of Schedule 3 except on, or during, the days of the year, or the times of the day, specified in Part C for that road, or part.

Part 4: Parking places

12 Use of parking places

Use of the parking places listed in Schedule 4 is subject to the following conditions –

- (a) A person is prohibited from stopping, standing, or parking a vehicle on places that are marked with broken yellow lines (with or without “no parking” signs), or diagonal yellow crosshatched markings (with or without the words “keep clear” marked or signed):
- (b) A person must not stop, stand or park a vehicle, other than a vehicle displaying an approved disabled person’s parking permit, in the parking spaces that have signs erected with the disabled symbol on them. If the sign specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person’s parking permit for that specified period:
- (c) A person must not stop, stand or park a vehicle in the parking spaces that have “Authorised Vehicle” signs erected, unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If the sign specifies a time period, a person may only stop, stand, or park a vehicle for that specified time period:
- (d) A person must not stop, stand or park a vehicle in the parking spaces that have signs stating they are reserved for use, either generally or at specified times, only by a specified person, unless that person is such a specified person:
- (e) A person must not stop, stand or park a vehicle in the parking spaces that have a “P” sign erected for more than the time period specified on the sign:
- (f) A person must not stop, stand or park a vehicle, in the parking spaces that have signs stating that only a specified class of vehicle is entitled to use that space, except for vehicles of the class specified on the sign. If the sign specifies a time period, a person may only stop, stand, or park the vehicle for that specified period:
- (g) Where a parking place has signs, delineators or markings indicating the travel path to follow, a person must drive a vehicle in that travel path:
- (h) Where a parking place has signs that specify “no entry” or “no exit”, a person must not enter or exit the parking place in contravention of that sign.

Part 5: Approvals

13 Approval to use authorised vehicle parking spaces

- (1) A person who requires an authorised vehicle label under clause 8(8) or clause 12(c) (“**the applicant**”) must apply to the council for an approval and the application must be –
 - (a) in the form required by the council; and
 - (b) 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/ltp-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

- (2) The council may grant or decline an application for an approval in its absolute discretion. Nothing in this subclause 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.
- (3) 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 a refund, or partial refund, is reasonable in the circumstances.
- (4) Approvals are not transferable to another person.
- (5) 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.

14 Conditions on approval

- (1) All approvals granted under clause 13 include a condition that enables the council to carry out inspections to ensure the approval and its conditions are being complied with.
- (2) The council may include other conditions on any approval for the following matters –
 - (a) requiring a label, in the form specified by the council, to be displayed on a vehicle showing the approval;
 - (b) the duration of the approval and how the approval may be renewed, if at all;
 - (c) any other matter the council considers is necessary to enhance or promote road safety, or provide protection for the environment.

15 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, with any necessary modifications.

16 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval in its absolute discretion if –
 - (a) any conditions are not complied with; or
 - (b) the road or part of the road the approval applies to is removed from Part H of Schedule 2 or Schedule 4; or
 - (c) the limits or restrictions on the use of the road or part of the road the approval applies to are changed; or
 - (d) the council considers the suspension or cancellation is necessary to enhance or promote road safety or provide protection for the environment.
- (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. 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 the acts or omissions that were the reasons for the suspension or cancellation.

- (4) Except where the approval is cancelled under subclause (1)(b), 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 subclauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

Part 6: Enforcement, offences and penalties

17 Removal of vehicles in breach of bylaw

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1) from a parking place, the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

Related information

The council can also remove abandoned motor vehicles from a road under section 356 of the Local Government Act 1974.

18 Offences under transport legislation

- (1) Parking in any portion of a road in breach of this bylaw is a stationary vehicle offence under the Land Transport Act 1998. Under section 133A of the Land Transport Act 1998 proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons –
 - (a) the person who allegedly committed the offence:
 - (b) the person who, at the time of the alleged offence,—
 - (i) was registered as the owner, or one of the owners, of the vehicle involved in the offence in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or
 - (ii) was the registered person in respect of the vehicle under Part 17 of this Act:
 - (c) the person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether or not jointly with any other person).
- (2) Under section 139(6) of the Land Transport Act 1998 a parking warden may issue an infringement notice for a stationary vehicle offence or prosecute the offence under the Criminal Procedure Act 2011.

Related information

The penalties for stationary vehicle offences are prescribed in the Land Transport (Offences and Penalties) Regulations 1999. A person may either be issued with an infringement notice for a fee of up to \$150, or may be prosecuted and, if convicted, fined up to \$1000.

Part 7: Savings and transitional provisions

19 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2001, 2002, 2003, 2007 and 2008 and Schedules 1 and 9 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, before the date of commencement of this bylaw, to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

20 Applications, approvals etc under revoked bylaw

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 19, 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 commenced; and
- (b) any approval, permit or authorisation cannot be renewed under this bylaw, a new approval must be applied for under this bylaw.

Schedules

21 Roads that have parking restrictions, limits or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where parking is prohibited under clause 7.
- (2) Schedule 2 lists the roads, or parts of roads, where parking is restricted to certain types of vehicles under clause 8. Schedule 2 has 8 parts –
 - (a) Part A lists the locations where only goods vehicles may stop, stand, or park:
 - (b) Part B lists the locations where only vehicles with approved disabled person's parking permit may stop, stand, or park:
 - (c) Part C lists the locations where only passenger service vehicles may stop, stand, or park:
 - (d) Part D lists the locations where only small passenger service vehicles may stop, stand, or park:
 - (e) Part E lists the locations where only emergency vehicles may stop, stand, or park:
 - (f) Part F lists the locations where only boat trailers may stop, stand, or park:
 - (g) Part G lists the locations where only electric vehicles may stop, stand, or park:
 - (h) Part H lists the locations where only vehicles with an approval may stop, stand, or park:
- (3) Schedule 3 lists the roads, or parts of roads, where the time a vehicle can be parked is restricted under clauses 9 to 11. Schedule 3 has 3 parts –
 - (a) Part A lists the locations where the time period is between 5 minutes and 30 minutes, inclusive.
 - (b) Part B lists the locations where the time period is more than 30 minutes.
 - (c) Part C lists the locations where the time is restricted to days of the year or the times of the day.
- (4) Schedule 4 lists parking places that clause 12 applies to.
- (5) The co-ordinates in the Schedules are measured 2.5 meters from the centreline of the road. The parking restrictions are marked, or have a sign erected, on the closest kerb of the road to the co-ordinates.
- (6) The Schedules 1 to 4 are organised by the type of parking restriction or prohibition. Schedule 5 groups the restrictions or prohibitions by 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 the Schedules, Schedules 1 to 4 prevail.

22 Amendment to Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, from Schedules 1, 2 or 3.
- (2) Where a road, or part of a road, is added to a Schedule under subclause (1), the resolution may also specify the class or description of vehicle, or dates or times, that apply on that road, or part of a road and for Schedule 3 the resolution may specify the period of time that applies.
- (3) The council may, by resolution, add or delete any parking place listed in Schedule 4.