



# Roading Bylaw 2023



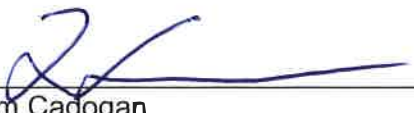
## Table of contents

	<b>Page</b>
<b>Introduction</b>	<b>2</b>
<b>Part 1 Stock movement, stock races and temporary grazing</b>	<b>11</b>
Subpart 1 - Stock movement across and along roads	11
Subpart 2 - Stock races	18
Subpart 3 - Temporary grazing of roadsides	21
Appendix to Part 1 – Diagrams 1 and 2	26
<b>Part 2 Temporary traffic management</b>	<b>27</b>
Subpart 1 - Temporary traffic management	27
Subpart 2 - Temporary road closure for events	32
<b>Part 3 Roadside planting and storage</b>	<b>35</b>
Subpart 1 - Levelling and cultivation of roadsides	35
Subpart 2 - Roadside planting in rural areas	38
Subpart 3 - Removal and maintenance of trees on roads	42
Subpart 4 - Temporary storage on roads	45
<b>Part 4 Damage to roads</b>	<b>49</b>
<b>Part 5 Services, formation, accessways and dust suppression</b>	<b>52</b>
Subpart 1 - Public services within roads	52
Subpart 2 - Private services within roads	52
Subpart 3 - Occupation of unformed roads	56
Subpart 4 - Formation of roads	58
Subpart 5 - Vehicle accessways	61
Subpart 6 - Dust suppression	63
<b>Part 6 Fencing within rural road reserve</b>	<b>64</b>
<b>Part 7 Time restricted parking</b>	<b>67</b>
<b>Part 8 Heavy vehicle restrictions</b>	<b>71</b>
<b>Schedule 1 – Parking restrictions</b>	<b>73</b>
<b>Schedule 2 – Heavy vehicle restrictions</b>	<b>82</b>

Central Otago District Council Rooding Bylaw 2023  
Published by Central Otago District Council.  
PO Box 122  
Alexandra 9340.

The Central Otago District Rooding Bylaw was made by the Central Otago District Council at a meeting of the Council held on 31 May 2023.

The Common Seal of the Central Otago District Council was affixed in the presence of:



---

Tim Cadogan  
**Mayor**



---

Louise van der Voort  
**Acting Chief Executive**



## Introduction

### 1. Title

- 1.1. This Bylaw may be referred to as the Central Otago District Roading Bylaw 2023.

### 2. Commencement

- 2.1. This Bylaw will come into force on 1 July 2023.

### 3. Revocation

- 3.1. Parts 1,3,4,5,6,7,8,9 of the Roading Bylaw 2020 are hereby revoked.

### 4. Purpose and scope

- 4.1. This Bylaw is supported by Council's Roading Policies. The Roading Bylaw is to provide the regulatory framework to facilitate the Council in achieving a safe, efficient and fully accessible transportation network.
- 4.2. This Bylaw applies to all roads administered by the Central Otago District Council.

### 5. Objectives

- 5.1. The overall objectives for the Roading Bylaw are:
- (a) To clearly and concisely set out the regulatory requirements for landowners and individuals undertaking activities on roads or activities that may affect roads
  - (b) Establish a clear regulatory regime that is simple and efficient for people who wish to undertake activities that affect roads.
  - (c) Establish a clear and simple enforcement regime that provides for the recovery of administration and enforcement costs where necessary.
  - (d) Allow the Council to recover the cost of works required to repair or maintain roads incurred as a consequence of people undertaking activities on roads and that caused damage.

### 6. General

- 6.1. This Bylaw is made in accordance with section 22AB of the Land Transport Act 1998 and Part 8 of the Local Government Act 2002.
- 6.2. Every Schedule to this Bylaw forms part of the whole Bylaw and if provided for in the Bylaw text, any such Schedule may be altered from time to time by council resolution and in accordance with the Act.

- 6.3. All officers appointed by the Council at the time this Bylaw takes effect, are deemed to have been appointed under this Bylaw.

## 7. Interpretation

- 7.1. The interpretation section sets out the terms and phrases commonly used within the Bylaw.

<b>the Act</b>	Means the Local Government Act 2002.
<b>access and low volume access roads</b>	A sealed road that is not a State Highway, arterial road, collector road.
<b>accessway</b>	Means the area of land or location along a road that provides the link between the formed carriageway, within the road reserve and the adjoining land.
<b>agent</b>	A person, corporate or non-corporate, authorised to act on behalf of another or others.
<b>approved</b>	Means approved by the Council or a committee of the Council or by any employee or officer duly authorised by the Council to give any approval.
<b>arterial roads</b>	Means sealed roads that link significant places within the district, support significant passenger transport, cyclists and pedestrians. They have an average daily traffic volume of 3000 vehicles per day in rural areas and 5000 vehicles per day in urban areas. The Roding Hierarchy is available on the Council website or on request.
<b>authorised agent</b>	Any person who is not an employee of the Council but is duly authorised by the Council to act on its behalf.
<b>Authorised Officer</b>	Any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police and includes an Authorised Agent.
<b>average annual daily traffic</b>	Means the average daily traffic volume measured over a year and recorded in the Council RAMM database. Information from the RAMM database is available on request from Council.
<b>average seasonal daily cattle</b>	Means the average number of cattle or cattle equivalents in any herd or flock. 1 cattle beast is the equivalent of 8 sheep. For the purposes of this Bylaw the length of the season for sheep shall be 365 days and the season for cattle shall be the length of the milking season.
<b>bylaw</b>	A bylaw of the Council for the time being in force, made under the provisions of any enactment enabling the Council

	to make bylaws.
<b>collector roads</b>	Means sealed roads, excluding State Highways, in the rural area that are alternative district routes or connect a series of communities or commercial areas. They typically have an average daily traffic volume in excess of 200 vehicles per day in a rural area or 1000 vehicles per day in an urban area.
<b>Council</b>	The Central Otago District Council including any committee, subcommittee, person, Authorised Agent or Authorised Officer to whom the Council's powers, duties and discretions under the Act have been lawfully delegated.
<b>council-controlled carpark</b>	Means land owned by or under the control of the Council and available to the public for parking cars whether subject to a fee, time restriction or otherwise.
<b>cultivation</b>	Means the sowing, tending, mowing and harvesting of crops or grass.
<b>district</b>	Means the Central Otago district.
<b>District Plan</b>	Means the Central Otago District Plan operative under the Resource Management Act 1991 at the relevant time.
<b>dwelling or dwelling house</b>	Any house, tent, vehicle or other structure, permanent or temporary and whether fixed to the ground or not that is used entirely, or partially for human habitation. It includes the land occupied by the dwelling.
<b>footpath</b>	has the same meaning as in section 315 of the Local Government Act 1974.
<b>formation</b>	In relation to any road, means the establishment or construction of the road. It may include gravel, tarseal, asphalt or other permanent surface of the road. It may also include establishment of footpaths, cycleways, and associated work such as drainage, culvert construction and fencing.
<b>formed carriageway</b>	Means the area within the road reserve formed for the purpose of conveying vehicles and/or other road users along the road including pedestrians and cyclists.
<b>historic planting</b>	Means any tree or shrub planted within road reserve prior to the Roding Bylaw 2015 coming into force.
<b>intermediate gravel roads</b>	Means a gravel road which are through roads and form part of a route that services an area and has an average daily traffic volume of more than 50 vehicles per day but is not

	classified as a major gravel road.
<b>lane</b>	Means a gravel road which provides access to less than three houses, generally serves as access to farmland and is not classified as a minor gravel road or a track.
<b>local authority</b>	Has the same meaning as in section 5(1) of the Act.
<b>major gravel road</b>	Means a gravel road which: <ul style="list-style-type: none"> <li>(a) connect rural communities to other strategic roads,</li> <li>(b) are heavy traffic routes,</li> <li>(c) serve significant horticultural, farming or industrial activities</li> <li>(d) are higher volume gravel roads in lifestyle areas</li> <li>(e) part of school bus routes; or</li> <li>(f) other activity important to the community.</li> </ul> And has an average daily traffic volume in excess of 50 vehicles per day.
<b>minor gravel road</b>	Means a gravel road which provides access to more than three residential dwellings or is an alternative access route for other properties, has an average daily traffic volume of less than 50 vehicles and is not classified as an intermediate gravel road.
<b>motor vehicle</b>	Has the same meaning as in section 2(1) of the Land Transport Act 1998.
<b>motorcycle</b>	Has the same meaning as in section 2(1) of the Land Transport Act 1998.
<b>nuisance</b>	Has the same meaning as in section 29 of the Health Act 1956.
<b>occupier</b>	Means the person currently residing at or utilising any dwelling house, building, tenement or premises whether legally entitled or otherwise. In the case of an unoccupied location it includes the owner.
<b>owner</b>	In relation to any land, building, tenement or premises is the person who is the registered proprietor for the time being or who, for the time being is or would be entitled to receive rent for the property should the property be let. "Owner" includes their attorney or agent.
<b>parking</b>	Means in relation to a part of a road which is identified for parking by way of road markings or signs which have been identified or placed there with authority of this or any previous bylaw or any resolution made under it and where a vehicle stops or stands in that location for an excess of

	five minutes.
<b>parking warden</b>	Means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998.
<b>person</b>	A natural person or a body of persons whether incorporated or not.
<b>portico</b>	Includes every awning, porch, veranda, shed, shade sail, or covering on, across or over any public footpath, road (or part thereof) street, private street or accessway together with any part required for support thereof, although not including the building it is attached to.
<b>premises</b>	Includes land, dwellings, store or warehouses, shops, cellars, yards, building and any part thereof, or any enclosed space occupied separately. All land and buildings adjoining each other and occupied together will be deemed to be one premises.
<b>public notice</b>	Has the same meaning as in section 5(1) of the Act.
<b>public place</b>	Has the same meaning as in section 147(1) of the Act. It includes, but it not limited to, every road, reserve, park, domain, beach, foreshore and recreational ground under the control of the Council.
<b>reserve</b>	Has the same meaning as in section 2(1) of the Reserves Act 1977.
<b>road or road reserve</b>	Has the same meaning as in section 315 of the Local Government Act 1974 excluding State Highway as defined under the Government Roding Powers Act 1989. It includes: <ul style="list-style-type: none"> <li>(a) a street;</li> <li>(b) a lane;</li> <li>(c) council controlled carparks;</li> <li>(d) all bridges, culverts, ferries and fords forming part of a road, street or lane or referred to in (c); and</li> </ul> over which the Council has control as the road controlling authority.
<b>roadside</b>	Means the area of land within road reserve but not part of the formed carriageway and used for the conveyance of vehicles and other road users.
<b>road controlling authority</b>	Has the same meaning as in section 2(1) of the Land Transport Act 1998.
<b>roading bylaw</b>	Means the Central Otago District Roding Bylaw 2023



<b>rural area</b>	Any land contained within the rural resource area and rural residential resource area of the District Plan.
<b>rural road</b>	Means any road within the rural area of the district.
<b>State Highway</b>	Has the same meaning as in section 5 of the Land Transport Management Act 2003.
<b>stock</b>	Means cattle (including dairy cows), sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas, ostriches, or other animal (excluding dogs) including their young kept in captivity or farmed where dependant on humans for food, water and care.
<b>stock race</b>	Means a fenced off lane within road reserve used for the purpose of moving stock along the road.
<b>territorial authority</b>	Has the same meaning as in section 5(1) of the Act.
<b>towage fee</b>	In respect of an offence, means an amount specified as the towage fee under the Transport (Towage Fees) Notice 2004, or any amendments or updates thereof.
<b>track</b>	Means a gravel road that services land use beyond residential dwellings and buildings and provide access to the high country.
<b>traffic management plan</b>	Means a document describing the design, implementation, maintenance and removal of temporary traffic management while an associated activity or event is taking place within the road or adjacent to and affecting the road. Includes plans prepared for one-off events and generic plans to cover activities carried out frequently.
<b>unformed road</b>	Means land that has been vested in Council as road but has not been formed. Colloquially known as a 'paper road.'
<b>urban area</b>	Any land not within the rural resource area or rural residential resource area of the District Plan.
<b>urban road</b>	Means a road within the urban area of the district.
<b>utility operator</b>	Has the same meaning as in section 4 of the Utilities Access Act 2010.
<b>vehicle</b>	Has the same meaning as in section 2(1) of the Land Transport Act 1998.
<b>waterworks</b>	Has the same meaning as in section 5(1) of the Act.
<b>working day</b>	Has the meaning as in section 29 of the Interpretation Act 1999.

## **8. Service of notices under this Bylaw**

- 8.1. Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be effected by delivering it personally to the person or by sending it by post to that person's last known residential or business address.
- (a) Where the person is absent from New Zealand the notice, order or document may be served on the person's attorney or agent as required.
- 8.2. Where the notice, order or document relates to land or building, the notice, order or other document will be served on the person who owns the land or building. If that person is unknown, or absent from New Zealand and has no known agent within New Zealand, the notice, order or document may be:
- (a) Served on the person occupying the land or buildings; or
- (b) Affixed to a conspicuous part of the land or buildings where the land or buildings are unoccupied.

In these circumstances it is not necessary to name the occupier or the owner of the land or buildings.

- 8.3. Where a notice, order or document is served by post, it is deemed to have arrived within 3 working days of sending in accordance with the Postal Rule.
- 8.4. Any notice, order or document will state the time within which any remedial action is to be taken. Any timeframe may be extended by written authority of the Council or an Authorised Officer.

## **9. Delegation powers**

- 9.1. Where this Bylaw provides for the issue of a notice, order or licence, such a document will be deemed to have been issued in compliance with this Bylaw if it is issued by an Authorised Officer or Authorised Agent.
- 9.2. Where this Bylaw stipulates powers or duties to be carried by a particular officer of the Council, that officer may with the consent of the Council or in accordance with any delegations manual adopted by the Council, delegate those powers or duties, either generally or particularly to any other officer of the Council.

## **10. General provisions relating to permits**

- 10.1. Every application for a permit will be accompanied by payment of the relevant fee where applicable. If the application for the permit is declined, the fee shall be refunded less any reasonable processing costs.

- 10.2. An application for a permit, or payment of any fee in connection with such an application does not confer any right, authority or immunity on the person making that application or payment.
- 10.3. Any permit is deemed to be issued in compliance with this Bylaw if it is issued by an Authorised Officer.
- 10.4. Unless this Bylaw or the permit provides otherwise, every permit and every application for a permit shall be in such form as may be prescribed by the Council from time to time.
- 10.5. If, following a request for payment by a reasonable date, any permit amount payable remains unpaid, the Council may cancel the relevant permit.

## **11. Power to dispense with obligations under this Bylaw**

- 11.1. Where, in the opinion of the Council, full compliance with any of the provisions of this Bylaw would:
  - (a) needlessly or injuriously affect any person, or the course or operation of the business of any person; or
  - (b) bring loss or inconvenience to any person without any corresponding benefit to the community;the Council may dispense with the requirement for full compliance with the provisions of this Bylaw;
- 11.2. Notwithstanding the above the Council may see fit to impose any other terms or conditions under this Roding Bylaw which must be complied with as if they were a provision of this Roding Bylaw.

## **12. Forms and application requirements**

- 12.1. Wherever forms are prescribed in Bylaws, non-material deviations, but to the same effect and not calculated to mislead, do not invalidate those forms.

## **13. Fees and charges**

- 13.1. The Council may:
  - (a) through the annual plan process, or;
  - (b) at any time by ordinary resolution, publicly notified,prescribe fees to be charged for any approval, permit, or inspection or service, by the Council.
- 13.2. The setting of any fees or charges shall be in accordance with section 150 of the Act.

13.3. Where a fee has been paid for a service or inspection that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or any portion of it as the Council may determine.

**14. Powers of entry for the purposes of this Bylaw**

14.1. Except where provided for under any other enactment, sections 171, 172, 173 and 182 of the Act apply in relation to any power of entry under this Bylaw.

**15. Penalties**

15.1. Any person who acts in breach of any provision of this Bylaw commits an Offence and will be liable on conviction of a fine in accordance with the Local Government Act 2002.<sup>1</sup>

15.2. Any person who has committed an infringement offence in accordance with the Land Transport Act 1998 will be liable to an infringement fee in accordance with that Act or the infringement fee set in this Roding Bylaw so long as that fee does not exceed the fee set by the Land Transport Act 1998.

---

<sup>1</sup> Refer section 242(4) Local Government Act 2002.

## Part 1 – Stock movement, stock races and temporary grazing

### Subpart 1 - Stock movement across and along roads

#### 16. Purpose and scope

- 16.1. The purpose of subpart 1 is to control stock movement along and across roads in order to:
- (a) Ensure the safety of the stock and people attending to the stock and other road users;
  - (b) Ensure that public and private infrastructure, property and road assets are protected; and
  - (c) Ensure that road users are not unreasonably delayed.
- 16.2. Subpart 1 provides for:
- (a) Establishment of three tiers of stock movement on roads.
  - (b) Establishment of an authorisation framework for stock movement on roads.
  - (c) A framework for evaluating the movement of stock on roads of varying frequency and scale.
  - (d) Administrative mechanisms to achieve the above, including recovery of costs where necessary.

#### 17. General conditions for stock movement across and along roads

- 17.1. Stock must not be driven across or along a road unless:
- (a) It is for escape or emergency; or
  - (b) Provided for as a permitted stock crossing or permitted stock drove under this Bylaw; or
  - (c) In accordance with a stock permit issued under this Bylaw.
- 17.2. No person may move stock across or along a road where that person can reasonably move the stock via an alternative route.

#### 18. Permitted stock crossings

- 18.1. A person may drive stock across a road where all of the following circumstances are met:
- (a) The number of average seasonal daily cattle is equal to or less than the number relative to the average annual daily traffic volumes experienced on the Road as shown in diagram 1 Appendix 1; and

- (b) The road has a posted speed limit of 70km per hour or less; and
- (c) No more than 16 crossings are undertaken in any month; and
- (d) No crossings are done earlier than half an hour before sunrise; and
- (e) No crossings are done later than half an hour after sunset; and
- (f) No less than 250m of advance warning is provided, comprising of:
  - (i) No less than 100m of unimpeded visibility between approaching vehicles and sign warning of the crossing; and
  - (ii) No less than 150m of unimpeded visibility between the warning sign and the crossing site (refer to diagram 2 Appendix 1); and
- (g) The formed carriageway at the crossing site shall be cleared of stock effluent after the stock crossing is complete in each case.
- (h) All personnel controlling the crossing wear high visibility vests.

## **19. Conditional stock crossings**

- 19.1. Subject to clause 20.1, in circumstances where any of the conditions set out on clause 18.1 above cannot be met a person must obtain a conditional stock crossing permit from the Council before any stock crossings are undertaken.
- 19.2. A permit must be applied for in accordance with clause 19.1 above by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 19.3. The Council may impose conditions in respect of any conditional stock crossing permit to address any road safety matters that arise as a result of the proposed crossing. Any conditions imposed will relate only to the matter of non-compliance with clause 18.1 above.

## **20. Restricted stock crossing**

- 20.1. A restricted stock crossing permit is required if any of the following circumstances exist:
  - (a) The crossing will be used for cattle;
  - (b) The number of average seasonal daily cattle crossing exceeds the number relative to the average daily traffic volume for permitted or conditional crossings (refer to diagram 1 Appendix 1 this Part of the Bylaw);
  - (c) More than 40 crossings will be undertaken in any one month;
  - (d) The unimpeded visibility requirements set out on clause 3.1(f) cannot be complied with;
  - (e) The road has a posted speed limit of less than 70km;
  - (f) The road is within an urban area.
- 20.2. A person must apply for a permit in accordance with clause 20.1 above by filing an application in the correct form. The relevant form will be available on the Council website or on request.

## 21. Conditions on stock crossing permits

- 21.1. The Council may impose conditions on any permit for a stock crossing. Such conditions may relate to:
- (a) Dimensions and surface of any accessway onto the road;
  - (b) Dimensions and placement of warning signs;
  - (c) Use, colour, dimensions and placement of warning lights and/or road cones;
  - (d) Number of competent people required to be present while stock crossing is being undertaken;
  - (e) Length of time for which other road users may be stopped;
  - (f) Use of mats or other mechanisms for protecting the formed carriageway and/or roadside;
  - (g) Removal of stock effluent from the formed carriageway and/or roadside;
  - (h) Lighting of the crossing if any crossings are to be undertaken outside of daylight hours;
  - (i) Specific times for crossing;
  - (j) Maximum number of stock crossing at any one time;
  - (k) Public liability insurance coverage of at least one million dollars;
  - (l) Any other conditions reasonably necessary to achieve compliance or ensure that the purpose of this Bylaw are met.
- 21.2. In addition to clause 21.1 the Council may impose a condition on any permit for a restricted stock crossing requiring construction of a stock underpass or overpass within a specified timeframe.

## 22. Permitted stock droving

- 22.1. No person may drive stock along a road unless the following circumstances are met:
- (a) Stock numbers will not exceed:
    - (i) 3000 sheep; or
    - (ii) 600 cattle;
  - (b) There will be no more than 10 movements in any month; and
  - (c) No stock droving is done earlier than half an hour before sunrise; and
  - (d) No stock droving is done later than half an hour after sunset; and
  - (e) No less than 250m of advance warning is provided, comprising of:
    - (i) No less than 100m of unimpeded visibility between approaching vehicles and a sign warning of the crossing; and
    - (ii) No less than 150m of unimpeded visibility between the warning sign and the crossing site (see diagram 2 Appendix 1) and
  - (f) The road has a posted speed limit of more than 70 km per hour; and
  - (g) Stock are to be kept under control at all times, by at least 2 drovers (one at the front and one at the rear of the herd or flock); and
  - (h) No damage is caused to the formed carriageway or roadside.

### **23. Conditional stock droving**

- 23.1. In circumstances where any of the conditions set out in clause 22.1 above cannot be met a person must obtain a conditional stock droving permit from the Council before any stock droving is undertaken.
- 23.2. A person must apply for a permit in accordance with clause 23.1 above by filing an application in the correct form and paying the relevant fee. The relevant form will be available on the Council website or on request.
- 23.3. The Council may impose conditions in respect of any conditional stock droving permit to address any road safety matters that arise as a result of the proposed droving. Conditions may be imposed to address any or all of the following:
- (a) Dimensions and surface of any accessway onto the road;
  - (b) Dimensions and placement of warning signs;
  - (c) Use, colour or size and placement of warning lights and/or road cones;
  - (d) Number of competent people required to be present while stock drove is being undertaken;
  - (e) Length of time for which other road users may be stopped;
  - (f) Removal of stock effluent from the formed carriageway and/or roadside;
  - (g) Steps to be taken to protect frontages and private property adjacent to the stock droving route;
  - (h) Specific times for droving;
  - (i) Maximum number of stock;
  - (j) Requiring public liability insurance coverage of at least one million dollars;
  - (k) Any other conditions reasonably necessary to achieve the purpose of this Bylaw.

### **24. Term and expiry of conditional or restricted stock crossing permits or conditional stock droving permits (collectively referred to as 'stock permits')**

- 24.1. Stock permits will have a term of 5 years from the date the permit is granted by the Council.

### **25. Variation of stock permits**

- 25.1. The permit holder may, at any time during the term of a stock permit, apply to the Council to vary any condition within the stock permit. An application to vary a stock permit must be in writing, addressed to the Roding Manager and contain the following:
- (a) Details of permit holder and permit to be varied.
  - (b) Condition(s) to be varied.
  - (c) Reason(s) for variation.
  - (d) Any new or alternative condition to be imposed.



- 25.2. The Council will assess the variation with reference to the matters in clauses 21.1 and 23.3 and may impose new conditions in accordance with clauses 19.3, 20.3, 21.2 and 23.3.
- 25.3. The Council may at any time during the term of a stock permit advise the permit holder in writing of a variation to any condition within the stock permit. Matters which may give rise to the need to Council to vary conditions of a stock permit include, but are not limited to:
- (a) Change in the nature of stock using the crossing;
  - (b) Change in the traffic volumes or nature of the road being crossed;
  - (c) Legal obligations imposed on Council in respect of stock crossings.
- 25.4. Notice of an intention to vary a condition will be given at least 10 working days prior to the condition being imposed.

## **26. Decision on an application**

- 26.1. The Council will, within 10 working days of receiving all the necessary information to process a stock permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

## **27. Compliance, termination, suspension and transfer of a stock permit**

- 27.1. Any person who moves stock along or across a road in contravention of clause 18.1 or 22.1 and without obtaining a stock permit will be in breach of this Bylaw.
- 27.2. Any person who fails to obtain a stock permit if required under this Bylaw will be in breach of this Bylaw.
- 27.3. Any person who has obtained a stock permit must move stock in accordance with the conditions of that stock permit. A failure to do so is a breach of this Bylaw.
- 27.4. A permit holder is liable for the acts and omissions of employees and agents who are moving stock in reliance of clauses 18.1 and 22.1 or purporting to exercise a stock permit.
- 27.5. The Council, through an Authorised Officer may suspend or cancel a stock permit by serving notice in writing to the permit holder if:
- (a) The Council is required to by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of their stock permit;
  - (c) The permit holder fails to comply with the reasonable directions of an authorised officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of a road.

- 27.6. A stock permit may be suspended or cancelled in accordance with clause 27.5:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an authorised officer; or
  - (b) With 20 working days' notice.
- 27.7. Written notice is not required where an Authorised Officer is exercising powers under clause 27.6(a) above.
- 27.8. A stock permit may be suspended for up to 30 working days. In that time the permit holder will address matters that gave rise to the suspension.
- 27.9. Where the permit holder remedies the matters giving rise to the suspension prior to the expiry of the 30 working day suspension the permit holder may request the suspension be cancelled. The Council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.
- 27.10. If the permit holder has not remedied the non-compliance giving rise to the suspension within 30 working days the stock permit is deemed to have been terminated.
- 27.11. The Council may extend a suspension period under clause 27.8 if it deems it necessary or on request from the permit holder.
- 27.12. No rights or responsibilities provided for under a stock permit may be transferred. Where a permit holder ceases to be an owner or occupier of the property to which the stock permit relates the relevant stock permit will be deemed to have been terminated.
- 28. Reporting and costs**
- 28.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a stock permit or the conditions of clause 18.1 and 22.1.
- 28.2. Where the Council is informed of an incident in accordance with clause 28.1 above it may elect to vary the conditions of the relevant stock permit or require a stock permit to be obtained.
- 28.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering a stock permit;
  - (c) Maintenance or repair of any part of a road caused by the stock movement; and
  - (d) Maintenance to remove excessive stock effluent from the road after stock movement.

- 28.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a stock permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the stock movement.

## Subpart 2 – Stock races

### 29. Purpose and scope

- 29.1. This part of the Bylaw is to address matters relating to stock races within the purpose of road reserve in order to:
- (a) Ensure that stock races are situated a suitable distance from the road carriageway to ensure safety of other road users;
  - (b) Ensure that public and private infrastructure, property and road assets are protected; and
  - (c) Ensure stock races are constructed of suitable materials to prevent damage to the road and stock wandering on to the road.
- 29.2. This part of the Bylaw provides for:
- (a) Establishment of stock races along roads of particular classification;
  - (b) A framework for authorising construction of stock races where appropriate;
  - (c) A framework for evaluating the construction of stock races;
  - (d) The administrative mechanisms to achieve the above, including recovery of costs where necessary.

### 30. General provisions relating to stock races

- 30.1. No stock race will be allowed within the road reserve of sealed roads or major gravel roads.
- 30.2. In respect of other road classifications a stock race permit must be obtained prior to construction of a stock race within road reserve.

### 31. Permits for stock races in road reserve

- 31.1. A person must apply for a stock race permit in accordance with clause 30.2 above by filing an application in the correct form and paying the prescribed fee. The relevant form will be available on the Council website or on request.
- 31.2. The Council may impose conditions in respect of any stock race permit to address any road safety matters. Conditions may be imposed to address any or all of the following:
- (a) Width of the race not in excess of 5m;
  - (b) Suitable pavement formation, including the type of hardfill required;
  - (c) Fencing of the stock race – No fence shall be closer than 2.5m from the edge of the formed carriageway;
  - (d) Existing drains (including foulwater drains) and water channels will be avoided or protected;
  - (e) The need for reflectorized markers or marker posts;

- (f) Frequency of use;
- (g) Type of stock;
- (h) Public liability insurance coverage of at least one million dollars; and
- (i) Registration of an encumbrance on the computer freehold register for the adjacent property, in favour of the Council to secure performance of the stock race permit conditions by the permit holder.

### **32. Adjacent landowner consent**

- 32.1. If a stock race is to be constructed adjacent to land not owned by the applicant written consent of the adjacent landowner should be provided with an application for a stock race permit.

### **33. Permit holder to indemnify the Council**

- 33.1. Any stock race permit will be conditional on the permit holder indemnifying the Council against:
- (a) Any loss, damage or costs of repair or reinstatement of any under or over ground services (including but not limited to electricity lines, telecommunications, water channels, culverts and water tables) damaged by the construction or use of the stock race.
  - (b) Any claims made against the Council by third parties resulting from the construction or operation of the stock race.
- 33.2. This condition will apply whether or not stated on a stock race permit.

### **34. Compliance, transfer, cancellation and suspension**

- 34.1. Constructing or using a stock race within road reserve without first obtaining a stock race permit is a breach of this Bylaw.
- 34.2. A permit holder must comply with the conditions of their stock race permit at all times. Failure to do so constitutes a breach of this Bylaw.
- 34.3. A permit holder is liable for the acts and omissions of employees or agent who purport to exercise rights under a stock race permit.
- 34.4. The Council, through an Authorised Officer may suspend or cancel a stock permit by giving notice in writing to the permit holder if:
- (a) The Council is required to by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of their stock race permit;
  - (c) The permit holder fails to comply with the reasonable directions of an authorised officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of the road.

- 34.5. A stock race permit may be suspended or cancelled in accordance with clause 34.3:
- (a) Immediately and without notice, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an authorised officer;
  - (b) With 20 working days' notice.
- 34.6. Written notice is not required where an Authorised Officer is exercising powers under clause 34.5(a) above.
- 34.7. A stock race permit may be suspended for up to 30 working days. In that time the permit holder will remedy matters that gave rise to the suspension.
- 34.8. In circumstances where the permit holder remedies the matters giving rise to the suspension prior to the expiration of the 30 working day suspension the permit holder may request the suspension end. The Council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.
- 34.9. If the permit holder has not rectified the non-compliance giving rise to the suspension within 30 working days, the permit is deemed to have been terminated.
- 34.10. The Council may extend a suspension period under clause 34.6 if it deems it necessary or upon request from the permit holder.
- 34.11. No rights or responsibilities provided for under a stock race permit shall be transferred. Where a permit holder ceases to be an owner or an occupier of a property to which a permit relates the relevant stock race permit shall be deemed to be terminated.
- 34.12. Where a stock race permit is terminated the Council may direct that the permit holder reinstate the road.

### **35. Reporting and costs**

- 35.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a stock race permit.
- 35.2. Where the Council is informed in accordance with clause 35.1 above it may elect to vary the conditions of the relevant stock race permit or require a stock race permit to be obtained.
- 35.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering a stock race permit;

(c) Maintenance or repair of any part of a road caused by the stock race or the use of it.

35.4. A permit holder will pay any fees or charges that may be requested by the Council for administering a stock permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the stock race or the use of it.

## Subpart 3 – Temporary grazing of roadsides

### 36. Purpose and scope

- 36.1. The purpose of this part of the Bylaw is to provide for temporary grazing of roads with low traffic volumes in order to:
- (a) Assist with vegetation control;
  - (b) Ensure the safety of road users; and
  - (c) Ensure that road assets are not damaged.
- 36.2. This part of the Bylaw provides for:
- (a) Ability to temporarily graze stock on roadsides in certain circumstances;
  - (b) Establishment of a framework for allowing or authorising roadside grazing;
  - (c) Establishing the administrative mechanisms to achieve the above, including cost recovery where necessary.

### 37. General provisions for temporary stock grazing on roadsides

- 37.1. No grazing of stock can occur on roadsides except:
- (a) On unmaintained roads or tracks where cattle stops and/or gates have been installed; or
  - (b) On other roadsides subject to all of the following circumstances:
    - (i) The road is a gravel road and classified as a track, lane or minor road;
    - (ii) Grazing is undertaken by landowners or occupiers adjacent to the section of road to be grazed;
    - (iii) The roadside is securely fenced or stock tethered so stock are not less than 2m from the edge of the formed carriageway of the road;
    - (iv) Any fence is situated to avoid grazing of any roadside drainage channel or culvert;
    - (v) Any fence is situated no less than 2m from the bank of any waterway;
    - (vi) Any fence does not exceed 200m in length and only one side of the road will be fenced for temporary grazing at any time;
    - (vii) Any fence will be a stock proof electric fence, in particular::
      - (A)Smaller grazing stock such as sheep or goats require a minimum of 3 wires;
      - (B)Larger grazing stock, such as cattle or horses require a single wire;
      - (C)Steel waratahs may only be used when required at corners and intermittently along a fence line;
      - (D)Wooden corner posts, no more than 100mm diameter may be used for tensioning purposes;
    - (viii) No fence will be erected across the formed carriageway of any road;
    - (ix) Any fence erected under this Part of the Bylaw must comply with the Electricity Act 1992 and the Electricity Regulations 1993.



- (x) Any electric fence will be labelled to notify members of the public that it is electrified;
- (xi) Grazing (either fenced or tethered) of cattle or horses does not occur during hours of darkness;
- (xii) No bulls will be grazed at any time;
- (xiii) Any fence will remain in place for no more than 10 days at a time;
- (xiv) Any fence will be removed immediately after grazing is complete;
- (xv) The grazing will not cause or result in damage to the formed carriageway, or any services within the road (including but not limited to water channels, culverts, water tables and markers).

### **38. Permit for temporary grazing of roadsides**

- 38.1. If any of the matters set out in clause 37.1 above are not able to be complied with a person must obtain a temporary stock grazing permit prior to undertaking any temporary grazing of any roadside.
- 38.2. A person must apply for a permit in accordance with clause 38.1 above by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 38.3. The Council may impose conditions in respect of any temporary stock grazing permit to address any road safety matters including but not limited to the matters set out in clause 37.1 and arise as a result of the proposed grazing.

### **39. Permit holder to indemnify the Council**

- 39.1. Any temporary stock grazing permit will be conditional on the permit holder indemnifying the Council against:
  - (a) Any loss, damage or costs of repair or reinstatement of any under or over ground services (including but not limited to electricity lines, telecommunications, water channels, culverts and water tables) damaged by the construction or use of the temporary fence or stock grazing.
  - (b) Any claims made against the Council by third parties resulting from the construction or use of the temporary fence to stock grazing.
- 39.2. This condition will apply whether or not stated on the temporary stock grazing permit.

### **40. Decision on an application**

- 40.1. The Council will within 10 working days of receiving all the necessary information to process a temporary stock grazing permit:
  - (a) Grant the permit; and
  - (b) Notify the applicant of any conditions of the temporary stock grazing permit;or

- (c) Decline the permit; and notify the applicant of the decision.

#### **41. Council may require removal**

- 41.1. Irrespective of compliance with clause 37.1 above or a permit issued under clause 38.2, the Council may require immediate removal of any stock or fence installed under this Bylaw at any time. Notice requiring removal may be in writing and served in accordance with the Bylaw or may be at the request of an Authorised Officer.

#### **42. Compliance, transfer, cancellation and suspension of a temporary stock grazing permit**

- 42.1. Failure to comply with the requirements of clause 37.1 above or to obtain a permit under clause 38.2 prior to grazing stock on a road is a breach of this Bylaw.
- 42.2. A permit holder must comply at all times with the conditions of their temporary stock grazing permit. Failure to do so is a breach of this Bylaw.
- 42.3. A permit holder is liable for the acts and omissions of employees or agents carrying out activities in accordance with clause 37.1 or purporting to exercise a temporary stock grazing permit.
- 42.4. The Council, through an Authorised Officer may suspend or cancel a temporary stock grazing permit by giving notice in writing to the permit holder if:
  - (a) The Council is required to by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of their temporary stock grazing permit;
  - (c) The permit holder fails to comply with the directions of an Authorised Officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of the road.
- 42.5. A temporary stock grazing permit may be suspended or cancelled in accordance with clause 42.4:
  - (a) Immediately and without notice, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an authorised officer; or
  - (b) On 2 days' notice.
- 42.6. Written notice is not required where an Authorised Officer is exercising powers under clause 42.5(a) above.
- 42.7. A temporary stock grazing permit may be suspended for up to 30 working days. In that time the permit holder will remedy matters that gave rise to the suspension.

- 42.8. In circumstances where the permit holder remedies the matters giving rise to the suspension prior to the expiration of the 30 working day suspension the permit holder may request the suspension end. The council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.
- 42.9. If the permit holder has not rectified the non-compliance giving rise to the suspension within 30 working days the permit is deemed to have been terminated.
- 42.10. The Council may extend a suspension period under clause 42.7 if it deems it necessary or on request from the permit holder.
- 42.11. No rights or responsibilities provided for under a temporary stock grazing permit will be transferred. When a property from which stock are moved in accordance with a temporary stock grazing permit is sold the relevant temporary stock grazing permit is deemed to be terminated.

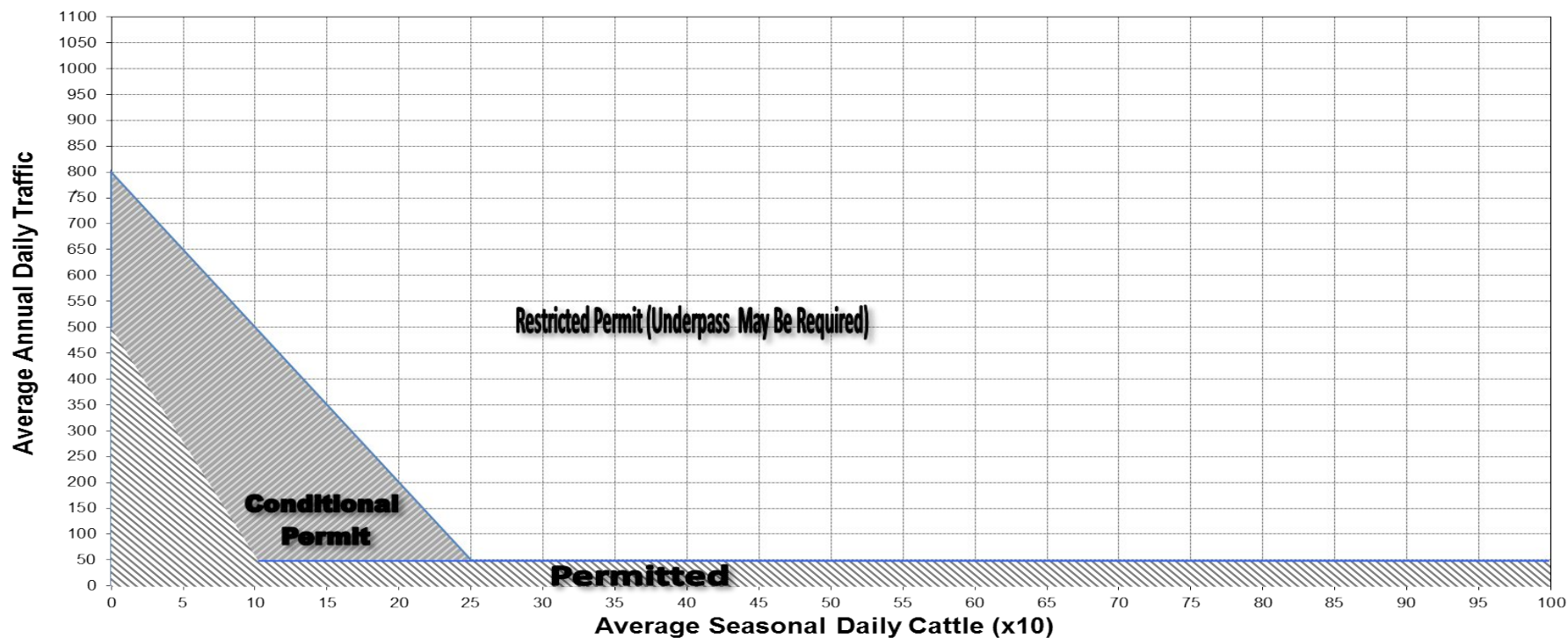
### **43. Reporting and costs**

- 43.1. The permit holder will inform the Council of any circumstances that may give rise to a breach of a permit or requirements for temporary stock grazing.
- 43.2. Where the Council is informed of an incident in accordance with clause 43.1 above it may elect to vary the conditions of the relevant temporary stock grazing permit or require a temporary stock grazing permit to be obtained.
- 43.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering a temporary stock grazing permit;
  - (c) Maintenance or repair of any part of a road caused by the temporary stock grazing; and
  - (d) Maintenance to remove excessive stock effluent from the road after temporary stock grazing.
- 43.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a stock permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the temporary stock grazing.

## Part 1 Appendix 1 - Diagrams

### Diagram 1 –

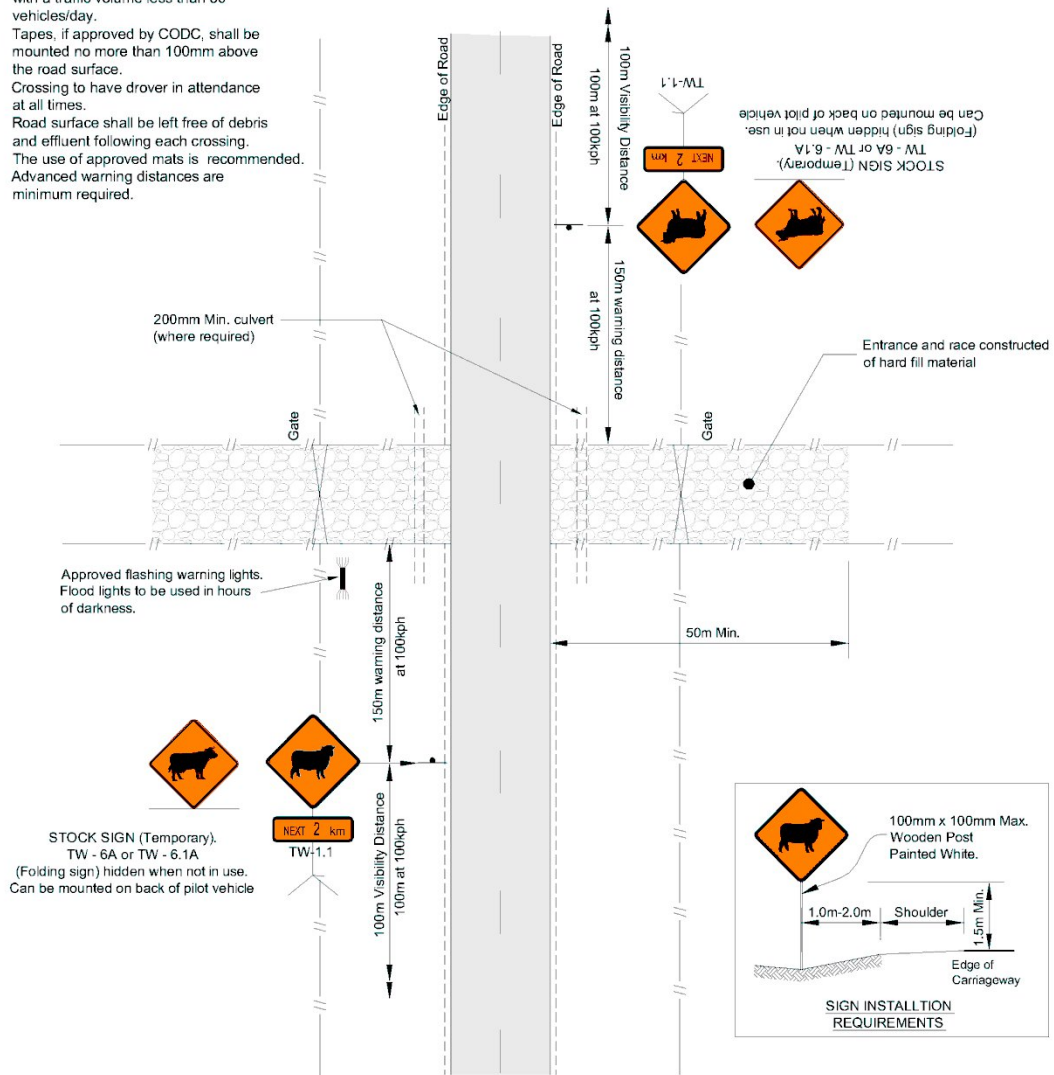
Requirements for Stock Crossing Permits



## Diagram 2 –

**NOTES:**

1. Tapes across the roadway shall not be permitted except where specifically approved by CODC and only on roads with a traffic volume less than 50 vehicles/day.
2. Tapes, if approved by CODC, shall be mounted no more than 100mm above the road surface.
3. Crossing to have drover in attendance at all times.
4. Road surface shall be left free of debris and effluent following each crossing. The use of approved mats is recommended.
5. Advanced warning distances are minimum required.



### DIAGRAM 2

Stock Crossing Warning Sign Layout  
(Refer notes below)

## Part 2 – Temporary traffic management

### Subpart 1 – Temporary traffic management

#### 44. Purpose and scope

- 44.1. This part of the Bylaw provides for public access during events or when work is occurring on roads while protecting the health and safety of people in such circumstances.
- 44.2. This part of the Bylaw applies to temporary activities within road reserve such as:
- (a) Fairs, parades and markets occurring within road reserve;
  - (b) Sport events or races that utilise the road;
  - (c) Works taking place within the road reserve such as laying pipes or cables or constructing a vehicle crossing or accessway;
  - (d) Trimming or cutting down trees:
    - (i) within road reserve; or
    - (ii) within private land that may fall on the road; or
    - (iii) within private land that are to be cut from within the road reserve;
  - (e) Work that requires equipment to be within the road reserve such as cranes or excavators;
  - (f) Storage of material or machinery within the road reserve.
- 44.3. This part of the Bylaw provides for:
- (a) Temporary activities to take place on roads subject to appropriate management control;
  - (b) Establishment of framework to assess proposed management of temporary activities;
  - (c) Administrative mechanism to achieve the above, including recovery of cost where necessary.

#### 45. General conditions applying to temporary traffic management

- 45.1. Any person undertaking an activity that:
- (a) Involves equipment or people working on a road whether on a paid or volunteer basis or otherwise; or
  - (b) Occurs on land adjacent to a road but may have an impact on the safety or movement of people on the road while the activity is taking place; or
  - (c) Is part of a community event or race that requires attendees to travel along or cross the road;
- must prepare a traffic management plan and have it approved by the Council.

45.2. All events and activities described in clause 45.1 will be carried out in accordance with an approved traffic management plan.

45.3. All traffic management plans must be in accordance with the requirements of the New Zealand Transport Agency Code of Practice for Temporary Management.<sup>2</sup>

**46. Obtaining approval of temporary traffic management plans – one-off events**

46.1. A traffic management plan required under clause 45.1 above will be lodged with the Council no less than 5 working days prior to the activity or event taking place. The plan shall be lodged under cover of the Temporary Traffic Management Plan Approval Form (which can be found on the Council website or on request).

**47. Obtaining approval for temporary traffic management plans – generic plans for frequent users**

47.1. Any person who undertakes frequent activities or work within road reserve or whose work has an impact on road users may file a generic traffic management plan for their activities.

47.2. A generic traffic management plan must be filed annually for approval and must include:

- (a) Names of personnel responsible for temporary traffic management;
- (b) Any changes to traffic management standards or techniques employed to manage traffic safety issues compared with the previous annual generic traffic management plan approved for that person.

47.3. People operating under a generic traffic management plan must notify the Council of the location of any works within road reserve no less than 5 working days prior to that work starting.

47.4. Clause 47.3 does not apply where works are required as a matter of urgency in order to address a health or safety issue. In this case the person undertaking the works must advise the Council as soon as possible.

---

<sup>2</sup> The New Zealand Transport Agency Code of Practice for Temporary Management is available at <https://www.nzta.govt.nz/roads-and-rail/code-of-practice-for-temporary-traffic-management/code-of-practice/copttm-document/> or on request from the Council.

- 48. Compliance, transfer, cancellation and suspension of a traffic management plan (for the purposes of the following provisions traffic management plan includes a generic traffic management plan approved under clause 4)**
- 48.1. A failure to obtain a traffic management plan approval prior to undertaking an activity or holding an event that requires a traffic management plan under clause 45.1 is a breach of this Bylaw.
- 48.2. Failure to carry out an activity or hold events in accordance with an approved traffic management plan is a breach of this Bylaw.
- 48.3. The Council, through an Authorised Officer may suspend or cancel an approved traffic management plan by giving notice to the permit holder if:
- (a) The Council is required to by legal obligations imposed on it;
  - (b) The plan holder fails to comply with the conditions of their approved traffic management plan;
  - (c) The plan holder fails to comply with the reasonable directions of an Authorised Officer necessary to avoid endangering the health and safety of any person or causing damage to any part of the road.
- 48.4. An approved traffic management plan may be suspended or cancelled in accordance with clause 48.3:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an Authorised Officer; or
  - (b) With 20 working days' notice.
- 48.5. Written notice is not required where an Authorised Officer is exercising powers under clause 48.4 (a) above.
- 48.6. An approved traffic management plan may be suspended for up to 30 working days.
- 48.7. In circumstances where the plan holder addresses the matters giving rise to the suspension prior to the expiration of the 30 working day suspension the permit holder may request the suspension end. The Council will re-assess the approved plan and confirm whether or not the suspension is lifted within 5 working days of the request.
- 48.8. If the permit holder has not rectified the non-compliance giving rise to the suspension within 30 working days the approved traffic management plan is deemed to have been terminated.
- 48.9. No rights or responsibilities provided for under an approved traffic management plan may be transferred.



#### **49. Reporting and costs**

- 49.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of an approved traffic management plan.
- 49.2. Where the Council is informed in accordance with clause 49.1 above it may elect to vary an approved traffic management plan.
- 49.3. The Council may set fees and charges for recovery of its reasonable costs for:
  - (a) Approving traffic management plans;
  - (b) Administering an approved traffic management plan;
  - (c) Maintenance or repair of any part of a road caused by the implementation of an approved traffic management plan or the activity or event covered by the plan.
- 49.4. A permit holder must pay any fees or charges that may be requested by the Council for administering an approved traffic management plan and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the activities managed by the relevant approved traffic management plan.

## Subpart 2 – Temporary road closure for events

### 50. Purpose and scope<sup>3</sup>

- 50.1. The purpose of this Part of the Bylaw is to:
- (a) Enable the community to request that the Council close local roads for events such as carnivals, festivals, sporting events or other activities.
  - (b) Set out a process for such closures to be considered and for all affected parties to be consulted.

### 51. Legislative context

- 51.1. Road closures may be assessed under either the Transport (Vehicular Traffic Road Closure) Regulations 1965 or Local Government Act 1974. The Council generally exercises its powers under the Local Government Act 1974.
- 51.2. Where a road closure affects a State Highway the Council does not have the authority to authorise the closure. Applications for such closures must be made to New Zealand Transport Agency (NZTA) in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965. Where there are associated closures of Local Roads the Council may elect to follow the process under the Transport (Vehicular Traffic Road Closure) Regulations 1965 in order to ensure consistency between NZTA and the Council.

### 52. Procedure for obtaining permit to temporarily close a local road – Local Government Act 1974

- 52.1. No person may close a road.
- 52.2. Any person wishing the Council to close a local road for the purpose of an event must file an application with the Council in the prescribed form. The relevant form is available on the Council website or on request.
- 52.3. Any application should be made no less than 25 working days before the event.
- 52.4. The Council will review the proposed closure after consultation with the New Zealand Police and Minister of Transport, and may at its discretion amend, or confine the proposal or impose conditions so as to avoid the closure unreasonably impeding traffic or creating a health and safety risk.

---

<sup>3</sup> Reference should be made to the Roding Policy for further information on the process for obtaining a temporary road closure.

### **53. Costs**

- 53.1. All costs associated with the temporary local road closure will be met by the applicant.
- 53.2. If the Council deems it necessary to advertise the proposed closure, the cost of doing so will be paid for by the applicant.

### **54. Compliance, termination, suspension and transfer**

- 54.1. Closing a road other than with the authority of the Council is a breach of this Bylaw.
- 54.2. A permit holder must comply at all times with the conditions of their temporary closure permit. Failure to do so is a breach of this Bylaw.
- 54.3. A permit holder is liable for the acts and omissions of employees and agents who are acting or purport to act on behalf of the permit holder.
- 54.4. The Council, through an Authorised Officer may suspend or cancel a temporary closure permit by giving notice in writing to the permit holder if:
  - (a) The Council is required to by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of their temporary closure permit;
  - (c) The permit holder fails to comply with the reasonable directions of an Authorised Officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of the road.
- 54.5. A temporary closure permit may be suspended or cancelled in accordance with clause 54.4:
  - (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an Authorised Officer; or
  - (b) With 20 working days' notice.
- 54.6. Written notice is not required where an Authorised Officer is exercising powers under clause 54.5(a) above.
- 54.7. A temporary closure permit may be suspended for up to 30 working days.
- 54.8. In circumstances where the permit holder remedies the matters giving rise to the suspension prior to the expiration of the 30 working day suspension, the permit holder may request the suspension end. The Council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.

- 54.9. If the permit holder has not remedied the non-compliance giving rise to the suspension within 30 working days the temporary closure permit is deemed to have been terminated.
- 54.10. No rights or responsibilities provided for under a temporary closure permit may be transferred.

## **55. Reporting and costs**

- 55.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a temporary road closure permit.
- 55.2. Where the Council is informed in accordance with clause 55.1 above it may elect to vary the conditions of the relevant temporary road closure permit.
- 55.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications for permits;
  - (b) Administering a temporary road closure permit;
  - (c) Maintenance or repair of any part of a road caused by stock movement.
- 55.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a temporary road closure permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the exercise of the temporary road closure permit.

## Part 3 – Roadside planting and storage

### Subpart 1 – Levelling and cultivation of roadsides

#### 56. Purpose and scope

- 56.1. The purpose of this part of the Bylaw is to manage the use of roadsides in order to:
- (a) Facilitate the economic use of the roadside where appropriate;
  - (b) Allow cultivation<sup>4</sup> of the roadside to occur;
  - (c) Improve visual amenity;
  - (d) Protect drainage infrastructure; and
  - (e) Ensure the safety of the road.
- 56.2. This part of the Bylaw provides:
- (a) Regulatory framework allowing levelling and in appropriate circumstances cultivation of roadsides;
  - (b) Framework for evaluating proposals to fence and cultivate roadsides;
  - (c) Administrative mechanisms to achieve the above including recovery of costs where necessary.

#### 57. General conditions relating to levelling and cultivation of roadsides

- 57.1. No roadside will be levelled or cultivated except:
- (a) On a rural road; and
  - (b) In accordance with a permit issued under this Bylaw.
- 57.2. A person may apply for a roadside permit in accordance with clause 57.1 above by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 57.3. The Council may decline a permit or may grant it subject to conditions to be complied with on an ongoing basis.
- 57.4. The Council may impose conditions in respect of any roadside permit to address any road safety matters that arise as a result of the proposed levelling or cultivation. Matters that may be addressed by conditions include:
- (a) Location to ensure the proposed levelling and/or cultivation will not interfere with any water channels, road drainage, culverts, the formed carriageway or any other services located within the road reserve;

---

<sup>4</sup> For the purpose of this part of the Bylaw cultivation means “planting, mowing and harvesting of grass”.

- (b) The extent that the levelling and/or cultivation must be limited to avoid any interference or encroachment on to the formed carriageway;
- (c) Any planting must not obstruct or restrict visibility for road users;
- (d) Any irrigation of the cultivated area must not encroach on to the formed carriageway or interfere with the operation of any road drainage or culverts;
- (e) A requirement for the permit holder to maintain the cultivated area to control any pest plants, shrubs or wilding seedlings that may emerge;
- (f) A requirement for the permit holder to maintain public liability insurance at a level commensurate with the extent of cultivation.
- (g) A requirement for the permit holder to remediate at their own expense any damage caused by, or as a result of the works carried out under a roadside permit.

#### **58. Decision on an application**

- 58.1. The Council will, within 10 working days of receiving all the necessary information to process a roadside permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

#### **59. Council may require removal**

- 59.1. The Council may at any time require the removal of any planting established in accordance with a roadside permit that has created an unanticipated road safety hazard or had unanticipated effects.
- 59.2. In such circumstances the Council will provide no less than 5 working days' notice, in writing, of the need to cease cultivation and remove the crop.
- 59.3. If the permit holder has not removed the crop after 5 working days the Council may undertake the removal. The costs of doing so will be recovered from the permit holder.

#### **60. Compliance, transfer and cancellation**

- 60.1. A failure to obtain a roadside permit prior to undertaking any levelling and/or cultivation of a road is a breach of this Bylaw.
- 60.2. A permit holder must comply at all times with the conditions of their roadside permit. Failure to do so is a breach of this Bylaw.
- 60.3. The Council, through an Authorised Officer may cancel a roadside permit by giving notice in writing to the permit holder, if:
- (a) The Council is required to by legal obligations imposed on it;

- (b) The permit holder fails to comply with the conditions of the roadside permit;
  - (c) The permit holder fails to comply with the reasonable directions of an Authorised Officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of the road.
- 60.4. A roadside permit may be cancelled in accordance with clause 60.3:
- (a) Immediately, and without notice, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with the reasonable directions from an Authorised Officer; or
  - (b) With 20 working days' notice.
- 60.5. When a roadside permit is cancelled the permit holder will remove the plants cultivated on the roadside without delay. The Council may waive this requirement by doing so in writing.
- 60.6. No rights or responsibilities provided for under a roadside permit may be transferred to any other party.

## Subpart 2 – Roadside planting in rural areas

### 61. Purpose and scope

- 61.1. The purpose of this part of the Bylaw is to control and manage trees<sup>5</sup> on roads within the rural area in order to:
- (a) Allow tree plantings where appropriate;
  - (b) Prevent any road safety issues being created by tree plantings;
  - (c) Reduce or prevent damage caused to infrastructure by trees;
  - (d) Ensure trees do not obstruct road users or those organisations using the road for placement of services.
  - (e) Acknowledge that there are some trees that have already been planted on road at the time this Bylaw came into force and those trees require management.
- 61.2. This part of the Bylaw provides for:
- (a) Regulatory framework for roadside planting;
  - (b) Framework for evaluating proposals to carry out roadside planting;
  - (c) Administrative mechanisms to achieve the above including cost recovery where necessary.

### 62. General conditions relating to trees on roads in rural areas

- 62.1. No person shall plant or maintain any tree within road reserve in rural areas except:
- (a) For the purposes of beautification and traffic management on the approaches to urban areas and in accordance with a permit obtained under this Bylaw.
  - (b) Where the tree is a historic planting for which the adjacent landowner accepts responsibility for, and a licence to occupy is entered into in accordance with this Bylaw.

### 63. Permits for planting new trees

- 63.1. A person must apply for a tree planting permit in accordance with clause 62.1(a) above by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 63.2. The Council may impose conditions on any tree planting permit to address any or all of the following:
- (a) Visibility for road users along the road;
  - (b) Potential for the trees to shade the formed carriageway and create a hazard or exacerbate freeze/thaw at the time of planting or in the future;

---

<sup>5</sup> For the purposes of this part of the Bylaw, trees includes any woody tree or shrub in excess of 1 metre high.



- (c) Maintaining the unimpeded passage for road users, including pedestrians utilising the roadside;
- (d) Potential for tree roots and detritus to affect the flow of water through any roadside drain at the time of planting or in the future;
- (e) Potential for the proposed trees to attract or provide shelter for pests or vermin;
- (f) Ongoing maintenance of the trees by the permit holder to protect any services within the road, avoid obstruction of the road for use by road users or avoid a hazard being created by the trees.
- (g) A requirement for the permit holder to indemnify the Council in respect of any damages or costs caused by or as a result of the trees;
- (h) Enter into a licence to occupy in respect of the trees and for such licence to be secured by way of an encumbrance for the benefit of the Council over the permit holder's adjacent land.

#### **64. Decision on an application**

- 64.1. The Council will, within 10 working days of receiving all the necessary information to process a tree planting permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

#### **65. Historical plantings within road reserve**

- 65.1. Trees established within roads prior to this Bylaw coming into force are not deemed to have any authorisation under this Bylaw and may be removed by Council at its discretion. Where the adjacent landowner wishes to accept responsibility for historical plantings and have the trees retained then:
- (a) The adjacent landowner must enter into a license to occupy with the Council that requires the following matters to be addressed:
    - (i) All those matters outlined at clause 8.2(a)-(g);
    - (ii) To secure the terms of the licence to occupy the permit holder will register an encumbrance for the benefit of the Council.
- 65.2. To give an adjacent landowner an opportunity to enter into a licence under clause 65.1 above, the Council will provide no less than 20 working days' notice of their intention to remove any trees within road reserve with such notice to be served on adjacent landowners.
- 65.3. Any adjacent landowner who is given notice under clause 65.2 above must respond no less than 10 working days after receiving the notice if they want the trees retained and that they will enter into a licence to occupy.
- 65.4. If an adjacent landowner has given notice of their wish to retain the trees and enter a licence to occupy but has not signed a licence and registered an encumbrance within

40 working days of their giving notice under clause 65.3, the Council may remove the trees without further notice.

**66. Removal of trees planted under a roadside planting permit or subject to licence to occupy**

- 66.1. The Council may at any time direct a roadside planting permit holder or a licence holder under clause 65.1 to remove any plantings within road reserve, at the cost of the permit holder or adjacent landowner where:
- (a) The permit or licence holder have failed to maintain the plantings in accordance with their roadside permit or planting licence to occupy;
  - (b) The plantings pose a health or safety risk to the road or any road users;
  - (c) The plantings are interfering with or causing damage to any services or other infrastructure within the road.
- 66.2. The Council may require the plantings to be removed in accordance with clause 66.1, either:
- (a) Immediately and without notice, where they pose a risk to health and safety of other road users or the general public; or
  - (b) Within 20 working days.
- 66.3. Written notice is not required where an Authorised Officer is exercising powers under clause 66.2(a).
- 66.4. Should the permit or licence holder fail to comply with a notice requiring the removal of roadside plantings the Council may undertake the work and recover the cost of doing so from the permit or licence holder.
- 66.5. Where the roadside plantings have caused damage to the road the permit or licence holder will be responsible for repairing or reinstating the road at their cost. If the permit or licence holder does not complete the work the Council may do so and may recover the cost of doing so from the permit or licence holder.

**67. Compliance, transfer**

- 67.1. Failure to obtain a roadside planting permit prior to planting any trees within road reserve is breach of this Bylaw.
- 67.2. A permit holder must comply at all times with the conditions of their roadside planting permit or a licence to occupy under clause 65.1. Failure to do so is a breach of this Bylaw.
- 67.3. A permit or licence holder is liable for the acts and omissions of employees and agents who are purporting to exercise a roadside planting permit or licence to occupy under clause 65.1.

67.4. No rights or responsibilities provided for under a roadside planting permit may be transferred to any other party.

## Subpart 3 – Removal and maintenance of trees on roads

### 68. Purpose and scope

- 68.1. The purpose of this part of the Bylaw is to control the removal and maintenance of trees on the road in order to:
- (a) Protect amenity and heritage value possessed by some trees;
  - (b) Allow trees within road reserve to be removed or maintained where appropriate;
  - (c) Allow people other than the Council to remove or maintain trees within road reserve where health, safety and traffic management issues are addressed.

### 69. General provisions relating to removal of trees from roads

- 69.1. Subject to Part 3 subpart 2, no person may remove any tree from road reserve without obtaining a permit from the Council.
- 69.2. Any person wishing to remove or maintain a tree within road reserve shall apply for a tree removal permit by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 69.3. Any person who is undertaking removal or maintenance of any tree in road reserve must hold appropriate qualifications relating to tree felling and the use of chainsaws or other cutting equipment.
- 69.4. Any application for a tree removal permit should include written consent of any adjacent landowners (where they are not the applicant).
- 69.5. The Council may impose conditions in respect of any tree removal permit to ensure the proposed removal or maintenance does not pose a health and safety risk to any road users or that any risks are adequately managed. Conditions may relate to:
- (a) What technique for removing the trees will be employed;
  - (b) Personal protection equipment to be used;
  - (c) Traffic management measures that will be employed during the works;
  - (d) How debris will be stored and disposed of.

### 70. Decision on an application

- 70.1. The Council will, within 10 working days of receiving all the necessary information to process a tree removal permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

## **71. Compliance, cancellation, suspension and transfer**

- 71.1. A failure to obtain a tree removal permit prior to removing or undertaking any maintenance work on any tree within a road is breach of this Bylaw.
- 71.2. A permit holder must comply at all times with the conditions of their tree removal permit. Failure to do so is a breach of this Bylaw.
- 71.3. A permit holder is liable for the acts and omissions of employees and agents who are purporting to exercise a tree removal permit.
- 71.4. The Council, through an Authorised Officer may terminate a tree removal permit by giving notice in writing to the permit holder if:
- (a) The Council is required to by legal requirements imposed on it;
  - (b) The person or permit holder fails to comply with the directions of an Authorised Officer necessary to avoid endangering the health and safety of any person or causing damage to any part of the road.
- 71.5. A tree removal permit may be suspended or cancelled:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an authorised officer; or
  - (b) With 5 working days' notice.
- 71.6. Written notice is not required where an Authorised Officer is exercising powers under clause 71.5(a).
- 71.7. A tree removal permit may be suspended for up to 30 working days. In that time the permit holder must remedy the matters that gave rise to the suspension.
- 71.8. In circumstances where the permit holder remedies the matters giving rise to the suspension prior to the expiration of the 30 working day suspension the permit holder may request the suspension end. The Council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.
- 71.9. If the permit holder has not rectified the non-compliance giving rise to the suspension within 30 working days the permit is deemed to have been terminated.
- 71.10. No rights or responsibilities provided for under a tree removal permit may be transferred to any other person.

## **72. Reporting and costs**

- 72.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a tree removal permit.
- 72.2. Where the Council is informed in accordance with clause 72.1 it may elect to vary the conditions of the relevant tree removal permit.
- 72.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering a tree removal permit;
  - (c) Maintenance or repair of any part of a road caused by the tree removal.
- 72.4. A permit holder will pay any fees or charges that may be requested by the Council for administering a tree removal permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the exercise of such a permit.

## Subpart 4 – Temporary storage on roads

### 73. Purpose and scope

- 73.1. The purpose of this part of the Bylaw is to manage the temporary storage of materials<sup>6</sup> on roads in order to:
- (a) Identify when materials may be stored on roads;
  - (b) Set out the requirements for storing materials on roads so they do not compromise the safety of the road, affect other property owners or cause damage to the road or any services within it.
- 73.2. This part of the Bylaw provides for:
- (a) Regulatory framework for materials to be stored on roads;
  - (b) Framework for evaluating proposals to store materials on roads; and
  - (c) Administrative mechanisms to achieve the above including cost recovery where necessary.

### 74. Provisions relating to temporary storage of materials on rural roads

- 74.1. No material may be stored on any rural roads classified as follows:
- (a) Arterial roads;
  - (b) Collector roads;
  - (c) Major gravel roads;
- 74.2. No material may be stored on any other rural roads except where all of the following are met:
- (a) There is 100m of clear visibility to the stored material from both directions;
  - (b) The stored material must not obstruct visibility for road users at intersections or accessways;
  - (c) The stored material must not have any effects on any roadside drainage;
  - (d) The material is placed no less than 5m from the edge of the formed carriageway;
  - (e) Storage and pick up of the material will not result in the material being tracked onto the formed carriageway;
  - (f) Farm implements or machinery will only be stored on rural roads classified as follows:
    - (i) Minor gravel road;
    - (ii) Lane; or
    - (iii) Track; and
  - (g) Materials will be stored for no more than:

---

<sup>6</sup> “Materials” includes but is not limited to hay bales, farm equipment and machinery, firewood, landscaping material and building materials (such as pipes). It does not include damaged or wrecked vehicles. Shipping containers are addressed separately in this section.

- (i) 14 days on rural roads classified as access and low volume access roads, or intermediate gravel; or
- (ii) no more than 28 days on rural roads classified as minor or lane;
- (h) It is not a shipping container.

74.3. Where the time limits in clause 74.2(g) above will not be complied with the person seeking to store materials on the rural road must obtain a road storage permit from the Council.

74.4. A person must apply for a roadside storage permit in accordance with clause 74.3 above by filing an application in the correct form. The relevant form is available on the Council website or on request.

74.5. The Council may grant or decline a roadside storage permit. Where the roadside storage permit is granted the Council may impose conditions in respect of a roadside storage permit to address any road safety matters that arise as a result of the proposed storage.

## **75. Provisions relating to temporary storage of materials on urban roads**

75.1. No material may be stored on any urban roads except where:

- (a) Materials are located behind the kerb line;
- (b) Materials do not obstruct pedestrian movements on the footpath;
- (c) Materials will not fall over the kerb or into the stormwater drain;
- (d) The stored material does not obstruct visibility for road users at intersections or property accessways;
- (e) Materials are stored for no more than 14 days; and
- (f) Materials are not shipping containers.

75.2. Where the time limits in clause 75.1(e) cannot be complied with the person seeking to store materials must obtain a roadside storage permit from the Council to store materials on an urban road for an extended period.

75.3. A person must apply for a roadside storage permit in accordance with clause 75.2 above by filing an application in the correct form. The relevant form is available on the Council website or on request.

75.4. The Council may grant or decline a roadside storage permit. Where the roadside storage permit is granted the Council may impose conditions in respect of a temporary urban roadside storage permit to address any health and safety issues that may arise from the proposed storage of materials for excess of 14 days.



## **76. Provisions relating to storage of shipping containers within road reserve**

- 76.1. No shipping containers can be stored on road reserve except in accordance with a permit issued in accordance with clause 76.2.
- 76.2. Any person wishing to store a shipping container on road reserve must apply for a shipping container permit by filing an application in the correct form. The relevant form is available on the Council website or on request.
- 76.3. The Council may grant or decline a shipping container permit. Where the shipping container permit is granted the Council may impose conditions in respect of any shipping container permit to address any health and safety issues that may arise from the proposed placement. Conditions may relate to:
- (a) Classification of the relevant road;
  - (b) Location on the road reserve, in particular proximity to any intersection or accessway.
  - (c) Ability to avoid any obstruction to footpaths or cycle and pedestrian traffic; and
  - (d) Period that it is intended to store the shipping container on the road for.

## **77. Decision on an application**

- 77.1. The Council will, within 10 working days of receiving all the necessary information to process a shipping container permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

## **78. Compliance, termination and transfer of roadside storage permits and shipping container permits (referred to collectively as 'storage permits')**

- 78.1. Any person storing materials on a road without a storage permit must comply with provisions of clauses 74.1, 74.2 and 74.1. Failure to do so is a breach of this Bylaw.
- 78.2. Where a person cannot comply with clauses 74.2(g) or 75.1(e) a permit must be obtained prior to storage of the materials. Failure to obtain a permit is a breach of this Bylaw.
- 78.3. A permit holder must comply at all times with the conditions of their storage permit. Failure to do so is a breach of this Bylaw.
- 78.4. The owner of the materials, shipping container or permit holder is liable for the acts and omissions of employees and agents who are placing materials or a shipping container in reliance on clauses 74.1, 74.2 and 75.1 or purporting to exercise a storage permit.

- 78.5. The Council, through an Authorised Officer may require a person to remove stored materials or terminate a storage permit by giving notice in writing to the person storing the materials or the permit holder if:
- (a) The Council is required to by legal obligations imposed on it;
  - (b) The person or permit holder fails to comply with any condition relevant to storing the materials;
  - (c) The person or permit holder fails to comply with the reasonable directions of an Authorised Officer necessary to avoid their stored materials endangering the health and safety of any person or causing damage to any part of the road.
- 78.6. Storage of materials may be terminated in accordance with clause 78.5:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the person or permit holder has failed to comply with reasonable directions from an authorised officer; or
  - (b) With 5 working days' notice.
- 78.7. Written notice is not required where an Authorised Officer is exercising powers under clause 78.6(a) above.
- 78.8. No rights or responsibilities provided for under a storage permit will be transferred to any other person.
- 79. Reporting and costs**
- 79.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a storage permit.
- 79.2. Where the Council is informed in accordance with clause 79.1 above it may elect to vary the conditions of the relevant storage permit or require a storage permit to be obtained.
- 79.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering a storage permit;
  - (c) Maintenance or repair of any part of a road caused by the exercise of a storage permit.
- 79.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a storage permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by any roadside storage or exercise of such a permit.

## Part 4 – Damage to roads

### 80. Purpose and scope

80.1. The purpose of this part of the Bylaw is to ensure roads are kept clear of material in order to:

- (a) Reduce the risk of accidents occurring;
- (b) Reduce damage and/or deterioration of the road surface; and
- (c) Ensure the safe operation of the road for road users.
- (d) Provide a regulatory framework to allow the Council to remove and recover the costs where material is placed on roads that poses a risk to road users.

80.2. This part of the Bylaw provides for:

- (a) Establishing a framework for the Council to prevent damage being caused to any road;
- (b) Establishing the process for responding to situations where damage to road has occurred, or may occur;
- (c) Administrative mechanisms to achieve the above, including recovery of cost where necessary.

### 81. General conditions for damage to roads caused by material on roads

81.1. No material including, but not limited to:

- (a) Mud or stock effluent from adjoining land;
- (b) Gravel, rubble, stones, green waste or soil;
- (c) Oil, fuel, hydraulic fluid or other vehicle fluid;
- (d) Litter, glass or other refuse;
- (e) Concrete or cement runoff;
- (f) Fluid from spray tanks; whether toxic or not;
- (g) Fluid from stock effluent tanks or stock trucks;
- (h) Mud or stock effluent from stock crossings, stock races or stock movements along roads;
- (i) Overflow from irrigation, irrigation wipe off water or clay/silt bound stormwater runoff

may be spilt, deposited, tracked or otherwise allowed to be placed, directed over or left on a road.

### 82. Reporting and removal of material

82.1. Any person who breaches clause 81.1 must inform the Council without delay.

82.2. On receiving advice of a breach the Council will determine whether the material poses an immediate risk to the safety of road users or may cause significant damage to the road. The result of this determination will affect the course of action to be taken under the clauses below.

**83. Actions where material has been put on a road and poses an immediate risk to safety or damage**

- 83.1. In the event of a breach of clause 81.1 that gives rise to an immediate risk to safety or damage the Council will:
- (a) Seek to identify the person responsible for the material and contact them;
  - (b) If the person cannot be contacted within 60 minutes the Council will carry out the work necessary to remove the material.
  - (c) If the person can be contacted the Council will give that person 1 hour or other such timeframe as the Council may determine is appropriate from contact to remove the material.
  - (d) If the work is not completed by that person within that timeframe the Council will carry out the work necessary to remove the material.

**84. Actions where material put on a road does not pose an immediate risk or potential to cause significant damage**

- 84.1. In the event of a breach of clause 81.1 that does not give rise to an immediate safety risk or potential to cause significant damage the Council will:
- (a) Identify the person responsible for the material and contact them;
  - (b) When that person has been contacted the Council will provide them with a timeframe within which the material must be removed.
  - (c) If the person does not remove the material within the specified timeframe set out by the Council will carry out the removal of the material.

**85. Enforcement and costs**

- 85.1. Causing or allowing material to be placed on a road in contravention of clause 81.1 is a breach of this Bylaw.
- 85.2. A failure to report a breach of clause 81.1 in accordance with clause 82.1 is also a breach of this Bylaw.
- 85.3. The owner of the material or the property from which it emanates liable for the acts and omissions of employees and agents acting on their behalf and who fail to comply with clause 81.1.
- 85.4. A failure to remove material from a road in accordance with directions from an Authorised Officer and within the required timeframes is a breach of this Bylaw.

- 85.5. The Council may recover its reasonable costs for:
- (a) Removal of material placed in breach of this Bylaw;
  - (b) Maintenance or repair of any part of a road caused by a breach of clause 81.1.
- 85.6. A permit holder must pay any fees or charges that may be requested by the Council for removing any material from the road and/or the costs incurred by the Council in carrying out any maintenance or repair caused by material.

## Part 5 – Services, formation, accessways and dust suppression

### Subpart 1 – Public services within roads

#### 86. Scope

- 86.1. This Bylaw does not provide the framework for installation of public services within road reserve. The National Code of Practice for Utility Operators' Access to Transport Corridors which has been approved in accordance with the Utilities Access Act 2010 provides the regulatory framework for this issue.  
To avoid duplication this Bylaw includes no further provisions in relation to public services within road reserves. The National Code of Practice for Utility Operators' Access to Transport Corridors can be sourced from the Council or online at [www.nzuag.org.nz](http://www.nzuag.org.nz).
- 86.2. For the purposes of this Bylaw public services includes Council managed water, wastewater, and stormwater services, and individual property connections to these within the road reserve.

### Subpart 2 – Private services within roads

#### 87. Purpose and scope

- 87.1. The purpose of this part of the Bylaw is to address matters relating to the establishment of private services within road reserve in order to:
- Enable road reserve to be utilised for utility services where appropriate;
  - Manage the location of such utility services and the responsibilities of parties who install services within roads and that remain privately owned;
  - Ensure the location of such utility services are known and recorded;
  - Set out the procedure for such utility services to be installed within road reserve.
- 87.2. This part of the Bylaw provides for:
- An authorisation framework for establishment of private services within roads;
  - Administrative mechanisms to achieve the above including recovery of costs where necessary.

#### 88. General provisions relating to private services within roads

- 88.1. No person shall install private services within roads except in accordance with a permit granted under the provisions of this Bylaw.
- 88.2. Any person may apply to the Council for a services permit to allow private services to be installed within road reserve by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 88.3. The Council may impose conditions in respect of any services permit to address any of the following:
- (a) The location of the works;
  - (b) The standard to which the works will be constructed to;
  - (c) Obligations on the permit holder to:
    - (i) Notify Council when installation of the works is to commence;
    - (ii) Reinstatement of the road following construction of the works;
    - (iii) Provide the Council with as built plans of the works on completion;
    - (iv) Obtain any other consents or authorisations that may be necessary in order to complete the works;
    - (v) Undertake ongoing maintenance of the works;
    - (vi) To enter into a deed of grant and register (if required) an encumbrance on the computer freehold register of the land to which the services are being provided securing the ongoing performance of the conditions within the services permit and the deed.
    - (vii) Maintain an insurance policy for all public liability risks associated with the works in respect of all third parties, including the Council. The amount of public liability insurance required will be commensurate with the scale of the works, the value of which will be determined by the Council and included within the services permit;
    - (viii) Payment of the Council's costs (including legal fees where necessary).
- 88.4. No rights or responsibilities provided for under a services permit may be transferred.

## **89. Decision on an application**

- 89.1. The Council will, within 10 working days of receiving all the necessary information to process a services permit:
- (a) Grant the permit and notify the applicant of any conditions; or
  - (b) Decline the permit and notify the applicant of the reasons for the decision.

## **90. Term and expiry of a services permit**

- 90.1. A services permit will have a term of 5 years from the date the permit is granted.
- 90.2. If any services permit is not given effect to and all conditions complied with within 5 years the permit will be deemed to be terminated.

## **91. Compliance, termination, suspension and transfer**

- 91.1. A failure to obtain a services permit prior to undertaking any work to install any services within road reserve is a breach of this Bylaw.
- 91.2. A permit holder must comply with the conditions of their services permit at all times. Failure to do so is a breach of this Bylaw.
- 91.3. The owner of the land to which the services connect is liable for the acts and omissions of employees and agents who install any services without obtaining a services permit.
- 91.4. A permit holder is liable for the acts and omissions of employees and agents who purport to exercise a services permit.
- 91.5. The Council, through an Authorised Officer may suspend or cancel a services permit by serving notice in writing to the permit holder if:
- (a) The Council is required to by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of their services permit;
  - (c) The permit holder fails to comply with the reasonable directions of an Authorised Officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of a road.
- 91.6. A services permit may be suspended or cancelled in accordance with clause 6.3:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an Authorised Officer; or
  - (b) With 20 working days' notice.
- 91.7. Written notice is not required where an Authorised Officer is exercising powers under clause 91.6(a) above.
- 91.8. No rights or responsibilities provided for under a services permit may be transferred.

## **92. Reporting and costs**

- 92.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a permit or requirements for a services permit.
- 92.2. Where the Council is informed in accordance with clause 92.1 above it may elect to vary the conditions of the relevant services permit.
- 92.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;



- (b) Administering a services permit;
- (c) Maintenance or repair of any part of a road caused by the exercise of a services permit.

92.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a stock permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the stock movement.

## Subpart 3 – Occupation of unformed roads

### 93. Purpose and scope

- 93.1. The purpose of this part of the Bylaw is to address matters relating to the occupation and use of an unformed road in order to:
- (a) Set out the obligations of the Council in relation to unformed roads;
  - (b) Set out a process to deal with matters raised in respect of the occupation and use of unformed roads.
  - (c) Ensure the safety of public using unformed roads.
- 93.2. This part of the Bylaw provides for:
- (a) Regulatory framework for occupation of unformed roads.

### 94. General provisions relating to occupation of unformed roads

- 94.1. No person may occupy an unformed road, except in accordance with the provisions of this part of the Bylaw.
- 94.2. Owners and/or occupiers of land adjoining an unformed road may occupy an unformed road subject to the following:
- (a) No fence may be installed along or across an unformed road in a manner that unreasonably obstructs public access along an unformed road;<sup>7</sup>
  - (b) Stock will not prevent the use of the road by the public;
  - (c) Temporary fencing for the purpose of stock control may be installed on an unformed road with provision made for pedestrians to pass and repass over the fence;
  - (d) No damage will be caused to the road.

### 95. Public use of unformed road

- 95.1. No person will access or use an unformed road in a manner that causes damage to the road or causes a nuisance to adjoining landowners or occupiers of an unformed road.
- 95.2. Any person using or accessing an unformed road occupied by an adjoining owner or occupier must:
- (a) Leave any gates as they found them;
  - (b) Not leave any litter;
  - (c) Not cause damage to the unformed road or any property within it;

---

<sup>7</sup> This provision is not intended to prevent fences from being installed on unformed roads. In circumstances where a fence is installed by an adjoining landowner provision must be made for passing through the fence by installing a gate.

- (d) Not chase or cause undue distress to any stock on or adjacent to the unformed road;
- (e) Keep any dogs under control or on a leash at all times.

## **96. Compliance**

- 96.1. Occupation of an unformed road in contravention of clause 94.2 above is a breach of this Bylaw.
- 96.2. Accessing an unformed road and failing to comply with clauses 95.1 and 95.2 is a breach of this Bylaw.

## **97. Power to terminate occupation**

- 97.1. The Council may at any time require any person to cease occupying an unformed road.
- 97.2. The Council will give notice requiring either:
  - (a) The unformed road to be vacated within 20 working days; or
  - (b) Immediately if the Council deems this necessary.
- 97.3. Written notice is not required where an Authorised Officer is exercising powers under clause 97.2(b).

## **98. Costs**

- 98.1. In the event that any occupation of an unformed road has given rise to damage, the Council may:
  - (a) Request the damage be repaired by the occupier; or
  - (b) Repair the damage and require reimbursement for any costs of that work.
- 98.2. In the event that the Council demands payment from any occupier in accordance with clause 98.1(b), the occupier must pay the costs demanded by the Council within 20 working days. Failure to do so constitutes a breach of this Bylaw.

## Subpart 4 – Formation of roads

### 99. Purpose and scope

- 99.1. The purpose of this part of the Bylaw is to control the manner in which roads are formed in order to:
- (a) Ensure roads are formed to an appropriate standard to protect the health and safety of road users;
  - (b) Make the process for obtaining approval clear.
- 99.2. This part of the Bylaw provides for:
- (a) Establishment of an authorisation framework for formation of roads;
  - (b) Administrative mechanisms to achieve the above including recovery of costs where necessary.

### 100. General conditions for forming legal roads

- 100.1. No person may carry out any work within road reserve for the purpose of forming the carriageway except in accordance with a permit issued under this Bylaw.
- 100.2. A person must apply for a permit in accordance with clause 100.1 by filing an application in the correct form. The relevant form will be available on the Council website or on request.
- 100.3. The Council may impose conditions in respect of a formation permit to ensure the formation is to the appropriate standard. Conditions may relate to the following:
- (a) Standard of construction that the formation will achieve;
  - (b) Alignment of the formation within the road reserve;
  - (c) Provision of as built surveys to demonstrate:
    - (i) the formed carriageway is within the road reserve;
    - (ii) construction is completed in accordance with specified standards for construction;
  - (d) Who is liable for the costs of construction and maintenance;
  - (e) Where necessary, a requirement for the permit holder to enter into a deed of agreement with the Council recording that ongoing maintenance of the road will not be undertaken by the Council.

### 101. Affected party approval

- 101.1. Where the applicant for the formation permit is not the only adjoining landowner of the road that is to be formed the applicant should seek and obtain written approval from all adjacent landowners to the formation of the road.

101.2. The written approvals obtained must be included with the application for the formation permit.

## **102. Compliance, termination, suspension and transfer**

102.1. A failure to obtain a formation permit before forming a road is breach of this Bylaw.<sup>8</sup>

102.2. A permit holder must comply at all times with the conditions of their formation permit. failure to do so is a breach of this Bylaw.

102.3. A permit holder is liable for the acts and omissions of employees and agents who purporting to exercise rights under a formation permit.

102.4. The Council, through an Authorised Officer may suspend a formation permit by giving notice in writing to the permit holder if:

- (a) The Council is required to by legal obligations imposed on it;
- (b) A person or permit holder fails to comply with any condition of the formation permit;
- (c) A person or permit holder fails to comply with the directions of an Authorised Officer in respect of the formation of the road to which the formation permit relates.

102.5. A formation permit may be suspended or cancelled in accordance with clause 102.4:

- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with reasonable directions from an authorised officer; or
- (b) With 20 working days' notice.

102.6. Written notice is not required where an Authorised Officer is exercising powers under clause 102.5(a) above.

102.7. Where a formation permit is suspended under clause 102.4 above the Council may issue directions in writing setting out work to be done by the permit holder in order to address the matters giving rise to the suspension.

102.8. A formation permit may be suspended for up to 30 working days.

102.9. In circumstances where the permit holder remedies the matters giving rise to the suspension prior to the expiration of the 30 working day suspension the permit holder may request the suspension end. The Council will assess compliance with the conditions and confirm whether or not the suspension is lifted within 5 working days of the request.

---

<sup>8</sup> For avoidance of doubt, this Bylaw does not apply to the formation of roads to be vested in accordance with a subdivision consent under the Resource Management Act 1991.

- 102.10. If the permit holder has not rectified the non-compliance giving rise to the suspension within 30 working days the permit is deemed to have been terminated. In these circumstances the Council may require the permit holder to reinstate the road where work has begun.
- 102.11. If the non-compliance cannot be rectified within 30 working days the permit holder may request that the suspension period be extended. Such a request must be in writing directed to the Roading Manager. Council will confirm whether the extension has been granted within 5 working days. Such confirmation will also be in writing.
- 102.12. No rights or responsibilities provided for under a formation permit may be transferred to any other party.

## Subpart 5 – Vehicle accessways

### 103. Purpose and scope

103.1. The purpose of this part of the Bylaw is to manage the construction of accessways<sup>9</sup> in order to:

- (a) Allow development of accessways where required;
- (b) Ensure that the construction of accessways does not compromise the operation or safety of the road network, including drainage channels, etc;
- (c) Ensure accessways are constructed to an appropriate standard and do not cause damage to the road or services within the road.

103.2. This part of the Bylaw provides for:

- (a) Regulatory framework to construct accessways;
- (b) Establishment of administrative mechanisms to achieve the above, including recovery of costs where necessary.

### 104. General conditions relating to the construction of accessways

104.1. No person may construct an accessway to any land except in accordance with a permit issued under this Bylaw.

104.2. A person must apply for a permit in accordance with clause 104.1 by filing an application in the correct form. The relevant form will be available on the Council website or on request.

104.3. The Council may impose conditions in respect of an accessway permit to ensure the formation is to an appropriate standard. Conditions may relate to the following:

- (a) Standard of construction for the accessway<sup>10</sup>, including
  - (i) Construction method; and
  - (ii) Construction materials.
- (b) Location, including:
  - (i) Angle of intersection with the property boundary and formed carriageway;
  - (ii) Relationship to any drainage systems or services located within the road reserve;
  - (iii) Relationship to any existing street trees;
  - (iv) Proximity to intersections and other accessways.

---

<sup>9</sup> This Bylaw relates only to the construction of accessways to road under the control of the Council. Accessways constructed to State Highways are not within the Council's jurisdiction.

<sup>10</sup> Standard of construction will be relative to the classification of the road and the nature of the activity taking place on the site to which access is to be obtained.

- (v) Sight distances to the accessway.
- (c) Width of proposed accessway

## **105. Compliance, termination and transfer**

- 105.1. A failure to obtain an accessway permit prior to construction of an accessway is a breach of this Bylaw.
- 105.2. A permit holder must comply at all times with the conditions of their accessway permit. Failure to do so constitutes a breach of this Bylaw.
- 105.3. A permit holder is liable for the acts and omissions of employees and agents who purport to exercise rights under a formation permit.
- 105.4. If the non-compliance cannot be rectified within 30 working days the permit holder may request that the suspension period be extended. Such a request must be in writing directed to the Roding Manager. Council will confirm whether the extension has been granted within 5 working days. Such confirmation will also be in writing.
- 105.5. No rights or responsibilities provided for under an accessway permit may be transferred to any other person.
- 105.6. If the accessway is not constructed in accordance with the accessway permit within 2 years of the date of the permit being issued, it is deemed to have been terminated.

## **106. Reporting and costs**

- 106.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of the accessway permit.
- 106.2. Where the Council is informed of an incident in accordance with clause 106.1 above it may elect to vary the conditions of the relevant accessway permit or require an accessway permit to be obtained.
- 106.3. The Council may set fees and charges for recovery of its reasonable costs for:
- (a) Processing applications;
  - (b) Administering an accessway permit;
  - (c) Maintenance or repair of any part of a road caused by the formation of the accessway.
- 106.4. A permit holder must pay any fees or charges that may be requested by the Council for administering an accessway permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the establishment of an accessway.



## Subpart 6 – Dust suppression

### 107. Purpose and scope

- 107.1. The purpose of this part of the Bylaw is to manage the effects of dust on residential properties in the vicinity of gravel roads and visibility for road users in order to:
- (a) Ensure the effects of dust are minimised;
  - (b) Ensure dust minimisation methods are environmentally acceptable;
  - (c) Improve the safety of gravel roads; and
  - (d) Ensure dust minimisation methods do not have adverse effects on the safety of the road and road users.

### 108. General provisions relating to dust suppression

- 108.1. No dust suppression work shall be completed on any gravel road except:
- (a) Where a dwelling house is within 100m of a gravel road; and
  - (b) Such work is completed by the Council as part of the Council's District Roding Programme.

### 109. Compliance

- 109.1. Carrying out dust suppression works in contravention of clause 108.1 above is a breach of this Bylaw.
- 109.2. Where dust suppression works are done in contravention of clause 108.1 above the Council may direct the person who completed the work to rectify it. Such work will be completed at the cost of that person within the timeframe set by Council.
- 109.3. The Council may elect to complete any rectification works themselves. In such circumstances the costs will be covered by the person who undertook the unlawful dust suppression.

## Part 6 – Fencing within rural road reserve

### 110. Purpose and scope

110.1. The purpose of this part of the Bylaw is to manage the establishment of fencing within road reserve in order to:

- (a) Allow fencing within road reserve to occur;
- (b) Facilitate the economic use of the roadside where appropriate;
- (c) Improve visual amenity;
- (d) Protect drainage infrastructure;
- (e) Ensure safety of the road is maintained and improved.

110.2. This part of the Bylaw provides for:

- (a) Regulatory framework to achieve the purpose of the Bylaw.

### 111. General provisions fencing within road reserve

111.1. No fencing will occur within road reserve except:

- (a) On rural roads; and
- (b) The person wishing to construct the fence is the adjoining landowner or occupier; and
- (c) The person wishing to construct the fence does so in accordance with a permit issued under this Bylaw.

111.2. A person must apply for a permit in accordance with clause 111.1 above by filing an application in the correct form. The relevant form will be available on the Council's website or on request.

111.3. The Council may impose conditions in respect of a road fencing permit. The conditions may relate to:

- (a) Location of the proposed fence to avoid:
  - (i) existing drainage channels and waterways;
  - (ii) any services located within the road reserve;
  - (iii) the proposed fence restricting passage along the road;
- (b) Distance of the fence from the formed carriageway;
- (c) Requirements for a permit holder to maintain the fence and the fenced area, including any trees within it, to ensure any stock will be contained within the fenced area;
- (d) Avoiding damage being caused to any services or drainage infrastructure within the road reserve;
- (e) Any public liability or indemnity insurance to be held by the permit holder;
- (f) A requirement for the permit holder to enter into a licence to occupy.
- (g) Registration of an encumbrance on the computer freehold register of the adjacent land.

## **112. Compliance, transfer and cancellation**

- 112.1. Any person who erects a fence on road otherwise than in compliance with clause 111.1 is in breach of this Bylaw.
- 112.2. A permit holder must comply at all times with the conditions of their road fencing permit. Failure to do so is a breach of this Bylaw.
- 112.3. A permit holder is liable for the acts and omissions of employees and agents who are or purporting to exercise rights under a road fencing permit.
- 112.4. The Council, through an Authorised Officer, may cancel a road fencing permit by giving notice in writing to the permit holder if:
- (a) The Council is required by legal obligations imposed on it;
  - (b) The permit holder fails to comply with the conditions of the road fencing permit;
  - (c) The permit holder fails to comply with the directions of an Authorised Officer necessary to avoid the permit holder endangering the health and safety of any person or causing damage to any part of the road.
- 112.5. A road fencing permit may be cancelled in accordance with clause 112.4:
- (a) Immediately, where it is necessary to avoid imminent danger to any person or the permit holder has failed to comply with directions from an Authorised Officer; or
  - (b) Within 20 working days' notice.
- 112.6. Written notice is not required where an Authorised Officer is exercising powers under clause 112.5(a) above.
- 112.7. No rights or responsibilities provided for under a road fencing permit may be transferred. Where a permit holder ceases to be an owner or occupier of the property to which the road fencing permit relates the relevant permit will be deemed to have been terminated.

## **113. Conditions relating to the use of land within the fenced area under a road fencing permit**

- 113.1. The permit holder will be responsible for the use and management of the land within the fenced area under the road fencing permit. The permit holder will:
- (a) Not erect any structures within the fenced area.
  - (b) Manage any vegetation, pests or pest plants within the fenced area.
  - (c) Not plant any trees or hedges within the fenced area except in accordance with this Bylaw.

- (d) Not excavate any material from within the fenced area.
- (e) Not restrict access by Council staff, nominees or utility providers to the fenced area for any purpose including for the purpose of installing, maintaining, repairing or removing any new or existing service over, under or on the land being freely available.
- (f) Not damage or impede any drain, inlet, culvert, water channel or water table.

#### **114. Council may require removal**

114.1. Notwithstanding any of the above the Council may require immediate removal of any stock or fence installed under this part of the Bylaw at any time.

#### **115. Reporting and costs**

115.1. The permit holder must inform the Council of any circumstances that may give rise to a breach of a road fencing permit.

115.2. Where the Council is informed of an incident in accordance with clause 115.1 it may elect to vary the conditions of the relevant stock permit or require a stock permit to be obtained.

115.3. The Council may set fees and charges for recovery of its reasonable costs for:

- (a) Processing applications;
- (b) Administering a road fencing permit;
- (c) Maintenance or repair of any part of a road caused by the establishment of fencing of the use of the fenced road.

115.4. A permit holder must pay any fees or charges that may be requested by the Council for administering a road fencing permit and/or the costs incurred by the Council in carrying out any maintenance or repair caused by the fencing or the use of the fenced area

## Part 7 – Parking restrictions

### 116. Purpose and scope

116.1. The purpose of this part of the Bylaw is to provide for parking restrictions in the district to:

- (a) Maintain and improve the efficiency of the road network;
- (b) Ensure that parking available in areas of high demand is turned over in sufficient frequency to meet with the demand;
- (c) Ensure the safe operation of the roading network.

116.2. This part of the Bylaw provides for:

- (a) Council to place restrictions on the location and time for parking on roads or within council controlled carparks;
- (b) Establish the framework to determine and implement time restricted parking;
- (c) Administrative framework for achieving the above.

### 117. Control of parking

117.1. The Council may by resolution, declare any road, part of a road or council-controlled land to be a no parking area.

117.2. Under clause 117.1 parking may be prohibited 24 hours per day or between times specified in the relevant resolution.

117.3. The Council may by resolution, declare any road or part of a road to be a restricted parking area.

117.4. In declaring a restricted parking area the Council may impose any or all of the following restrictions:

- (a) The time(s) during which the restrictions will have effect;
- (b) The maximum time allowed within any parking space;
- (c) The number and location of parking spaces within the relevant restricted parking area;

### 118. Variation or revocation of parking restrictions

118.1. The Council may by resolution at any time vary or revoke any no parking or restricted parking area.

118.2. At the time a variation or revocation is made under clause 118.1 the Council may by resolution impose any new restriction in substitution for the varied or revoked resolution.

## **119. Time of legal effect of parking restrictions**

119.1. A resolution in accordance with clauses 117.1 and 117.3 will not have legal effect until the necessary signage under the Traffic Control Devices Rules 2004 or under any rules under the Land Transport Act 1998 have been installed.

## **120. Restricted vehicle areas**

120.1. The Council may by resolution, set aside any road or part of a road or council controlled parking area as a restricted vehicle parking area for use by specified vehicles or people. This may include:

- (a) Taxis;
- (b) Passenger service vehicles;
- (c) Goods and services vehicles;
- (d) Vehicles used by disabled persons;
- (e) Motorcycles;
- (f) Any other vehicle the Council specifies in the resolution.

## **121. Parking requirements**

121.1. Any person parking a vehicle in a restricted parking area or restricted vehicle area where the parking spaces are identified must park their vehicle entirely within a single marked parking space;

121.2. Where any parking space is identified for the use of specified vehicles only, no person shall park any vehicle other than the specific type of vehicle in that space.

121.3. Any person parking a motorcycle in a parking space marked for use of motorcycles only must park their motorcycle entirely within a single marked parking space. For avoidance of doubt, subject to compliance with this clause more than one motorcycle may occupy a marked parking space.

## **122. Parking on verges**

122.1. A person must not stop or park a vehicle on a grass or cultivated verge which forms part of any land that forms part of the road reserve or which has been designated as a local purpose reserve, recreation reserve under the Central Otago District Plan.

122.2. The Council may by resolution exclude certain areas from the application of clause 122.1.

### **123. Parking on footpaths or cycle ways**

- 123.1. No person may stop, stand or park any vehicle on a footpath or on a cycle path.
- 123.2. If, as a result of stopping, standing, parking or traversing where there is no vehicle crossing over a footpath, damage is caused to the footpath the person in charge of the vehicle causing the damage may be required to pay for repair of the damage to the satisfaction of Council.

### **124. Enforcement**

- 124.1. For the purpose of this Bylaw any Parking Warden or Authorised Officer may inspect any parked vehicle for the purpose of establishing compliance with this Bylaw.
- 124.2. The Council or any Authorised Officer may remove or cause to be removed any vehicle or other thing from any road or council controlled carpark which breaches this Bylaw, or any resolution made under it. The Council may recover from the person committing the breach all expenses incurred by the Council when removing the vehicle or thing.
- 124.3. Any person who parks or allows a vehicle to be parked in breach of any of the provisions of this Bylaw or any resolution made in accordance with it, commits a breach of this Bylaw.
- 124.4. Nothing in clause 123.2 limits the liability of any person for an infringement offence under section 2(1) of the Land Transport Act 1998.

### **125. Penalties**

- 125.1. Any person who breaches this Bylaw (including and control, restriction, limitation, or prohibition under this bylaw) commits an offence under the Land Transport Act 1998, or the Local Government Act 2002 and is liable to the penalties set out in the relevant Act.
- 125.2. Any person who commits a breach of this Part of the Bylaw will also be liable for any towage fee incurred by the Council in accordance with the Transport (Towage Fees) Notice 2004.

### **126. Defences**

- 126.1. It is a defence for any person who is charged with a breach of this Bylaw, or any resolution made under it if that person proves the act or omission was:
- (a) Done due to an emergency;
  - (b) Done to comply with the directions of a Parking Warden or Authorised Officer, traffic signal or traffic sign; In the case of any act done by a Parking Warden

or Authorised Officer the breach was necessary as part of the execution of the Parking Warden or Authorised Officers' duties



## Part 8 – Heavy vehicles restrictions

### 127. Purpose and scope

127.1. The purpose of this part of the Bylaw is to:

- (a) Enable the Council to restrict the use of certain roads, or part of a road by heavy vehicles.
- (b) Ensure the safe operation of the roading network

127.2. This part of the Bylaw provides for:

- (a) Council to place restrictions on the location and/or time that heavy vehicles may use certain roads or parts of roads;
- (b) Establish the framework to determine and implement heavy vehicle restrictions;
- (c) Administrative framework for achieving the above.

### 128. Control of heavy vehicles

128.1. The Council may by resolution, declare that no heavy vehicles may pass or repass over any road or part of a road.

128.2. In making a declaration under clause 127.1 above the Council may impose any or all of the following restrictions:

- (a) The size of the vehicles that are restricted;
- (b) The times during which the restrictions will have effect if less than 24 hours per day;
- (c) Specify an alternative route for heavy vehicles to utilise.

### 129. Alternative route

129.1. Where a declaration under clause 127.1 specifies an alternative route, all heavy vehicles shall use it as a bypass.

### 130. Exemptions

130.1. No person driving or in charge of any heavy vehicle will drive or allow it to be driven along any road subject to a declaration under clause 128.1 above except:

- (a) Where the place of business of the owner of the heavy vehicle is located on the road or part of the road subject to a declaration where there is no alternative route.
- (b) In connection with the essential maintenance of the heavy vehicle;

- (c) In connection with the delivery or collection of passengers or goods to an address on the road or part of a road subject to a declaration and where no alternative access is available.
- (d) In connection with the purchase of fuel from an address on the road or part of a road subject to a declaration and where no alternative access is available
- (e) In connection with the provision of services to an address on the road or part of a road subject to a declaration and where no alternative access is available.
- (f) With the written approval of the Council.

130.2. A declaration under clause 127.1 will not apply to:

- (a) Any ambulance, fire service vehicle or other emergency vehicles;
- (b) Campervans or passenger vehicles such as buses; and
- (c) A vehicle of a network utility operator or its authorised agent or contract engaged in the provision of, or maintenance of a network utility operation.

### **131. Variation or revocation of heavy vehicle restrictions**

131.1. The Council may by resolution at any time vary or revoke any heavy vehicle restriction.

131.2. At the time a variation or revocation is made under clause 130.1 the Council may by resolution impose any new restriction in substitution for the varied or revoked resolution.

### **132. Time of legal effect of heavy vehicle restrictions**

132.1. A resolution in accordance with 127.1 and 130.1 above will not have legal effect until the necessary signage under the Traffic Control Devices Rules 2004 or any other Rules under the Land Transport Act 1998 have been installed.

### **133. Offences**

133.1. Any person who commits a breach of this Bylaw by driving or being in charge of a heavy vehicle on a road or part of a road subject to a declaration under clause 127.1; is liable to an infringement of \$150 .

### **134. Defences**

134.1. It is a defence for any person who is charged with a breach of this Part of the Bylaw, or any resolution made under it if that person proves the act or omission was:

- (a) Done due to an emergency; or
- (b) Done to comply with the directions of an Authorised Officer, traffic signal or traffic sign.

## Schedule 1 Current parking restrictions

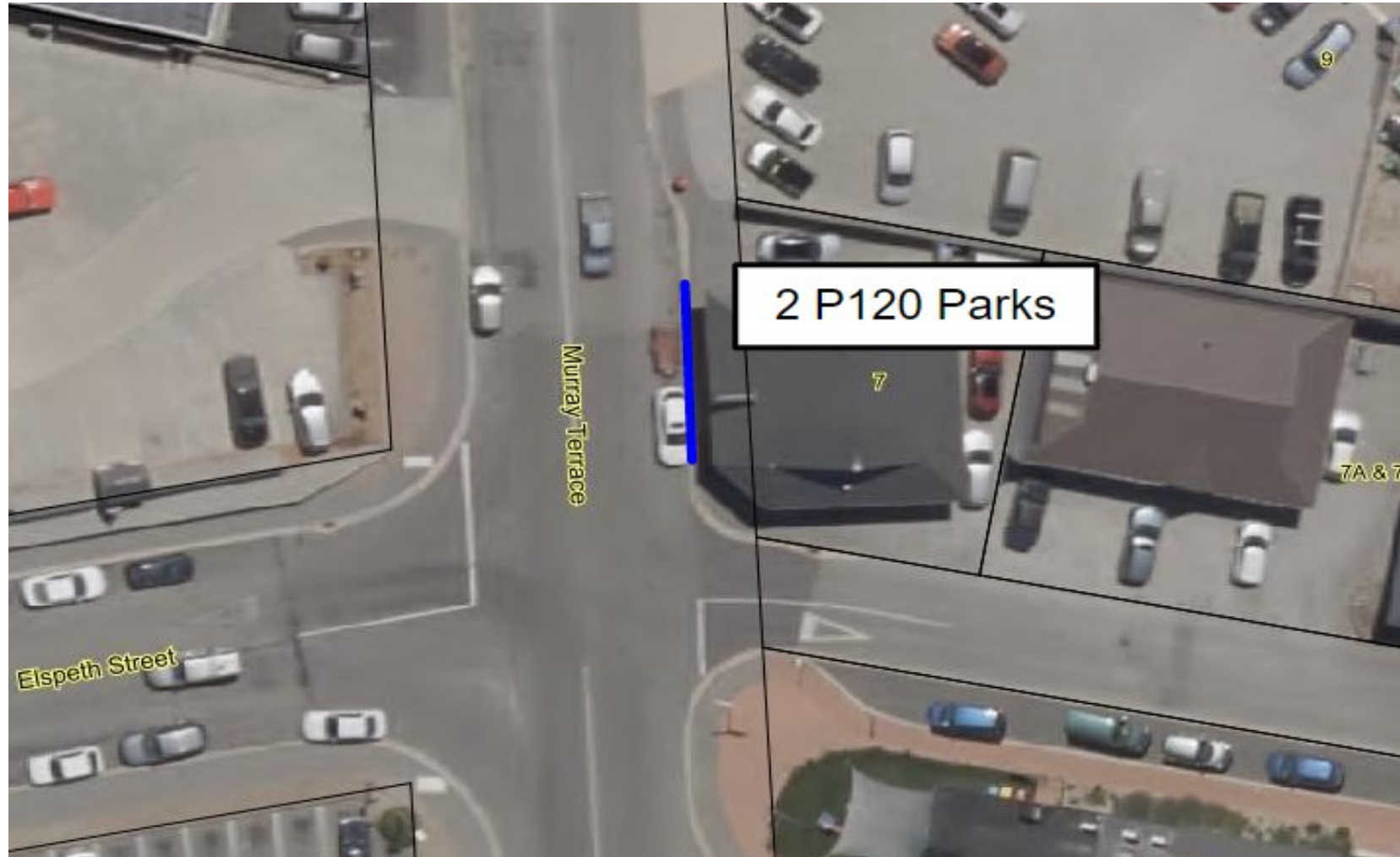
### Cromwell

1. 10 Minute Parking
  - a. Two parks in Town Centre Car Park #3 (Café precinct)
  - b. Four parks on Barry Avenue at the eastern entrance to the Town Centre
  - c. Four parks on Barry Avenue by Cromwell College.
  
2. 120 Minute Parking
  - a. 43 parks in the parking bays closest to The Mall in Town Centre Car Park #1 (Western side of the Mall)
  - b. 13 parks closest to The Mall Town Centre Car Park #2 (Subway area)
  - c. 27 parks in the central island area in Town Centre Car Park #3 (Café precinct)
  - d. Nine parks adjacent to the Library in Town Centre Car Park #4 (Library area)
  - e. Seven parks in Town Centre Car Park #6 (Medical Centre)
  - f. Eight parks in Town Centre Car Park #7 (Central Lakes Trust).
  - g. Two parks beside Edinburgh Realty (Introduced 2020)
  
3. Accessibility Parks
  - a. Two parks in Town Centre Car Park #1 (Western side of the Mall)
  - b. One park in Town Centre Car Park #2 (Subway area)
  - c. Two parks in Town Centre Car Park #3 (café precinct)
  - d. Two parks in Town Centre Car Park #4 (Library area)
  - e. One park in Town Centre Car Park #5 (South end of Mall)
  - f. Three parks in Town Centre Car Park #6 (Medical centre)
  - g. One park in Town Centre Car Park #7 (Central Lakes Trust).
  
4. Bus Parking
  - a. Lode Lane - Two Bus parks
  - b. Molyneux Avenue – Two Bus parks outside Cromwell Primary School
  - c. Gilling Place – Two Bus parks outside Goldfields Primary School.
  
5. Ambulance Parking
  - a. Town Centre Car Park #7 (Central Lakes Trust) - One park.

## Cromwell Car Park Restrictions Map 1 (Introduced 2015)



## Cromwell Car Park Restrictions Map 2 (Introduced 2020)



## Alexandra

1. 15 Minute Parking
  - a. Three parks outside the Central Otago District Council on Dunorling Street.
2. 60 Minute Parking
  - a. Tarbert Street from the War Memorial to Limerick Street.
  - b. Tarbert Street War Memorial car park.
  - c. Tarbert Street from Bantry Street to the Medical Centre vehicle entrance.
  - d. Brandon Street between Kenmare Street and Centennial Ave.
  - e. Centennial Avenue in the Golden Block area.
3. 120 Minute Parking
  - a. Matau Street from Centennial Avenue to Ventry Street.
  - b. Centennial Avenue from Moa Street to Brandon Street.
  - c. Brandon Street between Centennial Avenue and the Golden Block car park.
  - d. Within the Golden Block car park.
  - e. Centennial Avenue from the end of the Golden Block to the Dunorling Street/Tarbert Street roundabout.
  - f. Shannon Street from Ventry Street to the boundary line between numbers 30 and 32 Shannon Street.
  - g. Tarbert Street from the Dunorling Street/Centennial Avenue roundabout to Walton Street.
  - h. Skird Street.
  - i. Tarbert Street from Limerick Street to end of road.
  - j. Limerick Street
  - k. Centrepoint Mall car park (public parks only).
  - l. Ennis Street – 5 car angle parks from Dunorling Street on the west side of Ennis Street.
  - m. Deel Street from Tarbert Street to McDonald Street.
  - n. Two parks on Dunorling Street outside Feron Motor Court (Introduced 2020)
4. Accessibility Parks
  - a. One park in Tarbert Street War Memorial car park.
  - b. One park on Tarbert Street by entrance to the Tarbert Street War Memorial car park.
  - c. One park on Tarbert street beside Tarbert Street Dental Surgery (Introduced 2020)
  - d. Two parks on Skird Street outside the Memorial Hall.
  - e. Two parks in Thomson Way car park.
  - f. One park on Limerick Street outside The Warehouse.
  - g. One park on Centennial Ave by the Museum/Information Centre.
  - h. Two parks in Golden Block car park.
  - i. One park in Tarbert Street – The Warehouse carpark.

6. Bus Parking

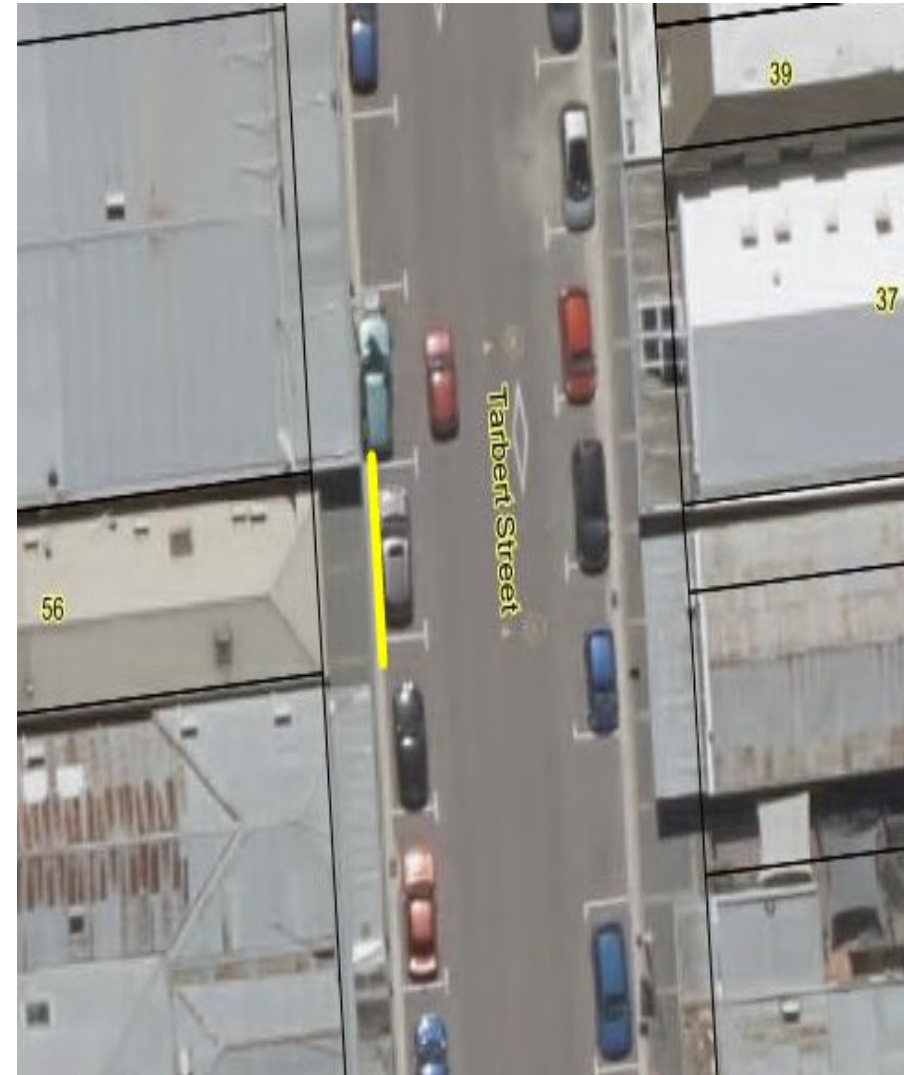
- a. Centennial Ave - Two bus parks near Museum.
- b. Tarbert Street – 1 bus park outside St Gerards School.
- c. Bringans Street – 2 bus parks outside Alexandra Primary School

## Alexandra Car Park Restrictions Map 1 (Introduced 2015)





## Alexandra Car Park Restrictions Map 2 (Introduced 2020)



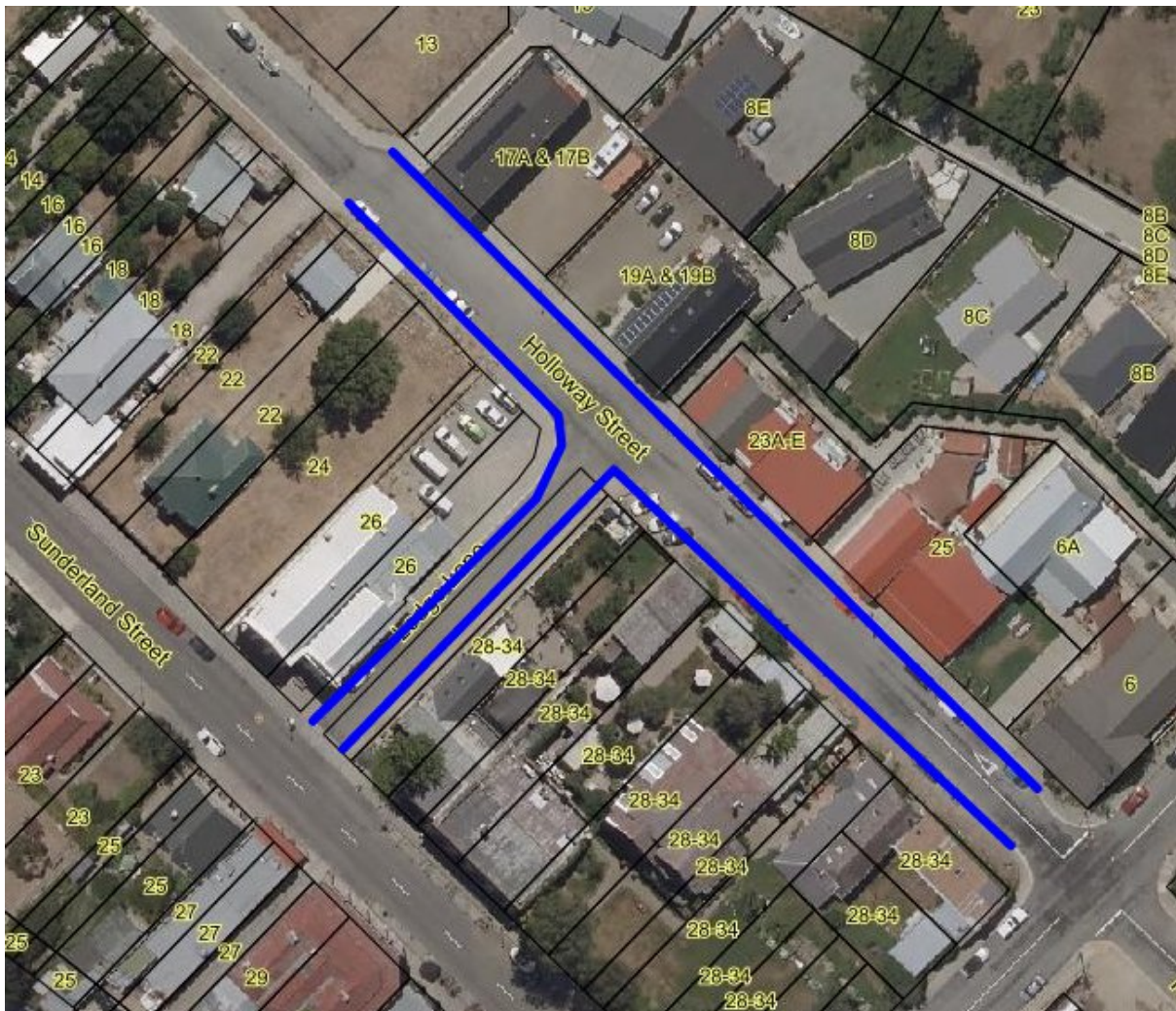
## Clyde

1. 120 Minute Parking
  - a. Sunderland Street from Naylor Street to Lodge Lane.
  - b. Lodge Lane
  - c. Holloway Street between Naylor Street and the Eade Gallery
  
2. Bus Parking
  - a. Blyth Street - One bus park outside Clyde Primary School.

### Clyde Car Park Restrictions Map 1 (Introduced 2019)



## Clyde Car Park Restrictions Map 2 (Introduced 2020)



## Schedule 2 Current heavy vehicle restrictions

### 1. Cromwell

- a. Location –
  - Barry Avenue between McNulty Road and Neplusultra Street
  - Alpha Street between State Highway 8B and Inniscourt Street
  - Gair Avenue between Barry Avenue and McNulty Road
  - Waenga Drive between Murray Terrace and Gair Avenue
- b. Vehicle type – This restriction applies to vehicles with a Gross Vehicle Mass (GVM) as shown on the Certificate of Loading of 11,000kg or higher.
- c. Time – This restriction applies 24 hours a day.
- d. Alternative route – Vehicles restricted under this declaration will use the alternative route:
  - i. Starting at the State Highway 8B - Barry Avenue Intersection travel west to the State Highway 8B - State Highway 6 Intersection (600m):
  - ii. Turn left and travel in a south west direction along State Highway 6 to the McNulty Road Intersection (2.1km):
  - iii. Travel along in an easterly direction to the McNulty Road intersection (1.8km).