

Road Use Bylaw Proposal

Context

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

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

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

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

In 2020 the Council also considered whether a new bylaw was needed to replace a Mobile Shops and Hawkers Bylaw that had been automatically revoked in 2017. On 21 May 2020, the governing body of the Council decided a bylaw is needed to address problems associated with trading in public places. Information about that decision can be read at this link:

https://infocouncil.fndc.govt.nz/Open/2020/05/CO_20200521_MIN_2326_WEB.htm

The proposal

The Council proposes to make a new bylaw, under section 22AB of the Land Transport Act 1998, to regulate or control the use of roads and adjoining land by:

- vehicles
- stands, stalls or mobile shops
- animals
- structures, vegetation or other things that may affect road safety or the environment.

The new bylaw will include the “traffic control” provisions from the existing Parking and Traffic Control Bylaw as well as provisions to replace the revoked Mobile Shops and Hawkers Bylaw – to implement the governing

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

body's decision (referred to in Context above) to make a new bylaw about trading in public places. In addition, controls on roads and adjoining land that were previously in the Council's Control of the Use of Public Places Bylaw (revoked in 2017 due to not having been reviewed by the date required in the Local Government Act 2002) will be included in the new bylaw. The new bylaw will also amalgamate the Council's Skating and Cycles Bylaw, a clause from the Nuisances Bylaw, and the Alfresco Dining Policy into its provisions because they all relate to activities done on roads and are therefore within the scope of the new bylaw. The table in Appendix 1 shows where the provisions from the existing, or revoked, bylaws can be found in the new bylaw.

Reasons for the proposal

Until such time as the Integrated Transport Strategy is implemented, the best way to address the problems (of competition for use of space and congestion in the District's urban areas) is to maintain the controls that already exist. This is because, without the benefit of higher-level policy to guide decision-making, there is a risk any new controls that are developed will either under- or over-regulate and lead to outcomes that cause unnecessary cost to the Council and community. For example, in the absence of policies about how to prioritise the needs of motor vehicles, cycles, pedestrians or mobility devices, one or more of those road users could have their needs overlooked or overly restricted. A new bylaw will therefore continue the existing controls to allow time for the Integrated Transport Strategy to be implemented and new controls developed as part of that implementation.

Analysis of the options

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

- not duplicate other legislation, e.g. rules made under the Land Transport Act 1998
- continue existing restrictions and controls without amendment, except to correct errors (e.g. incorrect description of locations) or update wording to be consistent with legislation
- replace the term "traffic control" with the term "road use" to make it clear the bylaw regulates all uses of the road, not just traffic/moving vehicles
- include restrictions and controls that were in the revoked Control of the Use of Public Places Bylaw and Mobile Shops and Hawkers Bylaw that applied to roads
- meet best practice drafting standards as advocated by the Parliamentary Counsel Office, including using performance or outcome-based requirements instead of prescriptive rules.

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

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

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

Under this option, regulation of parking would be separated from the other road use regulation. The volume of parking spaces, time limits and possible future provisions (e.g. parking fees) means a parking bylaw will be a long document and likely to require regular amendments to respond to the demands of the transport network. Also, responsibility for the enforcement of parking restrictions and other road uses is split between the Council

and the Police. The Council is only responsible for enforcement of parking and a small number of other minor offences. All other road use matters are dealt with by the Police. It is therefore better for parking to be regulated in a stand-alone bylaw for ease of enforcement. A second bylaw would deal with all the other aspects of road use, including the use of public places adjacent to roads.

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

Costs and benefits (advantages and disadvantages)

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

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

Impacts on tāngata whenua and te ao Māori

There will be impacts on tāngata whenua from the regulation of road use. Where structures or mobile shops are allowed on roads, the location of those things will need to be compatible with the protection of sites that are significant to Māori. The significance could be for traditional, spiritual, religious, ritual, or mythological reasons. The proposed new bylaw will give effect to some of the provisions in the Te Oneroa-a-Tōhe/90 Mile Beach Management Plan.

Decision on options

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

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

Proposed Road Use Bylaw

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

New Zealand Bill of Rights Act 1990 implications

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

- Section 16 – right to freedom of peaceful assembly
- Section 18 – right to freedom of movement
- Section 21 – right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence.

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

- section 16 and 18 rights – the bylaw’s provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to in order for other people’s rights and freedoms to be maintained
- section 21 rights – the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are in statutes.

How to give your views on the proposal

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

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

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

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

Privacy statement

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

Draft Road Use Bylaw

The draft bylaw is as follows:

Road Use Bylaw

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Schedule 1 Roads, or parts of roads, where vehicles must travel in a specified direction

[\[view at this link\]](#)

Schedule 2 Roads, or parts of roads, where turning right or certain vehicles prohibited

[\[view at this link\]](#)

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

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

Schedule 5 Restrictions or prohibitions grouped by town or area

[\[view at this link\]](#)

1 Title

This bylaw is the Road Use Bylaw.

2 Related information boxes

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

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

3 Commencement

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

Related information

This bylaw is due for review by *[date to come]*.

4 Application

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

Related information

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

Part 1: Preliminary provisions

5 Purpose

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

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

6 Interpretation

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

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

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

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

Related information

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

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

Related information

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

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

Related information

As at 01 February 2011, the definition is:

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
 - (i) a vehicle running on rails; or
 - (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (vi) a pedestrian-controlled machine; or
 - (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
 - (viii) a mobility device.

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

Related information

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

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

Related information

As at 01 April 2021 the definition is:

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

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

Related information

As at 01 April 2021 the definition is: means a person appointed [by a local authority] to hold the office of parking warden under section 128D [of the Land Transport Act 1998].

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

Related information

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

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

enactment.

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

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

Related information

As at 01 April 2021 the definition is:

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

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

Related information

As at 01 May 2021 the definition is:

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

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

Related information

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

Part 2: Vehicle restrictions

7 Roads where vehicles must travel in a specified direction

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

Related information

These roads have "One way" signs erected.

8 Roads where turning right or certain vehicles prohibited

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

Related information

These intersections have "No right turn" signs erected.

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

Related information

These roads have “No heavy vehicles” signs erected.

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

Related information

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

9 Vehicles containing offensive matter not to be left on road

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

Related information

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

Part 3: Putting structures or vegetation on or near roads

10 Approval required for erecting or planting things near intersections etc

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

Related information

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

11 Only certain signs allowed on or near road

- (1) Except as provided in subclauses (5) and (6), a person must not cause, permit or otherwise enable the display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes –
- (a) on or over public buildings or bridges; or
 - (b) on or over buildings, walls, fences, posts, trees, footpaths, or hoardings — that are situated –
 - (c) in, or on, or adjoining any land or road that is the property of, or under the control of, the council; or
 - (d) any place where that display is visible from a road or public place – in contravention of subclauses (2) and (3).
- (2) Any display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must not –
- (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals; and
 - (b) distract unduly or be likely to distract unduly the attention of a road user; and
 - (c) resemble or be likely to be confused with any traffic sign or signal; and
 - (d) give rise to excessive levels of glare; and

- (e) use lights or reflective materials; and
- (f) invite drivers to turn so close to a turning point that there is no time to signal or turn safely; and
- (g) have sharp edges, projections or moving parts that may be a nuisance or danger to road users; and
- (h) constitute or be likely to constitute in any way a danger or nuisance to road users or the environment.

Related information

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

- If there are too many signs on a single location that are not reasonably spaced apart they are likely to distract road users who are trying to read them all at the same time and therefore the signs will not comply with paragraph (b).
- Signs that are made with fluorescent or phosphorescent material may mislead or distract drivers from traffic signs installed in the vicinity or mask those signs and therefore not comply with paragraph (c).
- A sign that reflects the light from the lamps of any vehicle on the road would not comply with paragraph (d).

- (3) Any poster, placard, handbill, writing, picture, or device for advertising or other purposes displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in english and te reo māori.
- (4) For the purposes of subclause (2)(h) only, posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that are constructed, fixed, placed and maintained in accordance with the provisions of Schedule 3 will be treated by the council as not constituting a danger or nuisance.
- (5) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with subclause (2)(e) if the person has an approval for the display.
- (6) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with subclause (2), if –
 - (a) it is displayed for a limited period of time to advertise a sporting, community or cultural event; and
 - (b) it is a maximum size of 3 square metres; and
 - (c) the person has an approval for the display; and
 - (d) it is removed no more than 2 days following the completion of the event to which it relates.
- (7) For the purposes of the approvals required in subclauses (5) and (6), if the display is on Te Oneroa-a-Tōhe/90 Mile Beach, it must be approved by the Te Oneroa-a-Tōhe Beach Board before an approval is applied for under this bylaw and evidence of the Board’s approval must be included with the application made under this bylaw.
- (8) For the purposes of this clause “public buildings” means buildings that are owned by the council and for the avoidance of doubt a “road user” includes a pedestrian.
- (9) This clause does not apply to advertisements for candidates in an election under the Electoral Act 1993 or the Local Electoral Act 2011.

Related information

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

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

Part 4: Trading on roads and footpaths

12 Approval required for stands and stalls in public places

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

Related information

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

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

(1) This section applies if—

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

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

Related information

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

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

13 Approval required for alfresco dining on footpaths or shared roadways

- (1) A person who wants to occupy any part of a road with structures for providing food or beverage services, including tables, chairs, umbrellas, or heaters, must apply to the council for an approval for that occupation.
- (2) A person may not apply for an approval under this clause to occupy –
 - (a) any place that is adjacent to a pedestrian crossing or a place where parking is restricted to passenger service vehicles; or
 - (b) any place that will obstruct, or interfere with, the use of council street furniture or rubbish bins by the public; or
 - (c) any place that will obstruct access to, or egress from, any building.
- (3) The area for which an approval is sought must leave a minimum of 1.5 metres clear access for pedestrian traffic.

Related information

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

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

14 Approvals may be affected by other approved events

If the council has approved –

- (a) the stopping of the road or part of the road; or
- (b) an event, for example a Christmas parade, that will occur on the road or part of the road – that an approval granted for the purposes of clause 12 or 13 applies to, the council may, in its absolute discretion, suspend the approval under clause 28 for the duration of the stopping or the event if, in the council's opinion, –
- (c) the stopping or event will prevent or restrict actions covered by the approval from being done; or
- (d) the actions covered by the approval are inconsistent with the stopping or event.

Part 5: Animals on roads

15 General requirements

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

Related information

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

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

Part 6: General road safety

Related information

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

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

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

16 Protection of people and vehicles when doing work near a road

- (1) A person who is doing any work to, or on, any external part of a building that is adjacent to or near a road must take all reasonable steps to –
 - (a) protect any other person using or passing along the road from injury; and
 - (b) protect any vehicle using or passing along the road from damage; and
 - (c) ensure the work does not cause a nuisance or danger to traffic; and
 - (d) prevent any damage being caused to the road.

In this subclause “work” includes altering, repairing, painting, or cleaning any part of the building.

Related information

For example, the person could erect a fence or hoarding to prevent people or vehicles from coming near the work.

Compliance with this subclause does not affect any obligations the person may have under the Health and Safety at Work Act 2015.

- (2) A person who is doing building work that includes any one or more of the following being done on a road or a public place adjoining a road –
 - (a) erecting scaffolding, gantries, hoardings, or barricades; or
 - (b) depositing building materials; or
 - (c) carrying out excavation work; or
 - (d) using a crane, stationary engine, concrete mixer, air-compressor, crane, hoist, or other machinery – must apply to the council for approval of that, or those, actions.
- (3) In subclause (2), “building work” has the same meaning as in section 7(a) and (b) of the Building Act 2004 and “public place” means land or property of, or under the control of, the council.

Related information

As at 08 June 2021 the definition of building work in the Building Act 2004 is:

- (a) means work—
 - (i) for, or in connection with, the construction, alteration, demolition, or removal of a building; and
 - (ii) on an allotment that is likely to affect the extent to which an existing building on that allotment complies with the building code; and
- (b) includes sitework.

17 Safe placement of bins, skips or containers on roads

- (1) A person must not place a waste bin, skip, shipping container or other similar receptacle on a road unless it –
 - (a) is not on a part of the road where parking is prohibited or restricted under the council’s Parking Bylaw; and
 - (b) does not encroach within one metre of a traffic lane; and
 - (c) has its edge that faces on-coming traffic painted white or a fluorescent colour that is in contrast to the colour of its main body and the edge markings are maintained to ensure clear visibility to traffic; and
 - (d) is not left on the road between half an hour after sunset of one day and half an hour before sunrise the following day unless properly lit by flashing amber lights on outer corners of the bin facing on-coming traffic.
- (2) This clause does not apply to containers of domestic waste placed on a road in a manner that complies with the council’s Solid Waste Bylaw.

Related information

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

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

18 Activities that may impede or obstruct road users

- (1) A person must not organise or conduct a meeting, gathering, demonstration, parade, procession or competition on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.
- (2) A person must not participate in any assembly, or association, with other persons (including any of the activities referred to in subclause (1)) on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.
- (3) A person must not perform, sing, play musical instruments, preach, lecture or exhibit on a road –
 - (a) in a way that impedes pedestrians or vehicles; or

- (b) in a way that prevents or obstructs access to shops or premises adjacent to the road.

Related information

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

Part 7: Approvals

19 Types of approval under this bylaw

- (1) This clause is intended only as a guide to summarise the actions or things for which an approval is required under this bylaw and in the event of any conflict between this clause and any other clause of this bylaw, the latter prevails.
- (2) A person may apply for an approval under this Part for –
- (a) Displaying a sign that uses flashing or revolving lights (clause 11):
 - (b) Displaying an advertising sign for a temporary sporting, community or cultural event (clause 11):
 - (c) Occupying a stand or stall for trading on a road (including a footpath) or public place (clause 12):
 - (d) Occupying a road (including a footpath) with furniture or other things for alfresco dining (clause 13):
 - (e) Building work on a road or a public place adjoining a road (clause 16).

20 Application for approval

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

Related information

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

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

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

21 Assessment of application

The council must assess all applications for approvals, including as follows –

- (a) by determining whether the matter covered by the approval will comply with any applicable provisions of this or any other bylaw made by the council; and
- (b) considering whether any conditions are required to be included in the approval under clause 23; and
- (c) if the application relates to a sign, by considering any relevant assessment criteria in rule 16.7.2 of the Far North District Plan; and
- (c) as soon as reasonably practicable after the application has been made.

22 Decision on application

- (1) The council must decline an application for an approval if the matter to be covered by the approval –
- (a) is not a permitted activity under any applicable plan, provision or requirement; or
 - (b) is not covered by a resource consent –
under the Resource Management Act 1991.
- (2) The council may grant an approval if it is satisfied the approval will not, or is not likely to, –
- (a) affect the safe or efficient operation of any road, footpath, grass verge, grass berm or public place;
- or

- (b) be a nuisance, or source of a nuisance, or a health hazard, or a danger to traffic; or
 - (c) detract from the amenity or character of a neighbourhood.
- (3) The council may decline an application for an approval if –
- (a) it is not satisfied about any one or more of the matters in subclause (2); or
 - (b) granting the approval would unreasonably affect the council's ability to enhance or promote road safety or provide protection for the environment.
- (4) An applicant may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.

23 Conditions on approvals

- (1) All approvals granted under clause 22 include a condition that enables the council to carry out inspections to ensure the approval and its conditions are being complied with.
- (2) The council may include conditions on an approval for any one or more of the following matters –
- (a) limiting the days, or times of day, a thing can be put on a road, or public place adjoining a road, and the condition may also require the thing –
 - (i) to be lit by flashing amber lights on outer corners facing on-coming traffic or such other lighting that may be considered by the council to be sufficient; or
 - (ii) to be contained within an area on the road that has been fenced off in a manner that satisfies the council:
 - (b) payment of a bond, of an amount determined by the council, to be used by the council to make good any damage caused by the person granted the approval and the council may charge that person a further amount if the bond does not cover the full cost incurred by the council:
 - (c) where normal pedestrian traffic will be impeded or pedestrians will pass nearby, specifying how pedestrian safety is to be ensured:
 - (d) requiring action to be taken, including to –
 - (i) prevent tools, dust, rubbish, materials or water falling on vehicles or adjoining land; or
 - (ii) keep footpaths clean; or
 - (iii) prevent dirt or water falling on the public; or
 - (iv) protect road safety, including the safety of pedestrians; or
 - (v) prevent the obstruction of street channels; or
 - (vi) protect street lamps, which must not be enclosed unless specified otherwise in the approval; or
 - (vii) protect fire hydrants, which must not be enclosed and must be able to be easily got at and used; or
 - (viii) minimise any likely obstruction to road users:
 - (e) requiring the person granted the approval to hold a current insurance policy of a specified amount (such amount to be determined at the sole discretion of the council) covering any damage that may be caused and providing a copy of the policy to the council:
 - (f) requiring a copy of the approval to be displayed on any premises:
 - (g) restricting the area or space the approval applies to, including any area or space where parking is prohibited or restricted in the council's Parking Bylaw:
 - (h) removal of litter:
 - (i) prohibiting or restricting the use of amplified equipment, megaphone or similar devices:
 - (j) requiring access to all underground services to be provided at all times:
 - (k) any other matter the council considers is reasonable to enhance or promote road safety or protect the environment.

24 Duration of approval

- (1) All approvals granted under this bylaw have a duration of 12 months from the date granted, unless another duration period is specified in the approval.
- (2) A person granted an approval may apply to the council to renew the approval, before the end of its duration, by –

- (a) informing the council, in writing, the approval is still necessary and giving reasons why; and
 - (b) demonstrating any conditions are being met, or seeking amendment of the conditions.
- (3) The provisions of this bylaw about approvals apply to the renewal of an approval, with any necessary modifications, including payment of any applicable fee.
- (4) If the council has not made a decision on the renewal application before the duration of the approval ends, the approval will continue to have effect until the renewal application is decided.
- (5) For the avoidance of doubt, if the duration of an approval has ended, the person granted the approval may apply for a new approval and refer to the previous approval to support their application, but during the time between the previous approval ending and a new one being granted, the applicant cannot do any of the things that were covered by the previous approval and must take all actions necessary to ensure the location of anything done under the previous approval is made safe for all road users.

25 Objections

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

26 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval (including payment of a fee), with any necessary modifications.

27 Transfer of approval

Approvals are not transferable.

28 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval, in its absolute discretion, if –
- (a) clause 14 applies; or
 - (b) any conditions on the approval are not being met; or
 - (c) the council considers the suspension or cancellation necessary to enhance or promote road safety or provide protection for the environment.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that were the reasons for the suspension or cancellation.
- (4) The person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working dates of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in sub-clauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

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

29 Other obligations not affected

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

Part 8: Enforcement, offences and penalties

Related information

The council has powers under the Land Transport Act 1998 and Local Government Act 2002 to take various actions to enforce the provisions of this bylaw. For example, under section 128E of the Land Transport Act 1998 the council can remove vehicles that are causing an obstruction, and under section 163 of the Local Government Act 2002 the council can remove any work or thing and recover the costs of that removal. All other actions to enforce the provisions of this bylaw are taken by the Police.

30 Offence and penalty

- (1) A person who breaches this bylaw commits an offence for which the fine is \$1,000.
- (2) Subclause (1) does not prevent the council from having recourse to other legal remedies, as it sees fit, to enforce the provisions of this bylaw.

Related information

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

Part 9: Savings and transitional provisions

31 Parking and Traffic Control Bylaw revoked in part

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

32 Skating and Cycles Bylaw revoked

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

33 Nuisances Bylaw revoked in part

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

34 Applications, approvals etc under revoked bylaws

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 31, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except –

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commenced; and
- (b) any approval, permit or authorisation cannot be renewed under this bylaw.

35 Other existing permits or approvals for matters regulated under this bylaw

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

- (a) the permit, authorisation, licence, approval or other form of consent will only continue until the date that is 12 months from the date this bylaw commenced; and
- (b) the permit, authorisation, licence, approval or other form of consent cannot be renewed under this bylaw.

Related information

The effect of clauses 34 and 35 is that anything that may have been previously approved by the council, whether under the revoked bylaws or under the council's general powers in the Local Government Act 2002 or any other Act, will continue to be approved until 12 months after this bylaw commences. If the person doing the thing wants to continue doing it after that date, they must apply for a new approval under this bylaw. Clause 35 in particular will affect people who have permits, licences or approvals for mobile shops or signs.

Schedules

36 Roads that have vehicle restrictions or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified.
- (2) Schedule 2 has 3 parts –
 - (a) Part A lists the roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right:
 - (b) Part B lists the roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited:
 - (c) Part C lists the roads, or parts of roads where, under clause 8, wheeled recreation devices are prohibited.
- (3) Schedule 4 lists the roads or public places where, under clause 13, the occupation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop is prohibited or restricted. Schedule 4 has two parts –
 - (a) Part A specifies the roads or places where stands or stalls are prohibited:
 - (b) Part B specifies the roads or places where only certain types of stands or stalls can be approved.
- (4) The Schedules described in this clause are organised by the type of restriction or prohibition. Schedule 5 shows all the restrictions or prohibitions on maps for the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between it and the other Schedules in this clause, the other Schedules prevail.

37 Provisions for signs to not be a danger or nuisance

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

38 Amendment of Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, or public place from Schedules 1, 2, or 4.
- (2) The council may, by resolution, add or remove any provisions from Schedule 3.
- (3) Schedule 5 may be amended or removed without any formality.

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

Clause 11(2)(h)

Posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that meet the provisions of this Schedule will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h).

- (1) The poster, placard, handbill, writing, picture, or device must be constructed, fixed, placed and maintained to:
 - (a) not exceed 1 square metre in area or 2 metres for any edge dimension:
 - (b) use a colour combination for the background, wording and legend that does not cause confusion with any of those used for any official road sign or traffic sign:
 - (c) not display more than 6 words, symbols or graphics and no more than 40 characters:
 - (d) use no reflective material:
 - (e) provide no internal or external illumination:
 - (f) have the bottom edge not more than 2.5 metres above road level or ground
 - (g) contain no moving parts or a dynamic display.
 - (h) not reduce the width of any footpath or other place used by pedestrians to less than 1.5 metres and if fixed, be not closer than 5 metres from the edge of the carriageway, if moveable, be not closer than 2 metres from the edge of the carriageway:
 - (i) be secured against wind gusts:
 - (j) not project more than 50mm from a building frontage if it is less than 2.5 metres above ground level:
 - (k) be more than the following distances from an intersection, permanent regulatory or warning sign, curve (with chevron signing), or pedestrian crossing:
 - (i) 100 metres in the urban environment (being the areas covered in Chapter 7 of the Far North District Plan); or
 - (ii) 200 metres in the rural environment (being the areas covered in Chapter 8 of the Far North District Plan).
- (2) On roads where the speed limit is 70km/h or less, the poster, placard, handbill, writing, picture, or device must use lettering and symbols at least 120 millimetres in height.
- (3) On roads where the speed limit is greater than 70km/h, the poster, placard, handbill, writing, picture, or device must:
 - (a) use lettering and symbols at least 160 millimetres in height and use expressway, helvetica, hyperion, impact, tahoma or univers font:
 - (b) provide an unrestricted view to drivers for a minimum distance of 180 metres:
 - (c) have supports that meet the relevant requirements regarding strength, rigidity and impact performance in section 7.0 of the New Zealand Transport Agency's "Traffic Control Devices Manual – Part 1 General requirements for traffic signs".

Related information

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

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

Clause 13

Part A – Places where stands or stalls are prohibited

Kerikeri

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

Start GPS: -35.2150106378605, 173.962339324991

End GPS: -35.2150106378605, 173.962339324991

Paihia

Any place outside the Memorial Hall on Williams Road.

Start GPS: -35.2822803795467, 174.090925796558

End GPS: -35.2824091261618, 174.090781583073

Russell

The Strand (North)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.2598179764385, 174.12065684762

The Strand (South)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.264872330982, 174.121538317746

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

- (1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –
 - (a) In Pahia at –
 - (i) Paihia Beach and all reserves between School Road and Seaview Road
Start GPS: -35.2851187007768, 174.096891702562
End GPS: -35.2823553472988, 174.093036912683
 - (ii) Te Tii Beach between the roundabout on junction of Puketona Rd and Marsden Rd through to the Bluff
Start GPS: -35.2788504373091, 174.089661222051
End GPS: -35.2773440975235, 174.08293900111
 - (iii) Te Karuwha Parade
Start GPS: -35.2774686433065, 174.082874727032
End GPS: -35.2706370437992, 174.079689916184
 - (b) In Russell at –
 - (i) Tapeka Point Beach
Start GPS: -35.2470182629473, 174.116510214275
End GPS: -35.2460729956379, 174.118431103766
 - (ii) Long Beach in or on any place outside of the car park area
Start GPS: -35.2570963427531, 174.131095418639
End GPS: -35.2610813938921, 174.140446317826
- (2) Approvals for stands or stalls in or on the following roads or public places are restricted to those used by

operators of a passenger service vehicle to sell tours or trips –

(a) In Paihia at Paihia Beach and all reserves between the Bluff through to School Road

Start GPS: -35.2823699222072, 174.093047512929

End GPS: -35.2788504373091, 174.089661222051

Appendix 1 – Table of provisions from previous bylaws and policy

Parking and Traffic Control Bylaw (“PTC”)

PTC Clause number/s	Brief description of provision	Clause number/s in new bylaw
2002	Interpretation	6
2004	Advertising vehicles for sale	Will be covered in new Parking Bylaw
2006.1 and 2006.2	Controlling direction of travel of vehicles	7 and 8
2006.3	Skips on roads	17
2006.4	Working on vehicles on roads	Will be covered in new Parking Bylaw
2006.5	Building operations on roads	16
2007.1	Exemptions	Covered in the Land Transport (Road User) Rule 2004
2007.1	Power to grant dispensations	Part 7
2008.1, 2008.2 and 2008.3	Offences and powers to remove vehicles and items	30 and “related information” box
2008.4	Power to amend Schedules	38
2009	Fees and Charges	Covered in Fees and Charges Policy
Schedule 2	Conditions for advertising vehicles for sale	Will be covered in new Parking Bylaw
Schedule 4	Conditions for placing bin, skip etc on road	17 and 23
Schedule 5	Conditions for building operations on road	16 and 23
Schedule 6	One way streets	Schedule 1
Schedule 7	Restricted vehicles	Part B Schedule 2
Schedule 8	No right turns	Part A Schedule 2

Control of Public Places Bylaw (“PP”)

PP Clause number/s	Brief description of provision	Clause number/s in new bylaw
3203 - 3213	Control of advertising	11 and Schedule 3
3214	Obstruction of a public place	18
3215	Damage to a public place (including unauthorised work or access)	10 and “related information” box at the beginning of Part 6
3216	Public safety and nuisances, including littering, skateboarding etc.	8(3) and 9
3217	Awnings and blinds in public places	“related information” box at the beginning of Part 6
3218	Projections (encroachments) on public places	10 and 11
3219	Barbed wire and electric fences	10
3220	Assembly and busking in public places	18
3222	Al fresco dining	13
3223	Livestock and animals	15

Mobile Shops and Hawkers Bylaw (“MSH”)

MSH Clause number/s	Brief description of provision	Clause number/s in new bylaw
404, 405 and 408	Licence requirements, Vehicle or container conditions, moving on request	12
409	Street stalls	12
410	Advertising signs (in relation to trading)	11
Schedule	Locations where trading is restricted.	Schedule 4

Skating and Cycles Bylaw (“SC”)

SC Clause number	Brief description of provision	Clause number in new bylaw
2	Prohibited areas	8(3)
3.2	Removal of devices	“related information” box in Part 8
4	Offences and penalties	30
5	Changes to schedule	38
Schedule	Places where use of devices is prohibited	Part C Schedule 2

Nuisances Bylaw (Chapter 11 of the General and Fire Bylaw)

Clause number	Brief description of provision	Clause number in new bylaw
1106	Vehicles containing offensive material not to be left on road	9

Alfresco Dining Policy (“AD”)

AD Clause number	Brief description of provision	Clause number in new bylaw
Procedures	Application requirements	Part 7
2 to 4	Application processing	6 definition of “council” and Part 7
6	Maximum area	13
8	Cleaning and maintenance of area	23
9	No obstruction of access or egress	13(2)
10	No use of areas near bus stop, taxi stand etc	13(2)
12	Consent is business and person specific	27
14 and 20	Consent can be revoked or suspended	14 and 28
15	Fees	20(1)(c)
16	Area and time specified in consent	23
17	No alcohol can be served	13 “related information” box
19	Public liability insurance	23
21 and 22	Other conditions remain and owners must comply with other consents or licences	29