



**DRAFT**  
**Traffic and Road Use Bylaw**  
**2024**

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## PART 1 – PRELIMINARY PROVISIONS & COUNCIL DISCRETIONS

### 1 Traffic and Road Use Bylaw

- 1.1 This Bylaw is the Tararua Traffic and Road Use Bylaw 2024, as reviewed from the Tararua Traffic and Road Use Bylaw 2018.
- 1.2 This Bylaw is made under the Local Government Act 2002; the Local Government Act 1974; the Land Transport Act 1998 and every other power vested in the Council to make Bylaws and regulate activities in public places.

***Explanatory notes:***

*The Council has powers under other Acts and regulations such as the Land Transport (Road User) Rule 2004, the Land Transport Rule: Traffic Control Devices 2004 and the Resource Management Act 1991. Relevant provisions are not necessarily included in this Bylaw.*

*Further provisions relating to roads are found in the Local Government Act 1974 (LGA 1974) including for removal of abandoned vehicles (section 356, 356A and 356B), penalties for damage to roads (section 357). Note that this Bylaw also contains provisions for vehicle crossings (which is also covered by section 335 of the Local Government Act 1974).*

*This Bylaw does not apply to emergency vehicles being used in an emergency.*

*Clauses 6, 7, and 15 of this Bylaw do not apply to medical practitioners (such as doctors, district nurses and midwives) who are attending an emergency.*

*Reference should also be made to Council's Public Places Bylaw.*

### 2 Commencement

- 2.1 This Bylaw comes into force on **XXXXXXXX**
- 2.2 This Bylaw applies to the district of Tararua District Council.

### 3 Purpose

- 3.1 The purpose of this Bylaw is to set out the requirements for parking and control of vehicles and other traffic on any road in the District other than state highways which are controlled by Waka Kotahi NZ Transport Agency.

### 4 Interpretation

- 4.1 In this bylaw, unless context requires otherwise:

**Act** means the Local Government Act 2002.

**Animal** has the same meaning as section 2(1) of the Animal Welfare Act 1999.

**Approval** means a permission issued by the Council and includes any licence, lease, permit, concession or booking.

**Authorised Officer** means and person appointed or authorised in writing by the Chief Executive or by Council to act on its behalf and with its authority (and includes a member of the Police and parking wardens appointed by Council).

**Bylaw** means the Tararua Traffic and Road Use Bylaw 2024.

**Council** means the Tararua District Council or any officer authorised to exercise the authority of Council.

**District** means the district of Tararua District Council.

**Electric Vehicle** means a vehicle with motive power wholly or partly derived from an external source of electricity.

**Electric Vehicle Charging Station** means a charging station located at a parking place for electric vehicles parked in that place to recharge the batteries of the vehicle.

**Emergency Vehicle** has the same meaning as in the Land Transport (Road User) Rule 2004.

**Enforcement Officer** has the same meaning as in the Land Transport (Road User) Rule 2004.

**Footpath** means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.

**Freight Container** means an article of transport equipment that is:

- a) Of a permanent character and strong enough to be suitable for repeated use;
- b) Specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- c) Designed to be secured and readily handled having fittings for these purposes.

**Heavy Motor Vehicle** means a motor vehicle that has a gross vehicle mass exceeding 3500 kg.

**Motor Vehicle** has the same meaning as in the Land Transport Act 1998.

**Multiple Space Parking Meter** means a parking meter that functions for more than one parking space.

**Mobility Parking Space** means a parking space set aside under clause 10 of this Bylaw for use by people who hold a Mobility Permit. A list of Mobility Parking Spaces in the District is at Schedule H of this Bylaw.

**Operation Mobility Permit** means a permit or concession card issued by CCS Disability Action Incorporated to persons with physical disabilities for the purpose of its operation mobility programme.

**Parking and Park** mean stopping, standing or parking a vehicle, whether attended or not.

**Parking Place or Parking Space** means a place where vehicles, or any class of vehicles, may park.

**Parking Warden** means a parking warden appointed under Section 128D of the Land Transport Act 1998.

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

**Permit** means an approval, licence, permit or any other form of written consent issued or granted by Council under this Bylaw.

**Person** means a natural person and also a body of persons, whether corporate or unincorporated.

**Road** has the same meaning as in the Land Transport Act 1998 but does not include state highways controlled by the New Zealand Transport Agency.

**Roadway** means that portion of road used or able to be used for the time being for vehicular traffic in general.

**Special Vehicle Lane** means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

**Stock or Livestock** means cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas or other animal (excluding dogs) including their young, kept in captivity, or farmed and dependent on humans for their care and sustenance.

**Traffic Control Device** has the same meaning as Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

**Transport Station** has the same meaning as in section 591(6) of the Local Government Act 1974.

**Vehicle** has the same meaning as in the Land Transport Act 1998 and for the purposes of this Bylaw includes motor vehicle.

**Vehicle Crossing** means the cross-over pads on a footpath or berm that enable a vehicle to access a property adjacent to the road, and covers the area of road from

where the driveway leaves the legal boundary of the property concerned and continues until the driveway meets the roadway.

**Zone Parking** has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

## 5 Council Discretions

5.1 Council may from time to time by resolution, permanently or temporarily:

- a) Prohibit or otherwise restrict the parking of vehicles on any road, or part of a road, or on any piece of land owned or controlled by the Council (including imposing restrictions regarding the maximum duration of such parking);
- b) Set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council, as:
  - i. Stopping places or stands for a specified class, classes or types of vehicle, including bus stops, loading zones; and parks for electric vehicles while in the course of being recharged at an electric vehicle charging station;
  - ii. Operation mobility parking spaces;
  - iii. Parking places and zone parking;
  - iv. Transport stations;
  - v. Clearways;
  - vi. Cycle lanes and cycle paths;
  - vii. Reserved parking areas;
  - viii. Special vehicle lanes;
  - ix. One-way roads.
- c) Prohibit or restrict:
  - i. U turns;
  - ii. Left turns, right turns, or through movements;
  - iii. Weights of vehicles or loads that may pass over bridges or culverts;
  - iv. Any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
  - v. Parking of heavy vehicles or specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
  - vi. Engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour.
  - vii. Use of roads by pedestrians;
  - viii. Use of road by cyclists.



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- d) Restrict the use of vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- e) In relation to heavy traffic only:
- i. Provide for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic;
  - ii. Prohibit any specified class of heavy traffic that has caused or is likely to cause serious damaged to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister (responsible for the administration of the Land Transport Act 1998) or Council, as the case may be, is paid previously;
  - iii. Providing for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry or ford.
- f) Permit, restrict or prohibit turning movements for any class of vehicle or vehicles carrying specified classes of loads or not less than a specified number of occupants.
- 5.2 Any matter regulated under clause 5.1 (unless specifically stated otherwise) may apply to a specified class, type, weight or description of vehicle, or any combination of these and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.
- 5.3 To give effect to any matter regulated under clause 5.1, Council must mark the roads and install signs in accordance with Land Transport Rule: Traffic Control Devices 2004. The resolution will only have effect once any such signs, markings and traffic controls have been installed.
- 5.4 Every Schedule to this Bylaw may be amended from time to time by Council resolution publicly notified.

## PART 2 – PARKING

### 6 Stopping, Standing and Parking

- 6.1 No person may, without prior authorisation from Council, stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve or any other public place in breach of a restriction imposed by Council and evidenced by appropriate signs and/or road markings.



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- 6.2 No person may, without prior authorisation from Council, park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station. The restriction includes vehicles and trailers displayed for sale and mobile billboards.
- 6.3 Except with the written consent of the Council, or as indicated by signage, a person must not park a vehicle, either wholly or partly, on:
- a) A footpath;
  - b) A grass verge or kerb, where it causes or is likely to cause damage to the grass verge or kerb;
  - c) A garden or other cultivated area that is part of a road; or
  - d) Any other part of a road that is not designed and constructed to accommodate a vehicle.
- 6.4 No person may, without prior authorisation from Council, park or leave a vehicle on a road or other land under the control or ownership of Council, for any period exceeding five days. A breach of this clause may be implied if a vehicle is:
- a) Observed by a Council officer over five consecutive days as being in the same place, and
  - b) A Council officer has taken steps to determine whether the vehicle has been, or is capable of being, moved within that five-day period.
- Council will notify the owner of the vehicle in breach of this clause in accordance with clause 20 of this Bylaw.
- 6.5 No person may, without prior authorisation from Council, park or place any machinery, equipment, materials or waste disposal bins or freight containers on any road or public place. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed on the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.
- 6.6 No person may park any vehicle in a parking place that is already occupied by another vehicle. However, up to six motorcycles, (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time (and such motorcycles must park at right angles to the kerb in the parking space).
- 6.7 No person may repair, alter or add to a vehicle while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road. Repairs must be completed within 24 hours of the accident or breakdown occurring and must be undertaken with an operative traffic management plan or traffic hazard warning if practicable.

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- 6.8 No person may allow any discharge or spillage of any contaminant into a public place from any vehicle undergoing repairs permitted under clause 6.7. Where any discharge or spillage has occurred a Council Officer may require that the owner of a vehicle or person using a vehicle take steps to remove the discharge or spillage.
- 6.9 No person may stop, stand or park a vehicle or vehicle combination on a lawn, garden, or other cultivation adjacent to, or forming part of a road.

**Explanatory Note:** A list of bus stops in the District is included at Schedule G of this Bylaw.

## 7 Unlawful Parking

- 7.1 A person must not park any vehicle or vehicle combination except as permitted by the provisions of this Bylaw or applicable legislation.
- 7.2 No person may park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space.

## 8 Parking of Heavy Motor Vehicles

- 8.1 No person may stop, stand or park a heavy motor vehicle for a period of more than one hour in any part of a road where there is adjacent residential zoned land on either side of the road, except for sites that have been designated for motor homes in accordance with Council policy.
- 8.2 Notwithstanding clause 8.1, it will not be an offence to stop, stand or park a heavy motor vehicle on any such road for such period as is reasonably required for the purpose of loading or unloading that vehicle and that such loading or unloading takes place.
- 8.3 Council may by resolution declare roads or parts of roads where heavy motor vehicle parking is permitted at specified times.

## 9 Time Restricted Parking Zones

- 9.1 Council may by resolution specify any road (or group of roads), or parking place to be a time restricted parking zone.
- 9.2 In making a resolution under clause 9.1, Council may prescribe:
- a) the number and situation of parking spaces within the time restricted parking zone;

- b) the maximum time period allowed for parking in any parking space within the time restricted parking zone;
- c) that the maximum time period set under paragraph (b) will also apply to any vehicle that moves between parking spaces within the same time restricted parking zone within that period;
- d) the days and times during which the maximum time period has effect;
- e) any class of vehicles that are not permitted to park in the time restricted parking zone, or the class of vehicles that the time restricted parking zone is limited to (if any);
- f) any class of vehicles (including vehicles displaying an authorised vehicle permit issued by the Council) that are exempt from the time period applying in the in the time restricted parking zone; and
- g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the time restricted parking zone.

9.3 A vehicle will be deemed to have remained parked within a time restricted parking zone if it leaves a parking space within that zone, but within 30 minutes of doing so either:

- a) re-occupies the same parking space; or
- b) moves to a different parking space within the same time restricted parking zone.

9.4 A person must not park a vehicle in a time restricted parking zone in contravention of any resolution made by the Council under clause 9.1.

## **10 Mobility Parking**

10.1 Where Council has reserved parking spaces as mobility parking spaces, a mobility permit must be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted, on any vehicle parked in the mobility parking space.

10.2 For the avoidance of doubt, it is a breach of this Bylaw to park in a mobility space without a mobility permit on display.

10.3 The mobility permit must not be displayed if the parking space is not being used for the benefit of the permit holder.

## **11 Discontinued Parking Space**

11.1 Where Council is of the opinion that any parking space should be temporarily discontinued as a parking space, Council may place or erect (or authorise the placing

or erecting of) a sign or notice that sufficiently indicates 'No Stopping' at the affected parking space or spaces.

- 11.2 No person may park a vehicle in a discontinued parking space except with the permission of Council.

## **PART 3 – ROADING & TRAFFIC CONTROLS**

### **12 One Way Roads**

- 12.1 A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a 'one-way road' in Schedule A of this Bylaw, in the direction specified.

### **13 Turning Restrictions**

- 13.1 No person may drive contrary to any turning restriction listed in Schedule B of this Bylaw.
- 13.2 Council may amend Schedule B of this Bylaw by resolution to prohibit:
- a) Vehicles on a roadway turning facing or travelling in one direction to facing or travelling in the opposite direction (no U-turns);
  - b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.

### **14 Heavy Motor Vehicle Restrictions**

- 14.1 No person may drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in Schedule C of the Bylaw except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose.
- 14.2 No person may drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such periods as may be specified for the roads or public places listed in Schedule C of the Bylaw except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.
- 14.3 No stock may be transported in heavy motor vehicles through urban areas except over the routes specified in Schedule C of the Bylaw.
- 14.4 The restrictions set out in clauses 14.1 and 14.2 do not apply to:
- a) A network utility operator or its authorised agent, or contractor engaged in the provision of, or maintenance of a network utility operation (where 'network

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utility operator' has the same meaning given to it by section 166 of the Resource Management Act 1991 and any subsequent amendments);

- b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies;
- c) Refuse collection carried out by either Council or a contractor, whether or not engaged by Council;
- d) Any other class of heavy vehicle Council may exclude from the restrictions in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

## **15 Special Vehicle Lanes**

- 15.1 The roads or parts of roads listed in Schedule D of this Bylaw are 'special vehicle lanes'. The effect of such designation is to restrict the use of a land to a specified class or classes of vehicle.
- 15.2 A person must not use a special vehicle lane contrary to Schedule D.

## **16 Turning Movements Permitted by Specified Classes of Vehicles**

- 16.1 The traffic lanes listed in Schedule E of this Bylaw permit turning movements by specified classes of vehicles.
- 16.2 The requirements set out in Schedule E must be complied with.

## **17 Weights of Vehicles or Loads over Bridges or Culverts**

- 17.1 Schedule F of this Bylaw regulates the weights of vehicles or loads that may pass over bridges or culverts.
- 17.2 A person must not drive a vehicle over bridges or culverts contrary to Schedule F.

## **18 Stock on Roads**

- 18.1 Requirements relating to stock on roads are, until any Stock Control Bylaw is enacted, found in Schedule I of this Bylaw.
- 18.2 The requirements in Schedule I must be complied with.

## PART 4 – VEHICLE CROSSINGS

### 19 Vehicle Crossings

- 19.1 Any person wishing to construct, repair, modify (including as a result of a change of use of the property), remove or widen any vehicle crossing must first obtain a permit from Council.
- 19.2 A permit issued by the Council under clause 19.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 19.3 No person may drive, ride, propel, or wheel any motor vehicle across or along any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this Bylaw, unless authorised by Council.
- 19.4 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, Council may by notice in writing require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council. Every such owner or occupier who fails to comply with any such notice within the period specified will commit an offence against this Part of this Bylaw.

***Explanatory Note:*** section 335 Local Government Act 1974 also deals with Vehicle Crossings.

## PART 5 – BREACHES & OFFENCES

### 20 Notices

- 20.1 If Council considers that any part of this Bylaw is not being complied with it may:
- a) Issue a written notice requiring the person to take such action that Council considers is necessary to achieve compliance with this Bylaw, specifying the time in which the actions must be taken and informing the person that if work is not undertaken the Council may, if practicable, do the work and recover the cost of such work;
  - b) Attach a warning notice to the vehicle pursuant to clause 22AF of the Land Transport Act 1998;
  - c) Verbally direct action to occur;
  - d) Take any other enforcement action available under this Bylaw and/or relevant legislation.

- 20.2 The recipient of any notice issued by Council under clause 20.1(a) must comply with it by the time specified in the notice. Failure to comply with such a notice constitutes an offence under this Bylaw.

## 21 Offences and Penalties

- 21.1 A person breaches this Bylaw when they:
- a) Breach a provision in this Bylaw (including the Schedules);
  - b) Fail to comply with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under the provisions of this Bylaw;
  - c) Fail to carry out any action required by an Authorised Officer;
  - d) Fail to comply with any permit, condition, duty or obligation imposed by the Bylaw;
  - e) Obstruct or impede an Authorised Officer from carrying out their duties or functions under this Bylaw; or
  - f) Fail to comply with a notice to comply.
- 21.2 Every person who breaches this Bylaw commits an offence and may be liable to pay the maximum fine (or infringement fee) as set out in the relevant legislation.
- 21.3 If any vehicle is parked in breach of this Bylaw, Council may remove the vehicle or cause it to be removed.
- 21.4 Where it is suspected that any person has committed a breach of the Bylaw, that person must, on the direction of any authorised officer, provide their full name and address.

## 22 Defences

- 22.1 A person is not in breach of this Bylaw if that person proves that the act or omission complained of:
- a) Took place in compliance with the directions of an Authorised Officer, a parking warden or a traffic control device; or
  - b) Was performed by an Authorised Officer or parking warden and was necessary in the execution of that person's duty.



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## PART 6 – ADMINISTRATIVE

### 23 Repeals, Savings and Transitional Provisions

- 23.1 The Tararua Traffic and Road Use Bylaw 2018 is repealed on commencement of this Bylaw.
- 23.2 Any consent or permit previously granted under the Traffic and Road Use Bylaw 2018 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent of that kind issued under this Bylaw, provided that:
- a) The consent expires on the date specified in the consent; and
  - b) Such consent may be renewed only by application made and considered in accordance with this Bylaw.
- 23.3 Any resolution or other decision made under the Traffic and Road Use Bylaw 2018 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision.

This Bylaw was made by the Tararua District Council on XXXX 2024.

THE COMMON SEAL of the TARARUA DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

## Schedule A: One-Way Roads

Road	Section / Part	Permitted direction of travel
Ward Street, Dannevirke	Whole length from High to Denmark Streets	From High to Hall Streets
Barraud Street, Dannevirke		From High to Denmark Streets

## Schedule B: Turning Restrictions

Road	Restriction	Conditions
None Imposed		

## Schedule C: Heavy Traffic Restrictions

Road	Section / Part	Time of operation	Vehicles subject to restriction
None Imposed			

## Schedule D: Special Service Lanes

Location	Description (i.e. the class or classes of vehicle that the use of the special vehicle lane is restricted to; and the hours/days that the special vehicle lane will operate)
None established	

## Schedule E: Turning Movements Permitted by Specified Classes of Vehicles

Location	Description
None established	

## Schedule F: Weight or Load Restrictions Over Bridges or Culverts

Road	Bridge / Culvert	Weight Limits (maximum weight on any one axle and/or gross weight)
None Imposed		

## Schedule G: Bus Stops

### Dannevirke

- 1) High St at Town Hall
- 2) High St at Copenhagen Square
- 3) High St at the Salvation Army Hall
- 4) Grant St at Dannevirke High School .
- 5) Cole St at Huia Range School
- 6) Ruahine St at Totara College
- 7) Hunter St at South School
- 8) McPhee St at St Joseph's School

### Woodville

- 1) Grey St at Information Centre
- 2) Ross St at Woodville School

### Pahiatua

- 1) Main St at Transit Bus Depot
- 2) Mangahao Rd at Pahiatua School
- 3) Tyndall St at St Anthony's School
- 4) Princess St at Hillcrest School
- 5) Arthur St at Tararua College Carpark

## Eketahuna

- 1) Main St at AH Herbert Building
- 2) Main St at Kingsley Agvet

## Schedule H: Operation Mobility Parking

### DANNEVIRKE

Location	Number of Parks
Station St at Library	1
Hunter St at South School	1
Holden Pl Carpark	3
Barraud St at ANZ Bank	1
Ward St at Westpac Bank	1
Gordon St at old Post Office	2
Allardice St at Senior Citizens Hall	1
Allardice St Carpark	2

### PAHIATUA

Location	Number of Parks
Wakeman St at Post Shop	1
Main St at New World	2
Centre St at Bush Medical Centre	1
Tararua Club	1
Wakeman St at St Anthony's School	2
Tyndall St at Kindergarten	1

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## SCHEDULE I: STOCK ON ROADS

- 1 Any person having control of stock on any road must ensure that the stock is kept under proper control, with consideration for other persons using the road.
- 2 Council may from time to time by special order publicly notified declare certain roads to be stock routes and prohibit or restrict the use of any other roads for the driving of stock. Any such declaration, prohibition or restriction may from time to time in like manner be altered or revoked. This requirement will not apply to any person who rides or leads a horse under proper control on a road.
- 3 No person may drive any stock on any road during the period between half an hour before sunset and half an hour after sunrise unless an approved traffic management plan is in place and sufficient warning is provided and maintained by the use of lights, signs or other effective devices or, in an emergency, provided there are means to ensure that other persons using such road have adequate notice of the presence of such animals on the road.
- 4 The regular movement of stock from one side of a road to another is permitted where:
  - a) A stock crossing permit has been issued under this Schedule;
  - b) It occurs between half an hour after sunrise and half an hour before sunset; and
  - c) The stock are unable to be reasonably moved across or along private land.

### Stock Crossing Permit

- 5 An application for a stock crossing permit must be:
  - a) In the form prescribed by Council from time-to-time;
  - b) Accompanied by any fee set out in Council's Schedule of Fees and Charges from time-to-time; and
  - c) Lodged with Council at least ten (10) working days prior to the first intended movement of Stock.
- 6 Council may request further information to assist in assessing an application under this clause, including but not limited to a Traffic Management Plan appropriate to the location, timing and size of the stock movement.

***Explanatory Note:*** *the Traffic Management Plan should be in accordance with the Code of Practice for Temporary Traffic Management Traffic Safety and Road Use.*
- 7 Council may issue a stock crossing permit subject to conditions having had regard to:
  - a) The nature of the road that is being requested to be used;

- b) The alternatives available to the applicant including private or public land available for use as a race, any existing underpass that can be used, and the construction of a new underpass;
  - c) Other options available to reduce nuisance, road safety issues or degradation of any part or the road or road reserve;
  - d) Where applicable, the applicant's previous performance in addressing safety, amenity and nuisance issues associated with the movement of stock; and
  - e) Any other matters that the Council considers appropriate.
  - f) Temporary Restrictions on Stock Crossing
- 8 In the event of an obstruction from road works, flooding, landslide, civil emergency or any other event, an Authorised Officer may halt or divert any movement of stock on any road notwithstanding any right to drive stock or any existing stock crossing permit.
- a) Suspension or Cancellation of Stock Crossing Permit
- 9 An Authorised Officer may suspend or cancel any stock crossing permit by giving twenty (20) working days written notice to the permit holder, if:
- a) It is in the public interest to do so; or
  - b) The permit holder fails to comply with any conditions imposed by the Council on the permit.
- 10 An Authorised Officer may suspend or cancel any stock crossing permit immediately by giving written notice to the consent holder, if:
- a) Council is lawfully directed to suspend or cancel the permit; or
  - b) The permit holder fails to comply with any conditions of the permit in a manner which may endanger the health or safety of any person or animal, damage any part of the Road or cause environmental harm.
- 11 A person must not transfer the rights and responsibilities provided for under this Bylaw or under any stock crossing permit to any other person or entity.