



# Public Places Bylaw 2024

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## 1 Public Places Bylaw

- 1.1 This Bylaw is the Tararua Public Places Bylaw 2024, as reviewed from the Tararua Public Places Bylaw 2018 and the Trading in Public Places Bylaw 2018.
- 1.2 This Bylaw is made under the Local Government Act 2002; the Litter Act 1979; Reserves Act 1977; Health Act 1956 and every other power vested in the Council to make Bylaws and regulate activities in public places.

***Explanatory Note:** this Bylaw does not apply to emergency vehicles being used in an emergency; or to New Zealand Defence Force vehicles being used for approved New Zealand Defence Force activities.*

## 2 Commencement

- 2.1 This Bylaw comes into force on 30 September 2024.
- 2.2 This Bylaw applies to the district of Tararua District Council.

## 3 Purpose

- 3.1 The purpose of this bylaw is to protect, promote and maintain health and safety and the public enjoyment of public places within the District by ensuring that public places are used in a manner that will not cause any obstruction, nuisance or damage, or endanger the public.

## 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).

**Beach** means the foreshore (including the intertidal zone above the mean low water spring) and any area above mean high water springs that can reasonably be considered the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation typically found in a marine environment.

**Busk** means performing or entertaining in any public place for free or for reward.

**Bylaw** means the Tararua Public Places 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.

**Donated Goods Container** means a weather tight container for the temporary collection of reusable material e.g. clothing, toys, furniture, linen.

**Event** means any organised temporary activity that is likely to create Litter in a Public Place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration. For the purposes of this Bylaw sports practice, training or games at public places specifically designed for those purposes is not an event.

**Footpath** means a path or way designated for pedestrian use and includes the edging kerbing and channelling thereof and includes any footbridge.

**Freedom camping** means camping in a place other than a designated camping ground.

**Goods** means any articles, materials or merchandise and includes any rubbish or debris.

**Litter** includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

**Litter and Recycling Plan** means a plan approved by Council for the collection, management and disposal of waste and recyclable material at an event.

**Material or Thing** means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

**Micromobility Device** means transportation using small, lightweight vehicles such as bicycles, skateboards or scooters (but does not include a mobility device, which has the same meaning as section 2 of the Land Transport Act 1998).

**Nuisance** has the same meaning as section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

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

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**Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied and all lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

**Property Number** means any number assigned by the Council under AS/NZS 4819 Rural and Urban Addressing.

**Public Place** has the meaning as set out in section 147 (1) of the Local Government Act 2002, and includes every reserve, park, domain, beach, foreshore, and recreational ground under the control of the Council.

**Reserve** has the meaning as set out in section 2(1) of the Reserves Act 1977.

**Retail Premises** means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public.

**Road** is as defined in section 2 (1) of the Land Transport Act 1998 and includes all land lying between the boundaries of a road including footpaths and berms.

**Rural** means any area that is zoned Rural Management Area in the Tararua District Plan.

**Sign and Signage** means any display or device whether or not placed on land, affixed to a building, stationary vehicle or object, in the air, or a projection of light to create a word or pictorial image, intended to attract attention for the purposes of directing, identifying, informing or advertising and which is visible from a Public Place. This includes all parts, portions, units and materials composing the same, together with the frame, background, structure and support anchorage (including sandwich board type Signs placed on the ground). A bunting that has symbols or messages on it shall also be considered a Sign for the purposes of this part of the Bylaw.

**Structure** means any building, equipment, device or other facilities made by people and which is fixed to land.

**Unmanned Aerial Vehicle (UAV)** means an aircraft that is remotely controlled or can fly autonomously through software controlled flight plans in their embedded systems working in conjunction with GPS and for the purposes of this bylaw include remotely piloted aircraft (RPAs), unmanned aircraft system (UAS), drones and model aircraft.

**Urban** means areas that are not rural and include the towns of Dannevirke, Eketahuna, Pahiatua, and Woodville. For the purposes of the bylaws other management areas that are not rural are deemed to be urban.

**Waste** has the same meaning as the Waste Minimisation Act 2008 and means anything disposed of or discarded.

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## 5 Council Discretions

- 5.1 Council may prescribe conditions for access to or use of any public place.
- 5.2 Council may restrict any activity being undertaken in a public place to prevent damage to the place or a nuisance or harm to any person.
- 5.3 Council may close any public place at any time for the purpose of maintaining or improving it, or for holding sports matches or any other performances, or for any other purpose that the Council considers necessary.

## 6 Prohibited Activities

- 6.1 A person in a public place may not:
- a) Do anything to cause or allow a nuisance to occur.
  - b) Obstruct, disturb or interfere with any other person in their access, use or enjoyment of that public place.
  - c) Use or place any material or thing (including a vehicle) recklessly or in a manner which may intimidate, be objectionable, be dangerous, be injurious or cause a nuisance to any person.
  - d) Do anything to cause or allow damage to any part of the public place, including but not limited to any Council owned property or any natural feature.
  - e) Contravene any conditions (including as set out on signs) set by Council regulating the use of that place.
  - f) Allow any building (including any gate, door or fence) or vegetation to encroach on any public place.
  - g) Ride a micromobility device in a manner which causes a nuisance or damage.
  - h) Discharge or leave any effluent, waste, offensive or dangerous substance.
  - i) Allow any Animal to wander or be at large without control; or allow any Animal to cause a nuisance.
  - j) Ride a micromobility device where not permitted (as set out in **Schedule 1** of this Bylaw) or otherwise where Council signage prohibits it.
  - k) Operate or drive a vehicle on a beach, sanddune or wetland area.
  - l) Access a beach using any access route other than the designated access routes where they are available.



- m) Remove any sand, soil or other naturally occurring material found in a public place.
- n) Litter or cause a nuisance by depositing leaflets, fliers, samples or other promotional material.
- o) Scatter ashes.

## 7 Activities Requiring Prior Approval

7.1 A person may not do the following in a Public Place unless they have prior approval from Council:

- a) Place posters, signage or advertising.
- b) Discharge fireworks.
- c) Put up, alter, or demolish any structure of any kind.
- d) Light fires (except at any places specifically provided) or install hangi.
- e) Collect or solicit donations, preach, or busk.
- f) Operate a UAV (except those operated by Network Utility Operators in compliance with Civil Aviation rules).
- g) Sell or trade (or attempt to sell or trade) good or services.
- h) Place a donated goods container.

## 8 Organised Games and Activities

8.1 Organised games and activities (including sports) may only take place:

- a) On areas set aside especially for those purposes, or
- b) With the prior Approval of the Council.

**Explanatory Notes:** *Casual games or activities, such as a neighbourhood game of cricket on a local park, are not covered by this clause but may be directed to be stopped by Council if there is danger, damage or nuisance. See Tararua District Council website for further information and designated areas for flying UAVs (drones).*

## 9 Fences

9.1 Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council

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considers that this is necessary for safety or other reasons relating to the use or administration of the public place.

- 9.2 No person may erect any barbed wire or electrified wire along or within one metre of any boundary which adjoins any public place unless such wire:
- a) Is at least two (2) metres above the ground level of the public place; and
  - b) Part of an existing fence.
- 9.3 Any electrified wire on a fence must be identified as such by appropriate signage.
- 9.4 Clauses 9.1 and 9.2 do not apply within any rural area unless the fence adjoins a footpath.

## 10 Freedom Camping

- 10.1 Requirements relating to freedom camping are, until a specific Freedom Camping Bylaw is enacted, found in **Schedule 2** of this Bylaw.

## 11 Objectionable Signs

- 11.1 A person must not display, erect, place or allow to remain in place, any Sign which is visible from a Public Place or neighbouring property, and which, in the opinion of Council, explicitly or implicitly is objectionable, offensive, threatening, insulting or intimidating.
- 11.2 Where any of the grounds in clause 11.1 are met, Council may issue a notice to the Owner or Occupier of the land, specifying the action to be taken by the Owner or Occupier to remedy the situation.
- 11.3 An Owner or Occupier must comply with any notice issued under clause 11.2.

## 12 Property Addressing

- 12.1 Every Owner or Occupier of an occupied site must at all times display a Property Number allocated to that site by Council. This applies to all urban, rural, commercial, Central Business District, and industrial sites.
- 12.2 Every owner of any site must:
- a) Display the property number within one (1) month of receiving notice to do so from the Council;
  - b) Replace any property number that is destroyed or defaced.
- 12.3 Property numbers must be:



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- a) Placed where they are clearly visible from where the site would normally be accessed from the road;
  - b) Attached to a gate or a mailbox which is located on the same side of the road as the property;
  - c) Must be maintained in good legible condition at all times.

12.4 Council may at any time:

- a) Alter the property number where it may be considered necessary or desirable; or
- b) Affix or apply a property number to any structure or building in such a manner and position as it thinks fit.

12.5 No person may wilfully destroy, pull down, or deface the name of any street or the property number of any building or structure.

### **13 Under Veranda Lighting**

13.1 Building owners of premises within the Business Zone that require veranda lighting in accordance with the Tararua District Plan are responsible for maintaining the lighting in working order at all times and operating in the hours of darkness.

### **14 Retail Display on Footpaths**

14.1 This clause of the Bylaw relates to the displaying of goods on the footpath outside Retail Premises.

14.2 Goods may be displayed for sale on the footpath provided that the following conditions are met:

- a) The display and sale of goods is restricted to that which is directly related to their retailing activity and to the areas directly outside their premises as close as practicable to the frontage of their premises;
- b) The display/goods are removed from the footpath whenever the premises is closed for business;
- c) Pedestrian traffic must not be impeded or inconvenienced or prevented from entering access ways;
- d) At least 1.5 meters of footpath must remain clear at all times taking into account the space that may be taken up by the goods for sale and the space people may take up on the footpath when they examine or purchase the goods for sale;

- e) The goods and any object used to display the goods must be free of sharp edges or projections and must not create a nuisance or a hazard to the public at large;
- f) The operator keeps the display clean and tidy at all time; and
- g) The goods must be secure from fall and wind gusts.

***Explanatory note:*** *it is important for the disabled community and those with push chairs and other like equipment that at least 1.5 meters of footpath is retained for free passage along the path.*

## 15 Awnings, Blinds, Umbrellas, Sandwich Boards, Tables

15.1 Awnings, blinds, umbrellas, sandwich boards or screens from any portico may be installed on any public place provided that:

- a) The height of the awning or the canopy of an umbrella is no lower than 2.2 meters;
- b) The awning, screen or blind may not exceed the breadth of the premises or 5 metres whichever is less;
- c) The fixings for the awning, umbrella, screen or blind must not create a hazard;
- d) Pedestrian traffic must not be impeded, inconvenienced or prevented from entering access ways;
- e) The awning, umbrella, screen, blind, sandwich board or table must be free of sharp edges or projections and must not create a nuisance or a hazard to the public at large;
- f) The awning, umbrella, screen, blind, table or sandwich board must be secure from fall and wind gusts;
- g) The awning, umbrella, screen, blind, table or sandwich board must be maintained to a good standard at all times; and
- h) At least 1.5 meters of footpath must remain clear at all times, taking into account the space that may be taken up by the goods for sale and the space people may take up on the footpath when they examine or purchase the goods for sale.

## 16 Outdoor Dining

16.1 Small dining tables and chairs may be set up on footpaths fronting food outlet establishments provided that:

- a) No less than  $\frac{2}{3}$  or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians at all times;

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- b) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed;
  - c) The tables and chairs are not permanently fixed to the footpath space; and
  - d) The tables and chairs are removed from the footpath whenever the retail or service establishment is closed for business;
  - e) The tables and the footpath area frontage are presented and maintained to a clean and tidy standard at all times; and
  - f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

## 17 Selling Goods

- 17.1 This clause of the Bylaw applies to activities undertaken by any person involving the sale or trade of goods, or the offering of a commercial service for payment, reward or otherwise, in a public place, including but not limited to pop up stalls, mobile shops, micromobility device rental scheme operations, temporary drinks outlet or temporary food outlets. The sale or trade of goods or services may be temporary or permanent or occur on a one-off basis or as a series of activities.
- 17.2 Goods or services may not be sold or traded in a public place except with the Approval of Council. The exceptions to this rule are:
  - a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
  - b) Service delivery vehicles;
  - c) Any market, stall or stand which has a current approval under any other Bylaw, legislation, resource consent or specific resolution of Council.
  - d) Goods being sold on the footpath pursuant to clause 14 of this Bylaw.
- 17.3 Every person selling or trading goods in a public place must comply with the conditions of their Approval, and this Bylaw, and:
  - a) may not operate outside trading hours except with an exemption from the Council.
  - b) may not operate in the commercial management areas as defined by the Tararua District Plan.
  - c) may not enter premises which display a written notice requesting or requiring that they do not enter the premises.

- d) must comply with any New Zealand government licencing requirements.
- e) must only trade those goods or services described in the licence from the vehicle described in the licence.
- f) must always comply with parking and traffic statutes, regulations and bylaws.
- g) must not sell from the road.
- h) must not trade within 100 meters of fixed premises selling similar goods. Notwithstanding this, every person selling (or attempting to sell) goods in a public place must, upon being requested to do so by an authorised officer, alter the position of the mobile shop to any other position as requested and indicated.
- i) must not place tables, chairs or other furniture for customer's convenience on the footpath or in a public place unless authorised to do so by Council.
- j) must dispose of all rubbish generated and provide a rubbish bin, emptied when full and at least daily, suitable to contain any rubbish generated by its customers. Rubbish must be disposed of in accordance with the Bylaws.
- k) must display the licence to operate and have the licence holder's name printed in a readily visible place on the exterior of the vehicle.

## 18 Animals and Stock on Public Places

- 18.1 Requirements relating to animals and stock on public places are, until a specific Stock Control Bylaw is enacted, found in **Schedule 3** of this Bylaw.

## 19 Reserves

- 19.1 Subject to the provisions of this Bylaw every reserve will be open to the public at all times except during such hours as the Council may determine that any reserve shall be closed to the public.
- 19.2 An authorised officer may from time to time and for such periods as they see fit, set aside areas of a reserve for the exclusive use of particular groups or for particular kinds of recreational activities. Council may charge for the right to have exclusive use of a reserve.
- 19.3 Council may fix charges for the entry to a reserve in accordance with the Reserves Act 1977. It is an offence against this Bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.
- 19.4 An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow

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maintenance of the reserve. Such closure will be advertised by signs at the entrances to the reserve. It is an offence against this Bylaw to be found on a reserve at any time when the reserve is closed to public entry.

***Explanatory Note:*** *On 23 July 2003 Council resolved that Fountaine Square, Woodville is closed to the public between the hours of sunset and sunrise).*

## 20 Events

20.1 An event organiser must not cause or allow an event to occur in a public place, without first obtaining permission from Council, except where Council is satisfied on reasonable grounds that the event organiser does not require permission because the event is:

- a) of a small scale; or
- b) not open to the public or a section of the public; or
- c) is unlikely to cause a nuisance in a public place or risk to public health and safety.

20.2 When granting an event permission, Council may impose conditions, which must be complied with.

20.3 Any organiser of an event must submit to Council:

- a) A Litter and Recycling Plan and, if the road or footpath will be obstructed;
- b) A traffic management plan, for approval 30 days before the event is due to commence.

20.4 Council may require the Litter and Recycling Plan to include (without limitation):

- a) The number and placement of litter and recycling bins, and scheduled emptying times at events;
- b) Controls relating to separation of recyclable materials at designated locations; and
- c) Details of waste collectors or person responsible for collection and disposal.

20.5 The organiser of an event must comply with the approved Litter and Recycling Plan.

***Explanatory Note:*** *for guidance on traffic management plans or litter and recycling plans contact the Council.*

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## 21 Applications for Approval

- 21.1 Every person who wishes to obtain an Approval under this Bylaw must make an application to the Council in writing and must provide any supporting information and application fee as Council may require, including but not limited to:
- a) Full details of the proposed activity;
  - b) The date, time and place of the proposed use of the public place;
  - c) Full name and address of the applicant with supporting evidence of identification.
- 21.2 Applications for Approval must be received by Council at least 14 days prior to the date of the proposed use of the public place.
- 21.3 When deciding whether to grant an Approval under this bylaw, Council may have regard to:
- a) whether the proposed activity may result in an undue restriction on vehicle traffic or pedestrian flow;
  - b) whether the proposed activity may pose a risk to public health and safety;
  - c) whether the proposed activity may pose a risk to Council property;
  - d) whether the proposed location of the activity is appropriate given the nature and scale of the activity proposed;
  - e) whether the proposed activity may cause a nuisance; and
  - f) whether the proposed activity is consistent with all applicable Council policies and plans.
- 21.4 Council may grant, (with or without conditions) or refuse any application for Approval, at its discretion. If Council refuses the application it must inform the applicant of the reasons for the decision.
- 21.5 Council may prescribe conditions on any Approval that are consistent with the purposes of this Bylaw which must be complied with at all times.
- 21.6 Any person who is granted an Approval must carry their Approval when carrying out the activity approved and show the Approval to any authorised officer on request.
- 21.7 Any person who has an application declined or revoked by the Council, or disagrees with the conditions set out in their Approval, may apply in writing for a review of the decision and the Council may review it accordingly.

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## Application Fees

- 21.8 Council may by resolution:
- a) Charge a fee for receiving and processing an application and issuing an approval;
  - b) Prescribe any charges to be paid for the use of an approval;
  - c) Determine situations when approval fees may be remitted, refunded or waived.

## 22 Council Review of Approvals

- 22.1 The Council may cancel, amend or initiate a review of an approval issued under this Bylaw if:
- a) There is a change of circumstances; or
  - b) Complaints are received ; or
  - c) Action is required to protect the public from unsafe or hazardous conditions; or
  - d) the activity authorised in the Approval is likely to:
    - i. Impact on public health and safety; or
    - ii. Cause a Nuisance; or
    - iii. Cause an unreasonable obstruction; or
    - iv. Cause the potential for offensive behaviour in a public place; or
  - e) a person has failed to meet the conditions of their Approval or any other requirements of any relevant Bylaw, criteria, policy or guidelines approved by Council;
  - f) a person that holds an Approval fails to meet any written instructions from Council within the specified timeframes.
- 22.2 A review of an Approval, may result in amendment, suspension or withdrawal of the Approval; or no further action.

## 23 Non-Compliance

- 23.1 If Council considers that any part of this Bylaw is not being complied with (including any part of any Approval given), it may:



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- 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;
  - b) Verbally direct action to occur.
- 23.2 Such actions may include, but are not limited to, leaving the public place for a temporary or permanent timeframe; moving locations; stopping the activity and removing items.
- 23.3 The recipient of any notice or direction issued by Council under clause 23.1 must comply with it by the time specified in the notice. Failure to comply with such a notice constitutes an offence under this Bylaw.

## 24 Enforcement

- 24.1 Where it is suspected that any person has committed a breach of this Bylaw, they must, when requested by an Authorised Officer, provide their full name and address, and the name and address of any other person connected with the suspected breach.

### Impounding

- 24.2 Council may impound any of the following if they are being used in breach of this Bylaw:
- a) A micromobility device
  - b) A UAV
  - c) Donated goods containers
- 24.3 Any person claiming an item that has been impounded by Council must:
- a) Satisfy Council that they are the owner of the item; and
  - b) Pay to Council the prescribed fee.
- 24.4 Council may dispose of any item which is not claimed after 14 days of being impounded.
- 24.5 Council is not liable to any person for any micromobility device or UAV impounded under this Bylaw.

### Removal

- 24.6 An Authorised Officer may seize property that has been materially involved in a breach of the Bylaw if it is reasonable to do so and the person committing the breach has been provided with a reasonable opportunity to stop committing the offence.

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- 24.7 If any work or thing has been constructed in breach of the Bylaw, an Authorised Officer may:
- a) Remove or alter the work or thing;
  - b) Recover the costs of removal or alteration of the work or thing from the person who committed the breach.

## 25 Offences

- 25.1 A person breaches this Bylaw when they breach a provision in this Bylaw; or fail to carry out any action required by an Authorised Officer; or fail to comply with any Approval; or obstructs or impedes an Authorised Officer from carrying out their duties or functions under this Bylaw; or fail to comply with a notice to comply.
- 25.2 Every person who breaches this Bylaw commits an offence and is liable to pay the maximum fine as set out in the relevant legislation.
- 25.3 Council may also apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach, this Bylaw.

## 26 Repeals, Savings and Transitional Provisions

- 26.1 The Tararua Public Places Bylaw 2018 and the Tararua Trading in Public Places Bylaw 2018 are both repealed on commencement of this Bylaw.
- 26.2 Any consent previously granted under the Public Places Bylaw or the Trading in Public Places Bylaw 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; or
  - b) Where no expiry date is specified, the consent expires 12 months from the commencement of this Bylaw; and
  - c) In either case, such consent may be renewed only by application made and considered in accordance with this Bylaw.

Any resolution or other decision made under the Tararua Public Places Bylaw 2018 or the Tararua Trading in Public Places Bylaw 2018 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision.

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This Bylaw was made by the Tararua District Council on 25 September 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 1: Micromobility Bans**

Areas where riding of micromobility devices is banned on footpaths and other public places are as follows:

### **Dannevirke**

High Street, Dannevirke (both sides) – between Miller Street and McPhee Street.

### **Woodville**

Vogel Street, Woodville (both sides) – between Grey Street and Ross Street.

### **Pahiatua**

Main Street, Pahiatua (both sides) – between Halls Road and Boundary Road.

### **Eketahuna**

Main Street, Eketahuna (both sides) – between Haswell Street and Jones Street.

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## Schedule 2: Freedom Camping

Freedom camping is permitted by the Council provided that:

- d) Only self-contained caravans, campervans or vehicles are used, and
- e) Campers comply with Council's Freedom Camping Policy.

### ***FREEDOM CAMPING POLICY***

The Council has a permissive policy allowing limited freedom camping by self-contained motor caravans on all Council land except for prohibited areas as specified, and this includes the following:

- Towed caravans are permitted provided that they are self-contained.
- No tent camping shall be permitted.
- Overnight parking by self-contained motor caravans will be allowed except in prohibited areas.
- Permits shall not be necessary.
- Camping is permitted in reserves managed by boards at their discretion.
- No camping shall be permitted in any urban areas other than those specifically designated for this purpose.
- Long term camping is not permitted.
- Owners shall be required to abide by the Council's dog control policy and bylaw in force.

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## Schedule 3: Animals and Stock on Public Places

- 1 No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- 2 Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 3 No person shall:
  - a. Permit stock to be driven across or along any public place unless an approved traffic management plan is in place and an alternative route is not reasonably available;
  - b. Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorised officer, provided that horses may be ridden on the beach;
  - c. Graze stock in any public place except in accordance with Council policy.
- 4 Any person having control of stock in any public place shall ensure that the stock are driven in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place.
- 5 Council may from time to time by special order publicly notified prohibit or restrict the use of public places or urban areas 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 shall not apply to any person who rides or leads a horse under proper control on a road.
- 6 Every person being the owner or having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

### ROAD ENCROACHMENT POLICY

- 1 Permanent road encroachments will only be permitted where there is a clear benefit to the road, or exceptional circumstances exist.
- 2 Applications for permanent encroachment licences must be made on the prescribed form and be accompanied by the prescribed fee. Any licences granted may be subject to any conditions the Council sees fit to impose and will be for a specified term, with no automatic right of renewal.

- 3 Temporary road encroachments (for a period of no longer than one month), using electric fences only, will be permitted for the express purpose of clearing excess growth from road reserves.
- 4 Every temporary electric fence is to be kept at least 2.5 metres clear of the formed roadway and must be clearly visible to road users. Fencing materials are to be “pigtails”, insul timber stakes, or other approved temporary electric fence materials. Waratah standards are not permitted.
- 5 Roadside water tables and drains are to be excluded from the areas fenced for grazing. The cost of repairing any damage to these structures caused by stock grazing road reserves may be recovered from the owners of the stock.
- 6 Stock may be grazed only during daylight hours and the power supply to the fence must be disconnected when stock are not grazing. All fencing materials must be removed on completion of the grazing, or when requested to by Council staff. The Council may, without notice, remove any fencing materials not so removed.
- 7 The general permission to graze road frontages is subject to the following conditions:
  - a. That owners of the stock arrange and keep in force public liability insurance to protect any liability for damage occurring to third parties; and
  - b. That owners of the stock indemnify the Council from any liability arising to the Council as a result of the grazing activity.
- 8 The Council reserves the right to restrict or prohibit the grazing of specific areas of roadsides, if it is felt necessary, to maintain the integrity of the constructed road or for the safety of road users.

#### **REGULAR DROVING OF DAIRY STOCK IN PUBLIC PLACES POLICY**

- 1 Folding “Stock Crossing” warning signs be erected either side of the crossing points, at sufficient distance from the crossing points to adequately warn road users. The signs are to be folded closed when the crossings are not in use.
- 2 An amber flashing light be installed at each crossing point and to be operating whenever stock is crossing the roads.
- 3 Effluent is to be cleaned off the roads after each crossing of stock. If the road is washed consultation must be held with Horizons about the disposal of the washing down water.
- 4 Stock must be driven across the roads in one movement under the supervision of a responsible person during daylight hours only.



- 5 If tapes are placed across the road to guide stock, they must be erected immediately prior to the stock crossing and be removed immediately afterwards. The tapes must be placed no higher than 100mm above the road to enable the free passage of traffic.
- 6 The owners of stock will maintain a public liability insurance policy to protect them and the Council against any claims for damage caused through the stock crossing the roads.
- 7 The cost of repairing any damage to roads directly attributable to stock crossing roads may be recovered from the owners of the stock.