

**From:** [Allie Dunn](#)  
**To:** [REDACTED]  
**Subject:** Response to request for information re stock crossing traffic management plans  
**Date:** Wednesday, 16 October 2024 12:35:00 pm  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image014.png](#)  
[image001.png](#)  
[Bylaws 02 Public Places Bylaw - Final as Adopted 31 October 2018 - Effective 5 November 2018.pdf](#)  
[statement of proposal - public places bylaw\(d24\\_25738\).pdf](#)

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**Allie Dunn | Manager - Democracy Services**  
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Kia ora

I refer to your official information request dated 14 October 2024 for information on process and costs for applying for traffic management plans in relation to stock crossings.

The information you have requested follows.

Firstly, we note that the requirements in the Public Places Bylaw 2024 in relation to traffic management plans being required for moving stock along or across public roads, is not a new requirement. This requirement was part of the Public Places Bylaw 2018, copy attached (refer section 15 of this bylaw). Everyone moving stock along or across a public road since 5 November 2018 should already be compliant with this Bylaw.

In the review of this bylaw, the section regarding stock control was moved to a schedule rather than being kept within the bylaw itself. The purpose for this was due to the Council's intention to develop a new Bylaw in 2025 to manage nuisance associated with stock movement on public roads. The schedules relating to Stock Control in both the Public Places Bylaw 2024, and the Traffic Use and Road Safety Bylaw currently under review, would then be able to be easily removed upon the enactment of a new Bylaw. This intention was documented in the Statement of

Proposal for the review of the Public Places Bylaw 2024. A copy of the Statement of Proposal for the consultation on the Public Places Bylaw is attached. This intention is also documented in the Statement of Proposal for the review of the Traffic Use and Road Safety Bylaw, currently being consulted on.

With regard to accessing information in relation to submitting traffic management plans, and costs, I have set out below links to where you can find this information on our website.

### Information on Vehicle and Stock Crossings

You can find relevant information regarding Stock Crossings on this page on our website: <https://www.tararua.govt.nz/services/roading/vehicle-and-stock-crossings>

### Fees and charges:

The following information is contained in our Fees and Charges publication for 2024-25 ([https://www.tararua.govt.nz/\\_data/assets/pdf\\_file/0019/121609/TDC-Fees-and-Charges-2024-25.pdf](https://www.tararua.govt.nz/_data/assets/pdf_file/0019/121609/TDC-Fees-and-Charges-2024-25.pdf)) and also via this page on our website: <https://www.tararua.govt.nz/publications/fees-and-charges/road-reserve-activities>

Description	Unit	Fee from 1 July 2024
<b>Road reserve activities</b>		
Traffic Management Plan (for project or event)		\$154.00
Traffic Management Plan (generic, for 3-12 months)		\$462.00

### Submitting traffic management plans

<https://www.tararua.govt.nz/services/roading/corridor-access>

We note that NZTA has introduced the New Zealand Guide to Temporary Traffic Management (NZGTTM) as the new national standard for managing temporary traffic management, which adopts a risk-based methodology that emphasises assessing project-specific risks and applying suitable controls, and there will be a transition to how temporary traffic management is planned and executed once that is adopted by Council in place of the current Code of Practice for Temporary Traffic Management. Any changes as a result will be taken into account when developing the new Bylaw next year, but in the meantime, the existing requirements in the 2024 Public Places Bylaw, which have been in effect since 5 November 2018, remain.

I hope that helps answer your question. If there is any more information you need, please let me know.

Ngā mihi

**Allie Dunn | Manager - Democracy Services**



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**From:** Allie Dunn

**Sent:** Tuesday, October 15, 2024 11:05 AM

**To:** [REDACTED]

**Subject:** Acknowledgement - request for information re stock crossing traffic management plans

Kia ora

This email is to acknowledge receipt of your request for information, regarding traffic management plans for stock crossings.

We will endeavour to respond to your request as soon as possible and in any event no later than 12 November 2024, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe. As part of our commitment to openness and accountability, we are now proactively publishing copies of requests for information and the responses provided to these requests, on our website. In doing so, we will ensure we comply with the provisions of the Privacy Act 2020 and redact any personal / identifying information from any response published.

If you have any questions about this, please don't hesitate to get in contact with me.

Ngā mihi



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**From:** [REDACTED]

**Sent:** Tuesday, October 15, 2024 9:58 AM

**To:** Allie Dunn <[Allie.Dunn@Tararua.govt.nz](mailto:Allie.Dunn@Tararua.govt.nz)>

**Subject:** CM: Animal Bylaw plus Request

**EXTERNAL EMAIL ALERT:** Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Kia ora Allie

Can you give a guideline as to when I might receive guidance as to the costs and layout of TMP TDC requires?

**Public Places Bylaw is now in effect (29<sup>th</sup> Sept 2024)**

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;

Can you please define the expectations from Council re an approved management Plan and what costs these will incur to get in place.

I have been unable to find these requirements or guidelines on the TDC website.

Currently I have my own TMP for the small Maori lease block next door.

Sadly the only access is via the public road, which we move a mob of 50 beef animals to 4ish times a year. The 22ha block is dissected by Ruawhata Road and Ridge Road North.

Prior to TDC making this a bylaw requirement it was acceptable for this plan to be held on farm by me for NZFAP.

(A condition of our New Zealand Farm Assurance Programme plus is that I comply with all local bylaws).

The stock movement is obviously the most pressing concern, it will impact others. For many they will now be outside their banking loan requirements if they do not have the TMP lodged with TDC.

Nga mihi [REDACTED]

# **PUBLIC PLACES BYLAW 2018**

## **1 PRELIMINARY PROVISIONS**

- 1.1 This Bylaw is the Public Places Bylaw, as reviewed from the 2008 Consolidated Bylaw.
- 1.2 This Bylaw is made under the Local Government Act 2002, the Litter Act 1979, Reserves Act 1977 and the Health Act 1956 and every other power vested in the Council to make Bylaws and regulate activities in public places.

*Explanatory Note: Council also has powers under the Reserves Act 1977, Health Act 1956, Litter Act 1979, and other legislation concerning activities in Public Places. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.*

## **2 PURPOSE**

The purpose of this Bylaw is to ensure that public places are used in a manner that will not cause any obstruction, nuisance or damage, or endanger the public.

## **3 COMMENCEMENT**

- 3.1 This Bylaw comes into force on 5 November 2018

## **4 INTERPRETATION AND DEFINITIONS**

4.1 The provisions of the Administration Bylaw 2018 form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

ACT means the Local Government Act 2002.

BUSKER means any person(s) performing for voluntary donations in any public place, including an itinerant actor or musician.

CAMPING includes pitching a tent or bivouac, parking a caravan, campervan or vehicle for sleeping whether or not it is specially set out for sleeping.

COUNCIL means the Tararua District Council.

CYCLE means a vehicle having at least two wheels and designed to be propelled solely by the energy of the rider but excludes children's cycles that are not BMX bikes having wheels less than 355mm in diameter.

DEPOSIT means any litter, material or thing placed or dropped onto a public place or road intentionally or unintentionally, including the placement or dropping of litter, material or a thing from a vehicle.

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 of a significant scale 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. Farm Dump means an unlicensed and/or unlined landfill for the disposal of Waste principally located outside of the Urban Environment.

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.

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.

PROPERTY NUMBER means any number assigned by the Council under AS/NZS 4819 Rural and Urban Addressing.

**PUBLIC PLACE** means those places defined in the Administration Bylaw “shall have the meaning assigned to that term 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.

**ROAD** is as defined in the Administration Bylaw “the meaning assigned to that term in Section 2 (1) of the Land Transport Act 1998 and Section 315 of the Local Government Act 1974”, and includes all land lying between the boundaries of a road including footpaths and berms.

**RIDE A SKATING DEVICE** means having either one or both feet, or any other part of the body of any person, on the skating device when it is moving.

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

**SKATING DEVICE** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage or cycles.

**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.

4.3 Any explanatory notes are for information purposes only. They do not form part of this Bylaw and may be made, amended or revoked by the Council at any time.

4.4 This Bylaw should be read in conjunction with, but not in replacement of, other Bylaws or Council policies that may be applicable.

## **5 NUISANCE, OBSTRUCTION OR DAMAGE TO PUBLIC PLACES**

5.1 Except if permitted by the Council or an authorised officer, no person may:

- a. Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing, on, over or under a public place;
- b. Place or leave any vehicle, container, package, sign or any other encumbrance that obstructs a public place or road unless such action is taken for the purpose of regular refuse collection;
- c. Allow any gate or door on property abutting a public place to swing over or across all, or any part of, the public place;

- d. Allow any part of a building or fence to obstruct or project in, on or over a public place except as permitted by the Building Code or the District Plan;
- e. Interfere with any refuse which is awaiting collection by an authorised collector;
- f. Carry out any activity where a sign indicates that the activity is prohibited or otherwise regulated;
- g. Post any printed or written material advertising any product, service or entertainment provided that any such material may be posted on a display board provided by the Council;
- h. Allow any animal in their custody to cause a nuisance, inconvenience or danger;
- i. Discharge any effluent containing human or animal waste, or waste of any kind, from any vehicle in a public place;
- j. Deposit, discharge or leave any offensive, inflammable, hazardous or dangerous substance (including fireworks) in or about a public place.

5.2 The Council or an authorised officer may permit from time to time:

- a. Subject to the Building Code, the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;
- b. Stalls, tents or structures of any kind on a footpath, road, accessway or thoroughfare for a specific purpose and a finite period of time provided that such structure placed outside retail or business premises obtains the prior written permission of the premises operator;
- c. Subject to consultation with Fire and Emergency New Zealand, lighting of fires in specially provided fireplaces or the installation of a hangi or ethnic cooking facility;
- d. Collection of donations, preaching or busking.

5.3 The Council may, from time to time, by resolution, designate a specific road or part of a road or public place where all activities or any specified category of activity are prohibited to ensure public safety, prevent nuisance and minimise obstructions or misuse of a public place.

*Explanatory Note:*

*“Permit” includes approval or any other form of consent by Council (see Administration Bylaw)*

*See the Solid Waste Bylaw regarding accumulation of waste, and disposal of waste and litter.*

*The Council administers vehicle crossings, stock crossings and road encroachment fences under the Traffic and Road Use Bylaw (previously part of this bylaw).*

## **6 REINSTATEMENT**

The Council may require reinstatement of a public place that has been opened or damaged, whether by authorised works or otherwise, to such standards as it may specify to return the public place to an acceptable condition.



## **7 FREEDOM CAMPING**

7.1 Freedom camping is permitted by the Council provided that:

- a. Only self-contained caravans, campervans or vehicles are used, and
- b. Campers comply with the Council's Freedom Camping Policy.

*Explanatory Note: see also clause 5.1.i. and the Freedom Camping Policy (attached to this Bylaw)*

## **8 CONTROL OF SKATING DEVICES AND CYCLES**

8.1 No person may ride a cycle or use a skating device in any public place, including on a road or a footpath, in a manner as to be:

- a. Intimidating,
- b. Dangerous, or the
- c. Cause of a nuisance.

8.2 No person shall propel, ride on or use any skating device on any road, footpath or other public place within the area shown in Schedule 1 of this Bylaw unless that person is delivering newspapers, mail or printed material to letterboxes.

8.3 The Council may from time to time by resolution publicly notified, amend the Schedule 1, to add, delete or amend the areas to which the provisions of this Bylaw shall apply.

8.4 The Council or authorised officer may impound any skating device being used in breach of this Bylaw.

8.5 Any person claiming a skateboard or cycle that has been impounded pursuant to this Bylaw shall:

- a. Satisfy the Council or an authorised officer that he or she is the owner or otherwise entitled to the custody and control of the skateboard or cycle; and
- b. Pay to the Council the prescribed fee.

8.6 The Council shall keep a register and enter details of every skateboard or cycle impounded and every person claiming a skateboard or cycle under this Part of the bylaw.

8.7 Nothing contained in this Bylaw shall render the Council, or any officer, liable in damages or otherwise, to any person for any skateboard or cycle impounded under clause 8.4.

8.8 The Council may from time to time, by resolution publicly notified, make or alter the fee payable under clause 8.5 b of this Bylaw.

## **9 GAMES, UAVs (DRONES) AND ACTIVITIES IN PUBLIC PLACES**

- 9.1 Organised games and activities may only take place:
- a. On areas set aside especially for those purposes, or
  - b. With the prior consent of the Council.
- 9.2 No person may operate an Unmanned Aerial Vehicle, any other vehicle or drive, ride, or lead any animal in any park, reserve or public place except:
- a. On areas set aside especially for those purposes,
  - b. In compliance with Civil Aviation rules, or
  - c. With the prior consent of the Council.
- 9.3 Every person must on the request of a Council Officer, immediately cease playing or taking part in any game or other activity, including operating a Unmanned Aerial Vehicle, on any park, reserve or public place which in the Council Officer's reasonable opinion:
- a. Is dangerous; or
  - b. Is likely to damage the park or reserve,
  - c. Is causing a nuisance.
- 9.4 For the purposes of clarity, use of a park, reserve or public place that has been closed by the Council will constitute damage unless that use is otherwise permitted.

### *Explanatory Notes:*

*Casual games or activities, such as a neighbourhood game of cricket on a local park, are not covered by clause 9.1, but may be subject to clause 9.2 if there is danger, damage or nuisance.*

*See Tararua District Council website for further information and designated areas for flying UAVs (drones).*

## **10 EXPOSING ARTICLES FOR SALE**

- 10.1 Goods may be exposed for sale on the footpath in accordance with the following conditions:
- 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. Pedestrian traffic must not be impeded or inconvenienced or prevented from entering access ways;
  - c. 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;

- d. 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;
- e. 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.*

## **11 AWNINGS, BLINDS, UMBRELLAS, SANDWICH BOARDS, TABLES**

- 11.1 The Council shall permit the installation or placement of any awning, blind, umbrella, sandwich board or screen from any portico 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 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. 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.

## **12 FENCES**

- 12.1 No person may erect or permit to be erected any barbed wire or electrified wire along, or within one (1) 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.
- 12.2 Any electrified wire on a fence must be identified as such by appropriate signage.
- 12.3 Clauses 12.1 and 12.2 do not apply within any rural area unless the fence adjoins a footpath.
- 12.4 No person may erect a permanent fence on the road reserve for the control of stock being grazed on the road reserve. The use of capped Y-posts do not constitute a permanent fence.
- 12.5 Stock grazed shall not be grazed on the reserve except in daylight hours.

*Explanatory Note: Y-posts are also known as waratah standards.*

### **13 PROPERTY NUMBERING**

- 13.1 Every owner or occupier of an occupied site must at all times display a property number allocated to that site by the Council. This applies to all urban, rural, commercial, Central Business District, and commercial sites.
- 13.2 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.
- 13.3 Property numbers must be:
- 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.
- 13.4 The 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.
- 13.5 No person may wilfully destroy, pull down, or deface the name of any street or the property number of any building or structure.

### **14 UNDER VERANDA LIGHTING IN PUBLIC PLACES**

- 14.1 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.

### **15 ANIMALS AND STOCK ON PUBLIC PLACES**

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 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.

*Explanatory Notes:*

*Provisions for stock crossings of roads and stock droving are found in the Traffic and Road Use Bylaw.*

*Additional provisions relating to animals are found in the Animals, Poultry and Bees Bylaw and the Dog Control Policy and Bylaw.*

## **16 BEACHES**

- 16.1 Any person wishing to gain access to a beach must use the designated access routes where they are available.
- 16.2 No person may drive any vehicle on any beach except on any area which is set aside by Council for that purpose by resolution from time to time.
- 16.3 No person may, without the prior permission of the Council, drive or ride any vehicle, horse or other animal within any sand dune or wetland area, being the area above the last high tide, except on a defined vehicle access-way or any area set aside for that purpose by the Council.

## **17 ADDITIONAL REQUIREMENTS FOR RESERVES**

- 17.1 Subject to the provisions of this Bylaw every reserve shall be open to the public at all times except during such hours as the Council or an authorised officer may determine that any reserve shall be closed to the public.
- 17.2 An authorised officer may from time to time and for such periods as he or she thinks fit, set aside areas of a reserve, for the exclusive use of particular groups or for

particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.

- 17.3 The Council may fix charges for the entry to a reserve in accordance with the Reserves Act 1977, and it shall be an offence against this Bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.
- 17.4 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 maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- 17.5 Every person committing a breach of the provisions of this Bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the Bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

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

## **18 EVENTS**

- 18.1 Any organiser of an event must submit to Council a Litter and Recycling Plan and, if the road or footpath will be obstructed, a traffic management plan, for approval 30 days before the event is due to commence.
- 18.2 The 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.
- 18.3 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.*

## **19 DONATION OF GOODS**

- 19.1 Any person who places a donated goods container for the collection of donated goods on:
- a. A public place; or
  - b. Any privately owned premises where the donated goods are likely to be left on an adjoining public place, or carried from or otherwise escape from that premises onto an adjoining public place must obtain a licence to do so from the Council.
- 19.2 The grant of a licence (in whole or in part) is at the discretion of the Council, taking into account the terms and conditions for licences issued under the Solid Waste Bylaw and on such other terms and conditions as it sees fit.
- 19.3 The licence holder must comply with any conditions of the licence.
- 19.4 The licence holder must take all steps to the satisfaction of the Council to prevent the donated goods from:
- a. Being carried from or otherwise escaping from the donated goods container onto a public place or from becoming litter;
  - b. Accumulating on a public place within a radius of 10 metres from the donated goods container.
- 19.5 The Council may recover costs associated with the removal and disposal of accumulated donated goods overflowing from or within 10 metres of the donated goods container from the owner of a donated goods container.

*Explanatory Note: see the definition of "licence" in clause 4 of the Administration Bylaw.*

## **20 ACTIVITIES REQUIRING CONSENT**

- 20.1 Every application of consent under this Bylaw must be in writing and provide:
- a. Full details of the proposed activity,
  - b. The date, time and place of the proposed use of a public place, and
  - c. The full name and residential address of the applicant with satisfactory supporting evidence of identity.
- 20.2 Applications for consent must be received by the Council at least 14 days before the date of the proposed use of the public place or such lesser period as the Council may in its discretion deem fit.
- 20.3 Consent may be granted or refused at the discretion of the Council, upon such terms or conditions as it thinks appropriate.
- 20.4 Every application for consent must be accompanied by any fee prescribed from time to time in Council's Schedule of Fees and Charges.

- 20.5 A consent holder must provide their consent when requested by an authorised officer.
- 20.6 Every person found to be in breach of any condition of consent, or this Bylaw, may have the consent reviewed by a Council officer. The review may result in amendment, suspension or withdrawal of the Council's consent with immediate effect.

## **21 NOTICES**

Unless otherwise provided or otherwise impracticable, the Council may give the owner, occupier or person notice of a breach of the bylaw and such notice shall:

- a. Specify the remedy required, and
- b. State the date by which such work is to be undertaken,
- c. Inform the owner that if the work is not undertaken the Council may, if practicable, do the work and recover the cost of such work, and
- d. Inform the owner of the offence provisions of this bylaw.

## **22 OFFENCES AND BREACHES**

- 22.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
- a. A fine pursuant to the Local Government Act 2002,
  - b. A fine pursuant to the Land Transport Act 1998, the Health Act 1956 and the Litter Act 1979, and
  - c. Any other penalty specified in another Act for the breach of this Bylaw.
  - d. In the event of breach of this Bylaw, the Council may take enforcement action as provide for under legislation, including the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, and / or the Reserves Act 1977.
- 22.2 Every person who breaches this Bylaw must, upon the request of a Council officer, immediately stop the activity and leave the public place concerned if requested to do so by the Council officer.
- 22.3 The Council may remove and impound:
- a. Approved containers or receptacles found in public places; and
  - b. Donated goods containers;
  - c. that are in breach of this Bylaw.
- 22.4 The Council may hold onto the impounded donated goods containers for a 14-day period following notice to the owner (if known to Council) after which it may dispose of the containers.
- 22.5 The Council may seek reimbursement of its costs relating to removal of, disposal of goods under clauses 22.3 and 22.4 of this Bylaw.



*Explanatory Note: This clause should be read in conjunction with the Administration Bylaw.*

## **23 REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS**

- 23.1 Any consent previously granted under the 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 such 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.
- 23.2 Any resolution or other decision made under the Public Places Bylaw 2008 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this Bylaw.

*This Bylaw was made by the Tararua District Council by resolution at a Council meeting on 31 October 2018 and must be reviewed within five years.*

*Sealed with the Common Seal of the  
Tararua District Council  
In the presence of:*

*[SEAL]*

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**Mayor**

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**Chief Executive**

# **SCHEDULE 1**

## **SKATEBOARD PROHIBITIONS**

Areas where riding of skateboards is prohibited 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.

## **POLICY ONE** (Not part of the bylaw)

### **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 “pigtailed”, 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.

## **POLICY TWO** (Not part of the Bylaw)

### **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.mw 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.

## **POLICY THREE** (Not part of the Bylaw)

### **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.

<b>Overnight Parking sites and Low Cost Parking</b>	
<b>Dannevirke Golf Club</b> State Highway 2, Dannevirke (06) 374 8248 <a href="http://www.dannevirkegolfclub.co.nz">www.dannevirkegolfclub.co.nz</a> <a href="mailto:dannevirkegolf@xtra.co.nz">dannevirkegolf@xtra.co.nz</a>	
<b>Woodville Camping Ground</b> Ross Street, Woodville (06) 376 1010	<b>Dannevirke Services &amp; Citizens Club</b> 1 Princess Street Dannevirke Call in, or contact (06) 374 8885
<b>Woodville Ferry Reserve</b> Gorge Road, Ballance	<b>Dannevirke Town Centre</b> Denmark Street Carpark, Dannevirke
<b>New Central Hotel</b> Vogel Street, Woodville	<b>Ngapaeruru Scenic Reserve</b> Ngapaeruru Road, Dannevirke
<b>ANZAC Park</b> State Highway 2, north of Norsewood Contact Scandi Superette	<b>Makotuku Domain Camp</b> Matamau-Ormondville Road, Makotuku (06) 374 1882
<b>Mathews Park</b> Ngamoko Road, Norsewood Contact Scandi Superette	<b>Herbertville Coast</b> Seaview Road, Pipi Bank Station Herbertville Contact the Manager, (06) 374 3580
<b>Makuri Domain</b> Domain Road, Makuri	<b>Ladyhawke Mobile Home Park</b> 21 Alfredton Road, Eketahuna Contact Brian & Wendy Barnes (06) 3758090 or 027 233 0376

<b>Overnight Parking sites and Low Cost Parking</b>	
<b>Eketahuna Club</b> Haswell Street, Eketahuna	<b>Makotuku Domain Road</b> 14 Station Street, Makotuku
<b>Tararua Club</b> 15 Tararua Street, Pahiatua Call in, or contact (06) 376 8380	<b>Te Rehunga Hall</b> Kumeti / Te Rehunga Hall Roger Stevenson, (06) 374 8173
<b>Coppermine Camping Ground</b> Coppermine Road, Papatawa Ongaonga Department of Conservation, (06) 856 6808	<b>Pahiatua Golf Club</b> State Highway 2, Pahiatua Alan Turner, (06) 376 8005
<b>Club Hotel Pahiatua</b> 83 Main Street, Pahiatua Brian Ferguson-Smith, (06) 376 8495	<b>Pahiatua Carnival Park</b> Glasgow Street, Pahiatua Karolyn Donald, (06) 376 6340
<b>Eketahuna Motor Camp</b> Stout Street, Eketahuna Loreen & Kerry Cunningham, (06) 375 8677	<b>Pongaroa Domain</b> Makomako Street, Pongaroa 1 or 2 nights; contact Pongaroa Store, (06) 376 2732 3+ nights; contact Paul Finnie, (06) 376 2836
<b>Kumeti</b> End of Kumeti Road Ongaonga Department of Conservation, (06) 856 6808	

### **Dump Sites**

#### **Eketahuna**

Eketahuna Club  
30 Herbert Street, Eketahuna

#### **Dannevirke**

Caltex Westlow  
166 High Street, Dannevirke (at the rear of the station)

#### **Pongaroa**

Route 52  
Near Pongaroa Hotel (by the public toilets)

#### **Woodville**

Rear of Swimming Baths  
Pollen Street, Woodville

Woodville & Community Centre  
Ross Street, Woodville

#### **Pahiatua**

Tararua Club  
15 Tararua Street, Pahiatua (by Albert Street gate)



# Draft Public Places Bylaw: Statement of Proposal

## Introduction

Tararua District Council seeks your views on its draft Public Places Bylaw 2024.

The current Public Place Bylaw and Trading in Public Places Bylaw were adopted in 2018 and are now due for review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Public Places 2024 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

In summary, Council is proposing to amalgamate the current two bylaws relating to the use of public places into a new, more succinct bylaw. It is proposing an update in wording (including for example to use the term 'micromobility device' to catch all small vehicles such as bicycles, scooters, and skateboards); and changes to make the bylaw easier to understand. The bylaw also provides a framework to grant permits/approvals.

Regulations relating to stock control (grazing) and freedom camping have been included, without change, in the schedules to the draft bylaw. The reason for this is that Council is likely to consider, at a future date, making new (separate) bylaws to specifically deal with these matters. If such bylaws are ever made (following a consultation process) then these Schedules can be removed without working through the special consultative process.

## Proposal

This statement of proposal relates to the review of the Public Places Bylaw and the Trading in Public Places Bylaw and is prepared in line with sections 83, 83AA and 87 of the LGA.

The Council proposes that:

- (a) a new bylaw (the Public Places Bylaw 2024) should be made;



- (b) the Public Places Bylaw 2018 and Trading in Public Places Bylaw 2018 be revoked once the Public Places Bylaw 2024 comes into force.

The key changes are summarised in this Statement of Proposal and are set out in the draft bylaw (**Attachment 1**).

## Proposed Changes

The main proposed changes are summarised below (only substantive changes are listed):

- Additional terms are added into the interpretation section, noting that many of these terms currently sit in the Administrative Bylaw, which is likely to be repealed in the future.
- Adding the term ‘micromobility device’ to be a catch-all phrase for bicycles, skateboards, scooters and any other small, lightweight vehicles (and removing single definitions for bicycles and skateboards).
- Amalgamating all prohibited activities into one clause (clause 6) for ease of reference.
- Amalgamating all activities which require approval into one clause (clause 7) for ease of reference.
- Adding the following prohibitions in public places: (clause 6)
  - Do anything to cause or allow a nuisance to occur.
  - Obstruct, disturb or interfere with any other person in their access, use or enjoyment of that public place.
  - Litter or cause a nuisance by depositing leaflets, fliers, samples or other promotional material.
- Placing the restrictions on freedom camping and stock control into separate schedules (for the reasons outlined in the introduction section above).
- Changing the term ‘exposing articles for sale’ to ‘retail display on footpaths’ (clause 14) for clarity and ease of use.
- Adding a requirement for retail displays that the operator keeps the display clean and tidy at all time (clause 14.2(f)).
- Adding a requirement for awnings, blinds, umbrellas, sandwich boards and tables that they must be maintained to a good standard at all times (clause 15.1(g)).
- Adding requirements for alfresco dining on footpaths (clause 16).
- Simplifying the requirements on mobile traders and hawkers (currently in the Trading in Public Places Bylaw) into one clause which covers all selling and trading of goods and services in public places (clause 17).
- Adding a requirement that event organisers of events in public places should obtain permission (with exceptions for small scale events etc) (clause 20).
- Placing the process for obtaining approvals; reviews of approvals; what happens when there is non-compliance; and enforcement matters into the bylaw (most of which is currently found in the Administrative Bylaw).

## Reason for Proposal

### Background

Council is empowered by section 145 of the LGA to make bylaws protecting the public from nuisance; protecting, promoting and maintaining public health and safety; and minimising the potential for offensive behaviour in public places.

The draft bylaw is intended to regulate activities in public places; protect the environment; and ensure that public places are safe and accessible.

## **Legal Framework: s 155 determinations**

Council must determine, pursuant to section 155 of the LGA, whether:

- A bylaw is the most appropriate way of addressing the perceived problem;
- The draft bylaw is the most appropriate form of bylaw; and
- The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also comply with the general decision-making requirements in sections 76 to 82 of the LGA in that it must identify and consider all reasonably practicable options and the community's views.

### **Is a bylaw the appropriate means to deal with a problem?**

The problem needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. 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.

It is considered that a bylaw is the most appropriate way to regulate the activities that take place in public places. The purpose of the bylaw can be divided into three broad categories: safety, usability, and the environment. The bylaw prohibits/restricts a specified list of activities in order to promote amenity and safety in public places. It can also be used as a reference in signage that attempts to prohibit violation of a bylaw.

The draft bylaw provides a process for the public to inform Council when undertaking potential nuisance activities such as busking, and allows Council to manage any adverse effects arising from such events.

### **Is the bylaw in the appropriate form?**

The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the use of public places to reduce the potential for nuisance or harm to others; allows for exceptions and special circumstances and is consistent with Council document standards and has been written in plain English so far as possible.

The final form of the bylaw will be determined after the Council has heard and considered submissions as part of a consultation process using the special consultative procedure.

### **Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?**

The draft bylaw is designed to regulate activities in public places only as far as necessary to ensure they do not create a nuisance or endanger the health and safety of the public. The other issues covered in the draft bylaw permit certain activities to occur (events, busking, trading), provided that certain conditions are met to ensure that these activities do not cause a nuisance to other members of the community. As its purpose is to protect and promote public safety, it does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the LGA Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

## Consultation

In making, amending or revoking a bylaw, Council must use the Special Consultative Procedure set out in section 83 of the LGA. Council has prepared and adopted the draft bylaw for public consultation. Any person can make a submission on the draft bylaw and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at the Strategy, Growth and Planning Committee meeting on 13 February 2024
- (b) Submissions open on 1 July 2024
- (c) Submissions close on 31 July 2024

Submissions will be heard before the Strategy, Growth and Planning Committee on 7 August 2024, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be on 28 August 2024.

**The key point to note is that consultation opens on 1 July 2024 and closes on 31 July 2024.**

You are encouraged to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

## How to get your submission to us:

**Mail to:** Draft Public Places Bylaw  
Taranua District Council  
PO Box 115  
Dannevirke 4942

**Email to:** [submissions@tararua.govt.nz](mailto:submissions@tararua.govt.nz)

**Deliver to:** Council offices in Eketāhuna, Pahiatua, Woodville or Dannevirke

**Online:** <https://www.tararua.govt.nz/publications/consultation/current-consultation>

This Statement of Proposal is issued pursuant to section 155 of the LGA and in compliance with sections 76AA, 82, 83 and 148 of the LGA.

**Bryan Nicholson**  
Chief Executive

**Attachments:**

1. Draft Public Places Bylaw 2024
2. Submission form