



New Plymouth District Council Bylaw

Traffic, Parking and Stock Control Bylaw 2025



Te Kaunihera ā-Rohe o Ngāmotu
**New Plymouth
District Council**

DOCUMENT HISTORY

Meeting	Date	Decision	Next Review
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New Plymouth District Council

Traffic, Parking and Stock Control Bylaw 2025

This bylaw allows the Council as a road controlling authority to regulate traffic, parking, and stock control on the roads under its care, control, or management.

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PART 1: PRELIMINARY PROVISIONS

1 Title

- 1.1 This bylaw is the New Plymouth District Council Traffic, Parking and Stock Control Bylaw 2025.

2 Commencement

- 2.1 This bylaw comes into force on 1 July 2025.

3 Authority

- 3.1 This bylaw is made pursuant to section 22AB of the Land Transport Act 1998.
- 3.2 Part 5 of this bylaw, and Parts 1, 2 and 6 to the extent they concern stock control, are also made pursuant to sections 145 and 146 of the Local Government Act 2002.
- 3.3 In so far as this bylaw concerns state highways, it is also made pursuant to the Instrument of Delegation granted by NZ Transport Agency Waka Kotahi to the Council dated 18 June 2025.

4 Review

- 4.1 Part 5 of this bylaw, and Parts 1, 2 and 6 to the extent they concern stock control, are due to be reviewed in accordance with section 158 of the Local Government Act 2002 by 1 July 2030.
- 4.2 The Council will review the remaining provisions of this bylaw as and when it considers necessary. The bylaw review requirements in the Local Government Act 2002 do not apply to the remaining provisions because they are not made under that Act.

5 Purpose

- 5.1 The purpose of this bylaw is to:
- a) regulate and set the requirements for, and otherwise control, vehicular and other traffic on any road under the care, control or management of the Council; and
 - b) regulate and set the requirements for, and otherwise control, parking and stationary vehicle offences on any road or parking place under the care, control or management of the Council, including certain state highways; and
 - c) provide for the orderly driving and control of stock on roads under the care, control or management of the Council, so as to promote traffic safety and minimise nuisance and damage to roads.

6 Application

6.1 This bylaw applies to:

- a) all roads in the Council's district that are under its care, control, or management; and
- b) those state highways in Schedule 1 of this bylaw for which NZ Transport Agency Waka Kotahi has delegated powers to the Council.

6.2 Despite clause 6.1, the Council cannot use the powers in Parts 3 and 5 of this bylaw in relation to any state highways, as these are not within the scope of the powers delegated to the Council by NZ Transport Agency Waka Kotahi.

***Explanatory note:** The NZ Transport Agency Waka Kotahi delegation to the Council allows the Council to extend this Bylaw to establish enforceable stationary vehicle restrictions over the state highway network. This delegation does not extend to road closures, special vehicle lanes (in Part 3 of this bylaw) or stock control (in Part 5 of this bylaw).*

7 Interpretation

7.1 In this bylaw, unless the context requires otherwise:

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

Approved mobility parking permit means a permit issued by CCS Disability Action or Sommerville Disability Support Services.

Beach means the foreshore and any adjacent areas that can reasonably be considered part of the beach environment, including areas of sand, pebbles, shingle, dunes or coastal vegetation, but not including any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this bylaw.

Berm means a grassed area between the roadway and the boundary of any property adjacent to the road.

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

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

Car share vehicle means a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

Class of vehicle means groupings or categories of vehicles defined by reference to any common feature or use and includes but is not limited to:

- a) vehicles by type, description, weight, size or dimension;
- b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- c) vehicles carrying no fewer or less than a specified number of occupants;
- d) vehicles used for specified purposes;
- e) vehicles driven by specified classes of persons;
- f) shared vehicles; and
- g) vehicles authorised by, or displaying a permit authorised by, the Council.

Corridor Access Request means a request by a utility operator to carry out works in a transport corridor, as provided for in the National Code of Practice for Utility Operators' Access to Transport Corridors made under the Utilities Access Act 2010.

Council means the New Plymouth District Council.

Cruising has the same meaning as in section 2 of the Land Transport Act 1998.

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

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

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

Disabled person has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

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

Drove or **droving** means moving untethered stock along or across a road singularly or in small groups, mobs or herds, but does not include:

- a) riding stock, or otherwise guiding it using a harness or lead;
- b) using stock to draw a vehicle of any description along any roadway; or
- c) transporting stock in a vehicle.

Drover means any person who is droving stock along or across a road.

Electric scooter is a vehicle, designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and one or more electric auxiliary propulsion motors, but the wheels must not exceed 355mm and the motor

cannot have a maximum power output exceeding 300W (so as to help ensure the scooter meets the requirements for a low-powered vehicle).

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

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

Farming unit means land that is managed as a single farm, including land held in multiple parcels or operated under grazing leases, and which may be separated by a road or other land.

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

Goods service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Gross vehicle mass has the same meaning as in section 2 of the Land Transport Act 1998.

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

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

Hours of daylight means any time that is not within the hours of darkness.

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

Items does not include vehicles.

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

Legal road means any land that is a road under section 315 of the Local Government Act 1974.

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

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

Mobility device has the same meaning as in section 2 of the Land Transport Act 1998.

Mobility parking space means any parking space reserved for the use of disabled persons under clause 34.

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

Motor vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Motorcycle has the same meaning as in section 2 of the Land Transport Act 1998.

Motorhome means a self-propelled motor vehicle that is equipped for living in, and includes a house-bus, horse box with sleeping area, van with a sleeping area, or a campervan.

Network utility operator has the same as in section 166(1) of the Resource Management Act 1991.

Oversize vehicle means a single vehicle, or a combination of vehicles and trailers, that does not fit into a standard sized parking space, including, for example, motorhomes, trucks, and vehicles towing trailers or other vehicles.

Parking has the same meaning as in section 2 of the Land Transport Act 1998, and includes stopping and standing a vehicle.

Parking machine means an electronic or mechanical device that is used to collect fees and charges for parking in a payment parking zone, and includes equipment used to monitor the parking of any vehicle in a payment parking zone.

Parking place means a place (including a building) on land that is under the Council's control where vehicles, or any class of vehicles, may park, and which will include a legal road where the Council has authorised this under section 591 of the Local Government Act 1974.

Parking space means an area within a parking place, demarcated by markings (usually lines), in which a vehicle (typically a single motor vehicle, but also multiple motorcycles or mopeds) may park.

Parking warden has the same meaning as in section 2 of the Land Transport Act 1998.

Passenger service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Payment parking zone means a parking place or transport station for which the Council has imposed fees or charges for parking under clause 36.

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

Permit means an electronic or paper/card permit supplied by the Council under this bylaw, which authorises certain conduct or activity, such as authorising the vehicle displaying the permit to be parked in a particular parking space or parking place.

Pilot vehicle means any vehicle (including a motor cycle, four-wheeled farm bike, car, utility vehicle, tractor, or truck) operating in front or behind stock for the purpose of assisting the droving of that stock.

Regular droving of stock means the droving of stock along the same route on more than ten occasions in any three week period.

Reserved parking means any parking space or other area in a parking place or transport station that is reserved for the exclusive use of a particular class or classes of vehicle by the Council under clause 34.

Residents parking permits means a permit authorising a vehicle to park in parking spaces in a residents parking zone that have been reserved for residents' use.

Residents parking zone is any road (or roads) declared by the Council under clause 32 to be a residents parking zone, in which certain parking spaces are reserved for the vehicles of residents who hold a current permit.

Road has the same meaning as in section 2 of the Land Transport Act 1998, and includes:

- a) legal roads;
- b) parking places and transport stations; and
- c) state highways for which NZ Transport Agency Waka Kotahi has delegated powers to the Council.

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

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

Shared path means a cycle path, cycle track, footpath, or some other kind of path that may be used by some or all of the following persons at the same time:

- a) cyclists;
- b) pedestrians;
- c) riders of mobility devices;
- d) riders of wheeled recreational devices.

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

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

State highway has the same meaning as in section 5 of the Land Transport Management Act 2003.

Stock means any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

Stock crossing point means the part of any road used for the purpose of droving stock across the road between parts of a farming unit that is separated by that road, and includes any associated drainage system.

Stock race means the part of any road (typically on the side of a formed roadway) that is fenced off for the purpose of droving stock.

Stock underpass means the part of any road used for the purpose of droving stock under the road between parts of a farming unit that are separated by that road, and includes all structures installed for that purpose (such as a tunnel and drainage system).

Taxi has the same meaning as a "small passenger service vehicle" under section 2 of the Land Transport Act 1998.

Time restricted parking zone means a road, parking place, or transport station for which the Council has imposed a limit on the length of time for which vehicles may park under clause 35.

Traffic means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

Traffic management plan means a plan that sets out how a safe environment will be created for all road users while an activity occurs and which complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management (currently the Code of Practice for Temporary Traffic Management, but which is likely to soon be replaced by the New Zealand Guide to Temporary Traffic Management).

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

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

Transport station means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

Transport station licence means a licence granted under clause 31.4 that permits a licence holder to use a particular transport station (or transport stations).

Unformed legal road (also known as 'paper roads') means any legal road that has not been physically formed, laid out, constructed, or enhanced by adding metal seal, or any other type of surface.

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

Vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Vehicle crossing means the formed area on a road that enables a vehicle to access a property adjacent to the road (for any purpose, including to drive up to a house, another building, or into a paddock), and which 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.

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

- 7.2 Any undefined words, phrases or expressions used in this bylaw have the same meanings as in the Land Transport Act 1998 (including any regulations and rules made under that Act), the Local Government Act 1974, or the Local Government Act 2002, unless the context requires a different meaning.
- 7.3 Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 7.4 Every schedule to this bylaw forms part of the bylaw.
- 7.5 Every appendix to this bylaw does not form part of the bylaw, and may be inserted, altered or removed at any time without any formal process. Appendices are provided for information purposes only.
- 7.6 Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

PART 2: RESOLUTIONS AND PERMISSIONS MADE UNDER THIS BYLAW

8 Application of clauses 9, 10, 11 and 12

- 8.1 Clauses 9, 10, 11 and 12 apply to resolutions made under this bylaw.

9 Scope of resolutions

- 9.1 A resolution may:
 - a) be made in respect of all vehicles or traffic or any specified class or classes of vehicle or traffic;
 - b) be made in respect of any road or roads or part of a road, including, any defined roadway, lane, footpath, cycle path, or shared path; or
 - c) apply at all times or only on specified days, or between specified times on specified days, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.
- 9.2 The power to make a resolution includes the power to amend, revoke, or replace it at any time.

- 9.3 Any power to make a resolution under this bylaw is in addition to, and does not replace or restrict, any related statutory power, including those in the Local Government Act 1974 or a Land Transport Rule.

Explanatory note: Resolutions cannot be inconsistent with powers conferred by emergency services legislation.

10 Process requirements for making resolutions

- 10.1 Unless it expressly resolves otherwise, the Council will use the following process when making, amending, revoking, or replacing a resolution:
- a) the proposal, and any additional explanatory or background information that the Council considers relevant, must be placed on the Council's website at least 21 days before it is due to be considered by the Council;
 - b) any person may provide written comments on the proposal, and should get these to the Council within 14 days of the information being placed on the website (or any further period permitted by the Council);
 - c) any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request; and
 - d) the Council must consider all comments received on the proposal (including any received in person) with an open mind when determining whether to make, amend, revoke or replace the relevant resolution.

Explanatory note: Council is required to assess the significance of proposals and decisions in relation to issues, assets, and other matters using its Significance and Engagement Policy, including resolutions made, amended, revoked or replaced under this bylaw. The Policy may require additional or different consultation and engagement than what is outlined in clause 10.1 of this bylaw, especially if the matter is assessed as having a high degree of significance.

11 Resolutions come into effect once signage and markings installed

- 11.1 Where the Council has made a resolution:
- a) it must install any signs, markings or other traffic controls that are required under this bylaw or the Land Transport Rule: Traffic Control Devices 2004 to give effect to the resolution; and
 - b) the resolution will have effect only once any such signs, markings and traffic controls have been installed.

12 Resolutions concerning parking places

- 12.1 Where the Council makes a resolution under Part 4 of this Bylaw, it is deemed to have authorised the use of the area to which the resolution relates, including any legal road within that area, as a parking place under section 591 of the Local Government Act 1974.

13 Permissions and approvals under this bylaw

- 13.1 This clause applies to any permission or approval from the Council (including a permit) provided for in this bylaw.
- 13.2 The Council may set application fees for permissions and approvals, and any application for a permission or approval must be accompanied by the relevant application fee (if any).
- 13.3 An application for permission or approval must be in writing, contain all necessary information, and be submitted in accordance with any applicable Council policy.
- 13.4 The Council, when determining an application for permission or approval, may require the applicant to provide further information, such as (without limitation) a traffic management plan, site location plan, or a corridor access request.
- 13.5 The granting of a permission or approval is at the discretion of the Council, in accordance with requirements set out in this bylaw.
- 13.6 The power to grant a permission or approval includes the power to amend or revoke it.
- 13.7 A permission or approval may include conditions, including the payment of ongoing fees and charges and a limit on the duration of the permission or approval.
- 13.8 Any breach of the conditions of a permission or approval:
- a) may result in the permission or approval being amended or revoked; and
 - b) is a breach of this bylaw.

PART 3: TRAFFIC CONTROL AND ROAD USE

14 One-way roads

- 14.1 The Council may by resolution specify any road where vehicles must travel in one specified direction only.
- 14.2 In making a resolution under clause 14.1, the Council may exclude cycles from the need to travel in one specified direction only.

- 14.3 Every driver of a vehicle (other than a cycle, if excluded under clause 14.2) must travel on a one-way road only in the direction specified by a resolution made under this clause.

15 Left or right turns and U-turns

- 15.1 The Council may by resolution prohibit or restrict turning movements on specified roads, including prohibiting or restricting:
- a) vehicles or classes of vehicles on any road from turning to the right or to the left; and
 - b) vehicles performing a U-turn, by turning from facing or travelling in one direction to facing or travelling in the opposite direction.
- 15.2 A person must not turn a vehicle to the left or the right, or perform a U-turn, on any road where the Council has prohibited or restricted such movements by resolution made under this clause.

16 Routes and manoeuvres on roads

- 16.1 The Council may by resolution prescribe for vehicles, or any class or classes of traffic or vehicle, to:
- a) follow a specified route; or
 - b) undertake any turning movements or manoeuvres at an intersection, or on a road or cycle path.
- 16.2 The Council may prescribe for vehicles, or any class or classes of traffic or vehicle, to stop or give way to any vehicle or a specified class or classes of traffic or vehicle.
- 16.3 A person must comply with any prescription made by the Council under this clause.

17 Special vehicle lanes

- 17.1 The Council may by resolution designate a lane on a road as a special vehicle lane. The effect of such a designation is to restrict the use of the lane to a specified class or classes of vehicle.
- 17.2 Any resolution made under clause 17.1 must specify, as the case may be:
- a) the class or classes or vehicle that use of the special vehicle lane is restricted to (such as buses, cycles, or vehicles carrying specified classes of loads or no fewer than a specified number of occupants); and
 - b) the hours and days that the special vehicle lane will operate, if applicable.

- 17.3 A person must not use a special vehicle lane contrary to any resolution made by the Council under this clause.

18 Traffic control by size, nature or goods (including heavy vehicles)

- 18.1 The Council may by resolution prohibit or restrict a class of traffic or motor vehicle from using a road where, due to the size or nature or the nature of goods carried, it is unsuitable for use on the road.
- 18.2 A person must not use a road contrary to a prohibition or restriction made by the Council under clause 18.1, unless a written permission under clause 18.3 applies.
- 18.3 If in the opinion of the Council it is safe to do so, the Council may give written permission for a vehicle to use any road in contravention of a prohibition or restriction made under clause 18.1 for the purpose of:
- a) loading or unloading goods or passengers at any property whose access is by way of the road; or
 - b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
 - c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
 - d) undertaking maintenance of a network utility operator's assets on or near a road from which it has been prohibited and for which alternative access is not available; or
 - e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available.

19 Shared paths and cycle paths

- 19.1 The Council may by resolution determine:
- a) the length, route and/or location of a shared path or cycle path; and
 - b) the priority for permitted users on a shared path or cycle path.
- 19.2 The permitted users of a shared path are:
- a) cyclists;
 - b) pedestrians;
 - c) riders of mobility devices; and
 - d) riders of wheeled recreational devices.

19.3 The permitted users of a cycle path are cyclists and pedestrians.

19.4 A person must not drive along a shared path or a cycle path unless:

- a) they are a permitted user under clause 19.2 or 19.3; and
- b) they are using the shared path or cycle path consistent with any priority determinations made by the Council.

20 Shared zones

20.1 The Council may by resolution specify any road to be a shared zone.

20.2 Any resolution made under clause 20.1 may specify:

- a) whether the shared zone may be used by a specified class or classes of vehicles only;
- b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week);
- c) any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact; and
- d) whether a person may park a vehicle in the shared zone.

20.3 A person must not use a shared zone in a manner contrary to any resolution made by the Council under this clause.

20.4 Except where the Council has by resolution specified otherwise, no person may park a vehicle in a road specified as a shared zone.

21 Cruising

21.1 The Council may by resolution:

- a) specify any section of road on which cruising is controlled, restricted, or prohibited;
- b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

21.2 Before making a resolution under clause 21.1, the Council must consider:

- a) the reasons why it is necessary to control, restrict, or prohibit cruising on the roads concerned;
- b) the types of roads the proposed control, restriction, or prohibition will apply to (for example, whether they are local roads, arterial roads, urban areas, residential areas, or industrial areas);

- c) whether the proposed days and times adequately address the reasons triggering the proposed control, restriction, or prohibition;
 - d) whether the Police support the proposed control, restriction, or prohibition; and
 - e) any other information the Council considers relevant.
- 21.3 A person must not use a motor vehicle on any specified section of road in contravention of a control, restriction or prohibition made by the Council under clause 21.1.

22 Light motor vehicle restrictions

22.1 The Council may by resolution:

- a) prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road, and specify the days and times that such prohibition applies; or
- b) restrict the use of a specified zone to the classes of motor vehicle or road user listed in clause 22.2, and specify the days and times that such restriction applies.

22.2 The classes of vehicle or road user that a specified zone will be restricted to under clause 22.1(b) are:

- a) any motor vehicle having a gross vehicle mass of 3,500kg or more;
- b) any emergency vehicle (which is a motor vehicle) being used in the execution of duty;
- c) any motor vehicles carrying persons to premises within the specified zone; and
- d) any utility, trade, Council, delivery, security, or other motor vehicle being used on business in the specified zone.

22.3 Before making a resolution under clause 22.1, the Council must consider:

- a) the reasons why it is necessary to prohibit or restrict light motor vehicles on the roads concerned;
- b) the types of roads or zones the proposed prohibition or restriction will apply to (for example, local roads, arterial roads, urban areas, residential areas, or industrial areas);
- c) whether the proposed days and times adequately address the reasons triggering the proposed prohibition or restriction;
- d) whether the Police support the proposed prohibition or restriction; and
- e) any other information the Council considers relevant.

- 22.4 A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by the Council under this clause unless:
- a) The motor vehicle is conveying the owner or occupier of any land having a frontage to the specified road or zone, or the owner or occupier's bona fide visitors;
 - b) the motor vehicle is an emergency vehicle being used in the execution of duty; or
 - c) the motor vehicle is being used as a passenger service vehicle; or
 - d) the motor vehicle is a trade or service vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the specified road or zone being used for genuine business purposes;
 - e) the motor vehicle is operated by a security service and being used for genuine business purposes; or
 - f) the motor vehicle is operate by the Council and being used for genuine business purposes.
- 22.5 For the purposes of this clause, "zone" means an area of roadway, the use of which is restricted to a specified class or classes of vehicle or road user.

23 Engine braking

- 23.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- 23.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under this clause.

24 Unformed legal roads

- 24.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting:
- a) the environment;
 - b) the road and adjoining land; or
 - c) the safety of users of unformed roads.
- 24.2 A person must not use a motor vehicle on an unformed legal road contrary to a resolution made by the Council under this clause.
- 24.3 The Council may, but is not required to, erect signs or barriers on an unformed road for which a resolution is made under this clause.

25 Vehicle crossings

- 25.1 This clause applies to any permanent or temporary vehicle crossing.
- 25.2 A person must not drive a motor vehicle over an area of road between the roadway and an adjacent property other than by means of a vehicle crossing that has been permitted or otherwise authorised by the Council (whether under a bylaw or otherwise).
- 25.3 Despite clause 25.2, a person may ride a moped or motorcycle on an area of road between the roadway and an adjacent property in the course of delivering newspapers, mail, or printed material to letter boxes.
- 25.4 A person must not construct, alter, repair, or remove any vehicle crossing unless that person has first obtained the Council's written permission.
- 25.5 A person may apply to the Council for permission to construct, alter, repair, or remove a vehicle crossing, if that person has some interest in the property to which the vehicle crossing will provide access. The application must be in writing, be accompanied by the prescribed fee, and indicate whether the applicant will:
- a) pay the Council to carry out the work on the vehicle crossing; or
 - b) engage a Council approved contractor to carry out the work.
- 25.6 The Council may grant permission to construct, alter, repair, or remove a vehicle crossing, and in doing so may impose any conditions it considers appropriate, including requiring that the work comply with the Council's code of practice and that it be carried out by a Council approved contractor.
- 25.7 The Council may, by written notice, require an owner of the property to which a vehicle crossing provides access to upgrade the vehicle crossing where it is satisfied that:
- a) the vehicle crossing is in a poor state of repair so that it creates a risk of damage to the road, or to road users; or
 - b) there has been a substantial change in the use of the vehicle crossing (for instance, it is now regularly used by heavy motor vehicles) so as to warrant an upgrade.
- 25.8 A written notice under clause 25.7 must:
- a) set out the upgrade work that is required;
 - b) reference any Council codes of practice that the work must comply with; and
 - c) specify a time period in which the works must be completed.
- 25.9 An owner who receives a notice from the Council under clause 25.7 must comply with the notice within the specified period, and meet all associated costs.

- 25.10 The Council may remove a vehicle crossing (and reinstate the kerb, footpath or berm) in the event that the owner of the property to which the vehicle crossing provides access has abandoned the vehicle crossing (for instance, if the owner constructs a fence across the driveway served by the vehicle crossing) or it is otherwise unlikely to continue to be used on a regular basis.
- 25.11 Before exercising the power in clause 25.10, the Council must use best endeavours to consult with the affected owner.

26 Beaches

- 26.1 The Council may by resolution restrict or prohibit vehicles on any beach or part of a beach, either at all times or only on specified days and times.
- 26.2 A person must not use or park a vehicle on a beach contrary to a resolution made by the Council under this clause, or on any part of the foreshore being used by people for sun bathing, sports, games or any other recreational purpose, or on vegetated sand dunes, unless:
- a) the vehicle is travelling along a formed roadway, shared path, or cycle path on the beach (including the New Plymouth Coastal Walkway); or
 - b) the vehicle is parked in a designated parking place on the beach; or
 - c) the vehicle is being used to launch or land a boat (including a jetski) at a boat launching area designated by Council resolution (in which case, the vehicle must immediately leave the beach following the launch or landing); or
 - d) the vehicle is an emergency vehicle, or a vehicle under the direct control of any member of a Surf Life Saving Club who is carrying out surf life saving duties; or
 - e) the vehicle is being used by persons carrying out maintenance works on the beach that have been permitted by the Council; or
 - f) prior written permission from the Council has been obtained, and the person complies with any conditions imposed by the Council on that written permission.
- 26.3 The Council may, under clause 26.2(f), give permission to a specified person or give a general permission in respect of an event without identifying particular persons.
- 26.4 Despite clause 26.2, a person may drive or ride a motor vehicle along a legal road that is located on a beach.

27 Temporary traffic management requirements

- 27.1 Any person responsible for any activity that will alter the usual flow of traffic must develop a traffic management plan, and then ensure compliance with that plan. Such activities may include (but are not limited to) construction and maintenance work, events, emergency responses, or primary industry activities.

- 27.2 In the event the Council has reasonable grounds to believe that a person has failed to comply with clause 27.1, the Council may direct the person to cease the activity until such time as compliance with clause 27.1 is achieved.
- 27.3 A person must comply with a direction received from the Council under clause 27.2 and, if relevant, refund the Council for any reasonable costs it has incurred putting in place temporary traffic management measures to address the person's non-compliance with clause 27.1.
- 27.4 This clause 27 does not apply to any stock droving activity (which is, instead, addressed under Part 5 of this bylaw).

PART 4: PARKING

28 Prohibiting or restricting parking on certain roads

- 28.1 The Council may by resolution:
- a) prohibit or restrict the parking of vehicles on any roads; or
 - b) limit the parking of vehicles on any road to vehicles of any specified class or description.
- 28.2 A person must not park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council under this clause.

29 Temporary discontinuance or restriction of parking spaces

- 29.1 The Council may temporarily discontinue all parking in a parking space, and, if so, must install signage that states "No Stopping" for the parking space concerned.
- 29.2 The Council may temporarily restrict the use of a parking space to certain permitted vehicles or classes of vehicle, and, if so, must place or install appropriate signage or other traffic controls to notify these parking restrictions.
- 29.3 Without limiting clauses 29.1 or 29.2 in any way, the types of situations where the Council might temporarily discontinue or restrict a parking space include (without limitation):
- a) enabling a safe response to an incident that has occurred on the road;
 - b) accommodating road works;
 - c) providing a temporary bus stop or bus lane; or
 - d) enabling construction activity on or adjacent to the road.
- 29.4 No person may park a vehicle contrary to parking controls placed or installed under clause 29.1 or 29.2.

- 29.5 In the event that a parking space has been temporarily restricted under clause 29.2, any permitted vehicle using the parking space must pay any applicable parking fees and charges set by the Council.
- 29.6 If a mobility parking space is temporarily discontinued or restricted under this clause, the Council will use best endeavours to establish an alternative mobility parking space for the duration of the discontinuance and ensure appropriate temporary signage is in place.

30 Parking places (including parking buildings)

- 30.1 Under section 591 of the Local Government Act 1974, the Council can provide parking places and, for this purpose, can authorise the use of legal roads as parking places.
- 30.2 For any parking place, the Council may by resolution:
- a) specify the vehicles or classes of vehicle that are entitled to use the parking place;
 - b) reserve a parking place (or any specified part) for use only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons;
 - c) prohibit or restrict specified classes of vehicles from parking on specified roads in residential areas (if the Council considers such parking is likely to cause a nuisance or danger);
 - d) prescribe any conditions under which a parking place must be used, including time limits for parking (if it is not already a time restricted parking zone);
 - e) prescribe any charges that will apply to the parking place (if it is not already a payment parking zone), whether on a one-off or on-going basis; and
 - f) specify the manner by which such parking charges may be paid.
- 30.3 Any prohibitions or restrictions imposed under clause 30.2 do not apply to parking spaces or other areas within that parking place where other specific parking restrictions imposed under this bylaw apply.
- 30.4 A person must not park a vehicle in a parking place in contravention of any prohibition, restriction or other control made by the Council under clause 30.2.

31 Transport stations

- 31.1 Under section 591 of the Local Government Act 1974, the Council can provide transport stations and, for this purpose, can authorise the use of legal roads as transport stations.
- 31.2 The Council may by resolution specify that a transport station can be used only by those persons holding a transport station licence.

- 31.3 In making a resolution under clause 31.2, the Council may prescribe:
- a) the category of persons who may apply for a transport station licence (for example, small passenger service operators, or the operator of a public or commercial bus or coach business);
 - b) the fees for a transport station licence application, and fees for the ongoing use of the transport station;
 - c) how many licensees (including just one) may use the transport station;
 - d) the maximum number of vehicles that each licensee may have in the transport station at any one time; and
 - e) any terms and conditions applying to a transport station licence.
- 31.4 The Council may, on receipt of an application and payment of the prescribed fee, grant a transport station licence permitting use of a particular transport station (or transport stations). In doing so, it may impose any conditions on the licence that it considers appropriate (in addition to those terms and conditions applying under clause 31.3(e)).
- 31.5 The Council may suspend or revoke a transport station licence if:
- a) the holder of the licence is convicted of an offence; or
 - b) the holder of the licence becomes otherwise unfit to hold the licence; or
 - c) the holder of the licence breaches any of the licence's terms or conditions.
- 31.6 Before suspending or revoking a transport station licence, the Council must give the licence holder the opportunity to address the reasons for suspension or revocation, and take any information provided by the licence holder into account in making a decision under clause 31.5.
- 31.7 A person must not park a vehicle in a transport station unless:
- a) the person holds a valid transport station licence for that transport station;
 - b) the person parks the vehicle in accordance with any conditions on that transport station licence, including payment of any ongoing fees; and
 - c) if a physical licence is being used, the licence is displayed prominently inside the vehicle to which the licence relates, so that it can be read from outside the vehicle, or the person holds a valid electronic licence for the vehicle.

32 Residents parking

- 32.1 The Council may by resolution declare any road (or group of roads) to be a residents parking zone and specify:

- a) any parking spaces within that residents parking zone that are reserved for the exclusive use of persons who reside in the zone; and/or
 - b) which, if any, parking requirements in the residents parking zone (including time restricted parking areas and payment parking areas) residents will be exempt from.
- 32.2 In making a resolution under clause 32.1, the Council may prescribe:
- a) the days and times that the reservation of parking spaces, or the exemption from parking requirements, applies;
 - b) any fees to be paid annually (or otherwise) by those residents holding a residents parking permit; and
 - c) the manner by which any such fees may be paid.
- 32.3 A person may apply for a residents parking permit for a particular residents parking zone only if that person's primary place of residence is directly accessed from within the relevant residents parking zone.
- 32.4 A person must not park in a parking space reserved for residents under clause 32.1(a) unless:
- a) the person holds a valid residents parking permit from the Council for that residents parking zone;
 - b) the person parks the vehicle in accordance with any conditions imposed by the Council on the residents parking permit; and
 - c) if a physical residents parking permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic residents parking permit for the parked vehicle.
- 32.5 Where an exemption from parking requirements has been specified under clause 32.1(b), a person does not need to comply with those parking requirements if:
- a) the person holds a valid residents parking permit from the Council for that residents parking zone;
 - b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
 - c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.
- 32.6 For clarity, clause 32.5 overrides clauses 35 and 36.

33 Mobility parking

33.1 The Council may by resolution reserve any parking space for the exclusive use of disabled persons, designating them as a mobility parking space.

33.2 In making a resolution under clause 33.1, the Council may prescribe:

- a) the days and times that the parking space is available as a mobility parking space;
- b) any time limits that will apply to those using the mobility parking space, and the days and times that those limits will apply;
- c) the period (if any) for which no fee or charge applies to mobility parking spaces;
- d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of mobility parking spaces; and
- e) the manner by which any such fees may be paid.

33.3 A person must not park a vehicle in a mobility parking space unless:

- a) a current approved mobility parking permit is prominently displayed in the vehicle so that it can be read from outside the vehicle or the vehicle is a taxi; and
- b) the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person; and
- c) the vehicle is not parked in excess of any time limits imposed under clause 33.2.

34 Reserved parking

34.1 The Council may by resolution reserve any parking space on a road, or in a parking place or transport station, for the exclusive use of a particular class or classes of vehicle, including (without limitation):

- a) motorcycles;
- b) cycles, including power-assisted cycles;
- c) electric scooters and other wheeled recreational devices;
- d) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
- e) taxis;
- f) buses and coaches, both public and commercial;

- g) goods service vehicles;
- h) heavy motor vehicles;
- i) goods vehicles in the course of loading or unloading goods ('loading zone');
- j) vehicles used by pregnant persons or by persons accompanied by infants or young children;
- k) car share vehicles;
- l) oversize vehicles, trailers, boats or caravans;
- m) motorhomes;
- n) emergency vehicles;
- o) diplomatic or consular corps vehicles;
- p) members of the judiciary vehicles;
- q) medical practitioner vehicles; and
- r) mobile traders using stands or stalls.

34.2 In making a resolution under clause 34.1, the Council may prescribe:

- a) the days and times that the reserved parking applies;
- b) any time limits that may apply to those using the reserved parking (for example, in loading zones), and the days and times that any such limits will apply;
- c) the period (if any) for which no fee or charge applies to the reserved parking;
- d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of the reserved parking; and
- e) the manner by which any such fees may be paid.

34.3 A person must not park in any area reserved under clause 34.1 unless:

- a) the person holds a valid parking permit from the Council for the reserved parking concerned;
- b) the person parks the vehicle in accordance with any conditions imposed by the Council on the permit (such as time limits); and
- c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

35 Time restricted parking zones

35.1 The Council may by resolution specify any road (or group of roads), parking place or transport station to be a time restricted parking zone.

35.2 In making a resolution under clause 35.1, the Council may prescribe:

- a) the number and location 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 that is exempt from the maximum time period applying to the time restricted parking zone, and the circumstances in which they will be exempt (for instance, on which days and times); 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.

35.3 The maximum time period set for a time restricted parking zone under clause 35.2(b) will not apply to any parking space in the time restricted parking zone that has been reserved by the Council for a particular class of vehicle under clauses 32, 33 or 34.

35.4 Any part of a time restricted parking zone can concurrently also be part of a payment parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.

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

36 Payment parking zones

36.1 The Council may by resolution specify any parking place or transport station to be a payment parking zone.

36.2 In making a resolution under clause 36.1, the Council may prescribe:

- a) the number and location of parking spaces within the payment parking zone;

- b) the fees and charges that apply to the payment parking zone, which (without limitation) may be expressed as rates that escalate over the duration of a vehicle's stay or rates that vary based on the current demand for parking and an occupancy target;
 - c) the days and times during which certain fees and charges will apply;
 - d) the means or manner by which fees or charges may be paid, including by use of parking machine where available; and
 - e) any class of vehicles that are not permitted to park in the payment parking zone, or the class of vehicles that the payment parking zone is limited to (if any);
 - f) any class of vehicles that is exempt from the fees and charges applying to the payment parking zone, and the circumstances in which they will be exempt (for instance, on which days and times); and
 - g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the payment parking zone.
- 36.3 The fees and charges set for a payment parking zone under clause 36.2(b) will not apply to any parking space in the payment parking zone that has been reserved by the Council for a particular class of vehicle under clauses 32, 33 or 34.
- 36.4 Any part of a payment parking zone can concurrently also be part of a time restricted parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.
- 36.5 A person must not park a vehicle in a payment parking zone for more than 5 minutes without paying all applicable fees and charges or otherwise parking in contravention of any resolution made by the Council under this clause.

37 Parking in parking spaces

- 37.1 When parking in a parking space, a person must:
- a) park the vehicle entirely within the markings that indicate the limits of the parking space, so that no part of the vehicle is outside of or overhangs the markings; and
 - b) not park the vehicle in a parking space that is already occupied by another vehicle; and
 - c) if the parking space is parallel to the kerb or footpath, park the vehicle so that it is headed in the same direction as traffic on the side of the road on which it is parked; and
 - d) if the parking space is an angle park, ensure the front or rear of the vehicle (as the case may be) is as near as is practical to the kerb.

- 37.2 Despite clause 37.1, a person may park an oversize vehicle or a vehicle that has a trailer attached in two adjacent parking spaces that are in the same alignment (and must pay any fees or charges for both spaces).
- 37.3 Despite clause 37.1, a person parking a motorcycle or moped may:
- a) park in a parking space that is already occupied by another motorcycle or moped; and
 - b) park otherwise than parallel to the kerb or footpath, provided that during the hours of darkness the motorcycle or moped is sufficiently illuminated to be visible from at least 50 metres.

38 Footpaths

- 38.1 A person must not park a vehicle on a footpath.
- 38.2 Despite clause 38.1, a person may park a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.
- 38.3 A person must not park a vehicle so that any part of the vehicle or its load remains on or overhanging a footpath.
- 38.4 A person must not unload a vehicle in a manner that causes, or is likely to cause, damage to a footpath.

39 Parking on cultivated areas or areas not designed for parking

- 39.1 Except with the Council's prior written permission, a person must not park a vehicle on:
- a) any part of a road that is laid out as a cultivated area such as a garden; or
 - b) that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians; or
 - c) a median strip or traffic island or any other part of a roadway that is not designed and constructed to accommodate a vehicle.
- 39.2 A vehicle parked on a berm that is separated by a kerb from any road which has a speed limit of 65km/hour or less must not obstruct the footpath, any driveway or the roadway.

- 39.3 Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.

Explanatory note: This clause still allows a person to stop, stand or park a motor vehicle off the roadway where there is no paved kerb or if the speed limit is higher than 65 km/hour, unless otherwise restricted by signs and/or markings. For example, a person may park a motor vehicle off the roadway on a rural road on the grassed area.

40 Parking for display or sale

- 40.1 Unless a vehicle is being used for day to day travel or the Council has given prior written permission, a person must not park a vehicle (including a trailer) on any road for the purpose of:
- a) advertising a good or service;
 - b) promoting a candidate for election; or
 - c) offering or displaying the vehicle for sale or hire.
- 40.2 A person must not park a vehicle, or direct or authorise a vehicle to park, on a road or parking place for the purpose of storage if that person:
- a) is a motor vehicle trader within the meaning of the Motor Vehicle Sales Act 2003; or
 - b) operates a motor vehicle rental or car share vehicle business.

41 Motorhomes, heavy goods vehicles, immobilised vehicles and trailers

- 41.1 A person must not park a motorhome, heavy goods vehicle, immobilised vehicle or trailer (whether or not the trailer is attached to another vehicle) on any road for a continuous period exceeding seven days without the prior written permission of the Council.
- 41.2 In clause 41.1, parking on any road includes parking on the same road within 500 metres of a previous parking space or area used during the seven day period.
- 41.3 This clause 41 does not apply if:
- a) the motorhome or immobilised vehicle or trailer concerned is being used for freedom camping for the duration of the parking; and
 - b) the Council's Freedom Camping Bylaw or similar Bylaw made under the Freedom Camping Act 2014 applies to the motorhome or immobilised vehicle or trailer.

42 Repairs on vehicles

- 42.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are:
- a) minor in nature and do not impede the flow of traffic or otherwise cause any risk to road users; or
 - b) necessary to enable the vehicle to be moved.

43 Broken down vehicles

- 43.1 A person must not leave a vehicle on any road for a continuous period exceeding three days if that vehicle does not have effective motive power or is otherwise broken down so that it cannot be safely driven on a road.

44 Items on roads

- 44.1 This clause applies to items such as machinery, equipment, materials, skips, portaloos, waste receptacles or freight containers, but does not apply to other items that have been placed on a road consistent with written permission from the Council (for example, wheelie bins that are specifically for the purpose of rubbish or recycling collection that are placed no more than 24 hours prior to the collection day and left no longer than 12 hours after collection).
- 44.2 A person must not leave any item on any road unless that person has the prior written permission of the Council.
- 44.3 Where an item is on a road pursuant to a written permission from the Council, and the area of road is a parking place to which a parking fee or charge applies, the person who placed the item must pay the required fee for the entire time period that the item is in place (unless the Council waives some or all of that fee).
- 44.4 If an item is placed contrary to the requirements of this clause (including if placement does not comply with the conditions of a written permission from the Council) –
- a) the Council may request the person responsible for the item remove it and repair any damage to the road caused by the item, to the Council's satisfaction, within 24 hours of receiving a written notice to that effect from the Council (or within any longer timeframe set by the Council in the notice); and
 - b) in the event the person responsible for the item fails to fully comply with the written notice from the Council, the Council may:
 - i) remove the item or place adjacent, or affix, to the item any safety or warning devices; and
 - ii) repair any damage to the road; and

- iii) charge the owner for its reasonable costs incurred (including the costs of any safety or warning device).

45 Private roads

- 45.1 The Council may by resolution prohibit, restrict or limit parking on a private road, including limiting parking to those persons residing on the road and their visitors.
- 45.2 Before making a resolution under clause 45.1, the Council must obtain the written consent of all owners of the private road, and any other owners of land adjoining the private road.
- 45.3 A person must not park a vehicle on a private road in contravention of a prohibition, restriction or limitation made by the Council under this clause.
- 45.4 The powers that may be exercised under this clause are in addition to those provided in sections 348 of the Local Government Act 1974.

46 Vehicle relocation

- 46.1 The Council may relocate or otherwise move a vehicle that is parked in accordance with this Bylaw to another parking place if it is necessary to access the road or parking place concerned:
 - a) to allow the Council or a network utility operator to carry out maintenance or repair work on the road or other infrastructure accessed from the road (including without limitation, to enable resurfacing of a road or to access water valves or the like).
 - b) to enable an approved road closure under section 342 of the Local Government Act 1974.
- 46.2 Before exercising the power in clause 46.1, the Council must, where practicable, use best endeavours to:
 - a) give reasonable notice of the proposed work or road closure to those who may be affected; and
 - b) contact the user of the vehicle so as to give them the opportunity to move the vehicle themselves.
- 46.3 After exercising the power in clause 46.1, the Council must use best endeavours to alert the user of the vehicle to the new location of the vehicle.

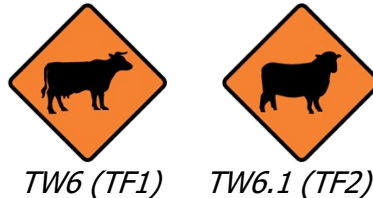
PART 5: STOCK CONTROL

47 Stock droving permitted in certain situations only

- 47.1 A person must not drive stock, and an owner of stock must not allow the droving of their stock, on roads, unless such droving is permitted under clauses 47.2, 47.3 or 47.4 and complies with all relevant requirements in this part of the bylaw.
- 47.2 Droving of stock along a road is permitted, where all of the following requirements are met:
- a) the road is outside of urban areas and the average daily traffic volume on the road does not exceed 150;
 - b) there are no more than four droves in any given calendar month;
 - c) the length of the drive does not exceed 10 kilometres;
 - d) the movement occurs in the hours of daylight;
 - e) mobile warning signage (TW-6 (TF1) or TW6.1 (TF2)) is used both in advance and behind the stock droving at a distance (in metres) no less than 1.5 times the value of the permanent posted speed limit of the road; and
 - f) the warning signage is clearly visible at a distance (in metres) no less than two times the value of the permanent posted speed limit of the road at all times.
- 47.3 Droving of stock across a road via a stock crossing is permitted, where all of the following requirements are met:
- a) the stock crossing has Council approval under clauses 51 or 52;
 - b) the road is outside of urban areas and the average daily traffic volume on the road does not exceed 150;
 - c) the droving is managed by a person who will monitor the stock as it crosses the road;
 - d) the movement occurs in the hours of daylight;
 - e) warning signage (TW6 (TF1) or TW6.1 (TF2)) is used, on both approaches, in advance of the movement at a distance (in metres) no less than the value of the permanent posted speed limit of the road;

- f) the warning signage is clearly visible at a distance (in metres) no less than 1.5 times the value of the permanent posted speed limit of the road.

Explanatory note: A distance in metres no less than the value of the permanent posted speed limit of the road is 100m for 100km/hour, 90m for 90km/hour etc. Similarly, 1.5 times the value of the permanent posted speed limit of the road is 150m for 100km/hour, 135m for 90km/hour etc. Similarly, 2 times the value of the permanent posted speed limit of the road is 200m for 100km/hour, 180m for 90km/hour etc. TW6 (TF1) or TW6.1 (TF2) are the following two signs.



47.4 Droving of stock on roads is permitted, if any of the following requirements apply:

- a) where the droving is carried out in accordance with a traffic management plan approved under clause 50;

Explanatory note: A traffic management plan will be required to drove stock along or across a road where the droving cannot comply with all of the requirements in either clause 47.2 or clause 47.3.

- b) where the drove is by way of:
- i) a stock underpass permitted under clause 55.2 or approved under clause 56.3; or
 - ii) a stock race that is permitted under clause 60;
- c) where it is necessary to return escaped or wandering stock to a secure paddock or temporary pound; or
- d) where it is necessary due to an emergency (for example, flooding, fire, landslide, damage to fences).

47.5 For droving permitted under clause 47.4 (c) or (d), all drovers must wear a bright coloured reflective jacket, if practicable.

47.6 Nothing in this part of the bylaw prevents the Council from seeking penalties under section 357 of the Local Government Act 1974 for any damage to a road caused by droving or wandering stock.

48 Council may divert, restrict or prohibit droving

48.1 The Council may divert, restrict or prohibit droving that is otherwise permitted under clauses 47.2, 47.3 or 47.4 if:

- a) work is being carried out on or around a road on which the droving would occur; or
- b) an emergency (for example, flooding, fire, landslide) has affected a road on which the droving would occur.

49 Requirements for droving

49.1 This clause 49 applies to every drove of stock permitted under clause 47.2 and 47.4 (a), (c) or (d).

49.2 A drove must:

- a) take the shortest possible route;
- b) not exceed a distance of 10 kilometres in total;
- c) occur during the hours of daylight; and
- d) occur only if it is impracticable to drove the stock on land that forms part of the farming unit on which the stock are homed.

49.3 For each drove, every drover and the stock owner must take all reasonable steps in the circumstances to ensure that:

- a) all substantial faecal waste is removed from the roadway within 60 minutes of the completion of the drove; and
- b) faecal waste is disposed of responsibly and in a manner that does not cause a nuisance, pollution of a water body or water course, or other annoyance.

49.4 For the purposes of clause 49.3(a), all reasonable steps may include:

- a) the adequate washing of road surfaces to remove faecal waste;
- b) the removal of faecal waste using a flat mouth shovel or similar implement; or
- c) for stock crossing points, the placement of effluent mats that will be removed after stock have finished crossing the road.

49.5 Where any drover or stock owner fails to comply with clause 49.3, the Council may:

- a) carry out the required cleaning and waste disposal (including engaging a contractor for this purpose); and
- b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner.

50 Approval of traffic management plans for stock droving

50.1 Any stock owner or head drover may apply to the Council for approval of a traffic management plan for:

- a) a single drove;
- b) a regular droving of stock; or
- c) a droving of stock through a stock crossing point that is approved or permitted under clause 52.

50.2 An application under clause 50.1 must be made at least 15 working days prior to the start of the proposed droving, and include:

- a) the stock owner's name and contact details, and the address of their farming unit;
- b) the head drover's name and contact details;
- c) the number of stock likely to be involved in the proposed droving;
- d) the numbers of drovers and dogs to be involved in the proposed droving;
- e) the intended route for the droving (including, if applicable, any stock crossing points to be used);
- f) if applicable, a statement of daily stages and holding paddocks;
- g) details of the methods to be used for ensuring that roads are clean following the proposed droving;
- h) the proposed traffic management plan; and
- i) any other information that the Council considers necessary.

50.3 The Council will approve a traffic management plan for stock droving where it is satisfied that:

- a) the draft traffic management plan complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management; and
- b) the proposed droving will comply with all applicable requirements in this part of the bylaw; and
- c) the proposed droving is otherwise unlikely to cause a serious safety hazard for road users or damage the road.

50.4 In approving a traffic management plan under clause 50.3, the Council may impose any conditions it considers appropriate, including (without limitation):

- a) provision for the Council to revoke its approval in the event that the terms of the traffic management plan or this bylaw are not complied with; and

- b) provision for the expiry of the approval in less than 24 months; and
- c) provision for the review of any approval, or any conditions imposed by the Council on the approval, where the Council determines, at its discretion, that there has been a relevant change to the operating traffic environment that warrants such a review.

50.5 The Council's approval of a traffic management plan will remain in effect:

- a) for a single drove, until the drove is completed, or until any earlier revocation of the approval;
- b) for a regular droving of stock, for a 24 month period, or until any earlier revocation or expiry of the approval; and
- c) for a droving of stock through a stock crossing point, for a 24 month period, or until any earlier revocation or expiry of the approval.

50.6 The holder of a traffic management plan for stock droving subject to the expiry dates in clause 50.5 can request that the expiry date be extended for a further 24 month period. Any such request must be in writing and will be determined by the Council, at its discretion, with any extension to be issued in writing.

51 New stock crossing points require approval

- 51.1 A person must not install a stock crossing point on or after the commencement date in clause 2.1 without first obtaining approval from the Council under clause 52.
- 51.2 Any stock crossing point installed before the commencement date in clause 2.1 does not require approval from the Council under clause 52, and may continue to be used, subject to clauses 53 and 54.

52 Approval of stock crossing points

- 52.1 Any stock owner or owner of a farming unit may apply to the Council for an approval to install a stock crossing point.
- 52.2 An application under clause 52.1 must include:
 - a) the applicant's name and contact details;
 - b) the address of the farming unit on which the stock are homed;
 - c) details of the location of the proposed stock crossing point (which may be shown on a map), and the location of any existing stock crossing points associated with the farming unit;
 - d) a description of, and copies of any plans for, any structures that the stock owner proposes to construct as part of installing the stock crossing point (for example, gates and drainage); and

- e) any other information that the Council considers necessary.

52.3 The Council will approve installation of a stock crossing point where it is satisfied that:

- a) the proposed stock crossing point is necessary to the operation of the farming unit;
- b) there are no other stock crossing points on the road concerned that can reasonably be used by stock homed on the farming unit;
- c) the points of access and exit for the proposed stock crossing point are opposite each other, or as close to opposite as is practicable in the circumstances; and
- d) the minimum sight distance for traffic on either side of the proposed stock crossing point meets the standards contained within the Council's District Plan as required for vehicle access points or a resource consent has been obtained that permits a different sight distance.

52.4 In granting approval under clause 52.3, the Council may impose any conditions it considers appropriate, including (without limitation):

- a) specifying the period in which the stock crossing point must be installed;
- b) specifying maintenance requirements for the stock crossing point;
- c) requiring the stock owner and/or owner of the farming unit to notify the Council, and obtain its approval, before making any material changes to the stock crossing point; and
- d) requiring the stock owner and/or owner of the farming unit, in the event the stock crossing point is removed, to reinstate the road areas to the Council's satisfaction.

52.5 Failure to comply with any conditions imposed under clause 52.4 will void the approval (for the duration of the failure), meaning that any stock droving through the stock crossing point during that period will not be authorised under clause 47.2(a).

53 Stopping use of stock crossing points

53.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to temporarily stop using a stock crossing point, where the Council is satisfied that there is an imminent risk to the safety of road users or to the road itself.

53.2 Any owner who receives a notice under clause 53.1 must immediately cease to use the stock crossing point for stock droving. Once the safety risk is resolved to the Council's satisfaction, it must revoke the notice (after which the stock crossing point may be used unless a notice has been given under clause 54.1).

54 Removing stock crossing points

- 54.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to remove a stock crossing point, where the Council is satisfied that:
- a) changes to the road or its use (including road layout changes or increased traffic movements) means that it is no longer appropriate or safe to have the stock crossing point in place; or
 - b) the stock crossing point or its use is otherwise likely to create risk for road users or cause damage to the road.
- 54.2 Before giving notice to remove a stock crossing point under clause 54.1, the Council must consult with the stock owner and/or owner of the farming unit on the possible removal of the stock crossing point and whether there are any mitigating actions that would adequately address the Council's concerns.
- 54.3 Any owner who receives a notice under clause 54.1 must:
- a) immediately cease to use the stock crossing point for stock droving;
 - b) within three months, remove the stock crossing point and ensure that the road areas are reinstated to the Council's satisfaction; and
 - c) be responsible for all associated costs.
- 54.4 Where an owner fails to comply with clause 54.3, the Council may:
- a) carry out the removal of the stock crossing point and/or reinstatement (including engaging a contractor for this purpose); and
 - b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner or owner of the farming unit.
- 54.5 A stock owner or owner of a farming unit may apply to the Council at any time for approval to remove a stock crossing point. The Council may give approval subject to any conditions it considers appropriate, including (without limitation):
- a) specifying the period in which the stock crossing point must be removed;
 - b) requiring the owner to obtain any other necessary approvals, consents, or permits before removing the stock underpass, and to comply with them;
 - c) requiring the owner reinstate the road areas to the Council's satisfaction; and
 - d) requiring the owner to be responsible for all associated costs.

55 New stock underpasses require approval

- 55.1 A person must not install a stock underpass on or after the commencement date in clause 2.1 without first obtaining an approval from the Council under clause 56.
- 55.2 Any stock underpass installed before the commencement date in clause 2.1 does not require approval from the Council under clause 56, and may continue to be used, subject to clauses 57 to 59.

56 Approval of stock underpasses

- 56.1 Any owner of land that adjoins both sides of a road, and which forms a single farming unit, may apply to the Council for approval to install a stock underpass under that road.
- 56.2 An application under clause 56.1 must include:
 - a) the land owner's name and contact details, and the address of the farming unit to be serviced by the stock underpass;
 - b) details of the proposed location of the stock underpass; and
 - c) construction plans for the proposed stock underpass, prepared by an appropriately-qualified engineer;
 - d) details of the contractor(s) who will carry out the work to construct and install the proposed stock underpass;
 - e) the traffic management plan for the construction period;
 - f) information about any other approvals, consents, or permits the owner has obtained or will seek for the proposed stock underpass; and
 - g) any other information that the Council considers necessary.
- 56.3 The Council will approve installation of the stock underpass where it is satisfied that:
 - a) the proposed stock underpass is necessary for the operation of the farming unit;
 - b) there are no other stock underpasses on the road concerned that can reasonably be used by stock homed on the farming unit;
 - c) the location of the stock underpass will not create any safety risk for road users or risk causing any damage to the road; and
 - d) the stock underpass will not interfere with or compromise any current or possible future use of the road by the Council.

- e) the people who have prepared the constructions plans, and who will carry out the construction and installation work, are appropriately qualified and competent to do the work;
- f) the traffic management plan complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management; and
- g) the owner has obtained or will seek any other necessary approvals, consents, or permits.

56.4 In granting approval under clause 56.3, the Council may impose any conditions it considers appropriate, including (without limitation):

- a) requiring the land owner, before construction of the stock underpass starts, to enter into a stock underpass agreement with the Council, on terms and in a form satisfactory to the Council, which (without limitation) includes provision for the owner and their successors to have ownership of the stock underpass structures;
- b) requiring the land owner, before construction of the stock underpass starts, to register an encumbrance instrument in favour of the Council, on terms and in a form satisfactory to the Council, as a first charge on the land against the title(s) to the land on both sides of the stock underpass, which (without limitation) includes provision for the owner and their successors to be responsible for the maintenance and removal of the stock underpass structures;
- c) requiring the land owner, before construction of the stock underpass starts, to provide a written undertaking that any existing stock crossing point currently operating on the same road will be eliminated immediately upon completion of the stock underpass; and
- d) requiring that the construction and installation of the stock underpass be carried out in accordance with the construction plans submitted with the application, and by the contractor(s) identified in the application; and
- e) specifying the period in which the stock underpass must be installed; and
- f) requiring any other necessary approvals, consents, or permits, be obtained and complied with.

56.5 Where the parcels of land that would be connected by a stock underpass are not held by the same owner as one farming unit, the Council may, at its discretion, approve the stock underpass under clause 56.3, if each of the owners:

- a) agrees to the application being made under clause 56.1;
- b) enters into a stock underpass agreement and registers an encumbrance in accordance with clause 56.4(a) and (b); and
- c) acknowledges they must comply with the obligations and requirements applying to a land owner in clauses 57 to 59.

- 56.6 Nothing in this clause 56 affects any requirements or obligations for building consents or resource consents from the New Plymouth District Council or the Taranaki Regional Council.

57 Land owners must maintain stock underpasses

- 57.1 Any owner of land that adjoins both sides of a road under which a stock underpass has been constructed (whether in accordance with clause 56 or otherwise) must maintain that stock underpass to ensure its ongoing structural integrity, at their own expense.
- 57.2 The obligation in clause 57.1:
- a) applies to the land owner who constructed the stock underpass and to all successive owners of the land (unless that successive owner has never used the stock underpass);
 - b) in the event the parcels of land that connect the stock underpass are not held by the same owner, applies to each of the owners of those parcels of land;
 - c) does not remove the need to obtain the Council's consent to carry out work on or under the road;
 - d) is subject to any maintenance obligations provided for in a stock underpass agreement or registered encumbrance, which were entered to under clause 56.4(a) and (b).

58 Stopping use of stock underpasses

- 58.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to temporarily stop using a stock underpass (whether constructed in accordance with clause 56 or otherwise), where the Council is satisfied that there is an imminent risk to the safety of road users or to the road itself.
- 58.2 Any owner who receives a notice under clause 58.1 must immediately cease to use the stock underpass. Once the safety risk is resolved to the Council's satisfaction, it must revoke the notice (after which the stock underpass may be used unless a notice has been given under clause 59.1).

59 Removing stock underpasses

- 59.1 The Council may give notice to the owner(s) of land that adjoins both sides of a road under which a stock underpass has been constructed (whether in accordance with clause 56 or otherwise) requiring them to remove the stock underpass, where the Council is satisfied that:
- a) changes to the road or its use (for instance, road layout change or increased traffic movements) mean it is no longer appropriate or safe to have the stock underpass in place; or

- b) the structural integrity of the stock underpass may be compromised, so as to create a risk for road users;
 - c) the stock underpass or its use is otherwise likely to create a risk for road users or cause damage to the road.
- 59.2 Before giving notice to remove a stock underpass under clause 59.1, the Council must consult with the land owner on the possible removal of the stock underpass and whether there are any mitigating actions that would adequately address the Council's concerns.
- 59.3 Any owner who receives a notice under clause 59.1 must:
 - a) immediately cease to use the stock underpass;
 - b) within six months, remove the stock underpass and ensure the road areas are reinstated to the Council's satisfaction; and
 - c) be responsible for all associated costs.
- 59.4 Where an owner fails to comply with clause 59.3, the Council may:
 - a) carry out the removal of the stock underpass and/or reinstatement (including engaging a contractor for this purpose); and
 - b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the land owner.
- 59.5 The owner(s) of land that adjoins both sides of a road under which a stock underpass has been constructed may apply to the Council at any time for approval to remove the stock underpass. The Council may give approval subject to any conditions it considers appropriate, including (without limitation):
 - a) specifying the period in which the stock underpass must be removed;
 - b) requiring the owner(s) to obtain any other necessary approvals, consents, or permits before removing the stock underpass, and to comply with them;
 - c) requiring the owner(s) reinstate the road areas to the Council's satisfaction; and
 - d) requiring the owner(s) to be responsible for all associated costs.

60 No new stock races and the gradual removal of existing stock races

- 60.1 A person must not install a stock race on or after the commencement date in clause 2.1.
- 60.2 Any stock race installed before the commencement date in clause 2.1 must be removed by the earlier of:

- a) the date of the next sale and purchase of the farming unit homing the stock that use the stock race; or
 - b) 1 July 2035.
- 60.3 Until such time as removal is required under clause 60.2, a stock race may continue to be used, and the owner of the stock using the stock race must (at their own cost) ensure the regular maintenance and resurfacing of the stock race so as to:
 - a) eliminate the accumulation of animal wastes;
 - b) prevent pugging of the surface; and
 - c) prevent ponding of stormwater and effluent.
- 60.4 The responsibility (including cost) for removing a stock race under clause 60.2 falls on:
 - a) the stock owner whose stock use the stock race; or
 - b) if there is no such stock owner, the owner of the farming unit homing the stock that use the stock race.
- 60.5 In removing a stock race under clause 60.2, the stock owner or owner of the farming unit must ensure that the road areas are reinstated to the Council's satisfaction.
- 60.6 Where an owner fails to comply with clause 60.2 or 60.5, the Council may:
 - a) carry out the required removal and/or reinstatement (including engaging a contractor for this purpose); and
 - b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner or owner of the farming unit.

61 Requirements for grazing on roadsides

- 61.1 A stock owner must not permit their stock to graze on a road (not including any unformed legal road) other than in accordance with this clause 61.
- 61.2 Despite clause 61.1, stock may graze on the side of a formed roadway if all of the following requirements are met:
 - a) the road is adjacent to the farming unit on which the stock concerned are homed;
 - b) no grazing is occurring directly opposite on the other side of the roadway;
 - c) grazing occurs only during the hours of daylight;
 - d) temporary electric fencing that complies with clause 61.3 is in place at all times while the grazing is occurring so as to prevent stock from moving onto the roadway; and

- e) during the hours of darkness, the stock and temporary electric fencing are removed.

61.3 The temporary electric fencing must:

- a) be located at least 1 metre clear of the seal or feather edge of the formed roadway;
- b) be constructed of appropriate materials that are flexible or breakable, such as electric fence standards (pigtailed) or the plastic equivalent and a single electric insulated wire; and
- c) not involve any barbed wire or waratahs.

61.4 A stock owner whose stock graze on the side of a formed roadway must:

- a) give utility authorities access to that area of road in the event they need to install or maintain a utility authority's infrastructure;
- b) not plant or otherwise establish hedges or other plants on any part of the road side area;
- c) repair any damage to the road (both roadway and the side of the roadway) caused by the stock, at the stock owner's expense; and
- d) if requested by the Council due to safety concerns for road users, promptly remove the stock and any fencing on the road, at the stock owner's expense.

PART 6: OFFENCES AND ENFORCEMENT

62 Offences

62.1 Every person who fails to comply with any obligation, requirement, restriction, or prohibition in this bylaw, or who otherwise breaches this bylaw, commits an offence and may be liable for any applicable penalty provided for in the Land Transport Act 1998 (and the regulations and rules made under that Act) or the Local Government Act 2002.

62.2 In addition, every person commits an offence against this bylaw who –

- a) misuses, defaces, interferes or tampers with, a parking machine;
- b) interferes with, defaces, or wilfully damages any traffic control device, including any signage or markings; or
- c) without the Council's written permission, affixes, or attempts to affix, any placard, advertisement, or other notice to a parking machine or traffic control device.

63 Parking defences

- 63.1 It is a defence to any person who is the driver of, or is in charge of, any vehicle and who is charged under this bylaw with an offence concerning parking if the person proves that:
- a) the act or omission complained of was done to avoid the death or injury of any person or serious damage to property or the environment; or
 - b) the act or omission complained of was done at the direction of a constable of the New Zealand Police or a parking warden; or
 - c) the vehicle was being used by a network utility operator to enable construction, maintenance or repair on a utility (for example, to repair electricity lines or water pipes), and was being used with due consideration for the safety and convenience of other road users; or
 - d) the vehicle was being used by the Ambulance Service, Fire Service, Police or other emergency service in the urgent carrying out of their respective duties; or
 - e) the vehicle was being used in accordance with a written permission given by the Council.

64 Vehicle and item removal

- 64.1 The Council may remove, or cause to be removed, any vehicle or other item or thing on any road, if that vehicle, item or thing is there in breach of this Bylaw, or any resolution made under this bylaw.
- 64.2 Where a vehicle, item or thing has been removed under clause 64.1, the Council may recover from the person who caused or committed the breach all expenses incurred in connection with its removal and storage, and may detain the vehicle, item or thing until such expenses are paid.
- 64.3 The powers in clauses 64.1 and 64.2 are in addition to those provided in section 128E of the Land Transport Act 1998, sections 356 and 356A of the Local Government Act 1974, and sections 164 and 165 of the Local Government Act 2002.

<p><i>Explanatory note:</i> The restrictions in clauses 63 and 64 of this bylaw do not apply to a vehicle that is being used as an emergency vehicle in attendance at an emergency situation.</p>
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PART 7: REVOCATION AND SAVINGS

65 Revocation

65.1 This bylaw revokes:

- a) Part 13 Traffic of the New Plymouth District Council Consolidated Bylaw 2008; and
- b) Part 10 Stock Control of the New Plymouth District Council Consolidated Bylaw 2008.

66 Savings and transitional provisions

66.1 The resolutions of the Council made or continued under the bylaws revoked under clause 65 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

66.2 Any approval, permit or other authorisation that originated under or was continued by the bylaws revoked under clause 65 and is in force at the commencement of this bylaw, continues to have full force and effect, and is to be treated as if it were made under this bylaw. In particular:

- a) any approval granted by an authorised officer of the Council under clause 4 of Part 10 of the New Plymouth District Council Bylaw 2008 (Stock Control) is deemed to be a traffic management plan for stock droving approved under clause 50.3, but it will expire six months after the commencement date in clause 2.1 or any earlier date stated in the approval.

66.3 The revocation of the bylaws under clause 65 does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws, and such proceedings continue to be dealt with and completed as if those bylaws had not been revoked.

SCHEDULE 1: State Highway Delegations

A. NZ Transport Agency Waka Kotahi has delegated powers (identified in clause 6 of this bylaw) to the Council for the following state highways:

	Settlement	Description of area	Date delegation made	Reference number
1	New Plymouth	SH3-0229/7.190 to SH3-0240/2.160. From 170m south of Coronation Avenue intersection to 220m north of Vickers Road intersection.	18 June 2025	
2	New Plymouth	SH44-0000/0.000 to SH44-0000/5.000. Entire length.	18 June 2025	
3	New Plymouth	SH45-0000/0.000 to SH45-0000/5.790. From Eliot Street (SH3) intersections to 355m west of Barret Road intersection.	18 June 2025	
4	Inglewood	SH3A-0000/15.030 to SH3A-0000/15.595. From 30m north of Humphries Street intersection to Rata Street (SH3) intersection.	18 June 2025	
5	Inglewood	SH3-0240/15.780 to SH3-0258/0.735. From 285m west of Ngahere Street intersection to 305m north of Lower Dudley Road intersection.	18 June 2025	
6	Ōākura	SH45-0000/14.590 to SH45-0015/0.080. From 120m north of Dixon Road intersection to 55m south of Wairau Road intersection.	18 June 2025	
7	Ōkato	SH45-0015/11.290 to SH45-0015/12.140. From 200m north of the Carthew Street intersection to 33m west of the Mahuru Lane intersection.	18 June 2025	
8	Urenui	SH3-0203/6.105 to SH3-0203/6.590. From 105m east of the Ngapapa Street intersection to 120m west of the Whakapaki Street intersection.	18 June 2025	