

# Te Ture ā-rohe Waka me ngā Tūnga Waka o Te Tairāwhiti 2021

(Tairāwhiti Traffic and Parking Bylaw 2021)

Made by Gisborne District Council

Resolution of Council dated 13 December 2021

## Contents

1.	TITLE.....	1
2.	COMMENCEMENT.....	1
3.	APPLICATION .....	1
4.	INTERPRETATION .....	1
5.	PURPOSE .....	4
6.	RESOLUTIONS MADE UNDER THIS BYLAW.....	4
<b>PART 1: PARKING.....</b>		<b>5</b>
7.	STOPPING, STANDING, AND PARKING .....	5
8.	PARKING PLACES, PARKING BUILDINGS, TRANSPORT STATIONS AND ZONE PARKING AREAS.....	5
9.	TEMPORARY DISCONTINUANCE OF A PARKING PLACE .....	7
10.	RESIDENTS’ PARKING .....	7
11.	NO PARKING ON CERTAIN PARTS OF THE ROAD.....	8
12.	MOTORHOMES, IMMOBILISED VEHICLES AND TRAILERS.....	8
13.	STORAGE OF VEHICLES ON ROAD .....	9
14.	PARKING FOR DISPLAY OR SALE .....	9
15.	WORKING ON VEHICLES .....	9
<b>PART 2: TRAFFIC MOVEMENT RESTRICTIONS.....</b>		<b>10</b>
16.	ONE-WAY ROADS.....	10
17.	LEFT OR RIGHT TURNS AND U-TURNS .....	10
18.	SPECIAL VEHICLE LANES .....	10
19.	ENGINE BRAKING .....	10
20.	CONTROL OF VEHICLES ON ROADS .....	11
21.	SHARED ZONES.....	11
22.	SHARED PATHS .....	12
23.	RESTRICTING VEHICLES ON UNFORMED ROADS AND BEACHES.....	12
<b>PART 3: INTERFERENCE WITH THE ROAD, TRAFFIC, OR PEDESTRIANS.....</b>		<b>13</b>
24.	TEMPORARY USE OF LEGAL ROAD .....	13
25.	MAINTENANCE OF VEHICLE CROSSINGS.....	15
26.	TEMPORARY ACCESS WAYS.....	15
<b>PART 4: MISCELLANEOUS.....</b>		<b>16</b>
27.	HEAVY TRAFFIC USER CHARGES .....	16
28.	PERMITS UNDER THIS BYLAW .....	16
29.	MATERIAL/DEBRIS ON ROADS AND DAMAGE TO ROADS .....	17
30.	EXEMPTED VEHICLES.....	17
31.	DEFENCES .....	17
32.	PENALTIES.....	17
33.	REVOCATIONS AND SAVINGS .....	18
<b>SCHEDULE 1 .....</b>		<b>19</b>
	SCHEDULE OF OFFENCE PROVISIONS AND PENALTIES .....	19

## 1. Title

This bylaw is the Tairāwhiti Traffic and Parking Bylaw 2021.

## 2. Commencement

This bylaw comes into force on 17 December 2021

## 3. Application

This bylaw applies to all roads under the care, control and management of Gisborne District Council.

### **Related information:**

This bylaw does not apply to State Highways except to the extent to which the Council holds delegated powers from Waka Kotahi NZ Transport Agency to make bylaws regulating certain matters on the State Highways in the region under the following instruments of delegation:

Delegation to Gisborne District Council relating to Stationary Vehicle Offences on State Highways

## 4. Interpretation

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

**Act** means the Land Transport Act 1998 and the regulations and the rules under that Act.

**class of vehicle** means groupings of vehicles defined by reference to any common feature and includes:

- vehicles by type, description, weight, size or dimension,
- vehicles carrying specified classes of load by the mass, size or nature of such loads,
- vehicles carrying no fewer or less than a specified number of occupants,
- vehicles used for specified purposes,
- vehicles driven by specified classes of persons,
- carpool and shared vehicle, and
- vehicles displaying a permit authorised by the Council.

**Council** means the Gisborne District Council and includes any person authorised by the Council to act on its behalf.

**cycle** has the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**cycle path** has the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**driver** has the same meanings 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.

**enforcement officer** means –

- any person who has been appointed as an enforcement officer by the Council under the Local Government Act 2002; or
- any person who is an enforcement officer under the Land Transport Act 1998.

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

**grass berm** is the area behind a kerb which is laid out in grass.

**immobilised vehicle** means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.

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

**motorhome** means any vehicle designed or converted to be used for human habitation, whether self-contained or not, and includes a caravan, campervan, or house truck.

**owner** has the same meanings as in section 2(1) of the Land Transport Act 1998.

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

**parking machine** means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

**parking place** means a place (including a building or a road) where vehicles, or any class of vehicles, may stop, stand, or park.

**person conducting a business or undertaking** has the same meaning as in section 17 of the Health and Safety at Work Act 2015.

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

**roadway** has the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

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

- cyclists
- pedestrians
- riders of mobility devices
- riders of wheeled recreational devices.

**shared zone** means a length of roadway intended to be used by pedestrians and vehicles (including cyclists).

**special vehicle lane** has the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**standing** means stopping:

- (a) for the purpose of picking up or setting down passengers, or, in the case of a small passenger service vehicle stand, for the purposes of waiting for hire; and
- (b) while a vehicle remains attended by the driver at all times.

**traffic management plan** means a document describing the design, implementation, management and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

**transport station** has the same meaning as in section 591 (6) of the Local Government Act 1974 and generally means a place where transport-service vehicles may wait between trips, and all buildings and facilities associated with the use of that place.

**wheeled recreational device** means a vehicle that is

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

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

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

**zone parking area** means an area where zone parking applies.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Interpretation Act 1999 applies to the interpretation of this bylaw.
- (4) Related information is for information purposes only, does not form part of this bylaw, and may be inserted or changed by the Council at any time without amending the bylaw.

## **5. Purpose**

- (1) The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council.

## **6. Resolutions made under this Bylaw**

- (1) A resolution may be made under this bylaw –
- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
  - (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
  - (c) that applies to any road or part of a road, greenspace adjoining the road, building or transport station under the care, control or management of the Council; or
  - (d) that applies at any specified time or period of time.
- (2) The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

**Related information:**

Related information: All resolutions made under this clause by the Council will be recorded in a register which will be available to the public on Council's website and on request.

The Council will determine whether further consultation is required in relation to a proposed resolution, on a case-by-case basis.

## **Part 1: Parking**

### **7. Stopping, standing, and parking**

- (1) The Council may by resolution –
  - (a) prohibit or restrict the stopping, standing or parking of vehicles, or any class of vehicles, on any road; or
  - (b) limit the stopping, standing or parking of vehicles on any road to any class of vehicles.
- (2) Any prohibition, restriction or limitation may be subject to such conditions as the Council thinks fit.
- (3) A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

**Related information:**

Examples of restrictions include:

- prohibiting parking on any roads ("No Stopping")
- prohibiting heavy motor vehicles from parking on roads in residential areas
- prohibiting trailers and motorhomes from parking in certain locations (for example, next to slipway entrances)
- providing for bus stops, taxi stands and loading zones.

### **8. Parking places, parking buildings, transport stations and zone parking areas**

- (1) The Council may by resolution –
  - (a) designate an area to be a zone parking area and the restrictions that apply in that zone parking area ("zone parking controls"); and
  - (b) reserve any area of land or any road or any part of a road or any building or any part of a building owned or under the care, management or control of the Council to be a parking place or a transport station, subject to restrictions; and
  - (c) specify the vehicles or classes of vehicle that can use or must not use a parking place or transport station or zone parking area; and
  - (d) prescribe the restrictions that apply including (without limitation) the times, manner and other conditions for the parking of vehicles or classes of vehicles in a parking place or transport station or zone parking area; and
  - (e) prescribe any charges to be paid for the use of a parking place or transport station or in a zone parking area; and

- (f) prescribe the manner by which parking charges may be paid by the use of parking machines or in any other specified manner; and
  - (g) make provision for the efficient management and control of a parking place or transport station or zone parking area.
- (2) Any restrictions that apply to a zone parking area, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
- (3) Where the Council has prescribed a fee for parking in a parking place or transport station or zone parking area, any person parking there must –
- (a) pay the fee without delay and in the manner so prescribed; and
  - (b) if a parking receipt or parking coupon, in paper form, states that it must be displayed in or on the vehicle, display the parking receipt or parking coupon in accordance with the instructions printed on it.
- (4) A person must not park a vehicle in a parking place or transport station or zone parking area in contravention of any prohibition or restriction made by the Council.

**Related information:**

This clause provides for both on-street and off-street parking that is subject to restrictions. Examples of restrictions include prescribing:

- the number and location of parking spaces
- parking spaces that can only be used by boat trailers when restrictions apply and the length of those restrictions
- parking charges and the method of payment for those charges.

If the Council designates an area as a zone parking area, the parking restrictions in that zone may apply to several roads. Parking zones can apply in areas where people using vehicles within the area can reasonably be expected to be aware of the application of the parking restriction to the area, without the need for signs at each intersection within the area.

The Gisborne District Council Freedom Camping Bylaw 2021 imposes further restrictions on overnight camping in vehicles.



## **9. Temporary discontinuance of a parking place**

- (1) If an enforcement officer or parking warden is of the opinion that any parking place should be temporarily discontinued as a parking place, the enforcement officer or parking warden may authorise the placement of a sign or other controls that sufficiently indicates "No Stopping" at such parking place.
- (2) If an enforcement officer or parking warden is of the opinion that any parking place should be temporarily discontinued as a parking place, except for the use by specified vehicles or classes of vehicle, the enforcement officer or parking warden may authorise the placement of a sign or other controls that sufficiently reserves parking, stopping or standing provisions for specified vehicles or classes of vehicles at such parking place.

**Related Information:**

From time to time, the Council may need to temporarily discontinue parking places and use those places for other temporary activities. For example, temporary bus stops, temporary bus lanes, and construction activity spaces.

- (3) No person may –
  - (a) stop or park a vehicle at a parking place affected by a sign or other traffic controls under subclause (1); or
  - (b) stop or park a vehicle at a parking place affected by a sign or traffic control under subclause (2) unless that person is specifically authorised by a enforcement officer or parking warden or complies with any specified condition by the sign or traffic control.
  - (c) remove any signs or traffic controls authorised under subclauses (1) or (2).

## **10. Residents' parking**

- (1) The Council may by resolution reserve any specified parking place or places as –
  - (a) a residents' only parking area for the exclusive use of persons who reside in the vicinity; or
  - (b) a residents' exemption parking area for the use of persons who reside in the vicinity.
- (2) The Council may by resolution prescribe –
  - (a) any fees to be paid annually or in any other specified manner, for the use of a residents' parking area or a residents' exemption parking area; and
  - (b) the manner by which any such fees may be paid for the use of a residents' parking area or a residents' exemption area; and
  - (c) which parking, stopping and standing restrictions permit holders are exempt from within a residents' exemption parking area.

- (3) Any person who parks a vehicle in a residents' only parking area must pay the prescribed residents' parking permit fee and display a current approved residents' parking permit so that it is clearly visible.
- (4) To be exempt from parking restrictions, including parking charges, any person who parks a vehicle in a residents' exemption parking area must pay the prescribed residents' parking permit fee and display a current approved residents' parking permit so that it is clearly visible.
- (5) A person must not park a vehicle in a residents' parking area in contravention of a prohibition or restriction made by the Council under this clause.

## **11. No parking on certain parts of the road**

- (1) A person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden or grass berm.
- (2) A person must not stop, stand or park, wholly or partially, a motor vehicle on 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.
- (3) A person may stop, stand or park a motor vehicle in contravention of sub-clauses (1) and (2) if-
  - (a) that part of the road is designed and constructed to accommodate a parked vehicle; or
  - (b) it is done so in accordance with a written permit issued by the Council.
- (4) 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.

## **12. Motorhomes, immobilised vehicles and trailers**

- (1) No person may park a motorhome, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days, unless it is in accordance with a written permit issued by the Council.
- (2) Parking on any road for a continuous period exceeding seven days in sub-clause (1) includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

### **Related Information**

The restriction on the parking of trailers to a maximum of seven days continuous period is consistent with Rule 6.19 of the Land Transport (Road User) Rule 2004.

### **13. Storage of vehicles on road**

- (1) A person conducting a business or undertaking who is storing a vehicle in connection with the activity of the business or undertaking must ensure the vehicle is not stored on a road.
- (2) Subclause (1) does not apply if the storage is in accordance with a written permit issued by the Council.

**Related Information:**

In order to constitute storage in connection with the activity of a business or undertaking, the activity must involve the vehicle itself. For example, a panel-beater or a mechanic parking their customers' vehicles in the street adjacent to their premises, or a car dealer who parks vehicles for sale on the street. This clause is not intended to restrict customers parking on the street while visiting a business premises.

### **14. Parking for display or sale**

- (1) A person must not stop, stand or park a vehicle on any road or parking place –
  - (a) for the purpose of advertising a good or service to be provided elsewhere; or
  - (b) for the purpose of offering the vehicle for sale – unless the vehicle is being used for day-to-day travel.
- (2) Subclause (1) does not apply where the stopping, standing or parking of the vehicle is in accordance with a written permit issued by the Council.

### **15. Working on vehicles**

- (1) No person may stop, stand or park any vehicle on any road to carry out repairs unless those repairs are of a minor but urgent nature.

## **Part 2: Traffic Movement Restrictions**

### **16. One-way roads**

- (1) The Council may by resolution specify any road or part of a road where vehicles must travel in one specified direction only.
- (2) No person may drive a vehicle in a manner that contravenes a restriction made under this clause.

### **17. Left or right turns and U-turns**

- (1) The Council may by resolution prohibit or restrict turning movements, including –
  - (a) vehicles or classes of vehicles on any road from turning to the right, or to the left, or from proceeding in any other direction; and
  - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- (2) Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any).
- (3) A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

### **18. Special vehicle lanes**

- (1) The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.
- (2) Any resolution made under this clause must specify, as the case may be –
  - (a) the type of special vehicle lane; and
  - (b) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- (3) A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

### **19. Engine braking**

- (1) The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- (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.

## **20. Control of vehicles on roads**

- (1) The Council may by resolution prohibit or restrict, subject to such conditions as the Council thinks fit, any specified class of traffic or any specified motor vehicles or class of vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.
- (2) A person must not use a vehicle on a road, or any part of a road, contrary to a prohibition or restriction made by the Council under this clause.

**Related information:**

Under this clause, the Council could, for example, prohibit:

- Heavy motor vehicles (including those transporting stock) from using certain roads in the City, or
- Cycles from using busy roads in the City.

## **21. Shared zones**

- (1) The Council may by resolution specify any road or part of a road to be a shared zone.
- (2) Any resolution made under this clause may specify —
  - (a) whether the shared zone may be used by specified classes of vehicles
  - (b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week) and
  - (c) any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact.
- (3) Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road or part of a road specified as a shared zone.
- (4) A person using a shared zone must not contravene a restriction made by the Council under this clause.

**Related Information:**

All resolutions made under this clause by the Council will be recorded in a register which will be available to the public on Council's website and on request.

## **22. Shared paths**

- (1) The Council may by resolution —
  - (a) determine the length, route and/or location of a shared path, and
  - (b) determine priority for users on a shared path.
- (2) No person may use a shared path in a manner that contravenes a restriction made by the Council under this clause.

## **23. Restricting vehicles on unformed roads and beaches**

- (1) The Council may by resolution restrict the use of motor vehicles on an unformed legal road or a beach for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.
- (2) A person must not use a motor vehicle on an unformed legal road or beach contrary to a restriction made by the Council under this clause.

## Part 3: Interference with the road, traffic, or pedestrians

### Related Information

Section 357 of the Local Government Act 1974 provides for a number of offences where a person encroaches on a road or damages a road without permission. For example, a person commits an offence where he or she, without permission, "encroaches on a road by making or erecting any building, fence, ditch, or other obstacle or work of any kind upon, over, or under the road, or by planting any tree or shrub thereon". It is open to the Council to bring enforcement action under this section or use the Council's other enforcement remedies under the Local Government Act 2002.

### 24. Temporary use of legal road

- (1) A person must not undertake an activity that may affect the normal operating conditions of a road, unless it is in accordance with a written permit issued by the Council.
- (2) Activities that may affect the normal operating conditions of a road include, but are not limited to —
  - (a) holding an event
  - (b) constructing or altering a vehicle crossing
  - (c) undertaking any earthworks on the road
  - (d) placing any object on the road
  - (e) any activity described in s 357(1) of the Local Government Act 1974 (which describes activities which constitute offences if undertaken without the Council's authority).

- (3) A permit issued by the Council may include any conditions the Council considers appropriate, including a condition requiring a bond for the performance of any one or more conditions the Council considers appropriate.

**Related information:**

The type of permit required will depend on the activity being undertaken. For example, a Corridor Access Request must be submitted to obtain a permit for digging, drilling, resurfacing, or doing any other activity that will alter, or cause the alteration of, the surface of the road corridor.

Organisers of all events held on or affecting public road need to apply to Council for an Events Permit and supply all necessary information to support an event permit application.

An event includes major public events (such as the Gisborne Street Food Festival and the Santa Parade), as well as community events (including street parties).

Examples of activities involving the placement of an object on the road include:

- operating construction equipment or machinery from the road
- placing a shipping container/skip on the road
- erecting temporary fencing or scaffolding on the road
- temporary art installations.

Road within this context includes the footpath, berm, verge, carriageway, etc.

- (4) If any object is placed on the road in contravention of subclause (1), the Council may –
- (a) request the owner to remove the object or repair the damage to the Council's satisfaction within 24 hours or a timeframe set by an authorised officer, or charge the owner for this work; and
  - (b) place adjacent to, or affix to, the object any safety or warning devices, and the costs of the safety or warning device will be charged to the owner of the object.
- (5) This clause does not apply to any object that may be placed on the road which has been authorised by the Council (for example, wheelie bins that are specifically for the purpose of Council rubbish collection).
- (6) This clause does not apply to stock droving or roadside grazing.



- (7) In this clause, road has the same meaning as in section 2(1) of the Local Government Act 1974.

**Related information:**

The Gisborne Stock Control Bylaw applies to stock on roads.

All utility operators in legal road are generally covered under the CAR process, including those done during emergency situations. The CAR process reflects requirements in the Utilities Access Act 2010 and the National Code of Practice for Utility Operators' Access to Transport (Code). Where the utility operators occupy the legal road corridor to do their works, it is considered a worksite and an approved Traffic Management Plan is required.

## **25. Maintenance of vehicle crossings**

- (1) The Council may by written notice require the owner of land to which a crossing provides access to repair such crossing to the satisfaction of the Council.

## **26. Temporary access ways**

- (1) No person may construct or use a temporary access way across a footpath or a road unless the person has the prior written permission of the Council.
- (2) Where a person is authorised to construct or use a temporary access way, the person must protect the footpath or road to ensure no damage occurs, and comply with any conditions specified by the Council in its written permit.
- (3) Where damage occurs to a footpath or road as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the road – including the footpath – is recoverable from the owner of the property, contractor undertaking the works, or person in charge of the vehicle.

**Related Information:**

The owner of the property, contractor undertaking the works, or person in charge of the vehicle must notify Council if damage is caused to the footpath.

## **Part 4: Miscellaneous**

### **27. Heavy traffic user charges**

- (1) The Council may by resolution:
  - (a) provide for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic.
  - (b) prohibit any specified class of heavy traffic that has caused, or is likely to cause, serious damage to any road unless the cost of reinstating or strengthening the road, as estimated by the Council, is paid previously.
  - (c) provide for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford.
  - (d) provide for the establishment, in accordance with section 361 of the Local Government Act 1974, of a toll to be levied on any class of heavy traffic:
- (2) Any person on whom the Council imposes an obligation, restriction or prohibition by resolution under this clause must comply with the obligation, restriction or prohibition.

### **28. Permits under this Bylaw**

- (1) The Council may set application fees for permits under this bylaw and any application for a permit must be accompanied by the relevant application fee (if any).
- (2) An application for a permit must be in writing, contain all information necessary for the Council to consider issuing a permit, and be submitted in accordance with applicable Council policy.
- (3) Any permit under this bylaw may –
  - (a) include any conditions the Council considers appropriate (including the payment of ongoing fees and charges), and
  - (b) be granted by the Council in its discretion.
- (4) A holder of a permit issued under this bylaw must ensure that all conditions of the permit are complied with.
- (5) In determining an application for a permit, the Council may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan or site location plan.
- (6) The Council may, in its discretion, at any time, review, suspend, or revoke any permit issued under this bylaw.

## **29. Material/debris on roads and damage to roads**

- (1) No person may cause damage to the road or to any associated signage, or parking meter.
- (2) Any material or debris deposited on the road must be removed as soon as practicable.
- (3) The Council may give any person who has damaged, or deposited material or debris on a road notice —
  - (a) to remove that material or debris from the road or to repair the damage caused to the road to Council's satisfaction, within 24 hours, and
  - (b) that if the person does not comply, that person commits a further breach of this bylaw and the Council may undertake the work and recover all costs from that person.

### **Related information**

Section 357 of the Local Government Act 1974 provides for a number of offences where a person encroaches on a road or damages a road without permission. It is open to the Council to bring enforcement action under this section or use the Council's other enforcement remedies under the Local Government Act 2002.

## **30. Exempted vehicles and activities**

- (1) This bylaw does not apply to any of the following vehicles being used in the execution of duty, or any activities undertaken in association with those vehicles —
  - (a) an emergency vehicle, or
  - (b) a vehicle that is used by a Parking Warden, or
  - (c) a vehicle that is used by an enforcement officer.

## **31. Defences**

- (1) A person is not in breach of this bylaw if that person proves —
  - (a) that the act complained of was done in an emergency on the road or immediately adjoining the road, or
  - (b) that the act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Enforcement Officer, the Council, traffic control signal or traffic sign.

## **32. Penalties**

- (1) Every person who breaches this bylaw (including any control, restriction, limitation or prohibition made under this bylaw) commits an offence under the Act, or the Local Government Act 2002 and is liable to the penalties set out in the relevant Act.

### **33. Revocations and savings**

- (1) The Gisborne District Council Traffic and Parking Bylaw 2011 is revoked.
- (2) Any approval, permit or other act of authority which originated under or was continued by the Gisborne District Council Traffic and Parking Bylaw 2011 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.
- (3) Any resolutions of the Council made or continued under the Gisborne District Council Traffic and Parking Bylaw 2011, or notices given by the Council under that bylaw, continue to have full force and effect for the purposes of this bylaw as if they were resolutions made or notices given under this bylaw.

## Schedule 1

### Schedule of Offence Provisions and Penalties

Provision	Brief description	Infringement fee \$
8.1	Parking – general	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
8.1	Parking of heavy motor vehicles	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
8.1	Parking fees to be paid	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
9.3	Parking on a discontinued parking space	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
8.3	Uses other than New Zealand currency in a parking meter or pay and display parking meter	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
8.4	Unlawful parking in a marked or metered parking space	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
16.2	Driving the wrong way on a one-way road	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
17.3	Driving contrary to a turning restriction	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
9.3	Parking or permitted parking in breach of a restriction imposed under clause 9.3	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
20.2	Unlawfully transported stock through an urban area	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
22.2	Road skateboard, roller skates, inline skates or a wheeled recreational device on a footpath in a prohibited area	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
27.1	Crossed footpath or water channel other than upon a properly constructed crossing	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999
27.2	Failed to comply with notice regarding vehicle crossing	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999