

Roading Bylaw 2008



SOUTHLAND DISTRICT COUNCIL

ROADING BYLAW 2008

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This Bylaw may be cited as the Southland District Council Roading Bylaw 2008 and shall come into force on 5 May 2008.

2. APPLICATION OF BYLAW

This Bylaw shall apply in respect to all roads vested in and under the control of Council.

Upon written request from an occupier, landowner or ratepayer, Council by resolution may grant exemptions to the Roading Bylaw 2008 by resolution of Council.

An exemption will be at the pleasure of Council and may contain specific conditions regarding the exemption.

Council reserves the right to withdraw any approval for exemption with 24 hours notice.

3. PREVIOUS BYLAW

The Southland District Council Roading Bylaw 2001 is consequently repealed.

4. DEFINITIONS

In this Bylaw, unless the context otherwise requires "Council" means the Southland District Council, or any officer authorised to exercise the authority of Council.

"Crossing," means that part of any roadway and associated drainage system used for the purpose of shifting and moving livestock across any roadway.

"Debris" means any refuse, rubbish, animal remains or faeces, glass, metal, garbage, dirt, filth, rubble, ballast, stones, earth, hedge trimmings or waste matter, or any other thing of a like nature.

"Heavy Motor Vehicle" means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) having a gross laden weight exceeding 3,500 kg.

"Hours of Darkness" means -

- (a) Any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- (b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.

"Livestock" means horses, cattle, sheep, pigs, deer or other farmed animals.

“Maintained Network” means all roads identified as being maintained by the Council in Council’s Asset and Maintenance Management System (RAMM) database.

“Parking” means:

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes:
- [(b) in relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a restricted parking area, and entitled to do so) on that portion of the road;

and park has a corresponding meaning:

“Parking Enforcement Officer” means an officer appointed by the Southland District Council for the enforcement and control of traffic and parking in accordance with this Bylaw, the Transport Act 1962 and the Traffic Regulations 1976.

“Policy Procedures” means procedures that enable Southland District Council’s Rooding Policy.

“Property Owner” means legal owner or owners.

“Publicly Notified” means a notice published in a daily newspaper circulating throughout the Southland District.

“Race” means that part of any road margin fenced off and used specifically for the purpose of shifting and moving stock.

“Road” includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or other place as aforesaid which are under the control and/or ownership of the Council or to which control has been delegated from the controlling authority for specific purposes.

“Road margin” includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any):

“Roadway” means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

“Road Reserve” means all land vested in the Council as road and includes roads, road margins and roadways.

“Stock” means horses, cattle, sheep, pigs or other farmed animals.

“Urban Area” means any ‘Urban Resource Area’ specified in the Southland District Plan.

“Vehicle” means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved; but does not include—

- (a) A perambulator or pushchair:
- (b) A shopping or sporting trundler not propelled by mechanical power:
- (c) A wheelbarrow or hand-trolley:

- (d) Repealed.
- (e) Any pedestrian controlled lawnmower or any agricultural machinery not propelled by mechanical power:
- (f) Any article of furniture:
- (g) Any invalid wheel-chair not propelled by mechanical power:
- (h) Any other contrivance specified by notice in the Gazette:

5. OFFENCES

Every person commits an offence against this Bylaw, who:

- (a) Fails to comply with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public carpark, reserve or other places controlled by the Control (or under delegated authority to Council) pursuant to any of the provisions of this Bylaw or any resolution made under this Bylaw.
- (b) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw or by any resolution made under this Bylaw.

Every person committing any breach of this Bylaw shall be liable to a fine not exceeding \$20,000 and where the breach is a continuing one then to a further fine not exceeding \$50 for every day or part of a day during which the breach has continued.

6. STOCK MANAGEMENT

6.1 Objective

The objective of this Part of the Bylaw is to provide for the orderly management of stock on roads within the District, with particular regard to traffic safety, and damage to roads.

This Part of the Bylaw is divided into three sections:

- (a) Stock Droving and Grazing.
- (b) Gates across the Road.
- (c) Debris on the Road.

6.2 Stock Movement and Grazing on the Road:

No person shall drive stock on Council roads without complying with the requirements and responsibilities under Procedure "Stock Droving" specified in Appendix 4.

Where a nuisance is created to road users, properties bordering the drive or grazing, and the road infrastructure Council may exercise its powers under the Offences section of this Bylaw.

No person shall regularly drive any stock, including milking stock, along or across any road either between farms or from one part of a farm to another part of that farm, or to a milking shed, except when using a crossing place or race in accordance with a permit issued by the Southland District Council.

6.3 Debris on the Road

No person shall permit the depositing of debris on any road.

6.4 Gates across the Road

No person shall erect, maintain or use any gate, temporary fence, electric tapes or other device on any road for the purpose of containing or droving stock without first obtaining permission from the Council.

6.5 Damage

No person shall drive or lead stock along or across any road unless measures are taken to prevent damage to any public or private property along or adjacent to the road. All barriers erected to prevent damage to any public or private property are to be removed immediately after stock has passed.

7. PARKING RESTRICTIONS

7.1 No person shall park a vehicle in any street, private street or public place in contravention of the prohibitions, limitations or restrictions imposed from time to time by the Council and specified in Appendix 1 to this Bylaw and evidenced by signs erected by Council on or adjacent to the places affected.

8. ONE-WAY ROADWAYS

8.1 No person shall drive a vehicle or ride a horse or bicycle along any road or parts thereof as specified in Appendix 2 to this Bylaw otherwise in accordance to the direction specified by way of any sign erected by the Council for that purpose.

9. VEHICULAR ACCESSWAYS

9.1 No person shall install or construct any permanent vehicular accessway on any road for the purpose of access from the roadway to an internal accessway on private property without first obtaining the approval in writing of the Council and such approval may be given on such conditions as Council thinks fit.

10. HEAVY TRAFFIC PROHIBITIONS

10.1 No person shall drive any heavy motor vehicle except a bus on or along those roads, or parts of roads listed in Appendix 3 of this Bylaw except for the purpose of picking up, or delivering goods, livestock and produce to an address on those roads when alternative access is not available for this purpose.

10.2 The prohibition shall not apply to a network utility operator or its authorised agent, or contractor engaged in the provision of, or maintenance of a network utility operation on a road or part of a road specified in Appendix 3.

Dated at Invercargill this 30th day of April 2008.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

_____ **MAYOR**

_____ **CHIEF EXECUTIVE**

SOUTHLAND DISTRICT COUNCIL

ROADING BYLAW 2008

APPENDIX 2: ONE WAY ROADS

As detailed in the Southland District Council Roading Bylaw 2008 these roads have been declared by Council resolution to be one-way roadway.

Situated at Riverton

Leader Street: Restricted to traffic in a south-westerly direction only from Princess Street to Napier Street.

Towack Street: Restricted to traffic in an easterly direction only from Bates Street west end to Bates Street east end.

Situated at Manapouri

Waiau Street: Restricted to traffic in an easterly direction only from a point 380 metres measured south-easterly generally, along Waiau Street from View Street west end, easterly to its junction with View Street east end.

Situated at Te Anau

Off Milford Crescent: Restricted to traffic in a north-easterly direction only from Milford Crescent to The Lane.

Off the Lane: Restricted to traffic in a south-westerly direction only from Milford Crescent to The Lane.

The Lane: Restricted to traffic in a north-westerly direction only from Town Centre to Milford Crescent.

Town Centre: Restricted to traffic in a south-westerly direction only from Milford Crescent to The Lane.

Situated at Ohai

Birchwood Road: Restricted to traffic in an easterly direction only.
Situating at Winton

Niddy Crescent: Restricted to traffic in a westerly direction only.

Waterford Drive Loop 1: Restricted to traffic in an easterly direction only.

Waterford Drive Loop 3: Restricted to traffic in a southerly direction only.

Situated at Stewart Island

Rankin Street: Restricted to traffic in a westerly direction only.

SOUTHLAND DISTRICT COUNCIL

ROADING BYLAW 2008

APPENDIX 3: HEAVY TRAFFIC PROHIBITIONS

Council has by resolution prohibited any heavy traffic on the roads listed in this Appendix.

Yorke Road, Winton Ward from Hedgehope Rakahouka Road to State Highway 96.

Railway Street, Winton Ward from Springford Street to State Highway 6.

Stewart Road, Waihopai Ward - full length.

SOUTHLAND DISTRICT COUNCIL

ROADING BYLAW 2008

APPENDIX 4: STOCK DROVING PROCEDURE

1. Objective

The objective of this Procedure is to provide for the orderly droving of stock on roads within the District, with particular regard to traffic safety, and damage to roads.

2. Purpose

The purpose for this Procedure is to set conditions that will enable the stock to be driven in a safe manner, and ensure the appropriate safeguards are in place during the exercise.

3. Procedure

3.1 Permits for Droving

A permit for all droves over 10 kilometres or through urban is required. All droving is to be in accordance with this Procedure and any associated Best Practice Guidelines developed to clarify the requirements.

Where any person intends to drive stock further than 10 kilometres through or within the District then before that drove commences and any stock enters the District the person in charge of the drove shall apply to the Council for a permit to drove.

Where any person intends to drive stock along or across any road in an urban area within the District then before that drove commences the person in charge of the drove shall apply to the Council for a permit to drive.

The applicant shall state:

- (a) Stock owners name and address and contact telephone number.
- (b) Head drovers name and address.
- (c) Number of stock.
- (d) Types of stock.
- (e) Identification marks of stock.
- (f) Number of drovers and dogs.
- (g) Intended route through the District, including Types 1, 2 and 3 roads.
- (h) Statement of daily stages and holding paddocks.
- (i) Details of Bovine TB Status Cards.

- (j) Public Liability Insurance details.
- (k) The date and time of the proposed droving.

Every applicant for a permit must state the route of the drove and each permit issued shall be subject to the conditions set out below.

3.2 Conditions for Drove

- (a) No person shall drive lead or ride any stock along or across any roadway during the hours of darkness except for the purpose of returning any stock which have escaped to the nearest secure area or for an emergency or complying with the conditions of a permit issued by Southland District Council.
- (b) No drove shall commence when visibility is less than 250 metres.
- (c) The number of animals in any one mob shall not exceed 600 head of cattle or 3000 head of sheep.
- (d) Each mob shall be accompanied by a minimum of one competent drover and as many other competent assistants as is necessary to control the animals where the number of cattle is less than 100, or the number of sheep is less than 500, and by a minimum of two competent drovers and as many other competent assistants as is necessary to control the animals for any number exceeding 100 cattle or 500 sheep.
- (e) Where there are two or more drovers one shall be in front and one shall be behind the mob at all times, for the purpose of alerting traffic.
- (f) Every drover shall wear a bright coloured reflective jacket, vest or similar for visibility.
- (g) The stock shall at all times be kept under control.
- (h) The drover or drovers shall keep the animals moving along the road at all times so as to make progress towards the destination at an average rate of not less than eight kilometres per day.
- (i) The roadway shall be kept clear of debris and other matter that may cause danger or inconvenience to other road users.
- (j) The owner of any stock involved in a drove and the drover in charge are responsible for providing adequate warning for traffic. At all times appropriate warning signs or flashing lights shall be displayed and be clearly visible for a distance of 250 metres.
- (k) The Council may prescribe such other conditions as it deems necessary.

3.3 Fees

Each application shall be accompanied by the prescribed fee and bond as set out in the Council's Schedule of Fees and Charges.

3.4 Road User Safety

- (a) Stock is to be driven in such a manner as will ensure that potential danger and inconvenience to other road users will be minimised. Delays to road traffic shall be limited to only that which is reasonable for the type of road. Drovers shall facilitate the passing of vehicles through a mob.

- (b) No road shall be closed for the droving of stock except that, if in the reasonable opinion of the Council the droving of any stock would be likely to:
- (a) Constitute a danger to road users or
 - (b) Constitute a nuisance or
 - (c) Cause damage to any road.
- (c) If applicant fails to comply with the conditions set out for the drove they shall be responsible for public safety or any damage to public or private property, which may arise from any stock droving activity. To protect their liability for damage to third parties, the applicant shall arrange and keep in force Public Liability Insurance to the minimum value of \$1,000,000. Evidence of this insurance shall be required before any permit is issued.
- (d) The Council may, by public notice given generally or by notice in writing to an individual person or persons, prohibit for such a reasonable period and upon such conditions as the Council may prescribe the droving of stock along any road.

4. Legislation and References

- Traffic Regulations 1976.
- TNZ Code of Practice for Temporary Traffic Management and approved supplements.
- Southland District Council Roading Policy.