

REPORT

TO: Chief Executive Officer
FOR: Council Meeting – 14 October 2009
FROM: Asset Manager Projects
DATE: 24 September 2009
SUBJECT: Adoption of the Selwyn District Council Traffic and Parking Bylaw 2009

1. RECOMMENDATION

- 1.1 That the Council accept for adoption the Selwyn District Council Traffic and Parking Bylaw 2009

2. PURPOSE

- 2.1 The purpose of this report is to:

- (a) Provide Council with the final bylaw as prepared by Council's Bylaw Analyst and amended by the Council Hearing Panel Subcommittee for adoption.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

- 3.1 The main object and intent behind the original bylaws has changed significantly in the proposed Traffic and Parking Bylaw 2009, which in most cases pre-dates amalgamation in 1989 to form Selwyn District. The proposed bylaw also contains controls relating to current issues such as the "boy racer" problem.
- 3.2 It has been assessed against the Significance Policy. Although some of its content may be considered controversial, the bylaw is of low significance.

4. HISTORY/BACKGROUND

- 4.1 Currently there are five sets of bylaws detailing with Traffic and Parking, one for Paparua, two for Ellesmere, one for Malvern and the Kildare Terrace One Way Traffic Bylaw 2008. The proposed new bylaw brings together and reviews the five sets of bylaws that are still operative.
- 4.2 The proposed new bylaw has been developed in consultation with a working party consisting of Council staff representing Asset Management, Regulatory, the Police and Councillors.

- 4.3 Specific issues that arose from these meetings included the “boy racer” problems in the Selwyn District, the requirement for specific information relating to vehicle access ways and the level of penalty for breach of the bylaw.
- 4.4 Legal advice has been sought on the proposed new bylaw and any further amendments suggested resulting from this have been incorporated as necessary.
- 4.5 A report attaching the first draft of the bylaw was provided to the Council meeting of 25 March 2009 requesting that the Special Consultative Procedure be initiated. Council approved the recommendations of the Council meeting of 25 March 2009. Subsequently a sub-committee was formed, consisting of Cr Morten, Cr Philps and Cr Walters.
- 4.6 The bylaw was publicly notified on 4 April in Council Call and The Christchurch Press with submissions closing on 4 May 2009. The Council internet site was also utilised.
- 4.7 Correspondence was also sent to the Council Committees (Reserve, Hall, Township and Community Boards) and key stakeholders for their consideration.
- 4.8 Submissions

- 4.8.1 11 submissions were received. A copy of the summary of the submissions was provided to the submitters and to the Hearing Panel Subcommittee.
- 4.8.2 A summary of the submissions and the Hearing Panel proposed amendments to the proposed bylaw is provided for within Appendix One.

4.9 Hearing and Deliberations

- 4.9.1 The hearing and deliberations were held on Wednesday 3 June 2009 at the Rolleston Service Centre.
- 4.9.2 The Hearing Panel consisted of Crs Morten, Philps and Walters with Mrs K Harrison and Mr A Mazey (Asset Manager Transportation) and Mrs J Harkerss (Transportation Liaison Officer) in attendance.
- 4.9.3 Four of the 11 submitters indicated they wished to be heard in support of their submission.

4.9.3.1 Prohibited Times on Roads

6 submissions were received relating to the “boy racer” issue. Of these 6 submissions, one person attended the hearing to present their submission.

The submitter informed the Hearing Panel that the legislation as proposed is inadequate and in its current form legally unenforceable. Further to this the submitter proposed an all encompassing clause over the entire district.

Legal advice has confirmed this bylaw is lawful and enforceable. Legal advice has also confirmed that this it is not possible to make an all encompassing clause over the entire district rather than just applicable to those roads listed in schedule three of the bylaw. If a new all encompassing clause is enacted by SDC that does not provide a list of roads to be closed and that has the effect of either a) closing all of the roads in the district during the prohibited times; or b) providing the flexibility for any of the roads in the district to be closed during the prohibited times, but without using the special consultative process, there is a risk that such a clause will be vulnerable to challenge and could be held to be invalid on the grounds of unreasonableness and inconsistency with the NZ Bill of Rights.

The closure of the four roads in the bylaw is likely to survive any challenge under the New Zealand Bill of Rights Act 1990 because it is reasonable as it produces the corresponding benefit of stopping boy-racers from using those problem roads and because it is proportionate response.

The bylaw is intended to protect Selwyn residents faced with anti-social behaviour on their road and to minimise exposure to undesirable behaviour. No further changes are proposed to the clause by the Hearing Panel.

Of the remaining 5 submitters, 2 persons supported the clause, one submitter requested minor amendments and the other two submitters did not support the clause.

4.9.3.2 Heavy Motor Vehicles (HMV) in Residential Areas and Roads or Parts of Roads Restricted to Specific Classes of Vehicles (and related Schedule Three)

Three submissions were received relating to this issue.

Two of the three submitters (NZRTA and Leeston Community Committee) attended the hearing and spoke to heavy motor vehicles in residential areas, exemptions for vehicles being unloaded in the course of trade, standing, stopping and parking restrictions and the truck by-pass at Leeston.

The Hearing panel proposed minor amendments to the bylaw. The Hearing Panel was also supportive of a protocol being developed between SDC and NZRTA to resolve any problems with HMV in residential areas.

4.9.3.3 Using the Road or Road Reserve for Storage

The submitter attended the hearing. The submitter stated that they believe that the Council should recognise situations where the storage of hay, straw, baleage, or other objects and material is

appropriate such as on minor roads and paper roads that are not generally used by the public. Location of utility services, width of the road and traffic volume should also be considered when considering these applications.

It is recognised by SDC that some of the roads are minor or infrequently used however they are still required to be accessible to the public. The assessment by the Council to determine whether hay etc should be approved to be stored on road reserve would reflect the criteria that the submitter wishes to be incorporated into the bylaw. However it was felt that it was not necessary to be specific about these considerations in the bylaw.

If the clause was amended to only reflect the criteria requested by the submitter any other additional items considered to be relevant to the application would not be able to be considered as part of the application and this would therefore provide limitations on the assessment process.

The Hearing Panel did not propose to amend the bylaw. Storing material etc, safely on road reserve is of most importance particularly to not obstruct the road (for public access). SDC do require the ability to remove obstructions when required.

4.9.4 The Hearing Panel considered all of the submissions and then deliberated on the bylaw.

4.9.5 Appendix Two details a summary of the Hearing Panel proposed amendments to the bylaw.

4.10 Conclusion

4.10.1 The Bylaw Analyst and the Hearing Panel confirmed the proposed amendments to the bylaw.

4.10.2 Legal advice was obtained to confirm the legality of these amendments.

4.10.3 A notice will be placed into the Council Call and on the Council website to inform readers that the final bylaw will be presented to the Council meeting of 14 October 2009 for final adoption.

4.10.4 Correspondence will be sent to the submitters advising them that the proposed final bylaw will be presented to the Council meeting of 14 October 2009 for final adoption.

4.10.5 The final Traffic and Parking Bylaw 2009 is attached to this report for adoption by the Council (refer Appendix Three).

5. TIMELINE

5.1 The timeline leading to the adoption of the bylaw is detailed below.

Timeline	Selwyn District Council Traffic and Parking Bylaw 2009
14 October 2009 (Council Meeting)	Adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 at its ordinary Council Meeting
24 October 2009	Public notification on the adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 by Council and its commencement date
28 October 2009* (Council Meeting)	Adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 by Council at its ordinary Council Meeting
1 November 2009	Commencement date of the new Selwyn District Council Traffic and Parking Bylaw 2009

- If there are further considerations identified by the Council at the meeting of 14 October 2009, this shall be reported back to Council including recommendations on how to proceed or the proposed final bylaw will be sent for adoption at the Council meeting of 28 October 2009.*

6. VIEWS OF THOSE AFFECTED/CONSULTATION

6.1 Public consultation on the bylaws was undertaken between 4 April to 4 May 2009. The general public and specific groups and organisations were invited to make submissions on the proposed new bylaw.

6.2 On receipt of the submission a Bylaw Subcommittee consisting of Councillors and Council staff was convened to consider and hear the submission made on the draft bylaw. Based on these deliberations the draft bylaw was amended and refined as necessary.

6.3 Consultation with Maori:

6.3.1 The Council has entered into discussions with the local Runanga in recognition of our special partnership with Maori. This is an ongoing partnership.

7. COMMUNITY OUTCOMES

7.1 Appendix Four provides a review of the Community Outcomes and details how the Traffic and Parking Bylaw contributes.

8. NEGATIVE IMPACTS

8.1 The bylaw is unlikely to negatively impact on the community as a whole or on other Council activities and will assist in the long term sustainable management of transportation in the Selwyn District.

9. RELEVANT POLICY/PLANS

9.1 The current Selwyn District Council Traffic and Parking Bylaws and the draft 1995 Traffic and Parking Bylaw have been considered as part of the review process.

10. LEGAL IMPLICATIONS

- 10.1 Council have obtained legal advice to ensure that the proposed new Traffic and Parking Bylaw 2009 is consistent with the NZ Bill of Rights Act 1990. Any further amendments to the bylaw as a result of the submissions have been finalised with the Hearing Panel and Council's Solicitor.

11. FUNDING IMPLICATIONS

- 11.1 The recommendations contained in this report do not have any significant funding implications.

12. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

- 12.1 The Asset Management Bylaw Analyst has developed the proposed new bylaw with Council staff representing Asset Management, Regulatory, the Police, Councillors and with the assistance of Susan Newell and Kerry Smith of Buddle Findlay (Council Solicitors). Additionally communication has occurred with CCC in regard to the "prohibited times on roads" and how cross boundary issues such as administration and enforcement will be undertaken.

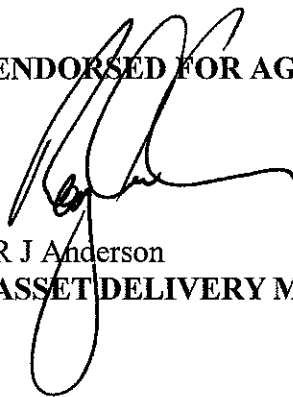


K J Harrison
BYLAW ANALYST/ASSET MANAGER PROJECTS



Anne Greenup
STRATEGIC ASSET MANAGER

ENDORSED FOR AGENDA



R J Anderson
ASSET DELIVERY MANAGER

APPENDIX ONE

SUMMARY OF SUBMISSIONS

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
01 J Mckim	01.01	TP01	TP all Entire Bylaw	Unclear

Summary:

The submitter believes that the legislation as proposed is inadequate and in it's current form legally unenforceable.

Decision Requested:

The submitter did not provide a decision.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

Legal advice has confirmed that the bylaw is lawful and enforceable.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel appreciate that the submitter proposes an all encompassing bylaw but this may not be enforceable by the Council. The Panel accept that the problem could shift to other roads. It was noted that the approach by SDC is similar to that of CCC which allows for a consistent approach with this issue. The Hearing Panel requested the Bylaw Analyst to obtain legal advice to verify if it is possible to make this clause all encompassing over the district. If the legal advice indicates this is not possible the panel will propose that the clause remains as it currently stands. Legal advice to be obtained when the final draft of the bylaw is completed. Legal advice has confirmed that it is not possible to make this clause all encompassing over the district rather than just applicable to those roads listed in schedule three of the bylaw. If a new all encompassing clause is enacted by SDC that does not provide a list of roads to be closed and that has the effect of either: (a) closing all of the roads in the district during the prohibited times; or b) providing the flexibility for any of the roads in the district to be closed during the prohibited times, but without using the consultative procedure, there is a high risk that such a clause will be vulnerable to challenge and could be held to be invalid on the grounds of unreasonableness and inconsistency with the NZ Bill of Rights.

02 A MacKenzie	02.01	TP01	TP all Entire Bylaw	Support
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Summary:

The submitter considers the bylaw a very clear and workable bylaw and have only a few issues that they believe require clarification or amendment.

Decision Requested:

No decision required.

Asset Department Comments on this Submission Point:Decision by the Hearing Panel on this Submission Point:

02 A MacKenzie	02.02	TP08	TP 8.4.2 8.4.2 - clause 8.4.2	Amend
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Summary:

The submitter asks that the Council recognise situations where the storage of hay, straw, baleage or other objects and material is appropriate such as on minor roads and paper roads that are not generally used by the public.

The submitter also asks that the Council specifically consider the location of utility services, the width of the road and the traffic volume of the road when considering applications for written consents to store items on any road, grass berm or road verge.

Decision Requested:

The submitter proposes the following wording:
 "No one may store any hay, straw, baleage or any other objects and material on any road, grass berm or road verge except with the prior written consent of the Council. Written consent is not required where the storage occurs on infrequently used paper roads or small local roads. In considering such an application the Council shall have regard to the following:
 (a) the volume of traffic carried by the road
 (b) the width of the road and the area in which items are to be stored
 (c) the location of any utility networks in proximity to the proposed storage area
 (d) the ability for vehicles to safely stop on the road side in areas of proposed storage

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

It is recognised that some of the roads are minor or infrequently used however they are still required to be accessible to the public.

The assessment by the Council to determine whether hay etc should be approved to be stored on road reserve would reflect the criteria that the submitter wishes to be incorporated into the bylaw. However it is felt that it is not necessary to be specific about these considerations in the bylaw.

If the clause was amended to only reflect the criteria requested by the submitter any other additional items considered to be relevant to the application would not be able to be considered as part of the application and this would therefore provide limitations on the assessment process.

Decision by the Hearing Panel on this Submission Point:

It is proposed that the bylaw is not amended. Storing material etc safely on road reserve is of most importance particularly to not obstruct the road (public access). SDC require the ability to remove obstructions when required.

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
03 Leeston Community Committee	03.01	TP01	TP all Entire Bylaw	Support

Summary:

The submitter supports the Traffic and Parking Bylaw but would like several amendments made to the bylaw.

Decision Requested:

No decision required.

Asset Department Comments on this Submission Point:Decision by the Hearing Panel on this Submission Point:

03 Leeston Community Committee	03.02	TP11	TP S2 Schedule Two - Roads or Traffic Lanes R	Amend
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Summary:

The submitter believes that the explanation of High Street Leeston in Schedule Two requires amendment.

Decision Requested:

Amend the explanation to read "High Street Leeston between Market Street and Station Street" and "No person may drive a heavy vehicle on High Street Leeston except for heavy vehicles completing deliveries, utility service vehicles and emergency vehicles"

That the heavy traffic bypass at Leeston and Lake Road/Station Street be mandatory for heavy vehicles and included in the bylaw (refer to the map attached to the submission showing the area concerned).

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The explanation in Schedule Two could be amended to state "High Street between Market Street and Station Street". Additional to this a footnote could be included in Schedule Two to refer readers to Clause 5.3.3.

Station Street is reserved for HMTV. It is acknowledged that vehicles can still use High Street where a heavy motor vehicle is being loaded or unloaded in the course of trade; or carrying out work as a network utility operator, or an emergency vehicle. This clause does require amending to reflect this. The bylaw takes into account a process of exemption which is easy to identify and manage compared to inclusion.

Decision by the Hearing Panel on this Submission Point:

It is proposed that the description of High Street in Schedule 2 is amended to state between which roads (Market Street and Station Street). It is proposed to amend 6.2.3 to reflect similar wording to that of 5.3.3 (excluding certain types of vehicles). Bylaw Analyst to develop a proposed definition for the Hearing Panel consideration. The Hearing Panel questioned the process for how parking signs are determined. Do we need a Council resolution and how is this achieved? Can this authority be delegated? The Asset Manager Transportation and Bylaw Analyst to approach the Asset Manager about this process and delegation. Clause amended. Parking signs - Mark Chamberlain confirmed that this does occur by resolution and delegation - bylaw is correct.

03 Leeston Community Committee	03.03	TP03	TP 5.1 5.1 - Standing, Stopping and Parking Rest	Amend
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Summary:

The submitter believes that the existing posted parking limits in High Street Leeston should be included within the bylaw.

Decision Requested:

That the existing posted parking time limits in High Street Leeston between Market Street and Gallipoli Street be included in the bylaw (provided for on the map included in the submission)

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The bylaw gives effect to the signs currently in place under Clause 5.1.2.

Decision by the Hearing Panel on this Submission Point:

No further action proposed.

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
04 Christchurch City Council	04.01	TP05	TP 6.4 6.4 - Prohibited Times on Roads (entire s	Amend

Summary:

The submitter supports the SDC proposed bylaw however they did provide a number of matters that could be amended to ensure a consistent approach to the problem caused by "boy racers" within CCC and SDC districts. This would also provide the Police with identical tools of enforcement on all roads, whether a shared boundary road between both Councils or any other road within the two Council areas.

The submitter believes there are advantages in SDC adopting the practice of recording the affected roads in a register outside of the bylaw. This is the practice that CCC have adopted. The recording of the roads in a register can occur by way of Council resolution unlike the bylaw which will require the special consultative process to be adopted. The submitter noted that a similar provision has been identified in the proposed bylaw for heavy vehicles parking in a residential area and a similar approach could be used for prohibited times on roads.

The submitter states that CCC did not provide for specific time restrictions within their bylaw and it is left to the Council to determine the times of the prohibition according to the specific circumstances at that location. The submitter believes that this discretion provided to CCC is not so great that it is unreasonable and allows CCC more flexibility to resolve a problem that may not be able to be done using a fixed time period. The submitter believes that including these specific times in a bylaw may prevent SDC from achieving the desired result.

The submitter believes that there are tangible benefits to SDC, CCC and the Police to both Councils having an identical approach to managing the enforcement of vehicle prohibitions on specific roads within the two local territorial authority areas.

The submitter also noted that the bylaw should not refer to it being made by way of special order as the bylaw is made by way of the special consultative procedure.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

It is agreed that the time period of 9pm to 5am does not need to be included in Clause 6.4.1 and as such this could be amended. Schedule 3 is still required to support the proposed amendment. Schedule Three would provide the time period as this could be dependent upon the type of road and other individual circumstances.

Clause 6.4.2 would remain status quo with the support of Schedule 3.

The type and extent of the problem will differ between the two local authorities which may require CCC to have a more encompassing and flexible approach for a variety of different roads and streets to that of SDC.

The Police were part of the working party who developed the bylaw and are supportive of the proposed bylaw.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel supports the amendment of not detailing the times within the Clause and this will be removed and incorporated into the Schedule. The Hearing Panel supports the comments from the Asset Management and do not support any further amendments to this submission.

05 Selwyn Central Community Board	05.01	TP01	TP all Entire Bylaw	Support
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Summary:

The submitter supports the Traffic and Parking Bylaw 2009.

Decision Requested:

Requests that the bylaw is adopted as soon as possible.

Asset Department Comments on this Submission Point:

N/A

Decision by the Hearing Panel on this Submission Point:

N/A

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
06 N Konijn	06.01	TP05	TP 6.4 6.4 - Prohibited Times on Roads (entire s	Delete

Summary:

The submitter believes that the idea of discouraging boy racers by placing signs only annoys normal people and pushes the boy racers into someone else's areas.

The submitter feels personally affected as he drives along Dawns Road, Chatterton's Road, McLeans Island Road and believes that he would have to be early, ignore the signs or drive closer to town.

He also questioned why Schedule Three detailed Curraghs Road in two separate sections.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

Signage is required (similar to other regulatory signage (i.e. STOP) to communicate the expectations to road users. Without proper signage that is visible this would be an infringement of a persons civil rights.

The enforcement of the bylaw would be carried out on a practical basis. The curfew does not stop lawful business. The bylaw is intended to protect Selwyn residents faced with anti-social behaviour on their road and to minimise their exposure to undesirable behaviour.

Schedule Three does requires amending to provide for Curraghs Road only once.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel acknowledges and appreciates the concerns of the submitter but do not agree with the submission. No further amendments are proposed.

07 P and K Manxen	07.01	TP06	TP 6.4 6.4 - Prohibited Times on Roads (entire s	Support
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Summary:

The submitter stated that "boy racers" on Dawsons Road have been a nuisance for several years. The submitter stated that they do not feel safe on this property, particularly during the weekend, their speed, noise, attitude is very distressing for them. Their cat was also run over by a fast car.

Decision Requested:

The submitter indicated they want the "boy racers" and the like barred from Dawson's Road permanently so that they can have peace and not be fearful.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

This road has been included within the draft bylaw however SDC and CCC are required to confirm who will manage this problem on Dawson's Road taking into account SDC Policy R423.

Decision by the Hearing Panel on this Submission Point:

SDC to confirm with CCC who will take the responsibility for the prohibited times on roads at Dawson's Road. Christchurch City Council (CCC) has provisions within their bylaw for prohibited times on roads. Dawson's Road was identified on the SDC schedule and is a shared boundary road where the Police are the enforcement officers for both SDC and CCC roads. In order to ensure they are aware which territorial authority bylaw they are enforcing both the SDC and CCC bylaw restrictions must be exactly for the same times and classes of vehicle. On this basis Paul Forbes, Assistant Traffic Engineer of CCC is preparing a report to the Riccarton/Wigram Community Board to amend the schedule of the CCC Traffic and Parking Bylaw. This does not impact on the adoption of the SDC Bylaw.

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
08	Canterbury Freight & Network Efficiency	08.01	TP04	TP 5.3 5.3 - Heavy Vehicles Parking in a Residential Area Amend

Summary:

The submitter stated that a specific action point for the Freight Action Group is to reduce heavy traffic impact on local communities through development and promotion of a strategic freight network for Canterbury, but also by supporting a solutions focused approach to issues surrounding heavy vehicle impacts upon local roads.

The submitter states that the proposed clause relating to heavy vehicles in a residential area, as written within the proposed bylaw, is consistent with the bylaw adopted by CCC in 2008. When the CCC bylaw was consulted upon they submitted to the bylaw as they did not believe it allowed for this "solutions focussed" approach in so far as it seems to allow for a broad brush approach. The submitter believes this may have the effect of reducing the efficiency of the transport network. It was also of concern to the submitter that the bylaw did not provide for consultation before adding to the register of prohibited streets. CCC addressed this point by the formal adoption of a policy around how disputes can be addressed, prior to the road being added to the register (submitter provided link to the website CCC).

The submitter acknowledged that informal discussions have occurred with the Bylaw Analyst about this however they wish to formalise this process by amending Clause 5.3.2.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The reporting procedures to the Council are very robust. To provide a report and resolution to the Council consultation is required to be carried out. This is also reflected in the Council Significance Policy. It is believed that a formal process is not necessary based on the both the reporting requirements and Significance Policy provided for by the Council.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel is supportive of a protocol being developed between SDC and RTA to resolve any problems with HMV in residential areas. A schedule is required within the bylaw to detail the restrictions. Clause 5.3 and 6.2 to be reworded (as per submitter #3).

09	S During	09.01	TP01	TP all Entire Bylaw	Oppose
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Summary:

The submitter strongly opposes the bylaw. The submitter believes that it is putting curfews on Selwyn residents and is another example of the minority ruining things for the majority. The submitter indicated they are absolutely appalled at the suggestion to ban their vehicle from the road between certain times, and feel it is a major intrusion on their freedom and they are concerned where this will lead.

Decision Requested:

Have the Police do their job!

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The bylaw is intended to protect Selwyn residents faced with anti-social behaviour on their road and to minimise exposure to undesirable behaviour.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel acknowledges and appreciates the concerns of the submitter. No further amendments are proposed.

10	NZ Road Transport Association Region	10.01	TP04	TP 5.3 5.3 - Heavy Vehicles Parking in a Residential Area	Delete
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Summary:

The submitter states that Clause 5.3 duplicates Clause 5.1. The submitter believes that Clause 5.1 specifically relates to parking by one class of vehicle therefore Clause 5.3 is not required.

Decision Requested:

Delete clause 5.3 entirely

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

These two clauses were separated out as it was believed that this issue needs to be clear and transparent and it would be less obvious within Clause 5.1.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel is supportive of a protocol being developed between SDC and RTA to resolve any problems with HMV in residential areas. A schedule is required within the bylaw to detail the restrictions. Clause 5.3 and 6.2 to be reworded (as per submitter #3).

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
10	NZ Road Transport Association Regio	10.02	TP04	TP 5.3.1 5.3.1 - clause 5.3.1

Amend

Summary:

The submitter states that if clause 5.3 is not deleted, amendments are required to the clause. The submitter states that other than the title of the clause no reference is made in the clause to "residential" and for the purposes of clarity additional words referencing "residential" should be included.

Decision Requested:

Amend clause 5.3.1 by adding the words "in a residential area" between "road" and "which".

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The Clause does required to be amended to reflect the decision requested by the submitter to read as "The Council may be resolution specify any road or part of a road in a residential area which may not be used by heavy motor vehicles for the purposes of stopping, standing, or parking during any specified time period".

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel support of the proposed amendment.

10	NZ Road Transport Association Regio	10.03	TP04	TP 5.3.3 5.3.3 - clause 5.3.3
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Amend

Summary:

The submitter noted that exemptions are made for HMV that are being loaded and unloaded, or for network utility work however there is no exemption in this clause or elsewhere in the bylaw for emergency services.

Decision Requested:

Amend Clause 5.3.3 be adding "(c) that is an emergency service vehicle being loaded in an emergency"

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The clause could be amended to reflect emergency service vehicles as follows "(c) or an emergency vehicle". It must also be noted that this has been provided for within Clause 11 of the Bylaw.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel support of the proposed amendment

10	NZ Road Transport Association Regio	10.04	TP04	TP 5.3 5.3 - Heavy Vehicles Parking in a Residen
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Amend

Summary:

The submitter states they are concerned that the decisions to specify which roads which may be prohibited to HMV may be way of Council resolution. The submitter believes that such decisions should result in the roads being specified in a schedule to the bylaw although there is no reference to such a schedule. If a schedule was included in the bylaw this would require public consultation. If this procedure were adopted by the Council the Association would be satisfied that it had the opportunity to make submissions on specific road proposals.

Decision Requested:

Adopt a similar type process to that of CCC where local concerns arise the Association is consulted and efforts made to find acceptable solutions before invoking the bylaw provisions.

The submitter notes that CCC adopted a similar clause in their Traffic and Parking Bylaw 2008. Following the adoption the Council adopted an operating procedure where they refer complaints about HMV parking in residential streets to the Association which will then work with the parties involved to resolve the complaint. This process is working well between the Association and CCC.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

The reporting procedures to the Council are very robust. To provide a report and resolution to the Council consultation is required to be carried out. This is also reflected in the Council Significance Policy. It is believed that a formal process is not necessary based on the both the reporting requirements and Significance Policy provided for by the Council.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel support the above comments.

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
10	NZ Road Transport Association Regio	10.05	TP05	TP 6.2 6.2 - Roads or Traffic Lanes Restricted to

Summary:

The submitter believes that clause 6.2 is a misuse of the provisions of the Land Transport (Road User) Rule 2004. The submitter consider that this rule is not intended to make roads not available but that it is clearly intended to regulate the use of lanes for specific classes of vehicles, e.g. for use by buses or use by cycles etc, rather than to prevent use by some classes.

Decision Requested:

Delete Clause 6.2 entirely

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

It is agreed that this Clause does requiring to be rewritten. Further clarification is required from the submitter and NZTA.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel propose that Clause 6.2 is not deleted but reworded.

10	NZ Road Transport Association Regio	10.06	TP05	TP 6.2.1 6.2.1 - clause 6.2.1	Amend
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Summary:

The submitter states that clause 6.2.1 is contradictory to Schedule 2 of the bylaw. The clause says that the special vehicle lanes are reserved for the classes listed in Schedule 2. The submitter notes that Schedule 2 is titled "roads or traffic lanes restricted to specific classes of vehicles" and rather than High St being restricted to a class or classes of vehicle it prohibits one class of vehicle. It does not state which class of vehicles the lanes are reserved for or restricted to.

Decision Requested:

Clause 6.2.1 and Schedule 2 are reviewed and rewritten to clarify whether the roads are restricted to HMV or prohibit HMV and clarify which class or classes are permitted to use of the roads.

Recommend that exemptions are provided for in Clause 6.2.

The submitter states that it is difficult to imagine any circumstance in which the provision of clause 6.2.2 might apply other than if a HMV was crossing High St at an intersection.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

It is acknowledged that this clause does indicate that SDC have restricted HMV and this was not the intention. Station Street is reserved for HMV. It is acknowledged that vehicles can still use High Street where a heavy motor vehicle is being loaded or unloaded in the course of trade; or carrying out work as a network utility operator, or an emergency vehicle. This clause does require amending to reflect this.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel propose that Clause 6.2 is not deleted but reworded.

10	NZ Road Transport Association Regio	10.07	TP11	TP S2 Schedule Two - Roads or Traffic Lanes R	Amend
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Summary:

The submitter states that Schedule 2 uses the term "heavy vehicle" however this term is not found elsewhere in the bylaw and has no particular meaning. The submitter presumes it should mean "heavy motor vehicle", which is defined in the bylaw.

Decision Requested:

Amend the term to that of "heavy motor vehicle" or define "heavy vehicle".

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

Schedule Two does require amendment from "heavy vehicle" that is not defined to read as "heavy motor vehicle" which is provided for within the definitions.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel propose that Schedule Two is not deleted but reworded (refer to the draft final bylaw document for the amendments).

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
10	NZ Road Transport Association Regio	10.08	TP S2	Schedule Two - Roads or Traffic Lanes R
				Amend

Summary:

The submitter recommends that Clause 6.2 and Schedule 2 be deleted entirely or be rewritten.

Decision Requested:

Clarify whether HMV are permitted or prohibited from the roads listed, or may be listed in future, in schedule 2

Define the boundary, or extent of, any prohibition, restriction or permitted use of the roads in schedule 2.

Provide exemption for use of roads in schedule 2 by HMV:
On emergency service, picking up or delivering goods, picking up or setting down passengers, undertaking utility work

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

It is acknowledged that this clause does indicate that SDC have restricted HMV and this was not the intention. Station Street is reserved for HMV. This clause requires amending to reflect this.

Decision by the Hearing Panel on this Submission Point:

The Hearing Panel propose that Clause 6.2 and Schedule 2 is not deleted but reworded.

11	M O Hely	11.01	TP01	TP all	Entire Bylaw	Support
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Summary:

The submitter supports the bylaw. The submitter questioned how difficult will it be to add more streets into the bylaw. The submitter also spoke of two episodes where this type of activity has occurred down Old Taitapu Road and questioned if the problem gets bad at this location can this road be added in or does the bylaw have to be redone.

Decision Requested:

No decision requested.

Asset Department Comments on this Submission Point:

Asset Manager Transportation/Bylaw Analyst

As per Clause 6.4.2 roads can be added to or deleted within Schedule 3 by Council resolution.

Decision by the Hearing Panel on this Submission Point:

No action required.

Points by Bylaw Topic

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SDC Traffic and Parking Bylaw 2009 - Points by Bylaw Topic

Topic: Traffic and Parking Bylaw

Submitter	Point	Page	Provision	Type
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APPENDIX TWO

SUMMARY OF PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING BYLAW 2009

- Amendment to *Title*
- Amendment to *Date of Commencement*
- New definition of *Vehicle*
- Amendments to *Clause 5.3.1 and 5.3.3*
- Amendments to *Clause 6.2, 6.2.1, 6.2.2 and 6.2.3*
- Amendment to *Clause 6.4.1*
- Amendments to *Schedule Two*
- Amendments to *Schedule Three*

SELWYN DISTRICT COUNCIL TRAFFIC AND PARKING BYLAW 2009

1. TITLE

- 1.1 A Bylaw of the Selwyn District Council ~~by way of Special Order pursuant to the powers and authority vested in the Council by provisions of the Local Government Act 1974 and the Local Government Act 2002, Section 72(1)(k) of the Transport Act 1962 and all other Acts, powers and authorities enabling it to make a Bylaw to be known as the Selwyn District Council Traffic and Parking Bylaw 2009.~~

2. DATE OF COMMENCEMENT

- 2.1 This Bylaw comes into force on 1 ~~July 2009~~ November 2009.

3. APPLICATION

- 3.1 This Bylaw applies in relation to all roads in the Selwyn District other than those controlled by other road controlling authorities in the district, unless the Council and the other road controlling authority have entered into an agreement providing that this Bylaw applies to those roads.

- 3.2 Compliance with other Acts

Nothing in this Bylaw derogates from any of the provisions of the Land Transport Act 1998, the Local Government Act 1974, the Local Government Act 2002, the Government Roading Powers Act 1989, and their regulations or subsequent amendments or any other relevant statutory or regulatory requirements. In the event of any inconsistency between this Bylaw and any legislation the provisions in the relevant legislation apply.

4. DEFINITIONS

References to a repealed enactment include its replacement.

For the purpose of this Bylaw, unless the context otherwise requires:

“**Authorised Officer**” means a person appointed by the Council to perform duties required under this Bylaw.

“**Carriageway**” means the part of a road sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse. Two carriageways are deemed to exist where the carriageways are divided longitudinally by a physical island, median or barrier for a distance in length greater than 300m.

“**Council**” means the Selwyn District Council or any officer authorised to exercise the authority of the Council, or its agent.

“**Cycle**” means a vehicle that has at least two wheels and that is designed primarily to be propelled by muscular energy of the rider.

"Cycle Lane" means a longitudinal strip within a road designed for the passage of cycles.

"Emergency Vehicle" has the same meaning as in the Land Transport (Road User) Rule 2004.

"Footpath" means a path or way principally designed for, and used by, pedestrians and includes a footbridge.

"Grass Berm" means the area behind the edge of carriageway which is laid out in grass.

"Heavy Motor Vehicle" means a motor vehicle having a gross laden weight exceeding 3500 kg but does not include a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward.

"Immobilised Vehicle" means any vehicle that cannot be moved on its own because of a mechanical fault, or a missing wheel or wheels.

"Mobility Parking Space" means a parking space set aside for use by people who hold an Operation Mobility Permit.

"Motor Home" means any motorised vehicle designed to be used for human habitation.

"Motor Vehicle" means a vehicle drawn or propelled by mechanical power and includes a trailer.

"Operation Mobility Permit" means a permit issued by CCS Disability Action Incorporated to persons with physical disabilities.

"Parking" has the same meaning as in the Land Transport (Road User) Rule 2004.

"Parking Space" means a portion of a road that has been marked out specifically for parking a vehicle.

"Person" means a natural person, corporation or a body of persons whether corporate or otherwise.

"Residential" means those areas classified as living zones in the Selwyn District Plan.

"Road" has the same meaning as in the Land Transport Act 1998.

"Road Controlling Authority" has the same meaning as in the Land Transport Act 1998.

"Road Reserve" means the area between the legal boundaries, usually fence line to fence line and including any safety run off areas, which is dedicated to allow the passage of road users. This also includes a 6m airspace directly above the road surface.

"Road User" means any user of the road, including motor vehicle drivers, motorcyclists, pedestrians and cyclists.

"Road Verge" means that part of a road which is not the carriageway.

"Special Vehicle Lane" means a lane or road defined by signs or markings and restricted to a specified class or classes of vehicle; and includes a bus lane, a cycle lane, and a lane or road that may not be used by heavy motor vehicles.

"Standing" means temporarily stopping a vehicle which remains attended by a driver, for the purpose of picking up or setting down goods or passengers, or, in the case of a taxi, while waiting for hire in designated areas.

"Temporary Road Closure" has the same meaning as set out in the Local Government Act 1974.

"Traffic Control Device" includes any

- (a) Sign, signal, or notice; or
 - (b) Traffic calming device; or
 - (c) Marking or road surface treatment;
- used on a road for the purpose of traffic control.

"Traffic Management Plan" has the same meaning as in the New Zealand Transport Agency Code of Practice for Temporary Management (CoPTTM).

"Traffic Management Supervisor" has the same meaning as in the New Zealand Transport Agency Code of Practice for Temporary Management (CoPTTM).

"Traffic Sign" has the same meaning as in the Land Transport Rule – Traffic Control Devices 2004.

"Vehicle" has the same meaning as in Section 2(1) of the Land Transport Act 1998 except that it does not include cycles.

"Vehicle Crossing" includes any formed vehicle entrance or exit point from any site on to any road, and includes that part of the road and road verge across which the vehicle access is obtained and any culvert, bridge or kerbing within the road.

5. PARKING

5.1 Standing, Stopping and Parking Restrictions

5.1.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road. Such restriction may include total prohibition on standing, stopping or parking, a time restriction, or restriction to a specified class of vehicle, or class of road user, or purpose, or any combination of such restrictions.

5.1.2 A prohibition or restriction imposed by the Council on the stopping, standing or parking of any vehicle applies whenever traffic control devices are placed in a conspicuous position indicating the prohibition or restriction.

5.1.3 Traffic control devices indicating prohibitions or restrictions may from time to time be supplemented, altered or removed by the Council.

5.2 Temporary Discontinuance of a Parking Space

5.2.1 The Council may:

- (a) temporarily prohibit parking in any parking space; or
- (b) temporarily restrict parking in any parking space to use by a specified vehicle, class of vehicle or road user.

5.2.2 When a temporary prohibition or restriction is imposed in any parking space and indicated by a sign reading "No Stopping", no person may remove that sign, or stop, stand or park a vehicle in that parking space unless permitted to do so by an authorised officer.

5.3 Heavy Vehicles Parking in a Residential Area

5.3.1 The Council may by resolution specify any road or part of a road in a residential area which may not be used by heavy motor vehicles for the purposes of stopping, standing, or parking during any specified time period.

5.3.2 Whenever a sign or signs indicate a restriction on the use of a road specified by the Council, no person may use a road or part of a road in contravention of a resolution made under this Bylaw.

5.3.3 Nothing in Clause 5.3.1 applies to a heavy motor vehicle:

- (a) being loaded or unloaded in the course of trade; or
- (b) carrying out work as a network utility operator in the course of trade; or
- (c) an emergency vehicle.

5.4 Parking on Grass Berms or Road Verges

5.4.1 No person may stop, stand or park a motor vehicle on a grass berm or verge where the Council has placed signs to indicate no stopping, standing or parking.

5.4.2 If, as a result of stopping, standing or parking on the grass berm or road verge, damage is caused to the grass berm or road verge the person in charge of the vehicle causing that damage may be required to pay for repair of the damage to the satisfaction of the Council.

5.5 Parking on Footpaths

5.5.1 No person may stop, stand or park any vehicle over a footpath.

5.5.2 If, as a result of stopping, standing, parking or traversing where there is no vehicle crossing over a footpath, damage is caused to the footpath the person in charge of the vehicle causing that damage may

be required to pay for repair of the damage to the satisfaction of the Council.

5.6 Sale of Vehicles

- 5.6.1 No person may display for sale any vehicle on any road except with the consent of the Council.

6. TRAFFIC MOVEMENT RESTRICTIONS AND DAMAGE TO ROADS

6.1 One Way Roads

- 6.1.1 Vehicles travelling on a road or part of a road listed in Schedule One of this Bylaw may travel only in the direction specified in that schedule and indicated by traffic control devices placed on that road.

6.2 Roads or Parts of Roads Restricted to Specific Classes of Vehicles ~~Roads or Traffic Lanes Restricted to Specific Classes of Vehicles~~

- 6.2.1 The Council may by resolution specify any road or part of a road that is restricted in some way to specific vehicles or for specific purposes. ~~roads~~Specified restrictions are ~~or traffic lanes~~described in Schedule Two of this Bylaw. ~~are special vehicle lanes reserved for the class of vehicle listed in that schedule.~~

- 6.2.2 A restriction imposed under this bylaw applies whenever traffic control devices indicating the restriction are in place near the location of the restriction.

- 6.2.3 No person may use a vehicle contrary to a traffic control device indicating a restriction imposed under Clause 6.2.1 except:

- (a) being loaded or unloaded in the course of trade; or
- (b) carrying out work as a network utility operator in the course of trade; or
- (c) an emergency vehicle.

- ~~6.2.2 No person may drive a vehicle on a special vehicle lane unless the vehicle is the class of vehicle for which the lane is reserved, except in any of the circumstances listed in Rules 2.3(3) and 2.3(4) of the Land Transport (Road User) Rule 2004.~~

6.3 Turning Restrictions

- 6.3.1 The Council may by resolution specify a turning restriction on any road or part of a road where:

- (a) no vehicle may turn from facing or travelling in one direction to facing or travelling in the opposite direction, (commonly known as "u-turns");
- (b) no vehicle or specified class of vehicle may turn right or turn left or proceed in any other direction.

6.3.2 The Council may by resolution subsequently amend or revoke any resolution made under Clause 6.3.1.

6.3.3 No person may drive a vehicle on a road in a manner that contravenes a turning restriction made under this Bylaw.

6.4 Prohibited Times on Roads

6.4.1 No person may use, or permit to be used, a motor vehicle under a gross laden weight of 3500kg between the hours of 9pm and 5am on any road described in Schedule Three whenever traffic control devices erected on that road by the Council indicate that such prohibition is in force.

6.4.2 The Council may, by resolution, add roads to or delete roads from Schedule Three.

6.4.3 Nothing in 6.4.1 above applies to

- (a) The owner or occupier of any land having a frontage to the road described in Schedule Three, or to his or her bona fide visitors;
- (b) Any trade or service vehicle for the provision or maintenance of a utility above or below the road or above or below the land having a frontage to the road being used for genuine business purposes;
- (c) Any vehicle owned by the Council or its agent being used for genuine business purposes;
- (d) Any vehicle operated by a security service being used for genuine business purposes.

6.5 Material/Debris on Roads and Damage to Roads

6.5.1 No person may cause damage to the road including any associated signage, markings and related infrastructure.

6.5.2 Any person causing material or debris to be deposited on the road must remove it as soon as practicable.

6.5.3 The Council may, by written notice, require any person who has caused material or debris to be deposited on a road to remove that material or debris within 24 hours, or to repair any damage caused to the road within 48 hours.

6.5.4 Where the material or debris deposited on a road constitutes an immediate threat to the safety of road users or efficiency of the road

the Council may require any person who has caused the material or debris to be deposited on a road to remove that material or debris immediately.

- 6.5.5 On failure to comply with notice given under Clause 6.5.3 or 6.5.4, the Council may undertake the work and recover all costs from that person.
- 6.5.6 Nothing in this Bylaw applies to faecal matter deposited on the road by stock which is regulated under the Selwyn District Council Stock Droving Bylaw.

Final Track Change for SDC Mtg

7. EVENTS

7.1 Events Obstructing Traffic

7.1.1 No person may hold or organise an event which may:

- (a) obstruct pedestrian, cycle or vehicle movements; or
- (b) cause a hazard for pedestrians, cyclists and traffic; or
- (c) require a road to be closed temporarily,

unless the Council has approved the event and its associated traffic management plan.

7.1.2 The request for a temporary road closure for an event should be submitted to the Council at least 42 days prior to the date of the intended event. The traffic management plan should be submitted to Council for approval at least five working days prior to the event.

7.1.3 An event not requiring a temporary road closure may still require a traffic management plan, which should be submitted to the Council for approval at least five working days prior to the event.

7.1.4 Nothing in 7.1 applies to a funeral procession or to any droving of animals which is regulated under the Selwyn District Council Stock Droving Bylaw.

8. OBSTRUCTIONS ON ROADS

8.1 Use of Construction Machinery or Equipment

8.1.1 Except in an emergency, no person may operate any construction machinery or equipment (for example a crane, mobile crane, concrete pump truck, concrete truck, excavator, mobile operator or drill rig) on or over a footpath or road in a manner that may obstruct or endanger pedestrian, cycle or vehicle movements or road users, without the prior written consent of the Council.

8.1.2 The request for a temporary road closure for the operation of machinery or equipment should be submitted to the Council at least 42 days prior to the date of the intended closure. The traffic management plan should be submitted to Council at least five working days prior to the event. A traffic management plan requiring a road to be temporarily closed should be submitted to the Council for approval at least five working days prior to the date of the intended closure.

8.1.3 When a temporary road closure is not required, a traffic management plan may be required and should be submitted to the Council for approval at least five days in advance of the intended works.

8.2 Placement of Object on a Road

- 8.2.1 No person may place an object not being a vehicle (such as a shipping container or other storage structure) on a road in a manner that may interfere with the use of that road, except with the prior written consent of the Council in accordance with any conditions imposed by the Council in granting that consent.
- 8.2.2 If an object is placed on the road in contravention of this Bylaw, the Council may:
- (a) remove it; or
 - (b) place near it or affix to it any safety or warning device the Council considers necessary; and
 - (c) recover from the owner the cost of removal of the original object or the placement of safety or warning devices.
- 8.2.3 Clause 8.2 does not apply to any object that may be placed on the road in a safe and considerate manner specifically for the purpose of Council refuse collection and recycling activities.

8.3 Motor Homes and Immobilised Vehicles

- 8.3.1 No person may leave a motor home or immobilised vehicle on a road or road verge for a continuous period exceeding seven days except with the prior written consent of the Council.
- 8.3.2 Where the motor home or immobilised vehicle on a road constitutes threat to the safety of road users or the efficiency of the road, the Council may require the owner of the motor home or immobilised vehicle to remove it immediately.
- 8.3.3 The Council may remove any motor home or immobilised vehicle left on a road or road verge for a continuous period exceeding 7 days.

8.4 Using the Road or Road Reserve for Storage

- 8.4.1 No person may leave a vehicle on a road or road verge for the purpose of storage or long term parking in connection with their trade or business except with the prior written consent of the Council.
- 8.4.2 No one may store any hay, straw, baleage or any other objects and material on any road, grass berm or road verge except with the prior written consent of the Council.

8.5 Working on Vehicles

- 8.5.1 No person may leave any vehicle on any road or road verge to carry out repairs unless those repairs are minor and urgent.

8.6 Removal of Vehicle or Any Other Object

8.6.1 The Council may remove from any road or road verge any vehicle, object, materials and obstructions which contravenes this Bylaw. The Council may recover from the person contravening this Bylaw all expenses incurred in connection with the removal of the offending vehicle, object, materials and obstructions.

8.6.2 The powers that may be exercised under this Bylaw are in addition to those provided in sections 356 and 356A of the Local Government Act 1974.

9. EXCAVATION WITHIN THE CARRIAGEWAY AND ROAD

9.1 No person may carry out excavation work on a carriageway or road reserve unless authorised to do so by the Council.

10. VEHICLE CROSSINGS

10.1 Vehicle access to a property from a road may only be by a vehicle crossing approved by the Council.

10.2 If in the opinion of the Council or an authorised officer, any vehicle crossing that is in a bad or unsafe state of repair or not constructed in accordance with the approval granted by the Council, the Council may by written notice require the owner or occupier of the land to which the crossing provides access, to repair, reconstruct or renew such crossing to the satisfaction of the Council or an authorised officer.

10.3 On failure to comply with the notice and time limit for compliance given under Clause 10.2 the Council may undertake the work and recover all costs from that person.

11. EXEMPTED VEHICLES

11.1 Nothing in this Bylaw applies to any emergency vehicle from being used in the course of duty.

12. OFFENCES AND PENALTIES

12.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,500.00.

12.2 Every person who breaches any of the parking provisions in Clause 5 commits an offence and is liable to the infringement fees in Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999.

13. REPEALS

- 13.1 The Selwyn District Council Kildare Terrace One Way Traffic Bylaw 2008, the Paparua County Bylaw 1981 Section 3 Roads, Traffic etc, the Ellesmere County Council Bylaw No.1 1979 the Limiting of Parking in Leeston Township, the Ellesmere County Council Bylaw 1985 Traffic and Parking and the Malvern County Council Bylaw No 4 1978, are hereby repealed.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ Mayor

_____ Chief Executive

Final Track Change for SDC Mtg

Schedule One

ONE WAY TRAFFIC

Kildare Terrace	On the part of Kildare Terrace, Lincoln, between Gerald Street and South Belt traffic may travel in a southerly direction only.
Perthshire Crescent	On the part of Perthshire Crescent, Lincoln, between Perthshire Crescent and Southfield Drive traffic may travel in a southerly direction only
Kajens Court	On the part of Kajens Court, Lincoln, between Kajens Court and Ryelands Drive traffic may travel in a southerly direction only

Final Track Change for SDC Mtg

Schedule Two

ROADS OR PARTS OF ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES ~~ROADS OR TRAFFIC LANES RESTRICTED TO SPECIFIC CLASSES OF VEHICLES~~

~~HEAVY TRAFFIC HEAVY MOTOR VEHICLES~~

High Street Leeston	No person may drive a heavy motor vehicle on on High Street between Market Street and Station Street, Leeston
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Note: Refer to Clause 6.2.3 for exemptions

CYCLE LANES

On the roads listed below, the lanes marked with the words "cycle lane" or a cycle symbol are restricted to use by cycles only¹

Road Name	From		To		Length
Springs Rd	1103	Blakes Rd	1940	Birchs Rd	837
Birchs Rd	0	Springs Rd	6262	James St	6262
James St	0	Birchs Rd	308	East Belt	308
East Belt	0	James St	359	Edward St	359
Gerald St	394	West Belt	1204	Springs Rd	867
Ellesmere Junction Rd	0	Springs Rd	917	End of Kerb and Channel	917
Rolleston Drive	695	Rolleston Sq	992	Tennyson St	297
Marshs Road	2014	Shands Rd	3227	Railway Line	1213

Note:

1. Refer to the Rail trail Bylaw which has its own provisions regarding cycle lanes.

¹ Refer to the Rail trail Bylaw which has its own provisions regarding cycle lanes.

Final Track Change for SDC Mtg

Schedule Three
PROHIBITED TIMES ON ROADS

Location	Hours
Curraghs Road between Jones and Maddisons Roads West Coast Road	Monday to Sunday Between 9.00 pm and 5.00 am
Dawsons Road between Jones and Maddisons Roads ²	Monday to Sunday Between 9.00 pm and 5.00 am
Curraghs Road between Jones Road and West Coast Road.	Monday to Sunday Between 9.00 pm and 5.00 am
Trents Road between Blakes and Shands Roads	Monday to Sunday Between 9.00 pm and 5.00 am
Izone Drive, Rolleston	Monday to Sunday Between 9.00 pm and 5.00 am

Note:

1. ~~Shared district boundary road with Christchurch City Council.~~

² Shared district boundary road with Christchurch City Council.

Final Track Change for SDC Mtg

APPENDIX THREE

FINAL TRAFFIC AND PARKING BYLAW 2009 TO BE ADOPTED BY THE COUNCIL

SELWYN DISTRICT COUNCIL TRAFFIC AND PARKING BYLAW 2009

1. TITLE

- 1.1 A Bylaw of the Selwyn District Council pursuant to the powers and authority vested in the Council by the Local Government Act 2002, Section 72(1)(k) of the Transport Act 1962, and all other Acts, powers and authorities enabling it to make a Bylaw to be known as the Selwyn District Council Traffic and Parking Bylaw 2009.

2. DATE OF COMMENCEMENT

- 2.1 This Bylaw comes into force on 1 November 2009.

3. APPLICATION

- 3.1 This Bylaw applies in relation to all roads in the Selwyn District other than those controlled by other road controlling authorities in the district, unless the Council and the other road controlling authority have entered into an agreement providing that this Bylaw applies to those roads.
- 3.2 Compliance with other Acts

Nothing in this Bylaw derogates from any of the provisions of the Land Transport Act 1998, the Local Government Act 1974, the Local Government Act 2002, the Government Roading Powers Act 1989, and their regulations or subsequent amendments or any other relevant statutory or regulatory requirements. In the event of any inconsistency between this Bylaw and any legislation the provisions in the relevant legislation apply.

4. DEFINITIONS

References to a repealed enactment include its replacement.

For the purpose of this Bylaw, unless the context otherwise requires:

“Authorised Officer” means a person appointed by the Council to perform duties required under this Bylaw.

“Carriageway” means the part of a road sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse. Two carriageways are deemed to exist where the carriageways are divided longitudinally by a physical island, median or barrier for a distance in length greater than 300m.

“Council” means the Selwyn District Council or any officer authorised to exercise the authority of the Council, or its agent.

“Cycle” means a vehicle that has at least two wheels and that is designed primarily to be propelled by muscular energy of the rider.

“Cycle Lane” means a longitudinal strip within a road designed for the passage of cycles.

"Emergency Vehicle" has the same meaning as in the Land Transport (Road User) Rule 2004.

"Footpath" means a path or way principally designed for, and used by, pedestrians and includes a footbridge.

"Grass Berm" means the area behind the edge of carriageway which is laid out in grass.

"Heavy Motor Vehicle" means a motor vehicle having a gross laden weight exceeding 3500 kg but does not include a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward.

"Immobilised Vehicle" means any vehicle that cannot be moved on its own because of a mechanical fault, or a missing wheel or wheels.

"Mobility Parking Space" means a parking space set aside for use by people who hold an Operation Mobility Permit.

"Motor Home" means any motorised vehicle designed to be used for human habitation.

"Motor Vehicle" means a vehicle drawn or propelled by mechanical power and includes a trailer.

"Operation Mobility Permit" means a permit issued by CCS Disability Action Incorporated to persons with physical disabilities.

"Parking" has the same meaning as in the Land Transport (Road User) Rule 2004.

"Parking Space" means a portion of a road that has been marked out specifically for parking a vehicle.

"Person" means a natural person, corporation or a body of persons whether corporate or otherwise.

"Residential" means those areas classified as living zones in the Selwyn District Plan.

"Road" has the same meaning as in the Land Transport Act 1998.

"Road Controlling Authority" has the same meaning as in the Land Transport Act 1998.

"Road Reserve" means the area between the legal boundaries, usually fence line to fence line and including any safety run off areas, which is dedicated to allow the passage of road users. This also includes a 6m airspace directly above the road surface.

"Road User" means any user of the road, including motor vehicle drivers, motorcyclists, pedestrians and cyclists.

"Road Verge" means that part of a road which is not the carriageway.

"Special Vehicle Lane" means a lane or road defined by signs or markings and restricted to a specified class or classes of vehicle; and includes a bus lane, a cycle lane, and a lane or road that may not be used by heavy motor vehicles.

"Standing" means temporarily stopping a vehicle which remains attended by a driver, for the purpose of picking up or setting down goods or passengers, or, in the case of a taxi, while waiting for hire in designated areas.

"Temporary Road Closure" has the same meaning as set out in the Local Government Act 1974.

"Traffic Control Device" includes any

- (a) Sign, signal, or notice; or
 - (b) Traffic calming device; or
 - (c) Marking or road surface treatment;
- used on a road for the purpose of traffic control.

"Traffic Management Plan" has the same meaning as in the New Zealand Transport Agency Code of Practice for Temporary Management (CoPTTM).

"Traffic Management Supervisor" has the same meaning as in the New Zealand Transport Agency Code of Practice for Temporary Management (CoPTTM).

"Traffic Sign" has the same meaning as in the Land Transport Rule – Traffic Control Devices 2004.

"Vehicle" has the same meaning as in Section 2(1) of the Land Transport Act 1998 except that it does not include cycles.

"Vehicle Crossing" includes any formed vehicle entrance or exit point from any site on to any road, and includes that part of the road and road verge across which the vehicle access is obtained and any culvert, bridge or kerbing within the road.

5. PARKING

5.1 Standing, Stopping and Parking Restrictions

- 5.1.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road. Such restriction may include total prohibition on standing, stopping or parking, a time restriction, or restriction to a specified class of vehicle, or class of road user, or purpose, or any combination of such restrictions.
- 5.1.2 A prohibition or restriction imposed by the Council on the stopping, standing or parking of any vehicle applies whenever traffic control devices are placed in a conspicuous position indicating the prohibition or restriction.
- 5.1.3 Traffic control devices indicating prohibitions or restrictions may from time to time be supplemented, altered or removed by the Council.

5.2 Temporary Discontinuance of a Parking Space

5.2.1 The Council may:

- (a) temporarily prohibit parking in any parking space; or
- (b) temporarily restrict parking in any parking space to use by a specified vehicle, class of vehicle or road user.

5.2.2 When a temporary prohibition or restriction is imposed in any parking space and indicated by a sign reading "No Stopping", no person may remove that sign, or stop, stand or park a vehicle in that parking space unless permitted to do so by an authorised officer.

5.3 Heavy Vehicles Parking in a Residential Area

5.3.1 The Council may by resolution specify any road or part of a road in a residential area which may not be used by heavy motor vehicles for the purposes of stopping, standing, or parking during any specified time period.

5.3.2 Whenever a sign or signs indicate a restriction on the use of a road specified by the Council, no person may use a road or part of a road in contravention of a resolution made under this Bylaw.

5.3.3 Nothing in Clause 5.3.1 applies to a heavy motor vehicle:

- (a) being loaded or unloaded in the course of trade; or
- (b) carrying out work as a network utility operator in the course of trade; or
- (c) an emergency vehicle.

5.4 Parking on Grass Berms or Road Verges

5.4.1 No person may stop, stand or park a motor vehicle on a grass berm or verge where the Council has placed signs to indicate no stopping, standing or parking.

5.4.2 If, as a result of stopping, standing or parking on the grass berm or road verge, damage is caused to the grass berm or road verge the person in charge of the vehicle causing that damage may be required to pay for repair of the damage to the satisfaction of the Council.

5.5 Parking on Footpaths

5.5.1 No person may stop, stand or park any vehicle over a footpath.

5.5.2 If, as a result of stopping, standing, parking or traversing where there is no vehicle crossing over a footpath, damage is caused to the footpath the person in charge of the vehicle causing that damage may

be required to pay for repair of the damage to the satisfaction of the Council.

5.6 Sale of Vehicles

- 5.6.1 No person may display for sale any vehicle on any road except with the consent of the Council.

6. TRAFFIC MOVEMENT RESTRICTIONS AND DAMAGE TO ROADS

6.1 One Way Roads

- 6.1.1 Vehicles travelling on a road or part of a road listed in Schedule One of this Bylaw may travel only in the direction specified in that schedule and indicated by traffic control devices placed on that road.

6.2 Roads or Parts of Roads Restricted to Specific Classes of Vehicles

- 6.2.1 The Council may by resolution specify any road or part of a road that is restricted in some way to specific vehicles or for specific purposes. Specified restrictions are described in Schedule Two of this Bylaw.
- 6.2.2 A restriction imposed under this bylaw applies whenever traffic control devices indicating the restriction are in place near the location of the restriction.
- 6.2.3 No person may use a vehicle contrary to a traffic control device indicating a restriction imposed under Clause 6.2.1 except:
- (a) being loaded or unloaded in the course of trade; or
 - (b) carrying out work as a network utility operator in the course of trade; or
 - (c) an emergency vehicle.

6.3 Turning Restrictions

- 6.3.1 The Council may by resolution specify a turning restriction on any road or part of a road where:
- (a) no vehicle may turn from facing or travelling in one direction to facing or travelling in the opposite direction, (commonly known as "u-turns");
 - (b) no vehicle or specified class of vehicle may turn right or turn left or proceed in any other direction.
- 6.3.2 The Council may by resolution subsequently amend or revoke any resolution made under Clause 6.3.1.

- 6.3.3 No person may drive a vehicle on a road in a manner that contravenes a turning restriction made under this Bylaw.

6.4 Prohibited Times on Roads

- 6.4.1 No person may use, or permit to be used, a motor vehicle under a gross laden weight of 3500kg on any road described in Schedule Three whenever traffic control devices erected on that road by the Council indicate that such prohibition is in force.
- 6.4.2 The Council may, by resolution, add roads to or delete roads from Schedule Three.
- 6.4.3 Nothing in 6.4.1 above applies to:
- (a) The owner or occupier of any land having a frontage to the road described in Schedule Three, or to his or her bona fide visitors;
 - (b) Any trade or service vehicle for the provision or maintenance of a utility above or below the road or above or below the land having a frontage to the road being used for genuine business purposes;
 - (c) Any vehicle owned by the Council or its agent being used for genuine business purposes;
 - (d) Any vehicle operated by a security service being used for genuine business purposes.

6.5 Material/Debris on Roads and Damage to Roads

- 6.5.1 No person may cause damage to the road including any associated signage, markings and related infrastructure.
- 6.5.2 Any person causing material or debris to be deposited on the road must remove it as soon as practicable.
- 6.5.3 The Council may, by written notice, require any person who has caused material or debris to be deposited on a road to remove that material or debris within 24 hours, or to repair any damage caused to the road within 48 hours.
- 6.5.4 Where the material or debris deposited on a road constitutes an immediate threat to the safety of road users or efficiency of the road the Council may require any person who has caused the material or debris to be deposited on a road to remove that material or debris immediately.
- 6.5.5 On failure to comply with notice given under Clause 6.5.3 or 6.5.4, the Council may undertake the work and recover all costs from that person.
- 6.5.6 Nothing in this Bylaw applies to faecal matter deposited on the road by stock which is regulated under the Selwyn District Council Stock Droving Bylaw.

7. EVENTS

7.1 Events Obstructing Traffic

7.1.1 No person may hold or organise an event which may:

- (a) obstruct pedestrian, cycle or vehicle movements; or
- (b) cause a hazard for pedestrians, cyclists and traffic; or
- (c) require a road to be closed temporarily,

unless the Council has approved the event and its associated traffic management plan.

7.1.2 The request for a temporary road closure for an event should be submitted to the Council at least 42 days prior to the date of the intended event. The traffic management plan should be submitted to Council for approval at least five working days prior to the event.

7.1.3 An event not requiring a temporary road closure may still require a traffic management plan, which should be submitted to the Council for approval at least five working days prior to the event.

7.1.4 Nothing in 7.1 applies to a funeral procession or to any droving of animals which is regulated under the Selwyn District Council Stock Droving Bylaw.

8. OBSTRUCTIONS ON ROADS

8.1 Use of Construction Machinery or Equipment

8.1.1 Except in an emergency, no person may operate any construction machinery or equipment (for example a crane, mobile crane, concrete pump truck, concrete truck, excavator, mobile operator or drill rig) on or over a footpath or road in a manner that may obstruct or endanger pedestrian, cycle or vehicle movements or road users, without the prior written consent of the Council.

8.1.2 The request for a temporary road closure for the operation of machinery or equipment should be submitted to the Council at least 42 days prior to the date of the intended closure. The traffic management plan should be submitted to Council at least five working days prior to the event. A traffic management plan requiring a road to be temporarily closed should be submitted to the Council for approval at least five working days prior to the date of the intended closure.

8.1.3 When a temporary road closure is not required, a traffic management plan may be required and should be submitted to the Council for approval at least five days in advance of the intended works.

8.2 Placement of Object on a Road

- 8.2.1 No person may place an object not being a vehicle (such as a shipping container or other storage structure) on a road in a manner that may interfere with the use of that road, except with the prior written consent of the Council in accordance with any conditions imposed by the Council in granting that consent.
- 8.2.2 If an object is placed on the road in contravention of this Bylaw, the Council may:
- (a) remove it; or
 - (b) place near it or affix to it any safety or warning device the Council considers necessary; and
 - (c) recover from the owner the cost of removal of the original object or the placement of safety or warning devices.
- 8.2.3 Clause 8.2 does not apply to any object that may be placed on the road in a safe and considerate manner specifically for the purpose of Council refuse collection and recycling activities.

8.3 Motor Homes and Immobilised Vehicles

- 8.3.1 No person may leave a motor home or immobilised vehicle on a road or road verge for a continuous period exceeding seven days except with the prior written consent of the Council.
- 8.3.2 Where the motor home or immobilised vehicle on a road constitutes threat to the safety of road users or the efficiency of the road, the Council may require the owner of the motor home or immobilised vehicle to remove it immediately.
- 8.3.3 The Council may remove any motor home or immobilised vehicle left on a road or road verge for a continuous period exceeding 7 days.

8.4 Using the Road or Road Reserve for Storage

- 8.4.1 No person may leave a vehicle on a road or road verge for the purpose of storage or long term parking in connection with their trade or business except with the prior written consent of the Council.
- 8.4.2 No one may store any hay, straw, baleage or any other objects and material on any road, grass berm or road verge except with the prior written consent of the Council.

8.5 Working on Vehicles

- 8.5.1 No person may leave any vehicle on any road or road verge to carry out repairs unless those repairs are minor and urgent.

8.6 Removal of Vehicle or Any Other Object

8.6.1 The Council may remove from any road or road verge any vehicle, object, materials and obstructions which contravenes this Bylaw. The Council may recover from the person contravening this Bylaw all expenses incurred in connection with the removal of the offending vehicle, object, materials and obstructions.

8.6.2 The powers that may be exercised under this Bylaw are in addition to those provided in sections 356 and 356A of the Local Government Act 1974.

9. EXCAVATION WITHIN THE CARRIAGEWAY AND ROAD

9.1 No person may carry out excavation work on a carriageway or road reserve unless authorised to do so by the Council.

10. VEHICLE CROSSINGS

10.1 Vehicle access to a property from a road may only be by a vehicle crossing approved by the Council.

10.2 If in the opinion of the Council or an authorised officer, any vehicle crossing that is in a bad or unsafe state of repair or not constructed in accordance with the approval granted by the Council, the Council may by written notice require the owner or occupier of the land to which the crossing provides access, to repair, reconstruct or renew such crossing to the satisfaction of the Council or an authorised officer.

10.3 On failure to comply with the notice and time limit for compliance given under Clause 10.2 the Council may undertake the work and recover all costs from that person.

11. EXEMPTED VEHICLES

11.1 Nothing in this Bylaw applies to any emergency vehicle from being used in the course of duty.

12. OFFENCES AND PENALTIES

12.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,500.00.

12.2 Every person who breaches any of the parking provisions in Clause 5 commits an offence and is liable to the infringement fees in Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999.

13. REPEALS

- 13.1 The Selwyn District Council Kildare Terrace One Way Traffic Bylaw 2008, the Paparua County Bylaw 1981 Section 3 Roads, Traffic etc, the Ellesmere County Council Bylaw No.1 1979 the Limiting of Parking in Leeston Township, the Ellesmere County Council Bylaw 1985 Traffic and Parking and the Malvern County Council Bylaw No 4 1978, are hereby repealed.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

Schedule One

ONE WAY TRAFFIC

Kildare Terrace	On the part of Kildare Terrace, Lincoln, between Gerald Street and South Belt traffic may travel in a southerly direction only.
Perthshire Crescent	On the part of Perthshire Crescent, Lincoln, between Perthshire Crescent and Southfield Drive traffic may travel in a southerly direction only
Kajens Court	On the part of Kajens Court, Lincoln, between Kajens Court and Ryelands Drive traffic may travel in a southerly direction only

Schedule Two

ROADS OR PARTS OF ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

HEAVY MOTOR VEHICLES

High Street Leeston	No person may drive a heavy motor vehicle on High Street between Market Street and Station Street, Leeston
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Note: Refer to Clause 6.2.3 for exemptions

CYCLE LANES

On the roads listed below, the lanes marked with the words "cycle lane" or a cycle symbol are restricted to use by cycles only¹

Road Name	From		To		Length
Springs Rd	1103	Blakes Rd	1940	Birchs Rd	837
Birchs Rd	0	Springs Rd	6262	James St	6262
James St	0	Birchs Rd	308	East Belt	308
East Belt	0	James St	359	Edward St	359
Gerald St	394	West Belt	1261	Springs Rd	867
Ellesmere Junction Rd	0	Springs Rd	917	End of Kerb and Channel	917
Rolleston Drive	695	Rolleston Sq	992	Tennyson St	297
Marshs Road	2014	Shands Rd	3227	Railway Line	1213

¹ Refer to the Rail trail Bylaw which has its own provisions regarding cycle lanes.

**Schedule Three
PROHIBITED TIMES ON ROADS**

Location	Hours
Curraghs Road between Jones and West Coast Road	Monday to Sunday Between 9.00 pm and 5.00 am
Dawsons Road between Jones and Maddisons Roads ²	Monday to Sunday Between 9.00 pm and 5.00 am
Trents Road between Blakes and Shands Roads	Monday to Sunday Between 9.00 pm and 5.00 am
Izone Drive, Rolleston	Monday to Sunday Between 9.00 pm and 5.00 am

² Shared district boundary road with Christchurch City Council.

APPENDIX FOUR

COMMUNITY OUTCOMES

Community outcomes	The transportation activity contributes to the community outcome by:
Air, land, water and general environment to be kept in a healthy condition.	Providing an efficient and sustainable transportation system, including non-polluting transport option that contributes to the reductions of exhaust emissions and by installing and providing infrastructure in environmentally sensitive ways.
A safe place in which to live, work and play.	Designing, constructing, maintaining and upgrading roads, intersections and other transport facilities to industry standards and best practice where hazards have been identified and by providing warning, advisory and regulatory signs advising of hazards as well as educational initiatives to reduce the risk to people.
Effective and accessible transport system.	Designing, constructing, maintaining and upgrading the road and transport network to achieve a robust and flexible system for the movement of people and freight, including facilities for pedestrians, cyclists, public transport and other non-motor-vehicle-based road users.
A prosperous community.	Providing a transportation system that allows for the efficient movement of people, goods and services around the District.