



STATEMENT OF PROPOSAL FOR THE PROPOSED SELWYN DISTRICT COUNCIL TRAFFIC AND PARKING BYLAW 2009 (This statement is made for the purposes of sections 83 and 86 of the Local Government Act 2002)

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (The "Council") to review the current "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".

This review will result in the 2009 version becoming the new proposed Bylaw that will replace the current operative Bylaws.

Throughout this report, the process will be referred to as the review of the current Bylaws ("the current Bylaws").

Reasons for this Proposal:

To review, and update as necessary the current Bylaw(s) in accordance with the Local Government Act 2002, and appropriate community outcomes.

The proposed new Bylaw brings together and reviews the five sets of bylaws that are still operative.

Currently there are five sets of bylaws dealing with Traffic and Parking, one for Paparua, two for Ellesmere, one for Malvern and the Kildare Terrace One Way Traffic Bylaw 2008. Four of these Bylaws have not been reviewed since the earlier amalgamation of previous local authority areas to form the Selwyn District Council in 1989. One of the Bylaws was reviewed in 2008.

The Selwyn District Council Kildare Terrace One Way Traffic Bylaw 2008 that was reviewed and adopted by the Council in June 2008, but for completeness and consistency it has been incorporated into the proposed Traffic and Parking Bylaw 2009.

It is considered that the proposed draft **Selwyn District Council Traffic and Parking Bylaw 2009** ("the proposed new Bylaw") is the most appropriate form of Bylaw, and the Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The statutory requirements for introducing a Bylaw:

The proposed new Bylaw will apply in relation to all roads in the Selwyn District other than State Highways controlled by the New Zealand Transport Agency.

- **Appropriateness:**

The proposed new Bylaw brings together and reviews the five Bylaws that are still operative in the Selwyn District. The content of the five existing Bylaws form the foundation of the proposed new Selwyn District Council Traffic and Parking Bylaw 2009.

The proposed Bylaw will:

- regulate activities within the transport and roading activity in order to protect infrastructure and provide operational controls,
- set clear guidelines and provide information to the public and
- specify the offences and penalties for breaches of the Bylaw.

Options Available to Council:

1. **Do Nothing** – The Council has responsibilities for the roading network and infrastructure as provided for within the Local Government Act 2002 and the Land Transport Act 1998. On this basis this option is not supported by the Council. The current Bylaws are outdated and are no longer suitable.
2. **Revoke the bylaw and rely on other methods (public education)** – This option is not seen as being practical as it would mean the Council would be relying on the co-operation of several different parties. Clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required. On this basis this option to rely on other methods is not supported.
3. **Proceed with the review** – The review of the current bylaws will ensure they are up to date with relevant transport legislation and rules and also management and operating best practices.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new Bylaw.

Benefits/Costs:

- That the proposed new bylaw will operate under current legislation and management practices.
- The proposed new bylaw will continue to ensure the safe and efficient flow of traffic on roads managed by the Selwyn District (State Highways are controlled by the New Zealand Transport Agency).
- Define terms not previously made clear, and to bring further clarity to the proposed new bylaw by means of simplification where possible to make it easier to understand by the general public, and to assist Council staff in achieving compliance in a fair and straight forward manner.
- Correct minor errors, and other deficiencies and problems that have been identified during the course of application of the current Bylaws that has detracted from their original intent.
- The proposed new bylaw will align with current Council policies and best practices.
- In line with the provisions of the new Local Government Act 2002, the proposed new bylaw will utilise penalties for non-compliance of up to \$1,500.

Consultation:

The following groups and organisations (both internal and external stakeholders) will also be consulted on the proposed new Bylaw:

Council Elected Members
 Community Boards and Council Committees
 New Zealand Transport Agency
 New Zealand Police
 Te Taumutu Rununga
 Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
 Environment Canterbury

Council officers have provided feedback on the direction of the Bylaw and the matters considered. The views of the public will be sought through the special consultative procedure.

Provide Maori the opportunity to contribute:

The Council has entered into discussions with the local Runanga in recognition of our special partnership with Maori.

NZ Bill of Rights:

Section 155(2) ((b) of the Local Government Act 2002 requires that any new Bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council have obtained legal advice to ensure that the proposed new Bylaw is consistent with the NZ Bill of Rights Act 1990.

The proposed Bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by members of an elected Council.

The proposed timeline for the introduction of the proposed new Bylaw is:

Timeline	Selwyn District Council Traffic and Parking Bylaw 2009
25 March 2009 (Council meeting)	<ul style="list-style-type: none"> Adoption of the draft Selwyn District Council Traffic and Parking Bylaw 2009
4 April 2009 Bylaw advertised	<ul style="list-style-type: none"> Advertise for public submissions to the draft Selwyn District Council Traffic and Parking Bylaw 2009
4 May 2009 Submissions close	<ul style="list-style-type: none"> Written submissions close at 4:00pm at SDC service centres
1,3,4 June 2009 Submissions hearing (to be confirmed)	<ul style="list-style-type: none"> Hearings of submissions on the draft Selwyn District Council Traffic and Parking Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
24 June 2009* (Council Meeting)	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 at its ordinary Council Meeting
27 June 2009	<ul style="list-style-type: none"> Public notification on the adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 by the Council and its commencement date
1 July 2009	<ul style="list-style-type: none"> Commencement date of new Selwyn District Council Traffic and Parking Bylaw 2009
8 July 2009* (Council Meeting)	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Traffic and Parking Bylaw 2009 by Council at its ordinary Council Meeting

* It is expected that written submissions will be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft bylaw can be incorporated for the consideration of Council to adopt the bylaw at its meeting of 24 June 2009. If it is the view of the subcommittee that the draft bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 24 June 2009, this shall be reported back to Council including recommendations on how to proceed, or the final bylaw will be sent for adoption at the Council meeting of 8 July 2009.

Submissions:

Submissions are invited on the proposal to implement a new Bylaw to be called the "Selwyn District Council Traffic and Parking Bylaw 2009".

The proposed Bylaw is to be known as the **Selwyn District Council Traffic and Parking Bylaw 2009** ("the proposed new Bylaw").

At its meeting on 25 March 2009 the Council passed a resolution approving the proposed new Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Library, McMillan Street), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800 or 318 8338.

Submissions on this proposal may be made until **4:00pm, 4 May 2009**.

Submissions on this proposal can be made either via the online submission form on the Council website www.selwyn.govt.nz, or in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**The Bylaw Analyst
Proposed Traffic and Parking Bylaw 2009
Selwyn District Council
P O Box 90
ROLLESTON 7643**

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 1, 3, 4 June 2009 starting at 10.30am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Selwyn District Council Traffic and Parking Bylaw 2009
Report to Council
Summary of Information