

Review of the Christchurch City Council Traffic and Parking Bylaw 2008 and Speed Limits Bylaw 2010 / Proposed Christchurch City Council Traffic and Parking Bylaw 2017

Section 155 Report

Introduction

1. Currently the Christchurch City Council Traffic and Parking Bylaw 2008 regulates and controls traffic and parking, balancing the competing demands on the road space while maintaining a safe and efficient infrastructure. The Speed Limits Bylaw 2010 allows the Council to set or change the enforceable speed limits on roads under its jurisdiction.
2. Under section 158 of the Local Government Act 2002 (the Act), the Council is required to review its bylaws at 5 and then 10 yearly intervals. The Christchurch City Council Traffic and Parking Bylaw 2008 is due for its 10 yearly review by 2018. The Council is undertaking this review now as part of a series of rolling bylaw reviews, in this case, reviewing two related bylaws concurrently.
3. When the Council reviews a bylaw, section 160 of the Act requires the Council to review the bylaw by making the determinations required by section 155.
4. Under section 155, the three determinations are –
 - Whether or not a bylaw is the most appropriate way of addressing a perceived problem or issue; and
 - If the Council decides that a bylaw is (still) appropriate, whether the bylaw is the most appropriate form of bylaw; and
 - Whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
5. The following analysis has been undertaken for the purposes of reviewing the Traffic and Parking Bylaw 2008 and the Speed Limits Bylaw 2010, with the view to merging these two bylaws into a proposed new Christchurch City Council Traffic and Parking Bylaw 2017.

What are the perceived problems?

6. Prior to making the Christchurch City Council Traffic and Parking Bylaw 2008, the Council undertook a review of the five bylaws that were in force in the district at that time. During the course of that review, the Council identified various problems / issues that needed to be addressed.
7. Similarly, for the Speed Limits Bylaw 2010, the Council undertook a review of the two bylaws that were in force in the district at that time. This is reflected in the 2010 bylaw objective which is to provide the mechanism required by the Land Transport Rule: Setting of Speed Limits 2003 to enable the Council to set speed limits for all roads under the care, control and management of the Council.
8. For the purpose of this review, the Council has considered whether or not those problems still exist and whether there are any new issues that need to be addressed. The assessment is that the problems that existed in 2008 and 2010 are still present and that there are, in addition, a number of new problems that can be better addressed by creating a new bylaw that combines many common aspects of the existing bylaws. New issues and problems that have been identified include –
 - In 2011, the Government passed the Land Transport (Road Safety and Other Matters) Amendment Act. This Act provided, among other things, for the repeal of the Transport Act 1962 and the transfer of bylaw-making powers from section 72 of that Act to a new section 22AB of the Land Transport Act 1998. The proposed new bylaw is therefore made under section 22AB of the Land Transport Act 1998, the Local

Government Act 2002, and Part 4 is also made in accordance with the Land Transport Rule: Setting of Speed Limits 2003.

- Some of the provisions of the 2008 and 2010 bylaws are overly complex or unclear as to their effect, for example, it is unclear under the 2008 clause whether parking on grass berms is permitted.
- A number of amendments to both bylaws were made by order of the Minister for Canterbury Earthquake Recovery exercising powers under section 27(1)(e) of the Canterbury Earthquake Recovery Act 2011. These amendments no longer need to be in the bylaw, and the Schedules are duplications of registers, which causes confusion as to the correct list to reference. The relevant scheduled information is more appropriately included in registers.
- The 2008 and 2010 bylaws do not have regard to relevant strategic planning documents, such as the Transport Strategic Plan 2012-2042, which was prepared after the 2008 bylaw.
- The Traffic and Parking Bylaw 2008 provisions do not address the full range of traffic and parking issues. The staff analysis identifies the following specific problems and issues that should be covered by the bylaw:
 - Difficulties for Council to issue infringement fees for some parking offences;
 - The current clauses relating to parking could provide more specificity about parking places, transport stations, parking buildings, zone parking areas, and residents parking areas;
 - Damage caused by parking on certain parts of the road, e.g. footpaths, gardens and grass berms, and difficulties in enforcing parking infringements on these areas and other landscaped areas;
 - Unauthorised use of parking places for storage of vehicles on the road in connection with business;
 - Selling cars or advertising goods on the side of the road;
 - Heavy vehicles driving through residential roads without an effective enforcement regime;
 - The Speed Limits Bylaw 2010 has only one substantive clause, and incorporating it in the proposed new bylaw is considered more efficient and effective.
 - Some specific schedules in the Bylaw which can only be amended by a Bylaw amendment, and the schedules do not reflect the overall approach of the Bylaw.

Is a bylaw the most appropriate way of addressing the perceived problems?

9. In undertaking this review, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether or not a bylaw is the most appropriate way of addressing the perceived problems. The options considered are -
 - Status Quo – Retain the two current bylaws: This is not preferred as the current bylaws do not address adequately some existing and new problems.
 - Amend the current bylaws: An amendment bylaw is not the preferred option given the number and significance of the recommended changes identified in the clause by clause analysis in Table 1.
 - Replace the current bylaws with a new bylaw: This is the preferred option given the large number and significance of the changes to both the current bylaws. Additionally, there are benefits in having a single bylaw as this makes the bylaws easier to find, will reduce administrative costs to Council and it is more efficient to

have both in one place.

- Revoke the current bylaws and not replace them. This is not a preferred or practicable option.

10. The analysis suggests that the best approach is for the Council to replace the current bylaws with a new bylaw, i.e. the Traffic and Parking Bylaw 2017.

What is the most appropriate form of bylaw?

11. The most appropriate form of bylaw is one that:

- Helps achieve the Council's Community Outcomes, the Transport Strategy and other strategic planning documents;
- Is not inconsistent with other Christchurch City Council's bylaws;
- Allows for exceptions and special circumstances;
- Is within the legal power of the Council to make bylaws under sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.
- Is not inconsistent with the NZBORA.

12. As the preparation of a new bylaw is considered to be the most appropriate approach, staff have prepared a clause by clause analysis of the proposed provisions for the proposed Traffic and Parking Bylaw 2017. The clause by clause analysis is set out in **Table 1**. In preparing this analysis, two main options were identified with respect to most bylaw clauses: retaining the current provision, or making a new provision. In considering which of the options is the most appropriate, the following questions were asked:

- does the clause address an identified problem or is it necessary for the efficient management of traffic and parking issues;
- does it provide an appropriate level of control;
- is it consistent with other Council bylaws;
- is it specific and easy to interpret for the public and Council's officers; and
- is this provision enforceable.

13. The following is a summary of the proposed changes to the bylaw:

- Revising the wording in the bylaw to better reflect the bylaw-making powers in section 22AB of the LTA, and removing some detail that is better placed in operational policies;
- Amalgamating the Speed Limits Bylaw 2010 into the Traffic and Parking Bylaw;
- Clarifying which decisions need to be made by resolution of the Council;
- Including a Purpose clause in the new bylaw. The 2008 bylaw lacked a 'Purpose' clause;
- Removing the schedules from the bylaw and retaining the relevant information in registers;
- Addition of new or improved definitions in the interpretations clause, and deletion of redundant definitions;
- Various improvements to wording, numbering and format
- Revising the parking provisions to better reflect the Council's requirements going forward, and to specifically refer to parking places, parking buildings, transport stations, zone parking areas and residents' parking areas;
- Amending the clause relating to parking on berms and verges and including

references to paved or surfaced landscaped areas, and further clarifying where the restrictions do not apply;

- Clarifying the provisions relating to the parking of motorhomes, immobilised vehicles and trailers, as well as the storage of vehicles on the road;
- Inserting a new clause in relation to parking vehicles for display or sale;
- Streamlining the wording relating to traffic movements and inserting new clauses allowing for the Council to restrict classes of vehicles and traffic on certain roads, and allowing the Council to restrict the use of motor vehicles on unformed legal roads;
- Revising and simplifying the wording of the clauses relating to events on roads, other temporary uses of the legal road, vehicle crossings, and temporary access ways;
- Inserting a new provision relating to permissions given under the bylaw and noting that Council officers may ask the applicant to provide a Traffic Management Plan, site location plan, and a Corridor Access Request.

Are there any NZBORA implications?

16. In reviewing the current bylaw and proposing a new replacement bylaw, the Council is required to consider whether or not the bylaw gives rise to any implications under the NZBORA. Section 155(3) of the Act states that no bylaw may be made which is inconsistent with the NZBORA. Additionally, the Local Government Act 2002 states that no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.
17. The NZBORA specifically identifies four types of rights, these are:
 - life and security of the person;
 - democratic and civil rights (this includes freedom of movement and freedom of expression);
 - non-discrimination and minority rights;
 - search, arrest and detention.
18. The proposed replacement Bylaw will contain clauses controlling movement of traffic and placing restrictions on parking. This could potentially be seen as an interference with the right to freedom of movement. The proposed Bylaw also includes a clause restricting the parking of vehicles on roads or parking spaces for the purpose of advertising goods or services that are provided elsewhere or for displaying vehicles for sale. This clause could potentially be seen as an interference with the right to freedom of expression.
19. However, in the NZBORA, the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. On this basis, the Council is entitled to limit rights and freedoms in the Bill of Rights through the bylaw clauses if those limits are demonstrably justified in a free and democratic society.
20. The purpose of the proposed new bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council. Given this purpose, it is considered that even if the restrictions in the proposed new bylaw interfered with rights in the Bill of Rights, those restrictions can be demonstrably justified in a free and democratic society. As set out in this clause by clause analysis, there are justifications for each restriction imposed. In addition, the Bylaw, in many cases, allows for persons to apply for permission from Authorised Officers to depart from the usual rules set out in the Bylaw. On this basis, it is considered that the proposed replacement Bylaw is not inconsistent with the NZBORA.
21. Consequently, while the proposed bylaw gives rise to some implications under the NZBORA, the proposed bylaw is not inconsistent with that Act and is a proportionate response.

Conclusion

22. Having reviewed the Traffic and Parking Bylaw 2008, in terms of section 155 of the Act,-

- The proposed Traffic and Parking Bylaw 2017 is determined to be the most appropriate way of addressing the perceived problems; and
- The proposed Traffic and Parking Bylaw 2017 is considered to be the most appropriate form of Bylaw; and
- The proposed Traffic and Parking Bylaw 2017 does not give rise to implications under the NZBORA and is not considered to be inconsistent with the NZBORA.

Table 1: Clause by clause analysis of draft Traffic and Parking Bylaw 2017

Proposed clause Topic/Issue	Summary of proposed clause	Bylaw making power	Discussion of issues and options	Recommendation
Clause 1: Title	New title: Traffic and Parking Bylaw 2017	Section 22AB LTA 1998; Sections 145 and 146 LGA 2002	<ul style="list-style-type: none"> The current title is assessed as still fit for purpose, including with the incorporated Speed Limits clauses. It is suggested that the 2008 bylaw title should be retained with a new date (2017). 	Retain current bylaw title with new date: Christchurch City Council Traffic and Parking Bylaw 2017.
Clause 2: Commencement	New commencement date: [TBC] December 2017	Section 22AB LTA 1998; Sections 145 and 146 LGA 2002	<ul style="list-style-type: none"> This is a necessary administrative clause. 	That the bylaw comes into force on [TBC] December 2017.
Clause 3: Application	This Bylaw applies generally to all roads under the care, control and management of the Council. The proposed clause removes reference to NZTA roads as the bylaw does not apply to NZTA roads unless delegation has been given to the Council (current clause 3(2)).	Section 22AB(2) LTA 1998; Sections 145 and 146 LGA 2002	<ul style="list-style-type: none"> The proposed amendment simplifies the clause and removes duplication. Where NZTA has given delegation to the Council, the wording in the proposed clause is considered sufficient. Currently the Council has the delegation for parking restrictions on State Highways, excluding 'No Stopping'. 	Adopt amended draft clause 3 Application.
Clause 4: Purpose	New purpose: The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council.	Section 22AB LTA 1998; Sections 145 and 146 LGA 2002	<ul style="list-style-type: none"> Options: Retain current Speed Limit Bylaw purpose; have no purpose; or include new clause 4 Purpose. The Traffic and Parking Bylaw 2008 does not have a purpose clause. The Speed Limits Bylaw 2010 has a purpose that is limited to speed limits only. The proposed clause summarises what the bylaw enables the Council to regulate, i.e. traffic, parking and speed limits. 	Adopt new draft Clause 4 Purpose.
Clause 5: Interpretation	Delete several redundant definitions e.g. 'display', 'local road', 'permit' and 'tour coach'. Add several new definitions e.g. 'class of vehicle', 'parking machine', 'berm' and 'transport station'.	Sections 2 and 22AB(1) LTA 1998; Clause 1.6 Land Transport (Road User) Rule 2004; Sections 145	<ul style="list-style-type: none"> Options: Retain existing definitions or amend interpretation clause. The new definitions are considered necessary; they make the new bylaw easier to understand and assist bylaw enforcement/implementation. A number of definitions in the current bylaw do not have reference within the bylaw, and are therefore redundant. 	Adopt amended draft Clause 5 Interpretation.

	Clarify that certain words have the same meaning as in the Land Transport Act or Road User Rule, and that the Interpretation Act 1999 applies to the interpretation of this Bylaw.	and 146 LGA 2002		
Clause 6: Resolutions made under this Bylaw	A resolution may be made under this bylaw (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or (c) that applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or (d) that applies at any specified time or period of time.	Section 22AB(3) LTA 1998; Section 151 LGA 2002	<ul style="list-style-type: none"> · This proposed new clause condenses a number of subclauses into one clause. · The proposed clause clarifies what the Council can make resolutions about and makes the bylaw less repetitive. 	Adopt new draft Clause 6 Resolutions.
Part 1: PARKING				
Clause 7: Stopping, Standing and Parking	New clause: The proposed draft wording enables Council to make a resolution to (1)(a) prohibit or restrict the stopping, standing or parking of vehicles, or any class of vehicles, on any road; or (1)(b) limit the stopping, standing or parking of vehicles on any road to any class of vehicles. The	Section 22AB(1)(m), (n) LTA 1998	<ul style="list-style-type: none"> · This clause enables Council to make parking restrictions, such as “no stopping” on roads; provide for bus stops, taxi stands and loading zones. · The draft clause also incorporates clause 10 of the 2008 bylaw covering heavy vehicle parking, as it enables Council to prohibit heavy vehicles from parking on roads in residential areas through resolutions. 	Adopt new draft Clause 7 Stopping, Standing and Parking.

	resolution may be subject to such conditions the Council thinks fit.			
Clause 8: Parking Places, Parking Buildings, Transport Stations and Zone Parking	New draft clause which enables the Council to resolve zone parking areas, parking places (including parking buildings) and transport stations. The draft clause enables Council to <ul style="list-style-type: none"> · specify the vehicles or classes of vehicles that can/cannot use a parking place or transport station; · prescribe the number and location of parking places; · when restrictions apply; · the length of time restrictions apply for; · parking charges. 	Section 22AB(1)(m), (o) LTA 1998	<ul style="list-style-type: none"> · Imposing parking restrictions is the only way to achieve a balance between competing parking demands. · The new draft clause brings together several clauses (5, 6, and 7) of the 2008 bylaw covering parking restrictions and payment for parking. The proposed draft clause provides for clarity and ease of understanding as prescribed by s22AB LTA 1998. · The proposal reduces the number of signs needed where a zone parking area is designated as drivers would be reasonably expected to be aware of the parking restrictions in the area without the need for signs on every intersection in the area. · Parking places (including parking buildings) are those areas that are subject to restrictions. It does not cover all the multitude of streets in Christchurch where there are no parking restrictions. This is similar to the wording in the current bylaw where the Council can resolve “restricted parking areas” and then resolve the conditions (or restrictions) that apply to those restricted parking areas. 	Adopt new draft clause 8 Parking Places, Parking Buildings, Transport Stations and Zone Parking.
Clause 9: Temporary Discontinuance of a Parking Place	Existing clause with minor wording amendments which allows parking spaces to be temporarily discontinued by indicating “no stopping”, or temporary discontinuance of a parking space for the use of a trades vehicle or other specified vehicle.	Section 22AB(1)(m) LTA 1998	<ul style="list-style-type: none"> · Situations arise which require the temporary discontinuance of a parking space for a short time, for example for construction activities, or temporary bus stops. · The minor wording amendments update the terminology to be consistent throughout the bylaw. 	Retain Clause 9 Temporary Discontinuance of a Parking Place, with amendments.
Clause 10: Residents’ Parking	This proposed new clause enables Council to reserve any specified parking place, by resolution, as <ul style="list-style-type: none"> · a residents’ only parking area for the exclusive use of persons who reside in the vicinity; or 	Section 22AB(1)(o)(iii) LTA 1998	<ul style="list-style-type: none"> · The proposed provision provides an option for the Council to consider where residents have no, or limited, off street parking to park in the vicinity of their home. · There is a need to restrict parking in certain areas while still providing a parking option for residents in the area, particularly high density areas. · This expands the current provision in the 2008 bylaw which referred to the Council resolving a restricted parking area, 	Adopt new draft clause 10 Residents’ Parking.

	<ul style="list-style-type: none"> · a residents' exemption parking area for the use of persons who reside in the vicinity; · prescribe fees; and · ensure the permit is clearly displayed. 		including a Residents' Only Parking Area.	
Clause 11: No Parking on certain parts of road	This proposed new clause provides for the protection of grass plots, flower beds, and landscaped surfaces not intended for parking, rather than, as in the current bylaw, only for the purpose of controlling the stopping, standing and parking of vehicles.	Section 22AB(1)(m) LTA 1998 and rule 6.2 of the Land Transport (Road User) Rule 2004	<ul style="list-style-type: none"> · This proposed clause replaces the 2008 clause which referred to restrictions on parking on grass berms or verges. · The proposed clause expands the types of surfaces that are not intended for parking, such as hard landscaping. · There may be damage caused to surfaces that are not intended for vehicle parking, e.g. grass berms, as those surfaces have not been constructed to the same standard as the roadway. · The proposed clause excludes grass verges as there are times when drivers may need to pull over or park on a grass verge and it is safe to do so, e.g. in rural areas. · The proposed clause amends the wording of the current clause 9 to make it more accessible and easier to interpret for the public/customers and for Council's officers. · Removes the express requirement to have signage but the Council will still need to comply with the Land Transport (Road User) Rule 2004 and the Land Transport Rule: Traffic Control Devices 2004. 	Adopt new draft clause 11 No Parking on certain parts of road.
Clause 12: Motorhomes, immobilised vehicles and trailers	Prohibit any person from stopping, standing, or parking motorhomes, immobilised vehicles and trailers for any continuous period exceeding seven days, unless they have the consent of an authorised officer.	Section 22AB(1)(m) LTA 1998	<ul style="list-style-type: none"> · To amend this clause to use consistent LTA terminology, and to include trailers. · The road is essentially being used as a storage space. · It causes inconvenience to the general public as parking spaces are not available for other users, particularly in areas where there is high parking demand. · There are instances where immobilised vehicles (e.g. missing wheel/s), trailers or caravans are left on the road for an extended period of time or moved a short distance to subvert the current application of the bylaw clause or rule 6.19 of the Land Transport (Road User) Rule 2004. · The proposed clause also intends to address the issue of trailers and caravans being hooked up to a motorised vehicle and being left parked on the road. · A continuous seven day period is consistent with Clause 	Adopt amended draft Clause 12 Motorhomes, immobilised vehicles and trailers.

			6.19 of the Land Transport (Road User) Rule in regards to parking trailers on the roadway.	
Clause 13: Storage of vehicles on road	Prohibit the parking or placing of vehicles on the road in connection with any business without Council's consent.	Section 22AB(1)(m) LTA 1998	<ul style="list-style-type: none"> · This clause is included to address the issue of businesses which use the road as an extension of their business to store vehicles. · Stops exclusive use of on-street parking. · Terminology updated to match the wording of the LTA (i.e. "park" instead of "leave") which enables the Council to issue infringement notices. · The proposed clause wording is assessed by staff as being more fit for purpose and easier to understand, therefore the clause will be easier to enforce. 	Retain draft Clause 13 Storage of vehicles on road, with amendments.
Clause 14: Parking for display or advertising	New clause: A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.	Section 22AB(1)(m) LTA 1998	<ul style="list-style-type: none"> · The clause is assessed to fill a gap in the current bylaw. · Parking vehicles for sale or advertising goods or services create distractions for drivers, takes up parking places, and uses the road as an extension of a business. · Inclusion of this clause provides an enforcement option to manage commercial advertising that does not have a permit. · This clause does not apply to vehicles that are genuinely being used for day-to-day transport that have signwriting. 	Adopt new draft clause 14 Parking for display or advertising.
Clause 15: Working on vehicles	Existing clause that relates to undertaking repairs on vehicles that are of a minor or urgent nature.	Section 22AB(1)(m) LTA 1998	<ul style="list-style-type: none"> · For the safety of both the person working on the vehicle and passing motorists, and also to prevent damage to the road, environment and control noise. · Minor wording amendments have been made for consistency with the bylaw's terminology. 	Retain draft Clause 15 Working on vehicles, with amendments.
PART 2: TRAFFIC MOVEMENT RESTRICTIONS				
Clause 16: One way streets/roads	Every person shall travel in the direction specified on the road.	Section 22AB(1)(p) LTA 1998	<ul style="list-style-type: none"> · One way streets are created for safety and capacity reasons. · It is not necessary under the LTA 1998 to have one-way streets included in a Schedule to the bylaw, therefore the proposed clauses also revokes the associated schedules. The equivalent information will be retained in registers. This provides for a less resource-intensive means to update. 	Adopt amended Clause 16 One way streets/roads.
Clause 17: Left or right turns and U-turns	Council may by resolution prohibit U-turns or left or right turns.	Section 22AB(1)(q) LTA 1998	<ul style="list-style-type: none"> · Prohibitions of these manoeuvres are for both safety and capacity reasons. 	Adopt amended Clause 17 Left or Right Turns and U-Turns.
Clause 18:	Council may by resolution	Section	<ul style="list-style-type: none"> · Enables Council to provide special vehicle lanes on roads or 	Adopt amended

Special vehicle lanes	restrict the classes of vehicle on a particular road or traffic lane.	22AB(1)(r) LTA 1998	<p>traffic lanes.</p> <ul style="list-style-type: none"> Special vehicle lanes are for safety and capacity reasons, and in some circumstances to promote more sustainable transport, e.g. bus lanes. 	Clause 18 Special Vehicle Lanes.
Clause 19: Control of vehicles on roads	This clause enables Council to prohibit or restrict any specified class of traffic or any specified motor vehicles or class of vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads	Section 22AB(1)(c) LTA 1998	<ul style="list-style-type: none"> By making this clause under the LTA 1998, the police can issue instant (infringement) fines for offences under this clause. The proposed clause simplifies the wording of current clause 13. This clause intends to manage specific classes of vehicles using roads to improve safety, improve traffic flow, and to stop vehicles that are unsuitable, e.g. heavy vehicles using certain residential roads in the city as a thoroughfare, or campervans on narrow or unsuitable roads. Previously the Council has relied on resolving heavy motor vehicle restrictions under section 16A LTA 1998 but this section is soon to be repealed and is not supported by an infringement fee. 	Adopt new draft Clause 19 Control of vehicles on roads.
Clause 20: Shared zones	The Council may specify any road or part of a road to be a shared zone, including (a) whether the shared zone may be used by specified classes of vehicles; (b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week); and (c) any other restrictions on how the shared zone is to be used by the public.	Section 22AB(1)(h) LTA 1998	<ul style="list-style-type: none"> Shared zones are created for the use of pedestrians, cyclists, and motor vehicles. Due to the slow speeds and lack of priority, motorists are generally discouraged from shared zones. Shared zones have minimal signs and road markings. Shared zones are well suited for developed shopping areas and town centres. All resolutions will be recorded in a register. 	Adopt amended Clause 20 Shared zones.
Clause 21: Shared paths	The Council may by resolution (a) determine the length, route and/or location of a shared path; and (b)	Section 22AB(1)(zk) LTA 1998	<ul style="list-style-type: none"> Shared paths are created for the use of pedestrians and cyclists The proposed clause removes the express requirement to have signage but the Council will still need to comply with the Land Transport (Road User) Rule 2004 and the Land Transport Rule: Traffic Control Devices 2004. All resolutions will be recorded in a register. 	Adopt amended Clause 20 Shared zones.

	determine priority for users on a shared path.			
Clause 22: Restricting vehicles on unformed road	The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.	Section 22AB(1)(g) LTA 1998	<ul style="list-style-type: none"> · This new clause addresses the need to restrict access to unformed roads where it would be unsafe, dangerous, cause environmental damage (e.g. heavy rutting), or crosses private property. · Unformed roads include paper roads, tracks such as Rapaki Track (presently has a locked gate). · The Council may want to restrict vehicle access overnight to locations that may be prone to night time antisocial behaviour or unauthorised freedom camping. 	Adopt new draft Clause 22 Restricting vehicles on unformed roads.
PART 3: INTERFERENCE WITH ROAD, TRAFFIC, PEDESTRIANS				
Clause 23: Events on or affecting legal road	Events on or affecting the road need written permission of an authorised officer.	Sections 145 and 146 LGA 02; Section 22AB(1)(zk) LTA 1998	<ul style="list-style-type: none"> · This clause simplifies the 2008 clause as the Council has a process for event permits which does not need to be duplicated in the bylaw. · Some events held on the road have a significant impact on the road network as road closures, removal of parking spaces, or restricting certain traffic manoeuvres may be required. · Events include both major events such as the Christchurch Marathon, and smaller community events such as street parties and parades. · This clause removes reference to funerals being an exclusion, as it was considered that funerals are not an event for the purposes of this bylaw. 	Adopt amended Clause 23 Events on or affected legal road.
Clause 24: Other temporary use of legal road	No person may carry out a temporary act that interferes with the normal operating conditions of a road without written permission.	Sections 145 and 146 LGA 02; Section 22AB(1)(zk) LTA 1998	<ul style="list-style-type: none"> · This proposed new clause is intended to cover temporary activities that are not organised events. · In order for the Council to coordinate use of the legal road, any activity that interferes with the normal operating conditions needs to be checked and authorised. · Examples, include road works, temporary fencing, repairs to infrastructure, works on adjoining private property, unloading oversized vehicles, storage of containers, and installing temporary art works. · Exclusions include stock driving (covered by the proposed Stock on Roads Bylaw 2017), and authorised activities such as rubbish collection. 	Adopt new draft Clause Other temporary use of legal road.
Clause 25: Vehicle	Vehicles only to cross the footpath at an authorised	Section 146 LGA 02	<ul style="list-style-type: none"> · Damage to roads is not always being fixed, and a bylaw clause continues to emphasise the need for repairs to be 	Adopt amended draft Clause 25

crossings	vehicle crossing.		done to Council's standard when enforcing contractual obligations.	Vehicle Crossings.
Clause 26: Temporary access ways	Temporary access ways need permission of an authorised officer, and must protect the road to ensure no damage is caused by the temporary access way.	Section 146 LGA 02	<ul style="list-style-type: none"> There may be circumstances where vehicle access to a site may not be possible due to accessibility, or lack of an existing driveway, e.g. in a new subdivision. This clause ensures that the appropriate measures are in place for temporary access and protects the existing footpath from damage. 	Adopt new draft Clause 26 Temporary access ways.
PART 4: SPEED LIMITS				
Clause 27: Speed limits	The Council can resolve to set speed limits or designate urban traffic areas.	Section 22AB(1)(d) LTA 1998; Sections 7.1 and 4.1 of the Land Transport Rule: Setting of Speed Limits 2003	<ul style="list-style-type: none"> Options: adopt the amended clause or retain the Speed Limits Bylaw 2010. Council resolved on 25 August 2016 "Noting the announcement ... about the location of the school in St Asaph Street, the location of the Metro Sports Facility and to correct some anomalies in the Bylaw; the Council requests that staff undertake a further review of the central city speed limits..." The context of this resolution is that there are some anomalies in the Speed Limits bylaw introduced through the 2014 CERA amendment. The proposed bylaw clause is considered to be the only substantive clause in the Speed Limits Bylaw, therefore it is proposed that the rest of the 2010 bylaw is revoked. 	Adopt amended draft Clause 27 Speed Limits.
PART 5: MISCELLANEOUS				
Clause 28: Permissions under this Bylaw	New administrative clause that clarifies the Council's requirements for written permissions, containing all information necessary for the authorised officer to consider issuing a permit, and be submitted in accordance with applicable Council policy and fees payable (if any).	Section 22AB(1)(h) LTA 1998; Sections 145 and 146 LGA 2002	<ul style="list-style-type: none"> This proposed new clause clarifies the Council's requirements for written applications. In order to obtain permission, the applicant may have to provide a site plan, Temporary Traffic Management Plan, Corridor Access Request and/or other information. This assists the authorising officer to make a decision based on the risks and disruption involved, and coordinate other activities that may be going on in the same area. This proposed clause also provides for the Council to charge for processing any application, exclusive use of road, and to set any conditions in order to protect the road and/or road users. 	Adopt new draft Clause 28 Permissions.
Clause 29: Material/Debris on roads and damage to roads	Any person leaving material or debris on the road, or causing damage to the road.	Section 22AB(1)(zk) LTA 1998; Sections 145 and 146 LGA	<ul style="list-style-type: none"> Material and debris left on the road causes traffic hazards to all road users. Excess materials can be washed into the waterways causing environmental problems and potential for blocked drains. 	Adopt amended Clause 29 Material/Debris on roads and damage to roads.

		2002	<ul style="list-style-type: none"> To ensure contractors, or any other person responsible, are vigilant. 	
Clause 30: Vehicle Removal	Provides Council the authority to remove any vehicle which contravenes this bylaw (clause 25 of Traffic and Parking Bylaw 2008) with minor wording amendments referring to the legislation.	Section 22AB(1)(zk) LTA 1998; Sections 163-168 LGA 2002	<ul style="list-style-type: none"> This bylaw clause further clarifies the authority to remove any vehicle which is parked or placed on the road in breach of any provisions of this bylaw. 	Adopt amended Clause 30 Vehicle Removal.
Clause 31: Exempted Vehicles	Excludes vehicles that are being used in the execution of duty, including for emergencies and traffic, parking, and other enforcement (clause 26 of Traffic and Parking Bylaw 2008).	Section 22AB(1) LTA 1998 Section 145 LGA 2002	<ul style="list-style-type: none"> Drivers of certain vehicles should be exempt from breaching the bylaw when executing certain duties. 	Adopt Clause 31 Exempted Vehicles.
Clause 32: Defences	This clause amends the wording of the existing 2008 clause (clause 27 of Traffic and Parking Bylaw 2008) regarding situations which may be used as a defence for not complying with this bylaw, by removing the defence of being necessary for the loading or unloading of a vehicle in the course of trade.	Section 22AB(1) LTA 1998	<ul style="list-style-type: none"> This is a necessary administrative clause. There may be circumstances when vehicles will not be complying with the provisions in the bylaw, e.g. undertaking a public works. The proposed clause removes the defence that the activity was necessary for the loading or unloading of a vehicle in the course of trade, so long as it was done with due consideration to safety and convenience of other road users, and either there was no alternative access or the circumstances made it unreasonable to use an alternative access. For example, car transporter trucks have been unloading outside car yards during peak hour traffic on one-way roads, impeding the flow of traffic. Council staff do not consider this to be reasonably necessary or have due consideration to the safety of other road users. 	Adopt amended draft Clause 32 Defences.
Clause 33: Penalties	Amended administrative clause (clause 28 of Traffic and Parking Bylaw 2008) clarifying that any person who breaches the bylaw commits an offence and is liable to the penalties set out in the LTA 1998 and the LGA 2002	Section 22AB(1)(b) LTA 1998; Section 242 LGA 2002	<ul style="list-style-type: none"> This is a necessary administrative clause. Depending on the different bylaw making powers, different penalties apply. Section 22AB of the LTA allows for infringeable offences. 	Retain Clause 33 Penalties.

	as the case may be.			
Clause 34: Revocations and Savings	Existing administrative clause (clause 29 of Traffic and Parking Bylaw 2008 and clause 6 of Speed Limits Bylaw 2010)	Section 22AB(1) LTA 1998; Sections 145 and 146 LGA 2002	· This is a necessary administrative clause	Retain Clause 34 Revocations and Savings.
Clause 35: Christchurch City Council General Bylaw	Existing administrative clause (clause 30 of Traffic and Parking Bylaw 2008 and clause 7 of Speed Limits Bylaw 2010)	Section 22AB(1) LTA 1998; Sections 145 and 146 LGA 2002	· This is a necessary administrative clause	Adopt Clause 35 General Bylaw.
Clause 36: Consequential Amendment to Christchurch City Council Parks and Reserves Bylaw	Retains the link to clause 9.3 of the Parks and Reserves Bylaw 2016 which states "Any place in a reserve that has been set aside for the parking of vehicles may be a restricted parking area under the Christchurch City Council Traffic and Parking Bylaw 2008".	Section 22AB(1) LTA 1998; Sections 145 and 146 LGA 2002	· This is a necessary administrative clause	Adopt Clause 36 Consequential Amendment to Christchurch City Council Parks and Reserves Bylaw

