

10. HEARINGS PANEL REPORT ON THE PROPOSED CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT BYLAW 2012



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager Transport and Greenspace
<b>Author:</b>	Proposed Traffic and Parking Amendment Bylaw Hearings Panel

**PURPOSE OF REPORT**

1. This is a report from the Hearings Panel considering the Proposed Traffic and Parking Amendment Bylaw (the Panel). It addresses the four submissions received during the special consultative procedure and contains recommendations from the Panel altering the proposed Amendment Bylaw in certain respects. The report also outlines the consultation processes that may be used for any changes to one way streets and special vehicles lanes which may be considered by the Council in the future under the proposed Amendment Bylaw. The proposed Amendment Bylaw (clean copy, and copy with the recommended changes highlighted) are attached to this report as **Attachment A**.

**EXECUTIVE SUMMARY**

2. On 15 December 2011 the Council considered a permanent amendment to the Christchurch City Council Traffic and Parking Bylaw 2008 and resolved to commence the Special consultative procedure to adopt the amendment. The resolution included the adoption of the Statement of Proposal and Summary of Information as tabled and attached to this Report as **Attachment B** and delegated the appointment of the Hearings Panel to the Council Secretary in consultation with the Chair of the Regulatory and Planning Committee.
3. A special consultative procedure took place between 28 January 2012 and 1 March 2012. A public information session was held on 23 February 2012. The consultation process was publicly notified in the Press and was detailed, along with submission forms on the Council's 'Have Your Say' website. In addition the Statement of Proposal and Summary of Information, with submission forms were posted to over 300 individuals and organisations – the Standard Transport Stakeholders' Database used for all transport project consultation as well as an extensive list of people who have previously expressed interest in the Traffic and Parking Bylaw 2008. Copies of the Statement of Proposal and Summary of Information, with submission forms, were available at Civic Offices, Council Service Centres and Libraries. Four submissions were received, with one submitter indicating willingness to meet with the Hearings Panel, but on the day not being able to attend. The summary of submissions is included as **Attachment C** and the full submissions received as **Attachment E**. In addition a late request for clarification was received from the Akaroa-Wairewa Community Board.
4. The Hearings Panel convened on 29 March 2012, with Councillors Wells (Chair), Broughton and Button forming the panel.

**FINANCIAL IMPLICATIONS**

5. The Council's decision on this matter will not result in additional costs being incurred. The ability to make changes to one way streets and special vehicle lanes by resolution after appropriate consultation and without invoking the Special consultative procedure will potentially result in cost savings to the Council.

**BACKGROUND AND HISTORY TO THE PROPOSED AMENDMENT BYLAW**

6. When the Council reviewed the Traffic and Parking Bylaw in 2008, and subsequently made a new Bylaw (which came into force on 1 July 2008), it was apparent that one way streets (clause 12 and Schedule 1) and roads or traffic lanes restricted to specific types or classes of vehicles and the use of those roads or lanes (clause 13 and Schedule 2) needed to be specified in the Bylaw itself. This was the effect of the wording of section 72 of the then Transport Act 1962 which set out many of the bylaw-making powers of local authorities in relation to roads.
7. In 2010, the Government introduced a Bill into Parliament called the Land Transport (Road Safety and Other Matters) Amendment Bill. The Bill provided, amongst other things, for the repeal of the Transport Act 1962 and the transfer of bylaw-making powers from section 72 of the Act to a new section 22AB of the Land Transport Act 1998.

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8. On 6 October 2010 the Council's Submission Panel met and approved a submission to the Transport and Industrial Relations Select Committee on the Land Transport (Road Safety and Other Matters) Amendment Bill. The Council's submission pointed out that the Bill had retained some of the wording of section 72 which effectively prevented territorial authorities from leaving matters of detail in a traffic and parking bylaw to be determined by resolution at a later date. The submission gave the following examples:
  - The power to prohibit or restrict absolutely or conditionally any specified class of traffic on any road or roads **specified in the bylaw**;
  - The power to require that one way roads must be **designated in the bylaw**;
  - The power to prescribe subject to the marking of lanes on the roadway, that on any road any traffic lane **specified in the bylaw** may be used or any turning movement may be made only by buses, taxis, or vehicles of other specified classes or vehicles carrying specified loads or no fewer than a specified number of occupants.
9. The submission noted that in each case the inclusion of the term "in the bylaw" meant that the road, cycle lane, or buses and taxis only turning lane, would need to be specified in the bylaw and if the Council at some future date, wished for example, to extend a cycle lane, or to introduce a taxis and buses only right turning lane, it would need to do so by amending its Traffic and Parking Bylaw using the process set out in the Local Government Act 2002. It could not do it by resolution and add a description of the lane to a register. The submission then spelt out what was involved in carrying out a special consultative procedure, pointing out that it was time consuming and costly (taking up to three months at a cost which may be in excess of \$30,000) and that it is inconsistent with the more common approach which is to leave matters of detail in a bylaw to be determined by resolution. Accordingly the Council submitted that reference to the roads being specified or designated in the bylaw be omitted. The full submission is attached as **Attachment D**. with the relevant sections 3.12 to 3.17 highlighted.
10. The Select Committee accepted the Council's submission and the words "specified in the bylaw" and "designated in the bylaw" were omitted from the new Section 22AB when the Land Transport (Road Safety and Other Matters) Amendment Act was enacted.
11. Since coming into force on 1 July 2008 the Traffic and Parking Bylaw has been amended 12 times with the most recent amendment being in September 2010, when Poplar Street was changed from one way in a northerly direction from Tuam to Lichfield Street to one way in a southerly direction from Lichfield to Tuam Street. Staff have recently identified some amendments that need to be made to the Second Schedule (Roads or Traffic Lanes Restricted to Specific Classes of Vehicles) and have proposed that instead of undertaking a special consultative procedure to amend the Second Schedule, it would now be appropriate to amend the Bylaw itself in order to take advantage of the new bylaw making provisions contained in Section 22AB of the Land Transport Act 1998.
12. In addition to the issues raised in submissions there has been media speculation about the Council's intentions regarding one way streets and the way it might in the future resolve to make changes to the current status of the streets contained in the First Schedule. The Akaroa/Wairewa Community Board too, raised a late query regarding the level of consultation that would take the place of the Special consultative procedure.
13. Under Section 78 of the Local Government Act 2002, a local authority must, in the course of its decision making process, give consideration to the views and preferences of persons likely to be affected by or to have an interest in the matter.

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14. In accordance with section 79 of the Local Government Act 2002, a local authority has discretion to determine how it achieves compliance with section 78, taking into account the significance of the matters affected by the decision, as well as costs, benefits and resources. The Council may, if it considers the matter requiring a decision to be of significance and of wide public interest, choose to use the special consultative procedure. If it considers the matter to be of interest to a particular community, for example the extension of a cycle lane within a ward, consult with or delegate the consultation to the relevant Community Board. Without making a determination or recommendation on the matter, the Council Hearings Panel was of the view that proposals to change the metropolitan roading system would require wide public consultation, not necessarily but possibly by the use of a Special consultative procedure, and certainly by seeking the comments of key stakeholders and by publication on the Council's Have Your Say website.

**ISSUES RAISED IN SUBMISSIONS**

15. **Attachment E** contains the four submissions received. The key issue raised was that the Council must publicise any proposed changes to one way streets so that all interested and potentially affected parties have the opportunity to have their views known by the decision makers. One submission repeated a previous submission made during hearings on the Central City Plan. The Hearings Panel noted that until the Minister for Earthquake Recovery made a decision as to whether to approve the Plan or not, the Council would not be implementing the Plan. The three other submissions supported the change to the Bylaw, with concerns being around timely, accessible and adequate information being available to all citizens and avoidance of rapid change.

**LEGAL CONSIDERATIONS**

16. A bylaw hearings panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, after considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act requires views presented during consultation to be given "due consideration in decision-making". The Council, as final decision-maker, must be in as good a position as the hearing panel in terms of being fully aware of the content of the written submission. As the special consultative procedure is used for this consultation, the Council cannot introduce anything new into the bylaw that has not arisen out of a submission made during consultation. It can, however, make minor editorial changes.
17. Section 157 requires that the Council, as soon as practicable after a bylaw is made, give public notice of the making of the bylaw. The public notice must state the date on which the bylaw will come into operation and that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.
18. The Legal Services Unit considers that the form of the Bylaw, as proposed in this report, is the most appropriate form, and that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government Act 2002). The Legal Services Unit considers that the amendments, as recommended by the panel comply with these requirements.
19. It is appropriate to resolve that the Bylaw will come into effect on 1 July 2012.

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HEARINGS PANEL RECOMMENDATIONS

The Hearings Panel recommends that the Council:

- (a) Resolve to adopt the new Christchurch City Council Traffic and Parking Amendment Bylaw 2012 to come into effect on 1 July 2012.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment Bylaw 2012 has been made by the Council, that it comes into effect on 1 July 2012 and that copies of the bylaw may be inspected and obtained at the Council's offices or on its website, without payment.
- (c) Make the following minor changes to clause 5 of the Christchurch City Council Traffic and Parking Amendment Bylaw 2012:
  - (i) In new clause 13(1)(a) (which is contained in clause 5) delete the word "cycle" and substitute the word "cycles).
  - (ii) In new clause 13(2)9a) (which is contained in clause 5) insert, after the phrase "taxis" the phrase "cycles".
- (d) Makes the following minor changes to clause 6 of the Christchurch City Council Traffic and Parking Amendment Bylaw 2012:
  - (i) In clause 6(4) delete the words "those bylaws and "the bylaws and substitute the words as highlighted in bold below so that the clause reads as follows:
    - (4) The substitution of clauses 12 and 13 and the revocation of the First and Second Schedules do not prevent any legal proceedings, criminal or civil, being taken to enforce **that Bylaw**, and such proceedings continue to be dealt with and completed as if **those clauses or Schedules** had not been substituted or revoked as the case may be.



**CHRISTCHURCH CITY COUNCIL**

**TRAFFIC AND PARKING BYLAW AMENDMENT BYLAW 2012**

Pursuant to the Land Transport Act 1998, the Council makes this Bylaw.

**1. SHORT TITLE**

This Bylaw is the Christchurch City Council Traffic and Parking Amendment Bylaw 2012.

**2. COMMENCEMENT**

This Bylaw comes into force on 1<sup>st</sup> June 2012.

**3. PRINCIPAL BYLAW AMENDED**

This Bylaw amends the Christchurch City Council Traffic and Parking Bylaw 2008, and is to be read as part of the Christchurch City Council Traffic and Parking Bylaw 2008.

**4. CLAUSE 12 SUBSTITUTED**

Clause 12 of the Christchurch City Council Traffic and Parking Bylaw 2008 is revoked and the following clause is substituted:

**12. ONE WAY STREETS**

- (1) *The Council may by resolution specify any road or part of a road where vehicles must travel in one specified direction only.*
- (2) *The Council may by resolution subsequently amend or revoke any resolution made under subclause (1).*
- (3) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*
- (4) *This clause is subject to the Council erecting the prescribed signs.*

***[The following note is explanatory and is not part of the Bylaw:***

*All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

**5. CLAUSE 13 SUBSTITUTED**

Clause 13 of the Christchurch City Council Traffic and Parking Bylaw 2008 is revoked and the following clause is substituted:

**13. ROADS OR TRAFFIC LANES RESTRICTED TO SPECIFIC CLASSES OF VEHICLES**

- (1) *The Council may by resolution specify any road or part of a road where a traffic lane may be used only by –*
  - (a) *buses, taxis, cycles or vehicles of other specified classes; or*

- (b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*
- (2) *The Council may by resolution specify any road or part of a road where any turning movement may only be made by –*
  - (a) *buses, taxis, cycles or vehicles of other specified classes; or*
  - (b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*
- (3) *Any resolution made under this clause must specify, as the case may be–*
  - (a) *the type of traffic lane (for example a bus, taxi or cycle lane); and*
  - (b) *the hours of operation of the traffic lane (if any) when it is restricted to specific classes of vehicles; and*
  - (c) *the hours that a restricted turning movement may be made (if any).*
- (4) *The Council may by resolution subsequently amend or revoke any resolution made under this clause.*
- (5) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*
- (6) *This clause is subject to the Council erecting any prescribed signs or marking the road. The exact location of a restriction under this clause, will be signed and marked as prescribed by the Land Transport Rule Traffic Control Devices 2004 (or any other applicable legislation). Where signs and markings are not prescribed, they will be decided by the Council's traffic engineering staff applying best practice guidelines.*

***[The following note is explanatory and is not part of the Bylaw:***

*All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

## **6. REVOCATIONS AND SAVINGS**

- (1) The First and Second Schedules of the Christchurch City Council Traffic and Parking Bylaw 2008 are revoked.
- (2) Despite subclause (1), the content of the First Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under the clause 12 (as amended by this Bylaw) by resolution of the Council.
- (3) Despite subclause (1), the content of the Second Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under clause 13 (as amended by this Bylaw) by resolution of the Council.
- (4) The substitution of clauses 12 and 13, and the revocation of the First and Second Schedules do not prevent any legal proceedings, criminal or civil, being taken to

enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been substituted or revoked as the case may be.

***[The following note is explanatory and is not part of the Bylaw.***

*All resolutions saved under this clause will be recorded in the appropriate register which is accessible on the Council's website or available from the Council's Service Centres.]*

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 15 Dec 2011 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on [insert date].



## CHRISTCHURCH CITY COUNCIL

## TRAFFIC AND PARKING BYLAW AMENDMENT BYLAW 2012

Pursuant to the Land Transport Act 1998, the Council makes this Bylaw.

**1. SHORT TITLE**

This Bylaw is the Christchurch City Council Traffic and Parking Amendment Bylaw 2012.

**2. COMMENCEMENT**

This Bylaw comes into force on **1<sup>st</sup> July 2012**.

**3. PRINCIPAL BYLAW AMENDED**

This Bylaw amends the Christchurch City Council Traffic and Parking Bylaw 2008, and is to be read as part of the Christchurch City Council Traffic and Parking Bylaw 2008.

**4. CLAUSE 12 SUBSTITUTED**

Clause 12 of the Christchurch City Council Traffic and Parking Bylaw 2008 is revoked and the following clause is substituted:

**12. ONE WAY STREETS**

- (1) *The Council may by resolution specify any road or part of a road where vehicles must travel in one specified direction only.*
- (2) *The Council may by resolution subsequently amend or revoke any resolution made under subclause (1).*
- (3) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*
- (4) *This clause is subject to the Council erecting the prescribed signs.*

***[The following note is explanatory and is not part of the Bylaw:***

*All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

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- (1) *The Council may by resolution specify any road or part of a road where a traffic lane may be used only by –*
  - (a) *buses, taxis, cycles or vehicles of other specified classes; or*

- (b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*
- (2) *The Council may by resolution specify any road or part of a road where any turning movement may only be made by –*
  - (a) *buses, taxis, cycles or vehicles of other specified classes; or*
  - (b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*
- (3) *Any resolution made under this clause must specify, as the case may be–*
  - (a) *the type of traffic lane (for example a bus, taxi or cycle lane); and*
  - (b) *the hours of operation of the traffic lane (if any) when it is restricted to specific classes of vehicles; and*
  - (c) *the hours that a restricted turning movement may be made (if any).*
- (4) *The Council may by resolution subsequently amend or revoke any resolution made under this clause.*
- (5) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*
- (6) *This clause is subject to the Council erecting any prescribed signs or marking the road. The exact location of a restriction under this clause, will be signed and marked as prescribed by the Land Transport Rule Traffic Control Devices 2004 (or any other applicable legislation). Where signs and markings are not prescribed, they will be decided by the Council's traffic engineering staff applying best practice guidelines.*

***[The following note is explanatory and is not part of the Bylaw:***

*All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

## **6. REVOCATIONS AND SAVINGS**

- (1) The First and Second Schedules of the Christchurch City Council Traffic and Parking Bylaw 2008 are revoked.
- (2) Despite subclause (1), the content of the First Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under the clause 12 (as amended by this Bylaw) by resolution of the Council.
- (3) Despite subclause (1), the content of the Second Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under clause 13 (as amended by this Bylaw) by resolution of the Council.
- (4) The substitution of clauses 12 and 13, and the revocation of the First and Second Schedules do not prevent any legal proceedings, criminal or civil, being taken to

enforce **that Bylaw** and such proceedings continue to be dealt with and completed as if the **Bylaw** had not been substituted or revoked as the case may be.

***[The following note is explanatory and is not part of the Bylaw.***

*All resolutions saved under this clause will be recorded in the appropriate register which is accessible on the Council's website or available from the Council's Service Centres.]*

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on **15 Dec 2011** and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on **[insert date]**.

# The Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2012



# STATEMENT OF PROPOSAL REGARDING THE PROPOSED TRAFFIC AND PARKING AMENDMENT BYLAW 2012

This statement is made for the purposes of section 22AD of the Land Transport Act 1998 and sections 83 and 86 of the Local Government Act 2002.

## *Nature of Proposal*

This proposal relates to an amendment to the Christchurch City Council Traffic and Parking Bylaw 2008. The Amendment which is called the Christchurch City Council Traffic and Parking Bylaw Amendment 2012 proposes amending clauses 12 and 13 of the current Bylaw and removing the First and Second Schedules. The proposed Amendment Bylaw is attached to this Statement of Proposal.

## *Reasons for this proposal*

Section 22AD of the Land Transport Act 1998 requires the Council to use the special consultative procedure in section 83 of the Local Government Act 2002 when amending a bylaw made under the Land Transport Act 1998. The statutory powers which authorise clauses 12 and 13 of the Bylaw and the associated Schedules are now contained in section 22AB of the Land Transport Act 1998.

Therefore, in order to change clauses 12 and 13 of the Bylaw and remove the First and Second Schedules, the Council must amend the Traffic and Parking Bylaw 2008 using the special consultative procedure.

The main reason for these proposed changes is to make it easier and more cost efficient for the Council to prescribe, by resolution, one way streets, special vehicle lanes and the like.

## *Background*

Clauses 12 and 13 are contained in Part 2 of the Bylaw which deals with traffic movement restrictions.

Clause 12(1) of the Bylaw currently provides that "every person in a vehicle on a road described in the First Schedule of this Bylaw shall travel only in the direction specified for that road." The First Schedule of the Bylaw then sets out the one way streets in the City.

Clause 13(1) of the Bylaw provides that "no person in charge of a vehicle may use a road or lane described in the Second Schedule of this Bylaw unless,-

- (a) the vehicle is of the class specified to use that road or lane (for example, a bus, taxi or cycle); and
- (b) any turning movements comply with the provisions of that Schedule."

The Second Schedule of the Bylaw then sets out the roads or traffic lanes that are restricted to specific types or classes of vehicles and the use of those roads or lanes. The Second Schedule also provides that the exact location of any road or traffic lane restricted to specific classes of vehicles, for example, special vehicle lanes, will be marked and signed as prescribed by the Land Transport Rule: Traffic Control Devices 2004 (or any other applicable legislation) and, where they are not prescribed, will be decided by traffic engineering staff applying best practice guidelines. It also states that the hours of operation of any traffic lane restricted to specific classes of vehicles will be determined by Council by resolution as required from time to time, in accordance with the decision-making requirements in the Local Government Act 2002.

## *Proposed change*

The proposed changes are summarised below:

- (a) As amended, clause 12 will provide that the Council may, by resolution, specify any road or part of a road where vehicles may travel in one specified direction only; and
- (b) As amended, clause 13 will provide that the Council may, by resolution, specify any road or part of a road where a traffic lane may be used only by –
  - (i) buses, taxis, cycles or vehicles of other specified classes; or
  - (ii) vehicles carrying specified classes of loads or no fewer than a specified number of occupants.
 A similar provision will also be made in clause 13 in relation to restricted turning movements.
- (c) The First and Second Schedules will be revoked.

## *Options analysis*

As part of normal Council decision-making, various options need to be explored (section 77 of the Local Government Act 2002). In the analysis for this Amendment Bylaw, three options were considered:

These were

- Option 1: amending clauses 12 and 13 of the Bylaw and removing the First and Second Schedules of the Bylaw.
- Option 2: keeping the status quo (and therefore requiring the Council to carry out a bylaw amendment every time the Council wishes to change the Schedules).
- Option 3: undertaking a more limited amendment so that only clause 13 is amended and the Second Schedule removed.

The preferred option was option 1.

## *Report on section 155 analysis*

In making or amending a bylaw, the Local Government Act 2002 requires the Council to go through an analysis in accordance with section 155. The section 155 analysis for the proposed Amendment Bylaw was carried out by answering the following questions:

1. *What is the perceived problem?*
2. *Is amending the Traffic and Parking Bylaw the most appropriate way of addressing the problem?*
3. *Is the proposed bylaw drafted in the most appropriate form?*
4. *Are there any New Zealand Bill of Rights Act 1990 implications?*
5. *Conclusion.*

The following is a summary of the section 155 analysis for the proposed Traffic and Parking Amendment Bylaw 2012.

The perceived problem is the time and expense incurred by the Council in carrying out a special consultative procedure every time the Council wishes to amend the current First and Second Schedules of the Bylaw. Since the 2008 Bylaw came into force, the Council has undertaken 11 Bylaw amendments to change the First



and Second Schedules to provide for changes to special vehicle lanes or one way streets.

Three options were considered and option 1 (as detailed above) was identified as the most appropriate way of addressing the perceived problem. It will allow the Council to specify one way streets and special vehicle lanes by way of resolution. The resolutions will be recorded in a register which will be accessible on the Council's website and also be available from the Council's Services Centres. These registers will operate in the same fashion as the register relating to prohibited times on roads clause 15 of the Traffic and Parking Bylaw 2008.

If the Council wishes to make a resolution under clause 12 or 13, the Council will still need to comply with the decision-making provisions of Part 6 of the Local Government Act 2002. For example, under section 78, giving consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.

If it is determined that a bylaw is the most appropriate way of addressing the identified issues, the Council must determine whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 ("NZBORA"). The Council has determined that the proposed Amendment Bylaw is the most appropriate tool for addressing the particular issues it covers, and that it is in the most appropriate form. The proposed Amendment Bylaw gives rise to some implications in relation to the NZBORA, in particular, the right to freedom of movement. However, according to section 5 of the NZBORA, the rights and freedoms contained in the Bill of Rights may be subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. It is considered that given section 22AB specifically authorises bylaws of this kind, the limits in clauses 12 and 13 on freedom of movement are reasonable and can be demonstrably justified in a free and democratic society.

Therefore, the proposed bylaw is not considered to be inconsistent with the NZBORA.

#### *Process and Indicative timetable*

15 <sup>th</sup> Dec 2011	<ul style="list-style-type: none"> <li>The Council adopted the proposed Bylaw for consultation</li> </ul>
28 <sup>th</sup> Jan 2012	<ul style="list-style-type: none"> <li>Consultation commences in accordance with section 83 of the Local Government Act 2002 (the Special Consultative Procedure)</li> </ul>
23 <sup>rd</sup> Feb 2012 5.00pm	<ul style="list-style-type: none"> <li>Information session</li> </ul>
1 <sup>st</sup> March 2012	<ul style="list-style-type: none"> <li>Written submissions close</li> </ul>
March/April 2012	<ul style="list-style-type: none"> <li>The Hearings Panel hears the oral submissions</li> <li>Consultation ends</li> <li>The Hearings Panel deliberates on the submissions</li> </ul>
April/May 2012	<ul style="list-style-type: none"> <li>The Council considers the Hearings Panel's report and recommendations arising from consultation</li> <li>The Council adopts the proposed bylaw</li> </ul>
1 <sup>st</sup> June 2012	<ul style="list-style-type: none"> <li>The new Bylaw comes into force</li> </ul>

The Council has resolved on the matters in section 155 of the Local Government Act 2002 and has approved this statement of proposal and summary of information, which will be publicised. The Council will appoint a hearings panel to hear and consider any submissions.

A full copy of the report to Council on these matters is available on the Council's website at [www.ccc.govt.nz/HaveYourSay](http://www.ccc.govt.nz/HaveYourSay) and can be accessed at all open Council Service Centres, Council Libraries and on the Council's website during the consultation period.

Submissions on this proposal can be made either:

- through the Have Your Say website:  
[www.ccc.govt.nz/HaveYourSay](http://www.ccc.govt.nz/HaveYourSay)
- via email to: [bylaws@ccc.govt.nz](mailto:bylaws@ccc.govt.nz)
- in writing to: "Submissions on the proposed Traffic and Parking Amendment Bylaw 2012"

Freepost 178  
Proposed Traffic & Parking Amendment Bylaw 2012  
Council Support Team  
Christchurch City Council  
PO Box 73013  
Christchurch 8154

Submissions on this proposal may be made to the Council between 28<sup>th</sup> January 2012 and 1 March 2012.

Any person who makes a submission will have the opportunity to be heard by the Christchurch City Council Hearings Panel in March/April 2012 but must make that request in their written submission. An information session will be held at 5.00pm on the 23<sup>rd</sup> February 2012 at the Civic Offices, 53 Hereford Street (entrance via Hereford Street only).

The Local Government Act 2002 requires the Council to make all written submissions on this consultation available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987. Anyone wishing to withhold any information of a private or personal nature from their submissions should first contact the Christchurch City Council Consultation Manager on Ph 941 8999.

The Council will receive a report from the hearings panel, will consider the recommendations of the panel and make a final determination on the amendments to the bylaw.



# CHRISTCHURCH CITY COUNCIL

## TRAFFIC AND PARKING BYLAW AMENDMENT BYLAW 2012

Pursuant to the Land Transport Act 1998, the Council makes this Bylaw.

### 1. SHORT TITLE

This Bylaw is the Christchurch City Council Traffic and Parking Amendment Bylaw 2012.

### 2. COMMENCEMENT

This Bylaw comes into force on [insert date].

### 3. PRINCIPAL BYLAW AMENDED

This Bylaw amends the Christchurch City Council Traffic and Parking Bylaw 2008, and is to be read as part of the Christchurch City Council Traffic and Parking Bylaw 2008.

### 4. CLAUSE 12 SUBSTITUTED

Clause 12 of the Christchurch City Council Traffic and Parking Bylaw 2008 is revoked and the following clause is substituted:

#### 12. ONE WAY STREETS

- (1) *The Council may by resolution specify any road or part of a road where vehicles must travel in one specified direction only.*
- (2) *The Council may by resolution subsequently amend or revoke any resolution made under subclause (1).*
- (3) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*
- (4) *This clause is subject to the Council erecting the prescribed signs.*

*[The following note is explanatory and is not part of the Bylaw: All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

### 5. CLAUSE 13 SUBSTITUTED

Clause 13 of the Christchurch City Council Traffic and Parking Bylaw 2008 is revoked and the following clause is substituted:

#### 13. ROADS OR TRAFFIC LANES RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

- (1) *The Council may by resolution specify any road or part of a road where a traffic lane may be used only by –*
  - (a) *buses, taxis, cycle or vehicles of other specified classes; or*
  - (b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*
- (2) *The Council may by resolution specify any road or part of a road where any turning movement may only be made by –*
  - (a) *buses, taxis, or vehicles of other specified classes; or*

(b) *vehicles carrying specified classes of loads or no fewer than a specified number of occupants.*

(3) *Any resolution made under this clause must specify, as the case may be–*

(a) *the type of traffic lane (for example a bus, taxi or cycle lane); and*

(b) *the hours of operation of the traffic lane (if any); and*

(c) *the hours that a restricted turning movement may be made (if any).*

(4) *The Council may by resolution subsequently amend or revoke any resolution made under this clause.*

(5) *No person may drive a vehicle on a road in a manner that contravenes a restriction made under this clause.*

(6) *This clause is subject to the Council erecting any prescribed signs or marking the road. The exact location of a restriction under this clause, will be signed and marked as prescribed by the Land Transport Rule Traffic Control Devices 2004 (or any other applicable legislation). Where signs and markings are not prescribed, they will be decided by the Council's traffic engineering staff applying best practice guidelines.*

*[The following note is explanatory and is not part of the Bylaw: All resolutions made under this clause will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.]*

### 6. REVOCATIONS AND SAVINGS

- (1) *The First and Second Schedules of the Christchurch City Council Traffic and Parking Bylaw 2008 are revoked.*
- (2) *Despite subclause (1), the content of the First Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under the clause 12 (as amended by this Bylaw) by resolution of the Council.*
- (3) *Despite subclause (1), the content of the Second Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008 continues for the purposes of the Christchurch City Council Traffic and Parking Bylaw 2008 to have full force and effect as if the content of that Schedule were made under clause 13 (as amended by this Bylaw) by resolution of the Council.*
- (4) *The substitution of clauses 12 and 13, and the revocation of the First and Second Schedules do not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been substituted or revoked as the case may be.*

*[The following note is explanatory and is not part of the Bylaw: All resolutions saved under this clause will be recorded in the appropriate register which is accessible on the Council's website or available from the Council's Service Centres.]*

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 15 December 2011 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on [insert date].

**The text below is the existing clauses 12 and 13 of the Traffic and Parking Bylaw 2008, amendments to which are proposed in this document.**

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## PART 2

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### TRAFFIC MOVEMENT RESTRICTIONS

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#### 12. ONE WAY STREETS

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- (1) Every person in a vehicle on a road described in the First Schedule of this Bylaw shall travel only in the direction specified for that road.
- (2) This clause is subject to the Council erecting the prescribed signs.

*[The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect: The First Schedule sets out what are commonly known as one way streets. The First Schedule may only be changed in accordance with the Local Government Act 2002.]*

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#### 13. ROADS OR TRAFFIC LANES RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

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- (1) No person in charge of a vehicle may use a road or lane described in the Second Schedule of this Bylaw unless,-
  - (a) the vehicle is of the class specified to use that road or lane (for example, a bus, taxi or cycle); and
  - (b) any turning movements comply with the provisions of that Schedule.
- (2) This clause is subject to the Council erecting the prescribed signs.

*[The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect: The Second Schedule sets out roads or traffic lanes that are restricted to specific types or classes of vehicles and the use of those roads or lanes. For example, only specified vehicles will be able to make particular turning movements. The Second Schedule may only be changed in accordance with the Local Government Act 2002.]*



## **SUMMARY OF INFORMATION FOR THE STATEMENT OF PROPOSAL FOR THE PROPOSED CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT BYLAW 2012**

This summary is made under section 89 of the Local Government Act 2002 and relates to the Statement of Proposal for the Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2012.

A full copy of the Statement of Proposal is available on the Council's website at [www.ccc.govt.nz/HaveYourSay](http://www.ccc.govt.nz/HaveYourSay) and can be accessed at all open Council Service Centres, Council Libraries and on the Council's website during the consultation period.

### *Nature of Proposal*

The proposal relates to an amendment to the Christchurch City Council Traffic and Parking Bylaw 2008. The Amendment which is called the Christchurch City Council Traffic and Parking Bylaw Amendment 2012 proposes amending clauses 12 and 13 of the current Bylaw and removing the First and Second Schedules. Clause 12 and the associated First Schedule currently prescribes one way streets in the City. Clause 13 and the associated Second Schedule prescribes those roads or traffic lanes that are restricted to specific classes of vehicles (eg special vehicle lanes).

### *Reasons for this proposal*

Section 22AD of the Land Transport Act 1998 requires the Council to use the special consultative procedure in section 83 of the Local Government Act 2002 when amending a bylaw made under the Land Transport Act 1998. The statutory powers which authorise clauses 12 and 13 of the Bylaw and the associated Schedules are now contained in section 22AB of the Land Transport Act 1998.

Therefore, in order to change clauses 12 and 13 of the Bylaw and remove the First and Second Schedules, the Council must amend the Traffic and Parking Bylaw using the special consultative procedure.

The main reason for these proposed changes is to make it easier and more cost efficient for the Council to prescribe, by resolution, one way streets, special vehicle lanes and the like.

### *Proposed change*

The proposed changes are summarised below:

- (a) As amended, clause 12 will provide that the Council may by resolution specify any road or part of a road where vehicles may travel in one specified direction only; and
- (b) As amended, clause 13 will provide that the Council may by resolution specify any road where a traffic lane may be used only by –
  - (i) buses, taxis, cycles or vehicles of other specified classes; or
  - (ii) vehicles carrying specified classes of loads or no fewer than a specified number of occupants.

A similar provision will also be made in clause 13 in relation to restricted turning movements.

- (c) The First and Second Schedules will be revoked.

### *Report on section 155 analysis*

In making or amending a bylaw, the Local Government Act 2002 requires the Council to go through an analysis in accordance with section 155. An analysis was undertaken with respect to the proposed amendment. This analysis included looking at the perceived problem and determining whether or not a bylaw is the best way of addressing the perceived problem.

The perceived problem is the time and expense incurred by the Council in carrying out a special consultative procedure every time the Council wishes to amend the current First and Second Schedules of the Bylaw. Since the 2008 Bylaw came into force, the Council has undertaken 11 Bylaw amendments to change the First and Second Schedules to provide for changes to special vehicle lanes or one way streets.

Three options were considered and option 1 (which is the proposed bylaw amendment) was identified as the most appropriate way of addressing the perceived problem. It will allow the Council to specify one way streets and special vehicle lanes by way of resolution. The resolutions will be recorded in a register which will be accessible on the Council's website and also be available from the Council's Services Centres. These registers will operate in the same fashion as the register relating to prohibited times on roads clause 15 of the Traffic and Parking Bylaw 2008.

If it is determined that a bylaw is the most appropriate way of addressing the perceived problem, the Council must determine whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. The Council has determined that the proposed Amendment Bylaw is the most appropriate tool for addressing the particular issues it covers, and that it is in the most appropriate form. The proposed Amendment Bylaw gives rise to some implications in relation to the New Zealand Bill of Rights Act 1990, however, it is not considered to be inconsistent with that Act.

### *Submissions*

Submissions on this proposal can be made either:

- through the Have Your Say website:  
[www.ccc.govt.nz/HaveYourSay](http://www.ccc.govt.nz/HaveYourSay)
- via email to: [bylaws@ccc.govt.nz](mailto:bylaws@ccc.govt.nz)
- in writing to: "Submissions on the proposed Traffic and Parking Amendment Bylaw 2012"

Freepost 178  
Proposed Traffic & Parking Amendment Bylaw 2012  
Council Support Team  
Christchurch City Council  
PO Box 73013  
Christchurch 8154

Submissions on this proposal may be made to the Council between 28 January 2012 to 1 March 2012.

The Council's Hearings Panel will hear oral submissions on this Proposal during March/April 2012.

An information session be held at 5.00pm on the 23<sup>rd</sup> February 2012 at the Civic Offices, 53 Hereford Street (entrance via Hereford Street only).



# Submission Form

**PLEASE READ BEFORE COMPLETING YOUR SUBMISSION**

The public consultation period is from Saturday 28 January 2012 – Thursday 1 March 2012. A public hearings process will follow.

It will help us if in your submission you:

- Refer to the specific clause of the proposed Amendment Bylaw.
- Type or use black ink for your submission.

Please note: We are legally required to make all written or electronic submissions available to the public and to Councillors, this includes the name and address of the submitter. (Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987). If you consider these compelling reasons why your contact details and/or submission should be kept confidential, you should contact the Consultation Manager, telephone 941-8999.

No anonymous submissions will be accepted. Whether you use this form or not, you must provide your full name, address and telephone number. If you are submitting on behalf of an organisation, please state this and your role within that organisation.

**You may send us your submission:**

**On the internet**

You may enter your submission using the form provided on the Council's website at [www.ccc.govt.nz/HaveYourSay](http://www.ccc.govt.nz/HaveYourSay). Please follow all the instructions on the website.

**By email**

Please email your submission to [TrafficBylaw@ccc.govt.nz](mailto:TrafficBylaw@ccc.govt.nz)

Please make sure that your full name and address is included with your submission.

**By mail**

(no stamp is required) to:

Freepost 178  
Traffic and Parking Amendment Bylaw 2012  
Council Support Team  
Christchurch City Council  
PO Box 73013  
Christchurch 8154

Submissions must be received (NOT postmarked) at the Hereford Street Civic Offices no later than 5pm on Thursday 1 March 2012. To ensure receipt, hand deliver last-minute submissions to the Civic Offices, 53 Hereford Street.

## Your submission

If you wish, you can present your submission at a hearing. If that is the case, please tick the appropriate box below. The hearings will be held during March/April 2012. Five to ten minutes will be allocated for speaking to your submission, including time for questions from the Councillors. The Council will confirm the date and time of your hearing in writing, by email or by telephone call.

TICK ONE

I do NOT wish to discuss my submission at the hearing, and ask that this written submission be considered

OR

I wish to discuss the main points in my written submission at the hearings to be held during March/April 2012

Are you completing this submission:  For yourself  On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent? \_\_\_\_\_

My submission refers to Clause(s): \_\_\_\_\_

Your Name: \_\_\_\_\_

Organisation name (if applicable): \_\_\_\_\_

Organisation role (if applicable): \_\_\_\_\_

Contact Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Phone No (day): \_\_\_\_\_ Phone No (evening): \_\_\_\_\_

Email (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_





ID Ref	Organisation Name	Summary of issues raised
7296	NZAA Canterbury/West Coast District Council	<p>Re-submission of the organisation's viewpoint on the restructuring of 1-way streets back to 2-way streets, as previously presented (to the central city plan hearings):</p> <ul style="list-style-type: none"> <li>• That 56.8% of members surveyed favour the one way streets, only 16.7% opposed and 24.5% are neither for nor against them.</li> <li>• That there is no factual analysis or justification given for altering the one way streets, and that the environmental impacts of one way streets are, relative to two way streets, quite benign.</li> </ul>
7299	Age Concern Canterbury Incorporated	<ul style="list-style-type: none"> <li>• Concern that there appears to be no intention to give public notice of the proposals to change the one way street system by resolution. Questioning "how due consideration can be given to the views and preferences of persons likely to be affected or have an interest in the matter unless there is a robust process in place to ensure that the wider community become aware of the proposals and thereby have an opportunity to express their views?" Submitting that "any proposed changes to the one way street system should be publicly notified".</li> </ul>
7301	Burwood/Pegasus Community Board	<ul style="list-style-type: none"> <li>• Support for the purpose of the bylaw change being to enable the Council to specify, amend or revoke one way streets, special vehicle lanes etc by resolution. Requesting that in future proposed major changes, "the consultation provisions of the Local Government Act are effectively applied to engage the public and the Community Boards, in their key role as advocates for their communities".</li> </ul>
7302	Association of Blind Citizens	<ul style="list-style-type: none"> <li>• Supporting Option 1 (amending clauses 12 and 13 of the Bylaw and removing the First and Second Schedules of the Bylaw).</li> <li>• Regarding clause 12 –that all relevant information is stated clearly on the Council's website and other relevant information suitable for blind and vision impaired people.</li> <li>• Regarding clause 13 –that only buses, taxis, cycles or other specific vehicles are able to use these roads, and that all information must be clearly given on the Council's website or other accessible means.</li> <li>• And that people with specific disability be given adequate information at all times and they should be able to cross these roads in a safe and timely manner.</li> </ul>

17 October 2010

Our Ref No: lex9758

The Committee Secretariat  
Transport and Industrial Relations Select Committee  
Parliament House  
**WELLINGTON**

## **SUBMISSION OF THE CHRISTCHURCH CITY COUNCIL ON THE LAND TRANSPORT (ROAD SAFETY AND OTHER MATTERS) AMENDMENT BILL**

### **1.0 Introduction**

- 1.1 The Christchurch City Council would like to thank the Committee for the opportunity to comment on this Bill.
- 1.2 This submission was approved by the Council's Submissions Panel on 6 October 2010.
- 1.3 The Council wishes to be heard in support of its submission.

### **2.0 Summary of submissions**

- 2.1 The Council supports the introduction of new measures in the Bill which are designed to improve the safety of young drivers and to provide the Courts with a wider suite of tougher sanctions for serious or repeat driving offences. However, the Council submits that the Bill should go further in that it should –
  - reduce the legal blood alcohol concentration (BAC) for drivers over 20 years old from 400 mcg per litre of breath (or 80mg of alcohol per 100ml of blood), to 250 mcg per litre of breath (or 50 mg of alcohol per 100ml of blood); and
  - raise the minimum driver licensing age from 15 years to 17 years.
- 2.2 The Council notes that the Bill also provides for the repeal of the Transport Act 1962. The Bill proposes transferring the remaining provisions in that Act to the Land Transport Act 1998. This involves dealing with a number of key provisions relevant to local authorities including bylaw-making powers and the powers of parking wardens. The Council has a number of concerns about the new provisions dealing with bylaw making powers. The Council's concerns are:
  - The length of section 22AB once the amendments are passed:

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- The requirements that some details be specified in the bylaw itself (this effectively overrides the ability of the Council to leave matters to be determined by resolution at a later date):
- The application of section 22AC to the bylaw-making powers being transferred from the Local Government Act 1974 ("the LGA 74"):
- The lack of clarity as to the application of sections 155, and 159 to 160A of the Local Government Act 2002 ("the LGA 02") to bylaws made under section 22AB.

2.3 The Council is also concerned that Council parking wardens may not be able to issue infringement notices for vehicle and driver registration and licensing offences. This matter needs to be clarified.

### 3.0 Specific Submissions

#### *Blood Alcohol Level*

- 3.1 The Council notes that the main purpose of the Bill is to promote road safety and to give effect to key initiatives forming part of Safer Journeys (the Government's road safety strategy to 2020). As noted in the General Policy Statement, this will be achieved by introducing a range of new measures designed to improve the safety of young drivers and to provide the courts with a wider suite of tougher sanctions for serious or repeat driving offenders.
- 3.2 The Council supports the intent of the Bill but submits that the Bill does not go far enough. In 2009, the Council made a detailed submission on the Safer Journey's Discussion Document. A copy of the Council's submission is **enclosed** for the Committee's information. In the Council's submission, an area of high concern for the Council was reducing alcohol/drug impaired driving. The Council supported –
- reducing the legal blood alcohol concentration (BAC) for drivers over 20 years old from 0.08 mcg per litre of breath (or 80mg of alcohol per 100ml of blood), to 0.05 mcg per litre of breath (or 50 mg of alcohol per 100ml of blood); and
  - reducing the BAC from 0.03 mcg per litre of breath (or 30 mg of alcohol per 100 ml of blood), to 0.00 mcg per litre of breath for drivers under 20 years old.
- 3.3 The Council resolved at a meeting on 23 April 2009 as follows:
- "That the Christchurch City Council supports the Canterbury Regional Transport Committee resolution:*
- a reduction in the legal blood alcohol concentration (BAC) for drivers over 20 years old from 0.08% to 0.05%; and*
  - a reduction in the BAC from 0.03% to 0.00% for drivers under 20 years old."*

3.4 At a meeting on 26 August 2010, the Council also resolved as follows:

*“That the Council:*

- (a) *Note that by resolution on 23 April 2009 the Council supported a reduction in the legal blood alcohol concentration (BAC) for drivers over 20 years old from 0.08% to 0.05%.*
- (b) *Write to the Minister of Transport and members of Cabinet asking them to promote a change to transport legislation to lower the legal blood alcohol concentration for drivers over 20 years old from 0.08% to 0.05%, to reduce the impact of drink driving on our roads.”*

3.5 The Council supports the reduction of the BAC for younger drivers. However, the Council notes that the current Bill does not reduce the legal BAC for drivers over 20 years old. While the Bill allows the Police to gather evidence of drivers involved in a fatal or serious injury crash who have a breath alcohol reading between 250 micrograms per litre of breath and the current adult limit of 400 micrograms per litre of breath, in the Council's view this does not go far enough.

3.6 The Council notes that the Bill introduces tougher sanctions for serious or repeat driving offenders. One of these sanctions is to provide the courts with an option to impose an alcohol interlock sentence for serious drink drivers (BAC reading of 0.16 or higher) or repeat offenders (2 or more convictions within a 5-year period). The Council supports the introduction of alcohol interlock devices, however, it queries the trigger for the imposition of this sentence. A BAC reading of 0.16 is extremely high. The Council submits that a lower level should be the trigger for allowing the introduction of alcohol interlock devices. The Council also submits that the introduction of an alcohol interlock device must be a mandatory penalty, and not an option for the Judge to choose from when imposing a sentence.

3.7 Finally, with respect to alcohol interlock devices, the Council submits that the offender must meet the costs of installing the alcohol interlock device and any subsequent removal costs. This should be expressly provided for in the Bill.

#### ***Raising the minimum driving age***

3.8 The Council supports a greater increase in the minimum driver licensing age. The Bill currently proposes raising the minimum driving age from 15 years to 16 years. However, the Council submits that the minimum driving age should be raised from 15 years to 17 years. **Attached** to this submission is a copy of a submission the Council made on 28 February 2008 to the Transport and Industrial Relations Select Committee on the Land Transport (Driver Licensing) Amendment Bill. This 2008 submission sets out the Council's current position on the minimum age of driver licensing.

#### ***Repeal of the Transport Act 1962 and related provisions***



- 3.9 The Council notes that the bylaw making powers contained in section 72 of the Transport Act 1962, and sections 591A and 684 of the LGA 74 are to be “moved” into section 22AB of the Land Transport Act 1998. Section 22AB currently authorises road controlling authorities to make certain bylaws – principally those relating to cruising. The bylaw-making powers contained in clause 10 of the Bill will considerably widen the application of section 22AB.

*Comments on clause 10 – bylaw making powers*

- 3.10 The bylaw-making powers being inserted in section 22AB(1) are separated into 9 different types. Once the amendment is passed, section 22AB(1) will be an extremely long section. The Council suggests that this section should be broken up into separate clauses. For example, a separate clause providing for bylaw-making powers related to parking, a separate clause providing for bylaw making powers for heavy traffic, etc.
- 3.11 The amendments to section 22AB propose four new bylaw-making powers in paragraphs (e), (f), (g), and (zk). The Council supports the introduction of these new bylaw making powers.

*Wording of the bylaw-making powers*

- 3.12 With respect to the bylaw-making powers that are proposed to be transferred from section 72 of the Transport Act 1962, the Council notes that some of the peculiarities of the wording of these provisions has been maintained. The Council submits that the wording of these provisions could be improved. On a number of occasions the wording of each provision effectively overrides the ability of the Council to leave matters to be determined by resolution at a later date. In other words, the wording overrides section 22AB(3). Examples are as follows:

- The power in paragraph (c) to prohibit or restrict absolutely or conditionally any specified class of traffic on **any road or roads specified in the bylaw**. The Council queries why the roads need to be specified in the bylaw itself. The Council submits that the provision should simply refer to any specified road or roads.
- The power in paragraph (p) to require that one way roads must be **designated in a bylaw**. While it is appropriate to provide for one way roads in a bylaw, the power to designate specific roads should be a matter which is able to be determined by Council resolution if a Council so determines.
- The power in paragraph (r) to prescribe subject to the marking of lanes on the roadway, that **on any road any traffic lane specified in the bylaw** may be used or any turning movement may be made only by buses, taxis, or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants. This provision effectively requires that special vehicle lanes must be specified in the bylaw itself.

- 3.13 Similar arguments can be made for paragraphs (m) and (q). To create enforceable bylaw provisions, these matters need to be specified in the bylaw itself, or added to the bylaw later through an amendment to the bylaw. For example, if the Council later determines to create a bus or cycle lane on a road, it cannot simply pass a resolution and add the description of the lane to the Council's Traffic and Parking Bylaw. This would be an amendment to the bylaw and the Council is required to use the special consultative procedure any time it amends a bylaw (except for minor corrections, etc).
- 3.14 In carrying out a special consultative procedure, Council staff must prepare a statement of proposal and a summary of information. The statement of proposal must be approved by the full Council at a meeting. The Council must then give public notice of the consultation period, and that period must be at least 1 month. While the statement of proposal and summary of information are available on the Council's website, copies of these documents need to be printed and made available to the public.
- 3.15 Any person may make a submission on the proposal and must have the opportunity to make oral submissions. With respect to Christchurch City Council, usually a hearings panel is appointed to hear and consider submissions on an amendment of this type. The hearings panel will then deliberate on the matter and make recommendations to the full Council. The full Council then determines the outcome of the submission process.
- 3.16 With respect to the bus/cycle lane example, it can take anywhere from 6 weeks to 3 months to complete the consultation process just to add the new lane to the bylaw. In terms of financial implications for the Council, a small amendment of this nature could cost in excess of \$30,000.
- 3.17 The Council submits that this process is too time consuming and costly for changes to a bylaw that involve matters of detail. The references to certain matters being specified or designated in a bylaw itself should be removed. This would be consistent with the approach in section 22AB(3). With bylaws, it is a common approach to leave matters to be determined by resolution and such resolutions could be contained in a register.

*Mistake in paragraph (zi)*

- 3.18 There appears to be a mistake in paragraph (zj). While it refers to prescribing charges for the occupation of stands or stalls by hawkers, pedlars and keepers of mobile and travelling shops, it does not refer to permitting these activities. We suggest that this clause is amended to refer to permitting these types of activities, as is the case with section 684(1)(41A) of the LGA 74.

*Application of sections 22AC, 22AD, and 22AE*

- 3.19 Once the bylaw making powers are inserted in section 22AB, sections 22AC, 22AD and 22AE of the Land Transport Act 1998 will apply.



- 3.20 Section 22AC provides that the Minister of Transport may amend, replace or disallow a bylaw made under section 22AB. The Council notes that the Minister of Transport has always had the power to disallow bylaws made under the authority of section 72 of the Transport Act 1962. However, the Minister has not had such a power with respect to the bylaws made under the LGA 74. The Council is of the view that if a council goes through a thorough process, including following the special consultative procedure, using the bylaw-making power provided, it would then be problematic if the Minister of Transport over-ruled the local community and the decision-making power and process of the council to disallow a bylaw.
- 3.21 The Council opposed section 22AC in its submission when that provision was introduced to deal with cruising in 2009. As the Council noted in its 2009 submission, the grounds on which the Minister may disallow a bylaw, under section 22AC, include the bylaw being inconsistent with any enactment or the bylaw being considered unreasonable or undesirable in relation to traffic. However, under the general law, a valid bylaw must not be repugnant to the laws of New Zealand and the bylaw must be reasonable. Such tests are normally explored by the Courts, not by a Minister. The Council still opposes this provision and the extension of this provision to bylaws currently made under the LGA 74.
- 3.22 Section 22AD(1) requires a road controlling authority that is a local authority to use the special consultative procedure set out in section 83 of the LGA 02 to make a bylaw under section 22AB. However, it remains unclear whether or not section 86 and section 155 of the LGA 02 also apply.
- 3.23 Section 86 of the LGA 02 provides further details as to the way in which a special consultative procedure must be conducted when making, amending or revoking bylaws. At present the section applies to bylaws made under the LGA 02 and the LGA 74. If a statute is going to provide that section 83 of the LGA 02 applies, then logically section 86 should also apply. This matter needs to be clarified.
- 3.24 Section 155 requires that a local council must be satisfied that a bylaw that is made under the LGA 02 is the most appropriate tool for addressing the identified problems, and that the council determines that the bylaw does not raise any implications under the New Zealand Bill of Rights Act 1990. Section 155 also applies to the bylaw making powers that are contained in the LGA 74. Again, the Council submits that the application of section 155 must be clarified.
- 3.25 In addition it is not clear whether the review provisions in section 159, 160, and 160A of the LGA 02 will apply to bylaws made under section 22AB. These provisions currently apply to bylaws made under the LGA 74 but it appears that they will no longer apply once the bylaw making powers are transferred to section 22AB. This is another matter which must be clarified. If these provisions are not to apply to bylaws made under section 22AB, then consequential amendments need to be made to sections 159, 160, and 160A of the LGA 02.

*Definition of qualifying bylaw*

- 3.26 The Bill does not amend the definition of qualifying bylaw in section 2(1) of the Land Transport Act 1998. The term is currently defined as follows:

*“qualifying bylaw means a bylaw made by a road controlling authority under section 22AB(1)(b) of this Act, section 72(1)(d) of the Transport Act 1962, section 684(1)(13) of the Local Government Act 1974, or section 145 of the Local Government Act 2002 for the stated purpose of –*

- (a) restricting or placing conditions on the racing of motor vehicles or any associated activities:*
- (b) controlling or restricting cruising or any associated activities.”*

- 3.27 The Council submits that the reference to section 72(1)(d) of the Transport Act 1972 needs to be omitted as well as the reference to section 684(1)(13) of the LGA 74. Section 72(1)(d) will now be contained in new section 22AB(1)(t) and (u), and section 684(1)(13) will now be contained in new section 22AB(1)(h). In addition, the Council has always been concerned about the reference in this definition to section 22AB(1)(b) of the Land Transport Act 1998. Shouldn't this be a reference to section 22AB(1)(a)? The Council asks the Committee to have a close look at this provision to determine what consequential amendments are required, and indeed whether any other consequential amendments need to be made as a result of the changes in the Bill.

*Provisions relating to parking wardens – new sections 128D, 128E, 133A etc*

- 3.28 The Council has considered the provisions relating to parking wardens, stationary vehicle offences and infringement offences which are proposed to be transferred into the Land Transport Act 1998. While some sections largely reflect the current provisions in the Transport Act 1962, the Council has a serious concern about the sections dealing with the parking offences which parking wardens may enforce.
- 3.29 Under section 68BA of the Transport Act 1962, parking wardens are authorised to enforce the provisions and offences specified or referred to in Schedule 2A of the Transport Act 1962. Read together with sections 41A and 42A of the Transport Act, it is very clear when a parking warden may issue an infringement notice.
- 3.30 However, the position is not so clear under the Bill.
- 3.31 The Council finds the relationship between proposed section 128E, the amendments to section 139 (in clause 72), the proposed new definition of stationary vehicle offence, and the link to infringement offences (which are defined in the Land Transport Act 1998 and detailed in the Land Transport (Offences and Penalties) Regulations 1999, extremely complicated. The Council submits that these provisions and the relationship between these provisions needs to be clarified and simplified.



3.32 Furthermore, it appears that parking wardens may not be able to enforce offences under the Transport (Vehicle and Driver Registration and Licensing) Act 1986. Proposed section 128E(1)(b)(ii) provides that a parking warden may enforce the provisions of an Act or a regulation that involves—

- (A) *unauthorised, deceptive, or obscured registration plates; or*
- (B) *unauthorised vehicle licences:*

3.33 However, there is no link to these vehicle and driver registration and licensing offences in the definition of "infringement offences" (which is referred to in the proposed amendments to section 139 (see clause 72 of the Bill) and the list of amendments to the Land Transport (Offences and Penalties) Regulations 1999 which apply to parking wardens. While vehicle and driver registration and licensing offences will be included in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999, it does not appear that parking wardens may enforce these offences.

3.34 The Council issues approximately 12500 infringement notices per year for vehicle and driver registration and licensing offences. This amounts to \$2.5 million in revenue. The Council would be extremely concerned if it could not issue infringement notices for these offences.

#### 4.0 Conclusion

4.1 Thank you again for the opportunity to submit on this Bill. The Council reiterates its support for the intent of this Bill, but makes the point that the Bill does not go far enough in lowering the BAC and raising the minimum driver licensing age. The Council also wishes to see greater clarity around the bylaw-making provisions and the provisions which authorise parking wardens to issue infringement notices for certain offences.

4.2. If you require clarification on the points raised in this submission or additional information, please contact Vivienne Wilson, Legal Services Unit, Ph 03 941-8963, Email: [vivienne.wilson@ccc.govt.nz](mailto:vivienne.wilson@ccc.govt.nz)

Yours faithfully



**Peter Mitchell**  
**General Manager Regulation and Democracy Services**  
**CHRISTCHURCH CITY COUNCIL**

*Encl*

# CHRISTCHURCH CITY COUNCIL

## Proposed Traffic and Parking Amendment Bylaw 2012

**- Received by Email**

<b>Name:</b>	Warren Masters Email: Joanne Walters [JWalters@aa.co.nz]
<b>CC:</b>	WandCMaster
<b>Sent:</b>	Thu 23/02/2012 3:08 pm
<b>Subject:</b>	The Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2012
<b>Your Submission:</b>	<p>Hi there,</p> <p>The NZAA Canterbury/West Coast District Council would like to submit, again, their viewpoint on the restructuring of 1-way streets back to 2-way streets. Below is the original submission to the Christchurch City Council. We request that you once again consider our viewpoint on this subject.</p> <p>We are willing to be available to speak on this matter at the submission during the hearings in March/April.</p> <p><b>One way Streets</b> The AA survey indicates that 56.8 % of the members surveyed, favour the one way streets. There were only 16.7% opposed, while 24.5% are neither for or against them.</p> <p>The AA's view is simply that the one-way streets are a proven success and should be accepted as the essential inner distributor for all vehicle modes of travel in the new City Plan.</p> <p>Since they were introduced 38 years ago, the public has accepted and appreciated the quality of travel, the traffic management and safety advantages of the one-way streets with their area wide control surrounding the CBD. They help the environment, reduce accidents and free up the inner core 'ways' and 'streets' from needless and extraneous vehicle movements. This in turn enables the latter to better serve their pedestrian and community functions.</p> <p>The Draft Plan states explicitly (pp 87,98 and 125) that one of the first changes will be to revert the one-way streets back to two-way 'to provide simple and direct access to the central city'. There is no factual analysis or justification given for altering the one-way streets. Some urban designers are known to oppose them because they deem them to be in conflict with retail and footpath activities. However the 'one-ways' traverse streets outside the central core and they have never been proposed to be placed along the more intimate CBD retail locations.</p> <p>The AA believes the environmental impacts of one-way streets are, relative to two-way streets, quite benign. They provide a ring of inner roads that enable vehicles to approach the edge of the CBD from all points of the compass and reach a variety of destinations on the near or the far side of the core without cluttering up city centre streets and ways.</p> <p>These inner one-way streets are not there to provide fast through vehicle traffic routes between suburbs or short cuts across town. On-street surveys confirm that 80% of the vehicles on the inner one-way streets have origins or destinations within the centre city. Over all four</p>



pairs of one-way streets the 'through' or 'by-passable' traffic varies from 15% to 25% in different parts of the one-ways. This is no problem and, if the one-way streets were slowed to say 40kph the percentage could be expected to drop still further.

The one-ways also serve the peripheral commercial, institutional and residential precincts. Most importantly they provide direct access to the 'fringe' blocks for off street parking areas for both short and long term parkers.

Kind regards,  
Jo Walters on behalf of Warren Masters,  
NZAA Canterbury/West Coast



*Serving the needs of older people*

21 February 2012

FREEPOST 178  
Traffic & Parking Amendment Bylaw 2012  
Council Support Team  
Christchurch City Council  
PO Box 73013  
**CHRISTCHURCH 8154**



Dear Sir/Madam

TRANSPORT AND GREENSPACE

73014

**Re: Proposed Traffic and Parking Bylaw Amendment 2012**

Thank you for the opportunity to comment on the proposed bylaw.

On behalf of Age Concern Canterbury I wish to make the following submission:

Currently any change to Christchurch's one-way street system requires using the special consultative procedure.

The proposed bylaw would permit the Council to change the one-way street system by resolution and whilst the resolutions may be available on the Council's website and from the Council's Service Centres there appears to be no intention to give public notice of the proposals.

The one-way street system in Christchurch plays an important role for all motorists within the city and it has proved particularly valuable to older motorists who wished to gain relatively easy access to the central city.

The question arises as to how due consideration can be given to the views and preferences of persons likely to be affected or have an interest in the matter unless there is a robust process in place to ensure that the wider community become aware of the proposals, and thereby have an opportunity to express their views?

Interest in the one-way street system goes well beyond those businesses and property owners adjacent or in close proximity to the streets concerned.

It is submitted that any proposed changes to the one-way street system should be publicly notified.

We do not wish to be heard on this matter but ask that the hearing panel consider the written submission.

Yours sincerely

Stephen Phillips  
**Chief Executive**

**Age Concern Canterbury Incorporated**

64 Cashel Street, Christchurch, New Zealand

T 03 366 0903

F 03 365 0639

E [team@ageconcerncan.org.nz](mailto:team@ageconcerncan.org.nz)

M PO Box 2355 Christchurch 8140

W [www.ageconcerncan.org.nz](http://www.ageconcerncan.org.nz)

**SUBMISSION TO:** Christchurch City Council

**ON:** Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2012

**BY:** Burwood/Pegasus Community Board

**CONTACT:** Linda Stewart  
Chairperson  
423A Bower Avenue  
Christchurch 8083

027 4053257  
linda.stewart@ccc.govt.nz

## 1. INTRODUCTION

The Burwood/Pegasus Community Board welcomes the opportunity to provide this response to the Council's Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2012.

The Board **does not** desire to be heard.

## 2. BOARD FEEDBACK

The Board supports the purpose of the bylaw change being to enable the Council to specify, amend or revoke one way streets, special vehicle lanes etc, by resolution.

The Board assumes that the bylaw amendment as proposed, will assist the Council's responsiveness and enhance timely decision making on key traffic and parking related matters which inter alia, will contribute to the long term rebuilding and renewal effort in Christchurch.

In offering its endorsement to the bylaw alteration, the Board does request that in terms of any future proposed major change(s), that the consultation provisions of the Local Government Act are effectively applied to engage the public and the Community Boards, in their key role as advocates for their communities.



Linda Stewart  
Chairperson  
**BURWOOD/PEGASUS COMMUNITY BOARD**

27 February 2011



# CHRISTCHURCH CITY COUNCIL

## Proposed Traffic and Parking Amendment Bylaw 2012

**- Received via Web**

**I do NOT wish to speak to my submission at the hearing, and ask that this written submission be considered**

Are you completing this feedback	On behalf of a group or organisation
If you are representing a group or organisation, how many people do you represent?	
My submission refers to: Clauses	12 and 13
Contact name	Tracey Dorreen
Organisation name (if applicable)	Assoc of Blind Citizens
Organisation role (if applicable)	Committee member
Contact Address	34 Hammersley Avenue Shirley Christchurch
Postcode	8013
Phone Number (day)	027 532 0228
Phone Number (evening)	980 3834
Email (if applicable)	traceyd@paradise.net.nz
Email Address for Copy of Submission	
Date	1 March 2012
Please be as specific as possible to help us understand your views. It is helpful if you refer to specific pages, clauses and sections of the Proposed Traffic And Parking Bylaw Amendment.	<p>Having read through the above proposal, the Association of Blind Citizens supports the Option 1 of this Amendment.</p> <p>With regards to Clause 12 concerning one-way streets, it is important that all relevant information is stated clearly on the Council's website and other relevant information suitable for blind and vision impaired people. This is because it can be a lot harder for these citizens to travel around the city without specific information given so that they can plan their journey more easily.</p> <p>With regards to Clause 13, it is imperative that only buses, taxis, cycles or other specific vehicles are able to use these roads. As stated above, all information must be clearly given on the Council's website or by other accessible means.</p> <p>This bylaw must also consider that people with specific disabilities such as blindness be given adequate information at all times and they should be able to cross these roads in a safe and timely manner.</p>