



COUNCIL 21. 6. 2012

7. PROPOSED CHANGES TO DELEGATED PARKING AUTHORITY

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Road Corridor Operations Manager (Paul Burden)

PURPOSE OF REPORT

1. The purpose of this report is to follow up on the Council's request of 23 February 2012 on ways for staff to streamline the process of changing parking restrictions in the central business district to avoid unnecessary delay and inconvenience to businesses and their customers.

EXECUTIVE SUMMARY

2. The Council has authority pertaining to roading issues for the area situated within the central city area marked on the attached plan (refer **Attachment 1**).
3. Business owners within the above area have contacted staff asking for changes to existing parking restrictions. Where parking restrictions were appropriate given the number and type of businesses in a specific area, with many of them gone those restrictions may be no longer relevant.
4. Requests for changes have been received from businesses such as Ballantynes, the Rendevouz Hotel and Alice in Videoland. In the case of the Rendevouz Hotel, they currently have five minute parking outside their premises. They have requested that coach parking be installed in its place so that they can accommodate coach tours. This request is not unreasonable given they will likely be for some time one of the few businesses operating in the area. When other businesses return to the vicinity, further changes will be needed.
5. In addition to requests from businesses, new commercial, working and leisure/entertainment hubs may become established in areas where previously they did not exist. There will be a need to alter facilities, including parking, to service these areas. This may mean adding or removing bus and vehicle routes along with their associated infrastructure. Bus stops, taxi stands, metered parking, time limits and specialised parking such as disabled parking will be needed. The ability to make these changes quickly and efficiently will assist in the economic revitalisation of the City.
6. Currently it can take four to six months to investigate, consult, and submit reports to the Council and make changes. For example a report proposing the installation of motorcycle parking on Hereford Street outside the Council offices was presented on 23 February 2012. The investigation, consultation, report preparation and management sign-off started on 7 November 2011 and took 54 days. It took a further 54 days to come before the Council. If staff had the delegated authority to resolve these parking restrictions, this 108 day timeframe could have been halved.
7. It is therefore proposed that the authority to resolve parking changes in the area mentioned in clause 1 above be delegated to staff. This will allow staff to respond faster and reduce inconvenience for central city businesses.
8. The delegation of these powers to staff is permitted under Clause 5 of the Christchurch Traffic and Parking Bylaw 2008 and under Clause 32 of Schedule 7 of the Local Government Act 2002 (refer **Attachments 2 and 3**).
9. It is therefore proposed that the Council delegate authority to change, amend or impose parking restrictions in that area of the central business district of Christchurch shown on **Attachment 1** to General Managers, these being the General Manager City Environment and the General Manager Strategy and Planning.

FINANCIAL IMPLICATIONS

10. There are no financial implications involved in making this delegation.

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Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

11. As above.

LEGAL CONSIDERATIONS

12. Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides for the Council by resolution to set aside any road or part of any road, or any other area controlled by the Council as a restricted parking area, and include by resolution any conditions that it determines. It further provides for the Council to amend by resolution any restricted parking area by adding, deleting or changing any road, part of road or other area or any conditions determined for the road, part of road or other area. It further contains the power to impose stopping and standing restrictions by way of resolution.
13. In clause 32 of Schedule 7 of the Local Government Act 2002, it expressly provides that for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, *'or member or officer of the local authority any of its responsibilities, duties, or powers'* except those specifically listed. None of the exceptions listed applies to stopping, standing or parking restrictions.
14. The current proposal is for the Council to resolve to delegate to the General Manager City Environment and the General Manager Strategy and Planning the responsibilities, duties and power to change or install parking restrictions and stopping and standing restrictions within that part of the central city shown on **Attachment 1**.

Have you considered the legal implications of the issue under consideration?

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. This proposal will enable staff to support the economic vitality of the city by providing a mix of parking options appropriate to existing demands rather than past environments in accordance with the current LTCCP and Parking Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

17. See above.

ALIGNMENT WITH STRATEGIES

18. This proposal aligns with current Christchurch City Council strategies on Economic Development and Parking.

Do the recommendations align with the Council's strategies?

19. As above.

CONSULTATION FULFILMENT

20. There is no requirement for external consultation on this matter as the proposal is an internal procedural change. However normal consultation with adjacent property owners and tenants will be undertaken prior to individual changes being implemented.

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STAFF RECOMMENDATION

It is recommended that the Council resolve to:

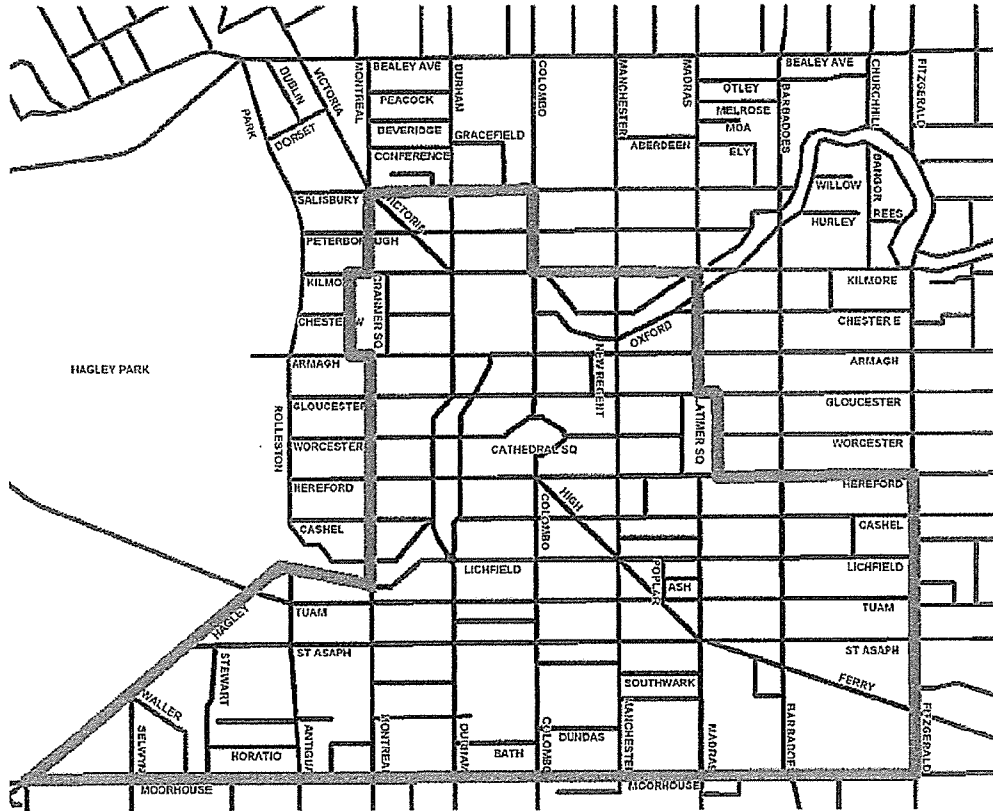
- (a) Delegate to the General Manager City Environment and the General Manager Strategy and Planning with respect to that area of the Central Business District of Christchurch shown on Plan A (page 88) of the Christchurch City Council Register of Delegations dated 24 November 2011, the authority:
 - (i) In clause 5(1) of the Christchurch City Council Traffic and Parking Bylaw 2008 to set aside any road, or part of any road, or any other area controlled by the Council, as a restricted parking area with associated conditions; and
 - (ii) In clause 5(3) of the Christchurch City Council Traffic and Parking Bylaw 2008 to impose standing or stopping restrictions on any road, or part of a road, or any other area controlled by the Council; and
 - (iii) In clause 5(5)(a) of the Christchurch City Council Traffic and Parking Bylaw 2008 to amend any restricted parking area by adding any road or part of a road, or any other area controlled by the Council as a restricted parking area, or deleting or changing any road, or part of a road, or other area previously so specified as a restricted parking area; and
 - (iv) In clause 5(5)(b) of the Christchurch City Council Traffic and Parking Bylaw 2008 to amend any condition in relation to a restricted parking area, by adding, deleting or changing any such condition; and
 - (v) In clause 5(5)(c) of the Christchurch City Council Traffic and Parking Bylaw 2008 to amend any stopping or standing restrictions by adding, deleting or changing any such restrictions.

Attachment 1

Council
Resolution
Date

PLAN A

Christchurch - Central City



Attachment 2

Clause 5 of Christchurch Council Traffic & Parking Bylaw 2008

**PART 1
PARKING**

5. PARKING, STOPPING AND STANDING RESTRICTIONS

(1) The Council may by resolution set aside any road, or part of any road, or any other area controlled by the Council, as a restricted parking area.

(2) A restricted parking area may be subject to such conditions as the Council determines by resolution and, without limitation, may include:

(a) the time period or time periods between which parking restrictions have effect:

(b) the number and situation of parking spaces within each restricted parking area:

(c) the maximum time allowed for parking in any parking space in a restricted parking area:

(d) whether a parking space in a restricted parking area is designated for a specified class of vehicle (for example, tour coach or shuttle parking) or class of road user (for example, disabled parking) or for a designated activity (for example, a loading zone) or mobile shop and the charges payable (if any) for that parking space:

(e) whether or not the restricted parking area is a Residents Parking Only area:

(f) whether or not the restricted parking area is a Pay and Display area:

(g) that parking is prohibited in that restricted parking area or parts of that restricted parking area.

(3) The Council may by resolution impose standing or stopping restrictions on any road or any part of any road or any other area controlled by the Council whether by way of a time restriction, a restriction to a specified class, classes or description of vehicle (for example, bus parking), a total prohibition or any combination of these.

(4) The Council may by resolution:

(a) prescribe the fees payable for parking in a restricted parking area; and

(b) prescribe the means by which parking fees may be paid including, by the use of parking meters, pay and display machines, parking coupons, attendant issued tickets, or otherwise.

(5) The Council may subsequently amend by resolution:

(a) any restricted parking area by adding any road or part of a road, or any other area controlled by the Council as a restricted parking area, or deleting or changing any road or part of a road, or other area previously so specified as a restricted parking area:

(b) any condition in relation to a restricted parking area, by adding, deleting or changing any such condition:

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(c) any stopping or standing restrictions by adding, deleting, or changing any such restrictions.

(6) The Council must indicate any restricted parking area, stopping or standing restrictions (as referred to in subclauses (1) to (4)) by the use of prescribed signs.

Attachment 3

32 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
- (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) *[Repealed]*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Compare: 1974 No 66 s 114Q

Schedule 7 clause 32(1)(c): amended, on 27 November 2010, by [section 49](#) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(d): amended, on 27 November 2010, by [section 49](#) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(f): amended, on 27 November 2010, by [section 49](#) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(g): repealed, on 7 July 2004, by [section 26\(12\)](#) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 32(3): amended, on 7 July 2004, by [section 26\(13\)](#) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).