

Coastal-Burwood Community Board Submissions Committee AGENDA

Notice of Meeting:

An ordinary meeting of the Coastal-Burwood Community Board Submissions Committee will be held on:

Date: Wednesday 20 September 2017
Time: 3pm
Venue: Boardroom, Corner Beresford and Union Streets,
New Brighton

Membership

Chairperson	Linda Stewart
Deputy Chairperson	Tim Baker
Members	Kim Money
	Tim Sintes

19 September 2017

Jo Wells
Manager Community Governance, Coastal-Burwood
941 6451
jo.wells@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.
If you require further information relating to any reports, please contact the person named on the report.

To view copies of Agendas and Minutes, visit:

<https://www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/>

- Part A Matters Requiring a Council Decision
- Part B Reports for Information
- Part C Decisions Under Delegation

TABLE OF CONTENTS

C	1.	Apologies.....	4
B	2.	Declarations of Interest.....	4
C	3.	Feedback or Submission.....	4
STAFF REPORTS			
C	4.	Submission Opportunity – Traffic and Parking Bylaw 2017, Stock on Roads and General Bylaw.	5

1. Apologies

At the close of the agenda no apologies had been received.

2. Declarations of Interest

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. Feedback / Submission on <enter text>

At this meeting the Board will formulate its Submission/feedback on the Traffic and Parking Bylaw 2017, Stock on Roads and General Bylaw (**circulated separately** and below).

4. Submission Opportunity – Traffic and Parking Bylaw 2017, Stock on Roads and General Bylaw.

Reference: 17/1005149

Contact: Enter contact

Enter email address

Enter phone.

1. Purpose of Report

- 1.1 The purpose of this report is for the Coastal-Burwood Community Board Submissions Committee to consider preparing submissions on the Traffic and Parking Bylaw 2017, Stock on Roads and General Bylaw, all of which are currently out for review.

2. Staff Recommendations

That the Coastal-Burwood Community Board Submissions Committee:

1. Receive the information in the report.
2. Determines if it wishes to make submission on the Traffic and Parking Bylaw 2017, Stock on Roads and General Bylaw; noting, any submission must be lodged by 25 September 2017.

3. Key Points

- 3.1 **General Bylaw:** The purpose of a general bylaw is to have, in one place, a set of provisions which are common to all bylaws. These provisions apply to all bylaws, except where legislation or a bylaw specifically provides otherwise.

A general bylaw prevents the unnecessary duplication of provisions which are common to all bylaws, provides for consistency between bylaws, and means that the Council's bylaws are succinct.

Proposed changes

The proposed changes intend to improve or simplify the wording of the General Bylaw. Aside from minor wording improvements, the Council proposes to:

- * revoke three clauses which are redundant because they duplicate provisions in the Local Government Act 2002, and amend a number of other clauses which could be written in simpler, more user-friendly language;
- * update clause 5 "Service of documents" to allow the electronic service of documents; and
- * amend clause 13 "Dispensing Power" to replace the phrase 'needlessly and injuriously' with the word 'adversely' as the current wording is both difficult to interpret and creates a high barrier for an applicant to overcome; the current wording is assessed as likely to deter applicants from applying for dispensations.

- 3.2 **Stock on Roads Bylaw:** The purpose of the proposed bylaw is to regulate the movement of stock on roads in order to protect people, traffic and stock, while safeguarding the condition of the road.

The bylaw also covers:

requiring approval for roadside grazing, and fencing requirements for roadside grazing, or for

moving stock along roadside verges (in a temporary stock race);
contamination and damage of the road surface; and
the installation, maintenance and removal of cattle stops.

There is a greater risk from uncontrolled stock on roads, than for stock that are under control. A new clause has been added requiring stock owners to prevent stock from escaping and wandering on roads. Boundary fences should adequately contain the stock, should be kept in good order, and should be appropriate for the type of stock.

There are some exemptions in the bylaw for emergency conditions and extreme weather events, such as fires, snow or floods, where stock may need to be moved in order to ensure their welfare.

The bylaw would be made under the Local Government Act 2002 and the Land Transport Act 1998, and the bylaw penalties set out in those acts would apply, which is generally a fine on prosecution.

- 3.3 **Traffic and Parking Bylaw:** It is proposed to merge two traffic-related bylaws – the Traffic and Parking Bylaw 2008 and the Speed Limits Bylaw 2010 — and create a new bylaw: the Christchurch City Council Traffic and Parking Bylaw 2017.

This new bylaw would apply to the Christchurch City Council district, including Banks Peninsula.

Changes proposed in the draft bylaw include:

Parking on berms where there is a hard kerb will not be allowed, and this will no longer need to be notified with a sign;

Providing for the new types of surfaces and landscaped areas found on some central city roads;

Restrictions on the parking of motorhomes, immobilised vehicles and trailers, and storing vehicles on the road;

Stopping vehicles being parked on roadsides when it is done only to display them as being for sale;

New wording relating to traffic movements and new clauses allowing the Council to restrict classes of vehicle, e.g. heavy vehicles, on designated roads;

Restrictions on motor vehicles on unformed legal roads (paper roads);

Clauses for managing events on roads, other temporary uses of the legal road, vehicle crossings and temporary access ways;

Making it clear that drivers of trade vehicles, e.g. car carriers, can't obstruct the road while loading and unloading their vehicle unless they have permission;

A new clause that makes it clear that Council officers can ask an applicant to provide information such as a Traffic Management Plan or a Corridor Access Request.

Why is the Council reviewing the bylaws and proposing a new bylaw?

The Council is required by law to review all bylaws over time to ensure that they remain fit for

purpose.

When reviewing a bylaw the Council is required to determine the following things:

What is the perceived problem?

Is a bylaw the most appropriate way of addressing the problem?

Is the proposed bylaw drafted in the most appropriate form?

Are there any New Zealand Bill of Rights Act 1990 implications?

As part of the review of the bylaw, a Council report (known as a section 155 report) was prepared. The section 155 report identified the various problems associated with each clause /issue and assessed options to deal with those issues/problems. It also looks at any possible Bill of Rights implications.

Overall, the Council considered whether or not it should have a bylaw or retain the existing bylaws, but concluded that the only reasonable practicable option was to have a new replacement Traffic and Parking Bylaw addressing the various problems raised in the review.

Each bylaw clause has been examined and new issues have been identified and assessed. This analysis of options is contained in the section 155 report [PDF, 62 KB] along with the full list of changes to the bylaw, which includes an outline of each new clause and describes the amendments made to the existing bylaw clauses along with the rationale for these changes.

The review of the bylaws is intended to make the Council's traffic, parking and speed limit controls more effective, easier to administer and enforce, and to reflect current circumstances.

Some of the changes in the proposed replacement bylaw reflect changes in legislation and legal interpretation. The proposed replacement bylaw also removes the schedules to the old bylaw and retains the relevant information in registers. This removes duplication and improves processes for updating the information.

Changes to the practice of traffic management and to street design are incorporated into the proposed new bylaw. For example, it provides for shared zones and paths (clauses 19 and 20) and for the new 'hard' landscaping on inner city streets (clause 11).

Attachments

No.	Title	Page
A ↓	Stock on Roads Bylaw 2017	9
B ↓	General Bylaw 2017	23
C ↓	Traffic and Parking Bylaw 2017	29

Signatories

Author	Peter Croucher - Community Board Advisor
Approved By	Jo Wells - Manager Community Governance, Coastal-Burwood

Proposed Stock on Roads Bylaw 2017

Public consultation on this proposed replacement bylaw is open from TBC to TBC.

Introduction

This bylaw applies to roads, or parts of roads, under the control of the Council. It does not cover roads such as State Highways, private roads, unformed roads (such as paper roads) and roads that are not maintained by the Council.

The movement of stock along or across rural roads is a necessary part of farming activities. While moving stock along or across roads has not been identified as a significant or frequently occurring traffic safety issue in the district, people moving stock along or across roads are expected to:

- ☐ follow best practice
- ☐ take all reasonably practicable steps to keep road users, themselves and any workers, and stock, safe
- ☐ take due care not to damage the road surface.

Other road users that may come across stock on roads are required to take due care when driving and to drive to the conditions, including anticipating hazards.

New Zealand Transport Agency indicates that, although there are relatively low numbers of accidents involving stock under control on roads generally, the two contributing factors in related road crashes are: insufficient warning distance; and inconsistent forms of warning.

This bylaw regulates the movement of stock along or across roads based on risk, and has different requirements for different types of roads and different types of stock. It also sets out, among other things, warning distances and standard forms of warning.

There are cattle stops in some remote locations, where stock are not confined to property by fences and are free to wander on the road. The bylaw makes allowance for these situations by ensuring permanent warning signs are in place to alert road users to the presence of uncontrolled stock, and by not placing any stock control requirements on the owner on roads in these areas.

Standard conditions for moving stock either along or across roads are outlined in the schedules attached to this bylaw. These standard conditions are based on New Zealand Transport Agency's best practice guidance and are designed to be used for most stock movement situations on most rural roads. The standard conditions apply to moving sheep or non-dairy cattle.

For dairy cattle and all other types of stock, an assessment needs to be undertaken. Dairy cattle present a unique set of issues and risks that need to be managed, and as do stock other than cows or sheep.

An assessment also needs to be undertaken for moving stock on restricted roads. Restricted roads are listed in a register associated with this bylaw, and have higher risks than other roads, such as higher operating speeds or traffic volumes.

An assessment is needed to determine the specific risks and ways of managing risks, with three possible outcomes: (1) the need for a permit, with conditions, or (2) the need for a traffic management plan, or (3) the risk may not be able to be sufficiently mitigated, in which case the stock may need to be moved without impacting on the road (such as transporting the stock in a vehicle).

The bylaw also covers temporary roadside fencing for grazing, or as a temporary stock race to move stock along the road but off the roadway.

There is a greater risk from uncontrolled stock on roads (such as escaped or wandering stock) than from stock that are being driven along or across a road in a controlled way, and this bylaw also seeks to complement the coverage of the Impounding Act 1955 by ensuring stock are adequately fenced.

This bylaw should be read with the relevant road user rules relating to stock on roads.

Pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998, the Christchurch City Council makes this bylaw.

1. Short title and commencement

1. This bylaw is the [proposed] Christchurch City Council Stock on Roads Bylaw 2017.
This bylaw comes into force on [date] 2017.

2. Purpose

1. The purpose of this bylaw is to regulate the movement of stock on roads in order to protect people, traffic and stock, while safeguarding the condition of the road.

3. Coverage and exclusions

1. This bylaw generally applies to all roads where the Council is the Road Controlling Authority.
2. This bylaw does not apply to roads where the New Zealand Transport Agency is the Road Controlling Authority, except where the New Zealand Transport Agency (NZTA) has delegated to the Council its functions and powers as a Road Controlling Authority.
3. This bylaw does not apply to:

- a. private roads, unformed roads, or any roads that are not maintained by the Council; or
- b. stock that is being transported in a vehicle, or that is being ridden or led.

4. Interpretation

1. Text in this bylaw that is in a grey box is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

2. In this bylaw, unless the context otherwise requires:

Appropriate temporary warning sign	Means an orange temporary warning sign with a silhouette of a cow or sheep on it, referred to in the Land Transport Rule: Traffic Control Devices 2004, used to alert road users to the presence of stock on the road. For vehicle-mounted signs, the sign should be at least 600mm x 600mm. For a static sign, the sign should be at least 750mm x 750mm.
Authorised officer	Means an officer or other person appointed by the Council to perform duties required under this bylaw, including an enforcement officer.
Cattlestop	Means a metal grid installed across a road, allowing vehicles and pedestrians to pass, but not cattle and other animals.
Council	Means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.
Daylight hours	Means any period of time between half an hour after sunrise on any one day and half an hour before sunset on the same day.
Frangible	Means collapsible on impact and resulting in less damage than an unyielding object and generally means able to be broken into fragments.

High-visibility clothing	Means personal protective equipment worn so workers can be easily seen by road users. A common example is a fluorescent orange sleeveless vest with reflective strips in a belt and braces configuration or a cross formation. High visibility clothing must comply with the joint Australia New Zealand Standard and with the Code of Practice for Temporary Traffic Management (CoPTTM).
Non-standard stock	Means any stock, <ul style="list-style-type: none"> a. including, but not limited to: alpaca, deer, donkeys, goats, horses, llama and pigs, but b. excluding cattle and sheep.
Owner	Includes the manager of the stock (or person otherwise responsible for the stock).
Pilot vehicle	Means a motor vehicle that leads or follows the movement of stock along a road, with an amber flashing beacon and an appropriate temporary warning sign, and may be a truck, car, utility, quad bike, trike, or motorbike.
Restricted road	Means any road or part of a road or category of road that is listed in the Restricted Roads Register associated with this bylaw.
Road	Has the meaning given to that term in section 2(1) of the Land Transport Act 1998, and generally includes the carriageway and roadside verges up to private property boundaries.
Road controlling authority	Has the same meaning as in section 2(1) of the Land Transport Act 1998, and generally means the organisation with control over a road, or a person acting under delegation or authorisation given by the controlling authority.
Roadway	Has the meaning given to that term in the Land Transport (Road User) Rule 2004 and generally means carriageway, or portion of the road that is used for vehicles, but excludes the grassed roadside verges.

Stock	Means any farmed animal, including, but not limited to cattle, sheep, alpaca, deer, donkeys, goats, horses, llama and pigs.
Traffic management plan	Means a document approved by the Council describing the design, implementation, management and removal of temporary traffic management measures (such as signs, flashing beacons and cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.
Wandering	With respect to stock, means any stock that is not under direction or control.

5. Restricted roads and stock movements

(A) Restricted roads

1. For the movement of any stock along or across a restricted road, the owner must apply to the Council for an assessment.

Explanatory note: Refer to the Restricted Road Register for the list of Restricted Roads. Moving any stock along or across some roads presents higher risks (for example, those with faster operating speeds or higher traffic volumes). For these roads, an assessment is required on a case-by-case basis to ascertain the specific risks and appropriate risk mitigation measures. A permit or traffic management plan will set out the measures required to address specific risks identified by the assessment.

2. The Council may by resolution list roads, sections of road or categories of road that are associated with higher risks for the movement of stock in a Restricted Roads Register.
3. The Council may by resolution add, amend or delete any road, section or category of road listed in the Restricted Roads Register at any time.

(B) Dairy cattle and non-standard stock movements

1. For the movement of dairy cattle and any non-standard stock along or across any road, the owner must apply to the Council for an assessment.

Explanatory note: The risks of moving some types of stock along or across any road are higher, or present additional or different risks that need to be

managed. This requires special consideration on a case-by-case basis to ascertain the risks and appropriate risk mitigation measures.

(C) Assessments

1. The application for an assessment must set out:
 - a. the sections of road(s) concerned; and
 - b. the likely timing and frequency of the movement(s); and
 - c. the type of livestock, and likely numbers; and
 - d. the ratio of stock to people (or working dogs) controlling the stock; and
 - e. proposed warning methods, such as signs, amber flashing beacons or other traffic control devices, and how, when and where they will be deployed or displayed, and removed; and
 - f. other matters the owner or Authorised Officer considers relevant.
2. After considering an application for an assessment, the Council may decide to:
 - a. authorise the movement of stock in accordance with a permit, which may contain conditions, at the discretion of the Council; or
 - b. require the applicant to submit a Traffic Management Plan to be considered by the Council; or
 - c. decline the application, in which case alternative means for transporting the stock that does not affect the road must be considered, such as transporting the animals by vehicle.

Explanatory note: See clause 12 for permissions.

3. If the Council has considered an assessment and made a decision, the applicant must comply with the decision, and may not undertake the movement of stock unless the conditions in the permit or Traffic Management Plan are complied with.

6. All other stock movements - standard conditions

1. This clause applies to the movement of cattle and sheep (but not the movement of dairy cattle or non-standard stock) along or across any road not listed on the Restricted Roads Register.
2. A person moving stock along a road must comply with the conditions set out in Schedule one: Standard Conditions for moving stock along roads.
3. A person moving stock across a road must comply with the conditions set out in Schedule two: Standard Conditions for moving stock across roads.

7. Cattle stops

1. A stock owner may move stock along or across an unfenced road or parts of a road where stock are confined by cattle stops without complying with the conditions set out in Schedules one and two.

Explanatory note: Cattle stops are present in remote areas where there are no property boundary fences along the roadside. Stock have access to roam on the road and are confined only by the cattle stops across the road. In these situations road users must anticipate the possibility of stock being on the road, whether being driven or not, and the presence or potential for stock to be on or near the road is part of the normal operating condition of these roads.

2. In accordance with section 344 of the Local Government Act 1974, no person may install, maintain or remove cattle stops on a road without the written permission of the Council.

Explanatory note: The process for seeking written permission from the Council is set out in an operational policy (based on section 344 of the Local Government Act 1974). Cattle stop installation, maintenance or removal may only be undertaken by approved roading contractors and in accordance with specifications agreed by the Council.

8. Escaped or wandering stock

1. Every person who owns stock must take all reasonable steps to prevent the stock from escaping and wandering on any road (except on those parts of a road controlled by cattle stops), including ensuring boundary fences are able to adequately contain the stock.

Explanatory note: Fencing should be kept in good order and should be appropriate for the type of stock it is intended to confine. Enforcement action in response to wandering stock may also be taken under the Impounding Act 1955.

9. Temporary roadside fencing

Explanatory note: This clause applies whether the fencing is to contain stock that are grazing, or as a form of temporary stock race constructed so that stock can be moved alongside the road, rather than on the roadway.

1. No person may erect a temporary fence for roadside grazing or to move stock along a road without permission from the Council.
2. A temporary fence to contain stock on a roadside verge must:
 - a. adequately be appropriate for the type of stock it is intended to contain;
 - b. have frangible posts;

- c. display safety reflectors on each post to warn oncoming traffic (if the temporary fence is to be left in place overnight); and
 - d. display 'live wire' warning signs if it is electrified.
3. Any temporary fence intended to contain stock on a roadside verge:
 - a. must be at least one and a half (1.5) metres from the carriageway;
 - b. must be at least two (2) metres from any waterway;
 - c. may only be installed on one side of a road at a time; and
 - d. must not remain in place for more than a calendar month, without written permission from an Authorised Officer.
4. Stock must be returned to a secure paddock area overnight and must not remain in a temporary fencing area on a roadside verge outside of daylight hours. The return of the stock to a secure paddock area must be completed within daylight hours.
5. Stock can be grazed on the roadside verge that runs alongside any land owned by the stock owner, and if the land is not the owner's land, permission must be sought from the land owner.
6. Where there are any safety or other issues, or complaints about roadside verge grazing or stock movements, the Council may require that the temporary use be suspended and the stock returned to a secure paddock area.

10. Contamination of the road surface or damage to roads

1. Where contamination (by mud or faeces) is caused by stock, the Council may direct the owner of the stock to clean the road surface to the Council's satisfaction, or the Council may clean the road surface and recover the costs from the owner of the stock.

Explanatory note: Mud or faeces on the road surface can reduce traction and present a hazard to motorists, and motorbike riders in particular. It can also damage the road surface.

2. Where damage to any road is caused by stock, the Council may repair the damage and recover the costs from the owner of the stock.

Explanatory note: Repairs to the road surface can only be undertaken by approved roading contractors.

11. Emergency conditions and extreme weather events

1. Clauses 5 and 6 of this bylaw do not apply in emergency conditions (such as fire) or in extreme weather events (such as snow or flooding), where animals must be moved to ensure their welfare.
2. All reasonable and practicable steps (in the circumstances) must still be taken to warn road users of the presence of stock on the road.

12. Safety directions

1. Any Authorised Officer may give directions to a stock owner, where that stock owner is moving stock along or across any road, if the Authorised Officer believes on reasonable grounds that such directions are desirable in the interests of road safety, or for the convenience or in the interests of other road users.
2. Any stock owner who is given directions by an Authorised Officer under this clause must comply with those directions.

13. Permissions under this Bylaw

1. An application for assessment or permission under this bylaw must be in writing, contain all the necessary information, and be submitted in accordance with applicable Council policy.
2. An Authorised Officer determining an application for assessment or permission may require the applicant to provide further information in order to make an assessment or give permission.
3. Any permission under this bylaw may:
 - a. include conditions; and
 - b. be granted by an Authorised Officer at the officer's discretion.
4. The Council may, in its discretion, at any time, review any permission given under this Bylaw.
5. Any breach of the conditions of a permission granted under this Bylaw:
 - a. may result in the permission being withdrawn (in accordance with the Council's General Bylaw); and
 - b. is a breach of the bylaw.
6. An owner must comply with any instruction given by an Authorised Officer irrespective of any permissions under this bylaw.

14. Fees

1. The Council may set application fees for assessments or permissions under this bylaw and any application must be accompanied by the relevant application fee (if any).
2. Any fees will be included in the Council's Annual Plan or Long Term Plan and will be reviewed each year.
3. Failure to pay any applicable fees is a breach of this bylaw.

15. Offence and penalty

1. Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or to the penalties set out in the Land Transport Act 1998, as the case may be.

16. Christchurch City Council General Bylaw

1. The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

17. Revocation and savings

1. The Christchurch City Council Stock Control Bylaw 2008 is revoked.
2. Any permission, agreement, consent, licence or any other act of authority which originated under the Christchurch City Council Stock Control Bylaw 2008, or which was continued by that bylaw, and which is still in force at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw.
3. This bylaw is implied into and forms part of any permission, agreement, consent, licence or any other act of authority continued by this clause.
4. The revocation of the Christchurch City Council Stock Control Bylaw 2008 does 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 that bylaw had not been revoked.

The initial resolution to make this bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on the [day of month 2017] and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council at a subsequent ordinary meeting of the Council on the [day of month 2017]

Further explanatory notes

Horse manure on roads: Under the Road User Rules, horses should be ridden as far left as possible, on the road margin, and cannot be ridden on a footpath, lawn, garden, or other cultivation adjacent to or forming part of a road.

Horse riders should remove horse manure from the roadway when and where it is safe to do so – if the manure presents a road safety or amenity issue.

Any riding school, club or horse-related business should consider any impacts on other local road users and clean up accordingly, when and where it is safe to do so.

Schedule one: Standard conditions for moving stock along roads

Note: Standard Conditions do not apply to roads identified on the Restricted Roads Register

1. Every person driving stock on any part of a road must wear appropriate high visibility clothing that enables them to be clearly visible to approaching drivers.
2. The stock owner must ensure that the stock are under good control and can be directed or stopped, as required. The ratio of drovers to stock must be sufficient, and may include working dogs.
3. No person may place anything on or across the roadway to control stock (such as string, rope, wire, tape or any other obstruction) that could present a traffic safety hazard.
4. Every person driving stock along a road must:
 - a. keep the animals moving at a reasonable speed so as to make progress towards the destination; and
 - b. cause the least possible disruption to other road users and take all reasonable steps to make way for or allow vehicles to pass through the stock; and
 - c. take the most practicable route; and
 - d. ensure that any gates to any adjoining properties have been closed before the stock pass; and
 - e. take all reasonable steps to ensure that where no gate or boundary fence exists, stock are kept on the road and off any adjoining property.
5. The stock owner must ensure that all reasonable steps are taken to clean the roadway free of faecal matter as soon as practicable, if that faecal matter could cause a road nuisance or a road safety issue.

Explanatory note: Also see clause 10 on contamination of the road surface and damage to roads.

6. The time chosen for the movement of stock along any road should, as much as possible:
 - a. avoid any anticipated or likely busy periods for road use; and
 - b. be completed within daylight hours.
7. Stock should not be moved along roads in reduced visibility conditions. Where the movement of stock in reduced visibility conditions is unavoidable, additional and reasonable safety precautions should be put in place to manage the increased risks from reduced visibility.

Explanatory note: Reduced visibility conditions include fog, mist, low cloud, rain, drizzle, during times of sun strike, and in times of low light. Situations where the movement of stock is unavoidable may include: where the movement of stock is necessary for their welfare, or returning escaped or wandering stock to a secure paddock area (though for small numbers of stock, transportation in a vehicle may be safer). Also see clause 13 on emergency conditions and extreme weather events.

8. The stock must be led by a pilot vehicle and followed by a pilot vehicle. The pilot vehicles must:

- a. lead and follow the stock as they move along the road, maintaining a distance that is three times the posted speed limit in metres from the stock; and
- b. display a flashing amber beacon and an appropriate temporary warning sign.

Explanatory note: For example, in an open road area, the pilot vehicles should aim to maintain a distance of $3 \times 100\text{kph} = 300$ metres from the moving stock in either direction along the road. In a 70kph area, the pilot vehicles should aim to maintain a distance that is $3 \times 70\text{kph} = 210$ metres in either direction along the road from the moving stock. These distances are based on New Zealand Transport Agency best practice.

9. Where an operating speed has been designated for a road (that is different to the posted speed limit), the pilot vehicles may lead and follow at a distance that is three times the operating speed from the stock, rather than three times the posted speed limit from the stock.

Explanatory note: Check with the Council to see if an operating speed has been designated for the road in question.

10. It may be appropriate to construct a temporary fence on the roadside verge to move stock along a section of road, rather than moving stock down the roadway. In this case, clause 9 applies.
11. Where a drove passes a side road or through an intersection, the person responsible for the drove must ensure that:
 - a. additional appropriate temporary warning signs are used to adequately warn road users of the presence of stock on the road, and are placed on the left-hand sign of the side road in a position clearly visible to oncoming traffic, but off the roadway; or
 - b. a person who is part of the drove and wearing high viz clothing is visible at the intersection and can communicate the presence of stock on the road to road users.
12. Signs or beacons must not be displayed unless a stock movement is imminent, actively occurring, or just completed.

Explanatory note: Warnings lose their impact when they are displayed when there is no hazard. Signs and beacons are only to be displayed or used when they need to warn motorists of a hazard.

Schedule two: Standard conditions for moving stock across roads

Note: Standard Conditions do not apply to roads identified on the Restricted Roads Register

1. Every person driving stock on any part of a road must wear appropriate high visibility clothing that enables them to be clearly visible to approaching drivers.
2. The stock owner must ensure that the stock are under good control and can be directed or stopped, as required. The ratio of drovers to stock must be sufficient, and may include working dogs.
3. No person may place anything on or across the roadway to control stock (such as string, rope, wire, tape or any other obstruction) that could present a traffic safety hazard.
4. The stock movement should be undertaken in such a way as to cause the least possible disruption to other road users, and the owner must take all reasonable steps to make way for or allow any vehicles to pass through the stock and proceed along the road.
5. The stock owner must ensure that all reasonable steps are taken to clean the roadway free of faecal matter as soon as practicable, if that faecal matter could cause a road nuisance or a road safety issue.

Explanatory note: Also see clause 10 on contamination of the road surface and damage to roads.

6. The time chosen for the movement of stock across any road should, as much as possible:
 - a. avoid any anticipated or likely busy periods for road use; and
 - b. be completed within daylight hours.
7. Stock should not be moved across roads in reduced visibility conditions. Where the movement of stock in reduced visibility conditions is unavoidable, additional and reasonable safety precautions should be put in place to manage the increased risks from reduced visibility.

Explanatory note: Reduced visibility conditions include fog, mist, low cloud, rain, drizzle, during times of sun strike, and in times of low light. Situations where the movement of stock is unavoidable may include: where the movement of stock is necessary for their welfare, or returning escaped or wandering stock to a secure paddock area (though for small numbers of stock, transportation in a vehicle may be safer). Also see clause 13 on emergency conditions and extreme weather events.

8. An appropriate temporary warning sign must be displayed to warn drivers approaching from either direction of the stock movement.
9. Warning signs must be positioned so as to be clearly visible to road users approaching the crossing area from either direction, and must be displayed at a distance that is three times the posted speed limit in metres.

Explanatory note: For example, in an open road area, the signs should be placed $3 \times 100\text{kph} = 300$ metres from the crossing area in either direction. In a 70kph area, the signs should be placed $3 \times 70\text{kph} = 210$ metres from the

crossing area in either direction. These distances are based on New Zealand Transport Agency best practice.

10. Where an operating speed has been designated for a road (that is different to the posted speed limit), the signs may be placed at a distance that is three times the operating speed from the stock crossing area, rather than three times the posted speed limit from the stock crossing area.

Explanatory note: Check with the Council to see if an operating speed has been designated for the road in question.

11. An appropriate temporary warning sign may be:
 - a. displayed on a folding stand placed at the side of the road facing oncoming traffic (off the roadway, but clearly visible to approaching drivers); or
 - b. mounted on a vehicle safely parked in a position that is clearly visible to approaching drivers; or
 - c. permanently mounted on a white post installed by a roading contractor (with the Council's permission), which allows a hinged sign to be displayed when the crossing is occurring, and folded away when the crossing is not occurring.
12. A vehicle-mounted flashing amber beacon may be an additional appropriate warning device. If using this method, the vehicle should be parked safely in a position that is clearly visible to approaching drivers.
13. Signs or beacons must not be displayed unless a stock movement is imminent, actively occurring, or just completed.

Explanatory note: Warnings lose their impact when they are displayed when there is no hazard. Signs and beacons are only to be displayed or used when they need to warn motorists of a hazard.

Proposed General Bylaw 2017

Public consultation on this proposed replacement bylaw is open from 21 August 2017 to 25 September 2017.

1. Short title and commencement

1. This Bylaw is the Christchurch City Council General Bylaw 2008.
2. This Bylaw comes into force on the 1st day of July 2008.

2. Object of bylaw

The object of this Bylaw is to make provisions which are common to and form part of all other bylaws of the Council except as may otherwise be expressly provided.

3. Interpretation

1. In this Bylaw, unless the context otherwise requires

Act	Has the same meaning as in the Interpretation Act 1999.
Bylaw	Means a Bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make Bylaws and includes this Bylaw.
Council	Means the Christchurch City Council.
Chief Executive	Means the Chief Executive, as defined in the Local Government Act 2002 of the Council.
Licence	Means a licence, permit, consent or approval issued under any Bylaw.
Person	Includes a corporation sole, and also a body of persons, whether corporate or unincorporated.

2. In any Bylaw, unless the context otherwise requires:
 - i. Words importing the masculine gender include the feminine.

- ii. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
- iii. Every Schedule to a Bylaw is deemed to be part of that Bylaw.

4. Prescribed forms

A form is not invalid just because it contains minor differences from a form prescribed by a Bylaw as long as the form still has the same effect and is not misleading.

5. Service of notices

1. Except as otherwise expressly provided for in any Act or Bylaw, where any notice or other document is required to be served on, or given to, any person for the purposes of any Bylaw, service may be effected by:
 - a. Delivering it personally to the person; or
 - b. Delivering it to the person at the person's usual or last known place of residence or business; or
 - c. Sending it by fax or email to the person's fax number or email address; or
 - d. Posting it in a letter addressed to the person at the person's usual or last known place of residence or business.
2. If the person being served is absent from New Zealand, the notice, or other document may be served on his or her agent instead of on that person.
3. If the person being served has no known name or address, or is absent from New Zealand and has no known agent in New Zealand, and the notice, or other document relates to any premises, then the notice, or other document may be served on the occupier of the premises, or, if there is no occupier, may be put up on some conspicuous part of the premises. It is not necessary in any such notice, or other document to name the occupier or the owner of the premises.
4. If the person being served is deceased, the notice, or other document may be served on that person's personal or legal representative or executor.
5. Notices or other documents sent by post are deemed to have been served at the time when a letter would have been delivered in the ordinary course of post.

6. Signing of notices

Every notice or other document required to be sent by the Council will except as otherwise provided by any Act or Bylaw, be signed by the Chief Executive or any other person authorised by the Council to act on its behalf in that respect, and need not be under seal.

7. Revoked

8. Granting of licences

1. An application for a licence must:
 - a. be made in writing on the appropriate form provided by the Council (if any); and
 - b. contain all the required information; and
 - c. be lodged with the appropriate application fee (if any).
2. An application for a licence does not confer any right, authority or immunity on the person making the application until the application for the licence has been processed and the licence has been granted.
3. A licence may contain such terms and conditions as the Council sees fit.
4. The granting of a licence will not render the Council or any officer of the Council liable in respect of any damage caused by or arising out of any act done or omitted in pursuant of or in connection with such licence.

9. Suspension and revocation of licences

1. Except as may be otherwise provided in any particular Act or Bylaw:
 - a. If a licensee under a particular Bylaw:
 - i. acts in a manner contrary to that Bylaw; or
 - ii. fails to comply with any of the terms or conditions of the licence; or
 - iii. acts in a manner which, in the opinion of the Council, renders the licensee unfit to hold such licence; or
 - b. If any premises licensed under a particular Bylaw:
 - i. are no longer being used for the purpose stated in the licence; or
 - ii. have fallen into a state of disrepair or are not being kept and maintained in the condition required by the licence; or
 - iii. are in any other manner failing to meet the requirements of the Bylaw or applicable regulations

then the Council may, by notice served upon the licensee, require that person to appear before the Council or a committee of the Council, at a time and place stated in the notice, to show cause why the notice should not be revoked or suspended. If the Council or committee considers the acts or failures of the licensee or the circumstances of the licensed premises, so warrant or if there is no appearance by the licensee then the Council or committee may revoke the licence or suspend the licence for as long as it may think fit.

2. If a licensee is convicted of an offence constituting a breach of the terms or conditions of the licence, or of an offence concerning his or her character as a licensee, then the Council or a committee of the Council may revoke the licence or suspend it for as long as it may think fit.
3. A person whose licence has been suspended under Clauses 9(1) or 9(2) and any premises in respect of which the licence has been suspended are, during the period of such suspension, deemed to be unlicensed.

10. Offences and breaches

1. Every person who commits a breach of any Bylaw commits an offence.
2. Every person commits a breach of a particular Bylaw who –
 - a. Does, or causes to be done, or permits or allows to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by that Bylaw; or
 - b. Omits or neglects to do, or permits or allows to remain undone, anything which according to the true intent and meaning of that Bylaw, ought to be done by that person at the time and in the manner provided in that Bylaw; or
 - c. Does not refrain from doing anything which under that Bylaw that person is required to abstain from doing; or
 - d. Permits or allows any condition of things to exist contrary to any provision contained in that Bylaw; or
 - e. Refuses or neglects to comply with any notice given to that person under that Bylaw; or
 - f. Obstructs or hinders any officer of the Council or other person duly appointed or authorised by the Council in the performance of any duty to be discharged by that officer or person under or in the exercise of any power conferred by any Bylaw; or
 - g. Fails to comply with any notice or direction given under that Bylaw; or
 - h. Omits, neglects or fails to pay any licence fee fixed by the Council in respect of a licence or approval granted to such person; or
 - i. Fails to comply with any conditions contained in any licence granted by the Council; or
 - j. Fails to obtain a licence when required to do so under any Bylaw.

11. Removal of works executed contrary to bylaw

1. Pursuant to Section 163 of the Local Government Act 2002, where any work or thing is, or has been, constructed in breach of any Bylaw the Council may:
 - a. Remove or alter the work or thing; and
 - b. Recover the costs of removal or alteration from the person who committed the breach.
2. The exercise of this authority by the Council does not relieve any person responsible for a breach of any Bylaw from liability for any other penalty for committing a breach of that Bylaw.

12. Revoked

13. Dispensing power

1. The Council may grant a dispensation from full compliance with any provision of a Bylaw in a case where the Council is of the opinion that full compliance would adversely affect any person or business, without a corresponding benefit to the public or any section of it.
2. Application for a dispensation must be made in writing to the Council, giving full details of the relief sought and the reasons for the application. The Council will consider the application and may either refuse it or grant it subject to such conditions as it considers appropriate.
3. The applicant for a dispensation may elect to appear in person or by a representative when the application is being considered.
4. If the Council grants a dispensation then a breach by the applicant of any condition imposed by the Council will be a breach of the relevant provision of that Bylaw.
5. If the Council refuses an application for a dispensation it will provide written reasons for the refusal to the applicant.

14. Revoked

15. Interpretation of bylaws

The Interpretation Act 1999 applies to the interpretation of any of the Bylaws.

16. Amendments included

The reference in any Bylaw to any Act or Bylaw, unless the context otherwise requires, includes reference to all subsequent Acts or Bylaws that are in force and were made in amendment or substitution for the Act or Bylaw referred to.

17. Revocations and savings

1. The following Bylaws are revoked:
 - Banks Peninsula District Council Introductory Bylaw 1996
 - Christchurch City General Bylaw 1990
2. All licences or other acts of authority which originated under any of the Bylaws revoked by sub-clause (1), and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.
3. The revocation of any of the Bylaws under subclause (1) does 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 revoked.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 27 March 2008 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 19 June 2008.

Item 4

Attachment B

Proposed Traffic and Parking Bylaw 2017

Public consultation on this proposed replacement bylaw is open from 21 August 2017 to 25 September 2017.

1. Short title

1. This bylaw is the Christchurch City Council Traffic and Parking Bylaw 2017.

2. Commencement

1. This Bylaw comes into force on [insert date].

3. Application

1. This Bylaw applies generally to all roads under the care, control and management of the Council.

4. Purpose

1. The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council.

5. Interpretation

1. In this Bylaw, unless the context otherwise requires

Act	Means the Land Transport Act 1998 and the regulations and the rules made under that Act.
Authorised officer	Means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.
Class of vehicle	Means groupings of vehicles defined by reference to any common feature and includes - <ol style="list-style-type: none">a. vehicles by type, description, weight, size or dimension;b. vehicles carrying specified classes of load by the mass, size or nature of such loads;

	<ul style="list-style-type: none"> c. vehicles carrying no fewer or less than a specified number of occupants; d. vehicles used for specified purposes; e. vehicles driven by specified classes of persons; f. carpool and shared vehicles; and g. vehicles displaying a permit authorised by the Council.
Carriageway	Means that part of a road laid out for vehicular traffic as determined by the Council under section 319 of the Local Government Act 1974.
Corridor of access request (CAR)	Means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm prior to performing the work or activity.
Council	Means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.
Designated location	Means, in accordance with section 4.1(2) of the Speed Limits Rule, any of the following: car park; an educational or scientific institution; an industrial facility; a health facility; a residential facility; a camping ground; a sports facility or other recreational area; a botanical garden; a port or wharf area; an airport; a beach; a cemetery; a facility operated by the New Zealand Defence Force; any other location approved by the New Zealand Transport Agency.
Enforcement officer	<p>Means -</p> <ul style="list-style-type: none"> h. any person who has been appointed as an enforcement officer by the Council under the Local Government Act 2002; or i. any person who is an enforcement officer under the Land Transport Act 1998.
Grass berm	Is the area behind a kerb which is laid out in grass.

Immobilised vehicle	Means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.
Motorhome	Means any vehicle designed or converted to be used for human habitation, whether self contained or not, and includes a caravan, campervan, or house truck.
Parking coupon or coupon	Means a coupon issued by or on behalf of the Council to any person for the purpose of parking a vehicle in accordance with the provisions of this Bylaw.
Parking machine	Means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.
Parking place	Means a place (including a building or a road) where vehicles, or any class of vehicles, may stop, stand, or park.
Parking receipt	Means a receipt produced by a parking machine to indicate the payment of a parking fee for parking and the end of the period allowed.
Shared path	Means a cycle path, a cycle track, a footpath, or some other kind of path that may be used by some or all or of the following persons at the same time - <ul style="list-style-type: none"> j. cyclists; k. pedestrians; l. riders of mobility devices; m. riders of wheeled recreational devices.
Shared zone	Means a length of roadway intended to be used by pedestrians and vehicles (including cyclists).
Speed limit	Means, in accordance with part 2 of the Speed Limits Rule - <ul style="list-style-type: none"> n. the maximum speed at which a vehicle may legally be operated on a particular road, but does not mean the

	<p>maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation or rule;</p> <p>o. for a minimum speed limit, the minimum speed at which a vehicle may legally be operated in a specified lane of a road;</p> <p>p. an urban, rural, permanent, holiday, temporary, variable or minimum speed limit.</p>
Speed limit rules	Means the Land Transport Rule: Setting of Speed Limits Rule 2003.
Traffic management plan	Means a document describing the design, implementation, management, and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.
Transport station	Has the same meaning as in section 591(6) of the Local Government Act 1974 and generally means a place where transport-service vehicles may wait between trips, and all buildings and facilities associated with the use of that place.
Urban traffic area	Means an area designated pursuant to the Speed Limits Rule that consists of one or more specified roads or a specified geographical area, to which the urban speed limit generally applies.
Zone parking	Has the same meaning as in Part 2 of the Land Transport Rule: Traffic Control Devices 2004.
Zone parking area	Means an area where zone parking applies.

2. In this bylaw, unless the context otherwise requires -
- motor vehicle, owner, parking, road, and vehicle** have the same meanings as in section 2(1) of the Land Transport Act 1998; and
 - bus lane, cycle, cycle lane, cycle path, driver, emergency vehicle, footpath, mobility device, power assisted cycle, roadway, and special vehicle lane** have

the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

3. Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
4. The Interpretation Act 1999 applies to the interpretation of this bylaw.
5. Text in this bylaw that is highlighted in a grey box is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

6. Resolutions made under this bylaw

1. A resolution may be made under this bylaw -
 - a. to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
 - b. that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
 - c. that applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or
 - d. that applies at any specified time or period of time.
2. The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

Part 1 - Parking

7. Stopping, standing and parking

1. The Council may by resolution -
 - a. prohibit or restrict the stopping, standing or parking of vehicles, or any class of vehicles, on any road; or
 - b. limit the stopping, standing or parking of vehicles on any road to any class of vehicles.
2. Any prohibition, restriction or limitation may be subject to such conditions as the Council thinks fit.
3. A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

Explanatory note: Examples of restrictions include:

- ☐ prohibiting parking on any roads (“No Stopping”);
- ☐ prohibiting heavy motor vehicles from parking on roads in residential areas;
- ☐ prohibiting trailers and motorhomes from parking in certain locations (e.g. next to slipway entrances); and
- ☐ providing for bus stops, taxi stands and loading zones.

8. Parking places, parking buildings, transport stations and zone parking areas

1. The Council may by resolution -
 - a. designate an area to be a zone parking area and the restrictions that apply in that zone parking area (“zone parking controls”); and
 - b. reserve any area of land or any road or any part of a road or any building or any part of a building owned or under the care, management or control of the Council to be a parking place or a transport station, subject to restrictions; and
 - c. specify the vehicles or classes of vehicle that can use or must not use a parking place or transport station or zone parking area; and
 - d. prescribe the restrictions that apply including (without limitation) the times, manner and other conditions for the parking of vehicles or classes of vehicles in a parking place or transport station or zone parking area; and
 - e. prescribe:
 - i. any charges to be paid for the use of a parking place or transport station or in a zone parking area; and
 - ii. the manner by which parking charges may be paid by the use of parking machines or in any other specified manner; and
 - f. make provision for the efficient management and control of a parking place or transport station or zone parking area.
2. Any restrictions that apply to a zone parking area, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
3. Where the Council has prescribed a fee for parking in a parking place or transport station or zone parking area, any person parking there must -
 - a. pay the fee without delay and in the manner so prescribed; and
 - b. if a parking receipt or parking coupon is provided in paper form, display the parking receipt or parking coupon in accordance with the instructions printed on it.
4. A person must not park a vehicle in a parking place or transport station or zone parking area in contravention of any prohibition or restriction made by the Council.

Explanatory note: This clause provides for both on-street and off-street parking that is subject to restrictions. Examples of restrictions include prescribing:

- ☐ the number and location of parking spaces;
- ☐ when restrictions apply and the length of those restrictions; and
- ☐ parking charges and the method of payment for those charges.

If the Council designates an area as a zone parking area, the parking restrictions in that zone may apply to a number of roads. Parking zones can apply in areas where people using vehicles within the area can reasonably be expected to be aware of the application of the parking restriction to the area, without the need for signs at each intersection within the area.

9. Temporary discontinuance of a parking place

1. If an authorised officer is of the opinion that any parking place should be temporarily discontinued as a parking place, the authorised officer may authorise the placement of a sign or other controls that sufficiently indicates "No Stopping" at such parking place.
2. If an authorised officer is of the opinion that any parking place should be temporarily discontinued as a parking place, except for the use by specified vehicles or classes of vehicle, the authorised officer may authorise the placement of a sign or other controls that sufficiently reserves parking, stopping or standing provisions for specified vehicles or classes of vehicles at such parking place.

Explanatory note: From time to time, the Council may need to temporarily discontinue parking places and use those places for other temporary activities. For example, temporary bus stops, temporary bus lanes, and construction activity spaces.

3. No person may -
 - a. stop or park a vehicle at:
 - i. a parking place affected by a sign or other traffic controls under subclause (1); or
 - ii. a parking place affected by a sign or traffic control under subclause (2) unless that person is specifically authorised by the authorised officer or complies with any specified condition by the sign or traffic control.
 - b. remove any signs or traffic controls authorised under subclauses (1) or (2).
4. Any sign or traffic control installed under this clause must be removed after a period of three months from installation unless the Council, by resolution, has approved its continued use.

10. Residents' parking

1. The Council may by resolution reserve any specified parking place or places as -
 - a. residents' only parking area for the exclusive use of persons who reside in the vicinity; or

- b. a residents' exemption parking area for the use of persons who reside in the vicinity.

Explanatory note: residents with a residents' parking permit are exempt from general parking, stopping and standing restrictions in the exemption area, for example a parking place with time restrictions.

- 2. The Council may by resolution prescribe -
 - a. any fees to be paid annually or in any other specified manner, for the use of a residents' parking area or a residents' exemption parking area; and
 - b. the manner by which any such fees may be paid for the use of a residents' parking area or a residents' exemption area; and
 - c. which parking, stopping and standing restrictions permit holders are exempt from within a residents' exemption parking area.
- 3. Any person who parks a vehicle in a residents' only parking area must pay the prescribed residents' parking permit fee and display a current approved residents' parking permit so that it is clearly visible.
- 4. To be exempt from parking restrictions, including parking charges, any person who parks a vehicle in a residents' exemption parking area must pay the prescribed residents' parking permit fee and display a current approved residents' parking permit so that it is clearly visible.
- 5. A person must not park a vehicle in a residents' parking area in contravention of a prohibition or restriction made by the Council under this clause.

11. No parking on certain parts of the road

- 1. A person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden or grass berm.
- 2. A person must not stop, stand or park, wholly or partially, a motor vehicle on that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.
- 3. A person may stop, stand or park a motor vehicle in contravention of sub-clauses (1) and (2) if-
 - a. that part of the road is designed and constructed to accommodate a parked vehicle; or
 - b. an authorised officer has given written permission to stop, stand or park a vehicle in that part of the road; or
 - c. the Council, by resolution, has allowed motor vehicles to stop, stand, or park in that part of the road.
- 4. Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.

Explanatory note: This clause still allows a person to stop, stand or park a motor vehicle off the roadway where there is no kerb. For example, a person may park a motor vehicle off the roadway on a rural road on the grass verge or on a beachfront area.

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

12. Motorhomes, immobilised vehicles and trailers

1. No person may park a motorhome, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days without the prior written permission of an authorised officer.
2. Parking on any road for a continuous period exceeding seven days in sub-clause (1) includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

13. Storage of vehicles on road

1. No person (**Person A**) may place or park, or allow another person to place or park (**Person B**) a vehicle on any road for storage in connection with Person A's trade or business, whether or not the vehicle is owned by Person A.
2. Sub-clause (1) does not apply if Person A has the prior written permission of an authorised officer.

Explanatory note: In order to constitute storage in connection with a person's trade or business, there will need to be the notion of "commercial advantage" of some kind. For example if a panel-beater or a mechanic is in the practice of parking their customers' vehicles in the street adjacent to their premises or a car dealer who parks vehicles for sale on the street. This clause is not intended to apply to customers parking on the street while undertaking a transaction at a premises.

14. Parking for display or sale

1. A person must not stop, stand or park a vehicle on any road or parking place -
 - a. for the purpose of advertising a good or service to be provided elsewhere; or
 - b. for the purpose of offering the vehicle for sale –

unless the vehicle is being used for day to day travel.

15. Working on vehicles

1. No person may stop, stand or park any vehicle on any road to carry out repairs unless those repairs are of a minor but urgent nature.

Part 2 - Traffic movement restrictions

16. One way streets/roads

1. The Council may by resolution specify any road or part of a road where vehicles must travel in one specified direction only.
2. No person may drive a vehicle in a manner that contravenes a restriction made under this clause.

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

17. Left or right turns and U-turns

1. The Council may by resolution prohibit or restrict turning movements, including -
 - a. vehicles or classes of vehicles on any road from turning to the right, or to the left, or from proceeding in any other direction; and
 - b. vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
2. Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any).
3. A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

18. Special vehicle lanes

1. The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.
2. Any resolution made under this clause must specify, as the case may be -
 - a. the type of special vehicle lane; and
 - b. the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
3. A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

Explanatory note: A special vehicle lane includes a bus, taxi or cycle lane. All resolutions made under this clause by the Council will be recorded in a register which is accessible on the Council's website or available from the Council's Service Centres.

19. Control of vehicles on roads

1. The Council may by resolution prohibit or restrict any specified class of traffic or any specified motor vehicles or class of vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.
2. A person must not use a vehicle on a road contrary to a prohibition or restriction made by the Council under this clause.

Explanatory note: Under this clause, the Council could, for example, prohibit:

- ☐ heavy motor vehicles from using certain roads in the City, or
- ☐ cycles from using busy roads in the City.

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

20. Shared zones

1. The Council may by resolution specify any road or part of a road to be a shared zone.
2. Any resolution made under this clause may specify -
 - a. whether the shared zone may be used by specified classes of vehicles;
 - b. the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week); and
 - c. any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact.
3. Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road or part of a road specified as a shared zone.
4. No person may use a shared zone in a manner that contravenes a restriction made by the Council under this clause.

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

21. Shared paths

1. The Council may by resolution —

- a. determine the length, route and/or location of a shared path; and
 - b. determine priority for users on a shared path.
2. No person may use a shared path in a manner that contravenes a restriction made by the Council under this clause.

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

22. Restricting vehicles on unformed roads

1. The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.
2. A person must not use a motor vehicle on an unformed legal road contrary to a restriction made by the Council under this clause.

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

Part 3 - Interference with the road, traffic, or pedestrians

23. Events on or affecting the road

1. No person may hold an event that affects the normal operating conditions of a road, unless the person has prior written permission of an authorised officer.

Explanatory note: An event includes major public events (such as the Christchurch Marathon and the Santa Parade), as well as community events (including street parties). Organisers of all events held on or affecting public road need to apply to Council for an Events Permit and supply all necessary information to support an [event permit application](#).

24. Other temporary use of the legal road

1. No person may carry out a temporary act that affects the normal operating conditions of a road, unless the person has the prior written permission of an authorised officer.

Explanatory note: Examples of temporary acts include operating construction equipment or machinery from the road, placing a shipping container/skip on the road; erecting temporary fencing or scaffolding on the road; and temporary art installations. Road within this context includes the footpath, berm, verge, carriageway, etc.

In certain cases, a Corridor Access Request (CAR) is required. For example, a CAR is required for digging, drilling, resurfacing, or doing any other activity that will alter, or cause to be altered, the surface of the road corridor. If there is any doubt, submit a CAR prior to carrying out any works or other activity.

2. If any object is placed on the road without permission under this clause or does not comply with the conditions of the permission, the Council may -
 - a. request the owner to remove the object or repair the damage to the Council's satisfaction within 24 hours or a timeframe set by an authorised officer, or charge the owner for this work; and
 - b. place adjacent to, or affix to, the object any safety or warning devices, and the costs of the safety or warning device will be charged to the owner of the object.
3. This clause does not apply to any object that may be placed on the road which has been authorised by the Council (for example, wheelie bins that are specifically for the purpose of Council rubbish collection).
4. This clause does not apply to stock droving or roadside grazing. The Christchurch City Council Stock Control Bylaw 2008, or any bylaw passed to replace it, covers stock on roads.

25. Vehicle crossings

1. No person may construct or alter any vehicle crossing across a footpath or a road unless the person has the prior written permission of an authorised officer.
2. Where the vehicle crossing will be a new crossing and there is a difference in level between the edge of the kerb or road seal on a formed road and the property boundary, then the standard of any works carried out on the road must be the standard that would be appropriate for a right-of-way to a new subdivision.
3. Where the vehicle crossing requires a structure on the road (for example a retaining wall, ramp or bridge), the applicant must also comply with the Christchurch City Council Public Places Bylaw 2008, or any bylaw passed to replace it, and any policies made under that Bylaw.

Explanatory note: By way of example, the Council's Structures on Roads Policy 2010 will be applicable here.

4. The applicant is responsible for all costs associated with the vehicle crossing construction and/or alteration and any other related structures.

26. Temporary access ways

1. No person may construct or use a temporary access way across a footpath or a road unless the person has the prior written permission of an authorised officer.
2. Where a person is authorised to construct or use a temporary access way, the person must protect the footpath or road to ensure no damage occurs. This protection may be wooden planks 20mm thick plywood with minimum dimensions 1200mm by 2400mm, held and laid close together, steel plates, a combination of wooden and steel materials, or some other approved material.
3. Where damage occurs to a footpath or road as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the road, including the footpath, is recoverable from the owner of the property, contractor undertaking the works, or person in charge of the vehicle.

Explanatory note: the owner of the property, contractor undertaking the works, or person in charge of the vehicle must notify Council if damage is caused to the footpath. Damage to the road must be repaired to the Council's Construction Standard Specification (Part 6).

Part 4 - Speed limits

27. Speed limits

1. For any roads under the Council's jurisdiction in accordance with Section 7.1 of the Speed Limits Rule, or any Rule passed to replace the Speed Limits Rule, the Council may, by resolution -
 - a. set speed limits;
 - b. designate urban traffic areas.
2. The Council may, by resolution, set speed limits for roads in any designated location under the Council's jurisdiction in accordance with Section 4.1(4) of the Speed Limits Rule, or any Rule passed to replace the Speed Limits Rule.

Explanatory note: Section 7.3 of the Rule requires the Council to maintain a register of speed limits that records all speed limits, except temporary speed limits, and records all designated urban traffic areas for the roads under its jurisdiction. The register of speed limits must be available for inspection by members of the public. The

[Council's speed limits register](#) including maps showing the designated urban traffic areas can be found on the Council website.

In accordance with Section 2.2 of the Rule the Council may set speed limits of 10, 20, 30, 40, 50, 60, 70, 80, 90 or 100 km/h.

As at the time of drafting, the New Zealand Transport Agency is currently consulting on the draft Land Transport Rule Setting of Speed Limits (2017)

Part 5 -Miscellaneous

28. Permissions under this bylaw

1. The Council may set application fees for permissions under this bylaw and any application for a permission must be accompanied by the relevant application fee (if any).
2. An application for permission must be in writing, contain all information necessary for the authorised officer to consider issuing a permit, and be submitted in accordance with applicable Council policy.
3. Any permission under this bylaw may –
 - a. include conditions (including the payment of ongoing fees and charges); and
 - b. be granted by an authorised officer at the officer's discretion.
4. An authorised officer determining an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, and a Corridor Access Request.
5. The Council may, in its discretion, at any time, review any permission given under this bylaw.
6. Any breach of the conditions of a permission granted under this bylaw -
 - a. may result in the permission being withdrawn (in accordance with the Council's General Bylaw); and
 - b. is a breach of this bylaw.

29. Material/debris on roads and damage to roads

1. No person may cause damage to the road or to any associated signage.
2. Any material or debris deposited on the road must be removed as soon as practicable.
3. The Council may give any person who has damaged, or deposited material or debris on a road notice:
 - a. to remove that material or debris from the road or to repair the damage caused to the road to Council's satisfaction, within 24 hours; and

- b. that if the person does not comply, that person commits a further breach of this bylaw and the Council may undertake the work and recover all costs from that person.
- 4. Subclauses (2) and (3) do not apply to faecal matter deposited on the road by stock. The Christchurch City Council Stock Control Bylaw 2008, or any bylaw passed to replace it, applies to faecal matter deposited on the road from stock.

30. Vehicle and object removal

- 1. An enforcement officer may remove or cause to be removed any vehicle or other thing from any road, or other area controlled by the Council, which contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle or thing.
- 2. The powers that may be exercised under this clause are in addition to those provided by any other enactment.

31. Exempted vehicles

- 1. This bylaw does not apply to any of the following vehicles being used in the execution of duty:
 - a. an emergency vehicle; or
 - b. a vehicle that is used by a Parking Warden/Officer; or
 - c. a vehicle that is used by an enforcement officer.

32. Defences

- 1. A person is not in breach of this bylaw if that person proves:
 - a. that the act complained of was done in an emergency; or
 - b. that the act complained of was done in compliance with the directions of a Police Officer, Parking Warden/Officer, authorised officer, traffic control signal or traffic sign; or
 - c. that:
 - i. the vehicle was at the time of the act complained of engaged in a public work on a road; and
 - ii. that the act complained of was reasonably necessary for the purposes of that work; and
 - iii. that the driver of the vehicle took all reasonable care to prevent the occurrence of any accident, mishap, collision, or damage, or any injury to or interference with any person, animal, or property arising by reason of the act or omission.

33. Penalties

1. Every person who breaches this bylaw (including any control, restriction, limitation or prohibition made under this bylaw) commits an offence under the Act, or the Local Government Act 2002 and is liable to the penalties set out in the relevant Act.

34. Revocations and savings

1. The following Bylaws are revoked:
 - a. Christchurch City Council Traffic and Parking Bylaw 2008;
 - b. Christchurch City Council Speed Limits Bylaw 2010.
2. Any approval, permit or other act of authority which originated under or was continued by either of the bylaws revoked in subclause (1) that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.
3. The resolutions of the Council made or continued under the bylaws revoked under subclause (1) continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.
4. The contents of the First, Second, Third, and Fourth Schedules of the Christchurch City Council Traffic and Parking Bylaw 2008 continue for the purposes of this bylaw to have full force and effect as if the content of those schedules were made by resolution of the Council under this bylaw.
5. The revocation of the bylaws under subclause (1) 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 revoked.

35. Christchurch City Council General Bylaw

1. The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

36. Consequential amendment to Christchurch City Council Parks and Reserves Bylaw

1. The Christchurch City Council Parks and Reserves Bylaw 2016 is amended by replacing clause 9.3 with the following clause:

9.3 Any place in a reserve that has been set aside for the parking of vehicles may be subject to parking restrictions under the Christchurch City Council Traffic and Parking Bylaw 2017.

The initial resolution to make this bylaw was passed by the Christchurch City Council at a Meeting of the Council held on [insert date] 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].

Item 4

Attachment C