



Draft Traffic and Road Use Bylaw: Statement of Proposal

Introduction

Tararua District Council seeks your views on its draft Traffic and Road Use Bylaw 2024.

The current Traffic and Road Use Waste Bylaw was adopted in 2018 and is now due for review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 and contains:

- a copy of the draft Traffic and Road Use Bylaw 2024 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the Local Government Act 2002;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

In summary, Council is proposing to retain most of the content of the Traffic and Road Use Bylaw 2018, with an update in wording and editorial changes to make the bylaw easier to understand and consistent with other bylaws. It removes all reference to metered parking and metered zones, recognising that paid parking is highly unlikely to be introduced to the district (and if it ever was, Council would want to work through a full consultation process first).

Proposal

This statement of proposal relates to the review of the Traffic and Road Use Bylaw and is prepared in line with sections 83, 83AA and 87 of the Local Government Act 2002.

The Council proposes that:

- (a) a new bylaw (the Traffic and Road Use Bylaw 2024) should be made;
- (b) the Traffic and Road Use Bylaw 2018 be revoked once the Traffic and Road Use Bylaw 2024 comes into force.

The key changes are summarised in this Statement of Proposal and are set out in the draft bylaw (attached).

Proposed Changes

The main proposed changes are summarised below (only substantive changes are listed):

- Adding definitions from the current Administration Bylaw (e.g. ‘animal’, ‘approval’, ‘footpath’).
- Updating wording (from ‘Operation Mobility Parking’ to ‘Mobility Parking’).
- For general Council discretions (clause 5), it is clarified that Council may exercise the discretions by resolution, which may be permanent or temporary. Engine braking in areas of 70kmph or less is added; as is the use of vehicles on unformed legal roads; and restrictions on heavy traffic.
- New restrictions on parking are added (clause 6.3): vehicles must not be parked on footpaths, grass verges where it will damage the grass verge; gardens; or other parts of roads not designed to accommodate vehicles.
- At clause 8, a new prohibition on parking heavy motor vehicles in residential areas (except for loading and unloading) without a resolution from Council to the contrary.
- Removing all reference to metered areas and parking meters (i.e. paid parking areas), and focusing at clause 9 only on the potential for Council to introduce, by resolution, time-restricted parking zones.
- Requirements relating to stock on roads have been moved to Schedule 1, understanding that a new Stock Control Bylaw may be proposed to be introduced.
- Modifying vehicle crossings (clause 19.1) is clarified as including as a result of a change of use of the property.
- Setting out the action Council may take if there is non-compliance (at clause 20).
- Clarifying that offences occur where there is a breach of a provision of the bylaw; an obstruction of an Authorised Officer from carrying out their duties under the bylaw; or a failure to comply with a notice (clause 21.1).

Reason for Proposal

Background

Under sections 145 and 146 of the Local Government Act 2002, Council may make bylaws to:

- protect the public from nuisance;
- protect, promote, and maintain public health and safety;
- minimise the potential for offensive behaviour in public places; and
- manage, regulate against or protect against damage or misuse of land under the control of the territorial authority

Section 22AB of the Land Transport Act 1998 also authorises Council to make bylaws in respect of the management of roads. The Land Transport Act 1998 also provides some enforcement powers to Council (regarding stationary vehicles).

Council is satisfied that there is legal authority for all provisions in the proposed bylaw. Council is also satisfied that the proposed bylaw is not repugnant to any existing laws, and that it is overall reasonable and drafted to provide sufficient certainty.

Legal Framework: s 155 determinations

Council must determine, pursuant to section 155 of the Local Government Act 2002, whether:

- A bylaw is the most appropriate way of addressing the perceived problem;
- The draft bylaw is the most appropriate form of bylaw; and
- The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also comply with the general decision-making requirements in sections 76 to 82 of the Local Government Act 2002 in that it must identify and consider all reasonably practicable options and the community's views.

Is a bylaw the appropriate means to deal with a problem?

The problem needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. The purpose of this bylaw is to set out the requirements for parking and control of vehicles and other traffic on any road in the District other than state highways which are controlled by Waka Kotahi NZ Transport Agency.

Council is of the view proposed changes to the bylaw are the most appropriate means of addressing the issues of vehicle crossings and the presence of heavy traffic and for setting and enforcing parking areas and spaces. Council is satisfied that the amended, proposed bylaw is the most appropriate form of bylaw. Other options such as taking an educational approach to issues, or not regulating traffic and parking were considered but determined to be inappropriate due to the need to ensure compliance for the safe and efficient working of the transport system.

Is the bylaw in the appropriate form?

The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the regulation of parking spaces and the use of the road by vehicles (and currently stock). It allows for exceptions and special circumstances and is consistent with Council document standards and has been written in plain English so far as possible.

The final form of the bylaw will be determined after the Council has heard and considered submissions as part of a consultation process using the special consultative procedure.

Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

The draft bylaw has been assessed as not giving rise to any implications under the New Zealand Bill of Rights Act 1990. Following the prescribed special consultative procedure set out in section 83 of the Local Government Act 2002 Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

Consultation

In making, amending or revoking a bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002. Council has prepared and adopted the draft bylaw for public consultation. Any person can make a submission on the draft bylaw and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at its meeting on 25 September 2024
- (b) Submissions open on 14 October 2024
- (c) Submissions close on 16 December 2024

Submissions will be heard before Council or a Committee at a time following the close of submissions, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be in February 2025.

The key point to note is that consultation opens on 14 October 2024 and closes on 16 December 2024.

We encourage you to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

How to get your submission to us:

Mail to: Draft Traffic and Road Use Bylaw
Tararua District Council
PO Box 115
Dannevirke 4942

Email to: submissions@tararua.govt.nz

Deliver to: Council offices in Eketāhuna, Pahiatua, Woodville or Dannevirke

Online: <https://www.tararua.govt.nz/publications/consultation/current-consultation>

This Statement of Proposal is issued pursuant to section 155 of the Local Government Act 2002 and in compliance with sections 76AA, 82, 83 and 148 of the Local Government Act 2002.

Bryan Nicholson
Chief Executive

Attachments:

1. Draft Traffic and Road Use Bylaw 2024
2. Report to Council on adopting the draft Traffic and Road Use Bylaw 2024
3. Submission form