



**Notice of the Ordinary meeting of**

## **Nelson City Council**

### ***Te Kaunihera o Whakatū***

Date:	Thursday 17 August 2023
Time:	9.00a.m. - to DELIBERATE on Submissions to Traffic and Parking Bylaw
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

## **Agenda**

### ***Rārangi take***

**Chairperson**

**Deputy Mayor**

**Members**

His Worship the Mayor Nick Smith

Councillor Rohan O'Neill-Stevens

Cr Matty Anderson

Cr Matthew Benge

Cr Trudie Brand

Cr Mel Courtney

Cr James Hodgson

Cr Kahu Paki Paki

Cr Pete Rainey

Cr Campbell Rollo

Cr Rachel Sanson

Cr Tim Skinner

Cr Aaron Stallard

**Quorum 7**

**Nigel Philpott  
Chief Executive**

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436

## Karakia and Mihi Timatanga

### 1. Apologies

An apology has been received from Councillor R O'Neill-Stevens

### 2. Confirmation of Order of Business

### 3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

### 4. Public Forum

### 5. Draft Traffic and Parking Bylaw - Deliberations Report

4 - 76

Document number R27450

Recommendation

#### ***That the Council***

1. ***Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and***
2. ***Approves any amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989); and***
3. ***Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and***
4. ***Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989); and***

5. ***Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).***

**Karakia Whakamutanga**

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**REPORT R27450**

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**Draft Traffic and Parking Bylaw - Deliberations Report**

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**1. Purpose of Report**

- 1.1 To provide information to assist Council in its deliberations on the Draft Traffic and Parking Bylaw 2023 (the Draft Bylaw).
- 1.2 To adopt the Traffic and Parking Bylaw 2023.

**2. Summary**

- 2.1 The current Parking and Vehicle Control Bylaw 2011 (Bylaw 207) regulates parking and vehicle control in Nelson. It will expire on 3 November 2023. Council proposes to replace it with the Draft Traffic and Parking Bylaw 2023, which has recently been consulted on.
- 2.2 This report is to assist the Council with its consideration of the written and verbal submissions received during the consultation process, and to decide what changes to make to the Draft Bylaw before adoption.

**3. Recommendation**

***That the Council***

- 1. Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and***
- 2. Approves any amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989); and***
- 3. Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and***
- 4. Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989); and***

**5. *Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).***

**4. Background**

- 4.1 On 13 April 2023, the Council approved a Statement of Proposal for Adoption of a New Traffic and Parking Bylaw.
- 4.2 Public consultation was undertaken from 2 May 2023 to 2 June 2023, and a Council hearing on the Draft Bylaw was held on 23 June 2023, in accordance with a special consultative procedure.
- 4.3 A summary of the submissions is appended as Attachment One. Full submissions were presented at the hearing and can be found here: [http://meetings.nelson.govt.nz/Open/2023/06/CL\\_20230623\\_AGN\\_5920\\_AT.PDF](http://meetings.nelson.govt.nz/Open/2023/06/CL_20230623_AGN_5920_AT.PDF)

**5. Discussion**

**Draft Bylaw**

- 5.1 The Draft Traffic and Parking Bylaw 2023 is included as Attachment Two to this report.

**Submissions**

- 5.2 A total of 73 submissions were received on the Draft Bylaw (including two from the New Zealand Motor Caravan Association). Six submitters spoke at a hearing on 23 June 2023. There were three other submitters on the original hearing schedule, but they did not present an oral submission.
- 5.3 The key issues raised in the feedback are broadly summarised in the following table and discussed in this report.

Bylaw Clause	Topic	Responses
-	The general approach for the overall proposal	8
39	Long-term parking of motor homes	48
37	Parking on berms	22
33	Time restricted parking zones	13
22	Restricting use of wheeled recreational devices on footpaths	11

## Item 5: Draft Traffic and Parking Bylaw - Deliberations Report

<b>Bylaw Clause</b>	<b>Topic</b>	<b>Responses</b>
38	Parking for display or sale	6
20	Shared paths and cycle paths	1
5	State highways	4
25	Vehicle crossings	2
40	Repairs on vehicles	4
24	Engine braking	4
23	Cruising	4
-	Other matters	40

### **6. Overview**

- 6.1 Eight submissions noted they generally supported the Draft Bylaw in whole. Restricting long-term parking of motorhomes on roads attracted the most responses from submitters, followed by proposed restrictions on car parking on berms. In addition, the use of wheeled recreational devices on footpaths was a significant issue for some submitters.

#### **Long-term parking of motorhomes on the road**

- 6.2 Clause 39.1 of the Draft Bylaw states that a person must not park a motorhome, heavy goods vehicle, immobilised vehicle or trailer on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.
- 6.3 The Council currently enforces Clause 6.19 of the Land Transport (Road User) Rule 2004 which restricts parking of trailers on the road to a maximum of seven days. The proposed bylaw sought extension of this principle to include motorhomes and heavy goods vehicles.
- 6.4 Of the 48 submissions on this topic, 30 opposed this proposal, 12 supported it, and six discussed alternative approaches, or made other comments. James Imlach of the Motor Caravan Association and Andy Corbin also discussed this topic at the hearing.
- 6.5 Matters raised by submitters who were opposed to this provision included lack of on-site capacity to park motorhomes on many residential properties, recognition that the impacts of motorhomes parking on the street were similar to that of SUVs and other large vehicles, and a preference for case-by-case restrictions on motorhomes causing safety issues. Submissions in support of the provision noted traffic safety and access issues caused by motorhomes parked on the street.

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### Officer comments

- 6.6 The proposed rule aimed to address safety concerns of large vehicles parked on roads creating sightline issues for other road users. The seven day time period was designed to be consistent with the existing rule restricting trailer parking Clause 6.19 of the Land Transport (Road User) Rule 2004 and avoid impacts on other vehicle users, including drivers of delivery vehicles in the course of business.
- 6.7 Access to parking on public roads is expected to become more contested in future, particularly as the National Policy Statement on Urban Development does not allow Council to set minimum on-site parking requirements for new developments.
- 6.8 Restricting long-term parking on the road by motorhomes, heavy goods vehicles, immobilised vehicles and trailers would help to protect roads against their use for long term storage of items (including vehicles) that cannot fit on private property.
- 6.9 Other options (outside of the Bylaw process) to manage this parking demand could include:
- Private enterprise providing more long-term parking or storage facilities for rent or purchase; or
  - Council making decisions on where long-term parking of motorhomes might or might not be permitted on selected roads (this would require a new process of consultation).

### Officer recommendation

- 6.10 Officers recommend that on balance considering the submissions, Council delete clause 39, which would allow motorhomes, heavy goods vehicles and immobilised vehicles to park within the rules of the Bylaw like any other vehicle. Trailer parking would continue to be enforced under Clause 6.19 of the Land Transport (Road User) Rule 2004.

### **Parking on berms**

- 6.11 Clause 37.1 of the Draft Bylaw restricts parking of vehicles on any part of a berm, kerb, verge, lawn, garden, or other cultivation adjacent to, or forming part of, a road. This is a change from the current Bylaw, which only prohibits parking on berms where signage has been erected.
- 6.12 Council received 22 submissions on this topic, with 13 opposing and eight supporting it, and one submission providing a comment. The Tāhunanui Business and Citizens Association also discussed this proposal at the hearing, raising concerns about impacts of this restriction on car parking capacity in Tāhunanui Reserve during peak periods.
- 6.13 Many of the people who opposed this proposal were concerned about the traffic safety impacts of cars parked on the side of narrow roads instead

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of on berms. Others said parking on berms shouldn't be regulated if no damage was occurring.

- 6.14 The people who supported restrictions on parking on berms said this approach brought Nelson into line with other places in New Zealand, and that parking on berms causes damage, and can contribute to cracked and bumpy footpaths and limit/prohibit access for all users but particularly those using mobility devices and those suffering and impairment. This is a particular concern for Blind Citizens NZ Nelson Branch (Submission 72).

### Officer comments

- 6.15 Submitters' safety concerns related to narrow roads need to be considered alongside recognition that parking on berms also creates a safety and access hazard. Vehicles which are driven across footpaths to park on berms can break the paving of footpaths, creating an uneven surface for less able people to negotiate. Vehicles parking on berms can also impact on people's use of footpaths in high demand areas.
- 6.16 Restricting parking on berms was also designed to protect road infrastructure including kerbs, buried infrastructure, and tree roots. Clause 6.2 of the Land Transport (Road User) Rule 2004 provides that "*a driver...in charge of a vehicle must not stop, stand, or park the vehicle on a roadway if he or she can stop, stand, or park it on the road margin without damaging ornamental grass plots, shrubs, or flower beds laid out or planted on the margin.*" However, this clause does not apply if the road controlling authority provides signs or markings or make a bylaw providing for a different requirement.
- 6.17 Parking in reserves (including Tāhunanui) is already restricted by Clause 7.3 of the Amended Urban Environment Bylaw. However, that Bylaw lacks the enforcement powers under the Land Transport Act 1998 that will apply to provisions in the Traffic and Parking Bylaw.

### Officer recommendation

- 6.18 Officers recommend that Council adopts clause 37 as proposed.

### **Time and payment restricted parking zones**

- 6.19 The provisions under Clause 34 of the Draft Bylaw do not create any new time limited or payment zones. Instead, they clarify that if someone re-parks in the same car park or the same parking zone within a 30-minute period, then they are deemed to have remained parked in the zone throughout that time. If someone leaves a parking zone for more than 30 minutes and then returns, all time restrictions and fees will start fresh when they re-park.
- 6.20 Clause 34.4 is relevant to the resolution the Council made under the current Bylaw in 2014 in relation to the 1 hour free parking. The more recent temporary resolution made in June 2023 for free parking between 3.00-5.00p.m. would not be affected by the clause, because parking is



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free after 5.00p.m. Staff consider this clause could be amended further to better reflect that any free parking period also does not start again when someone reparks their vehicle.

- 6.21 Seven submitters opposed these provisions. However, three of these people misinterpreted the provisions as being a reduction to only 30 minutes of free parking. Three submitters supported the provisions.
- 6.22 Two submitters commented on the other aspects of time-restricted parking zones:
- One person opposed increasing time-restricted parking to outlying areas around Nelson because it impacts on their role as a care worker, as they need to park outside community housing.
  - One person supported reducing all day parking areas in the inner city and periphery to make active travel modes more attractive.

### Officer recommendation

- 6.23 Adopt clause 34 as proposed, with a minor amendment to clause 34.4 to reflect any free parking resolutions as shown below in yellow highlight. Clause 34 defines how the time restrictions apply when drivers move their vehicles to other spaces within the time limited parking zone.

*"For clarity, if a vehicle leaves a parking space within a time restricted parking zone and re-parks in the same zone more than 30 minutes after leaving, the maximum time period prescribed under clause 34.2(b) starts again from the time that the vehicle is re-parked, and any first hour free or other similar resolutions made by the Council under this clause do not apply".*

Note - The Traffic and Parking Bylaw gives Council the power to make changes to parking zones – it does not direct where changes to all day parking areas will be made.

### **Restricting use of wheeled recreational devices on footpaths**

- 6.24 Clause 22.1 of the Draft Bylaw states that Council may by resolution prohibit the use of a wheeled recreational device on any specified footpath. Clause 12 of the current Bylaw is a similar provision under which prohibitions have already been made by the Council.
- 6.25 Schedule 2 of the 2011 Bylaw prohibits the use of wheeled recreational devices in the following areas, and will continue in force under the 'savings and transitional provisions' in clause 49 of the Draft Bylaw:
- The CBD, within these streets: Nile Street, Rutherford Street, Halifax Street and Collingwood Street
  - Tāhunanui, between Beach Road and Tāhunanui Drive

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- Stoke, between Neale Ave and Main Road Stoke and the Bail Street area
- Victory Square shopping area.

- 6.26 Eleven submissions discussed this issue. At the hearing the Youth Council representatives and one submitter spoke in favour of allowing wheeled recreational devices to be used on footpaths to improve safety and avoid crashes with cars, and Blind Citizens NZ Nelson Branch representatives outlined the need for an expansion of the prohibited areas (to cover both sides of these streets) and why they would like motorised devices to be treated as vehicles, and not be allowed to use footpaths.
- 6.27 Two written submissions strongly supported bans in all of the areas listed above. In particular, the Blind Citizens NZ Nelson Branch (Submission 72) noted that adding wheeled devices to the footpath "makes shopping and leisure within these areas even more unsafe and scary for our community".
- 6.28 On the other hand, three submissions were strongly opposed to bans of wheeled devices on footpaths. In particular, the Nelson Youth Council (Submission 67) noted that scooters and skateboards are a huge part of how many young people get around. This submission said the ban is harmful to young people in Nelson by:
- preventing them from taking positive climate action
  - making it harder to get to school
  - making it harder to get to town.
- 6.29 The other six submissions recognised the need to avoid safety risks for both pedestrians and people using wheeled devices, including the submission from Nelson Marlborough Public Health (Submission 64) which provided extensive guidance on managing these issues.
- 6.30 Note that the Police (and not Council officers or parking wardens) are responsible for enforcing Bylaw provisions related to the use of wheeled devices on footpaths.

### Officer recommendation

- 6.31 Adopt clause 22 as proposed.
- 6.32 In the future officers can initiate a review of the areas where wheeled recreational devices are banned. This will provide Council with an opportunity to consult with the public and to make any future changes to the areas in which restrictions on the use of wheeled recreation devices on footpaths apply.

### **Parking for display or sale**

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- 6.33 Clause 38.1 of the Draft Bylaw does not allow a person to park a vehicle (including a trailer) on any road for the purpose of: advertising a good or service; promoting a candidate for election; or advertising, offering, or displaying the vehicle for sale, unless they have Council's prior written permission to do so.
- 6.34 Six submissions discussed this issue, with three supporting and three opposing the provision. People who were opposed to it noted:
- Parking vehicles on the road for sale should only be banned if the vehicle remains in that space for more than an hour, as vehicles often have "for sale signs" painted on.
  - This is only temporary and is no more distracting than hoardings or road signs, which are often more permanent.
- 6.35 One of the submissions in support of the restriction noted that in the age of the internet there is no need to advertise vehicles for sale on berms or parking spaces. Waka Kotahi (Submission 68) supported this proposed bylaw change, particularly if the proposed changes include the Council having the delegated authority to enforce non-compliance on the state highway.

### Officer recommendation

- 6.36 Adopt clause 38 as proposed as it enables Council to take enforcement action where there are safety concerns associated with vehicles parked on the side of the road for display or sale purposes.

### **Shared paths and cycle paths**

- 6.37 Clause 20.1 of the Draft Bylaw states that Council may by resolution determine: the length, route and/or location of a shared path or cycle path; and the priority for permitted users on a shared path or cycle path.
- 6.38 One submission commented on this provision, stating that more footpaths should have this classification to allow more use of active modes of transport.

### Officer recommendation

- 6.39 Adopt clause 20 as proposed to enable Council to establish more shared paths and cycle paths in future and for the Police to take enforcement action where safety issues arise on shared paths.

Note: The minor error in Clause 20.1(a) will be corrected to read "the length, route and/or location **of or** a shared path or cycle path".

### **State highways**

- 6.40 Clause 5.1(b) states that this Bylaw applies to those state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council, being:

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- (i) the part of State Highway 6 between Peace Grove Car Park (RS99.15120) and the Annesbrook roundabout (RS116.5509).

- 6.41 In effect, this means the Bylaw provisions apply to State Highway 6 from Peace Grove Car Park, south along Queen Elizabeth II Drive, Haven Road, Wakefield Quay, Rocks Road and Tāhunanui Drive, and Annesbrook Drive to where it connects to the Annesbrook roundabout.
- 6.42 Clause 5.2 states that despite Clause 5.1, the Council cannot use the powers in Part 3 of the Bylaw in relation to any state highways, as these are not within the scope of the powers delegated to Council by Waka Kotahi NZ Transport Agency. (Part 3 of the Draft Bylaw relates to vehicle and road use, which includes the provisions under Clauses 14 to 26).
- 6.43 Four submissions commented on the provisions under Clause 5. One supported them, and the other (Submission 13) requested more regulations to support traffic management when the State Highway is closed, and the traffic between Richmond and the Nelson CBD needs to travel through Stoke.
- 6.44 One submission (from Waka Kotahi) noted that Waka Kotahi must be formally involved if any change to regulations relating to parking is proposed for, or impacts on, state highways.
- 6.45 One submission opposed the provisions under Clause 5 because they will result in a net cost to Council.

### Officer recommendations

- 6.46 Officers recommend that Council adopt clause 5 as proposed because they enable consistent regulation of parking across the city, regardless of road ownership.

### **Vehicle crossings**

- 6.47 Clauses 25.1 to 25.11 of the Draft Bylaw relate to use and maintenance of vehicle crossings.
- 6.48 Two submitters discussed these provisions. Waka Kotahi (Submission 68) supported the whole of the vehicle crossing provisions but noted that they do not override the Waka Kotahi Limited Access Road approval process under the Government Rounding Powers Act 1989, which applies to State Highway 6 from Trafalgar Street to Lud Valley Road. Waka Kotahi will also still be involved (as an affected party) in assessing any new accesses to State Highway 6.
- 6.49 The other submission related specifically to Clause 25.7 (which gives Council the power to require landowners to upgrade vehicle crossings) and said that landowners should not have to maintain these unless it is clear that the landowner's activities, or activities on their property, have significantly contributed to the degradation of the crossing.

### Officer recommendation

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- 6.50 Adopt clause 25 as proposed. The provisions of this clause provide a mechanism to follow up with adjacent property owners when vehicle crossings have been damaged, as this can create safety issues for other road and path users. (Note: Maintenance and renewal of footpaths is a Council responsibility so there is some overlap of responsibilities related to vehicle crossings).

### **Repairs on vehicles**

- 6.51 Clause 40.1 of the Draft Bylaw does not allow people to carry out repairs or modifications to a vehicle on a road unless this is minor in nature and doesn't impede traffic or cause a safety issue; or if the repairs are necessary to enable the vehicle to be moved.
- 6.52 Four people submitted on this provision. Three supported it and one person opposed it because it unfairly punishes poor people.

#### Officer recommendation

- 6.53 Adopt clause 40 as proposed because it addresses safety concerns related to people working on or around vehicles on roads.

### **Engine braking**

- 6.54 Clause 24.1 of the Draft Bylaw states that Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- 6.55 Four submissions supported this provision. One asked Council to make Tāhunanui Drive an engine braking restricted area because there are high volumes of heavy vehicles, and residents living close to the road.

#### Officer recommendation

- 6.56 Adopt clause 24 as proposed.

Note: Officers will follow up with Waka Kotahi and New Zealand Police about engine braking noise on Tāhunanui Drive.

### **Cruising**

- 6.57 Clause 23.1 of the Draft Bylaw states that Council may by resolution specify any section of road on which cruising is controlled, restricted or prohibited.
- 6.58 Three submissions supported the cruising provisions, and one suggested using traffic calming measures on local roads instead of 'no cruising' restrictions (e.g. between Waikare Street and Tāhunanui Drive, Beach Road and Golf Road).

#### Officer comment

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Officers will consider the requests for traffic calming in specific areas through the Minor Works Programme and speed management plans.

### Officer recommendation

- 6.59 Adopt clause 23 as proposed.

### **Other matters**

- 6.60 Other matters raised in submissions are listed below, with any relevant officer recommendations and/or comments.

- Replace references to the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand' to be consistent with national legislation.

Officer recommendation: Replace all references in the Draft Bylaw from the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand'.

- Parking on public land should generally not be a free activity, and use of road reserve as private property should not be allowed to happen (two submissions).
- It should be legal for an owner to park across their own garage entrance or for a visitor to park there with the owner's knowledge and permission.

Officer comment: Parking across garage entranceways is not covered by the Bylaw. It is covered in Clause 6.9 Land Transport (road user) Rule 2004 and Council has an enforcement role.

- Council decisions on subdivisions affect the amount of space available for on-site parking – this needs to be considered when developing the Parking Bylaw.

Officer Comment: As noted earlier in this report (in relation to long-term parking of motorhomes), the National Policy Statement on Urban Development does not allow Council to set minimum on-site parking requirements for new developments.

- The driving and parking of vehicles on parks and reserves should be banned as it is already in many other NZ cities, e.g. driving and parking on Miyazu Reserve churns up the turf.

Officer comment: As noted earlier in this report parking in reserves is already restricted by Clause 7.3 of the Amended Urban Environment Bylaw. However, that Bylaw lacks the enforcement powers under the Land Transport Act 1998 that will apply to provisions in the Traffic and Parking Bylaw.

- Nelson Girls College lacks a safe drop off/pick up area. Replace the five angle car parks behind the bus stop with a loading zone, with restricted times and visitor parking outside of those times.

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Officer Comment: Parking at Nelson Girls College can be assessed and consulted on after the new Bylaw is adopted and as part of the Long Term Plan.

- The bike lanes on Vanguard and St Vincent Streets need to be reviewed nothing that they are very dangerous as cars parked between the bike lane and road obscure pedestrians and bikes from turning traffic.

Officer Comment: The St Vincent Street bike lane layout and adjacent parking is under review and any parking changes will be assessed and consulted on after the Draft Bylaw is adopted.

- Support for the provisions under Clauses 32 and 33 – other reserved parking and time restricted parking zones.
- Where it is proposed to change maximum parking times, or to establish limited parking zones, the Tāhunanui Business and Citizens Association (Submission 55) requests that meaningful consultation occurs with affected residents and businesses before the change is made and signs are erected.
- What, if any, mobility parking is proposed for the Tāhunanui business area, and how can checks be made on use of disability parks by able-bodied people?

Officer Comment: Any requested changes to the designation of Mobility Parking areas are managed through a resolution process. Restrictions can be reviewed where they are no longer considered appropriate. Council relies on the parking enforcement process, and for people to be honest, rather than monitoring who makes use of disability parking areas.

- The Tāhunanui Business and Citizens Association asked the Council to consult the community about the proposal to establish a bus interchange on Muritai Street

Officer Comment: The proposal to establish two new shelters at existing bus stops in Muritai Street will be consulted on separately.

- Opposition to any future charging for car parking at Nelson Marina.

Officer Comment: This Bylaw does not create parking restrictions at the Marina. It does however create a framework where this can be done by resolution if it is required in the future.

- A request to place warnings on parking signs stating that vehicles must remain within the marked parking area (rather than extending onto the adjacent footpath or cycleway).

Officer Comment: Officers will investigate the option of including advisory signs at the entrances to car parks to warn that parking over footpaths is an offence under the Traffic and Parking Bylaw.

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- Parking needs to be provided in Nelson, as the bus schedule doesn't suit everyone's commitments.
- Support for the process requirements for making resolutions (in Clauses 10.1 and 10.2 of the Draft Bylaw)
- Waka Kotahi noted that an update to the delegations' register will be required if the provisions under Clause 28 (temporary parking restrictions) is adopted.

Officer Recommendation: Update the delegations register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).

- Support for the provisions under Clause 42 (by two submitters).
- Support for the provisions under Clauses 44, 45, 46 and 47.
- Opposition to the provisions under Clause 30 – reserved parking for residents – because it may lead to parking spaces being left empty even though there is minimal parking and there is a need for more parking.
- Opposition to the proposal of banning parking and access on unformed roads, as this will affect some residents' access to their garages, etc.

Officer Comment: Access to property via an unformed road is expected to be covered in the Road Encroachment Policy, which is in the work programme and will be consulted on.

- Opposition to the provisions under Clauses 27, 28 and 29 (parking restrictions). Extending powers to regulate parking in public places such as parks and reserves, the beach and marina is too much and may affect the enjoyment of these recreational treasures.
- Support for Clause 36.2 which enables oversized vehicles and vehicles with trailers to use more than one park but not to overhang the footpath. Blind Citizens NZ Nelson branch (Submission 72) would like scooters and bicycles to be recognised as vehicles in relation to this provision to avoid cluttering the footpath.

Officer comments The definitions for 'cycle' and 'wheeled recreational device' in the Bylaw are the same as in clause 1.6 of the Land Transport (Road User) Rule 2004, where both are referred to as vehicles.

## 7. Options

- 7.1 Council has three options, either adopt or adopt with amendments or not adopt the Bylaw.



## Item 5: Draft Traffic and Parking Bylaw - Deliberations Report

<b>Option 1: Adopt the Draft Bylaw without amendment</b>	
Advantages	<ul style="list-style-type: none"><li>• Ensures a new bylaw can be in place before the current bylaw expires.</li><li>• Provides a reasonable level of control over traffic and parking.</li><li>• The Draft Bylaw is similar in substance to the existing bylaw, so customers will not experience major change, but the improved drafting and formatting should make the proposed new bylaw more accessible to customers.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Fails to respond to any of the concerns raised by submitters during the consultation process.</li></ul>
<b>Option 2: Adopt the Draft Bylaw with amendments (as recommended in this report or proposed by the Council)</b>	
Advantages	<ul style="list-style-type: none"><li>• As for Option 1; and</li><li>• Enables Council to respond to issues raised by submitters during the consultation process.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• No significant risks and disadvantages.</li></ul>
<b>Option 3: Do not adopt the Draft Bylaw</b>	
Advantages	<ul style="list-style-type: none"><li>• Nil.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• The existing bylaw will be revoked in November 2023, after which there would be less control over traffic and parking control, increasing the risk of infrastructure damage and safety issues.</li></ul>

## 8. Conclusion

- 8.1 The Council has used the special consultative procedure to gain public feedback on the Draft Bylaw. The next step is to make decisions on what amendments to make to the Draft Bylaw, and then to adopt the Amended Bylaw.
- 8.2 Officers recommend that Council adopts the Draft Traffic and Parking Bylaw 2023 (as amended) to reflect Council's decisions on submissions.

**Author: Drew Bryant, Team Leader Transport Activity Management**

**Authoriser: Alec Louverdis, Group Manager Infrastructure**

## Item 5: Draft Traffic and Parking Bylaw - Deliberations Report

### **Attachments**

Attachment 1: 1862260321-57986 - Summary of Submissions [↓](#)

Attachment 2: 1862260321-57989 - Draft Traffic and Parking Bylaw 2023 [↓](#)

<b>Important considerations for decision making</b>
<b>Fit with Purpose of Local Government</b> <p>The proposed bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for traffic and parking control on the roading network.</p>
<b>Consistency with Community Outcomes and Council Policy</b> <p>The Traffic and Parking Control Bylaw supports the following community outcomes;</p> <ul style="list-style-type: none"><li>• Our unique natural environment is healthy and protected.</li><li>• Our urban and rural environments are people friendly, well planned and sustainably managed.</li><li>• Our infrastructure is efficient, cost effective and meets current and future needs.</li><li>• Our communities are healthy, safe, inclusive and resilient.</li></ul>
<b>Risk</b> <p>Not adopting the draft Bylaw would leave Council relying on its existing bylaw, which is due to expire in November 2023. If no new bylaw is made before then, Council would not have local enforceable controls over traffic control and parking on our network. This would create a risk to safety, and infrastructure.</p>
<b>Financial impact</b> <p>There are no immediate funding implications over and above current costs of administration and enforcement.</p>
<b>Degree of significance and level of engagement</b> <p>This matter is of high significance because impact a wide range of residents. Consultation with the community has occurred through the special consultative procedure, in accordance with both sections 83,86 and 156 of the LGA.</p>
<b>Climate Impact</b> <p>Climate change has not been considered directly in the draft bylaw.</p>

## Item 5: Draft Traffic and Parking Bylaw - Deliberations Report

<b>Inclusion of Māori in the decision making process</b>
No direct engagement with Māori has been undertaken in preparing this report.
<b>Delegations</b>
This is a matter for Council decision.

**Appendix 1: Summary of Submissions**

<b>Sub No.</b>	<b>Name</b>	<b>Topic</b>	<b>Details</b>
1	Roger Cole	Parking zones	Oppose (but misunderstood provision)
		Berms	Oppose
		Wheeled recreational devices	Support – wants them off footpaths
		Vehicle crossings	Oppose  Clause 25.7 – Maintenance of vehicle crossings – landowners should not have to maintain these unless it is clear that the landowner's activities, or activities on their property, have significantly contributed to the degradation of the crossing.
		Parking for display/sale	Oppose  Parking vehicles on the road for sale should only be banned if the vehicle remains in that space for more than an hour.  Many owners wishing to sell a vehicle will place 'for sale' notices on their rear window, often painted on. Having to remove this notice when using the vehicle is unnecessary provided the vehicle is not left in one place long term.
		Vehicle repairs	Support
2	James Imach for New Zealand Motor Caravan Association Inc	Motorhomes	Oppose  Passenger vehicles will generate similar effects to smaller motorhomes and caravans parked on the roadside.  Seeks exemption for NZCMA members (and others) if the Authorised Officer deems it safe for their motorhome or caravan to be parked on the roadside long-term.
3	Paul Lunberg	Motorhomes	Support  Supports a stop to all long-term parking on the road (relying on on-site parking on private properties).
4	Peter Carmichael	Berms	Oppose  Parking on the berm is needed on narrow streets.

		Wheeled recreational devices	Oppose  Remove this section of the bylaw to improve the active transport network. Allow skateboarding on streets. Instead set a speed limit for electric scooters.
		Vehicle repairs	Oppose  Allow people to work on cars that are broken down. This clause unfairly punishes the poor.
5	Michael Town	Parking zones	Support
		Berms	Support  A consistent approach for people to report issues and for enforcement will be key. There are currently no consequences for parking on berms.
		Motorhomes	This provision needs to have clear boundaries and rationale that everyone understands (e.g. vehicles over a certain length/width block visibility). However, large cars like Ford Rangers also cause these problems.
6	Donald Morrissey	Berms	Support  But notes that enforcement will be difficult outside working hours.
		Motorhomes	Support
7	David Hale for Arrow Motel Apartments	Motorhomes	This needs refining to say something like 7 days (24 hours per day) – as contractors staying at the motel park overnight while staying for a fortnight. They also may need to leave their vehicle in the street for longer during period of bad weather.  Seeking clarification related to 24/7 parking, and also the ability of contractors to easily apply for a short-term extension.
8	Vanessa Hardinge	Parking zones	Oppose (but misunderstood provision)
9	Cameron Forbes	Parking zones	Oppose  Re-parking is not a significant problem so don't use resources to police it.
		Berms	Oppose  Parking on the berms to watch sport (e.g. rugby at Trafalgar Park) is Nelson's culture, and causes minimal if any traffic problems.
		Motorhomes	Oppose  Adds flavour to the town. Also, in Akersten St, a few people are living in their motorhomes.

10	Sarah Rapsey	Parking zones	Oppose
		Berms	Oppose
		Parking for display/sale	Oppose
11	Peter Wastney	Bylaw in general	Support
		Parking for display/sale	Oppose Only temporary, and no more distracting than hoardings or road signs, which are often more permanent.
12	Robert Schadewinke	Bylaw in general	Support
13	Sarah Davies	Berms	There needs to be consistency on this. Neighbours park on the berm to widen the road for traffic flow and turning near the school in Nikau Street. A traffic management plan is needed for the school area (Main Road Stoke, Ranui Road and Nikau Street.)
		Motorhomes	Abandoned vehicles create the same issue, and this occurs frequently in Ranui Street.
		State highways	There are no regulations in place to support traffic management when the State Highway is closed, and the traffic between Richmond and the Nelson CBD needs to travel through Stoke. These changes are needed to support safe pedestrian crossing at 601 Main Road Stoke, and traffic management for Stoke School.  I am open to meeting with anyone about our traffic management issues – we get minimal support during State Highway closures from any agency (such as police, Waka Kotahi and Council).
14	Candice Riley	Parking zones	Oppose (but misunderstood provision)
15	Ken Eyles	Other matters	Use of road reserve as private property should not be allowed to happen.
16	Sally Warren	Other matters	I understand it is illegal to park blocking a garage. It should be legal for an owner to park across their own garage entrance or for a visitor to park there with the owner's knowledge and permission.
17	Tania O'Meagher for Roadhogs Indoor Minigolf	Parking zones	Oppose  This just seems like revenue gathering.
18	Carlo Wiegand	Berms	Support
		Motorhomes	Support  But occupations of caravans and motorhomes due to poverty and recent loss of housing needs to be considered in relation to enforcement.

		Parking for display/sale	Support  In the age of the internet there's no need to advertise vehicles for sale on berms or parking spaces.
		Other matters	Parking on public land should generally not be a free activity.
19	Neil Jackson	Motorhomes	Campervans sometimes need to be on the road for more than seven days when work is being done on a property, such as reroofing, renovations, rebuilding or fence replacements. Flexibility in the bylaw would be needed to allow for temporary parking in these situations.
		Other matters	Council decisions on subdivisions affect the amount of space available for on-site parking – this needs to be considered when developing the Parking Bylaw.
20	Yan Flint	Other matters	The driving and parking of vehicles on parks and reserves should be banned as it is already in many other NZ cities. E.g. driving and parking on Miyazu Reserve churns up the turf.
21	Deserie Murphy	Engine braking	Support  Please make Tahunanui Drive an Engine Braking restricted area. There are high volumes of heavy vehicles and residents living close to the road.
		Wheeled recreational devices	The prohibited areas need to be re-evaluated – only apply this to the city centre. Allow for these devices in Tahunanui and Stoke.  The current prohibition is not enforced, so consideration is needed on whether this is the best way to keep pedestrians safe in busy areas.  Council also needs to consider whether this approach encourages more people to use active modes of transport.
		Shared paths	More footpaths should have this classification to allow more use of active modes of transport.
		Cruising	Instead of 'no-cruising' restrictions, provide more traffic calming on local roads, eg between Waikare Street and Tahunanui Drive, Beach Road, Golf Road.
		Bylaw in general	Support the other parking provisions.  Comment: suggest a clause that states 'on-street parking is not guaranteed to be available/Council reserves the right to remove any and all on-street parking at any time' to allow Council to provide the



			community with more cycle lanes, bus lanes and in general reduce road space allocation from parking to other things like urban greening, rain gardens, etc.
22	Malcolm Katharine	Parking for display/sale	Support
		Bylaw in general	Support
23	Alan Mant	Other matters	Nelson Girls College lacks a safe drop off/pick up area. Suggest replacing the five angle car parks behind the bus stop with a loading zone, with restricted times and visitor parking outside of those times.
24	Delia Elford	Motorhomes	Oppose
25	Lynley Walters	Motorhomes	Oppose
			If there are issues, address these on a case-by-case basis.
26	Erik Mulder	Motorhomes	Oppose
			Where there is an unsafe or undesirable traffic situation, use the existing traffic safety laws to get people to move their motor home.
27	David Wutzler	Motorhomes	Oppose
			Address issues on a case-by-case basis.
28	Chloe Loftus	Motorhomes	Oppose
			This unfairly disadvantages people of lower economic status, with less capacity to have a motorhome parked on their property.
29	Gary Davis	Motorhomes	Support
			These vehicles minimise vision for the general traffic.
30	Stephen Major	Motorhomes	Oppose
			A case by case approach is required, where a vehicle is causing a traffic hazard.
31	Brian McHaffie	Motorhomes	Support
			Our cul-de-sac suffers from motorhome congestion, making transit difficult for rubbish trucks and larger service vehicles, as well as for everyday car use.
32	Ross McCorkindale	Motorhomes	Support restricting all vehicle types being parked on roads where they create risk or restrict the lane or safe passage of other vehicles on the road. It should apply to all vehicle types – a fair process is needed, so as not to discriminate caravans and campers from trailers and cars.

			Note: using the road berm also needs to be clearly managed if parking restrictions are imposed.
33	Diane Chandler	Motorhomes	Support  Motorhomes make it hard to see out our driveway which is dangerous and a safety risk. They are particularly dangerous when trying to see if cyclists are coming, as you just can't see around them.
34	Val and Ross Parmenter	Berms	Support  Reverse the assumption that parking on the berm is permissible unless there is a sign prohibiting it. This brings Nelson in line with many other places in New Zealand.
		Motorhomes	Oppose  We have had our caravan parked on the inner/fence side of our berm for 17 years and have not had one complaint. (The berm is 7 metres wide.) Please consider this bylaw provision on a case-by-case basis. There are hundreds of people who do not have access to caravan/motorhome storage.
35	Kass Harker	Berms	Oppose
		Other matters	Suggested amendments to the bylaw:  "No trucks, buses or other heavy vehicles can be parked overnight in residential streets."
		Motorhomes	Suggested amendment to this provision:  "Caravans and motor homes cannot be parked for longer than 14 days in a residential street. The vehicle cannot be occupied during this time."
		Other matters	Consider restricting parking on one side of narrow streets.  Currently traffic flow is impeded in many streets as a result of narrowing and vehicles parking both sides, e.g. Tasman Street and parts of Dodson Valley Road.
36	Steve Moody	Motorhomes	Oppose
		Other matters	Review the bike lanes on Vanguard and St Vincent Streets. They are VERY dangerous as cars parked between the bike lane and road obscure pedestrians and bikes from turning traffic.
37	Toby Bailey	Motorhomes	Oppose  Dangerous parking can be dealt with on a case-by-case basis.

			This ban will disproportionately impact people on lower incomes and with smaller properties.
38	Fleur Rohleder on behalf of Fire and Emergency New Zealand	Bylaw in general	Support.  Note: Please replace references to the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand' to be consistent with national legislation.
39	Wendy O'Connor	Motorhomes	Support  A motorhome parked near a curve in the road causes a blindspot when people pull out to move past it. We have seen a few near misses.
40	Kevin Tyree	Motorhomes	Oppose  People have the right to park outside their own property.
		Berms	Oppose  People have the right to park outside their own property.
41	John Hart	Motorhomes	Oppose
		Parking zones	Oppose  There are legitimate reasons for re-parking. Over-zealous enforcement drives people away from the CBD.
42	Jill Clendon	Motorhomes	Oppose  If this bylaw was enacted we would have to sell our van, which we also use for everyday use.
43	Andy Corbin	Motorhomes	Oppose
44	Neil Stafford	Motorhomes	Oppose  There will be nowhere for these vehicles to park if a ban is introduced, as commercial storage locations are full.
45	Leslie Dudley	Berms	Support  Parking on the berm along Tipahi Street causes damage.
46	Sonia Malpas	Motorhomes	Oppose  I don't have other options for parking my caravan.
47	Gilbert Robertson	Motorhomes	Oppose  It would be a waste of resources to seek permission every time you want to park your motorhome or trailer for more than seven days.
48	Curtis Moore	Berms	Support

		Parking zones	Support
		Motorhomes	Oppose  This impacts on those who have the least resources. We have a caravan we store on Wolfe Street at times.
49	Ian Paterson	Berms	Oppose  I live on Nile St and sometimes park on the berm outside our house, which inconveniences no one. I look after this berm with mowing and weed spraying.
		Motorhomes	Oppose  Unfair. The right to park on the roadside is longstanding. To cancel this will lead to inconvenience and extra cost.
50	Lynne White	Motorhomes	Oppose  Losing the ability to park my camper on the road would force me to sell it (which would be devastating) as I cannot afford long term parking for it.  Most sections being built on now are small and there is no room for parking a motorhome in the driveway.
51	David Jackson	Berms	Oppose  Too much regulation for the size of the problem. Allowing cars to park on the berm on narrow streets allows the road to function without expensive widening.
		Motorhomes	Oppose  Too much regulation for the size of the problem. The impacts of motorhomes on safety and visibility are no different from large vans or SUVs.
52	Jan Mayo	Motorhomes	Oppose  Parking restrictions should apply to all vehicles in areas where it is unsafe to park.
53	Rosemary Robertson	Motorhomes	Support
54	Kyle Lightfoot for the New Zealand Automobile Association Inc	State highways	Support (Clause 5 of the Draft Bylaw)
		Wheeled recreational devices	Support  However, careful consideration would be needed if any future changes were proposed to the areas where this is prohibited, as transferring the risk from the footpath to the road could expose road users to

			undesirable/unintended safety consequences.
		Cruising	Support for Clause 23
		Engine braking	Support for Clause 24
		Other matters	Support for Clauses 33 and 34
		Berms	Only support this where Council utilities or safety of road and path users is affected.
		Motorhomes	Support
55	Ainslie Riddoch for Tahunanui Business and Citizens Association	Other matters	Where it is proposed to change maximum parking times, or to establish limited parking zones, we request that meaningful consultation occurs with affected residents and businesses before the change is made and signs are erected.
		Berms	Oppose  This would impact on the berm areas adjacent to the Tahunanui Sports Ground and beach area – this area is well used, and the grass berms are an essential part of the parking supply.
		Other matters	What, if any, mobility parking is proposed for the Tahunanui business area?
		Other matters	We understand there is a proposal to establish a bus interchange on Muritai Street. Please consult the community about this.
56	Elizabeth Dooley	Wheeled recreational devices	Support for people on scooters being able to continue to use footpaths unless there is a safe, protected bike lane.
		Other matters	How can checks be made on use of disability parks by able-bodied people?
57	Tom Ashton	Other matters	Opposes any future charging for car parking at Nelson Marina.
58	Mike Fielding	Motorhomes	Oppose  Instead, apply a case-by-case situation for parking these types of vehicles if streets are narrow or they impede other drivers' vision.
59	Denise Gibson	Berms	Oppose  We have always used our berm for extra parking, instead of using the road. This keeps the corner more clear for traffic. We have looked after this berm, mowing the grass, and done no damage to the berm.
60	Adrian Faulkner	Other matters	Clause 36 – Parking in parking spaces  Failure to park within the marked parking zone occurs in several places: <ul style="list-style-type: none"> <li>- Whakatū car park – vehicles run forward on angle car parks, so that the front end encroaches on the footpath</li> </ul>

			<p>- Nelson Marina – very large vehicles often encroach across the footpath.</p> <p>Include warnings on parking notices that vehicles must remain within the marked parking zone. (Also consider marking the area on the footpath beyond which parked cars must not encroach – and will be penalised for exceeding.)</p> <p>Parking that encroaches on the adjacent cycle lane must be strongly discouraged as it impacts on cycling safety. Install notices warning about enforcement fines for parking that encroaches on this area.</p>
61	Mel W	Motorhomes	<p>Support</p> <p>Limit/stop campervans and large trailers from parking in residential streets.</p>
62	Diane Baker	Parking zones	Increasingly applying time restricted parking zones to outlying areas around Nelson makes my job extremely difficult, as a support worker in community housing. I need to move from house to house at short notice, and can't park on the properties.
		Berms	<p>Oppose</p> <p>Not allowing parking on berms will create more traffic congestion in areas where people are trying to keep roads clear.</p> <p>This will also impact on families going to the beach at peak times.</p>
		Motorhomes	Extend the time period for parking of motorhomes to 30 days, not 7 days
		Other matters	Parking needs to be provided in Nelson, as the bus schedule doesn't suit everyone's commitments.
63	Bryan Smith	Motorhomes	<p>Oppose</p> <p>Parking in the street must be available as a second choice – and not controlled by a blanket bylaw.</p>
64	Vince Barry, for Nelson Marlborough Public Health	Wheeled recreational devices	<p>Support for Council's approach to hearing the community's views on whether current prohibitions on wheeled recreational devices should remain.</p> <p>Consider all users of footpaths, to meet the safety needs of all people – including older adults, disabled people and children.</p> <p>Also consider how to create safe active travel pathways for all users of greener modes of transport.</p>

			<p>There have been a number of injuries related to shared e-scooters.</p> <p>Parked e-scooters can also be a trip hazard for pedestrians.</p> <p>Infrastructure that accommodates different modes of transport will support safety and engagement, e.g. provision of footpaths wide enough to allow shared use and appropriate cycleways.</p> <p>It is important that it is clear to the public which pieces of infrastructure they can use for which mode of transport, e.g. are e-scooters and e-skateboards best placed on footpaths or in separated cycle lanes? Clear signage, pavement markings and community education could support this.</p> <p>The rules for shared paths need to be clear, e.g. speed of travel, keep left, alert oncoming traffic, and who has right of way (e-scooter vs pedestrian vs mobility scooter). Clear signage, pavement markings and community education could support this.</p> <p>Useful reference: Dunedin City Council's information page on scootering rules</p> <p>Note that electric modes of travel are quiet, so people may not hear them coming.</p> <p>People with reduced balance have difficulty reacting to fast moving objects such as e-scooters and e-bikes and may lose their balance and fall.</p> <p>Also consider the increasing number of older adults who rely on safe footpaths, especially when they are no longer able to drive.</p> <p>Consider how to evaluate footpath safety over time.</p>
		Cruising	Support
		Engine braking	Support
		Other matters	<p>Support for process requirements for making resolutions (Clause 10).</p> <p>Make various formats available to the public to make submissions on proposed resolutions, e.g. written and/or verbal.</p> <p>Consider people who don't have devices – how they will be made aware of relevant</p>

			<p>opportunities to make a submission.</p> <p>Also consider the process for the public to communicate with NCC on issues related to the bylaw, outside of formal consultation opportunities. E.g. concerns related to electric modes of travel vs pedestrians on footpaths.</p>
65	Peter Olorenshaw for Nelsust Inc.	Wheeled recreational devices	<p>Only ban skateboards and wheeled devices from footpaths where the speed limit on the adjacent road is 30km or less where there is an adjacent cycle path to use.</p> <p>People shouldn't have to bike, skate or otherwise use wheeled devices on the road where the speed limit is greater than 50km/h.</p> <p>The impacts on footpath users may be surprise and injuries, whereas on roads it is injuries or death, which is unacceptable.</p> <p>All new footpaths should be demarcated into areas for wheeled and non-wheeled users.</p> <p>Dips in footpaths at vehicle crossings are a problem for people on devices. Instead, footpaths should be flat.</p>
		Parking zones	We ask for progressive discouragement of all-day parking by non-residents throughout the inner city and periphery – to make other travel modes more attractive.
		Bylaw in general	<p>Support for the bylaw as a whole, other than the comments above.</p> <p>Roads are for traffic movement, not storage of personal property such as a car.</p>
66	Daisy Potter	Motorhomes	<p>Oppose</p> <p>It would be very costly for us to accommodate our motorhome on off-street parking.</p>
67	Finn Kerby-Pinguet & Others for Nelson Youth Council	Wheeled recreational devices	<p>Opposed to renewal of, and the potential for creation of, further skateboard and scooter banned zones.</p> <p>Nelson should be a city for all ages. The ban is harmful to young people in Nelson by:</p> <ul style="list-style-type: none"> <li>- preventing us from taking positive climate action</li> <li>- making it harder to get to school</li> <li>- making it harder to get to town.</li> </ul> <p>In addition, there is little point in having fantastic new electric buses if it is difficult for many young people to access bus stops and routes. The buses have the ability to</p>



			<p>store and accommodate 'light wheels' and this should be reflected in the ways the city provides to get to these buses.</p> <p>Many of the banned zones are near schools.</p> <p>For many young people scooters and skateboards are a huge part of how they get around. Taking away the ability to use these bans an entire community from accessing our city, its public assets and its infrastructure.</p> <p>The Railway Reserve Lighting Upgrade isn't of value to young people if they are actively discouraged from using the roads to get to this cycleway.</p> <p>A better understanding from all parties of what it means to be a courteous footpath user will lead to better outcomes for all.</p> <p>Reference to the Land Transport (Road User) Rule 2004 – 11.1A-2 Use of shared path (2) A person using a path must:</p> <ul style="list-style-type: none"> <li>- use it in a careful and considerate manner</li> <li>- not use it in a manner that constitutes a hazard to other people using it.</li> </ul> <p>Unless there is overwhelming evidence that, without these bans, skaters and scooterers would pose significant hazard and danger to other members of the community, then the aforementioned harms from these bans to youth and the climate cannot be justified.</p>
68	Tresca Forrester for Waka Kotahi	Bylaw in general	General support for the proposed bylaw.
		State highways	<p>Delegated powers related to state highways</p> <p><i>Clause 5 – Application</i> <i>Delegated powers to Council for State Highway between Peace Grove Car Park (north of Trafalgar Street) and the Annesbrook roundabout</i></p> <p>Support for this approach to allow for a consistent citywide approach to parking enforcement. Note that any enforcement activities related to the bylaw must be met by NCC – funding assistance rates (FAR) cannot be claimed.</p> <p>Once public submissions have closed and before bylaw changes are enacted, formal</p>

			<p>delegation agreements between NCC and Waka Kotahi must be in place, including ensuring there is a process to actively involve Waka Kotahi in any changes to parking restrictions on state highways.</p> <p>Waka Kotahi reserves the right to make changes to parking provisions/restrictions on state highways and will work with NCC to enact/publicise any such changes.</p>
		Berms	Support
		Wheeled recreational devices	Waka Kotahi supports active transport, noting that the safety of all road users, including vulnerable users, must be kept in mind when thinking of any changes to the use of footpaths.
		Other matters	Clause 30 – generally support the residents parking provision, which aligns the bylaw with the Parking Strategy. However, Waka Kotahi must be formally involved if any special parking areas are proposed for, or impact on, state highways.
		Parking zones	<p>Clauses 33 and 34 – generally support the clarification regarding timeframes for leaving and returning to a parking zone.</p> <p>However, Waka Kotahi must be formally involved if any special parking areas are proposed for, or impact on, state highways.</p>
		Vehicle crossings	<p>Support for clause 25 – vehicle crossings.</p> <p>However, note that the proposed provision does not override the Waka Kotahi Limited Access Road approval process under the Government Roadway Powers Act 1989 which applies to State Highway 6 from Trafalgar Street to Lud Valley Road.</p> <p>Waka Kotahi will also still be involved in assessing any new accesses to State Highway 6 as an affected party.</p>
		Cruising	Inclusion of the provision allows prohibitions to be enacted in future, if required.
		Engine braking	Inclusion of the provision allows prohibitions to be enacted in future, if required.
		Other matters	Clause 10 (consultation on resolutions) ensures transparency and certainty for this process.
		Other matters	Clause 11 (resolutions come into effect once signage and markings are installed) ensures road users are aware of the restrictions and prohibitions as they come into effect.
		Other matters	Clauses 14 of the Draft Bylaw is clearer that one-way roads are applied to a specific location by resolution.

		Other matters	Clause 15 – turn restrictions are primarily used at signalised intersections to manage traffic flows but can be used elsewhere when there is a safety concern that is most appropriately addressed by banning a turning movement.
		Other matters	Clause 26 (unformed legal roads) allows Council to control vehicle use of unformed legal roads to protect the environment, utility assets or safety.
		Other matters	<p>Generally support Clauses 27 and 29 as they enable Council to regulate parking on both roads and public places.</p> <p>Not all of these public places are currently regulated, but Council may like to extend regulation to these areas in future, e.g. at the Marina and the planned City Bus Interchange. This approach would allow greater consistency in parking requirements for all areas, especially where we expect to see greater demand for parking in the future.</p> <p>However, Waka Kotahi must be formally involved if any change to regulations relating to parking are proposed for, or impact on, state highways. We welcome discussion with NCC about putting measures in place to ensure ongoing Waka Kotahi involvement.</p>
		Other matters	If Clause 28 (temporary parking restrictions) is adopted, this will require an update to the delegations register. Waka Kotahi fully supports this proposed change, noting that Waka Kotahi remains the decision maker with any proposed temporary parking restrictions that are proposed for, or impact on, state highways. This will need to be worked through in any discussions/agreement to enable enforcement by the Council.
		Other matters	<p>Clause 36 (parking in parking spaces)</p> <p>Support</p>
		Parking for display/sale	<p>Clause 38 (parking for display or sale)</p> <p>Waka Kotahi strongly supports this proposed bylaw change, particularly if the proposed changes include NCC having the delegated authority to enforce non-compliance.</p>
		Motorhomes	Waka Kotahi strongly supports this proposed bylaw change, particularly if the proposed changes include NCC having the delegated authority to enforce non-compliance.
		Vehicle repairs	Clauses 40 and 41 (repairs on vehicles, and broken down vehicles)

			Waka Kotahi strongly supports these clauses, particularly if the proposed changes include NCC having the delegated authority to enforce non-compliance.
		Other matters	Clause 42 (other items on roads)  Waka Kotahi fully supports this proposed change, noting that any items/structures within a State Highway designation will need s176 approval under the RMA. This detail will need to be worked through within the agreements to enable NCC enforcement.
		Other matters	Clauses 44 and 45 (offences, and parking defences)  Waka Kotahi supports these provisions.
		Other matters	Clauses 46 and 47 (removal and relocation of vehicles)  The Council needs to remove or relocate vehicles or items from time to time.
		Other matters	Clause 49 (savings and transitional provisions)  The proposed bylaw will map the resolutions (rather than list them in schedules). The maps will not form part of the proposed bylaw but are a supporting management tool for the resolutions.
69	Steve Cotter	Motorhomes	Oppose  I believe a better proposal would be to have that period extended to one month continuous.  It is sometimes safer and better to park on the street.  Intensification of residential areas has meant that sections are smaller and off-street parking is less.
		Berms	Oppose  Parking on the berm of some narrow streets in Nelson allows for more space for traffic and emergency vehicles to pass, and better safety for road users.  As long as vehicles do not block the footpath and allow enough space for a push chair or mobility scooter it should be acceptable.  I suggest if there is a problem with vehicles causing damage to the services or grassed berm area Council could have discussions

			with concerned parties (landlords if necessary) and allow residents to install a strengthened paved area. At the moment only approved contractors are permitted to do this work, at considerable cost to the owner of the property. Has Council done any cost appraisals on what it would cost to introduce this new regulation?
		Other matters	<p>Oppose Clause 30 (reserved parking for residents)</p> <p>I am opposed to the proposal to introduce special reserved parking in residential areas.</p> <p>In Wellington residents can purchase car park spaces even though they may not use or require them and block other citizens from parking there. Parking spaces may be left empty even though there is minimal parking and there is a need for more parking.</p>
		Wheeled recreational devices	<p>Oppose</p> <p>Young children should be able to ride skateboards on footpaths because it's safer. There should be restrictions on speed. The same applies for mobility scooters and scooters. I do not want skateboards on the road.</p>
		Other matters	<p>Oppose Clause 26 (unformed legal roads)</p> <p>Banning of parking and access on unformed roads will impact on some ratepayers who use unformed roads to access their garage etc. What would be the implications for vehicles parked at the top and bottom of unformed roads?</p>
70	Toby Page	Motorhomes	<p>Oppose</p> <p>If you are going to restrict this, make the time 30 days for example.</p>
71	Chrystal Pitcher	State highways	<p>Oppose Clause 5 (parking on State Highway)</p> <p>It is stated that accepting delegation of responsibility from Waka Kotahi will result in a net cost to Council, for the sake of consistency of parking enforcement. I do not think Council or ratepayers should accept this responsibility and consistency is not a good enough justification for taking this on.</p>
		Motorhomes	<p>Oppose</p> <p>This is over-reach.</p>
		Other matters	Support Clause 41 (broken down vehicles).

			I agree immobilised vehicles should not be parked on roads and removing vehicles needs to be easier for Council.
		Other matters	<p>Oppose clauses 27,28,29 (parking restrictions)</p> <p>To extend powers to regulate parking in public places such as parks and reserves, the beach and marina is too much and may affect enjoyment of these recreational treasures.</p> <p>If the marina includes Akersten Street, freedom campers and the homeless in vehicles will be unfairly and especially affected.</p> <p>If Peace Grove Reserve at QEII Park is also policed for freedom campers they will have few options left.</p>
72	Karen Wilson for Blind Citizens NZ Nelson Branch	Bylaw in general	General support

		<p>Wheeled recreational devices</p>	<p>Blind Citizens NZ Nelson branch would like section 12.1 from the existing bylaw to be transferred to the new bylaw:</p> <p>"Skate Boards, Roller Skates, Inline Skates, Skates and Wheeled Recreational Devices:</p> <p>No person shall ride or use any skateboard, roller skates, inline skates or wheeled recreational device on any footpath in a Prohibited Area, as outlined in Schedule 2 - Prohibited Areas (Skate Boards, Roller Skates, Inline Skates and Wheeled Recreational Devices). This clause does not apply to any wheelchair, pushchair, pram, trolley, cart or mobility device or other similar device used for the purpose of the transportation of disabled or young persons.</p> <p>[Note: Schedule 2 includes the Tahunanui CBD, Nelson CBD, Stoke CBD, and Victory Square.]</p> <p>We would also like the following additions.</p> <p>The prohibition in all above maps/areas to include both sides of every ring road.</p> <p>In particular, in Halifax St, because, as well as a library we also have a skate park and are soon to have the Bus Hub.</p> <p>Add "and Micro Mobility" after recreational devices.</p> <p>Add "elderly" after the word disabled.</p> <p>Signs to be erected in all areas advising of the restrictions.</p> <p>Restrictions to be monitored and enforced.</p> <p>As an example of how crowded the footpaths in the Nelson Central Business District have become, in a survey undertaken by our organisation on Wednesday 8th March 2023 between 10:45 a.m. and 1 p.m. along Trafalgar, Hardy and Bridge Streets, there were 150 signs, 22 flags, 39 groups of café furniture, and 20 cycles locked onto poles, seats and parking meters. We have not counted the rubbish bins in this count.</p> <p>This shows the number of obstacles that those with impaired vision must navigate, so adding wheeled vehicles (micro-</p>
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			<p>mobility/recreational devices) makes shopping and leisure within these areas even more unsafe and scary for our community.</p> <p>[Note: Only 9 of the above count comply with the Urban Environment Bylaw #225.]</p> <p>Blind Citizens NZ Branches and Networks adhere to organisational national policies. We aim for national consistency across our work.</p> <p>Quote from Rose Wilkinson, Chief Executive 29 May 2023 "Most recently (last several months) I have been involved with Waka Kotahi, our Wellington Branch and Wellington Council in relation to 'Wellington' pedestrian matters that intersect.</p> <p>This includes the development of cycle lanes which are also used by users of e-scooters i.e., getting them off footpaths. Consistent with our position statement while Waka Kotahi approves them being used on footpaths and offers lots of advice about what to do and not do, we do not support them on footpaths under any circumstances.</p> <p>So, the work that is happening here in Wellington now involves input from Waka Kotahi who are encouraging e-scooters on cycle lanes." Rose Wilkinson, Chief Executive</p> <p>Conclusion: Like other population groups, those who are blind or have low vision visit the retail areas to access essential needs, spend money at local businesses and shops, and relax within these areas, and should be able to do this safely. Footpaths crowded with obstacles within what should be the continuous accessible path of travel, has resulted in areas within the region that the blind and low vision community avoids. We realise that in these uncertain times businesses have not had an easy time and we are not trying to make it more difficult for them. In fact, if the 2.0 metre width for a continuous accessible path of travel is maintained, it is likely that more blind and low vision, elderly and other disabled people will be attracted back into these areas to participate in all aspects of urban life.</p>
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		Other matters	<p>Support for clause 36.2 – Oversized vehicles and vehicles with trailers can use more than 1 park but cannot overhang the footpath.</p> <p>Reason: Vehicles overhanging the footpath create a safety and access concern for pedestrians. This addresses a gap in the current bylaw.</p> <p>Blind Citizens NZ Nelson branch agrees with this section however, we would like scooters and bicycles (micro-mobility/recreational devices) to be recognised as vehicles in relation to the section. The reason for this request is that even though we have many bicycle stands, not all bicycles fit into these stands. We have asked many owners and their bikes wheels are too big to fit into the racks. Also, the new EV scooters are bulky and have no place to be safely left so end up on footpaths chained to poles benches and frames around trees or the trees themselves.</p>
		Berms	<p>Support</p> <p>Reasons: Parking on the berm can create quite a few different problems. When people park on the berm, especially in winter, it can end up leaving berms uneven, muddy and messy and contribute to cracked and bumpy footpaths which are another hurdle for the blind and low vision community.</p>
73	James Imlach for New Zealand Motor Caravan Association Inc	Motorhomes	<p>Oppose</p> <p>While we acknowledge the possible safety concerns with large vehicles parking on narrow streets, it is not necessary or even reasonable to prohibit all types of motorhomes and caravans from parking long-term on every road across Nelson.</p> <p>This restriction is of significant concern to the NZMCA and many of our members who live in Nelson. For example, many of our members' motorhomes and caravans are comparable in weight and size to passenger vehicles, vans and light trucks not affected by Clause 39.</p> <p>The bylaw is made under section 22AB of the Land Transport Act 1998 (the LTA) which enables the Council to restrict vehicles from parking on residential roads long-term if the parking is likely to cause a nuisance or danger to other road users. We submit the LTA is designed to address road safety matters and not the protection of visual</p>

			<p>amenity, property values or other non-safety related matters.</p> <p>Over the past 7 years the Council has received on average 2.7 complaints per year relating to motorhomes parking on the roadside. Road safety concerns account for 63% of the total complaints received, which suggests the Council is relying on 1.7 relevant complaints per year (on average) to warrant the inclusion of motorhomes in Clause 39. In our view, this is not sufficient evidence to justify the scope of Clause 39.</p> <p>The Council's LGOIMA response from 30 May 2023 includes a table summarising the number of complaints received since 2010 (see Appendix 2 pages 5-7). The table refers to motorhomes and caravans parking long-term on the road, however it is difficult to determine which complaints are relevant to road safety, considering residents also complain about visual amenity and the impacts on private property values. What we can glean from this table is that around the time the 2011 bylaw came into force, the Council received 104 road safety related complaints involving motorhomes and caravans, or 8.6 relevant complaints (on average) per year. Approximately 47% of these complaints relate to amenity and other non-safety matters.</p> <p>In our view, Clause 39 seems unnecessary based on the available complaints data and low volume of road safety-related complaints specific to motorhomes and caravans parking on the road for extended periods.</p> <p>On 17 May 2023, the NZMCA emailed local members informing them of the bylaw, while requesting feedback from those who will be directly affected by Clause 39. A handful of members responded in support of Clause 39 as they have safety concerns with some motorhomes obstructing sight lines or do not agree private vehicles should be parked on the road long-term. However, the vast majority of respondents strongly oppose Clause 39 either because they believe the restriction is over-the-top or they will be personally affected by it.</p> <p>Clause 39 offers an exemption to the 7-day parking restriction, although any permission to park long-term on a road is at the full</p>
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		<p>discretion of an Authorised Officer and may include conditions. Permission granted to a vehicle owner can be reviewed, amended or revoked at any time by the Council or Authorised Officer, and for any reason. Permission may also include the payment of ongoing fees and charges. The exemption process is unclear, and the outcome is very uncertain. The SOP offers no further detail explaining how an Authorised Officer must receive, process, and decide on an application for permission to park long-term.</p> <p>The NZMCA is wary the exemption provision under Clause 39 (as proposed) may not address the concerns of our members who use the roads for long-term parking. To provide more certainty and address the local scepticism, we suggest developing a set of clear and reasonable guidelines/criteria and including another sub-clause that confirms permission to be exempt from Clause 39 "must not be unreasonably withheld" (or words to that effect).</p> <p>The NZMCA recommends (in order of preference)</p> <ul style="list-style-type: none"> <li>• Deleting motorhomes from Clauses 7 and 39 of the bylaw and excluding caravans from Clause 39; or</li> <li>• Identifying specific roads that apply to Clause 39 (with appropriate signage) based on an objective analysis of relevant complaints and independent road safety assessments; and</li> <li>• Including clear criteria in the bylaw that helps vehicle owners apply for permission and Authorising Officers make fair and transparent decisions; and</li> <li>• Making it clear in the bylaw that any application for permission to park long-term on a road must not be unreasonably withheld.</li> </ul>
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## DRAFT TRAFFIC AND PARKING BYLAW 2023

### NELSON CITY COUNCIL TRAFFIC AND PARKING BYLAW

BYLAW HISTORY	
Prior Vehicle Control and Parking Bylaw 207 adopted	31 December 2004
Reviewed	3 November 2011
Revoked and replaced with Traffic and Parking Bylaw 2023	[insert]
Traffic and Parking Bylaw 2023 adopted	[insert]
First review of Bylaw completed	
First amendment made	
Nature of amendment	
Commencement date of amendment	
Second review of Bylaw completed	
Second amendment made	
Nature of amendment	
Commencement date of amendment	

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**PART 1: PRELIMINARY PROVISIONS**

**1. Title**

- 1.1 **This Bylaw is the Nelson City Council Traffic and Parking Bylaw 2023.**

**2. Commencement**

- 2.1 **This Bylaw comes into force on [XX].**

**3. Authority**

- 3.1 **This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998.**
- 3.2 **In so far as this Bylaw concerns state highways, it is also made pursuant to the Instrument of Delegation granted by Waka Kotahi NZ Transport Agency to the Council.**

**4. Review**

- 4.1 **The Council will review this Bylaw as and when it considers necessary. The bylaw review requirements in the Local Government Act 2002 do not apply to this Bylaw because it is not made under that Act.**

**5. Application**

- 5.1 **This Bylaw applies to –**
- (a) all roads under the care, control, or management of the Council; and
  - (b) those state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council, being:
    - (i) the part of State highway 6 between Peace Grove Car Park (RS 99.15120) and the Annesbrook roundabout (RS 116.5509)
- 5.2 **Despite clause 5.1, the Council cannot use the powers in Part 3 of the Bylaw in relation to any state highways, as these are not within the scope of the powers delegated to the Council by Waka Kotahi NZ Transport Agency.**

**6. Purpose**

- 6.1 **The purpose of this Bylaw is to regulate and set requirements for the control and parking of vehicles and other traffic (including pedestrian traffic) on any road, and for any objects or other things on any road.**

## 7. Interpretation

7.1 **Any words, phrases or expressions used in this Bylaw that have meanings assigned to them by the Local Government Act 1974 or the Land Transport Act 1998 (including any regulations and rules made under that Act), shall have the meanings assigned in those Acts, unless a different definition is given in clause 7.2 or if the context requires otherwise.**

7.2 **In this Bylaw, unless the context requires otherwise –**

**Ambulance service** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Approved mobility parking permit** means a permit:

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the Council.

**Authorised Officer** means any person appointed by the Council to perform responsibilities, powers or duties under this Bylaw.

**Authorised vehicle permit** means a permit issued by the Council under clause 42.

**Berm** means a grassed area on the side of a roadway.

**Bus** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Bus lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Carpooling vehicle** means a vehicle displaying a carpooling permit issued by the Council under the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207).

**Car share vehicle** means a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared motor vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

**Class of vehicle** means groupings or categories of vehicles defined by reference to any common feature or use and includes but is not limited to –

- (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;
- (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) car share vehicles; and
- (g) vehicles authorised by, or displaying a permit authorised by, the Council.

**Council** means the Nelson City Council.

**Cruising** has the same meaning as in section 2 of the Land Transport Act 1998.

**Cycle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Cycle path** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Disabled person** has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

**Driver** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Electric scooter** is a vehicle, designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and one or more electric auxiliary propulsion motors, but the wheels must not exceed 355mm and the motor cannot have a maximum power output exceeding 300W (so as to help ensure the scooter meets the requirements for a low-powered vehicle).

**Electric vehicle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Emergency vehicle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Enforcement officer** has the same meaning as in section 2 of the Land Transport Act 1998.

**Footpath** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Goods service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Gross vehicle mass** has the same meaning as in section 2 of the Land Transport Act 1998.

**Heavy motor vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Hours of darkness** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Install** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Items** does not include vehicles.

**Lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Legal road** means any land that is a road under section 315 of the Local Government Act 1974.

**Loading zone** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Marking** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Mobility device** has the same meaning as in section 2 of the Land Transport Act 1998.

**Mobility parking space** means any parking space or area reserved for the use of disabled persons under clause 38.

**Moped** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Motor vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Motorcycle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Motorhome** means a self-propelled motor vehicle that is, and includes a house-bus, horse box with sleeping area, van with a sleeping area, or a campervan.

**Network utility operator** has the same meaning as in section 166 of the Resource Management Act 1991.

**Oversize vehicle** means a single vehicle, or a combination of vehicle and trailer, that exceeds 4.9 metres in length or 1.86 metres in width, and includes (without limitation) motorhomes, trucks, and vehicles towing trailers or other vehicles.

**Parking** has the same meaning as in section 2 of the Land Transport Act 1998, and includes stopping and standing a vehicle.

**Parking machine** means an electronic or mechanical device used to collect fees and charges for parking in a payment parking zone, and includes equipment used to monitor the parking of any vehicle in a payment parking zone.

**Parking place** means a place (including a building) on land that is under the Council's control where vehicles, or any class of vehicles, may park, and which will include a legal road where the Council has authorised this under section 591 of the Local Government Act 1974.

**Parking space** means an area within a parking place, demarcated by markings (usually lines), in which a vehicle (typically a single motor vehicle, but also multiple cycles or motorcycles) may park.

**Parking warden** has the same meaning as in section 2 of the Land Transport Act 1998.

**Passenger service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Payment parking zone** means a parking place or transport station for which the Council has imposed fees or charges for parking under clause 35.

**Pedestrian** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Pedestrian crossing** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Permit** means an electronic or paper/card permit supplied by the Council under this Bylaw, which authorises certain conduct or activity, such as authorising the vehicle displaying the permit to be parked in a particular parking space or parking place.

**Reserved parking** means any parking space or other area in a parking place or transport station that is reserved for the exclusive use of a particular class or classes of vehicle by the Council under clause 32.

**Residents parking permits** means a permit authorising a vehicle to park in parking spaces or areas in a residents parking zone that have been reserved for residents' use.

**Residents parking zone** is any road (or roads) or area declared by the Council under clause 30 to be a residents parking zone, in which certain parking spaces are reserved for the vehicles of residents who hold a current permit.

**Road** has the same meaning as in section 2 of the Land Transport Act 1998, and:

- (a) includes parking places and transport stations; and
- (b) other than in Part 3 of this Bylaw, includes state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council.

**Road user** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Roadway** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Shared path** means a cycle path, cycle track, footpath, or some other kind of path that may be used by some or all of the following persons at the same time –

- (a) cyclists;
- (b) pedestrians;
- (c) riders of mobility devices;
- (d) riders of wheeled recreational devices.

**Shared zone** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Special vehicle lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Taxi** has the same meaning as a “small passenger service vehicle” under section 2 of the Land Transport Act 1998.

**Taxi restricted parking zone** means a parking place (or parking places) for which the Council has restricted parking by taxis under clause 35.

**Time restricted parking zone** means a road, parking place, or transport station for which the Council has imposed a limit on the length of time for which vehicles may park under clause 33.

**Traffic** means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

**Traffic management plan** means a plan that sets out how a safe environment will be created

for all road users while an activity occurs and which complies with Waka Kotahi NZ Transport Agency's guidance on temporary traffic management (currently the Code of Practice for Temporary Traffic Management, but which is likely to soon be replaced by the New Zealand Guide to Temporary Traffic Management).

**Traffic sign** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Trailer** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Transport station** means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

**Unformed legal road** (also known as 'paper roads') means any legal road that has not been physically formed, laid out, constructed, or enhanced by adding metal seal, or any other type of surface.

**Use** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Vehicle crossing** means the cross-over pads on a footpath or berm that enable a vehicle to access a property adjacent to the road, and covers the area of road from where the driveway leaves the legal boundary of the property concerned and continues until the driveway meets the roadway.

**Wheeled recreational device** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

7.3 **Part 2 of the Legislation Act 2019 applies to the interpretation of this Bylaw.**

**PART 2: RESOLUTIONS AND PERMISSIONS MADE UNDER THIS BYLAW**

**8. Application of clauses 9, 10, 11, and 12**

**8.1 Clauses 9, 10, 11 and 12 apply to resolutions made under this Bylaw.**

**9. Scope of resolutions**

**9.1 A resolution may –**

- (a) be made in respect of all vehicles or any specified class of vehicle;
- (b) be made in respect of any road or roads or part of a road or area, including, any defined roadway, lane, footpath, or cycle path; or
- (c) apply at all times or only on specified days, or between specified times on specified days, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.

**9.2 The power to make a resolution includes the power to amend, revoke, or replace it at any time.**

**9.3 Any power to make a resolution under this Bylaw is in addition to, and does not replace or restrict, any related statutory power, including those in the Local Government Act 1974 or a Land Transport Rule.**

**10. Process requirements for making resolutions**

**10.1 In making any resolution, the Council must–**

- (a) take into account its current parking strategy; and
- (b) otherwise comply with the decision-making provisions in Part 6 of the Local Government Act 2002.

**10.2 Unless it expressly resolves otherwise, the Council will use the following process when making, amending, revoking, or replacing a resolution –**

- (a) the proposal, and any additional explanatory or background information that the Council considers relevant, must be placed on the Council's website at least 21 days before it is due to be considered by the Council;
- (b) any person may provide written comments on the proposal, and should get these to the Council within 14 days of the information being placed on the website (or any further period permitted by the Council);
- (c) any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request; and

- (d) the Council must consider all comments received on the proposal (including any received in person) with an open mind when determining whether to make, amend, revoke or replace the relevant resolution.

## **11. Resolutions come into effect once signage and markings installed**

### **11.1 Where the Council has made a resolution –**

- (a) it must install any signs, markings or other traffic controls that are required under this Bylaw or the Land Transport Rule: Traffic Control Devices 2004 to give effect to the resolution; and
- (b) the resolution will have effect only once any such signs, markings and traffic controls have been installed.

## **12. Resolutions concerning parking places**

- 12.2 **Where the Council makes a resolution under Part 4 of this Bylaw, it is deemed to have authorised the use of the area to which the resolution relates, including any legal road within that area, as a parking place under section 591 of the Local Government Act 1974.**

## **13. Permissions under this Bylaw**

- 13.1 **This clause 13 applies to any permission from the Council or an Authorised Officer (including a permit) provided for in this Bylaw.**
- 13.2 **The Council may set application fees for permissions, and any application for a permission must be accompanied by the relevant application fee (if any).**
- 13.3 **An application for permission must be in writing, contain all necessary information, and be submitted in accordance with any applicable Council policy.**
- 13.4 **The Council or 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, or a corridor access request.**
- 13.5 **The granting of a permission is at the discretion of the Council or Authorised Officer.**
- 13.6 **The power to grant a permission includes the power to amend or revoke it.**
- 13.7 **A permission may include conditions, including the payment of ongoing fees and charges and a limit on the duration of the permission.**

- 13.8 **Any person seeking to rely on a permission must comply with any conditions imposed on the permission under clause 13.7.**
- 13.9 **If a person fails to comply with any conditions imposed on a permission under clause 13.7, the Council may, at its discretion, amend or revoke the permission.**
- 13.10 **The Council may, in its discretion, at any time, review any permission given under this Bylaw by an Authorised Officer.**

**PART 3: VEHICLE AND ROAD USE**

**14. One-way roads**

- 14.1 **The Council may by resolution specify any road where vehicles must travel in one specified direction only.**
- 14.2 **Every driver of a vehicle must travel on a one-way road only in the direction specified by a resolution made under clause 14.1.**

**15. Left or right turns and U-turns**

- 15.1 **The Council may by resolution prohibit or restrict turning movements on specified roads, including prohibiting or restricting –**
- (a) vehicles or classes of vehicles on any road from turning to the right or to the left; and
  - (b) vehicles performing a U-turn, by turning from facing or travelling in one direction to facing or travelling in the opposite direction.
- 15.2 **A person must not turn a vehicle to the left or the right, or perform a U-turn, on any road where the Council has prohibited or restricted such movements by resolution made under clause 15.1.**

**16. Routes and manoeuvres on roads**

- 16.1 **The Council may by resolution prescribe for vehicles, or any class or classes of traffic or vehicle, to –**
- (a) stop or give way to any vehicle or a specified class or classes of traffic or vehicle;
  - (b) follow a specified route; or
  - (c) undertake any turning movements or manoeuvres at an intersection, or on a road or cycle path.
- 16.2 **A person must comply with any prescription made by the Council under clause 16.1.**

**17. Pedestrian crossings**

- 17.1 **The Council may by resolution determine the location of a pedestrian crossing on a road.**



**18. Special vehicle lanes**

**18.1 The Council may by resolution designate a lane on a road as a special vehicle lane. The effect of such a designation is to restrict the use of a lane to a specified class or classes of vehicle.**

**18.2 Any resolution made under clause 18.1 must specify, as the case may be –**

(a) the class or classes of vehicle that use of the special vehicle lane is restricted to; and

(b) the hours and days that the special vehicle lane will operate, if applicable.

**18.3 A person must not use a special vehicle lane contrary to any resolution made by the Council under clause 18.1.**

**19. Traffic control by size, nature or goods (including heavy vehicles)**

**19.1 The Council may by resolution prohibit or restrict a class of traffic or motor vehicle from using a road where, due to their size or nature or the nature of goods carried, it is unsuitable for use on the road.**

**19.2 The Council may give written permission for a vehicle to use any road in contravention of a prohibition or restriction made under clause 19.1 for the purpose of –**

(a) loading or unloading goods or passengers at any property whose access is by way of the road; or

(b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or

(c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or

(d) undertaking maintenance of a network utility operator's assets on or near a road from which it has been prohibited and for which alternative access is not available; or

(e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available; or

(f) constructing a new road or network utility operator's asset.

**19.3 A person must not use a road contrary to a prohibition or restriction made by the Council under clause 19.1 (unless a written permission under clause 19.2 applies).**

## **20. Shared paths and cycle paths**

### **20.1 The Council may by resolution determine –**

- (a) the length, route and/or location of a shared path or cycle path; and
- (b) the priority for permitted users on a shared path or cycle path.

### **20.2 The permitted users of a shared path are:**

- (a) cyclists;
- (b) pedestrians;
- (c) riders of mobility devices; and
- (d) riders of wheeled recreational devices.

### **20.3 The permitted users of a cycle path are cyclists and pedestrians.**

### **20.4 A person must not use a shared path or a cycle path unless –**

- (a) they are a permitted user under clause 17, or 20.2 or 20.3; and
- (b) they are using the shared path or cycle path consistent with any priority determinations made by the Council.

### **20.5 Despite clause 20.4, a person may drive over a shared path or cycle path where it is necessary to do so in order to access a property that does not otherwise have road access.**

## **21. Shared zones**

### **21.1 The Council may by resolution specify any road to be a shared zone.**

### **21.2 Any resolution made under clause 21.1 may specify –**

- (a) whether the shared zone may be used by a specified class or classes of vehicles only;
- (b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week);
- (c) any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact; and
- (d) whether a person may park a vehicle in the shared zone.

### **21.3 A person must not use a shared zone in a manner contrary to any resolution made by the Council under clause 21.1.**

**22. Restricting use of wheeled recreational devices on footpaths**

**22.1 The Council may by resolution prohibit the use of a wheeled recreational device on any specified footpath.**

**22.2 In making a resolution under clause 22.1, the Council must specify:**

- (a) the footpath, or parts of a footpath, to which the prohibition applies; and
- (b) the types of wheeled recreational devices to which the prohibition applies (for example, to only skateboards and roller skates).

**22.3 A person must not use a wheeled recreational device on any footpath that is subject to a prohibition under clause 22.1.**

**23. Cruising**

**23.1 The Council may by resolution –**

- (a) specify any section of road on which cruising is controlled, restricted, or prohibited;
- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being deemed as cruising.

**23.2 A person must not use a motor vehicle on any specified section of road in contravention of a control, restriction or prohibition made by the Council under clause 23.1.**

**24. Engine braking**

**24.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.**

**24.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under clause 24.1.**

**25. Vehicle crossings**

**25.1 This clause applies to any permanent or temporary vehicle crossing.**

**25.2 A person must not drive a motor vehicle over a footpath other than by means of a vehicle crossing that has been permitted by the Council (whether under this clause, a previous bylaw, or any other form of authorisation).**

- 25.3 **A person must not construct, alter, repair, or remove any vehicle crossing unless that person has first obtained the Council's written permission.**
- 25.4 **A person may apply to the Council for permission to construct, alter, repair, or remove a vehicle crossing, if that person has some interest in the land to which the vehicle crossing will provide access. The application must be in writing, be accompanied by the prescribed fee, and indicate which Council approved contractor will carry out the work.**
- 25.5 **The Council may grant permission to construct, alter, repair, or remove a vehicle crossing, and in doing so may impose any conditions it considers appropriate, including requiring that the work comply with any applicable Council code of practice and that it be carried out by a Council approved contractor.**
- 25.6 **Granting permission under clause 25.5 does not give the applicant any authority over the use of the footpath or berm over which the vehicle crossing passes.**
- 25.7 **The Council may, by written notice, require an owner of land to which a vehicle crossing provides access to upgrade the vehicle crossing where it is satisfied that:**
- (a) the vehicle crossing is in a poor state of repair so that it creates a risk of damage to the road, or to road users; or
  - (b) there has been a substantial change in the use of the vehicle crossing (for instance, it is now regularly used by heavy motor vehicles) so as to warrant an upgrade.
- 25.8 **A written notice under clause 25.7 must:**
- (a) set out the upgrade work that is required;
  - (b) reference any Council codes of practice that the work must comply with; and
  - (c) specify a time period in which the works must be completed.
- 25.9 **An owner who receives a notice from the Council under clause 25.7 must comply with the notice within the specified period, and meet all associated costs.**
- 25.10 **The Council may remove a vehicle crossing (and reinstate the footpath or berm) in the event that the owner of land to which the vehicle crossing provides access has abandoned the vehicle crossing (for instance, if the owner constructs a fence across the driveway served by the vehicle crossing) or it is otherwise unlikely to continue to be used on a regular basis.**
- 25.11 **Before exercising the power in clause 25.10, the Council must use reasonable endeavours to consult with the affected owner.**

**26. Unformed legal roads**

**26.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting:**

- (a) the environment;
- (b) the unformed road and adjoining land, including any utility assets on the road or land; or
- (c) the safety of users of unformed roads.

**26.2 A person must not use a motor vehicle on an unformed legal road contrary to a resolution made by the Council under clause 26.1.**

**PART 4: PARKING**

**27. Prohibiting or restricting parking on certain roads**

**27.1 The Council may by resolution –**

- (a) prohibit or restrict the parking of vehicles on any roads; or
- (b) limit the parking of vehicles on any road to vehicles of any specified class or description.

**27.2 A person must not park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council under clause 27.1.**

**28. Temporary discontinuance or restriction of parking spaces**

**28.1 An Authorised Officer may temporarily discontinue all parking in a parking space, and, if so, must install signage that states “No Stopping” or install appropriate temporary traffic control measures for the parking space concerned.**

**28.2 Without limiting clause 28.1 in any way, the types of situations where an Authorised Officer might temporarily discontinue a parking space include:**

- (a) enabling a safe response to an incident that has occurred on the road;
- (b) accommodating road works;
- (c) accommodating an authorised event;
- (d) providing a temporary bus stop or bus lane; or
- (e) enabling construction activity on or adjacent to the road.

**28.3 An Authorised Officer may temporarily restrict the use of a parking space to certain permitted vehicles, classes of vehicle, or items, and, if so, must place or install appropriate signage or other traffic controls to notify these parking restrictions.**

**28.4 Without limiting clause 28.3 in any way, the types of situations where an Authorised Officer might temporarily restrict use of a parking space to certain permitted vehicles or classes of vehicle include:**

- (a) those situations listed in clause 28.2 above; and
- (b) ensuring sufficient numbers of parking spaces are available for the purposes of clauses 30 to 32 (residents parking, mobility parking, and reserved parking) where existing parking for such purposes has been temporarily impacted; and

- (c) enabling a permission that has been granted under clause 42.2 for an item (such as a portaloos or skip) to be temporarily placed in a parking space.

28.5 **No person may park a vehicle contrary to parking controls placed or installed under clause 28.1 or 28.3.**

28.6 **In the event that a parking space has been temporarily restricted under clause 28.3, any permitted vehicle using the parking space must pay any applicable parking fees and charges set by the Council.**

## **29. Parking places (including parking buildings) and transport stations**

29.1 **Under section 591 of the Local Government Act 1974, the Council can provide parking places and transport stations and, for this purpose, can authorise the use of legal roads as parking places and transport stations.**

29.2 **For any parking place or transport station, the Council may by resolution –**

- (a) specify the vehicles or classes of vehicle that are entitled to use the parking place or transport station;
- (b) reserve a parking place or transport station (or any specified part) for use only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons;
- (c) prohibit or restrict specified classes of vehicles from parking on specified roads in residential areas (if the Council considers such parking is likely to cause a nuisance or danger);
- (d) prescribe any conditions under which a parking place or transport station must be used, including time limits for parking (if it is not already a time restricted parking zone);
- (e) prescribe any charges that will apply to the parking place (if it is not already a payment parking zone), whether on a one-off or on-going basis; and
- (f) the manner by which such parking charges may be paid.

29.3 **Any prohibitions or restrictions imposed under clause 29.2, do not apply to parking spaces or other areas within that parking place or transport station where other specific parking restrictions imposed under this Bylaw apply.**

29.4 **A person must not park a vehicle in a parking place or transport station in contravention of any prohibition, restriction or other control made by the Council under clause 29.2.**

## **30. Reserved parking for residents**

30.1 **The Council may by resolution –**

- (a) declare any road (or group of roads) to be a residents parking zone; and
- (b) specify the parking spaces or other areas within that residents parking zone that are exclusively reserved for residents.

**30.2 In making a resolution under clause 30.1, the Council may prescribe –**

- (a) the days and times that the reservation of parking spaces or areas in the residents parking zone applies;
- (b) any fees to be paid (annually, on an hourly basis, or otherwise) by those residents holding a permit to park in the reserved parking spaces or areas in the residents parking zone; and
- (c) the manner by which any such fees may be paid.

**30.3 A person may apply for a residents parking permit only if:**

- (a) that person's primary place of residence is directly accessed from within the relevant residents parking zone; or
- (b) that person (including an organisation) runs a business or enterprise (including one founded for religious, educational, professional or social purposes) that operates out of premises directly accessed from within the relevant residents parking zone.

**30.4 No person may park in a parking space or area reserved for residents under clause 30.1 unless –**

- (a) the person holds a valid residents parking permit from the Council for that residents parking zone;
- (b) the person parks the vehicle in accordance with any conditions imposed by the Council on the residents parking permit; and
- (c) the person displays the residents parking permit prominently in the vehicle so that it can be easily read from outside the vehicle.

**30.5 Despite clause 30.4, the following types of vehicles may be parked in a parking space or area reserved for residents:**

- (a) a service vehicle used by a person who is providing services to a residence or premises within the residents parking zone (such as an electrician, plumber, or professional carer or health worker); or
- (b) a vehicle used by a network utility operator while carrying out maintenance on the network utility operator's assets within the residents parking zone.



**31. Reserved mobility parking**

**31.1 The Council may by resolution reserve any parking space or other area in a road or parking place for the exclusive use of disabled persons, designating them as a mobility parking space.**

**31.2 In making a resolution under clause 32.1, the Council may prescribe**

- (a) the days and times that the parking space or areas is available as a mobility parking space;
- (b) any time limits that will apply to those using the mobility parking space, and the days and times that those limits will apply;
- (c) the period (if any) for which no fee or charge applies to mobility parking spaces;
- (d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of mobility parking spaces;
- (e) the manner by which any such fees may be paid.

**31.3 A person must not park a vehicle in a mobility parking space unless –**

- (a) a current approved mobility parking permit is prominently displayed in the vehicle so that it can be easily read from outside the vehicle or;
- (b) the vehicle is a taxi and is attended and being used to convey a disabled person or to pick up or drop off a disabled person; and
- (c) the vehicle is not parked in excess of any time limits imposed under clause 31.2.

**32. Other reserved parking**

**32.1 The Council may by resolution reserve any parking space or other area in a road, parking place or transport station for the exclusive use of a particular class or classes of vehicle, including (without limitation) –**

- (a) motorcycles;
- (b) cycles, including power-assisted cycles;
- (c) electric scooters and other wheeled recreational devices;
- (d) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
- (e) goods service vehicles;

- (f) heavy motor vehicles;
- (g) taxis;
- (h) buses and coaches, both public and commercial;
- (i) vehicles in the course of loading or unloading goods or passengers ('loading zone');
- (j) vehicles used by pregnant persons or by persons accompanied by infants or young children;
- (k) car share vehicles;
- (l) carpooling vehicles;
- (m) oversize vehicles, trailers, boats or caravans;
- (n) diplomatic or consular corps vehicles;
- (o) members of the judiciary vehicles;
- (p) medical practitioner vehicles; and
- (q) mobile traders using stands or stalls.

**32.2 In making a resolution under clause 32.1, the Council may prescribe –**

- (a) the days and times that the reserved parking applies;
- (b) any time limits that may apply to those using the reserved parking (for example, in loading zones), and the days and times that any such limits will apply;
- (c) the period (if any) for which no fee or charge applies to the reserved parking;
- (d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of the reserved parking;
- (e) the manner by which any such fees may be paid; and
- (f) for carpooling vehicles, the minimum number of permits that must be displayed or held for a parked vehicle.

**32.3 A person must not park in any area reserved under clause 32.1 unless –**

- (a) the person holds a valid parking permit from the Council for the reserved parking concerned;

- (b) the person parks the vehicle in accordance with any conditions imposed by the Council on the permit; and
- (c) the person displays the residents parking permit prominently in the vehicle so that it can be easily read from outside the vehicle.

**33. Time restricted parking zones**

**33.1 The Council may by resolution specify any road (or group of roads), parking place or transport station to be a time restricted parking zone.**

**33.2 In making a resolution under clause 33.1, the Council may prescribe –**

- (a) the number and situation of parking spaces within the time restricted parking zone;
- (b) the maximum time period allowed for parking in any parking space within the time restricted parking zone;
- (c) that the maximum time period set under paragraph (b) will also apply to any vehicle that moves between parking spaces within the same time restricted parking zone within that period;
- (d) the days and times during which the maximum time period has effect;
- (e) any class of vehicles that are not permitted to park in the time restricted parking zone, or the class of vehicles that the time restricted parking zone is limited to (if any);
- (f) any class of vehicles (including vehicles displaying an authorised vehicle permit issued by the Council) that are exempt from the time period applying in the in the time restricted parking zone; and
- (g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the time restricted parking zone.

**33.3 A vehicle will be deemed to have remained parked within a time restricted parking zone if it leaves a parking space within that zone, but within 30 minutes of doing so either:**

- (a) re-occupies the same parking space; or
- (b) moves to a different parking space within the same time restricted parking zone.

**33.4 For clarity, if a vehicle leaves a parking space within a time restricted parking zone and re-parks in the same zone more than 30 minutes after leaving, the maximum time period prescribed under clause 33.2(b).**

**33.5 The maximum time period set for a time restricted parking zone under clause**

**33.2(b) will not apply to any parking space (or other area in a road or parking place) in the time restricted parking zone that has been reserved by the Council for a particular class of vehicle under clauses 30, 31 or 32.**

**Any part of a time restricted parking zone can concurrently also be part of a payment parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.**

- 33.6 **A person must not park a vehicle in a time restricted parking zone in contravention of any resolution made by the Council under clause 33.1.**

#### **34. Payment parking zones**

- 34.1 **The Council may by resolution specify any parking place or transport station to be a payment parking zone.**

- 34.2 **In making a resolution under clause 34.1, the Council may prescribe –**

- (a) the number and location of parking spaces within the payment parking zone;
- (b) the period (if any) for which no fee or charge applies to parking in the payment parking zone, which can include a period applying on a 'per day' basis;
- (c) the fees and charges that apply in the payment parking zone, which (without limitation) may be expressed as rates that escalate over the duration of a vehicle's stay;
- (d) the days and times during which certain fees and charges will apply;
- (e) the means or manner by which fees or charges may be paid, including by use of parking machine where available; and
- (f) any class of vehicles that are not permitted to park in the payment parking zone, or the class of vehicles that the payment parking zone is limited to (if any);
- (g) any class of vehicles (including vehicles displaying an authorised vehicle permit issued by the Council) that are exempt from the payment of fees and charges in the payment parking zone; and
- (h) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the payment parking zone.

- 34.3 **A vehicle will be deemed to have remained parked within a payment parking zone if it leaves a parking space within that zone, but within 30 minutes of doing so either:**

- (a) re-occupies the same parking space; or

- (b) moves to a different parking space within the same payment parking zone.

34.4 **For clarity, if a vehicle leaves a parking space within a payment parking zone and re-parks in the same zone more than 30 minutes after leaving, the fees and charges prescribed under clause 34.2(b) starts again from the time that the vehicle is re-parked, and any first hour free or other similar resolutions made by the Council under this clause do not apply.**

34.5 **The fees and charges set for a payment parking zone under clause 34.2(c) will not apply to any parking space (or other area in a road or parking place) in the payment parking zone that has been reserved by the Council for a particular class of vehicle under clauses 30, 31 or 32.**

34.6 **Any part of a payment parking zone can concurrently also be part of a time restricted parking zone.**

34.7 **A person must not:**

- (a) park a vehicle in a payment parking zone without paying all applicable fees and charges; or
- (b) otherwise park in contravention of any resolution made by the Council under clause 34.1.

### 35. **Taxi restricted parking zones**

35.1 **The Council may by resolution declare any road (or group of roads) or parking place to be a taxi restricted parking zone.**

35.2 **A person must not park a taxi in a taxi restricted parking area unless the taxi is parked on a designated small passenger service vehicle stand as provided for in the Land Transport Rule: Operator Licensing 2017.**

### 36. **Parking in parking spaces**

36.1 **When parking in a parking space, a person must –**

- (a) park the vehicle entirely within the markings that indicate the limits of the parking space, so that no part of the vehicle is outside of or overhangs the markings; and
- (b) not park the vehicle in a parking space that is already occupied by another vehicle; and
- (c) if the parking space is parallel to the kerb or footpath, park the vehicle so that it is headed in the same direction as traffic on the side of the road on which it is parked; and
- (d) if the parking space is an angle park, ensure the front or rear of the vehicle (as the case may be) is as near as is practical to the kerb or footpath (or as near as wheel stops permit) but does not overhang the kerb or footpath.

36.2 **Despite clause 36.1, a person may park an oversize vehicle or a vehicle that has a trailer attached in two adjacent parking spaces that are in the same alignment, provided it does not overhang any kerb or footpath.**

36.3 **Despite clause 36.1, a person parking a motorcycle or moped may –**

- (a) park in a parking space that is already occupied by another motorcycle or moped (in which case, the driver of each motorcycle or moped is required to pay any fees or charges for the parking space); and
- (b) park otherwise than parallel to the kerb or footpath, provided that during the hours of darkness the motorcycle or moped is sufficiently illuminated to be visible from at least 50 metres.

### **37. Parking on cultivated areas or areas not designed for parking**

37.1 **Except with the Council's prior written permission, a person must not park a vehicle on –**

- (a) any part of a berm, kerb, verge, lawn, garden, or other cultivation adjacent to, or forming part of, a road; or
- (b) any other part of a road that is not designed and constructed to accommodate a vehicle.

37.2 **A person will be exempt from clause 37.1 if they are using the vehicle concerned to enable them to carry out maintenance or construction work on a network utility operator's assets.**

### **38. Parking for display or sale**

38.1 **Except with an Authorised Officer's prior written permission, a person must not park a vehicle (including a trailer) on any road for the purpose of –**

- (a) advertising a good or service;
- (b) promoting a candidate for election; or
- (c) advertising, offering, or displaying the vehicle for sale.

38.2 **Clause 38.1 does not prevent a person from parking a vehicle that has advertising or promotional signage on it where the vehicle is being used for day to day travel.**

### **39. Repairs on vehicles**

39.1 **A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are:**

- (a) minor in nature and do not impede the flow of traffic or otherwise cause any risk to road users; or
- (b) necessary to enable the vehicle to be moved.

#### **40. Broken down vehicles**

40.1 **A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is otherwise broken down so that it cannot be safely driven on a road.**

#### **41. Other items on roads**

41.1 **This clause 42 applies to items such as machinery, equipment, materials, portaloos, skips, waste receptacles or freight containers, but does not apply to other items that have been placed on a road consistent with written permission from the Council (for example, wheelie bins that are specifically for the purpose of rubbish or recycling collection that are placed no more than 24 hours prior to the collection day and left no longer than 12 hours after scheduled collection time).**

41.2 **A person must not leave any item on any road unless that person has the prior written permission of an Authorised Officer.**

41.3 **Where an item is on a road pursuant to a written permission from an Authorised Officer, and the area of road is a parking place to which a parking fee or charge applies, the person who placed the item must pay the required fee for the entire time period that the item is in place.**

41.4 **If an item is placed contrary to the requirements of clause 42.1, 42.2, or 42.3 (including if placement does not comply with the conditions of a written permission from an Authorised Officer) –**

- (a) the Council may request the person responsible for the item remove it and repair any damage to the road caused by the item, to the Council's satisfaction, within 24 hours of receiving a written notice to that effect from an Authorised Officer (or within any longer timeframe set by the Authorised Officer in the notice); and
- (b) in the event the person responsible for the item fails to fully comply with the written notice from an Authorised Officer, the Council may –
  - (i) *remove the item or place adjacent, or affix, to the item any safety or warning devices; and*
  - (ii) *repair any damage to the road; and*
  - (iii) *charge the owner for its reasonable costs incurred (including the costs of any safety or warning device).*

**42. Authorised vehicle permits**

**42.1 The Council may, whether on receipt of an application or at its own initiative, issue an authorised vehicle permit where it considers that a vehicle should be exempt from time restrictions and/or fees and charges that would otherwise apply under clauses 33 and 34.**

**42.2 Without limitation, the types of vehicles for which the Council may issue an authorised vehicle permit include:**

- (a) vehicles used by the mayor and/or councillors in the course of their duties;
- (b) vehicles used by the Council's officers and/or contractors (including specific officers or contractors) in the course of their duties;
- (c) emergency vehicles used in the course of providing emergency services;
- (d) vehicles used by delegations from a sister city; and
- (e) vehicles used by persons involved with an event or filming that has been approved by the Council.



**PART 5: OFFENCES AND PENALTIES**

**43. Offences**

**43.1 Every person who breaches any provision in this Bylaw commits an offence and may be liable for any applicable penalty provided for in the Land Transport Act 1998 and the regulations and rules made under that Act.**

**43.2 In addition, every person commits an offence against this Bylaw who –**

- (a) drives or parks a vehicle, or leaves any other item or object on the road, so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties;
- (b) drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle;
- (c) unloads any vehicle or object so as to cause, or be likely to cause, damage to a road, including any footpath;
- (d) in relation to any permit under this Bylaw–
  - (i) *makes a false application or supplies false details in an application;*
  - (ii) *displays, places or uses a permit on a vehicle for which it was not issued;*
- (e) interferes with any parking machine including (without limitation)–
  - (i) *causing to be inserted in any parking machine anything other than the prescribed currency or cards;*
  - (ii) *misusing the parking machine ;*
  - (iii) *tampering with the working or operation of the parking machine;*
  - (iv) *operating or attempting to operate any parking machine by any means other than as prescribed by this Bylaw;*
  - (v) *without written authority from the Council, affixing any placard, advertisement, notice, list, document, board or thing on, or painting or writing upon, any parking machine; or*
- (f) parks, places, or otherwise leaves a wheeled recreational device in or on any parking space unless it is designed or designated specifically for that type of wheeled recreational device.

#### **44. Parking defences**

- 44.1 **It shall be a defence to any person who is the driver of, or is in charge of, any vehicle and who is charged under this Bylaw with an offence concerning parking if such person proves that –**
- (a) the act or omission complained of was done to avoid the death or injury of any person; or
  - (b) the act or omission complained of was done at the direction of the Council or an enforcement officer, or in the execution of formal duties; or
  - (c) the vehicle is used for maintenance work and the act or omission complained of was done in order to comply with an approved traffic management plan ; or
  - (d) the vehicle was being used by the Ambulance Service, Fire Service, Police or other emergency service in the urgent carrying out of their respective duties.

#### **45. Vehicle and item removal**

- 45.1 **The Council may remove, or cause to be removed, any vehicle or other item or thing on any road, if that vehicle, item or thing is there in breach of this Bylaw, or any resolution made under this Bylaw.**
- 45.2 **Where a vehicle, item or thing has been removed under clause 45.1, the Council may recover from the person who caused or committed the breach all expenses incurred in connection with its removal and storage, and may detain the vehicle, item or thing until such expenses are paid.**
- 45.3 **The powers in clause 45.1 and 45.2 are in addition to those provided in section 128E of the Land Transport Act 1998 and sections 356 and 356A of the Local Government Act 1974.**

#### **46. Vehicle relocation**

- 46.1 **The Council may relocate a vehicle that is parked in accordance with this Bylaw to another parking place if it is necessary to access the road or parking place to carry out maintenance or repair work on the road or other infrastructure.**
- 46.2 **Before exercising the power in clause 46.1, the Council must use best endeavours to give reasonable notice of the proposed maintenance or repair work to the user of the vehicle, in order to provide an opportunity to move the vehicle themselves.**
- 46.3 **Despite clause 46.2, no notice is required if urgent access is needed in order to prevent:**
- (a) loss of life or injury to a person;

- (b) damage to property; or
- (c) damage to the environment.

46.4 **After exercising the power in clause 46.2, the Council must use best endeavours to alert the user of the vehicle to the new location of the vehicle.**

**PART 6: REVOCATION AND SAVINGS**

**47. Revocation**

- 47.1 **This Bylaw revokes the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207).**
- 47.2 **Despite clause 47.1, the schedules of the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207) remain in force for the purposes of clause 49.1.**

**48. Savings and transitional provisions**

- 48.1 **The resolutions of the Council made or continued under the bylaw revoked under clause 48, and those controls provided for in the schedules of that bylaw, continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw.**
- 48.2 **Any approval, permit or other act of authority that originated under or was continued by the bylaw revoked under clause 47 and is in force 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.**
- 48.3 **Despite clause 48.2, residents permits issued under the bylaw revoked under clause 47 will expire on the renewal date stated on the permit. It will be open to any holder of an expiring residents permit to apply for a new residents parking permit, although applications will be assessed on the basis of clause 30 and any resolutions made under that clause.**
- 48.4 **The revocation of the bylaw under clause 47 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.**