

<b>Report to:</b>	<b>Council</b>	
<b>Date:</b>	26 March 2025	
<b>Subject:</b>	Proposed New Traffic and Parking Bylaw	
<b>Prepared by:</b>	D Clibbery – Senior Advisor	
<b>Input sought from:</b>		
<b>Authorised by:</b>	W Doughty – Chief Executive Officer	

## 1. SUMMARY

Further to previous workshop discussions a proposed new Traffic and Parking Bylaw is recommended for public consultation.

Attachment 1 – Statement of Proposal and Advert

Attachment 2 – Draft Traffic and Parking Bylaw

Attachment 3 – Register of Localised Traffic and Parking Controls

## 2. RECOMMENDATION

It is recommended that:

- a) The report be received; and;
- b) Public consultation, in accordance with the Special Consultative Process of the Local Government Act 2002, be conducted in respect of a proposal (further described in the attached Statement of Proposal) that a new Bylaw – the ‘Kaikōura District Traffic and Parking Bylaw 2025’ the draft of which also accompanies this report - be made to replace the ‘Kaikōura District Traffic and Parking Bylaw 2018’.

## 3. BACKGROUND

KDC introduced a new Traffic and Parking Bylaw in 2018. This was done in response to two previous KDC bylaws (the Traffic Control Bylaw 1995 and the Speed Limits Bylaw 2005) having previously lapsed, the former in 2010 and the latter in 2012.

Because the Traffic and Parking Bylaw 2018 was a new bylaw it was required to be reviewed within 5 years of its adoption (by 1 December 2023). Such a review was not completed and as such a new bylaw needs to be made to replace it by 1 December 2025.

Because there is relatively little difference between the processes to review or make a bylaw this is not considered to have been a significant disadvantage and indeed there is considered to be a need to make some amendments to the existing bylaw that may be more appropriate through making a new bylaw than a review.

## 4. CURRENT BYLAW

The form of the current KDC bylaw was closely based on a bylaw from Christchurch City Council, and as would be expected addresses common traffic and parking issues but also contains some provisions that are not relevant to Kaikōura.

Unlike some other similar bylaws found in smaller councils (or KDC’s previous traffic control bylaw) KDC’s current traffic and parking bylaw does not itself contain the details of all the specific localised controls within it (generally through inclusion of a set of maps) and instead in some cases makes reference to those details being ‘*recorded in a register that is available to members of the public*’.

Having such a register separate from the bylaw is not a bad approach and would undoubtedly be sensible in a large city such as Christchurch where the individual restrictions would be very numerous and dynamic, and if incorporated directly into the bylaw could make that document very unwieldy.

It does however appear that this application of the Christchurch bylaw model to Kaikōura has been imperfect, because the associated registers have not been consistently updated, and what currently exists does not appear to reflect any changes that have been made to the details of local traffic and parking restrictions since April 1999.

A new register of parking and traffic control maps that does reliably reflect the restrictions that are currently in place in the community has however now been created and it is therefore proposed to continue to have a bylaw in a very similar form to what is now in place, making reference to this new register.

A draft copy of this new register is attached, together with a draft of the primary bylaw document.

An advantage of taking this separated approach is that potential future changes to restrictions – such as the implementation of parking controls in the vicinity of Wakatu Quay – could be undertaken by Council resolving to amend the relevant register, perhaps with some public consultation but without the need to change the primary bylaw document.

## **5. PROPOSED CHANGES TO CURRENT BYLAW**

Because the details of specific local traffic and parking restrictions are recorded outside of it, the extent of change required to the bylaw document itself is believed to be small.

As discussed with Councillors at the February workshop there are however some challenges in respect of Section 11 of the bylaw – ‘No Parking on Certain Parts of the Road’.

This section contains provisions that prevent (with potential for some exceptions) parking or stopping of vehicles on footpaths or paved or landscaped areas of road that have been separated from the roadway by a kerb.

Most of these provisions appear sensible to prevent obstruction of pedestrians or damage to the kerb or other areas of the road that are maintained by Council.

One clause that may however not be appropriate in its current form is 11(1) which is a general prohibition of any parking on a ‘cultivated’ grassed berm. What ‘cultivated’ means is not defined in the bylaw and might be assumed to include any grass berm that is mowed (which would be most such berms in the urban area) this arguably prevents urban residents from parking on grassed berms outside their own property, even if a kerb is not present.

Such a restriction might be reasonable if the local authority was doing the ‘cultivation’ (even if this was just mowing, as occurs in Christchurch) but where - as in KDC’s case – no such council cultivation is occurring in the urban areas, it seems less so.

A suggested amended version of this clause is therefore as follows, with the underlined words being added:

*11 (1) A person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road that is laid out as a cultivated area, being a garden or grass berm, unless the person parking is approved to do so by the owner or occupant of the immediately adjacent private property who is undertaking such cultivation.*

It is stressed that the relief provided by this suggested amendment is only intended to apply where such parking does not require the vehicle to drive over a kerb, as this is prohibited by the current clause 11(2), which prevents stopping, standing or parking a vehicle wholly or partially on an area of road separated from the roadway by a kerb unless authorisation is given by Council to do so in that particular area.

As discussed at the workshop there is frequent non-compliance with clause 11(2) on parts of Beach Road, but this provision of the bylaw is not currently being rigorously enforced by Council and having bylaw provisions but then not giving them effect can be problematic.

It is however also recognised that on parts of Beach Road between its intersections with West End and Hawthorne Road the practice of some heavy vehicles driving over the kerb to park is probably preferable in terms of safety to those vehicles parking entirely within the carriageway because of the constriction to the carriageway that can result.

This is just one of a number of safety issues that are believed to be present on that section of road, for which effective and practical solutions are not apparent, and in that context there may be grounds to consider granting some localised relief in respect of clause 11(2) there. It is believed that such relief should not extend to all of Beach Road, and there does not appear to be any justification for not enforcing 11(2) for the section of Beach Road north of Hawthorne Road.

Another provision of the current bylaw for which long-standing and very visible non-compliance has been observed but no action taken is clause 14(1)(b) which prevents a vehicle being left in a public place for the purpose of offering the vehicle for sale. This has again been a common practice on Beach Road, and in some cases doing so breaches not just clause 14(1)(b) but also clause 11(2) and in some cases other provisions of the bylaw.

Options to address these are consistent enforcement of the existing provisions, or defining some limited permitted exclusions from those provisions. The approach of inconsistently applying the provisions (for example only enforcing where there is a complaint or some other perception of there being a problem) is not favoured because of the potential for unfairness and challenge.

It would be desirable to obtain some direction from Council on what approach should be taken before the bylaw is made.

## **6. PROPOSED CHANGES TO REGISTER OF CONTROLS**

As stated in section 4 of this report the text of the bylaw is to be read in conjunction with a register that records the specific details of localised traffic and parking controls and a new such register has been developed that generally reflects the actual restrictions that are indicated by signs to be present in the community.

In various cases these restrictions exceed or are less than those indicated when the previous register was last updated in 1999, but most of the signed restrictions that are now in place appear to be sensible and fit for purpose.

There are however two cases at South Bay where additional restrictions to what is currently signed are suggested to be included in the updated register. These are:

- Setting of a 120 minute time limit on parking at the area immediately adjacent to the public boat ramp at South Bay Harbour (shown on Map 6 of the new register) that is commonly used for boat trailer parking. The area does not currently have any time limit set for parking there.

This restriction is suggested because this very conveniently located site is considered ideally suited for short-term trailer parking for boat users checking cray pots etc.

- Extending the no overnight (9.00pm to 6.00am) parking restriction that is currently signed on the seaward side of Kaka Road from its intersection with South Bay Parade through to the boat ramp, so that it extends for the full length of Kaka Road. This is shown in Map 7.  
This change is suggested because it is not apparent why the two sections of Kaka Road should be treated differently in respect of parking.

It is stressed that these suggestions are made based on the report writer's understanding of the issues that may be present and it is recognised that other factors relating to these two areas may have been misunderstood or overlooked.

Consideration has also been given to two issues relating to the eastern end of Hawthorne Road, these being obstruction caused the trucks sometime parking two-abreast on the northern side of the end of the road, and poor traffic visibility for vehicles joining Beach Road from the western side of Hawthorne Road.

It is believed that both of these issues would be best addressed through modifications to the marking of carriageway edge and/or centrelines, rather than through changes to specific bylaw provisions.

In the case the truck parking there is currently no marking of edge or centrelines at the end of the road, and without that truck drivers might assume that even parking two abreast is not obstructing traffic. Marking those lines would remove the potential for such assumptions.

The visibility issue at the Hawthorne Road intersection is just one of a number of such issues along the southern part Beach Road where the visibility of vehicles joining the State Highway from business entrances or intersections is obstructed by vehicles parked on the sides of the road.



Ideally roadside parking along this section of Beach Road would be substantially restricted, but that is not considered practical given the high level of demand for parking that exists in some areas.

It is however believed that some improvement could be achieved at the Hawthorne Road intersection by extending the length of the marked intersection tapers on the southwestern side of Beach Road, which would in turn prevent vehicles parking so close to the intersection in front of the Lobster Inn. Such an extended taper might be similar to that shown by the green line on the plan to the left, lengthening the existing taper by around 10 metres.

As stated previously such a change to

road marking is considered an operational matter that does not need to be reflected in the bylaw.

## **7. BYLAW MAKING PROCESS**

The making of a new bylaw is required to follow the process set out in the Local Government Act 2002, which includes public consultation in accordance with the Special Consultative procedure of the Act.

This requirement includes preparation and adoption of a Statement of Proposal. A proposed draft of such a statement is attached this report, together with a proposed advertisement for the consultation.

The envisaged further process stages are as follows (all dates in 2025):

Council approves draft bylaw for consultation	26 March
Consultation advertisement placed	17 April
Consultation period commences	17 April
Consultation period ends	19 May
Council hears submissions (workshop)	4 June
Consultation report prepared	5 June
Council adopts and makes new bylaw	25 June
Bylaw making advertisement placed	3 Jul
Public notice given of making of bylaw	3 Jul
New bylaw becomes operative	17 Jul

Some slippage of these dates would not be problematic since the current bylaw will remain in effect to 1 December.

## 10. FINANCIAL IMPLICATIONS AND RISKS

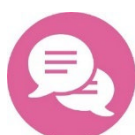
There is considered to be little if any direct financial implications or risk for Council from the making of the new bylaw. Doing so will reduce the risk of legal challenges if signed restrictions do not align with the provisions of the current bylaw.

## 11. RELEVANT LEGISLATION & DELEGATED AUTHORITY

The power to make bylaws is provided by section 145 of the Local Government Act 2002, and the power and requirement to review bylaws is provided by sections 159 and 160 of the Act.

## 12. COMMUNITY OUTCOMES

The issue discussed in this report relates to the following community outcomes:



### Community

We communicate, engage and inform our community



### Development

We promote and support the development of our economy



### Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



### Environment

We value and protect our environment



### Future

We work with our community and our partners to create a better place for future generations