District Planning and Regulation Committee

Agenda

Tuesday 18 June 2019

1.00pm

Waimakariri District Council Chambers
215 High Street
Rangiora

Members:
Cr Dan Gordon (Chairperson)
Cr Neville Atkinson
Cr Wendy Doody
Cr John Meyer
Cr Sandra Stewart
Mayor David Ayers (ex officio)
The Chairman and Members  
**DISTRICT PLANNING AND REGULATION COMMITTEE**

A meeting of the **DISTRICT PLANNING AND REGULATION COMMITTEE** will be held in the **COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA**, on **TUESDAY 18 JUNE 2019** at **1.00PM**.

Adrienne Smith  
Governance Co-ordinator

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**Recommendations in reports are not to be construed as Council policy until adopted by the Council**

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**BUSINESS**

1. **APOLOGIES**

2. **CONFLICTS OF INTEREST**

   *Conflicts of interest (if any) to be reported for minuting.*

3. **CONFIRMATION OF MINUTES**

   3.1 Minutes of a meeting of the District Planning and Regulation Committee held on 19 February 2019

   **RECOMMENDATION**

   THAT the District Planning and Regulation Committee:

   (a) **Confirms** as a true and correct record the minutes of a meeting of the District Planning and Regulation Committee held on 19 February 2019.

4. **MATTERS ARISING FROM THE MINUTES**

5. **DEPUTATION**
6. **REPORTS**

6.1 **Review: Policy on Dogs and Dog Control Bylaw – Lynley Beckingsale (Policy Analyst) and Nick Harrison (Manager Planning and Regulation)**

**RECOMMENDATION**

THAT the District Planning and Regulation Committee

(a) **Receives** report No. 190530076703.

(b) **Initiates** the Special Consultative Procedure in terms of the *Local Government Act 2002* (LGA 2002) sections 159 and 83A and the *Dog Control Act 1996* section 10AA.

(c) **Approves** the attached Statement of Proposal, draft Dog Control Policy 2019 and draft Dog Control Bylaw 2019 for notification and consultation.

(d) **Delegates** the consideration of submissions to the Hearing Panel comprised of: Councillor Meyer (Regulatory Portfolio holder), Councillor _____________ and Councillor_____________ for the hearing and deliberations meeting to be held on Thursday 15 August 2019.

6.2 **Review of the Gambling Venue and Board Venue Policies – Lynley Beckingsale (Policy Analyst) and Nick Harrison (Manager Planning and Regulation)**

**RECOMMENDATION**

THAT the District Planning and Regulation Committee

(a) **Receives** report No 190606080102

(b) **Retains** the Gambling Venue Policy unchanged (Trim 190606079820)

(c) **Retains** the Board Venue Policy unchanged (Trim 190606079821), or.

(d) **Directs** staff to undertake a full review of the Gambling (Class 4) Venue Policy which may include consideration of a relocation policy (made possible by amendments to the *Gambling Act 2003* which inserted sections 105(5A) and (5B)), consideration of the current cap of one machine per 120 adults, and a Social Impact Assessment (required under section 101(2) of the *Gambling Act 2003*) in the 2020 calendar year.

(e) **Notes** that should the District Planning and Regulation Committee resolve to amend either or both policies, the Special Consultative Procedure will need to be undertaken, which will also be required if a full review of the Gambling Venue Policy is to be undertaken in 2021.
6.3 **Review of Parking Bylaw 2007 – Geoff Meadows (Policy Manager)**

**RECOMMENDATION**

THAT the District Planning and Regulation Committee

(a) **Receives** report No 190604078036.

(b) **Recommends** that Councillor______, Councillor _______ and Councillor_______ form a panel to hear submissions and deliberate on the review of the Parking Bylaw 2007.

(c) **Recommends** a date for hearing submissions is accepted as Tuesday 9 July 2019.

7. **PORTFOLIO UPDATES**

7.1 **District Planning Development** - Councillor Neville Atkinson

7.2 **Regulation and Civil Defence** – Councillor John Meyer

7.3 **Business, Promotion and Town Centres** – Councillor Dan Gordon

8. **QUESTIONS**

9. **URGENT GENERAL BUSINESS**

**Briefing**

At the conclusion of the meeting,

(a) Trevor Ellis and Kate Pierson will be present to discuss Natural Hazards relating to the District Plan Review.

(b) James Thompson (Regional Civil Defence Office) will speak on Alpine Fault Magnitude 8 Science Assessment.
1. **APOLOGIES**

   Moved Councillor Myers seconded Councillor Atkinson

   THAT an apology for lateness be received and sustained from Councillor Stewart.

   CARRIED

2. **CONFLICTS OF INTEREST**

   No conflicts of interest were recorded.

3. **CONFIRMATION OF MINUTES**

   3.1 Minutes of a meeting of the District Planning and Regulation Committee held on 11 December 2018

   Moved Councillor Myer seconded Councillor Doody

   THAT the District Planning and Regulation Committee:

   (a) **Confirms** as a true and correct record the minutes of a meeting of the District Planning and Regulation Committee held on 11 December 2018.

   CARRIED

4. **MATTERS ARISING FROM THE MINUTES**

   Councillor Gordon referred to Item 6.2 regarding improving Council’s approach to biodiversity and commented it would be useful to see how the identified patch of Kanuka was tracking. N Harrison confirmed that M Bacon would provide an update on the Contestable fund in March.

   **Councillor Stewart arrived at 1.02 during item 4.**
5. **DEPUTATION**

There were no deputations.

6. **REPORTS**

6.1 **Notification of Private Plan Change 45 – Rangiora Airfield – Matthew Bacon (Planning Manager)**

N Harrison provided an apology for the absence of M Bacon.

N Harrison advised the report was a pro-forma report seeking the Committee to take a procedural step with a Private Plan Change which proposed new and amended District Plan provisions in relation to the Rangiora Airfield. During the process it was important to maintain a degree of separation with Council as the applicant.

The purpose of the private plan change was to identify new air noise boundaries and protect airfield operations from reverse sensitivity. It put in two contours, 65dba and 55 dba. It sought to put in approach and take-off surfaces or ‘Obstacle Limitation Surface’ for the Rangiora Airfield. N Harrison explained the idea of gradient of the surfaces to provide a threshold for height.

N Harrison outlined the three options available to the Committee, being to not approve of the notification of the plan change, to proceed and notify accordingly, or to hold the plan change and incorporate as part of the District Plan review. The private plan change was the more expeditious approach. District Plan change revision was more cost effective however had the main disadvantage of not advancing the plan change as quickly as would be useful.

Councillor Doody referred to the circuits and noted they crossed several times over buildings and asked was it acceptable to do that? N Harrison advised that they were the circuits for aircraft using the particular runways, in flight the circuits came under Civil Aviation rules while the approach paths came under District Plan rules.

Councillor Williams asked what would happen if a person objected under the private plan change or the district plan review process. N Harrison replied the process would be the same, under notification, and through a District Plan change, both could go to the Environment Court.

Councillor Gordon asked if it would be a full consultation to the whole district and N Harrison replied it would.

Moved Councillor seconded N Atkinson

**THAT** the District Planning and Regulation Committee

(a) **Receives** report No. 190204012204

(b) **Directs** staff to notify Private Plan Change 45

(c) **Circulates** this report to the Rangiora-Ashley Community Board for their information.

CARRIED
Councillor Gordon commented there had been a lot of process on the issue over a number of years and recently. A number of meetings had been held with residents including with the modelling. There would be interest from the public but the way in which the process has been developed so far meant there was better and more robust information. Councillor Gordon commented on the importance of the Rangiora Airfield to the district and noted its potential. For it to reach further aspirations this would be an important part of the process. There would be some cost involved but it was a valuable operation.

Councillor Atkinson reiterated the importance of the airport to the district especially in light of the earthquakes. He believed the thresholds were right in this case and commented on the importance of public understanding.

Mayor Ayers commented the issue had been hanging around for a long period. There had already been much consultation with neighbours. While there was a risk someone could object now and in the revised District Plan could object also. An objection at that point would lack weight it otherwise would have.

7. MATTER REFERRED FROM THE RANGIORA-ASHLEY COMMUNITY BOARD MEETING OF 12 DECEMBER 2018

7.1 Request for Loading Zone alterations and carpark removal – Good Street and Gables Arcade, Rangiora – Glenn Kempton (Engineering Technician), Kieran Straw (Civil Projects Team Leader), Joanne McBride (Roading and Transport Manager)

G Kempton spoke to the report noting that it requested removal of a loading zone outside of the Gables Arcade and the removal of three existing carparks and installation of another loading zone on Good Street. The project would also provide safer pedestrian links. The report also proposed to reduce the time limit on the loading zone outside the Gables from 20 minutes to 5 minutes following consultation with business owners.

Councillor Atkinson asked if better policing was required in the loading zone outside the Gables Arcade and J McBride advised that while it could be difficult to enforce restricted parking, the reduction from 20 minutes to 5 minutes would improve the situation.

Councillor Doody referred to the rubbish from the Loading Bay off Good Street and asked if there would be better control of waste. G Kempton commented on the improvements to the loading bay including fencing and noted he could pass that concern on.

Moved Councillor Meyer seconded Mayor Ayers

THAT the District Planning and Regulation Committee:

(a) Receives report No. 181026125716

(b) Approves the removal of three existing carparks and loading zone as shown in Figure 1.

(c) Approves the time limit reduction for parking within the 16.00m loading zone shown in Figure 1 from 20 minutes to 5 minutes.

(d) Approves the installation of a new approximately 9.00m long loading zone on Good Street as shown in Figure 1.
CARRIED

Councillor Meyer noted the detail provided in the report.

Mayor Ayers noted it was the required step to finish the job of the physical work.

Councillor Gordon commented the topic had been robustly discussed at the Rangiora Ashley Community Board meeting.

8. PORTFOLIO UPDATES

8.1 District Planning Development - Councillor Neville Atkinson

Councillor Atkinson commented that the Committee was up to date with where the District Plan was heading. He noted there were three staff moving on, however the matter was in hand.

8.2 Regulation and Civil Defence – Councillor John Meyer

Councillor Meyer passed on congratulations to the Civil Defence team for their assistance and performance during the Nelson fires.

Councillor Meyer noted the recent dog hearing.

8.3 Business, Promotion and Town Centres – Councillor Dan Gordon

Councillor Gordon noted the upcoming meetings with the three promotions organisations and Enterprise North Canterbury. He noted his regular contact with S Hart with regard to what was happening in the town centres.

Councillor Gordon praised all those involved in the recent Kaiapoi River Carnival for putting on a fantastic event. He noted the upcoming Rangiora Promotions Eats and Beats event in April.

Councillor Gordon commented on the work of Rangiora Promotions Association to try host an event on High Street with Muscle Car Madness. Unfortunately they had not been able to achieve that, and they and Council had received negative feedback. Councillor Gordon explained that the lack of event had not been for lack of trying by the Promotions Association or Council. Councillor Atkinson asked if in the future the event could take a ‘weekly’ show to other areas around the district as a form on enhancing and promoting the event. Councillor Gordon commented that was a good suggestion to take on board.

9. QUESTIONS

There were no questions.

10. URGENT GENERAL BUSINESS

There was no urgent general business.
There being no further business, the meeting closed at 1.25pm.

CONFIRMED

____________________
Chairperson

____________________
Date

Update

- At the conclusion of the meeting, there was an update from department managers.
  - M Johnston (Environmental Services Manager),
  - W Taylor (Manager Building Unit)
1. SUMMARY

1.1 This report is to initiate the statutory review of the Dog Control Policy and Dog Control Bylaw 2009. The Local Government Act 2002 requires the Council to review the bylaw within 10 years of the last review. As the policy and bylaw are interlinked it is appropriate to also review the policy. The bylaw will become the Dog Control Bylaw 2019 and the 2009 bylaw will be revoked.

1.2 The Dog Control Act 1996 (the Act) lists the matters Council has to address in the policy and these include ensuring owners are aware of their obligation to register their dog, to keep their dog under control and for it not to cause a nuisance. The bylaw implements the policy by specifying those areas of the District where controls on dogs apply such as children’s playgrounds.

1.3 This policy recognises the benefits and problems of dogs to their owners and the community. Everyone in the community; dog owners, the public and Council, has a role to play in order to minimise any public nuisance caused by dogs and to continue to appreciate the benefits they offer.

1.4 The first schedule attached to the bylaw contains the list of public spaces identifying dog control measures and prohibition areas. This list is updated annually in conjunction with Greenspace officers.

1.5 The Act requires the policy and bylaw review follows the special consultative procedure (SCP) of the Local Government Act 2002.

Attachments:
- Statement of Proposal (Trim 190530077034)
- Draft Dog Control Bylaw (Trim 190605079270)
- Draft Dog Control Policy (Trim 190605079278)

2. RECOMMENDATION

THAT the District Planning and Regulation Committee:

(a) Receives report No. 190530076703.
(b) **Initiates** the Special Consultative Procedure in terms of the *Local Government Act 2002* (LGA 2002) sections 159 and 83A and the *Dog Control Act 1996* section 10AA.

(c) **Approves** the attached Statement of Proposal, draft Dog Control Policy 2019 and draft Dog Control Bylaw 2019 for notification and consultation.

(d) **Delegates** the consideration of submissions to the Hearing Panel comprised of:

Councillor Meyer (Regulatory Portfolio holder), Councillor _____________ and Councillor _____________

for the hearing and deliberations meeting to be held on Thursday 15 August 2019.

3. **BACKGROUND**

3.1 The *Dog Control Act 1996* was amended in 2003 following a period of well publicised incidents around the country. The amendment required Councils to develop a policy on dogs to express how Councils implement the Act.

3.2 The Act requires Council to review the Dog Control Bylaw 2009 and implicit with this is the review of the Dog Control Policy, as the bylaw is the means by which the policy is implemented and enforced. The bylaw must be reviewed 10 years of its last review as per section 159 of the LGA 2002.

4. **ISSUES AND OPTIONS**

**Policy details**

4.1. The Act is prescriptive in section 10 about the matters that must be considered in the policy. The policy specifically addresses these with the statements on responsible dog ownership, owner obligations, community awareness about dogs and funding for dog control.

4.2. It is not proposed to make any changes to the Dog Control Policy.

**Bylaw details**

4.3. The bylaw is the mechanism through which the policy is implemented. The bylaw specifies areas in the District where restrictions may apply to dogs such as prohibiting dogs from playgrounds and limiting the number of dogs that may be owned in a residential area before a permit is required.

4.4. Three changes are proposed to the Dog Control Bylaw 2009 being:

(a) All dogs to be on leads in town centres; and

(b) Dogs which are not able to be kept under effective voice control around horses shall be placed on a lead when in the vicinity of a horse. (Aligns with Pegasus Bay Bylaw 2016, Section 15.4).

(c) Clause 7.4 to be deleted for consistency with the *Food Act 2014*. The approach of this Act has changed to allow a premise that has a food plan to manage the risk of animals via the plan. The Bylaw cannot over-ride the food plan.

(d) The schedule of control areas will be updated each year, by Council resolution, to ensure reserve areas in new developments have appropriate controls set.
Process

4.5. If the Committee approves this report the process and key dates will be as follows:
   - Week commencing 17 June – mail out to registered dog owners
   - Public notification 22 June
   - Submission period – 24 June – 29 July 2019
   - Hearings and deliberations – 15 August 2019
   - Council to consider Hearing Panel recommendations – 3 December 2019

4.6. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations
   The Act requires registered dog owners to be advised of the review and this will be undertaken as part of the communications plan.

5.2. Wider Community
   Community views have not yet been sought. The community will have the opportunity to express views through the statutory submission process.

6. IMPLICATIONS AND RISKS

6.1. Financial Implications
   Staff time is the major financial cost of this project and will be managed through current budgets.

6.2. Community Implications
   The policy and bylaw have been used for the past 10 years and on balance aligns with community outcomes and community expectations.

6.3. Risk Management
   The policy and bylaw, within the statute, recognises the risk around dog control and a provides a mechanism to address that risk. **Health and Safety**
   The policy and bylaw objectives encourage responsible dog ownership and are intended to minimise any danger, distress or nuisance from dogs to the community.

7. CONTEXT

7.1. Policy
   This is not a matter of significance in terms of the Council’s Significance and Engagement Policy.

7.2. Legislation
   - Local Government Act 2002, s159
   - Dog Control Act 1996, s10, s10AA
   - Pegasus Bay Bylaw 2016
7.3. **Community Outcomes**

- There is a safe environment for all
- Public spaces and facilities are plentiful, accessible and high quality
- The distinctive character of our takiwa – towns, villages and rural areas is maintained
- People have wide-ranging opportunities for learning and being informed

7.4. **Delegations**

The Council is required to carry out the review. The Local Government Act 2002 section 145 provides the Council with the authority to make and amend bylaws to protect the public from nuisance and the Dog Control Act 1996 section 20, empowers for the Council to make bylaws for dog control.

Under Delegation S_DM 1026, the District Planning and Regulation Committee is responsible for:

- Administration of bylaws other than those clearly under the jurisdiction of another standing committee
- Dog registration and control.
Draft Dog Control Bylaw 2019
Draft Dog Control Policy 2019

Statement of Proposal
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1 Introduction

The Waimakariri District Council’s Dog Control Bylaw has been in effect since 2004.

The objective of the bylaw is to:

(a) encourage the responsible ownership of dogs;
(b) promote the control of dogs in public places;
(c) provide for the needs of dog owners
(d) minimise any danger, distress or nuisance from dogs to the community.

The Local Government Act 2002 requires that bylaws are reviewed 10 years after the last review.

The options available to Council are:

(a) Consult without change to either the Dog Control Policy or Dog Control Bylaw; or
(b) Adopt the draft Dog Control Bylaw with changes. The changes proposed by Council prior to consultation are outlined below.

Council must follow the special consultative procedure to review or revoke an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA).

A report on the relevant determinations made by Council under section 155 of the LGA is included in this Statement of Proposal, along with a draft of the proposed Bylaw.

2 Reasons for the proposal

The Dog Control Act 1996 (the Act) requires that Council reviews it’s Dog Control Bylaw in accordance with the Local Government Act 2002 (LGA 2002), section 159. A concurrent review of the Dog Control Policy is also required by the Act.

This review will also ensure elements of the policy and bylaw are effective in protecting the public from nuisance and maintaining public safety.

2.1 Option (a) Consult on the Dog Control Policy and Bylaw without change

Council has the option of consulting without change if it is considered the current policy and bylaw are effective in meeting their objectives.

2.2 Option (b) Adopt the draft Dog Control Bylaw with changes

This is an opportunity for Council to amend the Dog Control Bylaw to ensure its effectiveness in meeting the objectives. The views of residents will be taken into account as a result of the consultation process.
3 Summary of proposed changes

The main areas of proposed change, prior to public consultation, between the current bylaw and the draft bylaw are summarised below:

- Add to Schedule 1, town centres as Leash Control Areas
- Add to Clause 7 Control of Dogs
  “Dogs which are not able to be kept under effective voice control around horses shall be placed on a lead when in the vicinity of a horse.”
- Delete Clause 7.4 to be consistent with the Food Act 2014. This Act has changed the approach. If a premises has a food plan that shows it manages the risk of animals in the premise, the Bylaw cannot over-ride that plan.
- Section 15 First Schedule – this schedule will be updated on an annual basis by resolution of Council. This will ensure any new development areas are covered by appropriate controls.
- Correct minor formatting and consistency errors.

As the proposed Bylaw is intended to replace the existing Bylaw it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.

No changes are proposed for the Dog Control Policy.

4 Legislative requirements that Council must consider

The LGA\(^1\) empowers Council to make bylaws for its district for one or more of the following purposes:

(a) Protect the public from nuisance
(b) Protect, promote and maintain public health and safety
(c) Minimise the potential for offensive behaviour in public places.

Council must also determine whether\(^2\):

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

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

The test for whether a bylaw is the most appropriate means of dealing with the issue is whether or not alternatives exist that achieve the same outcomes with similar efficiency. In this case the bylaw is the only mechanism available under the Dog Control Act 1996 to implement some of the enforcement provisions of the policy.

The proposed bylaw aligns with the LGA purposes above, and is considered to be consistent with the approach taken by other local authorities of a similar size and nature.

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1 Section 145 of the Local Government Act 2002
2 Section 155 of the Local Government Act 2002
4.2 Is the bylaw in the appropriate form?

Section 155(2)(a) of the LGA requires an assessment as to whether the bylaw is the most appropriate form of bylaw.

The Council can make general bylaws for public health and safety, and under the Dog Control Act 1996 the Council can make specific bylaws for dog control. In this case the proposed bylaw meets the criteria of "appropriateness" for both acts.

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

Section (155(2)(b) requires that any bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990. This Act states:

s5 “subject to section 4 of this Bill of Rights, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

The LGA 2002 provides for Councils to lawfully pass a bylaw to abate public nuisance. The Dog Control Act 1996 provides for Councils to pass a bylaw for the control of dogs. The Council has had a bylaw since 1997 and this has assisted dog control and people’s enjoyment of public space. As two acts provide for the bylaw there is an assumed direction from Parliament that a dog control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

5 Process

Copies of the Statement of Proposal for the review of the bylaw and policy can be collected or viewed on the Council website, at any Council Service Centre or Library during office hours or call us on 0800 965 468 for a copy.

5.1 Submissions

Forward your submissions to:

Dog Control Bylaw and Policy Review 2019
Waimakariri District Council
Private Bag 1005
RANGIORA 7400

or, enter your submission online via the Council website (waimakariri.govt.nz/have-a-say/let’s-talk).

We need to receive them by 26 July 2019.

Please contact Chris Goldsmith, 0800 965 468 for all technical enquiries.
WAIMAKARIRI DISTRICT COUNCIL
DOG CONTROL BYLAW 2009

This review of the Dog Control Bylaw 2009 was adopted at a Council meeting held on [day, month] 2019

______________________________
Chief Executive Officer

______________________________
Administration Manager
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WAIMAKARIRI DISTRICT COUNCIL DOG CONTROL BYLAW 2009

In pursuance of the powers vested in it by the Local Government Act 2002, the Waimakariri District Council makes this Bylaw.

1 TITLE AUTHORITY AND COMMENCEMENT

1.1 This bylaw may be cited as the Waimakariri District Dog Control Bylaw 2009.

1.2 This bylaw shall come into force on 1 November 2009.

2 INTRODUCTION

This bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by Section 20 of the Dog Control Act 1996.

This bylaw applies to all the Waimakariri District.

3 OBJECTIVES

• To encourage the responsible ownership of dogs.
• To promote the control of dogs in public places.
• To provide for the needs of dog owners.
• To minimise any danger, distress or nuisance from dogs to the community.

4 INTERPRETATION

4.1 Approved means permitted by the Waimakariri District Council.

4.2 Authorised person means any person warranted or permitted by the Waimakariri District Council to carry out any functions under this Bylaw or under the Dog Control Act 1996.

4.3 Dog Control Officer means a dog control officer appointed under Section 11 of the Dog Control Act 1996.

4.4 Dog includes any bitch, spayed bitch or puppy.

4.5 Infringement Offences as defined in Section 65 (1) of the Dog Control Act 1996.

4.6 Neutered Dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised:

4.7 Owner in relation to any dog means every person who:

(a) Owns the dog; or

(b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or is
(c) The parent or guardian of the person under the age of 16 years who –

(i) Is the owner of the dog pursuant to paragraph (a) and (b) of this definition; and

(ii) Is a member of the parent or guardian’s household living with and dependent on the parent or guardian—but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animals Protection Act 1960.

4.8 **Public Places** as defined in section 2 of the Dog Control Act 1996 and includes:

- A place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

4.9 **Reserve** means and includes any open space, plantation, park, garden or ground set apart for public recreation which is under the management or control of the Council.

4.10 **Residential Zone** means the areas of the District that are zoned Residential 1, Residential 2, Residential 3, Residential 5, Residential 6 or Residential 6A in the Council’s District Plan.

4.11 **Sports fields prohibited** means dogs are not allowed on the playing area of the sports fields while organised sport or practice is undertaken.

4.12 **Under Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

4.13 **Working Dog** is as defined in section 2 of the Dog Control Act 1996 and includes:

(a) Any guide dog, hearing ear dog, or companion dog.

(b) Any dog—

(i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or

(ii) Kept solely or principally for the purposes of herding or driving stock; or

(iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or

(iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
(a) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or

(b) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or

(c) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

(v) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or

(vi) Declared by resolution of the Council to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution, and includes any dog registered with the Council as a search and rescue dog.

5 LIMITATION ON OWNERSHIP IN RESIDENTIAL AREAS

5.1 No occupier of any property in any Residential Zone within the Waimakariri District shall allow or cause to remain or be kept on such premises for any period exceeding fourteen days, three or more dogs, over the age of three months (whether or not such dogs are registered) unless they have a permit from the Council to keep three or more dogs. For the purposes of this subsection the determination of this fourteen day period is to be considered contiguous if any of the dogs are removed from the premises within the initial fourteen day period allowed, thereby reducing the number of dogs below the threshold of three, but are subsequently returned to the same premises within a period of fourteen days, whether they be the same dogs or not.

5.2 Application for a permit to keep three or more dogs in a Residential Zone shall be made in writing. Before the application can proceed, the written permission of immediate neighbours should be sought. Animal Control staff will inspect the property.

5.3 The Council, in receiving an application for three or more dogs on a property, has the discretion to alter or decline an application on the following grounds:

- That the property under application in the Council’s view is of insufficient size to keep the breed of dogs and / or the number being applied for.
- That the granting of the permit may compromise neighbourhood amenity.

5.4 The permit may be issued upon or subject to such terms, conditions and restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this bylaw.

5.5 An annual fee will be paid for each permit. The permit shall remain in force until the 30th June following the date of issue. The Council will decide the fee by resolution.
5.6 The fee for the permit shall be payable on application is in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

6 DOGS AT NIGHT

6.1 The owner of any dog shall, during the period from half an hour after sunset to half an hour before sunrise, keep such dog:

- On a line, leash or chain held by such owner and securely attached to the collar or harness on such dog, or similarly secured so that the dog is under control, or
- Tied fast by a leash or chain which is securely attached to the collar on such dog, or
- Confined in a fully enclosed yard so that such dog cannot escape there from, or
- Confined in a kennel, shed or other building so that such dog cannot escape.

Provided, however, that this sub-clause shall not apply to any dog registered as a working dog while under continuous and effective control of its owner or his agent for the time being for working purposes or is being taken by such person to or from the place where it is to be kept or has been employed for such purpose.

6.2 During this period the owner of a dog, while it is kept under proper control, shall ensure that such dog is provided with adequate shelter and that no unnecessary suffering is caused to such dog by the manner in which such proper control is exercised.

6.3 Any dog found in breach of sub-clause 6.1 or 6.2 may be impounded under the provisions of Section 52 of the Dog Control Act 1996.

7 CONTROL OF DOGS

7.1 Dogs in public places, unless prohibited or required to be leashed as listed in the First Schedule, are to be kept under continuous and effective control at all times.

7.2 Dogs that are not able to be kept under effective voice control around horses shall be placed on a lead when in the vicinity of a horse.

7.3 Any dog found not under continuous and effective control in any public place or reserve may be seized and detained by any authorised officer, or a person employed by the Council, and be impounded.

7.4 No person for the time being in charge of any dog shall permit the dog to enter or to be in or upon any premises used for or in connection with the manufacture, preparation, packing or storage of sale of food.

7.5 No person shall take into or have in his charge any dog in or on any public swimming pools or other bathing places, except on authorised occasions.

7.6 No person shall take into or have in his charge any dog in or on any land or premises used as a public school, kindergarten or play centre, except on authorised occasions.

7.7 The occupier of any premises whereon any kennel or enclosures in which dogs are kept or housed shall maintain and keep them in a clean condition.
7.8 No person shall take into or keep in any cemetery any dog.

7.9 No person shall in any public place or private road or street, set on, urge, encourage, aid or assist at the fighting or baiting of any dog or other animal or willingly permit any dog to fight or to rush at, attack or worry any person or animal, and no person being the owner or having charge thereof shall suffer or permit any dog which has been known to rush at or attack or annoy any person or animal to be at large.

7.10 No person being the owner of, or having the control of any dog shall permit the dog to foul any public place with droppings, provided that no offence shall be deemed to have been committed against this bylaw when the person having control of the dog removes the droppings immediately.

7.11 The owner or person in charge of any dog in any public place must carry a suitable receptacle for the removal of any faeces defecated by that dog.

7.12 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept under control by a chain that is sufficiently short in length as to prevent the dog from leaving the tray or endangering passers-by.

8 RELEASE FROM POUND

8.1 No dog shall be released from any pound until proof of ownership and identity of the dog is established and payment made of:

- A poundage fee as set by the Waimakariri District Council from time to time by resolution publicly notified.
- A sustenance fee at such daily rate as the Waimakariri District Council may determine from time to time by resolution publicly notified.
- In the case of any dog over the registrable age, the current annual fee payable set by the Waimakariri District Council unless previously paid.
- A fee for microchipping the dog, if the dog has not previously been microchipped.
- Any charge in connection with transport and advertising of the dog.

8.2 Any dog may be sold, destroyed or otherwise disposed of unless claimed in accordance with the provisions of the Dog Control Act 1996.

9 IN SEASON OR DISEASED DOGS IN PUBLIC PLACES

9.1 No owner shall permit their dog to enter or remain in any public place, if that dog is:

- Infected with mange or distemper, or
- A bitch on heat.

10 PREVENTION OF NUISANCES

10.1 The owner or occupier of any premises where any dog or dogs are customarily kept, has an obligation to ensure that adequate precautions are taken to prevent the keeping of such dogs from becoming a nuisance or injurious to health in terms of the Dog Control Act 1996 and the Health Act 1956.
10.2 If the keeping of dogs has become or is likely to become a nuisance or injurious to health, the Council may by notice require the owner or occupier of the premises to do all or any of the following:

- Cease the keeping of dogs on the premises.
- To reduce the number of dogs kept on the premises.
- To alter, reconstruct or otherwise improve the kennels or place where the dogs are kept.
- To take such other action as the Council deems necessary to eliminate the likelihood of nuisance or injury to health.

11 CAUSING DOGS TO BECOME UNMANAGEABLE

Any person shall be guilty of an offence against this Bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

12 BREACH OF BYLAW

A person who commits a breach of this bylaw commits an offence and is liable on summary conviction to the penalty prescribed by Section 242(4) of the Local Government Act 2002.

13 REVOCATION AND SAVINGS

13.1 The following Bylaw is hereby revoked.

- Dog Control Bylaw 2004.

13.2 All approvals, permits, and other acts of authority which originated under the Dog Control Bylaw 1997 No 1 and the Dog Control Bylaw 2004, and all applications, shall for the purpose of this Bylaw continue as if they had originated under this Bylaw.

13.3 The revocation of the Dog Control Bylaw 2004 shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

14 REVIEW OF BYLAW

14.1 This Bylaw shall be reviewed by the 7th December 2019.

14.2 This Bylaw can be reviewed at any other time before that date at the discretion of the Council.
This schedule will be reviewed on an annual basis, by resolution of Council, to ensure new development areas have appropriate controls assigned.

**TOWN CENTRES**

**LEASH CONTROL AREAS** (see attached maps)
Rangiora Town Centre
Kaiapoi Town Centre
Oxford Town Centre

**ASHLEY**

**UNDER CONTROL AREA**
Canterbury St. Reserve (Sports fields & playground prohibited)

**CUST RESERVE CONTROL**

**LEASH CONTROL AREAS**
Cust Community Centre
Cust Memorial
Waterworks Reserve

**UNDER CONTROL AREA**
Cust Domain (Playground & sports fields prohibited)
Jack Graham Reserve (Playground prohibited)

**KAIAPOI RESERVE CONTROL**

**LEASH CONTROL AREAS**
Allison Reserve
Audley Street Playground
Country Life Esplanade Reserve
Kiln Place Reserve (Playground prohibited)
Memorial Reserve
Moorcroft
Morgan Williams Reserve (Playground prohibited)
Silverstream Reserve
Trousselot Reserve

**UNDER CONTROL AREA**
Askeaton Park
Baker Park (Playground prohibited)
Corcoran Reserve
Curie Park (Playground prohibited)
Darnley Square (Playground prohibited)
Glenvale Walk
Gray Crescent Reserve (Playground prohibited)
Hinemoa Park (Playground prohibited)
Jim Bryden Reserve (Playground prohibited)
Kaiapoi Anglican Reserve
Kaiapoi Domain (Playground prohibited)
Kaiapoi Lakes (Bird sanctuary prohibited)
Kendall Park (Sportsfields prohibited)
Kirk Street Reserve (Playground prohibited)
Murphy Park (Sportsfields prohibited)
NCF Park (Playground prohibited)
Riseley Reserve
Wylie Park (Sportsfields prohibited)
The Oaks

**PROHIBITED AREAS**
Scott Rose Garden (Charles Street)
All children's playgrounds
All sportsfields

**OHOKA**

**UNDER CONTROL AREA**
Mandeville Sports Club (Sports fields & playground prohibited)
Ohoka Domain (Playground area prohibited)
Whites Rd. Reserve
OXFORD RESERVE CONTROL

LEASH CONTROL AREAS
Ashley Gorge Reserve Lower Flat
(Campground and upper flats prohibited)
Matai Place Reserve

UNDER CONTROL AREAS
Church Street Reserve (Playground prohibited)
Pearson Park (Playground & sports fields prohibited)
Rimu Place Reserve
Warren Reserve
West Oxford Reserve (CRC)

PROHIBITED AREAS
All children's playgrounds
All sportsfields

PINES/KAIRAKI BEACH RESERVE CONTROL

LEASH CONTROL AREAS
McGarry Place Reserve

UNDER CONTROL AREA
Dunns Avenue Reserve
Featherstone Reserve
Kairaki Beach Domain
Kairaki Reserve
Pines Beach Oval (Playground area prohibited)

RANGIORA RESERVE CONTROL

LEASH CONTROL AREAS
Bells Siding
Chelsea Ct. Reserve
Bridget Lane Reserve
Elm Tree Reserve
Kippenberger War Memorial Reserve
Grove Place Reserve
Hazeldean Reserve
Janelle Place Reserve
Manchester Place Reserve
Newnham Street Reserve (playground prohibited)
Oxford Line Reserve
Rickton Place Reserve
Town Hall Reserve

PROHIBITED AREAS
Elephant Park
Northbrook Wetlands Reserve
Southbrook Park
Torlesse Park (Castle Park)
Victoria Park
All children's playgrounds
All sportsfields
SEFTON

UNDER CONTROL AREA
Sefton Domain (Sportsfields prohibited)

TUAIWI

UNDER CONTROL AREA
Tuahiwi Sports and Recreation Ground

PROHIBITED
Playground, hard courts and sportsfield

WAIKUKU BEACH RESERVE CONTROL

LEASH CONTROL AREAS
Pegasus View Park (Playground prohibited)
Waikuku Beach Domain (Playground prohibited)

UNDER CONTROL AREA
Allin Drive Reserve
Kings Avenue Stopbank
Kiwi Avenue Recreation Reserve (Playground prohibited)
North Oval (Playground prohibited)
South Oval
Taranaki Reserve

WOODEND RESERVE CONTROL

LEASH CONTROL AREAS
Owen Stalker Park (Playground prohibited)
Pound Reserve
Skevington Park (Playground prohibited)

PROHIBITED AREAS
All children’s playgrounds
All sportfields

CEMETERIES

PROHIBITED AREAS
All cemeteries throughout the District (excluding Kaiapoi Anglican Cemetery Reserve)

BEACH SURF PATROL AREAS

PROHIBITED AREA
Within the area marked by Surf Patrol flags and extending around that area for a distance of 50 metres beyond the flags

ALL OTHER PUBLIC PLACES

Dogs shall be under control
DOG CONTROL

1 Introduction
The Policy on Dogs is a requirement of the Dog Control Act 1996 (section 10) and has to include consideration of:

- the public places where dogs may be prohibited, on a leash or under control
- how fees are structured
- classification of owners
- owner education
- the issuing of infringement notices.

In adopting a policy the Council has to be aware of the recreational needs of dogs and their owners and the need to minimise nuisance caused by dogs to the public.

2 Policy Context
The Council has powers under the Act to assist dog owners to meet their obligations and to address situations where those obligations are not met.

3 Policy Objective
This policy recognises the benefits and problems of dogs to their owners and the community, and that everyone in the community (dog owners, the public and the Council) has a role to play in order to continue to appreciate the benefits and minimise the problems.

4 Policy Statement

4.1 Encourage Responsible Dog Ownership
Dog owners will be encouraged to meet their obligations under the Act to make neighbourhoods more safe and free from nuisance.

Method
- Accept that all dog owners are responsible until otherwise demonstrated.
- Include limitations, in the Dog Control Bylaw, on the number of dogs that can be kept on residential properties.
- Provide, through a range of fees and controls, incentives to encourage responsible ownership of dogs.

4.2 Provide for Dog Access to Public Areas
Dog owners will be provided with a reasonable level of access to public places where doing so will not compromise public safety. In implementing this policy regard shall be given to:

- Dog owners as users of public places.
- Any controls on dog access to parks and reserves are well defined to the public.
- Sensitive areas such as children’s playgrounds and wildlife reserves are protected from dogs.

Method
The Council shall make a Dog Control Bylaw to place controls where dogs:
- May be taken in public places.
- Must be kept on a leash, under control or are prohibited.
DOG CONTROL

4.3 Enforce Dog Owner Obligations
The Dog Control Act 1996 powers of enforcement shall be used where necessary to ensure public safety and freedom from dog related nuisance, and to deter irresponsible ownership of dogs.

Method
The Council shall maintain an animal control service to receive, investigate and resolve complaints about dogs.

The Council shall use the powers in the Act, as required, to issue infringement notices, to classify dogs as dangerous or menacing and to classify owners as probationary or disqualified.

Menacing Dogs: In accordance with section 33E(1)(b), dogs classified as menacing must be neutered.

The Council shall make a Dog Control Bylaw that:
- Sets minimum standards for the accommodation of dogs
- Requires a permit to be obtained where three or more dogs are kept in a Residential Zone.
- Requires the containment of bitches in season, and the containment of dogs infected with a contagious disease.

4.4 Community Awareness about Dogs
The Council will raise awareness in the community about how responsibly owned dogs can co-exist with the public so that danger, distress and nuisance are minimised.

Method
Provide information, advice and education to the public and dog owners about dog behaviour, dog obedience courses available in the community and ways to manage dogs.

4.5 Funding for Dog Control
The Council will maintain an acceptable level of control services to implement this policy and any fees for the service shall reflect the different costs of control for different classes of dog.

Method
Fees will be set annually by resolution of the Council and will be:
- Lower for neutered dogs than unneutered pet dogs
- Lower for working dogs than unneutered pet dogs.
- For late registration, 50% above the registration fee payable for that dog.

5 Links to other policies and community outcomes

Dog Control Bylaw 2019.

There is a safe environment for all
- Harm to people from natural and manmade hazards is minimised.

Public spaces and facilities are plentiful, accessible and high quality
- There is a wide variety of public places and spaces to meet people’s needs
- There are wide ranging opportunities for people to enjoy the outdoors
- The range of community and recreation facilities meets the changing needs of our community
DOGS

DOG CONTROL

6 Adopted by and date


7 Review

This policy will be reviewed in conjunction with the Dog Control Bylaw 2019 by [month] 2028.
1. SUMMARY

1.1 This report seeks the Committee’s direction for the review of the Gambling Venue Policy and Board Venue Policy which is required every three years by the Gambling Act 2003 and the Racing Act 2003 for each respective policy.

1.2 It is important to note that these policies relate to the availability and location of gambling venues in the District. The proximity to the Christchurch Casino, combined with the growth in internet gambling, both of which are not controlled by Council policies, means the ability to influence the overall incidence of gambling in the community is more a national than local issue.

1.3 The Board Venue Policy covers premises that are owned or leased by the New Zealand Racing Board (stand-alone venues) and where the main business of the premises is providing racing betting or sports betting services under the Racing Act 2003. There are no stand-alone TAB’s in this District. All TAB’s are within licensed premises or clubs, and so while the Council is required to have a Board Venue Policy, there are no premises to which it applies.

1.4 The number of gaming machines in the Waimakariri District have been trending down since 2006. This trend continued between 2016 and 2019 with the number of machines declining from 165 in 2016 to 163 in 2019. The number of venues that have gaming machines dropped by two, from 14 in 2016 to 12 in 2019.

1.5 If the Committee considers the policies remain fit for purpose a review could be made on the papers. If the Committee considers that elements of the policies should be amended, a Special Consultative Procedure (SCP) will need to be invoked.

1.6 A full review of the Gambling Venue Policy would require a Social Impact Assessment (required under section 101(2) of the Gambling Act 2003), consideration of adding a relocation policy, and consideration of the current cap of one machine per 120 adults.

Attachments:

i. Draft Gambling Venue Policy 2019 (Trim 190606079820)
ii. Draft Board Venue Policy 2019 (Trim 190606079821)
iii. Gambling machine venues and numbers December 2018 (Trim 190606079824)
2. **RECOMMENDATION**

**THAT** the District Planning and Regulation Committee:

(a) **Receives** report No 190606080102.

(b) **Retains** the Gambling Venue Policy unchanged (Trim 190606079820)

(c) **Retains** the Board Venue Policy unchanged (Trim 190606079821), or

(d) **Directs** staff to undertake a full review of the Gambling (Class 4) Venue Policy which may include consideration of a relocation policy (made possible by amendments to the *Gambling Act 2003* which inserted sections 105(5A) and (5B)), consideration of the current cap of one machine per 120 adults, and a Social Impact Assessment (required under section 101(2) of the *Gambling Act 2003*) in the 2020 calendar year.

(e) **Notes** that should the District Planning and Regulation Committee resolve to amend either or both policies, the Special Consultative Procedure will need to be undertaken, which will also be required if a full review of the Gambling Venue Policy is to be undertaken in 2021.

3. **BACKGROUND**

3.1 The Gambling Venue Policy is a control on gaming machines (Class 4 gambling or pokies), and the Board Venue Policy is a control on Totalisator Agency Board (TAB) venues. These policies have the objectives of controlling the growth of gambling and minimising harm to the community from problem gambling.

3.2 Both policies were implemented in April 2004 through a wide-ranging multi-Council Special Consultative Procedure and managed by a Councillor Working Party. The policies were first reviewed in 2006, again in 2010 following a comprehensive Social Impact Assessment (SIA), and again in 2013. The policies did not change as a result of these reviews. This is the fifth time these two policies have been reviewed.

4. **ISSUES AND OPTIONS**

4.1. The Council’s Gambling Venue Policy regulates the number and location of gaming machines in the District, and the Board Venue Policy sets conditions on the location for any new stand-alone TAB premises. The Gambling Venue Policy is a requirement of the *Gambling Act 2003* and the Board Venue Policy is a requirement of the *Racing Act 2003*. Both Acts specify the matters the Council should consider in the formulation of the policies.

4.2. The Gambling Venue Policy is more relevant in the Waimakariri District than the Board Venue Policy. The Board Venue Policy can apply only to stand-alone TAB outlets. Waimakariri District has no stand-alone TAB outlets, and there is no current intention of the TAB to establish a stand-alone TAB venue in the District. Venues with TAB facilities in the District are as follows:

<table>
<thead>
<tr>
<th>Oxford</th>
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<tbody>
<tr>
<td>Oxford Workingmen’s Club</td>
<td>Self Service TAB</td>
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<tr>
<td>Rangiora</td>
<td></td>
</tr>
<tr>
<td>Plough Hotel</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Rangiora RSA</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>JR’s Bar and Grill</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Brook Hotel</td>
<td>Self Service TAB</td>
</tr>
<tr>
<td>Kaiapoi</td>
<td></td>
</tr>
<tr>
<td>Kaiapoi Workingmen’s Club</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Kaikanui Hotel</td>
<td>Pub TAB</td>
</tr>
<tr>
<td>Sefton</td>
<td></td>
</tr>
</tbody>
</table>
Anglers Arms  | Self Service TAB  
Woodend  |  
Caspers  | Pub TAB  
Pine Acres  | Self Service TAB  

Note: There are no stand-alone TAB venues in Waimakariri. There was one at the Plough Hotel, however this closed some three years ago.

4.3. The objectives of the Gambling Venue Policy are:

- To control the growth of gambling
- To prevent and minimise the harm to the community caused by gambling, including problem gambling
- To control the growth of electronic gaming machine gambling in the District
- To allow those who wish to participate in electronic gambling machine and TAB gambling to do so, safely and responsibly, within the District.

To give effect to these objectives, the Council’s current policy has adequate safe-guards in place in the form of:

- All venues must be located in an on-license or licensed club premise.
- All applications are open to public submission and will be heard by a hearing panel. This enables the Council to keep abreast of trends in the industry, and is a forum for the expression of community views. This is relatively unique, as the Act enables delegations to staff without a hearing, however this is not preferred.
- There is a current cap of one gaming machine per every 120 adults, 18 years of age and over. This cap was instituted in 2004 when the Act came into force and matched the number of machines to the population at that time.

4.4. With the current cap of 1:120 for adults 18 years of age and over, as long as any new application fits within the criteria of the Gambling Act 2003 and the WDC Policy, there is capacity to increase gaming machines numbers across the District. The estimated adult population of 18 years or older at June 2018 is 46,560. Based on this figure, an adult population of 46,560 divided by the current cap of 120 equals 388 gaming machines. The number of gaming machines at 31 March 2018 in the Waimakariri District is 163, which is well under the current policy threshold, so theoretically another 225 gaming machines could be established in the District.

4.5. If the adult population of 46,560 is divided by the current number of gaming machines of 163 then this would signal a new cap ration of 1:285, that is, one gaming machine for every 285 adults (18 years of age or older) in the District. There is little demand for new machines (the last was Five Stags) which was the first application in four years, so the necessity to change the policy is not overriding.
4.6. Table 1 Machine and Venue Numbers – Local Trends:

Since December 2006, machine numbers and venues have declined. There appears to be a natural attrition in the reduction of gaming machines in the District, which is likely a result of the Department of Internal Affairs’ (DIA) compliance costs declining rental returns.

4.7. If the Committee considers that the policies need amending, both the Gambling Act 2003 and the Racing Act 2003 require that the SCP of the Local Government Act 2002 be invoked. If the SCP is to be used, it is likely a full social impact assessment would be required. A social impact assessment in itself requires considerable consultation with the community and agencies working in areas that observe the effects of problem gambling, as well as the organisations that benefit from gaming proceeds. A social impact assessment would take some 6 – 8 months to complete and would need resources to be allocated to fulfil it. If the Committee does resolve to review the Gambling Venue Policy it would be preferred to timetable a review over the next two years so that appropriate resourcing could be arranged. It should also be noted that if the Committee resolves that the policies remain unchanged, then the SCP does not need to be invoked.

4.8. Both Acts require a review of each policy every three years, so the next review date would be April-June 2021.

4.9. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Groups and Organisations

Not sought.

5.2. Wider Community

Given the declining numbers of gaming machines, and that this has been trending consistently downwards since 2006, community views have not been sought.
6. IMPLICATIONS AND RISKS

6.1. Financial Implications

If the policies are to be amended, the costs of a Special Consultative Procedure would be in the order of $10,000. The cost of a Social Impact Assessment would be approximately $25,000 whether or not it is undertaken in-house or out-sourced.

6.2. Community Implications

Class 4 gambling is a legal activity and those premises established prior to October 2001 are allowed up to 18 gaming machines, and after October 2001, a maximum of nine gaming machines. It is through the gambling policy that the Council has a means of balancing the tension between allowing a lawful activity and still providing for community and individual well-being.

6.3. Risk Management

6.4. The policy has safeguards in the form of where venues may be located and all applications are heard by a hearing panel and open for public submission.

6.5. Health and Safety

N/A

7. CONTEXT

7.1. Policy

This is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Legislation

The Gambling Act 2003

102 (5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

The Racing Act 2003

65E(5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

7.3. Community Outcomes

There is a safe environment for all

7.4. Delegations

The Committee has responsibility for Gambling Venues under Delegation S-DM 1026. It also has the “authority to initiate a Special Consultative Procedure, or otherwise consult the community on matters related to the committee’s activities and where the proposed consultation is not contrary to an established Council position”.

—

GOV-07-01/190606080102 Page 5 of 5 District Planning and Regulation Committee 18 June 2019
1 Introduction

Gambling in New Zealand is regulated by the Gambling Act 2003.


The Act regulates six classes of gambling. This Policy is concerned with Class 4 gambling, which is gambling that involves the operation of gaming machines (pokies), outside of casinos.

While Council recognises that gambling is a legitimate form of entertainment, there is concern about the social impact that gambling, and in particular problem gambling, can have in the community. This policy seeks to minimise harm from problem gambling.

2 Policy Context

Section 101 of the Gambling Act 2003 requires a territorial authority to adopt a class 4 venue policy.

The Policy allows Council to directly control the growth of Class 4 gambling via gaming machines by creating rules around numbers of venues and gaming machines, and their location within the District. It also allows the community to input to decision-making through Council’s public notification and submission process, should there be any new requests for venues or an increase in gaming machines numbers at an existing venue.

3 Policy Objective

1. To control the growth of gambling
2. To prevent and minimise the harm to the community caused by gambling, including problem gambling.
3. To control the growth of electronic gambling machine gambling in the district.
4. To allow those who wish to participate in electronic gambling machine gambling to do so, safely and responsibly, within the District.

4 Policy Statement

Societies requiring Council consent

Any society requires Council consent in respect of a class 4 venue to:

- Increase the number of gambling machines that may be operated at the venue.
GAMBLING VENUE POLICY

- Start operating gambling machines at such a venue that was not on any society’s licence within the previous 6 months.
- Start operating gambling machines at such a venue for which a licence was not held on 17 October 2001.
- Continue to operate gambling machines at a venue for which a licence was not held on 17 October 2001, but which was added to a society’s licence on a date after 17 October 2001 and before 19 September 2003.

Matters that the Council will consider when making a decision on any application are:

1. That the application is associated with premises that have an on licence, club licence or is a chartered club in terms of the Sale and Supply of Alcohol Act 2012, or is a TAB venue.
2. That gambling machines are not the primary part of the venue’s operation or income.
3. That the venues are not in a Residential Zone as defined by the Operative District Plan.
4. That the venue is not on a site that the Council considers will unnecessarily display class 4 gambling activity to places and institutions primarily frequented by people under the age of 18 years old.
5. Class 4 gambling venues should not be located in premises that are incompatible with other predominant uses of the premises or of other premises in close proximity.
6. Class 4 gambling machines will not be located within a venue where the primary activity is associated with family or children’s activities.
7. That a district wide cap of 1 gambling machine per 120 people 18 years old or older be used as a guideline to limit any increase in machine numbers.
8. That external signs at venues be restricted to one per site, of an appropriate size and attached directly to the building, and that describes that gambling machines are on the premises. Advertising of prize money of any description shall not be visible from the exterior of the premises.
9. Gambling machines must not be visible from the road.
10. That the gambling area of a venue does not have a separate entrance to a street, separate name or otherwise appears as a separate activity from the primary venue.
11. Venues are to have a host responsibility and gambling harm minimisation policy and staff training programme.

Applications and fees

1. All applications will be publicly notified and open for submissions for a period of 10 working days. The Hearings Committee will hear and decide all applications.
2. All fees and charges must be paid before any consent is granted. A deposit of $1000 is required with hearing costs and disbursements charged monthly.
3. Councillor and staff time is charged at the rates specified in the Fees and Charges Schedule.
5 Links to legislation, other policies and community outcomes

Community Outcome – there is a safe community for all

6 Adopted by and date

The Gambling Venue Policy 2016 was approved by the Resource Management and Regulation Committee at its meeting on 19 July 2016.

The Resource Management and Regulation Committee has the delegation to be responsible for gambling venues.

7 Review

Council must complete a review every three years. The next review is due in April-June 2019.
1 Introduction

A Board Venue is a Totalisator Agency Board (TAB) operated on premises owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

The Racing Act 2003 requires the New Zealand Racing Board (the Board) to gain consent from Territorial Authorities if it proposes to establish a new Board venue (TAB).

The policy is limited to New Zealand Racing Board owned TAB outlets. It does not cover TAB terminals in privately owned premises such as hotels, taverns or clubs as these may be established without Territorial Authority Consent.

2 Policy Context

Under Section 65D of the Racing Act 2003, territorial authorities must adopt a Board Venue policy for stand-alone TABs operated by the Board.

If all TAB’s within a District are inside a licensed premises or club, the Territorial Authority is still required to have a Board Venue Policy, even though there are no premises to which it applies.

3 Policy Objective

To ensure the Council and the community has influence over the provision of gambling in the District.

Section 65D of the Racing Act 2003 specifies:

1. A territorial authority must, within 6 months after the commencement of this section, adopt a policy on Board venues.
2. In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
3. The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located.
4. In determining its policy on whether Board venues may be established in the territorial district and where any Board venues may be located, the territorial authority may have regard to any relevant matters, including—
   a) the characteristics of the district and parts of the district:
   b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:
   c) the cumulative effects of additional opportunities for gambling in the district.
BOARD VENUE POLICY

4 Policy Statement

Matters the Council will consider when making a decision on any application are:

1. That the venues are not in a Residential Zone as defined by the Operative District Plan.

2. That the venue is not on a site that the Council considers will unnecessarily display gambling activity to places and institutions primarily frequented by people under the age of 18 years old.

Applications & fees:

1. All applications will be publicly notified and open for submissions for a period of 10 working days. The Hearings Committee will hear and decide all applications.

2. All fees and charges must be paid before any consent is granted. A deposit of $1000 is required with hearing costs and disbursements charged monthly.

3. Councillor and staff time is charged at the rates specified in the Fees and Charges Schedule.

5 Links to legislation, other policies and community outcomes

Community Outcome – there is a safe community for all

6 Adopted by and date

The Board Venue Policy 2016 was approved by the Resource Management and Regulation Committee at its meeting on 19 July 2016.

The Resource Management and Regulation Committee has the delegation to be responsible for gambling venues.

7 Review

Council must complete a review every three years. The next review is due in April-June 2019.
## Venue and numbers by Territorial Authority as at 31 December 2018

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<th>Name</th>
<th>Address</th>
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<td>Brook Bar</td>
<td>16 Southbrook Road, Rangiora, Canterbury</td>
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<td>Waimakariri District</td>
<td>Craft Bar And Kitchen Waimakariri</td>
<td>Units 34 Kaiapoi, Kaiapoi Crossing 77 Hilton Street, Kaiapoi, Canterbury</td>
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<td>Waimakariri District</td>
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<td>Rangiora Returned Services Association Club Inc</td>
<td>62 Victoria Street, Rangiora, Canterbury</td>
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<td>Waimakariri District</td>
<td>CERT Your Local Gaming Trust Limited</td>
<td>160 High Street, Oxford, Canterbury</td>
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Cert Your Local Gaming Trust Limited & Oxford Workingmens Club & Msa
WAIMAKARIRI DISTRICT COUNCIL

REPORT FOR DECISION

FILE NO and TRIM NO: BYL-15 190604078036
REPORT TO: District Plan and Regulation Committee
DATE OF MEETING: 18 June 2019
FROM: Geoff Meadows, Policy Manager
SUBJECT: Review of Parking Bylaw 2007

1. SUMMARY

1.1 The purpose of this report is to appoint a panel to hear submissions on the review of the Parking Bylaw 2007.

1.2 A Special Consultative Procedure on the proposed changes to the bylaw opened on 24 May 2019 and close on 24 June 2019.

1.3 A date for the hearing of submissions has not been set.

Attachments:
   i. The proposed draft bylaw (TRIM No 180928112839)
   ii. The Statement of Proposal (TRIM No 190426059689)

2. RECOMMENDATION

THAT the District Plan and Regulation Committee:

a) Receives report No 190604078036.

b) Recommends that Councillor ____________, Councillor ____________ and Councillor ____________ form a panel to hear submissions and deliberate on the review of the Parking Bylaw 2007.

c) Recommends a date for hearing submissions is accepted as Tuesday 9 July 2019.

3. BACKGROUND

3.1 Section 159 of the Local Government Act 2002 requires bylaws to be reviewed every ten years. The Parking Bylaw 2007 was due for review on 4 September 2017. Under Section 160A of the Act, a bylaw that is not reviewed within 10 years will automatically be revoked within 2 years after the last date on which the bylaw should have been reviewed. The Parking Bylaw 2007 will thus be automatically revoked on 4 September 2019.

3.2 Although the Special Consultative Procedure does not close until 24 June 2019, several submissions have been received to date and some submitters wish to be heard.
3.3 The main areas of proposed change, currently subject to public consultation, are set out in attachment ii.

4. **ISSUES AND OPTIONS**

4.1. *Under section 158 and 159 of the Local Government Act 2002* (the Act), the Council is required to review its bylaws initially at 5 and then 10 yearly intervals. This bylaw has not been formally reviewed since 2007.

4.2. The purpose of the bylaw is to set out the requirements for parking and control of vehicular traffic on any road of area under the care, control or management of the Council. The proposed new bylaw as a result of this review process provides Council with the ability to continue this function.

4.3. The Management Team have reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Groups and Organisations**

Groups and organisations have the opportunity to submit through the Special Consultative Procedure.

5.2. **Wider Community**

The wider community will be able to express their views through the submission process, closing on 24 June 2019.

6. **IMPLICATIONS AND RISKS**

6.1. **Financial Implications**

The cost of reviewing the *Parking Bylaw 2007*, is met from existing budgets and staff resources.

6.2. **Community Implications**

The bylaw provides for regular access to businesses in town centres in the District. The consultation for this review enables submitters to express their views.

6.3. **Risk Management**

If the bylaw is not amended within the statutory time (24 September 2019), it will automatically be revoked.

6.4. **Health and Safety**

Public safety is maintained by regulating the control of vehicular traffic in town centres.

7. **CONTEXT**

7.1. **Policy**

This matter is not a matter of significance in terms of the Council’s Significance and Engagement Policy.
7.2. **Legislation** *(Local Government Act 2002 Section 145 & Section 159)*

*Section 145 of the Local Government Act 2002* empowers the Council to make a bylaw for its District.

*Section 159 of the Local Government Act 2002* states that this bylaw must be reviewed every 10 years.

7.3. **Community Outcomes**

The centres of our towns are safe, convenient and attractive places to visit and do business.

7.4. **Delegations**

The Committee has the jurisdiction to administer bylaws within the committee’s fields of activity and to recommend to the Council any amendments. The full council must adopt the final bylaw following consultation.
This review of the Parking Bylaw 2007 was adopted at a Council meeting held on 6 August 2019.

______________________________
Chief Executive Officer
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**First Schedule** .................................................................................................. Error! Bookmark not defined.
Waimakariri District Council Parking Bylaw 2019

1 General

1.1 This Bylaw may be cited as the Waimakariri District Council Parking Bylaw 2019.

1.2 This Bylaw supersedes the Waimakariri District Council Parking Bylaw 2007 and comes into force on 6 August 2019.

1.3 This bylaw is made pursuant to sections 159 and 160A of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

2 Purpose

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

3 Definitions

(1) In this Bylaw, unless the context otherwise requires

Agency means the New Zealand Transport Agency

Authorised Officer means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.

Council means the Waimakariri District Council and includes any person, authorised by the Council to act on its behalf.

Enforcement Officer means –

(a) A person who has been appointed as an Enforcement Officer by the Council under the Local Government Act 2002 or
(b) A person who is an Enforcement Officer under the Land Transport Act 1998.

Grass Berm is the area behind a kerb which is laid out in grass.

Immobilised vehicle means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.

Motorhome means any vehicle designed or converted to be used for human habitation, whether self-contained or not, and includes a caravan, campervan, or house truck.

Parking Warden means a person appointed to hold the office of parking warden appointed by the Council under Section 128(d) of the Land Transport Act 1998.

Pedestrian means any person travelling by foot or using pedestrian facilities. This would include those using wheelchairs, prams, mobility scooters and other mobility devices.
(2) In this Bylaw, unless the context otherwise requires—

(a) heavy motor vehicle, moped, motor vehicle, motorcycle, owner, parking, road, and vehicle have the same meanings as in section 2(1) of the Land Transport Act 1998; and

(b) cycle lane, disabled person, driver, emergency vehicle, footpath, mobility device, parking place, power assisted cycle, roadway have the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004.

(c) transport station has the same meaning as in section 591(6) of the Local Government Act 1974.

(d) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Land Transport and Local Government Acts unless the context plainly requires a different meaning.

(e) The Interpretation Act 1999 applies to the interpretation of this bylaw.

(f) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by the Council at any time.

4 Resolutions Made Under This Bylaw

4.1 A resolution may be made under this bylaw that:

4.1.1 regulates, controls or prohibits any matter or thing generally, or for any specific classes of case, or in a particular case; or

4.1.2 applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or

4.1.3 applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or

4.1.4 applies at any specified time or period of time.

Explanatory note: a transport station includes any ‘Park and Ride’ facility provided by the Council.

4.2 The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

PART 1 - Parking

5 Stopping, Standing and Parking of Vehicles

5.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition of vehicles, or any combination of these.

5.2 The Council shall by prescribed markings, signs, notices or devices erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping,
standing or parking of any vehicle, whether attended or unattended, is prohibited or restricted.

5.3 Any of the signs, markings, notices or devices referred to in sub-clause 5.1 may from time to time be supplemented, altered or removed by Council resolution.

Explanatory note: Examples of restrictions include prohibiting parking on any roads ('No Stopping'); prohibiting heavy motor vehicles from parking on roads in residential areas; prohibiting trailers and motorhomes from parking in certain locations; and providing for bus stops, taxi stands and loading zones.

6 Rights of Way

No person shall stop, stand or park any vehicle in any right of way which is vested in or owned by the Council. Traffic signs or markings to this effect shall be erected in every right of way vested in or owned by the Council.

7 No Parking on Certain Parts of the Road

7.1 A person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden or grass berm.

7.2 A person must not stop, stand or park, wholly or partially, a motor vehicle on that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.

7.3 A person may stop, stand or park a motor vehicle in contravention of sub-clauses 7.1 and 7.2 if:

7.3.1 that part of the road is designed and constructed to accommodate a parked vehicle; or

7.3.2 an Authorised Officer has given written permission to stop, stand or park a vehicle in that part of the road; or

7.3.3 the Council, by resolution, has allowed motor vehicles to stop, stand, or park in that part of the road.

7.4 Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.

Explanatory Note: This clause still allows a person to stop, stand or park a motor vehicle off the roadway where there is no kerb unless otherwise restricted by signs and/or markings. For example, a person may park a motor vehicle off the roadway on a rural road on the grass verge or on a beachfront area.

7.5 No person shall stop, stand or park any vehicle on any grass berm or verge laid out in any road unless it is in the interests of traffic safety and does not endanger pedestrians.
7.6 Mobility devices are exempt from provisions in sub-clause 7.5 where this is or provides a safe and practical path.

Explanatory Note: mobility devices include electrically powered scooters for people with restricted mobility and devices used, for example, for commuting to work or for recreational purposes.

8 Temporary Discontinuance of a Parking Space

8.1 If an Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space, they may direct the placement of a sign or other controls that sufficiently indicates reserved parking, ‘no stopping’, ‘no standing’ provisions for specified vehicles at such parking space or spaces.

Explanatory Note: From time to time, the Council may need to temporarily discontinue parking places and use those places for other activities such as temporary bus stops and construction activity spaces.

9 Inappropriate and Unlawful Use of Parking Spaces

9.1 No person shall place or leave a bicycle on any parking space or stop, stand or park a motorcycle or moped at right angles to the kerb between parking spaces.

9.2 An Authorised Officer may direct the removal of any cycle left in a parking space, or any motorcycle, moped or cycle left between parking spaces in contravention of sub-clause 9.1. The Council may at its discretion, charge a storage fee from the person responsible for the breach if that person wishes to have their property returned.

9.3 No person shall cause, allow or permit any vehicle to be parked in any parking space except in accordance with or pursuant to the provisions of this Bylaw and of any resolutions made thereunder.

Explanatory Note: Any person wishing to sell food will need to obtain a certificate of registration under the Food Act 2014.

Parking for Disabled Persons

The Council may from time to time by resolution reserve any specified parking place either generally or at specified times for the exclusive use of any disabled person who has on display in their vehicle a Mobility Parking Permit.

10 Removal of Vehicles from Off-Street Parking Areas

10.1 An Enforcement Officer may remove or cause to be removed any vehicle from any part of the road reserve or Council-managed land that contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle.

10.2 No person may cause damage to or remove any signage or barriers associated with parking restrictions or controls applied to land owned or managed by the Council.
Explanatory Note: Council-managed land includes reserves, parks, domains and sports grounds that the Council manages under the Reserves Act 1977. This Bylaw enables the Council to implement parking management controls for reserve management plans prepared under his Act.

10.3 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

11 Immobilised/Immobile Vehicles

11.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any vehicle which is mechanically immobilised, including a motor vehicle without wheels, without the consent of Council or Authorised Officer.

11.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place as is nominated by the Council.

11.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

Explanatory Note: The restriction on the parking of immobile vehicles, including trailers, to a maximum of seven days continuous period is consistent with Rule 6.19 of the Land Transport (Road User) Rule 2004.

12 Motorhomes, Caravans and Trailers

12.1 No person shall park a motorhome, bus, certified self-contained vehicle, immobilised vehicle, caravan or trailer on any road or in a public place for any continuous period exceeding seven days without the previous consent of the Council or an Authorised Officer.


12.2 No person shall park on any road or public place for any continuous period of seven days any vehicle fitted out for accommodation purposes that is not a certified self-contained vehicle.

13 Displaying and Storage of Vehicles on Street

13.1 No person (Person A) may place or park, or allow another person (Person B) to place or park or store a vehicle on any road in connection with Person A’s trade or business, whether or not the vehicle is owned by Person A

13.2 Sub-clause 13.1 does not apply if Person A has the prior written permission of an Authorised Officer.

Explanatory Note: There will need to be the notion of deriving commercial advantage of some kind in order to constitute storage in connection with a person’s trade or business. An example would be if a car dealer parks his or her vehicles for sale on the street. This clause does not apply to customers parking on the street while undertaking normal business transactions.
14 **Parking for Display or Advertising**

14.1 A person must not display in the Council road reserve any signage on or connected to an immobilised vehicle, mobile or parked trailer or vehicle that is on or visible from a road or a public place, if the principal function of the trailer or vehicle is to display advertising material.

14.2 Clause 14.1 does not apply to motor vehicles with signwriting or logo where the motor vehicle is being used in, and as part of, the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle with signwriting or logo is causing a safety hazard.

14.3 Should any motor vehicle to which clause 14.2 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner.

15 **Use of Service and Utility Vehicles**

No person, including contractors to the Council, shall operate any utility or service vehicle parked in the road reserve without the prior consent of the Council. Conditions may be imposed in granting such consent.

*Explanatory Note: service and utility vehicles include cranes, concrete (pump) trucks, drilling rigs and excavators. Operators of such vehicles may be required to obtain a resource consent prior to undertaking and activity in the road reserve.*

16 **Working on Vehicles**

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

17 **Left or Right Turns and U-Turns**

17.1 The Council may by resolution prohibit or restrict turning movements, including:

17.1.1 vehicles or classes of vehicles on any road from turning to the right, or to the left, or from proceeding in any other direction; and

17.1.2 vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.

17.2 Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement (if any) may be made.

17.3 A person must not turn a vehicle to the left or to the right, perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

*Explanatory note: All resolutions made under this clause by the Council will be recorded in a register which is available on the Council’s website.*
18 **Restricting Vehicles on Unformed Roads**

18.1 The Council, may by resolution, restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.

18.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made by the Council under this clause.

*Explanatory note: All resolutions made under this clause by the Council will be recorded in a register which is available on the Council’s website.*

**PART III - INTERFERENCE WITH THE ROAD, TRAFFIC, OR PEDESTRIANS**

19 **Vehicle Crossings**

19.1 No person shall take any motor vehicle across any footpath, berm or verge except:

19.1.1 At an authorised vehicle crossing used as access to some property; or

19.1.2 At any other place approved by the Council as a temporary measure when protection of the footpath, berm or verge has been undertaken to ensure no damage will occur.

19.1.3 Where a person is authorised to construct or use a temporary access way. The person must protect the footpath or road to ensure no damage occurs.

*Explanatory Note: This protection may be wooden planks 20mm thick plywood with minimum dimensions 1200mm by 2400mm, held and laid close together, steel plates, a combination of wooden and steel materials, or some other approved material.*

19.2 Where damage occurs to a footpath as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the footpath may be recoverable from the owner or person in charge of the vehicle.

20 **Temporary Use of Legal Road**

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

*Explanatory Note: Examples of temporary acts include placing a shipping container/skip on the road or erecting temporary fencing / scaffolding on the road. Road within this context includes the footpath, berm, verge, carriageway, etc.*

21 **Material and Debris on Roads**

21.1 No person may cause damage to the road or to any associated signage.
21.2 Any material or debris (solid, liquid, solution or oil spill) deposited on the road surface, unless specifically authorised by the Council, must be removed as soon as practicable.

21.3 The Council may give notice to any person who has damaged, or deposited material or debris on a road:

   21.3.1 to remove that material or debris from the road or to repair the damage caused to the road to Council’s satisfaction, within 24 hours; and

   21.3.2 that if the person does not comply, that person commits a further breach of this bylaw and the Council may undertake the work and recover all costs from that person.

Explanatory Note: Section 357 of the Local Government Act 1974 provides for a number of offences where a person encroaches on a road or damages a road without permission. It is open to the Council to bring enforcement action under this section or use other enforcement remedies under the Local Government Act 2002.

PART IV - ADMINISTRATIVE

22 Enforcement Officers

The enforcement of the provisions of this bylaw shall be carried out by either Police Officers on behalf of the Council, or Parking Wardens, or where appropriate, Enforcement Officers appointed by the Council.

23 Offences

Every person commits an offence against this bylaw who fails to comply:

   23.1 In all respects with any prohibition or restriction or direction or requirement indicated by the lines, zones, markings, traffic signs, or other signs and notices, laid down, placed, or made, or erected, in or upon any road or public place in the district pursuant to any provision of this bylaw:

   23.2 With the directional flow or movement of any particular kind of traffic or of vehicles in any particular area, road or public place, or

   23.3 With any condition, duty or obligation imposed by or pursuant to this Bylaw.

24 Penalties

Every person who commits an offence against this bylaw will be liable for penalties and infringement offences under the Land Transport Act 1998 and Local Government Act 2002.

Explanatory Note: Sections 242 to 245 of the Local Government Act 2002, and Sections 138 to 141 of the Land Transport Act 1998, provide for infringement action for offences committed on council land or the road reserve.

25 Defences

A person is not in breach of this bylaw if that person is able to prove that:
(a) the act complained of was done in an emergency on the road or immediately adjoining the road; or
(b) the act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Authorised Officer, traffic control signal or traffic sign.
(c) that he/she was experiencing a medically related event and took all reasonable care to avoid causing an accident or any injury.

26 Exempted Vehicles

This bylaw does not apply to any of the following vehicles being used in the execution of duty:

(a) an emergency services vehicle; or
(b) a vehicle that is used by a Parking Warden; or
(c) a vehicle that is used by an Authorised or Enforcement Officer.

27 Power to Amend Certain Schedules by Resolution

The Council may from time to time by resolution:

(a) make changes to any schedule to or explanatory note in this Bylaw.
(b) include additional schedules to this Bylaw.

28 Revocations and Savings

28.1 The Parking Bylaw 2007 is hereby revoked.

28.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in sub-clause 28.1 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.

28.3 The revocation of the bylaws specified in sub-clause 28.1 shall not prevent any legal proceedings being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

28.4 The resolutions of the Council made or continued under the bylaws revoked under sub-clause 28.1 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

29 Review of Bylaw

29.1 A comprehensive review of this Bylaw shall be carried out no later than 2029 as required by the Local Government Act 2002.
29.2 The Council reserves the right to carry out an early review of any aspect of the Bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance

29.3 The Council may by resolution make changes to any schedule or explanatory note in this Bylaw.

First Schedule – Parking Restrictions
Parking Bylaw 2019

Statement of Proposal
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1 Introduction

The Waimakariri District Council’s Parking Bylaw has been in effect since 1996.

The purpose of the bylaw is to set out the requirements for parking and associated traffic matters on any road or area under the care, control or management of the Council that in turn contributes:

(a) to protecting wider public health and safety
(b) avoiding or controlling nuisance.

In undertaking this review, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether or not a bylaw is the most appropriate way of addressing the perceived problems. The options considered are:

(a) Revoke the Parking Bylaw 2007 (this is not a preferred or practicable option)
    Or

(b) Retain the current Bylaw (this is not preferred as the current bylaw does not address adequately some existing and new problems)
    Or

(c) Adopt the draft Parking Bylaw 2019 with changes. The proposed changes are outlined below (this is the preferred option given the number and significance of the recommended changes identified in the summary of proposed changes).

Council must follow the special consultative procedure to review or revoke an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA).

A report on the relevant determinations made by Council under section 155 of the LGA is included in this Statement of Proposal, along with a draft of the proposed Bylaw.

2 Reasons for the proposal

Under section 158 of the Local Government Act 2002 (the Act), the Council is required to review its bylaws at 5 and then 10 yearly intervals. This bylaw has not been formally reviewed since 2007 and therefore needs to be reviewed to comply with the legislative requirements and bring it into line with current operating practices.

2.1 Option (a) Revoke the Parking Bylaw 2007

Council has the option of revoking the Bylaw if it is considered the bylaw is not achieving the results outlined above, and is considered an unreasonable restriction on individual rights and freedom. This option will not address identified issues and will not aid parking enforcement action.
2.2 Option (b) Retain the Parking Bylaw 2007

Council has the option of retaining the current bylaw. This is not preferred as the current bylaw does not take account of parking changes and new requirements in the District.

2.3 Option (c) Adopt the draft Parking Bylaw 2019

Adopting the draft Parking Bylaw 2019 for public consultation is the preferred option as the draft takes into account significant changes in the district with regard to parking and traffic related issues since 2007. The threat of a prosecution has also been effective in most instances, even though the Council has limited enforcement powers. A handful of reasonably significant amendments to the Bylaw will make it more robust.

3 Summary of proposed changes

The main areas of proposed change, prior to public consultation, between the current bylaw and the draft bylaw are summarised briefly below:

- Amend date references to reflect that this is a new bylaw
- Definitions (Clause 3) have been greatly simplified
- No Parking in Certain Parts of the Road (Clause 7) - a regrouping of existing provisions under this one heading
- Motorhomes, Caravans and Trailers (Clause 12) – extensive revision of existing clause
- Parking for Display or Advertising (Clause 14) - extensive revision of existing clause
- Left or Right Turns and U-turns (Clause 17) – new clause to deal with emerging issues, e.g. in subdivisions
- Restricting Vehicles on Unformed Road (Clause 18) – new clause
- Material and Debris on Road (Clause 21) – new clause.

The full changes proposed are listed in the tables (landscape format) following. Note that the current Second Schedule (Parking Restrictions) are not included as changes to parking restrictions are from time to time amended by Council resolution.

As the proposed Bylaw is intended to replace the existing Bylaw it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.
<table>
<thead>
<tr>
<th>Proposed 2019 Bylaw clause</th>
<th>2007 Bylaw equivalent(s)</th>
<th>Summary of proposed clause and discussion of issues</th>
<th>Recommendation and enabling legislation - bylaw making power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Parking Bylaw 2019</td>
<td>Title Parking Bylaw 2007</td>
<td>The bylaw title is updated to Parking Bylaw 2019. The current title is assessed as still fit for purpose as it addresses mostly parking issues in comparison to traffic issues. Only the year of adoption needs to be changed.</td>
<td>Retain current bylaw title with updated year of adoption Parking Bylaw 2019 [LGA 2002 sections 145 and 146].</td>
</tr>
<tr>
<td>Clause 1 General</td>
<td>Clause 1 Short Title, Commencement and Application; FIRST SCHEDULE Bylaws Revoked</td>
<td>General, more simplified heading. The proposed clause retains the necessary administrative 2007 clauses with a simpler title. The ‘commencement’ element from the existing Bylaw’s First Schedule has been formally incorporated into this clause).</td>
<td>Adopt new Clause 1 General [LGA 2002 sections 145 and 146]</td>
</tr>
<tr>
<td>Clause 2 Purpose</td>
<td>No equivalent</td>
<td>The Parking Bylaw 2007 does not have a purpose clause. Introducing a purpose clause is in keeping with recent WDC bylaws and best practice with other councils.</td>
<td>Adopt new Clause 2 Purpose [LGA 2002 sections 145 and 146]</td>
</tr>
</tbody>
</table>

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1 LGA = Local Government Act 2002; LTA = Land Transport Act 1998
<table>
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<tr>
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<tr>
<td>Clause 3 Definition</td>
<td>Clause 3 Interpretation</td>
<td>‘Definition’ rather than ‘Interpretation’ is the naming convention adopted for recent Bylaws adopted by Council. The revised definitions are considered necessary as they make the new bylaw easier to understand and assist bylaw enforcement and implementation. This clause also makes it clearer around enforcement powers for Council officers. <strong>New provisions</strong> [new subsection (2) to the Definition clause] Some new definitions have been added including grass berm and motorhome. In this Bylaw, unless the context otherwise requires – (a) heavy motor vehicle, moped, motor vehicle, motor cycle, owner, parking, road, and vehicle have the same meanings as in section 2(1) of the Land Transport Act 1998; and (b) cycle lane, disabled person, driver, emergency vehicle, footpath, mobility device, parking place, power assisted cycle, roadway have the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004. (c) transport station has the same meaning as in section 591(6) of the Local Government Act 1974 (d) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning (e) The Interpretation Act 1999 applies to the interpretation of this bylaw. (f) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by the Council at any time.</td>
<td>Adopt new Clause 3 Definition [LGA 2002 sections 145 and 146, LTA 1998 Sections 2 and 2AB(1) and Land Transport (Road User) Rule 2004 Clause 1.6].</td>
</tr>
<tr>
<td>Proposed 2019 Bylaw clause</td>
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</tr>
<tr>
<td>Clause 4 Resolutions Made Under This Bylaw</td>
<td>No equivalent</td>
<td>This is a new clause which follows best practice and highlights resolutions that can be made by Council. An explanatory note is also included.</td>
<td>Adopt new Clause 4 Resolutions Made Under This Bylaw</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provisions</td>
<td>[LGA 2002 Section 151 and LTA 1998 Section 22AB(3)]</td>
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</tbody>
</table>

**PART I PARKING**

<table>
<thead>
<tr>
<th>Clause 5 Stopping, Standing and Parking of Vehicles</th>
<th>Clause 4 Stopping, Standing and Parking of Vehicles</th>
<th>This clause is unchanged. An explanatory note has been added.</th>
<th>Retain existing clause as Clause 5 Stopping, Standing and Parking of Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>No replacement clause</td>
<td>Clause 5 Method of Parking</td>
<td>Clause has been removed. The intent of this clause is outlined in the Land Transport Rule 2004 and is therefore redundant.</td>
<td>Remove existing clause from 2007 Bylaw.</td>
</tr>
<tr>
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<tr>
<td>Clause 7 No Parking in Certain Parts of the Road</td>
<td>Clause 7 Vehicle on Grass Berms; Clause 8 Vehicle on Grass Verges; Clause 20 Flower Beds, Grass Plots and Landscaped Areas</td>
<td>This proposed clause replaces, and condenses for brevity, the 2007 clauses that referred in commonality to restrictions on parking on grass berms, verges and landscaped areas. The new clause amends the wording within current clauses 7, 8 and 20 to make it more accessible and easier to interpret for Council's officers, customers and the public. Two explanatory notes are also added.</td>
<td>Adopt new Clause 7 No Parking in Certain Parts of Road [LTA 1998 Section 22AB(1)(m) and Land Transport (Road User) Rule 2004 rule 6.2]</td>
</tr>
</tbody>
</table>

**Revised and new provisions**

7.1 a person must not stop, stand or park a motor vehicle, wholly or partially, on that part of any road which is laid out as a cultivated area, being a garden or grass berm.
7.2 a person must not stop, stand or park, wholly or partially, a motor vehicle on that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.
7.3 a person may stop, stand or park a motor vehicle in contravention of clauses 7.1 and 7.2 if: (a) that part of the road is designed and constructed to accommodate a parked vehicle; or (b) an Authorised Officer has given written permission to stop, stand or park a vehicle in that part of the road; or (c) the Council, by resolution, has allowed motor vehicles to stop, stand, or park in that part of the road.
7.4 Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.
7.5 No person shall stop, stand or park any vehicle on any grass berm or verge laid out in any road unless it is in the interests of traffic safety and does not endanger pedestrians.
7.6 Mobility devices are exempt from provisions in clause 7.5 where this is a safe and practical path.

<p>| Clause 8 Temporary Discontinuance of a Parking Space | Clause 9 Temporary Discontinuance of a Parking Space | The existing is essentially unchanged. It has been simplified to be easier to read with an added explanatory note. | Retain existing clause as Clause 8 Temporary Discontinuance of a Parking Space [LTA 1998 Section 22AB(1)(m)] |</p>
<table>
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<tr>
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</thead>
</table>
| Clause 9 Inappropriate and Unlawful Use of Parking Spaces | Clause 10 Misuse of Parking Spaces; Clause 11 Unlawful Parking | Essentially unchanged but has been retitled, incorporating two existing clauses which describe undesirable parking practice. This clause places controls over activities such as mobile vending (e.g. coffee carts). An explanatory note has also been added. | Retain existing Clauses 10 and 11, retitled to read **Clause 9 Inappropriate and Unlawful Use of Parking Spaces**  
[LTA 1998 Section 22AB(1)(m), (n)] |
| No replacement clause | Clause 12 The Parking of Vehicles by Disabled Persons | This clause is unnecessary and has been removed. Deleted clauses are enforceable under Section 6 of the Land Transport (Road User) Rule 2004. | Remove the existing clause |
| Clause 10 Removal of Vehicles From Off-Street Parking Area | Clause 13 Removal of Vehicles From Off-Street Parking Area | The existing clause, with explanatory note, has been re-written to better reflect the current issues surrounding parking in public off-street areas. An explanatory note has also been added.  
*Revised provisions*  
10.1 An Enforcement Officer may remove or cause to be removed any vehicle from any part of the road reserve or Council-managed land that contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle.  
10.2 No person may cause damage to or remove any signage or barriers associated with parking restrictions or controls applied to land owned or managed by the Council.  
10.3 The powers that may be exercised under this clause are in addition to those provided by any other enactment. | Adopt modified **Clause 10 Removal of Vehicles from Off-Street Parking Areas**  
[LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 163-168] |
| Clause 11 Immobilised/Immobile Vehicles | Clause 14 Immobilised/Immobile Vehicles | Existing clause is essentially unchanged other than addition of an explanatory note. | Retain existing clause as **Clause 11 Immobilised/Immobile Vehicles**  
[LTA 1998 Section 22AB(1)(m)] |
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<td>Clause 12 Motorhomes, Caravans and Trailers</td>
<td>Clause 15 Caravans</td>
<td>‘Caravan’ by itself does not adequately capture or describe the range of vehicles designed to accommodate persons. The existing clause has been updated with new provisions added. The clause has also been re-titled with an explanatory note added.</td>
<td>Adopt new Clause 12 Motorhomes, Caravans and Trailers</td>
</tr>
</tbody>
</table>

**Revised provisions**

12.1 No person shall park a motorhome, bus or certified self-contained vehicle, immobilised vehicle, caravan or trailer any road or public place for any continuous period exceeding seven days without the previous consent of the Council or an Authorised Officer.

12.2 No person shall park on any road or public place for any continuous period of seven days any vehicle fitted out for accommodation purposes that is not a certified self-self-contained vehicle.

12.3 Parking on any road for a continuous period exceeding seven days in clause 12.1 includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

| Clause 13 Displaying and Storage of Vehicles on Street | Clause 16 Displaying Vehicles on Street | The existing clause has been reworded and there has been a re-titling of the clause. An explanatory note has also been added. | Adopt new Clause 13 Displaying and Storage of Vehicles on Street | [LTA 1998 Section 22AB(1)(m)] |

**Revised provisions**

13.1 No person (Person A) may place or park, or allow another person (Person B) to place or park a vehicle on any road for storage in connection with Person A’s trade or business, whether or not the vehicle is owned by Person A.

13.2 Clause 13.2 does not apply if Person A has the prior written permission of an Authorised Officer.
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</table>
| Clause 14 Parking for Display or Advertising | Clause 17 Advertising on Road | Existing section has been extensively updated with new clauses added and there has been a re-titling of the clause. An explanatory note has also been added.  
**New provisions**  
14.1 A person must not display in the Council road reserve any signage on or connected to an immobilised vehicle, mobile or parked trailer or vehicle that is on or visible from a road or a public place, if the principal function of the trailer or vehicle is to display advertising material.  
14.2 Clause 14.1 does not apply to motor vehicles with signwriting, and where the motor vehicle is being used in and as part of the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle with the signwriting is causing a safety hazard.  
14.3 Should any motor vehicle to which clause 14.2 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner. | Adopt new Clause 14 Advertising on Road  
[LTA 1998 Section 22AB(1)(m)] |
| Clause 15 Use of Service and Utility Vehicles | Clause 18 Use of Cranes, Etc | This clause has been slightly modified with an explanatory note. The title has also been amended to describe the wider range of vehicles that may undertake or perform services in the road reserve. | Retain existing clause as Clause 15 Use of Service and Utility Vehicles  
[LTA 1998 Section 22AB(1)(m)] |
| Clause 16 Working on Vehicles | Clause 19 Working on Vehicles | This clause has been simplified to make it briefer and less wordy. | Adopt the modified clause as Clause 16 Working on Vehicles  
[LTA 1998 Section 22AB(1)(m)] |

**PART II TRAFFIC MOVEMENT RESTRICTIONS**
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<th>Recommendation and enabling legislation - bylaw making power</th>
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</thead>
<tbody>
<tr>
<td>Clause 17 Left of Right Turns and U-Turns</td>
<td>No equivalent</td>
<td>This is a new clause in entirety. Staff have noted vehicle turning issues in locations including Pegasus town, particularly for emergency service or delivery vehicles which do not always have sufficient space to safely turn, e.g. in narrow cul-de-sacs. <strong>Provisions</strong> 17.1 The Council may by resolution prohibit or restrict turning movements, including vehicles or classes of vehicles: (a) on any road from turning to the right, or to the left, or from proceeding in any other direction; and (b) turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads. 17.2 Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any). 17.3 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.</td>
<td>Adopt the new clause as <strong>Clause 17 Working on Vehicles</strong>  [LTA 1998 Section 22AB(1)(q)]</td>
</tr>
<tr>
<td>Clause 18 Restricting Vehicles on Unformed Roads</td>
<td>No equivalent</td>
<td>This is a new clause in entirety. An explanatory note is also added. <strong>Provisions</strong> 18.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users. 18.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made by the Council under this clause.</td>
<td>Adopt the new clause as <strong>Clause 18 Restricting Vehicles on Unformed Roads</strong>  [LTA 1998 Section 22AB(1)(g)]</td>
</tr>
<tr>
<td><strong>PART III INTERFERENCE WITH THE ROAD, TRAFFIC OR PEDESTRIANS</strong></td>
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<tr>
<td>Clause 19 Vehicle Crossings</td>
<td>Clause 21 Crossing Footpath</td>
<td>Existing clause has been subject some minor revisions with an explanatory note added and a reworded clause heading. This clause also links to the Council’s Vehicle Crossing Bylaw.</td>
<td>Adopt the revised clause as <strong>Clause 19 Vehicle Crossings</strong>  [LGA 2002 Section 146]</td>
</tr>
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</tr>
<tr>
<td>Clause 20 Temporary Use of Legal Road</td>
<td>Clause 22 Placing of Shipping Containers on Road</td>
<td>This clause has been simplified to take account of a wider range of acts, activities or installations (e.g. the placing of a shipping container on the roadside) that may be placed temporarily on the road carriageway. <strong>Provision</strong> No person may carry out a temporary act that affects the normal operating conditions of a road, unless the person has prior written permission of an Authorised Officer.</td>
<td>Adopt the revised clause as <strong>Clause 20 Temporary Use of Legal Road</strong> [LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 145 and 146]</td>
</tr>
<tr>
<td>Clause 21 Material and Debris on Road</td>
<td>No equivalent</td>
<td>This is a new clause in entirety to cover unauthorised discarding of solid and liquid materials on District roads. Material and debris discarded on roads has been an issue raised by parking staff. The new provisions are based on best practice noted elsewhere. <strong>Provisions</strong> 21.1 No person may cause damage to the road or to any associated signage. 21.2 Any material or debris deposited on the road surface unless specifically authorised by the Council must be removed as soon as practicable’ 21.3 The Council may give notice to any person who has damaged, or deposited material or debris on a road: (a) to remove that material or debris from the road or to repair the damage caused to the road to Council’s satisfaction, within 24 hours; and (b) that if the person does not comply, that person commits a further breach of this bylaw and the Council may undertake the work and recover all costs from that person.</td>
<td>Adopt the new clause as <strong>Clause 21 Material and Debris on Road</strong> [LTA 1998 Section 22AB(1)(zk) and LGA 2002 Sections 145 and 146]</td>
</tr>
</tbody>
</table>

**PART IV ADMINISTRATIVE**

<table>
<thead>
<tr>
<th>Clause 22 Enforcement Officers</th>
<th>Clause 23 Enforcement Officers</th>
<th>Clause has minor changes.</th>
<th>Retain existing clause as <strong>Clause 22 Enforcement Officers</strong> [LGA 2002 Sections 177 and 178]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 23 Offences</td>
<td>Clause 24 Offences</td>
<td>Clause has minor changes.</td>
<td>Retain existing clause as <strong>Clause 23 Offences</strong> [LGA 2002 Sections 239 and 242]</td>
</tr>
<tr>
<td>Proposed 2019 Bylaw clause</td>
<td>2007 Bylaw equivalent(s)</td>
<td>Summary of proposed clause and discussion of issues</td>
<td>Recommendation and enabling legislation - bylaw making power</td>
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<tr>
<td>Clause 24 Penalties</td>
<td>Clause 25 Penalties</td>
<td>Clause has minor changes. An explanatory note has been added.</td>
<td>Adopt amended clause as Clause 24 Penalties&lt;br&gt; [LTA 1998 Section 22AB(1)(b) and LGA 2002 Sections 242]</td>
</tr>
<tr>
<td>Clause 25 Defences</td>
<td>Clause 26 Defences</td>
<td>Clause has been simplified and rewritten. Provisions&lt;br&gt; A person is not in breach of this bylaw if that person is able to prove that: (a) the act complained of was done in an emergency on the road or immediately adjoining the road; or (b) the act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Authorised Officer, traffic control signal or traffic sign or (c) that he/she was experiencing a medically-related event and took all reasonable care to avoid causing an accident or any injury.</td>
<td>Adopt amended clause as Clause 25 Defences&lt;br&gt; [LTA 1998 Section 22AB(1)]</td>
</tr>
<tr>
<td>Clause 26 Exempted Vehicles</td>
<td>Clause 27 Exempted Vehicles</td>
<td>Clause has been simplified and rewritten. Provisions&lt;br&gt; This bylaw does not apply to any of the following vehicles being used in the execution of duty: (a) an emergency services vehicle; or (b) a vehicle that is used by a Parking Warden; or (c) a vehicle that is used by an Enforcement Officer.</td>
<td>Adopt amended clause as Clause 26 Exempted Vehicles&lt;br&gt; [LTA 1998 Section 22AB(1)(o)]</td>
</tr>
<tr>
<td>Clause 27 Power to Amend Certain Schedules by Resolution</td>
<td>Clause 28 Power to Amend Certain Schedules by Resolution</td>
<td>Existing administrative clause unchanged</td>
<td>Retain existing clause as Clause 27 Power to Amend Certain Schedules by Resolution&lt;br&gt; [LGA 2002 Section 151]</td>
</tr>
<tr>
<td>Proposed 2019 Bylaw clause</td>
<td>2007 Bylaw equivalent(s)</td>
<td>Summary of proposed clause and discussion of issues</td>
<td>Recommendation and enabling legislation - bylaw making power</td>
</tr>
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| Clause 28 Revocations and Savings | Clause 2 Revocations and Savings | Existing administrative clause has been moved and undergone minor revisions. | Adopt new clause as **Clause 28 Revocations and Savings**  
[LT 1998 Section 22AB(1) and LGA 2002 Sections 145 and 146] |
| Clause 29 Review of Bylaw | FIRST SCHEDULE Bylaws Revoked | The existing Bylaw does not have a review clause. The bylaw review provisions were situated within the First Schedule but have now been formally incorporated into this clause.  
**Provisions**  
29.1 A comprehensive review of this Bylaw shall be carried out no later than 2029 as required by the Local Government Act 2002.  
29.2 The Council reserves the right to carry out an early review of any aspect of the Bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance  
29.3 The Council may by resolution make changes to any schedule or explanatory note in this Bylaw | Adopt new clause as **Clause 29 Review of Bylaw** |
| **No replacement schedule** | FIRST SCHEDULE Bylaws Revoked | Elements of this schedule are either no longer relevant in the new bylaw. The ‘commencement’ element has been formally incorporated into the Bylaw (new Clause 1 General). The ‘review’ element has been formally incorporated into the Bylaw (new Clause 29 Review of Bylaw). | Adopt new clause as **Clause 29 Review of Bylaw** |
| FIRST SCHEDULE | SECOND SCHEDULE Parking Schedules | Updated listing (gazette) of streets and locations where parking restrictions and enforcement applies. Council can by resolution periodically add or remove streets and roads within the District to this Schedule. | Retain existing **SECOND SCHEDULE** |
As the proposed Bylaw is intended to replace the existing Bylaw it is proposed the existing Bylaw be revoked at the same time as the proposed Bylaw comes into force.

4 Legislative requirements that Council must consider

The LGA\(^2\) empowers Council to make bylaws for its district for one or more of the following purposes:

(a) Protect the public from nuisance
(b) Protect, promote and maintain public health and safety
(c) Minimise the potential for offensive behaviour in public places.

However, before it makes such a bylaw, Council must be satisfied that:

- A bylaw is the most appropriate way of addressing a perceived problem or issue; and
- If the Council decides that a bylaw is (still) appropriate, whether the bylaw is the most appropriate form of bylaw; and
- Whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

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

The Waimakariri District has had a Parking Bylaw in effect since 1997. The purpose of this bylaw is to set out the requirements for parking and control of vehicular or other traffic on any road or area under the care, control or management of the Council. Authorised and Enforcement Officers apply infringement notices for parking offences under this bylaw, reinforced when required by provisions contained in the *Land Transport (Road User) Rule 2004*.

The bylaw has been reviewed to reflect changes to current codes, standards and legislation as well as to review outdated definitions and language. The current form of bylaw is also not consistent with the form of the Council’s other recent bylaws, nor is it consistent with bylaws in surrounding districts. Some of the provisions of the 2007 Bylaw are also overly complex, dated or ‘wordy’ and their effectiveness is unclear or limited.

The Bylaw is no longer appropriate or effective in addressing all of the circumstances and requirements of managing parking and traffic issues in the District. The last decade has seen the emergence of issues and trends including freedom camping and the siting or placement of moveable roadside advertising on trailers.

The Bylaw requires more assertive language to aid enforcement. It also currently lacks a fines and penalties schedule.

It is considered that the bylaw provides the most appropriate mechanism to effectively deal with parking issues, after consultation with the Roading, Compliance and Planning Department representatives and is the best approach for the Council to update the Parking Bylaw (2007).

\(^2\) Section 145 of the *Local Government Act 2002*
4.2 Is the bylaw in the appropriate form?

Section 155(2)(a) of the LGA requires an assessment as to whether the bylaw is the most appropriate form of bylaw. The Council can make general bylaws for public health and safety, and specific bylaws for alcohol control in public places. The draft bylaw is consistent with Council document standards and has been written in plain English. In this case, the Parking Bylaw 2007 is being reviewed, so the form of bylaw is appropriate.

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

Section 155(2)(b) requires that any bylaw is not inconsistent with the *New Zealand Bill of Rights Act 1990*. Section 5 of this Act states: ‘Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.’

The LGA provides for Councils to introduce bylaws for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with (vi) reserves, recreation grounds, or other land under the control of the territorial authority.

The review of this Bylaw is being processed in an autonomous manner as the Council is publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

5 What happens next?

The Council is inviting public submissions on the draft Parking Bylaw from X May to Y June 2019. Anonymous submissions will be considered at the Council’s discretion.

Submissions may be entered online through the Council’s website waimakariri.govt.nz/your_council/lets-talk or by using the submission form or any other written form and posting this to:

Parking Bylaw Submission  
Waimakariri District Council  
Private Bag 1005  
Rangiora 7440

or, by delivering to:

(a) Rangiora Service Centre, 215 High Street, Rangiora  
(b) Ruataniwha Kaiapoi Civic Centre, cnr Raven Quay/Williams Street, Kaiapoi  
(c) Oxford Service Centre and Library, 34 Main Street, Oxford

A copy of the full statements of proposal and supporting documents are available for public inspection during ordinary office hours at the Waimakariri District Council Service Centres and Libraries. They may also be viewed on, and downloaded from, the Council’s website, waimakariri.govt.nz/your_council/lets-talk.
If you would like to talk to someone about the draft Parking Bylaw, or the consultation process, please contact: Geoff Meadows, Policy Manager, 03 ddi.

Anyone making a submission has the opportunity to be heard by the Council’s Hearing Panel at public hearings to be held during June 2019 and should make that request in their submission.