

# Proposed amendments to the Palmerston North Traffic and Parking Bylaw 2018 – Light Motor Vehicle Prohibitions

Statement of Proposal

## What we are proposing

Council is proposing to amend the Palmerston North Traffic and Parking Bylaw 2018 to enable the New Zealand Police to address issues related to street racers congregating on specified roads around the city.

Council proposes to address these issues by amending and including in the Traffic and Parking Bylaw a new clause that prohibits light motor vehicles from being operated on identified roads in the city between certain times on specified days.

### **Why are we proposing this?**

Noise and disruption as well as damage to property and the environment caused by street racers gathering at locations around Palmerston North has been reported to the Council and to Police by members of the community.

The proposed to amendments to the Bylaw will to promote road safety, protect the environment from damage, and prevent nuisance to the community caused by congregation of light motor vehicles for the purposes of street racing.

The main reason we are proposing to amend the Traffic and Parking Bylaw is to provide the New Zealand Police with an enforcement tool additional to those already at their disposal. This will be achieved by enabling the Police to issue infringement notices to vehicles that are congregating for the purposes of street racing in contravention of a regulation to be established through the Bylaw.

## The proposal

We are proposing a new clause – **Clause 10** - be included in the Palmerston North Traffic and Parking Bylaw 2018 to prohibit light motor vehicles from being able to congregate in specified areas around the city. The intent of the proposed clause is explained below:

- **Proposed clause 10.1** establishes the ability of Council to make a resolution to close roads to light motor vehicles within the scope of its discretion under clause 22AB(1)(zk) of the Land Transport Act 1998 (LTA).

The proposed clause prohibits light motor vehicles (vehicles weighing less than 3,500kg) from being operated on roads identified in the Administration Manual to the Bylaw. A definition of 'Light Motor Vehicle' has consequently been added to the Bylaw to this effect.

- **Proposed clause 10.2** states that Council will make available details of the locations of roads where a resolution has been made to prohibited access to light motor vehicles. These details can be found in the Administration Manual to the Bylaw.

Council is proposing that prohibitions be established for:

ROAD	HOURS and DAYS	DESCRIPTION
Bennett Street	10.00pm – 4.00am everyday of the week.	The entirety of the street from SH3, including the intersection with Benmore Avenue and Bisley Street.
Birch Way	10.00pm – 4.00am everyday of the week.	The entirety of Birch Way, either side of the intersection with Kahuterawa Road.
El Prado Drive	10.00pm – 4.00am everyday of the week.	The entirety of El Prado Drive from the intersection with Railway Road to the Intersection of Alderson Drive.
Makomako Road	10.00pm – 4.00am everyday of the week.	The entirety of Makomako Road from the intersection with Mihaere Drive.
Malden Street	10.00pm – 4.00am everyday of the week	The entirety of Malden Street from the intersection with Tremaine Avenue to the intersection with Milson Line.
Valor Drive	10.00pm – 4.00am everyday of the week.	The entirety of Valor Drive from the intersection of Alderson Drive.
Works Road	10.00pm – 4.00am everyday of the week.	The entirety of Works Road, from the intersection with SH56.

- **Proposed clause 10.3** sets out that the restriction for light motor vehicles will be between 10:00pm and 4:00am every day of the week unless otherwise resolved by Council and detailed in the Administration Manual. These proposed times are supported by the Police.
- **Proposed clause 10.4** establishes the necessary exceptions to clause 10.1 of the Bylaw. There will be road users who need to be on roads prohibited to light motor vehicles at the times the prohibitions are in place. Understanding this need, Council has outlined in the Bylaw the occasions or exceptions to the proposed prohibitions.

Exceptions include those persons who own or occupy property on the identified roads (and their visitors), trade or service people with a legitimate reason to be on the road, Council vehicles with a legitimate reason to be on the road, and those who have otherwise been given prior written permission by Council.

(**Note** – clause 24.1 exempts all emergency vehicles from any restriction set out in the Bylaw, as well as medical practitioners who are attending an emergency).

- **Proposed clause 10.5** states the effects of the controls of the clause on light motor vehicles users.
- **Proposed clause 10.6** details signage requirements that will be met by Council to signal to road users the prohibitions that have been put in place.

This signage is also governed by Rule 4.2 of the Land Transport Rule: Traffic Control Devices 2004 which requires Council to install regulatory signage that identifies restriction or prohibitions made under the Bylaw. As such, the clause is not required to be included in the Bylaw, but has been included to offer clarity and completeness related to the content of the signage text.

## What does the proposal mean?

The proposal means that cars, utes, and vans considered light motor vehicles under the definition given in the Bylaw will be prohibited from being on the streets identified in the Administration Manual to the Bylaw between 10:00pm and 4:00am every day of the week, unless they are there on legitimate business.

The Police will be empowered to issue infringement notices to those persons operating vehicles in contravention of proposed clause 10.1 of the Bylaw under clause 22.1 of the Bylaw. Clause 22.1 of the Bylaw states that a breach of any prohibition, restriction, limitation, or condition made under the Bylaw is an offence and is subject to the penalty set out in the Land Transport (Offences and Penalties) Regulations 1999 or any such equivalent regulations that may replace it.

## What if I own property or reside at an address identified in the Register?

Legitimate road users will not be affected day-to-day by this proposal as they are excluded from the restrictions.

Exclusions to the proposed restrictions are set out in proposed clause 10.4 and include those who own or reside on property on the streets identified or their visitors, those who are on the road with legitimate reason (such as to provide a maintenance service, or to convey a resident to their home in a taxi or uber), or those who have otherwise received prior exemption from Council.

## S.155 Determination

Under S155 of the Local Government Act 2002, the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem. A report on these determinations is required to be included in this Statement of Proposal.

On 7 October 2022 Council received a report that detailed the perceived problems and potential options to mitigate problems related to street racer activity in Palmerston North. The report considered whether a bylaw was the most appropriate way of addressing these perceived problems, if the form of the proposed amendments to the bylaw were the most appropriate form, and whether any of the amendments being proposed would give rise to concerns under the Bill of Rights Act 1990.

The Council determined in consideration of the proposed amendments to the Traffic and Parking Bylaw:

1. That pursuant to s.155(1) of the Local Government Act 2002 the Council determine that a bylaw is the most appropriate way of addressing the perceived problems caused by light motor vehicle (street racer) activity which affects the safety of other road users, is harmful to the environment, and causes nuisance to owners or occupiers of neighbouring businesses and residential properties.
2. That pursuant to s.155(2)(a) of the Local Government Act 2022 the Council determine that amending the Palmerston North Traffic and Parking Bylaw 2018 is the most appropriate form of bylaw.
3. That pursuant to s.155(2)(b) of the Local Government Act 2002 the Council agree that it is not anticipated that an amended Palmerston North Traffic and Parking Bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990.

## Have your say

Have we gotten the proposed amendments to the Traffic and Parking Bylaw, right? Did we miss anything?

Anyone can make a submission about the proposals described in this document. We encourage anyone with an interest in the issues raised to give feedback.

This Statement of Proposal, and the submission form can be found:

- On the Palmerston North City Council website
- At the Customer Service Centre, Palmerston North City Council, Te Marae o Hine The Square, Palmerston North; and
- At the Central Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury.

### **The feedback period runs from 17 October to 21 November 2022.**

You are entitled to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at a Committee meeting likely to be held in early 2023. The date and time for hearings will be confirmed in the letter acknowledging your submission and will also be advertised in the Manawatū Standard and Guardian newspapers.

To get your feedback to us, you can:

- Submit it online via our website [www.pncc.govt.nz/Participate-Palmy/Have-your-say](http://www.pncc.govt.nz/Participate-Palmy/Have-your-say)
- Mail it to: Traffic and Parking Bylaw Amendment Submission, Democracy and Governance Team, Palmerston North City Council, Private Bag 11034, Palmerston North 4442
- Deliver it to: Palmerston North City Council Customer Service Centre, 32 Te Marae o Hine The Square, Palmerston North
- Email it to: [submission@pncc.govt.nz](mailto:submission@pncc.govt.nz) (subject "Traffic and Parking Bylaw Amendment")
- Phone us: 06 356 8199 Fax to: 06 355 4115

### PRIVACY STATEMENT

All submissions are made publicly available on our website and at Council libraries. Your contact details (but not your name) are confidential and will not be published. Elected members will receive all submissions, without contact details, so they can consider the views and comments expressed. We collect your contact information so that we can keep you up to date with the proposal. For more information, see our privacy statement: [www.pncc.govt.nz/privacy](http://www.pncc.govt.nz/privacy)