

### Appendix Three – Schedule of Proposed Changes

		Key differences between Proposed Transport Bylaw 2021 and Traffic Bylaw 2010	Differences Between Proposed Transport Bylaw 2021 and Transport Bylaw 2022
1	Title, commencement, and application	Renamed the Transport Bylaw 2021 and amended to clarify the areas under the jurisdiction of the bylaw including road margins and land for which Council is responsible.	Carried over from Proposed Transport Bylaw 2021 with minor changes to dates. Date changed and removed “ <del>Proposed</del> ” from title.
2	Traffic bylaw validation	Carried over from Traffic Bylaw 2010 with minor amendments to dates.	Carried over from Proposed Transport Bylaw 2021 with minor changes to dates.
3	Objective	Carried over from Traffic Bylaw 2010 with minor amendment to add the Land Transport Act 1998 and the Land Transport Management Act 2003, as well as clarify that activities on the beach are covered by the Beach Bylaw 2021 and Speed Limits are in the Speed Limit Bylaw 2015.	<p>Minor amendments to clauses 3.2 to 3.4 to reflect submission from Waka Kotahi:</p> <p>3.2 The Bylaw does not apply to State Highways controlled by Waka Kotahi NZ Transport Agency (Waka Kotahi), except for the determination and management of the transport network where delegated by Waka Kotahi to the Kapiti Coast District Council, <a href="#">pursuant to section 62 of the Government Roding Powers Act.</a></p> <p>3.3 The Bylaw only applies to land or buildings owned or controlled by Kapiti Coast District Council, <a href="#">and areas of State Highways as identified in clause 3.2.</a></p> <p>3.4 This Bylaw applies to public carparks, reserves, any public place owned and controlled by Kapiti Coast District Council and all roads vested in or under the care, control and management of the Kapiti Coast District Council, <a href="#">including partial management or control.</a></p>
4	Interpretation	<p>The following terms are newly defined (n), deleted (d), or amended (a) to: make the overall intent and scope of the bylaw clearer and/or to align with definitions in other legislation.</p> <ul style="list-style-type: none"> <li>• Authorised officer (a)</li> <li>• Bus Lane (n)</li> <li>• Business (n)</li> <li>• Business Parking Scheme (n)</li> <li>• Parking Meter (a)</li> <li>• Parking Permit (n)</li> <li>• Parking Space (n)</li> </ul>	<p>Changes to and clauses definitions in response to submissions:</p> <p>4.1 In this Bylaw, unless the context otherwise requires: <del>in any Bylaw, unless the context otherwise requires:</del></p> <p>Definition of E Scooter deleted;</p> <p>Definition of bus lane amended to delete <del>‘clause 1.6’</del></p> <p>Definition of micro mobility device deleted and replaced with:</p>

		<ul style="list-style-type: none"> <li>• Business Parking Scheme Area (n)</li> <li>• Car Share Vehicle (n)</li> <li>• Class of Vehicle (n)</li> <li>• Council (a)</li> <li>• Cycle (a)</li> <li>• District (n)</li> <li>• Driver (n)</li> <li>• Driveway (n)</li> <li>• Electric Scooter (n)</li> <li>• Licence (n)</li> <li>• High Productivity Motor Vehicle Route (n)</li> <li>• High Occupancy Vehicle Lane</li> <li>• Lane (n)</li> <li>• Metered Space (a)</li> <li>• Micro Mobility Device (n)</li> <li>• Mobility Device (n)</li> <li>• Mobility Parking Scheme (n)</li> <li>• Mobility Parking Space (n)</li> <li>• Motor Home (n)</li> <li>• Motor Vehicle (a)</li> <li>• No Parking (a)</li> <li>• No Stopping (a)</li> <li>• Occupier (a)</li> <li>• Parking Machine (a)</li> <li>• Pay and Display (d)</li> <li>• Pedestrian (a)</li> <li>• Permit (n)</li> <li>• Prescribed Fee (n)</li> <li>• Powered Cycle (n)</li> <li>• Private Land (n)</li> <li>• Public Car Park (a)</li> <li>• Public Holiday (n)</li> <li>• Public Land (n)</li> <li>• Reserve (a)</li> <li>• Resident (n)</li> <li>• Residents Parking Scheme (n)</li> <li>• Residents Parking Scheme Area (n)</li> <li>• Residents Exemption Parking Area (n)</li> <li>• Road (a)</li> <li>• Shared Path (n)</li> <li>• Shared Use Zone (n)</li> <li>• Sign (n)</li> <li>• Small Passenger Vehicle (n)</li> <li>• Small Passenger Vehicle Restricted Parking Area (n)</li> <li>• Time Restricted Parking (n)</li> <li>• Trailer (n)</li> <li>• Unformed Legal Road (n)</li> </ul>	<p><u><a href="#">‘Low Powered Vehicles mean micro mobility devices such as powered bicycles, standing and seated scooters, segways, self-balancing and non-self-balancing devices, and skates that are partially or fully powered by a motor/engine, have a maximum power output not exceeding 300kw. For e-scooters the wheels shall not exceed 355mm.’</a></u></p> <p>Definition of ‘mobility device’ replaced with:  <u><a href="#">‘Mobility Device has the same meaning as in the Land Transport (Road User) Rule 2004.’</a></u></p> <p>Definition of ‘powered cycle’ deleted.</p> <p><del>‘Excluding state highways’</del>  removed from definition of road.</p> <p>Amendment to clause 4.2 to read:</p> <p>4.2 For the purposes of this Bylaw the word “shall” refers to practices that are mandatory for compliance with this Bylaw <u><a href="#">and not complying will be considered to be a breach of the bylaw</a></u>, while the word “should” refers to practices which are advised or recommended.</p>
5	Part 1 - General	<ul style="list-style-type: none"> <li>• New ‘Part One – General’ title added to the Transport Bylaw 2021;</li> </ul>	<ul style="list-style-type: none"> <li>• No changes</li> </ul>

		<ul style="list-style-type: none"> <li>New clauses in the Transport Bylaw 2021 to provide clarity around decision making through Council resolution;</li> </ul>	<ul style="list-style-type: none"> <li>Minor changes to add '<u>unless the acts or rules specifically require this</u>' to clause 5.1.</li> <li>Minor changes to provide clarity to clauses 5.2 and 5.3 on the areas to which the bylaws applies, and to ensure consistency with other parts of the bylaw.</li> </ul>
6	Part Two - Parking	<p>Parking proposals include:</p> <ul style="list-style-type: none"> <li>new section added in Transport Bylaw 2021 to keep all parking related activities in the same place;</li> <li>parking on roads and road margins relatively unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021, except that a new clause has been added to clarify exemptions and added other land owned or managed by Council;</li> <li>time limited parking areas carried across from the Traffic Bylaw 2010 to the Transport Bylaw 2021 and new clauses have been added to provide clarity;</li> <li>new clauses added to enable Residents and Business Parking Schemes, provide clarity on parking space identification, and support mobility parking;</li> <li>method of parking carried over from Traffic Bylaw 2010 with minor amendments;</li> <li>discontinued parking space remains relatively unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021, except that additional clauses have been added to provide clarity on decision making and around disabled parking;</li> <li>metered zones, parking meters and pay and display machines carried across from the Traffic Bylaw 2010 to the Transport Bylaw 2021, but clarity added around how they should be established; and</li> </ul>	<ul style="list-style-type: none"> <li>Change to clause 6.1 to include '<u>roads and road margins</u>'</li> <li>Change to clause 6.4 to replace '<u>must</u>' with '<u>shall</u>' for consistency with clause 4.2.</li> <li>Deleted clause 6.6 as this is covered in section 31.</li> <li>Changes proposed to clauses 7.3 to 7.5:</li> <li>No person shall park a vehicle on any <u>road or</u> road margin, including grass berm, verge, kerb, lawn, garden, or reserves, without <del>the permission of an authorised officer</del> <u>due care</u>.</li> <li>Clause 7.3 does not apply if that part of the <u>road or</u> road margin is designed and constructed to accommodate a parked vehicle.</li> <li><u>For the purposes of clause 7.3 due care means that</u> Any person who parks a motor vehicle on any road or road margin that: <ul style="list-style-type: none"> <li>obstructs traffic flow,</li> <li>presents a safety risk,</li> <li><u>could cause</u> nuisance to the general public or</li> <li>could cause damage to the <u>road</u>, road margin <u>or services</u></li> </ul> </li> <li><u>is committing an offence and</u> must remove the said motor vehicle at the request of an Authorised Officer.</li> <li>Deleted: '<del>While parked on a road, road margin or other land under Council control it must not obstruct or hinder traffic flow and/or obstruct</del></li> </ul>

		<ul style="list-style-type: none"> <li>parking fee to be paid includes minor amendments in the Transport Bylaw 2021, compared to the Traffic Bylaw 2010./</li> </ul>	<p><del>other road users view</del> from clause 7.8.</p> <ul style="list-style-type: none"> <li>Changes to Clause 11.1 <del>No person shall park w</del>here an Authorised Officer</li> <li>A person in charge of a motor vehicle shall not park that motor vehicle in a metered space without paying the prescribed fee and operating the parking meter, pay and display machine <del>or other method of paying</del> in accordance with the instructions on the parking meter or pay and display machine, <u>or by any other specified electronic means or method of paying.</u></li> </ul>
7	<p>Part Three – Use of the Road and Other Spaces Under the Ownership or Management of Council</p>	<p>New sections added to group similar activities together. Also new clauses added in the Transport Bylaw 2021 to:</p> <ul style="list-style-type: none"> <li>manage activities in the road and road margin;</li> <li>manage the effects of engine breaking;</li> <li>manage stock, stock races, stock droving, and the transportation of stock;</li> <li>enable and enforce Special Lanes such as Bus Lanes and High Occupancy Vehicle Lanes;</li> <li>support the administration of schemes such as Residents Parking Schemes;</li> <li>enable Council to manage movement of vehicles on the network; and</li> <li>include unformed legal road.</li> </ul> <p>Changes to the management of Cycleways, Walkways and Bridleways, and Heavy Motor Vehicles from the Traffic Bylaw 2010 - this section in the Transport Bylaw 2021 has more clauses providing detail relating to implementation when compared to the Traffic Bylaw 2010;</p> <p>Minor changes to the temporary restrictions on the use of roads between Traffic Bylaw 2010 and Transport Bylaw</p>	<ul style="list-style-type: none"> <li>Minor changes to replace the term '<del>must</del>' with '<u>shall</u>' to be consistent with clause 4.2.</li> <li>Deleted clauses 16.6, 17.1, 20.4, 25.2, 26.7 and 27.2 as this is covered by clauses 4.2 and 31.1.</li> <li>Changes to clauses 19.6 and 21.5 to link to relevant clauses in sections 19 and 21 that relate to a resolution of Council and correct a minor error with clause references in clause 21.5: <ul style="list-style-type: none"> <li>A person <del>must</del><u>shall</u> not act in a manner that contravenes resolutions made pursuant to clauses <del>20</del>1.1 and <del>20</del>1.2 <del>or any conditions required to ensure compliance with a Council resolution made under clause 21.4.</del></li> <li>A person <u>shall</u> <del>must</del> not act in a manner that contravenes resolutions made pursuant to clauses 19.1 to 19.3 <u>and any conditions relating to the granting of an exemptions under clause 19.4.</u></li> </ul> </li> </ul>

		<p>2021, to include clarity around what constitutes an offence;</p> <p>Amendments made to the Transport Bylaw 2021, when compared to the Traffic Bylaw 2010, with regards to the Selling of Goods and Services amended to support these activities where appropriate.</p> <p>Damage to signs moved into this section and roadworks remains unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021.</p>	<ul style="list-style-type: none"> <li>Change to clause 24.3 to correct a spelling error and 24.5 to define minor repair: <u>(such as the changing of a tyre)</u>, and refer to the correct clause <u>24.4</u> not <u>24.3</u>.</li> </ul>
8	Part Four – Administration	<p>This new section has been added to provide clarity around administration and provide support for any new Residents or Business Parking Scheme that may be put in place by future resolution of Council. A new section has been included on the dispensing of power.</p>	<p>Minor change to clauses 28.1 and 30.1 replace ‘must’ with ‘shall’.</p>
9	Part Five – Offences and Breaches	<p>Section relating to the committing of an offence has been carried over from the Traffic Bylaw 2010 to the Transport Bylaw 2021 with minor amendments to document titles and dates.</p>	<p>31. OFFENCES, <del>AND</del>-BREACHES <u>AND PENALTIES</u></p> <p>31.1 Every person who breaches this Bylaw <u>or resolutions of Council made under this bylaw</u> commits an offence and is liable upon summary conviction to penalties as set out under the Land Transport Act 1962, Land Transport Act 1998, the Local Government Act 1974 or the Local Government Act 2002; whichever may apply.</p> <p><u>31.2 Driving and parking breaches in respect of resolutions of Council made in respect of this Bylaw will incur an infringement fee as set out by any resolution of Council, and identified in a relevant schedule to the bylaw, or Schedule 1 or 1B of the Land Transport (Offences and Penalties) Regulations 1999 or other relevant acts.</u></p> <p><u>31.3 Subject to any provision to the contrary, any person guilty of an offence, other than a parking or driving offence, against this Bylaw shall be subject to the penalties as set out by any resolution of Council, and identified in a</u></p>

			<p><u>relevant schedule to the, or in section 242 of the Local Government Act 2002, and is liable on conviction to a fine not exceeding \$20,000</u></p> <p><u>31.4 Any offences under this bylaw do not apply to:</u></p> <p><u>a) a vehicle that is actually engaged in urgent repair work to a public utility service;</u></p> <p><u>b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or</u></p> <p><u>c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.</u></p>
11	Part Six - Bylaws	Carried over from Traffic Bylaw 2010 to with minor amendments including a section title and reference to bylaws rather than the General Bylaw 2010.	No changes proposed.