

**QLDC Council
18 April 2019**

Report for Agenda Item: 7

Department: Property & Infrastructure

Traffic and Parking Bylaw 2018 – Proposed permit charges

Purpose

The purpose of this report is to approve the proposed charges for the new permitting framework introduced under the Traffic and Parking Bylaw 2018.

Executive Summary

- 1 The Queenstown Lakes District Council Traffic and Parking Bylaw 2018 (the bylaw) regulates parking and the use of roads and public spaces under Council's control.
- 2 The bylaw came into effect on 1 March 2019 and Council has delegated its decision-making to the Traffic and Parking Subcommittee (the Subcommittee).
- 3 The bylaw introduces the power for Council to regulate parking in areas through permits applying to specific classes of vehicles. A new permitting framework, developed with stakeholder feedback, was approved by the Subcommittee at its 11 February 2019 meeting.
- 4 The framework is based on the following principles:
 - a. Parking permits should assist critical community services to carry out their various functions
 - b. Parking permits should offer convenience but not an exemption from the cost of parking
 - c. All permits should be priced, even with minimal administration fee
 - d. All permits should be linked to a vehicle's registration.
- 5 The new framework replaces the previous informal structure and comprises four categories that will be issued to a vehicle rather than a driver. The categories are:
 - a. Small Passenger Service Vehicles (SPSVs) – to manage access to council-controlled ranks in the town centre
 - b. Annual community use – for those providing at no cost either directly, or access to, regular or recurring voluntary, community service
 - c. Temporary – for those requiring parking spaces/areas for the purposes of short-term activities (up to six weeks) including trade services, events and filming in the district.

- d. 75 plus – to enhance accessibility to town centres for older persons with driver’s licences and valid for a period of three years (renewable) unless surrendered early.
- 6 Emergency service or utility service providers responding to urgent callouts do not require permits as these vehicles are exempted from parking regulation under the bylaw.
 - 7 The new permits are proposed to apply from 1 October 2019, with a transition period from the existing regime from 1 July 2019.
 - 8 As permits are enabled by the bylaw, any charges associated with these are considered a ‘regulatory’ charge, meaning consultation is required that gives effect to s82 of the Local Government Act 2002. A Council decision is required to approve regulatory charges, and this cannot be delegated.
 - 9 It is considered that the consultation requirements have been met for the proposed permit charges through stakeholder meetings, public drop in sessions and publicly accessible reports to, and meetings of, the Subcommittee.

Recommendation

That Council

1. **Note** the contents of this report;
2. **Approve** the proposed permit charges associated with the new permitting framework introduced pursuant to the Traffic and Parking Bylaw 2018, as follows:
 - a. Small Passenger Service Vehicles – \$500 per annum
 - b. Annual community use – \$25 per annum
 - c. Temporary – \$20 per day or \$100 per week (a week being up to and including 7 days)
 - d. 75 plus – \$5 for three years
3. **Note** that permits will not be extended to emergency services or utility providers responding to urgent callouts as these are exempted from parking regulation under clauses 25.3(b) and 25.3(c) of the Traffic and Parking Bylaw 2018.

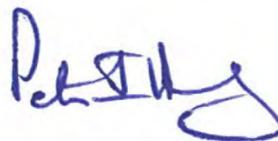
Prepared by:



Polly Lambert
Acting Strategy and Asset
Manager

8/04/2019

Reviewed and Authorised by:



Peter Hansby
General Manager, Property
and Infrastructure

8/04/2019

Background

- 10 The Queenstown Lakes District Council Traffic and Parking Bylaw 2018 (the bylaw) regulates parking and the use of roads and public spaces under Council's control.
- 11 The bylaw was adopted by Council on 13 December 2018 and came into effect 1 March 2019.
- 12 Pursuant to the delegation from Council, the Subcommittee resolved at its 11 February 2019 meeting to approve a new permitting framework to regulate use of parking areas by certain classes of vehicles.
- 13 The following parking management objectives were considered when developing the framework:
 - a. Prioritise the safe and efficient movement of people, services and goods on the road network
 - b. Facilitate a transformational shift to public transport
 - c. Provide an outstanding customer experience at QLDC operated on and off-street facilities
 - d. Support place-making, amenity and good urban design outcomes
 - e. Ensure a fiscally responsible approach to providing, managing and pricing parking facilities and that benefits cover costs.
- 14 Consistent with the objectives, the following principles were applied in determining permit types and charges:
 - a. Parking permits should assist critical services to carry out their various functions
 - b. Parking permits should offer convenience but not an exemption from the cost of parking
 - c. All permits should be priced, even with minimal administration fee
 - d. All permits should be linked to a vehicle's registration
- 15 Consistent with the principles, a permitting framework was approved by the Subcommittee to replace the current informal and ad hoc approach with a system that facilitates ease of access and understanding for users.
- 16 Stakeholder meetings and public drop in sessions were held to inform the development of the framework and permit categories.
- 17 The Subcommittee approved the following permit categories, with associated conditions:

Permit type	Purpose and example conditions
Small Passenger Service Vehicles (SPSVs)	To regulate access to council-controlled ranks. Annual permit, limited to 150, requires NZTA P-class endorsed driver at all time, in-vehicle surveillance, visible information on complaints procedures, forfeit on single verifiable breach of requirements.
Annual community	To support the provision of, or access to, community services at no cost. Annual permit available to voluntary, community, non-profit organisations.
Temporary	To support the delivery of trade services, events (including annual street appeals) and film in the district. Issued for up to 6 weeks, requires proof of service and time requirement.
75 plus	To enhance accessibility to town centres by older persons. Three-year permit, issued on proof of driver's licence, may be renewed.

Comment

Permit fees and consultation

- 18 In conjunction with the new permitting framework and consistent with the principles, proposed new charges were developed to reflect the varying levels of community good and commercial convenience or gain derived from the permit.
- 19 The permit types and recommended fees are shown in the table below.

Permit type	Proposed charge
SPSVs	\$500 per annum
Annual community	\$25 per annum
Temporary	\$20 per day or \$100 per week (up to and including 7 days)
75 plus	\$5 per three years

- 20 As the permitting framework is enabled by the bylaw, any charges associated with the permits are considered a 'regulatory' charge and as such, consultation that satisfies s82 of the Local Government Act 2002 is required and Council must make the final decision, which cannot be delegated.
- 21 It is considered that the requirements of s82 have been met through the process outlined below.
- 22 The proposed new permitting framework and associated fees were publicly released in the agenda for the February 2019 Subcommittee meeting. Links to the agenda and meeting date were provided to key stakeholders.
- 23 A media release and media reports followed, along with direct consultation with stakeholders (current and proposed permit holders). Two drop-in sessions were advertised and held in February 2019 for the public to learn about and discuss the new permitting framework and proposed charges.

24 The information on the new permitting framework, including proposed fees was also made available to the public via the Council website once the new bylaw came into effect on 1 March 2019.

25 No feedback against the proposed charges has been received through social media channels, from direct stakeholder consultation or from the drop in sessions that attracted 35 people over two sessions. The main feedback has been in relation to numbers of permits that will be available.

Options

26 This report seeks approval of the proposed new permit charges.

Option 1 Approve the proposed new permit charges (Recommended Option)

Advantages:

27 Supports the feedback received during bylaw consultation and permit drop in sessions held February

28 Reflects that permits come with an associated cost in administration and use of council-controlled land

29 Differentiates between permits supporting community good outcomes and those for commercial benefit/gain

30 Removes staff discretion in charges and enables more direct handling of requests for fee waivers from applicants

31 Supports effective and lawful enforcement

32 Is consistent with the Council's Enforcement and Prosecution Policy

Disadvantages:

33 Changes to the current system may not be well received by some existing permit holders

Option 2 Approve the new permit charges but at different pricing levels

Advantages:

34 Reducing permit charges may be better received by applicants

35 Likely to still support effective and lawful enforcement

Disadvantages:

36 May not supports the feedback received during bylaw consultation and permit drop in sessions held February

37 May not reflect that permits come with an associated cost in administration and use of council-controlled land

- 38 May not differentiate between permits supporting community good outcomes and those for commercial benefit/gain
- 39 Removes staff discretion in charges and enables more direct handling of requests for fee waivers from applicants
- 40 Supports effective and lawful enforcement
- 41 May not be consistent with the Council's Enforcement and Prosecution Policy

Option 3 Not approve the proposed new permit charges

Advantages:

- 42 Current permit holders are unaffected

Disadvantages:

- 43 Does not support the feedback received during bylaw consultation and permit drop in sessions held in February
- 44 Does not reflect that permits come with an associated cost in administration and use of council-controlled land
- 45 Will not enable differentiation between permits supporting community good outcomes and those for commercial benefit/gain
- 46 Will not enable more direct and easier staff handling of requests for fee waivers from applicants
- 47 Will not support effective and lawful enforcement
- 48 Is not consistent with the Council's Enforcement and Prosecution Policy.

Significance and Engagement

- 49 This matter is of low significance, as determined by reference to the Significance and Engagement Policy as the introduction of permitting was well canvassed through the engagement and consultation processes during the bylaw review and will be subject to continued engagement and consultation.

Risk

- 50 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 Ineffective Management and Governance over Legislative Compliance within the QLDC Risk Register.
- 51 This matter relates to this risk because it ensures operational processes are consistent with legal and regulatory requirements to support education and enforcement activities.

Financial Implications

52 It is anticipated that the cost associated with the new permitting framework will be met from current budgets

Council Policies, Strategies and Bylaws

53 The following Council policies, strategies and bylaws were considered:

- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
- Traffic and Parking Bylaw 2018 as existing regulation
- Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
- Parks and Open Spaces Strategy 2017
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

54 The recommended option is consistent with the principles set out in the named policies.

55 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.

56 It can be delivered within general infrastructure management activities, in alignment with other supporting projects such as town centre planning and the broader Council road safety initiatives and roading maintenance contracts.

Local Government Act 2002 Purpose Provisions

57 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a single bylaw that simplifies traffic and parking regulation;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council.

Consultation: Community Views and Preferences

58 The persons who are affected by or interested in this matter are residents/ratepayers; business associations; emergency services; schools; large tourism transport operators; passenger service vehicles; heavy motor vehicle users; NZTA.

59 The Council has completed a full bylaw review following section 155 of the Local Government Act 2002 during 2018. Significant formal and informal engagement was completed with the community and key stakeholders.

60 Specific engagement with passenger transport operators and the community has occurred in 2019, along with drop in sessions on the new framework and principles of the permitting system.

Legal Considerations and Statutory Responsibilities

61 This report satisfies the decision-making requirements of Council under the new bylaw pursuant to the Land Transport Act 1998 and the Local Government Act 2002. The report provides a robust platform for the decisions to restrict parking and control vehicle use that are implemented on land under council's control. The approach has been confirmed by council's legal advisors as appropriate.

Attachments

A Traffic and Parking Permit Charges

Attachment A

Proposed fees associated with the proposed QLDC permitting framework

Permit type	Purpose	Fee
SPSVs	To regulate access to council-controlled ranks.	\$500 per annum
Annual community	To support the provision of, or access to, community services at no cost.	\$25 per annum
Temporary	To support the delivery of trade services, events (including annual street appeals) and film in the district.	\$20 per day or \$100 per week (up to 7 days)
75 plus	To enhance accessibility to town centres by older persons.	\$ 5 every three years