

**QLDC Council
13 December 2018**

Report for Agenda Item: 4

Department: Property & Infrastructure

Adoption of Traffic and Parking Bylaw 2018

Purpose

The purpose of this report is to adopt the Traffic and Parking Bylaw 2018 (“the bylaw”).

Executive Summary

- 1 The Traffic and Parking Bylaw hearings panel (the panel) was appointed to consider submissions and make recommendations on the review of the traffic and parking bylaw which was publicly notified for submissions in September 2018.
- 2 Panel members included Councillors Forbes (panel chairperson), McRobie and Clark.
- 3 The panel considered 109 submissions and heard from six submitters.
- 4 After considering the views of submitters the panel recommends adopting the bylaw as proposed, acknowledging that many issues raised by submitters will be addressed through subsequent decisions made pursuant to the bylaw, and through operational implementation of the bylaw.
- 5 The panel also acknowledges the requirement for a communications plan to ensure public understanding of the new bylaw and its implications.
- 6 The Hearings Panel report is included at **Attachment A** and the recommended bylaw for adoption is included at **Attachment B**.
- 7 The bylaw is proposed to come into effect from 1 March 2019, from which date the Traffic and Parking Bylaw 2012 will be revoked.
- 8 A Traffic and Parking sub-Committee will be established to undertake council's obligations under the new bylaw. A draft Terms of Reference is included at **Attachment C**.

Recommendation

That Council:

1. **Adopt** the recommendations of the Hearings Panel on the review of the Traffic and Parking Bylaw contained in the Traffic and Parking Bylaw 2018 Deliberations Report dated 20 November 2018.
2. **Confirm** it has determined pursuant to s155 of the Local Government Act that the Traffic and Parking Bylaw in Attachment B is the most appropriate

way to address issues relating to traffic and parking in the district, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

3. **Agree** to make the Queenstown Lakes District Council Traffic and Parking Bylaw 2018 contained in Attachment B of the agenda report pursuant to the Land Transport Act 1998 and the Local Government Act 2002, to come into force on 1 March 2019.
4. **Note** that pursuant to clause 26 of the new bylaw, the Queenstown Lakes District Council Traffic and Parking Bylaw 2012 contained in the section entitled "Additional information to the Traffic and Parking Bylaw 2018" will also be revoked as from 1 March 2019.
5. **Delegate** the Property and Infrastructure Manager, Policy and Programme Performance, in consultation with the chair of the hearing panel, to make any minor edits or amendments to the bylaw and additional information [Attachment B to the agenda report] to correct any identified errors or typographical edits or to reflect decisions made by the Council.
6. **Note** that the Traffic and Parking Bylaw 2018 will be forwarded to the Minister of Transport within one week of adoption, consistent with the requirements of the Land Transport Act 1998.
7. **Confirm** the establishment of the Traffic and Parking Subcommittee for the purposes of undertaking Council's obligations under the new Traffic and Parking Bylaw 2018.
8. **Adopt** the Traffic and Parking Subcommittee Terms of Reference including membership [contained in Attachment C of the agenda report].
9. **Confirm** the delegations contained in the section entitled "Additional Information to the Traffic and Parking Bylaw 2018" [contained in Attachment B] of the agenda report.

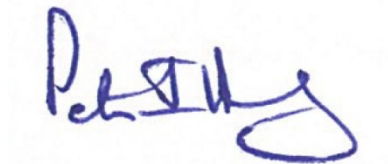
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23/11/2018

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30/11/2018

Background

- 9 On 6 September 2018, Council approved the Statement of Proposal (SoP) and proposed Traffic and Parking Bylaw 2018 for public consultation.
- 10 The proposal was publicly notified with a submission period from 10 September to 12 October 2018 inclusive.
- 11 A traffic and parking bylaw hearings panel, comprising the Infrastructure Committee Chair Councillor Alexa Forbes and Councillors McRobie and Stevens, was appointed to hear submissions, deliberate and make recommendations to Council.
- 12 On advice that Councillors Stevens was previously committed at the time of the hearings, Councillor Forbes exercised her delegation to appoint an alternative to the panel and this was Councillor Clark.
- 13 A total of 109 submissions were received, with six oral submissions made at a public hearing on 1 November, after which the panel deliberated in public.

Comment

Overview

- 14 Submitters generally made comments based on the traffic and parking topics contained in the Statement of Proposal with a few submitters commenting on specific clauses in the bylaw.
- 15 Most written submissions commented on the new structure, the introduction of permitting systems, parking off a roadway and special vehicle lanes.
- 16 A smaller number of submitters commented on mobility parks, heavy vehicles in town centres and engine braking.

Deliberations

- 17 Topics discussed by the hearings panel during deliberations were categorised into nine areas:
 - a. Change to bylaw form
 - b. Parking off a roadway
 - c. Permits – small passenger service vehicles
 - d. Permits – mobility parks
 - e. Heavy vehicles in the CBD
 - f. Permits – residential parking permits
 - g. Engine braking
 - h. Cycle lane and bus lane provision
 - i. Enforcement

- 18 The panel considered all substantive issues related to future decisions which may be made pursuant to the new bylaw, or the implementation of the bylaw, rather than with the bylaw as proposed.
- 19 The report from the Hearings Panel detailing the matters presented during consultation and hearings, its deliberations and subsequent recommendations is included at **Attachment A** and the recommended bylaw for adoption at **Attachment B**.
- 20 To undertake Council's obligations under the new bylaw, and to ensure timeliness and effectiveness of decision-making, it is recommended a Traffic and Parking sub-Committee be established, reporting to the Infrastructure Committee. A draft Terms of Reference including proposed membership is included at **Attachment C**.

Options

- 21 Option 1 Council adopts the Traffic and Parking Bylaw 2018 (Recommended Option)

Advantages:

- 22 Consistent with the recommendation of the Hearings Panel
- 23 Consistent with the outcome of public consultation, with most submitters supporting the proposed Traffic and Parking Bylaw 2018
- 24 Council will have a framework to address the concerns identified with current traffic and parking operational issues and support the strategies and plans in place and under development that are not contemplated under the current bylaw
- 25 Council will have the ability to efficiently and effectively respond to issues and make on road changes as necessary to support both a safe and efficient road network and future transport strategies.

Disadvantages:

- 26 Additional resource will be required in the short term to deliver new operating procedures, public communications and signs.

Option 2 Council adopts the Traffic and Parking Bylaw 2018 with amendments

- 27 Submissions were either in favour of or, to a much lesser extent, opposed to specific bylaw provisions. Submissions did not generally raise issues which would involve an amendment to the bylaw itself, as distinct from affecting the way it is subsequently implemented.
- 28 Therefore, it is not considered that amending the bylaw as proposed is a reasonable option.

Option 3 Council retains the Traffic and Parking Bylaw 2012

Advantages:

- 29 Additional resource will not be required in the short term to deliver new operating procedures, public communication and signs

Disadvantages:

- 30 Inconsistent with the recommendation of the Hearings Panel
- 31 Inconsistent with the outcome of public consultation, with most submitters supporting the proposed Traffic and Parking Bylaw 2018
- 32 Council will continue to operate under a bylaw that is inconsistent with, and does not contemplate, many of the current traffic and parking operational issues, strategies and plans
- 33 The current bylaw will lapse in 2020 and implementing a new bylaw at this stage will require another review and special consultative procedure.
- 34 This report recommends **Option 1**, that Council adopts the Traffic and Parking Bylaw 2018.

Significance and Engagement

- 35 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest in regulating traffic and parking to support a safe and efficient road system

Risk

- 36 This matter relates to the strategic risk SR3 - Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate.
- 37 This matter relates to this risk because the primary legislation which Council operates within, requires reviews of bylaws to be completed within set timeframes.
- 38 The recommended option mitigates the risk by completing the review process as required under legislation and is the most appropriate way of addressing the issues identified.

Financial Implications

- 39 It is anticipated that the costs associated with the review and implementation can be met from current budgets.

Council Policies, Strategies and Bylaws

- 40 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 2012 as existing regulation

- Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

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

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

43 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

44 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

45 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.

46 The Council has completed a Special Consultative Procedure including formal public consultation.

Section 155 Local Government Act 2002

47 The bylaw is principally made under the Land Transport Act 1998, but some provisions, for example those addressing nuisance and protection of council property, are (also) able to be made under the Local Government Act 2002.

48 Section 155 of the Local Government Act requires the Council, before making a bylaw under that Act, to determine whether the bylaw:

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

- 49 It is considered that the Traffic and Parking Bylaw 2018 is the most appropriate way of addressing issues related to traffic and parking in the district, and that this is the most appropriate form of bylaw.
- 50 It is widely accepted that parking and traffic need to be regulated for the safety and convenience of the whole community, and there are no other available mechanisms for achieving that which provide the same ease and security of enforcement as a bylaw.
- 51 The bylaw, or decisions which will be made under the bylaw, may in theory engage the right of freedom of movement in the New Zealand Bill of Rights Act 1990, in that they may affect where and how people may drive and park their vehicles.
- 52 However, the controls will be reasonable and proportionate and ones which are justified in terms of section 5 of that Act. The bylaw does not give rise to any Bill of Rights implications.

Legal Considerations and Statutory Responsibilities

- 53 The power to make a bylaw is set out in sections 145 and 146 of the Local Government Act and section 22AD of the Land Transport Act 1998

Attachments

- A Traffic and Parking Bylaw 2018 Deliberations Report dated 20 November 2018
Includes as attachments:
(a) Officer report to hearings panel
(b) Statement of Proposal
- B Traffic and Parking Bylaw 2018
- C Traffic and Parking Subcommittee Terms of Reference