



**Traffic and Parking Bylaw 2018 Hearing Panel
1 November 2018**

Report for Agenda Item: 1

Department: Property & Infrastructure

Title: Hearing of submissions on the proposed Queenstown Lakes District Council Traffic and Parking Bylaw 2018

Purpose

- 1 The purpose of this report is to present the written submissions received by the Queenstown Lakes District Council (Council) on the proposed Traffic and Parking Bylaw 2018 (the proposed bylaw), and to outline the options available to the Hearing Panel.

Executive Summary

- 2 On 6 September Council approved the commencement of the special consultative procedure and publicly notified a proposed new bylaw to regulate traffic and parking in the district.
- 3 The consultation period began on 10 September and closed on 12 October, during which time 109 submissions were received, 106 electronically and three via post or delivery to Council offices. Seventeen submitters have indicated that they wish to speak in support of their submission.
- 4 This report presents the submissions for consideration by the Hearings Panel.

Recommendation

That **Traffic and Parking Bylaw 2018 Hearing Panel:**

1. **Note** the contents of this report;
2. **Recommends** to Council the final form of the Traffic and Parking Bylaw 2018 for adoption, incorporating any changes following consideration of public feedback from the submissions hearing.

Prepared by:

A handwritten signature in blue ink, appearing to read "Polly Lambert", written over a horizontal line.

Polly Lambert
Policy and Performance
Programme Manager
18/10/2018

Background

- 5 The Council's Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.
- 6 At its 3 May 2018 meeting, Council resolved to commence a review of the bylaw, consistent with the statutory review timeframes and process requirements of the Local Government Act 2002, noting that traffic and parking can also be regulated under the Land Transport Act 1998.
- 7 The review process and subsequent decisions leading the special consultative procedure are summarised below:

3 May 2018	Council instructed staff to begin a review of the Traffic & Parking Bylaw 2012
26 July	<p>Council endorsed review findings that:</p> <ul style="list-style-type: none">• traffic and parking issues still arise from conflicting demands for use of the roadway by vehicle type and road user• a framework is required for on road changes supporting the district's transport and parking strategies• the bylaw has been largely effective but could be improved
26 July	<p>Council completed statutory review and determined:</p> <ul style="list-style-type: none">• a bylaw is the most appropriate way to address conflicting demands for use of the roadway by vehicle type and road user and support the implementation of future on-road changes to support the district's transport and parking strategies• the bylaw is not the most appropriate form of bylaw and requires amendment to support easier communication and future infringement and be focused on all council-controlled places
26 July	<p>Council instructed staff to draft an amended bylaw after considering the following options:</p> <ul style="list-style-type: none">• Status quo – no change to the bylaw• Revoking the bylaw• Amending the bylaw

- 8 At its 6 September meeting Council resolved that it:

1. **Note** the contents of this report;

2. **Note** that Council completed the statutory review of the Traffic & Parking Bylaw 2012 and:
 - a. *determined a bylaw is still the most appropriate way to regulate vehicle use and parking in the district*
 - b. *determined that the current form of the bylaw is not the most appropriate form of bylaw because it does not address all the issues identified in the district*
 - c. *gave directions to prepare amendments to the current bylaw.*
3. **Adopt** the Statement of Proposal in Attachment A (and including the draft bylaw contained in Attachment B) of the agenda report for public consultation under s83 of the Local Government Act 2002.
4. **Appoint** the Infrastructure Committee Chairperson Councillor Forbes and Councillors McRobie and Stevens as a panel to attend hearings, to deliberate and make recommendations to the Council on public feedback to the Statement of Proposal in Attachment A (and including the draft bylaw contained in Attachment B) of the agenda report.
5. **Delegate** authority to the Infrastructure Committee Chairperson to make replacement appointments to the panel if a member of the panel is unavailable.

9 Subsequent to this resolution, Councillor Stevens advised that he was unavailable on the proposed hearing date and suggested that he be replaced on the panel by Councillor Clark. The Council resolution delegated the ability to the Chair to replace appointments and Councillor Forbes agreed formally via email on 1 October 2018 to appoint Councillor Clark in place of Councillor Stevens on the hearings panel for the Traffic and Parking Bylaw.

Proposal

- 10 Following Council approval staff commenced a special consultative procedure on the proposed bylaw. The proposed bylaw establishes the rules that will apply to the future regulation of traffic and parking in the district. It does not set out the detail of how Council will apply these rules.
- 11 The key changes in the proposed bylaw (compared to the current bylaw) consulted on were:
 - a. The current bylaw is not clearly structured into traffic and parking issues; hence the draft bylaw has been re-designed for clarity and ease of reference.
 - b. The current bylaw is said to have been made under the Local Government Act 2002, however many of its provisions are based on the bylaw-making powers in the Land Transport Act 1998. The proposed new bylaw is expressly made under both the Land Transport Act 1998 and Part 8 of the

Local Government Act 2002, providing greater certainty for the regulation and a greater range of tools for Council to encourage compliance.

- c. The proposed bylaw includes technical revisions and new definitions to address several inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
- d. The current bylaw addresses taxis, however national legislation has subsequently removed many of the distinctions between taxis and other small passenger service vehicles. This has led to an increase in the number of vehicles in the district and competition for space, particularly in the Queenstown central business district. This change is addressed in the proposed bylaw, with new clauses to enable Council to implement a permitting system for the parking of small passenger service vehicles to help control numbers and access to standing locations across the district. The permitting system can also be applied to any class of vehicle in the event an issue arises that a permit is considered an appropriate response.
- e. The current bylaw does not prevent parking on verges. This can cause damage to Council's above and below ground assets and introduces safety risks by blocking sight lines and narrowing road ways. The proposed bylaw includes a clause which will enable Council to issue infringement notices or remove vehicles that are parked in this manner.
- f. The current bylaw specifies the roads to which weight and time restrictions apply and therefore changing or adding to these restrictions requires a full bylaw amendment process. This is inflexible and makes it hard for the Council to respond efficiently when issues arise. Under the proposed bylaw, this detailed information will not be part of the bylaw itself, but the Council will make resolutions under the bylaw and those resolutions will be held in publicly accessible schedules. This will enable a faster response time to issues identified in the district and conversely, easier removal of restrictions deemed no longer appropriate or necessary.
- g. The current bylaw restricts bus parking to designated areas marked for this purpose. The proposed new bylaw includes an amended clause to allow for pick-ups and drop-offs, reflecting the need for buses to park for periods to allow this in otherwise unmarked areas.
- h. The current bylaw does not provide for establishing special vehicle lanes e.g. bus lanes, which may be required to support transport initiatives. The proposed bylaw enables Council to set aside parts of the roadway for certain classes of vehicles.
- i. The current bylaw does not provide for situations where demand for on street parking is conflicting with residents' needs. The proposed bylaw enables Council to establish residents' parking areas or zones, or as mentioned above this could also be addressed through the proposed permitting system.
- j. It is proposed that the clause in the current bylaw requiring snow chains to be fitted on direction be removed, as the Land Transport Act 1998 already

provides the ability to Council to direct road users to implement vehicle safety instructions.

- k. The clause relating to the removal of vehicles is also to be removed, as the Land Transport Act 1998 already provides the ability for Council to remove vehicles and recover reasonable costs.

12 The proposed bylaw was publicly notified by advertisement in local newspapers between 7 September 2018 and 1 October 2018, including the Otago Daily Times and Wanaka Sun. The proposed bylaw, statement of proposal and other supporting documents were made available on the Council's website, at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmere Street, Wanaka, at any Council library within the Queenstown Lakes District and upon request from the public.

Submissions received

13 From 10 September to 12 October 2018, 109 submissions were received on the proposed bylaw.

14 103 submissions were received by individuals and 6 submissions were on behalf of organisations. Submissions are provided as **Attachment B**.

15 Seventeen submitters have indicated they wish to speak in support of their submission.

16 In addition to feedback, several questions were posed in the submissions form. Responses to these are provided below. Note percentages are given as proportions of those who responded to the question, not of total submissions received.

17 Are you in favour of the proposed changes to the Traffic and Parking Bylaw?

Yes – 102 (93.6%)

No – 7 (6.4%)

No response – 0

18 Do you support the ability for Council to establish permits for specific parking requirements? For example: small passenger service vehicles resident parking areas, zone parking?

Yes – 106 (100%)

No – 0

No response – 3

19 Do you support the ability for Council to ticket or remove vehicles that are parked on verges or parks and reserves, damaging assets or creating safety issues?

Yes – 104 (97.2 %)

No – 3 (2.8%)

No response – 2

20 Do you support future options for Council to set aside parts of the roadway for certain vehicles? For example: bus lanes, cycle lanes

Yes – 100 (94.3%)

No – 6 (5.7%)

No response – 3

Key submission themes

21 Majority support was received for the new structure and design changes of the proposed bylaw, with 102 (93.6%) submitters supporting the new form.

22 The 2017 change to the Land Transport Road User Rule, which removed the definition of ‘taxi’ and its associated operating requirements and replaced it with the concept of a small passenger service vehicle (SPSV), regularly appeared in submissions. This change and the growth in these services across the district has seen high levels of demand on existing “taxi stands” particularly in the Queenstown town centre. Several submitters raised issues of safety, district reputational damage, congestion and anti-social behaviour associated with the high levels of demand for the spaces currently available.

23 Permits, particularly ‘residential parking permits’, were strongly supported by Frankton based submitters (seven submissions). Issues raised for this location included demands from commuter, long term and rental car parking leading to restricted access to residences and safety concerns.

24 Damage to road and recreation reserves was highlighted by 20 submitters; referencing amenity and infrastructure damage caused by vehicles, and safety concerns when sight lines were compromised.

25 A full summary of submission themes is included at **Attachment A** and full submissions are **Attachment B**.

Submissions received from organisations

26 Four commercial operators (Bidfood, Go Orange, Green Cabs and Queenstown Taxis) and two health and community organisations (Southern District Health Board and Wakatipu Access Group) provided submissions.

27 Issues raised included bus parking and size of commercial vehicles in town centres, nature of permitting systems, access to mobility parks and support for greater availability of active transport options.

Other submission topics

28 A small number of submissions referenced topics outside of the consultation, these are summarised for information and can be found at **Attachment C**.

Comment

- 29 The key themes raised through the submissions which relate to the bylaw include supporting Council's ability to implement parking permitting systems and issues of damage to road and recreation reserves by vehicles.
- 30 Several operational issues were identified and feedback received through submissions. For example, the formalisation of extended time limits for mobility parking. These topics will be considered, and addressed as required by staff developing the implementation plan for the new bylaw.
- 31 A communications plan will also be developed to ensure the district's communities and visitors become familiar with new and changed traffic and parking requirements.
- 32 Outside of the considerations for operational review and implementation, there are no changes recommended to the proposed bylaw following the feedback received through the SCP process.

Options

Option 1 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes

Advantages:

- 33 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.
- 34 Council will meet most submitters' expectations highlighted through the consultation process.
- 35 Council will have the ability to respond to issues and make on road changes as necessary to support a safe and efficient road network and support future transport strategies.

Disadvantages:

- 36 Some submitters may perceive issues raised through consultation are not addressed within the proposed bylaw, with operational changes and communications occurring later than bylaw adoption.
- 37 Additional cost and resource will be required in the short term to deliver new operating procedures, public communications and new signs.

Option 2 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted with changes

Advantages:

- 38 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.
- 39 Council will meet most submitters' expectations highlighted through the consultation process.
- 40 Council will have the ability to respond to issues and make on road changes as necessary to support a safe and efficient road network and support future transport strategies.

Disadvantages:

- 41 Increasing the level of operational detail within the bylaw to address issues raised by submitters may have unintended consequences and would require another special consultative procedure to amend the bylaw in future to address these.
- 42 Additional cost and resource will be required in the short term to deliver new operating procedures, public communications and new signs.

Option 3 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 is not adopted

Advantages

- 43 Additional cost and resource will not be required in the short term to deliver new operating procedures, public communications and new signs.

Disadvantages

- 44 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.
- 45 Council may not meet submitters or stakeholders' expectations raised through consultation process.
- 46 The current bylaw will lapse in 2020 and implementing a new bylaw at this stage will require another special consultative procedure.

Recommendation

- 47 This report recommends **Option 1**, that that Hearings Panel recommend to Council that the proposed Traffic and Parking Bylaw 2018 be adopted at the 13 December Council meeting as it is considered the best option to support a safe and effective transport network.

Significance and Engagement

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

Risk

- 49 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. This matter relates to this risk because the primary legislation which Council operates within requires reviews of bylaws to be completed within set, fixed timeframes, and comply with community engagement and set consultative procedures.
- 50 The recommended option considered above mitigates the risk by: 'Treating the risk - putting measures in place which directly impact the risk.' The recommended option will address the risk by improving the quality of the regulation and in turn the efficiency and effectiveness of its implementation.

Financial Implications

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

Council Policies, Strategies and Bylaws

- 52 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.
- 53 The recommended option is consistent with the principles set out in the named policies.
- 54 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.
- 55 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

- 56 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 consolidates and simplifies navigation and waterways 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, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

57 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 and NZTA.

58 The proposed bylaw was publicly notified by advertisement in local newspapers between 7 September 2018 and 1 October 2018, including the Otago Daily Times and Wanaka Sun. The proposed bylaw, statement of proposal, and other documents were made available on the Council's website, at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmore Street, Wanaka, at any Council library within the Queenstown Lakes District and upon request from the public.

Legal Considerations and Statutory Responsibilities

59 The power to make a bylaw is set out in section 156 of the Local Government Act and section 22AD of the Land Transport Act 1998