

**QLDC Council
26 July 2018**

Report for Agenda Item: 5

Department: Property & Infrastructure

Traffic and Parking Bylaw 2012 Determination Report

Purpose

The purpose of this report is to consider the findings of the Traffic and Parking Bylaw 2012 review and begin the process to amend the bylaw for public consultation.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** the contents of the attached Findings Report of the Traffic & Parking 2012 Bylaw Review;
3. **Agree** that a bylaw is the most appropriate way of addressing traffic and parking issues that could arise from conflicting demands for use of the road way by vehicle type and road user;
4. **Agree** that a bylaw is the most appropriate way to support the implementation of future on road changes to support the district's transport and parking strategies;
5. **Agree** that the Traffic and Parking Bylaw 2012 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;
6. **Agree** that a bylaw is considered consistent with the New Zealand Bill of Rights Act, in that while it can have implications for the freedom of movement, these are considered justified and not inconsistent;
7. **Approve** that the Traffic and Parking Bylaw 2012 be amended; and
8. **Request** that a Statement of Proposal and draft amended bylaw be prepared for Council consideration in September.

Prepared by:



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10/07/2018

Reviewed and Authorised by:



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13/07/2018

Background

- 1 The Queenstown Lakes District Council Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.
- 2 Section 158(1) of the Local Government Act 2002 (LGA) requires bylaws to be reviewed within 5 years of being passed.
- 3 Section 160(A) provides for a further two year period for a review to be carried out before the bylaw is revoked.
- 4 Council can also regulate parking and vehicle use on roads under section 22AB of the Land Transport Act 1998 (LTA).
- 5 On 3 May 2018 Council approved a bylaw review to consider whether:
 - a. the policy intent of the bylaw was met and remains appropriate for managing traffic and parking matters;
 - b. there are regulatory or non-regulatory alternatives to a Traffic and Parking bylaw;
 - c. there are new or future foreseeable traffic or parking matters that need to be considered; and
 - d. the Council has the capacity to continue enforcing compliance under different growth scenarios.

Comment: The Local Government Act 2002 requires a statutory review of the legacy bylaws

- 6 Council must complete a statutory review of the bylaw. To complete the statutory review, Council must determine whether a bylaw is the most appropriate way of addressing issues associated with parking and vehicle use of roads and public spaces under Council's control.
- 7 To undertake the review, staff undertook research and internal and external stakeholder engagement.
- 8 The review findings are contained in the Findings Report of the Traffic & Parking 2012 Bylaw (Attachment A).

Analysis and Advice

- 9 The review findings confirm there are issues that need to be managed that cannot be regulated or controlled under existing regulation or legislation.
- 10 A bylaw provides Council the opportunity to establish rules for parking and traffic movements that are either not prescribed in legislation or the legislation requires further refinement to address locally identified issues.
- 11 In considering parking regulation, a bylaw enables Council to establish rules to determine what parking, where, for who (or what), for how long and how it can be charged for. It also provides council the opportunity to penalise (either through infringements, prosecution or methods) non-compliance with these rules.

- 12 A bylaw also enables Council to establish local rules for the use of its roads, including by whom (or what), for what purpose, in what direction and at what times. This provides a framework for police to encourage road users to comply with Council's intentions for the use of its network, in addition to standard national road user requirements.

Methodology of Review

- 13 Various research and engagement methods were used to gain insight on the following:
- What rules and legislation currently regulate traffic and parking management?
 - Are the issues the bylaw set out to address still evident?
 - Is the bylaw still the most appropriate means for managing traffic and parking?
 - Does the bylaw provide extra regulation compared to existing legislation?
 - Does the bylaw provide greater enforcement power than existing legislation?
 - Do Council's traffic and parking stakeholders identify additional issues a bylaw could address?
- 14 Research was completed to understand existing transport strategies and plans, legislation and associated regulations (including the Land Transport Act 1988, Local Government Acts 2002 and 1974, Road User Rule 2004, Traffic Control Devices Rule 2003), land use rules (Operative and Proposed District Plans), and other territorial authority' approaches.
- 15 Significant input was received from internal staff from Infrastructure and Property, Community Services, Parks and Recreation and Regulatory.
- 16 Initial external engagement was completed with representatives from community associations, education providers, business associations, large tourism operators, small passenger service vehicle operators, social service agencies, local and central government agencies including Police and New Zealand Transport Agency.
- 17 A summary of the issues identified that can be addressed through a bylaw and the recommended direction for changes are shown in Table 1 – Outcome of the statutory review.
- 18 Staff also consider the general form of the bylaw should be revised to improve accessibility and provide greater certainty for enforcement officers.
- 19 Further, the current bylaw is constituted only under the Local Government Act and it is recommended that any future bylaw addressing Traffic & Parking also be constituted under the Land Transport Act.
- 20 Should Council accept the findings and recommendations on bylaw form and legislative mandate, this will result in a substantial re-write of the current bylaw prior to public consultation.
- 21 Enforcement resource capacity implications will be evaluated together with preparing an amended bylaw for Council consideration.

	Table 1 - Outcome of statutory review			
Issue identified	Bylaw appropriate to address issue?	Bylaw form appropriate to address issue?	Bylaw still consistent with the Bill of Rights Act 1990?	Recommended direction for any changes
Traffic				
Turning restrictions	√	X	√	Amend
Direction of travel	√	X	√	Amend
Cycle paths	√	X	√	Amend
Special vehicle lanes	√	X	√	Amend
Cruising	√	X	√	Amend
Heavy motor vehicles	√	X	√	Amend
Light motor vehicles	√	X	√	Amend
Engine braking	√	√	√	Retain
Unformed legal roads	√	X	√	Amend
Snow chains	X	X		Revoke
Skateboards	X	X		Revoke
Parking				
Parking areas	√	X	√	Amend
Parking restrictions	√	X	√	Amend
Method of parking	√	X	√	Amend
Payment for parking	√	X	√	Amend
Interfering with machines	√	X	√	Amend
Loading zones	√	X	√	Amend
Angle parking	√	X	√	Amend
Mobility parking	√	X	√	Amend
Resident's parking	√	X	√	Amend
Small passenger service vehicles	√	X	√	Amend
Goods vehicles	√	X	√	Amend
Rental car parking	√	X	√	Amend
Parking off roadway	√	X	√	Amend
Broken down vehicles	√	X	√	Amend
Things on roadway	√	X	√	Amend
Removal of vehicles	X	X		Revoke
Vehicles for sale	√	√	√	Retain
Exempt vehicles	√	X	√	Amend

Options

22 Option 1 Do not prepare an amended bylaw for public consultation

Advantages:

- 23 Resource assigned to amending the bylaw can be reallocated to other projects.

Disadvantages:

- 24 Council will miss the opportunity to address identified current traffic and parking operational issues that are not contemplated under the existing bylaw.
- 25 Council will miss the opportunity to support changes contained in current and contemplated strategies.
- 26 Council may not meet external stakeholder expectations raised through the review process.
- 27 Council will miss the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.
- 28 Council will still need to determine either to revoke or retain the current bylaw which may be considered inconsistent with the findings of the statutory review and may undermine the ability for council to continue to rely on the bylaw (in the event it is retained).

29 Option 2 Prepare an amended bylaw for public consultation

Advantages:

- 30 Council will have the opportunity to address identified current traffic and parking operational issues that are not contemplated under the existing bylaw.
- 31 Council will have the opportunity to address identified future traffic and parking issues that are not contemplated under the existing bylaw.
- 32 Council will meet external stakeholder expectations raised through the review process.
- 33 Council will have the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.
- 34 Council's decision will be consistent with the findings of the statutory review.

Disadvantages:

- 35 Resource cannot be reallocated to other projects.

36 This report recommends **Option 2** for addressing the matter because:

- a. It is supported by the recommendation of the Findings Report of the Traffic & Parking 2012 Bylaw
- b. Council will meet its statutory requirements for the bylaw review as set out in the LGA
- c. The bylaw will continue to be in force during the review meaning council can continue to regulate vehicle use on roads and parking

Significance and Engagement

- 37 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. Although the matter is of considerable interest to the communities of the district, this decision is to prepare an amended bylaw for Council consideration, whereas the subsequent decision to begin a special consultative procedure will have higher significance because of the impact of the decision.

Risk

- 38 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, including confirmation that any bylaw does not breach the New Zealand Bill of Rights Act 1990.
- 39 The recommended option considered above mitigates the risk by treating the risk - putting measures in place which directly impact the risk.
- 40 The recommended option will be implemented such that all the requirements of the LGA and the Bill of Rights Act are identified, tracked and fulfilled to the satisfaction of Council's in-house legal counsel.

Financial Implications

- 41 Costs relating to the special consultative procedure will be covered within existing budgets.

Council Policies, Strategies and Bylaws

- 42 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
- Proposed and Operative District Plan
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

- 43 The recommended option is consistent with the principles set out in the named policies.
- 44 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.
- 45 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.
- 46 There are three phases to a bylaw review:
- a. Evaluation of the existing bylaw and next steps (is a bylaw appropriate) – council is here
 - b. Further recommendations (investigate alternative approaches or significant changes) – council will consider these in September
 - c. Statutory consultation.

Local Government Act 2002 Purpose Provisions

47 The recommended option:

- Will help meet the current and future foreseeable 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 developing an enabling and responsive regulatory framework for the management of traffic and parking issues in the district;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
- Is consistent with the Council's plans and policies.

Consultation: Community Views and Preferences

- 48 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.
- 49 Staff invited a range of stakeholders to discuss issues and opinions as part of the information gathering stage to inform the findings report and next steps recommendations.

Legal Considerations and Statutory Responsibilities

- 50 Staff continue to work with the in-house legal team on the appropriate form and content of the bylaw.

Attachments

- A Findings Report of the Traffic & Parking 2012 Bylaw