

Attachment A: Findings Report of the Traffic & Parking 2012 Bylaw

Findings of the Traffic & Parking Bylaw 2012 Review July 2018

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1 SUMMARY OF KEY FINDINGS

The issues the Traffic & Parking Bylaw 2012 set out to address are still evident.

A bylaw is still required to address traffic and parking issues in the district as it can provide additional regulation than currently available through the District Plan and legislation.

A bylaw can provide a framework to support the district's transport strategies, encouraging modal change and contribute to delivering an improved experience for residents and visitors on our roads. It can also support the introduction of new technologies in identifying, accessing and paying for parking across the district.

A bylaw can provide a framework to address potential safety issues associated with increasing volumes of small and large passenger service vehicles within the CBDs.

A bylaw can provide additional asset protection for roads and verges through regulating motor vehicle use and parking.

A bylaw under the Land Transport Act and Local Government Acts provide council officers and Police greater opportunity to encourage and enforce compliance across council controlled and owned roads and places.

Engagement with stakeholders revealed issues that a bylaw is the best option to address.

Benchmarking with other territorial authorities approaches revealed opportunities to improve the form and language of the bylaw to improve accessibility and understanding for both the public and enforcement officers.

2 INTRODUCTION

2.1 PURPOSE OF THE REPORT

This report presents findings from the review of Queenstown Lakes District Council's Traffic and Parking 2012 bylaw (the bylaw).

Queenstown Lakes District Council (council) has a statutory responsibility under the Local Government Act 2002 to review the bylaw by 2 May 2018.

2.2 KEY QUESTIONS

To meet council's statutory review requirements under section 160(1) of the Local Government Act 2002, the bylaw must be determined as the most appropriate way of addressing the perceived problem.

To identify this requirement, the review asked the following key questions:

- 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?

2.3 WHY REVIEW NOW

Section 158(1) of the Local Government Act 2002 (LGA) requires bylaws to be reviewed within 5 years of being passed. A further two years is available to council under s160(a) of the LGA and council confirmed its intention to review the bylaw at its 3 May 2018 meeting.

2.4 SCOPE

The review included assessing:

- the nature and extent of issues associated with traffic & parking in the district
- the effectiveness of the bylaw in addressing these issues
- whether a new bylaw is necessary to address these issues or whether sufficient tools are already available (such as in the Land Transport Act 1998 and Land Transport (Road User) Rule 2004).

2.5 OUT OF SCOPE

The review did not include:

- Parking demand
- Parking fees.

2.6 METHODOLOGY

Various research and engagement methods were used to gain insight on the key questions.

Research: Desktop research was conducted on the existing plans and legislation for traffic & parking management, including stipulations in the Land Transport Act 1998, Land Transport (Road User) Rule 2004, Land Transport (Traffic and Control Devices) Rule 2004, Operative District Plan, Proposed District Plan, Local Government Act 1974 and Local Government Act 2002.

This research also drew on information from other Territorial Authorities on the nature of traffic & parking issues and the scale of the problem through customer complaint and infringement records.

Internal stakeholder engagement: Written communications and meetings were conducted with council staff to seek input on the regulatory framework, how it works internally and if additional regulation is required. Interviews were held with council staff from Regulatory, Community Services and Property & Infrastructure.

External stakeholder engagement: All community associations and schools, as well as representatives from business associations, large tourism operators, small passenger service vehicle operators, social services agencies, local and central government agencies and the airport were invited to engage and provide initial feedback on the issue.

Informal meetings were held with many and asked questions regarding known issues and whether additional enforcement powers are needed or any other ideas that could assist in addressing known issues. Others provided their thoughts in writing.

Analysis of past traffic & parking bylaw reviews: Several reviews of the bylaw and its predecessor have begun or been completed, and the results of those reviews were considered.

3 WHAT CURRENTLY GOVERNS TRAFFIC & PARKING MANAGEMENT

3.1 NATIONAL LEGISLATION REGULATING TRAFFIC AND PARKING

The overarching legislation applying to traffic and parking is the Land Transport Act 1998 (LTA). This is further augmented through the application of several regulations, known as Rules, the most relevant in this instance being the Land Transport (Road User) Rule 2004 and the Land Transport (Traffic Control Devices) Rule 2004 (collectively 'the Rule(s)').

The LTA confers on Road Controlling Authorities (RCAs), of which council is one, the ability as of right to implement a bylaw to regulate various transport and parking matters on roads. The intention of a bylaw is to enable council to regulate and enforce behaviours that either are not available through existing mechanisms (such as the LTA, LGA or Rules) or to further enhance or refine those abilities as required in response to issues identified in the district.

The Local Government Act 1974 provides legislative mandates in relation to parking areas and removal of vehicles; and the Local Government Act 2002 provides the ability for council to make bylaws to address issues of public safety, nuisance and for the protection of public health.

Bylaws under the LTA enable council to issue infringements for offences whereas bylaws under the LGA enables council to prosecute for offences. The choice of legislative backing for bylaws also takes into consideration the remedies available to council for breaches.

3.2 DISTRICT PLAN

The Operative District Plan (ODP) and Proposed District Plan (PDP) outline the requirements for parking and traffic such that they complement the overall land use goals and objectives established by the council for the development of the district.

The PDP Chapter 24 Transport endeavours to support council's strategies of encouraging mode change (away from cars) and improving both the safety and experience of residents and ratepayers on the district's roads. This chapter is currently out for consultation with key moves including reducing the requirements for parking provision within commercial developments, encouraging the provision of off street parking in residential developments and increasing densities around town centres.

3.3 CURRENT BYLAW

The Traffic & Parking Bylaw 2012 is constituted under the LGA 2002 and as such is subject to the review provisions.

The bylaw covers a mix of traffic and parking requirements, noting council officers can only enforce stationary vehicle offences. Moving vehicle offences (such as turning restrictions and directional requirements) are enforced by the Police.

Specific restrictions are detailed within the bylaw and as such, any on-road changes require amendments to the bylaw and the associated public consultation requirements.

Traffic restrictions applying in the current bylaw include:

- Left and right hand turn only
- One way streets
- Light vehicle restrictions in town centres
- Heavy vehicle restrictions in town centres and on certain roads
- Skateboard use.

Parking clauses include:

- Establishment of, and restrictions applying to, parking areas (for cars, buses and taxis)
- Paying for parking through pay machines and coupons
- Control of rental car parking on roads and in parking places [when not rented]

3.4 CURRENT ENFORCEMENT

Council employs 3 FTE (2 based in Queenstown and 1 based in Wanaka).

Queenstown parking officers cover general parking duties including patrols through Queenstown, Arrowtown and Frankton as well as responding to public requests for service and complaints.

The Wanaka parking officer covers general duties including CBD patrols and responding to public requests for service.

Supporting the enforcement officers are 1.5 administration FTE focused on requests for service, infringement waivers and general duties.

Issues are escalated to the Principal Enforcement Officer (an additional FTE) and Regulatory Manager as required.

In addition to staff resource, 6 contracted FTE cover Queenstown from 9am – 9pm seven days a week and 8am – 6pm on weekends in Wanaka. Contracted FTE aim to respond to after hours requests for service within 2 hours of receipt.

40,747 infringements were issued in the 2017/18 financial year, a small increase on the previous year's 39,704. Recovery rates were 80% and 70% respectively.

The enforcement team also responded to 2,177 public requests for service in 2017/18 and 1,959 the prior year. Between 65-70% of requests for service relate to general parking issues e.g. parked over time, parked in a mobility space etc. Requests relating to safety, parked on a berm, parked in a taxi stand or loading zone, over a driveway or in a bus park are recorded separately.

3.4.1 Infringements issued (and cancelled) 2017/18 and 2016/17

2017/18		2016/17		
Issued	Cancelled	Issued	Cancelled	Reason
339	1	152	3	C101 - not displaying current warrant of fitness
46	0	102	0	P102 - Stopped 6M of an intersection
36	0	14	0	P103 - 6 m of intersection
2	0	10	0	P104 - 6 m of pedestrian crossing
3,247	3	3,258	8	P105 - stopped/stood/parked contrary to traffic sign or road markings
1,603	167	1,992	97	P106A - Parking restricted by a traffic sign \$12
3,596	392	4,556	281	P106B - Parking restricted by a traffic sign \$15
3,728	319	6,287	402	P106C - Parking restricted by a traffic sign \$21
1,685	98	1,662	139	P106D - Parking restricted by a traffic sign \$30
428	23	436	28	P106E - Parking restricted by a traffic sign \$42
322	0	282	0	P106F - Parking restricted by a traffic sign \$57
4,172	0	3,790	3	P107 - Broken Yellow Lines
5	0	12	1	P108 - Parked in area not being a vehicle of a class indicated by a sign
78	1	152	0	P109 - Parked 6M of a bus stop sign
127	1	131	2	P110 - Obstructing a driveway
135	0	112	0	P111 - Parked a motor vehicle within 500MM of a fire hydrant
56	0	12	0	P113 - Double parked
715	1	479	0	P114 - Failed to park a vehicle parallel with the direction of the roadway
203	0	150	0	P115 - Parked on a footpath or cycle path
8	0	6	0	P16 - trailer over 7 days
2,951	6	1,457	7	P117 - Inconsiderate parking
1,021	4	1,456	1	P119 - Loading Zone
11	0	10	0	P124 - Parked facing the wrong way in a one way street
1	0	52	0	P127 - Parked on a flush median or traffic island
630	2	1,332	1	P134 - Parked on grass, flowerbed, shrubbery
40	0	20	0	P192 - license not displayed in the correct manner
1,077	2	681	0	P401 - unregistered
18	0	19	0	P402 - Unlicensed
11	0	2	0	P403 - registration plated not fixed correctly
1	0	3	0	P404 - displayed wrong registration plate
0	0	1	0	P405 - wrong licence displayed
0	0	3	0	P406 - Displayed item likely to be mistaken for a plate or licence
2	0	4	0	P409 - Obscured or Indistinguishable licence label
670	0	618	1	P969 - Parking reserved for disabled
10,215	5	6,945	8	Q143 - Failed to display valid parking coupon
436	5	386	5	Q146A - Pay and display ticket expired - \$12
1,083	20	1,152	26	Q146B - Pay and display ticket expired - \$15
1,114	24	1,237	20	Q146C - Pay and display ticket expired - \$21
442	6	473	16	Q146D - Pay and display ticket expired - \$30
85	1	99	5	Q146E - Pay and display ticket expired - \$42
55	1	59	0	Q146F - Pay and display ticket expired - \$57
1	0	0	0	Q147 - parked on the road for purpose of washing it
0	0	1	0	Q148 - kept engine running for 5 min
26	0	6	0	149 - Vehicle for sale
21	0	11	0	Q151 - Parked for more than 14 days
3	0	0	0	Q153 - parked rental in unauthorised area
42	0	2	0	Q173 - Parked taxi other than in designated area
249	1	70	0	Q174 - Parked bus other than in designated area
1	0	0	0	Q175 - vehicle over 2000KG unlawfully overnight
1	0	3	0	V557 - worn or damaged tyre
8	0	7	0	V561 - operated a vehicle with insufficient tread pattern
40,747	1,097	39,704	1,054	Totals

4 ARE THE ISSUES THE BYLAW SET OUT TO ADDRESS STILL EVIDENT

4.1 PURPOSE OF THE CURRENT BYLAW

The bylaw is intended to regulate parking and the use of roads and public places vested in or under the control of the council.

The volumes of infringements issued relating to overstaying or not paying for parking confirms the need to continue to regulate parking to ensure ongoing availability and access. In addition, the numbers of tickets issued for safety related matters demonstrate the necessity for bylaw enforcement in this regard.

Outside of general parking matters, three key issues were identified during the 2011 review process that were intended to be addressed by changes in the bylaw, its interpretation and subsequent enforcement.

4.2 ENFORCEABILITY OF THE BYLAW RESTRICTIONS RELATING TO MOVING VEHICLE OFFENCES

Council officers can only enforce stationary vehicle offences, whereas moving vehicle offences require Police enforcement.

Police resources are constrained by national priorities, with those targeted at safety likely to receive attention rather than those aimed at primarily improving amenity (e.g. weight restrictions and engine braking).

The enforcement of moving vehicle offences within the bylaw remains an issue and is further commented on below.

4.3 CLARIFICATION OF RULES RELATING TO TAXI PARKING

Under the previous [and current] bylaw, taxis are unable to park outside of stands or designated parking areas unless hired or otherwise unavailable for hire. There had been inconsistent interpretation of this rule and clarification of the approach taken by council enforcement officers was required.

With changes to the legislation and road user rules that removed 'taxi' as a defined service vehicle with associated requirements and replaced it with 'small passenger service vehicle', the current bylaw does not reflect the prevailing on road conditions in respect of these. This is further commented on below.

4.4 RESTRICTIONS ON COACH/BUS PARKING AND A LACK OF ALTERNATIVES

Under the previous [and current] bylaw, buses have been restricted from parking outside of designated parking areas. A perceived lack of on road options, particularly around town centres, and constrained opportunities for off street locations were cited considering growing tourist demand.

This continues to be an issue, with displacement of parking from town centres to residential area an ongoing issue. This is further commented on below.

5 IS THE BYLAW STILL THE MOST APPROPRIATE MEANS FOR MANAGING TRAFFIC AND PARKING?

5.1 DOES THE BYLAW PROVIDE EXTRA REGULATION THAN THE DISTRICT PLAN AND LEGISLATION?

Under legislation, council can establish a bylaw to set (or regulate) the traffic and parking framework (or 'rules'), however it only applies to council owned or controlled land.

With large private parking areas now available and being developed across the district these may operate under conditions that differ to those provided by council and although may be subject to the same public expectations, the bylaw will not apply to these areas.

A bylaw establishes rules for parking and traffic movements that are either not prescribed in legislation, regulation or rules or these require further refinement to address locally identified issues. In this regard the bylaw can provide additional regulatory powers to council than would exist otherwise.

The District Plan establishes the rules of land use, including the amount of land that must be provided for vehicle parking associated with differing land uses, but does not establish the framework for how that parking is to be accessed, who by, for how long and how it can be charged for. Nor does it determine penalties associated with a failure to comply with any of the latter framework components, alternatively this is left to individual land owners.

In relation to traffic, the District Plan influence is in setting parameters to minimise the effects of land use, it does not dictate the way in which those parameters should be met.

Therefore, the District Plan is a necessary consideration in the management of traffic and parking in the district but is not sufficient to address issues identified.

5.2 DOES THE BYLAW PROVIDE GREATER ENFORCEMENT POWER THAN EXISTING LEGISLATION?

As discussed above, a bylaw establishes the rules council will follow when determining what parking, where, for who [or what], for how long and how it is to be charged for. Further, it provides council the opportunity to penalise [either through infringements, prosecution or other methods] non-compliance with these rules.

A bylaw also establishes local rules for the use of council's roads, including by whom [or what], for what purpose, in what direction and at what times. This provides the Police a framework for encouraging road users to comply with council's intentions for the use of its network, in addition to standard national road user requirements.

For these reasons, a bylaw provides greater enforcement power than existing legislation.

5.3 DO COUNCIL'S TRAFFIC AND PARKING STAKEHOLDERS IDENTIFY ANY ADDITIONAL ISSUES A BYLAW COULD ADDRESS

Since the review of the last bylaw there has been several changes to legislation, council has developed several transport related strategies in the face of unprecedented population and corresponding vehicle use growth, and technology has moved on in the provision, monitoring and charging for parking.

Feedback from interviews with key internal and external stakeholders highlighted the following significant traffic and parking issues for the district.

5.3.1 Changes in legislation/regulation - small passenger service vehicles

In 2017, the Land Transport Road User Rule was amended to remove the definition of taxi and its associated operating requirements and replace it with the concept of a small passenger service vehicle (spsv). The rationale for this change was to recognise the growth in app based "ride share" providers and to reduce the barriers to entry for providing passenger services (eg removing the requirements for livery, light boxes, fare counters etc).

This change and the concomitant growth in these services across the district has seen high levels of demand on existing "taxi stands" particularly in the Queenstown town centre, with greater issues at night.

Within a constrained physical environment, this unmet demand poses potential safety issues both to road users due to volumes and associated vehicle manoeuvres and passengers unfamiliar with the choices available and their rights when getting into a vehicle.

The issues identified by stakeholders are:

- Excess volumes of vehicles relative to standing areas
- Road safety due to vehicle behaviour
- Passenger safety due to perceived lower standards including lack of understanding around safety and rights [e.g. who to complain to and about what] associated with regulatory changes
- Location of stands and associated traffic flows
- Information for visitors on access to and use of vehicles
- Anti-social behaviour at stands during peak demand times [events, Christmas/New Year]
- Introducing a permitting system administered by council for use of "taxi stands"

5.3.2 Large passenger service vehicle [bus] parking and movements

The current bylaw prohibits bus parking except for in areas expressly dedicated or in other areas with council authorisation. The prohibition of bus parking in and around the CBD has resulted in displacement to residential areas such as Lake Hayes Estate.

Changes to bus routes have also resulted in bus diversions through residential streets due to an inability to turn at route ends. This is particularly prevalent in Arrowtown, where the presence of buses on otherwise quiet residential streets is unexpected.

Conversely, bus movements through main arterial routes through the CBD are expected but combined with a lack of on and off-street parking availability for these vehicles, results in traffic congestion, unsafe passenger movements to and from these vehicles and missed or delayed connections to tourist activities.

The issues identified by stakeholders are:

- Potentially inappropriate routes and volumes on routes (local and tourist buses operating in confined spaces or numbers converging)
- Lack of routes catering to residential demand or reflecting multi-stop requirements (e.g. collecting children from school and travelling onwards)
- Frequency of local bus services
- Bus parking on residential streets
- Heavy vehicle restrictions are contained in the bylaw, meaning on road changes require bylaw change.

5.3.3 Campervan parking and movements

The current bylaw prohibits campervans over a certain weight (those more commonly identified as motorhomes) from travelling through town centres at certain times of the day/night and parking in town centres at any time.

These prohibitions are not well understood and leads to these larger vehicles finding themselves in challenging road environments and exacerbating traffic congestion in the CBD.

The issues identified by stakeholders are:

- Lack of directional signage (from pick up throughout the district)
- On road changes require bylaw change (current restrictions contained in the bylaw).

5.3.4 Parking on verges, particularly CBD

With both visitor and population growth in the district leading to pressure on housing and higher demands for parking, parking on verges has become increasingly common. This has been identified as both a safety issue and is destroying planted road reserves.

The issues identified by stakeholders are:

- Absence of bylaw regulation resulting in ad hoc issue management
- Safety/sightline issues created particularly in roads around CBDs
- Consequence of intensified urban development (lack of choice for residents and visitor parking and attempting to park out of roadway).

5.3.5 Rental car and other commercial business on road parking

Visitor growth and the increased demand for rental cars has resulted in some companies using the road as effective vehicle storage. This is resulting in conflict with demands for use by residents, their visitors and workers.

The use of the road as vehicle storage by mechanics, panel beaters etc is also resulting in conflict with demands for use by other business workers and customers.

The issues identified by stakeholders are:

- Rental car parking on residential streets (particularly Frankton)
- Automotive business car parking on light industrial streets (particularly Glenda Drive)
- Consequence of increasing development and demand (lack of space/high cost associated with off road storage)

5.3.6 Supporting the district's transport objectives

As well as the Proposed District Plan, since the previous bylaw the Queenstown Integrated Transport Strategy and the Queenstown town centre master plan have been completed, with the Wanaka Transport Strategy and district parking strategies underway.

All these documents have implications for vehicle movements across the district and how transport and parking will be managed in future.

The issues identified by stakeholders are:

- On road changes supporting modal shifts (e.g. cycleways, bus lanes) and trials not provided for in current bylaw
- Technological changes in monitoring and charging for parking not provided for in current bylaw
- On road changes require bylaw change or council resolution undermining ability for council to respond promptly to emerging issues
- Reducing off street parking requirements for permitted land uses placing pressure on road parking supply.

5.3.7 Other issues raised by stakeholders (that cannot be addressed through a bylaw)

During stakeholder interviews, several other traffic and parking issues were raised that a bylaw is not appropriate to address. For completeness, these are recorded below. Stakeholders were advised of other workstreams either recently completed by Council, underway or planned in response to this feedback.

Other issues raised:

- General parking availability
- Parking for [CBD] workers, particularly parents with pre or school aged children

- Suitability of bus routes and frequency (also in relation to the point above).
- Lack of clear way finding signage (through district, particularly from airport and into/through CBDs)
- Numbers and locations of signs
- Types of signs (focused on regulation not information).

6 STATUTORY REVIEW FINDINGS AND CONCLUSION

Issue identified	Outcome of statutory review			Recommended direction for any changes
	Bylaw appropriate to address issue?	Bylaw form appropriate to address issue?	Bylaw still consistent with the Bill of Rights Act 1990?	
Traffic				
Turning restrictions	✓	X	✓	Amend – for completeness
Direction of travel	✓	X	✓	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Cycle paths	✓	X	✓	Amend – support district's transport strategy
Special vehicle lanes	✓	X	✓	Amend – support district's transport strategy
Cruising	✓	X	✓	Amend – for safety
Heavy motor vehicles	✓	X	✓	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Light motor vehicles	✓	X	✓	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Bus routes and frequency	X			
Engine braking	✓	✓	✓	Retain
Unformed legal roads	✓	X	✓	Amend – for safety
Snow chains	X	X		Revoke – other enforcement options
Skateboards	X	X		Revoke – support district's transport strategy
Signage	X			
Parking				
Parking availability	X			
Parking areas	✓	X	✓	Amend – for clarification
Parking restrictions	✓	X	✓	Amend – for clarification and completeness
Method of parking	✓	X	✓	Amend – for clarification
Payment for parking	✓	X	✓	Amend – supports alternative payment options
Interfering with machines	✓	X	✓	Amend – for completeness
Loading zones	✓	X	✓	Amend – for clarification
Angle parking	✓	X	✓	Amend – for clarification
Mobility parking	✓	X	✓	Amend – for clarification
Small passenger service vehicles	✓	X	✓	Amend – supports safety and recognises legislative/rule change
Goods vehicles	✓	X	✓	Amend – for clarification
Rental car parking	✓	✓	✓	Retain
Commercial premise parking	X			
Parking off roadway	✓	X	✓	Amend – supports safety and asset protection
Broken down vehicles	✓	X	✓	Amend – for clarification
Things on roadway	✓	X	✓	Amend – for clarification
Removal of vehicles	X	X		Revoke – other enforcement options
Vehicles for sale	✓	✓	✓	Retain
Exempt vehicles	✓	X	✓	Amend – for clarification

7 APPENDICES

7.1 EXTERNAL STAKEHOLDER VIEWS

Stakeholder	Feedback
Community Associations	<ul style="list-style-type: none"> • More consistency in parking zone times e.g. Arrowtown and Wanaka CBD's have varying time limits which means extra sign pollution • Permit systems for commuter or locals for central Queenstown parking • Parking on verges around residential areas can block sightlines and cause safety issues
Large Tourism Operators	<ul style="list-style-type: none"> • Increase enforcement around bus loading zones • Increase bus parking areas to meet demand • Increase areas for tour operators to pick up drop off • Shift commuter (day stay or long term) parking outside of CBD to address congestion • Parking in residential areas a default for many operators as no other option for drivers
Education Providers	<ul style="list-style-type: none"> • More enforcement of illegal parking in school zones, especially during pick up and drop off times • Parking education provided to school communities without enforcement is not effective • Bus parking for school buses only • Safety review of areas and further traffic movement changes required
Social Service Agencies	<ul style="list-style-type: none"> • Increase number of mobility parks and continued enforcement • Enforcement in parking areas that are not council land is not consistent e.g. private parks often do not monitor mobility spaces or infringements are significantly higher • Option of a council permit for parking
Central Government	<ul style="list-style-type: none"> • Prefer an educational approach toward traffic infringements • Supportive of increased parking enforcement in CBD • Zone parking time reduction in CBD, to encourage pick up and drop off and reduce congestion of 'looking for a park'
Small Passenger Service Vehicles	<ul style="list-style-type: none"> • Not enough 'taxi' stands • Need for stands to be permitted (or numbers controlled in some way) if more not established • Option of a SPSV permit system in line with NZTA guidelines • Behavioural issues at ranks with potential safety implications for patrons • Change in LTA and new app base services changing the previous model of SPSV, bylaw needs to adapt to reflect changing behaviours
Business Associations	<ul style="list-style-type: none"> • Permit parks for families/commuters (until public transport is more frequent with better routes) • Signage needs to be proactive and directive for our visitors • Skateboarding is an active means of transport and shouldn't be prohibited in this bylaw
Other	<ul style="list-style-type: none"> • Not enough mobility parks in CBD for permit holders • Enforcement on non-permit mobility permit holders needs to be greater • Permit system that enables CCS permit holders longer stay in parking spaces

7.2 SUMMARY OF THE LEGISLATION, REGULATION AND RULES APPLYING TO TRAFFIC AND PARKING

LEGISLATION

Land Transport Act 1998 promotes safe road user behaviour and vehicle safety; provides for a system of rules governing road user behaviour, the licensing of drivers and technical aspects of land transport; recognises reciprocal obligations of persons involved; consolidates and amends various enactments relating to road safety and land transport; and enables New Zealand to implement international agreements relating to road safety and land transport. It now includes the registration and licensing of motor vehicles and the regulation of commercial transport services and the limits on driving hours.

Local Government Act 2002 establishes for a system of rules to be introduced by councils to protect the public from nuisance, protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places; provides for setting of fees relating to bylaws and for enforcement.

Local Government Act 1974 delegates the responsibility for local roads to councils; enables the removal of vehicles and structures from roads.

REGULATION

Land Transport (Offences and Penalties) Regulation 1999 details the offences for breaching land transport rules and the penalties for those offences.

Traffic Regulations 1976 Land transport rules now cover nearly all of these requirements. A few obligations, such as requirements on towing trailers by passenger service vehicles, power to require inspection of motor vehicles after accidents, and restrictions on motor vehicle reliability trials, still remain in these regulations.

Transport Services Licensing Regulations 1989 provides for fees payable for transport service licences (except rail services), and a few exemptions from operator licensing.

Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 sets out vehicle registration and licensing requirements; including requirements for motor vehicle registration plates (number plates), such as colour and character combinations, and the way they must be displayed. Also includes specific offences and penalties.

RULES

Land Transport (Road User) Rule 2004 establishes the rules under which traffic operates on roads. The rule applies to all road users, whether they are drivers, riders, passengers, pedestrians, or leading or droving animals.

Land Transport (Traffic Control Devices) Rule 2004 covers requirements for the design, construction, installation, operation and maintenance of traffic control devices, and functions and responsibilities of road controlling authorities.

7.3 LAND TRANSPORT ACT 2008 – BYLAW MAKING PROVISION

Heading: inserted, on 1 December 2009, by [section 8](#) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

22AB Road controlling authorities may make certain bylaws

(1) A road controlling authority may make any bylaw that it thinks fit for 1 or more of the following purposes:

- (a) controlling, restricting, or prohibiting cruising, including (but not limited to)—
 - (i) specifying the section of road or roads on which cruising is controlled, restricted, or prohibited:
 - (ii) prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising:
- (b) prescribing fines, not exceeding \$1,000, for the breach of any bylaw made under this section.

Vehicle and road use

- (c) prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads:
- (d) for the safety of the public or for the better preservation of any road,—
 - (i) fixing the maximum speed of vehicles or of specified classes of vehicles on any road:
 - (ii) designating any area, where that designation will have the effect of determining the speed limit in that area:
- (e) prohibiting or restricting engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour:
- (f) prohibiting or restricting the use of vehicles on beaches:
- (g) restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users:
- (h) prescribing the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track:

Heavy traffic

- (i) providing for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic:
- (j) prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister or the relevant road controlling authority, as the case may be, is paid previously:
- (k) providing for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford:
- (l) providing for the establishment, in accordance with [section 361](#) of the Local Government Act 1974, of a toll to be levied on any class of heavy traffic:

Parking

- (m) prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose must be treated for the purposes of the bylaw to be of a specified class or description, whether or not the vehicle belongs to any other class or description for any other purpose:
- (n) prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified hours or for a period that exceeds a specified period:
- (o) prescribing the use of parking places and transport stations, which includes (but is not limited to)—
 - (i) specifying the vehicles or classes of vehicle that may be entitled to use any parking place or transport station:

(ii) reserving any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in [section 2](#) of the Disabled Persons Community Welfare Act 1975:

(iii) if in the relevant road controlling authority's opinion it would be reasonable to reserve parking places or transport stations for use by persons who reside in the vicinity,—

(A) reserving specified parking places or transport stations for those persons to use, either generally or at specified times; and

(B) setting the fees that those persons must pay to the relevant road controlling authority, whether annual or otherwise, for the use of those parking places or transport stations (provided that the fees do not exceed the reasonable cost to the relevant road controlling authority of the service involved in granting a permit to park in any parking place or transport station, collecting fees, or otherwise in relation to the reserving of any parking place or transport station):

(iv) prohibiting or restricting parking (being the stopping or standing of a vehicle for a period in excess of that specified in the bylaws) on specified roads or part of roads in residential areas by specified classes of vehicles, either generally or at specified times, where in the relevant road controlling authority's opinion the parking is likely to cause a nuisance or danger:

(v) prescribing the conditions under which any parking place or transport station may be used:

(vi) prescribing the charges to be paid to the relevant road controlling authority in connection with the use of any parking place or transport station, as measured by parking meters or in any other manner specified in the bylaws:

(vii) providing for the removal of vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of the bylaws, and requiring the payment of the reasonable cost of such removal:

Signs and markings

(p) providing that, subject to the erection of the prescribed signs, vehicles on roads must travel in 1 specified direction only:

(q) prohibiting, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in 1 direction to facing or travelling in the opposite direction, or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left:

(r) prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by vehicles of specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants:

Livestock

(s) prohibiting, either absolutely or conditionally, the crossing of any bridge or culvert by horses, cattle, sheep, pigs, or other animals, or vehicles and regulating the times at which or the manner in which any horses, cattle, sheep, pigs, or other animals, or vehicles, may cross or be taken over any bridge or culvert:

(t) prescribing the routes by which and the times at which horses, cattle, sheep, pigs, or other animals, or specified classes of vehicles, may pass over any road:

(u) prohibiting the driving of loose horses, cattle, sheep, pigs, or other animals along any road, otherwise than at the times and by the routes so prescribed, except with the permission of the Minister or of the relevant road controlling authority, as the case may be, and on the conditions that the Minister or the relevant road controlling authority, as the case may be, thinks fit:

(v) prohibiting, either absolutely or conditionally, the driving of horses, cattle, sheep, pigs, or other animals along any road, and requiring that no horses, cattle, sheep, pigs, or other animals may be taken upon or enter any road unless they are confined within a motor vehicle:

Displays, vegetation, and access

(w) regulating the use of any means of access constructed under [section 319\(1\)](#) of the Local Government Act 1974:

(x) requiring the owner or occupier of any area of land on which a building is situated or the owner or occupier of any building or part of a building, being land or a building or part of a building to which a number has been allocated under [section 319B](#) of the Local Government Act 1974, to display that number in a position visible from the road:

(y) regulating, controlling, or prohibiting the display or continuance of the display of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes on or over public buildings or bridges, or on or over buildings, walls, fences, posts, trees, pavements, or hoardings, that are situated—

(i) in or on or adjoining any land or road that is the property of, or under the control of, the relevant road controlling authority; or

(ii) where that display is visible from a road or public place:

(z) restricting or prohibiting the planting or erection, at or within a specified distance from corners, bends, or intersections on roads, of trees, shrubs, hedges, scrub, or other growth, or of fences or walls, that, in the opinion of the relevant road controlling authority are, or are likely to constitute, a source of nuisance or danger to traffic, and requiring the trimming or cutting down of such trees, shrubs, hedges, scrub, or other growth:

(za) requiring any allotment in such parts of the district as are specified in the bylaws to be fenced along its line of frontage to any road and to be kept clear of noxious plants:

(zb) prohibiting the cutting of grass for seed on roads or on any specified roads without the previous consent in writing of the relevant road controlling authority, either at all times or during any specified part of the year:

(zc) regulating the use of, and protecting, grass plots, flower beds, and shrubberies laid out in roads or on land vested in or under the control of the relevant road controlling authority by or under the authority of the relevant road controlling authority, and protecting trees growing on any roads or on land vested in or under the control of the relevant road controlling authority (whether or not planted by the relevant road controlling authority):

(zd) regulating or prohibiting the construction of cellars or the making of excavations within a specified distance from any road or any adjoining land, and preventing cellars and excavations from becoming a receptacle for stagnant water or other impure matter:

Weights

(ze) providing for—

(i) the weighing or measurement of vehicle loads:

(ii) the computation of the weight or measurement of loads from the cubical or superficial measurements of vehicle loads:

(zf) prescribing the quantity of material that, for the purpose of a computation, may be conclusively treated as a specified weight or measurement of vehicle loads from the cubical or superficial measurements of vehicle loads:

(zg) providing for the drivers of vehicles to—

(i) give information as to vehicle loads and as to the quantity, weight, size, or measurement of vehicle loads:

(ii) do any thing for the purpose of enabling the quantity, weight, size, or measurement of the loads to be ascertained, as may be requested by any person authorised in this regard:

(zh) regulating the weights of vehicles or loads that may pass over bridges or culverts:

Pedlars

(zi) prohibiting or permitting the occupation of stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops (subject, in the case of a State highway, to the prior consent of the Agency and to any conditions imposed by the Agency)—

(i) in roads, public places, and State highways as the relevant road controlling authority thinks fit; or

(ii) in specified roads or State highways or parts of specified roads or State highways; or

(iii) in any public place adjoining specified roads or State highways or parts of specified roads or State highways if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic:

(zj) prescribing charges in respect of any permits that may be granted in relation to matters specified in paragraph (zi):

General

(zk) regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

(2) A bylaw made under subsection (1) may apply—

(a) to all roads, any specified road, or any part of a specified road under the care, control, or management of the road controlling authority making the bylaw:

(b) to all vehicles or traffic or to any specified class or classes of vehicles or traffic using a road under the care, control, or management of the road controlling authority making the bylaw:

(c) at any specified time or times.

(3) A bylaw made under subsection (1) may leave any matter or thing to be regulated, controlled, or prohibited by the road controlling authority by resolution generally, for any specified classes of case, or in a particular case.

(3A) A relevant road controlling authority may, by resolution that is publicly notified, limit a parking place or transport station or any specified part of that parking place or transport station to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes.

(3B) If, under subsection (3A), a parking place or transport station is limited to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes, no person in charge of any other vehicle may allow the vehicle to stand in the parking place or transport station.

(4) A copy of every bylaw made under this section by a road controlling authority must, within 1 week after being made, be sent by the road controlling authority to the Minister, who may at any time disallow the bylaw or any part of the bylaw under [section 22AC](#).

(5) Nothing in this section—

(a) applies to any railway on, over, or across any road; or

(b) limits any provision in this Act or any other Act, or any provision in any rules or regulations made under this Act or any other Act, regarding the regulation of traffic on roads; or

(c) limits the power to make bylaws conferred on a road controlling authority under any other Act.

(6) In this section,—

keeper, in relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop

mobile or travelling shop—

(a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but

(b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously

parking place has the same meaning as in [section 591\(6\)](#) of the Local Government Act 1974

railway has the same meaning as in [section 4\(1\)](#) of the Railways Act 2005

transport station has the same meaning as in [section 591\(6\)](#) of the Local Government Act 1974.

7.4 KEY FINDINGS FROM THE DISTRICT PLAN

The Proposed District Plan Transport chapter sets out:

- what can occur within roads
- the design of new and existing roads
- the effects of larger scale developments on the transport network
- how much parking a development needs to provide for both cars and bikes
- the design of accesses, street layouts, and loading spaces
- creation of new carparking areas
- the provision of Park and Ride, public transport facilities, and ferry services.

The main changes to the Operative District Plan rules affecting traffic and parking are:

- reducing the onsite residential parking required in most of the High Density Residential, Medium Density Residential, and Business Mixed Use zones
- reducing the onsite parking required for playing fields, industrial activities, and schools
- increasing the onsite parking required for hospitals and day care facilities
- requiring developments and subdivisions that generate a lot of traffic to obtain a specific consent
- new rules relating to the establishment of new carparking areas
- new rules relating to Park and Ride and public transport facilities
- new rules permitting a wide range of transport activities and public amenities within 'roads' and requiring consent for other activities
- aligning rules relating to access, parking, and loading with council's Land Development and Subdivision Code of Practice and with relevant national standards, other legislation, best practice, and/or common practice around NZ (except where a local approach is justified)
- requiring rental vehicle businesses to obtain a specific consent.

7.5 KEY FINDINGS FROM INTERVIEWS WITH ENFORCEMENT OFFICERS

Perceptions of underlying causes of parking issues and resulting complaints and infringements:

- Permitted commercial activities at residential properties contributing to higher demand for on-street parking. In some cases, vehicles associated with businesses end up on streets in high densities.
- Growth in numbers and locations of rental car businesses is leading to vehicles parked on the streets when not for hire
- Mechanics, panel beaters, etc parking customer cars in car parks and on streets, in some cases taking all available on road parking in vicinity
- Lack of car parking around day care facilities and schools resulting in conflict at pick up/drop off times
- Lack of bus parks at hotels
- People driving to town when parking provision is insufficient
- Availability and affordability of housing is forcing shared accommodation and an increased number of people residing at dwellings, resulting in vehicles on street and on verges –
- Urban densification generating more vehicles on local roads
- Storage of vehicles in general in residential areas – increased volume of vehicles per household, greater than off street parking availability