

**QLDC Council  
3 May 2018****Report for Agenda Item: 5****Department: Property & Infrastructure****Traffic and Parking Bylaw 2012 review****Purpose**

The purpose of this report is to confirm Council's intention to review the Traffic and Parking Bylaw 2012 and the proposed methodology for the review.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Confirm** its intention to review the Traffic and Parking Bylaw 2012.
3. **Note** the scope of the bylaw review will include confirming:
  - a. that the policy intent of the bylaw was met and remains appropriate for managing traffic and parking matters;
  - b. if there are regulatory or non-regulatory alternatives to a Traffic and Parking bylaw;
  - c. if there are new or future foreseeable traffic or parking matters that need to be considered; and
  - d. that the Council has the capacity capability to continue enforcing compliance under different growth scenarios.

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10/04/2018

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## Background

- 1 The Queenstown Lakes District Council Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and the use of roads and public spaces under Council's control.
- 2 The bylaw is included as **Attachment A**.
- 3 The bylaw was approved by Council on 18 December 2012 and came into effect on 2 May 2013.
- 4 Section 158(1) of the Local Government Act 2002 (LGA) requires bylaws to be reviewed within 5 years of being passed.
- 5 Section 160(A) provides for a further two year period for a review to be carried out before the bylaw is revoked.
- 6 Council can also regulate parking and vehicle use on roads under section 22AB of the Land Transport Act 1998 (LTA).
- 7 The LGA and LTA have differing, but not conflicting, requirements for the making of bylaws. The LTA enables councils to make a bylaw as of right, whereas section 155 of the LGA requires councils to determine whether a bylaw is the most appropriate way of addressing issues identified.
- 8 The limiting factor to bylaws made under the LTA is that the application is to roads only – it will not regulate parking or traffic on non-road assets such as parks and reserves.
- 9 For the purposes of this review, it is proposed that the bylaw will be made under the LGA so that the bylaw rules can be consistently applied to both road and parks areas.

## Comment

### Methodology for the review

- 10 In accordance with the requirements of Section 155 of the LGA, the approach to the bylaw review will seek to determine whether a bylaw is the most appropriate way of addressing the perceived problem. To that end, the following questions will define the bylaw review scope:
  - a. Was the policy intent of the bylaw met when managing traffic and parking issues
  - b. Are there regulatory or non-regulatory alternatives to the bylaw
  - c. Are there new issues that need to be considered
  - d. Does council have the capacity to continue enforcing compliance under different growth scenarios.
- 11 The following matters are out-of-scope for the bylaw review:
  - a. Parking demand

b. Parking fees.

- 12 The review will be evidence based and will hold fairness and transparency as overarching and guiding principles.
- 13 Council staff have begun the discovery phase of the review through interviews with internal and external stakeholders, preliminary data organisation and background research.
- 14 In accordance with the requirements of Section 155 of the LGA, Council staff propose the following methodological steps to the review for Council approval.
  - a. Cluster issues into the following groups to facilitate efficient and effective analysis:
    - i. Traffic (traffic movements; use of footpaths; separate/special lanes; heavy vehicles etc)
    - ii. Parking (wardens; areas and types; payment; exemptions; passenger service vehicles; residents etc)
  - b. Analyse passenger service vehicles and heavy vehicle road use and parking as separate issues due to high levels of public interest.
  - c. Proceed with following evidence gathering activities:
    - i. Analysis of Council complaints and Request for Service (RFS) data
    - ii. Analysis of NZTA / police data
    - iii. Focus group research
    - iv. Modelling of issues under different scenarios and cost benefit analysis of enforcement costs under these scenarios
  - d. Consolidate research into issues papers.
- 15 A Determination Report will be submitted to Council in July with recommendations to either confirm, amend or revoke the bylaw.
- 16 Should Council resolve to amend or revoke the bylaw after consideration of the Determination Report, a Special Consultative Procedure would be commenced in accordance with Section 156 of the LGA.

## Options

### 17 Option 1 Do Not Review The Bylaw

*Advantages:*

- 18 Resource assigned to the bylaw review can be reallocated to other projects.

*Disadvantages:*

- 19 If the bylaw is not reviewed in the next two years it will be revoked under Section 160 of the LGA and Council will be unable to regulate and enforce traffic and parking issues in the district.
- 20 Council will miss the opportunity to consider traffic and parking operational issues that may have arisen since the last bylaw and potential regulatory and non-regulatory response to these.
- 21 Council will miss the opportunity to consider pending issues and potential regulatory and non-regulatory response to these.
- 22 Council will miss the opportunity to continue conversations with road users and businesses over issues and consider potential regulatory and non-regulatory response to these.
- 23 Council will miss the opportunity to consider the opportunities available to regulate under other legislation that currently exist.

24 Option 2 Review the Traffic and Parking 2012 Bylaw

*Advantages:*

- 25 Council can consider traffic and parking operational issues that may have arisen since the last bylaw and potential regulatory and non-regulatory response to these.
- 26 Council can consider pending issues and potential regulatory and non-regulatory response to these.
- 27 Council can engage and collaborate with road users and businesses over issues and consider potential regulatory and non-regulatory response to these.
- 28 Council can consider the opportunities available to regulate traffic and parking under other legislation that currently exist.

*Disadvantages:*

- 29 Traffic and parking can be contentious issues and there may be challenges in managing scope with stakeholders and the public to a framework in which to make operational decisions on parking and the use of roads and public places.

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

- a. Council will meet its statutory requirements for reviewing the bylaw as set out in the LGA
- b. The bylaw will continue to be in force during the review meaning Council can continue to regulate vehicle use on roads and parking
- c. Council can consider current and foreseeable future issues in the management and regulation of traffic and parking, and consider regulatory

and non-regulatory responses to these matters in consultation with stakeholders and the public.

### ***Significance and Engagement***

- 31 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 begin a review, whereas any subsequent decision to retain, amend or revoke the bylaw will have higher significance because of the impact of the decision.

### ***Risk***

- 32 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.
- 33 The recommended option considered above mitigates the risk by: Treating the risk - putting measures in place which directly impact the risk.
- 34 The recommended option will be implemented in such a way 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**

- 35 The cost of the review will be met from existing operational budgets.

### **Council Policies, Strategies and Bylaws**

- 36 The following Council policies, strategies and bylaws were considered:
- Draft 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.
- 37 The recommended option is consistent with the principles set out in the named policy/policies.
- 38 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.

39 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.

40 There are three phases to a bylaw review:

- a. Evaluation of the existing bylaw and next steps (is a bylaw appropriate)
- b. Further recommendations (investigate alternative approaches or significant changes)
- c. Statutory consultation.

### **Local Government Act 2002 Purpose Provisions**

41 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**

42 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.

43 The Council has made initial contact with the Police and NZTA about the intention to review the bylaw. Other stakeholders will be invited for discussions on issues and opinions as part of the information gathering stage to inform the findings report and next steps recommendations.

44 With Council approval in July, a formal Special Consultative Process, open to all members of the community will be undertaken in accordance with Section 156 of the LGA.

### **Legal Considerations and Statutory Responsibilities**

Staff will work with Council in-house legal team on the legislative options that the bylaw may be developed under and the appropriateness and legality of addressing issues through a bylaw.

### **Attachments**

A Traffic and Parking Bylaw 2012