

**QLDC Council
6 September 2018**

Report for Agenda Item: 4

Department: Property & Infrastructure

Traffic and Parking Bylaw 2012 Review

Purpose

The purpose of this report is to adopt the Traffic and Parking 2018 Bylaw Statement of Proposal for public consultation and decide to appoint a panel to deliberate and make recommendations on feedback received.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** that Council completed the statutory review of the Traffic and 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 of the agenda report] and make it publicly available for persons to present their views in accordance with Section 83 of the Local Government Act 2002.
4. **Appoint** the Infrastructure Committee Chair (Councillor Forbes) and Councillors McRobie and Stevens as a panel to hear submissions, to deliberate and make recommendations to the Council on public feedback to the Statement of Proposal.
5. **Delegate** authority to the Infrastructure Committee Chair to make replacement appointments to the panel if a member of the panel is unavailable.
6. **Delegate** through the General Manager, Property and Infrastructure to a manager responsible for bylaws to make any amendments to the Statement of Proposal to correct errors, omissions or reflect decisions made by the Council.

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24/08/2018

Reviewed and Authorised
by:



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24/08/2018

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 The Council directed staff to begin the process to amend the bylaw in July 2018.
- 3 The process leading up to this decision is summarised below.

3 May 2018	Council instructs staff to begin a review of the Traffic & Parking Bylaw 2012
25 July	Council endorse review findings that: <ul style="list-style-type: none">• traffic and parking issues still arise from conflicting demands for use of the road way 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
25 July	Council completes statutory review and determines: <ul style="list-style-type: none">• a bylaw is the most appropriate way to address conflicting demands for use of the road way 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
25 July	Council instructs staff to draft an amended bylaw after considering the following options: <ul style="list-style-type: none">• Status quo – no change to the bylaw• Revoking the bylaw• Amending the bylaw

- 4 Council must use the special consultative procedure to amend the bylaw as the amendment could significantly impact the public.
- 5 Staff have prepared a statement of proposal (Attachment A) and a proposed bylaw (Attachment B). This implements the decision to amend the bylaw in accordance with statutory requirements and best practice drafting guidelines.
- 6 The proposed bylaw would ensure traffic and parking is better regulated through broader coverage of issues and would be clear and enforceable.

Comment

Summary of major proposed changes to the Traffic & Parking Bylaw

- 7 The key changes proposed in the new bylaw (as compared to the current bylaw) are:
 - 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 un-marked 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.
- 8 Staff recommend that Council appoint three councillors to hear submissions, deliberate and make recommendations back to Council on public feedback on the statement of proposal.

Options

9 Option 1 Do not consult on the statement of proposal

Advantages:

- 10 The current bylaw will remain in effect until it lapses in 2020.
- 11 Resource assigned to the consultation can be reallocated to other projects.

Disadvantages:

- 12 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.

- 13 Council may not meet external stakeholder expectations raised through the review process.
- 14 Council will miss the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.

15 Option 2 Consult on the statement of proposal

Advantages:

- 16 Council will have the opportunity to address identified current traffic and parking operational issues, strategies and plans that are not contemplated under the existing bylaw.
- 17 Council will meet external stakeholder expectations raised through the review process.
- 18 Council will have the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.

Disadvantages:

- 19 Resource cannot be reallocated to other projects.

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

- a. It is supported by the recommendation of the Findings Report of the Traffic and 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

- 21 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, efficient road system.

Risk

- 22 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.

- 23 The recommended option considered above mitigates the risk by treating the risk – putting measures in place which directly impact the risk.
- 24 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

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

Council Policies, Strategies and Bylaws

- 26 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.
- 27 The recommended option is consistent with the principles set out in the named policies.
- 28 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item or activity.
- 29 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.
- 30 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) – Council is here
 - c. Statutory consultation.

Local Government Act 2002 Purpose Provisions

- 31 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

- 32 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.
- 33 The use of the special consultative procedure will enable members of the community from across the district with an interest in the regulation of traffic and parking to have their say.
- 34 Stakeholders engaged during the information gathering phase of the review will also be advised of the opportunity to participate formally through the public consultation process.

Legal Considerations and Statutory Responsibilities

- 35 The proposed Traffic & Parking Bylaw 2018 is being released for public consultation by way of the special consultative procedure pursuant to section 156 of the Local Government Act 2002 and section 22AD of the Land Transport Act 1998.

Attachments

- A Statement of Proposal
- B Proposed Traffic and Parking Bylaw 2018
- C Traffic and Parking Bylaw 2012 (not attached but can be accessed by clicking this link) <https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Bylaws/Traffic-and-Parking-Bylaw-2013.pdf>