

Traffic and Parking Bylaw 2018

Deliberations Report of Traffic and Parking Bylaw 2018 Hearings Panel

PURPOSE

- 1 This report presents the recommendations of the Hearings Panel (the panel) following consideration of submissions on the proposed Traffic and Parking Bylaw 2018.

EXECUTIVE SUMMARY

- 2 At its 6 September 2018 meeting, Council approved the commencement of the Special Consultative Procedure (SCP) and publicly notified a proposed new bylaw to regulate traffic and parking in the district.
- 3 The Statement of Proposal (SoP) outlined the key proposed changes to the bylaw relative to the current bylaw including a re-design for better clarity of issues and ease of reference. A copy of the SoP is Attachment (b).
- 4 The submission form sought specific public support of:
 - a. the new bylaw structure
 - b. a new ability to establish permits
 - c. a new ability to infringe or remove vehicles parked off a roadway that may cause safety issues or damage council assets
 - d. a new ability to set aside parts of a roadway for certain vehicles.
- 5 The consultation period began on 10 September and closed on 12 October, with 109 submissions received, 106 electronically and three via post or delivery to Council offices. Although 17 submitters indicated a wish to speak in support of their submission, on follow-up, only five confirmed that they would attend the hearing.
- 6 Council delegated the Infrastructure Committee Chair Councillor Forbes, and Councillors McRobie and Stevens as the panel, with Councillor Forbes delegated to make replacements in the event a member was unavailable. Councillor Stevens subsequently advised of a meeting conflict and Councillor Clark was confirmed in his place.
- 7 At the conclusion of the hearing, the panel deliberated both the written and oral submissions, as well as staff advice relating to the implications for the proposed bylaw in respect of the submissions.
- 8 The panel was also advised by staff that implementation of the new bylaw would include establishing a Subcommittee to undertake Council's obligations, developing an operational manual and communications plan.

9 Following deliberations, the panel resolved to:

- a) **Adopt** Option One - The Hearings Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes

BACKGROUND

10 The Council's Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.

11 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.

12 At its 6 September 2018 meeting, Council endorsed a SCP to determine the community's views on a proposed new Traffic & Parking Bylaw 2018.

13 For the purpose of the SCP and in accordance with Section 83 of the Local Government Act 2002, Council approved a draft SoP which outlined proposed changes to the bylaw and included the proposed Traffic & Parking Bylaw 2018. A copy of the SoP is Attachment (b).

14 The SoP was publicly notified for submissions from 10 September – 12 October 2018. It was advertised through:

- Otago Daily Times, Southland Times, Wanaka Sun and Mountain Scene
- notice on the QLDC website
- notice on the QLDC Facebook page

15 All relevant documents, including submission forms were posted on the Council's website and made available in hard copy when requested.

16 A panel of the Infrastructure Committee Chair Councillor Forbes and Councillors McRobie and Stevens were delegated to consider written and oral submissions. Councillor Forbes was delegated the ability to make replacements should a scheduling conflict arise, and this delegation was exercised in replacing Councillor Stevens with Councillor Clark.

17 The panel met on 1 November 2018 to hear oral submissions and deliberate on the written and oral submissions received.

DISCUSSION

Summary of Submissions and Deliberations

18 A total of 109 written submissions were received during the consultation period, 106 were submitted electronically and three via post or dropped into Council offices.

- 19 Although seventeen submitters requested to speak to their submissions, only five subsequently confirmed they would attend the hearing. At the hearing, an additional submitter also asked to speak.
- 20 Following the oral submissions, two members of the public attending the hearing but who had not submitted sought to speak to the panel. The panel declined these requests as it did not consider special circumstances applied nor was it consistent with the Right to make a Submission and Be Heard section of the publicly notified SoP.
- 21 Topics discussed by the panel during deliberations, following consideration of the written and oral submissions, were categorised into nine areas.

Deliberation Topic 1: Change to Bylaw Form

Proposal as publicly notified

22 The proposal as publicly notified was to make the proposed bylaw under both the Land Transport Act 1998 and the Local Government Act 2002 (LGA) as opposed to the current bylaw made under only the LGA. The proposed approach also involved:

- a re-design for clarity and ease of reference
- technical revisions and new definitions
- addressing the change in legislation on 'taxis'
- ability to control parking on verges
- ability to establish special vehicle lanes
- ability to establish permitting systems.

Matters raised in submissions

- 23 The proposed bylaw change in form was supported by 102 submitters.
- 24 Five of the seven submitters opposed to the proposed bylaw form change referenced the below reasons:
- Too many taxis in town now (one submitter)
 - Not enough parking in district so need to park on verges (two submitters)
 - Concern Council will not consult with stakeholders on proposed changes that affect businesses (one submitter)
 - Request for speed limit change on Aubrey road (outside of scope of bylaw but has been passed to appropriate department) (one submitter)

Hearings panel deliberations

25 The panel deliberated on the views of the submitters and acknowledged both written and oral submissions.

26 The panel discussed with staff the opposed submissions to the bylaw form and concluded the operations manual, which will be publicly available and include such elements as delegations and required communication for decision making under the bylaw, parking terms and conditions, the enforcement policy, permit criteria and processes, and rules applying to various classes of vehicles and roadways, is the most appropriate tool to address the issues raised.

27 The panel recommended no change required to the form of the bylaw.

Deliberation Topic 2: Parking off a roadway

Proposal as publicly notified

28 The proposal as publicly notified was to prohibit parking on grassed areas, parks and other recreational space beside roads (clause 21). The proposed approach is to address safety concerns and protect council above and below ground assets.

Matters raised in submissions

29 Twenty submitters supported the clause noting:

- safety concerns caused by vehicles hindering sightlines
- damage to infrastructure
- decreased amenity value or road reserves and reserves due to damage caused by vehicles
- concern for pedestrian safety in some residential areas with vehicles parking on or near footpaths

30 Two submitters did not support the clause stating there was not enough parking in the district at present.

Hearings panel deliberations

31 The panel deliberated on the views of the submitters and acknowledged both the written and oral submissions. The panel concluded the clause was appropriate for the objectives of the bylaw and should remain unchanged.

Deliberation Topic 3: Permits - Small Passenger Service Vehicles

Proposal as publicly notified

32 The proposal as publicly notified was to allow for the control of class or description of vehicles in areas and the ability to establish permits (Clause 15,16). This approach would allow Council to regulate access to on-road vehicle waiting areas previously known as 'taxi ranks' since changes to the Road User Rule in 2017, which removed the designation 'taxi'.

Matters raised in submissions

33 A range of views were received from 23 submitters with regards to Small Passenger Service Vehicles including:

- Excess volumes of vehicles parking or trying to park relative to 'taxi rank/ waiting areas'
- Road safety due to vehicle behaviour and patron's behaviour while waiting
- 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 in built up town area
- 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" would help to manage the numbers and the behaviour of drivers
- Lack of local knowledge and bad representation to visitors effecting Queenstown image
- Several driver related issues such as excess driving hours could be dealt with by NZTA however no resource from NZTA to monitor P-Endorsement requirements
- Council should keep a full register of vehicles using ranks and ensure health and safety plans are complete- mainly around driver hours
- Any permit system should ensure meters are compulsory
- Local 'taxi' companies are working and lobbying central government for change and appreciate the support of the local Council
- The airport has a good permitting system

34 No written or oral submissions were received opposing the provision in the proposed bylaw for a future permitting system.

Hearings panel deliberations

35 The panel deliberated on the views of submitters and acknowledged both written and oral submissions. The panel recommended the following as the most appropriate way of managing the issues of small passenger service vehicles:

- Continue to work collaboratively with external stakeholders to develop a permitting system that is fit for purpose and address the safety issues raised in submissions.

36 The panel considered that there was no requirement to change the bylaw as many of the issues outlined could be addressed through implementation.

Deliberation Topic 4: Permits - Mobility Parks

Proposal as publicly notified

37 The proposal as publicly notified is to limit access to mobility parks to those vehicles displaying a valid permit issued by CCS Disability Action and the holder of the permit is traveling in the vehicle (clause 18).

Matters raised in submissions

38 One submission, from the Wakatipu Access Group, was received in support of the proposal and commented on mobility parking specifically. The key elements of the submission were:

- the intent of mobility parks is to support an inclusive community
- concern that no mobility parks in the district had time restrictions. This allowed parks to be occupied in premium areas all day, preventing other potential users from being able to enter town centres. Suggested some high use parks are restricted to 4 hours per day
- several other councils allow permit holders 'double time in parks' e.g. if the time restriction is 60 minutes, permit holders are allowed 120 minutes. This was once an 'unwritten' rule in Queenstown
- more mobility parks are needed
- taxi drivers are receiving infringements when leaving vehicles to assist people with compromised mobility into premises - more enforcement flexibility required in such situations or a permit for these drivers
- some mobility parks are impractical to use due to distance from CBD e.g. the five mobility parks at Gorge road (Boundary street carpark) are underused due to location
- Areas surround parking spaces need to be reviewed from an accessibility perspective e.g. kerb and footpath condition, width of angle parks to ensure safe access between the car and footpath and destination.

Hearings panel deliberations

39 The panel deliberated on the views of the submitter and acknowledged the verbal and oral submissions received. The panel recommended the following:

- The location and form/function of mobility parks to be considered as part of the Queenstown Town Centre Master Plan, with ongoing involvement from appropriate users
- Criteria and processes to support delivering extended time allowances in non-mobility parks for mobility permit holders.

40 No changes to the proposed bylaw were recommended, and while several issues were raised by the submitter outside of the scope of the proposed bylaw, staff were asked to raise these issues with the appropriate council teams for consideration.

Deliberation Topic 5: Heavy Vehicles in the CBD

Proposal as publicly notified

41 The proposal as publicly notified is for Council to have the ability to introduce restrictions or impose requirements on vehicles to contribute to a safe and efficient road transport system and ensure council's assets are protected (Clause 8 and Clause 16).

Matters raised in submissions

42 One written submission was received on heavy motor vehicles in the town centre that did not support the proposed bylaw. The submitter also spoke at the hearing. The key points raised were:

- At present non-compliant vehicles in the restricted town centre area were not being enforced
- To ensure compliance with the Traffic and Parking 2012 bylaw significant investment had been made in a new fleet of vehicles, others had not and compliance was not enforced
- Non-compliant vehicles (notably trade vehicles) are parking in loading zones without appropriate permit or adhering to time restrictions - effecting business operation and ability to deliver
- Concern with proposed bylaw structure and concern with future consultation and engagement
- Loading zones are under pressure at peak delivery times and no enforcement in place
- Under Council's Food Grading Bylaw 2016, compliant delivery and temperature controls are at risk of not being achieved with vehicles having no space to unload
- Pending O'Connell's development needs to be planned for now, not last minute
- Delivery vehicles are being forced to park illegally and unsafely

Hearings panel deliberations

43 The panel deliberated on the submitter's views and acknowledged the positive approach and delivery of the oral and written submission received. The panel recommended the following:

- The location and form/function of loading zones to be considered as part of the Queenstown Town Centre Master Plan (QTCMP)
- Ongoing involvement and input from external stakeholders should be an essential consideration in future transportation hubs and short-term construction in the town centre
- Criteria and processes to support appropriate use of loading zones (authorised vehicle only) should be investigated during bylaw implementation
- Criteria and processes to support appropriate vehicle restrictions in the Queenstown town centre should be considered through the QTCMP and bylaw implementation
- Appropriate consultation following Council's Significant and Engagement Policy would be required for any future restrictions to be imposed in the CBD
- Further enforcement and user education of loading zones to be considered during bylaw implementation.

44 The panel recommended no change to the proposed bylaw and staff were asked to raise the panel recommendations with the appropriate council teams for consideration.

Deliberation Topic 6: Permits- Residential Parking Permits

Proposal as publicly notified

45 The proposal as publicly notified was to allow for control of class or description of vehicles in areas and the ability to establish permits (Clause 15,16). The proposed bylaw would allow council to regulate access to on-road parking in residential area.

Matters raised in submissions

46 Seven submitters from the Frankton area supported the ability for a future residential permitting system to address:

- Issues with commuter parking
- Long term parking in residential streets
- Rental car parking when vehicles not for hire
- Airport traveller's parking

47 No submissions were received opposing the proposal as publicly notified and no oral submissions were received on the proposal.

Hearings panel deliberations

48 The panel deliberated on the views of submitters. The panel discussed with staff the potential for future permitting in residential areas which had high demand on parking from various users.

49 The panel considered that there was no requirement to change the bylaw and recommended criteria and processes to support residential parking permits should be developed for confirmation during bylaw implementation.

Deliberation Topic 7: Engine Braking

Proposal as publicly notified

50 The proposal as publicly notified was to introduce restrictions where necessary and enable signs indicating where the restrictions applied. The intention is to support a safe and efficient road and transport system and for public health and safety (Clause 11).

Matters raised in submissions

51 One submission was received against the inclusion of Clause 11 in the bylaw. The submitter commented that it was too hard to enforce across too many roads across the district.

Hearings panel deliberations

52 The panel deliberated on the view of the submitter and acknowledged the written submission.

53 Staff advised that while enforcement of this clause was with the Police and there were challenges with this, the ability to erect signs is considered to support better driver behaviour than would be achieved without.

54 The panel decided on balance that no change was required to the proposed bylaw.

Deliberation Topic 8: Cycle Lane and Bus Lane Provisions

Proposal as publicly notified

55 The proposal as publicly notified is for Council to be able to set-aside parts of a roadway for specific vehicles including cycles (Clauses 9 and 10).

Matters raised in submissions

56 One submission was received in support of the new clauses. The submitter encouraged promoting active transport options and bus lanes to reduce vehicle use.

Hearings panel deliberations

57 The panel deliberated on the view of the submitter and acknowledged the written submission.

58 The panel recommended no change Clause 9 or Clause 10 of the proposed bylaw.

Deliberation Topic 9: Enforcement

Proposal as publicly notified

59 The proposal as publicly notified defines enforcement officers under the Land Transport Act 1998. Various enforcement options are available under both the LTA and LGA depending on the nature of the offence.

Matters raised in submissions

60 One submitter, in its oral submission, commented that its business operation received five infringements in the past year for inconsiderate parking. The submitter considered this method of parking was the result of too few bus stops for tour operators in the town centre and requested greater flexibility from enforcement officers.

61 Another submitter, in its oral submission, requested that parking enforcement be more proactive rather than reactive, with the view that complaints were required prior to action being taken in many cases.

Hearings panel deliberations

62 The panel deliberated on the view of the submitters and acknowledged the written and oral submissions.

63 The panel considered the matters of enforcement would be debated during bylaw implementation and recommended no change to the proposed bylaw.

Panel deliberations

64 On 1 November 2018, at the conclusion of the hearing, the panel deliberated both the written and oral submissions, as well as staff recommendations relating to the implementation of the proposed changes to the bylaw. A copy of the report to the Hearings Panel is included at Attachment (a).

65 The panel was further advised by staff that if Option One was approved, to adopt the proposed bylaw without change, the following would be completed prior to the 1 March 2019 commencement:

- a. Establishment of a Traffic & Parking Subcommittee to exercise Council's delegations under the Bylaw
- b. Confirmation by the Traffic & Parking Subcommittee of, among other items, the traffic controls, parking restrictions including zones, and permits and approval systems that would apply in the district
- c. Development of an operations manual that would, among other topics, document the criteria, processes and delegations for implementing the new permit and approval systems. This manual would be publicly available and assist with both staff and public understanding of how decisions are made and implemented under the new bylaw.
- d. Development of a community engagement and education plan that will support the implementation of the new controls, restrictions and permit and approval processes.

66 After consideration of the issues raised through the consultation and staff advice, the panel concluded that the topics could be addressed through either bylaw implementation processes or through business as usual considerations. As such, the panel considered no changes were required to the bylaw as proposed.

67 The panel resolved to:

Adopt Option One -

- a) The Hearings Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes following consideration of public feedback from submissions and the hearing.**

OPTIONS

68 As this report discusses the outcome of a hearing held at the conclusion of the special consultative procedure and presents that panel's recommendations to Council, no options are presented.

Authorised by:



Councillor Forbes
Hearings Panel Chair
3/12/2018

ATTACHMENTS

- (a) Officer report to hearings panel
- (b) Statement of Proposal