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Proposed amendment to the Wellington City Consolidated Bylaw 2008: Statement of Proposal

A Introduction

Wellington City Council has undertaken a technical review of the parking and traffic provisions in the Wellington City Consolidated Bylaw 2008. The review has proposed amendments to Parts 5 and 7 of the Bylaw.

The purpose of Part 5 of the Bylaw: Public Places is to regulate a diverse range of activities. It seeks to maintain standards of public health and safety, protect the public from nuisances, minimise the potential for offensive behaviour and to manage various types of land associated with or under the control of the Wellington City Council for the well-being and enjoyment of the public in public places.

The purpose of Part 7 of the Bylaw: Traffic is to set the requirements for parking and control of vehicle traffic on any road in Wellington City, excluding State Highways controlled by the New Zealand Transport Agency.

The Bylaw is subject to ongoing review to ensure that it meets its purpose, and changes are proposed to address issues identified. In summary, the proposed amendments are to:

- remove the prohibition on Motorcycles using pay and display parks, providing consistency with provisions for ordinary parking meters
- clarify provisions relating to exemptions to residents parking areas so that the Bylaw is consistent with the existing exemption process
- remove the objection period following public notification of Council decisions
- remove offences specific to taxis that have proved unenforceable
- correct errors, out of date references, and unclear provisions, minor wording changes, and make provision for new technology.

The proposed changes are detailed below. Additions are underlined and deletions are struck through, and comments are provided to explain the proposed amendments.

B Reasons for these proposals

1 Motorcycle parking in pay and display

Motorcycles are currently prohibited from parking in pay and display spaces (Part 7, 6.5), although not from parking in normal metered areas. One of the factors behind the prohibition on motorcycles using pay and display parks was the difficulty of displaying a paper ticket in a secure way. Current technology can address this, for example by the use of the phone2park system. Removing this prohibition would make the situation with pay and display parking consistent with the existing situation at other parking meters.

This change does not change the status of existing free motorcycle parking areas, but instead provides an additional choice to motorcyclists if there are no convenient free motorcycle parks available.

The options available to Council are:

- to make this change
- to maintain the status quo, with Motorcycles able to park in metered spaces but not in pay and display areas.

2 Exemptions to coupon and residents parking

The current provisions relating to exemptions from coupon parking (Part 7, 8.12) occasionally refer to residents parking schemes, but do not provide sufficient detail to provide for these exemptions. The Council has been operating exemptions to residents parking areas since the

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areas were introduced (for example, for social and health workers required who regularly visit residents, and for trades people undertaking work for residents). It is proposed that the relevant clauses are rewritten to clearly provide for exemptions to be issued for both coupon and residents parking areas.

The options available to Council are:

- to make these changes
- to cease to allow exemptions for trades people and service authorities carrying out work.

3 Public notification and objections

The existing public notification provisions (Part 7, 12) provide for Council resolutions to be notified, and allow for an objection period following notification. If an objection is received, Council must consider that objection before the resolution comes into effect.

These provisions were carried over from an earlier version of the bylaw. They do not recognise that under the Local Government Act, the Council has much wider consultation requirements than previously existed, and is required to consider community views prior to making a decision. Under current Council policy, the scale of consultation is tailored to the issue, and may range from city-wide consultation with formal submissions and hearings in the case of a major policy change, to informal discussions with residents around the location of residents parking areas, and consultation precedes the resolution. Under the bylaw public notification provisions, this consultation is then followed by an objection period.

This amounts to a double process, where consultation occurs both before and after a Council resolution. It is proposed that the public notification provisions are deleted from the bylaw, giving a simpler process where the Council relies on its existing consultation and engagement policy and the requirements of the Local Government Act 2002 to ensure that appropriate consultation takes place. Council decisions would still be publicised using the normal communication channels.

The options available to Council are:

- remove the requirement for Council resolutions to be publicly notified
- to maintain the status quo, with public notification and an objection period
- to retain the public notification period, but provide for notification prior to a Council decision.

Under all options, consultation would occur prior to the Council decision. The first option is preferred as it provides for the simplest process.

4 Taxi parking

The bylaw includes offences (Part 7, 13.g to i) specific to taxis. However, these offences have not proved enforceable when challenged. It is proposed that they are therefore removed from the bylaw.

The options available to Council are:

- to make these changes
- maintain the status quo, although the offences would not be used
- to amend the bylaw to provide for offences that are enforceable.

The Council is undertaking further work to investigate this final option. However, in the interim it is considered appropriate to remove offences that can not be enforced.

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5 Other Issues

The bylaw has been reviewed to identify errors, out of date references, and unclear provisions. These are set out in the following table.

Topic	Bylaw reference	Issue	Proposed solution
Control of vehicles in public places	Part 5, Traffic, 14.4	This control only relates to vehicles, however it should also apply to containers, bins, etc	additional words to 14.4
Introductory text	Part 7; Purpose	Additional text is proposed to assist readers to locate relevant regulations	Add text
Operation mobility permit	Part 7 Definitions 1.1 and offences 13.1.f	The terminology is out of date, and tickets are now issued based on the Transport Rule, making the bylaw provisions superfluous	Delete references to operation mobility permits
Parking meter	Part 7, Definitions	Additional wording is proposed to provide for new devices that can be used to collect payment for parking	Insert additional wording
Legislation	Numerous	The bylaw includes references to legislation that has been repealed	Update references
Parking at Parking Meters	Part 7 4.1.d	Additional wording is proposed to clarify that, where more than one motorcycle is parked in a parking space, no motorcycle can stay for a period in excess of the maximum authorised period	Insert additional wording
Parking at multiple parking meters	Part 7, 6.2	Additional wording is proposed to provide for new payment devices.	Insert additional wording
Coupon Parking	Part 7, 8.2	An incorrect reference is used to refer to the resolution process, and the requirements for signage are now set out in the Traffic Control Devices Rule, which takes precedence over this bylaw	Replace details of signage with reference to the Traffic Rule
	Part 7, 8.4	Additional wording is proposed in (b) to clarify that a coupon is only required if a vehicle is to be parked for more than the free period authorised by Council. The reference in (c) iii is incorrect.	Insert additional wording and correct reference
Vehicle Removal	Part 7, 9.3	Wording in relation to notice period that must be given prior to removing vehicles to allow road works is unclear.	Edit wording to increase clarity
	Part 7, 9.9	Current wording does not make sense, as it provides for any vehicle or objects on a road in breach of 13.1(l) to be removed – however 13.1(l) relates specifically to vehicles not on roads. This clause is intended to allow removal of bulk bins etc on roads, and the wording should be changed to achieve that.	Remove reference to vehicles, remove reference to 13.1(l)

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	Part 7, 9.10 and 9.11	References incorrect, and the requirements for signage are now set out in the Traffic Control Devices Rule, which takes precedence over this bylaw	Replace signage details with reference to the traffic rule
Provision for Resolutions	Part 7, 11.1	Because this provision is written widely, and specifies that Council can impose restrictions 'by resolution' this clause could prevent Council delegating a number of operational decisions to officers. It is proposed the clause is amended to clarify that resolutions are not required for issues addressed in the Land Transport Rules.	Amend wording to limit scope of resolutions required

The options available to Council are:

- to make these changes
- maintain the status quo in each case.

In each case, it is considered that these changes will make the bylaw more clear or more effective.

C Legal Requirements

The Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem (S155 of the Local Government Act 2002). In this instance, as it is proposed to only make relatively minor amendments and the problem being addressed is the operation of existing policy, it is appropriate to maintain the status quo in using a bylaw.

The Local Government Act 2002 requires local authorities to determine whether any proposed bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990. The proposed amendments to Parts 5 and 7 of the Consolidated Bylaw do not give rise to any implications under this Act.

D Submissions

[Details related to making a submission to be added]