

PROPOSED TRAFFIC AND PARKING BYLAW CHANGES - SUBMISSION FORM

NUMBER

Recd 9/7

We are keen to get your thoughts on proposed changes to the traffic provisions in the Wellington City Consolidated Bylaw 2008.

You can have your say:

- by filling out this Freepost submission form and sending it back to us
- by writing to us and sending us your comments by –
 - Post: Freepost 2199, Traffic Bylaw, Wellington City Council, PO Box 2199, Wellington 6140
 - Fax: 801 3231
- by making a submission online at Wellington.govt.nz (select the Have Your Say link, and go to Public Input).
- by sending an email to: policy.submission@wcc.govt.nz

For more information, phone 499 4444.

Your details * Mandatory fields

Mr / Mrs / Ms / Miss / Dr (circle one)

First name(s) * Bernard

Last name * O'SHAUGHNESSY

Street address * 139a Daniell St, Newtown

Phone/mobile 021 1588-289

Email Bernardboss@yahoo.co.uk

I am making a submission

As an individual

On behalf of an organisation CAT (Coalition and Transition)
(Name of organisation)

I would like to make an oral submission to the City Councillors. Yes No

If yes, please provide a phone number above so that a submission time can be arranged.

Submissions close 5pm, Monday 22 August 2011.

Your comments

- Yes Parking Policy need complete overhaul
- I do not agree that publicly notified alternations should be removed.
- More free parks for motor bikes/scooters must be made
- Coupon Parking tickets should be transferrable
- Council should build a parking building in Kilbirnie (by the swimming pool), Newtown, by the hospital, & The CBD.
- Policy should include rewarding car owners to LEAVE Their cars at home during the week.
- No Flyover at basin Reserve

PROPOSED TRAFFIC AND PARKING BYLAW CHANGES – SUBMISSION FORM

2
SUBMISSION
NUMBER 2

We are keen to get your thoughts on proposed changes to the traffic provisions in the Wellington City Consolidated Bylaw 2008.

You can have your say:

- by filling out this Freepost submission form and sending it back to us
- by writing to us and sending us your comments by –
 - Post: Freepost 2199, Traffic Bylaw, Wellington City Council, PO Box 2199, Wellington 6140
 - Fax: 801 3231
- by making a submission online at Wellington.govt.nz (select the Have Your Say link, and go to Public Input).
- by sending an email to: policy.submission@wcc.govt.nz

For more information, phone 499 4444.

Your details * Mandatory fields

Mr / Mrs / Ms / Miss / Dr (circle one)

First name(s) * Bernard

Last name * O'SHAUGHNESSY

Street address * 139a Daniell St Newtown

Phone/mobile 021 1588 289

Email Bernardboss@yahoo.co.uk

I am making a submission

As an individual

On behalf of an organisation _____
(Name of organisation)

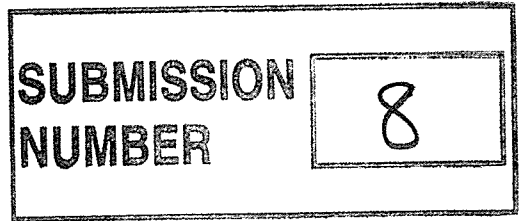
I would like to make an oral submission to the City Councillors. Yes No

If yes, please provide a phone number above so that a submission time can be arranged.

Submissions close 5pm, Monday 22 August 2011.

Your comments

- Parking Policy needs review
- Stop cars coming into city in week
 - a) fine 1 car drivers b) give 50% bus discount to workers to leave cars at home on week days
- Do not remove public notified rule in policy
- have more smaller buses
- More Motorbike parking (free)
- Move bike lanes
- No cars in Goldenmile in peak bus times.



Sharon Bennett

From: mcDOnewt@yahoo.co.nz
Sent: Wednesday, 27 July 2011 3:18 p.m.
To: BUS: Policy Submission
Subject: Proposed Traffic & Parking Bylaw Changes

The following details have been submitted from the Proposed Traffic & Parking Bylaw Changes form on the www.Wellington.govt.nz website:

First Name: don s.
Last Name: mcdonald
Street Address: 63-3 hutchison rd
Suburb: newtown
City: wgton cc
Phone: 04 389-6820
Email: mcDOnewt@yahoo.co.nz

I would like to make an oral submission: Yes

I am making this submission: on behalf of an organisation

Organisation Name: magnolia club

Comments: 6x cars block footpath John St motors x 26 yrs x 40hrs working. And Wgton
Combined taxi Adelaide Rd Newtown** Video present facebook 5151// 27-7-11.
WCC NeVER MAKE COPY FOR ME SUBMISSION. please please AGAIN!!

Sharon Bennett

From: Don S. McDonald 389-6820. [mcdonewt@yahoo.co.nz]
Sent: Wednesday, 27 July 2011 3:44 p.m.
To: GRP: Councillors; Don S. McDONald; BUS: IRO; Don McDonald; BUS: Policy Submission
Cc: livingstreets@yahoogroups.com; footpaths are for people wcc 30309 Katie Ritchie; wellington public trsport rev 29-6-09; Jackie Bell; liz thomas LIVGSTS.; peter hooper 8hcta chair
Subject: Re: Your video has been processed submission WGTN CC parking 27-7-11.***

<http://www.facebook.com/video/video.php?v=250255361670257&saved#!/MCDONewt>

Dear Councillors Wellington City Council.

6x cars block footpath John St motors x 26 yrs x 40hrs working. And Wgton Combined taxi Adelaide Rd Newtown** Video present facebook 5151// 27-7-11. WCC NeVER MAKE COPY FOR ME SUBMISSION. please please AGAIN!!

please
yours sincerely, 27-7-11*****

Don S. mcD.onald ... please 2 repeat two sentences for query or explanation/

*EARLY WARNING *** new addr. 16/181 DanieLL St, Newtown***
from 22/8/11.*****

follow 'mcDONewt' on twtr, faceb, yahoo. <http://Twitter.com/mcDONewt> ** <http://whitepages.co.nz>,

txt is best / Telecom mob .. 02-77-845-900.
-T. +64 ***(4) 389-6820. call ID/ mind, Newtown pg**330.**
final days @this addr. Flat 63/3 Hutchison Rd, Wellington 6021, New Zealand.

E. mcDONewt@yahoo.co.nz

pictures <http://picasaweb.google.com/do.no.gamb>
95% Valid issues FIXIT? CLOSEUP i/view 27/6/05 FAULTY??

blog. don.lotto nz http://groups.google.com/groups/search?scoring=d&filter=0&enc_author=Bk-8oBkAAACvuYpBIZq08NkFSusnAaLEJcviaLn9uCnHm6jh70ks9Q
Go Bus! Grab oppor'ty park car. 20/7/11. NZST [click.]
home page : <http://www.gadot.wellington.net.nz/darksky/pe.htm>
<http://wcl.govt.nz/mygateway/newspapers.html>

--- On Wed, 27/7/11, Facebook <fbmessage+zj4oa02zft9@facebookmail.com> wrote:

From: Facebook <fbmessage+zj4oa02zft9@facebookmail.com>
Subject: Your video has been processed
To: "Don Newt" <mcdonewt@yahoo.co.nz>
Received: Wednesday, 27 July, 2011, 3:24 PM

Hey Don,

You recently uploaded a video to Facebook, and it has finished processing!

To edit its details and pick a thumbnail, go to:

<http://www.facebook.com/video/editvideo.php?v=250255361670257>

Thanks,
The Facebook Team

**SUBMISSION
NUMBER**

15

Sharon Bennett

From: nick@crypt.co.nz
Sent: Wednesday, 17 August 2011 2:44 p.m.
To: BUS: Policy Submission
Subject: Proposed Traffic & Parking Bylaw Changes

The following details have been submitted from the Proposed Traffic & Parking Bylaw Changes form on the www.Wellington.govt.nz website:

First Name: Nick
Last Name: Lambrechtsen
Street Address: 60 Cashmere Avenue
Suburb: Khandallah
City: Wellington 6035
Phone: 04-9385911
Email: nick@crypt.co.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Comments: Motorcycles in pay and display areas

This proposal is addressed in the Statement of Proposal, Part 7, clause 4.1. However, clause 4.1.d indicates that "where more than one motorcycle occupies a parking space, only one parking fee for any authorised period shall be required". This suggests that any additional motorcycles that can be placed in a parking space, usually about 5, could park for free. This is clearly unenforceable and could lead to conflicts. I recommend that this clause be deleted.

By deleting this clause 4.1.d and thus the proposal, I strongly urge the Council to retain the existing spaces reserved for motorcycle parking, and retain free parking for motorcycles for environmental and community reasons.

With reference to Part 5, clause 14.4, I recommend that after the words in red "or other" the word "similar" be inserted before "object", so that the Council avoids unnecessary arguments about the meaning and description of "object".

With reference to Part 7, clause 13.q, would it not be simpler to combine subclauses I and IV by inserting the words "or a current exemption permit" after the words "validated coupon" in subclause 13.q.I?

PROPOSED TRAFFIC AND PARKING BYLAW CHANGES – SUBMISSION FORM

**SUBMISSION
NUMBER**

20

We are keen to get your thoughts on proposed changes to the traffic provisions in the Wellington City Consolidated Bylaw 2008.

You can have your say:

- by filling out this Freepost submission form and sending it back to us
- by writing to us and sending us your comments by –
 - Post: Freepost 2199, Traffic Bylaw, Wellington City Council, PO Box 2199, Wellington 6140
 - Fax: 801 3231
- by making a submission online at Wellington.govt.nz (select the Have Your Say link, and go to Public Input).
- by sending an email to: policy.submission@wcc.govt.nz

For more information, phone 499 4444.

Your details * Mandatory fields

Mr / Mrs / Ms / Miss / Dr (Circle one)

First name(s) * MARIE

Last name * LIBEAU

Street address * 16 LINCOLN AVE TAWA 5028

Phone/mobile 0272142731

Email _____

I am making a submission

As an individual

On behalf of an organisation _____
(Name of organisation)

I would like to make an oral submission to the City Councillors. Yes No

If yes, please provide a phone number above so that a submission time can be arranged.

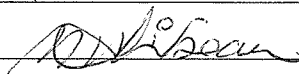
Submissions close 5pm, Monday 22 August 2011.

Your comments

WELL AS I'M A TRUE TAWA RESIDENT IM HOPING SOMETHING WILL BE DONE ABOUT OUR TRAFFIC. WE HAVE PARK WISE IN TAWA PROBABLY 3 OR 4 TIMES A WEEK INCLUDING SATURDAYS. LINCOLN AVE IS PURE HELL FOR THE RESIDENTS DUE TO BIG AIR JIM. THE DRIVERS ARE ARROGANT, ABUSIVE AND JUST PLAIN DANGEROUS.

ALSO THE PARKS ON MAIN ST SHOULD BE DECREASED FROM 60MINS TO 30MINS. WOOLWORTHS HAVE PLENTY OF PARKS THERE. ALSO CARS & TRUCKS HAVE TO STOP PARKING ON THE BUS STOPS.

THANKYOU



**SUBMISSION
NUMBER**

21

Sharon Bennett

From: Michael Taylor [mgtaylor@kol.co.nz]
Sent: Monday, 22 August 2011 5:02 p.m.
To: BUS: Policy Submission
Subject: Submission on proposed Traffic Bylaw Changes
Attachments: Attachment information; Parking_Bylaw_2011.pdf

Hello traffic bylaw consultation team (Tass ?),

I have attached my personal submission on these proposals. If there is any difficulty opening or using the .PDF file please contact me and I can supply it in some other form.

Many thanks,
Michael Taylor

Telephone 3898071

23/08/2011

Traffic Bylaw (COPO01),
WCC, 101 Wakefield St
email: policy.submission@wcc.govt.nz

10 Laurent Place
Kingston
Wellington
21st August 2011
tel 043898071
email: mgtaylor@kol.co.nz

Submission on proposed Traffic Bylaw Changes

Dear Councillors,

Below is my submission on these proposals. I have lived and worked in Wellington since 1980. My comments and suggestions are based on the statement of proposal provided on WCC's website (2011-07traffic-bylaw-statement.pdf), to which I refer as "the Statement". I have also looked at the corresponding summary document. I have had a brief conversation with Tass Larsen, the officer managing these changes, and received helpful information from her. However, as the deadline for submissions has arrived my submission includes some items for which I need further explanations or clarifications and my related comments and requests effectively depend on those. I would like to be heard in support of my submission through oral hearings if they are being held, otherwise during public participation at the Strategy & Policy meeting that will next be considering the Statement. I ask to be contacted that that may be arranged.

Yours faithfully,

Michael Taylor

.....

Overall Comments

- (A) I read the related Report 7 to the 23rd June Strategy & Policy meeting and observed that committee's rather brief consideration of what changes to propose. I support the review and that generally tidying up and clarifying provisions should be included rather than wait until 2014. In line with that I have commented and made suggestions to do that for provisions not specifically identified in the Statement. Some of these are, I feel, quite significant; others may seem pedantic but I can see that some good thought and effort has gone into this work and so it well deserves a little "polishing".
- (B) The inclusion in the Statement of the proposed bylaw as a "marked up" full copy of the current bylaw is most helpful and that method could perhaps be usefully employed more widely (than bylaw changes) for Council proposed changes.

Specific points

- (C) B.1 Motorcycle parking in pay and display:
I do not object to making it possible for motorcycles to have and use pay and display spaces, particularly if they are occupying spaces for "all day" (typically commuter) parking. I do not know what, if any, provision is made or charge imposed in the now privatised parking buildings for motorcycles. I can well imagine there are numerous "unused" spaces in such buildings. Before proposing adding charged, on street, space for motorcycles Council should consider if charged space would better be provided by persuading, negotiating or regulating so that such parking building spaces were made available for motorcyclists to use. Any reduction in the existing provision for free parking of motorcycles should be a separate issue and would have to be justified by being for better use of the public road (e.g. to improve the passage of non motorised or public transport) and subject to proper public consultation.
- (D) B.3 Public notification and objections:
I support removing duplication of consultation from the process, but the replacement consultation process must be at the higher standard of the current ones. If public notification is not required (as proposed) and the level of consultation is decided by council itself, then it would seem change could be made in some cases with as little consultation as "informal discussions with residents around the location". Given the regular public outcry when Council (ab)uses non-notification and Council's recognition in its proposed Wellington 2040 Strategy (page 13) that "We need to increase the transparency and accountability of decision making", I am surprised and disappointed it should be considering reducing the level of consultation, not simply eliminating duplication. I ask that the option of notification prior to a Council decision be adopted and the related changes to the bylaw (e.g. around Part 7:12) be reworked.
- (E) B.4 Taxi Parking:
I am concerned to learn that there is difficulty in enforcing the current offences and note that that must in part be responsible for the existing problems with taxis. Considering how hard it is for normal citizens to appeal against parking infringement notices I am surprised that taxi drivers apparently find it much easier. It would be helpful to know what the rate of successful challenge was when the Council used to pursue taxi bylaw related offences. In any case, I believe it would be fundamentally wrong to repeal the existing offences before replacement ones to achieve the desired result were ready to be put in place. It is relatively easy and obviously justifiable to argue that Council is simply replacing an unenforceable bylaw with an equivalent enforceable one. Once there is no such bylaw, it is harder to justify a new bylaw

and open to the counter argument that the new bylaw is taking away some existing “right”. Additionally, even the presence of an unenforceable bylaw in the meantime may discourage some “offending”.

(F) B.5 Other issues

Reviewing to identify errors, out-of-date references, and unclear provisions is a good step and I praise the effort that has gone into that, including the marked up bylaw and provision within that of brief explanations enclosed in [] (see (B)).

(G) Bylaw Part 5:14 Public Places:Traffic & Part 7:1.1 definition of Road:

The issue I deal with here is the applicability of the bylaws.

I was interested and potentially concerned that it appeared some of the bylaws' provisions were applicable to “private streets” (noting that recently Council used its power and that distinction effectively to discontinue its property front waste collection services from properties on such streets). Seeking clarification I tried following through on the definition of “road” in Section s315 of the LGA 1974, but ignoring anything else in s315 as the bylaw only calls on that section for the meaning of road. Unfortunately to be certain of the definition in s315 seemed to require knowledge of the state before the commencement of that Act and potentially all related council actions since. Consequently I looked for any clearer indication of the applicability of the bylaws and noted the bylaw definition included “any place the public has access to, whether as of right or not” and that 5.1 seems clearly to say that Council may apply these bylaws “in a [implying any] Public Place”. I also found by way of comparison that Dunedin's Parking bylaw uses the LTA 1998 to define “road” and that specifically includes “a place to which the public have access, whether as of right or not”.

Consequently I contacted Tass Larsen seeking a definitive statement. She advised it was a surprisingly complex area of legislation and definition. She emailed me the following

“I have discussed with some colleagues, and our view is that the bylaw does not cover private roads or private ways. The bylaw says that 'road' has the same meaning as in S315 of the LGA 1974, and that section draws a distinction between 'road', 'private road', or 'private way'. The issue is not entirely free from doubt, as private roads are 'available to the public generally', and the bylaw definition includes 'any any place the public has access to, whether of right or not'. However our understanding is that this is still subordinate to the definition of a road as per S315. In practice, we do not have any resolutions under the bylaw that apply parking restrictions to private roads, so the issue has not come up and we have not needed to seek legal advice to clarify the issue.”

Although that may mean that the bylaws cannot be used to impose controls under Part 7 to private streets, for private streets it still seems to give council officers (and police) comparatively wide ranging powers in Part 5 under 14.2 and define breaches of the bylaw under 14.3 to 14.5 without any need for Council to have passed any resolutions. Now such a distinction between parts 5 and 7 may well be intended and useful, but it would be very helpful if the bylaws made the situation clear. If that cannot be done during this review, then I ask that resolving that issue be included in the 2014 full review.

(H) Bylaw 7:13:

Judging by the disregard for cycle lanes that I have experienced with vehicles, including WCC ones, parked in cycle lanes, this part of the bylaw or its enforcement needs strengthening with respect to cycle lanes. On the other hand if being charitable I could suggest it is just an issue of more public education and better marking..

Additional points

(I) Bylaw Part 5:14.2 & 14:3

The provision of the third bullet under 14.2 to be able to require a driver of a vehicle to “drive it in **any** area [of a public place]” conflicts with 14.3 “no person shall drive .. in any public place other than on any roadway or in any car park...” I even wonder whether the 14.2 bullet point is meant to read “**not** drive it in any area”. Otherwise, if 14:2 applies as worded, then an exception seems needed in 14.3 along the lines “unless so directed under 14.2”.

(J) Bylaw Part 7 (throughout):

The possessive apostrophe is missing in phrases beginning “Residents Parking” and in some some other instances of “Residents”. In some of these cases where “residents” has been used to mean belonging to an individual resident, the possessive “resident's” is needed elsewhere “residents”. It is not even as if an arbitrarily decision has been made to ignore grammar and eliminate such apostrophes throughout – their presence and absence are simply inconsistent and that really is not good enough. I list the first few instances below but it would be simplest for WCC to run through the document checking each occurrence of “residents”.

(1) 1.1 In the definition of Resident - “Residents' Parking Scheme Resolution”

(2) 7.1 “area for a residents' parking scheme”

(3) 7.2 “Residents' permits act as exemption permits...” or alternatively “A resident's permit acts as an exemption permit...”; “Residents' parking areas”

(K) Bylaw Part 7:1.1 definition of Parking Meter

I can understand the difficulty faced in getting appropriate wording here. Indeed it could be questioned whether even the current “Phone2Park” is a device or just what part of it is a “device that is used to collect payment” - is that the barcode or are all mobile telephones now classified as (virtual) parking meters. Unless it causes unintended adverse effects elsewhere I suggest “device or method” be substituted for “device” in this definition.

My advice from Tass Larsen is that the extension here is intended to cover new devices and that some of those may not necessarily issue a receipt. I also wonder if it really is (will be) needed that the period of time paid for be known and shown as the wording requires and not just the time that remains to be used, either explicitly or derived from an expiry time. Consequently I think the restructuring of this may give more flexibility and better cover the new “Phone2Park” by having a third option along the line “c. create a record from which the time paid remaining can be detremined”.

(L) Bylaw Part 7:3.3 :

Where there is conflict between such items (meters and signage) the benefit of any doubt caused by that should be given to the motorist. It is unreasonable, and, as Council knows from experience, a popular cause for public and media outcry, for oversights or mistakes by Council to penalise an individual who acts in good faith on the basis of the information seen. I ask that this be changed so there is at least a “presumption of innocence” if the motorist has followed the advice of either the parking meter or associated signage.

(M) Bylaw Part 7:7.8c & 8.12e(iv):

The bylaw should make it clear that the exemption only applies when the vehicle is parked to allow such work to be carried out. I understand that the exemption needs to be general, in that it cannot be made specific to locations, however, it is not acceptable or fair if such a permit allows the vehicle to be exempted from the controls when it is being used for some other purpose.

(N) Bylaw Part 7:8.4.b

I suspect that in clarifying this to remove the possible implication that a coupon was required even if parked for less than the free period the consequences of “immediately” have been overlooked. Requiring the coupon to be displayed immediately on parking when the free parking period happens to be exceeded in the future would be unreasonable. For example someone one intending to return and leave within the free period may during her or his absence get another appointment in the area that commences after that period. It should be perfectly valid for that person to return during the free period and display a coupon that will cover the parking period which will at some point later exceed the free period. Obviously if the person does not do so and the vehicle remains after the free period then the bylaw is broken and the corresponding penalties validly apply. The bylaw should require the display of the coupon only once the end of the free period is reached.

(O) Bylaw 7:9.3

In my experience it is common practice for notice of resealing or similar work to be provided by way of signs in the street, often attached to lampposts. I suggest that be included here and would prefer that, unlike the other methods, it be made compulsory.

Minor points

(P) Capitalisation of the words “Residents' Parking Scheme”

As when the words are capitalised, “Residents' Parking Scheme” is a defined term, it would be good if consistency in that capitalisation could be checked at the same time as correcting for absent apostrophes (see (J))

(Q) Bylaw Part 7:7.7:

In moving this from 8.12 the grammar has not been revised and the “who” in “not residing on the property and requiring unrestricted access who may apply ...” is out of place. It could simply be dropped or moved with some rewording to become “who do not reside on the property and require unrestricted access may apply...”.

(R) Bylaw part 7:8.10:

While tidying up I am surprised that gender specific items have not been eliminated. Here the simple deletion of “his” before “inspection” would seem to be sufficient or it could be changed to “her or his” or to “his or her”.

(S) Bylaw Part 7:8.12a & 8.12.e

8.12 is worded as if the a.,b.,c. level items are combined with “and” and those at the i.,ii.,iii. level are combined with “or”. Consequently although 8.12a says the coupon exemption exempts “ a person living in a coupon parking area” as such a resident is not included (at least in the general case) by any of the items within 8.12e, at first reading this seems wrong or contradictory. It would be clearer if “living in a coupon parking area” were deleted from 8.12a and “a person living in a coupon parking area were added as a new item under 8.12e. Of course if I have misunderstood the intent I'm sorry my suggestion will be wrong, but in that case my misunderstanding is indicative that a correct clarification would be helpful.

(T) Bylaw 7:8.2 (... and deleted subparts of 13:1)

If the numbering 8.2 is being left, which may be simplest to avoid problems from renumbering and cross reference issues, it would be reassuring if it had some text , perhaps “[deleted]”, beside it.