

REVIEW OF TRAFFIC PROVISIONS IN THE CONSOLIDATED BYLAW: SUMMARY OF SUBMISSIONS

The submissions are summarised below by topic, which broadly cover:

- removing the prohibition on Motorcycles using pay and display parks,
- clarifying exemptions to residents parking areas
- removing the objection period following public notification
- removing offences specific to taxis
- minor changes to correct errors, out of date references, etc
- changes to the bylaw proposed by submitters
- parking policy, enforcement, or other matters not covered in the bylaw.

Motorcycle Parking

No	Name	Submission summary	Officer Comments
1	Bernard O'Shaughnessy Coalition and Transition	More free parks for motor bikes scooters must be made	
2	Bernard O'Shaughnessy	More motorbike parks (free)	
3	Tamara Duran	People should be encouraged to come into town on motorbikes rather than cars.	
4	Serge Sablyak	Motorcycles should not be allowed to park in pay-and-display spaces as it is an inefficient use of space and reduces the availability of spaces for cars. Car spaces should be converted to free motorcycle parking spaces, allowing more than one motorcycle to park in each space.	
5	Ian Apperley	I do not agree with allowing motorcycles to park in pay and display parks. A motorcycle is an inefficient size for a standard park, they have a tendency to blow over in the wind, and they can't be easily seen when you are looking for a park.	
6	Miles Athea	Request is declined	

No	Name	Submission summary	Officer Comments
7	Don Ryder	<p>I agree with the proposal to provide for motorcycle parking in pay & display spaces. Presumably more than one motorcycle will be able to park in one space so long as one of them has paid and neither stay for longer than the maximum time.</p> <p>Part 7, 4.1(d) refers only to "the parking meter" but if bikes park on pay & display spaces then some wording such as "...or pay and display coupon.." or similar, would appear to be required.</p>	<p>The provisions of the bylaw provide for one fee to be paid when more than one motorcycle occupies a parking space.</p> <p>The current definition of parking meter includes pay and display parking meters.</p>
9	Peter Mitchell	<p>To encourage efficient use of 'car parks' by motorcycles, your proposed amended legislation should allow for and encourage multiple motorcycles to be parked on designated car parks.</p>	
10	Clive Bennett	<p>I don't think this is required. Only parking one motorbike per parking space which would be an inefficient use of space.</p> <p>Motorcyclists should be allowed to park for free at the ends of parking bays.</p> <p>Motorcyclists reduce congestion in the city, so shouldn't be discouraged.</p> <p>If scooters are parked in pay and display they may be dragged out of parking spaces and/or kicked by people.</p> <p>Support maintaining FREE motorcycle parking in the city.</p>	<p>Under the current bylaw, motorcyclists it is an offence to park between parking spaces.</p>
11	Bob Robertson	<p>I support FREE parking for motorcycles, regardless whether they are in pay/display or designated parking areas.</p>	

No	Name	Submission summary	Officer Comments
12	Viv Chapple Ngaio Progressive Association.	<p>We oppose this change. This issue should not be considered separately from the amount of motorcycle parking available and how it is paid for. The real issue is a shortage of motorcycle parking.</p> <p>It is inefficient and wasteful to suggest that motorcyclists occupy one bike per car-sized car parking space, on the grounds that once they have paid their parking fee, they can legitimately occupy the space.</p> <p>Does Council have a plan to allow four bikes per car park, and thus multiply by four the income derived from each parking space?</p> <p>Motorcyclists have not been allowed to park on the pay and display parks so the trade-off for this loss of parking has been the free motorcycle parks.</p>	<p>The provisions of the bylaw provide for one fee to be paid when more than one motorcycle occupy a parking space.</p> <p>Whether or not motorcyclists can use pay and display parks is unrelated to the provision of existing free motorcycle parking.</p>
15	Nick Lambrechtsen	<p>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.</p>	<p>Deleting Part 7:4.1(d) would not achieve the submitters objective, which appears to be to retain existing motorcycle parks and not allow motorcycles to park in pay and display.</p>
16 & 17	Byron Cummins and Simon Gotlieb BRONZ Wellington (note: the same submission on behalf of BRONZ was provided by two members)	<p>The changes to the bylaw relating to motorcycle parking are dependent on the motorcycle parking review having been adopted by SPC. As this has not occurred, there is no justification for these amendments and they should be deleted from the proposed change.</p> <p>BRONZ Wellington would prefer that Council not pursue the idea of pay and display parking for motorcycles.</p> <p>There is insufficient demand for short term motorcycle parking.</p> <p>Lack of visibility in parking areas where there is interaction between motorcycles and 4 wheeled transport will lead to increase in insurance claims to damaged / immobilised motorcycles and reduced safety.</p>	<p>Allowing motorcycles to use pay and display parks is unrelated to the issues addressed in the review of motorcycle parking.</p>

No	Name	Submission summary	Officer Comments
		<p>The proposal that section 6.5 is removed from the bylaw in order that motorcycles be allowed to park in multiple parking bays requires the phone2park system. Council's own legal advice is that it would be unreasonable to apply phone2park as the sole system of payment for motorcycles at pay and display stands for a number of reasons. The requirement to set up phone2park would particularly disadvantage out of town/casual parkers who are most likely to be these parks.</p> <p>There is a negative impact on availability of parking if four wheeled vehicles are forced to compete with 2 wheeled vehicles for the existing parking.</p> <p>BRONZ Wellington requests that Council maintains the Status Quo on the motorcycle parking situation.</p>	<p>The Council's legal advisors have reviewed the proposed bylaw changes, which do not require motorcyclists to use the phone2park system. The legal advice referred to was in relation to a different issue and does not apply to the proposal to allow motorcyclists to use pay and display parks.</p>
18	Paul Ellen BRONZ Wellington	<p>The changes to the bylaw relating to motorcycle parking are dependent on the motorcycle parking review having been adopted by SPC. As this has not occurred, there is no justification for these amendments and they should be deleted from the proposed change.</p> <p>The pay2park technology does not address the fundamental problem that not all motorcycle users have access to this technology and would therefore not be able to avail themselves of these spaces not the impracticality of any form of ticket or coupon attachment to the machine. The Council's own lawyers have advised against this.</p>	<p>Allowing motorcycles to use pay and display parks is unrelated to the issues addressed in the review of motorcycle parking.</p> <p>The Council's legal advisors have reviewed the proposed bylaw changes, which do not require motorcyclists to use the phone2park system. The legal advice referred to was in relation to a different issue and does not apply to the proposal to allow motorcyclists to use pay and display parks.</p>
21	Michael Taylor	<p>I do not object to motorcycles using pay and display spaces particularly for all day commuter parking. Any reduction in existing Motorcycle parking should be a separate issue. The first priority for additional motorcycle parking spaces should be in parking buildings.</p>	<p>Pay and display spaces are subject to time limits and are not available for commuter parking.</p>

Exemptions to residents parking areas, and other issues related to residents and coupon parking

Sub	Name	Submission	Officer comment
1	Bernard O'Shaughnessy Coalition and Transition	Coupon parking should be transferable.	Changing the bylaw to achieve this would require further consultation
6	Miles Athea	Request is declined	

Sub	Name	Submission	Officer comment
12	Viv Chapple Ngaio Progressive Association.	We support this change. This seems to be reasonable for the examples listed.	
15	Nick Lambrechtsen	With reference to Part 7, clause 13.q, would it not be simpler to combine sub clauses I and IV by inserting the words “or a current exemption permit” after the words “validated coupon” in 13.q.I?	While this would be simpler to read, different sub-clauses are simpler for administration as these are two different types of offence and have different district court codes.
21	Michael Taylor	The requirement to display a coupon immediately if you are going to be parked for more than the free parking period is too onerous	Agree. The wording is not particularly clear, but is intended to clarify that there is no ‘grace period’ at the end of the free parking period.
21	Michael Taylor	The wording of 8.12a (exemptions from coupon parking) is unclear, particularly in relation to the exemption for residents (8.12(a)) and the other exemptions in 8.12(d).	While the wording could be improved, it is not incorrect. Recommend that the wording is referred to the full review of the bylaw.
21	Michael Taylor	Trade exemptions should only apply while work is being carried out.	The proposed wording (Part 7, 8.12(e)(iv)) provides for exemptions only while trades people need to park in the area to undertake work.

Public Notification Provisions

No	Name	Submission Summary	Officer Comment
1	Bernard O’Shaughnessy Coalition and Transition	I do not agree that publicly notified alternations should be removed	
2	Bernard O’Shaughnessy	Do not remove public notified rule in policy	
6	Miles Athea	Request is declined	
7	Don Ryder	I agree with deleting the objection period from notified Council changes.	
12	Viv Chapple Ngaio Progressive Association.	We oppose this change. Traffic and parking changes affect many citizens not in the locale of the proposed changes. Because of the objection period requirement, changes are well publicised city wide so all citizens can object equally. NPA, both as a body and as individual members, can cite many instances of officers failing to consult on the basis that they deemed there was no external interest. The current robust process, which allows for an objection period, is far more democratic.	The critical issue with the public notification process is that the bylaw requires the public views / objections to be sought after the decision instead of before. The current process of listing all proposed resolutions on the website prior to consideration by Council would continue as the minimum consultation if these provisions are removed.
21	Michael Taylor	Support removing duplication of consultation from the process. The replacement consultation process must be at a higher standard, and propose rewording rather than removing 7.12	

Taxi parking

No	Name	Submission Summary	Officer Comment
6	Miles Athea	Request is declined	
7	Don Ryder	I agree that something further needs to be done about taxi parking – difficult issue	
12	Viv Chapple Ngaio Progressive Association.	We support these changes (taxi parking)	
14	Rachel Brown	I think taxis should only be able to park on taxi stands and not in parking meter areas. There should be a place outside the central city where they wait till there is a place on a rank for them to move to. Taxi parking in car spaces prevents others wanting to park and do business.	
21	Michael Taylor	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	Repealing the existing offences would allow the Council to restrict access to pay and display spaces by resolution.

Other Issues

Minor issues identified in submissions are listed below.

No	Name	Submission Summary	Officer comment
6	Miles Athea	Request is declined	
15	Nick Lambrechtsen	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”.	The phrase proposed by the submission - ‘container or other similar object’ – is more specific than the phrase ‘container or other object’, and is therefore more likely to lead to arguments about interpretation.
21	Michael Taylor	‘Residents Parking Scheme’ should be capitalised throughout the bylaw	Agree, this will be checked for the next draft
21	Michael Taylor	Part 7, 7.7 recommend removing the word ‘who’	Agree
21	Michael Taylor	The bylaw should be amended so that language is gender neutral eg 8.10	Gender neutral language is standard in modern drafting. Recommend this is referred to the full bylaw review.
21	Michael Taylor	Where sections are deleted (such as 8.2) it would be simplest to leave the numbers with text such as [deleted] next to it.	Agree. The intention is to preserve existing section references where ever possible.
21	Michael Taylor	Question whether the new definition of parking meter adequately addresses new technology, or whether it should be amended to include ‘device or method’.	The definition has been reviewed by the Council’s legal advisor, and no changes are recommended.
21	Michael Taylor	Residents Parking should include a possessive apostrophe, so that it is	The Council style guide says not to use an apostrophe when referring to

		either residents' parking or resident's parking.	'residents parking'. This is based on the view that it is a descriptive term. The parking doesn't actually belong to the residents, but it is parking reserved for a group of people. However, the usage in the bylaw and on the Council website is inconsistent.
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Other changes to the bylaw proposed in submissions

Some further changes were proposed to the bylaw in submissions. These changes would require a further special consultative procedure to be implemented.

No	Name	Submission Summary	Officer Comment
21	Michael Taylor	The mechanisms for giving notice of work on the road (including resealing etc) should include a sign in the street, and the use of these signs should be compulsory	Signs are not practical in many locations (eg, if there is no room, no poles while area is being worked on etc) so officers do not support a compulsory requirement. A national code of practice for working on the road has recently been developed, which will be taken into consideration during the full bylaw review.
21	Michael Taylor	Part 7, 3.2 and 3 should be amended so that where there is a conflict between signage and the meter, the motorist is given the benefit of the doubt.	These clauses are used when temporary signage (eg for events) overrides the normal rules. Council has the ability to apply discretion in enforcement where there is confusion. The wording could be clarified; recommend that this issue is referred to the full bylaw review.
21	Michael Taylor	The definition of road should be clarified to confirm whether it applies to private roads.	Private roads are specifically referred to in some clauses. While Council can not enforce bylaw provisions on private roads, they can be enforced by Police, and changes to the definition of road would require further consultation.
21	Michael Taylor	The wording of Part 5: 14.2 and 14.3 contains a contradiction.	The wording of part 14.3 could be improved to clarify that 14.2 prevails. It is recommended that this is referred to the full review of the bylaw.

Parking policy, enforcement, or other matters not covered in the bylaw.

A number of submissions addressed issues relating to parking that are not changes to the bylaw, or general transport issues. In some cases, the issue raised can be referred to a different process for resolution.

Some issues raised relate to the Council's parking policy. A review of the parking policy is not currently on the forward work programme, but could be undertaken prior to the next review of the bylaw if it is identified as a priority by the Council.

No	Name	Topic	Submission Summary	Officer Comment
1	Bernard O'Shaughnessy Coalition and Transition	NZTA projects	No flyover at basin reserve	SPC considered these projects on 6 October.
7	Don Ryder	Restrictions on bins	Good idea re bins not being allowed to overstay on parking spaces, but would require a large scale publicity effort, as people have pretty much got into the habit of knowing that they can do this.	The Council has existing processes requesting notification when a skip or container needs to be placed on the road or footpath.
21	Michael Taylor	Cycle lanes	The offences provisions should ensure that it is an offence to park obstructing a cycle lane	This is an enforcement and education issue, as parking that obstructs road users is already an offence.
8	Don MacDonald	Enforcement	Cars parked on footpaths are a problem on John St and Adelaide Rd (video supplied)	This is an enforcement issue.
14	Rachel Brown	Residents Parking	<p>There should be a formula for the amount of residents and coupon parking in a street. The street I live in now has no coupon parking which means visitors come during the week have nowhere to park in the street. Yet in this street a number of garages are not used by people for their cars! If people have more cars than can on their property, there should not then be a right to park at one's door on the street.</p> <p>The cost of residents' parking permits should increase with the number of cars (eg the first car at \$100 per year but each additional car should cost more) Surely the point of living in the city is that one can walk.</p>	<p>The Council has guidelines for extensions to residents parking areas, which include that no more than 50 % of a street should be resident parking. This does not apply to existing areas, although they can be reviewed at any time and changed through the resolution process.</p> <p>Easdale Street is part of the Clifton resident parking zone, and the majority of the street has yellow lines, and so has few parking spaces available.</p> <p>Currently residents and coupon parking is provided under legislation that allows fees for cost recovery, not incentives.</p>
20	Maree Libeau	Parking Limits	Would like increased enforcement in Tawa, and the time limit for parks on Main Street, Tawa should be decreased from 60mins to 30mins.	While this is out of scope for the bylaw review, it could be addressed through the standard resolution process.

No	Name	Topic	Submission Summary	Officer Comment
13	Julie Baga	Parking Limits / Coupon parking	<p>The two hour weekend parking limit completely destroys the freedom to enjoy 150 minute movies, a theatre performance with a coffee beforehand, or a musical event. Tonight, for instance, I won't be able to bring my car into the city to go to a film that starts at 9:15 and ends at 12am. There aren't many buses at that time.</p> <p>Why can't we have a three hour limit at weekends? Or have some free parking lots in Newtown, Upper Cuba, Thorndon Quay with shuttle buses?</p>	<p>Council agreed to implement a two hour time limit at weekends between 8.00am and 6.00pm in May 2010. This allows longer parking in the evenings.</p>
13	Julie Baga	Parking Limits / Coupon parking	<p>Could the following clause be clarified: the way 8.4 (b) is written sounds as though if you are going to stay in a coupon parking spot during the weekend you can buy a ticket for three or four hours and thus not be subject to ticketing for parking over two hours.</p>	<p>The first two hours in coupon parking zones are free, and after that motorists need to display a validated coupon. The confusion possibly results from confusion with the time limits in the inner city pay and display parks.</p>
1	Bernard O'Shaughnessy Coalition and Transition	Parking Policy	<p>Parking policy needs complete overhaul. Policy should include rewarding car owners to leave their cars at home during the week. Council should build parking buildings in Kilbirnie, Newtown, and the CBD.</p>	
2	Bernard O'Shaughnessy	Parking Policy	<p>Parking policy needs review. Stop cars coming into city in week – fine car drivers, give 50% bus discount to workers to leave cars at home on weekdays.</p>	
19	Paula Warren	Parking Policy	<p>The submission includes a substantial discussion on the appropriate hierarchy of uses for the transport corridor, and the principles and priorities that would support the use of the land in the transport corridor to positively contribute to urban design, economic development, and other council objectives (see submission for further details). The submission proposes priorities for the allocation of road side parking space, and for the development of precinct plans</p> <p>In terms of charges and incentives, the following principles should apply:</p> <ul style="list-style-type: none"> • Residents' parking and 	<p>Currently residents and coupon parking is provided under legislation that allows fees for cost recovery, not</p>

No	Name	Topic	Submission Summary	Officer Comment
			<p>commuter parking should be priced so that there is an incentive for car owners to use private parking spaces</p> <ul style="list-style-type: none"> • There should be no charges for short term parking but high fines for breaching the rules. • There should be no charge for tradespeople using booked parking spaces. <p>There should be greater enforcement of illegal parking (footpaths, double parking, etc), and high penalties.</p>	incentives.