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**REPORT 5**  
*(1215/52/IM)*

## **REPORT OF REVIEW OF CONSOLIDATED BYLAW (TRAFFIC PROVISIONS) SUBCOMMITTEE**

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### **1. Purpose of Report**

The report provides recommendations from the Review of Consolidated Bylaw (Traffic Provisions) Subcommittee following public submissions. Supplementary information from officers relating to restrictions on use of pay and display parks by taxis is provided in Appendix 3.

### **2. Executive Summary**

The Wellington City Consolidated Bylaw 2008 contains provisions that set the requirements for traffic and parking on Wellington's local roads. These parts of the bylaw were adopted in 2004 before being consolidated in 2008, and are due for a full review by 2014.

Following a technical review of the bylaw, Council adopted a statement of proposal containing recommended amendments to parts 5 and 7 of the Wellington City Consolidated Bylaw 2008 that:

- allowed Motorcycles to use pay and display parks.
- clarified provisions relating to exemptions to residents parking areas.
- removed the objection period following public notification of Council decisions.
- removed offences specific to taxis.
- corrected errors, out of date references, and unclear provisions.

Public submissions were sought, with 21 submissions received and 3 oral submissions heard. Following consideration of the issues raised in submissions, the Subcommittee generally recommends that the proposed changes are confirmed, with the exception that:

- given the concerns expressed by the motorcycling community, it is recommended that the bylaw is not changed to allow motorcyclists to use pay and display parks;
- it is recommended that the requirement for public notification allowing objections is modified instead of removed.

The bylaw includes offences specific to taxis. However, these offences have not proved enforceable when challenged and the consultation proposal was to remove the offences from the bylaw. The Subcommittee recommended that the removal of taxi offences be reviewed in the light of further advice from officers on options for restrictions on taxis parking in pay and display areas, which is attached as appendix 3.

The recommended bylaw following public submissions is attached with the changes identified (appendix 1).

A number of submissions requested further changes to the bylaw, changes to Council policy on parking, or addressed operational parking issues. Operational issues have been referred to officers for consideration, and issues related to the bylaw have been logged by officers for consideration during the next review.

### **3. Recommendations**

The Subcommittee recommends that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to recommend that Council approves the attached amendments to parts 5 and 7 of the Wellington City Consolidated Bylaw 2008, effective immediately, that:*
  - a. *retains the prohibition on Motorcycles using pay and display parks.*
  - b. *clarifies provisions relating to exemptions to residents parking areas.*
  - c. *removes the objection period following public notification of Council decisions but requires consultation prior to a decision.*
  - d. *removes offences specific to taxis.*
  - e. *corrects errors, out of date references, and unclear provisions.*

Officers recommend that the Strategy and Policy Committee:

3. *Agree that officers prepare a proposal under part 7 of the Wellington City Consolidated Bylaw 2008 to impose a restriction on the use of pay and display parks by taxis, for consideration of the Strategy and Policy Committee in early 2012.*

### **4. Background**

The Wellington City Consolidated Bylaw 2008 contains provisions that set the requirements for traffic and parking on Wellington's local roads in Part 5: Public Places and Part 7: Traffic. These parts were adopted in 2004 before being consolidated in 2008, and are due for a full review by 2014.

On 23 June 2011 the Strategy and Policy Committee (SPC) resolved:

Agree to recommend that Council approves, for the purpose of public consultation using the special consultative procedure, the attached statement of proposal on proposed amendments to parts 5 and 7 of the Wellington City Consolidated Bylaw 2008 that:

- removes the prohibition on Motorcycles using pay and display parks, providing consistency with provisions for ordinary parking meters
- clarifies provisions relating to exemptions to residents parking areas
- removes the objection period following public notification of Council decisions
- removes offences specific to taxis
- corrects errors, out of date references, and unclear provisions.

Agree to the establishment of a hearings subcommittee with the terms of reference provided in appendix two to this paper, with membership of the Portfolio Leader Transport (Public Transport and Roads), Portfolio Leader Walking, Cycling, Motorcycling, and Safety, and two other councillors being Councillors Coughlan and Marsh.

The Council approved the statement of proposal at its meeting on 29 June 2011.

The terms of reference for the subcommittee include accepting and hearing submissions on the review of traffic provisions in the Consolidated Bylaw 2008 and making recommendations for changes to the Bylaw to the Strategy and Policy Committee.

The public submission period was from 19 July to 22 August 2011, and this was publicly notified on the Our Wellington page on July 19 and 26. During this period the summary document and statement of proposal were available on the Council website, at the Council Service Centre, and from libraries. The summary document was sent to residents and ratepayer associations, and to motorcycle representatives who were involved in the review of motorcycle parking.

A summary of submissions is attached (appendix 2). 21 submissions were received, and 3 oral submissions were heard on 25 October 2011.

## **5. Discussion**

The submissions broadly covered:

- allowing Motorcycles to use 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
- new changes to the bylaw proposed by submitters, or other matters outside the scope of the review.

These issues are discussed below.

### **5.1 Motorcycle Parking**

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, and this can be addressed by current technology, for example by the use of the phone2park system.

Motorcyclists who receive tickets for parking in pay and display, or for parking on the footpath in areas where there are no motorcycle parks available have requested the right to use pay and display parks. It is unlikely that there would be much take up of this option if it was made available, as most motorcyclists are likely to continue to use free motorcycle parks on the street (which are generally not subject to time restrictions) or park in parking buildings.

The proposed change would not change the status of existing free motorcycle parking areas, but would instead provide an additional choice to motorcyclists if there are no convenient free motorcycle parks available. However, a number of submissions from the motorcycling community demonstrate that they consider these issues to be linked, and they believe that allowing motorcyclists to use pay and display parks would undermine the existing provision of free motorcycle parks.

Given the concerns expressed by the motorcycling community, it is recommended that the bylaw is not changed to allow motorcyclists to use pay and display parks, and that the following clauses is retained:

*Part 7, 6.6      No person shall park a motorcycle in any parking meter area controlled by a multiple parking meter, other than in any part specifically set aside for motorcycles.*

### **5.2 Exemptions to residents parking areas, and other issues related to residents and coupon 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. Exemptions to residents parking areas are requested for activities such as since the areas were introduced (for example, for social and health workers required who regularly visit residents, and for trades people undertaking work for residents).

The consultation proposed rewriting the relevant clauses to clearly provide for exemptions to be issued for both coupon and residents parking areas. There were no substantive issues raised in submissions, and it is therefore recommended that the changes are confirmed.

### **5.3 Public Notification Provisions**

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, followed by notification of proposals on the Council website. 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. The consultation proposal was that the public notification provisions are deleted from the bylaw. Submissions raised concerns that this change might allow resolutions to be passed without opportunity for public input, and it is accordingly recommended that the public notifications proposals (part 7, 12.1) are modified to require consultation on prior to a Council decision instead of an objection period.

### **5.4 Taxi parking**

The bylaw includes offences (Part 7, 13.g to i) specific to taxis. However, these offences have not proved enforceable when challenged. The consultation proposal was to remove the offences from the bylaw.

It is considered appropriate to remove offences that can not be enforced, and this will also provide flexibility to the Council to use the resolution process to introduce further restrictions if appropriate.

Further information on possible restrictions on taxis using pay and display spaces will be reported to SPC at the same time as the recommendations from the Subcommittee, and it is recommended that the taxi offences are reviewed by SPC in the light of this information.

### **5.5 Other Issues**

The bylaw was reviewed to identify errors, out of date references, and unclear provisions. Some other similar minor issues were identified in submissions, which have been addressed where possible.

Some further substantive changes were also proposed. These changes would require a further special consultative procedure to be implemented. Officers have logged the issues for consideration during the next review of 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, and operational issues have been referred to officers for follow-up. 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.

### **5.6 Consultation and Engagement**

Amendments to a bylaw must be made using the special consultative procedure as prescribed by the sections 151 and 86 of the Local Government Act 2002.

### **5.7 Financial Considerations**

The cost of this project is covered in operational budgets.

### **5.8 Climate Change Impacts and Considerations**

There are no climate change impacts of these proposals.

### **5.9 Long-Term Council Community Plan Considerations**

There are no impacts on the Long Term Council Community Plan.

## **6. Conclusion**

This report provides a summary of submissions on proposed changes to the public places and traffic parts of the Wellington City Consolidated Bylaw 2008 and recommendations for the final

### **Attachments:**

Appendix 1: The public places and traffic parts of the Wellington City Consolidated Bylaw 2008 as recommended by the subcommittee.

Appendix 2: Summary of submissions on the proposed changes to the public places and traffic parts of the Wellington City Consolidated Bylaw 2008.

Appendix 3: Supplementary information from officers relating to restrictions on use of pay and display parks by taxis.

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## Supporting Information

### **1) Strategic Fit / Strategic Outcome**

*The proposed changes to the bylaw recommended by this report supports the Council's strategic outcomes*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*There are no LTCCP impacts of this report.*

### **3) Treaty of Waitangi considerations**

*No Treaty of Waitangi issues have been identified in this report.*

### **4) Decision-Making**

*Amendments to a bylaw must be made using the special consultative procedure and adopted by Council. The changes proposed to the bylaw are minor, and are not significant.*

### **5) Consultation**

#### **a) General Consultation**

*Changes to the consolidated bylaw require the use of the special consultative process. This report is part of this process.*

#### **b) Consultation with Maori**

*Changes to the consolidated bylaw require the use of the special consultative process. None of the issues identified have any specific implications for Maori.*

### **6) Legal Implications**

*Legal advice has been received on the matters addressed in this report.*

### **7) Consistency with existing policy**

*The proposed changes to the bylaw relate to technical and operational issues, and not to changes in policy.*