
ORDINARY MEETING

OF

PŪRORO ĀMUA - PLANNING AND ENVIRONMENT
COMMITTEE

MINUTES

Time: 1:30pm
Date: Wednesday, 23 June 2021
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

PRESENT

Mayor Foster
Deputy Mayor Free
Councillor Calvert (via audiovisual link)
Councillor Condie
Councillor Day
Councillor Fitzsimons
Councillor Foon
Councillor Matthews
Councillor O'Neill
Councillor Pannett (Chair)
Councillor Paul (Deputy Chair)
Councillor Rush
Councillor Woolf (via audiovisual link)
Councillor Young

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1. Meeting Conduct

1.1 Karakia

The Chairperson declared the meeting open at 1:30pm and invited members to stand and read the following karakia to open the meeting.

**Whakataka te hau ki te uru,
Whakataka te hau ki te tonga.
Kia mākinakina ki uta,
Kia mātaratara ki tai.
E hī ake ana te atākura.
He tio, he huka, he hauhū.
Tihei Mauri Ora!**

Cease oh winds of the west
and of the south
Let the bracing breezes flow,
over the land and the sea.
Let the red-tipped dawn come
with a sharpened edge, a touch of frost,
a promise of a glorious day

1.2 Apologies

Moved Councillor Pannett, seconded Councillor Young

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Accept the apologies received from Councillor Sparrow for absence and from Mayor Foster for lateness.

Carried

1.3 Conflict of Interest Declarations

No conflicts of interest were declared.

1.4 Confirmation of Minutes

Moved Councillor Pannett, seconded Councillor Paul

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Approves the minutes of the Pūroro Āmua | Planning and Environment Committee Meeting held on 22 June 2021, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

1.5 Items not on the Agenda

There were no items not on the agenda.

1.6 Public Participation

There were no requests for public participation.

(Councillor Calvert, Foon and Woolf entered the meeting at 1:32pm.)
(Deputy Mayor Free joined the meeting at 1:43pm.)
(Mayor Foster joined the meeting at 1:58pm.)

The meeting adjourned at 2:03pm and reconvened at 2:05pm with the following members present: Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Mayor Foster, Deputy Sarah Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Woolf and Councillor Young.

(Deputy Mayor Free left the meeting at 2:15pm and returned to the meeting at 2:17pm.)
(Mayor Foster left the meeting at 2:16pm and returned at 2:20pm.)

The meeting adjourned at 2:37pm and reconvened at 2:48pm with the following members present: Councillor Calvert, Councillor Condie, Councillor Day, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush and Councillor Woolf.

(Councillor Young left the meeting at 2:48pm.)

(Cr Foon returned to the meeting at 2:54pm.)

2. General Business

2.1 Traffic and Parking Bylaw Forum

Moved Councillor Matthews, seconded Councillor Rush

Resolved

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.
2. Hear the oral submitters and thank them for their submissions.

Carried

Attachments

- 1 Hankey St Cares Residents Association
- 2 Grant Purdie
- 3 Ian Hutchings
- 4 Yvonne Webber
- 5 Barry Insull

Secretarial note: The following people spoke to their submissions:

Time	Name	Ind./Org.	Page #
1:30pm	Ellen Blake	Living Streets Aotearoa	88
1:35pm	Kate Hayward	Hankey Street Cares Residents Association	68
1:45pm	Kate Hayward	Individual	41
1:50pm	Grant Purdie	New Zealand Four-wheel Drive Association	79
2:00pm	Peter Hunt	Forest and Bird	82
2:20pm	Daniel Spector	Individual	44
2:25pm	Alex Gray	NZ Automobile Association	59
BREAK			
2:45pm	Mike Mellor	Individual	47
2:55pm	Kirk Moon	Individual	18
3:00pm	Ian Hutchings	Cross Country Vehicle Club	64
3:10pm	Yvonne Weeber	Individual	38
3:15pm	Barry Insull	Individual	52
3:20pm	Mark Spiers	Individual	11

The meeting concluded at 3:24pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind
I te ara takatū	
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____
Chair

ORDINARY MEETING

OF

PŪRORO ĀMUA - PLANNING AND ENVIRONMENT
COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 1:30pm
Date: Wednesday, 23 June 2021
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Level 16, Tahiwī
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Wellington

Business

Page No.

2.1 Traffic and Parking Bylaw Forum

1.	Hankey St Cares Residents Association	2
2.	Grant Purdie	21
3.	Ian Hutchings	27
4.	Yvonne Webber	48
5.	Barry Insull	54

March 2018

Petition to Widen mid-Hankey Street

(41 Signatures from mid-Hankey residents)

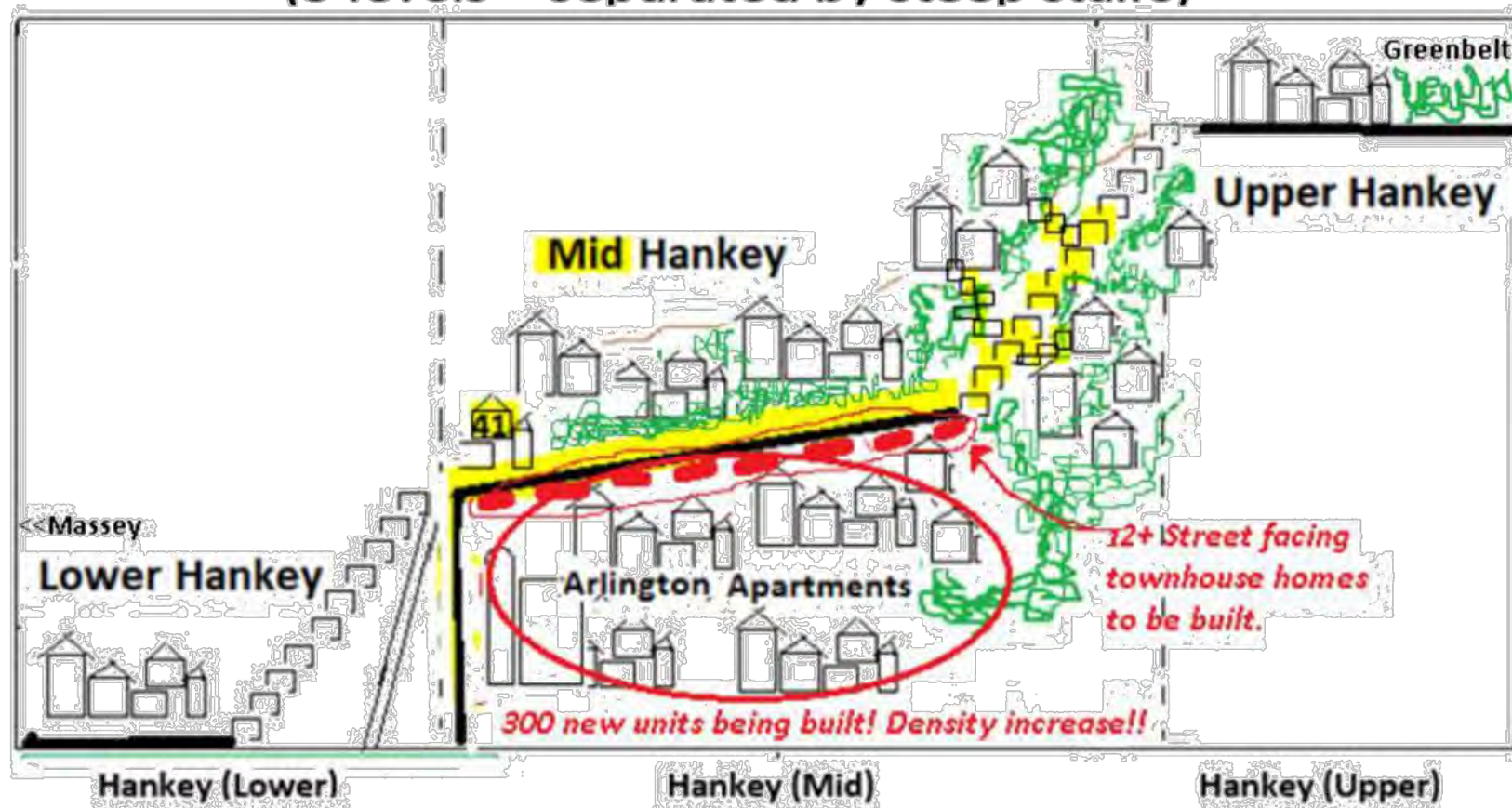
PETITION TO WELLINGTON CITY COUNCIL

We, the undersigned are users of 'middle' Hankey Street and/or nearby residents and we value and appreciate the parking on both sides of Hankey Street (from the corner at no. 41 up to the pedestrian staircase). It is vital that we retain parking on both sides of the street. ←

HOWEVER, we have concerns about the ability of ambulance and fire trucks to make their way up this street in the event of an emergency.** THEREFORE, we respectfully ask that the *City Road Engineers examine this stretch of Hankey Street and report back to the Hankey Residents with widening options* ← (that do not entail the loss of any car parks).

**NOTE: Currently, there are days in which the garbage truck has to precariously back down the street and then try returning later in the day. On some days, even small cars can *only just* scrape through. At those times it is a nerve-wracking exercise and certainly a fire truck or ambulance would NOT be able to make their way up the street.

Elevation View of Hankey Street (3 levels – separated by steep stairs)



Mid-Hankey Street View

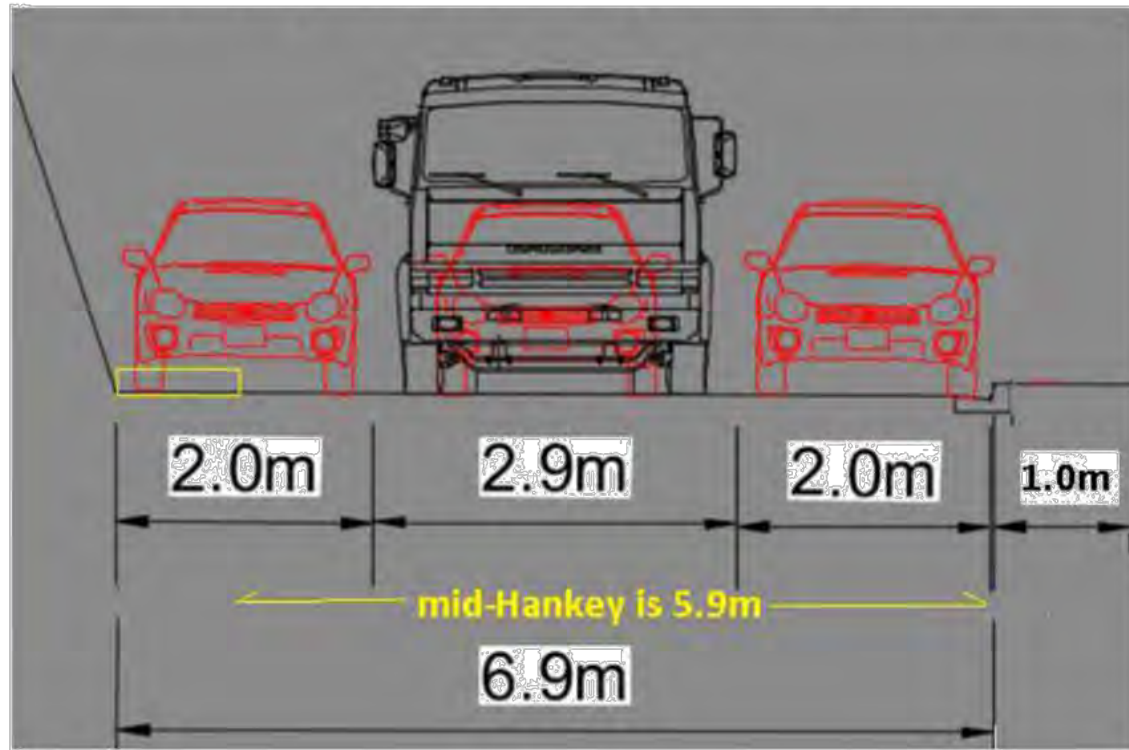
Needs to be 1m wider – hence footpath parking



Minimum dimensions from the Transport Unit. We are missing only a meter.

Find this extra space and mid-Hankey would be a STANDARD street!

No more parking on the footpath! Everyone wins!



Hankey is Hopeful

BEHOLD!!

Question no. 23 on the Submission Form

Section 6

How could the Council best manage pedestrian and vehicle access and parking on the narrow streets where parking on the footpath has been common place?

For example, adding broken yellow lines, providing additional signage, **remove unnecessary footpaths** or add new parking management.

Hankey's Helpful Idea

Question no. 23 on the Submission Form

Section 6

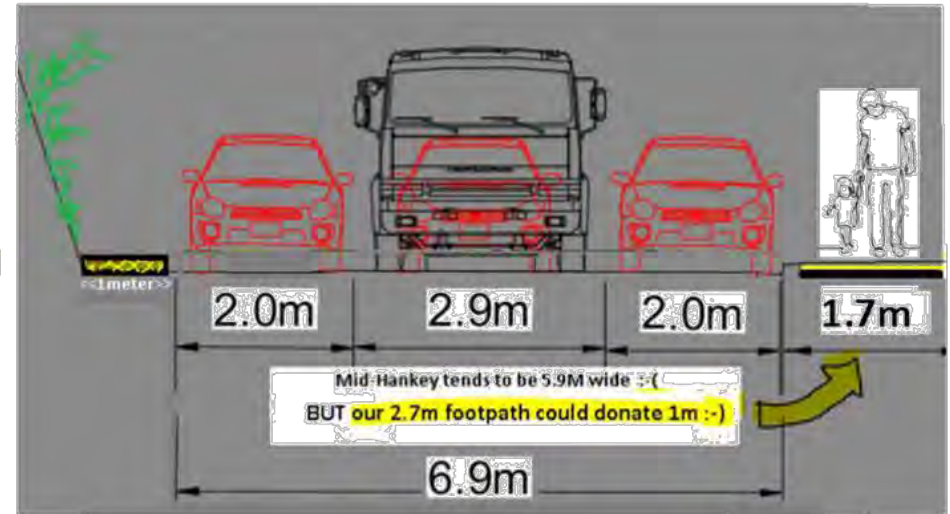
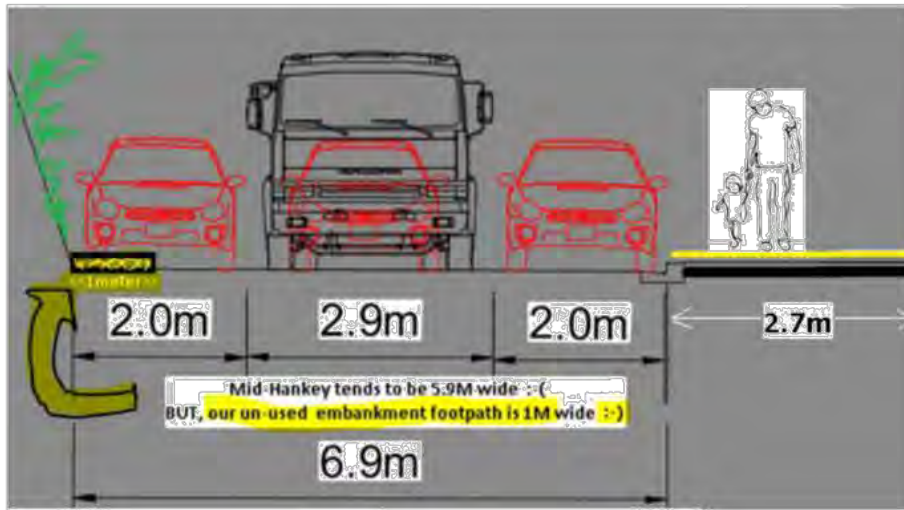
How could the Council best manage pedestrian and vehicle access and parking on the narrow streets where parking on the footpath has been common place?

For example, adding broken yellow lines, providing additional signage, **remove unnecessary footpaths** or add new parking management or *widen the street where it is feasible and could be achieved as an enhanced maintenance operation.*

Mid-Hankey offers BOTH Solutions 😊

1. Designate the redundant embankment footpath as Road Verge 😊

2. Widen road by 'borrowing' a meter from the 2.7m over-sized footpath . 😊



Our Submission Summary

- For those streets-
 - Located in **suburbs bordering on the CBD** (i.e. provide CBD coupon parking)
 - AND where footpath parking has been customary
- Then IF the footpath **parking ban means half or more carparks lost**
 - WCC staff should consider:
 1. Widening (Feasible? Cheap? 'Enhanced maintenance'?)
 2. Footpath Removal (Meets the strict criteria?)
 3. Broken Yellow line (Last option)

How do we know if a Footpath is unnecessary and can be removed?

- 1. Provides a sub-standard experience for pedestrian**
- 2. Popular 'positive experience' alternative footpath exists**
- 3. There is wide neighbourhood consensus**

Criteria for identifying Redundant Footpaths

1. Provides a sub-standard experience for pedestrian

- (a) E.G. 'sub-standard' could be - Narrow, Constantly overgrown, hugs embankment with ineffective retaining walls,
- (b) Footpath doesn't connect two points – fizzles out on at least one end



Criteria for identifying Redundant Footpaths

2. Popular 'positive experience' alternative footpath exists

- (a) E.G. 'positive experience' could be -- wide, Constantly overgrown , unencumbered by embankment vegetation, well-lit , open views, "feels safe".
- (b) That alternative footpath is easy to access-- e.g. no busy, through road to cross



Criteria for identifying Redundant Footpaths

3. There is wide neighbourhood consensus



The wide footpath makes the embankment footpath redundant / not used!

- Yellow = footpaths Red dots = driveways Blue = informal crossings



“BUT if WCC fixes mid-Hankey that will create a dangerous precedent. Wellington has scores of streets like mid-Hankey.”

FACT CHECK

FACT CHECK: In suburbs adjacent to Wellington Central There are maybe 6 streets like mid-Hankey

		(A)		(C)
Suburbs Adjacent to Wellington Central (provide Coupon Parking for CBD)	Information Source	Number of narrow streets where footpath parking is customary	Name of Street(s)	How many of column (A) streets, are "critically" affected Footpath Parking Ban = 50% + Car Parks Disappear)
• Mt. Cook	Mt. Cook Mobilised	One	Mid-Hankey	1
• Mt. Victoria	Mt. Vic Residents Assoc.	Two	Tuchen Ave, Rixon Grove	1
• Thorndon	Thorndon Residents Assoc.	None	n/a	0
• Kelburn	With WCC staff	?	?	Estimation 1
• Te Aro	With WCC staff	?	?	Estimation 1
• Clifton	With WCC staff	?	?	Estimation 1
TOTALS				ESTIMATED TOTAL 5

Mt. Victoria put forward Rixon Grove & Tutchen

Rixon Grove – Already has extensive broken yellow lines. No further action.



Tutchen -- Relies on footpath parking. Candidate for remediation analysis.



**Widen? Eliminate a footpath?
(Yellow lines = last resort)**

In suburbs adjacent to Wellington Central There are **likely 6 streets** like mid-Hankey

		(A)		(C)
Suburbs Adjacent to Wellington Central (provide Coupon Parking for CBD)	Information Source	Number of narrow streets where footpath parking is customary	Name of Street(s)	How many of column (A) streets, are "critically" affected Footpath Parking Ban = 50% + Car Parks Disappear)
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• Kelburn	With WCC staff	?	?	Estimation 1
• Te Aro	With WCC staff	?	?	Estimation 1
• Clifton	With WCC staff	?	?	Estimation 1
TOTALS				ESTIMATED TOTAL 5

Mid-Hankey Submission Summary

- For those streets-
 - Located in **suburbs bordering on the CBD** (i.e. provide CBD coupon parking)
 - AND where footpath parking has been customary
- Then IF the footpath **parking ban means half or more carparks lost**
 - WCC staff should consider:
 1. Widening (Feasible? Cheap? 'Enhanced maintenance'?)
 2. Footpath Removal (Meets the strict criteria?)
 3. Broken Yellow line (Last option)

Thank you!

10 June 2021

Traffic and Parking Bylaws
Wellington City Council
PO Box 2100
Wellington 6140



By email to pet@wcc.govt.nz

Re: Proposed Traffic and Parking Bylaws 2021

The letter is the submission from the New Zealand Four Wheel Drive Association (NZFWDA) in respect of Wellington City Council's Proposed Traffic and Parking Bylaws 2021 ("the proposal").

Overview

The NZFWDA is the peak national body for organized 4wd activities in New Zealand. It is a volunteer association which exists to encourage and promote the responsible use of 4WD vehicles and to advocate for their access to public lands.

A large number of 4wd clubs in New Zealand are affiliated to the NZFWDA, which is an incorporated Society established in 1974. It is managed by its National Executive through a structure of three regional zones, Northern, Central and Southern, and the Competition Committee.

Collectively the Association comprises some 62 affiliated Clubs, with over 2,400 members in total.

Our clubs and their members have a long history of continually contributing, by way of planting, rubbish clean-ups, provision of transport for interest groups who could not otherwise access places, fund-raising and more.

Our submission is made on behalf of all our affiliated clubs and their members. We understand that independent submissions have also been made by some of our members and clubs.

Relevant provisions scope

Our submission addresses only those parts of the proposal that refer to restricting vehicles on unformed legal roads (ULRs), also known as paper roads. In our submission we use the term "vehicle access" to describe this.

We have not commented on other aspects of the proposal.

Context

The Council's proposal document, obtained from the Council's website, has references throughout to ULRs, with some discussion on vehicle restrictions set out in section 4.18.

Given that, our submission is more about general aspects of the proposal rather than a clause-by-clause analysis.

Submissions

We submit that:

1. Vehicle access

We understand that vehicle access was included in the scope of the proposal only late in the process, after consultation had taken place on the overall proposal.

This is not in the interests of an open and fair process and is not in keeping with this Council's normal approach.

In order it would be use of a similar process for an improper purpose, to proceed with the inclusion of vehicle access in the manner proposed, without formal, full and fair consultation.

We recommend that the vehicle access components of the proposal are reviewed only if that has taken place.

Legal precedents

Not holding legal qualifications ourselves, we nonetheless have an awareness of some aspects of the law applicable to ULAs.

It is our understanding that there is legal precedent in respect of the rights of legal bodies to impose restrictions on ULAs. For example, "road stopping" requires a proper process to be followed including proper consultation with potentially affected parties (not the public). We understand that there are similar requirements of process for establishing by-laws.

A local example is Johnson's Road in Upper Hutt, where the Upper Hutt City Council decision to stop the ULA was overturned by the Environment Court.

We recommend that Wellington City Council recognises such precedents, which show the risks of not following a proper process, when reconsidering its approach to managing vehicle access on ULAs.

Waking Access Commission

The Waking Access Commission (WAC) has a well-established track record of identifying and protecting those tracks and roads throughout New Zealand where the public has right of access. This includes ULAs.

We have consulted the WAC on the proposal and we have received very clear advice that the proposal is likely to be invalid in relation to vehicle access and that the proposal, if couched as a by-law, could be easily overturned if challenged in court.

We recommend that the Council works with the WAC to assist with revising their approach to vehicle access.

Outer Green Belt Management Plan

The Council approved the amended Outer Green Belt Management Plan (OGBMP) in 2019.

The OGBMP has a number of references to ULAs, including these examples:

- In 4.1.3.2 "Management of the unimproved legal roads (ULRs) of which there are a number in the Outer Green Belt, must comply with legal requirements for ULAs. ULAs are not reserved"
- In 4.5.3.5 "1. Prohibit private vehicle access except under exceptional circumstances and on a one-off basis or where legal access is provided for (e.g. unimproved legal roads or where legal right of way exists)"
- In 5.7.1.5 "Coastal road: the public has a right of access on the unimproved legal road that runs along the coastal platform from the gates of Hape Stream to Saddle Hill/The Rongapu and beyond."
- In 5.7.2.5 "Develop, disseminate and promote a shared use behaviour code for users of the coastal unimproved legal road"

The proposal is inconsistent with aspects of these existing management provisions in a number of ways.

We recommend that, as part of re-assessing the approach to vehicle access, the Council works to ensure consistency with the OGBMP.

1. Clarity of Objectives

It is our understanding that, for a by-law to be properly enacted, specific details of the issues and the proposed solutions must be identified.

In the case of some of the ILEs the Council is concerned with, certain specific management measures that the Council may consider could be appropriate, however proper process still must be followed.

The proposal does not identify issues specific to each ILE and does not detail the proposed management measures for each ILE.

Instead, the proposal has a broad-brush general approach, which does not include the necessary specificity. We believe that this approach is not necessarily legal and may be challenged in court if enacted as a by-law.

In addition, we understand that a number of the examples included in the proposal are flawed, as pointed out by other submitters.

11.23.2021

Thank you for the opportunity to participate in consultation on the proposal. Our submission is on behalf of over 2,000 members of the public of which a material number are interested parties when it comes to the vehicle access aspects of the proposal.

We consider that a proper process has not been followed and we have made what we believe to be highly significant points in relation to vehicle access and we trust that these will be taken into account.

In summary, we submit that the vehicle access provisions of the proposal be withdrawn and a correct legal process reinstated.

We do wish to have the opportunity to speak in support of our submission at any hearing. Please register our Wellington-based Officer who will speak on our behalf.

Grant Purdie
04 421 612 318
0274 523 442 5224

Yours faithfully,



Neville Dunlop
National President, on behalf of
The New Zealand Four Wheel Drive Association Incorporated
04 421 612 318
0274 523 442 5224



WCC By-Law Hearing 2021 NZFWDA Speaking Notes



1 Introduction

- My name is Grant Purdie
- Representing the National Executive of the NZ Four Wheel Drive Association
- Comprising over 2,100 members across 62 4wd clubs throughout NZ
- Our submission
 - The focus was only the proposal to include Unformed Legal Roads (ULRs) in the by-law
 - In hindsight we should have included more about ULRs and why we have an interest in them
 - I note that our submission has been pasted into a template, which greatly detracts from its structure and readability
 - Hand out printed copies of our submission
- Our members have considerable credentials of volunteer work
 - Throughout the country
 - And very significantly, with WCC over 20+ years
 - planting
 - rubbish clean-ups
 - removal of abandoned/wrecked cars
 - track maintenance
 - pest control - now with Capital Kiwi - in
 - Te Kopahou Reserve, WCC's largest reserve
 - the South Coast from Owhiro Bay Visitor Centre to Red Rocks and beyond
 - encouraging 4wd enthusiasts to join clubs, comply with managed access protocols
 - education of public users
 - hosting people who can't otherwise access remote or elevated places of interest

2 WCC's Outer Green Belt Management Plan (OGMMP)

- Specifically allows vehicle access on ULRs
- Under a managed access protocol (permits, keys, supervision etc)
- Of special significance is the so-called Red Rocks road
- There are also networks of tracks that provide access to remote or elevated places that many citizens can't otherwise access yet should have the privileged of enjoying

- Through the Cross Country Vehicle Club (CCVC), the largest 4wd club in NZ, we've been recommending for years a by-law to reduce the speed limit on the Red Rocks road and improve user behaviour
- A by-law gives the power to prosecute offenders
- There are examples where similar by-laws for reduced speed limits have been successfully introduced
 - HDC at Foxton Beach – where enforcement quickly got the message through to hordes of vehicle drivers, including trail bikes and quads
 - Wellington CBD
- On the Red Rocks road, a by-law could include behaviour requirements, such as keeping to the formed track, as well as a speed limit
- Clearly, we support the introduction of a by-law where the situation demands it
- We understand a by-law, to be introduced, needs
 - A description of the specific problems/issues for each place affected
 - The specific measure(s) proposed for each place
- The WCC proposal is generalised
 - Appears not to meet the criteria of specificity
 - And we understand may be open to challenge in court
- Consultation
 - We do recommend consultation with stakeholders on ULRs
 - Stakeholders with an interest in ULRs appear not to have been included in consultation to date on this occasion, until the release of the by-law proposal
 - Neither our organisation nor our member clubs were included, despite our significant work with WCC over 20+ years
- We understand that the Walking Access Commission has made a submission and that it expresses some similar concerns to ours

What we propose

- Either delay the process to include hold a stakeholder consultation round about ULRs
- Or withdraw the ULR provisions and include them in a future proposal
- And no matter which option is taken
 - Ensure any future by-law concerning ULRs includes adopting a managed access approach

END

PROPOSED PART 19 and PART 20

- Q. WHEN IS A PROBLEM NOT A PROBLEM???
- A. WHEN YOU HAVE NOT EXPLAINED IT AT ALL

THE SUBMISSION MADE

- The submission CCVC made is not before you today
- Our submission has been cut and pasted to a Council Q/A format
 - Some submissions have been included as submitted!
- It does not even now follow your headings!
- As such the words are a continuous string of text
 - Lacking structure
 - Lacking emphasis (bold etc)
 - Poor readability
 - Lowering credibility

The rights of access to legal roads are well enshrined in law and have been strongly supported in New Zealand by the Courts.

The public have full rights of access to all ULR, by whatever means they find practicable or see fit, be it by foot, cycle, vehicle. These rights are no different to those on a formed roadway.

The NZPAC Guidelines on unformed public roads identify that the public has rights of free passage on unformed legal roads. Councils should:

- uphold those rights
- increase public awareness of them
- legally enforce, if necessary.

The rights of access to legal roads are well enshrined in law and have been strongly supported in New Zealand by the Courts. The public have full rights of access to all ULR, by whatever means they find practicable or see fit, be it by foot, cycle, vehicle. These rights are no different to those on a formed roadway. The NZPAC Guidelines on unformed public roads identify that the public has rights of free passage on unformed legal roads. Councils should: • uphold those rights • increase public awareness of them • legally enforce, if necessary.

STARTING THE PROCESS – MISSING STEPS

- Determine whether a bylaw is the most appropriate way of addressing the perceived problem – **there must be a perceived problem that needs addressing (for each Part of Bylaw)**
- 1. This should be discussed in a council policy paper that identifies the problem, the range of existing regulatory tools available and their limitations.
- 2. The relative merits of any other non-regulatory options should also be considered. If a bylaw is the most appropriate solution:

JUMPING STRAIGHT TO A BYLAW

- Ignores addressing a PROBLEM
- Ignores addressing various solutions required under Act
- Leaps straight to a single Bylaw solution
- Material in SCOPE – Part 4 (4.9 and 4.10)
 - Does not identify a PROBLEM
 - Discusses the South Coast
 - Most points not Council responsibility
 - Most can relate to any South Coast user

THE PERCEIVED PROBLEM

- Section 3.1.1 of Proposal (Page 11) – The Perceived Problem
- Nothing relates to Unformed Legal Roads (Part 19)
- Nothing relates to Beaches (Part 20)
- Three “examples” identified
 - Two examples of Legal Road
 - One Example of Private Right of Way
- No “Problem” identified in any “example”

ULR - A MATTER OF PERSPECTIVE

- “For most of these roads, they provide necessary access and driving or parking on them does not cause negative impact”. (Para 4.10)
- Yet a City wide bylaw is proposed!
- The South Coast is however identified – more on that later

PART 19 - UNFORMED LEGAL ROADS

- Four Examples given in Appendix B
 - Noel Ashton Way (Private Land)
 - Netherleigh Street (A lovely bush slope in Seatoun)
 - Heath Street (actually a “Park”)
 - Parts of Owhiro Bay Parade to Red Rocks
- No “perceived problem” identified

NOEL ASHTON WAY

PRIVATE LAND – AT THE END OF SOUTH MAKARA RD – 8 KM - ZERO HOUSES



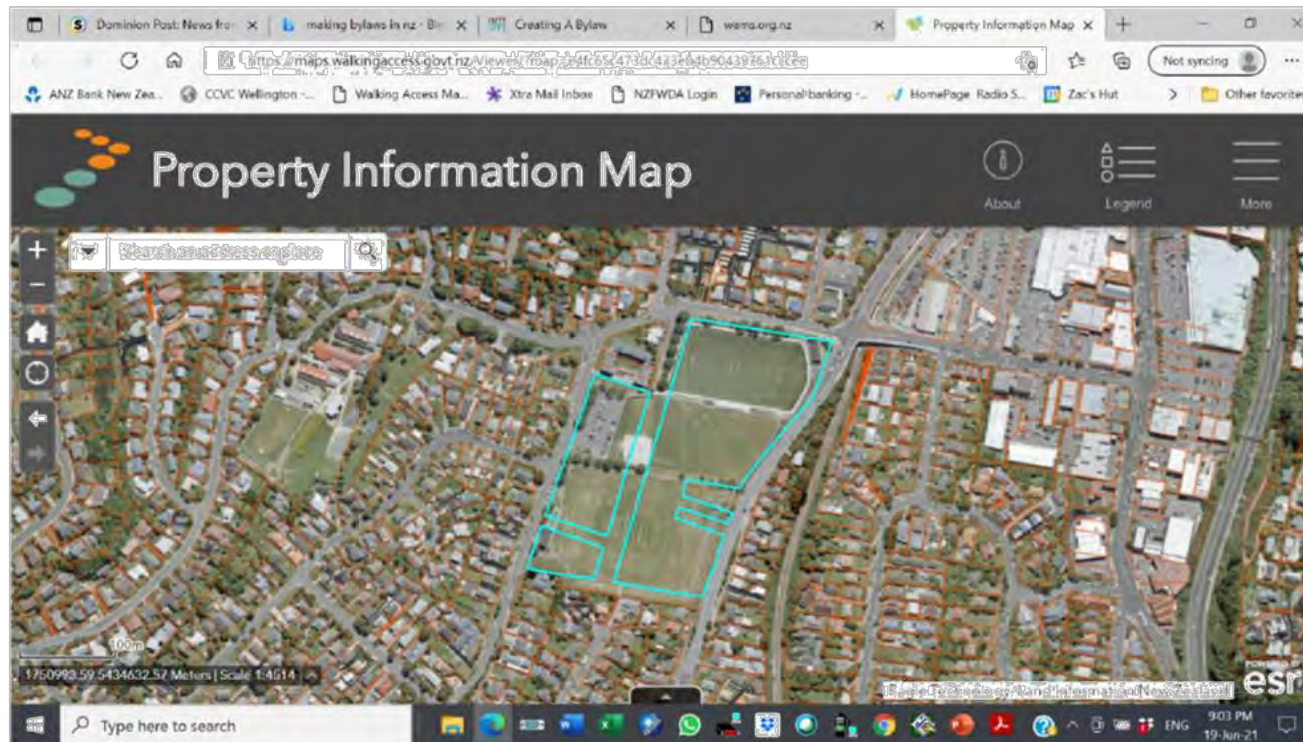
NETHERLEIGH STREET

GIVES ACCESS TO TWO PROPERTIES – NO ISSUES IDENTIFIED BY COUNCIL
NICE SUBURBAN BUSH SLOPE IN SEATOWN



HEATH STREET

PARK ON LEGAL RD – MANAGED BY PHYSICAL BARRIERS – NO PROBLEM HERE
BUT COUNCIL COULD/SHOULD TIDY IT LEGALLY WITHOUT A BYLAW



THE SOUTH COAST GRAB BAG! (from 4.10)

- Vehicles getting stuck
- Dumping of abandoned vehicles
- Damage to Coastal Ecology
- People disturbing wildlife
- Road viability (erosion, sea level)
- Increased risk of (from?) rockfalls
- Poaching (landowner comments)
- Anti-social behaviour

DOES COUNCIL GET THEM OUT
WORSE THAN ELSEWHERE???

POSSIBLY, OFF TRACK -
BY WALKERS AND ANYBODY
A COUNCIL ISSUE???

NOT FROM VEHICLE USE
PRIMARY MAF RESPONSIBILTY
ONLY FROM VEHICLE USERS?

SOUTH COAST - IMPROVEMENTS

- Is a Bylaw required? Most users act responsibly
- Where are alternatives – Education, Enforcement, Etc
- Council suggests no action under a Bylaw is intended
- **Are you going to stop vehicles from driving along the road to Red Rocks?**
- No, the Council **is not proposing to change the vehicle restrictions** on the unformed legal road to Pari Whero/Red Rocks (Great Harbour Way/Te Aranui o Pōneke). The proposal, in the draft bylaw, is to provide the Council with the ability to manage vehicles driving or parking on paper roads in Wellington City, **if it needed to in the future**. There are many paper roads (legal unformed roads) in the city, not just the road out to Pari Whero/Red Rocks and at the moment, the **Council is not able to manage vehicle access and parking on these roads properly**.

TRYING TO HAVE IT BOTH WAYS!

- Council seems confused about Unformed Legal Roads
- “For most of these roads, they provide necessary access and driving or parking on them **does not cause negative impact**”. (Para 4.10) **BUT**
- “There are many paper roads (legal unformed roads) in the city, not just the road out to Pari Whero/Red Rocks and at the moment, the Council is **not able to manage vehicle access and parking on these roads properly.**” (Council web site statement)
- **If there is not a negative impact what needs to be managed???**
 - Especially under LT Act criteria

LIKEWISE ON THE SOUTH COAST

- However, some of these roads **require restricted access**. For example, user-related issues on the unformed coastal road from Hape Stream to Te Rimurapa/Sinclair Head and beyond..... **BUT**
- **Are you going to stop vehicles from driving along the road to Red Rocks?**
- No, the **Council is not proposing to change the vehicle restrictions** on the unformed legal road to Pari Whero/Red Rocks (Great Harbour Way/Te Aranui o Pōneke). The proposal, in the draft bylaw, is to provide the Council with the ability to manage vehicles driving or parking on paper roads in Wellington City, **if it needed to in the future**.

FINAL COMMENT ON LEGAL ROADS

- We submit
 - The material does not identify a problem
 - No discussion on alternatives (maybe because of the lack of a problem)
 - The process is not in accordance with requirements
 - Few issues raised meet the Act (LTA 22AB)
 - Council should
 - Withdraw Part 19 as proposed
 - Review its position
 - Initiate a proper policy process if warranted

PART 20 - BEACHES

- Another “lets just do it” issue
- Not subject to a prior policy process
- Said to be about Beaches that are not Reserves
- “Therefore, for beaches which are not reserves, such as Makara beach,.....”
- But Makara Beach is Legal Road!
 - Just manage it!

OTHER BEACHES – Published later

- **Are you proposing to stop vehicles driving or parking on Wellington's beaches?**
- Yes, the draft bylaw is proposing to prohibit vehicles from driving or parking on beaches in Wellington City unless they have prior permission from the Council. This would include beaches such as Freyberg beach on Oriental Bay, Lyall Bay beach, Island Bay beach and Scorching Bay beach. The proposal does not include beaches that are Reserves, such as Red Rocks Reserve (Pari Whero) as reserves are managed under the Reserves Act. Please refer to the draft clause 20 in the proposed traffic and parking bylaw.

BEACHES

- As drafted it has immediate effect (no Resolution process)
- Immediately places current activity in breach of bylaw
 - “Parking” on south coast to Terawhiti
 - Fishing, Diving or just recreation
 - Boat launching around coastline
- Needs more thinking
- Unconvinced there is a problem
- Urban examples quoted are easily solved

SOLUTIONS FOR BEACHES

- **Withdraw Part 20 and do it properly**
 - Policy process, discussion
 - Is it beaches or boat launching?
 - Create a more nuanced proposal
- **CCVC has no issue with limiting vehicles on “Urban Beaches”**
 - Not convinced of need for bylaw
 - Manage by land ownership
- **Possible Bylaw limitation to Urban Beaches**
 - Wording suggested in submission

THANK YOU FOR THIS OPPORTUNITY

Yvonne Weeber
143 Queens Drive

Caravans and vehicles on the footpath



Item 2.1 Attachment 4









10/6/21

Submission on Proposed Traffic Bylaw 2021

Traditionally one would start a submission with a thank you for the opportunity to comment on the issue.

In this case I must point out that community consultation in respect to sections 4.9 (Restricting vehicles from parking, riding or driving on beaches) and 4.10 (restricting vehicles on unformed legal roads) has been sub optimal to say the least. Information I have received suggests these sections were included late in the piece and have NOT been subject to any previous community input.

This submission primarily focuses on section 4.10

Supporting narrative justifying the bylaw amendment (Final Traffic Bylaw Statement of Proposal, page 20) includes;

"For example, as identified in the Outer Green Belt Management Plan 2019, user-related issues on the unformed coastal road from Hape Stream to Te Rimurapa/ Sinclair Head and beyond include: unsuitable vehicles getting stuck, dumping of abandoned vehicles, vehicle damage to coastal ecology, people disturbing wildlife and the effects of coastal erosion and sea level rise making parts of the road less viable and increased risk of rock falls. Some landowners have reported poaching and anti-social behaviour from some road users"

The paper claims "these issues are currently managed by closing the road to vehicles on Sundays. The ability to restrict vehicle access or introducing a permit-only access/or speed restrictions could help further reduce the impacts"

To those unfamiliar with the area, I say the rationale, as presented, while looking good is unfortunately flawed to the extent it contains mistruths.

Yes, vehicles do get stuck on the sand and gravels, remember however this is an unformed road traversing what many would describe as a rugged coastline. There would be, almost no one, even experienced drivers, who have not at some time become stuck on this coast at some point. Council's own staff and Police included. Council have met their community obligations by the erection of appropriate signage. While true vehicles have been "dumped" or left on the coast the number has been relatively few over recent years. Issues around rockfall exist irrespective of the land classification at the bottom of the slope. Redesignation to say Esplanade Reserve for example maintains a public right of walking access but the rockfall issue still exists. The reasons why policy writers chose to say "**and increased risk of rockfalls**" is unclear.

To claim the adverse effects are managed by closing the gate to vehicles on Sundays is I am sorry to say incorrect. A locked gate between 9.00 am and 6.00 pm on one day a week is unlikely to have any measurable effect on vehicles getting stuck, vehicle damage to coastal ecology, poaching etc. The reason for a locked gate on Sundays was specific to issues around walkers and had absolutely nothing to do with the other elements that have crept in to the narrative of the "Statement of Proposal" (p20).

The fact Council saw fit to release clarity around stopping vehicles driving along the road to Red Rocks and addressing driving or parking on beaches on 17 May would likely, perhaps not have been necessary if the appropriate consultation had occurred. Even the new material contains a factual error.

Much of the need for a bylaw amendment, as it applies to the Red Rocks coastline, centres around the claims of *"ability to manage vehicles driving or parking on paper roads"* it is suggested *"Council is not able to manage vehicle access and vehicles parking on these roads properly"*. While this may be accurate no real examples have been advanced to support the position.

It has long been known that speed has been an issue on the access-way to Red Rocks. As a strong advocate for the area, I have called for an enforceable speed limit for 20 plus years. Council's position (expressed verbally) has been "it is too difficult". That position does not seem to be supported in the current document. Under Section 4.10 the purpose of the bylaw is "provide Council with the ability, by resolution, prohibit or restrict vehicle access" (emphasis added). There is no plain text, that I have seen, that discusses speed. This raises the question of whether officers have inadvertently failed to address the issue or an enforceable limit could be introduced under existing legislation/bylaws. I should also point out that correspondence from Council seeking clarity as to what could or could not be done under the terminology "restrict" failed to include anything about speed. Approximately 20 years ago the South Coast Management Plan, seen as a contract between the community and Council included an implementation action of *"An assessment will be undertaken of the need to impose a speed limit on the coastal road."* Despite the passage of time, I am yet to see either the assessment recommendations or significant actions deserving merit.

It also needs to be pointed out that when seeking clarity on matters relating to the proposed changes Officers are using language that has the potential to create a false impression or expressed more directly embarrassingly inaccurate and should have no place in Council correspondence. An example being *"For unformed legal roads such as the Red Rocks road sea level rise.....has made it tricky to identify exactly where the unformed road starts/finishes"*. A request seeking the date of the last attempt to survey the road along with technical reports or other creditable material supporting the statement appears to have been overlooked, wonder why?

If you were to form the view that Officers have failed to undertake appropriate consultation in respect to sections 4.9 and 4.10 of the proposed bylaw, then I suggest you consider withdrawing those sections from the document. To take a contrary position is akin to saying to the community give me the authority and have faith that the justification and processes in place were warranted. Surely you would be on shaky ground in the event of legal challenge.

When discussing the Bylaw with a coastal user recently they put it this way *"The whole bylaw is to allow Council to stop a road without due process"*. While I will not make judgements on such calls it perhaps highlights an individual's perception when denied all of the available information had a proper consultation process been followed.

My submission has nothing to do with the sincerity of officers seeking to tidy up perceived issues but rather the need to demonstrate a recognized democratic process involving community consultation has been undertaken.

Barry Insull

Whitby 5024

Ph.

Papers supporting Oral submission

As a bach owner and someone who takes a very keen interest in our South Coast I make the following observations.

- 1 Sections 4.9 (beaches) and 4.10 (unformed legal roads) appear to have been rushed through.
- 2 Information I have received suggests there has been NO community consultation.
- 3 The “Final Traffic Bylaw Statement of Proposal” contains many dubious comments and lacks genuine examples to bring the community onboard.
- 4 The quality of answers to written requests from officer’s fare no better.

5 To demonstrate :

4.9 Restricting vehicles from parking, riding or driving on beaches

Note: highlighted sections. We are talking about beaches and the Council need for a mechanism to prohibit or restrict vehicles from driving on beaches such as Makara Beach.

• Issue: The Council manages most of the Wellington coastline, including beaches. Vehicle restrictions are covered in specific management plans for beaches that are part of reserves, and these restrictions can be enforced by warranted Council park rangers under the Reserves Act 1977. However, under the LTA section 2 (1), the definition of a road includes a beach. **Therefore, for beaches which are not reserves, such as Makara beach, the Council needs a mechanism to prohibit or restrict vehicles driving and parking on them. Vehicles on beaches are a safety concern to the drivers/passengers of the vehicle and other beach users, can impact the enjoyment of the beach for other users, cause damage to the beach’s ecological values, contribute to erosion, and if the vehicle gets stuck, may require rescuing.**

Arguments around safety, ecological values erosion etc don’t stack up here.

The land in question is in actual fact legal road and not beach as officers would have you believe.



6 Looking now at the access to Red Rocks, there are also false or
inaccurate statements.

7 Here the text
claims user related
issues include;
unsuitable vehicles
getting stuck,
abandoned
vehicles, people
disturbing wildlife
and landowner
reports of
poaching.

4.10 Restricting vehicles on unformed legal roads

- Issue: There are several unformed legal roads in Wellington City. These are areas of land that are legally recognised as a road but has never been formed into a road, no asphalt or road markings. They are also known as 'paper roads'. For most of these roads, they provide necessary access and driving or parking on them does not cause negative impact. However, some of these roads require restricted access. For example, as identified in the Outer Green Belt Management Plan 2019, user-related issues on the unformed coastal road from Hape Stream to Te Rimurapa/Sinclair Head and beyond include: unsuitable vehicles getting stuck, dumping of abandoned vehicles, vehicle damage to the coastal ecology, people disturbing wildlife and the effects of coastal erosion and sea-level rise making parts of the road less viable and increased risk of rock falls. Some landowners have reported poaching and anti-social behaviour from some coast road users.

These issues are currently managed by closing the road to vehicles on Sundays. The ability to restrict vehicle access or introducing a permit-only access and/or speed restrictions could help further reduce the impacts

8 These negative effects we are told are being managed
by closing the road on Sundays.

- 9 Reality is that the closure of the road on one day of the week is unlikely to have any measurable effect on the examples given. The management practice adopted certainly did not help this Police officer. As currently worded, I am unsure if “poaching” relates to farmed stock or the likes of paua and crayfish.



- 10 Responding to a request seeking clarity over issues a staff member wrote **“For unformed legal roads such as the Red Rocks Road, sea level rise, land-slides and other erosion has made it tricky to identify exactly where the unformed road starts/finishes”**.

11 The question I now ponder is, why would Officers want to be so precise? Land Information NZ plotting on maps displayed on your web site likely has an accuracy down to just a few meters. As for sea-level rise this is stooping to a new low. I have the official local figures and the rise since the road designation on 10 February 1922 is unlikely to have any impact at all on the seaward boundary. Questions to your Policy Section asking for evidence to support their position remain unanswered, I wonder why? It would not look good if I am forced to seek the intervention of the Ombudsman.



12

In summary

- I suggest there has been no consultation.
- There is a paucity of genuine examples, and
- Text and mapping within or associated with the document cannot be relied upon.



- My recommendation is that Sections 4.9 and 4.10 be set aside until such time officers have tidied up the errors/omissions and have undertaken full and proper consultation.