
ORDINARY MEETING
OF
PŪRORO ĀMUA - PLANNING AND ENVIRONMENT
COMMITTEE
AGENDA

Time: 9:30am
Date: Wednesday, 4 August 2021
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

MEMBERSHIP

Mayor Foster
Deputy Mayor Free
Councillor Calvert
Councillor Condie
Councillor Day
Councillor Fitzsimons
Councillor Foon
Liz Kelly
Councillor Matthews
Councillor O'Neill
Councillor Pannett (Chair)
Councillor Paul (Deputy Chair)
Councillor Rush
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.

AREA OF FOCUS

The Pūroro Āmua | Planning and Environment Committee has the following responsibilities:

- RMA matters
- Urban Planning, District Plan
- Built environment
- Natural environment and biodiversity
- Future Development Strategy, Spatial Plans and Housing Supply
- Climate Change Response and Resilience
- Heritage
- Transport Strategy and Planning, including significant traffic resolutions
- Parking policy
- Submissions to Government or other local authorities
- Regulatory activity and compliance
- Planning and approval of business cases for Let's Get Wellington Moving, associated traffic resolutions and other non-financial statutory powers necessary for progressing the business cases (such as decisions under the Local Government Act 1974)
- Implementing and monitoring delivery of the affordable housing strategy

The Committee has the responsibility to discuss and approve a forward agenda.

To read the full delegations of this committee, please visit wellington.govt.nz/meetings.

Quorum: 9 members

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1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting with a karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

At the appropriate time, the following karakia will be read to close the meeting.

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!	

1.2 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.3 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.4 Confirmation of Minutes

The minutes of the meeting held on 24 June 2021 will be put to the Pūroro Āmua | Planning and Environment Committee for confirmation.

1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Pūroro Āmua | Planning and Environment Committee.

The Chairperson shall state to the meeting:

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1. The reason why the item is not on the agenda; and
 2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Pūroro Āmua | Planning and Environment Committee.

Minor Matters relating to the General Business of the Pūroro Āmua | Planning and Environment Committee.

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Pūroro Āmua | Planning and Environment Committee for further discussion.

1.6 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 31.2 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 803 8334, giving the requester's name, phone number and the issue to be raised.

2. General Business

**APPROVAL OF SUBMISSION TO THE SELECT COMMITTEE
INQUIRY ON THE EXPOSURE DRAFT OF THE NATURAL AND
BUILT ENVIRONMENTS BILL**

Purpose

1. This report asks the Pūroro Āmua | Planning and Environment Committee to approve a submission to the Environment Select Committee inquiry on the exposure draft of the Natural and Built Environments Bill (see Attachment 1).

Summary

2. The Select Committee inquiry has called for submissions on the exposure draft of the Natural and Built Environments Bill (NBB). This is the proposed replacement for the Resource Management Act 1991 (RMA).
3. This follows submissions on the 2020 issues and options paper 'Transforming the Resource Management System' and recommendations to the Government by the Resource Management Review Panel.
4. Submissions close on 4 August 2021. The Council has been granted an extension until Friday 6 August 2021.
5. A submission has been prepared for consideration and approval by Pūroro Āmua.
6. The submission identifies where proposals in the exposure draft align with the Council's 2020 submission and those that should be reframed to better the objectives the Government has set for the review.
7. The Select Committee will report back to the Minister for the Environment with recommendations later this year. A complete Bill is expected to be introduced into the House in early 2022 and follow the standard legislative process. The Council will have another opportunity to make a submission at that time.

Recommendation/s

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.
2. Approve the submission, as set out in Attachment 1, to the Environment Select Committee inquiry on the exposure draft of the Natural and Built Environments Bill.

3. Agree to delegate authority to the Chair Pūroro Āmua and the Chief Executive to finalise the submission consistent with any amendments made by the Committee.
4. Appoint a representative to speak to the submission at the Environment Select Committee.

Background

8. The NBB is the proposed replacement for the RMA, which has been amended 20 times in 28 years.
9. The replacement of the RMA has been prompted by:
 - Widespread agreement that the RMA is underperforming in the management of key environmental issues such as climate change, loss of biodiversity, declining water and soil quality.
 - Struggles of high growth areas to respond to the need to provide sufficient development capacity, including the provision and affordability of housing.
 - Agreement that incremental review has added complexity and created implementation issues.
10. The inquiry follows submissions on the 2020 issues and options paper, and recommendations to the Government by the Resource Management Review Panel.
11. The Council's 2020 submission supported comprehensive review of the resource management system and provided advice on the direction that the review should take. This has informed the present submission.
12. The exposure draft shows the high-level framework proposed for the Bill. Substantial content is omitted as it is still under development.

Discussion

13. The objectives set by the Government for the review of the resource management system are:
 - a) Protect and where necessary restore the natural environment, including its capacity to provide for the well-being of present and future generations.
 - b) Better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure.
 - c) Give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori.
 - d) Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change.
 - e) Improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.

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14. Significant changes are proposed by the Government to the structure of the resource management system to achieve these objectives and are evident in the NBB.
 15. The Council's submission is attached for your consideration (attachment 1).
 16. Given a substantial amount of content is omitted from the exposure draft, the submission provides an assessment of the proposals against the Government's objectives for the review and is informed by the Council's 2020 submission to the Resource Management Review Panel.
 17. In summary, the key proposals include:
 - a) Creating three new acts, which have complementary functions:
 - The Natural and Built Environments Act (NBA) (The focus of the submission)
 - The Strategic Planning Act (SPA)
 - Mandates the preparation of regional spatial strategies to integrate land use and infrastructure provision, environmental protection and climate change matters.
 - The Climate Adaptation Act (CAA)
 - Addresses the complex legal and technical issues associated with managed retreat and funding and financing of adaptation.
 - b) A new, twofold purpose
 - The purpose of the NBA is twofold and different to the 'sustainable management' purpose of the RMA. The revised purpose is to enable:
 - *Te Oranga o te Taiao* (a concept encompassing the health of the natural environment) *to be upheld including by protecting and enhancing the natural environment; and*
 - *People and communities to use the environment in a way that supports the well-being of present generations without compromising the wellbeing of future generations.*
 - c) Stronger direction to give effect to Te Tiriti o Waitangi
 - It is proposed that those with powers and functions under the NBA will have a stronger and more active duty to 'give effect' to the principles of Te Tiriti. This is more direct than the RMA's 'take into account' Treaty clause.
 - Te Tiriti will be given effect to through mechanisms like participatory rights in preparing NBA plans, and the expectation that iwi management plans are used in their preparation.
 - d) Consolidating national direction into a 'National Planning Framework' (NPF)
 - The NPF will combine currently separate pieces of national direction (eg policy statement or environmental standard) into a single tool. The NPF is

required to provide integrated direction and resolve conflicts between environmental outcomes and environmental limits.

- 'Environmental outcomes' are set out by the NPF, which are positive expressions of an environmental state which the NPF and plans must promote. e.g. *'outstanding natural features and landscapes are protected, restored or improved'*. This is a change from solely focusing on managing adverse effects.
- 'Environmental limits' are bottom lines set for the purpose of protecting the ecological integrity of the listed matters and human health. e.g. Freshwater standards.

e) Having only one Natural and Built Environment Plan per region, developed by regional committee

- Rather than each local authority preparing separate planning documents (e.g regional policy statements, regional plans and district plans), it is proposed that each region will have a single natural and built environment plan.
- Each plan will be developed by a planning committee made up of one representative per local authority, mana whenua and a representative of the Minister of Conservation. Planning committees will set policy direction and make decisions.
- Planning committees would be supported and provided technical advice by a 'Planning Secretariat' which may be funded by the relevant local authorities.
 - These proposals represent a significant change and will require a different approach to plan making.

18. The timing of the reform process is shown below and compared with the District Plan review programme.

Resource Management Reform		Planning for Growth Programme	
August 2021	Select committee presentations	October 2021	Draft District Plan Consultation
Early 2022	Introduction of NBA and SPA to the House. Standard legislative process starts.	Mid 2022	Proposed District Plan notified for submissions
Early – mid 2022	Early engagement on CAA framework Select committee for NBA & SPA.	August 2022	Deadline for implementing the NPS-UD 2020.
Early 2023	CAA introduced to the House.	2023-2024	District Plan process including hearings
No later than January 2024	The Government intends to pass the NBA and SPA before the end	No later than mid 2024	Decisions on proposed District Plan must be made.

	of this parliamentary term		
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19. The District Plan Review Programme will continue to be progressed. This is consistent with Council’s obligations to implement national direction under the RMA and the need to respond to growth pressures.
20. The Government has indicated that transitional provisions will be included to set out a process and timeframe for transferring RMA plans into the new system.


Options

21. Approve the submission to the Environment Select Committee enquiry on the exposure draft of the Natural and Built Environments Bill
22. Do not approve the submission and propose changes.

Next Actions

23. Following the adoption of the submission (as recommended by officers, or with amendments), the submission will be finalised and lodged with the Select Committee as soon as possible.
24. Speaking appearance before the Select Committee will be arranged for the Council representative appointed by Pūroro Āmua.
25. Officers will continue to liaise with the Ministry for the Environment on the development of the NBA and advise Council when the complete Bill is introduced into the House.

Attachments

- Attachment 1. Wellington City Council Submission to the Environment Select Committee Inquiry on the exposure draft of the Natural and Built Environments Bill [↓](#)  Page 13

Author	Adam McCutcheon, Senior Advisor Planning
Authoriser	John McSweeney, Place Planning Manager Vida Christeller, Manager City Design & Place Planning Liam Hodgetts, Chief Planning Officer

SUPPORTING INFORMATION

Engagement and Consultation

26. Consultation has occurred with other local authorities in the region.

Treaty of Waitangi considerations

27. There are significant changes proposed with respect to how the Te Tiriti must be considered by those exercising functions under the NBA.
28. There are proposals to increase the representation of mana whenua in the plan making process.

Financial implications

29. There are no financial implications at present.

Policy and legislative implications

30. Several proposals in the exposure draft align well with the Council's strategic priorities and direction.

Risks / legal

31. There are no risks or legal implications at present

Climate Change impact and considerations

32. Suggested legislative changes referred to in the paper would assist in the implementation of the Te Atakura Strategy and better enable councils to manage risk relevant to their regions.

Communications Plan

N/A

Health and Safety Impact considered

N/A

6 August 2021

To the Environment Committee

Submission to the inquiry on the Natural and Built Environments Bill

Wellington City Council (The Council) welcomes the opportunity to provide comment on the exposure draft of the Bill.

It is heartening that, in general, the framework of the exposure draft supports many of the Council's comments on the 2020 issues and options paper. The Council does however have concerns about the extent to which some proposals will achieve the objectives of resource management reform. Suggestions have been provided on how they could be reframed.

The Council recognises that a significant amount of change is being considered for the role, function and funding of local government through a number of Government inquiries and reforms. It is imperative that there are appropriate safeguards put in place when any transition occurs to ensure that local government can continue to operate, and good governance is enabled. The pace and costs of Government reforms cannot be underestimated and place a significant burden on communities who are already under pressure to respond accordingly.

The Resource Management Act 1991 (RMA) has had no fewer than 20 amendments in 28 years. Many of these changes have arisen from changes in Government, philosophical and political positions with no benefit to achieving outcomes or consistency of implementation. It is important that the Government progress this reform with the view to achieve bi-partisan support, so the new legislation does not become the political football the RMA has become. It is important that reform of the resource management system supports community wellbeing by maintaining confidence in local government and retaining local placemaking roles and responsibilities.

The Council would like to present this submission to the Environment Select Committee.

Yours sincerely

Andy Foster
Mayor of Wellington

Wellington City Council

Submission to the Environment Committee inquiry on the Natural and Built Environments Bill

Introduction

1. The following is Wellington City Council's (the Council) submission to the Environment Committee on their 'Inquiry on the Natural and Built Environments Bill'.
2. The inquiry is part of the Government's comprehensive review of the resource management system. This inquiry links to and needs to be considered in the context of the three waters and the future of local government inquiries.
3. The Council agrees with the Government's objectives for resource management system reform and supports transformative change that will ensure the guardianship of resources for future generations, without compromising the needs of the present.
4. The Council is heartened that, in general, the framework of the exposure draft supports many of the Council's aspirations for reform as submitted on the 2020 issues and options paper: '*Transforming the Resource Management System*', and that it is well aligned to achieve the objectives of the reform.
5. The Government states it recognises that public trust and confidence is critical to the stability of the local government regulatory system. The Council considers that local government should continue to have a significant role in bringing communities together to develop shared visions for the future of their natural and built environments. In this light the Council has concerns that some of the exposure draft proposals will not achieve the objectives or the efficiencies sought by the reform.
6. The Council also notes that a lot of the content needed to provide meaningful advice on its implications has not yet been developed. For example, the plan making process. The Council notes that this content will only be made available when the Bill is introduced into the House in 2022. Given the significance of these matters for local government and environmental management generally this is especially concerning. The Council sees little point in making detailed comments on the content of the Bill and instead provides comments and suggestions on how the objectives of the reform can be better achieved with reference to the proposals of the exposure draft.
7. The Council has recently adopted *He Mahere Mokowā mō Pōneke – Our City Tomorrow a Spatial Plan for Wellington City* (June 2021). This strategic document is hugely important as a blueprint for addressing the city's urban growth challenges. *Our City Tomorrow* was informed by extensive community engagement with Wellingtonians on the future of their city. Over 3000 submissions were received from a broad spectrum of the community, including those not usually engaged in plan making processes. The scale of change proposed by *Our City Tomorrow* shows that quality community engagement and broad representation does not necessarily curtail future focussed planning responses that benefit the health of the natural environment and the needs of future generations.

Key Recommendation

8. Instead of requiring consolidation of plans to the regional scale and limiting representation, the Natural and Built Environments Act (NBA) should enable plans and committees to be scaled for groupings of common communities of interest and receiving environments.
9. As an alternative to the Government's proposal, the Council recommends a consolidation of the Wellington City, Porirua City, Lower Hutt City and Upper Hutt City district plans and regional planning documents into a Natural and Built Environment Plan with a committee that provides greater representation of local communities.
10. The Council considers that plan consolidation to this sub-regional scale will achieve the Government's objectives, as well as support community engagement and buy-in, reflect community values, respond to growth, and retain confidence in local government decision making.
11. The Council considers that increasing local authority representation in the development of such a plan alongside mana whenua will enable community views to be better heard and addressed. Doing so reduces the need for a prolonged period of legal examination. The Council's recommended alternative is demonstrated in the response to Objective 5.

Objective 1: 'Protect and where necessary restore the natural environment, including its capacity to provide for the well-being of present and future generations'

12. The Council in its 2020 submission considered that the review should have a clearer focus on improving the guardianship of resources for future generations whilst allowing the current generation to meet its needs within ecological limits. The Council questioned the framing of 'sustainable management' under the RMA and considered that the purpose of the future system should move towards protecting natural resources for future generations, within a Te Ao Māori perspective.
13. The Council is pleased that the purpose of the Bill reframes sustainable management by upholding Te Oranga o te Taiao and enabling the use of the environment in a manner that supports the wellbeing of present generations without compromising that of future generations.
14. Including Te Oranga o te Taiao¹ in the purpose of the Bill is an important step for the endorsing planning outcomes that will improve the quality of the natural environment as well as addressing the relationship of iwi and hapu with te Taiao. Enabling Te Oranga o te Taiao, in conjunction with the proposals to require outcomes that benefit the environment helps change the notion of 'sustainable management' to one of kaitiakitanga (stewardship).
15. This shift to an intergenerational wellbeing focus provides a future focussed view of planning and environmental management. The Council considers that this will help local government take a proactive approach to ensuring that planning decisions shaping the natural and built environments positively contribute to intergenerational equity. The Council agrees that a focus on case by case assessment of adverse effects of activities has come at the expense of a strategic approach to achieving outcomes for the future.

¹ the intergenerational importance of the health and wellbeing of the natural environment

16. While generally supportive of the revised purpose of the Bill and its intentions, the Council is concerned that the need to enable development and create well designed and well-functioning urban environments is undervalued throughout the draft Bill. While this may be emphasised through the National Planning Framework, the Council considers urban development needs to be elevated alongside the purpose that focusses on environmental protection.

Objective 2: ‘Better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure’

17. The Council considers that several proposals go some way to better enable development within clear biophysical limits but does not consider the proposals will greatly assist with housing affordability or the provision of infrastructure.
18. The Council is pleased that an integrated system for both planning and environmental management has been retained. This makes it clear that urban development has effects on the natural environment. An integrated approach allows councils to better manage the subtleties of their environments and the relationships between them, not force a division in favour of one over the other.
19. The Council strongly supports that environmental limits or bottom lines for natural resources will be clearly articulated as a key part of the National Planning Framework (discussed further with respect to objective 5).
20. The Council notes that these environmental limits are already present to some extent under the RMA by way of National Environmental Standards. In this way the Council questions how this is different from the status quo.
21. The Council supports in principle the requirement for environmental outcomes under the National Planning Framework and therefore plans, in order to promote environmental benefits and the protection and restoration of the mana and mauri of the natural environment.
22. Consistent with the Council's 2020 submission, the Council refutes the continued rhetoric that the resource management system is the single greatest barrier to the provision of housing and infrastructure.
23. The Council acknowledges that plans do have some effect in limiting development in the process of creating well-functioning urban environment, protecting those matters of national significance, and reflecting community values.
24. The Council considers that housing supply and affordability issues and difficulties supplying infrastructure are highly influenced by the collective effect of:
- Financial incentives (eg, security of property investment and access to capital).
 - Developer incentives (eg, maximising return by constructing limited numbers of high value houses where different typologies and higher yield could be achieved, land banking to keep prices high).
 - High cost of building materials.
 - Limited capacity of the construction sector.

- Time and cost implications of navigating the regulatory environment (despite this, the system puts a disproportionate amount of risk on Councils as consenting authorities).
25. This can be reflected in the vast difference between the ‘plan-enabled capacity’ of a district plan, compared to the ‘realisable’ capacity which is likely to be attractive to developers once their costs and likely returns are factored in. Councils cannot alter this balance, or adequately fund the infrastructure required to expedite development with the limited range of financial tools available.
26. The Council strongly recommends the Government examine the requirements of the Public Finance Act and its role in influencing decisions and the ability of local government to fund the provision of infrastructure.
27. The Council supports the environmental outcome that a housing supply is developed which provides choice, meets needs and contributes to improving housing affordability (clause 8(l)). The outcome is general enough to be read as including assisted, affordable and other forms of housing that address affordability pressures. The Council strongly encourages the detail of the outcome developed under the National Planning Framework to go further and explicitly validate affordable housing interventions in their own right. For example, without legitimising the use of tools that directly address or require affordable housing such as ‘inclusionary zoning’ the application of these tools will continue to be subject to legal challenge and delay.
28. The Council supports continuing conversations with Kāinga Ora about the use of the Urban Development Act to support urban redevelopment to ensure that more affordable homes are built.
29. The Parliamentary Paper on the Bill identifies that ‘the NBA will intentionally curtail subjective amenity values²’. The Council does not consider that the new system or plans will be able to completely dispense this concept entirely. Natural and physical qualities will continue to be appreciated by communities in the future, but they will not necessarily be the same as they are now, particularly within the context of an intensifying urban environment. Examples include access to sunlight, open space, outlook and the presence of trees. A reasonable level of amenity contributes positively to health and wellbeing.
30. The Council considers that the recognition in the National Policy Statement on Urban Development 2020 (NPS-UD) that amenity values change over time and vary for different people was a significant and much needed advancement. The National Planning Framework could be a vehicle to provide more direction on the reconciliation of amenity concerns with other objectives while retaining this more well-rounded understanding of the concept.
31. The Council supports carrying over this broader view of amenity values and the recognition that change to amenity values can support growth and the wellbeing of future generations.

Objective 3: “Give effect to’ the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori’

² Paragraph 37 of the parliamentary paper

32. The Council supports proposals in the Bill which strengthen the role of Te Tiriti o Waitangi and representation of mana whenua in the resource management system.
33. The Council has recently voted to enable mana whenua to have voting rights on Council committees. The roles now held by mana whenua are remunerated. In doing so the Council is committed to supporting and enabling mana whenua to exercise kāwanatanga (governorship) over their rohe.
34. Accordingly, the Council supports the proposed obligation for decision makers to 'give effect to' Te Tiriti. This represents a significant shift in the way Te Tiriti is considered. The Council considers proactively applying the principles of Te Tiriti at all levels of decision making within the Natural and Built Environments Act is a positive initiative, and it aligns with the Council's own representation decision.
35. Notwithstanding the Council's concerns about the proposed 'planning committees' and their function (discussed further with respect to objective 5), the Council supports the inclusion of mana whenua representation. Including mana whenua in plan writing and decision making processes will help ensure their values are reflected in the future of the natural and built environment.
36. The Council has previously raised concerns that this new resource management system will not lead to better outcomes for Māori unless they are provided with the resources to effectively participate.
37. The Council requests that Government ensure that the proposals of the Bill actively enable the outcomes for Māori it sets out to achieve, and that these outcomes do not fall by the wayside, becoming aspirational but ultimately unachievable. Resource and funding pressures hamper the ability of Māori to participate in the resource management system at all levels and poses a risk to the significant shift the proposals seek to achieve. These constraints are not equal around the country and vary between iwi depending on factors including Treaty settlement status and financial capability
38. The Council again encourages the Government to work towards a consistent approach at a national level to the resourcing, education and succession planning for Māori input in resource management. For example, this could include a fund to assist training young Māori in resource management, which would build capability for the long term.

Objective 4: 'Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change'

39. The Council supports the planning system helping to reduce greenhouse gas emissions.
40. The Council has joined hundreds of other cities around in the world declaring a State of Climate and Ecological Emergency. The Council accepts local and international scientific evidence that there remains around a decade to take urgent action to reduce greenhouse gas emissions in order to avoid disastrous consequences. The Council has committed to making Wellington City a zero carbon capital by 2050 through the *Te Atakura First to Zero Strategy*.
41. *He Mahere Mokowā mō Pōneke – Our City Tomorrow a Spatial Plan for Wellington City (June 2021)* sets out a growth approach that will ensure the city's urban form remains compact, whilst promoting investment in infrastructure, public and active transport. *Our City*

Tomorrow sets the direction for the District Plan and will help ensure that it is well aligned with this environmental outcome.

42. The Council has previously submitted that direction from Government is needed on how to quantify and consider greenhouse gas emissions in a resource management context. To that end, it is heartening that the Bill requires the National Planning Framework and all plans to promote the reduction of greenhouse gases and their removal from the atmosphere as an environmental outcome.
43. The Climate Change Commission in their final advice to the Government stated that relying entirely on a higher ETS price and unconstrained removals via forestry would result in only a very small reduction in gross emissions.
44. The Council would appreciate the Government investigating the inclusion of an environmental limit for atmospheric greenhouse gas (GHG) emissions (i.e. in clause 7(4) of the draft Bill). The Council considers there may be a place for emissions limits to guide high level regional planning documents like Regional Spatial Strategies and Regional Land Transport Plans. Having a clear limit at a national and regional level could help ensure that emissions reduce at the scale and pace needed to meet our national targets. Implementation of any GHG limit would, however, need to avoid over-complicating the resource consent process at the project level.
45. The Council looks forward to inputting into the development of the environmental outcome which promotes the reduction of greenhouse gas emissions and a reduction in the removal of those gases from the atmosphere (s8(j)). Good guidance for local government will be critical to ensure that this objective can be achieved.
46. The draft Bill would benefit from greater detail on how it relates to the Climate Change Response Act and the planned emissions budgets that will be set by the Minister of Climate Change at the end of this year.
47. The Council considers that the Strategic Planning Act and Regional Spatial Strategies must benefit from an emission reduction perspective. Taking a regional approach to transport, land use and urban form will support a coherent and efficient response to reducing greenhouse gas emissions. Currently mitigation efforts in Wellington, for example to house a growing population in a more compact urban form, could be undermined by greenfield development (urban sprawl) in neighbouring districts. There needs to be checks and balances to ensure that this does not occur.
48. Similarly, the council supports proposals to require the National Planning Framework to provide direction on reducing significant risks from natural hazards and to improve resilience. Wellington is subject to a variety of natural hazards, most notably seismic, as well as coastal and flooding risks.
49. The Council again submits that the Government has a much greater role to play in responding to the effects of climate change, particularly by ensuring a consistent response to sea level rise across the country. Adaptation to sea level rise through land use actions such as managed retreat will require financial support from the Government.
50. The Council notes that the Climate Adaptation Act (CAA) is proposed to be introduced to the House in early 2023 and it is expected to consider responses to sea level rise, including when managed retreat is appropriate and how it can be facilitated. The Council awaits the opportunity to comment on this much needed piece of legislation.

51. The Council again requests that the management of seismic risk is prioritised in the development of the National Planning Framework. This national direction should provide clear direction to all (including to the courts) on what level of risk can be tolerated in areas at risk of natural hazards, and accordingly what land use responses are most appropriate.

Objective 5: 'Improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input'

52. The Council supports this outcome and, in principle, some of the proposals that contribute to it. However, the Council does not consider the regionalisation of plan making and limiting local representation provides an appropriate level of democratic input or will be as efficient and effective as the Government thinks. The Council offers the following suggestions:

National Planning Framework

53. The Council supports the consolidation of the various forms of national direction under the RMA into the proposed 'National Planning Framework'.
54. The Council has previously submitted that a greater range of national direction is required on key topics of national contention. It is pleasing that topics which have lacked Government direction, such as the significant risk from natural hazards are required to be addressed. The Council also considers that the cultural heritage environmental outcome (clause 8(h)) should be a topic that the National Planning Framework must address.
55. The Council's recent experience working through implementation of the NPS-UD has shown that a clear and unambiguous national direction framework could streamline plan development while also allowing for local values to be incorporated. The Council supports outcomes of the National Planning Framework to be at a similar level of prescription. Local Government needs to be intimately involved in the development of the National Planning Framework and can assist to test policy for its workability. Simply releasing a discussion document and accepting submissions is not a formula to achieve practical national direction.
56. The Council supports the National Planning Framework including provisions to help resolve conflict between any of the environmental outcomes. However, the Government is strongly advised to reconcile conflicts as much as possible at a national level and avoid pushing this responsibility onto local government. It is critical that the National Planning Framework is fully formed before Natural and Built Environment Plans are developed to avoid the national direction hole that was experienced by local authorities when the RMA was introduced.

If there is no resolution at national level or guidance on how these conflicts should be resolved by local government then it will lead to uncertainty and poor environmental outcomes. The present conflict between the competing objectives of the national policy statements on urban development and freshwater typifies this conflict. In this case the broad brush and poor drafting nature of the freshwater policy statement makes greenfield urban development unviable and undermines the outcomes of the NPS-UD to achieve well-functioning urban environments.

Regional Spatial Strategies

57. The Council is disappointed that strategic planning is proposed to be separated from the Natural and Built Environments Act. This proposed approach will increase administrative and legislative complexity, and potentially compromise integrated approaches at the local level. Despite this, the Council supports strategic planning which establishes broad parameters for natural and built environments over the long term.
58. The Council has recently approved *He Mahere Mokowā mō Pōneke – Our City Tomorrow a Spatial Plan for Wellington City* which sets the Council's 30-year vision for growth, transport, hazards, infrastructure and the natural environment.
59. The Council is also actively involved with regional partners, Government and mana whenua in developing the *Wellington Regional Growth Framework* which coordinates a regional approach to these issues.
60. Limited detail is provided about the proposed Strategic Planning Act (SPA) or how legally binding regional spatial strategies will function. In principle however, the Council supports this approach, particularly that the outcomes of the National Planning Framework will be incorporated. The Council considers that this will help ensure a coordinated and regionally consistent response to issues such as natural hazard adaptation and urban growth. It is aligned with work the Council is already involved with for the Wellington Regional Growth Framework.
61. The Council awaits further detail on the SPA including how regional spatial strategies will be developed and how local representation will be ensured. It will be important that regional spatial strategies are developed and adopted before lower order natural and Built Environment Plans.

Natural and Built Environment Plans

62. The Council agrees that plans have taken too long to develop and change under the RMA, and that changes to the process are required.
63. The Wellington region varies significantly in its natural environments, growth pressures and social/cultural values. For example, Wellington City has no highly productive land and limited water quality issues linked to agricultural land use compared to the Wairarapa based councils. Local authorities work with communities to develop responses tailored to local communities.
64. The Council has responded to Wellington City's specific challenges with a growth approach focused on intensification and retaining a compact urban form. In doing so this makes efficient use of land, enables greater housing supply and choice, utilises public transport investment and supports city resilience. The Council has recently had significant conversations with the community and is well advanced in implementation of the NPS-UD. This is different to other local authorities in the region.
65. The Council seeks to ensure that any move to a singular plan for the region does not slow down the implementation of its intensification approach or result in a change of direction because of the differing responses by other councils in the region.
66. The Council reiterates that plan making is best undertaken at a local level before any regional consolidation occurs. If this does not occur it is likely that local community buy-in will be compromised.

67. Unfortunately, there is no detail in the exposure draft on how combined regulatory (regional) plans are to be prepared, and how community input will be obtained. Without this content it is difficult to establish how meaningful engagement and public confidence in the plan can be achieved, particularly when there is minimal representation for each local authority.
68. Until this detail is provided the Council is not convinced that regional consolidation of planning document will deliver the outcomes the Government thinks it will. There is a risk that this will instead result in additional bureaucracy, administrative inefficiency and less reflection of local community values in planning outcomes.

Planning Committees

69. Similarly, until greater detail is provided the Council is not convinced that the proposal to introduce 'Planning Committees' will create a more efficient system.
70. There is little detail in the parliamentary paper about the membership of the proposed regional planning committee, how appointments to the committee are to be made or their decision making process or governance.
71. More information is also required on the time commitment and workload envisaged by the local authority representative. It is likely there would be considerable responsibility on the representative which raises capacity considerations for this individual. Without this detail the Council considers that having only one member per local authority will not ensure a considered plan will be produced that is representative of the communities it is to serve.
72. The proposed representation on the planning committees will result in larger local authorities (such as Tier One local authorities under the NPS-UD) having less representation than smaller rural or provincial focussed authorities and regional councils. The Council raises concerns that this could lead to a greater focus on wider regional issues with less focus on the challenges facing urban development – inevitably resulting in further issues in terms of provision of housing and resolving growth issues. There is a risk that the speed of intensification growth approaches could be slowed down.
73. Furthermore, it is unclear to what extent Planning Committees and their members will be accountable to local authorities and the communities they represent. At present, only a Mayor has the mandate of the entire district. Limiting representation in the plan making process does not foster trust of communities or build shared ownership of the combined plan. The Council considers that this could increase legal action at the end of the plan development process. There is also a reasonable question how such a small committee can ensure the needs of future generations are not compromised, if there were little diversity of representation.
74. It is important that neighbourhood scale master planning can still take place. This scale of place making develops a vision and design principles alongside community members and organisations. It provides a valuable input into a broader plan and ensures that development responds to the values and aspirations communities have. There is no indication how this scale of place-making fits within the framework of the Bill, whether this is the responsibility of the Planning Committee, or if local authorities can work at this scale to ultimately inform a regional scale plan.

75. Notwithstanding the above concerns, the mana whenua representation is a positive step and is supported by the Council.
76. There is little detail on the function or funding of the planning secretariat. The parliamentary paper identifies that this is likely to be funded by local authorities but no consideration whether equally or proportionally is provided.

The Council's recommended alternative

77. The Council considers the stated objectives for plan development and implementation can be better achieved through the following framework:

Regional Spatial Strategies

- These would be developed and approved by regional committees (as proposed in the Bill).
 - This involves representation for each local authority and mana whenua. Central Government would also be represented.
 - This is similar to the representation on the Wellington Regional Growth Committee.



Natural and Built environment plans

- Sub-regional unitary plans with common communities of interest should be enabled.
 - The Council sees value in developing a unitary plan with adjacent territorial authorities in the Hutt Valley and Porirua. This would include regional council matters.
 - The Council considers this to be a more practicable and appropriate scale for plan consolidation, rather than at a regional level.
- The plan would be developed collaboratively by sub-committees from local authorities and mana whenua.
- Submissions would be heard by an independent hearings panel and recommendations provided to the subcommittees.
- Approval of the unitary plan would remain with each Council.

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|---|
| <ul style="list-style-type: none">• Appeal rights would be limited to points of law only. |
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78. The Council is aware of other local authorities who share similar concerns about the combined effect of limited representation of large local authorities on planning committees and regional scale plans. These local authorities also request consideration of sub-regional scale natural and built environment plans, focussed around common communities of interest, growth approaches and receiving environments.

79. The Council recognises that the interface and alignment of regional scale spatial strategies and a sub-regional scale Natural and Built Environment plan would need careful consideration. The Council does not consider this to be insurmountable, and provides an appropriate balance of regional scale transport, climate change and infrastructure responses, while allowing local place making.

Harmonisation with other legislation

80. The Council again submits that the Government needs to consider the objectives sought through resource management system reform within the broader regulatory environment.

81. The Building Act 2004 can support a number of efficiency and climate change outcomes sought by the Government through innovative products and expedited certification.

82. The Council submits that while there are opportunities to increase efficiency and achieve positive carbon outcomes, there is an undue level of risk which falls to local authorities certifying that building work is compliant with the Act. It is a constant challenge for councils to gauge whether new products, techniques, or applications will comply with performance-based standards. This is particularly relevant given the recent push for importation of pre-fabricated building products.

TRAFFIC AND PARKING BYLAW REVIEW

Purpose

1. This report asks the Pūroro Āmua | Planning and Environment Committee to consider and receive the submissions on the consultation of the Traffic and Parking Bylaw (the Bylaw) carried out under the Local Government Act 2002. It also asks the committee to agree to the amendments and recommend to the Council that it adopts the Bylaw. In recommending to Council to adopt the new Bylaw, the committee are agreeing to revoke the Part 7: Traffic of the Wellington Consolidated Bylaw 2008.

Summary

2. On [22 April 2021](#), the Strategy and Policy Committee agreed to publicly consult on the proposed new Traffic and Parking Bylaw.
3. Consultation with the public and stakeholder groups was carried out between 10 May and 11 June 2021. The summary of the consultation results is included as **Attachment One**. The proposed Bylaw with track changes and final version is included as **Attachment Two**. The full submission report is included as **Attachment Three**.
4. Separate to the submission we requested examples of personal experience to inform decision-making on whether to add the ability for the Council to:
 - Restrict or prohibit engine braking in certain areas, and
 - Control, restrict or prohibit cruising in certain areas.
5. 404 submissions on the proposed Bylaw were received, this included 21 submissions from organisations and 383 from individuals. An additional 154 people gave 198 responses to the questions about their experiences of engine braking and cruising disturbance.
6. We also asked submitters to provide feedback on how the Council could best manage pedestrian and vehicle access and parking on narrow streets, where parking on the footpath has been commonplace. A total of 245 responses were received.
7. The proposed Traffic and Parking Bylaw has been amended to incorporate the consultation and feedback received. The proposed new Bylaw is included as **Attachment Two**. Note that both the tracked changes version and the final edit are included.

Recommendation/s

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.
2. Agree to the amended new Traffic and Parking Bylaw 2021 as per attachment three.

3. Agree to recommend to Council that the new Traffic and Parking Bylaw 2021 is adopted and the current Part 5: Traffic of the Wellington Consolidated Bylaw 2008 is revoked.
4. Agree to review, and if required, amend the definitions pertaining to active transport and micro-mobility, and if necessary, clause 13 Shared paths and cycle paths, when the Government has finalised and adopted the new Accessible Streets Regulatory Package.
5. Note the changes to align the Traffic and Parking Bylaw 2021 with the Parking Policy 2020 will result in new or amendments to existing traffic resolutions and changes to the eligibility criteria, the fees and use of certain types of existing parking permits.
6. Note signage is required to enforce the restriction on heavy motor vehicles parked on the street for longer than 7 days in specific problem roads or parts of roads. An operational decision is needed to use this provision or the proposed clause 24.1(b) to introduce a parking restriction or prohibition for a different type of vehicle class to a specific parking area.
7. Note, if required, the Council can provide supplementary guidance on when and how to apply for prior written permission to drive, ride or park a motor vehicle on a beach, such as for events.
8. Note, the Council will actively engage with all types of users, the local community, land and property owners and others with an interest in the South Coast/Red Rocks unformed legal road before proposing a traffic resolution to control motor vehicle access on that road.
9. Note the provision of parking in the central city should include a consideration of suitable spaces for cargo bicycles as well as more motorcycle parking.
10. Note a traffic resolution and new technology is required to allow motorcycles to park in standard size parking spaces.
11. Note the staged approach recommended for gathering evidence and data on any engine braking disturbance on Ohiro Road and Brooklyn Road, followed by liaison with the truck drivers and industry, with regulatory and Police intervention as a last resort.
12. Note the feasible approaches to managing pedestrian and vehicle access and parking on narrow streets where parking on the footpath has been commonplace; the planned communications and education campaign to increase awareness that parking on footpaths is an offence; and the roll-out of engineering and other changes to support this will prioritise those streets with access issues for emergency vehicles and high risk to pedestrians. The implementation will be over time based on resource availability.

Background

8. Part 7: Traffic of the Wellington Consolidated Bylaw 2008 (the previous Bylaw) has been reviewed to ensure alignment with the changes introduced by the new Parking Policy (August 2020) and to enable consideration of traffic issues that have arisen since the last review in 2016.

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9. As a result of the review, Officers are recommending a new Traffic and Parking Bylaw (the proposed Bylaw) is adopted. This is because the additional clauses, structural changes and improvements to readability have created a bylaw comprehensive enough to be stand-alone and not a part of the consolidated bylaw.
 10. The proposed Bylaw adds several new clauses to manage the following parking and traffic issues:
 - a) Provide for shared paths and their use
 - b) Provide for shared use parking zones
 - c) Reflect the Parking Policy 2020
 - d) Enable temporary road changes for pilot/trial schemes
 - e) Make it simpler for Parking officers to remove non-motorised vehicles that park on the street for longer than 7 days
 - f) Regulate the parking of vehicles for advertising or selling purposes
 - g) Manage mobile trading in roads and public places
 - h) Prohibit the driving, riding or parking of vehicles on beaches
 - i) Restrict the driving, riding or parking of vehicle on unformed legal roads
 - j) Amend the definition of taxi to include small passenger service vehicles (such as rideshare Uber, Ola and Zoomy)
 - k) Clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw
 - l) Clarify the conditions for using actual public works as a defence for parking offences
 - m) Motorcycles in standard parking spaces
 - n) Other minor track change amendments.
 11. Submitters were asked if they agreed with each of the changes proposed to the Traffic and Parking Bylaw with a Yes, No or Don't know response option. Submitters were also invited to provide any further comments.
 12. As a result of the consultation amendments have been made to the proposed Bylaw. These amendments are highlighted in the track changes version of the proposed Bylaw in **Attachment Two**.
 13. As suggested in the Statement of Proposal, the proposed Bylaw will be standalone and removed from the Wellington City Consolidated Bylaw 2008 (Part 7: Traffic) to improve structure and readability.

Discussion

14. This section provides a brief overview of the summary of the total 404 submissions we received during consultation (the summary report is provided in **Attachment One**). This section is set out according to the questions asked in consultation, which are based on the proposed changes as set out in point 10 above.

Shared paths and shared use parking zones

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15. The previous Bylaw (2016) has no provisions for the Council's ability to make resolutions for shared use areas or for shared zones and no ability to specify the users at certain times. The proposed Bylaw clarifies the definitions and aligns them to the Land Transport Rule (Road User) 2004. Clauses were also added specifying the Council's ability to make resolutions for shared use zones.
 16. In the consultation we asked submitters whether they agreed with the proposals to provide for shared paths and shared use parking zones.
 17. 332 submitters (82 percent) answered the question on shared paths. Of those, 192 submitters (58 percent) said yes, they supported the changes to provide for shared paths and 73 submitters (22 percent) said no. Twenty percent of submitters didn't know.
 18. 20 of the submitters provided additional comments. Generally, the comments were supportive of the proposed provisions because of the need for clarity. Some groups raised concerns about the risks shared paths can pose to pedestrians and made suggestions for improvements, such as separate spaces for pedestrians and cyclists and other micro mobility users.
 19. In response, it is recommended the proposal (clause 13) to provide for shared paths is not changed. A supplementary sentence has been added to the definition to help clarify the difference between a shared path and a shared use zone. Officers suggest the Council review, and if required, amend the definitions pertaining to active transport and micro mobility and if necessary, this clause, when the Government has finalised and adopted the new Accessible Streets Regulatory Package.
 20. Officers acknowledge the concerns about the safety of pedestrian users. However, in those situations where there is insufficient space to accommodate a physical separation between pedestrians and cyclists/scooters, a compromised design solution may be necessary. When introducing a shared path, the Council follows the Waka Kotahi NZ Transport Agency (Waka Kotahi) Cycle and Pedestrian Network Guidance documents to mitigate the potential safety issues. As per the Council's submission on the Government's [Accessible Streets Regulatory Package](#), the Council will consider making high pedestrian routes in Wellington free of transport devices if the Government makes the changes as proposed.
 21. The Council needs the ability to provide shared use zones that can be used for parking different types of vehicles at different times – such as a laneway used by pedestrians, goods vehicles loading/unloading and short-stay vehicles parking at different times. 330 submitters answered the question on shared use parking zones. Of those, 181 submitters (55 percent) said yes, they supported the changes to provide for shared use parking zones and 65 submitters (20 percent) said no.
 22. 11 submitters provided additional comments in support of their view on the proposals, some of the feedback was combined with the response to the shared paths proposal.
 23. Given most of the comments received were in support, it is recommended the proposal (clause 14) to provide for shared use parking zones is not changed.

Reflect the Parking Policy 2020

24. The Parking Policy was adopted by the Council in August 2020 and the current Bylaw does not align or connect to the Policy's provisions. For example, the current Bylaw sections 7: Residents parking schemes and 8: Coupon parking are no longer in line with the new policy. The proposed Bylaw will provide for the following:
- a) Setting parking charges and restrictions by zone as well as by designated space.
 - b) Payment according to vehicle license plate as well as by parking space.
 - c) Charging and restricting by vehicle type and space use.
 - d) Introducing parking restriction zones to prevent the parking of oversize and non-motorised vehicles on the street in certain areas.
 - e) An offence to park over or across more than one marked parking space.
 - f) The implementation of new restricted parking zones with residents' exemption permits.
 - g) New types of parking permits and removal of coupon exemption permits.
 - h) Provide for demand responsive pricing.
 - i) Provide for restricted parking areas based on vehicle type.
25. The Parking Policy 2020 street space hierarchy categorises the long-stay parking of private non-motorised vehicles, advertising vehicles, heavy commercial vehicles and motorhomes as the lowest priority across all areas. In some areas of the city, demand for on-street and Council off-street parking is high most of the time or the streets are too narrow to accommodate wide vehicles without impeding access or creating safety issues. Therefore, it was proposed to help optimise the use of Council parking spaces and to implement this policy position, a new provision was added to the traffic bylaw to enable the Council to create 'restricted parking areas' based on the type of vehicle, particularly its size.
26. In the consultation submitters were asked if they agreed with the changes proposed to reflect the Parking Policy 2020 (changes (a) to (i) above). 329 submitters answered this question. Of those, 98 submitters (30 percent) said yes, they supported the changes to reflect the Parking Policy 2020 and 71 submitters (21 percent) said no. Most submitters who answered this question didn't know (160 submitters).
27. 12 submitters provided additional comments. Most were positive about the proposed changes. Some of the individual submitters raised concerns about the proposed changes but their comments appeared to reflect a lack of understanding of the Parking Policy 2020. The Wellington Justices of the Peace Association submission focused on their concern that the implementation of the Parking Policy is changing the free parking permits they receive. Under the LTA 1998 22AB (1)(o)(ii), the Council may designate parking spaces for judiciary but not all Justices of the Peace and not permits to park for free or in any type of parking space. This added vehicle class has been added to clause 27.1 in the proposed Bylaw.

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28. Given most of the comments received were in support, it is recommended the proposal to provide additional clauses to align with the Parking Policy 2020 is not changed.

Enable temporary road changes for pilot/trial schemes

29. To improve transport choices and improve city amenity, safety, community building, heritage, creative arts and attractive streetscapes, the Council needs to be able to trial (pilot) different road and urban space designs. For example, the Innovating Streets for People programme that involves co-designing people-friendly spaces with the community. The current bylaw does not provide for temporary non-event changes to the road, such as seating areas and community spaces.
30. The proposed Bylaw adds a new clause to allow the Council, by resolution, to prescribe the use of roads and cycle tracks and the construction of anything on, over or under a road or cycle track.
31. In the consultation submitters were asked whether they agreed with the changes to enable temporary road changes for pilot/trial schemes. 326 submitters answered this question. Of those, 162 submitters (50 percent) said yes, they supported the changes to enable temporary road changes for pilot/trial schemes and 86 submitters (26 percent) said no. A similar amount, 78 submitters said don't know.
32. 12 submitters provided additional comments. The comments were largely about consultation on trial schemes. Some submitters were concerned that not enough consultation takes place before trials and others wanted less consultation. Some commented that the trials are 'anti-car', and some considered trials a good way to determine whether new street design will work well.
33. Ten organisations indicated their support for the proposed changes. Three organisations were supportive but provided additional recommendations for how the Council manages consultation of trials.
34. Presently the construction of anything on, over, or under a road or cycle path must be actioned through a Council resolution as it utilises a provision under section 22AB of the Land Transport Act 1998 (LTA 1998). A traffic resolution requires the Council to notify the proposal on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request.
35. Officers acknowledge that the provisions in the LTA 1998 are not ideal to empower a road controlling authority to introduce trial/pilot schemes. This legislative constraint has been raised with the Ministry of Transport and Waka Kotahi.
36. Given the comments are largely positive with only reservations expressed around the consultation process, it is recommended the proposal to provide for pilot/trial schemes (clause 15) is not changed.

Making it simpler for Parking officers to remove non-motorised vehicles that park on the street for longer than 7 days

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37. Public on and off-street space is being used to store privately owned property and non-motorised vehicles such as boats, caravans and trailers.
 38. Currently, Parking Officers issue a warning to remove the non-motorised vehicle if it has been parked for more than 7 days. However, the owner will move it a short distance away before the 7-day time limit is exceeded. This doesn't resolve the issue of the non-motorised vehicle using on-street or Council off-street space for storage.
 39. Motorhomes and HGVs have been added to the 7-day parking restriction in the proposed Bylaw. Immobilised vehicles have also been added (as immobiliser devices, such as chains and clamps, are being used by drivers to try to prevent the Council from towing vehicles). The proposal also includes parking within 500 metres of the original parking place to prevent the current situation where cars are moved a short distance away.
 40. Submitters were asked whether they agreed with the proposals to make it simpler for Parking Officers to remove non-motorised vehicles that park on the street for longer than 7 days.
 41. 332 submitters answered this question. Of those, 194 submitters (58 percent) said yes, they supported the changes to make it simpler for Parking Officers to remove non-motorised vehicles that park on the street for longer than 7 days, and 85 submitters (26 percent) said no. 53 submitters didn't know.
 42. 14 submitters provided additional comments. Most of the submitters supported the proposal and requested that the provision be extended to cover motorised vehicles and public carparks.
 43. A handful of submitters who were not in support referred to vehicles not being used often or not having a driveway to park off-street. One submitter expressed concern that sometimes people live in non-motorised vehicles such as caravans, on the street, and therefore the Council should remove the freedom camping restrictions for its off-street carparks.
 44. The additional step of adding signage is required before the Council could actively enforce the new clause as currently worded to cover the restriction on heavy goods vehicles and motorhomes. As this could be costly, and in some parts of the city, unnecessary, Officers recommend only using signage and enforcing the restriction on heavy motor vehicles parked on the street for longer than 7 days in specific problem roads or parts of roads. An operational decision would need to be made as to whether to use this provision or the proposed clause 24.1(b) to introduce a parking restriction or prohibition for a different type of vehicle class to a specific parking area.
 45. The Council can extend this provision to Council-managed off-street parking places too if people are using the public car parks at recreation facilities, for example, to store their boats/trailers/caravans and other large vehicles.
 46. Given most submissions were in support, it is recommended the proposal (sub-clause 38.1(j)) to provide for the removal of non-motorised vehicles, motorhomes, heavy goods vehicles and immobilised vehicles is not changed.

Regulate the parking of vehicles for advertising or selling purposes

47. Across the city there are examples of vehicles advertised for sale or to advertise a service or company parking on the street for prolonged periods of time. The vehicles are not being used for transporting goods or people. At a time when on-street parking is in high demand, this type of private use of public space should be managed to ensure the space is available to the highest priority uses.
48. The consultation asked whether submitters agreed with the proposals to regulate the parking of vehicles for advertising or selling purposes. 331 submitters answered this question. Of those, 195 submitters (59 percent) said yes, they supported the changes to regulate the parking of vehicles for advertising or selling purposes and 85 submitters (26 percent) said no. 51 submitters didn't know.
49. Seven submitters provided additional comments. Nine organisations indicated support for the proposal – the New Zealand Automobile Association highlighted how advertising trailers can distract drivers therefore constituting a safety hazard. Living Streets Aotearoa want this proposal to apply to footpaths too.
50. The handful of submitters who did not support the proposal were concerned that this provision would prevent an affordable way of selling vehicles/advertising businesses.
51. It is important to note that the new provision does not completely prohibit this type of activity but requires it to be managed through prior written approval from the Council.
52. The issue raised by Living Street Aotearoa of footpaths being used for advertising is provided for in the proposed Trading and Events in Public Places Policy (T&EPP), currently out for consultation.
53. Given most submissions are in support, it is recommended the proposal (clause 31) to provide for the regulation of parking vehicles for advertising or selling purposes is not changed.

Manage mobile trading in roads and public places

54. Aligned with the proposed T&EPP Policy (currently out for consultation), the proposed Bylaw recognises that trading and events can make our city more vibrant, diverse, inviting, and inspiring. The new proposed provision gives the Council the regulatory ability to ensure that roadside trading is safe and does not cause negative effects.
55. Submitters were asked whether they agreed with the proposal to manage mobile trading in roads and public places.
56. 319 submitters answered this question. Of those, 141 submitters (44 percent) said yes, they supported the changes to manage mobile trading in roads and public places and 90 submitters (28 percent) said no. Almost the same number of submitters didn't know (88).
57. Eight submitters provided additional comments. Some were concerned about using footpaths for trading, and some cited concern that this proposal will create barriers for people to earn money.

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58. Given most submissions were in support of the proposal (clause 32), it is recommended the proposal to prohibit, permit or charge for mobile trading is not changed.

Prohibit the driving, riding or parking of vehicles on beaches (such as Island Bay or Lyall Bay beach)

59. 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. Under the LTA section 2 (1), the definition of a road includes a beach. Driving on a beach in Wellington City is already an offence under section 22.30 of Part 5 Public Places of the Wellington Consolidated Bylaw 2008 (Public Places bylaw) but it does not cover parking and there is no room for permitted vehicle access on a beach when required.
60. Submitters were asked whether they agreed with the proposal to prohibit the driving, riding or parking of vehicles on beaches. 367 submitters answered this question. Of those, 102 submitters (28 percent) said yes, they supported the changes to prohibit the driving, riding or parking of vehicles on beaches and 252 submitters (69 percent) said no. 13 submitters didn't know.
61. 176 submitters provided additional comments to clarify their view on the proposals for both the prohibition of driving, riding or parking of vehicles on beaches and restricting driving, riding or parking of vehicles on unformed legal roads (ULR). For some submitter comments it was not clear if the feedback related to the beach's proposal, the ULR proposal or both, therefore the number was combined, and the feedback analysed together.
62. Many submitters who didn't support the proposal for vehicles on beaches combined their comments with the next proposed change (restricting access to unformed legal roads). The submission comments on these two proposals indicated some misunderstanding about the proposal. Some submitters interpreted the proposed clause to result in the Council completely stopping people from accessing the South Coast Road from Red Rocks/the end of Owhiro Bay Parade. Therefore, many of the submission comments were specific to opposing the closure/stopping access to this specific beach and unformed legal road (see next section).
63. Forest and Bird (one of the organisations in support) commented that off-road vehicle use is one of the most environmentally damaging human activities on sandy beaches. They supported the proposal as a practical measure to reduce the damage and disturbance to ecology, the fragile coastal environment, and the wildlife – such as the Kororā (little blue penguins).
64. The Cross-Country Vehicle Club (CCVC), who opposed the proposed change, said the changes will prevent recreational activities on the South Coast to Red Rocks and beyond. Many individuals who did not support the changes referred to the loss of access to gather kaimoana, and the importance of the Red Rocks/South Coast beach, for recreational activities, particularly off-roading, fishing and diving. Some submitters

also referred to this coastline being only one of its kind close to the city and that can be accessed by vehicle.

65. Officers accept that the wording of the Statement of Proposal could be misconstrued. Driving on a beach in Wellington City is already an offence under section 22.30 of (the Public Places Bylaw. The proposed new bylaw carried over this provision from the Public Places Bylaw, as it is a traffic and vehicle offence as much as it is a public places offence, and added on 'park' a motor vehicle and provided two exemptions for launch/land a boat and with prior written permission from the Council. If necessary, the exemptions could be further clarified with supplementary guidance, outside of the bylaw, that cover the criteria or circumstances for written approval, including if it's for an event, and the process to seek approval.
66. It is recommended the proposal (clause 20) to prohibit the driving, riding or parking of vehicles on beaches is not changed.

Restrict the driving, riding or parking of vehicle on unformed legal roads

67. 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, has no asphalt or road markings. 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, the vehicle 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, vandalism of wind turbines and anti-social behaviour from some coast road users.
68. Submitters were asked whether they agreed with the proposal to restrict the driving, riding or parking of vehicles on unformed legal roads. 365 submitters answered this question. Of those, 76 submitters (21 percent) said yes, they supported the changes to restrict the driving, riding or parking of vehicles on unformed legal roads (ULRs) and 254 submitters (69 percent) said no. 35 submitters didn't know.
69. Like the above proposal, those in support of this change, of which eight were organisations, were largely concerned with the effects vehicular activity has on fragile coastlines and wildlife. Some organisations commented that limiting vehicle access should not affect low impact recreational use such as walking and cycling.
70. Organisations that did not support the proposal were the CCVC and the New Zealand Four Wheel Drive Association (NZFWDA). The NZFWDA said the Council should follow a 'road stopping' process as per the LGA 1974 if it wants to impose restrictions on ULRs. It also reflected concern that the proposed clause was broad and did not include the necessary specific details for each ULR.
71. Officers agree with the significant number of submissions that focused on the special community, social, recreational and wildlife values of the South Coast and Red Rocks

areas to Wellington City. It is a valued part of the city and a unique habitat that is important to protect.

72. The provision to restrict the use of motor vehicles on ULRs provided by the LTA 1998 section 22AB (1)(g) is specifically for the purposes of protecting the environment, the road and adjoining land, and the safety of road users. The provision is also written as 'the Council may, by resolution' meaning before any form of restriction on any ULR is put in place, and therefore becomes an offence, must go through a traffic resolution process. The traffic resolution process involves Officers providing the case for restricting the use of motor vehicles on a named/identified road or part of a road to protect the environment, the road and adjoining land, and the safety of road users.
73. The resolution must follow the procedures set out in the proposed clause 7.4 which includes notifying the public, any person may provide comments in writing, and those comment will be considered by the Council before it makes the resolution.
74. At no time have Officers said that if the Council approve this bylaw, the road to Red Rocks will be closed (or 'stopped') to the public. As set out in several plans: The Our Natural Capital – biodiversity strategy and action plan 2015, the Open Space Access Plan 2016 and the South Coast Management Plan 2002, this special part of Wellington needs to be managed more proactively to protect the environment and safety of the ULR users. The proposed bylaw gives the Council the tool to do this.
75. Officers from the Council have confirmed that they will actively engage with all types of users, the local community, land and property owners and others with an interest in the South Coast/Red Rocks unformed legal road.
76. It is recommended the proposed clause 19 to restrict the use of motor vehicles on unformed legal roads is not changed.

Amend the definition of taxi to include small passenger service vehicles (such as rideshare Uber, Ola and Zoomy)

77. Staff raised a concern that SPSVs can avoid infringements associated with picking up passengers in taxi restricted areas as it is difficult for Parking Officers to determine whether a vehicle is an SPSV as they do not need signage/markings on the vehicle and whether or not they are 'in-use'/touting. SPSV companies have also raised the issue of fairness over the use of taxi stands as the marked taxis 'monopolise' the space.
78. Submitters were asked whether they agreed with the proposal to amend the definition of taxi to include small passenger service vehicles. 331 submitters answered this question. Of those, 210 submitters (63 percent) said yes, they supported the changes to amend the definition of taxi to include small passenger service vehicles and 59 submitters (18 percent) said no. 62 submitters didn't know. 11 submitters provided additional comments. Six organisations support the proposed change.
79. Living Streets Aotearoa thought the term rideshare was confusing as taxis are ride-hail services. Of the individual submitters who did not support the proposal, several felt that a licensed taxi vehicle incur more set up costs than an app-based scheme so they

should have a dedicated standing area. One submitter suggested making all taxi stands 'pick up and drop off' areas instead so any driver can use it.

80. The proposed changes bring the bylaw in to line with the relevant requirements for a small passenger service (SPS) under the Land Transport Act 1998 and the Land Transport Rule: Operator Licencing 2017 that uses vehicles that carry 12 people or less to carry passengers. The legislation requires all vehicles operating under a SPS to display a Transport Service Licence and meet other criteria.
81. In response to feedback about the confusing terminology Officers have used the phrase 'small passenger service', the same as the empowering legislation, to avoid confusion. It is recommended the proposal (clause 6 Interpretation) to include all small passenger service vehicles in the definition of taxi is not changed.

Clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw

82. When skip bins and other objects are placed on parts of the road where fees and charges apply, there is a mixed response from the waste management companies or person responsible for the object as to whether they pay for the space they are using, and when applicable, whether they inform the customer or not and whether these charges are passed on to the customer or not. To ensure the system is fair and that there are no 'free-riders' using valuable parking spaces for free, the Council needs a clearer way to set the charges and ensure it is the service provider/owner of the object, not the customer, who is responsible for paying the parking charges.
83. The Consultation asked whether submitters agreed with the proposal to clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw.
84. 331 submitters answered this question. Of those, 167 submitters (50 percent) said yes, they supported the changes to clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw and 90 submitters (27 percent) said no. 74 submitters didn't know. Nine organisations supported the proposed changes.
85. The Disabled Persons Assembly support an extended definition as skip and bulk bins cause safety issues for pedestrians, including the disabled and especially Blind people. The DPA also requested a higher fine \$1-5k especially for skip bins/bulk bins placed in a way to create a substantial safety risk for road and footpath users. The Disabilities Resource Centre Trust and Living Streets Aotearoa supported the proposal for the same reasons and want it applied to footpaths too.
86. Officers have used the powers under the Local Government Act 1974 (LGA 1974 section 357 (1)(a)) to enable the Council to introduce charges for the placement of skip and bulk bins in the road or parking places under the proposed traffic and parking bylaw. Therefore, the Council must use the fines under the LGA 1974 section 357 (1) for any future skip bin offences. When applying for a skip bin permit to use public space for a

private purpose, the fee covers the costs incurred by the Council to manage and ensure compliance plus recover any lost actual and potential revenue if the bin is placed in a restricted parking area.

87. The proposed traffic and parking bylaw will work in tandem with the Public Places Bylaw to manage the placement and approval of skip and bulk bins on public land, including roads. The Statement of Proposal seeking submissions on a revised Trading and Events in Public Places Policy, released on 7 July 2021 proposes the Council position continues to be that bulk and skip bins are not permitted to be placed on any Wellington footpaths.
88. It is recommended the proposal (clause 34) to manage skip bins and bulk bins placed in the road or parking places is not changed.

Clarify the conditions for using actual public works as a defence for parking offences

89. The Parking Services appeals team receive parking defences for infringements issued because 'the vehicle was engaged on a public work'. They find this type of defence difficult to disprove so the infringements are often waived.
90. This defence is required in the traffic bylaw as there are genuine circumstances when a traffic or parking violation has occurred due to actual public works but Officers recommended it should not apply to all types of works done under contract or paid in whole or part out of public funds, particularly when they are scheduled/planned in advance, and may have accompanying traffic management plans where the parking or parking restriction has been temporarily discontinued.
91. The consultation asked whether submitters agreed with the proposal to clarify the conditions for using actual public works as a defence for parking offences. 323 submitters answered this question. Of those, 179 submitters (55 percent) said yes, they supported the changes to clarify the conditions for using actual public works as a defence for parking offences and 50 submitters (16 percent) said no. 94 submitters said don't know. Six organisations supported the proposed changes.
92. It is recommended the proposal (clause 41) to clarify the defence for public works offences is not changed.

Motorcycles parking in standard size parking spaces

93. The consultation asked 'do you agree that motorcycles should be able to park in a pay by space (space controlled by a parking meter) provided they pay the appropriate charge (per vehicle) and follow the time restriction'? This is a follow-up from submissions on the Parking Policy 2020 that raised concern about the lack of available motorcycle parking in the central city. The current Bylaw does not allow motorcycles to park in standard size, metered or restricted, parking spaces, only in designated motorcycle bays.
94. 313 submitters answered this question. Of those, 205 submitters said yes, they supported the changes to allow motorcycles to be able to park in a pay by space and 76 submitters said no. 32 submitters said don't know. 172 submitters provided

additional comments in support of their view on the proposals. Six organisations supported the proposal.

95. The additional comments revealed that although some people indicated no to the proposal, they were supporters of the Council doing what it can to encourage more people to use motorcycles as they are of the opinion that motorcycles reduce congestion and emit fewer carbon emissions compared to a car. Some submitters also voted no to the proposal because they felt that motorcycle parking should remain free, a few said the charge should be lower than for a car but yes, motorcycles should be able to park in standard sized parking spaces.
96. Both the submissions supportive and unsupportive of the proposal want more parking available to motorcyclists in the central city – either as dedicated motorcycle parking or as proposed by allowing more than one motorcycle to park in a standard sized parking space. Some submitters raised the need for suitable parking for cargo bicycles, electric or not, too.
97. Of those submissions that did not support the proposal and were not supportive of motorcycles parking in standard spaces, this was due to the concern that there would be less parking available for cars; they have free, dedicated parking bays already; and it is an inefficient use of space.
98. Removing the clause that currently prevents motorcycles from parking in standard sized parking spaces could be done without immediately changing the current use and restrictions on parking spaces, particularly in the central city. This is because a new traffic resolution would be required to activate the change, and new technology is required to allow the Council to ensure that for paid parking spaces, each motorcycle is paying their fair share of the space used. Officers do not expect to have the new technology procured and installed for at least a year.
99. Therefore, further consideration of accommodating both motorcycles and 4-wheeled vehicles, particularly in the central city is required. The Parking Policy 2020 makes it clear that in the central city short-stay parking is the priority over long-stay commuter parking, and that parking should be user pays. However, until there are sufficient private and public off-street parking facilities for motorcycles and other non-standard vehicles, some provision of on-street motorcycle bays for long-stay parking should remain.
100. When the new Parking Policy and bylaw is implemented in the central city and suburban centres, Officers recommend that the parking of cargo-bikes and other forms of larger electric bicycles are also accommodated, and if supported, a traffic resolution to allow several motorcycles to park in standard size parking spaces should be worded to also allow cargo-bikes to use them too.
101. It is recommended the proposal (clause 28) to provide for motorcycles to park in a pay by space (space controlled by a parking meter), provided they pay the appropriate charge (per vehicle) and follow the time restriction is not changed.

Engine braking

102. As part of the consultation, personal experiences of engine braking noise disturbance were gathered to determine if a provision is warranted in the proposed Bylaw to prohibit or restrict engine braking in certain areas. This survey has shown loud noise from engine braking is not as frequent as loud noise from other vehicles, such as motorcycles, modified cars and sirens or other heavy vehicle noise - such as acceleration/deceleration noise without engine brakes.
103. There appears to be a couple of clusters of disturbance reports where, based on the noise disturbance descriptions provided, engine braking is an issue. These clusters also align with known extensive construction work and the routes to and from the landfills on Happy Valley Road, Wellington and Broken Hill Road, Porirua.
104. As previously reported to Councillors at the Planning and Environment Committee meeting on 24 June 2021 in the paper *Petition: Stop trucks coming off motorway and using Wellington streets to transport waste to tips*. A more effective approach could be liaison with trucking operators and industry groups to influence driver behaviour. Additional 'No engine braking' signs can be put up but Waka Kotahi consider such signs are likely to have limited effectiveness but would most likely be beneficial in areas where drivers might not realise there are nearby dwellings which may be disturbed by engine braking.
105. Officers also suggest collaboration with Waka Kotahi and Wellington Police to have noise cameras installed along Ohiro Road and Brooklyn Road to carry out a survey to determine if the noise disturbance experienced in this area is due to engine braking or not. The evidence would then confirm if an engine braking prohibition is required in this area, and/or if additional signage is required.
106. Officers recommend a staged approach following surveying; the first, liaison with the drivers/companies to seek a reduction in engine braking without any regulatory intervention. Secondly, if this does not reduce the problem, after a second survey, introducing a prohibition and collaborative monitoring and enforcement with the Police. Officers have discussed this potential approach with the Wellington Police and the Road Transport Forum (RTF), both organisations are supportive.
107. It is recommended the proposal to add clause 18 to provide for the restriction/prohibition of engine braking on certain streets is not changed.

Cruising disturbance

108. As part of the consultation, personal experiences of cruising noise disturbance were gathered to determine if a provision is warranted in the proposed Bylaw to prohibit or restrict engine braking in certain areas. Under the LTA 1998, cruising has a very tight definition - driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that draws attention to the power or sound of the engine of the motor vehicle being driven; or creates a convoy that is formed otherwise than in trade; and impedes traffic flow.

-
109. Based on the descriptions provided, around 100 of the examples might be due to cruising activity but may not meet the LTA definition of cruising. Nearly all the submitters described speeding, unsafe driving and noisy vehicle activity. The most mentioned suburbs where the description provided most closely described cruising activity were; Breaker Bay, Grenada Village, Newlands, Tawa, Karaka Bays, Karori, Kilbirnie/Rongotai, Miramar/Maupuia.
110. Based on the descriptions, there appears to be a couple of locations with the potential to become problematic if gatherings of car enthusiasts drive in a reckless manner. This driving behaviour may or may not meet the definition of cruising. Based on discussions with Wellington Police and officers at Christchurch and Auckland Councils, the Land Transport definition of 'cruising' makes it hard to police.
111. Wellington Police support the proposed option of putting in a bylaw control for cruising. At this time, the Wellington Police opinion is that the Wellington area does not have a significant issue with "cruising" but having a bylaw approved and in place would allow for quicker action to be taken should the driving behaviour change.
112. Auckland Transport have an additional clause in their bylaw 'Light motor vehicle restrictions', using the LTA 1998 22AB(1)(zk) on the basis that dangerous vehicle behaviour such as burnouts and doughnuts damage the road surface, especially a flammable lubricant is used. These activities are also inherently dangerous if a driver loses control, particularly if there are spectators nearby. The light motor vehicle restriction is suitable to use in non-residential locations, such as industrial or retail estates, as it will not negatively intrude on others.
113. It is recommended the proposal to add the cruising and light motor vehicle provisions (clauses 16 and 17) is not changed.

Footpath ideas

114. Following the Strategy and Policy Committee decision on 22 April to revoke a 2005 Council decision to allow parking on footpaths in certain places if one metre space has been left for pedestrians. As an addition to the consultation, Councillors asked how could the Council best manage pedestrian and vehicle access and parking on narrow streets where parking on the footpath has been commonplace?
115. 246 submitters provided a text response to this question. Both organisations and individual submitters commented on the need for unimpeded access for emergency services and waste vehicles on roads and submitters supported the need for unobstructed, safe pedestrian access on footpaths, particularly those with prams and disabilities. Many submissions also raised the need for improvements to public transport to reduce the need/reliance on private cars and to prioritise pedestrians over vehicle parking.
116. Approximately 35 of the individual submitters want to retain the status quo and continue to allow footpath parking if 1 metre is kept clear for pedestrians.
117. Numerous ideas were put forward by submitters as options to help implement the change. The feasible ideas have been summarised in the table below. A full table of all

the suggestions together with an Officer response has been provided in the Summary of Submissions report.

<p>Have 'no parking' zones or areas to use for passing/ban parking</p>	<p>Under the Land Transport Act 22AB (1)(m) the Council can, through a bylaw provision and erecting prescribed signage, prohibit the stopping, standing or parking of vehicles on any road.</p> <p>Although 'no parking' signs are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource intensive and can take up to six months due to current backlog.</p> <p>Can be enforced but not as simply as using broken yellow lines.</p>
<p>More broken yellow lines on streets where there isn't enough room</p>	<p>Fewer vehicles parked on the street will improve sightlines and visibility for both pedestrians and road users leading to improved safety.</p> <p>Although broken yellow lines are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource intensive and can take up to six months due to current backlog. The Council could gradually roll-out the implementation starting with streets creating access issues for the emergency services, then main bus routes and locations creating access issues for footpath users.</p> <p>Provides clarity for enforcement purposes.</p>
<p>Allow parking on one side of the street only</p>	<p>Similar solution to the above with the same associated benefits and costs. The Council would aim to retain at least one side of on-street parking wherever that could be safely accommodated.</p>
<p>Increase education, awareness, communication</p>	<p>The Council is planning a city-wide education and awareness raising campaign to spread the message about not parking on footpaths, the reasons why it is not permitted and the damage/harm it can cause.</p>
<p>Consider each street on a case-by-case basis</p>	<p>The Council would look at each problem street on a case-by-case basis and tailor the solution based on the feasible options and budget available.</p> <p>Having different management on different streets could lead to inconsistency which is hard to monitor and enforce.</p>
<p>Make narrow streets one-way traffic only</p>	<p>In some circumstances, changing a street's traffic flow may allow for on-street parking without negatively affecting traffic flow. Roads are primarily intended for moving people and vehicles. The Council must ensure people can access property frontages, but this does not include stopping or parking. Storing/parking vehicles is a secondary</p>

	purpose.
Increase speed management/ speed restrictions	Where the speed of vehicles is causing safety risks on a road, the Council has powers under the LTA 1998 22AB(d) to fix the maximum speed of vehicles for the safety of the public or better preservation of any road. This would be on a case-by-case basis. The 2021-2031 Long-Term Plan has funding allocated to improve speed management throughout the city.
Change the street to a shared use space – parking and pedestrians share the street space.	Recommended as a final option to consider. The Parking Policy 2020 places pedestrians at the top of the street space use hierarchy, supported by the sustainable transport hierarchy. Careful street design would be required to ensure appropriate, safe pedestrian space is prioritised and active transport users are not put at risk from the vehicle users. Only suitable for low speed streets.
White road edge lines	The road markings are used to provide a driver with assurance that they are not impeding the traffic flow if they park at the kerb, and therefore, do not need to park on the footpath. The visual narrowing of the road can help to slow traffic.
Mix of broken yellow lines, give way and marked parking spaces on alternating sides to create safe passing spaces.	Alternating sides will reduce the total amount of parking compared to parking on only one side, but it would create a chicane effect slowing vehicles and therefore making it safer. Although broken yellow lines are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource-intensive and takes up to six months. This option can be enforced.
Limit parking to vehicles not exceeding a specific width	The Council could, through a traffic resolution, restrict parking by certain vehicle classes, such as a heavy goods vehicle but it would be difficult to enforce based on a maximum width. The Council could control the length of vehicles parking between driveways if insufficient for parking using white triangle line marking.

118. The feasible suggestions will be considered by Council traffic and transport staff when area-based parking management plans are developed and for those streets identified as being the highest priority for action. Priority will be based on access barriers to traffic flow, particularly emergency vehicles/service vehicles and level of risk to footpath users. Traffic management changes will be rolled out as fast as resourcing allows.



Options

119. The Committee has three options to consider:
- a) recommend to Council that the new Traffic and Parking Bylaw 2021 is adopted and the current Part 5: Traffic of the Wellington Consolidated Bylaw 2008 is revoked, or
 - b) recommend to Council that the new Traffic and Parking Bylaw 2021 is adopted, with any amendments agreed by Committee, and the current Part 5: Traffic of the Wellington Consolidated Bylaw 2008 is revoked, or
 - c) do not recommend to Council that the new Traffic and Parking Bylaw 2021 is adopted and the current Part 5: Traffic of the Wellington Consolidated Bylaw 2008 is revoked. In this case, the current Part 5: Traffic of the Wellington Consolidated Bylaw 2008 will remain as is and will require a review, as per the ten-year LGA cycle, in 2026.

Next Actions

120. After the Council adopt the proposed new Bylaw, it will be prepared for publication and copies must be sent to the Minister of Transport within 7 days of adoption.
121. The Parking Officers enforcement guidance and training material will be updated to reflect the changes to the offences and enforcement provisions.
122. The current traffic and parking management regime (except offences) will remain unchanged until revised or new traffic resolutions are approved by Council that changes the status quo. The new traffic resolutions will be encompassed in area-based parking plans as these are rolled out across the city.

Attachments

- Attachment 1. Traffic Bylaw Review Summary of Submissions Report [↓](#)  Page 46
- Attachment 2. Proposed Traffic and Parking Bylaw: track changed version and final version [↓](#)  Page 125

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SUPPORTING INFORMATION

Engagement and Consultation

The proposed traffic and parking bylaw was created in collaboration with Council staff from the following business units: Parking Services, Policy, Transport Planning, Legal and Transport Assets. The public consultation process specifically targeted any public concerns on noise disturbance caused by engine braking and noise disturbance and road damage caused by cruising. The consultation also sought views on whether motorcycles should be able to park (and pay any fee) in standard sized parking spaces.

Officers alerted the following organisations to the review and invited comments or an opportunity to meet to discuss the traffic bylaw: the New Zealand Fire and Emergency Service, St Johns, Wellington Police, the Police Commissioners office, the Transport Agency, CCS Disability Action, Mevo, Cityhop, some taxi companies, the Taxi Federation, carshare providers, Let's Get Wellington Moving, the Road Transport Forum, the Road Transport Association NZ, Living Streets, the NZ Heavy Haulage Association and a couple of waste operators.

Issues raised in the consultation were followed up by meeting with the NZ Walking Access Commission and the Road Transport Forum and follow-up conversations with Wellington Police and New Zealand Fire and Emergency.

Treaty of Waitangi considerations

There are no Treaty of Waitangi consideration from reviewing and adopting a new traffic and parking bylaw.

Financial implications

There are no financial implications from reviewing and adopting a new bylaw. There are likely to be financial implications when implementing aspects of the proposed bylaw, particularly as new and updated traffic resolutions will be required.

Policy and legislative implications

Once this process is completed the Parking Policy 2020 can be fully implemented. As this will be a newly created stand-alone bylaw, the next full review will be due in five years' time.

Risks / legal

Legal have reviewed the proposed new bylaw and some amendments have been made in response to their advice.

Climate Change impact and considerations

Although there are no climate change considerations when consulting on the proposed traffic and parking bylaw, the implementation of the Parking Policy 2020 and use of compliance and enforcement tools in the new bylaw could support travel behaviour change and therefore, emissions reduction from private vehicle use.

Communications Plan

Available on request

Health and Safety Impact considered

There are minor health and safety concerns that may occur during the proceeding implementation phase. Parking generates a passionate reaction in some people and may heighten the risk of negative interactions between the public and Council officers, particularly Parking Services staff.

Review of the Traffic Bylaw

Report summarising
public submissions on
the Review of the
Traffic Bylaw

Report published July 2021

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Glossary

Berm - a grass area between the roadway and the footpath or property boundary.

Business - in the context of permit eligibility and associated offences, means having a commercial premise.

Cargo bicycle - a cycle designed to carry larger and heavier loads than a regular bicycle, generally with an in-built container. Sometimes these may involve electric motors. (Waka Kotahi New Zealand Transport Agency)

Cruising - driving repeatedly in the same direction over the same section of a road in a manner that causes disturbance by:

- a) drawing attention to the power or sound of the engine and/or
- b) creating a convoy that impedes traffic flow (LTA 1998)

Cycle lane – a longitudinal strip within a roadway for the passage of cycles (LT (Road User) Rule 2004).

Cycle path – physically separated part of the roadway intended for the use of cyclists (may also be used by pedestrians) and includes a cycle track formed under the Local Government Act 1974 (LT (Road User) Rule 2004).

Licensed Council encroachment (parking) – occurs when a parking structure is built on, over or under the public land between your property's front boundary and the road or footpath and the Council has permitted this by issuing an encroachment licence.

Engine braking – supplementary braking on heavy vehicles to assist the normal service brakes in maintaining safe speeds when travelling down hills (Waka Kotahi NZTA).

E-scooters/electric scooter – designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor. (Waka Kotahi NZTA).

Goods vehicle – designed for the carriage of goods (LT (Road User) Rule 2004)

Heavy goods vehicle – a heavy motor vehicle (exceeding 3500 kg) used for the carriage of goods. (LTA 1998).

MAXQDA - a software package for qualitative and mixed methods research.

Mobile trading – temporary trading activity from a location which is vacated at the end of the day when trading is finished, trading activity is from stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops (LTA 1998).

Mobility device - A vehicle that is designed for use by people who require mobility assistance. (LT (Road User) Rule 2004).

Parking – the stopping or standing of a vehicle on a portion of a road (where parking is being governed by a local authority) for any period exceeding five minutes. (LT (Road User) Rule 2004).

Parking enforcement officer - person authorised by the Council to act on its behalf in parking enforcement.

Road – same meaning as section 315 of the Local Government Act 1974 and includes motorways or state highways covered by the Instrument of Delegation. The meaning also includes beaches and unformed legal roads.

Special vehicle lanes - A lane restricted to a specified class of vehicle. (LT (Road User) Rule 2004).

Shared path – a length of roadway intended to be used by pedestrians and vehicles (LTA 2004).

Shared use zone – a length of roadway intended to be by pedestrians and vehicles, including motor vehicles, and where the parking areas may be designated for different users at different times.

Introduction

This report presents a summary of the results of consultation on the 2021 Traffic Bylaw Review. The analysis of results is based on the survey ratings and free text comments in submissions that were received from submitters between 10 May and 11 June 2021. Submissions were regarded as 'valid' if they were:

- recorded in the Proposed Traffic and Parking Bylaw 2021 submission database following completion of the questions in the online submission form (by clicking the "submit" button)
- a paper submission on the Wellington City Council form (following the same questions and format as the online form)
- a free-form email with narrative feedback that is clearly indicated, or confirmed, as a Proposed Traffic and Parking Bylaw 2021 submission: or
- a written document submission with narrative feedback that is clearly indicated, or confirmed, as a submission on the review of the Traffic Bylaw
- an oral submission to the Pōruru Āmua Planning and Environment Committee.

We have separately collated, themed and analysed social media posts received between 10 May and up to and including the 11 June 2021. Although the feedback via social media has been considered, they have not been included in the submissions analysis in this report as they were not tagged as #trafficbylaw or in any other way readily identifiable as being attributable to the Traffic Bylaw Review Statement of Proposal.

The analysis of submitter feedback covers both the levels of submitter support for the consultation proposals in the Statement of Proposal and comments on the reasons for their support and suggestions for amending the proposals.

Submitter comments covered a range of interests and were not necessarily related to the consultation proposals or the draft traffic and parking bylaw. Out-of-scope topics or themes have been documented in this report if they have been raised by a significant proportion of submitters.

One submitter indicated on the submission form that they were submitting as Tuhoe. Clarification was requested as to whether this was the submitters iwi affiliation, or a submission made on behalf of the Tuhoe iwi. Clarification was not received at the time of reporting to Councillors; therefore, this submission has been categorised as an individual.

How we analysed free-text comments

The analysis in this report of the consultation results generally reflects the structure of the Statement of Proposal and the submission form. We have quantified support or otherwise for each proposal. We have also indicated the general themes, topics or categories of issues raised in the free-text comments.

All valid submissions received have been entered into the Let's Talk Wellington database and analysed using MAXQDA³ software. Where a written or emailed submission followed the structure of the submission form, or the responses matched the questions and options as per the form, the responses were entered into the matching section of the online form. Where a submission did not follow the online form structure, the entire response has been copied directly into the question "Do you have any final comments about the proposed Traffic and Parking Bylaw?" or added as an attachment. Where it was possible to confirm that the submitter lived in Wellington, this option was marked in the submission form.

Our approach to analysing free-text comments explaining support or otherwise for a proposal or recommending changes to the proposal, involved identifying high-level themes. Within each theme, groups of topics were identified. The themes and topics were then graphed to provide a visual overview of areas of common concern or interest for submitters. Each question was analysed using theme/topic identification.

Separate to the submission we requested examples of personal experience to inform decision-making on

- whether to add the ability for Council to prohibit or restrict engine braking in certain areas
- whether to add the ability for Council to control, restrict or prohibit cruising activity and disturbance

This has been analysed in a separate section.

There was also one section for submitters to tell us their thoughts on alternatives to parking on footpaths. This question did not reference a specific part of the Traffic Bylaw Review Statement of Proposal. This section has been analysed and noted separately in this report.

Social Media

Four Facebook posts were made on the Wellington City Council Facebook page. They covered:

- Media release
- Red Rocks clarification

³ MAXQDA is a software package for qualitative and mixed methods research.

-
- Cruising activity and engine braking noise
 - Last week to have your say

Two tweets were posted on the Council's Twitter page: one on the media release of the consultation and one on cruising and engine braking. One story was shared on the Council's Instagram account. See appendix one for the posts.

Part 1: Who were the submitters?

404 submissions on the proposed traffic and parking bylaw were received, plus 154 people gave 198 responses to the questions about their experiences of engine braking and cruising disturbance. 245 people provided responses to the question 'How could the Council best manage pedestrian and vehicle access and parking on narrow streets where parking on the footpath has been commonplace?'

The majority (356) were made online, 21 were emailed responses and 27 paper submission forms were received by post. One submitter sent in a submission by email and via the online form, therefore the comments have been combined and counted as one submission. One submitter made an oral submission only.

We received submissions from 21 organisations and 383 individuals. Refer to Appendix two for a list of all organisations that submitted.

In addition, a total of 98,748 people were reached and 8,262 people engaged (commented on a post, reacted to a post) to the four Facebook posts. The Red Rocks and Cruising Facebook posts received the most engagement. The Instagram posts made a total of 5,961 impressions and 136 engagements and the Instagram story reached 707 people.

The gender count and age range of submitters, who answered this question, is not representative for the Wellington area (based on 2018 census data) with 78 percent of submitters identifying as male, 17 percent female and one percent non-binary/gender diverse. In terms of ethnicity, 69 percent of submitters reported themselves to be NZ European/Pākehā, 15 percent as Māori and eight percent as Other (these were self-selected ethnicities).

Most submitters who answered this question or clearly indicated where they lived on their submission form lived and/or worked in Wellington and 17 percent lived outside of Wellington City.

Part 2: Analysis of the submissions

Proposed new Traffic and Parking Bylaw – Section 1

What we proposed:

The proposed new traffic and parking bylaw adds several new clauses to provide provisions for managing parking and traffic issues.

1. Provide for shared paths
2. Provide for shared use parking zones
3. Reflect the Parking Policy 2020
4. Enable temporary road changes for pilot/trial schemes
5. Make it simpler for Parking officers to remove non-motorised vehicles that park on the street for longer than 7 days
6. Regulate the parking of vehicles for advertising or selling purposes
7. Manage mobile trading in roads and public places
8. Prohibit the driving, riding or parking of vehicles on beaches (such as Island Bay or Lyall Bay beach)
9. Restrict the driving, riding or parking of vehicle on unformed legal roads
10. Amend the definition of taxi to include small passenger service vehicles (such as rideshare Uber, Ola and Zoomy)
11. Clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw
12. Clarify the conditions for using actual public works as a defence for parking offences

In addition, there were several amendments to clauses in the current bylaw that were carried over into the new bylaw plus some additional traffic flow management provisions.

What we asked:

Submitters were asked if they agreed with the changes proposed to the Traffic and Parking Bylaw with a Yes, No or Don't know response option.

1. Provide for shared paths – clause 13

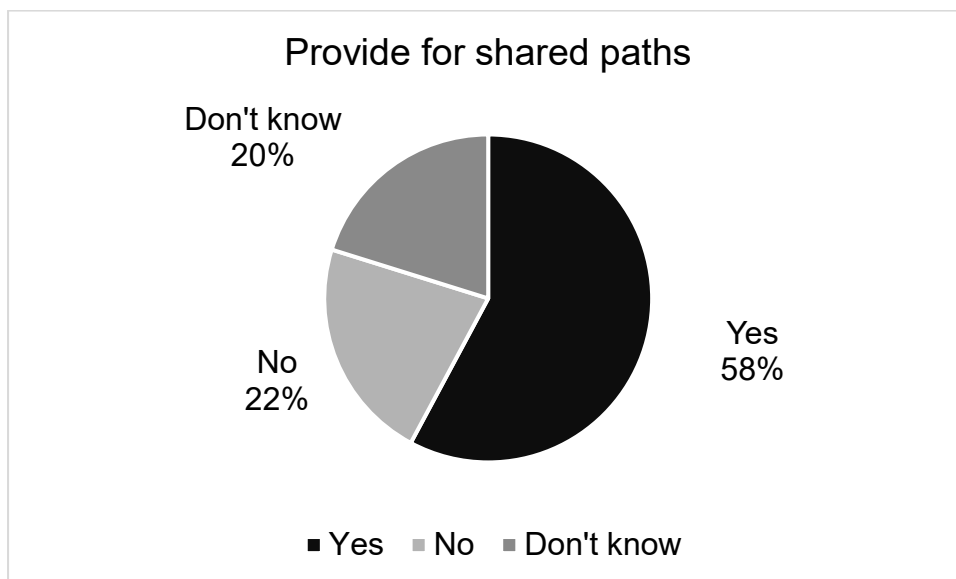


Figure 1: Submitter response to the question do you agree with the changes we propose to provide for shared paths?

What submitters said:

Refer to figure 3, 332 submitters answered this question. Of those, 192 submitters said yes, they supported the changes to provide for shared paths and 73 submitters said no.

20 submitters provided additional comments about shared paths. The comments raised concerns about the safety of pedestrian users of shared paths.

The following organisations indicated that they did not support the proposal; Wellington Care of the Aged and Living Streets Aotearoa, who said shared paths are not best practice, are inconsistent with the transport hierarchy and inconsistent with Council practice.

The Disabled Persons Assembly (DPA) welcomes the greater clarity that the proposed bylaw will give to the definitions of cycle path, cycle lane and cycle track and the need to define shared path and shared use zones. However, they strongly recommend that cycle lanes and tracks are separated safely from pedestrian footpaths to minimise safety risks to user. They also request the proposed bylaw should stipulate and define the creation of safe, separate, parallel and well-signed spaces for pedestrians, cyclists and other micro-mobility to adhere to and maximum speed limits for powered users in shared spaces.

The Environmental Reference Group (ERG) and Generation Zero raised similar concerns about the risk shared paths pose for pedestrians, particularly children and

people with disabilities. Both groups commented it should not be the default option and must have appropriate signage. Generation Zero raised the need for regulation of passing distances, the speed of bicycles and which user has priority of way.

Cycle Wellington, the Newtown Residents Association, the Architectural Centre and the Creswick Valley Residents Association indicated that they were supportive.

Table 1 Illustrative quotes from individual submitters – shared paths

Lots of clarity needed. Use of motorised devices on shared pathways to be clarified in terms of 'ownership' and identification of the user. Charges to be levied on owner and reflected in consent documents with penalties for repeated breaches. Speed restriction to walking speed. Potential dangers of poorly parked e-scooters and hire devices matched with fines. (Kenneth Munro)

Shares paths with cyclists can be very dangerous for pedestrians. Try walking from Kaiwharawhara to Ngauranga and you'll soon get the message. Where possible the "share" should be divided so that cyclists scooters and the like do not intrude into pedestrian space. (Catherine Lythe)

Shared paths, tend to equal people travelling at different speeds. Usually never a good outcome if both collide. (Te Kawa Robb)

Table 2 Illustrative quotes from organisation submitters – shared paths

Shared paths are not best practice for pedestrians and there needs to be oversight for changing of footpaths into the lower level of service provided by shared paths. (Living Streets Aotearoa)

We submit that shared paths only be considered when other options have been exhausted; as far as possible be on recreational rather than commuter routes, and that they include cues that signal to active transport users that the precinct is a 'go slow' and 'proceed with caution' area. (Environmental Reference Group)

Cycle Wellington supports the proposed change to the bylaw, for example to allow other similar micro-mobility users to use bike paths where appropriate - the 'rori iti' or 'little road' concept. (Cycle Wellington)

Officer's response

Officers have used the definition of shared path provided in 11.1A(1) of the Land Transport (Road User) Rule 2004. Officers added a supplementary sentence to the definition to help readers understand the difference between a shared path and a shared use zone.

However, in those situations where there is insufficient space to accommodate a physical separation between pedestrians and cyclists/scooters, a compromised design solution may be necessary. We acknowledge the concerns raised by some submitters about the safety of pedestrian users. The Council is following the sustainable transport hierarchy by providing a shared path as it prioritises active transport modes over motorised vehicles. When introducing a shared path, the Council follows the Waka Kotahi NZ Transport Agency (Waka Kotahi) Cycle and Pedestrian Network Guidance documents to mitigate the potential safety issues.

As per the [Council's submission](#) on the Government's [Accessible Streets Regulatory Package](#), the Council will consider making high pedestrian routes in Wellington free of transport devices if the Government makes the changes as proposed. The Council also stated in its submission on the Accessible Streets Regulatory Package that micro mobility, when regulated well, offers positive solutions that can improve traffic safety and air quality, and reduce traffic congestion and that we also strongly support the proposal that cycle lanes and shared paths be used by other devices other than cycles provided devices adhere to particular safety considerations. The Council also recommended to Waka Kotahi to adopt a co-design or similar process with elderly and disabled people that addresses issues of safety and accessibility.

The Council uses the Local Government Act 1974 319 General powers of Council in respect of roads (1) (f) to determine what part of a road shall be a carriageway, and what part a footpath or cycle track only. However, to ensure that the Council has appropriate enforcement powers over the use of these paths, we need to also use the bylaw making power under the Land Transport Act 1998 section 22AB(1)(h) to prescribe the use of roads and cycle tracks and the construction of anything on, over, or under a road or cycle track. The footpath that wraps around Oriental Bay Parade is a shared path.

Therefore, it is recommended the proposal to provide for shared paths is not changed.

Officers suggest the Council review and, if required, amend the definitions pertaining to active transport and if necessary, this clause (13), when the Government has finalised and adopted the new Accessible Streets Regulatory Package.

2. Provide for shared use parking zones – clause 14

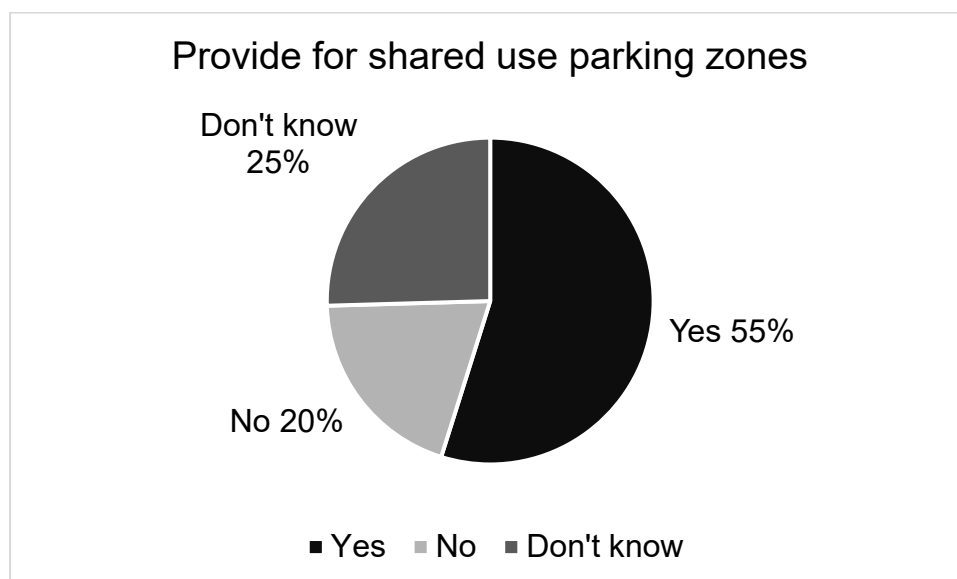


Figure 2: Submitter response to the question do you agree with the changes we propose to provide for shared use parking zones?

What submitters said:

Refer to figure 4, 330 submitters answered this question. Of those, 181 submitters said yes, they supported the changes to provide for shared use parking zones and 65 submitters said no.

11 submitters provided additional comments in support of their view on the proposals, some of the feedback was combined with the response to the shared paths proposal.

Cycle Wellington supports shared use zones to allow loading but not to disrupt the use by other users. They expressed concern that shared zones can become dominated by vehicles parking at the detriment of pedestrians. CVRA, the ERG, Living Streets Aotearoa, the Newtown Residents Association, the Architectural Centre and Wellington Care of the Aged, all indicated their support for the proposal.

Table 3 Illustrative quotes from individual submitters – shared use zones
Shared parking spaces are a mess people will exploit this and take more than needed. (Michael Coleman)
I am in favour of shared parking zones but the council cannot be trusted to be responsible for this. (Jon Harris)

Table 4 Illustrative quotes from organisation submitters – shared use zones

Shared zones. We agree with this. WCC needs the legal power to adequately regulate access to these areas based on vehicle type, speed, time and purpose. (Generation Zero)

Shared zones need to work flexibly to allow loading but minimise disruption to their value as a low-traffic space. We are concerned that space used for parking prohibits the use of the space by other users. (Cycle Wellington)

Officer's response

Officers do not consider shared spaces a problem but how they are designated and designed can affect the user experience and interaction between active transport and motorised vehicles. The use of street furniture can improve safety for pedestrians whilst still providing necessary vehicle access.

The Waterfront is a managed shared use space. By keeping the speed of motorised vehicles slow, restricting the type or reason for motorised access, the space can be pedestrian friendly.

Officers have provided a definition of shared use zone that provides for sharing between motorised vehicles and pedestrians, but also, by specifying the details in the resolution, a parking space that could be shared by two different types of motorised vehicle class. Such as a loading zone and a P120 at different times or days. Shared parking spaces would require appropriate enforcement to ensure use at right time by the right vehicle class.

It is recommended the proposal to provide for shared use parking zones is not changed.

3. Reflect the Parking Policy 2020

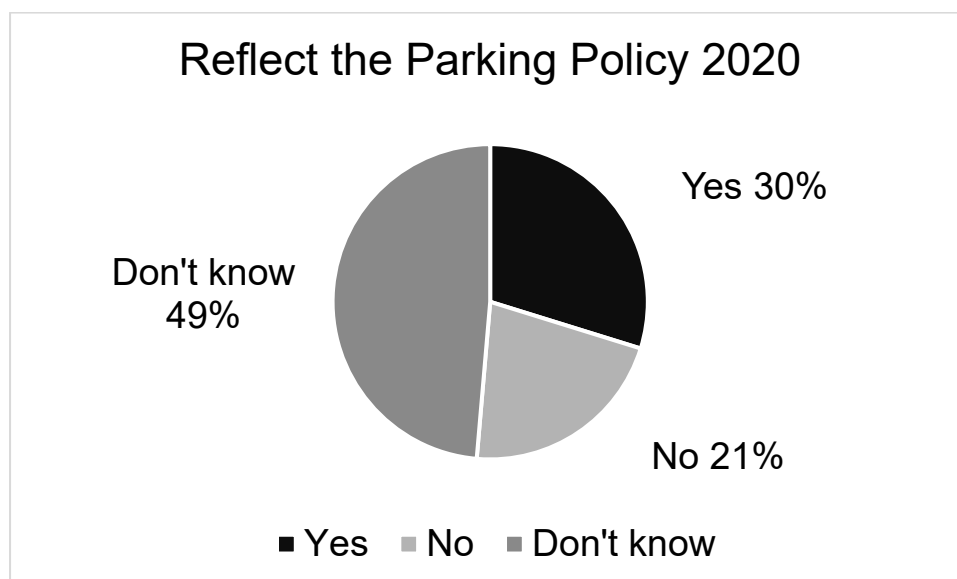


Figure 3: Submitter response to the question do you agree with the changes we propose to reflect the Parking Policy 2020?

What submitters said:

Refer to figure 3, 329 submitters answered this question. Of those, 98 submitters said yes, they supported the changes to reflect the Parking Policy 2020 and 71 submitters said no. Most submitters who answered this question responded don't know (160 submitters).

12 submitters provided additional comments to clarify their views on the proposals.

Some of the individual submitters raised concerns about the Parking Policy proposed changes but their comments reflected a lack of understanding of the Parking Policy. Most submitter comments were positive about the proposed changes.

The proposed changes are supported by the DPA, Cycle Wellington, CVRA, Generation Zero, the ERG, the Newtown Residents Association and the Architectural Centre.

Officer's response

Greater Wellington Regional Council (GWRC) raised concerns about the need for short stay bus layover spaces. The Wellington Justices of the Peace Association submission focused on their concern that the implementation of the Parking Policy is changing the free parking permits they receive.

This bus layover issue is covered in the Out of Scope section of this document as it not directly related to the bylaw and the parking permit issue is covered in the table on specific bylaw clause issues.

It is recommended the proposal to reflect the Parking Policy 2020 is not changed.

4.Enable temporary road changes for pilot/trial schemes – clause 15

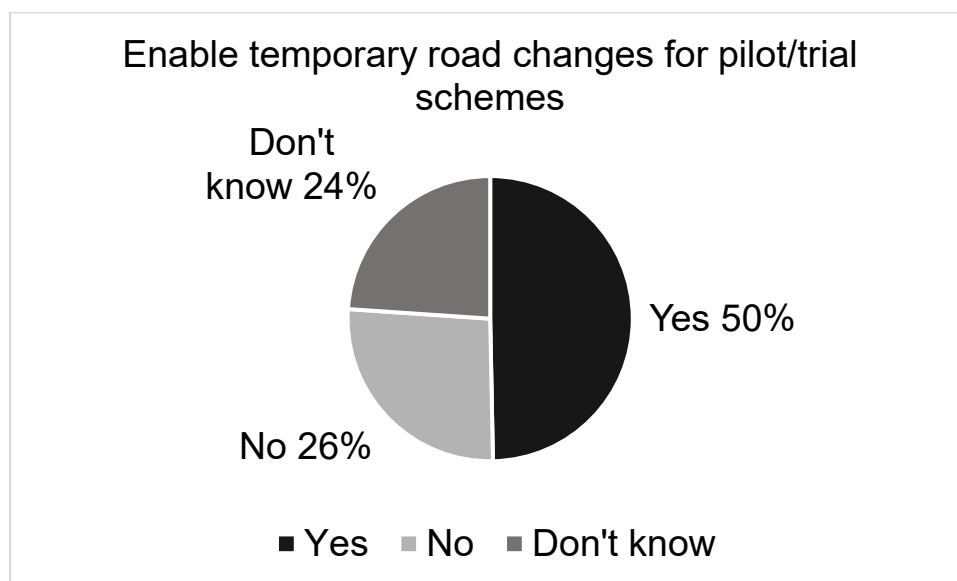


Figure 4: Submitter response to the question do you agree with the changes we propose to enable temporary road changes for pilot/trial schemes?

What submitters said:

Refer to figure 6, 326 submitters answered this question. Of those, 162 submitters said yes, they supported the changes to enable temporary road changes for pilot/trial schemes and 86 submitters said no. A similar amount, 78 submitters said don't know.

12 submitters provided additional comments to clarify their view on the proposals. Some submitters were concerned that not enough consultation takes place before trials are installed, or that the trials are 'anti-car', others wanted less consultation before a trial or considered trials of new street design as a good way of determining if they will work well or not.

Of those 12 that commented specifically on this proposal, most of the individual submitters were unsupportive of temporary road changes for pilot/trial schemes.

The DPA welcomes the proposal. However, they felt the Council must have mandatory community consultation for any trial/pilot scheme. Similarly, the NZ Automobile Association (AA) expressed concern, in their view, the process for

designing the trial on Brooklyn Road has not been managed well and were disturbed that construction began before an independent safety audit had been completed⁴.

Whereas, Generation Zero supports the proposed change and feel that pilot schemes should be low cost, with little prior consultation and in a flexible manner.

The following organisations indicated their support for the proposed changes to enable temporary road changes for pilot/trial schemes: Cycle Wellington, CVRA, the ERG, the Newtown Residents Association, Fire and Emergency New Zealand, Wellington Care of the Aged and the Architectural Centre.

Table 5 Illustrative quotes from individual submitters – pilot/trial schemes

Rapid and unconstrained trialling of clearways for active transport is an excellent policy. (Alexander Garside).
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Temporary road changes for pilot schemes: Rather than consent to this wholesale, I would prefer to assess this on a case-by-case basis - not just in my residential area, but areas that I transit through or visit. I have already mentioned that I veto road changes (particularly where it would disrupt efficient traffic flow and general accessibility) in order to 'pretty-up' the streetscape. (Daniel McGaughran).

Should be consulted Widely first. (Island Bay Cycleway). (Laura Spiers)

Table 6 Illustrative quotes from organisation submitters – pilot/trial schemes

DPA welcomes the Council's proposal to consider the need for pop-up pedestrianisation trials to occur by permitting temporary constructions on roads for pilot/trial schemes and placemaking. However, in the spirit of co-designing people friendly spaces, it is important that the by-law and any associated policy mandate community consultation (including of disabled people and disabled people's organisations) before proceeding with any such development. (The Disabled Persons Assembly)

Officer's response

The proposed new clause 15 for the construction of anything on, over, or under a road or cycle path is provided for under the Land Transport Act 1998 section 22AB clause (1)(h) and therefore, it must be actioned through a Council resolution. The resolution process for provisions under the LTA are set out in the proposed clause 7 Resolutions made under this part of the Bylaw. This includes the proposal is placed

⁴ This specific concern has been addressed at the appropriate Council Officer level.

on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request (clause 7.4).

Officers have limited the clause to the creation of community public places as commercial use of a public place is provided for, with controls and criteria, under the current Trading in Public Places Policy and Part 5 Public Places of the Wellington Consolidated Bylaw 2008. Both these documents are under officer review and the Council is currently consulting on a revised Trading in Public Places and Events Policy.

Officers acknowledge that the use of the provisions in the LTA 1998 are not ideal for the situation required, however there are no other suitable provisions available to empower a road controlling authority or local authority to introduce trial/pilot schemes. This legislative constraint has been raised with the Ministry of Transport and Waka Kotahi.

It is recommended the proposal to provide for pilot/trial schemes is not changed.

5. Make it simpler for Parking officers to remove non-motorised vehicles that park on the street for longer than 7 days – sub-clause 38.1(j)

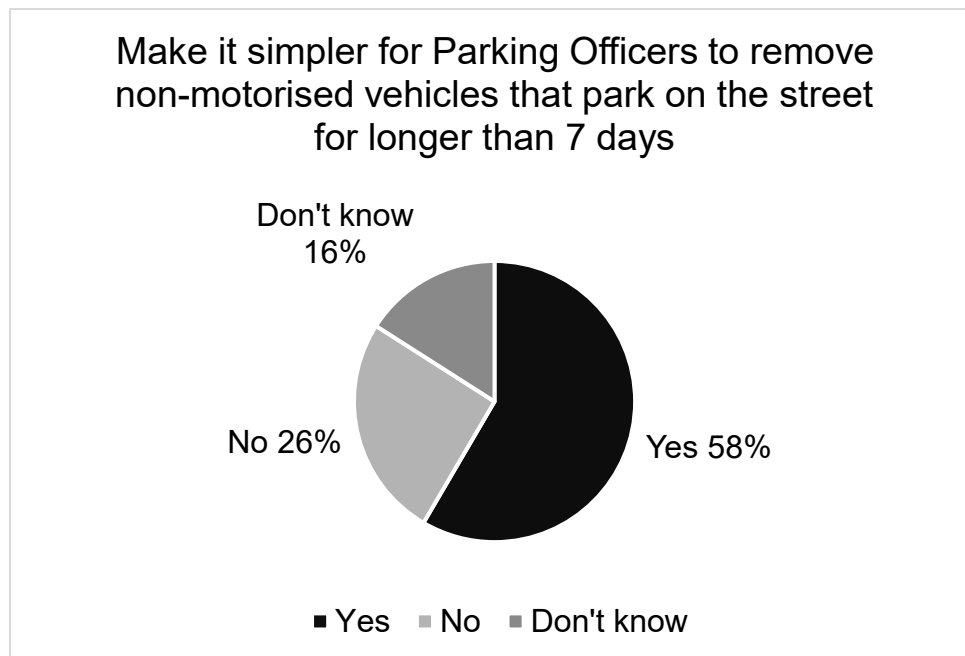


Figure 5: Submitter response to the question do you agree with the changes we propose to make it simpler for Parking Officers to remove non-motorised vehicles that park on the street for longer than 7 days?

What submitters said:

Refer to figure 7, 332 submitters answered this question. Of those, 194 submitters said yes, they supported the changes to make it simpler for Parking Officers to remove non-motorised vehicles that park on the street for longer than 7 days and 85 submitters said no. 53 submitters said don't know.

14 submitters provided additional comments to illustrate their view on the proposals.

The following organisations indicated their support for the proposal: the DPA, Wellington, CVRA, Cycle Wellington, the ERG, Newtown Residents Association, Wellington Care of the Aged and the Architectural Centre. Most of the individual submitters supported the proposal and both organisation and individual submitters requested that the provision is extended to cover other motorised vehicles too or extended to cover public car parks.

A handful of submitters who commented on the proposals and were not in support, referred to people not using their vehicles often or not having a driveway to park off the street. One submitter expressed concern that sometimes people live in non-motorised vehicles such as caravans, on the street, and therefore the Council should remove the freedom camping restrictions for its off-street car parks. The New

Zealand AA were not supportive of the proposal to extend the provision to include motorhomes.

Table 7 Illustrative quotes from individual submitters – non-motorised 7 days

Expand "Long-stay storage of caravans, trailers etc" to include motorised camper vans and motor homes, including bus-sized motor homes. For example, two are permanently parked directly outside St Francis school in Island Bay – both also with trailers attached – substantially reducing visibility, making it dangerous for vehicles passing the school and children crossing the road. The fact these vehicles can be moved under their own power doesn't make their impact on the safety of our streets any less than that of unpowered caravans, trailers, etc. (Brock Abernethy)

Why should vehicles not in use but paying registration be removed when parked legally in the same spot for 7 days? Many working people do not use their vehicles as they cannot afford to park their car outside of their workplace or cannot afford to repair their vehicle when it is broken down. Not everyone has a driveway where they can park their vehicle. (Robert Young)

Table 8 Illustrative quotes from organisation submitters – non motorised 7 days

DPA welcomes the Council's proposal to remove non-moving vehicles such as caravans and trailers from any parking spaces where they may obstruct pedestrian or vehicular movement. (the Disabled Persons Assembly)

We do not support the proposed clause to allow Council to remove motorhomes parked on a public street that have not been moved for 7 days. Motorhomes are registered motor vehicles and should be allowed to park on the street the same as other vehicles like cars. Many cars are not used during the week as the owners take public transport to work. Council already has mechanisms to restrict vehicle parking in inner city suburbs such as Residents Parking and Coupon Parking. (NZ Automobile Association)

Officer's response

The proposed clause 33 comes from the Land Transport (Road User) Rule 2004 6.19 which says a person must not park a trailer on a roadway for a period exceeding 7 days, except with the written permission of the road controlling authority. The definition of trailer from the same Rule (clause 1.6) means a vehicle

without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.

Officers have added motorhome and heavy goods vehicle (HGV) to the 7 day parking restriction using the power to make a bylaw under the LTA 1998 22AB (1)(n). Officers added immobilised vehicles as immobiliser devices, such as chains and clamps are being used by drivers to prevent the Council from towing vehicles that commit an offence or are in breach of other parts of the bylaw. Officers have also added sub-clause two (33.2), that parking on any road for a continuous period includes parking within 500 metres of the original parking place to stop drivers circumventing the current 7-day restriction.

If people are not using their non-motorised vehicles (trailers, caravans, boats etc) very often, then it is not appropriate to use public street space to store privately owned property and longer-term off-street storage should be arranged by the owners. Most streets in Wellington City are not wide enough to safely accommodate the on-street parking of oversize vehicles such as HGVs and motorhomes, particularly for extended periods of time. For those people that are using their non-motorised vehicle or motorhome to sleep in, there are suitable off-street parking areas where they can park, subject to being self-contained and although certain parts of the city have freedom camping prohibitions in place, there are other locations where freedom camping is not prohibited. The Council also provides support services, alongside other agencies, to help homeless people find suitable places to live.

The additional step of adding signage is required before the Council could actively enforce the new clause as currently worded to cover the restriction on heavy goods vehicles and motorhomes. As this could be costly, and in some parts of the city, unnecessary, Officers recommend only using signage and enforcing the restriction on heavy motor vehicles parked on the street for longer than 7 days in specific problem roads or parts of roads. An operational decision would need to be made as to whether to use this provision or the proposed clause 24.1(b) to introduce a parking restriction or prohibition for a different type of vehicle class to a specific parking area.

The Council can extend this provision to Council-managed off-street parking places too if people are using the public car parks at recreation facilities, for example, to store their boats/trailers/caravans and other large vehicles.

It is recommended the proposal to provide for the removal of non-motorised vehicles, motorhomes, heavy goods vehicles and immobilised vehicles is not changed.

6. Regulate the parking of vehicles for advertising or selling purposes – clause 31

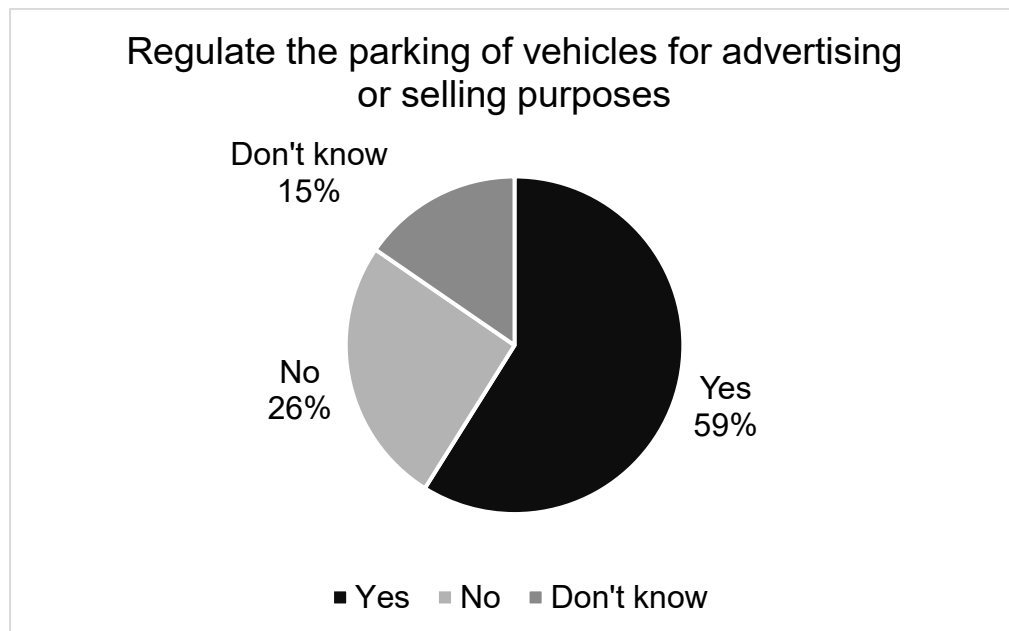


Figure 6: Submitter response to the question do you agree with the changes we propose to regulate the parking of vehicles for advertising or selling purposes?

What submitters said:

Refer to figure 8, 331 submitters answered this question. Of those, 195 submitters said yes, they supported the changes to regulate the parking of vehicles for advertising or selling purposes and 85 submitters said no. 51 submitters said don't know.

Seven submitters provided additional comments to clarify their view on the proposals.

Cycle Wellington, CVRA, Generation Zero, the ERG, Newtown Residents Association, the Architectural Centre and Wellington Care of the Aged indicated they support the proposed changes. The NZ Automobile Association also supports the proposal as they consider advertising trailers a distraction for road users and potential safety hazard.

Living Streets Aotearoa want this to apply to footpaths too, they refer to the use of bicycles placed on the footpath outside shops for advertisement purposes.

Only a handful of individual submitters gave responses as to why they did not support the proposed change,

Table 9 Illustrative quotes from individual submitters – advertising/selling

Among the examples targeted by this change, I was concerned that an auto-repair/servicing business was among them. This is ludicrous, as these businesses often have high demand for their services and limited on-premise space to shuffle around vehicles being worked on. If they aren't allowed to park customers' vehicles on adjacent parks, where are these vehicles supposed to go until they're picked up by their owners? (Daniel McGaughran)

Because that's just stupid (Klaus Kremer)

Poor people who need to sell vehicles may not be able to afford TradeMe or other venues and should be able to have a sign in their vehicle and to park it in a prominent place. (Danjite)

Table 10 Illustrative quotes from organisation submitters – advertising/selling

We agree that advertising vehicles ought to be regulated as this is often a poor use of space. (Generation Zero)

Officer's response

Some submitters were concerned that this provision would stop an affordable way of selling vehicles/advertising businesses. However, there are many free advertising options for people who wish to sell their car or promote a business/service, for example, the online Marketplace via the Facebook social media platform, using supermarket noticeboards and the Neighbourly website. Therefore, it is not essential for sellers to use valuable, and limited on-street space to park vehicles for sale or to advertise businesses.

Secondly, the new provision does not completely prohibit this type of activity but requires it to be managed through prior written approval from the Council. Therefore, where it is justified, will be in a space not in conflict with other higher priority users and is safe for other road users, the Council could provide prior written approval.

As stated in the Statement of Proposal, the Council is not able to use this clause to stop other commercial vehicles, that are not for sale or primarily for advertising, overspilling on to public road space.

The issue raised by Living Street Aotearoa of bicycles on the footpath being used solely for advertising will be covered by the proposed Trading and Events in Public Places policy, currently out for consultation, under the retail displays section.

It is recommended the proposed clause 31.1 to provide for the regulation of parking vehicles for advertising or selling purposes is not changed.

7. Manage mobile trading in roads and public places – clause 32

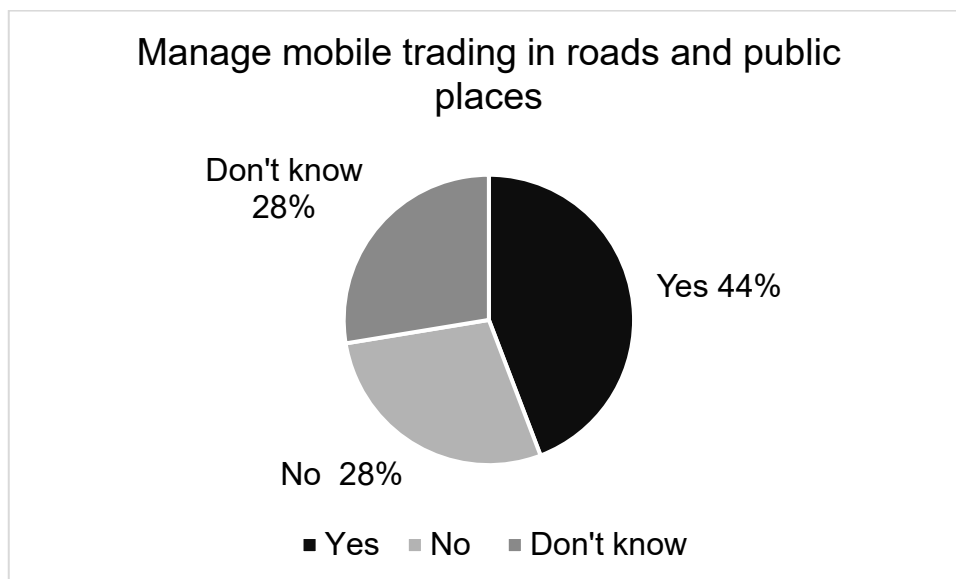


Figure 7: Submitter response to the question do you agree with the changes we propose to manage mobile trading in roads and public places?

What submitters said:

Refer to figure 9, 319 submitters answered this question. Of those, 141 submitters said yes, they supported the changes to manage mobile trading in roads and public places and 90 submitters said no. Almost the same number of submitters said don't know (88).

Eight submitters provided additional comments in support of their view on the proposals.

The DPA, Cycle Wellington, CVRA, the ERG, Generation Zero, Newtown Residents Association and the Architectural Centre indicated their support for the proposed changes.

The proposed changes were not supported by Wellington Care of the Aged, they said we need to keep mobile trading off the footpaths. Of those submitters that did not support the proposed changes, most cited the concern that it will create barriers for people needing to earn money.

Table 11 Illustrative quotes from individual submitters – mobile trading
No one choosing to do business on the road does so by choice. Restricting their opportunities puts unnecessary pressure on the most vulnerable of our community. (Klaus Kremer)
Because it would make it harder for small mobile businesses and people selling cars to actually make money (Thomas Simeon)

I think we should be encouraging this sort of use, as it would encourage pedestrianisation of roads. (Richard Reddaway)

The opportunity for small business starts at home, regulating people selling fruit on council land or a little girl from selling lemonade on the side of the road is ridiculous. Embrace the free market. (Robert Young)

A lot of these people don't earn a lot of money and introducing more hoops makes it hard for these people to chase their dreams and the public don't mind them. Sometimes it's a gateway to another way of life and can be a pleasant experience u weren't actually looking for initially. (Tk Solomon)

Table 12 Illustrative quotes from organisation submitters – mobile trading

DPA welcomes the proposal to regulate mobile trading on public roadsides and in pedestrian spaces. These considerations are particularly important as disabled footpath users, for example, could be and are impacted by un-regulated activity. (the Disabled Persons Assembly)

Officer's response

On 7 July 2021 the Council released a Statement of Proposal seeking submissions on a revised Trading and Events in Public Places policy. As stated in that document trading and events can make our city more vibrant, diverse, inviting, and inspiring. Exciting and vibrant public spaces can also increase public safety and inclusivity as more pedestrians engage and take part in trading and event activities. These activities make valuable contributions to local communities, culture, and our economy.

However, the Council needs to have rules and guidance to manage trade and event activities in public spaces. Sometimes there is competing use of our public places which can increase the risk of preventable accidents, obstructions, hazards, or misuse. This new provision is to ensure that the management of roadside selling does not cause negative effects and it can be regulated using a permitting mechanism. It will complement the proposals in the proposed Trading and Events in Public Places policy and gives the Council the ability to stop mobile trading that is increasing the risk to road users, including pedestrians.

It is recommended the proposed clause 32 to prohibit, permit or charge for mobile trading is not changed.

8. Prohibit the driving, riding or parking of vehicles on beaches (such as Island Bay or Lyall Bay beach) – clause 20

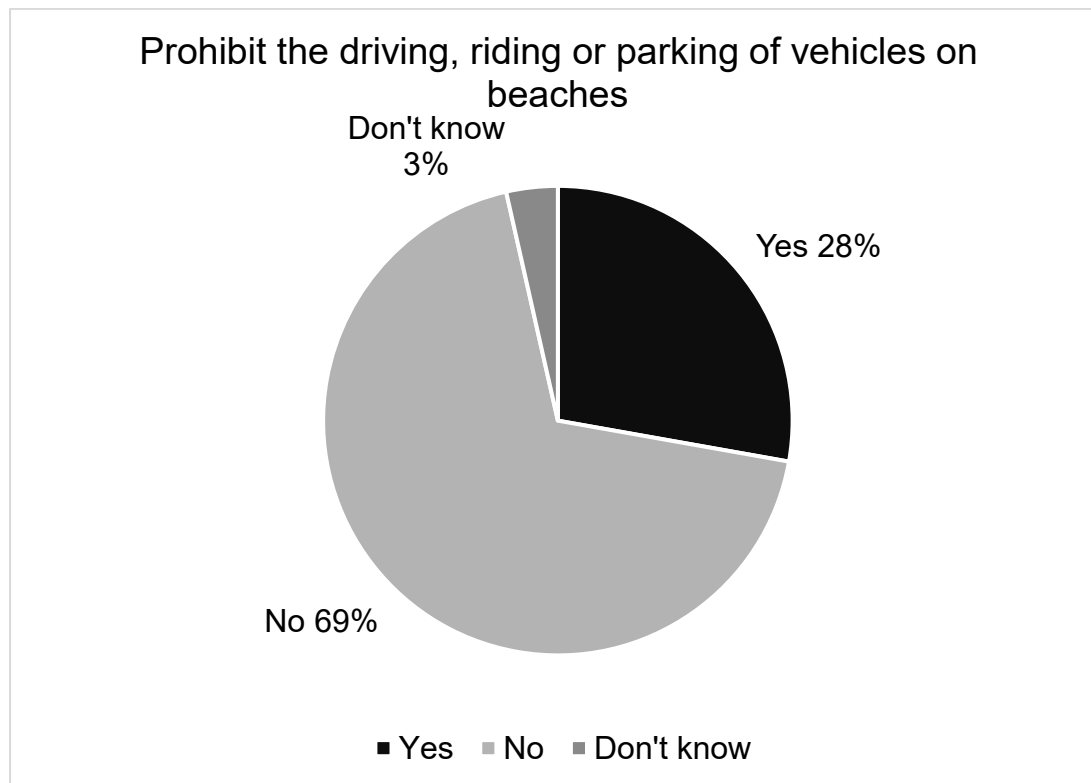


Figure 8: Submitter response to the question do you agree with the changes we propose to prohibit the driving, riding or parking of vehicles on beaches?

What submitters said:

Refer to figure 10, 367 submitters answered this question. Of those, 102 submitters said yes, they supported the changes to prohibit the driving, riding or parking of vehicles on beaches and 252 submitters said no. 13 submitters said don't know.

176 submitters provided additional comments to clarify their view on the proposals for both the prohibition of driving, riding or parking of vehicles on beaches and restricting driving, riding or parking of vehicles on unformed legal roads (ULR). For some submitter comments it was not clear if the feedback related to the beach's proposal, the ULR proposal or both, therefore the number has been collated and the feedback analysed together in this section.

The submission comments on these two proposals indicated some misunderstanding about the proposals. It appears that some submitters interpreted the bylaw proposed clause to result in the Council completely stopping people from accessing the South Coast Road from Red Rocks/the end of Owhiro Bay Road. Therefore, many of the submission comments were specific to opposing the closure/stopping access to this specific beach and unformed legal road.

90 submitters specifically mentioned Red Rocks and/or the South Coast road in at least one section of their submission.

The following organisations indicated their support for the proposed changes, Cycle Wellington, CVRA, the ERG, Living Streets Aotearoa, Newtown Residents Association, Wellington Care of the Aged and the Architectural Centre.

The DPA requested that mobility permit holders be exempt from any driving/parking restriction on beaches.

Forest & Bird support strict limits to vehicles on beaches as off-road vehicle use is one of the most environmentally damaging human activities on sandy beaches. They state that it is the one practical measure to reduce damage vehicles cause to a fragile coastal environment, reduce stress and disturbance they cause Kororā/little blue penguins and other wildlife. They agree with the Council that driving on beaches can cause damage to ecological values and contribute to erosion and a hazard to wildlife. The specific Wellington species that inhabit our beaches are the banded and New Zealand dotterels, reef herons, oystercatchers/torea, Kororā/little blue penguins, seals and a variety of lizards (e.g. northern grass skink and Raukawa gecko). This viewpoint was shared by some individual submitters too.

The Cross-Country Vehicle Club (CCVC), who opposed the proposed change, said the changes will prevent recreational activities on the South Coast to Red Rocks and beyond. They suggested the Council needs to identify which beaches are not reserves and therefore need different management under the bylaw not the Reserves Act. They also questioned how recreational users would be able to park off the unformed legal road along the South Coast to go diving etc and how would people be able to launch a boat that's not a Council designated launch site as the South Coast has no designated launch sites?

CCVC, and an individual submitter, raised concerns that were related to the process the Council has followed in reviewing this bylaw. These comments and the Officer response are covered in the 'Out of scope' section of this document. Refer to page 60.

Many individuals who indicated they did not support the changes to beaches and/or ULRs referred to the loss of access to gather kaimoana; the importance of the Red Rocks/South Coast beach, for recreational activities, particularly off-roading, fishing and diving. The submitters also referred to this wild coastline being the only one of its kind so close to the city and that it can only be access by vehicle.

Although many submitters opposed the prohibition of vehicles driving and parking on beaches, many, with specific mention of the Red Rocks/South Coast beach,

suggested other ways to manage the harm caused by inappropriate use of vehicles on beaches. Suggestions included:

- ensure the vehicles are fit for purpose for off-roading and are registered/have warrants of fitness
- have electronic registration at the gate
- make it permit access only with funds used to maintain the unformed legal road, and
- introduce speed restrictions.

Table 13 Illustrative quotes from individual submitters – beaches
I oppose the use of any beaches anywhere within the city boundaries for driving or parking. Use of vehicles on any beach potentially endangers people walking, running or at rest on beaches. Driving and parking on beaches have adverse impacts on native birds resting and crossing them and invertebrates and shellfish living in the sand. (Chris Horne)
This is New Zealand we have an enormous outdoor adventure culture. You cannot take that away from us. Especially as to hunt or gather food around the south coast of Wellington you need to drive to get around the rugged landscape. With very little to no incidents reported to four-wheel driving on these tracks - you simply cannot take that away from us. (Cody Murray)
it's the only place in the Wellington region where 4x4 owners can go that's free of charge and easily accessible but provides enough fun and a challenge for their vehicles!! (Sam Badcock)
Restrict vehicle access to the Wellington South coast from Te Kopahou Reserve to emergency services and bach owners. (David Moss)
Red rocks Road should be left open but made illegal to drive on the beach. (Brett Coram)

Table 14 Illustrative quotes from organisation submitters - beaches
Role of Council to champion public access to legal roads, formed or unformed, and Council should be acting in accordance with the NZ Public Access Commission's Guidelines for Legal roads, and not acting in derogation of the law (CCVC)

Officer's response

Officers accept that the wording of the Statement of Proposal could be misconstrued. Driving on a beach in Wellington City is already an offence under section 22.30 of Part 5 Public Places of the Wellington Consolidated Bylaw 2008 (Public Places bylaw). The proposed new bylaw carried over this provision from the Public Places Bylaw, as it is a traffic and vehicle offence as much as it is a public places offence, and added on 'park' a motor vehicle and provided two exemptions for launch/land a boat and with prior written permission from the Council. If necessary, the exemptions could be further clarified with supplementary guidance, outside of the bylaw, that cover the criteria or circumstances for written approval, including if it's for an event, and the process to seek approval.

Beaches that are reserves are managed under the Reserves Act 1977 and do not need to be separately identified in the proposed clause.

The DPA request is an operational decision and would need to factor in the potential harm caused by all types of vehicles driving or parking on beaches but the additional, by prior written permission, clause allows Officers the opportunity to consider this type of request.

Transferring the offence from the Public Places bylaw does not result in a new offence that had not been consulted on. It was and will remain an offence. The draft proposed clause provides circumstances where driving or parking on a beach is permitted (launch/land boats) and provides the Council with the opportunity to provide vehicle access to beaches through a permit process. This is improving access to beaches not stopping it.

It is recommended the proposed clause 20 to prohibit the driving, riding or parking of vehicles on beaches is not changed. Following legal review, Officers have added the offence of operating, driving or parking a vehicle on a beach except in accordance with 20(a) or (b) to section 38 Offences of the proposed bylaw.

9.Restrict the driving, riding or parking of vehicle on unformed legal roads – clause 19

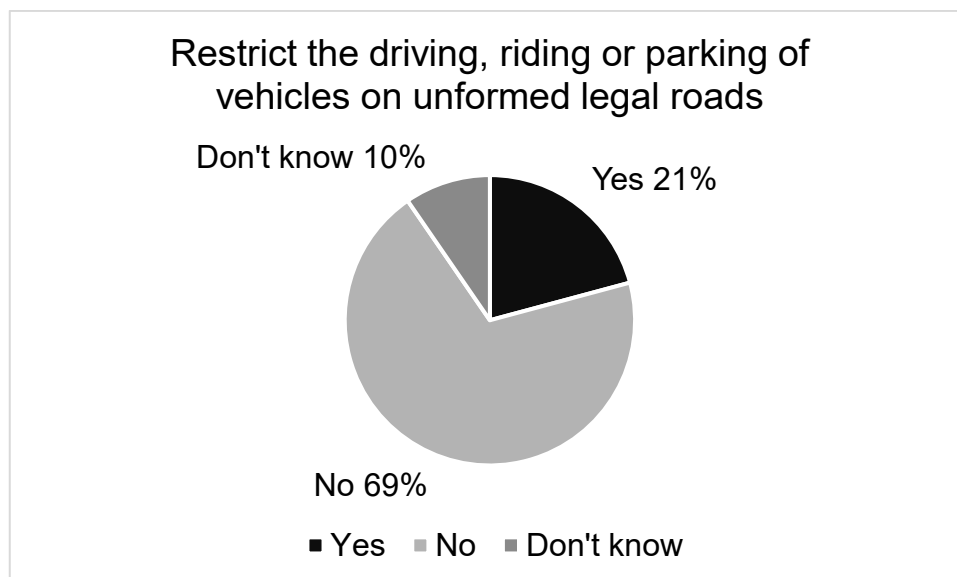


Figure 9: Submitter response to the question do you agree with the changes we propose to restrict the driving, riding or parking of vehicles on unformed legal roads?

What submitters said:

Refer to figure 11, 365 submitters answered this question. Of those, 76 submitters said yes, they supported the changes to restrict the driving, riding or parking of vehicles on unformed legal roads (ULRs) and 254 submitters said no. 35 submitters

The following organisations indicated support for the proposal to provide a mechanism to restrict access on unformed legal roads: Cycle Wellington, CVRA, the ERG, Newtown Residents Association, Wellington Care of the Aged and the Architectural Centre. Forest & Bird also support the proposal, specifically for the Red Rocks/South Coast ULR as it is on a wild and fragile coastline, and due to its proximity to the urban area, it has the greatest potential for vehicles to disturb wildlife and damage coastal habitat. It would benefit from stricter and enforceable control by the Council.

The Walking Access Commission Ara Hīkoi Aotearoa recommends that when the Council makes a determination to prohibit or restrict vehicle access, it should not limit in any way the ability for the public to utilise or access unformed legal roads by other means and the bylaw should in no way imply the ability to prohibit or restrict public access for recreational purposes such as but not limited to walking and cycling.

Organisations that do not support the proposal were the CCVC and the New Zealand Four Wheel Drive Association (NZFWDA). The NZFWDA said the Council should follow a 'road stopping' process as per the LGA 1974 if it wants to impose

restrictions on ULRs. They also felt that the proposal is inconsistent with the Outer Green Belt Management Plan 2019 and that the broad-brush approach of the proposed bylaw clause does not include the necessary specific details of issues for each ULR.

Table 15 Illustrative quotes from individual submitters – unformed legal roads

I dive in red rocks and take my kids there to catch a Kai for our whanau and distant relatives who live inland. Stopping driving on the beaches and unmarked roads will stop me and a lot of other divers providing for our families the best way we know how. (Tuau Love)

I'm particularly interested in ending six day access on the paper road to Sinclair Head. It is a place of extreme beauty in my eyes and having to compete with cars as a pedestrian destroys the natural beauty of the place. There are some delicate ecosystems and a seal colony in the area which are constantly disturbed even after dark. I believe that at the very least access should be restricted to Saturday only and would prefer an end to driving in that area except for DoC and landowners in the area. (Steve Bradford)

I am opposed to the Council introducing 'stealthy' ways of treating 'unformed legal roads' any differently from formed legal roads. The rules should be the same. Firstly unformed legal roads should be just as publicly accessible as formed legal roads. And the local road controlling authority (Council) should have no more power, or less power, than with any legal road. I do not see any need for Council to introduce additional laws (by-laws) for regulating use along unformed legal roads. (Richard Murcott)

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)

Table 16 Illustrative quotes from organisation submitters – unformed legal roads

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. (CCVC)

The Commission recommends that;.....when Council in making a determination to prohibit or restrict vehicle access, should not limit in any way the ability for public to utilise or access these public corridors by other means, and, the bylaw should in no way imply the ability to prohibit or restrict public access for recreational purposes such as but not limited to walking and cycling. (The Walking Access Commission)

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

Officer's response

Officers agree with the significant number of submissions that focused on the special community, social, recreational and wildlife values of the South Coast and Red Rocks areas to Wellington City. It is a valued part of the city and a unique habitat that is important to protect.

The provision to restrict the use of motor vehicles on ULRs provided by the LTA 1998 section 22AB (1)(g) is specifically for the purposes of protecting the environment, the road and adjoining land, and the safety of road users. The provision is also written as ‘the Council may, by resolution’ meaning before any form of restriction on any ULR is put in place, and therefore becomes an offence, must go through a traffic resolution process. The traffic resolution process involves Officers providing the case for restricting the use of motor vehicles on a named/identified road or part of a road to protect the environment, the road and adjoining land, and the safety of road users.

The resolution must follow the procedures set out in the proposed clause 7.4 which includes notifying the public, any person may provide comments in writing, and those comment will be considered by the Council before it makes the resolution.

At no time have Officers said that if the Council approve this bylaw, the road to Red Rocks will be closed (or ‘stopped’) to the public. As set out in several plans: The Our Natural Capital – biodiversity strategy and action plan 2015, the Open Space Access Plan 2016 and the South Coast Management Plan 2002, this special part of Wellington needs to be managed more proactively to protect the environment and safety of the ULR users. The proposed bylaw gives the Council the tool to do this.

Officers from the Council have confirmed that they will actively engage with all types of users, the local community, land and property owners and others with an interest in the South Coast/Red Rocks unformed legal road.

It is recommended the proposed clause 19 to restrict the use of motor vehicles on unformed legal roads is not changed.

10. Amend the definition of taxi to include small passenger service vehicles (such as rideshare Uber, Ola and Zoomy) – clause 6

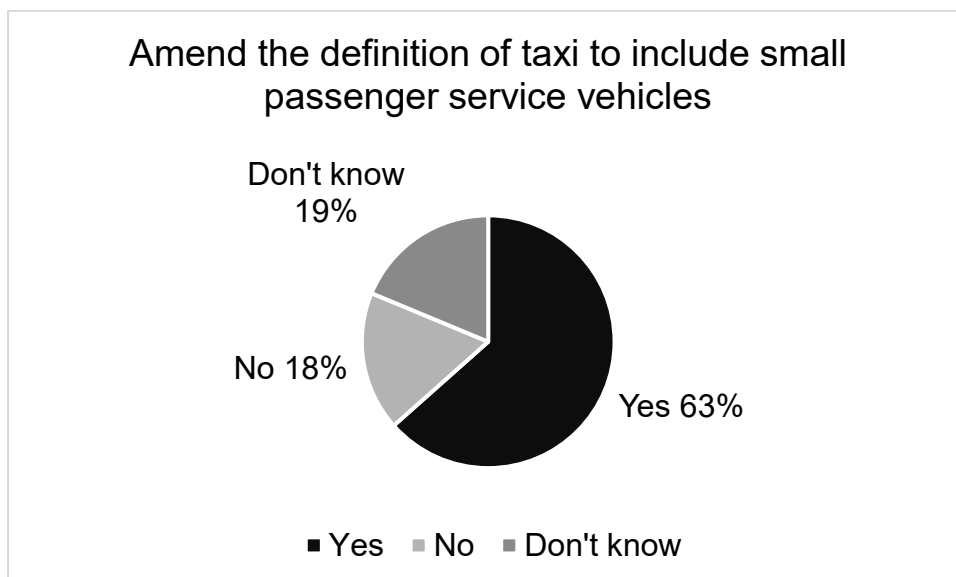


Figure 10 Submitter response to the question do you agree with the changes we propose to amend the definition of taxi to include small passenger service vehicles?

What submitters said:

Refer to figure 12, 331 submitters answered this question. Of those, 210 submitters said yes, they supported the changes to amend the definition of taxi to include small passenger service vehicles and 59 submitters said no. 62 submitters said don't know.

11 submitters provided additional comments in support of their view on the proposals.

Cycle Wellington, CVRA, the ERG, Newtown Residents Association and the Architectural Centre support the proposal. The DPA also supports equitable access to taxi stands, provided SPSVs display relevant licences. They said many rideshare companies don't provide mobility taxi van services and these types of services should have access to taxi stands too.

The following organisation did not support the proposal, Wellington Care of the Aged. Of the individual submitters who did not support the proposal, several felt that a licensed taxi vehicle incur more set up costs than an app-based scheme so they should have a dedicated standing area. One submitter suggested making all taxi stands 'pick up and drop off' areas instead so any driver can use it.

Table 17 Illustrative quotes from individual submitters – taxis/SPSVs

[No] because it uses the confusing term ridesharing (which does not include taxis) when it actually means ridehailing (which does include taxis). Change the wording, and my answer becomes "yes". (Mike Mellor)

That just doesn't make sense at all. You can't even book an uber/ola if it was parked right in front of you, an uber 3 miles away is probably going to accept first. And all taxi ranks would be taken up by ubers so where the taxi's going to park? You would need much much more taxi parking if this was to happen. (Marvin Latour)

Running a taxi company requires a lot more commitment and training than your everyday guy driving his private car for extra cash. There should be a difference in terms, and the extra commitment rewarded with app-based services not being allowed at cab stands etc (Thomas Guldborg)

Officer's response

The Council has received independent advice that confirms Officers opinion that a mobility driving service is a small passenger service and therefore can use taxi stands. Note that this also means that these types of services should not stop in taxi restricted areas at the specified times either and are therefore recommended to use mobility parking spaces, unrestricted parking or very short-stay parking spaces to pick up and drop off passengers.

The proposed changes bring the bylaw in to line with the relevant requirements for a small passenger service (SPS)⁵ under the Land Transport Act 1998 and the Land Transport Rule: Operator Licencing 2017. that uses vehicles that carry 12 people or less to carry passengers. The legislation requires all vehicles operating under a SPS to display a Transport Service Licence and meet other criteria.

In response to the feedback about the confusing terminology, below is a table to clarify the different terms used for the various transport sharing options:

Term	Definition	Is this a SPS under the LTA?
Carpooling, 2+ car sharing, lift sharing, 2+ ride sharing	When two or more people share the ride to a similar or nearby destination in a private vehicle.	No

⁵ A small passenger service uses vehicles that carry 12 people or less to carry passengers and includes taxi and app-based services, shuttle services and private hire services.

Ride sourcing / ride hailing	Arrange one-time shared rides on short notice where the driver is paid. Services such as Uber, Zoomy, Ola and taxis.	Yes
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It is recommended the proposal to include all small passenger service vehicles in the definition of taxi is not changed.

11. Clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw – clause 34

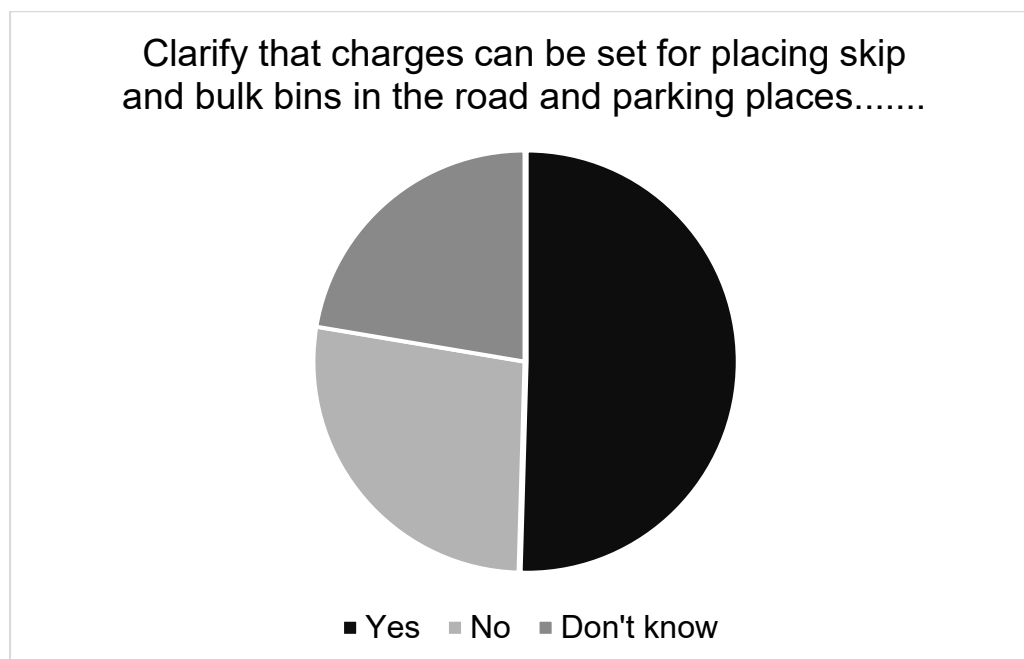


Figure 11: Submitter response to the question do you agree with the changes we propose to clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw?

What submitters said:

Refer to figure 13, 331 submitters answered this question. Of those, 167 submitters said yes, they supported the changes to clarify that charges can be set for placing skip and bulk bins in the road or parking places and can be restricted from roads and parking places, or removed when in contravention of the bylaw and 90 submitters said no. 74 submitters said don't know.

14 submitters provided additional comments in support of their view on the proposal.

Cycle Wellington, CVRA, the ERG, Newtown Residents Association, Wellington Care of the Aged and the Architectural Centre support the proposed change. The DPA also supports an extended definition as skip and bulk bins cause safety issues for pedestrians, including the disabled and especially Blind people. The DPA also requested a higher fine \$1-5k especially for skip bins/bulk bins placed in a way to create a substantial safety risk for road and footpath users. The Disabilities Resource Centre Trust and Living Streets Aotearoa support the proposal for the same reasons and want it applied to footpaths too.

The 11 individual submitters who provided comments, some were concerned that this provision would prevent people (residents and tradespeople) from being able to do building/gardening work on their properties and that there shouldn't be a charge for putting a skip bin on the road.

Table 18 Illustrative quotes from individual submitters – skip bins
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People have to get the work done so I don't mind if a skip bin occupies a car park from time to time. (Angus Hodgson)

Home owners & Rate payers should be entitled to hire & park skips & bins when maintaining their property & therefore encouraged to clear debris particularly in congested areas like central city. (Murray Mexted)
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As you point out several times in the document, Wellington is made up of narrow roads, and this clause could result in people not being able to bring a skip to their house to safely remove refuse. Laws, as far as I know, already dictate you cannot block traffic, that should suffice. There should never be a charge for having a skip at your house for a day or two, as the council provides no service in connection with it (Thomas Guldborg)

Remove all cars and non-motorised bins from footpaths. (Julia Ames)

Officer's response

Officers have used the powers under the Local Government Act 1974 (LGA 1974 section 357 (1)(a)) to enable the Council to introduce charges for the placement of skip and bulk bins in the road or parking places under the proposed traffic and parking bylaw. Therefore, the Council must use the fines under the LGA 1974 section 357 (1) for any future skip bin offences. The fines are set in this section as not exceeding \$1,000 liable on conviction and, where the offence is a continuing one, a further fine not exceeding \$50 for every day on which the offence has continued.

When applying for a skip bin permit to use public space for a private purpose, the fee covers the costs incurred by the Council to manage and ensure compliance plus recover any lost actual and potential revenue if the bin is placed in a restricted parking area. In time, Officers would like to change the payment process so the waste management companies (owners of the bins and providers of the service) apply and pay the permit fee and not the individual customers. This would provide for

efficiencies in the application and approval process and reduce free-riding⁶ amongst the sector.

The proposed traffic and parking bylaw will work in tandem with the Public Places Bylaw to manage the placement and approval of skip and bulk bins on public land, including roads. The Statement of Proposal seeking submissions on a revised Trading and Events in Public Places Policy, released on 7 July 2021 proposes the Council position continues to be that bulk and skip bins are not permitted to be placed on any Wellington footpaths.

It is recommended the proposal to manage skip bins and bulk bins placed in the road or parking places is not changed.

⁶ Free-riding, in this example, occurs when some companies within the waste sector use public road space for their skip bins but do not apply for the required approval/permit (pay for it).

12. Clarify the conditions for using actual public works as a defence for parking offences – clause 41

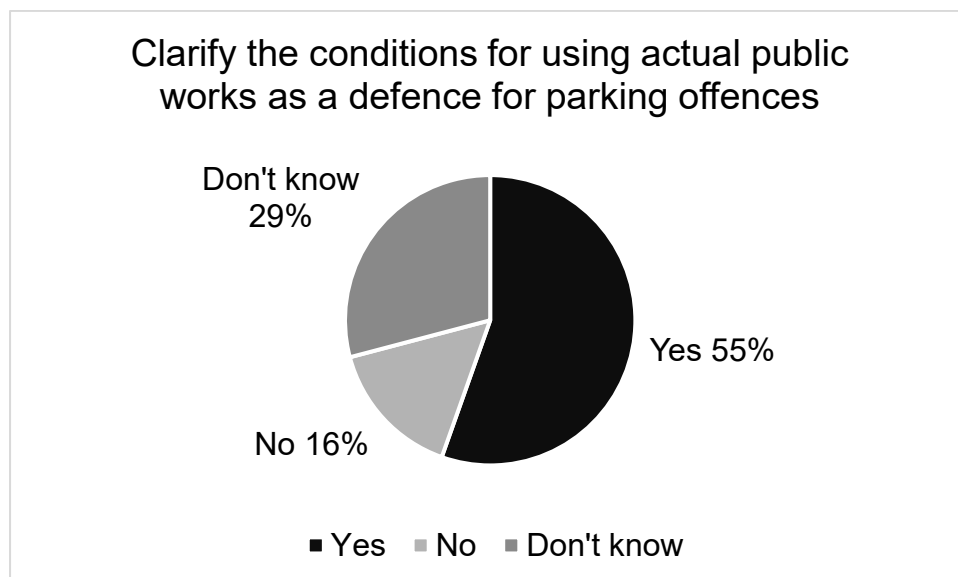


Figure 12: Submitter response to the question do you agree with the changes we propose to clarify the conditions for using actual public works as a defence for parking offences?

What submitters said:

Refer to figure 14, 323 submitters answered this question. Of those, 179 submitters said yes, they supported the changes to clarify the conditions for using actual public works as a defence for parking offences and 50 submitters said no. 94 submitters said don't know.

Two submitters provided additional comments in support of their view on the proposals.

The following organisations indicated support for the proposal: Cycle Wellington, CVRA, the ERG, Wellington Care of the Aged, Newtown Residents Association and the Architectural Centre.

Only two individual submitters provided comments to clarify their submission response, these are provided below.

Table 19 Illustrative quotes from individual submitters – public works
While this rightly covers emergency services, and cases where under direction of a police officer; this has a too-narrow scope for tradespeople doing works only on public assets and should be extended to cases where a tradesperson is performing urgent works at a private property. Using an example of a burst water pipe, the tradesperson should be granted the same exemption regardless of

whether the burst occurred on one side or the other of the boundary line - just as an ambulance has the same exemption regardless of whether the patient was on public land or private land when they needed urgent medical attention. (Daniel McGraughan)

Leave the poor road workers alone... they're working for ALL the ratepayers!
(Glenn van Beers)

Officer's response

For tradespeople doing works of any kind at a private property, the Council currently has trade coupons that can be purchased to allow the trade vehicle to park in resident or coupon parking areas and, if accessing a property in the central city, an inner city trade coupon to park in a Pay by Space. There is a fee for the coupons. Where long-term or large-scale works are taking place, a traffic management plan is required, and this can require the suspension of any parking restrictions near a site to provide trade access.

This new clause will prevent the inappropriate, and sometimes unsafe, parking of 'public works' vehicles pretending to be engaged in public works and reduce the time spent by Council officers processing the appeals for these infringements.

It is recommended the proposal to clarify the defence for public works offences is not changed.

Section 3:

What we asked:

Do you agree that motorcycles should be able to park in a pay by space (space controlled by a parking meter), provided they pay the appropriate charge (per vehicle) and follow the time restriction?

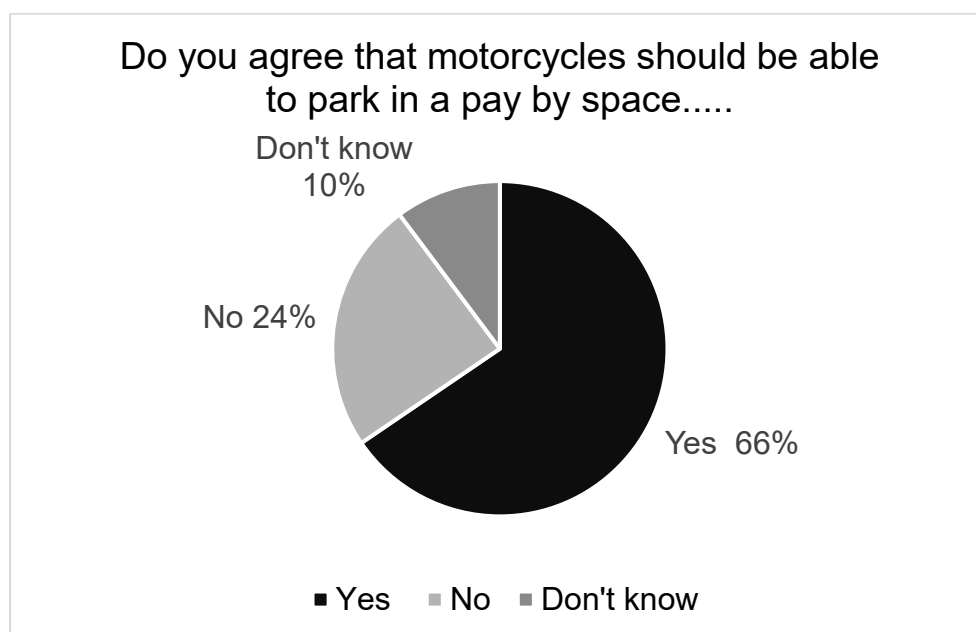


Figure 13: Graph to show the submitter response to the question do you agree that motorcycles should be able to park in a pay by space (space controlled by a parking meter) provided they pay the appropriate charge (per vehicle) and follow the time restriction?

What submitters said:

Refer to figure 15, 313 submitters answered this question. Of those, 205 submitters said yes, they supported the changes to allow motorcycles to be able to park in a pay by space and 76 submitters said no. 32 submitters said don't know.

172 submitters provided additional comments in support of their view on the proposals. The additional comments revealed that although some people indicated no to the proposal, they were supporters of the Council doing what it can to encourage more people to use motorcycles as they are of the opinion that motorcycles reduce congestion and emit fewer carbon emissions compared to a car. Some submitters also voted no to the proposal because they felt that motorcycle parking should remain free, a few said the charge should be lower than for a car but yes, motorcycles should be able to park in standard sized parking spaces.

Others said yes to the proposal for the same reason, that the Council should be encouraging a space saving, low emission form of transport. Both the submissions

supportive and unsupportive of the proposal want more parking available to motorcyclists in the central city – either as dedicated motorcycle parking or as proposed by allowing more than one motorcycle to park in a standard sized parking space.

Of those submissions that did not support the proposal and were not supportive of motorcycles parking in standard spaces, this was due to the concern that there would be less parking available for cars; they have free, dedicated parking bays already; and it is an inefficient use of space.

The ERG, Cycle Wellington, Newtown Residents Association, Wellington Care of the Aged and the Architectural Centre support the proposal.

Cycle Wellington agrees that motorcycles should be able to park in ‘pay by space’ or standard time restricted spaces (provided they pay the appropriate charge and/or follow the time restriction). They believe other vehicles such as large cargo bicycles should be allowed to park in parking spaces as these types of vehicles offer new options for Wellington businesses to use bicycles for sustainable zero-carbon cargo delivery, but currently do not have any place to park. Such vehicles are too large to park on the footpath or in bike racks. Wellington already has businesses and others using bicycles for deliveries, and the Council should support these options by permitting bicycles to use loading zones, ‘pay by space’ and standard time restricted spaces (provided they pay the appropriate charge and/or follow the time restriction). Cycle Wellington suggests it would be easiest to simply allow any bicycle to use a parking space as likely only users of large cargo bicycles would find it practical to utilise such an option.

Table 20 Illustrative quotes from individual submitters who said yes, motorcycles should be allowed to park in a pay by space
Bikes with sidecars or large cruising bikes need more space (Laura Spiers)
Motorcycles are much more efficient (space and emissions) at moving people than cars, we should encourage their use. (Jarrod Crossland)
I would also extend this to large electric bikes (cargo bikes), which can't adequately be parked on the footpath or normal bike rack (David Harkness)
Because I am sick of riding round the city looking for a motorbike parking bay. Let me put 2 bikes in a car park and we'll pay for the space. Not per bike. Don't make this yet another money making scheme for the council. Look after all residents (Larissa Hoogendoorn)
If they pay the same and follow the rules like everybody else why shouldn't they be able to park? When people drive cars there is usually only one person in it anyway. This takes up more space for the same amount of people. (Nick Kan)

Table 21 Illustrative quotes from organisation submitters who said no, motorcycles should be allowed to park in a pay by space

Motorcycles should have their own designated spaces and not take up a vehicle space. There's nothing more irritating than finding a motorcycle taking up twice the room it needs. (Catherine Lythe)

Motorcycle parking should be free to encourage people to do it as they take up less room. (Jayme Groeneveld)

I agree, but not per vehicle. Charge should be for the entire space regardless of vehicle count (Joe Rattanong)

A single motorcycle parking in whole parking space is a very inefficient use of limited parking spaces. Better to use dedicated areas for motorcycles where many motorcycles can fit in the space of a single normal car parking space. There need to be sufficient dedicated spaces for motorcycles. (Robert Cox)

One motorcycle in a car park is a massive waste of car parking space (Dinah Okeby)

Officer's response

Removing the clause that currently prevents motorcycles from parking in standard sized parking spaces could be done without immediately changing the current use and restrictions on parking spaces, particularly in the central city. This is because a new traffic resolution would be required to activate the change, and new technology is required to allow the Council to ensure that for paid parking spaces, each motorcycle is paying their fair share of the space used. Officers do not expect to have the new technology procured and installed for at least a year.

Therefore, further consideration of accommodating both motorcycles and 4-wheeled vehicles, particularly in the central city is required. The Parking Policy 2020 makes it clear that in the central city short-stay parking is the priority over long-stay commuter parking, and that parking should be user pays. However, until there are sufficient private and public off-street parking facilities for motorcycles and other non-standard vehicles, some provision of on-street motorcycle bays for long-stay parking should remain.

When the new Parking Policy and bylaw is implemented in the central city and suburban centres, Officers recommend that the parking of cargo-bikes⁷ and other

⁷ A bicycle designed to carry a load (other people, cargo or freight). They can be electric or human powered.

forms of larger electric bicycles are also accommodated, and if supported, a traffic resolution to allow several motorcycles to park in standard sized parking spaces should be worded to also allow cargo-bikes to use them too.

It is recommended the proposal to provide for motorcycles to park in a pay by space (space controlled by a parking meter), provided they pay the appropriate charge (per vehicle) and follow the time restriction is not changed. Note that the current practice will remain unchanged until a new traffic resolution is issued for specified spaces.

Feedback raised by organisations on specific clauses or additions requested

Clause	Submitter/comment	Officer response
13. Shared paths and cycle paths	It is important where there is a shared path with pedestrians and cyclists there is also clear access to bus stops. We suggest bus stop access for pedestrians be prioritised in this clause (GWRC).	Design considerations are outside of the scope of the bylaw clause. However, Council officers use the Waka Kotahi's Cycle Network Guidance.
19. Unformed legal roads	The public have full rights of access to all ULRs, by whatever means they find practicable or see fit, the public has rights of free passage on ULRs. The Council cannot restrict access. (NZFWD, CCVC)	The LTA 1998 Section 22AB (1)(g) empowers the Council, through a bylaw, to restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users. Therefore, the Council can balance the rights of access by the public to ULRs with the need to protect the environment, road and adjoining land. Note the power is limited to restricting motor vehicles, therefore, if this power is used, the public would retain access by active/non-motorised modes of transport.

<p>33. Motorhomes, heavy goods vehicles, immobilised vehicles and trailers</p> <p>33.1 No person may park a motorhome, heavy goods vehicle, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days without the prior written permission of an authorised officer.</p>	<p>Motorhomes are registered motor vehicles and should be allowed to park on the streets the same as other vehicles. Restrict this type of parking using residents parking schemes instead. (The New Zealand AA).</p>	<p>The road reserve is primarily for the movement of traffic and to provide access to properties not to store private vehicles. Motorhomes are unlikely to be a household's only transport option and take up a disproportionate amount of space than a standard car. If a resident, particularly in a high parking demand area, wishes to own a motorhome, or a heavy goods vehicle, they can seek private off-street parking to store it for periods exceeding seven days.</p>
<p>27. Other permits</p> <p>27.1 The Council may by resolution specify the vehicle or classes of vehicles that may or must not use a parking place, or parking area, or transport station, such classes including but not limited to.....</p>	<p>Wellington Justices of the Peace Association Incorporated. Concerned that permit categories in 27.1 do not include JPs. Concerned JPs will not get free parking permits in the future or be able to pay and stay longer than the required 2 hours.</p>	<p>The Council is changing the types of permits it issues in the central city to follow the adopted Parking Policy 2020. The priority is for short-stay visitors not long-stay for central city on-street parking. Off-street parking, both Council managed, on the Waterfront, and private is available for parking longer than two hours. Officers appreciate that fewer Justices of the Peace (JPs) are operating from their homes and as volunteers, some are not in paid employment. The role of a JP is very clearly voluntary with no expected dividend, such as free parking, as per the Ministry of Justice (MoJ) best practice guidelines for JPs. Officers have spoken with the MoJ and for those JPs based at the District Court for judicial duties, the MoJ can arrange suitable parking (again, as per the MoJ JP best practice guidelines).</p> <p>Officers have added in judiciary, to the list in clause 27, so that, in the future, if longer stay parking is not possible at the District Court, the Council could choose to provide a specified parking place as per the LTA 1998 22AB (1)(o)(ii). Officers will also add</p>

		the medical practitioners, and members of the diplomatic or consular corps to complete the list.
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<p>29. Parking vehicles on the grass/berm</p> <p>No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road:</p> <p style="padding-left: 40px;">so as to cause or be likely to cause damage to the cultivated area; or</p> <p style="padding-left: 40px;">so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway.</p>	<p>The Statement of Proposal intent is to make it clear that vehicles must not park on the berms" (p27), but the actual clause (29.1) adds "(b) so as to cause or be likely to cause damage to the cultivated area; or (c) so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway", which implies a conditional rather than absolute ban (Living Streets Aotearoa).</p>	<p>Agree. Officers have removed the sub clauses to make it clear that the Council position, through the proposed new bylaw, is that no person may park on a berm or other cultivated area. This complements the no parking on the footpath position and will have to be supported with signage advising drivers they must not park on berms.</p> <p>Clause 38.1 (a) Every person commits an offence against this Bylaw who drives or parks a vehicle on any grassed or cultivated area under the control of Council.</p>
<p>30. Parking vehicles off a roadway</p>	<p>What does this mean – the side of a road is a kerb? Please make this clear (Living Streets Aotearoa).</p>	<p>This clause is to ensure the primary use of the road reserve is for movement and the transit/flow of vehicles and people not parking.</p>

<p>38. Offences</p> <p>(1)(d) Drives any vehicle over any hose in use in connection with an outbreak or alarm of fire provided that it shall not be an offence under this clause so to drive if hose bridges are provided or the driver is directed by a traffic officer, police officer or New Zealand Fire Service officer.</p> <p>38.1 (j) Leaves in or on any road or private road within the City for a period exceeding 7 days, any vehicle having no effective motive power in or attached to it, or in such a state that it cannot be safely driven, or so immobilised, disabled or damaged that it cannot be driven.</p> <p>(k) Parks on a road in front of any property in the Residential Area under the Council's District Plan, where the size of the vehicle parked, or the continual nature of the parking, unreasonably prevents occupants from parking outside their property, excluding commercial</p>	<p>38.1 This should include footpath for clarity.</p> <p>38.1 (d) What is a traffic officer? Police are not differentiated so is this a parking warden? (Living Streets Aotearoa, GWRC)</p> <p>38.1 (j) Extend this to motorised vehicles too (Cycle Wellington)</p> <p>38.1 (k) implies that there is some right for occupants to park outside their property in a residential area. This should be removed as there is no such right. Residents frequently do not park directly outside their property.</p> <p>38.1 (s) We recommend this include any vehicle which leans against any traffic control such as pedestrian beg buttons, telephone poles, etc. This is a too frequent occurrence and is a particular problem for people using mobility aids.</p> <p>38.1 (t) This does not specify where bikes and scooters should park. Clearly they will not be</p>	<p>38.1 The scope of the bylaw is roads and parking places. Footpath offences are specifically referred to where required. The Public Places Bylaw covers all public places, including footpaths.</p> <p>38.1(d) Officers agree that the mix of terminology used in the bylaw is confusing, therefore all references to traffic officer have been changed to enforcement officer which has the same meaning as defined in the Land Transport Act 1998.</p> <p>38.1(j) Under the Land Transport (Road User) Rule 2004 6.19, a person must not park a trailer on a roadway for a period exceeding 7 days. Under the Road User Rule, a trailer means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily attached.</p> <p>The LTA section 22AB provides the Council with the ability to create in its bylaw a provision to prohibit or restrict the parking of vehicles on any road to vehicles of any specified class or description and limiting the period of time that those vehicles may park. Extending a time limit of 7 days to all roads and all motorised vehicles would be problematic. This broad, and tough proposal would need to be consulted on to determine if it would create any perverse outcomes and hinder people going about their daily lives.</p> <p>38.1(k) Officers agree that the wording implies a right to park outside a property when it should be to access property. Therefore, this wording has been amended.</p> <p>38.1(s) This offence is to ensure the parking meters are not obstructed for users and to protect the expensive hardware from</p>
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<p>vehicles parked on the road temporarily for business purposes.</p> <p>(s) Places or leans a bicycle, motorcycle, electric scooter or power-cycle on or against a parking meter.</p> <p>(t) Places or leaves a bicycle or electric scooter on any parking space.</p>	<p>allowed on the footpath when this bylaw is enacted. (Living Streets Aotearoa,)</p>	<p>damage.</p> <p>38.1(t) Officers have amended the wording to clarify that wheeled recreational devices should park in spaces designated or designed specifically for bicycles/scooters.</p> <p>The contractual arrangements with the e-scooter commercial share schemes is very clear about where e-scooters can and cannot park and the penalties for the company if users do not follow the requirements. Further education and awareness may be required to improve the parking of all micro-mobility devices.</p>
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<p>39 Vehicle and Object removal</p> <p>39.1 A Council enforcement officer or their appointed agents may remove or cause to be removed.....</p>	<p>39.1 We recommend that it is made clear that vehicles can be removed from footpaths as well. (Living Streets Aotearoa, Pos. 71)</p>	<p>This clarification is not required as vehicles parking on footpaths is an offence under the LT(RU)R 2004, therefore the enforcement responsibilities and offences are covered by the Land Transport Act 1998 and do not need to be repeated in the bylaw.</p>
<p>41 Parking defences</p> <p>(1)(a) in compliance with the directions of a police officer or traffic officer, or that the vehicle was actually engaged on a public work and was being used on the road with due consideration for other road users;</p>	<p>Defence should not include parking on the footpath – fire engines and roadworks trucks are too heavy at any time (Living Streets Aotearoa)</p>	<p>Officers recommend that 41(1)(a) is a suitable defence for parking offences, such as parking on the footpath, because the priority, in these limited situations, would be on saving lives and preventing further harm to road users, the public and further damage to public infrastructure. In these circumstances, if the vehicle involved in the offence was being used on the road with due consideration for other road users, the benefits of the offence outweigh the costs of the offence.</p>
<p>Other feedback on the proposed bylaw wording</p>	<p>Intersection parking – there should be no parking from a standard set-back of 6 metres at all intersections and this should be included in the bylaw. This provides an adequate chance for all road users to see each other and be seen. A particular safety issue for frail people and children. (Living Streets Aotearoa,)</p>	<p>A driver must not stop, stand, or park a vehicle on any part of a road, whether attended or unattended, within an intersection or within 6m of an intersection unless authorised by signs or road markings. This is an offence under the LT(RU)R 2004 and therefore does not need to be repeated in the bylaw.</p>

Personal experiences of engine braking noise and/or cruising disturbance

What we asked:

Using a map of Wellington City, we asked people to share their experience of disturbance from cruising activity or engine braking noise by places locater pins on the map and answering questions about the frequency and time period that they experienced the disturbance. Submitters were also able to provide additional comment about the disturbances they experienced.

154 people placed 199 locater pins sharing their experiences of cruising and/or engine braking disturbance. Eight of the locater pins were placed for locations outside of Wellington City (Lower Hutt and Wainuiomata). As these are out of scope of the proposed traffic and parking bylaw they have not been counted or reported on in the following summary.

Engine braking

The Waka Kotahi described engine braking as a form of supplementary braking system on heavy vehicles *to assist the normal 'service brakes' in maintaining safe speeds travelling down hills*. There are three main types of supplementary braking systems, engine brakes are devices that release compressed gases from the engine. Engine brakes are typically used on large trucks, whereas exhaust brakes are common on medium trucks. Modern engine and exhaust brakes include silencers and are unlikely to cause significant noise disturbance, but some older heavy vehicles have unsilenced or ineffectively silenced engine brakes which produce loud noise and may cause noise disturbance⁸.

What submitters said:

48 submitters gave 53 examples and locations of their experiences of engine braking. Based on the descriptions provided, at least 11 of these are likely to be because of heavy vehicle engine braking noise and were all from the Brooklyn/Ohiro Road area, every day and mostly in the daytime. 25 of the submitters described experiences that were probably heavy vehicle engine braking disturbances, and these were from Tawa, Kilbirnie, Lyall Bay, Island Bay, Karori (Makara end) and Wellington Central.

Many people described disturbances that were not engine braking or cruising, or it was not possible to determine whether the experience was from engine braking or

⁸ <https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/noise-and-vibration/frequently-asked-questions/engine-braking-faqs/> accessed on 5 July 2021.

cruising disturbance. The maps with locator pins have not been amended to remove any of the experiences.

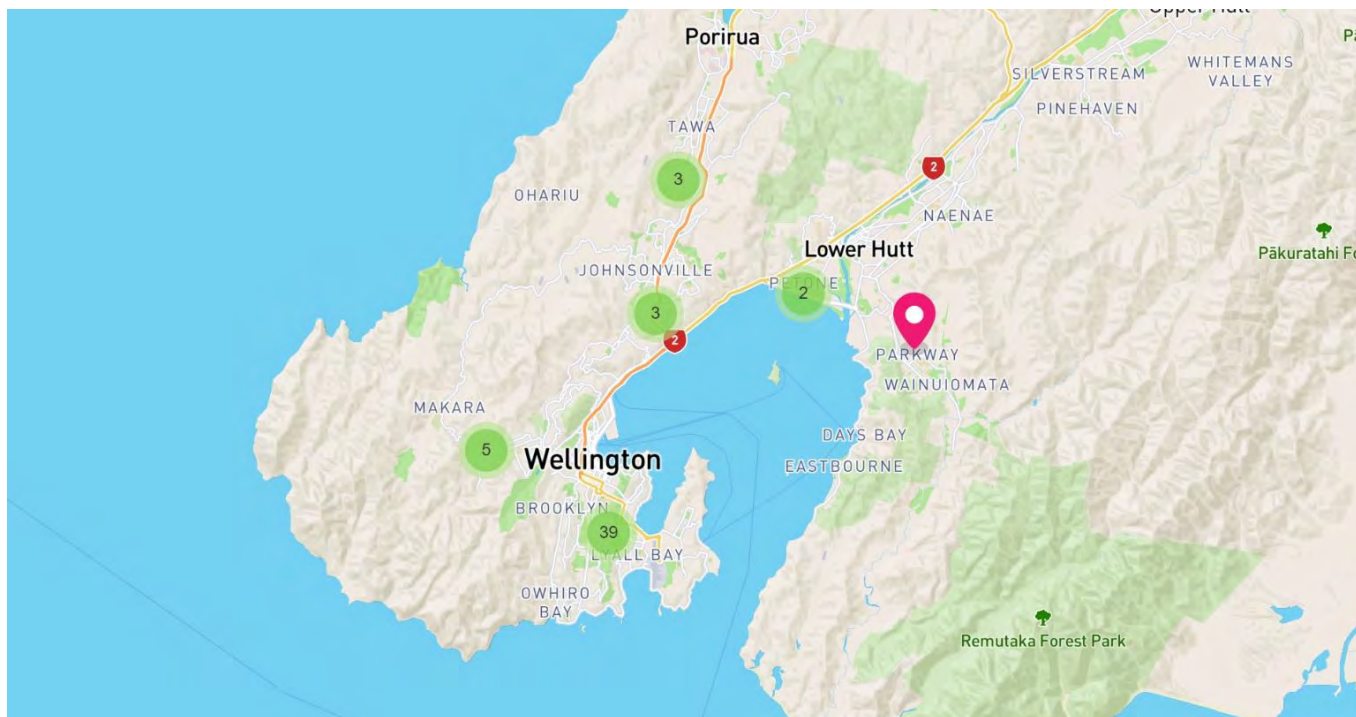


Figure 14: Map to show the distribution and number of 'engine braking disturbance' experiences shared by submitters.

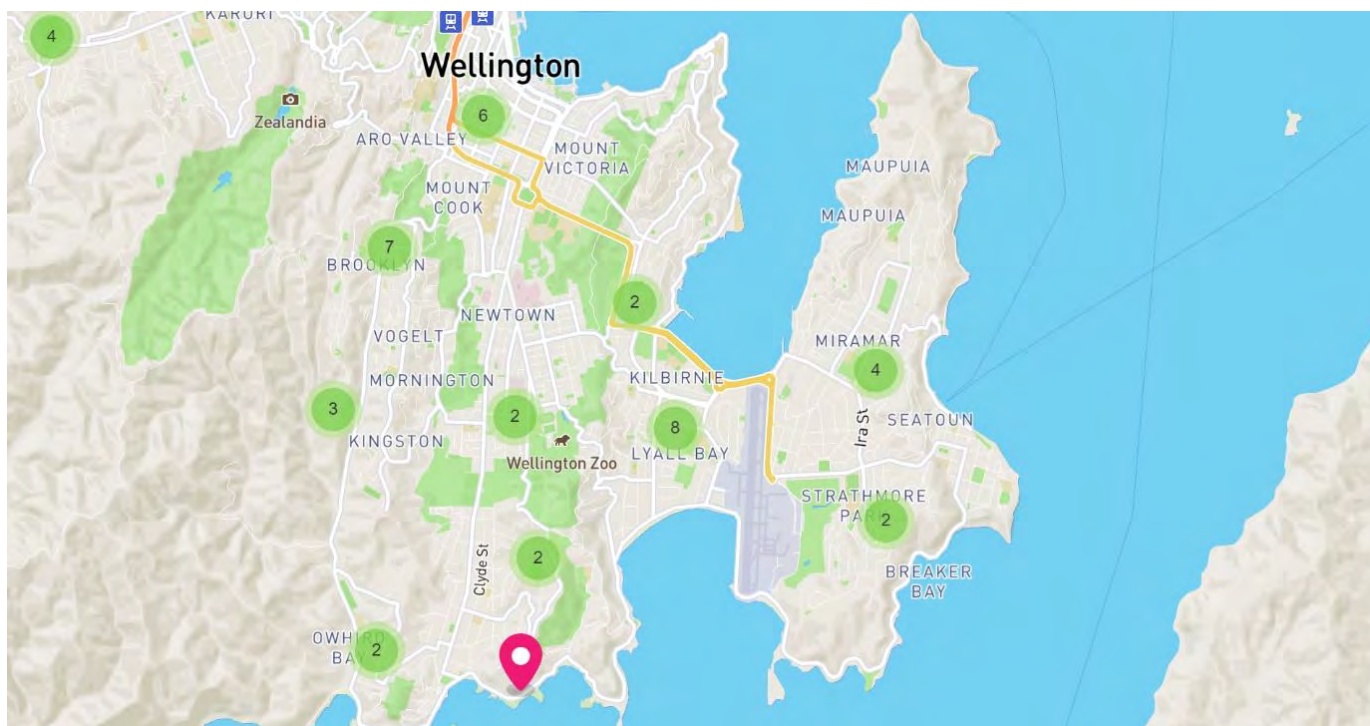


Figure 15: Map to show the distribution and number of ‘engine braking disturbance’ experiences shared by submitters for central, southern and eastern suburbs.

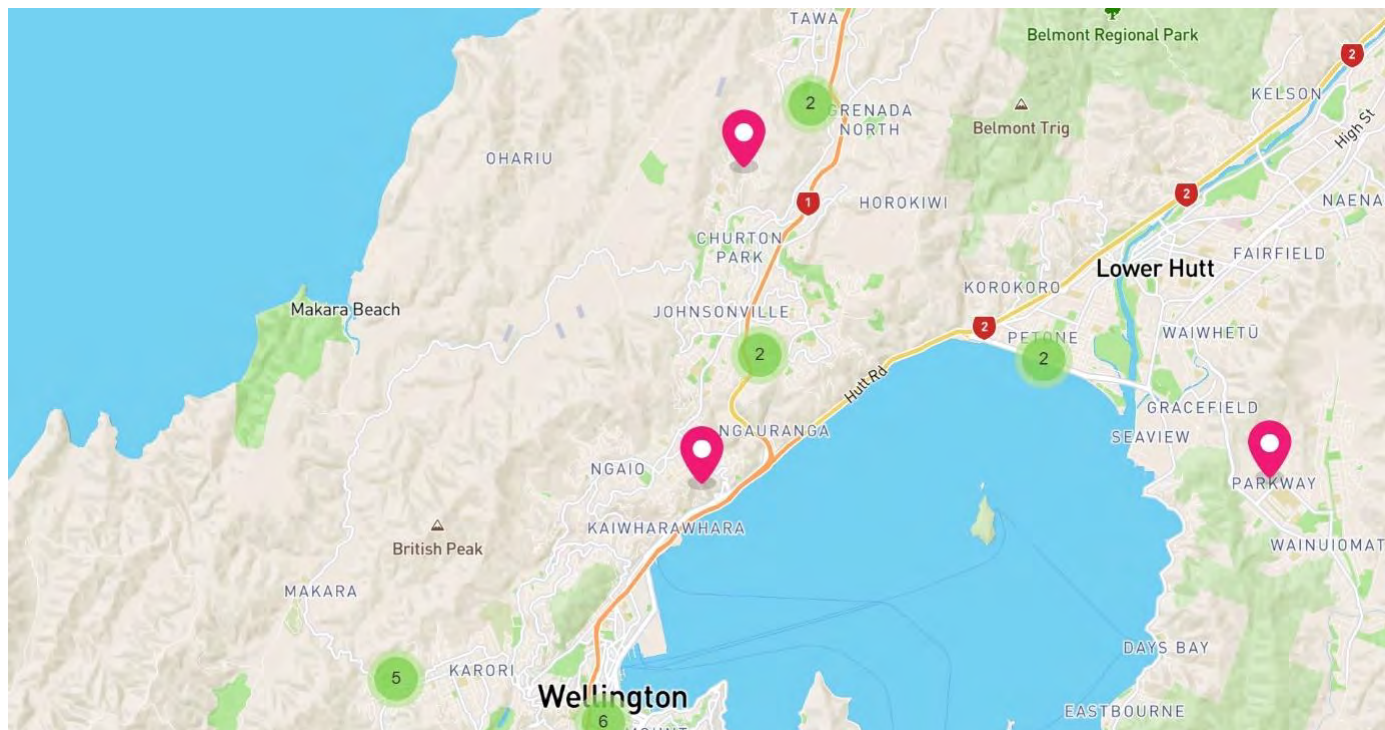


Figure 16: Map to show the distribution and number of ‘engine braking disturbance’ experiences shared by submitters for northern and western suburbs.

Officer response

Based on the descriptions, at least 18 of the submitters described issues with speeding vehicles or unsafe driving rather than engine braking and many of the noise disturbance described seems to be general vehicle noise from tyres on the road surface, engine or mechanical noises as light weight, not heavy vehicles, accelerate and brake and noise from chains or movement of loads carried by vehicles. These types of noises do not meet the legislative description of ‘engine braking’ and therefore the Council, and the bylaw clause, will not be able to enforce these.

This survey has shown loud noise from engine braking is not as frequent as loud noise from other vehicles, such as motorcycles, modified cars and sirens or other heavy vehicle noise - such as acceleration/deceleration noise without engine brakes.

Other vehicle noise such as routine heavy vehicle acceleration/deceleration can produce noise which is commonly confused with engine braking, as can the sound of vehicles travelling on rumble strips.

The LT(RU)R clause 7.4 covers some vehicle noise offences. A driver must not operate a vehicle that creates noise that, having regard to all the circumstances, is

excessive. Offences covered by this clause are enforced by Police Officers not Council Parking Officers.

Some of the descriptions and locations submitters provided appear to be due to engine braking occurring on State Highway 1. Again, the Council's bylaw provisions for engine braking do not extend to State highways so the Police would be the enforcement agency for these occurrences. Wellington Police have confirmed to Officers that their priorities are driving offences that result in death or serious harm and driving offences within the central city area. They are not sufficiently resourced to actively monitor and enforce potential engine braking disturbance.

There appears to be a couple of clusters of disturbance reports where, based on the noise disturbance descriptions provided, engine braking is an issue. These clusters also align with known extensive construction work and the routes to and from the landfills on Happy Valley Road, Wellington and Broken Hill Road, Porirua.

As previously reported to Councillors at the Planning and Environment Committee meeting on 24 June 2021 in the paper *Petition: Stop trucks coming off motorway and using Wellington streets to transport waste to tips*.

A more effective approach could be liaison with trucking operators and industry groups to influence driver behaviour. Additional 'No engine braking' signs can be put up but Waka Kotahi consider such signs are likely to have limited effectiveness but would most likely be beneficial in areas where drivers might not realise there are nearby dwellings which may be disturbed by engine braking.

Officers also suggest collaboration with Waka Kotahi and Wellington Police to have noise cameras installed along Ohiro Road and Brooklyn Road to carry out a survey to determine if the noise disturbance experienced in this area is due to engine braking or not. The camera combines the ability to measure the character of noise made by a heavy vehicle with the ability to record the licence plate of the vehicle. This means that even infrequent engine braking could be picked up and the driver/company responsible identified.

The evidence would then confirm if an engine braking prohibition is required in this area, and/or if additional signage is required. Officers recommend a two-stage approach following surveying; the first, liaison with the drivers/companies to seek a reduction in engine braking without any regulatory intervention. Secondly, if this does not reduce the problem, after a second survey, introducing a prohibition and collaborative monitoring and enforcement with the Police.

Officers have discussed this potential approach with the Wellington Police and the Road Transport Forum (RTF). Wellington Police have verbally confirmed that for engine braking they could, if required, assist with follow up compliance management once the offending vehicle/driver is identified. The RTF confirmed that they can help the Council with distinguishing RTF member trucking companies from those that are not members to assist with liaising with the company management on a non-

regulatory approach to reducing engine braking noise. The RTF also advice that reducing truck generated noise from one aspect can result in increasing the audibility of noises generated elsewhere on the vehicle particularly the tyres. So, we may resolve one noise issue but not all noise issues. The paper referred to above covers other future interventions that may result in a reduction in the amount of trucked waste going to and from the regions landfills as disposers are incentivised to reduce waste to landfill as much as possible.

It is recommended the proposal to add a clause to provide for the restriction/prohibition of engine braking on certain streets is not changed.

Cruising

The Land Transport Act 1998 defines cruising as driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that

- a) draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b) creates a convoy that
 - i. is formed otherwise than in trade; and
 - ii. impedes traffic flow.

The LTA, section 22AB (1)(a) also gives road controlling authorities the power to make a bylaw to control, restrict or prohibit cruising, including specifying the section of road or roads and the period of time that must elapse between each time a driver drives on a specified section of road for it not to be considered cruising. For example, in 2014 Christchurch City Council passed a bylaw banning cruising on specific roads between 10am and 5 am seven days a week.

What submitters said:

124 submitters gave 146 examples and locations of their experiences of cruising disturbance. Based on the descriptions provided, around 100 of the examples might be due to cruising activity but may not meet the LTA definition of cruising. Nearly all the submitters described speeding, unsafe driving and noisy vehicle activity.

The most mentioned suburbs where the description provided most closely described cruising activity were; Breaker Bay, Grenada Village, Newlands, Tawa, Karaka Bays, Karori, Kilbirnie/Rongotai, Miramar/Maupūia.

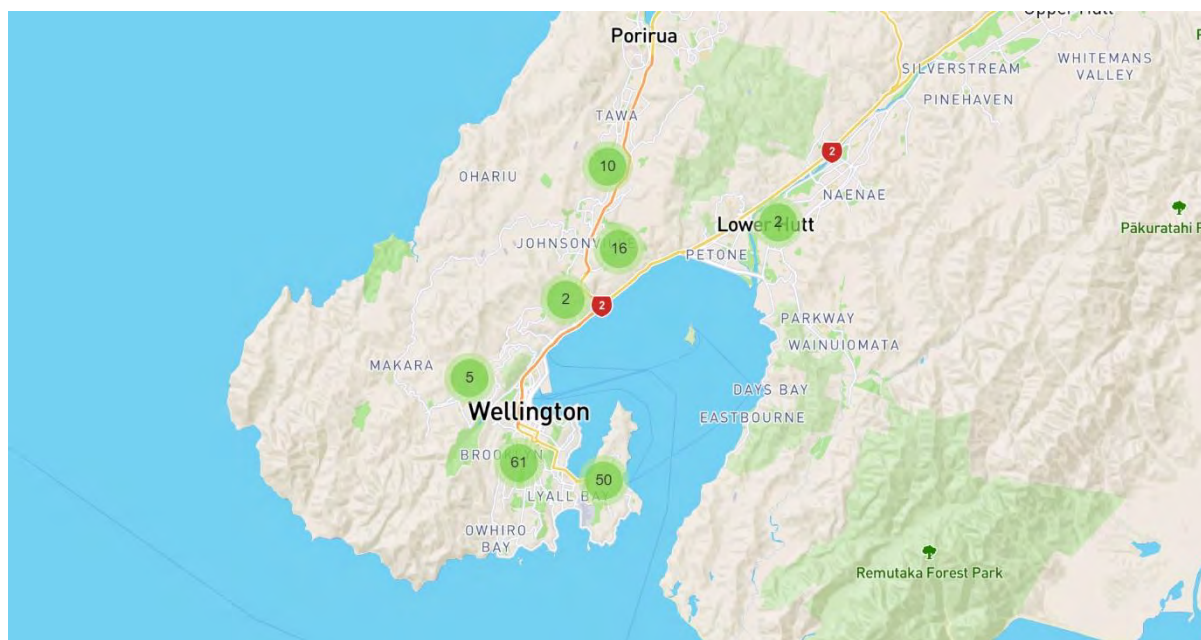


Figure 17: Map to show the distribution and number of 'cruising disturbance' experiences shared by submitters.

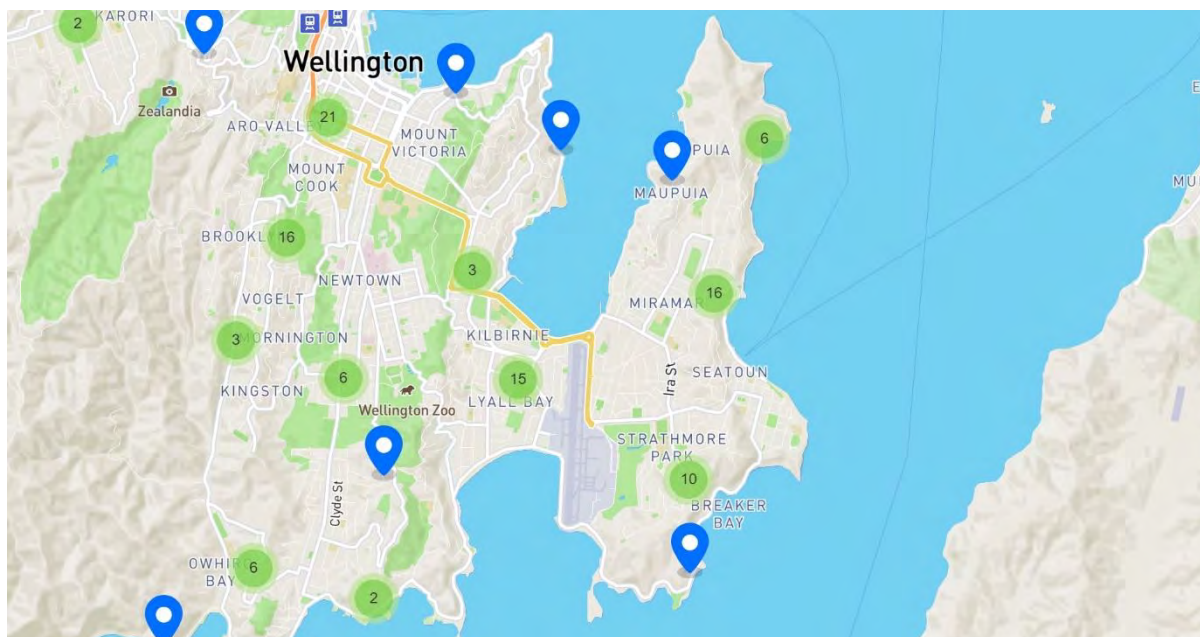


Figure 18: Map to show the distribution and number of ‘cruising disturbance’ experiences shared by submitters for the central, southern and eastern suburbs.

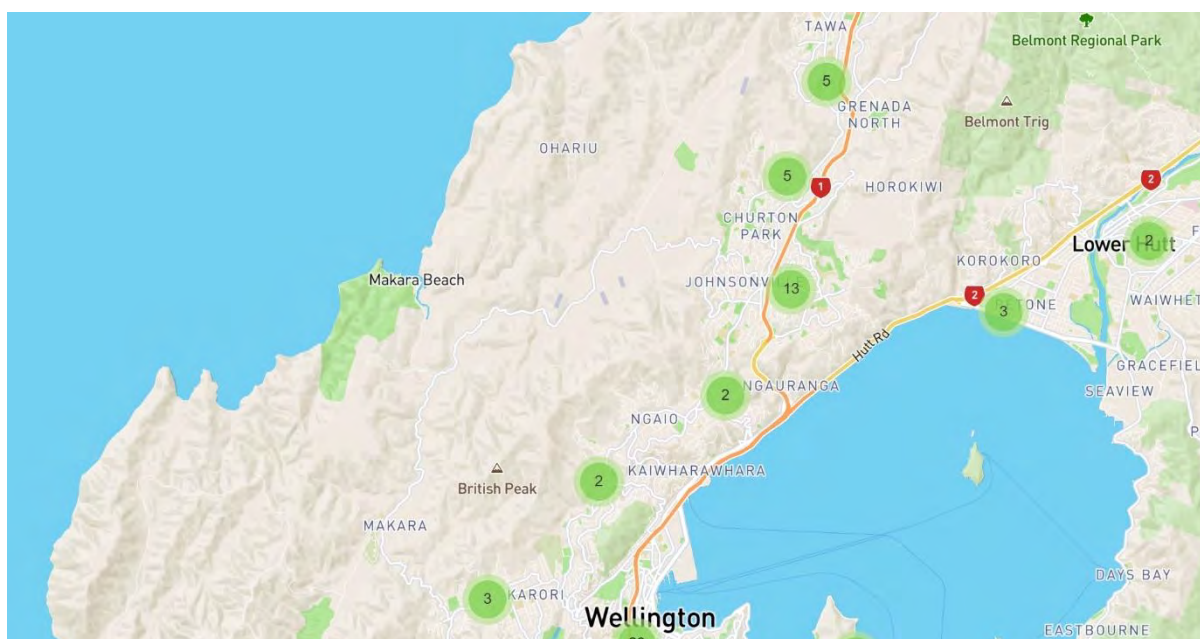


Figure 19: Map to show the distribution and number of ‘cruising disturbance’ experiences shared by submitters for the northern and western suburbs.

Officers response

Based on the descriptions, there appears to be a couple of locations with the potential to become problematic if gatherings of car enthusiasts drive in a reckless manner. This driving behaviour may or may not meet the definition of cruising. Based

on discussions with Wellington Police and officers at Christchurch and Auckland Councils, the Land Transport definition of 'cruising' makes it hard to police.

This is because the current wording requires the Police to first prove the same person drove on the same section of road more than once and prove their driving either drew attention to the power or sound of the vehicle's engine, or created a convoy that hindered traffic flow. Both components had to be recorded and proved multiple times before police could prosecute.

Wellington Police support the proposed option of putting in a bylaw control for cruising. At this time, the Wellington Police opinion is that the Wellington area does not have a significant issue with "cruising" but having a bylaw approved and in place would allow for quicker action to be taken should the driving behaviour change.

Auckland Transport have an additional clause in their bylaw 'Light motor vehicle restrictions', using the LTA 1998 22AB(1)(zk) on the basis that dangerous vehicle behaviour such as burnouts and doughnuts damage the road surface, especially a flammable lubricant is used. These activities are also inherently dangerous if a driver loses control, particularly if there are spectators nearby. The light motor vehicle restriction is suitable to use in non-residential locations, such as industrial or retail estates, as it will not negatively intrude on others. The proposed bylaw contains this combination of cruising clause (16) and light motor vehicle restrictions (17).

It is recommended the proposal to add the cruising and light motor vehicle restriction clauses is not changed.

Additional comments from oral submissions

We provided an opportunity for any submitter to make an oral submission directly to Councillors. 27 submitters said 'yes'. Of these, the first tranche of oral hearings took place on Wednesday 23 June 2021 (12 submitters participated, of which six were organisations: Living Streets Aotearoa; Hankey Street Cares Residents Association; New Zealand Four-wheel Drive Association; Forest and Bird; NZ Automobile Association; Cross Country Vehicle Club). On 4 August 2021, an additional submitter was heard by Councillors, Tania Ali.

A link is provided to access presentation material provided at the hearing by some of the submitters in Appendix Three.

Out of scope feedback

We received many comments in the submissions that did not directly relate to a traffic bylaw suggestion in the Statement of Proposal. Several of the comments related to overall transport management or planning in the city or the need to improve and incentivise active and public transport. Some comments concerned private parking which the Council does not have any remit to manage through a bylaw. Other comments were along similar themes to those received for the Parking Policy 2020 consultation and either wanted more and/or cheaper parking or thought the current enforcement of traffic and parking was too much already or that other issues such as water infrastructure are a higher priority for the city right now.

Specific comments about the wording or language used in the bylaw, where Officers agree, have been marked as a track change in the bylaw to be presented to Councillors.

Frequently mentioned comments regarded as out-of-scope but connected to the management of Council roads, traffic or parking are summarised in this section.

Feedback	Officer's response
<p>Consultation was not full or fair, clauses 19 and 20 have not been subject to any effective prior consultation process (NZFWDA, CCVC, Barry Insull)</p>	<p>The Council did not engage with many stakeholders before releasing the draft Statement of Proposal (SoP). The draft bylaw and proposed changes were based on the Parking Policy (extensively consulted on in 2019/2020) and operational or compliance issues raised by Council staff and analysis of the Council's customer services emails/phone calls from the public. The release of the SoP and subsequent consultation met the requirements of a special consultative procedures as per the section 83 of the LGA 2002. The Council is not required to undertake prior engagement or consultation on specific clauses in the proposed bylaw prior to releasing the SoP.</p> <p>A review of the proposed bylaw and review process has been done by an external lawyer who have no concerns and confirms the Council's consultation complied with section 83 of the LGA, including clauses 19 and 20 of the draft bylaw. Part 4.9 and 4.10 of the SoP clearly identify relevant problems that justify regulating ULRs and beaches. Section 76-83 of the LGA give local authorities a very broad discretion to identify and address problems.</p>
<p>Request for controls on the hiring and use of e-scooters/other micro-mobility and</p>	<p>The controls for the hiring and use of e-scooters and other micro-mobility is covered under terms & conditions of the Council contractual agreements with</p>

<p>sanctions/protocols for parking them safely/considerately (DPA, the ERG, Living Streets Aotearoa)</p>	<p>the service providers.</p> <p>The proposed bylaw has been written so that e-scooters and other forms of micro-mobility are in scope of the relevant sections, should, in the future, the Accessible Streets Package results in amendments to the key transport legislation.</p>
<p>Council hasn't adequately identified the problems that the bylaw will manage. (NZFWD, CCVC, Barry Insull)</p>	<p>Not required under Section 83 of the LGA to specify the problem for specific streets or roads that may be managed using clauses, by resolution, in the proposed bylaw. Broad description of the overall traffic and parking problems and negative impacts are sufficient at this stage in the process. Full problem definition and options analysis are conducted prior to selecting the appropriate tool to manage an issue that leads to a traffic resolution.</p>
<p>Council should provide parking based on the population of disabled and elderly people in the area. (Disabilities Resource Centre)</p>	<p>The Council follows the Parking Policy 2020 when making significant changes to parking. Mobility parking is the highest priority type of parking in most types of areas of the city. The Parking Policy 2020 also confirmed the concession for mobility permit holders so that they may park in standard parking spaces for longer.</p>
<p>Rules for driveways that cross footpaths and only allow accessways to be 1 car-width (Living Streets)</p>	<p>The provision of driveways is covered by the District Plan and, in part, by the Public Places Bylaw. Therefore, does not need to be repeated in this proposed bylaw.</p> <p>The LT(RU)R 2004 6.9 states that a vehicle must not stop, stand, or park so as to obstruct entry to or exit from any driveway. Any amendments sought to the wording of this legislation are out of scope of this bylaw review.</p>
<p>Short stay bus layovers are prioritised over long-stay bus layovers. Need a minimum of 1 layover space per bus route for lower frequency services and at least 2 layover spaces for each high frequency route. The prioritisation of residents parking and short-stay parking in city fringe and inner-city suburbs does not support improvements to</p>	<p>The Parking Policy 2020 street space hierarchy is a guide to help decision-making and the priority of parking types does not relate to the amount of street space taken up in a particular area. As and when area-based parking plans are developed, Officers will engage with GWRC on the placement of bus layover spaces.</p>

<p>public transport. (GWRC)</p>	
<p>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..... 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. (Barry Insull)</p>	<p>Vehicle speed is out of scope of the proposed traffic and parking bylaw. Currently, speed limits can be considered, by resolution, under Part 6: Speed Limits of the Wellington Consolidated Bylaw.</p> <p>Waka Kotahi have recently closed consultation on a proposed new rule enabling an improved approach to speed management planning, the Land Transport Rule: Setting of Speed Limits 2021. Therefore, a new regulatory framework for speed management is expected.</p> <p>As part of the consideration of restrictions on vehicles using the ULR at Red Rocks, Council officers can also include speed restrictions.</p>
<p>There is no protection for Cuba Mall from unwanted parking as it is not a shared zone. This is our one pedestrian-only space in Wellington. Cyclists and e-scooter riders using Cuba Mall as a through route continue to be a problem. (Living Streets Aotearoa)</p>	<p>The Cuba Mall issue is considered operational and not related to the wording of the bylaw. This feedback has been noted and passed on to the relevant team within the Council.</p>

Alternatives to footpath parking

What we asked:

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

What submitters said:

246 submitters provided a text response to this question. Both organisations and individual submitters commented on the need for unimpeded access for emergency services and waste vehicles on roads and submitters supported the need for unobstructed, safe pedestrian access on footpaths, particularly those with prams and disabilities. Many submissions also raised the need for improvements to public transport to reduce the need/reliance on private cars and to prioritise pedestrians over vehicle parking. Another theme repeated in the submissions was to improve or increase the enforcement of footpath parking offences but the opinion on when footpath parking could occur without an infringement was varied.

Approximately 35 of the individual submitters want to retain the status quo and continue to allow footpath parking if 1 metre is kept clear for pedestrians.

The Disabled Persons Assembly's submission strongly supported the Council's recent ruling that all parking on footpaths is an offence as all vehicles parked on footpaths is a potential hazard to all pedestrians, including Blind people and people with mobility impairments. They request the Council to at least issue warnings to all reports or seen parking on footpaths. The Disabilities Resource Centre Trust consider footpath parking to be a barrier to all public but particularly those with walking frames, mobility scooter, wheelchairs.

CVRA agree with the change and expect a combination of management options may be required and input from local community is critical.

Generation Zero believe the transport system must be made fully accessible as per the United Nations Convention on the Rights of People with Disabilities, Waka Kotahi and WCC guidelines where mobility impaired pedestrians is at the top of the hierarchy for transport planning decisions and private parking the lowest.

Fire and Emergency New Zealand say parking on some streets severely restricts the ability for fire appliances to respond directly to the scene of an emergency in a timely fashion, and this might cost lives.

GWRC supports change but are concerned about blockages on roads from parked cars that were previously parked on the footpath. They want to see effective parking

management where there is not enough space for a bus to get through. GWRC suggest setting up a formal process to report instances of when a bus is blocked and mitigations in place to address these.

Living Streets Aotearoa support the change and recommend guidelines are published to help the public to understand when and why enforcement discretion may be used.

The ERG recommends starting with the problem streets i.e. high traffic volume, pedestrians more at risk and consider a wide range of options on a case by case basis as streets vary. The ERG believes that in the long-term we need fewer vehicles on the streets but the transition to this will be a challenge.

AA concerned about the overspill effect on to surrounding streets.

The Residents of Imperial Terrace and Regal Gardens (14 households) advocates for using Imperial Terrace as shared space. The residents state that the challenging altitude, gradient and lack of access to public transport means that owning a car is very important. They also state that the changes to the footpath rule would make access so difficult that some families would need to consider moving, particularly those with small children, the elderly and persons with disabilities. The residents proposed a mix of solutions: remove footpaths, give pedestrians right of way along length of Imperial Terrace, 5km/hr speed limit, cars park on one side of the road, speed bumps.

Another residents group, Hankey Street Cares comment that the changes to the footpath rule will result in a loss of 50 percent of on-street parking capacity on the middle part of Hankey Street. The residents suggest decreasing the wide footpath to increase the width of road carriageway and create a parking inset/bay. They also suggest criteria to use to determine when it's acceptable to remove a footpath.

Numerous ideas were put forward by submitters as options to help implement the change. These have been summarised in table 22, together with comments on the feasibility of each suggestion.

Many submitters fully supported the Council's rule change, and several suggested the Council should be widening the existing footpath or add more footpaths. This is a feasible option in some circumstances and in line with the sustainable transport hierarchy, the Parking Policy 2020 and Accessible Action Plan.

The feasible suggestions will be considered by Council traffic and transport staff when area-based parking management plans are developed and for those streets identified as being the highest priority for action. Priority will be based on access

barriers to traffic flow, particularly emergency vehicles/service vehicles and level of risk to footpath users. Traffic management changes will be rolled out as resourcing allows.

Table 22 Submitters suggestions how the Council best manage pedestrian and vehicle access and parking on narrow streets where parking on the footpath has been commonplace

Idea	Officer comment
Recommended	
More broken yellow lines on streets where there isn't enough room	<p>Fewer vehicles parked on the street will improve sightlines and visibility for both pedestrians and road users leading to improved safety.</p> <p>Although broken yellow lines are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource intensive and can take up to six months due to current backlog. The Council could gradually roll-out the implementation starting with streets creating access issues for the emergency services, then main bus routes and locations creating access issues for footpath users.</p> <p>Provides clarity for enforcement purposes.</p>
Allow parking on one side of the street only	<p>Similar solution to the above with the same associated benefits and costs. The Council would aim to retain at least one side of on-street parking wherever that could be safely accommodated.</p>
Have 'no parking' zones or areas to use for passing/ban parking	<p>Under the Land Transport Act 22AB (1)(m) the Council can, through a bylaw provision and erecting prescribed signage, prohibit the stopping, standing or parking of vehicles on any road.</p> <p>Although 'no parking' signs are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource intensive and can take up to six months due to current backlog.</p> <p>Can be enforced but not as simply as using broken yellow lines.</p>
Encourage/incentivise alternatives to car ownership, improve	<p>The infrastructure that Let's Get Wellington Moving (LGWM) will put in place through its programmes represents a generational improvement in public and</p>

<p>public transport,</p>	<p>active transport. The LGWM indicative package was endorsed by Government in 2019 and includes: a walkable central city, safe connected cycleways, a smarter transport network, and public transport improvements. The Council is publishing new Car Share Scheme guidelines that will incentivise the use of car sharing in the city fringe as opposed to the city centre. In addition, the Council has allowed for fifty more car share vehicles to be placed in use each year for the next five years to increase the opportunity for car sharing.</p>
<p>Make it residents parking only</p>	<p>Recommended only for those areas that would meet the Parking Policy criteria for a residents' scheme. As per the Parking Policy 2020, city fringe areas that already have residents' parking schemes in place and have parking issues may have the scheme changed to a priority-driven area-based permit scheme. Only those residents without off-street parking would be eligible to apply for a limited number of permits based on the parking space capacity. Introducing restricted residents' schemes would encourage vehicle owners to use the off-street parking they already have to store their vehicles off the street and incentivise others to consider reducing the number of cars owned or shift to alternative transport modes.</p> <p>The resourcing and time required to assess and then implement residents' parking schemes are high so this would not be a quick solution or suitable for all problem areas. Ongoing administration and enforcement of schemes required.</p>
<p>Increase education, awareness, communication</p>	<p>The Council is planning a city-wide education and awareness raising campaign to spread the message about not parking on footpaths, the reasons why it is not permitted (an offence under the LT(RU)R 2014) and the damage/harm it can cause.</p>
<p>Consider each street on a case-by-case basis</p>	<p>The Council would look at each problem street on a case-by-case basis and tailor the solution based on the feasible options and budget available.</p> <p>Having different management on different streets could lead to inconsistency which is hard to monitor and enforce.</p>
<p>Make narrow streets one-</p>	<p>In some circumstances, changing a street's traffic flow</p>

way traffic only	may allow for on-street parking without negatively affecting traffic flow. Roads are primarily intended for moving people and vehicles. The Council must ensure people can access property frontages, but this does not include stopping or parking. Storing/parking vehicles is a secondary purpose.
Increase speed management/speed restrictions	Where the speed of vehicles is causing safety risks on a road, the Council has powers under the LTA 1998 22AB(d) to fix the maximum speed of vehicles for the safety of the public or better preservation of any road. This would be on a case-by-case basis. The 2021-2031 Long-Term Plan has funding allocated to improve speed management throughout the city.
Change the street to a shared use space – parking and pedestrians share the street space.	Recommended as a final option to consider. The Parking Policy 2020 places pedestrians at the top of the street space use hierarchy, supported by the sustainable transport hierarchy. Careful street design would be required to ensure appropriate, safe pedestrian space is prioritised and active transport users are not put at risk from the vehicle users. Only suitable for low speed streets.
White road edge lines	The road markings are used to provide a driver with assurance that they are not impeding the traffic flow if they park at the kerb, and therefore, do not need to park on the footpath. The visual narrowing of the road can help to slow traffic.
Mix of broken yellow lines, give way and marked parking spaces on alternating sides to create safe passing spaces.	Alternating sides will reduce the total amount of parking compared to parking on only one side, but it would create a chicane effect slowing vehicles and therefore making it safer. Although broken yellow lines are low cost to install and maintain the decision to introduce them must go through a traffic resolution process which is currently resource-intensive and takes up to six months. This option can be enforced.
Limit parking to vehicles not exceeding a specific width	The Council could, through a traffic resolution, restrict parking by certain vehicle classes, such as a heavy goods vehicle but it would be difficult to enforce based on a maximum width. The Council could control the length of vehicles parking

	between driveways if insufficient for parking using white triangle line marking.
Not recommended	
Make it easier/cheaper to apply for an encroachment to park for those streets most affected	<p>The District Plan and Urban Design Guides discourage vehicles parking on the street edge as it is detrimental to the pedestrian environment and can lead to many vehicle crossings which effects the safety of all pedestrians.</p> <p>The application process for an encroachment is already relatively straight forward. If applications meet the published guidelines and provide all the requested documents, they generally progress smoothly. The application and annual fees are very reasonable and are effectively at a subsidised charge-out rate. The annual fee for a typical sized encroachment for parking is one-tenth the cost of a typical off-street parking space.</p>
Make vehicle access to a particular road 'residents only'	<p>This option is only feasible if all the residents of a particular street agree to become a 'Private Road' and therefore are no longer subject to the rules and requirements of the Council Road Controlling Authority. The Council could discourage those streets used as a shorter through cut using traffic calming measures.</p>
Provide more parking (such as more parking buildings/off-street areas, convert berms to off-street parking spaces)	<p>The Parking Policy 2020 has supplying additional parking as the lowest priority for resolving parking issues. This is in line with the Council's Te Atekura First to Zero plan and the need to accommodate a growing population by maximising the development capacity of sites. Using high value land for private vehicle parking is not economical or logical. In addition, there are regulatory constraints, the Government's National Policy Statement for Urban Development prevents the Council for requiring any minimum number of parking spaces with new developments.</p> <p>Changing some of the existing wide, grassed berms to parking is technically feasible, however, using rates to fund the creation storage facilities of private vehicles is not recommended. Changing a planted area to a sealed one would increase the amount of impervious areas. Cumulatively this would increase stormwater run-off and</p>

	the associated contaminants and problems this causes. Green infrastructure is important for stormwater management.
Widen the roads	A road could only be widened if the property and existing road reserve boundaries allowed for it. It is unlikely all property owners on a street would willingly relinquish some of their sections. It would be a costly option for the Council to purchase the land where the road reserve did not accommodate widening. Widening the sealed road would increase the amount of impervious areas. Cumulatively this would increase stormwater run-off and the associated contaminants and problems this causes. As above, using rates to create storage facilities of private vehicles is not recommended.
Encourage residents to have and use off-street parking/don't build dwellings with no off-street parking	The Council has no powers to make property owners use their property in a particular way. This is an individual choice. However, by making alternatives to car ownership more attractive and parking on the street restricted and/or expensive, the Council could help to encourage residents to park off the street. There are regulatory constraints to building new developments with off-street parking. The Government's National Policy Statement for Urban Development prevents the Council for requiring any minimum number of parking spaces with new developments.
Remove footpath or reduce the width of the footpath	The Parking Policy 2020 places pedestrians at the top of the street space use hierarchy, supported by the sustainable transport hierarchy. Removing footpaths or reducing the width of a footpath for the storage of private vehicles on a public road would not be in line with this. Reducing the width of footpaths is inconsistent with the city's Accessible Action Plan. Removing a footpath may also result in insufficient space available for street furniture, street trees, electric vehicle charging stations, power poles and other forms of infrastructure that need to be off the carriageway.
Line markings (indicate where to park or how far on to the footpath a vehicle can park	Adding line markings to a footpath to show how far a vehicle may park is still parking on the footpath. Under the Land Transport (Road User) Rule 2004 (6.14) (1) a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle

	path.
Change to angle parking	Angle parking uses more of the width of a road and does not always result in additional parking spaces. Angle parking is more dangerous than parallel parking because drivers have little visibility of the road as they back their vehicles out of the parking spaces into the traffic flow.
Let residents of each street decide if they want to park on the footpath or not	Under the Land Transport (Road User) Rule 2004 (6.14) (1) a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path. Traffic and parking management decisions should be left to the Council as officers have experience, knowledge and understanding of relevant legislation, traffic engineering and parking management. Officers consider all options from a wider community/user point of view not from one group only. Not practical from an enforcement point of view.

Appendix One: Social media posts

Wellington City Council
 Published by Falcon.io · 11 May ·

Consultation is now open on a proposed new Traffic and Parking Bylaw.

The Council is proposing to revoke the current traffic bylaw which is no longer fit for purpose, and create a new 'stand-alone' Traffic and Parking Bylaw to protect, promote and maintain public safety on roads or parking areas owned or managed by the Council.

To read the proposed bylaw and have your say, visit our website.
[#OurWellington](#) [#TōTātouPōneke](#)



WELLINGTON.GOV.TZ
Have your say about Wellington City Council's proposed new Traffic and Parking Bylaw

10,545 People reached 1,202 Engagements ↑ +1.6x higher Distribution score **Boost post**

27 12 comments 7 shares

Wellington City Council
 Published by Simone Borgstede · 8 June at 12:18 ·

It's the last week to have your say on the Proposed Traffic and Parking Bylaw 2021. Let us know your thoughts about alternatives to parking on footpaths, noisy engine braking and cruising and more!

Submissions close 5pm Friday 11 June.
[#OurWellington](#) [#TōTātouPōneke](#)



LETSTALK.WELLINGTON.GOV.TZ
Proposed Traffic and Parking Bylaw 2021
 Here's your chance to have your say Last August Wellington City Council adopted a new Parki...

6,986 People reached 699 Engagements ↑ +1.1x average Distribution score **Boost post**


4 32 comments 4 shares

Wellington City Council
 20 May ·

We've noticed some misunderstanding about our Proposed Traffic and Parking Bylaw 2021.

The Council is not proposing to close access to vehicles on the road that runs along the Red Rocks coastline. The proposed new clause would give the Council the ability to manage vehicles on specific paper roads (like Red Rocks) – only if required and with engagement from the community.

For more information about the Proposed Traffic and Parking Bylaw 2021 and to have your say, visit:
<https://www.letstalk.wellington.govt.nz/proposed-traffic-an...>
[#TōTātouPōneke](#) [#OurWellington](#)



Get more likes, comments and shares
 When you boost this post, you'll show it to more people.

42,017 People reached 2,735 Engagements **Boost post**

Robby Robertson, Mike Sartén and 15 others 19 Comments 7 shares

Wellington City Council
 24 May ·

Do you experience disturbance from vehicles cruising up and down your street or loud engine braking?


As part of our Proposed Traffic and Parking Bylaw 2021, we want to know which areas of Wellington are affected by this kind of noise.

Simply head to our website, pin your location on the survey map and share some simple details about your experience.

Submissions close 11 June 2021.
<https://www.letstalk.wellington.govt.nz/proposed-traffic-an...>
[#TōTātouPōneke](#) [#OurWellington](#)

Share Your Experience of Disturbance from Cruising Activity or Engine Braking Noise

Have you experienced disturbance from vehicle cruising and/or noise from engine braking? Do you live in Wellington? If answered yes to these questions, you can add pin markers to indicate disturbance in Wellington City you live and provide details of the disturbance you have experienced.



Get more likes, comments and shares
 When you boost this post, you'll show it to more people.

39,200 People reached 3,626 Engagements **Boost post**

Pankaj Dalvi, Hil Ree and 35 others 26 Comments 25 shares

Wellington City Council @WgtnCC

Consultation is now open on a proposed new Traffic and Parking Bylaw to protect, promote and maintain public safety on roads or parking areas owned or managed by the Council.
 To read the proposed bylaw and have your say, visit our website.
[#TōTātouPōneke](#)



Have your say about Wellington City Council's proposed new Traffic and Parking Bylaw
[wellington.govt.nz](https://www.wellington.govt.nz)

10:00 AM · May 11, 2021 · Falcon Social Media Management

View Tweet activity

5 Retweets 2 Quote Tweets 3 Likes

Wellington City Council @WgtnCC


Do you experience disturbance from vehicles cruising up and down your street or loud engine braking?

Take our quick survey - part of our Proposed Traffic and Parking Bylaw 2021.

Submissions close 11 June 2021.

[letstalk.wellington.govt.nz/proposed-traffic...](https://letstalk.wellington.govt.nz/proposed-traffic-and-parking-bylaw-2021)

[#TōTātouPōneke](#) [#OurWellington](#)



Share Your Experience of Disturbance from Cruising Activity or Engine Braking Noise
 Have you experienced disturbance from vehicle cruising and/or noise from engine braking? Do you live or manage this?
 If answered 'no' to these questions you can still get involved to influence what's in the Wellington City bylaw and provide details of the disturbance you have experienced.

2:39 PM · May 25, 2021 · Falcon Social Media Management

View Tweet activity

4 Retweets 2 Quote Tweets 3 Likes

Appendix Two: Table of organisation submitters

Organisation Name	Oral Submission?
Architectural Centre	
Creswick Valley Residents Association	
Cross Country Vehicle Club Wellington	Yes
Cycle Wellington	
Disabilities Resource Centre	
Disabled Persons Assembly NZ	
Environmental Reference Group	
Fire and Emergency NZ	
Forest and Bird	Yes
Generation Zero	
Greater Wellington Regional Council	
Hankey Street Cares Residents Association	Yes
Imperial Residents Association	
Living Streets Aotearoa	Yes
New Zealand Automobile Association	Yes
New Zealand Walking Access Commission	
Newtown Residents Association	
The New Zealand Four Wheel Drive Association Inc	Yes
Tuhoe Kai Gathers	
Wellington Justices of the Peace Association	

Appendix Three: List of oral submitters (alphabetical order by first name)⁹

Name	Organisation?
Barry Insull	Individual
Daniel Spector	Individual
Ellen Blake	Living Streets Aotearoa
Alex Gray	NZ Automobile Association
Grant Purdie	New Zealand Four-wheel Drive Association
Ian Hutchings	Cross Country Vehicle Club
Kate Hayward	Individual
Kate Hayward	Hankey Street Cares Residents Association
Mark Spiers	Individual
Mike Mellor	Individual
Peter Hunt	Forest and Bird
Tania Ali	Individual
Yvonne Weeber	Individual

⁹ Hyperlinks are provided to access the presentations given by some submitters.

Track Changed Version of the proposed Traffic and Parking Bylaw

1. Preamble

The title of this Bylaw is the “Wellington City Council Traffic and Parking Bylaw 2020”. This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Policies, Acts and Regulations. This includes the Wellington City Council Parking Policy 2020, the Land Transport (Road User) Rule 2004 and the Local Government Act 1974, which should be referred to in conjunction with this Bylaw.

2. Commencement

This Bylaw comes into force on [insert date]. Except for clauses 28.4 and 28.5 which come into force the day following the making of a traffic resolution for that purpose.

3. Revocation

This Bylaw repeals and replaces Part 7: Traffic of the Wellington City Council Consolidated Bylaw 2008.

4. Application

This Bylaw applies to all roads under the care, control, or management of Wellington City Council for which it has bylaw-making powers, this includes beaches and unformed legal roads. It excludes State Highways controlled by the Waka Kotahi NZ Transport Agency except for those covered by the Instrument of Delegation relating to *Stationary Vehicle Offences on State Highways* and the Instrument of Delegation relating to *Special Vehicle Lane Offences, Stock Control, Roadside Selling and Planned Road Closures on State Highways*.

Part 1: Preliminary Provisions

5. Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicles, other traffic (including pedestrian traffic), objects and other things on any road or parking area under the care, control, or management of Wellington City Council.

6. Interpretation

6.1 Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 or any amendments thereof, shall have the meanings as are respectively assigned in those Acts/Rules, unless those meanings would be inconsistent with, the context otherwise requires, or a different definition is given in clause 6.2.

6.2 In this Bylaw, unless the context otherwise requires -

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under section 128D of the Land Transport Act 1998 or Police Officer.

Berm – a grass area between the roadway, and the footpath or property boundary

Car share vehicle means a vehicle operated by an organisation approved by the Council to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly or daily basis.

Cargo bike means a bicycle designed to carry larger and heavier loads than a regular bicycle, generally with an in-built container. Sometimes these may involve electric motors.

Class of vehicle means groupings of vehicles defined by reference to any common feature and includes but is not limited to -

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by the Council.

Coupon parking area is a "zone parking control" under the Land Transport Rule: Traffic Control Devices 2004 and means any area of land or building belonging to or under the control of the Council. It is authorised by resolution of the Council pursuant to clause 21 of this Bylaw in which parking is subject to the valid purchase of an online parking coupon or display of a parking coupon.

Council means the Wellington City Council.

Cycle lane has the same meaning as the Land Transport (Road User) Rule 2004.

Cycle path has the same meaning as the Land Transport (Road User) Rule 2004.

Disabled parking space means any reserved parking for the use of disabled persons as defined by the mobility parking permit application criteria issued by CCS Disability Action or Sommerville Disability Support Services.

Electric scooter is designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor. In order to meet the requirements for a low-powered vehicle, the wheels must not exceed 355mm and the motor must have a maximum power output not exceeding 300W.

Parking coupon or coupon means a coupon issued by or on behalf of the Council to any person authorising the parking of a vehicle in a coupon parking area in accordance with this Bylaw.

Footpath means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

Institution is an organisation founded for a religious, educational, professional or social purpose.

Metered parking area means a road, area of land or building owned or controlled by the Council which is authorised by resolution of the Council to be used as a parking place and at which parking is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by the Council.

Micro-mobility device means transportation using lightweight vehicles such as bicycles, skateboards or scooters, especially electric ones that may be used as part of a self-service scheme in which people hire vehicles for short-term use within a town or city.

Mobile trading means temporary trading activity from a location which is vacated the end of the day when trading is finished, trading activity is from stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops
Motorhome means a self-propelled motor vehicle equipped for living in. Includes a house-bus, horse box with sleeping area and camper van.

Oversize vehicle means a single vehicle or combination of vehicles and trailers that will not fit into a standard sized parking space. This includes, for example, motorhomes, trucks and vehicles towing trailers or other vehicles.

Parking machine means an electronic or mechanical device, in relation to the time for which a vehicle may be parked in a parking space or in accordance with this Bylaw, designed to either -

- a. measure and indicate the period of time paid for and which remains to be used;
- b. issue a receipt, by print or electronic communications, showing the period of time paid for and accordingly which remains to be used;
- c. for the purpose of controlling or monitoring the parking of any vehicle in a parking place; and
- d. includes single, multiple and pay and display parking meters and any other device (for example, electronic application) that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

Parking space means a place (including a building) where vehicles, or any class of vehicles, may stop, stand or park.

Permit means a permit to park a vehicle on a road or parking space supplied by the Council, under this Bylaw. It may be electronic or a paper/card permit.

Prescribed fee means New Zealand coin, token, card, prepaid parking device, or other system of payment prescribed by resolution of the Council pursuant to this Bylaw as the fee payable for parking in a parking space.

Residents only parking area is a road, part of a road or group of roads where only vehicles of residents residing on those roads within the residents only area may park on the street with the relevant permit.

Residents exemption parking area is a road, part of a road or group of roads where a parking restriction is in place and vehicles of residents residing on those roads within the residents exemption area, with the relevant permit, are exempt from the parking restrictions.

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and includes motorways or state highways covered by the Instrument of Delegation. The meaning also includes beaches and unformed legal roads.

Shared path has the same meaning as section 11.1A (1) in the Land Transport (Road User) Rule 2004 and the provisions under section 11.1A apply.

Shared use zone means a length of roadway intended to be used by pedestrians and vehicles, including motor vehicles, and where the parking areas may be designated for different users at different times.

Taxi has the same meaning as Small Passenger Service Vehicle under the Land Transport Act 1998.

Taxi restricted parking area means the area or areas of road identified as such by Council resolution from time to time.

Time restricted parking means a parking space, road, part of road or group of roads where there is a limit to the length of time a vehicle or class of vehicles may park.

Transport station means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

Unformed legal road is any land that forms part of the road but is not used as a carriageway or footpath, also known as 'paper roads'.

6.3 The Interpretation Act 1999 applies to the interpretation of this Bylaw.

Part 2 Functions of the Council

7. Resolutions made under this part of the Bylaw

7.1 The Council may by resolution impose such prohibitions, exemptions, restrictions, controls or directions concerning the use by traffic or otherwise of any road or other area or building controlled by the Council unless the restriction / control / prohibition / direction is already provided for in a relevant enactment, such as the Local Government Act 1974 or Land Transport Rule (in which case a Council resolution is not required).

7.2 When making resolutions, the Parking Policy 2020 is a relevant consideration.

7.3 Any resolution may -

- (a) Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.

- (b) Be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events or be limited to specified maximum periods of time.

- (c) Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, parking area, building, transport station, or restricted parking area; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces, buildings or areas.

- (d) Specify a minimum number of occupants in any private motor vehicle.

- (e) Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.

7.4 Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 7.1 at any time.

- 7.5 Any resolution proposed under this Bylaw shall be placed on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request.
- 7.6 Amendments by resolution to this Bylaw shall be recorded in attachments placed on the Council's website.
- 7.7 This resolution-making power is additional to the Council's powers under the Local Government Act 1974 to make resolutions and does not restrict that further power.

Part 3 Vehicle and Road Use

8. One-way roads

- 8.1 The Council may by resolution require vehicles on roads or part of a road to travel in one specified direction only.
- 8.2 Every driver of a vehicle must travel only in the direction specified on a one-way road.
- 8.3 The Council may specify by resolution that cycles may travel in the opposite direction on a one-way road.

9. Left or right turns and U-turns

- 9.1 The Council may by resolution prohibit or restrict -
- (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction; and
 - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- 9.2 Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any).
- 9.3 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

10. Routes and manoeuvres on roads

- 10.1 The Council may by resolution prescribe for traffic or specified classes of vehicles routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.

10.2 A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by the Council.

11. Special vehicle lanes

11.1 The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.

11.2 Any resolution made under this clause must specify, as the case may be –

(a) the type of special vehicle lane; and

(b) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.

11.3 A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

12. Traffic control by size, nature or goods (including heavy vehicles)

12.1 The Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified motor vehicles or class of vehicle due to their size or nature, or the nature of the goods carried.

12.2 A person must not use a road contrary to a prohibition or restriction made by the Council under this clause.

12.3 If in the opinion of the Council it is safe to do so, the Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of -

(a) loading or unloading goods or passengers at any property whose access is by way of the road; or

(b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or

(c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or

(d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available; or

(e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available

13. Shared paths and cycle paths

13.1 The Council may by resolution determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.

13.2 A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council.

14. Shared use zones

14.1 The Council may by resolution specify any road or part of a road to be a shared use zone.

14.2 Any resolution made under this clause may specify -

- (a) whether the shared use zone may be used by specified classes of vehicles;
- (b) the days and hours of operation of the shared use zone (if they differ from 24 hours per day, 7 days per week); and
- (c) any other restrictions on how the shared use zone is to be used by the public, including how traffic and pedestrians will interact.

14.3 Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared use zone.

14.4 A person must not use a shared use zone in a manner contrary to any restriction made by the Council under this clause.

15. Construction of anything on, over, or under a road or cycle path

15.1 The Council may prescribe the use of roads and cycle path, and the construction of anything on, over, or under a road or cycle path.

16. Cruising

16.1 The Council may by resolution –

- (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

16.2 A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by the Council under this clause.

17. Light motor vehicle restrictions

17.1 The Council may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.

17.2 A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by the Council under this clause unless -

- (a) that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
- (b) that motor vehicle is being used for the time being as a passenger service vehicle; or
- (c) prior written permission from the Council has been obtained.

18. Engine braking

18.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.

18.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under this clause.

19. Unformed legal roads

19.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.

19.2 A person must not use a motor vehicle on an unformed road contrary to a resolution made by the Council under this clause.

20. Beaches

20.1 No person may drive, ride or park a motor vehicle on a beach unless -

- (a) it is necessary to do so in order to launch or land a boat at a boat launching area designated by the Council resolution; or
- (b) the person has the prior written permission of the Council to do so and complies with any conditions imposed by the Council on its written permission.

20.2 The Council may give permission under clause 20.1 (b) to a person or give a general permission in respect of an event without identifying particular persons.

Part 4 Parking

21. Stopping, standing and parking

21.1 The Council may by resolution -

- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
- (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.

21.2 A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

22. Temporary discontinuance of a parking place

22.1 An Authorised Officer may temporarily restrict parking in any parking space or area by placing signage that states, "No Stopping". It shall be unlawful for any person to stop or park a vehicle at the parking space or area affected while any sign/signs or meter-hoods are placed or erected.

22.2 Parking restricted under 22.1 may be limited to a class of vehicle or person.

22.3 If a disabled parking space is temporarily discontinued, an alternative mobility parking space must be established in the nearest suitable place for the length of time of the discontinuance and signed correctly.

22.4 The Council may from time to time by resolution fix fees, at the same rate as the parking space or area discontinued, payable for users or classes of users authorised by an Authorised Officer to parking spaces or areas reserved in the manner prescribed by clause 22.2 hereof.

23. Time restricted parking

23.1 Without limiting anything in clauses 7.1 – 7.6, the Council may by resolution specify any road, or part of a road, or piece of land owned or controlled by the Council to be a time restricted parking space or zone.

23.2 The Council may impose the following conditions by resolution in respect of any time restricted parking space or zone -

- (a) the time or times during which parking restrictions have effect;
- (b) the number and situation of parking spaces within each time restricted parking zone;
- (c) the maximum time allowed for parking in any space within any time restricted parking zone, this includes vehicles that move between parking spaces within any time restricted parking zone within the maximum time allowed;
- (d) the fees or other charges to be paid for parking in any parking space or the fees or other charges to be paid for parking within any time restricted parking zone;
- (e) the class or description of vehicles that may stop, stand or park within a time restricted parking zone;
- (f) the means or manner by which fees or other charges may be paid in respect of each time restricted parking zone, including by parking machine; and

(g) any other condition the Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.

23.3 Any restrictions that apply to a time restricted parking zone do not apply in locations within that area where other specific stopping, standing or parking restrictions apply.

23.4 A person must not stop, stand or park a vehicle in a time restricted parking zone in contravention of any prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.

23.5 The Council may amend by resolution or revoke a decision made under this clause 23 at any time.

24. Parking places, parking buildings, transport stations and zone parking

24.1 Without limiting anything in clauses 7.1-7.6 the Council may by resolution:

- (a) reserve any area of land or any road or any part of a road, or group of roads, or any zone or any building or any part of a building owned or under the care, management or control of the Council to be a parking place, or a coupon parking area, or metered parking area, or a transport station, or any combination of these;
- (b) specify the vehicles or classes of vehicle that may or must not use a parking place, or a coupon parking area, or metered parking area, or transport station;
- (c) prescribe the days and times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place, within a coupon parking area, or within metered parking area, or a transport station;
- (d) the length of time, if any, for which a vehicle may be parked in a parking space, or within a coupon parking area, or within a metered parking area, or a transport station, without validly displaying a parking coupon or paying the prescribed fee;
- (e) the date and time at which a decision made under this clause comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area, or metered parking area, or transport station;
- (f) prescribe -
 - (i) any charges to be paid for the use of a parking place, or a coupon parking area, or metered parking area, or a transport station; and

(ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner.

(g) make provision for the efficient management and control of a parking place, or a coupon parking area, or metered parking area, or transport station.

24.2 Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.

24.3 A person must not park a vehicle in a parking place, within a coupon parking area, within a metered parking area, or transport station in contravention of any prescribed fee, prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.

24.4 The Council may amend by resolution or revoke a decision made under this clause at any time.

25. Residents' parking

25.1 The Council may by resolution specify any road, or part of a road, or group of roads, or any combination of these as -

- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity; or
- (b) a residents' exemption parking area for the use of a person who resides in the vicinity.

25.2 The Council may by resolution prescribe –

- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place;
- (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity;
- (c) the days and times that the parking spaces referred to in clause 25.1 are residents' only parking or residents' exemption parking spaces; and
- (d) the date and time at which a decision made under this clause 25.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents' only or residents' exemption parking area.

25.3 The Council may by resolution prescribe points 25.2 (a) to (d) for any business or institution who operate out of a building located within the area specified in clause 25.1.

25.4 The Council may by resolution amend or revoke a decision made under clause 25.1 of this Bylaw at any time.

25.5 No person may park in a residents' parking space in a residents' only parking or residents' exemption area unless -

- (a) the person holds a valid residents' parking permit from the Council for that residents' parking area;
- (b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
- (c) if a paper permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

26. Disability parking

26.1 The Council may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.

26.2 A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.

26.3 A person must not park a vehicle which is displaying an approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

27. Other permits

27.1 The Council may by resolution specify the vehicle or classes of vehicles that may or must not use a parking place, or parking area, or transport station, such classes including but not limited to -

- (i) motorcycles;
- (ii) cycles, including electric bicycles;
- (iii) electric scooters and other micro-mobility devices;
- (iv) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
- (v) goods service vehicles;
- (vi) taxis and other small passenger service vehicles;
- (vii) buses and coaches, both public and commercial;
- (viii) vehicles in the course of loading or unloading goods or passengers ('loading zone');

- (ix) vehicles used by pregnant persons or by persons accompanied by infants or young children;
- (x) car share vehicles;
- (xi) oversize vehicles, trailers, boats or caravans;
- (xii) diplomatic or consular corps vehicles;
- (xiii) members of the judiciary vehicles;
- (xiv) medical practitioner vehicles; and
- (xv) mobile traders using stands or stalls.

27.2 For the purpose of clause 27.1, the Council may by resolution prescribe –

- (a) any fees to be paid annually or in any other specified manner, for the use of a parking place, or within a parking area, or transport station;
- (b) the manner by which any fees may be paid for the use of a parking place or parking area, or transport station;
- (c) the days and times that the parking spaces referred to in clause 27.2 are restricted to a vehicle or class of vehicle; and
- (d) any free period for the use of a parking place, or within a parking area, or transport station.

27.3 No person may park in a parking place or parking area, or transport station as per clause 27.1 unless -

- (a) the person holds a valid parking permit from the Council for that parking place or parking area, or transport station;
- (b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
- (c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

28. Parking in restricted and line-marked parking spaces

28.1 No driver of a vehicle shall park -

- (a) a vehicle on or over any marking indicating the limits of the parking space or area,
- (b) so that the vehicle is not entirely within any markings which indicate the limits of the parking space or area, or

(c) angle park unless in a parking space marked for angle parking.

However, where a vehicle has a trailer attached, the driver of it may park the vehicle and trailer in two adjacent parking spaces which are in the same alignment, paying the fees as are required for both spaces.

28.2 In an angle park, the front or the rear of the vehicle (as the case may be) shall be as near as is practical to the kerb.

28.3 No driver of a vehicle shall park it in a parking space which is already occupied by another vehicle, except where more than one motorcycle or moped may be parked in a parking space.

28.4 Where more than one motorcycle or moped occupies a parking space, or within the parking area, each motorcycle or moped is required to pay the relevant parking fee for any authorised period.

28.5 No driver of a vehicle, including motorcycle or moped, shall remain parked in the parking space, or within the parking area, while the parking machine at that parking space, or parking area, shows the authorised period has expired, or for a time in excess of the maximum authorised period.

28.6 Subject to paragraph 28.7 of this clause, if the parking space or area is parallel to the kerb or footpath, the driver of any vehicle (except a motorcycle) shall park the vehicle so that it is headed in the general direction of the movement of the traffic on the side of the street on which it is parked.

28.7 A motorcycle may be parked otherwise than parallel to the kerb or footpath provided that during the hours of darkness it shall be sufficiently illuminated to be visible from at least 50 metres.

28.8 A taxi may not stop, stand or park in any parking space in the taxi restricted parking area, unless it is on a designated stand as defined in the Land Transport Rule: Operator Licensing 2017 or it is waiting for a hirer who has already hired the vehicle.

28.9 A specified class of vehicle, such as oversize, electric vehicle, goods vehicle, car share, may not stop, stand or park in any parking space in a class restricted parking area, unless it is the specified class of vehicle that the parking space is restricted for.

29. Parking vehicles on the grass/berm

29.1 No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road.

30. Parking vehicles off a roadway

30.1 A person must not stop, stand or park a vehicle on the side of any road.

30.2 A person may stop, stand or park a vehicle in contravention of this clause if -

- (a) that part of the road is designed and constructed to accommodate a parked vehicle;
- (b) the vehicle does not have effective motive power or is in such a state that it cannot be safely driven; or
- (c) the Council has given written permission to stop, stand or park a vehicle in that part of the road.

31. Parking for display or sale

31.1 A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel or has the prior written permission of an Authorised Officer.

32. Mobile trading

32.1 The Council may prohibit or permit the occupation of stands or stalls (including vehicles used as stalls) for mobile trading purposes in roads and public places.

32.2 The Council may prescribe charges in respect of any permits that may be granted under 32.1.

32.3 A person must not undertake mobile trading in roads and public places in contravention of any prescribed fee, prohibition or permit conditions made by the Council.

33. Motorhomes, heavy goods vehicles, immobilised vehicles and trailers

33.1 No person may park a motorhome, heavy goods vehicle, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.

33.2 Parking on any road for a continuous period exceeding seven days in sub-clause (33.1) includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

34. Other items on roads

34.1 A person must not leave any machinery, equipment, materials, object, waste receptacles or freight containers on any road unless that person has the prior written permission of an Authorised Officer.

34.2 Any machinery, equipment, materials, waste receptacles or freight containers placed on any road covered by a parking fee or charge, must pay the fee requested by the Council for the time period the object is in place.

- 34.3 If any object is placed on the road without permission under this clause or does not comply with the conditions of the permission, the Council may -
- (a) request the owner to remove the object or repair the damage to the Council's satisfaction within 24 hours or a timeframe set by an Authorised Officer,
 - (b) charge the owner for this work; and/or
 - (c) place adjacent to, or affix to, the object any safety or warning devices, and the costs of the safety or warning device will be charged to the owner of the object.
- 34.4 This clause does not apply to any object that may be placed on the road which has been authorised by the Council (for example, wheelie bins that are specifically for the purpose of Council rubbish collection placed no more than 24 hours prior to the collection day).

35. Repairs on vehicles

- 35.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

36. Broken down vehicles

- 36.1 A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

37. Policy guidelines for restricted parking

- 37.1 The administration of the restricted parking permits under clauses 24, 25, 26 and 27 will be in accordance with the Council's published guidelines.
- 37.2 Any guidelines published under this Bylaw shall be placed on the Council's website.

Part 5 Offences and Penalties

38. Offences

- 38.1 Every person commits an offence against this Bylaw who -
- (a) Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, domes, areas, markings, parking meters, multiple parking meters, traffic signs, or other signs and notices, laid down, placed, or made, or erected, in or on any road, parking building, or other parking area controlled by the Council, pursuant to any provision of this Bylaw, or of any resolutions made thereunder.

-
- (b) Fails to comply with any resolution made under this Bylaw or fails to comply with any duty, obligation, or condition imposed by this Bylaw.
 - (c) Drives a vehicle on any road in a manner which interferes with or obstructs any funeral, or civic, State or authorised procession.
 - (d) Drives any vehicle over any hose in use in connection with an outbreak or alarm of fire provided that it shall not be an offence under this clause so to drive if hose bridges are provided or the driver is directed by an enforcement officer, police officer or New Zealand Fire Service officer.
 - (e) Drives or parks a vehicle, or leaves any other object on the road, so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties.
 - (f) Drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle.
 - (g) Unloads any vehicle or other object so as to cause, or be likely to cause, damage to the road, pavement or any footpath.
 - (h) Drives any vehicle onto any property of the Council other than a road or permits the vehicle to stand or remain standing on any such property, without the consent of the Council.
 - (i) Drives or parks a vehicle on any grassed or cultivated area under the control of the Council.
 - (j) Leaves in or on any road or private road within the City for a period exceeding 7 days, any vehicle having no effective motive power in or attached to it, or in such a state that it cannot be safely driven, or so immobilised, disabled or damaged that it cannot be driven.

It shall not be a defence to a charge under this paragraph that the vehicle is under repair, if that repair exceeds 7 days.

For the purposes of 38.1 (a) to ((j)) "vehicle" also includes caravans, trailers, mopeds, electric scooters and other micro-mobility devices, boats, and the shell or hulk of a vehicle.

- (k) Parks on a road in front of any property in the Residential Area under the Council's District Plan, where the size of the vehicle parked, or the continual nature of the parking, unreasonably prevents occupants from accessing their property, excluding commercial vehicles parked on the road temporarily for business purposes.
- (l) In relation to residents' only or residents' exemption parking areas -

-
- i. makes a false application or supplies false details in an application.
 - ii. makes an application for a vehicle not registered to an eligible address.
 - iii. places or uses a permit on a vehicle, or holds an electronic permit, for which it was not issued.
 - iv. places or maintains a permit, or allows a permit to be placed or maintained, or holds an electronic permit, on a vehicle which is no longer being used by an eligible resident.
 - v. parks a vehicle in a place that is the subject of a residents' only or residents' exemption parking scheme without a valid permit.
- (m) In relation to all other permit parking -
- i. parks within the permit parking space or area for longer than the free period without holding an electronic coupon or permit, or displaying a clearly validated coupon or permit on the vehicle;
 - ii. displays or holds an electronic permit or coupon on the vehicle for a date other than the date indicated;
 - iii. parks in excess of any other time restriction or contrary to any other parking restriction in place within the permit or coupon parking area.
- (n) Fails to produce a permit or coupon or can demonstrate holding an electronic permit or coupon on demand pursuant to clause 26.
- (o) Causes, allows or permits any vehicle to be parked in any parking space or area except in accordance with, or pursuant to, the provision of this Bylaw and of any resolutions.
- (p) Causes, allows or permits any vehicle to remain parked in a parking space or area for more than 24 hours where no other maximum authorised period is specified in a Council resolution or on a parking machine or signs in its vicinity.

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- (q) Causes to be inserted in any parking machine anything other than the prescribed coin or coins or does not comply with any other card or token system prescribed by resolution of the Council as a method of making payment of the parking fee.
 - (r) Fails to activate an approved parking machine while parked in a parking space or area, adjusts the tariff to make it different from that required at that space, or displays the tariff incorrectly so that it cannot be read for enforcement purposes.
 - (s) Places or leans a bicycle, motorcycle, electric scooter or power-cycle on or against a parking meter.
 - (t) Places or leaves a bicycle or electric scooter on any parking space unless it is designed or designated specifically for bicycles or electric scooters.
 - (u) Misuses any parking machine or parking monitor.
 - (v) Interferes or tampers with the working or operation of any parking machine or parking monitor.
 - (w) Without due authority from the Council affixes any placard, advertisement, notice, list, document, board or thing on, or paint, or writes upon any parking machine or parking monitor.
 - (x) Wilfully damages any traffic control sign or parking machine or parking monitor.
 - (y) Parks a motorcycle, electric scooter, bicycle or power-cycle between or at the end of parking spaces.
 - (z) Operates or attempts to operate any parking machine by any means other than as prescribed by this Bylaw.
 - (aa) Operates, drives or parks a vehicle on a beach except in accordance with 20(a) or 20(b) of this Bylaw.

39. Vehicle and object removal

39.1 A Council enforcement officer or their appointed agents may remove or cause to be removed any vehicle or other thing from any road, or other area controlled by the Council, which contravenes this Bylaw, or any resolution made under this Bylaw, and the Council may recover from the person committing the breach of this Bylaw all expenses incurred in connection with the removal of the offending vehicle or thing.

39.2 The powers that may be exercised under this clause are in addition to those provided in section 128E of the Land Transport Act 1998, the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 and section 356 and 356A of the Local Government Act 1974.

40. Private roads

40.1 The Council may declare by resolution any private road to be a no parking area. In order that a no parking area may be declared, the Council must -

- (a) obtain written consent of all adjoining landowners of the area concerned; and
- (b) erect signage as required under the Land Transport Rules.

40.2 The powers that may be exercised under this clause are in addition to those provided in sections 348 of the Local Government Act 1974.

41. Parking defences

41.1 It shall be a defence to any person who is the driver, or is in charge of any vehicle and who is charged under this Bylaw with a breach of any condition imposed by this Bylaw relating to any parking space if such person proves that the act complained of was done -

- (a) in compliance with the directions of an enforcement officer or that the vehicle was actually engaged on a public work and was being used on the road with due consideration for other road users; or
- (b) with a vehicle used by an Ambulance Service or the Fire Service, Police or other emergency service in the urgent carrying out of their respective duties; or
- (c) vehicles being used in the execution of duty by an enforcement officer.

Part 6 Miscellaneous

42. Permissions under this Bylaw

42.1 The Council may set application fees for permissions under this Bylaw and any application for a permission must be accompanied by the relevant application fee (if any).

42.2 An application for permission must be in writing, contain all information necessary for the Authorised Officer to consider issuing a permit, and be submitted in accordance with applicable Council policy.

42.3 Any permission under this Bylaw may –

- (a) include conditions (including the payment of ongoing fees and charges); and
- (b) be granted by an Authorised Officer at the officer's discretion.

42.4 An Authorised Officer determining an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, and a Corridor Access Request.

42.5 The Council may, in its discretion, at any time, review any permission given under this Bylaw.

42.6 Any breach of the conditions of a permission granted under this bylaw -

(a) may result in the permission being withdrawn (in accordance with the Council's Consolidated Bylaw 2008); and

(b) is a breach of this Bylaw.

43. Revocations and savings

43.1 Any approval, permit or other act of authority which originated under or was continued by the Bylaw revoked in clause 3 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.

43.2 The resolutions of the Council made or continued under the bylaw revoked under clause 3 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw.

43.3 The revocation of do not prevent any legal proceedings, criminal or civil, being taken to enforce the Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

Final proposed Traffic and Parking Bylaw

1. Preamble

The title of this Bylaw is the “Wellington City Council Traffic and Parking Bylaw 2020”. This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Policies, Acts and Regulations. This includes the Wellington City Council Parking Policy 2020, the Land Transport (Road User) Rule 2004 and the Local Government Act 1974, which should be referred to in conjunction with this Bylaw.

2. Commencement

This Bylaw comes into force on [insert date]. Except for clauses 28.4 and 28.5 which come into force the day following the making of a traffic resolution for that purpose.

3. Revocation

This Bylaw repeals and replaces Part 7: Traffic of the Wellington City Council Consolidated Bylaw 2008.

4. Application

This Bylaw applies to all roads under the care, control, or management of Wellington City Council for which it has bylaw-making powers, this includes beaches and unformed legal roads. It excludes State Highways controlled by the Waka Kotahi NZ Transport Agency except for those covered by the Instrument of Delegation relating to *Stationary Vehicle Offences on State Highways* and the Instrument of Delegation relating to *Special Vehicle Lane Offences, Stock Control, Roadside Selling and Planned Road Closures on State Highways*.

Part 1: Preliminary Provisions

5. Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicles, other traffic (including pedestrian traffic), objects and other things on any road or parking area under the care, control, or management of Wellington City Council.

6. Interpretation

6.1 Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 or any amendments thereof, shall have the meanings as are respectively assigned in those Acts/Rules, unless

those meanings would be inconsistent with, the context otherwise requires, or a different definition is given in clause 6.2.

6.2 In this Bylaw, unless the context otherwise requires -

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under section 128D of the Land Transport Act 1998 or Police Officer.

Berm means a grass area between the roadway, and the footpath or property boundary

Car share vehicle means a vehicle operated by an organisation approved by the Council to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly or daily basis.

Cargo bike means a bicycle designed to carry larger and heavier loads than a regular bicycle, generally with an in-built container. Sometimes these may involve electric motors.

Class of vehicle means groupings of vehicles defined by reference to any common feature and includes but is not limited to -

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by the Council.

Coupon parking area is a "zone parking control" under the Land Transport Rule: Traffic Control Devices 2004 and means any area of land or building belonging to or under the control of the Council. It is authorised by resolution of the Council pursuant to clause 21 of this Bylaw in which parking is subject to the valid purchase of an online parking coupon or display of a parking coupon.

Council means the Wellington City Council.

Cycle lane has the same meaning as the Land Transport (Road User) Rule 2004.

Cycle path has the same meaning as the Land Transport (Road User) Rule 2004.

Disabled parking space means any reserved parking for the use of disabled persons as defined by the mobility parking permit application criteria issued by CCS Disability Action or Sommerville Disability Support Services.

Electric scooter is designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor. In order to

meet the requirements for a low-powered vehicle, the wheels must not exceed 355mm and the motor must have a maximum power output not exceeding 300W.

Parking coupon or coupon means a coupon issued by or on behalf of the Council to any person authorising the parking of a vehicle in a coupon parking area in accordance with this Bylaw.

Footpath means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

Institution is an organisation founded for a religious, educational, professional or social purpose.

Metered parking area means a road, area of land or building owned or controlled by the Council which is authorised by resolution of the Council to be used as a parking place and at which parking is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by the Council.

Micro-mobility device means transportation using lightweight vehicles such as bicycles, skateboards or scooters, especially electric ones that may be used as part of a self-service scheme in which people hire vehicles for short-term use within a town or city.

Mobile trading means temporary trading activity from a location which is vacated the end of the day when trading is finished, trading activity is from stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops
Motorhome means a self-propelled motor vehicle equipped for living in. Includes a house-bus, horse box with sleeping area and camper van.

Oversize vehicle means a single vehicle or combination of vehicles and trailers that will not fit into a standard sized parking space. This includes, for example, motorhomes, trucks and vehicles towing trailers or other vehicles.

Parking machine means an electronic or mechanical device, in relation to the time for which a vehicle may be parked in a parking space or in accordance with this Bylaw, designed to either -

- a. measure and indicate the period of time paid for and which remains to be used;
- b. issue a receipt, by print or electronic communications, showing the period of time paid for and accordingly which remains to be used;
- c. for the purpose of controlling or monitoring the parking of any vehicle in a parking place; and
- d. includes single, multiple and pay and display parking meters and any other device (for example, electronic application) that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

Parking space means a place (including a building) where vehicles, or any class of vehicles, may stop, stand or park.

Permit means a permit to park a vehicle on a road or parking space supplied by the Council, under this Bylaw. It may be electronic or a paper/card permit.

Prescribed fee means New Zealand coin, token, card, prepaid parking device, or other system of payment prescribed by resolution of the Council pursuant to this Bylaw as the fee payable for parking in a parking space.

Residents only parking area is a road, part of a road or group of roads where only vehicles of residents residing on those roads within the residents only area may park on the street with the relevant permit.

Residents exemption parking area is a road, part of a road or group of roads where a parking restriction is in place and vehicles of residents residing on those roads within the residents exemption area, with the relevant permit, are exempt from the parking restrictions.

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and includes motorways or state highways covered by the Instrument of Delegation. The meaning also includes beaches and unformed legal roads.

Shared path has the same meaning as section 11.1A (1) in the Land Transport (Road User) Rule 2004 and the provisions under section 11.1A apply.

Shared use zone means a length of roadway intended to be used by pedestrians and vehicles, including motor vehicles, and where the parking areas may be designated for different users at different times.

Taxi has the same meaning as Small Passenger Service Vehicle under the Land Transport Act 1998.

Taxi restricted parking area means the area or areas of road identified as such by Council resolution from time to time.

Time restricted parking means a parking space, road, part of road or group of roads where there is a limit to the length of time a vehicle or class of vehicles may park.

Transport station means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

Unformed legal road is any land that forms part of the road but is not used as a carriageway or footpath, also known as 'paper roads'.

6.3 The Interpretation Act 1999 applies to the interpretation of this Bylaw.

Part 2 Functions of the Council

7. Resolutions made under this part of the Bylaw

7.1 The Council may by resolution impose such prohibitions, exemptions, restrictions, controls or directions concerning the use by traffic or otherwise of any road or other area or building controlled by the Council unless the restriction / control / prohibition / direction is already provided for in a relevant enactment, such as the Local Government Act 1974 or Land Transport Rule (in which case a Council resolution is not required).

7.2 When making resolutions, the Parking Policy 2020 is a relevant consideration.

7.3 Any resolution may -

- (a) Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.
- (b) Be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events or be limited to specified maximum periods of time.
- (c) Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, parking area, building, transport station, or restricted parking area; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces, buildings or areas.
- (d) Specify a minimum number of occupants in any private motor vehicle.
- (e) Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.

7.4 Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 7.1 at any time.

7.5 Any resolution proposed under this Bylaw shall be placed on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request.

7.6 Amendments by resolution to this Bylaw shall be recorded in attachments placed on the Council's website.

7.7 This resolution-making power is additional to the Council's powers under the Local Government Act 1974 to make resolutions and does not restrict that further power.

Part 3 Vehicle and Road Use

8. One-way roads

8.1 The Council may by resolution require vehicles on roads or part of a road to travel in one specified direction only.

8.2 Every driver of a vehicle must travel only in the direction specified on a one-way road.

8.3 The Council may specify by resolution that cycles may travel in the opposite direction on a one-way road.

9. Left or right turns and U-turns

9.1 The Council may by resolution prohibit or restrict -

- (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction; and
- (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.

9.2 Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any).

9.3 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

10. Routes and manoeuvres on roads

10.1 The Council may by resolution prescribe for traffic or specified classes of vehicles routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.

10.2 A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by the Council.

11. Special vehicle lanes

11.1 The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.

11.2 Any resolution made under this clause must specify, as the case may be –

- (a) the type of special vehicle lane; and
- (b) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.

11.3 A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

12. Traffic control by size, nature or goods (including heavy vehicles)

12.1 The Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified motor vehicles or class of vehicle due to their size or nature, or the nature of the goods carried.

12.2 A person must not use a road contrary to a prohibition or restriction made by the Council under this clause.

12.3 If in the opinion of the Council it is safe to do so, the Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of -

- (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
- (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or

- (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
- (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available; or
- (e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available

13. Shared paths and cycle paths

- 13.1 The Council may by resolution determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.
- 13.2 A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council.

14. Shared use zones

- 14.1 The Council may by resolution specify any road or part of a road to be a shared use zone.
- 14.2 Any resolution made under this clause may specify -
 - (a) whether the shared use zone may be used by specified classes of vehicles;
 - (b) the days and hours of operation of the shared use zone (if they differ from 24 hours per day, 7 days per week); and
 - (c) any other restrictions on how the shared use zone is to be used by the public, including how traffic and pedestrians will interact.
- 14.3 Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared use zone.
- 14.4 A person must not use a shared use zone in a manner contrary to any restriction made by the Council under this clause.

15. Construction of anything on, over, or under a road or cycle path

- 15.1 The Council may prescribe the use of roads and cycle path, and the construction of anything on, over, or under a road or cycle path.

16. Cruising

- 26.1 The Council may by resolution –
 - (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

26.2 A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by the Council under this clause.

17. Light motor vehicle restrictions

27.1 The Council may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.

27.2 A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by the Council under this clause unless -

- (a) that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
- (b) that motor vehicle is being used for the time being as a passenger service vehicle; or
- (c) prior written permission from the Council has been obtained.

18. Engine braking

18.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.

18.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under this clause.

19. Unformed legal roads

19.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.

19.2 A person must not use a motor vehicle on an unformed road contrary to a resolution made by the Council under this clause.

20. Beaches

20.1 No person may drive, ride or park a motor vehicle on a beach unless -

- (a) it is necessary to do so in order to launch or land a boat at a boat launching area designated by the Council resolution; or
- (b) the person has the prior written permission of the Council to do so and complies with any conditions imposed by the Council on its written permission.

20.2 The Council may give permission under clause 20.1 (b) to a person or give a general permission in respect of an event without identifying particular persons.

Part 4 Parking

21. Stopping, standing and parking

21.1 The Council may by resolution -

- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
- (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.

21.2 A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

22. Temporary discontinuance of a parking place

22.1 An Authorised Officer may temporarily restrict parking in any parking space or area by placing signage that states, "No Stopping". It shall be unlawful for any person to stop or park a vehicle at the parking space or area affected while any sign/signs or meter-hoods are placed or erected.

22.2 Parking restricted under 22.1 may be limited to a class of vehicle or person.

22.3 If a disabled parking space is temporarily discontinued, an alternative mobility parking space must be established in the nearest suitable place for the length of time of the discontinuance and signed correctly.

22.4 The Council may from time to time by resolution fix fees, at the same rate as the parking space or area discontinued, payable for users or classes of users authorised by an Authorised Officer to parking spaces or areas reserved in the manner prescribed by clause 22.2 hereof.

23. Time restricted parking

23.1 Without limiting anything in clauses 7.1 – 7.6, the Council may by resolution specify any road, or part of a road, or piece of land owned or controlled by the Council to be a time restricted parking space or zone.

23.2 The Council may impose the following conditions by resolution in respect of any time restricted parking space or zone -

- (a) the time or times during which parking restrictions have effect;
- (b) the number and situation of parking spaces within each time restricted parking zone;
- (c) the maximum time allowed for parking in any space within any time restricted parking zone, this includes vehicles that move between parking spaces within any time restricted parking zone within the maximum time allowed;
- (d) the fees or other charges to be paid for parking in any parking space or the fees or other charges to be paid for parking within any time restricted parking zone;
- (e) the class or description of vehicles that may stop, stand or park within a time restricted parking zone;

- (f) the means or manner by which fees or other charges may be paid in respect of each time restricted parking zone, including by parking machine; and
- (g) any other condition the Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.

23.3 Any restrictions that apply to a time restricted parking zone do not apply in locations within that area where other specific stopping, standing or parking restrictions apply.

23.4 A person must not stop, stand or park a vehicle in a time restricted parking zone in contravention of any prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.

23.5 The Council may amend by resolution or revoke a decision made under this clause 23 at any time.

24. Parking places, parking buildings, transport stations and zone parking

24.1 Without limiting anything in clauses 7.1-7.6 the Council may by resolution:

- (h) reserve any area of land or any road or any part of a road, or group of roads, or any zone or any building or any part of a building owned or under the care, management or control of the Council to be a parking place, or a coupon parking area, or metered parking area, or a transport station, or any combination of these;
- (i) specify the vehicles or classes of vehicle that may or must not use a parking place, or a coupon parking area, or metered parking area, or transport station;
- (j) prescribe the days and times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place, within a coupon parking area, or within metered parking area, or a transport station;
- (k) the length of time, if any, for which a vehicle may be parked in a parking space, or within a coupon parking area, or within a metered parking area, or a transport station, without validly displaying a parking coupon or paying the prescribed fee;
- (l) the date and time at which a decision made under this clause comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area, or metered parking area, or transport station;
- (m) prescribe -
 - (i) any charges to be paid for the use of a parking place, or a coupon parking area, or metered parking area, or a transport station; and
 - (ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner.

(n) make provision for the efficient management and control of a parking place, or a coupon parking area, or metered parking area, or transport station.

24.2 Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.

24.3 A person must not park a vehicle in a parking place, within a coupon parking area, within a metered parking area, or transport station in contravention of any prescribed fee, prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.

24.4 The Council may amend by resolution or revoke a decision made under this clause at any time.

25. Residents' parking

25.1 The Council may by resolution specify any road, or part of a road, or group of roads, or any combination of these as -

- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity; or
- (b) a residents' exemption parking area for the use of a person who resides in the vicinity.

25.2 The Council may by resolution prescribe –

- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place;
- (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity;
- (c) the days and times that the parking spaces referred to in clause 25.1 are residents' only parking or residents' exemption parking spaces; and
- (d) the date and time at which a decision made under this clause 25.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents' only or residents' exemption parking area.

25.3 The Council may by resolution prescribe points 25.2 (a) to (d) for any business or institution who operate out of a building located within the area specified in clause 25.1.

25.4 The Council may by resolution amend or revoke a decision made under clause 25.1 of this Bylaw at any time.

25.5 No person may park in a residents' parking space in a residents' only parking or residents' exemption area unless -

- (a) the person holds a valid residents' parking permit from the Council for that residents' parking area;

- (b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
- (c) if a paper permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

26. Disability parking

- 26.1 The Council may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.
- 26.2 A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.
- 26.3 A person must not park a vehicle which is displaying an approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

27. Other permits

- 27.1 The Council may by resolution specify the vehicle or classes of vehicles that may or must not use a parking place, or parking area, or transport station, such classes including but not limited to -
- (i) motorcycles;
 - (ii) cycles, including electric bicycles;
 - (iii) electric scooters and other micro-mobility devices;
 - (iv) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
 - (v) goods service vehicles;
 - (vi) taxis and other small passenger service vehicles;
 - (vii) buses and coaches, both public and commercial;
 - (viii) vehicles in the course of loading or unloading goods or passengers ('loading zone');
 - (ix) vehicles used by pregnant persons or by persons accompanied by infants or young children;
 - (x) car share vehicles;
 - (xi) oversize vehicles, trailers, boats or caravans;
 - (xii) diplomatic or consular corps vehicles;

- (xiii) members of the judiciary vehicles;
- (xiv) medical practitioner vehicles; and
- (xv) mobile traders using stands or stalls.

27.2 For the purpose of clause 27.1, the Council may by resolution prescribe –

- (a) any fees to be paid annually or in any other specified manner, for the use of a parking place, or within a parking area, or transport station;
- (b) the manner by which any fees may be paid for the use of a parking place or parking area, or transport station;
- (c) the days and times that the parking spaces referred to in clause 27.2 are restricted to a vehicle or class of vehicle; and
- (d) any free period for the use of a parking place, or within a parking area, or transport station.

27.3 No person may park in a parking place or parking area, or transport station as per clause 27.1 unless -

- (a) the person holds a valid parking permit from the Council for that parking place or parking area, or transport station;
- (b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
- (c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

28. Parking in restricted and line-marked parking spaces

28.1 No driver of a vehicle shall park -

- (a) a vehicle on or over any marking indicating the limits of the parking space or area,
- (b) so that the vehicle is not entirely within any markings which indicate the limits of the parking space or area, or
- (c) angle park unless in a parking space marked for angle parking.

However, where a vehicle has a trailer attached, the driver of it may park the vehicle and trailer in two adjacent parking spaces which are in the same alignment, paying the fees as are required for both spaces.

28.2 In an angle park, the front or the rear of the vehicle (as the case may be) shall be as near as is practical to the kerb.

28.3 No driver of a vehicle shall park it in a parking space which is already occupied by another vehicle, except where more than one motorcycle or moped may be parked in a parking space.

- 28.4 Where more than one motorcycle or moped occupies a parking space, or within the parking area, each motorcycle or moped is required to pay the relevant parking fee for any authorised period.
- 28.5 No driver of a vehicle, including motorcycle or moped, shall remain parked in the parking space, or within the parking area, while the parking machine at that parking space, or parking area, shows the authorised period has expired, or for a time in excess of the maximum authorised period.
- 28.6 Subject to paragraph 28.7 of this clause, if the parking space or area is parallel to the kerb or footpath, the driver of any vehicle (except a motorcycle) shall park the vehicle so that it is headed in the general direction of the movement of the traffic on the side of the street on which it is parked.
- 28.7 A motorcycle may be parked otherwise than parallel to the kerb or footpath provided that during the hours of darkness it shall be sufficiently illuminated to be visible from at least 50 metres.
- 28.8 A taxi may not stop, stand or park in any parking space in the taxi restricted parking area, unless it is on a designated stand as defined in the Land Transport Rule: Operator Licensing 2017 or it is waiting for a hirer who has already hired the vehicle.
- 28.9 A specified class of vehicle, such as oversize, electric vehicle, goods vehicle, car share, may not stop, stand or park in any parking space in a class restricted parking area, unless it is the specified class of vehicle that the parking space is restricted for.

29. Parking vehicles on the grass/berm

- 29.1 No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road.

30. Parking vehicles off a roadway

- 30.1 A person must not stop, stand or park a vehicle on the side of any road.
- 30.2 A person may stop, stand or park a vehicle in contravention of this clause if -
- (a) that part of the road is designed and constructed to accommodate a parked vehicle;
 - (b) the vehicle does not have effective motive power or is in such a state that it cannot be safely driven; or
 - (c) the Council has given written permission to stop, stand or park a vehicle in that part of the road.

31. Parking for display or sale

- 31.1 A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel or has the prior written permission of an Authorised Officer.

32. Mobile trading

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- 32.1 The Council may prohibit or permit the occupation of stands or stalls (including vehicles used as stalls) for mobile trading purposes in roads and public places.
- 32.2 The Council may prescribe charges in respect of any permits that may be granted under 32.1.
- 32.3 A person must not undertake mobile trading in roads and public places in contravention of any prescribed fee, prohibition or permit conditions made by the Council.

33. Motorhomes, heavy goods vehicles, immobilised vehicles and trailers

- 33.1 No person may park a motorhome, heavy goods vehicle, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.
- 33.2 Parking on any road for a continuous period exceeding seven days in sub-clause (33.1) includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

34. Other items on roads

- 34.1 A person must not leave any machinery, equipment, materials, object, waste receptacles or freight containers on any road unless that person has the prior written permission of an Authorised Officer.
- 34.2 Any machinery, equipment, materials, waste receptacles or freight containers placed on any road covered by a parking fee or charge, must pay the fee requested by the Council for the time period the object is in place.
- 34.3 If any object is placed on the road without permission under this clause or does not comply with the conditions of the permission, the Council may -
- (a) request the owner to remove the object or repair the damage to the Council's satisfaction within 24 hours or a timeframe set by an Authorised Officer,
 - (b) charge the owner for this work; and/or
 - (c) place adjacent to, or affix to, the object any safety or warning devices, and the costs of the safety or warning device will be charged to the owner of the object.
- 34.4 This clause does not apply to any object that may be placed on the road which has been authorised by the Council (for example, wheelie bins that are specifically for the purpose of Council rubbish collection placed no more than 24 hours prior to the collection day).

35. Repairs on vehicles

- 35.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

36. Broken down vehicles

36.1 A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

37. Policy guidelines for restricted parking

37.1 The administration of the restricted parking permits under clauses 24, 25, 26 and 27 will be in accordance with the Council's published guidelines.

37.2 Any guidelines published under this Bylaw shall be placed on the Council's website.

Part 5 Offences and Penalties

38. Offences

38.1 Every person commits an offence against this Bylaw who -

- (a) Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, domes, areas, markings, parking meters, multiple parking meters, traffic signs, or other signs and notices, laid down, placed, or made, or erected, in or on any road, parking building, or other parking area controlled by the Council, pursuant to any provision of this Bylaw, or of any resolutions made thereunder.
- (b) Fails to comply with any resolution made under this Bylaw or fails to comply with any duty, obligation, or condition imposed by this Bylaw.
- (c) Drives a vehicle on any road in a manner which interferes with or obstructs any funeral, or civic, State or authorised procession.
- (d) Drives any vehicle over any hose in use in connection with an outbreak or alarm of fire provided that it shall not be an offence under this clause so to drive if hose bridges are provided or the driver is directed by an enforcement officer, police officer or New Zealand Fire Service officer.
- (e) Drives or parks a vehicle, or leaves any other object on the road, so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties.
- (f) Drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle.
- (g) Unloads any vehicle or other object so as to cause, or be likely to cause, damage to the road, pavement or any footpath.

- (h) Drives any vehicle onto any property of the Council other than a road or permits the vehicle to stand or remain standing on any such property, without the consent of the Council.
- (i) Drives or parks a vehicle on any grassed or cultivated area under the control of the Council.
- (j) Leaves in or on any road or private road within the City for a period exceeding 7 days, any vehicle having no effective motive power in or attached to it, or in such a state that it cannot be safely driven, or so immobilised, disabled or damaged that it cannot be driven.

It shall not be a defence to a charge under this paragraph that the vehicle is under repair, if that repair exceeds 7 days.

For the purposes of 38.1 (a) to ((j) "vehicle" also includes caravans, trailers, mopeds, electric scooters and other micro-mobility devices, boats, and the shell or hulk of a vehicle.

- (k) Parks on a road in front of any property in the Residential Area under the Council's District Plan, where the size of the vehicle parked, or the continual nature of the parking, unreasonably prevents occupants from accessing their property, excluding commercial vehicles parked on the road temporarily for business purposes.
- (l) In relation to residents' only or residents' exemption parking areas -
 - i. makes a false application or supplies false details in an application.
 - ii. makes an application for a vehicle not registered to an eligible address.
 - iii. places or uses a permit on a vehicle, or holds an electronic permit, for which it was not issued.
 - iv. places or maintains a permit, or allows a permit to be placed or maintained, or holds an electronic permit, on a vehicle which is no longer being used by an eligible resident.
 - v. parks a vehicle in a place that is the subject of a residents' only or residents' exemption parking scheme without a valid permit.
- (m) In relation to all other permit parking -
 - i. parks within the permit parking space or area for longer than the free period without holding an electronic coupon or permit, or displaying a clearly validated coupon or permit on the vehicle;
 - ii. displays or holds an electronic permit or coupon on the vehicle for a date other than the date indicated;

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- iii. parks in excess of any other time restriction or contrary to any other parking restriction in place within the permit or coupon parking area.
 - (n) Fails to produce a permit or coupon or can demonstrate holding an electronic permit or coupon on demand pursuant to clause 26.
 - (o) Causes, allows or permits any vehicle to be parked in any parking space or area except in accordance with, or pursuant to, the provision of this Bylaw and of any resolutions.
 - (p) Causes, allows or permits any vehicle to remain parked in a parking space or area for more than 24 hours where no other maximum authorised period is specified in a Council resolution or on a parking machine or signs in its vicinity.
 - (q) Causes to be inserted in any parking machine anything other than the prescribed coin or coins or does not comply with any other card or token system prescribed by resolution of the Council as a method of making payment of the parking fee.
 - (r) Fails to activate an approved parking machine while parked in a parking space or area, adjusts the tariff to make it different from that required at that space, or displays the tariff incorrectly so that it cannot be read for enforcement purposes.
 - (s) Places or leans a bicycle, motorcycle, electric scooter or power-cycle on or against a parking meter.
 - (t) Places or leaves a bicycle or electric scooter on any parking space unless it is designed or designated specifically for bicycles or electric scooters.
 - (u) Misuses any parking machine or parking monitor.
 - (v) Interferes or tampers with the working or operation of any parking machine or parking monitor.
 - (w) Without due authority from the Council affixes any placard, advertisement, notice, list, document, board or thing on, or paint, or writes upon any parking machine or parking monitor.
 - (x) Wilfully damages any traffic control sign or parking machine or parking monitor.
 - (y) Parks a motorcycle, electric scooter, bicycle or power-cycle between or at the end of parking spaces.
 - (z) Operates or attempts to operate any parking machine by any means other than as prescribed by this Bylaw.
 - (aa) Operates, drives or parks a vehicle on a beach except in accordance with 20(a) or 20(b) of this Bylaw.

39. Vehicle and object removal

- 39.1 A Council enforcement officer or their appointed agents may remove or cause to be removed any vehicle or other thing from any road, or other area controlled by the Council, which contravenes this Bylaw, or any resolution made under this Bylaw, and the Council may recover from the person committing the breach of this Bylaw all expenses incurred in connection with the removal of the offending vehicle or thing.
- 39.2 The powers that may be exercised under this clause are in addition to those provided in section 128E of the Land Transport Act 1998, the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 and section 356 and 356A of the Local Government Act 1974.

40. Private roads

- 40.1 The Council may declare by resolution any private road to be a no parking area. In order that a no parking area may be declared, the Council must -
- (a) obtain written consent of all adjoining landowners of the area concerned; and
 - (b) erect signage as required under the Land Transport Rules.
- 40.2 The powers that may be exercised under this clause are in addition to those provided in sections 348 of the Local Government Act 1974.

41. Parking defences

- 41.1 It shall be a defence to any person who is the driver, or is in charge of any vehicle and who is charged under this Bylaw with a breach of any condition imposed by this Bylaw relating to any parking space if such person proves that the act complained of was done -
- (a) in compliance with the directions of an enforcement officer or that the vehicle was actually engaged on a public work and was being used on the road with due consideration for other road users; or
 - (b) with a vehicle used by an Ambulance Service or the Fire Service, Police or other emergency service in the urgent carrying out of their respective duties; or
 - (c) vehicles being used in the execution of duty by an enforcement officer.

Part 6 Miscellaneous

42. Permissions under this Bylaw

- 42.1 The Council may set application fees for permissions under this Bylaw and any application for a permission must be accompanied by the relevant application fee (if any).
- 42.2 An application for permission must be in writing, contain all information necessary for the Authorised Officer to consider issuing a permit, and be submitted in accordance with applicable Council policy.

-
- 42.3 Any permission under this Bylaw may –
- (a) include conditions (including the payment of ongoing fees and charges); and
 - (b) be granted by an Authorised Officer at the officer’s discretion.
- 42.4 An Authorised Officer determining an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, and a Corridor Access Request.
- 42.5 The Council may, in its discretion, at any time, review any permission given under this Bylaw.
- 42.6 Any breach of the conditions of a permission granted under this bylaw -
- (a) may result in the permission being withdrawn (in accordance with the Council’s Consolidated Bylaw 2008); and
 - (b) is a breach of this Bylaw.

43. Revocations and savings

- 43.1 Any approval, permit or other act of authority which originated under or was continued by the Bylaw revoked in clause 3 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.
- 43.2 The resolutions of the Council made or continued under the bylaw revoked under clause 3 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw.
- 43.3 The revocation of do not prevent any legal proceedings, criminal or civil, being taken to enforce the Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.
-

FORWARD PROGRAMME

Purpose

1. This report provides the Forward Programme for the Pūroro Āmua | Planning and Environment Committee for the next two meetings.

Summary

2. The Forward Programme sets out the reports planned for Pūroro Āmua | Planning and Environment Committee in the next two meetings that require committee consideration.
3. The Forward Programme is a working document and is subject to change on a regular basis.

Recommendation/s

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.

Discussion

4. Wednesday 25 August 2021:
 - Petition: Berhampore Village Upgrade (Chief Planning Officer)
 - Petition: Clearways from Newtown to CBD at peak times (Chief Planning Officer)
 - Brooklyn Road Trial Cycle Route (Chief Planning Officer)
5. Thursday 23 September 2021:
 - Cycleways Programme Update (Chief Planning Officer)
 - Island Bay Parade Upgrade (Chief Planning Officer)
 - Te Ngākau Civic Precinct Framework (Chief Infrastructure Officer)

Attachments

Nil

Author	Hedi Mueller, Democracy Advisor
Authoriser	Jennifer Parker, Democracy Services Manager

SUPPORTING INFORMATION

Engagement and Consultation

N/A

Treaty of Waitangi considerations

N/A

Financial implications

N/A

Policy and legislative implications

Timeframes and deliverables are reliant on organisational resourcing and priorities.

Risks / legal

N/A

Climate Change impact and considerations

N/A

Communications Plan

N/A

Health and Safety Impact considered

N/A

ACTION TRACKING

Purpose

1. This report provides an update on the past actions agreed by the Pūroro Āmua | Planning and Environment Committee at its previous meetings.

Summary

2. This report lists the dates of previous committees and the items discussed at those meetings.
3. Each clause within the resolution has been considered separately and the following statuses have been assigned:
 - No action required: Usually for clauses to receive information or note information, or actions for committee members rather than council officers.
 - In progress: Resolutions with this status are currently being implemented.
 - Complete: Clauses which have been completed.
4. All actions will be included in the subsequent monthly updates, but completed actions and those that require no action will only appear once.

Recommendation/s

That the Pūroro Āmua | Planning and Environment Committee:

1. Receive the information.

Background

5. At the 13 May 2021 Council meeting, the recommendations of the Wellington City Council Governance Review (the Review Report) were endorsed and agreed to be implemented.
6. The Review Report recommended an increase focus on monitoring the implementation of Council resolutions and delivery of the work programme. A monthly update at each committee meeting on its previous decisions is part of the implementation of this recommendation.

Discussion

7. Of the 66 resolutions of the Pūroro Āmua | Planning and Environment Committee in June 2021:
 - 25 require no action from staff.
 - 29 are in progress.
 - 12 are complete.
8. Further detail is provided in Attachment One.

Attachments

Attachment 1. Actions Register [↓](#) 

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Author	Hedi Mueller, Democracy Advisor
Authoriser	Jennifer Parker, Democracy Services Manager Stephen McArthur, Chief Strategy & Governance Officer

SUPPORTING INFORMATION

Engagement and Consultation

N/A

Treaty of Waitangi considerations

N/A

Financial implications

N/A

Policy and legislative implications

Timeframes and deliverables are reliant on organisational resourcing and priorities.

Risks / legal

N/A

Climate Change impact and considerations

N/A

Communications Plan

N/A

Health and Safety Impact considered

N/A

Meeting Date	Item	Clause	Status
Tuesday 22 June 2021	Item 2.1: Thorndon Quay Parking Changes Forum	1. Receive the information.	No action required
		2. Hear the oral submitters and thank them for their submissions.	No action required
Wednesday 23 June 2021	Item 2.1: Traffic and Parking Bylaw Forum	1. Receive the information.	No action required
		2. Hear the oral submitters and thank them for their submissions.	No action required
Thursday 24 June 2021	Item 2.1: Petition: Stop trucks coming off motorway and using Wellington streets to transport waste to tips	1. Receive the information and thank the petitioner.	No action required
		2. Note the work in progress within the Council's powers to address the issue.	No action required
		3. Direct officers to work with Greater Wellington Regional Council on air quality monitoring.	Complete
	Item 3.1: Submission on Hīkina te Kohupara – Transport Emission Pathways to Net Zero by 2050	1. Receive the information.	No action required
		2. Approve the submission with the following changes: a) Explain our approach to build back better in more detail. b) Specifically request changes to make traffic resolution process easier, in particular to enable tactical Innovating Streets approaches. c) Clarify requests for parking infringements to be raised and for territorial authorities to be given the power to charge for land use as part of residents parking scheme. d) Expand on the consideration of the just transition to ensure there is equity for low income families and disabled people. e) Support policy work on changes to fringe benefit tax exemptions.	Complete
	Item 3.5: Submission on Land Transport Rule: Setting of Speed Limits 2021	1. Receive the information.	No action required
		2. Approve the draft submission on the Land Transport Rule: Setting of Speed Limits 2021 consultation document, subject to any amendments agreed by the Committee.	Complete
		3. Clarify the cover letter to state that we do not support significant elements of the Proposal.	Complete
		4. Strengthen the language in opposition to the proposals we do not support, particularly that regional councils coordinate the changing of speed limits and that speed limit changes should be made through the LTP cycle.	Complete
		5. Set out our preferred option for how speed limit changes process should work in future.	Complete
		6. State that we do not support a special consultative procedure for speed limit changes, but instead support a standard traffic resolution process.	Complete
		7. Delegate to the Chief Executive, the Mayor, the Chair or Deputy Chair of the Pūroro Āmua Environment and Planning Committee and the Deputy Chair of Infrastructure Committee the authority to amend the submission as per any proposed amendments agreed by the Committee at this meeting, and any minor consequential edits, prior to it being sent.	Complete
	Item 3.3: LGWM: Confirming Programme Objectives	1. Receive the information.	No action required
		2. Note the outcomes of the review of the LGWM programme objectives.	No action required
		3. Endorse the revised objectives and the proposed objectives weightings for the LGWM programme set out in Table 1.	Complete
		4. Note the LGWM programme team will review the associated key performance indicators to ensure they are fit for purpose and appropriately reflect the revised objectives.	No action required
	Item 3.4: Thorndon Quay Parking Changes - Traffic Resolution	1. Receive the information.	No action required
		2. Approve the following amendments to the Traffic Restrictions, pursuant to the provisions of the Wellington City Council Consolidated Bylaw 2008: TR53-21 Thorndon Quay Pipitea – Convert angled parking to parallel parking (amended)	In progress

		3. Agree that the four new P10 parks operate between 3pm and 6pm in the evening.	In progress
	Item 3.2: Approval of 30-year Spatial Plan	1. Receive the information.	No action required
		2. Adopt 'Our City Tomorrow: A Spatial Plan for Wellington City – An Integrated Land Use and Transport Strategy' (the 'Spatial Plan') in accordance with the amendments set out in Attachments 2, 3 and 4 to this report.	Complete
		3. Agree that the Spatial Plan replaces the Wellington Urban Growth Plan (2015) and the Northern Growth Management Framework (2003).	Complete
		4. Agree that the Spatial Plan will guide the development and implementation of the District Plan.	Complete
		5. Note that the Spatial Plan will guide future investment in growth-related infrastructure such as the three waters and transport networks, community facilities, parks and open space but the Council's Long Term Plan, the Infrastructure and Financial Strategy, and Asset Management Plans remain the key mechanisms for decision making on future investment.	No action required
		6. Agree that officers will report on the implementation of the Spatial Plan and the supporting Action Plan on an annual basis, or more regularly as required.	In progress
		7. Note the strategic and targeted approach set out by the Spatial Plan to infrastructure investment to support growth priorities will necessitate a comprehensive review of the Council's existing Development Contributions Policy.	No action required
		8. Note that a review of the Spatial Plan will be required once the District Plan has been reviewed and when decisions are made on Let's Get Wellington Moving investment priorities.	No action required
		9. Note that a Draft District Plan (non-statutory) will be publicly released for feedback in late 2021, and the Proposed District Plan (statutory) will be publicly notified for submissions mid-2022.	No action required
		11. Delegate to the Chairperson and Deputy Chairperson of the Pūrora Āmua - Planning and Environment Committee and the Chief Executive the authority to undertake minor changes and edits to Our City Tomorrow: A Spatial Plan for Wellington City – An Integrated Land Use and Transport Strategy (the 'Spatial Plan').	No action required
		12. Agree to seek advice on the establishment of inclusionary zones in the inner city, CBD and around key public transport routes and instruct officers to report back on how these zones might be implemented as part of the District Plan review work through the Pūrora Āmua Planning and Environment Committee.	In progress
		13. Note that the Long Term Plan includes pursuing divestment opportunities including road reserve and other land not required for transport, utility, environmental or recreational reasons, and that this could facilitate additional development potential, and agree to advocate again to Government to streamline the process to dispose of road reserve not required for roading or utility purposes.	No action required
		14. Agree that Council will seek to get the agreement of Kāinga Ora to develop at least one Specified Development Project through under the Urban Development Act 2020 to facilitate more affordable and sustainable housing.	In progress
		15. Request officers to provide a report by September 2021 to identify underutilised sites across the city that are close to major public transport routes; including land that is: a) vacant or occupied by derelict buildings; or b) used largely or solely for car parking, or storage of cars or machinery; or c) occupied by lower quality 1-3 storey commercial buildings that do not contribute to streetscape or do not have heritage value."	In progress
		16. Propose measures to prioritise and significantly increase the rate of realisation of residential and mixed-use development capacity on underutilised sites over the next three, ten and 20 years.	In progress
		17. Instruct officers to investigate options and tools for encouraging/incentivising contributions through developments to city outcomes, such as affordability, accessibility, seismic resilience, open green space and low carbon buildings through the District Plan review and report back to the Pūrora Āmua Committee and Council for decision making on what initiatives to take forward.	In progress

		18. Note the design scheme for the Newtown Character area from the Newtown community and agree that council officers will recommend it to Kainga Ora for consideration as part of their planning work. Agree that consideration will be given to prioritizing the needs of healthcare workers in this area in any work that the council undertakes in this area.	In progress
		20. Note that the route for mass rapid transit has as yet not been decided and that any decision will require mid to high density along the route. Engagement will be undertaken with affected communities as part of the consenting process.	No action required
		21. Note that the Council has not yet undertaken work on adaptation planning to Climate Change and this may have some impact on the Council's planning over time.	No action required
		22. Agree to change the 'Type 4: Enable 6 storeys' housing typology in the proposed final Spatial Plan maps and text to 'Type 4a: Up to 6 storeys' and 'Type 4b: Enable at least 6 storeys', consistent with the Draft Spatial Plan.	In progress
		23. Remove the unlimited heights proposal in Central City and Te Aro and revert broadly to the heights proposed in the Draft Spatial Plan.	In progress
		24. Increase the walking catchment from all rapid transit stops to 10 minutes.	In progress
		25. Request officers include best practice universal design principles in the review of the Wellington Design Manual and development of District Plan design guides.	In progress
		26. Seek to increase stock of accessible housing by encouraging accessible units on the ground floor of new multi-unit developments.	In progress
		27. Include a stream network map which shows above and underground streams to complement the Green Network Plan, as part of the District Plan review and on the Spatial Plan.	In progress
		28. Report back to Council how to daylight more of our underground streams.	In progress
		29. Request officers report back on the capacity to implement the National Policy Statement on Indigenous Biodiversity once it is released, as well as options for incentivising maintenance of Significant Natural Areas (SNAs), such as a rates rebate on the percentage of private land designated as a Significant Natural Area.	In progress
		30. Note that Wellington City Council supports Gordon Wilson Apartments on The Terrace being turned into Student Accommodation to accommodate a rental market at capacity.	No action required
		31. Support whenua Māori (Māori Land) exemption from national SNA designation under the National Policy Statement on Indigenous Biodiversity.	In progress
		32. Request that officers change Our Place engagement to city wide engagement to be focused on young people, renters, disabled people, and other communities that Council has less engagement with, about their future housing needs that can be enabled through the District Plan.	In progress
		33. Implement the pre-1930s character sub-areas as proposed in the draft spatial plan released in August 2020 and remove the general character overlay.	In progress
		34. Request officers identify incentives such as enabling more height if developments include a percentage of affordable housing, outdoor shared space, community gardens, green roofs as part of the District Plan review.	In progress
		35. Request officers to report back to the District Plan Review Councillor Working Group on the benefits of quality building design on mental health and wellness indicators as part of the District Plan review.	In progress
		36. Request officers to investigate incentives for developers to enable more common space, and space for community gardens, composting solutions, and green roofs.	In progress
		37. Request officers include provision for more vegetable/community gardens and composting systems throughout the central and inner suburbs in the Green Network plan.	In progress
		38. Note that officers are investigating the use of design panels and developing high-quality design guides as part of the District Plan.	No action required
		39. Note that staff will need to conduct a cost benefit analysis related to exempting character precincts from the National Policy Statement on Urban Development as part of the section 32 reports for the District Plan.	In progress

		40. Note that the National Policy Statement on Urban Development does not require Council to exempt all land that meets the criteria for a qualifying matter from the density requirements.	No action required
		41. Note that as a consequence of this cost benefit analysis the draft district plan may include less than 88ha of character precincts.	No action required
		42. Request officers prepare additional evidence as part of the draft District Plan to support the extension of the 10 minute walking catchment where it extends beyond that approved for the Medium Density Residential Area in Johnsonville.	In progress
		43. Request officers review the provision of open and green space in Johnsonville as part of the District Plan review.	In progress
		44. Increase the walking catchment for the central city to 15 minutes.	In progress
		45. Request officers to report back within three months on the ability and capacity of the Johnsonville train line to support the planned potential population growth along the Johnsonville/Onslow corridor taking into account the Regional Council's planned future investment strategy on the line.	In progress