

PARKING CONTROL BYLAW 2024 ADOPTION FOR CONSULTATION

To: Infrastructure Committee

Meeting Date: Tuesday 7 May 2024

From: Doug Rodgers, Manager – Strategic Asset Planning and
Rhiannon Suter, Manager – Strategy, Policy and Engagement

Approved: Andrew Cameron - Chief Risk Officer and General Manager -
ICHL

Approved Date: Thursday 2 May 2024

Open Agenda: Yes

Public Excluded Agenda: No

Purpose and Summary

This report provides the draft 2024 Parking Control Bylaw for adoption for consultation.

Recommendations

That the Committee:

1. Receive the report "Parking Control Bylaw 2024 Adoption for Consultation".
2. Note the changes required to the Bylaw to provide for appropriate enforcement:
 - a. Clarification of definitions, including adding definition of authorised vehicles, bus stops, parking area, parking signage, parking warden, roadway and maximum period and additional detail on parking system and app definition. Removal of definition of vehicle and territorial local authority identified as surplus to requirements.
 - b. Addition of amended general resolution clause (5.7).
 - c. Addition of description of parking charging processes within the section Metered Parking Area – brought up from Payment of Parking Fee section for clarification (Section 6 with old section 9 – Payment of Parking Fee removed).
 - d. Clarification that plates must be registered, at the time of parking, regardless of whether payment is required for the anticipated parking period (6.3).
 - e. Clarification of requirements to display Mobility Parking Permit to park in Mobility parking areas (7).
 - f. Addition of information about bus stop signage (9).
 - g. Addition of a section on Authorised Vehicles outlining the process for applying for a permit and areas where authorised vehicles may park (11).
 - h. Clarification that heavy vehicles may not park on the road, including parking areas rather than just the roadway (15).

- i. For completeness clarifying that breaching any aspect of the Bylaw may result in an offence (16.1).
 - j. Clarification of wording on offences in the area of payment for metered parking, causing an obstruction, parking heavy vehicles on the road, parking vehicles which cannot be safely driven for longer than three days (16.1.xii).
 - k. Removal of Exemptions section as unnecessary in addition to vehicle exemptions section.
3. Recommend to Council to adopt the draft Parking Control Bylaw 2024 for consultation during June 2024 (A5314733).
4. Nominate a hearing panel to hear submissions and deliberate to include **Names of three Councillors and/or Mana Whenua Representatives.**

Background

The Parking Control Bylaw sets out rules governing how people may park within the city and how Council will enforce those rules. At a recent Court case inconsistencies between the Bylaw and wording of fines issues were identified by the Justices of the Peace resulting in the issued fine being invalid.

Users had previously raised issues related to lack of clarity around how Council communicates how and when people should pay using the new system. Council had clarified its signage in response to those issues.

The current Bylaw potentially enables a charge for the same nature of offence, using a different wording. The changes to the wording, and the new Bylaw are designed to clarify the process for user and simplify the ability of parking wardens to observe how long the vehicle has occupied the park.

Improvements have been made to public communication including signage. The changes to the Bylaw support the behavioural changes desired by Council. The other range of enforcement actions are continuing under the current Bylaw.

Internal and external legal have reviewed the Bylaw and a range of improvements have been incorporated into the draft for consultation as outlined below.

Changes will be made to the ticketing process and terminology to reflect the changes to the Bylaw as part of this process.

Issues and Options

Analysis

In the longer term, Council will develop a parking strategy as part of an overall integrated strategy for road users of all modes. This parking strategy will be developed balancing need with cost and encouraging turnover in spaces and decide what the most appropriate model and hierarchy of parking should be placed. It is recommended that the Bylaw be updated again following the completion of this work.

The recommended changes are focused on providing greater clarity to definitions, permit and parking payment use and processes, including enforcement.

Significance

This issue is significant and requires consultation in line with legislative requirements.

Options

Council has three options:

Option 1: Implement an updated bylaw with the proposed recommended improvements outlined below.

The benefits of this option is that it will facilitate enforcement of the intended provisions of the parking system.

There are no identified negatives, with the exception of the time required to undertake consultation.

This option will require consultation and a draft is provided.

The following changes are recommended to be made to the Bylaw:

- Clarification of definitions, including adding definition of authorised vehicles, bus stops, parking area, parking signage, parking warden, roadway and maximum period and additional detail on parking app definition, Removal of definition of vehicle and territorial local authority identified as surplus to requirements.
- Addition of amended general resolution clause recommended by the legal review (5.7)
- Addition of description of parking charging processes within the section Metered Parking Area – brought up from Payment of Parking Fee section for clarification (Section 6 with old section 9 – Payment of Parking Fee removed).
- Clarification that plates must be registered regardless of whether payment is required for the period (6.3)
- Clarification of requirements to display Mobility Parking Permit to park in Mobility parking areas (7).
- Addition of information about bus stop signage (9).
- Addition of a section on Authorised Vehicles outlining the process for applying for a permit and areas where authorised vehicles may park (11).
- Clarification that heavy vehicles may not park on the road, including parking areas rather than just the roadway (15).
- For completeness clarifying that breaching any aspect of the bylaw may result in an offence (16.1).
- Clarification of wording on offences in the area of payment for metered parking, causing an obstruction, parking heavy vehicles on the road, parking vehicles which cannot be safely driven for longer than three days (16.1.xii).
- Removal of Exemptions section as unnecessary in addition to vehicle exemptions section.

Option 2: Retain the current 2022 Bylaw

This option will enable all enforcement but with an added layer of complexity and risk associated with that process.

There are no identified benefits to this option and it is not recommended.

Option 3: Revoke the 2022 Bylaw and do not replace it.

A bylaw is the only identified mechanism to place restrictions and implement charging for parking.

This option means there will be no enforcement of parking across the city district in metered parking areas or time restricted parking areas. This would remove the \$472,000 forecast annual surplus which offsets rates. No enforcement of parking will also have an impact on revenue from parking fees in Infrastructural Services (typically \$68,000 per month) as there is no incentive to pay the parking fee.

This option would remove the Council's ability to charge for and enforce parking restrictions within the city. It is not recommended.

Community Views

The Parking Control Bylaw was last consulted on in 2022. Twenty eight submissions were received. The focus of the submissions was on:

- City centre streets parking – particularly Tay Street north side.
- Forth Street metered parking – options.
- Kew Road parking options.
- Bus stops – general definitions.

Consultation on this bylaw will take place between 29 May and 25 June. Hearings will take place during July with the intention that a new Bylaw be in place on 1 August 2024.

Implications and Risks

Strategic Consistency

This draft Parking Control Bylaw aligns with the Council's draft Long-term plan and Enforcement Policy. It is important to note that development of an Integrated Traffic Management Strategy incorporating a parking strategy is recommended in the future order to better align parking provision with both current and future need.

Financial Implications

Council operates 831 metered spaces through kiosks that cover multiple spaces on street and off street. The meters generate approximately \$68,000 in a typical month.

As a result of the court decision, some infringements are no longer issued due to the additional compliance costs and risks associated with enforcement of those provisions. This accounts for the 37% decrease in revenue.

At the time of writing there has been a 37% decrease in revenue across all infringement types since 21 February; 30% can be attributed to failure to enforce these provisions and 7% to other factors.

Legal Implications

The Parking Control Bylaw and ticketing terminology, was found to be lacking required detail to support appropriate enforcement during a legal case in February 2024. The proposed changes which are recommended in this draft for consultation will address the Justices of the Peace identified issues and further improve clarity to users.

A full review of the Bylaw has been undertaken with identified improvements being primarily wording of definitions and increased information in the offences section.

Climate Change

There are no identified climate change issues. The Integrated Transport Strategy will incorporate a review of parking, which may include identification of parking at risk from climate change factors which may be required to be reflected in future revisions of the Bylaw.

Risk

The following risks have been identified.

Risk	Mitigation
Parking Bylaw does not appropriately clarify the rules around parking and use of parking meters in order to aid enforcement	Legal review of enforcement mechanisms
Parking Bylaw does not support Council intended outcomes for parking	Development of Integrated Transport Strategy
Bylaw does not enable Council to obtain the behavioural change anticipated from the new parking metre system	Review of Bylaw to support enforcement of behavioural changes.

Next Steps

Consultation on this bylaw will take place between 29 May and 28 June. Hearings and deliberations are proposed to take place on 9 July. The final version of the bylaw will be brought to Council on 30 July, coming into force on 1 August.

Attachments

Appendix 1 - Draft Parking Control Bylaw (A5314733).