

Whangarei District Council Meeting

Supplementary Agenda

Date: Thursday, 14 December, 2017

Time: 10:30 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

7. Decision Reports

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7.3 Parking and Traffic Bylaw 2017

Meeting: Whangarei District Council
Date of meeting: 14 December 2017
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To make the Parking and Traffic Bylaw 2017 and associated decisions on the register of resolutions.

2 Recommendation/s

That Council

1. determines that -
 - i. in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems
 - ii. the proposed bylaw is the most appropriate form of bylaw
 - iii. there are no New Zealand Bill of Rights implications
2. amends clause 32.1 of the Bylaw to read:

‘Any resolution, approval, permit or other act of authority made under any Parking and Traffic Bylaw of the Whangarei District Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by Council.’
3. makes the Parking and Traffic Bylaw 2017 contained in Attachment 1 in accordance with section 146 of the Local Government Act 2002, with effect from 15 December 2017
4. confirms the delegations proposed in Section 3 of the ‘Additional Information to Animals Bylaw’ (Attachment 1), which provide for officers to exercise powers under the Bylaw
5. authorises the Chief Executive, in consultation with HWM, to make any minor edits or amendments to the Bylaw to correct any identified errors or typographical edits, and/or to reflect decisions made by Council at this meeting.
6. declares, in accordance with clause 9 of the Parking and Traffic Bylaw 2017, the locations defined in Attachment 4, heading 1, as shared paths and the associated listed categories and priority use, and rescinds all previous resolutions relating to cycle paths made under clause 30 of the Parking and Traffic Bylaw 2005
7. declares, in accordance with clause 10 of the Parking and Traffic Bylaw 2017, the locations defined in Attachment 4, heading 2, as cycle lanes (special vehicle lanes), for the use of cycles only, and rescinds all previous resolutions relating to cycle lanes made under clause 30 of the Parking and Traffic Bylaw 2005
8. declares, in accordance with clause 17 of the Parking and Traffic Bylaw 2017, the locations defined in Attachment 4, heading 3, as parking places to be reserved for motorcycles only and rescinds all previous resolutions relating to motorcycle parking made under clause 3 of the Parking and Traffic Bylaw 2005.
9. declares, in accordance with clause 11 of the Parking and Traffic Bylaw 2017, the locations defined in Attachment 4, heading 4 as shared zones.

3 Discussion

3.1 Overview

The Planning and Development Committee has undertaken a review of Council's Parking and Traffic Bylaw. As part of that process, the Committee made the appropriate determinations under section 155 of the Local Government Act 2002, consulted with the public, and held deliberations to decide on the final form and content of a new Parking and Traffic Bylaw (the Bylaw).

At the deliberations meeting on 22 November 2017, the Planning and Development Committee approved all recommendations for final changes to the Bylaw. The final version of the Bylaw as approved by the Planning and Development Committee is provided in Attachment 1.

The Planning and Development Committee then resolved to recommend to Council to make the final Parking and Traffic Bylaw, incorporating the resolutions made at the deliberations meeting. The agenda report and associated minutes of that meeting are provided in Attachment 2.

3.2 Mobility parking

The mobility parking provisions in the proposed (2017) Bylaw differ from those in the current (2005) Bylaw and have been the subject of much discussion. There are no clauses in the current (2005) bylaw that provide that parking in a mobility parking space is exempt from having to pay for that parking space. It would appear that at some time in the past, Council's parking wardens made an informal decision not to ticket for non-payment in mobility parking spaces.

In December 2016, Council confirmed this existing practice of not enforcing charges in mobility parking spaces.

If Council wishes to retain and confirm this status quo, then Council could resolve to remove clause 16.3 from the proposed (2017) Bylaw. Then Council can rescind all previous resolutions relating to mobility parking spaces and make a new resolution in accordance with clause 16.1 of the proposed (2017) Bylaw. That resolution will state that all mobility parking spaces in the District, as at the date of the resolution, are free of charge at all times but subject to any existing time limits in place. A map showing all mobility parking spaces is provided for completeness.

3.3 Savings clause

Clause 32 of the Bylaw is a 'savings' clause. This clause provides the legal framework that decisions of Council, made by resolution under any previous Bylaws on the same matter, remain valid until, and if, Council chooses to change or rescind any such decisions. Staff have sought further advice from Council's Legal Counsel on the wording of this clause.

Staff recommend some minor changes to the wording to ensure the intent and scope of the clause is as clear as possible. The table below shows the proposed wording as presented to the Planning and Development Committee, the proposed changes in track changes and then the final proposed wording for completeness.

Proposed wording as approved by the Committee	Any resolution, approval, permit or other act of authority made under the Whangarei District Council Parking and Traffic Bylaw 2005 which is current at the time of revocation of that bylaw remains in force on its terms until amended, replaced or revoked by Council.
Proposed changes showing in track changes	Any resolution, approval, permit or other act of authority made under any Parking and Traffic Bylaw of the Whangarei District Council, Parking and Traffic Bylaw 2005 which is current at the time of revocation of that bylaw this Bylaw comes into force , remains in force on its terms until amended, replaced or revoked by Council.
Final proposed wording	Any resolution, approval, permit or other act of authority made under any Parking and Traffic Bylaw of the Whangarei District Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by Council.

3.4 Section 155 Local Government Act 2002 considerations

When making a bylaw, Council is required to satisfy itself that:

- a bylaw is the most appropriate way of addressing the perceived problems
- the proposed bylaw is the most appropriate form of bylaw
- there are no New Zealand Bill of Rights implications.

As part of adopting a Statement of Proposal for consultation, the Planning and Development Committee made determinations on these matters on 14 September 2017. Attachment 3 is the section 155 analysis provided to the Committee at that meeting to support its decision-making process. For completeness, it is recommended that Council reviews and confirms these determinations, taking into consideration the changes made to the Bylaw following the consultation process, and any decisions made at this meeting.

3.5 Revocation of the Parking and Traffic Bylaw 2005

The process undertaken by the Planning and Development Committee identified that the existing Parking and Traffic Bylaw will be automatically revoked on December 14, in accordance with section 160A of the Local Government Act 2002. No further decisions are required of Council on this matter.

4 Register of resolutions

As described in section 3.2 above, clause 32 of the Bylaw ensures that all resolutions made under previous Parking and Traffic bylaws remain valid. For most matters addressed in the Bylaw, the existing resolutions are directly carried over to 'sit' within the new Bylaw and there are no technical changes required. However the legislative framework, including terminology and associated definitions, has changed since 2005. The new Bylaw reflects these changes and associated updates and inclusions to the resolutions for technical correctness are required.

Under the previous Bylaw, Council had made resolutions for 'cycle paths' which are now technically 'shared paths'. The bylaw did not specifically provide for the designation of cycle lanes (which are different from shared paths) but it is understood these were incorporated into resolutions under the cycleways clause. The bylaw also did not provide for the making of shared zones. The new Bylaw also provides specifically for the designation of motorcycle parking.

Attachment 4 provides a register of proposed resolutions as follows:

1. Shared paths
2. Cycle lanes
3. Motorcycle parking
4. Shared zones

In the case of shared paths and cycle lanes, these are 're-stating' previous resolutions made to reflect the new legislative framework. The three motorcycle parking areas contained in the motorcycle parking register have been in place for some time, but are now being separately identified in the register, to reflect the new structure of the Bylaw and to support appropriate enforcement actions as and when required. The inclusion of the 'Laneway' as a shared zone formalises the shared nature of this area between pedestrians and vehicles and reflects more recent legislative changes.

The full register of resolutions and associated reviews and updates will continue to be managed and reported back to Council by the Roding Department, but these matters have been incorporated into this report item for completeness.

5 Implementation

Council staff will be working with the enforcement contractor to update any standard operating procedures, develop new processes and procedures as well as any application forms as required. No other implementation activities are required to support the new Bylaw. Enforcement staff will continue to undertake monitoring activities and respond to, and manage complaints as they are made.

6 Significance and Engagement

6.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

6.2 Engagement

Council has consulted with the community on the issues of this agenda in accordance with the statutory requirements of the Local Government Act 2002.

Council will publicly notify the new Bylaw in accordance with the requirements of section 22 AE of the Land Transport Act 1998. The public will also be informed via agenda publication on Council's website.

7 Attachments

Attachment 1 – final Parking and Traffic Bylaw 2017
 Attachment 2 - Agenda report for 22 November 2017 deliberations meeting
 Attachment 3 – s155 analysis
 Attachment 4 – register of resolutions
 Attachment 5 – Mobility parking spaces

Parking and Traffic Bylaw 2017

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1 Title

This Bylaw is the Parking and Traffic Bylaw 2017.

2 Commencement

15 December 2017.

3 Application

This bylaw applies throughout the District of the Whangarei District Council except to roads which are not under the control of the Council.

Explanatory note: This Bylaw does not apply to roads under the control of the New Zealand Transport Agency.

Part 1 – Preliminary Provisions

4 Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on roads, parking places and transport stations owned or controlled by Whangarei District Council.

5 Interpretation

- 5.1 Any word used in this Bylaw that is defined in section 2 of the Act, has, for the purposes of this Bylaw, the same meaning as in section 2, unless otherwise provided for in this clause.
- 5.2 Any word used in this Bylaw that is defined in rule 1.6 of the Rules, has, for the purposes of this Bylaw, the same meaning as in rule 1.6, unless otherwise provided for in this clause.

- 5.3 In this Bylaw, unless the context otherwise requires -

Act means the Land Transport Act 1998 and any regulations or rules made under that Act

Approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit:

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated, or
- (b) approved by Whangarei District Council

Class of vehicle means a category of vehicles defined by reference to any common feature and includes:

- (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 than a specified number of occupants
- (d) vehicles used for specified purposes
- (e) vehicles driven by specified classes of persons
- (f) carpool and shared vehicles
- (g) vehicles displaying a specified permit authorised by Whangarei District Council.

Clearway means a length of roadway over which a no-stopping parking restriction applies for the purpose of increasing the number of through traffic lanes or providing increased space to allow for the free movement of traffic during the period for which the clearway restriction applies.

Council means the Whangarei District Council

Emergency vehicle means a vehicle used for attendance at emergencies and operated:

- (a) by an enforcement officer
- (b) by an ambulance service
- (c) as a fire service vehicle
- (d) as a civil defence emergency vehicle
- (e) as a defence force emergency vehicle.

Livestock means any horse, cattle, sheep, pig, goat, mule, ass, llama or deer and includes any other animal farmed for profit

Mobility parking permit means a current approved disabled person's parking permit

Mobility parking space means a space reserved by Council for vehicles lawfully displaying a mobility parking permit

Motorcycle includes a moped

Paid parking space means a parking space for which Council has determined a charge for parking is to be paid

Parking machine means a parking meter or other device that is used to facilitate the payment of charges for parking a vehicle in a paid parking space

Parking place has the same meaning as in section 591(6) of the Local Government Act 1974

Explanatory note: The main part of this definition is 'a place (including a building) where vehicles, or any class of vehicles, may wait'. A parking place, which may be on a road, also includes the means of egress and ingress from the parking place and any facilities associated with it.

Parking space means a parking place or part of a parking place identified by sign, marking or notice for the use of a single vehicle or a specified number of motorcycles

Rules means the Land Transport (Road User) Rules 2004

Shared path means an area of road, separated from a roadway, that may be used by some or all of the following:

- (a) pedestrians
- (b) cyclists
- (c) riders of mobility devices
- (d) riders of wheeled recreational devices

at the same time, and includes a cycle path

Transport station has the same meaning as in section 591(6) of the Local Government Act 1974.

Explanatory note: The main part of this definition is 'a place where transport-service vehicles, or any class of transport-service vehicles may wait between trips'. It also includes the means of egress and ingress from the transport station and any facilities associated with it.

5.4 Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

5.5 The Interpretation Act 1999 applies to this Bylaw.

6 Resolutions made under this Bylaw

- 6.1 The power to make a resolution under this Bylaw includes the power:
- (1) to regulate, control or prohibit the matter or thing generally, or for any specified classes of case, or in a particular case;
 - (2) to apply the regulation to all vehicles or traffic or to any specified class of vehicles or traffic;
 - (3) to apply the regulation to any specified road or roads or part of a road or roads under the control of Council;
 - (4) to apply the regulation at any specified time or period of time.
- 6.2 A power for the Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace it with another or to reinstate an earlier resolution. In the event of any conflict between resolutions the most recent resolution shall prevail.

Part 2 – Vehicles and Road Use

7 One-way roads

- 7.1 Council may by resolution specify roads where vehicles must travel in one specified direction only.
- 7.2 A driver of a vehicle on a one-way road must travel only in the direction specified under clause 7.1.
- 7.3 Despite clause 7.1, Council may by resolution specify that cycles may travel in the opposite direction to other vehicles on a one-way road.

8 Left or right turns and U-turns

- 8.1 Council may by resolution prohibit or restrict:
- (1) vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
 - (2) vehicles on any road turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).
- 8.2 A person must not drive a vehicle contrary to any turning prohibition or restriction made under clause 8.1.

9 Shared paths

- 9.1 Council may by resolution:
- (1) fix the length, route and location of a shared path;
 - (2) specify that a shared path may be used by persons in some or all of the following categories, and specify the priority between such users:
 - (a) pedestrians
 - (b) cyclists
 - (c) riders of mobility devices
 - (d) riders of wheeled recreational devices.
- 9.2 A person must not use a shared path in a manner contrary to any restriction made under clause 9.1.

10 Special vehicle lanes

- 10.1 Council may by resolution specify a road, or a part of a road, as a special vehicle lane, use of which is restricted to a specified class or classes of vehicle.
- 10.2 A person must not use a special vehicle lane contrary to any restriction made under clause 10.1.

11 Shared zones

- 11.1 Council may by resolution specify any road to be a shared zone, intended to be used by pedestrians and vehicles.
- 11.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared zone.
- 11.3 A person must not use a shared zone in a manner contrary to any restriction made under clause 11.2.

12 Unformed legal roads

- 12.1 Council may by resolution restrict 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.
- 12.2 A person must not use a motor vehicle on a road contrary to a restriction made under clause 12.1.

13 Livestock movement

- 13.1 No person shall drive livestock along or across any road, unless the livestock is confined within a motor vehicle:
 - (1) during the hours of darkness; or
 - (2) at any time when there is insufficient visibility to clearly see a person, a vehicle or livestock that is 170 metres away; or
 - (3) on any road with an average daily traffic count of 2500 vehicles a day or more; or
 - (4) in the case of dairy cattle, where the cattle can be moved using a cattle race on private land or a cattle underpass.
- 13.2 In any case where livestock may be driven along a road:
 - (1) the number of livestock in any one mob shall not exceed 600 head, or 3,000 head in the case of sheep
 - (2) each mob shall be accompanied by one drover per 300 head of cattle or per 1500 head of sheep
 - (3) each mob shall be accompanied by pilot vehicles in front of and behind the mob. Such vehicles shall maintain a distance of no less than 200 metres from the mob.
- 13.3 Dairy cattle may be moved regularly across a road, where, as well as complying with clause 13.1, the following facilities have been installed and are in use at all crossing points:
 - (1) entranceways, including additional adjacent shoulders, that are constructed to Council's requirements for Vehicle Entrance Crossings
 - (2) warning signs that meet the requirements of the New Zealand Transport Agency Traffic Control Devices Manual
 - (3) an amber flashing light operating for the period the dairy cattle are on the road
 - (4) at least one person in charge of the herd being present for the period the dairy cattle are on the road.

- 13.4 Council may recover the costs incurred in repairing any damage to a road or private property, or cleaning up any animal excreta on the road, caused by the movement of livestock from the person in charge of the livestock.

Explanatory note: The purpose of controlling the movement of livestock on roads is to support the safety of, and minimise inconvenience to, road users, to protect Council roads and any utilities within the roads, and to prevent roads being used as stock races.

Part 3: Parking

14 Stopping, standing and parking

- 14.1 Council may by resolution:

- (1) prohibit or restrict the stopping, standing or parking of vehicles on any road
- (2) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description.

- 14.2 A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made under clause 14.1.

15 Parking places

- 15.1 Council may by resolution:

- (1) reserve any area of land or any road or any part of a road or any building or any part of a building owned or under the care, management or control of Council to be a parking place
- (2) specify the vehicles or classes of vehicle that may or must not use a parking place
- (3) prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place
- (4) prescribe:
 - (a) any charges to be paid for the use of a parking place
 - (b) how parking charges may be paid; including by the use of parking machines or any other specified manner
 - (c) the manner of displaying proof of payment if necessary
 - (d) opening and closing times for off-street parking places.

- 15.2 Restrictions that apply generally to a parking place are subject to any specific stopping, standing or parking restrictions which apply to particular parking spaces within that parking place.

- 15.3 A person must not park a vehicle in a parking place in contravention of a prohibition or restriction made under clause 15.1.

- 15.4 To avoid doubt, clause 15.1(1) does not limit Council's power to provide parking places under section 591 of the Local Government Act 1974.

Explanatory note: This clause allows Council to designate parking spaces or prohibit parking for specific types of vehicles, including, but not limited to, electric vehicles and heavy vehicles.

16 Mobility parking

- 16.1 Council may by resolution specify any parking space as a mobility parking space, and may prescribe any time limits and parking charges for vehicles parking in the mobility parking space.

- 16.2 A person must not park a vehicle in a mobility parking space unless:

- (1) the vehicle is lawfully displaying a mobility parking permit; and

- (2) the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

16.3 Where a vehicle is lawfully parked in a mobility parking space for which payment is required:

- (1) payment is required for up to the first hour of parking, or the applicable part payment for a period shorter than an hour
- (2) a payment for the first hour allows that vehicle to remain in the parking space for up to the maximum time indicated.

Explanatory note: Mobility parking spaces generally have a maximum time limit of P180/P240 to ensure turnover of access for other users. Clause 16.3 provides that payment is required for up to the first hour of parking only. If a user wishes to use the parking space for less than an hour, then full payment for the elected parking period is required. Example: If a vehicle parks in a mobility parking space where \$1 per hour payment is required and the user wishes to park for 30 minutes, then a payment of 50 cents is required. If the user pays \$1 then the vehicle may remain in the parking space up to the maximum time limit.

16.4 Where a vehicle lawfully displaying a mobility parking permit is parked in a time limited parking space for which payment is required:

- (1) payment is required for up to the first hour of parking, or the applicable part payment for a period shorter than an hour.
- (2) a payment for the first hour allows that vehicle to remain in the parking space for up to the maximum time indicated.

Explanatory note: Most time limited paid parking spaces have at least a two-hour (120 minute) parking limit. Clause 16.4 provides the same concession as for mobility parking spaces, but ensures turnover of parking spaces by applying the same maximum parking period for all users.

16.5 A vehicle lawfully displaying a mobility parking permit may park in any time unlimited paid parking space for double the length of time paid for.

Explanatory note: Clause 16.5 provides that in an unlimited paid parking space, payment is required for the first half of the parking period. Example: If a mobility parking permitted vehicle is parked in an unlimited paid parking space which attracts a charge of \$1 per hour and the user intends to use the space for 4 hours, then a payment of \$2 is required.

16.6 A vehicle lawfully displaying a mobility parking permit may park in any time limited parking space for double the length of the indicated time limit for that parking space, but only where the time limit for that space is 120 minutes or less.

Explanatory note: To support the turnover of available parking spaces, Clause 16.6 limits this concession for parking spaces with a time limit of 120 minutes or less. This means that for parking spaces with a 180 or 240 minute maximum time limit there is no concession and the indicated time limit applies for all vehicles. Example: A mobility parking permitted vehicle may park in a 60 minute parking space for 120 minutes, but may only park for 180 minutes in a 180 minute parking space.

17 Motorcycle parking

- 17.1 Council may by resolution determine any parking place to be reserved for the sole use of motorcycles and prescribe the maximum number of motorcycles that can park in the parking place.
- 17.2 No person may park a vehicle that is not a motorcycle in a parking place reserved for motorcycles.
- 17.3 No person may park a motorcycle in a parking space reserved for motorcycles other than at right angles to the road way.
- 17.4 Where more than one motorcycle occupies a standard paid parking space, only one parking fee shall be required for that space.
- 17.5 No motorcycle may remain parked in the parking space if the payment for that space has expired.

Explanatory note: If two motorcycles share a standard paid parking space, then a valid payment for one of the motorcycles must be in place for the entire duration of the parking time for both motorcycles. Motorcycles must park in accordance with the general restrictions of clause 21 of this Bylaw.

18 Clearways, passenger service vehicles and transport stations

- 18.1 Council may by resolution:
 - (1) determine any road, part of a road or any parking space to be a clearway, a stand or stop for specified classes of passenger service vehicle, or a transport station
 - (2) specify the vehicles or classes of vehicles that may or must not use a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station
 - (3) prescribe the times, manner and conditions for the parking of vehicles in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station.
- 18.2 A person must not park a vehicle in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station in contravention of a prohibition or restriction made under clause 18.1.

19 Loading zone

- 19.1 Council may by resolution;
 - (1) determine any road or part of a road or any parking space to be a loading zone
 - (2) specify the class(es) of vehicle that may use the loading zone
 - (3) prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.
- 19.2 A person must not use a loading zone in contravention of a prohibition or restriction made under clause 19.1

20 Heavy motor vehicle parking

- 20.1 Council may by resolution determine any road or part of a road, or any parking space, to be an area where the parking of heavy motor vehicles or any specified class of heavy motor vehicles is prohibited or restricted.
- 20.2 No person may park any heavy motor vehicle in contravention of a prohibition or restriction made under clause 20.1.

Explanatory note: Heavy motor vehicles are vehicles with a gross vehicle mass of more than 3500 kg. Restrictions may apply during specified hours or for specified periods of time that are different from general parking restrictions in that area.

21 General restrictions

- 21.1 No person may park a vehicle in a parking space:
- (1) so that any part of the vehicle extends beyond the marked space or is not entirely within the space; or
 - (2) that is already occupied by another vehicle unless the vehicles are motorcycles.
- 21.2 Notwithstanding clause 21.1, if, because of its size, it is necessary for a vehicle to occupy more than one adjoining parking space, it may do so. If the parking spaces are paid parking spaces, then the fee for each occupied space must be paid.
- 21.3 No person shall park any vehicle in a parking space:
- (1) beyond the expiry of the time paid for in a paid parking space
 - (2) beyond the maximum period for parking in that parking space.
- 21.4 No person may park in any paid parking space without paying the required parking fee by correctly activating any parking meter controlling the space or making payment in compliance with any instructions on any signs or machines located at the parking place.
- 21.5 A person parking in a paid parking space using a pay and display receipt must display that receipt in or on the vehicle in a place so that it can be easily read by a parking warden.
- 21.6 No person may park in a parking space where parking is temporarily discontinued by Council using signs or cones.

22 Community concession parking permits

- 22.1 Council may issue concession parking permits to persons in community groups or sectors, or volunteer organisations, that allow permit holders to park in parking places free of charge and/or without being restricted to any maximum time limits.
- 22.2 The groups in respect of which such concession parking permits may be issued include, but are not limited to:
- (1) Drivers over 70 years of age
 - (2) Disabled person working parking permits
 - (3) Volunteer community organisations
- 22.3 Council may impose conditions on the use of the permit, including by specifying parking areas or parking spaces where the permit applies.
- 22.4 Council may by resolution -
- (1) charge a fee for receiving and processing an application and issuing a permit
 - (2) prescribe any charges to be paid for the use of a permit
 - (3) determine situations when permit fees may be remitted, refunded or waived.
- 22.5 A community concession parking permit may be cancelled by Council at any time.

Explanatory note: All permits and associated application processes, forms and conditions under clause 22 of this Bylaw are managed under Council's Grants, Concessions and Loans Policy.

23 Parking permits

- 23.1 Council may issue parking permits that allow permit holders to park in parking places without requiring the charges for the parking space to be paid and/or without being restricted to any maximum time limits.
- 23.2 Council may impose conditions on the use of the permit, including by specifying parking areas or parking spaces where the permit applies.
- 23.3 Council may by resolution:
- (1) charge a fee for receiving and processing an application and issuing a permit
 - (2) prescribe any charges to be paid for the use of a permit
 - (3) determine situations when permit fees may be remitted, refunded or waived.
- 23.4 A permit under this clause may be cancelled by Council at any time.

24 Parking vehicles off a roadway

- 24.1 A person must not stop, stand or park a motor vehicle in an area for which the speed limit is 50km/h or less on any part of a road or land owned or controlled by the Council which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or shrubbery.
- 24.2 Clause 25.1 does not apply if the part of the road is designed and constructed to accommodate a parked vehicle.

25 Machinery or equipment on roads

- 25.1 A person must not leave any waste-taker bins, cranes, freight containers or large machinery on any road unless that person has the written permission of Council, or by or under the authority of any Act. This clause does not apply to containers that are used solely for kerbside collection of waste or diverted material authorised by Council and placed off the roadway, if such containers are not left on any road for a period exceeding 24 hours.

26 Repairs on vehicles

- 26.1 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.

27 Broken down vehicles

- 27.1 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.

Part 4: Enforcement Powers

28 Removal of vehicles and things

- 28.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any parking place, transport station or road any vehicle or thing that is parked or present in breach of the Bylaw.
- 28.2 Council may recover from the person who committed the breach of this Bylaw the reasonable costs in connection with the removal of the vehicle or thing.

29 Removal of construction

- 29.1 Council may remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

Part 5: Offences and Penalties

30 Bylaw breaches

- 30.1 A person who fails to comply with any control, restriction, limitation or prohibition in, or made pursuant to this Bylaw, commits an offence under the Act and is liable to the penalties set out in the Act.

Part 6: Exceptions

31 Exceptions

- 31.1 A person is not in breach of this Bylaw if that person proves that:
- (1) the act or omission complained of took place in response to a situation on a road; and
 - (2) the situation was not of the person's own making; and
 - (3) the act or omission was taken:
 - (a) to avoid the death or injury of a person, or
 - (b) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 31.2 Clause 32.1 does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this Bylaw.
- 31.3 Any restrictions made under Parts 2 and 3 of this Bylaw do not apply to -
- (1) a vehicle that is engaged in urgent repair work to a public utility service
 - (2) a vehicle that is being used as an emergency vehicle in transit to or attendance at an emergency

- (3) a branded Whangarei District Council vehicle used by any officer or contractor engaged in work for the Council
- (4) a vehicle that is being used by a contractor engaged in work for Council and which displays evidence of this on the vehicle.

31.4 A person is not in breach of this Bylaw if that person proves that the act or omission -

- (1) took place in compliance with the directions of an enforcement officer or a parking warden; or
- (2) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

Part 7: Savings

32 Savings

- 32.1 Any resolution, approval, permit or other act of authority made under any Parking and Traffic Bylaw of the Whangarei District Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by Council.

Additional information to Parking and Traffic Bylaw 2017

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

Section 1: History of Bylaw

Action	Description	Date of decision	Commencement
Revoke	Parking and Traffic Bylaw 2005	NA	15 December 2017
Make	Parking and Traffic Bylaw 2017	14 December 2017	15 December 2017

Section 2: Related documents

Document	Description	Location	Date
<i>Reports to Council/Committee/Panels</i>			
2017 Bylaw review and consultation programme	Approval of the 2017 bylaws review programme	Council meetings webpage - link	18/5/2017
2017 Bylaw review pre-consultation programme	Approval of the pre-consultation programme	Council meetings webpage – link	15/6/2017
Adoption of Statement of Proposal for proposed Animals Bylaw	Statement of Proposal including draft Bylaw adoption for public consultation	Council meetings webpage - link	29/6/2017
Hearing – proposed Animals Bylaw consultation	Hearing for interested parties to share their views in person	Council meetings webpage - link	1/11/2017
Deliberations – proposed Animals Bylaw	Deliberations on submission issues raised	Council meetings webpage - link	22/11/2017
Making of Bylaw	Council makes final Bylaw	Council meetings webpage - link	14/12/2017

Document	Description	Location	Date
<i>Legislation</i>			
Land Transport Act 1998	Provides the functions, duties powers and penalties to make and enforce this Bylaw.	www.legislation.govt.nz	NA
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	www.legislation.govt.nz	NA
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	www.legislation.govt.nz	NA

Section 3: Delegations

Clause	Function,Duty,Power to be delegated	Delegated Authority	Delegation date	Delegation active date
All	All of its responsibilities, duties and powers under this bylaw, except - (a) the power to set fees (b) the power to make a decision for which a Council resolution is required (c) the power to hear and decided on any appeal process	Chief Executive	14 December 2017	15 December 2017

Section 4: Enforcement powers

Legislative provision	Description
Sections 128E and 139 of the Land Transport Act 1998	Allows parking wardens to enforce any stationary vehicle offence or special vehicle land offence, may direct the driver to remove any vehicle if it is obstructing the road or if it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public etc. Allows parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011. Allows parking warden to move vehicles causing obstruction.

Section 5: Offences and penalties

Provision	Description of offence	Maximum fine upon conviction	Infringement fee
Land Transport (Offences and Penalties) Regulations 1999	As prescribed in Schedule 1 and Schedule 1B of the regulations	varies	varies
Section 22AB of the Land Transport Act 1998	Failure to comply with clauses of the Bylaw that do not constitute a stationary vehicle offence	\$500	nil

3.1 Deliberations – proposed Animals Bylaw

Meeting: Planning and Development Committee
Date of meeting: 22 November 2017
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To deliberate on matters raised in submissions and further matters raised by staff to make a recommendation to Council on the final form and content of the proposed Animals Bylaw.

2 Recommendations

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Obligations of animal owners in general

That clause 6.1(d), as highlighted yellow in Attachment 1, is deleted from the final Animals Bylaw.

B. Cats – microchipping and de-sexing

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

C. Bees

That clause 9 and the associated definition of ‘hives’ in clause 5 as highlighted yellow in Attachment 1 are amended as per the provided track changes.

D. General matters

That all changes showing in track changes in Attachment 1 are made to the final Animals Bylaw.

2. That the Planning and Development Committee recommends to Council that it makes the final Animals Bylaw, incorporating all resolutions made at this meeting.

3 Background

At its meeting on 14 September 2017 the Planning and Development Committee adopted a Statement of Proposal to revoke and replace Council’s Keeping of Animals, Poultry and Bees Bylaw. This proposal was a result of the statutory review of the Bylaw completed in accordance with s159 of the Local Government Act 2002.

The Committee held a ‘Have Your Say’ event, which was attended by one submitter, and on 1 November heard five submitters who wished to speak to their submission in Chambers.

The activities to give effect to the Special Consultative Procedure requirements as described in the report tabled at the 14 September 2017 meeting have been completed.

The Committee can now deliberate on the submissions received to determine whether any further changes to the proposed Animals Bylaw (the Bylaw) are required and to make a recommendation to Council on the final form and content of the Bylaw.

4 Discussion

There are two distinct matters to be addressed through the deliberations process. The first is the consideration of issues raised by submitters through the consultation process. The second aspect is to consider any officer advice, which is also provided for as part of the process in section 83(3) of the Local Government Act 2002.

In some cases, proposed changes are made due to both submission feedback, as well as officer advice. Where this is the case, this is indicated.

The report is supported through an attachment showing the track changes to the Bylaw that represents the staff recommendations. Attachments 2 and 3 are the version of the Bylaw as consulted on (Attachment 2) and the version of the Bylaw including all proposed changes with the track changes removed for ease of reading (Attachment 3).

4.1 Matters raised in submissions

Matters raised in submissions were restricted to clauses 5, 6 and 9 of the Bylaw, plus two cat related matters that were not included in the proposed Bylaw.

No community feedback was received on any of the other topics of the proposed Bylaw. Therefore, there is no scope to make any changes to these areas, outside of consideration of any further officer advice as provided in section 4.2 of this report. No further deliberations are required on these matters.

A. Obligations of animal owners in general

A submitter raised concerns in relation to clause 6.1(d) of the Bylaw. The submitter's concern was specifically about cats.

Clause 6.1 requires the owner or person in charge of an animal to take measures to avoid potential nuisance and property damage issues as well as risks to public health and safety. The draft clause also included a provision to stop animals roaming off their property.

The staff review of the proposed Bylaw concurred that there may be implications for cats, but that there are also potential other unintended consequences of sub clause 6.1(d).

The requirements of the other sub clauses of 6.1 provide sufficient obligations on an owner, including if their animal causes a nuisance by straying onto another property.

Staff recommendation:

That clause 6.1(d), as highlighted yellow in Attachment 1, is deleted from the final Animals Bylaw.

B. Cats – microchipping and de-sexing

The New Zealand Animal Companion Council has requested that compulsory micro-chipping and de-sexing of cats be included in the proposed Bylaw.

The committee discussed whether to include clauses relating to cats in the proposed Bylaw during the draft development stages of the Bylaw. At that time, it was determined to not include any specific cat related clauses in the Bylaw. This decision was made in light of current LGNZ remits and potential changes to national legislation on cats. Further concerns regarding the cost to residents and ratepayers of such regulations were raised, as well as the cost and difficulties in enforcing such provisions.

Staff recommendation:

That the Planning and Development Committee notes the submission and that no associated changes to the proposed Bylaw are made.

C. Bees

Of the 16 submissions received on the proposed Bylaw, 14 focussed solely on clause 9 - 'Bees'. Submissions ranged from opposition to bees to requests for more permissive and pragmatic rules to support the keeping of bees in the urban environments. Many submitters expressed concern regarding the proposed conditions for bee keeping in the urban environment, stating they were illogical, impractical and would not achieve the desired outcome. Equally, concern was raised that the proposed Bylaw would not give Council enough power to undertake strong enforcement action in those instances where it would be appropriate.

With assistance from the Whangarei Beekeeping Club, the entire clause has been redrafted as well as the definition of a 'hive'. Some of the original draft clause re-iterated national legislative requirements; this does not provide any tools to enforcement officers dealing with complaints. The revised clause provides enforcement officers with more clearly defined powers where bees are of concern to neighbouring residents, including the ability to have hives removed, but also has simplified and expanded the conditions within which bees can be kept in our urban environments.

A large explanatory note has also been included. While this does not form part of the Bylaw, it ensures Council is contributing to the education of beekeepers and supports bees being kept in a manner that reduced potential conflict with neighbours.

Staff recommendation:

That clause 9 and the associated definition of 'hives' in clause 5 as highlighted yellow in Attachment 1 are amended as per the provided track changes.

4.2 Proposed staff amendments

Since the consultation document was adopted, further advice has been sought (legal, by-law administrators and enforcement officers, customer services) and this has been used to recommend further changes to the Bylaw.

D. General matters

The Bylaw was reviewed for technical strength, consistency of terminology and use of 'plain English'. This resulted in several proposed changes, deletion of duplications and additions that do not change the overall content or context of the bylaw, but remove potential ambiguity and/or provide more clarity, including for enforcement purposes. These changes are shown as track changes in Attachment 1.

Staff recommendation:

That all changes showing in track changes in Attachment 1 are made to the final Animals Bylaw.

5 Significance and engagement

5.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

5.2 Engagement

Council has consulted with the community on the issues of this agenda in accordance with the statutory requirements of the Local Government Act 2002. The public will be informed via agenda publication on Council's website.

6 Attachments

Attachment 1 – proposed Animals Bylaw showing markup and highlighted changes.

Attachment 2 – proposed Animals Bylaw for consultation.

Attachment 3 – proposed final Animals Bylaw.

Planning and Development Committee Meeting Minutes

Date: Wednesday, 22 November, 2017
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Stu Bell Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
Not in Attendance	Cr Crichton Christie

In attendance:

Chief Executive (Rob Forlong), General Manager Planning and Development (Alison Geddes), General Manager Community (Sandra Boardman), Manager Democracy and Assurance (Jason Marris), Manager Strategy (Tony Horton), Strategic Planner (Shireen Munday), Team Leader Democracy (Nicolene Pestana) and Senior Democracy Adviser (C Brindle)

1. Declarations of Interest

2. Apologies

Cr Crichton Christie (absent)
Crs Stu Bell and Sharon Morgan (late arrival)

Moved By Cr Greg Innes

Seconded By Cr Phil Halse

That the apologies be sustained.

Carried

Crs Bell and Morgan joined the meeting at 9.01am following Item 2.

3. Decision Reports

3.1 Deliberations - proposed Animals Bylaw

Item 3.1 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Stu Bell

1. That the Planning and Development Committee approves the recommendations as contained in the report and the associated attachments as follows:

A. Obligations of animal owners in general

That clause 6.1(d), as highlighted yellow in Attachment 1, is deleted from the final Animals Bylaw.

B. Cats – microchipping and de-sexing

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Vince Cocurullo

Seconded By Cr Cherry Hermon

C. Bees

That clause 9 and the associated definition of 'hives' in clause 5 as highlighted yellow in Attachment 1 are amended as per the provided track changes.

Carried

Moved By Cr Cherry Hermon

Seconded By Her Worship the Mayor

D. General matters

That all changes showing in track changes in Attachment 1 are made to the final Animals Bylaw.

Carried

Moved By Cr Sharon Morgan

Seconded By Cr Cherry Hermon

2. That the Planning and Development Committee recommends to Council that it makes the final Animals Bylaw, incorporating all resolutions made at this meeting.

Carried

3.2 Deliberations - proposed Parking and Traffic Bylaw

Item 3.2 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Shelley Deeming

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Mobility parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Crs Cocurullo and Murphy requested their votes against be recorded.

Moved By Cr Shelley Deeming

Seconded By Cr Stu Bell

B. Electric vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Anna Murphy

C. Technical/wording issues

That the Planning and Development Committee notes the submissions and that the proposed changes provided in section 4.2 F, G, H and I of this report, appropriately address the matters raised by submitters.

Carried

Moved By Cr Stu Bell

Seconded By Her Worship the Mayor

D. Heavy motor vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

E. Heavy motor vehicle restrictions

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

F. General matters

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking off a roadway

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on a road

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

Carried

Moved By Cr Tricia Cutforth

Seconded By Cr Greg Martin

2. That the Planning and Development Committee recommends to Council that it makes the final Parking and Traffic Bylaw, incorporating all resolutions made at this meeting.

Carried

Cr Martin was absent from the meeting between 9.45am and 9.47am during discussions on D Heavy motor vehicle parking.

4. Public Excluded Business

There was no public excluded business.

5. Closure of Meeting

The meeting concluded at 9.53am.

Confirmed this 13th day of December 2017

Councillor Greg Innes (Chairperson)

Parking and Traffic Bylaw

Section 155 & 77 Local Government Act 2002 assessment

The current Parking and Traffic Bylaw (PTB) is made under the Local Government Act 2002 (LGA) and also references Land Transport related legislation.

The statutory review of the PTB requires an assessment under s155 of the LGA. This report details this assessment and should be read in conjunction with the 'Legislative process, analysis and consultation requirements' as attached to the Planning and Development Committee report of 14 September 2017, as well as the report itself. This assessment includes an analysis of the available reasonably practicable options to address the perceived problem, together with advantages and disadvantages of each in accordance with s77 LGA.

1. Assessment summary

1. The problems identified relating to vehicle and road use are required to be addressed by the Council. In brief, there appears to be a need to update the bylaw to reflect new legislation and changes to technology, and powers missing in the current bylaw that Council needs for enforcement purposes.
2. A bylaw is considered to be the most appropriate way of addressing the perceived problems.
3. The current bylaw is not the most appropriate form of bylaw.
4. The most reasonable practicable option is to revoke the existing bylaw and replace it with a new one.
5. The proposed bylaw is the most appropriate form of bylaw.
6. The proposed bylaw does not give rise to any NZ Bill of Rights implications.

2. Perceived problems

1. Activities related to vehicle and road use that are or could be problematic if not addressed by Council such as one way roads, U-turns and cycle lanes (currently covered) and livestock movement (not currently covered).
2. Activities related to parking that are problematic if not addressed by Council such as the need to restrict parking through time limits and or paid parking spaces (currently covered) or motorcycle parking spaces (not currently covered).
3. The main perceived problems are the unregulated use of roads and parking places for road safety and public convenience purposes. Unregulated parking could create hazards for other road users, pedestrians and motor vehicle users. For example, no rules at all could mean parking in dangerous locations on the road reserve.

The ability to impose time limits and charges and undertake associated enforcement is an effective method to support adequate supply and turnover of parking availability in the busier areas of the District.
4. Council sought community feedback on the current bylaw as part of the review on what problems the community would like to see remedied through a bylaw, which included, for example, an issue around heavy vehicle parking.

3. Is a bylaw the most appropriate way of addressing the problems?

The first step in a review process is always to assess what the perceived problem is and what mechanisms are available to Council to address the perceived problem. Table 1 outlines the assessment for each option available.

Table 1

Option	Outcome	Comments
Option A – no action taken to address perceived problems	Council would revoke the existing bylaw. Council would have no mechanisms available to control both traffic and parking behaviours in the District.	This option would not provide Council with any abilities to address the perceived problems and is therefore not recommended.
Option B – provide a non-regulatory policy on traffic and parking matters to address the perceived problem	Council would revoke the existing bylaw and develop a policy approach to the perceived problem. This would rely on voluntary compliance as it would not have any associated enforcement powers.	The fundamental difficulty with any voluntary compliance regime in this area is that individuals do not have an adequate incentive to comply. This option is not recommended.
Option C – provide a bylaw on traffic and parking matters.	Council has a bylaw that provides a policy approach to the relevant parking and traffic matters and this is supported through available enforcement activities.	This is the recommended option. Council has specific bylaw-making powers that allows it to make bylaws to address the perceived problems as outlined in this report. This options allows for enforcement activities for the benefit of all road users.

Option C is the preferred option.

4. Is the existing bylaw the most appropriate form of bylaw?

The current bylaw is not the most appropriate form of bylaw. The bylaw -

- appears overly prescriptive in some areas
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- includes provisions that are difficult to enforce or address issues that are no longer considered sufficiently problematic to warrant inclusion in the bylaw
- needs to be revised to reflect current land transport legislation
- does not provide for changes to technology since the last review, such as parking payment methods.
- does not reflect modern drafting practice or use 'plain English' language.

The current bylaw was made under the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998 and the Land Transport Management Act.

Traffic and parking bylaw-making powers are now contained in section 22AB of the Land Transport Act 1998 (LTA), which was last amended in 2017 and was significantly amended in 2011. This includes the power to leave matters for Council resolution in s22AB(3).

The matters contained within s22AB have been assessed against the current bylaw and the perceived problems. All relevant matters are provided for within s22AB. Therefore, a PTB

can be made solely under the LTA, without reference to the LGA. Future reviews would only be subject to the provisions of the LTA rather than the LGA. It is noted for completeness that the LTA also provides that under s22AC LTA the Minister (currently the Minister of Transport) may amend, replace or disallow a bylaw made under the LTA.

5. Reasonably practicable options

The review requirements of section 160(2) of the LGA have now been addressed within this report. The Committee now has four options to consider in accordance with section 160(3) of the LGA as outlined in Table 2 below. These options also provide a link to the decision-making requirements of section 77 of the LGA, including the identification of reasonably practicable options.

Table 2

Option	Description	Advantages	Disadvantages
Option A - Amend the existing bylaw	Adopt a statement of proposal for public consultation including the proposed amended bylaw.	None identified.	Inconsistent with the analysis in this report regarding the appropriate form of bylaw. A significant amount of changes required, including the legislation under which the bylaw should be made.
Option B - Keep the bylaw as it is	Adopt a statement of proposal for public consultation with the current bylaw.	No changes to current situation, no new rules for community.	Inconsistent with the analysis in this report regarding the appropriate form of bylaw.
Option C - Revoke the bylaw	Adopt a statement of proposal for public consultation stating Council's intention to revoke the bylaw.	Reduces Council's enforcement activity requirements.	As per Table 1 of this report, not considered a reasonably practicable option in accordance with s77(1)(a) of the LGA.
Option D - Revoke and replace the bylaw	Adopt a statement of proposal for public consultation including a new bylaw.	As outlined in section 4 of this report.	Only able to address matters contained within s22AB LTA.

The analysis undertaken and described in this report shows that the most appropriate option is to revoke the existing bylaw and replace it with a new bylaw, made under the Land Transport Act 1998.

6. Is the proposed bylaw the most appropriate form of bylaw

The proposed bylaw addresses the perceived problems and overcomes the issues with the current bylaw. It -

- is not overly prescriptive
- adds important powers missed in the current bylaw
- removes duplication of powers Council already possesses under other legislation
- reflects legal developments and modern drafting practice
- uses plain English.

The Statement of Proposal for the new bylaw provides a more detailed overview of the proposed content changes.

7. Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990

The only right or freedom under NZBORA potentially affected by the proposed bylaw is potentially the right to freedom of movement. Limitations on that right in the bylaw must be no more than is reasonably necessary to achieve the purpose of regulating parking in public places and providing traffic management controls to protect the public from nuisance and promote and maintain public health and safety. Council will have to bear this requirement in mind when it comes to establishing site specific controls by resolution as provided for in the bylaw.

Register of Resolutions

Whangarei District Council

Parking and Traffic Bylaw 2017

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Whangarei District Council
Parking and Traffic Bylaw 2017
Register of Resolutions



1. Shared Paths

Date of resolution:	14 December 2017	Date in force:	15 December 2017
Date amended:		Amended by:	

The following paths are designated as shared paths in accordance with clause 9 of the Parking and Traffic Bylaw 2017, for the use of some, or all of the following categories:

- (a) pedestrians
- (b) cyclists
- (c) riders of mobility devices
- (d) riders of wheeled recreational devices.

All paths are signed and/or marked in accordance with legislative requirements.

Location/ Name	Technical Description						Priority	Categories
Beach Road, Onerahi	Ref ID	Start	Start Location	End	End Location	Length	Nil	All
	1985	0	BEACH RD (RP2480)	215	BEACH RD (RP2695)	215		
	1985	215	BEACH RD (RP2695)	866	PAH RD (RP340)	651		
	1985	875	PAH RD (RP340)	1243	WAIMAHANGA TRACK	368		
Canopy Bridge	Ref ID	Start	Start Location	End	End Location	Length	Nil	All
	2036	0	SP HATEA LOOP	22	START VIC CANOPY BRIDGE	22		
	2036	22	START VIC CANOPY BRIDGE	90	END VIC CANOPY BRIDGE	68		
	2036	90	END VIC CANOPY BRIDGE	196	QUAYSIDE ST	106		
First Ave	Ref ID	Start	Start Location	End	End Location	Length	Nil	All
	1986	0	MAUNU RD (RP325)	54	START- CARRUTH PARK FOOTBRIDGE	54		
	1986	54	START- CARRUTH PARK FOOTBRIDGE	59	END- CARRUTH PARK FOOTBRIDGE	5		
	1986	59	END- CARRUTH PARK FOOTBRIDGE	292	CENTRAL AVE (RP110)	233		
		304	CENTRAL AVE (RP110)	471	START- FIRST AVE FOOTBRIDGE	167		

Whangarei District Council
Parking and Traffic Bylaw 2017
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Location/ Name	Technical Description						Priority	Categories
	Ref ID	Start	Start Location	End	End Location	Length		
Hatea Loop	1989	0	VICTORIA CANOPY BRIDGE	1253	RIVERSIDE DR (RP1.445)	1253	Nil	All
	1989	1253	RIVERSIDE DR (RP1.445)	2107	START- TE MATAU A POHE (RP 0.426)	854		
	1989	2107	START- TE MATAU A POHE (RP 0.426)	2514	END- TE MATAU A POHE (RP 0.018)	407		
	1989	2514	END- TE MATAU A POHE (RP 0.018)	3031	START- KOTUITUI WHITINGA FOOTBRIDGE	517		
	1989	3031	START- KOTUITUI WHITINGA FOOTBRIDGE	3136	END- KOTUITUI WHITINGA FOOTBRIDGE	105		
	1989	3136	END- KOTUITUI WHITINGA FOOTBRIDGE	3917	START BOARDWALK	781		
	1990	0	TE MATAU A POHE	240	HATEA LOOP	240		
	1991	0	TE MATAU A POHE	114	HATEA LOOP	114		
	1992	0	HATEA LOOP	100	HIHIAUA LOOP	100		
Onerahi Link	1988	0	OKARA DR/PORT RD RAB	230	START- TE MATAU A POHE (RP 0.018)	230	Nil	All
	1988	230	START- TE MATAU A POHE (RP 0.018)	638	END- TE MATAU A POHE (RP 0.426)	408		
	1988	638	END- TE MATAU A POHE (RP 0.426)	1818	RIVERSIDE DR (RP 2.220)	1180		

Whangarei District Council
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Location/ Name	Technical Description						Priority	Categories
	Ref ID	Start	Start Location	End	End Location	Length		
Riverside Drive	2023	0	SP ONERAHI LINK	90	BRIDGE (DUCK CREEK) START	90	Nil	All
	2023	90	BRIDGE (DUCK CREEK) START	125	BRIDGE (DUCK CREEK) END	35		
	2023	125	BRIDGE (DUCK CREEK) END	1240	BRIDGE (AWAROA CREEK) START	1115		
	2023	1240	BRIDGE (AWAROA CREEK) START	1270	BRIDGE (AWAROA CREEK) END	30		
	2023	1270	BRIDGE (AWAROA CREEK) END	1985	BRIDGE (CLOTHWORTHYS) START	715		
	2023	1985	BRIDGE (CLOTHWORTHYS) START	2010	BRIDGE (CLOTHWORTHYS) END	25		
	2023	2010	BRIDGE (CLOTHWORTHYS) END	2290	WAIMAHANGA TRACK	280		
Tarewa Park	1987	0	RAUMANGA VALLEY RD (RP760)	93	START- RAUMANGA VALLEY FOOTBRIDGE	93	Nil	All
	1987	93	START- RAUMANGA VALLEY FOOTBRIDGE	116	END- RAUMANGA VALLEY FOOTBRIDGE	23		
	1987	116	END- RAUMANGA VALLEY FOOTBRIDGE	802	START- TE MAI RD FOOTBRIDGE	686		
	1987	802	START- TE MAI RD FOOTBRIDGE	830	END- TE MAI RD FOOTBRIDGE	28		
	1987	830	END- TE MAI RD FOOTBRIDGE	1140	OTAIKA RD (RP 01N-266-0.429)	310		
	1987	1157	OTAIKA RD (RP 01N-266-0.429)	1572	START- BERNARD FOOTBRIDGE	415		

Whangarei District Council
Parking and Traffic Bylaw 2017
Register of Resolutions



2. Cycle lanes

Date of resolution:	14 December 2017	Date in force:	15 December 2017
Date amended:		Amended by:	

The following on-road locations are designated as cycle lanes (special vehicle lanes) in accordance with clause 10 of the Parking and Traffic Bylaw 2017. All cycle lanes are signed and/or marked in accordance with legislative requirements.

ROAD NAME	ROAD ID	SIDE	RAMM DISPLACEMENT		LENGTH	DESCRIPTION
			START	END		
Dent Street	113	Right	199	384	185	Northern side of Dent Street from Dent Street/Walton Street intersection to Dent Street/Riverside Drive intersection
Dent Street	113	Right	418	450	32	Northern side of Dent Street from Dent Street/Riverside Drive intersection to 32m west of the intersection
Hatea Drive	173	Right	25	115	90	Eastern side of Hatea Drive from Hatea Drive/Riverside Drive intersection to 90m north of the intersection
Riverside Drive North	1471	Left	550	795	245	Southern side of Riverside Drive from Riverside Drive/Ewing Road intersection to Riverside Drive/Hatea Drive intersection
Riverside Drive South	1124	Left	20	335	315	Northern side of Riverside Drive from Riverside Drive/Hatea Drive intersection to 315m east of the intersection
Riverside Drive South	1124	Right	1450	2035	585	Southern side of Riverside Drive from 50m east of Riverside Drive/Memorial Drive intersection to 30m west of Riverside Drive/Dave Culham Drive roundabout
Porowini Avenue	327	Right	580	700	120	Southern side of Porowini Avenue from 80m east of Porowini Avenue/Kaka Street intersection to 40m west of Porowini Avenue/Kaka Street intersection
Kensington Avenue	217	Left	10	97	87	Southern side of Kensington Avenue from Kensington Avenue/Kamo Road intersection to 87m west of the intersection
Kensington Avenue	217	Right	10	62	52	Northern side of Kensington Avenue from Kensington Avenue/Kamo Road intersection to 62m west of the intersection
Nixon Street	295	Left	12	37	25	Northern side of Nixon Street from Nixon Street/Kamo Road intersection to 25m east of the intersection
Nixon Street	295	Left	264	313	49	Northern side of Nixon Street from Nixon Street/Mill Road intersection to 49m west of the intersection
Nixon Street	295	Left	339	539	200	Northern side of Nixon Street from Nixon Street/Mill Road intersection to 200m east of the intersection
Nixon Street	295	Right	339	417	78	Southern side of Nixon Street from Nixon Street/Mill Road intersection to 78m east of the intersection

Whangarei District Council
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ROAD NAME	ROAD ID	SIDE	RAMM DISPLACEMENT		LENGTH	DESCRIPTION
			START	END		
Mill Road	266	Left	755	805	50	Western side of Mill Road from Mill Road/Nixon Street intersection to 50m north of the intersection
Mill Road	266	Right	755	805	50	Eastern side of Mill Road from Mill Road/Nixon Street intersection to 50m north of the intersection
Mill Road	266	Left	611	724	113	Western side of Mill Road from Mill Road/Nixon Street intersection to 113m south of the intersection
Mill Road	266	Right	611	724	113	Eastern side of Mill Road from Mill Road/Nixon Street intersection to 113m south of the intersection

3. Motorcycle parking

Date of resolution:	14 December 2017	Date in force:	15 December 2017
Date amended:		Amended by:	

The following locations are designated as motorcycle parking in accordance with clause 8 of the Parking and Traffic Bylaw. All motorcycle parks are signed and/or marked in accordance with legislative requirements.

Location	Description/map reference	Time limit	Parking fee
Carruth Street	Map reference - Sheet 41	Nil	Nil
Rathbone Street	Map reference - Sheet 42	Nil	Nil
Forum North Carpark	Map reference - Sheet 43	Nil	Nil

The maps referred to in the table above are provided in Appendix 1.

Whangarei District Council
Parking and Traffic Bylaw 2017
Register of Resolutions



4. Shared zones

Date of resolution:	14 December 2017	Date in force:	15 December 2017
Date amended:		Amended by:	

The following location(s) are designated as shared zones in accordance with clause 11 of the Parking and Traffic Bylaw 2017.

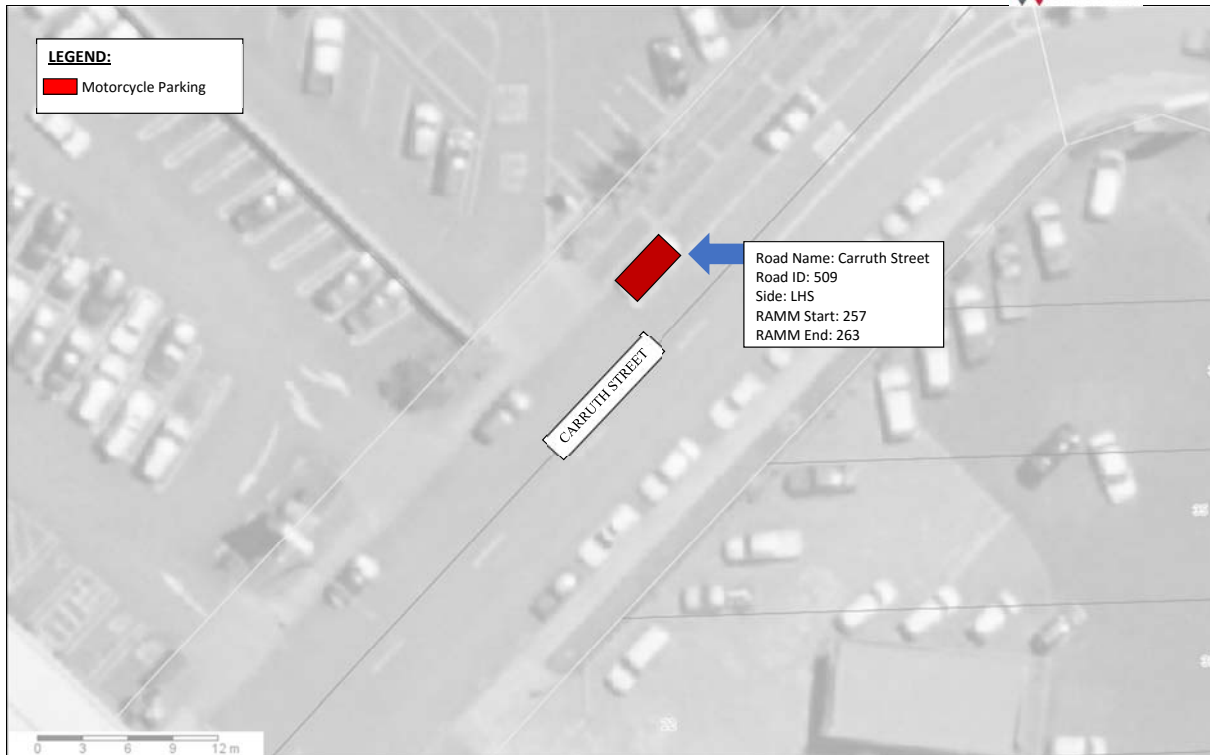
Location	Technical Description/map reference	Additional restrictions															
Cameron Street - Laneway		Nil															
	<table><tr><th>ROAD NAME</th><th>RAMM ID</th><th>START DISP</th><th>END DISP</th><th>LENGTH</th></tr><tr><td>Cameron Street</td><td>75</td><td>70</td><td>240</td><td>170</td></tr><tr><td>James Street</td><td>202</td><td>0</td><td>70</td><td>70</td></tr></table>	ROAD NAME	RAMM ID	START DISP	END DISP	LENGTH	Cameron Street	75	70	240	170	James Street	202	0	70	70	
ROAD NAME	RAMM ID	START DISP	END DISP	LENGTH													
Cameron Street	75	70	240	170													
James Street	202	0	70	70													
	Map reference - Sheet SZ-01																

The maps referred to in the table above are provided in Appendix 2.

Whangarei District Council
Parking and Traffic Bylaw 2017
Register of resolutions

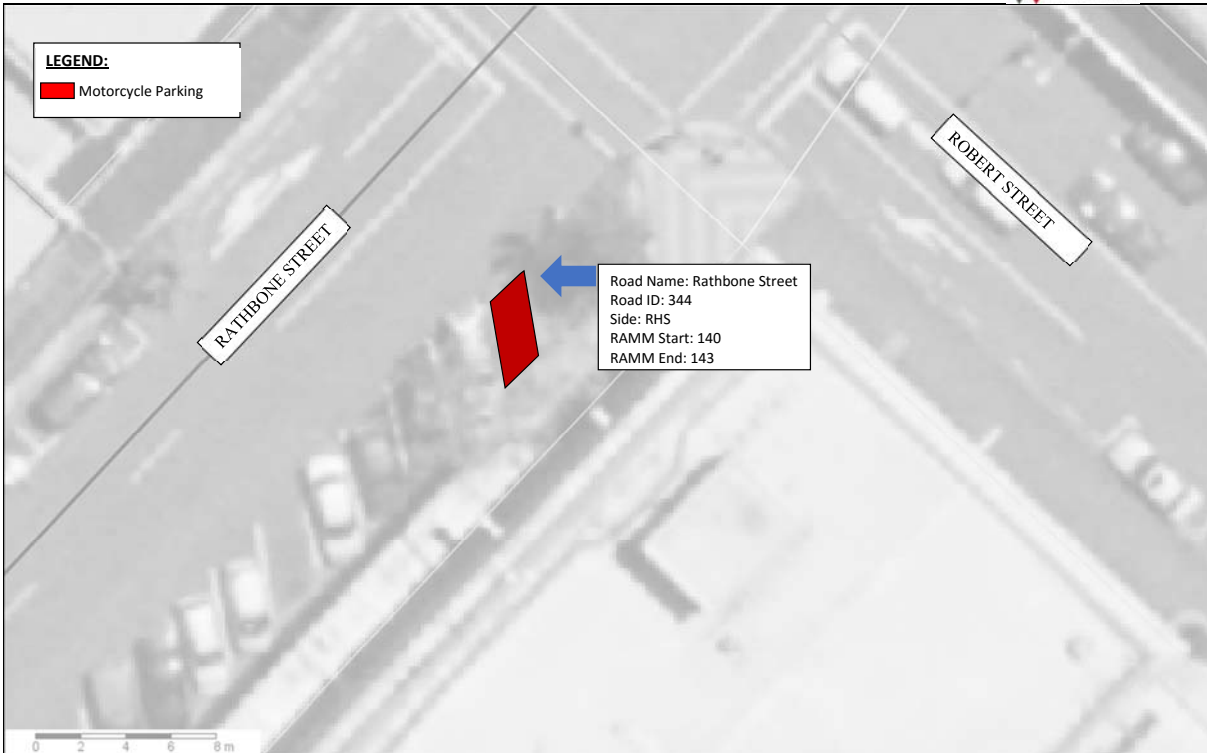
Appendix 1 - Motorcycle parking

MOTORCYCLE PARKING – CARRUTH STREET – SHEET 41



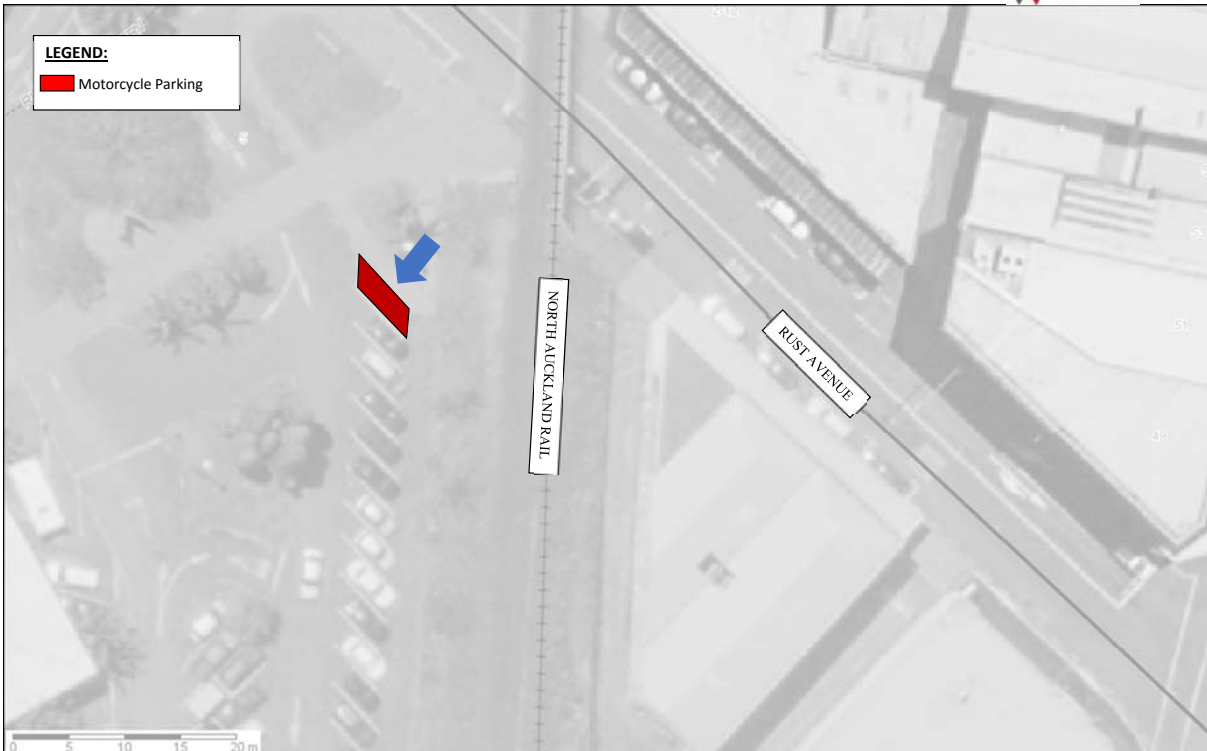
Scale: 1:300
Original Sheet Size A4
Map Produced – November 2017

Road Name: Carruth Street
Road ID: 509
Side: LHS
RAMM Start: 257
RAMM End: 263



Scale: 1:300
Original Sheet Size A4
Map Produced – November 2017

MOTORCYCLE PARKING – FORUM NORTH OFF-STREET CARPARK – SHEET 43

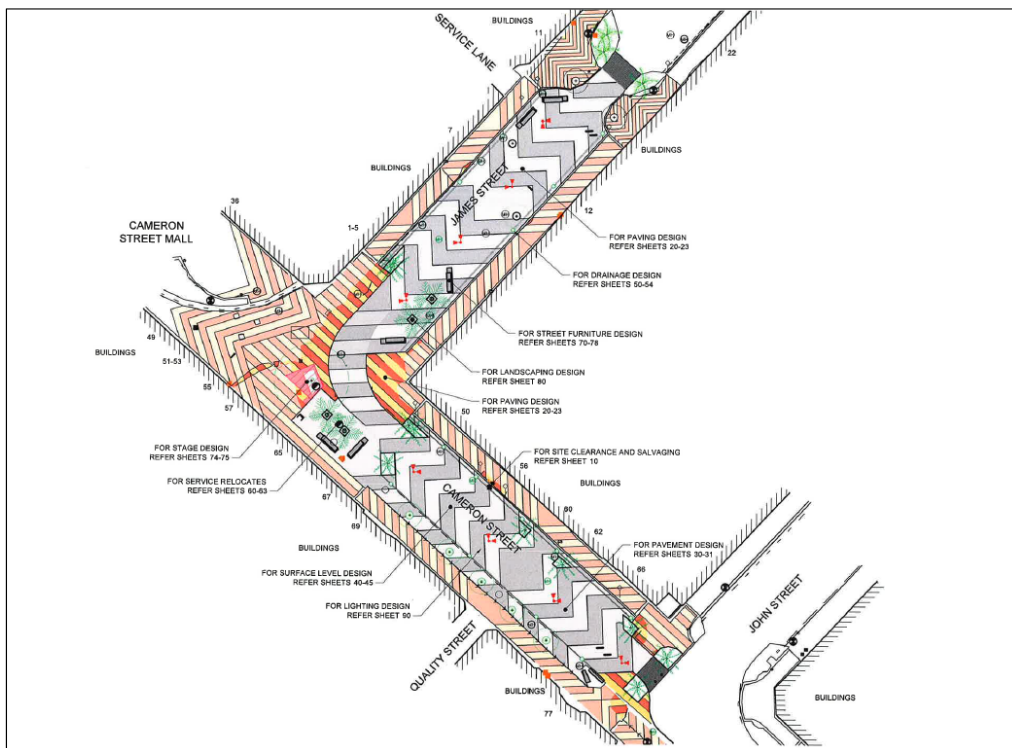


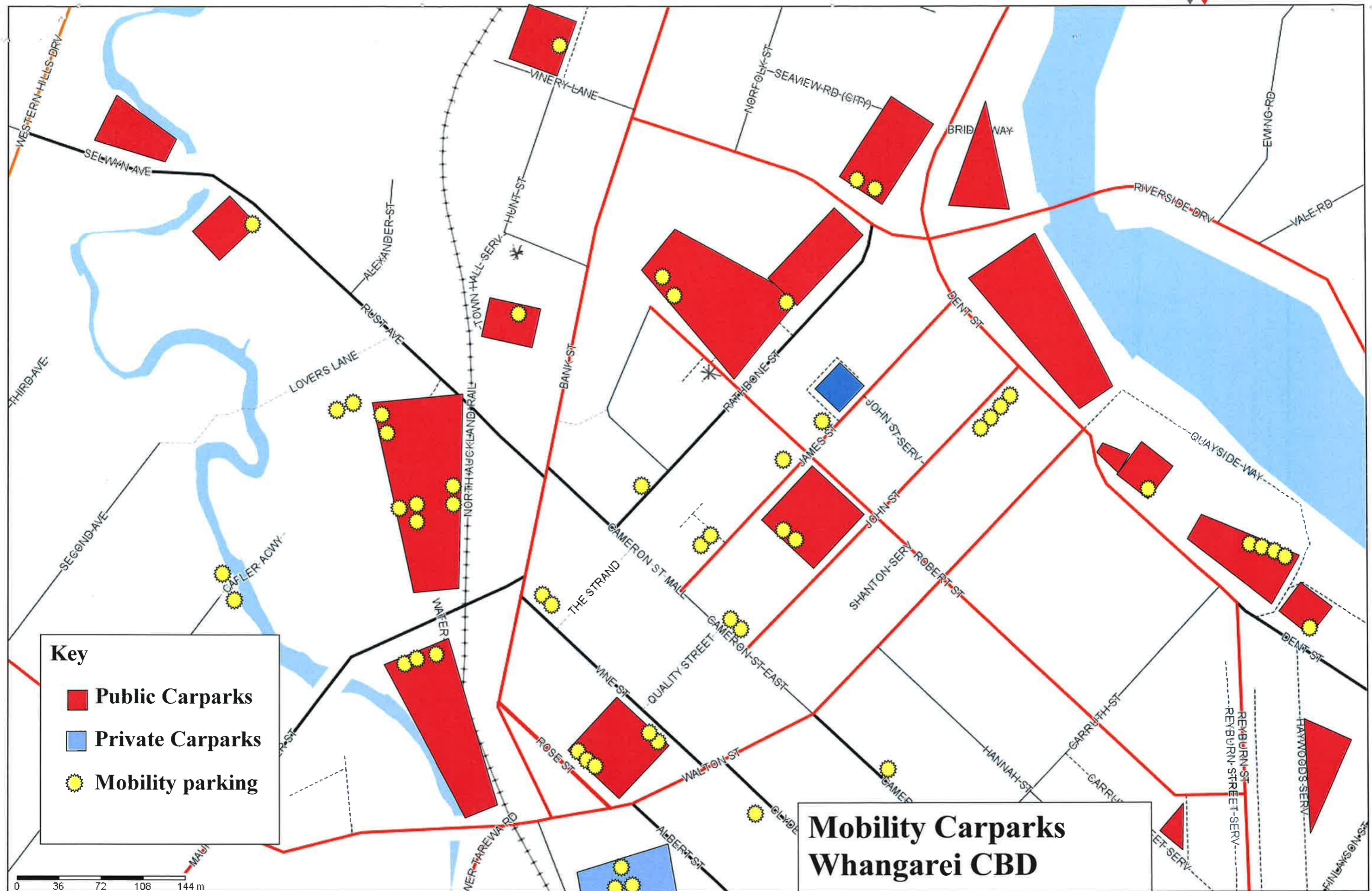
Scale: 1:300
Original Sheet Size A4
Map Produced – November 2017

Whangarei District Council
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Appendix 2 – Shared zones

SHARED ZONE – LANEWAY – SHEET SZ-01





Scale: 1:3000
@ Original Sheet Size A3

Projection: NZGD2000 / New Zealand Transverse Mercator 2000

Print Date: 29/07/2016 3:32 PM

Cadastral Information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED
Information shown is the currently assumed knowledge as at date printed.
If Information is vital, confirm with Whangarei District Council, Customer Services.

7.3 Parking and Traffic Bylaw 2017

Meeting: Council
Date of meeting: 14 December 2017
Reporting officer: Shireen Munday (Strategic Planner)

1 Purpose

To provide replacement Attachment 2 for item 7.3 that was incorrect in the original agenda, in error.

2 Attachment

Attachment 2 – Agenda report for 22 November 2017 deliberations meeting

3.2 Deliberations – proposed Parking and Traffic Bylaw

Meeting: Planning and Development Committee
Date of meeting: 22 November 2017
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To deliberate on matters raised in submissions and further matters raised by staff to make a recommendation to Council on the final form and content of the proposed Parking and Traffic Bylaw.

2 Recommendations

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Mobility parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

B. Electric vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

C. Technical/wording issues

That the Planning and Development Committee notes the submissions and that the proposed changes provided in section 4.2 F, G, H and I of this report, appropriately address the matters raised by submitters.

D. Heavy motor vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

E. Heavy motor vehicle restrictions

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

F. General matters

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking off a roadway

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on a road

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

2. That the Planning and Development Committee recommends to Council that it makes the final Parking and Traffic Bylaw, incorporating all resolutions made at this meeting.

3 Background

At its meeting on 14 September 2017 the Planning and Development Committee adopted a Statement of Proposal to revoke and replace Council's Parking and Traffic Bylaw. This proposal was a result of the statutory review of the Bylaw, completed in accordance with s159 of the Local Government Act 2002.

The Committee held a 'Have Your Say' event, which was attended by two submitters and on 1 November heard one submitter who wished to speak to their submission in Chambers.

The activities to give effect to the Special Consultative Procedure requirements as described in the report tabled at the 14 September 2017 meeting have been completed.

The Committee can now deliberate on the submissions received to determine whether any further changes to the proposed Parking and Traffic Bylaw (the Bylaw) are required and to make a recommendation to Council on the final form and content of the Bylaw.

4 Discussion

There are two distinct matters to be addressed through the deliberations process. The first is the consideration of issues raised by submitters through the consultation process. The second aspect is to consider any officer advice, which is also provided for as part of the process in section 83(3) of the Local Government Act 2002.

In some cases, proposed changes are made due to both submission feedback, as well as officer advice. Where this is the case, this is indicated.

The report is supported through an attachment showing the track changes to the Bylaw that represents the staff recommendations. Attachments 2 and 3 are the version of the Bylaw as consulted on (Attachment 2) and the version of the Bylaw including all proposed changes with the track changes removed for ease of reading (Attachment 3).

4.1 Matters raised in submissions

Matters raised in submissions were restricted to clauses 5,8,13,15,16, 24 and 25 of the Bylaw, plus one matter that was not included in the proposed Bylaw (heavy motor vehicle restrictions).

No community feedback was received on any of the other topics of the proposed Bylaw. Therefore, there is no scope to make any changes to these areas, outside of consideration of any further officer advice as provided in section 4.2 of this report. No further deliberations are required on these matters.

A. Mobility parking

Two submitters commented on the proposed clauses on mobility parking. Both submitters mentioned an annual fee. Whangarei District Council does not charge any annual fees. The submitters are likely referring to the national Mobility Parking Permits issued by CCS Disability Action, which are required to be able to parking in mobility parking spaces. Long term permits cost \$50 and must be re-applied for every 5 years, thus the annual cost for these permits is \$10.

One submitter also commented on the issue of other vehicles unlawfully parking in mobility parking spaces. This issue is of an enforcement nature rather than being able to be addressed through the bylaw itself. The second submitter raised the issue of the location of parking meters close to mobility parking spaces. While this is a valid concern for people with

mobility issues, Council does provide other mechanisms for payment, such as the mPark application available on all smartphones. Mobility parking permit holders also can have drivers or are otherwise accompanied by people who can access parking meters. An education programme, led by the Community Development Department, is planned to assist mobility parking permit holders to understand the new final Parking and Traffic Bylaw.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

B. Electric vehicle (EV) parking

The submitter wishes to see Council support electric vehicles through the provision of subsidised parking charges. The submitter also provided further comments on the enforcement of vehicles parking unlawfully in EV parking spaces and makes further suggestions around the promotion of EV vehicles.

The bylaw as proposed allows Council by resolution to determine that specified parking spaces are only for EV vehicles. The other matters raised by the submitter are not matters that can be addressed through the Bylaw.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

C. Technical/wording issues

Two submitters commented on some of the technical aspects of the proposed Bylaw, specifically clauses 5, 8, 13, 15, 24 and 25. The recommended changes in section 4.2 of this report include changes to clauses 13, 24 and 25 of the Bylaw. These changes also address the submission issues raised. No changes were deemed necessary for the feedback received on clauses 5, 8 and 15.

Staff recommendation:

That the Planning and Development Committee notes the submissions, and that the proposed changes provided in section 4.2 F, G, H and I appropriately address the matters raised by submitters.

D. Heavy motor vehicle parking

The submitter wishes to see Council include a provision in the Bylaw that prohibits the parking of heavy motor vehicles in all residential zoned land within the District. This request is based on this type of clause in the Tauranga District Council Traffic and Parking Bylaw.

The draft Bylaw has a provision that allows Council to prohibit parking on certain roads by resolution. In both instances, such prohibitions would require appropriate signage under the relevant transport related rules to be enforceable.

When the number of complaints logged about heavy motor vehicles in the District was analysed, there are a small number of areas that appear to have reoccurring problems with this issue but it does not appear significant and district-wide. Using a blanket approach as requested by the submitter may have unintended consequences.

By using a case by case approach, problems can be reviewed and work done with communities and the drivers or owners of heavy motor vehicles to provide an acceptable solution. This may in some instances result in a specific restriction but also provides for alternative solutions to be found.

The Roding Department is supportive of the inclusion of this draft clause as a general policy tool. The work required of the Roding Department to review such requests and develop an associated recommendation to Council for resolution includes further analysis of the stated problem, as well as consultation with affected residents and stakeholders prior to developing a potential solution for Council's consideration.

Such a programme of work typically takes 3-6 months and is additional to the existing workload of the Department. The Roding Department has confirmed that it can commence a review the specific request of the submitter in its 2018/2019 work programme, with a final recommendation to Council in 2019. Any requests for heavy vehicle parking restrictions in other locations would be similarly scheduled into future work programmes as and when they arise, and as resources become available within the wider work programme.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

E. Heavy motor vehicle restrictions

The submitter has expressed concerns about the use of Marsden Point Road by heavy motor vehicles and wishes to see Council control this through the Bylaw. The details of the request, such a lowering speed limits and/or installing traffic calming measures are not achievable through the Bylaw.

Like point D above, the Roding Department has indicated it can undertake a review of the solutions sought within its 2018/2019 work programme. If, following the review, a change to the Speed Limits Bylaw is recommended to Council, then the associated statutory amendment processes will be required to achieve the desired outcome. Such a process generally takes 6 months to be completed. Any physical works required, if part of an overall solution, would also have to be budgeted for and scheduled into future work programmes. As such, any final outcome would not be expected to be finalised before the 2019/2020 year.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

4.2 Proposed staff amendments

Since the consultation document was adopted, further advice has been sought (legal, engineering and administering officers) and used as input to the Bylaw. This has informed recommended changes to the Bylaw.

F. General matters

The Bylaw was reviewed for technical strength, consistency of terminology and use of 'plain English'. This resulted in several proposed changes that do not change the overall content or context of the bylaw, but remove potential ambiguity and/or provide more clarity. These changes are shown as track changes in Attachment 1. This includes a correction to clause 13 as requested by a submitter.

Staff recommendation:

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

Council's power to establish parking places can come both through the Bylaw as well as section 591 of the Local Government Act 1974.

Council may from time to time wish to establish parking places under section 591 of the Local Government Act 1974, rather than the Bylaw. Clause 15.4 is proposed to provide clarity on these other powers of Council for completeness.

Staff recommendation:

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

Council has no general power to declare a parking place that is on a road to be a reserved parking space. The general intent of clause 24 related to parking spaces in a building or off-street. While Council may still choose to provide parking spaces to lease or reserve in a building or off-street parking, this can be established under Council's power of general competence, e.g. as the entity owning or controlling the land, rather than through a Bylaw provision. Any reserved or leased parking spaces provided by Council are not subject to the provisions of the Bylaw; parking wardens are not able to issue infringement notices for any incorrect parking activities. The inclusion of this clause is therefore unnecessary. This proposed change also addresses the issue raised by the submitter on this clause.

Staff recommendation:

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking vehicles off a roadway

Clause 25 is designed to stop vehicles being parked on grass verges and berms in urban areas, to protect any grass area or flowerbeds or similar. The draft clause included the ability to provide exemptions from this prohibition. Further analysis has identified that the exceptions provided for in clause 32 of the Bylaw will sufficiently provide for any situations where Council may consider it appropriate to allow parking in such places. As such, clause 25.2(2) is considered superfluous. This proposed change also addresses the issue raised by the submitter on this clause.

Staff recommendation:

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on roads

Clause 26 is designed to support traffic safety and flow issues. However, the wording of the clause as proposed is considered too vague to be useful in certain situations. There are also potential unintended consequences for situations that are otherwise lawful, such as depositing groceries next to a vehicle before loading them. It is considered appropriate to retain the clause but to amend it to provide more clarity and certainty about its purpose and scope.

Staff recommendation:

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

5 Significance and engagement

5.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

5.2 Engagement

Council has consulted with the community on the issues of this agenda in accordance with the statutory requirements of the Local Government Act 2002. The public will be informed via agenda publication on Council's website.

6 Attachments

Attachment 1 – proposed Parking and Traffic Bylaw showing markup track changes and highlighted changes.

Attachment 2 – proposed Parking and Traffic Bylaw for consultation.

Attachment 3 – proposed final Parking and Traffic Bylaw.

Planning and Development Committee Meeting Minutes

Date: Wednesday, 22 November, 2017
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Stu Bell Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
Not in Attendance	Cr Crichton Christie

In attendance:

Chief Executive (Rob Forlong), General Manager Planning and Development (Alison Geddes), General Manager Community (Sandra Boardman), Manager Democracy and Assurance (Jason Marris), Manager Strategy (Tony Horton), Strategic Planner (Shireen Munday), Team Leader Democracy (Nicolene Pestana) and Senior Democracy Adviser (C Brindle)

1. Declarations of Interest**2. Apologies**

Cr Crichton Christie (absent)
Crs Stu Bell and Sharon Morgan (late arrival)

Moved By Cr Greg Innes

Seconded By Cr Phil Halse

That the apologies be sustained.

Carried

Crs Bell and Morgan joined the meeting at 9.01am following Item 2.

3. Decision Reports

3.1 Deliberations - proposed Animals Bylaw

Item 3.1 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Stu Bell

1. That the Planning and Development Committee approves the recommendations as contained in the report and the associated attachments as follows:

A. Obligations of animal owners in general

That clause 6.1(d), as highlighted yellow in Attachment 1, is deleted from the final Animals Bylaw.

B. Cats – microchipping and de-sexing

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Vince Cocurullo

Seconded By Cr Cherry Hermon

C. Bees

That clause 9 and the associated definition of 'hives' in clause 5 as highlighted yellow in Attachment 1 are amended as per the provided track changes.

Carried

Moved By Cr Cherry Hermon

Seconded By Her Worship the Mayor

D. General matters

That all changes showing in track changes in Attachment 1 are made to the final Animals Bylaw.

Carried

Moved By Cr Sharon Morgan

Seconded By Cr Cherry Hermon

2. That the Planning and Development Committee recommends to Council that it makes the final Animals Bylaw, incorporating all resolutions made at this meeting.

Carried

3.2 Deliberations - proposed Parking and Traffic Bylaw

Item 3.2 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Shelley Deeming

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Mobility parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Crs Cocurullo and Murphy requested their votes against be recorded.

Moved By Cr Shelley Deeming

Seconded By Cr Stu Bell

B. Electric vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Anna Murphy

C. Technical/wording issues

That the Planning and Development Committee notes the submissions and that the proposed changes provided in section 4.2 F, G, H and I of this report, appropriately address the matters raised by submitters.

Carried

Moved By Cr Stu Bell

Seconded By Her Worship the Mayor

D. Heavy motor vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

E. Heavy motor vehicle restrictions

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

F. General matters

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking off a roadway

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on a road

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

Carried

Moved By Cr Tricia Cutforth

Seconded By Cr Greg Martin

2. That the Planning and Development Committee recommends to Council that it makes the final Parking and Traffic Bylaw, incorporating all resolutions made at this meeting.

Carried

Cr Martin was absent from the meeting between 9.45am and 9.47am during discussions on D Heavy motor vehicle parking.

4. Public Excluded Business

There was no public excluded business.

5. Closure of Meeting

The meeting concluded at 9.53am.

Confirmed this 13th day of December 2017

Councillor Greg Innes (Chairperson)

7.3 Parking and Traffic Bylaw 2017

Meeting: Council
Date of meeting: 14 December 2017
Reporting officer: Shireen Munday (Strategic Planner)

1 Purpose

To provide replacement Attachment 2 for item 7.3 that was incorrect in the original agenda, in error.

2 Attachment

Attachment 2 – Agenda report for 22 November 2017 deliberations meeting

3.2 Deliberations – proposed Parking and Traffic Bylaw

Meeting: Planning and Development Committee
Date of meeting: 22 November 2017
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To deliberate on matters raised in submissions and further matters raised by staff to make a recommendation to Council on the final form and content of the proposed Parking and Traffic Bylaw.

2 Recommendations

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Mobility parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

B. Electric vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

C. Technical/wording issues

That the Planning and Development Committee notes the submissions and that the proposed changes provided in section 4.2 F, G, H and I of this report, appropriately address the matters raised by submitters.

D. Heavy motor vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

E. Heavy motor vehicle restrictions

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

F. General matters

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking off a roadway

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on a road

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

2. That the Planning and Development Committee recommends to Council that it makes the final Parking and Traffic Bylaw, incorporating all resolutions made at this meeting.

3 Background

At its meeting on 14 September 2017 the Planning and Development Committee adopted a Statement of Proposal to revoke and replace Council's Parking and Traffic Bylaw. This proposal was a result of the statutory review of the Bylaw, completed in accordance with s159 of the Local Government Act 2002.

The Committee held a 'Have Your Say' event, which was attended by two submitters and on 1 November heard one submitter who wished to speak to their submission in Chambers.

The activities to give effect to the Special Consultative Procedure requirements as described in the report tabled at the 14 September 2017 meeting have been completed.

The Committee can now deliberate on the submissions received to determine whether any further changes to the proposed Parking and Traffic Bylaw (the Bylaw) are required and to make a recommendation to Council on the final form and content of the Bylaw.

4 Discussion

There are two distinct matters to be addressed through the deliberations process. The first is the consideration of issues raised by submitters through the consultation process. The second aspect is to consider any officer advice, which is also provided for as part of the process in section 83(3) of the Local Government Act 2002.

In some cases, proposed changes are made due to both submission feedback, as well as officer advice. Where this is the case, this is indicated.

The report is supported through an attachment showing the track changes to the Bylaw that represents the staff recommendations. Attachments 2 and 3 are the version of the Bylaw as consulted on (Attachment 2) and the version of the Bylaw including all proposed changes with the track changes removed for ease of reading (Attachment 3).

4.1 Matters raised in submissions

Matters raised in submissions were restricted to clauses 5,8,13,15,16, 24 and 25 of the Bylaw, plus one matter that was not included in the proposed Bylaw (heavy motor vehicle restrictions).

No community feedback was received on any of the other topics of the proposed Bylaw. Therefore, there is no scope to make any changes to these areas, outside of consideration of any further officer advice as provided in section 4.2 of this report. No further deliberations are required on these matters.

A. Mobility parking

Two submitters commented on the proposed clauses on mobility parking. Both submitters mentioned an annual fee. Whangarei District Council does not charge any annual fees. The submitters are likely referring to the national Mobility Parking Permits issued by CCS Disability Action, which are required to be able to parking in mobility parking spaces. Long term permits cost \$50 and must be re-applied for every 5 years, thus the annual cost for these permits is \$10.

One submitter also commented on the issue of other vehicles unlawfully parking in mobility parking spaces. This issue is of an enforcement nature rather than being able to be addressed through the bylaw itself. The second submitter raised the issue of the location of parking meters close to mobility parking spaces. While this is a valid concern for people with

mobility issues, Council does provide other mechanisms for payment, such as the mPark application available on all smartphones. Mobility parking permit holders also can have drivers or are otherwise accompanied by people who can access parking meters. An education programme, led by the Community Development Department, is planned to assist mobility parking permit holders to understand the new final Parking and Traffic Bylaw.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

B. Electric vehicle (EV) parking

The submitter wishes to see Council support electric vehicles through the provision of subsidised parking charges. The submitter also provided further comments on the enforcement of vehicles parking unlawfully in EV parking spaces and makes further suggestions around the promotion of EV vehicles.

The bylaw as proposed allows Council by resolution to determine that specified parking spaces are only for EV vehicles. The other matters raised by the submitter are not matters that can be addressed through the Bylaw.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

C. Technical/wording issues

Two submitters commented on some of the technical aspects of the proposed Bylaw, specifically clauses 5, 8, 13, 15, 24 and 25. The recommended changes in section 4.2 of this report include changes to clauses 13, 24 and 25 of the Bylaw. These changes also address the submission issues raised. No changes were deemed necessary for the feedback received on clauses 5, 8 and 15.

Staff recommendation:

That the Planning and Development Committee notes the submissions, and that the proposed changes provided in section 4.2 F, G, H and I appropriately address the matters raised by submitters.

D. Heavy motor vehicle parking

The submitter wishes to see Council include a provision in the Bylaw that prohibits the parking of heavy motor vehicles in all residential zoned land within the District. This request is based on this type of clause in the Tauranga District Council Traffic and Parking Bylaw.

The draft Bylaw has a provision that allows Council to prohibit parking on certain roads by resolution. In both instances, such prohibitions would require appropriate signage under the relevant transport related rules to be enforceable.

When the number of complaints logged about heavy motor vehicles in the District was analysed, there are a small number of areas that appear to have reoccurring problems with this issue but it does not appear significant and district-wide. Using a blanket approach as requested by the submitter may have unintended consequences.

By using a case by case approach, problems can be reviewed and work done with communities and the drivers or owners of heavy motor vehicles to provide an acceptable solution. This may in some instances result in a specific restriction but also provides for alternative solutions to be found.

The Roding Department is supportive of the inclusion of this draft clause as a general policy tool. The work required of the Roding Department to review such requests and develop an associated recommendation to Council for resolution includes further analysis of the stated problem, as well as consultation with affected residents and stakeholders prior to developing a potential solution for Council's consideration.

Such a programme of work typically takes 3-6 months and is additional to the existing workload of the Department. The Roding Department has confirmed that it can commence a review the specific request of the submitter in its 2018/2019 work programme, with a final recommendation to Council in 2019. Any requests for heavy vehicle parking restrictions in other locations would be similarly scheduled into future work programmes as and when they arise, and as resources become available within the wider work programme.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

E. Heavy motor vehicle restrictions

The submitter has expressed concerns about the use of Marsden Point Road by heavy motor vehicles and wishes to see Council control this through the Bylaw. The details of the request, such a lowering speed limits and/or installing traffic calming measures are not achievable through the Bylaw.

Like point D above, the Roding Department has indicated it can undertake a review of the solutions sought within its 2018/2019 work programme. If, following the review, a change to the Speed Limits Bylaw is recommended to Council, then the associated statutory amendment processes will be required to achieve the desired outcome. Such a process generally takes 6 months to be completed. Any physical works required, if part of an overall solution, would also have to be budgeted for and scheduled into future work programmes. As such, any final outcome would not be expected to be finalised before the 2019/2020 year.

Staff recommendation:

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

4.2 Proposed staff amendments

Since the consultation document was adopted, further advice has been sought (legal, engineering and administering officers) and used as input to the Bylaw. This has informed recommended changes to the Bylaw.

F. General matters

The Bylaw was reviewed for technical strength, consistency of terminology and use of 'plain English'. This resulted in several proposed changes that do not change the overall content or context of the bylaw, but remove potential ambiguity and/or provide more clarity. These changes are shown as track changes in Attachment 1. This includes a correction to clause 13 as requested by a submitter.

Staff recommendation:

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

Council's power to establish parking places can come both through the Bylaw as well as section 591 of the Local Government Act 1974.

Council may from time to time wish to establish parking places under section 591 of the Local Government Act 1974, rather than the Bylaw. Clause 15.4 is proposed to provide clarity on these other powers of Council for completeness.

Staff recommendation:

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

Council has no general power to declare a parking place that is on a road to be a reserved parking space. The general intent of clause 24 related to parking spaces in a building or off-street. While Council may still choose to provide parking spaces to lease or reserve in a building or off-street parking, this can be established under Council's power of general competence, e.g. as the entity owning or controlling the land, rather than through a Bylaw provision. Any reserved or leased parking spaces provided by Council are not subject to the provisions of the Bylaw; parking wardens are not able to issue infringement notices for any incorrect parking activities. The inclusion of this clause is therefore unnecessary. This proposed change also addresses the issue raised by the submitter on this clause.

Staff recommendation:

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking vehicles off a roadway

Clause 25 is designed to stop vehicles being parked on grass verges and berms in urban areas, to protect any grass area or flowerbeds or similar. The draft clause included the ability to provide exemptions from this prohibition. Further analysis has identified that the exceptions provided for in clause 32 of the Bylaw will sufficiently provide for any situations where Council may consider it appropriate to allow parking in such places. As such, clause 25.2(2) is considered superfluous. This proposed change also addresses the issue raised by the submitter on this clause.

Staff recommendation:

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on roads

Clause 26 is designed to support traffic safety and flow issues. However, the wording of the clause as proposed is considered too vague to be useful in certain situations. There are also potential unintended consequences for situations that are otherwise lawful, such as depositing groceries next to a vehicle before loading them. It is considered appropriate to retain the clause but to amend it to provide more clarity and certainty about its purpose and scope.

Staff recommendation:

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

5 Significance and engagement

5.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

5.2 Engagement

Council has consulted with the community on the issues of this agenda in accordance with the statutory requirements of the Local Government Act 2002. The public will be informed via agenda publication on Council's website.

6 Attachments

Attachment 1 – proposed Parking and Traffic Bylaw showing markup track changes and highlighted changes.

Attachment 2 – proposed Parking and Traffic Bylaw for consultation.

Attachment 3 – proposed final Parking and Traffic Bylaw.

Planning and Development Committee Meeting Minutes

Date: Wednesday, 22 November, 2017
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Stu Bell Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
Not in Attendance	Cr Crichton Christie

In attendance:

Chief Executive (Rob Forlong), General Manager Planning and Development (Alison Geddes), General Manager Community (Sandra Boardman), Manager Democracy and Assurance (Jason Marris), Manager Strategy (Tony Horton), Strategic Planner (Shireen Munday), Team Leader Democracy (Nicolene Pestana) and Senior Democracy Adviser (C Brindle)

1. Declarations of Interest**2. Apologies**

Cr Crichton Christie (absent)
Crs Stu Bell and Sharon Morgan (late arrival)

Moved By Cr Greg Innes

Seconded By Cr Phil Halse

That the apologies be sustained.

Carried

Crs Bell and Morgan joined the meeting at 9.01am following Item 2.

3. Decision Reports

3.1 Deliberations - proposed Animals Bylaw

Item 3.1 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Stu Bell

1. That the Planning and Development Committee approves the recommendations as contained in the report and the associated attachments as follows:

A. Obligations of animal owners in general

That clause 6.1(d), as highlighted yellow in Attachment 1, is deleted from the final Animals Bylaw.

B. Cats – microchipping and de-sexing

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Vince Cocurullo

Seconded By Cr Cherry Hermon

C. Bees

That clause 9 and the associated definition of 'hives' in clause 5 as highlighted yellow in Attachment 1 are amended as per the provided track changes.

Carried

Moved By Cr Cherry Hermon

Seconded By Her Worship the Mayor

D. General matters

That all changes showing in track changes in Attachment 1 are made to the final Animals Bylaw.

Carried

Moved By Cr Sharon Morgan

Seconded By Cr Cherry Hermon

2. That the Planning and Development Committee recommends to Council that it makes the final Animals Bylaw, incorporating all resolutions made at this meeting.

Carried

3.2 Deliberations - proposed Parking and Traffic Bylaw

Item 3.2 was taken in parts.

Moved By Cr Sue Glen

Seconded By Cr Shelley Deeming

1. That the Planning and Development Committee approves the recommendations as contained in this report and the associated attachments as follows:

A. Mobility parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Crs Cocurullo and Murphy requested their votes against be recorded.

Moved By Cr Shelley Deeming

Seconded By Cr Stu Bell

B. Electric vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Anna Murphy

C. Technical/wording issues

That the Planning and Development Committee notes the submissions and that the proposed changes provided in section 4.2 F, G, H and I of this report, appropriately address the matters raised by submitters.

Carried

Moved By Cr Stu Bell

Seconded By Her Worship the Mayor

D. Heavy motor vehicle parking

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

E. Heavy motor vehicle restrictions

That the Planning and Development Committee notes the submissions and that no associated changes to the proposed Bylaw are made.

Carried

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

F. General matters

That all changes showing in track changes in Attachment 1 are made to the final Parking and Traffic Bylaw.

G. Clause 15 – parking places

That clause 15.4, as highlighted yellow in Attachment 1 is included in the final Parking and Traffic Bylaw.

H. Clause 24 – reserved parking

That clause 24, as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

I. Clause 25 – parking off a roadway

That clause 25.2(2) as highlighted yellow in Attachment 1 is deleted from the final Parking and Traffic Bylaw.

J. Clause 26 – machinery or equipment on a road

That clause 26 as highlighted yellow in Attachment 1 is amended as per the provided track changes.

Carried

Moved By Cr Tricia Cutforth

Seconded By Cr Greg Martin

2. That the Planning and Development Committee recommends to Council that it makes the final Parking and Traffic Bylaw, incorporating all resolutions made at this meeting.

Carried

Cr Martin was absent from the meeting between 9.45am and 9.47am during discussions on D Heavy motor vehicle parking.

4. Public Excluded Business

There was no public excluded business.

5. Closure of Meeting

The meeting concluded at 9.53am.

Confirmed this 13th day of December 2017

Councillor Greg Innes (Chairperson)

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of _____

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.