

18 June 2021

[REDACTED]

[REDACTED]

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 8415826 (OIR: 2021-272)

I refer to your information request we received on 28 May 2021 for the following:

[REDACTED] is concerned about the increasing frequency with which footpaths are being blocked by vehicles being parked on them.

Such parking forces pedestrians out onto the street which is dangerous especially for children, people with impaired ability to move and people who are vision-impaired, have brain damage or live with degenerative brain conditions.

Sometimes getting around a vehicle means having to navigate kerbs or having to go back to find a kerb cut down which can be difficult or impossible for these members of our communities.

Allowing vehicles to be parked on footpaths is inconsistent with the Vision Zero and Safe Systems approaches to road safety and the NZ Road Safety Strategy 2020-30.

We would like to work with you to help improve the situation but in the first instance we require some information.

We would appreciate it if you would answer the following questions:

1. Does your Council have responsibility for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 (see appendix 1) which relates to parking on footpaths?

Yes, we enforce clause 6.14 and have also included this provision through our Traffic Bylaw.

2. If so, by which clause(s) of which statute(s) is this responsibility conferred?

Land Transport Act and Schedule 1, Offence provision and penalties in the Land Transport (Offences and Penalties) Regulation.

If your Council does have responsibility for enforcement, could you please state:

3. How it publicises the law?

We don't publicise this specific provision. The Traffic Bylaw is available on our website [Bylaws - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz).

4. What provision it makes for people to report vehicles parked over footpaths?

We have a Service Request system to record customer complaints in relation to vehicles parked over footpaths.

The customer can make a complaint via phone, via email, via our Facebook channel, via Antenno or in person at one of our Service Centres.

The complaint is recorded into a Service Request and assigned to our Public Spaces and Animal Management Team to follow up and investigate.

5. What amount of time it sets for responding to reports of vehicles parked over footpaths? ('responding' meaning a parking warden or other authorised officer attends the scene)

The Public Spaces and Animal Management Team regularly patrol and monitor time permitted parking and stationary vehicle offences. We don't specifically record the time we dedicate to an individual stationary offence like provision 6.14 'Parking on a Footpath'.

6. To what degree a vehicle has to be positioned over a footpath to be considered to be illegally parked? (this is of special interest to people who have vision-impairments)

Any vehicle that is parked on a footpath is an offence.

7. How it issues 'tickets' when part of a vehicle is parked over the footpath and part is parked over private property?

If a car was parked partially in their driveway but also obstructing a footpath, we would consider the most appropriate stationary vehicle infringement offence type. We also have a provision in our Traffic Bylaw. Please see section 6 of the 2010 Traffic Bylaw [Bylaws - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](http://www.kapiticoast.govt.nz/Bylaws).

8. What provision it makes for enforcement of the law outside of normal working hours?

Our team is available across 7 days between 7am to 7pm Monday to Sunday. We follow up stationary vehicle offences between those hours. Between 7pm and 7am if the matter is urgent, we call Police, or our After-Hours Contractor to respond.

9. What instructions your enforcement officers receive concerning

a) enforcing this law and

b) issuing warnings and 'tickets' for breach of the law?

We have an internal Enforcement Policy and follow a graduated response. However, generally staff are directed to follow up with registered owners and asked them to move their car and/or they are also infringed.

10. How many reports of vehicles parked over footpaths has the Council received during the last 12 months.

We received 227 complaints that related to a service request type – 'Parking on Footpath'.

11. How many 'tickets' and warnings has it issued? (please enumerate tickets and warnings separately)

We have issued 49 infringement offence notices.

In relation to issuing a warning notice, we would have to review each individual service request and conduct a protracted investigation of our document management system to provide that information. Therefore, we have decided to refuse your request under the following section of the LGOIMA:

- 17(f) – the information requested cannot be made available without substantial collation or research.

12. Any difficulties or issues it has with enforcing the law?

No.

Of note we are about to review our 2010 Traffic Bylaw and I encourage you to have your say when consultation opens. Further information in relation to this review will be available on our website in the very near future.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



James Jefferson
Group Manager Regulatory Services
Te Kaihautū Ratonga Whakaritenga