

24 August 2021

Kia ora

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 2122-28

I refer to your information request we received on 29 July 2021 and note that you would like our responses to inform your submission to the upcoming Transport Bylaw 2021 consultation (16 August to 17 September).

On 5 August we wrote to you to regarding refinement of your request, on 9 August you advised us of your refined request, as follows:

Questions 1-7 of my original request to be replaced with the following:

Please provide copies of the internal reports, memo and meeting notes, data and data analysis, information and other evidence that council staff have used to support their statement at the council meeting on 29 July that the berm parking and planting requirements in the proposed traffic bylaw are proposed due to the need to “protect berms and services running underneath them. Make sure whatever underneath is not impact by heavy loads”.

Firstly, I think it is useful to confirm that the provisions in the Proposed Transport Bylaw 2021, as it relates to parking on berms, represents very little change to the provisions that have been in place since the Traffic Bylaw 2010. The existing bylaw states that “No person shall park a heavy motor vehicle on any road margin without the prior permission of an authorised officer” and “No person shall park or place any machinery, equipment, materials, shipping containers, waste disposal bins or other article on any road or areas under the control of Council except with the prior permission of an authorised officer and in accordance with any conditions that may be required”. The amendments in the Proposed Transport Bylaw 2021 provide clarity in respect of parking on the road margin.

With regards to your question around managing parking to avoid damage to berms and underground services, this is not the only reason we are seeking to retain the provisions from the Traffic Bylaw 2010. Other reasons include:

- Motorists have to drive over footpaths and kerbs / channels;
- Adverse effects on sight visibility between vehicles and vulnerable road users (such as pedestrians, cyclists, mobility scooter users and the visually impaired), particularly at accesses and intersections;
- Impact on space available for pedestrians, cyclists and wheelchair users etc forcing vulnerable road users into the traffic movement lane;
- Damage to infrastructure (above and below ground);

- Challenges to obtaining access to maintain infrastructure; and
- Damage to the berms, kerbs and channels, street trees, and increase maintenance costs, particularly during / following wet weather.

As identified in the Statement of Proposal, Council receives service requests associated with damage to berms and these were analysed to inform the bylaw. Over a two-year period from 2018 to 2020 well over 1500 car parking complaints were received including:

- Vehicle parked on footpaths: 172 (Access and Transport)
- Vehicles parked on footpaths 239 (Enforcement)
- Vehicles inappropriately parked on roads: 132
- Obstruction on footpaths: 252
- Potholes on footpaths: 21
- Parking on driveways / over berms: 66
- Vegetation on berm: 72
- Kerbs damaged by larger vehicles: 10
- General parking complaints: 401
- Heavy vehicle parking complaints: 21.

This trend has continued in 2021, and within the last week we have had a service request identifying that a heavy motor vehicle using the berm has damaged a stormwater pipe. Many of our underground services are only 200mm to 300mm deep, which are more susceptible to damage, and damage to older asbestos pipes can pose a public health risk.

Our berm policy has also supported the development of the bylaw, which states that in general, berms should be free from trees and plants due to public safety reasons, as well as drainage clearance and clearance around streetlights. The Operative District Plan requires that sight lines are met and keeping berms clear of inappropriate planting supports these sight line requirements.

Road Traffic Standards 08 also identifies the need for kerbside protection, particularly section 3, identifies problems associated with parking on berms and the need to manage this.

8. *In relation to the proposed changes to the Traffic Bylaw 2010 (Transport Bylaw 2021), what consultation has the council carried out from the commencement of the internal project, with which reference groups or community groups today? Please provide dates and times of meetings or workshops and minutes or notes of meetings or workshops.*

We have met or engaged with the following agencies and groups:

- Various discussions with Waka Kotahi through the revocations process;
- Greater Wellington Regional Council – 14 July 2021;
- Metlink – 14 July 2021;
- Council Workshop - 15 June 2021 – Iwi and Community Boards were also invited;
- Cycleway, Bridleway, Walkway Group 3 November 2020;
- Emergency Services Group – 22 October 2020;
- Waikanae Community Board – 17 November 2020;
- Road Safety Action Group – 28 October 2020;
- Kapiti Accessibility Advisory Group – 15 March 2021;
- Enforcement Officers – regular catch ups and comments sought on draft from this team and internal legal and policy teams;

- Kapiti Youth Council – February 2021;
- Council - 29 July 2021;
- Officers from other Road Controlling Authorities following a Ministry of Transport Parking / Bylaw Workshop – 24 June 2021.

We are arranging meetings with:

- The Older Persons Council.

As required by section 22AD of the Land Transport Act we have also sent the bylaw documents to:

- Porirua City Council – 16 August 2021;
- Upper Hutt City Council – 16 August 2021;
- Horowhenua Council – 16 August 2021.

As required by section 22AD of the Land Transport Act we will be sending documents to:

- The Police Commissioner; and
- Waka Kotahi New Zealand Transport Agency.

Our formal consultation has started in accordance with the Special Consultative Procedures and includes:

- Public notices are in papers this week;
- Our website opened engagement 16 August 2021;
- Advertising on social media platforms; and
- Copies of all documents and submission forms in all contact centres, including libraries.

Documents will also be sent to the Minister of Transport.

9. How does the draft proposed Transport Bylaw (2021) as tabled at the Council meeting on 29th July 2021, facilitate Innovating Streets for People in the long term? Link address: <https://www.nzta.govt.nz/roads-and-rail/innovating-streets/>

It is considered that the Proposed Transport Bylaw 2021 Provides some flexibility in section 5. 15, 16, 20, 21 and 24 to make provision for projects such as those identified below, where the road controlling authority considers it is safe and appropriate to do so.

- Parklets. Low-risk, low-cost ways to create space for people;
- Events for re-imagining streets as public space. Pop-up events can be an effective way to try out a new street change;
- Paint-outs, channelising. Using a mix of cheap tools such as paint or planters to improve safety;
- Traffic restriction. Controlling vehicle speed and priority, or removing traffic, to improve walking and cycling safety;
- Reallocation of traffic lanes from vehicles to other uses. Reallocating street space to create social, economic and environmental benefits.

We welcome submissions on the Proposed Transport Bylaw 2021. The outcomes of these submissions, and the hearings will inform the bylaw development process.

Ngā mihi



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Te Kaihautū Ratonga Pakiaka