

STAFF REPORT

TO: Chairman and Members, Engineering Services Committee

FROM: Steve Elkington, Road Asset Engineer

REFERENCE: B952

DATE: 20 November 2007

SUBJECT: **TRAFFIC CONTROL BYLAW 2005 - DELEGATED AUTHORITY & OTHER CHANGES**

1 PURPOSE

To seek the support of the Engineering Services Committee in the following:

- a) Recommending to Council minor amendments to the Traffic Control Bylaw 2005 and that delegated authority be given to Council's Engineering Manager to approve parking changes;
- b) Approval for the public advertised of new parking changes.

2 BACKGROUND

From time to time Council receives requests to undertake changes to parking on roads and occasionally public car parks. These changes may involve for example no stopping lines associated with pedestrian facilities, limited time car parking on roads in front of schools or businesses and disabled car parking changes in public car parks.

Presently any changes to the bylaw are reported to Council for approval to be publicly advertised. Only after this process and depending on submissions, are the changes recommended to the full Council for inclusion into the existing bylaw.

This process can be very timely, as it involves reporting to Council's Engineering Services Committee to proceed to public consultation, with consultation extending over several weeks, then reporting to the full Council. If there are submissions then this can further delay the parking changes.

Often, requests to minor parking changes are made after they have been deemed reasonable and, any directly affected parties other than drivers themselves, have been consulted. For example Motueka South School which has an entrance on Courtney Street, wanted to restrict parking on either side of its entrance between certain times for bus parking. The affected property owners were consulted and the signage installed. Under normal procedures this change would have taken at least several months to instigate where as instead the signage was able to be installed within several weeks. This is an example of how delegated authority can save time and money putting in place a parking restriction as well as making it legally enforceable. Unfortunately, until Council passes a resolution to approve a parking change to the bylaw, then any changes are not

enforceable. To date Council has received very few challenges to parking restrictions due to an infringement notice being issued.

One-Way Streets – Whilst one-way streets are referred to in the bylaw a schedule does not exist. To date Council has two one-way streets; these are a section of Wallace Street in Motueka and a section of Church Street beside Richmond School.

Motorcycle Parks – Several of these parks now exist, one in Warring Carpark and the other on Wensley Road Richmond. The existing bylaw allows Council to specify the class of vehicle the parking is restricted to however there is not a schedule in the bylaw for this class.

3 COMMENT

Delegated Authority Proposal – This would allow the Engineering Manager to approve parking restrictions after public consultation. Public consultation is referred to in the bylaw under Clause 14.1 and requires any changes to be publicly notified 14 days before taking effect.

Submissions opposing the restriction could be dealt with by a sub-committee of the Engineering Services Committee. Where the restriction is associated with road safety then this should not be compromised. Roads are for the purpose of providing a safe and efficient transport corridor and whilst parking in front of a property is not “as of right”, where a business exists then careful consideration needs to be given to any affect restricted parking may have. Where safety is not the consideration and the parking restriction is driven by some other reason then it is suggested these cases be referred to the Engineering Services Committee for consideration.

Council’s Delegation Register will require altering to include this additional delegated authority if approved by Council.

Other changes: -

- Definitions Section 5 – the following additional definitions to be included in *Section 5 Definitions* of the Bylaw:
 - Beach
 - Bus - Passenger Service Vehicle
 - Cycle path
 - Motor Vehicle
 - Standing
 - Vehicle
- Omnibus - Revoking of this wording and replacing with “Bus”
- New Schedules:
 - Motorcycle Parks
 - One-Way Streets (Roads)

- Legislation References – Some older legislation has now been revoked with new Rules such as *Land Transport Rule (Traffic Control Devices) 2004 Amendments 2005 and 2006* having superseded parts of the *Traffic Regulations 1976*;
- New Parking Changes since last Review – Attached is a schedule of changes proposed for inclusion in the bylaw once these have been publicly notified and recommended to the full Council for adoption.

4 RECOMMENDATION

- 6.1 THAT the Committee support the proposal to recommend to the full Council that future parking restrictions be delegated to Council's Engineering Manager and, the Bylaw be modified to include additional definitions, several new schedules and updating of legislation references;**
- 6.2 THAT the Committee supports the public advertising of parking changes in the attached schedule.**

Steve Elkington
Road Asset Engineer