

Appendix Three: Summary of Submissions and Proposed Responses

Amendment Sought	Proposed Responses
Residents and Business Parking Schemes	
<p>There should not be private rights on public land that is enabled by residents and business parking schemes, and Council can only charge administration costs for this.</p> <p>Properties that are unable to accommodate vehicles on site should have to share public places with others.</p> <p>Residents should be consulted on proposed residents parking schemes and should not incur the costs of these schemes.</p> <p>Council needs to consult with business owners and meet to look at other solutions such as speed limit reductions and providing extra parking.</p> <p>Quality and consistency may be compromised by residents and business parking schemes and the bylaw should not be over complicated by this.</p> <p>Residents and business parking schemes are supported in principle, but costs should not be such that they become a revenue making scheme.</p> <p>There is no issue that needs to be addressed by residents or business parking schemes as we do not have high density housing.</p>	<p>69% of respondents supported the proposals. Council has received a number of requests for Residents and Business Parking Schemes particularly around the Waikanae railway station and Waikanae Town Centre.</p> <p>The bylaw makes provision for Residents and Business Parking Schemes, it does not put any scheme in place.</p> <p>Section 22AB (o)(iii) of the Land Transport Act also enables Local Authorities to prescribe the use of a parking place for use by persons who reside in the vicinity and prescribe conditions under which a parking space can be used.</p> <p>Any scheme will need to be enabled through a resolution of Council, and consultation on the areas affected will take place before any scheme is introduced.</p> <p>The National Policy Statement also directs that parking standards are removed from District Plans, and higher density development is beginning to occur, which may increase pressure for parking in public spaces.</p> <p><u>No changes are proposed to Residents and Business Parking Schemes</u></p>
<p>This is a sensible way to manage limited resource of valuable public space</p>	<p><u>No changes are proposed to be made in response to this submission.</u></p>
Heavy Motor Vehicle Parking	
<p>Comments around how the heavy vehicle routes would be updated and publicly notified.</p> <p>Trucks in some areas such as outside the Paraparaumu Golf course support sleeping drivers and don't cause sight visibility issues.</p> <p>More planning is required to support businesses, such as those in Omaha Street, Waikanae such as places for loading and unloading, and people needing to sleep in trucks overnight.</p> <p>Agree with restricting regular heavy vehicles, but concerned that some changes</p>	<p>Council has received a number of complaints regarding trucks in residential areas, the District Plan also has rules around heavy vehicle parking in residential areas, and 74% of respondents supported the proposed changes.</p> <p>Comments relating to heavy vehicle parking focussed on particular parts of the network, mainly in the business areas, and raised concerns that business and truck drivers should have their needs met.</p> <p>Under clauses 19.1 and 19.2, prohibition of heavy motor vehicle using or parking in any road, part of road, or group of roads would need to be approved by a resolution of</p>

<p>may prohibit residents from having short term visits from people with boats / heavy vehicles and enabling them to park on berms.</p> <p>Prohibiting business operators to park in residential areas will add costs and there is no rationale for the proposals; and</p> <p>Heavy vehicles should not be allowed to park in residential areas and on Council land and should not use routes that aren't capable of accommodating them.</p>	<p>Council and would enable consultation to take place.</p> <p>Section 5.5 of the bylaw identifies that resolutions of Council relating to this bylaw will be published for at least 4 weeks and Council can determine if people can be heard.</p> <p><u>No changes are proposed in relation to these comments.</u></p>
<p>There are issues in Parata Street in Waikanae, where truck drivers are sleeping in trucks overnight and it narrows the road and creates safety issue.</p> <p>The proposed amendments are supported as there is an issue with logging trucks parking in residential streets.</p>	<p><u>No changes are proposed in relation to these comments.</u></p>
<p>Concerns relating to clauses 19.1 and 19.2 concerns raised not having detail on the problem that needed to be addressed, supporting rationale and no parking of heavy vehicles in residential streets overnight would add costs to businesses</p>	<p>Details cannot be provided in the bylaw; it only provides the mechanism for such schemes to be put in place if appropriate. An assessment of parking provisions proposed in relation to heavy vehicle would need to take place before any scheme was implemented, and the Council decision making process would provide for public speaking opportunities in the unlikely event that full consultation was not undertaken.</p> <p>Section 5.5 of the bylaw identifies that resolutions of Council relating to this bylaw will be published for at least 4 weeks and Council can determine if people can be heard.</p> <p>Provision is made in section 22AB of the Land Transport Act for Local Authorities to make a bylaw in respect of:</p> <ul style="list-style-type: none"> • prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads: • prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified hours or for a

	<p>period that exceeds a specified period:</p> <ul style="list-style-type: none"> • restricting 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 • prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister or the relevant road controlling authority, as the case may be, is paid previously. <p><u>No changes are proposed to be made to the bylaw in response to these submissions.</u></p>
<p>Proposed amendment to clause 19.3 to read: “Any resolutions made under clause 19.1 and 19.2 will be given effect to only once a clear, positive economic evaluation has been completed and shared with the Kapiti community”.</p>	<p>No scheme would be proposed without a thorough assessment and section 5.5 of the bylaw identifies that resolutions of Council relating to this bylaw will be published for at least 4 weeks and Council can determine if people can be heard.</p> <p>There may be situations where heavy good vehicles create issues on roads including damage and safety and the bylaw would allow for this to be addressed. Heavy vehicle parking complaints also continue to be lodged, especially in residential areas, and problems raised include noise, sight visibility concerns, weekend parking, and engine idling.</p> <p>Provision is made in section 22AB of the Land Transport Act for Local Authorities to make a bylaw in respect of:</p> <ul style="list-style-type: none"> • prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads: • prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified

	<p>hours or for a period that exceeds a specified period:</p> <ul style="list-style-type: none"> • restricting 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 • prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister or the relevant road controlling authority, as the case may be, is paid previously <p><u>No changes are proposed to be made to the bylaw in response to these submissions.</u></p>
Special Lanes	
<p>Council is applauded for foresight in planning for growth and changed in travel modes.</p> <p>Support ability to enable carbon neutral travel modes and prohibit vehicles that create greenhouse gas emissions, as well as provision of charging stations.</p> <p>Dedicated bus lanes are key to ensure good services that can compete with private vehicles, beat congestion, and speed up travel time for bus commuters.</p>	<p><u>No changes are proposed in relation to these comments.</u></p>
<p>Would like to know more information before supporting this proposed amendments.</p> <p>This should not be at the expense of traffic lanes.</p> <p>There is no space for dedicated lanes;</p> <p>This should happen in some areas;</p> <p>Bus lanes are not required as their use is limited and they are expensive;</p> <p>Need to look at specific measures before designating such as increase in congestion, bus routes and times, and an economic evaluation;</p> <p>Look again at this when bus use increases.</p> <p>Our roads should be better designed to address congestion.</p>	<p>71% of respondents supported the provision for special lane.</p> <p>Council would need to undertake further work and attract funding before these can be introduced, and future consultation and Council decision making processes would enable the issues above to be addressed.</p> <p>The bylaw would also enable Council and its partners to support special lanes on future roading projects where it is feasible and appropriate to do so. It also provides consistency with the proposed amendment in clause 5.1 of the Draft Transport Bylaw 2021 that enables Council through a resolution to specify a minimum number of occupants in a private vehicle.</p> <p><u>No changes are proposed to the bylaw as a result of these comments.</u></p>

<p>Clause 20 on the ability to enable special lanes - concerns included that the clause did not relate to specific measures that must be completed before designating the special lanes such as increase in traffic flow / congestion that necessitates the designation, the journey time increases to buses as a result of congestion / traffic flow, and an economic evaluation. Proposed amendments were suggested such that the bylaw includes a new clause that reads “Any resolutions made under clause 20.1 and 20.2 will be given effect to only once a clear, positive economic evaluation has been completed and shared with the Kapiti community”.</p>	<p>The bylaw only provides a mechanism to support the implementation of these schemes. A full assessment would need to be undertaken and funding required for the implementation of special lanes.</p> <p>Section 22AB of the Land Transport Act also enables Local Authority to prescribe, “subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by vehicles of specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants”.</p> <p>Clause 5.5 of the bylaw also identifies that resolutions of Council relating to this bylaw will be published for at least 4 weeks and Council can determine if people can be heard</p> <p><u>No changes are proposed in relation to these submissions.</u></p>
<p>General</p>	
<p>Definition of e-bikes need to be clearer to provide consistency and prevent confusion and definition of pedestrian and footpath should match Land Transport (Road User) Rule.</p>	<p><u>Proposed changes have been made in response to this submission and are shown as tracked changes in Appendices Four and Five.</u></p>
<p>Has enough consideration been given to forms of transport other than motor vehicles, and do further clauses need to be added to reflect this.</p>	<p>It is difficult to know what future issues we may want to address. To deal with this the bylaw includes a general clause that states that “Council may, by a publicly notified resolution, impose such prohibitions, restrictions, controls, or directions concerning the use by transport of any road or other area controlled by the Council, as are permitted by any relevant enactment”.</p> <p>Also, the resolution can be made in respect of any specified class, type or mode of Council.</p> <p>Clause 16.2 makes provision for resolutions relating to walkways, cycleways, bridleways, footpaths, cycle lanes and shared lanes.</p> <p>The Council decision making process allows for further scrutiny at the time the issues are identified, as well as proposals to address these issues</p> <p><u>No changes are proposed in response o these comments.</u></p>

<p>Clause 4.1 repeats itself.</p>	<p><u>Deletions made to correct this error and can be seen in Appendices Four and Five.</u></p>
<p>Need to make provision for new parking metre technologies.</p>	<p>Clause 12.2 discusses the need for a fee to be made by a parking machine or other electronic means.</p> <p><u>Changes proposed to clauses in part 13 of the bylaw to address this submission and can be seen in Appendices Four and Five</u></p>
<p>Amend some clauses to read better e.g. 24.5, 26.4 and 26.7 to make intent clearer, and check cross referencing is correct</p>	<p><u>Proposed amendments have been made in response to this submission and are shown in Appendices Four and Five</u></p>
<p>Support no parking on footpaths</p>	<p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>Does clause 10.2 apply to motorbikes as they should not be able to park on footpaths</p>	<p>Yes, the definition of a motor vehicle is the same as in the Land Transport Act which includes a motorcycle.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>Under clauses 16.1 and 16.3 footpaths should not be included as their purpose is for pedestrians and parking is not enabled on them</p>	<p>No changes are proposed in response to the submission as the clauses relate to the use of footpaths by other modes, which can include micro mobility vehicles.</p> <p>Currently the Accessible Streets consultation by Waka Kotahi discusses the use of footpaths by e-bikes and other motorised vehicles. It may be appropriate for this not to occur on some parts of our network, or for the speed of such vehicles to be limited below that identified by Waka Kotahi once Accessible Streets is adopted, if provisions in Accessible Streets allow us to do this.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>Support 16.2 that changes to status should be notified.</p>	<p><u>No changes are proposed to be made in response to this submission;</u></p>
<p>Support clause 24.6 to generally not allow second crossings as too many can cause safety issues.</p>	<p>Our policy is that we do not allow second vehicle crossings without a justifiable reason for this. All new vehicle crossings require an application to Council to assess and approve.</p> <p><u>No changes are required to the bylaw to address this.</u></p>

<p>Consultation should take place before schemes are implemented and other Council decisions identified in the bylaw</p>	<p><u>This is the intent and no changes are proposed to be made in response to this submission.</u></p>
<p>Submissions relating to the inability to park on berms including:</p> <ul style="list-style-type: none"> • It removes peoples rights; • It should be allowed as roads are too narrow; • It would create issues in areas like Waikanae Beach and rural areas where roads are narrow; • It prevents stock loading / unloading; • Clauses 7.3 ad 7.5 of the Proposed Transport Bylaw were in direct opposition; • It should be allowed where there is no kerb and channel; • The proposed changes were misleading and it is a fundamental change to the Traffic Bylaw 2010; • It would lead to additional bureaucracy and fines and people should be able to park on roads whether they have a warrant of fitness or not; and • It may be safer in some areas to park on berms. 	<p><u>Proposed amendments to section 7 of the bylaw have been recommended to prevent inappropriate parking and enable some flexibility in response to other submissions received.</u></p> <p>Section 22AB of the Land Transport Act enables Local Authorities to create a bylaw in respect of:</p> <ul style="list-style-type: none"> • prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; and • regulate road matters not addressed under a) to zj) in section 22AB of the Land Transport Act, including but not limited to, enhancing or promoting road safety or protection of the environment. <p>Officers view is that the parking on berms can have implications on road safety and underground services (as some of our services are less than 100mm deep), cause damage to other infrastructure including kerbs, and can create a public nuisance.</p> <p>In this respect it is clearer and more consistent if parking was prohibited on all road margins including berms in the bylaw, as it would remove questions over whether parking was appropriate or complied with criteria or not.</p> <p>Prohibiting parking would also not mean that the Council would issue a fee for every person that parks on a berm every day, rather it provides a mechanism for enforcement if it is required. The bylaw also ensures that there parking offences do not relate to parking on the road margin where parking is specifically provided for.</p> <p>Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999, provide for this by enabling a fine of \$40 dollars to be issued for parking a vehicle on a roadway when it is practicable to park on a road margin.</p> <p>However, Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 does not specifically provide for an offence</p>

	<p>for parking on berms. On road margins offences in Schedule 1 relate to parking:</p> <ul style="list-style-type: none"> • on footpaths and cycle paths; • in an unsafe manner; • without due care; • contrary to a sign; • in areas reserved for certain vehicle classes; and • that obstructs a driveway. <p>Without a specific berm parking offence, the fee may automatically default to \$750 for failure to comply with a relevant bylaw, which would not be in line with the offence.</p>
<p>One organisation raised concerns relating to pedestrian safety on shared paths from bikes and motorised transport such as mobility scooters and e-bikes, at roundabouts (where there are no pedestrian crossings), and at signalised intersections (where it was felt that sufficient time was not given to the pedestrian phase). The submission refers to the Accessible Streets work and proposes that all shared paths and walkways be clearly signposted and that pedestrians have priority</p>	<p>Section 16 of the bylaw should address some of these concerns. Currently the Accessible Streets consultation by Waka Kotahi discusses the use of footpaths by e-bikes and other motorised vehicles. It may be appropriate for this not to occur on some parts of our network, or for the speed of such vehicles to be limited below that identified by Waka Kotahi once Accessible Streets is adopted, if provisions in Accessible Streets allow us to do this. Issues that relate to specific signal phasing and signposting requests can be referred to the Access and Transport team and do not require a bylaw change.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>Recommendation that bins and other articles be placed on berms and road edges and not on footpaths</p>	<p>This should be addressed by clause 24.2 of the bylaw.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>A submission was made by Waka Kotahi, which:</p> <ul style="list-style-type: none"> • Expressed concerns that Council may be at risk as there is currently no delegation, until revocation, for Council to undertake enforcement on State Highway 1. • Proposed that clause 3.2 is amended to read: "The Bylaw does not apply to State Highways controlled by Waka Kotahi NZ Transport Agency (Waka Kotahi), except for the determination and management of the transport 	<p><u>Changes have been made to clauses 3.2, 3.4, and 4.1 as a result of the Waka Kotahi submission.</u> This is to ensure that there is not an enforcement gap due to the current revocation process, and amendments can be seen as tracked changes at <u>Appendices Four and Five of this report.</u></p>

<p>network where delegated by Waka Kotahi to the Kāpiti Coast District Council <u>pursuant to section 62 of the Government Roding Powers Act 1989</u>"</p> <ul style="list-style-type: none"> Proposes that clause 3.4 is amended to read "This Bylaw applies to public carparks, reserves, any public place owned and controlled by Kapiti Coast District Council and all roads vested in or under the care, control and management of the Kapiti Coast District Council, <u>including partial management or control</u>". <p>Proposed that clause 4.1a is amended to read: "Road shall have the same meaning as in section 315 of the Local Government Act 1974 and the Land Transport (Road User) Rule 2004 and shall where the context requires include a street (<u>excluding State Highways</u>) and any place the public has access to, whether as of right or not" to add clarity.</p>	
<p>One submission requested that 'it' in clause 7.9 was defined, also that at:</p> <ul style="list-style-type: none"> 7.9 the word hinder should be removed because hindering traffic flow is a benefit of on street parking for some road users. It creates a buffer between traffic and pedestrians and causes vehicles to drive more slowly because of the narrowing of the street space for vehicles. 7.9 the part about obstruction of other road users view should be removed. Parked vehicles will block road users view because they are solid objects. It isn't clear what this part of the clause is trying to fix. Road user isn't defined (however the land transport road user rule 2004 definition includes pedestrians) so a parked car could block a pedestrian's view and that would mean it was parked illegally. 	<p><u>This is now section 7.8 and has been proposed for deletion as a consequential change proposed amendments to section 7.5.</u></p>
<p>Greater Wellington Regional Council requested a definition of a bus stop and inclusion provisions for bus stops in the bylaw.</p>	<p>Bus stops are addressed in the Land Transport Rule, Traffic Control Devices, 2004 and offences are covered under the Land Transport (Offences and Penalties) Regulations 1999 and new bus stops are approved by the relevant community board.</p>

	<p>The Land Transport (Road User) Rule 2004 also prevents people from parking in or near bus stops as well as loading zones and disabled spaces.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>
<p>Councils internal enforcement and legal review also identified the need to make the offences and penalties sections of this report clearer and ensure clarity around offences.</p>	<p><u>Officers considered that this would be useful for readers of the bylaw and so proposed changes can be seen in Appendices Four and Five of this report. Including some language changes for consistency with clause 4.2 by replacing 'must' with 'shall', and changes to Part 5 of the report.</u></p>
<p>Concern that infringements will be issued where vehicles are parked on road without a warrant of fitness.</p>	<p>With regards to the warrant of fitness issue no evidence of current Warrant of Fitness derives from s.34(1)(b) Land Transport Act 1998. However, where appropriate, clause 32 of the bylaw allows dispensation.</p> <p><u>No changes are proposed to be made in response to this submission.</u></p>