

# **Amendments to the Parking Control Bylaw 2014 - Hahei**

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<b>TO</b>	Thames-Coromandel District Council
<b>FROM</b>	Erin Bates - Principal Planner
<b>DATE</b>	18 July 2018
<b>SUBJECT</b>	<b>Amendments to the Parking Control Bylaw 2014 - Hahei</b>

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## **1 Purpose of report**

This report presents Council with options to consider in relation to restricting parking at Hahei. A draft bylaw for public consultation and a statement of proposal is included with the report should Council resolve to review the Parking Control Bylaw 2014.

## **2 Background**

### **Current regulatory tool**

Council reviewed its Parking Control Bylaw in 2014, undertaking public consultation on a comprehensive list of various parking restrictions in settlements around the district. The Bylaw provides for Council to set new or amended parking restrictions by resolution where reasonable. Good practice for these minor changes is that Council staff will engage with those people and organisations most likely to be affected. More comprehensive new and amended parking restrictions require a review of the Bylaw and formal public consultation through a special consultative procedure, as well as the inclusion of new types of parking restrictions which are not provided for in the current Bylaw. The Land Transport Act 1998 (the Act) under which this Bylaw is made sets the requirements for consultation under section 22AD.

The purpose of the Parking Control Bylaw 2014 is to set requirements for the control of parking in respect of roads, public places and parking areas owned or controlled by the Council in order to:

- enhance road safety;
- manage traffic flows effectively;
- achieve an appropriate allocation of parking spaces between competing uses; and
- provide for the needs of special user groups.

Bylaws should only be made to respond to a problem where no other tool (like education, or guidance) will be effective in dealing with the problem, and regulation and enforcement are therefore deemed necessary. Not all perceived problems are actual problems which Council should respond to. The Act gives Council, as a road controlling authority, wide powers to regulate use of and activity on Council controlled roads in the district. However, these powers must be balanced with consideration of the purpose of public roads, which is to be generally available for people to get from A to B. The proposed regulation should also be directly in response to the type of problem.

### **Hahei Resident and Ratepayers Association viewpoint**

The Hahei Resident and Ratepayers Association (HRRA) alongside the Mercury Bay Community Board have raised an issue regarding unrestricted visitor parking throughout the Hahei settlement. The issue is particularly problematic over the peak holiday period and holiday weekends. Parking within residential streets has the effect of restricting traffic flow. It is the HRRA's view that is creating a safety issue for pedestrians. While Council already

has some parking restrictions in Hahei, feedback from the HRRRA is that further restrictions are required to limit where visitors to Hahei can park within the village area.

A Hahei Parking Plan has been developed between HRRRA and the District Manager - North. This was subsequently approved by the Mercury Bay Community Board. The Plan is a sequential set of proposals to slowly reduce the impact of visitor parking and congestion on Hahei residents and businesses. Action 4 in the Plan seeks the introduction of year round resident only parking on the streets of Hahei. The effect of this restriction will be to require non-residents to park in the designated parking areas only. Parking restrictions of this nature require an amendment to the Bylaw through the special consultative process.

In summary, HRRRA are seeking an exclusion of public parking on all residential streets in Hahei from 1 October to 30 April each year between the hours of 8am and 6pm. During these times only residents will be allowed to park on these streets. They suggest residents be issued two vehicle parking permits per property, and only these permitted vehicles be allowed to park on the streets during the exclusion period. HRRRA do not support a cost to residents for these permits.

Implementation of these restrictions would need to be timed with expansion of the existing visitor car park, and paid parking restrictions at the beach front car park, to accommodate the additional parking needs of visitors who will no longer be able to park on-street in Hahei. Existing Council car parks do not have capacity over the peak summer period for this additional influx of cars. HRRRA agree that the resident parking permit arrangement should not be put in place until restrictions at the beach front car park are established, and the existing visitor car park is expanded to provide increased capacity.

Council considered this matter at the 26 June 2018 meeting and referred the proposed bylaw amendments to a workshop which took place on 12 July 2018. On 26 June 2018 the Council approved bringing forward the capital expenditure budget for the expansion of the village entrance car park as one of the proposals within the action plan considered to be necessary prior to changing any off street parking for tourists.

#### **177/18 Resolved**

**CL** That the Thames-Coromandel District Council:

1. Receives the 'Amendments to the Parking Control Bylaw 2014 - Hahei' report, dated 6 June 2018.
2. Approves up to \$175,000 of Council funding as out of cycle funding in 2018/19 to expand the Pa Road car park (as contained in the LTP project request form) as soon as possible

**Moved/seconded by:** Christie/Walker

### **3 Issue**

Visitors parking on residential streets in the Hahei village increases traffic volumes, particularly at peak times, on streets which have not been designed to accommodate such a volume of traffic. Parking of vehicles on these streets also reduces visibility, space for manoeuvring and creates congestion. From a community perspective there are related issues affecting amenity values and conflict between visitors and residents/property owners, often competing for the same road space.

### **4 Discussion**

#### *Current context*

Hahei currently has a range of parking options/tools in use. These are:

- No stopping lines up Grange Road (this has been effective in stopping dangerous parking by visitors)
- Drop off only at Grange Road car park over summer; with paid parking the rest of the

- year
- Hahei visitor carpark on Pa Road
  - Currently free, but fee of \$10 per day set in LTP
  - Expansion by 2018/19 to 500 parks approved on 26 June 2018
- A range of timed parking restrictions around the shopping area (e.g. P30, P60)

The summer peak population for Hahei is around 4,000-5000 per night. In conjunction with high visitor numbers to Hahei Beach and Cathedral Cove this culminates in residential streets lined with parked visitor cars and full Council car parks. There remain some gaps in understanding the extent of the problem - in terms of the period of time the "intolerable" parking and traffic issues last, and what if any safety issues arise as a result.

Between 26 December and 9 February compliance officers are at Hahei twice a day. Enforcement action including infringements and warnings are undertaken for parking violations including inconsiderate parking, parking over driveways and other parking offences. To date there has been little evidence of this being an issue.

### **Council workshop**

On 12 July 2018 elected members attended a workshop to discuss how parking restrictions could best be applied in Hahei to achieve the outcome sought by HRRRA. The outcomes of these discussions is presented under Option 3 (Bylaw change - No stopping lines) and Option 4 (Bylaw change - resident only parking)

### **Options**

Council can consider a range of options in relation to Hahei Parking

#### **1. Status Quo**

Council could simply note the concerns from Hahei residents and decide that the problem is limited to a small period of the year, and limited hours during the day, and so parking restrictions throughout Hahei would not be necessary or appropriate. This will not address the problem of visitor parking on residential streets increasing hazards to road users; but it does acknowledge that this is not a constant issue, at this point in time. Doing nothing at this time would also buy time for the expansion of infrastructure to accommodate demand for visitor parking including increased capacity of the existing paid car park.

There is however a clear expectation from the Hahei community, as expressed via HRRRA, that Council more actively regulate visitor parking in the Hahei village to improve safety and comfort of residents and visitors. Visitor numbers to Hahei are also continuing to increase and so doing nothing is likely not an appropriate long term response.

#### **2. Enhanced status quo - with further investigation and education undertaken**

Council could look at further refining its existing response to parking issues through expansion of the visitor car park and increased education. This could include promoting the car park through better signage (including at the village entrance) and providing signage seeking courteous parking. Patrols could maintain their regulatory function twice per day during summer months (with potentially a stricter approach to infringements). The trial of "please no parking on berms" signs that were used this year at the request of HRRRA could also be continued.

There is also opportunity to contract an expert traffic consultant to provide robust analysis of alternatives to addressing the issue. An action plan could be developed, implemented and timed to report back to Council after the summer period. This would provide ample time to make changes for the 2019/20 Annual Plan.

This option would provide the opportunity to trial the impact of additional education of visitors to Hahei in relation to parking; while also ensuring that expert advice is harnessed to better inform elected members around appropriate parking measures. While this approach is arguably more pragmatic; it could be considered less palatable from a timing point of view as it does not provide any additional "regulatory teeth" immediately.

### 3. Bylaw change - no stopping lines

Council could consider establishing no parking areas on additional streets in the Hahei village area (like those on Grange Road and Hahei Beach Road) to limit available parking on selected streets. This could be no parking restrictions on entire streets, parts of those streets where the hazard to road users are most exacerbated by visitor parking, or on parts of the street only (for example one side of each road).

'No parking' restrictions would remove all opportunities for visitor parking, along with residents and their own guests. While this would likely not cause any significant problems for residents given the wide availability of off-street parking in Hahei, whether this is appropriate to the problem scale needs to be considered. Making all of these residential streets 'no parking' areas would require a review of the Bylaw and full public consultation via the special consultative procedure. A draft statement of proposal to support such a change is included as **Attachment A**.

Partial restrictions could offer the opportunity to reduce traffic volumes on residential streets, thereby reducing the hazards associated with parking on these streets to other road users. While this solution would not eliminate the problem, it would reduce visitor parking and traffic volumes on these streets to an acceptable and manageable level and would buy time for Council to expand the capacity of existing infrastructure.

At its workshop on 12 July 2018 elected members considered establishment of a partial vs full implementation of no stopping lines.

Use of broken yellow lines is consistent with similar approaches across the district, is universally understood, easy to enforce and does not require additional signage, systems, or processes.

### 4. Bylaw Change - Residents only parking

Council could introduce resident only permit parking on residential streets in Hahei. This solution has the benefit of restricting the availability of parking on these streets only to residents, so will greatly reduce the traffic volume from visitors. This is the solution proposed in the Hahei Village Parking Plan.

As insufficient parking for residents in Hahei is not a problem it is debatable as to whether this is a solution to the actual problem.

This option cannot be implemented until the existing paid carpark is expanded to accommodate the parking removed from streets. Resident only parking will increase monitoring and compliance costs and require additional administrative support, both of which bring higher costs to regulatory services. Use of revenue from Council car parks in Hahei is an appropriate way of offsetting these costs.

This option would require a review of the Bylaw to provide for resident parking, and apply to Hahei in Schedule A of the bylaw. As it is a significant change formal public consultation would be required.

Elected members explored this option at its 12 July 2018 workshop to determine what this option would like and proposed that:

- provision for resident only parking restrictions be established and applied to every

- street in the Hahei Village (except Grange Road)
- would provide each rating unit within Hahei village with one free permit
- There would be no additional permits available
- The cost of implementation would be met through the revenue from paid Council carparks in Hahei so that there is no cost to the ratepayer
- Parking permits would be valid on every street in the restricted area
- Sufficient signage would be required throughout the village on every affected street to ensure people are aware of the restriction
- A provision be established in the bylaw to ban parking on berms (to be applied to every street in Hahei, except where a resident parking permit is displayed).

#### *New Zealand Bill of Rights Act*

The provision of some traffic restrictions are inconsistent with the rights of residents to have freedom of movement in any public area as may be expected under the New Zealand Bill of Rights 1990. However, it is considered that in order to prevent or manage traffic congestion and control driving behaviours, and promote safety that some restrictions are necessary for the proper operation of roads and public areas. It is considered that all the controls in the proposed bylaw can be justified and that the Bill of Rights Act allows these inconsistencies.

Council will have an opportunity to consider any implications under the New Zealand Bill of Rights Act before the adoption of a final bylaw.

#### *Consultation*

Should Council wish to undertake consultation on proposed changes to the Parking Control Bylaw to enable additional restrictions in Hahei it is proposed that consultation be undertaken for a period of one month from 10 August 2018 - 10 September 2018. Hearings will take place on 8/9 October 2018 with adoption of the bylaw scheduled for 30 October 2018 following Council deliberations on any submissions received.

A communication plan is attached as **Attachment C** and outlines the proposed approach to prompt a conversation about the bylaw between Council and the residents and ratepayers in the district.

Consultation will be held in accordance with the special consultative procedure required under the LGA.

## **5 Suggested resolution(s)**

That the Thames-Coromandel District Council:

3. Receives the ' Amendments to the Parking Control Bylaw 2014 - Hahei' report, dated 18 July 2018.
4. Determines that a bylaw is the most appropriate way to address statutory and regulatory requirements to address parking issues in Hahei
5. Determines that the proposed change to the Parking Control Bylaw 2014 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
6. Approves the public notification of the Statement of Proposal - **Attachment A** in the agenda and Proposed Parking Control Bylaw - **Attachment B** in the agenda for a period of public consultation from 10 August 2018 to 10 September 2018.
7. Approves the Consultation Plan - **Attachment C** in the agenda.

## **References-Tabled/agenda attachments**

- Attachment A** *Statement of Proposal - Parking Control Bylaw 2014 - Hahei Parking Amendment*
- Attachment B** *Proposed Parking Control Bylaw 2018*
- Attachment C** *Parking Control Bylaw Communications Plan*

*Attachment A*

[ATTACHMENT A - Statement of Proposal - Parking Control Bylaw 2014 - Ha...](#)

**ATTACHMENT B - Proposed Parking control bylaw 2018**

**ATTACHMENT C - Parking Control Bylaw Communications Plan**

**Attachment B**

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