

Item 3: Traffic & Parking Bylaw Options

SESSION TYPE: Workshop

PURPOSE/DESIRED OUTCOME:

Workshop to provide input into the development of a new Traffic and Parking Bylaw, as well as options to address other perceived problems identified during the bylaw review.

DATE/START TIME:

Tuesday, 13 May 2025 at 12:15pm

TIME BREAKDOWN:

Presentation: 20mins  
Discussion: 40mins

Prepared by:



Name: Campbell Guy  
Title: Policy Advisor

30 April 2025

Reviewed and Authorised by:



Name: Tony Avery  
Title: General Manager, Property and Infrastructure  
30 April 2025

ATTACHMENTS:

A	Traffic and Parking Regulation Options Slide Deck   Prereading
B	Traffic and Parking Bylaw - Issues and Options Report   Prereading (for WUCCB if needed)
C	Traffic and Parking Bylaw 2018

# Options Workshop

Traffic and Parking Bylaw 2025

# Bylaw Development Process

We are here

April

May

July

August

Sep

Nov/  
Dec

✓  
Identify  
issues



Identify if scope  
and scale of  
issues justify a  
bylaw

Prepare  
options



Consider options  
(amend, revoke,  
replace, maintain)

Draft  
bylaw



Council adopt  
statement of  
proposal, draft bylaw  
and appoint panel

Public  
Consultation



One month for  
community input

Hearings



Hold public  
hearings and  
deliberations

Finalise &  
Adopt Bylaw



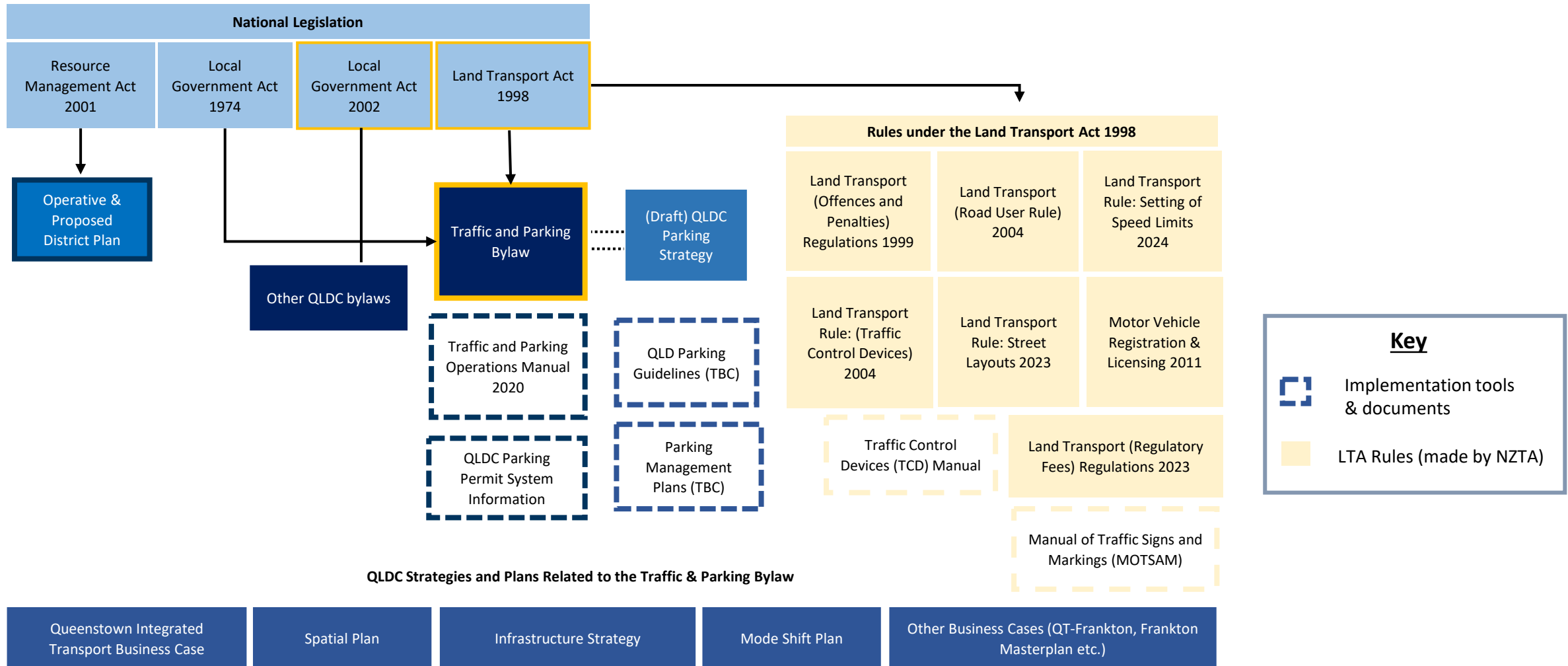
Reasons for not  
making proposed  
changes given.  
New bylaw adopted.

# What we are seeking today

## Input on:

- The list of topics raised as part of this bylaw review
- The recommended options to address identified perceived problems
  - Councilor and board input will be used to draft the Statement of Proposal/Draft new T&P Bylaw
- Any additional concerns or issues which may need to be incorporated before public consultation period in August

# Quick recap



# Bylaw 'controls' (i.e. rules)

## 'Self-contained' controls

**Where all the details of the control are in the bylaw**

These are rules that apply district-wide.

e.g. No parking on the footpath (Clause 22.2 b)

### Pros

- Consistently apply across the district
- Don't require resolution to enact

### Cons

- Can have unintended consequences/impacts
- Not flexible (hard to change outside of bylaw review)
- Are not site specific (apply district-wide generally)
- Requires signage and enforcement resource

## 'Framework' controls

**Where the details of the control are established by resolution**

These generally apply to certain areas, and can be detailed in their design to address specific problems.

e.g. Parking zones (P180) in a specific area

### Pros

- Flexible
- Can be changed to respond to issues/impacts
- Allow for councillor oversight
- Can be used to address a variety of issues

### Cons

- Require staff time to develop and write resolution reports i.e. collect data and go through resolution process
- Requires publicly available schedule of controls, sign installation, enforcement etc.

# Topics raised from bylaw review

## Topics which may require a regulatory response

These require council decisions

1. Parking on verges/berms
2. Heavy vehicles parked in residential areas
3. Congestion and maintenance around public facilities
4. Re-parking
5. Mobility parking
6. Snow chains
7. Shared zones
8. Updating resolution process
9. Definitions & Delegations

## Topics do not require regulatory response

These do not require council decisions

- Updating delegations from CE
- Rubbish bins on cycleways, footpaths, shared paths
- Alignment with parking strategy
- Obstruction of cycleways, footpaths & shared paths
- Traffic operations manual updates
- Business process improvement (permit process, resolutions, schedule of controls etc.)

Freedom camping-related parking impacts can be addressed through both regulatory and non-regulatory responses

# Options assessment criteria

OPTIONS EVALUATION CRITERIA	
<b>Risks and mitigation</b>	What are risks to Council due to the potential option. These could be reputational risks, etc. What can council do to mitigate these risks?
<b>Effectiveness</b>	How effective is the option at addressing the perceived problem (as laid out in the problem definition)
<b>Efficiency</b>	How efficient is the option at addressing the problem (this could be cost-efficient, efficiency of process, efficiency of time/staff resource, opportunity cost etc.)
<b>Validity</b>	Is the proposed option repugnant to legislation (i.e does it align with national legislation, Land Transport Act & Bill of Rights Act 1990)
<b>Bylaw Implementation</b>	What are considerations regarding the implementation of the bylaw (e.g. enforcement feasibility, cost feasibility, technological, practical considerations etc.)

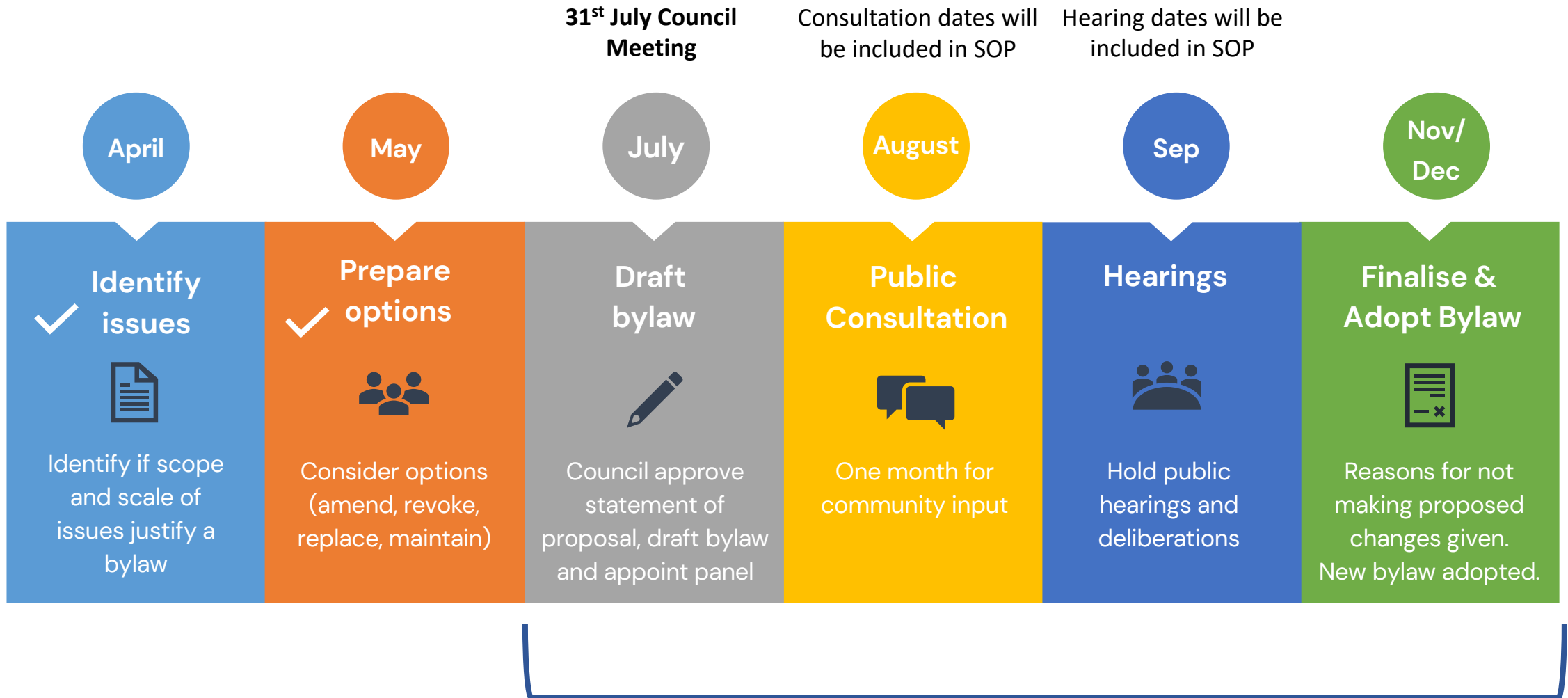
*Council staff were engaged to assess options and determine options lists presented today.*



# Summary of recommended regulatory responses

Topic/problem identified	Amend T&P Bylaw	Use resolution control (T&P bylaw)	Use another approach/tool	Implementation considerations
1. Parking on verges/berms			✓ Continue with approach of enforcement of hotspots/signage at hotspots	<ul style="list-style-type: none"> <li>➤ All controls need to align with parking strategy</li> <li>➤ Controls passed by resolution requires an up-to-date schedule of controls (this schedule lists all controls passed by council resolution)</li> <li>➤ Roles and responsibilities regarding the creation of traffic and parking controls needs to be established</li> </ul> <p>The business improvement team is currently scoping out bylaw implementation improvement work.</p>
2. Heavy vehicle parking		✓ Address problem through T&P resolution process		
3. Congestion around public facilities		✓ Address problem through T&P resolution process	✓ Use combination of T&P bylaw and Maritime Transport Act to address issues	
4. Re-parking		✓ Address problem through T&P resolution process		
5. Mobility Parking		✓ Address problem through T&P resolution process		
6. Snow chains	✓ Reinstate self contained clause regarding snow chains			
7. Shared zones	✓ Introduce clause regarding establishment of shared zones			
8. Updating of resolution process	✓ Amend resolution process to explicitly consider parking strategy			
9. Definitions & Delegations	✓ Update definitions and delegations to aid bylaw implementation			

# Next Steps



# 1. Parking on verges/berms

**Problem definition:** Lack of enforceability for vehicles parking on grass berms. This damages property.

## Scale and magnitude of the problem

- 8% of parking related RFS's were berm/verge related in 2024
- More of an issue in certain locations (Hanley's Farm etc.)



## Options to address perceived problem

### 21 Parking off a roadway (T&P Bylaw 2018)

**21.1** A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.

**21.2** A person must not stop, stand or park a vehicle off a roadway in any reserve, park or similar land used for public recreation, and which is under the Council's control, except:  
(a) in an area designed and constructed to accommodate a parked vehicle; or  
(b) where the Council has given specific permission to stop, stand or park the vehicle in that place.

### Continue approach of enforce at hotspots – recommended

- Continue to deploy signage 'no parking off roadway', leaflets and infringements at hotspots
- ✓ Addresses problems in impacted areas
- × Requires time and resource (signage cost/leaflets etc.)
- × Requires enforcement resource (staff time)
- ✓ Legally enforceable (prohibited parking offence code)

### Use zonal signage

- Zonal signs displayed at entrance of suburbs/areas/cul de sac streets
- × Requires time and resource (signage cost and enforcement cost)
- × Hard to enforce/monitor closely
- × Poses legal risk (not valid/repugnant with legislation)
- ✓ Already used in some areas (however not enforced due to questionable legality)

### Utilise the Trespass Act 1980

- Enforce cars parking on berms using other legislation
- × Unclear if easily enforceable
- × Requires staff time and resources (potentially legal resource)
- × Legally difficult to enforce/prosecute

## 2. & 3. Use of public space

**Problem definition:** Vehicles infringing on public spaces and using public facilities. This contributes to congestion, obstructions and adds to maintenance and servicing costs.

### Two issues raised:

2. Heavy vehicles parking in residential areas

3. Private and commercial use of public facilities increasing congestion and maintenance

## 2. Heavy vehicles parking in residential areas

**Problem definition:** Heavy motor vehicles using residential parking spaces creating obstructions and adding to congestion



### Scale and magnitude of the problem

- Reports of heavy motor vehicles parked on residential streets, causing congestion
- Assuming low to medium impact (depending on location)
- RFS data is not particularly

#### Definition

- **Heavy motor vehicle (QLDC):** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500kg
- **Heavy motor vehicle (NZTA):** A motor vehicle that has a gross vehicle mass (GVM) exceeding 3500 kilograms.

#### Example Clause (Tauranga City Council)

*No person shall stop, stand, or park a heavy motor vehicle for a period of more than one hour in any part of a road where there is adjacent residential zoned land on either side of the road except for designated sites or for the purpose of loading or unloading.*

➤ Denotes a prerequisite for the option\*

### Options to address perceived problem

Amend bylaw (self-contained control)	Use resolution controls – <u>recommended</u>	Status quo
<ul style="list-style-type: none"><li>• Create a self-contained clause regarding residential streets (ex. Tauranga City Council)</li></ul>	<ul style="list-style-type: none"><li>• Allow for issues to be dealt with through the resolution process</li><li>• Most common approach across councils</li></ul>	Maintain status quo, make no changes
<ul style="list-style-type: none"><li>✓ Applies district wide to residential areas</li><li>× Heavy motor vehicle is a broad definition and may impact some residents (for example, residents with motor homes)</li><li>× Hard to enforce district-wide</li><li>× Hard to communicate</li></ul>	<ul style="list-style-type: none"><li>✓ Allow for case-by-case assessment (efficient)</li><li>✓ Will mitigate unintended consequences (effective)</li><li>✓ Can be included in development of Parking Management Plans (valid)</li><li>➤ Requires an up to date schedule of controls to implement (implementation prerequisite)*</li></ul>	<ul style="list-style-type: none"><li>✓ Will require no staff time or resource</li><li>➤ Requires up to date schedule of controls to implement (implementation prerequisite)*</li></ul>

For each option, education will be first enforcement tool utilised to address the problem.  
This approach aligns with QLDC's Enforcement Strategy and Prosecution Policy 2021.

### 3. Congestion and maintenance around public facilities

**Problem definition:** Recreational and commercial use of boat ramps and public parking is increasing maintenance costs and adding to congestion near and around water facilities.

#### Scale and magnitude of the problem

- Data provided by P&I (cross-sectional data, 4 weeks)
- Financial OPEX and CAPEX data provided
- CCTV data available if needed to demonstrate problem scale
- This data will be presented and discussed through the resolution process

#### Definitions

- There is no definition for boat trailer in the bylaw
- Other council's bylaws reference boat trailers, such as: Tauranga DC, Thames Coromandel DC, and Nelson and Auckland Council which use a broad LTA definition of vehicle (which includes boat trailers or trailers as a vehicle).
- Most use the resolution process to create a permit system/scheme

#### Clause 15.1 and 15.2 (T&P Bylaw 2018)

*Allows for restricting of parking*

*&*

*Establishment of a permit system or any class or description of vehicle*

➤ Denotes implementation prerequisites\*

#### Options to address perceived problem

Use resolution controls in combination with Maritime Transport Act – <b>recommended</b>	Status quo
<ul style="list-style-type: none"><li>• Enable future decisions to be made by resolution (on a case-by-case basis)</li><li>• Explore using the Maritime Transport Act (Section 33r) in combination with Traffic &amp; Parking bylaw to address issues.</li></ul> <p>Would be supported by:</p> <ul style="list-style-type: none"><li>➤ Adding in boat trailer definition to the bylaw</li><li>➤ Creating schedule of controls</li></ul>	<ul style="list-style-type: none"><li>• Do not enforce charging for use of Council parking or facilities e.g. boat ramps</li></ul>
<ul style="list-style-type: none"><li>✓ More appropriate tools used in case-by-case basis</li><li>✓ Allows for Council oversight of process</li><li>× Requires staff time to research and determine approaches for each site</li><li>➤ Requires development of schedule of controls*</li><li>× May require administrative improvements and costs (would require scheme to be priced to cost-recovery at a minimum)</li></ul>	<ul style="list-style-type: none"><li>× Does not address the problem of congestion or maintenance costs (ineffective)</li><li>× Requires no staff time, but would result in lack of recovery for maintenance costs (inefficient)</li></ul>



# 4. Re-parking

**Problem definition:** Vehicle owners moving cars to re-park and avoid getting an infringement. This causes congestion, reduces parking availability, and negates the purpose of zone parking changes and undermines the effectiveness of parking strategies.

## Scale and magnitude of the problem

- Anecdotal evidence from parking wardens report daily occurrences of workers re-parking vehicles
- Facebook groups sharing parking wardens location to move cars in time
- More data may be required; however, this can be collected to be presented during the resolution process

## Example – Tauranga City Council self contained clause

*27.4 No driver or person in charge of any vehicle shall, within 30 minutes of leaving a time restricted parking space or time restricted parking area, re-park in that parking space or parking area, or in any other time restricted parking space or time restricted parking area, which is subject to the same parking time restriction and which is within 50 metres of the original parking space or parking area.*

## Options to address perceived problem

### Amend bylaw – self contained control

Add self contained clause to address the issue of re-parking across the district.

- × Hard to enforce consistently (ineffective)
- × May result in unintended consequences of people being fined in areas where re-parking is not an issue (not effective)
- × Rule is inflexible and cannot be changed easily
- × Would require updated signage across district (if looking to enforce district-wide)
- × Reputational risk if council creates control that is not enforced consistently or is seen to punish residents in areas which are not congested

### Use resolution controls recommended option

Retain current wording and allow issues to be dealt with through the resolution process.

- ✓ Flexible
- ✓ Can be used to address hotspots only e.g. CBD (effectiveness)
- ✓ Would compliment existing parking strategies and LTA (validity)
- Requires an up-to-date schedule of controls\*
- ✓ Easier to enforce, due to only being in certain zones e.g. CBD (efficient)
- × Requires updated signage (some cost incurred, however less cost than being enforce district-wide)

# 5. Mobility Parking

**Problem definition:** Overstaying on mobility parking disrupting users and impacting access to services for people with disabilities

## Scale and magnitude of the problem

- Anecdotal data from road team and enforcement team of cases of overstaying (sometimes days)
- While frequency might be low, impact on vulnerable road users has the potential to be high

Traffic Operations Manual (TOM), Section 7.

*“Park in a time restricted place for a time in excess of the time allowed as designated by the Traffic and Parking Sub-Committee by resolution from time to time. The current policy (as at 1 March 2019) is to allow double the posted limit.”*

Traffic and Parking Bylaw, Clause 18 establishes mobility parking offence code, i.e. mobility parking permit should be displayed.

## Options to address perceived problem

Status quo	Use resolution controls - <u>recommended option</u>
Add self contained clause to address the issue of mobility across the district.	Retain current wording and allow issues to be dealt with through the resolution process.
<ul style="list-style-type: none"><li>× Hard to enforce consistently (effectiveness)</li><li>× May result in unintended consequences of people being fined in areas where re-parking is not an issue</li><li>× Is inflexible (cannot be changed easily)</li><li>× Would require updated signage across district (if looking to enforce district-wide)</li></ul>	<ul style="list-style-type: none"><li>✓ Flexible</li><li>✓ Can be used to address hotspots only (CBD)</li><li>✓ Would compliment existing parking strategies (e.g. parking strategy)</li><li>➤ Requires an up-to-date schedule of controls</li><li>✓ Easier to enforce (due to only being in certain zones e.g. CBD and other hotspots)</li><li>× Requires updated signage (some cost incurred)</li></ul>



# 6. Snow Chains

**Problem definition:** People ignoring the requirement to fit chains causing a safety risk for themselves and others.

## Scale and magnitude of the problem

- Police advice is that the bylaw is required to aid in enforcement
- Downers evidence provided (photos and emails)
- No hard data on no. of incidents but police have requested

*QLDC 2012 Traffic & Parking Bylaw*

*16.2 An authorised officer may direct the driver of any vehicle to fit snow chains to such vehicle on any road. If provided with this direction no person shall drive, or direct or allow such vehicle to be driven without snow chains fitted.*

## Options to address perceived problem

Amend bylaw- self-contained control, <u>recommended</u>	Use resolution controls	Status quo
<ul style="list-style-type: none"><li>• Create a self-contained clause requiring the use of snow chains</li></ul>	<ul style="list-style-type: none"><li>• Allow for resolution to be passed requiring use of snow chains</li></ul>	Maintain status quo, no legally enforceable mechanism
<ul style="list-style-type: none"><li>✓ Simple – has been used before</li><li>✓ Will create a legally enforceable infringement for police (valid)</li><li>✓ Will address the issue to dangerous driving (effectiveness)</li></ul>	<ul style="list-style-type: none"><li>× Unclear if legally enforceable by police (who are primarily enforce this control)</li><li>✓ Is flexible in its application</li><li>➤ Requires up to date schedule of controls</li></ul>	<ul style="list-style-type: none"><li>× Does not address issue (ineffective)</li></ul>

# 7. Shared zones\*

**Problem definition:** To allow Council to create shared zones through the resolution process.

## Scale and magnitude of the problem

- Currently there is no provision of powers within the bylaw to create shared zones

### *Wellington City Council (example)*

#### *14. Shared use zones*

*14.1. The Council may by resolution specify any road or part of a road to be a shared use zone.*

*14.2. Any resolution made under this clause may specify –*

- (a) whether the shared use zone may be used by specified classes of vehicles;*
- (b) the days and hours of operation of the shared use zone (if they differ from 24 hours per day, 7 days per week); and*
- (c) any other restrictions on how the shared use zone is to be used by the public, including how traffic and pedestrians will interact.*

## Options to address perceived problem

Amend bylaw – <u>recommended</u>	Status quo
<ul style="list-style-type: none"><li>• Amend to add clause allowing Council to create a shared zone by resolution</li></ul>	Maintain status quo (no amendment)
<ul style="list-style-type: none"><li>✓ May facilitate the introduction of shared zones (efficiency of process)</li><li>✓ Does not require any additional staff time or resource</li><li>× My require additional enforcement (time and resource)</li></ul>	<ul style="list-style-type: none"><li>✓ Council may still potentially have the ability to create a shared zone (through general resolution)</li></ul>

\*A shared zone is defined in the Land Transport (Road User) Rule 2004 as ‘a length of roadway intended to be used by pedestrians and vehicles’ (including cycles). A shared zone should only be considered in streets where vehicle speeds and vehicle volumes are low or discouraged.

# 8. Update resolution process

**Problem definition:** Ensure resolution process is up to date and explicitly references parking strategy

## *Example Wellingtons resolution process*

**7.2. When making resolutions, the Parking Policy 2020 is a relevant consideration.**

*7.3. Any resolution may – (e) Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.*

*(f) Be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events or be limited to specified maximum periods of time.*

*(g) Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, parking area, building, transport station, or restricted parking area; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces, buildings or areas.*

*(h) Specify a minimum number of occupants in any private motor vehicle.*

*(i) Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.*

## Options to address perceived problem

Amend bylaw – update resolution process, <u>recommended</u>	Status quo
<ul style="list-style-type: none"><li>• Amend resolution process to ensure parking strategy is considered in the development of a new control</li></ul>	Maintain status quo (no amendment)
✓ Ensures alignment between council strategy and bylaw (effectiveness)	× Does not ensure alignment across council strategy (ineffective)

# 9. Definitions & Delegations

## **Add in definitions regarding:**

- Micromobility
- Definitions related to proposed amendments e.g. snow chains, shared zones, parking strategy, re-parking

## **Proposed amendments to delegations register:**

- Anything that was delegated to T&P Sub-committee to Infrastructure Committee
- 14.1 Delegated from CE to Roading Operations and Maintenance Manager

# Topics that do not require bylaw changes

Topic	Reason for non-regulatory response (no council decision required)
Updating delegations	Changing delegations from CE does not require a council decision
Rubbish bins on cycleways, footpaths and shared paths	There are already regulations in place in the bylaw Clause 23 (a). Addressing this issue requires changes to enforcement/implementation which is out of scope of the bylaw.
Alignment with parking strategy	Ensuring alignment with strategy does not require explicit council decision, the only change is regarding the change to the resolution process (topic 8)
Traffic Operations manual updates	Will be included as part of the implementation improvement work (currently being scoped by business improvement team)
Business process improvements (creating schedule of controls, ensuring necessary permit and resolution process is fit for purpose)	Will be included as part of the implementation improvement work (currently being scoped by business improvement team)

Adequate tools already exist within the bylaw. Issue needs to be addresses from an implementation perspective, as the bylaw already provides sufficient regulatory settings.

## Clause 23 (a)

*“A person must not, without the prior written consent of the Council:*

- (a) leave or place on a road any thing other than a vehicle (for example, but without limitation, any machinery, equipment, containers or materials), except that this prohibition does not apply to containers which are placed off the roadway and are used solely for a council–authorised kerbside collection of waste or diverted material, if such containers do not remain on the road for more than 24 hours;”*

# Parking on verges – Relevant documents

## Relevance to bylaw, (Clause 21.1)

- *Person must not stop or park a motor vehicle on a cultivated area, lawn, grass plot, flower bed, etc. (Clause 21.1)*
- *A person must not stop or park a vehicle off a roadway in any reserve, park etc. unless it's a parking space or permissioned (Clause 21.2 a,b)*

## Land Transport (Road User Rule) 2004, Section 6.2

- 1) A person in charge of a vehicle must not stop, stand, or park the vehicle on a roadway if they can stop, stand, or park it on the road margin without damaging ornamental grass plots, shrubs, flower beds on the margin (sum)
- 2) Subclause (1) does not apply if the road controlling authority provides signs or markings, or makes a bylaw, indicating that a rule different from the one in subclause (1) applies.

## Parking Strategy

Ambiguous regulations under the Land Transport (Road User) Rule 2004 that governs 'parking off a roadway' makes enforcing this activity challenging. While our Traffic and Parking Bylaw (2018) does not permit parking on berms (Section 21), we are required to signpost these areas.

# What have other councils' done recently?

## **Wellington City Council**

- Reviewed their Traffic and Parking Bylaw in 2021
- Review was triggered by the development of a Parking Policy – bylaw changed to reflect parking policy

## **Summary of changes to amended bylaw:**

- Clarify scope of bylaw (only council parking is under jurisdiction of the bylaw)
- Provide for shared paths, shared use zones, special vehicles
- Enable temporary road changes for pilot/trial schemes (urban design changes, community gardens etc.)
- Make it simpler for Parking Officers to remove non-motorised vehicles that park on the street for longer than 7 days (QLDC bylaw already provides for this)
- Regulate the parking of vehicles for advertising or selling purposes.
- Manage mobile trading in roads and public places.
- Prohibit driving, riding or parking on beaches and restrict on unformed legal roads
- Amend definition of taxi to include small passenger service vehicles (SPSVs)



**Full Council**

**17 April 2025**

**Report for Agenda Item | Rīpoata moto e Rāraki take [4]**

**Department: Strategy & Policy**

**Title | Taitara: Traffic and Parking Bylaw – Issues and Options Report**

**Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report is to present to Council:

- findings from a review of the Traffic and Parking Bylaw 2018 (the bylaw); and
- a recommendation that Council determine that a new Traffic and Parking Bylaw is the most appropriate way to manage the perceived problems in the district related to traffic and parking (required under s.155(1) of the Local Government Act 2002).

**Executive Summary | Whakarāpopototaka Matua**

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Issues related to traffic and parking that the bylaw set out to address in 2018 are still evident in the Queenstown Lakes District (QLD). A traffic and parking-related bylaw is still required, and can provide a framework to implement Council plans, strategies, traffic management controls and support enforcement officers in the district.

Officers recommend **Option 1**, that a Traffic and Parking Bylaw made under the Land Transport Act 1998, and Local Government Act 2002 and 1974, is the most appropriate way to address perceived problem(s) in relation to traffic and parking in the district.

Engagement with internal teams and police found that while the bylaw is largely working as intended, updating and streamlining implementation processes that sit under the bylaw, as well as making minor adjustments to the bylaw itself, may be required to aid its effectiveness and efficiency. Regulatory and non-regulatory options to address issues identified will be covered in the next stage of the bylaw development process.

**Recommendation | Kā Tūtohuka**

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That the Council:

1. **Note** the contents of this report.
2. **Determine** pursuant to section 155(1) of the Local Government Act 2002 that a bylaw is the most appropriate way to address perceived problems related to traffic and parking issues in the district.

**Prepared by:**



**Name:** Campbell Guy  
**Title:** Policy Advisor

26 March 2025

**Reviewed and Authorised by:**



**Name:** Tony Avery  
**Title:** General Manager Property &  
Infrastructure  
25 March 2025

## Context | Horopaki

### This report is the first step in the bylaw development process

1. Queenstown Lakes District Council (QLDC) has a statutory responsibility under Section 160(a) of Local Government Act 2002 (LGA) to replace the Traffic and Parking Bylaw 2018 (**Attachment A**, the bylaw) by 13 December 2025, if it wishes to continue to have a bylaw to regulate these matters. This report is the first step in replacing the 2018 bylaw with a new bylaw.
2. Proposed next steps to replace the bylaw are shown in the table 1 below:

*Table 1. Table showing steps in the bylaw development process*

Indicative dates	Meeting Fixture	Purpose
17 April 2025	Council meeting	Endorse that a bylaw is the most appropriate way to address the perceived problem/s (s.155 LGA)
13 May 2025	Council & Wānaka Upper Clutha Community Board workshop	Provide input into options of amending new draft bylaw before public consultation
31 July 2025	Council meeting	Adopt a statement of proposal (SOP) and draft Traffic and Parking Bylaw 2025 for consultation and appoint hearing panel members
early-August to early-September 2025	Public consultation	Public can input on proposed bylaw via special consultative procedure (SCP) - this runs for one calendar month
late September 2025	Hearing panel meeting	Hearing panel receives submissions and recommends a final form of the draft bylaw to Council
November 2025	Council workshop	Explain bylaw process, may be part of other induction processes for new councillors
November or December 2025	Council meeting	Council adopts new bylaw to replace the Traffic and Parking Bylaw 2018 (this must occur before 13 December 2025)

### Background of the Traffic & Parking Bylaw 2018

3. The purpose of the bylaw is to regulate parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District (QLD).
4. The intention of the bylaw is to enable Council to regulate and enforce behaviours that are either not available through existing mechanisms (such as the Land Transport Act 1998), or to further enhance or refine those abilities in response to issues identified in the district. The areas where Council may regulate through a bylaw are detailed in the Land Transport Act 1998 (LTA) Section 22AB, and the LGA Part 8.
5. Regulatory controls made under the bylaw must comply with legislation (such as the LTA, LGA and other legislation), 'The Rules' under the LTA, as well as the Bill of Rights 1990.

6. Regulatory controls (i.e. rules) under the bylaw are either 'self-contained' or act as part of a 'framework'.
  - **'Self-contained controls'** are where all the details of the control are in the bylaw. For example, no person must park a vehicle in any road which unreasonably obstructs the footpath under clause 22.2(b) of the bylaw. This clause can be used by parking officers when issuing infringements in the district.
  - **'Framework controls'** are where details of the control are determined later by Council through making a resolution. For example, clause 16.1 of the bylaw allows Council to restrict parking (on Council land) by resolution. Council, at its 13 February 2025 meeting, used this clause to restrict overnight parking at the Queenstown Events Centre. Of the 18 topic areas regulated under the bylaw, 12 are framework controls. See table 2 below for a full list of framework controls under the bylaw.
7. Most controls made under the bylaw are framework controls. This makes the bylaw flexible to respond to issues through the resolution process instead stating controls in the body of the bylaw.
8. Through its use of the resolution process, the bylaw is better understood as a tool to facilitate the introduction of traffic-related solutions, rather than a tool used to develop solutions directly. For example, the draft Parking Strategy proposes a variety of regulatory controls, such as parking zones, to address perceived parking-related problems. While the bylaw is the tool which allows their enactment, it is through the development of Council strategies and plans (such as Parking Management Plans) that the design of these solutions is determined.

*Table 2: Traffic and Parking Bylaw 2018 Topics by control type*

Topic name	Bylaw control	Delegated authorities	Exemptions
1. One-way roads	Framework	Council by resolution	
2. Left or right turns and U-turns		Council by resolution	
3. Traffic control because of size, nature or goods		Council by resolution	CE may issue exemption permits
4. Special vehicle lanes		Council by resolution	
5. Cycle paths		Council by resolution	
6. Engine Braking		Council by resolution	
7. Cruising		Council by resolution	
8. Uninformed legal roads		Council by resolution	
9. Temporary restrictions on the use of roads		Council & CE	Authorised officer may issue exemptions
10. Stopping, standing and parking of vehicles		Council by resolution	
11. Parking restrictions – parking places and transport stations		Council by resolution	
14. Residents' parking		Council by resolution	

Topic name	Bylaw control	Delegated authorities	Exemptions
12. Method of parking (enforcement details)	Self-contained	N/A	N/A
13. Mobility parking (enforcement details)			
14. Passenger service vehicles, goods service vehicles, rental service vehicles			
15. Parking off a roadway			
16. Miscellaneous (Nuisance)			
17. Miscellaneous (Regarding road obstructions)			
18. Miscellaneous (Damage to parking tools/signage)			

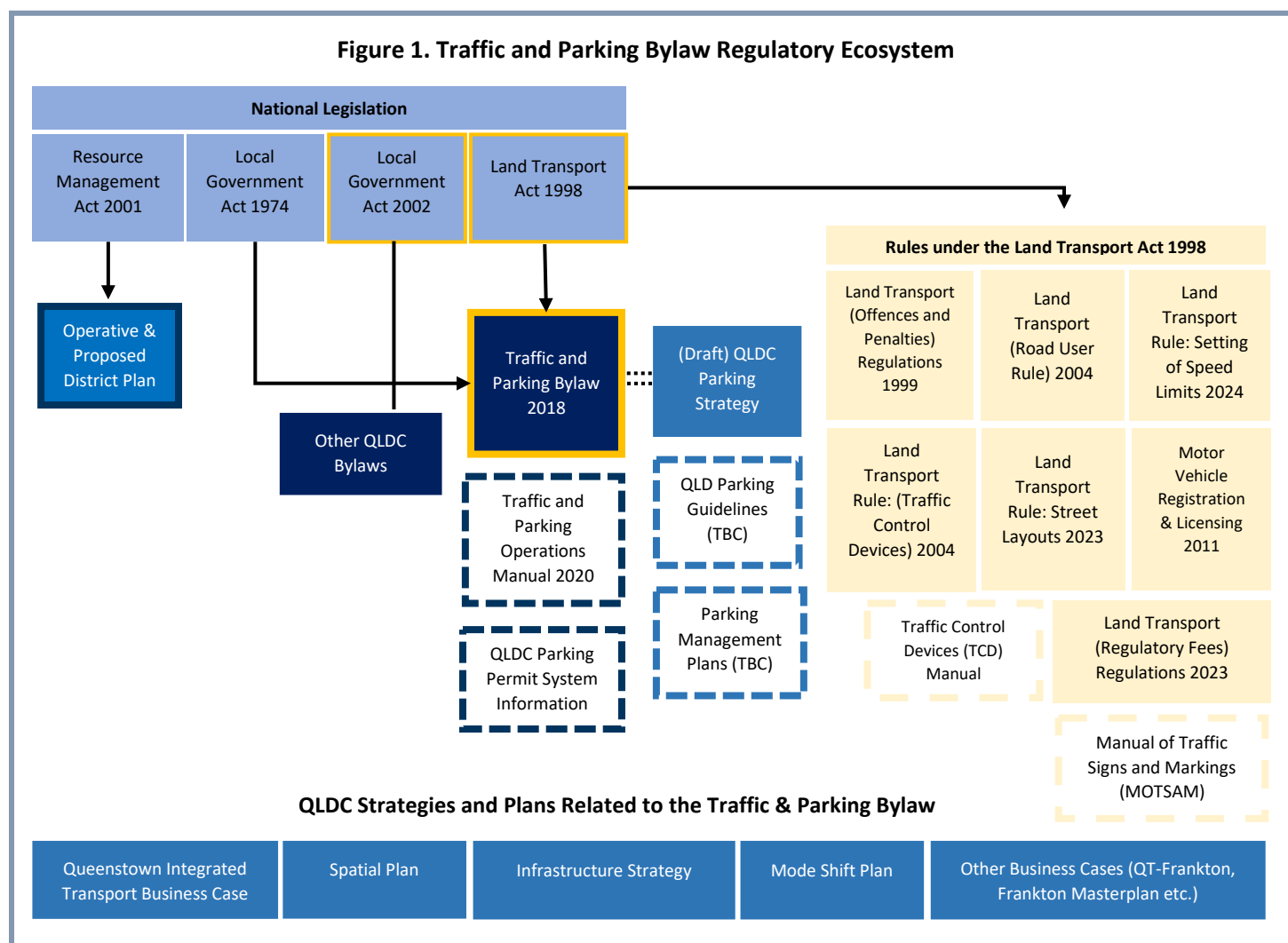
### There is a process for exacting controls by resolution

9. When enacting a control under the bylaw, Council is required to take into account considerations laid out in the resolution process, Clause 5.1 (a-f), as well as the specific clause the resolution is related to. This process is designed to ensure the Council considers:
  - The purpose of the bylaw
  - The statutory content of the bylaw (as established in the Land Transport Act 1998)
  - The public interest in a safe and efficient road transport system
  - The likely effect of the decision on members of the public or categories of the public
  - The nature and extent of the problem being addressed and alternative options for addressing the problem
  - Protecting land assets which are owned or under control of the Council.
10. These conditions ensure that resolutions made under the bylaw are only used for issues related to traffic and parking, and other options (including non-regulatory options) have been considered to address the perceived problem.

### Legislative context of the Traffic and Parking Bylaw 2018

11. The overarching regulatory ecosystem surrounding the bylaw is displayed in the diagram below. The Land Transport Act 1998 (LTA) Section 22AB, along with the LGA Part 8, empower the bylaw and determining the bylaw's purpose and scope.
12. 'The Rules' are regulations create by Waka Kotahi/New Zealand Transport Agency (see right hand side of fig 1). These rules contain detailed requirements for areas of the transport system. For example, the recently introduced Land Transport Rule: Setting of Speed Limits 2024 sets out criteria, requirements and procedures to be followed by Road Controlling Authorities (such as QLDC) when reviewing and setting speed limits for roads.

13. QLDC has developed implementation tools to operationalise the bylaw. The Traffic and Parking Operations Manual 2020 (shown in fig 1), provides specific terms, conditions, and administrative tools related to the bylaw for Council officers.
14. As shown in the figure below, there is an inter-relationship between the parking strategy and bylaw, whereby the bylaw (and its implementation tools show in the dashed boxes) provides a framework for solutions in the parking strategy to be enacted.



### Relevant legislative changes since the development of the 2018 bylaw

15. There has been some changes to legislation, and 'the rules' since the 2018 bylaw development. None of these changes are significant enough to require material changes to the bylaw. See **Attachment B**, for a list of recent legislative changes relevant to the bylaw.
16. An upcoming potential change to the regulatory ecosystem is the planned development of a Parking Strategy for Queenstown Lakes District. It is necessary to consider the direction of the Parking Strategy during the development of a new traffic and parking bylaw to ensure there are



sufficient mechanisms to give full effect to Council's intentions as set out in its Parking Strategy, Guidelines and Management Plans. This will be covered in more detail at the options stages of the bylaw development process.

### **Bylaws are enforced by both Council officers and police using national legislation**

17. The bylaw is enforced by police, through enforcement officers, and local authorities, through parking wardens. In general, police have a broad mandate to enforce under both bylaws and general traffic laws and tend to focus on moving vehicles that have potential to cause trauma. Local authorities tend to focus on stationary vehicle offences within their jurisdiction and bylaw controls (see table 3).

18. Legislation related to enforcement in this space includes:

- The Land Transport (Road User) Rule 2004, which requires compliance with most controls set through bylaws (for example, parking and special vehicle lane controls)
- The Land Transport (Offences and Penalties) Regulations 1999
- The Land Transport Act 1998 specifies the agency responsible for the enforcement of a control under the bylaw in practice.

*Table 3: Table showing which topics are enforced by whom*

Topic name	Bylaw control	Enforcement authority
1. One-way roads	Framework	Police
2. Left or right turns and U-turns		Police
3. Traffic control because of size, nature or goods		Police & Council
4. Special vehicle lanes		Police & Council
5. Cycle paths		Police & Council
6. Engine Braking		Police
7. Cruising		Police
8. Uninformed legal roads		Police
9. Temporary restrictions on the use of roads		Police & Council
10. Stopping, standing and parking of vehicles		Council (Police if safety risk)
11. Parking restrictions – parking places and transport stations		Council (Police if safety risk)
14. Residents' parking		Council
12. Method of parking (enforcement details)	Self-contained	Council
13. Mobility parking (enforcement details)		Council
15. Passenger service vehicles, goods service vehicles, rental service vehicles		Police & Council
16. Parking off a roadway		Council & Police if safety risk
17. Miscellaneous (Nuisance)		Council (Police if safety risk)
18. Miscellaneous (Regarding road obstructions)		Council (Police if safety risk)
19. Miscellaneous (Damage to parking tools/signage)		Council (Police if safety risk)

### **Enforcement in the district**

19. Council employs two full time equivalent (FTE) parking officers, one based in Queenstown another based in Wānaka, who enforce controls set under the bylaw. In addition, six contracted FTE cover the whole district 9am – 6pm seven days a week, although these hours may change to

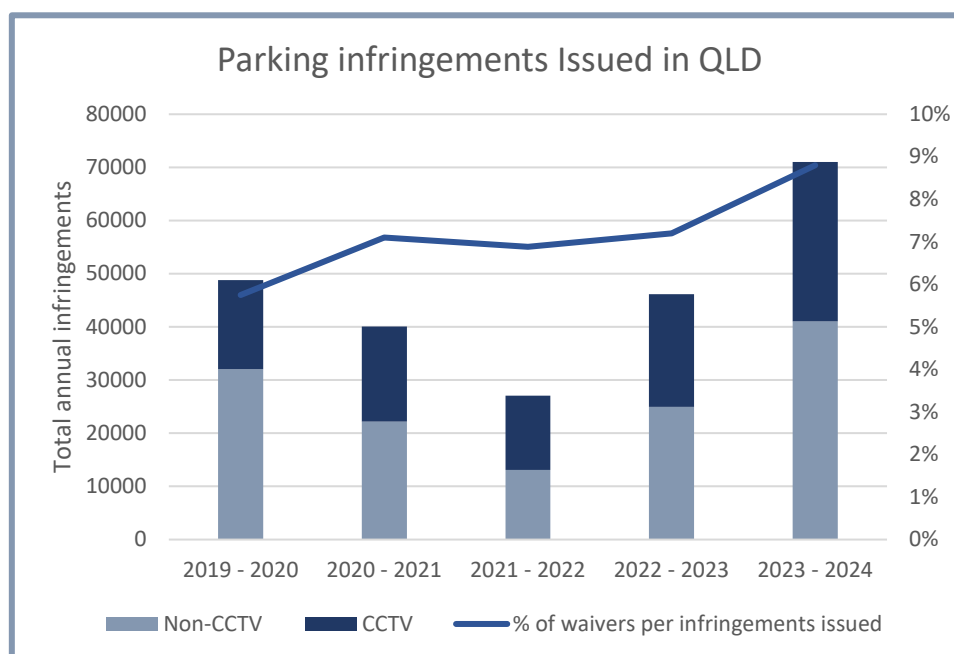
9am to 9pm if required. Supporting the enforcement officers are 1.5 administration FTE focused on requests for service, infringement waivers and general duties, with an additional parking co-ordinator role to assist with day-to-day management of the parking officers. Issues are escalated to Regulatory Support, Animal Control and Parking Manager as required. Contracted FTEs aim to respond to afterhours requests for service within two hours of receipt.

20. The enforcement approach of QLDC officers is informed by Council's Enforcement Strategy and Prosecution Policy. In general, annual reporting has shown that problems related to traffic and parking in district are still evident, and the bylaw is being actively used to address these issues.

21. This is shown in fig. 2 below, which demonstrates:

- An increase in traffic and parking related infringements issued post-COVID-19 across the district; and
- An increase in traffic and parking infringements issued through CCTV cameras (such as loading zone infringements)
- A slight increase in the proportion of infringements waived, this may be due to an increase in CCTV infringements issued (which has a higher waiver rate than non-CCTV infringements).

*Figure 2.*





Analysis and Advice | Tatāritaka me kā Tohutohu

22. This section covers an analysis of:
- the appropriateness of the bylaw,
  - issues raised by officers with the current bylaw,
  - proposed options and next steps.

Is a bylaw still appropriate?

23. Vehicle use and parking continue to be significant issues in QLD. These perceived problems include public safety, travel delays, obstructions, reduced accessibility, public nuisance, and damage to the environment (fauna and flora) and/or public property or infrastructure.
24. Analysis of request for service (RFS) data demonstrates issues and queries related to traffic and parking are a significant proportion of the communities’ interaction with Council. In 2024, 39% of all RFS requests (including snap send solve requests) were related to parking.

Table 4. Tabling showing parking related RFS’s

Year	Total RFS’s	Parking RFS’s	% of Toal RFS's
2018	6071	2916	48%
2019	7532	2099	28%
2020	6321	1222	19%
2021	6118	1458	24%
2022	6062	1510	25%
2023	6598	2191	33%
2024	7201	2816	39%

25. Of the five most common parking infringement offences in QLD, four have a clear linkage with the bylaw, either through the bylaw resolution process, or are empowered directly through clauses in the bylaw itself as shown in the table below.

Table 5. Top five offences in QLD and their relationship to the bylaw (1 July 2023 to 30 June 2024)

Offence	Total infringements issued	Relationship to bylaw
Prohibited parking	21,491*  * Of note 16,835 were issued via CCTV (Code P105)	<ul style="list-style-type: none"><li>Prohibited parking areas can be established through bylaw resolution process (Clause 5.1,5.2, and 15.1 b)</li><li>Council officers are empowered to inspect vehicles through the bylaw (Clause 23.1) as well as national legislation (LTA, Road User Rule (RUR))</li></ul>
Parked in excess of the maximum time (Code P106)	15,132	<ul style="list-style-type: none"><li>Parking time limit can be established through bylaw resolution process (Clause 5.1, 5.2 and Clause 15.1 b)</li></ul>
Parked a motor vehicle in an area marked by a Broken Yellow Line (Code P107)	14,040	<ul style="list-style-type: none"><li>Enforced through national code and legislation (LTA, RUR)</li></ul>

Offence	Total infringements issued	Relationship to bylaw
Failed to display a valid parking coupon (Code Q143)	8,103	<ul style="list-style-type: none"> <li>Enforcement directly empowered by Clause 16.5(d) and 24.2 of the bylaw</li> <li>Local code Q143 used<sup>1</sup> to issue infringements, this is empowered directly from the bylaw</li> </ul>
Operated an unregistered Motor vehicle	3,340**  **Of note, 2,859 were issued as warning notices (Code P401)	<ul style="list-style-type: none"> <li>Council officers empowered to inspect vehicles through the bylaw (Clause 23.1), as well as the LTA and rules under LTA</li> </ul>

26. RFS and infringement data above demonstrate that problems regarding traffic and parking remain evident throughout the district, and the bylaw plays an essential role in addressing these problems by complementing national legislation and enforcement codes, or through enabling the creation of controls through the resolution process.

27. As mentioned previously the bylaw also plays an essential role in the establishment of various Traffic Control Devices (TCDs), complimenting the Land Transport Rule: (Traffic Control Devices) 2004. Traffic control devices such as no stopping lines, special vehicles lanes, shared paths are implemented by the bylaw resolution process. For examples the Infrastructure Committee established a variety of TCDs through the bylaw for SH6/SH6A Frankton Intersection & Bus Hub Improvements at its March 2025 meeting.

#### **Are there alternatives to the bylaw?**

28. If there was no traffic-related bylaw in QLD, the Land Transport Act 1998 is the best alternative regulatory tool to address problems related to traffic and parking. The LTA, and 'the rules' under the LTA, allow for enforcement of some traffic related controls. However, many of the powers granted to Road Controlling Authorities under Section 22AB of the LTA require a bylaw to be implemented or work to compliment a traffic related bylaw.

29. The absence of a traffic related bylaw would therefore limit Council's ability to fully exercise its powers as a Road Controlling Authority, and by extension its ability to respond to community needs and action strategies and plans related to traffic and parking. For example, changing maximum parking time limits, or establishing parking zones for specific classes of vehicles to respond to community needs, require a bylaw to be in place.

30. Council could utilise other bylaws to regain some of these controls. This would require altering the nature and purpose of an existing bylaw (such as the Activities in Public Places Bylaw 2023) or undergoing an additional bylaw development process under the LGA. This would cost additional time and resources, as well as unnecessarily complicate the regulatory framework in relation to traffic and parking in the district.

<sup>1</sup> Parking offences codes which are empowered by the local bylaw start with a Q in Queenstown, codes which are empowered from national legislation generally start with a P. For example, P401 is the standard national code for operating an unregistered vehicle.

31. Non-regulatory interventions, such as educational campaigns and information dissemination are currently used to address traffic and parking related issues in the district. These include signage, website information and other forms of engagement with road users. While useful when complementing regulatory measures, these methods often fail to alter behaviour adequately to address problems on their own. For example, issuing infringements via CCTV for vehicles using loading zones in the Queenstown town centre, in tandem with non-regulatory measures such as education, has proven an effective method in addressing problems related to illegal use of loading zones.
32. Due to the bylaw's complementary role with legislation (primarily the LTA and 'the rules') in aiding enforcement, and its ability to action Council strategies and plans to respond to perceived problems, officers recommend that a bylaw is the most appropriate tool to address the perceived problems related to traffic and parking. **Attachment B** breaks down this determination under each topic under the bylaw.

**Is the bylaw still the most appropriate form of bylaw?**

33. The bylaw underwent a comprehensive review in 2018 and is largely working as intended. A review of topics under the bylaw shows that minor changes are needed to further simplify the bylaw and potentially reduce duplication with legislation. Many changes to improve the functioning of the bylaw sit underneath in implementation processes or documents, see **Attachment C** for more information.
34. The 2018 review amended the bylaw and resulted in:
- improved readability, clarity and structure
  - aligned the 2012 bylaw with the LTA and recent legislative/rule changes (such as changes around the legislative distinction between taxis and small passenger vehicles)
  - amendments and updates from the 2012 bylaw to align with Council's transport strategy or future initiatives, such as allowances for special vehicle lanes (i.e. T2 lanes)
  - revoked clauses related to the following topic areas:
    - snow chains (due to perceived better enforcement options)
    - skateboarding (to align with council transport strategy)
    - removal of vehicles (due to other enforcement options)
  - amended several topic areas for clarification, completeness, or to introduce a resolution process to improve safety and asset protection.
35. In addition to the bylaw amendments, the Traffic and Parking Operations Manual (2020) was also drafted as an implementation tool during the 2018 review.

### What suggested amendments have been raised by officers and police?

36. While the bylaw is largely operating as intended, officers have raised several issues related to the bylaw. Many of the issues identified relate to the implementation of the bylaw and may be able to be addressed through:

- amending the bylaw
- amending implementation processes tools, such as the Traffic Operations Manual
- amending or improving other internal processes related to the bylaw.

37. The table below lists issues raised through internal engagements with Council officers and police and recommended next steps to address perceived problems. The list is non exhaustive and may be updated in subsequent discussions. The most significant suggested change to the bylaw is the reintroduction of a self-contained clause regarding snow chains requested by police.

*Table 6. Issues related to the bylaw raised by engagement with police*

Issue	Description	Relevance to bylaw	Recommended Next Steps
Delegations	Delegations are out of date and in the wrong location, causing inefficiencies.	Resolution process detailed in clause 5, and delegations in appendix 4.	Delegations are in the body of the bylaw and need to be moved to the QLDC delegations register. Register also needs to be updated and reviewed to aid efficiency of decision making.  Proposed delegations' updates will be presented during options workshop in May.
Parking on verges/berms	Vehicles parking on berms/grass verges across the district causing obstructions and damage. RFS analysis shows 230 cases in 2024 across the district.	Clauses 21.1 and 21.2 detail self-contained controls regulating parked off a roadway and on berms.	Options to address perceived problem will be investigated as part of bylaw development process.  Options will be presented during May workshop.
Mobility Parking definition	Instances of overstaying mobility parking (overnight or over many days) reducing parking availability for priority users.	Clause 18 of the bylaw details mobility parking conditions.	Options to address perceived problem will be investigated as part of bylaw development process.  Options will be presented during May workshop.
Large service vehicles	Large passenger service vehicles parking overnight in residential street, causing obstructions.	Bylaw clause 20.3 prohibits parking overnight between midnight and 5am.	Options to address perceived problem will be investigated as part of bylaw development process.  Options will be presented during May workshop.

Issue	Description	Relevance to bylaw	Recommended Next Steps
Rubbish bins on cycleways	Rubbish bins are being placed in cycleways, obstructing traffic flow and endangering riders.	Clause 22.3(a) establishes controls for leaving waste containers more than 24 hours.	Options to address perceived problem will be investigated as part of bylaw development process.  Options will be presented during May workshop.
Snow chains (raised by police)	Drivers ignoring requirement to fit chains. Police are having issues using LTA to enforce snow chains on Crown Range, have requested additional bylaw clause to reinstate local offence code.	Clause removed in 2018 review due to other perceived enforcement options (s113(2)(d) and 128E(c) of the LTA).	Options to address perceived problem will be investigated as part of bylaw development process.  Options will be presented during May workshop.
Shared zones <sup>2</sup>	Officers have raised the potential need to use the bylaw to establish shared zones throughout the district.	No clause related to shared zones.	The LTA and RUR already allow for shared zones establishment.  Assessment of bylaw appropriateness for district will be investigated.
Alignment with Parking Strategy	The QLDC Parking Strategy, Guidance and Management Plans are currently being developed. Documents need to be cross referenced/aligned to ensure effective functioning.	Bylaw allows for implementation of parking zones, and conditions for parking.	Align terminology to Parking Strategy to ensure effective implementation of parking management plans.

## Options analysis

38. This report presents the following reasonably practicable options for assessing the matter as required by section 77 of the LGA.

39. **Option 1 (recommended option):** That Council determines a bylaw is the most appropriate way to address perceived problem(s) relating to traffic and parking in the district.

### *Advantages:*

- Officers would be able to explore amending the bylaw to ensure that it is able to respond issues raised during this review.
- The bylaw would continue to operate effectively, and officers would be able to continue essential work.

<sup>2</sup> A shared zone is defined in the Land Transport (Road User) Rule 2004 as 'a length of roadway intended to be used by pedestrians and vehicles'.

- The bylaw would be able to be more responsive to local issues and future-proofed for the district.

#### *Disadvantages:*

- The bylaw development process will require officer time and resources.

40. **Option 2:** The Council determines that a bylaw is not the most appropriate way to address perceived problems related to traffic and parking in district. The Traffic and Parking Bylaw 2018 would then automatically lapse after 13 December 2025.

#### *Advantages:*

- There would be reduced resourcing needed to develop and review a bylaw.

#### *Disadvantages:*

- It would be difficult for Council to carry out its usual work, such as issuing parking infringements for failure to display valid parking coupons.
- Council would be unable to exercise its full powers and responsibilities as a Road Controlling Authority and would be unable to exercise powers to address problems in the community which require a bylaw to implement.
- Council would be unable to respond to problem(s) related to traffic and parking through tools proposed in the Parking Strategy, Guidelines or Parking Management Plans.
- Council would be unable to future proof the district through proactively developing necessary frameworks to regulate emerging issues or areas of concern.

### **Summary of analysis and advice**

41. Having considered the appropriateness of the bylaw, officers recommend **Option 1**, that a traffic and parking bylaw is the most appropriate way of addressing perceived problems in relation to traffic and parking in the district.
42. While the bylaw is sufficiently flexible in responding to perceived problem(s) in the district as they occur, updating and streamlining implementation processes underneath the bylaw is required to aid the effectiveness of the bylaw.
43. The bylaw may need minor amendments to respond to issues raised by officers and police, such as parking on berms and lack of compliance with snow chain restrictions on roads such as the Crown Range. These will be canvassed at the next stage of the bylaw development process, should Council elect to proceed with Option 1.



### Next steps

44. Subject to councillors determining that a bylaw is the most appropriate way to address perceived problem(s) related to traffic and parking in the district, officers will present options to address issues raised through initial engagement at a workshop with councillors and Wānaka-Upper Clutha Community Board (WUCCB) on 13 May 2025. It is anticipated that a draft traffic and parking bylaw and statement of proposal will then be presented to Council at its 31 July 2025 meeting, with the public consultation period occurring early-August to early-September 2025 and public hearings in late September.
45. Adoption of a new traffic and parking bylaw is intended to occur in November or December 2025, with meeting fixtures to be confirmed after the 11 October local body election. A new bylaw needs to be made before 13 December 2025 for Council to continue to have an operative bylaw in relation to traffic and parking.

### Consultation Process | Hātepe Matapaki

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### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

46. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024. While perceived problem(s) related to traffic are parking are of high community interest, Council is not being asked to adopt a draft bylaw to address perceived problem(s) at this stage. The purpose of this report is to determine that a bylaw is the most appropriate way to address perceived problem(s) related to traffic and parking in the district. Formal engagement with the community will occur at a later stage in the bylaw development process may be of higher community interest. However, as set out previously, the bylaw largely functions as a mechanism to operationalise parking and traffic solutions within the confines of the LTA, not as the method to design and solutions themselves, as the strategies to do so sit above the bylaw.
47. The following matters were considered in relation to significance:
- Community interest – covered above
  - Consistency with existing policy and strategy – low significance, bylaw aligns with existing policies and strategies.
  - Impact on the Council's capability and capacity - There is a risk that determining that a bylaw is not appropriate may impact business usual services related to parking, such as issuing parking infringements.

### Māori Consultation | Iwi Rūnaka

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48. The recommendations in this report do not relate to land, body of water, or valued flora and fauna and other taoka of Kāi Tahu. While Kāi Tahu have not been engaged in the preparation of

this report, it is acknowledged that mana whenua input may be needed as partners at later stages of the bylaw development process.

### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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49. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.

50. The approval of the recommended option will allow Council to avoid this risk. This will be achieved by endorsing that a bylaw is the most appropriate way to address perceived problems associated with traffic and parking in the district (s155 determination under the LGA).

### Financial Implications | Kā Riteka ā-Pūtea

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51. The costs associated with developing a draft bylaw including officer time, engaging internal and external subject matter experts and communication activities will be met within current budgets. The recommended option before Council does not propose any changes to Council operations that would require additional funding.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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52. The following Council policies, strategies and bylaws were considered:

- Strategic Framework and Investment Priorities
- Significance and Engagement Policy 2024
- Enforcement Strategy and Prosecution Policy 2021
- Queenstown Integrated Transport Programme Business Case
- Wānaka Programme Business Case
- Parking Strategy (draft)
- Parking Guidelines (draft)

53. The recommended option is consistent with the principles set out in the above-mentioned named policies.

54. Provision for bylaw review, enforcement and complaint response is identified as part of QLDC's regulation functions and services in the Long Term Plan<sup>3</sup>.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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55. Council is bound by the LGA when making or reviewing bylaws. The base determination, notification, and consultation procedures set out under sections 155, 156 and 157 of the LGA apply.

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<sup>3</sup> QLDC Long Term Plan 2024–2034, page 104



56. The preparation of QLDC's bylaw must be in accordance with the LTA, rules under the LTA and the New Zealand Bill of Rights Act 1990. Section 160(7) of the Land Transport Act 1998 establishes the hierarchy, stating that if a bylaw of a local authority is inconsistent with or repugnant to any ordinary rules (under the LTA) in force in the same locality, the rules override the bylaw.

#### **LGA section 155 determinations**

57. Before commencing the process for making a bylaw, Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem in accordance with section 155(1) of the LGA.

58. The perceived problem(s) in relation to traffic and parking are public safety, travel delays, obstructions, reduced accessibility, public nuisance, and damage to the environment (fauna and flora) and/or public property or infrastructure occurring on roads and/or council land.

59. Having considered different options to address perceived problems associated with traffic and parking, officers recommend that a traffic and parking bylaw is the most appropriate way to addressed perceived problems with traffic and parking in the district.

#### **Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka**

60. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The review of the bylaw will deliver on this purpose as it will ensure QLDC is managing waterways to give effect to section 145 of the LGA.

61. It is considered that the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

62. The recommended options:

- a. Can be implemented through current funding under the Long Term Plan and Annual Plan;
- b. Are consistent with the Council's plans and policies; and
- c. Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

#### **Attachments | Kā Tāpirihaka**

A	Traffic and Parking Bylaw 2018
B	Recent legislative changes relevant to traffic and parking bylaws
C	Assessment of appropriateness of bylaw by topic

DRAFT



## **The Queenstown Lakes District Council Traffic and Parking Bylaw 2018**

**Kā Waeture Huarahi kā Tūka Waka 2018**

Queenstown Lakes District Council

Date of making: 13 December 2018

Commencement: 1 March 2019

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998 and Part 8 of the Local Government Act 2002.

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# Part 1 – Preliminary

## 1 Title and commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Traffic and Parking Bylaw 2018”.
- 1.2 This bylaw comes into force on 1 March 2019.

## 2 Area within which Bylaw applies

This bylaw applies to the area of the Queenstown Lakes District.

## 3 Purpose

The purpose of this bylaw is to regulate parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District.

## 4 Interpretation

- 4.1 Any word used in this bylaw that is defined in the Act or the Rules has the same meaning as in the Act or the Rules, unless the context otherwise requires or a different definition is given in clause 4.2.

*Explanatory note: for convenience, some of these definitions are reproduced below, in their form as at the date this bylaw was made. However, the Act and Rules are subject to change, and the wording of the definitions at any particular time should be confirmed in the Act or Rules themselves.*

**Goods service vehicle** means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules

**Heavy motor vehicle** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3 500 kg

**Large passenger service vehicle** means any passenger service vehicle that is designed or adapted to carry more than 12 persons (including the driver).

**Motorcycle** means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but does not include a moped

**Motor vehicle** means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include-

- (a) a vehicle running on rails; or
- (b) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- (c) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

- (d) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (e) a pedestrian-controlled machine; or
- (f) a vehicle that the Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
- (g) a mobility device

**Parking** means,—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

and **park** has a corresponding meaning.

**Parking place** means a place (including a building) where vehicles or any class of vehicles may wait or park

**Parking warden** means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998

**Passenger service vehicle** means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include—

- (a) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- (b) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules

**Rental service vehicle** means a vehicle used or available for use in a rental service for letting on hire for the carriage of passengers or goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include a vehicle specified as an exempt vehicle in the Land Transport Act 1998 or the regulations or the rules made under that Act.

**Road** includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

**Small passenger service vehicle** means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

**Transport station** means a place where transport service vehicles or any class of transport service vehicles may wait between trips.

**Vehicle** means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include-

- (a) a perambulator or pushchair:
- (b) a shopping or sporting trundler not propelled by mechanical power:
- (c) a wheelbarrow or hand-trolley:
- (d) a pedestrian-controlled lawnmower:
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power:
- (f) an article of furniture:
- (g) a wheelchair not propelled by mechanical power:
- (h) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
- (i) any rail vehicle

**Zone parking**, in relation to a road, means a parking restriction imposed by the Council:

- (a) that applies to an area comprising a number of roads; and
- (b) in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
  - (i) the nature of the area; or
  - (ii) the nature of the parking restriction; or
  - (iii) traffic patterns into and within the area; or
  - (iv) the nature and number of entry points to the area; and
- (c) that the Council specifically declares to be a zone parking control.

**Zone restriction** means an area of roadway the use of which is restricted to a specified class or classes of vehicle or class or classes of road user (with or without a time restriction).

4.2 In this bylaw, unless the context otherwise requires,-

**Act** means the Land Transport Act 1998.

**Authorised officer** means any person appointed or authorised by the Council to act on its behalf under this bylaw and includes any Parking Warden or Enforcement Officer.

**Council** means the Queenstown Lakes District Council.

**Driver** in relation to a vehicle, includes the rider of a motorcycle or moped or bicycle; and **drive** has a corresponding meaning.

**Enforcement officer** means-

- (a) in relation to powers exercised under the Land Transport Act 1998:
  - (i) a sworn member of the Police
  - (ii) a non-sworn member of the Police who is authorised for the purpose by the commissioner of Police.



- (iii) a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act and any parking warden appointed by the Council and warranted accordingly.
- (b) in relation to powers exercised under the Local Government Act 2002, an enforcement officer appointed under section 177 of the Local Government Act 2002

**Infringement offence** has the same meaning as it has in section 2(1) of the Land Transport Act 1998.

**Operate**, in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle; and **operator** has a corresponding meaning

**Mobility parking permit** means a mobility parking permit issued by CCS Disability Action.

**Owner** in relation to a motor vehicle, means the person lawfully entitled to possession of the vehicle, except where-

- (a) the motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire pursuant to the terms of a rental- service licence.-

in which case owner means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and

**owned** and **ownership** have corresponding meanings

**Parking machine** means a machine which is used to facilitate the payment of charges for parking, and includes a parking meter, pay and display machine or other device.

**Person** has the meaning given in the Interpretation Act 1999.

**Public place** means all or part of a place -

- (a) that is under the control of the Council; and
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes:
- (c) a road, whether or not the road is under the control of the Council.

**Road** means a road as defined in the Act which is under the control of the Council.

**Rule** means the Land Transport Rule: Traffic Control Devices 2004.

**Use** in relation to a vehicle, includes driving, drawing or propelling on a road by means of such vehicle, and includes permitting to be on any road; and to **use** and **user** have corresponding meanings.

4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended or revoked without any formality.

4.4 The Interpretation Act 1999 applies to this bylaw.

## **5 Resolutions made under this Bylaw**

5.1 In making a resolution under this bylaw, the Council will take into account the following considerations, if and to the extent they are relevant and in proportion to the significance of the decision:

- (a) the purpose of this bylaw;
- (b) the statutory context of the relevant bylaw-making power under section 22AB of the Land Transport Act 1998 and/or Part 8 of the Local Government Act 2002, as the case may be;
- (c) the public interest in a safe and efficient road transport system and the Council's contribution to that objective in relation to roads under its control;
- (d) the likely effect of the decision on members of the public or categories of the public;
- (e) the nature and extent of the problem being addressed by the proposed decision and the reasonably available options for addressing the problem (if any) apart from making a resolution under this bylaw;
- (f) the public interest in protecting from damage land and assets which are owned or under the control of the Council.

5.2 A resolution made under this bylaw may:

- (a) regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case;
- (b) apply to all vehicles or traffic or to any specified class of vehicles or traffic;
- (c) apply to any road or part of a road under the care, control or management of the Council;
- (d) apply at any specified time or period of time;
- (e) be made subject to any such conditions as are reasonable in the circumstances;

- (f) amend, revoke or revoke and replace any previous resolution made under this bylaw or any equivalent former bylaw.

## **Part 2 – Vehicle and road use**

### **6 One-way roads**

- 6.1 No person shall drive any vehicle on any of the roads specified in Schedule 1 of this Bylaw, except in the direction specified in that schedule.
- 6.2 The Council may by resolution:
  - (a) require vehicles on a specified road to travel in one specified direction only;
  - (b) specify that cycles may travel in the opposite direction on a one-way road.
- 6.3 A person must not drive a vehicle on a one-way road in a direction contrary to that specified in Schedule 1 or pursuant to clause 6.2.

### **7 Left or right turns and U-turns**

- 7.1 The Council may by resolution prohibit on any specified road:
  - (a) any vehicle generally or any specified class of vehicle from turning to the left or turning to the right of the path of travel;
  - (b) any vehicle turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).
- 7.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, where that movement has been prohibited pursuant to this clause.

### **8 Traffic control because of size, nature or goods**

- 8.1 The Council may by resolution prohibit or restrict the use of a road as unsuitable for any specified class of traffic or any specified class of vehicle due to its size or manner of operation or the nature of the goods carried.
- 8.2 Unless the resolution says otherwise, no prohibition or restriction made under clause 8.1 applies to a waste collection vehicle collecting waste pursuant to a waste collection contract.
- 8.3 A person must not use a road in a manner contrary to a prohibition or restriction made under this clause.
- 8.4 The Chief Executive of the Council may issue permits to contractors in respect of specified construction contracts or projects, authorising vehicles of the permit-holder to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, and to load and unload materials and supplies for such projects, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.

8.5 The Chief Executive Officer of the Council may issue permits to events organisers in respect of specified events, authorising vehicles of the permit-holder to occupy parking spaces, and to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.

8.6 A person is not in breach of clause 8.3 if they are acting pursuant to, and in accordance with, a permit issued under clause 8.4 or clause 8.5.

## **9 Special vehicle lanes**

9.1 The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.

9.2 A person must not use a special vehicle lane contrary to any restriction made under this clause.

## **10 Cycle paths**

10.1 The Council may by resolution regulate the use of cycle paths including by:

- (a) prohibiting the use of the cycle path by specified vehicles or classes of vehicle;
- (b) determining priority for users of the cycle path by some or all of the following persons:
  - (i) pedestrians;
  - (ii) cyclists;
  - (iii) riders of mobility devices;
  - (iv) riders of wheeled recreational vehicles.

10.2 A person must not use a cycle path in a manner contrary to any prohibition or restriction made under this clause.

## **11 Engine braking**

11.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed does not exceed 70 km/hr.

11.2 A person must not use engine braking on any road contrary to a prohibition or restriction made under this clause.

## **12 Cruising**

12.1 The Council may by resolution:

- (a) specify any section of road or roads on which cruising is controlled, restricted or prohibited;

- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for a driver to avoid being regarded as cruising.
- 12.2 A person must not use a motor vehicle contrary to a control, prohibition or restriction made under this clause.
- 13 Unformed legal roads**
- 13.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purpose of protecting the environment, the road and adjoining land, and/or the safety of road users.
- 13.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made under this clause.
- 14 Temporary restrictions on the use of roads**
- 14.1 The Council may temporarily restrict the use of, or class of vehicles which may use, any road or part of a road when the Council's Chief Executive considers that:
  - (a) there is, or is likely to arise, at any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or
  - (b) it is necessary for the safety of a special event.
- 14.2 A person must not drive or use the vehicle contrary to any restriction made under clause 14.1.
- 14.3 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with the permission of an authorised officer, be driven or parked in a manner contrary to any restriction made under clause 14.1, provided it is driven or parked with due consideration to other road users.

## **Part 3 – Parking**

- 15 Stopping, standing and parking**
- 15.1 The Council may by resolution:
  - (a) prohibit or restrict the stopping, standing or parking of vehicles on any road; or
  - (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description, and limit the period of time that such vehicles may stop, stand or park on the road.
- 15.2 For the purposes of clause 15.1(b):
  - (a) a class or description of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to stop, stand or park the vehicle on that road; and

- (b) the Council may by resolution establish a permit or approval system which may include, without limitation, specifying or providing for:
    - (i) the criteria for obtaining the permit or approval;
    - (ii) the process for applying for the permit or approval including the provision of any information to the Council;
    - (iii) the payment of any application fee to the Council, and the amount of that fee;
    - (iv) the procedure for determining applications;
    - (v) the imposition of conditions on any permit or approval issued by the Council;
    - (vi) the duration of the permit or approval;
    - (vii) the revocation of approvals or permits;
    - (viii) any other matter relevant to the approval or permit system.
- 15.3 A person must not stop, stand or park a vehicle on a road in contravention of a prohibition, restriction or limitation made under this clause, including any condition attaching to a permit or approval referred to in clause 15.2(a).
- 16 Parking restrictions - parking places and transport stations**
- 16.1 The Council may by resolution:
- (a) prescribe the times, manner (such as angle parking only) and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
  - (b) specify the vehicles or classes of vehicles that may or must not use a parking place or transport station, such classes including but not limited to:
    - (i) motorcycles;
    - (ii) cycles, including electric bicycles;
    - (iii) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
    - (iv) goods service vehicles;
    - (v) passenger service vehicles, including large passenger service vehicles and small passenger service vehicles;
    - (vi) vehicles in the course of loading or unloading goods or passengers (“loading zone”);
    - (vii) vehicles used by disabled persons;

- (viii) vehicles used by pregnant women or by persons accompanied by infants or young children.
  - (c) prescribe:
    - (i) any charges to be paid for the use of the parking place or transport station; and
    - (ii) the manner by which parking charges may be paid, through the use of parking machines or by way of electronic payment or in any other specified manner, and the way in which proof of payment must be demonstrated (such as display of a receipt);
  - (d) make any other provision for the efficient management and control of the parking place or transport station.
- 16.2 For the purposes of clause 16.1(a) and (b):
- (a) a class of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to park the vehicle in the parking place or transport station; and
  - (b) clause 15.2(b) applies, with any necessary changes, to the establishment of the permit or approval system.
- 16.3 To avoid doubt, the restrictions in clause 16.1 may be imposed, in the case of a road, by way of zone parking or a zone restriction.
- 16.4 Any restrictions that apply generally to a zone do not apply to locations within that zone where other specific stopping, standing or parking restrictions apply.
- 16.5 Where the conditions of parking require display in or on the vehicle of a ticket or receipt for payment or other similar document, then the requirement of display is not satisfied if the ticket, receipt or document:
- (a) is torn, defaced, or mutilated to such an extent that any material particular is not legible; or
  - (b) has been tampered with so that it differs from the original document; or
  - (c) is not used in accordance with the instructions (if any) relating to its use given on the ticket, receipt or document or on any sign relating to the parking; or
  - (d) is not prominently displayed in the vehicle or is obscured or cannot easily be read and inspected by any person outside the vehicle.
- 16.6 A person must not park a vehicle in a parking place or transport station in contravention of a prohibition or restriction made under this clause, or without complying with a condition prescribed or applying under this clause. This includes, without limitation:
- (a) failing to pay a prescribed parking charge, either in the prescribed manner or at all;



- (b) failing to demonstrate proof of payment in the prescribed manner;
- (c) parking for a time period which is in excess of the time period for which payment has been made;
- (d) parking for a time period which is in excess of any maximum authorised period of parking prescribed by the Council.

## **17 Method of parking**

17.1 Where individual parking spaces within a parking place or transport station are indicated by painted lines or other markings:

- (a) each vehicle must be parked entirely within a single parking space;
- (b) where the parking spaces are to be used for angle parking only, vehicles must be parked on the angle indicated;
- (c) where the parking spaces comprise bays for angle parking of motorcycles, no motorcycle (other than a motorcycle with a sidecar attached) shall be parked across any line marking the edge of the bay.

## **18 Mobility parking**

18.1 A person may not park a vehicle in a parking place set aside for mobility parking unless:

- (a) a current mobility parking permit is prominently displayed in the vehicle; and
- (b) the vehicle is being used to convey the holder of that permit or to pick up or drop off that person.

## **19 Residents' parking**

19.1 The Council may by resolution:

- (a) if it considers it reasonable to do so, reserve any specified parking place or places as a residents' parking area, for the exclusive use of persons residing in the vicinity;
- (b) prescribe:
  - (i) the criteria for qualifying to use the residents' parking area, and any conditions attaching to such use such as a requirement to display an approved resident's parking permit;
  - (ii) any fees to be paid for the use of the residents' parking area including the manner in which the fees are calculated and the manner of payment;

19.2 A person must not park a vehicle in a resident's parking area in contravention of a prohibition or restriction made, or a condition imposed, under this clause.

**20 Passenger service vehicles, goods service vehicles, rental service vehicles**

- 20.1 No small passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for the use of small passenger service vehicles, unless the vehicle:
- (a) is in the course of hire; or
  - (b) is not available for hire.
- 20.2 No large passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is in the process of loading or unloading passengers.
- 20.3 No passenger service vehicle exceeding 2,000 kilograms in tare weight or goods service vehicle exceeding 4,000 kilograms in tare weight shall be parked on any road between midnight and 5.00am, except where such overnight parking has been specifically authorised by the Council.
- 20.4 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle parked on any road shall be washed down or cleaned in such a way that any water, sludge or other liquid flows from the vehicle onto any road or into a culvert, ditch or drain associated with the road.
- 20.5 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle shall be parked on any road with its engine running for a period in excess of 5-minutes.
- 20.6 No rental service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is under hire at the time of the parking.

**21 Parking off a roadway**

- 21.1 A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.
- 21.2 A person must not stop, stand or park a vehicle off a roadway in any reserve, park or similar land used for public recreation, and which is under the Council's control, except:
- (a) in an area designed and constructed to accommodate a parked vehicle; or
  - (b) where the Council has given specific permission to stop, stand or park the vehicle in that place.

**22 Miscellaneous**

- 22.1 A person must not drive or park a vehicle on any road or in any public place in a manner that causes a nuisance.
- 22.2 A person must not:

- (a) chain or otherwise attach a bicycle or other vehicle to street furniture or public infrastructure;
  - (b) leave such a vehicle in a way which unreasonably obstructs the footpath.
- 22.3 A person must not, without the prior written consent of the Council:
- (a) leave or place on a road any thing other than a vehicle (for example, but without limitation, any machinery, equipment, containers or materials), except that this prohibition does not apply to containers which are placed off the roadway and are used solely for a council–authorised kerbside collection of waste or diverted material, if such containers do not remain on the road for more than 24 hours;
  - (b) stop, stand or park a vehicle on a road or parking place for the purpose of advertising a good or service or offering the vehicle for sale, unless the vehicle is being used for bona fide travel and is parked, incidentally, in the course of such travel.
  - (c) leave a vehicle (including a vehicle which is broken down) parked on a road or parking place for a continuous period of more than 7 days other than in a designated long term parking area;
  - (d) carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.
- 22.4 A person must not:
- (a) remove, deface, or otherwise interfere with any notice, board, sign, picture or device which has been erected or placed by the Council in relation to parking or the control of vehicles on any road or in any public place;
  - (b) misuse, damage, interfere or tamper with any parking machine.

## **Part 4 – General Provisions**

### **23 Inspection**

- 23.1 Any parking warden or any enforcement officer may, for the purposes of this bylaw:
- (a) inspect any parked vehicle;
  - (b) take any action to assist in determining or proving the period for which a vehicle is parked including marking the tyres of the vehicle;
  - (c) inspect any ticket or receipt for payment or similar document demonstrating payment for parking, or any parking machine;
  - (d) require the driver, or any person appearing to be in charge of a parked vehicle, to produce for inspection any ticket or receipt for payment or

similar document (including an electronic document) demonstrating payment for parking;

- (e) retain, for the purposes of any enforcement action under this bylaw, any such document where the parking warden or enforcement officer believes on reasonable grounds that it may be evidence relevant to a breach of this bylaw in relation to parking.

## **24 Offences and penalties**

- 24.1 The operation, driving, using or parking of any vehicle in breach of any of the provisions of this bylaw or any resolution made under this bylaw is a breach of this bylaw.
- 24.2 Without limiting the liability of any person under any enactment, every person commits an offence who:
  - (a) commits a breach of this bylaw.
  - (b) causes or permits to be done, anything contrary to this bylaw.
  - (c) omits, fails or refuses to do anything required by this bylaw.
  - (d) operates any vehicle contrary to this bylaw.
  - (e) as the owner of anything parked or left on any road or in any public place does any act contrary to the provisions of this bylaw.
  - (f) is the driver, operator, person in charge, or user of any vehicle, which is driven, operated, used or parked in breach of this bylaw.
- 24.3 Nothing in clause 24.2 limits the liability of any person for an infringement offence as defined in the Act.
- 24.4 Any person breaching a provision of this bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.
- 24.5 Subject to any provision to the contrary, any person convicted of an offence of breaching a provision of this bylaw made under the Local Government Act 2002 is liable for the penalties set out in section 242 of the Local Government Act 2002.
- 24.6 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence together with any applicable towage fee.

## **25 Exceptions**

- 25.1 A person is not in breach of this bylaw if that person proves that:
  - (a) the act or omission complained of took place in response to a situation on a road; and
  - (b) the situation was not of the person's own making; and

- (c) the act or omission was taken—
    - (i) to avoid the death or injury of a person; or
    - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 25.2 A person is not in breach of this bylaw if that person proves that the act or omission:
- (a) took place in compliance with the directions of an enforcement officer or a parking warden, constable, traffic signal or traffic sign; or
  - (b) in the case of an act or omission done by an enforcement officer, constable or parking warden, was necessary in the execution of the person's duty.
- 25.3 Any restrictions made under Part 2 and 3 of this bylaw do not apply to:
- (a) a vehicle that is engaged in urgent repair work to a public utility service;
  - (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation (including a civil defence emergency);
  - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- 25.4 Any restrictions made under Part 3 of this bylaw do not apply to the parking of a branded Council vehicle, but only when being used by an officer of the Council on specific Council business away from the premises where that officer customarily works.

## **26 Revocation**

The Queenstown Lakes District Council Traffic and Parking Bylaw 2012, including all amendments, is revoked.

## **27 Savings**

Any resolutions, approvals, permits or other acts of authority made pursuant to the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, or any previous traffic and parking bylaw made by the Council, and in force as at the date of revocation of the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, remains in force and is deemed to have been made under this bylaw, until revoked or amended by the Council.

# Additional information to Traffic and Parking Bylaw 2018

This document contains matters for information purposes only and does not form part of any bylaw. It may include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance. The information contained in this document may be updated at any time

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### 1 History of Bylaw

Action	Description	Date of decision	Date of commencement
Make	Traffic and Parking Bylaw 2018	13 December 2018	1 March 2019
Revoke	Traffic and Parking Bylaw 2012	13 December 2018	1 March 2019
Make	Traffic and Parking Bylaw 2012	18 December 2012	2 May 2013
Revoke	Traffic and Parking Bylaw 2006	18 December 2012	2 May 2013
Make	Traffic and Parking Bylaw 2006	24 November 2006	1 December 2006
Revoke	Traffic and Parking Bylaw 2001	24 November 2006	1 December 2006
Make	Traffic and Parking Bylaw 2001	20 July 2001	1 September 2001

### 2 Related documents

Document title	Description	Location
Decision minutes and agenda	Decisions on submissions to proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Hearings report	Background and summary of submissions on proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Traffic & Parking Bylaw review Statement of Proposal	Provides background to proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Long Term Plan	Outlines financial plans	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Annual Plan	Sets fees and charges	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Land Transport Act 1998	Provides certain functions, duties, powers and penalties to make and enforce the bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce the bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretation Act 1999	Provides for certain matters related to the interpretation of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

### 3 Enforcement powers

Legislative provision	Description
<b>Sections 128E and 139 of the Land Transport Act 1998</b>	<p>Allows parking wardens to enforce any stationary vehicle offence or special vehicle lane offence, to direct the driver to remove any vehicle if it is obstructing the road or if it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public etc, or in those same circumstances, to move the vehicle or have someone else do so.</p> <p>Allows parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011.</p>
<b>Part 8 of the Local Government Act 2002</b>	<p>162 Injunctions restraining commission of offences and breaches of bylaws</p> <p>163 Removal of works in breach of bylaws</p> <p>164 Seizure of property not on private land</p> <p>165 Seizure of property from private land</p> <p>168 Power to dispose of property seized and impounded</p> <p>171 General power of entry</p> <p>172 Power of entry for enforcement purposes</p> <p>173 Power of entry in cases of emergency</p> <p>175 Power to recover for damage by wilful or negligent behaviour</p> <p>176 Costs of remedying damage arising from breach of bylaw</p> <p>178 Enforcement officers may require certain information</p> <p>183 Removal of fire hazards</p> <p>185 Occupier may act if owner of premises makes default</p> <p>186 Local authority may execute works if owner or occupier defaults</p> <p>187 Recovery of cost of works by local authority</p> <p>188 Liability for payments in respect of private land</p>



## 4 Delegations

### Council delegations

Clause	Function, duty, power to be delegated	Delegated authority	Date of delegation decision	Date of commencement
6.2	Power to make controls for one-way roads	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
7.1	Power to make controls for left or right turns and U-turns	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
8.1	Power to make traffic controls because of size, nature or goods	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
9.1	Power to make special vehicle lanes	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
10.1	Power to regulate use of cycle paths	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
11.1	Power to make controls for engine braking	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
12.1	Power to make controls for cruising	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
13.1	Power to make controls for unformed legal roads	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
15.1	Power to make controls for stopping, standing and parking	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
15.2	Power to make, amend and revoke permit or approval system conditions excluding the setting of fees	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
16.1 and 16.2 and 16.3	Power to set restrictions for parking in parking places and transport stations, including zones.	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
19.1	Power to make controls for residents' parking	Traffic and Parking sub-Committee	13 December 2018	1 March 2019
20.3	Power to set aside roadway for large passenger service vehicle overnight parking	Traffic and Parking sub-Committee	13 December 2018	1 March 2019

### Staff delegations

Clause	Function, duty, power to be delegated	Delegated authority	Date of delegation decision	Date of commencement
Part 2 clauses 6-14	Provision of signs and markings to evidence controls	Infrastructure Tiers 3-5	13 December 2018	1 March 2019
Part 3 clauses 15-22	All powers, duties and functions as required to enforce	Regulatory Tiers 3-5 (parking wardens)	13 December 2018	1 March 2019
8.4	Power to issue permits to contractors	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
8.5	Power to issue permits to events' organisers	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
15.2	Power to determine and issue permits or approvals	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
22.3	Power to issue written consent	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019