



Statement of Proposal

Kapiti Coast District Council Draft Transport Bylaw 2021

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Have your say

Council invites your views on the draft Kapiti Coast District Council Transport Bylaw 2021.

The formal consultation period will last for five weeks, from 16 August to 17 September 2021.

Submissions must be made either in writing or online.

You can complete the submission form attached to this document and either:

- email it to submissions@kapiticoast.govt.nz;
- drop it off at Council offices or a Council Service Centre; or
- post it to 'Kāpiti Coast District Council, Private Bag 60601, Paraparaumu 5254'.

You can also make your submission online via the submission portal at [Transport Bylaw Review](#).

Hard copies of the submission forms are also available from Kāpiti Coast District Council offices or Council service centres at our libraries.

Hearing of submissions

Submissions will be heard on 21 October 2021 by the Mayor and Elected Representatives.

If you wish to speak directly on your written submission, please indicate YES on the submission form and ensure you have included your contact details. Anyone who wishes to be heard by Council will be given this opportunity. We will contact you to arrange a time for you to speak.

What happens to your feedback?

Your submission, and those of other submitters, will help inform The Mayor and Elected Representatives as we finalise the new Kapiti Coast District Council Transport Bylaw 2021.

Summary of Information

This Statement of Proposal relates to the Kapiti Coast District Council Traffic Bylaw 2010 (Traffic Bylaw 2010).

Under the Local Government Act 2002 (LGA 2002), ¹all bylaws must be reviewed after 10 years. The Traffic Bylaw 2010 was due for review in 2020, however, there is a two-year grace period. If the Traffic Bylaw 2010 is not reviewed within this timescale the bylaw will lapse and will not be legally valid.

This review will support the development of a traffic bylaw is fit for purpose and that changes to legislation and the road network, as well as other issues that have arisen since 2010, are addressed.

The bylaw is made under the Land Transport Act 1998 (LTA 1998²) and the Local Government Acts. Public consultation on the Kapiti Coast District Council Draft Transport Bylaw 2021 (Transport Bylaw 2021) will provide interested parties with the opportunity to inform the process.

The Traffic Bylaw 2010 allows Council to set requirements for parking and the control of vehicular or any other traffic on any road, public car park, reserve or any other public place owned or managed by Kapiti Coast District Council (Council) in the district.

The Traffic Bylaw 2010 also sets out offences against the bylaw and is enforced by Council officers and the police. The review has identified that much of the existing traffic bylaw remains fit for purpose, however, there are some areas of change that are proposed. These proposed amendments include:

- changing the name to Kapiti Coast District Council Transport Bylaw 2021 to signal that the bylaw is not just associated with vehicular traffic;
- changes to the interpretation section to support new provisions;
- restructuring the bylaw to group similar activities together;
- clarifying areas to which the bylaw applies – wider than just roads, includes other Council owned / managed land;
- more clarity around parking on berms / road margins;
- more clarity on time restricted and charging for parking;
- inclusion of the ability to create and enforce residents and business parking schemes;
- disabled parking added to support provision;
- more clarity around Heavy Motor Vehicle management and exceptions;
- inclusion of mechanisms to provide for ability to designate and manage lanes such as bus lanes / high occupancy lanes; and
- new sections on activities in the road.

The Transport Bylaw 2021 identifies that provisions will only apply to roads and land or buildings owned or managed by Council. Other areas such as State Highways and airports are managed by other organisations such as Waka Kotahi NZ Transport Agency (Waka Kotahi) and the Civil Aviation Authority.

¹ <https://www.legislation.govt.nz/act/public/2002/0084/167.0/DLM170873.html>

² <https://www.legislation.govt.nz/act/public/1998/0110/latest/DLM433613.html>

A tracked change version identifying the differences between the Traffic Bylaw 2010 and Transport Bylaw 2021 is available at Appendix A. A clean version is also provided at Appendix B for ease of reading.

Introduction and background

1. The Kapiti Coast District Council (Council) is undertaking a statutory review of the Kapiti Coast District Council Traffic Bylaw 2010 (Traffic Bylaw 2010). This Statement of Proposal presents the Kapiti Coast District Council Draft Transport Bylaw 2021 (Transport Bylaw 2021). It is anticipated that the Transport Bylaw 2021 will be adopted late 2021.
2. The purpose of the Transport Bylaw 2021 is to set the requirements for parking and the control of vehicular or other traffic on any road, public car park, reserve or any other public place owned or managed by Council in the district.
3. Council has reviewed the Traffic Bylaw 2010. It is proposing some amendments to align the bylaw with changes in legislation and the roading network, address areas of concern and provide Council with tools to enable Council to implement proposals not envisaged since the Traffic Bylaw 2010 was adopted.
4. These proposed changes are summarised in section 99 of this Statement of Proposal and are also shown as track changes to the Traffic Bylaw 2010 in Appendix A. These changes include amending the name from “Kapiti Coast District Council Traffic Bylaw 2010” to “Kapiti Coast District Council Transport Bylaw 2021”. This is to reflect that the requirements in the bylaw are not just traffic related and don’t just apply to roads but other areas that Council owns and manages.
5. We have undertaken targeted pre-engagement meetings with interest groups to raise awareness of the Transport Bylaw 2021 in advance of the consultation. We have also reviewed the service request system to identify areas of concern for our communities, with the intention of addressing these in the Transport Bylaw 2021 where possible and appropriate.
6. This Statement of Proposal:
 - helps the community understand Council’s responsibilities and the review process to date;
 - explains the challenges we have identified and why we are proposing the changes; and
 - invites the community to make submissions on the Transport Bylaw 2021.

Current Traffic Bylaw

7. The Traffic Bylaw 2010 took effect on 1 July 2010. Its purpose is to manage activities on the road network.
8. The key matters covered in the Traffic Bylaw 2010 are:
 - parking methods / controls such as time limits;
 - vehicles and equipment on any road or areas under the control of Council;
 - walkways, cycleways and bridleways;
 - temporary restrictions;
 - road works;
 - damage to signs;
 - Heavy Motor Vehicles Exemptions;
 - selling of goods and services on road intersections; and
 - offences.
9. Speed limits and rules relating to activities on beaches are not included in the bylaw rules. These are covered in the Kapiti Coast District Council Speed Limit Bylaw 2015³ and Kapiti Coast District Council Beach Bylaw 2021⁴. It is also noted that Waka Kotahi is also currently consulting on proposed changes to the Setting of Speed Limits.

³ <https://www.kapiticoast.govt.nz/your-council/forms-documents/bylaws/#SpeedLimitsBylaw>

⁴ <https://www.kapiticoast.govt.nz/your-council/forms-documents/bylaws/#Beach>

Legislative requirements

10. The Land Transport Act 1998 (LTA 1998), and the Local Government Act (LGA 2002) give councils the power to make bylaws for the purposes of managing vehicle and road use, heavy vehicles, parking, signs and markings, livestock, displays vegetation and access, weights, and pedlars.
11. These bylaws can be enforced by Council officers and the police and are used alongside other legislation and powers such as those in the Land Transport Rule 2004.
12. The Local Government Act 1974 (LGA 1974⁵) enables the local authority to construct, divert, stop or close a road and provides the powers to remove abandoned vehicles from roads. This includes footpaths, cycle tracks, vehicle crossings. The LGA 2002 specifies that a bylaw should be an appropriate response to a defined problem.
13. Under sections 145 and 146 of the LGA 2002, Council may make bylaws to:
 - protect the public from nuisance;
 - protect, promote, and maintain public health and safety;
 - minimise the potential for offensive behaviour in public places; and
 - manage, regulate against or protect against damage or misuse of land under the control of the territorial authority.⁶
14. Section 22AB of the LTA 1998 also authorises Council to make bylaws in respect of the management of roads. The LTA 1998 also provides some enforcement powers to Council (regarding stationary vehicles).
15. Council bylaws must be reviewed every 10 years and, if not reviewed, are revoked two years after the date the review is due. The Traffic Bylaw 2010 was due for review by 1 July 2020 (10 years from the date it was adopted) and the final date for completion of the review is 1 July 2022 (two years from the date the review is due).
16. This process would involve revoking the existing Traffic Bylaw 2010 and adopting the proposed Transport Bylaw 2021 in its place.
17. Council is required to consult the community when making, amending, or reviewing a bylaw and, after deciding to adopt any amendments to the bylaw, must give public notice of when the bylaw or amendments come into operation.
18. To help the public understand the bylaw review process and the proposed amendments, the LGA 2002 requires Council to present this Statement of Proposal.
19. When making or reviewing bylaws, the LGA 2002 requires Council to make three determinations. These are to ensure that the bylaw is necessary, that it is the most appropriate form of a bylaw, and that any implications under the New Zealand Bill of Rights Act 1990 are considered.
20. When the Traffic Bylaw 2010 was adopted, it was determined that a bylaw was the best approach for the purpose of regulating traffic management in the district.
21. Recent commitments by Government to reduce the harmful effects of traffic (including safety and climate change), and the efficiency of resource use nationwide has given further importance to the role that councils play in managing the transport network.
22. In this respect, Council considers that the Transport Bylaw 2021:
 - continues to be necessary and the most appropriate way to manage the use by traffic of any road or other area owned or managed by the Council in the district;
 - remains an appropriate bylaw for Council (subject to the proposed amendments); and

⁵ <https://www.legislation.govt.nz/act/public/1974/0066/latest/DLM415532.html>

⁶ This legal provision allows Council to make rules to protect 'land', but not the indigenous flora or fauna that exist on the land.

- does not contain provisions that would be foreseen to be in conflict with the New Zealand Bill of Rights Act 1990.

Review process so far

23. The current Traffic Bylaw plays an important role in helping manage activities on our roads and land for which Council is responsible. Transport plays a key role in people's lives and it is important that our network can operate in a safe and efficient manner. This makes it important to involve communities in this bylaw review, using the special consultative procedure outlined under the LGA 2002.
24. To develop the Transport Bylaw 2021 and this Statement of Proposal, Council has received a number of briefings, as well as attending a workshop, and officers have held discussions with stakeholders to identify any gaps in the bylaw and raise awareness of the review. We have:
 - briefed interest groups including the:
 - emergency services;
 - Cyleways Walkways Bridleways Group;
 - Road Safety Action Group;
 - Youth Council; and
 - Kāpiti Accessibility Advisory Group;
 - received comments from Greater Wellington Regional Council on the draft proposals;
 - been liaising with Waka Kotahi on the rules and delegations regarding stationary vehicle offences;
 - raised awareness of the Traffic Bylaw 2010 review with our iwi partners since December 2019 and invited them to participate in a workshop;
 - analysed parking and berm related service requests⁷, emails, and other correspondence received by Council from January 2017 to December 2018; and
 - assessed the Traffic Bylaw 2010 rules against other legislation to check for any ambiguities or inconsistencies that required amendment.
25. Some of the feedback we received during pre-engagement will be addressed through other legislation / bylaws / processes. These included:
 - concerns around temporary traffic management (which should be addressed through the Code of Practice for Temporary Traffic Management);
 - concerns over speed, which are addressed through the Kapiti Coast District Council Speed Limit Bylaw 2015 or the proposed amendments to the Setting of Speed Limits;
 - the removal of parking standards from the District Plan, which will be addressed by the District Planning Team to support the requirements of the National Policy Statement on Urban Development (NPS-UD).⁸
26. Council has concluded that many of the current rules remain appropriate and fit for purpose, but some amendments are required to improve understanding of the rules, strengthen enforcement, enable areas of concern to be addressed, and support proposals that Council may want to introduce in the future that were not envisaged in the Traffic Bylaw 2010.
27. A number of proposals have been identified to address or mitigate the issues and challenges, where possible. Some proposals are for changes to the bylaw itself; others are operational changes to help support the overall intent of the bylaw.
28. The range of community views will be diverse. People will not necessarily see their individual preference reflected in the Transport Bylaw 2021. Council will consider a range of factors in determining how to respond to issues and meet our legislative requirements before amendments are made and the Transport Bylaw 2021 is adopted. These considerations include the:

⁷ Service requests are requests from customers related to activities on public land.

⁸ <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/>

- size and impact of issue;
- usefulness or appropriateness of using the bylaw to address it;
- potential to create, rather than reduce, conflict;
- practicality of response;
- Council's ability to monitor or enforce; and
- financial impact in terms of capital expenditure or staff costs.

29. The next sections provide more information on the issues that the proposed bylaw is seeking to address:

- the material Council gathered during the early review and engagement period;
- proposed changes to the bylaw; and
- other measures Council would like to propose to better support understanding of and compliance with the proposed bylaw.

30. With the release of this Statement of Proposal, Council invites feedback on the Transport Bylaw 2021 and the accompanying proposals for improved safety, understanding and compliance.

31. A tracked change version identifying the differences between the Traffic Bylaw 2010 and Transport Bylaw 2021 is available at Appendix A. A clean version is also available at Appendix B for ease of reference.

Introduction to issues raised and proposed responses

32. We have identified a number of areas that has led to the proposed changes including:

- changes to the network;
- changes to legislation / policy – Government Policy Statement on Land Transport 2021⁹, the NPD-UD 2020 and Accessible Streets¹⁰;
- public concern around parking;
- opportunities to support residents parking and business parking; and
- better ability to enforce.

33. We also identified a need for some minor and/or technical changes, including a number of definitions that needed to be amended or added to improve clarity and understanding.

⁹ <https://www.nzta.govt.nz/planning-and-investment/national-land-transport-programme/government-policy-statement-on-land-transport/>

¹⁰ <https://www.transport.govt.nz/area-of-interest/walking-and-cycling/accessible-streets/>

Changes to the Network

34. There have been a number of changes to the transport network, most notably the development of large-scale transport projects that are either open or under construction. These include Mackays to Peka Peka (M2PP) and Peka Peka to Ōtaki (PP2O) Expressways and Transmission Gully (TG), and their local road connections, all of which provide improved connectivity across the district and change travel patterns.
35. Whilst travel patterns have largely settled down since the opening of M2PP, changes following the opening of PP2O and TG will take some time to eventuate.
36. Since there are a number of interchanges along the Expressway that are limited movement (you can only enter or exit the Expressway in one direction), this will have an impact on the local road network, as vehicles use local roads to be able to travel in their preferred direction.
37. Most of Old State Highway 1 is also in the process of being revoked (becoming the responsibility of Council), and this provides opportunity to lock in the benefits created by reductions in vehicles on these routes through changes to the road environment. As an example, new signalised intersections are being developed in Paraparaumu, improvements are being made (or will be made) in the town centres in Ōtaki, Paraparaumu and Waikanae, and improvements will be made to public transport connectivity.
38. The One Network Road Classification (ONRC), which broadly classified roads based on destinations served and number of people and vehicles using the road, is now being replaced by the One Network Framework (ONF). The ONF looks more at place and space and how the road functions, introducing people and the activities on the street rather than classifying roads based just on vehicles numbers.
39. In order to support the safe and efficient management of the roads in our control, the Transport Bylaw 2021 proposes tools that better support the ability to manage traffic movements in different parts of the network and for different classes of vehicles.

Council's jurisdiction, responsibilities and rules

40. Council has responsibility for all local roads.
41. Council's rules about the activities that take place on local roads are made to meet our legislative responsibilities – to safeguard public safety, support the resilience of the network, and protect against damage and inappropriate behaviour.
42. Council cannot make any bylaw rules that are inconsistent with the rules or legislation of any other government agencies.

Other agencies' jurisdictions, responsibilities and rules

43. Waka Kotahi are responsible for all State Highways and also provide funding for the maintenance and operation of the local road network, new roads, low cost safety improvements and safety education. Currently around 51% of our funding comes from the National Land Transport Programme (NLTP).
44. Greater Wellington Regional Council (Greater Wellington) are responsible for the development of the Regional Land Transport Plan, and new schemes need to be in the Regional Transport Plan to attract funding from Waka Kotahi. Greater Wellington are also responsible for the public transport network.
45. Whilst the bylaw does not cover public transport provision, it supports access to public transport through the proposed rules.
46. The Civil Aviation Authority is responsible for aviation safety therefore the Transport Bylaw 2021 does not cover this. However, the airport in Kāpiti is accessed from the local road network, and the flight path is over our road network meaning that this is a consideration in decision making.

Changes to Legislation / Policy

47. Since the Traffic Bylaw 2010 was adopted there has been a number of Policy Documents that have the potential to impact on the travel and the way the network operates. Some of the more relevant changes are identified below:

Transport Outcomes Framework (Ministry of Transport (MoT))

48. The MoT Outcomes Framework ¹¹has identified mode neutrality as a guiding principle (no mode has priority over any other) and identifies five outcomes to achieve this – inclusive access, healthy and safe people, economic prosperity, environmental sustainability, and resilience and security.

Government Policy Statement (MoT)

49. The MoT Government Policy Statement on Land Transport sets four strategic priorities including safety, better travel options, improving freight connections, and climate change.

Accessible Streets (MoT)

50. Whilst not yet finalised, the MoT Accessible Streets document proposes a collection of rule changes known as the Accessible Streets Regulatory Package. It states: *“These rules are designed to improve safety for footpath users, encourage active modes of transport, and support the creation of more liveable and vibrant towns and cities”*.

National Policy Statement on Urban Development Ministry for the Environment and Ministry of Housing and Urban Development (NPS-UD)

51. The NPS-UD directs Council to remove car parking requirements from District Plans, for both residential and commercial development, and recommends that Councils develop Parking Management Plans.
52. This requirement will have an impact on the roading network. Kāpiti has a small number of urban settlements spread across the district, with a high proportion of people living in rural areas. Coupled with poor public transport provision, particularly in the north of the district, this creates a high reliance on the private car and parking is becoming more of an issue around our town centres and rail stations. This will continue to get worse as developers and homeowners / customers look to the road network and other public spaces to address the shortfall of parking onsite.
53. A number of recent residential and commercial consents have been received with a lower level of car parking provision than has been required by the District Plan, including sites outside of our town centres without direct access to the rail network. This trend is expected to continue and, whilst our parking standards have not yet been removed from the District Plan, the NPS-UD must be taken into account in decision making.
54. Whilst the NPS-UD does enable Councils to direct developers to consider the effects of non or limited provision, it is unclear how these effects should be addressed, especially where alternatives to the private car are limited. Whilst the NPS-UD and Waka Kotahi guidance ¹²identify that Local Authorities should develop Car Parking Management Plans, no additional resources have been provided for this. Kāpiti has the additional complication that a significant proportion of parking, particularly in Paraparaumu, is privately owned and so cannot directly be managed by Council.
55. Effects of non or limited provision on site can lead to overspill parking on the road network which can result in issues such as:
- safety, including sight visibility problems and insufficient room for cyclists / pedestrians;

¹¹ <https://www.transport.govt.nz/area-of-interest/strategy-and-direction/transport-outcomes-framework/>

¹² <https://environment.govt.nz/assets/Publications/Files/car-parking-factsheet.pdf>

- inconsiderate parking on grass berms, footpaths and other unsuitable or undesirable areas can lead¹³ to pedestrian access and safety issues and increased damage and maintenance costs for the Council.
 - efficiency, as the roads become increasingly narrowed / partially blocked by parked cars, meaning that traffic does not flow as easily;
 - access, such as blocked or partially blocked driveways and problems for larger vehicles such as rubbish collection vehicles (and access to waste bins) and the emergency services, as roads are already narrow roads are squeezed further by parked cars; and
 - issues between neighbours, between residents and commuters, and between residents and customers of local businesses as available space for parking becomes more constrained.
56. The NPS-UD does enable the District Plans to retain rules and standards relating to mobility parking, as well as manoeuvring on site to prevent safety issues as a result of inappropriate reversing onto the road network.

Wellington Regional Growth Framework

57. The Wellington Regional Growth Framework ¹⁴identifies significant growth in the Kāpiti Coast District. An increase in population will result in an increase in travel using all modes that need to be managed and supported by regulations to address inappropriate behaviour.

Kāpiti Coast District Council Sustainable Transport Strategy

58. The Kāpiti Coast District Council Sustainable Transport Strategy includes eight focus areas including:
- the transport network;
 - integrating transport and land use;
 - safety,
 - resilience,
 - climate change,
 - the environment and
 - amenity; and
 - affordability.
59. Measures to support these focus areas, will need to include managing the transport network and enforcing inappropriate behaviour.

Council's jurisdiction, responsibilities and rules

60. Given the shift in focus to more sustainable travel there is a need to remove the barriers that encourage people to use alternative modes of travel other than the private car, including safety and accessibility.
61. The Transport Bylaw 2021
- supports safety by ensuring that enforcement action can be taken where there is a safety issue;
 - provides the ability to manage classes of vehicles on parts of the network and support mode shift, such as the ability to implement bus lanes should this be approved by a resolution of Council;
 - provides more support for managing inappropriate parking to address potential effects of changes to parking provisions identified in the NPS-UD, including being able to make provision for residents and business parking schemes; and
 - includes new provisions to support mobility parking in response to the NPS-UD.

¹⁴ <https://wrgf.co.nz/>

Other Agencies' Jurisdictions, Responsibilities and Rules

62. In order to attract funding and meet legislative requirements and support decision making, the Transport Bylaw 2021 needs to ensure consistency with Central Government Policy and Legislation.
63. However, there may be instances where Council wishes to depart from the rules set by government where the legislation allows. As an example, the Accessible Streets consultation identified the potential for mobility devices such as e-bikes and e-scooters using the footpath with a 15kph speed. In some situations where this speed is inappropriate e.g. in busy town centres, the bylaw supports alternatives where legislation allows a departure from rules / recommendations on safety grounds.

Public Concern Around Parking and Activities in the Road;

64. Over a two year period Council received a significant number of parking related service requests. These included a range of issues such as:

- vehicles parked on the footpaths;
- vehicles parked on berms;
- issues with parking and line marking;
- parking over driveways;
- driving on the berm;
- damaged berm from parking;
- abandoned Vehicles
- people living in motor homes and cars;
- heavy motor vehicles parking in residential areas; and
- Infringement complaints.

65. Parking on berms can create a number of problems for Council. This is because it can:

- mean that motorists have to drive over footpaths and kerbs / channels;
- have adverse effects on sight visibility between vehicles and vulnerable road users (such as pedestrians, cyclists, mobility scooter users and the visually impaired), particularly at accesses and intersections;
- impact on space available for pedestrians, cyclists and wheelchair users etc forcing vulnerable road users into the traffic movement lane;
- result in damage to infrastructure;
- create challenges to obtaining access to maintain infrastructure; and
- cause damage to the berms, kerbs and channels, and increase maintenance costs, particularly during / following wet weather.

66. Similarly parking on other parts of the road margin, including footpaths can create similar issues, and planting of trees, shrubs and flowers is problematic as it makes corridors for utility services more difficult to access and can create sight visibility and safety issues if not properly maintained.

67. A number of requests have also been received to trade in public places, including on legal road and on land that is owned or managed by Council (such as areas that act as roads but are not vested as road. Legal road includes footpaths, berms, laybys and other public places that are legal road but do not operate as such.

Council's jurisdiction, responsibilities and rules

68. The Transport Bylaw 2021 proposes very little change with respect to parking on berms, the amendments seek only to provide clarity around the rules. The Traffic Bylaw 2010 already had the provision to prevent parking on berms, along with roadside plots, shrubs, flower beds and footpaths. Under the bylaw, there is a \$40 infringement fine associated with this offence

69. To address the areas of concern and other issues above the Transport Bylaw 2021 proposes amendments to support Council in managing effects providing more clarity and more support for enforcement.

70. Council is responsible for approving rules and physical measures to support the management of parking on our roads. This is done through the Traffic Bylaw, the Operative District Plan and signing off on measures such as broken yellow lines.

71. Council also enforces the bylaw through issuing tickets in areas that it's responsible for, such as in car parks.

72. The Transport Bylaw 2021 proposes some more flexibility around trading in public places. There are some instances where trading in the road could be appropriate and safe. One example is an area that is vested as legal road but does not operate as such, and the Transport Bylaw 2021 supports the ability to allow activities in legal road where it is safe and appropriate to do so, and it has been approved by a resolution of Council.

Other Agencies' Jurisdictions, Responsibilities and Rules

73. The Police are also responsible for the enforcement of bylaws on all roads and Waka Kotahi manage and enforce on State Highways.
74. Other legislation also manages the issues identified above, such as the Section 40 of the LTA 1998 and Rule 6.9(1) Road User Rule 2004 and parking over driveways.

Opportunities to Support Residents Parking and Business Parking.

- 75. Council has received a number of requests to implement Residents and Business Parking Schemes.
- 76. These have been to address overspill parking around the rail stations and in town centres, which is causing issues in surrounding streets, as well as some of the issues identified in the section titled “Public Concern Around Parking and Activities in the Road” in this Statement of Proposal.
- 77. The lack of a frequent rail service in the north of the district has led to parking problems in Waikanae town centre, and the surrounding streets, this is partly due to commuters travelling from the north of Waikanae to park and use the train. The new Greater Wellington park and ride car park provided some relief but these parking is still an issue.
- 78. Parking is also an issue in the residential streets around Paraparaumu rail station and growth, coupled with the NPS-UD requiring that general parking standards are removed from District Plans, has the potential to create effects on the transport network that need to be addressed.

Council’s jurisdiction, responsibilities and rules

- 79. The Transport Bylaw 2021 has included provisions to enable residents and business parking schemes to be implemented should a future resolution of Council approve their implementation.
- 80. All residents and business parking scheme areas will be identified in a schedule attached to the Transport Bylaw 2021.

Better Ability to Enforce

81. The Transport Bylaw 2021 includes some changes to support enforcement of infringements. Feedback from the Environmental Standards team has identified that enforcement can be a challenge under the existing Traffic Bylaw 2010.
82. Some areas of concern, that are not addressed fully in the Traffic Bylaw 2010, are heavy motor vehicle parking and issues around people living in motor homes or in cars on public land.
83. There is a rule in the District Plan around parking of heavy motor vehicles in residential areas, but these are not sufficient to address the issues being reported.

Council approach to the current challenges

84. Council officers take a graduated response to encourage compliance with bylaw provisions. They can:
 - provide advice, educate and investigate
 - provide information to other agencies
 - issue a written warning if offender details are known
 - prosecute, if there is sufficient evidence and it is in the public interest.
85. Actual responses depend on the level of risk, seriousness of harm, attitude towards compliance and the practicalities of the enforcement tools available.
86. The community wants everyone to comply with the bylaw rules that are set and can find it hard to understand why Council is not taking a stronger approach to compliance. In particular, the community finds it frustrating that Council does not do more to enforce rules around activities like motor vehicles where safety is a key issue.
87. Despite having the responsibility of setting bylaw rules to protect the public, councils across the country are limited in the enforcement options open to them to encourage compliance with rules. Although anyone breaching a bylaw rule can be prosecuted and fined up to \$20,000, there are only certain circumstances where a council can issue an infringement notice.

Enforcement through infringement offence notices

88. Infringement offence notices are an important low- or medium-level financial penalty to promote compliance with bylaws. They provide a step between a formal written warning and a prosecution. They encourage compliance by penalising conduct that is of concern, but which doesn't justify prosecution or a significant fine.
89. Council can only issue an infringement offence notice if there is an offence and associated fine set out in legislation (a primary act or its related regulations), and Council is an enforcement authority for that legislation. Consequently, unless already provided for in existing legislation, Council does not have the ability to establish and issue lower level fines.

Enforcement of offences related to vehicles

90. For public safety, Council sets rules relating to the management of the road network and other areas owned or managed by Council. The Police are the agency with the legislative power to stop a moving vehicle.
91. Council relies on the Police to monitor and enforce compliance in relation to moving vehicle offences. However, many of the issues that the bylaw covers are not priority issues for the Police, and they cannot allocate resources to policing them proactively.
92. We continue to encourage the community to contact the Police regarding bylaw breaches by moving vehicles. We also encourage people to contact Council after lodging their complaint with the Police. This allows us to monitor the activities of concern and talk with the Police about the actions they have taken.
93. Council strives to reduce enforcement challenges through operational management of the activities on the beach and working with other agencies to communicate what can and can't be done on the areas Council owns and manages in Kāpiti is clear and consistent.

94. Towage and storage fees can also be prohibitive, although this issue is currently being considered at a national level.

Other minor or technical adjustments

95. The Transport Bylaw 2021 includes some minor changes to improve its intent, clarity and structure. These include:

- a number of new or amended definitions;
- clarity around implementation; and
- clarity around process.

96. For more information, see the summary of proposed changes below.

97. Where schemes, such as Residents and Business Parking Schemes, restricted turning movements, special lanes and Heavy Motor Vehicles prohibitions are put in place, these will be required to be approved by a future resolution of Council and will be identified in a schedule to the Bylaw.

98. The inclusion of a schedule will allow updates to specific items supported by the Bylaw without the need for a full scale Bylaw review.

Summary of proposed changes

99. All proposed changes in the Transport Bylaw 2021 are summarised in the table below.

Transport Bylaw 2021 clauses		Key differences between Transport Bylaw 2021 and Traffic Bylaw 2010
1	Title, commencement, and application	Renamed the Transport Bylaw 2021 and amended to clarify the areas under the jurisdiction of the bylaw including road margins and land for which Council is responsible.
2	Traffic bylaw validation	Carried over from Traffic Bylaw 2010 with minor amendments to dates.
3	Objective	Carried over from Traffic Bylaw 2010 with minor amendment to add the Land Transport Act 1998 and the Land Transport Management Act 2003, as well as clarify that activities on the beach are covered by the Beach Bylaw 2021 and Speed Limits are in the Speed Limit Bylaw 2015.
4	Interpretation	The following terms are newly defined (n), deleted (d), or amended (a) to: (i) make the overall intent and scope of the bylaw clearer and/or (ii) to align with definitions in other legislation. • Authorised officer (a) • Bus Lane (n) • Business (n) • Business Parking Scheme (n) • Business Parking Scheme Area (n) • Car Share Vehicle (n) • Class of Vehicle (n) • Council (a) • Cycle (a) • District (n) • Driver (n) • Driveway (n) • Electric Scooter (n) • Licence (n) • High Productivity Motor Vehicle Route (n) • High Occupancy Vehicle Lane • Lane (n) • Metered Space (a) • Micro Mobility Device (n) • Mobility Device (n) • Mobility Parking Scheme (n) • Mobility Parking Space (n) • Motor Home (n) • Motor Vehicle (a) • No Parking (a) • No Stopping (a) • Occupier (a) • Parking Machine (a) • Parking Meter (a) • Parking Permit (n) • Parking Space (n) • Pay and Display (d) • Pedestrian (a) • Permit (n) • Prescribed Fee (n) • Powered Cycle (n) • Private Land (n) • Public Car Park (a) • Public Holiday (n) • Public Land (n) • Reserve (a) • Resident (n) • Residents Parking Scheme (n) • Residents Parking Scheme Area (n) • Residents Exemption Parking Area (n) • Road (a) • Shared Path (n) • Shared Use Zone (n) • Sign (n) • Small Passenger Vehicle (n) • Small Passenger Vehicle Restricted Parking Area (n) • Time Restricted Parking (n) • Trailer (n) • Unformed Legal Road (n)
5	Part 1 - General	• New 'Part One – General' title added to the Transport Bylaw 2021; • New clauses in the Transport Bylaw 2021 to provide clarity around decision making through Council resolution;

6	Part Two - Parking	Parking proposals include: • new section added in Transport Bylaw 2021 to keep all parking related activities in the same place; • parking on roads and road margins relatively unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021, except that a new clause has been added to clarify exemptions and added other land owned or managed by Council; • time limited parking areas carried across from the Traffic Bylaw 2010 to the Transport Bylaw 2021 and new clauses have been added to provide clarity; • new clauses added to enable Residents and Business Parking Schemes, provide clarity on parking space identification, and support mobility parking; • method of parking carried over from Traffic Bylaw 2010 with minor amendments; • discontinued parking space remains relatively unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021, except that additional clauses have been added to provide clarity on decision making and around disabled parking; • metered zones, parking meters and pay and display machines carried across from the Traffic Bylaw 2010 to the Transport Bylaw 2021, but clarity added around how they should be established; and • parking fee to be paid includes minor amendments in the Transport Bylaw 2021, compared to the Traffic Bylaw 2010.
7	Part Three – Use of the Road and Other Spaces Under the Ownership or Management of Council	New sections added to group similar activities together. Also new clauses added in the Transport Bylaw 2021 to: • manage activities in the road and road margin; • manage the effects of engine breaking; • manage stock, stock races, stock droving, and the transportation of stock; • enable and enforce Special Lanes such as Bus Lanes and High Occupancy Vehicle Lanes; • support the administration of schemes such as Residents Parking Schemes; • enable Council to manage movement of vehicles on the network; and • include unformed legal road. Changes to the management of Cycleways, Walkways and Bridleways, and Heavy Motor Vehicles from the Traffic Bylaw 2010 - this section in the Transport Bylaw 2021 has more clauses providing detail relating to implementation when compared to the Traffic Bylaw 2010; Minor changes to the temporary restrictions on the use of roads between Traffic Bylaw 2010 and Transport Bylaw 2021, to include clarity around what constitutes an offence;

		Amendments made to the Transport Bylaw 2021, when compared to the Traffic Bylaw 2010, with regards to the Selling of Goods and Services amended to support these activities where appropriate. Damage to signs moved into this section and roadworks remains unchanged between the Traffic Bylaw 2010 and Transport Bylaw 2021.
8	Part Four – Administration	This new section has been added to provide clarity around administration and provide support for any new Residents or Business Parking Scheme that may be put in place by future resolution of Council. A new section has been included on the dispensing of power.
9	Part Five – Offences and Breaches	Section relating to the committing of an offence has been carried over from the Traffic Bylaw 2010 to the Transport Bylaw 2021 with minor amendments to document titles and dates.
11	Part Six - Bylaws	Carried over from Traffic Bylaw 2010 to with minor amendments including a section title and reference to bylaws rather than the General Bylaw 2010.

Consultative Procedure

100. The LGA 2002 requires that the community be consulted on the adoption, review or amendment of a bylaw. Accordingly, Council is using the special consultative procedure, which requires the initiation of a formal submission process.

101. Council would like to know what residents, ratepayers, and stakeholders think about the Transport Bylaw 2021.

102. The proposed plan is as follows:

Task	Date
Council approved the Transport Bylaw 2021 and this Statement of Proposal for public consultation	29 July 2021
Submissions open	16 August 2021
Submissions close	17 September 2021
Hearing of submitters	21 October 2021
Council decision	25 November 2021

Methods for Making A Submission

103.Submissions can be made in writing, online, by mail, by fax or by email.

104.To make a submission in writing, use the submission form. Submissions can be dropped off at Council or a Council Service Centre or they can be mailed to:

Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

105.Submissions can be faxed to 04 296 4830, or emailed to submissions@kapiticoast.govt.nz marked Transport Bylaw 2021.

Submission Period

106.The formal consultative period will be 16 August 2021 to 17 September 2021.

Hearing of Submissions

107.Persons making written submissions who wish to be heard by Council will be given the opportunity to do so. Submissions will be heard on 21 October 2021. Submitters wishing to speak to Council in support of their submission must indicate YES on the Official Submission Form.

**Appendix A – Kapiti Coast District Council Draft Transport
Bylaw 2021 Tracked Change Version**

Appendix B – Kapiti Coast District Council Draft Transport Bylaw 2021 Clean Version