

Reconsideration of Traffic Bylaw Amendment No 1, 2018

Statement of Proposal

Background

In light of the introduction of 'pay by plate' parking technology and the Rotorua Lakes Council ('RLC') policy regarding freedom camping, it is considered necessary to reconsider certain aspects of the Council's Traffic Bylaw Amendment No 1, 2018 to ensure the Bylaw meets these requirements.

With regard to the introduction of 'pay by plate' parking technology, Council has proposed amendments to the Bylaw to accommodate the new 'pay by plate' parking technology. In particular, the Council carpark which uses the coupon system will need to be declared by Council resolution to be a 'parking meter area'. To provide for contractors who use Council parking spaces, an amended clause 8.1.1 is proposed with more precise drafting.

With regard to freedom camping, Council is proposing to delete clause 21.2 of the Bylaw so that the Bylaw better reflects Council's policy position regarding freedom camping.

Finally, a number of further minor amendments are proposed to the Traffic Bylaw Amendment No 1, 2018, especially to the Introduction, Definition and Penalty sections of the Bylaw.

Consultation Process - How can I have my say?

The Council is using the special consultative procedure to amend the Bylaw. Section 83(1)(a) of Local Government Act 2002 requires the Council to prepare a Statement of Proposal. Section 86(2) requires the Statement of Proposal to include: a draft of the bylaw and the reasons for the proposal; and a report on the relevant determinations by the Council under section 155 of the LGA 2002.

Submissions are welcomed on the Bylaw.

You can submit your opinions online via an electronic submission form on the Council website. You may post or fax submissions to the Council. You also need to indicate whether you wish to appear in person before the Council to speak in support of your submission.

To get your submission to us, either:

Email to: submissions@rotorualc.nz

Fax: 07 346 3143

Visit our website: <http://letstalk.rotorualakescouncil.nz/>

Post to: Rotorua Lakes Council, Private Bag 3019, Rotorua Mail Centre, Rotorua 3046

The submission period runs from 25 February 2019 until 1 April 2019.

Submissions must be received by Council no later than 5pm on 1 April 2019.

Submissions on the Bylaw are available to the public and the media. This includes your personal information. All submissions will be acknowledged. Submitters who wish to speak to their submission will be advised of the Council meeting date following the closure of submissions.

For further information on the Bylaw, please phone the Council on 07 348 4199 or email us at info@rotorualc.nz

Relevant Legislation

The Council is empowered by the Land Transport Act 1998, Local Government Act 1974, the Local Government Act 2002 and the Bylaws Act 2010 to make bylaws for the purposes of regulating traffic and parking.

In amending a bylaw, the Council must also follow the general procedure for making bylaws under the Local Government Act 2002. As a consequence,

- Officers have concluded that the amended Traffic Bylaw Amendment No 1, 2018 better enables the Council to make reasonable provision for traffic and parking services instead of the unamended bylaw or relying only on education/information or general legal requirements. As a consequence, officers recommend that the amended Traffic Bylaw Amendment No 1, 2018 is the most appropriate option as it provides for greater certainty and is enforceable by the Police.
- Officers recommend that the amended Traffic Bylaw Amendment No 1, 2018 is the most appropriate form of bylaw.
- The amended Traffic Bylaw Amendment No 1, 2018 is considered to be consistent with the New Zealand Bill of Rights Act 1990. The Bylaw does not place any unjustified limitations on freedom of movement, expression or association. Serious offences against the Bylaw require a judicial process through a summary conviction, which provides alleged offenders with opportunities for defence.
- In terms of the four general requirements for making a valid bylaw, the Land Transport Act 1998, Local Government Act 1974, the Local Government Act 2002 and the Bylaws Act 2010 empower the Council to make bylaws for the purposes of regulating traffic and parking. The amended Traffic Bylaw Amendment No 1, 2018 is not repugnant to the general laws of New Zealand. It will impose reasonable restrictions that afford better outcomes concerning the reasonable provision and regulation of traffic and parking in the district.
- In light of decision-making under sections 77, 78, 79, 80, 81 and 82 of the Local Government Act 2002, although other options, such as having no bylaw, relying only on education/information or general legal requirements are possible, the benefits of a bylaw as an option outweigh the costs in terms of the present and future interests of the district. A bylaw also better promotes or achieves community outcomes as expressed in the Rotorua 2030 Goals in a more integrated and efficient manner than having no bylaw. In terms of the impact of these options on the Council's capacity to meet present and future needs in relation to any statutory responsibility, Council has the capacity and resources to monitor and enforce the proposed bylaw.
- The views and preferences of certain stakeholders who are affected by, or have an interest in, the Bylaw have been considered.