

# Living Streets Aotearoa



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## Submission from Living Streets Aotearoa to Wellington City Council on proposed Traffic and Parking Bylaw 2021

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Date: **11 June 2021**

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### General

Thank you for the opportunity to comment on these important bylaw changes, where the leather hits the footpath in transport management. Our comments relate to specific parts.

### Definitions from page 29

**Business** – not all businesses pay business rates, e.g., scooters and taxis, ubers - need a better definition to cover all activity.

**Cycle lane** should include use by all micro-mobility vehicles or at least allow for this as it is a likely change in legislation.

**Electric scooter** definition does not cover current hire scooters, the motors are not auxiliary motors but the only means of propulsion. Please include all scooters in the definition.

Support **footpath** definition.

**Micromobility vehicles** – please include reference to skateboards, push scooters and other new tech like one e-wheelers.

These vehicles are not borrowed but are hired. Please delete this confusing terminology.

**Oversize vehicle** – please include the dimensions of a ‘standard parking space’. Oversize vehicles are becoming a significant issue.

**Shared path** – either use the complete definitions in the relevant Act or Rule or don’t use the definition at all. There is inconsistent usage throughout the definitions.

**Shared zone** – is defined in the Land Transport Act 2004 Rule

“**shared zone** means a length of roadway intended to be used by pedestrians and vehicles”. Why is a different definition used?

## Specific parts

There is reference in **section 4.7** to vehicles not being used and parked on the street – this needs to include footpaths such as Willis St and Kent Terrace that has had advertising on bikes for several years now despite numerous complaints. The reason stated for on-road parking and that equally applies to footpaths is that:

“As with the issue above, this is private use and benefit of a public space that should either be paid for or moved off the street on to the commercial premises.”

There is reference in **section 4.12** to regulate skip bins on footpaths, and we suggest the bins should not be able to block a footpath unless a bypass walk route is provided. There is no section in the bylaw covering this.

9 We support the power to control **left and right turns** (page 32).

11 **Special vehicle lanes** – do these include bus lanes? If so we support this and it should be made clear bus lanes are included.

### 13 Shared path

WCC needs to include the process for ‘stopping’ footpaths and changing them to shared paths. For instance the process set out in Part 3.8 for one-way roads could be used as a model. Section 13 is not as strong and needs a resolution to have a shared path.

Shared paths are **not best practice** for pedestrians and there needs to be oversight for changing of footpaths into the lower level of service provided by shared paths. The discussion notes:

The Council is improving city place-making, amenity and safety and needs to achieve more from the same amount of road space by creating more shared use paths that can be used by different users at the same time (such as pedestrians, cyclists, riders of mobility devices and riders of wheeled recreation devices, This will include creating new urban design features such as seating areas and shared paths or cycle paths for active transport (para 4.3, p15).

So in consequence, the proposal is said to

Provide for shared paths, shared-use zones and special vehicle lanes (pp4,6).

But it doesn't actually do that - what it does is:

Adds a new shared path clause to clarify that the Council may by resolution determine the priority for users of the shared path. (para 4.3, p15)

confirmed by the wording of the new clause:

13. Shared paths and cycle paths  
13.1 The Council may by resolution –

(a) determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.

13.2 A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council (p33).

**We recommend** the paragraph about the necessity of shared paths be removed, because it's irrelevant, debateable and inconsistent with council policy (including the transport hierarchy) and with good practice.

14.3 Support for this as experience has shown it is particularly important to manage parking in **shared zones**.

15 What is the purpose of this, construction of a thing for **publicly accessible community place**. Why are road and cycle path noted separately? Are these the only two places that community places will be? What about footpaths? This needs to be much clearer.

16 Needs a definition of **cruising**, it is not obvious what this means. Appears to be controlling moving vehicles and drivers. Is this ultra vires?

17 What's the point of this **restriction on light vehicles**? An explanation is needed to understand what this rule is about, and why it is separate from the 'cruising' section.

19 **Unformed road** needs to relate to berm parking as many people would see them as the same thing. Or be more clear what a berm is (29).

20 Support powers to **restrict use of beaches** for driving and parking, e.g. Seatoun Beach and beaches west of the end of the west end of Owhiro Bay Parade. Is the same power required for parks and reserves?

22.3 Support **alternative disability parking** being made available during temporary works.

23 Are these processes easier or just as onerous as now?

24 What is a **transport station**? Please define.

29 Living Streets strongly support **parking on berms** being prohibited. What the document says is:

The intention is to prohibit parking vehicles on the grass or berms (pp43,44) and 'The intent is to make it clear that vehicles must not park on the berms' (p27).

But the relevant clause actually says

29. Parking vehicles on the grass/berm

29.1 No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation

(a) adjacent to, or forming part of a road:

(b) so as to cause or be likely to cause damage to the cultivated area; or

(c) so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway. (p38)

which implies a conditional rather than absolute ban (though poor wording means that it's open to interpretation).

**We recommend** that (b) and (c) be deleted from the berm clause, so that it does what it says is intended.

### **28 Parking restricted**

28.2 Include that a vehicle must not overhang the kerb. Some oversize vehicles in particular frequently take up much of the footpath space.

28.9 This should include that no vehicle can park in a space that it can not fit into, e.g. a truck that takes up 3 standard parking spaces.

### **30 Parking vehicles off roadway**

What does this mean – the side of a road is a kerb? Please make this clear.

### **38 Offences.**

38.1 This should include footpath for clarity.

38.1 (k) implies that there is some right for occupants to park outside their property in a residential area. This should be removed as there is no such right. Residents frequently do not park directly outside their property.

38.1 (s) **We recommend** this include any vehicle which leans against any traffic control such as pedestrian beg buttons, telephone poles, etc.. This is a too frequent occurrence and is a particular problem for people using mobility aids.

38.1 (t) This does not specify where bikes and scooters should park. Clearly they will not be allowed on the footpath when this bylaw is enacted.

39.1 **We recommend** that it is made clear that vehicles can be removed from footpaths as well.

41 What is a traffic officer? Police are not differentiated so is this a parking warden? Defence should not include parking on the footpath – fire engines and roadworks trucks are too heavy at any time

### **Other matters**

There is no protection for **Cuba Mall** from unwanted parking as it is not a shared zone. This is our one pedestrian-only space in Wellington. Cyclists and e-scooter riders using Cuba Mall as a through route continue to be a problem.

**Intersection parking** – there should be no parking from a standard set-back of 6 metres at all intersections and this should be included in the bylaw. This provides an adequate chance for all road users to see each other and be seen. A particular safety issue for frail people and children.

### **Demand-responsive parking charges**

A change is the ability to introduce demand-responsive charging for parking, something that is long overdue.

We support demand-responsive pricing (which has been implicit in WCC Parking Policy since 2007, explicit since last year).

The document needs a good proof-read to correct inconsistencies, typos and grammatical infelicities.

We would like to see some rules on driveways across footpaths. We recommend that all accessways to residential property are one-car width only and there is no exceptions or an annual fee is charged for the use public space. This would complement requirements for lower and safer fence heights in the District Plan.

We support maintaining the current standard 'parking space' size on streets for private vehicles and provision of the innovative bike/ motorbike/ scooter spaces on otherwise un-useable small sections of roadside kerb. There should be places for truck and bus parks in appropriate places.

Alternatives to parking on footpaths!

We strongly support the revocation of the 2015 guideline and would like to see enforcement as soon as possible while the momentum for this remains. We recommend that publicly available guidelines are available to understand when and why discretion to not enforce NZ Road Rules may be used by parking enforcement. We expect this is in very unusual circumstances.

There are many alternatives to illegal parking and these can be developed depending on the type of street environment. For example Newport Terrace in Seatoun has no footpath at all, some street placemaking could support pedestrian movement and priority along this street and access for residents only, improving the experience for all users. Other streets may need parking on one side only, for example downhill on parts of Palliser Road. This would allow uphill cycle and bus priority and an upgrade to the very narrow footpath. Living Streets has many ideas for these streets which we are happy to help co-design.

It is good to see that the exclusion of state highways has now changed in certain circumstances, for instance Stationary Vehicle Offences on State Highways and Special Vehicle Lane Offences, Stock Control, Roadside Selling and Planned Road Closures on State Highways (will occur on 1 July 2021)

We would like to be heard in support of this submission.

### **About Living Streets**

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly planning and development around the country. Our vision is "More people choosing to walk more often and enjoying public places".

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners, including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land-use and transport planning.

For more information, please see: [www.livingstreets.org.nz](http://www.livingstreets.org.nz)

