

LGOIMA

When releasing responses to previous LGOIMA requests, names of individual requestors may be withheld to protect their privacy.

Information requested by the media, from public sector organisations and MPs will always be published while information specific to an individual or their property will not generally be published.

**Request
from:**

For: Proposed Parking Bylaw Change 2019

**Response
by:**

Margaret Parfitt
Manager – Transport & Solid Waste



Ref: Reference

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

16 October 2019

P (03) [REDACTED]
E [REDACTED]
nelson.govt.nz

[REDACTED]
By email [REDACTED]
Address 2
Address 3 and Postcode

Dear [REDACTED]

NELSON CITY COUNCIL PROPOSED PARKING BYLAW CHANGE 2019

I refer to further you questions raised in an email dated 3 October 2019, for information regarding the Nelson city Council Proposed Parking Bylaw change.

Responses to the information you requested, are set out below.

1. *As per local govt act 2002 section 72 1(c) and (d)*

Can you please tell me what then the purpose of the consultation is, knowing the council is apparently going ahead with the proposed parking meter changes regardless, and also what the scope of the decisions to be taken following the consideration of views presented will be.

The purpose of the consultation is to seek community views on Council's proposal to make changes to the Parking and Vehicle Control Bylaw 2011 (no 207). The proposed wording changes are intended to make it relevant for any new and future parking technology. The proposed wording changes also clarify that only one hour free parking will be available per vehicle per calendar day under the new parking technology.

The City Centre parking ticket meters are dated and have reached the end of their useful life. Additionally, the existing meters do not offer the payment flexibility and options now expected by the public. Council signalled its intention to replace the parking meters in June 2019 as part of the Annual Plan and agreed to bring money forward from 20/21 to 19/20 to move this ahead.

It is important to note that the intention of this s82 consultation on the proposed changes to the Bylaw is not however to choose a parking enforcement methodology. It is to update the Bylaw wording to allow any type of parking enforcement technology, rather than just the current Pay and Display system (PAD).

Following consideration of feedback, Council will decide whether or not to make the proposed changes to the Bylaw. This will include further consideration of whether the

Internal Document ID:

proposed changes are the most appropriate form of bylaw and give rise to any implications under the New Zealand Bill of Rights Act 1990.

2. *On what grounds is the council refusing public presentations? as I have stated this is my preference. - as it does state in section 72, 1, (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

Taking into accounts its Significance and Engagement Policy, Council has determined that the proposed changes to the Bylaw are of low significance and that a special consultative procedure is not required.

Council has determined that a consultation process that gives effect to section 82 is required. Council has broad discretion under section 82 to carry out consultation in such manner as it considers, in its discretion, to be appropriate in the circumstances. In this case Council has determined that receiving feedback by written submission is appropriate and that a formal hearing of submissions is not required.

You may request to speak at a Council public forum on this topic. This is different however to any formal hearings of submissions on the proposed changes to the bylaw. Anyone wishing to speak at a Public Forum is requested to give prior notice, as soon as possible, to the Governance Team, on [REDACTED] or [REDACTED]

3. *Section 14 of the same 2002 local govt act also states that :*

a local authority should -conduct its business in an open, transparent, and democratically accountable manner. I am concerned this process is not democratic, and that the submission process is a mockery of consultation, something this council does a lot.

Council considers that the process that it is following in seeking feedback on the proposed changes to the Bylaw meets the requirements of the Local Government Act 2002.

4. *Also does the council acknowledge that NZ is a common law jurisdiction?*

Yes

Yours sincerely

[REDACTED]

Margaret Parfitt

Manager- Transport & Solid Waste

From: [REDACTED]
Sent: Thursday, 3 October 2019 8:22 PM
To: Administration [REDACTED]
Subject: Re: Nelson City Council-Proposed Parking Bylaw Change 2019

Hi [REDACTED]
thanks for your email,

I do have some questions:

As per local govt act 2002 section 72 1(c) and (d)

(c) Can you please tell me what then the purpose of the consultation is, knowing the council is apparently going ahead with the proposed parking meter changes regardless, and also what the scope of the decisions to be taken following the consideration of views presented will be.

(d) - on what grounds is the council refusing public presentations? as I have stated this is my preference. - as it does state in section 72, 1, (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:

section 14 of the same 2002 local govt act also states that :

a local authority should -
conduct its business in an open, transparent, and democratically accountable manner. I am concerned this process is not democratic, and that the submission process is a mockery of consultation, something this council does a lot.

Also does the council acknowledge that NZ is a commonlaw jurisdiction?

thankyou

kind regards

[REDACTED]