

5.5 Policy 5: Control Public Long Stay/Commuter Parking Provision in Parking Buildings & Lots

Control the supply of public long stay/commuter off-street parking to ensure it is effectively incorporated into a policy of parking restraint.

5.5.1 Long Stay Parking in Off-Street Facilities

Policy Action 5.1 - Ensure that district plan rules for centres or areas where parking management policies are in place are designed to ensure that applications for long stay public parking in off-street parking facilities, whether publicly or privately owned, are dealt with in the context of their compatibility with the overall parking management strategy for the centre or area concerned.

Responsibility: TAs.

Stand-alone public parking lots and buildings are provided for under the various district plans across the region (unless otherwise indicated under a prevailing structure plan) provided it can be demonstrated that the traffic consequences are manageable either with or without mitigation.

Such facilities can be owned and operated by the public sector, owned by the public sector and operated under contract to the private sector, or can be commercially owned and operated. A number of town centres have council owned parking lots. These are usually provided to support the economy of the centre concerned and normally limit parking to short stays.

For the Auckland Central Area, parking buildings are assessed as a discretionary activity on some types of road. The assessment criteria relate primarily to the ability of the road network to accommodate the generated traffic, with particular emphasis on the adjacent road network. There is currently no direct link between the amount of parking provided in this manner, and the Central Area Parking Policy of restraint applying to new developments. (The one exception is at Wynyard Quarter where no new (permanent) long stay parking may be provided.)

This situation can potentially lead to a greater supply of long stay commuter car parking than was anticipated in the parking policy, undermining its effectiveness. Long stay parking in public facilities within centres should only be permitted once a need has been identified and quantified through the development of a Comprehensive Parking Management Plan (or equivalent), or using a process or criteria applied consistently across the region.

Assuming maximum standards are in place, one way of controlling the amount of long stay parking in new special purpose parking facilities is to limit it to the difference between the amount of parking permitted in new developments by the district plan, and the amount actually provided in new developments in a given area over a specified period of time.

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5.5.2 Licensing

Policy Action 5.2 - Investigate the feasibility and benefits of the licensing of commercial public parking facilities as an alternative to reliance on the enforcement of consent conditions.

Responsibility: ARC in consultation with the TAs

The provision of short stay or visitor car parking is generally encouraged by councils if it is important to the commercial vitality of the area concerned, and has limited impact on weekday peak period congestion. However, enforcement of short-term parking in commercially run public facilities is necessary to ensure that it remains allocated for short stay use. There is a risk that such parking might be used for long-stay parking in the absence of monitoring.

A possible alternative is the use of licensing rather than the application of consent conditions to ensure ongoing compliance. The concept is to issue the developer or operator with a license to operate paid public parking, renewable annually or over a longer time frame, with conditions attached.

Territorial authorities would become parking facility licensing agencies. Anyone wishing to provide paid public parking would need to apply for a license from the TA concerned, and would need to comply with the conditions of the license. Legislation is likely to be required to give TAs the necessary powers.

Further research is required into the feasibility and implications of this type of approach.

5.5.3 Long Stay Parking

Policy Action 5.3 - Phase out long stay/commuter parking (such as 'early bird' and optional leased parking) in short-stay public parking facilities where such parking is inconsistent with the objectives of the parking management policies applying to the centre or area concerned.

(Responsibility: TA's)

Long stay commuter parking (such as early bird and optional leased parking) is provided in a number of public parking facilities, both publicly and privately owned. As early bird parking typically applies up to the end of the weekday morning peak period, it can reduce the cost of peak period travel to work by car. Bringing forward the cut-off time to say 07:00am and perhaps reapplying the discount between 09:00am and 10:00am would provide an incentive to travel outside the peak, consistent with encouraging travel demand management policy of encouraging more flexible working hours.

Leased parking is also available in council owned parking facilities. Some is provided as a requirement for resource consent, but much is optional.

In principle, both early bird and optional leased parking in council-owned public parking facilities should only be provided where they are consistent with the pertaining parking management policy. Where this is not the case, they should be phased out over time.

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5.5.4 Temporary Parking Lots

Policy Action 5.4 - Ensure that temporary parking lots are only permitted to operate following the issuing of consent by the council concerned and are operated under conditions stipulated by the council

Responsibility: TA's

There are issues relating to long stay parking in temporary lots. It is understood that within Auckland City long stay parking is permitted, provided that it is not inconsistent with the amount of parking that would otherwise prevail once the land has been fully developed. However, there appears to be no clear statement of policy on this issue either here or across the rest of the region. Illegal parking on lots can also add significantly to parking supply. Councils need to be pro-active in dealing with off-street parking that has not been given planning consent.

5.5.5 Pricing Parking

Policy Action 5.5 - Price parking in council-controlled building and lots to ensure they are consistent with the objectives of the parking management policies applying to the centre or area concerned.

Responsibility: TA's

It should be ensured that parking pricing practice for public parking buildings or parking lots, is aligned with parking policy objectives. For example, a council may permit some early bird parking in a parking building whose primary purpose is to provide short stay parking. While the early bird parking may utilise spaces that otherwise might not be used and thus increase revenue without disadvantaging visitors, it provides relatively low cost long stay parking. This can potentially conflict with transport policy objectives.

5.6 Policy 6: Provide Regional Guidance on Parking on Arterials

Include in the Regional Arterial Roding Plan a policy on parking on regional arterial roads

Policy Action 6.1 - Base the policy on parking on regional arterials on the following principles:

- The safe and efficient movement of people and goods should have priority over on-street parking on arterial roads.
- Parking should only be permitted where it does not compromise safety or add to traffic congestion.
- An exception may be made where permanent on-street parking on a section of an arterial road makes a key contribution to the economic vitality of a centre or corridor served by the arterial. However, any permanent on-street parking must be accommodated safely and without compromising the overall effectiveness of the arterial network in moving people and goods.

Responsibility: ARTA

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From a transport perspective, the safe and efficient movement of people and goods should have priority over other uses of the available arterial road space.

It is, however, accepted that on-street parking can enhance the vitality of an area by:

- improving the urban amenity particularly where associated with street trees,
- providing a buffer between pedestrians and moving traffic, and
- contributing to the success of adjacent businesses.

To balance transport and land use and economic objectives the policy on parking on arterials should have the following components:

- As a general principle, the safe and efficient movement of people and goods should have priority over on-street parking on arterial roads.
- Parking should only be permitted where it does not compromise safety or add to traffic congestion. This can require the use of no stopping at all times controls (broken yellow lines), or can be limited to the prohibition of parking during peak periods only through the use of clearways.
- An exception can be made where permanent on-street parking on a section of an arterial road makes a key contribution to the economic vitality of a centre or corridor served by the arterial.
- However, any permanent on-street parking must be accommodated safely and without compromising the overall effectiveness of the arterial network in moving people and goods.

5.7 Policy 7: Prepare Comprehensive Parking Management Plans for Centres

Encourage an integrated approach to the supply and management of parking in centres.

5.7.1 Comprehensive Parking Management Plans

Policy Action 7.1 – Develop comprehensive parking management measures for individual centres with initial emphasis given to the high density centres identified in the Regional Policy Statement Schedule 1 and including, as appropriate: reduced parking standards, short stay public parking provision, on-street parking controls, pricing of council operated parking facilities, schemes to protect adjacent residential areas and parking for the disabled.

Responsibility: TA's

Parking management measures should be designed and implemented as a package of complimentary measures. To assist in developing such packages, it is recommended that councils prepare a Comprehensive Parking Management Plan (CPMP) for each centre, with initial emphasis on the high density centres (and corridors) identified in the Regional Policy Statement.

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A CPMP is a document which sets out the parking policy objectives for the centre including parking demand management, and the council's policies for the supply and management of car parking, both short stay and long stay.

A CPMP integrates parking policy with land use development and transport improvements for the centre concerned. It indicates the means by which the council is responding to changes in land uses including higher density, mixed use development where appropriate, and to future transport investment (roading and PT) and PT service improvements.

A more market driven approach which results in a reduction in parking associated with new developments will increase pressure on on-street parking. These should be anticipated and measures identified and implemented which will ensure on-street parking is prioritised for short stay parking, and residential areas are protected from any spill-over of commuter parking.

CPMPs would also enable developers to be fully informed of the future parking supply and management regime applying to the centre. This could help give developers the confidence to put forward developments with a more innovative approach to parking.

A further important function of CPMPs is to integrate the supply and management of parking for the centre with planned improvements to the passenger transport system serving the centre. This will assist in giving ARTA confidence that the council will ensure that PT improvements are supported by changes in the supply of long stay parking.

CPMPs can also be the vehicle for setting out the criteria that would be used to assess applications for commercial parking buildings and for applications for parking above the maximum standards set out in the district plan.

5.7.2 CPMP Guideline

Policy Action 7.2 - Prepare a guideline on the appropriate content of Comprehensive parking Management Plans.

Responsibility: ARC and ARTA in consultation with the TAs

The preparation of a guideline would assist in clarifying the scope and content of the CPMPs and in ensuring a consistent approach throughout the region.

5.7.3 Distinguish Short and Long Stay Parking

Policy Action 7.3 - Clearly distinguish between short stay and long stay parking in developing parking plans and policies for centres.

Responsibility: TAs

Short stay and long stay parking have different functions and are subject to different parking supply, management and pricing policies. They should be treated separately in developing plans and policies for centres. Where possible, parking standards should also differentiate between short stay/visitor/operational parking and long stay/employee parking.

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5.8 Policy 8: Prepare Regional Plan for Implementation of Park and Ride Facilities

Encourage the development of park and ride facilities that are consistent with the region's strategic direction and policies.

Park and ride can reduce congestion by diverting car trips to public transport during the peak commuter periods. It can reduce the demand for parking at the destination thus freeing space for other uses and reducing development costs.

By encouraging greater use of public transport and reducing car usage on the more congested parts of the road network, park and ride can improve the overall use, efficiency and safety of the transport network and reduce the environmental effects of car travel.

It can be particularly effective with travel to high activity centres, such as the Auckland CBD and the major sub-regional centres, where parking can be relatively expensive and which are relatively well served by public transport (PT). Park and ride can, therefore, be part of a package of measures which includes parking management and higher PT service frequency and quality improvements.

Park and Ride can be an appropriate solution in low density, high car ownership suburban areas, where it is not cost effective to provide attractive levels of PT service.

5.8.1 Location

Policy Action 8.1 - Park and ride facilities should be located:

- in advance of areas experiencing major traffic congestion;
- where they are well served by local roads of district arterial classification or higher;
- to avoid the potential negative impacts on sustainable land use development;
- where there is a quality, direct, relatively frequent passenger transport link between the park and ride site and the destination. (The total trip should be "competitive" with the use of the car taking into account total travel time, out-of-pocket expenses, reliability, comfort etc.)

Park and ride should not be located adjacent to stations or interchanges in centres where transport oriented development is planned unless the parking is viewed as an interim use retaining the land for future (high density) development.

Responsibility: ARTA in cooperation with TA's

It should be ensured that the proposed facility is compatible with the area in which it is to be located.

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5.8.2 Facilities

Policy Action 8.2 - Park and Ride facilities should be secure with good lighting CCTV or direct surveillance, help points etc. and provide shelter, seating, rubbish bins, timetable information and maps. Walking access to the passenger transport service from the parking area should be convenient and feel safe. Bike and ride should be encouraged.

Responsibility: ARTA

5.8.1 Provision of Park and Ride Facilities

Policy Action 8.3 - Identify, in accordance with the above guidelines, the park and ride facilities that should be implemented in the next 10 years and in the longer term, and incorporate these in the appropriate planning documents

Responsibility: ARTA in cooperation with TAs

5.8.2 Funding

Policy Action 8.4 - Work with central government agencies to ensure that the funding of rail park and ride is placed on the same footing as the funding of bus and ferry park and ride.

(Responsibility: ARTA in partnership with the ARC)

The costs of acquiring the land, building the facility and operating and maintaining it are met by the territorial authority concerned supported by funding from the National Land Transport Fund through applications to Land Transport NZ. For rail-based park and ride, however, the division of responsibilities between ONTRACK, the national rail infrastructure agency, and Land Transport NZ has resulted in funding for new rail park and ride facilities being much more difficult to obtain than bus or ferry park and ride. This situation needs resolution.

5.8.3 Charging for Use

Policy Action 8.5 - Identify the circumstances, if any, under which charges should appropriately be applied at park and ride facilities, and the use that should be made of the resulting revenues

(Responsibility: ARTA in partnership with the ARC)

While park and ride can generate revenue in the form of additional fares, it increases overall transport subsidy requirements. Parking is, however, free of charge as the policy is to encourage use of park and ride and charges are seen as a potential disincentive.

The costs of security at the two North Shore Busway stations including manned surveillance are met by the North Shore City Council. The costs of rail station security, which includes CCTV surveillance plus help points, are met by ARTA.

Looking to the future, it may be appropriate to introduce charges to meet the costs of providing security at park and ride facilities.

There may also be a case for introducing charges at some locations where demand exceeds supply, a situation which arose on the North Shore even before completion of the Northern Busway. Such charges could help ration use and could help fund construction of a parking structure to increase the parking supply.

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5.9 Policy 9: Provide Public Parking Facilities that Encourages Alternatives to the Single Occupant Car

Advocate the use of public parking facilities to encourage carpooling, vanpooling and cycling.

5.9.1 Bicycle Parking

Policy Action 9.1 - Incorporate the Bicycle Parking Standards that are included in the Regional Cycle Plan into the district plans.

Responsibility: TAs

Bicycle parking should be placed on the same footing as car parking through the provision of bicycle parking standards in district plans.

Guidelines for Bicycle Parking Requirements in New Developments have been developed by ARTA in consultation with the ARC and the Territorial Authorities for inclusion in the Auckland Regional Bicycle Parking Plan³. Appropriate aspects should be incorporated into district plans.

5.9.2 Preference for Bicycle, Carpools and Vanpools in Public Parking Facilities

Policy Action 9.2 - Give preferential treatment to carpools and vanpools in public parking facilities (including park and ride facilities)

Responsibility: TAs supported by ARTA

Public parking facilities can be used to encourage carpooling and vanpooling by giving incentives such as reduced cost or free parking or other forms of preferential treatment. Some form of funding mechanism may be required to compensate for any potential loss of income.

Policy Action 9.3 - Provide free, secure parking for bicycles in public parking facilities.

Responsibility: TAs

The provision of bicycle parking in public parking facilities encourages cycling by placing bicycles on a more level playing field with cars.

³ These are available on ARTA's web site at \Cycle parking facilities, land use and transport guidelines

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5.10 Policy 10: Communicate the Need for Change

Communicate more effectively to the regional community **regarding the need for, and benefits of parking management strategies that integrate parking with broader land use and transport objectives**, to generate support for the changes that are necessary for a more sustainable future.

Policy Action 10.1 - Develop and implement a parking management communications strategy which includes the following:

- the need to manage parking within centres to bring it in line with broader objectives including reducing dependence on the private car and encouraging more use of passenger transport, particularly for the trip to work
- the importance of controlling parking on arterials

Responsibility: ARC in cooperation with TA's

There is general support across the region for reduction and, where appropriate, the removal of on-street parking on arterial roads. In addition, there is a need which will increase over time for councils to be more pro-active in the management of parking in centres, both on-street and off-street, as part of a package of measures.

The introduction of on-street parking controls is often controversial and sensitive both in commercial and residential areas. There is a widespread view that expectations and attitudes to parking are an obstacle to change. People often expect to be able to park for free at or near their place of employment and may consider that they have a right to be able to park on street even on arterial roads.

Councils may be reluctant to impose or extend such restrictions, particularly as they may come under strong resistance from residents and businesses affected by such measures

This indicates a need to communicate more effectively regarding the need for, and benefits of removing parking on arterials and managing parking within centres to bring it in line with broader objectives including reducing dependence on the private car and encouraging more use of passenger transport, particularly for the trip to work.

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GLOSSARY OF TERMS

- **Centres** refer to areas that have an agglomeration or mix of compatible activities. These activities provide a focus for the community through the provision of social and physical infrastructure and access to housing, employment and recreational needs.
- **High density centres (HDC)** refer to centres identified for intensive growth in the Regional Policy Statement. A HDC means specific localities selected for urban intensification due to physical or locational characteristics that include the intensity of existing development, the locality's generation of, or association with, significant transport movements, and the locality's capacity for further growth
- **Business Areas** are areas of employment that focus on production, including manufacturing, fabricating, processing, storage of goods, servicing and repair and with some associated commercial activities
- **Long stay parking** refers to parking for a period of **4 hours or more**. The availability, management and price of long stay parking influences travel choice by commuters.
- **Short stay parking** refers to parking for a period of **less than 4 hours** and is important for people visiting a centre or location for shopping, personal business or for leisure purposes.
- **Operational parking** refers to parking needed for the successful operation of a business. It includes parking for company vehicles used for business purposes during the day, and parking for business visitors/customers.
- **Residential parking** is parking associated with residential developments.
- **Private non-Residential or Commercial parking** is parking associated with developments such as offices, industrial developments, supermarkets and shopping centres and so forth.
- **On-street parking** is managed by the relevant road controlling authority, either City or District Councils or Transit New Zealand in the case of state highways. The road controlling authorities determine the parking controls and any charges.
- **Public off-street parking** refers to public parking in surface lots or parking buildings. The parking lot or building may be owned and managed by the public sector or the private sector, or may be owned by the public sector and managed by the private sector. Where the council owns it, the council generally sets the parking charges (if any) and the length of stay.
- **Shared parking** is the use of parking spaces for two or more different land uses at different times rather than each having their own parking spaces, e.g. office use during the day and restaurants in the evenings.
- **Early bird parking** is discounted public long stay parking available to vehicles arriving before a certain time, typically 9:00 or 9:30 on weekdays.

- **Leased parking** is parking leased to an individual or company for their exclusive use during a specified time period.
- **Optional leased parking** is leased parking which is not provided as a requirement of a resource consent for the parking facility concerned, but is provided at the discretion of the parking facility operator
- **Park & Ride** is the provision of parking facilities at appropriate rail stations, transport interchanges or bus stops, particularly in suburban and urban fringe areas, to encourage and facilitate passenger transport use. It can also be used to encourage ridesharing (carpooling/vanpooling). Park & Ride can be associated with bus, rail or ferry services.

APPENDICES

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APPENDIX A - ARLTS Parking Policy:

Ensure that the planning and management of parking resources in the region supports the region's land use and transport outcomes

Parking facilities are key elements of the regional transport system. All motorised journeys begin from and end at parking places. Well-managed parking facilities are essential to achieve the region's transport outcomes. The way they are managed may reduce congestion, encourage the use of more sustainable modes of travel and improve safety and environmental sustainability, particularly in densely developed town centres and commercial areas that are the growth centres of the regional and national economy.

- 3.4.1 Achieve a balance between the provision of car parking and managing peak period traffic demands in areas of high parking demand such as the Auckland CBD and other regional centres. This should include consideration of parking ceilings in these areas. (ARC, ARTA & TAs)
- 3.4.2 Support the development of the region's public transport and active mode outcomes through appropriate parking policies and measures. This includes parking measures to influence the travel decisions of commuters through pricing and the planning and management of parking supply. (ARC, ARTA & TAs)
- 3.4.3 Support the region's travel demand management outcomes through appropriate parking policies and measures. This will include developing parking management measures, including parking restraint, to complement travel demand management initiatives and improvements to the passenger transport network. (ARC, ARTA & TAs)
- 3.4.4 Support the implementation of the Regional Growth Strategy land use outcomes through appropriate parking policies and measures. To facilitate this policy a better understanding of the dynamics of parking in areas of intensification and its consequential impacts is needed. (ARC, ARTA & TAs)
- 3.4.5 Effectively manage the short-term parking requirements around the region's activity/commercial centres. In areas of high activity the highest priority should be given to short-stay non-residential parking. The provision of long-stay parking should be planned and, if necessary, appropriately priced in areas of lower demand or activity. (ARC, ARTA & TAs)
- 3.4.6 Develop a Regional Parking Strategy to provide regional policy direction on all parking issues including a regional policy position for the provision of park and ride facilities (ARC, ARTA, and TA's)

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APPENDIX B - Public Transport Accessibility Level (PTAL) Approach to Setting Parking Standards

PTAL indices are mapped across London by Transport for London. The scores go from 1 to 6, with 1 representing the worst PT access and 6 the best PT access condition. All of central London is assumed to be PTAL 6.

PTALs are now being applied in London to determine the appropriate parking standards. The London Borough of Bromley groups its maximum non-residential parking standards according to the development type and PTAL. It uses three public transport accessibility levels, namely Low, Medium, and High. Some uses such as food superstores (GFA>4,000m²), and non-food warehouse and offices are not normally permitted in areas with low PT accessibility. Industrial and storage & distribution uses are not normally permitted in areas with high PT accessibility.

Maunsell/Aecom has developed an accessibility approach to the City of Sydney's maximum parking standards for potential application by the City. The proposed approach links parking standards for commercial uses with defined PTAL levels (low, medium, high and very high) for both peak and off-peak travel periods.

For residential accessibility in central Sydney Maunsell/Aecom has proposed the application of a Land Use Transportation Index (LUTI). The LUTI (again classed as low, medium, high or very high) is calculated based on the PTAL and the Neighbourhood Service Level (NSL). The NSL is a measure of walk accessibility to weighted core services such as a shopping centre or supermarket within 400m.

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APPENDIX C - Relating Parking Standards for Office Developments to PT Use

The following calculation, derived initially from calculations for New Lynn in the HYC High density Centre Parking Study [], gives a basis for determining the potential impact of increasing use of passenger transport for the trip to work on the appropriate parking standard.

The 85% employees coming by car is a 2001 figure and the 75% car modal split is an assumed rate for, say, 10 years hence.

Assume 10,000m² office space with an average of 25m² per employee. This gives 400 employees.

Assume 85% travel to work by car at an average of 1.2 persons per car. This gives a parking requirement of 283 cars or 1 car per 35m² GFA.

At a modal split of 75% by car, the number of cars reduces to 250 and the parking demand to 1 space per 40m².

A reduction to 60% by car reduces the parking demand to 1 space per 50m².

Note: These figures do not include visitor parking. They also do not take into account the availability of other long stay/commuter parking in the area concerned.

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Parking Adjustment Factors

The table below lists some parking adjustment factors which should be incorporated into the discretionary process for exceptions to regulatory limits on parking supply.

Category	Factor	Typical Adjustment
Pricing	Pricing	Reduce parking supply 10-30% where parking is priced
	Shared parking	Varies depending on availability in vicinity, but can reduce parking supply 5-40% where shared parking is available
Workplace travel plan	Unbundled parking	Reduce parking supply 10-30% where parking is unbundled
	Parking and mobility management	Reduce parking supply 10-40% at worksites with well-planned parking and mobility management programs
	Car-sharing	Reduce residential and commercial parking supply by 5-10% if a car-sharing service is located within 750m
Contingency based planning	Workplace travel plan	Reduce commercial parking supply by 10-20% where workplace travel plans are implemented
	Contingency based planning	Reduce parking supply based on the projected effectiveness of parking strategies, such as overflow parking plans
Transport	PT accessibility	Reduce parking supply 10% for housing and employment located within 750m of frequent bus service, and 20% for housing and employment located within 750m of rail transit station
	Active mode accessibility	Reduce parking supply 5-10% in walkable communities, with additional reductions if walking improvements allow more shared and off-site parking
Availability of end of trip facilities	Availability of end of trip facilities	Reduce commercial parking supply by 5% where end of trip facilities are available, such as showers and lockers are available
	Availability of parking	Reduce parking supply depending on the surplus of parking available in surrounding area. The magnitude of effect of this strategy is highly site specific
Geographic	Travel patterns	Adjust parking supply to reflect variations in vehicle ownership and trip rates in area
	Residential density	Reduce parking supply by 2.2% for each resident per hectare
	Employment density	Reduce parking supply 10-15% in areas with 120 or more employees per gross hectare
Demographic	Land use mix	Reduce parking supply 5-10% in mixed use developments, with additional reductions if parking resources are shared
	Type of land use	Reduce parking supply in response to the type of land use and demographic profile of the target market
Income	Mobility	Reduce parking supply by 20-40% for housing or developments designed to serve young, elderly, or disabled users
	Income	Reduce parking supply 10-20% for the lowest 20% income households and 20-30% for the lowest 10% income households
Housing tenure	Housing tenure	Reduce parking supply by 20-40% for rental versus owner-occupied housing

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PART C - ENVIRONMENTAL MANAGEMENT

1 DETERMINATION REPORT – REVIEW OF THE CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2003

GLOSSARY

Control of Liquor in Public Places Bylaw 2003 (the bylaw 2003)

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Planning and Regulatory Committee to commence the review of the Control of Liquor in Public Places Bylaw 2003 (the bylaw 2003), to determine whether a bylaw is the most appropriate way of dealing with the perceived problem of alcohol related issues within the City, pursuant to section 155 of the Local Government Act 2002.

BACKGROUND

Section 147 of the Local Government Act 2002 gives local authorities specific power to make a bylaw for liquor control purposes. In addition, the general bylaw making powers contained within Section 145 of the Local Government Act 2002 allow local authorities to make bylaws for one or more of the following purposes:

- (a) protecting the public from nuisance
- (b) protecting, promoting and maintaining public health and safety
- (c) minimising the potential for offensive behaviour in public places.

A4-A6

In November 2003, Council adopted the Control of Liquor in Public Places Bylaw 2003, (copy attached at pages A4 to A6). The bylaw introduced a summer holiday period liquor ban in areas of Piha in response to Council, community and Police concerns about ongoing problems caused by the consumption of alcohol at Piha during summer months.

The bylaw also permits Council to impose 'Special Event Liquor Bans' when satisfied that the benefit of the ban outweighs any disadvantage to members of the public. This provision has been used successfully to prohibit the consumption and possession of alcohol at particular summer concerts held within the City.

Council officers and the Police report that the holiday ban at Piha has discouraged unacceptable behaviour associated with, and resulting from, alcohol consumption. The existing bylaw does not expire under the provisions of the Local Government Act 2002 until November 2008. Any extension to the current bylaw would enable consideration of incorporating a continued liquor ban at Piha.

Other areas within the City have been identified by Council officers, Police and community associations as experiencing alcohol related problems. An analysis of Police intelligence has been undertaken, and this has identified that the three central business districts of Henderson, Glen Eden and New Lynn are of particular concern.

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Because of the high incidence of alcohol related offending in these areas, a working party was established consisting of Safe Waitakere representatives, Police, Maori Wardens and ACC. The group formulated a range of strategies under the heading of "Project Respect" and obtained financial support from the Ministry of Justice for local initiatives. These initiatives have been highlighted for the Committee's information and are attached at pages A7 to A10. One of the initiatives identified was to explore the possibility of an alcohol ban in key areas of the city.

It is clear that a legal power exists to make a bylaw for the purposes of controlling liquor in public places pursuant to Sections 147 and 145 of the Local Government Act 2002. The Committee must now determine whether a bylaw is the most appropriate way of addressing the perceived problem pursuant to Section 155(1) of the Local Government Act 2002.

The extension to the bylaw, if any, will be used as an additional tool, in conjunction with other non-regulatory measures being planned.

STRATEGIC CONTEXT

The initiative is directly aligned with Council's strategic priorities of Safe City and First Call for Children, and Council's strategic platform of Strong Communities; supporting the health and wellbeing of the City's residents, building community pride and local identity. It also aligns with the City Wide Alcohol Strategy, adopted by Council in July 2005.

ISSUES

As indicated, Section 155(1) of the Local Government Act 2002, requires that local authorities must determine whether a bylaw is the most appropriate way of addressing the perceived problem. In order to determine whether a bylaw is an appropriate response to the perceived problem, the first step has been to establish just what the actual problem is. Comments by the Police and community indicate that drinking in public places raises issues of annoyance and intimidation for members of the public, anti-social behaviour, littering, vandalism, under age drinking and violence. The Police will be presenting their analysis and recommendations to the Committee during consideration of this report.

In summary, there is ample evidence to show alcohol is a primary cause of disorderly behaviour and criminal offending both in public places and elsewhere. Alcohol consumption in public places is also often associated with increased problems of littering and vandalism. The presence of alcohol can also have an intimidating effect on other people using the public space for recreational and business purposes.

The Police statistics indicate that those who drink alcohol in public places are predominantly young people under the age of 25. In Waitakere, many of these young people have increasingly sought to congregate in high visibility town centre locations. When the Police arrive at the scene the behaviour is toned down, alcohol is hidden or the adults claim ownership. Police will arrest individuals if there is sufficient evidence of a substantive offence, such as supplying alcohol to a minor or behaviour type offences (disorderly behaviour, offensive language, intimidation, fighting, wilful damage), or offences under the Litter Act. Often, however no substantive offence is detected and groups also modify their behaviour in the presence of the Police. Acts of violence, intimidation or harm then occur after the Police have left the area.

The outcome sought is to lessen the impact of alcohol consumption in those public places identified by the police as areas where drinking and offending is a noticeable problem. The aim is to reduce anti-social and offensive behaviour and increase the safety (and perception of safety) for members of the public.

CONSULTATION

Pre-Consultation Results

As part of the pre-consultation on the issues of alcohol related offending in public places, a survey was recently conducted at the Waitakere fireworks display held at The Trusts Stadium on 3 November 2007. The survey was conducted utilising the new "Touch Pole" technology which involves the use of interactive computer tablets. The results of the survey indicate strong support for permanent 24-hour liquor bans across the City, including parks, beaches and town centres.

A phone survey of 300 people was undertaken recently and the results of that survey indicate strong support for liquor bans as a means of controlling alcohol related behaviour.

A11-A39

A copy of both reports are attached at pages A11 to A39.

City Wide Alcohol Strategy

The extension of liquor bans within Waitakere was discussed at length through the consultation process employed when drafting the City Wide Alcohol Strategy. The City Wide Alcohol Strategy, which was adopted by Council in 2005, specifically outlines the following:

4. Problem Limitation

- *Support community initiatives that focus on reducing alcohol – related crime and safety issues in areas where liquor bans have been requested.*
- *Implement and review the Control of Liquor in Public Places Bylaw 2003.*

The Licensing Trusts

Discussions relating to liquor bans within the town centres have been held with the management of the Portage and Waitakere Licensing Trusts on several occasions. The Trust management have indicated their support for implementing liquor bans as a tool to restricting drinking in public places, and specifically town centres.

Community Boards

The option of extending the bylaw 2003 to key hot spot areas within Waitakere was presented to all the Community Boards. The Community Boards have indicated that drinking in public places and the associated problems was an issue raised by the public within their respective wards on numerous occasions, and therefore they supported the extension of the bans into key hot spot areas within Waitakere.

Police

A40-A72

Extensive consultation with Police has taken place over this issue; they have requested that Council consider the implementation of liquor bans throughout Waitakere. The Police will be presenting a separate report to the Planning and Regulatory Committee at this meeting outlining alcohol related crime statistics and their support for the bylaw extension. A copy of the Police report is attached at pages A40 to A72.

Henderson Business Association

The Henderson Business Association have indicated their support for the introduction of a liquor ban within the Henderson town centre. On 23 April 2007, a public meeting was hosted by Mayor Bob Harvey in response to concerns raised by their members.

OPTIONS

Extend the Bylaw

- The Police would acquire additional powers under Section 169 of the Local Government Act 2002 to search containers and vehicles, seize and remove liquor and arrest those committing an offence or persons who refuse to leave the public place or surrender their alcohol. It effectively gives the Police a pre-emptive strike option. These powers exist for the Police in Piha during the seasonal months and would be applicable to any areas included in an extension to the bylaw.
- Early intervention and removal of alcohol is seen as reducing the likelihood of disorderly behaviour and criminal offending. It also increases the perception of safety so people using public areas subject to a liquor ban may feel more comfortable and more likely to return.
- Licensed premises and private property would not be affected. People purchasing liquor from outlets within a liquor ban area, or transporting alcohol across the area, are not affected either, pursuant to Section 147(3) of the Local Government Act 2002. Further street trading (dining) within a licensed area on the streets will also not be affected.
- If it was proposed that the liquor ban should cover parks and recreation areas, then families who wish to consume alcohol whilst picnicking could potentially be affected. That effect could be minimised if for example the ban was limited to specific periods, such as between 8pm and 8am.
- One risk of extending the bylaw is that problem areas are simply displaced. Groups of drinkers may simply move outside the ban area. Whilst this is a real risk, the bylaw still removes the problem of alcohol consumption in areas of high visibility and public use.

Do nothing (retain the status quo)

Whilst the current liquor control bylaw is effective in Piha during the summer months and for special events, it does not address alcohol related problems evident in areas of the City identified by the Police. If the bylaw is not extended to cover those additional areas then the options are:

- (a) Public education campaigns. There are benefits in pursuing this option, but it is unlikely to have an obvious positive effect in the short term.

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- (b) Support for increased Police numbers in the City providing increased visibility and action where appropriate. The Police have already increased their presence in the town centres and as discussed above, do take action where there is evidence of a substantive offence.
- (c) Patrols by community associations/Maori Wardens. Again this option increases the visibility of an 'official' presence in hotspot areas. Without giving these persons power under a bylaw (as Enforcement Officers) they are largely powerless. Furthermore, they could be exposed to unacceptable safety risks.

The Resource Management Act 1991 is not able to respond to this type of problem. There is no other regulatory mechanism available to address the issues without an Act of Parliament. Parliament has indicated that if a local authority determines that there is a need to control alcohol in public places, then a bylaw under Section 147 of the Local Government Act 2002 is the appropriate means to do so.

SUMMARY

If the Committee are persuaded that there is a need to control alcohol in town centres and perhaps elsewhere within the City, then the analysis undertaken confirms that the most appropriate way to do so is by means of a bylaw. Initial feedback from the Community Boards and the public has been overwhelmingly supportive of such action. The proposed extension to the current bylaw is in accordance with Council's strategic document: "Waitakere City Council City Wide Alcohol Strategy, Minimising Alcohol Related Harm and Promoting Safe Alcohol Environments in Waitakere City". The proposed extension to the bylaw will be used in conjunction with a range of multi pronged, best practice approaches, as outlined in the Strategy.

The next step is for Council officers to prepare a draft bylaw for the Council's consideration. In order to do so, those public areas within the City where there is a demonstrable need for control must be thoughtfully defined. Thought must be given not only to location, but also to hours of operation and days of the week for which the ban should apply. Further, more detailed Police statistics may be required. It may, for example, be appropriate to impose a 24 hour ban in some areas such as town centres, but no demonstrable need to do so in other areas. It is important that these matters are considered carefully. It is incumbent upon Council, pursuant to s.155 Local Government Act 2002 to be satisfied that the proposed bylaw is the most appropriate approach and that it does not contravene provisions in the New Zealand Bill of Rights Act 1990.

RESOURCES

The costs associated with the implementation extend to promulgating the bylaw, including the special consultative procedure, public notification and signage costs. The actual costs associated with the bylaw will depend on the number of locations identified for implementation. Any such costs will be reported to the Committee for their consideration, as part of the final determination report.

There are no additional resource implications for Council as the Police would enforce the bylaw.

AGS

CONCLUSION

This report concludes that Council has a specific legal power to make a bylaw for liquor control purposes pursuant to Section 147 of the Local Government Act 2002.

Further consultation with the public is required to explore the issues outlined, and to determine the most appropriate way of progressing solutions. If the Committee agrees with the recommendation that a bylaw is the most appropriate method of addressing the perceived problem, then Council officers in consultation with the Police will prepare a draft updated bylaw together with a draft Statement of Proposal and Summary of Information for discussion at a future Planning and Regulatory Committee meeting.

RECOMMENDATIONS

1. That the Determination Report – Review of the Control of Liquor in Public Places Bylaw 2003 report be received.
2. That Council officers be directed to engage in the required consultation to explore the issues raised in this report, and canvass views on the options to address these issues including the appropriateness of a review of the Control of Liquor in Public Places Bylaw 2003, and report back to the Planning and Regulatory Committee on the outcome of that consultation.

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