



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 17 August 2023
Time:	9.00a.m. - to DELIBERATE on Submissions to Traffic and Parking Bylaw
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson

Deputy Mayor

Members

His Worship the Mayor Nick Smith

Councillor Rohan O'Neill-Stevens

Cr Matty Anderson

Cr Matthew Bengé

Cr Trudie Brand

Cr Mel Courtney

Cr James Hodgson

Cr Kahu Paki Paki

Cr Pete Rainey

Cr Campbell Rollo

Cr Rachel Sanson

Cr Tim Skinner

Cr Aaron Stallard

Quorum 7

Nigel Philpott
Chief Executive

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436

Karakia and Mihi Timatanga

1. Apologies

An apology has been received from Councillor R O'Neill-Stevens

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Draft Traffic and Parking Bylaw - Deliberations Report

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Document number R27450

Recommendation

That the Council

1. ***Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and***
2. ***Approves any amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989); and***
3. ***Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and***
4. ***Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989); and***

5. ***Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).***

Karakia Whakamutanga

Draft Traffic and Parking Bylaw - Deliberations Report

1. Purpose of Report

- 1.1 To provide information to assist Council in its deliberations on the Draft Traffic and Parking Bylaw 2023 (the Draft Bylaw).
- 1.2 To adopt the Traffic and Parking Bylaw 2023.

2. Summary

- 2.1 The current Parking and Vehicle Control Bylaw 2011 (Bylaw 207) regulates parking and vehicle control in Nelson. It will expire on 3 November 2023. Council proposes to replace it with the Draft Traffic and Parking Bylaw 2023, which has recently been consulted on.
- 2.2 This report is to assist the Council with its consideration of the written and verbal submissions received during the consultation process, and to decide what changes to make to the Draft Bylaw before adoption.

3. Recommendation

That the Council

1. ***Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and***
2. ***Approves any amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989); and***
3. ***Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and***
4. ***Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989); and***

5. Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).

4. Background

- 4.1 On 13 April 2023, the Council approved a Statement of Proposal for Adoption of a New Traffic and Parking Bylaw.
- 4.2 Public consultation was undertaken from 2 May 2023 to 2 June 2023, and a Council hearing on the Draft Bylaw was held on 23 June 2023, in accordance with a special consultative procedure.
- 4.3 A summary of the submissions is appended as Attachment One. Full submissions were presented at the hearing and can be found here: http://meetings.nelson.govt.nz/Open/2023/06/CL_20230623_AGN_5920_AT.PDF

5. Discussion

Draft Bylaw

- 5.1 The Draft Traffic and Parking Bylaw 2023 is included as Attachment Two to this report.

Submissions

- 5.2 A total of 73 submissions were received on the Draft Bylaw (including two from the New Zealand Motor Caravan Association). Six submitters spoke at a hearing on 23 June 2023. There were three other submitters on the original hearing schedule, but they did not present an oral submission.
- 5.3 The key issues raised in the feedback are broadly summarised in the following table and discussed in this report.

Bylaw Clause	Topic	Responses
-	The general approach for the overall proposal	8
39	Long-term parking of motor homes	48
37	Parking on berms	22
33	Time restricted parking zones	13
22	Restricting use of wheeled recreational devices on footpaths	11

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Bylaw Clause	Topic	Responses
38	Parking for display or sale	6
20	Shared paths and cycle paths	1
5	State highways	4
25	Vehicle crossings	2
40	Repairs on vehicles	4
24	Engine braking	4
23	Cruising	4
-	Other matters	40

6. Overview

6.1 Eight submissions noted they generally supported the Draft Bylaw in whole. Restricting long-term parking of motorhomes on roads attracted the most responses from submitters, followed by proposed restrictions on car parking on berms. In addition, the use of wheeled recreational devices on footpaths was a significant issue for some submitters.

Long-term parking of motorhomes on the road

6.2 Clause 39.1 of the Draft Bylaw states that a person must not park a motorhome, heavy goods vehicle, immobilised vehicle or trailer on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.

6.3 The Council currently enforces Clause 6.19 of the Land Transport (Road User) Rule 2004 which restricts parking of trailers on the road to a maximum of seven days. The proposed bylaw sought extension of this principle to include motorhomes and heavy goods vehicles.

6.4 Of the 48 submissions on this topic, 30 opposed this proposal, 12 supported it, and six discussed alternative approaches, or made other comments. James Imlach of the Motor Caravan Association and Andy Corbin also discussed this topic at the hearing.

6.5 Matters raised by submitters who were opposed to this provision included lack of on-site capacity to park motorhomes on many residential properties, recognition that the impacts of motorhomes parking on the street were similar to that of SUVs and other large vehicles, and a preference for case-by-case restrictions on motorhomes causing safety issues. Submissions in support of the provision noted traffic safety and access issues caused by motorhomes parked on the street.

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Officer comments

- 6.6 The proposed rule aimed to address safety concerns of large vehicles parked on roads creating sightline issues for other road users. The seven day time period was designed to be consistent with the existing rule restricting trailer parking Clause 6.19 of the Land Transport (Road User) Rule 2004 and avoid impacts on other vehicle users, including drivers of delivery vehicles in the course of business.
- 6.7 Access to parking on public roads is expected to become more contested in future, particularly as the National Policy Statement on Urban Development does not allow Council to set minimum on-site parking requirements for new developments.
- 6.8 Restricting long-term parking on the road by motorhomes, heavy goods vehicles, immobilised vehicles and trailers would help to protect roads against their use for long term storage of items (including vehicles) that cannot fit on private property.
- 6.9 Other options (outside of the Bylaw process) to manage this parking demand could include:
- Private enterprise providing more long-term parking or storage facilities for rent or purchase; or
 - Council making decisions on where long-term parking of motorhomes might or might not be permitted on selected roads (this would require a new process of consultation).

Officer recommendation

- 6.10 Officers recommend that on balance considering the submissions, Council delete clause 39, which would allow motorhomes, heavy goods vehicles and immobilised vehicles to park within the rules of the Bylaw like any other vehicle. Trailer parking would continue to be enforced under Clause 6.19 of the Land Transport (Road User) Rule 2004.

Parking on berms

- 6.11 Clause 37.1 of the Draft Bylaw restricts parking of vehicles on any part of a berm, kerb, verge, lawn, garden, or other cultivation adjacent to, or forming part of, a road. This is a change from the current Bylaw, which only prohibits parking on berms where signage has been erected.
- 6.12 Council received 22 submissions on this topic, with 13 opposing and eight supporting it, and one submission providing a comment. The Tāhunanui Business and Citizens Association also discussed this proposal at the hearing, raising concerns about impacts of this restriction on car parking capacity in Tāhunanui Reserve during peak periods.
- 6.13 Many of the people who opposed this proposal were concerned about the traffic safety impacts of cars parked on the side of narrow roads instead

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of on berms. Others said parking on berms shouldn't be regulated if no damage was occurring.

- 6.14 The people who supported restrictions on parking on berms said this approach brought Nelson into line with other places in New Zealand, and that parking on berms causes damage, and can contribute to cracked and bumpy footpaths and limit/prohibit access for all users but particularly those using mobility devices and those suffering and impairment. This is a particular concern for Blind Citizens NZ Nelson Branch (Submission 72).

Officer comments

- 6.15 Submitters' safety concerns related to narrow roads need to be considered alongside recognition that parking on berms also creates a safety and access hazard. Vehicles which are driven across footpaths to park on berms can break the paving of footpaths, creating an uneven surface for less able people to negotiate. Vehicles parking on berms can also impact on people's use of footpaths in high demand areas.
- 6.16 Restricting parking on berms was also designed to protect road infrastructure including kerbs, buried infrastructure, and tree roots. Clause 6.2 of the Land Transport (Road User) Rule 2004 provides that "*a driver...in charge of a vehicle must not stop, stand, or park the vehicle on a roadway if he or she can stop, stand, or park it on the road margin without damaging ornamental grass plots, shrubs, or flower beds laid out or planted on the margin.*" However, this clause does not apply if the road controlling authority provides signs or markings or make a bylaw providing for a different requirement.
- 6.17 Parking in reserves (including Tāhunanui) is already restricted by Clause 7.3 of the Amended Urban Environment Bylaw. However, that Bylaw lacks the enforcement powers under the Land Transport Act 1998 that will apply to provisions in the Traffic and Parking Bylaw.

Officer recommendation

- 6.18 Officers recommend that Council adopts clause 37 as proposed.

Time and payment restricted parking zones

- 6.19 The provisions under Clause 34 of the Draft Bylaw do not create any new time limited or payment zones. Instead, they clarify that if someone re-parks in the same car park or the same parking zone within a 30-minute period, then they are deemed to have remained parked in the zone throughout that time. If someone leaves a parking zone for more than 30 minutes and then returns, all time restrictions and fees will start fresh when they re-park.
- 6.20 Clause 34.4 is relevant to the resolution the Council made under the current Bylaw in 2014 in relation to the 1 hour free parking. The more recent temporary resolution made in June 2023 for free parking between 3.00-5.00p.m. would not be affected by the clause, because parking is

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free after 5.00p.m. Staff consider this clause could be amended further to better reflect that any free parking period also does not start again when someone reparks their vehicle.

- 6.21 Seven submitters opposed these provisions. However, three of these people misinterpreted the provisions as being a reduction to only 30 minutes of free parking. Three submitters supported the provisions.
- 6.22 Two submitters commented on the other aspects of time-restricted parking zones:
- One person opposed increasing time-restricted parking to outlying areas around Nelson because it impacts on their role as a care worker, as they need to park outside community housing.
 - One person supported reducing all day parking areas in the inner city and periphery to make active travel modes more attractive.

Officer recommendation

- 6.23 Adopt clause 34 as proposed, with a minor amendment to clause 34.4 to reflect any free parking resolutions as shown below in yellow highlight. Clause 34 defines how the time restrictions apply when drivers move their vehicles to other spaces within the time limited parking zone.

"For clarity, if a vehicle leaves a parking space within a time restricted parking zone and re-parks in the same zone more than 30 minutes after leaving, the maximum time period prescribed under clause 34.2(b) starts again from the time that the vehicle is re-parked, and any first hour free or other similar resolutions made by the Council under this clause do not apply".

Note - The Traffic and Parking Bylaw gives Council the power to make changes to parking zones – it does not direct where changes to all day parking areas will be made.

Restricting use of wheeled recreational devices on footpaths

- 6.24 Clause 22.1 of the Draft Bylaw states that Council may by resolution prohibit the use of a wheeled recreational device on any specified footpath. Clause 12 of the current Bylaw is a similar provision under which prohibitions have already been made by the Council.
- 6.25 Schedule 2 of the 2011 Bylaw prohibits the use of wheeled recreational devices in the following areas, and will continue in force under the 'savings and transitional provisions' in clause 49 of the Draft Bylaw:
- The CBD, within these streets: Nile Street, Rutherford Street, Halifax Street and Collingwood Street
 - Tāhunanui, between Beach Road and Tāhunanui Drive

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- Stoke, between Neale Ave and Main Road Stoke and the Bail Street area
- Victory Square shopping area.

- 6.26 Eleven submissions discussed this issue. At the hearing the Youth Council representatives and one submitter spoke in favour of allowing wheeled recreational devices to be used on footpaths to improve safety and avoid crashes with cars, and Blind Citizens NZ Nelson Branch representatives outlined the need for an expansion of the prohibited areas (to cover both sides of these streets) and why they would like motorised devices to be treated as vehicles, and not be allowed to use footpaths.
- 6.27 Two written submissions strongly supported bans in all of the areas listed above. In particular, the Blind Citizens NZ Nelson Branch (Submission 72) noted that adding wheeled devices to the footpath "makes shopping and leisure within these areas even more unsafe and scary for our community".
- 6.28 On the other hand, three submissions were strongly opposed to bans of wheeled devices on footpaths. In particular, the Nelson Youth Council (Submission 67) noted that scooters and skateboards are a huge part of how many young people get around. This submission said the ban is harmful to young people in Nelson by:
- preventing them from taking positive climate action
 - making it harder to get to school
 - making it harder to get to town.
- 6.29 The other six submissions recognised the need to avoid safety risks for both pedestrians and people using wheeled devices, including the submission from Nelson Marlborough Public Health (Submission 64) which provided extensive guidance on managing these issues.
- 6.30 Note that the Police (and not Council officers or parking wardens) are responsible for enforcing Bylaw provisions related to the use of wheeled devices on footpaths.

Officer recommendation

- 6.31 Adopt clause 22 as proposed.
- 6.32 In the future officers can initiate a review of the areas where wheeled recreational devices are banned. This will provide Council with an opportunity to consult with the public and to make any future changes to the areas in which restrictions on the use of wheeled recreation devices on footpaths apply.

Parking for display or sale

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- 6.33 Clause 38.1 of the Draft Bylaw does not allow a person to park a vehicle (including a trailer) on any road for the purpose of: advertising a good or service; promoting a candidate for election; or advertising, offering, or displaying the vehicle for sale, unless they have Council's prior written permission to do so.
- 6.34 Six submissions discussed this issue, with three supporting and three opposing the provision. People who were opposed to it noted:
- Parking vehicles on the road for sale should only be banned if the vehicle remains in that space for more than an hour, as vehicles often have "for sale signs" painted on.
 - This is only temporary and is no more distracting than hoardings or road signs, which are often more permanent.
- 6.35 One of the submissions in support of the restriction noted that in the age of the internet there is no need to advertise vehicles for sale on berms or parking spaces. Waka Kotahi (Submission 68) supported this proposed bylaw change, particularly if the proposed changes include the Council having the delegated authority to enforce non-compliance on the state highway.

Officer recommendation

- 6.36 Adopt clause 38 as proposed as it enables Council to take enforcement action where there are safety concerns associated with vehicles parked on the side of the road for display or sale purposes.

Shared paths and cycle paths

- 6.37 Clause 20.1 of the Draft Bylaw states that Council may by resolution determine: the length, route and/or location of a shared path or cycle path; and the priority for permitted users on a shared path or cycle path.
- 6.38 One submission commented on this provision, stating that more footpaths should have this classification to allow more use of active modes of transport.

Officer recommendation

- 6.39 Adopt clause 20 as proposed to enable Council to establish more shared paths and cycle paths in future and for the Police to take enforcement action where safety issues arise on shared paths.

Note: The minor error in Clause 20.1(a) will be corrected to read "the length, route and/or location ~~of or~~ a shared path or cycle path".

State highways

- 6.40 Clause 5.1(b) states that this Bylaw applies to those state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council, being:

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- (i) the part of State Highway 6 between Peace Grove Car Park (RS99.15120) and the Annesbrook roundabout (RS116.5509).
- 6.41 In effect, this means the Bylaw provisions apply to State Highway 6 from Peace Grove Car Park, south along Queen Elizabeth II Drive, Haven Road, Wakefield Quay, Rocks Road and Tāhunanui Drive, and Annesbrook Drive to where it connects to the Annesbrook roundabout.
- 6.42 Clause 5.2 states that despite Clause 5.1, the Council cannot use the powers in Part 3 of the Bylaw in relation to any state highways, as these are not within the scope of the powers delegated to Council by Waka Kotahi NZ Transport Agency. (Part 3 of the Draft Bylaw relates to vehicle and road use, which includes the provisions under Clauses 14 to 26).
- 6.43 Four submissions commented on the provisions under Clause 5. One supported them, and the other (Submission 13) requested more regulations to support traffic management when the State Highway is closed, and the traffic between Richmond and the Nelson CBD needs to travel through Stoke.
- 6.44 One submission (from Waka Kotahi) noted that Waka Kotahi must be formally involved if any change to regulations relating to parking is proposed for, or impacts on, state highways.
- 6.45 One submission opposed the provisions under Clause 5 because they will result in a net cost to Council.

Officer recommendations

- 6.46 Officers recommend that Council adopt clause 5 as proposed because they enable consistent regulation of parking across the city, regardless of road ownership.

Vehicle crossings

- 6.47 Clauses 25.1 to 25.11 of the Draft Bylaw relate to use and maintenance of vehicle crossings.
- 6.48 Two submitters discussed these provisions. Waka Kotahi (Submission 68) supported the whole of the vehicle crossing provisions but noted that they do not override the Waka Kotahi Limited Access Road approval process under the Government Roadings Powers Act 1989, which applies to State Highway 6 from Trafalgar Street to Lud Valley Road. Waka Kotahi will also still be involved (as an affected party) in assessing any new accesses to State Highway 6.
- 6.49 The other submission related specifically to Clause 25.7 (which gives Council the power to require landowners to upgrade vehicle crossings) and said that landowners should not have to maintain these unless it is clear that the landowner's activities, or activities on their property, have significantly contributed to the degradation of the crossing.

Officer recommendation

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- 6.50 Adopt clause 25 as proposed. The provisions of this clause provide a mechanism to follow up with adjacent property owners when vehicle crossings have been damaged, as this can create safety issues for other road and path users. (Note: Maintenance and renewal of footpaths is a Council responsibility so there is some overlap of responsibilities related to vehicle crossings).

Repairs on vehicles

- 6.51 Clause 40.1 of the Draft Bylaw does not allow people to carry out repairs or modifications to a vehicle on a road unless this is minor in nature and doesn't impede traffic or cause a safety issue; or if the repairs are necessary to enable the vehicle to be moved.
- 6.52 Four people submitted on this provision. Three supported it and one person opposed it because it unfairly punishes poor people.

Officer recommendation

- 6.53 Adopt clause 40 as proposed because it addresses safety concerns related to people working on or around vehicles on roads.

Engine braking

- 6.54 Clause 24.1 of the Draft Bylaw states that Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- 6.55 Four submissions supported this provision. One asked Council to make Tāhunanui Drive an engine braking restricted area because there are high volumes of heavy vehicles, and residents living close to the road.

Officer recommendation

- 6.56 Adopt clause 24 as proposed.

Note: Officers will follow up with Waka Kotahi and New Zealand Police about engine braking noise on Tāhunanui Drive.

Cruising

- 6.57 Clause 23.1 of the Draft Bylaw states that Council may by resolution specify any section of road on which cruising is controlled, restricted or prohibited.
- 6.58 Three submissions supported the cruising provisions, and one suggested using traffic calming measures on local roads instead of 'no cruising' restrictions (e.g. between Waikare Street and Tāhunanui Drive, Beach Road and Golf Road).

Officer comment

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Officers will consider the requests for traffic calming in specific areas through the Minor Works Programme and speed management plans.

Officer recommendation

6.59 Adopt clause 23 as proposed.

Other matters

6.60 Other matters raised in submissions are listed below, with any relevant officer recommendations and/or comments.

- Replace references to the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand' to be consistent with national legislation.

Officer recommendation: Replace all references in the Draft Bylaw from the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand'.

- Parking on public land should generally not be a free activity, and use of road reserve as private property should not be allowed to happen (two submissions).
- It should be legal for an owner to park across their own garage entrance or for a visitor to park there with the owner's knowledge and permission.

Officer comment: Parking across garage entranceways is not covered by the Bylaw. It is covered in Clause 6.9 Land Transport (road user) Rule 2004 and Council has an enforcement role.

- Council decisions on subdivisions affect the amount of space available for on-site parking – this needs to be considered when developing the Parking Bylaw.

Officer Comment: As noted earlier in this report (in relation to long-term parking of motorhomes), the National Policy Statement on Urban Development does not allow Council to set minimum on-site parking requirements for new developments.

- The driving and parking of vehicles on parks and reserves should be banned as it is already in many other NZ cities, e.g. driving and parking on Miyazu Reserve churns up the turf.

Officer comment: As noted earlier in this report parking in reserves is already restricted by Clause 7.3 of the Amended Urban Environment Bylaw. However, that Bylaw lacks the enforcement powers under the Land Transport Act 1998 that will apply to provisions in the Traffic and Parking Bylaw.

- Nelson Girls College lacks a safe drop off/pick up area. Replace the five angle car parks behind the bus stop with a loading zone, with restricted times and visitor parking outside of those times.

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Officer Comment: Parking at Nelson Girls College can be assessed and consulted on after the new Bylaw is adopted and as part of the Long Term Plan.

- The bike lanes on Vanguard and St Vincent Streets need to be reviewed nothing that they are very dangerous as cars parked between the bike lane and road obscure pedestrians and bikes from turning traffic.

Officer Comment: The St Vincent Street bike lane layout and adjacent parking is under review and any parking changes will be assessed and consulted on after the Draft Bylaw is adopted.

- Support for the provisions under Clauses 32 and 33 – other reserved parking and time restricted parking zones.
- Where it is proposed to change maximum parking times, or to establish limited parking zones, the Tāhunanui Business and Citizens Association (Submission 55) requests that meaningful consultation occurs with affected residents and businesses before the change is made and signs are erected.
- What, if any, mobility parking is proposed for the Tāhunanui business area, and how can checks be made on use of disability parks by able-bodied people?

Officer Comment: Any requested changes to the designation of Mobility Parking areas are managed through a resolution process. Restrictions can be reviewed where they are no longer considered appropriate. Council relies on the parking enforcement process, and for people to be honest, rather than monitoring who makes use of disability parking areas.

- The Tāhunanui Business and Citizens Association asked the Council to consult the community about the proposal to establish a bus interchange on Muritai Street

Officer Comment: The proposal to establish two new shelters at existing bus stops in Muritai Street will be consulted on separately.

- Opposition to any future charging for car parking at Nelson Marina.

Officer Comment: This Bylaw does not create parking restrictions at the Marina. It does however create a framework where this can be done by resolution if it is required in the future.

- A request to place warnings on parking signs stating that vehicles must remain within the marked parking area (rather than extending onto the adjacent footpath or cycleway).

Officer Comment: Officers will investigate the option of including advisory signs at the entrances to car parks to warn that parking over footpaths is an offence under the Traffic and Parking Bylaw.

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- Parking needs to be provided in Nelson, as the bus schedule doesn't suit everyone's commitments.
- Support for the process requirements for making resolutions (in Clauses 10.1 and 10.2 of the Draft Bylaw)
- Waka Kotahi noted that an update to the delegations' register will be required if the provisions under Clause 28 (temporary parking restrictions) is adopted.

Officer Recommendation: Update the delegations register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).

- Support for the provisions under Clause 42 (by two submitters).
- Support for the provisions under Clauses 44, 45, 46 and 47.
- Opposition to the provisions under Clause 30 – reserved parking for residents – because it may lead to parking spaces being left empty even though there is minimal parking and there is a need for more parking.
- Opposition to the proposal of banning parking and access on unformed roads, as this will affect some residents' access to their garages, etc.

Officer Comment: Access to property via an unformed road is expected to be covered in the Road Encroachment Policy, which is in the work programme and will be consulted on.

- Opposition to the provisions under Clauses 27, 28 and 29 (parking restrictions). Extending powers to regulate parking in public places such as parks and reserves, the beach and marina is too much and may affect the enjoyment of these recreational treasures.
- Support for Clause 36.2 which enables oversized vehicles and vehicles with trailers to use more than one park but not to overhang the footpath. Blind Citizens NZ Nelson branch (Submission 72) would like scooters and bicycles to be recognised as vehicles in relation to this provision to avoid cluttering the footpath.

Officer comments The definitions for 'cycle' and 'wheeled recreational device' in the Bylaw are the same as in clause 1.6 of the Land Transport (Road User) Rule 2004, where both are referred to as vehicles.

7. Options

- 7.1 Council has three options, either adopt or adopt with amendments or not adopt the Bylaw.

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Option 1: Adopt the Draft Bylaw without amendment	
Advantages	<ul style="list-style-type: none"> • Ensures a new bylaw can be in place before the current bylaw expires. • Provides a reasonable level of control over traffic and parking. • The Draft Bylaw is similar in substance to the existing bylaw, so customers will not experience major change, but the improved drafting and formatting should make the proposed new bylaw more accessible to customers.
Risks and Disadvantages	<ul style="list-style-type: none"> • Fails to respond to any of the concerns raised by submitters during the consultation process.
Option 2: Adopt the Draft Bylaw with amendments (as recommended in this report or proposed by the Council)	
Advantages	<ul style="list-style-type: none"> • As for Option 1; and • Enables Council to respond to issues raised by submitters during the consultation process.
Risks and Disadvantages	<ul style="list-style-type: none"> • No significant risks and disadvantages.
Option 3: Do not adopt the Draft Bylaw	
Advantages	<ul style="list-style-type: none"> • Nil.
Risks and Disadvantages	<ul style="list-style-type: none"> • The existing bylaw will be revoked in November 2023, after which there would be less control over traffic and parking control, increasing the risk of infrastructure damage and safety issues.

8. Conclusion

- 8.1 The Council has used the special consultative procedure to gain public feedback on the Draft Bylaw. The next step is to make decisions on what amendments to make to the Draft Bylaw, and then to adopt the Amended Bylaw.
- 8.2 Officers recommend that Council adopts the Draft Traffic and Parking Bylaw 2023 (as amended) to reflect Council's decisions on submissions.

Author: Drew Bryant, Team Leader Transport Activity Management

Authoriser: Alec Louverdis, Group Manager Infrastructure

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Attachments

Attachment 1: 1862260321-57986 - Summary of Submissions [↓](#)

Attachment 2: 1862260321-57989 - Draft Traffic and Parking Bylaw 2023 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The proposed bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for traffic and parking control on the roading network.
Consistency with Community Outcomes and Council Policy The Traffic and Parking Control Bylaw supports the following community outcomes; <ul style="list-style-type: none">• Our unique natural environment is healthy and protected.• Our urban and rural environments are people friendly, well planned and sustainably managed.• Our infrastructure is efficient, cost effective and meets current and future needs.• Our communities are healthy, safe, inclusive and resilient.
Risk Not adopting the draft Bylaw would leave Council relying on its existing bylaw, which is due to expire in November 2023. If no new bylaw is made before then, Council would not have local enforceable controls over traffic control and parking on our network. This would create a risk to safety, and infrastructure.
Financial impact There are no immediate funding implications over and above current costs of administration and enforcement.
Degree of significance and level of engagement This matter is of high significance because impact a wide range of residents. Consultation with the community has occurred through the special consultative procedure, in accordance with both sections 83,86 and 156 of the LGA.
Climate Impact Climate change has not been considered directly in the draft bylaw.

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Inclusion of Māori in the decision making process

No direct engagement with Māori has been undertaken in preparing this report.

Delegations

This is a matter for Council decision.

Appendix 1: Summary of Submissions

Sub No.	Name	Topic	Details
1	Roger Cole	Parking zones	Oppose (but misunderstood provision)
		Berms	Oppose
		Wheeled recreational devices	Support - wants them off footpaths
		Vehicle crossings	Oppose Clause 25.7 – Maintenance of vehicle crossings – landowners should not have to maintain these unless it is clear that the landowner's activities, or activities on their property, have significantly contributed to the degradation of the crossing.
		Parking for display/sale	Oppose Parking vehicles on the road for sale should only be banned if the vehicle remains in that space for more than an hour. Many owners wishing to sell a vehicle will place 'for sale' notices on their rear window, often painted on. Having to remove this notice when using the vehicle is unnecessary provided the vehicle is not left in one place long term.
		Vehicle repairs	Support
2	James Imach for New Zealand Motor Caravan Association Inc	Motorhomes	Oppose Passenger vehicles will generate similar effects to smaller motorhomes and caravans parked on the roadside. Seeks exemption for NZCMA members (and others) if the Authorised Officer deems it safe for their motorhome or caravan to be parked on the roadside long-term.
3	Paul Lunberg	Motorhomes	Support Supports a stop to all long-term parking on the road (relying on on-site parking on private properties).
4	Peter Carmichael	Berms	Oppose Parking on the berm is needed on narrow streets.

		Wheeled recreational devices	Oppose Remove this section of the bylaw to improve the active transport network. Allow skateboarding on streets. Instead set a speed limit for electric scooters.
		Vehicle repairs	Oppose Allow people to work on cars that are broken down. This clause unfairly punishes the poor.
5	Michael Town	Parking zones	Support
		Berms	Support A consistent approach for people to report issues and for enforcement will be key. There are currently no consequences for parking on berms.
		Motorhomes	This provision needs to have clear boundaries and rationale that everyone understands (e.g. vehicles over a certain length/width block visibility). However, large cars like Ford Rangers also cause these problems.
6	Donald Morrisey	Berms	Support But notes that enforcement will be difficult outside working hours.
		Motorhomes	Support
7	David Hale for Arrow Motel Apartments	Motorhomes	This needs refining to say something like 7 days (24 hours per day) – as contractors staying at the motel park overnight while staying for a fortnight. They also may need to leave their vehicle in the street for longer during period of bad weather. Seeking clarification related to 24/7 parking, and also the ability of contractors to easily apply for a short-term extension.
8	Vanessa Hardinge	Parking zones	Oppose (but misunderstood provision)
9	Cameron Forbes	Parking zones	Oppose Re-parking is not a significant problem so don't use resources to police it.
		Berms	Oppose Parking on the berms to watch sport (e.g. rugby at Trafalgar Park) is Nelson's culture, and causes minimal if any traffic problems.
		Motorhomes	Oppose Adds flavour to the town. Also, in Akersten St, a few people are living in their motorhomes.

10	Sarah Rapsey	Parking zones	Oppose
		Berms	Oppose
		Parking for display/sale	Oppose
11	Peter Wastney	Bylaw in general	Support
		Parking for display/sale	Oppose Only temporary, and no more distracting than hoardings or road signs, which are often more permanent.
12	Robert Schadewinke	Bylaw in general	Support
13	Sarah Davies	Berms	There needs to be consistency on this. Neighbours park on the berm to widen the road for traffic flow and turning near the school in Nikau Street. A traffic management plan is needed for the school area (Main Road Stoke, Ranui Road and Nikau Street.)
		Motorhomes	Abandoned vehicles create the same issue, and this occurs frequently in Ranui Street.
		State highways	There are no regulations in place to support traffic management when the State Highway is closed, and the traffic between Richmond and the Nelson CBD needs to travel through Stoke. These changes are needed to support safe pedestrian crossing at 601 Main Road Stoke, and traffic management for Stoke School. I am open to meeting with anyone about our traffic management issues – we get minimal support during State Highway closures from any agency (such as police, Waka Kotahi and Council).
14	Candice Riley	Parking zones	Oppose (but misunderstood provision)
15	Ken Eyles	Other matters	Use of road reserve as private property should not be allowed to happen.
16	Sally Warren	Other matters	I understand it is illegal to park blocking a garage. It should be legal for an owner to park across their own garage entrance or for a visitor to park there with the owner's knowledge and permission.
17	Tania O'Meagher for Roadhogs Indoor Minigolf	Parking zones	Oppose This just seems like revenue gathering.
18	Carlo Wiegand	Berms	Support
		Motorhomes	Support But occupations of caravans and motorhomes due to poverty and recent loss of housing needs to be considered in relation to enforcement.

		Parking for display/sale	Support In the age of the internet there's no need to advertise vehicles for sale on berms or parking spaces.
		Other matters	Parking on public land should generally not be a free activity.
19	Neil Jackson	Motorhomes	Campervans sometimes need to be on the road for more than seven days when work is being done on a property, such as reroofing, renovations, rebuilding or fence replacements. Flexibility in the bylaw would be needed to allow for temporary parking in these situations.
		Other matters	Council decisions on subdivisions affect the amount of space available for on-site parking – this needs to be considered when developing the Parking Bylaw.
20	Yan Flint	Other matters	The driving and parking of vehicles on parks and reserves should be banned as it is already in many other NZ cities. E.g. driving and parking on Miyazu Reserve churns up the turf.
21	Deserie Murphy	Engine braking	Support Please make Tahunanui Drive an Engine Braking restricted area. There are high volumes of heavy vehicles and residents living close to the road.
		Wheeled recreational devices	The prohibited areas need to be re-evaluated – only apply this to the city centre. Allow for these devices in Tahunanui and Stoke. The current prohibition is not enforced, so consideration is needed on whether this is the best way to keep pedestrians safe in busy areas. Council also needs to consider whether this approach encourages more people to use active modes of transport.
		Shared paths	More footpaths should have this classification to allow more use of active modes of transport.
		Cruising	Instead of 'no-cruising' restrictions, provide more traffic calming on local roads, eg between Waikare Street and Tahunanui Drive, Beach Road, Golf Road.
		Bylaw in general	Support the other parking provisions. Comment: suggest a clause that states 'on-street parking is not guaranteed to be available/Council reserves the right to remove any and all on-street parking at any time' to allow Council to provide the

			community with more cycle lanes, bus lanes and in general reduce road space allocation from parking to other things like urban greening, rain gardens, etc.
22	Malcolm Katharine	Parking for display/sale	Support
		Bylaw in general	Support
23	Alan Mant	Other matters	Nelson Girls College lacks a safe drop off/pick up area. Suggest replacing the five angle car parks behind the bus stop with a loading zone, with restricted times and visitor parking outside of those times.
24	Delia Elford	Motorhomes	Oppose
25	Lynley Walters	Motorhomes	Oppose If there are issues, address these on a case-by-case basis.
26	Erik Mulder	Motorhomes	Oppose Where there is an unsafe or undesirable traffic situation, use the existing traffic safety laws to get people to move their motor home.
27	David Wutzler	Motorhomes	Oppose Address issues on a case-by-case basis.
28	Chloe Loftus	Motorhomes	Oppose This unfairly disadvantages people of lower economic status, with less capacity to have a motorhome parked on their property.
29	Gary Davis	Motorhomes	Support These vehicles minimise vision for the general traffic.
30	Stephen Major	Motorhomes	Oppose A case by case approach is required, where a vehicle is causing a traffic hazard.
31	Brian McHaffie	Motorhomes	Support Our cul-de-sac suffers from motorhome congestion, making transit difficult for rubbish trucks and larger service vehicles, as well as for everyday car use.
32	Ross McCorkindale	Motorhomes	Support restricting all vehicle types being parked on roads where they create risk or restrict the lane or safe passage of other vehicles on the road. It should apply to all vehicle types – a fair process is needed, so as not to discriminate caravans and campers from trailers and cars.

			Note: using the road berm also needs to be clearly managed if parking restrictions are imposed.
33	Diane Chandler	Motorhomes	Support Motorhomes make it hard to see out our driveway which is dangerous and a safety risk. They are particularly dangerous when trying to see if cyclists are coming, as you just can't see around them.
34	Val and Ross Parmenter	Berms	Support Reverse the assumption that parking on the berm is permissible unless there is a sign prohibiting it. This brings Nelson in line with many other places in New Zealand.
		Motorhomes	Oppose We have had our caravan parked on the inner/fence side of our berm for 17 years and have not had one complaint. (The berm is 7 metres wide.) Please consider this bylaw provision on a case-by-case basis. There are hundreds of people who do not have access to caravan/motorhome storage.
35	Kass Harker	Berms	Oppose
		Other matters	Suggested amendments to the bylaw: "No trucks, buses or other heavy vehicles can be parked overnight in residential streets."
		Motorhomes	Suggested amendment to this provision: "Caravans and motor homes cannot be parked for longer than 14 days in a residential street. The vehicle cannot be occupied during this time."
		Other matters	Consider restricting parking on one side of narrow streets. Currently traffic flow is impeded in many streets as a result of narrowing and vehicles parking both sides, e.g. Tasman Street and parts of Dodson Valley Road.
36	Steve Moody	Motorhomes	Oppose
		Other matters	Review the bike lanes on Vanguard and St Vincent Streets. They are VERY dangerous as cars parked between the bike lane and road obscure pedestrians and bikes from turning traffic.
37	Toby Bailey	Motorhomes	Oppose Dangerous parking can be dealt with on a case-by-case basis.

Item 5: Draft Traffic and Parking Bylaw - Deliberations Report: Attachment 1

			This ban will disproportionately impact people on lower incomes and with smaller properties.
38	Fleur Rohleder on behalf of Fire and Emergency New Zealand	Bylaw in general	Support. Note: Please replace references to the 'New Zealand Fire Service' with 'Fire and Emergency New Zealand' to be consistent with national legislation.
39	Wendy O'Connor	Motorhomes	Support A motorhome parked near a curve in the road causes a blindspot when people pull out to move past it. We have seen a few near misses.
40	Kevin Tyree	Motorhomes	Oppose People have the right to park outside their own property.
		Berms	Oppose People have the right to park outside their own property.
41	John Hart	Motorhomes	Oppose
		Parking zones	Oppose There are legitimate reasons for re-parking. Over-zealous enforcement drives people away from the CBD.
42	Jill Clendon	Motorhomes	Oppose If this bylaw was enacted we would have to sell our van, which we also use for everyday use.
43	Andy Corbin	Motorhomes	Oppose
44	Neil Stafford	Motorhomes	Oppose There will be nowhere for these vehicles to park if a ban is introduced, as commercial storage locations are full.
45	Leslie Dudley	Berms	Support Parking on the berm along Tipahi Street causes damage.
46	Sonia Malpas	Motorhomes	Oppose I don't have other options for parking my caravan.
47	Gilbert Robertson	Motorhomes	Oppose It would be a waste of resources to seek permission every time you want to park your motorhome or trailer for more than seven days.
48	Curtis Moore	Berms	Support

		Parking zones	Support
		Motorhomes	Oppose This impacts on those who have the least resources. We have a caravan we store on Wolfe Street at times.
49	Ian Paterson	Berms	Oppose I live on Nile St and sometimes park on the berm outside our house, which inconveniences no one. I look after this berm with mowing and weed spraying.
		Motorhomes	Oppose Unfair. The right to park on the roadside is longstanding. To cancel this will lead to inconvenience and extra cost.
50	Lynne White	Motorhomes	Oppose Losing the ability to park my camper on the road would force me to sell it (which would be devastating) as I cannot afford long term parking for it. Most sections being built on now are small and there is no room for parking a motorhome in the driveway.
51	David Jackson	Berms	Oppose Too much regulation for the size of the problem. Allowing cars to park on the berm on narrow streets allows the road to function without expensive widening.
		Motorhomes	Oppose Too much regulation for the size of the problem. The impacts of motorhomes on safety and visibility are no different from large vans or SUVs.
52	Jan Mayo	Motorhomes	Oppose Parking restrictions should apply to all vehicles in areas where it is unsafe to park.
53	Rosemary Robertson	Motorhomes	Support
54	Kyle Lightfoot for the New Zealand Automobile Association Inc	State highways	Support (Clause 5 of the Draft Bylaw)
		Wheeled recreational devices	Support However, careful consideration would be needed if any future changes were proposed to the areas where this is prohibited, as transferring the risk from the footpath to the road could expose road users to

