

# **OPEN**

# **MINUTE ITEM**

# **ATTACHMENTS**

**Ordinary meeting of the  
Hearings Panel - Other**

**Wednesday 17 March 2021  
Commencing at 9.00a.m.  
Rūma Waimārama**

**Floor 2A, Civic House  
110 Trafalgar Street, Nelson**

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**Reconvened Hearings Panel - Other  
14 April 2021**

Additional information relating to changes to  
schedule 13 of the Parking and Vehicle Control  
By-Law following the Hearings Panel – Other  
meeting on 17 March 2021

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Parking and Vehicle Control By-law changes to schedules



Nelson City Council  
Te Kaunihera o Whakatū

Reconvened Hearings Panel - Other

17 March 2021

REPORT R24773

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## Supplementary Information Parking and Vehicle Control By-law changes to schedules

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### 1. Purpose of Report

- 1.1 To provide the Hearings Panel (Other) with additional information following the Panel Hearing (Other) meeting on 17 March 2021 relating to changes to Schedule 13 of the Parking and Vehicle Control By-law.
- 1.2 To approve the proposed changes relating to Schedule 13.

### 2. Recommendation

#### *That the Hearings Panel - Other*

1. **Receives the report *Supplementary Information Parking and Vehicle Control By-law changes to schedules (R24773) and its attachments (A2605665 and A2605571); and***
2. **Approves amendments as detailed in report *R24773 to Schedule 13 of the Bylaw, Parking and Vehicle Control (2011), No 207 (A2580526).***

### 3. Background

- 3.1 At the 17 March 2021 Hearings Panel (Other) meeting the matter of approving changes to *Schedule 13 – Stop Signs* was left to lie on the table pending additional information as requested at the meeting.
- 3.2 The matters relating to *Schedule 13 – Stop Signs*, for which approvals were sought are replicated below.

3.2.1 Kawai Street / Tukuka Street STOP sign.

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### Item 0: Supplementary Information Parking and Vehicle Control By-law changes to schedules

As a result of the Nelson Innovative Streets project, there has been a change in layout at the Kawai Street / Tukuka Street intersection with the addition of two additional STOPS. The new layout which is being managed as a trial under the Waka Kotahi Innovating Streets Project results in a four way STOP to slow vehicles down, reduce traffic volumes and improve safety. Although a trial, to ensure Police can enforce the new layout, Tukuka Street STOP signs require updating in Councils bylaw schedules. The additional STOP signs are shown in Attachment 1, titled 4.11.

#### 3.2.2 Tipahi Street / Tukuka Street STOP sign.

As a result of the Nelson Innovative Streets project, there has been a change in layout at the Tipahi Street / Tukuka Street intersection with the addition of four STOP signs (Two of which are a change from Give Way). The new layout which is being managed as a trial under the Waka Kotahi Innovating Streets Project results in a four way STOP to slow vehicles down, reduce traffic volumes and improve safety. Although a trial, to ensure Police can enforce the new layout, Tukuka Street STOP signs require updating in the bylaw schedules. The additional STOP signs are shown in Attachment 1, titled 4.12

#### 3.2.3 Main Road Stoke – Robinson Complex STOP Sign.

It has been recognised that the STOP on Main Road Stoke at the Robinson Complex intersection has been omitted from the Parking and Vehicle Control Bylaw schedules. Inclusion ensures that this STOP sign is enforceable by Police and officers support inclusion in the bylaw schedules as the intersection with the adjoining private road is on public road reserve. The proposed STOP sign is shown in Attachment 1, titled 4.13. As this is a historic road layout, no public feedback was sought.

#### 3.2.4 Muritai Street / Parkers Road STOP Sign.

Following the post construction Safety Audit of the Muritai Street Cycleway (Tahunanui Pathways Stage 2), it has been identified that the current Give Way control at the Muritai Street / Parkers Road Intersection does not meet the visibility requirements of the current Give Way control. It is therefore recommended that the control be replaced by a STOP. Officers note that the intersection largely operates as a STOP currently (particularly for right turning traffic). Feedback was sought from Police who supported this change. The proposed STOP sign is shown in Attachment 1, titled 4.14.

#### 3.3 The additional work as requested at the 17 March 2021 meeting is included in this report. There are two issues to consider:

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3.3.1 Installation of permanent STOP Signs (items 3.2.3 and 3.2.4 refer); and

3.3.2 Installation of temporary STOP Signs (items 3.2.1 and 3.2.2 refer).

**4. Discussion**

4.1 Responses to the questions raised are discussed below:

**What legislation gives Council the ability to install stop signs.**

4.2 Two pieces of legislation allow Council to install all signs (including stop signs) on our roads. The first is the Local Government Act 2002 (LGA) which gives all Road Controlling Authority's (RCA) – of which Nelson is one - the right to make bylaws. The second is the Land Transport Rule (LTR) which provides for the installation of STOP controls. The RCA has the power to install approved signs (permanent and temporary) which are specified in schedule 1 of the Traffic Control Devices Manual (TCD).

4.3 Council maintain the Parking and Vehicle Control Bylaw 2011 (bylaw), which contain schedules of 'approved' regulatory vehicle controls. STOP signs are included within schedule 13 of the bylaw.

4.4 The Hearings Panel Other have delegated power to make changes to the schedules of the Bylaw. Once a traffic control has been approved by the Hearings Panel, the control is deemed to be legally established allowing legal enforcement by the Police.

4.5 The bylaw does not differentiate between 'permanent signage' and 'temporary trial signage'. A regulatory sign is a regulatory sign and will need to be reflected in the bylaw schedules to have any legal standing and to be enforced.

4.6 In the matter of permanent STOP signs for *Main Road Stoke – Robinson Complex* and *Muritai Street/Parkers Road*, Council can legally install these if the committee agrees with the officer's comments in this matter. In the case of the *Main Road Stoke – Robinson Complex* this is formalising what has been in place for a long time.

4.7 In the matter of STOP signs installed under the Nelson Innovative Streets project trial at *Kawai Street/Tukuka Street* and *Tipahi Street/Tukuka Street* this is still only a trial. A decision will still need to be made sometime in the future to either formalise these stop signs if it is agreed at the end of the trial that these need to stay, or to remove the signs at the end of the trial.

4.8 If the decision is made to remove the trial stop signs, then this will come back to a future Hearings Panel Other meeting to remove them from the bylaw. This will be necessary to ensure that the bylaw reflects the status on the ground and removes the need for the signs to be monitored and enforced by Police.

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- 4.9 The Nelson Innovative Streets project trial is an initiative that officers are collaborating with Waka Kotahi (NZTA) and this is supported by both Council and the community. This work has seen excellent buy-in and ownership from the local community with major safety improvements in the area since the trial measures have been installed. Speed has reduced by an average of 20% and vehicle numbers have decreased by 30%.
- 4.10 This trial shows a commitment as to how Council is giving effect to the 2021 GPS, which includes *Health and Safe People* as one of its key outcomes and *Safety and Better Travel options* as one of its four strategic priorities.
- 4.11 This also directly links into:
  - 4.11.1 The three of the five key priorities of the Regional Land Transport Plan of *Mode Choice, Safety and Network Management; and*
  - 4.11.2 Council's priority of *Creating a Sustainable Transport Culture* and developing a *Speed Management Strategy* for the City.
- 4.12 Should the committee not include the temporary signs in the Bylaw (which can be reversed should they not become permanent) Police will not be able to enforce their correct use.

#### **Police feedback**

- 4.13 A request was made for officers to attach a written Police Statement on the matter of the 4 way stop signage on their letterhead. That letter is appended as Attachment 2.
- 4.14 For context, officers routinely as part of the usual process for any changes to traffic control devices, seek advice from local Police. Police have indicated support for the change and have further requested that the changes be included in the Bylaw as soon as possible to allow enforcement if necessary.

#### **Nelson Intermediate School (NIS) feedback**

- 4.15 Council are working closely with NIS regarding the Innovative Streets Project, and NIS have been supportive of safety improvements around the school. Feedback on all trial measures will continue to be monitored as the project develops.

### **5. Options**

- 5.1 Two options are presented for the committee's consideration as discussed below. Officers and Police support Option 1.

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<b>Option 1: Adopt changes as attached for Schedule 13 without changes</b>	
Advantages	<ul style="list-style-type: none"><li>• Changes to Schedules are designed to improve safety and efficiency and this has manifested itself in reduced vehicle speed and vehicle volumes in the area.</li><li>• Provides formal ability for police to enforce the Stop control device without risk of legal challenge.</li><li>• Can be removed from the Bylaw if deemed after the trial not to be permanent.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• None</li></ul>
<b>Option 2: Do not adopt changes as attached for schedule 13.</b>	
Advantages	<ul style="list-style-type: none"><li>• None</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Failure to approve changes could result in unsafe and inefficient use of the roading network.</li><li>• Failure to update Schedules will mean signs and cannot be enforced by Police and open to challenge.</li></ul>

**Author:** Matt Bruce, Team Leader Transport and Solid Waste

**Attachments**

Attachment 1: A605665 Aerial photograph showing Proposed Stop sign changes

Attachment 2: A2605571 Police feedback on 4- way stop Nelson South Innovative streets trial

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<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The report recommendation meets current and future needs of communities in contributing to the safe use of the roading and parking network in the City.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The content and recommendations of this report are consistent with Councils Community Outcomes – “Our Infrastructure is efficient, cost effective and meets current and future needs”. In particular that we have good quality, affordable and effective infrastructure and transport networks. This report is directly aligned to the requirements of the Parking Policy, the Parking and Vehicle Control Bylaw and with Council’s strategic direction through the Regional Land Transport Strategy.
<b>3. Risk</b>	To ensure that the Bylaw is enforceable, it is important to ensure that the Schedules are updated on a regular basis. Failure to update Schedules will open enforcement up to challenge.
<b>4. Financial impact</b>	Costs are within allocated annual budgets for road maintenance or capital projects.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance. Nearby businesses and residents that could be affected, have been consulted.
<b>6. Inclusion of Māori in the decision-making process</b>	No engagement with Māori has been undertaken in preparing this report.
<b>7. Delegations</b>	<p>The Hearings Panel - Other has the following delegations to consider changes to the Parking and vehicle Control Bylaw.</p> <p><i>Powers to Decide:</i></p> <ul style="list-style-type: none"><li>• <i>The power to make changes to the schedules to the Parking and Vehicle Control Bylaw</i></li></ul>



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**4.12 - Tipahi Street/Tukuka Street  
Proposed Stops & Signs**



**Legend**

 Proposed Stops & Signs

0 5 10  
m



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Item 5.: Supplementary Information - Parking and Vehicle Control By-law Changes to Schedules: Attachment 1

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**4.14 - Muritai Street at Parkers Road**  
**Proposed Stop & Sign**

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**Legend**

 Proposed Stop Sign

0 5 10 m

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A2605571

29 March 2021

Mr Matt Bruce.  
Team Leader-Transport Operations.  
Nelson City Council.

Dear Matt.

Police have been asked for feedback on the 4way stop signs installed on the Kawai street intersection as part of the Nelson South innovative Streets trial.

Police support the changes proposed to the Bylaw with respect to the 4 way stop. We encourage inclusion in the by-law schedule as soon as possible as we can only enforce (if necessary) once changes to the bylaw are approved.

All motorists should apply the Give Way rule to the 4 way stop.

Police have inspected the signs installed and have not observed any confusion on behalf of the motorists.

We note that Council will be putting out information on how to use a four way stop.

Yours sincerely Grant Andrews.  
Team Leader Road Policing.

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