

OC230657

15 August 2023



Tēnā koe 

I refer to your email dated 19 July 2023, requesting the following under the Official Information Act 1982 (the Act):

“Any reports, briefings, memos, aide-memoires, notes or written advice given to the Minister of Transport (previous and/or current) on legislative or regulatory barriers to tactical urbanism, either found through evaluations of Innovating Streets, or other programmes of work”.

Ten documents fall within the scope of your request and are detailed in the document schedule attached (Annex 1). Six of these documents are released either in full or with some information withheld, and four documents are refused as they are already publicly available. The Innovating Streets projects fall within Waka Kotahi NZ Transport Agency’s responsibility, and they will be providing relevant documents on the topic.

Certain information is withheld under the following sections of the Act:

- | | |
|-------------|--|
| 9(2)(a) | to protect the privacy of natural persons |
| 9(2)(f)(iv) | to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials |
| 9(2)(h) | to maintain legal professional privilege and this interest is not outweighed by other considerations which render it desirable, in the public interest, to make that information available |
| 18(d) | information is already publicly available. |

Regarding the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman’s website found here: www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'N. Potter'.

Nick Potter
Acting Manager Placemaking and Urban Development

Annex 1: Documents in scope

Doc #	Reference number	Date	Title of Document	Proposed decision on request
1	OC200480	19/06/2020	Roadway Art Amendment 2020 – Agreement to commence targeted engagement – Briefing paper	Released with some information withheld under Sections 9(2)(a) and 9(2)(h).
2	OC200506	3/07/2020	Land Transport Rule – Roadway Art Amendment 2020 – draft Cabinet paper	Released with some information withheld under Section 9(2)(a).
3	OC200570	16/07/2020	Land Transport Rule: Roadway Art Amendment 2020 – Submission to Executive Council - Briefing	Released with some information withheld under Section 9(2)(a).
4	OC221107	30/03/2023	Reshaping Streets – Policy Approvals Briefing	Released with some information withheld under Section 9(2)(a) and 9(2)(f)(iv).
5	N/A	27/03/2023	Reshaping Streets Regulatory Impact Statement	Released in full.
6	OC210332	13/05/21	Reshaping Streets – Scoping Findings	Withheld under Section 18(d). Previously released and can be found here
7	OC210332 (attachment)	13/05/21	Reshaping Streets Scoping Summary	Released in full.
8	OC210767	12/10/21	Reshaping Streets Proposed Scope and Approach for Regulatory Changes	Withheld under Section 18(d). Previously released and can be found here
9	OC220088	20/04/23	Reshaping Streets - Proposed Regulatory Package	Withheld under Section 18(d). Previously released and can be found here
10	OC220829	25/10/22	Summary of Submissions on the Proposed Regulatory Changes for Reshaping Streets	Withheld under Section 18(d). Previously released and can be found here

Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 - outline and proposed approach

Reason for this briefing	This briefing provides you with an outline of the proposal to amend the Land Transport Rule: Traffic Control Devices 2004 to enable Road Controlling Authorities to install roadway art in low risk environments. It also provides you with a timeline of our proposed approach to progress the Rule change prior to the 2020 New Zealand General Election, and seeks your agreement for Waka Kotahi to commence targeted stakeholder engagement.
Action required	Review the contents of this briefing and agree/disagree to commence targeted stakeholder engagement on the Traffic Control Devices (Roadway Art) Amendment 2020 with Road Controlling Authorities.
Deadline	19 June 2020.
Reason for deadline	To meet the timeframes required to progress the Rule change prior to the 2020 New Zealand General Election.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Gareth Fairweather	Manager, Placemaking & Urban Development	s 9(2)(a)	✓
Kaitlyn Stringer	Adviser, Placemaking & Urban Development	s 9(2)(a)	

MINISTER'S COMMENTS:

Who exactly in Waka Kotahi will be responsible for making the call on whether something is non-conforming and needs to be removed?

Will intersections and pedestrian crossings be considered eligible low-risk environments? Overseas intersections are often painted with roadway art precisely to make them safer.

Date:	17 June 2020	Briefing number:	OC200480
Attention:	Hon Julie Anne Genter	Security level:	In confidence

Minister of Transport's office actions

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Seen | <input type="checkbox"/> Approved |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Referred to | |
| <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Not seen by Minister | <input type="checkbox"/> Overtaken by events |

Purpose of briefing

1. On 3 June 2020, we provided a memo to you and Minister Twyford explaining the trade-offs and implications involved in prioritising different activities within the active modes work programme – specifically between the Accessible Streets and Innovative Streets-related projects.
2. You subsequently discussed your priorities with Ministry of Transport (the Ministry) officials on 9 June 2020 and directed the Ministry to progress the Innovating Streets: Traffic Control Devices (Roadway Art) Amendment 2020 as a priority by Order in Council, ahead of the 2020 New Zealand General Election.
3. The purpose of this briefing is to provide you with an outline of the proposal to amend the Land Transport Rule: Traffic Control Devices (TCDs) 2004, to enable Road Controlling Authorities (RCAs) to install roadway art in low risk environments. The briefing also provides you with a timeline of our proposed approach to progress the Rule change ahead of the 2020 New Zealand General Election, and seeks your agreement for Waka Kotahi to commence targeted stakeholder engagement.

Background

4. Local authorities around New Zealand are looking to make changes to their roads and streets to improve the health, safety and liveability of their communities. However, wholesale upgrades can be expensive, have long timeframes and can encounter strong public resistance. As a result, the rate of change can be slow and many local authorities have expressed a desire for faster, more affordable ways to achieve their outcomes in advance of future permanent upgrades.
5. This has become increasingly pertinent in the national response to COVID-19, whereby several councils (including Auckland, Wellington, Dunedin and Nelson) have sought ways to rapidly roll-out more space for cyclists and pedestrians, in order to support physical distancing requirements and encourage positive behaviour change.
6. Under the existing TCD Rule, RCAs can use delineators (physical features like street furniture and planter boxes) on their roads and streets to slow traffic and create more space for people. However, the TCD Rule does not permit the installation of markings on the road other than for the purposes of traffic control. This means that RCAs cannot install roadway art, like colourful designs, artwork, or murals, on the road alongside other tactical changes.
7. Roadway art is an effective way to reinforce the context of a street as a low-speed and people-friendly environment. As evidenced internationally, roadway art can be utilised as part of a suite of tactical changes to influence motorist behaviour, support communities, or provide an opportunity to enhance the 'place' function of a street by making it more vibrant and liveable. These actions can help reinforce that urban areas belong to the communities that live in them – not just the motor vehicles that drive through them.
8. Waka Kotahi NZ Transport Agency (Waka Kotahi) has developed a proposal to amend the TCD Rule to allow RCAs to install roadway art in low-risk environments. This Rule change is part of Waka Kotahi's 'Innovating Streets for People' programme that aims to improve capability and overcome system barriers to transitional street design.
9. The Ministry agrees that the use of low cost, temporary, tactical interventions like roadway art is a tool that RCAs can use to respond to changing transport needs. We also consider that such interventions represent a sensible way of testing alternative street layouts, prior to making permanent changes.

Outline of the Rule proposal

10. The proposed Rule change would give RCAs greater flexibility to deliver temporary, tactical changes to urban environments by removing a regulatory barrier inhibiting the use of roadway art. The following changes to the TCD Rule are proposed:
 - a) *Amend the TCD Rule to clarify that roadway artworks are not TCDs and provide a regulatory framework for RCAs to install roadway art in low-risk environments.*
11. The proposed Rule change would allow RCAs to install roadway art in a low risk environment where the RCA manages speeds, with the aim to achieve an operating speed of 30km/h or less. The installation of roadway art would be confined to these low-risk or low speed environments to allow RCAs to closely monitor and mitigate the risks of their installation.
12. Part of the policy intent of this proposal is to create safer shared spaces that prioritise and promote the use of active modes in urban centres. The lower the speed, the safer and more appealing these spaces can be for the growing number of pedestrians and cyclists in these spaces. For example, several councils have expressed a keenness to trial tactical changes and roadway art around schools. In these situations, 30km/h would be a lot safer than 50km/h.
13. Whilst there is a growing number of examples and literature about the successes of installing features like roadway art, the concept is still relatively new. This means that such features could be a novel and possibly confusing concept for some road users. Allowing RCA's to install roadway art in a low speed environment is, therefore, a safe way to test and introduce everyone to this feature.
 - b) *Empower Waka Kotahi to decide if roadway art is compromising safety and take appropriate measures if roadway art does not conform to the requirements in the Rule.*
14. The proposed Rule change would empower Waka Kotahi to issue a notice in writing for an RCA to remove non-conforming roadway art and TCD markings. Waka Kotahi would be permitted to intervene and physically remove non-conforming roadway art and TCD markings if an RCA has not complied with a notice. Currently, if an RCA installs a non-conforming TCD, Waka Kotahi can advise the RCA to remove it but does not have the power to step in and physically remove the device from the road.
15. Having such enforcement measures in place will be important to ensure that RCAs are installing roadway art in low-risk environments and that roadway art does not resemble other TCDs. This will be supported by regularly updated guidance from Waka Kotahi on how to identify a low-risk environment, along with case studies and examples of best practice.

The proposed Rule change is being progressed by Order in Council prior to the 2020 New Zealand General Election

16. The table below outlines the timeline of our proposed approach to progress the Rule change ahead of the 2020 New Zealand General Election, which we have agreed with Waka Kotahi:

Timing	Milestone
22 June	Waka Kotahi to begin targeted engagement with RCAs
30 June	Send Regulatory Impact Statement (RIS), Rule, overview and Cabinet paper for you to review in advance of cross party consultation
6 July	Departmental and cross party consultation commences (5 days)
13 July	Any final feedback from cross party consultation sent to the Ministry
15 July	Papers sent to your office for review and lodging
16 July	Your office lodges LEG paper
21 July	LEG Committee consideration
27 July	Cabinet / Executive Council – Rule Gazetted

17. The proposed timescales assume that the only engagement with Cabinet will be through the Legislation Committee. Cabinet agreed to the inclusion of this Rule change on the 2019/2020 annual Transport Rules Programme and noted your intention to make the Rule without the need for further Cabinet involvement from a policy perspective unless significant policy issues or risks emerged during the Rule's development [DEV-19-MIN-0165 refers].
18. As we advised in our memo on 10 June 2020, the timeline of an Order in Council process is more predictable than the standard rule-making process. Specifically, the Order in Council process does not require formal public consultation.
19. s 9(2)(h)
20. The largest process risk is that substantive changes are required following engagement with RCA's or during cross-party consultation. This will affect our ability to progress the Rule change by Order in Council prior to the election. We recommend beginning cross-party consultation on the proposed Rule change at the earliest opportunity to reduce this risk.
21. If the paper is not lodged by 30 July 2020, or is lodged and "bumped", it will miss the last LEG Committee before the election on 4 August 2020. There is a CBC the following Monday (10 August), but then no CBC, Cabinet or Executive Council until 24 August, or following that, 7 September. Our proposed timeline is aiming for the third to last LEG Committee to allow for this contingency.
22. In line with our proposed timescales, we will provide you with the proposed Rule, RIS and overview as part of a Cabinet paper package on 30 June 2020.

We are continuing to review the RIS for any risks associated with the proposed Rule change

23. We are currently seeking RIS panel input on the quality of the RIS that has been developed and where improvements are most needed. At this stage we see the principal risks associated with the proposed Rule change itself as being:

Some potential issues have been identified regarding possible impacts of roadway art on people with disabilities

- Waka Kotahi intends to work with relevant stakeholder groups following the Rule change (i.e. those in the disability sector) to produce guidance on appropriate roadway art and the steps for RCAs to take prior to installing roadway art.
- We note that local authority RCAs will need to carry out additional engagement with relevant groups about the specific features they wish to install, to ensure that the use of roadway art would not have adverse effects on communities. If you agree to commence targeted stakeholder engagement on 22 June 2020, Waka Kotahi will inform the disability sector of this message as part of its engagement, and continue to provide interested parties with this message as necessary.

There is a risk that some RCAs will oppose the part of the Rule change that gives Waka Kotahi the power to require RCAs to remove non-conforming roadway art and TCD markings

- Waka Kotahi will talk to RCAs about the part of the Rule amendment that gives Waka Kotahi the power to require RCAs to remove non-conforming roadway art as part of targeted stakeholder engagement
- Waka Kotahi has similar powers in the Setting of Speed Limits Rule. It has used this power sparingly and only in instances where the safety of road users was compromised.
- We are continuing work to review the draft Rule and will work with Waka Kotahi in any instance to develop the proposal.

24. While not a direct risk of the Rule change itself, we note the general policy area (reallocation/design of road space) can be controversial and may attract media attention. We will work with your office to assist with communications as necessary.

We are seeking your agreement to commence targeted stakeholder engagement with RCAs

25. In line with our proposed timeline, we are proposing for Waka Kotahi to begin targeted stakeholder engagement with RCAs on 22 June 2020. Considering the limited timeframes we are working to, Waka Kotahi will undertake targeted stakeholder engagement with technical staff at urban RCAs (e.g. Hamilton, Tauranga, Queenstown, Nelson, Auckland, Wellington, Christchurch) in addition to several other transport/safety technical experts who have previously worked in the Innovating Streets space.
26. We consider targeted engagement with these stakeholders is likely sufficient to identify any issues with the proposed Rule change that would otherwise be raised in wider engagement. Targeted engagement will reduce the risk of scope creep, which would affect our ability to meet an already very tight deadline.
27. As above, following the proposed Rule change, Waka Kotahi intends to produce guidance on appropriate roadway art and the steps for RCAs to take prior to installing roadway art. Waka Kotahi will work with relevant stakeholder groups, like those in the disability sector to produce this guidance.

Recommendations

28. The recommendations are that you:

- a) **note** that we are progressing the Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 as a priority by Order in Council, prior to the 2020 New Zealand General Election;
- b) **note** the need to commence cross-party consultation as soon as possible on the Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 in order to meet the timeframes required to progress the Rule change prior to the 2020 New Zealand General Election;
- c) **agree** with the timeline of our proposed approach to progress the Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 ahead of the 2020 New Zealand General Election; **Yes/No**
- d) **agree** for Waka Kotahi to commence targeted stakeholder engagement on the Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 with Road Controlling Authorities in the week commencing 22 June 2020. **Yes/No**



Gareth Fairweather
Manager, Placemaking & Urban Development

MINISTER'S SIGNATURE:



DATE: 18/06/20



Land Transport Rule- Traffic Control Devices (Roadway Art) Amendment 2020 – draft Cabinet paper

Reason for this briefing	<p>This briefing attaches, for cross party consultation, the Rule, Regulatory Impact Assessment and draft Cabinet paper regarding your proposal to amend the Land Transport Rule: Traffic Control Devices 2004.</p> <p>The briefing also provides a summary of the feedback received throughout Waka Kotahi NZ Transport Agency's targeted stakeholder engagement.</p>
Action required	Note the attached Cabinet paper and agree to commence cross-party consultation on 6 July 2020.
Deadline	3 July 2020.
Reason for deadline	To meet the timeframes required to progress the Rule change prior to the 2020 New Zealand General Election.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Gareth Fairweather	Manager, Placemaking & Urban Development	s 9(2)(a)	✓
Kaitlyn Stringer	Adviser, Placemaking & Urban Development	s 9(2)(a)	
Matthew Stone	Adviser, Mobility and Safety	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	30 June 2020.	Briefing number:	OC200506
Attention:	Hon Julie Anne Genter	Security level:	In confidence

Minister of Transport's office actions

- ☐ *Noted*
☐ *Seen*
☐ *Approved*
- ☐ *Needs change*
☐ *Referred to*
- ☐ *Withdrawn*
☐ *Not seen by Minister*
☐ *Overtaken by events*

Purpose of briefing

1. This briefing attaches the proposed Rule, Regulatory Impact Assessment (RIA) and draft Cabinet paper for the Land Transport Rule- Traffic Control Devices (Roadway Art) Amendment 2020 (the Rule). It also provides a summary of the feedback received throughout Waka Kotahi NZ Transport Agency's (Waka Kotahi's) targeted stakeholder engagement.
2. These documents have been provided to you for scheduled cross-party consultation, commencing Monday, 6 July 2020.

Background to the Rule proposal

3. International evidence demonstrates that roadway art can be effective in managing low speed environments, and creating safer, more welcoming environments for road users in shared spaces.
4. Under the current Land Transport Rule: Traffic Control Devices 2004 (the TCD Rule), RCAs cannot legally install roadway art, like colourful designs, artwork, or murals, on the road alongside other tactical changes. Waka Kotahi therefore developed a Rule proposal to enable RCAs to install roadway art in low risk environments.
5. On 17 June 2020, we provided you with a briefing outlining the Rule proposal (OC200480 refers). This included a timeline of our proposed approach to progress the Rule change by Order in Council, ahead of the 2020 New Zealand General Election.
6. You are recommending in the attached Cabinet paper for Cabinet to authorise the Rule to be submitted to the Executive Council. The Rule would enable RCAs to install roadway art in low risk environments with the aim to achieve an operating speed of 30km/h or less¹. The intent of this proposal is to help create safer and more pleasant streets that prioritise and promote the use of active modes in urban centres.
7. As we advised in our 17 June briefing (OC200480 refers), Transport Rules may be made either by Transport Ministers, or by the Governor-General by Order in Council, on Ministerial recommendation, under section 152A(1) of the Land Transport Act 1988 (LTA). In this case, you are proposing that the Rule is made by Her Excellency under section 152A(1).
8. To progress the Rule by Order in Council, ahead of the 2020 New Zealand General Election, you agreed to Waka Kotahi undertaking targeted stakeholder engagement.

The Rule would give RCAs greater flexibility to deliver temporary, tactical changes to streets by removing a regulatory barrier inhibiting the use of roadway art

9. The Rule proposal:
 - a. clarifies that roadway artworks are not traffic control devices (TCDs) and provides a regulatory framework for RCAs to install roadway art in low risk environments; and
 - b. empowers Waka Kotahi to take appropriate measures if it considers on reasonable grounds that roadway art or traffic control device markings do not conform to the requirements in the Rule.

¹ Under the Rule, the operating speed is the speed at which vehicles actually travel (regardless of what it is signposted as) as assessed by the RCA.

10. The Rule would enable RCAs to install roadway art in a low risk environment, which is defined in the Rule as an area where the RCA manages speeds (through the use of any combination of TCDs, roadside developments, roadway art and other changes in road environment) with the aim of achieving an operating speed of 30km/h or less, and where it is reasonable for RCAs to believe that outcome will be, or has been achieved.
11. The policy intent of the Rule is to help RCAs create safer and more pleasant streets that encourage pedestrians, cyclists, and other vulnerable road users into the roadway. The reason that roadway art has been limited to low risk environments is to help RCAs to ensure the safety of these road users and make these spaces more appealing for the growing number of pedestrians and cyclists using them.
12. The Rule would also empower Waka Kotahi to issue a notice in writing for an RCA to install further speed management measures to ensure roadway art is installed in a low risk area or remove non-conforming roadway art and Traffic Control Device (TCD) markings. If the RCA takes no action, Waka Kotahi would be permitted to intervene to make the required changes in the road environment itself (such as by installing planter boxes or other delineators) or physically remove non-conforming roadway art and TCD markings if an RCA has not complied with a notice. Currently, if an RCA installs a non-conforming TCD, Waka Kotahi can advise the RCA to remove it but does not have the power to step in and physically remove the device from the road.
13. Having such enforcement measures in place (if they are needed) will be important to ensure that RCAs are installing roadway art only in low risk environments and that roadway art does not resemble other TCDs. If an RCA installed non-compliant roadway art, this could create confusion among road users and lead to a potential safety risk. In addition, various infringements and penalties exist pertaining to TCDs (e.g. parking on a pedestrian crossing). To allow road users the opportunity to comply, it is important that roadway art and TCDs are easily distinguishable.
14. However, if RCAs install (or plan to install) a non-compliant roadway art or TCD marking, Waka Kotahi intends to work with RCAs in the first instance to help them comply. This would be supported by regularly updated guidance from Waka Kotahi on how to identify a low risk environment, along with case studies and examples of best practice.
15. The proposed Rule is intended to enable temporary, tactical installations. However, if RCAs wish to install more permanent roadway art, there would not be any objections to this if RCAs follow the regulatory framework and guidance.

RCAs are broadly supportive of the proposal but suggested some minor amendments

16. On 24 June, Waka Kotahi held a virtual workshop on the Rule with technical staff at urban RCAs (e.g. Hamilton, Tauranga, Queenstown, Nelson, Auckland, Wellington, Christchurch), and several transport/safety technical experts about the proposed rule change (including disability experts). After the workshop, attendees were invited to answer a survey on the Rule proposal or email further feedback.
17. Attendees of the workshop were generally supportive of enabling the use of roadway art and providing greater clarity about how roadway art can be used safely through a framework.
18. However, some attendees expressed concern that the Rule as originally drafted could give Waka Kotahi the ability to determine where RCAs could install roadway art if the requirements around the operating speed were rigidly enforced.

19. The draft Rule has consequently been amended to make it clear that although RCAs should aim to install roadway art in low risk environments, it is for RCAs to assess whether it is reasonable to believe that the outcome will be or has been achieved. This balances the need to ensure public safety with the discretion of RCAs to assess whether urban environments meet the requirements set out in the Rule. It also gives RCAs flexibility to alter the environment where they have installed roadway art, until they achieve their desired outcome.
20. Allowing RCAs to install roadway art in a low speed environment is also a safe way to test and introduce people to roadway art, given that this is still a relatively new concept to New Zealand. It also provides greater flexibility in the types of designs, colours or layouts that an RCA may wish to use. This gives RCAs greater freedom to introduce creative ideas and innovative solutions to issues that are unique to their communities.
21. Some RCAs raised concerns about the restrictiveness of visual integration with other TCD markings under the Rule, as it may limit options for RCAs who want to either, use TCDs more creatively or use roadway art in close proximity to a TCD. Officials have opted not to permit creative use of TCDs as it could confuse road users. Instead, Waka Kotahi would work with RCAs to provide guidance on how roadway art can be used safely alongside other TCDs.
22. Several other minor changes have been made to the Rule following stakeholder engagement:
- Removal of section 5.6(1)(b), allowing RCAs to install roadway art if it is for the purpose of reinforcing a street environment where the operating speed of all vehicles (except in emergency situations) should not be more than 30km/h. This provision created an impression that roadway art should be used for the purpose of enhancing lower speed limits, which is not the intent of the Rule.
 - Removal of all reference to cost recovery following clarification that Waka Kotahi does not have the statutory authority to recover costs from an RCA if they intervene to remove roadway art.
23. An example of what would and would not be acceptable under the proposed Rule change is included below:

Acceptable	Not acceptable
<p>An RCA commissions artwork to be installed on a section of road with a speed limit of 30km/h and average speeds to 35km/h.</p> <p>Along with the roadway art, the RCA installs additional speed management interventions (some planter boxes) and reasonably expects that the operating speed will be reduced to, or below 30km/h.</p> <p><i>This roadway art would be acceptable as it has been installed in an environment where an operating speed of no more than 30km/h has been or is expected to be achieved, and the artwork is not located near other TCDs and does not resemble or mislead users about existing TCDs.</i></p>	<p>An RCA commissions artwork to be installed on a section of road with a speed limit of 30km/h. The operating speed of vehicles is 35km/h. The RCA does not install any other features and the speeds of vehicles travelling through this area does not change.</p> <p><i>This would not be acceptable roadway art because it has not been installed in a low risk environment (e.g. operating speeds are not 30km/h or below)</i></p> <p><i>The RCA would need to consider other measures (such as installing speed management devices) for the artwork to conform with the proposed Rule.</i></p>

<p>An RCA is planning to narrow a wide street with a 50km/h speed limit and a wide-angle intersection with another street, by installing planter boxes and removing car parks. It also plans to paint an assortment of coloured circles on the roadway to reinforce the street environment as low speed and pedestrian-friendly. Operating speeds are currently 45km/h and the RCA reasonably expects this combination of measures to lower the operating speed of vehicles to 30km/h or below.</p> <p><i>This would be acceptable roadway art because it has been installed with the aim to achieve an outcome where the operating speed of vehicles is no more than 30km/h, and where it is reasonable for the RCA to believe that outcome will be or has been achieved.</i></p>	<p>At a signalised crossing, an RCA paints coloured horizontal stripes on the road.</p> <p><i>This would not be acceptable roadway art because it resembles an existing traffic control device (a zebra crossing) and could mislead users about its meaning.</i></p>
---	---

24. A marked up copy of the Rule has been included so you can review the changes that were made following targeted stakeholder engagement.

The proposed Rule raises concerns for some groups, so Waka Kotahi would engage with stakeholders to develop accompanying guidance to the Rule

25. The attached RIA identifies some potential issues regarding possible impacts of roadway art on elderly people and people with disabilities. For example, the use of colour, patterning, lettering and imagery on pedestrian surfaces can be particularly problematic for people who are blind or partially sighted and people who have sensory/ neurological processing difficulties.
26. In addition, autism and dementia related research highlights the importance of creating uncluttered environments and for visual backgrounds to be as neutral as possible. This can help to eliminate visual clutter and distractions and reduce the risk of falls. Supporting familiar and predictable routines and environments that do not change, and in the case of Dementia, that maintain a connection to the past, is an important consideration to be aware of when designing environments for neurodivergent people.
27. If the Rule is made, Waka Kotahi would work with RCAs and other relevant stakeholder groups (e.g. Māori, the disability sector) to develop accompanying guidance to the Rule. The guidance would clarify how and where roadway art can be installed, as well as the steps for RCAs to take prior to installing roadway art, for example, information about engaging with iwi and the disability sector. Over time, this guidance would be updated with case studies and examples of best practice. The Rule would not refer to this guidance.

28. This guidance would also specifically take into account Te Aranga Māori Design Principles and provide specific guidance on who, how and when to engage with Māori. Te Aranga Māori Design Principles are a Māori cultural landscape strategy/approach to design which incorporates a series of Māori cultural values and principles. The principles have arisen from a widely held desire to enhance mana whenua presence, visibility and participation in the design of the physical realm.
29. Local authority RCAs would also need to carry out additional engagement with their communities about the specific features they wish to install in line with the Local Government Act 2002, to ensure that the installation of roadway art would not have adverse effects on communities.
30. During targeted stakeholder engagement, a technical expert made a comment around the importance of being clear with the public about what the use of roadway art means, and if it is practical for the people that use that space. They noted that engaging with the public, and in particular, the disability sector would need to be an ongoing process – something that RCAs do not have a lot of experience with. RCAs would need a lot of help and guidance with this.

Next steps to progress the Rule

31. We have attached copies of the draft Rule, Cabinet paper, and RIA for your consideration.
32. In line with the timeframes set out below, cross-party consultation will need to commence on Monday, 6 July 2020, in order to progress the Rule prior to the 2020 General Election. Any initial feedback on the Rule package (prior to commencing cross-party consultation) is therefore needed from you by Friday, 3 July 2020, in order give officials enough time to make the necessary changes. The Ministry will undertake departmental consultation in parallel with cross party consultation.
33. Following receipt of feedback from cross party and departmental consultation, the Ministry will provide you with a copy of the final Rule, RIA and Cabinet paper on Wednesday, 15 July 2020 to lodge the following day (16 July 2020).

Timing	Milestone
3 July	Any feedback on the Rule, RIA or Cabinet paper sent to the Ministry
6 July	Departmental and cross party consultation commences (5 days)
13 July	Any final feedback from cross party consultation sent to the Ministry
15 July	Papers sent to your office for review and lodging
16 July	Your office lodges LEG paper
21 July	LEG Committee consideration
27 July	Cabinet / Executive Council – Rule Gazetted

Recommendations

The recommendations are that you:

- (a) **note** the attached draft Cabinet paper, Rule and Regulatory Impact Assessment for the Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020;
- (b) **agree** to commence cross-party consultation on the Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 on Monday, 6 July 2020; Yes/No
- (c) **note** that we will send the draft Cabinet paper to central government agencies for comment;

Gareth Fairweather
Manager, Placemaking & Urban Development

MINISTER'S SIGNATURE:

DATE:

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 – submission to Executive Council

Reason for this briefing	This briefing summarises the feedback received through cross-party and departmental consultation on the Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020. It also attaches the revised Rule, Cabinet paper and Advice Sheet for your submission to the Executive Council and a set of speaking points to support you at the Cabinet Legislation Committee on 21 July 2020.
Action required	<p>If you agree:</p> <ul style="list-style-type: none"> • sign the attached paper to Cabinet requesting that Cabinet authorise the submission of the Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 to the Executive Council; • sign the Advice Sheet recommending that Her Excellency the Governor-General signs the Rule; • lodge the attached Cabinet paper, together with the Rule, Advice Sheet and Regulatory Impact Assessment with the Cabinet Office on Thursday 16 July 2020; and • note the attached speaking points to support you at the Cabinet Legislation Committee on 21 July 2020.
Deadline	10:00am 16 July 2020.
Reason for deadline	To meet the timeframes required for Her Excellency the Governor-General to sign the Rule on 27 July 2020, for commencement of the Rule on 28 August 2020.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Gareth Fairweather	Manager, Placemaking & Urban Development	s 9(2)(a)	✓
Brendan Booth	Chief Legal Adviser	s 9(2)(a)	
Kaitlyn Stringer	Adviser, Placemaking & Urban Development	s 9(2)(a)	
Matthew Stone	Adviser, Mobility & Safety	s 9(2)(a)	

MINISTER'S COMMENTS:

Date:	15 July 2020	Briefing number:	OC 200570
Attention:	Hon Julie Anne Genter	Security level:	In confidence

Minister of Transport's office actions

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Seen | <input type="checkbox"/> Approved |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Referred to | |
| <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Not seen by Minister | <input type="checkbox"/> Overtaken by events |

Purpose of report

1. This briefing summarises the feedback received through cross-party and departmental consultation on the Land Transport Rule: Traffic Control Devices (Roadway Art) Amendment 2020 (the Rule). It also attaches the revised Rule, Cabinet paper, Advice Sheet and Regulatory Impact Assessment (RIA) for your submission to the Executive Council, and a set of speaking points to support you at the Cabinet Legislation Committee on 21 July 2020.
2. In line with the timeframes required to progress the Rule prior to the 2020 New Zealand General Election (the Election), your office will need to lodge the Cabinet paper on 16 July 2020 so that it can be considered at the Cabinet Legislation (LEG) Committee on 21 July 2020. This is required for Her Excellency the Governor-General to sign the Rule on 27 July 2020, for commencement of the Rule on 28 August 2020.

Background to the Rule

3. Waka Kotahi NZ Transport Agency (Waka Kotahi) developed the Rule to enable Road Controlling Authorities (RCAs) to install roadway art in lower risk environments. The intent of the Rule is to help RCAs create safer and more pleasant streets for the growing number of pedestrians and cyclists using them.
4. In June 2020, you directed officials to progress the Rule by Order in Council prior to the Election. Waka Kotahi held a workshop on the Rule proposal with urban RCAs and several other transport/safety experts on 24 June 2020. After the workshop, attendees were invited to answer a survey on the Rule proposal or email further feedback.
5. On 1 July 2020, officials provided you with a revised draft Rule, RIA, Cabinet paper and cover briefing on the Rule (OC200506 refers). This took into account feedback received through Waka Kotahi's targeted stakeholder engagement.
6. Your office subsequently sent the draft Rule and Cabinet paper out for cross-party consultation on 6 July 2020. We undertook departmental consultation in parallel to cross-party consultation.

Several changes were made following cross-party and departmental consultation

7. Te Puni Kokiri, Waka Kotahi, the Treasury, Ministry of Health, and the Ministry of Housing and Urban Development are broadly in support of the Rule proposal.
8. Te Puni Kokiri expressed support for the accompanying guidance to the Rule to encourage early engagement with Māori when projects are initiated. It also suggested considering prioritising local Māori artists and social procurement approaches to contracting, when selecting the provider/artist to deliver roadway art. We have passed this on to Waka Kotahi to consider in the development of its accompanying guidance to the Rule.
9. Further text was added to the Cabinet paper to explain how roadway art (or the projects they feature within) will be evaluated. Specifically, Waka Kotahi has developed a monitoring template to help RCAs develop a strategy for identifying their project goals and how they'll measure success. Each project will be different, but Waka Kotahi will be providing advice and feedback, and looking to collect data through case studies before and after the projects are complete. Any lessons will feed into the accompanying guidance to the Rule, which Waka Kotahi intends to update with case studies and examples of best practice.
10. New Zealand Police support the Rule proposal, but are keen to ensure there will be sufficient measures in place to minimise any road safety risks. The table below outlines their specific points of feedback and our actions taken to address these.

Feedback from New Zealand Police	Action taken
It was concerned with the focus on speed rather than risk in the definition of a low risk environment. It does not believe a low speed environment and low risk environment should be synonymous.	We have relabelled 'low risk environments' in the proposed Rule and Cabinet paper to ' lower risk environments '. This provides RCAs with clarity that areas under 30km/h in themselves should not automatically be considered "low risk".
It was unclear whether the RCA would be liable if a crash occurred or pedestrian was hit resulting in injury as a result of road art confusion.	We have included a statement in the Cabinet paper that makes it clear that RCAs would be responsible for ensuring roadway art does not confuse road users and create a risk of injury. Any injury claims would be covered by ACC legislation, thus any personal injury claim against an RCA would be statute barred (unless it involved exemplary damages) by section 317 of the Accident Compensation Act 2001.
It recommended explaining why there will be no reference to the guidance in the Rule.	We have amended the Cabinet paper to make it clear that although RCAs are not obligated to follow the accompanying guidance to the Rule, Waka Kotahi will have enforcement powers to remove any non-complaint roadway art, therefore it is in RCAs' best interests to follow the guidance.

Any risks associated with the Rule are likely to be low

11. As we advised in our briefing to you on 1 July 2020, the RIA identified some potential issues regarding possible impacts of roadway art on elderly people and people with disabilities. Specifically, the concern is that roadway art, if designed poorly, could cause confusion for those with sensory or neurological conditions who rely on consistent and predictable roadway markings.
12. Waka Kotahi intends to work with RCAs and other relevant stakeholder groups (including the disability sector) to develop accompanying guidance to the Rule. The guidance would clarify how and where roadway art can be installed, as well as the steps for RCAs to take prior to installing roadway art. For example, the guidance will include information about engaging with the disability sector. Over time, this guidance would be updated with case studies and examples of best practice.
13. There is also a risk that motorists and other road users could be confused by roadway art because it is not a recognisable TCD, which might result in confusion about who has priority. By only permitting roadway art in lower risk environments and ensuring that roadway art cannot mislead, resemble or be integrated with existing TCDs, Waka Kotahi hopes to limit this risk. To avoid unnecessary confusion, however, RCAs may need to inform users of a change to the road environment and what it means, so users know what to expect. This would be considered best practice in the accompanying guidance to the Rule.
14. We consider that local authority RCAs will need to carry out additional engagement with their communities about the specific features they wish to install in line with the Local Government Act 2002, to ensure that the installation of roadway art would not have adverse effects on communities (i.e. the disability sector).

With Cabinet approval, you have authority to recommend that the Governor-General makes a land transport rule

15. An Order in Council process relies on Cabinet agreeing to the Rule upon Ministerial recommendation, under section 152A(1) of the Land Transport Act 1988 (LTA).
16. The attached Cabinet paper seeks Cabinet's authorisation for the Rule to be submitted to the Executive Council. In this case, you are proposing that the Rule is made by Her Excellency the Governor-General under section 152A(1) of the LTA.
17. The Ministry of Transport's Acting Chief Legal Adviser's advice is that you have legal authority to recommend that the Governor-General makes the Rule by Order in Council, and that it complies with the relevant requirements. The Order is certified by the Acting Chief Legal Advisor as being in order for submission to the Executive Council.
18. The Rule would be made pursuant to the following sections of the LTA:
 - 18.1. Section 152A, which provides that the Governor-General may, by Order in Council, on the recommendation of the Minister, make, amend, or revoke an ordinary rule for any of the purposes for which the Minister may make, amend, or revoke an ordinary rule
 - 18.2. Section 152, which sets out the Minister's general rule making powers, including the power to make rules for the purposes of assisting land transport safety and security, including (but not limited to) personal security, providing for the appropriate management of infrastructure, assisting economic development, improving access and mobility, and protecting and promoting public health
 - 18.3. Section 157, which provides that rules can be made to set out standards, specifications, or codes of practice for the design, construction, alteration, or maintenance of roads and related property and provide for the design, construction, maintenance, and operation of Traffic Control Devices (TCDs).

Relevant matters

19. In recommending the Rule, you must have regard to specific matters.
20. Section 152A(2) of the LTA requires you to have regard, and give such weight, as you consider appropriate in each case, to the matters in section 164(2) of the LTA when deciding to recommend that a rule is made by Order in Council.
21. We have set out our advice on these matters in the table below:

Matter to be considered	Comment
Section 164(2)(a) The level of risk existing to land transport safety in each proposed activity or service	The objective of the Rule is to enable RCAs to install roadway art in lower risk environments to help create safer and more pleasant streets. The RIA identified some potential issues regarding possible impacts of roadway art on elderly people and people with disabilities. Waka Kotahi will work with RCAs and other relevant stakeholder groups (e.g. the disability sector, Māori) to develop accompanying guidance to the Rule. Local authority RCAs will also need to carry out additional engagement with their communities about the specific features they wish to install in line with the Local Government Act 2002. This will minimise any risks associated with the installation of roadway art on communities.

	By only permitting roadway art in lower risk environments with operating speeds of under 30km/h, and ensuring that roadway art cannot mislead, resemble or be integrated with existing TCDs, the risk that motorists and other road users could be confused by roadway art, because it is not a recognisable TCD will be limited.
Section 164(2)(b) The nature of the particular activity or service for which the rule is being established	The Rule is concerned with enabling RCAs to install roadway art in lower risk environments to help create safer and more pleasant streets for the growing number of pedestrians and cyclists using them. This will help progress a range of approved and funded projects to revitalise town centres and promote safer roads around schools.
Section 164(2)(c) The level of risk existing to land transport safety in New Zealand in general	We have considered the perceived safety risks of the Rule and consider that these risks are mitigated by: <ul style="list-style-type: none"> • accompanying guidance to the Rule; • restricting the use of roadway art to lower risk environments where operating speeds of 30 km/h or less can be achieved; • ensuring roadway art does not resemble an existing TCD or mislead drivers; and • RCAs communicating to road users what roadway changes mean.
Section 164(2)(d) The need to maintain and improve land transport safety and security, including (but not limited to) personal security	Tactical urbanism has been shown internationally to make a useful contribution to projects aimed at reducing vehicles speeds and creating a safer and more welcoming environment for pedestrians. The Rule will enable councils to deliver roadway art as part of a suite of tactical changes to influence motorist behaviour, show support for the community, or enhance the 'place' function of a street. Such changes will improve the safety and security of streets for the growing number of cyclists and pedestrians using them.
Section 164(2)(da) The appropriate management of infrastructure, including (but not limited to)— (i) the impact of vehicles on infrastructure; and (ii) whether the costs of the use of the infrastructure are greater than the economic value generated by its use	Under the Rule, RCAs must ensure that roadway art is installed only in lower risk environments and provide adequate infrastructure to ensure vehicles travel at the appropriate operating speed. RCAs will not be required to make these changes and will be able to assess any costs on a project by project basis.
Section 164(2)(e)(i) Whether the proposed rule assists economic development	The Rule may assist economic development by helping RCAs to create safer and more inviting urban spaces, where people want to spend their time and money. Internationally, temporary, tactical street changes have been found to increase pedestrian traffic volumes. Business revenues reportedly rose by 71% as a result of tactical urbanism interventions installed in Times Square, New York.

Section 164(2)(e)(ii) Whether the proposed rule improves access and mobility	The intent of the Rule is to create safer and more pleasant urban spaces for the growing number of pedestrians and cyclists using them. The Rule will enhance access and mobility for these road users.
Section 164(2)(e)(iii) Whether the proposed rule protects and promotes public health	There will be no direct benefit towards public health. However, the Rule will help create safer and more pleasant urban spaces for the growing number of pedestrians and cyclists using them. Active transport has been shown to have many positive benefits for public health.
Section 164(2)(e)(iv) Whether the proposed rule ensures environmental sustainability	The Rule will not directly ensure environmental sustainability. However, it will help achieve positive environmental outcomes by creating safer and more pleasant urban spaces for the growing number of pedestrians and cyclists using them. This may encourage more people to travel by active modes, which will reduce transport emissions and improve air quality.
Section 164(2)(ea) The costs of implementing measures for which the rule is being proposed	Waka Kotahi and RCAs will need to invest time and resources in upskilling staff and updating their systems and processes to support the Rule. There will also be costs for Waka Kotahi associated with monitoring and evaluating implementation the Rule, developing guidance and preparing for, and if necessary, dealing with, any non-compliant roadway art (e.g. roadway art that misleads road users about other TCDs or is not installed in a lower risk environment).
Section 164(2)(eb) New Zealand's international obligations concerning land transport safety	Under section 169(b) of the LTA, one of your objectives is to ensure that New Zealand's obligations under international agreements relating to land transport are implemented. This is a domestic initiative and New Zealand has no international obligation to implement rule changes to install roadway art into domestic legislation.
Section 164(2)(f) The international circumstances in respect of land transport safety	N/A
Section 164(2)(g) Such other matters as you consider appropriate in the circumstances	There are no other matters that we view as necessary to bring to your attention.

No further consultation is necessary

22. An Order in Council process does not require statutory public consultation.
23. Waka Kotahi prepared a RIA. An Independent Quality Assurance Review Panel with representatives from the Ministry of Transport reviewed the RIA for the Rule. The panel considers that, overall, the RIA "meets" the quality assurance criteria.
24. As noted in your Cabinet paper, Waka Kotahi also undertook targeted stakeholder engagement on the draft Rule with urban RCAs and several other transport safety experts. The draft Rule was amended following feedback received through this process (OC200506 refers). We consider that this process was likely sufficient to identify any issues that would have otherwise been raised in a full public consultation.

There are no direct financial implications of the Rule for the Crown

25. Waka Kotahi will fund the management and publicity of the Rule via its operational budget.

Timing and the 28-day rule

26. Section 161(3) of the LTA requires notification of signed rules in the *New Zealand Gazette* before they come into force. Also applicable is the 28-day rule, which Cabinet decided should apply to transport rules.
27. The Rule is drafted to come into force on 28 August 2020, which is at least 28 days after 30 July 2020, which will be the date the Rule will be notified in the *New Zealand Gazette*, assuming the Cabinet paper is approved by LEG Committee on 21 July 2020, and signed by Her Excellency on 27 July 2020.

The Rule complies with relevant legislation

28. The Rule is not inconsistent with the principles of the Treaty of Waitangi. It complies with both the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, the principles and guidelines set out in the Privacy Act 1993, and the relevant international standards. It is consistent with the LDAC guidelines, maintained by the Legislation Design and Advisory Committee.

Legal advice – Regulations Review Committee

29. Under section 152A(6) of the LTA, ordinary rules are disallowable instruments for the purpose of the Legislation Act 2012 and, under section 41 of that Act, must be laid before the House of Representatives not later than the sixteenth sitting day after they are made.
30. You have not referred a draft of the Rule to the Regulations Review Committee (the Committee) under Standing Order 318(2).
31. We have not identified any grounds on which the Committee may draw the Rule, once made, to the attention of the House under Standing Order 319(2).

Publicity

32. We will notify the making of the Rules in the *New Zealand Gazette*, as required by section 161(3) of the LTA. Waka Kotahi will also publicise the Rules in its publications and on its website.
33. A draft press release has been prepared and is attached. We have also attached a set of speaking points to support you at LEG Committee on 21 July 2020.

Next steps

34. To ensure the Rule is made prior to the Election, the Cabinet paper will need to be lodged on Thursday 16 July 2020, to be considered at LEG Committee on Tuesday 21 July 2020. If Cabinet recommends that the Rule is made by Her Excellency, the Rule will be Gazetted on 30 July 2020.
35. If these deadlines are missed, the Cabinet paper will need to be lodged by 23 July 2020 to be considered at the next LEG Committee meeting on 28 July 2020.

Timing	Milestone
15 July	Papers sent to your office for review and lodging
16 July	Your office lodges Cabinet paper
21 July	LEG Committee consideration
27 July	Executive Council meeting - Her Excellency signs the Rule
30 July	Cabinet / Executive Council – Rule Gazetted

If there are delays to lodging the Cabinet paper, the Rule may not be able to be made prior to the Election

36. The final LEG Committee before the Election is on 4 August 2020. Therefore if the Cabinet paper is not lodged by 30 July 2020, or it is lodged and “bumped”, it is unlikely that the Rule will be made prior to the Election. There is a Cabinet Business Committee (CBC) meeting the following Monday (10 August 2020), but then no CBC, Cabinet or Executive Council meeting until 24 August 2020, or following that, 7 September 2020.

Recommendations

37. The recommendations are that you:
- (a) **sign** the attached Cabinet paper and Advice Sheet;
 - (b) **lodge** the Cabinet paper together with the Rule, Advice Sheet and RIA with the Cabinet Office on Thursday 16 July 2020, to be considered at the Cabinet Legislation Committee on Tuesday 21 July 2020; and
 - (c) **note** the attached speaking points to support you at the Cabinet Legislation Committee on 21 July 2020.

Gareth Fairweather
Manager, Placemaking & Urban Development

MINISTER’S SIGNATURE:

DATE:



30 March 2023

OC221107

Hon Michael Wood

Action required by:

Minister of Transport

Thursday, 6 April 2023

RESHAPING STREETS - POLICY APPROVALS

Purpose

To seek your agreement to final policy decisions on Reshaping Streets and provide you with a draft Cabinet paper for Ministerial consultation.

Key points

- The Reshaping Streets package seeks to make it easier for RCAs to make street changes by reducing administrative barriers.
- Consultation on the Reshaping Streets proposal ran from 9 August 2022 to 19 September 2022. We received 898 submissions, including 19 from local authorities.
- Based on feedback from submitters, and further analysis, we are proposing some minor amendments to the Reshaping Streets proposals, including withdrawing one proposal.
- The next step is to seek Cabinet agreement to the final policy decisions on the Reshaping Streets package. The current timeline is for a Cabinet paper to be lodged on 27 April 2023 for the Cabinet Economic Development Committee meeting on 3 May 2023.
- If Cabinet agrees to the Reshaping Streets package, you can make an ordinary rule under The *Land Transport Act 1998* to give effect to these proposals:
 - enabling councils to use pilots (trials) as a form of consultation
 - enabling councils to use modal and regulatory filters
 - creating School Streets
 - creating 'Community Streets'
- The other proposals will be implemented through the Government Roding Powers Amendment Bill. s 9(2)(f)(iv)

Recommendations

We recommend you:

- 1 **agree** to the final set of policy decisions on the Reshaping Streets package detailed in this briefing Yes / No
- 2 **begin** Ministerial consultation on the draft Cabinet paper *Reshaping Streets: Policy Approvals* on or by 11 April 2023, finishing by 21 April 2023 Yes / No
- 3 **forward** this briefing to the Minister of Local Government, who is responsible for the *Local Government Act 1974*, which Reshaping Streets proposes to amend Yes / No



Jessica Ranger
Manager, Placemaking and Urban Development

30 / 03 / 23



Chris Bunny
Group General Manager System Leadership, Waka Kotahi New Zealand Transport Agency

30 / 03 / 23

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Jessica Ranger, Manager, Placemaking and Urban Development, Ministry of Transport	s 9(2)(a)	✓
Chris Bunny, Group General Manager Systems Leadership, Waka Kotahi New Zealand Transport Agency		
Harry Harknett, Senior Adviser, Regulatory Policy, Ministry of Transport		
Chris Roblett, Principal Solicitor, Ministry of Transport		For any legal queries

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

RESHAPING STREETS - POLICY APPROVALS

Background

We consulted on Reshaping Streets in mid-2022

- 1 The Reshaping Streets package contains proposals designed to reduce the administrative cost of making street changes, and facilitate councils making street changes that support public transport, active travel and placemaking.
- 2 We consulted on the proposed Reshaping Streets package from 9 August 2022 to 19 September 2022. We received 898 submissions, 19 of which were from local authorities. We provided you with high-level summary of this feedback on 25 October 2022 [OC220829 refers].

Steps since consultation

- 3 On 3 November 2022, you agreed to us providing you with final policy recommendations and a draft Cabinet paper seeking agreement to implement the revised changes by March 2023. This draft Cabinet paper, along with the revised draft Land Transport Rule: Street Layouts (the draft Rule), the Regulatory Impact Assessment and the final Summary of Submissions are attached as **Annexes 1 to 4** respectively.
- 4 As of late November 2022, two proposals from the *Regulatory Systems (Transport) Amendment Bill No.2* (RSTA) have been shifted into Reshaping Streets [DEV-22-MIN-0284 and CAB-22-MIN-0532 refer]. This is necessary to avoid two separate Bills amending the *Local Government Act 1974* (LGA 1974) and *Government Roadway Powers Act 1989* (GRPA) at the same time as this would greatly increase the complexity and risk of error.

Policy recommendations

- 5 The below table provides an overview of what was proposed in the consultation document and recommendations for each policy. Further detail is provided below.

Proposal	Overview of recommended change
Enable the use of pilots as a form of consultation	<p>Proceed, with three amendments:</p> <ul style="list-style-type: none"> increase the minimum notification period for a pilot from two weeks to four weeks (and to increase the minimum notification period for traffic control devices to four weeks) require RCAs to notify public transport authorities if the pilot is on a street that a public transport service operates on include an express provision for RCAs to consider the impacts on people with mobility issues before beginning a pilot

Proposal	Overview of recommended change
Provide a new power to prohibit and restrict classes of traffic from using a roadway, including through the use of modal filters	<p>Proceed, with three amendments:</p> <ul style="list-style-type: none"> clarify the scope of the power to focus on the use of modal and regulatory filters, either alone or together include provisions requiring RCAs using the power to consider factors such as the nature of the roads on which the power will be used and the safety of alternative routes amend the LTA 1998 to allow local authorities to enforce modal and regulatory filters, as they do for special vehicle lanes.
Provide a new power to create School Streets	<p>Proceed, with these amendments:</p> <ul style="list-style-type: none"> amend the requirements for the creation of School Streets and the ability to enforce them with cameras as per the power listed above to prohibit and restrict traffic clarify that only vehicles accessing properties other than the school can do so by default, but that RCAs can also allow access for vehicles accessing the school on an individual basis
Provide a new pathway for the installation of traffic control devices	Withdraw proposal for the time being.
Make it easier to close streets temporarily for events (including the creation of Community Streets)	<p>Proceed, with three amendments:</p> <ul style="list-style-type: none"> increase minimum notification to four weeks (up from two) include a requirement to consider access for emergency services, freight and bus routes when determining whether a street is suitable for a Community Street and any conditions that can reasonably be imposed provide RCAs with an ability to allow access for vehicles, but do not enable vehicle access by default
Make the process for creating pedestrian malls and more consistent with other forms of traffic control	Proceed as consulted, noting for clarity that this would share amendments with the power to prohibit and restrict traffic and School Streets.
Simplify the process for creating transport shelters (eg bus shelters, as opposed to bus stops)	Proceed as consulted, with no amendments.
Additional proposals from the RSTA	
Modernise roading provisions and consequential drafting improvements	Proceed as consulted, with additional provisions included.
Strengthen and clarify requirements around Limited Access Roads	Proceed as consulted, with no amendments.

Enabling pilots as a form of consultation

What we proposed in the consultation document

- 6 We consulted on a proposal to allow road controlling authorities that are local authorities, Crown entities or government departments (RCAs)¹ to pilot (trial) street changes as a form of consultation. Although the pilot process included some minimum standards, it was designed to be flexible so that RCAs could tailor the process based on the scale and nature of the changes that they wished to pilot, from traffic calming measures on a single road to wider, neighbourhood-level changes.
- 7 We also proposed to amend the notification requirements for trialling new traffic control devices such as signs, to make it more flexible to trial these devices, and to pilot changes to speed limits under 60km/h if done in conjunction with other changes. We proposed supporting changes to primary legislation to make it clear that Schedule 10 of the LGA 1974 should not be used for pilots.

We recommend proceeding with the pilots' proposal, with three amendments to address concerns about notification

- 8 There was a high level of support for the pilots' proposal with two thirds of submitters in favour.
- 9 We are proposing three minor amendments that will ensure consultation processes are robust and adequate. They are designed to strike a balance between ensuring that communities are notified of proposed pilots and retaining flexibility so that pilots can still be rolled out quickly and easily.
- 10 These amendments are:
 - 10.1 increasing the minimum notification period for a pilot from two weeks to four weeks (and to increase the minimum notification period for traffic control devices to four weeks)
 - 10.2 requiring RCAs to notify public transport authorities if the pilot is on a street that a public transport service operates on
 - 10.3 including an express provision for RCAs to consider the impacts on people with mobility issues before beginning a pilot.
- 11 These amendments respond to concerns RCAs will not consult properly with their communities if given the chance to use the pilot process. They will also ensure RCAs consider people whose right of access is most likely to be affected by layout changes when making decisions.
- 12 However, we note local authorities will still need to be satisfied their processes meet their statutory requirements for consultation and decision-making under the Local Government Act 2002 (LGA 2002). The technical advisory group for Reshaping Streets indicated local authorities would likely undertake targeted engagement as a minimum before deciding to use a pilot.

¹ 'RCA' is used from here to refer to this particular group of RCAs, unless specified otherwise. 'Local authority' also includes Auckland Transport.

The power to prohibit and restrict traffic

What we proposed in the consultation document

- 13 We proposed enabling RCAs to prohibit or restrict the use of motor vehicles (or classes of motor vehicles) on a roadway, subject to light-touch process obligations. The primary purpose of this was to allow RCAs to limit through-movements of vehicles and filter traffic, including by using modal filters. We also proposed to enable them to install any object to filter traffic provided it is safe. This would enable RCAs to use objects such as planter boxes to restrict vehicles from entering or exiting part of a road.

Responses from submitters and recommended changes

- 14 Just under two-third of submitters supported this proposal. Many submitters noted the potential of modal filters to reduce through traffic and to encourage walking and cycling.
- 15 While some submitters noted the importance of consultation with the affected community before any street changes are made, most traffic controls do not have prescribed consultation or notification requirements. As such, the existing notification provisions already exceed those of most traffic controls, and we do not propose to add any new notification provisions.

We recommend proceeding with powers to prohibit and restrict traffic, but with a rescoped power to avoid unintended consequences

- 16 We have made changes to the power, so its scope is clearer. As drafted, the power was broad. While it is intended to expand the range of traffic controls available to RCAs, it was not intended to circumvent those processes.
- 17 We are redrafting the power so it focuses on:
- 17.1 prohibiting motor vehicle traffic, or classes of motor vehicle traffic, from passing a certain point on the roadway (e.g. the use of modal and regulatory filters)
 - 17.2 combining filters to exclude certain classes of traffic (not all traffic) from entire stretches of roadway. To balance the need for access with the need to restrict motor vehicle traffic and encourage other modes, we have made it clear the power cannot be used to prevent access to an area by all motor vehicle traffic. Other tools, such as pedestrian malls, would be more appropriate for such cases.

We also recommend changes to address concerns about the impact on other roads

- 18 Some submitters raised concerns modal filters could lead to decreased access to certain areas, particularly for emergency services and those with mobility issues. In response to these concerns, we recommend including provisions requiring RCAs to consider the nature of the roads on which this power could be used and the safety of alternative routes. This will strike a balance between providing flexibility and directing the types of roads these powers are most suitable for (e.g. local rather than arterial routes).

We recommend amending the LTA 1998 to allow local authorities to enforce modal and regulatory filters, as they do for special vehicle lanes.

- 19 Local authorities raised the challenges they could face enforcing vehicle restrictions. Given modal and regulatory filters are similar to special vehicle lanes, and local authorities already have powers to enforce special vehicle lane offences, we recommend amending the *Land Transport Act 1998* (LTA 1998) to allow road controlling authorities to use cameras for enforcement purposes for modal and regulatory filters.

School Streets

What we proposed in the consultation document

- 20 The consultation document included a power for RCAs to create 'School Streets'. These streets involve restrictions on motorised traffic outside schools that apply during school drop-off and pick-up times, sometimes permitting only the vehicles of residents.
- 21 Around two-thirds of respondents supported this proposal, highlighting the health and wellbeing outcomes for children. While there were some concerns relating to access to properties and being prevented from dropping children near schools, the proposal does not do either of these things.

We recommend proceeding with the School Streets proposal, with minor modifications

- 22 This power shared the same process as the proposed power to prohibit and restrict traffic. We propose that this continue to be the case. Therefore, we will extend the proposed changes to the process for prohibiting and restricting traffic to this power. This includes empowering RCAs to enforce School Streets with cameras.
- 23 We recommend amending the power so a person may only drive or ride a motor vehicle on a roadway if they are accessing any property other than the school, but that RCAs or the school can issue further exemptions for those accessing the school itself. This addresses a point raised by our technical advisory group that people would often be able to drive on a School Street in order to access the school itself. This would greatly reduce the effectiveness of School Streets.

The express power to install traffic control devices (TCDs)

- 24 While developing the Reshaping Streets regulatory package, some local authorities expressed concern at a lack of express powers in legislation to install TCDs (e.g. traffic signs, pedestrian crossings, and paint markings). On this basis, the draft Rule and consultation document included a proposal to provide a new pathway to create TCDs (including traffic calming devices and on-street car parks). This proposal was targeted specifically at RCAs and does not appear to have been understood particularly well by the public, as well as receiving very limited support.
- 25 After discussions with the technical advisory group, our view is this issue needs further investigation before any action is taken. Therefore, we recommend not proceeding with this proposal currently. We will consider this further during the drafting process of the Government Roadway Powers Amendment Bill.

Events proposals (including Community Streets)

What we proposed in the consultation document

- 26 We proposed consolidating the event road closure powers of the LGA 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965 (the 1965 Regulations). We also proposed providing more permissive grounds for road closures, relax notification requirements, and removing limitations on impeding traffic and the duration of temporary closures.
- 27 As an interim action, we proposed introducing a new 'Community Streets' process for short-term events. Approved by RCAs, residents would be able to lead closing the road for a brief period to allow children and parents to play and hold activities on a roadway.
- 28 Around 70 per cent of submitters supported the main proposal to allow for the creation of Community Streets. They noted the empowering and positive impact on communities, as well as the environmental and positive social impacts. On the other hand, some submitters considered roads are for cars, not events.

We recommend proceeding with the Community Streets proposal, but removing the default right to access for motor vehicles and modifying notification requirements

- 29 Based on feedback around safety concerns, we propose removing the default right of entry to motor vehicles for people accessing a Community Street, given the short duration of these events. RCAs could still allow access for vehicles if they choose, through their power to impose conditions. This aligns with the approach used for other types of events.
- 30 Many submitters identified further groups who should be notified or consulted before an RCA approves a Community Street. In response, we recommend including a requirement to consider access for emergency services, and freight and bus routes when determining whether a street is suitable for a Community Street and any conditions that can reasonably be imposed.
- 31 Based on submitters' feedback, we also recommend increasing the minimum notification period from two weeks to four weeks and including a requirement to consider access for certain groups when deciding the suitability of a road for Community Streets and conditions that can be reasonably imposed.
- 32 When the events provisions of the LGA 1974 and 1965 Regulations are integrated into the Community Streets process, these obligations will apply to all events.

Pedestrian malls

What we proposed in the consultation document

- 33 We proposed removing the requirement for local authorities to use the special consultative procedure when creating pedestrian malls and the right of appeal to the Environment Court, and to shifting the pedestrian mall provisions into the new Street Layouts Rule. This would make the process for creating pedestrian malls more consistent with the approaches for making other substantive street changes.

We recommend proceeding with the Pedestrian Mall proposals, with minor changes

- 34 Around two thirds of submitters were in favour of the three proposals. Amenity was a key theme that arose with submitters keen to have more open public spaces such as pedestrian malls.
- 35 Some submitters expressed concern removing these provisions would mean that local authority RCAs would not adequately consult. We are confident there are sufficient mechanisms for community consultation. In particular, local authority RCAs will still need to apply the decision-making and consultation principles of the LGA 2002 when deciding on a pedestrian mall. The public can still seek a judicial review of a decision to establish a pedestrian mall.
- 36 The consultation document did not specify the new process that would apply once creating pedestrian malls was shifted into the Rule. For clarity, we propose making the process requirements for creating pedestrian malls, and the ability to enforce them with cameras, consistent with the power to prohibit and restrict traffic.

Traffic shelters

What we proposed in the consultation document

- 37 To set up a bus stop with a shelter, local authority RCAs need to follow two separate legal processes. They must first pass a traffic resolution to set up a bus stop, before following additional notification processes for installing a transport shelter.
- 38 During consultation, we proposed removing the bespoke notification consultation requirements for erecting transport shelters (including bus shelters) as these requirements are administratively burdensome and inconsistent with the process used for other public facilities, such as pedestrian crossings, seats, or public toilets.

We recommend proceeding without modifications

- 39 Sixty-four per cent of submissions were in favour of the change. They highlighted the more efficient process and the support for mode shift.
- 40 Some submitters were concerned local authority RCAs would not consult when installing public transport shelters. However, the decision-making and consultation requirements of the LGA 2002 will still apply. This means local authority RCAs are still going to need to understand the impact of the shelter on nearby properties and will likely notify and consult the residents.

Modernising roading provisions (formerly in the RSTA)

- 41 In consultation on the RSTA, we proposed transferring the transport provisions of the LGA 1974, administered by the Departmental of Internal Affairs into the GRPA and other transport-administered legislation. Minor and technical amendments would then be made to ensure no inconsistencies occur. The title of the GRPA may need to be reconsidered as a consequential amendment.

Responses from submitters

- 42 All submitters that responded to this proposal agreed with it. However, subsequent analysis has identified additional transport provisions and schedules not identified in the consultation document that should be included in this shift:
- 42.1 Section 591 deals with the provision of parking places, buildings, and transport stations, but sits alone in a part of the LGA 1974 that has otherwise been repealed.
- 42.2 Schedules 12, 13 and 14 are relatively minor schedules that provide a form for claiming payment for betterment, conditions of fixing levels of roads and the construction of water, electricity, and gas infrastructure on and under roads not controlled by the council.
- 43 While relocating these provisions has not been publicly consulted on, they are clearly transport provisions and should be relocated. MoT has discussed this with the Department of Internal Affairs, which supports their inclusion.
- 44 We recommend proceeding with this policy, including s591 and the relevant elements of schedules 12, 13 and 14 of the LGA 1974.

Limited access roads (formerly in the RSTA)

- 45 Limited access roads are sections of the state highway, usually bordered by residential or commercial properties, that can only be accessed from authorised crossing points. In consultation on the RSTA, we proposed improving the legislation governing them by:
- 45.1 requiring crossing place notices created by Waka Kotahi to be registered on property titles
- 45.2 improving provision for, and enforcement of, offences relating to limited access roads and crossing places
- 45.3 clarifying that the administration of crossing place notices will also pass to the territorial authority responsible for the control of roads, in situations where the status of a State highway has been revoked.
- 46 All but one submitter that responded to this proposal agreed with it. The one submitter that opposed this proposal cited it was an example of Waka Kotahi passing costs and actions on to other organisations.
- 47 We recommend proceeding with this policy as proposed, with no amendments.

Next steps

- 48 The intention is for Reshaping Streets to be considered by the Cabinet Economic Development Committee on 3 May 2023. We propose conducting Ministerial consultation between 11 and 21 April 2023. This would enable the Cabinet paper to be lodged on 27 April 2023. The timeline is set out below.

Stage	Timeline
Ministerial consultation on Cabinet Paper (10 working days)	Tuesday 11 April 2023 to Friday 21 April 2023 (Easter Friday 6 - Monday 10 April; recess 6 - 30 April; ANZAC Day Tuesday 25 April)
Lodge Cabinet paper with DEV	Thursday 27 April 2023
DEV meeting	Wednesday 3 May 2023
Cabinet meeting	Monday 8 May 2023
Consider final briefing and sign Rule	Monday 8 to Monday 15 May 2023
Notify Waka Kotahi to lodge Gazette notice	By 10.00 Tuesday 16 May 2023
Gazetting the new Rule (Thursday after Executive Council)	Thursday 18 May 2023
New Rule comes into force (28 days after gazetting)	From Thursday 15 June 2023
Issuing drafting instructions to PCO for Government Roding Powers Amendment Bill / drafting of Bill	s 9(2)(f)(iv)
LEG approval and House process for Government Roding Powers Amendment Bill	Next parliamentary term

- 49 If Cabinet agrees to the policies of Reshaping Streets, we will provide you with further advice on how to make the rule change to implement these proposals. Waka Kotahi is in the process of adjusting the proposed TCDs for School Streets and Community Streets listed in the schedule of the new Rule. The amended schedule will be reflected in the signature copy of the Rule.
- 50 We will also be in touch with your office about your preferred approach for announcing policy decisions.

Annexes

- Annex 1: Draft Cabinet Paper – Reshaping Streets Policy Approvals
 Annex 2: Draft Land Transport Rule: Street Layouts
 Annex 3: Regulatory Impact Statement: Reshaping Streets
 Annex 4: Reshaping Streets Summary of Submissions

Regulatory Impact Statement: Reshaping Streets

Coversheet

Purpose of Document	
Decision sought:	Analysis produced for the purpose of informing final Cabinet decisions.
Advising agencies:	Te Manatū Waka Ministry of Transport
Proposing Ministers:	Minister of Transport
Date finalised:	27 March 2023

Problem Definition

Since the 1950s, streets have largely been designed and built to prioritise the movement and storage of private motorised vehicles despite the many other purposes that such public spaces need to serve. Reallocation of road space to other purposes and modes of transport will help to reduce New Zealand’s transport emissions as well as improving road safety, public health and other outcomes. However, dated elements of the regulatory system mean that there are gaps in the tools available to road controlling authorities (RCAs), while for others have a high administrative burden to their use. This makes it challenging to make street changes at the pace necessary to meaningfully contribute to emissions reductions and improved wellbeing.

Executive Summary

The analysis below considers options for a series of proposals intended to reduce the administrative burden associated with changes to how our streets are laid out and used:

- a. enabling a new method by which to create traffic controls: the use of pilots as a form of consultation
- b. introducing a new traffic control: the power to create modal and regulatory filters, physical or signage-based barriers to prevent the passage or use of motor vehicles on parts of the roadway
- c. introducing a new traffic control: the power to create “School Streets”, restrictions on use of motor vehicles on the roadway around school drop off and pick up times
- d. making it easier to close streets temporarily for events, including an interim process for “Community Streets”, short-duration events for children to play on the roadway
- e. simplifying the process for creating pedestrian malls, making it more consistent with those used for other forms of traffic control
- f. simplifying the process for creating transport shelters.

The preferred package of options would strike a balance between flexible processes that can be tailored to the needs of relevant RCAs and minimum protections to ensure that communities are notified and have time to prepare for change. Evidence suggests that the pilot process in particular can help build support for street changes in communities.

There was general support for these changes during consultation, with most proposals receiving support from around two thirds of submitters. However, it is worth noting that there was nonetheless strong objection from some groups, often concerned that roads should be used for cars, and that reallocation of road space would create congestion and limit their access.

Limitations and Constraints on Analysis

The Minister of Transport directed officials to prioritise urgency in making these changes. As such, this series of proposals are predominantly based on targeted changes that could be made through secondary legislation, rather than a comprehensive review of the primary and secondary legislation that governs street changes. This imposed some limitations on the scope of legislative changes as well as some challenges for the tidiness of the regulatory system.

Directive options to require relevant RCAs to consider or make street changes under certain circumstances were also ruled out early in the process, in favour of an approach intended to enable RCAs to more easily make changes, if they chose to do so.

This impact analysis is qualitative, due to the enabling nature of these policies and the sheer number of local authority RCAs in New Zealand that will decide whether or not to use these powers. Indeed, the key limitation to the analysis is the risk that RCAs elect not to use these powers. Nonetheless, there is evidence to suggest that the pilot process and the new traffic control powers would be helpful additions to the tools available to road controlling authorities, although their success will be dependent on careful use and use of complementary measures such as pricing, enforcement and provision of public transport services. Likewise, amendments to existing powers will reduce administrative cost associated with their use, although the impacts of these changes are likely to be smaller.

Two related proposals are part of this project but are out of scope of this regulatory impact analysis. These are:

- a. the relocation of transport provisions of the *Local Government Act 1974* (administered by the Department of Internal Affairs) to legislation administered by Te Manatū Waka Ministry of Transport including the *Government Roding Powers Act 1989*, and consequential amendments to reconcile these with their new location
- b. amendments to provisions governing 'limited access roads' in the *Local Government Act 1974* and *Government Roding Powers Act*.

Responsible Manager



Jessica Ranger

Manager, Placemaking and Urban Development

Te Manatū Waka Ministry of Transport

27 March 2023

Quality Assurance (completed by QA panel)

Reviewing Agency: Te Manatū Waka Ministry of Transport

Panel Assessment & Comment: This Regulatory Impact Statement (RIS) has been reviewed by a panel of representatives from Te Manatū Waka Ministry of Transport and has been given a 'meets' rating against the quality assurance criteria. The panel noted that the RIS properly reflects the contributory rather than transformational impact of the proposals; e.g., assisting Councils in their functions but not greatly changing them.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Section 1: Diagnosing the policy problem

1.1 What is the context behind the policy problem and how is the status quo expected to develop?

Streets serve, or have historically served, many purposes

- 1.1.1 Historically, the terms ‘street’ and ‘road’ had different meanings. Major movement corridors (e.g., between different parts of a city or between different towns) were often called roads. They played a vital role facilitating commerce and transportation services, providing access to homes, businesses and jobs, and other destinations. In addition to these purposes, streets also performed wider functions for people living and working nearby. These wider functions also played an important role in the liveability and vitality of communities and included places for social interaction, leisure, civic engagement, and commerce. These distinctions in nomenclature have blurred over time and the two terms are often used interchangeably in this document.
- 1.1.2 Just as these terms have blurred, the perceived purposes of streets (or roads) have changed over time. Since the 1950s, streets have largely been designed and built to prioritise the movement and storage of private motorised vehicles, driving high levels of car use and dependence. This has come at the expense of the other purposes that streets used to serve, as well as other modes of transport (including pedestrians, cyclists and public transport). Even in places where most people travel by foot rather than by car (e.g., in city centres), most street space is allocated to private vehicles, which further encourages travel by this mode.

This analysis generally refers to streets that are owned and managed by local authorities

- 1.1.3 ‘Road controlling authorities’ (RCAs) are the entities responsible for road operations, maintenance, renewals, and improvements of streets. New Zealand’s 67 local and unitary authorities are the RCAs for the majority of public roads¹ across the country, although others include Auckland Transport and Waka Kotahi New Zealand Transport Agency (Waka Kotahi). Local territorial authorities are also responsible for ensuring that the streets within their jurisdiction are safe and accessible for all users, including pedestrians, private motor vehicle drivers, and cyclists.
- 1.1.4 There are also many private roads managed by public entities, such as Kāinga Ora-Homes and Communities, the Department of Conservation and the New Zealand Defence Force. For the purpose of this regulatory impact statement, the term “road controlling authority” refers specifically to roading controlling authorities that are a local authority, government department or Crown entity, unless specified, although the focus is on public roads. It is not generally used here to refer to private entities that manage private roads, even where those are accessible to the public and would therefore typically be regulated (eg supermarkets).

¹ E.g. roads not on land that forms part of a land title. Another common type of road are private roads, which are located on land with a title.

The current regulatory system

- 1.1.5 The regulatory system that governs roading is complex and lies across multiple statutes and items of delegated legislation. It has been assembled over decades in an often-piecemeal fashion. The broader system includes the planning, funding and financing and construction of roads. It also includes the management of roads through the creation of traffic controls² and the regulation of road users and vehicles. The enactments that deal with the design of roadways and the creation of traffic controls, which are most relevant for this regulatory impact statement, include (but are not limited to) the following:
- a The **Local Government Act 1974** (LGA 1974) largely provides for the creation of physical elements of public roads by local authorities (e.g., road gradients, kerbing, dividing strips) but also includes the creation of pedestrian malls.
 - b The **Government Roothing Powers Act 1989**, among other things, establishes the role of Waka Kotahi as builder and operator of New Zealand's state highway network, and extends many of the powers of the LGA 1974 to Waka Kotahi.
 - c The **Local Government Act 2002** (LGA 2002) establishes the principles of decision making and consultation that apply to all local authority decisions. It also provides for generic bylaw-making powers which can be used for the management of roading, and other general powers which could be used to manage roads.³
 - d The **Land Transport Act 1998** (LTA 1998) regulates the use of roads that are accessible to the public (including both private and public roads). It also empowers all RCAs (including private RCAs) to create bylaws for the purpose of managing roads, and the Minister of Transport to create Rules concerning the management of roads.⁴
 - e The **Land Transport: Traffic Control Devices Rule 2004** requires the use of traffic control devices (TCDs) such as signage, signals and road markings to indicate where a traffic control applies. It also specifies the standards which traffic control devices must meet. Some clauses are worded in such a way that they also appear to act as empowering provisions in their own right.⁵
 - f The LTA 1998 (for all RCAs) and LGA 2002 (for local authorities) empower RCAs to create **bylaws** to manage many elements of roads, including parking, one-way streets, turning restrictions and special vehicle lanes.
- 1.1.6 The local authority RCAs that manage public roads use these powers differently, in part due to the different needs of the communities the local authorities serve but also due to access to legal resourcing. This is particularly evident in the case of

² i.e. the regulation of the movement or presence of traffic on a road. Examples include speed limits, turning restrictions, one-way streets, special vehicle lanes and prioritising certain traffic flows at intersections (such as give way signs, traffic lights). There is often a strong relationship between the physical design of a road and the traffic controls that apply to it.

³ See Part 8 and section 12(2) respectively.

⁴ Section 22AB and Part 11, respectively.

⁵ For example, see 8.2(1): "A road controlling authority may, except for areas controlled by traffic signals, mark a pedestrian crossing on a road for which a speed limit of 50 km/h or less is set".

bylaws. For example, an RCA's bylaw may vary in the level of prescription required for the process of creating a bus lane, including:

- a by resolution
- b by publicly notified resolution
- c by publicly notified resolution, with a requirement that any objections are resolved before the resolution proceeds
- d by amendment of a schedule attached to the bylaw (often stated simply as 'by resolution', although this is not considered best practice)
- e by amendment of the bylaw proper (as the body of the bylaw might list the locations of bus lanes).

- 1.1.7 Yet others simply do not have bylaws that enable the creation of bus lanes (or other sorts of street changes). In addition to the bylaws themselves, council standing orders, interpretation of consultation and decision-making responsibilities under the LGA 2002, and operational practice also affect the process that the RCA will follow when creating traffic controls.

1.2 What is the policy problem or opportunity?

Street changes can contribute to improving outcomes for many communities

- 1.2.1 Designing our streets and legislation to prioritise the movement and storage of cars over other modes and uses has contributed to a number of poor outcomes:
- a higher transport emissions, which account for 39 per cent of New Zealand's total domestic CO₂ emissions, two thirds of which come from light vehicles (e.g., cars)
 - b over-representation of pedestrians and cyclists in deaths and serious injury statistics
 - c reduced mental and physical health from lack of activity and disconnected communities
- 1.2.2 Other impacts include congestion, higher transport costs, greater urban sprawl, and poorer climate resilience due to large areas covered in impermeable asphalt.

Street changes are not occurring at the pace necessary

- 1.2.3 Making street changes to encourage alternative uses of streets and discourage car dependency where other options are available can help to improve liveability for our communities and address the poor outcomes noted above. This is particularly the case for urban streets, but may also be the case for rural areas too. However, while some reallocation of road space is occurring, it is occurring slowly and not at the pace necessary to meaningfully contribute to our more pressing challenges, including emissions reduction.
- 1.2.4 The regulatory system often does not help this, given its age and complexity. Many provisions emphasise the importance of maintaining vehicular traffic flow at the expense of other modes or alternative uses of road space. Dated drafting and repeated amendments also mean that many elements are inconsistent, ambiguous or their purpose is unclear. This includes many of the provisions empowering traffic controls, which can leave gaps in the powers available to RCAs.

- 1.2.5 This can be exacerbated by the threat of community resistance. Communities are often naturally averse to change, particularly when considering abstract proposals for change. At the best of times, communities are seldom united on how traffic controls should be used – and even those who would be in favour are concerned by the disruption it might cause. When this results in threat of legal action due to unclear legislation, local authorities can be hesitant to make changes.
- 1.2.6 Further detail on the individual problem definitions of the policies of Reshaping Streets is part of the analysis for each policy in sections 2.4 to 2.9 below.

Other work also seeks to improve these wider outcomes

- 1.2.7 This work includes:
- a Waka Kotahi is working with local authorities in Auckland, Tauranga, Hamilton, Wellington, Christchurch and Queenstown to implement **mode shift plans** to grow the share of travel by walking, cycling and public transport.
 - b The **Innovating Streets for People** programme aims to make it faster and easier to transition our streets to safer and more liveable spaces. It provides funding and a toolkit of support options specifically targeted at retrofitting streets to reduce vehicle speeds and create more space for people.
 - c The **Road to Zero** strategy outlines a plan to stop people being killed or injured on New Zealand roads. It contains targets, such as a 40 per cent reduction in death and serious injuries (from 2018 levels) by 2030, and includes actions such as reducing vehicle speeds in many areas of the country.
 - d The **National Policy Statement on Urban Development** provides direction to New Zealand's local authorities on urban planning practice. In addition to directing greater urban density in locations that have good access to existing services, public transport networks and infrastructure, it removed the ability of local authorities to require onsite car parking through their plans under the *Resource Management Act 1991*, which was one factor encouraging greater car dependency.
 - e **Accessible Streets** is a collection of proposed rule changes covering a wide range of topics, including rules for how devices like e-scooters and skateboards should be used on paths and roads. A limitation of Accessible Streets was that proposals were restricted to improving safety and accessibility in existing settings, where infrastructure for active travel is often limited, and users are often forced to share crowded or narrow spaces.
 - f Work is underway to enable **Congestion Charging** in New Zealand. Congestion charging is a travel demand management tool designed to reduce congestion and improve travel times and journey time reliability. It involves charging people to access certain parts of the road network at certain times. This helps to encourage people to think more about the way they travel. People may choose to travel at different times, by different mode, or not at all.

1.3 Stakeholders have differing views on these issues

- 1.3.1 People often agree at a strategic level on a number of these issues including the reduction of 'red tape' in local government processes and the need to action on climate change. However, in practice, they often oppose change at a local level due to fear of adverse effects to themselves. In addition, many people fit within different

categories of street user. They may be pedestrians, cyclists, motorists and so on at different times, and may have a range of perspectives, including conflicting views.

1.3.2 Categories of stakeholders affected by potential reallocation of street space and therefore views on changes to make it easier to reallocate this space, include the following:

- a RCAs are responsible for managing and maintaining the streets and roads. Many RCAs that are local authorities support the need for new tools to help accelerate and reduce the cost of street space reallocation.
- b Local residents are interested in retaining their access to jobs, services and amenities. However, depending on their preferred mode of transport, they may either support changes that make it easier to make street changes for reasons such as the improved safety for pedestrians and cyclists, or they may be concerned that street changes will induce congestion and therefore reduce their access.
- c Businesses and freight providers are often concerned that reduced parking and vehicle access will reduce the movement of goods, raise costs, make it harder to find staff, and will deter customers.
- d Environmental organisations are also concerned with impacts of street changes on air quality, wildlife, and other environmental factors.

1.4 What objectives are sought in relation to the policy problem?

1.4.1 Reshaping Streets is intended to make targeted changes to the legislation that govern roading management, with the objective to:

- a support RCAs to quickly make widespread street changes that support public transport, active travel, and placemaking initiatives for shared use spaces
- b encourage these changes to occur by reallocating and managing existing road space.

1.4.2 These in turn are intended to support a range of improved outcomes that contribute to making more liveable communities: including:

- a reducing New Zealand's emissions in line with the Emissions Reduction Plan
- b improvements to public health, both mental and physical
- c supporting changes to our urban areas, including climate resilience and intensification.

1.4.3 The particular focus is on urban areas, as these are largely the areas where there is the greatest potential for greater use of public and active transport. However, the proposals detailed below will nonetheless be available for RCAs that manage rural roads, and may often be appropriate for use in such areas.

Section 2: Options identification and analysis

2.1 What criteria will be used to compare options to the status quo?

2.1.1 This analysis uses four criteria to assess options:

- a **Effectiveness:** the extent to which the option achieves the broader objectives of Reshaping Streets (as listed in section 1.4 above), and in particular addresses the specific policy issues as detailed below.
- b **Flexibility:** the extent to which the option allows for RCAs to tailor the process to their needs based on the scale and nature of the street changes they wish to make, and to which the option allows for processes to change over time.
- c **Safeguards:** the extent to which the option provides safeguards to ensure that the needs and perspectives of those affected by the change are considered as part of decision making and have time to prepare for any changes that occur.
- d **System coherency:** where applicable, the extent to which the option is consistent with other comparable processes.

2.1.2 There is also some discussion of the possible indirect impacts of the preferred option against the five outcomes of the [transport outcomes framework](#):

- a **Inclusive access:** The system enables all people to participate in society through access to social and economic opportunities such as work, education and healthcare. To be inclusive, the transport system must be accessible to all people in New Zealand including those with disabilities, low-income earners, and people of different ages, genders and ethnicities.
- b **Healthy and safe people:** The system protects people from transport-related injuries and harmful pollution, and makes physically active travel an attractive option.
- c **Economic prosperity:** The transport system supports economic activity via local, regional and international connections, with efficient movements of people and products.
- d **Environmental sustainability:** The transport system transitions to net zero carbon emissions, and maintains or improves biodiversity, water quality and air quality.
- e **Resilience and security:** The transport system: minimises and manages the risks from natural and human-made hazards, anticipates and adapts to emerging threats, and recovers effectively from disruptive events.

2.2 Scope of options and limitations on analysis

2.2.1 The Minister of Transport requested that priority be given to making necessary legislative changes quickly, so that RCAs could exercise the new powers as soon as possible. As a result, the decision was made to progress as much as possible through secondary legislation (Land Transport Rules under ss 167 – 168 of the LTA 1998) and to follow this with primary legislation as necessary, rather than a more comprehensive review of the system that manages street changes. This imposed some limitations on the scope of legislative changes as well as some challenges for the cleanliness of the regulatory system.

- 2.2.2 Directive options to require RCAs to consider or make street changes under certain circumstances were also ruled out early in the process, in favour of an approach intended to enable RCAs to more easily make changes, if they chose to do so.
- 2.2.3 The impact analysis below is qualitative, for several reasons:
- a The sheer number of RCAs limits some elements of the analysis. There are 67 local authorities that might use them in addition to other organisations such as Kāinga Ora-Homes and Communities, Waka Kotahi and the New Zealand Defence Force. Each of these RCAs is statutorily independent and has slightly different processes, particularly where it comes to bylaws.
 - b These are enabling powers that could be used for a wide range of changes, from installing a single speedbump to neighbourhood-wide collections of changes to parking, cycleways and more across many thousands of kilometres of roads and near many communities which may have different views on the utility of these changes.
- 2.2.4 The success of these policies will also depend on the complementary use of other tools by both central government and RCAs. There are a range of other factors beside traffic controls themselves that greatly influence transport choices and our wellbeing, which RCAs and central government can at least influence. If these other factors encourage car ownership and use, the benefits of the policies discussed in this regulatory impact statement are likely to be greatly reduced. Likewise, the risk of negative effects will increase. Such factors include, but are not limited to:
- a the cost and enforcement of parking
 - b other costs on the ownership and use of motor vehicles, such as road user charges and petrol costs
 - c the availability and cost of public transport
 - d operational decisions such as the timing and coordination of traffic signals to prioritise flow of classes of traffic.
- 2.2.5 In addition to regulatory change, non-regulatory options were considered and in some cases are already in place. However, guidance is only considered as a standalone option below for the pilot policy.

2.3 Overview of options considered

- 2.3.1 This analysis addresses options for the following policies:
- a enabling a new method by which to create traffic controls: the use of pilots as a form of consultation
 - b introducing a new traffic control: the power to create modal and regulatory filters
 - c introducing a new traffic control: the power to create “School Streets”
 - d making it easier to close streets temporarily for events, including a new interim process for ‘Community Streets’
 - e making the process for creating pedestrian malls more consistent with those of other forms of traffic control
 - f simplifying the process for creating transport shelters.

- 2.3.2 For greater readability, these options are framed in sections 2.4 to 2.9 as a series of packages of options that broadly reflect different combinations of individual decisions that were made on these policies over the course of analysis. In practice, each of the individual components in these packages was considered, but not all of the packages were considered against each other as shown below.
- 2.3.3 Many of these options have drawn on overseas experience and systems, particularly the pilot and community street proposals, which drew on the legislation of the United Kingdom of Great Britain and Northern Ireland.

The effect of consultation on the proposals

- 2.3.4 Consultation on the policies ran from 9 August 2022 to 19 September 2022. The proposals were generally viewed favourably, with the majority receiving support from between 60 and 70 per cent of submitters. Nonetheless, many submitters were strongly against the proposals, raising concerns that reallocation of road space would negatively impact congestion, that RCAs would not adequately consult communities, and that the fundamental purpose of streets was for the movement and storage of cars. Another common theme was that the community would not be adequately consulted or listened to by RCAs if express consultation requirements were not included. While no cohort of submitters agreed unanimously, RCAs generally sought greater flexibility, while freight organisations and businesses sought greater restriction and safeguards on the use of the powers. The feedback of individuals was split. Further information on the submissions can be found in the summary of submissions.
- 2.3.5 Nonetheless, both supporting and opposing submitters provided suggestions to improve the policies, particularly around notification requirements and changes to the level of prescription in the draft Rule. It was on this basis, as well as further analysis by officials, that additional options were developed. Further internal analysis was particularly important for the options relating to the power to prohibit and restrict the presence of certain classes of traffic on the roadway discussed in section 2.5.
- 2.3.6 In the discussion below, option two is the option that was provided as an example during public consultation for all but one of the policies. The exception to this is the pilot policy, for which option three is the consultation option.

Withdrawn proposals

- 2.3.7 Consultation also included a policy to provide a new pathway for RCAs to create traffic control devices (e.g., signage, road markings). However, subsequent analysis and discussion with RCAs indicated that further work was required on the problem definition before options could be properly assessed.
- 2.3.8 As such, the proposal was withdrawn and does not form part of this analysis.

2.4 Enabling a new method by which to create traffic controls: the use of pilots as a form of consultation

Problem definition

- 2.4.1 As mentioned in section 1.1, the various traffic controls that RCAs have access to when managing streets under their control have different levels of prescription as to the process used when creating them. This is particularly relevant for bylaws, where different RCAs enable different combinations of traffic controls and assign different

creation processes to them. For the RCAs that manage public roads, the decision-making and consultation principles set out in the LGA 2002 underly all of these decisions.

- 2.4.2 Despite this variation, RCAs generally consult by publishing a proposal and requesting feedback. Depending on the feedback received, the proposal may be amended and consulted on again before a decision is made to implement or shelve it. In some cases, consultation occurs first at a strategic level on a concept for a wider network before additional consultations occur on the detailed design of different sections.
- 2.4.3 Overseas, an alternative method of consultation is “piloting” changes; implementing the changes using cheap and temporary materials to test different street layouts and features as a form of consultation. This allows the RCA to garner feedback based on how people engage with something much more real than an abstract proposal.
- 2.4.4 Evidence also shows that pilot projects can increase public support for permanent changes, such as the low traffic neighbourhood piloted by Waltham Forest Council in London in 2014. Despite initial opposition, Walthamstow Village is now one of London’s most liveable neighbourhoods and traffic levels have fallen over 90 percent in some streets and by 56 per cent on average. Walking and cycling rates also increased. Feedback from the trial included greater community feel and a positive impact on local businesses because of increased foot traffic.⁶
- 2.4.5 By reducing the initial consultation period and using temporary materials, pilots can also make changes happen faster. They also have the promise of making changes cheaper at least for the initial consultation, although this may not always be the case and further studies are necessary to quantify these impacts.⁷
- 2.4.6 Some RCAs in New Zealand have attempted to pilot street changes in New Zealand, including through Innovating Streets for People, although many are reluctant to do so without clear empowering legislation. In some cases RCAs have innovated with old and otherwise unused elements of the legislative framework, including through classifying them as “experimental diversions of traffic” under schedule 10 of the LGA 1974.
- 2.4.7 We see value in facilitating the use of pilots by RCAs to accelerate the pace of street changes that can improve the viability of active and public transport.

Proposed change and options

- 2.4.8 We identified several options:
- a Under **Option One (the status quo)**, no changes to the provisions that govern the closure of roads for events would occur.

⁶ Living Streets (2022), Creating Low Traffic Neighbourhoods; Lydon, M, eds, (2012) Tactical Urbanism: Short Term Action, Long Term Change, vol. 2, The Street Plans Collaborative; Rowe, H (2013), Smarter ways to change: learning from innovative practice in road space reallocation, 6th State of Australian Cities Conference, 26-29 November 2013, Sydney, Australia.

⁷ Blewden, M; Raja, A; Nord, A; Hawley, G; Gilbert, K. *Innovating Streets Fund Evaluation – Final Report*. Prepared by Mackie Research in partnership with Waka Kotahi NZ Transport Agency.

- b **Option Two** would see the use of non-statutory guidance to encourage RCAs to use pilots without any legislative changes.
- c **Option Three (consultation option)** would include express provision in legislation for the use of pilots as a form of consultation, with the following key features:
- i Use of the power would need to be for one of five purposes, focussed around active and public transport, placemaking and reducing emissions
 - ii A maximum duration of two years from the beginning of the pilot until when a decision had to be made on whether or not it was kept
 - iii Minimum notification requirements, including a minimum notification period of two weeks (when installing or modifying a pilot) and the need to notify emergency services
 - iv The ability to modify the pilot as it progressed based on feedback and data gathered
 - v A requirement to publish the data and feedback gathered during the pilot
 - vi If a decision was made to be kept, the interim infrastructure could remain in place and RCAs had five years to amend any inconsistent bylaws.
- d **Option Four (preferred)** included the features of Option Three, with the following changes based on public feedback:
- i increase the minimum notification period before installing a pilot to four weeks (keeping two weeks for modifications)
 - ii additional requirements to notify affected parties, including the regional councils or council-controlled organisations that manage the public transport network
 - iii express requirements for RCAs to consider impacts on people with mobility issues before installing a pilot.
- e **Option Five** includes the features of Option Four, with the following changes based on public feedback:
- i extending notification to eight weeks
 - ii reduce the maximum length of a pilot to one year
 - iii express requirements for RCAs to consider impacts on freight and local businesses.

How do the options compare to the status quo

	Option One – Status Quo	Option Two – Guidance	Option Three – express legislative provision	Option Four – increased notification	Option Five – most restrictive
Effectiveness	0	0/+ Guidance is unlikely to be sufficient for all but the least risk-averse RCAs	++ Use of legislation will provide stronger support for the use of pilots by RCAs and will facilitate the use of traffic controls where bylaws do not make adequate provision for these powers.	++ Use of legislation will provide stronger support for the use of pilots by RCAs and will facilitate the use of traffic controls where bylaws are out of date as an interim measure.	+ Additional restrictions are likely to impact the cost savings of the pilot process
Flexibility	0	0 No change	- The proposed process has added prescription compared to the workarounds in current use	- Added prescription reduces the ability to adapt the process to meet needs	-- Added prescription further reduces the ability to adapt the process to meet needs
Safeguards	0	0 No change	+ Prescribes minimum standards for notification	+ Prescribes minimum standards for notification	++ Prescribes additional minimum standards for notification and consultation
System coherency	0	0 No change	0/+ There will be some improvement to coherency through clarification of the LGA 1974	0/+ There will be some improvement to coherency through clarification of the LGA 1974	0/+ There will be some improvement to coherency through clarification of the LGA 1974
Overall assessment	0	0	+	++	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 2.4.9 Of these, **Option Four** is the preferred option.
- 2.4.10 Guidance alone would not provide adequate support for RCAs seeking to break with general practice on consultation processes. Providing a new legislative process also has the advantage of allowing RCAs to act rather than necessarily waiting to review their bylaws to enable or further facilitate these street changes. Of the legislative options, Option Four best strikes a balance between setting minimum standards for notification and so on, while also allowing adequate flexibility for the process to be tailored to the street changes in question.
- 2.4.11 Increasing the minimum notification period before installing a pilot to four weeks will help to ensure that communities are notified of the proposal. Specific notification requirements for all possible groups that could be affected by piloted street changes would be too onerous and would likely deter the use of pilots. RCAs already notify and consult extensively even when their only obligation to do so is under the LGA 2002; requirements that will continue to apply. Nonetheless, there is one group whose right of access is most likely to be affected by layout changes of any form. The inclusion of express requirements for RCAs to consider impacts on people with mobility issues before installing a pilot will also support the appropriate weighting of this group when decisions are made.
- 2.4.12 By contrary, extension of the notification to eight weeks would reduce the utility of the pilots for small scale changes, while decreasing the length of the pilot period to one year would limit the ability of the RCA to iterate the pilot over time. Likewise, part of their general decision-making RCAs will naturally seek to consider the impacts of these changes on all groups, including businesses and freight.
- 2.4.13 The use of pilots is likely to impact four of the transport outcomes: “inclusive access”, “healthy and safe people”, “economic prosperity” and “environmental sustainability”. These changes will depend on the traffic controls that the process is used for. However, it is likely to have a greater impact on these outcomes than the other proposals, by nature of its greater reach as a method to exercise a range of traffic controls, rather than a single traffic control.
- 2.4.14 For example, many changes, such as reduced speeds, traffic calming and (more) dedicated space for pedestrians and cyclists may help to provide cheaper transport options, reduce emissions and improve safety. Reducing motor vehicle traffic overall can also mean greater reliability for those that do require motor vehicles, including freight and disabled people. The economic impact of the policy may vary. While the initial installation is likely to be disruptive, this should be shorter than a usual installation process. In the longer term, it will depend on the balances between changes such as the removal of car parking and increased footfall bringing other spending.

2.5 Introducing a new traffic control: the power to filter traffic

Problem definition

- 2.5.1 The ability to close a residential or local street to through traffic (eg you can drive to it but not through it) can make it safer and easier to walk, cycle and use the street space for other purposes. It can also improve liveability in other ways, such as reduced street noise. Streets with such restrictions on them are often known as

“low-traffic neighbourhoods”. They are increasingly used overseas to help prioritise people walking, cycling, and/or taking public transport over private automobiles.

- 2.5.2 This closure is usually achieved through the use of ‘modal filters’, which commonly takes the form of bollards or planter boxes placed to prevent motor vehicles passing through, but permitting cyclists to do so. ‘Regulatory filters’ are similar but rely on signage and roadway markings rather than physical barriers.
- 2.5.3 New Zealand’s regulatory framework does not clearly permit this. s7.1(1) of the TCD Rule allows RCAs to “provide traffic control devices to channel traffic for the purposes of improving traffic safety and the efficiency of traffic movement.” This is similar, but not quite the same. Section 22AB of the LTA empowers RCAs to create bylaws, including for the prohibition or restriction of specified classes of traffic or of motor vehicle. It is unclear if this allows for the filtering of all motor vehicles. It does not appear to be being used as such.
- 2.5.4 Since 1978, the LGA 1974 has contained a more generic provision allowing for the construction or provision “on, over, or under any road facilities for [...] the control of traffic or the enforcement of traffic laws” provided that they do not “unduly impede vehicular traffic entering or using the road”. Inclusion of the term “unduly impede” is subjective, but would seem to establish traffic flow as the highest priority, which is not always the desired outcome for all streets and roads. RCAs also consider the subjectiveness of the term “unduly impede” a risk to the use of this provision and have indicated that express powers would be helpful.

Proposed change and options

- 2.5.5 We identified several options to address this gap in the traffic control powers of RCAs:
- a Under **Option One (the status quo)**, no changes to the existing provisions would occur.
 - b **Option Two (consultation option)** would provide a broad power for RCAs to prohibit and restrict the use of motor vehicles, or specified classes of motor vehicles on a roadway. This would include through the use of modal and regulatory filters. RCAs would be able to determine the classes of motor vehicle themselves. This option also included a requirement to notify emergency services and the public and use of the power would need to be for one of five purposes, focussed around active and public transport, placemaking and reducing emissions. It would also allow the installation of physical barriers on the roadway.
 - c **Option Three** would provide a more targeted description of the power, focusing on the ability to:
 - i prohibit some classes of, or all motor vehicle traffic, from passing a certain point (regulatory and modal filters)
 - ii as an extension of the first, prohibit some classes of (but not all) motor vehicle traffic from using a specified stretch of roadway (by using a sequence of modal or regulatory filters)

In addition to the notification requirements and five purposes, it would include requirements to consider the current uses of the street and alternative routes. It would also allow the installation of physical barriers on the roadway. RCAs

would be able to issue infringements using cameras as they can for special vehicle lanes.

- d **Option Four**, a variant of option three, would include the narrower scope, but differed on the process which RCAs would have to follow. Rather than a bespoke process, it would require RCAs to exercise this traffic control power as if it were a traffic control empowered under section 22AB of the LTA 1998: their bylaw powers. This would mean, for example, that an RCA with a bylaw that enabled the creation of traffic controls by resolution could create regulatory or modal filters by resolution. Where the bylaw expressly stated additional process for making that resolution, the process would also need to be followed when exercising this power. Where there was no applicable bylaw, the RCA would have to go through the process of creating a new bylaw.

2.5.6 We also considered a fifth option, which would have been similar to options three and four, but without any specified process for its use. This was ultimately discarded after further consideration of the legal requirements of the empowering provision.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Broad power	Option Three – narrow power	Option Four – narrow power with bylaw process
Effectiveness	0	<p>+</p> <p>Too wide a power may increase risk of confusion and challenge.</p>	<p>++</p> <p>This option would provide RCAs with the additional powers they need, with less of a risk of challenge.</p>	<p>+</p> <p>The complexity of drafting and interpreting the necessary process may increase risk of confusion and challenge.</p> <p>Variable bylaws across the country will also restrict use in the immediate future.</p>
Flexibility	0	<p>0</p> <p>The described process would be quite flexible.</p>	<p>0/-</p> <p>Prescribed requirements about considering the impacts may slightly reduce flexibility but should reflect standard practice anyway.</p>	<p>Variable</p> <p>This would depend on the bylaws of each RCA, although in practice these could be changed to improve flexibility.</p>
Safeguards	0	<p>0</p> <p>The impact of the purposes are likely to be fairly minimal.</p> <p>Consultation and decision-making principles of the LGA 2002 apply.</p>	<p>+</p> <p>Consultation and decision-making principles of the LGA 2002 apply.</p> <p>Additional prescribed requirements provide some basic safeguards, particularly for freight and emergency services.</p>	<p>Variable</p> <p>Consultation and decision-making principles of the LGA 2002 apply. Some RCA bylaw processes may also add extra notification and consultation requirements, but this varies by RCA.</p>
System coherency	0	<p>-</p> <p>This would likely create duplicate pathways for existing traffic controls.</p>	<p>++</p> <p>This targets a gap in existing powers and the process would create greater regional variation but less national variation.</p>	<p>++</p> <p>This would be more consistent with the majority of (but not all) traffic controls exercised by RCAs. It would create greater national variation but regional variation – unless RCAs were to amend their bylaws.</p>
Overall assessment	0	+	++	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 2.5.7 Option three is the preferred option. The ability to use modal and regulatory filters is an important tool in encouraging the use of public and active transport. However, too broad a power increases the risk of legal challenge of the power and could limit its use by less well-resourced local authorities.
- 2.5.8 Given the physical nature of the restrictions empowered, the stated purposes are largely redundant from an operational/policy perspective but provide the necessary clarity from a legislative perspective. The notification requirements and the requirement to consider the current uses of the street and alternative routes provide some basic safeguards but also reflect good practice and are unlikely to present a significant hurdle for the power's use.
- 2.5.9 There may be some cases where the process for creating a modal filter is less complex than less disruptive traffic controls, such as the removal of individual carparks, which may require the full process of amending a bylaw for some RCAs. It is not possible to avoid this without reconsidering the existence of bylaws themselves, which is out of scope for this work. However, most local authority RCAs already use some variation of bylaws that permit changes by resolution, without additional prescribed process. This is particularly the case for larger urban local authorities, which are most likely to use this power. In addition, the RCAs that do use more complex processes could also amend their bylaws to simplify the process.
- 2.5.10 These new powers would impact the “inclusive access”, “healthy and safe people”, “economic prosperity” and “environmental sustainability” transport outcomes, particularly by encouraging walking and cycling. One of the more prominent negative impacts of a low-traffic neighbourhood could be an increase in traffic on neighbouring roads, which could impact businesses, people living on those roads, freight and others. Evaluations of low-traffic neighbourhoods in London have found mixed results, with data suggesting a slight overall decrease in traffic around low-traffic neighbourhood (rather than just displacement), but with a great deal of variation between cases.⁸ It will be important for RCAs to manage this through design and complementary measures.

2.6 Introducing a new traffic control: the power to create School Streets

Problem definition

- 2.6.1 A School Street is a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times. The restriction applies to school traffic and through traffic. School Streets are used in other jurisdictions, including the United Kingdom and Canada, to improve safety, manage congestion, and improve public health through more active travel and less air pollution.
- 2.6.2 RCAs are already making some changes seeking to achieve improved safety around schools, such as speed reductions, traffic calming measures, better signage, and reduced availability of parking. Many of these could be combined to create

⁸ Bosetti et al, (2022). *Street Shift: The Future of Low-Traffic Neighbourhoods*, Centre for London.

something akin to School Streets. However, some of the tools that may need to be combined, including pedestrian malls and the installation of modal filters limit the effectiveness of these.

Proposed change and options

2.6.3 We identified several options to address this gap:

- a Under **Option One (the status quo)**, no changes to the existing provisions would occur.
- b **Option Two (consultation option, preferred)** would allow RCAs to create School Streets. It guaranteed access for resident vehicles.

The process for this option, as well as the ability to use cameras for enforcement, would be the same as that of the power to prohibit and restrict traffic above, as the two are both new traffic control powers.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Express power to create school streets
Effectiveness	0	+
Flexibility	0	Dependent on policy 2.5
Safeguards	0	Dependent on policy 2.5
System coherency	0	Dependent on policy 2.5
Overall assessment	0	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

2.6.4 Option two is the preferred option. While there is some argument that school streets could be created through a combination of existing and new powers proposed through Reshaping Streets, this is open for interpretation. Direct provision of a power to create School Streets avoids the need for RCAs to amend their bylaws individually, with the cost and risks associated with that. For consistency, this would use the same process as the power to prohibit and restrict traffic.

2.6.5 These changes are likely to have a small impact on the transport outcomes. They may promote improvements to “healthy and safe people” and “environmental sustainability”, specifically by promoting active transport and improving air quality in the areas immediately adjacent to schools at times when many children are present. While the restrictions could impact “economic prosperity” by disrupting freight, their regularity and limited duration is likely to mean that this could be easily managed.

2.7 Making it easier to close streets temporarily for events, including an interim process for “Community Streets”

Problem definition

- 2.7.1 Roads may be closed to traffic for a range of reasons. For example, Police have powers to close roads under certain circumstances, and RCAs can close roads for issues such as maintenance, as well as events. RCAs can currently close roads for events under two pieces of legislation: the LGA 1974 and the Transport (Vehicular Traffic Closure) Regulations 1965 (the 1965 Regulations). Both impose several restrictions, including the frequency and duration of the events, prescriptive notification requirements (42 day’s notice under the 1965 Regulations, using local newspapers for both), insurance and consultation requirements. The two also apply to slightly different sets of events, with some overlap between them.
- 2.7.2 These limitations pose a barrier to the use of frequent, less intense events such as weekly markets and Community Streets (closure of a street for a short period, usually several hours, to allow children and families to play on the street without risk of traffic. While Waka Kotahi recently developed guidance for the use of Community Streets (referred to in the document as Play Streets), this is non-statutory and is not seeing large uptake. Feedback from RCAs is that the current legal framework for temporarily closing events for purposes such as Community Streets is overly restrictive.

Proposed change and options

- 2.7.3 We identified several options:
- a Under **Option One (the status quo)**, no changes to the existing events provisions would occur. Community Streets guidance is in place, but with limited use.
 - b **Option Two (consultation option)** would see the introduction of an interim legislated process for “Community Streets” followed by consolidation of the various event provisions into a single process. The combined result would see a process with the following features:
 - i The ability to approve events on a one-off, multiple or recurring basis over a 12-month period
 - ii A minimum consultation period of two weeks
 - iii The power for the RCA to impose reasonable conditions on their approval, including consideration of factors such as the nature of the road, and usual traffic levels, rather than existing mandatory requirements around holding insurance
 - iv Removal of the limitation on the frequency and duration of events
 - v Restrictions on how vehicles could use the road during the period of the community street but a guarantee of access for resident vehicles
 - vi Requirements such as an appointed organiser, plan to manage traffic and that the RCA is satisfied of the safety of those involved
 - vii The ability for the organiser to be required to undertake notification/consultation.

- c **Option Three** was developed on the basis of feedback from consultation and is more restrictive. It is based on option two with the additional features:
 - i Increased notification to a minimum of 8 weeks
 - ii Additional requirements as to the suitability of the organiser
 - iii A requirement to undertake health and safety auditing
 - iv Increased limits on the frequency of events (to weekly), rather than their removal altogether.
- d **Option Four (preferred)** was also developed on the basis of feedback from consultation, but combines increased notification with greater flexibility:
 - i Increased notification to a minimum of 4 weeks
 - ii No specific organiser requirement or plan to manage traffic, but with these encouraged through the use of guidance
 - iii No guarantee of vehicle access for residents, with this able to be decided on a case-by-case basis.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – consultation option	Option Three – restrictive option	Option Four – flexible
Effectiveness	0	++ This option would reduce the barriers to more frequent events of a range of scales.	+ Requirements around health and safety auditing would reduce the utility of the process for smaller-scale events, and frequency limits may also reduce utility.	++ This option would reduce the barriers to more frequent events of a range of scales.
Flexibility	0	+ Limited prescription means that the process can be largely tailored to the scale of the event.	- Requirements around health and safety auditing among other prescription would reduce the flexibility of the process.	++ Minimal prescription means that the process can be tailored to the scale of the event.
Safeguards	0	+ This option retains guaranteed vehicle access for residents but has a short minimum notification period.	++ This option sees the longest notification and retains guaranteed resident vehicle access. It also limits the frequency of events.	+ The removal of guaranteed vehicular access as a minimum standard may impact some residents but greater notification would also be available.
System coherency	0	+ A single process for events would be an improvement of the multiple overlapping processes currently in place.	+ A single process for events would be an improvement of the multiple overlapping processes currently in place.	+ A single process for events would be an improvement of the multiple overlapping processes currently in place.
Overall assessment	0	+	+	++

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 2.7.4 Option Four is the preferred option. It provides a single process that can be tailored by the RCA to the scale of the event, with factors such as insurance, organiser requirements and vehicle access able to be fully tailored. A four-week minimum notification period strikes a balance between the need to notify local residents and businesses and deterring the organisers of these events.
- 2.7.5 As with all options considered, it requires the RCA to be satisfied that the safety of those participating in the event can be managed.
- 2.7.6 These changes are likely to have a limited impact on the transport outcomes. While the short duration of Community Streets means that they will have a very small impact, facilitating other forms of events may have an impact on the “economic prosperity” outcome. Events may cause some disruption to freight, although the notification requirements should allow this to be managed. On the other hand, many events, such as markets and fairs, can support local and regional economic prosperity.

2.8 Simplifying the process for creating pedestrian malls

Problem definition

- 2.8.1 For most types of street changes, local authority RCAs are guided by the consultation (section 82) and decision-making (section 76) requirements in the LGA 2002. In addition, RCAs may establish further processes around how they make resolutions under their bylaws. This may include particular notification requirements and in some cases an obligation to hear all objections before proceeding. Such decisions are also able to be challenged via judicial review.
- 2.8.2 However, the creation of pedestrian malls (section 336 of the LGA 1974) is subject to two additional conditions.
- a Local authorities must use the special consultative procedure, set out at section 83 of the LGA 1974. This essentially sets four requirements: 1) a publicly available project statement, 2) one-month consultation period, 3) newspaper notices and 4) hearings. Use of the special consultative procedure generally has been reduced since 2014, when amendments were made to the LGA 2002 to allow for more flexible consultation processes.
 - b Anyone who opposes may appeal to the Environment Court, and the change cannot be made until the appeal is resolved. The Environment Court largely deals with decisions under the Resource Management Act 1991.
- 2.8.3 We understand from conversations with RCAs that these requirements deter the creation of pedestrian malls. It is also not clear why either of these requirements apply to the creation of pedestrian malls when they do not apply to other forms of traffic control.

Proposed change and options

- 2.8.4 Two options were identified:
- a Under **Option One (the status quo)**, the current requirement to use the special consultative procedure would continue to apply, as would the ability to appeal to the Environment Court.

- b **Option Two (consultation option, preferred)** would see the removal of the requirement for local authorities to use the special consultative procedure and the ability to appeal to the Environment Court. General consultation and decision-making principles under the LGA 2002 would continue to apply. People would still be able to challenge the installation of a pedestrian mall through a judicial review.

Instead, the creation of pedestrian malls, as with school streets, will follow the preferred process for the other new traffic control power discussed above, at 2.5. The same applies to the option of camera enforcement.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Remove requirement to use the special consultative procedure and the ability to appeal to the environment court.
Effectiveness	0	+ This option will facilitate cheaper and more effective consultation, which may result in quicker and easier creation of pedestrian malls.
Flexibility	0	+ Instead of a prescriptive process, local authorities will be able to follow the process they choose, provided it is consistent with their decision-making and consultation obligations under the LGA 2002.
Safeguards	0	0 Decision-making and consultation obligations under the LGA 2002 continue to apply, as does the ability to seek judicial review.
System coherency	0	+ The process for creating pedestrian malls will be more consistent with the creation of other traffic orders. Some authorities may choose to follow an identical process.
Overall assessment	0	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 2.8.5 Option two is the preferred option. This option would see more consistent processes in place for the creation of pedestrian malls compared to other forms of traffic control. In practice, the continued decision-making and consultation obligations under the LGA 2002 may mean that some local authorities continue to follow the special consultative procedure, but barriers are reduced for those that do not wish to do so. People will still be able to seek judicial review if they consider that the local authority has not adequately met those obligations.
- 2.8.6 These changes are likely to have a minimal impact on the transport outcomes. To the extent that facilitating the creation of pedestrian malls may encourage the use of active transport, the changes may contribute to improvements to “healthy and safe people” and “environmental sustainability”.

2.9 Simplifying the process for creating transport shelters

Problem definition

- 2.9.1 Section 339 of the LGA 1974 sets specific notification requirements for erecting transport shelters (separate to those of setting up a bus stop). To set up a bus stop with a shelter, local authorities need to follow two separate legal processes:
- a pass a traffic resolution in order to set up a bus stop (this process has its own consultation process) and install relevant markings and signs, and
 - b follow an additional notification and consultation processes outlined in section 339 of the LGA 1974 for installing the transport shelter. This includes giving written notice to the occupier and landowners of any land affected by the erection of the shelter, give opportunities to hear their concerns, and cannot make a resolution to erect a transport shelter until the local authority has heard all objections.
- 2.9.2 Such prescribed notification requirements do not apply to other public facilities (e.g., pedestrian crossings, public seats, or transport/bus stops), and pose an unnecessary impediment to installing transport shelters. Although some local authorities may choose to use similar processes when making resolutions under their bylaws, it is not clear why this prescriptive process applies for transport shelters.

Proposed change and options

- 2.9.3 Two options were identified:
- a Under **Option One (Status quo)**, bespoke notification processes would continue to apply
 - b Under **Option Two (consultation option, preferred)** the bespoke notification and objection requirements for creating transport shelters as set out in section 339 of LGA 74 would be removed, allowing local authorities to consult on transport shelters in the same way they do for other features.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Remove bespoke notification/objection requirements
Effectiveness	0	<div>+</div> <p>This option will facilitate cheaper and more effective consultation, which may result in quicker and easier installation of transport shelters.</p>
Flexibility	0	<div>+</div> <p>Instead of a prescriptive process, local authorities will be able to follow the process they choose, provided it is consistent with their decision-making and consultation obligations under the LGA 2002.</p>
Safeguards	0	<div>0</div> <p>Decision-making and consultation obligations under the LGA 2002 will continue to apply, so the views on adjoining property owners will still need to be considered.</p>

System coherency	0	+	The process for creating transport shelters will be more consistent with the creation of other similar infrastructure.
Overall assessment	0	+	

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 2.9.4 Option two is the preferred option. This option would provide for a consistent approach for public consultation and notification requirements for all infrastructure, such as pedestrian crossings, bus stops, public toilets, and transport shelters. The consultation and decision-making requirements under the LGA 2002 will continue to apply, meaning that adjoining property owners and occupiers will still be notified and consulted as part of the process.
- 2.9.5 These changes are likely to have a minimal impact on the transport outcomes. To the extent that they can contribute to making the use of the public transport system more pleasant and therefore encourage its use, the changes may contribute to improvements to “environmental sustainability.”

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Section 3: Impact Analysis of the preferred package of options

3.1 Description of the combined package

3.1.1 In summary, the preferred options would:

- a introduce two new traffic control powers (modal/regulatory filters and school streets) for RCAs to use as they see fit, provided that they meet their obligations under the LGA 2002
- b enable RCAs to use pilots as a form of consultation when making traffic controls and street changes, no matter the enactment that those changes are made under. Local authority RCAs would still need to meet their obligations under the LGA 2002
- c make process of closing roads for events more flexible, reducing prescriptive notification requirements and limits on the frequency and duration of events
- d simplify the processes for creating pedestrian malls and transport shelters, making them more consistent with similar processes.

3.2 What are the marginal costs and benefits of the option?

3.2.1 Quantifying the costs and benefits of the combined package is not possible, as the use of these processes and powers by the many local authority RCAs across New Zealand cannot be predicted. As a result, this section sets out qualitative impacts for:

- a Direct impacts on RCAs
- b Indirect impacts on communities that could occur through the use of these new and amended powers and processes.

Direct costs and benefits for RCAs

Costs

3.2.2 Costs for RCAs associated with these policies should be minimal. They may need some time to understand and communicate the changes internally and to their communities. However, the changes are generally enabling and do not require the RCAs to make specific changes.

3.2.3 Some changes, such as the new event process, may increase demand from communities and may generate some administrative workload for RCAs.

Benefits

3.2.4 These changes should reduce the overall cost to RCAs of making street changes, particularly through the ability to pilot changes and amend them in response to feedback. This will allow more changes to occur on the same budget, particularly when combined with using cheaper, temporary infrastructure rather than seeking to install high-quality permanent fittings immediately.

3.2.5 Other contributing factors to reduced costs will include:

- a a reduced need for complicated and time-consuming workarounds to make certain street changes (e.g., modal filters) or to use pilot-esque processes

- b more efficient processes through the removal of prescriptive process requirements
- c less prescriptive notification and consultation requirements (e.g., the removal of specific requirements to notify through a certain number of newspapers.

Indirect costs and benefits for communities

- 3.2.6 It is worth noting that street changes will affect people and groups differently at different times. As there is only a finite amount of street space, reallocation benefiting one group may cost others, at least in the short term. However, transport choices change over time in response to the options available. This means, for example, that replacing a general traffic lane with a special vehicle lane may initially increase congestion but over the long term contribute to a reduction as mode shift occurs.
- 3.2.7 The bulk of these costs and benefits will come from the ability to use pilots and the new traffic control powers.

Costs

- 3.2.8 The primary cost for communities is likely to come in the form of reduced access, at least for a period of time while construction occurs. The impact is likely to be strongest on those **reliant on motor vehicles for the majority of their travel and who are unable to change the mode of transport**. However, the ability to pilot changes and alter them quickly in response to feedback may reduce the disruption of any individual change relative to the status quo.
- 3.2.9 Greater reallocation of road space away from general traffic lanes and parking towards other modes is likely to affect **many people and businesses**, particularly they adjust to new patterns of travel. In case cases, motor vehicle traffic may be displaced onto other streets. Some residents and businesses may also experience disruption through a greater range of events occurring on streets.
- 3.2.10 **People with mobility issues** are likely to be disproportionately affected if adequate care is not taken to ensure that their needs are taken into account when planning for access, depending on their reliance on a motor vehicle for access.
- 3.2.11 Street changes can be particularly disruptive for **businesses**, especially during the construction phase. It is worth noting that studies in New Zealand and overseas have shown that businesses frequently overestimate the number of customers who arrive by car and underestimate the number of pedestrians and cyclists.
- 3.2.12 **Freight and courier organisations** may also experience disruption. Last mile delivery is likely to be the most affected by these changes affecting local roads. While arterial freight routes may be affected by Reshaping Streets changes, there is a reduced chance of RCAs deploying these types of changes on such routes.

Benefits

- 3.2.13 Street changes (including the reallocation of road space) that support improved walking and cycling and more reliable public transport will come with a range of benefits. Some of these may be limited to **residents of an area**, while others could benefit **a much wider range of people** including:
- a greater access to employment, amenities and services through reduced congestion and increased transport opportunities,

- b reduced transport costs, for **people who are no longer (as) reliant on the use of a car** as other modes become safe and viable forms of transport
- c an improvement to public health relative to the counterfactual, through improved safety and more physical exercise. This will be particularly relevant **around schools** and for **pedestrians and cyclists**
- d reducing New Zealand's transport emissions.

3.2.14 **People with mobility issues** may also benefit from street changes such as wider footpaths. In addition, they may benefit over the longer term as changes discouraging (but not preventing) the use of private motor vehicles can in fact improve the experience for those who do require them for access, as those who are able to change transport mode are encouraged to do so. The same applies for **freight organisations**.

3.2.15 **Businesses** may also benefit from street changes; evidence shows that improvements to public spaces that improve the experience for pedestrians and increase footfall can more than compensate for the loss of any customers who drive.⁹

3.2.16 A greater range and frequency of events, including Community Streets and weekly markets may foster a range of benefits, including greater social cohesion.

Risks and uncertainties

3.2.17 The primary risk with these policies is that RCAs may choose not to use them, limiting the ability of road space reallocation to contribute to emissions reduction and to improve the other outcomes mentioned above.

⁹ Ernst and Young, (2020). Golden Mile Retail Impact Assessment. Wellington: Let's Get Wellington Moving; Just Economics and Living Streets, (2018). The Pedestrian Pound: The Business Case for Better Streets and Places. Accessed December 2022, <https://www.highstreettaskforce.org.uk/resources/details/?id=0b15074f-f661-42c6-855e-42408f9b57b5>

Section 4: Delivering an option

4.1 How will the new arrangements be implemented?

Giving effect to these policies

- 4.1.1 The proposed regulatory changes are to be delivered through a combination of a new land transport rule under sections 167/168 of the LTA 1998, and changes to existing legislation (the LGA1974 and the 1965 Regulations).
- 4.1.2 If approved by Cabinet, the new rule could come into effect as early as June 2023, allowing for the 28-day process. The introduction of a new rule will give RCAs access to the pilot process, new traffic control powers and the Community Streets process. This will allow RCAs to begin using the rule to make street changes as soon as possible. Such an early implementation time is acceptable because the changes are enabling, and RCAs are able to choose not to use the powers until they feel comfortable doing so.
- 4.1.3 This will be followed in a future parliamentary term by a Bill making the remaining changes, including changes not addressed as part of this regulatory impact statement such as the shift of transport provisions from the LGA 1974 into Ministry of Transport-administered legislation. This is unlikely to be in force before late in 2024. This process will be managed so that a revised rule can take effect at the same time as the Bill so that RCAs would not lose any of their necessary existing powers when some sections of the LGA 1974 are transferred to the new rule (e.g., those relating to pedestrian malls).

Responsibilities for implementation

- 4.1.4 As mentioned, RCAs will be responsible for using these new and revised powers to create street changes. From a central government perspective, Waka Kotahi will lead the implementation of the new rule, particularly the development of guidance and assisting RCAs where necessary and intends to produce guidance to support the immediate use of these powers, with additional guidance provided as necessary.
- 4.1.5 Te Manatū Waka Ministry of Transport (MoT) is steward of the transport regulatory system and will lead development of the proposed Bill, with support as necessary from the Department of Internal Affairs, which currently administers the LGA 1974. MoT will also lead any revision to the new rule, with support from Waka Kotahi.
- 4.1.6 Enforcement responsibilities will continue to be shared between road controlling authorities and the New Zealand Police.

Stakeholder involvement

- 4.1.7 It will be the responsibility of RCAs to inform and work with their communities and other stakeholders when using the powers and process enabled by Reshaping Streets. Notification and consultation processes among others will provide changes for communities to provide feedback.
- 4.1.8 In addition to developing guidance, Waka Kotahi will be the point-of-call for RCAs and other stakeholders seeking more information about the new rule. Waka Kotahi and MoT expect to also receive feedback through stakeholders such as RCAs and industry organisations through existing relationships and channels.

Additional implementation

- 4.1.9 Communications strategies will be crucial, especially for pilots. RCAs will have to ensure that those affected by a street change or event under the new rule understand how the process has changed, how to provide feedback and how to manage any disruption it causes. This will also be the time for the public to ask questions and gain more information about the street change. Waka Kotahi will develop guidance to assist RCAs with this process.

4.2 How will the new arrangements be monitored, evaluated, and reviewed?

Monitoring new arrangements

- 4.2.1 The monitoring of these new policies will occur through a combination of formal and informal monitoring. We do not expect to create any bespoke monitoring systems for this policy, however. Instead, it will rely on other monitoring arrangements, such as:

The Emissions Reduction Plan

- 4.2.2 The Decarbonising Transport Monitoring Framework (DTMF), being developed as part of the Emissions Reduction Plan, of which these proposals form part. This will play a role in ensuring robust measurement and reporting across all relevant transport-related decarbonisation monitoring indicators, including Vehicle Kilometres Travelled (VKT). A reduction of VKT could be an indicator of successful street changes as active travel uptake has increased and less people are driving.

- 4.2.3 Waka Kotahi has completed a range of evidence building research to gain a better understanding of current VKT data, trends and patterns, and customer behavioural insights. Additional research will be identified through the Decarbonising Transport Research Strategy which will support implementation and delivery of transport actions (including Reshaping Streets) and provide evidence-based context for monitoring and evaluation of those actions.

- 4.2.4 Waka Kotahi's Streets for People Programme is another project that aims to rapidly reallocate street space to encourage walking and cycling to achieve emissions reduction goals and make towns and cities safer and more liveable. The monitoring provisions in place can be another way to gauge improvement by comparing the proportion of new street changes pre-and-post Reshaping Streets changes.

Streets for People

- 4.2.5 The ultimate goal of monitoring and evaluation for this programme is to see its impact on people and focussing on deeper understanding of people and place interactions. The guide requires RCAs to consider the why, how, and what of a Streets for People intervention:

- a **Why:** the cause, and the reason for undertaking this project. The challenge you are going to resolve. What are the problems?
- b **How:** the short and long term expected impacts. Setting them up and measuring them will determine if the project is on track on making the expected impacts, and whether a change in approach is required.
- c **What:** the physical and nonphysical interventions that will be in place to make the change happen. It could be designs or events or a training course.

- 4.2.6 The Streets for People monitoring toolkit includes a mix of quantitative (number based) and qualitative (description based) methods to ensure reliability of the data,

and to paint a more realistic and holistic picture of the outcomes. This toolkit is a reference document and projects are not expected to monitor all the measures mentioned in this document, but rather to 'pick and choose' based on the outcomes that the projects set out to achieve.

Informal monitoring

- 4.2.7 MoT and Waka Kotahi have existing relationships with RCAs and other stakeholders and expect that concerns may be raised through these channels. This will be particularly relevant during the initial implementation period while guidance is being developed, which may involve coordination with some stakeholders.
- 4.2.8 Examples of other workstreams that may overlap with Reshaping Streets is the ongoing implementation of changes that resulted from the 2021 review of the parking regulatory system, given that many street changes are likely to involve space formerly dedicated to car parking.

Review of Reshaping Streets

- 4.2.9 As mentioned above, implementation of the second phase of work will require an amendment to the new rule. This will provide an opportunity for an early review of the Rule and for any necessary updates alongside the second phase of changes.
- 4.2.10 We plan to review the policy within five years of that update, if the policy is not within scope of wider system reviews that occur during that period. The land transport system is likely to be soon due for a review, for example, but it is unclear if this would occur within the next five years. However, factors such as lack of use or successful legal challenge to use of the pilot process could prompt an earlier review.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Reshaping Streets – Scoping Summary

Investigating what central government could do to support public transport, active travel, and placemaking by accelerating widespread street changes

May 2021

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Ministry of Transport
TE MANATŪ WAKA

This document is a summary of scoping undertaken by the Ministry of Transport. It does not represent Government policy.

Executive summary

The Ministry of Transport (MoT) has scoped a potential project called *Reshaping Streets*. This scoping focused on what central government could do to accelerate widespread street changes to support public transport, active travel, and placemaking.

Street changes are needed to deliver on multiple central government priorities, including reducing emissions, improving safety, supporting urban intensification, improving public health, and creating a more inclusive and equitable society. The current pace and scale of street changes in New Zealand is not sufficient to deliver on these priorities.

Local government is responsible for local road operations, maintenance, renewals and improvements, including walking and cycling infrastructure and initiatives. This means that local government has more control than central government in making street changes. However, local government always operates within a regulatory and funding context set by central government. Central government also co-funds local street construction and maintenance, and public transport services that use those streets. Central government can strongly influence the design and construction of local streets through rules, regulations, standards, guidelines, and incentives.

Our scoping was primarily based on interviews with people from other transport agencies, councils, and community groups. These interviews covered barriers and opportunities for reshaping streets, and central government's role in the system. Among the people interviewed for this scoping, there was very strong support for central government to look at ways to accelerate street changes at a local level. Participants identified a wide range of ways that central government could intervene to accelerate widespread street changes, by supporting, encouraging, or requiring changes at a local level.

The most common issues and barriers raised by participants to street changes included: resistance to changing the status quo, a disconnect between strategy and changes on the ground, overly complex and cumbersome consultation processes, and insufficient and poorly allocated funding.

The most common opportunities highlighted by participants to accelerate street changes included: providing stronger leadership and a compelling vision for streets, changing funding settings, improving consultation requirements, and maximising opportunities for improvements during street renewals.

Some of these changes would require MoT to take the lead, while others would need to be led by Waka Kotahi NZ Transport Agency (Waka Kotahi). Many changes would require collaboration between our agencies. Substantive action in any of these areas would require support and direction from the Minister of Transport.

Based on our scoping, we have identified what we see as the best opportunities for central government to accelerate widespread street changes. We have grouped these opportunities into three priority areas:

- Priority Area A: Enable quick high-impact, low-risk, low-cost street changes.
- Priority Area B: Change funding levels, settings, and requirements to strongly incentivise street changes.
- Priority Area C: Maximise opportunities to improve streets during renewals.

These opportunities would build on work we are doing to improve road safety, reduce transport emissions, and support the Government's urban development work programme.

Contents

Executive summary	2
Contents	3
1. Introduction	4
<i>Purpose of this summary</i>	<i>4</i>
<i>Why we did this scoping</i>	<i>4</i>
<i>What our scoping did, and did not, cover</i>	<i>4</i>
<i>What our scoping involved</i>	<i>5</i>
<i>Guide to this document</i>	<i>5</i>
2. The need for reshaping streets	6
<i>The strategic case for change</i>	<i>6</i>
<i>Why central government has an interest and role to play in reshaping streets</i>	<i>8</i>
<i>Participants' views on central government's involvement in this area</i>	<i>8</i>
3. Challenges and opportunities to accelerate widespread street changes	10
<i>Common themes highlighted by participants</i>	<i>10</i>
<i>Table 1: Overview of what we heard from participants: where central government could intervene to accelerate widespread street changes</i>	<i>12</i>
<i>Table 2: Specific legal challenges and opportunities identified in scoping</i>	<i>18</i>
4. Priority options for further work	20
<i>Priority Area A: Enable quick, high-impact, low-risk, low-cost street changes</i>	<i>21</i>
<i>Priority Area B: Change funding levels, settings, and requirements to strongly incentivise street changes</i>	<i>22</i>
<i>Priority Area C: Maximise opportunities to improve streets during renewals</i>	<i>23</i>
Appendix 1: Organisations involved in this scoping	24
Appendix 2: Alignment with Transport Outcomes	25

1. Introduction

Purpose of this summary

This document summarises what the Ministry of Transport (MoT) found from scoping a potential project called *Reshaping Streets*. This scoping focused on what central government could do to accelerate widespread street changes to support public transport, active travel, and placemaking. We conducted this scoping in February and March 2021.

Why we did this scoping

Widespread street changes are needed to deliver on strategic transport priorities for safety and emissions reductions. To encourage mode shift away from private motorised vehicles, we need to improve streets for people who walk, cycle, scoot, and use public transport.

Street changes are also needed to deliver on the government's Urban Growth Agenda. To enable urban intensification, we need to make more efficient use of urban space and create well-functioning urban environments that are good for people's wellbeing. Streets enable cities to function by facilitating access and movement. Streets are also public places, not just transport corridors.

Street changes could also help to improve public health and make our transport system more inclusive and accessible. Section 2 of this report explains the strategic case for street changes in more detail.

While changes are clearly needed, the current pace and scale of street changes in New Zealand is not sufficient to deliver on these priorities. MoT initiated this scoping to explore what central government could do to catalyse street changes at a local level, and whether we should do more work in this area.

What our scoping did, and did not, cover

Most urban streets are designed, co-funded, and developed by local councils or Road Controlling Authorities. Our focus was on what central government could do (e.g. via rules, regulations, or incentives) to encourage, require, or support changes locally.

Our scoping covered street changes to support public transport, active travel and placemaking. This includes reallocating street space to deliver:

- footpath and intersection improvements for people travelling by foot or wheelchair
- separated bike/scooter lanes
- dedicated/priority bus lanes
- low-traffic neighbourhoods
- placemaking initiatives to create healthier and more vibrant streets, which support active travel and urban intensification.

We focused on reshaping *existing* streets, rather than developing new streets (e.g. in future urban areas). This is because we have a large legacy of streets and urban form to deal with. We need to change many of our current streets to create effective networks for people who walk, cycle, scoot, and use public transport.

We primarily focused on reallocating space on existing streets (e.g. by removing on-street car storage/parking, or by reducing road space used for moving private vehicles), rather than widening street corridors. This is because it is much more cost effective to make better use

of current infrastructure than it is to construct wider streets. In many built-up urban areas, it is also unfeasible or prohibitively expensive to widen streets by acquiring more land.

What our scoping involved

Our scoping was primarily based on interviews with people from other transport agencies, councils, and community groups. These interviews covered barriers and opportunities for reshaping streets, and central government's role in the system.

As we were only scoping a potential project, we limited who we spoke with while ensuring that we heard from a wide variety of perspectives. Appendix 1 lists organisations that we engaged with. Interviews were also supplemented by some additional research on what other cities or states are doing to make quicker street changes.

Guide to this document

- **Section 2** provides more detail on the strategic case for change, and explains central government's role in reshaping streets
- **Section 3** summarises the key barriers and opportunities for reshaping streets that participants highlighted in our interviews
- **Section 4** identifies potential priority areas for further work.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

2. The need for reshaping streets

The strategic case for change

The purpose of New Zealand's transport system is to improve people's wellbeing and the liveability of places. This is reflected in the *Transport Outcomes Framework* (see Figure 1), which guides all strategic planning, policy development, and investment decisions in the transport system.

Street changes to support active travel, public transport, and placemaking could help to deliver on all five outcomes in this framework. Appendix 2 provides details on how streets changes could contribute to each outcome.

There are five key drivers for reshaping many current streets, as outlined below. These drivers were regularly highlighted by people we interviewed for our scoping.

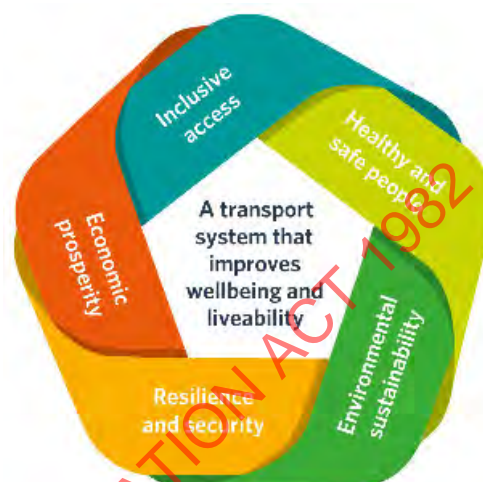


Figure 1: The Transport Outcomes Framework

1. Reducing emissions

To meet our emissions reduction obligations and targets, we need to change the way that people travel. The Climate Change Commission, in its draft report released in February 2021, advised the Government that current transport emissions need to fall by 47 percent by 2035. To achieve emissions reductions on this scale, there will need to be major mode shift from private vehicles to public transport and active modes (complemented by other changes). MoT's modelling suggests that travel by cars and other private passenger vehicles would need to fall by about 39 percent by 2035 to meet the Climate Change Commission's draft recommended target.

To deliver major mode shift, comprehensive cycling/scooting networks are needed in urban areas, along with more dedicated/priority bus lanes, and better urban environments for walking. Street space in many urban areas will need to be reprioritised and reallocated from parking/moving private vehicles to other modes. Street changes could potentially be delivered rapidly and cost-effectively, as they involve modifying existing infrastructure.

2. Improving safety

The Government is committed to a vision for New Zealand where no one is killed or seriously injured in road crashes. This is outlined in *Road to Zero: New Zealand's Road Safety Strategy for 2020-2030*. This strategy recognises a need for safer streets in urban areas to support active travel. It includes an action to enhance the safety and accessibility of footpaths, bike lanes, and cycleways.

Cyclists in New Zealand are currently over-represented in Deaths and Serious Injuries statistics, so streets need to be safer for people travelling by bike and other forms of micro-mobility. More dedicated bike/scooter lanes would also make footpaths safer for people travelling by foot, by reducing scooter use on footpaths. Traffic calming measures on streets and intersection improvements could also deliver safety improvements. Public transport is the safest mode of travel in New Zealand, so street changes that support public transport use (such as dedicated/priority bus lanes) would also help to deliver on the Government's

road safety vision. Mode shift that leads to reduced travel by private motorised vehicles would also help to reduce deaths and serious injuries.

3. Supporting urban intensification

There is an urgent need to build more homes in New Zealand, especially in a way that is consistent with our emissions reduction obligations. The Government's Urban Growth Agenda includes several key initiatives to support this. The National Policy Statement on Urban Development, gazetted in 2020, will drive significant intensification in urban centres and in areas around rapid transit stops. Many streets need changing to enable higher density urban environments. Public transport, walking, and cycling improvements will need to be prioritised in many areas to support compact, mixed-use urban developments. Placemaking improvements on streets, including green spaces, and areas to rest, gather, or play, could also improve urban areas so that they are better for people's wellbeing.

Our largest and fastest-growing cities are developing long-term spatial plans through the Government's Urban Growth Partnerships programme. These plans are locating all future development at scale around new or strengthened rapid/frequent public transport networks. They also aim to ensure that all future urban growth is well-connected by public transport and active modes. To deliver on these plans, street changes will be needed in many places to prioritise bus movements, and potentially on-street light rail, along with improvements to walking and cycling networks. Rapid transit hubs and stations also need to be integrated with networks of inclusive and accessible streets to maximise opportunities from rapid transit investments.

4. Improving public health

New Zealand has the third highest adult obesity rate in the OECD, partly due to lack of physical activity. On average, New Zealanders spend less than an hour walking per person, per week. A third of all transport trips in New Zealand are less than two kilometres — a distance which is easy for most people to walk, scoot, or cycle. We need to reshape streets to encourage more active travel, so that people can incorporate more physical activity into their daily life. People who use public transport also walk more than people who regularly travel by car.

The Ministry of Health – Manatū Hauora is developing a *Position Statement on Healthy Urban Development*. The current draft recognises the importance of well-connected urban environments for health and well-being, with appropriate space for walking, cycling, and public transport. It also notes that regular physical activity (including active play and active transport) is vital for children's physical and cognitive development.

The World Health Organisation's Global Action Plan on Physical Activity advises states to pursue "planning and transport policy, guidelines and regulations that redistribute, as appropriate, urban space from private motorized transport to support increased walking, cycling and use of public transport, as well as provision of public open and green spaces, including regulations to limit car parking options for singular occupancy private vehicles".

5. Creating a more inclusive and equitable society

Streets are public spaces, but they are often designed and built to favour some people over others. For example, footpaths, intersections, and crossings usually prioritise movements by motorised vehicles, often travelling at relatively high speeds. Even in places where more people travel by foot than by car, such as city centres, most street space is allocated for private motorised vehicles (which encourages travel by this mode). There are opportunities

to improve access for a wider group of people by reallocating street space to make streets more inclusive for people traveling by foot, wheelchairs, bikes, scooters, and with prams. Street changes that make it easier and safer for people to travel without a private motorised vehicle could also help to reduce transport costs for many people and can improve social equity.

Footpaths need to be improved in many parts of New Zealand to make transport more inclusive for people with disabilities. A 2015 survey commissioned by CCS Disability Action found that more than 65 percent of disabled people in New Zealand thought footpaths (including kerbs and crossings) are difficult or not easy to use.¹ Inaccessible footpaths can also be a barrier for disabled people travelling to/from public transport stops.

The Government's *Better Later Life – He Oranga Kaumātua 2019 to 2034* strategy for an ageing population also highlights the importance of walking, cycling, and public transport for supporting physical and mental wellbeing. It highlights a need to improve footpaths, cycle lanes, and crossings so that they are safe for all people.

Why central government has an interest and role to play in reshaping streets

Central government has a strong interest in reshaping streets to support public transport, active travel, and placemaking. This is because street changes are needed to deliver on central government priorities (as outlined above) for emissions reductions, safety, urban development, health, and for creating a more inclusive society.

Central government also has an interest in local streets because the cost of building and maintaining local streets is shared between central government, through Waka Kotahi NZ Transport Agency (Waka Kotahi), and local councils. Central government also co-funds public transport services, and walking and cycling improvements.

Local government is responsible for local road operations, maintenance, renewals and improvements, including walking and cycling infrastructure and initiatives. This means that local government has more control over local streets than central government. However, local government always operates within a regulatory and funding context set by central government. Central government can strongly influence the design and construction of local streets through rules, regulations, standards, guidelines, and incentives.

Participants' views on central government's involvement in this area

Among people interviewed for this scoping, there was very strong support for central government to look at ways to accelerate street changes at a local level. Some comments are listed below.

"Reallocating street space is necessary to achieve everything we need to do and aspire to as a city. We need to accommodate people and not just cars, for environmental, social and economic reasons. Local government... relies on central government to enable this shift and make changes easier. If it isn't enabled and supported at a higher level, we are constantly fighting." (Participant from Wellington City Council)

"It's a matter of life and death. How our streets are shaped affects people's health, safety, clean air, and congestion." (Participant from the Cycling Action Network)

"It could be totally transformative for how we plan our streets. Auckland Council has aspirations around reallocating road space but the actual delivery of it is very difficult... Auckland is trying to intensify but current street space allocation is not ideal for supporting

¹¹ Burdett, B. (2015). Kiwi Transport Survey, CCS Disability Action: Wellington

intensification. It does not encourage people to live in higher density areas. Reallocation of street space will be critical for supporting higher density living.” (Participant from Auckland Council)

“Central government absolutely needs to look at this, for easing the transition to more people living in urban spaces with high density urban form. It could help to deliver a healthier urban environment...and [the shift to] a low carbon urban form.” (Participant from the Ministry for the Environment)

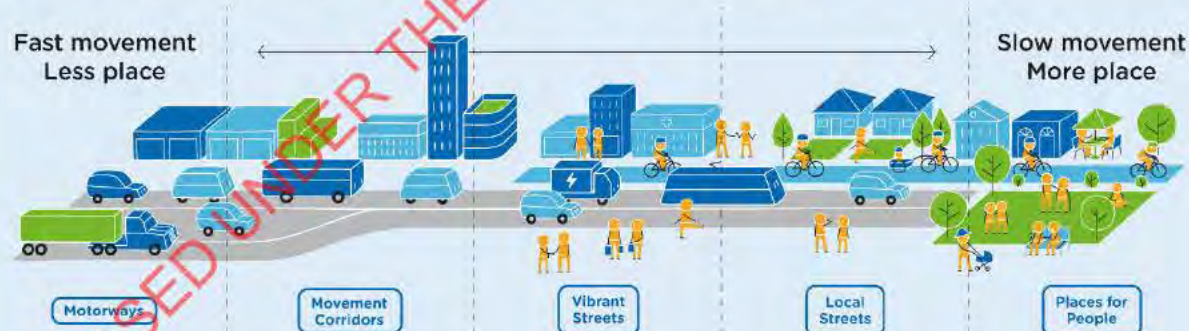
“It’s critical. We need a greater push from central government to make it easier to make changes. The way street space is allocated now is unsafe, inequitable, and contributing to climate change. We need to be able to make changes.” (Participant from Greater Auckland)

“We should review Government’s policy levers, including legislation that is preventing changes from happening.” (Participant from Waka Kotahi)

Only one person we interviewed, from a local government transport agency, was not in favour of central government looking at ways to accelerate changes. They suggested that the biggest barrier to making street changes is due to local politics, and that central government simply needs to provide more funding for active travel and public transport. Another participant from the same organisation was in favour of central government looking at ways to accelerate changes, especially if these changes enabled quicker roll outs of cycleways.

Streets serve multiple functions in our towns and cities

While street changes are needed in many urban areas, actual street changes need to be tailored to specific places and the functions of each street. The Movement and Place Framework (illustrated below) recognises the complex nature of street and road environments and provides a way to measure and prioritise the needs of different street users.¹



Waka Kotahi is developing a new ‘One Network Framework’ based on the ‘Movement and Place’ approach but with more detail. They are also developing the Aotearoa Urban Street Guide which will provide best practice street design guidance for all of New Zealand. Auckland Transport’s Roads and Streets Framework is also based on place and movement functions, to guide the future planning and development of Auckland’s roads, streets, and places.

¹ This diagram is from <https://www.transport.nsw.gov.au/industry/nsw-movement-and-place-framework>

3. Challenges and opportunities to accelerate widespread street changes

This section summarises the challenges and opportunities that participants identified in our scoping for reshaping streets to support public transport, active travel, and placemaking. As noted in Section One, our scoping focused on what central government could do to accelerate widespread street changes.

It is important to note that local government has more control over local streets than central government, and there is nothing legally stopping local government from making many street changes. There are wide differences across New Zealand's cities and towns in public transport networks, cycle/scooter networks, and the walkability of urban environments. This reflects different approaches being taken by different councils or Road Controlling Authorities. While there are some great examples of local cycleways, busways, tactical urbanism projects, and placemaking improvements, these initiatives only represent a small fraction of streets in urban areas.

As noted in Section Two, central government also has a significant stake in reshaping streets to reduce emissions, improve safety, support urban development, improve public health, and to create a more inclusive society. Central government also co-funds street construction and maintenance, and public transport services, and sets the regulatory and funding context for local government.

Participants in our scoping identified a wide range of ways that central government could intervene to accelerate widespread street changes, by supporting, encouraging, or requiring changes at a local level. These opportunities are summarised on the following pages in Table 1, grouped around the following themes:

- Leadership
- Regulations, standards, and guidelines
- Funding
- Design and delivery
- Community engagement and partnerships with mana whenua

We also identified some specific regulatory barriers and opportunities for making street changes. These are summarised in Table 2 at the end of this section.

Common themes highlighted by participants

While our scoping identified a wide-range of challenges and opportunities, some issues consistently attracted a lot of attention from people in councils, transport agencies, and community groups. These themes are tagged with the label **COMMON THEME** in Table 1.

Barriers to reshaping streets were strongly felt by people at a local level, where attempts to change streets come up against an existing social, regulatory, and funding system. The most common barriers highlighted by participants were:

- **Resistance to changing the status quo** – lobbying from some people in the community who are against changes can lead to local politicians, councils, and transport agencies backing down from making changes (even when changes have strong support from others in the community). Some staff within councils and transport agencies can also push against changes, especially if these changes challenge their traditional focus on prioritising traffic flows. A participant from Auckland Council commented that “we know we want to do things differently but the system is stuck doing the status quo.”

- **A disconnect between strategy and changes on the ground** – while there are some great strategies and frameworks, councils and transport agencies often do not make street changes that are consistent with these frameworks. Even when widespread public support exists for changes at a strategic citywide or neighbourhood level, local opposition to changes at a street-level can lead to project delays or cancellations.
- **Overly complex and cumbersome consultation processes** – consultation can be disproportionate to the scale of change (e.g. significant consultation can be required to remove just a few car parks). Consultation can also favour some voices over others. A member of Regional Councils' Transport Special Interest Group commented that "one or two vocal people can hold up projects and create delays in making changes in what's actually a public realm space."
- **Insufficient and poorly allocated funding** – most funding from walking and cycling activity classes is currently being allocated to major projects that involve corridor/street widening. It would be much more cost effective to reallocate space on existing streets, but this receives more pushback from communities. Waka Kotahi commented that "we are not seeing pure low-cost street reallocation. This in turn is a barrier to getting fast-paced changes and network connectivity, critical for the success of active modes."

The most common opportunities highlighted by participants for central government to accelerate changes were to:

- **Provide strong leadership and a compelling vision for streets** – as this could help build a social mandate for change.
- **Change funding settings** – more funding could help to accelerate street changes, but funding should be conditional on meeting strict criteria (including alignment with guidelines and standards). There was also strong interest in improving business case processes to enable changes to happen more quickly.
- **Improve consultation requirements** – consultation requirements in legislation could be adapted to make consultation quicker. Regulatory tools could also be introduced to support innovative street changes.
- **Provide stronger direction on street changes** – a National Policy Statement could potentially be developed covering street design, parking management, and urban design. This could mandate some street changes. Stronger direction from central government could help to remove some of the heat faced by local politicians from communities/lobby groups opposed to changes.
- **Maximise opportunities for improvements during renewals** – most participants raised the untapped potential of improving streets when they are renewed (during maintenance). Renewals currently come out of existing maintenance budgets, with no funding set aside to improve streets when they are renewed (e.g. adding in cycleways or improving footpaths). Given limits on funding, policies that support 'street betterment' as streets are renewed could be a win-win.

Table 1 on the following pages identifies what a supportive system could look like (including key levers) for reshaping streets. This table captures the wide range of opportunities identified by participants during scoping, including common themes discussed above.

Table 1: Overview of what we heard from participants: where central government could intervene to accelerate widespread street changes

Note: The final column tags which agency or institution would need to take the lead on interventions (e.g. Ministers, MoT, WK).

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
Leadership			
<i>Vision and communication</i> COMMON THEME	<ul style="list-style-type: none"> Government has a clear vision for safe, healthy, accessible, inclusive, and sustainable streets, and provides a compelling narrative of why many streets need to change to achieve this vision. Government highlights the importance of reshaping streets to support housing and urban development outcomes. 	<ul style="list-style-type: none"> Central government has communicated its high-level vision for transport through key documents, such as the GPS on Land Transport. However, it has not provided strong direction on the need for street changes, or the scale of change expected. Some councils have visions/plans in place that support reshaping streets. However, there is often local opposition to street changes from some parts of the community, which limits political resolve to make widespread changes. 	<ul style="list-style-type: none"> Clearly communicate that streets are public spaces, and why many streets need to change (Ministers, MoT, WK, local government). <p><i>We heard from several stakeholders that there is need for central government to provide a vision/narrative on streets that helps to build the social mandate for change. This could be a 'communication piece' that clarifies the drivers for change (e.g. safety, emissions, urban development) and the social, economic, and environmental benefits of making changes.</i></p>
<i>Strategic direction</i> COMMON THEME	<ul style="list-style-type: none"> Strategic frameworks for transport and urban planning set clear expectations for safe, healthy, accessible, inclusive, and sustainable streets. These frameworks drive changes on the ground, with targets for tracking progress. 	<ul style="list-style-type: none"> Some clear strategic directions exist (e.g. in the GPS on Land Transport, Auckland Transport's Roads and Streets Framework). However, strategic frameworks are not driving significant street changes on the ground. Councils and transport agencies are hesitant to make street changes when there is resistance from some parts of the community (e.g. removing car parking, slowing traffic, reallocating road space for cycleways) even though these changes support strategic outcomes. 	<ul style="list-style-type: none"> Give stronger direction to local government to empower or require them to make some street changes (MoT, Ministry for the Environment, Ministry of Housing and Urban Development). <p><i>Several stakeholders suggested that a National Policy Statement, covering issues such as street design, parking management, and urban design, could support councils to make street changes. Councils could then point to the national direction to justify changes – as with the National Policy Statement on Urban Development. This would help to remove some of the heat faced by local politicians when trying to change the status quo.</i></p>
<i>Organisational capabilities and culture</i>	<ul style="list-style-type: none"> Transport agencies and councils recognise the need for street changes to deliver on strategic priorities, have a culture that supports this, and have the knowledge and expertise to deliver best practice. 	<ul style="list-style-type: none"> Some staff within transport agencies and councils clearly understand the need for street changes. However, this understanding is not always wide-spread. There is also resistance to change from some people in these organisations because they have different priorities, or because they have been trained to focus on different things (e.g. vehicle traffic flows). There may be a lack of clarity in some councils or agencies on what tools are available to deliver changes. Some councils have limited capacities to design better streets and to keep up to date with best practices. Resource constraints can also limit the ability of local government to engage effectively with communities on challenging projects. 	<ul style="list-style-type: none"> Set targets for making street changes, with consequences for not delivering (WK, MoT) <p><i>Some stakeholders suggested that there needs to be stronger targets set by central government – linked with consequences such as funding availability – to make changes happen more quickly on the ground, and to help overcome some of the institutional/cultural barriers.</i></p> <p><i>Several stakeholders also pointed out that local government needs to invest more in urban design capabilities – particularly for urban design and placemaking.</i></p> <ul style="list-style-type: none"> Invest in capability building, including training and upskilling. <p><i>Waka Kotahi is running Urban Street Design training courses to lift sector capability. The Government could consider</i></p>

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
			<i>scaling up investment in this type of training and upskilling. It could also consider investing in leadership capability.</i>
Regulations, standards, guidelines			
Legal framework COMMON THEME	<ul style="list-style-type: none"> Regulations and rules require transport agencies and councils to design and deliver streets that are safe, healthy, accessible, inclusive, and sustainable. Transport agencies and councils have a clear understanding of regulations and rules, and apply these accordingly. Legal frameworks also encourage innovation and trailing. <p><i>See also consultation requirements (linked with legal frameworks) below.</i></p>	<ul style="list-style-type: none"> The current legal framework generally allows councils and transport agencies to make street changes, so long as they follow satisfactory procedures (e.g. for consultation). This legal framework is challenging to navigate, as there are multiple Acts and regulatory rules to deal with. Councils and transport agencies also interpret legislation in different ways. Councils are risk averse, so tend to interpret legislation conservatively (e.g. legal teams often identify risks associated with making changes more readily than how to enable changes). This risk-aversion often limits innovation. Legislation is not necessarily explicit enough to empower councils to make changes without fear of legal challenges. In some cases, legislation does prevent or make some types of street changes very difficult to implement (e.g. for street closures to private motorised traffic). 	<ul style="list-style-type: none"> Provide advice to councils that clarifies the legal framework for making street changes (MoT and WK). <p><i>This advice could be in the form of a guide or statement.</i></p> <ul style="list-style-type: none"> Make minor changes to existing legislation through the MoT's Regulatory Stewardship Programme. Investigate making more substantial legislative changes to empower (rather than just enable) Road Controlling Authorities to easily make some street changes. <p><i>Note: Table 2 at the end of this section identifies specific regulatory challenges or opportunities raised by participants.</i></p>
Guidelines and standards	<ul style="list-style-type: none"> Clear direction is provided at a national and/or local level on what 'best practice' street design and construction looks like. Standards are consistent with best practice guidelines. 	<ul style="list-style-type: none"> There is some excellent local guidance (e.g. Auckland Transport's Roads and Streets Framework). Waka Kotahi is also developing 'best practice' street design guidance for all of New Zealand (the Aotearoa Urban Street Guide). Councils do not always follow their own guidelines. This can result in poor street designs, with adverse implications for safety and accessibility. 	<ul style="list-style-type: none"> Require councils and local transport agencies to demonstrate alignment with guidelines (e.g. the Aotearoa Urban Street Guide) to receive transport funding (WK). Ensure standards are consistent with current best-practice guidelines for streets (WK). <p><i>A National Policy Statement could link to the Aotearoa Urban Street Guide. Alternatively, the Government could consider developing an Urban Street Design Protocol, which Councils join, to support the implementation of the Street Guide.</i></p>
Enforcement	<ul style="list-style-type: none"> Transport agencies and councils enforce regulations and rules to ensure street changes/designs are effective for all street users (e.g. prevent parking on footpaths, bike lanes, and cycleways). 	<ul style="list-style-type: none"> Enforcement varies among councils/agencies for different activities. Illegal car parking is not always enforced. In some cases this may be because of perceived ambiguities in the current legal framework (e.g. parking on berms in Auckland). In other cases councils/agencies may be doing limited enforcement. 	

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
Funding			
<i>Funding levels</i> COMMON THEME	<ul style="list-style-type: none"> Adequate and sustainable funding exists to make street changes that support mode shifts and placemaking. 	<ul style="list-style-type: none"> The GPS on Land Transport has increased funding for public transport, walking, and cycling in recent years. However, the walking and cycling activity class is focused on funding a small number of large-scale projects (such as the Petone to Ngauranga path). There is limited funding available to progress walking and cycling activities. In the GPS, multi-modal street changes are primarily funded through the walking and cycling, and public transport infrastructure activity classes. Multi-modal streets changes are not being significantly funded through the 'local road improvements' activity class. Councils are cash-strapped for contributing their share of funding for walking and cycling improvements. There is also very little dedicated funding for urban design and placemaking projects (important for creating good quality walkable urban environments), which are often tacked onto transport projects. COVID-19 has exacerbated the funding challenges that many councils were already facing (e.g. for investing in three waters infrastructure and earthquake strengthening). 	<ul style="list-style-type: none"> Provide additional funding, with conditions attached, for improving infrastructure for public transport, walking, and cycling (Ministers). Consider how the activity classes are managed in the next GPS. For example a dedicated activity class could be created in the next GPS for street innovations and improvements, which could fund temporary and permanent multi-modal street improvements (Ministers). <p><i>Additional central government funding could potentially come from one or more sources: e.g. reprioritising existing transport funding through the GPS; increasing transport levies; transport pricing schemes; additional Crown funding.</i></p> <p><i>The following rows on funding alignment and value for money illustrate what sort of conditions could be attached to funding.</i></p>
<i>Funding alignment</i> COMMON THEME	<ul style="list-style-type: none"> Funding for new streets, street renewals, and street changes should be conditional on demonstrating: <ul style="list-style-type: none"> alignment with the latest strategies, guidelines and standards alignment with any city-wide place/movement frameworks or street hierarchies/families connectivity with existing/planned active travel networks (where applicable) designs that deliver vehicle operating speeds consistent with street speed limits. 	<ul style="list-style-type: none"> Waka Kotahi provides guidance and sets standards for minimum levels of service in street designs. However, some participants questioned how well councils and transport agencies adhere to guidelines. For example, there are no funding conditions attached for councils to follow New Zealand's Pedestrian Planning and Design Guide. Footpaths are often constructed without following best practice 	<ul style="list-style-type: none"> Make funding for street maintenance and improvements conditional on meeting stricter criteria. For example, co-funding for local streets could only be available if streets are well-aligned with guidelines, and councils/agencies are meeting targets for street changes that support public transport, walking, and cycling (WK).

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
Value for money COMMON THEME	<ul style="list-style-type: none"> Funding is prioritised for projects that reallocate space on existing streets, rather than widening or extending corridors. Business cases and transport modelling take into account full costs (including externalities) and benefits (including co-benefits). <p>See also accessing funding and renewals below</p>	<ul style="list-style-type: none"> Funding for cycling and walking improvements is currently being dominated by a relatively small number of large projects that involve road corridor widening (e.g. Petone to Ngauranga; the Northern Pathway in Auckland). Costs for other cycling projects have also escalated due to corridor expansion (which can lead to project delays or cancellations). It is much more cost effective to reallocate existing street space (e.g. by removing on-street car parking) than it is to widen streets, but some parts of the community push back strongly when street space is reallocated. Economic modelling for business cases does not capture all benefits and costs. For example, more weight is often placed on the value of travel time savings for drivers over other benefits. 	<ul style="list-style-type: none"> Emphasise the need to <i>reallocate</i> street space in the next GPS on land transport, and/or in funding conditions attached to any additional Crown funding for active modes and public transport (MoT). Investigate if changes are needed to Waka Kotahi's economic evaluation manual, and models used by councils (WK, MoT) <p><i>This would deliver better value for money and could help to deliver more street changes, more quickly.</i></p> <p><i>A review of Waka Kotahi's economic evaluation manual is currently underway.</i></p>
Incentives COMMON THEME	<ul style="list-style-type: none"> Adapt Funding Assistance Rates (FAR) to encourage or discourage some transport activities or street treatments. For example, a higher FAR could be set for investments that deliver more dedicated/priority bus lanes, cycling/scooting networks, and footpath improvements. There are no financial disincentives for councils or transport agencies to make street changes that deliver positive outcomes 	<ul style="list-style-type: none"> Higher FAR have sometimes been used for cycleways (via the Urban Cycleways Programme) and tactical urbanism projects (via the Innovating Streets programme). This has successfully helped to accelerate these projects. Councils can be reluctant to remove paid on-street car parking as this leads to a loss of revenue. On some routes with frequent public transport services there are often split incentives between local councils (who receive revenue for on-street car parking) and regional councils and central government (who could get better value for money from public transport services if more dedicated/priority bus lanes existed on those streets). 	<ul style="list-style-type: none"> Set higher FAR for walking and cycling activity classes, and street improvements for public transport infrastructure (Waka Kotahi), which would require more funding for these activity classes (Ministers). <p><i>Several people working within councils noted that higher FAR for active modes can play a very influential role in convincing councillors to prioritise co-funding for street changes. Waka Kotahi sets FAR, but they are set based on criteria that Ministers can set in the GPS on land transport.</i></p> <ul style="list-style-type: none"> Investigate ways to reduce or remove the split-incentives for repurposing on-street car parking (WK, MoT).
Accessing funding COMMON THEME	<ul style="list-style-type: none"> The business case process for reallocating street space is streamlined and 'right-sized' for the scale of the project. 	<ul style="list-style-type: none"> Business case processes can be expensive and time consuming. Participants were supportive of Waka Kotahi's decision that projects less than \$2 million do not require a full business case. However, many cycling projects have to go through the full business case process even though they are only just over this threshold. Projects that have been agreed on at a strategic level, such as through ATAP or agreed on by councillors, do not necessarily get a leg up in business case processes. This reflects a disjoint between strategy and process. 	<ul style="list-style-type: none"> Increase the current threshold for lost-cost low-risk projects that require a full business case (e.g. from \$2 million to \$5 million) if they align with strategic priorities, place/movement frameworks, and network plans (WK).

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
Design and delivery			
<i>Street renewals</i> COMMON THEME	<ul style="list-style-type: none"> When streets are renewed, councils and transport agencies must consider opportunities to improve street designs to support travel by active modes and public transport, and to make these changes where appropriate. Funding is available to upgrade streets for these purposes and for their ongoing maintenance. 	<ul style="list-style-type: none"> Councils and Waka Kotahi are investing billions of dollars over the next decade to renew roads/streets in their current form. They are mostly investing in 'like for like' replacements. This is a lost opportunity to create better streets. Renewals come out of existing maintenance budgets, with no funding set aside to improve streets when they are renewed (e.g. by adding dedicate cycle/scooter lanes or wider footpaths). 	<ul style="list-style-type: none"> Investigate options to upgrade streets when they are being renewed (MoT, WK). This would require looking at funding conditions and funding levels. For example, funding criteria could be set so streets only qualify for maintenance/renewal funding from the NLTF if councils have taken into account opportunities to upgrade streets to support public transport and active travel. <p><i>There was strong interest in opportunities to support street betterment from most stakeholders. Given limits on funding, policies that support street 'betterment' as streets are renewed could be a win-win. We need a clearer understanding of what the regulatory and funding barriers are to street betterment.</i></p>
<i>Trials and innovation</i>	<ul style="list-style-type: none"> Tactical/experimental street changes can be made quickly (if safe to do so), without a broad consultation process prior to delivery. This enables communities to experience and trial changes directly. There is a clear pathway to make temporary changes permanent if successful. 	<ul style="list-style-type: none"> Many participants praised Waka Kotahi's Innovating Streets programme (although many people also suggested it could be refined and improved). This programme provides dedicated funding for tactical/experimental street changes. It is helping to build capability within councils, and is building the momentum for changes. However, projects funded through Innovating Streets are often small in scale. Councils may not have funding to turn Innovating Streets projects into permanent changes. 	<ul style="list-style-type: none"> Refine Innovating Streets in collaboration with local government (WK), and increase funding for tactical/experimental street changes (Government). <p><i>Longer trial periods of street changes could help to increase evidence and the likelihood of permanent, sustained solutions. There also needs to be a clear path for funding permanent changes, for projects that are successfully trialled.</i></p>
<i>Parking management</i>	<ul style="list-style-type: none"> Councils and transport agencies can effectively use parking as a demand management tool, including by managing supply and pricing. 	<ul style="list-style-type: none"> There are limits on how much Councils can charge for public parking i.e. they cannot 'right price' car parking, especially residential parking. This affects how useful parking is as a demand management tool. <p><i>See also Incentives above (for removing on-street car parking)</i></p>	<ul style="list-style-type: none"> Some of these issues may be addressed in MoT's Parking Review (currently underway)
<i>Traffic management</i>	<ul style="list-style-type: none"> Traffic management is commensurate to the risk of street changes, including placemaking and tactical urbanism activities. <p>For example, it is easy and inexpensive for Councils and transport agencies to temporarily close streets to motorised traffic, to safely open them up for people on foot, bike or scooter (e.g. on a weekly/monthly/annual basis).</p>	<ul style="list-style-type: none"> Traffic management is often very expensive and not proportionate to the safety risk, which can be a barrier to changing streets. For example, traffic management for one Open Streets event in Wellington cost \$60k. Traffic Management Plans are primarily designed to manage risk and minimise disruption to people travelling. They can overly impede placemaking and tactical urbanism projects that are less focused on movement. 	<ul style="list-style-type: none"> Investigate ways to streamline and reduce costs for traffic management for changing streets, including for placemaking and tactical urbanism activities (WK)

Theme	What a supportive system could look like (including key levers) for reshaping streets	Current system: What we heard in our scoping	Opportunities for government to accelerate changes
<i>Data and research</i>	<ul style="list-style-type: none"> Councils and transport agencies collect and publish data before, during, and after street changes, to evaluate and demonstrate the effectiveness of changes. 	<ul style="list-style-type: none"> Many councils and transport agencies collect some data (e.g. cycling counts), and use this to support the case for changes. Projects being funded through Innovating Streets are being evaluated. There is limited data on pedestrian counts, footpath quality, and user experiences. There is also a lack of knowledge and research on what outcomes and aspirations Māori might have for streets. 	<ul style="list-style-type: none"> Data collection is mostly done by local government, although Waka Kotahi can make funding conditional on evaluating projects.
Community engagement and partnerships with mana whenua			
Consultation COMMON THEME	<ul style="list-style-type: none"> Consultation requirements and processes are weighted appropriately, with major changes at a city/town/neighbourhood level requiring significant consultation, and smaller street-level changes (e.g. the removal of a few car parks, or creation of a bus stop) not requiring significant consultation. Demonstration projects / trials are regularly used as part of the consultation process. This gives people something real to respond to, and enables improvements to be based on experience and evidence. 	<ul style="list-style-type: none"> Councils often consult communities on city-level or neighbourhood-level changes (e.g. parking strategies), and then consult communities again on every street-level change (e.g. removing individual car parks). Councils emphasise the importance of consultation and 'bringing people on the journey'. This is important, but some vocal opponents of changes often dominate consultation processes. A minority of people can hold up projects, water them down, or stop them completely. This creates delays in making changes to public street spaces, even when changes are part of a city-level strategy or policy that has wide public support. Consultation processes can be disproportionate to the scale of change (e.g. lengthy consultation processes may be followed to extend a bus stop, add a bus shelter, or remove a few car parks). Consultation processes can be slow and cumbersome (e.g. a traffic resolution to remove a car park can take up to 3 months). The Innovating Streets programme plays a valuable role in supporting projects that people can provide feedback on in real life settings, rather than just providing feedback on plans. 	<ul style="list-style-type: none"> Investigate removing or reducing some consultation requirements, especially when it relates to smaller street-level changes (e.g. removing some on-street car parks) (MoT). Investigate potential new regulatory tools such as Experimental Traffic Orders to support more tactical urbanism / demonstration projects, so that consultation occurs as part of the intervention (MoT, WK). Investigate leveraging Play Streets and Active Transport in Schools programmes – to build community buy-in for low traffic interventions (WK). <p><i>Note: Table 2 at the end of this section identifies specific regulatory challenges or opportunities raised by participants.</i></p>
<i>Partnering with Māori/iwi</i>	<ul style="list-style-type: none"> Central and local Government partner with iwi/Māori on street changes, urban design, and placemaking. Te Ao Māori perspectives shape street designs and placemaking. 	<ul style="list-style-type: none"> There is limited support, resources, capabilities, and funding to partner with Māori on street changes and placemaking. There is also limited knowledge on what barriers Māori communities face if they wanted to make street changes (e.g. in their local area). 	<ul style="list-style-type: none"> Investigate opportunities to involve Māori more as partners on specific pieces of work e.g. national directions, and guidance on street design (WK, MoT) <p><i>Māori perspectives are being integrated into the Aotearoa Urban Street Guide that Waka Kotahi is developing.</i></p>

Table 2: Specific legal challenges and opportunities identified in scoping

Theme(s)	Legislation	Challenge or opportunity
Current legislation		
<i>Consultation, traffic management</i>	Local Government Act 1974 (LGA 1974)	<p><i>Make it easier to restrict traffic and close roads for some vehicles, and to make temporary street changes</i></p> <ul style="list-style-type: none"> Section 342 and Schedule 10 of this Act only allows councils and Waka Kotahi to impose temporary road closures or traffic restrictions, which limits their ability to make low-traffic neighbourhoods permanent. This Act also has rigid process and consultation requirements. <ul style="list-style-type: none"> Roads can only be stopped² if no objections to this proposal are raised. Objections are referred to the Environment Courts. Traffic (or certain types of vehicle) can only be restricted on a road if doing so would not 'impede traffic unreasonably'. This legislation was drafted over forty years ago and may no longer be fit for purpose. MoT is already planning to shift the transport-related content³ of the LGA 1974 into the Government Rounding Powers Act 1989 via a Regulatory Systems (Transport) Amendment Bill. There is an opportunity to make minor improvements to the content during this process to more easily enable low-traffic interventions. Transferring these provisions to the Government Rounding Powers Act 1989 would also make it easier to make more substantial changes for consultation requirements and street changes (see next row). This would require minor resourcing, and could be done within the next two to three years (or sooner if the Minister of Transport requests changes to be prioritised).
<i>Consultation, trials and innovation</i>	Local Government Act 2002 (LGA 2002) Land Transport Act 1998 (LTA 1998)	<p><i>Adapt consultation requirements for some transport activities</i></p> <ul style="list-style-type: none"> To enable easier consultation processes, especially for relatively minor changes such as the removal of a small number of on-street carparks, the consultation procedure for transport activities could be taken out of the LGA 2002 and inserted into the LTA 1998. More streamlined consultation requirements could then be enabled for some activities. For example, councils could potentially be required to consult on frameworks for similar activities (e.g. prioritisation of space on arterial routes; cycling/scooting networks, bus priority networks), and then not be required to consult on every individual street change (e.g. removing individual on-street car parks). Another option could be to set up Street Management

² Stopping a road is the term given to changing land with the legal status of a road to a freehold title.

³ This means the provisions related to roading powers, i.e. the sections 315 to 361 of Part 21 of the LGA 1974.

Theme(s)	Legislation	Challenge or opportunity
		<p>Committees to authorise changes (similar to Speed Management Committees).⁴</p> <ul style="list-style-type: none"> This would require major resourcing, as substantial consultation and drafting would be required. <p><i>Give Road Controlling Authorities a clearer and stronger legal framework to make specific street changes</i></p> <ul style="list-style-type: none"> Under Sections 152 and 157(a) of the LTA 1998, the Minister of Transport has the power to make Rules to regulate the use of roads. A new Rule could be created to empower councils and other Road Controlling Authorities to make specific street changes, limit/control/restrict traffic, and close roads to some vehicles in specific circumstances. This could enable central government to provide a clear and empowering legislative framework for councils to make street changes that support active transport and public transport. This would require major resourcing, as substantial consultation and drafting would be required.
<i>Consultation, trails and innovation</i>	Experimental Traffic Orders Road Traffic Regulation Act 1984, cl. 9 ⁵ (UK)	<p><i>Adapt the approach taken in the United Kingdom for New Zealand</i></p> <ul style="list-style-type: none"> In the United Kingdom, Experimental Traffic Orders enable councils to trial street changes for 18 months, without the need for prior consultation. For the first six months of the trial, suggested improvements and objections from the community must be considered and changes can be made. Within 18 months a decision must be made about whether the order becomes permanent. It would be possible to create a similar legal mechanism in New Zealand, potentially via the creation of a Rule under Section 157(a) of the LTA 1998. This would require major resourcing, as substantial consultation and drafting would be required.
<i>Broader issues</i>	Legislation dedicated to on-street car parking	<ul style="list-style-type: none"> MoT is currently conducting a Parking Review, which is considering the legislative framework related to car parking and bylaws (including pricing). There is an opportunity to consider whether changes could support better on-street car parking management.

⁴ This is provided for under the Rule-making power in section 159A Land Transport Act 1998. NB: The Rule is currently being developed.

⁵ [Road Traffic Regulation Act 1984 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1984/28/section/1)

4. Priority options for further work

MoT undertook this scoping project to explore what central government could do to catalyse street changes at a local level, and whether we should do more work in this area.

Based on this scoping, there is a strong case for central government to support public transport, active travel, and placemaking by accelerating widespread street changes. This builds on work we are doing to improve road safety and reduce transport emissions, and to support the Government's urban development work programme. There was strong support from people we interviewed in councils, community groups, transport agencies, and other government departments for central government to do more in this area (as summarised in Section Two).

This scoping project identified a variety of areas where central government could intervene to catalyse changes (as summarised in Section Three). Some changes would require MoT to take the lead, while others would need to be led by Waka Kotahi. Many changes would require collaboration between our agencies. Substantive action in any of these areas would require support and direction from the Minister of Transport.

This section highlights what MoT sees as the best opportunities, based on our scoping, for central government to accelerate widespread street changes. We have grouped these opportunities into three priority areas:

- **Priority A:** Enable quick high-impact, low-cost street changes.
- **Priority B:** Change funding levels, settings, and requirements to strongly incentivise street changes.
- **Priority C:** Maximise opportunities to improve streets during street renewals.

For each opportunity, we have indicated how much effort and resource could be required using the following key:

- **Scale of policy/regulatory intervention:** minor, medium, or major.
- **Funding implications:** \$ / \$\$ / \$\$\$

Any policy/regulatory changes would also need to be resourced, which could require extra capacity or re-prioritising of other work.

We have also noted where some opportunities align with specific recommendations made by the Climate Change Commission (CCC) for government to reduce transport emissions in its draft report in 2021.⁶

Many of these opportunities would require additional funding from central government, and usually co-funding from local government. Central government funding could come from direct Crown investments, and/or through the National Land Transport Fund (NLTF). The NLTF will be fully utilised in giving effect to priorities in GPS 2021, which limits its ability to fund additional initiatives, particularly in the next three years.

This section also includes examples of what other countries or states are doing to rapidly make street changes that support active modes and public transport.

⁶ The CCC's draft report is available at <https://www.climatecommission.govt.nz/get-involved/our-advice-and-evidence/>

Priority Area A: Enable quick, high-impact, low-risk, low-cost street changes

To meet New Zealand's emissions reduction targets (such as the 47 percent reduction in transport emissions recommended by the CCC in their draft report), we need to rapidly accelerate street changes to support low-carbon travel modes. A proven way to deliver changes quickly is by supporting more tactical / innovative street changes that involve reallocating street space. This could be done through established mechanisms, and by making minor changes to existing settings. More substantial regulatory changes should also be considered in this area.

Key opportunities in this priority area are to:

- Make minor improvements to the legislative framework for restricting traffic and managing street closures, through the regulatory stewardship processes already underway, as described in Table 2 of Section Three (minor).
- Provide clear guidance to Road Controlling Authorities on what street changes are possible within the current legal framework (minor).
- Significantly scale up Waka Kotahi's Innovating Streets programme (with refinements) to rapidly deliver tactical street changes (minor, \$-\$\$).
- Investigate in more detail whether regulatory changes should be prioritised to empower Road Controlling Authorities to more easily consult on and make street changes, and if so the best regulatory mechanisms to do this (major if changes are made).
- If the Ministry for the Environment (MfE) develops a National Policy Statement on Urban Design, collaborate with MfE and other agencies to provide stronger direction to local government on central government's expectations for streets (minor to medium).
- Support the above changes with clear communication on why reshaping streets is important for reducing transport emissions and for delivering other social, economic, and environmental benefits (minor).

International example

Scotland – Climate Change Plan 2018-2032

The Scottish Government is committed to reduce their greenhouse gas emissions by 75 percent by 2030, and to reach net zero by 2045. They also have a target to reduce vehicle kilometres travelled by 20 percent by 2031. To reach this target, over £500 million is being invested in bus priority infrastructure, as well as an additional £500 million for active travel. This includes funding for walking and cycling improvements to enable local authorities to develop ambitious joined-up plans across public transport and active travel.

Priority Area B: Change funding levels, settings, and requirements to strongly incentivise street changes

Central government can play a particularly influential role in shaping local streets through funding settings and investments. This does not require major regulatory change. Central government already co-funds local street construction and maintenance, and street changes that support walking, cycling, and public transport. Central government can use both a 'carrot' and a 'stick' approach here. It can incentivise local government to make changes (e.g. by increasing the share of central government funding for some activities) and/or require local government to meet requirements/standards/targets to receive transport funding.

Key opportunities in this priority area are to:

- Increase funding available for walking and cycling improvements, and for delivering more dedicated/priority bus lanes (**minor** \$\$-\$\$\$). This funding should be attached to specific conditions or settings, such as those listed below. (*Aligns with CCC Draft Necessary Transport Action 2b*).
- To deliver value for money, prioritise the need to *reallocate street space* and to create *connected networks* for delivering transport mode shifts in the next GPS on land transport, and/or for any additional funding for active modes and public transport (**minor**).
- Consider how the activity classes are managed in the next GPS on land transport for funding street changes, so that multi-modal street improvements are not just funded through the walking and cycling activity class and the public transport infrastructure activity class (**minor**).
- Make additional funding conditional on meeting strict criteria, such as alignment with strategies, guidelines (e.g. Aotearoa Urban Street Guide) and standards to ensure best practice street changes (**minor** to **medium**).
- Set higher Funding Assistance Rates for walking and cycling investments and dedicated/priority bus lanes to strongly incentivise Road Controlling Authorities to prioritise and accelerate street changes (**minor**). This would require additional funding available for these investments (\$\$-\$\$\$).
- Increase the threshold for low-risk walking, cycling, and public transport improvements that require a full business case if they align with strategic priorities, place/movement frameworks, and network plans (**minor**).
- Set targets for councils to deliver public transport and active travel networks that require street changes (e.g. dedicated/priority bus lanes on some routes; connected cycling networks) by a specific date. There should be funding consequences if Road Controlling Authorities do not deliver these changes within these timeframes (**medium**). (*Aligns with CCC Draft Necessary Transport Action 2a*).

International examples

United Kingdom (UK) – Gear Change: A bold vision for cycling and walking

The UK's strategy to deliver a step-change in cycling and walking rates aims to create thousands of miles of safe, continuous, direct routes for cycling in towns and cities, physically separated from pedestrians and volume motor traffic. It also aims to create many more low-traffic neighbourhoods, among other initiatives. The strategy includes key design principles. The Department of Transport will not fund or part-fund any scheme that does not meet these principles and new standards.

New South Wales Australia – Stricter funding requirements

In 2021, Transport New South Wales set a Policy that every transport project that they fund must include provision for walking and cycling within the core scope and from the outset of the project. This Policy notes that pedestrians and bike riders should be allocated dedicated space where possible, and that walking and cycling should be accessible to people of all ages and abilities.

Priority Area C: Maximise opportunities to improve streets during renewals

Both local and central government (though Waka Kotahi) are investing billions of dollars over the next decade in street renewals. The vast majority of these will be 'like for like' renewals. There is a clear opportunity to 'build back better' by upgrading streets (where appropriate) during the renewals process to improve streets for people walking, cycling/scooting, and using public transport. This would deliver better value for money, as it would avoid the need to change streets twice for renewals/upgrades. It would also build momentum for ongoing street improvements over time.

The key opportunities here are to:

- Clarify what policies/changes would be required to ensure Road Controlling Authorities maximise opportunities to 'build back better' when doing street renewals (minor). This could include changing Waka Kotahi's national maintenance and renewals funding policy, which is currently set to replace 'like for like'.
- A dedicated fund could be established that Road Controlling Authorities can access to upgrade streets to support active modes, public transport, and low-traffic neighbourhoods when doing street renewals (\$\$).

International example

Cambridge, United States of America – Making protected bike lanes mandatory

The Boston area of Cambridge has implemented a bill that requires protected bike lanes on all city streets. The "Cycling Safety Ordinance" bill requires city streets to be upgraded to include safe bike paths whenever a roadway is reconstructed. Advocates hope it will secure a 20-mile network of protected bike lanes in five years to service the population of 113,000. The bill binds the city to provide protected bike infrastructure for streets that are included in its master plan except in "rare" circumstances.

Appendix 1: Organisations involved in this scoping

During our scoping we interviewed people who are members of the following organisations or groups.

Transport agencies and central government	Auckland Transport
	Ministry for the Environment
	Ministry of Health
	Waka Kotahi New Zealand Transport Agency
Councils	Auckland Council
	Christchurch City Council
	Wellington City Council
	Transport Special Interest Group (Regional Councils)
Community groups	Cycling Action Network
	Greater Auckland
	Helen Clark Foundation
	Living Streets Aotearoa
	Placemaking Aotearoa
	Women in Urbanism

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Appendix 2: Alignment with Transport Outcomes

Multiple transport outcomes could be delivered by accelerating widespread street changes that support public transport, active travel, and placemaking.

These include the following outcomes:

Inclusive Access: Streets built for multiple transport modes give people good options for travelling by public transport and active modes, rather than just private motorised vehicles. Better infrastructure for walking and cycling would also make the transport system more inclusive (e.g. by reducing gender disparities in cycling rates, and by making streets safer for people with disabilities).

Healthy and Safe People: Safe, separated infrastructure for cycling and micro-mobility would help to unlock some of the latent demand for cycling in our cities. Mode shifts to public transport and active modes could also help to reduce local air pollution in dense urban areas, which is known to harm human health, and alleviate some of the stresses associated with private car travel. Road art and placemaking can also support slower traffic speeds, and low traffic neighbourhoods, which make streets safer and healthier for people.

Environmental Sustainability: By supporting mode shifts to public transport and active modes, more inclusive streets could help to reduce greenhouse gas emissions and other pollutants from private motorised vehicles.

Resilience and Security: Resilience is improved when people have multiple travel options, rather than just relying on one option that can be disrupted. Streets that enable and encourage multiple travel options therefore support resilience. As recent experience with COVID-19 has shown, streets that provide people with plenty of dedicated space to walk, cycle, or scoot, also enable physical distancing during pandemics.

Economic Prosperity: Streets that support active modes can boost economic activity by increasing foot traffic to shops, cafes, entertainment venues, and amenities – although these impacts are always place-specific. Research also demonstrates the positive economic value of walking and cycling (including monetised health benefits).

