



26 July 2022

OC220614

Hon Michael Wood
Minister of Transport

Action required by:
Monday, 1 August 2022

RESHAPING STREETS - DRAFT STREET LAYOUTS RULE

Purpose

To provide you with an overview of the draft 'Street Layouts' rule (the draft Rule) prior to consultation beginning on the Reshaping Streets regulatory changes.

Key points

- We have completed drafting with Waka Kotahi NZ Transport Agency of the proposed new land transport rule for the Reshaping Streets regulatory changes. We have given this the working title of the 'Street Layouts' rule. We are satisfied that the draft Rule gives effect to the policy proposals that you previously agreed to (OC220088 refers).
- At the time of writing this briefing, the Cabinet Environment, Energy and Climate Committee (ENV) was scheduled to discuss your Cabinet paper *Reshaping Streets: Approval to undertake public consultation* on Thursday 28 July 2022. The paper is scheduled for Cabinet confirmation on Monday 1 August 2022. Cabinet confirmation on this date will enable public consultation to occur from early August until mid September.
- The Cabinet paper included the *Reshaping Streets Regulatory Changes* consultation document, which outlined key proposals covered in the draft Rule.
- The draft Rule needs to be included with the consultation materials when public consultation commences.
- The draft Rule is attached as **Annex 1** for your consideration.
- **Annex 2** provides an overview of the provisions in the draft Rule. It explains their intent and key decisions made during the drafting process.
- When the draft Rule is confirmed, we will update the consultation document to cross-reference the sections of the rule so that readers can easily navigate the main proposals.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | indicate if you wish to discuss the draft Rule with officials | Yes / No |
| 2 | agree to publish the draft Rule alongside the <i>Reshaping Streets Regulatory Changes</i> consultation document when consultation starts | Yes / No |



Angela Parker
Acting Manager, Placemaking and
Urban Development

26 / 07 / 22

Hon Michael Wood
Minister of Transport

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Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Angela Parker, Acting Manager, Placemaking and Urban Development	s 9(2)(a)	✓
Harry Harknett, Senior Adviser	s 9(2)(a)	

ANNEX 1: DRAFT STREET LAYOUTS RULE

For the final version of this document, please see the consultation page on Waka Kotahi New Zealand Transport Agency's website: <https://www.nzta.govt.nz/about-us/consultations/reshaping-streets-consultation/>

PROACTIVELY RELEASED BY
TE MANATŪ WAKA MINISTRY OF TRANSPORT

ANNEX 2 – OVERVIEW OF PROVISIONS IN THE DRAFT STREET LAYOUTS RULE

Please note that the content of this table does not constitute a legal interpretation of the provisions. It gives a policy view of their intent.

Section	Overview
1	<p>This section sets out the title of the draft Rule (working title ‘Street Layouts’), commencement date (currently blank), objectives, and definitions used in the Rule.</p> <p>Note: Due to the delays with <i>Accessible Streets</i>, the definitions for the draft Rule are based on the definitions currently in use in legislation, rather than those proposed as part of <i>Accessible Streets</i>. We expect that several definitions will require updating to bring them in line with <i>Accessible Streets</i> should Cabinet approve that package.</p>
2	<p>This section empowers local authorities to change the use of roadways, in order to meet several of the key policy proposals:</p> <ul style="list-style-type: none"> the installation of modal filters and other features to filter and restrict traffic the creation of School Streets. <p>It also provides for one of the other policies requested by local authorities: an alternative mechanism by which to install TCDs.</p>
2.1	<p>Changing the use of roadways</p> <p>Subsection 2.1 does three key things.</p> <p>Firstly, it provides a general power for local authorities to prohibit or restrict the use of motor vehicles, or certain classes of motor vehicles, on a roadway. Any prohibitions or restrictions may apply at specified times or during specified conditions. This power is deliberately permissive, to allow local authorities to use it flexibly based on their circumstances.</p> <p>This power to create restrictions includes the creation of School Streets, although School Streets are also listed separately for clarity. This is because School Streets are in effect an ongoing prohibition on motor vehicle access at specified times.</p> <p>Secondly, it provides for more physical changes: the installation or removal of traffic control devices (TCDs), traffic calming devices, modal filters, and on-street car parks. This is primarily in order to give effect to a traffic restriction or prohibition created under the first purpose of this section, but also provides an alternate mechanism by which local authorities can install or remove TCDs and similar infrastructure.</p> <p>Thirdly, it sets out the purpose for which changes can be made:</p> <ul style="list-style-type: none"> to improve the access and mobility of pedestrians and users of bicycles, scooters, wheelchairs, mobility devices etc to improve the operation of public transport to protect and promote public health and safety to support environmental sustainability, including reducing carbon dioxide emissions to create public spaces that support the wellbeing of communities. <p>It also requires that emergency services are notified of any changes made under this subsection (see 2.1(4)).</p>

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	<p>Although these are broad powers, they are not intended to override current bylaw-making powers or other powers local authorities have under existing legislation. For example, this section could not be used to make changes to a roadway in a way that is contrary to existing designations under a bylaw. For a local authority to do this, they would either need to use the piloting process as a form of consultation in section 4, or remove the applicable part of the bylaw by the relevant bylaw or resolution mechanism already in place before using this power.</p> <p>Decision making and consultation requirements that local authorities already have under the Local Government Act 2002 or under their own Significance and Engagement Policies would continue to apply to decisions made under this section.</p>
2.2	<p>Further requirements for School Streets</p> <p>Subsection 2.2 sets out the responsibilities of road users and local authorities with relation to School Streets.</p> <ul style="list-style-type: none"> • Drivers of motor vehicles are not permitted to use the roadway unless accessing a property that cannot be accessed any other way. When driving on the road, they are required to give way to pedestrians and other users. <u>Note that emergency vehicles are exempt from these requirements.</u> • Pedestrians, cyclists and riders of mobility and wheeled recreational devices (eg, scooters) are permitted to use the roadway while a School Street is in effect, but they may not unduly impede the passage of motor vehicles that have been permitted to access the roadway. • Local authorities must install signs to indicate the presence of a School Street and the associated restrictions, in line with the Traffic Control Devices rule.
3	<p>This section provides a process for local authorities to approve Play Streets.</p> <p>This process has been designed with the intent of using this as a blueprint for future provisions regarding approving events, should the proposed consolidation of event provisions from the <i>Local Government Act 1974</i> and <i>Transport (Vehicular Traffic Road Closure) Regulations 1965</i> occur.</p> <p>It has also been designed to be broadly enabling and flexible, by allowing local authorities to manage the risks that Play Streets may pose and traffic impacts, while keeping the process easy and low-cost.</p>
3.1 – 3.4	<p>Process requirements for approving Play Streets</p> <ul style="list-style-type: none"> • Subsection 3.1 sets out the bulk of the process requirements for Play Streets. <ul style="list-style-type: none"> ○ Local authorities may approve Play Streets as one-off or recurring events over a period that does not exceed 12-months. ○ The local authority must be satisfied that pedestrian access will be retained to affected properties, that users of the Play Street will be safe, and that adequate consultation with residents has occurred. ○ Local authorities may impose conditions on approving Play Streets. These must be <u>proportionate</u> to the risk and the expected traffic impacts of the Play Street. This is intended to capture conditions such as signage, physical barriers, and staffing of barriers, as well as risk assessments by the organiser. ○ There must be an appointed organiser to be responsible for the Play Street and an approved plan for how the organiser will guide motor vehicles that are permitted through the Play Street. • Subsection 3.2 sets out these factors that local authorities must have regard to when approving Play Streets: <ul style="list-style-type: none"> ○ guidance from Waka Kotahi or the Director of Land Transport

Section	Overview
	<ul style="list-style-type: none"> ○ if the route is used for freight, buses, or emergency vehicles ○ how the safety and convenience of alternative routes for motor vehicle traffic will be affected ○ any other matters they consider relevant. • Subsection 3.3 sets out a non-exhaustive list of factors that the local authority must consider when imposing conditions on the organiser of a Play Street under 3.1, ensuring that the conditions are proportionate to the risks and traffic effects of the proposed Play Street. These include attendance numbers, the type of road and the duration and frequency of the Play Street. • Subsection 3.4 provides for the ability to modify the timing of already approved Play Streets and the ability to amend the associated conditions where modifying the timing makes that appropriate.
3.5	<p>Notification of Play Streets</p> <ul style="list-style-type: none"> • Subsection 3.5 sets out notification requirements. These are intended to be flexible and scalable to the size of the Play Street and risks. There is a minimum notification period of two weeks, and local authorities may decide to notify people or make the organiser responsible for this.
3.6 – 3.9	<p>Other provisions relating to Play Streets</p> <ul style="list-style-type: none"> • Subsection 3.6 clarifies that the 12-month restriction on applications does not mean that further Play Streets cannot be approved on the same road once that period is expired. • Subsection 3.7 allows local authorities to approve more than one Play Street on the same roadway, so long as they do not operate at the same time. • Subsection 3.8 addresses the roles of road users, mirroring the provisions of 2.2 for School Streets. <u>There is one significant difference: motor vehicles accessing a Play Street require a pedestrian escort.</u> This is an extra safety precaution. • Subsection 3.9 requires that organisers of Play Streets comply with any conditions set by the local authority.
4	<p>This section provides for the ability to pilot street layout changes as a form of consultation.</p> <p>This process is designed to be flexible so that local authorities can adapt it to reflect the scale of the pilot, although it does set minimum notification standards and maximum pilot periods.</p>
4.1 – 4.5	<p>Creating and modifying pilots</p> <ul style="list-style-type: none"> • Subsection 4.1 provides the power for local authorities to pilot street layout changes as a form of consultation. <ul style="list-style-type: none"> ○ It provides a non-exhaustive list of street changes that can be piloted, including installation of cycleways, modal filters, TCDs, removing on-street car parks, and setting speed limits. ○ It allows these street layout changes to apply at all times or specified times (similar to the power to prohibit or restrict classes of motor vehicle under section 2). ○ It sets out the purpose for which such changes can be made (identical to the purposes for changing the use of roadways; see the explanation of subsection 2.1) • Subsection 4.2 provides the notification requirements for pilots, including a <u>minimum</u> period of 2 weeks and <u>minimum</u> information requirements. We would expect local authorities to provide more notification than this minimum requirement, particularly for larger scale pilots.

Section	Overview
	<ul style="list-style-type: none"> • Subsection 4.3 places an obligation on the local authority responsible for a pilot to monitor its operation (i.e. collect data) and to give the public reasonable opportunity to provide feedback. • Subsection 4.4 allows local authorities to modify pilots, but requires that they provide notification of the change at least two weeks in advance, unless the change is minor (the cost of notification is not warranted) or a significant safety risk (urgent remediation is required). • Subsection 4.5 allows local authorities to amend the period for collecting feedback, and requires this to be notified.
4.6 - 4.10	<p>Ending a pilot early and making a decision about making the changes permanent</p> <ul style="list-style-type: none"> • Subsection 4.6 allows local authorities to decide to end a pilot early (i.e. cancel the pilot). • Subsection 4.7 requires local authorities to make a decision on whether or not to make piloted street changes permanent, either in whole or in part, and requires that they consider data and feedback collected during the pilot. <u>It also specifies that there is no further requirement to consult once the pilot is complete (although they still have the option to do so).</u> • Subsection 4.8 sets out the requirements if a local authorities decides to retain a pilot: <ul style="list-style-type: none"> ○ it allows local authorities to retain the physical infrastructure of a pilot ○ they must notify the public and other specified organisations. • Subsection 4.9 allows local authorities to retain the piloted street changes if deciding to make them permanent, even where this would conflict with existing bylaws. • Subsection 4.10 sets out the obligations of a local authority should it end a pilot early or decide to revert the street to its previous form. It sets conditions for notification, removing the pilot, and publishing a summary of feedback and data collected.
5	<p>Provides for investigation and enforcement powers on the part of the Director of Land Transport, to ensure that local authorities comply with the provisions of the Rule.</p> <ul style="list-style-type: none"> • Subsection 5.1 allows the Director to investigate local authorities, and: <ul style="list-style-type: none"> ○ includes a requirement to notify local authorities in writing if the Director considers that they have not complied with the Rule ○ permits the Director to direct local authorities to review, rectify or modify non-compliance once considering their response. • Subsection 5.2 provides a power for the Director to exercise the powers of the local authorities in order to correct the non-compliance, where the local authority has not complied with direction.
6	<p>Provides for amendments to the Land Transport Rule: Traffic Control Devices 2004 and the Land Transport Rule: Setting of Speed Limits 2022.</p> <ul style="list-style-type: none"> • Subsection 6.1 allows local authorities to apply to Waka Kotahi to install TCDs and makes the notification requirements for TCD trials less prescriptive. It replaces the requirement to advertise in local newspapers by giving local authorities discretion to advertise by the method they consider most appropriate. • Subsection 6.2 allows local authorities to change speed limits as part of pilots, and to revert to the previous speed limit when removing a pilot.