

13. COLOMBO STREET “NIGHT TIME” PARKING RESTRICTION

General Manager responsible:	General Manager City Environment, DDI: 941-8656
Officer responsible:	Transport and Greenspace Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to inform the Board of the issues surrounding a request for a ban on the parking of vehicles during “night” hours in Colombo Street between Moorhouse Avenue and Brougham Street.

EXECUTIVE SUMMARY

2. Members will be aware of the concerns that have been expressed by Mr Doc Ross, a resident and business owner in Colombo Street, Sydenham. These concerns can be summarised as follows:
 - (a) The threat to personal safety generated by large groups of youths congregating in Colombo street and acting in a disorderly manner including abusive and aggressive behaviour.
 - (b) Damage to both private and public property including broken shop windows.
 - (c) Urinating and vomiting in shop doorways.
 - (d) Excessive noise generated by the vehicles belonging to these youths.
 - (e) General rowdy behaviour causing disturbance.
3. It is understood from discussions with Mr Ross that the frequency of this type of behaviour is seasonal with little or no problems in the winter but increasing to a peak in the warmer months. While there is certainly an issue with excessive noise affecting the quality of life for those people that live in the street, there is perhaps a greater level of concern regarding the other issues raised and the adverse effects this behaviour is having on most businesses in the area.
4. The recent establishment of two “party pill” outlets in this section of Colombo Street appears to have directly contributed to the intensity of the odious activities. However it is acknowledged that there is a history of youths congregating in cars in this area that precedes the arrival of these types of shops.
5. Mr Ross has sought the assistance of the Council and New Zealand Police to find a solution that will address these issues. Due to the nature of the concerns it is acknowledged that New Zealand Police have a significant role to play in the success of any option that may be forthcoming. It is therefore considered paramount that the support of the Police is obtained.
6. While formal discussions with other business have not been undertaken as part of this report, it is understood that other businesses share the concerns raised by Mr Ross.
7. It is abundantly clear that while the issues raised need to be addressed, the difficulty is in finding a mechanism with which to achieve this. The initial request was for the introduction of a “no stopping” restriction over the affected length of Colombo Street similar to that which was installed in 2002 covering the section of Colombo Street adjacent to Sydenham Park, opposite McDonalds (operative 10pm to 5am). This was installed after a request from the Police and before the new laws were introduced in 2004 which give the Police additional powers to deal with noisy vehicles. A further restriction was also implemented in 1998 within the section of Colombo Street between Brougham Street and Elgin Street (operative 8pm to 7am).

8. Enforcement would play an important role in the success of any parking restriction. Discussions with New Zealand Police reveal empathy for the concerns being expressed, but they have doubts concerning how practicable it would be for further parking restrictions. The Police believe the restriction would require considerable resources to enforce, would likely create a migration of the problems into neighbouring streets, and point to other sections of Colombo Street eg. Central City, where similar issues are prevalent. There is a concern by the Police that this option will generate a proliferation of no stopping restrictions along the length of Colombo Street which generates the wrong image for the city. The Police accept that the existing restriction opposite McDonalds works reasonably well and is unlikely to be contributing to the migration of the problem. Also the types of activities that were occurring outside and within Sydenham Park were more surreptitious in nature and therefore not entirely similar to those currently experienced further north.
9. Although many of the retail activities along the section of Colombo Street between Moorhouse Avenue and Brougham Street are closed during the night time hours, there are a number of businesses that still rely on the availability of parking. It is also understood that the number of residents living in this section of Colombo Street is approximately 15 and therefore the adverse effects of excessive noise, in particular, are quite limited. The migration of the problem into surrounding areas if a parking restriction were to be installed would be likely to affect a significantly greater number of residents.
10. There are a number of requests for night time bans on parking to deal with inappropriate behaviour, but given the aforementioned factors, the Transport and Greenspace Unit is of the view that these problems can now be dealt with by enforcement using the new powers that recent legislation now provides.
11. Excessive vehicle noise has been an issue that the Ministry of Transport has been seeking to address in recent years. Section 7.4 of the Land Transport (Road User) Rule 2004 provides for on-road enforcement of vehicle noise. Under this rule a police officer could issue an instant \$150 infringement notice if a person operates a vehicle that creates noise which, having regard to all the circumstances is excessive. This includes noise from car stereos, exhausts etc. The recently passed Land Transport Amendment Act 2005 increased this infringement fee to \$250 and imposes 10 demerit points. This amendment has been operative since January 2006 and the accumulation of the demerit points will soon be taking effect.
12. In addition to the road side enforcement, all vehicles currently undergo a subjective noise test during warrant and certificate of fitness checks. Clause 2.7(3) of the Land Transport Rule: Vehicle Equipment 2004 (previously, regulation 81 of the Traffic Regulations 1976) states that noise from an exhaust system must not be noticeably and significantly louder than it would have been when the motor vehicle was manufactured with its original exhaust system. Under section 115(1) of the Land Transport Act 1998, a police officer can also 'green sticker' a vehicle that is considered to breach the noise requirements of the Vehicle Equipment Rule 2004, directing that the vehicle is not to be driven on a road until it has passed a warrant of fitness test at an independent testing station. In extreme cases the Police can 'orange sticker' a vehicle, which means it can not be driven on the road and a tow truck is called.
13. The Ministry of Transport will soon be implementing an 'objective' noise test to supplement the subjective test currently used. The objective noise test will use scientific methods to measure noise levels of vehicle exhausts against a pre-determined standard. Failure to meet the requirements of the objective test will require the vehicle to be repaired to ensure it is compliant. The implementation of the objective noise test will occur once the standards and methods are finalised. This is expected to occur in the near future.
14. It follows that the Police and vehicle testing agencies will have greater ability to combat excessive vehicle noise.
15. The problems typically stem from the congregation of groups of youths and preventing these groups from congregating is unlikely to be attainable in the foreseeable future: The issues relating to the behaviour of the youths are also unlikely to be resolved through erecting signage of any type. The installation of night time parking bans will not solve but will shift the problem elsewhere. The Summary Offences Act however does allow the Police to enforce a number of laws relating to general public behaviour.

16. The proliferation of these parking bans is therefore considered not appropriate and police resources can be better utilised by enforcement of the new legislation, for example, street racing and noisy vehicles to eliminate some of the activities that are in part contributing to the concerns.
17. In conclusion, it is considered that the adverse effects generated by the behaviour of these youths can only be mitigated but not eradicated across the city by the Police. This is a view also shared by New Zealand Police. Enforcement using current legislation is the only practicable option in the short term.
18. Mr Doc Ross has been fully informed of these issues and has acknowledged that the new powers have already reduced the problem.

FINANCIAL AND LEGAL CONSIDERATIONS

19. There are no financial considerations.
20. The legal considerations are the Land Transport Act and Summary Offences Act.

STAFF RECOMMENDATION

That the information be received.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be supported.