

Waiheke Local Board Workshop Agenda

Date of Workshop: Wednesday 21 August 2024

Time: 10:30

Location: Waiheke Local Board, 10 Belgium Street; MS Teams

Time	Workshop Item	Governance role	Purpose	Presenter(s)	Proposed Outcome(s)
11:30	Draft Housing Strategy Attachment TBC Presentation – Waiheke Housing Strategy	Keeping informed	Informal dissemination	Lorraine Gropper <i>Local Board Adviser</i>	Members will be updated on stakeholder feedback to the draft strategy and options for next steps.
12:30	Lunch Break				
13:00	Traffic Bylaw review Attachment Presentation – AC and AT Joint review of traffic-related Bylaws Findings report – Traffic-related Bylaws	Input into regional decision-making	Provide direction on preferred approach	Joemier Pontawe <i>AT Principal Policy Adviser</i> Paul Wilson <i>AC Senior Policy Manager</i> Magda Findlik <i>AC Principal Policy Adviser</i> Annabelle Wrigley <i>AT Senior Communications</i> Pippa Shepherd <i>AT Transport Planner</i>	Members will provide views on the draft options and proposal in response to the joint review of Auckland's traffic-related bylaws.

Time	Workshop Item	Governance role	Purpose	Presenter(s)	Proposed Outcome(s)
14:00	Open Space, Sport, and Recreation framework Attachment Presentation – Draft Auckland open Space, Sport and Recreation Policy framework	Input into regional decision-making	Provide direction on preferred approach	Aubrey Bloomfield <i>Senior Policy Adviser</i> Carole Canler <i>Senior Policy Manager</i> Rachel O'Brien <i>Principal Policy Adviser</i> Sanna Judd <i>Policy Adviser</i> Katie Kim <i>Policy Adviser</i>	Members will be briefed on the proposed draft framework in advance of decision-making in September

Governance Role

1. Accountability to the public
2. Engagement
3. Input to regional decision-making
4. Keeping informed
5. Local initiative / preparing for specific decisions
6. Oversight and monitoring
7. Setting direction / priorities / budget

Role of Workshop:

- (a) Workshops do not have decision-making authority.
- (b) Workshops are used to canvass issues, prepare local board members for upcoming decisions and to enable discussion between elected members and staff.
- (c) Workshops are not open to the public as decisions will be made at a formal, public local board business meeting.
- (d) Members are respectfully reminded of their Code of Conduct obligations with respect to conflicts of interest and confidentiality.

- (e) Workshops for groups of local boards can be held giving local boards the chance to work together on common interests or topics

Waiheke Local Board Workshop Proceedings

Date of Workshop: Wednesday 21 August 2024

Time: 11:30

Location: Waiheke Local Board, 10 Belgium Street; MS Teams

Cath Handley (Chair)	Kylee Matthews	Bianca Ranson	Robin Tucker	Paul Walden
Present	Present	Absent	Present (MS Teams)	Absent

Time	Workshop Item	Attendees(s)	Summary of discussions
11:30	Draft Housing Strategy Attachment Presentation – Waiheke Housing Strategy Item 1	Lorraine Gropper <i>Local Board Adviser</i>	<p>Members were updated on stakeholder feedback to the draft strategy and options for next steps.</p> <p>Stakeholder feedback from community organisations has informed changes to draft. Outcomes have been refined to increase clarity.</p> <p>Members gave feedback on wording and structure. It was suggested that some of the objectives could be bundled by theme, for example advocacy items and action items.</p>

Time	Workshop Item		Attendees(s)	Summary of discussions
12:30	Item 2	Traffic Bylaw review Attachment Presentation – AC and AT Joint review of traffic-related Bylaws Findings report – Traffic-related Bylaws	Joemier Pontawe <i>AT Principal Policy Adviser</i> Pippa Shepherd <i>AT Transport Planner</i> Richard LaVille <i>Waiheke Manager AT</i> Alex Elton-Farr <i>Elected Member Relationship Advisor AT</i>	Members were presented with the draft options and proposal created in response to the joint review of Auckland’s traffic-related bylaws. The review covered 3 bylaws of Auckland Transport and Auckland Council, covering 18 topics. Draft recommendations were outlined and feedback was sought on topics requiring significant change – vehicles on beaches, parked vehicles off a roadway, and unsuitable traffic.
12:30	Lunch Break			
13:00	Item 3	Open Space, Sport, and recreation framework Attachment - Presentation – Draft Auckland open Space, Sport and Recreation Policy framework	Aubrey Bloomfield <i>Senior Policy Adviser</i> Carole Canler <i>Senior Policy Manager</i> Sanna Judd <i>Policy Adviser</i>	Members were briefed on the proposed draft framework. It sets out the provision of open spaces, sport, and recreation opportunities for Auckland. The draft is a refreshed and consolidated iteration of an existing policy framework containing three parts – strategic directions, guidance on prioritising investment, and expectations for delivery. Members pointed out equity issues that constrain Waiheke residents accessing open space, sport, and recreation opportunities in the city, and the lack of available land on the island for the provision of these opportunities.

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Waiheke Housing Strategy

Refresh of the 2018 Strategy

Lorraine Gropper – Local Board Advisor

21 August 2024





What we will talk about:

- Stakeholder feedback
- Recommendations for incorporating feedback
- Member feedback and suggested changes since last workshop



Stakeholder groups



Stakeholder	Feedback
Ngāti Paoa Iwi Trust	Request for explicit support of NP papakāinga
Waiheke Community Housing Trust	Detailed feedback to the specific objectives/strategies
Community Networks Waiheke	None
Waiheke Healthy Homes	None
Livingwaters	Didn't address plan, gave summary of their building project
Piritahi Marae	None
Seaside Sanctuary	Recommended advocacy towards better protection for landlords
Project Forever Waiheke	Suggestion to rearrange sections
CAB Waiheke	Mostly technical feedback
Waiheke Health Trust	Focus on disability access



Vision

All residents can access safe and healthy housing which meets their needs and gives them long-term security

OLD

Outcomes

The outcomes needed to be improved for better legibility. It was unclear what they meant in isolation.

**Affordable
Housing**

Increased supply of
affordable housing

**Responsible
Growth**

Appropriate and
effective growth

**Fairness &
Accessibility**

Equitable and fair
market access

**Secure &
Healthy
Homes**

Improved quality
and security of
housing



Vision

All residents can access safe and healthy housing which meets their needs and gives them long-term security

NEW

Outcomes

**Affordable
Housing**

Increased supply of
affordable housing

**Responsible
Growth**

Appropriate and
effective growth
that celebrates
Waiheke

?

Robust and
balanced housing
market that favours
residents

**Secure &
Healthy
Homes**

Improved quality
and security of
housing





Re-shuffle of sections for better flow

Old:

- Vision
- Purpose
- Brief Outline
- Waiheke Snapshot
- Relevant Plans and Policy
- Housing Objectives and Strategies

New:

- Vision
- Purpose
- Introduction
- Local Context and Challenges
- Housing Objectives and Strategies
- Community Partners
- Relevant Plans and Policy
- Glossary

Anything else you would like to see here?



Changes



What	How
Vision	Edited for clarity
Purpose	Expanded
Brief Outline/ Introduction	Changed the heading and moved some local knowledge from snapshot area to here
Census data	Updated census data to 2023 stats and noted the trends
Snapshot	Changed title to 'Local Context and Challenges'
Housing Supply	Removed the detailed analysis of 2016 study as outdated and confusing Changed tone to posit Waiheke as the goal not the problem



Objectives and Strategies

Affordable
Housing

Responsible
Growth

Fairness &
Accessibility

Secure &
Healthy
Homes

- Objectives are methods or guides for how to achieve outcomes
- Strategies are the strategic actions that you will take to realise the objectives

Options for alignment:

- 2-3 objectives per outcome
- 3-5 strategies per objective

OR

- All outcomes, objectives and strategies listed sequentially without grouping

Members gave preference for this model at last workshop





Objectives

Feedback from stakeholders: there are too many and they should be in priority order – Discussion and choice is up to members

The Waiheke Local Board will...

Order	Objective
1	respond to the needs and aspirations of mana whenua and mataawaka Māori as identified through engagement.
2	support programmes focused on providing warm, healthy homes for residents.
3	support community partners who promote affordable, accessible and secure housing.
4	engage with relevant agencies and NGOs to help progress the supply of social housing.
5	ensure its own accountability through strategic and measurable inclusion in local planning documents.
Cut 6	encourage responsible growth and development that aligns with the character of Waiheke.
Cut 7	advocate to incentivise a transparent and accountable housing market that prioritises long-term accommodation.
Cut 8	advocate to council and government on relevant strategic policies and regulations





Stakeholder – Ngāti Pāoa

My view is it would be good for the strategy to record something like:

"The Waiheke Local Board will prioritise engagement with the Ngāti Pāoa Iwi Trust on future opportunities to develop papakāinga housing on council-owned or managed land, taking into account the needs of the Māori and wider community of Waiheke Island"

Recommendation: replace similar strategy line with expanded wording



Stakeholder – Waiheke Community Housing Trust



Obj	Feedback	Recommendation
A	Support – WCHT hopes to expand in this area	
B	Support – future targetted campaigns	
C	Make sure that strategy acknowledges loss of families	Added in local context section
	Investigate a process for statistical analysis of the numbers and demographics of those leaving and settling on the island to monitor the impact of the housing crisis.	Outside capacity of the local board but could be identified as an advocacy point to council staff
D	supports a stronger focus on alternative strategies that includes partnerships and joint ventures	
	Use statistical analysis of the effect of the housing crisis on Waiheke	
	advocate to the Ministry of Social Development for Waiheke Island to be included as a location eligible for state support for the development of social and community housing	Already addressed
	Note that since locals rarely enrol on the MSD Housing Waiting List, the extent of housing need on Waiheke remains hidden. (Formerly referred to as IRRS funding, Income-related Rental Subsidies which are currently on hold)	Already addressed



Stakeholder feedback – WCHT cont.



Obj	Feedback	Recommendation
E	Support	
	Waiheke must find a way to build affordable houses <i>that continue to provide long-term accommodation for many decades</i> . A metric that supports this should be agreed upon asap.	
	Prepare comprehensive submission to the Hauraki Gulf Islands District Plan Review scheduled for 2025/26	Recommend incorporation
	Advocate for revision of the Waiheke and Gulf Island Area Plan and the implementation of the housing recommendations.	Plan is still in draft stage
F	Support	
	A prohibitive and punitive consenting process prohibits large proportions of the community from buying, building or renovating homes. We would like to see our local board actively lobbying for change in this area e.g. allow alternative septic systems that allow for densification	
	Lobby for a policy of Inclusionary Zoning, whereby development contributions are committed to affordable housing initiatives	Development contributions are not applicable to Waiheke
	We strongly believe that the most crucial element of the Local Board’s Housing Strategy is to lobby for changes that make it easier to build long-term accommodation rather than Visitor Accommodation Units.	Already addressed



Stakeholder feedback – WCHT cont.



Obj	Feedback	Recommendation
G	Why do we need an alternative to the APTR? Our understanding was that the APTR was coming in with the new LTP.	
	A concerted effort to understand just how damaging this [conversion of properties from long-term rentals into part-time baches, part-time short rentals] has been for Waiheke’s ability to house its community is essential.	Outside of LB scope
	Advocate for conversion of visitor accommodation units into minor dwellings during the district plan review process.	
H	Existing affordable housing must be protected. Change must be driven by listening and responding to the people in need, not by top-down policies which standardise development to suburban mainland norms. Change must be incremental; not dictatorial or sudden.	Commentary to consider when advocating to higher authorities





Stakeholder feedback – Waiheke Health Trust

Feedback focused on disability access to housing:

- Higher proportion of seniors to experience disability
- No requirement for short-term accommodation to be accessible
- Discrimination and barriers for people with disability

Proposal to add the following statement to the population analysis:

People 65 years and older are far more likely to experience disability, making much of the housing on the island inaccessible. While there is a limited amount of funding available to modify houses, generally the property owner or the affected individual will have to contribute to the cost. There are very few accessible houses on the island and little incentive for people building or renovating houses to consider accessible design.



Stakeholder feedback – Waiheke Health Trust



Obj	Feedback	Recommendation
C	<p>Existing text: “Support the development of community housing initiatives for seniors and low-income residents”</p> <p>Suggestion to add “accessible” before community housing</p>	Recommend include
	<p>Add: “Advocate for improved access to housing for disabled people, by promoting universal design in the construction and renovation of dwellings”</p>	<p>Do not recommend promoting one design method as that is more prescriptive than your scope</p> <p>Do you feel that this goal aligns with your vision?</p>
F	<p>Existing text: “Support local housing initiatives to develop options for affordable housing including for older residents, families and key workers”</p> <p>Suggestion to add “accessible” before affordable housing</p>	Recommend include
G	<p>Add: advocate for accessible short term accommodation for disabled tourists and residents holidaying on the island</p>	Do not recommend as this aspect does not align with the purpose of the strategy. Would be appropriate to take up elsewhere if you want
H	Suggestion to specify that advocacy to change in regulations would include land use constraints for short-term accommodation	Do not recommend as it is umbrellaed by the existing text





Stakeholder feedback – CAB

- Suggestion that the Board engage with property owners, estate agents and management companies
- The displacement of older residents is a significant factor and should be mentioned more [contrary to other feedback that said we needed to focus less on older residents]
 - Whilst there is a retirement village on the island which provides excellent accommodation this accommodation comes at a price, which is unattainable by a number of island residents. It is acknowledged that although the village is a welcome source of good accommodation, it lacks facilities which are offered at other retirement villages accessible on the mainland.
- Notes lack of accessible Infrastructure for disabled persons e.g. Footpaths and roadways





Next Steps

- Community engagement options:
 - Facebook & webposts
 - Email – Cath newsletter
 - Gulf News ad?
 - Town hall?
- Adoption at a business meeting



Patai?





AT and AC Joint review of traffic- related Bylaws



Agenda

What we are discussing	What we need from you
Scope of the bylaw review	Awareness
Findings report	Awareness
Draft options per topic	Input and feedback
Draft recommendations for Local Board input	Input and feedback
Timeframes and next steps	Awareness



Scope of the bylaw review



Traffic-related Bylaws

The review covers three traffic-related Bylaws of Auckland Transport and Auckland Council

- The traffic-related Bylaws are the Auckland Transport Traffic Bylaw 2012, Auckland Council Traffic Bylaw 2015, and the Auckland Council Public Safety and Nuisance Bylaw 2013 (for vehicles on beaches only).
- Staff covered 18 topics that apply to the Auckland transport system and council-controlled land.
- The Bylaws provide a “framework” for 12 topics and “self-contained” controls for six topics.
- Staff conducted workshops, surveys, scans of regulatory approaches, literature reviews and data analysis to inform the findings report.
- **The review does not cover the specific location, nature or condition of traffic and parking controls.**



Bylaw topics covered

1. One-way travel directions and turning restrictions
2. Special vehicle lanes
3. Unformed roads
4. Vehicles on beaches
5. Cycle paths, shared paths and shared zones
6. Cruising and light-weight vehicle restrictions
7. Engine braking
8. Speed limits on council-controlled land (for legacy speed limits)
9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use
10. Parking vehicles off a roadway (for example, berm parking)
11. Mobility parking (parking for disabled persons)
12. Residents' parking
13. Broken down vehicles on a road or public place
14. Vehicle repairs on a road
15. Parking for display or sale (sole purpose is advertising or sale)
16. Special events
17. Leaving machinery or goods on a road or public place
18. Unsuitable (including heavy) traffic

The review does not cover the specific location, nature or condition of traffic and parking controls.



Findings Report



The findings report was completed in June 2024

We completed the findings report after a year of doing research and engagement. The key findings are:

- The Bylaws that regulate vehicle use and parking controls by enabling controls to be set 'if and where' required to manage the use of the road space in Auckland have been particularly helpful.
- The Bylaws that regulate vehicles on beaches and off-road parking could be improved to be more effective and efficient
- The Bylaws that regulate activities involving vehicles have not been used.
- A bylaw can no longer regulate new speed limits (speed management plans are required to be used instead).
- Consideration should be given to the possible benefits of replacing the Bylaws with a single bylaw made by both Auckland Transport and Auckland Council.



Draft options per topic



Five possible options are proposed for each topic

These are aligned with the statutory options to respond to the Bylaw review findings – retain, amend, replace and revoke

- Option 1: **Retain** current Bylaws (status quo)
- Option 2: **Amend** current Bylaws
- Option 3: **Transfer** to better aligned Bylaws
- Option 4: **Replace** current Bylaws with a joint AT and AC Traffic Bylaw
- Option 5: **Revoke** current Bylaws and rely on other regulatory powers



Draft recommendations for Local Board input



Draft Recommendations by topic for Local Board input

Significant proposed changes

- Vehicles on beaches
- Parking vehicles off a roadway (e.g., berm parking)
- Unsuitable (including heavy) traffic

No significant changes – consolidate into one Bylaw

- One-way travel directions and turning restrictions
- Unformed roads
- Cruising and light-weight vehicle restrictions
- Engine braking
- Mobility parking (parking for disabled persons)

Minor changes – consolidate into one Bylaw

- Special vehicle lanes
- Cycle paths, shared paths and shared zones
- Parking (incl zone parking), designated parking places or prescribing conditions of use
- Residents' parking
- Special events

Revoke / Transfer – rely on better existing legislation

- Speed limits on council-controlled land
- Broken down vehicles on a road or public place
- Vehicle repairs on a road
- Parking for display or sale
- Leaving machinery or goods on a road or public place

We need your input and feedback about Vehicles on beaches

- The problems are dangerous driver behaviour on beaches that causes public safety risks (including deaths), public nuisance, damage to the environment (for example, harm to native flora, fauna and sand dunes) and public property (for example, gates, barriers).
- Problems are generally low in frequency (except on **Muriwai and Karioitahi beaches**) and high in impact on public safety and damage to the environment.

Draft recommendations for Local Board input

- Continue to prohibit or restrict the use and parking of a vehicle on a beach.
- Only allow vehicles to launch boats, to park in areas intended for vehicles and to obtain an approval (beach driving permit) to travel in a vehicle on Muriwai Beach and Karioitahi Beach.



We need your input and feedback about Parking vehicles off a roadway

- The problems are obstructions to pedestrians or other vehicles, damage to land (for example, a grass berm) and safety risks from poor visibility caused by vehicles parked off a roadway.

Draft recommendations for Local Board input

- Prohibit parking vehicles off a roadway in areas where there is a formed kerb and channel or in areas planted with grass, plants or any vegetation not intended to be a carpark.



We need your input and feedback about Unsuitable (including heavy) traffic

- The problems are damage to roads, footpaths and other public places (for example, heavy vehicles accessing development sites) and public safety risks and nuisance (for example, from poor visibility) caused by unsuitable traffic or heavy vehicles parked on roads, including potentially AC roads and public places.

Draft recommendations for Local Board input

- Add parking-related controls and other Land Transport Act 1998 powers to regulate heavy traffic, including, for example, the power to require security under LTA 1998.
- Amend Part 2: Street Damage of the AT Activities in the Road Corridor Bylaw 2022 to help address problems related to the use of heavy vehicles accessing development or construction sites on private lands, causing damage to nearby roads.



Timeframes and next steps



Our next steps

- Early engagement on draft options and proposal
- Resolution from Local Boards

- Regulatory and Community Safety Committee meeting adoption of options and proposal
- AC Governing Body meeting adoption of the proposal
- AT Board meeting adoption of the proposal

- Full public consultation

- Local Board views on public feedback
- Bylaw Panel deliberations
- Decision on the proposal (including the adoption of a new bylaw)

July and August 2024

16 September 2024

08 October 2024

24 October 2024

29 October 2024

November to December 2024

February 2025

March 2025

April 2025





Thank you
Kōrero / Discussion
Pātai / Questions?



Detailed draft options and draft recommendations



Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
<p>1. One-way travel directions and turning restrictions</p>	<ul style="list-style-type: none"> • Retain • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that provides the power to set one-way travel directions and turning restrictions. • Continue to set controls through resolutions by AT TCC and AC RCSC. • Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).
<p>2. Special vehicle lanes</p>	<ul style="list-style-type: none"> • Amend • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that provides the power to create and regulate special vehicle lanes and includes a new clause about busways. • Continue to set controls through resolutions by AT TCC and AC RCSC. • Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
3. Unformed roads	<ul style="list-style-type: none"> • Retain • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that provides the power to create unformed road restrictions on legal roads and any other place accessible to the public. • Continue to create restrictions through resolutions by AT TCC and AC RCSC. • Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).
4. Vehicles on beaches	<ul style="list-style-type: none"> • Amend • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that continues to prohibit or restrict the use and parking of a vehicle on a beach. • Continue to only allow vehicles to launch boats, to park in areas intended for vehicles and to obtain an approval (beach driving permit) to travel in a vehicle on Muriwai Beach and Karioitahi Beach.

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
5. Cycle paths, shared paths and shared zones	<ul style="list-style-type: none"> Amend Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to regulate cycle paths, shared paths and shared zones while removing reference to their “establishment.” Continue to set controls through resolutions by AT TCC and AC RCSC. Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).
6. Cruising and light-weight vehicle restrictions	<ul style="list-style-type: none"> Retain Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to set cruising and light-weight vehicle restrictions. Continue to set controls through resolutions by AT TCC and AC RCSC. Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).
7. Engine braking	<ul style="list-style-type: none"> Retain Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to establish engine braking restrictions or prohibitions. Continue to set controls through resolutions by AT TCC and AC RCSC. Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
8. Speed limits on council-controlled land (for legacy speed limits)	<ul style="list-style-type: none"> • Revoke (Recommended) 	<ul style="list-style-type: none"> • Revoke the current Bylaw but retain speed limits set under the legacy bylaws. • Set new or change speed limits on council-controlled land in accordance with the Land Transport Rule: Setting of Speed Limits Rule 2024 (once approved).
9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use	<ul style="list-style-type: none"> • Amend • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that provides the power to regulate parking (including zone parking), parking places and transport stations while removing clauses about the 'establishment' of parking places and transport stations, adding a clause about busway stations and separating clauses for 'restricting' from 'prohibiting' parking. • Continue to set controls through resolutions by AT TCC and AC RCSC. • Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
10. Parking vehicles off a roadway (for example, berm parking)	<ul style="list-style-type: none"> • Replace (Recommended) • Revoke 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that prohibits parking vehicles off a roadway in areas where there is a formed kerb and channel or in areas planted with grass, plants or any vegetation not intended to be a carpark.
11. Mobility parking (parking for disabled persons)	<ul style="list-style-type: none"> • Retain • Replace (Recommended) 	<ul style="list-style-type: none"> • New single AT and AC Bylaw that provides the power to create and regulate mobility parking. • Continue to set controls through resolutions by AT TCC and AC RCSC. • Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).



Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
12. Residents' parking	<ul style="list-style-type: none"> Amend Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to regulate residents' parking while aligning the terminology with the Parking Strategy 2023, removing clauses about residents' only parking and specifying additional controls, for example to set fees. Continue to set controls through resolutions by AT TCC and AC RCSC. Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).
13. Broken down vehicles on a road or public place	<ul style="list-style-type: none"> Revoke (Recommended) 	<ul style="list-style-type: none"> Revoke the current Bylaws. Continue to rely on existing regulatory powers under section 356 (removal of abandoned vehicles from roads) of the Local Government Act 1974 and clause 6(3) (abandoned vehicle in a public place) of the AC Public Safety and Nuisance Bylaw 2013 to address broken down vehicles left on a road or public place.

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
14. Vehicle repairs on a road	<ul style="list-style-type: none"> • Transfer (Recommended) 	<ul style="list-style-type: none"> • Transfer the clause to the AT Activities in the Road Corridor Bylaw 2022 and the AC Public Safety and Nuisance Bylaw 2013. • Bylaws to prohibit repair or modification of vehicles in any road or public place that can affect the intended use of the road corridor or the public place.
15. Parking for display or sale (sole purpose is advertising or sale)	<ul style="list-style-type: none"> • Revoke (Recommended) 	<ul style="list-style-type: none"> • Revoke the current Bylaws. • Continue to rely on existing general parking controls and the AC and AT Signs Bylaw 2022 to regulate parking for display or sale. • Amend (for the avoidance of doubt) clause 18 of the AC and AT Signs Bylaw 2022 to explicitly refer to a person (other than a motor vehicle trader) offering a vehicle for sale and to delete the related information note.

Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
16. Special events	<ul style="list-style-type: none"> Amend Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to establish temporary vehicle and parking controls for special events (including filming) and the power to suspend existing controls already in place for the duration of a special event. Continue to set controls through resolutions by AT TCC and AC RCSC.
17. Leaving machinery or goods on a road or public place	<ul style="list-style-type: none"> Revoke (Recommended) 	<ul style="list-style-type: none"> Revoke the current Bylaws. Continue to rely on the AT Activities in the Road Corridor Bylaw 2022, the AC Public Safety and Nuisance Bylaw 2013 and the Local Government Act 1974 (s 357) to regulate machinery or goods left on roads and public places.



Draft options and recommendations for each Bylaw topic for Local Board input

Bylaw topic	Draft Options	Description of Recommended Option
18. Unsuitable (including heavy) traffic	<ul style="list-style-type: none"> Amend Replace (Recommended) 	<ul style="list-style-type: none"> New single AT and AC Bylaw that provides the power to regulate unsuitable traffic while incorporating parking-related controls and other Land Transport Act 1998 powers to regulate heavy traffic. Amend the AT Activities in the Road Corridor Bylaw 2022 to address problems related to heavy vehicles accessing development or construction sites on private lands causing damage to nearby roads. The amendment would enable AT to conduct pre- and post-work inspections and monitor whether any building work causes road damage. Continue to set controls through resolutions by AT TCC and AC RCSC. Continue to seek Local Board views when resolutions are drafted and finalised (where appropriate).

Summary of draft recommendations for Local Board input

In response to the review findings, we recommend to:

- **Replace** the current Bylaws with a single Traffic Bylaw made jointly by Auckland Transport and Auckland Council for most topics (**13** of 18).
- **Revoke** the current Bylaws and rely on other existing legislation and bylaws to better address the problems for some topics (**4** of 18).
- **Transfer** the current Bylaws to better aligned Bylaws for vehicle repairs or modification (Topic 14).



2024 Review Findings Report: Auckland traffic-related bylaws

A joint review of traffic-related bylaws by Auckland Transport and Auckland Council including:

- Auckland Transport Traffic Bylaw 2012
- Auckland Council Traffic Bylaw 2015
- Auckland Council Public Safety and Nuisance Bylaw 2013 (for vehicles on beaches only)

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List of Abbreviations

AC	Auckland Council
ARC	Activities in the Road Corridor Bylaw 2022
AT	Auckland Transport
ATCoP	Auckland Transport Code of Practice
BORA	New Zealand Bill of Rights Act 1990
CAR	Corridor Access Request
CCTV	Closed Circuit Television
CI	Clause (of a bylaw)
FCV	Freedom Camping in Vehicles Bylaw 2022
FTE	Full Time Employees
LGA 1974	Local Government Act 1974
LGA 2002	Local Government Act 2002
LGACA	Local Government (Auckland Council) Act 2009
LPR	Licence Plate Recognition
LTA	Land Transport Act 1998
LTOPR	Land Transport (Offences and Penalties) Regulations 1999
LTR	Land Transport Rule
LTRUR	Land Transport (Road User) Rule 2004
NSAAT	No Stopping At All Times
NZTA	New Zealand Transport Agency
PSN	Public Safety and Nuisance Bylaw 2013
RCA	Road Controlling Authority
RCSC	Regulatory and Community Safety Committee
S	Section (of an Act)
SMP	Speed Management Plan
TCC	AT Traffic Control Committee
TCD	Traffic Control Devices 2004

Executive Summary

The key review findings on Auckland's traffic-related bylaws (**Bylaws**) are:

- The Bylaws have helped to ensure that Auckland's land transport system connects people and places in a way that is safe, effective and efficient, and protects the environment.
- The Bylaws that regulate **vehicle use and parking controls** by enabling controls to be set 'if and where' required to manage the use of the road space in Auckland have been particularly helpful (for example, to regulate the use of one-way streets, bus lanes and P60 parking spaces by resolution of a delegated authority), but could benefit from minor improvements.
- The Bylaws that regulate **vehicles on beaches and off-road parking** could be improved to be more effective and efficient. For example, there are no infringement fines for vehicles on beaches and the process to enforce berm parking prohibitions is time consuming and costly.
- The Bylaws that regulate **activities involving vehicles** have not been used. Other existing legislation and bylaws already address the problems and more effectively manage for example vehicles, machinery or equipment that is left, broken down, repaired, advertised or sold on roads or public places.
- A bylaw can no longer regulate **new speed limits** (speed management plans are required to be used instead).
- Consideration should be given to possible benefits of replacing the Bylaws with a single bylaw made by both Auckland Transport and Auckland Council. While most of Auckland's roads are the responsibility of Auckland Transport, the boundaries with Auckland Council controlled roads or public places can be indistinguishable.

1. Introduction

This report presents the findings from the joint review of the following traffic-related bylaws (**Bylaws**) made by Auckland Transport (AT) and Auckland Council (AC):

- [AT Traffic Bylaw 2012](#)
- [AC Traffic Bylaw 2015](#)
- [AC Public Safety and Nuisance Bylaw 2013](#) (for vehicles on beaches only).

The review complies with the Land Transport Act 1998 and Local Government Act 2002.

Auckland Transport led review of traffic-related bylaws is limited to 18 topics

Auckland Transport (**AT**) has led a joint review with Auckland Council (**AC**) to explore opportunities to simplify Auckland's traffic-related bylaws across 18 topics (See

Appendix **1** to view Bylaws) that apply to the Auckland transport system and council-controlled land (See Box).

Auckland transport system means roads within Auckland under the Local Government Act 1974, Auckland's public transport services under the Land Transport Management Act 2003, AC-owned public transport infrastructure and public infrastructure owned by or under the care, control or management of AT.

Council-controlled land means roads and parking places under the control of AC which are not part of the Auckland transport system, including most beaches, parks and reserves, off-street parking facilities in libraries or community centres and council-owned car parking buildings.

The findings review evaluated each topic to identify if there is a traffic-related problem, whether the Bylaws have helped address the problem and whether there are any alternatives or improvements to traffic-related bylaws (including their implementation).

The scope of the review did not include evaluation of any AT or AC traffic-related strategies (for example, [Room to Move, 2023](#)), location-specific traffic or parking controls (resolutions) or privately-owned car parking facilities or buildings.

Research and engagement methodology informed the review

AT and AC research and engagement to inform the findings review, included:

- workshops, meetings and surveys with AT and AC regulatory, operational, design and legal teams, and key external partners (for example, the Police)
- online survey of 52 key stakeholders (See Appendix 2)
- environmental scan of the regulatory approach by other councils in New Zealand
- literature and publication review and analysis of domestic and international trends
- analysis of data from AT, AC and the Police since 2012 (for example, infringements).

Data limitations may impact the outcome of the review

Limitations to the information collected that may impact the outcome of the review, include:

- limited data availability (for example, no vehicle movement data on Karioitahi Beach)
- limited online survey size (52 key stakeholders) and low response (36.5%)
- use of separate and incompatible systems of data recording.

2. About Auckland’s traffic-related bylaws

Both, Auckland Transport and Auckland Council, can make bylaws about traffic

Auckland Transport (**AT**) and Auckland Council (**AC**) are road controlling authorities under the Land Transport Act 1998 (s [22AB](#)) and can make traffic-related bylaws (for example, to regulate vehicle use and parking).

A bylaw can specify controls that:

- are **‘self-contained’**, where all the details of the control are specified (for example, to prohibit parking vehicles for the sole purpose of advertising or sale)
- are **part of a ‘framework’** where details of the control are determined later ‘by resolution’ (for example, the conditions of use of parking at a specific location)
- apply to all roads, specified roads or part of roads (for example, roads surrounding a special event, such as Christmas in the Park at the Auckland Domain)
- apply to all vehicles or traffic or specified types of vehicles or traffic (for example, heavy vehicles such as trucks in relation to engine braking)
- apply at any specified time or times (for example, peak hours in relation to T2 lanes).

Traffic-related bylaws are primarily framework bylaws covering 18 topics

The AT and AC Bylaws regulate vehicle use and parking on the Auckland transport system and council-controlled land across 18 topics.

The Bylaws provide framework controls for most topics (12) and only specify self-contained controls for six topics (See Table 1).

Table 1. Auckland Transport and Auckland Council traffic-related bylaw topics

Topic name	Bylaw control (framework or self-contained)
1. One-way travel directions and turning restrictions 2. Special vehicle lanes 3. Unformed roads 5. Cycle paths, shared paths and shared zones 6. Cruising and light-weight vehicle restrictions 7. Engine braking 8. Speed limits on council-controlled land 9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use 11. Mobility parking (parking for disabled persons) 12. Residents’ parking 16. Special events 18. Unsuitable (including heavy) traffic	Framework
4. Vehicles on beaches 10. Parking vehicles off a roadway (for example, berm parking) 13. Broken down vehicles on a road or public place 14. Vehicle repairs on a road	Self-contained

Topic name	Bylaw control (framework or self-contained)
15. Parking for display or sale (sole purpose is advertising or sale) 17. Leaving machinery or goods on a road or public place	

Auckland Transport has an established process to adopt Bylaw resolutions

Auckland Transport has established a rigorous process to produce resolution reports for approval by its Traffic Control Committee (TCC) (See Appendix 3).

The need for a resolution usually arises from a relevant project. For example, a project for bus improvements would typically include a recommendation to create new special vehicle lanes which would require a resolution report. The resource and cost to produce the resolution report is provided by the project.

Auckland Council previously delegated the TCC to adopt its Bylaw resolutions. Current delegations reside with the Regulatory and Community Safety Committee (See Chapter 9).

The Bylaws are enforced by AT and the Police, using national legislation

The enforcement of traffic and parking controls in the Bylaws relies on national legislation:

- the Land Transport (Road User) Rule 2004 requires compliance with most controls set through the Bylaws (for example, parking and special vehicle lane controls). Non-compliance with the Rule is an offence under the Land Transport (Offences and Penalties) Regulations 1999 (See Appendix 5)
- the Land Transport Act 1998 specifies the agency responsible for the enforcement of a control (See Table 2). For example:
 - AT and AC rely on the Police to enforce most moving vehicle offences
 - AT parking wardens enforce stationary and special vehicle lane offences
 - while AC can appoint its own parking wardens it has chosen instead to delegate the enforcement of parking controls to AT (See Chapter 9).

Table 2: Overview of authorities responsible for the Bylaw enforcement

Topic name	Enforcement authority
1. One-way travel directions and turning restrictions 3. Unformed roads 4. Vehicles on beaches 6. Cruising and light-weight vehicle restrictions 7. Engine braking 8. Speed limits on council-controlled land	Police
9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use 10. Parking vehicles off a roadway (for example berm parking) 11. Mobility parking (parking for disabled persons) 12. Residents' parking	Auckland Transport
2. Special vehicle lanes 5. Cycle paths, shared paths and shared zones 16. Special events 18. Unsuitable (including heavy) traffic	Police and Auckland Transport

Auckland Transport encourages compliance using education, warnings and fines

The overall approach to compliance by AT relies on information and education campaigns, and issuing warning notices and infringement fines to encourage compliance. For example:

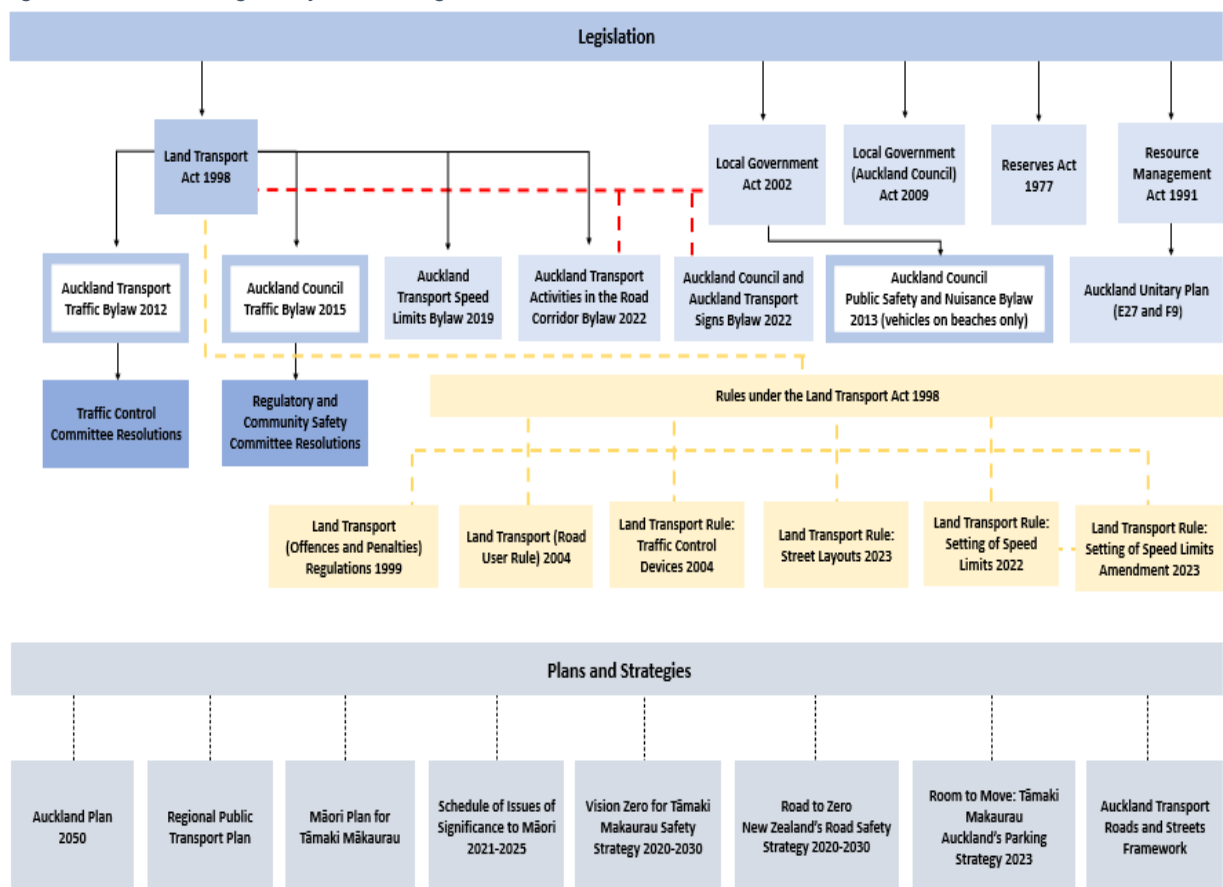
- for **parking controls**, enforcement relies on a combination of parking wardens patrolling their areas and the use of licence plate recognition (LPR) vehicles.
- for **special vehicle lane controls**, enforcement relies heavily on technology:
 - AT has been installing CCTV cameras to monitor compliance since 2017
 - random deployment of roadside officers still occurs but only when complaints are received for special vehicle lanes where cameras have yet to be installed
 - this approach reduces implementation costs, addresses resource limitations and increases effective monitoring of traffic-related controls across Auckland.
- for **non-location specific controls**, separate processes within AT and AC have been established (for example, to manage vehicles, machinery or other equipment that are left, broken down, repaired, advertised or sold on roads or public places).

See bylaw implementation for individual topics in Chapter 11 for more details.

The Bylaws form part of a wider regulatory and strategic framework

The Bylaws form part of a wider regulatory and strategic framework to better connect people and places in a way that is safe, effective and efficient, and protects the environment (See Figure 1 and Appendix 4).

Figure 1: The wider regulatory and strategic framework



3. Is there still a problem and is the problem the same?

Vehicle use and parking continues to cause problems on the Auckland transport system and council-controlled land across all topics regulated by the Bylaws.

The overall problem can be defined as public safety risks (including death), travel delays, obstructions, reduced accessibility, public nuisance (for example, from noise) and damage to the environment (including fauna and flora), public infrastructure and property caused by the use or parking of vehicles on roads and public places in Auckland.

Overall, the known scale and impact of the problems is high in frequency and moderate to high in impact, but this varies across all 18 topics. Parking for example, has the most frequently reported problems with 60,000 cases per year, while five driving fatalities on Muriwai Beach is an example of the greatest impact of the risk to public safety.

See Chapter 10 for a summary of the problems for each of the 18 topics. See Chapter 11 for a more detailed analysis of the problems by topic.

4. Are the desired objectives or outcomes the same?

The Auckland Transport and Auckland Council objectives and outcomes in response to the problems remain largely the same since the Bylaws were first made, however:

- the **objective** could be redefined to reflect a joint overall objective aligned to the overall problem in Chapter 3 (See Table 3).
- the **outcome** could be redefined to reflect a joint outcome aligned to the wider regulatory and strategic framework in Chapter 2 (for example, the purpose of Auckland Transport under the Local Government (Auckland Council) Act 2009 ([s 39](#)) and Auckland Plan 2050 (See Table 3)).

Table 3: Auckland Transport and Auckland Council objectives and outcomes for traffic-related bylaws

Authority	Objectives when Bylaw first made ¹	Overall Objective 2024
Auckland Transport	To provide an effective, efficient and safe Auckland land transport system.	To minimise public safety risks, travel delays, obstructions, reduced accessibility, public nuisance and damage to the environment, public infrastructure and property caused by the use or parking of vehicles on roads and public places in Auckland.
Auckland Council	To put in place a consistent and safe regime for traffic, parking and the setting of speed limits across land not included in the Auckland transport system. To ensure public safety, minimise nuisance and misuse of beaches from vehicles.	
Authority	Outcomes when Bylaw first made	Outcome 2024
Auckland Transport	An effective, efficient and safe Auckland land transport system.	An Auckland land transport system that connects people and places in a way that is safe, effective and efficient, and protects the environment.
Auckland Council	Improved public health and reduction in public nuisance and damage to council-controlled land. Improved public safety, reduction in nuisance and misuse of beaches.	

The objectives for each of the 18 topics regulated in traffic-related bylaws can be read as a summary in Chapter 10 or in the individual topics in Chapter 11.

¹ Initial objectives and outcomes derived from the Bylaws and wider regulatory and strategic framework.

5. Have the Bylaws helped achieve their desired objectives and outcomes

The Bylaws, for most topics (13), have helped address the problems and achieve the desired objectives and outcomes (See summary of topics in Chapter 10), for example, they:

- established 57 special vehicle lanes in Auckland for which over 272,000 infringement fines were issued by Auckland Transport in 2022 alone.
- issued over 40,000 permits to drive on Muriwai and Karioitahi beaches between 2017 and 2023 (data indicates that permit holders are less likely to cause incidents).

While helpful, there are challenges to the use and enforcement of the Bylaws, for example:

- not all offences are detectable, enforceable or provide enough deterrence:
 - insufficient (too low) infringement fines (parking fees may be higher than fines)
 - unfit for purpose infringement fines (use vs. parking on special vehicle lanes)
 - absence of fines to address some common problems (boat parking on roads).
- reliance on proactive enforcement by the Police is challenging due to limited resourcing, Auckland's substantial road network and other pressing priorities.
- upkeep of damaged signs and faded markings, and cost of CCTV and LPR vehicles.
- reliance on other non-regulatory measures such as installation of gates or physical barriers, seasonal beach closures or the establishment of safety zones.

However, the Bylaws have not helped in relation to five topics:

- parking off a roadway (Topic 10) or for advertising or sale (Topic 15).
- leaving broken down vehicles (Topic 13), machinery and other things (Topic 17).
- undertaking vehicle repairs (Topic 14).

Reasons include:

- other existing regulatory measures are more effective, for example:
 - it is practically impossible to prove a vehicle is 'broken down' because the Land Transport Act 1998 (LTA) does not provide powers to carry out inspections
 - AT and AC focus instead on the removal of abandoned vehicles from roads or public places using the Local Government Act 1974 (s 356) and Auckland Council Public Safety and Nuisance Bylaw 2013.
- no clear enforcement path exists for controls unrelated to the use of vehicles under the LTA, for example, there is no available infringement fine or (upon conviction) a court fine (the \$750 bylaw fine under the Land Transport (Offences and Penalties) Regulations 1998 only applies to vehicle use).
- city-wide installation of signs may be required to enforce 'blanket' Bylaw controls to comply with the Land Transport Rule: Traffic Control Devices 2004, which potentially means a sign on every road and public place across Auckland which is impractical, unreasonable and costly.

See Chapter 10 for a summary of effectiveness for each of the 18 topics regulated by traffic-related bylaws and Chapter 11 for a more detailed analysis.

6. Is a bylaw still the best way to address the problem (no better alternatives)?

A Land Transport Act 1998 bylaw is the only regulatory tool to establish and effectively enforce controls for most topics (12), for example, for parking and special vehicle lanes:

- while alternatives exist for some topics (5), they do not replace the need for a bylaw. For example, the Land Transport Rule: Street Layouts 2023 enables Auckland Transport to test (pilot) changes to the layout of a road but requires an Land Transport Act bylaw to make any changes permanent and enforceable.

However, for some topics, better alternatives exist. For example:

- the Land Transport Rule: Setting of Speed Limits 2022 requires new speed limits on council-controlled land to be set through a speed management plan (Topic 8)
- the Local Government Act 1974 and AC Public Safety and Nuisance Bylaw 2013 is used to remove abandoned vehicles on roads and public places (Topic 13)
- the AC and AT Signs Bylaw 2022 is used to prohibit vehicles from being parked for the sole purpose of displaying a sign for advertising or sale (Topic 15)
- the Local Government Act 1974, AT Activities in the Road Corridor Bylaw 2022 and AC Public Safety and Nuisance Bylaw 2013 could be used to prohibit leaving machinery, equipment, containers or things on roads or public places (Topic 17).

An analysis of the effectiveness of alternative regulatory tools is provided in Table 4 below.

See Chapter 10 for a summary of whether a bylaw is still the best way to address the problem for each of the 18 topics and Chapter 11 for a more detailed analysis.

Table 4: Analysis of alternative regulatory tools

Alternative	Description
Land Transport Rule (LTR): Street Layouts 2023	<ul style="list-style-type: none"> ✓ Provides power to test (pilot) street layout changes (for example, the creation of special vehicle lanes or controls in cycle paths, shared paths and shared zones, and repurposing of parking spaces) without the immediate need to pass a resolution or make a bylaw. ✓ Provides power to prohibit vehicles (through traffic controls) at any point on a roadway and install certain objects such as bollards. ✗ A bylaw is still required to make the temporary changes permanent and enforceable. ✗ The Rule may be amended or revoked anytime potentially leaving Auckland Transport and Auckland Council without the ability to enforce the controls. • Applicable to Topic 2, Topic 5 and Topic 9.

Alternative	Description
Land Transport Rule Setting of Speed Limits 2022	<ul style="list-style-type: none"> ✓ Requires new speed limits to be set through speed management plans and provides for the existing speed limits to be recorded in the National Speed Limit Register. Note: The Rule is currently under review. Public consultation on the draft Land Transport Rule: Setting of Speed Limits Rule 2024 will close on 11 July 2024. Auckland Transport and Auckland Council will assess any implications. ✗ AC Traffic Bylaw 2015 would have to be retained until legacy speed limits on AC roads are migrated to the National Speed Limit Register. ● Applicable to Topic 8.
Local Government Act 1974	<ul style="list-style-type: none"> ✓ Provides detailed process of declaring vehicles as abandoned and enforcement powers to remove abandoned vehicles from roads and public places (s 356). ✓ Provides power to prohibit / deal with unauthorised encroachments on roads (s 357). ● Applicable to Topic 13 and Topic 17.
AT Activities in the Road Corridor Bylaw 2022	<ul style="list-style-type: none"> ✓ Regulates activities undertaken on AT roads that do not involve the use or parking of a vehicle (for example, works and events). ✓ Provides for powers to regulate encroachments on roads (including machinery or goods), remove unauthorised encroachments and recover costs of repairing damage caused by unauthorised encroachments (cl 4, 9 and 21). ✗ Does not provide the power to establish and enforce temporary vehicle controls during special events. ● Applicable to Topic 16 and Topic 17.
AC Public Safety and Nuisance Bylaw 2013	<ul style="list-style-type: none"> ✓ Regulates behaviour and activities on AC roads and public places (for example, abandoned vehicles and leaving objects) by enabling AC to address public safety risks, public nuisance and offensive behaviour under the LGA 2002 (s 145). ✓ Provides for powers to seize and impound a vehicle, return the vehicle to the owner (on payment of costs), dispose of the property (after 6 months) and retain proceeds for cost recovery only under the LGA 2002 (s 164, 167 and 168). ✓ Provides for powers to prohibit leaving objects in a public place that are likely to cause a problem in general (including machinery or goods) (cl 6(3) and Schedule 1) (cl 6(3) and Schedule 1(3) and (10)). ● Applicable to Topics 13 and 17.
AC and AT Signs Bylaw 2022	<ul style="list-style-type: none"> ✓ Regulates use of a vehicle for the main purpose of displaying a sign visible from any road, council-controlled public place, motorway or state highway under the LGA 2002 and LTA 1998. Penalties include a maximum court fine of \$20,000 (cl 18, 3, 6). ✗ Does not explicitly refer to a person (other than a vehicle trader) offering a vehicle for sale, and instead refers to the AT Traffic Bylaw 2012 (cl 23). A minor amendment to the AC and AT Signs Bylaw 2022 would be required to address this matter. ● Applicable to Topic 15.
AC Public Trading, Events and Filming Bylaw 2022	<ul style="list-style-type: none"> ✓ Regulates trading, events and filming occurring AC roads and public places. ✗ Does not provide the power to establish and enforce temporary vehicle controls during special events. ● Applicable to Topic 16.

7. Is the Bylaw ‘fit for purpose’ (no change required)?

The use of ‘framework controls’ has worked well:

- stakeholders and technical experts noted as part of the review that the approach to regulating traffic-related matters through ‘framework bylaws’ has worked well.
- the framework approach establishes many of the controls (prohibitions or restrictions) but leaves the detail (for example, location) to subsequent resolutions.²
- this approach is familiar because it builds on the framework used in the legacy bylaws and enables Auckland Transport and Auckland Council to retain flexibility to address urgent problems as they arise without having to amend the Bylaws.

However, changes to the Bylaws are needed:

- overall, having two traffic-related bylaws is confusing. While the Bylaws apply to different parts of Auckland’s road network, the boundaries between the two can be indistinguishable to public, AT and AC administration and enforcement by Police.
- examples of topic-specific improvements, include to:
 - integrate more comprehensive statutory powers under the Land Transport Act 1998 to regulate heavy traffic (Topic 18) and vehicles on beaches (Topic 4)
 - incorporate controls for busway stations (Topic 9) and busways (Topic 2)
 - remove reference to the ‘establishment’ of cycle paths, shared paths and shared zones (Topic 5), parking places and transport stations (Topic 9) and residents’ only parking (Topic 12); separate ‘restricting’ from ‘prohibiting’ controls related to stopping, standing or parking (Topic 9); clarify classes of vehicles allowed to use special vehicle lanes (Topic 2), parking places and transport stations (Topic 9)
 - establish bespoke clause regulating special events (Topic 16)
 - align terminology with the Parking Strategy 2023 (Topic 12), the NZTA Northern Busway Bylaw (Topic 2) and the North Shore City Council Bylaw 2000 (Topic 9).

The review also identified improvements to other related bylaws, including:

- the **AT Activities in the Road Corridor Bylaw 2022** (Part 2: Street Damage) should address road damage from works taking place on private properties
- the **AT and AC Signs Bylaw 2022** (cl 18) should explicitly refer to a person offering a vehicle for sale (other than a vehicle trader) and delete related information note
- the **AC Traffic Bylaw 2015** (cl 13) should only be retained to regulate legacy speed limits on council roads until they are migrated to the National Speed Limit Register
- the **AT Activities in the Road Corridor Bylaw 2022** and **AC Public Safety and Nuisance Bylaw 2013** should provide explicit reference to vehicle repairs and leaving machinery or goods (irrespective of damage caused).

See Chapter 10 for a summary of whether the Bylaws are fit for purpose for each of the 18 topics, Chapter 11 for a more detailed analysis, Chapter 6 for a discussion on alternatives and Chapter 9 for findings about improvements to implementation and enforcement.

² The Land Transport Act 1998, s 22AB(3).

8. Does the Bylaw comply with legislation?

The review assessed the current traffic-related bylaws against relevant legislative criteria either to comply with the requirements of the Land Transport Act 1998 and Local Government Act 2002 or as best practice.

The Bylaws are valid, reasonable and do not contradict other legislation. The Bylaws:

- are authorised under the Land Transport Act 1998 (**LTA**) and the Local Government Act 2002 (**LGA 2002**) (See Table 5):
 - both, AT and AC Traffic Bylaws, are made using powers of the road-controlling authority under the Land Transport Act 1998 (s [22AB](#))
 - the AC Public Safety and Nuisance Bylaw 2013 (for vehicles on beaches only) is made using powers under the Local Government Act 2002 (s [145](#), [146](#), [149](#))
- do not directly or indirectly conflict with any other New Zealand statutes (are not 'repugnant'), are authorised and not inconsistent with the LTA and LGA 2002
- are reasonable (provide public benefits that are proportionate to the interference with a person's public or private rights)
- are not inconsistent with the New Zealand Bill of Rights 1990, for example:
 - traffic-related bylaws potentially give rise to implications on the right of freedom of movement due to restrictions on where a person may use or park a vehicle
 - however, these limitations are a justified, proportionate and reasonable response to the problem, objectives and outcomes (See Chapters 3, 4 and 5)
- however, **could be improved** (See Chapter 9).

Table 5: Legislation authorising traffic-related bylaws

Topic name	Authorising legislation
1. One-way travel directions and turning restrictions	LTA s 22AB(1)(p) and (q)
2. Special vehicle	LTA s 22AB(1)(r)
3. Unformed roads	LTA s 22AB(1)(g) and 22AB(1)(h) and (zk)
4. Vehicles on beaches	LGA s 145, 146, 149 and LTA s 22AB(1)(g)
5. Cycle paths, shared paths and shared zones	LTA s 22AB(1)(h), (m) and (o)
6. Cruising and light-weight vehicle restrictions	LTA s 22AB(1)(a) and (c)
7. Engine braking	LTA s 22AB(1)(e)
8. Speed limits on council-controlled land (for legacy speed limits)	LTA s 22AB(1)(d)
9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use	LTA s 22AB(1)(m) and (o)
10. Parking vehicles off a roadway (for example, berm parking)	LTA s 22AB(1)(zc) and (zk)
11. Mobility parking (parking for disabled persons)	LTA s 22AB(1)(o)(ii)
12. Residents' parking	LTA s 22AB(1)(o)
13. Broken down vehicles on a road or public place	LTA s 22AB(1)(zk)
14. Vehicle repairs on a road	LTA s 22AB(1)(h) and (zk)
15. Parking for display or sale (sole purpose is advertising or sale)	LTA s 22AB(1)(zk)
16. Special events	LTA s 22AB(1)(m) and (o), (2) and (3)
17. Leaving machinery or goods on a road or public place	LTA s 22AB(1)(zk)
18. Unsuitable (including heavy) traffic	LTA s 22AB(1)(i – l), (n) and (o)(iv)

9. Could Bylaw implementation be improved?

Close partnership with the Police is required to better enforce the Bylaws

While Auckland Transport and Auckland Council can make traffic-related bylaws, their enforcement relies on the Police for the following moving vehicle offences:

- one-way travel directions and turning restrictions (Topic 1)
- unformed road restrictions (Topic 3)
- vehicle prohibitions in cycle paths and shared paths (Topic 5)
- engine braking restrictions (Topic 7)
- speed limit restrictions and other moving vehicles offences on beaches (Topic 4).

However, due to the substantial road network in Auckland and other priorities, it is challenging for the Police to proactively enforce traffic-related controls. In addition, in early 2016, the Police found that many councils did not have the appropriate bylaws to authorise one-way travel directions and turning restrictions. As a result, the Police ceased enforcement of those offences nationwide until this issue is resolved. While the appropriate Bylaws (and resolutions) are in place in Auckland, enforcement in the region was also affected.

Short and long-term options could be explored to address this issue, including the following.

- Capture violations related to traffic restrictions and then share the data with the Police to enable the issuing of infringement fines. This option would require further engagement with the Police to rectify current enforcement challenges.
- Advocate for legislative amendments to the Land Transport Act 1998 (including the Rules and Regulations made under the Act) to empower AT's parking wardens to enforce moving vehicle offences. Currently, only special vehicle lane offences are enforced by parking wardens and further opportunities could be explored to expand this to other offences, for example, traffic light violations (not covered by the Bylaws).

AC has delegated some powers to AT, but current delegations have limitations

AC initially intended to delegate to AT the administration and enforcement of its Traffic Bylaw. For example, while the AC Regulatory and Community Safety Committee has delegated authority to make a bylaw resolution, there is no established process to do so.

Subsequently, however, only limited matters were delegated to AT to make resolutions and enforce the Bylaw controls (See Appendix 6 for a copy of the delegations):

- off-street parking facilities (cl 9(1)) owned by Auckland Council, beaches and other public places managed or controlled by the council (GB/2015/63)
- parking of vehicles off a roadway (cl 11(1)) on all roads and parking places under the control of Auckland Council (Chief Executive delegation 2017/336).

The ability for AC to delegate the making of parking resolutions to AT was removed in 2019 with changes to the Local Government Act 2002,³ enforcement has not been affected.

³ Council committee or officer can no longer delegate or to sub-delegate responsibilities, duties, or powers to a 'person.'

Options should be explored to address delegation-related issues in this report, including to:

- establish awareness and guidance to Auckland Council operational teams on when a resolution would be appropriate
- establish in collaboration with Auckland Transport a process to make resolutions and to install any signs and road markings
- clarify if delegations should be extended, for example, to cover parking on council controlled roads not administered by Auckland Transport
- clarify the process of fixing parking charges.

Advocacy to central government is required to amend national legislation

This review identified problems that can only be resolved with changes to legislation. AT and AC could advocate, independently of the Bylaw review, for change to address the following:

- **infringement fines are inadequate**, for example:
 - fines set under the Land Transport (Offences and Penalties) Regulations 1999 (**LTOPR**) are too low to be most effective, especially for stationary vehicle offences (for example, AT can set a parking fee higher than the infringement fees which encourages people to pay the fine rather than the actual parking fee)
 - fines for parking offences are not fit for purpose, for example, unauthorised use of a special vehicle lane is an offence with a \$150 fine, but parking on a special vehicle lane (which arguably causes more problems) is a much lower \$60 offence
 - some common traffic and parking problems have no infringement fines, for example, while a bylaw can prohibit boat parking, there are no associated fines.
- **towage fees don't reflect the actual costs**.⁴ The maximum towage fees set under the Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999 and the Transport (Towage Fees) Notice 2004 are deficient. For example, AT and AC incur extra costs every time an illegally parked vehicle needs to be towed away from a mobility parking space or a special vehicle lane.
- **charges for permits are restricted**. The Land Transport Act 1998 limits fees for permits to administrative costs (for example, cost to grant a permit, collect the fee or reserve a parking place) which precludes the opportunity to charge for example for the exclusive use of a parking space in a residential street.
- **installing signs to enforce 'blanket' Bylaw controls may be unnecessary**. The Land Transport Rule Traffic Control Devices 2004 (s 4.2(2)) requires the installation of regulatory signs if the restriction or prohibition is made in a bylaw (for example, to prohibit vehicle repairs on roads). Some clarity in the Rule is required to provide an exemption for blanket controls from the signage requirements.
- **there are no infringement fines to enforce 'blanket' Bylaw controls**. The LTOPR does not have specific infringements for a breach of bylaw controls under the Land Transport Act 1999 that do not involve the use of a vehicle (s 22AB).
- **previous powers of delegation to a 'person' are required**. The 2019 legislative changes to the Local Government Act 2002 (cl 32(3) of Schedule 7) removed the ability for AC to delegate the making of resolutions to AT which can result in unnecessary administrative duplication and inefficiencies.

⁴ New Zealand Herald, [Auckland ratepayers subsidise towing fees to the tune of \\$15m over five years](#), 10 April 2024.

10. Summary of problems, objectives, Bylaw effectiveness, alternatives and improvements by topic

The findings for each topic in Chapter 11 are summarised in Table 6, specifically about the 2024 problem and objective, whether the Bylaws helped address the problem, challenges to effectiveness of the Bylaws and any reasonably practicable alternatives and suggested improvements.


Table 6: Summary of problems (and their scale), objectives, Bylaws effectiveness (and challenges), alternatives and improvements for each of the 18 topics

Topic	Problems (and their scale)	2024 Topic Objective	Bylaws Helpful	Challenges and Alternatives	Key Bylaw Improvements
1. One-way travel directions and turning restrictions	<ul style="list-style-type: none"> Traffic congestion, travel delays and public safety risks caused by the use of vehicles on roads in Auckland, including potentially on AC roads. 89% of surveyed stakeholders stated vehicles 'often' or 'sometimes' made dangerous turns or U-turns on roads. However, 65% only rarely observed vehicles going the wrong way on one-way roads. 	<ul style="list-style-type: none"> Reduce traffic congestion, travel delays and public safety risks caused by the use of vehicles on roads in Auckland. 	<ul style="list-style-type: none"> ✓Yes. AT Bylaw used and enforced. Adopted approximately 431 resolutions. Annual average of 321 fines issued by Police between 2019 and 2023. 	<ul style="list-style-type: none"> Reliance on the Police to enforce. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw.
2. Special vehicle lanes	<ul style="list-style-type: none"> Travel delays for high-occupancy vehicles (for example, buses), misuse of T2/T3 lanes (driving without enough passengers) or safety risks to cyclists caused by other vehicle use and parking within the available road space in Auckland, including potentially on AC roads. 470 cases per year. 88% of surveyed stakeholders observed special vehicle lanes being used incorrectly (for example, use of T2/T3 lanes without enough passengers), occurred 'often' or 'sometimes'. 	<ul style="list-style-type: none"> Reduce travel delays for high-occupancy vehicles, misuse of T2/T3 lanes or safety risks to cyclists caused by other vehicle use and parking within the available road space in Auckland. 	<ul style="list-style-type: none"> ✓Yes. AT Bylaw used and enforced. Established 57 special vehicle lanes. AT issued 272,826 fines in 2022. Police issued 1,401 infringements annually between 2012 to 2023. 	<ul style="list-style-type: none"> Impact on other vehicles. Maintenance of signs, road markings and CCTV. Limited Police enforcement and insufficient fines (too low). No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw. Clarify process and limitations to define classes of vehicles allowed to use special vehicle lanes. Include specific provision about the use of busways in alignment with NZTA's Northern Busway Bylaw.
3. Unformed roads	<ul style="list-style-type: none"> Safety risks to other users, damage to the environment, roads and adjoining land caused by the use of vehicles on roads in Auckland which have not been constructed to accommodate them, including potentially AC roads. Problems on 2 unformed legal roads. Impacts from use included damage to unformed surfaces and mud trails and debris on adjacent roads. 	<ul style="list-style-type: none"> Reduce safety risks to other users, damage to the environment, roads and adjoining land caused by the use of vehicles on roads in Auckland which have not been constructed to accommodate them. 	<ul style="list-style-type: none"> ✓Yes. AT Bylaw used and enforced. AT adopted 2 restrictions with gates. 	<ul style="list-style-type: none"> For AT, no alternatives to a bylaw. For AC, a bylaw can complement other legislative (such as the Reserves Act 1977) and landowner powers. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw.
4. Vehicles on beaches	<ul style="list-style-type: none"> Dangerous driver behaviour on beaches that causes public safety risks (including deaths), public nuisance, damage to the environment (for example, harm to native flora, fauna and sand dunes) and public property (for example, gates, barriers). 5 driving fatalities since 2015 and 473 recorded incidents since 2016. Wildlife killed (striking birds and their nests, chick starvation). Significant sand dune damage. 	<ul style="list-style-type: none"> Reduce public safety risks, public nuisance, damage to the environment and public property caused by dangerous driver behaviour on beaches. 	<ul style="list-style-type: none"> ✓Yes. PSN Bylaw used and enforced. Enabled 40,854 beach driving permits to be issued (2017 to 2023). Data indicates permit holders less likely to be involved in incidents. 	<ul style="list-style-type: none"> LGA 2002 enforcement powers limited (no infringements). Remote location (offenders leave before enforcement). Alternative is a bylaw made under LTA 1998. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw. Improvements needed to policy intent and the approval system.
5. Cycle paths, shared paths and shared zones	<ul style="list-style-type: none"> Safety risks to pedestrians and cyclists, reduced access and obstructions caused by the use and parking of vehicles on roads in Auckland, including potentially AC roads. 62% of surveyed stakeholders don't cycle as much as they would like to due to safety concerns. 	<ul style="list-style-type: none"> Reduce safety risks to pedestrians and cyclists and address reduced access and obstructions caused by vehicles using and parking on roads in Auckland. 	<ul style="list-style-type: none"> ✓Yes. AT Bylaw used and enforced. Established controls for 91 cycle paths, 260 shared paths and 24 shared zones. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Reliance on the Police to enforce. Damaged signs, faded markings. Insufficient fines (too low) especially for parking offences. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw. Remove bylaw clauses related to the 'establishment' of cycle paths, shared paths and shared zones.
6. Cruising and light-weight vehicle restrictions	<ul style="list-style-type: none"> Safety risks, noise nuisance, and traffic congestion on roads caused by inappropriate use of light-weight vehicles on roads in Auckland, including potentially AC roads (for example, groups gathering to drive recklessly at night or cruising in convoys interfering with traffic flow). 67% of surveyed stakeholders stated that vehicle cruising causing a noise nuisance or interfering with traffic occurred 'often' or 'sometimes'. 	<ul style="list-style-type: none"> Reduce safety risks, noise nuisance and traffic congestion on roads caused by the inappropriate use of light-weight vehicles on roads in Auckland. 	<ul style="list-style-type: none"> ✓Yes. AT Bylaw used and enforced. Established 9 light-weight vehicle restrictions in Auckland and saved 2 legacy Bylaw resolutions. 72 fines issued annually since 2020. 	<ul style="list-style-type: none"> Reliance on the Police to enforce. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider single AT and AC bylaw.

Topic	Problems (and their scale)	2024 Topic Objective	Bylaws Helpful	Challenges and Alternatives	Key Bylaw Improvements
7. Engine braking	<ul style="list-style-type: none"> Disturbance and noise nuisance on roads caused by engine brakes, especially in residential areas in Auckland, including potentially AC roads. 3,000 cases related to the installation or enforcement of engine braking prohibitions on various roads. 	<ul style="list-style-type: none"> Reduce disturbance and noise nuisance caused by engine braking on roads, especially in residential areas. 	<ul style="list-style-type: none"> ✓ Yes. AT Bylaw used and enforced. Enabled the adoption of 2 resolutions for engine braking prohibitions. 	<ul style="list-style-type: none"> Reliance on the Police to enforce. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider application to AC controlled land in a single AT and AC bylaw.
8. Speed limits on council-controlled land	<ul style="list-style-type: none"> Safety risks to public, children and animals, public nuisance (for example, from noise and fumes) and damage to public property and the environment (for example grass). Speeding on Muriwai and Kariotahi Beaches resulted in deaths and damage to the environment (for example, sand dunes and wildlife). 	<ul style="list-style-type: none"> Reduce safety risks to public, children and animals, public nuisance (for example from noise and fumes) and damage to public property and the environment caused by excessive speed limits. 	<ul style="list-style-type: none"> ✓ Yes. AC Bylaw used to retain legacy speed limits on council-controlled roads. 	<ul style="list-style-type: none"> Reliance on the Police to enforce. Since 2022, can no longer use a bylaw to set new speed limits. Alternative is the Land Transport Rule: Setting of Speed Limits 2022. 	<ul style="list-style-type: none"> Need to retain AC Traffic Bylaw 2015 for legacy speed limits on AC roads until they are migrated to the Register.
9. Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use	<ul style="list-style-type: none"> Obstructions and reduced availability to users of parking spaces caused by inconsiderate and prolonged parking of vehicles in AT and AC parking places and transport stations. 83% of surveyed stakeholders 'often' observed parked vehicles blocking or reducing access. 60,000 parking cases per year for all types of parking (including Topics 10-12) 	<ul style="list-style-type: none"> Reduce obstructions and address reduced availability of parking spaces caused by inconsiderate and prolonged parking in AT and AC parking places and transport stations. 	<ul style="list-style-type: none"> ✓ Yes. Bylaws are used and enforced. Passed 6,403 resolutions to prohibit and 361 resolutions to restrict parking. Established 100 zone parking areas. Approximately 350,000 fines issued annually from 2018 to 2022 for all parking offences (including Topics 10-12). 	<ul style="list-style-type: none"> Damaged signs, faded markings. Limits on resources for enforcement, licence plate recognition equipment to deal with vehicles without license plates and produce resolution reports. Insufficient (low) fines. The (larger) size of new vehicles. Low public knowledge of zone parking. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider a single AT and AC bylaw. Clarify the powers and limitations to define classes of vehicles that are allowed to use parking places and transport stations. Remove bylaw clauses related to the "establishment" of places and stations. Include controls for busway stations. Separate clauses for 'restricting' from 'prohibiting' stopping, standing or parking.
10. Parking vehicles off a roadway (for example, berm parking)	<ul style="list-style-type: none"> Obstruction to pedestrians or other vehicles, damage to land (for example, grass berms) and safety risks from poor visibility caused by vehicles parked off a roadway. 76% of surveyed stakeholders 'often' observed vehicles parking off-road causing an obstruction or damage. 	<ul style="list-style-type: none"> Reduce obstructions to pedestrians or other vehicles, damage to land and safety risks from poor visibility caused by vehicles parked off a roadway. 	<ul style="list-style-type: none"> ✗ No. AT Bylaw not used and enforced. 117 berm parking prohibitions established through general parking powers. See Topic 9 for infringements. 	<ul style="list-style-type: none"> Costs and visual amenity issues of regulatory signs. No other alternatives to a bylaw. NOTE: the proposed Accessible Streets Regulatory Package will clarify restrictions that can be set in relation to parking. 	<ul style="list-style-type: none"> Consider a single AT and AC bylaw.
11. Mobility parking (parking for disabled persons)	<ul style="list-style-type: none"> Difficulty of disabled communities accessing business and community facilities due to absence of accessible parking spaces (parking spaces that are scarce, narrow or far away, or being used by other inconsiderate drivers). See Topic 9 for number of parking cases per year. 	<ul style="list-style-type: none"> Reduce the difficulty of disabled communities accessing business and community facilities due to an absence of accessible parking spaces. 	<ul style="list-style-type: none"> ✓ Yes. Bylaws used and enforced. Established approximately 928 mobility parking spaces on-street, 540 off-street, 100 at park-and-ride facilities and 886 in council carparks. See Topic 9 for infringements. 	<ul style="list-style-type: none"> Damaged signs, faded markings. Maximum towage fees too low. Limited enforcement officers. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider a single AT and AC bylaw.
12. Residents' parking	<ul style="list-style-type: none"> Difficulty of residents accessing their homes due to absence of accessible parking (parking spaces near homes are occupied due to proximity to a metropolitan centre), including potentially on AC roads. See Topic 9 for number of parking cases per year. 	<ul style="list-style-type: none"> Reduce the difficulty of residents accessing their homes due to an absence of accessible parking. 	<ul style="list-style-type: none"> ✓ Yes. AT Bylaw used and enforced. Established 43 residents' exempt parking areas and 15 residents' only parking areas. See Topic 9 for infringements. 	<ul style="list-style-type: none"> Insufficient fees for permits Cost of parking permit doesn't reflect the actual price of parking. Damaged signs, faded markings. Resourcing for parking wardens. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Align terminology to Parking Strategy 2023. Remove clauses on residents' only parking. Add controls about areas, fees and processes. Consideration whether a similar control should apply to AC roads.
13. Broken down vehicles on a road or public place	<ul style="list-style-type: none"> Public safety risks, obstructions and nuisance from broken down vehicles being left on roads or public places (for example causing reduced parking accessibility to premises). 2,290 cases of abandoned vehicles. 	<ul style="list-style-type: none"> Reduce public safety risks, obstructions and nuisance from broken down vehicles being left on roads or public places. 	<ul style="list-style-type: none"> ✗ No. Bylaws not used. Alternative powers currently used in relation to abandoned vehicles in LGA 74 and AC Public Safety and Nuisance Bylaw 2013. 	<ul style="list-style-type: none"> No powers of inspection. No infringement fines. Enforcement arguably needs signs. Better alternatives already used. 	<ul style="list-style-type: none"> None.
14. Vehicle repairs on a road	<ul style="list-style-type: none"> Obstructions, disruption to traffic flow and safety risks to road users from vehicle repairs or modifications on roads, including potentially AC roads. 27% of surveyed stakeholders 'sometimes or often' observed vehicles receiving significant repairs on roads and other public places. 	<ul style="list-style-type: none"> Reduce obstructions, disruption to traffic flow and safety risks to road users from vehicle repairs or modifications on roads. 	<ul style="list-style-type: none"> ✗ No. Bylaws not used. Alternative bylaws could be used (for example, to regulate parking, and to restrict activities in the road corridor and public places). 	<ul style="list-style-type: none"> No infringement fines. Enforcement arguably needs signs. Better bylaw alternatives exist. 	<ul style="list-style-type: none"> Consider explicit reference to vehicle repairs in AT Activities in the Road Corridor Bylaw 2022 and AC Public Safety and Nuisance Bylaw 2013.

Topic	Problems (and their scale)	2024 Topic Objective	Bylaws Helpful	Challenges and Alternatives	Key Bylaw Improvements
15. Parking for display or sale (sole purpose is advertising or sale)	<ul style="list-style-type: none"> Public safety risks, obstructions, nuisance, misuse of the Auckland transport system and council-controlled public places from vehicles parked for the purpose of advertising or sale (for example, reducing parking accessibility for personal gain). 44% of surveyed stakeholders observed vehicles parked for the purpose of advertising or sale on roads or other public places 'sometimes.' 	<ul style="list-style-type: none"> Reduce public safety risks, obstructions, nuisance, misuse of the Auckland transport system and council public places from vehicles parked for the purpose of advertising or sale. 	<ul style="list-style-type: none"> No. AT Bylaw not used. Alternative bylaws currently used (for example to regulate parking and the display of signs). 	<ul style="list-style-type: none"> No infringement fines. Enforcement arguably needs signs. Better bylaw alternatives exist. 	<ul style="list-style-type: none"> Consider explicit reference to a person offering a vehicle for sale in AT and AC Signs Bylaw 2022.
16. Special events	<ul style="list-style-type: none"> Public safety risks from increased traffic and pedestrian flow, travel delays and parking nuisance, and reduced access to medical emergency or critical care services (for example, hospitals and fire stations) caused by special events. Temporary parking controls were required for 2,123 special events since 2021. 	<ul style="list-style-type: none"> Reduce public safety risks from increased traffic and pedestrian flow, and maintain access to medical emergency or critical care services, travel delays and parking nuisance caused by special events. 	<ul style="list-style-type: none"> Yes. Bylaws used and enforced. AT established temporary parking controls for 2,123 special events. 	<ul style="list-style-type: none"> Parking restrictions ignored by public, taxis and rideshares. Insufficient fines (too low) to be an effective deterrent. No other alternatives to a bylaw 	<ul style="list-style-type: none"> Consider a single AT and AC bylaw. Add a specific clause to regulate use of vehicles and parking in and around special events.
17. Leaving machinery or goods on a road or public place	<ul style="list-style-type: none"> Obstructions, public safety risks and public nuisance caused by machinery or goods (equipment, materials, containers or things) left on roads or public places. 912 cases of equipment or goods left on roads and public places per year. 	<ul style="list-style-type: none"> Reduce obstructions, public safety risks and public nuisance caused by machinery or goods left on roads or public places. 	<ul style="list-style-type: none"> No. Bylaws not used. Alternative bylaws and legislation could be used (for example, to regulate leaving any machinery or goods on any road or public place without prior approval). 	<ul style="list-style-type: none"> No infringement fines. Effective enforcement arguably requires signage. Better bylaw alternatives exist in LGA 1974 and other bylaws. 	<ul style="list-style-type: none"> Consider explicit reference to machinery or goods irrespective of causing damage in AT Activities in the Road Corridor Bylaw 2022 and AC Public Safety and Nuisance Bylaw 2013.
18. Unsuitable (including heavy) traffic	<ul style="list-style-type: none"> Damage to roads, footpaths and other public places (for example, heavy vehicles accessing development sites) and public safety risks and nuisance (for example, from poor visibility) caused by unsuitable traffic or heavy vehicles parked on roads, including potentially AC roads and public places. 4,842 cases per year (between 2020 and 2023), related to driveway visibility, damage and illegal parking. 	<ul style="list-style-type: none"> Reduce damage to roads, footpaths and other public places and minimise public safety risks and nuisance caused by unsuitable traffic or heavy vehicles parked on roads. 	<ul style="list-style-type: none"> Yes. Bylaws used and enforced. AT established 22 traffic controls related to use of heavy vehicles. 	<ul style="list-style-type: none"> Insufficient Police resource to monitor compliance. No other alternatives to a bylaw. 	<ul style="list-style-type: none"> Consider a single AT and AC bylaw. Add specific parking-related controls for heavy traffic and vehicles under LTA 1998, including for example, the power to require security under LTA 1998.

11. Bylaw review findings by topic

One-way travel directions and turning restrictions [Topic 1]	
Explanation of Topic	
<ul style="list-style-type: none"> This topic refers to the direction vehicles can travel (one direction) and turn (right, left, opposite direction, U-turn). 	
Current Bylaws	
<ul style="list-style-type: none"> The AT and AC Bylaws enable AT and AC by resolution to create one-way roads (AT cl 7, AC cl 7), allow cycles to travel in the opposite direction (AT cl 7), prohibit vehicles from changing direction (AT cl 8, AC cl 8(1)(c)), and prescribe traffic movements that must take place at an intersection, road or cycle path (AT cl 9). Both Bylaws require compliance with the above controls (AT cl 7(2), 8(2) and 9(2), AC cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)). 	
Bylaw Implementation	
<p>How a decision to establish one-way travel directions and turning restrictions is made?</p> <ul style="list-style-type: none"> AT Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions. AT has a rigorous process to produce a resolution report (See Chapter 2). AC has not made any resolutions since its Bylaw was made. There is limited awareness of the AC Bylaw and no internal processes across relevant council teams.⁵ <p>How many resolutions related to one-way travel directions and turning restrictions are there in Auckland?</p> <ul style="list-style-type: none"> To date, AT has made approximately 431 resolutions in Auckland. Note: one resolution may contain more than one restriction or prohibition. <p>How are one-way travel directions and turning restrictions visible ('marked out') to the public?</p> <ul style="list-style-type: none"> The Land Transport Act (LTA) (s22AB(1)(p)) requires the erection of prescribed signs or markings for the Bylaw to be valid. The Land Transport Rule: Traffic Control Devices 2004 (TCD) specifies sign and marking requirements. 	
	
<p>How are one-way travel directions and turning restrictions enforced (what is the approach to compliance)?</p> <ul style="list-style-type: none"> Statutory powers of enforcement and penalties are specified in the LTA, Land Transport (Road User) Rule 2004 and Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2). One-way travel directions and turning restrictions are enforced by the Police (not AT or AC). Proactive enforcement is challenging due to competing priorities and immense road network in Auckland. Police use signs and road markings to enforce the controls and request relevant resolutions if infringement tickets are challenged in court or when responding to accidents to determine who is at fault. Between 2012 to 2015, an annual average of 1,576 infringements related to one-way road and turning restrictions were issued by the Police. This number decreased to an annual average of 321 infringements between 2019 to 	

⁵ Compliance Response and Investigations; Regional Parks; Parks and Community Facilities; Active Communities; Connected Communities; Auckland Botanical Gardens and Cemetery Service teams.

2023. There was minimal enforcement in 2016 and none in 2017 and 2018 due to Police findings that many councils did not have appropriate Bylaws in place. While Auckland had appropriate Bylaws, enforcement was still affected.
Is there still a problem and is the problem the same?
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to traffic congestion, travel delays and public safety risks caused by the use of vehicles on roads in Auckland, including potentially on AC roads. • 89% of stakeholders surveyed in Dec 2023 stated vehicles ‘often’ or ‘sometimes’ made dangerous turns or U-turns on roads. However, 65% only rarely observed vehicles going the wrong way on one-way roads (See Appendix 7).
Are the Bylaw’s desired objectives and outcomes the same?
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce traffic congestion, travel delays and public safety risks caused by the use of vehicles on roads in Auckland. • The outcome aligns with both AT’s and AC’s wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has enabled 431 resolutions about one-way travel directions and turning restrictions in Auckland and enforcement by the Police with an annual average of 321 infringements issued between 2019 and 2023. ✗ However, proactive enforcement by the Police can be challenging due to insufficient resourcing to monitor compliance 24/7 (not every offence can be detected), competing priorities and immense road network in Auckland.
Is a bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to establish / enforce one-way travel directions / turning restrictions.
Is the Bylaw ‘fit for purpose’ (no change required)?
<ul style="list-style-type: none"> ✓ Yes, in general. The Bylaws enable one-way and turning restrictions to be established and enforced. ✗ However, having two Bylaws is confusing. While the Bylaws apply to different parts of Auckland’s road network, the boundaries between the two can be indistinguishable to traffic, the public, AT and AC, and the Police. ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9). ✗ In terms of enforcement, opportunities should be explored to better partner with the Police to enforce controls. For example, whether AT and AC could record violations for the Police to issue infringement fines (See Chapter 9).
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about one-way travel directions and turning restrictions are provided for under sections 22AB(1)(p) and (q) of the LTA, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A bylaw about one-way travel directions and turning restrictions is still the most appropriate way to help reduce traffic congestion, travel delays and public safety risks caused by the use of vehicles on roads in Auckland. ✗ However, the Bylaws could be improved (See ‘Is the Bylaw ‘fit for purpose’”).

Special vehicle lanes [Topic 2]

Explanation of Topic

- This topic refers to parts of a road reserved for specified class or classes of vehicles. Examples of special vehicle lanes include a bus lane, transit (T2/T3) lane, cycle lane or light rail vehicle lane.

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to make special vehicle lanes (for both AT and AC roads) or areas (for AC) that may only be used by specified vehicles (AT cl 10(1), AC cl 8(1)(e)).
- Both Bylaws require compliance with the above resolutions (AT cl 10(2), AC cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to establish a special vehicle lane is made?

- AT Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions.
- AT has a rigorous process to make a resolution report (See Chapter 2).
- AC has not made any resolutions since its Bylaw was made. There is limited awareness of the AC Bylaw and no internal processes across relevant council teams (See Topic 1).

How many special vehicle lanes are there in Auckland?

- As of March 2023, AT has established 57 special vehicle lanes (33 bus lanes, 14 transit lanes, 9 cycle lanes, and the Queen Street essential vehicle area).

How are special vehicle lanes visible ('marked out') to the public?

- The Land Transport Act 1998 (LTA) (s22AB(1)(r)) requires the marking of lanes on the roadway for the Bylaw to be valid. The Land Transport Rule: Traffic Control Devices 2004 (TCD) specifies sign and marking requirements.



How is the use of special vehicle lanes enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the LTA, Land Transport (Road User) Rule 2004 (LTRUR) and Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- Enforcement of special vehicle lane offences can be undertaken by both, Auckland Transport and the Police:
 - **AT's parking wardens can** issue warning notices and infringement fines to the registered owners of unauthorised vehicles. The infringement fee for each special vehicle lane offence is \$150.
 - the number of infringements issued by AT across all special vehicle lanes increased by a factor of thirteen from 20,096 in 2012 to 272,826 in 2022 (See Appendix 8).
 - since 2017, AT has been installing CCTV cameras to monitor compliance with special vehicle lanes. In response to complaints, AT has also been deploying roadside officers to areas where cameras are yet to be installed. This approach has resulted in year-on-year increases in infringements issued (especially for bus lanes), reduction in implementation costs to AT, more efficient use of resource (FTE) and increased monitoring.
 - the Police can also enforce special vehicle lanes, issuing annually an average of 1,401 infringements between 2012 to 2023. It is important to note however, that most of the infringements issued by the Police are for offences on Auckland motorways (about 686 per year) where NZTA is the road controlling authority.

Is there still a problem and is the problem the same?
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to travel delays for high-occupancy vehicles (for example buses), misuse of T2/T3 lanes (driving without enough passengers) or safety risks to cyclists caused by other vehicle use and parking within the available road space in Auckland, including potentially AC roads. • AT deals with about 470 cases every year related to special vehicle lanes. • 88% of stakeholders surveyed in December 2023 observed special vehicle lanes being used incorrectly (for example, use of T2/T3 lanes without enough passengers), occurred 'often' or 'sometimes' (See Appendix 7).
Are the Bylaw's desired objectives and outcomes the same?
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce travel delays for high-occupancy vehicles, misuse of T2/T3 lanes or safety risks to cyclists caused by other vehicle use and parking within the available road space in Auckland. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. AT has established 57 special vehicle lanes in Auckland that are enforced by AT using CCTV cameras (272,826 infringement fines issued in 2022) and the Police (average of 1,401 infringements issued each year from 2012 to 2023). ✗ However, there are challenges to the use and enforcement of the Bylaws, including: <ul style="list-style-type: none"> ○ the impact on other vehicles from reallocating road space to create more special vehicle lanes. ○ enforcement challenges related to damaged signs and faded road markings; resources required to install and monitor CCTV cameras; limited enforcement by officers and insufficient (too low) infringement fines.
Is a Bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to establish and enforce special vehicle lanes. • While the LTA (and associated Rules) require compliance with special vehicle lane restrictions, a bylaw is the only way to establish the restrictions (See Chapter 6 in relation to using the Land Transport Rule: Street Layouts 2023).
Is the Bylaw 'fit for purpose' (no change required)?
<ul style="list-style-type: none"> ✓ Yes, in general. The Bylaws enable special vehicle lanes to be established and enforced. ✗ However, the Bylaws could be improved, for example: <ul style="list-style-type: none"> ○ having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ○ could clarify the process (and limitations) to define the vehicles allowed in special vehicle lanes. For example, being clear that street sweepers and micromobility devices can use cycle lanes. While there are potential enforcement issues for non-standard special vehicle lanes (for example, no prescribed signs or road marking), AT has prior experience with the Queen Street Essential Vehicle Area in resolving such issues. ○ could include specific provisions by resolution about the use of busways (for example, the Eastern Busway) to align with the NZTA's Northern Busway Bylaw. The Bylaw could set the framework for the necessary busway controls and related processes but leave the identification of specific busway locations to resolutions. ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9). ✗ In terms of enforcement, opportunities should be explored for AC to delegate enforcement to AT.
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about special vehicle lanes are provided for in the LTA (s22AB(1)(r)), do not directly or indirectly conflict with any NZ statutes and are not inconsistent with the NZ Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A bylaw about special vehicle lanes is still the most appropriate way to reduce travel delays for high-occupancy vehicles, misuse of T2/T3 lanes, and safety risks to cyclists caused by other vehicle use within the road space. ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

Unformed roads [Topic 3]

Explanation of Topic

- Unformed roads include undeveloped or partly formed legal roads ('paper roads') and any place accessible to the public (for example a park) that is not a formed roadway (See also **Topic 4** 'Vehicles on beaches').

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to restrict the use of vehicles on:
 - unformed legal roads to protect the environment, roads and adjoining land and road user safety (AT cl 17(1))
 - any park, beach, unsealed or unformed road, permanently or temporarily (AC cl 8(2)(a)).
- Both Bylaws require compliance with the above controls (AT cl 17(2), AC cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to restrict the use of vehicles on unformed roads is made?

- AT Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions.
- AT has a rigorous process to produce a resolution report (See Chapter 2).
- AC has not made any resolutions since its Bylaw was made. There is limited awareness of the AC Bylaw and no internal processes across relevant council teams (See Topic 1).

How many unformed road restrictions are there in Auckland?

- As of April 2024, there were two unformed legal road restrictions in Auckland - in Hull Road, Waitoki (in place from 1 June until 31 August) and off the end of Higham Road, South Head (in place at all times).

How are unformed road restrictions visible ('marked out') to the public?

- Unformed legal road restrictions are enforced through the installation of physical gates (See example in photo).

How are vehicle restrictions on unformed roads enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the Land Transport Act (LTA) 1998 and the Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- There are limited enforcement options for unformed roads. Enforcement is limited to the installation of gates to physically prevent or limit access (there is no other enforcement by AT or Police).



Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to safety risks to other users, damage to the environment, roads and adjoining land caused by the use of vehicles on roads in Auckland which have not been constructed to accommodate them, including potentially on AC roads.
- For example, prior to the establishment of restrictions on Hull Road, AT received several complaints about damage to the surface of the road, mud trails and debris being deposited onto Austin Road from vehicles leaving Hull Road.⁶
- 56% of stakeholders surveyed in December **2023** 'rarely' (16% sometimes and 16% often) observed vehicle use on undeveloped roads causing safety risks to other users, damage to roads or nearby land (See Appendix 7).

Are the Bylaw's desired objectives and outcomes the same?

⁶ TCC Resolution 16785, Hull Road, Waitoki Proposed Motor Vehicle Restriction (Winter Road Closure).

<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce safety risks to other users, damage to the environment, roads and adjoining land caused by the use of vehicles on unformed roads which have not been constructed to accommodate them. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has established and enforced (mainly by installing gates) two unformed road restrictions.
<p>Is a bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to regulate and enforce restrictions on unformed legal roads (for example 'paper roads') and can complement other approaches for other unformed roads (for example, an AC park). • For unformed legal roads, while the LTA (and associated Rules) require compliance with unformed legal road restrictions, the only mechanism to establish the restrictions is through a bylaw (See Chapter 6). • For other unformed roads (for example AC parks), alternatives include using legislation relevant to the type of land (for example, the Reserves Act 1977) or simply AC capacity as a landowner. However, a bylaw can complement these powers to control traffic and for example, can support the use of bollards and installation of gates.
<p>Is the Bylaw 'fit for purpose' (no change required)?</p>
<ul style="list-style-type: none"> ✓ Yes, in general. The Bylaws enable restrictions on unformed legal roads to be established and enforced. ✗ However, having two Bylaws is confusing (See Topic 1). ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9).
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about unformed roads are provided for under section 22AB(1)(g) of the Land Transport Act 1998 for unformed legal roads and sections 22AB(1)(h) and (zk) of the Land Transport Act 1998 for any other place accessible to the public, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A Bylaw about unformed roads is still the most appropriate way to help reduce problems associated with safety risks to other users, damage to the environment, roads and adjoining land caused by the use of vehicles on roads in Auckland which have not been constructed to accommodate them. ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose').

Vehicles on beaches [Topic 4]

Explanation of Topic

- Vehicles on beaches are used to launch or retrieve boats, go for recreational drives, travel to fishing spots, park on the beach, access private properties, undertake maintenance work or in emergency situations.

Current Bylaws

- The AT Traffic Bylaw 2012 (made under the LTA 1998) enables AT by resolution to restrict the use of vehicles on unformed legal roads to protect the environment, roads and adjoining land, and the safety of road users (AT cl 17(1)).
- The AC Traffic Bylaw 2015 (made under the LTA 1998) enables AC by resolution to permanently or temporarily prohibit or restrict the use of vehicles (or specified class) from being driven or parked on a beach (AC [cl 8\(1\)\(a\)](#), [\(1\)\(d\)](#), [\(2\)\(a\)](#)).
- The AC Public Safety and Nuisance Bylaw 2013 (made under the LGA 2002) prohibits driving or parking a vehicle on a beach except to launch or retrieve a boat, in emergency situations, or with prior council approval (cl [16](#)).

Bylaw Implementation

How a decision to prohibit or restrict the use of vehicles on beaches or unformed legal roads is made?

- AT Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions under their respective AT and AC Traffic Bylaws:
 - AT has a rigorous process to produce a resolution report under its Traffic Bylaw 2012 (See Chapter 2). However, no resolutions have been made in relation to unformed legal roads on beaches.
 - AC has not made any resolutions since its Traffic Bylaw 2015 was made because the council relies instead on the AC Public Safety and Nuisance Bylaw 2013 (PSN) to regulate vehicles on beaches.

[Three AC teams administer the PSN Bylaw, approval is only granted for Muriwai and Karioitahi beaches](#)

- The exception to drive or park on a beach with prior AC approval under the PSN Bylaw (a beach driving permit) is only granted for Muriwai and Karioitahi beaches in response to historical use of these beaches by recreational vehicles:
 - Regional Parks as part of the managing of Muriwai Regional Park, install signage, use the permit database to **support communication with permit holders, undertake targeted education, recommend improvements to council's** online information, carry out permit checks where possible, and record and report non-compliance. Complementary non-regulatory measures include seasonal beach closures and engagement with the community (Community Steering Group) and stakeholders (Joint Agency Muriwai Management Group).⁷
 - Parks and Community Facilities as part of the management of Karioitahi Reserve, monitor and respond to complaints and liaise with the Police in relation to vehicle use on Karioitahi Beach. Other management measures include signage, targeted education and a no vehicle zone in the area between the flags at Karioitahi Beach.
 - Compliance Response and Investigations manage the beach driving permit system.

[AC provides online information to the public about the use of vehicles on beaches and launching of boats](#)

- For Muriwai and Karioitahi beaches:
 - a beach driving permit can be obtained and renewed [online](#)⁸ free of charge, is valid for one year for one vehicle on one beach⁹ and is subject to road rules and driving guidelines that applicants confirm they have read.
 - permit must be displayed on vehicle or able to be shown by the driver (for example, on a mobile device).
- For launching or retrieving a boat:
 - [advice](#) is provided that there must be an appropriate way for a vehicle to access the beach, such as a boat ramp, that a vehicle must be driven within a 10km/h speed limit using a direct route and must depart immediately.
 - a list of [locations](#) across Auckland with boat ramps including direct links to Google Maps.

⁷ Established in 2008 and includes mana whenua, Hancocks Forestry Management Ltd, Police, NZ Defence Force, Fire and Emergency New Zealand, Department of Conservation and the Muriwai Volunteer Lifeguard Service.

⁸ Those without internet access can obtain a beach driving permit by contacting council directly or visiting a service centre.

⁹ A separate permit is required for each vehicle and each beach.

How are vehicles on beaches enforced?

- Statutory powers of enforcement and penalties are specified in the Local Government Act 2002 (LGA 2002):
 - court injunction (s [162](#)), cost recovery for damage (s [175](#), [176](#)), power to request name and address (s [178](#)).
 - court fine upon conviction not exceeding \$20,000 (s [239](#), [242](#)) (no prosecutions under the Bylaw to date).
- Enforcement of vehicles on beaches can be undertaken by AC (limited to education), the Police and other agencies.

Enforcement by council staff focuses on education

- In practice, at Muriwai Beach, Regional Park rangers patrol the beach regularly and educate those who are non-compliant with the Bylaw where possible (either have no permit or do not comply with it).
- At Karioitahi Beach, Parks and Community Facilities staff rely on signage and council [online information](#). At other beaches and for boat launching or retrieving, compliance staff rely on [online information](#).
- Where driver behaviour does not comply with applicable road controls, enforcement is referred to the Police to address issues under relevant legislation, including other provisions of the Land Transport Act 1998.

Police¹¹ enforce road rules and other agencies protect wildlife

- The Police proactively enforce road rules under the LTA 1998 (See Box) by conducting beach patrols as resource and workload allow (may discuss need for a beach driving permit as a conversation starter but do not enforce the Bylaw):¹²
 - regular patrols and Operation Black Sands in the Muriwai area take place in the peak of the summertime from around Christmas to Waitangi Day. A dedicated staff member is provided for five days per week for up to six weeks with a focus on crime reduction (for example, theft in car parks and coastal communities) as well as behaviour on Muriwai Beach (for example, misuse of vehicles and dangerous driving).
 - patrols, random checks and blitz operations on Karioitahi Beach also take place over the summer with a focus on education, sometimes joined by AT, Fisheries NZ and AC's **compliance team (to address anti-social behaviours)**.
- The Department of Conservation may reactively investigate offences under the Conservation Act 1987 when contacted by Regional Park rangers, for example, if a vehicle runs over a wildlife (such as for example a seal).

Road rules enforced by Police

- moving vehicle offences, including speeding
- reckless or dangerous driving
- driving under the influence

Speed limits on Muriwai Beach

- from Coast Road access to 650m north 30km/h
- from 650m north of Coast Road access to southern extent of Defence Force range 60km/h
- at Rimmer Road / Wilson Road points 30km/h

Speed limits on Karioitahi Beach

- from 1000m north of Karioitahi Road to 1000m south of Karioitahi Road 20km/h
- otherwise, a speed of 60km/h applies¹⁰

Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to public safety risks (including deaths), public nuisance, damage to the environment (for example harm to native flora, fauna and sand dunes) and public property (for example, gates, barriers) caused by dangerous driver behaviour on beaches. Problems are generally low in frequency (except on Muriwai and Karioitahi beaches) and high in impact to public safety and damage to the environment.

In general, the overall numbers of public complaints about vehicles on beaches are low and declining:

- AC has received 205 complaints related to vehicles on beaches since 2016 (0.47% of all reported Bylaw-related complaints (43,700)).¹³ **This equates to 2.6 complaints a month across all of Auckland's vehicle-accessible beaches** which is low in frequency (by comparison, AC received 9,789 (22.4% of total) sign complaints for the same period).
- Most complaints (180) involved cars or other vehicles, 23 motorbikes or quad bikes and two both cars and bikes.

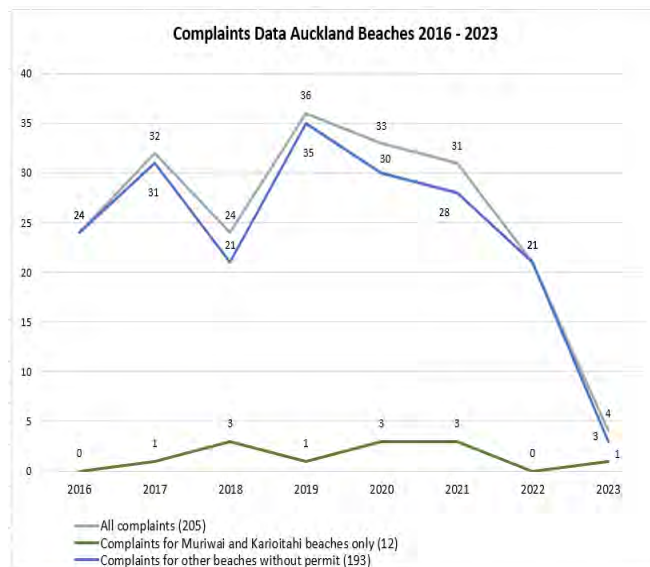
¹⁰ As part of the Katoa, Ka Ora, Auckland Speed Management Plan 2024-2027, 20km/h was recommended to manage the risk of vehicles on Karioitahi Beach. The proposed 20km/h would apply from 100m north from Karioitahi Road entrance to Waikato District Council boarder and is supported by Franklin Local Board. This was noted by the Auckland Council Transport and Infrastructure Committee, 7 December 2023, Item 13, [agenda](#).

¹¹ Muriwai is covered by Waitematā Police District (Rodney Station) and Karioitahi by Counties Manukau (Waiuku Station).

¹² Police have the power (but do not) to prosecute for Bylaw breaches.

¹³ 10 June 2016 - 31 December 2023.

- Only 12 complaints related to Muriwai (five) and Karioitahi beaches (seven) where a permit applies.
- Most complaints (193) related to other beaches with no permit (94.1%) in 55 suburbs, most at Martins Bay (13 or an average of 2 per year); Orewa (12); Browns Bay and Hatfields Beach (11 each); Titirangi (10); Manly, Narrow Neck and Stanmore Bay (7 each), Castor Bay and Matakatia (6 each).
- The nature of reported complaints mainly related to public safety risks from driving on beaches, public nuisance and reduced beach user enjoyment from vehicles causing obstructions and excessive noise.¹⁴ On Muriwai and Karioitahi beaches, a greater proportion of complaints related to speeding and drifting (See Appendix 9).

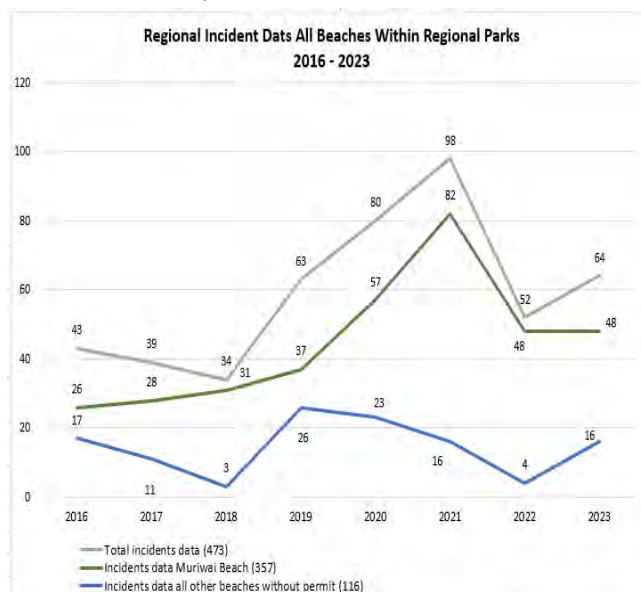


However, public complaints under-report the problem, 71 times on Muriwai Beach:

- Data collected is likely to be significantly smaller than the real number of problems that occur, as not all occurrences are witnessed or reported (or able to be reported as mobile coverage at both Muriwai and Karioitahi beaches can be poor). For example, while there were only five public complaints about vehicles on Muriwai Beach between 2016 and 2023, there were 71.4 times more incidents (357) witnessed or attended to by the Regional Park rangers.

Park ranger records show incidents about vehicles on beaches are low, except for Muriwai Beach:

- Regional Parks Incident Data reported 473 incidents witnessed or attended to by park rangers¹⁵ for vehicles on beaches in all regional parks¹⁶ since 2016 (7.6% of all reported incidents (6,532)).¹⁷
- 357 (65%) of all incidents took place on Muriwai Beach where a permit applies, which is high.
- 116 incidents took place across 50 other beaches located in regional parks including Army Bay (41 or an average of 1 every two months), Te Arai Beach (22), Te Rau Puriri Coast (10), Wenderholm and Long Bay (5 each), Whatipu Beach (4), Karekare, Tunnel Point, Sullivans Bay (3), North Piha, Scandrett, Te Haruhi Bay (2 each).
- 315 (236 on Muriwai) incidents involved cars or unspecified vehicles, 146 (109 on Muriwai) involved motorbikes, 15 (14 on Muriwai) involved both cars and motorbikes.
- Incidents increased marginally between 2016 - 2019, peaking in 2021 (most likely due to the pandemic) and plateaued since 2022. The nature of reported incidents varies with most incidents relating to damage to the environment, public safety risks, and public nuisance and reduced beach user enjoyment (See Appendix 9).



¹⁴ Some complaints refer to multiple forms of driver behaviour and therefore may be counted more than once.

¹⁵ Data only reflects reported incidents; the real number of these occurrences is likely to be significantly higher.

¹⁶ While there are around 27 beaches in regional parks, only about five are readily accessible to vehicles (Army Bay (Shakespear), Pakiri, Te Arai, Muriwai, Te Rau Puriri). Note: Karioitahi Beach is a local (not a regional) park.

¹⁷ Timeframe of reported incidents: 23 January 2016 - 31 December 2023.

Research shows that vehicles on Muriwai Beach continue to cause public safety risks (including deaths), public nuisance (noise, vibrations), damage to the environment (harm to flora and fauna) and public property (gates):

- Publications about public safety, nuisance and reduced beach user enjoyment include:
 - dangerous driving and speeding resulting in deaths with a [quadruple fatality](#) in 2015, a recent [death](#) of a teenager in [2024](#), injuries, [risk](#) to drivers and other beach users.
 - [reckless driving](#) around children and animals (pets) impacting safety and enjoyment.
 - [dangerous parking](#) on roadsides to the beach posing safety risks to drivers and pedestrians (limited room for traffic to pass; moving cars forced to cross centre line).
 - [inconsiderate parking](#) on footpaths causing obstructions.
- Publications about damage to the environment from driving vehicles, noise, vibrations and fires include:
 - [killing wildlife](#), squashing nests and harming the native flora (directly by striking birds or their nests, or indirectly by causing starvation of the chicks).
 - causing [harm to at-risk species including kororā / little blue penguins, fur seals, and the Muriwai gecko](#); nesting of shorebirds like Caspian terns, white-fronted terns, variable oyster catchers.
 - [damaging sand dunes](#) (driving onto dunes, destroying vegetation which causes loose sand to blow inland damaging the landscape (See picture) and its wildlife including toheroa (beach clams), **kororā, pākākā (seals) and gecko**; [driving causing blowouts](#) which kills plants and gecko.
 - [vehicle noise and vibrations](#) scaring birds out of their nests (dotterel).
 - posing fire risk to dunes from [reckless driving and camping](#).
- Publications about damage to public property such as [removal of five two-tonne concrete blocks](#) that provided a temporary barricade to Muriwai Beach to enforce summertime vehicle access restrictions.
- The Auckland Council Regional Parks Management Plan 2022 ([pp 276](#)) confirmed tension between the drivers on Muriwai Beach and other users (unsafe driver behaviour impacts on visitor safety and enjoyment) due to significant increase in vehicle numbers; illegal access of the dune system impacts coastal ecosystems and endangered species; and lighting of fires and fire risk within the 5 Mile Strip and the adjacent forest (flammable vegetation).



Publication research shows that vehicles on Karioitahi Beach continue to cause public safety risks (including blocked emergency access), public nuisance and reduced beach user enjoyment including:

- [dangerous driving](#) compromised the safety and experience of beach users; reduced beach [user enjoyment](#) (two vehicles seized) and [safety](#) in front of the surf club (the safe zone).
- [reckless driver behaviour](#) prevented locals from enjoying the beach.
- [blocked emergency access](#) (lifeguards prevented from getting to the water safely and quickly due to the vehicle use and obstructions in the 'safe zone').

General literature review indicates that vehicles on beaches impact the environment including contributing to:

- the loss of dune vegetation, changes in soil properties, microclimate and [changes in the animal populations](#).
- [major damage](#) to coastal ecosystems and habitats, such as destroying dune systems, flattening and destroying intertidal sea life and damaging shellfish beds, bird nesting and roosting areas, and seagrass, threatening the safety or enjoyment of other users and sites of significance to tangata whenua.

Are the Bylaw's desired objectives and outcomes the same?

- ✓ Yes. The objectives and outcomes remain largely the same since 2013, but could be further clarified:
 - the current objective to ‘ensure **public safety, minimise nuisance and misuse of beaches from vehicles**’ could replace ‘**misuse**’ with ‘**protection** of the environment and public property from damage from vehicles on beaches.’
 - the **current outcome of ‘improved public safety, reduction in nuisance and misuse of beaches’** could be better aligned with the wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).

Has the Bylaw helped achieve its desired objectives and outcomes?

- ✓ Yes. The PSN Bylaw has helped to achieve the desired objectives and outcomes as part of a wider management approach, but its effectiveness to date has been limited. The AT Bylaw has not been used.

The PSN Bylaw for Muriwai and Karioitahi beaches is a low-cost method to educate permit holders

- The beach permit system offers a low compliance cost to applicants (is online and cost free), has minimal administrative costs to the council (permits are auto-generated) and provides the council with insights into driver demand and a means to distribute information and regular updates to permit holders.

Beach driving permits issued ¹⁸	2017	2018	2019	2020	2021	2022	2023	Total
Muriwai Beach	1,203	2,823	2,844	3,128	6,190	4,587	3,625	24,400
Karioitahi Beach	597	1,320	1,131	2,294	3,266	3,678	4,168	16,454
Total number of permits issued	1,800	4,143	3,975	5,422	9,456	8,265	7,793	40,854

Permit system provides insights to management of vehicles on Muriwai and Karioitahi beaches

- Insights into driver demand and reasons for using beaches can inform evaluation and improvements to AC approach to the management of vehicles on Muriwai and Karioitahi beaches. For example:
 - drivers are likely to move between Muriwai and Karioitahi beaches which means the need to focus on the management of vehicle access on Karioitahi Beach will increase:
 - permits for Muriwai Beach doubled those of Karioitahi Beach until 2019.
 - for the first time in 2023, permits for Karioitahi Beach narrowly exceed those for Muriwai Beach. This correlated with a significant decrease in locals and visitors driving on access roads,¹⁹ likely due to the closure of Coast Road from storm damage²⁰ and seasonal vehicle access closure.²¹

Vehicle movement data (2-way) ²²	Coast Road	Rimmer Road	Wilson Road	Total
2020	24,549	6,136	5,342	36,027
2021	91,923	9,396	27,653	128,972
2022	106,497	[access closed]	26,536	133,033
2023	16,124	[access closed]	15,132	31,256
Grand Total	232,066	15,532	71,582	315,500

- knowing reasons for driving on beaches can help AC to target education messages. The main reasons in 2023 to drive on both Muriwai and Karioitahi beaches were sightseeing, fishing or shellfish gathering, and having a picnic.²³ ‘**Other reasons**’ provided by those applying for a beach driving permit identified prohibited activities, including camping, shellfish gathering, riding bike on dunes and riding unregistered bikes.

Permit system, as part of a wider management approach, provides good protection of beach environment

¹⁸ The Regional Parks team were only able to extract data for beach driving permits from 2017.

¹⁹ Coast Road in Muriwai Regional Park, about 2km up the beach; Rimmer Rd via Hancock Forestry and the Department of Conservation easement, about 15km up the beach; Wilson Road managed by Auckland Transport, about 30km up the beach.

²⁰ Coast Road was closed for eight months in 2023.

²¹ Auckland Council Planning, Environment and Parks Committee on 5 October 2023 approved seasonal vehicle restrictions from 29 Dec 2023 - 15 Jan 2024, 31 Dec 2024 - 13 Jan 2025, 31 Dec - 12 Jan 2026 and Guy Fawkes 2023 - 25 ([PEPCC/2023/134](#)).

²² Vehicle movement data collection started in 2020. Data collection for Karioitahi Beach may start in the summer of 2023/24.

²³ Multiple choice reasons pre-set by the council include sightseeing, fishing or shellfish gathering, launching and retrieval of a watercraft, **surfing, picnic or other**. ‘**Other**’ responses can be generally grouped into **leisure activities (for example, dog walking, swimming, horse riding, filming, paragliding)**; **maintenance, training or work-related activities (for example, conservation work, wildlife surveying)**; **driving, riding or parking activities (for example, 4WD driving, adventure riding)**.

- Forest and Bird [assessed coastal protection](#) across 52 councils to learn how many regulated vehicles on beaches, how the rules were funded, enforced and what guidance was provided to the public. AC was rated as having a good protection based on its regulation, committed resources and other non-regulatory measures (seasonal vehicle ban).

NO PROTECTION	LITTLE PROTECTION	SOME PROTECTION	GOOD PROTECTION	PROTECTED
Kaipara Wairoa Gisborne Horowhenua Carterton South Wairarapa Buller Grey Westland Kaikōura Selwyn Waitaki Waimate Southland (includes Rakuira Stewart Island)	Ōtorohanga Waitomo Napier City New Plymouth South Taranaki Whanganui Masterton Ashburton	Far North Whangarei Hauraki Thames-Coromandel Waikato Central Hawke's Bay Hastings Manawatū Rangitikei Taranua Porirua City Tasman Timaru Clutha Chatham Islands Christchurch City	Auckland Ōpōtiki Western Bay of Plenty Whakatāne Tauranga City Hutt City Kāpiti Coast Wellington City Nelson City Marlborough Hurunui Waimakariri Invercargill City	Dunedin City

Drivers with permits cause fewer incidents, but compliance with a requirement to get a permit is less than ideal

- Analysis of 48 incidents between 2018 and 2023 where a vehicle registration was recorded identified that 61% of vehicles did not have a permit at the time of the event.
- The number and increase in permit numbers for Karioitahi (almost seven-fold to 4,168 in 2023) and until 2021 for Muriwai (five-fold to 6,190) beaches indicate improved voluntary compliance through education. However, the level of compliance and available data is too low to demonstrate the effectiveness of the permit system to reduce incidents:
 - a sample reading from a camera system to collect footage of vehicle entry points onto Muriwai Beach for a week in February 2024 showed that out of 37 vehicles for which registration numbers were obtained, only 40% (15) had a current beach driving permit.²⁴ An alternative measure of compliance that compares permit and vehicle numbers on Muriwai Beach indicates an even lower compliance rate of between seven and 23%.
 - complaint and incident data available to the council is likely to be significantly lower than the actual number of incidents on the beaches and therefore is too low for any meaningful analysis.

Muriwai Beach	2020	2021	2022	2023
Total beach driving permits issued	3,128	6,190	4,587	3,625
Total number of public complaints	3	3	0	1
Total Regional Parks Incident Data	57	82	48	48
Total vehicles on Muriwai Beach	18,013	64,486	66,516	15,628
Total permits per total vehicles on Muriwai Beach	17.3%	9.6%	6.9%	23.2%

Enforcement of the Bylaw is difficult

- The Bylaw can be difficult to enforce for several reasons:
 - enforcement powers available to the council are limited under the Local Government Act 2002
 - council staff do not have the power to stop a moving vehicle.
 - **the absence of infringement regulations means no ability to issue 'instant fines'**.
 - penalties are limited to court prosecution; however, no prosecutions have been taken to date due to the high threshold of evidence required to prosecute offenders,²⁵ and the time and expense it takes to prosecute offenders in court relative to the nature of the offence and likely penalty.
 - the length and remoteness of beaches means that the staff cannot always respond to complaints or incidents on time and by the time enforcement arrives, offenders have moved on.
 - current resources do not enable beach driving permits to be verified at entry points.
 - the Regional Park rangers are responsible for only 8km of Muriwai Beach. Rangers are also not trained or warranted to enforce the Bylaw, nor would that help given the above difficulties.

²⁴ The total number of vehicles passing camera was 68 but due to technical issues not all vehicles were captured. The camera at the Wilson Road entry failed to operate and the 4WD entry on Coast Road only captured one day of vehicle movement.

²⁵ Staff have to attend the incident whilst the breach is occurring and obtain for example, photographic evidence.

Separate regulation of those parts of beaches that are unformed legal roads creates confusion

- Separate regulation of beaches that are unformed legal roads **creates confusion (See Is the Bylaw 'fit for purpose')**.

Other methods (in addition to permits) are used to address problems related to vehicles on beaches

- Police enforce road rules under the Land Transport Act 1998 to address certain driver behaviours on all beaches. On **Muriwai Beach, Police's** Operation Black Sands from 27 December 2023 until 31 January 2024:
 - included mobile (90) and foot (32) patrols, traffic stops (86),²⁶ noting forms (9),²⁷ check points (9).
 - resulted in infringement notices (5) for restraints (seatbelts), impairment,²⁸ distractions (phone) and speed; other infringement notices (12) were likely for no current warrant or vehicle registration.
 - included compulsory Breath Screening Tests (975); next stage Breath Screening Tests (26); an evidential Breath Test (1) (reading of 347) and a licence demerit suspension (1).
- Since December 2020, AC has been using non-regulatory seasonal beach closures as a safety and environmental protection measure at Muriwai Beach to mitigate fire risks to the vegetation in the dunes and adjacent pine forest.²⁹ In October 2023, AC approved a three-year seasonal closure of vehicle access to Muriwai Beach over the new year and Guy Fawkes period.³⁰ This includes installation of physical barriers and signage to manage the closures.
- In September 2022, AC approved the installation of a gate and development of a fee-based permit system to provide access for authorised vehicles only and exclude access for non-permitted vehicles to Muriwai Beach via Coast Road. The Committee also recommend that the Finance and Performance Committee approve the implementation of a fee-based permit system for vehicle access to Muriwai Beach.³¹ Both matters are still under consideration.
- In December 2023, AT collaborated with AC to prohibit vehicles³² past the parking area at the end of Motutara Road using the Land Transport Rule: Street Layouts 2023 powers (AT TCC Resolution ID: 18416).
- AC is exploring the installation of monitoring points to check vehicle registration numbers on roads to Muriwai Beach.

Is a Bylaw still the best way to address the problem (no better alternatives)?

- ✓ Yes. A bylaw can be an effective way to regulate vehicles on beaches as part of a wider management approach, however, there are better alternatives to the Bylaw made under the Local Government Act 2002.

Regulating vehicles on beaches under the Land Transport Act 1998 can be more effective

- The Bylaw is made under sections [145](#), [146](#) and [149](#) of the Local Government Act 2002, and provides:
 - a general mandate to address problems about public safety, public nuisance and misuse.
 - no ability to issue infringement fines. The only penalty is to prosecute offenders. Upon conviction, the court may issue a fine of up to \$20,000, however, a less than \$1,000 fine is more likely.
- However, the LTA provides a more explicit mandate to regulate vehicles on beaches in a bylaw and to issue fines:
 - classifies beaches as legal roads (s [2\(1\)](#))³³ to which relevant road rules apply.³⁴
 - can prohibit or restrict vehicles (or any specified class of traffic) on beaches to protect the environment and safety of other users (s [22AB\(1\)\(f\)](#) and [\(1\)\(zk\)](#)) in a bylaw or by resolution (s [22AB\(3\)](#)).
 - can issue a \$750 infringement fine to the registered owner of a vehicle, comparatively, this is a more efficient penalty and deterrent (s [22AB\(1\)\(b\)](#) and [Schedule 1](#)) (See Box).

²⁶ Logging of traffic stops was impacted by lack of reception.

²⁷ A noting form is a documented record of an interaction with someone (may not result in any infringements).

²⁸ \$200 infringement fine for breath-alcohol level of 250 - 400 micrograms or blood-alcohol level of 50 - 80 milligrams.

²⁹ Fire risks are compounded by illegal camping in the back dune and forest margins.

³⁰ Auckland Council Planning, Environment and Parks Committee, resolution [PEPCC/2023/134](#), 5 October 2023.

³¹ Auckland Council Parks, Arts, Community and Events Committee, resolution [PAC/2022/89](#), 22 September 2022.

³² Exception applied to authorised vehicles.

³³ Summary of [what is a road](#) by Waka Kotahi.

³⁴ Land Transport Act 1998 regulates behaviour of drivers and is concerned with health and safety. The Police enforce LTA road rules, including speed limits, licensing of vehicles and drivers, alcohol use, seatbelts, helmets and driving behaviour.

- is used by 10 of 12 councils sampled which make their LTA bylaws under s [22AB\(1\)\(f\)](#),³⁶ including that:
 - nine prohibit vehicles on beaches at all times (case-by-case exceptions by a written approval) and three enable vehicles in specific locations.³⁷
 - all prohibit driving on dunes, two mention indigenous biodiversity or ecologically sensitive areas.³⁸
 - eight regulate driving and parking behaviour in vehicle access areas, four set speed limits.
 - all allow exemptions for authorised vehicles such as emergency or law enforcement.
 - three provide exemptions to vehicles associated with setting up or running an event.
 - two specify that permitted driving must occur below the tide line or the foreshore.
- is recommended by Forest and Bird to protect the environment (wildlife and ecosystems) as part of a wider management approach for more resource into compliance, enforcement and public education.³⁹

Note: Bylaw enforcement under LTA 1998

- An infringement fine can be issued for a moving vehicle offence against the registered owner of a vehicle under the Land Transport Act 1998 (s [133](#)), including based on the registration details detected by approved CCTV surveillance equipment (s [2](#)).³⁵
- Council must install signage about the Bylaw under Traffic Control Devices 2004 (Rule [4.2\(2\)](#) and Rule [4.2\(3\)](#)). This means at any gate, and at the start and end of the beach. Signage is not required at regular intervals between the start and end of the beach.
- Currently, council is not authorised to issue infringements for moving vehicle offences.
- Currently, the requirement for approved CCTV is uncertain.

AC Traffic Bylaw already regulates vehicles on beaches under the Land Transport Act 1998

- AC Traffic Bylaw 2015 provides the ability to regulate vehicles on beaches under the LTA 1998:
 - enables the council by resolution to permanently or temporarily prohibit or restrict the use of vehicles (or specified class of vehicle) from being driven or parked on a beach ([cl 8\(1\)\(a\)](#), [\(1\)\(d\)](#) and [\(2\)\(a\)](#)).
 - prohibits parking or leaving a broken-down vehicle on a beach without approval ([cl 11](#) and [12](#)).
- AC Public Safety and Nuisance Bylaw explicitly provides for a transition of the rules to the AC Traffic Bylaw 2015 if a resolution was adopted under cl 8 ([cl 16\(4\)](#)). However, no resolutions to date have been made. Reasons included the need to investigate whether the Traffic Bylaw would be more effective, for example, in terms of signage requirements and ability to issue infringement fines (addressed in the box above in relation to the enforcement).
- Vehicle on beaches rules in an LTA bylaw are better aligned with AC best practice of making issue-specific bylaws.

Other legislation to regulate vehicles on beaches is less effective than a bylaw (See Box below)

Other legislation manages vehicles on beaches to a limited extent by deferring restrictions to a bylaw

- Statutory policies and local plans that give effect to s [12](#) of the [Resource Management Act 1991](#) to protect the coastal marine area⁴⁰ (including the [NZ Coastal Policy Statement 2010](#) (the Policy 20 Vehicle Access) and [Auckland Unitary Plan \(F9\)](#)) ultimately defer to the council bylaw-making powers:
 - the Vehicle Access Policy directs councils to control vehicles on beaches by requiring identification of areas where, and times when, the use of recreational vehicles may be permitted (recognising that if vehicle use conflicts with any values, their use should be controlled). Provides for vehicle access where appropriate: for emergency vehicles without limitations, for vehicles with a good reason, for example, a boat launching or access to a private property and when a vehicle poses no adverse effects.

³⁵ Approved vehicle surveillance equipment can only be approved by the Minister of Transport or the Minister of Police.

³⁶ Whangarei; Wellington; Far North; Tauranga; Kāpiti Coast; Waikato; Western Bay of Plenty; Dunedin Regional; Whakatāne; Ōpōtiki; Bay of Plenty Regional (uses an environmental plan); and Christchurch (no bylaw or plan).

³⁷ These bylaws provide a schedule with maps of where vehicles are prohibited.

³⁸ Western Bay of Plenty District Council, Dunedin Regional Council.

³⁹ Newsroom, [Black Sand Highway: Conservationists plead councils to tighten up rules](#), 8 January 2024.

⁴⁰ The legislation to repeal the Natural and Built Environment Act and the Spatial Planning Act was passed in parliament in December 2023, reverting in the meantime to the Resource Management Act 1991 (until new legislation is approved).

- the Auckland Unitary Plan (F9) discourages unnecessary vehicle use with exceptions for emergency situations, limits vehicle use to necessary movements where there are no other alternatives, limits and manages areas where recreational vehicles have access to prevent damage and minimises conflicts between vehicle users and other recreational beach users.
- The [Auckland Council Regional Parks Management Plan 2022](#) (pp 276) applies to a part of Muriwai Beach and **refers to the regulation of vehicles on beaches in the Bylaw's** approvals (a beach driving permit), in addition to signage and barriers, education and temporary beach closures.

Other legislation only applies to some beaches or parts of beaches

- The [Conservation Act 1987](#) protects archaeological sites, marine mammals and other wildlife (native birds) on beaches managed by the Department of Conservation. Generally, no vehicles are allowed.⁴¹
- The [Reserves Act 1977](#) provides for the management of land for the benefit and enjoyment of the public, but only applies to reserve land and therefore does not apply to all beaches or all parts of a beach.

Other legislation only addresses some adverse effects of vehicles on beaches

- The [Marine Mammals Protection Act 1978](#) and [Wildlife Act 1953](#) protect marine mammals and wildlife⁴² from harm, including how close recreational vehicles can get to marine mammals (to prevent disturbance or harm).
- The [Marine and Coastal Area \(Takutai Moana\) Act 2011](#) seeks to protect the marine and coastal area (which includes the area below mean high water springs) and enables the Minister of Conservation to make a bylaw ([s 121\(a\)](#)) to regulate vehicles as a last resort ([s 120\(2\)](#)) (if not adequately regulated by coastal plans).
- The [Fisheries Act 1996](#) seeks to ensure fish stocks are managed sustainably and includes law about Quota Management System measures and mitigating adverse effects of fishing on the aquatic environment.
- The [Fisheries \(Amateur Fishing\) Regulations 2013](#) (s 25) prohibits taking, possessing or disturbing toheroa.
- The [Trespass Act 1980](#) provides the council with powers to address trespassers who neglect or refuse to leave council-controlled or managed land after a warning. The Act could be used to address persistent unreasonable behaviour, however, the process to warn and convict under the Trespass Act 1980 is lengthy and has a lower monetary deterrence than a bylaw (maximum court fine of \$1,000). The Act does provide for a maximum of three-months imprisonment (which a bylaw made under the Local Government Act 2002 does not), but this penalty is unlikely to be sought for the nature of offences regulated under the Bylaw.

Is the Bylaw 'fit for purpose' (no change required)?

✘ No. A bylaw to regulate vehicles on beaches would be more effective and efficient if made under the Land Transport Act 1998, benefit from a clearer policy intent and improvements to the approval system.

[Regulating vehicles on beaches under the Land Transport Act 1998 is more effective](#)

- See analysis in previous section under the same heading.

[Staff have identified improvements to clarify policy intent](#)

- The Bylaw has a general prohibition for driving vehicles on beaches with few exceptions, including where AC has given an approval. Permit decisions are made by staff and the practical implementation has been to generally allow vehicles on Muriwai and Karioitahi beaches. This could be perceived as contrary to the policy intent (a general prohibition).
- The current Bylaw could be improved (whether under the LGA or LTA) by clarifying the policy intent, establishing a more explicit framework to categorise in the Bylaw or resolution (for example, beaches that are subject to a general prohibition, beaches like Muriwai and Karioitahi) where vehicles may be allowed subject to meeting conditions of use, and where staff may approve access in exceptional circumstances).

⁴¹ The Department of Conservation, guidance on [four-wheel driving](#) on conservation land.

⁴² Currently under review by [Department of Conservation](#). Public consultation planned by DOC in mid-2024.

Staff have identified improvements to non-regulatory closures and safe zones

- The seasonal closures at Muriwai Beach and safe zones at Kariotahi Beach were made as non-regulatory decisions by AC with enforcement under the Trespass Act. Making these under an LTA bylaw, could improve effectiveness, for example, be included as conditions of a beach driving permit and use infringement fines as a penalty and deterrent.

Staff have identified improvements to the approval (a beach driving permit) system

- The Bylaw could be improved by providing a framework for approvals to improve voluntary compliance, transparency, enforceability (effectiveness) of the current system within a wider management approach, for example:
 - approval conditions **to replace current 'guidelines', remove confusion with road rules, include non-regulatory decisions** (for example, the Karioitahi Beach vehicle-free 'safe zone') **and pay any charges (for example, any future charge to provide gated access and CCTV).**
 - applicants to submit required information and to pay any future processing fees.
 - approvals to be non-transferable, displayed at all times and renewed annually.
 - ability for the council to take action against any person who breaches an approval or its conditions, for example, by issuing a written warning or amending, suspending or cancelling an approval.
- The current approval system is based on how buskers⁴³ used to be regulated and has limited flexibility (currently permits are only declined if a driver does not agree with the rules and guidelines). The system could be improved by:
 - adding targeted reasons for an application that would be auto-declined, for example, if one of the reasons selected is to camp, gather shellfish, ride a bike on dunes or set off fireworks. While a person could re-apply without these selections, the improvement would support education and may improve voluntary compliance.
 - providing for a **'booking system'** to manage the number of vehicles on the beach at any one time. This could be a management option in the future instead of or in addition to seasonal restrictions.
- The current approval system does not provide any guidance on when a permit will be granted or declined in exceptional circumstances. Criteria can improve transparency and administration, for example, by referencing:
 - [Auckland Unitary Plan](#), applications will be declined to access private property unless no practical alternatives exist
 - events and filming activities approved under the AC Public Trading, Events and Filming Bylaw 2022 or the AT Activities in the Road Corridor Bylaw 2022.

The effectiveness of the Bylaw improvements will depend on the ability to enforce the rules

- In the absence of a wider management approach, the effectiveness of the Bylaw improvements will remain educational with driver behaviour being addressed using other legislation (for example, Police to enforce moving vehicle offences).
- However, on Muriwai Beach, the Bylaw improvements in conjunction with gated access, CCTV monitoring and proactive enforcement against civil disobedience (for example, removal of barriers to enforce seasonal restrictions) can be more effective because permits can be used to allow access through gates and CCTV monitoring can be used to issue infringement fines to people accessing the beach without a permit.

Staff have identified some aspects of the current Bylaw to be retained

- The Public Safety and Nuisance Bylaw 2013 (cl [3\(3\)](#)) exempts 'council, emergency services, civil defence personnel, NZ Defence Force personnel or network utility operators exercising their lawful functions, including training' from obtaining an approval. Council is defined as 'or any person delegated or authorised to act on its behalf'. These exemptions align with the [Auckland Unitary Plan \(F9\)](#) and should be retained.

⁴³ Buskers are now regulated under the Public Trading, Events and Filming Bylaw 2022 (cl [6\(1\)\(c\)\(ix\)](#)) to address concerns about obstruction, access to businesses, quality, nuisance (noise) and use of premium areas.

Staff have identified improvements to align the regulation of Karioitahi Beach by three authorities

- Karioitahi Beach is regulated by three authorities, AT north of Karioitahi Road, AC adjacent to Karioitahi Reserve and Waikato District Council to the south.
- The Bylaw could be improved by creating a single AT and AC bylaw with clear delegations (if any) to remove any confusion about the administration of Karioitahi Beach in Auckland.
- Waikato District Council has no specific bylaw provisions to regulate vehicles on its part of the beach, relying only on the road rules under the LTA 1998. AC and AT could seek to collaborate with Waikato Council when it reviews its traffic bylaw in late 2024.
- Collaboration and consistent rules are supported by Forest and Bird to protect the environment.⁴⁴



Does the Bylaw comply with legislation?

- ✓ Yes. The AC PSN Bylaw about vehicles on beaches is provided for under s [145](#), [146](#) and [149](#) of the LGA and the AT Bylaw about unformed legal roads on beaches under section 22AB(1)(g) of the LTA, do not directly or indirectly conflict with the LTA which defines beaches as legal roads (cl [2\(1\)](#)), do not directly or indirectly conflict with any other statutes and are not inconsistent with the NZ Bill of Rights Act 1990 (BORA) (See Chapter 8), for example the Bylaws:
 - potentially give rise to implications on the right of freedom of movement⁴⁵ but these limitations are a justified, proportionate and reasonable response to the problem (public entry to beaches is not prohibited in the PSN Bylaw, but only (in certain cases) access in a vehicle to ensure public safety, minimise nuisance and damage).
 - seek to ensure public safety, minimise public nuisance, and damage to the environment and public property, while providing reasonable vehicle access (in emergencies, to deposit a boat or with a beach driving permit).
- ✓ A bylaw about vehicles on beaches is still the most appropriate way to help address problems associated with public safety, public nuisance, and damage to the environment and public property as part of a wider management approach.
- ✗ However, the AC Bylaw is not the most appropriate form of a bylaw because:
 - the Bylaw duplicates the ability to regulate vehicles on beaches in a Land Transport Act 1998 (LGA) bylaw.
 - a bylaw made under the LTA would be more effective because it provides an explicit and broad mandate to regulate vehicles on beaches and enables the issuing of infringement fines.
 - the council has an existing LTA Traffic Bylaw 2015 within which (if retained) the regulation of vehicles on beaches **is better aligned in accordance with council's current best practice of issue-related bylaws.**
 - improvements should be considered to clarify the policy intent, enhance the approval system, provide for closures and safe zones and align the regulation of Karioitahi Beach by three authorities.

⁴⁴ Newsroom, [Black Sand Highway: Conservationists plead councils to tighten up rules](#), 8 January 2024.

⁴⁵ New Zealand Bill of Rights Act 1990, s [18\(1\)](#).

Cycle paths, shared paths and shared zones [Topic 5]

Explanation of Topic

- Cycle paths refer to paths separated from a roadway, on which people can ride bicycles.
- Shared paths also refer to paths separated from a roadway; however, they may be used at the same time by pedestrians, cyclists, riders of mobility devices and wheeled recreational devices.
- Shared zones refer to roads where pedestrians, cyclists and vehicles share the same space.

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to establish the length, route and location of a cycle path (AT cl 12(1)(a), AC cl 8(1)(e)), determine priority users of a cycle path on a shared path (pedestrians, cyclists, riders of mobility or wheeled devices) (AT cl 12(1)(b)), and specify any road as a shared zone (AT cl 13(1), AC cl 8(2)(e)).
- Both Bylaws require compliance with the above controls (AT cl 12(2), 13(2) and 13(3), AC cl 8(4) and cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to establish and regulate a cycle path, shared path or shared zone is made?

- Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions.
- AT has a rigorous process to make a resolution report (See Chapter 2).
- AC has not made any resolutions since its Bylaw was made. There is limited awareness of the AC Bylaw and no internal processes across relevant council teams (See Topic 1).

How many cycle paths, shared paths or shared zones are there in Auckland?

- As of October 2023, AT has put in place controls for 91 cycle paths, 260 shared paths and 24 shared zones.

How are cycle paths, shared paths or shared zones visible ('marked out') to the public?

- The Land Transport Rule: Traffic Control Devices 2004 requirements include marking of lanes on the roadway or erection of the prescribed signs (See examples).



How is the use of cycle paths, shared paths or shared zones enforced (approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the Land Transport Act (LTA) 1998, the Land Transport (Road User) Rule 2004 (LTRUR) and Land Transport (Offences and Penalties) Regulations 1999.
- AT's enforcement is limited to addressing stationary vehicle offences on cycle paths, shared paths and shared zones. Compliance relies on parking wardens issuing warning notices and infringements to registered owners of illegally parked vehicles. Infringement fees vary from \$40 to \$60 depending on restriction type and location.
- AT and AC rely on the Police to enforce moving vehicle offences. The infringement fee for each moving vehicle offence on cycle paths, shared paths and shared zones is \$150 (for example, failure to give way to a pedestrian). An annual average of 7 infringements was issued by the Police between 2012 and 2023.

Is there still a problem and is the problem the same?
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to safety risks to pedestrians and cyclists, reduced access and obstructions caused by the use and parking of vehicles on roads in Auckland, including potentially on AC roads. • Stakeholders surveyed in December 2023 identified the following (See Appendix 7): <ul style="list-style-type: none"> ○ 62% of respondents don't cycle as much as they would like to due to safety concerns with 47% concerned specifically about mixing with traffic, and 26% claiming there were not enough separated cycleways or separated routes. However, 33% agree that Auckland has a well-connected cycle network. ○ most stakeholders also identified 'safety issues for people walking and cycling'.
Are the Bylaw's desired objectives and outcomes the same?
<ul style="list-style-type: none"> ✓ The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce safety risks to pedestrians and cyclists and address reduced access and obstructions caused by vehicles using and parking on roads in Auckland. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has established controls for 91 cycle paths, 260 shared paths and 24 shared zones in Auckland. ✗ While helpful, there are challenges to the use and enforcement of the Bylaws, including: <ul style="list-style-type: none"> ○ while the LTRUR prohibits driving a vehicle on a footpath, there is no equivalent prohibition on driving on cycle paths and shared paths. When AT writes a resolution for cycle paths and shared paths, a vehicle prohibition is included. However, parking wardens are not empowered to enforce these restrictions (hence enforcement by AT is limited only to parking vehicle offences) and AT has to rely on the Police to enforce moving vehicle offences. ○ enforcement challenges relate to damaged signs and faded road markings. ○ limited enforcement by parking wardens and insufficient fines. ○ 56% of stakeholders noted safety risks from drivers to people walking or cycling in shared paths or cycle paths occurred 'often', and 83% 'often' saw parked vehicles blocking or reducing access (See Appendix 7).
Is a Bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to regulate the use of cycle paths, shared paths and shared zones. • While the LTA (and associated Rules) require compliance with restrictions on cycle paths, shared paths and shared zones, a bylaw is the only mechanism to establish the restrictions (See Chapter 6). For example, while the Land Transport Rule: Street Layouts 2023 provides the power to pilot and enforce street layout changes (which includes controls on cycle paths for example), a bylaw is required to establish the controls beyond the pilot stage.
Is the Bylaw 'fit for purpose' (no change required)?
<ul style="list-style-type: none"> ✓ Yes, in general. The Bylaws enable cycle paths, shared paths and shared zones to be established and enforced. ✗ However, a bylaw is only required to <u>regulate the use</u> of cycle paths, shared paths and shared zones. ✗ Having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9). ✗ In terms of enforcement, opportunities should be explored for AC to delegate enforcement to AT.
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about cycle paths and shared paths are provided for under section 22AB(1)(h) and for shared zones, sections 22AB(1)(m) and (o) of the LTA 1998, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (See Chapter 8). ✓ A bylaw is still the most appropriate way to help address the problem. ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

Cruising and light-weight vehicle restrictions [Topic 6]

Explanation of Topic

- ‘Cruising’ includes repeated driving of a vehicle in the same direction over the same section of the road in a manner that draws attention to the power or sound of the engine or creates a convoy that impedes traffic flow.
- ‘Boy racer’ behaviour ranges from groups of people driving vehicles on the same section of the road to groups gathering on a section of road to drive a vehicle dangerously or recklessly.
- Light motor vehicles (below 3,500kg) are the most common vehicles associated with cruising and boy racing.

Current Bylaws

- AT Bylaw enables AT by resolution to control, restrict or prohibit cruising on any specified section of a road and to prescribe how much time must pass before driving is considered as cruising (cl 14(1)).
- Both AT and AC Bylaws enable AT and AC by resolution to restrict or prohibit the use of light motor vehicles:
 - the AT Bylaw applies to vehicles below 3,500kg being driven on any specified road between 9pm and 4am (cl 15(1)), except when being used to visit a property on the restricted or prohibited road, when being used as a passenger service vehicle (for example a taxi) or with prior approval from AT (cl 15(2)).
 - the AC Bylaw is less specific and can be applied to any specified weight of vehicle (including light motor vehicles) being driven or parked on any specified road, bridge, culvert, beach or other public place (cl 8(1)(d)).
- Both Bylaws require compliance with the above controls (AT cl 14(2) and 15(2), AC cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to control (restrict or prohibit) cruising and light-weight vehicle is made?

- AT Traffic Control Committee (TCC) and AC Regulatory and Community Safety Committee (RCSC) (GB/2022/122) have a delegated authority to make resolutions.
- AT has a rigorous process to produce a resolution report (See Chapter 2).
- A request for controls is usually initiated by the Police and local residents when anti-social behaviour is observed.
- Defining cruising (for example, determining the time that must pass before the driving is regarded as cruising) is difficult, both in setting the controls and enforcement. To resolve this issue, AT and the Police identify areas and roads where the behaviour is observed and prohibit light-weight vehicles (the common vehicles associated with boy racer behaviours) from being driven during certain times of the day.
- AC has not made any resolutions since its Bylaw was made. There is limited awareness of the Bylaw and no internal processes across relevant council teams (See **Topic 1 ‘Bylaw Implementation’**).

How many cruising and light-weight vehicle controls are there in Auckland?

- Currently, AT has eleven light-weight vehicle restrictions in Auckland, two of which are legacy Bylaw resolutions.⁴⁶

How are cruising and light-weight vehicle controls visible **‘marked out’ to the public?**

- The Land Transport Rule: Traffic Control Devices 2004 requires use of prescribed signs (See examples).



⁴⁶ Kerwyn Avenue, East Tamaki; Popes Road, Takapani; Various Roads in Manukau: Clifton Road, Hillsborough; Fisher Crescent, Ponui Place, Rakino Way, Tiri Place, Gabador Place, Paisley Place, Mount Wellington; Bancroft Crescent, Avenger Place, Akatea Road, Culperry Road, Glendale; Jomac Place, Honan Place, Avondale; Lansford Crescent, Barrhead Place, Avondale; Mihini Road, Brick Street, Henderson; The Concourse, Henderson.

<p>How are cruising and light-weight vehicle controls enforced (what is the approach to compliance)?</p> <ul style="list-style-type: none"> • Statutory powers of enforcement and penalties are specified in the Land Transport Act 1998 (LTA) and the Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2). • Cruising and light-weight vehicle controls, restrictions or prohibitions are enforced by the Police (not AT or AC). • Infringement fines issued by the Police in relation to light-weight vehicle restrictions (below 3,500 kg) significantly increased from 2020 (with the exemption of 2021 due to COVID-19). There was an average of 72 infringements issued in 2020, 2022 and 2023 compared to an average of 10 infringements between 2012 to 2019. • Discussions with the Police revealed that cruising is an issue specifically applicable to some areas in Auckland. This suggests that AT needs a closer coordination with the Police to create the necessary Bylaw resolutions to address cruising-related problems and enable better enforcement by the Police.
<p>Is there still a problem and is the problem the same?</p>
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to safety risks, noise nuisance and traffic congestion on roads caused by inappropriate use of light-weight vehicles on roads in Auckland, including potentially AC roads (for example, groups of gathering to drive recklessly at night or cruising in conveyances that interfere with traffic flow). • 67% of stakeholders surveyed in December 2023 stated that vehicle cruising causing a noise nuisance or interfering with traffic flow occurred 'often' or 'sometimes' (See Appendix 7). • Infringements issued by the Police significantly increased from 2020, suggesting that the problems still exist.
<p>Are the Bylaw's desired objectives and outcomes the same?</p>
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce safety risks, noise nuisance and traffic congestion on roads caused by the inappropriate use of light-weight vehicles on roads in Auckland. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has established nine light-weight vehicle restrictions, saved two legacy Bylaw resolutions, and is used by the Police to issue infringement fines with an annual average of 72 infringements issued since 2020.
<p>Is a bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✓ Yes. Although some behaviour associated with cruising is already an offence under the LTA,⁴⁷ a bylaw is the only statutory mechanism to address all problematic behaviours or circumstances connected with cruising.
<p>Is the Bylaw 'fit for purpose' (no change required)?</p>
<ul style="list-style-type: none"> ✓ Yes, in general. The Bylaws enable cruising and light-weight vehicle restrictions to be established and enforced. ✗ However, having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ✗ While helpful, there are challenges related to the implementation of the Bylaws, including: <ul style="list-style-type: none"> ○ AT needs to consider creating relevant bylaw resolutions to support the Police in addressing problem areas. ○ AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9).
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about cruising and light-weight vehicle controls are provided for under section 22AB(1)(a) and (c) of the Land Transport Act 1998, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A bylaw about cruising and light-weight vehicle controls is still the most appropriate way to help address problems related to safety risks, noise nuisance and traffic congestion caused by cruising. ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

⁴⁷ Section 22A(1) to (3) LTA 1998.

Engine braking [Topic 7]

Explanation of Topic

- Engine braking refers to a process of slowing down a vehicle while driving (typically a large truck) by stepping off the accelerator and downshifting gears instead of pressing on the brake pedal. This braking technique makes a very loud noise **often described as a 'machine gun' or 'barking' noise**.

Current Bylaws

- The AT Bylaw enables AT by resolution to prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h (cl 16(1), requires compliance with any resolution (cl 16(2)) and retains any resolutions made under its legacy Bylaws until they are replaced or revoked (cl 32).
- The AC Bylaw does not regulate engine braking.

Bylaw Implementation

How a decision to prohibit or restrict engine braking is made?

- AT Traffic Control Committee (TCC) has a delegated authority to make resolutions.
- AT has a rigorous process to produce a resolution report (See Chapter 2).

How many prohibitions or restrictions related to engine braking are there in Auckland?

- To date, AT has made two prohibitions on Popes Road, Takanini and Quay Street/Tangihua Street, Auckland Central.

How are engine braking prohibitions or restrictions visible (**'marked out'**) to the public?

- The Land Transport Rule: Traffic Control Devices 2004 specifies sign and marking requirements (See examples).



How are engine braking prohibitions or restrictions enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the Land Transport Act (LTA) 1998, the Land Transport (Road User) Rule 2004 and Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- Engine braking is enforced by the Police (not AT). Proactive enforcement is however challenging due to competing priorities and immense road network in Auckland. The Police have issued no infringement fines to date.

Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to disturbance and noise nuisance on roads caused by engine brakes, especially in the residential areas in Auckland, including potentially on AC roads.
- Annually, AT deals with about 3,000 cases related to engine braking prohibitions on various roads.

Are the Bylaw's **desired objectives** and outcomes the same?

- ✓ Yes. The objective and outcomes remain largely the same since the Bylaw was first made.
- The objective is to reduce disturbance and noise nuisance caused by engine braking on roads in residential areas.
- The outcome aligns with **both AT's and AC's wider framework** for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).

Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has established two engine braking prohibitions in Auckland. ✗ However, proactive enforcement by the Police can be challenging due to insufficient resourcing to monitor compliance 24/7 (not every offence can be detected), competing priorities and immense road network in Auckland.
Is a Bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to establish and enforce engine braking controls.
Is the Bylaw 'fit for purpose' (no change required)?
<ul style="list-style-type: none"> ✓ Yes, in general. The AT Bylaw enables engine braking prohibitions to be established and enforced. ✗ However, consideration should be given to whether a similar control should apply to AC roads. ✗ In terms of enforcement, opportunities should be explored to better partner with the Police to enforce the controls. For example, whether AT could record violations for the Police to issue infringement fines (See Chapter 9).
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw about engine braking prohibitions or restrictions is provided for under section 22AB(1)(e) of the LTA, does not directly or indirectly conflict with any other New Zealand statutes and is not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A bylaw about engine braking is still the most appropriate way to help address problems associated with vehicle disturbance and noise nuisance on roads in the residential areas of Auckland. ✗ However, the Bylaw could be improved (See 'Is the Bylaw 'fit for purpose').

Speed limits on council-controlled land [Topic 8]

Explanation of Topic

- Speed limits set the maximum speed at which a vehicle may safely travel on Auckland Council-controlled roads.⁴⁸ This includes beaches,⁴⁹ roads in local parks and reserves, and other public places such as libraries or community centres; sports facilities or recreational centres; botanical gardens and cemeteries.
- Note: This topic only applies to AC roads. The vast majority of roads in Auckland are controlled by Auckland Transport.

Current Bylaws

- AC Traffic Bylaw 2015 enables the council by resolution to set permanent, temporary or variable speed limits on roads under its management or control (cl [13](#)). The AC Bylaw also retains any resolution, approval or other decision made under the legacy AC Bylaws until they are replaced or revoked (cl [17\(2\)](#)).⁵⁰
- Auckland Transport has its own Bylaw to regulate speed limits on the Auckland transport system.⁵¹ The AT Bylaw continues to be in force as an interim measure until the Auckland Speed Management Plan 2024-2027 is approved.

Bylaw Implementation

How a decision to set and review speed limits on council-controlled land is made?

- The Land Transport Rule details procedures for setting and reviewing of speed limits. The Rule is made by the Minister of Transport under the Land Transport Act 1998 (LTA). When the AC Bylaw was first put in place, the Land Transport Rule: Setting of Speed Limits 2003 applied. This rule was replaced by the 2017 Rule and 2022 Rule.⁵²
- Under the 2022 Rule, new speed limits must be set through a speed management plan (SMP) (not a bylaw or resolutions made under a bylaw), subject only to certain specified exceptions (none of which apply to the council).
- There is a good argument that it is no longer possible to effectively set speed limits through a bylaw, even though section 22AB(1)(f) of the Land Transport Act 1998, which authorises such a bylaw, has not been repealed.
- The speed limits in legacy AC Bylaws should be migrated to the National Speed Limit Register, at which point the Register is the legal instrument for the speed limits. Legacy speed limits do not rely on the Bylaw to remain in force.
- The 2022 Rule was amended in 2023 making SMPs discretionary, rather than mandatory, and modifying certain deadlines for submitting draft SMPs for approval (See 'Does the Bylaw comply with legislation').
- The 2022 Rule is under review by the Government and the process to set speed limits is likely to change again.

How many resolutions related to speed limits on council-controlled roads are there in Auckland?

- The AC Bylaw retained legacy speed limits on council-controlled land, but has not been used to set new speed limits, for example, the Regulatory and Community Safety Committee (RCSC) (previously the Regulatory Committee) has made no resolutions related to setting of speed limits under the Bylaw since it was made.⁵³

How are speed limit restrictions visible ('marked out') to the public?

- The Land Transport Act (LTA) (s22AB(1)(p)) requires the erection of prescribed signs or markings for the Bylaw to be valid. The Land Transport Rule: Traffic Control Devices 2004 (TCD) specifies signs and marking requirements.

How are speed limits enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties for speeding, reckless and dangerous driving are specified under the Land Transport Act 1998⁵⁴ and the Land Transport (Offences and Penalties) Regulations 1999⁵⁵ (See Chapter 2).

⁴⁸ Auckland Council is a road controlling authority under the Land Transport Act 1998 and can set speed limits (s [22AB](#)).

⁴⁹ Beaches are legal roads under the Land Transport Act 1998 (s [2.1](#)) to which all road rules apply, including speed limits.

⁵⁰ Auckland City Bylaw 25 Traffic 2006; Franklin District Traffic Control Bylaw 2006 and Speed Limits Bylaw 2005; Manukau City Chapter 13 Parking and Traffic and Chapter 16 Speed Limits 2008; North Shore City Part 9 Traffic Control 2000; Papakura District Parking and Traffic and Speed Limits Bylaw 2009; Rodney District 1998 Bylaw Chapter 25 Parking and Traffic Control and Chapter 18 Road Speed Limits; Waitakere City Use of Roads and Parking Bylaw and Speed Limits Bylaw 2010; Waikato District Speed Limits Bylaw 2005.

⁵¹ Auckland Transport [Speed Limits Bylaw 2022](#) and Auckland Transport [Speed Limits Amendments Bylaw 2022](#).

⁵² The [draft Land Transport Rule: Setting of Speed Limits Rule 2024](#) is currently open for public consultation.

⁵³ No record of resolutions is contained in the AC Bylaw nor identified in a manual search of minutes by Corporate Records.

⁵⁴ Land Transport Act 1998, s[95\(1\)\(c\)](#), [95\(2\)](#), [35\(1\)\(b\)](#), [35\(2\)\(a\)\(b\)](#), [36\(1\)\(b\)](#), [36\(2\)\(a\)\(b\)](#), [36AA\(1\)\(b\)](#) and [36AA\(2\)](#). Also refer Waka Kotahi webpage for driving offences, [speeding](#). Factsheet 55, [Driving offences and penalties](#), March 2023.

⁵⁵ Land Transport (Offences and Penalties) Regulations 1999 Schedule 1B [Part 2 Speeding](#).

- The Police (not the council) are responsible for enforcement of speeding offences. The Police:
 - have powers to issue instant fines, suspend a licence, and prosecute criminal behaviour and Bylaw breaches.
 - use targeted public awareness programmes of illegal behaviour, safety cameras and active enforcement.⁵⁶
 - have limited enforcement data of speed limits on council-controlled land. An exception is Muriwai Beach, where Operation Black Sands showed evidence of speeding (See Topic 4). This is perhaps unsurprising given that enforcement of speed limits takes priority on roads administered by Auckland Transport and Waka Kotahi.
- If the council is contacted with a complaint about speeding on council-controlled roads, the caller is advised to contact the Police on 111 in an emergency or 105 in a non-emergency. AC's [webpage](#) information focuses on proactively reminding Aucklanders that beaches are legal roads to which driving rules apply including speed limits.

Is there still a problem and is the problem the same?

- Yes. Current and future problems relate to safety risks to public, children and animals, public nuisance (for example, from noise and fumes) and damage to public property and the environment (for example, grass).
- AC data shows data shows some evidence of reported problems on council roads (numbers are exceedingly low):⁵⁷
 - since 2016, AC has received 26 formal speeding complaints on council-controlled roads:
 - this amounts to 1.4% of all traffic-related complaints (1,865) filtered by key words.⁵⁸
 - the 26 complaints related to local parks (10), beaches (8), reserves (6) and ways (2).
 - speeding contributed to lack of safety (20) to the public (13), children (4), dogs (3); nuisance from needing to move away, noise and fumes (6) and damage for example to grass (3).
 - most complaints were received in 2019 (8), but have steadily decreased since (no complaints in 2023).
 - since 2016, the Regional Parks Incident Data has confirmed 35 speeding incidents on Muriwai Beach:
 - this amounts to 0.57 per cent of total reported incidents (6,155).
 - the 35 incidents involved a speeding car (19) and a motorbike (15).
 - thirteen of the incidents mentioned vehicles losing traction (drifting) or doing doughnuts / burnouts.
 - between 2016 and 2021, speeding incidents on Muriwai Beach consistently sat at around 6 (except for 3 in 2018) but have sharply decreased since; with no speeding incidents reported in 2023.
- Research points to ongoing speed-related issues on all roads (both AT and AC roads):
 - research has identified that dangerous driving and speeding on Muriwai and Karioitahi beaches has resulted in deaths and damage to the sand dunes and wildlife (See **Topic 4** 'Vehicles on beaches').
 - literature review has confirmed speeding continues to result in death and serious injuries. As a signatory to the Stockholm Declaration 2020 on global road safety, New Zealand has pledged to focus on speed management.⁵⁹ Research shows that speed is the most important factor in whether people survive or are seriously injured.⁶⁰ Speed was involved in more than 70% of crashes causing injury in New Zealand.⁶¹
 - data from the first phase of speed limit changes in Auckland shows 30% reduction in deaths and 20% reduction in serious injuries in the 24 months after the introduction of safe speeds in June 2020; where speed limits were unchanged, road deaths increased by 9%.⁶²
- 67% of stakeholders surveyed in December 2023 observed that speeding vehicles causing safety concerns occurred 'often' or 'sometimes' in council parks, beaches and facilities. The most mentioned issue was 'safety issues and uncertainty for people walking and cycling' (See Appendix 7).

⁵⁶ [Speed management guide: Road to zero edition - appendices](#), page 60.

⁵⁷ There are several data limitations: only includes formal complaints (Requests for Service); excludes complaints by email or informal conversations; complaints recorded under generic topics (not 'speeding') requiring a manual count; complaints likely under-reported due to public contacting AT, New Zealand Police, Fire and Emergency New Zealand, Northern Surf Lifesaving and local iwi.

⁵⁸ Key search words included: speeding, excessive speed, speed limit, speed limits, parks, roads, ways, reserves, Muriwai Beach, Karioitahi Beach, council-controlled land and council land.

⁵⁹ [New Zealand's Input to the UN on Safety](#), 9 June 2021.

⁶⁰ [Vision Zero for Tāmaki Makaurau](#), page 25 - a pedestrian hit by a car at 30km/h has a 10 per cent risk of death, at 50km/h that risk increases to 80 per cent. A driver hit on the side at 50km/h or head-on at 70km/h has a 10 per cent risk of dying.

⁶¹ [Katoa, Ka Ora DRAFT Auckland Speed Management Plan 2024-2027](#), May 2023, page 14.

⁶² [Katoa, Ka Ora DRAFT Auckland Speed Management Plan 2024-2027](#), May 2023, page 16.

Are the Bylaw's desired objectives and outcomes the same?
<ul style="list-style-type: none"> ✓ Yes. The objectives and outcomes remain largely the same since the Bylaw was first made, however, they should also include protection of the public from nuisance and more explicit reference to protection of the environment. • The objectives sought in 2016 were to protect public safety and public property from damage. The outcomes sought were improved public health and a reduction in speeding-related damage to council-controlled land.⁶³ • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient, and protects the environment (See Chapter 2).
Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. The AC Bylaw retained speed limits on council-controlled land set under the legacy AC Bylaws, and enabled these speed limits to be enforced where necessary. ✗ However, under the 2022 Rule these speed limits should be migrated across to the National Speed Limits Register. ✗ The AC Bylaw has not been used to set new speed limits and enforcement appears limited (See Chapter 9).
Is a bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✗ No. The Land Transport Rule: Setting of Speed Limits 2022 sets the regulatory framework for RCAs (AT and AC) to set new speed limits⁶⁴ through speed management plans (SMPs) or, in limited cases, using other mechanisms under the 2022 Rule instead of bylaws, and provides for existing speed limits made by bylaws to be recorded in the National Speed Limit Register. Continuing to regulate speed limits through a bylaw would be inconsistent with this Rule, and a speed limit purported to be set by a bylaw would not be recognised under the Rule as the speed limit for the road. • However, the draft Land Transport Rule: Setting of Speed Limits Rule 2024 is now open for public consultation.
Is the Bylaw 'fit for purpose' (no change required)?
<ul style="list-style-type: none"> ✗ No. Continuing to regulate speed limits through bylaws, rather than a speed management plan, would be inconsistent with the Land Transport Rule: Setting of Speed Limits 2022. Further, the expectation from Waka Kotahi, in line with the legislative framework, is that RCAs (AT and AC) will revoke the parts of their Bylaws that set existing speed limits, as soon as practicable after transferring that existing speed limit data into the National Speed Limit Register.⁶⁵ • However, the legacy speed limits in the AC Bylaw should be retained until they are migrated to the National Register. • For new speed limits AT and AC have developed a draft joint Speed Management Plan under the 2022 Rule (Katoa, Ka Ora: Auckland Speed Management Plan 2024-2027).⁶⁶ Once adopted, the Plan will apply to roads controlled by AT and AC.⁶⁷ Public consultation on the Plan has been completed: <ul style="list-style-type: none"> ○ in April 2023 AC Transport and Infrastructure Committee provided verbal feedback on the draft Plan which was submitted to the Regional Transport Committee.⁶⁸ the draft Plan proposes a speed limit of 20km/h on a council-controlled Karioitahi Beach from 100m North from Karioitahi Road entrance to Waikato District Council border (roughly 1.2km South from Karioitahi Road entrance). ○ on 30 May 2023, the Auckland Regional Transport Committee adopted the draft Plan for public consultation. ○ consultation on the draft Plan was open from 2 July to 28 August 2023, with 7,800 public responses received,⁶⁹ further decisions on the Speed Management Plan by AT and AC are pending the government's next step.
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✗ No. A bylaw is no longer the most appropriate way to set new speed limits. Doing so would be inconsistent with the Land Transport Rule: Setting of Speed Limits 2022 (the 2022 Rule). • The legacy speed limits were validly made under section 22AB(1)(d) of the Land Transport Act 1998.

⁶³ Statement of Proposal – Traffic Bylaw 2014. The Regulatory and Bylaws Committee ([resolution number RBC/2014/41](#) dated 16 September 2014) and the Governing Body ([resolution number GB/2014/111](#) dated 25 September 2014).

⁶⁴ The Rule came into force on 19 May 2022 and also amended the Land Transport Rule: Traffic Control Devices 2004.

⁶⁵ Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022, reg 13.

⁶⁶ [Katoa, Ka Ora DRAFT Auckland Speed Management Plan 2024-2027](#), May 2023.

⁶⁷ In Auckland, Auckland Transport can perform the roles of both the regional council and a territorial authority (s [3.4\(1\)\(b\)](#)).

⁶⁸ Auckland Council Transport and Infrastructure Committee ([resolution number TICCC/2023/44](#) dated 20 April 2023).

⁶⁹ Draft Katoa, Ka Ora: Auckland speed management plan 2024-2027, [public consultation update](#).

Parking (including zone parking), designating parking place or transport station, or prescribing conditions of use [Topic 9]

Explanation of Topic

- Parking refers to stopping or standing of a vehicle on the road.
- Zone parking refers to parking controls which apply within a certain area or zone. The main advantage of a zone parking approach is to reduce the need for parking signs indicating the same control throughout the zone.
- Parking place means a place (including a building) where a vehicle may wait.
- Transport station means a place where transport-service vehicles (for example buses) may wait between trips.

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to:
 - prohibit or restrict parking of any vehicles (AT cl 18(1), AC cl 9(1)(a)).
 - reserve any AT area or zone, road or building owned to be a parking place or a transport station (AT cl 19(1)(a)).
 - specify what vehicles may or must not use a parking place or transport station (AT cl 19(1)(b)).
 - specify efficient management and control a parking place or transport station (AT cl 19(1)(e)).
 - prescribe conditions to use a parking place (AT cl 19(1)(c), AC cl 9(1)(b)-(c) or transport station (AT cl 19(1)(c)).
 - any payable charges for the use of parking places (AC cl 9(1)(d)-(f)) or transport station (AT cl 19(1)(d)), including for example, the manner of payment, times and proof of payment.
 - provide that any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply (cl 19(2)).
- Both Bylaws require compliance with the above controls (AT cl 18(2) and 19(3) and AC cl 9(2)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to establish parking controls, designate and regulate parking places and transport stations by resolution is made?

- AT's Traffic Control Committee (TCC) and AC's Regulatory and Community Safety Committee (RCSC) (GB/2022/112) have a delegated authority to make resolutions.
- AC delegated authority to AT to regulate, manage and control council off-street parking facilities, including beaches, parks, libraries and community facilities in June 2015 (GB/2015/63). However, changes to the LGA 2002 in 2019 mean the delegation can only apply to the management of facilities and enforcement of parking controls (See Chapter 9).
- AT has a rigorous process to make a resolution report (See Chapter 2).
- The Land Transport Rule: Traffic Control Devices 2004 (TCD) requires consideration of the following matters prior to the establishment of a zone parking area: the nature of the area and parking zone controls, the number of entry points, traffic patterns into and within the area and any other factors.

How many parking spaces are there in Auckland?

- There are approximately 600,000 to 700,000 on-street parking spaces, 6,000 spaces at park-and-ride facilities, 6,000 spaces in off-street carpark buildings and 15,975 off-street parking spaces. According to the current estimated data, around 2% of general vehicle parking is paid, around 6% is time-restricted and the remaining 92% is unregulated.
- 6,403 resolutions prohibit stopping at all times (broken yellow lines) and 361 resolutions restrict or limit parking.
- As of October 2023, 100 zone parking areas have been established in Auckland, with 74 (61%) in Central Auckland.

How are parking, stopping and standing controls visible ('marked out') to the public?

- Land Transport Act 1998 (LTA) (s22AB91)(p)) requires the erection of prescribed signs or markings for the Bylaw to be valid. The Land Transport Rule: Traffic Control Devices 2004 (TCD) specifies sign and marking requirements.



How are parking controls enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the LTA, the Land Transport (Road User) Rule 2004 (LTRUR) and Land Transport (Offences and Penalties) Regulations 1999 (LTOPR) (See Chapter 2).
- **AT's** parking wardens can enforce stationary vehicle offences including breach of parking, stopping and standing controls by issuing warning notices and infringement fines to the registered owner of the vehicle.
- Contrary to a properly signed restriction or prohibition, stopping, standing or parking is a breach of the LTRUR (an infringement offence under LTOPR). The infringement fee for each offence is \$12 – \$60 depending on the parking restriction in place, except for a mobility parking offence, which is set at \$150.
- **AT's enforcement** relies on parking wardens patrolling their respective areas and the use of licence plate recognition (LPR) which reduces AT operational costs, addresses resource limitations (FTE) and increases monitoring capacity.
- The number of parking infringement fines issued across Auckland averages to around 350,000 per year from 2018 to 2022 (See Appendix 8). This trend declined during the pandemic when AT did not enforce parking violations.

Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to obstructions and reduced availability to users of parking spaces caused by inconsiderate and prolonged parking of vehicles in AT and AC parking places and transport stations.
- 83% of stakeholders surveyed in Dec2023 'often' observed parked vehicles blocking or reducing access (Appendix 7).
- Annually, AT deals with an average of 60,000 parking-related cases.

Are the Bylaw's desired objectives and outcomes the same?

- ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made.
- The objective is to reduce obstructions and address reduced availability of parking spaces caused by inconsiderate and prolonged parking in AT and AC parking spaces and transport spaces.
- **The outcome aligns with both AT's and AC's** wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).

Has the Bylaw helped achieve its desired objectives and outcomes?

- ✓ Yes. The Bylaws have regulated approximately 600,000 to 700,000 on-street parking spaces, 6,000 spaces at park-and-ride facilities, 6,000 spaces in off-street carpark buildings and 15,975 off-street parking spaces across Auckland. There is a total of 22,531 paid parking spaces and 37,287 time-restricted parking spaces.
- ✓ The Bylaws have also been used to:
 - pass 6,403 resolutions to prohibit stopping at all times (broken yellow lines) and 361 to restrict or limit parking.

- establish 100 zone parking areas which resulted in significant cost savings for AT. Zone parking areas on average require 70% fewer road signs and could result in around 73.6% cost savings.
- enforce the parking controls (on average around 350,000 infringement fines issued per year from 2018 to 2022).
- ✘ While helpful, there are challenges to the use and enforcement of the Bylaws, including:
 - damaged signs and faded road markings and the use of homemade signs.
 - limited enforcement by parking wardens, insufficient fines and the resources required to acquire LPR vehicles.
 - the intensive technical and financial resources required to produce a resolution report for parking-related controls.
 - boats parking on the road, considering that there is no associated infringement offence for this problem.
 - the amount of effort required to deal with parking infringements of vehicles without number plates.
 - parking issues in construction sites includes the restoration of signs and markings after road / construction works.
 - the size of new vehicles (particularly SUVs) requires a rethinking of the dimensions of standard carpark spaces.
 - the lack of understanding by Aucklanders of what zone parking areas are and how they are regulated.

Is a Bylaw still the best way to address the problem (no better alternatives)?

- ✓ Yes. A bylaw is the only statutory mechanism to regulate the use of carparks (including zone parking areas), parking places and transport stations.
- While LTA (and associated Rules) require compliance with restrictions on carparks (including zone parking areas), parking spaces and transport stations, the only mechanism to establish the restrictions is through a bylaw (See Chapter 6). For example, while the Land Transport Rule: Streets Layout 2023 provides the power to pilot and enforce street layout changes (includes changing the intended use of carparks), the regulatory controls beyond the pilot stage are established through a bylaw.

Is the Bylaw 'fit for purpose' (no change required)?

- ✓ Yes, in general. The Bylaws enable carparks (including zone parking areas), parking places and transport stations to be established and enforced.
- ✘ However, the Bylaws could be improved, for example:
 - designating land as a parking place and transport station and establishing zone parking areas are unnecessary in a bylaw (only to regulate their use).
 - having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1 'Is the Bylaw 'fit for purpose'').
 - clarifying the process (and limitations) to define the class or classes of vehicles allowed in parking places and transport stations. For example, consideration should be given to include a clause about specific controls for busway stations similar to cl 6.5 of the North Shore City Council (NSCC) Bylaw 2000 (could set the framework for the busway station controls and processes but leave to resolutions setting of specific location of busway stations).
 - separating the clause to restrict stopping, standing or parking from the clause to prohibit stopping, standing or parking to provide clarity on which powers are used when creating location-specific controls through resolutions.
- ✘ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed, which could include clarification about on-street parking on council roads (See Chapter 9).
- ✘ In terms of enforcement, opportunities should be explored for AC to delegate enforcement to AT (See Chapter 9).

Does the Bylaw comply with legislation?

- ✓ Yes. Both Bylaws about parking (including zone parking), stopping and standing are provided for under section 22AB(1)(m) and (o) of the LTA, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA).
- ✓ A Bylaw about parking controls is still the most appropriate way to help address problems associated with obstructions and reduced availability to users of parking spaces on both AT and AC parking places and transport stations.
- ✘ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

Parking vehicles off a roadway (for example, berm parking) [Topic 10]

Explanation of Topic

- This topic relates to the parking of vehicles on parts of the road or public place (off a roadway) not intended as a parking space (for example, a grass berm in a residential area).

Current Bylaws

- Both AT and AC Bylaws prohibit a person from stopping, standing or parking a vehicle off a roadway:
 - the AT Bylaw applies to urban traffic areas on parts of the road that are cultivated (for example, a grass plot, a flower bed or shrubbery) (cl 22(1)) unless that part of the road is designed and constructed to accommodate a parked vehicle or with prior approval from AT (cl 22(2)).
 - the AC Bylaw applies to any footpath, grass verge, park, garden, beach or in any area that is not designed and constructed to accommodate a parked vehicle, unless with prior approval from AC (cl 11(1)).

Bylaw Implementation

How a decision to establish parking vehicles off a roadway control is made?

- The Bylaws are not used to address problems with vehicles parking off a roadway (See 'Has the Bylaw helped ...'):
 - AC uses the AC Public Safety and Nuisance Bylaw 2013 (PSN) or the AC Freedom Camping in Vehicles Bylaw 2022 (FCV) to deal with vehicles parked in an area not set aside for parking.
 - AT uses its general powers to regulate parking to address areas where this is a significant problem using its Traffic Control Committee (TCC) resolution process (See Topic 9).

How many resolutions related to parking vehicles off a roadway are there in Auckland?

- As of October 2023, the TCC has resolved 117 berm parking prohibitions throughout Auckland (set under parking in Topic 9). However, AT still has a priority list of 230 sites (previous list reached over 2500 requests) where parking off the roadway would be prohibited. There are only resources to resolve approximately 10 locations each year.

How are parking vehicles off a roadway prohibitions visible ('marked out') to the public?

- The Land Transport Rule: Traffic Control Devices 2004 (TCD) requirements include erection of the prescribed signs (to enforce Topic 9 resolutions).

How is the prohibition for parking vehicles off a roadway enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the Land Transport Act 1998 (LTA), Land Transport (Road User) Rule 2004 and Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- **AT's parking wardens can enforce parking off a roadway** offences by issuing warning notices and infringements to the registered owners of illegally parked vehicles. The infringement fee for 'no parking off a roadway' offence is \$40.
- AC Compliance Response and Investigations team conducts site visits and issue written or verbal warnings to the registered owners of illegally parked vehicles.



Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to obstructions to pedestrians or other vehicles, damage to land (for example, a grass berm) and safety risks from poor visibility caused by vehicles parked off a roadway.
- 76% of stakeholders surveyed in December 2023 'often' observed vehicles parking off-road (for example, a grass berm) causing an obstruction or damage (See Appendix 7).
- AT deals with 149 cases related to berm parking per year.

Are the Bylaw's desired objectives and outcomes the same?

- ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made.

<ul style="list-style-type: none"> • The objectives are to reduce obstructions to pedestrians or other vehicles, damage to land and safety risks from poor visibility caused by vehicles parked off a roadway. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✘ No. The Bylaws have not been used to prohibit parking vehicles off a roadway, but with improvements, could be helpful (See 'Is the Bylaw fit for purpose ...'). • The Bylaws are difficult to implement and enforce given their wording. For example, it may be difficult for a driver to determine where berm parking is prohibited by solely referring to 'urban traffic areas' and an 'area that is not designed and constructed to accommodate a parked vehicle.' • Instead, AT uses its general parking powers and AC uses its PSN and FCV Bylaws (See 'Bylaw Implementation').
<p>Is a Bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✓ Yes, in general. A bylaw is still necessary to establish prohibitions and ensure that they are enforceable. However, the current Bylaws require improvements to be helpful (See 'Is the Bylaw fit for purpose ...' for improvements). • A possible future alternative is a central government proposed Accessible Streets Regulatory Package to remove signage requirements, restrict berm parking through a resolution and register the restriction with NZTA. However, the proposal has been pending since 2020.
<p>Is the Bylaw 'fit for purpose' (no change required)?</p>
<ul style="list-style-type: none"> ✘ No. The Bylaws are not used (See 'Bylaw Implementation'). Improvements to make the Bylaws helpful include: <ul style="list-style-type: none"> ○ clarifying where berm parking is prohibited, for example, by referring to areas where there is a formed kerb and channel, areas deliberately planted with grass, plants or any vegetation or where physical access is restricted. ○ having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ✘ In terms of implementation, improvements to the efficiency of the current AT process could be considered. The TCC resolution process to make a prohibition in one area only is very costly (around \$2,000). ✘ In terms of enforcement, AC could clarify its current delegations to AT (See Chapter 9).
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about parking vehicles off a roadway are provided for under section 22AB(1)(zc) and (zk) of the Land Transport Act 1998, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). • A bylaw about parking vehicles off a roadway is still the most appropriate way to reduce obstructions to pedestrians or other vehicles, damage to land (grass berms) and safety risks from poor visibility caused by parked vehicles. ✘ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

Mobility parking (parking for disabled persons) [Topic 11]

Explanation of Topic

- Mobility parking refers to reserved parking for the exclusive use of a disabled person.

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to reserve any parking place for the exclusive use of a disabled person who must clearly display in the vehicle a current parking permit (AT cl 20(1)-(2), AC cl 10(1)).
- Both Bylaws require compliance with the above controls (AT cl 20(3)-(4) and AC cl 10(2)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How are mobility parking spaces provided for?

- [Room to Move: Tāmaki Makaurau Auckland's Parking Strategy 2023](#) seeks to ensure accessibility and mobility parking are provided to support access for mobility card holders (See Box below).
- AT provides mobility parking in on-street parking places, at Park and Ride facilities and in AT and AC off-street parking places managed by AT.

AT's mobility parking approach is outlined in [Room to Move: Tāmaki Makaurau Auckland's Parking Strategy 2023](#):

- provide off-street accessibility / mobility parking at all AT-managed off-street parking facilities based on the ratios in the New Zealand Standard: Design for Access and Mobility Buildings and Associated Facilities.
- for on-street parking, AT will provide parking for accessibility / mobility card holders in-line with demand and in accordance with the Parking Diversity Policy.
- consider surrounding environment to ensure accessible and safe journeys to nearby destinations.
- time restrictions will be applied to mobility parking spaces where surrounding parking is regulated.
- vehicles displaying a mobility parking permit but parking in a general parking space can remain in time-restricted on-street parking spaces for double the posted time.
- in all on-street paid parking areas, vehicles displaying a mobility parking permit but parking in a general parking space are given one-hour free parking over and above any period paid for.
- mobility parking in AT off-street parking facilities free for first two hours, after 6pm weekdays and all weekend.
- in general, mobility parking will not be provided if there are existing and generally available public mobility parking spaces within 200 metres of an accessible route to the destination.
- mobility parking spaces will not typically be implemented in residential areas and streets.
- use of mobility spaces without a properly displayed card is prohibited. Vehicles will be ticketed and / or towed.

How a decision to establish a mobility parking space is made?

- AT Traffic Control Committee (TCC) has the delegated authority to make relevant resolutions.
- AT has a rigorous process to produce a resolution report (See Chapter 2).
- AC delegated authority to AT to regulate, manage and control council off-street parking facilities, including beaches, parks, libraries and community facilities in June 2015 (GB/2015/63). However, changes to the LGA 2002 in March 2019 mean the delegation only applies to management of facilities and enforcement (See Chapter 9).

How many mobility parking spaces are there in Auckland?

- As of October 2023, there are approximately 928 dedicated mobility parking in on-street parking spaces, 540 in off-street car parks, 100 at Park and Ride facilities and 886 in council car parks.

How can a person apply for a disabled person's parking permit?

- The mobility parking permit scheme is managed by CCS Disability Action. It is a concession parking scheme owned and administered by CCS Disability Action with the cooperation of local GPs and city and district councils.
- Applications can be completed online through: <https://www.ccsdisabilityaction.org.nz/mobility-parking>.

How are mobility parking spaces visible ('marked out') to the public?

- The Land Transport Rule: Traffic Control Devices 2004 specifies sign and marking requirements (See examples).

<p>How is the use of mobility parking enforced?</p> <ul style="list-style-type: none"> • AT's approach to compliance relies on issuing of warning notices and infringements to encourage compliance. • Infringements are provided for under Land Transport (Offences and Penalties) Regulations 1999 (\$150). Infringements are issued by parking wardens to registered owners of vehicles parked in mobility parking spaces without the necessary permits. • The number of infringements issued for unauthorised use of mobility parking has marginally fluctuated between 2020-2022 and included 2,470 infringement fines in 2020; 1,748 in 2021 and 2,033 in 2022. 	
<p>Is there still a problem and is the problem the same?</p>	
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to the difficulty of disabled communities accessing business and community facilities due to an absence of accessible parking spaces (parking spaces that are scarce, narrow or far away, or being used by other inconsiderate drivers). • 88% of surveyed stakeholders observed designated mobility parking being used by people without mobility permits. 	
<p>Are the Bylaw's desired objectives and outcomes the same?</p>	
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce the difficulty of disabled communities accessing business and community facilities due to an absence of accessible parking spaces. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4). 	
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>	
<ul style="list-style-type: none"> ✓ Yes. The Bylaws have established approximately 928 dedicated mobility parking in on-street public parking spaces, 540 in off-street carparks, 100 at park-and-ride facilities and 886 in council carparks across Auckland. ✗ While helpful, there are challenges to the use and enforcement of the Bylaws, including: <ul style="list-style-type: none"> ○ damage to signs and limited number of enforcement officers. ○ the maximum towage fees set under the Regulations are too low and are not reflective of the actual fees. This results in incurred additional costs for AT and AC when an illegally parked vehicle requires towing. 	
<p>Is a bylaw still the best way to address the problem (no better alternatives)?</p>	
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to provide parking spaces for the exclusive use of a disabled person. • While the Land Transport Act (LTA) 1998 (and associated Rules) require compliance with mobility parking controls, the only mechanism to establish these restrictions is through a bylaw (See Chapter 6). 	
<p>Is the Bylaw 'fit for purpose' (no change required)?</p>	
<ul style="list-style-type: none"> ✓ Yes. The Bylaws enable mobility parking for the exclusive use of disabled persons to be established and enforced. ✗ However, having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9). ✗ In terms of enforcement, opportunities should be explored to clarify the current AC delegations to AT. 	
<p>Does the Bylaw comply with legislation?</p>	
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws are provided for under section 22AB(1)(o)(ii) of the LTA, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the NZ Bill of Rights Act 1990 (See Chapter 8). ✓ A bylaw about mobility parking is still the most appropriate way to help reduce the difficulty of disabled communities accessing business and community facilities due to an absence of accessible parking spaces. ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'). 	

Residents' parking [Topic 12]

Explanation of Topic

- Residents' parking refers to parking areas reserved for the exclusive use of a person who lives in the neighbourhood or exempts residents from existing restrictions within their residential areas.

Current Bylaws

- The AT and AC Bylaw enables AT and AC by resolution to **reserve any specified parking place as a residents' only parking area** (AT cl 21(1) and AC cl 9(1)), prescribe any fees and the manner by which fees may be paid (cl 21(2)), require a payment of the prescribed fees and a clearly displayed **resident's parking permit** (cl 21(3)).
- The Bylaws require compliance with the above controls (AT cl 21(4), AC cl 9(2)) and retain any resolutions made under its legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 17(2)).

Bylaw Implementation

How a decision to establish **residents' parking areas** is made?

- AT Traffic Control Committee (TCC) and AC's Regulatory and Community Safety Committee (RCSC) (GB/2022/112) has a delegated authority to make relevant resolutions.
- AC delegated authority to AT to regulate, manage and control council off-street parking facilities, including beaches, parks, libraries and community facilities in June 2015 (GB/2015/63). However, changes to the LGA 2002 in 2019 mean the delegation can only apply to the management of facilities / enforcement of parking controls (Chapter 9).
- AT has a rigorous process to produce a resolution report (See Chapter 2). Note: this includes setting of fees and the manner of payment for the use of **residents' parking areas**.

How many resident parking permits are issued in Auckland?

- Since 2020, AT has issued an annual average of 9,063 residents' parking permits.

How many **residents' parking areas** are there in Auckland?

- As of October 2023, there were 43 residents' exempt parking areas and 15 residents' only parking areas.
- 84% (36) of residents' exempt parking areas and 60% (9) of residents' only parking areas are in Central Auckland.
- There are no resident's parking areas on council roads.

How are **residents' parking areas** visible ('marked out') to the public?

- The Land Transport Rule: Traffic Control Devices 2004 specifies sign and road marking requirements (See below).



How is the use of **residents' parking areas** enforced (what is the approach to compliance)?

- Residents' parking permits are managed by AT. Person who lives in a **residents' parking area** can apply for a resident permit which must be renewed every year. Each permit application costs \$70 per vehicle.
- AT's approach to compliance relies on the issuance of warning notices and infringements to encourage compliance.
- Infringements are provided for under Land Transport (Offences and Penalties) Regulations 1999. The infringement fee for each parking offence in **residents' parking areas** is \$12 – \$60 depending on the parking restriction in place.
- Enforcement in **residents' parking areas** is generally the same as of any other parking restriction. Infringement fines are issued by parking wardens to registered owners of vehicles parked illegally in **residents' parking areas** (Topic 9).

Is there still a problem and is the problem the same?

<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to the limited parking spaces available to residents (for example, parking spaces near homes are occupied due to proximity to a metropolitan centre), including potentially on AC roads. ● 23% of stakeholders surveyed in December 2023 ‘sometimes or often’ observed designated residents-only parking being used by people without parking permits (See Attachment 7).
<p>Are the Bylaw’s desired objectives and outcomes the same?</p>
<ul style="list-style-type: none"> ✓ The objective and outcomes remain largely the same since the AT Bylaw was first made. ● The objective is to reduce the difficulty of residents accessing their homes due to an absence of accessible parking. ● The outcome aligns with both AT’s and AC’s wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✓ Yes. The AT Bylaw has established 43 residents’ exempt parking areas and 15 residents’ only parking areas. The Bylaw has also enabled an annual average of 9,063 residents’ parking permits to be issued in Auckland since 2020. ✗ While helpful, there are challenges to the use and enforcement of the Bylaw, including: <ul style="list-style-type: none"> ○ the fees set for resident parking permits are too low because a statutory limitation in the Land Transport Act 1998 requires fees not to exceed the reasonable cost to grant a permit, collect the fees or reserve a parking place. ○ the cost of parking permit should reflect the actual price of parking and not just recovery of administrative costs. ○ damaged signs and faded road markings, enforcement by parking wardens and insufficient fines.
<p>Is a Bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✓ Yes, a Bylaw is the only statutory mechanism to enforce and regulate Residents’ parking areas. ● While the LTA (and associated Rules) require compliance with residents’ parking area controls, the only mechanism to establish and enforce parking restrictions and prohibitions is through a bylaw (See Chapter 6).
<p>Is the Bylaw ‘fit for purpose’ (no changes required)?</p>
<ul style="list-style-type: none"> ✓ Yes, in general. The AT Bylaw enables residents’ parking area controls to be established and enforced. ✗ However, the Bylaw could be improved, for example: <ul style="list-style-type: none"> ○ aligning wording in a new bylaw with the Room to Move: Tāmaki Makaurau Auckland’s Parking Strategy 2023 by for example, using consistent terminology such as ‘residential parking zones’ and ‘residential parking permits’ ○ removing clauses about residents’ only parking to align with the policy statement in the Parking Strategy (residents-only permits are intended to be phased out in line with changes to Auckland’s parking system) ○ specifying in a bylaw additional controls such as the setting of fees, application process and creation of zones ○ consideration to whether a similar control should apply to AC roads. ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9). ✗ In terms of enforcement, opportunities should be explored to clarify the current AC delegations to AT .
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. The current AT Bylaw about residents’ parking areas is provided for under section 22AB(1)(o) of the LTA, does not directly or indirectly conflict with any other New Zealand statutes and is not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✓ A bylaw about residents’ only parking is still the most appropriate way to help reduce the difficulty of residents accessing their homes due to an absence of accessible parking. ✗ However, the Bylaws could be improved (See ‘Is the Bylaw ‘fit for purpose’”).

Broken down vehicles on a road or public place [Topic 13]

Explanation of Topic

- Topic refers to vehicles without motive power that cannot be safely driven and are left on a road or public place.

Current Bylaws

- The AT and AC Bylaws prohibit leaving vehicles on any road or public place for a continuous period exceeding 7 days if the vehicle does not have effective motive power or cannot be safely driven (AT cl 26, AC cl 12).

Bylaw Implementation

- The AT and AC Bylaws have never been used because it is practically **impossible to prove a vehicle is 'broken down'** (the Land Transport Act (LTA) 1998 does not provide AT and AC with powers to carry out inspections).
- Instead, enforcement by AT and AC focuses on the removal of abandoned vehicles from roads or public places using existing legislative powers under section 356 of the Local Government Act (LGA) 1974 and clause 6(3) of the Auckland Council Public Safety and Nuisance (PSN) Bylaw 2013 (See Box).⁷⁰

AT implementation of LGA 1974 abandoned vehicle provisions:

- parking officers will be dispatched to issue infringement notices (for example, to address unlawful parking).
- staff will try to locate and notify the owner of the vehicle using registration details, engine or chassis numbers.
- the vehicle may be moved for storage, if necessary, but the Police must first be formally notified.
- if the owner doesn't respond, AT will advertise its intention to either sell the vehicle within ten days or dispose of it in other ways. If AT assesses the vehicle to have no value, advertising may not be necessary.
- AT declares vehicle abandoned if owner or interested party (such as a finance company) fails to come forward.
- once deemed abandoned, the vehicle is legally deregistered and sold to cover towing, storage or other costs.
- the vehicle can be disposed of by AT or a new buyer.
- vehicles aren't always removed while investigations take place.
- if the abandoned vehicle is claimed before a sale, it will be returned to the registered owner once they make a payment for costs incurred.
- if the vehicle sells, AT will deduct costs and any other proceeds will be kept for 12 months. The previous owner can claim the proceeds during that period.

AC implementation of LGA 1974 abandoned vehicle provisions:

- AC Waste Solutions team is responsible for enforcement (enforcement has not been delegated to AT).
- check if **both** Rego and WoF on vehicle are out of date as this may indicate the vehicle is abandoned and not just broken down). AT are advised of any parking or expired WoF / Rego issues.
- check with the caller how long they think the vehicle has been left in the same location.
- **put a sticker on the vehicle advising it's been reported as** abandoned and may be towed if not removed.
- post fliers to properties in the vicinity to see if someone knows about the vehicle.
- write to the registered owner giving them five days to remove the vehicle or to get in touch.
- if contact is made with the owner, the vehicle is deemed not to be abandoned and the owner is advised of the need to move the vehicle onto private property or being fined by Auckland Transport (if WoF and / or Rego have expired), or that Auckland Transport may tow the vehicle.
- if no contact is made, Waste Solutions will consider towing the vehicle as abandoned under s356 of the LGA **1974. However, if the vehicle doesn't look abandoned** and is not causing a problem, towing may be deferred in case the owner is overseas or in hospital.

AC implementation of PSN Bylaw abandoned vehicle provisions:

- in practice, used in exceptional circumstances, for example, on beaches (particularly the intertidal area) where vehicles left too long are susceptible to damage.

⁷⁰ See [Abandoned vehicles \(at.govt.nz\)](https://at.govt.nz) for more information.

<ul style="list-style-type: none"> ○ determine whether vehicle is abandoned and likely to cause a safety risk, nuisance, damage, obstruction, disturbance or interference to any person in their use or enjoyment of that public place. ○ if above criteria met, powers under s164, s167 and s168 of the Local Government Act 2002 may be used to seize and impound the vehicle, return the vehicle to the owner (on payment of costs) and dispose of the property (after 6 months and retain any proceeds to cover costs with any surplus to the owner).
<p>Is there still a problem and is the problem the same?</p>
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to public safety risks, obstructions and nuisance from broken down vehicles being left on roads or public places (for example causing reduced parking accessibility to premises). ● Annually, AT deals with an average of 2,290 cases of abandoned vehicles. ● 88% of stakeholders surveyed in December 2023 ‘rarely’ or ‘sometimes’ (37%) attested to broken down vehicles being left on roads and other public places (See Appendix 7).
<p>Have the Bylaw’s desired objectives and outcomes the same?</p>
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. ● The objective is to reduce public safety risks, obstructions and nuisance from broken down vehicles being left on roads or public places. ● The outcome aligns with both AT’s and AC’s wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✗ No. The Bylaws have never been used. It is practically impossible to prove a vehicle is ‘broken down’ because there are no powers of inspection for AT and AC under the LTA. AT and AC focus instead on the removal of abandoned vehicles from roads or public places using existing legislative powers under the Local Government Act (LGA) 1974 (s 356) and the AC Public Safety and Nuisance (PSN) Bylaw 2013 (cl 6(3)) (See ‘Bylaw Implementation’). ✗ The Bylaws made under the Land Transport Act (LTA) 1998 do not have a clear pathway to enforce controls not related to the use of vehicles. In addition, it could also be argued that the Land Transport Rule: Traffic Control Devices 2004 requires installation of signs to enforce the Bylaws (this potentially means every road and public place) which is impractical and lastly, there are no available infringement fines or (upon conviction) a court fine.⁷¹
<p>Is a bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✗ No. There are better existing regulatory alternatives than an LTA bylaw to regulate broken down vehicles: <ul style="list-style-type: none"> ○ in most cases, a broken down vehicle is abandoned on a road and can be addressed under the LGA 1974 and in other cases on a public place, the AC PSN Bylaw 2013 (See ‘Bylaw Implementation’). As an aside, it is noted that existing regulatory provisions can also be used to address any parking or pollution issues that may arise.⁷²
<p>Is the Bylaw ‘fit for purpose’ (no change required)?</p>
<ul style="list-style-type: none"> ✗ No. The Bylaws are impractical to implement, have no available penalty and are practically impossible to enforce (See ‘Bylaw Implementation’ and ‘Is a bylaw still the best way to address the problem (no better alternatives)’).
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. The Bylaws about leaving broken down vehicles on roads or public places are provided under section 22AB(1)(zk) of the LTA, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) (See Chapter 8). ✗ However, a bylaw is not the most appropriate way to address the problem (See ‘Is the Bylaw ‘fit for purpose’”).

⁷¹ The [Land Transport \(Offences and Penalties\) Regulations 1999](#) fine of \$750 only applies to Bylaws that involve the use of a vehicle.

⁷² For pollution issues, [clause 15](#) Auckland Council Stormwater Bylaw 2015, [section 15](#) Resource Management Act 1991 or [Chapter E4](#) of the Auckland Unitary Plan may be used.

Vehicle repairs on a road [Topic 14]	
Explanation of Topic	
•	This topic refers to vehicles being repaired or modified on roads (except for minor repairs or modifications).
Current Bylaws	
•	The AT Bylaw prohibits repair or modification of vehicles on roads unless they are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved off a road (cl 25).
•	The AC Bylaw does not regulate vehicle repairs on council roads (See ' Is the Bylaw fit for purpose ').
Bylaw Implementation	
•	The AT Bylaw has never been used. Instead of regulating vehicle repairs on roads per se, AT uses alternative enforcement measures (See 'Is a bylaw still the best way to address the problem (no better alternatives)').
Is there still a problem and is the problem the same?	
✓	Yes. Current and future problems relate to obstructions, disruption to traffic flow and safety risks to road users from vehicle repairs or modifications on roads, including potentially on AC roads.
•	27% of stakeholders surveyed in December 2023 'sometimes or often' observed vehicles receiving significant repairs on roads and other public places (See Appendix 7).
Are the Bylaw's desired objectives and outcomes the same?	
✓	Yes. The objective and outcomes remain largely the same since the AT Bylaw was first made.
•	The objective is to reduce obstructions, disruption to traffic flow, safety risks to road users caused by vehicle repairs or modifications on roads.
•	The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
Has the Bylaw helped achieve its desired objectives and outcomes?	
✗	No. The AT Bylaw has never been used (See 'Is a bylaw still the best way to address the problem ...').
Is a bylaw still the best way to address the problem (no better alternatives)?	
✓	Yes. A bylaw is the most appropriate mechanism to regulate repairs of vehicles on roads.
✗	However, the Bylaw has not been used and better bylaw alternatives exist (See ' Is the Bylaw fit for purpose ').
•	The Land Transport Act 1998 does not have a clear pathway to enforce controls not related to the use of vehicles (no infringements or (upon conviction) court fines). Also it is arguable whether the Land Transport Rule: Traffic Control Devices 2004 requires signage for enforcement (potentially on every road) which is impractical.
Is the Bylaw 'fit for purpose' (no change required)?	
✗	No. There are better alternatives that regulate for obstructions, disruption to traffic flow and safety risks.
•	General parking controls, for example prohibited parking on 'no stopping' under the Land Transport (Road User) Rule 2004 can be enforced using an infringement fine (See Topic 9 ' How parking controls are enforced ').
•	Regulating vehicle repairs is better aligned with the AT Activities in the Road Corridor (ARC) Bylaw 2022 and AC Public Safety and Nuisance (PSN) Bylaw 2013 which already restrict various activities not related to the use of a vehicle or parking on roads and public places, for example, leaving an object (AT cl 3, AC cl 6(3)), and are made under the LGA 2002 (provides better enforcement powers for example, the ability to seize property) and includes a maximum court fine of \$20,000). Explicit reference to vehicle repairs should be provided in the ARC and PSN.
Does the Bylaw comply with legislation?	
✓	Yes. The AT Bylaw about prohibiting significant vehicle repairs or modifications on roads is provided for under section 22AB(1)(h) and (zk) of the LTA, does not directly or indirectly conflict with any other New Zealand statutes and is not inconsistent with the New Zealand Bill of Rights Act (BORA) 1990 (See Chapter 8).
✓	A bylaw about prohibiting significant vehicle repairs or modifications on roads is still the most appropriate way to help address problems related to obstructions, disruption to traffic flow and safety risks to road users.
✗	However, the current form of the Bylaw is not the most appropriate (See ' Is the Bylaw 'fit for purpose ').

<h2>Parking for display or sale (sole purpose is advertising or sale) [Topic 15]</h2>
<h3>Explanation of Topic</h3>
<ul style="list-style-type: none"> This topic refers to vehicles parked on a road, parking place or public place for the purpose of advertising or sale.
<h3>Current Bylaws</h3>
<ul style="list-style-type: none"> Both the AC (except with approval) and AT Bylaw prohibit parking (which includes stopping or standing) of a vehicle on any road (both AC and AT) or parking place (AT) or public place (AC) for the purpose of advertising a good or service or for offering a vehicle for sale unless it is being used for day-to-day travel (AT cl 23, AC cl 8(4)(a)).
<h3>Bylaw Implementation</h3>
<ul style="list-style-type: none"> The AT and AC Bylaws have never been used (See 'Is a bylaw still the best way to address the problem ...'). Complaints about vehicles parked for advertising or sale are instead addressed using general parking restrictions or the Auckland Council and Auckland Transport Signs Bylaw 2022 (See 'Is the Bylaw fit for purpose ...').
<h3>Is there still a problem and is the problem the same?</h3>
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to public safety risks, obstructions, nuisance, misuse of the Auckland transport system and council-controlled public places from vehicles parked for the purpose of advertising or sale (for example reducing parking accessibility for personal gain). • AT has dealt with 8 cases in the past three years. However, 44% of stakeholders surveyed in December 2023 observed vehicles parked for advertising or sale on roads or other public places 'sometimes' (See Appendix 7).
<h3>Are the Bylaws' desired objectives and outcomes the same?</h3>
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce public safety risks, obstructions, nuisance, misuse of the Auckland transport system and council public places from vehicles parked for the purpose of advertising or sale. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<h3>Has the Bylaw helped achieve its desired objectives and outcomes?</h3>
<ul style="list-style-type: none"> ✗ No. The Bylaws have never been used (See 'Bylaw Implementation').
<h3>Is a bylaw still the best way to address the problem (no better alternatives)?</h3>
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism that regulates parked vehicles for the purpose of advertising or sale. ✗ However, the current Bylaws have not been used. The Land Transport Act 1998 does not have a clear enforcement pathway (See Topic 14 'Is a bylaw still the best ...') and better alternatives exist (See 'Is the Bylaw fit for purpose ...').
<h3>Is the Bylaw 'fit for purpose' (no change required)?</h3>
<ul style="list-style-type: none"> ✗ No. There are better alternatives that regulate parking in general and the display of signs. • General parking controls, for example prohibited parking on 'no stopping' under the Land Transport (Road User) Rule 2004 can be enforced using infringement fines (See Topic 9 'How parking controls are enforced'). • The AC and AT Signs Bylaw 2022 (cl 18, 3 and 6) prohibits the use of a vehicle for the main purpose of displaying a sign that is visible from any road or council-controlled public place in Auckland. Exceptions apply to real estate and election signs, and signs with prior approval. Penalties include a maximum court fine of \$20,000. • Note: the Signs Bylaw should be amended to explicitly refer to a person (other than a vehicle trader) offering a vehicle for sale for any option that revokes the AT Traffic Bylaw 2012 (cl 23).
<h3>Does the Bylaw comply with legislation?</h3>
<ul style="list-style-type: none"> ✓ Yes. The Bylaws about vehicles for display or sale are provided for in the LTA (s 22(1)AB(zk)), do not directly or indirectly conflict with any other NZ statutes and not inconsistent with the NZ Bill of Rights Act 1990 (See Chapter 8). ✓ A bylaw is still the most appropriate way to address the problem (See 'Is there still a problem ...'). ✗ However, other existing bylaws better address the problem (See 'Is the Bylaw fit for purpose ...').

Special events [Topic 16]

Explanation of Topic

- This topic relates to temporary vehicle controls (parking restrictions or prohibitions, and road closures) associated with a 'special event' (for example, a street parade, festival in a park or filming).

Current Bylaws

- The AT Bylaw has no specific special event provisions but does enable AT by resolution to establish temporary parking controls (and the suspension of existing controls) that can be applied to special events (cl 18, 19, 20). AT Bylaw does not provide for the temporary road closure (unlike the AC Bylaw) (See Box below).
- The AC Bylaw provides specifically for Auckland Council to temporarily close any road to vehicles for any event (cl 8(3)) and more generally by resolution to establish temporary parking controls on a road (cl 8(1)(a),(b)).

Temporary closure of roads

- **AT relies on the LGA1974 (s 319(1)(h)) to temporarily close a road. A bylaw is not used because 'AT roads' are defined under the LGA1974 (prescribes the process to close a road under Schedule 10).**
- **AC relies on its AC Bylaw because 'AC roads' are defined as 'roads' under the Land Transport Act 1998 and this Act does not prescribe the process to close a road.**

Bylaw Implementation

How a decision to impose temporary vehicle controls for special events is made?

- In practice, decisions on temporary parking controls and road closures are derived as part of the event and filming facilitation process (See Box below). This process typically requires the approval of a traffic management plan which is then implemented under delegated authority. For example:
 - AT Traffic Control Committee (TCC) has a delegated authority and use a rigorous process to produce a resolution report for parking controls (See Chapter 2).
 - AC Regulatory and Community Safety Committee (RCSC) (GB/2022/112) has a delegated authority to make resolutions for parking controls. However, in practice decisions are made **by staff (GB/2011/123) and Tātaki Auckland Unlimited (ACDI 2022/02)** under delegated authority. Current AC delegations to AT only apply to off-street parking facilities and off-road (berm parking); it is unclear if this applies to on-road (roadside) parking.

AC and AT require approvals (permits) under separate Bylaws to hold a special event:

- [Auckland Council Public Trading, Events and Filming Bylaw 2022](#) regulates events and filming activities on council-controlled public places through an approval process (cl 6), subject to meeting conditions (cl 13). This includes for example, the need to mitigate problems associated with traffic (cl 13(f)) and to comply with any traffic management plan (TMP) which manages temporary changes to traffic and pedestrian flow (cl 13(m)).
- [Auckland Transport Activities in the Road Corridor Bylaw 2022](#) regulates events and filming activities within the road corridor through an approval process (cl 37), subject to conditions (cl 39), for example, by ensuring a continuous path of travel for pedestrians and vehicles free of nuisance, obstruction or hazard (cl 39 (2)(f)).

Implementation of both AC and AT Bylaws is undertaken by the council:

- AC webpage provides detailed information on [permit requirements](#) (AT directly refers to AC webpage).
- AT delegated to AC the administration and enforcement of events and filming on public places (26 May 2022).
- AC's Event Facilitation team issues permits for small to large local and commercial events, and for events on behalf of Ngati Whatua Orakei and AT; Auckland Unlimited for major events and Screen Auckland for filming.
- AC departments that grant sub-approvals monitor compliance with conditions. For example, Waste Solutions assesses waste management plans and AT assesses compliance with traffic management plans.
- The AC Compliance Response and Investigations team is responsible for enforcement.

- High volumes of traffic, congestion or road closures require compliance with a traffic management plan:
- Any events or filming that change or are likely to change the normal use of a road require a TMP which must be completed by a certified traffic management company and approved by AT. A TMP must assess:
 - traffic impacts (that the operation and safety of the transport network is maintained).
 - vehicle access (that access to residences, businesses and recreational areas is maintained).
 - business deliveries and servicing (that crucial deliveries and business servicing can occur).
 - The AC Event Facilitation team and Screen Auckland require submission of a TMP either by the event organiser, production company or their certified traffic management supplier as part of the event / filming facilitation process. The AC Event / Screen Auckland Facilitator then puts together an Initial Event / Screen Auckland Proposal and provides this to AT Special Events to work towards their approval of a TMP. TMP costs are the responsibility of the event or filming activity organiser.
 - Road closures associated with special events:
 - on the Auckland transport system are addressed under [Schedule 10](#) of the LTA 1974 and are the responsibility of AT. All road closures must be advertised to the public (2 public notices in printed media).
 - on council-controlled are addressed either as an operational matter (as a landowner of parks, reserves and other public open spaces, council has the right to restrict access, close property or trespass individuals by using traffic management equipment such as cones, barriers or signs) or by restricting access or closing entry under the [Public Safety and Nuisance Bylaw 2013](#) (cl 10). Such decisions are separate from approvals granted under the Public Trading, Events and Filming Bylaw 2022.

How many temporary controls for special events are adopted annually in Auckland?

- Available data shows that during the last three years, AT has resolved temporary parking controls for 162 special events in 2021 (low number due to COVID), 856 in 2022 and 1105 in 2023.

How are temporary controls for special events visible ('marked out') to the public?

- The Land Transport Rule: Traffic Control Devices 2004 requires erection of the prescribed signs (See examples).



How are temporary controls for special events enforced (what is the approach to compliance)?

- **AT's approach to compliance relies on the issuance of infringements to encourage compliance.**
- Infringements are provided for under Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- The infringement fee for each offence depends on the parking restriction during a special event and is \$12 – \$60.
- Enforcement of temporary controls during special events is generally the same as the enforcement of any other parking restrictions. Infringements are issued by parking wardens to registered owners of illegally parked vehicles.
- As a landowner, AC can restrict access, close property and trespass individuals. Under the Trespass Act 1980 (s 3), AC can address trespassers who neglect or refuse to leave after a warning. Act does not allow AC to stop the activity (only to exclude offenders from location), relies on Police involvement, has a lower monetary deterrence than a bylaw (maximum \$1,000 fine or 3 months imprisonment), penalties are unlikely to be sought for the nature of offences, and process to convict takes longer.

Is there still a problem and is the problem the same?

- Yes. Current and future problems relate to public safety risks from increased traffic and pedestrian flow, travel delays and parking nuisance, and reduced access to medical emergencies or critical care services (for example hospitals and fire stations) caused by special events.

Are the Bylaw's desired objectives and outcomes the same?

- ✓ The objective and outcomes remain largely the same since the Bylaws were first made.

<ul style="list-style-type: none"> • The objective is to reduce public safety risks from increased traffic and pedestrian flow, and maintain access to medical emergencies or critical care services, travel delays and parking nuisance caused by special events. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
<p>Has the Bylaw helped achieve its desired objectives and outcomes?</p>
<ul style="list-style-type: none"> ✓ Yes. The Bylaws are used. For example, AT has established temporary parking controls for 2,123 special events since 2021 and enabled the suspension (or temporary change) of existing controls for the duration of a special event. ✗ While helpful, there are challenges to the use and enforcement of the Bylaws, including: <ul style="list-style-type: none"> ○ parking restriction signs being ignored by the public (unless they are enforced through the coning-off of roads) and taxi and rideshare providers (ignore yellow lines and enter coned-off areas to pick up or drop off the public during events). ○ the infringement fines are too low to be most effective.
<p>Is a bylaw still the best way to address the problem (no better alternatives)?</p>
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory tool to establish and enforce temporary controls for special events. • While the LTA (and associated Rules) require compliance with special event traffic and parking controls, the only mechanism to establish the controls (or temporarily suspend existing ones) is through a bylaw (See Chapter 6). ✗ Other regulatory tools have a limited scope and do not replace the need for a bylaw. For example, the AC Public Trading, Events and Filming Bylaw 2022 and AT Activities in the Road Corridor Bylaw 2022 require approval for events and filming but leave the establishment and enforcement of temporary vehicle controls for special events to the AT and AC Traffic Bylaws.
<p>Is the Bylaw 'fit for purpose' (no change required)?</p>
<ul style="list-style-type: none"> ✓ Yes, in general the Bylaws enable temporary vehicle controls for special events to be established and enforced. ✗ However, the Bylaws could be improved to clarify and streamline the current approach. ✗ AT and AC may consider having a specific clause in a bylaw to regulate temporary: <ul style="list-style-type: none"> ○ parking controls associated with special events rather than rely on general provisions in the Bylaws (for example, general parking controls insufficiently reflect the temporary nature of special events and have no clear mechanism to temporarily suspend existing controls). ○ road closures where the LGA 1974 prescribes process is not required to be used (which will apply to AC roads). ✗ Having two Bylaws is confusing. While the Bylaws apply to different parts of Auckland's road network, the boundaries between the two can be indistinguishable to traffic, the public, AT and AC, and special event organisers. ✗ In terms of implementation, AT and AC could review their approach to parking at large scale event venues: <ul style="list-style-type: none"> ○ for installation of permanent Taxi and P5 areas as dedicated drop-off and pick-up points. ○ to establish recurring temporary parking controls for any large-scale event at a venue (to avoid having to make a separate decision every time there is a similar event, a similar concept to temporary event alcohol bans). ✗ In addition, AT and AC may consider streamlining their operational approach by exploring the extent to which a joint integrated Bylaw resolution process could be developed (See Chapter 9).
<p>Does the Bylaw comply with legislation?</p>
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about temporary vehicle controls for special events are provided for under section 22AB(1)(m) and (o), (2) and (3) of the Land Transport Act 1998, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (See Chapter 8). ✓ A bylaw about temporary controls during special events is still the most appropriate way to minimise public safety risks from increased traffic and pedestrian flow, reduced access to emergency or critical care services (hospitals and fire stations), travel delays, parking nuisance caused by special events (including filming activities). ✗ However, the Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

Leaving machinery or goods on a road or public place [Topic 17]

Explanation of Topic

- Topic refers to leaving machinery or goods (equipment, materials, containers or things) on a road or public place.

Current Bylaws

- The AT and AC Bylaws prohibit leaving any machinery or goods (equipment, materials, containers or things) on any road or public place without prior approval, excluding waste containers authorised by AC (AT cl 24, AC cl 8(4)(b)).

Bylaw Implementation

- The AT and AC Bylaws have never been used (See 'Is a bylaw still the best way to address the problem').
- Complaints about leaving machinery or goods (equipment, materials, containers or things) on roads or public places are instead addressed using other existing bylaws and legislation:
 - the AT Activities in the Road Corridor (ARC) Bylaw 2022 (cl 4, 9 and 21) prohibits leaving any bin or waste container (specifically those not authorised by AC), portable toilet or ablutions block, shipping or storage container, generator, construction materials or equipment (for example, debris, rubbish, concrete mixer), or any type of encroachment (such as any structure, object or work of any kind, or tree or plant) on a road without prior approval from AT. The AT Road Corridor Requests team administers Corridor Access Request (CAR) applications for leaving machinery or goods on roads. Since 2018, AT has annually approved an average of 12,800 CAR applications (it's unknown how many of these applications are for leaving machinery or goods).
 - the AC Public Safety and Nuisance (PSN) Bylaw 2013 (cl 6(3) and Schedule 1, cl 6(3) and Schedule 1(3) and 10) prohibits leaving objects in a public place that are likely to cause a problem in general and specifically building or construction materials, equipment and amenities and shipping and storage containers. When a complaint is received by the council, a site visit is undertaken by a compliance officer and attempt is made to identify offender. Depending on circumstances, the council uses a graduated compliance response which may include, for example, a verbal request to remove the item, bylaw notice, seizure or prosecution (to date, no prosecutions have taken place under the AC PSN Bylaw 2013).
 - the Local Government Act (LGA) 1974 (s 357) prohibits unauthorised encroachment on a road. AT and AC first seek to either have the encroachment removed voluntarily or request the encroacher to apply for an encroachment licence, lease or road stopping (if applicable) before enforcement action is considered.

Is there still a problem and is the problem the same?

- ✓ Yes. Current and future problems relate to obstructions, public safety risks and public nuisance caused by machinery or goods (equipment, materials, containers or things) being left on roads or public places.
- AT deals annually on average with 772 cases related to equipment being left on roads.
- AC receives annually approximately 140 complaints related to leaving equipment or goods on public places.
- 37% of stakeholders surveyed in December 2023 '**sometimes**' attested to machinery, equipment or freight containers being left on roads or in other public places for extended periods of time (See Attachment 7).

Are the Bylaw's **desired objectives** and outcomes the same?

- ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made.
- The objective is to reduce obstructions, public safety risks and public nuisance caused by machinery or goods left on roads or public places.
- The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).

Has the Bylaw helped achieve its desired objectives and outcomes?

- ✗ No. The Bylaws have never been used (See 'Is a bylaw still the best way to address the problem').

Is a bylaw still the best way to address the problem (no better alternatives)?

- ✓ Yes. A bylaw is the most appropriate mechanism to prohibit leaving machinery or goods on roads or public places.
- ✗ However, the current Bylaws have not been used:
 - better alternatives already exist (See 'Is the Bylaw 'fit for purpose'').
 - the Bylaws are made solely under the Land Transport Act (LTA) 1998 which does not have a clear pathway to enforce Bylaw controls not related to the use of vehicles (no infringements or (upon conviction) court fines). In addition, it is arguable whether the Land Transport Rule: Traffic Control Devices 2004 requires signage for enforcement (potentially on every road) which is impractical.

Is the Bylaw 'fit for purpose' (no change required)?

- ✗ No. There are better alternatives that regulate machinery or goods on roads or public places:
 - both the ARC and PSN Bylaws (See 'Bylaw Implementation') already restrict various activities (such as equipment, materials or containers) not related to the use of a vehicle or parking on the Auckland transport system and Auckland Council roads and public places.
 - both ARC and PSN Bylaws are made under the LGA 2002 which provides better enforcement powers (for example the ability to seize property) and includes a maximum court fine of \$20,000.
 - both the ARC and PSN Bylaws could be amended to specifically regulate machinery or goods on roads or public places (for example, more explicitly regulate machinery and things irrespective of causing damage).
 - the Local Government Act (LGA) 1974 (s 357) already prohibits unauthorised general encroachments on roads that can cause damage and ensures that the cost of repairing damage is recoverable from the person responsible. Every person who commits an offence is liable for a fee not exceeding \$1,000 and, where the offence is continuing, to a further fine not exceeding \$50 for every day the offence continues.

Does the Bylaw comply with legislation?

- ✓ The Bylaws about leaving machinery or goods on roads or public places are provided for under section 22AB(1)(zk) of the LTA, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (See Chapter 8).
- ✓ A bylaw about leaving machinery or goods on roads or public places is still the most appropriate way to help minimise problems associated with obstructions, public safety risks and public nuisance.
- The current form of the Bylaws is however not the most appropriate (See 'Is the Bylaw 'fit for purpose'').

Unsuitable (including heavy) traffic [Topic 18]

Explanation of Topic

- This topic relates to vehicles that may be unsuitable on certain roads due to their size, nature or the types of goods they carry, for example heavy traffic (trucks and semi-trucks) which refers to vehicles above 3500kg or as declared by NZTA (exceptions apply to motorcars not for passenger hire, traction engines and fire engines).

Current Bylaws

- The AT and AC Bylaws enable AT and AC by resolution to:
 - prohibit or restrict the use of roads for any class of traffic or vehicle due to their size, nature or the types of goods carried (AT cl 11(1)) and provide exemptions for example, to unload goods if **it's** safe (AT cl 11(3)).
 - prohibit any vehicles above a certain weight from being driven or parked on any road including any bridge, culvert, beach or other public place (AC cl 8(1)(d)).
- Both Bylaws require compliance with the above controls (AT cl 11(2), AC cl 8(5)) and retain any resolutions made under their legacy Bylaws until they are replaced or revoked (AT cl 32, AC cl 12(2)).

Bylaw Implementation

How a decision to restrict heavy traffic and heavy vehicles is made?

- AT Traffic Control Committee and AC Regulatory and Community Safety Committee (GB/2022/112) have delegated authority to make resolutions.
- AT has a rigorous process to produce a resolution report (See Chapter 2).
- AC has not made any resolutions since its Bylaw was made. There is limited awareness of the AC Bylaw and no internal processes across relevant council teams.

How many heavy traffic and heavy vehicle restrictions are there in Auckland?

- There are currently 28 heavy traffic and vehicle-related controls in Auckland.
- Six of these controls are incorporated from the legacy council provisions.

How are heavy traffic and heavy vehicle controls visible **'marked out' to the public?**

- The Land Transport Rule: Traffic Control Devices 2004 requires erection of the prescribed signs (See examples).



How are heavy traffic and heavy vehicle restrictions enforced (what is the approach to compliance)?

- Statutory powers of enforcement and penalties are specified in the Land Transport Act 1998 (LTA) and the Land Transport (Offences and Penalties) Regulations 1999 (See Chapter 2).
- Heavy traffic and heavy vehicle controls are enforced by the Police (not AT or AC). Proactive enforcement is challenging due to competing priorities and immense road network in Auckland.

Is there still a problem and is the problem the same?
<ul style="list-style-type: none"> ✓ Yes. Current and future problems relate to damage to roads, footpaths and other public places (for example, from heavy vehicles accessing development sites), public safety risks and nuisance (for example from poor visibility) caused by unsuitable traffic or heavy vehicles parked on roads, including potentially AC roads and public places. • Between 2020 and 2023, AT has received an annual average of 4,842 heavy vehicle cases, mostly related to driveway visibility, street damage and illegal parking. Data suggests that the frequency of the problem may grow due to the increase of heavy vehicles in Auckland, especially high productivity vehicles⁷³ (See Appendix 10). • 89% of stakeholders surveyed in December 2023 stated that heavy vehicles 'often' or 'sometimes' block or damage roads or other public places (See Attachment 7).
Are the Bylaw's desired objectives and outcomes the same?
<ul style="list-style-type: none"> ✓ Yes. The objective and outcomes remain largely the same since the Bylaws were first made. • The objective is to reduce damage to roads, footpaths and other public places and minimise public safety risks and nuisance caused by unsuitable traffic or heavy vehicles parked on roads. • The outcome aligns with both AT's and AC's wider framework for an Auckland land transport system that connects people and places in a way that is safe, effective and efficient and protects the environment (See Chapter 4).
Has the Bylaw helped achieve its desired objectives and outcomes?
<ul style="list-style-type: none"> ✓ Yes. The Bylaws have helped achieve the desired objectives and outcomes. The AT Bylaw has established 22 traffic controls related to the use of heavy vehicles (6 of these controls are incorporated from the legacy councils). ✗ Proactive enforcement by the Police can however be challenging due to insufficient resource to monitor compliance 24/7 (not every offence can be detected), competing priorities and the immense road network in Auckland.
Is a bylaw still the best way to address the problem (no better alternatives)?
<ul style="list-style-type: none"> ✓ Yes. A bylaw is the only statutory mechanism to establish and enforce unsuitable traffic controls. • While the LTA (and associated Rules) require compliance with unsuitable traffic controls, the only mechanism to establish the controls is through a bylaw (See Chapter 6).
Is the Bylaw 'fit for purpose' (no change required)?
<ul style="list-style-type: none"> ✗ No. The form of the Bylaws could be improved to enhance clarity, including to incorporate: <ul style="list-style-type: none"> ○ parking-related controls for heavy traffic / vehicles under section 22AB(1)(n) and (1)(o)(iv) of the LTA. ○ other powers to regulate heavy traffic under section 22AB(1)(i-l) of the LTA, for example, to require security. ○ having two Bylaws is confusing due to indistinguishable boundaries (See Topic 1). ✗ In terms of implementation, AC must establish its own process to pass resolutions under its Bylaw. AC and AT could explore the extent to which a joint integrated Bylaw resolution process could be developed, which could include clarification related to on-street parking on council roads (See Chapter 9). ✗ While it is not originally covered under this Bylaw review, Part 2: Street Damage of the AT Activities in the Road Corridor (ARC) Bylaw 2022 requires some minor changes to help address problems related to the use of heavy vehicles accessing development or construction sites on a private land causing damage to nearby roads. Currently, the street damage clause only covers works on, in, over or under the road.
Does the Bylaw comply with legislation?
<ul style="list-style-type: none"> ✓ Yes. Both Bylaws about heavy traffic are provided for under section 22AB(1)(i – l), (n) and (o)(iv) of the Land Transport Act 1998, do not directly or indirectly conflict with any other New Zealand statutes and are not inconsistent with the New Zealand Bill of Rights Act 1990 (See Chapter 8). ✓ A bylaw about unsuitable traffic is the most appropriate way to help reduce damage to roads, footpaths and other public places and to minimise public safety risks and nuisance caused by unsuitable traffic or heavy vehicles. ✗ The Bylaws could be improved (See 'Is the Bylaw 'fit for purpose'').

⁷³ High productivity motor vehicles (HPMVs) exceed 44,000kg and/or standard length requirements and require a permit under the Land Transport Rule Vehicle Dimensions and Mass 2016.

Appendices

Appendix 1: Auckland Transport and Auckland Council traffic-related bylaws

Appendix 1A: Auckland Transport Traffic Bylaw 2012



Traffic Bylaw 2012

Auckland Transport Board meeting 18 July 2012

Explanatory Note

This bylaw made pursuant to section 22AB of the Land Transport Act 1998, allows for Auckland Transport as the road controlling authority to set requirements for parking and control of traffic on roads under the care, control, or management of Auckland Transport. This bylaw revokes and replaces transport-related bylaws made by the previous local authorities of Auckland.

This explanatory note is for information purposes only and does not form part of this bylaw.

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1 Title

This bylaw is the Auckland Transport Traffic Bylaw 2012.

2 Commencement

This bylaw comes into force on 1 August 2012.

3 Application

This bylaw applies to all roads under the care, control, or management of Auckland Transport for which it has bylaw-making powers.

**Part 1
Preliminary Provisions**

4 Purpose

The purpose of this bylaw is to set the requirements for parking and control of vehicular or other traffic on any road under the care, control or management of Auckland Transport.

5 Interpretation

(1) In this bylaw, unless the context otherwise requires-

Act means the Land Transport Act 1998 the regulations and the rules under that Act.

approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit-

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by Auckland Transport.

bus lane means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of-

- (a) buses; and
- (b) cycles, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).

carpool means a shared use of a vehicle by a driver and one or more passengers, usually for commuting to a similar or nearby destination including place of employment, business or educational facility.

class of vehicle means groupings of vehicles defined by reference to any common feature and includes-

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by Auckland Transport.

cruising means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that-

- (a) draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) creates a convoy that-
 - (i) is formed otherwise than in trade; and
 - (ii) impedes traffic flow.

cycle lane means a longitudinal strip within a roadway reserved by a marking or sign for the use of cycles.

cycle path-

- (a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and
- (b) includes a cycle track formed under section 332 of the Local Government Act 1974.

diverted material means anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.

emergency vehicle means a vehicle used for attendance at emergencies and operated-

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

light rail vehicle lane means a lane reserved for the use of light rail vehicles by a marking or sign installed at the start of the lane (unless the light rail vehicle lane is a continuous loop) and at each point at which the lane resumes after an intersection.

motor vehicle-

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include-
 - (i) a vehicle running on rails; or
 - (ii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iii) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (iv) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (v) a pedestrian-controlled machine; or
 - (vi) a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
 - (vii) a mobility device.

parking machine means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

parking place means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

shared vehicle means a vehicle operated by an organisation approved by Auckland Transport to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly basis.

special vehicle lane means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

traffic means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

transit lane means a lane reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane)-

- (a) passenger service vehicles;
- (b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;
- (c) cycles;
- (d) motorcycles;
- (e) mopeds.

transport station means a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as Auckland Transport considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

urban traffic area means an area designated pursuant to the Land Transport Rule: Setting of Speed Limits 2003 that consists of one or more specified roads or a specified geographical area, to which the urban speed limit generally applies.

vehicle-

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include-
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (ix) any rail vehicle.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Interpretation Act 1999 applies to the interpretation of this bylaw.
- (4) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Auckland Transport at any time.

6 Resolutions made under this Bylaw
A resolution may be made under this bylaw-

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- (c) that applies to any road or part of a road under the care, control, or management of Auckland Transport; or
- (d) that applies at any specified time or period of time.

**Part 2
Vehicle and Road Use**

7 One-way roads

- (1) Auckland Transport may by resolution require vehicles on roads to travel in one specified direction only.
- (2) Every driver of a vehicle must travel only in the direction specified on a one-way road.
- (3) Auckland Transport may specify by resolution that cycles may travel in the opposite direction on a one-way road.

8 Left or right turns and U-turns

- (1) Auckland Transport may by resolution prohibit-
 - (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
 - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- (2) A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Auckland Transport has prohibited or restricted such movements.

9 Routes and manoeuvres on roads

- (1) Auckland Transport may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- (2) A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Auckland Transport.

10 Special vehicle lanes

- (1) Auckland Transport may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- (2) A person must not use a special vehicle lane contrary to any restriction made by Auckland Transport.

11 Traffic control by size, nature or goods (including heavy vehicles)

- (1) Auckland Transport may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.

- (2) A person must not use a road contrary to a prohibition or restriction made by Auckland Transport.
- (3) If in the opinion of Auckland Transport it is safe to do so, Auckland Transport may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of-
 - (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
 - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
 - (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
 - (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

12 Cycle paths

- (1) Auckland Transport may by resolution-
 - (a) fix the length, route and location of a cycle path;
 - (b) determine priority for users of a cycle path on a shared path that may be used by some or all of the following persons at the same time-
 - (i) pedestrians;
 - (ii) cyclists;
 - (iii) riders of mobility devices;
 - (iv) riders of wheeled recreational devices.
- (2) A person must not use a cycle path in a manner contrary to any restriction made by Auckland Transport.

13 Shared zones

- (1) Auckland Transport may by resolution specify any road to be a shared zone.
- (2) Except where Auckland Transport has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared zone.
- (3) A person must not use a shared zone in a manner contrary to any restriction made by Auckland Transport.

14 Cruising

- (1) Auckland Transport may by resolution-
 - (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

- (2) A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Auckland Transport.

15 Light motor vehicle restrictions

- (1) Auckland Transport may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.
- (2) A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by Auckland Transport unless-
- (a) that vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
 - (b) that vehicle is being used for the time being as a passenger service vehicle; or
 - (c) prior written permission from Auckland Transport has been obtained.

16 Engine braking

- (1) Auckland Transport may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- (2) A person must not use engine braking on any road in contravention of a prohibition or restriction made by Auckland Transport.

17 Unformed legal roads

- (1) Auckland Transport may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- (2) A person must not use a motor vehicle on an unformed road contrary to a restriction made by Auckland Transport.

**Part 3
Parking**

18 Stopping, standing and parking

- (1) Auckland Transport may by resolution-
- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
 - (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.
- (2) A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by Auckland Transport.

19 Parking places, parking buildings, transport stations and zone parking

- (1) Auckland Transport may by resolution-
- (a) reserve any area of land or any road or any part of a road or any zone or any building or any part of a building owned or under the care, management or control of Auckland Transport to be a parking place or a transport station;

- (b) specify the vehicles or classes of vehicle that may or must not use a parking place or transport station;
 - (c) prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
 - (d) prescribe-
 - (i) any charges to be paid for the use of a parking place or transport station; and
 - (ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner;
 - (e) make provision for the efficient management and control of a parking place or transport station.
- (2) Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
 - (3) A person must not park a vehicle in a parking place or transport station in contravention of prohibition or restriction made by Auckland Transport.

20 Mobility parking

- (1) Auckland Transport may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.
- (2) Auckland Transport may approve the form of a disabled person's parking permit.
- (3) A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.
- (4) A person must not park a vehicle which is displaying an approved disabled person's parking permit unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

21 Residents' parking

- (1) Auckland Transport may by resolution reserve any specified parking place as-
 - (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
 - (b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- (2) Auckland Transport may by resolution prescribe-
 - (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
 - (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- (3) Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and display a current approved resident's parking permit so that it is clearly legible.

- (4) A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Auckland Transport unless a current approved resident's parking permit is prominently displayed in the vehicle.

22 Parking vehicles off a roadway

- (1) A person must not stop, stand or park a motor vehicle in urban traffic areas on that part of the road which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- (2) A person may stop, stand or park a motor vehicle in contravention of this clause if-
- (a) that part of the road is designed and constructed to accommodate a parked vehicle; or
 - (b) Auckland Transport has given written permission to stop, stand or park a vehicle in that part of the road.

23 Parking for display or sale

A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

24 Machinery or equipment on roads

A person must not leave any machinery, equipment, materials or freight containers on any road unless that person has the written permission of Auckland Transport. This clause does not apply to containers that are used solely for the purpose of kerbside collection of waste or diverted material authorised by Auckland Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.

25 Repairs on vehicles

A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

26 Broken down vehicles

A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

**Part 4
Enforcement Powers**

27 Removal of vehicles and things

- (1) In addition to the powers conferred on it by any other enactment, Auckland Transport may remove or cause to be removed from any parking place, transport station or road any vehicle or thing using those places stations or roads in breach of the bylaw.
- (2) Auckland Transport may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the vehicle or thing.

28 Removal of construction

Auckland Transport may remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

**Part 5
Offences and Penalties**

29 Bylaw breaches

A person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

**Part 6
Exceptions, Revocation and Savings provisions**

30 Exceptions

- (1) A person is not in breach of this bylaw if that person proves that-
- (a) the act or omission complained of took place in response to a situation on a road; and
 - (b) the situation was not of the person's own making; and
 - (c) the act or omission was taken-
 - (i) to avoid the death or injury of a person; or
 - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 30(1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this bylaw.
- (3) Any restrictions made under Parts 2 and 3 of this bylaw do not apply to-
- (a) a vehicle that is actually engaged in urgent repair work to a public utility service;
 - (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
 - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- (4) A person is not in breach of this bylaw if that person proves that the act or omission-
- (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

31 Revocation

The following transport-related bylaws are revoked to the extent that they apply to any roads under the care, control or management of Auckland Transport-

- (a) Auckland City Council Traffic Bylaw 2006;
- (b) Franklin District Council Traffic Control Bylaw 2006;
- (c) Chapter 13 (Parking and Traffic) of the Manukau City Consolidated Bylaw 2008;
- (d) Part 6 (Traffic Control) of the North Shore City Council Bylaw 2000 excepting clause 6.5 and any specific definition in clause 6.1 that relates to clause 6.5;
- (e) Papakura District Council Parking and Traffic Bylaw 2009;
- (f) Chapter 25 (Parking and Traffic Control) of the Rodney District Council General Bylaw 1998;
- (g) Waitakere City Council Use of Roads and Parking Bylaw 2010 (Waitakere City Council Traffic Bylaw 2010).

32 Savings

Any resolutions, approvals, permits or other acts of authority made pursuant to the bylaws referred to in clause 31 remain in force in the area to which it applied on the date of revocation until revoked by Auckland Transport.

Appendix 1B: Auckland Council Traffic Bylaw 2015



**Auckland
Council**
Te Kaunihera o Tāmaki Makaurau

Traffic Bylaw 2015
(as at 01 October 2019)

Te Ture ā-Rohe Waka Haere 2015

**Made by the
Governing Body of Auckland
by
Resolution in Council
on
25 June 2015
(Resolution number GB/2015/63)**

Pursuant to the Land Transport Act 1998, the Governing Body of Auckland Council makes the following bylaw.

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1 Title

- (1) This bylaw is the Auckland Council Traffic Bylaw 2015.

2 Commencement

- (1) This bylaw comes into force on 1 August 2015.

3 Application

- (1) This bylaw applies to all roads and parking places under the control of the Auckland Council.

Explanatory note: The bylaw does not apply to roads which are part of the Auckland transport system (defined in clause 5 below), which generally includes all roads in Auckland other than motorways and state highways. Auckland Transport has bylaw-making power in relation to such roads. This bylaw is therefore limited to other roads (as defined) in Auckland, which includes beaches and public places under the council's control, and to off-street parking provided by the council.

Part 1

Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to regulate parking and the use of vehicles on land which is not part of the Auckland transport system and is under the control of Auckland Council.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires, -

Act means the Land Transport Act 1998.

approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit:

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
(b) approved by Auckland Transport.

Auckland transport system

- (a) means—
- (i) the roads (as defined in section 315 of the Local Government Act 1974) within Auckland;
 - (ii) the public transport services (as defined in section 5(1) of the Land Transport Management Act 2003) within Auckland;
 - (iii) the public transport infrastructure owned by the council; and
 - (iv) the public transport infrastructure owned by or under the control of Auckland Transport;
- (b) but does not include—
- (i) state highways;
 - (ii) railways under the control of New Zealand Railways Corporation;
 - (iii) off-street parking facilities under the control of the council;
 - (iv) airfields.

Explanatory note: A road in section 315 of the Local Government Act 1974 means the whole of any land which is within Auckland, and which:

- (a) *immediately before the commencement of part 21 of the Local Government Act 1974 was a road or street or public highway;*
- (b) *immediately before the inclusion of any area in the district was a public highway within that area; or*
- (c) *is laid out by the council as a road or street after the commencement of part 21 of the Local Government Act 1974;*
- (d) *is vested in the council for the purpose of a road as shown on a deposited survey plan;*
- (e) *is vested in the council as a road or street pursuant to any other enactment; and includes:*
- (f) *except where elsewhere provided in part 21 of the Local Government Act 1974, any access way or service lane which before the commencement of part 21 of the Local Government Act 1974 was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of part 21 of the Local Government Act 1974 or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;*
- (g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof.*

beach means the foreshore (including the inter-tidal zone above the mean low water spring) and any area above mean high water springs that can reasonably be considered the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation typically found in a marine environment.

class of vehicle means groupings of vehicles defined by reference to any common feature and includes:

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by the council or Auckland Transport.

council means the governing body of the Auckland Council or any person delegated to act on its behalf.

emergency vehicle means a vehicle used for attendance at emergencies and operated-

- (a) by an enforcement officer
- (b) by an ambulance service
- (c) as a fire service vehicle
- (d) as a civil defence emergency vehicle
- (e) as a defence force emergency vehicle

motor vehicle

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include-
 - (i) a vehicle running on rails; or
 - (ii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iii) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

- (iv) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (v) a pedestrian-controlled machine; or
- (vi) a vehicle that the New Zealand Transport Agency has declared under section 168A of the Act is not a motor vehicle; or
- (vii) a mobility device.

network utility operation has the same meaning as in section 166 of the Resource Management Act 1991.

parking place means a road or part of a road or any zone or other place, including a building, provided by the council where vehicles, or any class of vehicles, may stop, stand or park, and includes all necessary approaches and means of entrance to and egress from any such place and all facilities associated with the use of the place as a parking place.

public place means a place to which the public have access, whether as of right or not.

road means

- (a) a street;
- (b) a beach;
- (c) a park;
- (d) a place to which the public have access, whether as of right or not; and
- (e) bridges, culverts, gates and fords forming part of a road or street, or a place referred to in subclause (d);

which is under the control of the council and which is not part of the Auckland transport system.

Explanatory note: Definition of road amended by minute GB/2019/22, in force on 01 October 2019.

shared zone means a roadway intended to be used by pedestrians and vehicles

vehicle means

- (a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include:
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (viii) any other contrivance specified by rules made under the Act not to be a vehicle for the purposes of this definition;
 - (ix) any rail vehicle.

(2) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formal process.

(3) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Land Transport Act 1998 unless the context plainly requires a different meaning.

(4) The Interpretations Act 1999 applies to this bylaw.

Explanatory note: Some road and traffic related issues are also addressed in the Auckland Council Public Safety and Nuisance Bylaw 2013. This includes restrictions on using vehicles including skateboards, roller skates, bicycles etc. in a reckless or dangerous manner in a public place.

6 Resolutions

- (1) A resolution may be made under this bylaw-
 - (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
 - (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road or parking place; or
 - (c) that applies to all roads, any specified road or part of a road or parking place under the care, control, or management of the council; or
 - (d) that applies to any specified time or period of time.

Part 2

Vehicular use of council controlled roads (including beaches and other public places) and off-street parking places

7 One-way roads

- (1) The council may by resolution require vehicles on any road to travel in one specified direction only.
- (2) Every driver of a vehicle must travel only in the direction specified for that one-way road as evidenced by appropriate signs and/or road markings.

8 Limitations on the use of roads, (including parks, beaches and other public places)

- (1) The council may by resolution permanently or temporarily:
 - (a) prohibit or restrict the stopping, standing, or parking of vehicles on any road;
 - (b) restrict the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description and restrict the period of time that such vehicles may park on any part of the road;
 - (c) prohibit vehicles on any road:
 - (i) turning from facing or travelling in one direction to facing or travelling in the opposite direction;
 - (ii) from turning to the right or to the left;
 - (d) prohibit any specified class of vehicle (for example vehicles above a certain weight) from being driven or parked on any specified road or part of a road (including any bridge, culvert, beach or other public place);
 - (e) establish cycle lanes (including contraflow cycle lanes), cycle paths, shared paths, and other special vehicle lanes or areas where the use of those lanes or areas may be restricted to certain types or classes of vehicles.
- (2) The council may by resolution permanently or temporarily:
 - (a) restrict the use of any park, beach, unsealed or unformed road by all motor vehicles or any class of motor vehicle;
 - (b) specify any road to be a shared zone and prevent the parking of any motor vehicles in that shared zone.
- (3) The council may temporarily close any road to all vehicles or classes of vehicles where necessary for any event, repair of the road or the placement or repair of any infrastructure

on or near that road. For the avoidance of doubt this clause does not limit any other powers the council may have to close or restrict the entry to any road.

- (4) Except with the approval of the council a person must not on any road or public place:
 - (a) stop, stand or park a vehicle for the purpose of offering a good or service or for offering the vehicle for sale unless the vehicle is being used for day to day travel;
 - (b) leave any machinery (other than a movable vehicle), equipment, materials, containers or things.
- (5) A person must not drive, stop, stand, park or turn a vehicle in contravention of a prohibition or restriction made by the council under this bylaw and evidenced by appropriate signs and/or road markings.

Explanatory note: Clause 8 amended by minute GB/2019/22, in force on 01 October 2019 to include reference to 'parks'.

9 Parking places

- (1) The council may by resolution prescribe the use of parking places including:
 - (a) specifying the vehicles or classes of vehicles that may or may not use any parking place;
 - (b) prescribe the conditions under which any parking place may be used including the permitted duration and manner of use of the parking place;
 - (c) fix opening and closing times for off-street parking places;
 - (d) prescribe any charges to be paid for the use of parking places;
 - (e) prescribe the times when charges will be payable for the use of parking places;
 - (f) prescribe the manner in which parking charges must be paid for the use of the parking place and the manner of displaying proof of payment if necessary;
 - (g) vary any of the above as it sees fit.
- (2) A person shall not use a parking place in contravention of a prohibition or restriction made by the council.

10 Disabled Parking

- (1) The council may by resolution reserve any specified parking place for the exclusive use of disabled persons.
- (2) A person must not stop, stand or park a vehicle in a parking place reserved for the exclusive use of disabled persons unless:
 - (a) that vehicle displays a clearly legible and current approved disabled person's parking permit; and
 - (b) that vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

11 Parking vehicles off a roadway

- (1) Except with the approval of the council, a person must not stop, stand or park a motor vehicle either wholly or partly on a footpath, grass verge, park, garden, beach or in any area that is not designed and constructed to accommodate a parked motor vehicle.

Explanatory note: Clause 11 amended by minute GB/2019/22, in force on 01 October 2019 to include reference to 'park'.

12 Broken down vehicles

- (1) A person must not leave a vehicle on any road or public place for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

13 Speed limits

The council may by resolution set permanent, temporary or variable speed limits for any road.

Explanatory note: Auckland Council may only set a speed limit if it has complied with the relevant requirements of the Land Transport Rule: Setting of Speed Limits 2003.

Part 3

Enforcement, offences and penalties

14 Non-compliance with this bylaw

- (1) The council may use its powers under the Land Transport Act 1998 to enforce this bylaw.
- (2) A person who fails to comply with any control, restriction, limitation or prohibitions made pursuant to this bylaw commits an offence under the Land Transport Act 1998 and is liable to the penalties set out in that Act.
- (3) In addition to the powers conferred on it by any other enactment the council may remove or cause to be removed from any road, or parking place any vehicle or thing using the road or parking place in breach of this bylaw.

Explanatory note: The Land Transport (Offences and Penalties) Regulations 1999 authorises the issue of an infringement notice for not complying with many of the restrictions imposed under this bylaw.

15 Offences and penalties

- (1) A person who fails to comply with this bylaw:
 - (a) may be served with an infringement notice in accordance with sections 128E and 139 of the Land Transport Act 1998;
 - (b) may have their vehicle moved if a parking warden believes that the vehicle causes:
 - (i) an obstruction in the road or to any vehicle entrance to any property; or
 - (ii) the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public;
 - (c) may be liable to a fine of \$500 for an offence involving a moving vehicle.

Part 4

Exceptions and savings

16 Exceptions

- (1) A person is not in breach of this bylaw if that person proves that:
 - (a) the act or omission complained of took place in response to a situation on a road;
 - (b) the situation was not of the person's own making;
 - (c) the act or omission was taken:
 - (i) to avoid the death or injury of a person; or
 - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 15(1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this bylaw.
- (3) Any restrictions made under Part 2 of this bylaw do not apply to:
 - (a) a vehicle that is actually engaged in construction, maintenance or repair work to a network utility operation;

- (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
 - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- (4) A person is not in breach of this bylaw if that person proves that the act or omission:
- (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

17 Savings

- (1) This clause applies to the following bylaws to the extent that they do not relate to the Auckland transport system:
- (a) Auckland City Council Bylaw Number 25 - Traffic 2006;
 - (b) Franklin District Council Traffic Control Bylaw 2006;
 - (c) Chapter 13 of the Manukau City Consolidated Bylaw: Parking and Traffic;
 - (d) Part 9 of the North Shore City Bylaw 2000: Traffic Control;
 - (e) Papakura District Council Parking and Traffic Bylaw 2009;
 - (f) Chapter 25 of the Rodney District Council General Bylaw 1998: Parking and Traffic Control;
 - (g) Waitakere City Council Use of Roads and Parking Bylaw 2010;
 - (h) Franklin District Council Speed Limits Bylaw 2005;
 - (i) Chapter 16 (Speed Limits) of the Manukau City Consolidated Bylaw 2008;
 - (j) Papakura District Council Speed Limits Bylaw 2009;
 - (k) Chapter 18 (Road Speed Limits) of the Rodney District Council General Bylaw 1998;
 - (l) Waitakere City Council Speed Limits Bylaw 2010
 - (m) Waikato District Council Speed Limits Bylaw 2005.
- (2) Any resolution, approval or other decisions made under a bylaw referred to in clause 17(1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution, approval or decision made by the council under this bylaw.

Additional information to the Traffic Bylaw 2015

This document is for information purposes only and does not form part of this bylaw. It contains matters made pursuant to this bylaw, and information to help users understand, use and maintain this bylaw. The document may be updated at any time.

Contents

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Section 1: History of bylaw

Action	Description	Date of decision	Decision reference	Commencement
Make	Auckland Council Traffic Bylaw 2015	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Auckland City Council Bylaw Number 25 - Traffic 2006	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Franklin District Council Traffic Control Bylaw 2006	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Chapter 13 of the Manukau City Consolidated Bylaw: Parking and Traffic	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Part 9 of the North Shore City Bylaw 2000: Traffic Control	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Papakura District Council Parking and Traffic Bylaw 2009	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Chapter 25 of the Rodney District Council General Bylaw 1998: Parking and Traffic Control	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Waitakere City Council Use of Roads and Parking Bylaw 2010	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Franklin District Council Speed Limits Bylaw 2005;	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Chapter 16 (Speed Limits) of the Manukau City Consolidated Bylaw 2008	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Papakura District Council Speed Limits Bylaw 2009	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Chapter 18 (Road Speed Limits) of the Rodney District Council General Bylaw 1998	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Waitakere City Council Speed Limits Bylaw 2010	25 June 2015	(Resolution number GB/2015/63)	1 August 2015
Revoke	Waikato District Council Speed Limits	25 June 2015	(Resolution number GB/2015/63)	1 August 2015

Amend	Auckland Council Traffic Bylaw 2015	28 March 2019	GB/2019/22	1 October 2019
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Section 2: Related documents

Title	Description	Location
2015 Auckland Transport Parking Strategy	Strategy for managing on and off-street parking controlled and managed by Auckland Transport.	Auckland Transport website

Section 3: Delegations

Clause/s	Function, duty or power to be delegated	Delegated authority	Date of delegation decision	Decision reference	Commencement of delegation
All	Power to enforce this bylaw	Auckland Transport	25 June 2015	TBC	1 August 2015
7(1), 8(1-4), 12(1)	All powers of the council	Auckland Transport	25 June 2015		1 August 2015
9(1).	Powers relating to parking places	Auckland Transport	25 June 2015	Resolution number GB/2015/63	1 August 2015
13	Determining speed limits	Auckland Transport	25 June 2015		1 August 2015

Section 4: Enforcement powers

Legislative provision	Description
Sections 128E and 139 of the Land Transport Act 1998	Allows parking wardens to enforce any stationary vehicle offence or special vehicle land offence, may direct the driver to remove any vehicle if it is obstructing the road or if it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public etc. Allows parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011. Allows parking warden to move vehicles causing obstruction.

Section 5: Offences and penalties

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
Land Transport (Offences and Penalties) Regulations 1999	As prescribed in Schedule 1 and Schedule 1B of the regulations	varies	varies	
Section 22AB of the Land Transport Act 1998	Failure to comply with clauses 7(2) 8(4), 8(5), 10(2), 9(2), 11(1), 12(1), 14(3)	\$500 on conviction		

Appendix 1C: Auckland Council Public Safety and Nuisance Bylaw 2013 (for vehicles on beaches only)

16 Vehicle provisions to transition to traffic bylaw

- (1) A person must not drive, ride, propel or wheel any vehicle on a park except on places and subject to any conditions Council specifies.
- (2) A person must not park any vehicle on a park except in a place set aside and subject to any conditions Council specifies.
- (3) A person must not drive, ride, propel or wheel or park any vehicle on a beach except –
 - (a) to deposit or retrieve a boat in the water, provided –
 - (i) there is vehicular access to the beach (for example, a boat ramp);
 - (ii) the vehicle is driven using a direct route;
 - (iii) the vehicle speed does not exceed 10km/h; and
 - (iv) the vehicle is removed from the beach immediately upon retrieval or depositing of the boat;
 - (b) in the case of an emergency; or
 - (c) Council has given prior written approval.
- (4) However, subclauses (1), (2) and (3) cease to apply from the date specified in a resolution under the Auckland Council Traffic Bylaw 2015 that specifically addresses the matters they relate to.

Related information

The [Auckland Council Traffic Bylaw 2015](#) is made under the section [22AB Land Transport Act 1998](#) which provides alternative ways to regulate vehicles in council controlled public places that are not part of the Auckland Transport System. For example –

- restricting vehicles on parks and beaches using conditions instead of prior approval (clause 8(1)(a), 8(2)(a) and 8(5))
- regulating the stopping, parking and leaving of vehicles (clause 11 and 12)
- enabling the New Zealand Police to enforce the traffic bylaw by issuing \$150 infringement notices ([Schedule 1 of the Land Transport \(Offences](#)

Appendix 2: Key stakeholders and partners invited to participate in the survey (December 2023)

- 4WD clubs
- New Zealand Automobile Association
- Access Alliance
- Association of Blind Citizens
- Auckland City Centre Residents Group
- Auckland Disability Providers Network
- Awataha
- Barrier Free NZ Trust
- Be accessible
- Bike Auckland
- Blind Low Vision NZ
- CCS Disability Action
- Deaf Aotearoa New Zealand
- Employers & Manufacturers Association
- Fire & Emergency New Zealand
- Hancock Forestry
- Hāpai te Hauora
- Heavy Haulage Association
- Hoani Waititi Marae
- Huakina Development Trust
- Land Rover Owners Club
- Living Streets Aotearoa
- Mahitahi Trust
- **Manukau Urban Māori Authority**
- Manurewa Marae
- **Māori Bay Board Riders**
- Mataatua Marae
- Muriwai 4WD
- Muriwai Camp Ground
- Muriwai Community Group
- Muriwai Golf Club
- Muriwai Horse Treks
- Muriwai Sport Fishing Club
- Muriwai Surf Lifesaving Club
- Muriwai Surf School
- National Road Carriers
- Papakura Marae
- Papatūānuku Kōkiri Marae
- PT Users Association
- Sand Dunz
- Surf Lifesavers
- Surf Lifesaving New Zealand Northern Region
- Te Hana Marae
- **Te Kotahi a Tāmaki Marae Collective**
- Te Mahurehure Marae
- Te Roopu Taurima
- Te Roopu Waiora
- Te Whānau O Waipareira
- Turuki Healthcare Charitable Trust
- Waitemata Riding Club
- Women in Urbanism

Appendix 3: The Bylaw and the TCC resolution process

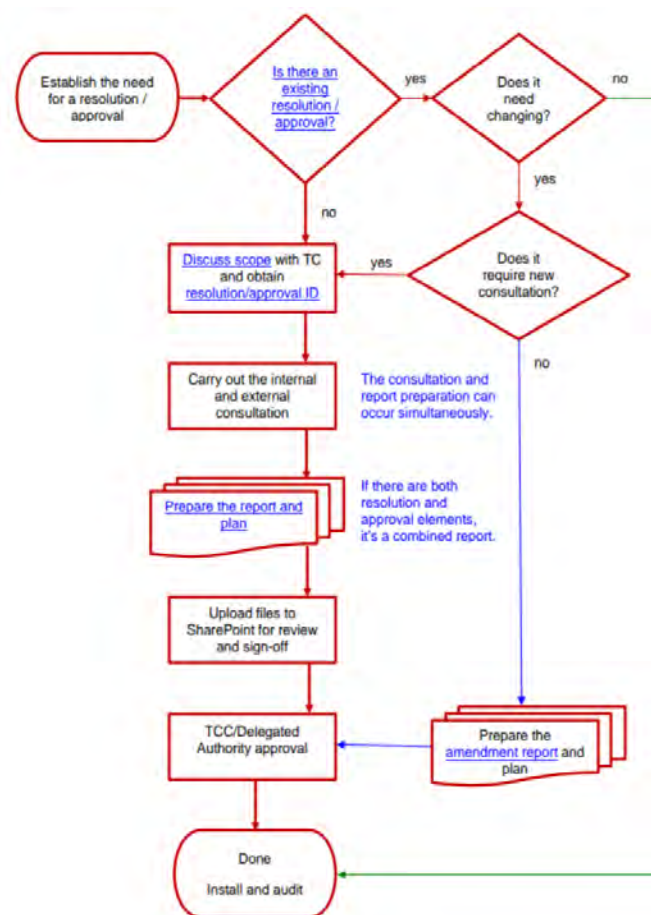
Resolution reports contain detailed information about the Bylaw controls recommended for approval by the Traffic Control Committee (TCC). Generally, the following information is included in the resolution report:

- background – the context
- issues and options – the problem statement, options and recommendations
- consultation – the consultation and engagement (methodology and outcomes)
- recommendations – the recommended controls after considering identified options and feedback during consultation and engagement.

Resolution reports usually come with resolution plans. These plans contain information on kerb location, existing road markings and any relevant road features that may be affected by a change in parking restriction or traffic control (for example, driveways or existing controls).

The resolution reports and plans are then submitted to the AT reporting officer for review. Once approved, the TCC secretary includes the report in the TCC agenda. The TCC meets fortnightly and the agenda is usually due ten days in advance of the meeting schedule.

If the TCC approves the resolution report, the installation of the relevant traffic or parking controls commences.



Appendix Figure 1: AT TCC resolution flow chart (Auckland Transport Resolution & Approval Reports Guidebook, 2015)

Additional steps are undertaken once the Bylaw resolutions are approved by the TCC (this takes place before commencement of any enforcement).

Location-specific traffic and parking controls in general are identified with appropriate road signs and markings, in compliance with the requirements under the Land Transport Rule Traffic Control Devices 2004. Section 4.2(2) of the Rule requires road controlling authorities (RCAs) to install regulatory signs if the requirement, restriction or prohibition is made by a bylaw (including resolutions made under the Bylaw).

The installation of the required traffic control devices is managed through the relevant project funds and led by the project manager (specific AT delivery team that leads post-resolution process depends on the actual project).

In some cases, AT also relies on the installation of physical objects such as gates to ensure compliance with restrictions, for example, on unformed legal roads. Permits are also used to aid enforcement. Error! Reference source not found.8 presents an overview of the other steps required prior to any enforcement action.

Table 7: Overview of the additional steps for each control

Bylaw controls	Additional steps	Team in charge
Special vehicle lanes	Installation of CCTV cameras to monitor compliance with controls.	AT Delivery team
Unformed legal roads	Installation of gates to ensure compliance with controls.	AT Delivery team
Vehicles on beaches	Seasonal closure of vehicle access to Muriwai Beach approved for three years between the late-December and mid-January (this includes installation of physical barriers and signage). AC is currently considering the installation of a monitoring point and gate at Muriwai Beach to enable beach access for permitted vehicles (access for non-permitted vehicles would be declined).	AC Regional Parks
Mobility parking (parking places for the exclusive use of disabled persons)	Ensures mobility parking permits. Online applications through: https://www.ccsdisabilityaction.org.nz/mobility-parking .	CCS Disability Action ⁷⁴
Residents' parking	Ensures resident parking permits. A person who lives in a resident parking zone can apply for a permit (yearly renewal).	Road corridor access and coordination team

⁷⁴ The mobility parking permit scheme is a concession parking scheme owned and administered by CCS Disability Action with the cooperation of local GPs and city and district councils.

Appendix 4: The wider regulatory and strategic framework

Table 8 : Legislation that authorises AT and AC related bylaws

Legislation	Description
Local Government (Auckland Council) Act 2009	States that the purpose of Auckland Transport is to contribute to an effective, efficient, and safe Auckland land transport system in the public interest.
Land Transport Act 1998	Promotes safety of vehicle users by providing controls that govern road user behaviour. Allows a road controlling authority to make Bylaws that regulate the stopping, standing or parking of vehicles and the use of vehicles on beaches.
Local Government Act 2002	Promotes well-being of communities. Allows local authorities to make Bylaws to protect the public from nuisance, maintain public health and safety, minimise the potential for offensive behaviour and manage the use of council-controlled land.

Table 9: Legislation that informs the making, administration and enforcement of traffic-related bylaws

Legislation	Description
Resource Management Act 1991	Empowers local authorities to regulate sustainable management of natural resources, including prohibiting the damage to any foreshore or seabed that is likely to have an adverse effect on plants or animals in their habitat.
Reserves Act 1977	Allows local authorities to regulate the use of a reserve to prevent nuisance and promote safety of reserve users.
Land Transport Rule Setting of Speed Limits 2022	Establishes an integrated speed management that considers how infrastructure, safety cameras and speed limits can be combined to achieve a safe transport system.
Land Transport Rule: Setting of Speed Limits Amendment 2023	Amends the Setting of Speed Limits 2022 Rule by making the requirement to develop speed management plans (SMPs) discretionary; provides the Minister of Transport with the authority to set a deadline for any of the steps involved in developing, varying or replacing speed management plans.
Land Transport (Road User Rule) 2004	Promotes road safety and efficient traffic flow by setting out the rights and responsibilities of road users. The Rule provides the overarching framework for road safety and traffic management in New Zealand and it applies to all road users.
Land Transport (Offences and Penalties) Regulations 1999	Sets out a range of traffic-related offences and penalties (fines or demerit points) for breaching land transport rules (for example, speeding or failing to give way).
Land Transport Rule Street Layouts 2023	Empowers road controlling authorities to prohibit or restrict access to roadways and to change their use for example, by creating school streets.
Land Transport Rule: Traffic Control Devices 2004	Sets requirements for design, construction, installation, operation and maintenance of traffic control devices, and the role of road controlling authorities.

Table 10: Other AT and AC Bylaws impacting traffic-related matters

Bylaws	Description
Auckland Transport Activities in the Road Corridor Bylaw 2022	Provides framework for the regulation, control and approval of a range of activities in the road corridor not related to traditional traffic management.
Auckland Transport Speed Limits Bylaw 2019	Sets speed limits on roads where Auckland Transport is the road controlling authority. Forms part of AT's Safe Speeds programme.
Auckland Council Public Safety and Nuisance Bylaw 2013	Helps people enjoy Auckland by regulating the use of council-controlled public places (this includes restricting or closing entry) and bad behaviour in public places.
Auckland Council and Auckland Transport Signs Bylaw 2022	Provides rules for permanent and temporary signs on private and public property, including sign location, number, size, content and illumination.

Table 11: Relevant plans, strategies and frameworks that inform and support traffic-related bylaws in Auckland

Plans, strategies, frameworks	Description
Auckland Plan 2050	Sets direction for how Auckland will grow and develop over the next 25 years. Provides a framework under which all council plans, policies and Bylaws are aligned. Ensures Auckland meets the challenges of population growth, shared prosperity and environmental degradation by focusing on improving transport and access.
Auckland Unitary Plan F9 Vehicles on Beaches and E27 Transport	Limits the use of vehicles on beaches other than for maintenance or emergency, and uses a bylaw to monitor vehicles on beaches. Outlines policies and controls for traffic management in Auckland to ensure safe, efficient and sustainable transport networks.
Māori Plan for Tāmaki Makaurau and Schedule of Issues of Significance 2021-2025	Identifies priorities and aspirations of mana whenua and mataawaka to ensure AT and AC consider significant issues in accordance with the Treaty of Waitangi. Identifies access to transport as a key social direction for community connection and safety, and seeks collaboration to develop safe, sustainable and inclusive transport solutions.
Road to Zero. New Zealand's Road Safety Strategy 2020-2030	Informs road safety in New Zealand by outlining actions and interventions. Provides the vision of zero deaths and serious injuries on New Zealand roads by 2050.
Vision Zero for Tāmaki Makaurau	Establishes a safety vision for Tāmaki Makaurau, no deaths or serious injuries on the transport system by 2050 by offering better public transport, healthy active lifestyles and making walking and cycling more attractive.
Auckland Transport Roads and Streets Framework	Guides future planning and development of Auckland's roads and places with a strategic planning tool which provides a systematic and consistent methodology for identifying the different functions of roads and streets in Auckland.
Room to Move: Tāmaki Makaurau Auckland's Parking Strategy 2023	Manages parking to support a better and more sustainable transport system. Applies a tailored approach to parking management, rather than a one-size-fits-all. It sets a clear direction for the future management of public parking across the region by setting out principles which will guide parking delivery and management.

Appendix 5: Infringement fines under the Land Transport (Offences and Penalties) Regulations 1999

Offence	Infringement fee
Contravention, without reasonable excuse, of a bylaw made under section 22AB or 22AC	\$150
Unauthorised use of special vehicle lane	\$150
Driver turns or enters into road or part of a road when traffic sign prohibits that turning manoeuvre or entry	\$150
Driver fails to give way to road user on footpath, cycle path, or shared path when entering/exiting driveway	\$150
Park, etc, vehicle without due care	\$60
Park, etc, vehicle on roadway when practicable to park on road margin	\$40
Park, etc, vehicle on bend, etc	\$40
Unauthorised parking, etc, on or within 6 m of intersection	\$40
Parking in excess of a period fixed by a meter or otherwise, where the excess time is not more than 30 minutes	\$12 or such lesser amount as is fixed by the local authority
Parking in excess of a period fixed by a meter or otherwise, where the excess time is more than 30 minutes but not more than 1 hour	\$15 or such lesser amount as is fixed by the local authority
Parking in excess of a period fixed by a meter or otherwise, where the excess time is more than 1 hour but not more than 2 hours	\$21 or such lesser amount as is fixed by the local authority
Parking in excess of a period fixed by a meter or otherwise, where the excess time is more than 2 hours but not more than 4 hours	\$30 or such lesser amount as is fixed by the local authority
Parking in excess of a period fixed by a meter or otherwise, where the excess time is more than 4 hours but not more than 6 hours	\$42 or such lesser amount as is fixed by the local authority
Parking in excess of a period fixed by a meter or otherwise, where the excess time is more than 6 hours	\$57 or such lesser amount as is fixed by the local authority
Park, etc, in parking area reserved for disabled persons	\$150
Park, etc, a non-electric vehicle in parking area reserved for charging electric vehicles	\$60
Park, etc, on broken yellow lines	\$60
Park, etc, vehicle on pedestrian crossing	\$60
Park, etc, vehicle within 6 m of driver's approach to pedestrian crossing	\$60
Park, etc, vehicle in signed/marked area on driver's approach to pedestrian crossing	\$60
Park, etc, vehicle in special vehicle lane	\$60
Park, etc, vehicle on traffic island or flush median	\$40
Park, etc, vehicle within 6 m of bus stop sign	\$40
Park, etc, vehicle near fire hydrant	\$40
Park, etc, vehicle alongside another stopped motor vehicle	\$60
Inconsiderate parking	\$60
Parking on a clearway	\$60
Fail to park, etc, vehicle parallel to road	\$40
Fail to park, etc, vehicle at angle when required	\$40
Park, etc, vehicle on footpath/cycle path	\$40
Park, etc, vehicle of unauthorised class on reserved area	\$60

Offence	Infringement fee
Park, etc, on loading zone	\$40
Stop, etc, on level crossing	\$150
Stop, etc, near level crossing so as to obscure view	\$150
Park goods vehicle at angle during hours of darkness	\$60
Park trailer on roadway for more than 7 days	\$60
Driver of vehicle fails to give way to pedestrian on shared zone	\$150
Speed exceeds the speed limit by not more than 10 km an hour	\$30
Speed exceeds the speed limit by more than 10 km an hour but not more than 15 km an hour	\$80
Speed exceeds the speed limit by more than 15 km an hour but not more than 20 km an hour	\$120
Speed exceeds the speed limit by more than 20 km an hour but not more than 25 km an hour	\$170
Speed exceeds the speed limit by more than 25 km an hour but not more than 30 km an hour	\$230
Speed exceeds the speed limit by more than 30 km an hour but not more than 35 km an hour	\$300
Speed exceeds the speed limit by more than 35 km an hour but not more than 40 km an hour	\$400
Speed exceeds the speed limit by more than 40 km an hour but not more than 45 km an hour	\$510
Speed exceeds the speed limit by more than 45 km an hour but not more than 50 km an hour	\$630

Source: *The Land Transport (Offences and Penalties) Regulations 1999*

Appendix 6: Delegations from Auckland Council to Auckland Transport

AUCKLAND COUNCIL DELEGATION TO AUCKLAND TRANSPORT IN RELATION TO PARKING OF VEHICLES OFF A ROADWAY

DELEGATION INSTRUMENT – Parking of vehicles off a roadway

Reference number: 2017/336

I, Stephen Michael Town, Chief Executive, Auckland Council, hereby delegate to Auckland Transport the responsibilities, duties and powers delegated to me by Auckland Council in relation to the enforcement of clause 11 of the Auckland Council Traffic Bylaw 2015 (parking vehicles off a roadway) as it applies to all roads and parking places under the control of Auckland Council.

This delegation is subject to the following conditions:

- Auckland Transport must exercise all functions, powers and responsibilities in accordance with relevant statutory provisions.
- Auckland Transport will bear all costs associated with exercising this delegated authority, except for the costs of signage in local and regional parks, libraries and community facilities, which will be met by Council.
- Auckland Transport may retain any revenue associated with exercising this delegated authority. However, if a surplus is generated from this activity then Auckland Transport must use the surplus to offset its annual total funding requirement from Auckland Council.
- Auckland Transport must provide a biannual report to the appropriate Council manager in relation to the use of these delegated powers (when requested to do so).

For the avoidance of doubt, this delegation:

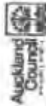
- includes any ancillary responsibilities, duties or powers necessary to give effect to this delegation.
- does not oblige Auckland Transport to take any enforcement action.


Stephen Michael Town
Chief Executive
Auckland Council

13/12/17
Date

AUCKLAND COUNCIL DELEGATION TO AUCKLAND TRANSPORT IN RELATION TO OFF-STREET PARKING

Governing Body
25 June 2015



Governing Body
25 June 2015



Attachment B: June 2015 Off-street Parking Delegation Terms

Auckland Council delegates A to Auckland Transport, excluding the prohibitions in B and subject to the conditions in C:

A. Delegations

1. All responsibilities, duties and powers relating to the management and control of off-street parking facilities owned by the Council including beaches and other public places managed or controlled by Council.

2. For the avoidance of doubt this includes delegated authority:

- in relation to all regulatory and enforcement decisions;
- in relation to the Council's functions and powers under all legislation and bylaws (including bylaws made by legacy Auckland local authorities) relating to off-street parking;
- to establish, modify and/or remove off-street parking restrictions and charges;
- in respect of any ancillary responsibilities, duties or powers necessary to give effect to this delegation.

B. Prohibitions

This delegation excludes:

- power to establish new, or extend any existing, Council owned off-street parking facilities;

C. Conditions

These delegations are given subject to the following conditions:

- all functions, powers and responsibilities must be exercised in accordance with relevant statutory and bylaw provisions;
- without limiting condition 1, where a decision must be made by resolution (for example where a bylaw or legislation requires it), the decision must be made by the Board of Auckland Transport or by its Traffic Control Committee;
- the exercise of the delegated powers must be in accordance with:
 - Policies 2A and 2B contained in the 2015 Auckland Transport Parking Strategy (as approved at the same meeting as the Governing Body makes these delegations);
 - any council regulatory plan
- in the case of off-street parking in Council local and regional parks, Council library car parks, associated with Council community facilities and beaches or public places controlled or managed by Council (and if there is any doubt about the categorisation of a particular car park, these terms apply):
 - the car parks, beaches and public places where parking restrictions are to apply will be specified by the appropriate manager, being:
 - General Manager Licensing & Compliance Services for beaches and off-street parking associated with community facilities;
 - Manager, Parks, Sport and Recreation for off-street parking in council regional and local parks;
 - Manager Libraries and Information for library car parks

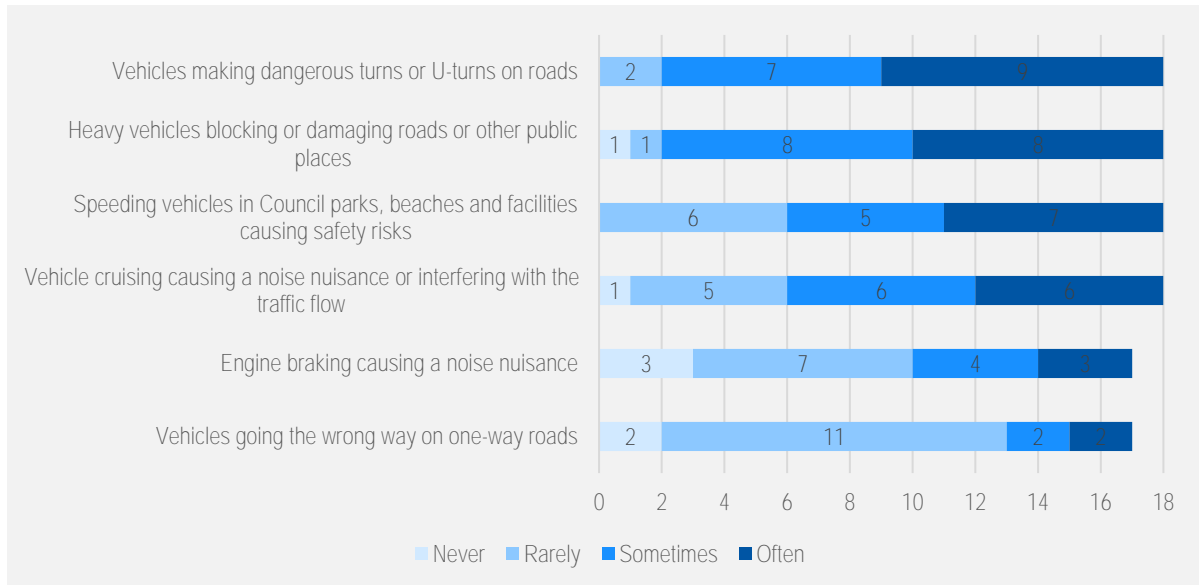
Item 19

Attachment B

- Auckland Transport will bear all costs, except for the costs of maintaining parking restrictions including signage in Council local and regional parks, Council library car parks, and Council community facilities, which will be met by Council. Auckland Transport may retain the revenue associated with existing this delegated authority. However, if a surplus is generated from this activity from Auckland Transport must use the surplus to offset the annual total funding requirement from Auckland Council.
- any views and preferences of local boards must be taken into account;
 - Auckland Transport must provide a biennial report to the appropriate Council Manager in relation to the use of these delegated powers in any particular car parks (when requested to do so)

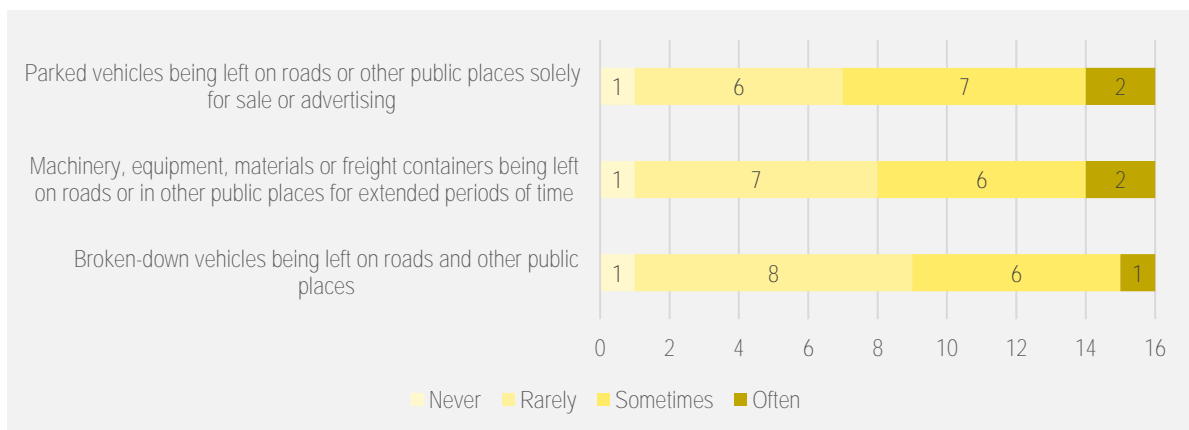
Appendix 7: Analysis of responses to the survey (December 2023)

A recent stakeholder survey shows the most common traffic-related issues were dangerous turns and U-turns and heavy vehicles blocking or damaging roads.



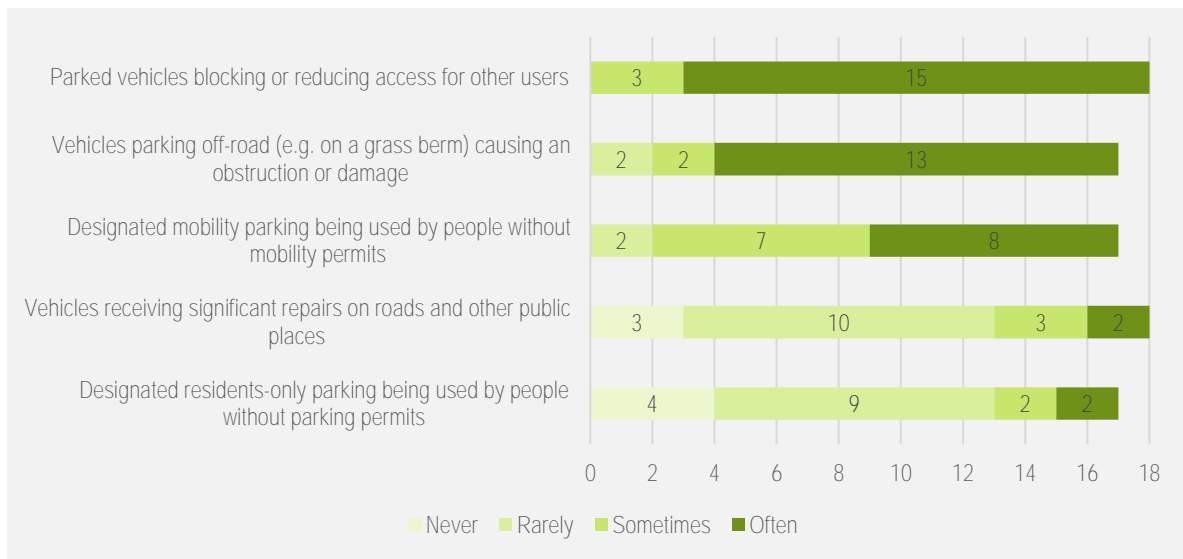
Source: Traffic-related Bylaws Review Stakeholder Feedback Report (December 2023), Auckland Transport

A recent stakeholder survey shows **the most common issues experienced less frequently, only 'rarely' or 'sometimes'** related to topics 16, 18 and 14.



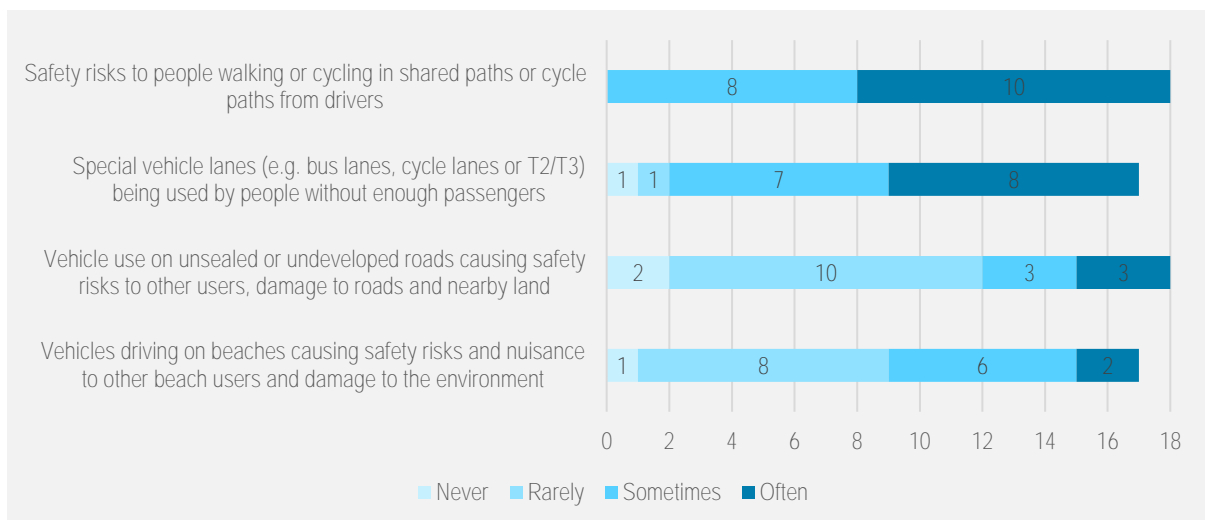
Source: Traffic-related Bylaws Review Stakeholder Feedback Report (December 2023), Auckland Transport

A recent stakeholder survey shows the most common issues with parking behaviour were vehicles blocking or reducing access, followed by vehicles parking on berms or off-road and drivers parking in mobility spaces without permits.



Source: *Traffic-related Bylaws Review Stakeholder Feedback Report (December 2023), Auckland Transport*

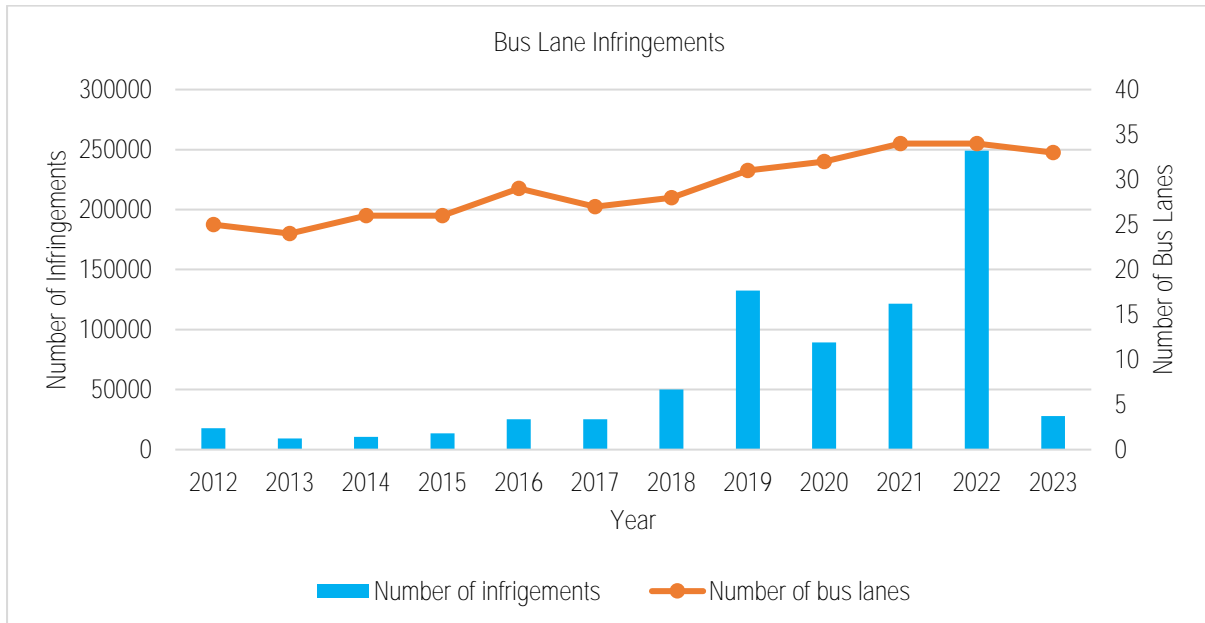
A recent stakeholder survey shows the most inappropriate use of the roadway was related to safety risks from vehicles for people walking or cycling in shared paths and cycleways, and the misuse of special vehicle lanes.



Source: *Traffic-related Bylaws Review Stakeholder Feedback Report (December 2023), Auckland Transport*

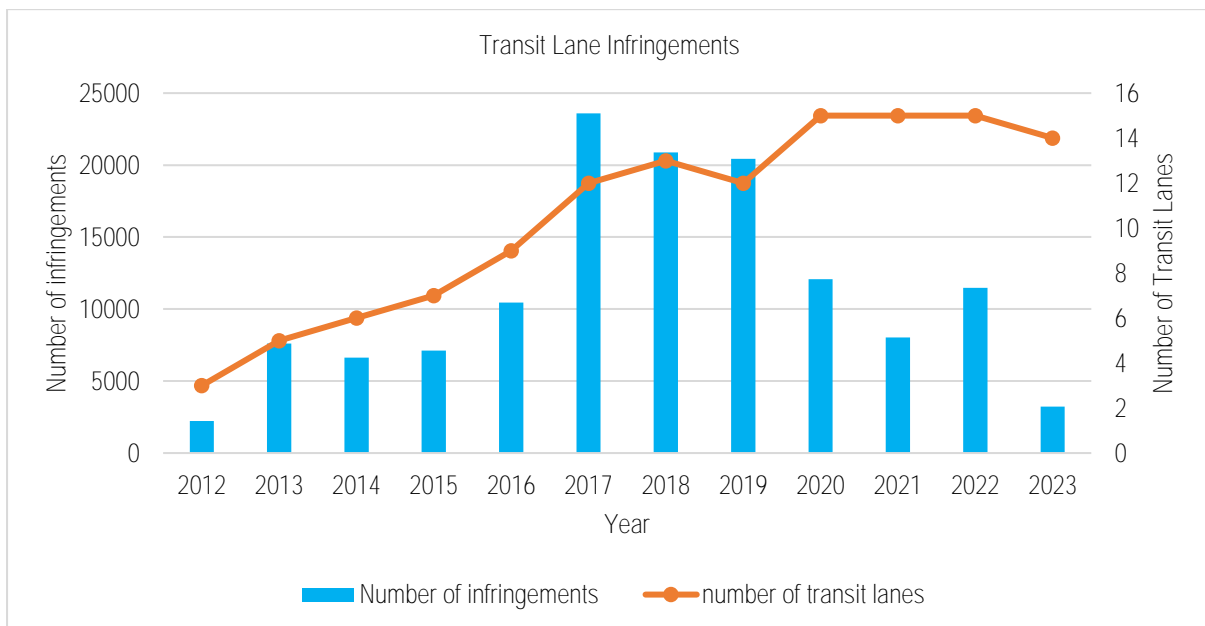
Appendix 8: Infringement data

- The number of bus lanes in Auckland and related infringements issued between 2012 to March 2023. The decline in 2020-2021 bus lane infringements was due to the pandemic (AT ceased enforcement).



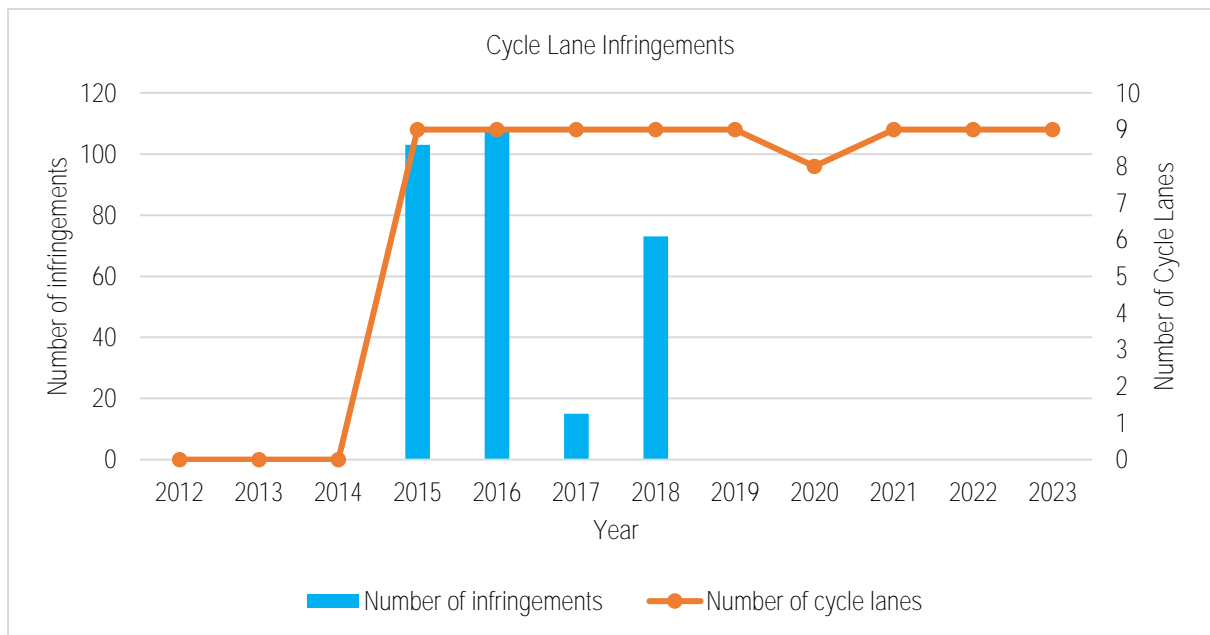
Source: Auckland Transport

- The number of transit lanes in Auckland and related infringements issued between 2012 to March 2023. For transit lanes in Auckland, CCTV monitoring started in 2022 while roadside enforcement was done in prior years. The limited FTEs also resulted in enforcement challenges.



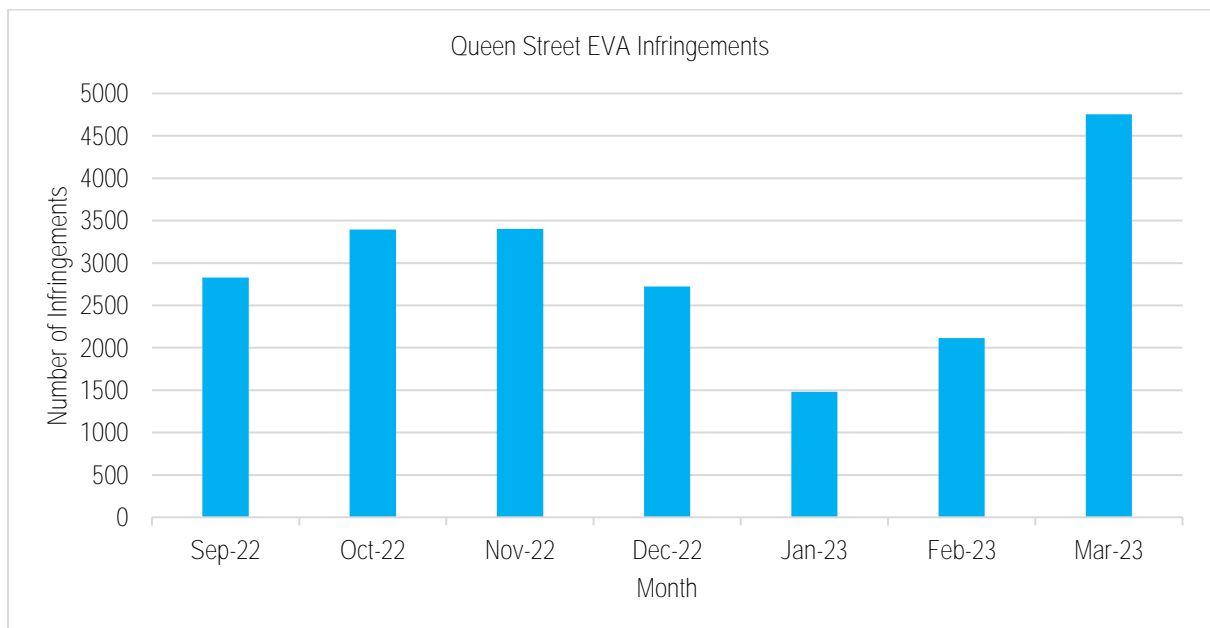
Source: Auckland Transport

- The number of cycle lanes in Auckland and related infringements issued between 2012 to March 2023. Generally, for cycle lanes, there is no proactive enforcement since 2019 due to limited FTEs.



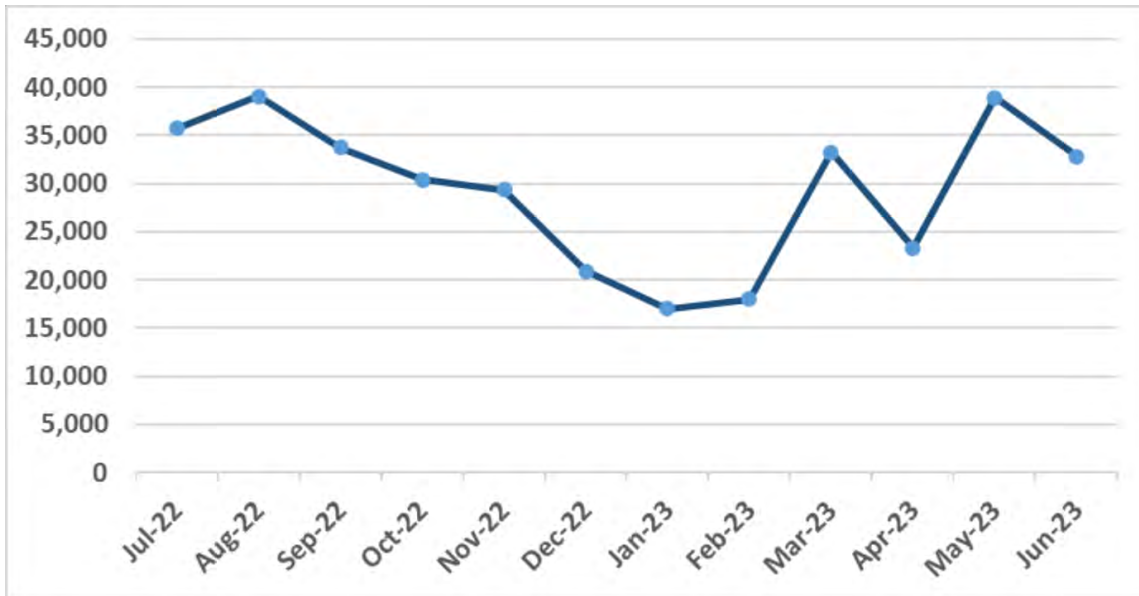
Source: Auckland Transport

- The number of infringements issued in the Queen Street essential vehicle area between September 2022 to March 2023. The main challenge for the Queen Street essential vehicle lane was setting up the system to eliminate goods vehicles using the road from being captured as 'offences'.



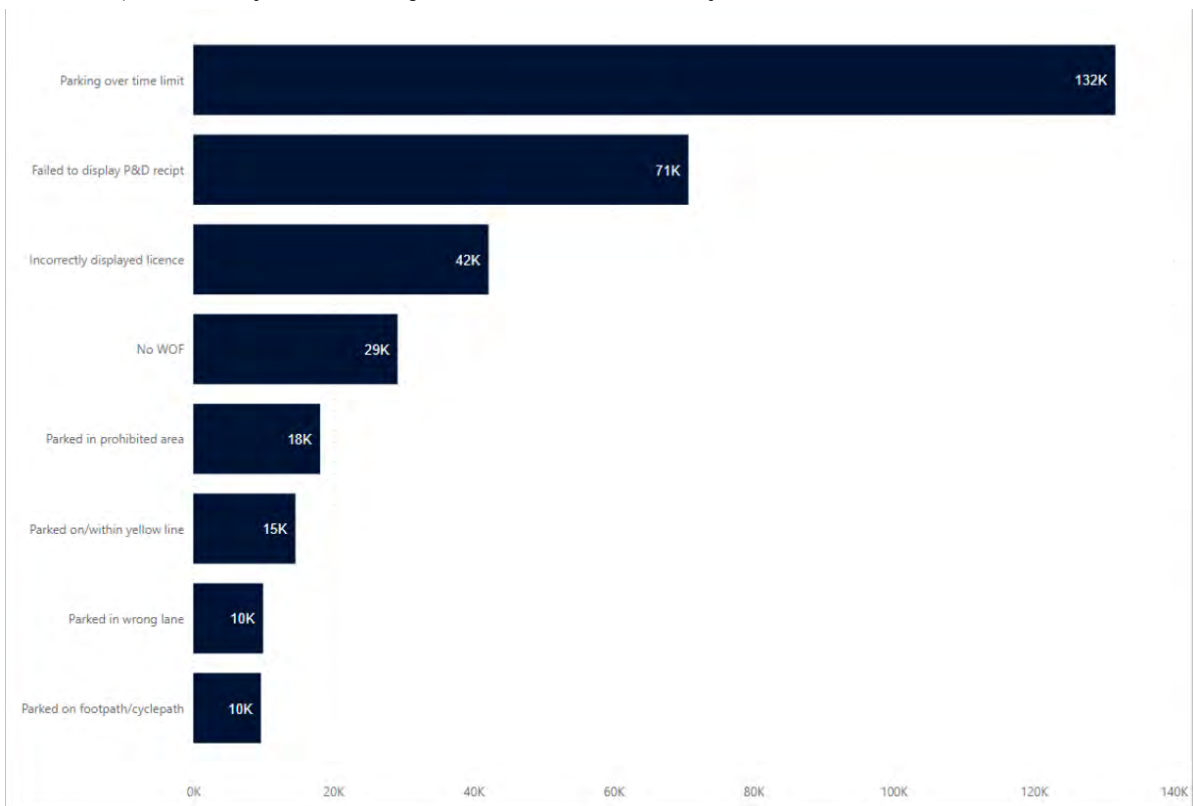
Source: Auckland Transport

- The number of stationary vehicle infringements per month in Auckland (1 July 2022 to 30 June 2023).



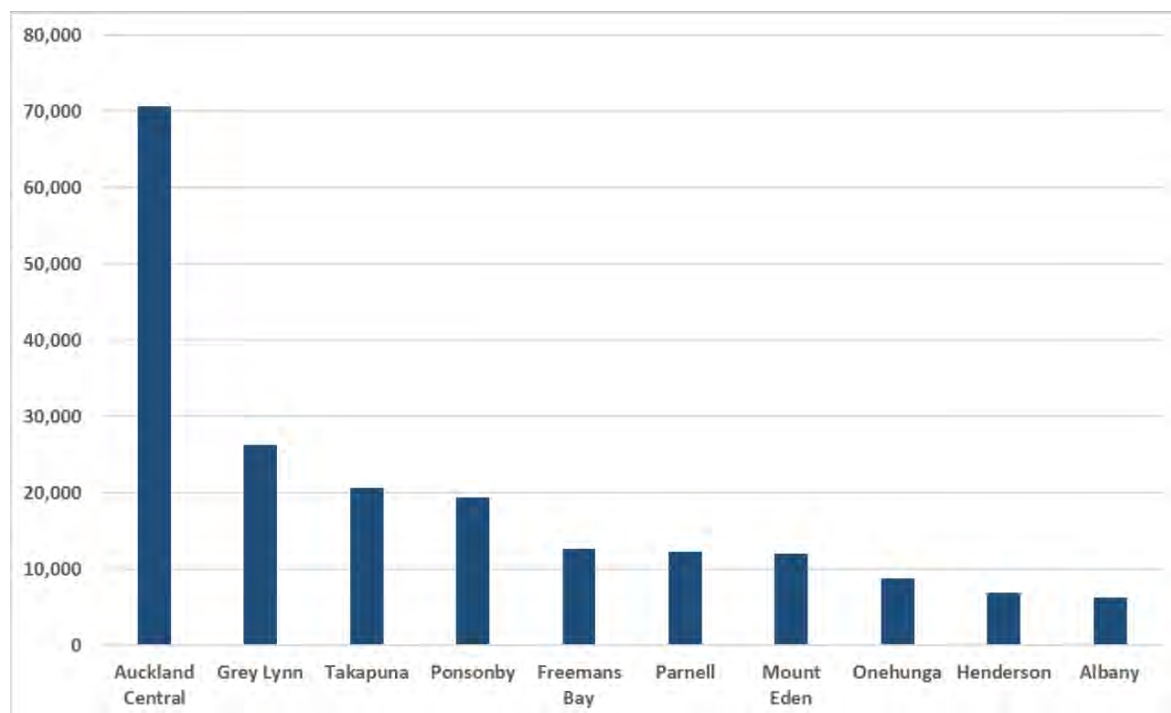
Source: Auckland Transport

- The top 8 stationary vehicle infringements in Auckland (01 July 2022 to 30 June 2023).



Source: Auckland Transport

- 55% of stationary vehicle infringements are issued in 10 suburbs across Auckland. 20% of these infringements are in Auckland Central (01 July 2022 to 30 June 2023).



Source: Auckland Transport

- Only about 5% of yearly stationary vehicle infringements are in off-street car parks.

Period	Infringements issued	Issued in off street parking	%
2020	310,031	16,575	5.35%
2021	319,445	16,063	5.03%
2022	363,038	15,595	4.30%
2023 (As of 31 May)	128,637	6,569	5.11%

Source: Auckland Transport

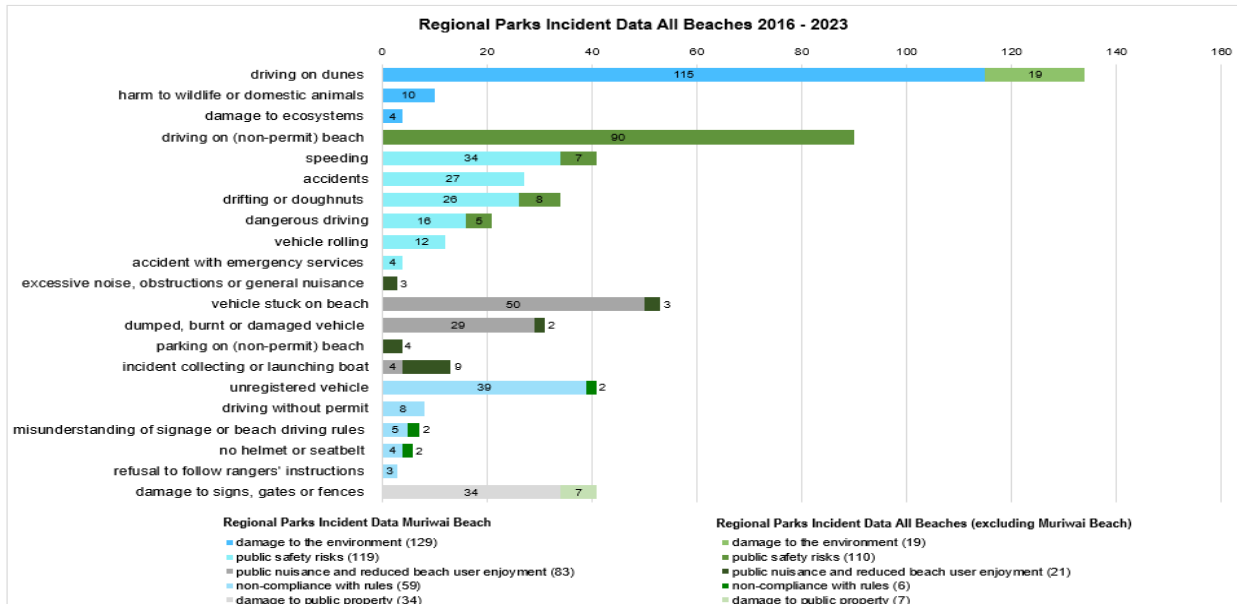
- Around 25% - 30% of yearly stationary vehicle fines (in off-street car parks) are issued in one car park alone.

Period	Top off street car parks (Infringements)	Infringements issued
2020	Jellicoe Street Car Park	4,339
2021	Matiatia car park	4,617
2022	Matiatia car park	4,988
2023 (As of 31 May)	Matiatia car park	1,539

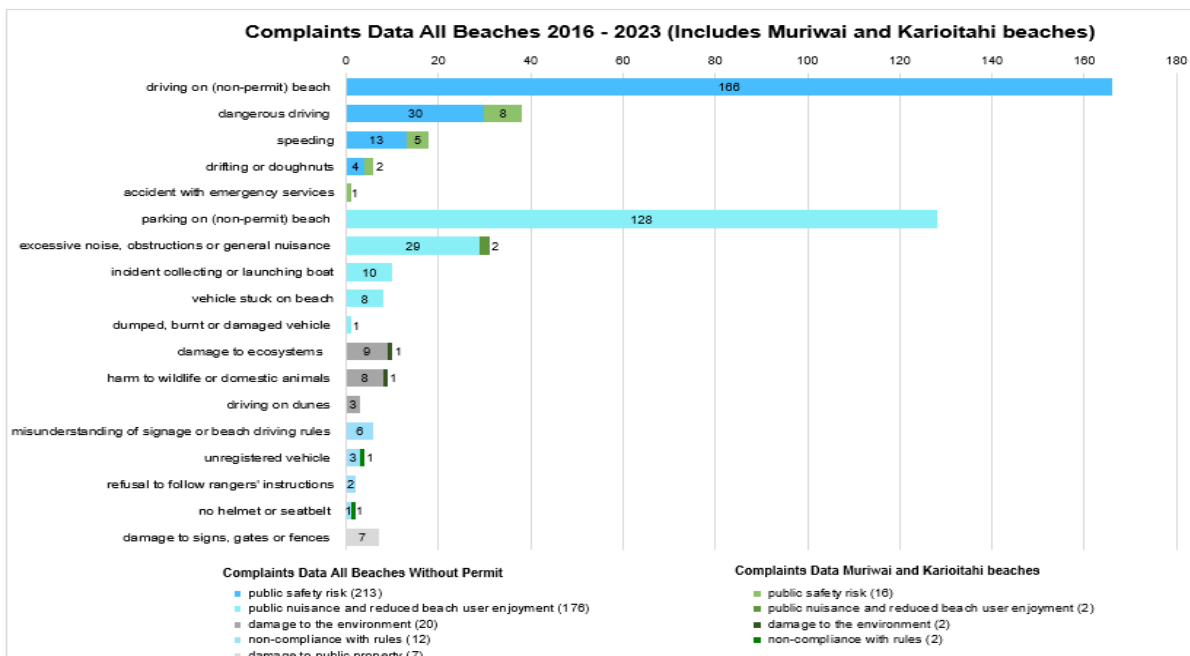
Source: Auckland Transport

Appendix 9: Relevant AC data for vehicles on beaches

The Regional Parks Incident Data reported 473 incidents witnessed or attended to by park rangers for vehicles on beaches in all regional parks since 2016.⁷⁵ The nature of reported incidents varies with most incidents relating to damage to the environment, public safety risks, public nuisance and reduced beach user enjoyment.



During the same period of time, AC has received 205 complaints related to vehicles on beaches. The nature of reported complaints mainly related to public safety risks from driving on beaches, public nuisance and reduced beach user enjoyment from vehicles causing obstructions and excessive noise.⁷⁶ On Muriwai and Karioitahi beaches, a greater proportion of complaints related to speeding and drifting.

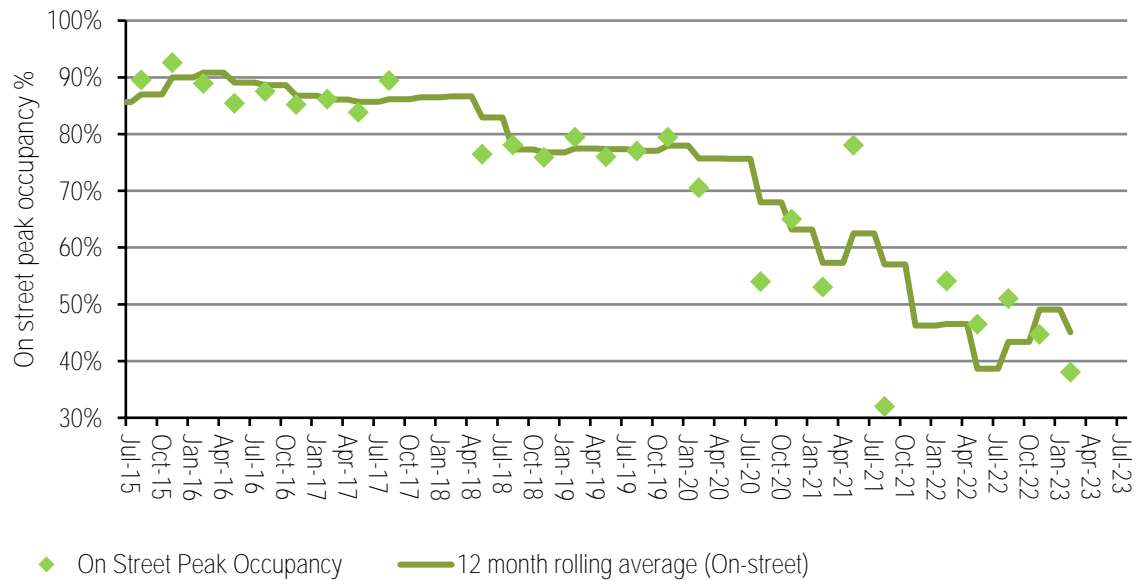


⁷⁵ While there are around 27 beaches in regional parks, only about five are readily accessible to vehicles (Army Bay (Shalespear), Pakiri, Te Arai, Muriwai, Te Rau Puriri). Note: Karioitahi Beach is a local (not regional) park.

⁷⁶ Some complaints refer to multiple forms of driver behaviour and therefore may be counted more than once.

Appendix 10: Relevant AT data

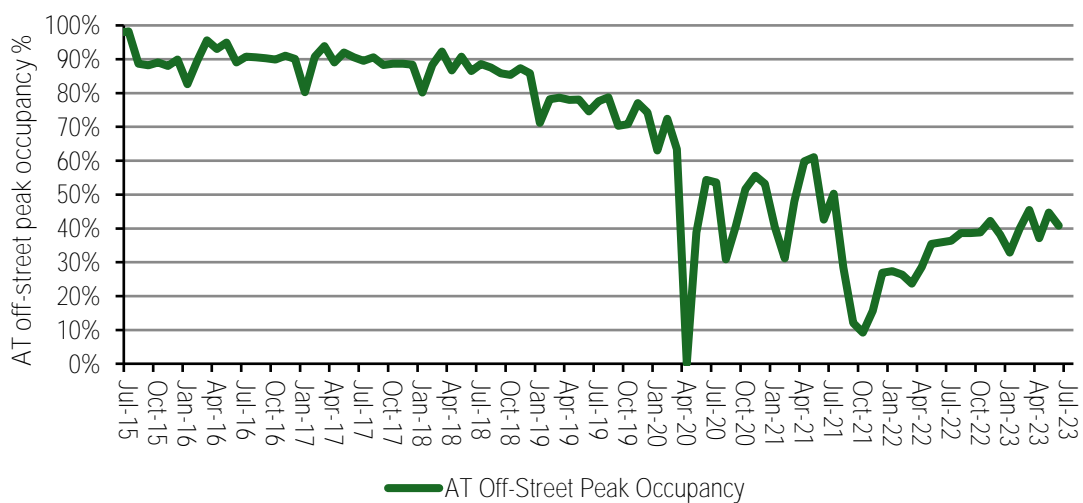
- On-street parking occupancy rates in key locations have declined sharply during the Covid lockdown period with poor recovery to approximately 45% in 2022 - 23. Note that on-street parking occupancy is surveyed in three central city parking zone precincts: Shortland / High Street, Karangahape Road and Wynyard Quarter. The four-hour peak period is defined as the top four busiest hours of the day. These hours can vary depending on contributing factors.



Source: Auckland Transport

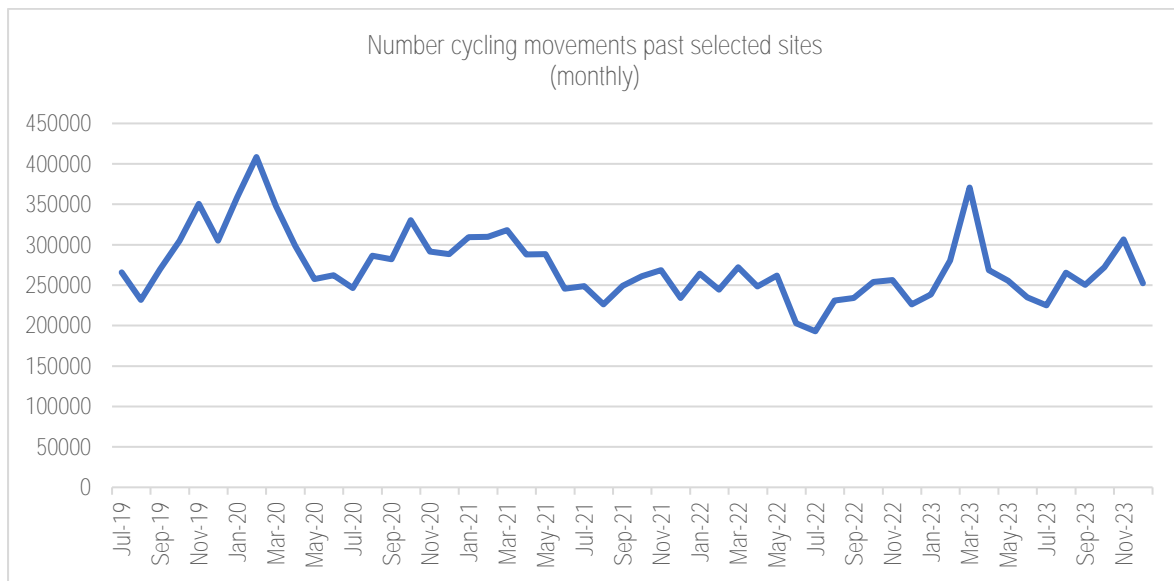
Note: In June 2018, AT started to use data from AT Park machines, this includes 5% non-compliance correction.

Off-street parking peak occupancy in AT managed parking buildings has dropped significantly from pre-Covid times to approximately 40% for FY 2022-23 post Covid.



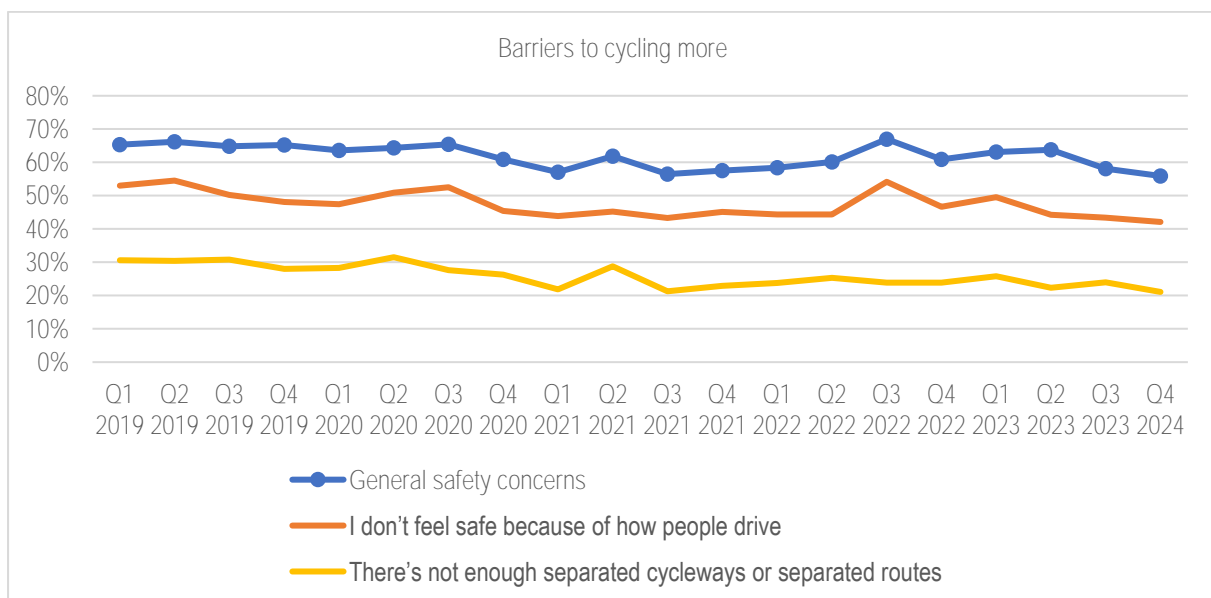
Source: Auckland Transport

- Cycling movements past selected sites have recovered post-Covid to roughly 300,000 per month with greater peaks in the summer months.



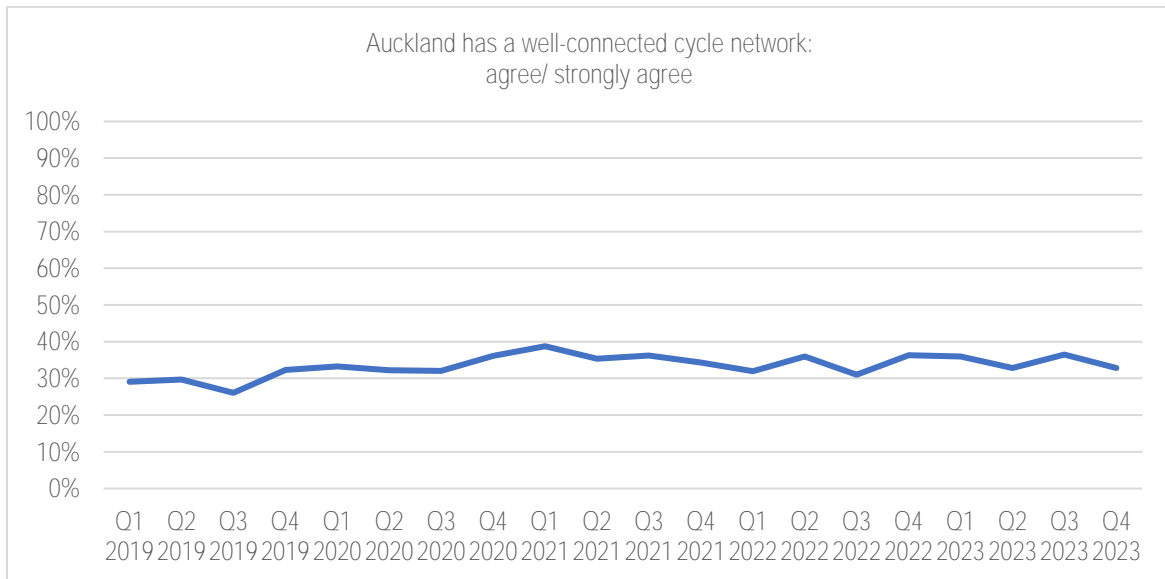
Source: Auckland Transport

- AT survey of 3,750 respondents on the 'barriers to cycling more' found over the last 5 years on average:
 - 62% had general safety concerns
 - 47% **don't feel safe because of how people drive**
 - 26% thought there were not enough separated cycleways or separated routes.



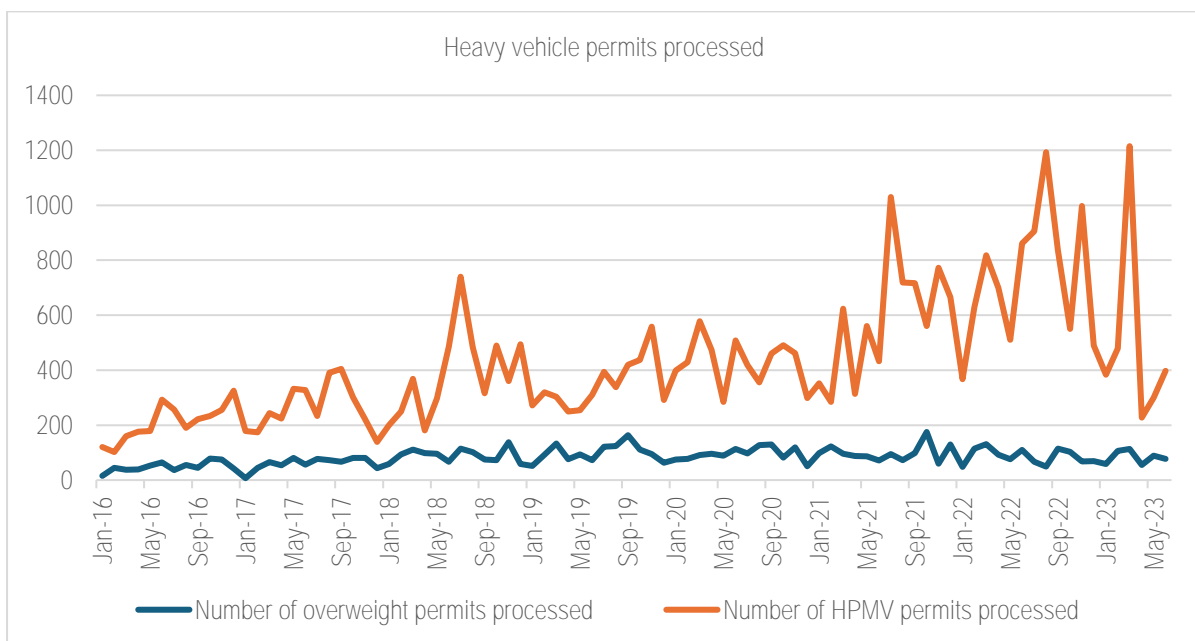
Source: Customer & Network Performance, Auckland Transport

- Only an average of 33% of respondents between 2019-2023 agreed that Auckland had a well-connected cycle network (total sample 10,764).



Source: Customer & Network Performance survey, Auckland Transport

- The number of heavy vehicle permits processed by Auckland Transport is increasing, especially high productivity motor vehicles (HPMVs), suggesting an increase in heavy vehicle movements in Auckland.



Source: Auckland Transport

Kia Manaaki Tātou i te Ora o Tāmaki Makaurau

DRAFT Auckland Open Space, Sport and
Recreation Policy Framework

Local board workshops

August 2024



Agenda

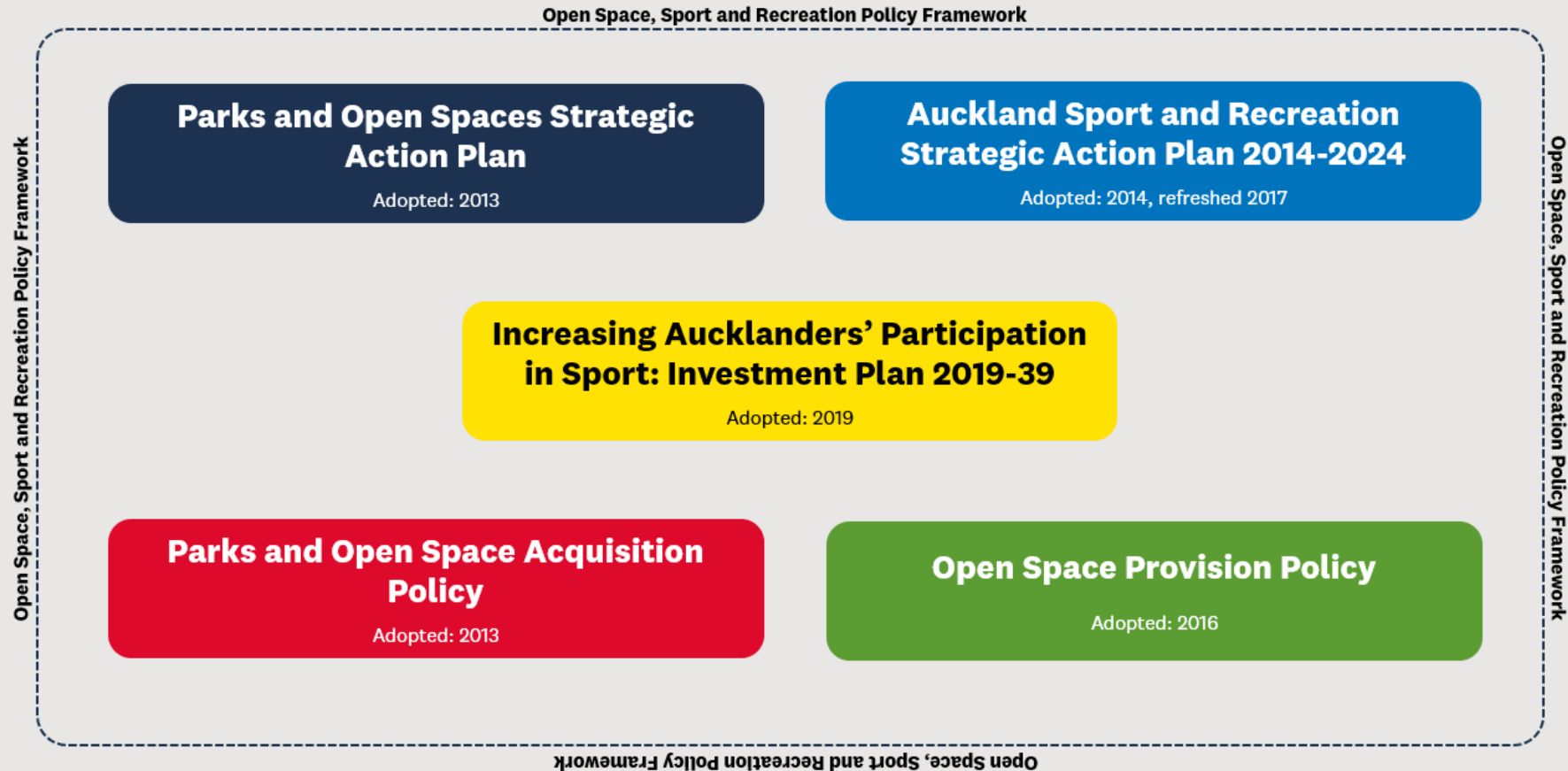
1. Scope and progress to date
2. Part 1: Where we are heading – our strategic directions
3. Part 2: How we will get there – our approach to investment
4. Part 3: Our expectations for delivery – policies and guidelines
5. Next steps



Scope and progress to date



We are delivering a mandated programme of work to refresh and consolidate the existing policy framework



Our work is being supported by a programme advisory structure providing input and direction

Joint political working group

- Cr Filipaina (chair)
- LB member Watson (deputy chair)
- Cr Fletcher
- LB member Coney
- Houkura member Renata

Advisory and Māori rōpū

- Mana whenua, mātaawaka and sector representatives

Community of interest

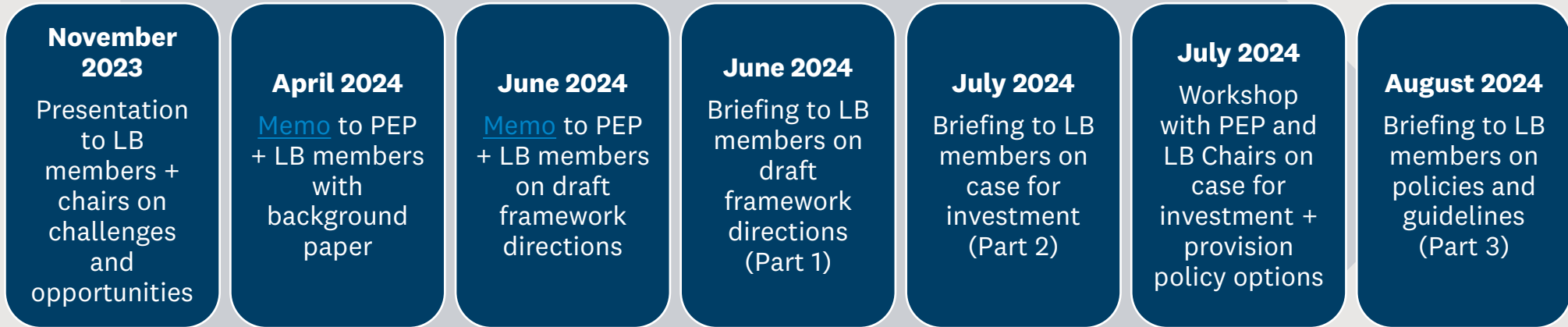
- Council staff whose work relates to open space, play, sport and recreation

Key stakeholders and partners have also provided feedback into the work



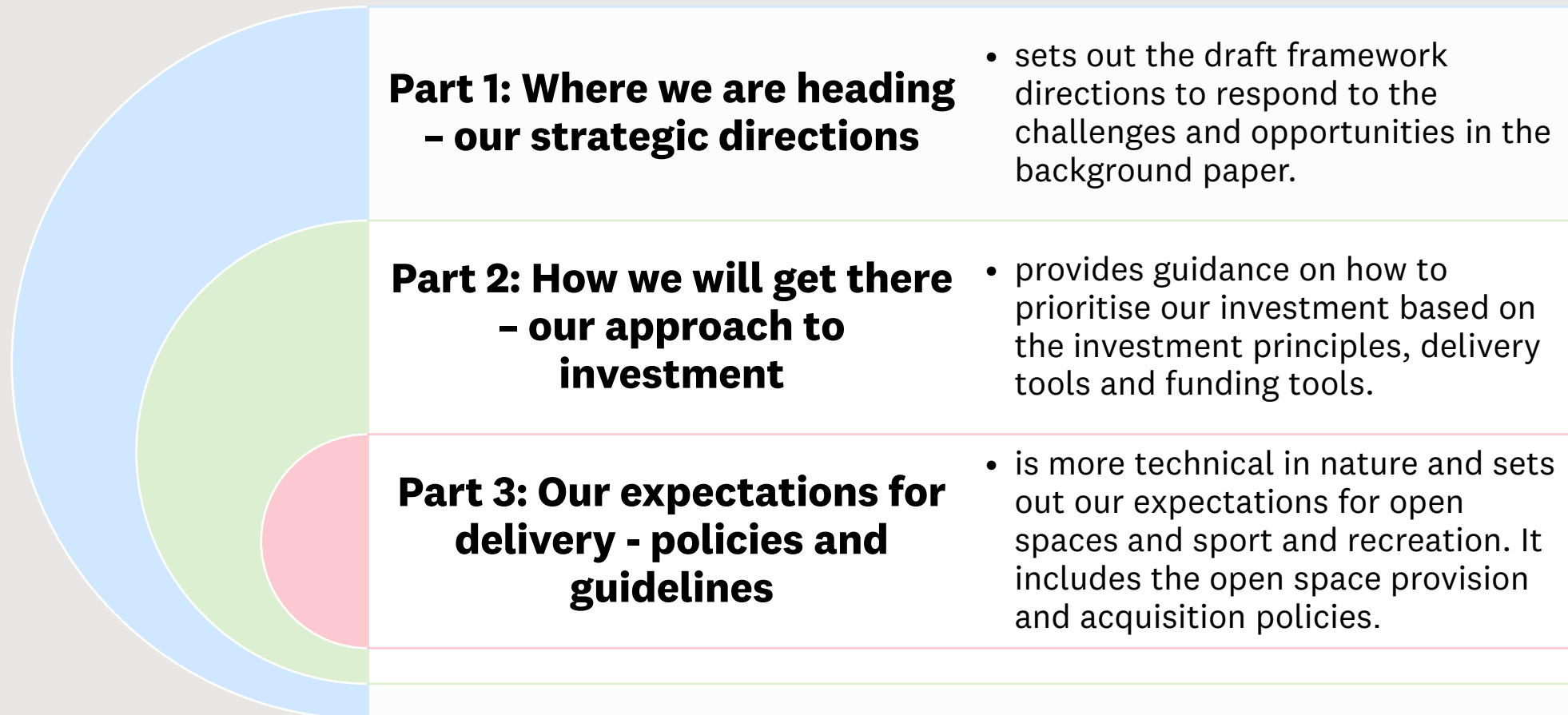


We have engaged with local boards throughout the process



The new policy framework outlines how we will provide open spaces and sport and recreation opportunities to benefit all Aucklanders

The framework contains three main parts:



Part 1: Where we are heading – our strategic directions

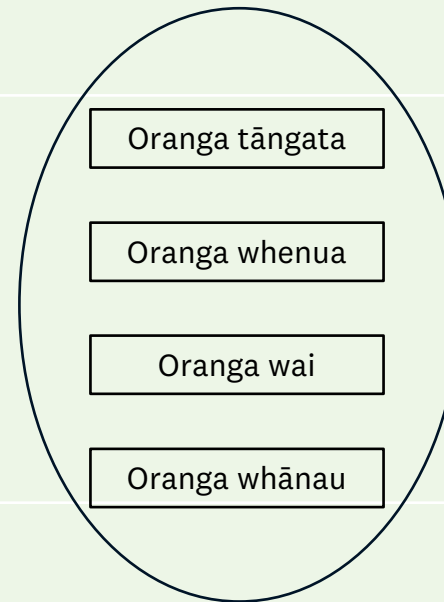
Presented at Local Board Members Briefing on 24 June 2024



Where we are heading

- Make all of Tāmaki Makaurau our backyard
- Deliver innovative open spaces in high-density areas
- Enhance our response to climate disruption
- Protect and enhance our environment, biodiversity and heritage
- Support Aucklanders to live healthy, active lives

The wellbeing we are contributing to



How we will get there

- Take a benefit-led approach to improve the holistic wellbeing of people, places and planet
- Invest based on evidence of need and the voices of Aucklanders
- Honour our Te Tiriti o Waitangi obligations
- Work together to secure the future, using all our resources

Manaakitanga will be at the forefront of open space, play, sport and recreation to achieve the oranga outcomes for our whānau and communities

Make all of Tāmaki Makaurau our backyard

Enable equitable access to all our open spaces, whether they be green, blue or grey, to better meet the needs of Aucklanders.



Why this matters

We are taking a wide view of open space to better reflect the places and spaces Aucklanders use and value. This means opening up community access to Tāmaki Makaurau’s extensive network of green, blue and grey open spaces for relaxation, connection, finding respite in nature, physical activity, work and much more.

What we will do to make this happen

- Partner with other providers of open spaces and places to enable better community access
- Continue to improve the quality and functionality of our open space network to deliver equitable recreation opportunities for Aucklanders and showcase Māori identity and culture as a point of difference in the world
- Continue to provide new high quality open spaces to keep pace with growth and reflect and celebrate our cultural landscapes
- Continue to develop paths in our blue-green network as we expand it
- Work closely with Auckland Transport to enable safe and easy movement by people across our parks and streets for recreation as well as active transport

Implementation focus

Embed emerging practices

Do differently

Continue

Do more

DRAFT

Deliver innovative open spaces in high-density areas

Make the most of all open spaces and places to provide more opportunities for Aucklanders to enjoy nature, socialise and be active.



Why this matters

Auckland is becoming a more compact city: more people live closer together, private green space is becoming scarcer and our opportunity to deliver more parks is limited by financial constraints and land availability. In high-density areas, streets play a critical role in providing open space. There is also potential to better use our buildings. We need to make the most of all our opportunities to provide space for Aucklanders.

What we will do to make this happen

- Work with Auckland Transport to embed and accelerate emerging practices that enable using civic squares, streets and carparks for people-centred activities and greening the city
- Prioritise acquiring new parks in high-density areas where capacity is low
- Investigate how private developments can better provide private open space, such as rooftops for play, sport and recreation

Implementation focus

Embed emerging practices

Do differently

Continue

Do more

DRAFT

Enhance our response to climate disruption

Better plan and design our open spaces and places network to enhance its contribution to climate change mitigation and adaptation and build resilience.



Why this matters

Tāmaki Makaurau is already experiencing significant climate impacts and extreme weather events. We need to make changes to respond to climate disruption and build resilience in our open spaces and places network. This means prioritising our investment to make Auckland greener and spongier.

What we will do to make this happen

- Develop our blue-green network to better manage stormwater as well as to deliver benefits for people and nature
- Accelerate the utilisation of nature-based solutions in our parks and other open spaces, as well in our built environment, to increase their contribution to water capture and storage, greening the city and reducing temperatures in urban areas
- Increase the application of mātauranga Māori together with Western approaches to respond to climate disruption
- Improve the performance of our open spaces and facilities to reduce negative environmental impacts, including carbon emissions
- Adapt our open spaces and facilities on the coast and in flood-prone areas using the most considerate response, ranging from no active intervention to managed realignment

Implementation focus

Embed emerging practices

Do differently

Continue

Do more

DRAFT

Protect and enhance our environment, biodiversity and heritage

Take an ecosystem approach to manage our open space network in ways that increasingly benefit the environment and indigenous biodiversity, as well as Aucklanders, and protect our historic and cultural heritage.



Why this matters

The health of Auckland's environment is improving but challenges remain. Auckland's growth, along with associated habitat loss and other threats such as invasive pest species and diseases, is putting pressure on the environment and biodiversity, threatening indigenous species and ecosystems. Our open spaces also play an important role in protecting Auckland's historic and cultural heritage.

What we will do to make this happen

- Continue planting, applying mātauranga Māori, to accelerate the restoration of indigenous ecosystems in parks and other open spaces
- Partner with others to increase indigenous tree canopy cover across the city and to continue delivering the Urban Ngahere (Forest) Strategy
- Preserve significant natural areas and connect open spaces and habitats to support indigenous biodiversity
- Continue to ensure our open spaces and places reflect and celebrate mana whenua cultural heritage, narratives and names
- Continue to protect and care for the significant ecological, natural, cultural and historic heritage in our open space and places

Implementation focus

Embed emerging practices

Do differently

Continue

Do more

DRAFT

Support Aucklanders to live healthy, active lives

Support Aucklanders to be more active more often through programmes, spaces and places that manaaki whānau and communities and can adapt to future needs.



Why this matters

Regular physical activity, whether it be play, sport or recreation, provides significant health and wellbeing benefits. While many Aucklanders are physically active, not everyone is getting enough physical activity in their lives and some are missing out as they face barriers to participation. As Aucklanders' preferences and behaviours change, we need to evolve our existing open spaces and facilities to provide a wide range of opportunities. We also need to target our investment to support those who need it the most and adopt flexible delivery approaches.

What we will do to make this happen

- Deliver a diverse range of play, sport and recreation opportunities across our open space network
- Accelerate the transition to multi-use and adaptable spaces and facilities to deliver multiple benefits for our communities and clubs
- Target programmes and resources to support Aucklanders who are less physically active and face barriers to access, with a stronger focus on community and intergenerational participation
- Plan for a regional sport and recreation facilities network, with clear investment priorities to support more equitable participation
- Support and enable communities to deliver services, including Māori-led services where appropriate
- Partner with others to improve community access to non-council sport and recreation assets such as school fields and facilities
- Work with community and mana whenua to design spaces and facilities that are welcoming, safe and inclusive, deliver on their needs, foster a sense of belonging and celebrate mana whenua identity

Implementation focus

Embed emerging practices

Do differently

Continue

Do more

DRAFT

Part 2: How we will get there – our approach to investment

Presented at Local Board Members Briefing on 22 July 2024



We will invest in Auckland and Aucklanders, based on four key principles

With the increasing cost of delivering services and assets, limited resources and council’s commitment to deliver value for money for rate payers, our effort and investment must be targeted.

To get where we are heading, we will prioritise our investment based on four principles.

This will enable us to:

- apply a robust investment approach that is focused on increasing benefits to people, places and planet
- compare different projects consistently
- target our resources where they are the most needed and make the biggest impacts
- support decision-makers to make evidence-based decisions
- better deliver for Auckland and Aucklanders using all our resources.

The four key principles are based on those adopted as part of the Thriving Communities Strategy, Ngā Hapori Momoho 2022-32. The first three are unchanged, while the fourth has been adapted to specifically respond to the open space, play, sport and recreation delivery and funding environment.

Our investment principles



Supporting elected members in their decision-making

Both the Governing Body and local boards have decision-making responsibilities for open spaces and play, sport and recreation opportunities.

Applying our four investment principles will support decision-makers. Together they form a robust and consistent investment approach that will help to:

- develop evidence-based and consistent advice to inform priorities in local board plans and regional work programmes
- design initiatives to deliver multiple benefits, hence increasing their value for money
- identify a wider range of potential funding sources for priority initiatives
- consider a full range of delivery options
- prioritise investments through the annual plan and long-term plan processes
- clearly signal to local and regional delivery partners how we will invest over time.



Example - what would this look like?

To better enable delivery of their open space, play sport and recreation priorities, local boards could consider additional delivery and / or funding tools, such as:

- set a targeted rate
- provide access grants
- leverage community lease conditions (e.g. to provide 1 day a week of public access)
- use proceeds from service property optimisation



Principle 1: Take a benefits-led approach to improve the holistic wellbeing of people, places and planet

Why this matters

Our investments in open spaces and play, sport and recreation opportunities often require significant funding. They also deliver significant benefits to people, places and planet. By better understanding both long-term costs and benefits, we can make better decisions for current and future generations.

What this looks like

- We optimise the design of our investment and delivery to deliver multiple benefits across our four oranga. For example, our recreation parks may also be able to support water management.
- We assess the monetarised and non-monetarised benefits potential interventions may have by using a benefits framework specific to the open space, play, sport and recreation context.
- We take a holistic view of benefits that recognises the interconnectedness of people, places and planet.
- We take a long-term view of costs and benefits, to recognise that investment decisions may impact multiple generations.
- We consistently compare investments and prioritise those with the highest value for money, when and where they are needed most.
- We continue to improve data collection and reporting on outcomes so that we can invest more strategically and with greater confidence.



Principle 2: Invest based on evidence of need and the voices of Aucklanders

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Why this matters

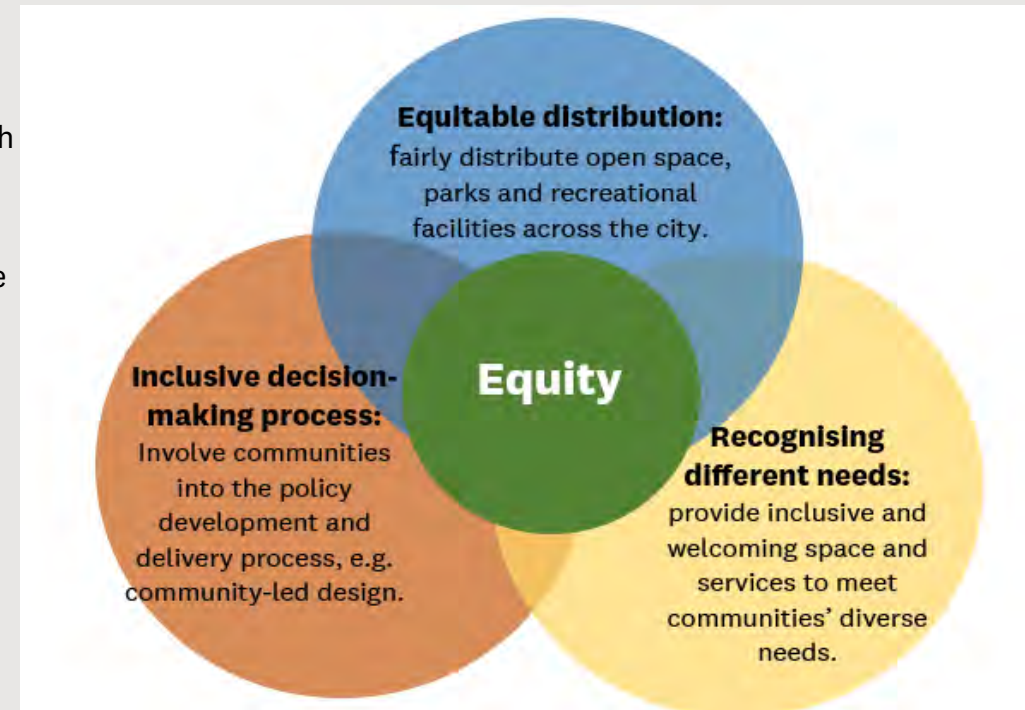
Not all Aucklanders benefit equitably from open spaces and play, sport and recreation opportunities. Some communities might face disparities and barriers and have less access to high quality opportunities.

By putting equity at the heart of what we do, we enable better outcomes for people and places with the most need. We respond to diverse needs and focus on supporting communities who face barriers to participation.

Ensuring all Aucklanders benefit equitably from open spaces and play, sport, and recreation opportunities means targeting investment to communities most in need.

Applying an equity lens across the framework looks like this

- **Assets and services planning:** We focus our investment on areas with the lowest level of provision per capita and develop our network of open spaces and facilities to ensure all Aucklanders have access to a wide range of play, sport and recreation opportunities.
- **Planning from an intergenerational perspective:** We consider the costs and benefits of our investments across multiple generations, reflecting on what legacy we want to leave for future generations.
- **Investment prioritisation:** We prioritise our investment to communities most in need and to ensure that Māori in Tāmaki Makaurau enjoy the same open space, play sport and recreation opportunities as other Aucklanders.
- **Assets and services design:** We provide inclusive and welcoming spaces and services to meet diverse needs. We enable community-led design.
- **Community-centred delivery:** We work with communities to deliver local services and spaces. We empower them to deliver their own services and spaces.
- **Monitoring for equitable outcomes:** We regularly monitor key indicators in communities across Tāmaki Makaurau to understand whether they have equitable access to our assets and services.



Principle 3: Honour our Te Tiriti o Waitangi obligations

Why this matters

Te Tiriti o Waitangi is our nation's founding document and recognises the special place of Māori in Aotearoa. We are committed to engaging and working with Māori in ways that are consistent with Te Tiriti.

We are committed to honouring our Te Tiriti obligations through respecting rangatiratanga, tikanga and mātauranga Māori and celebrating Tāmaki Makaurau's unique Māori identity.

Our investment approach will honour Te Tiriti by focusing on:

- **Rangatiratanga** – the duty to recognise Māori rights of independence, autonomy and self-determination.
- **Partnership** – the duty to interact in good faith with a sense of shared enterprise and mutual benefit.
- **Active protection** – the duty to proactively protect the rights and interests of Māori.
- **Mutual benefit** – recognising that both Māori and non-Māori should enjoy benefits and share in the prosperity of Aotearoa. This includes the notion of equality in different areas of life.
- **Options** – recognising the right of Māori to choose a direction based on personal choice. To continue their tikanga as it was or combine elements of traditional and new and walk in both worlds.
- **The right of development** – the active duty to assist Māori in developing resources and taonga for economic benefit.

What this looks like

- We invest to ensure that Māori in Tāmaki Makaurau enjoy the same level of open space, sport and recreation opportunities as other Aucklanders.
- We invest to deliver on our existing commitments to mana whenua and mātaawaka in Kia Ora Tāmaki Makaurau – Tā mātou anga hei ine I te tutukitanaga o ngā putanga Māori, our Māori outcomes framework.
- We respect rangatiratanga, including by investing in by-Māori-for-Māori solutions, actively building the capacity and capability of mana whenua and mātaawaka, and continuing our commitment to co-governance and co-management under Te Tiriti.
- Partner with mana whenua to co-design our spaces and places to ensure they are welcoming and promote and protect tikanga, taonga, and mātauranga Māori.
- We support the revitalisation of traditional Māori sports and play.
- We support te reo Māori to be seen, heard, spoken and learned throughout the places and spaces of Tāmaki Makaurau.
- Mana whenua and Māori are active partners and participants in decision-making to provide open spaces, play, sport and recreation opportunities across Tāmaki Makaurau.



Principle 4: Work together to secure the future, using all our resources

Why this matters

By pulling our resources together and working towards a common future, we are better able to deliver on our five strategic directions. We also ensure that our finite resources are well-used: this means making the most of what we collectively have to deliver multiple benefits to Auckland and Aucklanders.

What this looks like

- We recognise the many roles council plays: from provider, to partner, enabler, funder, advocate and regulator.
- We make use of the full range of delivery methods and funding tools available to us.
- We enhance collaboration and strengthen partnerships for delivery to maximise opportunities for Aucklanders.
- We are flexible in our use of different delivery and funding models in response to changes in demand over time.
- We support community-led and Māori-led delivery to respond to local needs.
- We look at opportunities for our network to generate additional revenue to help sustain itself, while acknowledging that general rates and development contributions will continue to provide most of the funding.



Provider - providing and maintaining a variety of open spaces and play, sport and recreation facilities, as well as programmes, services and events. Investment and delivery is solely provided by council.



Partner - working with others, including mana whenua, community and developers, to collectively deliver for Auckland and Aucklanders. Investment and delivery are shared.



Facilitator - facilitating delivery by others through access to council facilities, including community leases at below market rates. Council owns or manages the asset and services are delivered by community groups or organisations.



Funder - supporting others to deliver including through funding for sector organisations, sports clubs and conservation groups. Investment is provided by council but delivery is by a third party.



Advocate - advocating for the needs of Auckland and Aucklanders, including to central government and the private sector.



Regulator - regulating the activities of itself and others, including what can be built and where and the uses of open spaces.



Our opportunities to use a wider range of delivery methods and funding tools

Opportunities to deliver differently include:

- **Work more closely with schools** to open up public access to play, sport and recreation assets (see case study 1).
- **Widen the range of potential partners**, by building their capacity and delivery capability and enabling more equitable access to procurement, grant and community lease processes (see case study 2).
- **Expand our partnerships with mana whenua and mātaawaka**, consistent with Te Tiriti.
- **Work more closely with large developers** on provision of community infrastructure.
- **Utilise trusts, community or iwi-based delivery models** to leverage local initiatives, consolidate services, programmes and/or assets under a capable community partner(s), and allow access to revenue streams that council may not be eligible for (see case studies 3 and 4).
- **Look more closely at the potential for private partnerships** by determining situations in which it may be viable and effective (see case study 5).
- **Reframe how success is measured** by developing clear performance measures for the outcomes we want to see for Auckland and Aucklanders as well as financial performance.

Opportunities to use a wider range of funding sources include:

- **Amend our development contributions policy** to better reflect the growth-related infrastructure we deliver (e.g. sports assets) that support a well-functioning urban environment.
- **Create alternative revenue streams** to support provision of community services, programmes and assets. This could include offering leases of small areas of parks or other open space for commercial activities like coffee carts or bike rentals (see case study 4).
- **Proactively seek out philanthropic funding** by developing consistent processes for responding to, seeking out and managing funding opportunities. This includes developing a 'menu' of the opportunities available to potential funders (e.g. tree planting, greening the city projects, sponsorships, naming rights etc).
- **Leverage third party funding and finance** (private organisations, trusts, etc). This is more likely to reflect bespoke approaches in certain circumstances rather than a blanket approach across open space, sport and recreation.
- **Pursue potential broader funding, partnering and joint planning opportunities** with central government e.g. Kāinga Ora, Waka Kotahi, Ministry for Business, Innovation and Economic Development (major events), Department of Conservation.
- **Make greater use of user-charging** where users are able to pay and where the desired community benefits can still be achieved.
- **Make greater use of service property optimisation** to fund land acquisition or open space development within the same local board area.





**Any questions or
feedback?**



Part 3: Our expectations for delivery – policies and guidelines

Presented in part at Local Board Members Briefing on 5 August 2024



Part 3 is split into three sections and outlines our policies and guidelines

Section 1: Our expectations for making the most of our open spaces

- This section sets expectations for making the most of our existing network of green, blue and grey spaces to meet the needs of Aucklanders.

Section 2: Our expectations for open space provision and acquisition

- This section sets expectations for planning and providing a high-quality open space network for Aucklanders to enjoy nature, socialise and be active now and in the future.

Section 3: Our expectations for play, sport and recreation

- This section sets expectations for providing a range of play, sport and recreation opportunities to support Aucklanders to live healthy, active lives.



Today we will focus on:

new guidance to support local boards to make the most of our existing open spaces (section 1)

proposed changes to provide and acquire new open spaces (section 2)



Guidance: Making the most of our existing open spaces



The existing open space network has a significant role in achieving the five framework directions



Guidance on how open spaces can deliver multiple benefits without compromising their primary purpose

Objective: Deliver multiple benefits from our assets

Tools:

Guidance on primary and secondary purposes for different types of open spaces

Guidance on risk appetite

Te Kaitaka/Greenslade Reserve



Guidance on how to improve the quality of our existing open spaces

Objective: Develop quality open spaces highly valued by Aucklanders

Tool: Guidance on four drivers of quality, and the need for consideration of local knowledge from mana whenua, local boards and communities

An accessible space that is easy to get to and easy to get through

A space where people are engaged in activities

A welcoming and resilient space that reflects local culture and community

A sociable place where people meet and connect



Guidance about delivering a range of recreation opportunities in open spaces

Objective: Provide a diversity of recreation opportunities accessible to all

Tool: A new tool to guide planning and investment prioritisation, with associated performance criteria



Policy: Provision metrics for open space

Your views on five packages of options



Scope

Council's open space provision policy sets council's expectations for the quantity and quality of open space. It informs the council's investment, asset and acquisition activities in open space, and guides spatial planning by both the council and the private sector. The policy is delivered as budget allows.

Staff are investigating improvements following a fit-for-purpose review of council's open space provision policy.



What did we learn from the review of our existing policy?

Council's open space provision policy is generally consistent with good practice:

Reflects vision and intent of Auckland Plan

Provides good qualitative guidance

Delivers good distribution and proximity outcomes

Provides strong network principles

But there is room for improvement and innovation.

The policy is not working effectively in high-density urban areas and is delivering low capacity in greenfield areas.

- **Fast growth is occurring in high-density urban areas such as metropolitan, town and local centres and along major transport corridors. An increasing number of Auckland urban residents are living closer together and they have no, or limited, private open space.**
- **Large areas of greenfield land are being developed, creating new communities with no or limited existing open spaces. Significant investment is required to provide parks to similar service levels as in existing urban areas.**

Our challenges:

- high levels of growth across the Auckland region
- less private provision of open space and more people relying on public open space
- land scarcity and high land costs, creating challenges acquiring the land we want
- a tight fiscal environment where council has to make investment trade-offs.

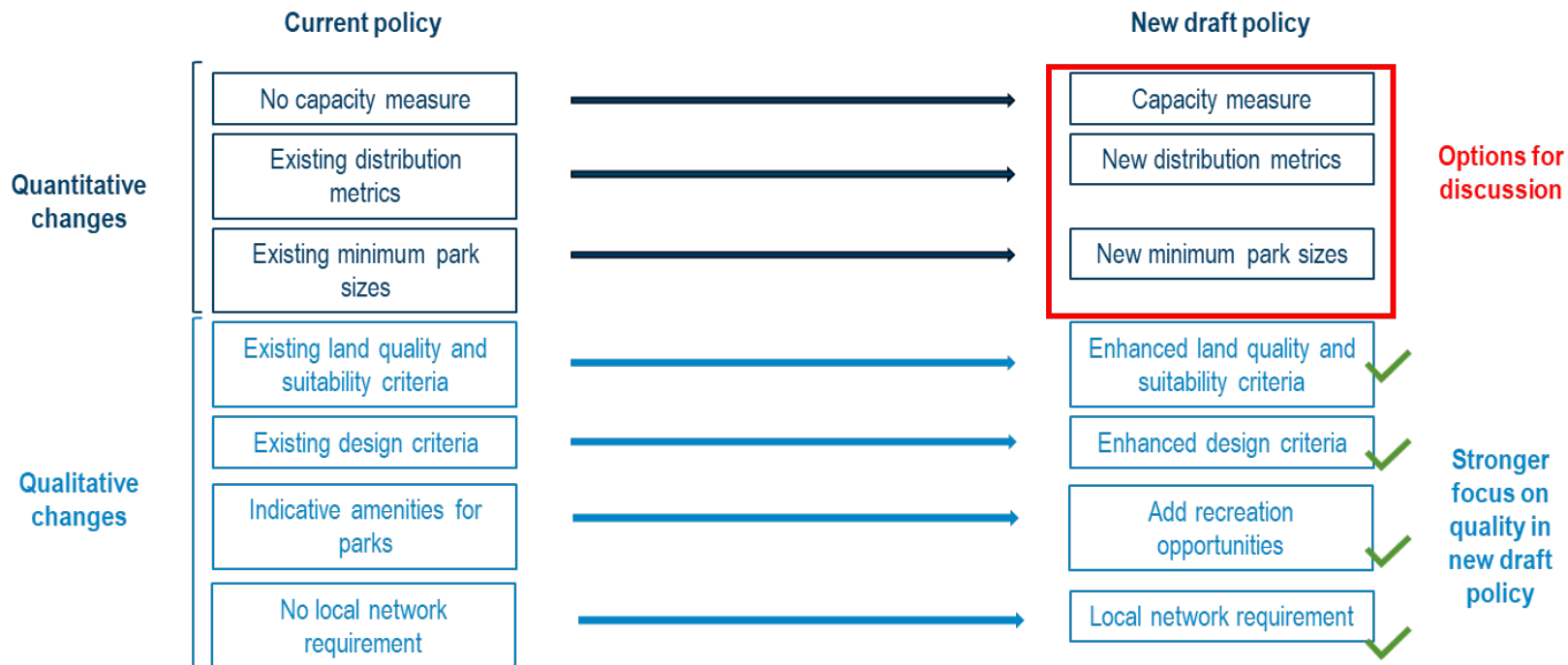


Improvements we are investigating

We are looking at:

1. providing stronger quality measures for land, including access, location, permeability and shading
2. changing quantitative aspects of the policy.

The strategic directions in the draft policy framework also speak about making the most of a wider range of open space types, including access to Crown land, rooftops, berms, streets and carparks as well as coastal areas and alongside streams.



Twelve options to vary the quantity of open space

We have considered a range of options to respond to our problem definition. They are situated along the following policy continuum:



These options are not all mutually exclusive. There could be a combination of options and they could vary according to the density of development.



We have identified five options packages

We identified a long list of 12 options covering park types, the optimal sizes of these parks and the distribution of these parks. These options were analysed and assessed against two greenfield and two brownfield working examples.

This led to the identification of **five different combinations of options**, depending on circumstances and/or what elected representatives seek to achieve.

1. High-density focused	2. Capacity focused	3. Budget focused	4. Doing things differently	5. Consolidating and simplifying
<ul style="list-style-type: none"> Option 7: Acquire pocket parks (high density) Option 9: Enable development to increase access / functionality Option 10: Acquire larger parks (high density). 	<ul style="list-style-type: none"> Option 7: Acquire pocket parks (high density) <u>in areas of moderate or low capacity</u> Option 9: Enable development to increase access / functionality Options 2, 5 and 10: Acquire parks <u>and vary their size based on capacity</u> (parks and civic space per capita). 	<ul style="list-style-type: none"> Option 1: Do not acquire new land for open space Option 8: Enable the acquisition of pocket parks (medium density) Option 9: Enable development to increase access / functionality. 	<ul style="list-style-type: none"> Option 7: Acquire pocket parks (high density) Option 8: Enable the acquisition of pocket parks (medium density) Option 9: Enable development to increase access / functionality. 	<ul style="list-style-type: none"> Option 6: Maintain existing provision metrics Option 7: Acquire pocket parks (high density) Option 9: Enable development to increase access / functionality.



The packages are combinations of various shortlisted options

Seven of the original options feature in the five options packages.

The status quo is used for comparative purposes.

Do nothing	Option 1: Do not acquire new land for open space in areas assessed as having high levels of open space capacity
Do less	<p>Option 2: Acquire smaller parks (M/L-D): Neighbourhood parks of 2000m² in medium and low-density</p> <p>Option 3: Acquire less parks (M-D): Neighbourhood parks within 500m walking distance in medium-density</p> <p>Option 4: Acquire smaller parks and less of them (M/L-D): A combination of Options 2 and 3</p> <p>Option 5: Acquire smaller parks (H-D): Neighbourhood parks of 2000m² in high-density</p>
Status quo	Option 6: Maintain existing provision metrics
Do differently	<p>Option 7: Acquire pocket parks (H-D): Pocket parks of 1500m² in high-density</p> <p>Option 8: Enable the acquisition of pocket parks (M-D): Pocket parks of 1000-1500m² in medium-density at no capital cost to council</p> <p>Option 9: Fund development to increase access / functionality to public and private open space</p>
Do more	<p>Option 10: Acquire larger parks (H-D): Neighbourhood parks of 5000m² in high-density</p> <p>Option 11: Acquire more parks (H-D): Neighbourhood parks within 300m walking distance in high-density</p> <p>Option 12: Acquire larger parks and more of them (H-D): A combination of Options 10 and 11</p>

L-D: Low-density
M-D: Medium-density
M/L-D: Medium and low-density
H-D: High-density



Which options package scored consistently well?

Options package **2. Capacity focused** scored consistently well across all four working examples.

Options package **4. Do differently** scored well in two working examples but was discarded in two greenfield working examples due to low capacity.

Options package **3. Budget focused** was discarded in two greenfield working examples due to low capacity.

Options packages **1. High-density focused** and **5. Simplifying and consolidating** largely delivered that same results across all four working examples and, therefore, scored the same.



Recommendations

Draft

Based on an assessment of eight working examples, we recommend changes to the metrics in the Open Space Provision Policy as follows:

Pocket parks of:

- 1000-1500m² in urban centres or high-density areas with moderate or low capacity
- 1000-1500m² in medium-density areas provided at no capital cost to council

Neighbourhood parks of:

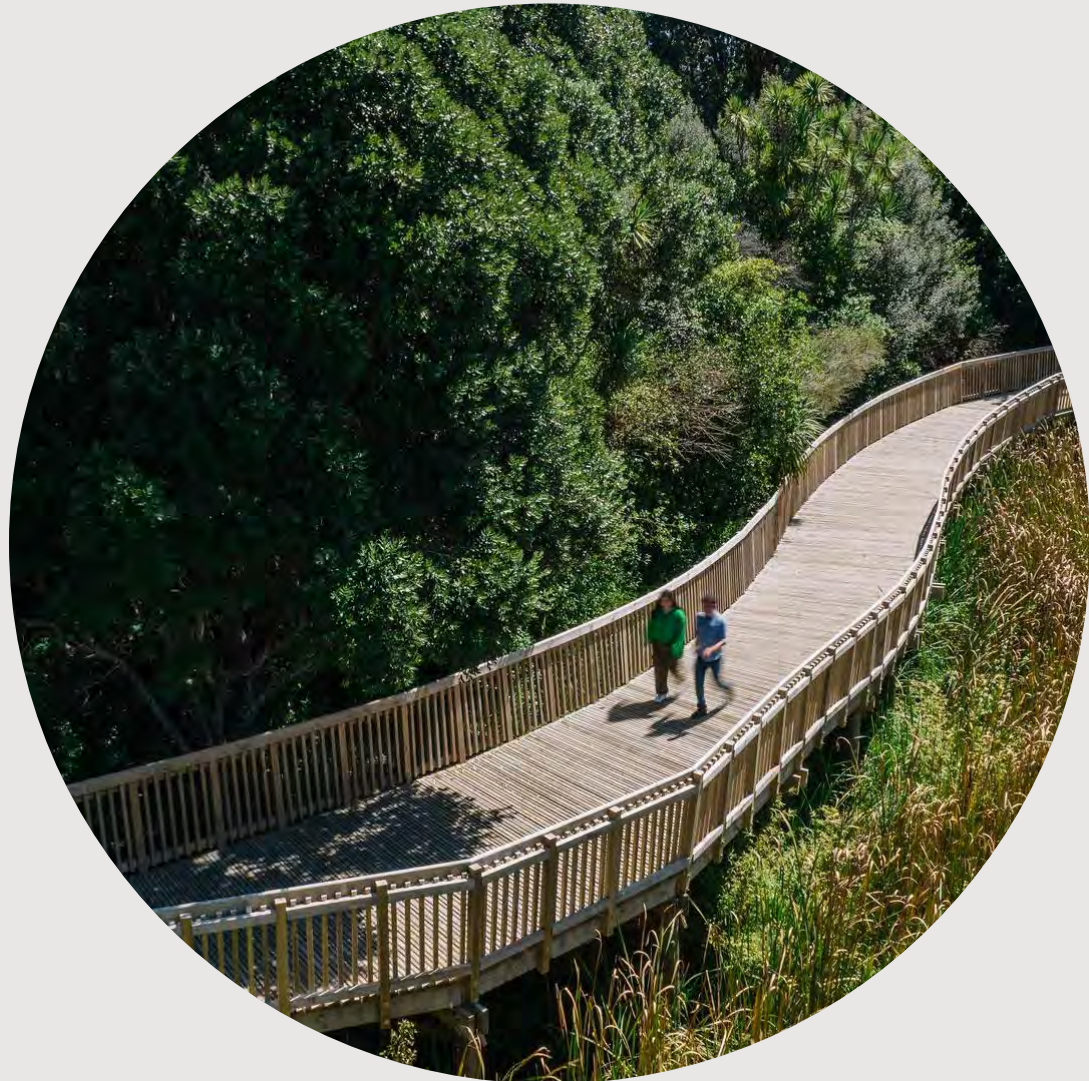
- 2000m² within 400m walking distances in high and medium-density residential areas with high capacity
- 3000m² within 400m walking distances in high and medium-density residential areas with moderate capacity
- 5000m² within 400m walking distances in high and medium-density residential areas with low capacity
- 3000m² within 600m walking distances in all other residential areas

We recommend that council retains the current metrics for:

- suburb parks
- destination parks
- civic squares
- connection and linkage open space.

We also recommend that funding is allocated to increase access / functionality to public and private open space.

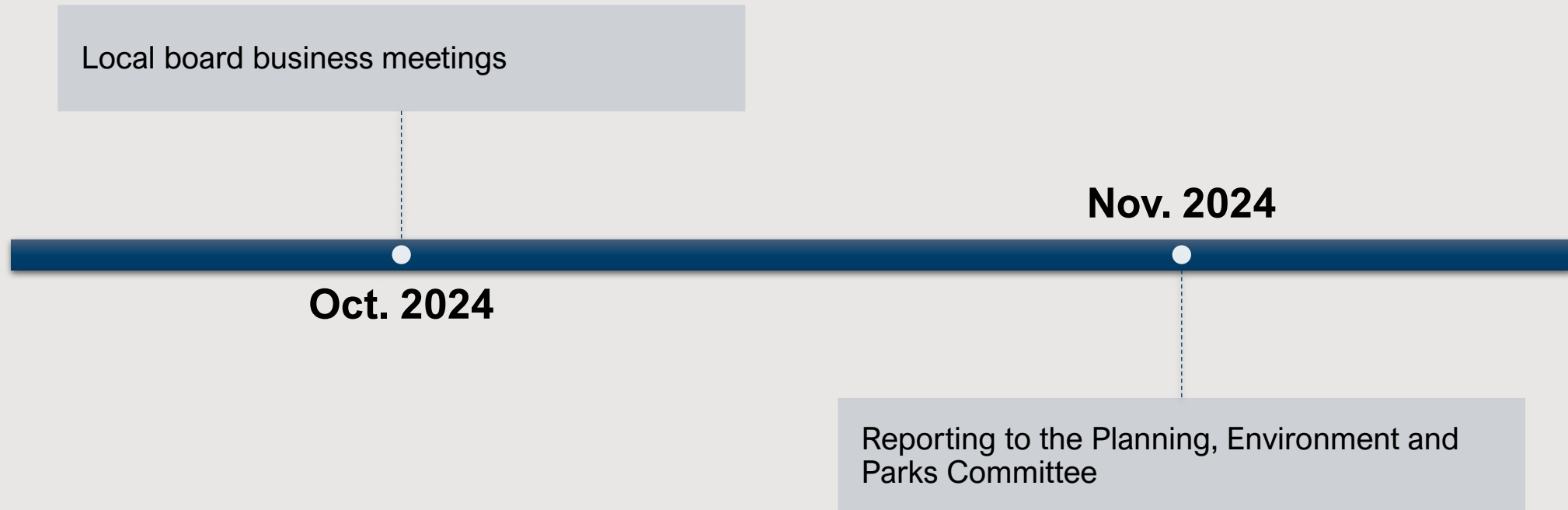




Any questions or feedback?



Next steps for the policy framework



Appendix:

working examples 5 to 8



Working example 5: High/medium-density brownfield (Central)

The fifth working example is a brownfield development in Central Auckland.

The following provides key contextual information:

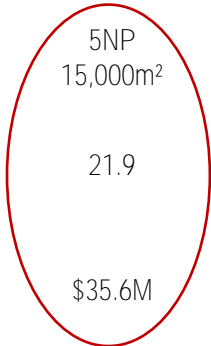
- population of 20,978 people in 2022
- estimated population of 30,445 in 2052 based on full buildout (**increase of 9467 people**)
- the area is well developed and is **predominantly high/medium-density**
- **existing open space network of 23 parks and civic spaces** (653,478m²) leading to **high capacity** (21.4) in this location
- there is an additional **129,789m² of connection and linkage open space** (a further 4.3m² per person).



Working example 5: High/medium-density brownfield (Central)

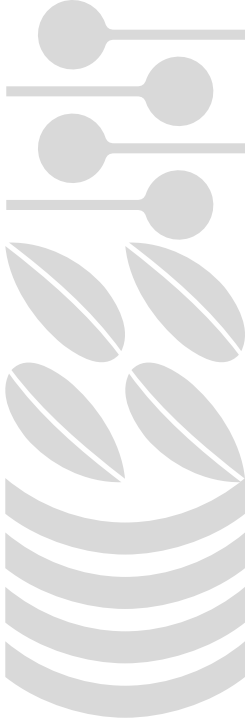
The following table illustrates the impact the different options packages in terms of open space, capacity and cost.

Options packages	Current policy	1. High-density focused	2. Capacity focused	3. Budget focused	4. Doing things differently	5. Consolidating and simplifying
No. of parks and civic spaces	28	36	28	23	31	36
Land area	668,478m ²	682,478m ²	663,478m ²	653,478m ²	665,478m ²	680,478m ²
Difference from status quo	5NP 15,000m ²	5NP 8PP 29,000m ²	5NP 10,000m ²	-	8PP 12,000m ²	5NP 8PP 27,000m ²
Capacity Parks and civic spaces	21.9	22.4	21.8	21.4	21.8	22.3
Total cost acquisition & development	\$35.6M	\$61.1M	\$28.5M	\$4.7M	\$20.7M	\$56.3M
Difference from current policy		+\$25.5M	-\$7.1M	-\$30.9M	-\$14.9M	+\$20.7M



Under current policy and practice council would acquire five new 3000m² neighbourhood parks

NP: Neighbourhood park
PP: Pocket park



Initial assessment: High/medium-density brownfield (Central)

We have scored the options packages against the assessment criteria.

Options packages ↓	Aligns with plans and budget	Delivers outcomes	Responds to growth	Value for money	Can be implemented
1. High-density focused	-	☑☑☑	☑☑☑	☑	☑
2. Capacity focused	☑☑	☑☑	☑☑	☑☑	☑☑
3. Budget focused	☑☑☑	☑	☑	☑☑	☑☑☑
4. Doing things differently	☑☑	☑☑	☑☑	☑☑☑	☑☑
5. Consolidating and simplifying	-	☑☑☑	☑☑☑	☑	☑

Key

- ☑ Low
- ☑☑ Medium
- ☑☑☑ High



Initial analysis: High/medium-density brownfield (Central)

Staff tested the options packages using this working example.

1. High-density focused	<p>Under this options package council would deliver five new neighbourhood parks that are strategically located to address gaps in the current open space network. One of these new neighbourhood parks would be 5000m² and located in an area of high-density. The other parks are in medium-density and are 3000m².</p> <p>Eight pocket parks (1500m²) would also be acquired in high-density areas where most of the population growth is expected to take place. These pocket parks are located to address open space access issues created by major roads and the railway line.</p> <p>Funding of \$4.7M is allocated to enable council to increase access to, and functionality of, existing open space to better respond to growth. Funding also allows for investment in new amenities, including play.</p> <p>This options package scores well in terms of delivering open space outcomes and responding to expected growth of 9467 people with increased capacity (22.4m² per person).</p> <p>However, it did not score in terms of strategic alignment and budget. Scores were also low for value for money and ability to be implemented.</p>
2. Capacity focused	<p>This options package would deliver five 2000m² neighbourhood parks in the same locations as above.</p> <p>Smaller parks are proposed due to existing high capacity in this development area (21.4m² per person). Nevertheless, the five new parks would increase capacity to 21.8m² per person at full buildout.</p> <p>Funding to increase access to, and functionality of, existing open space would also be provided.</p> <p>This options package scores consistently across all five assessment criteria.</p>
3. Budget focused	<p>Under this options package council would not acquire any land for new parks in this development area and would rely on the existing open space network to accommodate growth. However, funding to increase access to, and functionality of, existing open space would be provided.</p> <p>This combined option is feasible due to existing high levels of open space capacity which would remain high (21.4m² per person) after development.</p> <p>This options package scores well in terms of budget and implementation.</p>



Initial analysis: High/medium-density brownfield (Central)

4. Doing things differently	<p>This options package would deliver eight pocket parks (1500m²) in high-density areas where most of the population growth is expected.</p> <p>The location of these pocket parks is the same as proposed under options package 1. High-density focused.</p> <p>The options package also includes funding to increase access to, and functionality of, existing open space.</p> <p>It scored well in terms of value for money as well as scoring consistently across the four other assessment criteria.</p> <p>Accordingly, it was <u>the highest scoring options package when applied to this working example.</u></p>
5. Consolidating and simplifying	<p>Under this options package council would deliver five new 3000m² neighbourhood parks and eight 1500m² pocket parks.</p> <p>The location of these pocket parks is the same as proposed under options package 1. High-density focused.</p> <p>As with all other options packages, it also includes \$4.7M is allocated to enable council to increase access to, and functionality of, existing open space.</p> <p>This options package scores well in terms of delivering open space outcomes and responding to growth.</p> <p>However, it did not score in terms of strategic alignment and budget and its scores for value for money and ability to be implemented were low.</p>



Working example 6: Medium-density greenfield (South)

The sixth working example is a greenfield development in South Auckland.

The following provides key contextual information:

- population of 540 people in 2022
- estimated population of 6948 in 2052 based on full buildout (**increase of 6408 people**)
- initial stages of development
- **predominantly medium-density**
- **two neighbourhood parks already acquired** (5984m²) leading to **low capacity** in this location
- there is an **additional 89,626m² of connection and linkage open space** (a further 12.9m² per person).



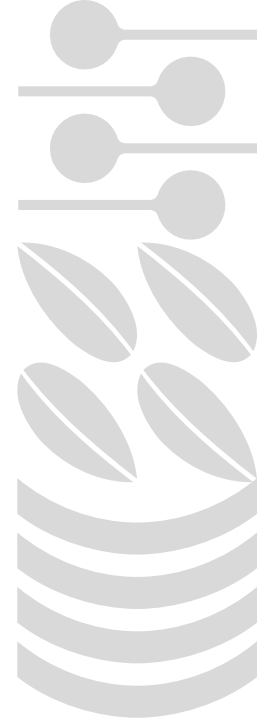
Working example 6: Medium-density greenfield (South)

The following table illustrates the impact the different options packages in terms of open space, capacity and cost.

Options packages	Current policy	1. High-density focused	2. Capacity focused	3. Budget focused	4. Doing things differently	5. Consolidating and simplifying
No. of parks and civic spaces	8	8	8	2	2	8
Land area	50,984m ²	50,984m ²	60,984m ²	5984m ²	5984m ²	50,984m ²
Difference from status quo	1SBP 5NP 45,000m ²	1SBP 5NP 45,000m ²	1SBP 5NP 55,000m ²	-	-	1SBP 5NP 45,000m ²
Capacity Parks and civic spaces	7.3	7.3	8.7	0.9	0.9	7.3
Total cost acquisition & development	\$55.3M	\$60.0M	\$76.2M	\$4.7M	\$4.7M	\$60.0M
Difference from current policy		+\$4.7M	+\$20.9M	-\$50.6M	-\$50.6M	+\$4.7M

Under current policy and practice council would acquire five new 3000m² neighbourhood parks and one 30,000m² suburb park

SBP: Suburb park
NP: Neighbourhood park

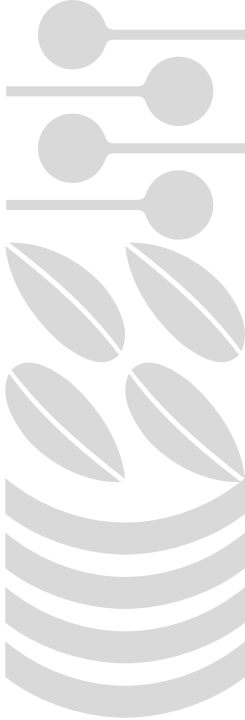


Initial assessment: Medium-density greenfield (South)

We have scored the options packages against the assessment criteria.

Options packages	Aligns with plans and budget	Delivers outcomes	Responds to growth	Value for money	Can be implemented
1. High-density focused	☑☑	☑☑	☑☑	☑☑	☑☑
2. Capacity focused	☑	☑☑☑	☑☑☑	☑☑	☑☑
3. Budget focused	☑☑☑	☑	-	☑	☑☑☑
4. Doing things differently	☑☑☑	☑	-	☑	☑☑☑
5. Consolidating and simplifying	☑☑	☑☑	☑☑	☑☑	☑☑

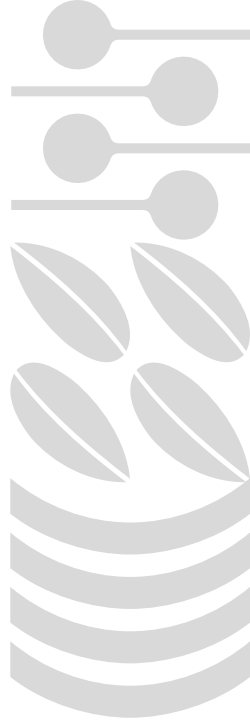
Key	☑ Low
	☑☑ Medium
	☑☑☑ High



Initial analysis: Medium-density greenfield (South)

Staff tested the options packages using this working example.

1. High-density focused	<p>Under this options package council would deliver one suburb park (30,000m²) and five new neighbourhood parks (3000m² each).</p> <p>This is the same level of provision and distribution as council would provide under current policy and practice.</p> <p>Funding of \$4.7M is allocated to enable council to increase access to, and functionality of, existing open space. This funding seeks to maximise the 89,626m² of connection and linkage open space in this location.</p> <p>This options package scores consistently across all five assessment criteria.</p>
2. Capacity focused	<p>This options package would deliver one suburb park (30,000m²) and five new neighbourhood parks (5000m² each). Larger neighbourhood parks are proposed due to low capacity in this location.</p> <p>These larger neighbourhood parks increase capacity to 8.7m² per person at full buildout (compared to 7.3m² under current policy and options packages 1 and 5) .</p> <p>This option also includes funding to increase access to, and functionality of, existing open space (as above).</p> <p>This options package scores well in terms of delivering open space outcomes and responding to expected growth of 6408 people. With a total cost of \$76.2M it did not score particularly well from a budget perspective.</p> <p><u>It was the highest scoring options package when applied to this working example.</u></p>
3. Budget focused	<p>This options package was discarded due to low capacity in this location (0.9m² per person).</p>
4. Doing things differently	<p>This options package was discarded due to low capacity in this location (0.9m² per person).</p>
5. Consolidating and simplifying	<p>This option delivers the same open space as options package 1 so it scores the same - consistently across all five assessment criteria.</p>



Working example 7: Medium-density brownfield (South)

The seventh working example is a brownfield development in South Auckland.

The following provides key contextual information:

- population of 7300 people in 2022
- estimated population of 11,922 in 2052 based on full buildout (**increase of 4622 people**)
- the area is well developed and is **predominantly medium-density**
- **existing open space network of four parks** (129,694m²) leading to **moderate capacity** (10.9m²)
- there is an additional **30,298m² of connection and linkage open space** (a further 2.5m² per person).



Working example 7: Medium-density brownfield (South)

The following table illustrates the impact the different options packages in terms of open space, capacity and cost.

Options packages	Current policy	1. High-density focused	2. Capacity focused	3. Budget focused	4. Doing things differently	5. Consolidating and simplifying
No. of parks and civic spaces	5	5	5	4	4	5
Land area	132,694m ²	132,694m ²	133,694m ²	129,694m ²	129,694m ²	132,694m ²
Difference from status quo	1NP 3000m ²	1NP 3000m ²	1NP 4000m ²	-	-	1NP 3000m ²
Capacity Parks and civic spaces	11.1	11.1	11.2	10.9	10.9	11.1
Total cost acquisition & development	\$6.1M	\$10.8M	\$12.8M	\$4.7M	\$4.7M	\$10.8M
Difference from current policy		+\$4.7M	+\$6.7M	-\$1.4M	-\$1.4M	+\$4.7M

Under current policy and practice council would acquire one new 3000m² neighbourhood park

NP: Neighbourhood park

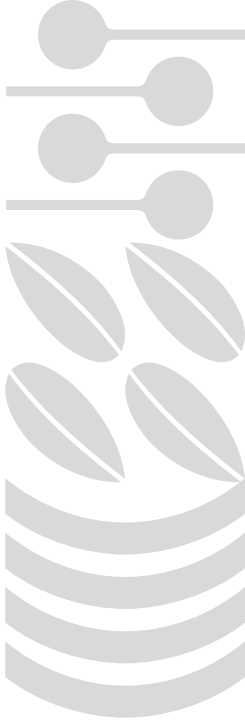


Initial assessment: Medium-density brownfield (South)

We have scored the options packages against the assessment criteria.

Options packages	Aligns with plans and budget	Delivers outcomes	Responds to growth	Value for money	Can be implemented
1. High-density focused	☑☑	☑☑	☑☑	☑☑	☑☑
2. Capacity focused	☑☑	☑☑☑	☑☑☑	☑☑	☑☑
3. Budget focused	☑☑☑	☑	☑	☑	☑☑☑
4. Doing things differently	☑☑☑	☑	☑	☑	☑☑☑
5. Consolidating and simplifying	☑☑	☑☑	☑☑	☑☑	☑☑

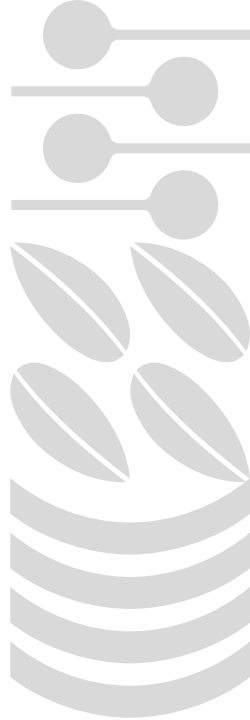
Key	☑ Low
	☑☑ Medium
	☑☑☑ High



Initial analysis: Medium-density brownfield (South)

Staff tested the options packages using this working example.

1. High-density focused	<p>Under this options package council would deliver one new 3000m² neighbourhood park.</p> <p>This is the same level of provision as council would provide under current policy and practice.</p> <p>Funding of \$4.7M is allocated to enable council to increase access to, and functionality of, existing open space. This funding might be best used for investment in new amenities, including play as there is a limited amount of connection and linkage space (2.5m² per person) and some paths have already been developed. Development could also improve access to schools in this location.</p> <p>This options package scores consistently across all five assessment criteria.</p>
2. Capacity focused	<p>This options package would deliver one new 4000m² neighbourhood park. A larger neighbourhood park is proposed due to moderate capacity in this location.</p> <p>This options package also includes funding to increase access to, and functionality of, existing open space (as above).</p> <p>There are marginal differences between this options package and what would be delivered under options packages 1 and 5. For example, the larger park increases capacity to 11.2m² per person (compared to 11.1m²).</p> <p>The additional 1000m² of open space led to it scoring comparatively better in terms of delivering open space outcomes and responding to expected growth. <u>Accordingly, it was the highest scoring options package when applied to this working example.</u></p>
3. Budget focused	<p>This options package would deliver \$4.7M to increase access to, and functionality of, existing open space.</p> <p>This may not be sufficient to meet the open space needs of an expected population increase of 4622 people.</p> <p>This options package scores well in terms of budget and implementation.</p>
4. Doing things differently	<p>This option would deliver the same as options package 3 above, so it scores the same.</p>
5. Consolidating and simplifying	<p>This option delivers the same open space as options package 1 so it scores the same.</p>



Working example 8: Medium/high-density greenfield (South)

The eighth working example is a greenfield development in South Auckland.

The following provides key contextual information:

- population of 1684 people in 2022
- estimated population of 19,504 in 2052 based on full buildout (**increase of 17,820 people**)
- initial stages of development
- **predominantly medium-density** residential with some areas of high-density
- **three existing neighbourhood parks** (11,086m²) leading to **low capacity**
- an additional **215,691m² of connection and linkage space** (a further 11.3m² per person).



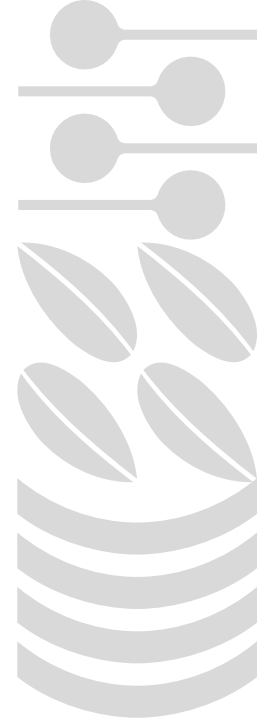
Working example 8: Medium/high-density greenfield (South)

The following table illustrates the impact the different options packages in terms of open space, capacity and cost.

Options packages	Current policy	1. High-density focused	2. Capacity focused	3. Budget focused	4. Doing things differently	5. Consolidating and simplifying
No. of parks and civic spaces	16	19	19	3	6	19
Land area	102,086m ²	106,586m ²	126,586m ²	11,086m ²	15,586m ²	106,586m ²
Difference from status quo	2SBP 10NP 1CS 91,000m ²	2SBP 10NP 3PP 1CS 95,500m ²	2SBP 10NP 3PP 1CS 115,500m ²	-	3PP 4500m ²	2SBP 10NP 3PP 1CS 95,500m ²
Capacity Parks and civic spaces	5.3	5.6	6.6	0.6	0.8	5.6
Total cost acquisition & development	\$121.4M	\$133.9M	\$168.3M	\$4.7M	\$12.5M	\$133.9M
Difference from current policy		+\$12.5M	+\$46.9M	-\$116.7M	-\$108.9M	+\$12.5M

Under current policy and practice council would acquire 10 new 3000m² neighbourhood parks, two 30,000m² suburb parks and a 1000m² civic space

SBP: Suburb park
NP: Neighbourhood park
PP: Pocket park
CS: Civic space



Initial assessment: Medium/high-density greenfield (South)

We have scored the options packages against the assessment criteria.

Options packages	Aligns with plans and budget	Delivers outcomes	Responds to growth	Value for money	Can be implemented
1. High-density focused	☑	☑☑	☑☑	☑☑	☑
2. Capacity focused	-	☑☑☑	☑☑☑	☑☑	☑
3. Budget focused	☑☑☑	-	-	☑	☑☑☑
4. Doing things differently	☑☑☑	☑	☑	☑☑	☑☑
5. Consolidating and simplifying	☑	☑☑	☑☑	☑☑	☑

Key

- ☑ Low
- ☑☑ Medium
- ☑☑☑ High



Initial analysis: Medium/high-density greenfield (South)

Staff tested the options packages using this working example.

1. High-density focused	<p>Under this options package council would deliver 15 new parks and one civic space. The new parks consist of:</p> <ul style="list-style-type: none">• two suburb parks (30,000m² each)• 10 neighbourhood parks (3000m² each)• three pocket parks (1500m² each) in high-density. <p>Funding of \$4.7M is allocated to maximise 215,691m² of connection and linkage space (11.3m² per person) in this location.</p> <p>Despite this investment capacity would remain low in this location (5.6m² per person). This is due to the scale of expected growth (17,820 additional people).</p> <p>This options package scores relatively consistently across all five assessment criteria.</p>
2. Capacity focused	<p>Under this options package all of the neighbourhood parks would be 5000m² because of low capacity in this location. Increased investment would raise capacity to (6.6m² per person).</p> <p>Funding to increase access to, and functionality of, existing open space would also be provided.</p> <p>This options package scores well in terms of delivering open space outcomes and responding to expected growth.</p> <p>However, it did not score in terms of strategic alignment and budget. Despite this, it <u>was the highest scoring options package when applied to this working example.</u></p>
3. Budget focused	<p>This options package was discarded due to low capacity in this location (0.6m² per person).</p>
4. Doing things differently	<p>This options package was discarded due to low capacity in this location (0.8m² per person). This is despite the options package delivering three new pocket parks in high-density.</p>
5. Consolidating and simplifying	<p>This option delivers the same open space as options package 1 so it scores the same.</p>

