
Notice of Motion - Member Haynes - Enforcement of bylaw limiting parking on berms

File No.:

Executive summary

1. Member Haynes has given notice of a motion that he wishes to propose.
2. The notice, signed by Member Haynes and Member Fryer as seconder, is appended as Attachment A.

Motion

That the Albert-Eden Local Board:

- a) Notes that an amendment to the Land Transport Rules administered by the Ministry of transport is necessary to allow enforcement of bylaws restricting parking on berms without signage.
- b) Requests a progress report from Auckland Transport on the response by the Government to Auckland Council's and Auckland Transport's submissions (to which the Local Board was a party) requesting that enforcement of parking on berm bylaws be placed on the Ministry's work programme.
- c) Notes that it is likely to be some years before an amendment is made to the Land Transport Rules allow enforcement of bylaws restricting parking on berms without signage, even if the Ministry of Transport has included this in its work programme.
- d) Requests that Auckland Transport erects appropriate signage where there is a clear need to restrict berm parking, as well as where there is a health and safety issue, given that it is likely to be some years before any change is made to the Land Transport Rules allowing enforcement of bylaws restricting parking on berms without signage.

Background

- Previously, the Albert-Eden Local Board has recognised (in the Board resolutions and submissions mentioned below) that:
 - i. There is a serious and growing problem with vehicles being parked off the roadway, on verges and other parts of the road margin in the its area. Increasing numbers of drivers are parking on berms as the lack of enforcement becomes more widely known;
 - ii. One measure of this extent of the problem is the large number of complaints that have been received from residents in the local board area (69 to June 2018);
 - iii. Parking on berms not only churns up the berms and damages trees resulting in an unsightly mess, but causes damage to essential services, all of which is costly to repair;
 - iv. The problems have been raised with the Ministry of Transport over the past three years; and
 - v. The present approach of placing signs where problems occur is costly and increasingly ineffective as the practice grows. RCAs should therefore have the explicit ability to prohibit parking on grass verges by making a bylaw without the use of signs.
- The Local Board has consistently sought a change to the national Land Transport Rules that would permit the enforcement of local bylaws restricting parking on berms. Pursuant to its resolution at the 27 June 2018 Meeting (Resolution number AE/2018/221), the Local Board wrote to the Secretary of Transport on 2 July 2018 supporting Auckland Transport's request that an amendment to the rules be placed on the Ministry's work programme. In August 2018, it submitted to the Governing Body that it supported Auckland Council's submission on the proposed Land Transport Rule: Regulatory Stewardship (Omnibus) Amendment 2018 requesting that enforcement of parking on berm bylaws be placed on the Ministry's work programme.
- The proposed Land Transport Rule: Regulatory Stewardship (Omnibus) Amendment 2018 was consulted on by the Ministry of Transport in July/August 2018. Although it did not include a change allowing enforcement of parking rules without signs, it did invite feedback under Proposal 22 that, "will help shape any proposed Rule changes that may be included in future Omnibus Rule changes."
- On 18 December 2018 the Ministry of Transport advised (<https://www.nzta.govt.nz/about-us/consultations/archive/land-transport-rule->

[regulatory-stewardship-omnibus-amendment-2018/](#)) that, “Originally, it was anticipated the changes to Land Transport Rules resulting from this project would be signed by the Associate Minister of Transport before the end of 2018. However, this is now more likely to be in early 2019.”

- As the report summarising the submissions on the proposed Land Transport Rules changes and the responses to the points raised has not been published, it appears that the proposed changes have not yet been considered by Cabinet and signed by the Minister.
- In the past, Auckland Transport (AT) has erected signage where there is a clear need. However, we are now advised that AT made an operation decision at some point over the last year to not erect signage “while we wait for legislative changes (that) would mean that signage is no longer required to ticket vehicles on berms.”
- The Local Board was not consulted or advised of this change in practice, despite having requested some signage restricting berm parking.

Signatories

Author	Peter Haynes – Member, Albert-Eden Local Board
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