

**Date:** Tuesday 23 July 2024  
**Time:** 1.00pm  
**Meeting Room:** Claris Conference Centre  
**Venue:** 19 Whangaparapara Road  
Claris  
Aotea / Great Barrier Island

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## **Aotea / Great Barrier Local Board OPEN MINUTE ITEM ATTACHMENTS**

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## Memorandum

8 July 2024

**To:** All local board members

**Subject:** Joint review of Auckland Transport and Auckland Council traffic-related bylaws

**From:** Andrew McGill, Group Manager Transport Network, Planning & Policy, Auckland Transport  
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## Purpose

1. To provide more information on the review of Auckland Transport (AT) and Auckland Council (AC) traffic-related bylaws before the early engagements with local boards in August 2024.

### Summary

2. Both AT and AC have powers to make traffic-related rules in Auckland.
3. The current traffic rules are set out in the AT Traffic Bylaw 2012, AC Traffic Bylaw 2015 and AC Public Safety and Nuisance Bylaw 2013 (vehicles on beaches). AT's rules apply to the Auckland transport system, while AC's rules apply to council land, such as parks and beaches.
4. In November 2023 and April 2024, we informed local boards that we were reviewing the bylaws and provided details of their content, and the process we would follow.
5. AT and AC staff will present the findings to Local Boards at workshops and seek views at business meetings in August 2024 to inform the development of options and proposed improvements.

## Context

### There are multiple traffic-related bylaws in Auckland

6. Both AT and AC have powers to make traffic-related rules in Auckland. The current rules are contained across the AT Traffic Bylaw 2012, AC Traffic Bylaw 2015 and AC Public Safety and Nuisance Bylaw 2013 (vehicles on beaches). AT's rules apply to the Auckland Transport system, while AC's rules apply to council-controlled land such as parks and beaches.
7. AT and AC are working together to review the bylaws, to identify any room for improvement. In November 2023 and April 2024, we informed local boards of the joint review, provided a background of what the Bylaws do, and outlined the process we would go through.

### The Bylaws largely set a framework for intervention where needed

8. The Bylaws, for most parts, provide a "**framework**" for regulating vehicle use, traffic and parking on the Auckland transport system and council-controlled land. This means that they enable things like bus lanes to be created, but the actual locations of the bus lanes are not in the bylaw – they
9. are set through resolutions, made later. This works well where there are location-specific needs that change over time.

10. Some topics in the Bylaws are not framework, but are “**self-contained**”. We do this where we want the same rule applied everywhere, and don’t need a site-specific resolution.
11. We have provided more information about framework and self-contained bylaw topics below in Appendix 1 for your reference.

## Discussion

### We now have a set of findings from our investigations

12. We reviewed the Bylaws across 18 different topics (listed in Appendix 2). For each topic, we looked at whether there was still a problem, whether the bylaws helped address the problem, and if there were any alternatives (or improvements) which could be made (including their implementation).
13. The key findings 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 the possible benefits of replacing the Bylaws with a **single bylaw** made by both AT and AC. While most of Auckland’s roads are the responsibility of AT, the boundaries with AC controlled roads or public places can be indistinguishable.

### Next steps

14. We will be coming to workshop with you soon on the findings, so you can guide the next step – coming up with options and, ultimately, a new bylaw. We are doing this ahead of doing full public consultation.
15. The timing for the remainder of the project is:
  - **July 2024** – complete review findings.
  - **August 2024** – seek input from local boards by resolution on the draft options and proposal for public consultation.
  - **October 2024** – AT Board and AC Governing Body adopt preferred option and proposal for public consultation.
  - **November 2024** – public consultation on the proposal.
  - **February 2025** – seek input from local boards by resolution on public feedback to the proposal from people within their local board area.
  - **June 2025** – AT Board and AC Governing Body decision on proposal (including any new bylaw).

## Appendix 1. Frequently asked questions

### What are Framework Bylaw Clauses?

- The “**framework**” bylaws are limited to the bylaw-making powers of road controlling authorities in **Section 22AB** of the Land Transport Act 1998. AT or AC cannot create rules or controls not provided for in the Act, for example, AT or AC cannot just make a bylaw to impose time of use charging (i.e., power not in the Act).
- Other traffic controls not set through **Section 22AB** of the Land Transport Act 1998 are out of scope. For example, the powers to install road bumps or traffic lights, decisions about the physical layout of the road (for example, footpaths, flush medians or passing bays) or construction of transport shelters are done through the powers under the Local Government Act 1974 and **do not require a bylaw**.
- A “**Framework**” Bylaw topic requires the location, nature and conditions of traffic and parking controls to be set out in **resolutions**. For example, the “framework” to create special vehicle lanes is set out in the Bylaws, while the specific location and conditions of each special vehicle lane are set through resolutions. **Separate documentation, analysis and consultations** are conducted before a resolution is finalised and approved.

### What are “Self-contained” Bylaw Clauses?

- Similar to framework topics, these “self-contained” controls are limited to the bylaw-making powers of road controlling authorities in **Section 22AB** of the Land Transport Act 1998.
- The effectiveness of “**self-contained**” controls can be limited due to challenges with enforcement. For example, the Bylaws prohibit broken down vehicles from being left on roads or public places in Auckland. However, because of the limitations and lack of clarity of land transport legislation<sup>1</sup>, enforcement arguably requires the installation of signs across the region.
- A similar issue exists regarding the prohibition of berm parking in the current Bylaws. While the AT Bylaw 2012 prohibits persons from parking on the part of the road laid out as a cultivated area (including a grass plot, a flower bed or shrubbery) in urban traffic areas (clause 22), **installation of signs** is required before any enforcement action. The same issues arise in the AC Traffic Bylaw 2015, which prohibits parking on a grass verge, park, garden or beach (clause 11).

### How are traffic-related Bylaws enforced?

- The Bylaws apply to the Auckland Transport system and council-controlled land. They do not apply to roads that AT and AC do not control (for example, motorways or private roads) or private car parking facilities. These areas are out of the scope of this review.
- **AT only enforces some** of the controls in the Bylaw. The Land Transport Act 1998 specifies the agency responsible for enforcing a control. For example:
  - AT and AC rely on the New Zealand Police to enforce most moving vehicle offences (for example, one-way travel directions, engine braking, cruising, vehicles on beaches)
  - AT parking wardens only enforce stationary vehicle offences (for example, parking or broken yellow lines) and special vehicle lane (for example, bus lanes); and
  - while AC can appoint its own parking wardens, it has chosen instead to delegate the enforcement of parking controls to AT.

<sup>1</sup> 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 changes in legislation are also necessary to improve enforcement, for example:
  - Due to the substantial road network in Auckland and other priorities, it is challenging for the New Zealand Police to enforce traffic controls proactively. AT has been advocating for changes in legislation to allow us to enforce moving vehicle offences; and
  - Some controls set in the Bylaws do not have infringement fines, for example, while a bylaw can prohibit the parking of boats, there are no associated fines. We are also advocating for changes in legislation to allow us to set our own infringement fines that fit our local context.

## Appendix 2. Bylaw topics covered in the review

| Bylaw Topics                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------|
| 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. Unsuited (including heavy) traffic                                                                                |