



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.

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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		