

# Submission on Taupō District Council Draft Traffic Bylaw 2024

31<sup>st</sup> May 2024

## Introduction

Herenga ā Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to provide advice on free, certain, enduring, and practical access to the outdoors. We administer a national strategy on outdoor access, including tracks and trails. We map outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help resolve access issues and negotiate new access.

Herenga ā Nuku has a team in Wellington and a network of regional field advisors. An independent board governs our work. Our governing piece of legislation is the Walking Access Act 2008.

Much of our work focuses on active transport. We support the creation, maintenance, enhancement, and promotion of walking and cycling access, for recreation, for safety, health and wellbeing, for a shift to more sustainable travel, and for commuting to local destinations such as schools, places of work and shops.

## Comments and recommendations

### Clause 13

Rural roads, both formed and unformed, can provide valuable parking opportunities to facilitate access to recreational opportunities. People seeking to access rivers for angling, public conservation land for tramping or hunting and cycling opportunities typically require somewhere to park their vehicles. Parking on rural road verges or within unformed legal road parcels enables the public to park legally to engage in outdoor pursuits.

We are concerned that Clause 13 of the draft bylaw will interfere with this entitlement to park within legal road corridors in rural areas. Clause 13 reads:

A person must not stop, stand or park a motor vehicle on that part of the road not laid out as the **roadway**

The Land Transport (Road User) Rule 2004 defines a roadway as;

**roadway** means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

This clause could unintentionally restrict access to recreational opportunities within the district by removing the right to park legally within roadways.

We recommend that Clause 13 be amended with wording along the lines of:

A person must not stop, stand or park a motor vehicle on that part of the road not laid out as the **roadway in built-up areas**.

## Clauses 21 and 23

We believe that clause 23 is redundant, as it is covered by clause 21. Legal roads are treated the same in law, regardless of the degree of formation. Therefore, there is no need to repeat the provisions specifically for unformed legal roads when they have already been covered in clause 21.

Clause 21 reads:

Council may by resolution, subject to the erection of the prescribed sign:

- a. Prohibit, restrict or limit, the use of any road or public place, by any vehicle of any specified class or description.
- b. Provide that vehicles must drive in one specified direction.
- c. Prescribe any traffic lane be used for the turning of any vehicle.

Clause 23 reads:

Council may by resolution, subject to the erection of the prescribed sign:

- a. Restrict the use of vehicles on unformed legal roads.
- b. A person must not use a vehicle on an unformed road contrary to the restriction.

Sometimes confusion exists over the legal status of unformed legal roads. However, *"the law relating to the use of roads does not differentiate between formed and unformed roads"* Refer to **Guidelines for the Management of Unformed Legal Roads** Page 9 (available on Herenga ā Nuku Aotearoa, the Outdoor Access Commission website)

We recommend that clause 23 be deleted.

Thank you for the opportunity to provide feedback on the draft Bylaw.



Felicity Brough BCom, MSc

*Regional Field Advisor Waikato and Taupō*

Phone 027 3813430, or email [felicity.brough@herengaanuku.govt.nz](mailto:felicity.brough@herengaanuku.govt.nz)

Level 12, Majestic Centre, 100 Willis Street, Wellington 6011