

15 April 2021



Dear 

Request for Information – Local Government Official Information and Meetings Act 1987

We refer to your official information request dated 14 April for a copy of a current document HCC use to define where parking within 6 Meters of a corner actually starts.

In the case of parking too near an intersection, the interpretation of an “intersection” is outlined in the Land Transport (Road User) Rule 2004.

intersection,—

(a) in relation to 2 or more intersecting or meeting road-ways, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway;

In determining if a vehicle is parked too near an intersection, a measurement is taken from the intersecting boundary lines of the roads, back 6 meters. Unless road markings/signs allow for closer parking, this determines how close a vehicle can park.

In the case of parking too near a corner, bend, rise, or intersection, this offence is described in the Land Transport (Road User) Rule 2004 regulation 6.3 (1) and (2), and regulation 6.1 (vehicles must be parked with due care and consideration) can also be used in some cases. With the exception of an intersection, a measurement is not relied upon.

6.3 Parking close to corners, bends, etc

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a roadway so close to any corner, bend, rise, dip, traffic island, or intersection as to obstruct or be likely to obstruct other traffic or any view of the roadway to the driver of a vehicle approaching that corner, bend, rise, dip, traffic island, or intersection unless the stopping, standing, or parking is authorised by signs or markings maintained by the road controlling authority.

(2) A driver must not stop, stand, or park a vehicle on any part of a road, whether attended or unattended, within an intersection or within 6 m of an intersection unless the stopping, standing, or parking is authorised by signs or markings maintained by the road controlling authority.

6.1 Vehicles must be parked with due care and consideration

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a road, whether attended or unattended, without due care or without reasonable consideration for other road users.

In these references, a parking warden would have to determine an offence is committed and provide evidence either by driving in to the hazardous area and/or by photographic evidence demonstrating the hazard.

In cases of parking too near an intersection, photographic evidence can indicate a vehicle's position when photos are taken of the side of a vehicle in relation to the lateral boundary line of an intersecting road. In this case no measurement would be needed to support the reporting of an offence if it was obvious by the photograph that the vehicle was very close or inside the boundaries of the intersection.

As you can imagine, a corner, bend, or rise may eventuate in an infinite number of situations on roads throughout the country. A parking warden would have to gather sufficient evidence on each occasion to support a prosecution should his or her evidence be challenged.

In the case of parking too near a corner, bend, rise, (Regulation 6.3) no measurement is required. What is required is evidence that the parking of a vehicle at the time was likely to obstruct the view of another driver.

The Notice of Prosecution for this offence reads: *Parked a vehicle on a road in a position such that it was likely to obstruct the view of another driver.*

In respect of training delivery, this section of the Land Transport (Road User) Rule 2004 in determining whether or not an offence exists is done on a white board demonstrating the many types of intersections and situations, and how to determine and apply the legislation. Included in training is how to gather evidence that would be relied upon in a District Court in the case of a defended hearing. If there was insufficient evidence to report via an infringement, then no offence would exist.

In delivering training for parking offences, the warden must be able to make these determinations to effectively establish an offence exists before considering the issue of an infringement.

Often in the case of corners, bends or rises, the Controlling Authority may use other means of prohibiting parking such as broken yellow lines.

If you would like to discuss this request further please contact Barry Rippon, Manager Parking Services on 04 570 6752.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this letter (with your personal details removed) may be published on the Council's website.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'BR', with a large, sweeping flourish extending upwards and to the right.

Barry Rippon
Manager Parking Services.