



Approval for Agenda

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**Title:** Resident Parking Schemes Review  
**Report to:** Transport and Urban Linkages Committee  
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## 1.0 Summary and conclusions

In December 2004, the Transport and Urban Linkages Committee considered a report on residential parking schemes and the need to review some elements of its operation. The Committee also heard presentations from residents, that primarily focused on the issues surrounding:

- eligibility for the residential only parking schemes and;
- the number of spaces available for individual permit holders.

The Committee resolved that the Manager, Traffic and Rooding Services and the Manager, Transport Planning report back in March 2005 on policy options to address the concerns raised by the Hobson Community Board and by residents in their presentations to the committee.

Auckland City promotes a sustainable and holistic approach to parking management across the Isthmus. Parking is managed to support business, accessibility and choice of mode, while the parking needs of residents, visitors and commuters are balanced in residential areas.

Auckland City's district plan and residential parking policy recognises that private generators of parking are responsible for managing their needs on-site. There is no legal right for private individuals to be guaranteed exclusive parking on-street. Parking availability is also

extremely valuable in inner city locations. The vast majority of residents living in the inner city areas have made decisions about parking based on prices of properties and rents that reflect the provision and quality of parking, and without recourse to residents parking schemes.

The primary purpose of the residential parking policy is to provide a framework to ration on-street spaces between competing groups when high levels of parking are occurring in low-density residential areas. Additional objectives are to ensure on-street parking does not prevent the safe use of streets, hinder access to properties or impact significantly on street amenity.

There are two types of residents parking schemes within Auckland City. The **residents' exemption** schemes provide up to two exemptions per eligible household from time restricted parking. **Residents only** schemes provide one permit and access to designated parking spaces on –street (up to 80% of the number of permits) for eligible households without off-street parking.

Multi-unit dwellings such as flats, terrace housing and apartments are not eligible for residents parking schemes. The main reasons for this (to addition to above) are that multi-unit dwellings tend to be located close to commercial centres where there is limited kerb space, high parking demand, better provision of public transport, closer proximity between home and work and to essential services and facilities.

The only exceptions to this approach are existing schemes established in the 1980s for multi-unit dwellings in locations such as Emily Place (CBD) and York Street (Parnell). These schemes were originally established to encourage inner city living. The Council resolved in December 2003 that such schemes were no longer necessary and would be reviewed in 2007.

The main concerns or areas of dissatisfaction raised by existing permit holders, which has been confirmed by feedback, are:

- the ineligibility of multi-unit dwellings for access to residents parking schemes
- less parking spaces than permits are provided for residential only permit holders
- the lack of enforcement of existing schemes (mostly residents exemption schemes).

A legal opinion was sought on the exclusive space provisions for residential only schemes under the Local Government Act. Council was advised to be careful to ensure it retains the ability to issue more permits and does not grant permit holders exclusive possession. While Council can lawfully provide the same number of residents' parking permits as the number of spaces, this may not be suitable as a general approach. This is outlined in more detail in appendix 3.

Auckland city parking schemes were compared to other parking schemes in the Australasian region. The City's parking schemes are similar except in the following areas:

- most other schemes provided permits for multi-unit dwellings (subject to age of building)
- some schemes provide permits for visitors.

Relaxing the eligibility requirements would make the current policy very difficult to implement, administer and enforce as potentially any older multi-unit dwelling with limited or no off-street parking would be eligible to apply for permits. The net effect of relaxing the eligibility requirements would be:

- a transfer of private parking demand to public roads,

- lack of kerb space to accommodate the level of on-street parking required and associated traffic management issues this may create,
- create significant cost inequities between the majority of inner city residents who have paid for on-site parking or made alternative arrangements compared to permit holders.

Whilst the City's residential parking policy is not supportive of residents parking schemes for multi-unit dwellings, the need to conserve Auckland's built character and heritage in inner city areas in the face of increasing redevelopment pressure is a priority.

Visitor permits are not considered warranted as they are provided for within existing time restricted and unrestricted zones of residential streets, irrespective of whether a residents parking scheme is present or not.

The need to investigate the applicability of introducing **residents parking zones** in residential areas was highlighted during the review. A resident parking zone would allow more intensive management of on-street parking in streets in and around town centres and provide flexibility to permit holders to park in neighbouring streets with parking schemes.

In summary, the report seeks the Committee's endorsement of the residential parking policy and guidelines with the following additional actions:

- investigate and report back on the applicability of using resident parking zones.
- investigate and report back on the applicability of residents parking schemes to support the conservation of scheduled historic buildings (single and multi-unit dwellings only) in Auckland City's district plan.
- undertake a communication plan to increase awareness by the general public of the resident parking schemes.

## 2.0 Recommendations

- A. That council endorse:
- (i) The current residential parking policy, eligibility criteria and guidelines for resident parking schemes
  - (ii) The review of the residents only parking scheme in 2007 (as previously approved by the Transport Committee) is confirmed to still take place.
  - (iii) The administration fee remaining in place with the fee not being pro-rata or refunded for parts of years.
- B. That:
- (i) Officers investigate and report back to the Committee on how resident parking eligibility for scheduled historic buildings (heritage A & B) contained in Auckland City's district plan can be accommodated within the existing resident parking policy and guidelines.
  - (ii) Eligible resident only permit holders be offered the resident exempt scheme.
  - (iii) Officers undertake a communication plan to increase awareness by the general public of the resident parking schemes.
  - (iv) Officers investigate and report back to the Committee on the applicability and cost of using resident parking zones.

## 3.0 Narrative

### 3.1 Background

The residential parking policy and guidelines are consistent with councils annual plan guidelines of the “leading in urban sustainability”, which gives priority to travel demand management.

Parking management is one of the cornerstones of Auckland City’s approach to travel demand management that includes:

- the development of intensified urban living areas,
- extension of bus priority measures,
- improvements to cycle and walking infrastructure and
- initiatives such as walking school bus and school travel plans to reduce education-related car trips.

Auckland City promotes a sustainable and holistic approach to parking management across the Isthmus. Parking is managed to support business, accessibility and choice of mode, while the parking needs of residents, visitors and commuters are balanced in residential areas.

Auckland City’s district plan and residential parking policy recognise that **private generators of parking are responsible for managing their needs on-site**. There is no legal right for private individuals to be guaranteed exclusive parking on-street.

Parking availability is also extremely valuable in inner city locations. The vast majority of residents living in the inner city areas have made decisions about parking based on prices of properties and rents that reflect the provision and quality of parking, and without recourse to residents parking schemes.

The **primary purpose** of the residential parking policy is to provide a framework to ration on-street park spaces between competing groups when high levels of parking are occurring in low-density residential areas. Additional objectives are to ensure on-street-parking does not prevent the safe use of streets, hinder access to properties or impact significantly on street amenity.

There are two types of residents parking schemes within Auckland city.

1. The **residents exemption** schemes provide up to two exemptions per eligible household from time restricted parking in the street.
2. **Residents only** schemes provide one permit and access to designated parking spaces on-street (up to 80% of the number of permits) for eligible households without off-street parking.

Eligibility for resident parking schemes are restricted to single unit dwellings. The extent of the schemes is limited by the available on-street kerb space. Multi-unit dwellings such as

flats, terrace housing and apartments are not eligible for residents parking schemes. The main reasons for this (in addition to above) are that multi-unit dwellings tend to be located close to commercial centres where there is limited kerb space, high parking demand, better provision of public transport, closer proximity between home and work and to essential services and facilities.

The only exception to this approach are existing schemes established in the 1980's for multi-unit dwellings in locations such as Emily Place, York Street and other inner city locations. These schemes were originally established to encourage inner city living. The Council previously resolved that such schemes were no longer necessary and would be reviewed in 2007. In total there are 169 permit holders, 111 are residents only and 58 resident exemptions.

The main concerns or areas of dissatisfaction raised by existing permit holders, which has been confirmed by feedback, are:

- the ineligibility of multi-unit dwellings for access to residents parking schemes
- less parking spaces than permits are provided for residential only permit holders
- the lack of enforcement of existing schemes (mostly residents exemption schemes).

A legal opinion was sought on the exclusive space provisions for residential only schemes under the Local Government Act. While Council can lawfully provide the same number of residents' parking permits as the number of spaces, this may not be suitable as a general approach or in any particular situation. Council was advised to be careful to ensure it retains the ability to issue more permits and does not grant permit holders exclusive possession.

Auckland city parking schemes were compared to other parking schemes in the Australasian region. The City's parking schemes are similar except in the following areas:

- most other schemes provided permits for multi-unit dwellings (subject to age of building)
- some schemes provide permits for visitors.

Visitor permit are not considered warranted as they are provided for within existing time restricted and unrestricted zones of residential streets, irrespective of whether a residents parking scheme is present or not.

The need to investigate the applicability of introducing **residents parking zones** in residential areas was highlighted during the review. A resident parking zone would allow more intensive management of on-street parking in streets in and around town centres. The zone approach would provide more flexibility to permit holders by allowing them to park in any number of neighbouring streets within the zone, which had residents parking schemes in operation. Visitor parking would continue to be provided in the same manner it is under the existing schemes.

Whilst the City's residential parking policy does not support the residents parking schemes for multi-unit dwellings, it is a priority to conserve Auckland's character and heritage in inner city areas in the face of increasing redevelopment pressure.

This has highlighted the need to investigate the provision of parking permits to support the conservation of listed heritage dwellings (single unit and multi-unit).

Detailed information on the Policy is available in Appendix 2 of this report.

## 3.2 Issues

The review of the residential parking schemes has involved the following key elements:

- legal advice sought on parking space allocation per permit holder
- a review of eligibility criteria for permit schemes
- feedback from existing residents parking permit holders (both schemes)
- benchmarking exercise of other parking schemes available in the Australasian region.
- consideration of possible eligibility of heritage buildings.
- increasing awareness of policy and operation of residents parking schemes

The key issues that have arisen from the review process are available in Appendix 5 of this report.

## 3.3 Options

The range of options considered must meet the higher level objectives and guidance contained in the Council's residential parking policy to avoid inconsistencies. The options identified below may address some of the concerns raised by permit holders and the Hobson Community Board. The options (if appropriate) for each issue area are identified below:

### 3.3.1 Parking spaces per permit holder (residential only schemes)

Council's legal advisers provided an opinion that it is possible for the Council to lawfully provide the same number of residents' parking permits as the number of residents' parking spaces in a Residents' Exclusive Parking Area.

They qualify the statement by adding that this may not be suitable as a general approach, that Council should generally speaking be careful to ensure it retains the ability to issue more permits and does not grant permit holders exclusive possession. The current Residential Parking Policy guidelines avoids the issue of exclusive possession of parking spaces by permit holders, this is achieved by having one less parking space marked on the road for permit holders than there is permits issued.

The one other option available that meets the objectives of the Residential Parking Policy and avoids the issue of exclusive possession is to convert existing residents' only schemes to residents' exempt schemes, where supported through consultation with affected residents. This scheme allows non permit holders to utilise these spaces for the time specified on the sign when the permit holders are not using them ie if the permit holders are at work, away for weekends, shopping etc.

Because this scheme (residents exempt) allows all road users the opportunity to park in these spaces, more spaces can be allocated than there is permit holders, this offers the permit holder a better opportunity to find a parking space.

### 3.3.2 Eligibility of multi-unit dwellings/apartments

The current policy and operational criteria restrict eligibility for parking schemes to residents of single unit dwellings. The purpose of the schemes are primarily for balancing the needs

of a variety of parking users in low-density residential areas, rather than provide for the parking needs of apartments and other multi-unit dwelling in higher density locations associated with higher levels of service and development.

Residents' only parking permits are most appropriate to situations where the available kerb space can meet most of the local demand. In the case of apartments blocks and other multi-unit dwellings, the limited length of kerb available means that it is not possible to provide sufficient residents' parking permits, and therefore it should not be provided.

A key principal contained in the Council's district plan provisions and parking policies is that private generators of parking are primarily responsible for managing their parking demand on-site or making alternative arrangements for parking. It is not considered Council's role to use public road to meet private parking needs beyond the extent provided for in the Residential Parking Policy.

It is not the purpose of the Residential Parking Policy to protect older apartments and other multi-unit dwellings from redevelopment through the provision of residential parking schemes. District Plan provisions control the intensity and form of land use activities and the degree to which redevelopment is permitted. However, Council has a range of parking tools available to assist in providing residents and visitors with better access to on-street parking.

Whilst the City's residential parking policy is not supportive of residents parking schemes for multi-unit dwellings in general, the need to conserve Auckland's built character and heritage in inner city areas in the face of increasing redevelopment pressure is a priority. This has highlighted the need to investigate the provision of parking schemes to support the conservation of heritage dwellings (single unit and multi-unit). The dwellings would need to be limited to those approved on the schedule of buildings contained in the relevant appendices and annexures to Auckland City's district plan.

### **3.3.3 Response to feedback issues**

Visits to streets where regular complaints are received has shown that 80% of the time, some parking spaces have been available in the street, but these spaces are not always outside the permit holder's property. A higher level of enforcement is not considered warranted at this stage. The issue with the lack of enforcement should first be addressed through increasing awareness of the operation of residents parking schemes (see 3.3.5).

### **3.3.4 Benchmarking**

The benchmarking process identified the provision of visitor parking permits as the most significant difference between the Auckland city schemes and others. At this stage, it is recommended that visitor parking permits will not introduced for the following reasons:

- Generally, on and off-street public parking is available within walking distance of most inner city locations where residential parking schemes exist,
- The residents exemption scheme already provides for visitor parking both within the time restricted zone and the unrestricted areas of the street,
- The lack of visitor parking has not been raised as a significant issue in recent or past feedback from permits holders.

### **3.3.4 Increasing awareness of policy and operation of residents parking schemes**

Following the committee's approval, the resident parking scheme policy and operating criteria will be widely communicated, using both free and paid communication channels.

There are a number of opportunities to raise awareness in the short and longer term. Some examples include feature stories placed with target media and City Scene, providing additional information to Auckland City's web site as well as links from popular real estate and property management web sites, providing end-to-end information packs for current and potential permit holders.

To raise awareness with key stakeholders, specific and targeted messages will be communicated to audiences including (but not limited to) existing permit holders, people seeking permits in the future, property managers, real estate agents, media and the community boards.

The adopted approach to resident parking scheme policy and operating criteria will be published on the web, through direct mail, media releases and City Scene.

### **3.4 Budget Implications**

Council incurs costs associated with the parking schemes in the form of signage and road marking. There is no expectation that these costs should be recovered from residents or permit holders. There are also administrative costs for the schemes, which are recovered by a fee of \$100 per permit (inclusive of GST) per year. Enforcement costs, at the current levels, are deemed to be self-funding. Should enforcement activity be increased the costs will outstrip the fine revenue as higher parking officer presence encourages compliance. This report does not recommend increasing enforcement beyond "break-even" levels. There is an acceptance that better targeting of enforcement may produce the desired compliance without the excessive cost to ratepayers.

Should a scheme be introduced part way through a financial year, the cost to council is still \$100 per permit and therefore it is recommended that no pro-rata exercise be undertaken. Similarly if a person withdraws from the scheme part way through the year there should be no refund offered.

The proposed communication plan will be made up of a mixture of free marketing (eg City Scene) and paid advertising. The cost of the paid advertising will come from existing budgets set aside for parking promotion.

### **3.7 References**

Leading in Urban Sustainability (2004)  
Residential Parking Policy (October 2001)  
Residential Parking Policy Guidelines (December 2001)  
Residential Parking Literature Review (July 2000)  
Results of survey feedback  
List of streets consulted for Residents Exempt Scheme in 2004  
Map showing what streets have existing schemes in place

	<b>Name and title of signatories</b>	<b>Signature</b>
Author	Chris Geerlings, Parking Services Manager Stuart Knarston, Manager Transport Policy & Projects	
Reviewer	Joseph Flanagan, Manager Traffic and Rooding Services	
Reviewer	Janine Bell, Manager Transport Planning	
Approver		

# Appendix 1 – additional background information

## 1.1 Auckland City's Role in Parking

Auckland City provides and regulates both on and off-street parking.

The provision and regulation of **on-street parking** derives from the Council's statutory responsibilities for the management of the City's local roading network. This responsibility encompasses:

- the setting of bylaw controls to regulate the nature of on-street parking (time restrictions, pricing, residents parking schemes),
- the collection of revenue from parking meters and pay and display machines,
- the management and enforcement of parking controls.

Auckland City's role in the management of **off-street parking** takes place at two levels:

- a. *Parking provider.* Auckland City Council provides and maintains a considerable amount of parking within the City. Typically these comprise small free car-parks within suburban shopping centres and dedicated parking buildings within the Central Area. Council's influence lies in the area of short stay parking where it is a price leader by virtue of the amount of short stay parking it provides (only within the Central Area).
- b. *Parking regulator.* Through its District Plan, Council regulates the provision of car-parking incorporated in land uses.

## 1.2 Strategic context

The parking issues facing Auckland city on the Auckland Isthmus are diverse and specific to particular locations. Key principles have been established as a common reference point for Council's parking policies. The principles in summary seek to:

- Promote a sustainable and holistic approach to parking management,
- Support business, accessibility and choice of mode
- Recognise that private generators of parking are responsible for managing their parking demand on-site
- Balance the needs of local residents, visitors, business and commuters in residential areas
- Promote traffic efficiency and safety

Council's parking policies also support higher level strategic documents including the Regional Land Transport Strategy, Auckland Urban Living growth strategy and Connecting People and Places, Auckland City's transport strategy.

Council's direction setting document 'leading in urban sustainability'<sup>1</sup> gives priority to travel demand management to limit urban sprawl and lead to land-use that reduces the need to travel by car to get to work and play. Parking management is one of the cornerstones of Auckland City's approach to travel

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<sup>1</sup> Leading in urban sustainability – setting council direction 2005-06 (a guide for the preparation of the annual plan and budget)

demand management, that complements the development of intensified urban living areas, extension of bus priority measures, improvements to cycle and walking infrastructure and initiatives such as walking school bus and school travel plans to reduce education-related car trips.

### 1.3 Residential parking policy

Residents parking schemes were first introduced in the 1980's as one of a series of incentives to encourage the development of inner city living in the Central Area and suburbs such as Parnell and Grafton. Residential only parking schemes were established for single unit dwellings and some apartments, built between 1910 and 1940, which had no or limited off-street parking and where existing planning mechanisms did not require off-street parking. The permit system provided residents access to on-street parking in the vicinity of the dwelling.

The Council's residential parking policy was developed over 2000 and 2001, following residents' concerns about the high levels of commuter parking and associated access or road safety issues in inner city residential streets. Council adopted the residential parking policy in October 2001, following widespread community consultation and trial parking schemes undertaken in Freemans Bay, St Marys Bay, and Mt Eden.

The primary purpose of the residential parking policy was to provide a framework to ration on-street park spaces between competing groups of parkers when high levels of parking are occurring, ensure on-street parking does not prevent the safe use of streets, hinder access to properties or impact significantly on street amenity. The policy also recognises there is no inherent legal right for private individuals to exclusive parking on-street. Residential streets in this context are considered to be primarily roads servicing low-density residential areas as generally defined in the Auckland City Operative District Plan.

The focus of the policy is on implementing parking controls to provide residents of single unit dwellings better access to on-street parking where high levels of parking are apparent.

### 1.4 Key Parking Measures

The key parking measures to achieve the objectives of the residential parking policy are:

- 'No stopping at all times' markings to maintain visibility around intersections, corners and in narrow streets,
- Education and enforcement, and the installation of limit lines as necessary to maintain minimum clearances around vehicle crossings,
- Time-restricted parking (P60 or P120) where there is a lack of on-street parking for short-stay visitors,

- The provision of exemption permits (from time-restricted parking) for eligible households , where there is a lack of on-street parking for residents and subject to the availability of on-street parking space,
- The provision of residents' only parking permits and designated parking spaces for residents without off-street parking, where residential streets are subject to very high levels of parking and located close to high parking demand generators.
- No stopping at all times and time-restricted parking (P5 to P30) on streets around schools to reduce congestion and traffic conflicts.

Residents parking schemes can only be considered for residential streets where there are high levels of on-street parking (usually in excess of 70% occupancy of on-street spaces).

### 1.5 Residents' Parking Schemes

The residential parking policy contains two types of residents parking schemes and eligibility for them is summarised below:

#### *Residents exemption scheme (single unit dwellings)*

- The provision of exemption permits (up to a maximum of two) from time-restricted parking for residents, where there is a lack of on-street parking for residents and subject to the availability of on-street parking space,
- Eligibility is restricted to a resident who resides in the street/area designated for the parking scheme, lives in a single unit dwelling with insufficient off-street parking and who owns or has sole use of a car.

#### *Residents only scheme (single unit dwellings)*

- The provision of residents' only parking permits and designated parking spaces (up to 80% of the permit number) for residents, where residential streets are subject to very high levels of parking and located close to high parking demand generators.
- Eligibility is restricted to single unit dwellings without offstreet parking with a maximum entitlement of 1 permit.

#### *Residents only schemes (multi-unit dwellings/apartments)*

- A limited number of residential only parking schemes relate to older apartments and terraced buildings (pre-1930s) located in the inner city areas (such as Parliament street in the CBD), which were established initially to encourage inner city living in the 1980s.
- In 2001, the Council resolved the residents' permits would not be issued to occupants of apartments and multi-unit dwellings. The schemes were not considered necessary due to the significant growth of the residential population in the inner city. This approach was incorporated into the development of the residential parking policy.

- Further, in December 2003 the Transport Committee resolved that existing residents permits issued to occupants of apartments and multi-unit dwellings be grandparented on the basis that a permit will automatically lapse once the existing permit holder vacates the premises to which the permit relates. The existing schemes would be reviewed in June 2007.

The number of streets and permit holders for the residential exempt and residential only schemes is set out in appendix 5.

A map of the streets with both types of schemes is shown in appendix 1. The residential parking policy (October 2001) and guidelines (December 2001) used to implement the policy are contained in appendix 2.

## **Appendix 2 – Key issues arising from the review process**

### **2.1 Parking space per permit holder**

Under current operational guidelines, the residents' only parking schemes require that the provision of residents only parking spaces will be managed within a range to be determined by Traffic and Roading Services, but up to a maximum provision of 80% of permit allocation. Depending on the number of permit holders, this results in at least one less space provided than permit holders. This is done to ensure the Council does not provide exclusive parking spaces for specific individuals and to meet a requirement of the Local Government Act (LGA) provisions<sup>2</sup>.

Affected permit holders believe they have entitlement to a parking space for each permit. Their view is that less parking space than a one-for-one allocation will cause friction between neighbouring permit holders.

Councils' legal advisers were asked to provide an opinion on the LGA provisions. Their advice was that one space for one permit holder can lawfully exist (if done properly) for the residential only parking scheme, but questioned whether it is suitable as an approach of universal application (refer appendix 3).

The current practise of marking up to 80% of permit allocation is consistent with Council's residential parking policy and meets the underlying principle for avoiding exclusive private parking on public road. The dedication of one space for one permit holder also prevents the parking space being utilised by other users even when the space is vacant for long periods.

### **2.2 Eligibility of multi-unit dwellings/apartments**

The provision of permits for apartments and other multi-unit dwellings are inconsistent with the overall purpose of the residential parking policy, which

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<sup>2</sup> Section 591A of the Local Government Act 1974 provides for the making of bylaws to restrict certain parking places to use by residents in the vicinity.

seeks to manage parking for low density residential areas and residents of single unit dwellings.

There exists a small number of existing permits schemes for multi-unit dwellings, which have been capped. The existing permits have been grand-parented and no new permits for multi-unit dwellings are being issued. The existing schemes will be reviewed in 2007. The existing permit holders would like their schemes to be established on a permanent basis and not be subject to review in 2007.

From time to time, the Council receives inquiries from owners of flats and apartments without (or limited) off-street parking, seeking to improve the desirability of the residence through the provision of parking permits.

The main reasons suggested by residents that eligibility criteria should cover multi-unit dwellings include:

- no alternative parking (on or off-street) is located within easy walking distance,
- the non-availability of a park space would reduce the property value of the dwelling,
- the site is too small or the cost prohibitive to develop a parking space on-site,
- the lack of parking will favour redevelopment of older multi-unit buildings rather than their conservation.
- the building is heritage listed

The key reasons for excluding eligibility for multi-unit dwellings include:

- they create a intensity of parking demand that cannot be met by on-street spaces and anomalies in equity within individual buildings,
- developers of high density residential developments are required to provide sufficient off-street parking space according to District Plan requirements,
- high density residential developments are generally located near public transport routes; major centres; arterial roads and in areas that can accommodate the additional level of development,
- the permit scheme is no longer necessary to encourage inner city living,
- it is approved Council policy (9/5/01) to review eligibility of residential parking permits for apartments and multi-unit dwellings in the Central Area and surrounding areas by June 2007.

In addition, the market value of parking space is significantly at odds with Council's administration charge for parking permits. Parking availability is extremely valuable in higher density locations in the inner city area with private developers reported as charging up to \$30,000 for individual parking spaces. The vast majority of residents living in the inner city have made decisions about parking based on the prices of properties and rents that reflect the provision and quality of parking.

### 2.3 Feedback from permit holders

A questionnaire form was sent to all existing permit holders to record their level of satisfaction with the two types of schemes and identify any issues. 63% of permit holders in total provided a response. The results of the feedback are presented in appendix 5.

Feedback from permit holders reinforces the three key issues identified above. The additional main concern was the level of enforcement in managing the schemes. The level for enforcement was felt to be inadequate in a number of instances.

Currently enforcement is provided via fixed patrols (vehicle and on foot) and via an incident response mobile team who respond to complaints. We are currently increasing our number of parking officers to improve our enforcement coverage of the city. However, it should be noted that it is not uncommon for the parking officers to visit streets where resident exempt schemes are in place to find that there is still available parking in the street, albeit not close to the permit holders residence. Also, if the exemption is P120, say, then the vehicle needs to be chalked from the time of the parking officer's arrival, even if the vehicle has been parked in the space already for several hours.

#### 2.4 Benchmarking against schemes available internationally

The problem of commuters and/or shoppers parking in residential areas, particularly those located on the fringe of the CBD or a shopping district, is a common one around the world. Similar approaches have been used to attempt to deal with the problem. The general approach of various schemes in a number of different countries is set out in appendix 4.

Auckland City's residential parking schemes are very similar to other Australasian councils in the way they operate and the number of permits they issue per dwelling. The main difference between Auckland City and other councils in the Australasian area is that Auckland City does not provide for visitors or multi-use users as part of its residential scheme. Other councils provide this in the form of coupon parking (Wellington) or multi use permits (Melbourne). Auckland City and Sydney City are the only councils not to allow permits to apartments and multi-unit dwellings. Another variation between councils is that the majority divide residential parking into areas/suburbs. A permit holder can then park anywhere with the allocated area/suburb. Auckland City only allows permit holders to park in the street the permit is allocated to. Wellington and Melbourne do not allow residential parking in the CBD.

In summary:

1. Most councils (other than Auckland) provide schemes for non residents in the form of either coupon, multi use or visitors permits
2. Sydney's criteria for permits are dependent on area and year that dwelling was built
3. Costs are all relatively similar ranging from \$20 - \$90 (annual)
4. Most schemes offer up to 2 permits per dwelling
5. The majority of the other councils surveyed provided permits to multi-unit and apartments
6. The majority of the other councils surveyed divide the residential parking into areas/suburbs.

# **APPENDIX 1**

Map of streets with schemes.

# APPENDIX 2 – Residential Parking Policy Guidelines

## Residential Parking Schemes Summary Guidelines

*Based on Residential Parking Policy approved 10/10/01.*

*Refer separate guidelines for other parking restrictions, narrow streets, etc.*

Item	Criteria												
Legal Basis	Clause 591A (c) Part XXXIV Local Government Act 1974, as amended in 1979 Auckland City Consolidated Bylaw 1998 - Part 25 Traffic, Section 25.8, amended 8/2/01												
Existing eligibility	Streets, scheme type, properties, vehicles & individuals recorded in residential parking database.												
Street eligibility	<ul style="list-style-type: none"> <li>low density residential area, eg land use zone Residential 1 - 6 in operative Isthmus District Plan with a reasonable proportion of single unit dwellings</li> <li>full length or part street not less than 200m long</li> <li>measured parking occupancies compared with spaces provided by total kerb length available for legal parking. Thresholds are: <ul style="list-style-type: none"> <li>&gt;70% consider residents' exempt scheme</li> <li>&gt;85% consider residents' only scheme</li> </ul> </li> </ul>												
Property eligibility	<ul style="list-style-type: none"> <li>single unit dwellings only, including home businesses - street site survey records letter box street numbers &amp; off street parking for each property shown on GIS map.</li> <li>over 1 letterbox - ineligible</li> <li>1 letterbox &amp; 0 offstreet - eligible up to 2 exempt or 1 only permits</li> <li>1 letterbox &amp; offstreet - eligible up to 1 exempt permit</li> <li>not in database - site survey of property, add to database</li> <li>exempt permit eligibility depends on street occupancy, ie <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>1 letter box</th> <th>without off street</th> <th>with offstreet</th> </tr> </thead> <tbody> <tr> <td>&gt;90% occupancy</td> <td>1 permit</td> <td>0 permit</td> </tr> <tr> <td>&gt;80% occupancy</td> <td>1 permit</td> <td>1 permit</td> </tr> <tr> <td>&gt;70% occupancy</td> <td>2 permits</td> <td>1 permit</td> </tr> </tbody> </table> </li> <li>property may apply to join a scheme on another street frontage, eg at side or back from its street address provided that <ul style="list-style-type: none"> <li>the alternative street is the primary (most frequently used) street access for that property</li> <li>the alternative access is legal, eg formed kerb crossing for off street parking</li> <li>alternative street has sufficient space for additional permit</li> <li>permit(s) for that property issued for 1 street only</li> </ul> </li> </ul>	1 letter box	without off street	with offstreet	>90% occupancy	1 permit	0 permit	>80% occupancy	1 permit	1 permit	>70% occupancy	2 permits	1 permit
1 letter box	without off street	with offstreet											
>90% occupancy	1 permit	0 permit											
>80% occupancy	1 permit	1 permit											
>70% occupancy	2 permits	1 permit											
Ineligible properties	<ul style="list-style-type: none"> <li>multi unit dwellings, eg apartments &amp; flats, terraced/town houses if not legally subdivided, eg cross leases</li> <li>businesses except home based</li> </ul>												
Vehicle eligibility	<ul style="list-style-type: none"> <li>refer Service Centre Guidelines for details.</li> <li>Aspects include: <ul style="list-style-type: none"> <li>standard sized vehicles</li> <li>registered to property or letter from registered owner stating vehicle is for exclusive use by resident</li> <li>vehicle details required, eg registration number, make, model and colour</li> </ul> </li> </ul>												



	>50%	100%
	increase if >90% compliant occupancy measured	
Restriction Layout	<ul style="list-style-type: none"> <li>enforce by offence notice only unless entrance obstruction - possible tow</li> </ul>	
Pensioner Housing	<ul style="list-style-type: none"> <li>staggered on alternative sides of the road</li> <li>evenly spaced</li> <li>preferably outside properties without offstreet to minimise parker confusion and potential driveway obstruction</li> <li>maximum length of controls 8 cars, ie 42m</li> <li>minimum length of controls 4 cars, ie 21m</li> <li>&gt;25% of street to remain unrestricted for use by residents without permits, longer stay visitors, commuters, etc</li> </ul>	
Signage & Road Markings	<ul style="list-style-type: none"> <li>consider installation of operation mobility spaces, if residents can obtain permits</li> <li>permits issued on medical grounds by New Zealand CCS ph 414 9780</li> <li>permits are temporary (0-12 months) or permanent (up to 5 years)</li> <li>permit holder concessions include: <ul style="list-style-type: none"> <li>double time only on P30 and P60</li> <li>pay &amp; display, pay 1<sup>st</sup> hour &amp; next hour is free</li> <li>exclusive use of designated mobility spaces for signed time limit</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>Exempt - time restrictions with <i>Permit Holders Exempt</i> advisory below</li> <li>Only - no parking symbol on sign with <i>Except Vehicles Displaying Residents Permit</i> below. Also zone defined by yellow road markings.</li> <li>Operating hours normally 8am - 6pm Mon - Fri. Other times to match demands and responses from consultation include: <ul style="list-style-type: none"> <li>at all times, at all other times, Sat Sun &amp; public holidays, etc</li> </ul> </li> </ul>	

# **APPENDIX 3 – Legal Advice**

## **Legal opinion from Simpson & Grierson**

19 January 2005

The Manager  
Parking Services  
Auckland City Council  
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### **RESIDENTS' EXCLUSIVE PARKING AREAS**

#### **Introduction**

1. You have asked for our advice as to whether providing the same number of residents' parking permits as the number of residents' parking spaces in a Residents Exclusive Parking Area on a road (referred to here as the "equality example") would constitute leasing of the road or part of the road and be unlawful.
2. You have indicated that you do not require more general advice on the Bylaw, the Council's residents' parking regime or the applicable documents.

Our conclusions are set out at the end of this advice. In essence we believe the equality example outlined in paragraph 1 above can lawfully exist, if implemented properly. This is not to say that the equality example approach will be suitable as a general approach or in any particular instance.

#### **Background**

4. We understand that where there is a sufficient need for residents to have on-street parking, especially in inner city suburbs, the Council designates certain roads or parts of roads as "Residents Exempt Parking Areas" or "Residents Exclusive Parking Areas".
5. "Residents Exempt Parking Areas" permit residents to park in areas containing short term parking spaces for longer than the general time limit applicable to other vehicles, as residents are "exempt" from the general restriction. Drivers of other vehicles may also use the parking area, provided they comply with the general time restriction. You have not asked for advice in relation to Residents Exempt Parking Areas, and these areas are not therefore discussed below.
6. "Residents Exclusive Parking Areas" allow vehicles covered by a valid residents' parking permit (a "permit") to be parked in the relevant area on a road to the exclusion of vehicles not covered by such a permit.

7. In order for residents to be able to park a vehicle in the Residents Exclusive Parking Areas, they must display in the vehicle a valid permit (ie current and paid up to date). The Council has set out guidelines (the "Guidelines") containing the criteria for eligibility for a permit. Residents who qualify for a permit must pay \$100 annually to the Council (per vehicle). A permit only relates to a specific vehicle with the registration plate number recorded on the Council database as carrying the permit. A permit must be displayed in the relevant vehicle at all times while the vehicle is parked in the Residents' Exclusive Parking Area.
8. We understand that the Council has followed a practice in at least some situations of allocating one less residents' parking space than there are parking permits for the relevant area.
9. We understand also that this has led to some residents complaining that there is not enough parking designated for residents in some streets.

## Relevant Legislation

### *Transport Act 1962 ("TA 1962")*

10. The Council has the power to make bylaws under section 72 of the TA 1962 which provides:

*72. Bylaws as to the use of roads –*

***(1) Subject. . . to the provisions of this Act or of any other enactment in respect of any of the matters referred to in this subsection, ... any local authority in respect of any roads under its control, may from time to time make bylaws for any of the following purposes:***

*. . .*

***(k) Prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles;..."***

### *Local Government Act 1974 ("LGA 74")*

Section 591 of the Local Government Act 1974 provides the Council with a limited ability to declare parts of roads to be "parking places" and restrict parking there to a specified class of person or vehicle. However, section 591(4) makes it clear that such a restriction can only be made through bylaws made pursuant to section 591A of the LGA 74. Section 591 relevantly provides:

***(1) The council may provide parking places and buildings and transport stations, and for that purpose may –***

*. . .*

**(d) Authorise the use as a parking place or transport station of any part of a road:**

...

(4) Except as provided in bylaws made pursuant to section 591A of this Act or as provided in subsection (2) of that section, no part of a road may be appointed as a parking place available only to a specified person or to a specified class of persons or to vehicles owned or operated by a specified person or by specified classes of persons.

(5) The council may, in the exercise of its power of leasing and letting under Part XIV of this Act, let or lease to any person for use as a parking place or transport station any parking place or transport station provided by it (not being part of a road).

12. Section 591A of the LGA 74 contains the power to make bylaws relating specifically to parking for specified persons or vehicles, and thereby provides an exception to the general restriction in section 591 (above). Section 591A relevantly provides:

**(1) Without limiting the power to make bylaws conferred by section 684 of this Act, the council may make such bylaws as it thinks fit as to the use of parking places and transport stations, and in particular –**

...

**(c) Where in the council's opinion it would be reasonable to reserve parking places or transport stations for the use of persons residing in the vicinity, reserving specified parking places or transport stations for use, either generally or at specified times, only by such persons, and providing for payment to the council of fees, whether annual or otherwise, fixed by the bylaws for the use by such persons of such parking places or transport stations:**

13. It is clear from sections 591 and 591A that (generally speaking) section 591A can apply to parking places and transport stations located on roads.

*Auckland City Consolidated Bylaw 1998 ("the Bylaw")*

14. Clause 25.7.1 of the Bylaw states that the Council has the power to define the class of vehicle entitled to use a specific parking place. It relevantly reads:

*25.7.1 The Council may:*

...

**(c) define the vehicles or classes of vehicles that may be entitled to use any such parking place or transport station, and the conditions upon and subject to which such parking place or transport station may be used;**

**(d) fix the charges payable for the parking of vehicles including penalty fees in any such parking place or transport station;**

15. Clause 25.8.1 of the Bylaw relates specifically to residents' parking and states:

*25.8.1 The Council may by resolution or by resolution of an authorised delegate and having given public notice:*

*(a) identify any part of a road as being reserved for the exclusive parking of motor vehicles owned by residents of the surrounding area. Such part of a road (referred to as a "residents' exclusive parking area") shall be marked out and indicated by appropriate signs;*

*(b) impose conditions and charges for use of a residents' exclusive parking area;*

*(c) require a valid parking permit to be held for the use of residents' exclusive parking areas.*

## **Discussion**

16. We have outlined here our views on:

- (a)* the general principle applicable to the question of whether roads can be leased;
- (b)* the effect of the exception in sections 591(4) and 591A, and
- (c)* the question of whether the permits in an "equality example" situation would constitute a lease.

17. Each of points (b) and (c), where applicable, separately supports the conclusion that the equality example can lawfully exist (if implemented properly).

### *General principle – leasing of road*

18. It is a well established general principle in common law that a Council may not grant a lease of any part of a road so as to allow exclusive occupation of that part of the road. This was affirmed in *Moore v MacMillan* [1977] 2 NZLR 81, where the Court held at 91:

*"I have come to the conclusion that a road is incapable of being possessed by anyone to the exclusion of the right of each and every member of the public to assert his right to pass and repass without hindrance over every part of it."*

19. Section 591 LGA 1974 may be seen as imposing a similar principle – but subject to the exception in the opening words of section 591(4) which refer to section 591A.

### *The exception in sections 591(4) and 591A*

20. The general common law principle that allows every person to use every part of the road without hindrance is not absolute. It is subject to any superimposed legislation (*Papzirk v Tauranga District Council* [1992] 3 NZLR 176).
21. The general common law restriction on leasing a road is in the present context subject to sections 591(4) and 591A, which give the Council power to make bylaws as outlined earlier. The effect of this legislation is to establish an exception to the general principle in common law which prevents the leasing of a road.
22. We believe that this exception can operate to allow the equality example (if implemented correctly).

*Whether "equality example" permits would constitute a lease*

23. If sections 591(4) and 591A LGA 1974 did not operate to create an exception to the common law or there was no sufficient Bylaw under section 591A, it would be important to consider whether "equality example" permits constituted a "lease". There are three characteristics of a lease:
  - (d) exclusive possession;
  - (e) certainty of term; and
  - (f) proper form.
24. The above three characteristics are important when determining whether a person holds a lease or merely a licence to use the land in question. In *Radaich v Smith* (1959) 101 CLR 209, the High Court of Australia held at 222:

*"What then is the fundamental right which a tenant has that distinguishes his position from that of a licensee? It is an interest in land as distinct from a personal permission to enter the land and use it for some stipulated purpose or purposes. And how is it to be ascertained whether such an interest in land has been given? By seeing whether the grantee was given a legal right of exclusive possession of the land for a term or from year to year or for a life or lives."*

25. *Radaich* was followed by the House of Lords in *Street v Mountford* [1985] AC 809; [1985] 2 All ER 289. The New Zealand Court of Appeal followed *Street v Mountford* more recently in *Fatac Ltd v Commissioner of Inland Revenue* [2002] 3 NZLR 648.

26. In our opinion, the Council cannot be deemed to be leasing part of a road simply by providing enough car parks for all residents that hold a permit (or, to put it another way, to issue up to the same number of permits as there are designated residents' parking spaces), if the Council retains the right to issue more permits for those spaces and does not in fact confer exclusive possession. It is arguable that if the Council in fact issued the same number of permits as there are residents' spaces in a particular case, the permit may carry certainty of term (one of the three requirements for a lease). Where however the Council retains the ability to issue more permits and does not in fact confer exclusive possession, Residents' Exclusive Parking Areas would not be leased.
27. If sections 591(4) and 591A did not provide an exception to the general common law principle the Council might need to take steps to ensure that permit-holding residents do not acquire "exclusive" or "individual" possession. The Council could retain the right to issue permits for additional vehicles in its policy and permit documentation.

## **Conclusion**

28. As indicated, we believe that the "equality example" referred to above can lawfully exist (if implemented properly) ie: it is possible for the Council to lawfully provide the same number of residents' parking permits as the number of residents' parking spaces in a Residents' Exclusive Parking Area on a road. This is not of course to say that the equality example is suitable as a general approach or in any particular situation.
29. The Council should generally speaking be careful to ensure that it retains the ability to issue more permits and does not grant permit holders exclusive possession. We suggest that your documents including permit forms be checked in this regard.
30. If the Council has concerns about the approach being taken to the question of the number of spaces that should be designated for residents only, it may be appropriate to amend the Guidelines.
31. If the Council wishes to make a decision changing its approach, it should of course be conscious of any applicable requirements for decision making in the Local Government Act 2002 (eg, sections 76-81 as applicable).

Yours faithfully  
SIMPSON GRIERSON

Robert Gapes/Rebecca Walker

# APPENDIX 4 - Benchmarking

## Residential Parking Schemes

### Auckland City

Type of Scheme	How it works	Who is it for	Number of Permits allowed per household	Permits	Issued to Apartments, multi-unit dwellings or Businesses
Residents only	Street parking only available for residents with a permit	Residents with no off street parking.	One	Non-transferable and vehicle specific	No
Residents Exempt	Street parking has time restriction (normally 120mins during working hrs). Parking available to anyone. Residents with permits can ignore time restriction.	If a property has no off street access then they can have 2 permits. If they have a driveway they can only have one	One	Non-transferable and vehicle specific	No

### Christchurch City Council

Type of Scheme	How it works	Who is it for	Number of Permits allowed per household	Permits	Issued to Apartments, multi-unit dwellings or Businesses
Residents only	Street parking only available for residents with a permit. Specific parking space/area is set out on roadway with markings & signs	Properties that have no area for vehicles to park. If property has driveway, then applicant does not qualify	Max = 2 Permits	Non-transferable and vehicle specific	Treated same as a normal house

### Sydney City Council

Type of Scheme	How it works	Who is it for	Number of Permits allowed per Dwelling	Permits	Issued to Apartments, multi-unit dwellings or Businesses
Residents only or exempt	Street parking has time restriction and metered parking. Residents with permits can ignore time restriction. Some areas will be residents only.	The criteria differs for different areas of the city. For some areas dwellings built after 2000 area not eligible. In others they are eligible but limited to one space (if built after 1998)	Equals the number of vehicles registered at dwelling less the number of off street parking spaces. There is a maximum of two per dwelling.	Non-transferable and vehicle specific	The criteria differs between areas. Two main distinctions. 1. Not available if dwelling built after 1996. 2. Available if resident can prove that they do not have a space.
Business permit	For essential business ie not for commuting	Specific criteria. Only if they do not have off street parking.	One	transferable	Yes

### Wellington City Council

Type of Scheme	How it works	Who is it for	Number of Permits allowed per Dwelling	Permits	Issued to Apartments, multi-unit dwellings or Businesses
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Residents only or exempt	The city is divided into areas or suburbs. Permit holders can park anywhere in the area. The CBD does not qualify for permit parking	Residents	2 resident permits and 2 coupons allowed per dwelling	Non-transferable and vehicle specific	Yes but most apartments are in CBD so they do not qualify
Coupon parking	Vehicle owners can buy a coupon which gives them access to coupon parking. Coupon permits are cheaper but there is significantly less spaces available	Residents	2 resident permits and 2 coupons allowed per dwelling	Non-transferable and vehicle specific	Yes but most apartments are in CBD so they do not qualify

### Melbourne City Council

Type of Scheme	How it works	Who is it for	Number of Permits allowed per Dwelling	Permits	Issued to Apartments, multi-unit dwellings or Businesses
Resident Priority parking permit	Street parking has time restriction parking available to anyone. Residents with permits can ignore time restriction.	Residents	Specific per dwelling	Non-transferable and vehicle specific	Yes but not business
Multi use permits	Two additional schemes. 1. Two car permit. Same as above but can be swapped between two cars 2. Multi-use (visitors). The permit is made of cardboard and can be swapped between vehicles for a limited time	Anyone	One per dwelling	Can be transferred	Multi units Not business

# APPENDIX 5

## Questionnaire Residents Only As At 10/2/05

Street	Number of permit holders	Reply's	Satisfied	Not Satisfied	Either or
Ruskin St	3	1		1	
Carlton Gore	5	6		6	
Gibraltar St	6	4	2	1	1
Scarborough Tce	7	5	2	2	1
Parliament St	20	10	3	6	
Claremont St	2	2	2		
Sarawia St	2	2	2		
Seafield View	10	6	2	3	1
Cracroft St	4	3		3	
Brighton Rd	4	4		4	
Windsor St	5	3	1	2	
Emily Pl	16	6	4	1	1
Aorere St	1	1	1		
Bradford St	6	2	1	1	
Seccombes Rd	3	2		2	
Parkfield Tce	5	4	2	2	
Belmont St	7	4	1	2	1
Railway St	1	1		1	
York St	4	4		4	
<b>Totals</b>	<b>111</b>	<b>70</b>	<b>23</b>	<b>41</b>	<b>5</b>

Please note there was 3 main categories for permit holders concerns these were listed on the questionnaire as either reasons for dissatisfaction or suggested changes for the scheme to operate more efficiently, these are listed below for your information

Reasons	Responses
more enforcement	16
more space allocation	34
multi units should qualify	14

**Questionnaire  
Residents Exempt as at  
10/2/05**

<b>Street</b>	<b>Number of permit holders</b>	<b>Reply's</b>	<b>Satisfied</b>	<b>Not Satisfied</b>	<b>Either or</b>
Paget St	13	10	3	5	2
St Mary's Rd	1	1		1	
Costley St	3	1			1
Murdoch Rd	3	3	3		
Gwilliam Pl	2	2		2	
Dublin St	1	2	1	1	
Arthur St	9	6	1	5	
New St	1	1	1		
Ireland St	2	2		2	
Green St	4	1		1	
Georgina St	5	2	1	1	
England St	2	1		1	
Picton St	5	2	2		
Mackelvie St	2	1		1	
Margaret St	1	1		1	
Renall St	4	1		1	
<b>Totals</b>	<b>58</b>	<b>37</b>	<b>12</b>	<b>22</b>	<b>3</b>

Please note there was 3 main categories for permit holders concerns these were listed on the questionnaire as either reasons for dissatisfaction or suggested changes for the scheme to operate more efficiently, these are listed below for your information

<b>Reasons</b>	<b>responses</b>
<b>more enforcement</b>	<b>19</b>
<b>more space allocation</b>	<b>6</b>
<b>multi units should qualify</b>	<b>1</b>