

Summary of Underpinning Analysis: Traffic and Parking Bylaw 2026

Agency responsible	Dunedin City Council
Portfolio	Transport
Date finalised	1 August 2026

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

The review of the Dunedin City Council Traffic and Parking Bylaw 2026 was conducted pursuant to the requirements of section 22AB and s 22AD (for consultation requirements) of the Land Transport 1998 (LTA 1998). The LTA 1998 requires the use of the special consultative procedure (SCP) when making, amending or revoking a bylaw.

As defined by s 83 of the Local Government Act 2002 (LGA 2002), the SCP requires that a statement of proposal be prepared to enable public understanding of the proposal; that a period of consultation of no less than one month occur; and that submitters are provided an opportunity to present their views to the local authority.

Pursuant to s86 of the LGA 2002, the statement of proposal must include a draft of the bylaw as proposed to be made or amended; a statement that the bylaw is to be revoked; the reasons for the proposal; and a report on relevant determinations made under s 155 of the LGA 2002.

The Dunedin City Council (the Council) adopted the proposed [Dunedin City Council Traffic and Parking Bylaw 2026](#) and the [statement of proposal](#) (which sets out an analysis of options and the pros and cons for each option) for the purposes of one-month public consultation from 27 April to 27 May 2026, in its meeting of 25 March 2026: [Minutes of Council - Wednesday, 25 March 2026](#). The Council also determined that the proposed Bylaw was the most appropriate form of Bylaw and did not give rise to any implications under the New Zealand Bill of Rights Act 1990 (see analysis under *Good law-making: 9(m)*).

Submitters to the Bylaw had the opportunity to present their views to the Traffic and Parking Bylaw Hearings Committee in the meeting of 1 July 2026, and amendments were proposed to the Bylaw by the Hearings Committee to address some of the concerns raised.

The Traffic and Parking Bylaw 2026 was subsequently adopted in the Council meeting of 22 July 2026 with a date of effect of 1 August 2026.

The process followed as pursuant to the LTA 1998 and LGA 2002 is consistent with the principle of good law-making 9(j).

Good law-making: 9(l)

The legislation has produced benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

As set out in the [Statement of Proposal](#), the Bylaw may have implications for the right to freedom of movement in the New Zealand Bill of Rights Act 1990. However, limiting the movement of vehicles and restricting where they park (in some places and for specified reasons) is a proportionate response to support a safe transport network, and is considered a justified limitation for the prevention of harm with benefits that exceed the costs of the Bylaw to the public or persons.

In its meeting of 25 March 2026, the Council determined as required by s155 of the LGA 2002, that the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 ([Minutes of Council - Wednesday, 25 March 2026](#)).

The Bylaw is therefore consistent with the principle of good law-making 9(l).

Good law-making: 9(m)

Legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

Under s 155 LGA 2002, the Council is required to provide a report on any relevant determinations related to the proposed Traffic and Parking Bylaw. The Council determined:

- i) That a bylaw is the most appropriate way of addressing traffic and parking restrictions (determined in the 30 October 2023 meeting of the Council: [Minutes of Council - Monday, 30 October 2023](#)),

- ii) That the proposed Bylaw is the most appropriate form of Bylaw (determined in the 25 March 2026 meeting of the Council: [Minutes of Council - Wednesday, 25 March 2026](#)), and
- iii) That the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (determined in the 25 March 2026 meeting of the Council: [Minutes of Council - Wednesday, 25 March 2026](#)).

These determinations are consistent with the principle of good law-making 9(m).

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

As noted earlier, the review of the Bylaw was conducted using SCP. As required by s83 of LGA 2002, SCP requires that a statement of proposal be prepared to enable public understanding of the proposal; that a period of consultation of no less than one month occur; and that submitters are provided an opportunity to present their views to the local authority.

In meeting these conditions, and in providing a publicly accessible overview of the traffic and parking restrictions previously resolved by Council under the Bylaw via the Council's Geographic Information System database of restrictions: [Parking regulations - Dunedin City Council](#), the Bylaw is clear and accessible.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

The Traffic and Parking Bylaw 2026 proposes only minor changes to the Council's Traffic and Parking Bylaw 2010. Any rights and liberties affected by this Bylaw are an inherent feature of traffic regulation and do not give rise to any inconsistency. Further the Bylaw does not apply any retrospective obligations on rights and liberties.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

The Bylaw sets out limited exemptions to its provisions for emergency vehicles being used in an emergency, or to enable fulfilment of statutory duties and would not result in the Bylaw being administered unequally to the degree that it is likely to be contrary to the rule of law.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified?

Not applicable.

Summary of agency analysis

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

The Bylaw does not provide for the resolution of legal rights and liability in a manner that is contrary to the rule of law.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified?

Partial inconsistency identified.

Summary of agency analysis

In its meeting of 25 March 2026, the Council determined that the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 ([Minutes of Council - Wednesday, 25 March 2026](#)) as one of the determinations required by s155 LGA 2002. As set out in the [Statement of Proposal](#), the Bylaw may have implications for the right to freedom of movement in the New Zealand Bill of Rights Act 1990. However, limiting the movement of vehicles and restricting where they park (in some places and for specified reasons) is a proportionate response to support a safe transport network, and is considered a justified limitation for the prevention of harm with benefits that exceed the costs of the Bylaw to the public or persons.

The Bylaw is therefore largely consistent with the principle of liberties 9(b), but is partially inconsistent in light of restricting freedom of movement via restrictions on parking, vehicle use and traffic movements.



Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- there is a good justification for the taking or severe impairment; and
- fair compensation for the taking or severe impairment is provided to the owner; and
- the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment

Inconsistency identified?

No Inconsistency identified.

Summary of agency analysis

The Bylaw does not authorise acquisition of property and any limitations on property use are minor and proportionate. No inconsistency identified.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation)

Inconsistency identified?

Not applicable.

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

While the Bylaw does not set specific fees and charges, it enables the setting of fees and charges for payment parking and permits. The LTA 1998 stipulates that: (3C) *For the purposes of subsection (1)(o)(viii),—the infringement fee must not exceed the relevant fee prescribed by regulations, or must be within the range of fees prescribed if a range is prescribed; but if the road controlling authority has not made a bylaw prescribing an infringement fee, the relevant fee is— the fee prescribed by regulations, in the case of regulations prescribing a single fee; or the minimum fee prescribed by regulations, in the case of regulations prescribing a range of fees.*

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—



- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

Not applicable.

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

Not applicable.

Summary of agency analysis

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

No inconsistency identified.

Summary of agency analysis

The Bylaw clearly specifies what powers are within scope, for what purposes they can be used, and in what circumstances they can be used.

Additional information

Relevant publicly available inquiry, review, or evaluation reports

Not applicable.

Relevant international treaties, standards and obligations

Not applicable.

Information on external consultation

Documents for external consultation are presented on the Council website at the following link: [Proposed Traffic and Parking Bylaw 2026 - Dunedin City Council](#).

Contribution of other agencies

Not applicable.