


4 July 2022



Kia Ora 

### **Transporters on Cambridge Terrace Agreement**

Thank you for your request made under the Local Government Official Information and Meetings Act 1987 (the Act), received on 7 June 2022.

In reference to the following tweet made by the Wellington City Council on 10 June 2021 regarding car transporters double parking on Cambridge Terrace:

*“Mōrena koutou. Thank you for letting us know! There is an agreement that transporters can use the lane, but it should be much earlier than 9am - the team are going to look at increasing our monitoring of the area and ensure drivers do this work outside of peak times. Ngā mihi ^S”*

You requested the following information:

- A copy of this agreement, and all documents relating to it

### **Agreement**

Under the Land Transport Act, Car Transporter Vehicles (CVTs) do have an exception to the blanket prohibition of double parking - provided that they have due consideration to the safety and convenience of all road users. Whilst we have a regulatory role with regards to the public use of roads, legislation does not specifically authorise us to implement specific conditions to road use when CVTs are double parked.

The exception, mentioned above, can be found under the [Land Transport \(Road User\) Rule 2004, Section 6.20](#) and states the following information:

#### *6.20 Exceptions under this part*

*2) A driver or person in charge of any goods vehicle is not in breach of clause 6.11 or clause 6.12 if he or she proves that the act or omission complained of—*

*(a) took place in accordance with the directions of a notice, traffic sign, or marking on the roadway; or*

*(b) was necessary for the loading or unloading of the vehicle in the course of trade, and took place with due consideration for the safety and convenience of other road users, and either—*

*(i) that alternative access for the purpose of loading or unloading the vehicle was unavailable; or*

*(ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require the alternative access to be used.*

We understand the Council had discussions with both the NZ Police and transporter operators in the early 2000's regarding this issue. As many of the car yards in this location are not able to accommodate a transporter, a practical solution was required to effectively manage this.

On investigation this agreement was not formally documented and as such we are refusing your request under section 17(e) of the Act because the requested document does not exist.

We can however confirm the agreement and conversations stipulated:

- Transporters could operate prior to peak hour traffic; they must not operate on our roads from 7am to 9am and 4pm to 6pm weekdays, along with weekends after 12 noon.
- These transporters should occupy no more than one lane which must be a kerbside lane, ensuring cones are placed and consideration was taken to ensure the safety of both other road users and the car transporters themselves.
- It's important to note that whilst this informal agreement is in place, we reserve the right to carry out enforcement action as and when we believe is appropriate.

### **Legal advice**

The Council did seek independent legal advice in 2007 regarding this matter and the discussed agreement. The outcome of this advice confirms the exemption given to transporters made under the Land Transport (Road User) Rule and that given there is an exemption, there was merit for the Council to seek a good practice agreement with the transporter operators.

Parking Services did reach out the Councils internal Legal team in July 2021 regarding the agreement that was put in place in the early 2000's, to further confirm if the agreement and its stipulations can still be honoured.

Copies of the above correspondences have been refused under 7(2)(g) of the LGOIMA as withholding the information is necessary to avoid a breach of legal professional privilege, and in the absence of a countervailing public interest.

### **Complaints**

The Council has received complaints from members of the public and media queries regarding CTV's double parking on Cambridge Terrace in the past. I have attached some correspondence with redactions due to privacy (section 7(2)(a) of the Act) that provides useful context. If you would like to receive further copies of this information, please do not hesitate to let me know.

As we transform the streets to accommodate for growth and mode shift, we will work closely with businesses around loading requirements to alleviate impacts to business operations as much as possible.

It's important to note that whilst this informal agreement is in place, we reserve the right to carry out enforcement action as and when we believe it is appropriate.

Below are the documents that fall in scope of your request and my decision to release the document.

Please note, some information has been redacted under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987, as it contains personal information about private individuals.

<b>Item</b>	<b>Document name/description</b>	<b>Decision</b>
Appendix 1	Correspondence from independently sourced Legal advice regarding the agreement with Transporter operators dated March 2007	Refused under section 7(2)(g) of the LGOIMA act 1987
Appendix 2	Correspondence between Parking Services and the Councils Legal team regarding the agreement with Transporter operators dated July 2021	Refused under section 7(2)(g) of the LGOIMA act 1987
Appendix 3	Correspondence between Parking Services and the Councils Transport Team in response to an enquiry from a member of public regarding the agreement	Released. Redacted section 7(2)(a) of the LGOIMA act 1987

#### **Right of review**

If you are not satisfied with the Council's response, you may request the Office of the Ombudsman to investigate the Council's decision. Further information is available on the Ombudsman website, [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note, we may proactively release our response to your request with your personal information removed.

Thank you again for your request, if you have any questions, please feel free to contact me.

Kind regards

Ollie Marchant  
**Official Information**

**From:** [Steve Spence](#)  
**To:** [Colleen Thessman](#)  
**Cc:** [Soon Teck Kong](#); [Charles Kingsford](#); [Deven Singh](#)  
**Subject:** RE: Confirm Mercury; Enquiry number: 2617955  
**Date:** Tuesday, 28 November 2017 10:13:00 am

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Hi Colleen

I've discussed with Paul Barker who recalls discussions on the subject in the early 2000s. He says he met with the Police and transporter operators and they agreed to use cones and apply safe working practices. He is not aware of any subsequent actions or plans showing where they are permitted to operate.

I have observed two situations in the last week. In the first one a transporter was parked on Cambridge Tce. in the lane nearest to the central median between Buckle Street and Vivian Street. On the second occasion the truck was parked in the left lane on Kent Terrace about 50m before the Basin Reserve. I did not see any sign that they were using any cones or signs.

I don't believe it is practical to stop the practice because most of the car yards would not be able to accommodate a transporter, and have never done so. An exception is City Ford/Mazda on Taranaki Street where Council insisted they provide space on their site for a transporter to use. I understand that in spite of this, they load/unload cars on the road, I expect, because the dealer chooses to use the space more profitably.

I suggest that firstly they are told that their operations are not authorised by the Council and that we reserve the right to carry out enforcement action as we believe is appropriate. In the meantime they must not operate on our roads 7 to 9am and 4 to 6pm weekdays and weekends after 12 noon. They should occupy no more than one lane which must be a kerbside lane. They should seek advice from a reputable traffic management company to ensure their operations are compliant with the New Zealand Transport Agency's Traffic Control Devices Manual Part 8.

In addition, Soon notes that the motor traders and service providers must abide by WORKSAFE best practices for their activities.

Thanks

Steve

Steve Spence  
Chief Transport Advisor | City Networks | Wellington City Council  
P 04 803 8099 | M [REDACTED] |  
E [Steve.Spence@wcc.govt.nz](mailto:Steve.Spence@wcc.govt.nz) | W [Wellington.govt.nz](http://Wellington.govt.nz) |

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-----Original Message-----

From: Colleen Thessman  
Sent: Thursday, 9 November 2017 11:17 a.m.  
To: Steve Spence  
Subject: FW: Confirm Mercury; Enquiry number: 2617955

Hi Steve

I remember years ago you did a document regarding car transporter's offloading vehicles. I remember an image

which allowed them to off load of certain streets / in certain areas. I don't suppose you know where I can find this as it has raised its head again?

Regards Colleen

Colleen Thessman

Communications Senior Advisor | Parking Services | Wellington City Council P 04 803 8138 | M [REDACTED]  
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-----Original Message-----

From: BUS: Parkingoperations  
Sent: Wednesday, 8 November 2017 6:35 a.m.  
To: Colleen Thessman  
Subject: FW: Confirm Mercury; Enquiry number: 2617955

Good morning Colleen,

Are you able to assist with this enquiry.

Thanks

Mathew Kenny

Senior Parking Officer | | Wellington City Council P +6444994444 | M | F E Mathew.Kenny@wcc.govt.nz | W  
www.wellington.govt.nz |

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-----Original Message-----

From: noreply.confirm@wcc.govt.nz [<mailto:noreply.confirm@wcc.govt.nz>]  
Sent: Tuesday, 7 November 2017 4:55 p.m.  
To: BUS: Parkingoperations  
Subject: Confirm Mercury; Enquiry number: 2617955

Enquiry number: --- 2617955

Status: --- Re-Logged

Follow Up Date: --- 08/11/2017 16:53:47

Action officer: --- Parking Operations Inbox

Logged By: --- Dave [REDACTED]

Subject: --- Parking On-Street Rules Enqs

Site: --- Taranaki St

Location: --- Taranaki St, Te Aro

Contact: --- [REDACTED]

Phone: --- email

ALT Phone: --- null

Description: --- Some years ago I was advised that an agreement was abot to be reached

with car carriers regarding offloading in Wellington City.

Can you please advise what the agreement is with car carrier companies regarding offloading as I frequently see them offloading in Taranaki Street in the middle of the road or on Kent/ Cambridge Terrace taking up numerous car parks and partially blocking lanes.

Any other vehicle so parked would either be ticketed or have traffic management in place.

Notes: --- 07/11 4.53pm Caller has called through for an update ad they still have not heard anything back yet. Please assist. D■