

Hamilton City Council Feedback

Lane Use Improvements – Consultation Document (25 February 2026)

NZ Transport Agency

30 March 2026

Strategic Context for this Feedback

Council has endorsed [The Mayor's Plan 2025 - 2028](#) to inform the projects and services it will deliver to ensure Hamilton has what it needs now and for the future – efficiently, responsibly, and sustainably. The seven guiding themes of The Mayor's Plan are:

- **Sensible, cost-effective infrastructure**
- **Grow with balance**
- **A central city to be proud of**
- **City places and services that work for people**
- **Open for business**
- **A transparent and efficient organisation**
- **Financial responsibility**

Council Approval and Status

This feedback was approved by the Chair and Deputy Chair of Hamilton City Council's City Delivery Committee on behalf of the Council on 30 March 2026. It does not, therefore, constitute a formally adopted Council position.

Feedback # 832

Key Messages

- 1. Hamilton City Council generally supports the direction of the proposed Lane Use Improvements**, noting that several elements align with current practice, while also identifying areas where further clarity or refinement would be beneficial.
- 2. Council supports Proposal 1 (allowing children to cycle on footpaths)**, as it aligns the law with common and largely safe practice, while noting the importance of clear expectations around supervision and interaction with other footpath users. We recommend that the rule also allows for parents/caregivers to accompany young children on the footpath as long as they're travelling at a safe appropriate speed for the footpath.
- 3. Council supports Proposal 2 (setting a minimum passing gap for vehicles overtaking cyclists)** and considers this a necessary clarification of existing requirements. Council recommends that NZTA explicitly define how the passing gap is measured (i.e. between the widest points of the road user and vehicle) to avoid ambiguity and improve compliance.
- 4. Council supports Proposal 3 (allowing e-scooters to use cycle lanes)**, noting that this reflects existing behaviour and current design assumptions for urban cycling infrastructure.
- 5. Council supports Proposal 4 (giving buses priority when leaving bus stops)** and encourages NZTA to accompany the change with nationally consistent signage and public education. Council considers that particularly nationally consistent signage is essential to reduce confusion among road users and support consistent behaviour by both drivers and bus operators.
- 6. Council supports Proposal 5 (clarifying signage requirements for parking on berms)** and encourages NZTA to consider a stronger, default prohibition on berm parking in urban areas, with the ability for Road Controlling Authorities to permit berm parking via bylaw where appropriate. This approach would provide greater clarity, improve safety, and reduce damage to berms and underground services.

Introduction

7. In providing this feedback on the **Lane Use Improvements Consultation Document (25 February 2026)**, Council's support is based on how these changes would work in practice, particularly where they may affect local roads or require enforcement at a local level.
8. Our support for the proposals outlined below is subject to clear implementation parameters, including cost transparency, alignment with network performance outcomes, and no transfer of unfunded obligations to local government.
9. We would expect any changes to be supported by clear communication and, where appropriate, a post-implementation review to ensure they are achieving the intended outcomes.

Proposal 1: Allow children to cycle on footpaths

10. We support this proposed change. As noted in the discussion document, children already cycle on the footpath, usually because children or their parents have assessed that this is safer than riding on the road. This proposal aligns the law to permit common practice and reflect the way the law is usually enforced.
11. While there is some risk around drivers exiting driveways with tall fences, this risk is less than the risk of a high-speed collision on the road and is mitigated by the age restriction; children under 12 are unlikely to travel faster than a fast runner or the rider of an e-scooter, who are already permitted to use the footpath.
12. We would like to highlight the likely increase in parents riding on the footpath with this new Rule to accompany and/or supervise their children. We therefore recommend that the rule also allows for parents/caregivers to accompany young children on the footpath as long as they're travelling at a safe, appropriate speed for the footpath.
13. We would like to highlight the difficulty in identifying the age of some children, due to the lack of formal types of identification for under-18-year-olds.

Proposal 2: Set a minimum passing gap for vehicles

14. We support this proposed change. As noted in the discussion document, the law currently requires drivers to pass in a manner that is safe. However, explicitly defining a minimum gap when overtaking helps drivers to understand the minimum requirements of that law.
15. We challenge the noted effect that *"There may be challenges in tight spaces, like narrow roads or busy streets, where drivers may have to slow down or wait longer before overtaking."* The current Road User Rule makes it illegal for drivers to overtake in these locations (Clause 2.6); therefore, drivers are already required to slow down or wait. The proposed law change only clarifies this for the overtaking driver. Therefore, we submit that the proposed change does not create this challenge, and it resolves an existing challenge that poor understanding of the existing law results in some drivers passing dangerously.
16. We strongly encourage NZTA to explicitly clarify that the minimum gap is measured between any part of the road user or vehicle. Some consultation material has measured the gap from a cyclist's wheel to a car's wheel. However, the gap should be measured from the cyclist's handlebars or elbow to the driver's wing mirror.

Proposal 3: Allow e-scooters to use cycle lanes

17. We support this proposed change. As noted in the discussion document, this practice is already common. This proposal aligns the law to permit common practice and reflect the way the law is usually enforced. In our experience, most designers assume that e-scooters will use a cycle lane, even if a footpath and/or traffic lane is available for them.

Proposal 4: Giving buses priority when leaving bus stops

18. We support this proposed change.
19. We encourage the NZTA to develop a nationally consistent sign for the back of buses and/or a national advertising programme to reinforce the requirement for road users to give way. Of the proposed changes, this one is most likely to contribute to a crash – we think that some drivers will fail to give way, and this may result in crashes. There will be an offsetting benefit because bus drivers currently feel pressured to exit into smaller gaps to keep to the timetable, which sometimes results in crashes.
20. Separate from the crash issues, we believe that road users are confused about the current rule. Some road users (incorrectly) believe that they are required to let buses out of bus stops, some believe that this is the case only in certain conditions, and some understand that they are not required to but may do so out of courtesy. The proliferation of adverts and signs encouraging courtesy has contributed to this public confusion.
21. Dedicated and nationally consistent signage would improve road user understanding. Additionally, if formal signs are not developed, bus operators are likely to develop their own bespoke signs. Several operators already have signs affixed to encourage other road users to let the bus out. It would be desirable to prescribe a nationally standard sign, based on the proposed regulatory requirement, that is consistent across the country.
22. We encourage the NZTA to explicitly clarify the requirements for bus drivers to encourage consistent behaviour. For example, requiring bus drivers to indicate for three seconds before moving off from the stop.

Proposal 5: Clarifying signage requirements for parking on berms

23. We support this proposed change. Unlawful parking on berms contributes to safety risks, as noted in the discussion document, but also does significant damage to the berm itself, including to buried utilities. Where the berm is frequently subject to parking, soil compaction, and damage from vehicles make it difficult for plants such as grass or trees to establish. This also contributes to the urban heat island effect and flooding.
24. Many drivers still incorrectly believe that they are permitted, or even encouraged, to park on the berm if there is space to do so. Therefore, changes to clarify the requirement on Road Controlling Authorities (RCAs) and drivers and allow widespread enforcement are welcome. The parking on berms frequently blocks sightlines out of driveways and onto shared paths and footpaths, causing a safety hazard.
25. We encourage the NZTA to consider an additional change. Parking on the berm is illegal in most large urban road controlling authorities. Therefore, reversing the law such that parking on the berm is illegal in any urban area, but allows road controlling authorities to permit berm parking in specific

situations through their bylaws. This would better reflect the situation for most urban road controlling authorities and provide the greatest clarity to the public.

Further Information and Opportunity to Discuss our Feedback

26. Should the NZ Transport Agency require clarification of the feedback from Hamilton City Council, or additional information, please contact **Glenn Bunting** (Urban Integration Principal, Transport – Plan, Strategy and Programming) on **021 962 829**, or email Glenn.Bunting@hcc.govt.nz in the first instance.
27. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the NZ Transport Agency.

Yours faithfully



Councillor Sarah Thomson
Chair of the City Delivery Committee

Yours faithfully



Councillor Mesh Macdonald
Deputy Chair of the City Delivery Committee

FURTHER INFORMATION

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

-  /hamiltoncitycouncil
-  @hamiltoncitycouncil
-  07 838 6699

hamilton.govt.nz