

# Statement of Proposal

## Activities in the Road Corridor Bylaw 2022

### Introduction

Auckland Transport (“AT”) is proposing the Activities in the Road Corridor Bylaw 2022 to consolidate and update five AT bylaws which are either expired or will expire in 2022.

AT proposes to undertake public consultation on the draft bylaw in February 2022, with final approval by the end of May 2022. AT is seeking feedback on this proposal following the Special Consultative Procedure of the Local Government Act, 2002.

This Statement of Proposal sets out background information around the proposal, details of what is being proposed, reasons for the proposal, how submissions on the proposal may be made and how long the consultation period will run for.

### Background

AT is the road controlling authority for all roads within Auckland’s transport system. Generally, this is the local road network which includes public roads and beaches but excludes state highways, for which Waka Kotahi NZ Transport Agency holds responsibility.

AT has a range of bylaws which regulate various activities that relate to Auckland’s transport system, including construction related activities, livestock on roads, trading and events in public places, and public safety and nuisance relating to roads.

The bylaw provisions for specific construction related activities, building features, site management and use of space are set out in seven legacy bylaws, previously combined into one bylaw in 2015 - *Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places 2015*

Some provisions set out in the legacy bylaws are still required by the AT Services and Performance team.

Three other bylaws with provisions related to the road corridor have already expired without review:

- Rodney District Council General Bylaw 1998 chapter 6 stock on roads
- Franklin District Council Livestock on Roads Bylaw 2010
- Public Safety and Nuisance Bylaw 2013

Additionally, one bylaw has passed the review date, but is still within the ‘grace’ period allowed by the Local Government Act 2002 (expires: 31 March 2022)

- Trading and Events in Public Places Bylaw 2015

### Reasons for the Proposal

AT has bylaw making powers under the Land Transport Act 1998 (LTA) and the Local Government Act 2002 (LGA02) via authority provided under the Local Government (Auckland Council) Act 2009 (LGACA).

Under the LGACA only AT may make transport-related bylaws relating to the Auckland transport system. Auckland Council may make bylaws in relation to the Auckland transport system for matters that are not transport-related. AT and Auckland Council work closely together to ensure no regulatory gaps occur between bylaws.

Bylaws made under the LGA02 are generally required to be reviewed within 5 years of being made and every 10 years thereafter. If not reviewed or revoked, they automatically revoke (“expire”) 2 years after the last date on which they should have been reviewed. Bylaws made under the LTA do not have these statutory review requirements. Most of AT’s bylaws have been made under both the LGA02 and LTA (and are subject to the LGA02 review requirements to the extent they have been made under that Act).

AT’s Trading and Events in Public Places Bylaw is nearing expiry under the LGA02 (31 March 2022). The project team considers that AT should continue to regulate trading and events activities in relation to the Auckland transport system. To do so requires a new bylaw to be adopted. A new bylaw provides opportunity for AT to capture and regulate other road corridor activity matters alongside trading and events matters. The draft Activities in the Road Corridor Bylaw captures some matters that are currently regulated under legacy bylaw provisions confirmed and managed by Auckland Council and some that were previously regulated by AT under bylaws that have expired under the LGA02.

As the provisions in the existing bylaws were adopted at least six years ago, and in some cases significantly longer, a need was identified to review the provisions and account for recent emerging developments and operational needs in order to future-proof and ensure activities are appropriately regulated. One example is e-scooter public hire which has emerged in recent years.

## The Proposal

AT is proposing the Activities in the Road Corridor Bylaw 2022 to consolidate and replace five AC and AT bylaws which have provisions relating to various activities that take place in the road corridor, and are expiring or due to expire:

The bylaws concerned by the present proposal are:	AT or AC bylaw(s)?	Purpose	Status
Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places Bylaw	AC bylaws	Bylaw provisions made by legacy district councils (pre-amalgamation of Auckland Council) which were confirmed by Auckland Council in 2015	Expires October 2022 Auckland Council is currently reviewing (and would need to revoke any provisions picked up by AT’s new bylaw, if made)
Rodney General Bylaw 1998: Chapter 6 Stock on Road	AT bylaw	Regulating the movement and tethering of stock on roads	Expired (under LGA02)
Franklin Livestock on Road Bylaw 2010	AT bylaw	Regulating the movement and tethering of stock on roads	Expired (under LGA02)

The bylaws concerned by the present proposal are:	AT or AC bylaw(s)?	Purpose	Status
Public Safety and Nuisance Bylaw 2013	AT bylaw	Regulates the display of street names and the identification and numbers of premises.	Expired (under LGA02)
Trading and Events in Public Places Bylaw 2015	AT bylaw	Regulates trading and events in public places	Expires (under LGA02) March 2022

The draft bylaw consolidates the controls from across the bylaws it is proposed to replace, in order to support better management of road corridor activities in relation to the Auckland transport system, thereby better aligning with AT's strategic objectives, reflecting operational experience with bylaw controls to date and avoiding content overlap between bylaws. The result is the Activities in the Road Corridor Bylaw 2022.

## Key changes

The key changes to the provisions that will be covered by the Activities in the Road Corridor Bylaw 2022 are summarised below.

Relevant provision(s)	Rationale of provision in draft bylaw
Purpose provision	The purpose of the draft bylaw reflects current legislation and AT's strategic objectives.
Provisions concerning construction or other work in the road corridor	Currently, when someone other than a utility operator wants to do work in, on, above or under the road they need to sign a legal agreement with AT that sets out conditions for what they can do, when and how. The purpose of this is to make sure other road users are kept safe and damage to property is avoided. These conditions and requirements have been incorporated in the draft bylaw, reducing the amount of paperwork needed to get approval to work, without reducing the protections for people and property when the work is happening.
Provisions concerning compliance with and safety of Traffic Management Plans (TMPs)	The draft bylaw includes general provisions to allow AT to require TMPs, to require those preparing TMPs to be suitably qualified and to adhere to appropriate standards, and to enforce, refuse or revoke permissions should TMPs not be complied with. This includes the ability to reasonably refuse permissions to undertake work in the road corridor based on prior non-compliance or safety concerns that are on record.
Provisions prohibiting washing cement-based mix or waste down the drain	These provisions ensure protection of the environment from harmful cement mix being washed in a drain where it is likely to end up in the sea.

Provisions concerning trading, events and filming	Auckland Council permits trading, events and filming in a public place; but AT must still grant approval if the Auckland transport system is affected. We have worked with Auckland Council to align this part of the proposed bylaw with Auckland Council's proposed Public Trading, Events and Filming Bylaw 2022, so that the rules will complement each other to provide a consistent regulatory approach to these matters across public spaces. For example, it is proposed that the operation of public hire schemes for e-scooters within the road corridor be covered by AT's bylaw as these are considered transport-related.
Provisions concerning waste and toilets on the side of the road	The draft bylaw prohibits placing skip bins or waste containers on the berm other than in accordance with the Auckland Council Waste Management and Minimisation Bylaw. This is not a change as this is Council process but will appear explicitly in the bylaw to support enforcement.
Provisions concerning road restrictions / closures	The draft bylaw clarifies the extent to which AT may restrict or close roads. The bylaw allows AT to restrict or close a road, including for events, filming, or to create a special vehicle lane, or for other uses in line with its purpose.
Provisions concerning livestock movements	The draft bylaw puts in place rules around safely moving stock across a road. If someone wants to move stock other than in line with those rules, they will need approval from AT. People will also need approval if they want to graze or locate stock on the side of the road or keep beehives on the side of the road. These rules are made to keep other road users safe.

A copy of the Activities in the Road Corridor Bylaw 2022 is attached and forms part of this Statement of Proposal. Copies of the bylaws it is proposed to replace can be accessed at:

[Bylaws \(at.govt.nz\)](https://at.govt.nz)