

Activities in the Road Corridor Bylaw 2022

For decision: For noting:

Te tūtohunga / Recommendation

That the Auckland Transport Board (board):

- a) Approves the Activities in the Road Corridor Bylaw 2022, provided as Attachment 1, to be enacted from 29 August 2022, with updates to the Auckland Transport (AT) Delegations Manual to reflect the Bylaw to be approved by the Interim Chief Executive at a later date.

Te whakarāpopototanga matua / Executive summary

1. The Activities in the Road Corridor Bylaw 2022 (Bylaw) outlines regulated activities and behaviours not related to vehicle travel which occur in the road corridor. These activities include construction, traffic management, trading, events, filming and livestock movements.
2. The draft Activities in the Road Corridor Bylaw 2022 public consultation took place during January and February 2022, with mana whenua and local board engagement in March. A number of changes were made as a result.
3. At the time the bylaw was brought to the board for approval in May 2022, concerns were raised by Councillor Sayers on behalf of some Rodney residents who felt that their feedback was not reflected in the reporting to the board and also that the Bylaw did not follow an appropriate engagement process. An independent legal review of these matters has been undertaken. The legal review, provided as Attachment 2, confirms that AT followed appropriate process and considered all pertinent feedback.
4. The approval from the board is now sought of the Bylaw.

Ngā tuhinga ō mua / Previous deliberations

Date	Report Title	Key Outcome
9 December 2021 Board	Activities in the Road Corridor Bylaw – Public Consultation Version	The board endorsed the draft Bylaw for public consultation and approved establishment of a hearings panel.
17 May 2022 Design and Delivery Committee	Activities in the Road Corridor Bylaw 2022	The Design and Delivery Committee recommended the Bylaw to the board for approval.

Date	Report Title	Key Outcome
26 May 2022 Board	Activities in the Road Corridor Bylaw 2022	The board approved the Bylaw subject to the outcome of the legal review.

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

- AT has bylaw making powers under the Land Transport Act 1998 (LTA) and the Local Government Act 2002 (LGA2002) via authority provided under the Local Government (Auckland Council) Act 2009 (LGACA). Under the LGACA, only AT can make transport-related bylaws relating to Auckland’s transport system, while Council can only make bylaws that are not transport-related. Both AT and Council need to collaborate closely to ensure no regulatory gaps occur between bylaws.
- Five bylaws are expired, are imminently expiring or are outdated and no longer fit-for-purpose and therefore require review or replacement in order for AT to continue regulating road corridor matters. To address this issue, AT developed a new bylaw, the Activities in the Road Corridor Bylaw, to consolidate all components of these bylaws as they all relate to non-traffic related activities which occur in the road corridor, creating a single location for all requirements to be articulated and enforced from.
- Following endorsement from the board, public consultation on the draft Bylaw was held from 25 January to 27 February 2022, concluding with a hearing on 11 March 2022. Local board and mana whenua engagement occurred throughout March 2022. 50 pieces of feedback were received from the public, seven people/organisational representatives spoke at the hearing held on 11 March 2022, reports from all local boards were received and mana whenua feedback was received through a series of hui during March 2022.
- A series of amendments to the Bylaw were made resulting from the public consultation. The board approved the Bylaw subject to an independent legal review finding that the correct engagement process had been followed and all pertinent feedback had been presented.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

- The legal review investigated the question of whether there was any substance to the allegations about the inadequacy of the consultation process and if so, what is the effect, and was the Bylaw made on 26 May 2022 at the board meeting?
- Its findings were that the consultation process was not materially deficient for any of the alleged reasons and that the Bylaw was not made on 26 May 2022 and needs final approval by the board.
- On the basis of these findings, the Bylaw was developed following the appropriate practice, the Special Consultative Process, and all pertinent feedback was presented to the board to inform decision making. The Bylaw is therefore appropriate to be approved and enacted.

Ngā tūraru matua / Key risks and mitigations

12. We do not foresee any further risks associated with this project.

Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

13. There are no direct financial or resource impacts. The commencement of the Bylaw will enable AT and Council to enforce our policies.

Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

14. There are no direct environment or climate change impacts; however, the Bylaw will assist with the transformational change planned through the Regional Land Transport Plan and associated plans over the coming decade.

Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

Mana whenua

15. In December 2021, all iwi were provided with a letter outlining the upcoming proposal and public consultation plans, with the opportunity for a pre-engagement workshop. No response was initially received, therefore workshops were facilitated at the Southern Hui, North-western Hui and Central Hui in March 2022. Mana whenua feedback at the three Hui was supportive and conformed to general public feedback.

Ngā mema pōti / Elected members

16. In October and November 2021, local boards were provided with a letter outlining the upcoming proposal and public consultation plans, with the opportunity for a pre-engagement workshop. A briefing was held on 18 February 2022 to update on the public consultation and workshops held during March and April on the Bylaw in advance of their April business meetings, where they were invited to submit feedback.

Ngā rōpū kei raro i te Kaunihera / Council Controlled Organisations

17. Regular discussions have been held with Council's policy staff to discuss alignment with the Council's Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 (Public Trading, Events Filming Bylaw 2022), in particular regarding micro-mobility.

Ngā kiritaki / Customers

18. Public consultation was held in January and February 2022, including feedback forms and focus groups, with a hearing on 11 March 2022.

Ngā whaiwhakaaro haumarū me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

19. There is no direct safety impact associated with this paper, however the Bylaw will help ensure that safe and compliant behaviour is undertaken in the AT road corridor and will enable enforcement against those who exhibit unsafe behaviour.

Ā muri ake nei / Next steps

20. Following board approval, the Activities in the Road Corridor Bylaw 2022 will be adopted and will commence as of 29 August 2022.

21. An updated webpage will be released, with information on the Bylaw, the consultation report, and how to receive approvals. Follow up engagement with all stakeholders, partners and interested parties (including submitters) will occur.



22. The AT Delegations Manual will be updated and approval sought from the Interim Chief Executive.

23. Inform the New Zealand Police Commissioner and Waka Kotahi New Zealand Transport Agency of the Bylaw, as required by law.

Ngā whakapiringa / Attachments

Attachment number	Description
1	Activities in the Road Corridor Bylaw 2022
2	Legal review report

Te pou whenua tuhinga / Document ownership

Submitted by	Andrew McGill Head of Integrated Network Planning	
Recommended by	Jenny Chetwynd Executive General Manager, Planning and Investment	
Approved for submission	Mark Lambert Interim Chief Executive	