

## Attachment D: Assessment of recommended changes against Auckland Transport public safety and nuisance bylaw

Bylaw clause	Auckland Council Bylaw clause – recommended direction for any change	Assessment	Conflict between Auckland Council and Auckland Transport?
Street naming	Revoke bylaw clause	<ul style="list-style-type: none"> <li>Bylaw clause duplicated in Auckland Transport bylaw. Enforcement delegated to Auckland Council.</li> <li>Revoking bylaw clause would not create a conflict because the installation of road name signs will still be performed by Auckland Transport in line with its powers to manage the transport system. Inclusion of this clause in the Auckland Council bylaw is not necessary.</li> </ul>	No
Building and property numbers	Revoke bylaw clause	<ul style="list-style-type: none"> <li>Bylaw clause duplicated in Auckland Transport bylaw. Enforcement delegated to Auckland Council.</li> <li>Revoking bylaw clause would not create a conflict because the display and maintenance of building/property numbers is a function of Auckland Transport in line with its powers to manage the transport system.</li> </ul>	No
Lifesaving equipment	Revoke bylaw clause	<ul style="list-style-type: none"> <li>This bylaw clause is not duplicated in the Auckland Transport bylaw.</li> </ul>	No
Fireworks	<p>Retain clause 6(3)(a) fireworks in public places</p> <p>Revoke clause 6(3)(b) fireworks in other places effecting people and animals in public places</p>	<ul style="list-style-type: none"> <li>Bylaw clause duplicated in Auckland Transport bylaw. Enforcement delegated to Auckland Council.</li> <li>Revoking bylaw clause 6(3)(b) would not create a conflict because: <ul style="list-style-type: none"> <li>the bylaw clause is not used in practice</li> <li>it is still an offence regulated by legislation to injure or alarm people or damage property</li> <li>the wording about animals is ultra vires<sup>1</sup> and not enforceable in either bylaw.</li> </ul> </li> <li>The difference in rules however could cause public confusion. This can be mitigated through appropriate public communication of how both bylaws apply to the issue.</li> </ul>	No
Storing and packing goods	Amend bylaw clause	<ul style="list-style-type: none"> <li>Bylaw clause duplicated in Auckland Transport bylaw. Enforcement delegated to Auckland Council.</li> <li>Amending bylaw clause may create public confusion because each bylaw would have different rules for the same activity in the same places but for different justifiable reasons (obstruction vs use of public places).</li> <li>This risk can be mitigated either through appropriate public communication or when Auckland Transport review its bylaw.</li> </ul>	Possible
Car window washing	Revoke bylaw clause	<ul style="list-style-type: none"> <li>Bylaw clause duplicated in Auckland Transport bylaw. Enforcement delegated to Auckland Council.</li> <li>Revoking the bylaw clause would not create a conflict because the jurisdictions for the bylaw clause differ. The Auckland Transport bylaw applies to the Auckland Transport System where the activity is traffic related (e.g. at road intersections), while the Auckland Council bylaw applies to other public places (e.g. parks where the issue does not occur)</li> <li>The difference in rules could cause public confusion. This can be mitigated through appropriate public communication of how both bylaws apply to the issue until Auckland Transport reviews its bylaw clause.</li> </ul>	No

<sup>1</sup> Decisions or actions outside the lawful powers of a person or body

