

Attachment D

Public Safety and Nuisance Bylaw review and the Road Corridor

Regulatory Committee

14 June 2018

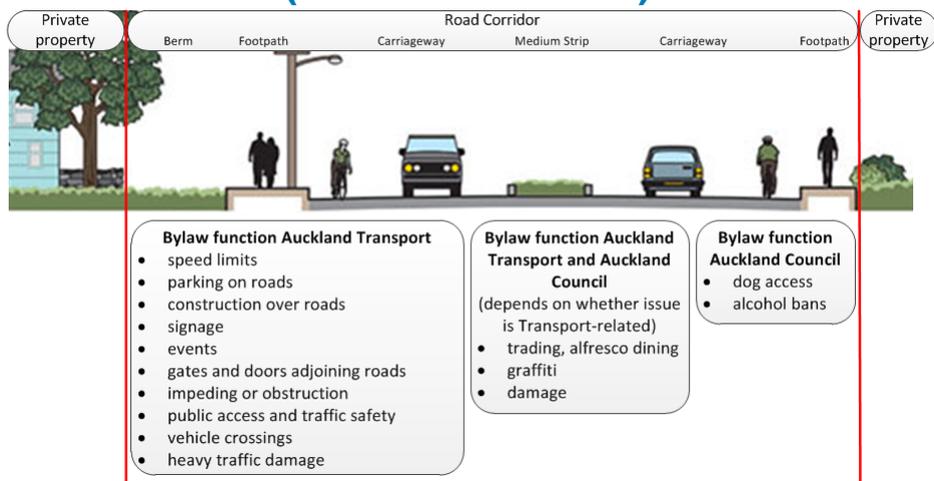
Purpose: To respond to April committee decision (REG/2018/20):

“request staff provide clarification ... on the role of Auckland Transport in managing damage to council property within the road corridor”

Paul Wilson – Team Leader – Social Policy & Bylaws



Road corridor functions and powers (“the street view”)



Auckland Transport (AT) functions and powers for damage (“the theory”)

- Responsible for Auckland Transport System (road corridor, public transport services and public transport infrastructure) to:
 - make bylaws about damage [\[s146\(b\) LGA2002 via s46\(1\)\(h\) LG\(AC\)A 2009\]](#)
 - seek penalties for damage to roads [\[s357 LGA1974 via s46\(1\)\(c\) LG\(AC\)A 2009\]](#)
- Auckland Council (AC) must not perform any AT responsibility - unless delegated - excludes bylaws [\[s50 LG\(AC\)A 2009\]](#)
- AC can make bylaws about damage anywhere in Auckland where purpose is not transport-related (e.g. parks, beaches, civic spaces, road corridor) [\[s145, 146 LGA2002, s50 LG\(AC\)A 2009\]](#)



Auckland Transport functions and powers for damage (“the bylaws”)

- AT Public Safety and Nuisance Bylaw 2013:
 - no damage to AT roads and public transport infrastructure (unless approved by AT) [\[clause 7\(1\), 3\]](#)
- AC review of Public Safety and Nuisance Bylaw 2013 recommends:
 - relying on s232 Local Government Act 2002 to address damage to property under control of Auckland Council
 - this includes damage to council property in the road corridor that is not transport-related



Auckland Transport functions and powers for damage (“the practice”)

- Examples of who responds to complaints about damage in road corridor:
 - Damage from **utility work** → AT
 - Damage from **parking or driving on berm** → AT
 - Damage to **berm, footpath, kerb and channel** → AT
 - Damage to **berms adjacent to parks** → AC
 - Damage to **street trees** → AC
- Response from both AT and AC is to repair damage and investigate complaints where appropriate and practicable

Conclusions and recommendations

- AT and AC responsible for managing damage in road corridor
- **Recommend Committee determine that an AC bylaw not most appropriate way to address damage in road corridor**
[\[clause 7\(1\)\(a\), PSN Bylaw 2013\]](#)
 - AC instead rely on s232 Local Government Act 2002
 - Taking this approach will streamline council regulations
 - No change to the customer experience
 - Damage will continue to be repaired
 - Complaints will continue to be investigated

Questions?