

Auckland Transport

Activities in the Road Corridor

Bylaw 2022



Auckland Transport Activities in the Road Corridor Bylaw 2022

Made by resolution of the Auckland Transport Board on 25th August 2022

under [section 22AB](#) of the Land Transport Act 1998 and [sections 145](#) and [146](#) of the Local Government Act 2002.

Summary

This summary is not part of the Bylaw but explains the general effects.

Across the Auckland transport system, a wide variety of activities take place every day in addition to the primary function of the transport system which is to move people and goods. These activities are important for people and businesses to be able to carry out their lives and work. They may also increase public safety risks, nuisance or disruption to the transport system by, for example, reducing the space available for vehicle or pedestrian traffic, damaging the street or cluttering the footpath or road. The purpose of this Bylaw is to control certain activities within the road corridor in order to contribute to an effective, efficient and safe Auckland transport system by:

- Outlining restricted activities and items in the road corridor and describing when approval is required from Auckland Transport for these activities and items;
- Requiring prior approval from Auckland Transport for most temporary traffic management activities, construction activities, encroachments, trading, events and filming activities, when these activities occur within the road corridor.
- Setting out the responsibilities of those undertaking work in the road corridor that could cause risk to public safety or street damage, including the payment of fees and costs.
- Regulating road surface, airspace and subsoil encroachments;
- Requiring prior approval from Auckland Transport for livestock movements in the road corridor where certain requirements are not able to be adhered to.

The Bylaw is part of a wider framework which regulates the use of roads and other public places and does not seek to duplicate or be inconsistent with these other requirements; these include (but are not limited to):

- traffic and parking rules and regulations in the [Auckland Transport Traffic Bylaw 2012](#), the [Land Transport Act 1998](#) and the Land Transport (Road User) Rule 2004.
- regulations for trading, events and filming activities in public places other than the Auckland transport system in the [Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022](#)

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Title

This Bylaw is the Activities in the Road Corridor Bylaw 2022.

Commencement

This Bylaw comes into force on the 29th of August 2022.

Preliminary Provisions

1. Purpose

- (1) Auckland Transport makes this Bylaw to
 - (a) control certain activities within the **Auckland transport system**; and
 - (b) contribute to an effective, efficient, and safe **Auckland transport system** in the public interest.

2. Interpretation

- (2) Explanatory notes are for information and guidance purposes only, do not form part of this Bylaw and may be inserted or changed by Auckland Transport at any time.
- (3) In this Bylaw, for all parts, unless the context otherwise requires:

access fee means any amount stated or described as such in a schedule of fees or charges (or similar) issued by Auckland Transport from time to time, including costs, charges or fees, and which may include liquidated damages for unauthorised occupation, disruption or use.

activity means an **event** or operation or **works** undertaken within the **road** or affecting the normal use of the **road corridor**.

agent or agents means a contractor, subcontractor, employee, licensee or invitee of an **approval holder**, and any other person claiming through or under the **approval holder**.

airspace is the area which commences at the height above the surface of a **road** that will allow the unobstructed passage of vehicles and pedestrians lawfully using the **road**.

airspace asset means any verandah, balcony, awning and any architectural feature that protrudes over the road.

approval means a licence, lease, permit, certification or other form of permission granted under this Bylaw and includes all conditions to which the **approval** is subject.

Explanatory note – some activities may require a resource consent or an approval in addition to those required under this Bylaw. Where this is the case, those approvals must be obtained as well before the activity is commenced.

approval holder means a person, including an individual, a corporation sole, a body corporate; and an unincorporated body, who has received an **approval** for an **activity** or **works** from Auckland Transport.

Auckland Transport means the entity established under section 38 of the Local Government (Auckland Council) Act 2009.

Auckland transport system has the same meaning as in section 37 of the Local Government (Auckland Council) Act 2009. For the avoidance of doubt, the Auckland Border Maps are included in Appendix A.

Explanatory note – the definition of Auckland transport system in the Local Government (Auckland Council) Act 2009 is:

- (a) means -
 - (i) the roads (as defined in section 315 of the Local Government Act 1974) within Auckland,

- (ii) *the public transport services (as defined in section 5(1) of the Land Transport Management Act 2003) within Auckland,*
- (iii) *the public transport infrastructure owned by the Council,*
- (iv) *the public transport infrastructure owned by or under the care, control or management of Auckland Transport,*
- (a) *does not include—*
 - (i) *State highways,*
 - (ii) *railways under the control of New Zealand Railways Corporation,*
 - (iii) *off-street parking facilities under the care, control or management of Auckland Transport,*
 - (iv) *airfields.*

awning means a lightweight structure with either a permanent covering material or a moveable canvas, plastic or similar material that may be erected in situations where the Unitary Plan does not require verandas.

Code means the National Code of Practice for Utility Operators' Access to Transport Corridors issued under the Utilities Access Act 2010.

CoPTM means the Code of Practice for Temporary Traffic Management or any document that is adopted by Auckland Transport that replaces it.

construction commencement date means the date specified in an **approval** as the date **works** are approved to commence.

construction period means the period specified in an **approval** as the period **works** are approved to occur within.

contractor means a person engaged to undertake and complete relevant **works** or part of **works**.

cycle path means a part of the **road** that is physically separated from the **roadway** that is intended for the use of cyclists, but which may also be used by pedestrians; this includes a cycle track formed under section 332 of the Local Government Act 1974.

defects notification period means the period that commences on the commencement of the **works** and expires a specified time after the date of completion of the **works** (time to be specified by Auckland Transport in the **approval** for the **works**).

design means the documents and other information recording the design (including the location and specifications) for the **works**.

Development Agreement means an agreement between Auckland Transport and any person or organisation regarding the undertaking of **works** within the **Auckland transport system**.

driveway means a vehicle access lane located on private property.

drover means a person who moves or manages **livestock**.

electric vehicle means a motor vehicle with motive power wholly or partly derived from an external source of electricity. For the avoidance of doubt this includes electric bicycles, electric motorcycles and electric mopeds.

event means a temporary organised activity that takes place on one or more days conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition:

- (a) including a parade, wedding, private function, festival, concert, celebration, multi-venue sports event, fun run, marathon, duathlon, triathlon or the exclusive use of a place; but
- (b) excluding:
 - (i) a regular sporting activity (for example, a practice, training or game) carried out by amateur organised sports clubs in accordance with their lease or licence; or

- (ii) a protest; or
- (iii) the non-exclusive use of a place for informal recreation (for example, a picnic in a park).

film or **filming** means the recording of moving or still images as part of an organised activity whether or not for monetary gain (for example, recordings for a documentary, educational curriculum, television, feature or short film, social media or similar project) excluding recording of moving or still images –

- (a) of a private celebration or private event;
- (b) for the purpose of current affairs or news;
- (c) of premises for lawful property sale or rental purposes; or
- (d) of premises for lawful building inspection purposes.

final construction commencement date means the date specified as being the final date that the construction of the **works** is to be commenced by the **approval holder**.

final date for completion means the date specified as being the final date for completion of the **works**.

final design means the final design accepted (or not objected to) by Auckland Transport for the construction stage of the **works**.

final vesting date means the earliest date from the list below:

- (a) a date specified in the approval; or
- (b) 6 months prior to expiry of the **defects notification period**; or
- (c) a period of time after completion of the works or the final date for completion as specified in the approval.

footpath has the same meaning as in section 315 of the Local Government Act 1974.

Explanatory note: the definition of footpath in the Local Government Act 1974 is:

‘so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof’.

To remove doubt, the footpath includes any path or way principally designed for, and used by, pedestrians; and includes a footbridge.

improvements means any replacement, modification or maintenance made to, on, under or within a **road** as a result of **works** or **utility works**.

licensed area means the area defined in an **approval** as being the area of road where **works** will occur.

livestock means all animals that are likely to be kept for commercial purposes and taken onto the road for purposes such as grazing, or for moving from one location to another. This includes any horse which is not led, ridden or harnessed to a vehicle. For the purposes of this bylaw, a beehive is considered livestock.

micro-mobility devices are small, lightweight transport devices personally driven by users.

Related information about micro-mobility devices:

The types of micro-mobility devices continue to evolve. Current examples include bicycles, e-bikes, electric scooters, electric skateboards, and electric pedal assisted (pedelec) bicycles).

public place means any place that, at any material time, is owned, managed, maintained or controlled by Auckland Transport.

race means a fenced track by which **livestock** are moved from one part of a farm to another.

required insurances means the public liability, construction, professional indemnity and / or other insurances Auckland Transport specifies must be obtained and maintained by a person applying for or holding any relevant approval under this Bylaw;

road or **road corridor** has the same meaning as ‘road’ in section 315 of the Local Government Act 1974.

Explanatory note 1: the meaning of road in the Local Government Act 1974 is:

road means the whole of any land which is within a district, and which—

- (a) immediately before the commencement of this Part was a road or street or public highway; or*
- (b) immediately before the inclusion of any area in the district was a public highway within that area; or*
- (c) is laid out by the council as a road or street after the commencement of this Part; or*
- (d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or*
- (e) is vested in the council as a road or street pursuant to any other enactment;—*

and includes—

- (a) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*
- (b) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—*

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roadway Powers Act 1989.

Explanatory note 2: the road includes the airspace above the road and the subsoil under the road.

Explanatory note 3: Planted and unplanted areas within the road:

- a) Berm usually indicates the part of road from the kerb, kerb-line, or edge of the roadway to the nearest private property line, excluding any footpath, cycle path or shared path; which is deliberately planted with ornamental grass or other maintained plantings*
- b) Vergé usually indicates the part of road from the edge of the roadway to the nearest private property line, excluding any footpath, cycle path or shared path; which is deliberately planted with ornamental grass or other maintained plantings but does not include a formed kerb.*
- c) Road margin includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).*

roadway means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

shared path means a path intended to be used by pedestrians, cyclists, mobility devices and wheeled recreational devices.

special vehicle lane means a lane defined by signs or markings as restricted to a specified class or classes of vehicle. Examples include bus lanes, transit lanes, cycle lanes, and light rail vehicle lane.

street damage means damage to any part of the **road corridor**, or other Auckland Transport property within the **road corridor**, sustained during building or land development **works** and

includes the undermining of any road due to excavation on adjacent property and the collapse of any adjacent property onto a road.

subsoil is the area below the surface of a road.

temporary traffic management has the same meaning as in the Code of Practice for Temporary Traffic Management (**CoPTTM**)

Explanatory note: the definition of temporary traffic management in the Code of Practice for Temporary Traffic Management (CoPTTM) is: 'the process of managing road users through or past a closure in a safe manner with minimal delay and inconvenience'.

trade or trading means the sale or hire of goods or services for payment, reward or otherwise, including but not limited to –

- (a) markets, stalls or mobile shops;
- (b) outdoor dining for the purpose of providing food or drink;
- (c) production and sale of personal portraits;
- (d) hire of micro-mobility devices or recreational equipment;
- (e) public charging of electric vehicles where electricity is sold by a commercial operator;
- (f) fundraising for a charitable cause, soliciting of any subscription or collection of any one-off or on-going donation;
- (g) distribution of promotional goods and materials (for example a tasting, sampling or giveaway);
- (h) street performance (for example, busking and pavement art); and
- (i) and excluding:
 - (i) the outdoor display of goods and / or services adjacent to business premises from which the goods and / or services are usually provided;
 - (ii) the installation of art by council or a substantive council-controlled organisation as defined in the Local Government (Auckland Council) Act 2009;
 - (iii) goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business);
 - (iv) a mobile library service provided by council;
 - (v) a fitness class or training provided by an outdoor fitness operator;
 - (vi) the sale of produce adjacent to the premises where it was grown;
 - (vii) occasional sale of goods from a stall by a person under the age of 16 adjacent to the residential premises where the goods were made (for example, including the sale of cupcakes or lemonade made at home, but excluding sale of goods associated with a Home Occupation as defined in any Unitary Plan or District Plan).

traffic means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

Explanatory note: for the avoidance of doubt, micro-mobility devices and cycles are included in this definition

Traffic Management Plan means a document describing the design, implementation, maintenance and removal of **temporary traffic management** while the associated activity is being carried out within the **road** or adjacent to and affecting the **road** or as set out in **CoPTMM**.

utilities means utilities and services (and the conduits, connections and the plant, equipment and materials for them) located on, in or under the **road** and includes electricity, gas, telecommunications, water supply, wastewater and stormwater infrastructure.

utility operator has the meaning given to that term in the Utilities Access Act 2010.

utilities works means **works** in relation to **utilities**.

vehicle

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved, and
- (a) includes a hovercraft, a skateboard, in-line skates, and roller skates, but
- (b) does not include:
 - (i) a perambulator or pushchair,
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (ix) any rail vehicle.

vehicle crossing is the area of driveway between a **roadway** and the private property boundary.

verandah is a roofed open area attached to a building and includes a canopy over a **road**.

working day means Monday to Friday other than any of the statutory holidays listed under section 44 of the Holidays Act 2003 and excluding any day in the period commencing on (and including) the 24th day of December in any year and ending on (and including) the 5th day of January in the following year.

works means any **activity** on, in, over or under the road to be undertaken by an **approval holder** in accordance with a **design** approved by Auckland Transport during a permitted **construction period** in relation to the **licensed area** and includes any replacement, modification or maintenance of such works. A subset of this is **utilities works**.

- (4) Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Land Transport Act 1998 unless the context plainly requires a different meaning.
- (5) The Interpretation Act 1999 applies to the interpretation of this Bylaw.
- (6) This Bylaw does not apply to:
 - (a) a utility operator, to the extent that it is exercising a statutory right to construct or maintain utilities in, on or under a road, or is otherwise accessing the road corridor in accordance with the Utilities Access Act 2010;
 - (b) utilities constructed in, on or under a road by a utility operator pursuant to a statutory power to do so.

General Provisions

3. Restrictions on activities within the Auckland transport system

- (1) In any place that is part of the **Auckland transport system** a person must not, except with the prior written approval of Auckland Transport;
- (a) enter any part that is closed to the public; or
 - (b) place or leave any material, object, thing or structure; or erect, construct, or place a building, structure, tent or any part thereof; or
 - (c) damage, remove, disturb, misuse or interfere with any road, structure, utility asset, street furniture, artefact, surface, natural feature, grass plot, flowerbed, tree, shrub or plant; or
 - (d) store or pack goods; or load or unload other than in a designated place.

*Explanatory note: Designated place includes any parking space or loading space the vehicle can legally occupy, or any place designated as part of an **approval**.*

- (2) In any place that is part of the **Auckland transport system** a person must not, except with the prior written approval of Auckland Transport, -
- (a) allow vegetation originating on private property to overhang the road in a manner that may cause an obstruction to other road users within the **road corridor**; or
 - (b) hang a door, window, gate, swing crane arm, or load on any machinery on any premises capable of being swung over or across the **road corridor**; or
 - (c) cause or permit drippings from the eaves or other projections of any premises or structure to fall within the **road corridor**; or
 - (d) allow any electrical cable or wire originating on private property to overhang or cross any part of the **road corridor** for the purposes of connection (such as that for charging or powering) with **electric vehicles** or devices; or
 - (e) clean or leave any animal offal on a road or any part of the **road corridor**; or
 - (f) dispose of or wash cement-based mix or waste onto any berm, verge or road margin or into any drain; or
 - (g) except in case of an emergency, land or take off in an aircraft.

4. Restrictions on specific items

- (1) In any place that is part of the **Auckland transport system** a person must not, except with the prior written approval of Auckland Transport, -
- (a) place or collect any bin or other waste container in the **road corridor**, other than in accordance with the Auckland Council Waste Management and Minimisation Bylaw 2019 or any equivalent bylaw regulating waste disposal; or
 - (b) place any portable toilet or portable ablutions block; shipping container or storage container; or generator within the **road corridor**.

Explanatory note: subclause 1(a) includes skip bins or similar waste containers regardless of the material the bin is constructed of and includes waste containers made of flexible material.

- (2) To avoid doubt, sub-clause (1)(b):
- (a) includes any portable toilet, portable ablutions block, shipping container, storage container, or generator, that is accessed or in use or operating while on a vehicle; and
 - (b) excludes any toilet or ablutions facilities installed within self-contained vehicles such as motorhomes or campervans, or within caravans.
- (3) Where a person fails to comply with sub-clause (1) Auckland Transport may:

- (a) notify the owner of the object restricted in sub-clause (1) of the requirement to remove the object within 24 hours; and
- (b) if they do not comply within the notified timeframe, Auckland Transport may arrange for the removal of the item and charge the owner of the object for any costs incurred, including transportation, storage, administrative and inspection costs.

5. Street naming and numbering on buildings

- (1) No person except Auckland Transport may paint, erect or affix a name on or identifying a **road**.
- (2) Auckland Transport may paint, erect or affix on a conspicuous part of a building, the name of the **road** to which it has frontage.
- (3) No person may wilfully or maliciously destroy, pull down, obliterate, or deface the name of a **road** erected or affixed by Auckland Transport or, formerly, Auckland Council.
- (4) Every allotment of land issued with a computer register under the Land Transfer Act 1952 that is occupied by a person or building must be marked by the owner, manager or occupier with a street number approved by Auckland Council.
- (5) The following exceptions apply to subclause (4):
 - (c) for any unit held pursuant to the Unit Titles Act 2010, at least one street number must mark the land comprising all the units and common property within the unit plan deposited under the Land Transfer Act 2017;
 - (d) for any contiguous allotments of land under single management for a common purpose including an educational institution, industrial complex, or shopping mall, at least one street number must mark the contiguous allotments and must be accompanied by the name of the institution, complex or other such common purpose.
- (6) Every number and name under this clause must be:
 - (e) legible and clearly visible from the **road** to which the premises has frontage;
 - (f) in characters not less than 75 millimetres in height for residential buildings and not less than 150 millimetres in height for all other buildings;
- (7) Numbers of premises must be maintained by the owner, manager or occupier in a manner that clearly identifies the premises.

6. Temporary traffic management

- (1) A person must not undertake any **temporary traffic management** within any part of the **Auckland transport system** -
 - (a) without an **approval** by Auckland Transport that includes approval of a **Traffic Management Plan**; and
 - (b) other than in accordance with **CoPTTM**; and
 - (c) unless they are appropriately qualified or under supervision by a person appropriately qualified in accordance with **CoPTTM**.
- (2) Where a **vehicle** or vehicle load exceeds one or more of the maximum dimensions allowed for standard vehicles, as set out in the *Land Transport Rule: Vehicle Dimensions and Mass 2016* or subsequent amendments, approved **temporary traffic management** must be in place for any loading or unloading that is carried out in the **road corridor**.

7. Auckland Transport may grant approvals

- (1) Auckland Transport may grant any **approval** under this Bylaw at its discretion and may impose any conditions on an **approval** it considers appropriate to -
 - (a) achieve the purpose of this Bylaw:
 - (b) keep the public safe:

- (c) protect the **Auckland transport system**.
- (2) A person seeking an **approval** must make an application that complies with the requirements of Auckland Transport, including –
 - (a) the form and manner of the application;
 - (b) the information in the application;
 - (c) any further supporting information; and
 - (d) being accompanied by any specified fee.
- (3) Auckland Transport may refuse to grant any **approval** sought under this Bylaw at its discretion.
- (4) In deciding whether to grant an **approval**, Auckland Transport may have regard to the following, without limitation, -
 - (a) the performance or activities of an applicant in relation to any previous **approval** granted to the applicant, including prior breaches of this Bylaw;
 - (b) whether the application, if approved, would likely support a reduction in greenhouse gas emissions in alignment with national and regional strategies or plans related to climate change;
 - (c) whether an adverse impact on the **Auckland transport system** or the public may occur due to the scale of the application, if approved, or due to the number of approvals granted in the past three months.
- (5) Where an **approval** has been issued, any alteration or addition requested by the **approval holder** shall require re-approval by Auckland Transport at the applicant's cost.
- (6) An **approval** under this Bylaw does not relieve the **approval holder** from any responsibility under any other legislation or bylaw.
- (7) An **approval** attaches to the **approval holder** and is not transferrable to any other person without the written consent of Auckland Transport.
- (8) Auckland Transport may cancel an **approval** if the **approval holder** or their **agent** does not comply with any condition of the **approval** or with this Bylaw.

8. Auckland Transport may review approval in certain circumstances

- (1) Auckland Transport may at any time review an **approval** it has granted under this Bylaw.
- (2) Auckland Transport may cancel or amend an **approval** granted under this Bylaw if -
 - (a) the approved activity is likely to interfere with intended **works** or **utility works** that have been approved by Auckland Transport; or
 - (b) urgent action is required to protect road users or the public from unsafe or hazardous conditions and the approved activity would impede such action; or
 - (c) Auckland Transport considers that the approved activity is likely to negatively impact on the **Auckland transport system**.

Part 1: Construction Works

Explanatory Notes:

- 1) This Part should be read in conjunction with the General Requirements in this Bylaw.
- 2) This Part applies only to works and activities in, on, under or above the road corridor undertaken by people or organisations who are not utility operators exercising their statutory powers: see clause 2(6).

9. Works within the road

- (1) a person must obtain approval from Auckland Transport to do any of the following in relation to any part of the **Auckland transport system** -
 - (a) enter or undertake any construction, replacement, modification or maintenance **works** within the **road corridor**; or
 - (b) place or leave, or cause or permit to be placed or left in, on or under a **road** any building material, rubbish, debris, soil, plant, equipment or other thing associated with or arising from any building activity; or
 - (c) place, put up or use any of the following on a **road**:
 - (i) scaffold, gantry, hoarding, barricade;
 - (ii) stationary engine, concrete mixer, air compressor, crane, hoist or other machinery;
 - (d) make or dig, or cause or permit to be made or dug, any hole or excavation in or under a **road**; or
 - (e) blast any rock, stone, earth, timber, or other such material in, on, or near a **road**; or
 - (f) construct any foundations relating to the temporary support for any crane in, on or under a **road**; or
 - (g) construct any foundation that projects beyond the boundary or building line into the **road corridor**, if the projection will injuriously prejudice the installation of underground services of any nature; or
 - (h) carry out any work in the airspace above a **road** including:
 - (i) the demolition or removal of a building or part thereof above a plane of 45 degrees from the boundary with the **road corridor**; or
 - (ii) the construction or alteration of any **veranda**, balcony or awning; or
 - (iii) the transportation or moving of material.
- (2) An application for **approval** must be made through a Corridor Access Request to Auckland Transport.
- (3) An **approval** does not provide right of access to the **road** for the purposes of the **works** or to commence the **works** or to undertake any other activities related to the **works**, until the **construction commencement date** noted in the **approval**.
- (4) Approval for **works** under this Bylaw does not remove any requirement for any other **approval** required to undertake the **works**.

10. Applying for an approval for works or utility works

- (1) To obtain an **approval** for **works** or **utility works**, an application must be submitted to Auckland Transport and may require, without limitation, -
 - (a) a completed application in the designated form:
 - (b) payment of an application fee:
 - (c) pre-payment of any applicable inspection fees required for the works:
 - (d) for utility works, a programme of works:
 - (e) a Traffic Management Plan:

- (f) a Health and Safety Plan;
 - (g) evidence of required insurance to the satisfaction of Auckland Transport;
 - (h) any other information requested by Auckland Transport.
- (2) If a person fails to comply with any of the requirements of an application, Auckland Transport may (at any time before all of the conditions have been satisfied or otherwise waived) cancel the application after notice to the applicant.
- (3) In relation to **utility works** in the **road corridor**, an application -
 - (a) must comply with the requirements of the Code in relation to the **works**, except that:
 - (i) the conditions that Auckland Transport, as road manager, may apply to the **works** in the **road corridor** are not restricted to 'Reasonable Conditions', as described in the Code;
 - (ii) the approval holder does not have right of access to a **road corridor** for any purpose;
 - (iii) Auckland Transport is not liable for any cost or other amount under any provision of the Code and the approval holder will be responsible for any such cost or other amount;
 - (iv) the minimum period for submission of an application for **works** is 15 working days;
 - (v) for **utility works** the approval holder will comply with the Code as if it was a "Utility Operator" and the works were "Works" and "Utility Structures" under the Code.
 - (b) Any person undertaking **works**, including **utility works**, in the **road** must possess the relevant skill, technical expertise, experience and track record to undertake the **works** in accordance with the work standards set out in clause 14.
 - (c) An application may be refused if Auckland Transport, at its sole discretion, does not consider the person applying to undertake works in the **road corridor**, or their agent, is able to meet the work standards in clause 14.

11. An approval for works may have conditions applied

- (1) Auckland Transport may set any requirements and conditions it considers necessary for an **approval** to be approved for any **works**, including but not limited to -
 - (a) receipt of written confirmation prior to **commencement** of the **works**:
 - (i) receipt of any approvals, plans or programmes required; and
 - (ii) that Auckland Transport accepts (or does not object to) the **final design**; and
 - (iii) that each person (including any lessee or occupier of land adjoining the **licensed area**) has agreed to the cessation or reduction of access to the **road** during the undertaking of the **works**, to be received by Auckland Transport a minimum of 5 working days prior to **works** commencing; and
 - (b) requirements for reporting, monitoring or provision of information relevant to the activity that Auckland Transport considers necessary to ensure compliance with the **approval**; and
 - (c) a requirement that a **Development Agreement** must be entered into, which may require the payment of a bond or deposit against **street damage**; and
 - (d) payment of an **access fee**, of an amount and payment date as specified in the **approval**; and
 - (e) payment of a **street damage** deposit, a pre-works inspection fee and any post-works inspection fees assessed by Auckland Transport as appropriate.

12. Condition of the road

- (1) The **approval holder** is responsible for:

- (a) determining the location of all relevant **utilities** that will or might be affected by the **works**; and
- (b) obtaining any relevant approvals required in relation to:
 - (i) **utilities** that will or might be affected by the **works**; and
 - (ii) the relocation of the **utilities** that are or might be affected by the **works** to another location to facilitate the undertaking and completion of the **works**; and
- (c) providing Auckland Transport with details of the outcome of all relevant approvals processes; and
- (d) all risk in relation to all or any of:
 - (i) the matters referred to in this clause; and
 - (ii) the suitability and condition of the **licensed area** for the undertaking and completion of the **works** and the use of the **licensed area**; and
 - (iii) the existence and condition of any **utilities** in, on or around the **licensed area**.

13. Approval holder's responsibility for costs

- (1) Auckland Transport is not required to insure the **licensed area**, including any structures, fixtures, fittings, equipment or other improvements within the **licensed area**.
- (2) The **approval holder**:
 - (a) is responsible for the cost of undertaking and completing the **works**, including maintenance of the **works**; and
 - (b) may not make a claim against Auckland Transport for any cost, expense, loss or liability suffered or incurred by the **approval holder** or their **agents** in connection with the **works** or **approval**.

14. Work Standards for works in the road corridor

- (1) The **approval holder** must notify Auckland Transport prior to **commencement of works**, with details of the date and time of **commencement of works** permitted under the **approval**.
- (2) The minimum notice of commencement shall be 48 hours unless an alternative timeframe is specified under the **approval**.
- (3) The **approval holder** will ensure that the **works** are undertaken and completed:
 - (a) in accordance with all applicable laws, the **final design**, the **Code** (for **Utilities Work**), any conditions or requirements in the **approval**; and any other relevant requirements of this Bylaw; and
 - (b) in a diligent, timely and professional manner; and
 - (c) in a manner which causes no damage to, and which minimises nuisance, disturbance and inconvenience to, users of the **licensed area** and the general public; and
 - (d) in accordance with any procedures or guidelines issued by Auckland Transport and notified to the **approval holder** at any time and from time to time.
- (4) An **approval holder** shall be liable for any act or omission of any **agent** procured, as if it was an act or omission of the **approval holder**.

15. Completion of works in the road

- (1) Completion means, in relation to the **works**, that stage in the undertaking and completion of the **works** when -
 - (a) the **works** have been properly and effectively completed in accordance with the **final design** and all applicable approvals, including obtaining all certificates or other

documentation required for the **works** under any applicable law or this Bylaw Part, including:

- (i) a code compliance certificate under the Building Act 2004;
 - (ii) a notice of conformance referred to in the **Code**; and
 - (b) the **approval holder** has provided Auckland Transport with information recording the design for the completed **works** including, where applicable:
 - (i) complete as-built documentation; and
 - (ii) a copy of the practical completion certificate (or equivalent) issued by the engineer under the construction contract for the **works**; and
 - (c) any plant, equipment, materials or waste in relation to the **works** and not forming part of the licensed area or the improvements has been completely removed from the **licensed area** and any damage caused by the works or such removal has been reinstated to the condition reasonably required by Auckland Transport; and
 - (d) Auckland Transport is otherwise satisfied that the works have been properly and effectively completed in accordance with the requirements of the **approval**.
- (2) The **approval holder** must use all reasonable measures to complete the **works** as soon as practicable after the **commencement of the construction period**.
 - (3) The **approval holder** must notify Auckland Transport no more than 10 working days after **completion of works** permitted under the **approval**.
 - (4) If completion does not occur on or before the **final date for completion** or the **approval holder** does not maintain access to the **licensed area** required for any third party, then Auckland Transport may:
 - (a) step-in and either undertake and complete the **works** itself, remove the **works** and undertake any required remediation including reinstatement of the **licensed area** or re-instate such access to the **licensed area** for a third party; or
 - (b) cancel a permit at no cost to Auckland Transport at any time prior to the **works** reaching completion.
 - (5) The **approval holder**, if requested by Auckland Transport, must reimburse Auckland Transport for any cost or expense incurred by Auckland Transport in exercising its rights under sub-clause (4).
 - (6) The **approval holder** or their **agent** must rectify, promptly and at their own cost, any defect in the works occurring during the **defects notification period**.
 - (7) If the **approval holder** or their **agent** does not rectify any such defect (referred to in sub-clause (6)) promptly, then:
 - (a) Auckland Transport may (either itself or through a contractor) rectify the defect; and
 - (b) recover any cost or expense incurred in connection with such rectification, including inspection and administrative costs, from the **approval holder** or their **agent** (as determined by Auckland Transport).
 - (8) Any amount owing by the **approval holder** in relation to this clause may be recovered by Auckland Transport from that person or entity as a debt due in any court able to deal with such matters.

16. Vesting of Utility Works

- (1) As soon as possible after completion of **utility works**, but no later than the **final vesting date**, the **approval holder** must vest or otherwise transfer, or agree to the vesting or transfer of, unencumbered ownership of the improvements to the **utility operator** specified by Auckland Transport.
- (2) Vesting must be at no cost to that **utility operator** and on the terms and conditions agreed by the **utility operator**.
- (3) Auckland Transport may assign or novate any right, remedy, obligation or liability of Auckland Transport under or in connection with the works to that **utility operator**.

- (4) If the **approval holder** does not vest ownership as set out in sub-clause (1) and (2), Auckland Transport may take any action necessary to ensure vesting or transfer.

Part 2: Street Damage

17. Building work requiring street damage inspection fee

- (1) No person shall undertake any **works** without having first paid to Auckland Transport:
 - (a) a pre-works inspection fee (unless that person agrees that the condition of the road is at least as good as that which exists on either side of the work site); and
 - (b) a **street damage** post-works inspection fee.
- (2) However, sub-clause (1) does not apply if an **approval** expressly states otherwise.

18. Waiving of Inspection Fee

- (1) The requirement for payment of a **street damage** post-works inspection fee may be waived, where Auckland Transport determines that the proposed works are unlikely to cause damage to the **road**.

19. Inspection

- (1) At the completion of **works** and after the issue of the code compliance certificate (CCC) by Auckland Council for the building work undertaken, Auckland Transport shall carry out an inspection.
- (2) If, during inspection, damage to the **road** or any structure in, on or under the **road** is identified, Auckland Transport may serve notice to the approval holder requiring the damage to be repaired and specifying the work that needs to be done and the date by which it must be completed.
- (3) If Auckland Transport identifies any defects within the warranty period in the repairs to the **road** undertaken by the approval holder as stated in the notice issued under sub-clause (2), Auckland Transport may repair the defect and recover the costs incurred, including any reasonable administration costs, from the approval holder.
- (4) If the reinstatement is not carried out within the time given in the notice issued under sub-clause (2), Auckland Transport may carry out the work on approval holder's behalf; and recover any costs incurred by Auckland Transport, including any reasonable administrative costs, to repair any damage to the **road** arising from any building work, or site work, from the approval holder under the Local Government Act 1974.
- (5) Any amount owing by the approval holder to Auckland Transport may be recovered by Auckland Transport from that person or entity as a debt due in any court of competent jurisdiction.

Part 3: Road Surface, Airspace and Subsoil Encroachment

20. Road Encroachment

- (1) Road encroachment occurs where a structure, object or work of any kind, or any tree or plant, occupies an area of the surface, airspace or subsoil of the **road**.

21. An approval is required for road encroachment

- (1) A person must not undertake any activity which causes **road encroachment** without obtaining an **approval** from Auckland Transport.
- (2) Auckland Transport may vary the process for obtaining an **approval** for **road encroachment** according to the nature of the object that causes **road encroachment**.

22. Auckland Transport may include conditions on an approval for road encroachment

- (1) Auckland Transport may include any conditions on an encroachment **approval** it considers necessary to ensure safety, the protection of the **Auckland transport system**, and ongoing maintenance and cleaning operations within the **road corridor**. Conditions may include, but are not limited to:
 - (a) the materials to be used in construction; and
 - (b) the design of the object including proximity to the kerb; and
 - (c) evidence of compliance with relevant regulation, standards, codes or relevant Auckland Transport Guidelines; and
 - (d) minimum and/or maximum height for any object; and
 - (e) any requirements in relation to lighting or signage; and
 - (f) any required insurances; and
 - (g) payment of any pre-works inspection and/or any post-works inspection fees; and
 - (h) any requirements or limitations or charges related to any commercial activities associated with an encroachment.

23. Maintenance of objects encroaching into the road corridor

- (1) Objects subject to an encroachment **approval** shall be maintained in a state of good repair by the approval holder.
- (2) Where any object subject to an **approval** for road encroachment does not comply with this Bylaw (including the conditions of the **approval**) Auckland Transport may serve a notice in writing requiring the approval holder or the owner of the object to clean, repair, pull down, alter or remove the object within a period of time specified in the notice, so that it complies with this Bylaw.
- (3) Where any person fails to comply with any notice under subclause (2) within the time specified in the notice, Auckland Transport may have the object cleaned, repaired, pulled down, altered or removed. The cost incurred in doing so shall be recoverable by Auckland Transport as a debt from the owner of the object.
- (4) Any **object** removed by Auckland Transport under subclause (3) shall be released to the owner upon payment to Auckland Transport of the costs incurred in its removal, transport and storage.

24. Temporary removal of a permanently placed object

- (1) Where an **approval** has been granted for the permanent placement of an object, Auckland Transport may, by written notice to **approval holder**, require temporary removal of the object to enable construction work to take place near to or beneath that structure.
- (2) The removal and reinstatement of any object and approvals required for such work shall be at the cost of the person or organisation responsible for the work requiring such removal and reinstatement.
- (3) Where written notice is given to an **approval holder** under subclause (1) the owner must apply for any approvals necessary for the work involved in removing and reinstating the object. Such an application

must be made within one month of receiving notice under subclause (1) and is to be made in accordance with specifications for that object and as contained in the notice to the owner.

- (4) Where removal and reinstatement occur in relation to subclause (1) Auckland Transport may alter the specification, location or conditions related to the approval before its reinstatement, where necessary to ensure compliance with current legislation or regulations; or to resolve any safety issues within the **road or Auckland transport system**.

25. Airspace

- (1) A person must not erect, cause to be erected or altered, any **airspace asset** without an **approval** from Auckland Transport.
- (2) Auckland Transport may include any conditions on an airspace **approval** it considers necessary to ensure safety, the protection of the **Auckland transport system**, and ongoing maintenance and cleaning operations within the **road corridor**. Conditions may include, but are not limited to:
 - (a) the materials to be used in construction; and
 - (b) the design of the structure including proximity to the kerb; and
 - (c) evidence of compliance with relevant legislation, regulation, standards, or codes; and
 - (d) minimum and/or maximum height for the airspace asset; and
 - (e) any requirements in relation to lighting or signage; and
 - (f) payment of any pre-works inspection and / or any post-works inspection fees; and
 - (g) any required insurances.

26. Maintenance of airspace assets

- (1) Any **airspace asset** shall be maintained in a clean and waterproof condition and a state of good repair by the owner of the **airspace asset** or of the building to which it is attached.
- (2) In relation to a verandah, maintenance includes the maintenance of any veranda underlighting for pedestrians.
- (3) Where any **airspace asset** does not comply with this Bylaw (including the conditions of an airspace **approval**), Auckland Transport may serve a notice in writing requiring the owner of the **airspace asset** or of the building to which the **airspace asset** is attached to clean, repair, pull down, alter or remove the **airspace asset** within a period of time specified in the notice, so that it complies with this Bylaw.
- (4) Where any person fails to comply with any notice under subclause (3) within the time specified in the notice, Auckland Transport may have the **airspace asset** cleaned, repaired, pulled down, altered or removed. The cost incurred in doing so shall be recoverable by Auckland Transport as a debt from the owner of the **airspace asset** or of the building to which the **airspace asset** is attached.
- (5) Any **airspace asset** removed by the Auckland Transport under subclause (3) shall be released to the owner upon payment to Auckland Transport of the costs incurred in its removal, transport and storage.

27. Temporary removal of an airspace asset

- (1) Auckland Transport may, by written notice to the owner of an **airspace asset** or of the building to which an **airspace asset** is attached, require temporary removal of the **airspace asset** to enable construction work to take place near to or beneath that structure.
- (2) The removal and reinstatement of any **airspace asset** and the building consent for such work shall be at the cost of the person or organisation responsible for the work requiring such removal and reinstatement.
- (3) Where written notice is given to an owner under subclause (1), the owner must apply for any building consent necessary under the Building Act 2004 for the building work involved in removing and reinstating the **airspace asset**. Such an application must be made within one month of receiving notice under subclause (1) and is to be made in accordance with specifications for that building and as contained in the notice to the owner.

- (4) Where removal and reinstatement occur in relation to this section, Auckland Transport may reduce the width of any veranda or awning before its reinstatement, where necessary to ensure compliance with current legislation or regulations; or to resolve any safety issues within the **road** or **Auckland transport system**.

Part 4: Vehicle Crossings

28. Requirement for a Vehicle Crossing

- (1) Where vehicles are being taken or, in the opinion of Auckland Transport, are likely to be taken, onto or from any land across a **footpath, shared path, cycle path**, berm, verge or any water channel on or adjoining any road, the occupier or, in any case where there is no occupier, the owner of the land must ensure that a **vehicle crossing** is constructed to provide for such vehicle access.

29. Construction, modification, abandonment, removal or widening of a vehicle crossing

- (1) A person must not construct, modify, remove, relocate or widen any **vehicle crossing** without prior approval from Auckland Transport.
- (2) A person must construct, modify, remove, relocate or widen any **vehicle crossing** in accordance with design and construction standards set by Auckland Transport, and shall -
 - (a) protect the **road corridor**, including any **footpath**, berm, verge, **special vehicle lane, cycle path**, street tree, **shared path**, sign, streetlight or structure adjacent to the **vehicle crossing**; and
 - (b) protect any structures or pipes located within or under the **vehicle crossing**; and
 - (c) ensure continued stormwater drainage; and
 - (d) ensure the **vehicle crossing**, and any structures or pipes within or under it, can withstand the volume and weight of vehicles likely to use it; and
 - (e) ensure safe and convenient use of the **road** by pedestrians and vehicles, including cycles and micro-mobility users; and
- (3) A person must, where a **vehicle crossing** is removed or relocated, reinstate any berm, verge, **footpath, shared path**, special vehicle lane or surface drainage including any road marking.
- (4) Where a proposed **vehicle crossing** crosses any frontage access to the **road** of an adjoining property, an application must be made to Auckland Transport for **approval** to construct the **vehicle crossing** and include:
 - (a) written agreement to the proposed **vehicle crossing** from the registered owner of the adjoining property with frontage access to the **road**; or
 - (b) where the applicant is unable to obtain written agreement from the adjoining property owner as described in subclause (a); the applicant may apply to construct the **vehicle crossing** and Auckland Transport may approve the **vehicle crossing** without such agreement after consideration of factors including, but not limited to:
 - (i) alternative locations; and the extent of engineering or other costs, including environmental costs, associated with alternative locations for a **vehicle crossing**;
 - (ii) safety considerations;
 - (iii) the extent of any inconvenience or loss to the adjoining property owner;
 - (iv) any other matter Auckland Transport considers relevant.
- (5) If a proposed **vehicle crossing** restricts future access to an adjoining property, the crossing must be registered as an **encumbrance** on the certificate of title of the affected property; and any retaining works must have an approval for **encroachment** from Auckland Transport.
- (6) Once a **vehicle crossing** has been approved by Auckland Transport, any later amendments to the vehicle crossing must be re-approved at the cost of the owner of land to which a **vehicle crossing** provides access.
- (7) Every owner of land to which a vehicle crossing provides access, shall maintain the **vehicle crossing** in accordance with subclause (2).

- (8) If any **vehicle crossing** is unsafe or in a poor state of repair; or redundant or unused; Auckland Transport may require, within a specified timeframe:
 - (a) the **vehicle crossing** to be removed at the cost of the owner of land to which the **vehicle crossing** provides access, including reinstatement of any berm, verge, **footpath**, special vehicle lane or surface drainage; or
 - (b) the **vehicle crossing** to be repaired or replaced at the cost of the owner of land to which the **vehicle crossing** provides access, to the standard prescribed by Auckland Transport.
- (9) If the occupier or, in any case where there is no occupier, the owner of the land to which a **vehicle crossing** provides access does not comply with subclause (8) within the specified timeframe, Auckland Transport may undertake the repair, replacement or removal and charge the owner for all related costs.

Part 5: Livestock on Roads

This Part is made under section 22AB (s) – (v) of the Land Transport Act 1998.

30. Roads to which this Part applies

- (1) The provisions of this Part do not apply to unformed roads or roads on beaches.

*Explanatory note: an unformed road means a legally-recognised road that is undeveloped or partly formed.
An unformed road is sometimes known as a ‘paper road’.*

31. Livestock in the road corridor

- (1) Auckland Transport may from time to time, by resolution, declare any road to be restricted from entry by any **livestock** or any horse which is led, ridden or harnessed to a vehicle.
- (2) Auckland Transport may require any person to cease the placement or entry of **livestock** within the **road corridor**, by any person, if they consider such placement or entry:
- (a) constitutes a danger to road users; or
 - (b) causes or has previously caused damage to the **road corridor**;

32. Drovers

- (1) To move stock on a **road**, a **drover** must be at least 16 years of age and competent to move or manage stock.

33. Grazing, tethering or locating livestock in the road corridor

- (1) Within the **road corridor**, a person must not, without an **approval** from Auckland Transport:
- (a) graze or tether **livestock**; or
 - (b) place a beehive; or
 - (c) erect wires, fences; or
 - (d) use any other means for confining **livestock** within any part of the **road corridor**.

34. Crossing livestock over the road corridor

- (1) When moving **livestock** across a **road**, a **drover** must comply with the livestock movement requirements of **CoPTTM Section I-5** (or any replacement adopted by Auckland Transport) at all times and ensure:
- (a) road cones or livestock warning signs are in place where road traffic has adequate time to stop; and
 - (b) **livestock** are not moved on any road between the time from 30 minutes before sunset to 30 minutes after sunrise or when visibility is less than 100 metres; and
 - (c) there is a minimum of one **drover** present; and
 - (d) for cattle and sheep, **livestock** in one mob cannot exceed 600 head of cattle or 3000 head of sheep; and
 - (e) **livestock** are to be kept moving at all times and the time **livestock** are on the **roadway** must be minimised; and
 - (f) the use of an effective form of protection for the **road corridor**; and
 - (g) no damage occurs to the **road** or private property, or the owner of the **livestock** takes responsibility for repairing any damage caused; and
 - (h) excessive **livestock** excrement is removed from the **road** after each occasion.
- (2) If any person intends to move **livestock** across any **road** other than under the conditions in sub-clause (1) they must have prior **approval** from Auckland Transport.

- (3) Sub-clauses (1) and (2) do not apply to recognised traditional cultural practices that involve crossing **livestock** over a **road**, or to actions required in response to escaped livestock or an emergency.

35. Droving livestock along the road corridor

- (1) When moving **livestock** along a **road**, a **drover** must comply with the livestock movement requirements of **CoPTTM Section I-5** (or any replacement adopted by Auckland Transport) at all times and ensure:
- (i) vehicle operating speeds approaching and through the site are managed to 30km/h or lower and that **vehicles** can pass through **livestock** safely, and a **drover** must provide guidance to drivers on how to safely drive past **livestock**; and
 - (j) **livestock** are not moved on any road between the time from 30 minutes before sunset to 30 minutes after sunrise or when visibility is less than 100 metres; and
 - (k) there is a minimum of one **drover** and one other person present; one in front and one at the rear of the mob; and
 - (l) for cattle and sheep, **livestock** in one mob cannot exceed 600 head of cattle or 3000 head of sheep; and
 - (m) **livestock** are to be kept moving at all times and the time **livestock** are on the **roadway** must be minimised; and
 - (n) no damage occurs to the **road** or private property, or the owner of the **livestock** takes responsibility for repairing any damage caused; and
 - (o) excessive **livestock** excrement is removed from the **road** after each occasion.
- (2) If any person intends to move **livestock** along any **road** other than under the conditions in sub-clause (1) they must have prior **approval** from Auckland Transport.
- (3) Sub-clauses (1) and (2) do not apply to recognised traditional cultural practices that involve moving **livestock** along a **road**, or to actions required in response to escaped livestock or an emergency.

36. An approval to move, graze, tether or locate livestock in the road may have conditions applied

- (1) An application for **approval** to move, graze, tether or locate livestock in the **road** must be made by way of a Corridor Access Request to Auckland Transport.
- (2) Auckland Transport may impose conditions on an **approval** to ensure the safety of road users and protection of road assets. In determining conditions, Auckland Transport may have regard to the following, without limitation:
- (a) the type of **livestock**; and
 - (b) how the **livestock** is to be moved, tethered or confined; and
 - (c) whether the **livestock** owner is covered by a current third-party public liability insurance cover; and
 - (d) the alignment, posted speed limit and condition of the **road** that is being requested to be used; and
 - (e) the type and condition of any road crossings; and
 - (f) whether the activity is likely to cause damage to the **road** for reasons including, but not limited to:
 - (i) damage to vegetation,
 - (ii) soil erosion;
 - (iii) effect on road formation; and
 - (g) the time-of-day **livestock** is to be moved; and
 - (h) alternatives that are available to the applicant for the movement of the **livestock** other than by road, such as:

- (i) private land available to move the **livestock**;
 - (ii) private or public land available for use as a race;
 - (iii) any existing underpass that can be used; or
 - (iv) the construction of a new underpass.
- (3) An **approval** to move, graze, tether or locate **livestock** in the **road** may be approved for single or multiple occasions; or for ongoing or regular use of the road for such purposes, at the discretion of Auckland Transport.
- (4) If a **road** is under repair or reconstruction, Auckland Transport may suspend the moving of **livestock** during the period of such repair or reconstruction.

Part 6: Trading, Events or Filming in the Road Corridor

Explanatory Notes:

1) This Part is solely in relation to trading or events or filming that occurs within or partly within the road corridor. The General Requirements section may also be relevant to trading, events or filming.

2) This Part is intended to complement Auckland Council's Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Public Trading, Events and Filming Bylaw 2022. This is to ensure consistency of regulation and licensing of trading, events and filming in relation to public spaces across the Auckland region.

37. Trading, events and filming require an approval from Auckland Transport

- (1) A person must hold an **approval** issued by Auckland Transport to undertake any of the following activities within the **road corridor** -
 - (a) trading;
 - (b) holding an event;
 - (c) filming.
- (2) Auckland Transport may, from time to time, by resolution, designate a specific **road** or part of a **road** or **public place** where any activities referred to in subclause (1), or any specified category of these activities, are prohibited to support the purpose of this Bylaw.

38. Applications may be granted or declined

- (1) Auckland Transport may grant or refuse an application in accordance with Clause 7 of this Bylaw.

39. Conditions may be imposed if an application is granted

- (1) Auckland Transport may impose any conditions on an **approval** under this Part it considers appropriate to achieve the purpose of this Bylaw.
- (2) Without limiting subclause (1), Auckland Transport may impose conditions about any one or more of the following matters -
 - (a) location (including multiple sites), nature, scale, frequency and duration of the activity;
 - (b) specifications on the use of any furniture, structures, equipment, side awnings, vehicles, signs, displays and other items used or associated with the activity;
 - (c) limits on the number of items used or associated with the activity (for example, in the case of micro-mobility hire traders, the number of micro-mobility devices that may be offered for hire);
 - (d) times of operation (days and hours), including any 'set up' and 'pack down' times;
 - (e) mitigating actual and potential impacts on the public, public place and surrounding environment (for example street, flora and fauna, heritage features, nearby residential or business areas) from the activity (for example in relation to public safety, nuisance and misuse of public places);
 - (f) ensuring a continuous accessible path of travel for pedestrians and vehicles free of nuisance, obstruction or hazards:
 - (i) particularly near intersections, bus stops, vehicle crossings, traffic islands, driveways, grass berms or verges and accessways;
 - (ii) by developing queue management strategies; and
 - (iii) by maintaining a minimum of unobstructed footpath width of no less than 1.8 metres (or a lesser width where the existing footpath is narrower than 1.8m);
 - (g) the approval holder's identification and information regarding any licence issued under this Bylaw;

- (h) compliance with approved impact mitigation plans (for example, a traffic management plan);
- (i) any relevant matters contained in any resolution made under this Bylaw;
- (j) compliance with requirements in any other relevant Act, regulation or Bylaw;
- (k) compliance with relevant Auckland Transport policies and plans and any shared space guidelines or policies;
- (l) reporting and / or monitoring before, during and / or after the activity;
- (m) holding and maintaining required insurance;
- (n) payment of one or more deposits, fees and / or charges;
- (o) a termination plan to remove any equipment or items used or associated with the activity in the event the **approval** is suspended or cancelled

40. Approval must be displayed or able to be produced at all times

- (1) A person or organisation must prominently display an approval granted to them in a manner that is able to be read by the public at all times the approval is used, or else be able to produce on request a physical or electronic copy of the approval.
- (2) However, sub-clause (1) does not apply if the approval expressly provides otherwise.

41. Auckland Transport may pass resolutions about trading, events and filming

- (1) Auckland Transport may pass a resolution for one or more of the following purposes –
 - (a) prescribing conditions in relation to **trading, events** and **filming** on any part of the **Auckland transport system**;
 - (b) prescribing requirements in relation to the approval of **trading, events** and **filming** on any part of the **Auckland transport system**;
 - (c) prohibiting trading in a **public place** either generally or for any specified category of **trading** on any part of the **Auckland transport system**.

Part 7: Fees and Charges

42. Auckland Transport may prescribe fees and charges

- (1) Auckland Transport may prescribe fees and charges by resolution in accordance with the [Local Government Act 2002](#) including for -
 - (a) applications for any **approval** under this Bylaw:
 - (b) inspections and re-inspections, including for any **works**:
 - (c) the on-going monitoring and administration of any **approval**:
 - (d) reasonable administrative costs relating to subclauses (a) to (c) above.

Part 8: Offences and Penalties

43. Auckland Transport may take action for failure to comply with an approval

- (1) This clause applies to a person who has been granted any **approval** under this Bylaw who –
 - (a) fails to comply with the **approval**, including any condition of any **approval**; or
 - (b) provided inaccurate information on any application for an **approval** which materially influenced the decision to approve the application.
- (2) Auckland Transport may take any one or more of the following actions, as applicable, against a person to whom this clause applies –
 - (a) issue a written warning which specifies any action required to be taken to comply with this Bylaw and the timeframe within which such action must be taken;
 - (b) review the **approval** which may result in its amendment, suspension or cancellation;
 - (c) exercise any of the statutory powers and penalties in clause 44.

44. Auckland Transport may use statutory powers and other methods to enforce this Bylaw

- (1) Auckland Transport may use its powers under the [Local Government Act 1974](#); [Local Government Act 2002](#) or the [Land Transport Act 1998](#), as applicable, to enforce this Bylaw.

Explanatory note: Auckland Transport's powers are set out under the:

- *Local Government Act 2002: court injunction ([section 162](#)), removal of works ([section 163](#)), seizure and disposal of property ([sections 164, 165, 168](#)), powers of entry ([sections 171, 172, 173](#)), cost recovery for damage ([section 176](#)), and power to request name and address ([section 178](#))*
- *Local Government Act 1974: recover costs and impose fines for street damage ([section 357](#)).*

Auckland Transport may also use other methods (for example audit, advice, information or warnings).

- (2) Auckland Transport may remove or alter any works or thing that is, or has been, constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

Explanatory note: Local Government Act 2002, removal of works ([section 163](#))

45. A person may be penalised for not complying with this Bylaw

- (3) A person who fails to comply with this Bylaw may commit an offence and become liable to a penalty under the [Local Government Act 1974](#); [Local Government Act 2002](#) or the [Land Transport Act 1998](#), as applicable.
- (4) However, a person does not commit an offence if the person proves that the failure to comply was due to compliance with the directions of Auckland Transport.

Explanatory note: A person who is convicted of an offence against the parts of this Bylaw made under the Local Government Act 2002, is liable to a fine not exceeding \$20,000 ([section 242](#))

A person who is convicted of an offence under [section 357](#) of the Local Government Act 1974 (street damage) is liable to a fine not exceeding \$1,000; and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued and may be ordered to pay the cost incurred by the council in removing any such encroachment, obstruction, or matter, or in repairing any damage.

Part 9: Revocation, savings and transitional arrangements

46. Revocations

- (1) On commencement of this Bylaw the following bylaws are revoked:
 - (a) Rodney District Council General Bylaw 1998 Chapter 6 Stock on Roads:
 - (b) Franklin District Council Stock on Roads Bylaw 2010:
 - (c) Auckland Transport Public Safety and Nuisance Bylaw 2013:
 - (d) Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places 2015:
 - (e) Auckland Transport Trading and Events in Public Places Bylaw 2015

47. Savings and transitional arrangements

- (1) Any resolution or other decision made under any bylaw referred to in clause 46(1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by Auckland Transport under this Bylaw.
- (2) Any approval, consent, permit, dispensation, permission or other form of approval made under any bylaw referred to in clause 46(1) continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, and except for an **approval** given for a road encroachment, expires 12 months from the date that this Bylaw commences; and
 - (c) can be renewed only by application made and determined under this Bylaw.
- (3) Any application for an approval made under a bylaw referred to in clause 46(1) that was filed before the day on which this Bylaw commences must be dealt with by Auckland Transport under the relevant former bylaw in clause 46(1).

Appendix A: Auckland Official Boundaries









