

Delegation for Road Gradients

Recommendation

That the Board:

- i. Establish a committee of senior managers to be known as the Standards Exemption Committee with membership as specified in the Instrument of Delegations appended to this report.
- ii. Delegate to the Standards Exemption Committee any power that Auckland Transport has to approve and set road gradients in terms of section 329 of the Local Government Act 1974 as set out in the Instrument of Delegations appended to this report.
- iii. Authorise the Chief Executive of Auckland Transport to make changes to the Instrument of Delegations appended to this report with regard to the membership of the Committee and to the specific statutory powers delegated to the Committee.

Executive summary

1. A situation has arisen with regard to the ability of AT to approve road gradients in excess of 12.5% since the Unitary Plan has become operative in part (and with the legacy district plans largely no longer being in force).
2. The Local Government Act 1974 (LGA 1974) imposes a limit of 12.5% on the gradients for roads which cannot be exceeded unless a higher gradient is fixed by any operative district scheme for the district, or that fixed by any bylaw or resolution of the council.
3. In recognition of the nature of the topography in some parts of Auckland, some of the legacy district plans provided for steeper gradients to be permitted in certain circumstances to allow for subdivision and development which would otherwise not be possible.
4. To allow these matters to be controlled through Auckland Transport Code of Practice (ATCOP) /Transport Design Manual (TDM) and/or other AT standards and processes no provisions were included concerning the gradients of roads (or for that matter other road standards) in the Unitary Plan.
5. ATCOP/TDM was originally intended to be brought into effect at the same time as the Unitary Plan to cover such matters, but its completion and adoption has been delayed.

6. Without the benefit of an approved ATCOP/TDM and associated resolution AT is therefore not legally able to approve roads with a gradient greater than 12.5% unless by bylaw or resolution as per section 329 (1) (b) of the LGA 1974¹.
7. It is proposed that in the short term the approval on a case by case basis of gradients above the limit imposed by the LGA 1974 be delegated to a committee of senior managers, appointed by the Chief Executive, who will be able to make a resolution to comply with the LGA 1974.
8. In the longer term, the formal adoption of the ATCOP/TDM will provide standards and guidance with criteria for assessing appropriateness of road gradients and the circumstances under which steeper gradients can be permitted. It will, however, still be necessary to provide a decision making mechanism to approve departures from the standards and this will be the subject of a future paper.

Strategic context

9. The provision of housing is a priority for Auckland and in certain locations complying with the gradient limit specified in the LGA 1974 without imposing significant unnecessary costs or reducing the development potential of sites is difficult.
10. There are, however, good reasons to control gradients and the circumstances and extent to which steeper gradients are permitted need to be managed to ensure safety and performance of the road network. The proposed SDC will put in place a group of senior managers who will be able to exercise judgement and expertise to achieve an appropriate balance between expedience for developers and the need to manage operational and safety concerns.

External Consultation/Engagement

11. No formal consultation on this proposal has been undertaken nor is it considered necessary. The issue has been identified by an external party who has approached AT.
12. The ATCOP has undergone a consultation process and its final provisions will take into account feedback received.

¹ LGA 1974 Section (329) Road gradients

- (1) No road shall be laid out or constructed by the council, and no road or proposed road on any scheme plan shall be approved by the council, with a grade in any part of its length steeper than—
 - (a) That fixed by any operative district plan for the district; or
 - (b) Where there is no such district scheme or no such grade is specified in any such district scheme, that fixed by any bylaw or resolution of the council; or
 - (c) One metre in 8 metres, in any case where that grade is not fixed by any such district plan or by any bylaw or resolution of the council.

Issues and options

The options available are: -

- A. To advocate to AC for a plan change to include such matters.

This is undesirable as it runs contrary to the intent of the Unitary Plan's approach not to control such matters through that mechanism. It is also a lengthy process out of AT's control, with uncertainty of outcome.

- B. To make a bylaw

This is also a lengthy statutory process involving public consultation which would take time with uncertainty of outcome.

- C. Short term - Delegate the power to make a resolution in terms of section 329 (1) of the LGA 1974 to a committee of senior managers.

The power to make a resolution can be delegated, but only to a committee of AT such as the proposed SDC.

- D. Long-term - The AT Board adopt the Transport Design Manual



ATCOP/TDM must include standards for appropriate road gradients, and provide appropriate flexibility to approve those in excess of 12.5% for this solution to be effective, including a mechanism put in place for dealing with departures from standards.

The preferred options are C in the short term and D in the longer term when TDM is adopted.

Next steps

13. Once the delegation has been approved the Chief Executive will constitute the SDC and nominate and appoint its membership.

Document ownership

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Glossary

Acronym	Description
ATCOP/TDM	Auckland Transport Code of Practice / Transport Design Manual
SDC	Standards Exemption Committee
LGA 1974	Local Government Act 1974

DELEGATION INSTRUMENT

ATDI2017/01

AUCKLAND TRANSPORT

STANDARDS EXEMPTION COMMITTEE

The Board:

- a. directs the Chief Executive to establish a Standards Exemption Committee, the membership of which shall be determined by the Chief Executive from time to time and will initially comprise Group Manager Major Capital, the Group Manager Network Management & Safety, the Manager Strategic Policy Integration and the Chief Engineer (Chair); and
- b. delegates to the Standards Exemption Committee established under (a) above, the power to make resolutions authorising roads with a grade in any part of its length steeper than 1 metre in 8 metres (1:8)