Appendix D Proposed changes to the Auckland Council Public Safety and Nuisance Bylaw 2013

The Table below shows proposed changes to the Auckland Council Public Safety and Nuisance Bylaw 2013 in response to the findings from a review of the Auckland Council Waste Management and Minimisation Bylaw 2019.

Existing words proposed to be deleted are shown in ~~strikethrough~~ and proposed words to be added are shown underlined.

Note: consequential edits to re-number schedule clauses are proposed but not shown for conciseness.

Current Public Safety and Nuisance Bylaw	Proposed amendments	Reasons for change
5 Interpretation **Public place —** (a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and (b) includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward; and (c) includes any Council controlled public place.	**5 Interpretation** **Public place** means **—** (a) ~~means~~ a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and (b) to avoid doubt, includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward~~;~~ and ~~(c) includes~~ any ~~C~~**council controlled public place**.	To align the definition of council controlled public places with other recently reviewed bylaws for consistency.
Schedule 1 **Restrictions on the use of public places**	**Schedule 1** **Restrictions on the use of public places** **11 Shopping trolleys** (1) A person must not place, leave or abandon a shopping trolley in a public place, unless prior written approval has been obtained from council for a council-controlled public place or the owner for a privately owned public place. (2) The owner of or person responsible for a shopping trolley (for example a shop manager) must not allow the trolley to remain in a public place for more than 48 hours after being notified by any person, including council. (3) However, (2) does not apply to any public place directly associated with the trolley (for example a trolley from a supermarket left in the car park of the supermarket)	To transfer rules about shopping trolleys and unaddressed mail not addressed in other existing legislation and still needed, to avoid the complexity of having a bylaw made under both the Waste Minimisation Act 2008 and the Local Government Act 2002.

Current Public Safety and Nuisance Bylaw	Proposed amendments	Reasons for change
	Related information about shopping trolleys Unauthorised taking of a shopping trolley from a business premises is theft or stealing under the Crimes Act 1961 (s219). Abandoning a shopping trolley in a public place is also an offence under the Litter Act 1979 (s15). Businesses may undertake initiatives to reduce the taking of shopping trolleys. Previously explored prevention initiatives include wheel-locking systems, coin-operated systems and bollards. Response initiatives may include abandoned trolley collection services. Council may use powers under the Local Government Act 2002 to retrieve abandoned trolleys from a public place and to recover the costs of doing so from the owner of or person responsible for the trolley. **14 Unaddressed mail ('flyers')** (1) A person must not place, cause, allow or instruct the placement or delivery of unaddressed mail on vehicles parked in a public place. **Related information about unaddressed mail** Placing unaddressed mail ("junk mail" or "circulars") may also be an offence under the Litter Act 1979 (s15) when: • placed in a letterbox that is likely to fall out or be blown away, for example because the letterbox is full or overflowing, is unsecured or unsuitable to receive or hold the mail; • placed in a letterbox in a way that may cause other material in that letterbox to fall out or be blown away; • placed in any public place.	

Current Public Safety and Nuisance Bylaw	Proposed amendments	Reasons for change
12 Soil, rock, shingle, shell, sand, vegetation, material, object or other naturally occurring thing **Related information about naturally occurring things, other regulations** The Resource Management Act 1991 and Auckland Unitary Plan protect scheduled trees, archaeological, heritage, and waahi tapu sites. The Litter Act 1979 and Solid Waste Bylaw 2012 prohibit the deposition of material. See also 1B animals', '5B damage', '9J set netting ', '5A crab potting.	**12 Soil, rock, shingle, shell, sand, vegetation, material, object or other naturally occurring thing** **Related information about naturally occurring things, other regulations** The Resource Management Act 1991 and Auckland Unitary Plan protect scheduled trees, archaeological, heritage, and waahi tapu sites. The Litter Act 1979 and ~~Solid Waste Bylaw 2012~~Waste Minimisation and Management Bylaw 2026 ~~prohibit~~ control the disposing and discarding of ~~deposition of material~~ waste. See also 1B animals', '5B damage', '9J set netting ', '5A crab potting.	Related information updated to replace Bylaw reference with correct title and to make minor improvements to the wording.