Appendix C Proposed changes to the Auckland Council Public Trading, Events and Filming Bylaw 2022

The Table below shows proposed changes to the Auckland Council Public Trading, Events and Filming Bylaw 2022 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 Trading, Events and Filming Bylaw	Proposed amendments	Reasons for change
Summary This summary is not part of the Bylaw but explains the general effects. Every day…. …The Bylaw is part of a wider framework, the bylaw does not seek to duplicate or be inconsistent with these requirements, which include – • … • rules about waste plans in the Auckland Council Waste Management and Minimisation Bylaw 2019 • …	**Summary** This summary is not part of the Bylaw but explains the general effects. Every day…. …The Bylaw is part of a wider framework, the bylaw does not seek to duplicate or be inconsistent with these requirements, which include – • … • ~~rules about waste plans in the Auckland Council Waste Management and Minimisation Bylaw 2019~~ • …	To remove the reference to Waste Bylaw rules transferred into this Bylaw.
5 Interpretation **council-controlled public place** means – (a) a place that is owned, managed, maintained or controlled by council or a council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and (b) to avoid doubt – (i) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of those places; and	**5 Interpretation** **Council-controlled public place** means **—** (a) a place that is owned, managed, maintained or controlled ~~under the control of Auckland~~ by council or a ~~council-controlled organisation~~ substantive council-controlled organisation (as defined in section 4(1) of the Local Government (Auckland Council) Act 2009 that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and (b) to avoid doubt – (i) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat	To align the definition of council controlled public places with other recently reviewed bylaws. To clarify the current definition of 'trade' to more explicitly include activities in clause 6 of the Bylaw, including donation collection bins.

<table>
<tr><th>Current Public Trading, Events and Filming Bylaw</th><th>Proposed amendments</th><th>Reasons for change</th></tr>
<tr><td>(ii) excludes any place under the control of the Tūpuna Maunga o Tāmaki Makaurau Authority

trade, trading and trading activity means the sale, hire or offer of goods or services for payment, reward or otherwise.</td><td>ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of those places; and
(ii) excludes any place under the control of the Tūpuna Maunga o Tāmaki Makaurau Authority.
trade, trading and trading activity means the sale, hire or offer of goods or services for payment, reward or otherwise and includes any fundraising, soliciting of subscriptions and collection of any financial or physical donations.</td><td></td></tr>
<tr><td>10 Applications for an approval must include required information and fees
(2) Without limiting (1), council may require an application for an approval to include information on one or more of the following matters in this table.
<table><tr><th>All applications for approvals may require the following information</th></tr><tr><td>(a) …</td></tr><tr><td>(g) …</td></tr></table>
Related information about how to apply for an approval (for example a licence or permit)
For more information about how to apply for an approval, view the following links:
• Markets, mobile shops, …
• E-scooter, e-bike …</td><td>10 Applications for an approval must include required information and fees
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<table><tr><th>All applications for approvals may require the following information</th></tr><tr><td>(a) …</td></tr><tr><td>(g) …</td></tr><tr><td>(h) a waste minimisation and management plan</td></tr></table>
Related information about how to apply for an approval (for example a licence or permit)
For more information about how to apply for an approval, view the following links:
• Markets, mobile shops, …
• Use this form to submit a draft waste minimisation and management plan
• E-scooter, e-bike ..</td><td>To clarify that a waste minimisation and management plan is required as part of the approval application process.</td></tr>
</table>

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<tr><th>Current Public Trading, Events and Filming Bylaw</th><th>Proposed amendments</th><th>Reasons for change</th></tr>
<tr>
<td>
11 Applications for an approval will be considered against relevant matters
(2) Without limiting (1), council may consider an application for an approval against one or more of the following matters in this table.
<table>
<tr><th>All applications for approvals may consider the following matters</th></tr>
<tr><td>(a) …</td></tr>
<tr><td>(c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment, for example:
(i) impacts as a result of noise, glare, light spill, odour, anti-social behaviour;
(ii) impacts…</td></tr>
<tr><td>(d) how any actual or potential impacts may be mitigated, for example through waste management and minimisation, traffic management, safety and risk management, adverse weather, emergency, customer conduct plans;</td></tr>
<tr><td>…</td></tr>
<tr><td>(h) whether the activity complies with relevant requirements in any Act, regulation or Bylaw to enable the activity to occur for example, obtaining and complying with an approved waste management and minimisation plan or compliance with food safety legislation;</td></tr>
<tr><td>(i) …</td></tr>
</table>
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<tr><td>(a)…</td></tr>
<tr><td>(c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment, for example:
(i) impacts as a result of noise, glare, light spill, odour, anti-social behaviour <u>and waste</u>;
(ii) impacts…</td></tr>
<tr><td>(d) how any actual or potential impacts may be mitigated, for example through waste <u>minimisation and</u> management ~~and minimisation~~, traffic management, safety and risk management, adverse weather, emergency, customer conduct plans;</td></tr>
<tr><td>…</td></tr>
<tr><td>(h) whether the activity complies with relevant requirements in any Act, regulation or Bylaw to enable the activity to occur for example, ~~obtaining and complying with an approved waste management and minimisation plan or~~ compliance with food safety legislation;</td></tr>
<tr><td>(i) …</td></tr>
</table>
</td>
<td>To update matters considered during the assessment of the application in relation to terminology and transfer of waste plan rules from the Waste Bylaw into this Bylaw.</td>
</tr>
</table>

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<tr><th>Current Public Trading, Events and Filming Bylaw</th><th>Proposed amendments</th><th>Reasons for change</th></tr>
<tr>
<td>
13 Conditions may be imposed if an application is granted
(2) Without limiting subclause (1), council may impose conditions about any one or more matters in this table.
<table>
<tr><th>All approvals may include conditions about the following matters</th></tr>
<tr><td>…</td></tr>
<tr><td>(m) compliance with approved impact mitigation plans (for example, a traffic management plan);</td></tr>
<tr><td>(n) any relevant matters contained in a control in clause 8;</td></tr>
<tr><td>…</td></tr>
</table>
.
</td>
<td>
13 Conditions may be imposed if an application is granted
(2) Without limiting subclause (1), council may impose conditions about any one or more matters in this table.
<table>
<tr><th>All approvals may include conditions about the following matters</th></tr>
<tr><td>…</td></tr>
<tr><td>(m) compliance with approved impact mitigation plans (for example, a traffic management plan);</td></tr>
<tr><td>(n) <u>compliance with an approved waste minimisation and management plan;</u></td></tr>
<tr><td>(o) any relevant matters contained in a control in clause 8;</td></tr>
<tr><td>…</td></tr>
</table>
</td>
<td>To support appropriate conditions being applied to a granted approval to support waste minimisation and management requirements.</td>
</tr>
<tr>
<td>
22 Existing controls, approvals and compliance action to continue
(1) This clause relates to the Auckland Council Trading and Events in Public Places Bylaw 2015 / Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea 2015 (2015 Bylaw).
(2) …
(3) Every approval (for example, a licence or permit) made using the 2015 Bylaw in (1) continues to apply until the expiration date in that approval or until it is renewed, reviewed, suspended or cancelled.
(4) Any existing compliance or enforcement action (including inquiry) by council under the 2015 Bylaw in (1) that was not completed before the date this Bylaw commences, will continue to be actioned under the 2015 Bylaw as if it were still in force and as if this Bylaw had not been made.
23 Existing applications and renewals of approvals to be processed under this Bylaw
(1) Any application for an approval under the 2015 Bylaw in clause 22(1) not approved or declined before the date this Bylaw commences, will continue to be processed as if it had been applied for under this Bylaw.
</td>
<td>
22 Existing controls, approvals and compliance action to continue
(1) This clause relates to <u>–</u>
<u>(a) the Auckland Council Trading and Events in Public Places Bylaw 2015 / Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea 2015 (2015 Bylaw);</u>
<u>(b) clause 13 (Donation collection bin operator approvals) of the Auckland Council Te Ture ā-Rohe Whakahaere me te Whakaiti Tuku Para 2019 Waste Management and Minimisation Bylaw 2019 (2019 Bylaw); and</u>
<u>(c) clause 15 (Waste management and minimisation plan approvals) of the 2019 Bylaw</u>.
(2) …
(3) Every approval (for example, a licence or permit) made using the 2015 Bylaw <u>or 2019 Bylaw</u> in (1) continues to apply until the expiration date in that approval or until it is renewed, reviewed, suspended or cancelled <u>in accordance with the provisions of this Bylaw</u>.
</td>
<td>To allow for approvals granted under the existing Bylaw to remain valid until their expiration date and to allow for applications made under the current Bylaw but not declined or granted before the Bylaw is revoked to be assessed in accordance with the provisions of this Bylaw.</td>
</tr>
</table>

Current Public Trading, Events and Filming Bylaw	Proposed amendments	Reasons for change
(2) Any application to renew an approval made using the 2015 Bylaw in clause 22(1), will be processed as if the approval had been applied for under this Bylaw.	(4) Any existing compliance or enforcement action (including inquiry) by council under the 2015 Bylaw or 2019 Bylaw in (1) that was not completed before the date this Bylaw commences, will continue to be actioned under the 2015 Bylaw as if it were still in force and as if this Bylaw had not been made. **23 Existing applications and renewals of approvals to be processed under this Bylaw** (1) Any application for an approval under – (a) the 2015 Bylaw (as defined in clause 22(1) of this Bylaw) and not approved or declined before the date this Bylaw commences; or (b) the 2019 Bylaw (as defined in clause 22(1) of this Bylaw) and not approved or declined before the date that Bylaw is revoked; will continue to be processed as if it had been applied for under this Bylaw. (2) Any application to renew an approval made using the 2015 Bylaw or 2019 Bylaw (as defined in clause 22(1)), will be processed as if the approval had been applied for under this Bylaw.	