

Panel report on Public Safety and Nuisance Bylaw 2013

File No.: CP2019/02668

Item 11

Te take mō te pūrongo

Purpose of the report

1. To adopt changes to the Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015 and to revoke legacy bylaws about fences.

Whakarāpopototanga matua

Executive summary

2. To enable a decision on whether to adopt proposed changes to Auckland Council public safety and nuisance bylaws, an appointed Hearings Panel has deliberated and made recommendations on public feedback to the proposed changes (proposal).
3. The proposal sought to protect people from nuisance or unsafe behaviours and activities in public places. The Governing Body adopted the proposal for public consultation on 27 September 2018 (GB/2018/148). At the close of public feedback on 5 December 2018, approximately 1,865 feedback responses were received.
4. The Panel recommend the Governing Body adopt the proposal with changes in response to matters raised in public feedback (Attachment C), including that:
 - leaving or storing items in public places be amended to make the bylaw clearer about what items cannot be stored on public places
 - aggressive or intimidating behaviour around begging be removed to make the behaviours expected from all Aucklanders in public places clearer
 - nuisance and safety issues relating to drones be amended to specifically regulate the use of drones
 - controls on set-netting be amended to increase transparency around decision-making for recreational fishing controls
 - setting off fireworks retain a ban on the use of fireworks in public places
 - issues are addressed in existing legislation and other bylaws where appropriate to make the bylaw easier to understand
5. The original Hearing's Panel report is appended as Attachment A.
6. Taking this approach will make the Bylaw more certain and will better protect the public from nuisance or unsafe behaviours and activities in public places.
7. There is a reputational risk that some people or organisations may not feel council has listened to their concerns. This can be mitigated by communicating the reasons for the decisions to those who gave feedback.
8. If adopted, staff will publicly notify the decision, update the bylaws when they come into force on 1 October 2019 and implement any operational changes.

Ngā tūtohunga Recommendation/s

That the Governing Body:

- a) approve the Panel recommendations on proposed changes to the Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and revocation of legacy bylaws about fences in Attachment A and Attachment B of the agenda report.
- b) confirm that a bylaw is the most appropriate way to protect people from nuisance or unsafe behaviours and activities in public places.
- c) approve that the Public Safety and Nuisance Bylaw 2013 and amendments to the Animal Management Bylaw 2015 and Traffic Bylaw 2015 in Attachment C of the agenda report:
 - i) are the most appropriate form of bylaw
 - ii) do not give rise to any unjustified implications and are not inconsistent with the New Zealand Bill of Rights Act 1990.
- d) adopt the amended Public Safety and Nuisance Bylaw 2013 in Attachment C of the agenda report with effect from 1 October 2019.
- e) adopt the amendments to the Animal Management Bylaw 2015 and Traffic Bylaw 2015 in Attachment C of the agenda report with effect from 1 October 2019.
- f) revoke the legacy bylaws about fencing in Attachment C of the agenda report with effect from 1 October 2019.
- g) approve the distribution of this report and associated minute to local boards and advisory panels for their information.
- h) delegate authority through the Chief Executive to a manager responsible for bylaws to make any amendments to the bylaws in Attachment C of the agenda report to correct errors or omissions.

Horopaki Context

9. Te Ture a-Rohe Marutau a-lwi me te Whakapōrearea 2013, the Public Safety and Nuisance Bylaw 2013 (Bylaw) aims to protect people from nuisance or unsafe behaviours and activities in public places. Public places include parks, beaches, civic spaces and other places accessible to the public, but generally not roads. Rules on roads and footpaths next to roads are contained in the Auckland Transport Public Safety and Nuisance Bylaw 2013.
10. During the review of the Bylaw, matters related to public safety and nuisance were also identified in the Auckland Council Animal Management Bylaw 2015, Traffic Bylaw 2015 and legacy bylaws about fences.
11. The Regulatory Committee on 13 September 2018 appointed a Panel¹ to deliberate and make recommendations to the Governing Body on public feedback on proposed changes to the Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015 and revocation of legacy bylaws about fences (proposal) (REG/2018/65).
12. The proposal was adopted by the Governing Body on 27 September 2018 for public feedback (GB/2018/148).

¹ Councillor Linda Cooper (Chair), Councillor Cathy Casey, Councillor Daniel Newman and Independent Māori Statutory Board Member Renata Blair.

13. The proposal seeks to better protect people from nuisance and unsafe behaviours and activities in public places by making changes to bylaws that:
 - use central government legislation instead of a bylaw to address damage, car window washing, mind-altering (psychoactive) substances, graffiti, noise, fish offal, gates in parks, fireworks on non-public places, street names and property numbering
 - move issues about animals, drains, signage, stormwater and traffic to existing, dedicated bylaws
 - prohibit leaving construction materials, boats, shipping containers and consumer goods not on display for sale in public places, unless approved by council
 - clarify the expected behaviours and restrictions on the use of public places
 - clarify how council makes controls and gives approvals
 - clarify which public places the bylaw applies to and enable people in control of those public places to approve exemptions
 - replace legacy bylaws about fences with changes to the Public Safety and Nuisance Bylaw 2013.
14. The proposal was notified for public feedback from 26 October to 5 December 2018. People were able to provide feedback either online, by post or in person at five Have Your Say events, a stakeholder event and a hui for rangatahi Māori. Approximately 1,865 individual feedback responses were received.
15. The Panel deliberated on the public feedback to the proposal at a public meeting on 18 February 2019.
16. More information about the proposal, public notification and feedback can be viewed on council's [have your say](#) and [hearing](#) webpages.

Tātaritanga me ngā tohutohu Analysis and advice

17. The Panel structured its deliberations and recommendations on the public feedback by topic. Table 1 contains a summary of the panel recommendations to key parts of the proposal.
18. A full summary and panel recommendations is in Attachment A. This includes relatively minor recommended changes to the proposal to exempt the New Zealand Defence Force in a similar way to civil defence personnel, include a definition of Tūpuna Maunga and refer to only regional parks management plans.

Table 1: Summary of key panel recommendations

Topic	Summary of Panel recommendation
Leaving or storing items in public places	Adopt proposal as publicly notified to better protect people from nuisance and unsafe behaviours, and activities in public places by making the bylaw clearer about what items cannot be stored on public places.
Aggressive or intimidating behaviour around begging	Adopt proposal as publicly notified to better protect people from nuisance and unsafe behaviours, and activities in public places by making the behaviours expected from all Aucklanders in public places clearer.
Nuisance and safety issues relating to drones	Adopt proposal as publicly notified to better protect people from nuisance and unsafe behaviours, and activities in public places by specifically regulating the increasing use of drones.

Topic	Summary of Panel recommendation
Controls on set-netting	Adopt proposal as publicly notified to increase transparency around decision-making for recreational fishing controls.
Setting off fireworks	Adopt proposal as publicly notified to better protect people from nuisance and unsafe behaviours, and activities in public places by retaining a ban on the use of fireworks in public places.
Issues addressed in existing legislation and other bylaws	Adopt proposal as publicly notified to make council's regulatory approach easier to understand by using other existing regulations to address problems with no change to service levels.

19. Where Panel recommendations in Attachment A result in changes to the proposal, the changes recommended by the Panel are shown in a comparison table in Attachment B.
20. The Panel recommends that the Governing Body adopt the proposed changes in Attachment C which incorporates the changes recommended by the Panel by making the necessary statutory determinations. Taking this approach will make the Bylaw more certain and better protect people from nuisance or unsafe behaviours and activities in public places.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

21. The proposed changes impact council units involved in regulatory compliance and regional parks. Input was sought through face-to-face meetings throughout the process. Council units are aware of the impacts of the proposed changes and their implementation role.
22. Auckland Transport, which has its own public safety and nuisance bylaw for the Auckland transport system, has been kept informed of proposed changes throughout the process.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

23. The impact of the issues addressed in the proposal varies across Auckland. For example, nuisance car window washing occurs more in central and southern local board areas while nuisance and unsafe set-netting occurs more in northern and east coast local board areas.
24. Local boards were provided opportunities to input into the decision-making process in writing or in person at a local board session with the Panel.
25. The five local boards who provided input were largely supportive of the proposal. Local board views about more bylaw compliance and enforcement have been referred to relevant staff.

Tauākī whakaaweawe Māori Māori impact statement

26. The Bylaw regulates complex social issues which may disproportionately impact Māori. These include activity related to obstruction, rough sleeping, begging, car window washing and mind-altering substances. The Bylaw also regulates activities on parks and beaches about which mana whenua may have a customary interest.
27. Mana whenua and mataawaka were notified of the proposal and given the opportunity to provide feedback on-line or in person at 'Have Your Say' events, a hui for rangatahi Māori or a Panel one-on-one event. Feedback received from Māori includes:
 - rangatahi Māori generally agree with the proposals about begging activity and car window washing and want to ensure Māori were consulted about set netting

- Four iwi sought to prohibit scattering of ashes and a fifth sought to prohibit vehicles on Muriwai and Kariotahi beaches
 - the Tūpuna Maunga o Tāmaki Makaurau Authority sought to ensure any changes supported their role as kaitiaki and rangatira of the Tūpuna Maunga.
28. The Panel recommendations to adopt the proposal to include a definition of Tūpuna Maunga support this feedback in part.
29. The Panel recommend that decisions on the scattering of ashes are more appropriately addressed through continued non-regulatory discussions between council, mana whenua and other cultures. The Panel also recommend that a decision about prohibiting vehicles on beaches is more appropriate during the review of the Auckland Council Traffic Bylaw 2015 as proposed.

Ngā ritenga ā-pūtea Financial implications

30. Public notification and implementation costs will be met within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

31. There is a reputational risk that people who provided feedback may not feel council has listened to their concerns. This can be mitigated by staff communicating the reasons for the decisions to those who gave feedback.

Ngā koringa ā-muri Next steps

32. If adopted, staff will notify the general public and people who gave feedback about the decision and publish updates to the bylaws when they come into force on 1 October 2019.

Ngā tāpirihanga Attachments

No.	Title	Page
A 	Panel recommendations to public feedback	49
B 	Comparison of proposed and Panel recommended changes to bylaws	61
C 	Amended bylaws and bylaws to be revoked for adoption by the Governing Body	63

Ngā kaihaina Signatories

Authors	Pania Elliot - Principal Policy Analyst Feretī Lualua - Policy Analyst
Authoriser	Stephen Town - Chief Executive

Attachment A: Deliberations table to public feedback on the proposal about public safety and nuisance

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Leaving or storing items in public places Of 1,594 feedback responses: 1,330 support (83 per cent) and 126 (8 per cent) oppose. Total of 568 comments made, key themes: - clarifies the bylaw (377 comments) - public space for public use 'not personal or commercial convenience' (56 comments) - need exemptions for certain circumstances e.g. for temporary storage, sports clubs etc (52 comments) - do not want extra costs or legislation 'stop legislating everything' (21 comments) - extend / make the bylaw stronger (15 comments). Key changes sought: - Need exemptions for temporary storage, sports clubs etc... (52 comments). - Ban the activity (18 comments). - Add Lime scooters, Onzo bikes, trailers, toys, clothes (9 comments).	Background information from bylaw review The current bylaw prohibits leaving anything in public – not practicable. The proposal seeks to: - more clearly prohibit specific items known to cause problems (for example a safety risk, nuisance, damage or obstruction) from being left or stored on public places - for example, boats (tenders or dinghies), building or construction materials, equipment and amenities, consumer goods not on display for sale and shipping or storage containers. - provide exemptions to allow for shade tents and boats to temporarily access land provided they do not cause an obstruction - allow things like towels on beaches for example provided they also do not cause an obstruction. Refer to Bylaw clause 6(3) and Schedule 1 (2), (3), (4), (5) and (10)). Items on the transport network are addressed by Auckland Transport. Information to assist Panel deliberations - Bylaw enables council to make exemptions with prior written approval (includes leases) for temporary storage or the needs of sports clubs. - Rental e-scooters and bikes in public places already regulated in the Auckland Council and Auckland Transport trading and events bylaws. - Trailers already regulated in the Auckland Council and Auckland Transport traffic bylaws. - Littering and illegal dumping already regulated in the Auckland Council Solid Waste bylaw and Litter Act 1979. - Leaving of toys and clothing on public places already addressed in the Auckland Council Solid Waste bylaw and Litter Act 1979. - In terms of compliance, council takes a managed (humane) approach for items left by people who may be homeless or rough sleepers.	That the proposal about the leaving or storing items in public places be adopted as publicly notified. Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by making the bylaw clearer about what items cannot be stored on public places. For example, boats, tenders or dinghies, building or construction materials or equipment. Note: Relevant Community Facilities staff advise that Panel member concerns about the potential safety risks from storage of scrub machines is being monitored. Governing Body members are updated as required via existing reporting processes.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Aggressive or intimidating behaviour around begging Of 1,621 feedback responses: 1,275 support (79 per cent) and 206 oppose (13 per cent). Total of 686 comments made, key themes: • 'one set for rules, rather than further marginalising a vulnerable community' (396 comments) • more monitoring/enforcement around begging activity (91 comments) • generally, disagree with proposal (96 comments): ◦ begging activity needs to be clearly identified separate from behaviour expected from everyone else ◦ beggars are often intimidating and need to be moved off street ◦ they are only begging for money for drugs and alcohol and tobacco. Key changes sought: • Ban begging activity (82 comments). • Extend/make the bylaw stronger (53 comments). • Retain begging and nuisance clause (BIDs and Heart of the City).	Background information from bylaw review • Begging has complex social drivers. • Bylaw not effective and efficient for addressing intimidating or nuisance behaviour around begging and is not used. • Graduated compliance approach is more effective in addressing issues – this includes advice, education and referral to social services. • Police address behaviour which escalates to a criminal threshold • The proposal seeks to clarify the expected behaviour that apply to all Aucklanders in public places and explains how council addresses nuisance or intimidating begging. Refer to Bylaw clause 6(1) and Schedule 1(1C). Information to assist Panel deliberations • Proposed Bylaw clause 6(1) addresses nuisance or intimidating behaviour and more clearly explain types of bad behaviour including descriptors of what constitutes a 'nuisance'. • including the word 'nuisance' would not neither diminish or improve the proposed Bylaw.	That the proposal about aggressive or intimidating behaviour around begging be adopted as publicly notified. Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by making the behaviours expected from all Aucklanders in public places clearer.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Nuisance and safety issues relating to drones Of 1,688 feedback responses: 1,443 support (87 per cent) and 126 oppose (8 per cent). Total of 77 comments made, key themes: - rules around drones need to be clearer as they are now more commonly used (181 comments) - drones already have enough rules (59 comments) - privacy concerns (251 comments) - safety/nuisance concerns (181 comments). Key changes sought: - Ban drone activity (29 comments). - Require a licence to operate a drone (56 comments). - Prohibit over certain areas such as private property (48 comments).	Note: comments do not represent any position of the Panel Background information from bylaw review When the current bylaw was first made, drones were not in common use. The proposal seeks to: - include drones and rules around their use over council controlled public places in the Bylaw - explain that council approves the use of drones over a council controlled public place subject to compliance with the council's code of conduct for use of drones and UAVs. Refer Bylaw clause 6(2) and Schedule 1(12). Information to assist Panel deliberations - Council cannot make a total ban on drones in public places because it would be contrary to government legislation that allows their use. - Council also has no authority to regulate drones over private property. - Civil Aviation Authority rules manages operators of drones that are over 25kgs which requires licencing and certification. - Civil Aviation Authority rules and privacy legislation address issues relating to drones on private property. - Council currently determines which public places drones are allowed to fly over using its code of conduct. - Reckless or dangerous use of drones over public places is addressed in proposed Bylaw clause 6(2) and in council's code of conduct.	That the proposal about drones be adopted as publicly notified. Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by specifically regulating the use of drones through a code of conduct. The code includes restrictions on where and how they can be flown. Note: The Panel recommended supporting compliance via promotion of rules around drones (including prohibition over Maunga) via a plain English Code of Conduct and via our Auckland and council website. Staff have shared this with internal staff and this is being actioned.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Controls on set-netting Of 1,547 feedback responses: 1,252 support (81 per cent) and 66 oppose (4 per cent). Total of 551 comments made, key themes: - generally agreed with proposal (135 comments) - clarity helps with understanding (44 comments) - dangerous for public, birds, marine life (137 comments) - prevent over-fishing (194 comments) - regulated by national regulations under MPI (nine comments) - focus on commercial fishing as they impact more on our seabed, ocean and fish numbers (13 comments). Key changes sought: - Ban the activity (92 comments). - Extend /strengthen bylaw: stricter recreational fishing controls, need to protect birds/animals (39 comments, World Animal Protection).	Background information from bylaw review The proposal is to: - increase transparency of decision-making for how controls on recreational fishing are made - retain current council set-netting restrictions (which do not apply to customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing Regulations 1998) - rely on proposed clause 6(1) to address set-netting that intentionally obstructs, disturbs, interferes or intimidates any person in their use or enjoyment of a beach. Refer Bylaw clause 6(1) and Schedule 1 (5A,8A and 9J). Information to assist Panel deliberations - Only government (not council) has the power to totally ban set-netting. - Council can only address public safety and nuisance issues associated with recreational fishing activities. The Ministry for Primary Industries is responsible for fisheries management. - Issues relating to animals are addressed under Fisheries Act 1996 and the Wildlife Act 1953. - Issues associated with litter are addressed under the Litter Act 1979. - Any new set-net bans must be made through a separate process.	That the proposal about controls on recreational fishing be adopted as publicly notified. Reasons include to increase transparency around decision-making for how controls on recreational fishing are made.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment	Panel recommendation and reasons
Setting off fireworks Of 1,723 feedback responses: 1,456 support (81 per cent) and 208 oppose (12 per cent). Total of 842 comments made, key themes: - generally agree with proposal (96 comments) - safety issues for people and animals (231 comments, SPCA) - ban all personal use of fireworks (167 comments) - prefer public displays (156 comments) - fireworks in a public place creates noise nuisance throughout the night (and day) (79 comments, BIDs) - too many people are still doing reckless things without any regard for the safety of other members of the public (78 comments) - excessively restrictive: 'It's one night a year the fun Police should go home for the night' (17 comments) - part of culture/tradition: 'It is not fair to take this tradition away altogether' (14 comments). Key changes sought: - Ban fireworks altogether except council public displays (167 comments). Extend / strengthen bylaw: 'be like Northern Ireland have a license to obtain and use fireworks' (59 comments).	Note: comments do not represent any position of the Panel Background information from bylaw review The proposal seeks to: - retain the prohibition on setting off fireworks in public places - on other places (e.g. private property), to rely on national legislation to address noise (Resources Management Act 1991), bad behaviour (Summary Offences Act 1981) and animal welfare (Animal Welfare Act 1999). Refer Bylaw Schedule 1(8). Information to assist Panel deliberations - Only government (not council) has the power to change legislation to ban the sale of fireworks. - Council intends to request government to ban the sale of fireworks to the general public. This would not affect public displays.	That the proposal about fireworks be adopted as publicly notified. Reasons include to: - better protect people from nuisance and unsafe behaviours and activities in public places by retaining a ban on the use of fireworks in public places - make council's regulatory approach easier to understand by using other existing regulations to address problems from the use of fireworks on other places. This reduces duplication and makes council's regulatory approach more streamlined.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Issues addressed in existing legislation and other bylaws Of 1,400 feedback responses: 935 support (67 per cent) and 140 oppose (10 per cent). Total of 423 comments made, key themes: - generally agree with proposal: 'get rid of overlapping regulations' (125 comments) - generally disagree (11 comments) - better to have central legislation than regional laws on these issues (4 comments) - shared a personal experience/story (70 comments) - unsure or didn't know (99 comments) - council should keep control: Not sure if these things would get done if they were to be absorbed into a national governance (39 comments). Key changes sought: - Council should keep control: 'I agree the issues would be better dealt with under the proposed legislation/bylaws but only if they are addressed by Councils and not Government' (39 comments). - Extend and strengthen the bylaw: 'Simplify these rules, but make sure they are clear and are strengthened' (17 comments).	Background information from bylaw review The proposal seeks to streamline council bylaws by: - removing issues that are better addressed by government legislation: damage to council property, car window washing, use of mind-altering (psychoactive) substances in public places, graffiti, noise, fish offal, gates in parks, fireworks on private property affecting people or property in public places, street names and property numbering - moving issues from the Public Safety and Nuisance bylaw to other more relevant existing Auckland Council bylaws: animals, drains, signage, stormwater, vehicles on parks and beaches - moving issues about fences in legacy bylaws into the Public Safety and Nuisance bylaw and revoking the legacy bylaws. Refer Bylaw clause 16 and Schedule 1(1B, 4C, 5B, 6, 8, 8A, 9, 9A, 9C, 9E, 9G, 9G, 11A and 11B). Information to assist Panel deliberations - Council would continue to respond to complaints – no change to service levels. - Council officers do not use or enforce the bylaw about issues proposed to be addressed by government legislation for health and safety reasons. - For example, persons using mind altering substances pose health and safety risk to council safety officers as they are not trained or empowered to address. Complaints about immediate danger or harm are referred to the Police by the council Call Centre.	That the proposal about: - using government legislation; - using other Auckland Council bylaws and - removing legacy bylaws about fences be adopted as publicly notified. Reasons include to make council's regulatory approach more streamlined (reduce duplication) by using other existing regulations to address problems with no change to service levels.

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Bylaw exemptions The New Zealand Defence Force (NZDF) considers it appropriate that its personnel be excluded from compliance with the Bylaw when exercising their lawful functions (including training), in order to provide certainty that such activities can take place when required. Key changes sought: (additions <u>bold underlined</u>) 3 Application (3) This Bylaw does not apply to Council, emergency services, civil defence personnel, <u>New Zealand Defence Force personnel</u> or network utility operators exercising their lawful functions, <u>including training</u>.	Background information from bylaw review - The proposal identifies persons exempt from compliance with the Bylaw who undertake a public service, for example police (refer clause (3)(3)). Information to assist panel deliberations - The NZDF undertakes temporary military training activities (TMTA) across New Zealand, including in Auckland. - It is required to undertake this training to fulfil its statutory obligations under the Defence Act 1990. - NZDF may also be required to act in various situations such as emergency response, civil defence assistance and counter-terrorism. - The change sought by the NZDF does not present a legal risk to the council and would align with national legislation.	That the request for the New Zealand Defence Force to be exempted from compliance with the Bylaw be accepted and proposal amended. Reasons include: - to better enable NZDF personnel to carry out their lawful functions under the Defence Act 1990, including training - TMTA are regulated as permitted or controlled activities under the Auckland Unitary Plan (AUP). For example, the AUP requires NZDF to provide notice and a noise management plan to Council prior to weapons firing or the use of explosives. Refer to Attachment B, clause 3(3) for recommended changes.
Scattering of Ashes Ngāti Whātua, Ngāati Whānau, Ngāti Te Ata Waiohū, Ngāti Tamaoho: - have traditional links (whakapapa), kaitiakitanga (guardianship) and obligations for protecting the environment and waterways, sites of significance, Maunga (volcanic cones), taonga (treasures), food cultivation and gathering areas which are waahi tapu (sacred) - find dispersal of ashes in waterways culturally inappropriate and abhorrent.	Background information from bylaw review - The proposal does not seek to specifically regulate the scattering of ashes. Council currently provides guidance about the scattering of ashes. For example by stating that inappropriate locations include sports fields, play areas, public gardens, Maunga (volcanic cones) and food cultivation and gathering areas. People are advised to contact mana whenua for advice before scattering ashes. - The exception is on regional parks where the scattering of ashes is prohibited in the Regional Parks Management Plan 2010 for environmental and cultural reasons. Refer Bylaw Schedule 1(91). Information to assist panel deliberations Scattering ashes is a complex and sensitive cultural and religious issue:	That the request for the scattering of ashes to be prohibited in all public places be declined at this time. Reasons include: while the Panel support concerns raised by mana whenua about scattering of ashes, this recommendation will allow more time for council, mana whenua and other cultures to continue discussions in a timely manner to reach a satisfactory resolution.

Attachment A

Item 11

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Key changes sought: - Prohibit burial and scattering of ashes on all public places (including waterways). - Strict enforceable penalties. - Increased provision of information to community, further discussion/engagement and involvement with council on the issue.	- scattering of ashes in waterways and waahi tapu sites is deemed tapu and culturally inappropriate for Māori, especially where food is gathered from the waterways - for some communities (for example the Hindu community) the scattering of ashes may be a religious requirement or preference - both mana whenua and Hindu community have on-going concerns, most recently through this review, the review of the council's cemeteries bylaw and at Waikowhai Park - raises issues on human rights, freedom of religion, Treaty of Waitangi. A recent Law Commission review on the scattering of ashes¹ identified it as an ongoing issue not addressed under national legislation and that clearer understanding of problem was needed.	Note 1: Cr Newman and Renata Blair voted against the above recommendation. Note 2: An alternative recommendation was lost on casting vote of the Panel Chair. The lost recommendation would have prohibited the scattering of ashes in all public waterways because mana whenua are kaitiaki, ashes in waterways are culturally inappropriate, and would have supported iwi feedback.
Vehicle on beaches Ngā Maunga Whakahii o Kaipara Development Trust (Trust) are concerned about vehicles on Muriwai and Kariotahi beaches. Key changes sought: Prohibit driving on Muriwai and Kariotahi beach.	Background information from bylaw review - The proposal is to transition the current bylaw provisions about vehicles to the Auckland Council traffic bylaw. - The current approach allows a person may drive a vehicle on a beach to deposit or retrieve a boat from the water, in the case of emergency, or if council has provided written approval. - Council currently provides written approval to drive on Kariotahi or Muriwai beaches via an online permitting system. - Council officers respond to complaints and monitor 'hot spots'. - During the review, Māori stakeholders identified the need for good environmental management, ensuring Māori engagement as kaitiaki and maintaining tikanga (protocols) on land adjacent to beaches. Information to assist panel deliberations The transition of the current bylaw provisions to the Auckland Council traffic bylaw could provide an opportunity to further discuss this issue with mana whenua and other people affected by that decision.	That the request to prohibit vehicles on Muriwai and Kariotahi beaches be declined. Reasons include: - while the Panel supports the feedback from Ngā Maunga Whakahii o Kaipara Development Trust, it is considered more appropriate to address this matter in the review of the Auckland Council Traffic Bylaw 2015 Note: Staff will notify Ngā Maunga Whakahii o Kaipara Development Trust of the decision and reasons, including that: - the proposal sought to determine which bylaw should regulate vehicles on beaches - decisions on whether to prohibit vehicles from beaches will be

¹ Law Commission, [Decisions about ashes, memorialisation, additional interments, and disinterment](#)

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Tūpuna Maunga The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) are concerned the proposed bylaw does not provide for the appropriate regulation of activities on Tūpuna Maunga. Key concerns / changes sought: - No reference to approval from the Maunga Authority relating to general behaviour in clauses 6, 7 and 8 of the current bylaw. - Proposed clause 11 shows how Council gives approvals but doesn't make any reference to other relevant authorities, such as the Maunga Authority, who have the delegation to grant approval for a number of activities outlined in Schedule 1. - Include the Tūpuna Maunga Integrated Management Plan as a management plan that can be enforced under the Bylaw. - Include definition of the Tūpuna Maunga.	Background information from bylaw review The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) is the statutory authority established to co-govern the Tūpuna Maunga. The Maunga Authority has the power to adopt its own plans and bylaws. The proposed Bylaw does not seek to regulate all activities on Tūpuna Maunga. Instead the Bylaw proposes to ensure any decision of the Maunga Authority prevails over the Bylaw. For example: - any specific activity proposed in Schedule 1 that applies to Tūpuna Maunga allows the Maunga Authority to approve an exemption - any bylaw the Maunga Authority adopts prevails over the Bylaw (refer clause 3(2)). The bylaw proposes to prohibit generic bad behaviours (clause 6) that no authority would approve, for example causing an obstruction. Information to assist panel deliberations - The Maunga Authority has the power to adopt management plans and bylaws at its own discretion, and to make decisions as the land owner. It does not require council to adopt a bylaw on its behalf. - Current bylaw clauses 6, 7 and 8 are proposed to be amended to refer to generic bad behaviours (clause 6) and specific activities (Schedule 1) which where appropriate provide for the Maunga Authority to approve an exemption.	considered as part of the upcoming review of the Traffic Bylaw 2015 the Trust will have an opportunity to input into future decisions on vehicles on beaches as part of that review. Note 1: The feedback has been forwarded to staff for consideration as part of the review of the Traffic Bylaw 2015. Note 2: Renata Blair voted against the recommendation. That the request to include further provisions about Tūpuna Maunga be accepted in part and proposal amended to include a definition of Tūpuna Maunga. Reasons include to provide clarity around the definition and location of Auckland's Tūpuna Maunga. Refer to Attachment B for recommended changes.

9

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Proposed clauses 7(4) and 10 appear to narrow the scope of the bylaw rules related to restricting access to only Council controlled public places. The impact of this change is that the bylaw would no longer provide a compliance framework for when the Maunga Authority restricts public access to the Tūpuna Maunga.	- Proposed clause 11 relates to the council approval process. The Maunga Authority can determine its own process. 'Tūpuna Maunga' is only mentioned once in the Bylaw as example.	
Smoking in public places The Auckland Regional Public Health Service and Cancer Society Auckland Northland are interested in strengthening Council's smoke free policies at council run events and at public transport hubs. Key changes sought: - Include "a person must not smoke at public transport hubs or council run events" in Schedule 1. - Retaining the existing public health purpose of the bylaw in clause 4(1)(a). - Delete 'wilfully' from clause 6(1) to assist with enforcement of bad behaviour. - Amend clause 7(3) to make clear that smoking is prohibited in regional parks as specified in the Auckland Regional Parks Management Plan.	Information to assist panel deliberations - Council has previously investigated using a bylaw to regulate smoking in public and determined that this was not the most efficient and effective response. A smoke free policy is currently being implemented (REG/2017/108). - The intent of the Regional Parks Management Plan with regard to smoking states that an information and education approach will be used to prohibit smoking in regional parks not a bylaw.	That the request about smoking be rejected. Reasons include: - Council has previously investigated using a bylaw to regulate smoking in public and determined that this was not the most efficient and effective response. A smoke free policy is currently being implemented (REG/2017/108); - the intent of the Regional Parks Management Plan with regard to smoking states that an information and education approach will be used to prohibit smoking in regional parks not a bylaw. Note: Auckland Council's Smoke free Policy prohibits smoking at train stations and platforms, bus stations and shelters, and ferry terminals.
Removal of sand and definition of beach Omaha Beach Community Inc. Committee are concerned about the removal of sand. Key changes sought:	- Proposed Schedule 1(1(2)) already prohibits removal of any naturally occurring thing which includes sand. - The proposed definition of beach (below) is comprehensive and would include a groyne as 'part of a beach environment'.	Reasons include: proposed Schedule 1(1(2)) already prohibits removal of any naturally occurring thing which includes sand;

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
- Include the removal of sand from a beach under proposed Schedule 1(11(2)). - Amend the definition of beach in clause 5(1) to include any groyne adjacent to and effectively part of a beach.	"the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area". Groyne not commonly used term, inclusion however would neither improve or diminish the bylaw.	the proposed definition of beach (below) is comprehensive and would include a groyne as 'part of a beach environment'; "the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area".
Animal welfare The SPCA are concerned about animal welfare. Note: Concerns about fireworks are addressed under "Setting off fireworks". Key changes sought: - Proposed clause 4 (purpose) to include protection of animals from nuisance. - Include dogs in definition of 'Animals' under clause 5 (interpretation). - Include animals in Nuisance definition under clause 5 (interpretation) and having regard to nuisance to animals under clause 6 (bad behaviours).	Information to assist panel deliberations - Council in general does not have authority to protect the welfare of animals. There are some limited exceptions, for example under the Dog Control Act 1996. - Council's powers in respect to this bylaw are limited to the safety of people and protecting people from nuisance. - Animal welfare is addressed in the Animal Welfare Act 1999. - The proposal seeks to move provisions related to ensuring animal owners do not allow their animal to cause a safety risk or nuisance to other people to the council's existing Animal Management bylaw so all matters related to animals are in a single bylaw.	That the request about inclusion of animal welfare provisions be rejected. Reasons include: - council in general does not have authority to protect the welfare of animals. There are some limited exceptions, for example under the Dog Control Act 1996 - council's powers in respect to this bylaw are limited to the safety of people and protecting people from nuisance - animal welfare is addressed in the Animal Welfare Act 1999 - this bylaw is not the appropriate place to address these matters.
Graffiti and skateboarding Auckland BIDs are concerned about graffiti and skateboarding.	Information to assist panel deliberations Council currently relies on Police powers under the Summary Offences Act to address graffiti. The current bylaw is not used.	That the request about graffiti and skateboarding be rejected. Reasons include that: council currently relies on Police powers under the Summary Offences

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
Note: Concerns about nuisance are addressed under "Aggressive or intimidating behaviour around begging". Key changes sought: Retain clauses that address graffiti and skateboarding.	- Council supports police through its graffiti eradication programme (for example the Adopt-a-Spot programme) which helps the Police to collect evidence to support prosecutions and eradicates graffiti. - Proposed clause 6(2) retains the intent of the current bylaw prohibiting the use of any item (including skateboards) in a public place recklessly or in a manner that may injure or harm any other person using the public place.	Act to address graffiti. The current bylaw is not used - council supports Police through its graffiti eradication programme (for example the Adopt-a-Spot programme) which helps the Police to collect evidence to support prosecutions and eradicates graffiti - proposed clause 6(2) retains the intent of the current bylaw prohibiting the use of any item (including skateboards) in a public place recklessly or in a manner that may injure or harm any other person using the public place.
Parks management plans Staff have identified possible risks with the proposal to allow 'other parks management plans' to be enforced under the Bylaw. Key changes suggested: - Delete clause 7(3)(b) as follows: (additions underlined, deletions strikethrough) (3) A person must not engage in any prohibited or restricted activity specified in – (a) a parks management plan for regional parks; or (b) any other parks management plan made or reviewed on or from 2 November 2010.	Background information from bylaw review The proposal seeks to enforce activity rules in parks management plans without public consultation to amend the bylaw (refer clause 7(3)). This was on the basis that parks management plans are made using a public consultation process. Information to assist panel deliberations Subsequently staff have identified risks in relation to this proposal: - local parks management plans could be made that are inconsistent with the governing body policies or bylaws - potential legal and reputational risks. These risks do not apply to the current regional parks management plan which has been audited and referenced in Schedule 1 of the Bylaw.	That the suggestion about 'other parks management plans' be accepted and proposal amended to delete clause 7(3)(b). Reasons include to maintain alignment between the bylaw and parks management plans. Refer to Attachment B for recommended changes.

Attachment B: Comparison of proposed and Panel recommended changes to the proposal

The comparison table below only shows the changes to the proposal recommended by the Panel. The Table does not show parts of the proposal the Panel recommend be adopted as publicly notified nor editorial changes (for example reformatting the Bylaw title with Te Reo first, adding dates). The changes to proposal recommended by the Panel are shown with additions underlined and deletions in ~~strikethrough~~.

Panels recommended changes to proposal	
Proposed bylaw	Application
3 Application (3) This Bylaw does not apply to Council, emergency services, civil defence personnel or network utility operators exercising their lawful functions.	3 Application (3) This Bylaw does not apply to Council, emergency services, civil defence personnel, New Zealand Defence Force personnel or network utility operators exercising their lawful functions, including training.
	5 Interpretation Tūpuna Maunga means Auckland's ancestral mountains administered by the Tūpuna Maunga o Tāmaki Makaurau Authority. Including – (a) <u>Matukutūruru (Wiri Mountain)</u> (b) <u>Maungakiekie (One Tree Hill)</u> (c) <u>Maungarei (Mount Wellington)</u> (d) <u>Maungawhau (Mount Eden)</u> (e) <u>Maungauika (North Head)</u> (f) <u>Ōwairaka/Te Ahi-kā-a-Rakataura (Mount Albert)</u> (g) <u>Ōhinerau (Mount Hobson)</u> (h) <u>Ōhūiarangi (Pigeon Mountain)</u> (i) <u>Ōtāhuhu (Mount Richmond)</u> (j) <u>Pukewīwī/Puketāpapa (Mount Roskill)</u> (k) <u>Rarotonga (Mount Smart)</u> (l) <u>Te Kōpuke/Tītīkōpuke (Mount St John)</u> (m) <u>Takarunga (Mount Victoria); and</u> (n) <u>Te Tātua a Riukiuta (Big King)</u>.
7 Restrictions on the use of public places (3) A person must not engage in any prohibited or restricted activity specified in – (a) a parks management plan for regional parks; or (b) any other parks management plan made or reviewed on or from 2 November 2010.	7 Restrictions on the use of public places (3) A person must not engage in any prohibited or restricted activity specified in – (a) a parks management plan for regional parks; ~~or~~ (b) ~~any other parks management plan made or reviewed on or from 2 November 2010;~~ Example All city and district Council parks management plans inherited by Auckland Council on 1 November 2010 are not enforced by this Bylaw, unless they have been reviewed on or from 2 November 2010.



Item 11



Attachment C

Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013 Public Safety and Nuisance Bylaw 2013

(as at 28 March 2019)

made by the Governing Body of Auckland Council

in resolution GB/2013/84

on 22 August 2013

Bylaw made under [sections 145, 146](#) and [149](#) of the Local Government Act 2002 and [section 64](#) of the Health Act 1956.

Summary

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

The purpose of this Bylaw is to help people to enjoy Auckland's public places by –

- **identifying bad behaviours that must be avoided in public places in clause 6**, for example disturbing other people or using an object in a way that is dangerous or causes a nuisance
- **identifying restricted activities in Schedule 1**, for example, fireworks, drones, fences, fires, weapons, storing objects, camping or set netting
- enabling the restriction of certain activities and access to public places in clauses 7, 8 and 10.

Other parts of this Bylaw assist with its administration by –

- stating the name of this Bylaw and when it comes into force in clauses 1 and 2
- stating where and when this Bylaw applies in clause 3, in particular that it does not apply to issues covered in other Auckland Council, Auckland Transport or Maunga Authority bylaws
- stating the purpose of this Bylaw and defining terms used in clauses 4 and 5
- providing transparency about how decisions are made under this Bylaw in clauses 9 and 11
- referencing Council's powers to enforce this Bylaw, including powers to take property and penalties up to \$20,000 in clauses 12, 13 and 14
- ensuring decisions made prior to amendments coming into force on 01 October 2019 continue to apply in Clause 15
- providing time for bylaw provisions about vehicles to be addressed under the Auckland Council Traffic Bylaw 2015 in clause 16.

Cover page amended by minute [GB/yyyy/##](#) in force on 01 October 2019 to amend format, clarify enabling legislation and insert Summary.

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28 March 2019

Public Safety and Nuisance Bylaw 2013

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Public Safety and Nuisance Bylaw 2013

1 Title

- (1) This Bylaw is the Public Safety and Nuisance Bylaw 2013.

2 Commencement

- (1) This Bylaw comes into force on 26 May 2014.
(2) Amendments by resolution **GB/yyyy/##** come into force on 01 October 2019.

Clause 2 amended by minute **GB/yyyy/##**, in force on 01 October 2019 to insert subclause (2).

3 Application

- (1) This Bylaw applies to Auckland.
(2) This Bylaw does not apply to any matter addressed in any other Bylaw made by Council, or any Bylaw made by Auckland Transport or the Maunga Authority.

Examples

Nothing in this Bylaw applies to animals. All matters about animals are in the [Auckland Council Animal Management Bylaw](#) and [Dog Management Bylaw](#).

Nothing in this Bylaw applies to vehicles on the Auckland transport system (for example, Queen Street or Hollyhock Place, Browns Bay). This reflects section 50 of the [Local Government \(Auckland Council\) Act 2009](#) which prohibits Council from making a bylaw that applies to the Auckland transport system for a purpose that is transport-related.

The prohibition of fires in Schedule 1 would not apply on Tūpuna Maunga if the Maunga Authority adopts its own bylaw on fires.

- (3) This Bylaw does not apply to Council, emergency services, civil defence personnel, New Zealand Defence Force personnel or network utility operators exercising their lawful functions, including training.

Clause 3 amended by minute **GB/yyyy/##**, in force on 01 October 2019 to insert subclause (2) and (3).

Part 1

Preliminary provisions

4 Purpose

- (1) The purpose of this Bylaw is to:
- (a) protect the public from nuisance, promote and maintain public safety and minimise the potential for offensive behaviour in public places; and
 - (b) manage and protect from damage or misuse land, structures, property and assets owned, managed or under the control of the Council.

Clause 4 amended by minute **GB/yyyy/##**, in force on 01 October 2019 to remove reference to public health, street names and numbering of premises.

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5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, –

Act means the [Local Government Act 2002](#).

Auckland has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



Beach means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.

Coastal marine area has the meaning given by [section 2](#) of the Resource Management Act 1991.

Council, for the purposes of this bylaw, means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information

As at 26 July 2018, the Regulatory Committee has delegated authority to make recreational fishing controls under clause 8 (GB/2016/237).

As at August 2018, Council's Licensing and Regulatory Services unit has delegated authority to administer and enforce this Bylaw (excluding clause 8).

Council controlled public place means —

- (a) a place that is under the control of Auckland Council; and
- (b) that, at any material time, is open to (or would be open to if not restricted under Clause 10) or is being used by the public, whether free or on payment of a charge; and
- (c) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of a Council controlled public place; and
- (d) excludes any place under the control of the Maunga Authority.

Nuisance has the meaning given by [section 29](#) of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

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Park means —

- (a) any land vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) any park, domain or recreational area under the control or ownership of the Council.

Parks management plan means an adopted management plan for any regional or local park.

Person includes a corporation sole, a body corporate, and an unincorporated body.

Premises means any separately occupied land, building, or part of the same.

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.

Vehicle has the meaning given by [section 2\(1\)](#) of the Land Transport Act 1998.

Wāhi tapu means a place sacred to Māori.

Maunga Authority means the Tūpuna Maunga o Tāmaki Makaurau Authority established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Relevant authority means —

- (a) Council in relation to a Council controlled public place; or
- (b) the property owner or authority responsible in relation to any other public place.

Tūpuna Maunga means Auckland's ancestral mountains administered by the Tūpuna Maunga o Tāmaki Makaurau Authority. Including —

- (a) Matukutūruru (Wiri Mountain)
- (b) Maungakiekie (One Tree Hill)
- (c) Maungarei (Mount Wellington)
- (d) Maungawhau (Mount Eden)
- (e) Maungauika (North Head)
- (f) Ōwairaka/Te Ahi-kā-a-Rakataura (Mount Albert)
- (g) Ōhinerau (Mount Hobson)
- (h) Ōhūiarangi (Pigeon Mountain)
- (i) Ōtāhuhu (Mount Richmond)
- (j) Pukewīwī/Puketāpapa (Mount Roskill)

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- (k) Rarotonga (Mount Smart)
- (l) Te Kōpuke/Tītīkōpuke (Mount St John)
- (m) Takarunga (Mount Victoria); and
- (n) Te Tātua a Riukiuta (Big King).

- (2) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (3) The [Interpretation Act 1999](#) applies to this Bylaw.

Clause 5 amended by minute [GB/yyyy/##](#), in force on 01 October 2019 to remove definitions of act, aircraft, animal, council controlled organisation, mind-altering substances and road and previous subclause (2) and (3); amend definitions of beach, coastal marine area, public place, previous subclause (4) and renumber previous subclause (5); insert definitions for council controlled public place, Maunga Authority, Tūpuna Maunga and relevant authority.

Part 2

Public behaviour and use of public places

6 Bad behaviours prohibited in public places

- (1) A person must not use a public place to wilfully obstruct, disturb, interfere with, alarm, distress, intimidate or harm any other person in their use or enjoyment of that public place.
- (2) A person in a public place must not use any item or object recklessly or in a way which may intimidate, be dangerous, be injurious or cause a nuisance to any person.
- (3) A person must not erect, construct, place, leave or abandon any object, vehicle, material or structure in a public place that is likely to cause a safety risk, nuisance, damage, obstruction, disturbance, or interference to any person in their use or enjoyment of that public place.

Related information about bad behaviour, other regulations

The [Summary Offences Act 1981](#) enables the New Zealand Police to address more serious instances of obstruction, intimidation, disorderly and offensive behaviour or language in public places.

Clause 6 amended by minute [GB/yyyy/##](#), in force on 01 October 2019 to regulate general behaviours. Specific behaviours where appropriate are in Schedule 1.

7 Restrictions on the use of public places

- (1) A person must comply with any restrictions on the use of public places in Schedule 1 (for example, fireworks, UAVs (including drones), fences, fires, weapons, hunting, storing objects, camping or set netting).
- (2) A person must comply with any recreational fishing control made under clause 8.

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- (3) A person must not engage in any prohibited or restricted activity specified in a parks management plan for regional parks.

Related information

Schedule 1 includes parks management plan rules as related information to assist the reader. However, some rules may not yet have been included.

- (4) A person must not enter or remain in a Council controlled public place that Council has –
- (a) restricted or closed access to the public (for example, to protect public safety from unsafe or damaged areas, protect flora from disease, protect fauna from disturbance, or for maintenance activity); or
 - (b) set aside for exclusive use of a particular group for the duration of that use, unless that person is part of that group (for example, to allow areas to be temporarily booked for small and large events such as weddings, family picnics, triathlons, concerts or festivals); or
 - (c) marked out for a specified activity while that activity is in progress, unless that person is a participant in the activity (for example, sporting events).

Related information

Other mechanisms to obtain exclusive use include leases to clubs and events under the [Auckland Council Trading and Events in Public Places Bylaw 2015](#).

Clause 7 amended by minute GB/yyyy/##, in force on 01 October 2019 to insert amended provisions to restrict the use of public places previously in clause 6, 7, 8 and 9. Matters previously related to damage where appropriate are in clause 6 and Schedule 1.

Part 3

Controls and Approvals

Part 3 heading amended by minute GB/yyyy/##, in force on 01 October 2019 to include provisions about controls and approvals. Matters previously related to enforcement powers where appropriate are in Part 4.

8 Recreational fishing controls

- (1) The Council may make a control about any recreational fishing activity in a Council controlled public place, including set netting and surfcasting.
- (2) Any control made under clause 8(1) –
- (a) may prohibit or restrict the activity either generally or for one or more specified periods (for example, during summer months);
 - (b) may prohibit or restrict the activity either on the whole or part of an area (for example, in front of flagged areas for the purposes of swimming and body boarding under clause 18(2) of the Auckland Council Navigation Safety Bylaw 2014);

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- (c) must be made in accordance with Clause 9; and
- (d) may be amended, replaced or revoked in accordance with Clause 9 with all necessary modifications.

Clause 8 amended by minute GB/yyyy/##, in force on 01 October 2019 to insert amended provisions about recreational fishing controls previously in Clause 9. Matters previously related to obstructions where appropriate are in clause 6 and Schedule 1.

9 Procedure for making recreational fishing controls

- (1) The Council must, before making a control under clause 8, be satisfied that –
 - (a) there is evidence that the area to which the control is intended to apply has experienced a higher level of risk to public safety than otherwise inherently exists or a high level of public nuisance; and
 - (b) there is evidence of high levels of non-compliance with any fishing practice guidelines that indirectly protect public safety (for example the Ministry of Primary Industries Set Net Code of Practice); and
 - (c) the control is appropriate and proportionate in light of the evidence; and
 - (d) the control can be justified as a reasonable limitation on people's rights and freedoms; and
 - (e) the control is enforceable.

Related information

The Council must also comply with the decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002 when making a control under clause 8. This includes defining the problem, identifying and assessing all reasonably practicable options, and considering the views of persons affected by the decision.

Clause 9 amended by minute GB/yyyy/##, in force on 01 October 2019 to insert provisions about the making of controls. Matters previously related to parks and beaches where appropriate are in clause 6, clause 16 and Schedule 1.

10 Restricting access

- (1) The Council may restrict or close entry to the whole (or part) of any Council or more of the following purposes –
 - (a) to protect flora, fauna, land, structures, infrastructure from damage;
 - (b) to protect public health and safety;
 - (c) to allow for maintenance; or
 - (d) to allow exclusive use for any group or specified activity.

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Related information

Any decision to restrict access to a beach will consider the impact on any protected customary rights under the [Marine and Coastal Area \(Takutai Moana\) Act 2011](#).

Clause 10 amended by minute [GB/yyyy/###](#), in force on 01 October 2019 to insert amended provisions about access previously in clause 9 and to repeal matters previously related to street naming and numbering on buildings.

11 Approval

- (1) The Council may make controls and set fees for the following matters regarding any approval related to a restriction in Schedule 1 –
 - (a) applying for an approval, including forms and information;
 - (b) assessing an application for an approval, including inspection;
 - (c) granting or declining an application for an approval;
 - (d) the conditions that may be imposed on an approval;
 - (e) the duration of an approval;
 - (f) objecting about a decision to decline an approval, including the objection period;
 - (g) objecting about a condition of an approval, including the objection period;
 - (h) conducting inspections to ensure that an approval and its conditions are complied with;
 - (i) reviewing an approval or its conditions;
 - (j) transferring an approval;
 - (k) refunding or waiving fees;
 - (l) suspending or cancelling an approval; and
 - (m) objecting about a decision to suspend or cancel an approval, including the objection period.
- (2) If no controls are made about the duration or transferability of an approval (under clause 11(1)(e) and 11(1)(j)), an approval has a duration of 12 months from the date granted and is not transferable.

Clause 11 amended by minute [GB/yyyy/###](#), in force on 01 October 2019 to insert new matters about approvals. Matters previously related to compliance with the bylaw are in clause 12.

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Part 4

Enforcement powers, offences and penalties

Part 4 heading amended by minute GB/yyyy/##, in force on 01 October 2019 to incorporate provisions about enforcement powers previously in Part 3.

12 Compliance with the bylaw

- (1) The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

Related information

As reprinted on 1 July 2018, enforcement powers under the Local Government Act 2002 included court injunction ([section 162](#)), seizure and disposal of property (sections [164](#), [165](#), [168](#)), powers of entry (sections [171](#), [172](#), [173](#)), cost recovery for damage (sections [175](#), [176](#)), and power to request name and address ([section 178](#)).

As reprinted on 2 March 2018, enforcement powers under the Health Act 1956 included court orders ([section 33](#)), cost recovery for council to abate nuisance ([section 34](#)), powers of entry ([section 128](#)), and power to request name and address ([section 134](#)).

Clause 12 amended by minute GB/yyyy/##, in force on 01 October 2019 to incorporate matters about compliance with the bylaw previously in clause 11.

13 Removal of construction

- (1) The Council may under [section 163](#) of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

14 Bylaw breaches

- (1) A person who fails to comply with Part 2 of this bylaw commits a breach of this Bylaw and is liable to a penalty under the [Local Government Act 2002](#) or the [Health Act 1956](#).

Related information

As reprinted on 1 July 2018 under [section 242](#) of the Local Government Act 2002, a person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.

As reprinted on 2 March 2018 under [section 66](#) of the Health Act 1956, a person who breaches a bylaw is liable to a \$500 maximum fine and where the offence is continuing, a further \$50 maximum fine for every day it continues.

Clause 14 amended by minute GB/yyyy/##, in force on 01 October 2019 to repeal references to clarify that a penalty can be imposed under only one Act, and to repeal references to the Litter Act 1979.

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Part 5

Savings and transitional provisions

15 Existing controls and approvals saved

- (1) Every control or approval under this Bylaw prior to the commencement of amendments in clause 2(2) continues to apply.

16 Vehicle provisions to transition to traffic bylaw

- (1) A person must not drive, ride, propel or wheel any vehicle on a park except on places and subject to any conditions Council specifies.
- (2) A person must not park any vehicle on a park except in a place set aside and subject to any conditions Council specifies.
- (3) A person must not drive, ride, propel or wheel or park any vehicle on a beach except –
 - (a) to deposit or retrieve a boat in the water, provided –
 - (i) there is vehicular access to the beach (for example, a boat ramp);
 - (ii) the vehicle is driven using a direct route;
 - (iii) the vehicle speed does not exceed 10km/h; and
 - (iv) the vehicle is removed from the beach immediately upon retrieval or depositing of the boat;
 - (b) in the case of an emergency; or
 - (c) Council has given prior written approval.
- (4) However, subclauses (1), (2) and (3) cease to apply from the date specified in a resolution under the Auckland Council Traffic Bylaw 2015 that specifically addresses the matters they relate to.

Related information

The [Auckland Council Traffic Bylaw 2015](#) is made under the section [22AB Land Transport Act 1998](#) which provides alternative ways to regulate vehicles in council controlled public places that are not part of the Auckland Transport System. For example –

- restricting vehicles on parks and beaches using conditions instead of prior approval (clause 8(1)(a), 8(2)(a) and 8(5))
- regulating the stopping, parking and leaving of vehicles (clause 11 and 12)
- enabling the New Zealand Police to enforce the traffic bylaw by issuing \$150 infringement notices ([Schedule 1 of the Land Transport \(Offences](#)

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[and Penalties\) Regulations 1999](#)) via [section 22AB](#) of the Land Transport Act 1998).

However, before the traffic bylaw can be used, Council must first adopt and implement the necessary resolutions (including any signage or road markings).

As at 28 August 2018, no resolutions under the traffic bylaw have been adopted and these transitional provisions continue to have effect.

Part 5 amended by minute [GB/yyyy/##](#), in force on 01 October 2019 to address matters related to the 2018 review of this Bylaw. Matters previously related to legacy bylaws revoked in 2013 are no longer required.

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Schedule 1

Restrictions on the use of public places

- Related information is provided in this Schedule on the issues commonly searched for in this Bylaw.
- Icons in this schedule are visual cues to assist the reader, do not form part of this Bylaw and may be inserted, changed or removed without any formality.



1 Aircraft

- (1) A person must not land or take-off in an aircraft on a Council controlled public place unless –
 - (a) Council has given prior written approval; or
 - (b) it is an emergency.
- (2) **Aircraft** means any machine (except an unmanned aerial vehicle (UAV)) that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.

Related information about aircraft, other regulations

The [Trading and Events in Public Places Bylaw 2015](#) requires Council approval to use aircraft for filming. Filming means moving or still images for commercial purposes or at a scale that may obstruct use of a public place, but excludes filming of a private celebration, event or news.

The [Auckland Unitary Plan](#) regulates aircraft use of land and coastal marine area.

Section 38 of the [Conservation Act 1987](#) requires Director General approval to use aircraft on conservation reserves for wild animal recovery or hunting.

See also '12 UAVs'.

1A Abseiling

Related information to clause 7(3)(a) regional park rules

Section 13.4.1.1 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits a person from abseiling in a regional park unless Council has given prior written approval. For example, Council has a booking process to approve the use of designated abseiling sites in Karamatura Valley (Waitākere Ranges) and Hunua falls (Hunua).



1B Animals

Related information to matters addressed in other regulations

The [Animal Management Bylaw 2015](#) requires people to make sure their animal does not intimidate or cause a nuisance, risk to public health and safety, or damage

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to property. There are specific rules about the keeping of bees, stock and chicken, the slaughter, hunting, release and disposal of animals, and responsible horse riding. The [Dog Management Bylaw 2012](#) regulates where and when people can take their dog, the number of dogs a person can have, and the removal of their dog's faeces.

1C Begging activity

Related information to matters addressed in other regulations

Begging activity or soliciting on the roads and footpaths next to a road are regulated in the [Auckland Transport Public Safety and Nuisance Bylaw 2013](#). In all other public places, Clause 6(1) of this Bylaw regulates begging activity that may intimidate or cause a nuisance in the same way as any other activity.



2 Boats

- (1) A person must not leave a boat (including dinghy and tender) on a beach above mean low water springs in a Council controlled public place unless –
 - (a) the boat is left temporarily for the purposes of accessing land provided the boat does not contravene Clause 6(3); or
 - (b) Council has given prior written approval.

Related information about boats, other regulations

The [Auckland Unitary Plan](#) regulates residential use of boats, and storage of boats on beaches. The [Navigation Safety Bylaw 2014](#) regulates boats on water.



3 Building or construction materials, equipment and amenities

- (1) A person must not place or leave any building or construction materials, equipment and amenities (including portable toilets) in a public place unless the relevant authority has given prior written approval.



4 Building, structure, tent

- (1) A person must not erect, construct, place or leave any part or projection of a building, structure or tent in a public place unless –
 - (a) the tent is erected temporarily for the purposes of providing shade provided the tent (including ropes and pegs) does not contravene clause 6(3); or
 - (b) the relevant authority has given prior written approval.

Related information about tents

See also '4B Overnight stays'.

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4A Burials

Related information to clause 7(3)(a) regional park rules and other regulations

Section 13.6.1.2 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits a person from burying bodies, body parts, placentas, animals and ashes in a regional park. Exceptions apply to park farm animals, animals killed through biosecurity programmes, burials of marine mammals and burials in unclosed cemeteries. In relation to the burial of marine mammals, Council, Department of Conservation and mana whenua may work together to identify suitable locations, including Council controlled public places.

The [Cemeteries and Crematoria Bylaw 2014](#) applies (instead of this bylaw) to burials in Council-controlled cemeteries.

See also '9I Scattering of ashes' and '5B damage'.



4B Camping or overnight stays

Related information to clause 7(3)(a) regional park rules and other regulations

Section 13.4.2.2 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits overnight stays (whether or not in a tent, vehicle, batch, lodge) in a regional park unless Council has given prior written approval. Council approves overnight stays at designated camping grounds, baches or lodges in Regional Parks through a booking system.

The Freedom Camping Bylaw 2019 applies (instead of this bylaw) to overnight stays in vehicles.



4C Car window washing

Related information to matters addressed in other regulations

[Clause 11.6A of the Land Transport \(Road User\) Rule 2004](#) prohibits a pedestrian from washing or offering to wash a vehicle, or part of a vehicle, on a road unless the vehicle is legally parked. The New Zealand Police enforce the rule who may issue to \$150 infringement notices under [section 4](#) of the Land Transport (Offences and Penalties) Regulations 1999.



5 Consumer goods

- (1) A person must not store or pack consumer goods in a public place unless the relevant authority has given prior written approval.

Related information about consumer goods, other regulations

The [Trading and Events in Public Places Bylaw 2015](#) applies (instead of this bylaw) to the outdoor display of goods and other commercial activities.

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5A Crab potting

Related information about matters addressed in other regulations

The [Fisheries Act 1996](#) enables the Ministry for Primary Industries to ensure the sustainability of New Zealand's fisheries, including crabs. Rules about crab pots cover the daily bag limits and size restrictions.

The [Litter Act 1979](#) enables Council to address offal, carcasses, pots or other material left behind on a beach, including the issue of infringement fees.



5B Damage

Related information about matters addressed in other regulations

Damage to anything in any public place is be prohibited. For example –

The [Local Government Act 2002](#) and [Summary Offences Act 1981](#) prohibit wilful, negligent or malicious damage, obstruction, interference with any property.

Examples include vandalising park furniture, opening a drain cover, interfering with drainage and depositing materials.

The [Auckland Council Stormwater Bylaw 2015](#) prohibits pollution, damage or obstruction to the stormwater network. This includes drains, watercourses, inlet structures, pipes and other conduits.

[Section 94\(1\)\(e\)](#) of the Reserves Act 1977 prohibits wilfully breaking or damaging any fence, building, apparatus or erection on any reserve.

The [Auckland Unitary Plan](#) regulates activity affecting archaeological, heritage, and waahi tapu sites.

The [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) prohibits damage on the Auckland transport system that is transport related. This includes damage to the footpath, street signs, grass berms or anything on the road corridor.

See also '11 Soil, rock, ... or other naturally occurring thing' and '13 vegetation'.



6 Fences

- (1) A person must not install a fence on any public place, unless the relevant authority has given prior written approval.
- (2) The owner of a property must not allow a fence that is likely to cause an injury or nuisance to any person in a Council controlled public place to be installed, modified or remain on that property, unless Council has given prior written approval.
- (3) Fence means a barrier that divides (or partially divides) two areas of land and anything part of or associated with that fence, including any gate, barbed-wire, razor-wire, or electricity.

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Related information about fences, other regulations

The [Building Act 2004](#) enables Council to regulate the construction of fences.

The [Fencing Act 1978](#) can also be used to address fences encroaching adjoining land.

The [Auckland Unitary Plan](#) regulates fences to address amenity, including any fence over 1.4 metres high on a road boundary and 1.8 metres in all other areas.

The [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) regulates fences on the boundary between private property and roads.

[Section 355](#) of the Local Government Act 1974 enables Council to require removal or lowering of a fence that may obstruct traffic.

[Section 215](#) to 233 of the [Local Government Act 2002](#) regulates fences used in relation to or concealment of a criminal offence, or to injure or intimidate.

[Section 13](#) of the [Summary Offences Act 1981](#) enables the New Zealand Police to address fences likely to cause injury with reckless disregard for safety.

7 Fires

- (1) A person must not light a fire in a public place unless –
 - (a) the fire is contained in a facility provided by the relevant authority; or
 - (b) the fire is contained in a portable gas barbeque in a Council controlled public place; or
 - (c) the relevant authority has given prior written approval.
- (2) Any [Fire and Emergency New Zealand Act 2017](#) provision, regulation or notice that restricts fires in a public place applies instead of subclause (1), for example a restricted or prohibited fire season.

Related information about fires, other regulations

The [Auckland Unitary Plan](#) prohibits the outdoor burning of household or commercial waste materials that create excessive smoke and hazardous pollutants when burnt.

[Section 94\(1\)\(a\)](#) of the Reserves Act 1977 prohibits fires in reserves except in a fireplace in any camping ground or picnic area.

The [Outdoor Fire Safety Bylaw 2014](#) regulates fires on residential, business and rural land, and contains provisions that allow for hāngi and other ethnic cooking fires.

8 Fireworks, flares, explosive materials

- (1) A person must not set off any firework, flare or any other explosive material in a public place, unless the relevant authority has given prior written approval.
- (2) **Firework** means an object containing hazardous substances with explosive properties.

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Related information about fireworks, other regulations

On private property, fireworks are permitted provided –

- they do not cause injury or alarm to any person in a public place under [section 35](#) of the Summary Offences Act 1981, for example throwing fireworks at people in public places from private property
- excessive noise [under section 326-328](#) of the Resource Management Act 1991, for example fireworks set off late at night.

The [Trading and Events in Public Places Bylaw 2015](#) requires approval for public firework displays on Council controlled public places.

8A Fish offal

Related information fish or fish offal

The [Litter Act 1979](#) enables Council to address offal, carcasses, pots or other material left behind on a beach, including the issue of infringement fees.

See also '9J set netting', '5A crab potting'.



9 Gates or doors

- (1) A person must not allow a gate or door to be located on or swing out over a public place unless the relevant authority has given prior written approval.

Related information about gates or doors, other regulations

[Section 22](#) of the [Summary Offences Act 1981](#) enables the New Zealand Police to request a person remove a gate or door that is obstructing a public way.

The [Trespass Act 1980](#) also enables Council to trespass a person who does not leave any gate on a park in the manner it was found.

9A Graffiti

Related information about matters addressed in other regulations

Graffiti is prohibited under [section 11A](#) of the Summary Offences Act 1981. Council's Graffiti eradication programme (for example the Adopt-a-Spot programme) helps the New Zealand Police collect evidence to support prosecutions and eradicates graffiti.



9B Lifesaving equipment, warning notices, and warning and emergency device

Related information about matters addressed in other regulations

[Section 232](#) of the Local Government Act 2002 enables Council to address wilful or negligent damage or interference and damage with the above property.

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The New Zealand Police can also address wilful damage under [section 11](#) of the Summary Offences Act 1981.



9C Mind altering and psychoactive substances

Related information about matters addressed in other regulations

The [Summary Offences Act 1981](#) enables the New Zealand Police to address offensive and disorderly behaviour, obstruction and intimidation associated with the use of psychoactive substances.

The [Psychoactive Substances Act 2013](#) enables the New Zealand Police to address possession, distribution or offering to sell all psychoactive substances in a public.

9D Mining

Related information to clause 7(3)(a) regional park rules

Section 13.6.1.4 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits all mining in a regional park unless on Crown land administered as a regional park and approved by the Crown.

The [Crown Minerals Act 1991](#) and [Auckland Unitary Plan](#) also regulate mining.



9E Noise

Related information about matters addressed in other regulations

The [Resource Management Act 1991](#) enables Council to address noise affecting private property from a public place. The [Trading and Events in Public Places Bylaw 2015](#) regulates noise from street performers. Other noise in a public place is addressed under Clause 6(1) of this Bylaw.



9F Planting, sowing or scattering of seeds

Related information, refer to '13 vegetation'.



9G Posters, signs and advertising

Related information about matters addressed in other regulations

The [Auckland Council Signage Bylaw 2015](#) requires signs, advertising devices and posters in public places to ensure they comply with certain requirements relating to location, visual amenity, safety, type, and content.

The [Auckland Unitary Plan](#) regulates billboards as part of a comprehensive development or within a scheduled historic heritage place.

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Auckland Transport regulates billboards on the Auckland transport network including billboards placed in the road reserve or on the state highway network.



9H Property and building numbers

Related information about matters addressed in other regulations

[Section 319B](#) of the [Local Government Act 1974](#) enables Council to allocate property and building numbers. The [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) requires the display of correct numbers. Council's Property Data team helps ensure that numbers comply with the New Zealand Standard.

9I Scattering of Ashes

Related information to clause 7(3)(a) regional park rules and other regulations

Section 13.6.1.3 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits a person from scattering human or animal ashes in a regional park except in unclosed cemeteries.

The [Cemeteries and Crematoria Bylaw 2014](#) applies to the scattering of ashes on Council controlled cemeteries.

Council provides [guidance](#) about the scattering of ashes. For instance, inappropriate locations include sports fields, play areas, public gardens, Auckland Botanical Gardens, Parnell Rose Gardens, maunga (volcanic cones) and food cultivation and gathering areas. Ashes in these locations may be potentially harmful to the environment, may prevent the area's use, or may be waahi tapu (sacred) to Māori.



9J Set netting

Related information to clause 7 and other regulations

Council has made controls to prohibit set netting in the following public places –

- Te Haruhi beach and Army Bay beach (Shakespeare Regional Park) within 200 metres seaward of the Mean High Water Spring from 20 December to 31 March each year (Resolution RBC/2014/55 made on 17 November 2014, in force on 20 December 2014).
- Arkles Bay within 200 metres seaward of the Mean High Water Spring from Labour weekend until Easter weekend each year (Resolution RBC/2015/39 made on 13 October 2015, in force on 1 November 2015).
- Little Omaha Bay (Omaha beach) within 200 metres seaward of the Mean High Water Spring from Labour weekend until Easter weekend each year (Resolution RBC/2016/19 made on 19 July 2016, in force on 4 October 2016).
- The above controls do not apply to customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

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Section 13.6.1.5 of the [Auckland Council Regional Parks Management Plan 2010](#) prohibits a person from set netting activity in a regional park.

Clause 6(1) of this Bylaw prohibits set netting activity that intentionally obstructs, disturbs, interferes or intimidates any person in their use or enjoyment of a beach.

The [Fisheries Act 1996](#) enables the Ministry for Primary Industries to ensure the sustainability of New Zealand's fisheries. Rules about set netting cover net length, mesh size, how and where nets can be set. Set netting is prohibited along the region's West Coast and Manukau Harbour entrance. Infringement fines may be issued under The [Fisheries \(Amateur Fishing\) Regulations 2013](#).

The Department of Conservation manages fishing threats to Maui dolphins on Auckland's west coast. This includes prohibition on set netting.

The [Litter Act 1979](#) enables Council to address fish offal, fish carcasses, fishing hooks or other material left behind on a beach.

10 Shipping or storage containers

- (1) A person must not place or leave any shipping or storage container in a public place unless the relevant authority has given prior written approval.



11 Soil, rock, shingle, shell, sand, vegetation, material, object or other naturally occurring thing

- (1) A person must not disturb, move or remove any naturally occurring thing from a public place unless the relevant authority has given prior written approval, for example removing rocks from a beach to landscape their garden at home.
- (2) Naturally occurring thing means soil, rock, shingle, shell, sand, vegetation, material, object or any 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'.

11A Storm water drains, channels and water channels

Related information about matters addressed in other regulations

The [Stormwater Bylaw 2015](#) addresses placing a structure, opening a drain, polluting, damaging, obstructing, or interfering with a storm water drain, channel or water channel.

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11 B Street (road) naming

Related information about matters addressed in other regulations

[Section 319\(1\)\(i\)](#) of the Local Government Act 1974 enables Auckland Council Local Boards to name of roads using [guidelines](#).

The [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) and [Section 232](#) of the Local Government Act 2002 enables Council, and [Section 11](#) of the Summary Offences Act 1981 enables the New Zealand Police to address damage to street (road) signs.

12 UAV (Unmanned Aerial Vehicle)

- (1) A person must not use an UAV in or over a Council controlled public place unless Council has given prior written approval.
- (2) UAV means an unmanned aerial vehicle and includes a drone and model aircraft.

Related information about general approval for UAV use

Council has given a general approval for the use of UAVs on Council parks, subject to [conditions](#) on the types of UAVs, where to fly and code of conduct.

Related information about UAVs, other regulations

In general, Clause 6(2) of this Bylaw prohibits use of UAVs that is reckless, intimidates, dangerous, injurious or a nuisance over public places.

In general, use of RPAS, UAV, UAS, drones, model aircraft, gyro gliders and parasails, unmanned balloons, kites, and rockets must comply with Part [101](#) and [102](#) of the Civil Aviation rules. Part 101 applies to UAVs under 25kg and specifies when and where they can be flown, for example night restrictions, keeping UAV in sight at all times, altitude restrictions above 120m and no flying with 4km of an aerodrome. Part 102 applies to UAVs over 25kgs and that cannot comply with Part 101 and requires the person to obtain certification as an unmanned aircraft operator.

UAV use **over roads** is regulated by [Auckland Transport](#).

UAV use for **filming** in public places requires Council approval under the [Trading and Events in Public Places Bylaw 2015](#).

UAV use over **private property** requires approval of the property owner under [Rule 101.207\(a\)\(1\)\(ii\)](#) of the Civil Aviation (Offences) Regulations 2006.

Concerns about UAVs and **privacy** are addressed in the [Privacy Act 1993](#).

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13 Vegetation

- (1) A person must not –
 - (a) allow vegetation to encroach on or over a public place that is likely to cause a safety risk, nuisance or obstruction to people in that public place, unless the relevant authority has given prior written approval.
 - (b) sow or plant any vegetation in or on a public place (for example, extending a private garden over the boundary into a park) unless the relevant authority has given prior written approval.
- (2) Vegetation means any seed, plant, shrub or tree or the produce of any seed, hedge, plant, shrub or tree, whether dead or alive.

Related information about vegetation, other regulations

The planting on berms next to roads is regulated and requires approval of Auckland Transport in accordance with its [encroachment policy](#).

The [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) and [section 355](#) Local Government Act 1974 prohibit vegetation encroachment on roads and footpaths and berms next to roads.

[Section 12](#) of the Summary Offences Act 1981 enables the New Zealand Police to address vegetation that creates an obstruction in a public place that is likely to cause injury.

[Section 9](#) of the Misuse of Drugs Act 1975 enables the New Zealand Police to address prohibited plants such as cannabis.

Council provides opportunities for people to participate in [public planting days](#). See also '5B damage'.



14 Weapon, trap or instrument of a dangerous nature

- (1) A person must not possess or use any weapon, trap or instrument of a dangerous nature in a council controlled public place without lawful excuse.

Related information instruments of a dangerous nature, other regulations

[Section 94\(4\)](#) of the Reserves Act 1977 prohibits the possession or discharge of any weapons, traps or instruments on any reserve.

The [Crimes Act 1961](#) enables the New Zealand Police to address knives, offensive weapons or disabling substances to commit bodily injury, threat or fear of violence, and use of traps or devices to injure or with reckless disregard for public safety.

The [Summary Offences Act 1981](#) enables the New Zealand Police to address a person possessing a knife in a public place.

The [Animal Welfare Act 1999](#) prohibits the use of a trap or device for killing, managing, entrapping, capturing, entangling, restraining or immobilising an animal.

Schedule 1 inserted by minute [GB/yyyy/##](#). In force on 01 October 2019 to insert amended provisions to restrict the use of public places previously in clause 6, 7, 8 and 9.

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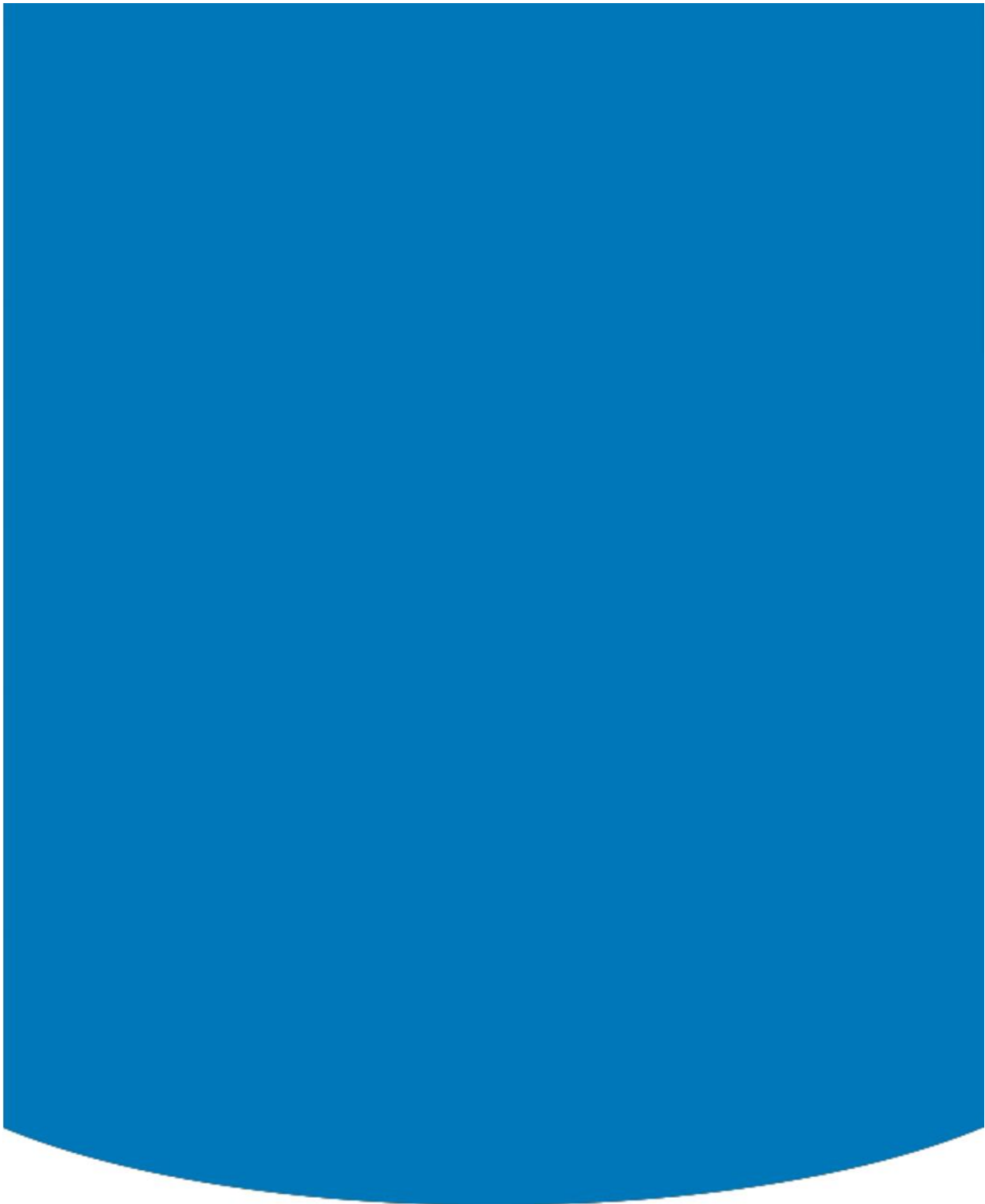
Public Safety and Nuisance Bylaw 2013

Related information, Bylaw history

Date	Description
01 November 2010	Made legacy bylaws about public safety and nuisance ¹ (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)
01 November 2010	Commencement of legacy bylaws about public safety and nuisance (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)
14 December 2012	Review of legacy bylaws about public safety and nuisance completed (RB/2012/34)
20 December 2012	Proposal to make new bylaw about public safety and nuisance and to revoke legacy bylaws (GB/2012/179)
22 August 2013	Made Auckland Council Public Safety and Nuisance Bylaw 2013 (GB/2013/84)
02 December 2013	Public notice of new Auckland Council Public Safety and Nuisance Bylaw 2013
26 May 2014	Commencement of new Auckland Council Public Safety and Nuisance Bylaw 2013 and revocation of legacy bylaws ² (GB/2013/84)
14 June 2018	Review of Auckland Council Public Safety and Nuisance Bylaw 2013 completed (REG/2018/43)
27 September 2018	Proposal to amend Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and to revoke legacy bylaws about fences (GB/2018/148)
28 March 2019	Made amended Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and decision to revoke legacy bylaws about fences [GB/2019/###]
[TBC]	Public notice of amendments to Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and decision to revoke legacy bylaws about fences
01 October 2019	Commencement of amendments to Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and revocation of legacy bylaws about fences [GB/2019/###]
¹ Legacy bylaws made: Auckland Regional Council Parks Bylaw 2007; Auckland City Council No 20 - Public Places Bylaw (2008); Franklin District Council Public Places Bylaw 2007; Franklin District Council Beach Control Bylaw (2006); Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008; Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008; Part 2 (Public Places) of the North Shore City Council Bylaw 2000; Papakura District Council Public Places Bylaw 2008; Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998; Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998; Waitakere City Council Public Places Bylaw 2010. ² Refer to Auckland Council Public Safety and Nuisance Bylaw 2013 as at 22 August 2013 for a list of revocations. Clauses in some legacy bylaws were not revoked on 26 May 2014.	

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Find out more: **phone 09 301 0101**
or visit **aucklandCouncil.govt.nz**

Amendments to the Auckland Council Traffic Bylaw 2015 and Animal Management Bylaw 2015

Amendments to Traffic Bylaw 2015

Amendments to the Traffic Bylaw 2015 made pursuant to section 22AB of the Land Transport Act 1998 to commence on 1 October 2019.

Amendments
road means (a) a street; (b) a beach; (c) a park; (d) a place to which the public have access, whether as of right or not; and (e) bridges, culverts, gates and fords forming part of a road or street, or a place referred to in subclause (de); which is under the control of the Council and which is not part of the Auckland transport system.
8 Limitations on the use of roads, (including parks, beaches and other public places) (2) The Council may by resolution permanently or temporarily: (a) restrict the use of any park, beach, unsealed or unformed road by all motor vehicles or any class of motor vehicle;
11 Parking vehicles off a roadway (1) Except with the approval of the Council, a person must not stop, stand or park a motor vehicle either wholly or partly on a footpath, grass verge, garden, park, beach or in any area that is not designed and constructed to accommodate a parked motor vehicle.

Amendments to Animal Management Bylaw 2015

Amendments to the Animal Management Bylaw 2015 made pursuant to the Local Government Act 2002 and the Health Act 1956 to commence on 1 October 2019.

Amendments
Hunt means to search for any animal, and killing, taking, trapping, capturing, having in possession, tranquillising, or immobilising any such animal by any means for any reason.
8 Slaughtering, hunting, removal or release of animals and animal remains (2A) A person must not release or abandon any animal in a public place unless Council has given prior written approval. (2B) A person must not hunt or remove any animal in a public place unless – (a) fishing below mean high water springs; or (b) for customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing) Regulations 1998; or (c) Council has given prior written approval (for example, pig and goat hunting as part of a pest control programme in the Waitakere and Hunua Ranges). <i>Explanatory notes: Other regulations also apply to the release, hunting and harming of animals. The Auckland Council Public Safety and Nuisance Bylaw 2013 enables Council to impose fishing restrictions to protect the public from nuisance or risks to public safety. The Fisheries Act 1996 enables the Ministry for Primary Industries to ensure the sustainability of New Zealand's fisheries, including setting rules about fishing limits and closures. The Animal Welfare Act 1999 prohibits the ill-treatment of animals (s12, s29) and deserting an animal without reasonable excuse and no provisions to meet its needs (s14). The Wild Animal Control Act 1977 (s8) and Crimes Act 1961 (s219) can also apply to the hunting or removal of certain animals.</i>

Legacy bylaws about fences

Legacy Bylaw about fences to be revoked on 1 October 2019.



Legacy Bylaw Provisions on Electric and Barbed Wire Fencing Adjacent to Public Land Confirmed 29 October 2015

Contents

Bylaw	Clauses confirmed on 29 October 2015
Papakura District Council Public Places Bylaw 2008	Clause 12.1
Waitakere City Council Public Places Bylaw 2010	Clause 15.2(b)

Papakura District Council Public Places Bylaw 2008, clause 12.1

12 Restriction on Use of Barbed Wire and Electrified Fences

- 12.1 A person must not, in any public place, except with the prior written permission of Council, erect or permit to be erected any electrified fencing or barbed wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side.

A matter Council will consider when an application is made for permission for any electrified fencing along, or within 1 metre of any boundary line is the existence of any other barrier or device between the public place and the electrified fencing or barbed wire which would prevent accidental harm being caused to any person from the electric fencing or barbed wire.

Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height of not less than 2 metre or electrified fencing not less than 3 metres from the level of the ground of any such public place.

Waitakere City Council Public Places Bylaw 2010, clause 15.2(b)

15.2 Fences constructed with barbed wire, razor wire or electrified wire

- (b) Any fence constructed wholly or in part of barbed wire, razor wire or electrified wire or any fence that is designed or constructed so as to be likely to inflict injury the elements of the fence which are likely to inflict injury must be at least 2 metres above ground level. Where it is not possible for there to be a 2 metre clearance from the ground, the fence must be made safe by other means so as not to cause injury to any person or animal.

Recommendations from Regulatory Committee, Trade Waste Bylaw 2013 - Statement of Proposal

File No.: CP2019/03604

Item 12

Te take mō te pūrongo

Purpose of the report

1. To receive the recommendations from the Regulatory Committee and adopt the statement of proposal for the Trade Waste Bylaw 2013.

Whakarāpopototanga matua

Executive summary

2. At its meeting on 14 March 2019, the Regulatory Committee considered the attached report and resolved as follows:

Resolution number REG/2019/11

That the Regulatory Committee:

- a) *recommend the Governing Body adopt the statement of proposal in Attachment A of the agenda report for public consultation and confirm that the amended Bylaw contained within this attachment:*
 - i) *is the most appropriate form of bylaw*
 - ii) *does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990.*
 - b) *recommend the Governing Body forward to local boards and advisory panels:*
 - i) *the statement of proposal in Attachment A of the agenda report for their views*
 - ii) *this agenda report and attachments for their information.*
3. The original report with original Attachment B and Attachment C to the 14 March 2019 Regulatory Committee is appended at Attachment A of this report.
 4. After the Regulatory Committee considered the report at its meeting on 14 March 2019, an error was discovered in the bylaw table of contents. The amended Statement of Proposal with correct bylaw contents page, is appended at Attachment B of this report.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

- a) adopt the Tradewaste Bylaw 2013 Statement of Proposal included in Attachment B of the agenda report for public consultation and confirms that the draft bylaw:
 - i) is the most appropriate and proportionate way to implement aspects of the policy
 - ii) is not inconsistent with the New Zealand Bill of Rights Act 1990
- b) forward to local boards and advisory panels:
 - i) the statement of proposal in Attachment B of the agenda report for their views
 - ii) this agenda report and attachments for their information.

Ngā tāpirihanga Attachments

Item 12

No.	Title	Page
A 	14 March 2019 - Original Agenda Report to Regulatory Committee	93
B 	Amended Statement of Proposal	337

Ngā kaihaina Signatories

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