



**Auckland  
Council**

*Te Kaunihera o Tāmaki Makaurau*



# **Public Safety and Nuisance Bylaw 2013**

## **Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013**

(as at **dd month year**)

made by the Governing Body of Auckland Council

in resolution GB/2013/84

on 22 August 2013

Bylaw made under [sections 145](#) and [146](#) 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 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 9.

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 3 and 4
- providing transparency about how decisions are made under this Bylaw in clauses 9, 10 and 11
- referencing Council's powers to enforce this Bylaw, including powers of take property and penalties up to \$20,000 in clauses 12, 13 and 14
- ensuring decisions made prior to amendments on **dd month year** 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 dd Month yyyy to amend format, clarify enabling legislation and insert Summary.

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## 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 dd Month yyyy 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.

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### 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.

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- (3) This Bylaw does not apply to **Council**, emergency services, civil defence personnel or network utility operators exercising their lawful functions.

Clause 3 amended by minute GB/yyyy/##, in force on dd Month yyyy 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 dd month yyyy to remove reference to public health, street names and numbering of premises.

## 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.

**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.
- (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 dd month yyyy 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 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 dd month yyyy 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.
- (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.

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#### 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.

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**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 dd month yyyy 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 dd month yyyy 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);
  - (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 dd month yyyy 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 dd month yyyy 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.

**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 dd month yyyy 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 14(1)(e) and 14(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 dd month yyyy to insert new matters about approvals. Matters previously related to compliance with the bylaw are in clause 12.

## Part 4

### Enforcement powers, offences and penalties

Part 4 heading amended by minute GB/yyyy/##, in force on dd month yyyy 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 dd month yyyy 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 the offence continues.

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

## 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
    - (ii) 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 [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 \(Offences and Penalties\) 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 dd month yyyy 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

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'.

#### 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.





### 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 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 '# 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.

#### **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.

### **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.



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.

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 (Shakespear Regional Park) within 200 metres seaward of the Mean High Water Spring from 20 December to 31 March each year (Resolution RBC/2014/55)  
Control made by minute RBC/2014/55 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)  
Control made by minute RBC/2015/39 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  
Control made by minute RBC/2016/19 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.

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.



## 11 B Street (road) naming

### Related information about matters addressed in other regulations

[Section 319\(1\)\(j\)](#) 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](#).



### 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 dd month yyyy to insert amended provisions to restrict the use of public places previously in clause 6, 7, 8 and 9.



### Related information, Bylaw history

Date	Description
01 November 2010	<b>Made</b> legacy bylaws about public safety and nuisance <sup>1</sup> (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)
01 November 2010	<b>Commencement</b> of legacy bylaws about public safety and nuisance (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)
14 December 2012	<b>Review</b> of legacy bylaws about public safety and nuisance completed (RB/2012/34)
20 December 2012	<b>Proposal</b> to make new bylaw about public safety and nuisance and to revoke legacy bylaws (GB/2012/179)
22 August 2013	<b>Made</b> Auckland Council Public Safety and Nuisance Bylaw 2013 (GB/2013/84)
[find and insert]	<b>Public notice</b> of new Auckland Council Public Safety and Nuisance Bylaw 2013
26 May 2014	<b>Commencement</b> of new Auckland Council Public Safety and Nuisance Bylaw 2013 and revocation of legacy bylaws <sup>2</sup> (GB/2013/84)
14 June 2018	<b>Review</b> of Auckland Council Public Safety and Nuisance Bylaw 2013 completed (REG/2018/43)
27 September	<b>Proposal</b> 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)
[TBC]	<b>Made</b> 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 [TBC]
[TBC]	<b>Public notice</b> 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
[TBC]	<b>Commencement</b> 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 [TBC]

<sup>1</sup> 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.

<sup>2</sup> 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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