

Enabling people to enjoy Auckland's public places

Protecting people from nuisance or safety risks

interference, danger, obstruction, activities on parks and beaches



Statement of Proposal to amend the Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and to revoke legacy bylaws about fences for public consultation - 26 October to 5 December 2018

1 Have your say

Enabling people to enjoy Auckland's public places

People use public places every day for activities like playing sport, fishing, flying a drone, boating, having barbeques, picnics or spending time with family or whānau at the beach or park.

Sometimes people's behaviour or their activities (including offensive behaviour, damage or misuse) can cause nuisance or risk to safety that may stop other people from using or enjoying our public places.

What Auckland Council does

We make rules to protect people from nuisance or unsafe behaviours and activities in public places. This includes parks, beaches, civic spaces and other places accessible to the public.

These rules are set out in the [Auckland Council Public Safety and Nuisance Bylaw 2013](#), Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013 (the Bylaw).

Improving public safety and nuisance rules

We recently checked how well the rules are working and identified improvements. The main changes we want to make include:

- clarifying expected behaviours and restrictions on people using public places
- prohibiting people from leaving or storing construction materials, boats, shipping containers and consumer goods in public places
- clarifying how council makes recreational fishing controls
- clarifying how council gives approval (permission) for activities on public places, such as for abseiling, landing an aircraft, or exceptions for doing something that would otherwise be prohibited
- clarify which public places the Bylaw applies to and enabling organisations in control of those places to approve bylaw exceptions
- clarifying rules about fences and revoking two legacy bylaws about fences
- using national legislation rather than bylaws for damage to council property, car window washing, mind altering substances, graffiti, noise, fish offal, gates in parks, fireworks on non-public places, street names and property numbering
- moving issues about animals, signage, stormwater and vehicles to existing council bylaws (Animal Management Bylaw 2015 and Traffic Bylaw 2015).

Summary of information in Statement of Proposal to amend the Auckland Council public safety and nuisance, animal management and traffic bylaws, and to revoke legacy fencing bylaws for public consultation – 26 October to 5 December 2018.

We want to know what you think

Starting on 26 October 2018 through to 5 December 2018, we want you to tell us what you think about 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.

Visit www.aucklandcouncil.govt.nz/have-your-say to find more information, give your feedback and find out where you can drop in to a 'Have your say' event.

2 What is the Bylaw

The [Auckland Council Public Safety and Nuisance Bylaw 2013](#), Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013 (Bylaw) was made on 31 July 2013.

The Bylaw sets rules to protect people from nuisance or unsafe behaviours and activities (includes offensive behaviour, damage or misuse) in public places.

The Bylaw applies to parks, beaches, civic spaces and other places accessible to the public, but generally not roads. Rules on roads and footpaths next to roads are in the [Auckland Transport Public Safety and Nuisance Bylaw 2013](#) because they affect pedestrian and vehicular traffic.

Examples of behaviours and activities the Bylaw covers

General behaviours	General activities	
<ul style="list-style-type: none"> interference with another person's use or enjoyment of a public place endangering another person through use of an object or item causing damage, obstruction, nuisance or a risk to safety. 	<ul style="list-style-type: none"> access to parks and beaches aircraft (including drones) animals boats begging activity where intimidating or nuisance buildings, structures, tents car window washing damage fences fires fireworks fishing and fish offal gates graffiti lifesaving equipment 	<ul style="list-style-type: none"> noise materials and objects mind altering (psychoactive) substances property numbers recreational beach activities set netting skateboards soil, shingle, shell, sand, vegetation, plants, artefacts storage and packing goods street names signs and posters traps vegetation vehicles weapons.
	Activities on Regional Parks	
	<ul style="list-style-type: none"> abseiling animals ashes burials camping commercial filming 	<ul style="list-style-type: none"> horse-riding hunting mining overnight stays set-netting.

3 What council proposes to change

Improving public safety and nuisance rules

We recently checked how well the current rules are working and identified improvements.

Council is now proposing to make changes to the Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and to revoke legacy bylaws about fences. The changes are being proposed to better protect people from nuisance and unsafe behaviours and activities in public places. The major changes proposed are:

Proposed amendment	Reason for proposed change
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.	<ul style="list-style-type: none"> • issues already covered in central government legislation • does not affect Council's current response to incidents • public can still report issues. Council will continue to prioritise its response using a graduated response approach.
Move issues about animals, drains, signage, stormwater and traffic to existing bylaws.	<ul style="list-style-type: none"> • easier for public to find the bylaw they need if all issues about a topic are in the same bylaw.
Prohibit leaving construction materials, boats, shipping containers and consumer goods in public places, unless approved by council. Other things may be left provided they do not cause a problem (e.g. beach towel on beach).	<ul style="list-style-type: none"> • clearer as to what items must not be left on public places • more freedom to leave other items so long as it does not cause a problem.
Clarify the expected behaviours and restrictions on the use of public places by improving the Bylaw structure, stating behaviours expected from all Aucklanders, including regional park rules and using explanatory notes.	<ul style="list-style-type: none"> • rules easier to understand and avoids focus on vulnerable Aucklanders.
Clarify how council makes controls and gives approvals.	<ul style="list-style-type: none"> • clearer how decisions are made about: <ul style="list-style-type: none"> ○ restricting recreational fishing activities ○ approving activities that would otherwise not be allowed.
Clarify which public places the Bylaw applies to and enabling people in control of those public places to approve exemptions.	<ul style="list-style-type: none"> • avoids duplication and confusion about which public places the Bylaw applies to • allows the Maunga Authority, Auckland Transport and private owners of public places to approve bylaw exemptions on the areas they control.

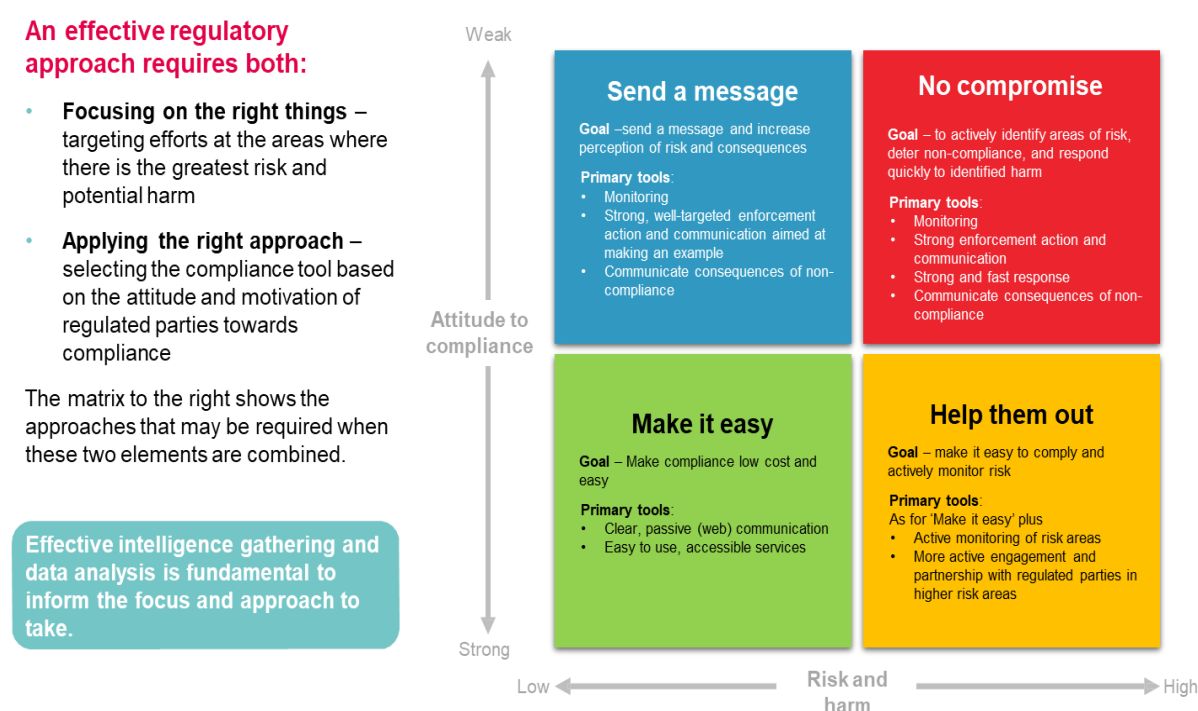
If you want to know more, **Appendix A** shows the proposed changes to the public safety and nuisance, animal, and traffic bylaws. **Appendix B** contains the legacy bylaws to be revoked. **Appendix C** shows what the public safety and nuisance bylaw would look like if the proposed changes were made.

4 How we implement the Bylaw

Council uses a 'graduated response' approach when responding to bylaw complaints (Figure 1). This means that the types of response and response times will vary depending on the level of risk, seriousness of harm, people's attitude towards compliance, and what is most practical.

Lower risk issues are addressed at first with education, advice, and informal warnings. If this doesn't work council may issue formal warnings. For serious or ongoing bylaw breaches, Council may seize property or prosecute offenders. Penalties could include a fine of up to \$20,000.

Figure 1: Council's risk-based, 'graduated response' approach



How the 'graduated response' approach may be applied to bylaw issues currently and if any proposed changes are made are illustrated in the Table on the next page.

Table 1: How council may respond to bylaw issues

Nuisance, noise, intimidation (including in relation to begging activity) damage, obstruction unsafe /dangerous behaviour including use of objects, mind altering substances, setting off fireworks
<ul style="list-style-type: none"> • In general, Council responds to complaints as soon as possible based on the level of nuisance or risk to safety. If the person responsible is identified, they are asked to stop, leave or remove the object. Formal warnings may be issued. Serious cases may result in court prosecution. Items abandoned in public places may be seized, impounded and reimbursement is sought from owners. • for nuisance, intimidating behaviour or obstruction, Council and City Watch patrol the central business district up to four times a day, education/advice provided. • for complex social issues such as behaviour around begging activity or rough sleeping, Council uses a managed approach. Council and City Watch provide advice and support to access social services alongside Salvation Army, Lifewise and the City mission. Where appropriate, warnings may be given, businesses may obtain trespass notices, and persistent offenders may be referred New Beginnings Court or face prosecution. For behaviour that is a health or safety risk, police or ambulance services are called. • for setting off fireworks, Council responds to complaints and patrols public 'hot spots' during Guy Fawkes. Education and advice used to address behaviour. Police and Fire services are called if there is an imminent safety threat. Noise Control responds to noise complaints from fireworks on private property.
Interfering with lifesaving equipment, damage including to council property, planting vegetation, graffiti, taking plants, soil, shells, rocks
<ul style="list-style-type: none"> • Council repairs damage as soon as possible depending on the nature of the issue. If the person is caught in the act they are asked to stop, formal warnings may be issued. Serious damage may be reported to police and offenders taken to court.
Gates, doors, vegetation, structures, tents, consumer goods
<ul style="list-style-type: none"> • Council responds as soon as possible depending on the nature of the issue, the property owner is asked to address the issue. If they refuse, formal warnings may be given followed by court prosecution. • for complex social issues such as behaviour around homelessness and rough sleeping, Council uses a managed approach to address the storing or leaving of their possessions. If items are obstructing peoples' use of a public place Council asks that they are moved out of the way to a place nearby.
Hunting, scattering ashes, burial of bodies, abseiling, vehicles, killing or losing control of animals, mining, landing an aircraft, remaining on a closed park or beach, gates left open / closed, set netting/crab potting
<ul style="list-style-type: none"> • Council responds as soon as possible depending on the nature of the issue. If the person responsible is identified, they are asked to stop otherwise they will be asked to leave. • Council may request people's names and contact details to support further enforcement action including by police. Court prosecution could follow depending on the seriousness of the issue.
Damage and display of street names and property/building numbers
<ul style="list-style-type: none"> • Council repairs damage. A person caught in the act of damaging a street sign or property number could face police prosecution. Council asks people not displaying a correct street number to display the correct number. If they refuse, formal warnings and notices will follow.

5

How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires council to review its bylaws to determine whether they are effective, efficient and still needed.

Auckland Council reviewed the Bylaw, reported its findings and considered its options at meetings in March, April, May and June 2018 as summarised below:

Committee review decisions	Revoke bylaw about	Amend bylaw about
08 Mar 2018 (REG/2018/15)	road signs, building / property numbers, lifesaving equipment and car window washing	fireworks and storing or packing goods
12 Apr 2018 (REG/2018/20)	Damage to council property, opening a drain and disturbing a surface	water courses, storm water, rock, shingle, sand, vegetation, plants, materials, objects, structures, buildings, tents and doors or gates
10 May 2018 (REG/2018/38)	excessive noise, mind altering substances, begging activity that intimidates or causes a nuisance, graffiti, posters, signs, advertising and legacy bylaws about fences	a person's use or enjoyment of a place, reckless use, fences and fires
14 Jun 2018 (REG/2018/43)	gates in parks and fish offal	access to parks or beaches, aircraft, activities on a park or beach, vehicles, weapons, traps, animal and boats

This statement of proposal was approved for public consultation by the Governing Body in September 2018 to commence the process to amend the Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015, and Traffic Bylaw 2015, and to revoke legacy bylaws about fences.

Go to www.aucklandcouncil.govt.nz/have-your-say for copies of the above decisions including a summary of options considered.

6 We want your input

You have an opportunity to tell us your views.

We would like to know what you think about proposed changes to the Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015 and Traffic Bylaw 2015, and revocation of legacy bylaws about fences.

Give us your feedback

Starting on 26 October 2018 through to 5 December 2018 we are asking for feedback on proposed changes to the Auckland Council Public Safety and Nuisance Bylaw 2013, Animal Management Bylaw 2015, Traffic Bylaw 2015, and revocation of legacy bylaws about fences.

You can give your feedback:

- in person at one of our 'Have your say' events – visit our website for details
- online at our website www.aucklandcouncil.govt.nz/have-your-say

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Appendix A: Proposed changes

The following tables show the proposed changes to the Auckland Council public safety and nuisance, animal management, and traffic bylaws. However, “related information” not critical to a proposed change is referenced as “[refer Appendix C for more related information]” to reduce table size.

Proposed changes are shown under the heading “New Clause”. Existing words to be removed are shown in ~~strike through~~ and new words shown underlined.

Table 1: Amendments to Public Safety and Nuisance Bylaw 2013

Bylaw clauses are shown in order of relevance to the public.

Existing Clause	New Clause	Reasons
<p>Part 2 Public Safety, Nuisance, General Behaviour and Street Naming and Numbering</p> <p>6 Nuisances, safety and behaviour in any public place</p> <p>(1) A person must not use a public place to:</p> <p>(a) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place;</p>	<p>Part 2 Public Safety, Nuisance, General Behaviour and use of public places</p> <p>6 Nuisances, safety and Bad behaviours prohibited in any public places</p> <p>(1) A person must not use a public place to: (a) wilfully obstruct, disturb, or interfere with, <u>alarm, distress, intimidate or harm</u> any other person in their use or enjoyment of that public place.;</p> <p>Related information about bad behaviour, other regulations</p> <p>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.</p>	<ul style="list-style-type: none"> Amended heading to be easier to understand. Clause amended to better address nuisance or unsafe behaviours. See also Section “4 How we implement the Bylaw” of the proposal for information on how the Bylaw is used.
<p>6(1)(b) [A person must not use a public place to] create a nuisance through the use or playing of any instrument (musical or otherwise), any type of public address system or any type of amplified sound system, or from making any excessive sound or noise;</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p>Schedule 1, 9E Noise</p> <p>Related information about matters addressed in other regulations</p> <p>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.</p>	<ul style="list-style-type: none"> Clause removed because Council can address noise issues using other existing regulations.

<p>6(1)(c) [A person must not use a public place to] use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;</p>	<p>6(2) A person in a public place must not use any item or object material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner way which may intimidate, be dangerous, be injurious to or cause a nuisance to any person.</p> <p><u>7 Restrictions on the use of public places</u></p> <p>(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).</p> <p><u>Schedule 1, 12 UAV (Unmanned Aerial Vehicle)</u></p> <p>(1) A person must not use an UAV in or over a Council controlled public place unless Council has given prior written approval.</p> <p>(2) UAV means an unmanned aerial vehicle and includes a drone and model aircraft.</p> <p><u>Related information about general approval for UAV use</u></p> <p>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.</p> <p><u>Related information about UAVs, other regulations</u></p> <p><u>In general</u>, Clause 6(2) of this Bylaw prohibits use of UAVs that is reckless, intimidates, dangerous, injurious or a nuisance over public places.</p> <p><u>In general</u>, 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.</p>	<ul style="list-style-type: none"> • Clause amended to improve certainty by removing examples that may be considered to limit its use and to specifically address new issues about the use of drones.
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	<p>UAV use over roads is regulated by Auckland Transport.</p> <p>UAV use for filming in public places requires Council approval under the Trading and Events in Public Places Bylaw 2015.</p> <p>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.</p> <p>Concerns about UAVs and privacy are addressed in the Privacy Act 1993.</p>	
6(1)(d) [A person must not use a public place to] install or maintain a fence (including a razor-wire and electric fence) in a manner that may cause an injury or nuisance to any person;	<p>[Existing clause amended entirely, not shown here]</p> <p>Schedule 1, 6 Fences</p> <p>(1) <u>A person must not install a fence on any public place, unless the relevant authority has given prior written approval.</u></p> <p>(2) <u>The owner of a property must not allow a fence that is likely to cause an injury or nuisance to any person in a public place to be installed, modified or remain on that property, unless the relevant authority has given prior written approval.</u></p> <p>(3) <u>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.</u></p> <p>[refer Appendix C for more related information]</p>	<ul style="list-style-type: none"> • Clause amended to make it clear that a person must not use a public place for private fencing, and to prevent fences on private property that is likely to harm people in public places. • Stock fences in general are allowed as typically they are not adjacent to a footpath where it would likely cause a concern.
6(1)(e) [A person must not use a public place to] consume, inject or inhale or distribute or offer for sale any mind-altering substance;	<p>[Existing clause removed, not shown here to reduce table size]</p> <p>Schedule 1, 9C Mind altering and psychoactive substances</p> <p>Related information about matters addressed in other regulations</p> <p><u>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.</u></p> <p><u>The Psychoactive Substances Act 2013 enables the New Zealand Police to address possession, distribution or offering to sell all psychoactive substances in a public.</u></p>	<ul style="list-style-type: none"> • Clause removed because the issues are better addressed by the New Zealand Police using existing legislation. Council can still monitor complaints to provide information to the New Zealand Police.

<p>6(1)(f) [A person must not use a public place to] beg, in a manner that may intimidate or cause a nuisance to any person;</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p><u>Schedule 1, 1C Begging activity</u></p> <p><u>Related information to matters addressed in other regulations</u></p> <p><u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because Council can address issues using other existing regulations. • See also proposed changes to existing Clause 6(1)(a) about bad behaviours that apply to all Aucklanders. • See also Section “4 How we implement the Bylaw” about how Council takes a managed approach to behaviour around begging activity or rough sleeping.
<p>(g) [A person must not use a public place to] wash or offer to wash a vehicle or any part thereof, in a manner that may be unsafe or intimidate or cause a nuisance to any person, or cause an obstruction to traffic.</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p><u>Schedule 1, 4C Car window washing</u></p> <p><u>Related information to matters addressed in other regulations</u></p> <p><u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because the issues are better addressed by the New Zealand Police using existing legislation. Council can still monitor complaints to provide information to the New Zealand Police.
<p>6(2) Except at a facility or site specifically provided, or with the prior written approval of the council or a council controlled organisation, a person must not use a public place to:</p> <p>(a) display or fix any graffiti, posters, signs or advertising devices on any</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p><u>Schedule 1, 9A Graffiti</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because – <ul style="list-style-type: none"> ○ New Zealand Police can address issues about graffiti using other existing legislation.

<p>property that is under the control of the council or a council controlled organisation;</p>	<p><u>Schedule 1, 9G Posters, signs and advertising</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>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.</u></p> <p><u>The Auckland Unitary Plan regulates billboards as part of a comprehensive development or within a scheduled historic heritage place.</u></p> <p><u>Auckland Transport regulates billboards on the Auckland transport network including billboards placed in the road reserve or on the state highway network.</u></p>	<ul style="list-style-type: none"> ○ Council can address issues about posters, signs and advertising devices using other existing regulations.
<p>6(2)(b) [Except at a facility or site specifically provided, or with the prior written approval of the council or a council controlled organisation, a person must not use a public place to] light a fire (except in an appliance designed for outdoor cooking subject to any restriction imposed by the council on the lighting of fires).</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>Schedule 1, 7 Fires</u></p> <p>(1) <u>A person must not light a fire in a public place unless –</u></p> <p style="padding-left: 20px;">(a) <u>the fire is contained in a facility provided by the relevant authority; or</u></p> <p style="padding-left: 20px;">(b) <u>the fire is contained in a portable gas barbeque in a Council controlled public place; or</u></p> <p style="padding-left: 20px;">(c) <u>the relevant authority has given prior written approval.</u></p> <p>(2) <u>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.</u></p> <p><u>Related information about fires, other regulations</u></p> <p><u>The Auckland Unitary Plan prohibits the outdoor burning of household or commercial waste materials that create excessive smoke and hazardous pollutants when burnt.</u></p> <p><u>Section 94(1)(a) of the Reserves Act 1977 prohibits fires in reserves except in a fireplace in any camping ground or picnic area.</u></p>	<ul style="list-style-type: none"> • Clause amended to make it clearer where people can light fires, and that Fire and Emergency Act New Zealand may impose further restrictions (for example at times of the year when the risk of fires is high).

	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.	
<p>6(3) A person must not set off fireworks, flares or any other explosive material:</p> <p>(a) In a public place, except with the prior written approval of the council or a council controlled organisation; and</p> <p>(b) In any other place, in a way that does or is likely to create a nuisance or endanger any person, property, dog or other animal in a public place.</p>	<p>[Existing clause amended entirely, not shown here]</p> <p>Schedule 1, 8 Fireworks, flares, explosive materials</p> <p>(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.</p> <p>(2) Firework means an object containing hazardous substances with explosive properties.</p> <p>Related information about fireworks, other regulations</p> <p>On private property, fireworks are permitted provided –</p> <ul style="list-style-type: none"> 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. <p>The Trading and Events in Public Places Bylaw 2015 requires approval for public firework displays on Council controlled public places.</p>	<ul style="list-style-type: none"> Clause retains ban on fireworks in public places but is amended to enable the relevant authority (for example, the Maunga Authority) to approve exemptions. Clause about fireworks on other places that affects people in a public place removed because the New Zealand Police can address this issue using existing legislation, and in regard to animals is outside of Council's powers.
<p>7(1) Except with the prior written approval of the council or a council controlled organisation, a person must not cause damage on a public place including but not limited to:</p> <p>(a) damaging, removing, disturbing or interfering with any property that is under the control of the council or a council controlled organisation, including:</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p>Schedule 1, 5B Damage</p> <p>Related information about matters addressed in other regulations</p> <p>Damage to anything in any public place is be prohibited. For example –</p> <p>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.</p>	<ul style="list-style-type: none"> Clause removed because Council and New Zealand Police can address issues using other existing regulations. Clause 7(3) amended to be easier to understand by bringing references to all exempted authorities into the same clause.

<p>(i) any archaeological, heritage, historic or waahi tapu site; and</p> <p>(ii) any structure, street furniture, artefact, surface, natural feature, grass plot, flowerbed, tree, shrub or plant; and</p> <p>(iii) any furnishing, fitting or equipment in a building accessible by the public;</p> <p>(b) polluting, damaging, placing any obstruction in, or interfering with any water course or stormwater drain or channel;</p> <p>(c) placing a structure, opening a drain or disturbing a surface that is likely to be injurious to or cause a nuisance to any person or to cause damage to that public place;</p> <p>7(3) Clause 7(1) does not apply to work by a network utility operator that it is entitled by statute to undertake in a public place and provided all otherwise necessary authorisation is obtained.</p>	<p><u>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.</u></p> <p><u>Section 94(1)(e) of the Reserves Act 1977 prohibits wilfully breaking or damaging any fence, building, apparatus or erection on any reserve.</u></p> <p><u>The Auckland Unitary Plan regulates activity affecting archaeological, heritage, and waahi tapu sites.</u></p> <p><u>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.</u></p> <p><u>See also ‘11 Soil, rock, ... or other naturally occurring thing’ and to ‘13 vegetation’.</u></p> <p>11A Storm water drains, channels and water channels</p> <p>Related information about matters addressed in other regulations</p> <p>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.</p> <p><u>3(3) This Bylaw does not apply to Council, emergency services, civil defence personnel or network utility operators exercising their lawful functions.</u></p>	
<p>7(1)(d) [Except with the prior written approval of the council or a council</p>	<p>[Existing clause amended entirely, not shown here]</p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand.

<p>controlled organisation, a person must not cause damage on a public place including but not limited to] depositing, moving or removing rock, shingle, sand, vegetation, or any material or artefact; or</p>	<p><u>Schedule 1, 11 Soil, rock, shingle, shell, sand, vegetation, material, object or other naturally occurring thing</u></p> <p>(1) <u>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.</u></p> <p>(2) <u>Naturally occurring thing means soil, rock, shingle, shell, sand, vegetation, material, object or any other naturally occurring thing.</u></p> <p><u>Related information about naturally occurring things, other regulations</u></p> <p>The Litter Act 1979 and Solid Waste Bylaw 2012 prohibit the deposition of material.</p> <p>[refer Appendix C for more related information]</p>	
<p>7(1)(e) [Except with the prior written approval of the council or a council controlled organisation, a person must not cause damage on a public place including but not limited to] removing or damaging any tree, shrub or plant of any kind or part thereof or planting, sowing or scattering the seed of any tree, shrub or plant of any kind.</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>Schedule 1, 13 Vegetation</u></p> <p>(1) <u>A person must not –</u></p> <p>(a) <u>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.</u></p> <p>(b) <u>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.</u></p> <p>(2) <u>Vegetation means any seed, plant, shrub or tree or the produce of any seed, hedge, plant, shrub or tree, whether dead or alive.</u></p> <p><u>Related information about vegetation, other regulations</u></p> <p>The planting on berms next to roads is regulated and requires approval of Auckland Transport in accordance with its encroachment policy.</p>	<ul style="list-style-type: none"> • Clause amended to more clearly apply to activity which is not only damage, but also planting and vegetation encroachment), and be easier to understand. • See also proposed changes to other parts of clause 7(1) about damage. • Related to clause 8(1)(c) about vegetation encroachment.

	<p><u>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.</u></p> <p>[refer Appendix C for more related information]</p> <p><u>See also '5B damage'.</u></p>	
<p>8(1) Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to:</p> <p>(a) place or leave any material, object, thing or structure;</p> <p>(b) erect, construct, or place a building, structure, tent or projection of a building structure or tent or any part thereof, on, under, over or across a public place;</p> <p>8(2) Clause 8(1)(b) does not apply to tents or similar structures and any supporting fixtures (including ropes and pegs) that are erected temporarily for the purposes of providing shade and:</p> <p>(a) do not impede or obstruct the movement of any vehicles or person or cause a nuisance; and</p> <p>(b) are of a size that do not create a visual obstruction.</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>6(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.</u></p> <p><u>Schedule 1</u></p> <p><u>3 Building or construction materials, equipment and amenities</u></p> <p>(1) <u>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.</u></p> <p><u>4 Building, structure, tent</u></p> <p>(1) <u>A person must not erect, construct, place or leave any part or projection of a building, structure or tent in a public place unless –</u></p> <p>(a) <u>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</u></p> <p>(b) <u>the relevant authority has given prior written approval.</u></p> <p><u>10 Shipping or storage containers</u></p> <p>(1) <u>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.</u></p>	<ul style="list-style-type: none"> • Clause amended to more clearly prohibit things that cause a problem instead of everything (for example, a beach towel on the beach while you're swimming) and be easier to understand. • See also proposed changes to clause 9(5)(n) and (o) in relation to boats. • See also Section "4 How we implement the Bylaw" of the proposal for information about how Council takes a managed approach to complex social issues such as rough sleeping.

<p>8(1)(c) [Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to] allow vegetation to encroach over a public place in a manner that may cause a nuisance to any person or an obstruction to traffic;</p>	<p>[Refer to existing clause 7(1)(e) for amendments]</p>	<ul style="list-style-type: none"> • Clause amended to more clearly apply to the effects on all public places (not only traffic) and be easier to understand. • See proposed changes to other parts of clause 7(1)(e) about vegetation.
<p>8(1)(d) [Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to] hang a door or gate on any premises capable of being swung over or across or otherwise encroaching on a public place;</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>Schedule 1, 9 Gates or doors</u></p> <p><u>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.</u></p> <p><u>Related information about gates or doors, other regulations</u></p> <p><u>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.</u></p> <p><u>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.</u></p>	<ul style="list-style-type: none"> • Clause amended to more clearly apply to activity and not only obstructions.
<p>8(1)(e) [Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to] store or pack goods on a public place.</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>Schedule 1, 5 Consumer goods</u></p> <p><u>(1) A person must not store or pack consumer goods in a public place unless the relevant authority has given prior written approval.</u></p> <p><u>Related information about consumer goods, other regulations</u></p> <p><u>The Trading and Events in Public Places Bylaw 2015 applies (instead of this bylaw) to the outdoor display of goods and other commercial activities.</u></p>	<ul style="list-style-type: none"> • Clause amended to more clearly apply to activity and not only obstructions. Exceptions are provided for the outdoor display of goods and other commercial activities.

<p>9(1) The council may restrict or close entry to all or any portion of a park or beach during such times as are considered necessary to prevent damage to, ensure public safety in or around, or allow maintenance of the park or beach.</p> <p>9(2) The council may temporarily set aside whole or part of a park or beach for the exclusive use of particular groups or for specified activities during set times. The council may charge for the exclusive use of any or part of a park or beach.</p> <p>9(5) In addition to any other control that applies to a public place, a person must not:</p> <p>(a) enter a park or beach or any part thereof that is closed to the public;</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>7(4) A person must not enter or remain in a Council controlled public place that Council has –</u></p> <p>(a) <u>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</u></p> <p>(b) <u>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</u></p> <p>(c) <u>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).</u></p> <p><u>Related information</u></p> <p>Other mechanisms to obtain exclusive use include leases to clubs and events under the Auckland Council Trading and Events in Public Places Bylaw 2015.</p> <p><u>Part 3 Controls and Approvals</u></p> <p><u>10 Restricting access</u></p> <p><u>(1) The Council may restrict or close entry to the whole (or part) of any Council controlled public place, either generally or for one or more specified periods for any one or more of the following purposes –</u></p> <p>(a) <u>to protect flora, fauna, land, structures, infrastructure from damage;</u></p> <p>(b) <u>to protect public health and safety;</u></p> <p>(c) <u>to allow for maintenance; or</u></p> <p>(d) <u>to allow exclusive use for any group or specified activity.</u></p> <p><u>Related information</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand, provide guidance on how decisions are made and to remove duplication with Council's trading and events bylaw.
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	<u>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.</u>	
<p>9(3) The council may make controls to prohibit or restrict any recreational activity on the whole or part of any beach, during such times and/or seasons as are considered necessary, to ensure public safety and prevent nuisance. Recreational activities include:</p> <p>(a) fishing activities (for example, set-netting and surfcasting); and</p> <p>(b) other activities that may cause a nuisance or endanger public safety.</p> <p>9(4) The council must ensure public notice is given of any control made under subclause (3), in a manner that the council considers appropriate in the circumstances.</p> <p>9(7) Any control specified by the council under this clause may:</p> <p>(a) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;</p> <p>(b) apply to all park and beaches, a specified park or beach or any specified part of a park or beach;</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>7(2) A person must comply with any recreational fishing control made under clause 8.</u></p> <p><u>8 Recreational fishing controls</u></p> <p><u>(1) The Council may make a control about any recreational fishing activity in a Council controlled public place, including set netting and surfcasting.</u></p> <p><u>(2) Any control made under clause 8(1) –</u></p> <p><u>(a) may prohibit or restrict the activity either generally or for one or more specified periods (for example, during summer months);</u></p> <p><u>(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);</u></p> <p><u>(c) must be made in accordance with Clause 9; and</u></p> <p><u>(d) may be amended, replaced or revoked in accordance with Clause 9 with all necessary modifications.</u></p> <p><u>9 Procedure for making recreational fishing controls</u></p> <p><u>(1) The Council must before making a control under clause 8 be satisfied that –</u></p> <p><u>(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</u></p> <p><u>(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</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand, provide guidance on how decisions are made. • See also proposed changes to clause 6(1)(a) about interference with other people's enjoyment of public places.

<p>(c) apply to Auckland or to a specified part of Auckland;</p> <p>(d) apply at all times or at any specified time or period of time.</p>	<p><u>(c) the control is appropriate and proportionate in light of the evidence; and</u></p> <p><u>(d) the control can be justified as a reasonable limitation on people's rights and freedoms; and</u></p> <p><u>(e) the control is enforceable.</u></p> <p><u>Related information</u></p> <p><u>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.</u></p> <p><u>Schedule 1</u></p> <p><u>5A Crab potting</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>9J Set netting</u></p> <p><u>Related information to clause 7 and other regulations</u></p> <p><u>Council has made controls to prohibit set netting in the following public places –</u></p> <ul style="list-style-type: none"> • <u>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)</u> • <u>Arkles Bay within 200 metres seaward of the Mean High Water Spring from Labour weekend until Easter weekend each year (Resolution RBC/2015/39)</u> 	
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	<ul style="list-style-type: none"> • <u>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).</u> • <u>The above controls do not apply to customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing) Regulations 1998.</u> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>The Department of Conservation manages fishing threats to Maui dolphins on Auckland's west coast. This includes prohibition on set netting.</u></p> <p><u>The Litter Act 1979 enables Council to address fish offal, fish carcasses, fishing hooks or other material left behind on a beach.</u></p>	
<p>9(5)(b) [In addition to any other control that applies to a public place, a person must not] except in the case of an emergency, or with the prior written approval of the council:</p> <p>(i) land or take off in an aircraft from a park or beach;</p>	<p>[Existing clause amended entirely, not shown here]</p> <p>Schedule 1, 1 Aircraft</p> <p><u>(1) A person must not land or take-off in an aircraft on a Council controlled public place unless –</u></p> <p>(a) <u>Council has given prior written approval; or</u></p> <p>(b) <u>it is an emergency.</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand. • See also clause 6(1)(c) about UAVs. • See also clause 9(5)(l) about animals.

<p>(ii) use an aircraft to set down, pick up, or recover any person, animal, carcass, or article of any description on or from a park or beach.</p>	<p>(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.</p> <p>Related information about aircraft, other regulations</p> <p>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.</p> <p>[refer Appendix C for more related information]</p>	
<p>9(5) [In addition to any other control that applies to a public place, a person must not:]</p> <p>(c) engage in any recreational activity that is prohibited or restricted by the council on a park or beach, or any part thereof;</p> <p>(g) engage in any activity on a park that is prohibited or restricted by a parks management plan;</p> <p>(h) enter or remain on a park for the purpose of carrying out any activity for which approval from the council is required under a parks management plan or other regulation without that approval;</p>	<p>[Existing clause amended entirely, not shown here]</p> <p>7(3) A person must not engage in any prohibited or restricted activity specified in –</p> <p>(a) a parks management plan for regional parks; or</p> <p>(b) any other parks management plan made or reviewed on or from 2 November 2010.</p> <p>Example</p> <p>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.</p> <p>Related information</p> <p>Schedule 1 includes parks management plan rules as related information to assist the reader. However, some rules may not yet have been included.</p> <p>[refer to Table 1B for a list of parks rules not in this Table]</p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand, including referencing or regional park rules. • Table 1B contains regional park rules not included in this Table.
<p>9(5) [In addition to any other control that applies to a public place, a person must not:]</p> <p>(e) drive, ride, propel or wheel any vehicle on a park except on places specified by the council for the</p>	<p>[Existing clause amended entirely, not shown here]</p> <p>16 Vehicle provisions to transition to traffic bylaw</p> <p>(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.</p>	<ul style="list-style-type: none"> • Clause amended to enable the regulation of vehicles on parks and beaches using council's traffic bylaw, which provides more effective

<p>driving or riding of vehicles and subject to any controls that the council specifies;</p> <p>(f) park any vehicle except in a place set aside on a park by the council for parking and subject to any controls that the council may specify;</p> <p>(j) stop or stand a vehicle or leave a bicycle on a park in such a place that it causes or is likely to cause obstructions to any entrance, thoroughfare, path or track;</p> <p>(m) except in the case of an emergency, or with the prior written approval of the council, drive, ride, propel or wheel or park any vehicle on a beach. This restriction does not apply to any person driving a vehicle by a direct route at a speed not exceeding 10km/h on a beach where vehicular access is permitted, to deposit or retrieve a boat in the water. Every vehicle must be removed from the beach immediately upon retrieval or depositing of the boat;</p>	<p>(2) <u>A person must not park any vehicle on a park except in a place set aside and subject to any conditions Council specifies.</u></p> <p>(3) <u>A person must not drive, ride, propel or wheel or park any vehicle on a beach except –</u></p> <p style="padding-left: 20px;">(a) <u>to deposit or retrieve a boat in the water, provided –</u></p> <p style="padding-left: 40px;">(i) <u>there is vehicular access to the beach (for example, a boat ramp);</u></p> <p style="padding-left: 40px;">(ii) <u>the vehicle is driven using a direct route;</u></p> <p style="padding-left: 40px;">(iii) <u>the vehicle speed does not exceed 10km/h; and</u></p> <p style="padding-left: 40px;">(ii) <u>the vehicle is removed from the beach immediately upon retrieval or depositing of the boat;</u></p> <p style="padding-left: 20px;">(b) <u>in the case of an emergency; or</u></p> <p style="padding-left: 20px;">(c) <u>Council has given prior written approval.</u></p> <p>(4) <u>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.</u></p> <p><u>Related information</u></p> <p><u>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 –</u></p> <ul style="list-style-type: none"> • <u>restricting vehicles on parks and beaches using conditions instead of prior approval (clause 8(1)(a), 8(2)(a) and 8(5))</u> • <u>regulating the stopping, parking and leaving of vehicles (clause 11 and 12)</u> • <u>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).</u> 	<p>regulatory frameworks and penalties.</p> <ul style="list-style-type: none"> • See also Table 4 for proposed changes to the council's traffic bylaw.
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	<p><u>However, before the traffic bylaw can be used, Council must first adopt and implement the necessary resolutions (including any signage or road markings).</u></p> <p><u>As at 28 August 2018, no resolutions under the traffic bylaw have been adopted and these transitional provisions continue to have effect.</u></p>	
9(5)(i) [In addition to any other control that applies to a public place, a person must not] leave any gate on a park in a different position from that which that person finds it. Gates found open must be left open and gates found closed must be left closed;	[Refer to existing clause 8(1)(d) for amendments]	<ul style="list-style-type: none"> • Clause removed because Council can address issue using other existing legislation. • See proposed changes to clause 8(1)(d) about gates.
9(5)(k) [In addition to any other control that applies to a public place, a person must not] possess or use any weapon, trap or instrument of a dangerous nature on a park.	<p>[Existing clause amended entirely, not shown here]</p> <p><u>Schedule 1, 14 Weapon, trap or instrument of a dangerous nature</u></p> <p><u>(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.</u></p> <p><u>Related information instruments of a dangerous nature, other regulations</u></p> <p><u>Section 94(4) of the Reserves Act 1977 prohibits the possession or discharge of any weapons, traps or instruments on any reserve.</u></p> <p><u>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.</u></p> <p><u>The Summary Offences Act 1981 enables the New Zealand Police to address a person possessing a knife in a public place.</u></p> <p><u>The Animal Welfare Act 1999 prohibits the use of a trap or device for killing, managing, entrapping, capturing, entangling, restraining or immobilising an animal.</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand and to apply to all Council controlled public places.

<p>9(5)(l) [In addition to any other control that applies to a public place, a person must not] remove, harm or kill any animal or release or lose control of any animal under that person's control.</p>	<p>[Existing clause removed, and not shown here to reduce table size] <u>Schedule 1, 1B Animals</u> <u>Related information to matters addressed in other regulations</u> <u>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.</u> <u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because Council can address issues using other existing regulations • See also Table 2 about proposed changes to council's animal management bylaw.
<p>9(5) [In addition to any other control that applies to a public place, a person must not:]</p> <p>(n) leave a boat on a beach –</p> <p>(i) in any place that is prohibited or restricted by the council; or</p> <p>(ii) in a way that causes an obstruction or a nuisance;</p> <p>(o) obstruct access to boat ramps or boat launching facilities on a beach;</p>	<p>[Existing clause amended entirely, not shown here] <u>Schedule 1, 2 Boats</u> <u>(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 –</u> <u>(a) the boat is left temporarily for the purposes of accessing land provided the boat does not contravene Clause 6(3); or</u> <u>(b) Council has given prior written approval.</u> <u>Related information about boats, other regulations</u> <u>The Auckland Unitary Plan regulates residential use of boats, and storage of boats on beaches. The Navigation Safety Bylaw 2014 regulates boats on water.</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand. • Related to proposed changes to clause 8(1)(a) about obstructions.
<p>9(5)(p) [In addition to any other control that applies to a public place, a person must not:] clean or leave any fish or fish offal on a beach;</p>	<p>[Existing clause removed, not shown here to reduce table size] <u>Schedule 1, 8A fish or fish offal</u> <u>Related information about boats, other regulations</u> <u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because Council can address issues using existing legislation.

<p>9(5)(q) [In addition to any other control that applies to a public place, a person must not:] except in the case of an emergency, or with the prior written approval of the council use or interfere with any lifesaving equipment or warning device or notice on a beach;</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p><u>Schedule 1, 9B Lifesaving equipment, warning notices, and warning and emergency device</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>Section 232</u> of the Local Government Act 2002 enables Council to address wilful or negligent damage or interference and damage with the above property.</p> <p>The New Zealand Police can also address wilful damage under <u>section 11</u> of the Summary Offences Act 1981.</p>	<ul style="list-style-type: none"> • Clause removed because Council can address issues using existing legislation.
<p>9(6) Clause 9(5) does not apply to council officers or other authorised persons undertaking the council's functions, duties and powers.</p>	<p>[Existing clause amended entirely, not shown here]</p> <p><u>(3) This Bylaw does not apply to Council, emergency services, civil defence personnel or network utility operators exercising their lawful functions.</u></p>	<ul style="list-style-type: none"> • Clause amended to be easier to understand by bringing references to all exempted authorities into the same clause.

Table 1A: Amendments to Public Safety and Nuisance Bylaw 2013 continued, street naming and numbering of buildings

Existing Clause	New Clause	Reasons
<p>10 Street naming and numbering on buildings</p> <p>(1) For the avoidance of doubt, no person except Auckland Transport may paint, erect or affix a name on a road.</p> <p>(2) For the avoidance of doubt, Auckland Transport has the exclusive right to paint, erect or affix on a conspicuous part of a building, the name of the road to which it has frontage.</p> <p>(3) No person may wilfully or maliciously destroy, pull down, obliterate, or deface the name of a road or public place or the number of any premises.</p> <p>(4) Every allotment of land issued with a computer register under the Land Transfer Act 1952 that is occupied by a person or building must be marked by the owner, manager or occupier with a street number approved by the council.</p> <p>(5) The following exceptions apply to subclause (4):</p> <p>(a) For any unit pursuant to the Unit Titles Act 2010, at least one street number must mark the land comprising all the units and common property within the unit plan deposited under the Land Transfer Act 1952;</p> <p>(b) For any contiguous allotments of land under single management for a common purpose including an educational institution, industrial complex, or shopping mall, at least one street number must mark the contiguous allotments and must be accompanied by the name of the institution, complex or other such common purpose.</p> <p>(6) Every number and name under this clause must be:</p> <p>(a) legible and clearly visible from the public place to which the premises has frontage;</p> <p>(b) in characters not less than 75 millimetres in height for residential buildings and not less than 150 millimetres in height for all other buildings;</p> <p>(7) Numbers of premises must be maintained by the owner, manager or occupier in a manner that clearly identifies the premises.</p>	<p>[Existing clause removed, not shown here to reduce table size]</p> <p><u>Schedule 1</u></p> <p><u>9H Property and building numbers</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>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.</u></p> <p><u>11 B Street (road) naming</u></p> <p><u>Related information about matters addressed in other regulations</u></p> <p><u>Section 319(1)(j) of the Local Government Act 1974 enables Auckland Council Local Boards to name of roads using guidelines.</u></p> <p><u>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.</u></p>	<ul style="list-style-type: none"> • Clause removed because Council can address issues using existing regulations.

Table 1B: Amendments to Public Safety and Nuisance Bylaw 2013 continued, parks management plan rules proposed in Schedule 1

This Table shows parks management rules not included in Table 1. The rules are proposed to be included in Schedule 1 as related information to make it easier to understand the effect of proposed amendments to clause 9(5)(c), (g) and (h) about rules in park management plans.

Proposed related information in Schedule 1
<p><u>1A Abseiling</u></p> <p><u>Related information to clause 7(3)(a) regional park rules</u></p> <p><u>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).</u></p> <p><u>4A Burials</u></p> <p><u>Related information to clause 7(3)(a) regional park rules and other regulations</u></p> <p><u>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.</u></p> <p><u>The Cemeteries and Crematoria Bylaw 2014 applies (instead of this bylaw) to burials in Council-controlled cemeteries.</u></p> <p><u>See also ‘9I Scattering of ashes’ and ‘5b damage’.</u></p> <p><u>4B Camping or overnight stays</u></p> <p><u>Related information to clause 7(3)(a) regional park rules and other regulations</u></p> <p><u>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.</u></p> <p><u>The Freedom Camping Bylaw 2019 applies (instead of this bylaw) to overnight stays in vehicles.</u></p> <p><u>9D Mining</u></p> <p><u>Related information to clause 7(3)(a) regional park rules</u></p> <p><u>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.</u></p> <p><u>The Crown Minerals Act 1991 and Auckland Unitary Plan also regulate mining.</u></p>

Proposed related information in Schedule 1

[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.

Table 1C: Amendments to Public Safety and Nuisance Bylaw 2013 continued, administrative provisions not included in Table 1

Existing Clause	New Clause	Reasons
Public Safety and Nuisance Bylaw 2013 Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013 26 May 2014 Governing Body of Auckland Council Resolution in Council 22 August 2013 Pursuant to Local Government Act 2002, the Local Government (Auckland Council) Act 2009 and the Health Act 1956, the Governing Body of Auckland Council revokes and replaces bylaws about nuisance and public safety with the following bylaw.	Public Safety and Nuisance Bylaw 2013 Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea 2013 (as at dd month year 26 May 2014) Governing Body of Auckland Council Resolution in Council 22 August 2013 Bylaw made under sections 145 and 146 of the Pursuant to Local Government Act 2002, the Local Government (Auckland Council) Act 2009 and section 64 of the Health Act 1956, the Governing Body of Auckland Council revokes and replaces bylaws about nuisance and public safety with the following bylaw. <u>This summary is not part of the Bylaw but explains the general effects.</u> <u>The purpose of this Bylaw to help people to enjoy Auckland's public places by –</u> <ul style="list-style-type: none"> <u>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</u> 	<ul style="list-style-type: none"> Cover page amended and Summary inserted to make this Bylaw easier to understand. Note: The “as at” date is the date the Council makes a final decision on any changes to this Bylaw.


<p>public safety with the following bylaw.</p>	<ul style="list-style-type: none"> • <u>identifying restricted activities in Schedule 1</u>, for example, fireworks, drones, fences, fires, weapons, storing objects, camping or set netting • <u>enabling the restriction of certain activities and access to public places in clauses 7, 8 and 9.</u> <p>Other parts of this Bylaw assist with its administration by –</p> <ul style="list-style-type: none"> • <u>stating the name of this Bylaw and when it comes into force in clauses 1 and 2</u> • <u>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</u> • <u>stating the purpose of this Bylaw and defining terms used in clauses 3 and 4</u> • <u>providing transparency about how decisions are made under this Bylaw in clauses 9, 10 and 11</u> • <u>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</u> • <u>ensuring decisions made prior to amendments on dd month year continue to apply in Clause 15</u> • <u>providing time for bylaw provisions about vehicles to be addressed under the Auckland Council Traffic Bylaw 2015 in clause 16.</u> 	
<p>1 Title</p> <p>This bylaw is the Public Safety and Nuisance Bylaw 2013.</p>	<p>1 Title</p> <p>(1) This Bylaw is the Public Safety and Nuisance Bylaw 2013</p>	
<p>2 Commencement</p> <p>This bylaw comes into force on 26 May 2014.</p>	<p>2 Commencement</p> <p>(1) This Bylaw comes into force on 26 May 2014.</p> <p>(2) Amendments by resolution GB/yyyy/## come into force on 01 October 2019.</p>	<ul style="list-style-type: none"> • Clause amended to provide clear start date for amendments.

3 Application This bylaw applies to Auckland.	3 Application <u>(1) This Bylaw applies to Auckland.</u> <u>(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.</u> Examples <u>Nothing in this Bylaw applies to animals. All matters about animals are in the Auckland Council Animal Management Bylaw and Dog Management Bylaw.</u> <u>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.</u> <u>The prohibition of fires in Schedule 1 would not apply on Tūpuna Maunga if the Maunga Authority adopts its own bylaw on fires.</u>	<ul style="list-style-type: none"> Clause amended to ensure that the bylaw does not duplicate or contradict any rule contained in any other bylaw made by Auckland Council, Auckland Transport or the Maunga Authority.

Table 1D: Amendments to Public Safety and Nuisance Bylaw 2013 continued, administrative provisions not included in Table 1 continued

Existing Clause	New Clause	Reasons
Part 1 Preliminary provisions 4 Purpose (1) The purpose of this bylaw is to: <ul style="list-style-type: none"> (a) protect the public from nuisance, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places; (b) manage and protect from damage or misuse land, structures, property and assets owned, managed or under the control of the council; (c) regulate the display of street names and the identification and numbers of premises. 	Part 1 Preliminary provisions 4 Purpose (1) The purpose of this Bylaw is to: <ul style="list-style-type: none"> (a) protect the public from nuisance, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places; <u>and</u> (b) manage and protect from damage or misuse land, structures, property and assets owned, managed or under the control of the council; 	<ul style="list-style-type: none"> Clause amended to reflect the issues addressed in the proposed amended Bylaw. Related to clause 10 (Table 1A) about street naming and numbering of buildings.

Existing Clause	New Clause	Reasons
	(c) regulate the display of street names and the identification and numbers of premises.	
<p>5 Interpretation</p> <p>(1) In this bylaw, unless the context otherwise requires, —</p> <p>Act means the Local Government Act 2002.</p> <p>Aircraft means a fixed wing aircraft, helicopter, glider, dirigible, hot air balloon, parachute, hang glider, para glider, kite or model aircraft, whether powered or not powered.</p> <p>Animal means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.</p> <p>Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.</p> <p>[Explanatory note excluded to reduce size of table]</p>	<p>5 Interpretation</p> <p>(1) In this Bylaw, unless the context otherwise requires, — [Existing explanatory notes removed, not shown here]</p> <p>Act means the Local Government Act 2002.</p> <p>Aircraft means a fixed wing aircraft, helicopter, glider, dirigible, hot air balloon, parachute, hang glider, para glider, kite or model aircraft, whether powered or not powered.</p> <p>Animal means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.</p> <p>Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.</p>	<ul style="list-style-type: none"> • Definitions amended to improve certainty. • Definitions inserted where used in proposed amended Bylaw. • Definitions removed where not used or necessary in proposed amended Bylaw.

Existing Clause	New Clause	Reasons
<p>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.</p> <p>Coastal marine area has the meaning given in the Resource Management Act 1991.</p> <p>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.</p> <p>[Explanatory note excluded to reduce size of table]</p> <p>Council controlled organisation has the same meaning as substantive council controlled organisation in the Local Government (Auckland Council) Act 2009.</p>	<p><u>Related information</u></p> <p>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.</p>  <p>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.</p> <p>Coastal marine area has the meaning given by section 2 of the Resource Management Act 1991.</p> <p>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.</p> <p><u>Related information</u></p> <p>As at 26 July 2018, the Regulatory Committee has delegated authority to make recreational fishing controls under clause 8.</p> <p>As at [date], Council's xyz have delegated authority to approve activities that would otherwise be prohibited, and to enforce this Bylaw.</p> <p>Council controlled organisation has the same meaning as substantive council controlled organisation in the Local Government (Auckland Council) Act 2009.</p>	

Existing Clause	New Clause	Reasons
<p>[Explanatory note excluded to reduce size of table]</p> <p>Mind altering substance means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:</p> <ul style="list-style-type: none"> (a) medically prescribed substances ingested by the person for whom they were prescribed; (b) substances purchased from a pharmacy without a medical prescription; (c) nicotine; (d) alcohol as defined in the Sale and Supply of Alcohol Act 2012. 	<p><u>Council controlled public place means —</u></p> <ul style="list-style-type: none"> (a) <u>a place that is under the control of Auckland Council; and</u> (b) <u>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</u> (c) <u>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</u> (d) excludes any place under the control of the Maunga Authority. <p>Mind altering substance means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:</p> <ul style="list-style-type: none"> (a) medically prescribed substances ingested by the person for whom they were prescribed; (b) substances purchased from a pharmacy without a medical prescription; (c) nicotine; (d) alcohol as defined in the Sale and Supply of Alcohol Act 2012. 	

Existing Clause	New Clause	Reasons
<p>Nuisance has the same meaning as 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.</p> <p>[Explanatory note excluded to reduce size of table]</p> <p>Park means-</p> <ul style="list-style-type: none"> (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. <p>Parks management plan means an adopted management plan for any regional or local park.</p> <p>Person includes a corporation sole, a body corporate, and an unincorporated body.</p> <p>Premises means any separately occupied land, building, or part of the same.</p> <p>Public place—</p> <ul style="list-style-type: none"> (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. 	<p>Nuisance has the same meaning as 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.</p> <p>Park means-</p> <ul style="list-style-type: none"> (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. <p>Parks management plan means an adopted management plan for any regional or local park.</p> <p>Person includes a corporation sole, a body corporate, and an unincorporated body.</p> <p>Premises means any separately occupied land, building, or part of the same.</p> <p>Public place —</p> <ul style="list-style-type: none"> (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; <u>and</u> (c) <u>Includes any Council controlled public place.</u> 	

Existing Clause	New Clause	Reasons
<p>Road has the meaning given by the Local Government Act 1974. [Explanatory note excluded]</p> <p>Vehicle has the meaning given by the Land Transport Act 1998. [Explanatory note excluded to reduce size of table]</p> <p>Waahi tapu means a place sacred to Māori.</p>	<p>Road has the meaning given by the Local Government Act 1974.</p> <p>Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998.</p> <p>Waahi tapu means a place sacred to Māori.</p> <p>Maunga Authority means the Tūpuna Maunga o Tāmaki Makaurau Authority established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</p> <p>Relevant authority means –</p> <p>(a) <u>Council</u> in relation to a Council controlled public place; or</p> <p>(b) <u>the property owner or authority responsible in relation to any other public place.</u></p>	
(2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.	(2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.	
(3) Unless the context requires another meaning, a term or expression that is defined in the Act and used in this bylaw, but not defined, has the meaning given by the Act.	(3) Unless the context requires another meaning, a term or expression that is defined in the Act and used in this bylaw, but not defined, has the meaning given by the Act.	
(4) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.	(24) Related information does Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be inserted, changed or removed made, amended and revoked without any formality.	

Existing Clause	New Clause	Reasons
(5) The Interpretation Act 1999 applies to this bylaw.	(35) The Interpretations Act 1999 applies to this Bylaw.	
	<p><u>11 Approval</u></p> <p>(1) <u>The Council may make controls and set fees for the following matters regarding any approval related to a restriction in Schedule 1 –</u></p> <ul style="list-style-type: none"> (a) <u>applying for an approval, including forms and information;</u> (b) <u>assessing an application for an approval, including inspection;</u> (c) <u>granting or declining an application for an approval;</u> (d) <u>the conditions that may be imposed on an approval;</u> (e) <u>the duration of an approval;</u> (f) <u>objecting about a decision to decline an approval, including the objection period;</u> (g) <u>objecting about a condition of an approval, including the objection period;</u> (h) <u>conducting inspections to ensure that an approval and its conditions are complied with;</u> (i) <u>reviewing an approval or its conditions;</u> (j) <u>transferring an approval;</u> (k) <u>refunding or waiving fees;</u> (l) <u>suspending or cancelling an approval; and</u> 	<ul style="list-style-type: none"> • Clause inserted to show how Council gives approvals.

Existing Clause	New Clause	Reasons
	<p>(m) <u>objecting about a decision to suspend or cancel an approval, including the objection period.</u></p> <p>(2) <u>If no controls are made about the duration or transferability of an approval (under clause 14(1)€ and 14(1)(j)), an approval has a duration of 12 months from the date granted and is not transferable.</u></p>	
<p>Part 3 Enforcement Powers</p> <p>11 Compliance with the bylaw</p> <p>(1) The council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.</p>	<p>Part 34 Enforcement powers, offences and penalties</p> <p>1112 Compliance with the bylaw</p> <p>(1) The council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.</p> <p>[refer Appendix C for more related information]</p>	
<p>12 Removal of material or things</p> <p>(1) In addition to the powers conferred on it by any other enactment, the council may remove or cause to be removed from any public place any material or thing using that public place in breach of the bylaw.</p> <p>(2) The council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.</p>	<p>16 Removal of material or things</p> <p>(1) In addition to the powers conferred on it by any other enactment, the council may remove or cause to be removed from any public place any material or thing using that public place in breach of the bylaw.</p> <p>(2) The council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.</p>	<ul style="list-style-type: none"> • Clause removed as powers already contained in the Local Government Act 2002 and do not need to be stated in bylaw.
<p>13 Removal of construction</p> <p>(1) The council may, pursuant to 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.</p>	<p>13 Removal of construction</p> <p>(1) The council may, pursuant to 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.</p>	

Existing Clause	New Clause	Reasons
<p>Part 4 Offences and Penalties</p> <p>14 Bylaw breaches</p> <p>(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 and/or the Health Act 1956.</p> <p>(2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.</p>	<p>Part 4 <u>Enforcement powers, offences and penalties</u></p> <p>14 <u>Bylaw breaches</u></p> <p>(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 and/or the Health Act 1956.</p> <p>(2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.</p> <p>[refer Appendix C for more related information]</p>	<ul style="list-style-type: none"> Clause amended to remove powers already conferred under the Litter Act 1979 and do not need to be stated in bylaw.
<p>Part 5 Savings and transitional provisions</p> <p>15 Savings and transitional provisions</p> <p>(1) This clause applies to:</p> <p>(a) Auckland Regional Council Parks Bylaw 2007;</p> <p>(b) Auckland City Council No 20 – Public Places Bylaw (2008);</p> <p>(c) Franklin District Council Public Places Bylaw 2007;</p> <p>(d) Franklin District Council Beach Control Bylaw (2006);</p> <p>(d) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;</p> <p>(e) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;</p> <p>(f) Part 2 (Public Places) of the North Shore City Council Bylaw 2000;</p> <p>(g) Papakura District Council Public Places Bylaw 2008;</p>	<p>Part 5 Savings and transitional provisions</p> <p>[Existing clauses removed, not shown here]</p> <p>15 <u>Existing controls and approvals saved</u></p> <p><u>(1) Every control or approval under this Bylaw prior to the commencement of amendments in clause 2(2) continues to apply.</u></p> <p>[Refer to existing clause 9(5)(e), (f), (j) and (m) for amendments to transitional provisions about vehicles]</p>	<ul style="list-style-type: none"> Part amended to remove provisions from bylaws revoked in 2013 and no longer required, and insert provisions related to the Bylaw prior to amendments being made. See proposed changes to existing clause 9(5)(e), (f), (j) and (m) about vehicles.

Existing Clause	New Clause	Reasons
<p>(h) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;</p> <p>(i) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;</p> <p>(j) Waitakere City Council Public Places Bylaw 2010.</p> <p>(2) Any resolution or other decision made under the bylaws referred to in clause 15(1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.</p> <p>(3) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 15(1) continues in force but:</p> <p>(a) expires on the date specified in that approval; or</p> <p>(b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective; and</p> <p>(c) can be renewed only by application made and determined under this bylaw.</p> <p>(4) Any application for a licence, consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 15(1) that was filed before the day on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.</p>		
	<p><u>Schedule 1 Restrictions on the use of public places</u></p> <ul style="list-style-type: none"> • <u>Related information is provided in this Schedule on the issues commonly searched for in this Bylaw.</u> 	<ul style="list-style-type: none"> • Schedule inserted to make it Bylaw easier to understand by included all rules commonly

Existing Clause	New Clause	Reasons
	<ul style="list-style-type: none"> 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. [The contents of this Schedule are in Tables 1 and 1A]	searched for in the one location.
	Related Information, Bylaw History [refer Appendix C for more related information]	

Table 1E: Amendments to Public Safety and Nuisance Bylaw 2013 continued, future amendment of proposed transitional clause 16

Proposed future amendment	Reasons
<p>Proposed transitional clause 16 seeks to enable the regulation of vehicles on parks and beaches using council's traffic bylaw (See proposed changes to existing clause 9(5)(e), (f), (j) and (m) about vehicles).</p> <p>As decisions are made under the council's traffic bylaw, proposed clause 16 is proposed to be amended or removed to reflect those decisions.</p>	<ul style="list-style-type: none"> To reduce future confusion as decisions are made under the council's traffic bylaw which are intended to replace the transitional provisions in this Bylaw. Related to clause 9(5)(e), (f), (j) and (m) (Table 1A) about vehicles.

Table 2: Amendments to Animal Management Bylaw 2015

Existing bylaw clause	Proposed changes	Reason for change
	<p>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.</p> <p><i>Explanatory note: Definition inserted by minute GB/yyyy/###, in force on dd month yyyy. Related to amendments to the Auckland Council Public Safety and Nuisance Bylaw 2013.</i></p>	<ul style="list-style-type: none"> Easier for public to find the bylaw they need if all issues about a topic are in the same bylaw.
8 Slaughter, animals and animal remains	<p>8 Slaughtering, hunting, removal or release of animals and animal remains</p> <p>(2A) A person must not release or abandon any animal in a public place unless Council has given prior written approval.</p> <p>(2B) A person must not hunt or remove any animal in a public place unless –</p> <p>(b) fishing below mean high water springs; or</p> <p>(c) for customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing) Regulations 1998; or</p> <p>(d) 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).</p> <p><i>Explanatory notes:</i></p> <ul style="list-style-type: none"> <i>Other regulations also apply to the release, hunting and harming of animals.</i> <i>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.</i> <i>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.</i> <i>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).</i> <i>The Wild Animal Control Act 1977 (s8) and Crimes Act 1961 (s219) can also apply to the hunting or removal of certain animals.</i> <i>Subclause 2A and 2B inserted by minute GB/yyyy/###, in force on dd month yyyy. Related to amendments to the Auckland Council Public Safety and Nuisance Bylaw 2013.</i> 	<ul style="list-style-type: none"> Related to clause 9(5)(c), (g), (h) and (l) of the public safety and nuisance bylaw.

Table 4: Amendments to Traffic Bylaw 2015

Existing bylaw clause	Proposed changes	Reason for change
<p>road means</p> <p>(a) a street;</p> <p>(b) a beach;</p> <p>(c) a place to which the public have access, whether as of right or not; and</p> <p>(d) bridges, culverts, gates and fords forming part of a road or street, or a place referred to in subclause (c); which is under the control of the Council and which is not part of the Auckland transport system.</p>	<p>road means</p> <p>(c) a street;</p> <p>(d) a beach;</p> <p><u>(c) a park;</u></p> <p><u>(d) a place to which the public have access, whether as of right or not; and</u></p> <p><u>(e) bridges, culverts, gates and fords forming part of a road or street, or a place referred to in subclause (de);</u></p> <p>which is under the control of the Council and which is not part of the Auckland transport system.</p> <p><u>Explanatory note: Definition amended by minute GB/yyyy/##, in force on dd month yyyy to insert 'park'. Related to amendments to the Auckland Council Public Safety and Nuisance Bylaw 2013.</u></p>	<ul style="list-style-type: none"> • Easier for public to find the bylaw they need if all issues about a topic are in the same bylaw. • Related to clause 9(5)(e), (f), (j) and (m) of the public safety and nuisance bylaw.
<p>8 Limitations on the use of roads, (including beaches and other public places)</p> <p>(2) The Council may by resolution permanently or temporarily:</p> <p>(a) restrict the use of any beach, unsealed or unformed road by all motor vehicles or any class of motor vehicle;</p>	<p>8 Limitations on the use of roads, (including <u>parks</u>, beaches and other public places)</p> <p>(2) The Council may by resolution permanently or temporarily:</p> <p>(a) restrict the use of any <u>park</u>, beach, unsealed or unformed road by all motor vehicles or any class of motor vehicle;</p> <p><u>Explanatory note: Subclause (2) amended by minute GB/yyyy/##, in force on dd month yyyy to insert 'park'. Related to amendments to the Auckland Council Public Safety and Nuisance Bylaw 2013.</u></p>	
<p>11 Parking vehicles off a roadway</p> <p>(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, beach or in any area that is not designed and constructed to accommodate a parked motor vehicle.</p>	<p>11 Parking vehicles off a roadway</p> <p>(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, <u>park</u>, beach or in any area that is not designed and constructed to accommodate a parked motor vehicle.</p>	

Existing bylaw clause	Proposed changes	Reason for change
	<u>Explanatory note: Subclause (1) amended by minute GB/yyyy/##, in force on dd month yyyy to insert 'park'. Related to amendments to the Auckland Council Public Safety and Nuisance Bylaw 2013.</u>	

Appendix B: Legacy bylaws about fences proposed to be revoked

The following bylaws are proposed to be revoked. Matters related to fences are proposed to be addressed in Schedule 1 of the public safety and nuisance bylaw.



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.

Appendix C: Proposed amended Auckland Council Public Safety and Nuisance Bylaw 2013

This appendix shows what the public safety and nuisance bylaw would look like if all the proposed changes were made.



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.

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 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 —

- (c) 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
- (d) includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward; and
- (e) 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 –

- (c) Council in relation to a Council controlled public place; or
 - (d) 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.

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.

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 –
 - (e) to protect flora, fauna, land, structures, infrastructure from damage;
 - (f) to protect public health and safety;
 - (g) to allow for maintenance; or
 - (h) 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 –
- (n) applying for an approval, including forms and information;
 - (o) assessing an application for an approval, including inspection;
 - (p) granting or declining an application for an approval;
 - (q) the conditions that may be imposed on an approval;
 - (r) the duration of an approval;
 - (s) objecting about a decision to decline an approval, including the objection period;
 - (t) objecting about a condition of an approval, including the objection period;
 - (u) conducting inspections to ensure that an approval and its conditions are complied with;
 - (v) reviewing an approval or its conditions;
 - (w) transferring an approval;
 - (x) refunding or waiving fees;
 - (y) suspending or cancelling an approval; and
 - (z) 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.

DRAFT

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 –
 - (c) Council has given prior written approval; or
 - (d) 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.



5 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 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 '# vegetation'.



6 Fences

- (4) A person must not install a fence on any public place, unless the relevant authority has given prior written approval.
- (5) 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.
- (6) 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

- (3) 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.
- (4) 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

- (2) 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\(1\)\(i\)](#) 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)

- (3) A person must not use an UAV in or over a Council controlled public place unless Council has given prior written approval.
- (4) 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

- (3) A person must not –
- (c) 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.
 - (d) 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.
- (4) 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	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)
[find and insert]	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	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)
[TBC]	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 [TBC]
[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
[TBC]	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 [TBC]

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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