

Proposed Auckland Transport Public Safety and Nuisance Bylaw 2013

Glossary

Auckland Council	(AC)
Auckland Transport	(AT)
Auckland transport system	(ATS)
Special Consultative Procedure	(SCP)
Statement of Proposal	(SOP)
Land Transport Act 1998	(LTA1998)
Local Government Act 2002	(LGA2002)

Executive Summary

The purpose of this report is to seek the AT Board's approval to undertake public consultation on a proposed bylaw for public safety and nuisance. This proposed bylaw will regulate activities which can be carried out on roads and in other public places in an endeavour to reduce risks to public safety and to avoid nuisance. The proposed bylaw will form a complementary bylaw to a separate public safety and nuisance bylaw proposed by AC. The bylaws teams of AT and AC have worked jointly on the development of these two bylaws. The SOP in Attachment 1 to this report outlines the details of the issues identified, the options considered and the recommended approach to the administration of the bylaw. This is the same SOP that is being proposed to the AC Governing Body as the consultation on the two bylaws will be carried out as a single process.

It is necessary to have two bylaws because, for matters such as these, AT and AC each have the same bylaw-making power but can only use them for the areas under their control. AT has the power to make bylaws for the Auckland transport system whereas Auckland Council has the power to make bylaws for all places that are not part of the Auckland transport system, such as parks, reserves and other open public spaces that are not part of the road network. Prior to the amalgamation of the Legacy Councils, bylaws regulating these activities were not required to distinguish the different types of "public places" that existed as the Legacy Councils were also the road controlling authorities.

It is expected that putting in place bylaws that are as similar as possible for these areas where both AT and AC have the same power will help to reduce the potential for public confusion. The public should find that the controls that exist in the public open space controlled by AT and AC will be consistent. The drafting of the proposed bylaw has been led by AC staff but with input from AT staff in areas with particular transport impact. Clause 9 is the only clause in the bylaws that is significantly different as it relates to activities in parks and reserves for the AC bylaw and for public transport infrastructure and roads in the AT bylaw.

The review of the legacy bylaws indicates that the extent of issues covered in the legacy public places bylaw varies across the region. Through the review of the legacy bylaws some issues were considered no longer relevant or better suited to be incorporated into other bylaws or to be regulated through other mechanism or agencies.

The issues that are covered in these proposed bylaws have been identified as best suited to be regulated through a bylaw as it will be the most effective mechanism to ensure that activities undertaken within public places do not create a nuisance, impact on public safety, create an obstruction, cause damage to public property or interfere with the public's ability to enjoy the public place.

To inform the draft of this proposed bylaw, AC and AT have undertaken initial consultation with political, internal and major stakeholders including the AC Regulatory and Bylaws Committee Working Party, all Local Boards, the Disability Strategic Advisory Group, AC departments and units, and a wide range of industry stakeholders.

The consultation of this bylaw is being undertaken in accordance with the requirements for a SCP under the LGA2002. The first step of the SCP is for the Board to approve the SOP and give approval for the commencement of the consultation.

Recommendations

It is recommended that the Board:

- i). Receive this report
- ii). Approves the commencement of public consultation on the attached Statement of Proposal and draft AT Public Safety and Nuisance Bylaw
- iii). Authorises the Chief Executive to make any minor edits or amendments to the Statement of Proposal and draft bylaw prior to consultation to correct any identified errors or to maintain consistency with the proposed AC bylaw

Strategic Context

AT has developed an overarching outcome to be in line with the strategic direction of the Auckland Plan: *Auckland's transport system is effective and efficient, and provides for the region's social, economic and environmental and cultural wellbeing*. The proposed bylaw will assist in achieving this outcome by imposing limits on activities that help to create public places that are free of nuisances and are convenient for the enjoyment of the public.

Background

Review of Legacy Bylaws

AT and AC are required under sections 61 and 63 of the Local Government (Auckland Transitional Provisions) Act 2010 to review Legacy Council bylaws. For the purpose of this bylaw, AT is required to review provisions relating to public safety and nuisances in the legacy bylaws that occur within areas of AT's jurisdiction – the roads and public transport infrastructure under the care, management and control of AT.

As specified under section 145 of the LGA2002, AT may make bylaws to protect the public from nuisance; public health and safety; and protect the public from offensive behaviour. Under those criteria AT's power is to make bylaws for matters that will affect directly or indirectly the functioning and use of the Auckland transport system as a means of moving goods and people from place to place. Under section 22AB of the LTA1998, AT may make bylaws to control activities occurring on Auckland transport system including vehicle and road use, heavy traffic, signs and markings, livestock on road, displays, vegetation, access, pedlars and other general road-related matters. The extent to which legacy bylaws incorporate these activities in public places varies across the region. In particular, vehicle crossing and construction occurring on the Auckland transport system are addressed in a "public places" bylaw while in some cases these issues are incorporated in separate bylaws specifically relating to construction matters.

The next section gives a brief description of the issues covered in the proposed bylaw. Please note that vehicle crossing, livestock on public places, freedom camping and other construction related issues which were covered in the legacy bylaws on public places, will not be covered in this proposed bylaw. These issues will be covered by other bylaws planned for development later in 2013.

Public Safety and Nuisance Bylaw 2013

In summary, the controls in the proposed bylaw are in five parts:

- 1) Nuisances, safety and behaviour in public places
- 2) Damage in any public place
- 3) Obstructions in any public place
- 4) Additional controls for public transport infrastructure and roads
- 5) Street naming and numbering on buildings

The controls under the section in nuisances, safety and behaviour in public places prohibit the use of or activities carried out on public places that might create nuisance or cause safety concerns to the public. For example, begging, car window washing, general disorderly behaviour, substance abuse and inappropriate use of vehicles and recreational devices.

The controls relating to damage or obstruction in any public place specify that, except with the approval of AT, the public is not allowed to undertake activities that might cause or create obstruction or damage to any public places. For example, the removal of structures or vegetation (excluding berm mowing), storage of machinery, allowing a door or gate to encroach on a public place. Approvals for the erection of scaffolding of footpaths will also be covered by this provision.

The additional controls for public transport infrastructure and roads enable AT to control the public's use of public transport infrastructure and roads, to prevent damage to the infrastructure and to ensure public safety. AC's proposed bylaw for public nuisance and safety contain provisions in relation to additional controls for parks and beaches as activities that occur in parks and beaches are solely the responsibility of AC and beyond the jurisdiction of AT. These controls relate to activities such as authorised or unauthorised access to and activities in parks, beaches and reserves.

The controls relating to street naming and numbering on buildings specify that only AT has the authority to paint, erect or affix a street name sign on a road. The public may not deliberately cause damage to the name of a road or the number of any premises. All properties must have a street number approved by AC. The number and name also has to be of a certain specifications. AC is responsible for the naming of streets and the allocation of property numbers but the power to make bylaws relating to the display of street name signs and property numbers that are visible from the road rests with AT.

The proposed bylaw will revoke the clauses in the legacy bylaws to the extent that they relate to the controls covered in the proposed bylaw. Other issues that were covered in legacy public places bylaws including vehicle crossings, outdoor dining tables, shipping containers, vehicles for sale and display of signs, are not part of this proposed bylaw and subject to another review process.

Next Steps

Consultation

- If the Board approves the SOP for public consultation during February 2013 advance notice of this will be provided to major stakeholders, (including AC, the Local Boards, Maori, public transport operators, the AA and the Road Transport Forum).
- Notified public consultation on the proposed bylaw will be undertaken during February 2013.

- Written submissions on the proposed bylaw will be analysed during March and April 2013 in combination with submissions on the AC bylaw
- A public meeting to hear submissions (as required for the SCP) will be organised by AC during May 2013. AC have proposed a public meeting organised by AC will be held in May 2013 to hear any submitters who wish to make an oral submission in addition to their written submission. AC have proposed that the panel that considers these oral submissions be made up of three members appointed by AC and two members appointed by AT. The panel will prepare a report for the governing bodies of both AT and AC on the submissions and any associated recommendations for changes to the proposed bylaws.

Making the Bylaws

It is anticipated that the final version of the proposed bylaws will be presented to the AT Board and AC Governing Body for consideration during July 2013.

Notify the Minister of the Bylaws

The Minister of Transport must be notified within one week after a bylaw is made.

Public Notice of the Bylaws

The notice will confirm the date the bylaws come into effect which is expected to be before the end of August 2013.

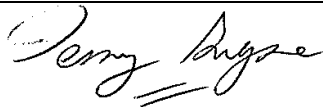


Attachments

Attachment 1 – Statement of Proposal

Describes the proposed bylaws in detail and contains a copy of the proposed AC bylaw.

Attachment 2 – Draft proposed AT Bylaw for Public Nuisance and Safety 2013

Draft bylaw that will accompany the Statement of Proposal for the consultation with key stakeholders and the public.

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RECOMMENDED by	Greg Edmonds Chief Operations Officer	
APPROVED FOR SUBMISSION by	David Warburton Chief Executive	



Statement of Proposal

Review of Public Places / Safety and Nuisance Bylaws

December 2012

This Statement of Proposal includes:

Executive Summary

Statutory requirements to protect the public from nuisance, maintain public health and safety and minimise the potential for offensive behaviour in public places

Reasons for the proposal

Current situation

Outcomes sought

Relevant bylaw determinations

Perceived problems and options recommended achieving outcomes sought

New Zealand Bill of Rights

Proposed revocation of existing legacy public places/safety and nuisance bylaws

Appendix 1: Summary of legacy bylaws

Appendix 2: Activities proposed to be regulated via an Auckland-wide bylaw

Appendix 3a: Text of proposed draft Auckland Council bylaw

Appendix 3b: Text of proposed draft Auckland Transport bylaw

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Executive Summary

This is a statement of proposal that reviews the 'public places' and regional parks bylaws inherited by Auckland Council and Auckland Transport. Auckland Council and Auckland Transport inherited eleven bylaws that are intended to control the problems from activities that give rise to nuisance and inappropriate behaviour, cause obstructions and damage to public places (including roads) and generally impact on people's perceptions of public safety. They also provide controls on the use of beaches, local and regional parks, public transport infrastructure and, street naming and numbering of buildings. These bylaws operate effectively for the legacy areas, using a range of regulatory and non-regulatory approaches for particular issues. **Appendix 1** contains a summary of the key provisions of these bylaws.

This report provides the background, statutory requirements and determination specific to each of the topics.

The review of the bylaws on public safety and nuisance is a joint project between Auckland Council and Auckland Transport as the legal responsibility for the making of bylaws lies with both organisations. If the bylaw applies to the Auckland transport system and is transport related, then it is the responsibility of Auckland Transport. If only one, or neither of these conditions apply, it is the responsibility of Auckland Council. The road reserves of Auckland make up a significant proportion of the open public space in the region and consequently bylaws relating to public places often have a considerable focus on activities happening on or related to the roads. Auckland Transport is responsible for the majority of those bylaws. It is also common for bylaws to apply to both roads and to other public places (parks and beaches). The legacy bylaws had no need to distinguish between the two types of public place so, to avoid public confusion, both Auckland Council and Auckland Transport have produced complementary draft bylaws. This means that consistent rules will continue to apply across both types of 'public place'. The proposed Auckland Council and Auckland Transport bylaws are included in **Appendix 3a** and **3b** respectively.

A key component of this review is the compilation and rationalisation of the existing bylaws and associated controls that deal with public safety and nuisance in public places, which includes local and regional parks, and beaches. Auckland Council's proposed bylaw defines a 'public place' as 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 includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward. Auckland Transport's proposed bylaw contains the same definition of "public place", but its application is limited to the roads and public transport infrastructure under the care, management or control of Auckland Transport.

A regional, integrated approach to promoting public safety and minimising nuisances will ensure that acceptable standards of convenience, safety and visual amenity are maintained for the well-being and enjoyment of Auckland's citizens and visitors. The proposed bylaws are intended to complement other approaches, undertaken by the council and other agencies, for addressing public safety, nuisance and general behaviour in the Auckland region. The council recognises that there are a number of underlying issues associated with certain behaviours and protecting people who are perceived to be creating a 'nuisance' from any harm while minimising undue intimidation and impact on public safety is equally as important. Region-wide bylaws align with the Auckland Plan's key strategic directives, to "improve community safety and feelings of being safe"¹, as well as with the public safety objectives of other agencies, such as those of the police's to 'Be safe' and 'Feel safe'.

The expected benefits to Auckland of providing two complementary region-wide bylaws are:

¹ Directive 1.9, page 85, Chapter 1 – Auckland's People.

- heightened awareness about public safety, nuisance and general behaviour regulations and bylaw requirements
- a consistent and integrated approach to addressing public safety and nuisance
- public acceptance of and satisfaction with solutions provided to the wider public.

The provisions of the proposed bylaws deal with the following issues:

- nuisance, safety and behaviour in public places
- damage in any public place
- obstructions in any public place
- additional controls on parks and beaches (Auckland Council's bylaw only)
- additional controls on public transport infrastructure and roads (Auckland Transport's bylaw only)
- street naming and numbering on buildings.

This document focuses on the issues that were generally common among the majority of legacy councils. However, a number of councils had a specific issue that was contained only in their bylaw, to address an activity that was specific to their area. The existing bylaw clauses were reviewed to see if the specific problem remains and that a bylaw is the appropriate mechanism. As a result, a number of activities have not been included in the proposed bylaws on the basis that they have either been or, will be included in other bylaws², there are alternative approaches,³ or they are no longer relevant, so no bylaw is required. The proposed bylaws have been prepared on the basis of those activities and behaviours considered appropriate for regulation. An analysis of the activities proposed to be regulated in an Auckland Council and complementary Auckland Transport bylaw and the reason for the recommendation is discussed in **Appendix 2**.

The proposed bylaws do not include provisions on trading in public places, which were included in Auckland City Council's Public Places (No 20) Bylaw, Waitakere City Council's Public Places Bylaw (2010) or Auckland Regional Council's Parks Bylaw⁴. Those provisions will remain in place until such a time when they are revoked and replaced by a new 'Trading in Public Places' bylaw.

There are no provisions in the proposed bylaws addressing 'residential occupation of public places' (typically called camping or "freedom camping" but this also covers sleeping in a public place, whether in a tent, structure or vehicle). The existing provisions in all eight current bylaws will remain in place until a new Auckland-wide bylaw is developed.

Provisions relating to animals in public places will remain until they are reviewed as part of the bylaw review on animal management, including stock on roads. The only reference to 'animals' in the proposed bylaw is in relation to the removal of animals from parks which is particularly an issue in regional parks and has been included under the additional controls for parks and beaches, as well as on roads and other public places.

The provisions in Waitakere City Council's Public Places Bylaw (2010) relating to activities in cemeteries and crematoria will remain in place until these are reviewed.

Provisions relating to vehicle crossings in a number of the legacy bylaws will also remain in place until they have been reviewed.

At this stage the new bylaws are proposed to be notified for public submission from early February until early March and it is anticipated that the new bylaws will be adopted by 31st July 2013, after hearings of submission and deliberations. It is proposed that the new bylaws will be termed 'Public Safety and Nuisance' bylaws to reflect the fact that they are focused on addressing nuisance,

² For example, Auckland Council's Solid Waste Bylaw 2012 deals with litter in public places, which were included in a number of 'Public Places' bylaws as well as clothing bins which was included in MCC's General Safety, Behaviour and Nuisance in Public Places and Parks.

³ Such as existing legislation or non-regulatory methods such as education.

⁴ The remaining legacy councils had separate Trading in Public Places bylaws.

safety and behavioural issues associated with activities in, and the use of public places. The proposed bylaws will continue to provide for controls to protect the public from nuisance, promote public safety and minimise inappropriate behaviour.

The proposed bylaws contain a broader definition of 'public place' to include anywhere that is "open to or is being used by the public, whether free or on payment of a charge". The definition of 'public place' in the proposed Auckland Council bylaw also includes local and regional parks and beaches. The application of the proposed Auckland Transport bylaw is limited to the roads and infrastructure that it controls.

The proposed bylaws include a definition of 'nuisance' incorporating both the meaning from Section 29 of the Health Act 1956 and the common law interpretation.

The proposal enables the council and Auckland Transport to meet its obligations under the Local Government (Auckland Transitional Provisions) Act 2010, the Local Government Act 2002 and the Land Transport Act 1998.

The council and Auckland Transport plan to revoke, either in full or in part, the following bylaws that relate to public places:

- 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)
- Manukau City Council Chapter 9 - General Nuisance Safety and Behaviour in Public Places Bylaw
- Manukau City Council Chapter 17 - Street Names and Numbering of Premises Bylaw
- North Shore City Council Part 2 - Public Places Bylaw (2000)
- Papakura District Council Public Places Bylaw (2008)
- Rodney District Council Chapter 8 - Public Places
- Rodney District Council Chapter 9 - Road Crossings and Numbering of Premises
- Waitakere City Council Public Places Bylaw (2010)

1 Statutory requirements

Auckland Council is required to review the bylaws on nuisance, safety, and general behaviour by 31 October 2015, after which time the bylaws are revoked by statute⁵. Auckland Council is undertaking the review in accordance with the requirements of the Local Government Act 2002.

Auckland Transport must undertake its review in accordance with the requirements of the Land Transport Act 1998.

Sections 145, 146 and 149 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998 enable Auckland Council and Auckland Transport to make bylaws that:

- protect the public from nuisance (Auckland Council and Auckland Transport)
- protect, promote and maintain public health and safety (Auckland Council)
- minimise the potential for offensive behaviour in public places (Auckland Council)
- manage, regulate against, or protect from, damage, misuse, or loss, or for preventing the use of publicly owned or controlled land (Auckland Council and Auckland Transport)
- regulate road related activities, including safety and environmental protection (Auckland Transport).

Auckland Council is authorised to make the proposed bylaw under the Local Government Act 2002 (ss145-156). The Local Government Act (LGA) 2002 also requires the council to follow the special consultative procedure when amending or revoking a bylaw or making a new bylaw. This statement of proposal has been prepared in accordance with the requirements set out in section 86 of the LGA 2002 for the use of the special consultative procedure.

Section 63 of the Local Government (Auckland Transitional Provisions) Act 2010 also requires the council to confirm, amend or revoke each bylaw before 31 October 2015. If nothing is done to confirm, amend or revoke then the existing bylaws will automatically be revoked on 31 October 2015. Section 61 of the same Act requires Auckland Transport to review the bylaws made by legacy councils that are about the Auckland transport system. The Auckland transport system includes the roads, public transport services and infrastructure under the control of Auckland Transport.

Section 155(1) of the Local Government Act 2002 requires, before commencing the process for making a bylaw, a determination as to whether a bylaw is the most appropriate way of addressing the perceived problem.

Section 155(2) of the Local Government Act 2002 states that, if it is determined that a bylaw is the most appropriate way of addressing the perceived problem, it must be determined, before making the bylaw, whether the proposed bylaw is the most appropriate form of bylaw.

Section 155(3) of the Local Government Act 2002 requires that no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 5 of that Act.

Section 86 of the Local Government Act 2002 requires Auckland Council to use the special consultative procedure in accordance with section 83, including the preparation of this statement of proposal, to make, amend or revoke a bylaw.

Section 22AD of the Land Transport Act 1998 requires Auckland Transport to give written notice of its intention to make a bylaw to specified persons and give them a reasonable time to make written submissions on the proposal. As the review of the bylaws relating to public safety and nuisance is a joint project between Auckland Council and Auckland Transport, and because Auckland Council is required to undertake a special consultative procedure when making, amending or revoking a

⁵ Sections 62 and 63 of the Local Government (Auckland Transitional Provisions) Act 2010.

bylaw, Auckland Transport has also chosen to undertake a special consultative procedure. This is intended to ensure consistency in the final bylaws and avoid public confusion.

2 Reasons for proposal

The principal reason for the proposal is to meet the council's obligations under the Local Government (Auckland Transitional Provisions) Act 2010 and Local Government Act 2002. Auckland Council and Auckland Transport, which were established on 1 November 2010, inherited bylaws regulating activities in public places and parks and reserves from Auckland City Council, Franklin District Council, Papakura District Council, Manukau City Council, North Shore City Council, Rodney District Council, Waitakere City Council and Auckland Regional Council.

The Local Government (Auckland Transitional Provisions) Act 2010 stipulates that bylaws in force on or before 1 November 2010 are deemed to have been made by Auckland Council. The same Act confirms that each of these bylaws remains in force, in the area to which it applied at the close of 31 October 2010, until 31 October 2015, when it is revoked unless:

- the Auckland Council confirms it, in which case the confirmed bylaw becomes a bylaw made by the Auckland Council
- the Auckland Council amends it, in which case the bylaw as amended becomes a bylaw made by the Auckland Council
- the Auckland Council revokes it.

The council must consider if a bylaw is an appropriate method for addressing the issues faced by the council. It must consider if other methods may be used in conjunction with the bylaw or on their own. If it determines that a bylaw is required, it must ensure that the form of the bylaw is appropriate and that there are no implications under the New Zealand Bill of Rights Act 1990.

Auckland Council must use the special consultative procedure before confirming, amending, or revoking a bylaw. Auckland Transport will also use the special consultative procedure, in addition to following the requirements for consultation under section 22AD of the Land Transport Act 1998.

3 Current situation

Auckland Council and Auckland Transport have inherited eleven 'public places' bylaws that deal with public safety, nuisance and behaviour in public places which includes local and regional parks and beaches. These bylaws operate effectively for the legacy areas, using a range of regulatory and non-regulatory approaches for particular issues. (**Appendix 1** contains a summary of the key provisions of these bylaws).

A number of councils had specific issues that were contained only in their bylaw, to address an activity that was unique to their area. Discussions with the council's Compliance officers have revealed that in some instances these provisions are no longer relevant or there are other approaches for dealing with the issue so no bylaw is required. In some instances, activities have not been included in the proposed bylaws on the basis that they have either been or, will be included in other bylaws⁶. There are some provisions however that have been retained and are included in the proposed bylaws.

The legacy bylaws were consistent in their definition of a 'public place' in that they include every place that is either owned, managed or under the control of the legacy councils and that is open to, or being used by the public. These include council controlled reserves, parks, civic areas, beaches

⁶ For example, Auckland Council's [Solid Waste Bylaw 2012](#) deals with litter in public places, which were included in a number of 'Public Places' bylaws as well as clothing bins which was included in MCC's [General Safety, Behaviour and Nuisance in Public Places and Parks](#).

and roads (including footpaths and accessways), grass verges, berms, public gardens, wharves, and breakwaters. North Shore City and Waitakere City used a broader definition to include any place to which the public has access. As it is not always clear to the general public where the boundary of private property is, compared to council owned or controlled, the broader definition is preferred in Auckland Council's proposed draft bylaw to avoid confusion. For example, where a shop is set back from the property boundary and so part of the footpath is technically private property, it is often not possible to tell that part of the footpath is not a "public place". The definition of 'public place' in the proposed Auckland Council bylaw also includes local and regional parks and beaches. The application of the proposed Auckland Transport bylaw is limited to the roads and infrastructure that it controls.

4. Outcomes sought

The Mayor's vision to make Auckland the world's most liveable city includes a commitment to "improve the education, health and safety of Aucklanders, with a focus on those most in need."⁷. Underlying this commitment is recognition that public safety is essential to a strong and inclusive Auckland. To this end, both Auckland Council and Auckland Transport recognise that in order to provide a high quality of life to its residents and make it an attractive destination for visitors, Auckland's reputation of being a safe city must be maintained and enhanced.

A wide range of activities occur in public places without causing any problems however there are some activities that can impact on public safety and need to be addressed through regulation (either national legislation or bylaws). The review of the 'public places' bylaws has identified that a number of perceived problems relating to public safety, nuisance and behaviour continue to exist and require ongoing regulation through region-wide bylaws.

The creation of complementary Auckland Council and Auckland Transport bylaws to minimise these perceived problems aligns with the Auckland Plan's key strategic directives - to "improve community safety and feelings of being safe" - and with the wider objectives of other agencies such as the police to 'Be safe' and 'Feel safe'.

Auckland Council and Auckland Transport acknowledge that a bylaw is only one part of an overall approach for addressing a perceived problem (see **Figure 1**) and its relevance needs to be considered in the context of the resources available to the council and other agencies such as the police. Operational practices determine how a bylaw is communicated and administered and in many instances it is not used as a means for enforcement or to criminalise certain activities, but to minimise the impact of the behaviours associated with an activity through voluntary compliance (i.e. graduated enforcement: information-education-enforcement). In some cases, alternatives will mean a bylaw is not required.

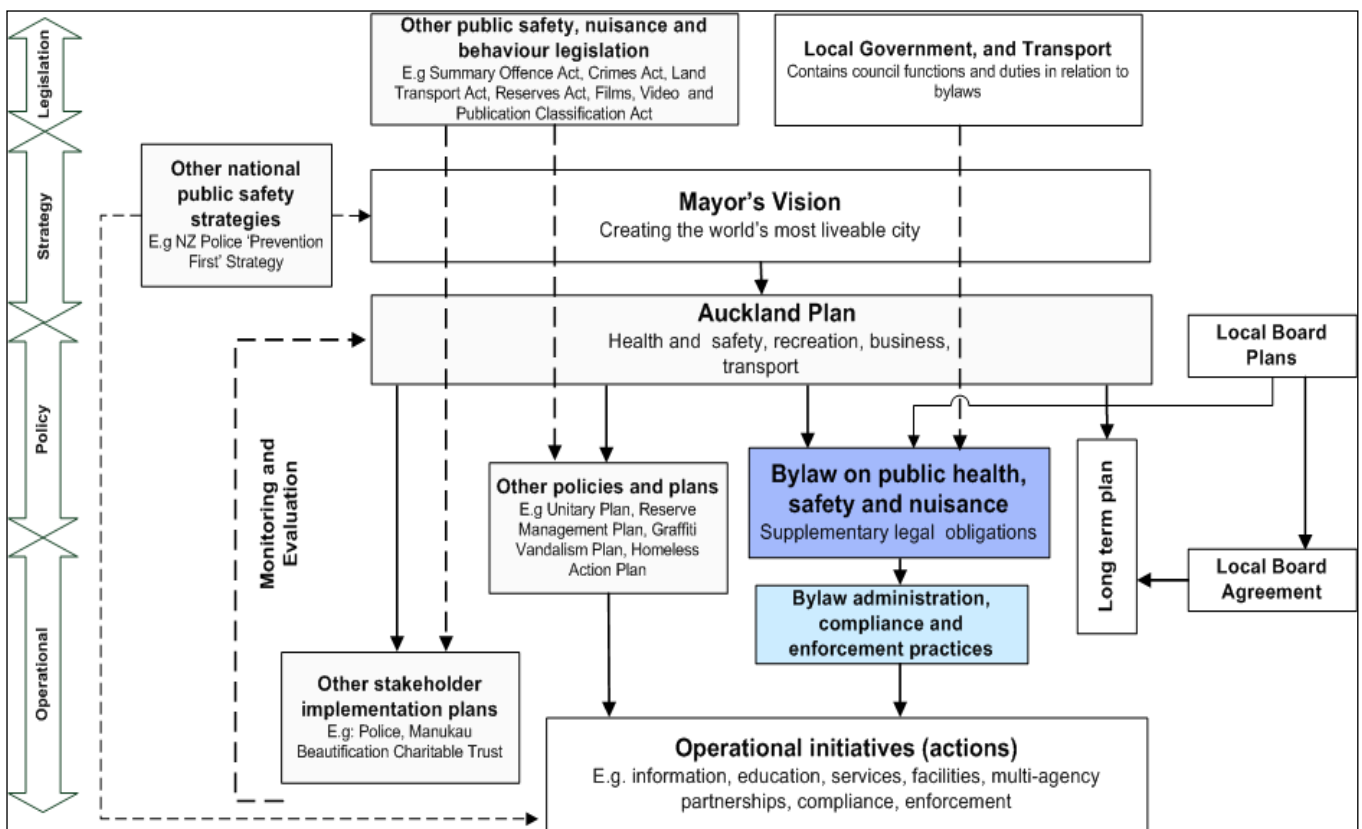
A region-wide regulatory approach to promoting public safety and minimising nuisances will continue to ensure that acceptable standards of convenience, safety and visual amenity are maintained for the well-being and enjoyment of Auckland's citizens and visitors.

In providing region-wide bylaws the expected benefits to Auckland will be:

- consistency of approach
- heightened awareness about public safety, nuisance and general behaviour regulations and bylaw requirements
- public acceptance of and satisfaction with solutions provided to the wider public.

⁷ Auckland's People, Priority 2, page 80 of the Auckland Plan

Figure 1: Purpose of bylaw (strategic framework)



There are five outcomes sought by the proposed draft bylaws and associated non-regulatory approaches:

1. To ensure that public places are safe and accessible, to minimise nuisances and, where appropriate, that these are dealt with under a bylaw and not just by other legislation or non-regulatory approaches.
2. To effectively manage the use of public places by regulating against damage or misuse of structures, property and assets owned, managed or under the control of Auckland Council and Auckland Transport, to ensure that safe and accessible public places are provided for everyone in the community to use.
3. To ensure that safe and accessible public places are provided for the use of everyone in the community and to minimise uncontrolled use and occupation of footpaths, accessways and other public spaces.
4. (a) To control certain activities and behaviours in parks and beaches relating to safety and nuisance and to manage and protect from damage to or misuse of land, assets or structures on parks, reserves and beaches.
 (b) To control certain activities and behaviours relating to safety and nuisance on public transport infrastructure and roads. To manage and protect public transport infrastructure and roads from damage or misuse.
5. To ensure that street names and building numbers are provided and maintained to ensure that the public, delivery and emergency services have easy access to premises.

5 Relevant bylaw determinations

Auckland Council and Auckland Transport have considered the most appropriate way of addressing particular problems related to public safety and nuisance, as discussed in section 6. This analysis has considered the approaches used by the former councils, covering both the regulatory approaches in their bylaws and the non-regulatory approaches used for particular issues.

Following that analysis, Auckland Council and Auckland Transport consider that:

- a bylaw is the most appropriate way to address the problems, as identified in section 6 of this proposal
- the bylaw contained in appendix 3a is the most appropriate form of Auckland Council bylaw and should be notified for public submission
- the bylaw contained in appendix 3b is the most appropriate form of Auckland Transport bylaw and should be notified for public submission
- the bylaws contained in appendix 3 do not give rise to and are not inconsistent with the Bill of Rights Act 1990, as the controls are reasonable and justifiable in the circumstances as allowed for in section 5 of the Act.

It is also considered that the legacy bylaws are not the most appropriate way to address the problems identified in section 6 of this report, or are not the most appropriate form of bylaw, because they lack regional consistency. Therefore, these bylaws should be revoked.

6 Perceived problems and options for achieving outcomes sought

The perceived problems are:

1. Public safety, nuisance and behaviour in public places
2. Damage in any public place
3. Obstructions in any public place
4. Additional controls in parks and beaches, on public transport infrastructure and on roads
5. Street naming and numbering of buildings.

Auckland Council and Auckland Transport have the responsibility to ensure the appropriate public use of public places which includes parks and beaches and public transport infrastructure. These organisations provide amenities in public places for the use and benefit of the public and must maintain these amenities. The public has a reasonable expectation that they can use or access public places without their right of passage being obstructed by objects left on public places or inappropriate behaviour that results in damage and vandalism. The public also has an expectation that public places will be as safe as practicable and that they are able to use them without being subjected to nuisance, intimidating or threatening behaviour, or other activities that will unreasonably interfere with a person's ability to enjoy the use of a public place.

Auckland Council and Auckland Transport have considered, for each of the problems, the outcomes sought and the appropriate mechanisms to help deliver these outcomes. The analysis has been undertaken with regard to the following:

- the purpose of a bylaw is to supplement (and not duplicate) the obligations of people under national legislation. Examples of national legislation include the Summary Offences Act 1981, Crimes Act 1961, and traffic regulations under the Land Transport Act 1998
- a bylaw is only one part of the overall approach to address a perceived problem and to ensure strategic alignment between the council's and other agencies' objectives of achieving wider community outcomes (i.e. community safety)

- a bylaw to address a perceived problem needs to be considered in the context of finite resources within the council and other agencies to administer and enforce it
- a clear, practical and efficient approach to enforcement.

Auckland Council and Auckland Transport have identified a number of practicable options and preferred options in relation to the issues outlined in Section 6 and in relation to the perceived problems. This analysis has included considering the outcome sought and statutory matters in sub-part 1 of part 6 of the Local Government Act 2002: “Planning and decision-making”.

The options are:

- **Option A:** Do nothing - no role for Auckland Council or Auckland Transport - due either to existing legislation or to the fact that the problem is no longer considered significant enough to warrant regulation.
- **Option B:** Non regulatory approach – using non-regulatory tools such as public information, education, signage and awareness campaigns.
- **Option C:** Regulation through an Auckland Council bylaw and an Auckland Transport bylaw.

The proposed bylaws have been prepared on the basis of those activities and behaviours considered appropriate for regulation. An analysis of the activities proposed to be regulated in an Auckland Council and complementary Auckland Transport bylaw and the reason for the recommendation is discussed in **Appendix 2**. Where regulatory approaches have been effective for the legacy councils, they have generally been retained in the proposed new bylaw. This means that these approaches will be harmonised and extended across Auckland. The issues that are included in the proposed bylaw are contained in one or more of the existing bylaws. No new issues have been introduced.

Additionally, a number of provisions that are in the current bylaws are not necessary because they are covered by national legislation or other regulation, for example, the Summary Offences Act 1980, the Auckland Council Solid Waste bylaw or the Litter Act 1979. In addition, some are not necessary because they can be dealt with by including them as terms or conditions in council consents or permissions. Officers propose that these provisions be deleted.

The proposed bylaws will continue to support the non-regulatory approaches that have consistently worked well in parts of Auckland (as used by the legacy councils). These initiatives include education and provision of services by the council (e.g. graffiti eradication initiatives) or other providers and they will continue to operate alongside the bylaw.

Problem 1: Public safety, nuisance and general behaviour in public places

What is the perceived problem?

The successful use of a 'public place' depends on form, design and the appropriate behaviour of people using that shared space. Matters such as graffiti vandalism, begging, glue sniffing, car window washing at intersections and other public places, and other antisocial or general nuisance activities can often impact on people's actual and perceived sense of safety and how that space is used. Other factors such as the reckless use of vehicles (including skateboards and bicycles) or fireworks in prohibited areas have more of a direct impact on people's safety and access to public places.

While there are a number of factors influencing safety and nuisance that are beyond the control of the council to address⁸ and require the intervention of other agencies such as the police, bylaws can have a significant influence on local environments. A number of activities occur in public places without causing concern or impacting on people's sense of safety, however there are some activities that cannot be dealt with by non-regulatory means alone and instead require regulatory approaches such as a bylaw.

One of the Auckland Plan's strategic directives is to "improve community safety and feelings of being safe"⁹ recognising the role of the council and its council controlled organisations (CCOs)¹⁰ in achieving this. Auckland Council and Auckland Transport are involved in delivering a number of wide ranging initiatives that promote public (or community) safety outcomes. These include providing training or information, environmental design initiatives, undertaking safety audits¹¹, facilitating partnerships between agencies, developing key community networks and, more recently, the establishment of the Mayoral Taskforce on Alcohol and Community Safety to deal with alcohol-related antisocial behaviour on Auckland's inner-city streets.

From a regulatory perspective, a bylaw that deals with behaviour, nuisance and safety issues will not only assist in achieving the council's commitment to safer communities but also the wider safety objectives of other agencies, such as the police, in ensuring that communities can "Be Safe" and "Feel Safe"¹². Auckland Council recently undertook a survey on "Public Perceptions of Safety from Crime in the Auckland Region, 2012". This was the first survey undertaken by the council measuring people's perceptions of public safety for the Auckland region and provides useful information to assist the council and Auckland Transport in determining how to meet its regulatory obligations to protect the public from nuisances and promote public safety.

As noted earlier, a bylaw dealing with nuisance or antisocial behavioural activities is not necessarily used as an enforcement tool for 'criminalising' certain activities or offences. Council officers have cited that in many instances it is the 'behavioural' element (such as threats or intimidation) associated with an activity (car window washing, begging) that is the real issue and an analysis of complaints data identified a number of complaints referring to intimidation or harassment.

While there is a range of legislation that governs safety and behaviour in public places, such as the Summary Offences Act 1981 and Crimes Act 1960, a bylaw on public safety and nuisance can be an effective tool for dealing with certain activities that are generally deemed to be low level or low impact offences. Discussions with police have revealed that, while they have greater enforcement powers to deal with offences such as car window washing or glue sniffing, they see the bylaw as a practical early intervention tool for preventing the escalation of low level activities which may lead to more serious offending. The council recognises that there are a number of underlying issues associated with certain behaviours and protecting people who are perceived to be creating a

⁸ Factors such as family environment, education, economic (disparity, employment, deprivation)

⁹ Directive 1.9, page 85, Chapter 1 – Auckland's People.

¹⁰ These include Auckland Transport, ATEED, Waterfront Development Agency.

¹¹ Known as Crime Prevention Through Environmental Design (CPTED), measures include improvements to lighting, removing overhanging vegetation that can impede visual access and other initiatives to encourage passive surveillance

¹² This is one of the over-arching outcomes of the police's "Prevention First" Strategy.

‘nuisance’ from any harm while minimising undue intimidation and impact on public safety is equally as important.

Compliance officers and the police generally apply a graduated enforcement approach¹³ to dealing with bylaw breaches, relying on voluntary compliance in the first instance and enforcement as the final step. It should be noted that while the police have certain powers of enforcement¹⁴, the council cannot rely on the police to enforce the bylaws - council officers should primarily be enforcing the bylaws.

All of the legacy bylaws contained provisions under the heading of ‘public safety and nuisance’ issues, and many largely reflected provisions contained in the general model bylaw¹⁵ standard. None of the bylaws contained definitions of ‘public safety’ or behaviour, and only two (Waitakere City and Rodney District) defined ‘nuisance’, citing the definition from the Health Act 1956.

The table below summarises the problem, the outcome sought, the alignment with the council’s strategic objectives, and the various mechanisms and options available.

Specific Problem	Outcome sought	Strategic Alignment	Mechanisms/Options
Nuisances, safety and behaviour in any public place	To provide for appropriate behaviour in public places and to ensure that public places are safe, minimise nuisances and where appropriate, addressed by a bylaw and not just by other legislation or non-regulatory approaches.	<p>Strategic objective Auckland Council (Auckland Plan) Auckland’s People</p> <ul style="list-style-type: none"> - To create a strong, inclusive and equitable society that ensures opportunity for all Aucklanders - To improve the education, health and safety of Aucklanders, with a focus on those most in need <p>Mayor’s Vision:</p> <ul style="list-style-type: none"> - “World’s most liveable city” <p>(Graffiti Vandalism Prevention Plan) (Alcohol Harm Reduction Strategy)</p> <p>NZ police (Prevention First Strategy) - Outcome: ‘Be Safe, Feel Safe’.</p>	<p>1.1 No role for Auckland Council or Auckland Transport (the “do nothing” option)</p> <p>1.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives</p> <p>1.3 Regulate through complementary Auckland Council and Auckland Transport bylaws.</p>

¹³ The graduated enforcement approach generally involves the initial use of milder enforcement options such as advice / guidance / information, warnings, ongoing assessment of compliance, with significant enforcement action the final option.

¹⁴ For instance, Section 13 of the Summary Proceedings Act 1957 states that except when expressly provided by any Act, any person may lay information for an offence. The laying of information is the act that brings the prosecution of a bylaw offence before the court. While the police have the power to enforce a bylaw in that they may proceed against a person who has committed an offence under the bylaw, it does not allow them to take any enforcement action.

¹⁵ Model bylaws provide territorial authorities a template that can be used as the basis for developing their own bylaws. Current model bylaws are diverse and include ‘public places’, trading in public places, the keeping of animals, poultry, and bees, food safety, and traffic. The model bylaws were developed by Standards New Zealand, with assistance from Local Government New Zealand and territorial local authorities.

Discussion of the options

1.1 No regulatory role for Auckland Council or Auckland Transport – (the ‘do nothing’ option)

This option proposes that no specific regulatory action be taken to address nuisance and general anti-social behaviour in public places and instead relies on other agencies such as the police to address the issue. While the advantage of having no regulatory role in dealing with general behaviour and nuisance are reduced compliance costs, having no bylaw would lessen the ability for the council or Auckland Transport to deal with some of the low level offences that have the potential to lead to more serious issues. Many of these activities occur in council-owned spaces and without a bylaw there would be greater reliance on other approaches, such as issuing trespass notices or referring the matter to the police. Additionally, having no bylaw would reduce the opportunity to channel individuals who are committing these offences through the appropriate mechanisms (as they are effectively not committing any offence or bylaw breaches) that could ultimately address the underlying issues that brought about the offending.

An example of one such mechanism is the Auckland City’s New Beginnings Court (Te Kooti o Timatanga hou), effectively a ‘Court within a Court’ operating out of the District Court at Auckland. Established in 2010 the court is a pro-active multi-agency initiative¹⁶ aimed at dealing with persistent public places offenders, some who have continued to breach council bylaws, despite regular warnings and intervention. There is a need to provide a range of approaches (both regulatory and non-regulatory) to manage and help repeat offenders and provide pathways to rehabilitation by addressing the specific needs that are often related to offending.

There are a number of criteria for getting people through the court system. To be eligible participants need to meet several criteria, such as having alcohol or substance abuse issues, suffering from health or mental health issues, and consistently coming to the attention of the police or justice system through their 'misdemeanour type' or low level offending. Participants also have to volunteer for the programme. The court signals an alternative approach to reducing offending and improving public safety. Having no bylaw would reduce the opportunity to channel individuals who are committing these offences through the court process (as they are not effectively committing any offence or bylaw breach) and ultimately address the underlying issues that brought about the offending.

This option will not deliver the required outcomes and is not recommended.

1.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives

A wide range of activities occur in public places without causing concern, and most people generally comply with the council’s policies and practices. Education strategies and awareness initiatives are used to inform members of the public about appropriate activities and behaviours in public places, which encourages self-regulation.

One example of an effective non-regulatory approach is in the area of graffiti vandalism. Auckland Council’s Graffiti Vandalism Prevention Plan is a non-statutory document aimed at taking a preventative approach to addressing graffiti vandalism. The cornerstone of this region-wide approach to dealing with graffiti vandalism is that the focus is on prevention by incorporating the three ‘Es’ (Education, Eradication and Enforcement). The consideration of a graffiti vandalism bylaw is just one component of the overall plan.

¹⁶ Participants include the Ministry of Justice, Auckland Council, Lifewise, The Mission, Housing New Zealand, WINZ, Auckland & Waitemata District Health Boards, Access Ability, Ministry of Social Development, Orakei Marae, Salvation Army, Department of Corrections, Odyssey House and the police.

Other examples include work undertaken by the council's Community Safety teams and the multi-agency partnerships to address homelessness (through the Homeless Action Plan) or work with the Maori and Pacific Wardens. The advantage of this option is that there is less regulation by the council. The disadvantage is that in some instances education and compliance alone cannot be used to address a perceived problem. Reasons may include the fact that information and education strategies may not reach everyone, or at least the intended audience, nor provide an effective disincentive for engaging in activities that will impact on public safety or cause a nuisance. In these circumstances, the activities have an effect on the community, public property, and the overall environment necessitating the council and Auckland Transport to have greater abilities to enforce their policies and practices through bylaws.

Through the course of the review, spitting in a public place was identified as a problem within the Auckland region, with some suggestions that this should be regulated through a region-wide bylaw. The common perception is that it impacts on public health and the use and enjoyment of public places by others. Public education is considered to be a more appropriate method for addressing this behaviour, rather than through a bylaw as there are inherent difficulties with monitoring and enforcement.

This option can support parts of the required outcome and can be pursued by the council and Auckland Transport alongside other measures.

1.3 Regulation through bylaw

This option was used by the legacy councils and would include specific restrictions and measures or provide for the making of these measures and restrictions by the council and Auckland Transport pursuant to the bylaw. The main purpose of these restrictions is to minimise the effects of, or behaviours associated with, certain activities that can either create a nuisance, are intimidating, threatening or impact on public perceptions of safety.

The proposed bylaw regulation is intended to ensure sufficient controls are retained in order to meet the community's expectations of having safe, accessible and enjoyable public places in the Auckland region.

The proposed bylaw includes a definition of 'nuisance' which incorporates both the meaning from Section 29 of the Health Act 1956 and the common law interpretation.

It is proposed that the draft bylaw will continue to provide restrictions on any person using a public place to undertake the following activities:

- wilfully obstructing, disturbing or interfering with any other person in their use or enjoyment of that public place;
- creating 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 unreasonable sound or noise;
- using any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;
- locating or repairing a fence (including installing or maintaining razor-wire and electric fencing) in a way that creates a risk of injury or nuisance to any person;
- consuming, injecting or inhaling or distributing or offering for sale any mind-altering substance;
- begging or soliciting donations for gain in a manner that may intimidate or cause a nuisance to any person;

- offering to wash a vehicle or any part thereof in a manner that may intimidate or cause a nuisance to any person.

Additionally, except at a facility, site or appliance specifically provided, or with the prior written approval of the council or a council-controlled organisation, no person must on a public place:

- place or fix any graffiti, posters, signs or advertising devices on any property that is under the control of the council;
- light a fire;
- set off any fireworks, flares or any other explosive material.

An analysis of the above provisions proposed to be regulated by an Auckland Council and complementary Auckland Transport bylaw and the reasons for the recommendation can be found in **Appendix 2** of the Statement of Proposal.

All the legacy councils had bylaws regulating the above matters in the wider public interest and this approach has been largely effective and acceptable to the community.

There are restrictions on erecting and maintaining barbed wire and electrified fences on property adjacent to a public place. The council and Auckland Transport can use the provisions of the Fencing Act 1978 and the Building Act 1991 to deal with the issues of maintenance and construction, but there is a need for a provision in the bylaw ensuring that electric / razor wire fences (and any other fences such as those with spikes on them) do not impact on public safety.

It is proposed that the activity of ‘soliciting for collections and subscriptions’ as it relates to street collectors and fundraisers will be addressed as part of the ‘Trading in public places’ bylaw review project that is currently in progress.

There are no provisions in the proposed bylaws addressing ‘residential occupation of public places’ (which includes sleeping in a public place, whether in a tent, structure or vehicle, camping or freedom camping). The existing provisions in all eight current bylaws will remain in place until a new Auckland-wide bylaw is developed.

A number of the provisions in the proposed bylaw have some overlap with the offence provisions in the Summary Offences Act 1991 and Crimes Act 1960 (such as graffiti vandalism, lighting fires, throwing fireworks). However, the legislation does not cover all of the activities dealt with in the bylaws, such as car window washing, ingesting mind altering substances, or other nuisance activities that are considered to be low level or low impact offences. In the context of more serious offences and the fact that the key priority areas for the police are families, youth, alcohol, road policing, organised crime and drugs, dealing with low level offences is not seen as one of their key priorities. The council and Auckland Transport recognise that existing bylaw provisions relating to distributing offensive material or urinating in a public place are more appropriately dealt with by the police and that there is no role for the council or Auckland Transport in dealing with these issues.

Bylaws provide the council and Auckland Transport with the opportunity to continue meeting their obligations to promote public safety, protect the public from nuisance and control inappropriate behaviour. Bylaws provide an appropriate method of regulation for dealing with activities in public places that can impact on public safety and the community’s ability to enjoy using that space without being subjected to inappropriate behaviour. A bylaw can also be an effective tool for preventing some of the low level / nuisance offences from escalating into more serious crimes.

A bylaw is one tool that supports alternative approaches (such as policy, education strategies and awareness raising and multi-agency partnerships) for dealing with nuisance or low level offending. A bylaw also provides an opportunity for the council to ‘future proof’ for public safety and nuisance activities that have not been anticipated.

It is recommended that the perceived problem of public safety and nuisance behaviours in

public places be regulated by an Auckland Council bylaw (clauses 6 (1) (a) – (g) and 6(2) (a) – (c) of the proposed Public Safety and Nuisance bylaw) and an Auckland Transport bylaw (clauses 6 (1) (a) – (g) and 6(2) (a) – (c) of the proposed Public Safety and Nuisance bylaw).

1.4 What are the views of stakeholders?

Discussions with the council's Licensing and Compliance officers and Parks officers and rangers have indicated that, while they have limited enforcement powers for dealing with instances of nuisance and inappropriate behaviour in public places, having no bylaw would reduce their ability to address these issues. From the police's view, there is unanimous support across the three police districts¹⁷ to continue having a bylaw that addresses public safety and nuisances. A bylaw is considered to be very important tool for the council, Auckland Transport and the police for addressing antisocial or nuisance behaviour without necessarily having to criminalise the activity. It also aligns with the police's 'prevention first' approach of trying to deal with problematic issues by using lower levels of enforcement instead of applying more punitive measures.

Consultation with the local boards was undertaken in September and October 2012, seeking their feedback on the recommended options for dealing with the issues relating to public safety and nuisance as well as the other activities discussed in the following sections. A significant majority of the boards supported having a region-wide bylaw that would continue regulating activities, uses and behaviours in public places that impact on public safety and can cause a nuisance.

A small number of boards disagreed that these should be dealt with through bylaws, citing that these are police matters.

A number of boards acknowledged that, while some of the issues either do not exist or are not particularly problematic in their area, they supported having a bylaw on the basis of ensuring region-wide consistency and 'future proofing' in the likelihood that it does become a problem.

A meeting with representatives from the Auckland Rough Sleepers Initiative in October 2012 sought their views on issues they had with having an Auckland-wide bylaw that continues to address public safety and nuisance issues. There was general acceptance that a bylaw provides an additional tool for providing a co-ordinated response targeted at reducing low level or nuisance offending and trying to address the behaviours associated with these activities.

1.5 What is the most appropriate means to address the problem?

Based on research and stakeholder consultation, the most appropriate means to address the activities listed above is through complementary Auckland Council and Auckland Transport region-wide bylaws. Although other regulatory and non-regulatory measures may assist in managing the perceived problem, these other measures are not considered sufficient to address the perceived problem to the extent necessary. The council and Auckland Transport also consider that the proposed bylaws will contribute to achieving the community safety objectives identified in the Auckland Plan as well as other stakeholders such as the police.

¹⁷ The three districts are Auckland City, Waitemata and Counties Manukau

Problem 2: Damage in any public place

What is the perceived problem?

As the owners of a number of key public assets, Auckland Council and Auckland Transport have a role in preventing damage to public property. Damage from vandalism of public property costs the community, the council and its council controlled organisations (CCOs) a lot through repair, replacement and inconvenience due to the loss of facilities or services. For the 2011/12 year alone the total cost of vandalism in parks was \$1.4m and this included vandalism / damage to playgrounds, fences, toilets, sports fields, signs and other assets. Damage to public places can also impact on people’s perceptions of public safety and a significant body of research has been undertaken over the years on the correlation between antisocial behaviour, crime and the environment¹⁸.

Left unregulated, the cost of damage to public places and associated assets and infrastructure is a significant one to the council and Auckland Transport. The act of damaging or interfering with publicly owned property and assets and the consequences of such activities reduces the usability of a public place and has the potential to cause injury or damage to other property and persons.

All of the existing bylaws’ had restrictions on activities that damage structures, property and assets in public places largely reflect the model bylaw provisions. While none of the legacy bylaws explicitly defined “damage’ it was wide ranging enough to include the following:

- damage or defacing facilities, equipment, street furniture, surfaces and road berms
- damage to or interfering with watercourses / natural features / flora and fauna (flower beds, grass plot, trees, shrubs or plants)
- damage to archaeological / heritage / waahi tapu / cultural sites
- overflows from roofs, eaves and guttering (onto a public place)
- depositing (and removing) rock, sand, shingle, building materials on (or from) a public place
- planting trees or shrubs; sowing or scattering seeds in public places.

Specific Problem	Outcome sought	Strategic Alignment	Mechanisms/Options
Damage in any public place	To effectively manage the use of public places by regulating against damage or misuse of structures, property and assets owned, managed or under the control of Auckland Council and Auckland Transport. To protect council property from interference or wilful damage and destruction.	<p>Strategic objective Auckland Council (Auckland Plan)</p> <p>Auckland’s People</p> <ul style="list-style-type: none"> - To create a strong, inclusive and equitable society that ensures opportunity for all Aucklanders - To improve the education, health and safety of Aucklanders, with a focus on those most in need <p>Mayor’s Vision:</p> <ul style="list-style-type: none"> - “World’s most liveable city” <p>(Graffiti Vandalism Prevention Plan)</p>	<p>2.1 No role for Auckland Council or Auckland Transport (the “do nothing” option)</p> <p>2.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives</p> <p>2.3 Regulate through complementary Auckland Council and Auckland Transport bylaws.</p>

Discussion of options

2.1 No regulatory role for Auckland Council or Auckland Transport – (the ‘do nothing’ option)

¹⁸ This research includes the ‘Broken Windows’ theory which has two underlying principles: (1) low level offences can have an impact on the neighbourhood, such as broken street signs, (2) low impact offences can potentially lead to more serious ones if left unchecked.

This option proposes that there would be no bylaw for dealing with damage to or misuse of public places and instead rely on existing legislation such as Section 232 of the Local Government Act 2002, the Crimes Act 1960 or Summary Offences Act 1981. The advantage of this option is that there is less intervention and regulation by the council or Auckland Transport. A disadvantage is that while the council and Auckland Transport can rely on other legislation and the police, removing any bylaw provisions would limit the council's and Auckland Transport's ability to address damage to public property.

It should be noted that Section 146 (b) of the Local Government Act 2002 does give the council and Auckland Transport the mandate to make bylaws for the purpose of managing, regulating against or protecting from damage, misuse, or loss of land, assets, structures or infrastructure under the control of the council or Auckland Transport. Removing any bylaw provisions to address damage to regional parks would mean greater reliance on parks management plans and legislation.

This option will not deliver the required outcomes and is not recommended.

2.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives

This option would rely on public information and education strategies. Addressing general damage activities through information and education strategies, rather than a bylaw, would mean that compliance would be solely reliant on self-regulation. While education strategies and initiatives can be very successful at changing behaviour and minimising the damage or misuse of public places, often this approach needs to be coupled with other interventions (such as regulatory approaches) for maximum effect.

This option can support parts of the required outcome and can be pursued by the council and Auckland Transport alongside other measures.

2.3 Regulation through bylaw

This option was used by all the legacy councils and would continue to enable specific restrictions and measures, or provide for the making of these measures and restrictions by the council or Auckland Transport pursuant to the bylaw, to control damage to or interference with publicly owned land, property, assets and infrastructure. While most of the existing bylaws generally listed all types of activities relating to damage to, interference with or removal of public property, infrastructure and assets, the proposed bylaw contains a combination of a broad 'damage' clause and specific clauses and includes restrictions on the following activities:

- damaging, removing, disturbing or interfering with any property that is under the control of the council or a council controlled organisation including any archaeological heritage, historic or waahi tapu site, any structure, street furniture, artifact, surface, natural feature, grass plot, flowerbed, shrub or plant;
- polluting, damaging, place any obstruction in, or interfere with any water course or stormwater drain or channel;
- 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;
- depositing, moving or removing rock, shingle, sand, vegetation, or any material or artefact;
- removing or damaging any tree, shrub or plant of any kind or part thereof or plant, sowing or scattering the seed of any tree, shrub or plant of any kind.

A broad 'damage' clause not only leaves it to the discretion of officers to determine if the activity is causing damage, but also 'future proofs' against any forms of damage that have not yet been anticipated.

An analysis of the above provisions proposed to be regulated by an Auckland Council and complementary Auckland Transport bylaw and the reasons for the recommendation can be found in **Appendix 2** of the Statement of Proposal,

Existing bylaw clauses relating to animals either being in a public place or causing damage will be retained in the legacy bylaws until they are reviewed as part of the 'animal management' (including stock on roads') bylaw review.

It is recommended that the perceived problem of damage to, interference with, and unauthorised use of council owned and managed property, assets and infrastructure be regulated by an Auckland Council bylaw (clauses 7 (1) (a) – (e) and 7(2) of the proposed Public Safety and Nuisance bylaw) and an Auckland Transport bylaw (clauses 7 (1) (a) – (e) and 7(2) of the proposed Public Safety and Nuisance bylaw).

2.4 What are the views of stakeholders?

Discussions with the council's Licensing and Compliance and Parks teams indicate that they support continuing to have a bylaw that deals with damage to public property. While officers acknowledge that, in many instances, by the time they have responded to a complaint the offender(s) have moved, the ability to seize property, plus prosecution if necessary, for a bylaw breach is an effective tool for dealing with damage to publicly owned property. Information from the council's call centres revealed that there are regular complaints relating to damage and vandalism to public places and parks and as noted above, damage to parks in the 2011-12 financial year cost the council over \$1 million.

Consultation with local boards in September and October 2012 indicated that a significant majority of boards supported the on-going regulation of damage to public property through an Auckland-wide bylaw, recognising that the council and Auckland Transport have a key role in managing damage and the misuse of public assets, structures and infrastructure.

2.5 What is the most appropriate means to address the problem?

Based on research and stakeholder consultation, the most appropriate means to address the activities listed under 'Damage in public places' above, and to achieve the outcome sought, is through complementary region-wide bylaws.

Problem 3: Obstructions in any public place

What is the perceived problem?

One of the purposes of bylaws relating to public safety and nuisance is minimising the potential for obstructions in public places, for reasons of public safety (e.g. trip hazards, impeding pedestrian and vehicle flow) as well as amenity considerations such as the visual impact of shop displays or tables and chairs.

While neither the Model Bylaw or legacy bylaws defined an ‘obstruction’, it generally implies any material, object, thing or structure that may impact on a person’s ability to safely gain access to or from a public place. Manukau City Council did define an “unobstructed footpath” to mean the “area of public footpath that is completely clear of objects that could obstruct the public right of passage, including (but not limited to) parking meters, signs, power poles, trees, tables, chairs, clothing racks, trestles, planters and any other fixtures or goods”. North Shore City included stock and animals under the ‘obstruction’ category and five of the bylaws referred to the swing direction of gates as an obstruction.

The review process identified that there are significant issues with the obstruction of public places ranging from outdoor business displays, tables and chairs (*the subject of a separate review*) through to overgrown vegetation, building materials and gates being left open over footpaths. In addition, obstructions and the inappropriate placement of objects, materials or items in public places can impact on public safety and cause a nuisance.

Specific Problem	Outcome sought	Strategic Alignment	Mechanisms/Options
Obstructions in any public place	To ensure that safe and accessible public places are provided for the use of everyone in the community and to minimise the uncontrolled use and occupation of footpaths, accessways and other public spaces.	<p>Strategic objective Auckland Council (Auckland Plan) Auckland’s People:</p> <ul style="list-style-type: none"> - To create a strong, inclusive and equitable society that ensures opportunity for all Aucklanders - To improve the education, health and safety of Aucklanders, with a focus on those most in need <p>Mayor’s Vision:</p> <ul style="list-style-type: none"> - “World’s most liveable city” 	<p>3.1 No role for Auckland Council or Auckland Transport (the “do nothing” option)</p> <p>3.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives</p> <p>3.3 Regulate through complementary Auckland Council and Auckland Transport bylaws.</p>

Discussion of options

3.1 No role for Auckland Council or Auckland Transport – (the ‘do nothing’ option)

This option proposes that there be no bylaw for addressing obstructions and the inappropriate occupation of public places. There are significant issues with the obstruction of public places ranging from outdoor business displays, tables and chairs (the subject of a separate review) through to overgrown vegetation, building materials and gates being left open over footpaths.

Having no bylaw would reduce the council’s and Auckland Transport’s ability to regulate or manage obstructions in public places. The Local Government Act 2002’s powers to remove property as a result of a bylaw breach provides an effective measure. In considering this option it should be noted

that Section 145 of the Local Government Act 2002 enables the council to make bylaws for the purpose of protecting the public from nuisance and maintaining public health and safety. Obstructions and the inappropriate placement of items, structures and materials in public places can impact on public health and safety and give rise to nuisance.

This option will not deliver the required outcomes and is not recommended.

3.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives

This option would rely on public information and education strategies and self-regulation by individuals and the community in dealing with obstructions in public places. This approach alone is unlikely to be successful as it relies on ensuring that there is sufficient guidance to deal with obstructions of public places and what is appropriate compared to what is not. Education strategies and initiatives can be very successful at changing behaviour (i.e. ensuring that footpaths are clear of obstructions, cutting back vegetation etc.), however often this approach needs to be coupled with other interventions for maximum effect, such as a bylaw.

This option can support parts of the required outcome and can be pursued by the council and Auckland Transport alongside other measures.

3.3 Regulation through bylaw

This approach was used by all the legacy councils and would continue to enable specific restrictions to control obstructions and the inappropriate placement of items, material or structures on publicly owned, managed or controlled property. Most of the existing bylaws generally listed all types of activities relating to obstructions. The approach taken by the proposed bylaw contains a combination of a broad 'obstruction' clause and specific clauses and includes restrictions on the following activities:

- placing or leaving any material, object, thing or structure that may impact on a person's ability to safely use or gain access to or from a public place;
- erecting, constructing, or placing a building or other structure, or projection of a building or structure or any part thereof, on, under, over or across a public place;
- allowing vegetation to encroach over that public place in a manner that may cause a nuisance to any person or an obstruction to traffic;
- hanging a door or gate on any premises capable of being swung over or across or otherwise encroaching on a public place;
- storing or packing goods on a public place.

An analysis of the above provisions proposed to be regulated by an Auckland Council and complementary Auckland Transport bylaw and the reasons for the recommendation can be found in **Appendix 2** of the Statement of Proposal.

Auckland Transport's recently adopted Traffic Bylaw 2012 deals with materials being left on the roadway but not parks and beaches. A bylaw for public places such as parks and beaches would provide the public with clear guidance as to what obstructions are controlled. Obstructions caused by outdoor business displays, outdoor tables and chairs and other activities relating to 'street trading' will be fully reviewed as part of the 'Trading in Public Places' bylaw review project which is currently in progress.

It is recommended that the perceived problem of obstructions and the inappropriate placement of objects, items, structures on council owned and managed property be regulated by an Auckland Council bylaw (clause 8 (1) (a) – (e) of the proposed Public Safety and Nuisance bylaw) and an Auckland Transport bylaw (clause 8 (1)(a) – (e) of the proposed Public Safety and Nuisance bylaw).

3.4 What are the views of stakeholders?

Information from the council's call centres show that there are regular complaints relating to obstructions on public places, typically on footpaths and road reserves, ranging from building materials, port-a-loos, shipping containers and shop front displays. Discussions with the council's Compliance officers and site visits confirm that, while footpaths and road reserves are occupied to varying degrees and largely in a responsible manner, there are still issues in some areas with items placed in such a way as to impact on easy pedestrian access.

Discussions with representatives from disability groups have also indicated that obstructions on public places are an important issue for their communities, presenting trip hazards and hindering access for wheelchairs, mobility scooters and prams.

Consultation with local boards indicated that, of those boards that provided feedback, there was support for continuing to regulate obstructions in public places recommending that there is a need for clear guidance on footpath occupation and clear accessways. Several boards noted that if obstructions and impediments to access in public places for people with disabilities is addressed then the issue is dealt with for all members of the community.

3.5 What is the most appropriate means to address the problem?

Based on research and stakeholder consultation, the most appropriate means to address the activities listed under 'Obstructions in public places' above, and to achieve the outcome sought, is through complementary region-wide bylaws.

Problem 4: Additional controls for parks and beaches (Auckland Council), public transport infrastructure and roads (Auckland Transport)

What is the perceived problem?

Activities on parks and beaches (Auckland Council)

Auckland Council provides parks and beaches for public benefit and it is necessary to allow the council to control certain activities and behaviours in parks and beaches. Beaches are ecologically sensitive areas, especially dunes, and where the council has identified sensitive areas and provided particular access points, such as walkways, it is necessary to protect these areas. Similarly, regional parks have particular areas of archaeological or historical significance and it is important that the council continue to protect these. Vehicle access to beaches can be a matter of concern as it can not only impact on public safety but have significant environmental impacts, especially if undertaken in ecologically sensitive areas such as dunes.

Auckland Regional Council's Parks Bylaw addresses the same activities and behaviours addressed in the legacy 'public places' bylaws. Bylaws are one of the mechanisms for managing activities in parks and reserves such as Reserve Management Plans, the Unitary Plan (formerly District Plans) and non-statutory policies that address issues such as commercial use of reserves. Auckland Transport's jurisdiction does not generally extend to parks, reserves and beaches. While there are certain behaviours that can be reflected in broader 'public places' clauses, there is some requirement for specific parks and beaches controls to address, for instance, the use of regional parks.

All the legacy bylaws sought to facilitate the use and enjoyment of parks and beaches for passive and active recreation while protecting visual amenity and their ecological value by regulating the following activities:

- unauthorised access to parks, reserves and beaches
- unauthorised / inappropriate use of or activities in parks and reserves
- unauthorised use of vehicles on parks and beaches
- boat trailer parking on parks and beaches, causing obstructions to movement of people.

The review also includes the Franklin District Council's Beach Control Bylaw which controls certain activities relating to beaches in the former Franklin District. This includes controls on vehicles and horses on dunes, the appropriate use of fishing apparatus, and special restrictions on the different users of Kariotahi Beach as contained in the First Schedule of the current bylaw. There were also a number of issues that were regulated by only a few (in some cases, one) legacy council as identified in **Appendix 1**.

Activities on public transport infrastructure and on roads (Auckland Transport)

The legacy Bylaws did not specifically address public transport infrastructure. In 2010 Auckland Transport was established with a statutory responsibility for the Auckland transport system, which means the roads, public transport services and "public transport infrastructure" owned by Council and owned or under the control of Auckland Transport.

Public transport infrastructure includes premises, buildings, structures, vehicles and equipment that is directly or indirectly associated with the provision of public transport services and includes but is not limited to, bus stations, bus shelters, train stations, ferry wharves, park'n'ride carparks, ticket gates and real time passenger information boards. Road has the meaning given by the Local Government Act 1974.

Protection of public transport infrastructure and roads from damage and nuisance will ensure the public's safe access to these public places which is under the care, management and control of Auckland Transport. It supports Auckland Transport's legislative purpose to "contribute to an effective and efficient system to support Auckland's social, economic and environmental, and cultural well-being".

This also supports the Auckland Plan which notes that the transport system must be designed for safe access.

Specific Problem	Outcome sought	Strategic Alignment	Mechanisms/Options
Additional controls for parks and beaches (Auckland Council)	To control certain activities and behaviours in parks and beaches relating to safety and nuisance and to manage and protect from damage to or misuse of land, assets or structures on parks, reserves and beaches.	<p>Strategic objective Auckland Council (Auckland Plan)</p> <p>Auckland's People:</p> <ul style="list-style-type: none"> - To create a strong, inclusive and equitable society that ensures opportunity for all Aucklanders - To improve the education, health and safety of Aucklanders, with a focus on those most in need <p>Mayor's Vision:</p> <ul style="list-style-type: none"> - "World's most liveable city" 	<p>4.1 No action by the council or Auckland Transport (the "do nothing" option)</p> <p>4.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives</p> <p>4.3 Regulate through complementary Auckland Council and Auckland Transport bylaws.</p>
Additional controls for public transport infrastructure and roads (Auckland Transport)	To control certain activities and behaviours on public transport infrastructure relating to safety and nuisance and to manage and protect public transport infrastructure and roads from damage or misuse.		

Discussion of options

4.1 No role for council – (the 'do nothing' option)

This option proposes that the council has no bylaw for addressing specific activities and the use of parks and beaches or public transport infrastructure. This option would rely on other legislation such as the Reserves Act 1977 (and any Reserve Management Plans), Unitary Plan provisions, and the enforcement provisions of the Resource Management Act 1991.

There would also be a general reliance on the police to use a range of legislation available to them, including the ability to trespass people. Having no bylaw would limit the council's ability to control certain activities in parks and beaches and public transport infrastructure and the ability to prosecute for a bylaw breach under the LGA. Additionally, there would be no bylaw regulating activities in and the use of regional parks, requiring greater reliance on the enforcement tools contained in the Reserves Act 1977.

This option will not deliver the required outcomes and is not recommended.

4.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives

This option would rely on education and information strategies (such as signage, brochures and information on the website) to inform the public about the controls on certain activities and behaviours in parks and beaches and public transport infrastructure. This option would require the public to review the information and proactively endorse good practise standards but there would be no regulation or compliance function performed by the council or Auckland Transport.

The advantage of this option is that education material can be made readily available to the public, who would take a voluntary approach to ensuring that the use of parks and beaches, public transport infrastructure and roads is undertaken in a manner that does not cause a general nuisance or impacts on public health and safety, rather than a regulatory one. A disadvantage of this option is that this information is not received and compliance is solely reliant on self regulation.

This option can support parts of the required outcome and can be pursued by the council and Auckland Transport alongside other measures.

4.3 Regulate through bylaw

Additional controls on parks and beaches (Auckland Council)

This option proposes that the council continue to regulate certain activities in local and regional parks and beaches in a region-wide Auckland Council bylaw. It is proposed that the most of the provisions of the current bylaws that deal with activities in local and regional parks and beaches be consolidated and retained in the draft bylaw and includes restrictions on the following:

- public access to parks and beaches that have been closed off;
- entry to and exit from parks except through gates, where these are provided;
- parking boats and trailers on beaches or in parks in a location or manner that obstructs the public's right of passage;
- obstructions to boat access ramps or boat launching facilities;
- engaging in any recreational activity on a park or beach, or any part thereof, that is prohibited or restricted by the council;
- leaving any gate on a park in a different position from that which that person finds it;
- cleaning or leaving any fish or fish offal on a beach, including in the inter-tidal zone above the mean low water spring;
- using boats for overnight living accommodation;
- vehicle access on beaches except for boat launching / retrieval and emergency services;
- interfering with surf life saving equipment;
- possessing or using any weapon, trap or instrument of a dangerous nature in a park;
- removing, harming or killing any animal or release or lose control of any animal under that person's control.

An analysis of the above provisions proposed to be regulated by an Auckland Council bylaw and the reasons for the recommendation can be found in **Appendix 2** of the Statement of Proposal.

While 'parks and beaches' are covered under the general definition of a 'public place' there is a need for some reference to particular activities in these areas to ensure the proper management of parks and beaches. Additionally, as Auckland Regional Council's Parks Bylaw is also being reviewed, combining these activities under generic 'public places' clauses may not assist with the public's understanding of what is permitted or prohibited in a regional park.

Activities such as vehicles on parks and beaches are not covered by traffic bylaws (as these areas are not designated as roads) so need some form of bylaw control by the council. The bylaw would need to ensure that there are no restrictions on the use of bicycles in parks. Parks and beaches are not designated roads so are not covered by any traffic bylaws, therefore need specific bylaw controls on boat trailer parking.

A bylaw prohibiting an unauthorised person from interfering with surf lifesaving operations would assist in enforcement and ensure the public understands their responsibilities. As parks and beaches are used for recreational activities by the public, provision must be made to prevent general nuisance and inappropriate behaviour. Where any person breaches the bylaw, the council must be able to require a person to leave a park.

The provision regulating the use of a weapon, trap or instrument of a dangerous nature in a park is intended to address the issue of people who may for instance be carrying a firearm (even if they have a firearm's licence) in a park for the purposes of hunting. ARC's Parks Bylaw prohibited the use or possession of weapons in regional parks and noted that this provision was very effective in deterring people from going into the parks with the intent of hunting.

As noted earlier, the issue of camping, freedom camping or 'residential occupation of public places' (including parks and beaches) is the subject of a separate bylaw review and the existing provisions in the 'Public Places' and Auckland Regional Council's 'Parks' bylaws will remain in place. Additionally, while FDC's Beach Control bylaw is proposed to be revoked and replaced by the draft Public Safety and Nuisance bylaw, the First Schedule of the bylaw will remain until such a time that it is reviewed.

Note that there are no provisions relating to additional controls on parks and beaches in Auckland Transport's bylaw as they have no jurisdiction over these public places.

Additional controls on public transport infrastructure and on roads (Auckland Transport)

This option proposes that Auckland Transport regulate certain activities on public transport infrastructure and on roads in a region-wide Auckland Transport bylaw. It is proposed that Auckland Transport's draft bylaw will include the following controls:

- the ability for Auckland Transport to restrict or close entry to all or any portion of any public transport infrastructure during such times as are considered necessary to prevent damage to, ensure public safety in or around, or allow maintenance of that infrastructure;
- the ability for Auckland Transport to temporarily set aside whole or part of any public transport infrastructure not needed for the provision of public transport services for the exclusive use of particular groups or for specified activities during set times. Auckland Transport may charge for the exclusive use of any or part of any public transport infrastructure;
- restrictions on entering any public transport infrastructure or any part thereof that is closed to the public;
- restrictions on possessing or use any weapon, trap or instrument of a dangerous nature in any public transport infrastructure;
- restrictions on misusing or interfering with any safety equipment or warning device or notice on within public transport infrastructure except with the prior written approval of Auckland Transport;
- restrictions on landing or taking off from a road or public infrastructure or to use an aircraft to set down, pick up any person, animal, carcass or other articles from a road or public infrastructure.
- leaving any gate in a different position from that which the person finds it.
- Clean or leave any fish or fish offal on a road or public transport infrastructure.

Note that there are no provisions relating to additional controls on public transport infrastructure in Auckland Council's bylaw as they have no jurisdiction over these public places.

It is recommended that the perceived problem of activities in parks and beaches be regulated by an Auckland Council bylaw (clauses 9 (1), 9 (2), 9(3) (a) – (q) and – 9(4) (a) – (d) of the proposed Public Safety and Nuisance bylaw).

It is recommended that the perceived problem of activities on public transport infrastructure and on roads be regulated by an Auckland Transport bylaw (clauses 9 (1), 9(2) and 9(3)9a) – (c) of the proposed Public Safety and Nuisance bylaw).

4.4 What are the views of stakeholders?

The council's Licensing and Compliance and Parks officers and regional parks rangers have identified that a bylaw is required for dealing with certain activities and it complements other tools such as parks / reserve management plans and policies. The council's regional parks rangers identified the need to retain the current provision in the regional parks bylaw prohibiting the use or possession of a dangerous weapon as well as the landing of an aircraft. While both activities are covered by existing legislation (Summary Offences Act 1981 and Crimes Act 1961 for weapons and civil aviation rules for aircraft), the recommendation from parks rangers was that they should be retained in a region-wide Auckland Council bylaw.

There are some existing provisions in the bylaws that have rarely been enforced to deal with activities in parks and beaches (such as using children's play equipment or playing golf) and these are no longer required. Waitakere City Council had a section addressing 'cemeteries and crematoria' (which are typically considered to be 'parks') and the existing clauses will be retained until such a time that they are reviewed.

Feedback from local boards indicates that there is support for maintaining provisions regulating activities in parks and beaches. Some boards raised the issue about having provisions which minimise user conflict between different uses in parks and beaches.

4.5 What is the most appropriate means to address the problem?

Based on research and stakeholder consultation, the most appropriate means to address the activities listed under 'Additional controls for parks and beaches, public transport infrastructure and roads' above and, to achieve the outcome sought, is through complementary region-wide bylaws.

Problem 5: Street naming and numbering on buildings

What is the perceived problem?

The naming of streets and the numbering of buildings are required to ensure that the public, postal services and emergency services know where the property is. It is also necessary for the council to control the allocation of names and numbers and to provide minimum standards for the numbering of premises. The property owner or occupier has responsibility for maintaining their street number. Poorly maintained or illegible street names and numbers can have implications for emergency or delivery services and ultimately the health and safety of the public.

Specific Problem	Outcome sought	Strategic Alignment	Mechanisms/Options
Unauthorised / poorly maintained street names and numbers	To ensure that street names and the numbering of buildings are maintained to ensure that the public, delivery and emergency services have easy access to premises.	<p>Strategic objective Auckland Council (Auckland Plan)</p> <p>Auckland's People:</p> <ul style="list-style-type: none"> - To create a strong, inclusive and equitable society that ensures opportunity for all Aucklanders - To improve the education, health and safety of Aucklanders, with a focus on those most in need <p>Mayor's Vision:</p> <ul style="list-style-type: none"> - "World's most liveable city" 	<p>4.1 No action by the council or Auckland Transport (the "do nothing" option)</p> <p>4.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives</p> <p>4.3 Regulate through complementary Auckland Council and Auckland Transport bylaws.</p>

Discussion of options

5.1 No role for council – (the 'do nothing' option)

This option proposes that the council has no bylaw for the naming of streets and the numbering of premises and rely on the Australian/New Zealand Standard for Geographic information – Rural and urban addressing (AS/NZS 4819:2010).

While an advantage of this option is that it reduces compliance costs, and the council's regulatory involvement in managing this activity, a disadvantage is that there is no clear direction as to the public's and council's obligations for street naming and numbering.

This option will not deliver the required outcomes and is not recommended.

5.2 Rely on non-regulatory approaches such as education strategies and awareness initiatives

This option would rely on education and information strategies (such as signage, brochures and information on the website) to inform the public about the requirement to maintain their numbers. This option would encourage the property owner / occupier to ensure good practice in street number maintenance but there would be no regulation or compliance function performed by the council.

This option can support parts of the required outcome and can be pursued by the council alongside other measures.

5.3 Regulation through bylaw

This option proposes that Auckland Council and Auckland Transport continue to regulate the allocation and maintenance of street naming and numbering in a region-wide bylaw. It is proposed that the most of the provisions of the current bylaws that deal with street names and numbering (or 'Road and Building Identification') be retained in the new bylaws. Auckland Council is empowered to allocate street names and numbers, and Auckland Transport is predominantly concerned with proper maintenance to ensure street names and numbers are clearly legible from the Auckland transport system.

With the exception of Auckland Regional Council, the legacy councils had provisions in their bylaws (either 'Public Places' or a separate bylaw) on road and building identification. The allocation of street addresses is the responsibility of local authorities under section 319B of the Local Government Act 1974. The inclusion of these provisions reflects the Model Bylaw and conforms to and expands upon the Australian/New Zealand Standard for Geographic information – Rural and urban addressing (AS/NZS 4819:2010) jointly published by Standards Australia and Standards New Zealand in 2003 and amended in 2010.

Where circumstances require it, the council must be able to alter a street number to ensure clarity and uniformity.

It is considered that the perceived problem of street naming and numbering be regulated by an Auckland Council bylaw (clauses 10 (1),(2),(3),(4),(5) (a) – (b), (6)(a) – (b) and (7) of the proposed Public Safety and Nuisance bylaw) and an Auckland Transport bylaw (clauses 10 (1),(2),(3),(4),(5) (a) – (b), (6)(a) – (b) and (7) of the proposed Public Safety and Nuisance bylaw).

5.4 What is the most appropriate means to address the problem?

Based on research and stakeholder consultation, the most appropriate means to address the activities listed under 'Street naming and numbering of buildings' and to achieve the outcome sought, is through complementary region-wide bylaws.

7 New Zealand Bill of Rights Act

The proposed bylaws are not inconsistent with the New Zealand Bill of Rights (NZBOR) Act 1990. The proposed controls are considered reasonable, as allowed for in Section 5 of the Act:

the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It is concluded that the proposed draft bylaws are not inconsistent with the NZBOR including:

- freedom of expression (Section 14)
- freedom of peaceful assembly (Section 16)
- freedom of movement and residence (Section 18)
- freedom from unreasonable search and seizure (Section 21).

The proposed draft bylaws provide for freedom of movement through public places subject to reasonable controls on activities and behaviour in public places. Controls on safety and nuisances ensure that public places are safe and that nuisances to the users of public places are minimised.

The controls which form part of the bylaws on activities and behaviour in public places do not extend beyond what the majority of the public within the Auckland region would regard as being appropriate.

8. Revocation of legacy bylaws

The former councils adopted the following bylaws that relate to public safety, nuisance, behaviour, damage, obstructions, activities in parks and beaches and street naming and numbering.

Legacy Council Bylaw	Headings	Clauses to be revoked	Clauses to be retained
Auckland Regional Council Parks Bylaw (2007)	Bylaw Administration	1.0, 1.1, 1.2, 1.3, 1.4.	
	Definitions	2.0, 2.1	
	Nuisances obstruction and offensive behaviour	3.0, 3.1 (a) – (c); (e) – (f);	3.1 (d)
	Prohibited activities	4.0, 4.1 (b) – (k) 4.2, 4.3.;	4.1 (a)
	Damage	5.0, 5.1 (a) – (e);	
	Activities requiring approval	6.0, 6.1 (a), (c), (e), (g), 6.2, 6.3,	6.1(b); 6.1 (d), 6.1 (f)
	Breaches and offences		7.0, 7.1 (a) – (d)
	Penalties		8.0, 8.1, 8.2. 8.3 (a) – (b), 8.4
Auckland City Council No 20 - Public Places Bylaw (2008)	General	20.1, 20.1.1 (excludes definition of 'event' , 'street trading' and 'street performance', temporary activity); 20.1.2, 20.2, 20.2.1(a) ,(b) ,(c) ,(d) ,(e) ,	20.1.1 (definition of event' , 'street trading' , 'street performance and temporary activity) ;
	General restrictions for the protection of public property, safety and amenity	20.2.2 (a) ,(b) ,(c) , 20.2.3(a)- (b);	
	Specific restrictions	20.3, 20.3.1 (a) , (b) ,(c) , (d) ,(e) , (f) , (h) , (i) ,(j) ,(k) ,(l) ,(m) ,(n) ,(o) ,(p) ,(q) ,(r) ,(s) ,(t) w) ,(x) , 20.3.2, 20.3.3, 20.3.4(a) ,(b)	20.3.1 (g); 20.3.1 (u) , 20.3.1 (v); 20.3.4(c) - (d); 20.3.5 (a) ,(b) ,(c)
	Additional provisions for reserves	20.4, 20.4.1(a)(i) (ii), 20.4.1 (b);	
	Road and building identification	20.5; 20.5.1; 20.5.2(a) , (b) ; 20.5.3(a) - (c) ; 20.5.4; 20.5.5; 20.5.6; 20.5.7;	
	Street trading, street performances and events		20.6;6, 20.6.1(a) – (c) 20.6.2 (a) – (d), 20.6.3, 20.6.4, 20.6.5 (a) , (b), 20.6.6 (a) - ,(c) , 20.6.7, 20.6.8 (a) - (b), 20.6.9 (a) - (b) (i) , (ii) , (iii) , 20.6.10, 20.6.11, 20.6.12, 20.6.13, 20.6.14.
	Review of street		20.7, 20.7.1(a) - (d),

Legacy Council Bylaw	Headings	Clauses to be revoked	Clauses to be retained
	trading and street performance licences and events permits		
	Enforcement		20.8, 20.8.1 – 20.8.9
Franklin District Council Public Places Bylaw (2007)	Introduction and scope	1.	
	Title, Commencement and Application	2.(1), 2.(2), 2.(3),	
	Public Places Bylaw Validation	3, 3.(1), 3.(2)	
	Definitions and interpretation	4	
	Public safety and Nuisance	5, 5.(1) (a) – (k), 5.(2), 5.(3), 5.(4), 5.(5)(a).	5. (5) (b), First schedule.
	Obstructing Public Places	6 (a) – (d).	
	Damage to Public Places	7.(1) (a) – (i) , 7.(2).	
	Placing of Articles on Public Places		8(a) – (c).
	Exposing Articles for Sale		9
	Control of skateboards and recreational devices	10 (1) – (3)	Second Schedule
	Vehicular crossings		11, 11.(1) – (4).
	Assembly	12(a) – (b).	
	Awnings and Blinds	13.	
	Projections on Public Places Not Permitted	14(1) – (3).	
	Restrictions on use of barbed and razor wire and electrified fences	15(1) – (3).	
	Road and building identification	16(1) – (4).	
	Animals on public places		17(1) – (4).
	Additional requirements for reserves	18(1) – (5).	
	Cultural and Recreational Facilities	19	
	Offences and Penalties		20
Franklin District Council Beach Control	Beach control	ALL	First Schedule

Legacy Council Bylaw	Headings	Clauses to be revoked	Clauses to be retained
Bylaw (2006)			
Manukau City Council Chapter 9 - General Nuisance Safety Behaviour Bylaw	Interpretation	1, 1.1	
	Exemptions	2, 2.1	
	Nuisance, Safety and Behaviour in Public Places	3, 3.1(a) – (k).	
	Residential Occupation of any Public Place by Vehicles, Tents and Caravans		4, 4.1 (a) – (c)
	Damage in any Public Place	5, 5.1 (a) – (j).	
	Obstructions in any Public Place	6, 6.1 (a) – (g). 6.2.	
	Additional Controls on Reserves and Beaches	7, 7.1(a) – (n).	
	Powers of the Council	8, 8.1 (a) (b) (c) (d)	
Manukau City Council Chapter 17- Street Names and Numbering of Premises Bylaw	Street Names and Numbering of Premises Bylaw	ALL	
North Shore City Council Part 2 - Public Places Bylaw (2000)	Definitions	2.1 (a) – (e).	
	Public Safety & Obstructions	2.2, 2.2.1 (a) – (d) , (f), 2.2.3 (a) – (c) 2.2.4 (a)- (c)	2.2.2 (e)
	Nuisance in Public Places	2.3, 2.3.1 (a) – (f) , 2.3.1 (h) – (i) , 2.3.2 (a) – (b), 2.3.3 (a) – (b).	2.3.1 (g), 2.3.1 (h), 2.3.1 (j).
	Damage or interference to public places	2.4, 2.4.1 (a) – (h),	
	Use of reserves and beaches	2.5, 2.5.1 (a) – (e), (g), (i) - (k) , (m) – (r), 2.5.2 (a) , - (d), 2.5.3 (a) – (d).	2.5.1 (f), 2.5.1 (h), 2.5.1 (l).
	Management of reserves	2.6, 2.6.1 (a) – (b) , 2.6.2 (a) – (c) , 2.6.3, 2.6.4.	
	Management of beaches	2.7, 2.7.1, 2.7.2 (a) – (c) -, 2.7.3, 2.7.4	
	Management of Lake Pupuke	2.8, 2.8.1 (a) – (b), 2.8.2 (a) – (b), 2.8.3.	
	Public assembly	2.9, 2.9.1 (a) – (c) , 2.9.2 (a) – (c)	
	Fences	2.10, 2.10.1 (a) - (d).	
	Vehicle crossings		2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4.
	Street numbering of buildings	2.12, 2.12.1, 2.12.2, 2.12.3 (a) – (b), 2.12.4,	

Legacy Council Bylaw	Headings	Clauses to be revoked	Clauses to be retained
		2.12.5 (a) – (b), 2.12.6, 2.12.7	
Papakura District Council Public Places Bylaw (2008)	Scope	1	
	Definitions	2	
	Public safety and nuisances	3; 3.1(a) – (f) , 3.2 (a) – (c), 3.3, 3.4(a). Second Schedule	3.4(b).
	Obstructing public places	4; 4.1 (a) – (d).	
	Damage to public places	5; 5.1 (a) – (g), 5.2; 5.3.	
	Placing of articles on, and damage to public places		6; 6.1 (a) – (b), 6.2.
	Control of skateboards	7.; 7.1; 7.2; 7.3,	First schedule
	Exposing articles for sale		8, 8.1.
	Vehicular crossings		9. 9.1, 9.2, 9.3, 9.4.
	Awnings and blinds	10, 10,1	
	Projections on public places not permitted	11, 11.1, 11.2, 11.3	
	Restrictions on use of barbed wire and electrified fences	12, 12.1, 12.2.	
	Road and building identification	13., 13.1, 13.2, 13.3, 13.4.	
	Animals and stock on public places		14, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6.
	Vehicles on public places	15, 15.1.	
	Additional requirements for reserves	16, 16.1, 16.2, 16.3, 16.4.	
	Council facilities	17, 17.1, 17.2, 17.3, 17.4	
	Offences	18	18, 18.1
	Rodney District Council Chapter 8 - Public Places	Bylaw administration	1.0. 1.1
Interpretation		2.0,	
Offensive activities		3.0, 3.1,(a), - (c), (e), 3.2	3.1 (d),
Activities affecting public safety, causing a nuisance, obstruction, or damage		4.0, 4.1(c) - (d), 4.2 (b).	
Prohibited activities		5.0, 5.1	
Activities requiring consent		6.0, 6.1 (b) – (c), (e) – (j)	6.1 (a), 6.1(d)
Offences and penalties			7.0, 7.1,7.2,7.3,7.4
Other requirements			8.0, 8.1 (a) – (i)
Rodney District	Road Crossings	1.0, 1.1, 2.0, 2.1, 2.2, 2.3,	4.0, 4.1, 4,2 (a) – (c),

Legacy Council Bylaw	Headings	Clauses to be revoked	Clauses to be retained
Council Chapter 9 - Road Crossings and Numbering of Premises	and Numbering of Premises	3.0, 3.1,7.0,7.1,8.0,8.1,8.2,	5.0, 5.1, 5.2, 9.0, 9.1, 9.2, 9.3
Waitakere City Council Public Places Bylaw (2010)	Introduction and Interpretation Citation	1	
	Commencement	2	
	Revocations	3, 3.1	
	Purpose	4, 4.1, 4.2.	
	Interpretation	5.1 (a) – (c), 5.1 (f) – (j), 5.1 (n), 5.1 (p) – (r), 5.1 (t)	5.1 (d) - (e), 5.1 (k) - (m), 5.1 (o), 5.1 (s)
	Obstructions, nuisance threat to public health and safety and offensive behaviour. Restrictions on use of public places	6, 6.1 (a) – (h), (j) – (l); (n) – (s).	6.1, (i) (m),
	Activities requiring approval	7, 7.1 (b) – (e), 7.2(a) – (e).	7.1(a)
	Damage to public property	8, 8.1, 8.2 (a) – (c).	
	Specific Public Places	9	
	Parks and Reserves	10, 10.1 (a), (c) – (h).	10.1(b),
	Beaches and Waters	11, 11.1 (a) – (c);	
	Cemeteries and Crematoria		12, 12.1 (a) – (e), 12.2 (a) – (e), 12.3(a) – (b), 12.4 (a) – (d), 12.5 (a) – (b), 12.6.(a), 12.7 (a) – (c), 12.8 (a) – (d).
	Trading in Public Places - Interpretation		13, 13.1,
	Trading in Public Places - Activities requiring approval		14.1 (a) – (c), 14.2 (a) – (e), 14.3(a), 14.4 (a) – (h).
	Land Adjoining a Public Place	15.1 (a) – (b), 15.2 (a) – (c), 15.3 (a), 15.4(a).	
	Street Numbering of Buildings	16.1, 16.2, 16.3 (a) – (b),16.4 (a) – (b), 16.5 (a) – (b), 16.6, 16.7, 16.8.	
	Enforcement and Penalties Offences		17, 17.1 (a) – (f).
	Penalties		18, 18.1, 18.2, 18.3
	Dispensing Power		19, 19.1

Under the Local Government (Auckland Transitional Provisions) Act 2010 these bylaws are deemed to have been made by Auckland Council (s63) and will expire on 31 October 2015, unless they are revoked, amended or confirmed by the Auckland Council on or before that date. Auckland Transport is deemed to have made bylaws under section 61 of the Local Government (Auckland Transitional Provisions) Act 2010, but is not subject to any time limit for when it must review and revoke, amend or confirm its bylaws (other than the standard bylaw review requirements in the Local Government Act 2002).

The council and Auckland Transport consider it appropriate to revoke either in full, or in part, these bylaws for the following reasons:

- they represent a variety of approaches across Auckland, and this variation is no longer appropriate or necessary
- the bylaws would require substantial amendment to bring them into alignment, and it is more convenient to all users to have a single bylaw in place
- transition provisions can be included in the new bylaw, where necessary.

9 Conclusion

Complementary Auckland Council and Auckland Transport bylaws have been determined to be the most appropriate mechanism to ensure that the use of public places, and activities undertaken within public places, including parks and beaches, public transport infrastructure and roads, does not create a nuisance, impact on public safety, create an obstruction, cause damage to public property or interfere with a person's or the community's ability to enjoy using the public realm. Bylaws promoting public safety and minimising nuisances will also ensure that acceptable standards of convenience, safety and visual amenity are maintained for the well-being and enjoyment of Auckland's citizens and visitors.

10 Glossary

Council	
ACC	Auckland City Council
ARC	Auckland Regional Council
FDC	Franklin District Council
MCC	Manukau City Council
NSCC	North Shore City Council
PDC	Papakura District Council
RDC	Rodney District Council
WCC	Waitakere City Council

General bylaw terms	Description
Auckland transport system	Means the roads (as defined in section 315 of the Local Government Act 1974) within Auckland; and the public transport services (as defined in section 4 of the Public Transport Management Act 2008) within Auckland; and the public transport infrastructure owned by the Council; and the public transport infrastructure owned by or under the control of Auckland Transport; but does not include: State highways: railways under the control of New Zealand Railways Corporation: off-street parking facilities under the control of the Council: and airfields
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.
Mind altering substance	Means a mind-altering substance, whether synthetic or naturally occurring which, substance might alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations in a person, but does not include: (a) medically prescribed substances ingested by the person for whom they were prescribed; or (b) substances purchased from a pharmacy without medical prescription; or (c) alcohol as defined in the Sale of Liquor Act 1989; or (d) nicotine;
Nuisance	Shall have the meaning given to it by section 29 of the Health Act 1956 and includes a person, thing, or circumstance causing distress or unreasonable interference with the peace, comfort or convenience of any person;
Public place	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 includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
Park	Means: (a) any land in the District which is a public reserve under the Reserves Act 1977, under the control of the Council; (b) any park, domain or recreational area under the control of the Council;
Public transport	Means:

General bylaw terms	Description
infrastructure	means premises, buildings, structures, vehicles and equipment that is directly or indirectly associated with the provision of public transport services and includes, bus stations, bus shelters, train stations, Ferry wharves, park'n'ride, carparks, ticket gates, real time passenger information boards.

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Appendix 1: Legacy bylaws on public safety and nuisance / public places

Auckland Council and Auckland Transport inherited eight bylaws dealing with public places matters from all legacy councils. With the exception of Manukau City Council, they were termed 'Public Places' bylaws (Table One). Auckland Regional Council's Parks Bylaw deals with public safety and nuisance issues in regional parks owned and administered by the ARC. The review also includes Franklin District Council's Beach Control bylaw and Rodney District Council's Road Crossing and Numbering of Premises bylaw and Manukau City Council's Street Names and Numbering of Premises bylaw.

The current bylaws are generally consistent in their definition of a 'public place', noting that it includes every place that is either owned, managed or under the control and that is open to, or being used by, the public. It includes Council controlled reserves, parks, civic areas, beaches and roads (including footpaths and accessways), grass verges, berms, public gardens, wharves, and breakwaters.

The legacy councils' bylaws either cite the [Model General Bylaws NZS 9201: Part 2 Public Places](#) (hereafter 'Model Bylaw') - stating that the bylaw's purpose is to control, manage or regulate a diverse range of activities to ensure that acceptable standards of convenience, safety and visual amenity are maintained – or have tailored a similar statement to reflect the fact that their purpose is to manage safety and behaviour in public places by regulating a wide range of uses and activities.

The bylaws generally provide controls that permit or prohibit activities within a public place (including parks, reserves, beaches, public infrastructure and roads) in order to minimise nuisances, offensive behaviour and damage and destruction to public property and covered matters such as:

- public safety and nuisances and general behaviour
- activities in public places
- vehicles in public places
- obstructions / encroachments over public places,
- damage / removing / depositing articles to public places
- animals and stock in public places
- depositing litter / waste
- additional requirements for use of reserves and beaches
- road and building identification
- other activities in public places requiring approval.
- trading in public places (*covered in a separate review process*)

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
Title	Rodney District Council General Bylaw 1998 Chapter 8 - Public Places 2005 Chapter 9 Road Crossings and Numbering of Premises	Part 02 - Public places	Waitakere City Council Bylaw Public Places 2010	Auckland City Council Public Places Bylaw 2008	Manukau City Consolidated Bylaw 2008 Chapter 9 General nuisance, safety and behaviour in parks and public places Chapter 17 Street names and Numbering of Premises	Papakura District Council Public Places Bylaw 2008	Franklin District Council Public Places Bylaw 2007 Beach Control Bylaw 2006	Auckland Regional Council Parks Bylaw 2007
Date Made	21st December 2005	18-Dec-06	2003	28-Jul-08	26-Jun-08	2008	22-Mar-07	1 Dec 2007
Empowering Legislation	section 145 of the Local Government Act 2002	section 145 of the Local Government Act 2002	section 145 and 146(b) (vi) of the Local Government Act 2002.	section 145 and 146(b) (vi) of the Local Government Act 2002. Reserves Act 1977, Health Act 1956 and Litter Act 1979	section 145 of the Local Government Act 2002	section 145 of the Local Government Act 2002, Reserves Act 1977, Health Act 1956 and Litter Act 1979	section 145 of the Local Government Act 2002	section 149 of the LGA 2002
Issues Addressed								
Restrictions on begging or soliciting donations in a public place ¹⁹	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on carrying out any activity that is likely to injure persons or impact on the comfort of the public	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on damaging, defacing, destroying, removing or polluting any structure, street furniture, surface, road berm, or any natural feature, animal (fauna) or plant (flora)	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on sleeping overnight or camping in an area of public land not set aside for that purpose, unless permitted ²⁰ .	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on flying, launching, landing an aeroplane, hot air balloon, or model aeroplane		✓	✓	✓	✓	✓	✓	✓

¹⁹ WCC, MCC and PDC expressly used the word 'beg' in their bylaw. MCC's stated that 'no person shall in any public place beg in a way as to create a nuisance'

²⁰ FDC and RDC permitted overnight camping for no more than two days in specified places, provided that it is in a self contained vehicle.

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
Restrictions on any obstructions in a public place		✓	✓	✓	✓	✓	✓	✓
Restrictions on lighting any fire except in an designated place	<i>Issue is covered in a separate bylaw</i>	✓	✓	✓	✓	✓	✓	✓
Restrictions on willful obstructions or interfering with a person's use or enjoyment of a public place	✓	✓	✓	✓	✓	✓		
Restrictions on erecting any structures in a public place	✓	✓	✓	✓	✓	✓	✓	✓
Additional restrictions on the use of parks and beaches	✓	✓	✓	✓	✓	✓	✓	✓
Controls on street numbers	✓ <i>Issue covered in separate bylaw also being reviewed</i>	✓	✓	✓	✓ <i>Issue covered in separate bylaw also being reviewed</i>	✓	✓	
Restrictions on reckless use of motor vehicle or recreational device (skateboards, roller skates, bikes) in a public place		✓	✓	✓	✓	✓	✓	
Restrictions on fireworks in a public place	✓	✓	✓	✓	✓			✓
Restrictions on driving or parking a vehicle on a beach except for emergency services or; purposes of launching/ hauling boats		✓	✓	✓	✓	✓	✓	
Restrictions on parking any vehicle in any public place except in a designated place set aside by the council	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on working on a vehicle in a public place except for emergency repairs		✓	✓	✓	✓	✓	✓	
Restrictions on vehicle crossings including construction and / or		✓		✓	✓	✓	✓	

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
using one that is not properly constructed ²¹ .								
Restrictions on damaging, interfering with, destroying or removing any grass plot, flower bed, tree, shrub or plant		✓	✓	✓	✓	✓	✓	
Restrictions on placing or fixing any graffiti, posters or advertising devices which interfere with any ornament, statue, building, structure, facilities or display boards		✓	✓	✓	✓	✓	✓	✓
Restrictions on ingesting any mind altering or proscribed substance in a public place	✓	✓		✓	✓	✓	✓	✓
Restrictions on opening any drain or sewer on any public place		✓	✓		✓	✓	✓	
Restrictions on allowing any animal in their control to damage a public place, endanger any person or cause a nuisance in that public place			✓	✓		✓	✓	✓
Restrictions on stock in public places		✓	✓	✓		✓	✓	
Restrictions on any person undertaking window washing or cleaning windows of vehicles for payment/donation ²²		✓	✓	Note: this activity was covered in ACC's Traffic Bylaw which was revoked by Auckland Transport's Traffic Bylaw 2012 but not included in the AT bylaw	✓	Note: this activity was covered in PDC's Traffic and Parking Bylaw was revoked by Auckland Transport's Traffic Bylaw 2012, but not included in the AT bylaw	✓	
Restrictions on carrying any firearm, axe, sword, spear, airgun, bow, signal flares (except in an emergency) and other weapons	✓	✓	✓					✓

²¹ ACC also has a separate Construction bylaw (No 6) that deals with the construction of vehicle crossings. RDC's 'Road Crossings and Numbering of Premises' bylaw, which is also being reviewed as part of this bylaw review, also addresses vehicle crossings and existing provisions will be retained.

²² Note that this activity was included in MCC, ACC, FDC, WCC, and PDC's 'Trading in Public Places' bylaws however, it has been included in the proposed Public Safety and Nuisance bylaw due to the safety and nuisance considerations associated with this activity.

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
Restrictions on creating a nuisance from playing an instrument / amplifiers / making a noise	✓			✓	✓	✓	✓	✓
Restrictions on obstructions caused by swing direction of gates	✓	✓	✓	✓	✓	✓	✓	
Restrictions on leaving any work, hole or excavation in a public place in a manner that may be a danger to anyone		✓		✓		✓	✓	
Restrictions on distributing material of an offensive or indecent nature	✓	✓	✓					✓
Restrictions on assemblies, meetings, gatherings, demonstrations.	✓	✓	✓					✓
Restrictions on erecting any fence constructed with barbed wire, razor wire or electrified wire adjacent to a public place in a way that may injure a person		✓	✓			✓	✓	
Restrictions on removing sand, shingle, soil, rocks, vegetation, or any similar matter from a beach or reserve		✓			✓	✓	✓	
Restrictions on planting any trees or shrubs or sowing / scattering any seeds in a public place	✓		✓	✓				✓ ²³
Restrictions on any person participating in any assembly, organising or conducting any meeting, gathering, demonstration, parade, procession or competition in a public place without the written permission of the council	✓	✓	✓					✓
Restrictions on leaving waste, materials etc except through formal		✓		✓			✓	✓

²³ ARC's Parks Bylaw required a person to obtain approval to plant / remove trees or seeds.

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
waste collection								
Restrictions on distributing offensive material	✓	✓	✓					✓
Restrictions on leaving any hole / excavation in a way that may be a danger to anyone		✓		✓		✓	✓	
Restrictions on erecting any awnings / blinds over a public place						✓	✓	
Reinstatement of a public place if work carried out				✓		✓	✓	
Restrictions on a person behaving in a disruptive, disorderly or unsafe manner, in a council facility						✓	✓	
Restrictions on erecting any awning over any public place						✓	✓	
Restrictions on standing on any verandah erected over a public place						✓	✓	
Restrictions on cleaning or leaving any fish or fish offal above mean low water spring		✓			✓			
Restrictions on using indecent or obscene language	✓							✓
Restrictions on being in state of intoxication or under the influence of alcohol.							✓	✓
Restrictions on playing golf in a reserve or on a beach		✓				✓		
Restrictions on activities in cemeteries / crematoria			✓					
Restrictions on bathing or wading in any fountain or water feature or permitting or causing the wastage of water				✓				
Restrictions on urinating or defecating in any public place other than a public lavatory						✓		

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
Provisions in bylaw that the council may fix charges for the entry to a reserve, or the exclusive use of a reserve, in accordance with the Reserves Act 1977						✓		
Restrictions on driving vehicle in a park or reserve at a speed in excess of 20 kilometres per hour where there is no speed limit as indicated by a sign			✓					
Restrictions on undertaking activities that are prohibited by a parks management plan								✓
Restrictions on any person having committed a breach of the bylaw, remaining in the park after being requested to leave by an authorised officer								✓
Restrictions on any person interfering with the operation of any regional park								✓
Restrictions on person wanting to hire waterborne craft		✓						
Restrictions on exposing public area to the view of any other person if you are 12 years of age		✓						
Restrictions on using children's play apparatus where an age limit has been set for that equipment and that person is over that age		✓						
Restrictions on consuming or offering to any person any intoxicating liquor within a public parking place for cars		✓						
Restrictions on loitering in or and around any public toilets or changing sheds in reserves and		✓					✓	

	Rodney	North Shore	Waitakere	Auckland	Manukau	Papakura	Franklin	ARC
beaches								
Provisions for removing or wheel clamping any motor vehicle or trailer, which has been left or parked on a beach		✓						
Restrictions on undertaking activities on Lake Pupuke		✓						
Restrictions on undertaking certain activities on beaches in the Franklin District							✓	
Restrictions on any person placing or causing a shipping container to be placed in a public place					✓			

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Appendix 2: Activities proposed to be regulated through Auckland-Council and Auckland Transport bylaws (Option C) and reason for recommendation

Problem 1: Nuisances, safety and behaviour in public places

Activity	Problem definition	Reason for this recommendation
Using a public place in a way that willfully obstructs, disturbs or interferes with any other person's use or enjoyment of a public place.	General 'anti-social' or 'nuisance' behaviour such as littering, harassment or intimidation, loitering, or any activity that unreasonably interferes with a person's enjoyment of a public place can undermine the public's perceptions of safety and have implications on other activities in the area (such as an impact on businesses). A general clause regulating the use of a public place in a way that willfully obstructs or interferes with any person's enjoyment of a public place casts the net quite wide and leaves it to the discretion of council officers (and the police if necessary) to determine if an activity is causing a disturbance or nuisance. It is a test of subjectivity, as what may be a 'nuisance' to one person may not be to another. An analysis of complaints data revealed that the council receives a number of queries relating to 'anti-social behaviour' although in many instances what that behaviour was is not explicitly defined. A broad anti-nuisance / anti-social behaviour clause does however mean that enforcement would not just be limited to activities that are specified in the bylaw.	While having clauses relating to regulating specific behaviour (such as begging, glue sniffing, car window washing) reduces any ambiguity, a general behaviour provision combined with specific anti-social behaviour clauses would enable the council to take action against a bylaw breach that has not been clearly identified, or anticipated ('future proofing').
Creating a nuisance through the use of loud speakers, amplifiers and instruments.	Bylaw provisions regulating the use of loud speakers, amplifiers and musical instruments is conceivably a 'nuisance' issue due to noise considerations – although, as stated above, this is potentially a subjective test: what may be a nuisance for one person may be enjoyable to another. Discussions with council officers identified that although they can use the existing provisions in the District Plan or the Resource Management Act 1991 to address complaints relating to noise, the bylaw has been useful in controlling this activity in relation to street performances (or busking).	While there are other tools for addressing issues relating to noise, a bylaw is considered an appropriate method for controlling this activity, especially if it relates to street performances and busking and any associated 'nuisance' considerations. Additional controls relating to noise created by buskers or street performers may be incorporated in the separate Trading in Public Places policy and bylaw which is currently being developed.
Inappropriate / reckless use of any material or thing including vehicles and recreational devices (i.e. bicycles and skateboards).	The reckless use of vehicles and recreational devices in public places can impact on pedestrian safety and their use and enjoyment of a public place. This activity arises both in public places, such as squares and parks, and on roads. Complaints relating to the use of skateboards and bikes on footpaths generally relate to obstructions on public places. Discussions with the council's compliance officers revealed that by the time they investigate complaints, offenders have normally moved on and that enforcement provisions of the bylaw are ineffective in addressing the problem. It should be noted that in areas where the bylaw has identified these activities as expressly prohibited that there have been no reported incidents.	While the transport legislation prohibits cycles from riding on a footpath (unless they are delivering newspapers/mail to an address) and users of wheeled recreational devices (which includes skateboards) must operate carefully and considerately, it is recommended that this activity is regulated via a region-wide bylaw. Removing any provisions would reduce the council's ability to deal with this activity.
Electric / barbed or razor wire fences adjacent to public place creating a risk of injury.	Poorly erected or maintained barbed wire and electrified fences on property adjacent to a public place can be considered a 'public safety' issue due to the potential for injury. The Fencing Act 1978 does not explicitly mention electric fences - other than with reference to maintenance of fences. Council officers are aware that there have been some issues with razor wire fences encroaching onto public places (such as a park). Discussions with council officers identified that the enforcement of the bylaw is quite often difficult due to the unwillingness of the owner / occupier to comply. Compliance officers have cited that there is a need to ensure that any bylaw provisions on electric / razor wire fences are not too restrictive, particularly in rural areas such as Franklin and Rodney where they are used as a means of stock control.	The council can use the provisions of the Fencing Act 1978 and the Building Act 1991 to deal with the issues of maintenance and construction but there is a need for a provision in the bylaw ensuring that electric or razor wire fences do not impact on public safety. The review of the bylaw, accompanied by site visits with Council's Compliance officers, identified that there are not only issues with barbed wire or electric fences adjacent to public places but others such as fences with spikes on them. The recommended provisions do not apply to rural areas, recognising that such fences are generally used for stock control.
Being under the influence of a proscribed substance.	The definition of 'mind altering' or 'proscribed' substance aligns with that from the Model Bylaw – and excludes any medically prescribed substance, substances purchased from a pharmacy without medical prescription, alcohol or nicotine. It has generally been defined to mean 'glue sniffing'. This issue is not covered by the Summary Offences Act 1981. Ingesting a mind altering substance is not a 'nuisance' per se but can impact on people's perceptions of safety as well as have implications on the health and safety of offenders. As with the issues of 'begging', homelessness and car window washers, the council recognises that those engaged in this activity are not breaching any national legislation, but are breaching bylaw provisions. In many instances, while the bylaw has limited enforcement powers, it can be seen as an 'early	Removing the provision would limit the powers of the council and other agencies to deal with the issue of ingesting mind altering / proscribed substances. As noted, existing legislation does not expressly address this issue and as a low-level offence it is not a priority for the police to deal with when measured against more serious offences (or their 'five key drivers of crime prevention'). As with other low level offences such as the aggressive / intimidatory behaviours associated with 'begging', 'car window washing' and other 'anti-social behaviours', a bylaw provides an additional tool to assist with

Activity	Problem definition	Reason for this recommendation
	intervention' tool for preventing these low level activities escalating into more serious offences.	addressing the underlying reasons that brought about the offending – and to try and reduce the likelihood of re-offending.
Soliciting of donations / begging.	<p>The broad term of 'soliciting' has been used to describe everything from street charity collectors / fundraisers through to begging. Three councils (WCC, MCC and FDC) expressly used the word "beg" or "begging" and this generally related to the activity being a nuisance. "Begging", and in particular, begging in a way that either creates a nuisance or is intimidating can undermine the public's perception of safety. International studies on "begging" (or 'pan-handling') have concluded that while 'aggressive' begging can have an impact on people's perceptions of safety, most of those engaged in the activity are aware that using aggression or intimidation would not only reduce the likelihood of them getting any money, but would also draw police attention. Discussions with the council's Compliance officers, the police, Maori and Pacific wardens revealed that begging does occur in particular areas across the region (such as Auckland's CBD, Avondale town centre, Otara town centre) to the extent where the problem has grown over the years and offences are regularly, but not always, reported to the council. Some stakeholders have recommended that there should be no distinction between passive and aggressive begging and the main aim should be to discourage people from giving money or donations. One of the key recommendations proposed by some stakeholders, is that alongside a bylaw, a public education campaign needs to be undertaken informing the public not to give money to individuals but to donate to agencies whose work is aimed at alleviating this issue.</p>	<p>A bylaw provides one tool in a suite of approaches for dealing with this problem. As noted, the intent of continuing to control this activity in the bylaw is not to criminalise the activity, but to try to address the underlying reasons as to why certain people engage in this activity, to enable council officers to prosecute prolific offenders with the aim of reducing dependency. Officers have noted that the intimidatory nature of those engaged in this activity impacts on people's perceptions of public safety and ability to enjoy public space. It is recommended that the word 'beg' is explicitly stated in any new bylaw rather than obscured solely under 'soliciting for donations' to make it more effective and better understood by the public.</p> <p>There is still a need to include a provision relating to 'soliciting for donations, subscriptions, or collections' to cover street collectors and this will be covered under the separate review of 'trading in public places'.</p>
Car window washing (at intersections and other public places).	<p>The activity of car window washing at intersections and other public places can be a problem due to nuisance and intimidation factors, road / pedestrian safety considerations (such as driver distraction and impacts on traffic flow) as well as the safety of the window washers themselves. The council receives a number of complaints relating to window washers and will respond by investigating, although most offenders have moved along by the time a council officer has responded and in most instances enforcement powers are limited to seizing of property (i.e. buckets and mops). As with begging and ingesting a mind altering substance, this activity is not regulated via national legislation so a bylaw effectively addresses this regulatory 'gap'.</p>	<p>This activity is similar to the problems associated with begging and substance abuse. Auckland Transport's Traffic Bylaw does not address this activity so it needs to be included a new Auckland-wide bylaw. Discussions with both council officers and the police have indicated that, while there are limited enforcement provisions for addressing this activity, having no bylaw would reduce the ability for the council, assisted by the police, to address the problem. According to the police, the bylaw provides an additional tool to address the issues of road / traffic safety (for both the car window washers and other users) and perceptions around community safety.</p>
Graffiti; bill sticking.	<p>Activities relating to defacing public property (i.e. graffiti, bill sticking, interfering with posters) can impact on people's perceptions of public safety and a significant body of research has been undertaken over the years on the correlation between antisocial behaviour, crime and the environment. It also imposes financial costs for maintenance and repairs as well as creates an inconvenience to the public due to the loss of services / facilities. The 'broken windows theory' states that if a community or city does not repair damage to public property or remove graffiti, then it is likely that it will continue to descend into additional antisocial behaviour and disobedience. More recently the 'spreading of disorder' theory was researched to determine if people behaved differently when the environment was left in a state of disorder. The study concluded that activities such as graffiti or litter can encourage other forms of antisocial behaviour, or lead on to more serious levels of offending.</p>	<p>While Sections 11 and 14 of the Summary Offences Act 1981 regulate against graffiti vandalism and Section 33 deals with bill sticking, a bylaw with specific clauses relating to graffiti would complement other council policies such as the Graffiti Vandalism Prevention Plan. A bylaw supports the "3 Es" (Eradication; Education; Enforcement) philosophy of the Graffiti Plan. Removing the provision would limit the powers of the council and other agencies to deal with these issues.</p>
Fireworks / lighting a fire in public places.	<p>The problems associated with fireworks include injury to persons, fire risks on both private and public land, noise, litter and the effects on animals. During the first round of local board engagement in November 2011, several mentioned that fireworks were an issue and would like to see an outright ban, citing fireworks being let off beyond the Guy Fawkes period was an issue, particularly in areas where there is a high fire risk (e.g. Piha). The council's Compliance officers confirm that they do investigate complaints about fireworks but generally in relation to noise, using the Resource Management Act 1991 (RMA) provisions.</p>	<p>Sections 35 and 36 of the Summary Offences Act 1981 address setting off fireworks and lighting fires in a public place respectively. However removing any controls would limit the council's ability to deal with some of the nuisance or public safety issues relating to fireworks and fires in public places and the option of explicitly prohibiting fireworks and lighting fires in council-owned public places. While the Reserves Act 1977 makes it an offence to light fires without permission in non-designated areas, a bylaw is considered to be an appropriate method for addressing fires, the use of appropriate cooking appliances, and fireworks in public places.</p>

Problem 2: Damage in any public place

Activities	Problem definition	Reason for recommended option
Removing, depositing or damaging any material, land, structures, vegetation, natural features.	<p>General damage to public places can impact on people's perceptions of public safety. There is a significant body of research which suggests that, left un-checked, property damage and vandalism can degenerate into further acts of anti-social behaviour. It also imposes financial costs due to maintenance and repairs as well as creates an inconvenience to the public due to the loss of services / facilities. In addition to bylaws, the council has a broad range of powers to deal with damage, including the provisions under Section 232 of the Local Government Act 2002 relating to 'damage to local authority works or property'.</p> <p>Outside of the LGA, the council relies on the wider powers of the police to deal with general damage. Council receives a number of complaints relating to damage to public property which are generally referred to the council's Property department or parks maintenance contractors (if occurring in a park or reserve).</p>	<p>While the council can rely on other legislation and the police to address damage, removing any bylaw provisions would limit the council's ability to address damage to council property.</p>
Polluting, damaging, placing any obstruction in, or interfering with any water course or stormwater drain or channel.		
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.		
Depositing, moving or removing rock, shingle, sand, vegetation, or any material or artefact.		
Removing or damaging any tree, shrub or plant of any kind or part thereof or plant, sowing or scattering the seed of any tree, shrub or plant of any kind.		
Removing, harming or killing any animal or release or lose control of any animal under that person's control.		

Problem 3: Obstructions in any public place

Activity	Problem definition	Reason for the recommended option
Placing or leaving any material, object, thing or structure that may impact on a person's ability to safely use or gain access to or from a public place.	<p>A key component of the proposed bylaw is the requirement for a clear policy dealing with obstructions in public places and this includes not only footpaths and roads but parks, reserves and beaches. Council receives a number of complaints about obstructions ranging from items from shops spilling over onto the footpath through to shipping containers being left on berms. This was also observed during site visits with the council's Compliance officers.</p> <p>Obstructions in parks and beaches generally relate to issues such as boat trailers parked in such a way as to impede access and overhanging vegetation blocking pathways. The council's Compliance officers or the Parks Operation / Maintenance team deal with this if it is occurring in a park.</p> <p>Discussions with representatives from disability groups and throughout consultation with the local boards and representatives from business associations, recognised that obstructions of footpaths and other public places is a problem and there is a lack of consistency across the region in the occupation of public places by materials, structures and items. The placement of items associated with 'trading in public places' activities (outdoor café table and chairs, street furniture, business displays) is being reviewed.</p>	<p>Auckland Transport's recently adopted Traffic Bylaw 2012 deals with materials being left on the roadway but not on parks and beaches.</p> <p>A bylaw for public places such as parks and beaches would provide the public with clear guidance as to what obstructions are 'permitted' and 'prohibited'.</p>
Erecting, constructing, or placing a building or other structure, or projection of a building or structure or any part thereof, on, under, over or across a public place.		
Allowing vegetation to encroach over that public place in a manner that may cause a nuisance to any person or an obstruction to traffic.		
Hanging a door or gate capable of being swung over or across or otherwise encroaching on a public place.		
Storing or packing goods on a public place.		

Problem 4: Additional controls in parks and beaches (Auckland Council) and; public transport infrastructure (Auckland Transport)

Activities	Problem definition	Reason for recommended option
<p><u>Parks and Beaches (Auckland Council)</u></p> <p>Unauthorised access to parks, reserves and beaches. Unauthorised use of / activities in parks and beaches. Unauthorised use of vehicles on parks and beaches. Boat trailer parking on parks and beaches. Interference with surf-lifesaving operations. Possessing or using a weapon of a dangerous manner in a park. Removing, harming or killing any animal or release or lose control of any animal under that person's control</p>	<p>These provisions relate to people undertaking activities in parks and beaches (such as playing sports, games, or other recreational activities) or accessing these areas (when for instance, all or a portion of a reserve or park, been closed off by an authorised officer) without authorisation from the council.</p> <p>The purpose of these provisions is to manage the inappropriate use or access of parks and beaches. Complaints in relation to local parks are generally dealt with by the council's Parks officers, and by rangers in regional parks. Conversations with parks advisors indicate that the bylaws in many instances complement other tools such as parks/ reserve management plans and policies.</p> <p>Vehicles on beaches – other than for the purposes of boat launching / retrieval or emergency services – has long been an issue, particularly on some beaches under the control of the former Auckland Regional Council (such as Muriwai). ARC's bylaw prohibits the use of any motor vehicle on a regional park (down to mean high water springs) other than on any track or road provided for motor vehicles. A number of agencies manage the issue of vehicles on beaches including the council, police and Department of Conservation due to the fact that the vehicles and usage are subject to the same rules as for driving on public roads (speed limits, WOF and registration of vehicles, ensuring public safety).</p> <p>Discussions with council officers found that they deal with regular complaints relating to vehicles in parks and beaches and in many instances by the time they respond the offenders have left.</p> <p>The landing of an aircraft, except in the case of an emergency, has been included in the proposed bylaw to address the potential issue of aeroplanes or helicopters landing in regional parks. The initial recommendation to local boards during preliminary consultation and discussions with council's Compliance officers was that the use of public places by aircraft could be appropriately dealt with by civil aviation rules. Conversations with the council's regional parks rangers have however identified the need to retain the existing provisions for regional parks. To avoid confusion, rather than restricting this to regional parks the proposed bylaw includes controls on landing an aircraft on all parks and beaches.</p> <p>Boat trailer parking on parks and beaches has long been identified as an issue and council officers confirmed that this is problematic during the summer season and events (such as surf life saving competitions). The main problems associated with this activity are obstructions to movement of people and in some instances damage to parks. Council officers do investigate complaints as well as monitor particular 'hot spot' areas too.</p> <p>Controls regulating against interfering with surf life saving activities are designed to ensure that there is no risk to public safety.</p>	<p>It is recommended that provisions regulating access to and the use of parks and beaches be retained in a new Auckland Council bylaw. While 'parks, reserves and beaches' are covered under the general definition of a 'public place' there is a need for some reference to particular activities in these areas to ensure the proper management of Council reserves.</p> <p>Additionally, as ARC's Parks Bylaw is also being reviewed, combining these activities under generic 'public places' clauses may not assist with the public's understanding of what is permitted or prohibited in a regional park.</p> <p>Activities such as vehicles on parks and beaches are not covered by traffic bylaws (as these areas are not designated as roads) so need some form of bylaw control. The bylaw would need to ensure that there are no restrictions on the use of bicycles in parks.</p> <p>Reserves and beaches are not designated roads so are not covered by any traffic bylaws therefore need specific bylaws controls on boat trailer parking.</p> <p>Retaining provisions that prohibit an unauthorised person from interfering with surf lifesaving operations would assist in enforcement and the public's understanding of their responsibilities.</p> <p>There is a provision relating to possessing or using a weapon in a dangerous manner that has been included to address the issue of someone in a regional park for instance carrying a firearm, even if they have a firearms licence. While Section 202A of the Crimes Act 1961 covers the possession of offensive weapons and Sections 13A and 14 of the Summary Offences Act 1981 deal with the possession of knives and burglary tools respectively, it is recommended that there is a general clause relating to weapons in a park.</p> <p>Council's Regional Parks rangers noted that there is a particular problem with the removal of native animal (i.e 'poaching') from regional parks and cited the need for a provision in the bylaw to deal with this issue, primarily from an enforcement perspective and the potential to prosecute offenders..</p> <p>Note that there are no provisions in Auckland Transport's proposed 'Public Safety and Nuisance' bylaw addressing controls on parks and beaches as these public places are not within their jurisdiction. The Auckland Transport bylaw instead includes "additional controls on public transport infrastructure".</p>
<p><u>Public Transport Infrastructure and roads (Auckland Transport)</u></p>	<p>Provisions for public transport infrastructure and roads were not included in legacy council bylaws as the legislative responsibility of Auckland Transport for the management of public transport infrastructure and roads was newly identified as a responsibility in 2010. Specific provisions for public transport infrastructure will assist in enforcement and the public's understanding of their responsibilities.</p>	<p>It is recommended that provisions regulating access to and the use of public transport infrastructure and roads be included in a new Auckland Transport bylaw. There is a need for some reference to particular activities in these areas to ensure the proper management of public transport infrastructure and roads.</p> <p>Note that there are no provisions in Auckland Transport's proposed 'Public Safety and Nuisance' bylaw addressing controls on parks and beaches as these public places are</p>

		not within their jurisdiction. The Auckland Transport bylaw instead includes “additional controls on public transport infrastructure and roads”.
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Problem 5: Street naming and numbers on buildings

Activity	Problem definition	Reason for the recommended option
Street naming and numbering	With the exception of the ARC, all the legacy councils had provisions in their bylaws on road and building identification. This included the requirement for property owners to maintain their numbers and the ability for the council to alter a number. The allocation of street addresses is the responsibility of local authorities under section 319B of the Local Government Act 1974. There is no evidence that the bylaws are used to enforce this activity but its inclusion in the bylaws reflects the Model Bylaw and conforms to and expands upon the Australian/New Zealand Standard for Geographic information – Rural and urban addressing (AS/NZS 4819:2010) jointly published by Standards Australia and Standards New Zealand in 2003 and amended in 2010.	A bylaw regulating street naming and numbering would continue to provide the public with clear guidance on the maintenance standards for street numbers.

DRAFT



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

(as at xx Month 2013)

Governing Body of Auckland Council
Resolution in Council

DD Month 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.

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- 1 Title**
This bylaw is the Public Safety and Nuisance Bylaw 2013.
- 2 Commencement**
This bylaw comes into force on DD month 2013.
- 3 Application**
This bylaw applies to Auckland.

Part 1 Preliminary provisions

- 4 Purpose**
- (1) The purpose of this bylaw is to:
- (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.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires,—

Act means the Local Government Act 2002.

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.

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.

Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.

Explanatory note: section 4(1) states: “Auckland means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1)).”

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.

Council means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

Council controlled organisation has the same meaning as **substantive council controlled organisation** in the Local Government (Auckland Council) Act 2009.

Explanatory note: section 4(1) states: “substantive council-controlled organisation—

- (a) means a council-controlled organisation that is either wholly owned or wholly controlled by the Council and either—
- (i) is responsible for the delivery of a significant service or activity on behalf of the Council; or

- (ii) owns or manages assets with a value of more than \$10 million; and
- (b) includes Auckland Transport.”

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:

- (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 of Liquor Act 1989.

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.

Explanatory note: section 29 states: Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (a) *where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (b) *where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (c) *where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:*
- (d) *where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:*
- (e) *[Repealed]*
- (f) *where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:*
- (g) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:*
- (h) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:*
- (i) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:*
- (j) *where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:*
- (k) *where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:*
- (ka) *where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:*
- (l) *where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:*
- (m) *where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:*

(n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:

(o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:

(p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:

(q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.

Park means-

(a) any land vested in or administered by the council under the provisions of the Reserves Act 1977; or

(b) any park, domain or recreational area under the control or ownership of the council.

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

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

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

Public place—

(a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

(b) includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Road has the meaning given by the Local Government Act 1974.

Explanatory note: section 315 states: Road means the whole of any land which is within a district, and which—

(a) *immediately before the commencement of this Part was a road or street or public highway; or*

(b) *immediately before the inclusion of any area in the district was a public highway within that area; or*

(c) *is laid out by the council as a road or street after the commencement of this Part; or*

(d) *is vested in the council for the purpose of a road as shown on a deposited survey plan; or*

(e) *is vested in the council as a road or street pursuant to any other enactment;— and includes—*

(f) *except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*

(g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—*

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989

Vehicle has the meaning given by the Land Transport Act 1998.

Explanatory note: section 2(1) states: Vehicle-

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include-
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (ix) any rail vehicle.

Waahi tapu means a place sacred to Maori.

- (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.
- (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.
- (5) The Interpretation Act 1999 applies to this bylaw.

Part 2

Public Safety, Nuisance, General Behaviour and Street Naming and Numbering

6 Nuisances, safety and behaviour in any public place

- (1) A person must not use a public place to:
 - (a) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place;
 - (b) 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 unreasonable sound or noise;
 - (c) use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;
 - (d) 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;
 - (e) consume, inject or inhale or distribute or offer for sale any mind-altering substance;
 - (f) beg or solicit donations for gain in a manner that may intimidate or cause a nuisance to any person;

- (g) offer to wash a vehicle or any part thereof in a manner that may intimidate or cause a nuisance to any person, or cause an obstruction to traffic.
- (2) Except at a facility, site or appliance 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:
- (a) display or fix any graffiti, posters, signs or advertising devices on any property that is under the control of the council or a council controlled organisation;
 - (b) light a fire;
 - (c) set off any fireworks, flares or any other explosive material.

7 Damage in any public place

- (1) Except with the prior written approval of the council or a council controlled organisation, a person must not on a public place:
- (a) damage, remove, disturb or interfere with any property that is under the control of the council or a council controlled organisation, including any archaeological, heritage, historic or waahi tapu site, any structure, street furniture, artefact, surface, natural feature, grass plot, flowerbed, tree, shrub or plant;
 - (b) pollute, damage, place any obstruction in, or interfere with any water course or stormwater drain or channel;
 - (c) place a structure, open a drain or disturb a surface that is likely to be injurious to or cause a nuisance to any person or to cause damage to that public place;
 - (d) deposit, move or remove rock, shingle, sand, vegetation, or any material or artefact; or
 - (e) remove or damage any tree, shrub or plant of any kind or part thereof or plant, sow or scatter the seed of any tree, shrub or plant of any kind.
- (2) This clause does not prevent any person from maintaining the grass verge on any road adjacent to their premises.

8 Obstructions in any public place

- (1) Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to:
- (a) place or leave any material, object, thing or structure;
 - (b) erect, construct, or place a building or other structure, or projection of a building or structure or any part thereof, on, under, over or across a public place;
 - (c) allow vegetation to encroach over that public place in a manner that may cause a nuisance to any person or an obstruction to traffic;
 - (d) hang a door or gate on any premises capable of being swung over or across or otherwise encroaching on a public place;
 - (e) store or pack goods on a public place.

9 Additional controls for parks and beaches

- (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.
- (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.
- (3) In addition to any other control that applies to a public place, a person must not:
- (a) enter a park or beach or any part thereof that is closed to the public;
 - (b) except in the case of an emergency, or with the prior written approval of the council:
 - (i) land or take off in an aircraft from a park or beach;

- (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.
- (c) engage in any recreational activity that is prohibited or restricted by the council on a park or beach, or any part thereof;
- (d) enter in or remain on any part of a park or beach marked out for a recreational activity while that recreational activity is in progress unless that person is a competitor, participant or official taking part in the recreational activity;

Parks

- (e) drive, ride, propel or wheel any vehicle or horse on a park except on places specified by the council for the driving or riding of vehicles or horses and subject to any controls that the council specifies;
- (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;
- (g) engage in any activity on a park that is prohibited or restricted by a parks management plan;
- (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;
- (i) 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;
- (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;
- (k) possess or use any weapon, trap or instrument of a dangerous nature on a park.
- (l) remove, harm or kill any animal or release or lose control of any animal under that person's control.

Beaches

- (m) 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;
 - (n) leave a boat on a beach –
 - (i) in any place that is prohibited or restricted by the council; or
 - (ii) in a way that causes an obstruction or a nuisance;
 - (o) obstruct access to boat ramps or boat launching facilities on a beach;
 - (p) clean or leave any fish or fish offal on a beach;
 - (q) 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;
- (4) Any control specified by the council under this clause may:
- (a) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (b) apply to all park and beaches, a specified park or beach or any specified part of a park or beach;
 - (c) apply to Auckland or to a specified part of Auckland;
 - (d) apply at all times or at any specified time or period of time.

10 Street naming and numbering on buildings

- (1) For the avoidance of doubt, no person except Auckland Transport may paint, erect or affix a name on a road.
- (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.

- (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.
- (4) Every allotment of land issued with a certificate of title 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.
- (5) The following exceptions apply to subclause (4):
 - (a) For any unit pursuant to the Unit Titles Act 1972, 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;
 - (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.
- (6) Every number and name under this clause must be:
 - (a) legible and clearly visible from the public place to which the premises has frontage;
 - (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;
- (7) Numbers of premises must be maintained by the owner, manager or occupier in a manner that clearly identifies the premises.

Enforcement Powers

11 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.

12 Removal of material or things

- (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.
- (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.

13 Removal of construction

- (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.

Part 4 Offences and Penalties

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 and/or the Health Act 1956.
- (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.

Part 5 Savings and transitional provisions

15 Savings and transitional provisions

- (1) This clause applies to:
 - (a) Auckland Regional Council Parks Bylaw 2007;
 - (b) Auckland City Council No 20 - Public Places Bylaw (2008);
 - (c) Franklin District Council Public Places Bylaw 2007;
 - (d) Franklin District Council Beach Control Bylaw (2006);
 - (d) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;
 - (e) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;
 - (f) Part 2 (Public Places) of the North Shore City Council Bylaw 2000;
 - (g) Papakura District Council Public Places Bylaw 2008;
 - (h) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;
 - (i) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;
 - (j) Waitakere City Council Public Places Bylaw 2010.
- (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.
- (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:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (4) Any application for a 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.

Additional Information to Public Safety and Nuisance Bylaw 2013

This document contains matters for information purposes only and do not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

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4	Enforcement Powers	3
5	Offences and Penalties	4

Section 1

History of Bylaw

Action	Description	Date of Decision	Decision Reference	Commencement
Make	<p>Following public safety and nuisance bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council</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>(e)Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;</p> <p>(f) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;</p> <p>(g)Part 2 (Public Places) of the North Shore City Council Bylaw 2000;</p> <p>(h)Papakura District Council Public Places Bylaw 2008;</p> <p>(i) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;</p> <p>(j) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;</p> <p>(k)Waitakere City Council Public Places Bylaw 2010.</p>	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke	<p>The following clauses in</p> <p>(a)Auckland Regional Council Parks Bylaw 2007;</p> <p>1.0, 1.1, 1.2, 1.3, 1.4, 2.0, 2.1, 3.0, 3.1 (a) – (c), (e) – (f), 4.0, 4.1 (b) – (k) 4.2, 4.3, 5.0, 5.1 (a) – (e), 6.0, 6.1 (a), (c), (e), (g), 6.2, 6.3, 7.0, 7.1 (a) – (d)</p> <p>(b)Auckland City Council No 20 - Public Places Bylaw</p>	TBC	TBC	TBC



Action	Description	Date of Decision	Decision Reference	Commencement
	<p>(2008); 20.1, 20.1.1 (excludes definition of 'event', 'street trading', 'street performance' and 'temporary activity'), 20.1.2, 20.2, 20.2.1(a), (b), (c), (d), (e), 20.2.2 (a), (b), (c), 20.2.3(a) - (b); 20.3, 20.3.1 (a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (w), (x), 20.3.2, 20.3.3, 20.3.4(a), (b), 20.4, 20.4.1(a)(i) (ii), 20.4.1(b), 20.5, 20.5.1, 20.5.2(a), (b), 20.5.3 (a) - (c), 20.5.4, 20.5.5, 20.5.6, 20.5.7. (c) Franklin District Council Public Places Bylaw 2007; 1, 2, 2.(1), 2.(2), 2.(3), 3, 3.1, 3.2, 4, 5, 5.(1) (a) - (k), 5.(2), 5.(3), 5.(4), 5.(5)(a), 6 (a) - (d), 7.(1) (a) - (i), 7.(2), 8(a) - (c), 10, 12(a) - (b), 13, 14(1) - (3), 15.(1) - (3), 16(1) - (2), 18(1) - (5), 19. (d) Franklin District Council Beach Control Bylaw (2006); Except for First Schedule (e) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008; 1, 1.1, 2, 2.1, 3, 3.1 (a) - (k), 5, 5.1 (a) - (j), 6, 6.1 (a) - (g), 6.2, 7, 7.1(a) - (n), 8.1 (a) - (d) (f) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008. ALL (g) Part 2 (Public Places) of the North Shore City Council Bylaw 2000; 2.1 (a) - (e), 2.2, 2.2.1 (a) - (d), (f), 2.2.3 (a) - (c), 2.2.4 (a) - (c), 2.3, 2.3.1 (a) - (f), 2.3.1 (h) - (i), 2.3.2 (a) - (b), 2.3.3 (a) - (b), 2.4,</p>			

Action	Description	Date of Decision	Decision Reference	Commencement
	<p>2.4.1 (a) – (h), 2.5, 2.5.1(a) – (e), 2.5.1 (g), 2.5.1 (i) - (k) , 2.5.1 (m) – (r), 2.5.2 (a), - (d), 2.5.3 (a) – (d), 2.6, 2.6.1 (a) – (b) , 2.6.2 (a) – (c) , 2.6.3, 2.6.4, 2.7, 2.7.1, 2.7.2 (a) – (c) -, 2.7.3, 2.7.4, 2.8,2.8.1 (a) – (b), 2.8.2 (a) – (b), 2.8.3, 2.9, 2.9.1 (a) – (c) , 2.9.2 (a) – (c), 2.10, 2.10.1 (a) - (d), 2.12, 2.12.1, 2.12.2, 2.12.3 (a) – (b), 2.12.4, 2.12.5 (a) – (b), 2.12.6, 2.12.7</p> <p>(h) Papakura District Council Public Places Bylaw 2008; 1, 2, 3, 3.1(a) – (f) , 3.2 (a) – (c), 3.3, 3.4(a), 4, 4.1 (a) – (d), 5, 5.1 (a) – (g), 5.2, 5.3, 7., 7.1, 7.2, 7.3, 10, 10.1, 11, 11.1, 11.2, 11.3, 12, 12.1, 12.2, 13, 13.1, 13.2, 13.3, 13.4, 15, 15.1, 16, 16.1, 16.2, 16.3, 16.4, 17, 17.1, 17.2, 17.3, 17.4, Second schedule</p> <p>(i) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998; 1.0. 1.1, 2.0, 3.0, 3.1,(a), - (c), 3.1 (e), 3.2, 4.0, 4.1(b) – (d) , 4.2 (b), 5.0, 5.1, 6.0, 6.1 (b) – (c), 6.1 (e) – (j)</p> <p>(j) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998; 1.0, 1.1, 2.0, 2.1, 2.2, 2.3, 3.0, 3.1, 7.0, 7.1, 8.0, 8.1, 8.2, 9.0, 9.1, 9.2, 9.3</p> <p>(k) Waitakere City Council Public Places Bylaw 2010. 1, 2, 3, 3.1, 4, 4.1, 4.2, 5, 5.1 (a) – (c), 5.1 (f) – (j), 5.1 (n), 5.1 (p) – (r), 5.1 (t) ,5.2, 6, 6.1 (a) – (h), 6.1 (j) – (l), 6.1 (n) – (s), 7, 7.1 (b) – (e), 7.2 (a) – (e), 8, 8.1, 8.2 (a) – (c), 9, 10, 10.1 (a), (c) – (h), 11, 11.1 (a) – (c), 15.1 (a) – (b);</p>			

Action	Description	Date of Decision	Decision Reference	Commencement
	15.2 (a) – (c), 15.3 (a), 15.4(a) , 16.1, 16.2, 16.3 (a) – (b), 16.4 (a) – (b), 16.5 (a) – (b), 16.6, 16.7, 16.8.			
Make	Public Safety and Nuisance Bylaw 2013	TBC	TBC	TBC

Section 2

Related Documents

Document Title	Description of Document	Location of Document
Decision Minutes and Agenda	Decisions on submissions to proposed public safety and nuisance bylaw	TBC
Hearings Report	Background and summary of submissions to proposed public safety and nuisance bylaw	TBC
Public Safety and Nuisance Bylaw Review Statement of Proposal	Provides background to the public safety and nuisance bylaw	TBC
Long Term Plan	Outlines financial plans	www.aucklandcouncil.govt.nz
Annual Plan	Sets fees	TBC
The Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
The Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Local Government (Auckland Transitional Provisions) Act 2010	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretation Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz

Section 3

Delegations

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation

All	All powers, duties and functions.	Licensing and Compliance department - Tier 6 (enforcement officers)	TBC	TBC	TBC
9	Additional controls for parks and beaches	Parks- Sports, and Recreation departments - Tier 6 (rangers) Beaches - Licensing and Compliance departments - Tier 6 (enforcement officers)	TBC	TBC	TBC
10	Power to name streets and allocate numbers	Local boards	TBC	TBC	TBC

Section 4

Enforcement Powers

Legislative Provision	Description of Legislative Provision
Part 8 of Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 163 Removal of works in breach of bylaws 164 Seizure of property not on private land 165 Seizure of property from private land 168 Power to dispose of property seized and impounded 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 183 Removal of fire hazards 185 Occupier may act if owner of premises makes default 186 Local authority may execute works if owner or occupier defaults 187 Recovery of cost of works by local authority 188 Liability for payments in respect of private land
Health Act 1956	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 65 General provisions as to bylaws 66 Penalties for breach of bylaws

	137 Offences punishable on summary conviction
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Section 5

Offences and Penalties

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
cl 14(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>Under section 242 of the Local Government Act 2002 person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.</p> <p>Under section 66 of the Health Act 1956, an person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.</p>	nil	
cl14(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>Under section 15(1) of the Litter Act 1979, in the case of an individual, to a fine not exceeding \$5,000 or, in the case of a body corporate, to a fine not exceeding \$20,000,</p> <p>Under section 15(2) of the Litter Act 1979, if it is of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it-</p> <p>(a) in the case of an individual, to imprisonment for a term not exceeding 1 month,</p>	\$100 - \$400 (Regulatory and Bylaws Committee Resolution number RB/2012/22 dated 10 October 2012)	Under section 15(2) of the Litter Act 1979 to imprisonment for a term not exceeding 1 month,

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
		or to a fine not exceeding \$7,500, or to both; or (b) in the case of a body corporate, to a fine not exceeding \$30,000		

DRAFT

Text of proposed draft bylaw

Auckland Transport Public Safety and Nuisance Bylaw 2013

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

(as at xx Month 2013)

**Governing Body of Auckland Transport
Resolution**

DD Month 2013

Explanatory Note

This bylaw is made by the Governing Body of Auckland Transport pursuant to section 145 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998. The bylaw puts in place controls in relation to public safety and nuisance for roads and public transport infrastructure under the care, control or management of Auckland Transport and revokes and replaces corresponding bylaws made by the previous local authorities of Auckland.



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1 Title

This bylaw is the Auckland Transport Public Safety and Nuisance Bylaw 2013.

2 Commencement

This bylaw comes into force on DD month 2013.

3 Application

This bylaw applies to roads and public transport infrastructure under the care, control or management of Auckland Transport.

**Part 1
Preliminary Provisions**

4 Purpose

- (1) The purpose of this bylaw is to:
- (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 Auckland Transport;
 - (c) regulate the display of street names and the identification and numbers of premises.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires,—

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.

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:

- (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 of Liquor Act 1989.

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.

Explanatory note: section 29 states: Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (a) *where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (b) *where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (c) *where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:*
- (d) *where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:*
- (e) *[Repealed]*
- (f) *where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:*
- (g) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:*
- (h) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:*
- (i) *where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:*
- (j) *where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:*
- (k) *where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:*
- (ka) *where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:*
- (l) *where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:*
- (m) *where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:*
- (n) *where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:*
- (o) *where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:*
- (p) *where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:*
- (q) *where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.*

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

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

Public place—

- (a) means a place covered by this bylaw 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.

Public transport infrastructure means premises, buildings, structures, vehicles and equipment that is directly or indirectly associated with the provision of public transport services and includes, but is not limited to bus stations, bus shelters, train stations, ferry wharves, park'n'ride, carparks, ticket gates, real time passenger information boards.

Road has the same meaning as section 315 of the Local Government Act 1974.

Explanatory note: section 315 states: Road means the whole of any land which is within a district, and which—

- (a) *immediately before the commencement of this Part was a road or street or public highway; or*
 - (b) *immediately before the inclusion of any area in the district was a public highway within that area; or*
 - (c) *is laid out by the council as a road or street after the commencement of this Part; or*
 - (d) *is vested in the council for the purpose of a road as shown on a deposited survey plan; or*
 - (e) *is vested in the council as a road or street pursuant to any other enactment;—*
- and includes—*
- (f) *except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*
 - (g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—*

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989

Vehicle has the meaning as section 2(1) of the Land Transport Act 1998.

Explanatory note: section 2(1) states: Vehicle—

- (a) *means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*
- (b) *includes a hovercraft, a skateboard, in-line skates, and roller skates; but*
- (c) *does not include—*
 - (i) *a perambulator or pushchair;*
 - (ii) *a shopping or sporting trundler not propelled by mechanical power;*
 - (iii) *a wheelbarrow or hand-trolley;*
 - (iv) *a pedestrian-controlled lawnmower;*
 - (v) *a pedestrian-controlled agricultural machine not propelled by mechanical power;*
 - (vi) *an article of furniture;*
 - (vii) *a wheelchair not propelled by mechanical power;*

- (viii) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;*
- (ix) *any rail vehicle.*

Waahi tapu means a place sacred to Maori.

- (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 Local Government Act 2002 or the Land Transport Act 1998 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.
- (5) The Interpretation Act 1999 applies to this bylaw.

Part 2

Public Safety, Nuisance, General Behaviour and Street Naming and Numbering

6 Nuisances, safety and behaviour in any public place

- (1) A person must not use a public place to:
 - (a) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place;
 - (b) 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 unreasonable sound or noise;
 - (c) use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;
 - (d) 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;
 - (e) consume, inject or inhale or distribute or offer for sale any mind-altering substance;
 - (f) beg or solicit donations for gain in a manner that may intimidate or cause a nuisance to any person;
 - (g) offer to wash a vehicle or any part thereof in a manner that is unsafe or may intimidate or cause a nuisance to any person, or cause an obstruction to traffic.

- (2) Except at a facility, site or appliance specifically provided, or with the prior written approval of Auckland Transport a person must not use a public place to:
 - (a) display or fix any graffiti, posters, signs or advertising devices on any property that is under the control of Auckland Transport;
 - (b) light a fire;
 - (c) set off any fireworks, flares or any other explosive material.

7 Damage in any public place

- (1) Except with the prior written approval of the Auckland Transport, a person must not cause damage on a public place including but not limited to:
 - (a) damage, remove, disturb or interfere with any property that is under the control of Auckland Transport, including any archaeological, heritage, historic or waahi tapu site, any structure, street furniture, artefact, surface, natural feature, grass plot, flowerbed, tree, shrub or plant;
 - (b) pollute, damage, place any obstruction in, or interfere with any water course or stormwater drain or channel;
 - (c) place a structure, open a drain or disturb a surface that is likely to be injurious to or cause a nuisance to any person or to cause damage to that public place;
 - (d) deposit, move or remove rock, shingle, sand, vegetation, or any material or artefact; or
 - (e) remove or damage any tree, shrub or plant of any kind or part thereof or plant, sow or scatter the seed of any tree, shrub or plant of any kind.
- (2) This clause does not prevent any person from maintaining the grass verge on any road adjacent to their premises.

8 Obstructions in any public place

- (1) Except with the prior written approval of Auckland Transport, a person must not use a public place to:
 - (a) place or leave any material, object, thing or structure;
 - (b) erect, construct, or place a building or other structure, or projection of a building or structure or any part thereof, on, under, over or across a public place;
 - (c) allow vegetation to encroach over that public place in a manner that may cause a nuisance to any person or an obstruction to traffic;

- (d) hang a door or gate on any premises capable of being swung over or across or otherwise encroaching on a public place;
- (e) store or pack goods on a public place.

9 Additional controls for public transport infrastructure and roads

- (1) Auckland Transport may restrict or close entry to all or any portion of any public transport infrastructure during such times as are considered necessary to prevent damage to, ensure public safety in or around, or allow maintenance of that infrastructure.
- (2) Auckland Transport may temporarily set aside the whole or part of any public transport infrastructure not needed for the provision of public transport services for the exclusive use of particular groups or for specified activities during set times and may charge for the exclusive use of any or part of any public transport infrastructure.
- (3) In addition to any other control that applies to a public place, a person must not:
 - (a) enter any public transport infrastructure that is closed to the public;
 - (b) carry any firearm, airgun, or restricted weapon (as defined in section 2 of the Arms Act 1983) that is loaded with a bullet, cartridge, missile, or projectile, whether in its breech, barrel, chamber, or magazine in any public transport infrastructure;
 - (c) possess any item of a dangerous nature in any public transport infrastructure;
 - (d) misuse or interfere with any safety equipment or warning device or notice on or within public transport infrastructure except with the prior written approval of Auckland Transport;
 - (e) except in the case of an emergency, as part of an emergency services operation or with the prior written approval of the Auckland Transport:
 - (i) land or take off in an aircraft from a road or public transport Infrastructure;
 - (ii) use an aircraft to set down, pick up, or recover any person, animal, carcass, or article of any description on or from a road or public transport Infrastructure.
 - (f) leave any gate 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;
 - (g) clean or leave any fish or fish offal on a road or public transport Infrastructure.

10 Street naming and numbering on buildings

- (1) For the avoidance of doubt, no person except Auckland Transport may paint, erect or affix a name on a road.
- (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.
- (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.
- (4) Every allotment of land issued with a certificate of title 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.
- (5) The following exceptions apply to subclause (4):
 - (a) for any unit pursuant to the Unit Titles Act 1972, 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;
 - (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.
- (6) Every number and name under this clause must be:
 - (a) legible and clearly visible from the public place to which the premises has frontage;
 - (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;
- (7) Numbers of premises must be maintained by the owner, manager or occupier in a manner that clearly identifies the premises.

Part 3 Enforcement Powers

11 Compliance with the bylaw

- (1) Auckland Transport may use its powers under the Local Government Act 2002 and the Land Transport Act 1998 to enforce this bylaw.

12 Removal of material or things

- (1) In addition to the powers conferred on it by any other enactment, Auckland Transport may remove or cause to be removed from any public place any material or thing using that public place in breach of the bylaw.
- (2) Auckland Transport 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.

13 Removal of construction

- (1) Auckland Transport 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.

Part 4 Offences and Penalties

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 and/or the Land Transport Act 1998.

Part 5 Savings, Transitional Provisions and Revocation

15 Savings and transitional provisions

- (1) This clause applies to:
 - (a) Auckland City Council No 20 - Public Places Bylaw (2008);
 - (b) Franklin District Council Public Places Bylaw 2007;
 - (c) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;
 - (d) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;
 - (e) Part 2 (Public Places) of the North Shore City Council Bylaw 2000;
 - (f) Papakura District Council Public Places Bylaw 2008;
 - (g) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;

- (h) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;
 - (i) Waitakere City Council Public Places Bylaw 2010.
- (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.
- (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:
- (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (4) Any application for a 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 Auckland Transport as if it had been made under this bylaw.

16 Revocation

- (1) Provisions of the following bylaws that apply to the roads and public transport infrastructure under the care, control, or management of Auckland Transport are revoked to the extent that the matters covered by those provisions are covered by corresponding provisions in this bylaw:
- (a) Auckland City Council No 20 - Public Places Bylaw (2008);
 - (b) Franklin District Council Public Places Bylaw 2007;
 - (c) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;
 - (d) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;
 - (e) Part 2 (Public Places) of the North Shore City Council Bylaw 2000;
 - (f) Papakura District Council Public Places Bylaw 2008;
 - (g) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;
 - (h) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;
 - (i) Waitakere City Council Public Places Bylaw 2010.