

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

<p>Public feedback topic Refer Attachment C for a more detailed summary</p>	<p>Staff comment Note: comments do not represent any position of the Panel</p>	<p>Panel recommendation and reasons</p>
<p>Leaving or storing items in public places Of 1,594 feedback responses: 1,330 support (83 per cent) and 126 (8 per cent) oppose. Total of 568 comments made, key themes:</p> <ul style="list-style-type: none"> clarifies the bylaw (377 comments) public space for public use 'not personal or commercial convenience' (56 comments) need exemptions for certain circumstances e.g. for temporary storage, sports clubs etc (52 comments) do not want extra costs or legislation 'stop legislating everything' (21 comments) extend / make the bylaw stronger (15 comments). <p>Key changes sought:</p> <ul style="list-style-type: none"> Need exemptions for temporary storage, sports clubs etc... (52 comments). Ban the activity (18 comments). Add Lime scooters, Onzo bikes, trailers, toys, clothes (9 comments). 	<p>Background information from bylaw review The current bylaw prohibits leaving anything in public – not practicable. The proposal seeks to:</p> <ul style="list-style-type: none"> more clearly prohibit specific items known to cause problems (for example a safety risk, nuisance, damage or obstruction) from being left or stored on public places for example, boats (tenders or dinghies), building or construction materials, equipment and amenities, consumer goods not on display for sale and shipping or storage containers. provide exemptions to allow for shade tents and boats to temporarily access land provided they do not cause an obstruction allow things like towels on beaches for example provided they also do not cause an obstruction. <p>Refer to Bylaw clause 6(3) and Schedule 1 (2), (3), (4), (5) and (10)). Items on the transport network are addressed by Auckland Transport.</p> <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> Bylaw enables council to make exemptions with prior written approval (includes leases) for temporary storage or the needs of sports clubs. Rental e-scooters and bikes in public places already regulated in the Auckland Council and Auckland Transport trading and events bylaws. Trailers already regulated in the Auckland Council and Auckland Transport traffic bylaws. Littering and illegal dumping already regulated in the Auckland Council Solid Waste bylaw and Litter Act 1979. Leaving of toys and clothing on public places already addressed in the Auckland Council Solid Waste bylaw and Litter Act 1979. In terms of compliance, council takes a managed (humane) approach for items left by people who may be homeless or rough sleepers. 	<p>That the proposal about the leaving or storing items in public places be adopted as publicly notified.</p> <p>Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by making the bylaw clearer about what items cannot be stored on public places. For example, boats, tenders or dinghies, building or construction materials or equipment.</p> <p>Note: Relevant Community Facilities staff advise that Panel member concerns about the potential safety risks from storage of scrum machines is being monitored. Governing Body members are updated as required via existing reporting processes.</p>

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<p>Aggressive or intimidating behaviour around begging</p> <p>Of 1,621 feedback responses: 1,275 support (79 per cent) and 206 oppose (13 per cent).</p> <p>Total of 686 comments made, key themes:</p> <ul style="list-style-type: none"> • ‘one set for rules, rather than further marginalising a vulnerable community’ (396 comments) • more monitoring/enforcement around begging activity (91 comments) • generally, disagree with proposal (96 comments): <ul style="list-style-type: none"> ○ begging activity needs to be clearly identified separate from behaviour expected from everyone else ○ beggars are often intimidating and need to be moved off street ○ they are only begging for money for drugs and alcohol and tobacco. <p>Key changes sought:</p> <ul style="list-style-type: none"> • Ban begging activity (82 comments). • Extend/make the bylaw stronger (53 comments). • Retain begging and nuisance clause (BIDs and Heart of the City). 	<p>Background information from bylaw review</p> <ul style="list-style-type: none"> • Begging has complex social drivers. • Bylaw not effective and efficient for addressing intimidating or nuisance behaviour around begging and is not used. • Graduated compliance approach is more effective in addressing issues – this includes advice, education and referral to social services. • Police address behaviour which escalates to a criminal threshold • The proposal seeks to clarify the expected behaviour that apply to all Aucklanders in public places and explains how council addresses nuisance or intimidating begging. Refer to Bylaw clause 6(1) and Schedule 1(1C). <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> • Proposed Bylaw clause 6(1) addresses nuisance or intimidating behaviour and more clearly explain types of bad behaviour including descriptors of what constitutes a ‘nuisance’. • including the word ‘nuisance’ would not neither diminish or improve the proposed Bylaw. 	<p>That the proposal about aggressive or intimidating behaviour around begging be adopted as publicly notified.</p> <p>Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by making the behaviours expected from all Aucklanders in public places clearer.</p>

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<p>Nuisance and safety issues relating to drones</p> <p>Of 1,688 feedback responses: 1,443 support (87 per cent) and 126 oppose (8 per cent).</p> <p>Total of 77 comments made, key themes:</p> <ul style="list-style-type: none"> • rules around drones need to be clearer as they are now more commonly used (181 comments) • drones already have enough rules (59 comments) • privacy concerns (251 comments) • safety/nuisance concerns (181 comments). <p>Key changes sought:</p> <ul style="list-style-type: none"> • Ban drone activity (29 comments). • Require a licence to operate a drone (56 comments). • Prohibit over certain areas such as private property (48 comments). 	<p>Background information from bylaw review</p> <p>When the current bylaw was first made, drones were not in common use. The proposal seeks to:</p> <ul style="list-style-type: none"> • include drones and rules around their use over council controlled public places in the Bylaw • explain that council approves the use of drones over a council controlled public place subject to compliance with the council's code of conduct for use of drones and UAVs. <p>Refer Bylaw clause 6(2) and Schedule 1(12).</p> <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> • Council cannot make a total ban on drones in public places because it would be contrary to government legislation that allows their use. • Council also has no authority to regulate drones over private property. • Civil Aviation Authority rules manages operators of drones that are over 25kgs which requires licencing and certification. • Civil Aviation Authority rules and privacy legislation address issues relating to drones on private property. • Council currently determines which public places drones are allowed to fly over using its code of conduct. • Reckless or dangerous use of drones over public places is addressed in proposed Bylaw clause 6(2) and in council's code of conduct. 	<p>That the proposal about drones be adopted as publicly notified.</p> <p>Reasons include to better protect people from nuisance and unsafe behaviours and activities in public places by specifically regulating the use of drones through a code of conduct. The code includes restrictions on where and how they can be flown.</p> <p>Note: The Panel recommended supporting compliance via promotion of rules around drones (including prohibition over Maunga) via a plain English Code of Conduct and via our Auckland and council website. Staff have shared this with internal staff and this is being actioned.</p>

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<p>Controls on set-netting</p> <p>Of 1,547 feedback responses: 1,252 support (81 per cent) and 66 oppose (4 per cent).</p> <p>Total of 551 comments made, key themes:</p> <ul style="list-style-type: none"> generally agreed with proposal (135 comments) clarity helps with understanding (44 comments) dangerous for public, birds, marine life (137 comments) prevent over-fishing (194 comments) regulated by national regulations under MPI (nine comments) focus on commercial fishing as they impact more on our seabed, ocean and fish numbers (13 comments). <p>Key changes sought:</p> <ul style="list-style-type: none"> Ban the activity (92 comments). Extend /strengthen bylaw: stricter recreational fishing controls, need to protect birds/animals (39 comments, World Animal Protection). 	<p>Background information from bylaw review</p> <p>The proposal is to:</p> <ul style="list-style-type: none"> increase transparency of decision-making for how controls on recreational fishing are made retain current council set-netting restrictions (which do not apply to customary food gathering by Māori under the Fisheries (Kaimoana Customary Fishing Regulations 1998) rely on proposed clause 6(1) to address set-netting that intentionally obstructs, disturbs, interferes or intimidates any person in their use or enjoyment of a beach. <p>Refer Bylaw clause 6(1) and Schedule 1 (5A,8A and 9J).</p> <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> Only government (not council) has the power to totally ban set-netting. Council can only address public safety and nuisance issues associated with recreational fishing activities. The Ministry for Primary Industries is responsible for fisheries management. Issues relating to animals are addressed under Fisheries Act 1996 and the Wildlife Act 1953. Issues associated with litter are addressed under the Litter Act 1979. Any new set-net bans must be made through a separate process. 	<p>That the proposal about controls on recreational fishing be adopted as publicly notified.</p> <p>Reasons include to increase transparency around decision-making for how controls on recreational fishing are made.</p>

Public feedback topic	Staff comment	Panel recommendation and reasons
<p>Refer Attachment C for a more detailed summary</p> <p>Setting off fireworks</p> <p>Of 1,723 feedback responses: 1,456 support (81 per cent) and 208 oppose (12 per cent).</p> <p>Total of 842 comments made, key themes:</p> <ul style="list-style-type: none"> generally agree with proposal (96 comments) safety issues for people and animals (231 comments, SPCA) ban all personal use of fireworks (167 comments) prefer public displays (156 comments) fireworks in a public place creates noise nuisance throughout the night (and day) (79 comments, BIDs) too many people are still doing reckless things without any regard for the safety of other members of the public (78 comments) excessively restrictive: 'It's one night a year the fun Police should go home for the night' (17 comments) part of culture/tradition: 'It is not fair to take this tradition away altogether' (14 comments). <p>Key changes sought:</p> <ul style="list-style-type: none"> Ban fireworks altogether except council public displays (167 comments). Extend / strengthen bylaw: 'be like Northern Ireland have a license to obtain and use fireworks' (59 comments). 	<p>Note: comments do not represent any position of the Panel</p> <p>Background information from bylaw review</p> <p>The proposal seeks to:</p> <ul style="list-style-type: none"> retain the prohibition on setting off fireworks in public places on other places (e.g. private property), to rely on national legislation to address noise (Resources Management Act 1991), bad behaviour (Summary Offences Act 1981) and animal welfare (Animal Welfare Act 1999). <p>Refer Bylaw Schedule 1(8).</p> <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> Only government (not council) has the power to change legislation to ban the sale of fireworks. Council intends to request government to ban the sale of fireworks to the general public. This would not affect public displays. 	<p>That the proposal about fireworks be adopted as publicly notified.</p> <p>Reasons include to:</p> <ul style="list-style-type: none"> better protect people from nuisance and unsafe behaviours and activities in public places by retaining a ban on the use of fireworks in public places make council's regulatory approach easier to understand by using other existing regulations to address problems from the use of fireworks on other places. This reduces duplication and makes council's regulatory approach more streamlined.

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<p>Issues addressed in existing legislation and other bylaws</p> <p>Of 1,400 feedback responses: 935 support (67 per cent) and 140 oppose (10 per cent). Total of 423 comments made, key themes:</p> <ul style="list-style-type: none"> generally agree with proposal: 'get rid of overlapping regulations' (125 comments) generally disagree (11 comments) better to have central legislation than regional laws on these issues (4 comments) shared a personal experience/story (70 comments) unsure or didn't know (99 comments) council should keep control: Not sure if these things would get done if they were to be absorbed into a national governance (39 comments). <p>Key changes sought:</p> <ul style="list-style-type: none"> Council should keep control: 'I agree the issues would be better dealt with under the proposed legislation/bylaws but only if they are addressed by Councils and not Government' (39 comments). Extend and strengthen the bylaw: 'Simplify these rules, but make sure they are clear and are strengthened' (17 comments). 	<p>Note: comments do not represent any position of the Panel</p> <p>Background information from bylaw review</p> <p>The proposal seeks to streamline council bylaws by:</p> <ul style="list-style-type: none"> removing issues that are better addressed by government legislation: damage to council property, car window washing, use of mind-altering (psychoactive) substances in public places, graffiti, noise, fish offal, gates in parks, fireworks on private property affecting people or property in public places, street names and property numbering moving issues from the Public Safety and Nuisance bylaw to other more relevant existing Auckland Council bylaws: animals, drains, signage, stormwater, vehicles on parks and beaches moving issues about fences in legacy bylaws into the Public Safety and Nuisance bylaw and revoking the legacy bylaws. <p>Refer Bylaw clause 16 and Schedule 1(1B, 4C, 5B, 6, 8, 8A, 9, 9A, 9C, 9E, 9G, 9G, 11A and 11B).</p> <p>Information to assist Panel deliberations</p> <ul style="list-style-type: none"> Council would continue to respond to complaints – no change to service levels. Council officers do not use or enforce the bylaw about issues proposed to be addressed by government legislation for health and safety reasons. For example, persons using mind altering substances pose health and safety risk to council safety officers as they are not trained or empowered to address. Complaints about immediate danger or harm are referred to the Police by the council Call Centre. 	<p>That the proposal about:</p> <ul style="list-style-type: none"> using government legislation; using other Auckland Council bylaws and removing legacy bylaws about fences be adopted as publicly notified. <p>Reasons include to make council's regulatory approach more streamlined (reduce duplication) by using other existing regulations to address problems with no change to service levels.</p>

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<p>Bylaw exemptions</p> <p>The New Zealand Defence Force (NZDF) considers it appropriate that its personnel be excluded from compliance with the Bylaw when exercising their lawful functions (including training), in order to provide certainty that such activities can take place when required.</p> <p>Key changes sought: (additions <u>bold underlined</u>)</p> <p>3 Application</p> <p>(3) This Bylaw does not apply to Council, emergency services, civil defence personnel, <u>New Zealand Defence Force personnel</u> or network utility operators exercising their lawful functions, <u>including training</u>.</p>	<p>Background information from bylaw review</p> <ul style="list-style-type: none"> The proposal identifies persons exempt from compliance with the Bylaw who undertake a public service, for example police (refer clause (3)(3)). <p>Information to assist panel deliberations</p> <ul style="list-style-type: none"> The NZDF undertakes temporary military training activities (TMTA) across New Zealand, including in Auckland. It is required to undertake this training to fulfil its statutory obligations under the Defence Act 1990. NZDF may also be required to act in various situations such as emergency response, civil defence assistance and counter-terrorism. The change sought by the NZDF does not present a legal risk to the council and would align with national legislation. 	<p>That the request for the New Zealand Defence Force to be exempted from compliance with the Bylaw be accepted and proposal amended.</p> <p>Reasons include:</p> <ul style="list-style-type: none"> to better enable NZDF personnel to carry out their lawful functions under the Defence Act 1990, including training TMTA are regulated as permitted or controlled activities under the Auckland Unitary Plan (AUP). For example, the AUP requires NZDF to provide notice and a noise management plan to Council prior to weapons firing or the use of explosives. <p>Refer to Attachment B, clause 3(3) for recommended changes.</p>
<p>Scattering of Ashes</p> <p>Ngāti Whātua, Ngāti Whānau, Ngāti Te Ata Waiohū, Ngāti Tamaoho:</p> <ul style="list-style-type: none"> have traditional links (whakapapa), kaitiakitanga (guardianship) and obligations for protecting the environment and waterways, sites of significance, Maunga (volcanic cones), taonga (treasures), food cultivation and gathering areas which are waahi tapu (sacred) find dispersal of ashes in waterways culturally inappropriate and abhorrent. 	<p>Background information from bylaw review</p> <ul style="list-style-type: none"> The proposal does not seek to specifically regulate the scattering of ashes. Council currently provides guidance about the scattering of sports fields, play areas, public gardens, Maunga (volcanic cones) and food cultivation and gathering areas. People are advised to contact mana whenua for advice before scattering ashes. The exception is on regional parks where the scattering of ashes is prohibited in the Regional Parks Management Plan 2010 for environmental and cultural reasons. Refer Bylaw Schedule 1(91). <p>Information to assist panel deliberations</p> <p>Scattering ashes is a complex and sensitive cultural and religious issue:</p>	<p>That the request for the scattering of ashes to be prohibited in all public places be declined at this time.</p> <p>Reasons include:</p> <ul style="list-style-type: none"> while the Panel support concerns raised by mana whenua about scattering of ashes, this recommendation will allow more time for council, mana whenua and other cultures to continue discussions in a timely manner to reach a satisfactory resolution.

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<p>Key changes sought:</p> <ul style="list-style-type: none"> Prohibit burial and scattering of ashes on all public places (including waterways). Strict enforceable penalties. Increased provision of information to community, further discussion/engagement and involvement with council on the issue. 	<ul style="list-style-type: none"> scattering of ashes in waterways and waahi tapu sites is deemed tapu and culturally inappropriate for Māori, especially where food is gathered from the waterways for some communities (for example the Hindu community) the scattering of ashes may be a religious requirement or preference both mana whenua and Hindu community have on-going concerns, most recently through this review, the review of the council's cemeteries bylaw and at Waikowhai Park raises issues on human rights, freedom of religion, Treaty of Waitangi. <p>A recent Law Commission review on the scattering of ashes¹ identified it as an ongoing issue not addressed under national legislation and that clearer understanding of problem was needed.</p>	<p>Note 1: Cr Newman and Renata Blair voted against the above recommendation.</p> <p>Note 2: An alternative recommendation was lost on casting vote of the Panel Chair. The lost recommendation would have prohibited the scattering of ashes in all public waterways because mana whenua are kaitiaki, ashes in waterways are culturally inappropriate, and would have supported iwi feedback.</p>
<p>Vehicle on beaches</p> <p>Ngā Maunga Whakahii o Kaipara Development Trust (Trust) are concerned about vehicles on Muriwai and Kariotahi beaches.</p> <p>Key changes sought:</p> <ul style="list-style-type: none"> Prohibit driving on Muriwai and Kariotahi beach. 	<p>Background information from bylaw review</p> <ul style="list-style-type: none"> The proposal is to transition the current bylaw provisions about vehicles to the Auckland Council traffic bylaw. The current approach allows a person may drive a vehicle on a beach to deposit or retrieve a boat from the water, in the case of emergency, or if council has provided written approval. Council currently provides written approval to drive on Kariotahi or Muriwai beaches via an online permitting system. Council officers respond to complaints and monitor 'hot spots'. During the review, Māori stakeholders identified the need for good environmental management, ensuring Māori engagement as kaitiaki and maintaining tikanga (protocols) on land adjacent to beaches. <p>Information to assist panel deliberations</p> <p>The transition of the current bylaw provisions to the Auckland Council traffic bylaw could provide an opportunity to further discuss this issue with mana whenua and other people affected by that decision.</p>	<p>That the request to prohibit vehicles on Muriwai and Kariotahi beaches be declined.</p> <p>Reasons include:</p> <ul style="list-style-type: none"> while the Panel supports the feedback from Ngā Maunga Whakahii o Kaipara Development Trust, it is considered more appropriate to address this matter in the review of the Auckland Council Traffic Bylaw 2015 <p>Note: Staff will notify Ngā Maunga Whakahii o Kaipara Development Trust of the decision and reasons, including that:</p> <ul style="list-style-type: none"> the proposal sought to determine which bylaw should regulate vehicles on beaches decisions on whether to prohibit vehicles from beaches will be

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

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<p>Tūpuna Maunga</p> <p>The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) are concerned the proposed bylaw does not provide for the appropriate regulation of activities on Tūpuna Maunga.</p> <p>Key concerns / changes sought:</p> <ul style="list-style-type: none"> No reference to approval from the Maunga Authority relating to general behaviour in clauses 6, 7 and 8 of the current bylaw. Proposed clause 11 shows how Council gives approvals but doesn't make any reference to other relevant authorities, such as the Maunga Authority, who have the delegation to grant approval for a number of activities outlined in Schedule 1. Include the Tūpuna Maunga Integrated Management Plan as a management plan that can be enforced under the Bylaw. Include definition of the Tūpuna Maunga. 	<p>Note: comments do not represent any position of the Panel</p> <p>Background information from bylaw review</p> <p>The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) is the statutory authority established to co-govern the Tūpuna Maunga.</p> <p>The Maunga Authority has the power to adopt its own plans and bylaws.</p> <p>The proposed Bylaw does not seek to regulate all activities on Tūpuna Maunga. Instead the Bylaw proposes to ensure any decision of the Maunga Authority prevails over the Bylaw. For example:</p> <ul style="list-style-type: none"> any specific activity proposed in Schedule 1 that applies to Tūpuna Maunga allows the Maunga Authority to approve an exemption any bylaw the Maunga Authority adopts prevails over the Bylaw (refer clause 3(2)). <p>The bylaw proposes to prohibit generic bad behaviours (clause 6) that no authority would approve, for example causing an obstruction.</p> <p>Information to assist panel deliberations</p> <ul style="list-style-type: none"> The Maunga Authority has the power to adopt management plans and bylaws at its own discretion, and to make decisions as the land owner. It does not require council to adopt a bylaw on its behalf. Current bylaw clauses 6, 7 and 8 are proposed to be amended to refer to generic bad behaviours (clause 6) and specific activities (Schedule 1) which where appropriate provide for the Maunga Authority to approve an exemption. 	<p>considered as part of the upcoming review of the Traffic Bylaw 2015</p> <ul style="list-style-type: none"> the Trust will have an opportunity to input into future decisions on vehicles on beaches as part of that review. <p>Note 1: The feedback has been forwarded to staff for consideration as part of the review of the Traffic Bylaw 2015.</p> <p>Note 2: Renata Blair voted against the recommendation.</p> <p>That the request to include further provisions about Tūpuna Maunga be accepted in part and proposal amended to include a definition of Tūpuna Maunga.</p> <p>Reasons include to provide clarity around the definition and location of Auckland's Tūpuna Maunga.</p> <p>Refer to Attachment B for recommended changes.</p>

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<ul style="list-style-type: none"> Proposed clauses 7(4) and 10 appear to narrow the scope of the bylaw rules related to restricting access to only Council controlled public places. The impact of this change is that the bylaw would no longer provide a compliance framework for when the Maunga Authority restricts public access to the Tūpuna Maunga. 	<ul style="list-style-type: none"> Proposed clause 11 relates to the council approval process. The Maunga Authority can determine its own process. 'Tūpuna Maunga' is only mentioned once in the Bylaw as example. 	
<p>Smoking in public places</p> <p>The Auckland Regional Public Health Service and Cancer Society Auckland Northland are interested in strengthening Council's smoke free policies at council run events and at public transport hubs.</p> <p>Key changes sought:</p> <ul style="list-style-type: none"> Include "a person must not smoke at public transport hubs or council run events" in Schedule 1. Retaining the existing public health purpose of the bylaw in clause 4(1)(a). Delete 'wilfully' from clause 6(1) to assist with enforcement of bad behaviour. Amend clause 7(3) to make clear that smoking is prohibited in regional parks as specified in the Auckland Regional Parks Management Plan. 	<p>Information to assist panel deliberations</p> <ul style="list-style-type: none"> Council has previously investigated using a bylaw to regulate smoking in public and determined that this was not the most efficient and effective response. A smoke free policy is currently being implemented (REG/2017/108). The intent of the Regional Parks Management Plan with regard to smoking states that an information and education approach will be used to prohibit smoking in regional parks not a bylaw. 	<p>That the request about smoking be rejected.</p> <p>Reasons include:</p> <ul style="list-style-type: none"> Council has previously investigated using a bylaw to regulate smoking in public and determined that this was not the most efficient and effective response. A smoke free policy is currently being implemented (REG/2017/108); the intent of the Regional Parks Management Plan with regard to smoking states that an information and education approach will be used to prohibit smoking in regional parks not a bylaw. <p>Note: Auckland Council's Smoke free Policy prohibits smoking at train stations and platforms, bus stations and shelters, and ferry terminals.</p>
<p>Removal of sand and definition of beach</p> <p>Omaha Beach Community Inc. Committee are concerned about the removal of sand.</p> <p>Key changes sought:</p>	<ul style="list-style-type: none"> Proposed Schedule 1(11(2)) already prohibits removal of any naturally occurring thing which includes sand. The proposed definition of beach (below) is comprehensive and would include a groyne as 'part of a beach environment'. 	<p>Reasons include:</p> <ul style="list-style-type: none"> proposed Schedule 1(11(2)) already prohibits removal of any naturally occurring thing which includes sand;

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<ul style="list-style-type: none"> • Include the removal of sand from a beach under proposed Schedule 1(11(2)). • Amend the definition of beach in clause 5(1) to include any groyne adjacent to and effectively part of a beach. 	<p>“the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area”.</p> <ul style="list-style-type: none"> • Groyne not commonly used term, inclusion however would neither improve or diminish the bylaw. 	<ul style="list-style-type: none"> • the proposed definition of beach (below) is comprehensive and would include a groyne as ‘part of a beach environment’; <p>“the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area”.</p>
<p>Animal welfare</p> <p>The SPCA are concerned about animal welfare.</p> <p>Note: Concerns about fireworks are addressed under “Setting off fireworks”.</p> <p>Key changes sought:</p> <ul style="list-style-type: none"> • Proposed clause 4 (purpose) to include protection of animals from nuisance. • Include dogs in definition of ‘Animals’ under clause 5 (interpretation). • Include animals in Nuisance definition under clause 5 (interpretation) and having regard to nuisance to animals under clause 6 (bad behaviours). 	<p>Information to assist panel deliberations</p> <ul style="list-style-type: none"> • Council in general does not have authority to protect the welfare of animals. There are some limited exceptions, for example under the Dog Control Act 1996. • Council’s powers in respect to this bylaw are limited to the safety of people and protecting people from nuisance. • Animal welfare is addressed in the Animal Welfare Act 1999. • The proposal seeks to move provisions related to ensuring animal owners do not allow their animal to cause a safety risk or nuisance to other people to the council’s existing Animal Management bylaw so all matters related to animals are in a single bylaw. 	<p>That the request about inclusion of animal welfare provisions be rejected.</p> <p>Reasons include:</p> <ul style="list-style-type: none"> • council in general does not have authority to protect the welfare of animals. There are some limited exceptions, for example under the Dog Control Act 1996 • council’s powers in respect to this bylaw are limited to the safety of people and protecting people from nuisance • animal welfare is addressed in the Animal Welfare Act 1999 • this bylaw is not the appropriate place to address these matters.
<p>Graffiti and skateboarding</p> <p>Auckland BIDs are concerned about graffiti and skateboarding.</p>	<p>Information to assist panel deliberations</p> <ul style="list-style-type: none"> • Council currently relies on Police powers under the Summary Offences Act to address graffiti. The current bylaw is not used. 	<p>That the request about graffiti and skateboarding be rejected.</p> <p>Reasons include that:</p> <ul style="list-style-type: none"> • council currently relies on Police powers under the Summary Offences

Public feedback topic Refer Attachment C for a more detailed summary	Staff comment Note: comments do not represent any position of the Panel	Panel recommendation and reasons
<p>Note: Concerns about nuisance are address under "Aggressive or intimidating behaviour around begging".</p> <p>Key changes sought:</p> <ul style="list-style-type: none"> Retain clauses that address graffiti and skateboarding. 	<ul style="list-style-type: none"> Council supports police through its graffiti eradication programme (for example the Adopt-a-Spot programme) which helps the Police to collect evidence to support prosecutions and eradicates graffiti. Proposed clause 6(2) retains the intent of the current bylaw prohibiting the use of any item (including skateboards) in a public place recklessly or in a manner that may injure or harm any other person using the public place. 	<p>Act to address graffiti. The current bylaw is not used</p> <ul style="list-style-type: none"> council supports Police through its graffiti eradication programme (for example the Adopt-a-Spot programme) which helps the Police to collect evidence to support prosecutions and eradicates graffiti proposed clause 6(2) retains the intent of the current bylaw prohibiting the use of any item (including skateboards) in a public place recklessly or in a manner that may injure or harm any other person using the public place.
<p>Parks management plans</p> <p>Staff have identified possible risks with the proposal to allow 'other parks management plans' to be enforced under the Bylaw.</p> <p>Key changes suggested:</p> <ul style="list-style-type: none"> Delete clause 7(3)(b) as follows: (additions <u>underlined</u>, deletions strikethrough) (3) A person must not engage in any prohibited or restricted activity specified in – (a) a parks management plan for regional parks; or (b) any other parks management plan made or reviewed on or from 2 November 2010. 	<p>Background information from bylaw review</p> <p>The proposal seeks to enforce activity rules in parks management plans without public consultation to amend the bylaw (refer clause 7(3)). This was on the basis that parks management plans are made using a public consultation process.</p> <p>Information to assist panel deliberations</p> <p>Subsequently staff have identified risks in relation to this proposal:</p> <ul style="list-style-type: none"> local parks management parks could be made that are inconsistent with the governing body policies or bylaws potential legal and reputational risks. <p>These risks do not apply to the current regional parks management plan which has been audited and referenced in Schedule 1 of the Bylaw.</p>	<p>That the suggestion about 'other parks management plans' be accepted and proposal amended to delete clause 7(3)(b).</p> <p>Reasons include to maintain alignment between the bylaw and parks management plans.</p> <p>Refer to Attachment B for recommended changes.</p>