

PUBLIC SAFETY AND NUISANCE BYLAW

FEEDBACK OVERVIEW

TOTAL SUBMISSIONS RECEIVED: 1,865

EXECUTIVE SUMMARY

The Public Safety and Nuisance Bylaw feedback period opened 26 October 2018 and closed 5 December 2018. One late submission has been included in the analysis for this report.

During this consultation, Council also asked the public for their feedback on the proposed Notice of Motion to ban the sale of firework to the public. However, this report relates only to feedback received on the bylaw. Feedback relating to the proposed Notice of Motion is contained in a separate report.

Feedback

Submitters were asked their opinions on the following six proposals:

Proposal 1: Leaving or storing items in public places

- 83% (1,330 submitters) agreed with this proposal, with most just generally agreeing.

Proposal 2: Aggressive or intimidating behaviour around begging

- 79% (1,275 submitters) agreed with this proposal, with most just generally agreeing.

Proposal 3: Nuisance and safety issues relating to drones

- 87% (1,443 submitters) agreed with this proposal
- Key reasons included privacy concerns and specific safety and nuisance issues.

Proposal 4: Controls on set netting

- 81% (1,252 submitters) agreed with this proposal
- Key reasons included the danger to people, marine life and birds, and preventing over-fishing.

Proposal 5: Setting off fireworks on public property

- 85% (1,456 submitters) agreed with this proposal
- Key reasons included safety of people and animals, and many would prefer fireworks were banned or restricted to public displays.

Proposal 6: Issues addressed in existing legislation and other bylaws

- 67% (935 submitters) agreed with this proposal, with most just generally agreeing.

Submitters were also asked whether they had any other comments on the bylaw, with 277 submitters providing comments – most of which most related to specific topics, e.g. signage, fireworks, and monitoring and enforcement generally.

Informal Feedback

Two drop in sessions were held, in the city centre and Manukau, with 16 people attending to provide feedback.

A hui at Manurewa marae was attended by 12 people, with comments relating to proposal 2 – behaviour around begging, proposal 4 – controls on set netting, and proposal 6 – existing issues legislation.

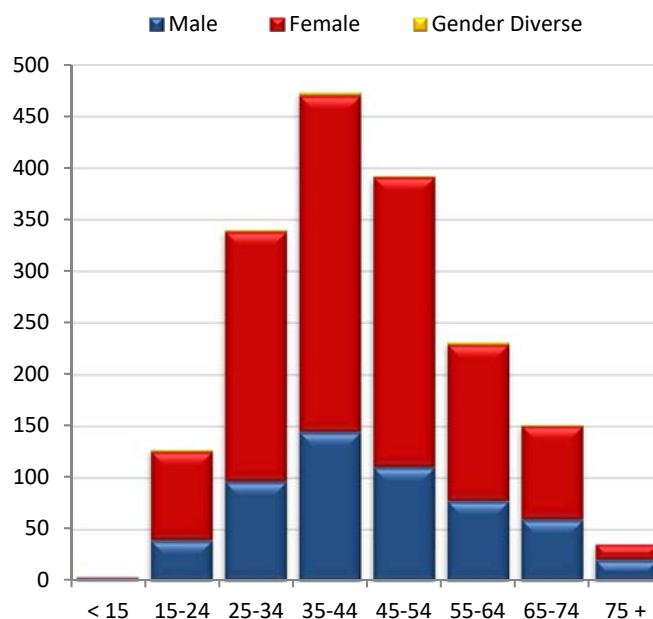
The city event was a stakeholder day attended by 2 stakeholder representatives, who mainly providing feedback on proposal 2 – behaviour around begging.

WHO WE HEARD FROM

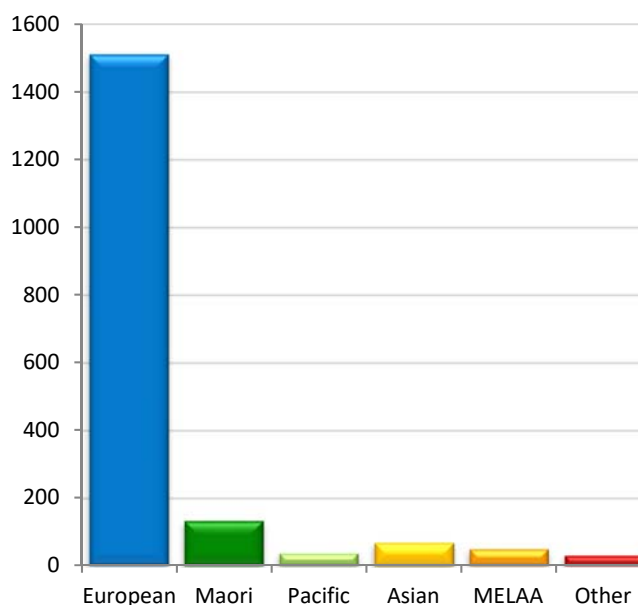
The tables below indicate the demographic information people identified with when provided, i.e. the graphs only include a breakdown of those that provided demographic information.

GENDER	#	%
Male	550	31%
Female	1,201	68%
Gender diverse	11	1%
Total submitters providing data	1,762	100%

AGE	Male	Female	Diverse	Total	%
< 15	2	1	0	3	0%
15 – 24	39	86	2	127	7%
25 – 34	96	242	2	340	19%
35 – 44	144	326	3	473	27%
45 – 54	110	281	1	392	22%
55 – 64	77	152	2	231	13%
65 – 74	59	91	1	151	9%
75 +	20	15	0	35	2%
Total submitters providing data				1,752	100%



ETHNICITY	#	%
European	1,511	88%
Pakeha/NZ European	1,394	81%
Other European	117	7%
Maori	133	8%
Pacific	36	2%
Samoa	17	1%
Tongan	14	1%
Other Pasifika	5	0%
Asian	67	4%
Chinese	31	2%
Korean	5	0%
South East Asian	24	1%
Indian	2	0%
Other Asian	5	0%
Middle Eastern/Latin American/African	49	3%
Other	30	2%
New Zealander/Kiwi	28	2%
Other	2	0%
Total submitters providing data	1,725	NA



The table below indicates the total number of submissions received by the local board that submitters live in.

RESIDENT LOCAL BOARD	#	%
Albert-Eden Local Board	133	7%
Devonport-Takapuna Local Board	65	3%
Franklin Local Board	115	6%
Great Barrier Local Board	0	0%
Henderson-Massey Local Board	129	7%
Hibiscus and Bays Local Board	116	6%
Howick Local Board	102	5%
Kaipatiki Local Board	107	6%
Mangere-Otahuhu Local Board	37	2%
Manurewa Local Board	48	3%
Maungakiekie-Tamaki Local Board	105	6%
Orakei Local Board	90	5%
Otara-Papatoetoe Local Board	18	1%
Papakura Local Board	70	4%
Puketapapa Local Board	28	2%
Rodney Local Board	174	9%
Upper Harbour Local Board	82	4%
Waiheke Local Board	38	2%
Waitakere Ranges Local Board	109	6%
Waitemata Local Board	135	7%
Whau Local Board	61	3%
Regional organisations	1	0%
Not supplied	24	1%
Outside Auckland	78	4%

CONSULTATION FEEDBACK

PROPOSAL 1: Leaving or storing items in public places

Include bylaw wording to list construction materials, boats, shipping containers and consumer goods as items that must not be left or stored in a public place. Other items may be left provided it is not litter and does not cause a problem.

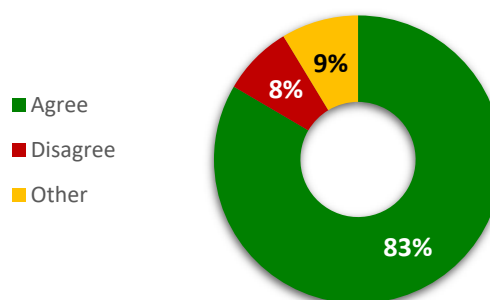
Reason

Items stored or left in public places can cause problems by getting in the way of people using those places or causing damage. The proposed change makes it easier for people to understand which items must not be left or stored on a public place rather than trying to prohibit everything.

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.
(n=1,594 responses)

RESPONSE	TOTAL	%
Agree	1,330	83%
Disagree	126	8%
Other	138	9%



Please tell us why

(n=568; Most common themes below)

60% generally agree with the proposal

(341 comments)



Comments include:

- "Public access should be safe and hazard free"
- "People would be informed on what specific items cannot be left or stored on a public place"

OTHER RESPONSES	TOTAL	%
<i>Generally agree with proposal</i>	341	60%
Public space for public use	56	10%
Council needs to make exceptions under certain circumstances e.g. for temporary storage, for sports clubs etc	52	9%
Concerned about items left on transport network e.g. on berms, car parks, roadsides	43	8%
Bylaw wording needs explanation/clarification	36	6%
Concerned about illegal dumping	33	6%
Unsure/don't know	32	6%
Looks untidy/promotes graffiti	30	5%
Ensure it is monitored/enforced	30	5%
Generally disagree with proposal	26	5%
Do not want extra costs or legislations	21	4%
Ban the activity	18	3%
Extend/make the bylaw stronger	15	3%
Has personally seen damage, nuisance, mess or obstruction caused by items left	15	3%
Agrees with items listed but doesn't want boats included in prohibited items	11	2%
Wants additional items to be listed	9	2%
Concerned about personal items of people who are homeless/rough sleepers being removed/unfairly targeted by bylaw	8	1%
Supports proposal about boats left on beaches	6	1%
Wants more designated storage areas for boats	6	1%
Doesn't want boats to be included in proposal	3	1%
Concerned about personal items of people who are homeless or rough sleepers being left and causing nuisance/looking untidy etc.	2	<1%
Other	13	2%

PROPOSAL 2 Aggressive or intimidating behaviour around begging

Remove references to begging activity from the bylaw. Instead, the bylaw will focus on the behaviours expected of all Aucklanders in public places rather than on vulnerable people who may engage in begging activity.

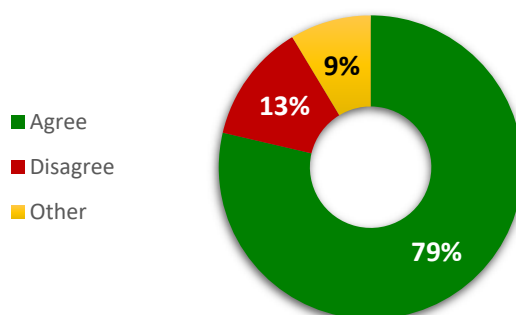
Reason

The bylaw review found that a bylaw is not effective for addressing intimidating or nuisance behaviour around begging. Engagement and relationships between council staff, City Watch staff and the begging community are what makes a difference. Any nuisance or intimidating behaviour could still be addressed by council with City Watch using clause 6 of the bylaw – Bad behaviour in public places.

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.
(n=1,621 responses)

RESPONSE	TOTAL	%
Agree	1,275	79%
Disagree	206	13%
Other	140	9%



Please tell us why

(n=686; Most common themes below)

58% generally agree with the proposal
(396 comments)



Comments include:

- "I agree however begging should not be encouraged"
- "It makes sense to introduce this bylaw to cover all aspects and groups"

14% generally disagree with the proposal
(96 comments)



Comments include:

- "No need to beg. The help is there from winz if people need it"
- "Sounds too vague. Could easily be abused. Who defines what behavior is intimidating or nuisance?"

OTHER RESPONSES	TOTAL	%
<i>Generally agree with proposal</i>	396	58%
<i>Generally disagree with proposal/Leave the bylaw as is</i>	96	14%
Ban (the activity)	82	12%
Extend/make the bylaw stronger	53	8%
Monitoring/enforcement	50	7%
Want more action by council/government/social agencies to address begging activity/related issues	41	6%
Want one rule for everyone/concerned about people who engage in begging activity being unfairly targeted through the bylaw	33	5%
Unsure/don't know	22	3%
Current wording singles out vulnerable people	18	3%
Concerned about begging activity because bad impression created for tourists	16	2%
Busking, charities window washers, religious groups are worse/also need to be addressed	16	2%
Want more action by council/government/social agencies to address begging activity/related issues	14	2%
Avoids certain public places or certain routes because of harassment by people asking for money	13	2%
Bylaw does not address the root cause of begging	11	2%
Police are better trained to deal with aggressive and nuisance begging activity than council	9	1%
As long as the bylaw enables people to be able to enjoy and feel safe in the public place/enables issues to be addressed	5	1%
Begging encourages drug and alcohol consumption in public	5	1%
Most begging activity not an issue – most people are courteous	4	1%
Don't like seeing people begging in the streets	3	0%
Police should not have to deal with these issues as their time is better utilized for more serious matters	2	0%
Don't want begging banned - vulnerable people need to be able to ask for help if in need	2	0%
Do not want extra costs or legislations	2	0%
Avoids certain public places or certain routes because of harassment by people asking for money	1	0%
Monitoring/enforcement	1	0%
Other	17	2%

PROPOSAL 3 Nuisance and safety issues relating to drones

Update the wording in the bylaw to now include drones and rules around their use over public places.

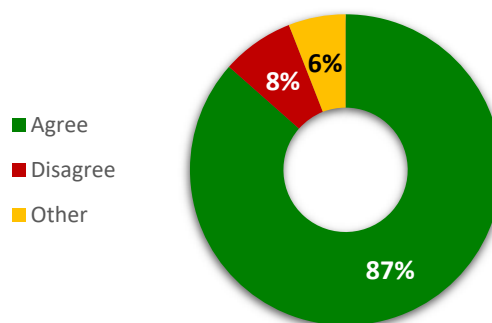
Reason

The use of drones has become much more common in public places since this bylaw was created in 2013. Drones can cause safety risks and nuisance issues. Council wants to make the rules about drones over public places clear to the public by including them in the bylaw.

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.
(n=1,668 responses)

RESPONSE	TOTAL	%
Agree	1,443	87%
Disagree	126	8%
Other	99	6%



Please tell us why

(n=77; Most common themes below)

33% expressed privacy concerns

(251 comments)



Comments include:

- "Drones are annoying and an invasion of privacy"
- "Drones impinge on privacy and are dangerous if used haphazardly"

23% generally agree with the proposal

(181 comments)



Comments include:

- "Drones are much more common, so the rules around them should be made clear"
- "Drones can be very useful but should be operated within clear guidelines re privacy, height etc."

23% expressed concerns about safety and nuisance issues

(181 comments)



Comments include:

- "Drones seem to be used for scoping out houses for theft and also for peeping tom behaviour"
- "People use them as harassment"

OTHER RESPONSES	TOTAL	%
<i>Privacy concerns</i>	251	33%
<i>Generally agree with proposal</i>	181	23%
<i>Safety/nuisance concerns</i>	181	23%
Stricter regulation of use	87	11%
Privacy over private places	79	10%
Safety/nuisance over public places	63	8%
Generally disagree with proposal	59	8%
Require licence/registration/ID/mandatory training	56	7%
Safety/nuisance over private places	45	6%
Monitoring/enforcement	36	5%
Ban (the activity)	29	4%
Privacy over public places	28	4%
Prohibit use over private property	25	3%
Prohibit use over specific areas	23	3%
Harsher penalties	15	2%
Unsure/don't know	13	2%
Should be a central government function	10	1%
Prohibit use over public places	7	1%
Extend/make the bylaw stronger	3	0%
Other	37	5%

PROPOSAL 4 Controls on set netting

Make the bylaw wording clearer about how controls on recreational fishing are made.

Reason

The proposed change provides more guidance in the bylaw about how decisions are made on restricting recreational fishing activities including set-netting. Set-netting is a fishing method that involves setting a net in the water to act as a netted wall and leaving it for a period.

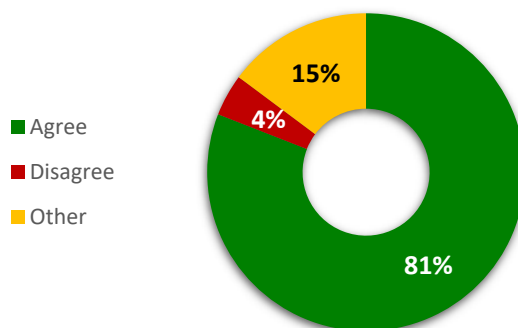
Note: Current set-netting restrictions would continue to apply. The Ministry for Primary Industries has restrictions on Auckland’s west coast, and Auckland Council restrictions apply on Arkles Bay, Omaha Beach, Te Haruhi Beach, Army Bay and on all regional parks.

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.

(n=1,547 responses)

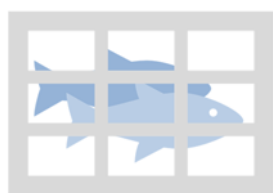
RESPONSE	TOTAL	%
Agree	1,252	81%
Disagree	66	4%
Other	229	15%



Please tell us why

(n=551; Most common themes below)

25% felt it was dangerous for public/birds/marine life
(137 comments)



Comments include:

- “Absolutely agree. Have seen the bullying and intimidation used by the nuisance nets put at Arkles Bay”
- “Unsustainable fishing is a crime”

25% generally agreed with the proposal
(135 comments)



Comments include:

- “Well overdue control needed for this activity”
- “Rules for all fishing are important to see fairness for all”

OTHER RESPONSES	TOTAL	%
<i>Dangerous for public/birds/marine life</i>	137	25%
<i>Generally agree with proposal</i>	135	25%
Important to prevent over-fishing	102	19%
Unsure/don't know	93	17%
Ban set netting	92	17%
Method of fishing is indiscriminate and not environmentally friendly	86	16%
Wording needs to be made clearer	44	8%
Extend/strengthen bylaw	39	7%
Ensure it is monitored/enforced	27	5%
Danger to wildlife and other animals on the beach	27	5%
Need more enforcement e.g. more compliance officers, fine, ban	24	4%
Danger to swimmers, kayakers, and other recreational users on the beach	19	3%
Focus on commercial fishing	13	2%
There needs to be more education so people are aware of the rules	10	2%
Let Government control it	9	2%
Going too far	6	1%
Set netting should be addressed under fisheries law rather than bylaw	5	1%
Generally disagree with proposal	4	1%
People rely on fishing to feed themselves and family	4	1%
Litter- tangled nylon nets, float markers, fish offal and carcasses left behind in the water or on the beach	2	0%
Consideration must be given to Maori as kaitiaki	1	0%
Other	19	3%

PROPOSAL 5 Setting off fireworks on public property

Keep the bylaw clause prohibiting (banning) setting off fireworks in public places.

Reason

The bylaw review found that there are still significant safety and nuisance issues with use of fireworks by the public in public places that can be addressed using the bylaw and that it is necessary to retain the ban on the use of fireworks in public places.

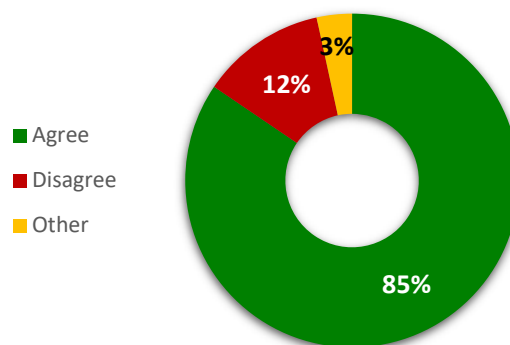
Note: Public firework displays in public places can still be approved by council.

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.

(n=1,723 responses)

RESPONSE	TOTAL	%
Agree	1,456	85%
Disagree	208	12%
Other	59	3%



Please tell us why

(n=842; most common themes below)

27% of comments were related to the safety of people and animals

(231 comments)



Comments include:

- "Would like private use banned mainly for the safety of animals"
- "For all the elderly folk and animals that suffer anxiety due to their use - no brainer"

20% wished for fireworks to be banned

(167 comments)



Comments include:

- "Ban fireworks altogether"
- "Prohibit all fireworks"
- "No one should be setting of fireworks on public property. Better yet, ban them completely"

19% would prefer public displays

(156 comments)



Comments include:

- "Not necessary to have fireworks outside public events"
- "I think there should only be professionally organised firework displays"

11% generally agree with the proposal

(96 comments)



Comments include:

- "This just makes sense. How can it possibly be ok to use rocket propelled explosives in a public space?"
- "There should be no use of fireworks in public places"

OTHER RESPONSES	TOTAL	%
<i>Safety of people and animals</i>	231	27%
<i>Ban fireworks</i>	167	20%
<i>Prefer public displays</i>	156	19%
<i>Generally agree with proposal</i>	96	11%
Noise	79	9%
Irresponsible users	78	9%
Extend/strengthen bylaw	59	7%
Fireworks are dangerous	59	7%
Create waste and litter	56	7%
Public areas safer than private	53	6%
More regulation on time, sound	47	6%
Fire hazard	35	4%
Damage to property	31	4%
Harmful to the environment	26	3%
Generally disagree with proposal	17	2%
Excessively restrictive	17	2%
Stockpiled and used without notice	15	2%
Part of culture/tradition	14	2%
Waste of emergency services resources	12	1%
Waste of Money	12	1%
Builds responsibility	12	1%
Guy Fawkes not relevant	11	1%
Agree with council reasoning	8	1%
Provide better education	8	1%
Temporary nuisance only	6	1%
Council unable to enforce	5	1%
Won't make a difference	5	1%
Council/Government overstepping	5	1%
Never experienced any issues	4	0%
Restrict age rather than a ban	4	0%
Unsure/don't know	2	0%
Other	24	3%

PROPOSAL 6 Issues addressed in existing legislation and other bylaws

Note: Council would continue to respond to complaints or queries from the public about the following issues proposed to be removed from the bylaw.

a) Remove the following issues from the bylaw to instead be addressed using government legislation:

Damage to council property, car window washing, use of mind-altering 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.

Note: Police can already respond to issues of injury, alarm or harm to people or property in public places caused by fireworks set off on private property. Council Noise Control can also already respond to noise complaints from fireworks on private property.

b) Remove the following issues from the bylaw to instead be addressed using other Auckland Council bylaws:

Animals, signage, stormwater, vehicles on parks and beaches. However, some of these other bylaws would need amendments to achieve this.

c) Remove legacy bylaws about fences to instead be addressed in this bylaw

Remove legacy council bylaw clauses about fences and make the wording in this bylaw clearer and easier to understand.

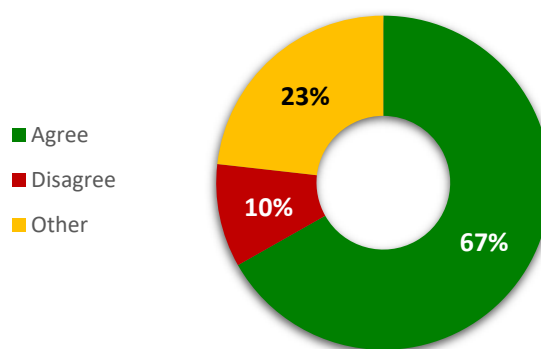
Reason

The bylaw review found these issues would be better dealt with under the proposed legislation/bylaws

What is your opinion on this proposal?

Submitters were asked to select one of the following response options.
(n=1,400 responses)

RESPONSE	TOTAL	%
Agree	935	67%
Disagree	140	10%
Other	325	23%



Please tell us why

(n=423; most common themes below)

30% generally agree with the proposal
(125 comments)



Comments include:

- "Yes, yes, yes. Get rid of overlapping regulations"
- "Rationalisation of existing by laws would seem to be of benefit"

24% were unsure or didn't know
(99 comments)



Comments include:

- "No opinion on this as don't understand it enough"
- "To many points to agree or disagree"

OTHER RESPONSES	TOTAL	%
<i>Generally agree with proposal</i>	125	30%
<i>Unsure/don't know</i>	99	24%
Specific issue/personal story	70	17%
Too hard to answer	56	13%
Council should keep control	39	9%
Ensure it is monitored/enforced	30	7%
More police enforcement/protection	22	5%
Extend/strengthen bylaw	17	4%
Generally disagree with proposal	11	3%
Council has gone too far	8	2%
Better to be nationwide	4	1%
Out of scope	4	1%
Other	11	3%

Other feedback

Do you have any other comments on the Public Safety and Nuisance Bylaw?

For example:

- making the bylaw clearer which activities on regional parks are managed under the bylaw
- how council approves exceptions to activities on public places that would otherwise be prohibited
- making the bylaw wording and format easier to understand including through related information.

(n=227 comments; Most common themes below)

24% related to wording and format/signs

(54 comments)



Including:

- "Ensure all wording in the bylaw is clear to all members of the public"
- "Simple, unambiguous language is always the best solution for any council policy"

15% had no other comments or weren't constructive

(33 comments)



Including:

- "Unfortunately, with the expanding population in Auckland, the need for more legislation will follow because of the differing view of right and wrong with the emphasis more on the latter"

13% related to fireworks

(30 comments)



Including

- "No other comments but it would be fantastic to ban the sale of fireworks"
- "Ban fireworks altogether. Public displays can be done using almost silent drones"

11% related to monitoring/enforcement

(25 comments)



Including:

- "The council needs to enforce the current bylaws more vigorously"
- "Instead of creating rules - why don't you look to uphold the ones you have"

OTHER RESPONSES	TOTAL	%
<i>Signs, e.g. wording and format</i>	54	24%
<i>No other comments/non-constructive</i>	33	15%
<i>Fireworks</i>	30	13%
<i>Monitoring/enforcement</i>	25	11%
Noise	17	7%
Vehicles on beach/reserves	14	6%
Public awareness/education	12	5%
Dogs and other animals	11	5%
Restriction/privatisation of public areas	10	4%
Begging/window washing/fund raising	8	4%
Wheeled vehicles on footpaths/shared pavements	7	3%
Fencing	7	3%
Overly regulated/controlling	6	3%
Approvals and exceptions	6	3%
Scattering of ashes	6	3%
Smoking	5	2%
Skateboarders	4	2%
Drones	1	0%
Out of scope/other	14	6%