



Questions?
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Frequently Asked Questions

Public Safety and Nuisance Bylaw Review



➤ **Why is council proposing to revoke (remove) the wording about begging activity from the bylaw?**

Research for the bylaw review found that the bylaw and potential prosecution is not effective at addressing aggressive or intimidating behaviour around begging activity. Instead, what works is relationships that are formed by council and in the city centre, City Watch staff (supported by funding from Heart of the City) who help support and connect people to access social services.

The proposed change to the bylaw wording helps shift the focus away from vulnerable people to a focus on the behaviour expected of all Aucklanders in public places. Any nuisance or intimidating behaviour can still be addressed using clause 6 of the bylaw 'Bad behaviour in public places'. Detailed changes to the bylaw are contained in the Review Findings Report and Assessment of Issues.

➤ **Will the bylaw target people who may be homeless vulnerable or rough sleepers?**

Council's Compliance Officers take a different approach to issues that may involve people who may be homeless, vulnerable or rough sleepers. This includes talking with them and helping them to get support from agencies who can help, including social workers and organisations like Lifewise, Salvation Army and the City Mission.

➤ **What other things is Auckland Council doing to help people who may engage in begging activity that may cause a nuisance or be intimidating?**

Council is working closely with both government and non-government partners to end and prevent homelessness, as well as supporting services to help those with critical immediate needs, including people who may engage in begging activity. Council's current initiatives include:

- Leading and coordinating development of a regional, cross-sectoral homelessness plan
- Funding homeless outreach services around the region

- \$2 million funding towards emergency housing provider James Liston Hostel
- \$1 million to support delivery of the Housing First Auckland pilot
- \$475,000 funding towards the Auckland City Mission HomeGround project
- \$500,000 to promote collaboration between agencies across the sector to address chronic homelessness, which includes, but not limited to, the following projects:
 - Ira Mata, Ira Tangata: Auckland’s Homeless Count which will inform service planning and policy.
 - The employment of a RainbowYOUTH homelessness advisor and support for a coordinated community approach to respond to youth homelessness led by Lifewise.
 - Regional outreach services provided by Auckland City Mission and Salvation Army, Waitakere.
 - Supporting activities around World Homeless Day to raise awareness, and conferences to bring together organisations working in the homelessness field.

➤ **Why is Auckland Council proposing to remove the wording about mind altering or psychoactive substances from the bylaw?**

There are two key reasons for this. Firstly, there is legislation in place to specifically address issues with psychoactive substances and any related potentially dangerous behavior. Including the Psychoactive Substances Act 2017, the Misuse of Drugs Act 1975 and the Summary Offences Act 1981. Therefore, the bylaw is no longer appropriate or required.

Secondly, Police have the appropriate powers and training to address such issues. Council compliance officers are not equipped to address behaviours or activities that reach a criminal threshold and can place them at risk of potentially serious health and safety issues. Council will still monitor issues, record complaints and notify Police or emergency services as required.

➤ **Does the bylaw address freedom camping?**

No, not in relation to camping in vehicles. Camping in vehicles is proposed to be addressed in the Freedom Camping Bylaw. A separate public consultation process on the Freedom Camping Bylaw is currently planned to start later this year. Information will be provided on the council website.

The bylaw includes rules about camping and overnight stays in regional parks. Council provides facilities in regional parks for overnight stays including camping, baches and lodges. Aucklanders can make bookings by contacting council or using the council website.

In all other public places, tents may only be put up during the day for shade purposes, and only so long as they do not cause an obstruction (e.g. the ropes or pegs do not get in the way of other people or cause a safety risk).

➤ **Why doesn't the bylaw prevent the scattering of ashes on all public places?**

The bylaw is used to regulate activities in regional parks included in the Regional Parks Management plan 2010. The plan and bylaw prohibit the scattering of ashes in regional parks except in unclosed cemeteries, because this is culturally inappropriate and may be offensive to Māori. It may also cause damage to soil the ocean and waterways. General provisions in the bylaw and certain government legislation (laws) can be used to address issues with scattering of ashes on public places if required.

➤ **Which public places can be used for scattering ashes?**

Council advises people who wish to scatter ashes on a public place to contact mana whenua or funeral service provider for advice and guidance. [Contact us](#) for a list of people who can help. Many places, like privately owned public gardens, hospices and cemeteries have ash scattering areas or memorial options. Eden Garden in Epsom offers memorials and places where ashes can be placed within the gardens. Council cemeteries also offer ash scattering gardens and ash burial options which are located within tranquil settings and always there for you to visit.

Detailed guidance about [scattering ashes](#) can be found on the Auckland council website.

➤ **Will people still be able to drive a vehicle on the beach at Kariotahi or Muriwai if the proposed changes to the bylaw are made?**

Proposed changes to the bylaw are to make the wording about driving on parks and beaches clearer and easier to understand. No changes are proposed to the rules about driving a vehicle on a beach including at Kariotahi or Muriwai. The public may still apply online for a permit to drive on Muriwai or Kariotahi beaches.

Driving on all other beaches is prohibited unless it is for the purposes of launching or retrieving a boat and your speed must not exceed 5kmph. Driving on sand dunes at beaches may cause significant environmental damage and is prohibited. You may be prosecuted or receive a fine of up to \$20,000 for driving on sand dunes.

➤ **What changes are proposed in relation to set netting and recreational fishing activities?**

Changes to the wording in the bylaw are proposed to make reasons (or criteria) for decisions about set netting or other recreational fishing controls (including bans) clearer and easier for the public to understand.

➤ **Will the existing set netting controls (including bans) remain in place if changes are made to the bylaw?**

The proposed changes to the bylaw about set netting and recreational fishing activities do not affect existing set netting controls (bans) which will remain in place.

➤ **In which places are there controls on recreational fishing/set netting activities?**

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.

➤ **Do the proposed changes to the bylaw affect stock/rural fencing?**

Proposed changes to the wording in the bylaw about fencing do not affect stock fencing so long as it is not installed on a public place and so long as any fence on private property does not create a nuisance or risk of injury to a person on that public place. A person may still apply to council for permission to put up a fence on or over public property, council will consider potential nuisance and safety risks as part of its decision making.

➤ **Why is Auckland Council proposing to remove rules about fireworks on private property?**

The bylaw review found that Police and Council Noise Control have enough powers though legislation to address issues with fireworks on private property that may harm people in public places. Therefore, the bylaw is not required for this purpose. The bylaw remains appropriate for prohibiting people from setting of fireworks on public property.

➤ **Why is Auckland Council asking the government to change the law to prevent the sale of fireworks to the public?**

Auckland Council is concerned about fires, damage and injury or distress, either intentionally or unintentionally to people and animals (including wild animals, farm animals and pets) that can be caused by setting off fireworks. The use of fireworks also places pressure on Police, Fire Services and Council Officers who receive large numbers of complaints around fireworks especially around Guy Fawkes. Council does not have powers to change the law about the sale of fireworks. Only government has powers to make this change.

➤ **How can I share my views about the Council asking government to change the law to prevent the sale of fireworks to the public?**

To share your views about the proposal, visit www.aucklandcouncil.govt.nz/haveyoursay for more information.

Council will share Aucklanders' views about this with government in support of this proposal.

➤ **Will public firework displays still be allowed if government chooses to change the law about the sale of fireworks?**

Before making a change to the law to prohibit the sale of fireworks to the public, government would seek the views of New Zealanders. Until any law change is made Auckland Council will continue to provide permission for public displays.